NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

June 16, 2005

11:06 a.m.

REGULAR SESSION

LT. GOVERNOR MARY O. DONOHUE, President

STEVEN M. BOGGESS, Secretary

P R O C E E D I N G S

THE PRESIDENT: The Senate will please come to order.

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

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

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

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

THE PRESIDENT: Reading of the Journal.

THE SECRETARY: In Senate, Wednesday, June 15, the Senate met pursuant to adjournment. The Journal of Tuesday, June 14, 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.

Motions and resolutions.

Senator Fuschillo.

SENATOR FUSCHILLO: Thank you, Madam President.

I wish to call up Calendar Number 113, Assembly Print Number 4577A.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: Calendar Number 113, by Member of the Assembly Koon, Assembly Print Number 4577A, an act to amend the Public Health Law.

SENATOR FUSCHILLO: I now move to reconsider the vote by which the Assembly bill was substituted for Senate Print Number 1771A on May 24, 2005.

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

(The Secretary called the roll.)

THE SECRETARY: Ayes, 38.

SENATOR FUSCHILLO: Madam President, I now move that Assembly Bill Number 4577A be recommitted to the Committee

on Health, and 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 Padavan, on page number 31, I offer the following amendments to Calendar Number 887, Senate Print Number 3914A, 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 FUSCHILLO: Madam President, on behalf of Senator Balboni, on page number 26 I offer the following amendments to Calendar Number 783, Senate Print Number 4289A, and ask that said bill retain its place on Third Reading Calendar.

THE PRESIDENT: Those amendments are also received, and that bill will also retain its place on the Third Reading

Calendar.

SENATOR FUSCHILLO: Madam President, on behalf of Senator Bruno, on page number 58 I offer the following amendments to Calendar Number 1568, Senate Print Number 5669, and ask that said bill retain its place on Third Reading Calendar.

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

Senator Bonacic.

SENATOR BONACIC: Thank you, Madam President.

On behalf of myself, I wish to call up my bill, Print Number 268, recalled from the Assembly, which is now at the desk.

THE PRESIDENT: The Secretary will read.

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

SENATOR BONACIC: I will 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, 39.

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

THE PRESIDENT: The amendments are received.

SENATOR BONACIC: Okay. On behalf of Senator Balboni, I wish to call up Print Number 4985, recalled from the Assembly, which is now at the desk.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: Calendar Number 1016, by Senator Balboni, Senate Print 4985, an act to amend the General Business Law.

SENATOR BONACIC: And 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, 41.

SENATOR BONACIC: I now offer the following amendments.

And on behalf of myself and Senator Balboni, thank you, Madam President.

THE PRESIDENT: The amendments are received.

And thank you, Senator.

Senator Skelos.

SENATOR SKELOS: Madam President, there are substitutions, I believe, to be made at the desk.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: On page 15, Senator Spano moves to discharge, from the Committee on Rules, Assembly Bill Number 4133 and substitute it for the identical Senate Bill Number 3542, Third Reading Calendar 519.

On page 18, Senator Breslin moves to discharge, from the Committee on Rules, Assembly Bill Number 3001 and substitute it for the identical Senate Bill Number 1594, Third Reading Calendar 582.

On page 18, Senator DeFrancisco moves to discharge, from the Committee on Rules, Assembly Bill Number 7293 and substitute it for the identical Senate Bill

Number 3343, Third Reading Calendar 595.

On page 24, Senator Maziarz moves to discharge, from the Committee on Rules, Assembly Bill Number 7627 and substitute it for the identical Senate Bill Number 4477, Third Reading Calendar 750.

On page 32, Senator DeFrancisco moves to discharge, from the Committee on Rules, Assembly Bill Number 8295 and substitute it for the identical Senate Bill Number 4842, Third Reading Calendar 904.

On page 33, Senator Breslin moves to discharge, from the Committee on Rules, Assembly Bill Number 3000B and substitute it for the identical Senate Bill Number 1595B, Third Reading Calendar 936.

On page 44, Senator Winner moves to discharge, from the Committee on Finance, Assembly Bill Number 5881B and substitute it for the identical Senate Bill Number 2994B, Third Reading Calendar 1188.

On page 44, Senator Flanagan moves to discharge, from the Committee on Rules, Assembly Bill Number 5618 and substitute it for the identical Senate Bill Number 2915,

Third Reading Calendar 1214.

On page 49, Senator Meier moves to discharge, from the Committee on Rules, Assembly Bill Number 7931 and substitute it for the identical Senate Bill Number 5295, Third Reading Calendar 1291.

On page 50, Senator Farley moves to discharge, from the Committee on Rules, Assembly Bill Number 8064 and substitute it for the identical Senate Bill Number 4755, Third Reading Calendar 1310.

On page 53, Senator Meier moves to discharge, from the Committee on Rules, Assembly Bill Number 8492A and substitute it for the identical Senate Bill Number 5442A, Third Reading Calendar 1519.

On page 54, Senator Breslin moves to discharge, from the Committee on Investigations and Government Operations, Assembly Bill Number 6207 and substitute it for the identical Senate Bill Number 3122, Third Reading Calendar 1535.

On page 55, Senator Robach moves to discharge, from the Committee on Rules, Assembly Bill Number 7282 and substitute it

for the identical Senate Bill Number 5496, Third Reading Calendar 1546.

On page 55, Senator Flanagan moves to discharge, from the Committee on Education, Assembly Bill Number 8100 and substitute it for the identical Senate Bill Number 5501, Third Reading Calendar 1547.

On page 56, Senator Young moves to discharge, from the Committee on Rules, Assembly Bill Number 8043A and substitute it for the identical Senate Bill Number 5593, Third Reading Calendar 1552.

On page 56, Senator Volker moves to discharge, from the Committee on Codes, Assembly Bill Number 6791 and substitute it for the identical Senate Bill Number 5609, Third Reading Calendar 1556.

And on page 57, Senator Little moves to discharge, from the Committee on Local Government, Assembly Bill Number 7599 and substitute it for the identical Senate Bill Number 5651, Third Reading Calendar 1565.

THE PRESIDENT: Substitutions ordered.

Senator Skelos.

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

THE PRESIDENT: Reports of standing committees.

The Secretary will read.

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

As president of the Higher Education Services Corporation, James C. Ross, of Albany.

THE PRESIDENT: Senator Johnson.

SENATOR JOHNSON: Yes, Madam President. Move the nomination.

THE PRESIDENT: Senator LaValle.

SENATOR LaVALLE: Thank you, Madam President.

I rise to support the nomination of James Ross, who has been involved for so many years with the Commission of Independent Colleges and Universities.

And when we talk about that role as

president, Jim has been involved in shepherding the growth and expansion of the Tuition Assistance Program. Today in the Finance Committee, he told the committee that in 1974 he was in the Assembly gallery, looking down, when that bill was passed in 1974. So he has been there from the very beginning.

And that is a program, the Tuition Assistance Program is one that this house has nurtured, protected, and expanded. And so the person that we are nominating today -- and by the way, I would congratulate the Governor on this nomination -- is a person that will be, in his agency, the Higher Ed Services Corporation, will be the administrator to make sure that the students in our respective districts are getting not only the Tuition Assistance Program but Pell grants and all the other aid programs in a manner that they can receive the program and continue to pursue their dream of higher education.

So, Jim Ross, I wish you much good luck as president of the Higher Ed Services Corporation. I know that you will be diligent

and faithful to your duties and responsibilities.

THE PRESIDENT: Senator Farley.

SENATOR FARLEY: Thank you, Madam President. I also rise to second the nomination of Jim Ross.

Every job that he's done, he's done well. I've known him for a lot of years, since he's been just a young fellow.

And Jimmy Ross will do a great job, because this is particularly a position that every legislator in the State of New York is constantly calling that office and historically has always gotten good service. And I know that he's going to be a tremendous president.

And I enthusiastically support his nomination and applaud the Governor for this appointment, because it's a person that really knows how things work here in Albany. And he'll do a great job for the students of New York State.

THE PRESIDENT: Senator Breslin.

SENATOR BRESLIN: Thank you, Madam President.

To amplify the remarks of Senator Farley and Senator LaValle from the Democratic side, no one is better suited, with a greater understanding of education and educational needs, than Jim Ross.

He's a wonderful public servant. He's been a friend of mine for 30 years. And I commend the Governor for recognizing again the services that Jim can provided.

Congratulations, Jim.

THE PRESIDENT: The question now is -- Senator Marchi, would you like to speak?

SENATOR MARCHI: I go back to over the beginning of time, I guess. It was DeWitt Clinton, that we looked at him and smiled and said, This guy is just an eastot [ph].

The past is truly a prologue to the future. And what better guide that we have now, we've had it at the station by several of the members who have known him virtually all of these years, that the expectations are high because they've always been fulfilled in an exemplary way.

So those of us who have known him

for a long time, and even if it was only a short time, in each and every instant we have been gratified by the dedication, the mastery that he has over the work that's assigned to him. And it is really a pleasure when we have a candidate of his capacity to pass on, because we know that the past is really prologue, as I put it earlier.

So I join my colleagues and commend them for standing up and saying so.

THE PRESIDENT: The question now is on the nomination of James C. Ross as president of the Higher Education Services Corporation.

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 what we know will be continued excellence.

(Applause.)

THE PRESIDENT: President Ross is

here with his wife, Margaret Ross.

The Secretary will continue to read.

THE SECRETARY: As a member of the Public Service Commission, Patricia L. Acampora, of Mattituck.

THE PRESIDENT: Senator Johnson.

SENATOR JOHNSON: Move the nomination.

THE PRESIDENT: Senator LaValle.

SENATOR LaVALLE: Thank you, Madam President.

It's really a great privilege for me to rise to support the nomination of Patricia Acampora as a member of the Public Service Commission. Pat has been really my partner for the last 12 years here in Albany, and I will really miss her very, very much.

Patricia Acampora came from -- comes from a family who has been very much involved in our community in the town of Brookhaven, in public service. Her mom was a much-loved supervisor of that town.

And so it was of no surprise that Pat, as she -- as her family matured and

started to be more independent, got involved in public service, became an assistant to Joe Sawicki, who was the Assembly member, and then worked in County Executive Bob Gaffney's office. And then when the Assembly seat became open, Pat ran, was elected.

She has demonstrated, in the 12 years, a work ethic that is second to none. There is probably not a fire department dinner or an Eagle Scout court of honor that Pat has not attended. We have marched in parades, and we have met with constituents over these 12 years.

Pat will bring that experience that I have just talked about to the Public Service Commission to represent the whole state. But I would add that, as I look back on the number of appointments from Long Island, we have not really had that many members on the Public Service Commission.

But Pat will deal with the stakeholders in her position in a fair and honest way. The chairman will find out that she is a real hard worker. She can be very, very focused on what she does. And I think

that the people of the state and the Governor, who has made this really great appointment, will be very proud of this appointment, and she will do good things for all of the people of the State of New York as a member of the Public Service Commission.

Pat, I will miss you, but good luck to you. Your family, Alan, you should be very proud of Pat, as I know you are, and your whole family, Patricia.

Good luck.

THE PRESIDENT: Senator Winner.

SENATOR WINNER: Thank you, Madam President.

I join to support the nomination of Patricia Acampora. Pat I consider to be a great friend and colleague for many, many years in the New York State Assembly.

And I'm not only proud of her nomination and pleased that the Governor would send this nomination to us, but, you know, I also am sad that for the benefit of the Assembly Republican caucus, who is going to sorely miss her dedication, knowledge and certainly leadership as one of the strongest

women voices in the Assembly Republican conference that have ever been there.

Pat is an outstanding legislator and will bring a unique talent to the Public Service Commission. And while I know it is a very, very difficult position to assume, based upon the positions and the stances that she's taken over the last number of years, and her advocacy, I know the ratepayers and all the stakeholders, as Senator LaValle aptly pointed out, will be well-served by her appointment and her service on the Public Service Commission, which is a very demanding job.

So my best wishes to you, Pat, and to your husband, Alan, who also I have had the privilege of working with over the years. I know that this appointment is outstanding, and I know that it's the loss of this legislative body and certainly the Assembly, but it is the gain of the State of New York for the service that I know that you will perform.

Congratulations.

THE PRESIDENT: Senator Bonacic.

SENATOR BONACIC: Thank you, Madam President.

I want to congratulate the Governor for putting forth Pat's name to serve on the Public Service Commission. If every former Assemblyman who served as a colleague with Pat gets up today and talks about her, we're going to be here pretty long.

But I agree with everything that our previous speakers have said. But particularly the characteristics of being feisty, being independent, being intelligent, being powerful, in that position of public service, serving on the Public Service Commission, are the qualities we need to protect the ratepayers.

Pat, you and your family, we wish you well and success in all your future endeavors.

Thank you, Madam President.

THE PRESIDENT: Senator Marcellino.

SENATOR MARCELLINO: Thank you, Madam President.

I rise to second the nomination of my good friend Pat Acampora to the Public Service Commission.

I want to congratulate the Governor on making a fantastic appointment. I'm sure he -- and all of us -- will not be sorry.

One of the attributes -- and it's been touched upon by all my colleagues, and I think it will be said again and again -- is Pat basically is a good person. And I don't think there's any higher quality or any higher criterion that you could ask for in a person or an individual appointment, especially one as important as this one.

She's straightforward, she's straight-talking. She gives you her word, she keeps it. She takes on a job, she does it. No fooling around, no nonsense, gets right to the point.

The key element, she gives you her word and she keeps it. In this business we have no greater thing to give back and forth to each other but our words. And when people know when you give it, you keep it, that's all you have to say about an individual.

And as I said before, that quality has made her, in my mind, a fantastic individual, a great Assemblywoman, a colleague

we'll all miss. And I wish her well.

THE PRESIDENT: Senator Maltese.

SENATOR MALTESE: Madam President, I want to emulate my colleague John Bonacic and maybe do him one better. Not only do I agree with all the previous speakers, but I'm sure I'll agree with all the future speakers on this nomination.

I've known Pat Acampora for many years now, and not only in her capacity as an Assemblywoman but in her capacity as the president and one of the most active members of the Italian-Americans Legislators Association.

Everything that Senator Marcellino has said is so very true. And we have had, those of us in that conference have had an excellent opportunity to see the skill and how adept she is at dealing with people in many sensitive situations as a leader.

Certainly her background in the Assembly as ranking member on Banks and Labor, and her position as chairwoman of the Republican conference, will stand her in good stead.

In addition, my daughter, my older daughter, has the good fortune to have had her as an Assemblywoman. So I've been able to see her not only in her capacity here in Albany, but also to hear about her as a local legislator, a very effective, dynamic local legislator.

So this -- as has been said, we are truly going to miss her. She is a wonderful person. She is a person that has worked very hard to attain the status that she has in this august position. Certainly my wife, Constance, and I join in wishing her and Alan and her family the very, very best. Lord knows she really deserves it.

And I wish to congratulate the Governor on this excellent appointment.

THE PRESIDENT: Senator Flanagan.

SENATOR FLANAGAN: Thank you, Madam President.

This one is bittersweet for me. This is a -- I'm so happy for Pat. I'm so happy for Alan and the family. But I just want to touch on a couple of things about Pat Acampora as a person.

We can talk about the political stuff, and all of it's true. In her role in the Italian legislators conference, she has earned the respect of people on both sides of the aisle, in both houses, in all levels of government. She represents all the best about public service. Comes from a family, obviously, with an extended involvement in the public sector for years.

And everybody is right, she is everywhere. She, you know, people -- well, that's the east end. She's in western Suffolk all the time. She's in Nassau. She's up in Albany. She's taken trips all across the state.

She is loved and adored by labor. The people who are really going to miss her are the people in the labor community, because she was a passionate advocate and great voice for their concerns.

Now, we all want to have the respect of our colleagues. I want to point out just a couple of folks. Assemblyman Fitzpatrick, Assemblyman Raia, and Assemblyman Conte, all of her seatmates in the New York

State Assembly, they're definitely going to miss her. And they have great respect for her not only as a person but as a political leader.

But I have been blessed to, probably more than anything else, be able to call Pat Acampora my friend. And I'm just going to say a couple of things -- and, Pat, I'm going to embarrass you. I really don't care at this point. Okay?

She's beautiful, we all love her, she always dresses to kill. There isn't a person around here who doesn't want to have her wardrobe, among other things. And she is -- she's the quintessential public servant.

But it's all about her family. And when she goes to the Public Service Commission -- or someplace else; it doesn't really matter. The Governor has made an excellent appointment. He could have put her in any capacity and been well-served. But it is about her family.

And I think that her daughters, Stacy and Chrissy, are able to watch today's proceedings. And I want to make sure that we

mention Christopher and Matthew, too, the light of her life.

And she's my friend, she's our colleague. I only wish you the best. I am elated for you, but I am sad to see you go. Patty, I love you.

THE PRESIDENT: Senator Balboni.

SENATOR BALBONI: Madam President, as I thought about what I would say about Patricia Acampora, I happened to look up into the gallery and I see all these young children joining us today.

And I thought, that's a great moment to just tell them, Hey, kids, see that woman right there, the blonde? She's a really great person. And what we're doing today is we're sending her on to another job. But we're going to miss her in the job she did here, because she's really decent, really hardworking, really honest. One of the people you want to know and need as a friend, and someone who will always stand up for you.

And I guess that's really what, for me, has been the hallmark of Patty. She has two things, two passions that I think

separates her from so many different people that I've met in life. One, she has this thing for the little guy. She really hates it when the little guy is put down. And that's when she gets her ire up.

And the second thing, in our world, people don't always tell you the truth. And she hates that. In the fog of politics, she is very, very direct. And she has at times angered people with her directness.

But God bless you, because you always have it in your heart to do the right thing. That I think is the best thing about you. And I think that that's sorely needed on the PSC. You're going to be a great member.

Congratulations.

THE PRESIDENT: Senator Wright.

SENATOR WRIGHT: Thank you, Madam President.

I would point out that unlike all of the previous speakers to date, I am not from Long Island, I am not a former colleague in the Assembly, and I am not Italian.

(Laughter.)

SENATOR LARKIN: You're not a

lawyer, either.

SENATOR WRIGHT: And I'm not a lawyer, either. Thank you very much, Senator Larkin.

However, I do have the occasion to serve as chair of the Energy Committee. And that committee had the pleasure of recommending Pat for confirmation today.

And at that committee meeting we found all of those attributes demonstrated that my colleagues have so gracefully articulated this morning. She was friendly, charming, but she was also very businesslike when it came down to the discussion of the matter of her confirmation. She was very direct in terms of the issues in the energy arena and her view of what the PSC responsibilities were and how she was going to handle that.

I, for one, want to commend the Governor for this choice he has made in this recommendation to the Public Service Commission. I believe it will be a real advantage and asset to the Public Service Commission.

I'm not going to repeat everything that has been said about the Assemblywoman's style, simply to say that my experience has been it's all true, everything that has been articulated.

I think she's going to be a wonderful addition to the Public Service Commission. I'm fully prepared to recommend to all of my colleagues and endorse her confirmation this morning. I think the Governor has selected someone who has demonstrated throughout her career the ability to stand up and advocate on behalf of people. And that is her role on the Public Service Commission, to be an advocate for the people.

Pat, congratulations. I look forward to working with you. You're going to do a great job at this, just as you have every responsibility heretofore. Best wishes to you and Alan.

THE PRESIDENT: Senator Skelos.

SENATOR SKELOS: Thank you, Madam President. I just want to join with my colleagues and say congratulations to Patty.

I just want to point out and remind

her, though, that Alan is the senior commissioner with the administration. So you should keep that in mind as the two of you have discussions. But, you know, a family that's committed to public service.

And I think it's a wonderful appointment by the Governor. And we even excused Senator Balboni, allowing him to speak today, because he had made a commitment to this conference that in order to move things along, he would not speak anymore on the floor. So we do forgive him today. We do give him this exception.

But congratulations to you. And please, you know we always look forward to seeing you, whether it's on the elevator, whether it's walking to session, whether it's at a function, whether it's political or governmental. And we just ask that please, remember that you have a lot of friends in Albany. And we will look forward to continuing the chats and the conversations that we've had over the years.

Congratulations, Patty.

THE PRESIDENT: Senator Marchi.

SENATOR MARCHI: We must all be overwhelmed, Madam President, for the quantum of the remarks that have been made.

And then complimenting the Governor. Why do we have to compliment him? It was so obvious.

She's a wonderful candidate, and she elicited the emotions that she did because she's earned them in her contact and in the provision of services and the promise that she holds. So our expectations are very high.

On the other hand, it's going to be very difficult to get some very decent, average person with some talent and some ability -- but our expectations have been vaulted to the skies, and it's going to be difficult.

We've had Jim Ross, and now you. This is wonderful, Madam President. And with you presiding, I mean, I can't think of a greater array of talent that is mustered here today. And all of us have an opportunity to vote again with absolute confidence that we will be serving the public welfare in doing what we're doing.

THE PRESIDENT: Senator Hassell-Thompson.

SENATOR HASSELL-THOMPSON: Thank you, Madam President.

Senator Wright stole my line when he said that he did not serve with her in the Assembly and that he wasn't Italian. Nor am I. But we have served together -- well, I may be Sicilian. You don't know that.

(Laughter.)

SENATOR HASSELL-THOMPSON: But we have served together in the women's caucus, and I think that every characteristic, particularly as I listened to Senator Marcellino, are the things that I echo the most.

In this business the thing that is the most important is your word and your integrity. And I'm going to miss that in the women's caucus. I'm going to miss that straightforward, that straight-shooting stuff. And I'm going to miss the fact that we're losing another woman in the Legislature.

But I'm glad to know that you're going to continue to be in public service,

where we can be accessible to you and you to us. And I want to congratulate you.

And as a neighbor and as a friend, I congratulate you and your husband and family on this appointment.

Thank you, Madam President.

THE PRESIDENT: Senator Alesi.

SENATOR ALESI: Thank you, Madam President.

I came to Albany the same time that Patty Acampora did. Seems like an awful long time ago. We were one of the largest freshmen classes in the Assembly. And like so many people here, I took to her very quickly because of her personality.

And at the time we were all charged and energized with changing the way things happen in Albany government. And of course you can see all of the major changes that have occurred in the last 12 years as a result of that.

But I also was listening to some of my colleagues who served in the Assembly with Patty. And with respect to Senator Wright, he said he's not from Long Island, he's not -- as

I am not. He wasn't a former colleague of hers, but I am. He's not an attorney. And he mentioned that he's not Italian. I can only think that two out of four isn't bad, in his case.

(Laughter.)

SENATOR ALESI: And in the case of Senator Flanagan, who was a former colleague, he said that he had to be honest and remarked on Patty's beauty and how well she dressed.

And I see Alan sitting behind her, and I frankly have to say I never noticed that at all.

(Laughter.)

SENATOR ALESI: But one thing I can tell you is this. I really, really am so happy to see this woman, who has exemplified everything that women in government should strive for, I'm so happy to see her make her escape from the Assembly minority -- but saying that knowing that she really has left her mark on government.

Really, truly has, and has contributed so much, not only as a woman in

government but as a person in government, here in Albany and representing the people back home. And I know that she comes from a great bloodline of that kind of activity.

So I just want to say, in expressing my happiness for Patty and for Alan, that the Governor has made probably one of the best choices, one of the best appointments that he has made in his entire tenure here.

And we look forward to working with Patty in a new capacity and wish you the very, very best.

THE PRESIDENT: Senator Trunzo.

SENATOR TRUNZO: Thank you, Madam President.

I've had the pleasure of knowing Patty for many, many years, even when she worked with Assemblyman Sawicki, back in those days.

But I also had the privilege of working with her mother. Nobody has mentioned Henrietta Acampora, who was supervisor of the town of Brookhaven for many years. And she was someone who really said what was on her

mind. And Patty has followed, just followed in her mother's footsteps in telling you exactly where you're at, where it's going to be happening. She has no problem of mincing of words. She says it as it is.

And I have an example from way back when her mother, who came up here as supervisor, was trying to get us to pass a particular piece of legislation for Brookhaven. And I just made a statement to Henrietta saying, "Well, you know, Henny, it takes three to tango in Albany, between the Senate, the Assembly and the Governor."

And she said, "Well, you better learn a new dance, Senator, because that's something that has to be done."

And Patty would be the same way. She has always done that, has been straightforward.

I've worked with her not only governmentally, but also politically, and she's an outstanding politician in Suffolk County and one that I will miss very much, having worked with her very closely over the past few years in that particular role.

At any rate, I commend the Governor for making this appointment.

And, Patty, God bless you. The best of luck to you.

Thank you.

THE PRESIDENT: Senator Nozzolio.

SENATOR NOZZOLIO: Thank you, Madam President.

Madam President, I rise to congratulate Governor Pataki on this wonderful nomination and to associate myself with all the wonderful remarks of my colleagues. That the scope and breadth of them have been significant, and I wish certainly to add my congratulations to the nominee.

That often in this chamber, it seems, over the past 10 years I've had the responsibility of proffering the nomination of the other commissioner in the family, Commissioner Croce. I find myself doing that chore solitarily, that we are not joined with a chorus of nominee accolades that we have for the current nominee.

And I look forward to taking this transcript of the proceeding and sending it to

Patty so that she can see the scope of the support that she has. And that certainly when commissioner to commissioner meets to discuss legislative and governmental matters, she can point to the breadth of today's accolades and say "Which commissioner is more popular?"

(Laughter.)

SENATOR NOZZOLIO: With all kidding aside, that it's been an honor for me to work with both members of the family. That Alan was mentioned on a couple of occasions, and that he has been an outstanding Commissioner of Corrections. It's been a privilege working with him.

Assemblywoman Acampora was a neighbor of mine for many years in the Legislative Office Building, and that I certainly associate myself with all these great remarks. A wonderful nomination. The people of this state will certainly be benefited from her great tutelage.

Congratulations.

Thank you.

THE PRESIDENT: Senator Little.

SENATOR LITTLE: Thank you, Madam

President.

I too congratulate the Governor on his selection for this appointment. And I could echo everyone's remarks here today, because they are so true, about Patty Acampora.

When I came to the Assembly in 1995, I had the good fortune of sitting next to Pat. And believe me, I appreciated her candor and her assistance and her direction and all of the things and little tidbits of advice that she gave me that helped me become acclimated to life in the Assembly. She will truly be a loss to the Assembly, to both sides, the majority and the minority.

And one of the things that Senator Trunzo mentioned was Pat's mother. And as we would sit for hours and hours in the Assembly, we always had a chance to talk about family and all. And I know how proud Pat was of her mother and of the family tradition of public service that her mother had begun.

And believe me, I'm sure your mother would be very proud of you today, Pat, as is your entire family. And I join them in

sharing that pride. You've always given well over a hundred percent to whatever job you have done, and I know you will in the future.

Congratulations.

THE PRESIDENT: Senator Fuschillo.

SENATOR FUSCHILLO: Thank you very much, Madam President.

You know, I'm sitting here listening to everybody's comments, and I just want to say "ditto, ditto, ditto."

But I remember when I met Patty from seven or eight years ago, when I first got elected, and I asked her a question. And she was so honest that I walked away saying, Oh, my God, you know, should I fear this woman, with the response that you gave me.

And I'm sitting here saying that if I don't get up and say something nice, I'm going to see her out in the halls and be on the receiving end of that wrath again.

She is an outstanding individual. What an asset to the commission you're going on. I just want you to take that fight, that fire in the belly that you've had for so many

years to the PSC and do the right thing for the consumers, because I know you will.

Patty, congratulations.

THE PRESIDENT: Senator Smith.

SENATOR ADA SMITH: Thank you, Madam President.

Jim Wright also stole my line, and Senator Hassell-Thompson sort of embellished upon it.

I may not be Italian, I may not even be a Republican, but Pat Acampora is a friend. And I think that we enjoy a friendship because we have certain things in common. We believe in honesty, and we believe in telling people what we think. We also believe in public service, and we believe in the little man.

And she has done a fabulous job in the Assembly and as a leader in Suffolk County. She will be sorely missed by most of us, especially the women.

And, Pat, even though you're going on to something new, I know that we will be in contact. And do me one favor. Please make sure that we continue to have great women from

Suffolk County. Thank you.

I commend the Governor, and I look forward to the great job that you will be doing.

THE PRESIDENT: Senator Hannon.

SENATOR HANNON: Madam President, I rise just to support this very important nomination.

The most important regulatory body we have in this state is the Public Service Commission. Your work has just begun. What in the future lies ahead for energy, for gas, for electricity, for telecommunications? Your challenges will be questions that weren't even raised a year or two ago.

So we're dependent on your continued use of good judgment. We've come to know you as a legislative colleague, and I'm delighted to be in support of your nomination.

Thank you.

THE PRESIDENT: Senator Leibell.

SENATOR LEIBELL: Thank you, Madam President.

And, Pat, when you get to this stage of the proceedings, there's not a lot

left for us to say. I think it's all been said.

But we are -- as was noted by one of the earlier speakers here, it's sort of bittersweet today, because we are losing one of the really great legislators of our Capitol.

You are a great friend. I loved serving with you in the State Assembly. I learned a lot from you also. And we will miss you.

I congratulate the Governor on this appointment. And I know you will continue to do a great job for the people of our great state.

THE PRESIDENT: Senator Libous.

SENATOR LIBOUS: I too want to rise and compliment the Governor on this outstanding choice.

And, Pat, I'm excited now because I really have tried to figure out what the PSC does, and I've not been very successful. And certainly Senator Wright has not been very helpful, or Senator Seward. So maybe now you can be helpful to me. And I think that's

very, very exciting.

And you have been a good friend, and we've enjoyed both a personal and professional relationship, not only the trips with you and Alan and Fran and I to Italy and other places.

But I just want to say that the Governor has made an outstanding choice, you will do an outstanding job, and we look forward to seeing both of you in August in the Southern Tier.

THE PRESIDENT: Senator Onorato.

SENATOR ONORATO: Madam President, I join my colleagues in the accolades that have been bestowed upon Pat.

I didn't serve in the Assembly, but I did serve with her for the 10 years that she was a member of the Italian-American Legislators Society. And I was also privileged to join her and her husband, Alan, on our trip to Italy, and we had a real wonderful time.

But during her tenure as the president of the Italian-American legislators, she jumped in with both feet, took the job

very, very seriously, and made a wonderful show of our weekend here up in Albany.

And I want to wish you and your family everything that I wish for my family. God bless you, and good luck in your new job.

THE PRESIDENT: Senator Larkin.

SENATOR LARKIN: Thank you, Madam President.

You know, Pat, you sit here and you look down at your colleagues here from both sides of the aisle. What they're saying to you is we trust you, we respect you, and we know that when you go into that big brown building over there, when we call you, you will respond to us, as we have responded to you today to say this is the best choice the Governor has ever made.

God bless you all.

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

Senator Johnson.

SENATOR JOHNSON: Madam President, it's been a pleasure for me to advance Pat's name in the Finance Committee and also to hear the accolades of her friends

and members she serves with.

I mean, all I can say about Pat Acampora is that the light's going to go on in the PSC. Because when she walks down the hall, when she comes and speaks with you, she lightens up the room. And she's a bright, intelligent lady, and she's going to do a wonderful job.

And yes, I too would like to commend the Governor. He's certainly made one of the finest choices I've seen here.

And all the best to you, Patty, your family, your husband and so on.

THE PRESIDENT: Thank you, Senators.

I would also like to congratulate my friend and colleague.

I certainly had a mixed reaction to this, Pat, as you well know from our conversations. A tremendous loss to us professional women in elective office to see you leave. But certainly a wise choice on the part of the Governor.

I will continue to call you, as I often do, whenever I have a five-minute period

when I need some advice. Who would you call to know that you'll get A, B, C in five minutes of savvy, candid advice.

Pat, you're the best. I admire you, I respect you, I know that you consider yourself, well so, to be the heart of your family, and that's the most important thing to you. That is the best quality about you that we all admire.

Continued success. I know that will happen in everything that you do. And call me, please.

Pat, there's still time. Have you changed your mind after all this?

Then the question is on the nomination of Patricia Acampora as a member of the Public Service Commission. All in favor please signify by saying aye.

(Response of "Aye.")

THE PRESIDENT: Opposed, nay.

(No response.)

THE PRESIDENT: It's done.

Congratulations, Pat, and best wishes.

(Extended applause.)

THE PRESIDENT: Commissioner Acampora is here, as mentioned, with her husband, Commissioner Alan Croce. Have a fantastic celebration, to the entire family.

The Secretary will continue to read.

THE SECRETARY: As director of the New York State Office for the Aging, Neal E. Lane, of Wynantskill.

THE PRESIDENT: Senator Johnson.

SENATOR JOHNSON: Move the nomination.

THE PRESIDENT: Senator Golden.

SENATOR GOLDEN: Thank you, Madam President.

I rise to second the nomination here today of Neal Lane and to move this appointment.

Neal Lane is a man who has devoted his career to improving the services of at-risk populations, especially the at-risk population of elders. And he is well-respected within the aging network and possesses an extensive working knowledge of the health, aging and mental health service

system.

Neal has worked with various state governments on issues of health and human service policies, including services to the elders, the chronically ill, the cost-containment issues. And he's made presentations to state, national and international conferences on organizational and community change, case management, and long-term. We will not find a more experienced man or individual in this field.

Looking at the costs of Medicaid and Medicare here in the state of New York and in this country, having the cost-containments that will have to be done to be able to continue the quality of life for this state is going to be rather burdensome. It's going to be a real -- it's going to take a real tough person with a lot of experience to be able to right-size this industry and to make sure that the 3 million seniors today across this state get the services that they require.

But, more importantly, over the next 10 years we are going to see that number double here in the state of New York. And we

need somebody of the caliber of Neal Lane.

And I've had the good fortune of being with Neal as he's been the acting director for several months now, and I've introduced him on two different occasions as Neal Diamond. So you can tell my age, as -- because I thought he was a dynamic individual, and I know that Neal Lane is a dynamic individual.

And he will bring a lot of professionalism and will continue to be able to help this conference and this state to right-size that industry so that we can provide the services that we have to to all of our seniors, and that's providing those seniors those services in their homes and giving them the quality, the independence, the choice and the respect that those seniors deserve.

So, Neal, good luck. Congratulations.

And it is a privilege to second this motion today.

THE PRESIDENT: The question, then, is on the nomination of Neal E. Lane as

director of the New York State Office for the Aging.

All in favor please signify by saying aye.

(Response of "Aye.")

THE PRESIDENT: Opposed, nay.

(No response.)

THE PRESIDENT: The nominee is hereby confirmed.

Director Lane is here with his wife, Beth.

And I had the honor of working with the director and leading the delegation, on behalf of the Governor, to the President's White House Conference on Aging.

I've been impressed with your leadership already, and we're looking forward to working with you, Director. Congratulations. Best wishes.

(Applause.)

THE PRESIDENT: The Secretary will continue to read.

THE SECRETARY: As a member of the New York State Employment Relations Board, Lloyd H. Demboski, of Queensbury.

THE PRESIDENT: Senator Johnson.

SENATOR JOHNSON: Move the nomination.

THE PRESIDENT: Senator Little.

SENATOR LITTLE: Thank you.

It is an honor for me to stand today and second the nomination of Lloyd Demboski to this board, a reappointment, where he has been serving for a number of years in a wonderful capacity.

It's interesting as I stand here and say that Pat Acampora was my seatmate when I went to the Assembly. Well, Lloyd Demboski was my seatmate when I was first elected to office and served on the Warren County Board of Supervisors. So I'm not sure what the future holds for my seatmates here, but it could be all kinds of good things.

Just about everyone who's a long-time resident of Glens Falls or Queensbury knows Lloyd Demboski and his lovely wife Marguerite, who is here with him today. He has been an active member of our community in so many different capacities, serving on different boards, working in the community

and, most importantly, serving on the Warren County Board of Supervisors for a number of years, where he was also the finance chairman of that board.

He's done a great job in his capacity here. He comes with a wonderful background of community service, as well as an education at SUNY Plattsburgh, which is also in my district.

But I know he will continue to do a great job. I'm very proud to have him as a resident of my district and proud to stand here and nominate him and wish him well. He's been a great, great friend, a great supporter for me.

And I can truly say that I would not be standing here, nor would I have gone to the Assembly, without the encouragement and the real stimulus from Lloyd Demboski. He's been a friend when I had some tough personal times, but he was always there encouraging me.

And I truly thank him for his support of me in the past and for the wonderful job that he has done on the State Employment Relations Board. And I'm looking

forward to working with him for a long, long time and continuing a great friendship.

Congratulations.

THE PRESIDENT: The question is on the nomination of --

First of all, before we do that, Senator Farley would like to be heard.

SENATOR FARLEY: Thank you, Madam President. I also rise to second the nomination of Lloyd Demboski.

You know, I've known him for a lot of years. And for those of us that abut Warren County, he was the epitome of Warren County and everything that it represented. And he was always very, very active in his community. And every job that he had done, he has done well. And he has a breadth of experience.

And, you know, we're lucky to have people like this willing to serve our government. And again, we applaud the Governor for choosing him.

And this reappointment is well-deserved because you've done a great job, Lloyd, as you always have.

Best wishes to you and your family.

THE PRESIDENT: The question now is on the nomination of Lloyd H. Demboski, of Queensbury, as a member of the New York State Employment Relations Board.

All in favor please signify by saying aye.

(Response of "Aye.")

THE PRESIDENT: Opposed, nay.

(No response.)

THE PRESIDENT: The nominee is hereby confirmed.

And best wishes for a great experience and continued success on the board.

(Applause.)

THE PRESIDENT: The Secretary will continue to read.

THE SECRETARY: As a member of the Adirondack Park Agency, James T. Townsend, Esquire, of Rochester.

As trustee of the Power Authority of the State of New York, Joseph J. Seymour, of Glenmont.

As a member of the New York State Energy Research and Development Authority,

Elizabeth W. Thorndike, of Pittsford.

As a member of the Small Business Advisory Board, Ross M. Weale, of South Salem.

As banking member of the State Banking Board, Thomas E. Hales, of Briarcliff Manor.

As a member of the Ohio River Valley Water Sanitation Commission, Thomas Lee Servatius, of Fredonia.

As a member of the State Council on the Arts, Gerald S. Lippes, Esquire, of Buffalo.

As a member of the Mental Health Services Council, Louis B. Tehan, Jr., of Utica.

As Major General of the New York State Air National Guard, Robert A. Knauff, of Manilus.

As a member of the Board of Visitors of the Buffalo Psychiatric Center, Barbara A. Seals Nevergold, Ph.D., of Buffalo.

As a member of the Board of Visitors of the Creedmoor Psychiatric Center, Henry Lau Kee, of Flushing.

And as a member of the Board of

Visitors of the Western New York Developmental Disability Services Office, Penny F. Zeplowitz, of Williamsville.

THE PRESIDENT: Senator Johnson.

SENATOR JOHNSON: Move the nominations.

THE PRESIDENT: The question is on the nominations as read by the Secretary. 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 Bonacic.

SENATOR BONACIC: Madam President, can we return to motions and resolutions, please.

THE PRESIDENT: Motions and resolutions.

SENATOR BONACIC: I think there's some housekeeping.

Senator Fuschillo?

THE PRESIDENT: Yes, there is.

Senator Fuschillo.

SENATOR FUSCHILLO: Thank you, Madam President.

On behalf of Senator Spano, on page number 37 I offer the following amendments to Calendar Number 1030, Senate Print Number 3743C, 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 FUSCHILLO: Madam President, on behalf of Senator Marcellino, I wish to call up Print Number 890A, recalled from the Assembly, which is now at the desk.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: Calendar Number 1267, by Senator Marcellino, Senate Print 890A, 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, 58.

SENATOR FUSCHILLO: I now offer the following amendments.

THE PRESIDENT: The amendments are received.

SENATOR FUSCHILLO: Madam President, on behalf of Senator Leibell, I wish to call up Print Number 4537, recalled from the Assembly, which is now at the desk.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: Calendar Number 816, by Senator Leibell, Senate Print 4537, an act to amend the Not-for-Profit Corporation 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, 58.

SENATOR FUSCHILLO: I now offer the following amendments.

THE PRESIDENT: The amendments

are received.

SENATOR FUSCHILLO: Madam President, on behalf of Senator Saland, I wish to call up Print Number 5050, recalled from the Assembly, which is now at the desk.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: Calendar Number 1190, by Senator Saland, Senate Print 5050, 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, 58.

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 Print Number 5380, recalled from the Assembly, which is now at the desk.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: Calendar Number 1299, by Senator DeFrancisco, Senate Print 5380, an act to amend the Real Property Tax 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, 58.

SENATOR FUSCHILLO: I now offer the following amendments.

THE PRESIDENT: The amendments are received.

SENATOR FUSCHILLO: Thank you.

THE PRESIDENT: Senator Brown.

SENATOR BROWN: Madam President, I wish to call up my bill, Print Number 4776, recalled from the Assembly, which is now at the desk.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: Calendar Number 1352, by Senator Brown, Senate Print 4776, an act to amend the Economic Development Law.

THE PRESIDENT: Senator Brown.

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

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

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

THE PRESIDENT: Senator Brown.

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

THE PRESIDENT: The amendments are received.

SENATOR BROWN: Thank you.

THE PRESIDENT: You're welcome.

Senator Nozzolio.

SENATOR NOZZOLIO: Madam President, I wish to call up Bill Number Print 4798, recalled from the Assembly, which is now at the desk.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: Calendar Number 1113, by Senator Hannon, Senate Print 4798, an act authorizing.

THE PRESIDENT: Senator Nozzolio.

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

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

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

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

THE PRESIDENT: The amendments are received.

SENATOR NOZZOLIO: Madam President, I wish to call up Bill Number Print 317, recalled from the Assembly, which is now at the desk.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: Calendar Number 190, by Senator Saland, Senate Print 317, an act to amend the Education Law.

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

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

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

SENATOR NOZZOLIO: I now offer the following amendments.

THE PRESIDENT: The amendments are received.

Senator Bonacic.

SENATOR BONACIC: Thank you, Madam President. Can we now proceed with the noncontroversial reading of the calendar.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: Calendar Number 363, by Senator LaValle, Senate Print 2069, an act to amend Vehicle and Traffic 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 371, by Member of the Assembly Abbate, Assembly Print Number 7616, an act to amend the Civil Service 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 435, by Senator Robach, Senate Print 3179, an act to amend the Civil Service 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 554, by Senator Padavan, Senate Print 3934, 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 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 614, by Member of the Assembly Rivera, Assembly Print Number 6886A, an act to amend the General Business 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 642, by Senator Robach, Senate Print 3185, an act to amend the Civil Service 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 774, by Senator Spano, Senate Print 3906, an act to amend the Civil Rights Law.

THE PRESIDENT: Read the last section.

SENATOR BONACIC: Lay that bill aside for the day, please.

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

THE SECRETARY: Calendar Number 809, by Senator Farley, Senate Print 3110A, an act to amend the Public Authorities Law.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE PRESIDENT: Senator Klein, to explain your vote.

SENATOR KLEIN: Thank you, Madam President.

While I laud the sponsor's attempt in this legislation to allow libraries to pool their resources to be able to work through the Dormitory Authority, I'm disappointed that there's nothing in this legislation or anything we've done thus far to address the important problem in reforming our authorities.

I think a case in point is something that happened several years ago, and

Newsday covered it extensively out in Long Island, where two brothers, called the Stubbolo Brothers, were getting very, very lucrative contracts to do work for the Dormitory Authority at SUNY-Old Westbury.

Here were two gentlemen who really lacked the experience to do very large public-work jobs, but year after year were getting very lucrative contracts because of political connections, and one of them was to the tune of $27.9 million. The state eventually canceled their contracts because of the shoddy workmanship, their inability to complete the job properly.

But yet this is what goes on, unfortunately, day after day with all our authorities. There's no oversight. There's absolutely no transparency in any of these contracts. And unfortunately, it's the taxpayers who are suffering each and every day.

State Comptroller Alan Hevesi put out a very, very important report, I believe, which showed that of course there's 640 authorities in New York State, and these

public authorities are responsible for 90 percent, 90 percent of our debt in the State of New York. Seventeen of the public authorities have a total of $105 billion of debt outstanding including, $33.8 billion in state-supported debt.

This is a huge problem. And this problem is spiralling out of control each and every day.

While I support the intent of this legislation and intend to vote yes, I'm very disappointed that we have yet to address the very, very important problem of reforming our authorities in the State of New York.

Thank you, Madam President.

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

The Secretary will announce the results.

THE SECRETARY: Ayes, 59.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 826, by Senator Meier, Senate Print 3158B, an

act to amend the Parks, Recreation and Historic Preservation --

SENATOR LIZ KRUEGER: Lay it aside.

THE PRESIDENT: The bill is laid aside.

THE SECRETARY: Calendar Number 867, by Senator DeFrancisco, Senate Print 4854, an act to amend the New York City Civil Court Act and others.

SENATOR BONACIC: Madam President, could we have that laid aside for the day, please.

THE PRESIDENT: Yes, this bill is laid aside for the day.

THE SECRETARY: Calendar Number 928, by Senator Saland, Senate Print 4602A, an act to amend the Public Authorities 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 936, substituted earlier today by Member of the Assembly Canestrari, Assembly Print Number 3000B, an act authorizing a certain housing authority to sell or lease.

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 994, by Member of the Assembly Bing, Assembly Print Number 3454A, an act to amend the State Finance Law.

THE PRESIDENT: Read the last section.

THE SECRETARY: Section 7. This act shall take effect on the first of January.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE PRESIDENT: Senator Krueger, to explain your vote.

SENATOR LIZ KRUEGER: Thank you, Madam President.

I rise to support this bill. I'm very glad that we are moving forward in the State of New York to address problems with the not-for-profit sector and state contracts.

I ran not-for-profit organizations that had state contracts for many years before I joined the Legislature, and I share my colleagues' concern in both houses that we do an unjustice, a disjustice to not-for-profit organizations.

We ask them to do the work of the State of New York, they provide excellent services throughout our communities, and yet not-for-profits constantly find themselves in delayed holding patterns hoping to get paid by the state in time to make payroll.

I would like to highlight one serious problem that this bill does not address and cannot address, and that is the fact that when we don't get a budget done on

time, then the agencies don't have the authority to continue contracting, therefore leaving not-for-profits in the desperate situation of continuing services even though they can't have a new contract or get paid, or choosing to end their services, laying off staff, disrupting the programs they are operating only in hopes that we might get our work done in time for them to continue their programs without their staff having taken other jobs.

So in fact this year I think most not-for-profits in the State of New York are living happily under the situation that our budget was done on time. But I do think, in the context of this bill, it's worthwhile reminding ourselves one other reason it is so important to get our budgets done both timely and well.

Thank you, Madam President. I'll be voting yes.

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

The Secretary will announce the

results.

THE SECRETARY: Ayes, 59.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1128, by Senator Johnson, Senate Print 5281, an act to amend the Public Authorities Law.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1140, by Senator LaValle, Senate Print 718, an act to amend the Workers' Compensation 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, 59.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1141, by Senator Fuschillo, Senate Print 3013, an act to amend the Labor 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, 59.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1164, by Senator Padavan, Senate Print 4565, an act to amend the Administrative Code of the City of New York.

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 1165, by Senator Padavan, Senate Print 4575, an act to amend the Administrative Code of the City of New York.

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 1188, substituted earlier today by Member of the Assembly Tonko, Assembly Print Number 5881B, 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 1204, by Senator Balboni, Senate Print 3504, an act to amend the Military 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 1239, by Senator Nozzolio, Senate Print 1750, an act to amend the Election Law.

SENATOR SCHNEIDERMAN: Lay it aside.

THE PRESIDENT: The bill is laid aside.

THE SECRETARY: Calendar Number 1271, by Senator Saland, Senate Print 5048A,

an act to amend the Education Law.

SENATOR BONACIC: Madam President, could we lay it aside for the day, please.

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

THE SECRETARY: Calendar Number 1305, by Member of the Assembly Nolan, Assembly Print Number 1911, an act to amend the Banking 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, 60.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1313, by Member of the Assembly Cahill, Assembly Print Number 4431A, 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, 60.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1416, by Member of the Assembly Farrell, Assembly Print Number 7348, an act to amend the Local Finance Law.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1431, by Senator Oppenheimer, Senate Print 3745, an act to reopen the optional twenty-year retirement plan.

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, 60.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1451, by Senator Nozzolio, Senate Print 5523, an act to amend the Executive Law.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1531, by Senator Fuschillo, Senate Print 787, 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 2. This act shall take effect on the first day of a sales tax quarterly period.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1532, by Senator Trunzo, Senate Print 2460, an act to amend the Civil Service Law.

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

Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1533, by Senator Libous, Senate Print 2496, 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, 60.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1534, by Senator Johnson, Senate Print 3044A, an act to amend the Real Property Tax Law and the Environmental Conservation 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, 60.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1537, by Senator Spano, Senate Print 5116, an

act to amend the Environmental Conservation Law.

SENATOR SCHNEIDERMAN: Lay that one aside for sure.

THE PRESIDENT: The bill is laid aside.

THE SECRETARY: Calendar Number 1538, by Senator Maziarz, Senate Print 5173, an act to amend Chapter 218 of the Laws of 2004.

SENATOR BONACIC: Could we have that laid aside for the day, please.

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

THE SECRETARY: Calendar Number 1539, by the Senate Committee on Rules, Senate Print Number 5180, an act authorizing the assessor of the Town of Delaware.

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, 60.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1540, by Senator Johnson, Senate Print 5270 --

SENATOR SCHNEIDERMAN: Lay it aside.

THE PRESIDENT: The bill is laid aside.

THE SECRETARY: Calendar Number 1541, by the Senate Committee on Rules, Senate Print Number 5272, an act to amend the Tax 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, 60.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1543, by Senator Winner, Senate Print 5385, 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, 60.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1544, by Senator Meier, Senate Print 5393, an act to amend the Family Court Act and the Executive Law.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1545, by Senator Saland, Senate Print 5435, an act to amend the Education Law and the State Finance Law.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59. Nays, 1. Senator Meier recorded in the negative.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1546, substituted earlier today by Member of the Assembly Gantt, Assembly Print Number 7282, an act relating to transportation contracts.

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, 60.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1547, substituted earlier today by Member of the Assembly McEneny, Assembly Print Number 8100, an act to amend Chapter 69 of the Laws of 1992.

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, 60.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1550, by Senator Spano, Senate Print 5546, an act to amend the Tax Law.

THE PRESIDENT: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the same date and in the same manner as Section 3 of Part A of Chapter 58 of the Laws of 2005.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1551, by Senator Morahan, Senate Print 5559, an act to amend the Mental Hygiene 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, 60.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1552, substituted earlier today by Member of the Assembly Parment, Assembly Print Number 8043A, an act in relation to creating.

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, 60.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1553, by Senator Balboni, Senate Print 5594, an act to amend the Public Authorities 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, 60.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1555, by Senator Balboni --

SENATOR SCHNEIDERMAN: Lay it aside.

THE PRESIDENT: The bill is laid aside.

THE SECRETARY: Calendar Number 1556, substituted earlier today by Member of the Assembly Tokasz, Assembly Print Number 6791, 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, 60.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1562, by Senator Maziarz, Senate Print 5639, an act to amend the Parks, Recreation and Historic Preservation Law.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1565, substituted earlier today by Member of the Assembly Sweeney, Assembly Print Number

7599, an act to amend the General Municipal Law and the Volunteer Firefighters Law.

THE PRESIDENT: Read the last section.

THE SECRETARY: Section 4. This act shall take effect on the 30th day.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1566, by Senator Trunzo, Senate Print 5653 --

SENATOR SCHNEIDERMAN: Lay it aside.

THE PRESIDENT: The bill is laid aside.

Senator Bonacic, that completes the non --

SENATOR TRUNZO: Madam President.

THE PRESIDENT: Senator Trunzo.

SENATOR TRUNZO: Lay that bill aside for the day.

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

SENATOR TRUNZO: Thank you.

THE PRESIDENT: Senator Bonacic, that completes the noncontroversial reading of the calendar.

SENATOR BONACIC: Thank you, Madam President. Can we now proceed with the controversial reading of the calendar.

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

Senator Bonacic.

SENATOR BONACIC: Madam President, can we proceed with Calendar 826, by Senator Meier, Senate Print 3158B, please.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: Calendar Number 826, by Senator Meier, Senate Print 3158B, an act to amend the Parks, Recreation and Historic Preservation Law.

SENATOR LIZ KRUEGER: Explanation.

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

SENATOR MEIER: Thank you, Madam

President.

This is a bill which deals with the subject of snowmobiling, which in my district -- which extends from Central New York to the Canadian border -- is not just a sport or a way that people go out and have some recreation, it is also a major part of the wintertime economy throughout upstate and northern New York.

And this bill does a number of things which are designed to make that sport more enjoyable and to allow people to conduct it more safely. Part of it is modeled after legislation which was passed here in New York, prior to my service in the Legislature, dealing with the skiing industry.

And it, somewhat parallel to what was done with skiing, tried to address some of the problems that ski facility operators had in terms of liability and securing liability insurance, not by immunizing them but by setting forth a code of conduct. And that is in the bill, a code of conduct for people operating a snowmobile in terms of clearly spelling out what are safe operating

procedures and so forth.

That portion of the bill is both designed to promote safety as well as to promote an environment where the insurance market is more accessible for snowmobile clubs and for snowmobile trails.

This also provides for certain requirements for youthful snowmobile operators in terms of attending courses of instruction and obtaining a certificate of completion of that course.

It creates a two-tier system for the payment of registration fees, and provides for a lower registration fee for those who are members of recognized trail-grooming organizations. Those are referred to sometimes as snowmobile clubs.

And the reason for that differential is a very important one. Under the existing law, the clubs are the mechanism through which we pass the funds from the snowmobile registrations. The clubs literally build and maintain the trail system. And the purpose of the differential in the registration fee is to promote and stabilize

that club system of grooming and promoting these trails.

As I say, this recognizes that this is not just recreation but indeed business and even big business throughout upstate New York.

Thank you, Madam President.

THE PRESIDENT: Senator Krueger.

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

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

SENATOR MEIER: Of course.

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

SENATOR LIZ KRUEGER: Under this law, what age would people be allowed to drive snowmobiles?

SENATOR MEIER: Well, this contemplates that that would begin -- well, under present law it's age 10. This law does not change that.

However, it does make a change to the circumstances, which would say from 10 to 14 the individual would have to have both completed the course and received a

certificate of having completed the safe snowmobiling course. And, secondly, the element that is added that is not in present law is that they would have to be accompanied by an operator 18 years of age or older. And "accompanied" is defined in the law as being within 500 feet of the juvenile.

When we get to age 14 and above, up to 18, they can operate a snowmobile without that immediate adult supervision, but they have to have the same certificate of completing the course.

And then, over 18, neither the course nor any accompaniment is required.

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

THE PRESIDENT: Senator Meier, will you yield for another question?

SENATOR MEIER: Yes, Madam President.

THE PRESIDENT: You may proceed, Senator.

SENATOR LIZ KRUEGER: How fast do snowmobiles go?

SENATOR MEIER: Well, snowmobiles can vary. It depends upon the engine size. It depends upon a number of factors. But they can go very fast, Senator, or they can go very slow.

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

THE PRESIDENT: Senator Meier, do you yield?

SENATOR MEIER: Of course.

THE PRESIDENT: You may proceed, Senator.

SENATOR LIZ KRUEGER: I do recognize there are different models. Do you know what the average maximum speed of snowmobiles in New York are?

SENATOR MEIER: Well, average maximum speed I don't know. But, I mean, let's say this. It is not unusual -- to get to whatever the point is you want to make, it would not be unusual for a snowmobile of average make or model to be able to achieve speeds over 60 miles per hour.

Now, I might add that it is not

unusual for the nice people who manufacture cars to manufacture automobiles that routinely go over 100 miles an hour. It is neither advisable nor legal to operate them at those speeds under most conditions.

SENATOR LIZ KRUEGER: Thank you.

Madam President, if the sponsor would continue to yield.

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

SENATOR MEIER: Yes, Madam President.

THE PRESIDENT: You may proceed, Senator.

SENATOR LIZ KRUEGER: Do you know what the average weight of an average snowmobile is?

SENATOR MEIER: Well, I don't know if averages are particularly helpful here. My grandfather used to say if you're standing with one foot in a buffet of ice water and one foot in a bucket of boiling water, on average you're comfortable.

(Laughter.)

SENATOR MEIER: So the average is

not particularly helpful here.

But the weight of an average snowmobile would be, I don't know more, than a breadbox but less than a car.

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

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

SENATOR LIZ KRUEGER: Thank you.

I have a feeling I would like Senator Meier's grandfather. He showed common sense.

My concern about this bill, and it's specifically around the age limits for children driving snowmobiles and the safety factor, is that according to the federal government, the average snowmobile currently weighs 600 pounds, that they go a maximum speed of 90 to 100 miles an hour.

And yes, it's true, common sense would argue that perhaps you shouldn't drive at those speeds. Children in particular tend not to always follow the rules or have any sense of their own mortality or have the fastest response times when they are in a

driving situation.

And I would argue that the reason that the State of New York has limits on driver's licenses, age limit, is because we recognize that automobiles are large, they can go fast, they can be dangerous. The data shows that the same is true for snowmobiles.

And so in fact the data from any number of national studies shows that they are dangerous items. That children are at risk of snowmobile-related injury from being the operators the bystanders, or passengers. That pediatric snowmobile-related injuries are often a result of risk-taking behavior of the child or the parent. That the rate of snowmobile accidents in this country has not been going down for the last 10 years.

That males younger than 16 years old are more than three times as likely as females of the same age to sustain a snowmobile-related injury, although I wouldn't have a gender-specific age eligibility for snowmobiling.

The same data -- this, by the way, is from the National Safety Database -- shows

that from January '93 to December '95, basically a one-and-a-half-year period -- excuse me, two-year period, there were 10,628 snowmobile-related injuries to children younger than 16 years old. The cost of the injuries -- excuse me, for this three-year period -- was over $84 million, or close to $8,000 per injury. That among children treated for snowmobile-related injuries, the most commonly treated areas included the lower extremities and the head and neck.

Further, that the most common mechanism of injury are falls off the machines and collisions. And again, whether a parent is within 500 feet of you or not, as this law would require, that would not affect the rate, I believe, of falling off machines or hurting yourself or collisions with others.

The number of children who lose control of their snowmobiles and are injured suggests that a certain level of skill is required to operate these large, heavy, fast machines. And children are often not large enough to control the weight, speed and power of these snowmobiles. Which, by the way, are

getting larger and getting faster over time.

Children younger 16 years of age who receive treatment for an injury were more commonly injured as passengers. So even having children riding as passengers, not driving the machine themselves, can be a serious problem.

Children are less likely to be wearing a helmet, even if it's the law of the state, and more likely to be struck by another motor vehicle when compared to snowmobilers over 16 years of age who were treated for snowmobile-related injuries.

Studies in selected geographical regions of North America suggest that children are involved in between 10 and 30 percent of all snowmobile-related injuries. Data across the studies cannot be analyzed because of differences in the different state laws.

The American Academy of Pediatrics states that operating snowmobiles is inappropriate for children younger than 16 years of age.

The American Academy of Surgeons' Injury Prevention and Control Committee also

has proposals that recreational operation of snowmobiles is inappropriate for children and adolescents.

The National Children's Center for the Rural and Agricultural Health and Safety Center also urge that we don't allow people below the age of 16 to drive snowmobiles. They highlight similar research and document that from -- during 1990 to 1998, the total estimated cost associated with youth snowmobile injuries were over $1 billion. They specifically urge that no one under the age of 6 should be allowed on a snowmobile and no one under the age of 16 should be allowed to drive a snowmobile.

Further, the Yellowstone National Park Park Service Data Report shows that nationally 15,000 people a year are treated in emergency rooms for snowmobile-related injuries, at an average cost of $16,000 a year, double the cost for children-only injuries, but nonetheless very serious numbers.

And a recent study done by New Mexico State University found that people

who snowmobile frequently are almost nine times more likely to suffer death or injury in accidents than automobile drivers on a per-mile comparison. Snowmobiling is statistically much more dangerous, from an injury perspective, than automobiles. And again, we say that you have to be at least 17 to drive an automobile, a less dangerous vehicle in this country.

Again, the advances in snowmobiles' power, weight, traction, coupled with an industry message to conquer the mountain by driving up steep faces have made snowmobilers the U.S.'s likeliest victims of fatality by avalanche. During the 14 winters from 1985 to 1998, more snowmobile operators died in avalanches than did any other use group, and avalanche fatalities are on the rise.

I could make the argument that snowmobiles might be too dangerous for all of us, but I won't. I'll only argue that we should not allow children 10 to 16 to be driving these vehicles. They present a danger not only to the riders but to non-motorized recreationalists, including cross-country

skiers and snowshoers.

And while traveling at high speeds on winding trails, it is difficult for snowmobile operators to tell whether a slower-moving skier or snowshoer is ahead. This problem is compounded during night operation, because braking distances far exceed the range of standard snowmobile headlights.

To go on, the American Academy of Pediatrics did their own analysis of fatalities through the National Electronic Injury Surveillance System of the U.S. Consumer Product Safety Commission, highlighting again that we have not increased the safety of snowmobiles over the last 10 years, and that in fact evidence is that, even with safety programs, children and youth operate snowmobiles less safely than adults, are more likely to do harm to themselves and others. And they also recommend that recreational operation of snowmobiles is inappropriate for children and young adolescents. Children younger than 16 should not operate snowmobiles.

Furthermore, children younger than 6 do not have the strength or stamina to be transported safely as passengers. And they urge that we also do not allow children and adolescents to be driving or passengers on snowmobiles.

So I -- no doubt this bill will pass. But I hope that my colleagues will consider that one can support the activity of snowmobiling, one can recognize that it is, as Senator Meier pointed out, a sport that does not only give great pleasure to many people who drive snowmobiles, that it is a major economic, I suppose, revenue producer for his area and other areas of the state, but that the medical community, the national safety community, all urge that we do not let young people under 16 drive these.

And I would hope that the State of New York would want to consider the welfare of our children and their safety when making decisions about recreational sports activities. So I'll be voting no on this bill because of that, Madam President.

Thank you.

THE PRESIDENT: Senator Meier.

SENATOR MEIER: Thank you, Madam President.

THE PRESIDENT: You're welcome.

SENATOR MEIER: And I thank Senator Krueger for her comments and for her continuing concern about the safety of my constituents. This is part of a pattern. I know she's very concerned about children also being permitted to hunt or to engage in archery.

And I love Liz Krueger, but let's face it, she lives in daily fear that someplace, somewhere in upstate New York, somebody might be having fun. It's just a terrible situation.

(Laughter.)

SENATOR MEIER: And, Senator, at the risk of unleashing your wrath further, I invite your attention to the rash of playground accidents that take place, probably in your very district, on jungle gyms and swing sets and those most insidious traps of all that injure our children, diving boards and swimming pools.

Is there no end to the peril that we subject children to in this state?

(Laughter; applause.)

SENATOR LIZ KRUEGER: Madam President.

THE PRESIDENT: Senator Krueger.

SENATOR KRUEGER: Madam President, I appreciate my colleague's levity.

THE PRESIDENT: Are you on the bill, Senator?

SENATOR LIZ KRUEGER: I am on the bill.

THE PRESIDENT: No questions, you you're on the bill. You may proceed.

SENATOR LIZ KRUEGER: Thank you. I am on the bill.

I don't believe that I don't want children to have fun. But we make decisions about what is safe for children. And I would -- I will go and do the research on playgrounds and on diving boards and on other fun activities for children, and I doubt that I will find statistics that show that those activities are more dangerous than being in a car on a highway.

And that one has to make decisions about the safety of children, and that one has to make good judgments as legislators about what is safe and what is not safe for children.

And Senator Meier is right, I am also concerned about young children hunting. But the statistics are that they would be much safer hunting than they would be driving snowmobiles. So I won't change my position on children hunting with bows and arrows for bear. I would point out that statistically they would be safer if they spent their leisure time doing that than driving snowmobiles.

But again, fishing is a lovely sport that I'm sure is active in your district. Skiing and snowboarding is safer -- you don't allow fishing for children? I'm sorry. I'm sure we allow fishing for children, snowboarding, skiing. There are so many wonderful outdoor activities that don't involve putting children's lives at risk.

So again, with all due respect to my colleague, I do think I recognize the

importance of children having fun. But I want them to live past their 16th birthday so that they can have fun when they're adults as well.

Thank you, Madam President.

THE PRESIDENT: Senator Valesky.

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

THE PRESIDENT: You may proceed, Senator.

SENATOR VALESKY: I rise simply to thank Senator Meier for bringing this bill to the floor.

And I think it's important for the record to show that the New York Snowmobile Association has requested this step. They have asked that we help make their sport safer.

So whether it's the snowmobile safety code that is included in Senator Meier's legislation, it comes to us from their request. A 55-mile-an-hour speed limit, which is strongly supported by the Sheriffs Association of the State of New York as well, comes to us through the request of snowmobilers themselves.

So I will be supporting this bill and again thank Senator Meier for the work that he has done.

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

Then the debate is closed -- the debate is closed.

The Secretary will ring the bell.

Read the last section.

THE SECRETARY: Section 11. This act shall take effect on the 180th day.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE PRESIDENT: Senator Bonacic, first, to explain his vote.

SENATOR BONACIC: Thank you, Madam President.

I represent the Catskill region, and snowmobiling is an integral part not only of recreation but our tourist industry. And I want to thank Senator Meier for bringing this bill forward.

I want to thank the snowmobile industry for stepping up and taking responsibility, for providing safety courses

and recommending that this legislation have more safety provisions for children.

You know, we can talk about a variety of sports that are dangerous, whether it's skiing, roller skating, skate boarding. But that's what parents are for. To buy a snowmobile is very expensive, and parents are involved. And they have the primary responsibility of taking care of their children, and they know what danger is and what recreation is.

So, Senator Meier, we thank you for this legislation. I vote in the affirmative.

Thank you, Madam President.

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

Senator Stachowski, to explain your vote.

SENATOR STACHOWSKI: Madam President, I'd like to congratulate Senator Meier for bringing this forward, congratulate the snowmobilers for suggesting this and having the safety courses.

Snowmobiling is a large

recreational sport out our way too. Myself and Senator Volker, as we border each other, have lots of trails that we share that people drive regularly, not only they, but their families.

And so that to see that children will have a safety course first now -- because right now the parent usually shows the child how to use the snowmobile, maybe not being as completely aware of safety things they should learn as the people in the snowmobile association would be. And I think this will make it a much safer sport.

And I support this bill. I only hope that someday you have something that will stop that severe threat of kids crossing streets. Because if you can stop them from doing that, none of them will get hit by cars.

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

The Secretary will announce the results.

THE SECRETARY: Those recorded in the negative on Calendar Number 826: Senator

L. Krueger.

Those Senators absent from voting: Brown, DeFrancisco, Duane, Sampson and Seward.

Ayes, 56. Nays, 1.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1239, by Senator Nozzolio, Senate Print 1750, an act to amend the Election Law.

SENATOR SABINI: Explanation.

SENATOR SCHNEIDERMAN: Explanation.

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

SENATOR NOZZOLIO: Thank you, Madam President.

The measure before us will change and alter and reform the manner in which the electors chosen by this state to vote in presidential elections are determined.

If there was anything that educated the public about the way we elect, the manner in which we elect the president, it was demonstrated during the 2000 presidential election, where most people didn't realize

that the presidents of our nation were not chosen directly by popular vote but rather through the electoral college and the electoral voting process.

That, coupled with the understanding that New York for the longest time has not been what's been characterized by the political pundits as a battleground state, in effect a state that was ignored, in most cases, during the presidential election process.

We are a blue state. We have been a blue state. That blue-state characterization basically tells those who are running for president you need not come to New York State because the outcome is virtually predetermined. Whereas in Ohio and Pennsylvania, close by New York, we have aggressive presidential campaigns throughout the year.

One need only have traveled to Pennsylvania last election, the 2004 election, and there was tremendous activity on the television, candidates visiting the state many times. New York, just over the border, was

virtually ignored during the months of the presidential election.

I think it's also important in this reform to realize that one vote more would cast the entire state's election to one candidate. Now, that's certainly been the history of the way we have chosen a president, but that's not necessarily the way the founders required it to be.

In fact, the Constitution of the United States provides the option for states to choose the manner in which presidential electors are chosen. And a variety of states are beginning to examine whether or not they should change their rules. The states of Maine and Nebraska have already changed their rules to allow for this type of a process.

ACTING PRESIDENT YOUNG: Senator Schneiderman.

SENATOR SCHNEIDERMAN: Thank you, Madam President. Through you, if the sponsor would yield for some questions.

ACTING PRESIDENT YOUNG: Does the sponsor yield?

SENATOR NOZZOLIO: Yes, Madam

President.

SENATOR SCHNEIDERMAN: Does this legislation change the process by which major-party candidates get on the ballot in New York?

SENATOR NOZZOLIO: Madam President, it is not the intention that the that the election process relative to candidate selection of individual party candidates, large party or small, be altered by this measure.

SENATOR SCHNEIDERMAN: Through you, Madam President, if the sponsor would continue to yield.

SENATOR YOUNG: Senator Nozzolio, do you continue to yield?

SENATOR NOZZOLIO: Yes, Madam President.

SENATOR SCHNEIDERMAN: So just so I'm clear, because the first portion of this legislation does discuss the petitioning process by which candidates get on the ballot, it appears to change at least the way independent candidates -- i.e., not candidates of a major party -- get on the ballot.

And the question is, does this in any way affect the petitioning process or the nomination process by which any candidates get on the November ballot in New York State?

SENATOR NOZZOLIO: Madam President, it is not the intention of this legislation to alter that process.

SENATOR SCHNEIDERMAN: Thank you.

And we currently choose -- I know in the primary process we certainly are divided by Congressional districts already. Does this affect anything to do with the primary elections that take place in New York State for presidential candidates?

SENATOR NOZZOLIO: Madam President, the primary process in the State of New York for presidential delegates to individual conventions is a matter of law and party rules, a strange hybrid.

That in effect the presidential elector process has changed dramatically from a few presidential elections ago, where names of only the presidential electors were on the ballot, not designated to any particular candidate. That has changed and been

reformed, over the last three presidential cycles to today, where in effect the process has changed dramatically and electors elect -- presidential delegates in the nomination process are not chosen by the process they were chosen even four short years ago.

But what we're focusing on here, Madam President, is why New York should engage in a winner-take-all where one vote for the entire state, the third largest state in the country, should flip the entire number of electors to one candidate.

There were 10 of the 29 Congressional districts we have in this state, there were 10 that clearly chose President Bush last election. Yet none of those 10 Congressional districts, clearly a third of what we have in this state, were able to cast an Electoral College vote for President Bush.

But that's not the reason to support this bill. The reason to support this bill is to have an open dialogue, a dialogue of presidential candidates, the most important office in this land. New York should no longer be ignored in this process.

We are, in fact, totally ignored. We're trying, by this bill, to reform the process to bring both the major-party candidates into New York and have them campaign in an aggressive way so that the voters of this state can be better informed about the candidates and in effect we have a more fair and better presidential process.

SENATOR SCHNEIDERMAN: Thank you.

Through you, Madam President. As the sponsor indicated, this would change the system so that the electors would be selected by Congressional district.

Wouldn't this create even more pressure than already exists in our redistricting process for Congressional districts to create more partisan, more gerrymandered districts because the stakes would be even higher? The determination of the lines of the Congressional district would become an incredibly politically charged decision. Is that not a concern?

SENATOR NOZZOLIO: Madam President, certainly to do the right thing, to choose Congressional districts that are

compact, contiguous and fair, is a process that is always the responsibility of this legislative body. That the courts oversee that process, that it is a process that is highly charged politically, unquestionably, but it is still our responsibility.

And whether or not this is another element that adds to the burden of that responsibility, I think it's certainly an effort that we have to undertake, it's an effort that we shouldn't shy away from.

And what this measure is trying to do is to ensure interest in the presidential election process, to ensure fairness, and to ensure that those many voters of this state who are frankly disenfranchised by the current process -- and that we believe that by offering this reform we in fact establish more interest in the presidential election and more fairness in the way New York chooses its electors.

SENATOR SCHNEIDERMAN: Thank the sponsor for his answers.

Madam President, on the bill.

ACTING PRESIDENT YOUNG: Senator

Schneiderman, on the bill.

SENATOR SCHNEIDERMAN: I suppose if every other state in the country did this, there would be an argument for making the change that's proposed by this legislation. And I think that the other states that have chosen to do this tell you a lot about the harm that could be done to New York if this bill became law.

The only states that currently have the proposed system are Maine and Nebraska, very small states, for a very, very good reason. This legislation increases the power of small states. It takes away the potential of a large state -- and none of the other large states have gone for this -- the potential of a large state to be such a desirable block of electoral votes that it requires attention from the presidential candidates.

And I respectfully submit that we get a tremendous amount of attention when the process by which the parties select presidential candidates is not closed. We have vigorous democratic primaries here. Bill

Clinton had to spend a lot of time in New York and developed a relationship, liked it so much now he lives here.

But it may be that the problem in the Republican Party of throwing presidential candidates off the ballot and attempting to prevent primaries so that presidential candidates don't come to New York and get to know us is something that could be addressed internally within that party.

But absent a move of lots of other big states to do this, this would simply hurt New York. This would give a further advantage to small states.

And again, I think that the politics of this is pretty clear. This is not being done in Texas. This is not being done in Florida. This is an effort to reduce a predominately Democratic state's influence on the presidential -- the outcome of presidential elections. I think it's pretty nakedly political.

I understand the argument for it. If it was done on a national basis, maybe there would be an argument for us doing it.

But for us to do unilateral disarmament and decrease the power of our own state to influence the presidential election I think is just foolish.

And I respectfully suggest that everyone vote no on this bill.

ACTING PRESIDENT YOUNG: Senator Connor.

SENATOR CONNOR: Thank you, Madam President.

Just let me say at the outset, this bill has nothing to do with ballot access. The way presidential candidates get on the November ballot now, they get on statewide rather than Congressional districts, it's the same way. The state committee files a certificate and designates them, you know, after the party national conventions pick the candidates.

So this has nothing to do with petitioning or how people get on the ballot. That's all primary stuff. It has nothing to do with how electors get on.

As Senator Schneiderman pointed out, Maine has this system. But Maine has two

Congressional districts. Nebraska has it. And I would suggest, Madam President, that if Senator Nozzolio thinks that Nebraska is a paragon of the way government ought to operate, perhaps he ought to put a bill in to make New York a nonpartisan unicameral legislature, the way Nebraska is. That might be popular with some people on this side of the aisle. I doubt that it would be in the majorities here.

The problem with this bill is that, as Senator Schneiderman noted, Florida, Texas, Pennsylvania, California, none of the other large states have it. And in effect, for New York to unilaterally adopt this -- and it's not going to adopt it, we know that -- would be the political castration of New York.

Why would any candidate pay attention to New York if the best you could do there is pick up an edge of maybe three or four votes by winning most of the Congressional districts, but not all. And it would relegate New York to the same status as a relatively small state that has four electoral votes, because that's all that would

be at stake in terms of the difference.

And, Madam President, I'm anticipating an answer: Well, we can't control what other states do. Yes, we can, Madam President. This Legislature, Senator Nozzolio, any member here can introduce a resolution for a constitutional amendment to the United States Constitution.

And if you're really serious about reform, you will put forth that resolution, circulate it to colleagues in other state, because the states and the state legislatures can initiate a constitutional amendment to the United States Constitution. I don't mean ratify; we also ratify. But you can initiate it in the state legislative level. You can call a convention for the state to initiate it as well, federally.

And if this is a good idea, I suggest that Senator Nozzolio, Madam President, puts that before us, gets the ball rolling on that so that, when you amend the United States Constitution to adopt his proposal, there will be a level playing field between California, between New York, between

Texas.

And to fail to do that and to suggest that New York ought to act unilaterally is politically focused, shall I say, Madam President, to basically take away New York's strength vis-a-vis other large states.

Another concern is if you go to this system, if you do it nationwide, if everybody thought that the recount in Florida -- and they did: Oh, it's terrible, it took so long, what a mess. Recounts always take long. We know that in this body. And they seem messy.

But I suggest -- not that it hasn't happened; we've seen statewide recounts in New York in our recent memory. But the smaller the constituency, the more likely the result -- and I'm not a mathematics professor. I'm sure my oldest son could explain the principle: large numbers, small numbers, something or other, random something or others. But the smaller the constituency, the smaller the electorate, the more likely the margin is to be extremely close, such as to

warrant contests and recounts.

You know, think about it. How many times have you heard of a town council member's race or a small town supervisor race being decided by three or four votes? More often than you've heard about Congressional races being decided by three or four votes, but we've heard of those too.

Certainly -- so when you have a statewide system, the likelihood of the debilitating contest going on after the election -- when I say debilitating, debilitating to the body politic at large -- is enhanced. So if you went to this system, if you did it nationwide, you would have the presidency inevitably hanging in the balance in a handful of the congressional districts around the country, or even potentially in New York State, where there had to be long, lengthy recounts.

So I'm not sure this is a wise system, but I know one thing, Madam President. If you're going to adopt this, force all states to adopt it. Or New York will lose all of its influence in national elections.

And it's within the power of the sponsor here to put this forth as a federal constitutional amendment. And if he's really concerned that this is a better system than the others, he can't just say, I can't control what California or Texas does. He should come forward, not with this bill, but with a bill to amend the United States Constitution.

ACTING PRESIDENT YOUNG: Thank you, Senator Connor.

Senator Nozzolio.

SENATOR NOZZOLIO: Madam President, on the bill.

ACTING PRESIDENT YOUNG: On the bill.

SENATOR NOZZOLIO: It's not surprising to me that my colleagues on the other side of the aisle would not support this measure. Even though it does enfranchise our state, it may not enfranchise a particular region that you're concerned with.

That the lock of focus of presidential elections, particularly on the City of New York -- Democrats, large concentration, one of the largest

concentrations in the country -- that this is fine in terms of reform as long as you're not being reformed.

That you speak much of reform, much of access, much of opening the process, much about having adequate debate. Frankly, that's fine for others, but when it comes to you stepping up to the plate and saying, yeah, let's have it here in New York -- well, maybe not really.

Marty, my good friend, you talk about me introducing another constitutional amendment. We don't need a constitutional amendment. We have the power and the authority within our constitution to change and select what process we as a state wish to engage in for the choosing of electors. The Founding Fathers gave us that right. We have that right. We don't need any other rights.

We're not suggesting by this bill that other states do this uniformly if they don't want to. We're saying this bill provides New York the opportunity to reform itself, to open its process, to make the presidential election process as exciting in

this state as it is in other states, as open, as competitive in this state as it is in other states. That's what this bill does.

You're going to great lengths, I think, my colleagues on the other side of the aisle, to describe what could be or should be done by other states or what -- frankly, I think that is a red herring. What we have in this house is the authority to decide the process based on the federal Constitution on how we choose an electoral -- a member of the electoral college. I'm suggesting that process should be -- that we should take this step.

Now, I've never heard New Yorkers say we want all states to do it. Frankly, I hear in this legislative house and in the house across the hall about how New York's in the lead, we want to take the first step. Now you're saying we should take the last step.

Well, I think it's another two-step that we're hearing from you. And when it comes time to reform the process and make it more open, what we get is a bunch of two-step rhetoric.

Madam President, this bill provides us an opportunity to have a presidential election, not just in a couple of boroughs in the City of New York, but in Syracuse, in Rochester, in Buffalo, in Binghamton, even in Yonkers and in Albany. We want more presidential process in election, not less. This bill gives us more.

ACTING PRESIDENT YOUNG: Thank you, Senator Nozzolio.

Senator Valesky.

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

ACTING PRESIDENT YOUNG: Senator Valesky, on the bill.

SENATOR VALESKY: I certainly understand and appreciate the rich tradition that we have in this country of state's rights. In fact, it was critical to the Founding Fathers' efforts over 225 years ago.

And we certainly have the ability to approve this particular piece of legislation. But I would submit to this body that the responsibility of how we elect the President of the United States ought to be

left to leadership at the federal level.

Whether we talk about the electoral college and any reform, whether we talk about how we apportion electors, it is a system -- and I understand that the states of Maine and Nebraska do it differently than the other 48 states. But this is something that ought to be left to the leadership and guidance at the federal level.

I was interested to note that Senator Nozzolio referred, I believe, to Senator Schneiderman in talking about Congressional districts being compact and contiguous and fair. I think he's absolutely right. And as he will recall, that the City of Auburn, which he and I share in representation here in this State Legislature, before the previous reapportionment actually was split among three different Congressional districts. One relatively small upstate New York City split between three different Congressional districts.

So it seems to me that the issue that we ought to be talking about today is how we draw district lines, whether it be for

Congress, for the State Senate, for the State Assembly.

There are a number of bills that have been introduced in this house and in the other that would create an independent redistricting commission to take to, as great a degree as possible, politics out of the redistricting process. And I would hope that in the week that remains in this legislative session, we will have an opportunity to debate and vote on a bill that would create an independent redistricting commission.

Thank you, Madam President.

ACTING PRESIDENT YOUNG: Thank you, Senator Valesky.

Any other member wishing to be heard?

Then the debate is closed, and the Secretary will ring the bell.

Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

SENATOR SKELOS: Madam President.

ACTING PRESIDENT YOUNG: Senator Skelos.

SENATOR SKELOS: If I could explain my vote.

ACTING PRESIDENT YOUNG: Explain your vote, please.

SENATOR SKELOS: I am absolutely amazed seeing all the hands going up from the left in such a negative way.

When you sit here and -- and, Senator Nozzolio, I want to thank you for this bill. Because many times when you sit and read legislation, you don't know how significant it is until you really focus in on the bill -- but, also, when you hear some of the negative comments.

What is more sacred in our country than electing the president of the United States, the electoral process that people have lost their lives over in order that we have the opportunity to vote for president?

And I'm just shocked, shocked at all the negative votes that would say: New York State, let the feds tell you what to do,

let the federal government tell us what to do.

I believe in leading. This Majority, Senator Nozzolio believes in leading.

And unfortunately, the Minority here that seems to indicate constantly reform, reform, dysfunction, when you have legislation here that can really reform and make New York State stand out, they tiptoe around it, they have excuses, rather than doing away with this dysfunctional system that would allow one person to make the determination as to who potentially could be the president of the United States of this great country. Shame on you.

Madam President, I proudly support this legislation.

ACTING PRESIDENT YOUNG: Thank you, Senator Skelos.

Senator Schneiderman, to explain his vote.

SENATOR SCHNEIDERMAN: Thank you, Madam President.

Just to -- since we are doing a countdown to reform on our side of the aisle,

and Senator Skelos brought up the issue of reform, every bill that is labeled reform is not necessarily a good reform. There are many pieces of legislation that are called reform. And we have a very artful process of naming bills these days -- not that Senator Nozzolio has done that with this bill -- that sometimes give very misleading titles.

But certainly on our side of the aisle -- and we welcome any attention to any of the reform measures that we've been talking about since last week.

Today we're talking about redistricting reform, very much on point to the discussion we've just had. Let's have an independent redistricting commission to give us fair Congressional districts however we're choosing our electors.

So we do have substantial reform proposals, and we do have a commitment that we will pursue those proposals, even when we have the power to do otherwise. And I do suggest that there are numerous reform proposals on the table today that have passed the Assembly in the areas of electoral reform, the area of

Rockefeller drug reform and other issues, that if the Majority would take them up, we would be happy to vote with you on, to stand with you on.

I think that it's really unfortunate that we try and cast aspersions on people legitimately expressing different points of view on a questionable procedure when there are so many clearly positive reforms that we are in danger of adjourning again without addressing.

I vote no, with all due -- with understanding of the motivation and of the strategy that's involved in this. This is a political move, and I don't think we're pretending otherwise.

But in terms of real reform, we're there all the way. We'd love to be with you all before the session adjourns.

Thank you.

ACTING PRESIDENT YOUNG: Thank you, Senator Schneiderman.

The Secretary will announce the results.

THE SECRETARY: Those recorded in

the negative on Calendar Number 1239 are Senator Andrews, Breslin, Brown, Connor, Diaz, Dilan, Duane, Gonzalez, Klein, L. Krueger, C. Kruger, Montgomery, Onorato, Parker, Paterson, Sabini, Savino, Schneiderman, Serrano, A. Smith, M. Smith, Stachowski, Stavisky and Valesky. Also Senator Oppenheimer.

Those Senators absent from voting: DeFrancisco, Hassell-Thompson, Maltese, Padavan and Sampson.

Ayes, 32. Nays, 25.

ACTING PRESIDENT YOUNG: The bill is passed.

SENATOR SKELOS: Madam President.

ACTING PRESIDENT YOUNG: Senator Seward.

SENATOR SEWARD: Yes, Madam President, I was unavoidably out of the chamber earlier today when Calendar Number 826, Senate Bill S3158B, passed this chamber. And I would request that the record show that had I been in the chamber, I would have enthusiastically voted yes on this worthy piece of legislation.

ACTING PRESIDENT YOUNG: Thank you, Senator Seward. The record will so reflect.

SENATOR SEWARD: Thank you.

ACTING PRESIDENT YOUNG: Senator Morahan.

SENATOR MORAHAN: Thank you, Madam President. Would you please continue in regular order, starting with Calendar 1537.

Thank you.

ACTING PRESIDENT YOUNG: The Secretary will read.

THE SECRETARY: Calendar Number 1537, by Senator Spano, Senate Print 5116, an act to amend the Environmental Conservation Law.

SENATOR ONORATO: Explanation.

ACTING PRESIDENT YOUNG: Senator Spano, an explanation, please.

SENATOR SPANO: Madam President, this bill says that the provisions of law and the rules and regulations that are in effect on the date of filing an application for an environmental quality review would continue to apply to that review throughout the entire

process until the appeals is complete.

We have seen some municipalities attempting to change the rules after the start of the game. This would prohibit that practice.

ACTING PRESIDENT YOUNG: Thank you, Senator Spano.

Senator Schneiderman.

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

ACTING PRESIDENT YOUNG: Senator Spano, do you yield?

SENATOR SPANO: Yes.

SENATOR SCHNEIDERMAN: This bill states that a local government is not allowed to change the rules if a developer has filed -- and this is the language -- an application and an environmental assessment form with an agency.

I take it from that that all that is required of a developer is filing a form and an application, and that the environmental assessment process does not need to be completed for this bill to be in effect.

SENATOR SPANO: It's the -- it's the application and environmental form which are the mechanism that trigger the SEQRA review.

SENATOR SCHNEIDERMAN: But through you, Madam President, there's no requirement that any environmental assessment have been undertaken, that any of the process having gone forward, just that the initial application and form have been filed.

Is that not correct?

SENATOR SPANO: Is there another form that I'm missing?

SENATOR SCHNEIDERMAN: Through you, Madam President, I'm not referring to the filing of an additional form.

There is an entire review process, an environmental analysis that takes place. None of that, as I read this bill, would be required before a local government or agency is frozen out of the change.

SENATOR SPANO: The environmental review process is the process that will occur after the filing of the application.

SENATOR SCHNEIDERMAN: Thank you.

Thank the sponsor for his answers.

Madam President, on the bill.

ACTING PRESIDENT YOUNG: On the bill.

SENATOR SCHNEIDERMAN: I think that the difficulty with this piece of legislation is that this is really a remarkable giveaway to developers.

I would call everyone's attention to the opposition memo of Environmental Advocates that makes the historical argument about SEQRA, the State Environmental Quality Review Act, and makes it clear that this legislation would create an enormous loophole.

Essentially, what a developer could do is say: I know this municipality has under consideration changing its rules for development. I can freeze that simply by filing a form. You know, we don't have to wait until the whole process is done.

This is the equivalent of those situations where a developer shows up with the bulldozers in the middle of the night and tries to get in the ground before there's a zoning change, but it would be done just with

a piece of paper.

So I understand the concern that there are times when there's a perception of unfairness when local governments change their rules. But I would respectfully suggest that this is more of a David and Goliath situation than most areas, where you have well-funded developers with all the good legal advice that they need that attempt to take advantage of small local governments.

And this would just open an enormous loophole. This would enable, with the filing of a form, the developers to freeze local government from making changes that they may have in the works for years.

And I respectfully suggest that that is not the way to proceed. That's not -- this is very -- a bill that should be of very much concern to anyone who cares about the preservation of our environment, and it should be of concern to anyone who cares about us empowering local government. We have a lot of talk here about needing to help local governments, needing to get them relief from unfunded mandates. This would be a tremendous

blow to the power of local governments across the state.

And I think that if the sponsor is serious about the problem, some modification to at least require the developer to be further along in the process before the municipality is barred from taking action would be appropriate. As drafted now, this makes it all too easy for a developer to take advantage of the situation.

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

ACTING PRESIDENT YOUNG: Thank you, Senator Schneiderman.

Any other Senator wishing to be heard?

Then the debate is closed, and the Secretary will ring the bell.

Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: The

Secretary will announce the results.

Senator Spano.

SENATOR SPANO: Madam President, can I ask that we withdraw the roll call and lay the bill aside.

ACTING PRESIDENT YOUNG: The roll call is withdrawn, and the bill is laid aside.

Senator Maltese.

SENATOR MALTESE: Madam President, I was out of the chamber on Senate business during a vote on Senate 1750, Calendar 1239, by Senator Nozzolio. Had I been in the chamber, I would have voted aye.

ACTING PRESIDENT YOUNG: Thank you, Senator Maltese. The record will so reflect.

Senator Padavan.

SENATOR PADAVAN: I echo the comments of my esteemed colleague Senator Maltese.

ACTING PRESIDENT YOUNG: Thank you, Senator Padavan. The record will so reflect.

Senator Morahan.

SENATOR MORAHAN: Yes, Madam

President. Can we continue with the calendar, with 1540, by Senator Johnson.

ACTING PRESIDENT YOUNG: Thank you, Senator Morahan.

The Secretary will read.

THE SECRETARY: Calendar Number 1540, by Senator Johnson, Senate Print 5270, an act to amend the Civil Practice Law and Rules.

SENATOR SCHNEIDERMAN: Explanation.

ACTING PRESIDENT YOUNG: Senator Johnson, an explanation has been requested.

SENATOR JOHNSON: Madam President, the purpose of this bill is to safeguard the flow of funds from the tobacco master settlement agreement to the state by limiting the supersedes bond that MSA signatories and their successors and affiliates and nonparticipating manufacturers must post to stay the execution of a judgment during appeal to $100 million, regardless of the value of the judgment.

ACTING PRESIDENT YOUNG: Thank you, Senator Johnson.

Senator Schneiderman.

SENATOR SCHNEIDERMAN: Thank you, Madam President.

And I'd like to thank the sponsor for his explanation and speak on the bill.

ACTING PRESIDENT YOUNG: Senator Schneiderman, on the bill.

SENATOR SCHNEIDERMAN: This piece of legislation I believe is, again, completely unprecedented. It would amend the Civil Practice Law and Rules of the State of New York to provide that with regard to one particular industry, the tobacco industry, we will remove the requirement that a bond be posted after a defendant loses a case.

The purpose of posting a bond, ladies and gentlemen, is to ensure that where you have a defendant that engages in wrongful conduct and is found culpable, that you protect plaintiffs, that there should be a protection that they're going to be able to recover from those who are found, through our legal process, to have committed wrongful acts.

Now, I would urge that this would

be a bad idea for any industry, but it's particularly offensive for the tobacco industry. This says that no matter how many bad actions they are found to have committed in litigation going forward, no matter how much they've had cigarettes that were available to them, through research, with lower levels of nicotine that they scuttled those and hid them away because they wanted people to be addicted, it doesn't matter. They get an exemption from the requirement that everyone else is subject to, that you post a bond so that people can recover if they are harmed by your wrongdoing.

The tobacco industry again has been found on numerous occasions to have committed just such cover-ups. This bill would say, You know what, even if there's findings that the tobacco industry singled out and targeted the African-American community, the Latino community to try and get young kids hooked on cigarettes, that they're going to be exempt, they're going to be exempt from liability in a way that no one else is.

This is not a piece of legislation

that we should be taking up. We should be going after the tobacco industry, we should be ensuring that their wrongful conduct, which they've already been found to have committed, is not supported and abetted in New York State. We should be helping to get our kids off tobacco.

And I think it's -- you know, I'm surprised in some respects that we're seeing this bill. Obviously one of the leaders I think, you know, probably rising to the level of national leadership in the effort to put an end to tobacco addiction is Senator Fuschillo.

And yet this bill would essentially exempt the tobacco industry, just require them to post, you know, a bond, it sets a particular limit on a bond, which everyone knows $100 million is nothing close to covering all of the injury caused by tobacco in this state.

So I suggest that this is the wrong way to handle a difficult issue. If there's a question about tobacco companies having trouble financially, it's because they're having trouble financially because they've

done a lot of wrong and they're being held liable for it. This is not the way we should be addressing it.

If the concern is that we are, as people are hooked on nicotine, now we're hooked on tobacco revenue to fund important programs in this state, then shame on us as a legislature for balancing our books that way.

You know, we sometimes talk about the direction of our financing and whether we're moving in a way that's progressive or regressive. We're moving in a way that's not just a matter of progressive or regressive, we seem to be moving in a way that's immoral.

I mean, if we're going to be relying on gambling and tobacco revenues to fund our schools, we're headed in a very strange direction for a government that used to be the progressive model for health and safety laws in this state.

Don't forget that much of the New Deal's protection of workers, protection of women and children, protection, ultimately, of all of our citizens in the areas of public health were modeled on legislation passed in

New York State. Shame on us if we move in the opposite direction.

I urge everyone to vote no on this bill.

ACTING PRESIDENT YOUNG: Thank you, Senator Schneiderman.

Senator Johnson.

SENATOR JOHNSON: I'd like to correct Senator Schneiderman's remarks. I mean, he's usually very accurate, but I think -- I don't know what happened here, he's off the track today, because he didn't read the bill. And if he read the bill, he would know that what he said wasn't true.

He said it's unprecedented something like this should take place, this limiting the appeal bond. And it's been done for the very tobacco industry in 40 other states and communities.

He said that we're relieving the person with the judgment against them of the necessity of posting a bond. No, we're actually saying we want them to post a bond in order that they may go forward with their appeal of the erroneous, in their opinion,

judgment. And that's all we're doing, is we're giving them their day in court to make an appeal.

Now if, as Senator Schneiderman said, no one should be able to appeal any judgment, then I think he's in a different state than we're in here, or a different country. Because everyone has an opportunity to appeal a judgment.

But when it's a $12 billion judgment, as it was in Ohio in 2003, that would have bankrupted the entire tobacco industry, not just one company. Obviously, it was too much. So finally they got that negotiated down to a lower level so that they could post a bond which was a reasonable amount of money and the appeal could go forth in Ohio.

This does not ultimately limit any amount of the judgment. This just lets them appeal. If the appeal come goes through and the judgment is the same, they'll have to pay the judgment. But at least they'll have their right -- their day in court. I think they're entitled to that.

In fact, the City Council asked for this bill because they want to have their day in court -- they want to make sure, rather, that their MSA money from the tobacco settlements keeps coming forth. And a lawsuit like this would prevent judgments from coming forth if you couldn't make an appeal in a case like that.

So the City Council has asked for this. Albany County asked for it, Suffolk County asked for it, Nassau County asked for it, Westchester asked for it, Rockland asked for it, rural Erie County asked for it. Practically every community that is aware of this bill is supporting this because they know that this is the only way to safeguard the continued flow of tobacco dollars which they depend upon for the operation of their government, and as well as the state.

So it's a good bill. It passed last year. It should pass this year.

ACTING PRESIDENT YOUNG: Thank you, Senator Johnson.

Any other Senator wishing to speak?

Then the debate is closed, and the

Secretary will ring the bell.

Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Announce the results.

THE SECRETARY: Those recorded in the negative on Calendar Number 1540 are Senator Andrews, Connor, Diaz, Dilan, Duane, L. Krueger, C. Kruger, Montgomery, Oppenheimer, Parker, Paterson, Schneiderman, Serrano, Stachowski, Stavisky and Valesky.

Those Senators absent from voting: DeFrancisco, Gonzalez, Hassell-Thompson and Sampson.

Also recorded in the negative, Senator Brown.

Ayes, 41. Nays, 17.

ACTING PRESIDENT YOUNG: The bill is passed.

Senator Morahan.

SENATOR MORAHAN: Yes, Madam

President. Can we proceed with Calendar 1555, by Senator Balboni.

ACTING PRESIDENT YOUNG: The Secretary will read.

THE SECRETARY: Calendar Number 1555, by Senator Balboni, Senate Print 5605, an act to amend the Penal Law and others.

SENATOR SCHNEIDERMAN: Brief explanation.

ACTING PRESIDENT YOUNG: An explanation has been requested.

SENATOR BALBONI: Madam President, I have good news for this chamber. Pursuant to an agreement I've worked out with my conference, I'm not to speak anymore to the end of the session. I know that that is going to cause great consternation among no one here.

The reason why I rise on this bill is because we have seen most of the provisions that are here beforehand. This is a Governor's program bill, and it's referred to as Terrorism III. We've done the first two acts.

And basically what that bill does

is it talks about the bills that we've already passed in this chamber, with most of your votes in favor, on both sides of the aisle. Cyberterrorism, agri-terrorism, and then it goes into some of the financial crimes that terrorists use.

And so, ladies and gentlemen, as we pass this bill today I would just end my remarks by saying that why are we doing the bill? It's the end of session. This is a one-house bill. And the question I ask to all of you, with all sincerity and seriousness, what were we doing on September 10th? We've gone back, in my opinion, to those days before September 11th. Complacency is amongst us.

Thank you, Madam President.

ACTING PRESIDENT YOUNG: Thank you, Senator Balboni, for that brief explanation.

Senator Schneiderman.

SENATOR SCHNEIDERMAN: Thank you, Madam President. Very briefly on the bill.

I very much appreciate Senator Balboni's candor. This is a one-house bill addressing an extremely serious subject. And

I respect the fact that while there are people who are really sort of losing their focus on the need to protect ourselves from terrorism, that's certainly not the case with Senator Balboni.

However, this legislation as drafted has some provisions in it that make it impossible for us to go forward and make it a two-house bill. Many of us have voted against it for those reasons.

Very briefly, the two things that I will address are that this bill includes in it a provision for roving wiretaps. Now, the Fourth Amendment of the Constitution rules out unreasonable searches and seizures. It strikes a balance between the needs of law enforcement and the rights of people to be secure in their person and in their homes.

A roving wiretap blows that idea out of the water. Rather than a focusing on a specific phone, roving wiretaps follow the suspect. And any one of us could get caught up, without realizing it, in a roving wiretap. It's something that is like a floating no-privacy zone. We never know where they're

going to be.

That's something that we've expressed concerns about before. I believe that needs to be taken out of this bill before it's going to become a law.

The second thing is -- and this, I think, is really almost a no-brainer, from my point of view. This bill creates a broad good-faith exemption to the exclusionary rule which would essentially reward police officers who intentionally act illegally, go commit illegal searches and then lie about it.

There's a very limited good-faith exception for police officers who in good faith rely on a warrant. But the warrant has been duly issued, the procedures have been followed.

That should not be expanded, as this bill would do it, to mean that any police officer acting illegally, conducting an illegal search, if he just says, Well, I thought it was okay, he'd get away with it. That is a major problem with this legislation.

For those reasons and for several others, I don't think we should -- I'm not

going to support this bill. But I do think it's important for us to move along in the discussion. I hope we'll have further negotiations with the Assembly on the broad issue of terrorism and our needs to change the law.

But I would submit to you, my colleagues, it is not necessary to subvert the Constitution in order to protect it. The things that make this country great and worth defending and the target of terrorists are some of the things we are in danger of eroding.

The House of Representatives, with a majority on the other side of the aisle, voted Wednesday to block a provision of the USA Patriot Act that makes it easier for federal investigators to review the records of libraries and bookstores on national security grounds. So I think we may be coming back to our senses in terms of striking a balance between individual rights and the need to combat terrorism.

Let's preserve our civil liberties where we can, and let's fight terrorists where

we have to. I believe this bill does not strike the balance as currently drafted. But I do hope we will have the opportunity before -- I guess not this year, but certainly next year, to all vote together on a bill that does address these issues.

Thank you, Madam President.

ACTING PRESIDENT YOUNG: Thank you, Senator Schneiderman.

Any Senator wishing to be heard?

Then the debate is closed, and the Secretary will ring the bell.

Senator Morahan.

SENATOR MORAHAN: Thank you, Madam President. I just want to advise the members that after this vote is announced, that there may be another Rules Committee meeting today, and that calendar will be coming out to the floor.

As well as there may be a conference of the Majority.

ACTING PRESIDENT YOUNG: Thank you, Senator Morahan.

Read the last section.

THE SECRETARY: Section 39. This

act shall take effect immediately.

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Senator Balboni, to explain his vote.

SENATOR BALBONI: Madam President, in an effort to just provide a brief bit of clarification in the arguments that were made by Senator Schneiderman on this bill, there are three points of controversy regarding this particular measure. And each one of them have been addressed before and have been reviewed, in fact, by the United States Supreme Court.

One of them is a roving wiretap that is currently used against organized crime. And with technology evolving the way it is, where people are not using landlines anymore, they're using cellphones, a wiretap to the person, as opposed to the instrument, makes eminent sense and is a recognition of the evolving technology.

Second is the good-faith exception. If you find something as it relates to the

crime of terrorism, then you can have a good-faith exception to the warrantless search provisions of the United States Constitution. But a judge has to decide it's in good faith.

And, lastly, there is to have the ability of uncorroborated testimony used to convict the individual for the crime of terrorism, but that has to be decided by a jury and a judge.

We have discussed these issues before. They are of concern. I agree with Senator Schneiderman, this bill can be worked on. Hopefully we'll get a better package as it comes through here. But I'm going to vote yes and urge the chamber to vote yes.

Thank you, Madam President.

ACTING PRESIDENT YOUNG: Thank you, Senator Balboni. You will be recorded in the affirmative.

The Secretary will announce the results.

THE SECRETARY: Those recorded in the negative on Calendar Number 1555 are Senators Andrews, Connor, Dilan, Duane, L. Krueger, Montgomery, Parker, Paterson,

Sabini, Schneiderman, Serrano, A. Smith and Stavisky.

Those Senators absent from voting: DeFrancisco, Diaz, Hassell-Thompson and Sampson.

Ayes, 45. Nays, 13.

ACTING PRESIDENT YOUNG: The bill is passed.

Senator Morahan.

SENATOR MORAHAN: Thank you, Madam President. There will be a Rules Committee meeting in a little bit. In the meantime, are there any -- and we may take that calendar up when it's reported out from Rules.

Meanwhile, is there any housekeeping at the desk? Return to motions and resolutions.

ACTING PRESIDENT YOUNG: Yes, we have motions and resolutions.

SENATOR MORAHAN: If we can take those up at this time, Madam President.

ACTING PRESIDENT YOUNG: Motions and resolutions.

Senator Farley.

SENATOR FARLEY: Thank you, Madam President. On behalf of Senator LaValle, I wish to call up his bill, Print Number 419, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT YOUNG: The Secretary will read.

THE SECRETARY: Calendar Number 840, by Senator LaValle, Senate Print 419, an act to amend the Education Law.

SENATOR FARLEY: I now move to reconsider the vote by which this bill passed.

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

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

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

ACTING PRESIDENT YOUNG: The amendments are received.

SENATOR FARLEY: Madam President, on behalf of Senator Balboni, I wish to call up his bill, Print Number 936A, which was recalled from the Assembly and it's now at the

desk.

ACTING PRESIDENT YOUNG: The Secretary will read.

THE SECRETARY: Calendar Number 1146, by Senator Balboni, Senate Print 936A, an act to amend the Insurance Law and the Public Health Law.

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

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

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

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

ACTING PRESIDENT YOUNG: The amendments are received.

SENATOR FARLEY: Madam President, on behalf of Senator DeFrancisco, on page 52, Calendar Number 1397, Senate Print 4855A, I offer the following amendments.

Also, for Senator Leibell, on page 28, Calendar Number 818, Senate Print 4558.

And on behalf of Senator Saland, on page 48, Calendar Number 1271, Senate Print 5048A.

And also on behalf of Senator Winner, on page 53, Calendar Number 1513, Senate Print 4835.

On behalf of Senator Winner, on page 54, Calendar Number 1529, Senate Print 5611.

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

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

Senator Bonacic.

SENATOR BONACIC: Thank you, Madam President. I wish to call up my bill, Print Number 4656A, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT YOUNG: The Secretary will read.

THE SECRETARY: Calendar Number 1257, by Senator Bonacic, Senate Print 4656A,

an act to amend the Correction Law.

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

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

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

SENATOR BONACIC: I now offer the following amendments.

ACTING PRESIDENT YOUNG: The amendments are received.

SENATOR BONACIC: Thank you, Madam President.

I now wish to call up a bill by Senator Hannon, Print Number 4569, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT YOUNG: The Secretary will read.

THE SECRETARY: Calendar Number 982, by Senator Hannon, Senate Print 4569, an act to amend the Public Health Law and the General Business Law.

SENATOR BONACIC: I now move to

reconsider the vote by which the bill was passed.

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

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

SENATOR BONACIC: Madam President, I now move to recommit the bill to the Committee on Health.

ACTING PRESIDENT YOUNG: So ordered.

SENATOR BONACIC: Thank you.

Madam President, I now wish to call up Calendar Number 904, Assembly Print Number 8295.

ACTING PRESIDENT YOUNG: The Secretary will read.

THE SECRETARY: Calendar Number 904, by Member of the Assembly Weinstein, Assembly Print Number 8295, an act to amend the Civil Practice Law and Rules.

SENATOR BONACIC: I now move to reconsider the vote by which this Assembly bill was substituted for Senator DeFrancisco's

Senate bill, Print Number 4842, on June 16th.

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

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

SENATOR BONACIC: I now move that Assembly Bill Number 8295 be committed to the Committee on Rules and Senator DeFrancisco's bill be restored to the order of the Third Reading Calendar.

ACTING PRESIDENT YOUNG: So ordered.

SENATOR BONACIC: I now offer the following amendments.

ACTING PRESIDENT YOUNG: The amendments are received.

SENATOR BONACIC: Madam President, I have one more for you.

I move that the following bills be discharged from their respective committees and be recommitted with instructions to strike the enacting clause: By Senator Young, Senate Bill 5590.

ACTING PRESIDENT YOUNG: So

ordered.

SENATOR BONACIC: Thank you, Madam President.

ACTING PRESIDENT YOUNG: Senator Nozzolio.

SENATOR NOZZOLIO: Madam President, I wish to call up, on behalf of Senator Leibell, Print Number 5224, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT YOUNG: The Secretary will read.

THE SECRETARY: Calendar Number 1127, by Senator Leibell, Senate Print 5224, an act to amend the Public Authorities Law.

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

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

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

SENATOR NOZZOLIO: I now offer the following amendments.

ACTING PRESIDENT YOUNG: The

amendments are received.

Senator Morahan, we have substitutions.

SENATOR MORAHAN: Yes, please make the substitutions.

ACTING PRESIDENT YOUNG: The Secretary will read.

THE SECRETARY: On page 11, Senator Hannon moves to discharge, from the Committee on Rules, Assembly Bill Number 2721 and substitute it for the identical Senate Bill Number 2547, Third Reading Calendar 324.

And on page 13, Senator Libous moves to discharge, from the Committee on Rules, Assembly Bill Number 4454B and substitute it for the identical Senate Bill Number 1820B, Third Reading Calendar 379.

ACTING PRESIDENT YOUNG: Substitutions ordered.

Senator Morahan.

SENATOR MORAHAN: Yes, Madam President. There will be a meeting of the Rules Committee at 2:25 in the Majority Conference Room, Room 332.

And we'll stand at ease at the

moment.

ACTING PRESIDENT YOUNG: Thank you, Senator Morahan.

There will be a meeting of the Rules Committee at 2:25 in Room 332.

The Senate will stand at ease.

(Whereupon, the Senate stood at ease at 2:18 p.m.)

(Whereupon, the Senate reconvened at 2:43 p.m.)

ACTING PRESIDENT YOUNG: Senator Morahan.

SENATOR MORAHAN: Thank you, Madam President. May we return to reports of standing committees. I understand there's a report of the Rules Committee at the desk. I'd like to have that read.

ACTING PRESIDENT YOUNG: Thank you, Senator Morahan.

Reports of standing committees.

The Secretary will read.

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

Senate Print 38, by Senator

DeFrancisco, an act to amend the Tax Law;

271, by Senator Volker, an act to amend the Local Finance Law;

1613, by Senator Robach, an act to amend the Penal Law;

1713, by Senator Seward, an act to amend the Tax Law;

2413, by Senator Alesi, an act to amend the Social Services Law;

2431, by Senator Padavan, an act to amend the Tax Law;

2471, by Senator Fuschillo, an act to amend the Penal Law;

2510A, by Senator Farley, an act to amend the Education Law;

2617A, by Senator Winner, an act to amend the Real Property Law;

3004, by Senator Larkin, an act to amend the Civil Service Law;

3113, by Senator LaValle, an act to amend the Vehicle and Traffic Law and the State Finance Law;

3236A, by Senator LaValle, an act to amend the Education Law;

3535A, by Senator Young, an act to

amend the Real Property Tax Law;

3827A, by Senator Golden, an act to amend the Public Health Law;

4137A, by Senator Trunzo, an act in relation to giving;

4206, by Senator Johnson, an act to amend the Public Officers Law;

4704A, by Senator Marchi, an act to amend the Tax Law;

4995, by Senator Alesi, an act to amend the Tax Law;

5111B, by Senator Spano, an act to amend the Vehicle and Traffic Law;

5321A, by Senator Winner, an act in relation to establishing;

5424A, by Senator Saland, an act to authorize;

5428, by Senator Saland, an act to amend the Education Law;

5432, by Senator Saland, an act to amend the Education Law;

5453, by Senator Bonacic, an act to amend the General City Law;

5457A, by Senator Padavan, an act to authorize;

5461, by Senator Nozzolio, an act to amend the General Municipal Law;

5490, by Senator Saland, an act to amend the Education Law;

5531, by Senator Alesi, an act to authorize;

5549, by Senator LaValle, an act relating to providing;

5577, by Senator Meier, an act to provide;

5604, by Senator LaValle, an act to amend the Education Law;

5607, by Senator Rath, an act to amend the Real Property Tax Law;

5620, by Senator Padavan, an act to amend the Real Property Tax Law;

5624, by Senator Flanagan, an act to amend the Mental Hygiene Law;

5630, by Senator DeFrancisco, an act to provide;

5632, by Senator Alesi, an act to amend the Administrative Procedure Act;

5633, by Senator Alesi, an act to amend the Economic Development Law;

5662, by Senator Libous, an act to

amend Chapter 549 of the Laws of 1994;

And Senate Print 5666, by Senator Oppenheimer, an act to amend the Tax Law.

All bills ordered direct to third reading.

ACTING PRESIDENT YOUNG: Senator Morahan.

SENATOR MORAHAN: I ask for a motion to accept the Rules Committee report.

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

(Response of "Aye.")

ACTING PRESIDENT YOUNG: Opposed, nay.

(No response.)

ACTING PRESIDENT YOUNG: The report is accepted.

Senator Morahan.

SENATOR MORAHAN: Madam President, can we return to motions and resolutions, please.

ACTING PRESIDENT YOUNG: Thank you, Senator Morahan.

Motions and resolutions.

Senator Bonacic.

SENATOR BONACIC: Thank you, Madam President.

I wish to call up a bill by Senator LaValle, Print Number 3744, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT YOUNG: The Secretary will read.

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

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

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

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

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

ACTING PRESIDENT YOUNG: The amendments are received.

SENATOR BONACIC: Thank you.

ACTING PRESIDENT YOUNG: Senator Morahan.

SENATOR MORAHAN: Yes, Madam President, we'll stand at ease for a few minutes while the calendars are being prepared and distributed.

ACTING PRESIDENT YOUNG: Thank you, Senator Morahan.

The house stands at ease.

(Whereupon, the Senate stood at ease at 2:48 p.m.)

ACTING PRESIDENT YOUNG: Senator Morahan.

SENATOR MORAHAN: Yes, Madam President. There will be an immediate meeting of the Majority conference in the Majority Conference Room.

We should be returning to the chamber at approximately 3:15, 3:20, and we'll take up the Rules calendar that we just adopted.

ACTING PRESIDENT YOUNG: Thank you, Senator Morahan.

SENATOR MORAHAN: And the Senate will stand at ease in the interim.

ACTING PRESIDENT YOUNG: There will be an immediate conference of the Senate Majority in the Majority Conference Room, and the Senate will stand at ease until 3:15.

(Whereupon, the Senate reconvened at 3:33 p.m.)

ACTING PRESIDENT YOUNG: Senator Morahan.

SENATOR MORAHAN: Thank you, Madam President.

Could we now have the reading of the noncontroversial calendar, Senate Supplemental Calendar Number 57A.

ACTING PRESIDENT YOUNG: The Secretary will read.

THE SECRETARY: Calendar Number 1570, by Senator DeFrancisco, Senate Print 38, an act to amend the Tax Law.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1571, by Senator Volker, Senate Print 271, an act to amend the Local Finance Law.

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

Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1572, by Senator Robach, Senate Print 1613, an act to amend the Penal Law.

ACTING PRESIDENT YOUNG: Read the last section.

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

SENATOR DUANE: Lay it aside, please.

ACTING PRESIDENT YOUNG: The bill is laid aside.

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

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

THE SECRETARY: Calendar Number 1573, by Senator Seward, Senate Print 1713, an act to amend the Tax Law.

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

Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1574, by Senator Alesi, Senate Print 2413, an

act to amend the Social Services Law.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1575, by Senator Padavan --

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

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

THE SECRETARY: Calendar Number 1576, by Senator Fuschillo, Senate Print 2471 --

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

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

THE SECRETARY: Calendar Number

1577, by Senator Farley, Senate Print 2510A, an act to amend the Education Law.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1579, by Senator Larkin, Senate Print 3004, an act to amend the Civil Service Law.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1580, by Senator LaValle, Senate Print 3113, an act to amend the Vehicle and Traffic Law and the State Finance Law.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1581, by Senator LaValle, Senate Print 3236A, an act to amend the Education Law.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1582, by Senator Young, Senate Print 3535A, an act to amend the Real Property Tax Law.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1583, Senator Golden moves to discharge, from the Committee on Health, Assembly Bill Number 3812A and substitute it for the identical Senate Bill Number 3827A, Third Reading Calendar 1583.

ACTING PRESIDENT YOUNG: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1583, by Member of the Assembly Perry, Assembly Print Number 3812A, an act to amend the Public Health Law.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1585, by Senator Johnson, Senate Print 4206, an act to amend the Public Officers Law.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1586, by Senator Marchi, Senate Print 4704A, an act to amend the Tax Law.

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

Read the last section.

THE SECRETARY: Section 3. This act shall take effect on the first day of a sales tax quarterly period.

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1587, by Senator Alesi, Senate Print --

SENATOR SCHNEIDERMAN: Lay it aside.

ACTING PRESIDENT YOUNG: The bill is laid aside.

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

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

THE SECRETARY: Calendar Number 1589, by Senator Winner, Senate Print 5321A, an act in relation to establishing.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1591, by Senator Saland, Senate Print 5428, an act to amend the Education Law.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1592, by Senator Saland, Senate Print 5432, an act to amend the Education Law.

ACTING PRESIDENT YOUNG: Read the last section.

THE SECRETARY: Section 18. This act shall take effect on the 180th day.

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1593, by Senator Bonacic, Senate Print 5453, an act to amend the General City Law.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the

roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1595, by Senator Nozzolio, Senate Print 5461, an act to amend the General Municipal Law.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1596, by Senator Saland, Senate Print 5490, an act to amend the Education Law.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

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

SENATOR DUANE: Thank you, Madam President.

I'm voting in the affirmative on this bill. However, I'm still hopeful that this session we can pass the Dignity for All Students Act, thereby avoiding violent incidents from happening in the schools.

Thank you, Madam President.

ACTING PRESIDENT YOUNG: Your vote will be recorded in the affirmative. Thank you, Senator Duane.

Announce the results.

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1597, by Senator Alesi, Senate Print 5531, an act to authorize the Town of Riga.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1598, by Senator LaValle, Senate Print 5549, an act relating to providing.

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

Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1599, by Senator Meier, Senate Print 5577, an act to provide an accelerated schedule.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT YOUNG: The bill is passed.

Senator Morahan.

SENATOR MORAHAN: Yes, Madam President. Can we return to Calendar 1597, please. I'd like to reconsider the vote by which this bill was passed.

ACTING PRESIDENT YOUNG: The Secretary will read.

THE SECRETARY: Calendar Number 1597, by Senator Alesi, Senate Print 5531.

ACTING PRESIDENT YOUNG: Call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

SENATOR MORAHAN: Lay the bill aside for the day, Madam President.

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

The Secretary will read.

THE SECRETARY: Calendar Number 1600, by Senator LaValle, Senate Print 5604, an act to amend the Education Law.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1604, Senator DeFrancisco moves to discharge, from the Committee on Rules, Assembly Bill Number 8206A and substitute it for the identical Senate Bill Number 5630, Third Reading Calendar 1604.

ACTING PRESIDENT YOUNG: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1604, by Member of the Assembly Magnarelli, Assembly Print Number 8206A, an act to provide an accelerated schedule.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1605, by Senator Alesi, Senate Print 5632, an act to amend the Administrative Procedure Act.

ACTING PRESIDENT YOUNG: Read the last section.

THE SECRETARY: Section 2. This act shall take effect July 1, 2005.

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1606, Senator Alesi moves to discharge, from the Committee on Rules, Assembly Bill Number 8633 and substitute it for the identical Senate Bill Number 5633, Third Reading Calendar 1606.

ACTING PRESIDENT YOUNG: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1606, by Member of the Assembly Weprin, Assembly Print Number 8633, an act to amend the Economic Development Law.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1607, Senator Libous moves to discharge, from the Committee on Rules, Assembly Bill Number 8782 and substitute it for the identical Senate Bill Number 5662, Third Reading Calendar 1607.

ACTING PRESIDENT YOUNG: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1607, by the Assembly Committee on Rules, Assembly Print Number 8782, an act to amend Chapter 549 of the Laws of 1994.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT YOUNG: The bill is passed.

Senator Morahan.

SENATOR MORAHAN: Yes, Madam

President. Is there any other housekeeping at the desk, any other business?

ACTING PRESIDENT YOUNG: Yes, we have motions.

SENATOR MORAHAN: Return to motions and resolutions.

ACTING PRESIDENT YOUNG: Motions and resolutions.

Senator Bonacic.

SENATOR BONACIC: Thank you, Madam President.

On behalf of Senator Spano, I'll move to amend Senate Bill 5287A by striking out the amendments made on June 9, 2005, and restoring it to its original print number, 5287.

ACTING PRESIDENT YOUNG: So ordered.

SENATOR BONACIC: Madam President, on page number 51, I offer the following amendment to Senator Alesi's bill, Calendar Number 1372, Print Number 5024, and ask that said bill retain its place on the Third Reading Calendar.

ACTING PRESIDENT YOUNG: The

amendment is received, and the bill will retain its place on the Third Reading Calendar.

SENATOR BONACIC: Thank you, Madam President.

ACTING PRESIDENT YOUNG: Thank you.

Senator Morahan.

SENATOR MORAHAN: Madam President, there being no further business to come before the Senate, I move that we adjourn until Monday, June 20th, at 3:00 p.m., intervening days being legislative days.

ACTING PRESIDENT YOUNG: On motion, the Senate stands adjourned until Monday, June 20th, at 3:00 p.m., intervening days being legislative days.

(Whereupon, at 3:50 p.m., the Senate adjourned.)