NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

May 24, 2005

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 stand 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, Monday, May 23, the Senate met pursuant to adjournment. The Journal of Sunday, May 22, 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 Bruno.

SENATOR BRUNO: Madam President, can we at this time adopt the Resolutions Calendar, with the exception of Resolutions 1944 and 2088.

THE PRESIDENT: All in favor of so adopting the Resolution Calendar please signify by saying aye.

(Response of "Aye.")

THE PRESIDENT: Opposed, nay.

(No response.)

THE PRESIDENT: The Resolution Calendar is so adopted.

Senator Bruno.

SENATOR BRUNO: Madam President, can we at this time take up a resolution by myself and Senator Morahan, have it read in its entirety, and move for its immediate adoption.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: By Senators Bruno and Morahan, Legislative Resolution Number 1944, memorializing Governor George E. Pataki to proclaim May 24, 2005, as Senate Disabilities Awareness Day in the State of New York.

"WHEREAS, The New York State Senate Committee on the Disabled is sponsoring the 25th Annual Senate Disabilities Awareness Day in Albany, New York; and

"WHEREAS, Members of this Legislative Body have selected residents from their districts who embody the celebrated spirit of perseverance and determination to 'achieve through adversity' to be honored as 2005 Senate Achievers; and

"WHEREAS, In addition, a Technology Fair will be held with exhibitors from across the State displaying their programs; and

"WHEREAS, It is the sense of this Legislative Body that persons with disabilities merit our recognition as they realize the goals of inclusion and equality in

our communities and society at large; and

"WHEREAS, It is the intent of this Legislative Body to recognize persons with disabilities, accentuating, in turn, the benefit to New York State of their contributions to our economic, educational and social growth; and

"WHEREAS, Senate Disabilities Awareness Day so clearly labors for the positive and salutary definition of the communities of the State of New York; and

"WHEREAS, Senate Disabilities Awareness Day provides individuals with an opportunity to acknowledge and understand the legislative process; now, therefore, be it

"RESOLVED, That this Legislative Body pause in its deliberations to memorialize Governor George E. Pataki to proclaim May 24, 2005, as Senate Disabilities Awareness Day in the State of New York, fully confident that such procedure mirrors our shared commitment to the efflorescence of human dignity; and be it further

"RESOLVED, That copies of this resolution, suitably engrossed, be transmitted

to the Honorable George E. Pataki, Governor of the State of New York, and selected representatives of persons with disabilities."

THE PRESIDENT: Senator Bruno.

SENATOR BRUNO: Thank you, Madam President and colleagues.

We've heard a resolution that will become part of the records of the work of the Senate and the Legislature. And I want to just say a word about this being the 25th annual Disabilities Awareness Day that we celebrate here in the Senate.

And Senator Morahan, who chairs this event and shares all of what is going on here, did a remarkable job today with those that have joined us, some of them here in the chamber.

And, Tom, on behalf of the Senate, thank you for your efforts and all the good things that you do in helping coordinate this event today, but throughout the year, dealing with people that are disabled in any way -- physically, emotionally or mentally.

But, you know, all of us can look to people that have joined us today and truly

be inspired. Because when you look around at people who are here, they are getting an Achiever's Award in this 25th year for doing things with their lives that are beyond what people would feel they were able to do.

And it takes special courage, it takes stamina, it takes just pure true grit, many times, to be an achiever when life has not treated people the way they might prefer. But they step up, step out, and really socially enrich us, culturally, educationally, as models for all of us.

So, Madam President and colleagues and all of you that are here, those of you that have received awards, families that are here, neighbors that are here -- and my designee, Bernice Maxwell, had to leave on a family matter and is not here with us, but we recognized and honored her here this morning.

But I just really want to say to each of you that you are appreciated, you are recognized, you are truly role models for people who see what you do and how you do it. You're an inspiration for all of us.

So we thank you for all of your

good works and the good things you do on behalf of all the people here in this state, and God bless you all.

THE PRESIDENT: Senator Morahan.

SENATOR MORAHAN: Thank you, Madam President.

And thank you, Senator Bruno, for those wonderful remarks about those people in New York who are more challenged than some others.

All across this state people are challenged, either physically or mentally, somehow to carve out a life of their own, to be an achiever, to make an accomplishment, to contribute to their communities.

Today we recognize 26 role models who have the attitude of can-do. Without limbs, in some cases; in wheelchairs, in others; with other sorts of disabilities. They overcame those challenges -- met the challenges, rather, overcame their disabilities, and really are remarkable people.

And we paid homage to them today, and we gave them recognition as achievers,

because they now serve as role models for all of the folks around New York State who could use that level of enthusiasm to overcome.

I really appreciated the opportunity to chair the event today in The Well of the LOB, to meet the heroes, in my book, from around the state, to meet those who I wonder what I could have done in the same condition -- would I have had the will, would I have had the attitude, would I have had the determination to succeed as they did. And not only to succeed in their own lives, but often it was demonstrated that they have done so much for so many others. Some who weren't even challenged, they have helped.

So our hats are off to all of those who came today, all of the disabled people in the state of New York who have worked so hard to overcome their disabilities, and to give you our commitment as a Senate, on both sides of the aisle, that we recognize what you have done and we stand committed to serve the mentally disabled and the physically disabled and the developmentally disabled in the state of New York.

Thank you, Madam President.

THE PRESIDENT: Senator LaValle.

SENATOR LaVALLE: Thank you, Madam President. I would just like to add a few words to those of Senator Bruno and Senator Morahan.

It seems almost a lifetime ago professionally for me when I got involved in, as director of the Education Committee, writing legislation that provided for free and appropriate education. And I only mention that because it was more than 20 years ago and I have seen our society really provide a fair and equitable playing field for people who are challenged.

And today I met an individual, Josh Stewart, who was nominated by Senator Flanagan and stopped in my office, and listened to him about his entrepreneurial spirit of how he would go on, and I'm absolutely convinced, someday to own his own business.

And, you know, today what it's all about, you can be anything that you want to be. And our laws and our society are providing the pathway to do that very thing.

And I congratulate Senator Morahan on his good work in providing for a day like today and encouraging the laws that we need to make people independent and contributing members of our society.

THE PRESIDENT: The question now is on the resolution. All in favor please signify by saying aye.

(Response of "Aye.")

THE PRESIDENT: Opposed, nay.

(No response.)

THE PRESIDENT: The resolution is adopted.

And you have our respect and admiration and congratulations. Best wishes to everyone involved here.

(Standing ovation.)

THE PRESIDENT: Senator Bruno.

SENATOR BRUNO: Madam President, with Senator Morahan's indulgence, we'd like to ask all the conference members to join in this resolution. And if you'd rather not, please let the desk know at your leisure.

Thank you, Madam President.

THE PRESIDENT: Any member who

does not wish to sponsor the last resolution please notify the desk.

Senator Bruno.

SENATOR BRUNO: And, Madam President, can we at this time have the resolution by Senator Skelos, 2088, have the title read and move for its immediate adoption.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: By Senator Skelos, Legislative Resolution Number 2088, memorializing Governor George E. Pataki to proclaim May 25, 2005, as Missing Children's Day in New York State.

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

(Response of "Aye.")

THE PRESIDENT: Opposed, nay.

(No response.)

THE PRESIDENT: The resolution is adopted.

Senator Flanagan.

SENATOR FLANAGAN: Madam President, if the Senate could stand at ease

for a few moments.

THE PRESIDENT: The Senate stands at ease.

(Whereupon, the Senate stood at ease at 3:26 p.m.)

(Whereupon, the Senate reconvened at 3:36 p.m.)

ACTING PRESIDENT MEIER: Senator Skelos.

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

ACTING PRESIDENT MEIER: The Secretary will read the substitutions.

THE SECRETARY: On page 12, Senator Larkin moves to discharge, from the Committee on Aging, Assembly Bill Number 399 and substitute it for the identical Senate Bill Number 62, Third Reading Calendar 89.

On page 13, Senator Marcellino moves to discharge, from the Committee on Health, Assembly Bill Number 4577A and substitute it for the identical Senate Bill Number 1771A, Third Reading Calendar 113.

On page 15, Senator Alesi moves to

discharge from the Committee on Corporations, Authorities and Commissions, Assembly Bill Number 727 and substitute it for the identical Senate Bill Number 1318, Third Reading Calendar 186.

On page 16, Senator DeFrancisco moves to discharge, from the Committee on Investigations and Government Operations, Assembly Bill Number 1115 and substitute it for the identical Senate Bill Number 39, Third Reading Calendar 235.

On page 22, Senator Wright moves to discharge, from the Committee on Tourism, Recreation and Sports Development, Assembly Bill Number 6127 and substitute it for the identical Senate Bill Number 2530, Third Reading Calendar 391.

On page 25, Senator Balboni moves to discharge, from the Committee on Transportation, Assembly Bill Number 4225 and substitute it for the identical Senate Bill Number 1786, Third Reading Calendar 479.

On page 25, Senator Spano moves to discharge, from the Committee on Investigations and Government Operations,

Assembly Bill Number 6353 and substitute it for the identical Senate Bill Number 3001, Third Reading Calendar 508.

On page 27, Senator Hannon moves to discharge, from the Committee on Health, Assembly Bill Number 1842 and substitute it for the identical Senate Bill Number 756, Third Reading Calendar 540.

On page 35, Senator Winner moves to discharge, from the Committee on Agriculture, Assembly Bill Number 7432 and substitute it for the identical Senate Bill Number 4673, Third Reading Calendar 692.

On page 47, Senator Farley moves to discharge, from the Committee on Banks, Assembly Bill Number 7388 and substitute it for the identical Senate Bill Number 4522, Third Reading Calendar 838.

On page 62, Senator Robach moves to discharge, from the Committee on Finance, Assembly Bill Number 3454 and substitute it for the identical Senate Bill Number 1893, Third Reading Calendar 994.

And on page 70, Senator DeFrancisco moves to discharge, from the Committee on

Civil Service and Pensions, Assembly Bill Number 6142A and substitute it for the identical Senate Bill Number 3050A, Third Reading Calendar 1079.

ACTING PRESIDENT MEIER: Substitutions ordered.

Senator Skelos.

SENATOR SKELOS: Would you please recognize Senator Fuschillo.

ACTING PRESIDENT MEIER: Motions and resolutions.

Senator Fuschillo.

SENATOR FUSCHILLO: Thank you, Mr. President.

On behalf of Senator Alesi, on page number 33 I offer the following amendments to Calendar Number 654, Assembly Print Number 966A, 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 the Third Reading Calendar.

SENATOR FUSCHILLO: On behalf of Senator Leibell, on page number 37 I offer the

following amendments to Calendar Number 726, Senate Print Number 3626, 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 the Third Reading Calendar.

SENATOR FUSCHILLO: On behalf of Senator Padavan, on page number 51 I offer to following amendments to Calendar Number 887, Senate Print Number 3914, 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 the Third Reading Calendar.

SENATOR FUSCHILLO: On behalf of Senator Saland, on page number 64 I offer the following amendments to Calendar Number 1014, Senate Print Number 3314, and ask that said bill will retain its place on Third Reading Calendar.

ACTING PRESIDENT MEIER: The

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

Senator Little.

SENATOR LITTLE: Thank you, Mr. President.

On behalf of myself, Senator Little, on page 58 I offer the following amendments to Calendar Number 955, Senate Print Number 4911, and ask that the 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 the Third Reading Calendar.

Senator Skelos.

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

ACTING PRESIDENT MEIER: The Secretary will conduct the noncontroversial reading of the calendar.

THE SECRETARY: Calendar Number 117, by Senator Marcellino, Senate Print 676,

an act to amend the Vehicle and Traffic Law, in relation to permitted use.

ACTING PRESIDENT MEIER: Read the last section.

SENATOR SCHNEIDERMAN: Lay it aside.

ACTING PRESIDENT MEIER: Lay the bill aside.

THE SECRETARY: Calendar Number 167, by Senator Balboni, Senate Print 182A, an act to amend the Penal Law, in relation to creating.

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, 60.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 169, by Senator Marcellino --

SENATOR SKELOS: Lay it aside for

the day, please.

ACTING PRESIDENT MEIER: Lay the bill aside for the day.

THE SECRETARY: Calendar Number 199, by Member of the Assembly Stringer, Assembly Print Number 630, an act to amend the Real Property Tax Law, in relation to assessors and assessor training.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 248, by Senator LaValle, Senate Print --

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

ACTING PRESIDENT MEIER: Lay the bill aside for the day.

THE SECRETARY: Calendar Number

268, by Senator LaValle --

SENATOR SKELOS: Lay the bill aside for the day, please.

ACTING PRESIDENT MEIER: Lay the bill aside for the day.

THE SECRETARY: Calendar Number 361, by Senator LaValle --

SENATOR SKELOS: Lay the bill aside for the day.

ACTING PRESIDENT MEIER: Lay the bill aside for the day.

THE SECRETARY: Calendar Number 575, by Senator Spano, Senate Print 3278, an act to amend the Education Law, in relation to penalties.

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, 60.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 598, by Senator Padavan --

SENATOR LIZ KRUEGER: Lay it aside, please.

ACTING PRESIDENT MEIER: Lay the bill aside.

THE SECRETARY: Calendar Number 605, by Senator Flanagan, Senate Print 2551, an act to amend the Tax Law, in relation to exempting.

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

Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 729, by Senator Bonacic, Senate Print 268, an act to amend the Vehicle and Traffic Law, in

relation to approaching a parked, stopped or standing hazard vehicle.

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, 60.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 738, by Senator Farley --

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

ACTING PRESIDENT MEIER: Lay the bill aside for the day.

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

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

ACTING PRESIDENT MEIER: Lay the bill aside for the day.

THE SECRETARY: Calendar Number

747, by Senator Balboni --

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

ACTING PRESIDENT MEIER: Lay the bill aside for the day.

THE SECRETARY: Calendar Number 751, by Senator Robach, Senate Print 4508, an act to amend the Civil Service Law, in relation to the representation.

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, 60.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 787, by Senator Farley, Senate Print 4520, an act to amend the Tax Law, in relation to the imposition of sales.

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, 60.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 813, by Senator Bonacic, Senate Print 4326, an act to amend the Public Authorities Law, in relation to the power of the State of New York Mortgage Agency.

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, 60.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 823, by Senator Farley, Senate Print 5177, an

act to amend the Public Authorities Law, in relation to directors.

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, 60.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 831, by Senator Morahan --

SENATOR MORAHAN: Lay it aside for the day.

ACTING PRESIDENT MEIER: Lay the bill aside for the day.

THE SECRETARY: Calendar Number 833, by Senator Farley, Senate Print 4048, an act to amend the Banking Law, in relation to establishing standards.

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, 60.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 845, by Senator Seward, Senate Print 4971, an act to amend the Education Law, in relation to biennial registration fees.

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

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 850, by Senator Maziarz, Senate Print 4184, an act to amend the Workers' Compensation Law, in

relation to employment.

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, 60.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 854, by Senator Johnson, Senate Print 1409, an act to amend the Insurance Law and the Vehicle and Traffic Law, in relation to establishing.

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.)

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

SENATOR ONORATO: To explain my

vote, Mr. President.

Mr. President, I'm going to vote for this bill. I think it's a good bill.

But I think we could make it a little bit better, Senator Johnson, if you were to amend it to address the concerns of some people regarding taking safety courses on the Internet. It's a wonderful suggestion, for those who are trying to do it, to reduce their insurance premiums.

But we have a lot of youngsters who have gotten points on their license, and they are also eligible to take this on the Internet. And I think it would be much better if we got them, students, into the classroom to take it before they would be eligible for a reduction in their insurance rates.

Again, I will be voting for the bill, but please consider the amendment.

ACTING PRESIDENT MEIER: Announce the results.

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number

856, by Senator Seward, Senate Print 4320, an act to amend the Insurance Law, in relation to limitations.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 859, by Senator LaValle, Senate Print 1412, an act to amend the Real Property Actions and Proceedings Law, in relation to purchase.

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, 60.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 860, by Senator Alesi --

SENATOR LIZ KRUEGER: Lay it aside.

ACTING PRESIDENT MEIER: Lay the bill aside.

THE SECRETARY: Calendar Number 865, by Senator DeFrancisco, Senate Print 4847, an act to amend Chapter 231 of the Laws of 1998 amending the Real Property Actions and Proceedings 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, 60.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 891, by Senator Nozzolio, Senate Print 4032,

an act to amend the Penal Law, in relation to sexual conduct.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 894, by Senator Rath, Senate Print 4196, an act to amend the Penal Law, in relation to custodial interference.

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, 60.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 910, by Senator Alesi, Senate Print 3440, an act authorizing Stanley Chizuk to receive retirement service credit.

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, 60.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 915, by Senator Golden, Senate Print 4446, an act to amend the Civil Service Law, in relation to permitting.

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.)

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

SENATOR GOLDEN: Thank you, Acting President.

The bill that we're passing today was an amendment made to the bill -- or a bill passed to help and to assist the Port Authority police officers that were not included in the previous bill, that would allow their sons and daughters to go on to become police officers or firemen, to gain extra points on their acceptance to the police department or fire department, because of those that were lost in 9/11, those 400-plus firemen and police officers that died on that terrible, terrible day.

This would correct that injustice and allow the Port Authority police officers, their sons and daughters, to be able to follow in the footsteps of their mothers and fathers that were on the departments before them.

And I'm also proud to be able to

point up to a school from my district, the Resurrection. And up there is the "Senator for a Day," Gillian Sineflow [ph]. And those kids were part of that terrible tragedy when they seen those buildings come down on 9/11. And many of the parents that went to Resurrection -- or some of the parents were lost on 9/11. And that's also one of the schools, unfortunately, that will be closed in Brooklyn and Queens.

But this is a great justice for those families and those children of police officers, firemen, and for those that worked for the Port Authority. And I thank this body for passing that. And obviously I vote yes.

Thank you.

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

The Secretary will announce the results.

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 948, by Senator Balboni, Senate Print 4498, an

act authorizing the assessor of the County of Nassau to accept.

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

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 950, by Senator Skelos, Senate Print 4556, an act to amend Chapter 564 of the Laws of 2004.

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

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 951, by Senator LaValle, Senate Print 4716, an act to authorize the Independent Group Home Living Program, Inc.

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

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 952, by Senator Flanagan, Senate Print 4894, an act to authorize the First Church of Christ, Scientist, 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, 59. Nays, 1. Senator Bonacic recorded in the negative.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1006, by Senator Robach, Senate Print 5247, an act to amend the Executive Law and the State Finance Law.

ACTING PRESIDENT MEIER: Read the last section.

THE SECRETARY: Section 26. This act shall take effect immediately.

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1047, by Senator Fuschillo, Senate Print 2224, an act to amend the Real Property Tax Law, in relation to including.

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 SKELOS: Lay it aside for the day, please.

ACTING PRESIDENT MEIER: Lay the bill aside for the day.

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

SENATOR SKELOS: Thank you, Mr. President. If we could return to reports of standing committees and take up the Finance Committee report at this time.

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 commissioner of the Tax Appeals Tribunal, Robert J. McDermott, of New York

City.

ACTING PRESIDENT MEIER: Senator Johnson.

SENATOR JOHNSON: Move the nominations, Mr. President.

ACTING PRESIDENT MEIER: The question is on the nomination of Robert J. McDermott, of New York City, as Commissioner of the Tax Appeals Tribunal. 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. McDermott is with us today in the gallery.

And, Mr. McDermott, congratulations, and we wish you well with your important duties.

(Applause.)

ACTING PRESIDENT MEIER: The Secretary will continue to read.

THE SECRETARY: As a member of

the New York State Olympic Regional Development Authority, Edwin H. Weibrecht, of Lake Placid.

As a member of the Niagara Frontier Transportation Authority, Peter G. Demakos, of Amherst.

As a member of the Port of Oswego Authority, Ralph Jennings, of Oswego.

As a member of the Allegany State Park, Recreation and Historic Preservation Commission, Laureen J. Peterson, of Salamanca.

As a member of the Saratoga-Capital District State Park, Recreation and Historic Preservation Commission, Raymond A. Waldron, of Saratoga Springs.

As a member of the Veterans Affairs Commission, Ben E. Peets, of Tupper Lake.

As a member of the Mental Health Services Council, Jeffrey Borenstein, M.D., of New York City.

As a member of the State Fire Prevention and Building Code Council, Thomas B. Vanderbeek, of Suffern.

As members of the Board of Visitors of the Agricultural and Industrial School at

Industry, James P. Mulley, Jr., of Webster, and John R. Rosati, of Rochester.

As a member of the Board of Visitors of the Bronx Children's Psychiatric Center, Raquel C. Coca, of the Bronx.

As a member of the Board of Visitors of the Broome Developmental Disabilities Services Office, Ann Brigid Sullivan, of Morris.

As members of the Board of Visitors of the Capital District Developmental Disabilities Services Office, Sharon Brooks, of Fort Johnson; Arthur P. Pagano, of Cohoes; and Joan D. Taylor, of Niskayuna.

As a member of the Board of Visitors of the Capital District Psychiatric Center, E. Bernice Danks, of Averill Park.

As a member of the Board of Visitors of the Central New York Developmental Disabilities Services Office, Elizabeth Vaught, of Baldwinsville.

As a member of the Board of Visitors of the Creedmoor Psychiatric Center, Gloria M. Allen, of Hollis.

As a member of the Board of

Visitors of the Mohawk Valley Psychiatric Center, Maryrose Eannace, Ph.D., of Clinton.

As a member of the Board of Visitors of the Hudson Valley Developmental Disabilities Services Office, Helen S. Crabbe, of Orangeburg.

As a member of the Board of Visitors of the Richard H. Hutchings Developmental Disabilities Services Office, Richard Ellison, Esquire, of Syracuse.

As a member of the Board of Visitors of the St. Lawrence Psychiatric Center, Edward J. Knight, of Lisbon.

As a member of the Board of Visitors of the Taconic Developmental Disabilities Services Office, Theresa Sgrulletta, of Mount Kisco.

As a member of the Board of Visitors of the Valley Ridge Center for Intensive Treatment, Irad S. Ingraham, Esquire, of New Berlin.

And as a member of the Board of Visitors of the Western New York Developmental Disabilities Services Office, Jessie B. Wells, of Buffalo.

ACTING PRESIDENT MEIER: The question is on the confirmation of the 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 SKELOS: Mr. President.

ACTING PRESIDENT MEIER: Senator Skelos.

SENATOR SKELOS: Thank you, Mr. President. If we could take up the report of the Judiciary Committee at this time.

ACTING PRESIDENT MEIER: The Secretary will read the report of the Judiciary Committee.

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

As a judge of the Surrogate's Court for the County of Rockland, G. Nicholas Del Pizzo, of Nyack.

ACTING PRESIDENT MEIER: Senator DeFrancisco.

SENATOR DeFRANCISCO: Thank you, Mr. President.

I'm proud to rise to move the nomination of G. Nicholas Del Pizzo, of Nyack, as a judge of the Surrogate's Court.

Mr. Del Pizzo has been reviewed by not only the Governor's office, his qualifications have been reviewed by the Judiciary Committee. And the Judiciary Committee unanimously voted his nomination to the floor and unanimously recommended his confirmation.

And I would request that you would please recognize Senator Morahan for a second.

ACTING PRESIDENT MEIER: Can we have some order in the chamber, please.

SENATOR DeFRANCISCO: Excuse me. Senator Spano.

ACTING PRESIDENT MEIER: No, Senator Morahan.

SENATOR MORAHAN: No, you were right, John.

SENATOR DeFRANCISCO: All right.

ACTING PRESIDENT MEIER: Senator Morahan.

SENATOR MORAHAN: Thank you, Mr. President. Thank you, Senator DeFrancisco.

I rise in support of this nomination and confirmation of G. Nicholas Del Pizzo from Rockland County.

He's been an acting village judge in South Nyack, served with great distinction. He received his juris doctorate from Pace University. He was entered into the bar in 1985 and has had a long career in public service and in private practice, serving as a Family Court attorney representing the Department of Social Services, that agency, in Family Court. And then in 1991 he was promoted, if you will, to be the supervising attorney for the agency in the Family Court.

He's a veteran, a captain of the U.S. Air Force during the Vietnam War. And he's been involved in the community in the Veterans of Foreign Wars, the American Legion, the PINS Advisory Board, the board of directors of the Empire Hook & Ladder down in Upper Nyack, and many other community services

that he's performed.

And I congratulate the Governor for making this nomination, and I stand foursquare behind this nomination and for the confirmation.

Thank you, Mr. President.

ACTING PRESIDENT MEIER: The question is on the confirmation of G. Nicholas Del Pizzo as a judge of the Surrogate's Court for Rockland County. 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.

Judge Del Pizzo is with us in the gallery. He's accompanied by his daughter, Sarah, and by Linda Bean.

Judge, we congratulate you and we wish you well.

(Applause.)

ACTING PRESIDENT MEIER: The Secretary will continue to read.

THE SECRETARY: As a judge of the Westchester County Court, Charles Devlin, of Chappaqua.

ACTING PRESIDENT MEIER: Senator DeFrancisco.

SENATOR DeFRANCISCO: I'm also proud to rise to move the nomination of Charles Devlin as a judge of the Westchester County Court.

He also had his qualifications reviewed by the Governor's office and thoroughly reviewed by the Senate Judiciary Committee. His nomination was unanimously forwarded to the full Senate, and the recommendation for his approval has been unanimous as well.

And I would request that you, Mr. President, please recognize Senator Spano to second the nomination.

ACTING PRESIDENT MEIER: Senator Spano.

SENATOR SPANO: Thank you, Mr. President.

It's my pleasure to second the nomination of Charles Devlin to the County

Court in Westchester County.

I've known Charlie Devlin for many years and in many different capacities, as someone who started his career in 1970 as a law clerk, has steadily risen through the ranks in the infrastructure of our courts, and has become an expert on some of the more sensitive areas of dealing with people with disabilities.

When we passed the law that I was proud to be the prime sponsor of a number of years ago creating Article 81 of the Mental Hygiene Law, helping people who are mentally and physically incapacitated, it was Charlie Devlin who was there as a resource to the members of this house, and to the Assembly, in the passage and also the implementation of a bill that -- of a law that deals with a very fragile population.

The Governor should be congratulated for recommending someone to us with the type of credentials that he has in serving people so ably in our court system.

He has taken on the responsibility of training the judges, where many of the

judges in our system will actually have gone to him, to seek his input and recommendations when it comes to issues regarding people with developmental disabilities and people with disabilities generally.

So it's my pleasure to second the nomination of Charlie Devlin. I'm very glad and proud to be able to call him Judge Devlin; it's a title that he certainly is entitled to. And I'm proud of the Governor's recommendation of such an outstanding person to that post.

Thank you, Mr. President.

ACTING PRESIDENT MEIER: Senator Oppenheimer.

SENATOR OPPENHEIMER: And I'd like to join in the congratulations of soon-to-be Judge Devlin. He lives in my Senate district.

And I was also very moved and pleased by the association that you have with the mentally ill children and the Clearview School.

And from everything I read, your background as far as the guardianship work you've done, the work you've done has

certainly prepared you for this judgeship. And I wish you very well.

ACTING PRESIDENT MEIER: The question is on the confirmation of Charles Devlin as a judge of the Westchester County Court. All in favor please signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT MEIER: Those opposed, nay.

(No response.)

ACTING PRESIDENT MEIER: The nominee is confirmed.

Judge Devlin is with us today in the gallery. He's accompanied by his wife, Clara Keenan; his son, Timothy Keenan-Devlin; and his coworkers Marita McMahon and Kerney Christian.

Judge, congratulations and best wishes.

(Applause.)

ACTING PRESIDENT MEIER: The Secretary will continue to read.

THE SECRETARY: As a judge of the Westchester County Family Court, Irene Ratner,

of New Rochelle.

ACTING PRESIDENT MEIER: Senator DeFrancisco.

SENATOR DeFRANCISCO: I'm also proud to rise to move the nomination of Irene Ratner for Westchester Family Court.

Her qualifications and background were also reviewed by the Governor's office and our committee thoroughly, and the committee also unanimously recommended the approval of Irene Ratner and the confirmation by the full Senate.

And I would again ask that you recognize Senator Spano to second the nomination.

ACTING PRESIDENT MEIER: Senator Spano.

SENATOR SPANO: Thank you, Senator DeFrancisco and Mr. President.

It's my pleasure also to second the nomination of Irene Ratner. This is not the first time that I've had an opportunity to speak on the floor of the Senate in favor of the Governor's recommendation for Irene Ratner to the judiciary.

It is so important when we deal with the Family Court that we have a person who can handle families who are in crisis. And with Irene Ratner, she has had almost a decade working with the supervising judge of the Family Court in Westchester, Joan Cooney; serving as a court attorney, as a referee to the Family Court; and has dealt with every possible variation of crisis that our families deal with in the Family Court.

We need to have someone who knows the law. We need to have someone who has the sensitivity to deal with families who are presented to her in crisis. And I'm so proud to second her nomination today.

She has a list of outstanding achievements in many different areas in our county in Westchester, and she will serve us well as a member of the Family Court. And I'm proud to second the nomination of Judge Irene Ratner.

ACTING PRESIDENT MEIER: Senator Oppenheimer.

SENATOR OPPENHEIMER: And I'm proud to third the nomination.

We are having a banner day in Westchester, for Westchester County today. This is our second nominee.

And Irene Ratner I know through the wonderful work she's done with the Women's Bar Association of Westchester County.

And as Senator Spano has mentioned, I mean, you look at the things that she has been involved in and committed to. I mean, it's the full panoply of things that will come before her in the Family Court -- domestic violence, juvenile delinquency, neglect and abuse, child custody and visitation, child support, paternity.

I mean, these are all the things that she has been working on lo these many years, and now she will make a judge who has the experience and the capacity to do a really bang-up job in Family Court in Westchester County.

I'm delighted to congratulate her.

ACTING PRESIDENT MEIER: The question is on the confirmation of Irene Ratner as a judge of the Family Court for the County of Westchester. 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.

Judge Ratner is with us today in the gallery. She's accompanied by her husband, Joseph Ratner, and by her colleague Judge Janet DiFiore.

Judge, congratulations and best wishes with your duties.

(Applause.)

ACTING PRESIDENT MEIER: Senator Skelos.

SENATOR SKELOS: Thank you, Mr. President. If we could now go to the controversial reading of the calendar.

ACTING PRESIDENT MEIER: The Secretary will conduct the controversial reading of the calendar.

The Secretary will ring the bells.

The Secretary will read.

THE SECRETARY: Calendar Number

117, by Senator Marcellino, Senate Print 676, an act to amend the Vehicle and Traffic Law.

SENATOR LIZ KRUEGER: Explanation.

ACTING PRESIDENT MEIER: Senator Marcellino, an explanation has been requested by Senator Liz Krueger.

SENATOR MARCELLINO: Mr. President, can I ask for some order in the house, please.

ACTING PRESIDENT MEIER: Well, that would be nice.

Can we have some order in the house.

Senator Marcellino.

SENATOR MARCELLINO: Mr. President, through you, this bill provides that vehicles with permits for handicapped parking issued anywhere in the state may be used in all spaces for handicapped parking anywhere in the state, including New York City.

ACTING PRESIDENT MEIER: Senator Krueger.

SENATOR LIZ KRUEGER: Thank you,

Mr. President. If, through you, the sponsor would yield.

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

SENATOR MARCELLINO: Yes, the sponsor yields for a question.

ACTING PRESIDENT MEIER: The sponsor yields.

SENATOR LIZ KRUEGER: Thank you.

Do we have any estimate of how many additional people under your law would then be free to park on the streets in New York City in no-parking areas?

SENATOR MARCELLINO: The only number that we can give you with some accuracy is there are approximately 65,000 parking spaces issued from New York State. There are other localities issuing parking permits as well; we can't get those, because you have to call each and every one of the entities that issue the spaces.

So the answer is not accurately.

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

ACTING PRESIDENT MEIER: Senator Marcellino, do you yield?

SENATOR MARCELLINO: Yes, I do.

ACTING PRESIDENT MEIER: The sponsor yields.

SENATOR LIZ KRUEGER: Thank you.

Senator, you've visited my district in Manhattan?

SENATOR MARCELLINO: I've been to Manhattan many times.

SENATOR LIZ KRUEGER: Thank you.

Senator, if the sponsor would continue to yield.

ACTING PRESIDENT MEIER: Do you yield, Senator Marcellino?

SENATOR MARCELLINO: Yes, I yield.

ACTING PRESIDENT MEIER: The sponsor yields.

SENATOR LIZ KRUEGER: It's been your experience that we have a parking or traffic problem in my district, Senator?

SENATOR MARCELLINO: Yes, I believe you do have a parking problem in your district, Senator.

Would the Senator yield for a question?

SENATOR LIZ KRUEGER: Certainly I will.

SENATOR MARCELLINO: Senator, have you visited Long Island?

SENATOR LIZ KRUEGER: Yes, I have.

SENATOR MARCELLINO: Have you visited my district?

SENATOR LIZ KRUEGER: Yes, I have.

SENATOR MARCELLINO: Are you aware that we might have a parking-spot problem in our district as well?

SENATOR LIZ KRUEGER: Not as great as my district on a daily basis.

But I would accept your parking problems also.

SENATOR MARCELLINO: If you're looking for a parking space and you're handicapped, I would suggest that it doesn't matter what the level of difficulty is, you want a parking space. This bill is related to fairness.

If New York City residents can park in the Fifth Senate District on Long Island with a handicapped parking permit issued by the City of New York, then residents of the Fifth Senate District have a perfect right to park in Manhattan with a handicapped permit issued from Long Island.

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

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

SENATOR MARCELLINO: Yes, I continue to yield.

ACTING PRESIDENT MEIER: The sponsor yields.

SENATOR LIZ KRUEGER: Thank you.

Senator, would your district not have its own ability to determine whether it accepts designated state-issued or New York City-issued disability permits? Or is that only controlled by the State of New York, sir?

SENATOR MARCELLINO: Senator, to my knowledge, state law allows state permits to be issued and used anywhere.

SENATOR LIZ KRUEGER: Mr.

President, if the sponsor would continue to yield.

ACTING PRESIDENT MEIER: Senator Marcellino, do you yield?

SENATOR MARCELLINO: I yield.

ACTING PRESIDENT MEIER: The sponsor yields.

SENATOR LIZ KRUEGER: Thank you.

To clarify my question, could your town or your county or parts of your district request a law to change the rules for parking in your own district? Is that your understanding, that you could do that if you wanted?

SENATOR MARCELLINO: Yes, they could, Senator. But I don't believe that's the point.

SENATOR LIZ KRUEGER: Okay. Mr. President, on the bill.

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

SENATOR LIZ KRUEGER: Thank you.

Certainly I don't wish to discourage or to deny equal treatment of people with disabilities for their right to

park. And certainly I do recognize that because of specific types of disabilities, many people with special needs have added problems getting access to anywhere in the State of New York and in the City of New York.

What I'd like to highlight as my problems with this bill, as I understand it, is that in New York City we've actually established a special disability parking permit where you go through an added process of having a doctor's review of your disability and your need to have access to on-street parking.

It is my understanding that the state's process in issuing state-issued disability permits is a less complex process and does not necessarily require that there is medical review of the person's need to have on-street parking -- and that, in fact, rather than it being a license or something that is immovable from the car, that it is some kind of hanging device that can be moved from car to car. So that there's not a guarantee that the person with the permit in fact is the disabled individual.

It's also my understanding from data I've received, which Senator Marcellino might be able to refute, that there are approximately 535,000 of these state-issued movable disability permits that, if his bill became law, would allow -- I'm not saying everybody would come to New York City and would come to New York City at the same time, but would allow that large a universe of people, in addition to an additional 65,000 residents in New York City, to park in no-parking zones.

I do understand the problems of people with disabilities needing to be close to wherever they're going when they're driving vehicles. But I would also make the argument that the crowding on the streets of Manhattan -- not speaking for the entire state or the entire city, but speaking for my district, that the crowding on the streets of Manhattan are at the point of gridlock, both in attempting to drive down the blocks and in the legal and illegal parking and double-parking that take place on every side street and every avenue in my district on the

East Side, in Midtown, every day of the week.

And I would argue that the goal and the need for Manhattan Island is to figure out how we decrease the use of private cars and that we decrease on-street parking.

And so while I am not philosophically opposed to ensuring equal treatment of handicapped parking permits for anywhere in the state of New York, I would argue that the current crisis faced on Manhattan Island -- with too many private cars, too many people attempting to park in too few parking spaces, too little access to a public transportation system that needs to be expanded and that is not being expanded, the absence of a Second Avenue Subway being built, the absence of improvements in bus service rather than reductions in the number of buses, the added risk and problem that my island faces if the proposal to build a stadium on the West Side were to -- I hope not, but were to go through, with an additional 75,000 seats and not one parking spot, to add to the current crisis on Manhattan Island -- begs for me the argument that I cannot support this

bill because we cannot handle more traffic and congestion.

And we have to address the bigger problems for the City of New York's public transportation system and the problems that Manhattan Island faces or the Midtown, the East Side and the West Side face. Which, as I refer to it daily in my own district, is continuing to be the assignment how many people can you fit on the head of a pin. And we have maximized our ability to do so.

So I will be voting against this bill but hoping my colleagues on both sides of the aisle will be interested in exploring ways that we can in fact address the crisis of too many cars on the streets of New York City, both trying to move down those streets and attempting to park on our streets.

Thank you, Mr. President.

ACTING PRESIDENT MEIER: Senator Marcellino.

SENATOR MARCELLINO: Thank you, Mr. President.

I would be more than willing to join the Senator in some kind of a survey or

some kind of a look at parking problems in general and the way and the nature by which we issue parking permits for everybody, handicapped or otherwise.

And if you said to me you want to limit access to Manhattan Island, we might want to limit access to Nassau County or Suffolk County as well on certain days and certain times. That may be something anybody looks at, whatever. But if you do it uniformly.

What is happening now is the City of New York, setting up its own standards, is saying our people can park anywhere in the state, but your people in the rest of the state cannot park in New York.

So Senator Libous's mother, who has a handicapped parking permit because she has cancer and needs to go to Sloan-Kettering, cannot use that handicapped parking permit in New York City. That's outrageous. It is unfair, and it is not equitable.

Senator, you voted for this bill last year. It's the same bill. This bill passed this house unanimously last year, with

two exclusions, two people who were excused for the day. It makes no sense to me to say, on the day we are honoring the handicapped, that some handicapped are better than others. And that's what you're basically saying.

If you want to address parking problems in the City of New York, call the mayor's office, tell him not to go for the stadium, tell him to work it out and do some kind of a survey study and control parking. We do it on the townships on Long Island. I suggest you do it in Manhattan.

But by doing it on the backs of the handicapped and somehow suggesting that all of them -- I know you said you didn't think they would all come, but I don't -- you know, to say that they're all going to come into the city at the same time and somehow exacerbate a problem, I sincerely doubt that's going ever to happen. And I sincerely doubt, even if they all did, it would ever matter.

So I think this bill is good, it's a matter of fairness and should be passed in both houses and become law in this state. Fairness should be the issue that this house

stands for.

ACTING PRESIDENT MEIER: Senator Schneiderman.

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

I think it is unfortunate that the debate that just took place seems to be trying to pit one group of handicapped people against another. The fact of the matter is we don't have enough parking spaces in Manhattan now for our own handicapped individuals in New York City who already have permits.

It is not to denigrate anyone else's legitimate desire to park on the street to say that that problem will not be helped, this crisis will not be alleviated by passing this piece of legislation as currently drafted.

I agree with Senator Marcellino that there is an element of unfairness that needs to be addressed. My concern is that we pass legislation that with the flick of the Governor's pen automatically authorizes tens of thousands and we believe, now, hundreds of thousands of people to possibly park in the

streets, doesn't provide for any additional parking spaces. That's not going to result in them having a place to park, that's going to result in nobody having a place to park.

So I think that there is a legitimate point being raised here that if we treat a problem like this without dealing with the resource issue, without going to the City Department of Transportation saying is there any realistic way to expand the number of parking spaces, we're not really addressing the problem.

What we're doing is creating a situation in which you're going to have more people with handicapped tags circling around and around and around blocks that there's no place for them to park. And that's not really solving their problem. That's not really helping them.

I would urge my colleague that before we move forward with this bill -- and I realize a lot of -- everyone voted for it last year. There is some new information, including information about the 535,000 statewide tags that are out, that has become

available. But I would urge that we at least amend the bill to permit parking only by persons with state-issued vehicle plates, as opposed to hang tags. As Senator Krueger pointed out, those can be moved from one vehicle to another.

We have a real problem here. There are legitimate reasons for handicapped people outside of the city to want to park in the city. You're right. You're absolutely right. But we're not going to solve that problem with this sort of an approach, I don't think, unless we're very careful and very conscious of the fact that unless we create more parking spaces, if we're encouraging more people to drive in, we're just creating problems for a larger group.

So I understand the impetus behind this legislation. I think that something like this has to be done. But I do think that this current bill, as currently drafted, requires some amendment before I can support it. So I will be voting no, Madam President.

ACTING PRESIDENT LITTLE: Thank you, Senator Schneiderman.

Senator Maltese.

SENATOR MALTESE: Madam President, I rise in support of this legislation, although I'm from the City of New York.

To be honest, listening to Senator Schneiderman, I'm, as they used to say, shocked, outraged and dismayed at the fact that he wants to apparently retain all the handicapped parking permit spaces for the residents of the City of New York.

We're constantly endeavoring to get people from outside the city to come into New York City for a variety of reasons. And especially in the circumstances enumerated by Senator Marcellino, where so many come in to use our premier hospitals and medical services and medical facilities, it does seem that these are the people that would be most helped by it.

I think we should open our arms and embrace these people who require these handicapped parking spaces, make everything as easy as possible for them to come in. I think, quite frankly, it's the liberal, human

approach.

ACTING PRESIDENT LITTLE: Thank you, Senator Maltese.

Senator Padavan.

SENATOR PADAVAN: Thank you, Madam President. I share the points of view that were expressed by Senator Maltese.

If we have a problem in the City of New York, whether it be in Manhattan or in any other borough, with inadequate numbers of handicapped parking spaces, then that's a problem those of us who represent different parts of the City of New York should address. As should our city councilmen, our borough president, and others. Let's solve that problem.

But to do so at the expense of people who come from outside our city -- my district is an example. It's right on the border of Nassau. Now, what you're suggesting is that Nassau residents who come across that line to shop, to visit a physician, to go to a movie would not have the same benefit as a Queens resident who goes across that line for the very same purposes. Makes no sense

whatsoever.

If there is a problem in the city, let's address it. But not at the expense of handicapped individuals from outside the City of New York who come into my district, and perhaps yours, and they're welcome.

ACTING PRESIDENT LITTLE: Thank you, Senator Padavan.

Senator LaValle.

SENATOR LaVALLE: Madam President, I rise to support this legislation.

And I would hope that we not get into a debate where we balkanize the state and say these laws are only good for our citizens, our handicapped, and not for handicapped who come from Long Island or Westchester or any other part of the state.

By the same token, I think those of us on Long Island -- I mean, should we put up signs "for residents only"?

I think today is a day -- and we've talked about it by resolution, I talked about it in my remarks -- that as a society we want to pave the way so that people can be self-sufficient and independent. And

certainly the City of New York is known for having some of the finest health facilities. We want to encourage people who have problems to be able to go to those facilities and really not have to worry about all these things of parking -- where to park, where not to park.

So I think we want to open our arms and make sure that people are accommodated whenever possible. Thank you.

ACTING PRESIDENT LITTLE: Thank you, Senator LaValle.

Senator Sabini.

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

I think the legislation is well-intentioned, but I think it's not based on the reality of what the current status of parking is in the city. We don't have handicapped spots in the City of New York. They don't exist on our streets, not like Albany or other places.

The no-parking areas are the handicapped areas. That's where your permit is applicable. And the standards in New York

City for a handicapped plate are significantly tougher than the standards in other places, and the permit is attached to your license plate. So it's a little different situation.

And while I would like to see a solution that would please the sponsor, I don't know if this is it. Because in effect it would take large swaths of the city and allow people who need it, or in some cases maybe disingenuously are using the permit, to park where there's no parking.

So I don't think this is the ultimate solution. If we had handicapped spots within New York City, fine. If you want to direct the city to have handicapped spots, propose legislation to do it. I don't think too many members from the city would vote for it, because the constituency would be in an uproar because so many spots would be lost, even additional to the ones we have now. But so be it.

But I don't think this is the solution applicable to the City of New York that's going to solve the problem you're looking to solve. I think it's

well-intentioned, but I don't see how it works under the current conditions now. I think it needs either more legislation or a change in policy at the city level or a change in policy around the state as to who gets these permits.

I don't think that the bill works for New York City right now under these circumstances. I'd like to see it changed so it would be better for everybody.

Thank you.

ACTING PRESIDENT LITTLE: Thank you, Senator Sabini.

Senator Libous.

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

I am amazed at this debate, quite frankly. Senator Morahan today had an outstanding day, a day where we honored people with particular achievements and disabilities, a day that I had the pleasure of sponsoring and supporting for the last 12 years.

And Senator Morahan mentioned this morning that attitude is the only disability and that the people that were here in this chamber have had to overcome severe

obstacles -- the loss of a limb, mental, physical disability. And we are arguing over access to parking for people with disabilities.

Certainly I respect that those who represent areas of New York City understand their districts. And I believe you, all of you, that there are probably problems with parking. I know there are. I've been to New York City. I've been to Manhattan, I've been to Queens, my son lives in Astoria. There are problems.

And I don't think any of us in our lifetimes will ever solve those parking problems. We can try to make them better, but in our lifetime we'll never solve those parking problems.

But to deny people with disabilities who have a disabled parking permit from other parts of the state who wish to go to the city for their own pleasure or entertainment, just because they have a disability to be denied to park in one of those spots, makes absolutely no sense to me.

To have to go there for care -- and

many of my constituents have to go to the great hospitals, as was mentioned by my colleagues here, and they have disabled license plates. Because they get their cancer treatment there, they get their psychiatric treatment there, or they get other treatment there.

So on a day in which we earlier and in this chamber at 3 o'clock honored the obstacles that people with disabilities have to overcome, we sit and fight over whether or not one of those individuals who is able to drive is able to have that privilege -- because they still can drive -- to be able to park in a handicapped spot in the City of New York, makes absolutely no sense to me.

And I think this bill should pass unanimously. I vote aye.

ACTING PRESIDENT LITTLE: Thank you, Senator Libous.

Senator Liz Krueger.

SENATOR LIZ KRUEGER: Thank you. To speak on the bill again. And to clarify a point that perhaps I didn't make clearly enough before.

This isn't a bill that would only impact people who live outside of New York City. This bill, if passed -- and again, I don't believe it's in our best interests to do so -- would also affect 65,000 people in New York City.

So I just want to make it clear this should not be played off as an in-New-York-City versus outside-New-York-City debate, because the City of New York currently does not issue special disability parking permits to 65,000 people who live in the City of New York who have the state-issued permit but don't meet the standard for New York City's rules.

Second, again -- Senator Sabini said it, but based on Senator Libous's comments, I'm not sure he heard it -- we're not talking about depriving people of the right to park in disability parking spots on our streets. We're talking about saying no, you can't park in no-parking zones in Manhattan, because we don't have on-street disability parking spaces.

So we're talking about saying

please let's not allow people to park in no-parking zones, there are so many problems with traffic and with parking on Manhattan Island.

And finally, because I want to make it clear, I represent the district that has most of the great medical institutions that you've mentioned your family members and your constituents going to. And every one of them has parking lots. And I will happily give you the names and addresses and opening entrances for each of those institutions' parking lots, because the only option is not parking in no-parking zones on the streets surrounding those great institutions, for myself and my district running from Mount Sinai all the way down to Beth Israel --

ACTING PRESIDENT LITTLE: Senator DeFrancisco, why do you rise?

SENATOR DeFRANCISCO: Madam President, would the Senator be willing to be asked a question?

ACTING PRESIDENT LITTLE: Thank you.

Senator Krueger, do you yield to a

question?

SENATOR LIZ KRUEGER: Yes, I do, Madam President.

ACTING PRESIDENT LITTLE: Thank you.

SENATOR DeFRANCISCO: I just don't know the answer to this, and maybe you can tell me.

Are handicapped people in the City of New York allowed to park in no-parking zones?

SENATOR LIZ KRUEGER: Only 15,000 out of the 65,000 who have been issued the state disability permit. The city has a stricter review it goes through, and it has only issued those license plate IDs to 15,000.

And, yes, if they are attempting to park on the streets of New York City, they are not parking in disabled parking spaces, they are parking in no-parking zones.

SENATOR DeFRANCISCO: Would she answer another question, please.

ACTING PRESIDENT LITTLE: Senator Krueger, do you yield again?

SENATOR LIZ KRUEGER: Yes, I

will, Madam President.

ACTING PRESIDENT LITTLE: Thank you.

SENATOR DeFRANCISCO: And the second question is, how does one get the special parking permit? What do you -- how -- is the severity of the disability? Or how does one get one of those 15,000 as opposed to those that are handicapped that don't?

SENATOR LIZ KRUEGER: It's issued through the city, both at the Bellevue Hospital Center and through the Department of Health and Mental Retardation.

And I can get you more detailed information about the exact process, but it does involve a physician's sign-off on documents.

SENATOR DeFRANCISCO: Okay, thank you.

SENATOR LIZ KRUEGER: Thank you.

Thank you, Madam President.

ACTING PRESIDENT LITTLE: Thank you, Senator Krueger.

Thank you. Senator Diaz.

SENATOR DIAZ: Thank you, Madam

President. Will the sponsor yield for one simple question?

ACTING PRESIDENT LITTLE: Thank you.

Senator Marcellino, will you yield?

SENATOR MARCELLINO: Yes.

ACTING PRESIDENT LITTLE: The Senator yields.

SENATOR DIAZ: Thank you.

Senator Marcellino, obviously this is a bill that impacts the City of New York. Did you consult the New York City Department of Transportation or the office of the mayor in this bill?

SENATOR MARCELLINO: I don't believe we contacted, except to get information from them as to the number of spaces and the like, availability, were available for parking, no.

Because this bill -- Senator, this bill does not just impact the City of New York. Handicapped parking, there are no -- in no place that I know are there enough handicapped parking spaces for people who need them. Nor are there -- is there one permit --

there's no such thing as one permit for available space. They always issue more permits than available space. And that is true in the city, that is true everywhere else in the state.

What we're just suggesting is that for those people who come from Long Island or upstate New York or Westchester County, wherever, and who wish to enter the city and find a legal parking space and they happen to be handicapped, they should be able to use their handicapped permit.

If a resident of the City of New York should use his or her handicapped parking space in a legal spot in Nassau County or Suffolk County, where it's first-come, first-served -- and it's the same way in the city; it's first-come, first-served for available spaces. Upstate too. There's no difference -- then everybody should have access. It's a matter, in my mind, of simple fairness.

I understand what has been said about the density of parking and all of the problems that relate. We have the same

situations in our downtowns on the Island and in other areas. The same issue -- it may not be as intense, but the same issue exists everywhere.

However, what we're suggesting here is that some handicapped people are more equal than other handicapped people. And I don't understand that. And I don't think you do either. I think you agree with me that fairness is the issue here, that everyone should be treated equally and fairly as much as we can do it.

The fact that there isn't enough spaces in the city or other places, that's an issue of another situation. That's somebody else's dealings. The legal governments of those areas should address those problems as best they can. I suggest they probably have.

But we should not be adding to the problem by saying if you live here, you can; if you live over here, you can't access a handicapped spot. It doesn't make any sense to me, and I don't think it makes any sense to anybody.

SENATOR DIAZ: Madam President,

would the sponsor yield for another question, please.

ACTING PRESIDENT LITTLE: Thank you.

Senator Marcellino, will you yield for another question?

SENATOR MARCELLINO: Sure I will.

ACTING PRESIDENT LITTLE: The Senator yields.

SENATOR DIAZ: I'm not a lawyer. Lawyers use --

SENATOR MARCELLINO: Neither am I.

SENATOR DIAZ: Lawyers use some kind of terminology. They say prima facie.

So looking at the bill, it's a prima facie simple thing. I think that you're right, you're right. Fairness means -- if our residents in New York City could park outside of New York City, especially handicapped, why don't we allow them -- it's easy. I think -- I agree with you in that part. I agree with that.

My question comes because every city mayor, borough president, or whatever

deserves some kind of courtesy to be contacted or to be asked or to be informed of certain bills, of what we're doing to do that will affect that city.

And me, as a representative of the City of New York, sometimes, once in a while, I would like to follow my mayor's lead. The mayor should know best what's good for the City of New York.

So my question was, if you haven't contacted the City of New York, why don't you?

SENATOR MARCELLINO: Senator, I don't mean to cut you off, if you're -- but we have been in contact with the mayor's office, we have memoed them back and forth in requests for information regarding the bill and so forth.

You're right. There is a courtesy situation that you would ask permission. But in this case, I don't think we had to ask permission to establish fairness for our citizens.

The city from the beginning has sent memos back saying basically what I'm hearing from Senator Krueger and Senator

Schneiderman now, that there is a big problem in the city and we can't afford to have anybody else come in here and park.

Well, that's -- that's -- then address that problem, City of New York. Or any other place where it exists. I would say the same thing to my supervisor or the mayor of a local village. If you've got a parking problem, it's your obligation to take care of it.

But you don't exclude people from using public parking.

SENATOR DIAZ: Thank you.

SENATOR MARCELLINO: And even handicapped is public parking.

SENATOR DIAZ: Madam President, on the bill.

ACTING PRESIDENT LITTLE: Thank you. Senator Diaz, on the bill.

SENATOR DIAZ: I'm going to vote for this bill.

I'm voting for this bill because I think that fairness calls us to be fair, and I like to be fair. And I think the sponsor is calling us to be fair so people with handicaps

from Long Island or other parts of the state could park in the City of New York. Why can't they -- you know, vice versa. So fairness is fairness.

So I'm supporting the bill under protest. I'm supporting the bill under protest, because I don't have the opinion of New York City Department of Transportation and the New York City mayor on this bill. And I think that the New York City Department of Transportation and the mayor's office should have been contacted to see what was their reaction on this occasion. Because the mayor should know best what's good for the city.

So thank you, Madam President.

ACTING PRESIDENT LITTLE: Thank you, Senator Diaz.

Is there any other Senator who wishes to speak on the bill?

Debate is closed.

The Secretary will ring the bell.

Read the last section.

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

ACTING PRESIDENT LITTLE: Call

the roll.

(The Secretary called the roll.)

ACTING PRESIDENT LITTLE: Senator DeFrancisco, to explain his vote.

SENATOR DeFRANCISCO: I just quite frankly would say, in support of this bill, because I'm voting yes -- and that is that if you look at the reverse situation, you'd see how absurd the situation is in New York City.

We have a place, the university section, where there's a couple of hospitals in Syracuse. It also has the Carrier Dome where there's all kinds of events. And consider the possibility of the City of Syracuse saying only handicapped people from Syracuse could use any of the handicapped spots.

The second part of it is -- and I don't care what the City Transportation Department would say about their rationale. It's just unfair.

And, secondly, I think it's a dangerous precedent when we start having barriers, whether it's in Syracuse or

New York, to residents freely going between the two and having the same advantages.

ACTING PRESIDENT LITTLE: Senator DeFrancisco recorded in the affirmative.

Senator Stavisky.

SENATOR STAVISKY: Madam President, to explain my vote.

First of all, when I drive through Nassau County and I see signs that say "residents only," I feel a sense of exclusion.

Secondly, there's nothing, as I read it, in the bill to -- there's nothing in the existing statute to prevent someone who either works in New York City or goes to school in New York City but lives outside the city, there's nothing to prohibit them from applying for that special permit that has more stringent requirements.

My suggestion is let us include people using medical facilities as well.

But for that reason, I vote no.

ACTING PRESIDENT LITTLE: Senator Stavisky recorded in the negative.

Senator Sabini to explain his vote.

SENATOR SABINI: Thank you, Madam

President.

I'm reluctantly voting in the negative. I agree with the spirit of the bill, but I think it's a bad solution.

But I also hope that, since we heard a lot about fairness, that when folks from around this state talk about fairness, I remind them there are some parts of this state that you can live in New York City and work in other parts of the state and pay a commuter tax, but if you work in New York City and live in other parts of the state, there is no fairness.

Thank you.

ACTING PRESIDENT LITTLE: Senator Sabini recorded in the negative.

The Secretary will announce the results.

THE SECRETARY: Those recorded in the negative on Calendar Number 117 are Senators L. Krueger, Parker, Sabini, Schneiderman, Serrano and Stavisky.

Those Senators absent from voting on Calendar Number 117: Sampson and M. Smith.

Ayes, 52. Nays, 6.

ACTING PRESIDENT LITTLE: The bill is passed.

The Secretary will read.

THE SECRETARY: Calendar Number 598, by Senator Padavan, Senate --

SENATOR PADAVAN: Lay it aside for the day.

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

THE SECRETARY: Calendar Number 860, by Senator Alesi, Senate Print 2417, an act to amend the General Business Law and the Civil Practice Law and Rules.

ACTING PRESIDENT LITTLE: Senator Schneiderman.

SENATOR SCHNEIDERMAN: In the interests of time, I will not ask for an explanation. I commend to everyone the sponsor's brilliant explanation last year, which still makes good reading.

However, I will, as I did last year, vote against this bill. This is a trade secrets act that would -- that would -- I'm sorry, Madam President, the Greek chorus here is acting up.

This is a trade secrets act that would provide the broadest possible definition of "trade secret," meaning any form of financial or business information that derives economic value from the fact that it's not generally known -- I think that would probably cover a shortcut on a delivery route or anything else -- and provides judicial protection to it even if it is only alleged to be a trade secret.

What this does is provide a broad cloak to hide business information that may in fact conceal issues that are of vital public interest. The examples that are given in some of the memos submitted in opposition to this are the Firestone-Ford catastrophe, where information on the lack of safety in certain tires was withheld from the public. We know from the litigation over smoking that it was essential that some executives came forward with information about the dangers of smoking, the tests that been done that was being withheld from the public.

If this bill passed, that sort of whistle-blowing would be ended. This provides

extraordinarily broad protection for any sort of business information. And in fact, as I noted last year, and several other people did, all you have to do is allege a trade secret, and then the court can immediately provide for the preservation of secrecy.

What we should be doing is trying to open up the process. If something is not patentable, something is not trademarked, something is not covered by existing intellectual property rights, let's not expand the universe to cover anything that someone alleges is of economic value. Let's handle this with a different approach.

There are bills that have been proposed that I think are far superior to this that would allow for the sunshine in litigation. The Sunshine in Litigation Act is what one of them is called. We don't need more gag orders. We don't need more secrecy. I do think this is an ill-conceived approach to this problem.

And I don't really know that there is any particular need to pass this. There are contractual ways for people to provide

that they keep information to themselves that have been effective for decades and decades.

I think this is just an effort, however well-intentioned, that's going to result in the shielding of vital information from the public and have a chilling effect on whistle-blowers who currently come forward with such information.

So I will be voting no again, Madam President, and encouraging all of my colleagues to do likewise.

ACTING PRESIDENT LITTLE: Is there any Senator -- thank you.

Senator Alesi.

SENATOR ALESI: I would encourage my colleagues to do just the opposite. I would encourage them to vote for this bill, for the very simple reason that many of the things that were expressed as a concern against this bill already exist in common law.

The main thrust behind this bill is to codify it to create a uniform situation which 40 states in this nation have already done. We've invested literally billions of dollars in high-tech, biotech and other kinds

of industry that rely on trade secrets and proprietary information for the provision of jobs, job retention, job growth, stimulating the economy.

And to be able to protect that information, to be able to treat that kind of information as a secret so that someone can't simply misappropriate it -- which is the main underpinning of this bill -- for their own financial gain, at the expense of the company that's done the research and investment -- to not do this bill, like 40 other states, really flies in the face of what we're trying to do to expand the economy, especially in the area of high-tech, which is very sensitive to trade secrets.

So I would simply encourage my colleagues to vote yes on this bill and to understand that many of the concerns that my colleague has raised can be addressed in other fashions in common law.

This simply creates a uniform code that 40 other states have and New York State should join in and protect our businesses here and create a level playing field for them so

that they don't feel as though they have to go somewhere else to be protected under more sensible legislation.

ACTING PRESIDENT LITTLE: Thank you, Senator Alesi.

Is there any other Senator wishing to be heard?

The debate is closed.

The Secretary will ring the bell.

Read the last section.

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

ACTING PRESIDENT LITTLE: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT LITTLE: The Secretary will announce the results.

THE SECRETARY: Those recorded in the negative on Calendar Number 860 are Senators Breslin, Brown, Connor, Duane, Hassell-Thompson, L. Krueger, Morahan, Onorato, Parker, Paterson, Sabini, Savino, Schneiderman, Serrano, A. Smith, Stachowski and Stavisky.

Those absent from voting on

Calendar Number 860: Senators Sampson and M. Smith.

Ayes, 41. Nays, 17.

ACTING PRESIDENT LITTLE: The bill is passed.

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

SENATOR SKELOS: Thank you, Madam President.

Is there any further business to come before the Senate?

ACTING PRESIDENT LITTLE: No, there is not, Senator Skelos.

SENATOR SKELOS: There being none, I move we stand adjourned until Wednesday, May 25th, at 11:00 a.m.

ACTING PRESIDENT LITTLE: On motion, the Senate stands adjourned until Wednesday, May 25th, at 11:00 a.m.

(Whereupon, at 4:55 p.m., the Senate adjourned.)