NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

June 21, 2004

3:13 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: In the absence of clergy, may we bow our heads in a moment of silence, please.

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

THE PRESIDENT: Reading of the Journal.

THE SECRETARY: In Senate, Sunday, June 20, the Senate met pursuant to adjournment. The Journal of Saturday, June 19, 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 McGee.

SENATOR McGEE: Madam President, on behalf of myself, on page number 37 I offer the following amendments to Calendar Number 1161, Senate Print Number 6186, and ask that said bill retain its place on Third Reading Calendar.

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

SENATOR McGEE: Thank you, Madam President.

THE PRESIDENT: Senator Skelos.

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

THE PRESIDENT: Yes, there are, Senator.

The Secretary will read.

THE SECRETARY: On page 52, Senator Oppenheimer moves to discharge, from the Committee on Rules, Assembly Bill Number 10075A and substitute it for the identical Senate Bill Number 6408A, Third Reading Calendar 1642.

On page 52, Senator Balboni moves to discharge, from the Committee on Finance, Assembly Bill Number 10553 and substitute it for the identical Senate Bill Number 7133, Third Reading Calendar 1645.

On page 53, Senator Golden moves to discharge, from the Committee on Rules, Assembly Bill Number 11289 and substitute it for the identical Senate Bill Number 7372, Third Reading Calendar 1651.

On page 53, Senator Kuhl moves to discharge, from the Committee on Transportation, Assembly Bill Number 588 and substitute it for the identical Senate Bill Number 7389, Third Reading Calendar 1652.

On page 53, Senator Fuschillo moves to discharge, from the Committee on Rules, Assembly Bill Number 3838A and substitute it for the identical Senate Bill Number 7403,

Third Reading Calendar 1654.

And on page 54, Senator Balboni moves to discharge, from the Committee on Rules, Assembly Bill Number 10417 and substitute it for the identical Senate Bill Number 7491, Third Reading Calendar 1662.

THE PRESIDENT: Substitutions ordered.

Senator Skelos.

SENATOR SKELOS: Madam President, if we could adopt the Resolution Calendar in its entirety.

THE PRESIDENT: All in favor of adopting the Resolution Calendar in its entirety 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 go to the noncontroversial reading of the calendar.

THE PRESIDENT: The Secretary

will read.

THE SECRETARY: Calendar Number 49, by Senator Farley, Senate Print 1465A, an act to amend the Not-For-Profit Corporation Law, in relation to providing for reporting.

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, 40.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 61, by Senator Little, Senate Print 1414A, an act to amend the Environmental Conservation Law, in relation to county responsibility.

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

Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 40.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 97, by Senator LaValle, Senate Print 2611B, an act to authorize payment to the Riverhead Central School District.

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, 40.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 119, by Senator Kuhl, Senate Print 3438B, an act to amend the Vehicle and Traffic Law, in relation to replacement.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 40.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 120, by Senator Kuhl, Senate Print 4230A, an act to amend the Vehicle and Traffic Law, in relation to the towing of disabled vehicles.

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, 40.

THE PRESIDENT: The bill is passed.

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

THE PRESIDENT: Read the last section.

THE SECRETARY: Section 6. This act shall take effect on the 180th day.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 40.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 229, by Senator Volker, Senate Print 5991A, an act to amend the Civil Practice Law and Rules and the Real Property Actions and Proceedings 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, 40.

THE PRESIDENT: The bill is passed.

THE SECRETARY: In relation to Calendar Number 229, ayes, 39. Nays, 1. Senator DeFrancisco recorded in the negative.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number

260, by the Assembly Committee on Rules --

SENATOR HASSELL-THOMPSON: Lay it aside, please.

THE PRESIDENT: The bill is laid aside.

THE SECRETARY: Calendar Number 401, by Senator Little, Senate Print 6066A, an act to authorize and direct the Commissioner of General Services to convey.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 42.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 457, by Senator LaValle, Senate Print 5979, an act to amend the Town Law, in relation to authorizing the town board of the Town of Southampton.

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, 42.

THE PRESIDENT: The bill is passed.

Senator Spano.

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

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

The Secretary will continue to read.

THE SECRETARY: Calendar Number 458, by Senator Wright, Senate Print 6024A, an act to amend the General Municipal Law, in relation to the purchase of farm products.

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, 47.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 471, by Senator McGee, Senate Print 2776D, an act to amend the Vehicle and Traffic Law, in relation to persons authorized.

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, 47.

THE PRESIDENT: The bill is passed.

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

THE PRESIDENT: Read the last section.

THE SECRETARY: Section 3. This

act shall take effect immediately.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 49.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 759, by Senator Wright, Senate Print 6507A, an act to amend the Vehicle and Traffic Law, in relation to authorizing.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 49.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 799, by Senator LaValle, Senate Print 6353A, an act to amend the Education Law and the Penal Law, in relation to hazing.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 51.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 802, by Member of the Assembly P. Rivera, Assembly Print Number 9878, an act to amend the Mental Hygiene Law.

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, 51.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 809, by Senator Seward, Senate Print 4532A, an act to amend the Insurance Law, in relation to mortgage guaranty.

THE PRESIDENT: Read the last

section.

THE SECRETARY: Section 8. This act shall take effect immediately.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 51.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 832, by Senator Fuschillo, Senate Print 6960B, an act to amend the Agriculture and Markets Law, in relation to creating civil penalties.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Those recorded in the negative on Calendar Number 832 are Senators Kuhl and Meier. Ayes, 49. Nays, 2.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 834, by Senator Balboni, Senate Print 7180A,

an act to amend the General Business Law, in relation to requiring.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 51.

THE PRESIDENT: The bill is passed.

Senator Balboni, to explain your vote.

SENATOR BALBONI: Yeah, I'd just like to point out, as we go through the end of session, there are a lot of measures that sometimes go below the radar screen.

This is a bill that's designed so as to not to have anybody be left on the side of the road should their car break down. And this is a bill that we believe is really going to add immeasurably to the safety of the consumers and travelers on this state's highways. I think it's going to get passed in the Assembly and become a law.

Thank you very much, Madam President.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 838, by Senator DeFrancisco, Senate Print 6909A, an act to amend the Public Authorities Law.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 53.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 907, by Senator Spano, Senate Print 6846A, an act to amend Chapter 80 of the Laws of 1985, relating to the New York Wine/Grape Foundation.

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, 53.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 911, by Senator Robach, Senate Print 6429, an act to amend the Retirement and Social Security Law, in relation to additional pension benefits.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 53.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 934, by Member of the Assembly Magee, Assembly Print Number 10115C, an act to amend the Agriculture and Markets Law, in relation to including.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 53.

THE PRESIDENT: The bill is passed.

Senator Libous.

SENATOR LIBOUS: Could I have unanimous consent to be recorded in the negative on Calendar Number 832, please.

THE PRESIDENT: Hearing no objection, you will be so recorded as voting in the negative.

Senator Wright.

SENATOR WRIGHT: Thank you, Madam President. Can I have unanimous consent to be recorded in the negative on Calendar Number 832, Senate 6960B.

THE PRESIDENT: Hearing no objection, you will be so recorded as voting in the negative.

Senator Farley.

SENATOR FARLEY: 832, I'd like to vote no.

THE PRESIDENT: Hearing no objection, you will be so recorded as voting in the negative.

Senator Seward, I think, is next.

SENATOR SEWARD: Yes, Madam President. Likewise, I would like to be recorded in the negative on 832.

THE PRESIDENT: Hearing no objection, you will be so recorded as voting in the negative.

Senator Bonacic.

SENATOR BONACIC: Madam President, could I have unanimous consent to be voted in the negative on Calendar Number 832.

THE PRESIDENT: Hearing no objection, you will be so recorded as voting in the negative.

Senator Duane.

SENATOR DUANE: Thank you, Madam President. For a refreshing change of pace, I'd like to be recorded in the negative on Calendar Numbers 120, 229, and 471. And if I

may have unanimous consent to do so.

THE PRESIDENT: Hearing no objection, you will be so recorded as voting in the negative on those bills.

The Secretary will continue to read.

THE SECRETARY: Calendar Number 935, by Senator Hoffmann, Senate Print 6349A, an act to amend the Agriculture and Markets Law, in relation to producer security.

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, 54.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 987, by Senator Hoffmann, Senate Print 173A, an act to amend the Vehicle and Traffic Law, in relation to leaving the scene of injury.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 54.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1048, by Senator Larkin, Senate Print 6677, an act to amend the Real Property Tax Law, in relation to subjecting certain state lands.

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, 54.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1050, by Senator Trunzo, Senate Print 6865A, an act to amend the Real Property Tax Law, in relation to limitation.

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, 54.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1058, by Senator Farley, Senate Print 6470A, an act to amend the Banking Law.

THE PRESIDENT: Read the last section.

THE SECRETARY: Section 12. This act shall take effect immediately.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 54.

THE PRESIDENT: The bill is passed.

Senator Nozzolio.

SENATOR NOZZOLIO: Thank you, Madam President. I wish to seek unanimous consent to be recorded in the negative on

Calendar Number 832.

THE PRESIDENT: Hearing no objection, you will be so recorded as voting in the negative.

Senator DeFrancisco.

SENATOR DeFRANCISCO: Likewise. Negative on 832, please.

THE PRESIDENT: Hearing no objection, you will be so recorded as voting in the negative.

Senator Stachowski.

SENATOR STACHOWSKI: Madam President, I'd also like to get unanimous consent to be recorded in the negative on Calendar 832.

THE PRESIDENT: Hearing no objection, you will be so recorded as voting in the negative.

Senator Rath.

SENATOR RATH: Madam President, may I have unanimous consent to be recorded in the negative on 832. Thank you.

THE PRESIDENT: Hearing no objection, you will be so recorded as voting in the negative.

Senator Saland.

SENATOR SALAND: Madam President, I too request unanimous consent to be recorded in the negative on Calendar 832.

THE PRESIDENT: Hearing no objection, you will also be recorded as voting in the negative.

The Secretary will continue to read.

THE SECRETARY: Calendar Number 1066, by Senator Kuhl, Senate Print 1973A, an act to amend the Agriculture and Markets Law.

SENATOR HASSELL-THOMPSON: Lay it aside.

THE PRESIDENT: The bill is laid aside.

THE SECRETARY: Calendar Number 1164, by Member of the Assembly Reilich, Assembly Print Number 10224, an act to amend the Local Finance Law.

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, 55.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1177, by Senator Seward, Senate Print 5220C, an act to amend the Insurance Law, in relation to the investments.

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, 55.

THE PRESIDENT: The bill is passed.

Senator Larkin.

SENATOR LARKIN: Madam President, I'd like unanimous consent to be recorded in the negative on Calendar Number 832.

THE PRESIDENT: Hearing no objection, you will be so recorded as voting in the negative.

Senator Robach.

SENATOR ROBACH: Yes, I too would like to ask for unanimous consent to be recorded in the negative on Calendar 832.

THE PRESIDENT: Hearing no objection, you will also be recorded as voting in the negative.

Senator Maziarz.

SENATOR MAZIARZ: Thank you, Madam President. Yes, I too would like unanimous consent to be recorded in the negative on Calendar Number 832.

THE PRESIDENT: Hearing again no objection, you will be so recorded as voting in the negative.

Senator Little.

SENATOR LITTLE: Thank you, Madam President. I request unanimous consent to be recorded in the negative on Calendar Number 119 and 832.

THE PRESIDENT: Without objection, you will be so recorded as voting in the negative on those bills.

SENATOR LITTLE: Thank you.

THE PRESIDENT: The Secretary will continue to read.

THE SECRETARY: Calendar Number 1179, by Senator Seward, Senate Print 6679B, an act to amend the Insurance Law, in relation to financial guaranty insurance.

THE PRESIDENT: Read the last section.

THE SECRETARY: Section 17. 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 1180, by Senator Seward, Senate Print 6708A, an act to amend the Insurance Law, in relation to permissible investments.

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 1190, by Senator Skelos --

SENATOR HASSELL-THOMPSON: Lay it aside.

THE PRESIDENT: The bill is laid aside.

THE SECRETARY: Calendar Number 1200, by the Assembly Committee on Rules, Assembly Print Number 11061, an act to amend the Public Health Law.

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, 57.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1203, by Senator Hannon, Senate Print 7109, an act to amend the Public Health Law, in relation to authorizing.

THE PRESIDENT: Read the last

section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

THE PRESIDENT: The bill is passed.

Senator Hoffmann.

SENATOR HOFFMANN: Madam President, I'd request unanimous consent to be recorded in the negative on Calendar 832.

THE PRESIDENT: Hearing no objection, you will be so recorded as voting in the negative.

SENATOR HOFFMANN: Thank you.

THE PRESIDENT: You're welcome.

The Secretary will continue to read.

THE SECRETARY: Calendar Number 1228, by the Assembly Committee on Rules, Assembly Print Number 10808A, an act to amend the Education Law, in relation to making certain technical amendments.

THE PRESIDENT: Read the last

section.

THE SECRETARY: Section 7. This act shall take effect April 1, 2004.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

THE PRESIDENT: The bill is passed.

SENATOR PADAVAN: Madam President.

THE PRESIDENT: Senator Padavan.

SENATOR PADAVAN: Madam President, by unanimous consent may I be recorded in the negative on Calendar 1066.

THE PRESIDENT: Hearing no objection, you will be so recorded as voting in the negative.

That bill was laid aside, Senator.

SENATOR PADAVAN: Oh, it was. Then I withdraw my negative vote. Thank you.

Save it.

THE PRESIDENT: The Secretary will continue to read.

THE SECRETARY: Calendar Number 1271, by Senator Maltese, Senate Print 2978B,

an act to amend the General Municipal Law, in relation to providing.

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, 58.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1281, by Senator Larkin, Senate Print 5424B, an act to amend the Civil Service Law, in relation to the medical examination.

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, 58.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number

1291, by Senator Golden, Senate Print 6699, an act to amend the Administrative Code of the City of New York, in relation to including a 25-year retirement program.

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

Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1296, by Senator Robach, Senate Print 7037, an act to amend the Education Law, in relation to the effective date of bills.

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, 58.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1317, by Senator LaValle, Senate Print 5984A, an act to amend the Environmental Conservation Law, in relation to ceding underwater lands.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1320, by Senator Libous, Senate Print 6831B, an act to amend Chapter 412 of the Laws of 1990 relating to authorizing.

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, 58.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1321, by Senator Kuhl, Senate Print 6878B, an act to amend the Environmental Conservation Law, in relation to requiring certain persons.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Those recorded in the negative on Calendar Number 1321 are --

THE PRESIDENT: Senator Little, to explain your vote.

SENATOR LITTLE: Thank you, Madam President. If I may, to explain my vote.

I certainly applaud the use of wearing a bright color when you are hunting so that you can be seen by others in the woods. However, the question comes that when you mandate it, it has been brought to my attention, then, anyone without wearing it --

people are only looking for that bright color, not for someone who may not have a bright fluorescent orange on.

And at the same time that hunters may be in the woods, as unadvisable as I think it should be, there can be hikers and other people in the woods who are not hunting who would not be under this requirement to wear blaze orange.

Nor -- the other part of the bill that I would suggest we do is that red is also a bright color. And by going to blaze orange, a lot of the red clothing would not fulfill that requirement.

There is a big educational part of every hunter safety course, that people wear red or orange while they're hunting. And while I agree with that, I object to mandating the bill and will be voting in the negative.

SENATOR CONNOR: Madam President.

THE PRESIDENT: Senator Connor, to explain your vote.

SENATOR CONNOR: Yes, to explain my vote.

I first introduced a bill to do

this 15 or 16 years ago. Other states require it. A lot of sportsmen's groups oppose it because they say, Oh, the deer can see blaze orange. Well, talk to any scientist; the deer are color-blind. That's been established.

But I do want to suggest to my colleagues, if you go turkey hunting, do not wear red. Do not wear red, white or blue when you turkey-hunt, because these are the colors that a turkey displays. And every hunter safety course says by no means during turkey season should you ever go into the woods in red, white or blue.

Thank you.

THE PRESIDENT: Senator Connor, how do you vote?

SENATOR CONNOR: Aye.

THE PRESIDENT: You will be recorded as voting in the affirmative.

Senator Little, you will be recorded as voting in the negative.

Senator Volker.

SENATOR VOLKER: Madam President, to explain my vote.

First of all, I do want to say also

that do not wear red if you're walking near a farm where there's any bulls. That's a very bad thing to do.

(Laughter.)

SENATOR VOLKER: The second thing I have to say -- and I want to thank Senator Kuhl for amending the bill -- there were considerable discussions with the environmental conservation people, with the Sportsmen's Federation, and with the Safari Club about this legislation. There was deep concern about the original bill, which would have required a much larger patch and all that sort of thing.

The agreement basically was made that by doing the amendment that Senator Kuhl graciously did, that virtually all the sportsmen clubs that I'm aware of agreed that even though they, maybe somewhat grudgingly -- and let me just say that years ago there were regulations for this.

I remember when I was young, which is probably too long for a lot of people to remember, that I used to have to wear -- I think it was orange; I can't remember. But we

had to wear some bright color, because that was by DEC regulation. And that regulation drifted away. Somebody had suggested if you wore brown, you'd probably get shot at.

But the truth is that this is a comparatively small piece of something in an attempt -- for instance, a hat -- to help identify someone in the woods. And my colleague next to me here once was shot, which most people don't realize -- Senator Padavan -- during a hunting accident.

But I'm going to vote for this bill because I think it has been amended the way I think that most all organizations would agree with, and I think it does have some really substantial merit.

THE PRESIDENT: Senator Volker, how do you vote?

SENATOR VOLKER: I vote in the affirmative, I'm sorry.

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

Senator Johnson.

SENATOR JOHNSON: Madam President, I'd like to vote no on this bill.

And I'll tell you, it could be a dangerous bill. If this became law, and somebody saw something move in the bushes, there was no red patch on it, they'd probably shoot it. It could be a hunter in camouflage.

So this is not the greatest bill in the world, and I don't think we should pass it at this time. I vote no.

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

The Secretary will announce the results.

THE SECRETARY: Those recorded in the negative on Calendar Number 1321 are Senators Bonacic, Farley, Fuschillo, Hoffmann, Johnson, Leibell, Libous, Little, Maltese, Marchi, McGee, Meier, Nozzolio, Saland, Seward, Spano, Stachowski, Wright. Also Senator DeFrancisco. Ayes, 39. Nays, 19.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1336, by the Assembly Committee on Rules, Assembly Print Number 8394A, an act to authorize the Mohammads Mosque, Inc.

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

THE PRESIDENT: The bill is passed.

SENATOR SPANO: Madam President.

THE PRESIDENT: Senator Spano.

SENATOR SPANO: I request unanimous consent to be recorded in the negative on Calendar 832.

THE PRESIDENT: Hearing no objection, you will be so recorded as voting in the negative.

The Secretary will continue to read.

THE SECRETARY: Calendar Number 1345, by Senator Trunzo, Senate Print 6512B, an act to amend the Real Property Tax Law, in relation to the exemption.

THE PRESIDENT: Read the last

section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1349, by Senator Balboni, Senate Print 6707A, an act to authorize the County of Nassau to discontinue.

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

Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1360, by Senator Balboni, Senate Print 7132A,

an act to allow the County of Nassau to grant an easement.

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

Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1370, by Senator Farley, Senate Print 6868B, an act to amend the Banking Law, in relation to proposed bylaws.

THE PRESIDENT: Read the last section.

THE SECRETARY: Section 8. This act shall take effect immediately.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1371, by Senator Farley, Senate Print 7127A, an act to amend the Banking Law, in relation to allowing.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1375, by Senator Wright, Senate Print 6746B, an act to amend the Public Service Law and the Public Authorities Law, in relation to requiring.

THE PRESIDENT: Read the last section.

SENATOR HASSELL-THOMPSON: Lay it aside.

THE PRESIDENT: The bill is laid aside.

THE SECRETARY: Calendar Number 1378, by the Assembly Committee on Rules, Assembly Print Number 8838A, an act to amend the Mental Hygiene Law, in relation to the appointment.

THE PRESIDENT: Read the last section.

THE SECRETARY: Section 28. This act shall take effect on the 90th day.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1390, by Member of the Assembly Aubertine, Assembly Print Number 7515, an act to amend the Education Law, in relation to consideration.

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, 58.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1472, by Senator Skelos, Senate Print 5823B, an act to authorize a certain joint venture to apply for a certificate.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1509, by Senator Hannon, Senate Print 7046A, an act authorizing the assessor of the County of Nassau to accept an application.

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

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1519, by Senator Saland --

SENATOR SKELOS: Lay it aside for the day.

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

SENATOR SKELOS: Madam President.

THE PRESIDENT: Senator Skelos.

SENATOR SKELOS: If I could interrupt for a moment, I believe Calendar Number 1375 was inadvertently laid aside. If we could take it up at this time.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: Calendar Number 1375, by Senator Wright, Senate Print 6746B, an act to amend the Public Service Law and the Public Authorities Law.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1528, by Senator Kuhl, Senate Print 6735, an act to amend the Public Authorities Law, in relation to procurements.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1605, by Senator Volker, Senate Print 7454A, an act --

SENATOR SKELOS: Lay it aside temporarily.

THE PRESIDENT: The bill is laid aside temporarily.

THE SECRETARY: Calendar Number 1606, by Senator Skelos, Senate Print 7458, an act to amend the Criminal Procedure Law, in relation to designating.

THE PRESIDENT: Read the last section.

SENATOR HASSELL-THOMPSON: Lay it aside.

THE PRESIDENT: The bill is laid aside.

THE SECRETARY: Calendar Number 1610, by Senator Wright, Senate Print 7482, an act in relation to making certain findings and determinations.

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

Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

THE PRESIDENT: The bill is

passed.

THE SECRETARY: Calendar Number 1611, by Senator Morahan, Senate Print 7488, an act to amend the Penal Law, in relation to requiring a mandatory life sentence.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE PRESIDENT: Senator Morahan, to explain your vote.

SENATOR MORAHAN: Thank you, Madam President.

This is a very important bill that this house has passed three times in the past sessions. In fact, we passed it most lately in this session.

We have reached an accord with the Assembly, which will also pass this bill a little bit later today, which would allow for life without parole in certain cases involving someone 14 years or younger.

The compromise, if you will, entails no offender 18 or younger would be subject to this clause. In addition, it would only apply to rape, criminal sexual assault, sexual abuse, and aggravated sexual abuse, and intent would have to be proved. So that's the compromise.

I have with me today two D'Alessandro boys, John and Michael, who represent their mother Rosemarie, who had fought for this bill here for several years, and also in New Jersey. And New Jersey passed it. And when this is passed in the Assembly, I assume, rightfully so, that the Governor will sign it into law.

Thank you, Madam President.

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

The Secretary will announce the results.

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

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1642, substituted earlier today by Member of the Assembly Tocci, Assembly Print Number 10075A, an act authorizing the City of New Rochelle.

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

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1643, by Senator Spano, Senate Print 7070, an act to amend the Public Health Law, in relation to the number of members.

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, 58.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1644, by Senator Farley, Senate Print 7123, an act to amend the Penal Law, in relation to increasing the penalty.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1645, substituted earlier today by Member of the Assembly McEneny, Assembly Print Number 10553, an act requiring the Commissioner of the Office of General Services.

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 PRESIDENT: Senator Balboni, to explain your vote.

SENATOR BALBONI: Yes, Madam President, I'd like to just provide a little bit of clarification.

This bill before us would memorialize in the World War II monument the story of the four chaplains -- a rabbi by the name of Goode, a reverend by the name of Fox, another reverend by the name of Poling, and a priest by the name of Washington -- who, during World War II, committed the most incredible act of heroism. As the ship was going down, they gave their own life jackets to soldiers who were trying to get into the icy water. And the last scene anybody saw was the four chaplains linked arm in arm praying to God as the ship went below the water's surface.

Now, I'd like to thank Senator Fuschillo for bringing this to my attention. This is a wholly appropriate memorial to have

in our wonderful World War II memorial.

But there is a policy, and it is the policy of the state -- and I want to make sure that people understand that this bill is intended to be consistent with that policy, and that is that we don't recognize individuals. So the monument is to have the dedication to the four chaplains, but the four chaplains in and of themselves will not be named.

I think this is a very, very appropriate monument for us to have in this state, and I hope that everybody will vote for it.

Thank you very much, Madam President.

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

The Secretary will announce the results.

THE SECRETARY: Ayes, 58.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number

1646, by Senator Hoffmann --

SENATOR HASSELL-THOMPSON: Lay it aside.

THE PRESIDENT: The bill is laid aside.

THE SECRETARY: In relation to Calendar Number 1647, Senator Padavan moves to discharge, from the Committee on Rules, Assembly Bill Number 11222 and substitute it for the identical Senate Bill Number 7185A, Third Reading Calendar 1647.

THE PRESIDENT: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1647, by the Assembly Committee on Rules, Assembly Print Number 11222, an act to amend the Real Property Law.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1648, by Senator Marcellino, Senate Print 7311, an act to amend the Criminal Procedure Law, in relation to evidence.

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

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1649, by Senator Spano, Senate Print 7314A, an act to amend the Tax Law, in relation to excluding.

THE PRESIDENT: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the first day of the sales tax quarterly period.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1650, by Senator Balboni, Senate Print 7362A, an act to allow the Town of North Hempstead to convey certain parkland.

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

Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the first day of the next sales tax quarterly period.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1651, substituted earlier today by the Assembly Committee on Rules, Assembly Print Number 11289, an act to amend the Real Property Tax Law, in relation to exemption.

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, 58.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1654, substituted earlier today by Member of the Assembly Ortiz, Assembly Print Number 3838A, an act to amend the Labor Law, in relation to reports.

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, 58.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1655, by Senator Padavan, Senate Print 7404A,

an act to amend the Real Property Tax Law, in relation to exemption.

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

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1656, by Senator Farley, Senate Print 7405, an act authorizing the City of Schenectady.

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 PRESIDENT: Senator Larkin, to explain your vote.

SENATOR LARKIN: Madam President, this is an excellent bill. It's going to

benefit the City of Schenectady.

There are 17 counties in this state that need this same benefit. So I would like to make sure that everyone starts to look at it, because it is some of your municipalities that are not included.

I commend the sponsors for trying to help bail out a city, but there are other cities, towns and villages and counties in this state that are in dire shape just like the City of Schenectady.

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

The Secretary will announce the results.

THE SECRETARY: Ayes, 58.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1660, by Senator Volker, Senate Print 7480, an act to allow a filing for state aid by the Gorham-Middlesex Central School District.

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

Read the last section.

THE SECRETARY: Section 4. This act shall take effect July 1, 2004.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1661, by Senator McGee, Senate Print 7481, an act to authorize the payment of state snowmobile trail development and maintenance aid.

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: Those recorded in the negative on Calendar Number 1661 are Senators Fuschillo, Nozzolio, and Spano. Ayes, 55. Nays, 3.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1662, substituted earlier today by Member of the Assembly DiNapoli, Assembly Print Number 10417, an act to amend the Real Property Tax Law.

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, 58.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1663, by Senator Spano, Senate Print 7499A, an act to amend the Public Authorities Law, in relation to providing.

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, 58.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1664, by Senator Larkin, Senate Print 7505, an act to amend the Penal Law, in relation to making the operation of an ATV upon the real property of a farm operation.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

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

THE PRESIDENT: The bill is passed.

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

Senator Morahan.

SENATOR MORAHAN: Yes, thank you, Madam President. Could I be recorded in the negative on Calendar 832.

THE PRESIDENT: Hearing no

objection, you will be so recorded as voting in the negative.

SENATOR MORAHAN: And also on Calendar 1661.

THE PRESIDENT: Hearing no objection, you will be also be recorded as voting in the negative on that bill.

Senator Maziarz.

SENATOR MAZIARZ: Thank you, Madam President. I request unanimous consent to be recorded in the negative on Calendar Number 1321.

SENATOR BROWN: Hearing no objection, you will be so recorded as voting in the negative.

Senator Marcellino.

SENATOR MARCELLINO: Madam President, could I have unanimous consent to be recorded in the negative on Calendar Number 1661.

THE PRESIDENT: Hearing no objection, you will be so recorded as voting in the negative.

Senator Krueger.

SENATOR LIZ KRUEGER: Thank you.

I request unanimous consent to be recorded in the negative on Calendar 229.

THE PRESIDENT: Without objection, you will be so recorded as voting in the negative.

Senator Brown.

SENATOR BROWN: Thank you, Madam President. I request unanimous consent to be recorded in the negative on Calendar 832.

THE PRESIDENT: Without objection, you will be so recorded as voting in the negative.

Senator Skelos.

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

THE PRESIDENT: The Secretary will read.

SENATOR SKELOS: Madam President.

THE PRESIDENT: Senator Skelos.

SENATOR SKELOS: Before we go to the controversial calendar, I'd like to call a meeting of the Rules Committee. And then proceed with the controversial calendar.

THE PRESIDENT: There will be a

meeting of the Rules Committee in the Majority Conference Room.

THE SECRETARY: Calendar Number 260, by the Assembly Committee on Rules, Assembly Print Number 8589A, an act to amend the General Business Law.

SENATOR HASSELL-THOMPSON: Explanation, please.

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

SENATOR LaVALLE: Thank you, Madam President.

This legislation, with but a few changes, was passed last year by both houses, went to the Governor, and the Governor vetoed it. This legislation had two public hearings, that were held by Senator Fuschillo and myself, and has undergone numerous meetings by or with all of the stakeholders that are involved.

You might recall in last year's debate that this bill really should be titled a "Franchisee's Bill of Rights." Presently a franchise owner is really -- when he or she signs a contract with the franchiser, does so

under enormous perils. We have found that many of the contracts have placed the franchise owner in a negative position.

And I think we know that the great American dream -- one of the great American dreams is to own your own business. And so many times people will accept terms and conditions that they might not normally accept.

And so this bill really deals with certain protections and we believe will make greater competition for the consumer. Greater competition because, if we take off some of the controls and the shackles placed upon the franchisee, then they can compete, and they can compete with a company-owned station.

And more and more company-owned stations are being built. And so the company can place on the franchisee certain conditions to have them at a higher price than the company-owned station.

And so what we do is we really protect the franchisee from direct competition by placing mild limits from new company-owned stations from being placed in these zones, and

they're spelled out in the legislation. And it depends on whether it is in a county with a population of 900,000 people or more, whether it's located in a city or outside of a city. And that is spelled out in the legislation.

We sunset the legislation after three years. And we also -- one of the things that has come up is whether, if I am a franchisee, a Mobil franchisee, does this prohibit a Hess station from locating within that zone. And the answer is no.

So there continues to be competition between different types of gasoline. What we are doing is protecting a franchisee from a franchiser. And it is really that simple.

THE PRESIDENT: Senator Hassell-Thompson.

SENATOR HASSELL-THOMPSON: Thank you, Madam President.

Senator LaValle, thank you for your explanation.

I have continued to vote yes on this bill in support of small businesses and their efforts. This bill went before the

Governor, and it was vetoed. And I continue to be amazed at how many times we find ourselves sometimes on the same side.

But particularly because, as we look at the numbers of businesses that have become engulfed by mergers, the small franchisee finds themselves in the position of not being offered the opportunity to expand their businesses and the competition by new businesses coming in very close to them really knocks them out of the box.

I know that a lot of my colleagues -- and we've had discussion about this bill, and there's some concern about the variation in distances as opposed to New York City versus upstate New York. But I still think that the bill has tremendous merit, and it does support small businesses. Therefore, I will continue to vote in the affirmative.

Thank you.

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

Senator Stavisky.

SENATOR STAVISKY: Madam President, I too commend the sponsor for this

legislation.

My concern is for the mom-and-pop-type service stations who somehow seem to be disappearing from the competition with the company-owned stations. I think this is a very good piece of legislation, and I urge the Governor to sign it.

Thank you.

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 PRESIDENT: Senator LaValle, to explain your vote.

SENATOR LaVALLE: Thank you, Madam President.

I just want to rise to vote in the affirmative. But I also wanted to commend the chairman of our Consumer Protection Committee, Senator Fuschillo, for his support, his work on this, the hearings that we held, and his guidance in the meetings that we've had with the stakeholders.

Thank you, Madam President.

THE PRESIDENT: Senator LaValle, you will be recorded as voting in the affirmative.

The Secretary will announce the results.

THE SECRETARY: Those recorded in the negative on Calendar Number 260 are Senators Brown, Parker and Paterson. Ayes, 55. Nays, 3.

THE PRESIDENT: The bill is passed.

Senator Wright.

SENATOR WRIGHT: Thank you, Madam President. I request unanimous consent to be recorded in the negative on 1661.

THE PRESIDENT: Hearing no objection, you will be so recorded as voting in the negative.

Senator Libous.

SENATOR LIBOUS: Could I also be recorded in the negative on 1661.

THE PRESIDENT: Hearing no objection, you will be so recorded as voting in the negative.

Senator Connor.

SENATOR CONNOR: Yes, thank you, Madam President. May I have unanimous consent to be recorded in the negative on Calendar Number 260.

THE PRESIDENT: Senator Connor, you will be recorded as voting in the negative on that bill.

The Secretary will continue to read.

THE SECRETARY: Calendar Number 1066, by Senator Kuhl, Senate Print 1973A, an act to amend the Agriculture and Markets Law, in relation to duties of the Commissioner of Agriculture.

SENATOR HASSELL-THOMPSON: Explanation.

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

SENATOR KUHL: Thank you, Madam President.

This is a bill, very simply and shortly put, that mandates a comprehensive view of these administrative rules and regulations which may have a harmful effect on

agriculture in this state and establishes a procedure for the review of those regulations and regulations proposed in the future.

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

Senator Hassell-Thompson.

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

THE PRESIDENT: You may proceed on the bill.

SENATOR HASSELL-THOMPSON: I just had some concerns that this bill seems to question the Governor's Office on Regulatory Reform and the State Administrative Procedure Act. It seems to be duplicative. Given that, why do we need this legislation?

The other is, why should we give the Department of Agriculture and Markets authority that other agencies do not have?

And the third question is, does Agriculture and Markets have the expertise necessary to perform the functions that are outlined in this particular legislation?

And lastly, if it is necessary for Agriculture and Markets, should we then extend

the same authority to other agencies?

And those are the questions that I would like the sponsor to give consideration to, not necessarily to answer at this time.

Thank you, Madam President.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Those recorded in the negative on Calendar Number 1066 are Senators Andrews, Breslin, Brown, Connor, Hassell-Thompson, Lachman, LaValle, Leibell, Marcellino, Onorato, Parker, Paterson and Stavisky. Also Senator Oppenheimer. Also Senator Spano. Ayes, 43. Nays, 15.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1190, by Senator Skelos, Senate Print 6610C, an act to amend the General Business Law and the Vehicle and Traffic Law, in relation to vessel dealer agreements.

SENATOR HASSELL-THOMPSON: Explanation.

SENATOR SPANO: Lay it aside temporarily.

THE PRESIDENT: The bill is laid aside temporarily.

THE SECRETARY: Calendar Number 1605, by Senator Volker, Senate Print 7454A, an act to amend the General Obligations Law, in relation to the transfer of structured-settlement payments.

SENATOR SPANO: Lay it aside temporarily.

THE PRESIDENT: The bill is laid aside temporarily.

THE SECRETARY: Calendar Number 1606, by Senator Skelos, Senate Print --

SENATOR SPANO: Lay it aside temporarily.

THE PRESIDENT: The bill is laid aside temporarily.

THE SECRETARY: Calendar Number 1646, by Senator Hoffmann, Senate Print 7145, an act to amend the Agriculture and Markets Law.

SENATOR HASSELL-THOMPSON: Explanation.

SENATOR SPANO: Lay it aside temporarily.

THE PRESIDENT: The bill is laid aside temporarily.

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

SENATOR SPANO: Madam President, can we please return to Calendar Number 1606.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: Calendar Number 1606, by Senator Skelos, Senate Print 7458, an act to amend the Criminal Procedure Law.

THE PRESIDENT: Senator Hassell-Thompson.

SENATOR HASSELL-THOMPSON: Yes, just on the bill, Madam President.

THE PRESIDENT: You may proceed on the bill.

SENATOR HASSELL-THOMPSON: I understand that this was a bill that was vetoed also by the Governor. And several of my colleagues and I have voted against this in

the past. I will continue to vote no and encourage others to do likewise.

Thank you.

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

Then the debate is closed.

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: Those recorded in the negative on Calendar Number 1606 are Senators Dilán, Hassell-Thompson, and Parker. Ayes, 55. Nays, 3.

THE PRESIDENT: The bill is passed.

Senator Padavan.

SENATOR PADAVAN: Madam President, by unanimous consent may I be voted in the negative on Calendar Number 1066.

THE PRESIDENT: Without objection, you will be so recorded as voting in the negative.

Senator Spano.

SENATOR SPANO: Please return to Calendar Number 1190.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: Calendar Number 1190, by Senator Skelos, Senate Print 6610C, an act to amend the General Business Law and the Vehicle and Traffic Law.

SENATOR HASSELL-THOMPSON: Explanation.

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

SENATOR SKELOS: Thank you very much, Madam President.

This legislation would enact standards to be followed in relation to agreements between boat dealers and boat manufacturers.

It would include the following. It requires 90-day notice for a manufacturer to terminate or renew a dealer or for a dealer to terminate or nonrenew a manufacturer for no cause; requires manufacturers to repurchase any boats less than one year from dealer delivery in cases of termination for no cause;

sets up reasons for cancellation for cause in which a manufacturer would not have to give 90-day notice; for repurchase of inventory less than one year from delivery; sets up reimbursement rates for dealers for warranty work on behalf of the manufacturer.

And this bill is agreed upon with the Assembly, where it's sponsored by Assemblyman Tonko.

SENATOR HASSELL-THOMPSON: Thank you.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

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

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1646, by Senator Hoffmann, Senate Print 7145, an act to amend the Agriculture and Markets Law.

SENATOR PARKER: Explanation.

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

SENATOR HOFFMANN: Thank you, Madam President.

Recently the federal government imposed some regulations dealing with the issue of downer animals. But the regulations that were imposed by the federal government are simply an extension of what has always been the practice here in New York State.

However, regulations can change. And should there be any desire by the federal government, although I can't imagine why, to go back to a less restrictive standard, we would want this statute to be in place.

It basically makes it very clear that it is the policy and in fact now the law in New York State that a nonambulatory animal cannot have the meat sold at public auction.

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

Senator Krueger.

SENATOR LIZ KRUEGER: Thank you very much, Madam President. If the sponsor

would please yield.

THE PRESIDENT: Senator Hoffmann, will you yield for a question?

SENATOR HOFFMANN: Certainly.

THE PRESIDENT: You may proceed, Senator.

SENATOR LIZ KRUEGER: Thank you, Senator Hoffmann. And I share your concerns about downed animals and importance of keeping them out of the food stream. But I have a few questions about this bill.

SENATOR HOFFMANN: Madam President, I'm having a little trouble hearing across the noise.

SENATOR LIZ KRUEGER: Thank you. Thank you.

In your bill, are you defining only those animals that can't get up as being nonambulatory?

SENATOR HOFFMANN: That is not ambulatory.

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

THE PRESIDENT: Senator Hoffmann,

will you yield for a question?

SENATOR HOFFMANN: Yes, I will.

THE PRESIDENT: You may proceed, Senator.

SENATOR LIZ KRUEGER: Thank you.

My understanding is, under the federal regulations and under the laws that have been passed by a number of other states, that "nonambulatory" means both not being able to rise and not being able to walk.

So under your bill, if an animal could not rise but the somehow if it was lifted to a walking position and it could walk, it would still be defined --

THE PRESIDENT: If the members would please take their conversations out of the chambers. Thank you.

SENATOR HOFFMANN: Madam President, "nonambulatory" means animals that are not able to move. And in this state it has long been the practice that an animal that is unable to move is not sold at auction for meat. And that is consistent with what is in this particular bill before us today.

SENATOR LIZ KRUEGER: Thank you,

Madam President. If the sponsor would continue to yield.

THE PRESIDENT: Senator Hoffmann, will you yield for a question?

SENATOR HOFFMANN: Yes, I will.

THE PRESIDENT: You may proceed, Senator.

SENATOR LIZ KRUEGER: Thank you. Thank you, Madam President.

In Section 96(k), line 12 of this bill, it refers to nonambulatory animals being sold for human consumption. Does that mean that animals could still be sold to be used for feeding of livestock or other nonhuman animals under this legislation?

SENATOR HOFFMANN: Typically, nonambulatory animals, or downers, can be used for canned food for animals, dog food for animals.

SENATOR LIZ KRUEGER: Madam President, again, just to clarify.

So would the sponsor agree that nonambulatory animals should not be sold for feed to livestock or other animals as well as humans, and I'm misunderstanding the bill?

SENATOR HOFFMANN: Madam President, I think the bill is very clear and I've satisfied the questions as they're related to the bill. I'm not interested in speculating on other aspects of animal sales, ambulatory or otherwise.

I think that this bill is relatively clear on what it does. And the practices -- from a practical consideration, Senator Krueger, the practices in this state regarding the sale of downer animals have always been of the highest order in regard to safety and appropriate usage. There is a rendering industry which uses animals that are unfit for any type of consumption.

No human consumption of a downer animal is or has ever been the case in New York State. And only in the case of a downer animal with perhaps a broken leg that is unable to walk but would be otherwise deemed healthy would that animal be diverted into the canned animal feed chain.

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

THE PRESIDENT: Senator Hoffmann, will you yield for a question?

SENATOR HOFFMANN: Certainly.

THE PRESIDENT: You may proceed.

SENATOR LIZ KRUEGER: Thank you, Madam President.

In Section 96(k), line 10, this bill it says it would be unlawful to sell or cause to be sold at public auction any nonambulatory animal.

Does this mean that nonambulatory animals could be sold in any other manner outside of a public auction?

SENATOR HOFFMANN: Madam President, as I understand the question, Senator Krueger is asking by what means nonambulatory animals are sold.

Presently -- and it's longstanding practice -- a nonambulatory animal is removed from a farm and taken to a facility where it is used in generally dog food production. In New York State, Scooby-Doo Dog Food is the better known firm that engages in this practice.

By the way, Madam President,

farmers presently pay a fee for the removal of nonambulatory animals. Downers on a farm have become an issue of some concern. And we would hope that we can continue to see them diverted into appropriate usage.

To not have them removed from the farm can create a significant health problem, especially when a farm is located on a stream. And we're working with Farm Bureau and other organizations in an attempt to find ways to either reduce or eliminate the cost of removal of a downer animal. An animal that dies on a farm and is buried on a farm, if it's placed any place near a streambed, could present a health hazard.

We're hoping that this particular measure, which simply codifies the very responsible practices that have always taken place in New York State, will just give some peace of mind to those people who wonder what happens to an animal if it in fact is downed.

And regrettably, sometimes cows are injured while they are freshening -- that means having a calf -- and unable to get up, but they are otherwise in healthy, intact

condition. But because they cannot get up, they need to be diverted. And they're certainly not then eligible for any human food consumption.

I hope that -- I can't really imagine anything else that I could clarify for Senator Krueger. I think that I've addressed most of her concerns. Farm Bureau is comfortable with this piece of legislation and in fact welcomes the kind of scrutiny that has happened since the outbreak of BSE and is very proud of the fact that here in New York State we have long been ahead of the curve in the way we handle downer animals.

SENATOR LIZ KRUEGER: Thank you, Madam President. On the bill.

THE PRESIDENT: You may proceed on the bill.

SENATOR LIZ KRUEGER: Thank you.

I appreciate the sponsor's comments. I think she and I both agree our goal is to keep animals that are downed animals out of the marketplace, to avoid transmission of disease both to humans and to nonhumans.

Where I differ with her is I wish that she had clarified a few things more in her bill, including the fact that her bill does say specifically that this is only product that cannot be used for sale for human consumption. And as we know from the research around the world, the transfer of disease from a downed animal or an otherwise ill animal to humans has actually been a transfer process from the ill animal to be turning into food product for other animals to then in turn be eaten by human beings.

So the case of mad cow disease in fact is a case of sick cattle being turned into -- excuse me, sick sheep being turned into feed product that was fed to cattle; cattle then developed the illness and then, in fact, in some cases humans are translating that illness into a human illness. So it went from sheep fed to cows, cows fed to humans.

So I don't think it's a small issue that the bill explicitly says it only limits sale to human beings. I would argue that a better bill would be expanded to include any consumption.

There are also concerns about products turning into cosmetic products that can pass along illnesses as well.

SENATOR HOFFMANN: Madam President.

THE PRESIDENT: Senator Hoffmann.

SENATOR HOFFMANN: Madam President, would Senator Krueger like to yield for a question, please.

THE PRESIDENT: Senator Krueger, will you yield for a question?

SENATOR LIZ KRUEGER: Certainly. I would be happy to yield, Madam President.

THE PRESIDENT: You may proceed, Senator Hoffmann.

SENATOR HOFFMANN: Senator Krueger, are you aware that currently federal regulations prohibit the use of downer animals being used in any cattle or livestock feed?

SENATOR LIZ KRUEGER: Madam President, through you, yes, I am aware that the FDA and the USDA have current regulations if products go through slaughterhouses that are inspected by USDA. But unfortunately, that's not the entire universe of possible

transfer of product.

So I agree with you states ought to pass laws. I agree the federal government should pass a more expanded law.

But I think, as you said, your purpose in having the law was to clarify what was okay and not okay in New York State. And while I think that there is validity in your effort, I think it would be a better bill if we expanded the language of your bill to include human consumption as well as consumption in animal feed and other products.

To continue, Madam President, on the bill.

THE PRESIDENT: You may proceed.

SENATOR LIZ KRUEGER: Thank you so much.

So again, as I said, I think it would be a stronger bill if we ensured that downed animal products could not be used in animal feed and other by-products, including cosmetics, in addition to not being sold for human consumption. I think it would be a stronger bill if there was a clarification that nonambulatory livestock meant animals

that could neither rise nor could walk, which would make it consistent with federal rules and the laws passed in California, Colorado, Washington State.

And I also think it would be a stronger bill if in fact we brought in the definition not to just be sold at public auction, but to include any manner of sale of these products.

Again, I think our goals here are the same, to protect the public and to ensure humane treatment of animals. But I do think that this could be a stronger bill.

Thank you, Madam President.

THE PRESIDENT: Senator Hoffmann.

SENATOR HOFFMANN: On the bill. I would just like to make a brief statement that --

THE PRESIDENT: You may proceed on the bill.

SENATOR HOFFMANN: -- while my colleague is obviously very concerned from a human perspective about the ultimate disposition of downed animals, and that's commendable, those of us who have a closer

association with production agriculture in New York State recognize that every downed animal on a farm represents an economic loss to that farm.

And while it is commendable to suggest that no downer animal should ever be used for anything at all, we have to be realistic that downer animals, on one hand, do represent a potential environmental problem.

They also represent loss of income. A valuable animal which is, for some reason, dead on a farm becomes a loss for a farmer. But being able to ship that animal to Scooby-Doo Dog Food, where it is perfectly appropriate for use in dog food, is a reasonable way for the farmers to recoup a small portion of the loss.

A Holstein cow is worth in excess of a thousand dollars on the hoof. And a farmer who is now faced with a dead Holstein cow that died in childbirth, or was injured in childbirth to the point of being nonambulatory, wants to recoup at least a small portion of that loss and not encounter a penalty at having a disposal charge on top of

it.

So we're looking at a responsible way that farmers can in all situations comply with the laws. We want to be consistent with what the federal government has enacted. The FDA provisions and other provisions that are in place in Washington right now address the human health concerns that we are all very concerned about. But across the livestock industry, there is a desire to see farmers have some economic opportunity to recoup losses in the case of a downer animal without presenting any kind of a risk.

Even the remotest possibility of a risk should be relieved from the public mind because of responsible handling of downer animals in this state. That's longstanding practice. It's simply being put into statute here. I hope that people are reassured that the farmers of this state want to be good citizens, believe in good health and the well-being of all New York Staters, but their economy is important to this state as well.

And just a reminder to those in this chamber, agriculture is our number-one

industry. And while some people might find this a somewhat unusual type of debate for this chamber, I think it is only reasonable that we take a moment to reflect on the realities of life on the farm and, in this case, of death on the farm, and recognize that our farmers have a very, very difficult time of it for many reasons and our ongoing responsibility needs to be to eliminate burdens for them, to make it easier for them to stay in business in this state. They are the heartbeat of New York State.

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

Then the debate is closed.

Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Those recorded in the negative on Calendar Number 1646 are Senators L. Krueger, Marcellino, and Onorato. Ayes, 55. Nays, 3.

THE PRESIDENT: The bill is

passed.

Senator Duane.

SENATOR DUANE: Thank you, Madam President. If I could have unanimous consent to be recorded in the negative on Calendar Numbers 1066 and 1606.

THE PRESIDENT: Hearing no objection, you will be so recorded as voting in the negative.

Senator Marcellino.

SENATOR MARCELLINO: Yes, Madam President, can we return to motions and resolutions. I believe we have some motions at the desk to be dealt with.

THE PRESIDENT: Senator Meier.

SENATOR MEIER: Thank you, Madam President.

On behalf of Senator Hannon, on page number 39 I offer the following amendments to Calendar Number 1197, Senate Print Number 6656A, 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 Meier.

SENATOR MEIER: Thank you, Madam President.

On behalf of Senator Robach, on page number 42 I offer the following amendments to Calendar Number 1242, Senate Print Number 2178, 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 Marcellino, we have some substitutions at the desk.

SENATOR MARCELLINO: Can we do those substitutions at this time, please.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: On page 25, Senator Fuschillo moves to discharge, from the Committee on Rules, Assembly Bill Number 11003B and substitute it for the identical Senate Bill Number 6962B, Third Reading Calendar 833.

On page 39, Senator Hannon moves to discharge, from the Committee on Rules, Assembly Bill Number 7206A and substitute it for the identical Senate Bill Number 6894, Third Reading Calendar 1199.

And on page 36, Senator Golden moves to discharge, from the Committee on Rules, Assembly Bill Number 11054 and substitute it for the identical Senate Bill Number 6884, Third Reading Calendar 1096.

THE PRESIDENT: Substitutions ordered.

Senator Marcellino.

SENATOR MARCELLINO: Madam President, can you recognize Senator McGee.

THE PRESIDENT: Senator McGee.

SENATOR McGEE: Thank you, Madam President.

On behalf of Senator Hannon, on page number 8 I offer the following amendments to Calendar Number 266, Senate Print Number 4016B, and ask that said bill retain its place on Third Reading Calendar.

THE PRESIDENT: The amendments are received, and the bill will retain its

place on the Third Reading Calendar.

Senator Krueger.

SENATOR LIZ KRUEGER: Thank you, Madam President.

I'd like to request unanimous consent to be recorded in the negative on Calendar 1066 and Calendar 1606.

THE PRESIDENT: Without objection, you will be recorded as voting in the negative on those bills.

Senator Marcellino.

SENATOR MARCELLINO: Madam President, I believe there's a report of the Rules Committee at the desk.

Can we please have that read now and move for its acceptance.

THE PRESIDENT: The Secretary will read.

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

Senate Print 660B, by Senator Stachowski, an act to amend the Agriculture and Markets Law;

1830A, by Senator Maltese, an act

to amend the Retirement and Social Security Law;

3370C, by Senator Maziarz, an act to amend the Environmental Conservation Law;

3762B, by Senator Balboni, an act to amend the Education Law;

5910B, by Senator Maziarz, an act to amend the Agriculture and Markets Law;

5968, by Senator Padavan, an act to amend the Retirement and Social Security Law;

6083A, by Senator Maziarz, an act to amend the Public Authorities Law;

6216A, by Senator Spano, an act to amend the Public Health Law;

6332, by Senator Seward, an act to amend the Insurance Law;

6467A, by Senator Farley, an act to amend the Banking Law;

6510, by Senator M. Smith, an act to amend the Vehicle and Traffic Law;

6578, by Senator Golden, an act to amend the Administrative Code of the City of New York;

6600A, by Senator Bonacic, an act to amend the Vehicle and Traffic Law;

6709A, by Senator Spano, an act to amend the Executive Law;

6978, by Senator Little, an act to amend the Executive Law;

7035, by Senator Robach, an act to amend the Correction Law;

7043, by Senator Hannon, an act to amend the Public Health Law;

7052A, by Senator Hannon, an act to amend the Public Health Law;

7056, by Senator Hannon, an act to amend the Public Health Law;

7151, by Senator Mendez, an act to amend the Retirement and Social Security Law;

7195D, by Senator Skelos, an act to amend the Penal Law;

7367, by Senator Maziarz, an act to amend the Parks, Recreation and Historic Preservation Law;

7433, by Senator Farley, an act in relation to an audit;

7474, by Senator Mendez, an act to amend the Labor Law;

7475, by Senator Golden, an act to amend the Retirement and Social Security Law;

7479, by Senator Nozzolio, an act to amend the Workers' Compensation Law;

7487, by Senator Golden, an act to amend the Civil Service Law;

7500, by Senator Golden, an act to amend the Retirement and Social Security Law;

7504, by Senator Trunzo, an act to amend the Public Service Law;

7508, by Senator Farley, an act to amend the Executive Law;

7514, by Senator Meier, an act relating to increasing;

7519, by Senator Marchi, an act to amend the Administrative Code of the City of New York;

7527, by Senator Saland, an act authorizing the City of Poughkeepsie;

7532, by Senator Meier, an act to amend Chapter 83 of the Laws of 2002;

7535, by Senator Morahan, an act to amend the Retirement and Social Security Law;

7536, by Senator Maziarz, an act to amend the Alcoholic Beverage Control Law;

7552, by Senator Flanagan, an act to amend the Correction Law;

7562, by Senator Libous, an act to amend the Mental Hygiene Law;

7568, by Senator Meier, an act to amend the Public Health Law;

7569, by Senator Morahan, an act to amend the Retirement and Social Security Law;

7570, by Senator Rath, an act to amend the Criminal Procedure Law;

7576, by Senator Seward, an act to amend the Insurance Law;

7580, by Senator Marcellino, an act to amend the Executive Law;

7586, by Senator Padavan, an act to amend the Education Law;

7600A, by Senator Wright, an act to amend the Public Authorities Law;

7603, by Senator Golden, an act to amend the Retirement and Social Security Law;

7607, by Senator Little, an act to amend the Education Law;

7613, by Senator Libous, an act to amend the Civil Practice Law and Rules;

7617, by Senator Hannon, an act to amend the Public Health Law;

7627, by Senator Marcellino, an act

to amend the Environmental Conservation Law;

7628, by Senator Flanagan, an act to amend the Legislative Law;

And Senate Print 7632, by Senator Robach, an act implementing agreements.

All bills ordered direct to third reading.

ACTING PRESIDENT MEIER: Senator Marcellino.

SENATOR MARCELLINO: Move to accept the report of the Rules Committee, please.

ACTING PRESIDENT MEIER: All those in favor of accepting the report of the Rules Committee indicate by saying aye.

(Response of "Aye.")

ACTING PRESIDENT MEIER: Those opposed, nay.

(Response of "Nay.")

ACTING PRESIDENT MEIER: The report of the Rules Committee is accepted.

Senator Marcellino.

SENATOR MARCELLINO: Mr. President, if we could stand at ease momentarily, please.

ACTING PRESIDENT MEIER: The Senate will stand at ease.

(Whereupon, the Senate stood at ease at 4:45 p.m.)

(Whereupon, the Senate reconvened at 5:04 p.m.)

ACTING PRESIDENT LIBOUS: Senator Balboni.

SENATOR BALBONI: Yes, Mr. President, I'd like to announce an immediate meeting of the Senate Finance Committee in the Majority Conference Room.

ACTING PRESIDENT MEIER: The Finance Committee will meet immediately in the Senate Majority Conference Room.

The Senate will remain at ease.

(Whereupon, the Senate stood at ease at 5:05 p.m.)

(Whereupon, the Senate reconvened at 5:25 p.m.)

ACTING PRESIDENT MEIER: Senator Skelos.

SENATOR SKELOS: If we could return to motions and resolutions, I believe Senator McGee has a motion to make at this

time.

ACTING PRESIDENT MEIER: Motions and resolutions.

Senator McGee.

SENATOR McGEE: Thank you, Mr. President.

On behalf of Senator Kuhl, on page number 42 I offer the following amendments to Calendar Number 1252, Senate Print Number 7228A, and ask that said bill retain its place on Third Reading Calendar.

ACTING PRESIDENT MEIER: The amendments are received and adopted, and the bill will retain its place on third reading.

SENATOR McGEE: Thank you, Mr. President.

Mr. President, may I also ask for unanimous consent to be recorded in the negative on Calendar Number 832, Senate Print Number 6960B.

ACTING PRESIDENT MEIER: Without objection, Senator McGee will be recorded in the negative on Calendar 832.

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

Senator Skelos.

SENATOR SKELOS: Mr. President, if we could go to Supplemental Calendar 58A.

ACTING PRESIDENT MEIER: The Secretary will conduct the noncontroversial reading of Calendar 58A.

THE SECRETARY: Calendar Number 1596, by Senator Skelos, Senate Print 7195D, an act to amend the Penal Law, in relation to establishing.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1657, Senator Stachowski moves to discharge, from the Committee on Rules, Assembly Bill Number 1454B and substitute it

for the identical Senate Bill Number 660B, Third Reading Calendar 1657.

ACTING PRESIDENT MEIER: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1657, by Member of the Assembly Tokasz, Assembly Print Number 1454B, an act to amend the Agriculture and Markets Law.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1667, by Senator Balboni, Senate Print 3762B, an --

SENATOR SKELOS: Lay it aside temporarily.

ACTING PRESIDENT MEIER: Lay the

bill aside temporarily.

THE SECRETARY: In relation to Calendar Number 1668, Senator Maziarz moves to discharge, from the Committee on Rules, Assembly Bill Number 6635C and substitute it for the identical Senate Bill Number 5910B, Third Reading Calendar 1668.

ACTING PRESIDENT MEIER: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1668, by Member of the Assembly Tonko, Assembly Print Number 6635C, an act to amend the Agriculture and Markets Law and the General Municipal Law.

ACTING PRESIDENT MEIER: Read the last section.

THE SECRETARY: Section 8. This act shall take effect on the 120th day.

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1669, Senator Padavan moves to discharge, from the Committee on Rules, Assembly Bill Number 9484 and substitute it for the identical Senate Bill Number 5968, Third Reading Calendar 1669.

ACTING PRESIDENT MEIER: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1669, by Member of the Assembly Abbate, Assembly Print Number 9484, an act to amend the Retirement and Social Security Law.

ACTING PRESIDENT MEIER: 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 MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number

1670, by Senator Maziarz, Senate Print 6083A, an act to amend the Public Authorities Law, in relation to the allocation.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1671, by Senator Spano, Senate Print 6216A, an act to amend the Public Health Law, in relation to disposition.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1672, by --

SENATOR HASSELL-THOMPSON: Lay it aside.

ACTING PRESIDENT MEIER: Lay the bill aside.

THE SECRETARY: In relation to Calendar Number 1673, Senator Farley moves to discharge, from the Committee on Rules, Assembly Bill Number 11303 and substitute it for the identical Senate Bill Number 6467A, Third Reading Calendar 1673.

ACTING PRESIDENT MEIER: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1673, by the Assembly Committee on Rules, assembly Print Number 11303, an act to amend the Banking Law.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1674, by Senator M. Smith, Senate Print Number 6510, an act to amend the Vehicle and Traffic Law.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1675, by Senator Golden, Senate Print 6578, an act to amend the Administrative Code of the City of New York, in relation to certain lung

disabilities incurred.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1676, by Senator Bonacic, Senate Print 6600A, an act to amend the Vehicle and Traffic Law, in relation to approaching.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1677, by Senator Spano, Senate Print 6709A, an act to amend the Executive Law, in relation to requiring.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1678, by Senator Little, Senate Print 6978, an act to amend the Executive Law, in relation to the Quality Communities Study Grant Program.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1679, by Senator Robach, Senate Print 7035, an act to amend the Correction Law, in relation to Level Three designation.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1680, by Senator Hannon, Senate Print 7043, an act to amend the Public Health Law and others, in relation to the marketing and promotion.

ACTING PRESIDENT MEIER: Read the last section.

THE SECRETARY: Section 4. This

act shall take effect immediately.

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1681, by Senator Hannon, Senate Print 7052A, an act to amend the Public Health Law, in relation to risk-adjusted payment rates.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1682, by Senator Hannon, Senate Print 7056, an act to amend the Public Health Law, in relation to increasing.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1684, by Senator Maziarz, Senate Print 7367, an act to amend the Parks, Recreation and Historic Preservation Law and others, in relation to establishing.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT MEIER: The bill

is passed.

THE SECRETARY: Calendar Number 1685, by Senator Farley, Senate Print 7433, an act in relation to an audit of receipts.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1686, by Senator Mendez, Senate Print 7474, an act to amend the Labor Law, in relation to the renovation.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1687, by Senator Golden, Senate Print 7475, an act to amend the Retirement and Social Security Law and the Administrative Code of the City of New York.

ACTING PRESIDENT MEIER: Read the last section.

THE SECRETARY: Section 8. This act shall take effect at the beginning of the first payroll period following 60 days.

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1688, by Senator Nozzolio, Senate Print 7479, an act to amend the Workers' Compensation Law, in relation to excluding.

ACTING PRESIDENT MEIER: Read the last section.

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

SENATOR HASSELL-THOMPSON: Lay it aside.

ACTING PRESIDENT MEIER: Lay the bill aside.

THE SECRETARY: Calendar Number 1689, by Senator Golden, Senate Print 7487, an act to amend the Civil Service Law, in relation to binding arbitration.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1691, by Senator Trunzo, Senate Print 7504, an act to amend the Public Service Law, in relation to prohibiting.

ACTING PRESIDENT MEIER: Read the

last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1692, by Senator Farley, Senate Print 7508, an act to amend the Executive Law, in relation to the status of criminal investigations.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: In relation to

Calendar Number 1693, Senator Meier moves to discharge, from the Committee on Rules, Assembly Bill Number 11435A and substitute it for the identical Senate Bill Number 7514, Third Reading Calendar 1693.

ACTING PRESIDENT MEIER: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1693, by the Assembly Committee on Rules, Assembly Print Number 11435A, an act relating to increasing availability.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1695, by Senator Saland, Senate Print 7527, an act authorizing the City of Poughkeepsie.

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

Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1696, Senator Meier moves to discharge, from the Committee on Rules, Assembly Bill Number 11342 and substitute it for the identical Senate Bill Number 7532, Third Reading Calendar 1696.

ACTING PRESIDENT MEIER: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1696, by the Assembly Committee on Rules, Assembly Print Number 11342, an act to amend Chapter 83 of the Laws of 2002 amending the Education Law.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1697, by Senator Morahan, Senate Print 7535, an act to amend the Retirement and Social Security Law, in relation to benefits payable.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number

1698, by Senator Maziarz, Senate Print 7536, an act to amend the Alcoholic Beverage Control Law, in relation to allowing persons.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1700, by Senator Libous, Senate Print 7562, an act to amend the Mental Hygiene Law and the Executive Law, in relation to the review.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1701, by Senator Meier, Senate Print 7568, an act to amend the Public Health Law, in relation to authorizing.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1702, by Senator Morahan, Senate Print 7569, an act to amend the Retirement and Social Security Law, in relation to certain medical presumptions.

ACTING PRESIDENT MEIER: Read the last section.

THE SECRETARY: Section 3. This

act shall take effect immediately.

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1703, by Senator Rath --

SENATOR HASSELL-THOMPSON: Lay it aside.

ACTING PRESIDENT MEIER: Lay the bill aside.

THE SECRETARY: Calendar Number 1704, by Senator Seward, Senate Print 7576, an act to amend the Insurance Law, in relation to homeowners' insurance.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1705, by Senator Marcellino, Senate Print 7580, an act to amend the Executive Law, in relation to the creation of September 11th Remembrance Day.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1706, by Senator Padavan, Senate Print 7586, an act to amend the Education Law and the Insurance Law, in relation to the practice of physical therapy.

ACTING PRESIDENT MEIER: Read the last section.

THE SECRETARY: Section 9. This

act shall take effect on the 120th day.

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1708, by Senator Golden, Senate Print 7603, an act to amend the Retirement and Social Security Law and the Administrative Code of the City of New York.

ACTING PRESIDENT MEIER: Read the last section.

THE SECRETARY: Section 14. This act shall take effect immediately.

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1709, by Senator Little, Senate Print 7607, an act to amend the Education Law, in relation to

the definition of children.

ACTING PRESIDENT MEIER: Read the last section.

THE SECRETARY: Section 15. This act shall take effect immediately.

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MEIER: Senator Little, to explain her vote.

SENATOR LITTLE: Thank you, Mr. President. If I may, I'd just like to explain my vote.

And this particular bill is the Patriot's Bill 2. This is an agreed-upon bill. It has passed the Assembly and come back to us with some modifications and additions.

It clarifies service for education credits, to include everything from the Gulf War. It calls for a tax-exempt active-duty pay for anyone who is on active duty, not just in terrorist duties.

This bill is a wonderful product, something that will help all the members of

our National Guard who are serving and making sacrifices for each and every one of us on a daily basis, as well as helping their families, who are also undergoing a great deal of sacrifice.

I spoke, just the other day, to a woman whose fiance is in Iraq and will be there until next February. So there's a lot going on in our country as we speak. But we all owe a great deal of gratitude to these men and women, and this Patriot Bill 2 expresses our gratitude in financial remuneration and benefits that we should be providing to them.

So thank you very much. I vote in the affirmative.

ACTING PRESIDENT MEIER: Senator Little will be recorded in the affirmative.

The Secretary will announce the results.

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1714, by Senator Robach, Senate Print 7632, an act implementing agreements.

ACTING PRESIDENT MEIER: Senator Skelos.

SENATOR SKELOS: Mr. President, is there a message of appropriation at the desk?

ACTING PRESIDENT MEIER: There is.

SENATOR SKELOS: Move to accept.

ACTING PRESIDENT MEIER: All those in favor of accepting the message signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT MEIER: Those opposed, nay.

(No response.)

ACTING PRESIDENT MEIER: The message is accepted.

The bill is before the house.

Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT MEIER: The bill is passed.

Senator Skelos, that completes the noncontroversial reading of the supplemental calendar.

Senator LaValle.

SENATOR LaVALLE: Mr. President, may I have unanimous consent to be recorded in the negative on Calendar Number 1666.

ACTING PRESIDENT MEIER: Is that 1666, Senator?

SENATOR LaVALLE: Yes.

ACTING PRESIDENT MEIER: That bill was laid aside, Senator. We haven't voted on it yet.

Senator Andrews.

SENATOR ANDREWS: Mr. President, I request unanimous consent to be recorded in the negative on Calendar 260 and Calendar 1606.

ACTING PRESIDENT MEIER: Without objection, Senator Andrews will be recorded in the negative with regard to Calendar Numbers 260 and 1606.

Senator Duane.

SENATOR DUANE: Thank you, Mr. President. If I may have unanimous consent to be recorded in the negative on Calendar Number 1596.

ACTING PRESIDENT MEIER: Without objection, Senator Duane will be recorded in the negative on Calendar 1596.

Senator Balboni.

SENATOR BALBONI: Yes, Mr. President. I'd like unanimous consent to be recorded in the negative on Calendar Number 1646.

ACTING PRESIDENT MEIER: Without objection, Senator Balboni will be recorded in the negative on Calendar 1646.

Senator Skelos.

SENATOR SKELOS: Mr. President, I'd like to move to reconsider the vote by which Calendar Number 1684 passed the Senate.

ACTING PRESIDENT MEIER: The Secretary will read Calendar Number 1684.

THE SECRETARY: Calendar Number 1684, by Senator Maziarz, Senate Print 7367, an act to amend the Parks, Recreation and Historic Preservation Law.

ACTING PRESIDENT MEIER: Call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT MEIER: Senator Skelos.

SENATOR SKELOS: Lay the bill aside for the day.

ACTING PRESIDENT MEIER: The bill will be laid aside for the day.

Senator Skelos.

SENATOR SKELOS: Mr. President, if we could return to reports of standing committees, I believe there's a report of the Finance Committee at the desk.

ACTING PRESIDENT MEIER: Reports of standing committees.

The Secretary will read.

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

As a member of the State Board of Parole, John G. Capacci, of Sodus.

ACTING PRESIDENT MEIER: Senator Johnson.

SENATOR JOHNSON: Move the nomination.

ACTING PRESIDENT MEIER: Senator Nozzolio.

SENATOR NOZZOLIO: Thank you, Mr. President.

The nomination before us is for the Parole Board, has that been proffered? Point of inquiry.

ACTING PRESIDENT MEIER: Yes.

SENATOR NOZZOLIO: Thank you, Mr. President. On the nomination.

Mr. President and my colleagues, we have three appointments to the New York State Parole Board currently before this body. The Committee on Crime Victims, Crime and Corrections, the Senate Finance Committee, and now the full house today have been reviewing these qualifications.

I know two of the members, Senator Farley and Senator Little, will be speaking on behalf of these appointments.

But I rise, as chairman of the Crime Victims, Crime and Corrections Committee, to compliment Governor Pataki on

each of the nominees, and particularly reference one that I am extremely happy about, and that is the nomination to the Parole Board of John G. Capacci, of Sodus, for a term to expire June 18, 2009.

I thank Governor Pataki for offering this nomination. Judge John Capacci has served a distinguished number of posts and has a long career in the law, as well as being a respected private-practice attorney. His qualifications and background make him uniquely qualified to serve on the Parole Board -- a Parole Board with 19 members from across the state, a diverse group that is one of which we rely heavily on. They have a very important mission.

What John Capacci brings to the board is the capacity to understand the needs and concerns of Main Street America, because he comes from a small town, worked hard, his career was distinguished in a small town, serves as judge now of a small town. And I think his background, his values and experience reflect that combination of small-town values, family values, and one that

brings a very important component to the Parole Board.

John was educated at Notre Dame, a graduate of Albany Law School, but his roots are in my hometown of Seneca Falls, the son of Frances and Adolf Capacci. Adolf, I know, is looking down on us today with great pride.

Adolf himself, an immigrant from Italy, one who helped other immigrants get by, one who worked very hard, was proud of his adopted country and was proud to help others who were coming to America become involved in the political and governmental process. He had a fierce love for this nation, and that was reflected in the background of his son John.

I know John's entire family were very proud of him, serving at home, working at home, on the athletic fields, as well as his rise to great prominence as a young man going to a very important university and also a very prestigious law school.

What I think this Parole Board will benefit most from, in the presence of this nominee, is his background and experience in

dealing with the everyday needs and concerns of people in small-town New York State. That the Parole Board needs this perspective.

I'm very pleased that John has decided to take on this challenge. John Capacci will be an outstanding member of the Parole Board. He will be missed; his career already, although brief, as a Sodus town judge is one of distinguishment. And that I certainly know he will bring that same capacity and energy, independence and quality to the New York State Board of Parole.

That I know it's been a long day for the Capacci family, but I thank them, because most of them are the gallery, traveling a long way to be with their son, their brother, their friend.

I want to particularly single out Frances Capacci, John's mother; Karen Capacci, John's wife; John; his son, Paige; Reagan, his daughter; Nancy Capacci Buckholtz, his sister, who came all the way from Denver, and Louis Buckholtz, a brother-in-law, all the way from Denver, to come to be with John today, a reflection of the family, the tightknit

family. They have many extended family that are also here -- Ross and Amy Piscatelli, a nephew and niece, took the time out of their schedules to be with us.

This is an excellent appointment. I'm so honored to be standing before this body proffering it. I thank Governor Pataki for his leadership. And thank you, Mr. President, for the opportunity to support this fine nomination.

ACTING PRESIDENT MEIER: The question is on the confirmation of John G. Capacci as a member of the State Board of Parole. All those in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT MEIER: Those opposed, nay.

(No response.)

ACTING PRESIDENT MEIER: The nominee is confirmed.

Mr. Capacci is with us today in the gallery, as Senator Nozzolio noted, with members of his family. Congratulations to him and best wishes on his important duties.

(Applause.)

THE SECRETARY: As a member of the State Board of Parole, Livio Lazzari, of Schenectady.

ACTING PRESIDENT MEIER: Senator Johnson.

SENATOR JOHNSON: Move the nomination.

ACTING PRESIDENT MEIER: Senator Farley.

SENATOR FARLEY: Thank you, Mr. Chairman. Mr. President, rather.

It's with pleasure that I get up and move and support the nomination of Livio Lazzari.

Let me just tell you something about this person. He is a person that was born in Italy, came to this country as a naturalized citizen, has worked his way up through the process, starting in social services as a parole officer, as an administrative law judge, and as a supervising administrative law judge in the area of parole.

He's a graduate of the City College

of New York with a bachelor of arts, a master's degree in political science from the New School of Social Research, and a graduate, with a Juris Doctor, of Brooklyn Law School.

This is an example of a success story that is so unique in our country for somebody that really takes advantage of our system.

Mr. Lazzari has been an outstanding community citizen within our community. He is married to Carolina Lazzari, who's with him -- his wife, who's with him today. She is a Schenectady County legislator and a tremendous support service to Livio.

And I think I'd have to compliment the Governor for recognizing a person of eminent qualifications. We're so fortunate to have somebody this qualified to serve in public service.

It is with enthusiasm that I endorse and support the nomination of Livio Lazzari, who is with us in the gallery today.

ACTING PRESIDENT MEIER: The question is on the confirmation of Livio Lazzari as a member of the State Board of

Parole. All those in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT MEIER: Those opposed, nay.

(No response.)

ACTING PRESIDENT MEIER: The nominee is confirmed.

Mr. Lazzari is with us today in the gallery. And best wishes and congratulations.

(Applause.)

ACTING PRESIDENT MEIER: The Secretary will continue to read.

THE SECRETARY: As a member of the State Board of Parole, Debra Loomis, of Granville.

ACTING PRESIDENT MEIER: Senator Johnson.

SENATOR JOHNSON: Move the nomination.

ACTING PRESIDENT MEIER: Senator Little.

SENATOR LITTLE: Thank you, Mr. President.

It's an honor for me to stand here

today and ask for confirmation of Debra Loomis to be reappointed to a term of four years as a member of the State Board of Parole.

Debra lives in Granville and is a graduate of Russell Sage College with a degree in sociology and a minor in psychology. She has twenty years' experience in the Department of Social Services for Washington County, dealing with children and family services, child protective services, domestic violence and many other of the things that Social Services deals with.

In her role as a member of the Parole Board for the past four years, Debra has done a fine job. And it is certainly a credit to New York State to have this type of person who is willing to serve in the Parole Board and represent us in those issues.

So it's a pleasure to nominate her and ask for your confirmation. Thank you.

ACTING PRESIDENT MEIER: The question is on the confirmation of Debra Loomis as a member of the State Board of Parole. All those in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT MEIER: Those opposed, nay.

(No response.)

ACTING PRESIDENT MEIER: The nominee is confirmed.

Debra Loomis is with us today in the gallery. She's accompanied by her husband, Gary.

And we congratulate you and wish you well with your duties.

(Applause.)

ACTING PRESIDENT MEIER: The Secretary will continue to read.

THE SECRETARY: As members of the New York State Housing Finance Agency, Paul Jones, of Armonk, and John B. Mannix, of New York City.

As a trustee of the Power Authority, Timothy S. Carey, of Montrose.

As a member of the New York State Energy Research and Development Authority, Timothy S. Carey, of Montrose.

As a member of the Rochester-Genesee Regional Transportation

Authority, William D. Leonard, of Waterloo.

As a member of the Correction Medical Review Board, David Barry, M.D., of Rochester.

As a public member of the State Banking Board, Francine C. Justa, of Brooklyn.

As a member of the Small Business Advisory Board, Daniel R. Jordan, of Olean.

As a member of the Niagara Frontier State Park, Recreation and Historic Preservation Commission, Charles J. Stojak, of Lewiston.

As a member of the Thousand Islands State Park, Recreation and Historic Preservation Commission, Sam F. Villanti, of Brantingham.

As a member of the Advisory Council on Agriculture, Charles E. Wille, of Montgomery.

As members of the Advisory Council on Alcoholism and Substance Abuse Services, Alexis Gadsen, of Amityville, and John Douglas Melbourne, M.D., of Scotia.

As a member of the Citizens' Policy and Complaint Review Council, Nicholas Troisi,

of Plattsburgh.

As members of the State Fire Prevention and Building Code Council, John H. Flanigan, of Slingerlands; Joseph F. Sauerwein, of Blue Point; and Richard M. Vargas, of Watervliet.

As a member of the Board of Visitors of the Central New York Developmental Disabilities Services Office, Marian Budnar, of Cazenovia, and Eleanora L. Collins, of Rome.

As a member of the Board of Visitors of the Manhattan Psychiatric Center, Marlin R. Mattson, M.D., of New York City.

As a member of the Board of Visitors of the Metro New York Developmental Disabilities Services Office, Mildred Holley-Davis, of the Bronx.

As a member of the Board of Visitors of the Mohawk Valley Psychiatric Center, Richard Lallier, of Verona.

As a member of the Board of Visitors of the South Beach Psychiatric Center, Robert S. Flanzer, D.D.S., of Brooklyn.

As a member of the Board of Visitors of the Western New York Children's Psychiatric Center, Bertha Skinner Laury, of Buffalo.

And as a member of the Board of Visitors of the Western New York Developmental Disabilities Services Office, Anne M. Ray, of South Dayton.

ACTING PRESIDENT MEIER: Senator Johnson.

SENATOR JOHNSON: Move all the nominations.

ACTING PRESIDENT MEIER: The question is on the confirmation of the above-named nominees. All those in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT MEIER: Those opposed, nay.

(No response.)

ACTING PRESIDENT MEIER: The nominees are confirmed.

Senator Alesi.

SENATOR ALESI: Thank you, Mr. President.

May we have the controversial reading of the calendar, beginning with Calendar 1667.

ACTING PRESIDENT MEIER: The Secretary will conduct the controversial reading of the calendar, beginning with Calendar 1667.

THE SECRETARY: Calendar Number 1667, by Senator Balboni, Senate Print 3762B, an act to amend the Education Law.

SENATOR FLANAGAN: Explanation.

ACTING PRESIDENT MEIER: Senator Balboni, an explanation has been requested of Calendar 1667.

SENATOR BALBONI: Thank you, Mr. President.

This bill is a bill that we have considered before, and it would establish professional licensing requirements for professional and technical personnel to perform clinical testing in clinical laboratories, specifically in two different categories: clinical laboratory technologist and cytotechnologist.

ACTING PRESIDENT MEIER: Senator

Flanagan.

SENATOR FLANAGAN: Mr. President, I have a question for the sponsor, if he would yield.

ACTING PRESIDENT MEIER: Senator Balboni, will you yield for a question from Senator Flanagan?

SENATOR BALBONI: Yes, I do, Mr. President.

ACTING PRESIDENT MEIER: Maybe you and Senator Flanagan could have talked about this.

The Senator yields.

SENATOR BALBONI: I don't like him that much, Mr. President.

(Laughter.)

SENATOR FLANAGAN: Just a quick question. I know it's a good bill.

Does this apply to labs licensed in the State of New York only?

SENATOR BALBONI: Yes, it does. That is the purpose and intent, and the question becomes whether or not we would have the ability to reach out and cover technicians that are in other states. And I believe that

we're not going to be able to do that.

So the intent of the bill is to only apply to licensed technologists within the State of New York.

SENATOR FLANAGAN: Thank you, Mr. President.

ACTING PRESIDENT MEIER: Any other Senator wish to be heard?

Debate is closed.

Read the last section.

THE SECRETARY: Section 2. This act shall take effect September 1, 2006.

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1672, by Senator Seward, Senate Print 6332 --

SENATOR HASSELL-THOMPSON: Explanation.

ACTING PRESIDENT MEIER: Senator Seward, an explanation has been requested of Calendar 1672.

SENATOR SEWARD: Certainly, Mr. President.

The legislation before us is designed to attack the serious problem that we continue to have in the State of New York, and that is just about 3 million New Yorkers who are currently uninsured when it comes to health insurance. And it's also designed to keep those hard-pressed employers and their employees who have been struggling to stay in the health insurance market during years of double-digit premium increases.

And this legislation accomplishes those goals by, in effect, providing a 50 percent tax credit for small business owners who provide health insurance to their employees. Also, they're sole proprietors and other individuals who are out in the insurance market purchasing their health insurance policies directly from insurers and they can't get the group rate.

It also, in addition to the tax credit, authorizes HMOs and insurers to offer what we call "freedom policies" that would cost about 40 percent less than existing

health care policies. They have higher deductibles and would be coupled with the new health savings accounts.

These health savings accounts have been authorized under the federal Medicare bill that passed last December, and this bill would bring HSAs to New York. These health savings accounts are tax-free money into the account, tax-free money out, and they can be spent for any medical purposes.

The bill also does a couple of other things to help make health insurance more affordable and available, by expanding participation in the Healthy New York insurance program by raising eligibility limits, and also providing some additional funds to the stop-loss pools to help stabilize premiums in the direct pay market.

All in all, this bill is designed to make health insurance more available and affordable and zeros right in on that issue of attacking the high number of uninsured that we have in the State of New York.

ACTING PRESIDENT MEIER: Senator Breslin.

SENATOR BRESLIN: Yes, Mr. President. Through you, would the sponsor yield to a couple of questions?

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

SENATOR SEWARD: Certainly.

ACTING PRESIDENT MEIER: The sponsor yields.

SENATOR BRESLIN: With this new health policy, Senator Seward -- through you, Mr. President -- would it exclude certain mandates which exist now in certain policies?

SENATOR SEWARD: Mr. President, the legislation doesn't specifically exclude any coverages. But what it would allow, under the so-called freedom policies, would be for the insurers to sit down with the employer and the employees to tailor-make insurance coverages that seem to make sense for those employees.

And so they would be free from the normal list of mandates that are required under normal health insurance policies in the State of New York. It would provide flexibility when it comes to coverages. It

doesn't specifically exclude any mandates or coverages.

ACTING PRESIDENT MEIER: Senator Breslin.

SENATOR BRESLIN: Again, through you, Mr. President, if the sponsor would yield.

ACTING PRESIDENT MEIER: Senator Seward, do you continue to yield?

SENATOR SEWARD: Certainly.

ACTING PRESIDENT MEIER: The sponsor yields.

SENATOR BRESLIN: Under the policy, it would be possible for an employer to take any of the 30-plus mandates which the Legislature has put into policies and exclude them from these policies; is that correct?

SENATOR SEWARD: Well, Mr. President, the legislation does provide flexibility, for certain, and I would agree to that extent with the Senator's comments.

But what you have to keep in mind is these freedom policies are coupled with the health savings accounts, so that any of the expenses that may not be covered under the

flexible health plan that has been purchased could be paid for from the health savings account.

SENATOR BRESLIN: Again, through you, Mr. President, if the sponsor would yield.

ACTING PRESIDENT MEIER: Senator Seward, do you continue to yield?

SENATOR SEWARD: Certainly, Mr. President.

ACTING PRESIDENT MEIER: The sponsor yields.

SENATOR BRESLIN: Wouldn't this encourage an employer who has a -- his ultimate goal is to make money, encourage him to sit down with the employee to make a bare-bones policy, if you will, which then would place the employer in a position where he'd be spending a lot less money and would increase his bottom line, at the detriment of the employee vis-a-vis health care?

SENATOR SEWARD: Well, Mr. President, it's interesting when you take a look at the early experience that we can look at in some other states that have had this

more flexible coverages. The scenario that Senator Breslin has outlined has not been the experience when you take a look at what's gone on in those other states that have had these types of flexible coverages.

And in fact, we really are targeting those -- this has happened in other states -- those uninsured. So, frankly, I firmly believe that some coverage, some basic coverage, is better than no coverage at all when it comes to health insurance. And so that's our target under this legislation.

And that's been the experience in other states, rather than simply seeing benefits being stripped away from employees.

SENATOR BRESLIN: Again, through you, Mr. President, I think only two more questions.

ACTING PRESIDENT MEIER: Senator Seward, do you continue to yield?

SENATOR SEWARD: Certainly.

ACTING PRESIDENT MEIER: The Senator yields.

SENATOR BRESLIN: Relative to the employee -- through you, Mr. President -- what

savings would you expect under this policy for the employee himself?

SENATOR SEWARD: Mr. President, we have -- in terms of the savings under this legislation, we estimate that the freedom policies alone will be about 40 percent savings.

But when you couple that with the tax credits that are available under the bill, let's say a family in New York -- this is just an example -- that may currently pay more than $1,500 per month for a health insurance policy, under the legislation before us, that could be reduced to about $450 per month.

So it's a significant savings. In that case, that example would be about two-thirds savings. So it's significant savings under the plan. When you take a look at the flexibility under the freedom policies and then couple that with the tax credits, you're looking at significant savings.

And, frankly, that is how the health savings accounts could be funded, by taking a portion of those savings and depositing them into the health savings

accounts to take care of any uncovered medical expenses.

SENATOR BRESLIN: And finally, through you, Mr. President, one more question.

ACTING PRESIDENT MEIER: Senator Seward, do you yield for one more question?

SENATOR SEWARD: Certainly, Mr. President.

ACTING PRESIDENT MEIER: The sponsor yields.

SENATOR BRESLIN: What are the high deductibles that are referred to in the legislation? What, in actual amounts, would they be?

SENATOR SEWARD: Well, Mr. President, the deductibles under the health savings accounts are dictated by the federal legislation. And it's a thousand dollars for an individual, $2,000 for family policies.

And they may sound high, but I would say that the expenses up to the deductible amount, that first $1,000 or $2,000, depending on the policy, could be covered by the proceeds in the health savings account.

SENATOR BRESLIN: Thank you.

On the bill, Mr. President.

ACTING PRESIDENT MEIER: Senator Breslin, on the bill.

SENATOR BRESLIN: I applaud Senator Seward. I applaud any attempt to reduce the 3 million uninsured in the State of New York, even at the expense of removing some of those mandates that the Assembly and the Senate have placed on those policies.

We have to try creative -- new, creative ways to make sure that those people who fall within Medicaid and health insurance have some opportunity to have some basic coverage. And I intend to vote for this bill.

Thank you, Mr. President.

ACTING PRESIDENT MEIER: Senator Liz Krueger.

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

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

SENATOR SEWARD: Certainly, Mr. President.

ACTING PRESIDENT MEIER: The sponsor yields.

SENATOR LIZ KRUEGER: Thank you.

So I listened to your answers to the questions of Senator Breslin, and I'm still a little confused. Do we have an estimate of how many new people would be provided health insurance under this bill?

SENATOR SEWARD: Well, Mr. President, obviously it's difficult out in the marketplace to attach a specific number. But once again, based on what we've seen experienced in other states, we are estimating that about a million New Yorkers would be in a position to take advantage of this. That's a rough estimate. We're talking about a million. These are the newly covered.

SENATOR LIZ KRUEGER: One million newly covered?

SENATOR SEWARD: Correct.

SENATOR LIZ KRUEGER: Thank you.

Mr. President, if, through you, the sponsor would continue to yield.

ACTING PRESIDENT MEIER: Senator Seward, do you continue to yield?

SENATOR SEWARD: Certainly.

ACTING PRESIDENT MEIER: The sponsor yields.

SENATOR LIZ KRUEGER: Thank you.

All right, so we're going to assume a million new covered. And the projected cost for your bill is $1.6 billion per year to the State of New York. That's because we will be providing additional tax credits to businesses who already can take a deduction from their taxes for providing employment? Where does the $1.6 billion new cost come from?

SENATOR SEWARD: Well, Mr. President, the $1.6 billion number that the Senator has cited, that is the projected cost of the tax credit once fully effective at the end of ten years. And so that is designed to assist the smaller businesses with their health insurance premium expenses.

And frankly, if we can keep more of these businesses in the health insurance market, if we can entice another million into the health insurance market to be able to have coverage through health insurance policies, just think of the less strain on social

service programs, fewer people showing up at the hospitals without any health coverage that are a burden on our health care delivery system.

All that would be funded under these health insurance plans. And I think that's far better and less expensive than any potential cost that we're talking about under this legislation.

SENATOR LIZ KRUEGER: Mr. President, if, through you, the sponsor would continue to yield.

ACTING PRESIDENT MEIER: Senator Seward, do you continue to yield?

SENATOR SEWARD: Certainly.

ACTING PRESIDENT MEIER: The sponsor yields.

SENATOR LIZ KRUEGER: Thank you.

I know you've referenced it has worked in other states, although I understand that the federal act is relatively new -- December 8, 2003. So I'm not sure if other states have actually implemented the HSA accounts.

But I had concerns, when I saw the

federal legislation, for the same reasons I have concerns about the proposals by the federal government to privatize Social Security and allow people to do their own savings plans, so to speak, in Social Security.

Within your bill, what would be the structure, if any, to ensure that people who were participating in HSAs and who might not be particularly financially savvy didn't end up putting money into these accounts and then losing it because they were not necessarily sophisticated investors of their money in savings plans?

What would we be doing in the State of New York to ensure that people didn't put money in these plans and then just lose them the way some of us are concerned about a privatized-account approach in Social Security?

SENATOR SEWARD: Well, Mr. President, let me say at the outset this has nothing to do with Social Security or privatizing Social Security.

But under the federal guidelines

that govern these health savings accounts, these funds could be only placed with banks and of course with insurance companies. So that, in effect, individuals and others would be having these accounts housed with people who are financially savvy.

And therefore, I see protection there, of course. And they would be protected under all the normal laws, the banking laws and of course the insurance laws.

SENATOR LIZ KRUEGER: Mr. President, if, through you, the sponsor would continue to yield.

ACTING PRESIDENT MEIER: Senator Seward, do you continue to yield?

SENATOR SEWARD: Certainly.

ACTING PRESIDENT MEIER: The sponsor yields.

SENATOR LIZ KRUEGER: So just for my clarification, so these monies, these account monies couldn't be invested in stocks or mutual funds, it would have to be a traditional bank account savings plan or insurance account savings plan?

SENATOR SEWARD: Mr. President,

the Senator is correct.

SENATOR LIZ KRUEGER: Thank you.

Mr. President, if, through you, the sponsor would continue to yield.

ACTING PRESIDENT MEIER: Senator Seward, do you yield?

SENATOR SEWARD: Certainly.

ACTING PRESIDENT MEIER: The sponsor yields.

SENATOR LIZ KRUEGER: So if I choose to participate in this plan and I put my money into an HSA, those dollars can be used specifically for what?

SENATOR SEWARD: Mr. President, the funds in the health savings account could be used to cover any medical expenses. Also, the funds could be used to purchase health insurance and also, under the federal legislation, long-term-care insurance as well, to help encourage more long-term care.

SENATOR LIZ KRUEGER: Mr. President, if, through you, the sponsor would continue to yield.

ACTING PRESIDENT MEIER: Do you yield, Senator?

SENATOR SEWARD: Certainly, Mr. President.

ACTING PRESIDENT MEIER: The sponsor yields.

SENATOR LIZ KRUEGER: Thank you.

So assuming I participate and I invest money in these plans and then I reach the age of eligibility for Medicare, what happens to the remaining monies in this account? Can I draw them back out? The assumption is that perhaps once I reach the age of Medicare eligibility, I won't need this and I won't be conceivably part of an employer plan. So can I take these monies out at that time?

SENATOR SEWARD: Well, Mr. President, upon someone reaching the age and being picked up, their health insurance, through Medicare, it's of course very, very common that individuals continue to purchase additional insurance beyond the regular basic Medicare coverage, to cover those expenses that Medicare does not cover.

And that's exactly what someone in that situation could use the proceeds from

their health savings account when they're on Medicare. They could use it to cover whatever medical expenses that the Medicare does not cover.

SENATOR LIZ KRUEGER: Mr. President, if, through you, the sponsor would continue to yield.

ACTING PRESIDENT MEIER: Senator Seward, do you yield?

SENATOR SEWARD: Certainly.

ACTING PRESIDENT MEIER: The sponsor yields.

SENATOR LIZ KRUEGER: I appreciate the sponsor's one analysis.

But another analysis could be I started very early on investing in the HSA, I was happily very healthy during the course of my work life, and so the monies in that account grew to conceivably a fairly significant level.

Would I have the ability to take those monies out upon shifting to Medicare? Do they have to stay in that account even if I'm not going to be using them for health care purposes after a certain age?

SENATOR SEWARD: Mr. President, I certainly would advise anyone to continue with their health savings account. I think that's the prudent thing to do, because we never know exactly what type of medical expenses one might encounter, or health or nursing home expenses, anything related to their future health care needs.

However, if someone wished to withdraw their funds from a health savings account, they can do so with a 10 percent penalty. So there is a penalty for withdrawing the money. I think the prudent thing would be to maintain it. But if someone did want to withdraw the funds, it would be with a penalty.

SENATOR LIZ KRUEGER: Mr. President, if, through you, the sponsor would continue to yield.

ACTING PRESIDENT MEIER: Senator Seward, do you yield?

SENATOR SEWARD: Yes, Mr. President.

ACTING PRESIDENT MEIER: The sponsor yields.

SENATOR LIZ KRUEGER: Okay. Following through on that question, so perhaps very prudently I have kept the money in the account, and then I pass away. What happens to the funds in the HSA upon my death?

SENATOR SEWARD: Well, Mr. President, if the deceased had a surviving spouse who had a health savings account, then the monies would be rolled over into the surviving spouse's HSA. If there was not a surviving spouse, then the HSA would become just another asset in one's estate.

SENATOR LIZ KRUEGER: Thank you.

Mr. President, if, through you, the sponsor would continue to yield.

ACTING PRESIDENT MEIER: Senator Seward, do you yield?

SENATOR SEWARD: Yes, Mr. President.

ACTING PRESIDENT MEIER: The sponsor yields.

SENATOR LIZ KRUEGER: Thank you, Mr. President. Thank you, Senator Seward.

Shifting gears back to a question earlier about the fact that certain mandates

in New York State insurance law would not be required in this type of lower-cost, high-deductible policy, would our existing rule that insurance companies can't, quote, unquote, cherry-pick and refuse to accept certain people into the health insurance plan, would that law still apply to these policies?

You know, right now an employer with a health insurance package can by and large -- the insurance company cannot refuse to cover Senator Breslin for some reason or refuse to cover Senator Brown for some reason.

Under this new model of low-cost, high-deductible, would that law still apply?

SENATOR SEWARD: Mr. President, nothing under this legislation would alter those existing laws.

SENATOR LIZ KRUEGER: Okay. Thank you.

Thank you, Mr. President. Briefly on the bill.

ACTING PRESIDENT MEIER: Senator Liz Krueger, on the bill.

SENATOR LIZ KRUEGER: Thank you.

I appreciate Senator Seward's

detailed analysis of the bill, and his answers were very helpful to me.

But I still feel this is a fairly revolutionary proposal in health insurance for New York State. It's a model that was fairly controversial when passed by President Bush in December 2003. I'm not aware of other states having implemented or any research brought about from any state that might have started to implement this.

It would dramatically change the playing field of employer-covered health insurance in the State of New York, and it still raises so many questions about shifting the responsibility for health insurance costs from employers to workers while at the same time estimating a dramatic new cost to the State of New York, approximately $1.6 billion per year when fully implemented. That's a "B," "B" for billion.

And I think that there are too many questions left unanswered yet for us to vote yes on this bill.

I'm also under the understanding that the Assembly is not moving forward at

this point with this bill. So I'll be voting no on this and hoping to learn more about it.

Thank you, Mr. President.

ACTING PRESIDENT MEIER: Senator Duane.

SENATOR DUANE: Thank you, Mr. President. If the sponsor would yield.

ACTING PRESIDENT MEIER: Senator Seward, do you yield for a question from Senator Duane?

SENATOR SEWARD: Certainly.

ACTING PRESIDENT MEIER: The sponsor yields.

SENATOR DUANE: At the point of the person who has the account, at their demise, does the legislation allow for the leaving of the account to the spouse and to a domestic partner?

SENATOR SEWARD: Mr. President, that particular question is dictated under the federal legislation which governs the HSAs' creation. And at this point, the federal legislation talks in terms of spouses only.

SENATOR DUANE: Thank you, Mr. President.

ACTING PRESIDENT MEIER: Read the last section.

THE SECRETARY: Section 25. This act shall take effect January 1, 2005.

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MEIER: Senator Rath, to explain her vote.

SENATOR RATH: Thank you, Mr. President.

I rise to explain my vote and to congratulate Senator Seward on the hard work that both he and his staff have done on what -- I think Senator Krueger used the word "revolutionary," and it is. This is a revolutionary piece of legislation.

I had the opportunity to attend a conference in January that was held by some of the most respected think tanks in the country. This was about 50 percent of the discussion.

And indeed, this is revolutionary. The early numbers that are coming in to answer some of Senator Krueger's concerns are -- at first it was thought this was going to be a

bill that would appeal only to the healthy and wealthy in this country. So far it's showing that 30 percent of all the people that are buying into the HSAs are previously uninsured. That number is dramatic.

We are about the -- if this goes through and we pass it, it's passed in the Assembly and the Governor signs it into law, we should be the sixth state in the country to be taking this up. Florida had just taken it up and passed it, signed it into law.

What it's doing is changing the paradigm from the way health care is driven in this country to consumer-driven health care. The first dollar you spend is your dollar. You will be more concerned about spending your dollars than you are about spending someone else's dollars. Everyone always is.

And so I think there is a little bit of a leap of faith, because I think your questions and Senator Breslin's questions were well-founded, but I think we need to keep going back to some of these questions.

I have -- and I know Senator Seward, in his office, has much of the

background and research. I will be glad to forward that to you, Senator Krueger. But I think Senator Breslin said it correctly: Anything to approach this upward spiral that we've been on for the last 35 years in this country.

I think this is the first step in possibly a downward spiral to health care costs. I vote yes.

ACTING PRESIDENT MEIER: Senator Rath will be recorded in the affirmative.

Announce the results.

THE SECRETARY: Those recorded in the negative on Calendar Number 1672 are Senators Hassell-Thompson and L. Krueger. Ayes, 57. Nays, 2.

ACTING PRESIDENT MEIER: The bill is passed.

Senator Alesi.

SENATOR ALESI: Thank you, Mr. President. May we take up Calendar 1703 at this time, please.

ACTING PRESIDENT MEIER: The Secretary will read Calendar 1703.

THE SECRETARY: Calendar Number

1703, by Senator Rath, Senate Print 7570, an act to amend the Criminal Procedure Law and others.

SENATOR HASSELL-THOMPSON: Explanation.

ACTING PRESIDENT MEIER: Senator Rath, Senator Hassell-Thompson has requested an explanation of Calendar 1703.

SENATOR RATH: Mr. President, Senator Hassell-Thompson, the bill is a Governor's program bill, as you can see, and the bill is called the Juvenile Justice Accountability and Procedure Reform Act.

And it's putting into place provisions that will promote juvenile accountability and parental support, authorize meaningful sanctions against juveniles who commit offenses, strengthen dispositional planning and services, expand victim's rights, and enhance juvenile justice information systems for tracking delinquent youth.

There are a number of technical changes in the bill that are conforming other sections of the law with the changes.

I think probably the biggest change

that we would notice right off is that the juvenile offender will now include a person 12 years of age as being responsible for murder in the second degree, as well as making 14-to-15-year-olds responsible for certain additional violent felonies.

It also has put in provisions where parents will need to get involved a great deal more when their children need to provide restitution, need to go into rehabilitation programs.

I think, as you read into the bill, you'll see that there is an awful lot of common sense in this bill, the kinds of things that you and I would say, if my child was in trouble, these are the kinds of things that I want to, as a parent, be doing for my child. And I think, again, the common sense reads right through the legal language.

ACTING PRESIDENT MEIER: Senator Hassell-Thompson.

SENATOR HASSELL-THOMPSON: Thank you, Mr. President. Rather than ask questions, I will just speak on the bill.

ACTING PRESIDENT MEIER: Senator

Hassell-Thompson, on the bill.

SENATOR HASSELL-THOMPSON:

Senator Rath makes some excellent points.

However, there are some real concerns that I have with this particular bill, starting with the fact that this bill represents a criminal justice approach that is very heavy on incarceration and light to none on prevention.

I'd like to spend a couple of minutes reading to you some conclusions that are a part of a "Justice by Gender" report compiled by the American Bar Association and the National Bar Association that talks about gender bias.

And it says: "As the number of girls in the juvenile justice system continues to climb, it is imperative that policymakers and others ensure that, in our quest to provide better services and programs for girls, that we do not inadvertently cast a wider net. The vast majority of girls in the criminal justice system can be diverted from formal juvenile justice court processing.

"The recriminalization of status

offenses -- those offenses that have not historically been noted as criminal in nature or are specific to youth because of their age -- has had a particularly devastating impact on girls."

It goes on to talk about the fact that in this country we continue to note the need to criminalize such activity that had not heretofore been considered to be criminal activities. For those girls who come properly before the court based upon allegations of traditional criminal conduct, we must work harder to look beneath the delinquency label and respond with intervention strategies that will reduce future recidivism.

It gets very technical, but the main things that I want to convey to us is that, as policymakers, we are not promoting community safety by raising national awareness of the underlying factors that place girls at risk of involvement in the criminal justice system. We do not promote the alternatives to detention and incarceration for girls and increase awareness of the harm of detention.

We do not identify, promote and

support effective gender-specific, developmentally sound, culturally sensitive practices for girls. We do not identify policies and practices which avoid ushering girls into juvenile justice facilities for status offenses, charging girls with assault in family conflict situations, and detaining girls to protect them, in quotes, and otherwise utilizing secure facilities for girls, particularly minority girls.

When we look at some of the statistics that talk about between 1988 and 1997, the increase of girls in the juvenile justice system increased by 83 percent -- among black girls, 106 percent -- we do not ensure that there are resources that exist to provide multilevel, multidisciplinary training and technical assistance for lawyers, service providers and other juvenile system personnel.

We do not map out the flow of girls through the juvenile justice system and identify points at which the system can divert or treat girls more effectively and collect and review state and local policies and practices to assess gender impact of

decision-making and system structure.

One of my concerns is that as we have looked at this budget -- and I like to connect the dots. And in connecting the dots here in this Legislature, we have been looking at the fact that we are preparing to pass a budget. And in that budgetary process. One of the things that is incredibly notable, we are talking about cutting summer jobs.

And how do you get from summer jobs to criminal behavior? You do that because most of these young people for whom summer jobs have meant an important impact, it has been both economical and a deterrent, because they are positively involved as opposed to negatively involved.

This involvement also requires that these children are almost responsible for helping to economically support their families. And so in the absence of these jobs, criminal activities increase. Summer jobs were created for the sole purpose of finding positive ways to engage young people during our summer months.

I could go on and on and identify

for you dots throughout this entire budget that speak to the fact that we are doing little to nothing on the prevention side, that we are not looking at the difference of incarceration of girls versus boys in the criminal justice system.

And as these numbers climb, if you look at this report that I just quoted some statistics from, it will also talk about the fact that there are different needs for girls in the criminal justice system that we are not addressing. We have not even taken them into account, not budgetarily nor in program development.

I want to be able to say to you that I am in total agreement with you and the Governor on this bill, but there are too many unmet needs that continue. In these chambers we have the power to review and assess what it is we do so that, when we connect the dots and create a picture, we have participated in the prevention side as much as we do in the incarceration side.

Therefore, Mr. President, I will be voting no on this bill.

ACTING PRESIDENT MEIER: Read the last section.

THE SECRETARY: Section 105. This act shall take effect immediately.

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MEIER: Senator Duane, to explain his vote.

SENATOR DUANE: Thank you, Mr. President.

First of all, I'm shocked that we would pass such an expansive reform of juvenile justice without having hearings around the state on the issue.

I also have to ask my colleagues that have children or have had children who are now adults: When your child was 12 years old, did you treat your child like an adult? Well, that's exactly what this bill does. This bill would make it so that 12-year-olds, 12-year-olds, are treated as adults. A 12-year-old is not an adult.

To steamroll the idea that more and more children should be treated as adults in

the criminal justice system is really, I think, beneath us. Because I do not believe that very many of you really believe that 12-year-olds are adults.

I'll be voting no on this, Mr. President.

ACTING PRESIDENT MEIER: Senator Duane will be recorded in the negative.

Senator Rath, to explain her vote.

SENATOR RATH: Thank you, Mr. President.

Senator Hassell-Thompson, I hear you clearly. And as I read this bill again last night, I realized that as we go forward into next year, the need for more preventive services is an absolute must. There's just no question in my mind about it.

I do think that some of the restitution and the meaningful consequences for misbehavior are important to put in place and important for the parents to be a part of this. I think this bill spells that out clearly.

But it must be in tandem with opportunities for these children to do what

used to be called, in the adult world, community service sentencing. We've all sponsored bills like that in previous lives and other legislatures, and those programs have worked wonderfully.

And we've heard about the young child, the young 12- or 14-year-old who was sentenced to work in the dog clipping parlor and stayed there for years, finally got a job, finally went to veterinarian school. I mean, that story has been repeated over and over again.

Those kinds of things are the success stories of the kids that get into trouble and end up going somewhere and doing something that they didn't want to do. But someone else helped raise that child. In this case, it was the owner of the dog clip joint, or whatever they called it, where the dogs were groomed.

And so, yes, we do need to do more for these children. I couldn't agree with you more.

And I'm thankful for the support that I see around on the floor. I can

understand why some might hesitate, but I'm voting yes.

ACTING PRESIDENT MEIER: Senator Rath will be recorded in the affirmative.

The Secretary will announce the results.

THE SECRETARY: Those recorded in the negative on Calendar Number 1703 are Senators Andrews, Connor, Dilán, Duane, González, Hassell-Thompson, L. Krueger, Parker, Paterson, and A. Smith. Ayes, 49. Nays, 10.

ACTING PRESIDENT MEIER: The bill is passed.

Senator Hassell-Thompson.

SENATOR HASSELL-THOMPSON: Thank you, Mr. President.

On behalf of Senator Paterson, I would like to request unanimous consent to be recorded in the negative on 1672.

ACTING PRESIDENT MEIER: Senator Paterson, without objection, will be recorded in the negative on Calendar Number 1672.

SENATOR HASSELL-THOMPSON: Thank you, Mr. President.

ACTING PRESIDENT MEIER: Senator Stavisky.

SENATOR STAVISKY: Mr. President, I'd appreciate, with unanimous consent, being recorded in the negative on Calendar 1703.

ACTING PRESIDENT MEIER: Without objection, Senator Stavisky will be recorded in the negative on Calendar 1703.

Senator Alesi.

SENATOR ALESI: Mr. President, may we take up Calendar Number 1688 at this time, please.

ACTING PRESIDENT MEIER: The Secretary will read Calendar 1688.

THE SECRETARY: Calendar Number 1688, by Senator Nozzolio, Senate Print 7479, an act to amend the Workers' Compensation Law.

SENATOR HASSELL-THOMPSON: Explanation.

ACTING PRESIDENT MEIER: Senator Nozzolio, Senator Hassell-Thompson has requested an explanation of Calendar 1688.

SENATOR NOZZOLIO: Thank you, Mr. President. I'd be glad to explain the measure.

It was designed to ensure that those families who are philosophically and morally opposed to collecting unemployment insurance and workers' compensation insurance, like the Amish and Mennonites -- who have moved aggressively, and we welcome them, into the Finger Lakes region -- these sects have grown in their predominance, and it is against their religious beliefs to participate in any type of insurance outside the religious sect.

This is a recognizable item by the federal government, and what we're doing is trying to conform New York State law with exemptions that already exist at the federal level. That if someone qualifies at the federal level for this exemption, under this legislation they will so qualify under the state, a similar state exemption.

Thank you, Mr. President.

ACTING PRESIDENT MEIER: Senator Brown.

SENATOR BROWN: Through you, Mr. President, would the sponsor yield for a question?

ACTING PRESIDENT MEIER: Senator

Nozzolio, do you yield for a question?

SENATOR NOZZOLIO: I'd be happy to yield to my friend Senator Brown.

ACTING PRESIDENT MEIER: The sponsor yields.

SENATOR BROWN: Senator, currently under the present law in New York State, what do families that are members of these sects find themselves having to do?

SENATOR NOZZOLIO: Mr. President, the process, as I understand it -- and this was brought to my attention by an individual not a member of the sect but an accountant doing business for the Mennonites and the Amish -- that in many cases their work is such with members of their own sect, so they automatically don't take out unemployment insurance and workers' compensation insurance.

But when the group contracts with a business, for instance, to build a building or does other work related to their business enterprises -- and these are very enterprising businesspeople in agriculture, carpentry, furniture making, and the like -- that they found themselves in an accounting morass where

they in effect would be philosophically, morally, and would not accept the benefit but still finding that they would have to be paying for unemployment insurance and workers' compensation.

This is strictly defined, though, because it is not something that we would believe appropriate for others not in the same type of lifestyle and in this very religious-oriented -- it is against, in effect, their religion to accept the benefit. They feel, then, why should they be paying the benefit.

SENATOR BROWN: Through you, Mr. President, if the sponsor would yield for one final question.

ACTING PRESIDENT MEIER: Senator Nozzolio, do you yield for another question?

SENATOR NOZZOLIO: Mr. President, I'd be happy to yield.

ACTING PRESIDENT MEIER: The sponsor yields.

SENATOR BROWN: So currently, against their religious beliefs, people that are members of this sect now have to file with

the state?

SENATOR NOZZOLIO: Mr. President, yes.

As I understand it, as it was explained to me, this exemption exists for federal withholding, Social Security and the like. We're extending that already recognized federal -- there are certain criteria that the federal IRS and Social Security Administration require. It's not just someone coming in and applying as individuals. I mean, particularly with the long history of the Amish and the Mennonites, that you can certainly understand they have this process down pat and have received the appropriate federal exemptions.

This legislation is designed to extend the same criteria, the same view at the state level that already exists at the federal level.

SENATOR BROWN: I thank Senator Nozzolio for his explanation.

Thank you very much.

ACTING PRESIDENT MEIER: Read the last section.

THE SECRETARY: Section 2. This

act shall take effect immediately.

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT MEIER: The bill is passed.

Senator Oppenheimer.

SENATOR OPPENHEIMER: I'd like unanimous consent to be recorded in the negative on 1703, Calendar Number.

ACTING PRESIDENT MEIER: Without objection, Senator Oppenheimer will be recorded in the negative on Calendar 1703.

Senator Sabini.

SENATOR SABINI: Mr. President, I'd ask unanimous consent to be recorded in the negative on Calendar Number 1703, Senate Print 7570.

ACTING PRESIDENT MEIER: Without objection, Senator Sabini will be recorded in the negative on Calendar 1703.

Senator Alesi.

SENATOR ALESI: Thank you, Mr.

President. May we go to 1699, Calendar 1699 at this time.

ACTING PRESIDENT MEIER: The Secretary will read Calendar Number 1699.

THE SECRETARY: In relation to Calendar Number 1699, Senator Flanagan moves to discharge, from the Committee on Rules, Assembly Bill Number 11590 and substitute it for the identical Senate Bill Number 7552, Third Reading Calendar 1699.

ACTING PRESIDENT MEIER: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1699, by the Assembly Committee on Rules, Assembly Print Number 11590, an act to amend the Correction Law.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT MEIER: The bill is passed.

Senator Alesi.

SENATOR ALESI: Thank you, Mr. President. May we go to Calendar 1712.

ACTING PRESIDENT MEIER: The Secretary will read Calendar 1712.

THE SECRETARY: Calendar Number 1712, by Senator Marcellino, Senate Print 7627, an act to amend the Environmental Conservation Law, in relation to the brownfield cleanup.

SENATOR HASSELL-THOMPSON: Explanation.

ACTING PRESIDENT MEIER: Senator Alesi.

SENATOR ALESI: Thank you, Mr. President. Is there a message of necessity at the desk?

ACTING PRESIDENT MEIER: There is a message at the desk.

SENATOR ALESI: Move to accept.

ACTING PRESIDENT MEIER: All those in favor of accepting the message of necessity signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT MEIER: Those opposed, nay.

(No response.)

ACTING PRESIDENT MEIER: The message is accepted.

The bill is before the house.

SENATOR HASSELL-THOMPSON: Explanation.

ACTING PRESIDENT MEIER: Senator Marcellino, Senator Hassell-Thompson has requested an explanation of Calendar 1712.

SENATOR MARCELLINO: Mr. President, this bill is a cleanup bill to correct certain technical problems in areas that have been picked up in the original brownfields act. It has been negotiated with the cosponsors in the other house and is an agreed-upon bill.

ACTING PRESIDENT MEIER: Senator Brown.

SENATOR BROWN: Thank you, Mr. President.

At this point if the sponsor, through you, would yield for a few questions.

ACTING PRESIDENT MEIER: Senator Marcellino, do you yield?

SENATOR MARCELLINO: If I can answer his questions, I'll be happy to yield.

ACTING PRESIDENT MEIER: The sponsor yields.

SENATOR BROWN: Thank you very much.

Senator Marcellino, is there an agreement with the Assembly on these technical corrections to this --

SENATOR MARCELLINO: Yes, there is, Senator.

SENATOR BROWN: Through you, would the sponsor yield for another question?

ACTING PRESIDENT MEIER: Senator, do you yield?

SENATOR MARCELLINO: Yes.

ACTING PRESIDENT MEIER: The sponsor yields.

SENATOR BROWN: Last year there were some concerns that upstate legislators had raised, both in this chamber and in the Assembly chamber, that the brownfields bill that passed did not address some of the

concerns that we had relative to the cost of cleaning up brownfields in Western New York and other places upstate.

I know that a number of us had spoken about these concerns that we had, and the sponsor at that time agreed to make some of those changes.

Are those changes contained in this bill, Senator Marcellino?

SENATOR MARCELLINO: Senator, to be completely honest, I'm not 100 percent sure that every concern has been addressed as you requested at the beginning. This is a bill that has been negotiated between both houses.

However, I do believe many of them have been. And if you saw an article in the Post, one of the clips in the New York Post, this bill seems to be working for the cities in ways that were not projected. We've improved a lot of things with this bill and corrected a lot of problems.

I believe this bill will address many of your concerns.

SENATOR BROWN: Thank you.

ACTING PRESIDENT MEIER: Senator

Stavisky.

SENATOR STAVISKY: If Senator Marcellino would yield for a question.

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

SENATOR MARCELLINO: For one question.

Excuse me. I misspoke, and I don't want to mislead anybody. I misspoke. I was under the impression that we had a three-way. We do not. This is a two-way agreement bill. We do not have Assembly approval on this bill.

ACTING PRESIDENT MEIER: Just a moment, Senator Stavisky.

Senator Alesi.

SENATOR ALESI: I'm sorry, Senator.

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

ACTING PRESIDENT MEIER: Immediate meeting of the Rules Committee in the Majority Conference Room.

Senator Stavisky.

SENATOR STAVISKY: My one

question, are there any memos in support or opposition from any of the environmental groups?

SENATOR MARCELLINO: Senator, I don't have any memos either way on this particular bill.

At this moment, however, I just want to make mention to Senator Brown to correct, so that he understands what I just said before.

Senator, so you understand, before I misspoke. There is no Assembly agreement on this. This is a two-way.

SENATOR BROWN: I did hear you. Thank you, Senator.

SENATOR STAVISKY: So the answer is no memos.

SENATOR MARCELLINO: I have no memos. I don't know of any, Senator.

ACTING PRESIDENT MEIER: Senator Oppenheimer.

SENATOR OPPENHEIMER: If the Senator would yield for a question.

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

SENATOR MARCELLINO: Yes, I will yield.

ACTING PRESIDENT MEIER: The sponsor yields.

SENATOR OPPENHEIMER: Would this bill eliminate the need for a municipality to undertake --

SENATOR MARCELLINO: I can't hear a word you're saying.

SENATOR OPPENHEIMER: Would this eliminate the need for a municipality to take the same kind of vigorous enforcement that they would have, you know, to remediate -- would they still pursue this as vigorously as under the --

SENATOR MARCELLINO: This bill will not weaken any provision in the original bill. This is cleanup in some technical situations, some technical language and the like. It does not weaken any provision for cleanup.

SENATOR OPPENHEIMER: Then I have another question.

ACTING PRESIDENT MEIER: Senator, do you continue to yield?

SENATOR MARCELLINO: Yes.

ACTING PRESIDENT MEIER: The sponsor yields.

SENATOR OPPENHEIMER: But isn't some of their liability eliminated in this bill, so that would make the need to --

SENATOR MARCELLINO: The original brownfield bill provided the liability relief to lenders and developers that meet all the criteria of the program. That was part of the original bill.

SENATOR OPPENHEIMER: So you're saying this doesn't eliminate any of the liability of the municipality.

SENATOR MARCELLINO: Senator, I'm confused.

SENATOR OPPENHEIMER: The municipality is not in some way relieved of some liability here?

SENATOR MARCELLINO: If the municipality is an innocent party, this language, the language that we've created here, only clarifies their release. It does not weaken anything.

SENATOR OPPENHEIMER: Okay.

Thank you. There --

ACTING PRESIDENT MEIER: Senator Oppenheimer, do you wish Senator Marcellino to continue to yield?

SENATOR OPPENHEIMER: Yes, please.

ACTING PRESIDENT MEIER: Senator, do you continue to yield?

SENATOR MARCELLINO: Yes.

ACTING PRESIDENT MEIER: The sponsor yields.

SENATOR OPPENHEIMER: There seems to be some confusion regarding the change of the terms "hazardous waste" and "petroleum" to "contamination." The bill defines "contaminant" as including both hazardous waste and petroleum, but "contamination" is defined only as hazardous waste.

It seems that significant portions of the bill, therefore, would not include the petroleum pollution. Is that true or not?

SENATOR MARCELLINO: This change in language is simply to provide consistency throughout the bill. It does not weaken -- as I said before, everything that was included in

the original bill is still included to be cleaned up. Definitions have not been changed. It has not been weakened in any way.

SENATOR OPPENHEIMER: Thank you.

And lastly, the bill appears to weaken -- again, you keep telling me it doesn't. But the requirement for source removal, grossly contaminated soil which must be removed under source removal requirements, is redefined to include only free product or mobile contamination and no longer includes residual solid, semisolid or liquid contamination.

SENATOR MARCELLINO: All the bill does, Senator, is make it clearer what a grossly contaminated soil is defined as.

SENATOR OPPENHEIMER: It doesn't in any way weaken the source removal?

SENATOR MARCELLINO: No, Senator, it does not.

SENATOR OPPENHEIMER: Okay. Thank you very much for answering my questions.

SENATOR MARCELLINO: You're welcome.

ACTING PRESIDENT MEIER: Senator Hassell-Thompson.

SENATOR HASSELL-THOMPSON: Yes. Through you, Mr. President, I want to ask a couple of questions for clarification.

ACTING PRESIDENT MEIER: Does the sponsor yield?

SENATOR MARCELLINO: Go right ahead. I'm here all night.

SENATOR HASSELL-THOMPSON: Looks like I'll be here with you, too.

SENATOR MARCELLINO: That's good. You and me.

SENATOR HASSELL-THOMPSON: My question, for clarity, is that in the municipality of Mount Vernon specifically, there are several gasoline -- old stations that have been -- that we have had a lot of difficulty with. Two are owned by people who just cannot afford the cleanup. And as we look at brownfields, those are properties that we really need to put to good use.

In the changing of the language, if I understand this correctly, by taking "petroleum" out of the area of "hazardous

waste" and now putting it in "contamination" -- now, so far, is that correct?

SENATOR MARCELLINO: Yes.

SENATOR HASSELL-THOMPSON: All right. So I do understand that part right.

How will that affect, then, those gas stations that heretofore we have put on the list of hazardous waste sites? How will the changing of this language affect our ability to use brownfield monies to clean up those areas?

SENATOR MARCELLINO: It should in no way affect it.

SENATOR HASSELL-THOMPSON: It should in no way --

SENATOR MARCELLINO: In no way affect it.

All we did with the language was to try to make the language consistent throughout the bill, so that it was clear, so you wouldn't get in confusion where it's stated one word, one phrase used here and another phrase used there and a different phrase used over here. It's to make it uniform throughout

the bill.

Regs are being formulated by the DEC now that would further promote the cleanup of sites like the ones you're talking about.

As I said before, we all want the same end. We all want those sites back in productive use in every community in which they exist. Nothing that we're doing here, that has been done here, that we're attempting to do here, will weaken that end.

SENATOR HASSELL-THOMPSON: Okay. Through you, Mr. President, one more question.

ACTING PRESIDENT MEIER: Senator Marcellino, do you yield?

SENATOR MARCELLINO: As many as she needs.

ACTING PRESIDENT MEIER: The sponsor yields.

SENATOR HASSELL-THOMPSON: So the latter part of your response, I think, really answered the question.

But I just want to go on the record as stating that nothing in this language will change the status of those sites that were put on the brownfield list, under the heading of

gasoline stations, based upon the change in language or redefining of the language.

SENATOR MARCELLINO: You're absolutely correct, Senator. Nothing will change.

SENATOR HASSELL-THOMPSON: Thank you.

ACTING PRESIDENT MEIER: Read the last section.

THE SECRETARY: Section 18. This act shall take effect immediately.

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Those recorded in the negative on Calendar Number 1712 are Senators Breslin, Onorato, Oppenheimer, and Paterson. Also Senator Sabini. Also Senator Lachman. Ayes, 53. Nays, 6.

ACTING PRESIDENT MEIER: The bill is passed.

Senator Alesi.

SENATOR ALESI: Thank you, Mr. President. May we take up the noncontroversial reading of the supplemental

active list.

ACTING PRESIDENT MEIER: The Secretary will conduct the noncontroversial reading of the supplemental active list.

THE SECRETARY: Calendar Number 130, by Member of the Assembly Cahill, Assembly Print Number 252D, an act to amend the Insurance Law, in relation to accounting standards.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 520, by Senator Robach, Senate Print 5446C, an act to amend the Public Health Law, in relation to the fee charged.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 777, by Senator Bonacic, Senate Print 6645B, an act exempting the Town of Neversink.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1014, by Senator Bonacic, Senate Print 6231A, an act in relation to authorizing the Otsego-Northern Catskills Board of Cooperative

Educational Services.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1202, Senator Hannon moves to discharge, from the Committee on Rules, Assembly Bill Number 11301A and substitute it for the identical Senate Bill Number 7058A, Third Reading Calendar 1202.

ACTING PRESIDENT MEIER: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1202, by the Assembly Committee on Rules, Assembly Print Number 11301A, an act to amend the Public Health Law.

ACTING PRESIDENT MEIER: Read the

last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1551, by --

SENATOR HASSELL-THOMPSON: Lay it aside.

ACTING PRESIDENT MEIER: Lay the bill aside.

Senator Alesi, that completes the noncontroversial reading of the supplemental active list.

SENATOR ALESI: Thank you.

Mr. President, I'm sorry, there are members of the Rules Committee that we're awaiting their return. May we stand at ease for just a few moments.

ACTING PRESIDENT MEIER: The Senate will stand at ease.

(Whereupon, the Senate stood at ease at 7:03 p.m.)

(Whereupon, the Senate reconvened at 7:04 p.m.)

ACTING PRESIDENT MEIER: Senator Alesi.

SENATOR ALESI: Thank you. Can we return to motions and resolutions.

ACTING PRESIDENT MEIER: Motions and resolutions.

SENATOR ALESI: Is there any housekeeping at the desk?

ACTING PRESIDENT MEIER: Yes, there is.

Senator Wright.

SENATOR WRIGHT: Thank you, Mr. President. On behalf of Senator Maziarz, on page number -- it's a good question. I can't read it. Doesn't make any difference -- I offer the following amendments to Calendar Number 1684, Senate Print Number 7367, and ask that said bill retain its place on the Third Reading Calendar.

ACTING PRESIDENT MEIER: The amendments are received and adopted, and the

bill will retain its place on third reading.

Senator Alesi.

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

ACTING PRESIDENT MEIER: Yes, we have some substitutions.

The Secretary will read the substitutions.

THE SECRETARY: On page 11, Senator Larkin moves to discharge, from the Committee on Rules, Assembly Bill Number 10848 and substitute it for the identical Senate Bill Number 3872, Third Reading Calendar 340.

On page 16, Senator McGee moves to discharge, from the Committee on Rules, Assembly Bill Number 2685 and substitute it for the identical Senate Bill Number 4733, Third Reading Calendar 476.

On page 17, Senator Meier moves to discharge, from the Committee on Rules, Assembly Bill Number 9198C and substitute it for the identical Senate Bill Number 5738C, Third Reading Calendar 529.

On page 19, Senator Nozzolio moves to discharge, from the Committee on Rules,

Assembly Bill Number 3545 and substitute it for the identical Senate Bill Number 3882, Third Reading Calendar 660.

On page 20, Senator Bonacic moves to discharge, from the Committee on Rules, Assembly Bill Number 10810A and substitute it for the identical Senate Bill Number 6391A, Third Reading Calendar 675.

On page 34, Senator LaValle moves to discharge, from the Committee on Rules, Assembly Bill Number 10969 and substitute it for the identical Senate Bill Number 6812, Third Reading Calendar 1062.

On page 40, Senator Johnson moves to discharge, from the Committee on Rules, Assembly Bill Number 11591 and substitute it for the identical Senate Bill Number 5148A, Third Reading Calendar 1216.

And on page 47, Senator Larkin moves to discharge, from the Committee on Rules, Assembly Bill Number 9867A and substitute it for the identical Senate Bill Number 6750A, Third Reading Calendar 1377.

ACTING PRESIDENT MEIER: Substitutions ordered.

Senator Andrews.

SENATOR ANDREWS: Yes, Mr. President. I request unanimous consent to be recorded in the negative on Calendar Number 1712.

ACTING PRESIDENT MEIER: Without objection, Senator Andrews will be recorded in the negative on Calendar 1712.

Senator Krueger.

SENATOR LIZ KRUEGER: Thank you. With unanimous consent I'd also like to be recorded in the negative on Calendar 1712, Bill 7627.

ACTING PRESIDENT MEIER: Without objection, Senator Liz Krueger will be recorded in the negative on Calendar 1712.

Senator Alesi.

SENATOR ALESI: Thank you, Mr. President.

There will be an immediate meeting of the Finance Committee in the Majority Conference Room.

ACTING PRESIDENT MEIER: Immediate meeting of the Finance Committee in the Majority Conference Room.

Senator Alesi.

SENATOR ALESI: Thank you, Mr. President. May we take up Calendar 1551 at this time.

ACTING PRESIDENT MEIER: The Secretary will read Calendar 1551.

THE SECRETARY: Calendar Number 1551, by Senator Robach, Senate Print 6618, an act to amend the Tax Law, in relation to video lottery gaming.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MEIER: Senator Brown.

SENATOR BROWN: Mr. President, through you, can I ask a question?

ACTING PRESIDENT MEIER: Are you raising a point of information, Senator Brown?

SENATOR BROWN: Yes. On the bill.

ACTING PRESIDENT MEIER: We're on the roll call now, Senator. Are you asking to withdraw the roll call?

SENATOR BROWN: Yes, sir.

ACTING PRESIDENT MEIER: Without objection, the roll call is withdrawn.

Senator Brown, why do you rise?

SENATOR BROWN: Will the sponsor yield for a question?

ACTING PRESIDENT MEIER: Senator Robach, do you yield for a question from Senator Brown?

SENATOR ROBACH: I yield gladly, Mr. President.

ACTING PRESIDENT MEIER: The sponsor yields.

SENATOR BROWN: Through you, Mr. President, there's another group that has a "fast ferry" proposal. If this other group, that I believe Senator Robach is familiar with, was able to get their project moved forward, would this give them the ability to have VLTs on their "fast ferry" project as well?

SENATOR ROBACH: Actually I'm, in

all candor, not aware of any other project.

But no, this wouldn't. What this bill does is simply amends the current law, which allows several racetracks in an area to have video lottery terminals, to also add to those machines on the ferry now existing between Rochester and Toronto exclusively.

SENATOR BROWN: Through you, Mr. President, would the sponsor yield for another question?

ACTING PRESIDENT MEIER: Senator Robach, do you continue to yield?

SENATOR ROBACH: I will, Mr. President.

ACTING PRESIDENT MEIER: The sponsor yields.

SENATOR BROWN: I know that there's been a lot of concern about the expansion of gaming in the state and the expansion of VLTs. This would be yet a further expansion of VLTs.

Now, the state is relying on certain projections that these VLTs will produce certain revenues that will pay for other things that we are budgeting. What

impact will these VLTs on this "fast ferry" have on some of the other sites that we're hoping that VLTs will produce revenues?

SENATOR ROBACH: I'd be happy to answer that.

Actually, we feel, because of the unique setting of this ship -- you would actually have to pay a fee, as you know, to get your vehicle or your person on the ship traveling between Toronto and Rochester -- we feel it will have no impact. For someone who really wants to game exclusively, this would probably be their venue of least choice.

This is really, or at least I view this as an enhancement to a very unique tourism opportunity with 4½ million people to the north, in addition to movies, fine foods and restaurants, enhancing them to come to Rochester to make that trip back and forth.

What is different about this, in terms of pay in or pay out, the only thing different from this bill, amending that, is unlike the other current setups with the tracks, the majority of money or greater percentage of this money would actually go to

K-12 education in New York State. That's the only thing that makes it different than the current bill, because there is no track or horse people to take part in this in this setting.

SENATOR BROWN: Mr. President, I want to thank the sponsor for responding to my questions, and I want to thank you for your indulgence.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Those recorded in the negative on Calendar Number 1551 are Senators Brown, Duane, L. Krueger, LaValle, Little, Marcellino, Meier, Padavan, Parker and Saland. Ayes, 49. Nays, 10.

ACTING PRESIDENT MEIER: The bill is passed.

Senator Alesi, that completes the supplemental active list.

SENATOR ALESI: Mr. President, may we return to reports of standing committees for a report from the Rules Committee.

ACTING PRESIDENT MEIER: Reports of standing committees.

The Secretary will read.

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

Senate Print 618, by Senator McGee, an act to amend the Civil Service Law;

742, by Senator Breslin, an act authorizing;

1387, by Senator Volker, an act to amend the Penal Law;

1531B, by Senator Padavan, an act to amend the Education Law;

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

2263B, by Senator Farley, an act to amend the Banking Law;

3138A, by Senator Saland, an act to amend the Education Law;

3908, by Senator Robach, an act to

amend the State Finance Law;

4311B, by Senator Hoffmann, an act authorizing;

4964A, by Senator Hannon, an act to amend the Public Health Law;

5237A, by Senator McGee, an act to amend the Real Property Tax Law;

5431A, by the Senate Committee on Rules, an act to amend the Civil Practice Law and Rules;

5976C, by Senator Golden, an act to amend the Executive Law;

6107, by Senator LaValle, an act to amend Chapter 311 of the Laws of 1920;

6546B, by Senator Seward, an act to amend the Insurance Law;

6650A, by Senator Padavan, an act in relation to the participation;

6722, by Senator Kuhl, an act to amend the Vehicle and Traffic Law;

6757, by Senator Padavan, an act to amend the Labor Law;

6862A, by Senator Padavan, an act to amend the Real Property Tax Law;

6977, by Senator Little, an act to

amend the Real Property Tax Law;

7009C, by Senator LaValle, an act in relation to granting;

7124A, by Senator Farley, an act to amend the Banking Law;

7157A, by Senator Mendez, an act to amend the Retirement and Social Security Law;

7204, by Senator Spano, an act to amend the Retirement and Social Security Law;

7246, by Senator DeFrancisco, an act to amend the Judiciary Law;

7307A, by Senator Meier, an act to amend the Executive Law;

7330A, by Senator Kuhl, an act to authorize;

7354, by Senator Little, an act creating a task force;

7378, by Senator Robach, an act to amend the Retirement and Social Security Law;

7399A, by Senator Marcellino, an act to amend the Environmental Conservation Law;

7435, by Senator Spano, an act to amend the Vehicle and Traffic Law;

7470, by Senator Rath, an act to

amend the Family Court Act;

7483, by Senator Skelos, an act to amend the Real Property Tax Law;

7497, by Senator Johnson, an act to amend the Environmental Conservation Law;

7498, by Senator Libous, an act to amend the Environmental Conservation Law;

7503A, by Senator Alesi, an act to amend the Alcoholic Beverage Control Law;

7520, by Senator Balboni, an act creating;

7523, by Senator Rath, an act authorizing the president of the State University of New York College at Buffalo;

7526, by Senator Leibell, an act to amend the Education Law;

And Senate Print 7530A, by the Senate Committee on Rules, an act to amend the Education Law.

All bills ordered direct to third reading.

ACTING PRESIDENT MEIER: Senator Alesi.

SENATOR ALESI: Thank you, Mr. President. I move to accept the Rules report.

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

(Response of "Aye.")

ACTING PRESIDENT MEIER: Those opposed, nay.

(No response.)

ACTING PRESIDENT MEIER: The report of the Rules Committee is accepted.

Senator Alesi.

SENATOR ALESI: Thank you, Mr. President. May we stand at ease for just a moment.

ACTING PRESIDENT MEIER: I'm sorry, may I recognize Senator Stachowski first.

Senator Stachowski.

SENATOR STACHOWSKI: Yes, Mr. President, may I have unanimous consent to be recorded in the negative on Calendar Number 1551, please.

ACTING PRESIDENT MEIER: Without objection, Senator Stachowski will be recorded in the negative on Calendar 1551.

The Senate will stand at ease.

(Whereupon, the Senate stood at ease at 7:18 p.m.)

(Whereupon, the Senate reconvened at 7:25 p.m.)

ACTING PRESIDENT MEIER: Senator Alesi.

SENATOR ALESI: Thank you, Mr. President. May we have the reading of the Finance report, please.

ACTING PRESIDENT MEIER: Reports of standing committees.

The Secretary will read.

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

Senate Print 7635, by the Senate Committee on Rules, an act making appropriations for the support of government;

And Senate Print 7636, by the Senate Committee on Rules, an act relating to the powers of the Commissioner of Health.

Both bills ordered direct to third reading.

ACTING PRESIDENT MEIER: Without objection, both bills directly to third

reading.

Senator Alesi.

SENATOR ALESI: Thank you. Mr. President, may we take up Calendar 1715 at this time.

ACTING PRESIDENT MEIER: The Secretary will read Calendar 1715.

THE SECRETARY: Calendar Number 1715, by the Senate Committee on Rules, Senate Print Number 7635, an act making appropriations for the support of government.

ACTING PRESIDENT MEIER: Senator Alesi.

SENATOR ALESI: Thank you. Mr. President, is there a message of necessity and appropriation?

ACTING PRESIDENT MEIER: There is a message at the desk.

SENATOR ALESI: Move to accept.

ACTING PRESIDENT MEIER: All in favor of accepting the message of necessity and appropriation signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT MEIER: Those opposed, nay.

(Response of "Nay.")

ACTING PRESIDENT MEIER: The message is accepted.

The bill is before the house.

SENATOR HASSELL-THOMPSON: Explanation.

ACTING PRESIDENT MEIER: Senator Johnson, Senator Hassell-Thompson has requested an explanation of Calendar 1715.

SENATOR JOHNSON: This bill, Mr. President, is an emergency appropriation covering the period June 21st to August 1st. It appropriates approximately $14.2 billion for the various state departments and agencies; 3.7 billion of that is for Medicaid, 1.25 billion for state payroll, 610 million for nonpersonal service payments, 548 million for Office of Temporary Disability Assistance, and 394 million for school aid payments and et cetera, et cetera.

ACTING PRESIDENT MEIER: Senator Sabini.

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

ACTING PRESIDENT MEIER: Senator

Sabini, on the bill.

SENATOR SABINI: Well, Mr. President, we've now topped ourselves here. In proposing a six-week extender, we're now at the point of taking one-third of the year, the fiscal year, and putting it on cruise control.

And we do this, frankly, in an offhanded manner without considering a lot of the ramifications of what we do. There's ramifications on the taxpayer side. There's ramifications on the provider side of services. And I think it's important we note those ramifications.

We talk a lot about education in this house, and yet schools need time to hire teachers, purchase books, develop curricula. It's unreasonable to think that we can pass a budget, even if we're successful in passing one in August, and all of a sudden [snapping fingers] they'll be able to just spend that money. It doesn't work that way. They plan.

We have students who don't know how much their tuition is going to cost. We have students that don't know how much tuition assistance they're going to get because we

continue to extend our budget and not delineate exactly what kind of programs we're going to fill in the numbers on.

Back in March, Senator Paterson put together a balanced budget proposal that included a cap on local Medicaid costs and additional savings from adopting a preferred drug list and bulk drug purchasing. By us not doing that, it costs local property taxpayers millions of dollars every day, and that's money we're not going to get back even if we pass a budget in August at the end of this extender.

And then of course we're doing again what we've done before, which is we enact a sales tax on clothing, something we promised we wouldn't have. I find it ironic that last week in this chamber we passed -- we've extended the sales tax on clothing and shoes for human beings, but last week we passed a bill to extend horseshoes from sales tax. I guess they have a better lobbyist than we do.

Mr. President, I find it really kind of sad that in the face of criticism

throughout the state -- one need only open a Sunday paper or the Monday papers, today, to find that people think what goes on here is not the way to do business, and those editorials are only reflecting what the public really thinks -- that we once again, instead of correcting that, go further and pass a six-week extender.

I for one have not voted for any of these extenders, and I won't vote for this one. But we are now in the area of theater of the absurd. We're going to leave here without passing a budget, probably tomorrow -- and we're going to expect that things are going to get done while we're not here?

Doesn't that really underline the essential problem here, which is that there's not a real participatory legislative process and that, in fact, we're sort of just props on the stage? We're not really important to the process. We can leave town, and maybe no one will notice.

People are starting to notice, and it's starting to affect programs and affect people's pocketbooks. And I, for one, am not

in a position to say that what is being said in newspapers throughout this state and by people in the streets of this state is not correct. I've heard members of this body and, frankly, the body across the building say: Well, you know, people don't really understand the process.

Oh, I think they do. I think maybe the people who think that the public doesn't understand the process really are deluding themselves into thinking that somehow we've created this hierarchical society in this building that we really know better than anyone else, that what we think really counts for something more than anyone else outside this building, anyone in the State of New York, anyone in any academia, anyone in any interest group, any taxpayer -- we know better.

Sometimes the wisdom is in the street. And I think in this case, by passing a six-week extender -- and I really am amazed that we're going to this level -- that we are in effect saying that our deadline to end this session tomorrow is a more important deadline,

a deadline agreed to by two people -- not even three men in a room, two -- that that's more important than the April 1st deadline on the budget.

That's wrong. I think we all know it's wrong. And I think we ought to do something about it by not agreeing to in effect create sort of a summer replacement show here and allow government to go on without us having a decision-making power once we leave here tomorrow or whenever we leave here.

The government, as Senator Paterson said today, is really being put on cruise control. I think we owe the voters a little more than that.

Thank you, Mr. President.

ACTING PRESIDENT MEIER: Senator LaValle.

SENATOR LaVALLE: Thank you, Mr. President. I just wanted to comment, and in a responsive way, to our colleague Senator Sabini.

I think about a week or so ago I rose -- we were talking about CFE at the

time -- and my comments were that we in this house should be very proud of the things that we have done, both through our Majority Leader and Minority Leader.

This house was ready and could have done a budget April 1. The Majority Leader was poised, the staff had worked to the point where we could have done a budget. And I believe that whenever we do a budget and we look at what we could have done on April 1, you will not see very much of a difference. But the Speaker laid down the rule that we were not going to do a budget until we did CFE.

So I think we only confuse -- and unfortunately, not enough of the media have separated out who here are part of the solution and who are part of the problem. And this house is not part of the problem. We have been there over and over again, regardless of what the issue is, ready, willing and able to address that issue.

So I think we need to take credit for being proactive. But you need an Assembly and an Executive to join in the process to

have a budget. Our house has always been there.

So I think we shouldn't be confusing the issue, we should be lobbying the Assembly to be there, the Speaker to move away from a position that maybe in June, maybe it looks a little better that we can do a budget without CFE or we could do the two now contemporaneously.

So I think we need to be more proactive with the other house. And we shouldn't, again, be beating on ourselves in this house for inaction. This house has been about action and being productive.

Thank you, Mr. President.

ACTING PRESIDENT MEIER: Senator Breslin.

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

Whether we're proactive or not, in the eyes of the people we are all responsible, all 212 legislators and the Governor. And Senator Sabini eloquently outlined those places where it hurts the citizens of the State of New York -- in higher education, in

education, it hurts with tourism, with the sales tax, with health care.

But, you know, it hurts us as a Legislature, because the Constitution clearly says that we can't have a bill that appropriates any money until a budget is passed. So we've now gone one-third of our year without passing a budget.

And because we can't appropriate any money until a budget is passed, we have two choices when we get an extender: vote with the Governor or close down government. And that's not a very good choice. But we're abdicating that responsibility by not passing a budget on time.

And now we will have gone one-third of the year without doing our job. And by not doing our job, we're not allowing the changes that are necessary for this fiscal year, dealing with things like education or road construction or higher ed or the sales tax. We are all at fault. We are all responsible. And I will vote in the negative.

Thank you, Mr. President.

ACTING PRESIDENT MEIER: Senator

Balboni.

SENATOR BALBONI: Mr. President, there are some lessons that have been learned in Albany, but we don't speak about them much. For years and years, if you take a look back at the last ten years, the Senate revenue projections, as announced early in the year, are always the closest to the actual projections, actual receipts received.

Joe Bruno, as a leader, has kept his word about the end of session. In fact, in this world of ephemeral and fleeting ideas and practices, Joe Bruno stands as the one guy who says, We'll agree on a timetable and we'll leave town.

He shouldn't be criticized for that, he should be applauded. It gives a little bit of substance to this life we have here.

The other myth that we haven't learned is that waiting somehow makes things better. It does not. If we had done the budget numbers back in March, realizing that CFE was not going to be done in this kind of timetable in this circumstance, we will have a

better budget than we're going to have if we wait till August, September, October. But you can't negotiate a loan. You have to be willing to come to the table and discuss. But actually do more than discuss, move forward. And that's what we lack in this town.

But, you know, I guess perhaps I'm an optimist, but we must reject the characterization that all of us cannot get anything done. Take a look at all the different bills that are going to be passed tonight and tomorrow, and look at all the bills that are going to be signed by the Governor.

Because they're not the media's agenda, they will be perceived as something just to be disregarded. But they affect people. They affect people every single year. And they're done and worked out because of the talents and the dedication of people on both sides of the aisle in both houses.

And that should be the focus. We should be beginning to believe in our abilities as opposed to our disabilities.

And the last thing is, you know, as

we move from this place, we must also reject the characterization that we stopped working. Do we all go home and we're not going take on the work of the people and come back? Of course we are going to continue doing that. We're trying to bring people back into town and do things in a way that will be productive.

And we know what doesn't work standing in a room or sitting across the table staring at each other without ideas.

It's the Speaker's timetable. Let's see what he works out. I'm going to vote for the extension.

ACTING PRESIDENT MEIER: Senator Parker.

SENATOR PARKER: Mr. President, on the bill.

I'm actually very embarrassed by this whole process. I actually -- it's horrible that in 21 years the State Legislature, some of the best and brightest -- it's been an honor to kind of sit amongst you individually and in groups and have conversations, because, as some folks said

last time, it is a very talented group of folks, both here and in the other chamber.

And the fact that we cannot seem to find a way to work through, you know, real basic differences on policy and particularly something as important as the budget, which is the most important policy document that we produce here in Albany, is embarrassing. And it really leads to nothing more than a lack of will.

It has nothing to do with disagreements on the numbers, because you can work through some kind of negotiation on that. It has nothing to do with, you know, the priorities, because everybody, you know, knows we have to educate children and provide health care. Everybody knows that we need to provide transportation and we need to do economic development. It's a matter of lack of will to just, in a real sincere and honest and upfront way, negotiate to get this done.

And I'm embarrassed by our lack of will to move forward and get this done. And this six-week extender unfortunately represents the embodiment of that lack of

will. By passing a six-week extender, we're not even just saying, yeah, we haven't gotten it done and we're going to keep working on it until we get it done, although we're going to end the session, you know, tomorrow.

We're saying, you know what, not only haven't we gotten it done when we were supposed to get it done back on April 1st, not only haven't we got it done before we end the session, we're not even going to try to get it done for at least another six weeks.

I'm embarrassed. And we should all be ashamed of ourselves to leave this place and not having done a really --

ACTING PRESIDENT MEIER: One moment, Senator Parker. Why do you rise?

SENATOR DeFRANCISCO: I wonder if Senator Parker would yield to a question.

ACTING PRESIDENT MEIER: Senator Parker, do you yield to a question from Senator DeFrancisco?

SENATOR PARKER: Sure, why not.

ACTING PRESIDENT MEIER: Senator Parker yields.

SENATOR DeFRANCISCO: Senator

Parker, do you agree that a budget does not require CFE to be resolved?

SENATOR PARKER: I don't agree on that.

SENATOR DeFRANCISCO: You don't agree with that.

Do you believe the court ordered us to resolve the CFE matter as part of our budget this year? Is that your understanding?

SENATOR PARKER: I'm sorry?

SENATOR DeFRANCISCO: Is it your understanding that the court ordered us to resolve CFE as part of our budget?

SENATOR PARKER: Is Senator DeFrancisco asking me to yield for another question?

SENATOR DeFRANCISCO: Oh, excuse me. I'm sorry. I'll give you a little more time to think.

Would Senator Parker yield to a question?

ACTING PRESIDENT MEIER: Does the Senator yield for another question?

SENATOR PARKER: Sure.

ACTING PRESIDENT MEIER: The

Senator yields.

SENATOR DeFRANCISCO: Is it your understanding that the court ordered in the CFE case that this CFE must be part of the state budget this year?

SENATOR PARKER: Although it is not necessarily mandated, from my understanding within the context of the particular lawsuit, as a policy matter and as a political matter, it is my understanding that in fact if we don't in fact deal with this within the context of the budget for 2004-2005, we will not get this matter resolved. And the young people who attend school, the over 1.1 million schoolchildren who attend New York City schools -- and many other high-needs districts around the state -- will not get the additional dollars that they need.

And so my understanding is, yes, we have to get it done this year under this budget in order to in fact make effective policy on this issue.

SENATOR DeFRANCISCO: Would Senator Parker yield for another question.

ACTING PRESIDENT MEIER: Does the Senator continue to yield?

SENATOR PARKER: Yes.

ACTING PRESIDENT MEIER: Senator Parker yields.

SENATOR DeFRANCISCO: But you do agree that the budget was supposed to be completed by April 1 and the CFE decision required us to have a resolution by the end of July?

SENATOR PARKER: Yes.

SENATOR DeFRANCISCO: Would the Senator yield to another question?

ACTING PRESIDENT MEIER: Senator Parker, do you continue to yield?

SENATOR PARKER: Yes, I do.

ACTING PRESIDENT MEIER: Senator Parker yields.

SENATOR DeFRANCISCO: If one of the negotiating partners says that we cannot have a budget until CFE is resolved, and CFE is not resolved, do you feel that that's a justification for holding up this budget?

SENATOR PARKER: I think that's a matter, again, as I stated earlier, a matter

of will. I think that somebody saying that it can't be resolved is not because it can't be resolved, it's because people don't have the will to resolve it.

This is something -- I've worked in government not as long as a lot of people in this room, but in the limited time that I've worked in government, I find that there's two kinds of people here. There's can-do people and can't-do people. And I was hoping I was coming to a body -- and I think most of the people I've met here are can-do people. And so for me I reject the false dichotomy that if somebody says it can't get done, it means it can't get done. It's a matter of will.

SENATOR DeFRANCISCO: One last question, would he yield to.

ACTING PRESIDENT MEIER: Senator Parker, do you yield for another question?

SENATOR PARKER: Absolutely.

ACTING PRESIDENT MEIER: The Senator yields.

SENATOR DeFRANCISCO: So if someone says we can't do a budget without CFE, is that a can't-do or a can-do person?

SENATOR PARKER: I think if someone says that they cannot do it without CFE, that they are asserting a reality of what needs to get done within the context and the constraints of both a policy process and a political process that requires us to have a budget done and at the same time respond to a court order and be within the confines of the law.

ACTING PRESIDENT MEIER: Senator Parker.

SENATOR PARKER: Thank you. Thank you very much.

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

SENATOR DUANE: Thank you, Mr. President. If the Senator would yield, please.

SENATOR PARKER: I absolutely would yield to my colleague.

ACTING PRESIDENT MEIER: Senator Parker yields.

SENATOR DUANE: Senator, I'm wondering if you believe that the Speaker is responsible or singularly responsible for this

budget mess that we are in the middle of now.

SENATOR ROBACH: Yes.

(Laughter.)

SENATOR PARKER: Are you asking me a question? Mr. President, is the Senator asking me a question?

ACTING PRESIDENT MEIER: He's asking Senator Parker, not a poll.

SENATOR PARKER: If I understand the question correctly, you're asking me do I think that the Speaker is solely responsible for this. No, I do not think that he is solely responsible for the predicament we find ourselves in today.

SENATOR DUANE: And if the Senator would continue to yield.

SENATOR PARKER: I do.

ACTING PRESIDENT MEIER: The Senator yields.

SENATOR DUANE: Do you think that the Speaker is so very powerful that he can even control what happens in the Senate?

SENATOR PARKER: No, I don't think he's that powerful.

SENATOR DUANE: And through you,

Mr. President, if the sponsor would continue to yield.

ACTING PRESIDENT MEIER: You want Senator Parker to yield.

SENATOR DUANE: Senator Parker, yes.

SENATOR PARKER: Senator Parker will yield.

ACTING PRESIDENT MEIER: Senator Parker yields.

SENATOR DUANE: There's so many people named "Senator."

Do you think that it might be a good idea if those of us in this body took responsibility for what's happening in our house instead of finger-pointing?

SENATOR PARKER: Absolutely. I do think that if we took more responsibility for what happens in our house, as well as what happens throughout the process, that we would have a better outcome and we'd be further along in the process.

SENATOR DUANE: And if the Senator would continue to yield.

ACTING PRESIDENT MEIER: Senator

Parker, do you yield?

SENATOR PARKER: I do.

ACTING PRESIDENT MEIER: He yields.

SENATOR DUANE: Do you think that there are maybe those among us that are protesting a little bit too much over what's happening in another place in the Capitol?

SENATOR PARKER: I think that all of us share a frustration that we had not had a budget, we have not gotten paid. And I think we all share in the frustration and sometimes, you know, may be displacing our frustration in other places.

SENATOR DUANE: Thank you, Mr. President.

ACTING PRESIDENT MEIER: Senator Parker.

Senator Lachman, why do you rise?

SENATOR LACHMAN: Yes, on the bill.

ACTING PRESIDENT MEIER: No, Senator Parker has the floor, Senator Lachman.

SENATOR LACHMAN: Oh, he has the floor. I'm not going to question him.

(Laughter.)

ACTING PRESIDENT MEIER: Why do you rise, Senator Stavisky?

SENATOR STAVISKY: If Senator Parker would yield for a couple of questions.

SENATOR PARKER: I would.

ACTING PRESIDENT MEIER: Senator Parker yields.

SENATOR STAVISKY: Through you, Mr. President. If the CFE decision includes an appropriation in -- I'm sorry, if our budget negotiations include a provision as a phase-in for the CFE decision, it would obviously increase the funding for upstate and suburban school districts, would you agree to that, Senator Parker?

SENATOR PARKER: Yes, I would.

SENATOR STAVISKY: So therefore --

ACTING PRESIDENT MEIER: Wait a minute.

SENATOR PARKER: Are you asking another question, Senator?

SENATOR STAVISKY: May I? I would appreciate --

ACTING PRESIDENT MEIER: Hold on. Would you like Senator Parker to yield?

SENATOR STAVISKY: Yes.

ACTING PRESIDENT MEIER: Senator Parker, do you yield?

SENATOR PARKER: Yes.

ACTING PRESIDENT MEIER: The Senator yields.

SENATOR STAVISKY: If the CFE phase is not included in our budget resolution, would you agree that the funding stream would be less for the suburban and upstate school districts?

SENATOR PARKER: Absolutely. In fact, if we don't do it within the context of the budget and we wait for this thing to be over on the 31st, we will wind up with a special master who then only has an opportunity to deal with New York City and not necessarily all of the high-needs school districts that we all agree need some help.

SENATOR STAVISKY: Thank you, Senator Parker, for your responsiveness to the question.

And I have one last question, if

the Senator would yield.

ACTING PRESIDENT MEIER: Senator Parker, do you continue to yield?

SENATOR PARKER: Yes, I continue to yield.

ACTING PRESIDENT MEIER: Senator Parker yields.

SENATOR STAVISKY: Through you, Mr. President.

Senator Parker is familiar with Article 11, Section 1 of the New York State Constitution, which says that the Legislature shall provide for a system of funding for the schools in which all of the children of the state may be educated.

Does Senator Parker agree with that constitutional mandate for the Legislature?

SENATOR PARKER: I do agree with it. And unlike the Governor, I believe that it goes beyond the 8th grade.

Thank you very much.

I'm less interested here in really assigning blame as I am in assigning responsibility. And I say that all of us, all 61 members of this chamber -- all right, 62

members of this chamber. Actually, I was trying not to go there. But all the members of this chamber, as well as our colleagues in the other house, have a responsibility and we share in that responsibility.

And I just think that passing this extender abdicates that responsibility. I think passing a six-week extender says that we are no longer interested in side doing our job and taking responsibility for what the people of the State of New York have charged us to do, and that, you know, for six weeks we're going to go -- and as Senator Balboni says, we're not going to necessarily stop working, we're going to continue to do the work of the people, but we will not be doing the most critical part of our job, which is passing the third largest budget in the country and making sure that we add the resources necessary to fund health care, to provide for education, pre-K through 12, as well as higher education, to make sure we provide dollars for housing and for transportation and for all of the critical needs that need to be met.

And this is nothing to say about

the fact that both the budget and not dealing with the CFE decision are holding up a myriad of other important policy issues that we should have taken care of this year like, you know, raising the minimum wage, like reform of the workers' comp law, like dealing with Timothy's Law, like dealing with Medicaid, like dealing with Article X, the power plant siting law. These are all the things that we really should have dealt with this your -- like Rockefeller Drug Law.

There's, I mean, a myriad of really critical issues that are important to not just us, not the people in here, but to our constituents and the people that we represent that we all need to pay attention to, and we haven't had an opportunity to because we have not dealt with the critical issue of the budget.

And to say that not putting children first, children from around the state first, within the context of the budget -- which is not even a document of numbers, but a document of priorities. And if somebody here stands up and tells me that their children and

the education of their children is not their priority, then I'll accept that and then we have fundamental differences.

But other than that, we really need to put the children around this state and the education as a top priority. We need to put appropriate money into the budget for CFE and then pass a budget and not pass this extender. And if that means not ending tomorrow, if that means staying through the weekend or staying through next week, I'm committed to it. I know that, you know, my colleagues are committed. And I would -- you know, I would love to see us stay and resolve this until it gets done.

Thank you, Mr. President.

ACTING PRESIDENT MEIER: Senator Brown.

SENATOR BROWN: Thank you, Mr. President. Would the sponsor yield for one question.

ACTING PRESIDENT MEIER: Senator Johnson, do you yield for a question from Senator Brown?

SENATOR JOHNSON: Yes.

ACTING PRESIDENT MEIER: The Senator yields.

SENATOR BROWN: Thank you, Senator Johnson.

On this extender bill, is there a three-party agreement between the Senate, the Assembly, and the Governor?

SENATOR JOHNSON: It was a Governor's bill, so obviously he agrees with it. The Assembly is going to pass it, yes.

SENATOR BROWN: Thank you, Senator Johnson.

On the bill.

ACTING PRESIDENT MEIER: Senator Brown, on the bill.

SENATOR BROWN: To paraphrase our 40th president, meaning no disrespect to anyone, but here we go again.

And let me say last week many of us spoke to our frustration about having a one-house bill on the school funding formula for the Campaign for Fiscal Equity. And here we are again today, in a very frustrating way, moving to pass a six-week extender.

Now, my question is we talked about

the inability to negotiate this out. And, you know, some of us have tried to assign blame to different parties. But if we can't work out an agreement around CFE and we can't work out an agreement around the budget, how can we work out an agreement to put off our responsibilities for six weeks?

Because that's essentially what we are doing today. Everybody is coming together and trying to agree today, by virtue of this bill, that our responsibility to pass a budget and our moral responsibility to respond to the needs of schoolchildren all across this state can be put off. And, quite frankly, I don't think so.

And like Senator Parker said, I am prepared to stay here every day, every single day, if necessary, until we can get a budget passed. I think that is our responsibility. That's one of the major responsibilities of those of us who are in the Senate and the Assembly.

Now, don't get me wrong, anyone. I don't really want to stay here every day. But I am prepared to stay here every day if that's

what will be required to get this budget passed.

Let me also say that, as Senator Sabini said, people all over this state are paying very close attention to what we're not doing. We can no longer think that we're going to be able to slide below the radar and have people not look at each and every one of us and say to each and every one of us: You have a major responsibility, and one of your major responsibilities, Senator So-and-so, Assemblyman So-and-so, Governor we know who he is, is to pass a budget. And you're not doing it.

And instead of sticking together, working together, trying to find a way to work out your differences, your disagreements, and do something for the taxpayers, for the residents of the State of New York, we're going to put that off for six weeks.

Well, I'm frustrated. Like Senator Parker, I'm embarrassed. And I can't in good conscience, even though I don't want to have the operation of state government grind to a halt, I don't want to see that happen -- but

in good conscience, I can't vote for a six-week extender when we have a possibility to pass this budget and work together to get it done.

So, Mr. President, on this piece of legislation, on this piece of legislation I will be voting in the negative. Thank you.

ACTING PRESIDENT MEIER: Senator Liz Krueger.

SENATOR LIZ KRUEGER: Thank you, Mr. President. On the bill.

My colleagues have said much of what I intended to say, so I'll be briefer than some of you expect. No clapping.

It's disingenuous for us to stand here and make the argument that only the other house should be guilty of failing to pass the budget. That's a ridiculous notion. This house has also failed to move forward for months and months and months. The argument that the budget shouldn't be held up around CFE because CFE is a lawsuit or a policy debate, as separate from an obligation to pass the budget, is clearly disingenuous.

One, this house knew we had to deal

with CFE months and months and months ago and failed to choose to do so.

Two, a budget document is a policy document. Particularly in New York State, where we haven't had a pure budget document in decades. We roll all our major programmatic bills into our budget each and every year. So no one should appear to be naive that we would have a major policy debate within the context of deciding our budget. This is certainly nothing new for either house or the Governor in New York State.

In fact, we are disingenuous because last week this house passed a major tax cut bill that would cost the State of New York up to $2 billion when fully implemented. Clearly, that was a bill in the context of a budget and yet wasn't done as part of the budget.

Today we passed a bill the people that people may or may not agree with on health savings accounts that was a $1.6 billion projected new cost to the State of New York; clearly should be done in the context of a budget or after one deals with

the dollars and cents of a budget. And yet this house went straight forward to pass both of those bills.

Senator Balboni mentioned in his comments earlier we passed hundreds of bills. Well, it's true, we passed hundreds of one-house bills. And ultimately, the major legislation that does or doesn't pass in this Legislature in both houses and is signed by the Governor are the bills that we roll into the budget.

So it is disingenuous for us to say it's the other house's fault. It is the process we use or fail to use in both houses of the Legislature.

And I would argue that we've known this long before this year and long before June of 2004. And that, in fact, if we had implemented democratic rule changes in this house and in the Assembly years ago, we would never find ourselves in this position.

We should require that no budget bill should be passed unless it's been on the desks of members long enough for them to discuss it. We should ensure that the

Legislature does meet daily to pass the State Budget in a timely manner. And like several of my other colleagues, I think it is outrageous that we plan on doing a six-week extender and then leaving, leaving everything out there floating for another six weeks when we're so late in the process.

We should have standing conference committees to work together resolving issues from the first day we come into session in January, not when we finally get to a point where we know we have nowhere else to go but to try to sit down and work things out.

We should have moved forward on budget reform years ago. We've made partial progress this year, although it's not clear that that will be real either. So the question is will we learn from our mistakes for next year and the year after that and the year after that.

And even accepting the argument that perhaps CFE, back in January, February or March, didn't have to be done in tandem with the budget, can one really say at the end of June 2004, with a July 30th deadline of 2004,

that there is no tie in between what we do correctly for CFE and for making sure we have an adequate and fair budget for the State of New York this year?

The time is way past our making excuses with each other or blaming the other house. We should not do a six-week extender. We should not leave and go wherever it is everyone thinks they're going. We should stay in this chamber and negotiate out a budget. We should invite our colleagues from the Assembly to join us, sit down, work out these details, and be as proud as we can when we finally do go home, of the fact that while we had a late start, we ended up with a set of resolutions that are in the best interests of the State of New York.

So I'll also be voting against this six-week extender. And I can't believe that we're arguing about whether or not to do a six-week budget extender at the end of June.

Thank you, Mr. President. I'll be voting no.

SENATOR DIAZ: And that was brief.

ACTING PRESIDENT MEIER: Senator Lachman.

SENATOR LACHMAN: I'm not going to repeat what my colleagues have said. I agree with what they said in regard to the negative effect this will have on education, on higher education, on health care, on sales tax, and many, many -- Medicaid -- many, many other very, very important items.

Ladies and gentlemen, I don't hold the Assembly leadership or the Senate leadership responsible. I hold myself responsible and I hold my 211 colleagues responsible for our not having a budget.

It is indicative of the dysfunctional Legislature that people are talking about and writing about. It is indicative of the lack of power that the individual members of this Legislature have, whether they are the majority party or the minority party in the Senate or the Assembly.

When one of my colleagues was talking about going back to his constituents and working during the six-week period, what in the world are we talking about? What does

"working" mean? Outside of distributing monies to the constituents or different organizations, what are we going to tell the constituents?

Do we know what is happening now? I always get the New York Times, among other papers, to see what's going on in the State Legislature. I don't know the day before what we will be discussing.

Now, I must say that until now, I've been reading the papers in New York City, like the Times, the News, the Post, and the Staten Island Advance. But since I do have a home in Nassau County, and since my new distinguished professorship will be in higher education in Nassau County, I've been reading Newsday.

And I was shocked in yesterday's Newsday, which I'm told by my friends and family in Nassau and Suffolk County is superior to the New York Times, I saw a lead editorial, and in this lead editorial, the editorial writer was basically pulling out his or her hair. What were they saying in Newsday? They said that they will now favor

measures that they never, ever favored before because we are doing such a horrendous, terrible job in not having a budget on time. They actually came out for term limits, which they said they had always opposed. They actually came out for a constitutional convention, which they had always opposed in the past.

The public-opinion-makers in New York State are really distraught and upset. But the people who suffer the most, the people who will be hurt the most are the working people and the middle-class people of the state.

By not adopting CFE, by postponing a budget with this extender for six weeks, we do not shine in an elegant manner. We look lousy. I do. You do. We are all responsible for this. I cannot in any way whatsoever support this extender.

ACTING PRESIDENT MEIER: Read the last section.

THE SECRETARY: Section 67. This act shall take effect immediately.

ACTING PRESIDENT MEIER: Call the

roll.

(The Secretary called the roll.)

ACTING PRESIDENT MEIER: Senator DeFrancisco, to explain his vote.

SENATOR DeFRANCISCO: All I want to add to the debate is that a lot of what everybody said has to do with credibility. And in the beginning of the year, the leader set a calendar. Both leaders know when the calendar ends.

We have two choices right now. We can either stand around and look at each other for six weeks until Mr. Silver decides that he wants to discuss the budget and gets off of what he said from the Day One, namely, we're not doing anything until CFE is resolved, or we can extend beyond the CFE deadline and be at the call of the leaders when the negotiations are going to start.

To me, it is ridiculous for us not to extend under those circumstances, rather than sit and wait and collect per diems for the next six weeks. Because that's all it would be, collecting per diems.

So my point is Senator Bruno is

true to his word, true to the calendar, just as he was true to the handshake budget reform. Talk about credibility. They shake hands on a budget reform package, we passed the legislation, and the Assembly hasn't passed it yet.

Now, it's a matter of credibility. We have a calendar; we should stick by it. We shouldn't stay here collecting per diems. The minute Silver says it's time to negotiate -- because that's all we're waiting for -- and it's time to get off the CFE issue and get it independent, we could be back on a day's notice. And I think that's the prudent way to go.

ACTING PRESIDENT MEIER: Senator DeFrancisco will be recorded in the affirmative.

Senator Marcellino, to explain his vote.

SENATOR MARCELLINO: Yes, Mr. President, briefly.

It was stated several times, talking about the CFE decision as if it concerned the entire state, that in some way

that children in the entire state would benefit from this decision. That simply isn't the case.

This is a New York City decision. This is going to put money into New York City if this decision is adhered to. Only everybody else will have to pay additional money, but New York City alone would benefit from this court decision. No other area.

It was this house, it was this house that changed the debate by putting forth a program and a plan that included high-needs districts throughout the state. It was this house that did that. We changed the debate. I mean, that's something that we can't ever forget. If it wasn't for this house doing what we did with our proposal and our legislation, this would be looking at how are we going to pay -- we'd be looking at -- the rest of the state would be looking at how they're going to pay to put extra money in and their districts would get absolutely nothing from it.

Let's never forget that when we're talking about responsibility, when we're

talking about inactivity. I'm very proud of that change.

I'm going to vote aye on this extender.

ACTING PRESIDENT MEIER: Senator Marcellino will be recorded in the affirmative.

Announce the results.

THE SECRETARY: Those recorded in the negative on Calendar Number 1715 are Senators Andrews, Breslin, Brown, Dilán, Duane, Hassell-Thompson, L. Krueger, Lachman, Onorato, Oppenheimer, Parker, Paterson, Sabini, A. Smith, M. Smith, and Stavisky. Also Senator Diaz. Ayes, 42. Nays, 17.

ACTING PRESIDENT MEIER: The bill is passed.

Senator Spano, why do you rise?

SENATOR SPANO: Mr. President, can I have unanimous consent to be recorded in the negative on Calendar Number 1698 and 1551, please.

ACTING PRESIDENT MEIER: Without objection, Senator Spano will be recorded in the negative on Calendars 1698 and 1551.

Senator Alesi.

SENATOR ALESI: Thank you, Mr. President. May we take up Calendar 1716 at this time.

ACTING PRESIDENT MEIER: The Secretary will read.

THE SECRETARY: Calendar Number 1716, by the Senate Committee on Rules, Senate Print Number 7636, an act relating to powers of the Commissioner of Health.

ACTING PRESIDENT MEIER: Senator Alesi.

SENATOR ALESI: Mr. President, is there a message of necessity at the desk?

ACTING PRESIDENT MEIER: There is a message at the desk.

SENATOR ALESI: I move to accept.

ACTING PRESIDENT MEIER: All those in favor of accepting the message of necessity signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT MEIER: Those opposed, nay.

(Response of "Nay.")

ACTING PRESIDENT MEIER: The

message is accepted.

The bill is before the house.

SENATOR BROWN: Explanation.

ACTING PRESIDENT MEIER: Senator Johnson, Senator Brown, I believe, requested an explanation.

SENATOR JOHNSON: Mr. President, this bill, among other things, revises the Medicaid shares between state and localities to give a little aid to the localities.

It has provisions relating to refunding and state-supported debts. It extends the Empire Zone program through August 1, 2004. It extends the authorization for the Division of Lottery to operate Quick Draw through August 1st, Loft Law through August 1st.

It continues the postponement of the permanent clothing tax exemption through September 30th but gives the tax-free week, August 31st to September 6th. It extends excess medical malpractice liability insurance to June 30, 2005. And a lot of other things.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Those recorded in the negative on Calendar Number 1716 are Senators Andrews, Breslin, Brown, Diaz, Dilán, Duane, Hassell-Thompson, L. Krueger, Kuhl, Onorato, Oppenheimer, Parker, Paterson, Sabini, A. Smith, M. Smith, and Stavisky. Ayes, 42. Nays, 17.

ACTING PRESIDENT MEIER: The bill is passed.

Senator McGee.

SENATOR ALESI: Thank you, Mr. President. May we take up the noncontroversial reading of Supplemental Calendar 58B.

ACTING PRESIDENT MEIER: The Secretary will conduct the noncontroversial reading of Supplemental Calendar 58B.

Senator Morahan.

SENATOR MORAHAN: Yes, Mr. President. I'd like permission to be recorded

in the negative, if there's no objections, to Calendar 1698, Calendar 1551, and Calendar 1321.

ACTING PRESIDENT MEIER: Without objection, Senator Morahan will be recorded in the negative on Calendars 1698, 1551, and 1321.

THE SECRETARY: In relation to Calendar Number 1717, Senator McGee moves to discharge, from the Committee on Civil Service and Pensions, Assembly Bill Number 1219 and substitute it for the identical Senate Bill Number 618, Third Reading Calendar 1717.

ACTING PRESIDENT MEIER: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1717, by Member of the Assembly Canestrari, Assembly Print Number 1219, an act to amend the Civil Service Law.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the

roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1718, by Senator Breslin, Senate Print Number 742, an act authorizing Elizabeth Sebastian, in the Town of Colonie, to file an application.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1719, by Senator Volker, Senate Print 1387, an act to amend the Penal Law, in relation to assaults.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1720, by Senator Padavan --

SENATOR HASSELL-THOMPSON: Lay it aside.

ACTING PRESIDENT MEIER: Lay the bill aside.

THE SECRETARY: In relation to Calendar Number 1721, Senator Johnson moves to discharge, from the Committee on Rules, Assembly Bill Number 3930B and substitute it for the identical Senate Bill Number 1760B, Third Reading Calendar 1721.

ACTING PRESIDENT MEIER: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1721, by Member of the Assembly Gantt, Assembly Print Number 3930B, an act to amend the Insurance Law and the Vehicle and Traffic Law.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1722, by Senator Farley, Senate Print 2263B, an act to amend the Banking Law, in relation to making certain technical and conforming amendments.

ACTING PRESIDENT MEIER: Read the last section.

THE SECRETARY: Section 9. This act shall take effect immediately.

ACTING PRESIDENT MEIER: Call the

roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1723, by Senator Saland, Senate Print 3138A, an act to amend the Education Law, in relation to directing the Commissioner of Education.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1724, Senator Robach moves to discharge, from the Committee on Rules, Assembly Bill Number 6028 and substitute it for the identical Senate Bill Number 3908, Third Reading Calendar 1724.

ACTING PRESIDENT MEIER: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1724, by Member of the Assembly Schimminger, Assembly Print Number 6028, an act to amend the State Finance Law.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1725, by Senator Hoffmann, Senate Print 4311B, an act authorizing the Department of Environmental Conservation.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT MEIER: The bill is passed.

Senator Alesi.

SENATOR ALESI: Thank you, Mr. President.

There will be an immediate meeting of the Rules Committee in the Senate Majority Conference Room.

ACTING PRESIDENT MEIER: Immediate meeting of the Rules Committee in the Majority Conference Room.

The Secretary will continue to read.

THE SECRETARY: Calendar Number 1726, by Senator Hannon, Senate Print 4964A, an act to amend the Public Health Law, in relation to access.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1727, Senator McGee moves to discharge, from the Committee on Rules, Assembly Bill Number 7443 and substitute it for the identical Senate Bill Number 5237A, Third Reading Calendar 1727.

ACTING PRESIDENT MEIER: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1727, by Member of the Assembly Young, Assembly Print Number 7443, an act to amend the Real Property Tax Law.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the

roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1728, by the Senate Committee on Rules, Senate Print 5431A, an act to amend the Civil Practice Law and Rules and others, in relation to owners' rights.

ACTING PRESIDENT MEIER: Read the last section.

THE SECRETARY: Section 13. This act shall take effect July 1.

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1729, by Senator Golden, Senate Print 5976C, an act to amend the Executive Law, in relation to certain crime victim compensation benefits.

ACTING PRESIDENT MEIER: Read the

last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1730, by Senator LaValle, Senate Print 6107, an act to amend Chapter 311 of the Laws of 1920 relating to the assessment.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1731, by Senator Seward, Senate Print 6546B,

an act to amend the Insurance Law, in relation to authorizing.

ACTING PRESIDENT MEIER: Read the last section.

THE SECRETARY: Section 7. This act shall take effect on the 30th day.

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1732, by Senator Padavan, Senate Print 6650A, an act in relation to the participation of part-time employees.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT MEIER: The bill

is passed.

THE SECRETARY: In relation to Calendar Number 1733, Senator Kuhl moves to discharge, from the Committee on Rules, Assembly Bill Number 11193 and substitute it for the identical Senate Bill Number 6722, Third Reading Calendar 1733.

ACTING PRESIDENT MEIER: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1733, by --

SENATOR PARKER: Lay it aside.

ACTING PRESIDENT MEIER: Lay the bill aside.

THE SECRETARY: Calendar Number 1734, by Senator Padavan, Senate Print 6757, an act to amend the Labor Law, in relation to clarifying.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1735, Senator Padavan moves to discharge, from the Committee on Rules, Assembly Bill Number 10998A and substitute it for the identical Senate Bill Number 6862A, Third Reading Calendar 1735.

ACTING PRESIDENT MEIER: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1735, by the Assembly Committee on Rules, Assembly Print Number 10998A, an act to amend the Real Property Tax Law.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58. Nays,

1. Senator Bonacic recorded in the negative.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1736, by Senator Little, Senate Print 6977, an act to amend the Real Property Tax Law, in relation to providing.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1738, Senator Farley moves to discharge, from the Committee on Rules, Assembly Print Number 9276A and substitute it for the identical Senate Bill Number 7124A, Third Reading Calendar 1738.

ACTING PRESIDENT MEIER: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1738, by Member of the Assembly Nolan, Assembly Print Number 9276A, an act to amend the Banking Law.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1739, by Senator Mendez, Senate Print 7157A, an act to amend the Retirement and Social Security Law and the Administrative Code of the City of New York.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the

roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1740, Senator Spano moves to discharge, from the Committee on Rules, Assembly Print Number 10278 and substitute it for the identical Senate Print Number 7204, Third Reading Calendar 1740.

ACTING PRESIDENT MEIER: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1740, by Member of the Assembly Abbate, Assembly Print Number 10278, an act to amend the Retirement and Social Security Law.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1741, Senator DeFrancisco moves to discharge, from the Committee on Finance, Assembly Bill Number 11125 and substitute it for the identical Senate Bill Number 7246, Third Reading Calendar 1741.

ACTING PRESIDENT MEIER: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1741, by the Assembly Committee on Rules, Assembly Print Number 11125, an act to amend the Judiciary Law.

ACTING PRESIDENT MEIER: Senator Alesi.

SENATOR ALESI: Thank you, Mr. President. Is there a message of appropriation at the desk?

ACTING PRESIDENT MEIER: There is a message at the desk.

SENATOR ALESI: Move to accept the message.

ACTING PRESIDENT MEIER: All those in favor of accepting the message signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT MEIER: Those opposed, nay.

(No response.)

ACTING PRESIDENT MEIER: The message is accepted.

The bill is before the house.

Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1742, by Senator Meier, Senate Print 7307A, an act to amend the Executive Law, in relation to enacting the Manufactured Housing Advancement Act of 2004.

ACTING PRESIDENT MEIER: Read the

last section.

THE SECRETARY: Section 2. This act shall take effect January 1, 2006.

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1743, by Senator Kuhl, Senate Print Number 7330A, an act to authorize the Town of Southport.

ACTING PRESIDENT MEIER: 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 MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: In relation to

Calendar Number 1744, Senator Little moves to discharge, from the Committee on Rules, Assembly Bill Number 11196 and substitute it for the identical Senate Bill Number 7354, Third Reading Calendar 1744.

ACTING PRESIDENT MEIER: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1744, by the Assembly Committee on Rules, Assembly Print Number 11196, an act creating a task force.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1745, by Senator Robach, Senate Print 7378, an act to amend the Retirement and Social

Security Law, in relation to the establishment.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1748, Senator Rath moves to discharge, from the Committee on Rules, Assembly Print Number 11449 and substitute it for the identical Senate Print Number 7470, Third Reading Calendar 1748.

ACTING PRESIDENT MEIER: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1748, by the Assembly Committee on Rules, Assembly Print Number 11449, an act to amend the Family Court Act and the Civil Practice

Law and Rules.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1749, by Senator Skelos, Senate Print 7483, an act to amend the Real Property Tax Law, in relation to zones of assessment.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1750 by Senator Johnson, Senate Print 7497, an act to amend the Environmental Conservation Law, in relation to requiring.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1751, by Senator Libous, Senate Print 7498, an act to amend the Environmental Conservation Law, in relation to compulsory integration.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1752, by Senator Alesi, Senate Print 7503A, an act to amend the Alcoholic Beverage Control Law.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1753, by Senator Balboni, Senate Print 7520, an act creating the New York State Veterans Cemetery Siting Committee.

ACTING PRESIDENT MEIER: Read the last section.

THE SECRETARY: Section 4. This

act shall take effect on the 90th day.

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1755, by Senator Leibell, Senate Print 7526, an act to amend the Education Law.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1756, by the Senate Committee on Rules, Senate Print Number 75 --

SENATOR ALESI: Lay it aside for the day.

ACTING PRESIDENT MEIER: Lay the bill aside for the day.

Senator Alesi, that completes the noncontroversial reading of Supplemental Calendar 58B.

SENATOR ALESI: Mr. President, can we go to the controversial reading of the supplemental calendar, please.

ACTING PRESIDENT MEIER: Senator DeFrancisco.

SENATOR DeFRANCISCO: May I have unanimous consent to be recorded in the negative on Calendar Number 1719, Senate Print 1387.

ACTING PRESIDENT MEIER: Without objection, Senator DeFrancisco will be recorded in the negative on Calendar Number 1719.

Senator Lachman.

SENATOR LACHMAN: Mr. President, I request unanimous consent to be recorded in the negative on Calendar Number 1716, Senate 7636.

ACTING PRESIDENT MEIER: Without objection, Senator Lachman will be recorded in

the negative on Calendar 1716.

Senator Saland.

SENATOR SALAND: Thank you, Mr. President. I request unanimous consent to be recorded in the negative on Calendar Number 1698, Senate 7536.

ACTING PRESIDENT MEIER: Without objection, Senator Saland will be recorded in the negative on Calendar Number 1698.

Senator Duane.

SENATOR DUANE: If I may have unanimous consent to be recorded in the negative on Calendar Numbers 1733 --

ACTING PRESIDENT MEIER: Calendar 1733 was laid aside, Senator.

SENATOR DUANE: Did we do 1750?

ACTING PRESIDENT MEIER: Yes, 1750 passed, Senator.

SENATOR DUANE: And how did Senator LaValle vote?

And if I may be recorded in the negative on Calendar Number 1750.

ACTING PRESIDENT MEIER: Senator Duane will be recorded in the negative on Calendar Number 1750.

The Secretary will conduct the controversial reading of the supplemental calendar.

THE SECRETARY: Calendar Number 1720, by Senator Padavan, Senate Print 1531B, an act to amend the Education Law.

ACTING PRESIDENT MEIER: Senator Hassell-Thompson.

SENATOR HASSELL-THOMPSON: Yes, Mr. President. Through you, if the sponsor will yield for just a couple of questions.

ACTING PRESIDENT MEIER: Senator Padavan, will you yield?

SENATOR PADAVAN: Yes.

ACTING PRESIDENT MEIER: The sponsor yields.

SENATOR HASSELL-THOMPSON: Thank you.

Senator Padavan, can you give me an idea of what this bill's impact in terms of cost to the City University will be?

SENATOR PADAVAN: My estimation is there is no cost impact. This is on a one semester, one course per semester and on an availability basis, meaning there has to be an

empty seat in that classroom before the officer would be given the opportunity of a tuition waiver on that one course during that semester.

So therefore, I don't see any additional cost, either for the professor, the instructor, the space, or any other aspect of it.

On top of that, this officer must already be enrolled in a baccalaureate or master's degree program in the university, so obviously he's paying tuition elsewhere.

ACTING PRESIDENT MEIER: Senator Hassell-Thompson.

SENATOR HASSELL-THOMPSON: Thank you, Mr. President, through you.

At a time when we're reducing TAP and increasing tuitions as we did last year, what do you think about the fact that we are creating additional stress and adding additional costs to CUNY? Because CUNY says that they estimate that this will cost them somewhere between a half million to $2 million of its own resources.

SENATOR PADAVAN: Well, first,

you're asking the same question that you asked previously, and I think I answered it. In my view, there is no cost.

I just received this memo. It's dated June 21st. So, like you, I've just found out what they think.

However, what I think they think is wrong.

SENATOR HASSELL-THOMPSON: I'll accept that, Senator Padavan.

ACTING PRESIDENT MEIER: Senator Hassell-Thompson.

SENATOR HASSELL-THOMPSON: Just one comment on the bill.

ACTING PRESIDENT MEIER: Senator Hassell-Thompson, on the bill.

SENATOR HASSELL-THOMPSON: Thank you, Senator Padavan.

There is no way that I'm ever going to be against training for police officers or for any law enforcement group. My only concern -- and I raise that because it came to my attention that the assumption by CUNY was that there was going to be a severe increase in their resources that would have to be made

available to the tune of a half-million to $2 million. And my concern is that that's very much tied to the fact that we're cutting the support to our CUNY institutions.

You've answered the question to your knowledge. It will have to be satisfactory to me. I just want to go on the record as expressing that as a concern.

Thank you, Senator Padavan.

ACTING PRESIDENT MEIER: Senator Stavisky.

SENATOR STAVISKY: Mr. President, on the bill.

ACTING PRESIDENT MEIER: Senator Stavisky, on the bill.

SENATOR STAVISKY: The City University has expressed major concerns about this legislation. They feel that there are limitations that have been imposed upon the students. For example, the Governor has proposed a cut in the TAP award. Last year we raised tuition substantially for the students.

I understand that it's on an availability basis. However, the legislation itself talks about one course. And the course

could conceivably be 15 credits. I know when I did my student teaching at Queens College I received -- I think it was 12 credits, even though it was one course. So that is one problem with the bill.

Nobody wants to deny police officers additional benefits. And this is an additional benefit for the police, for the NYPD. However, it seems that this ought to be part of the contract negotiation between the PBA and the City of New York. That is one problem that I have with the legislation.

The other problem concerns the fact that this is limited to CUNY. And if it's such a great idea, perhaps we ought to include SUNY and make the program available for the State Police.

I have misgivings, as I said, about this legislation, and I would suggest that a no vote is called for on this bill.

ACTING PRESIDENT MEIER: Read the last section.

SENATOR PADAVAN: Mr. President.

ACTING PRESIDENT MEIER: Senator Padavan.

SENATOR PADAVAN: Senator, I just voted in the Rules Committee for a bill of yours that I'd like to discuss with you.

What it does, it establishes a program fee option in State University allowing students access to libraries, computers, a whole host of resources, without any fee.

Now, you have some logic behind the bill. I plan to vote for it. But if you're going to start talking about the wisdom of allowing police officers, who we wish to be as well educated as possible -- who are already enrolled, paying tuition -- to sit in a classroom in a seat that's not going to be occupied, and you find that offensive, I don't understand how you could sponsor this bill.

ACTING PRESIDENT MEIER: Senator Stavisky.

SENATOR STAVISKY: On the bill. On this bill, Mr. President.

I'm just concerned that it's limited to the police officers. And I would like it to be -- you know, I agree with Senator Padavan, and I withdraw my objection.

I will vote for this bill.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT MEIER: The bill is passed.

Senator Maltese.

SENATOR MALTESE: I ask unanimous consent to be recorded in the negative on Calendar 1698.

ACTING PRESIDENT MEIER: Without objection, Senator Maltese will be recorded in the negative on Calendar 1698.

Senator McGee.

SENATOR McGEE: Thank you, Mr. President. I would like to have unanimous consent to vote in the negative on Calendar Number 1751.

ACTING PRESIDENT MEIER: Without objection, Senator McGee will be recorded in

the negative on Calendar 1751.

The Secretary will continue to read, in regular order.

THE SECRETARY: Calendar Number 1733, substituted earlier today by the Assembly Committee on Rules, Assembly Print Number 11193, an act to amend the Vehicle and Traffic Law, in relation to the operation of B-trains.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT MEIER: The bill is passed.

Senator Alesi, that completes the controversial reading of the supplemental calendar.

SENATOR ALESI: Thank you, Mr. President. May we take up the

noncontroversial reading of the supplemental active list.

ACTING PRESIDENT MEIER: The Secretary will conduct the noncontroversial reading of the supplemental active list.

THE SECRETARY: Calendar Number 414, by Member of the Assembly Grannis, Assembly Print Number 9699 --

SENATOR HASSELL-THOMPSON: Lay it aside.

ACTING PRESIDENT MEIER: Lay the bill aside.

THE SECRETARY: Calendar Number 810, by Member of the Assembly Grannis, Assembly Print Number 10286, an act to amend the Insurance Law.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT MEIER: The bill

is passed.

THE SECRETARY: Calendar Number 833, by the Assembly Committee on Rules, Assembly Print Number 11003B, an act to amend the Agriculture and Markets Law.

ACTING PRESIDENT MEIER: Read the last section.

SENATOR HASSELL-THOMPSON: Please lay the bill aside.

ACTING PRESIDENT MEIER: Lay the bill aside.

THE SECRETARY: Calendar Number 1084, by Member of the Assembly Weisenberg, Assembly Print Number 5084A, an act to amend the General Business Law.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT MEIER: The bill

is passed.

THE SECRETARY: Calendar Number 1257, by Senator Libous, Senate Print 6827A, an act to amend the Public Authorities Law and the Tax Law.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT MEIER: The bill is passed.

Senator Alesi, that completes the noncontroversial reading of the supplemental active list.

SENATOR ALESI: Thank you, Mr. President. May we have the controversial reading of the supplemental active list.

ACTING PRESIDENT MEIER: The Secretary will read.

THE SECRETARY: Calendar Number 414, by Member of the Assembly Grannis --

SENATOR HASSELL-THOMPSON: Explanation.

ACTING PRESIDENT MEIER: Senator Seward, Senator Hassell-Thompson has requested an explanation of Calendar 414.

SENATOR SEWARD: Certainly, Mr. President.

This legislation, which has already passed the Assembly, is very simple legislation. It would exempt HMOs who are serving only individuals that are enrolled in public programs -- Medicaid, Child Health Plus, Family Health Plus, or Medicare Plus Choice -- from the requirement to also offer commercial products, which current law requires them to do.

These are -- this legislation is designed to allow those HMOs to zero in on serving the populations that are involved with these public programs and not require them to also offer commercial products, which is outside their area of expertise and also their area that they wish to serve.

I think it's in the best interests of those who are taking advantage of these

various public programs to be covered by an HMO that is exclusively involved with serving their needs.

ACTING PRESIDENT MEIER: Senator Liz Krueger.

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

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

SENATOR SEWARD: Certainly.

ACTING PRESIDENT MEIER: The sponsor yields.

SENATOR LIZ KRUEGER: Thank you.

When I just looked at the bill, Senator, in my background with Medicaid managed care and HMOs for public programs, the original intent, at least as it was applied in New York City, was to ensure that there weren't different providers for people in Medicaid and Family Health Plus than the general population, because of the concern that programs that exclusively served people in mandatory programs might not end up being as good as the programs serving other people

because there was no ability, so to speak, for consumers to walk when the programs were a Medicaid managed-care model.

And so in this case we'd be actually saying you don't have to be out there providing to the general public, you're just going to be an HMO serving people who are in the Medicaid program or the Child Health Plus or the Family Health Plus.

Is there any argument against -- is there any data to address my concern that if you have certain HMOs only serving, quote, unquote, poor people that they won't result in lesser programs or lesser providers than programs that serve the general public and people who have the ability to choose alternative providers for themselves?

SENATOR SEWARD: Well, Mr. President, I can't cite any particular studies or surveys other than to say that I would ask the question conversely, that I see no problem with an HMO zeroing in specifically and serving those populations that are enrolled in these various public programs.

Rather than -- I just don't

understand the public policy that would require an HMO to get involved in commercial lines if they are interested in serving a particular segment of the population.

Now, nothing would prevent an HMO from doing that. But if a health plan wanted to zero in on the public programs, this legislation would allow them to do that.

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

ACTING PRESIDENT MEIER: Senator Krueger, on the bill.

SENATOR LIZ KRUEGER: Thank you. I appreciate the sponsor's response.

Again, my experience is -- and it's the argument of why I support universal single-payer health care -- is that the more you subset out specific providers or even insurance coverage for subuniverses of people, in the case of this bill with Medicaid, Child Health Plus, Family Health Plus, you're talking about subsetting low-income New Yorkers and their health care from other New Yorkers and the providers of their health care.

And I think in general it's a good public policy to try to steer away from programs that are, quote, unquote, just serving the poor versus more broadly based universal access programs.

And in this case, having one set of insurance providers or health-care providers only serving poor New Yorkers through this program and then another universe of health-care providers basically, by default, not serving poor New Yorkers, I think you end up with a two-tier system over time. And I don't think that's in the best interests for anyone.

So while I understand the arguments for this bill, my gut tells me that we should not go into a two-tiered system, one set of HMOs for the poor through government-sponsored programs and another set of HMOs for people who have at least some ability to self-select who their providers are through their own private insurance or through their employer insurance, assuming there are options provided.

I recognize that the options for

most of us in health care insurance and in HMO coverage keeps shrinking as far as our ability to make choices. But again, I think that it's not in the best interests of the people of the state of New York to encourage HMOs to move down the road of exclusively providing programs for the poor and even having separate facilities where they would serve the poor and then other facilities where they'd serve the nonpoor.

So I'll vote against the bill. Thank you, Mr. President.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number

833, by the Assembly Committee on Rules, Assembly Print Number 11003B, an act to amend the Agriculture and Markets Law.

SENATOR KUHL: Explanation.

ACTING PRESIDENT MEIER: Senator Fuschillo, an explanation has been requested.

SENATOR FUSCHILLO: Thank you, Mr. President.

The legislation would establish a continuing ed certification program for retail food stores in an effort to improve sanitary standards in New York by teaching the basics of food safety and handling. It would require eight hours over a two-year period of continuing education, either via the Internet, via a book, or via a VCR or via a CD.

ACTING PRESIDENT MEIER: Senator Kuhl.

SENATOR KUHL: Senator Fuschillo, I don't generally ask questions at this time of hour and particularly this late in the session. But this bill caught my attention because of the potential negative impact it might have on many, I guess, retail food stores.

You could help me to understand the definition or I should say the implication of this bill on what I think of as retail food stores by telling me what a retail food store is under the definition of the law currently.

SENATOR FUSCHILLO: Any food preparation establishment for off premises.

SENATOR KUHL: So a convenience store that has a machine that sells pizzas would be a retail food store?

SENATOR FUSCHILLO: Sells pizzas?

SENATOR KUHL: Well, they do these manufactured pizzas -- heat them up, cut them up, sell them by the slice. And that may be the only food product that they sell.

And they now, under your provisions, would have to have a continuing education person who has to have eight hours of credit or a licensed thing by the Commissioner of Agriculture be present?

SENATOR FUSCHILLO: One person in the operation would have to have it.

SENATOR KUHL: Well, generally speaking, these -- I don't think whether you have these down in your part of the state, but

we have many of them up in our area because we have a population that is very, very sparse and, you know, we don't have food stores that operate 24 hours a day. And so you have many of these little convenient markets which in fact sell milk and ice cream and pop and things of that nature -- bread, the basics.

But at the same time, to try to make a profit, they produce, if you would, food for people who might come in at 11 o'clock at night and are hungry and would like a piece of pizza. So they throw it in a microwave oven, heat it up, and out it goes as a piece.

And now, generally speaking, these stores -- just to help you understand the dilemma that I'm having here -- most of these people that are operating these are young people, students, you know, looking to have second jobs and they really are not in the position where they would be able to go to school and have an eight-hour course accreditation.

I'm just -- I'm worried about what you're doing to these jobs under the

implementation of this proposal as I understand it. That's why I asked the questions.

Maybe you can help me out to understand how this doesn't impact those people and won't have a negative impact on those operations.

SENATOR FUSCHILLO: Mr. President, through you, they're not required to go to school, Senator, and they're not --

SENATOR KUHL: Mr. President, I can't hear him. I mean, I know he's only about 35 steps away, but I can't hear him.

ACTING PRESIDENT MEIER: Your point is well taken, Senator.

Can we have some order in the chamber, please, so we can complete our business.

SENATOR FUSCHILLO: Senator, they're not required to go to school, they're not required to take any courses. They're required to have eight hours' food safety preparation/sanitary conditions training over a two-year period by either reading a book, viewing a VCR.

You are an attorney; you have to take some continuing ed courses. You don't have to go to school, you don't have to go to any other place for it, you can view tapes. It's similar to that. It could be supplied by the supplier who supplies them their goods and services, similar to what's happened throughout the entire state that's required by the local health department for restaurant operation, Senator.

But I don't see this having any negative impact upon any food service operation. What we're trying to do is promote a healthy and clean environment to ensure that the consumer is protected.

And yes, I do, Senator, have those little restaurant or little establishments that you have that sell milk, that sell bread and occasionally sell pizza down in my neck of the woods.

SENATOR KUHL: Will the Senator yield to another question?

ACTING PRESIDENT MEIER: Senator Fuschillo, do you continue to yield?

SENATOR FUSCHILLO: Yes, I do,

Mr. President.

ACTING PRESIDENT MEIER: The sponsor yields.

SENATOR KUHL: Senator, can you tell me how many cases there have been of food poisoning or whatever that this particular provision will solve?

SENATOR FUSCHILLO: Senator, no, I can't.

And it just doesn't necessarily pertain to food poisoning, it pertains to having a clean operation. We have checked with health departments throughout the state. This legislation is supported by the Food Industry Alliance of New York State. It's legislation and laws that have passed in 28 other states. It's a measure that's designed to provide a clean environment for the consumer when they come and buy a product.

SENATOR KUHL: Therein lies part of my problem, Senator.

Would the Senator yield to another question?

ACTING PRESIDENT MEIER: Senator Fuschillo, do you continue to yield?

SENATOR FUSCHILLO: Yes, I do.

ACTING PRESIDENT MEIER: The sponsor yields.

SENATOR KUHL: Can you tell me how this supplements the current laws that exist? Because as I'm reading your bill, Senator Fuschillo, particularly on lines 5, 6, and 7, it talks about the requirement already of maintaining cleanliness.

So if you're talking about cleanliness, it seems to me that this is just another rule or regulation or requirement that businesses in New York really currently don't need and will actually lead to, really, their nonprofitability and nonviability.

That's my problem with the bill. It's not necessarily with the concept of having the public protected. But it seems to me that if you don't have any instances currently that need to be resolved by the fact that the places are not kept, that you have departments of health closing places down, that there needs to be -- and it's for the failure of the education of the people there, or if in fact you have people that are getting

sick as a result of the lack of knowledge of people who have the oversight of these facilities, that your piece of legislation would be fine.

But I'm not getting from you the responses that kind of lead me to believe that. And therefore, I'm inclined not to be supportive. I want to be supportive, Senator. But, you know, all I hear about from constituents of mine is that New York continues to place new mandates on them, that they can't do business profitably, that things are unviable and that we ought to be doing something different.

So I want to help you. I'm just looking for ways that you can tell me why I should help you. So if you can explain that to me, I'll be happy to.

SENATOR FUSCHILLO: Well, Senator, I'll just go back to my original statement. I think it's important that we constantly review the laws of New York State to make sure that all the health and safety standards are adhered to, that employees are well prepared in food preparation, are well

prepared in the heating and the temperature and the cooling of foods, are well prepared in the sanitary condition of their establishment.

I'm sure you go into some of these establishments and they're filthy. And I think it's important that the employees are better trained, and that's what this legislation attempts to do.

SENATOR KUHL: Thank you for your response, Senator.

SENATOR FUSCHILLO: Thank you.

ACTING PRESIDENT MEIER: Senator Morahan.

SENATOR MORAHAN: Mr. President, would the sponsor yield for a question?

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

SENATOR FUSCHILLO: Yes, I do. I'd be happy to.

ACTING PRESIDENT MEIER: The Senator yields.

SENATOR MORAHAN: Senator, if a person completes this course or training, who verifies that they looked at the tape or read a book or saw a VCR? I mean, how does that

come out with a -- is there a certificate?

SENATOR FUSCHILLO: Yes, there will be a certificate that they can file with the Commissioner of Agriculture and Markets. But upon a renewal -- like a real estate license, like continuing ed for other licenses in New York State -- when they get their renewal, they will be asked to check off have they met the requirements of eight hours over the last two years.

SENATOR MORAHAN: And they'll say yes.

SENATOR FUSCHILLO: They say yes.

SENATOR MORAHAN: Would the sponsor yield for another question, Mr. President?

ACTING PRESIDENT MEIER: Senator, do you continue to yield?

SENATOR FUSCHILLO: Yes, I do.

ACTING PRESIDENT MEIER: The sponsor yields.

SENATOR MORAHAN: Aren't these food service establishments now regulated by a department of health, either the county or the state?

SENATOR FUSCHILLO: Yes, they are.

And that's exactly the problem. That's why they came to us, Senator, because --

SENATOR MORAHAN: Who is "they"?

SENATOR FUSCHILLO: That's why the department came to us and said, working with the Food Industry Alliance --

ACTING PRESIDENT MEIER: Just excuse me a minute, Senator Fuschillo.

We have some members who can't hear the debate. Could we ask you, if you have a conversation, to take it outside. And we'll cut the background noise down.

Senator Fuschillo.

SENATOR FUSCHILLO: And that's why they came to us with the Food Industry Alliance, because they've been working with the department, saying, We keep citing these businesses, we keep citing over and over for their unsanitary conditions, and we feel strongly, like the other 28 states throughout this nation who have adopted laws like this, that the employees need to be better trained

over a period of time and have continuing education.

ACTING PRESIDENT MEIER: Senator Morahan.

SENATOR MORAHAN: So if I may continue, Mr. President, to ask the sponsor to yield.

ACTING PRESIDENT MEIER: Senator Fuschillo?

SENATOR FUSCHILLO: Yes, Mr. President.

ACTING PRESIDENT MEIER: The Senator yields.

SENATOR MORAHAN: So we're saying now that these establishments who may violate the law over and over and get fined and get closed and get shut down temporarily or whatever, we're now, with this law, saying that their employees, over a period of two years, have to read a book or look at a VCR tape, these same people or these same establishments would now be responsive to that requirement?

SENATOR FUSCHILLO: One employee, yes.

SENATOR MORAHAN: And this is approved by the Department of Health of the State of New York?

SENATOR FUSCHILLO: Agriculture and Markets.

SENATOR MORAHAN: How about the Department of Health?

SENATOR FUSCHILLO: In conjunction with them. But it's the local health department that regulates these establishments.

SENATOR MORAHAN: May I continue, Mr. President?

ACTING PRESIDENT MEIER: Senator Fuschillo, do you continue to yield?

SENATOR FUSCHILLO: Yes, Mr. President.

ACTING PRESIDENT MEIER: The sponsor yields.

SENATOR MORAHAN: So the enforcement now would be by the local county health department?

SENATOR FUSCHILLO: It is right now. But this is strictly for a food processing license, Senator.

SENATOR MORAHAN: So this is a new license?

SENATOR FUSCHILLO: No, it's a current -- there are establishments that have food processing licenses that this would now be applicable to.

SENATOR MORAHAN: Okay. May I continue, Mr. President?

ACTING PRESIDENT MEIER: Senator Fuschillo, do you continue to yield?

SENATOR FUSCHILLO: Yes, Mr. President.

ACTING PRESIDENT MEIER: The sponsor yields.

SENATOR MORAHAN: Not to prolong the debate, but you're saying now that these establishments are now licensed.

SENATOR FUSCHILLO: Yes, Senator, I am.

SENATOR MORAHAN: Okay. And I assume that that license has certain requirements.

SENATOR FUSCHILLO: Under the Agriculture and Markets Law.

SENATOR MORAHAN: And now this

would be an added requirement besides what's already required to be licensed?

SENATOR FUSCHILLO: Yes.

SENATOR MORAHAN: Thank you, Mr. President.

Thank the sponsor for his responses.

ACTING PRESIDENT MEIER: Senator Sabini.

SENATOR SABINI: Mr. President, would the sponsor yield for a question?

ACTING PRESIDENT MEIER: Senator Fuschillo, do you yield?

SENATOR FUSCHILLO: Yes, I'd be happy to, Mr. President.

ACTING PRESIDENT MEIER: The sponsor yields.

SENATOR SABINI: Mr. President, respecting that the Consumer Affairs chair has got a great record in protecting New Yorkers, we debated, I believe, a version of this bill in committee. And I see it's a B print. And I just wanted to know at the time we had this bill in Consumer Affairs, there was a requirement that the person who had completed

the training -- someone who completed that training had to be on duty at all times.

And the reason for my concern was -- and it's similar to Senator Kuhl's concern -- my district is populated with lots of small convenience stores, many of them known as bodegas. They serve a purpose of selling people things that they need, very often things like milk, disposable diapers. And they might, as a convenience, keep a cooked ham, cheese, a few other items. And that the person -- the requirement would be that that bodega would have someone on duty at all times who would fulfill this requirement.

And I thought that was a little onerous at the time. I see it's a B print. Is that still in the bill?

SENATOR FUSCHILLO: That was one of the questions, Senator.

SENATOR SABINI: Thank you, Mr. President.

ACTING PRESIDENT MEIER: Read the last section.

THE SECRETARY: Section 5. This act shall take effect one year after it shall

have become a law.

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MEIER: Senator DeFrancisco, to explain his vote.

SENATOR DeFRANCISCO: I'm going to vote against this, not because I don't want clean food establishments, but the Department of Health already regulates these establishments.

Secondly, Senator Morahan pointed out in his questioning if you're going to have a filthy restaurant, you're certainly not going to be too concerned about lying about a certification that you read a book.

And lastly, if the person who took this extra training doesn't have to be at the restaurant when the food is being served, I'm not quite sure what it accomplishes other than another mandate on business. And I vote no.

ACTING PRESIDENT MEIER: Senator DeFrancisco will be recorded in the negative.

THE SECRETARY: Those recorded in the negative on Calendar Number 833 are

Senators Alesi, Breslin, Brown, DeFrancisco, Kuhl, Larkin, Libous, Little, McGee, Meier, Morahan, Onorato, Rath, Robach, Saland, Seward, A. Smith, Spano, Stachowski, Volker, and Wright. Ayes, 38. Nays, 21.

ACTING PRESIDENT MEIER: The bill is passed.

Senator Little, why do you rise?

SENATOR LITTLE: Thank you, Mr. President. If I could have unanimous consent to be recorded in the negative on Calendar Number 1084, please.

ACTING PRESIDENT MEIER: Without objection, Senator Little will be recorded in the negative on Calendar 1084.

Senator Liz Krueger.

SENATOR LIZ KRUEGER: Thank you. If I could have unanimous consent to be recorded in the negative on Calendar 1257.

ACTING PRESIDENT MEIER: Without objection, Senator Liz Krueger will be recorded in the negative on 1257.

Senator Alesi.

SENATOR ALESI: Thank you, Mr. President. May we return to the main

Calendar 58, Calendar Number 1241, Senator Trunzo's bill.

ACTING PRESIDENT MEIER: Could we have some order in the chamber, please.

The Secretary will read.

THE SECRETARY: Calendar Number 1241, by Senator Trunzo, Senate Print 1371A, an act to amend the Vehicle and Traffic Law.

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

Read the last section.

THE SECRETARY: Section 5. This act shall take effect on the 30th day.

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT MEIER: The bill is passed.

Senator Leibell.

SENATOR LEIBELL: Thank you, Mr. President. Without objection, can I be recorded in the negative on Calendar Number 833.

ACTING PRESIDENT MEIER: Without objection, Senator Leibell will be recorded in the negative on Calendar 833.

Senator Johnson.

SENATOR JOHNSON: Mr. President, I voted negative on 833, but I wasn't recognized, apparently, by the chair. I'd like to put that down as a negative vote for me.

ACTING PRESIDENT MEIER: Without objection, Senator Johnson will be recorded in the negative on Calendar 833.

Senator Wright.

SENATOR WRIGHT: Thank you, Mr. President. Without objection, I request to be recorded in the negative on Calendar 1084.

ACTING PRESIDENT MEIER: Without objection, Senator Wright will be recorded in the negative on Calendar 1084.

Senator Leibell.

SENATOR LEIBELL: Mr. President, without objection, I request unanimous consent to be recorded in the negative on 1698.

ACTING PRESIDENT MEIER: Without objection, Senator Leibell will be recorded in

the negative on Calendar 1698.

Senator Seward.

SENATOR SEWARD: I would like unanimous consent to be recorded in the negative on Calendar Number 1084.

ACTING PRESIDENT MEIER: Without objection, Senator Seward will be recorded in the negative on Calendar 1084.

Senator Alesi.

SENATOR ALESI: Thank you, Mr. President. Is there any housekeeping?

ACTING PRESIDENT MEIER: Yes, we have a motion.

Senator Wright.

SENATOR WRIGHT: Thank you, Mr. President. On behalf of Senator Robach, I wish to call up Senate Print Number 5446C, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT MEIER: The Secretary will read.

THE SECRETARY: Calendar Number 520, by Senator Robach, Senate Print 5446C, an act to amend the Public Health Law.

ACTING PRESIDENT MEIER: Senator

Wright.

SENATOR WRIGHT: Mr. President, I now move to reconsider the vote by which this bill was passed and ask that the bill be restored to the order of third reading.

ACTING PRESIDENT MEIER: Call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT MEIER: The bill is restored to the order of third reading.

Senator Wright.

SENATOR WRIGHT: Mr. President, I now move to discharge, from the Committee on Rules, Assembly Print Number 9045B and substitute it for the identical bill.

ACTING PRESIDENT MEIER: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 520, by the Assembly Committee on Rules, Assembly Print Number 9045B, an act to amend the Public Health Law.

ACTING PRESIDENT MEIER: Senator Wright.

SENATOR WRIGHT: The Senate bill on first passage was voted unanimously. I now move that the substituted Assembly bill have its third reading at this time.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT MEIER: The bill is passed.

Senator Alesi.

SENATOR ALESI: Thank you, Mr. President. Are there any substitutions at the desk?

ACTING PRESIDENT MEIER: Yes, there are.

The Secretary will read the substitutions.

THE SECRETARY: On page 28, Senator LaValle moves to discharge, from the Committee on Rules, Assembly Print Number

7143A and substitute it for the identical Senate Bill Number 289A, Third Reading Calendar 922.

On page 32, Senator LaValle moves to discharge, from the Committee on Rules, Assembly Bill Number 10340A and substitute it for the identical Senate Bill Number 6657A, Third Reading Calendar 1016.

On page 36, Senator Farley moves to discharge, from the Committee on Rules, Assembly Bill Number 10400A and substitute it for the identical Senate Bill Number 6796A, Third Reading Calendar 1106.

On page 38, Senator Rath moves to discharge, from the Committee on Rules, Assembly Bill Number 8553A and substitute it for the identical Senate Bill Number 4505B, Third Reading Calendar 1174.

On page 39, Senator Hannon moves to discharge, from the Committee on Rules, Assembly Bill Number 4274B and substitute it for the identical Senate Bill Number 4148A, Third Reading Calendar 1193.

On page 41, Senator Flanagan moves to discharge, from the Committee on Finance,

Assembly Bill Number 2645B and substitute it for the identical Senate Bill Number 7066A, Third Reading Calendar 1233.

And on page 51, Senator Volker moves to discharge, from the Committee on Rules, Assembly Bill Number 10803B and substitute it for the identical Senate Bill Number 7208A, Third Reading Calendar 1556.

ACTING PRESIDENT MEIER: Substitutions ordered.

Senator Seward.

SENATOR SEWARD: Mr. President, I request unanimous consent to be recorded in the negative on Calendar 1698.

ACTING PRESIDENT MEIER: Without objection, Senator Seward will be recorded in the negative on Calendar 1698.

Senator Alesi.

SENATOR ALESI: Thank you, Mr. President. Can we return to reports of standing committees and take up the reading of the Rules report, please.

ACTING PRESIDENT MEIER: Reports of standing committees.

The Secretary will read.

Senator Maziarz.

SENATOR MAZIARZ: Yes, thank you Mr. President. I'd like unanimous consent to be recorded in the negative on Calendar Number 833, please.

ACTING PRESIDENT MEIER: Without objection, Senator Maziarz will be recorded in the negative on Calendar 833.

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

Senate Print 1804, by Senator Stavisky, an act to amend the Education Law;

7531, by Senator Golden, an act to amend the Retirement and Social Security Law;

7537, by Senator Volker, an act to amend Chapter 367 of the Laws of 1999;

7538, by the Senate Committee on Rules, an act to amend the Racing, Pari-Mutuel Wagering and Breeding Law;

7539, by Senator Little, concurrent resolution of the Senate and Assembly;

7544, by Senator Hannon, an act to amend the Public Health Law;

7545, by Senator Fuschillo, an act

authorizing the assessor of the County of Nassau;

7557, by Senator LaValle, an act to amend the Education Law;

7558, by Senator Little, an act to amend the Local Finance Law;

7559, by Senator Little, an act to amend the Public Officers Law;

7560, by Senator Little, an act to amend the Town Law;

7561, by Senator Balboni, an act to amend the Tax Law;

7564, by Senator Fuschillo, an act to amend the Vehicle and Traffic Law;

7565, by Senator Farley, an act to amend the Banking Law;

7577, by the Senate Committee on Rules, an act to amend the Executive Law;

7583, by Senator Spano, an act authorizing and conferring jurisdiction;

7584, by Senator Nozzolio, an act to reopen Plan 384D;

7587, by Senator Hannon, an act to amend the Public Health Law;

7588, by Senator Fuschillo, an act

to amend the General Business Law;

7589, by Senator Fuschillo, an act to amend the Education Law;

7590, by Senator Maziarz, an act to amend the Highway Law;

7591, by Senator Spano, an act to amend the Criminal Procedure Law;

7595, by Senator Marcellino, an act to amend the Environmental Conservation Law;

7597, by Senator Balboni, an act to amend the Real Property Law;

7598, by Senator Skelos, an act to amend the Criminal Procedure Law;

7599, by Senator Padavan, an act to amend the Vehicle and Traffic Law;

7601, by Senator Wright, an act to amend the Public Authorities Law;

7602, by Senator Saland, an act to amend the Education Law;

7608, by the Senate Committee on Rules, an act to amend the Tax Law;

7611, by Senator Robach, an act to create a task force;

7616, by Senator Marcellino, an act to amend the Environmental Conservation Law;

7619, by the Senate Committee on Rules, an act to amend the General Municipal Law;

7620, by Senator Marcellino, an act to amend the Environmental Conservation Law;

7621, by Senator Marcellino, an act to amend the Environmental Conservation Law;

And Senate Print 7624, by Senator DeFrancisco, an act to amend the General Business Law.

All bills ordered direct to third reading.

ACTING PRESIDENT MEIER: Senator Alesi.

SENATOR ALESI: Move to accept the report of the Rules Committee, Mr. President.

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

(Response of "Aye.")

ACTING PRESIDENT MEIER: Those opposed, nay.

(No response.)

ACTING PRESIDENT MEIER: The

report of the Rules Committee is accepted.

SENATOR SKELOS: Mr. President, I'd like to reconsider the vote by which Calendar Number 833 passed the Senate.

ACTING PRESIDENT MEIER: The Secretary will read.

THE SECRETARY: Calendar Number 833, by the Assembly Committee on Rules, Assembly Print Number 11003B, an act to amend the Agriculture and Markets Law.

ACTING PRESIDENT MEIER: Call the roll on reconsideration.

(The Secretary called the roll.)

ACTING PRESIDENT MEIER: Senator Skelos.

SENATOR SKELOS: Lay the bill aside.

ACTING PRESIDENT MEIER: The bill is laid aside.

Senator Skelos.

SENATOR SKELOS: Mr. President, can we take up Supplemental Calendar Number 58C, noncontroversial.

ACTING PRESIDENT MEIER: The Secretary will conduct the noncontroversial

reading of Supplemental Calendar 58C.

THE SECRETARY: Calendar Number 1757, by Senator Stavisky, Senate Print 1804, an act to amend the Education Law, in relation to providing.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1758, by Senator Golden, Senate Print 7531, an act to amend the Retirement and Social Security Law.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1759, by Senator Volker, Senate Print 7537, an act to amend Chapter 367 of the Laws of 1999.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1760, by the Senate Committee on Rules, Senate Print Number 7538, an act to amend the Racing, Pari-Mutuel Wagering and Breeding Law.

ACTING PRESIDENT MEIER: Read the last section.

THE SECRETARY: Section 2. This

act shall take effect immediately.

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1761, by Senator Little, Senate Print 7539, Concurrent Resolution of the Senate and Assembly proposing an amendment to Section 2 of Article 14 of the Constitution.

ACTING PRESIDENT MEIER: On the resolution, call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT MEIER: The resolution is adopted.

THE SECRETARY: Calendar Number 1762, by Senator Hannon, Senate Print 7544, an act to amend the Public Health Law.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1763, Senator Fuschillo moves to discharge, from the Committee on Rules, Assembly Bill Number 9322 and substitute it for the identical Senate Bill Number 7545, Third Reading Calendar 1763.

ACTING PRESIDENT MEIER: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1763, by Member of the Assembly McDonough, Assembly Print Number 9322, an act authorizing the assessor of the County of Nassau.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1764, by Senator LaValle, Senate Print 7557, an act to amend the Education Law.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1768, by Senator Balboni, Senate Print 7561, an act to amend the Tax Law.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1769, Senator Fuschillo moves to discharge, from the Committee on Rules, Assembly Bill Number 9542B and substitute it for the identical Senate Bill Number 7564, Third Reading Calendar 1769.

ACTING PRESIDENT MEIER: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1769, by Member of the Assembly Weisenberg, Assembly Print Number 9542B, an act to amend the Vehicle and Traffic Law.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1770, by Senator Farley, Senate Print 7565, an act to amend the Banking Law.

ACTING PRESIDENT MEIER: Read the last section.

THE SECRETARY: Section 9. This act shall take effect on the first of January.

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1771, by the Senate Committee on Rules, Senate Print Number 7577, an act to amend the Executive Law.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

SENATOR HASSELL-THOMPSON: Lay it aside.

ACTING PRESIDENT MEIER: Lay the bill aside.

THE SECRETARY: Calendar Number 1772, by Senator Spano, Senate Print 7583, an act authorizing and conferring jurisdiction.

ACTING PRESIDENT MEIER: Read the last section.

THE SECRETARY: Section 5. This act shall take effect on the same date as a chapter of the Laws of 2004.

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1774, by Senator Hannon, Senate Print 7587, an act to amend the Public Health Law.

ACTING PRESIDENT MEIER: Read the

last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1775, Senator Fuschillo moves to discharge, from the Committee on Rules, Assembly Bill Number 11256A and substitute it for the identical Senate Bill Number 7588, Third Reading Calendar 1775.

ACTING PRESIDENT MEIER: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1775, by the Assembly Committee on Rules, Assembly Print Number 11256A, an act to amend the General Business Law.

ACTING PRESIDENT MEIER: Read the last section.

THE SECRETARY: Section 2. This

act shall take effect immediately.

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1776, by Senator Fuschillo, Senate Print 7589, an act to amend the Education Law.

ACTING PRESIDENT MEIER: Read the last section.

THE SECRETARY: Section 11. This act shall take effect on the first of September.

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1777, by Senator Maziarz, Senate Print 7590, an act to amend the Highway Law, in relation

to the designation.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1778, by Senator Saland, Senate Print 7591, an act to amend the Criminal Procedure Law.

ACTING PRESIDENT MEIER: Read the last section.

THE SECRETARY: Section 5. This act shall take effect on the 30th day.

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number

1779, by Senator Marcellino, Senate Print 7595, an act to amend the Environmental Conservation Law.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1780, by Senator Balboni, Senate Print 7597, an act to amend the Real Property Law.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57. Nays,

2. Senators Leibell and Saland recorded in the negative.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1781, by Senator Skelos --

SENATOR SKELOS: Lay it aside for the day.

ACTING PRESIDENT MEIER: Lay the bill aside for the day.

THE SECRETARY: Calendar Number 1782, by Senator Padavan, Senate Print 7599, an act to amend the Vehicle and Traffic Law and the Administrative Code of the City of New York.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1783, by Senator Wright --

SENATOR HASSELL-THOMPSON: Lay it aside.

ACTING PRESIDENT MEIER: Lay the bill aside.

THE SECRETARY: Calendar Number 1784, by Senator Saland --

SENATOR HASSELL-THOMPSON: Lay it aside.

ACTING PRESIDENT MEIER: Lay the bill aside.

Senator Skelos, that completes the noncontroversial reading of the supplemental calendar.

SENATOR SKELOS: Thank you, Mr. President.

Is there any housekeeping at the desk?

ACTING PRESIDENT MEIER: There is no housekeeping at the desk, Senator.

SENATOR SKELOS: Mr. President, there being no further business to come before

the Senate, I move we stand adjourned until 10:00 a.m., Tuesday, June 22nd.

ACTING PRESIDENT MEIER: On motion, the Senate stands adjourned until 10:00 a.m., Tuesday, June 22, 2004. That's this year.

(Whereupon, at 9:45 p.m., the Senate adjourned.)