NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

June 14, 2005

3:10 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 again today is our friend, colleague and spiritual advisor, the Reverend Peter G. Young, from Blessed Sacrament Church in Bolton Landing, New York.

REVEREND YOUNG: As we look forward to our cooling front, we think of the elderly that have suffered in their intense heat.

But today we ask You, O, God, to remember those women of distinction that are recognized for their services to the citizens of New York State, that they and their good works will be an example to others so that we can see an enrichment of all people as service to others.

We ask You this in Your name, now

and forever. Amen.

THE PRESIDENT: Reading of the Journal.

THE SECRETARY: In Senate, Monday, June 13, the Senate met pursuant to adjournment. The Journal of Sunday, June 12, was read and approved. On motion, Senate adjourned.

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

Senator Skelos.

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

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

Presentation of petitions.

Messages from the Governor.

Messages from the Assembly.

Reports of standing committees.

Reports of select committees.

Communications and reports from

state officers.

Motions and resolutions.

Senator Fuschillo.

SENATOR FUSCHILLO: Thank you, Madam President. On behalf of Senator Balboni, I wish to call up Senate Print Number 4496, recalled from the Assembly, which is now at the desk.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: Calendar Number 746, by Senator Balboni, Senate Print 4496, an act to amend the Executive Law.

SENATOR FUSCHILLO: I now move to reconsider the vote by which the bill was passed.

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

(The Secretary called the roll.)

THE SECRETARY: Ayes, 46.

SENATOR FUSCHILLO: I now offer the following amendments.

THE PRESIDENT: The amendments are received.

SENATOR FUSCHILLO: Madam

President, on behalf of Senator Skelos, I wish to call up Calendar Number 1369, Assembly Print Number 4466.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: Calendar Number 1369, by Member of the Assembly DiNapoli, Assembly Print Number 4466, an act to amend the Executive Law.

SENATOR FUSCHILLO: I now move to reconsider the vote by which the Assembly bill was substituted for Senate Print Number 4811 on June 7th.

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

(The Secretary called the roll.)

THE SECRETARY: Ayes, 46.

SENATOR FUSCHILLO: I now move that Assembly Bill Number 4466 be committed to the Committee on Rules and that the Senate bill be restored to the order of Third Reading Calendar.

THE PRESIDENT: So ordered.

SENATOR FUSCHILLO: I now offer the following amendments.

THE PRESIDENT: The amendments are received.

SENATOR FUSCHILLO: Madam President, on behalf of Senator Rath, I wish to call up Calendar Number 1013, Assembly Print Number 227.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: Calendar Number 1013, by Member of the Assembly Pheffer, Assembly Print Number 227, an act to amend the General Business Law.

SENATOR FUSCHILLO: I now move to reconsider the vote by which the Assembly bill was substituted for Senate Print Number 2901 on May 18th.

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

(The Secretary called the roll.)

THE SECRETARY: Ayes, 46.

SENATOR FUSCHILLO: I now move that Assembly Bill Number 227 be committed to the Committee on Rules and that the Senate bill be restored to the order of Third Reading Calendar.

THE PRESIDENT: So ordered.

SENATOR FUSCHILLO: I now offer the following amendments.

THE PRESIDENT: The amendments are received.

SENATOR FUSCHILLO: Madam President, on behalf of Senator Flanagan, on page number 14, Calendar Number 426, I move to amend Senate Bill Number 2914A by striking out the amendments made on 4/20 and restoring it to its original Senate print number, 2914, and ask that said bill retain its place on Third Reading Calendar.

THE PRESIDENT: So ordered.

SENATOR FUSCHILLO: I now move to discharge, to the Committee on Elections, Assembly Print Number 1221 and substitute it for the identical Senate bill, Senate Print Number 2914.

THE PRESIDENT: So ordered.

SENATOR FUSCHILLO: Madam President, on behalf of Senator Skelos, I wish to call up Senate Print Number 3713, recalled from the Assembly, which is now at the desk.

THE PRESIDENT: The Secretary

will read.

THE SECRETARY: Calendar Number 1348, by Senator Skelos, Senate Print 3713, an act to amend the Criminal Procedure Law.

SENATOR FUSCHILLO: I now move to reconsider the vote by which the bill was passed.

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

(The Secretary called the roll.)

THE SECRETARY: Ayes, 46.

SENATOR FUSCHILLO: I now offer the following amendments.

THE PRESIDENT: The amendments are received.

SENATOR FUSCHILLO: Madam President, on behalf of Senator DeFrancisco, I wish to call up Senate Print Number 217, recalled from the Assembly, which is now at the desk.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: Calendar Number 114, by Senator DeFrancisco, Senate Print 217, an act to amend the Vehicle and Traffic Law.

SENATOR FUSCHILLO: I now move to reconsider the vote by which the bill was passed.

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

(The Secretary called the roll.)

THE SECRETARY: Ayes, 46.

SENATOR FUSCHILLO: I now offer the following amendments.

THE PRESIDENT: The amendments are received.

SENATOR FUSCHILLO: Madam President, on behalf of Senator Morahan, I wish to call up Senate Print Number 2044A, recalled from the Assembly, which is now at the desk.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: Calendar Number 380, by Senator Morahan, Senate Print 2044A, an act to authorize.

SENATOR FUSCHILLO: I now move to reconsider the vote by which the bill was passed and ask that the said bill be restored to the order of third reading.

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

(The Secretary called the roll.)

THE SECRETARY: Ayes, 46.

SENATOR FUSCHILLO: I now move to recommit Senate Print Number 2044A, Calendar Number 380 on the order of third reading, to the Committee on Local Government, with instructions to said committee to strike out the enacting clause.

THE PRESIDENT: So ordered.

SENATOR FUSCHILLO: Thank you.

THE PRESIDENT: Senator Meier.

SENATOR MEIER: Thank you, Madam President.

Amendments are offered to the following Third Reading Calendar bills:

By Senator LaValle, at page 4, Calendar 32, Senate Print Number 165;

By Senator Marcellino, page 10, Calendar 315, Print 1286B;

By Senator Fuschillo, page 10, Calendar 319, Print 3492;

By Senator Maltese, page 23, Calendar 695, Senate Print 2517A;

By Senator DeFrancisco, page 33, Calendar 870, Senate Print 5223;

By Senator Hannon, page 33, Calendar 880, Senate Print 4943;

By Senator LaValle, page 37, Calendar 960, Senate Print 5162A;

By Senator LaValle, page 37, Calendar 962, Senate Print 5164A;

By Senator Farley, page 39, Calendar 995, Senate Print 2722;

By Senator Fuschillo, page 43, Calendar 1066, Senate Print 4396;

By Senator Volker, page 43, Calendar 1076, Senate Print 2415A;

And by Senator Seward, page 44, Calendar 1109, Senate Print 4282.

Madam President, I now move that these bills retain their place on the order of third reading.

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

Senator Marcellino.

SENATOR MARCELLINO: Yes, Madam President, are there any substitutions to be

made?

THE PRESIDENT: Yes, there are, Senator.

The Secretary will read.

THE SECRETARY: On page 5, Senator Johnson moves to discharge, from the Committee on Rules, Assembly Bill Number 111 and substitute it for the identical Senate Bill Number 196, Third Reading Calendar 109.

On page 36, Senator Flanagan moves to discharge, from the Committee on Rules, Assembly Bill Number 4186 and substitute it for the identical Senate Bill Number 4920, Third Reading Calendar 921.

On page 57, Senator LaValle moves to discharge, from the Committee on Rules, Assembly Bill Number 4431A and substitute it for the identical Senate Bill Number 2236A, Third Reading Calendar 1313.

On page 61, Senator Maziarz moves to discharge, from the Committee on Rules, Assembly Bill Number 1201 and substitute it for the identical Senate Bill Number 5451, Third Reading Calendar 1445.

And on page 62, Senator DeFrancisco

moves to discharge, from the Committee on Judiciary, Assembly Bill Number 4320 and substitute it for the identical Senate Bill Number 5514, Third Reading Calendar 1449.

THE PRESIDENT: Substitutions ordered.

Senator Alesi.

SENATOR ALESI: Thank you, Madam President.

Amendments are offered to the following Third Reading Calendar bills:

Sponsored by Senator LaValle, page 45, Calendar 1135, Senate Print 2864A;

Senator Seward, page 48, Calendar 1198, Senate Print 4719;

Senator Golden, page 51, Calendar Number 1231, Senate Print 5153;

Senator Skelos, page 54, Calendar Number 1266, Senate Print 494A;

Senator LaValle, page 55, Calendar 1281, Senate Print 3322;

By Senator Robach, page 61, Calendar Number 1444, Senate Print 5379;

By Senator Maziarz, page 60, Calendar Number 1425, Senate Print 5468A;

Senator Volker, page 25, Calendar Number 717, Senate Print 1628;

By Senator Volker, page 34, Calendar Number 901, Senate Print 4625A;

By Senator Skelos, page 22, Calendar 672, Senate Print 3898A;

By Senator Wright, page 29, Calendar Number 810, Senate Print 3249A;

Senator LaValle, page 19, Calendar 573, Senate Print 842A;

And Senator Skelos, page 41, Calendar 1022, Senate Print 4097.

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

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

Senator Marcellino.

SENATOR MARCELLINO: Madam President, can we take up Resolution Number 2428, by Senator Saland, have the title read only, and move for its immediate adoption.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: By Senator Saland, Legislative Resolution Number 2428, congratulating the Roy C. Ketcham High School Baseball Team and Coach Pat Mealy upon the occasion of capturing the New York State Class AA Championship.

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 Fuschillo.

SENATOR FUSCHILLO: Madam President, on behalf of Senator Saland, I wish to call up Calendar Number 1180, Assembly Print Number 75.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: Calendar Number 1180, by Member of the Assembly Pheffer, Assembly Print Number 75, an act to amend the General Business Law.

SENATOR FUSCHILLO: I now move to

reconsider the vote by which the Assembly bill was substituted for Senate Print Number 4225 on May 31st.

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

(The Secretary called the roll.)

THE SECRETARY: Ayes, 51.

SENATOR FUSCHILLO: I now move that Assembly Bill Number 75 be committed to the Committee on Rules and that the Senate bill be restored to the order of Third Reading Calendar.

THE PRESIDENT: So ordered.

SENATOR FUSCHILLO: I now offer the following amendments.

THE PRESIDENT: The amendments are received.

SENATOR FUSCHILLO: Madam President, on behalf of Senator LaValle, I wish to call up Senate Print Number 559A, recalled from the Assembly, which is now at the desk.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: Calendar Number

58, by Senator LaValle, Senate Print 559A, an act to amend the Education Law.

SENATOR FUSCHILLO: I now move to reconsider the vote by which the bill was passed.

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

(The Secretary called the roll.)

THE SECRETARY: Ayes, 51.

SENATOR FUSCHILLO: I now offer the following amendments.

THE PRESIDENT: The amendments are received.

SENATOR FUSCHILLO: Madam President, on behalf of Senator Maziarz, on page number 50 I offer the following amendments to Calendar Number 1222, Senate Print Number 4476, and ask that said bill retain its place on Third Reading Calendar.

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

Senator Marcellino.

SENATOR MARCELLINO: Madam President, can we stand at ease awaiting the

return of the Rules Committee.

THE PRESIDENT: The Senate stands at ease.

(Whereupon, the Senate stood at ease at 3:22 p.m.)

(Whereupon, the Senate reconvened at 3:26 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. I ask that it be read.

THE PRESIDENT: The Secretary will read.

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

Senate Print 543A, by Senator Nozzolio, an act to amend the Correction Law;

1044, by Senator Padavan, an act to amend the Vehicle and Traffic Law;

1076A, by Senator Nozzolio, an act to amend Chapter 219 of the Laws of 2002;

2464, by Senator Johnson, an act to

amend the Vehicle and Traffic Law;

2483, by Senator Winner, an act to amend the Tax Law;

2494, by Senator Volker, an act to amend the Civil Service Law;

2893B, by Senator Spano, an act to amend the State Finance Law;

3654A, by Senator Farley, an act authorizing;

3660, by Senator Spano, an act to amend the Executive Law;

4000, by Senator Johnson, an act to amend the Correction Law;

4034, by Senator Wright, an act to amend the Public Authorities Law;

4065, by Senator Valesky, an act to amend the Tax Law;

4148A, by Senator LaValle, an act to amend the Environmental Conservation Law;

4239, by Senator Hannon, an act to amend the Public Health Law;

4924A, by Senator Flanagan, an act in relation to granting;

4968, by Senator Padavan, an act to amend the Retirement and Social Security Law;

5258, by the Senate Committee on Rules, an act to amend the Tax Law;

5282, by Senator Wright, an act to amend the Civil Practice Law and Rules and others;

5341, by Senator Valesky, an act to amend the Tax Law;

5388, by the Senate Committee on Rules, an act to amend the Tax Law;

5497, by Senator Marchi, an act to authorize;

5503, by Senator Maziarz, an act to amend the Parks, Recreation and Historic Preservation Law;

5506, by Senator Young, an act to amend the Tax Law;

5519, by the Senate Committee on Rules, an act to amend the Tax Law;

5526, by Senator Meier, an act to legalize, validate, ratify and confirm;

5535, by Senator Young, an act to amend the Agriculture and Markets Law;

5536, by Senator Young, an act to amend the Agriculture and Markets Law;

5545, by the Senate Committee on

Rules, an act to amend the Tax Law;

5552, by Senator Winner, an act to amend the Tax Law;

5562, by the Senate Committee on Rules, an act to amend the Tax Law;

5592, by Senator Bonacic, an act to amend the Flood Assessment Relief Act of 2005;

5623, by the Senate Committee on Rules, an act to amend the Social Services Law;

And Senate Print 5657, by Senator Golden, an act to amend the Retirement and Social Security Law.

All bills ordered direct to third reading.

THE PRESIDENT: Senator Libous.

SENATOR LIBOUS: I move to accept the report of the Rules Committee.

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

(Response of "Aye.")

THE PRESIDENT: Opposed, nay.

(No response.)

THE PRESIDENT: The Rules report

is accepted.

Senator Libous.

SENATOR LIBOUS: Madam President, could we have the noncontroversial reading of the calendar, please.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: Calendar Number 10, by Senator Sampson, Senate Print 84, an act to amend the Penal 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 226, by Senator Rath, Senate Print 2636A, an act to adjust certain state aid payments.

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 341, by Senator Spano, Senate Print 2898, an act to amend the Penal Law.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 55.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 390, by Senator Maziarz, Senate Print --

SENATOR SCHNEIDERMAN: Lay it aside.

THE PRESIDENT: The bill is laid aside.

THE SECRETARY: Calendar Number 417, by Senator Spano, Senate Print 2975A, an act to amend the Executive Law.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56. Nays, 1. Senator Duane recorded in the negative.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 433, by Senator Meier, Senate Print 3318A, an act in relation to adjusting.

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, 57.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 516, by Senator Farley, Senate Print 3432A, an act to amend the Tax 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, 57.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 525, by Senator Balboni, Senate Print 2579A, an act to authorize the Village of Floral Park.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56. Nays,

1. Senator Bonacic recorded in the negative.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 548, by Senator LaValle, Senate Print 3744, an act to amend Chapter 610 of the Laws of 2004.

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, 57.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 592, by Senator DeFrancisco, Senate Print 48B, an act to amend the Real Property Law and the Real Property Actions and Proceedings Law.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 631, by Senator DeFrancisco, Senate Print 4170A, an act to amend the Penal Law.

THE PRESIDENT: Read the last section.

THE SECRETARY: Section 9. 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 638, by Senator LaValle, Senate Print 3149, 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, 58.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 661, by Senator Larkin, Senate Print 2353, an act to amend the Real Property Tax 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, 58.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 662, by Senator Little, Senate Print 3309, 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 715, by Senator Nozzolio, Senate Print 1272, an act to amend the Criminal Procedure Law and the General Municipal Law.

SENATOR SCHNEIDERMAN: Lay it aside.

THE PRESIDENT: The bill is laid aside.

THE SECRETARY: Calendar Number 806, by Senator Libous, Senate Print 2497, an act to amend the Religious Corporations 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 812, by Senator Bonacic, Senate Print 4325, an act to amend Chapter 915 of the Laws of 1982

amending the Public Authorities Law.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 857, by Senator Seward, Senate Print 4417, an act to amend the Insurance 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, 58.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 865, by Senator DeFrancisco, Senate Print 4847A, an act to amend Chapter 231 of the Laws

of 1998 amending the Real Property Actions and Proceedings 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, 58.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 876, by Member of the Assembly Eddington, Assembly Print Number 81 --

SENATOR LIBOUS: Lay it aside for the day.

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

THE SECRETARY: Calendar Number 877, by Senator DeFrancisco, Senate Print 4341, an act to amend the Public Health Law.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

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

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 878, by Senator Winner, Senate Print 4521, an act to amend the Public Health Law.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

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

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 879, by the Assembly Committee on Rules, Assembly Print Number 8118, an act to amend the Public Health Law.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

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

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 886, by Senator Flanagan, Senate Print 3841, an act to amend the Penal Law.

SENATOR MONTGOMERY: Lay it aside.

THE PRESIDENT: The bill is laid aside.

THE SECRETARY: Calendar Number 905, by Senator M. Smith, Senate Print 4952A, an act to amend the Penal Law.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

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

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 940, by Member of the Assembly Gantt, Assembly Print Number 6424, an act to amend Chapter 83 of the Laws of 2002, amending 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 984, by Senator Seward, Senate Print 4669, an act to amend the Public Health Law.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 999, by Senator Golden, Senate Print 3497, an act to amend the State Finance Law.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE PRESIDENT: Senator Schneiderman, to explain your vote.

SENATOR SCHNEIDERMAN: Thank you, Madam President.

I am supporting this legislation, but by the very modest nature of its provisions it really calls attention to the fact that we have a lot more work to do in dealing with the state's Medicaid costs, the costs to local governments, which are really not addressed by this legislation at all.

And while it is a modest step forward to have a report and get some information centralized relating to the costs of the Medicaid program, this is something that from the State of the State going forward this year was touted as an issue we were going to address. And I'm sorry to say that with seven days left, it appears that we are not going to address it.

I'm happy we're going to start gathering some information, but there is a lot more work to do in this area. And I hope that we will begin to address it, if not this year, certainly at the beginning of the coming session.

Thank you. I'll be voting yes.

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

Senator Meier.

SENATOR MEIER: Thank you, Madam President. I rise to explain my vote.

I'm going to vote in the affirmative on this. This is in keeping with the Senate's efforts to reform Medicaid. This is a continuation of that effort. This is in

keeping with Senator Skelos's bill with regard to Medicaid fraud, some of the cost-containment measures that we worked on with the Governor and others in this year's budget.

And I live in eternal hope that even Senator Schneiderman might vote yes the next time we put a comprehensive Medicaid reform bill on the floor.

I vote aye.

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

The Secretary will announce the results.

THE SECRETARY: Ayes, 58.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1033, by Senator Spano, Senate Print 5115A, an act to amend the Penal Law.

SENATOR SABINI: Lay it aside, please.

THE PRESIDENT: The bill is laid aside.

THE SECRETARY: Calendar Number 1086, by Senator Fuschillo, Senate Print 3425B, an act to amend the Education Law.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1112, by Senator Seward, Senate Print 4650, an act creating.

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

Read the last section.

THE SECRETARY: Section 16. 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 1168, by Senator Meier, Senate Print 2507A, an act to amend the Family Court Act.

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 1189, by Member of the Assembly Gottfried, Assembly Print Number 7695, an act to amend Chapter 725 of the Laws of 1989.

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 1273, by Senator Saland, Senate Print 5416, an act to amend the Education Law.

THE PRESIDENT: Read the last section.

THE SECRETARY: Section 29. This act shall take effect immediately.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE PRESIDENT: Senator Saland, to explain your vote.

SENATOR SALAND: Yes, Madam President.

Madam President, this bill represents the end product of some nearly two years' worth of negotiations with the Education Department and is the result of a requirement that this Legislature in 2002 imposed on the Education Department to, in effect, provide a report on the number of mandates that were imposed upon school districts.

The Ed Department complied; they provided us that report by the summer of '03 as directed. It categorized federal, state

and regulatory requirements. This box that's sitting on my desk represents the number of reports that are currently required to be completed.

As a result of this legislation, which hopefully we'll be able to successfully negotiate to completion before the end of this session, there will be a dramatic reduction in the paperwork requirements imposed upon all of our school districts -- large, small, any part of the state.

It's been extremely well received and strongly supported. And let me just read from the School Boards Association memo in support in which they say: "While it may be impossible to quantify the cost reductions that would result from these efficiencies at this time, the savings in staff time, printing and mailing at the state and local levels for preparing and reviewing these documents will certainly be significant."

Thank you, Madam President. I certainly vote in support of this. I commend my colleagues for having had the foresight to impose this requirement upon the Department of

Education. And this is one of those occasions where a report which we have received certainly has served us well.

THE PRESIDENT: You will be so recorded as voting in the affirmative, Senator Saland, on this bill.

The Secretary will announce the results.

THE SECRETARY: Ayes, 59.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1306, by Senator Farley, Senate Print 4039, an act to amend the Banking Law.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1376, by Senator Spano, Senate Print 5355, an

act to amend --

SENATOR MONTGOMERY: Lay it aside.

THE PRESIDENT: The bill is laid aside.

THE SECRETARY: Calendar Number 1402, by Senator Johnson, Senate Print 5395, an act to amend the 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. Nays, 1. Senator LaValle recorded in the negative.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1403, by Senator Flanagan, Senate Print 5505A, an act to amend the Election Law.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1404, by Senator Trunzo, Senate Print 431A, an act to amend the Executive Law.

THE PRESIDENT: Read the last section.

THE SECRETARY: Section 5. This act shall take effect on the 60th day.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1430, by Senator Padavan, Senate Print 3339, an act to amend the Retirement and Social Security Law.

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, 59.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1432, by Senator Larkin, Senate Print 3981, an act to authorize the transfer of service credit.

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, 59.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1434, by Senator Skelos, Senate Print 4169, an act to amend the Tax Law.

SENATOR SCHNEIDERMAN: Lay it aside.

THE PRESIDENT: The bill is laid aside.

THE SECRETARY: Calendar Number 1435, by Senator Hannon, Senate Print 4236, an act to amend the Criminal Procedure Law.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

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

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1436, by Senator Leibell, Senate Print 4523, an act to amend the Soil and Water Conservation Districts 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, 59.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1437, by Senator Flanagan, Senate Print 4896, an act to amend the Public Officers 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, 59.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1438, by Senator Johnson, Senate Print 4962A, an act to amend the Tax Law.

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

Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1439, by Senator Alesi, Senate Print 5023, 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, 59.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1441, by Senator Nozzolio, Senate Print 5196, an act to amend the Executive Law.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1443, by Senator Johnson, Senate Print 5252, an act to amend the 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, 59.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1445, substituted earlier today by Member of the Assembly Nolan, Assembly Print Number 1201, an act to amend the Workers' Compensation 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, 59.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1446, by Senator Maltese, Senate Print 5463, an act to amend the Labor Law.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1449, substituted earlier today by Member of the Assembly Seddio, Assembly Print Number 4320, an act to amend the New York City Civil Court Act and others.

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, 59.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1452, by Senator Volker, Senate Print 5539, an act to amend the Criminal Procedure 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, 59.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1486, by Senator Golden, Senate Print 5657, an act to amend the Retirement and Social Security Law and the Administrative Code of the City of New York.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

THE PRESIDENT: The bill is passed.

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

SENATOR LIBOUS: Madam President, could we do the controversial calendar now, please.

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

The Secretary will read.

THE SECRETARY: Calendar Number 390, by Senator Maziarz, Senate Print 1984A, an act to amend the Economic Development Law.

SENATOR SCHNEIDERMAN: Explanation.

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

SENATOR SCHNEIDERMAN: A brief explanation.

SENATOR MAZIARZ: Thank you, Madam President.

This bill amends the Economic Development Law to create the Empire State Golf Trails program. Just, I think, last week or the week before that, we created the Empire State Brewery Trails program, which was voted upon unanimously.

This is an economic development tool to increase tourism in New York. Golf is a very popular sport. A recent study by the National Golf Foundation found that in our neighboring Pennsylvania, golf generates $1.1 billion in direct economic benefit and $2.3 billion in direct and indirect benefits from tourists, from people who like to play golf.

I know that a study was done in relationship to the "Fast Ferry" between the city of Rochester and Toronto, and the marketing firm found that one of the things that the Ontario market desired most about coming to New York State was the multiple golf courses and the range of prices that we have.

Thank you, Madam President.

THE PRESIDENT: Senator Sabini.

SENATOR SABINI: Madam President, would the sponsor yield for a few questions.

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

SENATOR MAZIARZ: Yes, Madam President.

THE PRESIDENT: You may proceed with a question.

SENATOR SABINI: Madam President, through you, I was just wondering if the sponsor had an idea of how much the costs will be -- I know there will be some economic benefit, but how much the costs of this program would be to the taxpayers of this state.

SENATOR MAZIARZ: It would be done through the Empire State Economic Development Department, Senator, through the "I Love New York" program, with the current staff. I don't think there'd be an additional cost.

If it would, Senator, it would be minimal. Probably equal to what the cost would be for the Empire State Brewery Trails

program.

SENATOR SABINI: Madam President, if the sponsor would continue to yield.

SENATOR MAZIARZ: Yes, Madam President.

THE PRESIDENT: Senator Maziarz does yield.

You may proceed, Senator.

SENATOR SABINI: While there's similarity with the brewery trails bill and this bill, and certainly breweries and golf courses are two places I'm familiar with, I was wondering, since I believe this bill had an earlier version, is this -- did we pass a bill of this sort before under golf trails? Or is this the first go-round on this?

SENATOR MAZIARZ: No, I don't believe there's a version at least similar to this that was passed already, Senator.

SENATOR SABINI: It was my recollection that the brewery trails bill was supported by and in fact initiated by New York's brewers, whereas the golf trails bill is opposed by the New York Golf Course Owners Association, on the grounds that they

feel they already do sufficient publicity and tour packaging for their courses and don't need government intervention to market their courses, they can do it quite well on their own.

Madam President, on the bill.

THE PRESIDENT: You may proceed on the bill.

SENATOR SABINI: Through you, Madam President, you know, this bill seems rather innocuous, as a lot of the bills we do pass. But there is a cost to people, both a net cost to taxpayers and also a hidden cost. And that is that in the bill, in the sponsor's memorandum it talks about how the State Department of Economic Development would -- the commissioner would be compelled to contract with a travel vacation company for the development of golf vacation packages.

And while, again, that sounds innocuous enough, what happens in situations like that, as we all know, is that in order to do a contract there is a procurement process, the procurement process involves lobbying. And we are here, seven days left in the

session, without an opportunity to vote on a bill that would deal with just that. So here we have a bill that's going to cause a whole 'nother procurement process.

And yet we do this over and over without thinking of how it affects the taxpayers, who gets access to these contracts, who will wind up getting favorable review from the commissioner, frankly, even how the commissioner reviews under what we have right now, which is a very, very minimal structure for procurement processes.

So I will support the bill in the sense that we probably could use something like this, but this is not a bill that came out of the industry. It's not a bill that frankly has enough review, and allows our procurement process to continue to run wild.

And I hope before we go home from our session next week that this house deals with a true procurement process reform package that will allow the taxpayers to have some confidence that when we do something like this, that it's not done to facilitate lobbying under the cover of darkness, like we

have now.

Thank you, Madam President.

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

Then the debate is closed.

The Secretary will ring the bell.

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: In relation to Calendar Number 390, ayes, 61.

Absent from voting: Senator Andrews.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 715, by Senator Nozzolio, Senate Print 1272, an act to amend the Criminal Procedure Law and the General Municipal Law.

SENATOR SCHNEIDERMAN: Explanation.

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

SENATOR NOZZOLIO: Thank you, Madam President.

This measure requires that employers, when background checks are being administered, undertaken by law enforcement officials, that former employers are to provide information relevant to the background that the investigators are checking.

We want to amend, through this measure, the Criminal Procedure Law, the General Municipal Law regarding background checks for law enforcement officials -- security officers and police officers.

THE PRESIDENT: Senator Schneiderman.

SENATOR SCHNEIDERMAN: Thank you, Madam President. If the sponsor would yield for a few brief questions.

SENATOR NOZZOLIO: Yes, Madam President.

THE PRESIDENT: Senator Nozzolio does yield.

You may proceed.

SENATOR NOZZOLIO: Yes, Madam President.

SENATOR SCHNEIDERMAN: Thank you.

I think that, first of all, the effort to encourage background checks I certainly think is something that I support, and I commend the sponsor for trying to advance legislation in this area.

My concern really is in the section of this legislation that relates to potential liability of employers for -- by virtue of releasing employment information.

And I'd like to ask, in this provision, which states "in the absence of fraud or malice, no employer shall be subject to any civil liability," does that mean that if an employer negligently sent the wrong person's records out -- yes, I agree with the sponsor. Thank you.

Does that mean, this provision mean that if an employer negligently sends the wrong person's records out and then someone doesn't get hired because the records of a different background check were provided, that they wouldn't be subject to liability unless it was an intentional malicious effort on the part of that employer?

SENATOR NOZZOLIO: Madam President, the Senator's question I think can be answered simply, that the problem in procuring information that's so relevant to the character and fitness of security officers and police officers has to have additional safeguards and additional qualification.

Because what's happening right now is that as these background checks are taking place, employers are fearful of liability and, as with most personnel matters, only the very bare-bones information is being provided to subsequent employers.

What we are trying to do with this measure is to give protections to employers for the sole purpose of providing information relative to background information for security personnel. That this liability question that the Senator raises I think is dealt with in this measure.

To answer his specific question, they'd be under no more liability than they would be if it was for any other check. I don't believe that this measure changes that liability of the particular employer.

SENATOR SCHNEIDERMAN: Thank you, Madam President. Thank the sponsor.

On the bill.

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

SENATOR SCHNEIDERMAN: I think we are into an area that unfortunately, given that the problems of our time is increasingly important, we do have to have background checks, we do have to have access to employment records.

But I would respectfully suggest that the standards set forth in this bill is really extraordinary. Even other bills that attempt to exempt people from some forms of liability that we see come through this house from time to time, I don't recall one that restricts liability to cases of fraud or malice.

This legislation really sets the bar too low. We want to make sure that employment records are made available for background checks. We can require that by law. But we want to make sure also that the employer releasing those records does so in a

careful, accurate way. The potential for damage to people through the negligent releasing of wrongful information is tremendous.

I mean, it would be grossly unfair for someone not to get a job because the wrong personnel records were provided. It would be grossly unfair and dangerous if there was an employee who had a series of problems and the wrong record was sent and the background check was cleared and this person turned out to be someone incredibly dangerous.

They would be exempt from liability, the employer who sent the wrong records would be exempt. You could be doing a background check for someone performing vital security services and if the employer says, "Oh, I'm going to send the background records of the choirboy who was sitting next to the recidivist felon who we fired," there's no liability.

So I would suggest that even those who are concerned about making sure we have access to employment records should not attempt to pass a bill that imposes this sort

of a standard. This is about getting accurate information for prospective police officers, for security guards, for people who could provide vital services that we all -- and we want those people to have effective background checks done.

I suggest that this bill gives with the first half, and it opens the door to background checks, and then it takes away with the second half, because it closes the door to any need for accuracy in the release of employment records.

I strongly suggest that we change that provision so that we can come together around a bill that would solve this very, very serious problem. As drafted now, there is no doubt that this would create a situation where without any fear of liability, without any fear that there's any punishment for proceeding in the most negligent possible way, there's no incentive for employers to ensure that they accurately provide records.

So I'm going to vote no, Madam President, and encourage everyone to do likewise.

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 on the 120th day.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE PRESIDENT: Senator DeFrancisco, to explain your vote.

SENATOR DeFRANCISCO: Yes, I'm going to vote no on this.

Obviously, we want to encourage people to have background checks. But on the other hand, if the only way that someone's liable is if it's malice or fraud, I really question the accuracy.

On the one hand, people look at that as a protection to the employer, so that they won't get sued needlessly. But on the other hand, if you flip it around, how accurate will the information be if someone can willy-nilly provide records without any accountability to the law enforcement

officials or to those who are doing the background checks? There's really no incentive in order to get accurate information out.

And I think you can have a higher standard than negligence, but when you get to fraud and malice, really, that lets anybody giving information carte blanche as to what they want to give, which is not going to provide accurate information, which is definitely needed in this situation.

For those reasons, I'm voting no.

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

The Secretary will announce the results.

THE SECRETARY: Those recorded in the negative on Calendar Number 715 are Senators Brown, Connor, DeFrancisco, Dilan, Duane, Gonzalez, Hassell-Thompson, Klein, L. Krueger, C. Kruger, Marchi, Montgomery, Onorato, Parker, Paterson, Sabini, Sampson, Savino, Schneiderman, Serrano, A. Smith, M. Smith, Stachowski and Stavisky.

Ayes, 37. Nays, 24.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Excuse me. Also absent from voting on Calendar Number 715: Senator Andrews.

THE PRESIDENT: The bill is still passed.

THE SECRETARY: Calendar Number 886, by Senator Flanagan, Senate Print 3841, an act to amend the Penal Law.

SENATOR MONTGOMERY: Explanation.

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

SENATOR FLANAGAN: Thank you, Madam President.

In 2000, when we did the Sexual Assault Reform Act, we made some changes in the law, one of which was to expand the crimes of rape and sodomy in the first degree to include victims who were under the age of 13. The law had previously been 11 [sic], so now we were including 11- and 12-year-olds.

This bill makes a conforming change to what we believe was an oversight to change

the crimes of sexual abuse in the first, second, and third degree, to move them from misdemeanors to felonies.

And this bill is strongly supported by Parents for Megan's Law.

THE PRESIDENT: Senator Montgomery.

SENATOR MONTGOMERY: Yes, Madam President, I want to just make comment on this legislation.

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

SENATOR MONTGOMERY: I have in my notes here, from the introducer's memorandum in support, that we're adding a new provision to aggravated sexual abuse in the second degree to provide that a person is guilty of the crime when he inserts a finger in the vagina, urethra, and et cetera.

Now, I don't -- I thought that we had passed the omnibus sex reform act last week, and we tried to do everything in that bill and include everyone and everything. And yet we come back today with additional sex abuse bills. I don't know what the obsession

is that we have with sex, but now we have another one, with nasty language in it to boot.

And we also have one on the calendar where if someone is groped in a subway, or groping in a subway -- it's the groping bill, I call it -- it's a Class E felony. And it goes on and on.

There's another sex bill on our -- on our -- there's probably others that I didn't find. But there's another one; Senator Spano has one.

So we have all of these sex offense legislation, which certainly we all have serious problems with people who are guilty of sex abuse. But it seems to me, Madam President, that we are obsessed with it in this house, and I can't figure it out.

I will be voting no on this legislation, as I have voted in the past on other measures that I thought went way too far in capturing young, young children, teenagers.

And I would be willing to make a prediction that long when I'm gone, and many of us in here may be gone as well, this

Legislature will be back here trying to do some sex abuse reform because we'll have so many young men, in particular, who will have gotten caught up in this legislation that we are attempting to pass, and they will be stuck in a registry for the rest of their lives vis-a-vis legislation that has passed here with us.

So I'm voting no on this, because I don't think we require to do one more thing. I would have voted no on Calendar Number 10 if I had not been in a meeting in another place in the building. And I will vote no on these bills, because I think that we have enough.

The Congressional Black Caucus is holding sessions across the country on what is happening to black males. They are trying to figure out -- now they are looking around to see that we have in some places 60 percent of the population of black men are incarcerated in some states when they're only 6 percent of the total population.

And we are moving in that direction in the State of New York. We have almost the same statistics. We have a conference coming

up on Saturday in New York City talking about this issue.

So, my colleagues, while it doesn't seem like it makes any difference, I'm telling you it makes a difference to black men in this country, these bills that target a certain kind of crime and escalates it from a misdemeanor, A, to a felony, E, and then it goes up from there.

And all of these people now are coming out of prison, can't get work. Why? Because they have these felony convictions, many of them, even though they've served their time and whatever else.

So we need to be careful about this. This process is beginning to erode certain sectors of this America society. And I feel very strong about it. We cannot continue to talk about the problem on one end and participate in being the source of the problem on the other end.

So I'm voting no, Madam President, and I hope that my colleagues will begin to consider the implications of even making a statement about all of this penal system as

the answer to all of the issues. Every time there is a new issue or a new problem or a new experience, we run to the books to make a law to further incarcerate another group.

I think this is the wrong way to go, and I'm voting no.

Thank you.

THE PRESIDENT: Senator Flanagan.

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

THE PRESIDENT: You may proceed on the bill.

SENATOR FLANAGAN: Let me make it clear what this bill is about. It's not about a group, it's not about any one sector of our society, anyone who lives in one community versus another.

This bill is about protecting children. It's not about singling anybody out, unless you're going to talk about protecting children.

And this is not radical, ladies and gentlemen. This is the Sexual Assault Reform Act of 2000. We heightened the penalties for strict liability crimes of rape and sodomy.

We're not talking about casual events here; we're talking about rape and sodomy. We're taking aggravated sexual assault in the first, second, and third degree and we're moving them up to a felony.

I appreciate and I respect Senator Montgomery's comments. I completely disagree with them.

Now, you want to pass the omnibus sexual offenders bill? I voted for that. The Assembly passes it, I'll pull this bill right now. But since it's almost been made clear -- or it's been made clear that they have no intention of doing that, we have to take some baby steps along the way.

I think this is an important bill about protecting children. The issues you raise may or may not be legitimate, but I think they should be dealt with in a separate forum. We're talking about conforming a law for what I consider to be, and I think many of our colleagues consider to be, very serious offenses against children.

And maybe I'm unique, but I don't think so. Eleven- and 12-year-olds, I still

consider them kids. And when these type of assaults are occurring against children by people who are 18 years or older, that's a problem.

And I think it's a problem, and many others think it's a problem. This bill passed 59 to 1 last year. I'm hoping that the Assembly will act.

But this is about protecting children. It's not about going after anybody else.

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 4. This act shall take effect on the first of November.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE PRESIDENT: Senator Saland, to explain your vote.

SENATOR SALAND: Thank you, Madam President.

Madam President, I heard the debate that ensued between Senator Montgomery and Senator Flanagan. And what I would like to add, to the extent that I can, is my commendation to Senator Flanagan. I am pleased to join him as one of the cosponsors of this legislation.

This is not about the demographics of any particular crime. If it befalls this house, and in fact this Majority, the task of having to try and deal with the issue of abuse of children, sexual abuse of children, then we have attempted in so many different ways to accomplish that. And Senator Flanagan has ably pointed out why we're forced to resort to smaller measures instead of a more comprehensive measure.

First and foremost, our obligation is to public safety. And among the most vulnerable, those least capable of protecting themselves are children. And, to the extent that we want to make a statement, that it's totally beyond the appeal of anything that you can find socially justifiable, redeemable -- contrary to any policy that you could possibly

adhere to.

What this bill says if somebody abuses a child in the fashion that has been alluded to during the course of this debate, and that person is less than 12 years old and the actor is 18 years or older, they're going to get a stepped-up penalty. Now, what could possibly be inappropriate about that?

It has absolutely nothing to do with demographics. I don't even know if there's a repository anywhere with the information that would define who these people -- who are some of the sickest, most bizarre, pedophilic, distorted, disgusting people -- might be. Maybe you'll find it somewhere in the U.S. Justice Department.

But certainly there is nothing about this issue that smacks of race and ethnicity. It's all about protecting children, young, unprotected children.

I cast my vote in the affirmative.

THE PRESIDENT: Senator Saland, you will be recorded as voting in the affirmative on this bill.

The Secretary will announce the

results.

THE SECRETARY: Ayes, 61. Nays, 1. Senator Montgomery recorded in the negative.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1033, by Senator Spano, Senate Print 5115A, an act to amend the Penal Law.

SENATOR SABINI: Explanation.

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

SENATOR SPANO: This bill establishes a Class A misdemeanor for disruption of a sports contest. So, for instance, if someone is trying to throw something onto the field that could cause injury to a fan, if they're unhappy with the game, decide to throw their beer at the pitcher, they would be -- could be held liable for a Class A misdemeanor.

THE PRESIDENT: Senator Sabini.

SENATOR SABINI: Madam President, if the sponsor would yield for a question or two.

THE PRESIDENT: Senator Spano, will you yield?

SENATOR SPANO: Sure.

THE PRESIDENT: You may proceed, Senator.

SENATOR SABINI: Through you, Madam President, I noted with interest that this is a similar bill to one Senator Skelos has proposed in the last few years regarding the disruption of sporting events by fans.

I'm wondering if, if the sponsor is familiar with the other bill, you could outline the differences.

SENATOR SPANO: Senator Skelos's bill was making a felony, creating a felony for an assault. This would be a misdemeanor for disruption.

SENATOR SABINI: And if the sponsor would yield for another question, Madam President.

THE PRESIDENT: Senator Spano, do you yield?

SENATOR SPANO: Yes.

THE PRESIDENT: You may proceed, Senator.

SENATOR SABINI: Through you, Madam President, I'm just wondering if a disruption of a sporting event would -- we witnessed a situation this year in the National Basketball Association where members of the Detroit Pistons and Indiana Pacers got into a fight, and they went into the stands to cause a disruption.

Would one of the players be liable under this law?

SENATOR SPANO: No, they would not.

SENATOR SABINI: If the sponsor would further yield for another question.

THE PRESIDENT: Senator Spano, do you yield?

SENATOR SPANO: Sure.

THE PRESIDENT: You may proceed, Senator.

SENATOR SABINI: So by that measure -- we witnessed, for example, New York Yankee outfielder Gary Sheffield shoving a fan at one point during this season. That wouldn't be covered under this either?

SENATOR SPANO: No, that would

not.

There's -- that would be covered under existing law, under the assault statutes that exist today.

SENATOR SABINI: Madam President, I don't want to prolong it. On the bill, if I may.

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

SENATOR SABINI: I don't fault the sponsor for proposing this. I just worry that it creates, again, a second class separating the players from the fans.

No one wants to see fans disrupting sporting events. But over the years, in recent years we've seen situation after situation where the players get just as involved with the fans as the fans with the players.

And I think that we should be amending these bills and the sponsor should be amending these bills to ensure that both sides are covered. I mentioned about the Pistons and the Pacers. I mentioned about Gary Sheffield.

I want to bring to my colleagues' attention the fact that Frank Francisco, a pitcher on the Texas Rangers during the year 2004, from his position in the bullpen, threw a chair into the seats and assaulted a fan who has now got a five-figure judgment from the Texas Rangers and Major League Baseball.

I'm sure the sponsor shares my outrage, as an American of Italian descent, when Randall Simon assaulted the Italian Sausage in Milwaukee on the field with a baseball bat, in what was clearly a bias case as well, in my opinion.

I just don't think we should be just pinning all this on the fans. I think we create a bit of a double standard.

I'm going to vote for the bill, but I would ask, again, sponsors of these to take into account that there are really two sides of the fence in a baseball game and in a sporting event. And very often our players, even our own state's players, have been just as guilty of going after fans as the fans have of players.

I'll be voting in the affirmative

with those provisions. Thank you.

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 2. This act shall take effect on the first of November.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1376, by Senator Spano, Senate Print 5355, an act to amend the Penal Law.

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

SENATOR MONTGOMERY: Explanation.

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

SENATOR SPANO: The Senate Committee on Investigations had hearings and issued a report entitled "Child Pornography:

Has the Internet Placed Our Children at Risk?"

So part of the report came out with a series of recommendations. This bill is one of those recommendations, that increases the current penalties for sex offenses involving children and also includes lifetime registration for all felony sex offenses including children.

THE PRESIDENT: Senator Montgomery.

SENATOR MONTGOMERY: Thank you.

Yes, thank you, Madam President, just briefly on the bill.

THE PRESIDENT: You may proceed on the bill.

SENATOR MONTGOMERY: I have the same position on this legislation as I did on the other bill that I debated, and I will vote no for the exact same reason.

Thank you.

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 33. This act shall take effect on the first of November.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Those recorded in the negative on Calendar Number 1376 are Senators Duane, Gonzalez, Montgomery and Parker.

Ayes, 58. Nays, 4.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1434, by Senator Skelos, Senate Print 4169, an act to amend the Tax Law.

SENATOR LIZ KRUEGER: Explanation.

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

SENATOR SKELOS: Thank you, Madam President.

This legislation provides commercial sports vessels with the same exemption from the PBT, petroleum business tax, and sales and compensating use taxes on

fuel that are currently extended to vessels engaged in commercial fishing.

SENATOR LIZ KRUEGER: If the sponsor would please yield.

THE PRESIDENT: Senator Skelos, will you yield?

SENATOR SKELOS: Yes.

THE PRESIDENT: You may proceed, Senator.

SENATOR LIZ KRUEGER: Through you, Madam President, are there other sporting activities that involve the use of petroleum gas that we exempt from taxes?

SENATOR SKELOS: Are there other what?

SENATOR LIZ KRUEGER: Sports activities that involve petroleum gas that we exempt from taxation.

SENATOR SKELOS: This is -- this bill relates to sports fishing.

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

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

SENATOR SKELOS: Yes, I will.

THE PRESIDENT: You may proceed, Senator.

SENATOR LIZ KRUEGER: Thank you.

Is there an expectation that we will increase sports fishing if we do away with these petroleum taxes?

SENATOR SKELOS: Yes.

I have numerous letters here from what they would call party boat fishermen, charter boat fishermen whose business is dramatically down, mainly because of certain fishing regulations that are limiting the amount of catch that they can obtain.

And one of the ways to help this industry survive, especially charter fishing, which is a huge industry throughout the state, whether it's on the lakes or the ocean or the sounds, is by helping them by giving them a break with these taxes.

SENATOR LIZ KRUEGER: Thank you.

Madam President, on the bill.

THE PRESIDENT: You may proceed on the bill.

SENATOR LIZ KRUEGER: Exemptions

from taxes are always an interesting question that I don't think we spend enough time thinking about in the Legislature or evaluating.

As I have said in the past on this floor, the State of New York chooses to not collect, through tax exemptions or tax credits, over $20 billion per year. We do this through bills exactly like this that have become part of our tax code over the last hundred years, where, for some reason, we decide whatever activity you're doing, we're not going to tax you or we're going to tax you at a lower rate or even going to give you credits against other taxes for participating in some economic activity.

And there are arguments for tax exemptions. And in fact, today we passed two other bills, sponsored by Senator Johnson, that related to installation of residential solar energy systems and establishing a solar energy system personal income tax credit. And to jump there for a moment, I supported those bills. We all did, as I believe. And those also reduced tax income. Or they will, when

they become law, reduce the revenue collected by the State of New York, because it offered exemptions and credit for people who are prepared to put solar energy systems into residential use.

Now, I supported those bills because we all know in the State of New York that we want to decrease use of polluting fossil fuels, we want to increase use of environmentally sound, renewable energy resources. Solar energy does exactly that. Anytime we can increase the possibility of New Yorkers using renewable, clean energy to heat their homes or cool their homes or heat or cool their water, that's a win for the environment, for the State of New York.

And so even if we're going to lose some immediate tax revenue from those pieces of legislation, we have the win of expanding the use of solar energy. So I was very happy to see Senator Johnson's bills pass today.

Now, this is also a bill to reduce tax revenue to the State of New York. And in this case, it would be to actually potentially expand the use of petroleum gas for sports

fishermen.

Now, please don't misunderstand, I have no opposition to people fishing for fun. My understanding, actually, often in sports fishing you don't even keep the fish, you throw it back. I don't think that's relevant per se to your bill, because I suppose some people keep their fish and mount them, some people keep their fish and eat them. But many people throw their fish back, and that's their choice.

But again, it's a sports activity. And so this would be a bill to reduce taxes to the State of New York so that more people would enjoy the pleasure of fishing off of boats that use petroleum energy, which is a nonrenewable, polluting form of fuel. It's also different than commercial fishing --

SENATOR SKELOS: Madam President.

SENATOR LIZ KRUEGER: I'm sorry, Senator Skelos wants to interrupt.

THE PRESIDENT: Senator Skelos.

SENATOR SKELOS: Would the Senator just yield for a question?

SENATOR LIZ KRUEGER: Certainly,

Senator Skelos.

SENATOR SKELOS: I don't know if you've ever been on a party boat, but I've gone out fishing many times -- founder, fluke, porgies. And many people go on these boats in order to catch fish so that they can eat and they can feed their families.

So you may go out on the fancy party boats where they just throw the fish back, but we're trying to encourage and maintain an industry that helps feed people. And by doing this, by reducing some of the expenses of these charter or open party boats, we're going to help them survive.

Because eventually, if we don't do something, they are going to go out of business completely, and all that will be left are the boats that perhaps you can afford to go on, but many people cannot afford to go on -- the fancy fishing boats.

So this is trying to maintain this industry so that people can go out, have a nice day but also catch fish to feed their families.

SENATOR LIZ KRUEGER: Madam

President, if the sponsor would please yield.

THE PRESIDENT: Senator Skelos, do you yield?

SENATOR SKELOS: No.

SENATOR LIZ KRUEGER: All right. Thank you. I will continue on the bill and attempt to address the concerns.

THE PRESIDENT: You may proceed on the bill.

SENATOR LIZ KRUEGER: I'm not actually familiar with the difference between a fancy fishing boat versus a party boat. I actually don't think I've gone fishing from either form of boat. I have fished in streams and in ponds and thrown the fish back, or sometimes attempted to cook them, but I'm not very good at either.

But my point here is -- and, by the way, this is not a bill that would reduce taxes for commercial fishermen, who in fact are in the business to collect fish to sell for eating.

Although I do not disagree with the sponsor that one of the purposes of sports fishing may be in fact to eat the fish. And

there are lots of sports activities where there's no win of eating the product at the end. So I accept that argument.

My point is, should the State of New York be in the business of giving special tax exemptions for certain types of sports activities that are pleasurable, and we want people to do that -- that create jobs, and we want people to do that -- but in fact is a field where we're also giving a tax credit for using petroleum products, which we're actually supposed to be environmentally discouraging?

Now, it's not a major loss of revenue to the State of New York. The sponsor's bill has a fiscal note and it talks about approximately annualized $610,000 in lost tax revenue. If the sponsor is correct and we increase the number of people who are sports fishing or the number of boats that are out there that are party boats, as he referred to them, we might lose some more money.

I don't think the question here is so much the $610,000 as much as it is my argument that we should ask hard questions for ourselves: Should we be expanding tax credits

for certain kinds of activities and not others? These are the kinds of questions I believe we should be doing full reviews of our tax code, how we make the decisions by which we decide you will be exempt from your taxes, and you won't.

A societal win, a win is solar energy. A societal win, a win may be, according to Senator Skelos, expanding the universe of people who go on party boats to fish. We might agree or not agree on that. But I would make the argument that we didn't ask any of those questions. And these are exactly the kinds of revenue questions that, in the three years I've been in this house, we don't ask enough of.

We should have public hearings when it comes to tax policy. We should review entire sections of the tax code. We have many, many categories in the petroleum tax category of our tax expenditure budget. We have many categories of sales tax exemption or sales taxes being applied.

We don't have an explanation, in my opinion, for why we make the decisions we do,

today or historically, about charging you a tax for that activity you enjoy and not charging you a tax for something that you enjoy because we did a special exemption or a credit.

So I would argue that this is the wrong way to legislate our tax code. We should be looking at the big picture. We should be asking the hard questions about who gets taxed, who doesn't. We should ask the questions of equity.

And we should actually ask Tax & Finance to do evaluations for us on what the likely impact of a tax reduction or increase might be. Because what economists have discovered, and tax experts throughout this country on local, state, and federal taxes, that different taxes have different impacts and activity.

So I respect Senator Skelos's argument when he says these party fishermen may be at risk of continuing business because business has been hurting. I don't know if that's true. We haven't looked at the evidence.

I did just pull out the receipts for taxes paid by noncommercial fishermen to the State of New York, and there doesn't seem to be a reduction over the last number of years in the amount of taxes they're paying. So I'm not sure that we've seen a reduction in this form of sports fishing, because then in theory we would see a reduction in the amount of taxes the State of New York is collecting from them. He may be right that we would see an increase in the activity if we did away with their taxes.

But again, I would urge my colleagues we have to think about these questions hard, and that we have to think about why a sport might have a tax on its oil, on its fuel use, and another sport wouldn't; whether we should encourage sports that do use environmentally unsound energy; whether we should prioritize expansion of non -- of renewable and safe energy.

And so again, I'm sure later on someone will say that Senator Krueger had some opposition to sports fishermen. I do not. I am delighted that people enjoy fishing for the

sheer pleasure of it and eat the fish if that's what they choose to do.

But I will vote against this bill, because I don't see a justification for a special tax exemption for the use of fuel for sports fishing.

Thank you, Madam President.

THE PRESIDENT: Senator Duane.

SENATOR DUANE: No, I'm just stretching.

(Laughter.)

THE PRESIDENT: I'm speechless.

Does any other member wish to be heard in any way on this bill?

Then the debate is closed.

The Secretary will ring the bell.

Read the last section.

THE SECRETARY: Section 9. This act shall take effect immediately.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE PRESIDENT: Senator LaValle, to explain your vote.

SENATOR LaVALLE: Thank you, Madam President.

I rise to support the legislation by Senator Skelos and just indicate that certainly in the First Senate District there are many charter boats, beginning in Port Jefferson, going out to Montauk and Orient Point.

And with the price of gasoline, for fuel, and the increasing DEC regulations that we in the state place on the charter boats, I think we should be doing something that ensures that -- Senator Skelos talked about families going out or individuals going out to try and catch food for dinner, others trying to have a day with the family.

And some of the letters that I've received from the charter boat captains talk about childhood dreams are something that last with all of us. And certainly we should be doing our part to maintain those dreams for little ones and big ones alike.

So I vote in the affirmative.

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

The Secretary will announce the

results.

THE SECRETARY: Ayes, 61. Nays, 1. Senator L. Krueger recorded in the negative.

THE PRESIDENT: The bill is passed.

Senator Skelos.

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

THE PRESIDENT: Yes, we do, Senator. We have motions.

Senator Fuschillo.

SENATOR FUSCHILLO: Thank you, Madam President.

On behalf of myself, Senator Fuschillo, I wish to call up Senate Print Number 3344, recalled from the Assembly, which is now at the desk.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: Calendar Number 318, by Senator Fuschillo, Senate Print 3344, an act to amend the General Business Law.

SENATOR FUSCHILLO: I now move to reconsider the vote by which the bill was

passed.

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

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

SENATOR FUSCHILLO: I now offer the following amendments.

THE PRESIDENT: The amendments are received.

SENATOR FUSCHILLO: Madam President, on behalf of Senator Marcellino, I wish to call up Senate Print Number 769, recalled from the Assembly, which is now at the desk.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: Calendar Number 49, by Senator Marcellino, Senate Print 769, an act to amend the General Business Law.

SENATOR FUSCHILLO: I now move to reconsider the vote by which the bill was passed.

THE PRESIDENT: I'm going to ask the members to please refrain from conversing in the chamber.

The Secretary will call the roll upon reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

SENATOR FUSCHILLO: I now offer the following amendments.

THE PRESIDENT: The amendments are received.

SENATOR FUSCHILLO: Madam President, on behalf of Senator Libous, I wish to call up Senate Print Number 1820A, recalled from the Assembly, which is now at the desk.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: Calendar Number 379, by Senator Libous, Senate Print 1820A, an act to amend the Village Law and the Public Officers Law.

SENATOR FUSCHILLO: I now move to reconsider the vote by which the bill was passed.

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

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

SENATOR FUSCHILLO: I now offer the following amendments.

THE PRESIDENT: The amendments are received.

SENATOR FUSCHILLO: Thank you.

THE PRESIDENT: Senator Skelos.

SENATOR SKELOS: Madam President, there being no further --

THE PRESIDENT: Senator Meier.

SENATOR SKELOS: Senator Meier. Almost no further.

SENATOR MEIER: Sorry.

Madam President, amendments are offered to the following Third Reading Calendar bills:

By Senator DeFrancisco, page 34, Calendar 897, Senate Print 4308;

By Senator Padavan, page 41, Calendar 1036, Senate Print 1055;

By Senator Fuschillo, page 48, Calendar 1185, Senate Print 5370;

And by Senator Balboni, page 58, Calendar 1331, Senate Print 186A.

THE PRESIDENT: The amendments are received, and the bills will retain their

place on the Third Reading Calendar.

SENATOR MEIER: Thank you, Madam President.

THE PRESIDENT: You're welcome.

Senator Skelos.

SENATOR SKELOS: Are we finished? Okay.

There being no further business to come before the Senate, I move we stand adjourned until Wednesday, June 15th, at 11:00 a.m.

THE PRESIDENT: There being no further business, on motion, the Senate now stands adjourned until Wednesday, June 15th, 11:00 a.m.

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