NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

June 7, 2005

3:12 p.m.

REGULAR SESSION

LT. GOVERNOR MARY O. DONOHUE, President

STEVEN M. BOGGESS, Secretary

P R O C E E D I N G S

THE PRESIDENT: The Senate will please come to order.

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

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

THE PRESIDENT: With us this afternoon to give the invocation is Reverend Bill Lambert, pastor of Folsomdale Baptist Church in Cowlesville.

REVEREND LAMBERT: Let's ask God's blessing.

When one rules over men in righteousness, when he rules in the fear of God, he is like the light of morning at sunrise on a cloudless morning, like the brightness after rain that brings the grass from the earth.

Lord God, we thank You that we can today commit these deliberations to You. We confess that our own efforts fall far short of even addressing all the challenges that we face. And so we desperately need and seek

wisdom from Your hand.

We ask that You might work sovereignly, that You might do whatever is needed in and among our leaders this week so they might recognize what You desire from them.

Please embed within each one the moral compass that refuses to be swayed by the storms of controversy that are around us. May they stand on the solid, absolute foundation of Your word, which powerfully transcends the fleeting and the fashionable definitions that our ever-changing culture gives to morality today.

We ask that You might grant each leader strength and courage and fearlessness to take unpopular stands and yet also to know when to compromise. Endow them with Your spirit of humility.

This week, as they face the difficult and perhaps even unexpected, bless their efforts at resolution that honors You. Grant them a sense of Your presence as they seek Your guidance in all things. May they be increasingly transformed into powerful servant

leaders who willingly sacrifice for our great state at these critical times.

O Lord, how we need Your blessing. We pray in Jesus' name. Amen.

THE PRESIDENT: Reading of the Journal.

THE SECRETARY: In Senate, Monday, June 6, the Senate met pursuant to adjournment. The Journal of Sunday, June 5, was read and approved. On motion, Senate adjourned.

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

Presentation of petitions.

Messages from the Assembly.

Messages from the Governor.

Reports of standing committees.

The Secretary will read.

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

As a member of the Metropolitan Transportation Authority, Mitchell H. Pally, of Stony Brook.

THE PRESIDENT: Senator Johnson.

SENATOR JOHNSON: Move the nomination.

THE PRESIDENT: Senator Flanagan.

SENATOR FLANAGAN: Thank you, Madam President. Briefly on the nomination, if I may.

Mitch Pally is from Stony Brook, obviously Suffolk County. He's seated up in the gallery there. And I would respectfully suggest that I would offer some comments relative to Mr. Pally on behalf of my colleagues from Long Island, because I think they would share in my sentiments.

I have a two-page bio here for Mr. Pally. It's quite extensive. He has -- the more I read it, I'm getting tired just reading it based on all the things that he's done throughout his public career.

Mitch is a good guy. He's someone that's worked very hard for the people of Long Island. He's been appointed by the Governor for many panels, he's been appointed by the Senate Majority Leader for a wide variety of positions as well. But he's been a staunch

advocate for Long Island throughout his public and private life.

And everybody should know that he got his start primarily here in the New York State Senate, working with former Senator Norman Levy on all kinds of innovative legislation -- I think the child seat belt law, the restraint law and all kinds of different issues that help the people of this state.

He is a terrific person in the community on Long Island. He will be working on MTA issues. He's going to be a great advocate for us.

But I would leave you with this. The most important thing, we all look to good people in our areas. Mitch is a great family man, and he's got four kids. He and his wife have lived in Stony Brook for a long time. He's been active in the soccer clubs and is someone who is a great asset to our community.

So, Mitch, to you, congratulations. We look forward to working with you. And we're all pleased that you're going to be joining the team.

THE PRESIDENT: Senator Balboni.

SENATOR BALBONI: I too would like to rise on behalf of this nomination.

I actually felt like I've grown up with Mitch. He was counsel to Senator Norman Levy for many years. He knew so much about transportation. He was the person who first explained to me what the capital program was, as a young counsel. And he always was able to maintain a sense of the public good.

I think that it's great when you have people who have an institutional knowledge, an experience base, but also an expertise in a highly technical area that they can bring to bear on this type of issue.

And as we all know, particularly for downstate, but throughout the entire metropolitan region, we have huge issues when it comes to the operating systems, the investment and what we're going to expect out of our transportation system in the coming decade. And I think Mitch is going to be an excellent advocate for those new programs.

I wholly support the nomination, Madam President. Thank you.

THE PRESIDENT: Senator LaValle.

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

As previous speakers have indicated, Mitch Pally was counsel to the Transportation Committee and helped write many of the laws. I think he will find it very interesting how now, from the board's perspective, he will have to deal as a matter of policy with some of the very laws that he had helped write.

The Governor has made an excellent nomination here. Mitch will be a very strong voice for suburban interests as well as the interest in general. He has really been a wonderful spokesperson for Long Island, through the LIA, in helping bring technology companies to Long Island, really has understood how higher education interacts with technology, and generally has had a good sense of what good planning is all about.

And so he will make a wonderful representative on the MTA. Congratulations, Mitch.

THE PRESIDENT: Senator Marcellino.

SENATOR MARCELLINO: Thank you, Madam President. I also rise to second this nomination.

I do believe that Mitch Pally will bring to the office directness and an openness. You don't have any doubts where Mitch stands on any issue. You might not always agree with him, and he might not always agree with you, but there is always an honest, well-thought-out conversation from him, and his arguments are always on point.

So I think the Governor has made a good appointment. And I look forward to his position, and I look forward to working with him for many years to come.

Congratulations.

THE PRESIDENT: Thank you. Senator.

Senator Fuschillo.

SENATOR FUSCHILLO: Thank you, Madam President. I too rise and proudly support this nomination.

And I must say he brings an wealth

of experience to the MTA board, having worked with Senator Levy for many years on the Transportation Committee.

But most importantly, he brings a sensitivity to the board that is necessary in dealing with the East Side access and so many other issues that must be dealt with for the commuters in the metropolitan area.

But he brings a sensitivity to the commuters. And he knows, most importantly, that we cannot keep raising their rates on a monthly basis. And that's what I like out of Mitch Pally that came out of his mouth today.

So, Mitch, congratulations. And I proudly second the nomination.

THE PRESIDENT: The question now is on the nomination of Mitchell H. Pally to be a member of the Metropolitan Transportation Authority to serve a term.

All in favor please signify by saying aye.

(Response of "Aye.")

THE PRESIDENT: Opposed, nay.

(No response.)

THE PRESIDENT: The nominee is

confirmed.

Congratulations and best wishes for continued excellence.

(Applause.)

THE PRESIDENT: The Secretary will continue to read.

THE SECRETARY: As a member of the Metropolitan Transportation Authority, Carl V. Wortendyke, of Upper Nyack.

THE PRESIDENT: Senator Johnson.

SENATOR JOHNSON: Move the nomination.

THE PRESIDENT: Senator Morahan.

SENATOR MORAHAN: Thank you, Madam President.

I rise as the only Senator from Rockland County, unlike my colleagues from Long Island, who can give nine speeches because there's nine Senators. But I want to talk about Carl Wortendyke, who is also going to be confirmed here this afternoon to the MTA board.

Carl is a very industrious, hardworking major force, if you will, in Rockland County, in our industry and in our

business circles. Carl has a vital interest in the transportation needs of this state, and I am proud to second his nomination.

I know he's going to do an excellent job. He will be very responsive to his constituents. We have an awful lot happening in the mid-Hudson area -- the Tappan Zee Bridge, the infrastructure of the Thruway, and all of those commuter needs that the MTA serves as they service our commuters going to New York City and in the region.

So it's with great pride that I get up to say: Carl, welcome, to the MTA. You're going to be a fine member, a hardworking member.

He was formerly with the New York State Parks Department as a commissioner in the Capital District. And notwithstanding that's a bit of a throw from Rockland County, he never missed one obligation or one meeting, and he took his duties very serious in that position.

I'm firmly convinced that he will be -- you know, maybe, Carl, you'll get a perfect attendance T-shirt. I don't know.

But I think you will be just as attentive to this job, which is a major step up. And I think the Governor ought to be congratulated as well for having the wisdom to select you and nominate you for this position.

So I happily second that nomination, Madam President.

THE PRESIDENT: The question is on the nomination of Carl V. Wortendyke to serve a term as a member of the Metropolitan Transportation Authority. All in favor please signify by saying aye.

(Response of "Aye.")

THE PRESIDENT: Opposed, nay.

(No response.)

THE PRESIDENT: The nominee is hereby confirmed.

Congratulations and best wishes for continued success.

(Applause.)

THE PRESIDENT: The Secretary will continue to read.

THE SECRETARY: As a member of the New York State Olympic Regional Development Authority, Serge Lussi, of Lake

Placid.

As a member of the Correction Medical Review Board, Scott S. Coyne, M.D., of Huntington.

And as members of the Small Business Advisory Board, Richard M. Bovine, of East Meadow, and John C. Mitchell, of Hamilton.

THE PRESIDENT: Senator Johnson.

SENATOR JOHNSON: Move the nominations.

THE PRESIDENT: The question is on the nominations as read by the Secretary and as moved by Senator Johnson. All in favor please signify by saying aye.

(Response of "Aye.")

THE PRESIDENT: Opposed, nay.

(No response.)

THE PRESIDENT: The nominees are all hereby confirmed.

Senator Balboni.

SENATOR BALBONI: Please continue in regular order, Madam President. Thank you.

THE PRESIDENT: Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

Senator Farley.

SENATOR FARLEY: Thank you, Madam President.

On behalf of Senator Seward, my colleague right here, I wish to recommit and strike the enacting clause of 4416A.

THE PRESIDENT: So ordered.

SENATOR FARLEY: And have it be recommitted.

THE PRESIDENT: So ordered, Senator.

SENATOR FARLEY: On behalf of various Senators, amendments are offered to these following Third Reading Calendar bills:

Senator LaValle, page 13, Calendar 361, Senate Print 1549;

Senator Fuschillo, on page 18, Calendar 543, Senate Print 2602A;

Senator Skelos, on page 61, Calendar Number 1262, Senate Print 5249A;

Senator Balboni, on page 67, Calendar 1331, Senate Print 186;

On behalf of Senator Marcellino, on page 5, Calendar Number 64, Senate Print 1485A;

On behalf of Senator DeFrancisco, on page 20, Calendar 592, Senate Print 48A;

And on behalf of Senator Saland, on page 38, Calendar Number 928, Senate Print 4602.

Madam President, I move that these bills retain their place on the Third Reading Calendar.

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

Senator Balboni.

SENATOR BALBONI: Madam President, are there any substitutions at the desk?

THE PRESIDENT: Yes, there are, Senator.

SENATOR BALBONI: Please proceed.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: On page 9, Senator Spano moves to discharge, from the

Committee on Rules, Assembly Bill Number 7334 and substitute it for the identical Senate Bill Number 3130, Third Reading Calendar 286.

On page 16, Senator Spano moves to discharge, from the Committee on Rules, Assembly Bill Number 6823 and substitute it for the identical Senate Bill Number 2718, Third Reading Calendar 506.

On page 18, Senator Maziarz moves to discharge, from the Committee on Rules, Assembly Bill Number 7185 and substitute it for the identical Senate Bill Number 3893, Third Reading Calendar 536.

On page 21, Senator Fuschillo moves to discharge, from the Committee on Rules, Assembly Bill Number 6886A and substitute it for the identical Senate Bill Number 4109, Third Reading Calendar 614.

On page 26, Senator Leibell moves to discharge, from the Committee on Rules, Assembly Bill Number 6723A and substitute it for the identical Senate Bill Number 3626A, Third Reading Calendar 726.

On page 34, Senator Hannon moves to discharge, from the Committee on Rules,

Assembly Bill Number 8176 and substitute it for the identical Senate Bill Number 3341A, Third Reading Calendar 875.

On page 35, Senator Winner moves to discharge, from the Committee on Rules, Assembly Bill Number 8118 and substitute it for the identical Senate Bill Number 4557, Third Reading Calendar 879.

On page 39, Senator Little moves to discharge, from the Committee on Rules, Assembly Bill Number 8409 and substitute it for the identical Senate Bill Number 5255, Third Reading Calendar 966.

On page 45, Senator Larkin moves to discharge, from the Committee on Rules, Assembly Bill Number 2645 and substitute it for the identical Senate Bill Number 1610, Third Reading Calendar 1049.

On page 48, Senator Little moves to discharge, from the Committee on Rules, Assembly Bill Number 7872 and substitute it for the identical Senate Bill Number 5256, Third Reading Calendar 1117.

On page 48, Senator Little moves to discharge, from the Committee on Rules,

Assembly Bill Number 7870 and substitute it for the identical Senate Bill Number 5293, Third Reading Calendar 1120.

On page 51, Senator Marcellino moves to discharge, from the Committee on Rules, Assembly Bill Number 7078 and substitute it for the identical Senate Bill Number 3996, Third Reading Calendar 1162.

On page 53, Senator Spano moves to discharge, from the Committee on Rules, Assembly Bill Number 8367 and substitute it for the identical Senate Bill Number 5213A, Third Reading Calendar 1191.

On page 54, Senator Volker moves to discharge, from the Committee on Rules, Assembly Bill Number 8115A and substitute it for the identical Senate Bill Number 5320A, Third Reading Calendar 1201.

On page 55, Senator LaValle moves to discharge, from the Committee on Rules, Assembly Bill Number 4240 and substitute it for the identical Senate Bill Number 2467, Third Reading Calendar 1210.

On page 56, Senator Robach moves to discharge, from the Committee on Rules,

Assembly Bill Number 5430 and substitute it for the identical Senate Bill Number 3043, Third Reading Calendar 1215.

On page 59, Senator Flanagan moves to discharge, from the Committee on Rules, Assembly Bill Number 1873 and substitute it for the identical Senate Bill Number 4290, Third Reading Calendar 1243.

On page 68, Senator Oppenheimer moves to discharge, from the Committee on Rules, Assembly Bill Number 7211 and substitute it for the identical Senate Bill Number 4315, Third Reading Calendar 1366.

On page 69, Senator Skelos moves to discharge, from the Committee on Crime Victims, Crime and Correction, Assembly Bill Number 4466 and substitute it for the identical Senate Bill Number 4811, Third Reading Calendar 1369.

On page 70, Senator Maltese moves to discharge, from the Committee on Rules, Assembly Bill Number 8543 and substitute it for the identical Senate Bill Number 5389, Third Reading Calendar 1378.

And on page 70, Senator Skelos

moves to discharge, from the Committee on Rules, Assembly Bill Number 8312 and substitute it for the identical Senate Bill Number 5470, Third Reading Calendar 1380.

THE PRESIDENT: Substitutions ordered.

Senator Balboni.

SENATOR BALBONI: Madam President, can we please adopt the Resolution Calendar, with the exception of Resolution Number 2347, please.

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 Balboni.

SENATOR BALBONI: There's a resolution at the desk, 2347, by Senator Leibell. May we please have the title read and move for its immediate adoption.

THE PRESIDENT: The Secretary

will read.

THE SECRETARY: By Senator Leibell, Legislative Resolution Number 2347, commemorating the 50th Anniversary of the Polio Vaccine.

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

(Response of "Aye.")

THE PRESIDENT: Opposed, nay.

(No response.)

THE PRESIDENT: The resolution is adopted.

Senator Balboni.

SENATOR BALBONI: Senator Leibell would like to open up this resolution for cosponsorship. If someone does not wish to be a cosponsor, they should notify the desk.

THE PRESIDENT: Any member who does not wish to cosponsor the last resolution, please notify the desk.

Senator Balboni.

SENATOR BALBONI: Yes, Madam President. May we now have the reading of the noncontroversial calendar.

THE PRESIDENT: The Secretary

will read.

THE SECRETARY: Calendar Number 682, by Senator Seward, Senate Print 4061B, an act to amend the Insurance Law.

THE PRESIDENT: Read the last section.

THE SECRETARY: Section 10. 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 1052, by Senator Balboni, Senate Print 939, an act to amend the General Business Law and the Penal Law.

THE PRESIDENT: Read the last section.

THE SECRETARY: Section 9. This act shall take effect on the first of November.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 53.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1069, by Member of the Assembly Morelle, Assembly Print Number 3796, an act to amend the Highway Law.

THE PRESIDENT: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the same date as Chapter 460 of the Laws of 2004.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 52. Nays, 1. Senator Duane recorded in the negative.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1070, by Senator DeFrancisco, Senate Print 5054, an act to amend the Navigation 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, 54.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1151, by Member of the Assembly Cahill, Assembly Print Number 4851, an act to amend the General Municipal 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, 53. Nays, 1. Senator Duane recorded in the negative.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1155, by Senator Andrews, Senate Print 3386, an act to amend the Racing, Pari-Mutuel Wagering and Breeding Law.

THE PRESIDENT: Read the last section.

THE SECRETARY: Section 2. This

act shall take effect on the 120th day.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 54.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1158, by Senator Larkin, Senate Print 5391, an act to amend the Racing, Pari-Mutuel Wagering and Breeding Law.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Those recorded in the negative on Calendar Number 1158 are Senators Duane, LaValle and Padavan.

Ayes, 51. Nays, 3.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1191, substituted earlier today by Member of the Assembly Silver, Assembly Print Number

8367, an act to amend the Executive 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, 54.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1194, by Senator Maziarz, Senate Print 2281, an act to amend the Vehicle and Traffic 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, 54.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1195, by Senator Robach, Senate Print 3410A, an act to amend the Vehicle and Traffic Law.

THE PRESIDENT: Read the last section.

THE SECRETARY: Section 8. This act shall take effect on the first of November.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 53. Nays, 1. Senator Duane recorded in the negative.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1199, by Senator Golden, Senate Print 5148A, an act to amend the Vehicle and Traffic Law.

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, 55.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1200, by Senator Volker, Senate Print 5319, an

act to amend the Highway 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, 55.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1201, substituted earlier today by Member of the Assembly Schroeder, Assembly Print Number 8115A, an act to amend the Highway 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 1203, by Senator Padavan, Senate Print 5360,

an act to amend the Vehicle and Traffic 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, 54. Nays, 2. Senators Duane and Montgomery recorded in the negative.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1206, by Member of the Assembly Destito, Assembly Print Number 7517, an act to amend the Patriot Plan.

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 1207, by Member of the Assembly Towns, Assembly Print Number 7959, an act to amend Chapter 288 of the Laws of 2004.

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 1211, by Senator Maltese, Senate Print 2866, an act to amend the Administrative Code of the City of New York.

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

Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1212, by Senator Robach, Senate Print 2870, 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, 57.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1213, by Senator Robach, Senate Print 2875A, an act to amend the Education 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 1220, by Senator Little, Senate Print 3843, an act to authorize the Village of Tupper Lake.

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

Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1221, by Senator Robach, Senate Print 4293, an act to amend the Retirement and Social Security 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 1243, substituted earlier today by Member of the Assembly Wright, Assembly Print Number 1873, an act to amend Chapter 92 of the Laws of 2001.

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 1250, by Senator Meier, Senate Print 2317, an act to amend the Executive Law and the Social Services Law.

THE PRESIDENT: Read the last section.

THE SECRETARY: Section 5. This

act shall take effect on the first of January.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1290, by Senator Meier, Senate Print 5274, an act authorizing the City of Utica.

THE PRESIDENT: There is a home-rule message 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, 58.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1299, by Senator DeFrancisco, Senate Print 5380, an act to amend the Real Property Tax Law.

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, 58.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1323, by Senator Marcellino, Senate Print 5353A, an act to authorize Greenlawn-Centerport Historical Association.

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 1355, by Senator Trunzo, Senate Print 129, 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 1357, by Senator Larkin, Senate Print 439, an act to amend the Vehicle and Traffic Law.

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, 58.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1358, by Senator Hannon, Senate Print 753, an act to amend the Vehicle and Traffic Law.

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 1359, by Senator Winner, Senate Print 1241A, an act to authorize the Department of Taxation and Finance.

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, 58.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1360, by Senator Flanagan, Senate Print 2842, an act to amend the Vehicle and Traffic Law.

SENATOR ONORATO: Lay it aside.

THE PRESIDENT: The bill is laid aside.

THE SECRETARY: Calendar Number 1361, by Senator Golden, Senate Print 3437A, an act to amend the Retirement and Social Security Law.

THE PRESIDENT: 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 1362, by Senator Maziarz, Senate Print 3691, 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 1363, by Senator Saland, Senate Print 4042, an act to authorize the New Hackensack Fire District.

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 1364, by Senator Morahan, Senate Print 4103, an act to amend the Environmental Conservation 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 1365, by Senator Wright, Senate Print 4306, an act to amend the Education Law.

THE PRESIDENT: Read the last section.

THE SECRETARY: Section 2. 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 1366, substituted earlier today by Member of the Assembly Paulin, Assembly Print Number 7211, an act to authorize the assessor of 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 1367, by Senator Bruno, Senate Print 4655, an act authorizing George E. Slagen III to transfer credits.

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

Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1371, by Senator Wright, Senate Print 4960A, an act to amend the Alcoholic Beverage Control 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 1372, by Senator Alesi, Senate Print --

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

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

THE SECRETARY: Calendar Number 1373, by the Senate Committee on Rules, Senate Print Number 5179, an act to amend Chapter 272 of the Laws of 1991.

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 1374, by Senator Volker, Senate Print 5260, an act to amend the Parks, Recreation and Historic Preservation Law.

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, 58.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1375, by Senator Meier, Senate Print 5296, an act authorizing the Village of Camden.

THE PRESIDENT: There is a home-rule message 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, 58.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1378, substituted earlier today by Member of the Assembly McLaughlin, Assembly Print Number 8543, an act to amend a chapter of the Laws of 2005.

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 1380, substituted earlier today by Member of the Assembly Magnarelli, Assembly Print Number 8312, an act to amend the Executive 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.

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

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

THE PRESIDENT: The Secretary will ring the bell, and the members should return to their seats.

The Secretary will read.

THE SECRETARY: Calendar Number 1360, by Senator Flanagan, Senate Print 2842, an act to amend the Executive Law and the Criminal Procedure Law.

SENATOR ONORATO: Explanation.

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

SENATOR FLANAGAN: Thank you, Madam President.

Madam President, this bill is an outgrowth of issues affecting the counties and based on an opinion issued by the Attorney

General having to do with counties and their ability to administer and create fees.

This would allow for a general administrative fee, a drug testing fee, and an electronic monitoring fee to help them mitigate some of their costs involving probation and people who are on probation.

THE PRESIDENT: Senator Montgomery.

SENATOR MONTGOMERY: Yes, Madam President, if Senator Flanagan would yield.

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

SENATOR FLANAGAN: Yes, I will.

THE PRESIDENT: You may proceed with a question.

SENATOR MONTGOMERY: Senator Flanagan, I note that your memo indicates that if a person is an indigenous -- if a person can't afford to pay -- indigent, excuse me. Thank you -- that what happens if a person is unable to pay this fee, these fees?

SENATOR FLANAGAN: The person is relieved of that responsibility. If they can demonstrate there's a hardship provision so

that they can't afford to pay, they're not required to pay.

SENATOR MONTGOMERY: Is there a sliding scale at all, or do -- are these fees set at a certain amount and you pay no matter what your ability to pay?

SENATOR FLANAGAN: I believe it's a sliding scale. On the administrative fee, it's up to $30 a month. On the drug-testing fee, it actually costs up to $8 a test, but no more than $600 per year per probationer. And the electronic monitoring fee is up to $8 a day, but no more than $900 per probationer.

SENATOR MONTGOMERY: Through you, Madam President, if Senator Flanagan would continue to yield.

THE PRESIDENT: Senator Flanagan, do you continue to yield?

SENATOR FLANAGAN: Yes.

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

SENATOR MONTGOMERY: In the event someone is on probation, Senator Flanagan, and they for whatever reason do not pay, what happens to that person?

SENATOR FLANAGAN: Senator Montgomery, I have to double-check. I don't want to misspeak. I'm not a hundred percent sure.

SENATOR MONTGOMERY: All right. Madam President, through you.

We -- there is a bill, Senator Flanagan, I believe we're going to be considering that bill, it's the Sexual Predatory Reform Act, and that would require a certain level of a sex offender to wear an ankle bracelet for the rest of their life.

So assuming we have legislation like that -- and I have met people who are required to wear an ankle bracelet, not because they've done anything, but because they have some -- for some reason they've been required to wear an ankle bracelet. In that case, does that mean that that person pays that fee for the rest of their life, essentially?

SENATOR FLANAGAN: As I had said previously, it's up to $8 per day, but there's a cap of $900 per probationer.

SENATOR MONTGOMERY: Per year.

SENATOR FLANAGAN: Let me go back to your other question.

The ability to recover that fee would be similar to how a county can do it now, a normal recovery action to collect those fees.

Let me just add very quickly that this bill is very strongly supported by the New York State Association of Counties, the CSEA, we have correspondence from the Westchester County Executive's office and the Attorney General.

SENATOR MONTGOMERY: All right. Thank you, Madam President. Just briefly on the bill.

THE PRESIDENT: You may proceed on the bill, Senator.

SENATOR MONTGOMERY: Yes, I voted against this before, and I'm inclined to continue my objection.

I just think that when we're talking probation, many of the probationers that I'm aware of, especially, are young people, first-time offenders and what have you, and that's the reason why the district

attorney often uses probation rather than incarceration.

So essentially we are looking at the least able to afford, least likely group that's going to be able to afford, out of all of the people involved in the criminal justice system, especially those. And this then places an additional burden onto that young person and/or their family.

So I really think that we should consider another option for raising those fees. Perhaps there are other ways that we can come up with to assist the counties in the cost of these services, rather than taxing these -- the people that we would hope that we're giving a second chance to rehabilitate themselves through probation.

So I'm going to continue to object to this legislation, Madam President. Thank you.

THE PRESIDENT: Senator Valesky.

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

THE PRESIDENT: You may proceed on the bill, Senator.

SENATOR VALESKY: I rise in support of this bill and commend Senator Flanagan for bringing it to the floor.

I notice, in looking at the voting record last year, that a number of my colleagues voted in opposition to this bill. And with all due respect to the comments of Senator Montgomery, I think it may be helpful for other members to know the kind of pressures that local governments around the state are facing and how this bill can help in some small way to alleviate those pressures.

The Attorney General's office, as many of my colleagues may know, became involved in this issue a couple of years ago, in the year 2003, at the request of the Essex County officials. Several counties across the state had already passed local laws, I believe about 15 counties had passed local laws that imposed a wide variety of fees that the Attorney General found was impossible to do without state legislation allowing counties to do that.

So many counties have been acting in good faith to ensure that a portion of

probation costs be paid not by the taxpayers but by those probationers who have the financial wherewithal to make such payments.

I believe this is good public policy. This is a good bill. We ought to be passing this bill. I encourage the Assembly to take the same action and for my colleagues to support this bill today.

Thank you, Madam President.

THE PRESIDENT: Senator Onorato.

SENATOR ONORATO: Yes, Madam President. Will the sponsor yield to a question.

THE PRESIDENT: Senator Flanagan, do you yield for a question?

SENATOR FLANAGAN: Yes.

THE PRESIDENT: You may proceed.

SENATOR ONORATO: Senator Flanagan, is there any other category of employees throughout the state that are mandated to take random drug tests who are required to pay for it?

SENATOR FLANAGAN: I don't know.

SENATOR ONORATO: Or are we singling out only the probationary people with

your bill?

SENATOR FLANAGAN: Senator Onorato, I honestly don't know if there are other people that are subject to that kind of fee.

I'm focusing on this. This is a bill that's supported by the Attorney General. And counties have moved to take these actions. We're trying to basically help them out and work with them.

But you perhaps would know better than I.

SENATOR ONORATO: Well, I agree with the principles of the bill.

But again, if we want to start raising fees, let's make it statewide for anybody who's mandated to require drug testing to pay for their own drug testing. Let's not just single out one portion of the population for it.

You want to make money, this is a money-making bill, let's do it for everybody.

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

Senator Krueger.

SENATOR LIZ KRUEGER: Thank you, Madam President.

Would the sponsor please yield to a question?

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

SENATOR FLANAGAN: Yes.

THE PRESIDENT: You may proceed, Senator Krueger.

SENATOR LIZ KRUEGER: Senator, I understand this bill is specific to people on probation. What's the difference -- or why does this not apply to people who come out of prison on parole as well?

SENATOR FLANAGAN: We chose to limit it to those who are on probation. If someone else is so inclined to introduce a bill for those on parole, they should feel free to do so. It's limited to people who are on probation.

SENATOR LIZ KRUEGER: Thank you.

Madam President, on the bill.

THE PRESIDENT: You may proceed on the bill.

SENATOR LIZ KRUEGER: Thank you.

I think we're all on probation in this Legislature. And it's important to be held accountable, as Senator Flanagan is attempting to assist counties to hold people accountable.

We have ten days left in this session, and we have a series of bills that we've committed to the public that we would do before the end of session. And yet with ten days left, it's not clear to me that we are going to follow through.

We should be addressing legislative reform or explaining to our constituents at home why we flunked our probation. We should be dealing with lobbying reform, particularly procurement lobbying reform, particularly in light of HAVA and the question of voting machines moving to the counties and lobbying moving to the counties --

SENATOR FLANAGAN: Madam President.

THE PRESIDENT: Senator Flanagan.

SENATOR FLANAGAN: Point of order.

I believe the comments that are

being made are not germane to this bill or to this legislation at all.

THE PRESIDENT: Senator Krueger, I'm going to remind you to keep your comments germane, please.

SENATOR LIZ KRUEGER: Thank you, Madam President.

I think it's germane because it's germane to the role that we play in the Legislature of moving legislation.

You're attempting to move this legislation. You're applying it to specific individuals who we've placed on probation, questioning whether as early offenders they should continue to have their freedom or perhaps end up in jail.

Hopefully none of us face that level of response to our failure to meet our obligations.

But I would argue that this Legislature's failure to meet fundamental reforms that many of us on both sides of this aisle have committed to is in fact a parallel probationary question. But I respect the point. Again, ten days left. We have time to

do important legislation, and I believe we should do it.

Thank you, Madam President.

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

Then the debate is closed.

The Secretary will ring the bell.

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 PRESIDENT: Senator Diaz, to explain your vote.

SENATOR DIAZ: Thank you, Madam President.

Ladies and gentlemen, today, in one hour, we have gone through 45 bills. Only one was laid aside. I'm congratulating my colleagues that today no one seems to have the energy to speak on anything.

Maybe, maybe it was the West Side Stadium defeat, to some of us, that made us keep quiet today. Or maybe it was the West Side Stadium victory, for other people, that

made us keep quiet today.

One way or another, Madam President, this is a precedent. In the time that I have been here, it's a precedent, 45 bills in one hour. Praise the Lord.

I'm voting no.

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

Senator Breslin, to explain your vote.

SENATOR BRESLIN: Thank you, Madam President.

Last year on this bill I voted no. I didn't think there was sufficient information available that it wouldn't punish people who need not be punished.

But I've listened to the thoughtful remarks of Senator Valesky. My brother Michael, the county executive of Albany, did place a call to me. And I really do see the light, and I accept the fact that there is a sufficient means test contained within the bill that it's not punitive in nature, and accordingly change my vote to a yes.

THE PRESIDENT: You will be so

recorded as voting in the affirmative, Senator Breslin.

Senator Connor, to explain your vote.

SENATOR CONNOR: Thank you, Madam President.

Not to be an echo, but last year I voted no on this. I frankly thought it was punitive, or the intent was punitive.

Based on the debate today and the explanations, I realize that there's a fiscal need, there's a budgetary need, and therefore I'm voting yes this year.

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

The Secretary will announce the results.

THE SECRETARY: Those recorded in the negative on Calendar Number 1360 are Senators Diaz, Dilan, Duane, L. Krueger, Montgomery, Parker, Paterson, Sabini, Serrano, A. Smith and M. Smith.

Those Senators absent from voting: Senator Saland.

Ayes, 47. Nays, 11.

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

And the bill is passed.

THE SECRETARY: In relation to Calendar Number 1360, in the negative, also Senator Schneiderman.

Ayes, 46. Nays, 12.

THE PRESIDENT: The bill is still passed.

Senator Skelos.

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

And upon completion of the committee meeting, we'll just report the bills to the floor and then adjourn.

So if we could stand at ease.

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

Senator Robach.

SENATOR ROBACH: Yes, Madam President. On page 30, I offer the following amendments to Calendar 809, Senate Print

Number 3110, and ask that said bill retain its place on Third Reading Calendar, on behalf of Senator Farley.

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

SENATOR ROBACH: And also, Madam President, on page number 14, I offer the following amendments to Calendar Number 417, Senate Print Number 2975, and ask that the said bill retain its place on Third Reading Calendar, on behalf of Senator Spano.

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

Senator Skelos.

SENATOR SKELOS: If we can just stand at ease, then.

THE PRESIDENT: The Senate stands at ease.

(Whereupon, the Senate stood at ease at 4:10 p.m.)

(Whereupon, the Senate reconvened at 4:22 p.m.)

THE PRESIDENT: Senator Skelos.

SENATOR SKELOS: Madam President, if we could return to reports of standing committees, I believe there's a report of the Rules Committee at the desk. Everybody is waiting for it to be read.

THE PRESIDENT: Reports of standing committees.

The Secretary will read.

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

Senate Print 138, by Senator Trunzo, an act to amend the Public Authorities Law;

448, by Senator Larkin, an act to amend the Surrogate's Court Procedure Act;

1043, by Senator Padavan, an act to amend the Vehicle and Traffic Law;

1515, by Senator Rath, an act to amend the Vehicle and Traffic Law;

2086, by Senator Stachowski, an act authorizing the Village of Hamburg;

2385, by Senator Morahan, an act to amend the Executive Law;

2557, by Senator Hannon, an act to

amend the Village Law;

3271, by Senator Winner, an act to amend the Tax Law;

3332, by Senator Seward, an act authorizing;

3619, by Senator Flanagan, an act entitling Harold G. Hartner;

3625, by Senator Leibell, an act to amend the General Municipal Law;

3709, by Senator Flanagan, an act to amend the Vehicle and Traffic Law;

3932, by Senator Maziarz, an act to amend the Environmental Conservation Law;

4563, by Senator Trunzo, an act to amend Chapter 666 of the Laws of 1990;

4708, by Senator Skelos, an act to amend the Vehicle and Traffic Law;

4757, by Senator Saland, an act to amend the Executive Law;

4855A, by Senator DeFrancisco, an act to amend the Civil Practice Law and Rules;

4959, by Senator Wright, an act to amend the Vehicle and Traffic Law;

4993, by Senator Alesi, an act to amend the Vehicle and Traffic Law;

5171, by Senator Robach, an act to amend the Penal Law;

5392, by Senator Meier, an act to amend the Social Services Law;

5395, by Senator Johnson, an act to amend the Tax Law;

And Senate Print 5505A, by Senator Flanagan, an act to amend the Election Law.

All bills ordered direct to third reading.

THE PRESIDENT: Senator Skelos.

SENATOR SKELOS: Move to accept the report of the Rules Committee.

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

(Response of "Aye.")

THE PRESIDENT: Opposed, nay.

(No response.)

THE PRESIDENT: The report is accepted.

Senator Skelos.

SENATOR SKELOS: Is there any further business at the desk?

THE PRESIDENT: No, there isn't,

Senator.

SENATOR SKELOS: Thank you.

There being no further business to come before the Senate, I move we stand adjourned until Wednesday, June 8th, at 11:00 a.m.

THE PRESIDENT: On motion, the Senate now stands adjourned until Wednesday, June 8th, 11:00 a.m.

(Whereupon, at 4:25 p.m., the Senate adjourned.)