NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

June 24, 2005

9:33 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

ACTING PRESIDENT MEIER: The Senate will come to order.

May I ask everyone present to please rise and join me in the Pledge of Allegiance to the Flag.

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

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

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

ACTING PRESIDENT MEIER: Reading of the Journal.

THE SECRETARY: In Senate, Thursday, June 23, the Senate met pursuant to adjournment. The Journal of Wednesday, June 22, was read and approved. On motion, Senate adjourned.

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

Presentation of petitions.

Messages from the Assembly.

Messages from the Governor.

Reports of standing committees.

Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

The Secretary will read the substitutions.

THE SECRETARY: On page 41, Senator Oppenheimer moves to discharge, from the Committee on Rules, Assembly Bill Number 8632 and substitute it for the identical Senate Bill Number 5492, Third Reading Calendar 1935.

On page 41, Senator Bruno moves to discharge, from the Committee on Rules, Assembly Bill Number 8792 and substitute it for the identical Senate Bill Number 5671, Third Reading Calendar 1936.

And on page 41, Senator Morahan moves to discharge, from the Committee on Rules, Assembly Bill Number 8929 and substitute it for the identical Senate Bill Number 5821, Third Reading Calendar 1937.

ACTING PRESIDENT MEIER:

Substitutions ordered.

Senator Farley.

SENATOR FARLEY: This is a tough order here. There's a lot of things to do. This is an Assembly bill that we're going to vote to reconsider, recommit, and the Senate bill will be restored.

Mr. President, I wish to call up Calendar Number 992, Assembly Print 5767.

ACTING PRESIDENT MEIER: The Secretary will read.

THE SECRETARY: Calendar Number 992, by Member of the Assembly Towns, Assembly Print Number 5767, an act to amend the Tax Law.

SENATOR FARLEY: I now move to reconsider the vote by which this Assembly bill was substituted for Senator Larkin's bill, Senate Print 444, on 6/21.

ACTING PRESIDENT MEIER: Call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 37.

ACTING PRESIDENT MEIER: Senator Farley.

SENATOR FARLEY: Mr. President, I now move that the Assembly Bill 5767 be readmitted to the Committee on Rules and that Senator Larkin's Senate bill be restored to the order of Third Reading Calendar.

ACTING PRESIDENT MEIER: So ordered.

SENATOR FARLEY: And I now offer the following amendments.

ACTING PRESIDENT MEIER: The amendments are received and adopted.

SENATOR FARLEY: Thank you, Mr. President.

ACTING PRESIDENT MEIER: Thank you, Senator Farley.

Senator Bruno.

SENATOR BRUNO: Mr. President, can we at this time take up the noncontroversial reading of the calendar.

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

THE SECRETARY: Calendar Number 569, by Senator Little, Senate Print 2847A, an act to amend the Real Property Tax Law.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

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

SENATOR LITTLE: Thank you, Mr. President. I would just like to speak in appreciation of this bill and to explain the importance of this bill for the Adirondack Park.

Everybody loves the Adirondack Park, a 6-million-acre spread of beautiful territory. And while I represent most of it, several other senators here represent a portion of it.

What this bill is trying to do is to provide some type of tax incentive to encourage people to build or buy a home in the hamlet or moderate intensity area. And let me tell you, what we're talking about here is a 6-million-acre park. The hamlet and moderate

intensity area comprises 155,383 acres of that 6-million-acre park. So we're not talking about a lot of land.

But what we're finding is that the growth in the Adirondack Park is stagnant. There is declining enrollment in every one of our schools. Second-home ownership is increasing and actually, in some areas, overcoming the permanent residents. So what we're looking for here is to encourage people to come and to live in the Adirondacks and to contribute to the communities.

I thank our leader for this bill and for all who have supported this bill, and I certainly will be voting in favor of this bill.

Thank you.

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

Senator Farley, to explain his vote.

SENATOR FARLEY: Yes, thank you, Mr. President.

I rise in support of this, as somebody that has a portion of the Adirondack

Park, and as somebody that grew up in the hamlet of Indian Lake in Hamilton County, which was in my Senate district for a number of years.

The problems that exist in the Adirondack area because of actually a decreasing population, many times, of permanent residents really raises havoc with the school districts and so many other things.

And this is an excellent bill, and I applaud the Majority Leader for making sure that this happens for Senator Little, because it's a serious problem. These people are long-suffering up there and have a lot of problems that really do not make the radar screen.

And, Senator Little, this is an excellent bill, and I vote aye.

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

Announce the results.

THE SECRETARY: Ayes, 40.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number

756, by Member of the Assembly Silver, Assembly Print Number 7384A, an act to amend the General City Law and the Administrative Code of the City of New York.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 40.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1270, by Senator Saland, Senate Print 5047A, an act to amend the Education Law.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 40.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1289, by Senator Morahan, Senate Print 5221, an act to amend the Town Law.

ACTING PRESIDENT MEIER: Calendar 1289 will be laid aside temporarily, pending receipt of an Assembly substitution.

THE SECRETARY: Calendar Number 1450, by Senator Johnson, Senate Print --

SENATOR HASSELL-THOMPSON: Lay it aside.

ACTING PRESIDENT MEIER: Lay the bill aside.

SENATOR MORAHAN: Lay it aside for the day.

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

THE SECRETARY: Calendar Number 1535, by Member of the Assembly McEneny, Assembly Print Number 6207, an act to amend the Tax Law.

ACTING PRESIDENT MEIER: Read the last section.

THE SECRETARY: Section 2. This

act shall take effect immediately.

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 40.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1608, by the Assembly Committee on Rules, Assembly Print Number 8769, an act to amend the Tax Law.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 42; nays, 1. Senator Klein recorded in the negative.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1754 --

SENATOR PADAVAN: Lay it aside

for the day, please.

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

THE SECRETARY: Calendar Number 1906, by the Senate Committee on Rules, Senate Print Number 5900, an act to amend the Education Law.

ACTING PRESIDENT MEIER: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the same date and in the same manner as a chapter of the Laws of 2005.

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 43.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1932, by Senator Golden, Senate Print 5904, an act to amend the Tax Law.

ACTING PRESIDENT MEIER: Read the last section.

THE SECRETARY: Section 7. This

act shall take effect immediately.

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 43.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1935, substituted earlier today by Member of the Assembly Latimer, Assembly Print Number 8632, an act to amend Chapter 390 of the Laws of 1979.

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

Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 43.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1936, substituted earlier today by the

Assembly Committee on Rules, Assembly Print Number --

ACTING PRESIDENT MEIER: Excuse me. Just a second.

The Secretary will continue to read.

THE SECRETARY: -- Assembly Print Number 8792, an act authorizing Lawrence Gerson to file for retroactive membership.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 43.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1937, substituted earlier today by the Assembly Committee on Rules, Assembly Print Number 8929, an act to amend the Executive Law.

ACTING PRESIDENT MEIER: Read the

last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

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

SENATOR MORAHAN: Thank you, Mr. Chairman.

This Governor's -- excuse me. It's early in the morning here. This Governor's bill that addresses the needs of the State Board of Elections is something that both sides in the HAVA debate were really stretching out for, to take away any imbalance of authority, power or perceived balance of power at the board between the two parties.

This now will create two cochairs, as opposed to one, of the commission. It will also appoint a name to create two co-executive directors, one from each party, and it will now create four-year terms, as opposed to indefinite tenure for those directors.

And the appointment process, which

was another point of contention, has been rearranged so that the leadership of the Legislature have two appointments, one Democrat -- between the Senate majority leader and the minority leader in the Assembly, and vice versa for the Democrat Party.

Currently, if they process names and give their appointments, if the Governor doesn't act, they just stay vacant. Under this bill, after 30 days if the Governor fails to act, the legislative leaders can request a resubmission or appoint that person on their own.

So I think it's a good bill. It brings fairness to the Board of Elections. It allows boards of elections around the state to have more confidence in the rulings of the commission and of the directors. So I think it's a good bill that clears the air and really has paved the way for the HAVA reforms.

Thank you, Mr. Chairman.

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

Announce the results.

THE SECRETARY: Ayes, 47.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1938, by the Senate Committee on Rules, Senate Print 5874, an act to amend the Tax Law.

ACTING PRESIDENT MEIER: Read the last section.

SENATOR LIZ KRUEGER: Lay it aside, please.

ACTING PRESIDENT MEIER: Lay the bill aside.

THE SECRETARY: Calendar Number 1939, by the Senate --

SENATOR LIZ KRUEGER: Lay it aside.

ACTING PRESIDENT MEIER: Lay the bill aside.

Senator Bruno.

SENATOR BRUNO: Mr. President, can we go to the supplemental active list and take up Calendar Number 1837.

ACTING PRESIDENT MEIER: The Secretary will read Calendar 1837 on the supplemental active list.

THE SECRETARY: Calendar Number

1837, by Senator Johnson, Senate Print 5787A, an act to amend the Public Authorities Law.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 47.

ACTING PRESIDENT MEIER: The bill is passed.

Senator Bruno.

SENATOR BRUNO: Mr. President, can I ask for an immediate meeting of the Rules Committee in the Majority Conference Room.

ACTING PRESIDENT MEIER: Immediate meeting of the Rules Committee in the Majority Conference Room.

SENATOR BRUNO: And the Senate will stand at ease for the number of minutes that it takes.

ACTING PRESIDENT MEIER: The Senate will stand at ease pending the report

of the Rules Committee.

(Whereupon, the Senate stood at ease at 9:51 a.m.)

(Whereupon, the Senate reconvened at 10:01 a.m.)

ACTING PRESIDENT MEIER: Senator Bruno.

SENATOR BRUNO: Thank you, Mr. President. Can we return at this time to the reports of standing committees. And I would ask for the report of the Rules Committee to be read.

ACTING PRESIDENT MEIER: Reports of standing committees.

The Secretary will read.

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

Assembly Print Number 6266, by Member of the Assembly Gottfried, an act to amend the Public Authorities Law;

Senate Print 5102, by Senator Leibell, an act to amend the Public Authorities Law;

5283, by Senator Oppenheimer, an

act authorizing;

5663, by Senator Padavan, an act to amend the Tax Law;

5862, by Senator Libous, an act to amend Chapter 824 of the Laws of 1968;

5869, by the Senate Committee on Rules, an act authorizing;

5891, by Senator Golden, an act to amend the Real Property Tax Law;

5921, by Senator Nozzolio, an act to amend the Social Services Law and others;

5923, by Senator Larkin, an act to amend the Racing, Pari-Mutuel Wagering and Breeding Law;

And Senate Print 5925, by Senator Winner, an act to amend the Alcoholic Beverage Control Law.

All bills ordered direct to third reading.

THE PRESIDENT: All bills ordered direct to third reading.

Senator Bruno.

SENATOR BRUNO: I move, Madam President, to accept the report of the Rules Committee.

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

(Response of "Aye.")

THE PRESIDENT: Opposed, nay.

(No response.)

THE PRESIDENT: The Rules Committee report is accepted.

Senator Bruno.

SENATOR BRUNO: Madam President, can we at this time return to Calendar 1450, which was laid aside in error. And we'd like to take it up at this time.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: Calendar Number 1450, by Senator Johnson, Senate Print 5517A, an act to amend the Vehicle and Traffic Law.

THE PRESIDENT: Senator Bruno.

SENATOR BRUNO: Can we read the last section.

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: Those recorded in the negative on Calendar Number 1450 are Senators Brown, DeFrancisco, Duane, L. Krueger, C. Kruger, Leibell, Marcellino, Oppenheimer, Rath, Sabini, Saland, Serrano, Stachowski, Stavisky, Valesky and Wright. Also Senator Morahan.

Ayes, 37. Nays, 17.

THE PRESIDENT: The bill is passed.

Senator Bruno.

SENATOR BRUNO: Madam President, can we return to Calendar 1289. I believe a substitution has arrived at the desk.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: In relation to Calendar Number 1289, Senator Morahan moves to discharge, from the Committee on Rules, Assembly Bill Number 5932 and substitute it for the identical Senate Bill Number 5221, Third Reading Calendar 1289.

THE PRESIDENT: Substitution

ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1289, by Member of the Assembly Rabbitt, Assembly Print Number 5932, an act to amend the Town Law.

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

Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 54.

THE PRESIDENT: The bill is passed.

Senator Bruno.

SENATOR BRUNO: Madam President, can we call up Calendar Number 1940.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: Calendar Number 1940, by Senator Winner, Senate Print 5918, an act to amend the State Finance Law.

THE PRESIDENT: Senator Bruno.

SENATOR BRUNO: Madam President, is there a message of necessity at the desk?

THE PRESIDENT: Yes, there is, Senator.

SENATOR BRUNO: I would move we accept the message.

THE PRESIDENT: All in favor of accepting the message of necessity please signify by saying aye.

(Response of "Aye.")

THE PRESIDENT: Opposed, nay.

(No response.)

THE PRESIDENT: The message is accepted.

Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the same date and in the same manner as a chapter of the Laws of 2005.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 54.

THE PRESIDENT: The bill is passed.

Senator Bruno.

SENATOR BRUNO: Madam President, can we take up Calendar Number 1942.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: Calendar Number 1942, by Senator Nozzolio, Senate Print 5920, an act to amend the Penal Law.

SENATOR BRUNO: Is there a message of necessity at the desk?

THE PRESIDENT: Yes, there is, Senator.

SENATOR BRUNO: Move we accept the message.

THE PRESIDENT: All in favor of accepting the message of necessity please signify by saying aye.

(Response of "Aye.")

THE PRESIDENT: Opposed, nay.

(No response.)

THE PRESIDENT: The message is accepted.

Read the last section.

THE SECRETARY: Section 13. This act shall take effect on the 60th day.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE PRESIDENT: Senator Nozzolio, to explain your vote.

SENATOR NOZZOLIO: Thank you, Madam President.

Madam President and my colleagues, the production and distribution of methamphetamines, and particularly crystal meth, the law enforcement officers and prosecutors across this state and across this nation say that that production is becoming the fastest-growing drug crime in America.

That this measure goes a long way to strengthen the laws of this state, which have been woefully weak in providing tools to prosecutors and law enforcement officials to halt the production of crystal meth.

That we have seen in primarily rural areas farmers have their anhydrous ammonia stolen because it's a major product that produces this drug.

I'm very pleased that my colleagues, and particularly Senator Winner, have taken a leadership role in strengthening our laws to ensure that children and other

users of crystal meth will not have an opportunity to see it produced and hopefully sold in this state.

That we need to do much more to strengthen our laws to prevent drug abuse. But this measure goes a long way to make it a reality that in New York State the production of crystal meth will no longer be tolerated.

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

SENATOR WINNER: Thank you, Mr. President.

I also thank Senator Nozzolio for his leadership and Senator Bruno for his help with regard to this important measure.

The welcome sign for methamphetamine production in the Southern Tier is finally taken down. We no longer will have this scourge continuing to proliferate in my area and in the Southern Tier and in other rural areas of New York where the meth production has been growing with a tremendous amount of danger to the communities, danger to the environment, danger to children and danger to the state of New York as a whole for this

continuing production of this product and the surrounding climate and the culture that it encourages and is obviously a scourge on our environment.

Ever since two deputies from Bradford County, Pennsylvania, were killed in a meth-related incident while attempting to serve a search warrant, those states that have heretofore had meth production have cracked down on that activity and have resulted in curtailing its production, and those producers and manufacturers have moved northward into the rural areas of New York. And now we have closed the welcome sign to them, and that is great news for this state.

So, Mr. President, I proudly vote aye.

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

Senator Nozzolio also in the affirmative.

Any other Senator wish to be explain his vote?

Announce the results.

THE SECRETARY: Ayes, 54. Nays,

1. Senator Duane recorded in the negative.

ACTING PRESIDENT MEIER: The bill is passed.

Senator Spano.

SENATOR SPANO: Mr. President, I was not in the chamber for Calendar 1450. Had I been in the chamber, I would like the record to reflect that I would have voted in the negative on that bill.

ACTING PRESIDENT MEIER: The record will so reflect, Senator.

SENATOR SPANO: Thank you.

ACTING PRESIDENT MEIER: Senator Bruno.

SENATOR BRUNO: Mr. President, can we at this time take up Calendar Number 1938.

ACTING PRESIDENT MEIER: The Secretary will read Calendar 1938.

THE SECRETARY: Calendar Number 1938, by the Senate Committee on Rules, Senate Print Number 5874, an act to amend the Tax Law.

SENATOR LIZ KRUEGER: Explanation.

ACTING PRESIDENT MEIER: An explanation has been requested of Calendar 1938 by Senator Krueger.

SENATOR BRUNO: Mr. President, Senator, this legislation allows a partnership and relates specifically to the City of Rensselaer with a company called Besicorp that is a recycling company for newspaper that will be putting up a plant on the abandoned site that you see over there, the BASF site, and from the recycling create energy and electricity that will be supplied to the municipality.

It's gone through all the environmental impact studies, through the state agencies. Assemblyman Ron Canestrari, a colleague of all of ours, is the sponsor in the Assembly. And it's all been approved by the council and the mayor there. And this has been going on for a couple of years, and they are now ready.

This allows the transferability of traction credits for a partnership like the one they have to create to initiate that project, similar to what's in a C corporation

which takes place now.

Basically, that's the essence of two bills, this one and its companion, that are necessary to move this project forward.

ACTING PRESIDENT MEIER: Senator Krueger.

SENATOR LIZ KRUEGER: Thank you. If the sponsor would please yield.

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

SENATOR BRUNO: Thank you, Mr. President. But I think I've told you all I know about it. So don't me ask me anything hard, please, Senator.

ACTING PRESIDENT MEIER: Senator Krueger.

SENATOR LIZ KRUEGER: Thank you. I appreciate the sponsor's willingness to answer a few questions.

How much is the state expected to distribute in tax credits to this corporation for this plan?

SENATOR BRUNO: I think it's a 10 percent tax credit. And it's a -- whatever the final numbers are in terms of the

investment is what will dictate what that is.

I might point out, Senator, that on that site now is practically no revenue to the school district, to the city, and they are one of the most depressed cities in the whole state.

This corporation will create several hundred jobs, great productivity, and pay estimates as high as $100 million over the next ten years in school taxes and city taxes, state taxes.

So it is the way to go and the thing to do.

SENATOR LIZ KRUEGER: Thank you, Mr. President. If the sponsor would yield for one additional question, please.

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

SENATOR BRUNO: Sure.

ACTING PRESIDENT MEIER: The sponsor yields.

SENATOR KRUEGER: As you referenced in your explanation, there's actually two bills on calendar today that appear to be almost identical. Could you

explain the difference between the two for me?

SENATOR BRUNO: As clearly as I can understand the explanation, if a partner transfers -- and this helps create that liquidity -- the obligations or the benefits accrue to the remaining partners, and whatever liability there is stays with the exiting.

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

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

SENATOR LIZ KRUEGER: Thank you.

I appreciate the sponsor's answers. I have more questions, but I think I can focus on my concerns about both of the bills without spending the time on the floor with a lot of questions.

Yes, it's a large project. It's been in the press throughout the Albany area for several years. In fact, the Albany Times Union on Sunday, June 12th, referenced that in fact the Rensselaer County government had agreed to PILOTs, payments in lieu of taxes, over 20 years of $58.65 million, and the city will receive an additional $15 million over

20 years as part of a host community benefit project.

So I'm not sure it's $100 million in taxes they'd be paying, because it looks from here that over 20 years they'd be paying $75 million, so over 10 years they'd be paying half of that, just for the record.

PILOTs are a concern of mine. I've spoken about them on the floor before. Empire Zone credits and the Empire Zone program continue to be a serious concern for me. The reason that when I looked at these bills last night and this morning I was concerned was we didn't even know what corporation it was for or where it was. It was clearly for a specific corporation. I appreciate the Senator going over the company and the project in Rensselaer County, his home county.

It's my understanding that this project is in an Empire Zone and even has its own Empire Zone development company, Besicorp, and that they are expected to get significant tax credits through the EZ-ITC and the EZ-EIC program. There are -- from their own materials to investors, they project spending

$700 million on this project, which is certainly always exciting with economic development, in a community -- and of course Senator Bruno is absolutely right, Rensselaer County desperately needs new jobs and a strengthened economy. So they're talking about spending $700 million. But they're also, I believe, anticipating over $100 million in tax credits through the Empire Zone program.

I believe there's also a brownfields involved. One of the arguments, pro and con, from the community's perspective of this plan was that it would lead to some cleanup of brownfields, but perhaps not enough from the community's perspective. So we can expect that they'll also be receiving some brownfields funding, although that's not clear in this bill or I don't believe it's part of this bill.

So I have the overall concerns about private corporations with PILOT deals, how we operate Empire Zones and we don't hold people accountable enough and we don't ask enough questions and we don't get the data

back from Tax and Finance or the Urban Development Corporation, Empire State Development Corporation, as to how much they're giving out, whether the jobs are being created. From this company's own materials, they anticipate 1,000 jobs for the construction and then 200 jobs ongoing.

Now, my specific concern with these bills is that what they both appear to do specifically for this one company is to change the recapture provisions so that, as Senator Bruno explained in his answers to my questions, if the investors or partners -- because it's not a corporation but, rather, a partnership -- if some of the partners -- and it appears the partners are venture capitalists, by and large -- want to move out of the deal within the first few years, as opposed to the 12-year requirement we place on other Empire Zone companies, that they'll be able to keep the tax credits even though they left the deal. Their leaving the deal might result in the company actually never continuing, but they would have already gotten the tax credits.

And when you build something new -- $700 million, I believe, in construction -- all the tax credits are front-loaded during the construction process. So that conceivably, under this law -- and I'm certainly not saying that this would be the intention of the company -- but conceivably, under this law, most of the partners could draw down the major tax credits from the State of New York, then pull out of the business. The business might not ever even make it. And the people of New York State will have lost both the opportunity for this program and lost our tax credits.

And so I wish -- and we don't even have memos for this bill, so I'm fairly sure I won't get my wish for today -- I wish that we had much more detailed analysis of how either of these bills changes the formula for the tax credits, how much it will cost the State of New York, what kind of jobs are really assured by this, whether there is a higher risk to the state for the win through Empire Zones if you change the recapture provisions, what the equity question is when one company will get a

change in the rules under tax credits and other companies won't, whether we should be spending a little more time evaluating this kind of proposal, given the fact that we do have, I think on both sides, so many concerns about the Empire Zone programs -- what they have done, what they have not done -- the pirating issues between counties and towns.

So I can't vote for this bill, because there's clearly not enough information to make me comfortable with changing state law for one particular company, regardless of where they are. And I hope that some of my colleagues might agree that we should actually have far more information and the public should have more information before we move forward with these kinds of arrangements.

I'll be voting no.

Thank you, Mr. President.

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

Debate is closed, then.

The Secretary will sound the bell.

Read the last section.

THE SECRETARY: Section 3. This

act shall take effect immediately.

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MEIER: Announce the results.

THE SECRETARY: Those recorded in the negative on Calendar Number 1938 are Senators Duane, L. Krueger, and Schneiderman.

Absent from voting: Senators Fuschillo, Gonzalez, Montgomery and Sampson.

Ayes, 53. Nays, 3.

ACTING PRESIDENT MEIER: The bill is passed.

The Secretary will read.

THE SECRETARY: Calendar Number 1939, by the Senate Committee on Rules, Senate Print Number 5875, an act to amend the Tax Law.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MEIER: Announce the results.

THE SECRETARY: Those recorded in the negative on Calendar Number 1939 are Senators Duane, L. Krueger, and Schneiderman.

Absent from voting: Fuschillo, Gonzalez, Montgomery and Sampson.

Ayes, 53. Nays, 3.

ACTING PRESIDENT MEIER: The bill is passed.

SENATOR BRUNO: Mr. President, can we have the noncontroversial reading of Supplemental Calendar A.

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

THE SECRETARY: Calendar Number 1943, by Senator Leibell, Senate Print 5102, an act to amend the Public Authorities Law.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the

roll.

(The Secretary called the roll.)

ACTING PRESIDENT MEIER: Senator Paterson, why do you rise?

SENATOR PATERSON: Mr. President, I believe that Senator Bruno wanted to lay that bill aside temporarily.

ACTING PRESIDENT MEIER: Lay the bill aside temporarily.

Thank you, Senator Paterson, because that gives me the opportunity to explain to members that when you're talking, a lot of people, including me, can't hear what's going on. And it would expedite us all getting out of here, unless you want to spend a lot of quality time together today. So if we could have order in the chamber, it would be helpful.

The Secretary will continue to read.

THE SECRETARY: In relation to Calendar Number 1944, Senator Oppenheimer moves to discharge, from the Committee on Rules, Assembly Bill Number 7923 and substitute it for the identical Senate Bill

Number 5283, Third Reading Calendar 1944.

ACTING PRESIDENT MEIER: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1944, by Member of the Assembly Latimer, Assembly Print Number 7923, an act authorizing the Village of Port Chester.

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

Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1945, Senator Padavan moves to discharge, from the Committee on Rules, Assembly Bill Number 8813 and substitute it for the identical Senate Bill Number 5663, Third Reading Calendar 1945.

ACTING PRESIDENT MEIER:

Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1945, by the Assembly Committee on Rules, Assembly Print Number 8813, an act to amend the Tax Law.

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

Read the last section.

THE SECRETARY: Section 4. This act shall take effect September 1, 2005.

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1947, Senator Bruno moves to discharge, from the Committee on Rules, Assembly Bill Number 8719A and substitute it for the identical Senate Bill Number 5869, Third Reading Calendar 1947.

ACTING PRESIDENT MEIER:

Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1947, by the Assembly Committee on Rules, Assembly Print Number 8719A, an act authorizing the lease of lands.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

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

SENATOR STAVISKY: To explain my vote, Mr. President.

While this bill lacks competitive bidding for the release of this land, nevertheless, there is a reverter clause so that if the leased land is -- ceases to be used for the purpose intended, it will revert -- it will be null and void.

And for that reason, with that protection, I vote aye.

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

Announce the results.

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1948, Senator Golden moves to discharge, from the Committee --

SENATOR PATERSON: Lay it aside.

ACTING PRESIDENT MEIER: Senator, let's finish this substitution and then we'll lay it aside, if that's acceptable.

The Secretary will read.

THE SECRETARY: In relation to Calendar Number 1948, Senator Golden moves to discharge, from the Committee on Aging, Assembly Bill Number 1092A and substitute it for the identical Senate Bill Number 5891, Third Reading Calendar 1948.

ACTING PRESIDENT MEIER: Substitution ordered.

Lay the bill aside.

THE SECRETARY: Calendar Number 1950, by Senator Larkin, Senate Print 5923, an

act to amend the Racing, Pari-Mutuel Wagering and Breeding Law.

ACTING PRESIDENT MEIER: Senator Bruno.

SENATOR BRUNO: Mr. President, is there a message of necessity at the desk?

ACTING PRESIDENT MEIER: There is, Senator.

SENATOR BRUNO: I would move we accept the message.

ACTING PRESIDENT MEIER: All in favor of accepting the message of necessity say aye.

(Response of "Aye.")

ACTING PRESIDENT MEIER: Those opposed, nay.

(No response.)

ACTING PRESIDENT MEIER: The message is accepted.

The bill is before the house.

Read the last section.

THE SECRETARY: Section 7 --

SENATOR PATERSON: Lay it aside, please.

ACTING PRESIDENT MEIER: Lay the

bill aside.

THE SECRETARY: Calendar Number 1953, by Member of the Assembly Gottfried, Assembly Print Number 6266, an act to amend the Public Authorities Law.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT MEIER: The bill is passed.

Senator Bruno.

SENATOR BRUNO: Mr. President, can we go back to the original noncontroversial calendar and take up Calendar Number 1941.

ACTING PRESIDENT MEIER: The Secretary will read Calendar 1941 on the noncontroversial reading.

THE SECRETARY: Calendar Number 1941, by Senator Volker, Senate Print 5919, an

act to amend the Public Authorities Law.

ACTING PRESIDENT MEIER: Senator Bruno.

SENATOR BRUNO: Mr. President, is there a message of necessity at the desk?

ACTING PRESIDENT MEIER: There is.

SENATOR BRUNO: Move we accept the message.

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

(Response of "Aye.")

ACTING PRESIDENT MEIER: Those opposed, nay.

(No response.)

ACTING PRESIDENT MEIER: The message is accepted.

The bill is before the house.

Read the last section.

THE SECRETARY: Section 3. This act shall take effect on the same date and in the same manner as a chapter of the Laws of 2005.

ACTING PRESIDENT MEIER: Call the

roll.

(The Secretary called the roll.)

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

SENATOR VOLKER: I just want to explain that this bill is a chapter amendment to the Erie County fiscal control board that we passed yesterday. And the amendments in this bill were suggested by the comptroller and the bond counsel because of the difficulty that's going to be met in borrowing.

And this links it to a RAN and also deficit borrowing and links it to the control board, and will help in getting a very good rate in borrowing for the County of Erie. And it's a technical amendment.

I vote aye.

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

Announce the results.

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT MEIER: The bill is passed.

Senator Bruno.

SENATOR BRUNO: Mr. President,

can we go back to Calendar Number 1948, which was inadvertently laid aside.

ACTING PRESIDENT MEIER: The Secretary will read Calendar 1948.

THE SECRETARY: Calendar Number 1948, substituted earlier today by Member of the Assembly Stringer, Assembly Print Number 1092A, an act to amend the Real Property Tax Law.

ACTING PRESIDENT MEIER: Read the last section.

THE SECRETARY: Section 6. This act shall take effect in 90 days.

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

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

SENATOR GOLDEN: Thank you, Acting President.

I rise to say thank you to the body here and to the Assembly for passing a SCRIE bill that will be, for the first time, a groundbreaking piece of legislation that will work towards assisting our disabled and our

veterans and giving them benefits that they've deserved over these many years.

This will be the first time this SCRIE bill will give benefits to those of SSI recipients, Social Security disability insurance recipients, veterans' disability, pensions of disability and compensation benefits, and people who have SSI and for the first time have changed their Medicaid buy-in to begin their independent living.

If you have one dollar in any of these grants, you will now be able to participate in these SCRIE limitations. And as you increase in income, your SCRIE limitations will decrease. Persons living alone of $17,004; persons living with others of $15,468; couples living alone, $24,372; and couples living with others but paying their own expenses, $22,980.

It's the beginning. It's not a perfect bill. But it is a bill that has been long-awaited for here in the City of New York. And we will work with the City of New York to see what the SCRIE, which is -- about 37 percent of the elderly participate in

SCRIE, and we want to see if the numbers are similar with the disabled. And if they are, and the dollars add up, we will try to put them into the regular SCRIE, which is this year $24,000 for our seniors, which will go to $25,000 next year and up to $29,000 over the next five years.

So I thank my colleagues and the Mayor of the City of New York for working with us to put a bill together that makes sense for our seniors, our disabled and our veterans.

And I vote aye.

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

Senator Stavisky, to explain her vote.

SENATOR STAVISKY: I thank Senator Golden for sponsoring this legislation.

I've had a similar bill for -- from the time I was first elected extending the SCRIE benefits to the disabled. And in fact my husband, who served in this chamber, had the same bill going back from the time he first started serving here.

So I'm delighted that -- sometimes good ideas take a little longer, but I congratulate Senator Golden.

Thank you.

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

Senator Liz Krueger, to explain her vote.

SENATOR LIZ KRUEGER: Thank you.

I also rise to thank Senator Golden for his work on this bill. It's not the perfect bill, as he said. We had some other ideas that the City of New York perhaps needs to revisit for next year.

But speaking on behalf of people who have come to my office who face eviction and know where to go, who are disabled, who are poor, this is such an important breakthrough.

Prior to being a legislator, I had run eviction prevention programs in the City of New York, and I can assure this house that implementation, which is step one -- the City of New York still needs to implement this law at the local level -- will mean that we have

fewer low-income disabled New Yorkers who lose their affordable housing and end up in a situation where truthfully not only do they pay, but we all pay more for them as well.

So I'm delighted that this bill is passing today.

Thank you, Mr. President.

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

Senator Duane, to explain his vote.

SENATOR DUANE: Thank you, Mr. President.

I would like to commend the sponsor for this giant step forward on a very important issue. As many members in this house know, I had a younger brother who was disabled and active in the disability rights community and whose birthday would have been just last week.

And I also want to raise, in memoriam, Dr. Freida Zames, who also recently passed away, and this was an issue that she also was passionate about.

And I would be honored to work with the sponsor and with the city and with the

council as we work to implement this legislation, to make it so that we have even more tools to help persons with disabilities live independently and as best as they possibly can in our city.

Thank you, Mr. President.

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

Announce the results.

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT MEIER: The bill is passed.

Senator Bruno.

SENATOR BRUNO: Mr. President, can we at this time take up Calendar Number 1949.

ACTING PRESIDENT MEIER: The Secretary will read Calendar 1949.

THE SECRETARY: Calendar Number 1949, by Senator Nozzolio, Senate Print 5921, an act to amend the Social Services Law and others.

ACTING PRESIDENT MEIER: Senator Bruno.

SENATOR BRUNO: Is there a

message at the desk?

ACTING PRESIDENT MEIER: There is.

SENATOR BRUNO: Move we accept the message.

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

(Response of "Aye.")

ACTING PRESIDENT MEIER: Those opposed, nay.

(No response.)

ACTING PRESIDENT MEIER: The message is accepted.

The bill is before the house.

Read the last section.

THE SECRETARY: Section 10. This act shall take effect immediately.

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

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

SENATOR NOZZOLIO: Thank you, Mr. President.

It was just a few short weeks ago, ladies and gentlemen, that the Comptroller of the State of New York issued an audit that showed nearly 200 Level 3 convicted sex offenders in New York are receiving taxpayer-funded Viagra. It's an outrage that high-risk sex offenders are receiving sexual performance enhance drugs at taxpayers' expense.

The scars of the victims of sex offenses never heal. Emotionally, they remain scarred for their entire lives and the victims are left to bear much pain and sorrow because of these offenses. This Legislature has done a great deal to enhance the notification requirements, putting sex offenders on Megan's Law registries, enhancing notification procedures, ensuring that communities are notified and have information about those convicted sex offenders living within their midst.

Isn't it ironic that up until this legislation the State of New York was seeing hard-earned taxpayers dollars used for purposes that I believe we all agree on just

are so inappropriate. This state, any state should not allow the perpetrators of these terrible crimes to enhance their sexual performed with taxpayer-financed drugs.

I want to thank Governor Pataki, Senator Bruno, my colleague Senator Balboni who all worked very hard to ensure that this practice never happens again. I thank them; I want to thank you, my colleagues, for your support of this very important measure.

Thank you, Mr. President.

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

Announce the results.

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT MEIER: The bill is passed.

Senator Bruno.

SENATOR BRUNO: Can we at this time return to motions and resolutions, regarding Resolution Number 1924.

ACTING PRESIDENT MEIER: Motions and resolutions.

First, Senator Young.

SENATOR YOUNG: Thank you, Mr.

President. I wish to call up my bill, 5567A, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT MEIER: The Secretary will read.

THE SECRETARY: Calendar Number 1924, by Senator Young, Senate Print 5567A, an act to amend the Tax Law.

SENATOR YOUNG: Thank you, Mr. President. I now move to reconsider the vote by which the bill was passed.

ACTING PRESIDENT MEIER: Call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT MEIER: Senator Young.

SENATOR YOUNG: Mr. President, I would ask that the bill have its third reading at this time.

ACTING PRESIDENT MEIER: So ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1924, by Senator Young, Senate Print 5567A, an

act to amend the Tax Law.

SENATOR SPANO: Is there a message of necessity at the desk?

ACTING PRESIDENT MEIER: There is.

SENATOR SPANO: Move to accept.

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

(Response of "Aye.")

ACTING PRESIDENT MEIER: Those opposed, nay.

(No response.)

ACTING PRESIDENT MEIER: The message is accepted.

The bill is before the house.

There is a local fiscal impact note at the desk.

Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT MEIER: The bill is passed.

Senator Libous.

SENATOR LIBOUS: Mr. President, if we can go to the controversial reading of Supplemental Calendar A and take up Number 1950, please.

ACTING PRESIDENT MEIER: The Secretary will conduct the controversial reading of Supplemental Calendar A, beginning with Calendar 1950.

THE SECRETARY: Calendar Number 1950, by Senator Larkin, Senate Print 5923, an act to amend the Racing, Pari-Mutuel Wagering and Breeding Law.

SENATOR SABINI: Explanation.

ACTING PRESIDENT MEIER: Senator Larkin, an explanation has been requested.

SENATOR LARKIN: Yes, Mr. President.

Senator Sabini, as we talked a little while ago, last year we had a bill at this house that did major overhauls to the racing industry as a whole and to the entire aspect of the racing board, lottery division,

all.

This year the Governor has decided to come down to us, and the biggest thing we're looking for is an oversight board that has some teeth in it. This bill will be an oversight board consisting of five members appointed by the Governor, one at the recommendation of the Senate Majority Leader, one at the recommendation of the Speaker.

A couple of things that are important when you talk about the oversight board. There's always been a question around here of reform and conflicts of interest. Nobody who has an appointment to any association related to anything to do with the industry of racing can be a member of this advisory board.

The oversight board is going to be responsible for making recommendations to the trustees at NYRA concerning all aspects. If they don't adopt the recommendations, they have to set it in writing why they did not adopt the recommendations of the oversight board.

One of the other things that we

talked about was -- that's very important right now is what happens to the contract between NYRA and MGM. That contract is going to be subject to the approval of the Division of Lottery and also the oversight board itself.

The board will also make recommendations concerning the operating expenditures. And it's very detailed in the bill, as I know how much you know about the industry; you've done a lot of research on it. I think it's going to help us, in view of the light of what the comptroller has just turned up in his report and what my office and members of the board of which you're on, the Racing and Wagering Committee, we turned up last year the same thing.

We talked here the other day about the Breeders' Cup and how it will be. Well, every fourth year we're going to get the Breeders' Cup now. So we're putting it into this so that the advisory board can look at how much they need, why they need it and everything else.

And last but not least, as you

remember, John, that there was a question going on here about the OTBs. Do we have everything we want here to assist the OTBs? No. But, you know, I've always lived under the assumption you get your nose under the tent, you can spread that tent a little wider. And I think that we collectively can work on that to ensure it.

But I think the biggest thing in here is going to be the oversight board and that the lottery, not the Racing and Wagering Board, will have some specific duties and responsibilities. And I think it's going to improve how we operate.

ACTING PRESIDENT MEIER: Senator Sabini.

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

ACTING PRESIDENT MEIER: Senator Larkin, do you yield?

SENATOR LARKIN: Yes, Mr. President.

ACTING PRESIDENT MEIER: The sponsor yields.

SENATOR SABINI: The sponsor correctly outlines that last year we did an overhaul of the racing industry. I guess this is the overhaul of the overhaul.

It appoints a commission that you mentioned that I note the minorities of both houses don't have representatives on. But there's mention in the bill of an special ad hoc commission that comes into play later on down the calendar. If the sponsor could explain that commission and why it's needed.

SENATOR LARKIN: I'm sorry, I can't hear you.

SENATOR SABINI: There's a mention in the bill of a special ad hoc committee that gets appointed after this committee gets appointed if this committee fails to do what it's supposed to do.

Can you explain why we need that?

SENATOR LARKIN: John, that's going to pertain to the RFPs that are going to go out, that ad hoc -- that's what that aspect of it is.

SENATOR SABINI: If the sponsor would continue to yield.

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

SENATOR LARKIN: Yes.

ACTING PRESIDENT MEIER: The sponsor yields.

SENATOR SABINI: Who appoints the ad hoc committee?

SENATOR LARKIN: The Governor will.

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

ACTING PRESIDENT MEIER: Senator Larkin, do you yield?

SENATOR LARKIN: Yes.

ACTING PRESIDENT MEIER: The sponsor yields.

SENATOR SABINI: So just let me get this straight. The Governor appoints the Racing and Wagering Commission. He'll have appointment to the new oversight commission over NYRA, which is another board. And then if we have a problem later on down the track, there will be another special committee appointed by the Governor to oversee the board that was appointed by the Governor now that's

somehow being overseen by the Racing and Wagering Commission?

SENATOR LARKIN: If you read that total package in there, that ad hoc is only going to be responsible for the oversight of the RFP. It will not have anything to do with the other aspect of the advisory.

What the contention was is that they wanted to ensure that the RFPs are carried out as they should be. And that's exactly what this is going to be.

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

ACTING PRESIDENT MEIER: Senator Larkin, do you yield?

SENATOR LARKIN: I'll yield for one more.

ACTING PRESIDENT MEIER: The sponsor yields.

SENATOR SABINI: In the eighth paragraph of the first section of this bill on page 2, it -- there's new verbiage that says that if the franchise or license is revoked by the Racing and Wagering Board -- assuming if NYRA's franchise is revoked -- then,

notwithstanding any other provision of the law to the contrary, such association shall transfer to the nonprofit racing association --

SENATOR LARKIN: And the advisory board will take over the responsibilities until such time as there is a successor.

SENATOR SABINI: Right. But it says it shall -- Mr. President, it says it shall transfer title and interest held by such association in all such facilities.

I'm wondering if the sponsor can tell me, does that mean that NYRA owns the tracks?

SENATOR LARKIN: NYRA has a license. We give them the license. We can also rescind the license. And what we're saying here is that in the event that there's no continuation to NYRA and that there isn't something else, we'll be in a position so that once the license is revoked, we won't have to be worrying about it, we have the advisory board that will take over that function.

That's what it says -- I don't know what page you're reading, but it's in there.

SENATOR SABINI: Mr. President, I'm reading from page 2 of the bill, the eighth paragraph. And line 49 talks about -- and it's old law -- "all right, title and interest held by such association in all such facilities." That, to me, means they own the tracks.

SENATOR LARKIN: Well, I wasn't there at the writing table. I was only there at the discussion table. So let me just tell you what it means.

It means that if you're on that advisory board, and the comptroller and the attorney general and the legislative body believes that this is not in the best interests of the people of the State of New York, the advisory board -- that's why it's a limited board, not a big 20-member board like the trustees are -- it is a limited board of five individuals who we hope will pay attention to the business at hand and have no other interest.

In the event that we don't take that license to them and the terms that have to be endured -- the transfer of the assets,

the responsibilities, the functions of the track -- it says we'll have somebody there to hold it until the advisory board puts out an RFP for somebody else to come in and assume responsibility for the operation of the track.

SENATOR SABINI: Thank you, Mr. President.

SENATOR LARKIN: Thank you, sir.

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

Senator Liz Krueger.

SENATOR LIZ KRUEGER: Thank you.

Well, I was confused and now I'm more confused. This seems to be a bit of a who's-on-first arrangement with boards reporting to boards reporting to boards. But the same people are nominating all the same people to these boards, so I am confused why we need more of them.

I think we need to fix the NYRA situation. It's not clear to me why this situation gets us closer to that. So on the grounds that we need to do something and this doesn't seem to be it, I'll be voting no.

Thank you.

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

Debate is closed, then.

The Secretary will ring the bell.

Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

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

SENATOR SABINI: Thank you, Mr. President.

You know, there's an old expression that's very appropriate here that a camel is a horse built by committee. This is a whole dromedary.

We have a problem that is not going away anytime soon with our racing industry in the state. We have a Racing and Wagering Board that's supposed to have oversight over it.

We had a hearing recently where the chairman of the Racing and Wagering Board

said: "Well, I really don't want to look at the VLTs; that's the Lottery Division." Even though wagering is the lottery, and I would think that he would have some oversight over it.

So now we're creating a committee to oversee NYRA, even though Racing and Wagering oversees it. And there's a special ad hoc committee created later on. And the core is still not working. So no matter how we dress this up, it's still not going to address the problems of racing in this state.

That being said, we have continued to fritter away time and we have a hole in our budget that Aqueduct was supposed to plug with VLTs. I don't want to do anything to jeopardize that budget line or the jobs it means to Queens County and the economic development it means to Queens County. So I'll vote yes, but I think this is a very, very bad and complicated solution to a problem that really should be made simpler to solve rather than more complicated.

I vote aye.

ACTING PRESIDENT MEIER: Senator

Sabini will be recorded in the affirmative.

Announce the results.

THE SECRETARY: Those recorded in the negative on Calendar Number 1950 are Senators Duane, L. Krueger, Padavan, Parker, Savino, Schneiderman and Serrano.

Those Senators absent from voting: Fuschillo, Gonzalez and Sampson.

Ayes, 50. Nays, 7.

ACTING PRESIDENT MEIER: The bill is passed.

Senator Libous.

SENATOR LIBOUS: Mr. President, could we return to motions and resolutions. I believe there's a motion at the desk.

ACTING PRESIDENT MEIER: Motions and resolutions.

The Secretary will read the substitution.

THE SECRETARY: On page 25, Senator LaValle moves to discharge, from the Committee on Rules, Assembly Bill Number 6690 and substitute it for the identical Senate Bill Number 1395, Third Reading Calendar 935.

ACTING PRESIDENT MEIER:

Substitution ordered.

Senator Robach.

SENATOR ROBACH: Yes, Mr. President. I wish to call up my bill, Senate Print Number 5716, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT MEIER: The Secretary will read.

THE SECRETARY: Calendar Number 1731, by Senator Robach, Senate Print 5716, an act to amend the Education Law.

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

ACTING PRESIDENT MEIER: Call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT MEIER: The bill is restored to the order of third reading.

Senator Robach.

SENATOR ROBACH: Mr. President, I now offer the following amendments.

ACTING PRESIDENT MEIER: The

amendments are received and adopted.

Senator Robach.

SENATOR ROBACH: I now move to discharge, from the Committee on Rules, Assembly Print Number 8546 and substitute it for the identical bill.

ACTING PRESIDENT MEIER: So ordered.

Lay the bill aside.

Senator Libous.

SENATOR LIBOUS: Mr. President, there will be a Rules Committee meeting at 11:40 in the Majority Conference Room.

ACTING PRESIDENT MEIER: Meeting of the Rules Committee at 11:40 a.m. in the Majority Conference Room.

SENATOR LIBOUS: And until that meeting convenes and until it is completed, the Senate will stand at ease temporarily.

ACTING PRESIDENT MEIER: The Senate will stand at ease pending the report of the Rules Committee.

(Whereupon, the Senate stood at ease at 11:28 a.m.)

(Whereupon, the Senate reconvened

at 12:12 p.m.)

ACTING PRESIDENT LITTLE: Senator Skelos.

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

ACTING PRESIDENT LITTLE: The Secretary will read.

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

Senate Print 1924A, by Senator Balboni, an act to amend the Public Health Law;

2329, by Senator Valesky, an act in relation to permitting;

3257, by Senator Breslin, an act to amend Chapter 693 of the Laws of 1980;

3631, by Senator Maltese, an act to amend the Retirement and Social Security Law;

5108A, by Senator Farley, an act to amend the New York State Printing and Public Documents Law and others;

5431B, by Senator Spano, an act to amend the Tax Law;

5578, by Senator Bonacic, an act to amend the Insurance Law;

5731, by Senator Winner, an act to amend the Alcoholic Beverage Control Law;

5784, by Senator Seward, an act to amend the Insurance Law;

5797, by Senator Brown, an act to authorize;

5917, by Senator Balboni, an act to amend the Public Health Law;

5926, by Senator Padavan, an act to amend a chapter of the Laws of 2005;

5927, by Senator Leibell, an act to amend the Public Authorities Law and others;

And Assembly Print Number 8447, by Member of the Assembly Reilly, an act to dedicate the Albany Pine Bush Preserve.

All bills ordered direct to third reading.

ACTING PRESIDENT LITTLE: Senator Skelos.

SENATOR SKELOS: Madam President, I move we accept the report of the Rules

Committee.

ACTING PRESIDENT LITTLE: All those in favor of accepting the report of the Rules Committee say aye.

(Response of "Aye.")

ACTING PRESIDENT LITTLE: Those opposed.

(No response.)

ACTING PRESIDENT LITTLE: The Rules Committee report is accepted.

SENATOR SKELOS: Madam President, if we could go to Supplemental Calendar A and take up Calendar Number 1946.

ACTING PRESIDENT LITTLE: Thank you.

The Secretary will read.

THE SECRETARY: Calendar Number 1946, by Senator Libous, Senate Print 5862, an act to amend Chapter 824 of the Laws of 1968.

SENATOR SKELOS: Madam President, I believe there's a message of necessity at the desk. I move we accept it.

ACTING PRESIDENT LITTLE: All in favor of accepting the message of necessity say aye.

(Response of "Aye.")

ACTING PRESIDENT LITTLE: Those opposed.

(No response.)

ACTING PRESIDENT LITTLE: The message is accepted.

The Secretary will read the last section.

THE SECRETARY: Section 2. This act shall take effect upon enactment on or before July 1, 2005.

ACTING PRESIDENT LITTLE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT LITTLE: The bill is passed.

Senator Skelos.

SENATOR SKELOS: Madam President, if we could take up Supplemental Calendar B, noncontroversial.

ACTING PRESIDENT LITTLE: The Secretary will read.

THE SECRETARY: Calendar Number 1954, by Senator Balboni, Senate Print 1924A,

an act to amend the Public Health Law.

ACTING PRESIDENT LITTLE: Read the last section.

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

ACTING PRESIDENT LITTLE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT LITTLE: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1955, Senator Valesky moves to discharge, from the Committee on Civil Service and Pensions, Assembly Bill Number 4536 and substitute it for the identical Senate Bill Number 2329, Third Reading Calendar 1955.

ACTING PRESIDENT LITTLE: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1955, by Member of the Assembly Magee, Assembly Print Number 4536, an act in relation to permitting the reopening.

ACTING PRESIDENT LITTLE: 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 LITTLE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT LITTLE: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1956, Senator Breslin moves to discharge, from the Committee on Rules, Assembly Bill Number 6374 and substitute it for the identical Senate Bill Number 3257, Third Reading Calendar 1956.

ACTING PRESIDENT LITTLE: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1956, by Member of the Assembly McEneny, Assembly Print Number 6374, an act to amend Chapter 693 of the Laws of 1980.

ACTING PRESIDENT LITTLE: 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 LITTLE: Call the roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT LITTLE: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1957, Senator Maltese moves to discharge, from the Committee on Rules, Assembly Bill Number 6732 and substitute it for the identical Senate Bill Number 3631, Third Reading Calendar 1957.

ACTING PRESIDENT LITTLE: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1957, by Member of the Assembly Seminerio, Assembly Print Number 6732, an act to amend the Retirement and Social Security Law.

ACTING PRESIDENT LITTLE: Read the last section.

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

ACTING PRESIDENT LITTLE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT LITTLE: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1958, Senator Farley moves to discharge, from the Committee on Rules, Assembly Bill Number 4257A and substitute it for the identical Senate Bill Number 5108, Third Reading Calendar 1958.

ACTING PRESIDENT LITTLE: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1958, by Member of the Assembly Brennan, Assembly Print Number 4257A, an act to amend the New York State Printing and Public Documents Law.

ACTING PRESIDENT LITTLE: Read the last section.

SENATOR DUANE: Lay it aside,

please.

ACTING PRESIDENT LITTLE: The bill is laid aside.

THE SECRETARY: In relation to Calendar Number 1959, Senator Spano moves to discharge, from the Committee on Rules, Assembly Bill Number --

SENATOR SKELOS: Lay it aside temporarily, please.

ACTING PRESIDENT LITTLE: Senator Skelos, may we substitute first.

SENATOR SKELOS: Yes, please do so.

ACTING PRESIDENT LITTLE: Thank you.

THE SECRETARY: In relation to Calendar Number 1959, Senator Spano moves to discharge, from the Committee on Rules, Assembly Bill Number 8410A and substitute it for the identical Senate Bill Number 5431B, Third Reading Calendar 1959.

ACTING PRESIDENT LITTLE: Substitution ordered.

The bill is laid aside.

THE SECRETARY: In relation to

Calendar Number 1960, Senator Bonacic moves to discharge, from the Committee on Insurance, Assembly Bill Number 5158 and substitute it for the identical Senate Bill Number 5578, Third Reading Calendar 1960.

ACTING PRESIDENT LITTLE: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1960, by Member of the Assembly Dinowitz, Assembly Print Number 5158, an act to amend the Insurance Law.

ACTING PRESIDENT LITTLE: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the 80th day.

ACTING PRESIDENT LITTLE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT LITTLE: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1961, Senator Winner moves to discharge, from the Committee on Rules,

Assembly Bill Number 7379C and substitute it for the identical Senate Bill Number 5731, Third Reading Calendar 1961.

ACTING PRESIDENT LITTLE: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1961, by Member of the Assembly --

SENATOR SCHNEIDERMAN: Lay it aside.

ACTING PRESIDENT LITTLE: The bill is laid aside.

THE SECRETARY: In relation to Calendar Number 1962, Senator Seward moves to discharge, from the Committee on Rules, Assembly Bill Number 8376A and substitute it for the identical Senate Bill Number 5784, Third Reading Calendar 1962.

SENATOR SCHNEIDERMAN: Lay it aside.

ACTING PRESIDENT LITTLE: Substitution ordered.

The bill is laid aside.

THE SECRETARY: In relation to Calendar Number 1963, Senator Brown moves to

discharge, from the Committee on Rules, Assembly Bill Number 8801 and substitute it for the identical Senate Bill Number 5797, Third Reading Calendar 1963.

ACTING PRESIDENT LITTLE: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1963, by the Assembly Committee on Rules, Assembly Print Number 8801, an act to authorize the City of Tonawanda in the County of Erie.

ACTING PRESIDENT LITTLE: 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 LITTLE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT LITTLE: The bill is passed.

THE SECRETARY: Calendar Number 1966, by Senator Leibell, Senate Print 5927,

an act to amend the Public Authorities Law and others.

ACTING PRESIDENT LITTLE: Senator Skelos.

SENATOR SKELOS: Madam President, is there a message of necessity at the desk?

ACTING PRESIDENT LITTLE: Yes, there is.

SENATOR SKELOS: Move to accept, please.

ACTING PRESIDENT LITTLE: Thank you.

All those in favor of accepting the message of necessity say aye.

(Response of "Aye.")

ACTING PRESIDENT LITTLE: Those opposed.

(No response.)

ACTING PRESIDENT LITTLE: The message is accepted.

Read the last section.

THE SECRETARY: Section 31. This act shall take effect immediately.

SENATOR SCHNEIDERMAN: Lay it aside.

ACTING PRESIDENT LITTLE: The bill is laid aside.

THE SECRETARY: Calendar Number 1967, by Member of the Assembly Reilly, Assembly Print Number 8447, an act to dedicate the Albany Pine Bush Preserve.

ACTING PRESIDENT LITTLE: Read the last section.

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

ACTING PRESIDENT LITTLE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT LITTLE: The bill is passed.

Senator Skelos, that completes the reading of the noncontroversial Supplemental Calendar B.

SENATOR SKELOS: Madam President, if we could take up Supplemental Calendar B on the controversial reading.

ACTING PRESIDENT LITTLE: Thank you.

The Secretary will ring the bells.

Senator Skelos.

SENATOR SKELOS: At this time if we could take up Calendar Number 1961, by Senator Winner.

ACTING PRESIDENT LITTLE: Could we have quiet in the chamber, please.

On the controversial calendar, the Secretary will read Calendar Number 1961, by Senator Winner.

THE SECRETARY: Calendar Number 1961, substituted earlier today by Member of the Assembly Farrell, Assembly Print Number 7379C, an act to amend the Alcoholic Beverage Control Law.

ACTING PRESIDENT LITTLE: Senator Klein.

SENATOR KLEIN: Would the sponsor yield to some questions.

ACTING PRESIDENT LITTLE: Senator Winner, Senator Klein has asked for an explanation.

SENATOR WINNER: Thank you, Senator Klein.

This legislation is obviously known by everyone here as the direct shipment of

wine proposal. The direct shipment of wine proposal really has emanated and gotten a great deal of legs as a result of the May 16th decision by the United States Supreme Court, where the current system of distributing wine or shipping wine in New York State was declared to be illegal.

Where New York heretofore had been having unlimited shipment of wine within its state borders, it prohibited the shipment of wine outside of its borders, and the court indicated that that system was not proper.

New York is the third largest wine-producing state in the United States. Right now we have over a thousand grape growers, over 200 wineries. And that industry is currently a credit to this state. We provide great amounts of money to promote tourism there. And this legislation will allow the marketing of that wine to be even increased substantially, and will allow New York wines to achieve the prominence that they deserve in this country by exposing them to so many more consumers and promoters than currently is allowed under the current system.

This legislation provides for a significant amount of protection to ensure that sales to minors does not occur. And it also provides for the guarantee of collection of appropriate revenues and taxes for state taxpayers, to ensure that excise taxes and sales taxes are properly paid, because it provides for the point of sale to be within the state's borders.

This proposal will increase the amount of revenues the state receives by increasing the amount of wine that is marketed and will again allow New York to be prominent in this country with regard to the display, marketing and production of the fine wines that the Finger Lakes, the Hudson Valley, and Long Island currently produce.

So yes, I'd be glad to yield to a question.

ACTING PRESIDENT LITTLE: Thank you.

Senator Klein.

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

ACTING PRESIDENT LITTLE: Senator

Winner, do you continue to yield?

SENATOR WINNER: Yes.

ACTING PRESIDENT LITTLE: The Senator yields.

SENATOR KLEIN: Madam President, I wanted to ask the sponsor -- clearly, I think we're all concerned in making sure that youngsters don't have access to alcohol. Can the Senator please elaborate on how we're making sure, under this legislation, that young people cannot purchase wine over the Internet.

SENATOR WINNER: Well, first and foremost, Senator, you have to look at a little history here.

In the many, many years that we've had unfettered, unlimited, and unregulated intrastate shipment of wine, there has been no reported cases of abuse of minors obtaining cases of wine being shipped to the residence of their parents or their friends, for the current unlimited amount of shipping that is allowed in New York from New York wineries right now to New York residents.

So the issue of sales to minors in

my judgment is pretty much a red herring. There has been a report of the Federal Trade Commission in 2003 which indicated that there was no problem with regard to sales to minors at any place in the country as far as direct shipment of wine that they could identify.

And as a result, the protections that are specifically in this bill require the production of identification to the common carrier, liability of the common carrier as -- on an individual basis, and the ability of the common carrier and the duty to refuse in the event an individual does not verification of age and identity upon request by that common carrier. And the overall prohibition against any delivery to anybody under the age of 21, and the necessity for signature.

SENATOR KLEIN: Thank you, Senator.

Madam President, would the sponsor continue to yield.

ACTING PRESIDENT LITTLE: Thank you.

Senator Winner, do you continue to yield?

SENATOR WINNER: Yes, I do.

ACTING PRESIDENT LITTLE: The Senator yields.

SENATOR KLEIN: In the legislation we're leaving an awful lot of responsibility up to common carriers like Federal Express, UPS. How are we going to ensure, under a scenario, let's say, that wine is delivered to an apartment building in New York City that has a doorman, that we're making sure that a minor isn't going to have access to that wine?

SENATOR WINNER: Well, the liability, of course, for any kind of improper delivery would then rest with the individual that was responsible for the commission of that negligent act of a delivery where the wine came into the possession of a minor.

Again, you know, I don't know of any circumstances that have existed to date, Senator, that relates to that violation occurring, with the thousands and thousands of cases of wine that have been shipped into your community and our communities from New York State wineries now under the current system.

So if you've got any demonstrated issues of examples where you can show us whereby these major problems have occurred right now under a less restrictive and less controlled circumstance than we're setting up right now, I'd be glad to take them under consideration.

But I don't believe those abuses have occurred. I don't believe they will occur. And I think that any allegations or representations that there's going to be a huge problem with underage people ordering their favorite case of chardonnay from California and paying the shipping costs two weeks in advance so they can have that party that night is really pretty much an unrealistic concern.

SENATOR KLEIN: Would the Senator continue to yield.

ACTING PRESIDENT LITTLE: Thank you.

Senator Winner, do you continue to yield?

SENATOR WINNER: Yes, Senator.

ACTING PRESIDENT LITTLE: The

Senator yields.

SENATOR KLEIN: As a matter of fact, Senator Winner, I do have a site from a study which was conducted by the Center on Alcohol Marketing and Youth, at Georgetown University, which found that nearly 700,000 underage visitors made in-depth visits to alcohol websites during the last six months.

So clearly young people are gaining access to these websites. If indeed they are actually getting their wine, I guess that's a pretty big number. If 700,000 are actually making inquiries, I'm sure many of those young people are indeed being able to purchase wine underage.

But I want to move to the other area which I think is important to everyone here as well, the collection of taxes. How are we making sure that we're not losing money on taxes on alcohol, revenue in New York State? What are we doing under this legislation to make sure that there's adequate collection of taxes?

SENATOR WINNER: In order to ship into New York State, Senator, the winery would

have to obtain a license, would have to consent to jurisdiction of the Taxation and Finance Department, would have to register with the SLA, and would have to subject themselves to reporting back with administrative actions with regard to their federal winery license in the event that they were to be a tax avoider.

So we have designated New York State as the point of sale for the purposes of delivery into New York. Those wineries would have to make the appropriate reports to the Department of Taxation and Finance and would have to file returns and make reporting requirements so that we can ensure that the appropriate taxes -- this is a very appropriate concern, and I appreciate you raising that, because we need to make sure that New York receives the appropriate revenue.

Senator Krueger is always up here every day making sure we tax everybody. And so that I want to make sure that we get the appropriate revenue on these particular sales, because I know that our state treasury can use

it and we don't want any tax avoidance. So we're going to make sure that we get all those people to pay their taxes, Senator, and that's a very important concern in this bill.

SENATOR KLEIN: Thank you, Senator.

Would the sponsor continue to yield, Madam President.

ACTING PRESIDENT LITTLE: Thank you.

Senator Winner, do you continue to yield?

SENATOR WINNER: Absolutely.

ACTING PRESIDENT LITTLE: Thank you.

The Senator yields.

SENATOR KLEIN: Senator, I know Governor Pataki in the past vetoed a measure to allow interstate or Internet shipping of wine. There's one portion where he states in his veto memo where the Department of Tax and Finance has estimated that each case of wine sold under the provisions of the bill would cost the state approximately $1 in lost excise tax and approximately $10 in lost sales tax

revenue.

What under this legislation is making sure that loss isn't going to occur, under your bill?

SENATOR WINNER: Again, Senator, I want to reiterate the contention that the point of sale in this legislation is designated to be New York. And therefore, the shipper is going to be required to pay the appropriate excise taxes and sales taxes on the point of sale occurring in the State of New York.

So therefore, while the Governor's concerns were -- whether they were valid or invalid back in 1995 with regard to that issue, the Governor has certainly been adequately involved in the development of this proposal, so -- to satisfy his concerns that in fact appropriate taxes will be collected and paid.

So to that extent, Senator, I'm confident that this measure will provide for those protections and meet the very, very legitimate concerns that you have just identified.

SENATOR KLEIN: Thank you very much.

On the bill, Madam President.

ACTING PRESIDENT LITTLE: Thank you.

On the bill, Senator Klein.

SENATOR KLEIN: I'm still very, very concerned in opening the door to allow Internet sales of alcohol to minors. You know, I know this legislation before us today is only limited to the sale of wine. But clearly the most recent Supreme Court decision I think has tremendous ramifications. Next we'll be here doing legislation to sell alcohol, next we'll be doing legislation to sell beer.

And clearly in the State of New York over the last several years, we've done everything possible to make sure that minors don't have access to alcohol. We card them, we have education programs. I passed legislation in the past which allows scanning devices to make sure that ID cards are valid. We're really reducing the amount of alcohol that's being purchased by minors. We're also

reducing the number of DWI convictions by minors.

But here we are today opening the door allowing young people to buy alcohol over the Internet. You know, it's clear that there's many, many sites that do cater to young people. The study that I cited earlier has specific websites which advertise how easy it is and really promote young people in being able to purchase alcohol, no questions asked, over the Internet. That's a huge problem.

I have another concern. I'm proud of the fact that I wrote the law in New York State which bans the sale of cigarettes over the Internet. It went to a federal court, it was found unconstitutional, it was then reversed. It is now the law of the land in New York State that you cannot purchase cigarettes over the Internet.

We did many sting operations over the years which showed that young people as young as 14 years of age were buying cigarettes over the Internet, no questions asked. They were delivering them right to their front door. I'm afraid the same thing

is going to happen under this legislation.

Also, the other reason why I was so concerned over cigarette sales was a loss of tax revenue. I'm concerned that we're losing very, very important tax revenue in the State of New York. And clearly I showed that in the cigarette sales over the Internet.

I think once again we're opening the door to tax evasion, bootlegging of untaxed wine -- and alcohol, if we do something else in the future -- and I think that's bad public policy.

To reiterate what I said earlier, I think it's bad public policy to have free access for young people to be able to purchase alcohol of any kind over the Internet. And I think it's bad public policy to make it easier to evade New York State's tax laws.

ACTING PRESIDENT LITTLE: Thank you, Senator.

Senator Nozzolio.

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

ACTING PRESIDENT LITTLE: On the bill.

SENATOR NOZZOLIO: Direct shipping will have a direct impact on job growth in this state. That's the bottom line.

The wineries of New York have taken great strides in the last two decades. We've seen the small farm winery -- supported, in many cases, by legislation enacted in this house -- has expanded. We see small farm wineries in every corner of the state, but particularly the Finger Lakes region where Senator Winner and I and Senator Volker represent well over a hundred wineries.

We see a great amount of product being produced, people coming to the Finger Lakes region, New York State, because of the wine, because of the beauty, and because of the ambience being created by a wonderful industry that wasn't here even 25 years ago. Literally tens of thousands of tourists are coming into New York and discovering our regions. And from the Finger Lakes perspective, we look at the wineries as second to none as a magnet for bringing people, bringing their commerce into New York State.

The Finger Lakes wine product is

being discovered nationally. The vintners have been utilizing great technology produced at Cornell University, that they have been utilizing wonderful science and wonderful growing and irrigation dynamics to develop a grape and a product that is receiving national and even international acclaim that we never would have envisioned seeing two and a half decades ago.

As we're drawing tourists from all across the state, many who are traveling into our region, not having the means to take product back with them or, when they're at home in other areas of the country, wishing they had some of that Finger Lakes wine or Long Island wine or wherever they were traveling, heretofore were not able to get that product, obtain that product.

This measure by Senator Winner is a great measure that will help our industry grow here in New York. Direct shipping would not just allow us to grow grapes, but it will grow jobs. We're not only going to be selling more wine, we're going to bring more people into our area to come and more people to come the

second and third time because they have enjoyed what other areas of the nation have been utilizing.

Particularly the states of California and Washington have been somewhat ahead of us in the wine production industry. But I believe that this and other measures that continue to support the grape growing and vintners of this state will help move us along so that we will be second to none in a very short period of time.

I wish to again thank Senator Winner for his leadership. I wish to thank many of the advocates, particularly the New York State Farm Bureau, who recognized how this measure will enhance job production, income, commerce into New York State.

On a more personal level, I'd like to thank the vintners from my region, Senator Winner's region, Senator Volker's region, who came out front and worked very hard to see this measure and to see this measure that will not just grow more grapes but will grow many more jobs for New York.

Thank you, Madam President.

ACTING PRESIDENT LITTLE: Thank you, Senator Nozzolio.

Senator Skelos.

SENATOR SKELOS: Thank you, Madam President.

I too want to congratulate Senator Winner on passing this legislation. I know that Congressman Kuhl worked on this a long time, but it needed a member of the Assembly to come over and give it that final push. But congratulations to you.

You know, what's really going to be great is Senator Nozzolio and Senator Winner and a number of my colleagues from upstate, come to Long Island and you'll taste some great wine. It's absolutely tremendous.

Right, Senator LaValle?

SENATOR LaVALLE: Absolutely.

SENATOR SKELOS: The best.

I am absolutely convinced with this legislation, number one, revenues to the state will actually increase, not decrease.

And I'm absolutely convinced that this will not impact any minors in terms of drinking. Quite frankly, the protections are

there. UPS, whomever, is not going to fool around and get fined or lose the ability to ship.

This is really an economic development piece. This is an opportunity for the mid-Hudson area, for upstate, for Long Island to really bring tourism to the regions and really promote a great product. Other states, and Senator Nozzolio mentioned them, Washington State and some of other smaller states throughout this nation, their products were not known until they could ship out of state. And once they had that ability, their product became well known and their industry flourished.

So if there is one economic development piece this year that I believe will definitely create jobs throughout the state, it is this.

So, Senator Winner, I congratulate you. And perhaps you can let Congressman Kuhl know that you accomplished what unfortunately we could not up until this point. Congratulations to you.

ACTING PRESIDENT LITTLE: Thank

you, Senator Skelos.

Senator LaValle.

SENATOR LaVALLE: Thank you, Madam President.

The legislation that we have before us is long overdue. We have had more stops and starts and disappointments about direct shipment. We thought at one point we had language in a budget. It didn't work out. It took the Supreme Court of the United States to finally clear the way for us to be able to reach an agreement and have this legislation. The prior speakers talked about its importance.

I am very, very proud to represent, in the First Senatorial District, the majority of the wineries on Long Island. And in the last twenty years, these small wineries have distinguished themselves by winning awards in national competition. And so by this legislation, it will allow the wineries to become more profitable and improving the product that they have, creating more jobs.

Last session we passed, in this house and the Assembly, a law that created

wine trails in Suffolk County. And so there are wine trails throughout the state. And people have demonstrated that they enjoy going to the wineries and taking their families and enjoying -- it's all part of the tourism of our state. And so this legislation will bring that up another notch or so.

But for the First Senatorial District, what this will do is it will ensure that the wineries stay profitable. And many years ago I had -- I sat down with the supervisors in the towns that I represent and we set out a strategy for open space, to protect our land, to make sure that it continue continued in farming. And we tried two strategies. One was the vineyards and wineries, and that has succeeded. And the second was to broaden our equine industry, and that has had some successes and some failures. But it was all part of maintaining our open spaces, keeping farmland as -- to be farmed. And so again, this will allow the solvency and profitability of our wineries.

I also hope that people now across the country will experience, from Niagara

Falls to Montauk, the great Long Island wines that we have. And that here in this house that we will continue the competition -- I think Senator Skelos talked about how great the Long Island wines are, because we're proud of them, as I'm sure the Finger Lakes and throughout the state, and the Hudson Valley are proud of their vineyards. But once again, New York, we're ready to compete with the other 49 states.

I support this legislation, Madam President.

ACTING PRESIDENT LITTLE: Thank you, Senator LaValle.

Senator Maziarz.

SENATOR MAZIARZ: Thank you very much, Madam President.

I rise in support of this legislation. But in deference to my colleagues from the Finger Lakes region and from Long Island, I think it's a rather established fact, Madam President, that in order to have great wine, you have to have very good grapes. And the best grapes in New York State are grown on the Niagara

Escarpment in the shadow of Lake Ontario and the Niagara River. And that produces the best wine in New York State.

And but for the fact that there was a 36-case limit, I would prove that, Madam President, by sending all the other 61 members a case. However, I am prohibited by law from doing that.

So, Madam President, the millions of tourists a year who visit -- Senator LaValle and Senator Skelos and Senator Winner and Senator Nozzolio had it exactly right. The millions of tourists a year who visit New York State, particularly the millions of tourists a year who visit Niagara Falls, are going to be able to visit the wine trails that we have in Western New York and are going to be able to ship our products back to their home states.

I think this is an excellent bill. I agree with Senator Skelos, it took Senator Winner just one session to get over here and to get this passed, with a little bit of help from the United States Supreme Court. I look forward to this being a very good economic

engine for all regions of New York.

Thank you, Madam President.

ACTING PRESIDENT LITTLE: Thank you, Senator Maziarz.

Senator Volker.

SENATOR VOLKER: Madam President, I too want to thank Senator Winner.

I have already told Congressman Kuhl that it took a monumental effort by an Assemblyman to get this bill done, and he was very happy. Of course, he represents the wine area too.

And for those of you that may wonder, actually, I think that Senator Young and myself and George probably represent more of the grape people -- we're not the wineries -- than some of the other mid-state people.

But wine trails have become a huge operation. And I remember on Long Island, by the way, when a fellow by the name of John Dyson, who was a former commissioner of commerce, was one of the only people who had wineries and had -- was growing on the island. Well, that's of course changed immensely now.

I've been out on Long Island, and they have very good wine. I probably think it's second only to the wine in the Finger Lakes. And I have to say that because I represent part of the Finger Lakes; I represent Canandaigua and so forth.

But I have to tell you, Senator Padavan, who sits next to me here, was chairman of Mental Health for a long, long time. And I was chairman of the only subcommittee of mental health, I believe, in the entire time, which was alcoholism. I have frankly opposed wine in grocery stores because I felt the possibilities of sale to minors was too high. And that has brought me some consternation by some of my own wine people.

This is a whole different issue. The issue of distribution is an entirely different issue. This is not how young people get wine, this is how people in both upstate and Long Island will have an even greater opportunity to enjoy wines, and people in California and a lot of other places will find out, maybe, that they should stop drinking California wine and start drinking our wine.

So I want to thank, again, Senator Winner, and of course Senator Nozzolio, who's pushed this for so many years.

And actually I think this is probably one of the most important bills for economic development this session, and it's something that was long necessary.

ACTING PRESIDENT LITTLE: Thank you, Senator Volker.

Senator Sabini.

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

ACTING PRESIDENT LITTLE: On the bill.

SENATOR SABINI: Madam President, I join those that have spoken about the importance of the wine industry in this state, and in the Finger Lakes region and the Hudson Valley and, as a Long Islander, in Long Island.

But I want to echo the concerns raised by Senator Klein earlier during his questioning. We have a very tight structure in our state involving the State Liquor Authority, alcohol beverage control. There's

a reason that we have tight restrictions on who can sell liquor, when they can sell it, where they can sell it, where they can distribute, who they can sell it to, who checks.

We had a debate yesterday about a machine where it was said, well, it's going to be marketed to kids. Well, the machine doesn't cause any problems. What you put in the machine does. And that is, as I cited yesterday, why we have tight controls on our liquor stores, our distributors, having them check as to who buys things.

So I want to be consistent. I continue to be for the strict control of alcoholic beverages, because they should not be in the hands of people under 21. And I share the concern of Senator Klein that while we can say there's protections in this law, coming soon to a TV station near you, some sting operation where kids are buying wine on the Internet.

And as a result of the Supreme Court decision, there's going to be small batch bourbon coming in from Kentucky, you're

going to have specialty beers sold on the Internet, you're going to have all kinds of things sold on the Internet.

And while the Supreme Court ruled that our law violates interstate commerce clauses, the interstate commerce clause can be watered down, as it has been in the past, if there are public policy concerns of the result of interstate commerce.

And so I -- I'm concerned that we've set up a very good system in New York to make sure that how we sell alcohol is tightly controlled. And I fear that while this may be good for our wine industry -- and I think that's a good thing, because I think it's a great industry and I think it's fabulous what we've done, particularly on Long Island, with our wineries -- that there's got to be a better way to make sure that minors don't have access to wine and alcohol and cigarettes and that we have tighter controls over the tax collection of those items.

And so for those reasons, I'll be voting in the negative. Thank you.

ACTING PRESIDENT LITTLE: Thank

you, Senator.

Senator Rath.

SENATOR RATH: Madam President, very briefly.

As chairman of the Tourism Committee, I would be remiss if I did not congratulate Senator Winner, because I see this as in some way a tourism development promotion. And as we know, we would like very much to see more monies into tourism development, as some of our sister states have. We are way down in dollar amounts in supporting I Love New York and some of the other programs that draw people into New York State.

But I envision parties in Texas or in Wisconsin and people will say: Oh, where did you discover this wine? Oh, it's New York State. And people will say: I was on Long Island or I was in the Finger Lakes or I was in Niagara. And people will think to themselves, Well, I was going to go to Long Island; maybe I'd better go on the wine trail. Or I was going to go to a wedding in the Finger Lakes; maybe I ought to do the Finger

Lakes Wine Trail. It will act as an ambassador for New York State goodwill.

I only have one small concern, and I do want to speak with Senator Brown about it, and it's that the wine trail and the beer trail don't overlap. But I think that's next year's business.

ACTING PRESIDENT LITTLE: Thank you, Senator Rath.

Senator Alesi.

SENATOR ALESI: Thank you, Madam President.

First of all, I'd like to congratulate Senator Winner for doing a fine job in producing this compromise bill.

And secondly, I'd like to point out that as chairman of the Committee on Commerce, Economic Development and Small Business, I recognize the benefits of this amended compromise bill, not only to those people who want to enjoy New York State's fine wines now, by purchasing them in a different method from what we're used to, but also because this supports our state's number-one business. And most people still don't consciously realize

that agriculture is our number-one business in this state.

Interestingly enough, the other enhancement that this bill will bring to New York State is an enhancement to our number-two business, as Senator Rath pointed out. Our number-two business in this state is tourism. And so with this enhancement of both of our top two industries in this state -- Curly, Larry and Moe. With the enhancement of the top two businesses in this state, I think that we will go a long way in encouraging an influx, not only of people coming in from New York State, but those people who don't even recognize what we have here.

Earlier this year I was making plans to do a repeat trip that I did at the NCSL a couple of years ago. We went to Napa Valley. It was a destination point for us. They have some good wines out there. But we have some very good, very excellent and, to be sure, some very competitive wines right here in New York State. And yet we were excited about going 3,000 miles away to visit a place that does exactly what we do here.

And with Senator Winner's bill, now I can foresee, in the very near future, an influx of people from all of those other places because they will have an opportunity to be introduced to our good products here.

At one point there was great concern over the dismantling of the tier system. And in the committee that I chair, I shared those concerns, and rightfully so. But through the good works and the willingness to compromise that Senator Winner has shown and the other house has shown and the second floor has shown, I think we're beyond those concerns about the three-tier system.

And so as I speak today, I embrace this. And I congratulate Senator Winner, who sits with a straight face as I speak. And I look forward to a time when those people all over our state and all of the other states in this nation will come to New York and participate in our great industry.

So congratulations to Senator Winner and all of those who worked on this bill. Thank you very much for your patience with me, Senator, and my committee.

ACTING PRESIDENT LITTLE: Thank you, Senator Alesi.

Senator Wright.

SENATOR WRIGHT: Thank you, Madam President. Very briefly.

I too want to extend my congratulations to Senator Winner as the sponsor of the bill, and particularly as the representative of the newest wine region in the State of New York, the Thousand Islands, which has not been mentioned in this afternoon's debate.

It was but two weeks ago on this floor that we passed the Thousand Islands Seaway Wine Trail legislation, and last night it passed the Assembly. So we're looking forward to joining all of our colleagues from the Finger Lakes and Long Island and Western New York in producing a very fine variety of wine that is extremely hardy, of course, because it's in the North Country.

But I'd also like to reinforce and echo the comments of Senator Alesi. Our economy in the North Country is one that is very much dependent upon agriculture and

tourism, and this is another added value to our economy, one that will foster the growth of small business.

And in fact we have a young entrepreneur who is an individual who came to our region from Fort Drum, stayed in the region, made an investment in his winery and began growing his small business. He now has incorporated a number of the small dairy farmers who have now developed an alternative or a diversity to their crop, to their incomes, and is very successful growing grapes throughout the region and producing a fine wine that we've had occasion to share.

So I too want to acknowledge the sponsor's efforts, the support of the Senate for the concepts of tourism and agriculture, and look forward to having all of you visit the new wine trail in the Thousand Islands.

Thank you, Madam President.

ACTING PRESIDENT LITTLE: Thank you, Senator Wright.

Senator Young.

SENATOR YOUNG: Thank you, Madam President.

As chairperson of the Senate Agriculture Committee and as someone who proudly represents the Chautauqua region in New York State, I am thrilled about the passage of this legislation because it's critical to the health and the future of upstate New York.

You know, we've talked a little bit -- my colleagues have talked about different areas of the state where they have wonderful wine regions. And I acknowledge that, that we have exquisite wines that are produced in the Finger Lakes, the Niagara region, the Hudson Valley, Long Island, the Thousand Islands. But also in Chautauqua County, where grapes grow on the beautiful shores of Chautauqua Lake and Lake Erie.

Despite the high quality of our wines in New York State, unfortunately they have been the best-kept secret in the country. And it's because there was limited access. This direct shipping bill will change all that. And when you look at other states that have gone to direct shipping that produce wines, their business at their wineries has

increased up to 70 percent. We are hoping that we can even beat that percentage here in New York State.

So I too congratulate and thank Senator Winner for his tenacity, the Farm Bureau for their tireless advocacy on this legislation. And I just think it's a great day for the future of the grape, the wine, and the tourism industry in New York State.

ACTING PRESIDENT LITTLE: Thank you, Senator Young.

Senator Meier.

SENATOR MEIER: Madam President, I was sitting here kind of puzzled. I wanted to help Senator Winner out and support this bill, but they don't make wine in my district. And then it hit me.

Rome and Utica has the best Italian food in the entire state of New York. And as the late, great Pasquale Destito, the owner of the Savoy, always used to say: "Eating Italian food without wine is like dancing without music. It can be done, but it's better the other way."

(Laughter.)

ACTING PRESIDENT LITTLE: Thank you, Senator Meier.

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

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 120th day.

ACTING PRESIDENT LITTLE: Call the roll.

(The Secretary called the roll.)

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

SENATOR WINNER: Thank you, Madam President. Briefly to explain my vote.

I want to thank my colleagues for supporting this, and I want to thank the Farm Bureau and the other advocates on behalf of this legislation. This is going to go a long way to help all of the 2.7 million visitors of our wineries to obtain these great products. It's going to help our economy, it's going to help tourism, it's going to help many, many regions of this state, and it is going to be a

tremendous benefit to all of us.

I would have liked to have congratulated everybody more, with a larger reception. But as Senator Maziarz pointed out, we have something called a case limit on this, so that therefore we're precluded on getting everything we want for that.

But, Senator Maziarz, remember, your wife can get another 36 cases too, so now you can cover all of us in the room.

(Laughter.)

SENATOR WINNER: I vote aye.

ACTING PRESIDENT LITTLE: Thank you.

Senator Winner will be recorded in the affirmative.

The Secretary will announce the results.

THE SECRETARY: Those recorded in the negative on Calendar Number 1961 are Senators Klein and Sabini.

Those Senators absent from voting: Fuschillo, Gonzalez, C. Kruger and Sampson.

Ayes, 54. Nays, 2.

ACTING PRESIDENT LITTLE: The

bill is passed.

Senator Skelos.

SENATOR SKELOS: If you would please call up Calendar Number 1952, noncontroversial. This is a chapter amendment to the bill we just passed.

ACTING PRESIDENT LITTLE: The Secretary will read Calendar 1952, noncontroversial.

THE SECRETARY: Calendar Number 1952, by Senator Winner, Senate Print 5925, an act to amend the Alcoholic Beverage Control Law.

SENATOR SKELOS: Madam President, is there a message at the desk?

ACTING PRESIDENT LITTLE: Yes, there is.

SENATOR SKELOS: Move to accept.

ACTING PRESIDENT LITTLE: All those in favor of accepting the message of necessity say aye.

(Response of "Aye.")

ACTING PRESIDENT LITTLE: Those opposed.

(No response.)

ACTING PRESIDENT LITTLE: The message is accepted.

Read the last section.

THE SECRETARY: Section 5. This act shall take effect on the same date and in the same manner as a chapter of the Laws of 2005.

ACTING PRESIDENT LITTLE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57. Nays, 2. Senators Klein and Sabini recorded in the negative.

ACTING PRESIDENT LITTLE: The bill is passed.

Senator Skelos.

SENATOR SKELOS: Madam President, on Supplemental Calendar B would you please call up Calendar Number 1958, by Senator Farley, noncontroversial.

ACTING PRESIDENT LITTLE: Thank you.

The Secretary will read Calendar 1958 on the noncontroversial Supplemental Calendar B.

THE SECRETARY: Calendar Number 1958, substituted earlier today by Member of the Assembly Brennan, Assembly Print Number 4257A, an act to amend the New York State Printing and Public Documents Law.

ACTING PRESIDENT LITTLE: Read the last section.

THE SECRETARY: Section 62. This act shall take effect on the 90th day.

ACTING PRESIDENT LITTLE: Call the roll.

(The Secretary called the roll.)

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

SENATOR FARLEY: Just to explain my vote.

I just want to say thank you to the Minority over there, and to the Assembly. This is a massive bill, but it's a good-government bill, one that gets rid of all kinds of unnecessary requirements that are in the law.

The Assembly has worked on this since the '90s and really did a lot of work. My office did a lot of work putting it

together again this year. It's a cleanup bill that really helps for the efficiency of government. And I applaud the Assembly, the other side, and everybody for supporting it. It's also very good for our legislative library.

Thank you, Madam President. I vote aye.

ACTING PRESIDENT LITTLE: Senator Farley will be recorded in the affirmative.

The Secretary will announce the results.

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT LITTLE: The bill is passed.

Senator Skelos.

SENATOR SKELOS: Madam President, on the regular calendar would you please call up Calendar Number 1926, by Senator Spano, noncontroversial.

ACTING PRESIDENT LITTLE: The Secretary will read Calendar 1926, noncontroversial, regular calendar.

THE SECRETARY: Calendar Number 1926, by Senator Spano, Senate Print 5654B, an

act to amend the Tax Law and others.

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

Read the last section.

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

ACTING PRESIDENT LITTLE: Call the roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT LITTLE: The bill is passed.

Senator Skelos.

SENATOR SKELOS: Madam President, if we could go to Supplemental Calendar B and take up Calendar Number 1962, controversial.

ACTING PRESIDENT LITTLE: Thank you.

The Secretary will read Calendar Number 1962, on the controversial reading of Supplemental Calendar B. And the Secretary will ring the bell.

The Secretary will read.

THE SECRETARY: Calendar Number

1962, substituted earlier today by Member of the Assembly Diaz, Assembly Print Number 8376A, an act to amend the Insurance Law.

SENATOR SCHNEIDERMAN: Explanation.

ACTING PRESIDENT LITTLE: Senator Seward, for an explanation.

SENATOR SEWARD: Certainly, Madam President.

This is one piece of our multifaceted antifraud package that this house has passed on a number of occasions. And I'm very pleased that this particular part of that package has received support and passage in the other house a day or two ago under the sponsorship of Assemblyman Diaz.

And this particular bill requires the Superintendent of Insurance, in consultation with the Commissioner of Health and the Commissioner of Education, to establish a process for decertifying those healthcare providers who engage in deceptive billing or fraudulent practices and making them ineligible to submit bills or claims for payment under the no-fault auto insurance

program.

ACTING PRESIDENT LITTLE: Thank you, Senator.

Senator Montgomery.

SENATOR MONTGOMERY: Yes, Madam President. I just want to point out that although I'm going to be supporting this legislation, I do have a bit of a concern that we may be going a little far in protecting providers as opposed to considerations for consumers.

And so I want to just register that concern, but I am going to be voting yes.

ACTING PRESIDENT LITTLE: Thank you.

Is there any other Senator wishing to be heard?

The debate is closed.

The Secretary will ring the bell.

Read the last section.

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

ACTING PRESIDENT LITTLE: Call the roll.

(The Secretary called the roll.)

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

SENATOR SEWARD: Thank you, Madam President.

I'm very pleased with the support that this legislation is receiving today.

But for the record, I would just like to state that this measure is designed to address the unlawful and abusive conduct that has driven up the cost of auto insurance in this state, including the solicitation of patients through the use of runners and the knowing submission of false claims to no-fault carriers, such as billing for treatments that were never provided.

In this regard, I believe it is important to note that this measure does not permit the deauthorization of a provider under no-fault as a result of simple coding disputes that often take place between the insurers and health providers regarding how to appropriately describe, in a numerical code, the service rendered by a physician, such as a difference of opinion regarding the appropriate evaluation and management codes

that physicians use to describe the time and complexity of a particular patient's visit.

Instead, this measure is designed to address situations where a provider submits a claim stating that they performed a particular diagnostic procedure or test, such as an MRI, and in fact never actually performed that diagnostic procedure or test.

I would also note that there is nothing in this legislation that would permit auto insurance companies to establish standards of medical care and by extension seek to deauthorize providers who do not follow such standards.

With that on the record, Madam President, I vote aye.

ACTING PRESIDENT LITTLE: Thank you.

Senator Seward will be recorded in the affirmative.

Senator DeFrancisco, to explain his vote.

SENATOR DeFRANCISCO: Yes, I'm going to vote yes. I don't think anyone should be voting against an antifraud measure

that saves taxpayers money and consumers money.

The problem is there's also activities on behalf of insurance companies that I believe don't fairly pay claims. And I've had a bill languishing in this house for years, which I drafted, which passed the Assembly, called the Unfair Claims Act, which gives the consumer a remedy when a claim, at least on a homeowner's policy, is not honored and there's no basis for it not being honored other than the stronger financial capabilities of an insurance carrier as opposed to a homeowner.

And I keep mentioning this because I hope someday we will recognize that, if not fraud, there is certainly an unequal balance of authority and power on behalf of the carriers to decline policyholders their due recovery on policies, which are just not fair. And there should be some remedy for consumers as well, just as here there's a remedy for carriers against those consumers who are not doing the right thing.

So I'll vote in favor of this and

continue to wait patiently for some balance.

ACTING PRESIDENT LITTLE: Thank you.

Senator DeFrancisco will be recorded in the affirmative.

The Secretary will announce the results.

THE SECRETARY: Those recorded in the negative on Calendar Number 1962 are Senators Andrews, Connor, Dilan, Duane, Hassell-Thompson, Parker, Paterson, Sampson, Schneiderman, Serrano, A. Smith and Stavisky.

Those Senators absent from voting: Fuschillo, Gonzalez, and C. Kruger.

Ayes, 45. Nays, 12.

ACTING PRESIDENT LITTLE: The bill is passed.

Senator Skelos.

SENATOR SKELOS: Madam President, on Supplemental Calendar B would you please call up Calendar Number 1966, by Senator Leibell. I believe this is on the controversial reading.

ACTING PRESIDENT LITTLE: Thank you.

The Secretary will read Calendar Number 1966, on the controversial Supplemental Calendar B, by Senator Leibell.

THE SECRETARY: Calendar Number 1966, by Senator Leibell, Senate Print 5927, an act to amend the Public Authorities Law and others.

SENATOR MONTGOMERY: Explanation.

ACTING PRESIDENT LITTLE: An explanation has been requested of Senator Leibell.

SENATOR LEIBELL: Thank you, Madam President.

Madam President, this is certainly going to be one of the most significant pieces of legislation to come before the Senate and the Assembly during this session.

There have been a great many questions raised about public authorities over the last couple of years. It's probably important for us, as we discuss this issue, to keep in mind what authorities have done for our state over the course of the last few generations.

Most of us are well aware of the

role of the Port Authority, Power Authority, Thruway, Dormitory, canal, housing authorities and the billions of dollars that they represent, as well as the airport authorities and the bridge and tunnel authorities.

Numerous questions have been raised with respect to the important roles that these authorities play, state as well as local authorities. There's been an issue as to whether or not the public and even the Legislature and the Executive know how these authorities operate.

What we have attempted to do over the last almost two years now is to get a better grasp for how these authorities operate and to find ways in which they can be improved.

First, I'd like to thank our Majority Leader, Senator Bruno, for his active involvement, support and encouragement. And I would note also for our colleagues that this has been a partnership, because at every step of the way, as the Majority has proceeded, similarly, Senator Ada Smith, the ranking Minority member, has proceeded also.

We have conducted, together, hearings throughout the state. We've reviewed testimony, we've taken comment, and we've tried to learn from all those who have an interest and are participants in the authorities of our great state.

What we have today is a commencement. It is by no means a conclusion. We are still waiting for the Governor's task force to give us additional thoughts in this area, as well as our own committees are going to be continuing to work. The legislation is aimed at restoring public confidence, and it has certain key elements.

We would also note that Senator Winner did, the other day, his -- gave us the other day his procurement piece, which is certainly a major reform piece. We also have another piece involved, which Senator Smith and I have worked on, involving subsidiaries of our authorities.

This legislation -- and I would also note that as we go through this significant reform, this is not the first time that this body has considered reforming

authorities. Key reforms have gone back to the 1939 state constitutional convention, the 1956 review of authorities, the 1968 constitutional convention. 1972 through 1976 led to the PACB reform.

So there have been numerous occasions and many opportunities to look at these authorities. But we have been concerned with the erosion of public confidence, which is why we are here today.

This is a good, solid first step. First, we commence the much-needed legal definitional process of this area of the law, defining for the first time the terms "state authority," "local authority," "interstate or international authority" and "affiliate."

We then expand the boards of several important authorities to the workable size of seven, to permit the formation of audit and corporate governance committees.

We provide corporate governance reform by separating the roles of the chairman and the chief executive officers of several of our most important authorities.

We attempt to improve transparency,

disclosure, accountability by requiring public authorities to submit, with their annual report, a debt issuance report card, a compensation schedule, an inventory of projects undertaken by authority during the last year, an inventory of all real property, and the authority's code of ethics, as well as an assessment of the authority's internal control structure and procedures.

This bill will require public authorities to make documentation available on official Internet websites pertaining to its mission, current activities, most recent financial reports, current year budget, and its most recent independent audit report.

Further, it requires public authority boards to approve their financial reports and to have them certified by their CEOs and CFOs. It requires all state authorities to submit annual budget reports to Governor and the Legislature and, in the case of local authorities, to submit such reports to the CEO, CFO, and chair of the legislative body of the local government or governments.

It requires all public authorities

to have an independent financial audit, an audit committee, and to hire a certified public accounting firm to perform such independent audit, in accordance with generally accepted auditing standards, and to provide copies of such audits to the Governor and the Legislature.

To have the certified public accounting firm which performs the authority's independent audit to timely report back to the authority's audit committee, including management's response or plan of corrective action.

To require the certified public accounting firm which performs the public authority's independent audit to change the lead audit partner after five years.

To prohibit the certified public accounting firm which performs the public authority's independent audit from also providing contemporaneous non-audit services for the authority, and to prohibit the certified public accounting firm which performs the public authority's independent audit, if a member of the financial management

team of the authority that was employed by such firm within an year of the initiation of the audit, to prohibit -- I'm sorry, to prohibit the certified public accounting firm to perform the public authority's independent audit if a member of the financial management team of the authority was employed by such firm within a year of the initiation of the audit.

And it provides for corporate governance reform by requiring public authorities to define the role and responsibility of authority board members to promote the education and independence of board members, to require board members to file financial disclosure, to prohibit board members from accepting personal loans, and to require boards to establish an audit committee and a corporate governance committee.

This bill would further promote increased accountability, ethics and public confidence by making provisions concerning the disposition of property of public authorities, including the establishment of duties and disposal guidelines with respect to the

disposition of the property of the authorities.

It also permits the Senate Finance and Assembly Ways and Means Committee and their secretaries to be provided with all public authority data, information or statements as may be necessary for the proper exercise of their powers and duties.

It also directs the establishment, within the Executive Department, of an organization to provide the Governor and the Legislature with information, conclusions and opinions concerning the operations and performance of authorities.

And, finally, the bill would establish a new Article 4A of the Executive Law to codify the Executive order establishing an Office of the State Inspector General, to provide for his term and compensation, and include within his jurisdiction with respect to public authorities.

As I noted, this is a bill that is very, very comprehensive. It is, I believe, the most dramatic reform we've seen in the history of our state's authorities. It is a

bill also which commences the reform process but does not complete it.

And I would note that, once again, we're very grateful for the working relationship we have had with Senator Smith and her staff throughout this process.

ACTING PRESIDENT LITTLE: Thank you, Senator Leibell.

Senator Montgomery.

SENATOR MONTGOMERY: Yes, Madam President, if the sponsor, Senator Leibell, would yield.

ACTING PRESIDENT LITTLE: Senator Leibell, do you yield for a question?

SENATOR LEIBELL: Yes.

ACTING PRESIDENT LITTLE: The Senator yields.

SENATOR MONTGOMERY: Yes. Senator Leibell, you may have said this initially, but I didn't hear it. Is there a three-way or two-way agreement on this legislation?

SENATOR LEIBELL: I'm sorry, I didn't say that, Senator.

There is a three-way agreement

between the Assembly, the Executive and this house.

SENATOR MONTGOMERY: All right. Thank you.

Madam President, just briefly on the bill.

ACTING PRESIDENT LITTLE: Thank you.

SENATOR MONTGOMERY: I want to thank the members who have worked very hard to come up with what I think is a very good beginning in terms of reform of the authorities.

The taxpayers of the State of New York assume the responsibility, obligation for the debt service created by these authorities, and it's often that it's done in such a secret manner and in a way that there is no accountability to the public. And so therefore, it's sort of a -- it's been a runaway group of freight trains. And we, I think, need to and, very appropriately, have come up with a proposal which will bring them into line as it relates to the oversight.

I'm very pleased to see that

there's transparency required of the authorities, that they have information on their websites so citizens can see what -- the activities that they've been engaging in. I'm very happy to see that there will be an independent audit on the activities of the public authorities, all of them.

And I'm very happy to see that there's been reform in the board members themselves, that we now will know who is on the board of the authority and will have access to their financial disclosure information.

I'm happy to see that there is an independent inspector general created with this legislation in the office of the Executive, so that we now at least have some official office to oversee these authorities, and that there will be a report that will come to us in a way that we can review what has been happening and know at all times what is the extent of the debt, outstanding debt service, and what it's for and all of that.

If we pass Senator Leibell's bill -- hopefully we will -- and that the

Assembly will agree on the subsidiary legislation, I think that will also be very -- an important bill to match with this one.

Certainly I understand that we didn't go as far as maybe Senator Leibell and some of the sponsors, the cosponsors, would have liked. However, this is a very important and significant and good step in the right direction, and so I am happy to support this.

I think, on behalf of the constituents that I serve who have lots of issues and problems with the way the authorities operate, especially as it relates to some of the projects in my own district, I think that they will be very grateful and very happy that we have made this one of the things that we've accomplished in this particular legislative session.

So, Madam President, I am happy to support this legislation.

ACTING PRESIDENT LITTLE: Thank you, Senator Montgomery.

Senator Krueger.

SENATOR LIZ KRUEGER: Thank you, Madam President. If the sponsor would yield,

please.

ACTING PRESIDENT LITTLE: Thank you.

Senator Leibell, do you yield for a question?

SENATOR LEIBELL: Yes.

ACTING PRESIDENT LITTLE: Thank you.

Yes, the Senator yields.

SENATOR LIZ KRUEGER: Thank you.

I want to thank you for the work on this bill and for your very detailed explanation. It is a dense and complex bill, and I think it does address many of the concerns that so many of us have had about public authorities and the fact that we take responsibility away from ourselves by creating these independent authorities and then never seem to go back and watch or care.

But I still have a few questions. So through you, Madam President, this does include IDAs for some of the same standards as other public authorities. Does this change in any way the role of the Public Authority Control Board vis-a-vis --

SENATOR LEIBELL: No.

SENATOR KRUEGER: -- authorities or IDAs or the process?

SENATOR LEIBELL: No, Senator.

SENATOR LIZ KRUEGER: No, they don't. Thank you.

Now, it also lays out many more responsibilities for reporting and reporting to us and to the public. But I don't see any sections on penalties if public authorities don't meet these new requirements.

Is there a penalties section and I just didn't get to it because it's such a big bill?

SENATOR LEIBELL: There is not.

SENATOR LIZ KRUEGER: So if I --

SENATOR LEIBELL: What you have, though, is you have an inspector general who's created who would then be able to go in and do a necessary report and make comment on their failures.

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

ACTING PRESIDENT LITTLE: Senator

Leibell, do you continue to yield?

SENATOR LEIBELL: Yes.

ACTING PRESIDENT LITTLE: The Senator yields.

SENATOR LIZ KRUEGER: Thank you. And your last answer triggered this question I had.

So that there is a requirement for independent auditors, which is great. And actually GAAP budget standards have to be followed, which we should follow in the state budget as well, so I'm glad to see we're mandating it for our authorities.

But up until now, it's my understanding the Comptroller's office has had the role of auditing or investigating problems with public authorities and IDAs. And in this legislation, the division of an inspector general, budget -- wait, I'm going to get the name wrong. But it's within the inspector general's office, I believe, which is an Executive office, and then a Division of Budget authority -- I'm losing the term, but I think you know what I mean.

SENATOR LEIBELL: I know what you

mean, Senator.

SENATOR LIZ KRUEGER: Thank you.

So does the Comptroller's office have no role anymore in evaluating or auditing?

SENATOR LEIBELL: They would have concurrent jurisdiction.

SENATOR LIZ KRUEGER: They would have parallel jurisdiction. Thank you.

I think just one -- if, through you, Madam President, one additional question.

ACTING PRESIDENT LITTLE: Thank you.

Senator Leibell, do you yield for another question?

SENATOR LEIBELL: Yes, Madam President.

ACTING PRESIDENT LITTLE: The Senator yields.

SENATOR LIZ KRUEGER: Thank you.

Again, as I said, I find that overall this bill moves us absolutely in the right direction.

But I have -- I do have one concern. It actually gives, in creating

larger boards with even more, statistically, of the members being appointed by the Governor, it actually seems to shift power over public authorities to some degree further to the Executive. And again, we've created the investigative arm in the -- excuse me, in the investigator general's office.

Are we shifting a little too much of the authority to the Executive in response to the balance we have now? Even though I completely support having far more oversight and review and mandated reporting.

SENATOR LEIBELL: We would still have, of course, our legislative oversight. We will have more legislative oversight than ever before. There is more authority for, I think, the Executive. There is still tremendous authority for the State Comptroller.

So I think we've tried to build a redundancy into this legislation that there will be controls from the Executive branch, through the Comptroller, through the Governor's office himself and their inspector general, and through the Legislature.

SENATOR LIZ KRUEGER: Madam President, I know I said I had my final question, but I just realized one more. Would the sponsor humor me and give me one more question?

ACTING PRESIDENT LITTLE: Senator Leibell, one more question, please?

SENATOR LEIBELL: Sure.

Just to respond to your previous question, which --

SENATOR LIZ KRUEGER: Yes.

SENATOR LEIBELL: -- you had asked about penalties. There are always the penalties if anybody puts in a fraudulent document. Those penalties are there.

SENATOR LIZ KRUEGER: If, through you -- thank you, Madam President.

We have discussed, I think, on this floor in the past when public authorities have come up, and based on audits that have come out, that it's a reasonable question that maybe we shouldn't have so many public authorities in this state and that some of these could be -- are duplicative or could be combined. The question of 117, I believe,

IDAs.

Is there anything within this bill that proposes either evaluating the current structure of the number of different authorities we have or makes recommendations for some kind of task force to look into that question of do we have the right ones, should we be changing the formula?

SENATOR LEIBELL: Actually, that's one of the things that Senator Smith brought up as we went through our processes. That's an area that Senator Smith has been working on also.

And I would anticipate that that's one of the things that we have yet to close down on and that we will be working on over the summer and fall to try to come up with a legislative solution on that: how you take these authorities, if necessary, to consolidate them and, if they've outlived their usefulness, how do you take away their existence.

SENATOR LIZ KRUEGER: Right.

Thank you, Madam President. On the bill.

ACTING PRESIDENT LITTLE: Thank you.

Senator Krueger, on the bill.

SENATOR LIZ KRUEGER: Thank you.

Well, at the risk of shocking this house, I'm very pleased with this bill. I want to applaud everyone who was involved on both sides and in both houses, and the Governor's office, for moving us this far. I think we've known we needed to do this for many years. And the fact that we are standing here today voting it through and believing we have a three-way deal I think is very good news for the people of the State of New York.

As Senator Leibell just said, there's more work to be done, there are more questions to deal with. And I think as this is implemented over the next year or two, and we expect to see dramatically more information becoming available to the public because of the reporting requirements and the new mandates, I think that we'll have new questions about how these authorities are operating and whether they're appropriate or necessary. And there will be more questions

because there's, as someone else just said, there's more transparency. And so we'll find other things that we need to address with further legislation.

But I must say I'm very pleased that we are moving down this road. And I think this is an excellent beginning. And I want to thank the sponsor for his work and say that I think this is a situation where all three levels of government did some good work and we're getting a bill that we can be proud of.

Thank you, Madam President.

ACTING PRESIDENT LITTLE: Thank you.

Senator Farley.

SENATOR FARLEY: Yes, thank you, Madam President. I rise to applaud Senator Leibell and Senator Smith, who worked together on this.

I think this was one of the most herculean assignments that was ever given to senators to try to resolve. And there were many people that felt that this was something that would never come to fruition, which was

very, very, very difficult, and something that needed to be addressed.

And to see that this -- you know, we've look at things that we accomplished here this year. This is a major accomplishment that has been done in our Senate and in the Assembly, everybody working together, the second floor. And it is really significant that this authorities reform has come to pass in this year.

And, Senator Leibell, you are to be applauded for taking on a job that many people did not, never thought could be accomplished. And it is truly a credit, not only to this house, but to the entire legislative process and the negotiating process that this has come to pass.

And, Senator Smith, I also applaud you for your cooperation and help working with in a bipartisan manner to make this happen.

I'm going to vote aye.

ACTING PRESIDENT LITTLE: Thank you.

Senator Schneiderman.

SENATOR SCHNEIDERMAN: Very

briefly.

I'm pleased that, listening to Senator Krueger, Senator Farley, Senator Leibell, we're sort of kicking off the summer of love here in a true bipartisan fashion.

I spent a lot of years, long before I was in the Senate, dealing with issues raised by authorities and representing public interest groups against authorities. And we're big on grandiose metaphors now, but if this is a herculean effort, the authorities of this state certainly have come, at times, to resemble the Augean stables.

But I think it's clear that this bill is an unusual step forward -- unusual because, in this area of authorities reform, the perfect has always been the enemy of the possible. And I commend everyone involved in both houses, on both sides of the aisle. Senator Smith is getting a lot of love in this summer of love here today.

There are issues still to be addressed. As Senator Krueger and Senator Montgomery pointed out, we have too many authorities. We do need independent review.

But this is really a surprise and a pleasure to many. And many of the public interest groups I've represented in battles with the authorities did not think this would come to pass.

So congratulations to all -- Senator, Senator. And let's get this done and keep on going.

Thank you, Madam President.

ACTING PRESIDENT LITTLE: Thank you, Senator.

Senator Smith.

SENATOR ADA SMITH: Thank you, Madam President.

I would like to commend Senator Leibell and his staff for a yeoman's job, the many hours of dedication that they put into ensuring that this bill came to fruition.

I would also like to commend Senator Leibell for his negotiating skills in being able to deal with Assemblyman Brodsky, and who is -- and it all came through in the Assembly.

SENATOR SCHNEIDERMAN: Love. Love.

SENATOR ADA SMITH: That's with love. I love Richard.

And I would like to thank the members of the Assembly and the leadership there, who were busy working to assure that this became law.

And to Senator Bruno, I thank him for allowing me to be able to work with my colleague on the other side of the aisle.

And I look forward to next year when we come back and tackle those things that are still left to be done.

Thank you.

ACTING PRESIDENT LITTLE: Thank you, Senator Smith.

Senator Leibell.

SENATOR LEIBELL: Thank you.

You know, as Senator Smith and I went through this process, which was certainly for me, I think, the most difficult legislation I've ever worked on, I would like to thank our counsel, Bob Farley; Heather Mowat, from Senate Finance; Maston Sansom, from our counsel's office; and I know Keith St. John from your office also did a great

job.

So we've been blessed, all of us, by very good staff people who worked hard and long hours on this, and we thank them for that.

And I certainly vote aye.

ACTING PRESIDENT LITTLE: Thank you.

Senator Skelos.

SENATOR SKELOS: Madam President, I want to congratulate Senator Leibell and of course all the people he mentioned and the bipartisan effort that existed.

But I really think it's his daughter, Martha, who is sitting behind him, that came from Cornell as a junior and said -- well, senior, now -- and said, "Let's get it done," and it happened.

So congratulations to you, Martha.

ACTING PRESIDENT LITTLE: Thank you, Senator.

Is there any other Senator wishing to be heard?

Debate is closed, then.

The Secretary will ring the bell.

Read the last section.

THE SECRETARY: Section 31. This act shall take effect immediately.

ACTING PRESIDENT LITTLE: Call the roll.

(The Secretary called the roll.)

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

SENATOR LaVALLE: Thank you, Madam President.

I want to compliment Senator Leibell, who has worked very, very hard; Senator Smith.

In his remarks, Senator Leibell talked about the importance of our authorities in delivering services that are so important to the commerce of our state. Greater transparency and the reform in this measure will mean greater viability of our authorities, greater confidence by the people.

And, Senator Leibell, this truly is a monumental moment for this Legislature and our state. You are to be congratulated.

I vote in the affirmative.

ACTING PRESIDENT LITTLE: Thank

you.

Senator LaValle will be recorded in the will be recorded in the affirmative.

Senator Volker, to explain his vote.

SENATOR VOLKER: Madam President, quickly.

I just want to thank Senator Leibell. With all the things that he's done in this bill, he probably hardly even remembers, but he was extremely cooperative -- there were some problems related to the authorities that we created in healthcare areas, and one of them in particular was Roswell Park.

And the way in which the bill was drafted could have created some very severe problems for Roswell Park in contracting and things of that nature. But Senator Leibell and his staff were extremely cooperative, and as a result that problem was taken care of.

And the Roswell Park Cancer Institute, that is competing with cancer institutes all across the world, the country, has been taken care of with its problem. And

I want to thank Senator Leibell for that.

And I vote aye.

ACTING PRESIDENT LITTLE: Thank you.

Senator Volker will be recorded in the affirmative.

Senator DeFrancisco, to explain his vote.

SENATOR DeFRANCISCO: Yes, I also want to rise to support this bill.

You know, at the beginning of the session there was a lot of talk about the need for reform. And when you look at the session as we stand right now, we've talked about public authorities reform, the Kendra Law reform, we've reformed some of the procedures in this house, the voters will vote on budget reform this coming November. So things are really happening, and much to the better in this house.

And to Hercules Leibell, we really appreciate his efforts on this particular piece of legislation.

ACTING PRESIDENT LITTLE: Thank you.

Senator DeFrancisco in the affirmative.

Senator Stachowski, to explain his vote.

SENATOR STACHOWSKI: Yes, Madam President, I too rise to congratulate Senator Leibell on this bill. We look forward to reform in the authority area.

I'd also like to join with Senator Volker on thanking him for taking care of the problems that Roswell might have faced had he not looked into it.

And I want to assure him that while he was speaking, at least seven members were reading sailing and boating books in the lounge.

(Laughing.)

SENATOR STACHOWSKI: I vote yes.

ACTING PRESIDENT LITTLE: Thank you.

Senator Stachowski voting in the affirmative.

Senator Montgomery, to explain her vote.

SENATOR MONTGOMERY: Yes, Madam

President, thank you.

I just want to rise to also commend Senator Leibell. He was very gracious, has met with people from my district and from the New York City area.

I want to thank you for being patient, listening, and incorporating some of the concerns and issues that have been raised by constituents in my district as well as other districts across the state.

So this is really a good thing. We have both sides of the aisle on the bill reflecting a new -- what I would like to hope is a new direction for our house and a new level of professional cooperation between the two, because we share some of the same issues and concerns. So, Madam President, this is a good thing.

And let me just say with all of the hoopla and talk about reform, this really is the clearest example that I can see of a real reform that we'll be voting on today.

So I'm happy to vote yes.

ACTING PRESIDENT LITTLE: Thank you.

Senator Montgomery will be recorded in the affirmative.

The Secretary will announce the results.

THE SECRETARY: In relation to Calendar Number 1966, those Senators absent from voting: Senators Fuschillo, Gonzalez and C. Kruger.

Ayes, 57.

ACTING PRESIDENT LITTLE: The bill is passed.

Senator DeFrancisco.

SENATOR DeFRANCISCO: Could you please go to Supplemental Calendar A, in the noncontroversial calendar; namely, Calendar Number 1943.

ACTING PRESIDENT LITTLE: The Secretary will read Calendar Number 1943 on the noncontroversial Supplemental Calendar A.

THE SECRETARY: Calendar Number 1943, by Senator Leibell, Senate Print 5102, an act to amend the Public Authorities Law.

ACTING PRESIDENT LITTLE: Read the last section.

THE SECRETARY: Section 2. This

act shall take effect immediately.

ACTING PRESIDENT LITTLE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT LITTLE: The bill is passed.

Senator DeFrancisco.

SENATOR DeFRANCISCO: Madam President, would you now go to Supplemental Calendar B and one of the noncontroversial bills on that calendar, 1959.

ACTING PRESIDENT LITTLE: The Secretary will read Calendar Number 1959 on the noncontroversial Supplemental Calendar B.

THE SECRETARY: Calendar Number 1959, substituted earlier today by Member of the Assembly Espaillat, Assembly Print Number 8410A, an act to amend the Tax Law and the Executive Law.

ACTING PRESIDENT LITTLE: Read the last section.

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

ACTING PRESIDENT LITTLE: Call

the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57. Nays, 2. Senators LaValle and Maltese recorded in the negative.

ACTING PRESIDENT LITTLE: The bill is passed.

Senator DeFrancisco.

SENATOR DeFRANCISCO: Yes, Madam President. There will be an immediate meeting of the Rules Committee.

And until they complete their work, the Senate will stand at ease.

ACTING PRESIDENT LITTLE: Immediate meeting of the Rules Committee in the Majority Conference Room.

The Senate stands at ease.

(Whereupon, the Senate stood at ease at 1:58 p.m.)

(Whereupon, the Senate reconvened at 2:08 p.m.)

ACTING PRESIDENT MEIER: Senator Skelos.

SENATOR SKELOS: Mr. President, if we could return to reports of standing

committees, I believe there's a report of the Rules Committee at the desk. I ask that it be read at this time.

ACTING PRESIDENT MEIER: Reports of standing committees.

The Secretary will read the report of the Rules Committee.

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

Senate Print 713B, by Senator LaValle, an act to amend the Real Property Tax Law;

979A, by Senator Morahan, an act to amend the Public Health Law;

1772A, by Senator Meier, an act to amend the Public Health Law;

3984C, by Senator Volker, an act to amend the Executive Law;

4869A, by Senator Hannon, an act to amend the Public Health Law;

5051A, by Senator Saland, an act to amend the Education Law;

5117, by Senator Spano, an act to amend the Public Health Law;

5398A, by Senator Maziarz, an act to amend the Tax Law;

5429, by Senator Spano, an act to amend the Civil Service Law;

5485A, by Senator Rath, an act relating to providing;

5541, by Senator Oppenheimer, an act to authorize;

5656C, by Senator Spano, an act to amend the Public Health Law;

5835, by Senator Hannon, an act to amend the Public Health Law;

5860, by the Senate Committee on Rules, an act extending;

5911, by Senator Young, an act to amend the Education Law;

5913, by Senator Marcellino, an act authorizing;

5924A, by Senator DeFrancisco, an act to amend the Court of Claims Act;

And Assembly Print Number 7699, by Member of the Assembly Nolan, an act to amend the Banking Law.

All bills ordered direct to third reading.

ACTING PRESIDENT MEIER: Senator Skelos.

SENATOR SKELOS: Mr. President, move to accept the report of the Rules Committee.

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

(Response of "Aye.")

ACTING PRESIDENT MEIER: Those opposed, nay.

(No response.)

ACTING PRESIDENT MEIER: The report is accepted.

Senator Skelos.

SENATOR SKELOS: I believe we're waiting for the active list to be distributed. So if we could just stand at ease for a moment.

ACTING PRESIDENT MEIER: The Senate will stand at ease.

(Whereupon, the Senate stood at ease at 2:11 p.m.)

(Whereupon, the Senate reconvened at 2:14 p.m.)

SENATOR SKELOS: Mr. President.

ACTING PRESIDENT MEIER: Senator Skelos.

SENATOR SKELOS: On each member's desk there's a calendar that says Senate Supplemental Calendar 62C. We will use this as the active list.

So if we could go to that calendar, starting with Calendar Number 293, noncontroversial.

ACTING PRESIDENT MEIER: The Secretary will read.

THE SECRETARY: Calendar Number 293, by Senator LaValle, Senate Print 713B, an act to amend the Real Property Tax Law.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1951, by Senator Morahan, Senate Print --

SENATOR SCHNEIDERMAN: Lay it aside.

ACTING PRESIDENT MEIER: Lay the bill aside.

THE SECRETARY: In relation to Calendar Number 1968, Senator Meier moves to discharge, from the Committee on Rules, Assembly Bill Number 4844 and substitute it for the identical Senate Bill Number 1772, Third Reading Calendar 1968.

ACTING PRESIDENT MEIER: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1968, by Member of the Assembly Gottfried, Assembly Print Number 4844, an act to amend the Public Health Law.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1969, Senator Volker moves to discharge, from the Committee on Rules, Assembly Bill Number 5380C and substitute it for the identical Senate Bill Number 3984C, Third Reading Calendar 1969.

ACTING PRESIDENT MEIER: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1969, by Member of the Assembly Perry, Assembly Print Number 5830C, an act to amend the Executive Law.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MEIER: Senator

Andrews, to explain his vote.

SENATOR ANDREWS: Yes, Mr. President, thank you.

I am honored and privileged to have the opportunity to vote on this bill. Former Congresswoman Shirley Chisholm was the congresswoman of the district that I represent now in the State Senate.

And to tell a little story, back in 1977, when I was a junior in college, she spoke to our student body then as the congresswoman of this district. And she encouraged all the students at that time to take advantage of their education and to use their education to come back and help the community. And from those inspiring words and from her speech, that was one of the motivational forces that got me involved in public service.

So I want to congratulate and I'm also honored to be a part of this bill. And also noticing the calendar number, 1969, even though she was elected in 1968, she took office in 1969, so it's very appropriate.

And I want to be recorded in the

affirmative on this bill.

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

Senator Hassell-Thompson, to explain her vote.

SENATOR HASSELL-THOMPSON: Thank you.

Mr. President, my colleague took my line about 1969.

But I too want to thank Senator Volker and this body for putting this bill forward today. Shirley Chisholm, not only as a woman of color, but a woman of Caribbean extract, gave such an impetus and such a -- became such an inspiration to so many people because of the life that she lived as well as the work that she did.

She started as a nurse, and I had the opportunity to meet her very early in her political life when our church asked her to be the keynote speaker for Women's Day. And it was historical in that it was the first time that our pulpit had ever invited a woman to be a speaker. The Baptist Church is very conservative when it comes to women in the

pulpit. They've come a long way since those days. But certainly someone of Shirley's stature was what made the difference.

But I think to the women, and particularly for women like me, who at that age were looking for someone to inspire us, to change the way we looked at life and to decide that we didn't have to settle for just being nurses or just being teachers or just being married women, that there were things that we could accomplish. And she opened the door, in many respects, for a lot of us, and for that I am very grateful.

And I have tried to pattern my life so much like hers. Her book Unbought and Unbossed was truly who she was. And I hope that those things can be said of me when I have finished my political life.

And I thank this body for this commemoration of her as a woman who not only, as I said, opened the doors for people of color but gave a new impetus to women in terms of what we could do if we chose.

ACTING PRESIDENT MEIER: Senator Hassell-Thompson will be recorded in the

affirmative.

Senator Ada Smith, to explain her vote.

SENATOR ADA SMITH: Thank you, Mr. President.

I would really love to commend Senator Volker for this bill. As many of you know, I started in this business as an aide to Congresswoman Shirley Chisholm. She was not only a mentor, but a friend.

All of the things that you've ever read or heard about her are true. But most of all, she had a marvelous sense of humor and she believed in educating young people and in the art of politics. And she had a fervent, fervent thrust for education. And she tried to instill that in all of us who worked for her.

And I may have said on this floor earlier that at her funeral, former Assemblyman, now Clerk of the City of New York Victor Robles, who also worked for her, Supreme Court Justice Valerie Brathwaite Nelson, who is in the Queens Supreme Court -- and just last week we lost one of those staff

people who had been with us from the beginning, Brenda Pillors, who up until last week was the chief of staff to Congressman Ed Towns.

She leaves a legacy of many of us in government. And none of us would have been able to survive in these rough waters without the steering of Shirley Anita Chisholm.

And I thank you so much, Senator Volker, for this honor. And I vote in the affirmative.

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

Senator Montgomery, to explain her vote.

SENATOR MONTGOMERY: Yes, Mr. President.

I rise to thank Senator Volker for introducing the legislation establishing the Shirley Chisholm commemoration. And in fact, Shirley Chisholm represented the district that I represent now, in Congress. And there are many people in my district who still live today who worked very closely with Shirley Chisholm. She established the Shirley

Chisholm Cultural Institute, which still exists and still carries the legacy that Shirley Chisholm left, as explained by Senator Smith, of a woman who always looked back and was concerned about the little people in her district that she represented.

So we thank you. It's certainly an honor to be able to speak about her in this Legislature, as one of the people who follows, in a sense, in her footsteps. So thank you.

Thank you, Mr. President.

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

Senator Volker, to explain his vote.

SENATOR VOLKER: Yeah, very quickly to explain my vote.

Some people might wonder why I have a bill. I knew Shirley Chisholm. She spent some time in Western New York, and I won't get into it. She was a wonderful person.

I also want to say, and I know it's a little bit unusual procedure, you can't do what we do, which is say if you want to be on

the bill, because it's a bill. But if anybody would like to buck-slip onto the bill, I'd be happy to slip, if anybody would. A number of people have, and I'm more than happy to do that to anybody that would like it.

She was a great person. And what this does, so you understand, it makes a day of remembrance. It's not a holiday or anything, it's a day of remembrance on her birthday.

I vote aye.

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

Senator Stavisky, to explain her vote.

SENATOR STAVISKY: Yes, I remember Shirley Chisholm when she served in the Assembly before she went to Congress. And in her book Unbought and Unbossed, she spoke about the difficulties that she encountered. And interestingly, she said she felt more prejudice against her because she was a woman than because she was African-American.

So on behalf of the women in the Legislature, she set the standard for us to

follow. And I'm delighted to join and thank Senator Volker and Senator Smith and Senator Montgomery and all of the other people -- Senator Andrews and all of the other people who continue her legacy today.

Thank you, Mr. President.

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

Announce the results.

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1970, Senator Hannon moves to discharge, from the Committee on Rules, Assembly Bill Number 7162A and substitute it for the identical Senate Bill Number 4869A, Third Reading Calendar 1970.

ACTING PRESIDENT MEIER: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1970, by Member of the Assembly Dinowitz, Assembly Print Number 7162A, an act to amend the Public Health Law.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1971, by Senator Saland, Senate Print 5051A, an act to amend the Education Law.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1972, Senator Spano moves to

discharge, from the Committee on Rules, Assembly Bill Number 3029A and substitute it for the identical Senate Bill Number 5117, Third Reading Calendar 1972.

ACTING PRESIDENT MEIER: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1972, by Member of the Assembly Pretlow, Assembly Print Number 3029A, an act to amend the Public Health Law.

ACTING PRESIDENT MEIER: Read the last section.

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

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

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

THE SECRETARY: In relation to Calendar Number 1973, Senator Maziarz moves to discharge, from the Committee on Rules, Assembly Bill Number 7385A and substitute it for the identical Senate Bill Number 5398A, Third Reading Calendar 1973.

ACTING PRESIDENT MEIER: Substitution order.

The Secretary will read.

THE SECRETARY: Calendar Number 1973, by Member of the Assembly Farrell, Assembly Print Number 7385A, an act to amend the Tax Law.

ACTING PRESIDENT MEIER: Read the last section.

SENATOR DUANE: Lay it aside.

ACTING PRESIDENT MEIER: Lay the bill aside.

THE SECRETARY: In relation to Calendar Number 1974, Senator Spano moves to discharge, from the Committee on Rules, Assembly Bill Number 8246 and substitute it for the identical Senate Bill Number 5429, Third Reading Calendar 1974.

ACTING PRESIDENT MEIER: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1974, by Member of the Assembly Abbate, Assembly Print Number 8246, an act to amend the Civil Service Law.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1975, Senator Rath moves to discharge, from the Committee on Rules, Assembly Bill Number 8346A and substitute it for the identical Senate Bill Number 5485A, Third Reading Calendar 1975.

ACTING PRESIDENT MEIER: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1975, by Member of the Assembly Schimminger, Assembly Print Number 8346A, an act relating to providing an accidental death benefit.

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

Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1976, Senator Oppenheimer moves to discharge, from the Committee on Rules, Assembly Bill Number 8673 and substitute it for the identical Senate Bill Number 5541, Third Reading Calendar 1976.

ACTING PRESIDENT MEIER: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1976, by the Assembly Committee on Rules, Assembly Print Number 8673, an act to authorize the Village of Scarsdale.

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

Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1977, by Senator Spano, Senate Print 5656C, an act to amend the Public Health Law and the Public Authorities Law.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

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

SENATOR SPANO: Mr. President, this bill represents a part of a package of three bills that will provide both short-term and long-term relief for the Westchester

County Medical Center.

It puts in place a mechanism for accountability for the board, creation of a financial improvement board of that medical center, long-term relief financial resources for that hospital, a maintenance of effort to require the County of Westchester to continue their financial support of this center, and continuing support of this center as a regional healthcare facility in the Hudson Valley that provides the only trauma unit between Albany and New York City, the only burn center between Albany and New York City, and State of New York psychiatric care and behavioral health services and critical services to geriatric care in their nursing home.

We're hopeful that the Assembly will join with us with this package of bills so we can send them to the Governor to provide the type of long-term relief to the employees and to the people who utilize this great facility.

I vote aye.

ACTING PRESIDENT MEIER: Senator

Spano will be recorded in the affirmative.

Senator Leibell, to explain his vote.

SENATOR LEIBELL: Thank you, Mr. President.

I think most of our colleagues over the course of the last few months have heard a great deal about the Westchester Medical Center, regardless of the area of the state you're from. And as Senator Spano pointed out, this is not only for Westchester County, which I have the honor of representing with a number of my colleagues, but important for the entire region.

I will say to you that there was a tragic fire not too long ago in the Albany area. And I was listening to the morning news, and one of the comments that was made by the announcer was that this person had been critically burned and was being helicoptered down to Westchester Medical Center from the state capital.

So this has been a particularly critical issue for us, as with many hospitals and major health facilities. It's had severe

financial challenges. All of us have worked hard on this. But I'd especially like to compliment Senator Spano because as the leader of our delegation and s someone who has put tremendous effort into this, this is critically important and could not have occurred today without his efforts. We thank you, Senator Spano.

And hopefully the Westchester Medical Center will look forward to a long and bright future.

I vote aye.

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

Senator Bonacic, to explain his vote.

SENATOR BONACIC: Thank you, Mr. President.

I've always said that I would never like to see a hospital go out on my watch in my district. And a good example of watching the efforts of Senator Spano on how hard he worked over the last few weeks, along with Senator Leibell and all of my colleagues on the other side of the aisle, to keep this

regional hospital.

I have constituents from Ulster County, Sullivan County, Orange County, all go to Westchester County for specialized services. And with healthcare being under fiscal stress on all levels, it is imperative to show leadership and bipartisan support to keep this regional hospital open.

I congratulate all my colleagues from Westchester, on both sides of the aisle, for getting it done.

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

Senator Hassell-Thompson, to explain her.

SENATOR HASSELL-THOMPSON: Thank you, Mr. President.

Again, I wish to thank this body for their support of us in Westchester as we make an attempt to save a hospital that, as you've heard from Senator Bonacic and from Senator Leibell, that serves a region as opposed to just the people of Westchester.

This is an extraordinary facility. And I know that all of you are aware of the

kinds of financial difficulties we've been experiencing. But without your help, we would not be able to rescue this hospital.

And know that we are as concerned about how we comport ourselves in the future and the kinds of monitoring that needs to happen to ensure that we don't find ourselves in this kind of financial situation again will be at the top of the agenda of all of us who represent Westchester in any part.

Westchester Medical Center, for me at the age 9, of was a facility for children who had communicable diseases who could not stay at home. I had developed pneumonia. And even though it was a tremendous distance -- in those days, it was a long distance from Mount Vernon to Westchester Medical Center. There were no highways and of course my parents didn't have cars, and they couldn't come and visit me. But I will always remember with a certain amount of gratitude the kind of work that it has done for children with upper respiratory diseases and infections and all of the work that it does for infants, for children, for the elderly as well as those

with mental disorders.

So this hospital is going into the 21st century with a boom. And the kinds of state of the art that it offers in the areas of healthcare is critically important, not only to us but to the six communities that are contiguous.

Thank you for your support of this bill. And thank you, Senator Spano, for the leadership that you have taken to ensure that we can go home and face our constituents and know we've done the best that we can here in the Senate to ensure that the work of this hospital continues.

Thank you, Mr. President.

ACTING PRESIDENT MEIER: Senator Hassell-Thompson will be recorded in the affirmative.

Senator Oppenheimer, to explain her vote.

SENATOR OPPENHEIMER: Just very briefly. Thank you, Mr. President.

I want to thank Senator Spano, because it has been a very difficult road and it's certainly not ended yet. We have found

ourselves at odds with some of the Assembly bills, and we hope that we will be able to get more cooperation.

But I think Senator Spano, who was almost ready to turn over the whole bag of wax or whatever, bag of something, because it was such a difficult negotiation -- and he stuck with it, and I thank him very much for that.

This is not the answer. We know that a tertiary care hospital is probably not going to ever be in the black, because it deals with very specific kinds of serious injuries, illnesses, and it requires very specialized doctors, very specialized equipment, very specialized techniques. And that is the plight of a tertiary hospital, and we have to realize that it's going to need our support, our continuing support.

But it is of great importance that we do this, because there are very few tertiary care hospitals in our state and we need them desperately.

So thank you, Senator Spano, for hanging in there. You did a great job.

ACTING PRESIDENT MEIER: Senator

Oppenheimer will be recorded in the affirmative.

Announce the results.

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1979, Senator Hannon moves to discharge, from the Committee on Rules, Assembly Bill Number 8869 and substitute it for the identical Senate Bill Number 5835, Third Reading Calendar 1979.

ACTING PRESIDENT MEIER: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1979, by the Assembly Committee on Rules, Assembly Print Number 8869, an act to amend the Public Health Law.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1980, Senator Bruno moves to discharge, from the Committee on Rules, Assembly Bill Number 8530 and substitute it for the identical Senate Bill Number 5860, Third Reading Calendar 1980.

ACTING PRESIDENT MEIER: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1980, by Member of the Assembly Sweeney, Assembly Print Number 8530, an act extending the time to file.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1983, by Senator DeFrancisco, Senate Print 5924A, an act to amend the Court of Claims Act.

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

ACTING PRESIDENT MEIER: There is.

SENATOR SKELOS: Move to accept.

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

(Response of "Aye.")

ACTING PRESIDENT MEIER: Those opposed, nay.

(No response.)

ACTING PRESIDENT MEIER: The message is accepted.

The bill is before the house.

Read the last section.

THE SECRETARY: Section 6. This act shall take effect August 1, 2005.

ACTING PRESIDENT MEIER: Call the

roll.

(The Secretary called the roll.)

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

SENATOR LaVALLE: Thank you, Mr. President.

I'm going to support this legislation because certainly the counties that are mentioned here and the various judgeships are needed in those counties.

I'm a little saddened that Suffolk County or Nassau County is not on a list to have additional judgeships created. Our courts are -- each judge, I think, has a caseload that is very, very heavy. And we certainly can use some relief in the County of Suffolk, and I'm sure Nassau can also.

Nevertheless, I vote in the affirmative.

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

Senator Balboni, to explain his vote.

SENATOR BALBONI: Mr. President, I'd like the opportunity to explain my vote on

this bill by basically saying that I'm curious as to how the Office of Court Administration would advance a proposal like this at the very last minute without a plan as to how you were going to roll out judgeships.

I sit on the Judiciary Committee, I've been a part of the creation of judgeships in the last 16 years on too numerous occasions to even mention. And I'm concerned that this lacks a plan as to how we're going to address the needs of our judiciary from a statewide perspective.

Now, I also echo my colleague Senator LaValle's concerns that this approach, without having any judgeships on Long Island, flies in the face of reason given the caseloads in those court systems. So I would ask, to the extent that there are any undesignated judgeships in this legislation, that the Office of Court Administration give serious consideration to looking at the caseloads for where they place those unassigned judgeships.

Mr. President, I vote aye.

ACTING PRESIDENT MEIER: Senator

Balboni will be recorded in the affirmative.

Senator DeFrancisco, to explain his vote.

SENATOR DeFRANCISCO: Yes, I'm going to vote yes. And this was a late starter, obviously, or more people would have heard about it before.

But I just want to assure everyone that the Office of Court Administration did in fact provide numbers as to the areas of most need. And then it became a matter of negotiation between the Governor, the Speaker, and the Majority Leader. And as we all know, in a matter of negotiation sometimes everyone does not end up the way they want to be.

So I would hope that in the future that we could create additional judgeships in order to reduce the burden of those overburdened courts.

Thank you.

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

Announce the results.

THE SECRETARY: Ayes, 58. Nays,

1. Senator Connor recorded in the negative.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1984, by Member of the Assembly Nolan, Assembly Print Number 7699, an act to amend the Banking Law.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT MEIER: The bill is passed.

Senator Skelos.

SENATOR SKELOS: Mr. President, could we call up now Calendar Number 1731.

ACTING PRESIDENT MEIER: The Secretary will read Calendar 1731.

THE SECRETARY: Calendar Number 1731, substituted earlier today by Member of the Assembly Gantt, Assembly Print Number

8546, an act to amend the Education Law.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT MEIER: The bill is passed.

Senator Schneiderman, why do you rise?

SENATOR SCHNEIDERMAN: Just to explain my vote.

ACTING PRESIDENT MEIER: Without objection, Senator Schneiderman to explain his vote.

SENATOR SCHNEIDERMAN: Thank you. Just very briefly, this bill authorizes the Rochester and Buffalo school districts to contract for services of registered professional nurses. And I know this has the strong support of the entire Western New York delegation. And it provides them also to

provide school health services, which have been sought for a long time by members on both sides of the aisle.

I vote yes, Mr. President.

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

And the bill is passed.

Senator Skelos.

SENATOR SKELOS: On the controversial Calendar 62C, would you please call up Calendar Number 1951.

ACTING PRESIDENT MEIER: The Secretary will read Calendar 1951 on the controversial reading of Calendar 62C.

THE SECRETARY: Calendar Number 1951, by Senator Morahan, Senate Print 979A, an act to amend the Public Health Law.

SENATOR SCHNEIDERMAN: Explanation.

ACTING PRESIDENT MEIER: Senator Morahan, an explanation has been requested by Senator Schneiderman.

SENATOR MORAHAN: Yes, Mr. President.

This bill amends the Public Health Law in relationship to capital construction costs and rates of payment by Medicaid for assisted living corporations operated by a for-profit corporation.

ACTING PRESIDENT MEIER: Senator Schneiderman.

SENATOR SCHNEIDERMAN: Through you, Mr. President, if the sponsor would yield for a few brief questions.

ACTING PRESIDENT MEIER: Senator Morahan, do you yield?

SENATOR MORAHAN: Yes.

ACTING PRESIDENT MEIER: The sponsor yields.

SENATOR SCHNEIDERMAN: Thank you.

How many facilities would actually benefit from the -- benefit substantially from the provisions of this legislation?

SENATOR MORAHAN: I believe two, one in Suffolk and I believe the other is in Queens.

SENATOR SCHNEIDERMAN: And through you, Mr. President, what's the basis on which, out of all of the assisted living

facilities in the state, these two facilities have been chosen for these benefits?

SENATOR MORAHAN: I don't know that they've been chosen or that they qualify.

This bill would mean -- really, help assisted living programs that provide a valuable service to elderly New Yorkers. ALPs allow seniors to receive the care and services they need while still living in a community setting with most long-term care activities. The state's Medicaid program plays a major role in paying for ALP care for low-income seniors.

SENATOR SCHNEIDERMAN: Thank you. And through you, Mr. President, if the sponsor would continue to yield.

ACTING PRESIDENT MEIER: Senator Morahan, do you yield?

SENATOR MORAHAN: Yes, I do.

ACTING PRESIDENT MEIER: The sponsor yields.

SENATOR SCHNEIDERMAN: And this legislation also eliminates the requirement that the facility be operated by a not-for-profit corporation, does it not?

SENATOR MORAHAN: That is correct.

SENATOR SCHNEIDERMAN: I'd like to thank the sponsor for his explanation. And I'd like to thank Senator Hannon for the supplemental explanation and speak on the bill.

ACTING PRESIDENT MEIER: Senator Schneiderman, on the bill.

SENATOR SCHNEIDERMAN: Thank you.

I appreciate that we have a lot of facilities that have needs in this state. And Senator Morahan is attempting to address the needs of two particular facilities. But one of the themes that I think has come and gone but been present a lot during this session is that we have a fundamental problem in the way we approach the distribution of economic incentives in this case. The way we approach economic development generally, but particularly the way we make adjustments to the tax laws, provide tax expenditures, provide relief from regulations on a piecemeal basis.

We're approaching the point in this

state where we have a two-tier system of facilities and corporations. One tier somehow made it in the door and got some benefits. They qualified for something in an Empire Zone, an IDA did something for them, they got special legislation passed benefitting them by themselves. And we have everyone else in the state who has to pay additional taxes to subsidize all of those in Category A. There are the approved beneficiaries of the largesse of the state government, and then there's everybody else.

This is a very dangerous way to proceed. And I would urge my colleagues on the other side of the aisle, when you complain about high taxes, one of the problems with our tax system is that we have to have high marginal tax rates just even to generate the revenue we used to get from lower rates when we had fewer loopholes in our tax code. Every time you confer a benefit on one company or one industry, whether it's, you know, fishing or a form of agriculture or an assisted living facility, you put a burden on every other company. And small businesses that tend to

have the least access to lobbying, the least access to the administrative agencies of the state, much less the legislature, are bearing a disproportionate cost.

So I understand and I sympathize with the sponsor's efforts here, but I am going to be voting no. And I hope we will try and move towards a more comprehensive approach in the future.

Thank you, Mr. President.

ACTING PRESIDENT MEIER: Senator Hannon.

SENATOR HANNON: First of all, let me just -- I haven't seen this bill since it left the Health Committee several months ago. It was introduced by Senator Morahan in January.

Whatever Senator Schneiderman is saying in regard to tax rates it's incorrect, because this has nothing to do with tax rates. What he is saying to do with rates of the assisted living program may or may not be correct. But in this case, when there was a certain adjustment of the rates based on the calculations of the ingredients of it, these

facilities that are subjects of this bill were left out of a prior statute. And it was left out because they didn't know they existed as for-profits.

This is to correct what had not been done before. This is to make the playing field level for all of them. This is the state-assisted living program. This is not the generic assisted living that we call -- and it has nothing to do with taxes, it's the way you compute the formula.

Thank you.

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

Debate is closed, then.

The Secretary will ring the bell.

Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MEIER: Announce the results.

THE SECRETARY: Ayes, 56. Nays,

1. Senator Schneiderman recorded in the negative.

Absent from voting: Senators Fuschillo, Gonzalez and C. Kruger.

ACTING PRESIDENT MEIER: The bill is passed.

The Secretary will read.

THE SECRETARY: Calendar Number 1973, substituted earlier today by Member of the Assembly Farrell, Assembly Print Number 7385A, an act to amend the Tax Law.

SENATOR DUANE: Explanation.

ACTING PRESIDENT MEIER: Senator Maziarz, Senator Duane has requested an explanation of Calendar 1973.

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

Mr. President, this bill would exempt jazz clubs, live cabarets where jazz music is played, from sales tax on their admission. Right now there is a ruling from the New York State Department of Tax and Finance that admission charges to the theater, opera, ballet are not subject to sales tax on their admission. However, admission where

live jazz is played in a club-type setting is subject.

The American Federation of Musicians has requested this legislation, and it has passed the Assembly.

Thank you, Mr. President.

ACTING PRESIDENT MEIER: Senator Duane.

SENATOR DUANE: Thank you, Mr. President. Would the sponsor yield, please.

ACTING PRESIDENT MEIER: Oh, I'm sure he would.

Senator Maziarz, do you yield for a question?

SENATOR MAZIARZ: Yes, I will.

ACTING PRESIDENT MEIER: The sponsor yields.

SENATOR DUANE: First, I'm wondering if there's a memo from the City of New York regarding this bill.

SENATOR MAZIARZ: I am not aware of a memo in support or opposition, Senator.

SENATOR DUANE: And through you, Mr. President, if the sponsor would continue to yield.

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

SENATOR MAZIARZ: Yes, I would, Mr. President.

ACTING PRESIDENT MEIER: The sponsor yields.

SENATOR DUANE: Thank you, Mr. President.

I'm wondering if there's any word from the New York City Council --

ACTING PRESIDENT MEIER: Just a second, Senator Duane.

I mean, do we all really want to stay here all afternoon? Because that's what I'm hearing. Can we please have some order in the chamber so we can get through these bills.

Senator Duane.

SENATOR DUANE: Thank you, Mr. President.

SENATOR MAZIARZ: I heard the question, if you don't mind, Mr. President.

I am not aware of any memo in support or opposition from the New York City Council either, Senator.

ACTING PRESIDENT MEIER: Senator

Duane.

SENATOR DUANE: Mr. President, If the sponsor would continue to yield.

ACTING PRESIDENT MEIER: Do you yield?

SENATOR MAZIARZ: Yes, Mr. President.

ACTING PRESIDENT MEIER: The sponsor yields.

SENATOR DUANE: I see that there's a line or a phrase in the bill which refers to a commercially responsible rate. I'm wondering if the sponsor could tell me what that is.

SENATOR MAZIARZ: I'm not sure that I heard the question.

SENATOR DUANE: I see in the bill that there's a phrase which says "commercially reasonable rate." And I'm wondering if the sponsor could tell me what that is.

SENATOR MAZIARZ: Those are the rates that are suggested -- not required, but suggested for a live performance by the American Federation of Musicians, Mr. President.

SENATOR DUANE: Through you, Mr. President, if the sponsor would continue to yield.

ACTING PRESIDENT MEIER: Senator Maziarz, do you yield?

SENATOR MAZIARZ: Yes, Mr. President.

ACTING PRESIDENT MEIER: The sponsor yields.

SENATOR DUANE: What would be a commercially responsible rate for admission to see the Rolling Stones?

SENATOR MAZIARZ: To see who? I'm not --

ACTING PRESIDENT MEIER: The Rolling Stones. It's a rock group, George.

(Laughter.)

SENATOR MAZIARZ: Not having seen the Rolling Stones since I was in high school in 1973, Mr. President, I have no idea what the current rate would be.

SENATOR DUANE: If the sponsor, through you --

SENATOR MAZIARZ: Yes, Mr. President.

SENATOR DUANE: Does he remember what it was then? Or is everything sort of hazy?

SENATOR MAZIARZ: Actually, it was at Maple Leaf Gardens in Toronto, so it was Canadian money. So I'm not exactly sure what the exchange rate be would be in 2005 American dollars, Senator Duane.

SENATOR DUANE: And through you, Mr. President, if the sponsor would continue to yield.

ACTING PRESIDENT MEIER: Senator, do you yield?

SENATOR MAZIARZ: Yes, Mr. President.

ACTING PRESIDENT MEIER: The sponsor yields.

SENATOR DUANE: I see that the estimated revenue loss to the state is $1.7 million. I'm wondering what the estimated revenue loss to the City of New York would be.

SENATOR MAZIARZ: I'm not sure. I think it would probably be a like amount, because the sales tax is generally, I think,

evenly split. Or I think it may be -- what's the sales tax in the city now, 8.25? So I think it's evenly split. Or it's either 4 or 4.25 to the state and then to the city.

But, Mr. President, I would say that the -- that would be more than made up, at least Assemblyman Farrell and myself, in our discussions on this bill, felt that the lost revenue would be more than made up by the enhancement of and the encouragement of live jazz performances, not just in the city of New York but throughout all of New York State.

SENATOR DUANE: And through you, Mr. President, if the sponsor would continue to yield.

SENATOR MAZIARZ: Surely, Mr. President.

ACTING PRESIDENT MEIER: The sponsor yields.

SENATOR DUANE: Though not all of the venues in the bill are in New York City. Surely some of them must be in other parts of New York State. So it wouldn't be half of the $1.7 million, it would be --

SENATOR MAZIARZ: Some proportion

thereof, yes.

SENATOR DUANE: And through you, Mr. President, if the sponsor would continue to yield.

ACTING PRESIDENT MEIER: Does the sponsor yield?

SENATOR MAZIARZ: Yes.

ACTING PRESIDENT MEIER: He yields.

SENATOR DUANE: And if there would be this big boost in nightlife, then is there an estimate of what the city and state enforcement costs would be to the Police Department, Department of Environmental Protection, Consumer Affairs, et cetera?

ACTING PRESIDENT MEIER: Senator Maziarz.

SENATOR MAZIARZ: No, I don't think there'd be any increase in enforcement. You know, these things tend to be more administratively sent in through the mail and over the Internet to the Department of Tax and Finance, Senator Duane. I don't think it would require any increase in enforcement whatsoever.

SENATOR DUANE: Well, through you, Mr. President, if the sponsor would continue to yield.

SENATOR MAZIARZ: Yes, Mr. President.

ACTING PRESIDENT MEIER: The sponsor yields.

SENATOR DUANE: Well, the claim is that the $1.7 million in revenue would be more than made up in the tremendous, huge, huge influx in people attending these nightlife events. And in my district, that often means that there are enforcement problems, noise, crowd control, et cetera. So I'm talking about those enforcement issues.

What would be the increased cost to the city and the state to hire more inspectors and personnel and police officers, et cetera, to deal with this tremendous revenue-producing influx of people going to these venues?

SENATOR MAZIARZ: My answer would be, Mr. President, again, I don't think there'd be any increase. I think maybe Senator Duane's district -- I'm not exactly familiar with his district. It may be unlike

the other 61 districts in the State of New York. But I don't think there would be any increased costs for enforcement or environmental protection or police protection than what's done now.

SENATOR DUANE: Well, through you, Mr. President, if the sponsor would continue to yield.

SENATOR MAZIARZ: Yes, Mr. President.

ACTING PRESIDENT MEIER: The sponsor yields.

SENATOR DUANE: Well, let me preface it by saying in fact, though my district is unique and wonderful and the best district in New York State, I do believe that there are other districts that would share similar problems -- Senator Krueger, Senator Connor, there may be others -- Senator Schneiderman. There are probably other districts that, also unique and wonderful, would share the same issues with this.

And so through you, Mr. President, if the sponsor would yield to a question regarding --

ACTING PRESIDENT MEIER: Senator Maziarz, do you yield?

SENATOR MAZIARZ: Yes, I would, Mr. President.

SENATOR DUANE: Back on the issue of commercially reasonable rate, I'm wondering if the sponsor is familiar with the problem of restaurants that come in claiming to be a white-table restaurant establishment and quickly turn into a cabaret.

SENATOR MAZIARZ: I am not familiar with that issue at all. I'd have to say that my discussions and negotiations on this bill with Assemblyman Farrell, with the input that we had and at the public hearing that we had on this bill -- I want to emphasize, Mr. President, that we had a public hearing on this bill -- that that issue did not come up.

SENATOR DUANE: And through you, Mr. President, if the sponsor would continue to yield.

SENATOR MAZIARZ: Yes, Mr. President.

ACTING PRESIDENT MEIER: The

sponsor yields.

SENATOR DUANE: Thank you. What was the committee under which the hearing was held in the Senate?

SENATOR MAZIARZ: The hearing was held over in the Legislative Office Building. It was attended by -- actually, it was one of the best attended public hearings that I've seen this year. There was a live performance by several musicians who play in some various cabarets and venues in the city of New York that were invited by Assemblyman Farrell and myself, through the American Federation of Musicians, to be here.

SENATOR DUANE: Through you, Mr. President, if the sponsor would clarify something for me.

ACTING PRESIDENT MEIER: Senator Maziarz, do you yield?

SENATOR MAZIARZ: Yes.

ACTING PRESIDENT MEIER: He yields.

SENATOR DUANE: What was the Senate committee that this hearing was under the auspices of?

SENATOR MAZIARZ: It was the Committee on Labor and Tourism. Both Assembly and Senate, I might add.

SENATOR DUANE: And through you, Mr. President, if the sponsor would continue to yield.

ACTING PRESIDENT MEIER: Do you continue to yield, Senator?

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

ACTING PRESIDENT MEIER: The sponsor yields.

SENATOR DUANE: The issue of rooftop performances, roof garden performances, I'm wondering why it is that the sponsor included rooftop performances as part of this legislation.

SENATOR MAZIARZ: Actually, that was done at the suggestion of Assemblyman Farrell, because he felt that there were many of those types of venues in the city of New York and he wanted to make sure that they were inclusive.

I am aware of no rooftop live jazz clubs, say, in the city of Syracuse.

SENATOR DUANE: Through you, Mr. President, if the sponsor would continue to yield.

ACTING PRESIDENT MEIER: Senator Maziarz, do you yield?

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

ACTING PRESIDENT MEIER: The sponsor yields.

SENATOR DUANE: I'm not aware of any rooftop venues in the city of Syracuse, but I am familiar with those in New York City. And I'm also familiar with places that wish to open rooftop venues. And so I was wondering if the sponsor could tell me what the difference is when someone goes into a venue that's in a basement that's different than going to a venue that's on a roof.

SENATOR MAZIARZ: I don't think there's any difference at all, Mr. President.

SENATOR DUANE: Well, through you, Mr. President, why --

ACTING PRESIDENT MEIER: Hold on a second.

Does the sponsor yield? Senator

Maziarz, do you yield?

SENATOR MAZIARZ: Yes, I do. I'm sorry, Mr. President.

ACTING PRESIDENT MEIER: The sponsor yields.

SENATOR DUANE: Then I'm wondering why the rooftop is put out as a separate venue in the bill.

SENATOR MAZIARZ: As I stated earlier, Mr. President, that was done at the suggestion of the Assembly sponsor, because he felt that there was this particular type of venue within the City of New York. But it's all inclusive. I think he wanted to be -- he and I both wanted to be as informative as possible in the legislation so that there wouldn't be so many questions asked when we were debating it on the floor.

SENATOR DUANE: Through you, Mr. President, I'm sorry, I missed the last part of that.

SENATOR MAZIARZ: I said the Assembly -- Mr. President, through you, the Assembly sponsor wanted us to be as inclusive as possible, put as much as possible into the

bill, so that when we were debating it on the floor there wouldn't be so many questions.

SENATOR DUANE: And through you, Mr. President, despite the failure of the Assembly sponsor, would the Senate sponsor continue to yield.

ACTING PRESIDENT MEIER: Senator, do you yield?

SENATOR MAZIARZ: Yes, I will, Mr. President. Thank you.

ACTING PRESIDENT MEIER: The sponsor yields.

SENATOR DUANE: As I understand it, presently the serving of -- does this now mean that no matter what, if any, food is served inside the venue or on the roof that the admission would be exempt?

SENATOR MAZIARZ: Yes. Mr. President, through you, the answer is yes.

SENATOR DUANE: And so through you, Mr. President, if the sponsor would continue to yield.

SENATOR MAZIARZ: The sales tax on just the admission would be exempt. Not the sales tax, Senator, on the food that is

served.

SENATOR DUANE: But through you, Mr. President, if the sponsor would continue to yield.

SENATOR MAZIARZ: Yes, Mr. President.

ACTING PRESIDENT MEIER: The sponsor yields.

SENATOR DUANE: And so if in a venue the only food made available to eat would be a bag of pretzels or a bag of peanuts, would that mean, then, that there would be no sales tax charged on admission to the venue.

SENATOR MAZIARZ: Yes, there would no sales tax charged on the admission. On the admission ticket only, Senator.

SENATOR DUANE: And so through you, Mr. President, if the sponsor would continue to yield.

ACTING PRESIDENT MEIER: Do you continue to yield, Senator?

SENATOR MAZIARZ: Yes, Mr. President.

ACTING PRESIDENT MEIER: The

sponsor yields.

SENATOR DUANE: And so even if just to get around the charging of a sales tax, the owner of the venue decided to make available selling a bag of chips or a bag of peanuts, made it so they wouldn't have to charge tax, is that something that an owner could reasonably come to expect?

SENATOR MAZIARZ: Through you, Mr. President, I'd answer that I would say that's a hypothetical. And I guess I would answer with another hypothetical in saying that if the owner was going to run that type of a club where he didn't serve the type of beverages or food that the jazz-going public did not like, that he wouldn't be very successful in his business.

SENATOR DUANE: And through you. Mr. President, if the sponsor would continue to yield.

ACTING PRESIDENT MEIER: Does the sponsor continue to yield?

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

SENATOR DUANE: Does this mean,

then, also in discotheques if no food is served, with the exception of, you know, chips or candy bars or something like that, that the state and the city would not be able to charge a tax for admission?

SENATOR MAZIARZ: Mr. President, normally I think those types of clubs don't have live music. But the answer would be yes if they had live music.

SENATOR DUANE: And through you, Mr. President, if the sponsor would continue to yield.

SENATOR MAZIARZ: Yes, Mr. President.

ACTING PRESIDENT MEIER: He yields.

SENATOR DUANE: If in the course of the events that happen in one of these venues, if there was just five minutes of someone playing the harp, would that mean it was then subject to not having to charge sales tax for entrance?

SENATOR MAZIARZ: I think my answer, Mr. President, would be the same. If that's the type of venue, I don't know of

anyone that would pay an admission charge to come to a place to listen to a harp for five minutes.

I would also stress that I don't think that in these types of clubs, where there are generally -- not always, but generally -- musicians that are members of the American Federation of Musicians -- these are unionized, professional artists -- that they would do those types of things, play for only five minutes for a limited -- for a very limited amount of time, obviously to get around, you know, paying a very minor sales tax charge.

SENATOR DUANE: And through you, Mr. President, if the sponsor would continue to yield.

ACTING PRESIDENT MEIER: Senator Maziarz?

SENATOR MAZIARZ: Yes, Mr. President.

ACTING PRESIDENT MEIER: He yields.

SENATOR DUANE: I actually don't believe that a member of the union would do

it. But if I went into a discotheque and played the piano for three or four minutes and rest of the eight hours of the club activity that night was taken up with dancing to recorded music, but because I played the piano for two minutes, would that mean that the venue would be exempt from paying sales tax?

SENATOR MAZIARZ: I'm sorry, Mr. President, I don't think there was a question in that.

SENATOR DUANE: I'm asking in another hypothetical that if I went to a discotheque and played the piano for two minutes and yet for the rest of the eight hours that the club was in operation they played loud disco music with the windows open, disturbing the neighbors in the neighborhood, would that then mean that they were exempt from paying the admission tax because I played the piano for two minutes even though I'm not a member of the union?

SENATOR SALAND: Mr. President.

ACTING PRESIDENT MEIER: Senator Saland, why do you rise?

SENATOR SALAND: On a point of

order.

ACTING PRESIDENT MEIER: State your point of order, Senator.

SENATOR SALAND: Mr. President, in a courtroom I would be inclined to raise an objection along the lines of asked and answered.

With all due respect to Senator Duane and Senator Maziarz, there's a certain repetitiveness about the line of questioning. I think the question has been answered -- the question has been asked in multiple different ways. It's basically the same question. We've had multiply the same answers. I do think it's been asked and answered and request that the chair rule that we proceed perhaps to bring this to conclusion.

SENATOR SCHNEIDERMAN: Mr. President.

ACTING PRESIDENT MEIER: Why do you rise, Senator Schneiderman?

SENATOR SCHNEIDERMAN: I rise because I think it's the prerogative of the sponsor, if he wants to keep debating, he's allowed to --

ACTING PRESIDENT MEIER: Hold on, Senator. Just everybody hold on. There's a point of order on the table.

Now, Senator Saland I think does make a point. The questioning is sort of a repetitious rephrasing of really the same issue over and over again.

So, Senator, if you have a relevant question, pose it. If not, let's move along.

SENATOR SCHNEIDERMAN: Thank you, Mr. President. I just rise because I think that the sponsor is perfectly capable of handling the debate on his own.

ACTING PRESIDENT MEIER: Senator, you're debating a point of order and it's not debateable. Please, Senator.

SENATOR SCHNEIDERMAN: Thank you, Mr. President.

ACTING PRESIDENT MEIER: Senator Maziarz.

SENATOR MAZIARZ: Mr. President, we will take one more question, different than any other question that has been asked previously. If he can possibly think of one.

ACTING PRESIDENT MEIER: Senator

Duane.

SENATOR DUANE: Well, Mr. President, you'll have to give me a moment because it's difficult for me to decide which is the most important of the questions that I have remaining.

ACTING PRESIDENT MEIER: Well, actually, no, Senator Duane, I don't have to give you a moment. Do you have a question to pose or don't you?

Senator Maziarz has the floor, then.

Any other Senator wish to be heard on the bill?

SENATOR DUANE: Thank you, Mr. President, I'm not going ask any further questions, then.

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

Debate is closed, then.

The Secretary will ring the bell.

Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MEIER: Announce the results.

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

Absent from voting: Senators Fuschillo, Gonzalez and C. Kruger.

ACTING PRESIDENT MEIER: The bill is passed.

Senator Bruno.

SENATOR BRUNO: Can we at this time, Mr. President, take up Calendar Number 1981.

ACTING PRESIDENT MEIER: The Secretary will read Calendar 1981.

THE SECRETARY: Calendar Number 1981, by Senator Young, Senate Print 5911, an act to amend the Education Law.

SENATOR BRUNO: Mr. President, is there a message of necessity at the desk?

ACTING PRESIDENT MEIER: There is.

SENATOR BRUNO: Move we accept

the message.

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

(Response of "Aye.")

ACTING PRESIDENT MEIER: Those opposed, nay.

(No response.)

ACTING PRESIDENT MEIER: The message is accepted.

Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT MEIER: The bill is passed.

Senator Bruno.

SENATOR BRUNO: Mr. President, can we at this time take up Calendar Number 1982.

ACTING PRESIDENT MEIER: The Secretary will read Calendar 1982.

THE SECRETARY: Calendar Number 1982, by Senator Marcellino, Senate Print 5913, an act authorizing the assessor of the County of Nassau.

ACTING PRESIDENT MEIER: Senator Bruno.

SENATOR BRUNO: Is there a message at the desk?

ACTING PRESIDENT MEIER: There is.

SENATOR BRUNO: Move we accept the message.

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

(Response of "Aye.")

ACTING PRESIDENT MEIER: Those opposed, nay.

(No response.)

ACTING PRESIDENT MEIER: The message is accepted.

Read the last section.

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

ACTING PRESIDENT MEIER: Call the

roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT MEIER: The bill is passed.

SENATOR BRUNO: Mr. President, can we return to Supplemental Calendar B and take up Number 1965.

ACTING PRESIDENT MEIER: The Secretary will read Calendar 1965.

THE SECRETARY: Calendar Number 1965, by Senator Padavan, Senate Print 5926, an act to amend a chapter of the Laws of 2005 amending the Tax Law.

SENATOR BRUNO: Is there a message at the desk?

ACTING PRESIDENT MEIER: There is.

SENATOR BRUNO: I would move we accept the message.

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

(Response of "Aye.")

ACTING PRESIDENT MEIER: Those opposed, nay.

(No response.)

ACTING PRESIDENT MEIER: The message is accepted.

Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT MEIER: The bill is passed.

Senator Bruno.

SENATOR BRUNO: Can we ask for an immediate meeting of the Rules Committee in the Majority Conference Room.

ACTING PRESIDENT MEIER: Immediate meeting of the Rules Committee in the Majority Conference Room.

SENATOR BRUNO: And we will stand at ease for a very short period of time, because I expect this is the last Rules Committee report.

ACTING PRESIDENT MEIER: The Senate will stand at ease pending the report of the Rules Committee.

(Whereupon, the Senate stood at ease at 3:19 p.m.)

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

ACTING PRESIDENT MEIER: Senator Bruno.

SENATOR BRUNO: Mr. President, can we return at this time to reports of standing committees. I believe that there is a Rules report at the desk, and I would recommend that it now be read with some order in the chamber.

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

Reports of standing committees.

The Secretary will read the report of the Rules Committee.

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

Senate Print 5670, by Senator Spano, an act to amend the Public Authorities

Law;

5931, by Senator Klein, an act to authorize;

5928, by the Senate Committee on Rules, an act to amend the Education Law;

5929, by the Senate Committee on Rules, an act to amend Chapter 50 of the Laws of 2005;

5930, by the Senate Committee on Rules, an act to amend the Administrative Code of the City of New York;

Assembly Print 8970, by the Assembly Committee on Rules, an act to amend the Retirement and Social Security Law;

And Senate Print 5853, by the Senate Committee on Rules, an act making appropriations.

All bills ordered direct to third reading.

ACTING PRESIDENT MEIER: Senator Bruno.

SENATOR BRUNO: I would, Mr. President, move to accept the report of the Rules Committee.

ACTING PRESIDENT MEIER: All

those in favor of accepting the report of the Rules Committee signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT MEIER: Those opposed, nay.

(No response.)

ACTING PRESIDENT MEIER: The report is accepted.

Senator Bruno.

SENATOR BRUNO: Mr. President, can we have the noncontroversial reading of the Rules report.

ACTING PRESIDENT MEIER: The Secretary will read.

THE SECRETARY: Calendar Number 1978, by Senator Spano, Senate Print 5670, an act to amend the Public Authorities Law.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1985, Senator Klein moves to discharge, from the Committee on Rules, Assembly Bill Number 4407 and substitute it for the identical Senate Bill Number 5931, Third Reading Calendar 1985.

ACTING PRESIDENT MEIER: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1985, by Member of the Assembly Heastie, Assembly Print Number 4407, an act authorizing the City of New York.

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

Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT MEIER: The bill

is passed.

THE SECRETARY: Calendar Number 1986, by the Senate Committee on Rules, Senate Print Number 5928, an act to amend the Education Law.

ACTING PRESIDENT MEIER: Senator Bruno.

SENATOR BRUNO: Is there a message at the desk?

ACTING PRESIDENT MEIER: Yes, there is, Senator.

SENATOR BRUNO: I would move we accept the message.

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

(Response of "Aye.")

ACTING PRESIDENT MEIER: Those opposed, nay.

(No response.)

ACTING PRESIDENT MEIER: The message is accepted.

Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1987, by the Senate Committee on Rules, Senate Print Number 5929, an act to amend Chapter 50 of the Laws of 2005.

SENATOR BRUNO: Is there a message at the desk?

ACTING PRESIDENT MEIER: Yes, there is.

SENATOR BRUNO: I would move to accept the message.

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

(Response of "Aye.")

ACTING PRESIDENT MEIER: Those opposed, nay.

(No response.)

ACTING PRESIDENT MEIER: The message is accepted.

Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1988, by the Senate Committee on Rules, Senate Print Number 5930, an act to amend the Administrative Code of the City of New York.

SENATOR BRUNO: Is there a message at the desk?

ACTING PRESIDENT MEIER: Yes, there is.

SENATOR BRUNO: I would move to accept the message.

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

(Response of "Aye.")

ACTING PRESIDENT MEIER: Those opposed, nay.

(No response.)

ACTING PRESIDENT MEIER: The message is accepted.

Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1989, by the Assembly Committee on Rules, Assembly Print Number 8970, an act to amend the Retirement and Social Security Law.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT MEIER: The bill

is passed.

THE SECRETARY: In relation to Calendar Number 1990, Senator Bruno moves to discharge, from the Committee on Rules, Assembly Bill Number 8952 and substitute it for the identical Senate Bill Number 5853, Third Reading Calendar 1990.

ACTING PRESIDENT MEIER: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1990, by the Assembly Committee on Rules, Assembly Print Number 8952, an act making an appropriation to pay Maurice M. McGee.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT MEIER: The bill is passed.

Senator Bruno, that completes

Supplemental Calendar D.

SENATOR BRUNO: Mr. President, may I strongly urge that we recommit all of the bills left on the calendar back to the Committee on Rules.

ACTING PRESIDENT MEIER: All bills will be committed to the Committee on Rules.

SENATOR BRUNO: And if we can possibly recognize our esteemed colleague Senator Paterson, I believe he has some observations and some comments.

ACTING PRESIDENT MEIER: The distinguished Minority Leader, Senator Paterson.

SENATOR PATERSON: Thank you, Mr. President.

Aware as I am that the recess is only impeded by this presentation, I will try to be brief. We've recommitted all the bills; now we're going to recommit all the legislators, and the state should be safe for a few weeks.

This was actually a year in which I felt a certain sense of anxiety working with

all of you and enjoying a number of friendships with many of you on both sides of the aisle. This was a year in which, for once, the Minority in the previous year had had a successful year. And for those of you on the other side of the aisle who may be remembering your Assembly days, the only time that the minority has a good year is when the leader works hard, which I tried to; when the leader is surrounded by others, such as Senator Schneiderman, Senator Montgomery, Senator Breslin, people who assist me; and, frankly, a little bit of luck, which always helps us all.

But I must say, speaking substantively and speaking frankly and speaking about the legislative process and not politics, that I was surprised this year that those of you, members and staff, in the Majority acted in a manner as professional as you did. Certainly we have conflicts outside of this chamber -- not real personal conflicts, but we're on different sides of the aisle, we have a different ideological viewpoint, and we fight very hard to persuade

the public to our point of view.

But the reality is that when we got back here this year, there was a tremendous amount of cooperation on the part of the floor leader for the Majority, Senator Skelos; Senator Volker, who we just went through the Rockefeller Drug Laws reform, or part of it with; Senator LaValle, Senator Balboni, Senator Marchi, all of you certainly, I think, conducted yourselves in a way that I hope it won't sound pompous or condescending made me proud, even more proud to be your colleague here in the Senate.

And of course I have to offer my heartfelt appreciation to Senator Bruno, who has worked with all of us from both sides of the aisle and rightly has earned his classification here as Majority Leader and has, I think, governed fairly.

So as we leave some of the issues that we weren't able to fully negotiate in this process and await the next opportunity to try to change the quality of life for the residents of this state through our work, I just want to wish all of you a very happy

summer.

(Standing ovation.)

ACTING PRESIDENT MEIER: Senator Bruno.

SENATOR BRUNO: Mr. President, did you record how long the applause was?

(Laughter.)

ACTING PRESIDENT MEIER: Yes, we did.

SENATOR BRUNO: Good. Thank you. I want you to all be mindful and conscious of that.

(Laughter.)

SENATOR BRUNO: David, thank you. Thank you for your gracious remarks, kind remarks. And thank you for helping us conclude a session here in the middle of the day on Friday the 24th. We had hoped to finish last night, but this is as timely as it can be.

And all of us can be proud, we can be really proud of what we have done this year. We have had, really, when you reflect back, one of the most productive legislative years certainly that I can remember, in all

the years that I've been here, and I hope that you can remember.

We talked about getting a budget done on time, and we did. We talked about reforms, and you name the reform, whether it's in campaign finance reform, the legislative process to be more responsive, public authorities, with the leadership with Senator Leibell and all of the others on that, procurement. Very, very difficult issues. We can all be proud that we have governed on behalf of the people of this state.

But this doesn't happen, our lives here, we don't lead in isolation. We have to work together to improve the quality of life for our mutual constituency, which is across this whole state. And we do that. We discuss, we argue, we negotiate.

Sometimes we don't get there. And we didn't get there on what we feel is appropriate casino legislation, with the three that are in law now that we can't get done. But the law three years ago says three. We didn't get the death penalty reinstated. We aren't able to close on nursing home

legislation that's critically important.

Do you know, in our lives we are 24/7, we are elected 24/7. We're not recessing, we're not adjourning, we are still Senators, we're still representatives of the people, and we will continue to work. If and when we resolve any of the major issues, we have ended and are ending today, Mr. President and colleagues, the regular session of 2005. As I said, we can do that proudly. If we have agreement on specifics, we will come back with a limited calendar and we will do the people's business. And if that happens, and I hope it does, it will be plenty of notice of out there.

But you know, to get to where we are, to be as productive, to be as responsive to the people, to be as efficient, as effective as we have been this year does take cooperation. Cooperation here, and we've had it; cooperation with the Speaker of the Assembly and all of his colleagues. And we've had it. We have partnered in a way that I can't remember we've partnered as well.

And we're very fortunate, and this

is open and objective, that we have a Governor who is in his third term and has the experience and the judgment and the intellect to be able to lead a state as complex as this one, as diversified as this one, to be reelected by the people in a state like this three times.

So we can be proud and I'm grateful to the Governor, as you are, for his leadership. And this Governor just gets better and better. And I want to just commemorate this closing session to Governor George Pataki on this day, his 60th birthday. Now, that's a nice thing.

(Applause.)

SENATOR BRUNO: And I shared with the Governor, with age comes greater and greater wisdom. And it's hard for some people to understand that they can get any wiser, but it's so.

And I also commented: Ah, to be 60 again.

(Laughter.)

SENATOR BRUNO: But I want to say thank you to my colleagues here. Senator

Skelos, who leads the floor. And, Dean, thank you for being so diligent and conscientious and helping us move the process.

And our colleagues here, all part of this process, with Senator Spano and Senator Libous and Owen Johnson, our chair of Finance, who is just as dedicated and committed and just does it all right.

Frank Padavan, who is our vice president. And, Frank, thank you for your support.

And our esteemed colleague who is here diligently, Senator Marchi, the legislator of the United States.

(Standing ovation.)

SENATOR BRUNO: John, you are the best.

John said, "Oh, to be 80 again."

(Laughter.)

SENATOR BRUNO: That's great.

But thank you to all of my colleagues here. As I look around, you know, I can single each and every one of you out, because you really, you've just been outstanding. You have contributed.

And Eric Schneiderman, Senator Schneiderman, thank you for your presence on the floor and the way you help move the process with your colleagues and your leadership there.

And Neil, representing us here locally as Finance, here in this capital city of Albany, in this county.

And the rest of you, thank you.

And, Tom, thank you for your being so conscientious and questioning on behalf of your constituency and the people of this state.

(Laughter.)

SENATOR BRUNO: I mean, you are just a credit to your district.

I have to especially thank -- and I mean that. I want to thank Steve Boggess, our secretary of the Senate here, who helps make this place hum and run as efficiently as he does and in a really nonpartisan way. And we're grateful to him.

Mary Louise -- where is Mary Louise, is she here -- Malick, our budget director. Mary Louise -- she's still working.

And she's assisted by Bob Mujica -- Bob, whether he's here -- and of course Bob Hotz and all of the Finance staff. They just keep going 24/7.

And Ken Riddett, our chief counsel, with all of his assistants that are here; they just get it done. So, Ken, thank you. Thanks very much for being there.

(Applause.)

SENATOR BRUNO: Frank Gluchowski, who helps us here in the chamber.

I can mention each and every person that is on staff, yours and ours, because without the support people that we have, we couldn't conclude a session as productive as this and we couldn't function in our lives on behalf of our constituency. So we're grateful.

And Ed Lurie and members of Senate Research. Rick Burdick, Amy Leitch in my office, and Maria Camarra, who supports her, and Kim Bowmaker, who keeps traffic and does a lot of other things for all of us.

Tommy Testo, who has the dulcet tones; I wish I had his voice. Tommy, thank

you.

(Applause.)

SENATOR BRUNO: Thank you, Tommy, to you and to all of the people up there who just make everything run so smoothly. We appreciate it.

And Bill Martin, for your being so conscientious and helping us, with your colleagues here, with the sergeant-at-arms.

Our document room clerk, and the man in charge is Chris Cook. And we don't get what we get without Chris and all the people who work through the night to get what we have to have so we can function.

And Bill Beach, of course, runs the place on an operational basis; Jim Bell, in technology.

And really, I can go on and on and on. And I won't, but you know what I'm saying. We get it done together. This is a team. It's a team that we can really be proud of. And each and every one of you are on the same team, bottom line, when it's all said and done.

David has been really a partner in

this chamber. And we have to at times be in different places and a little more partisan than maybe we would like. But it goes with the job and with the territory. But always a gentleman, always a man of character, always a man of integrity. And unlike some other people, always in a positive mode when he talks about his colleagues here, and especially me, when he doesn't have to. And, David, I want you to know I appreciate that.

Now, John McArdle -- David, thank you.

(Applause.)

SENATOR BRUNO: Please, thank you. Thank you for not standing up again.

(Laughter.)

SENATOR BRUNO: But I want to thank John McArdle. Where is John? John is our director of communications. And Mark Hansen assists him, and so many others. And they help get that message out on your behalf and on on our behalf, so that the people truly understand what we do around here and that they get it right.

So thank you, John, and thank you

to everybody that is part of the process.

And we're going on into the summer. And I can tell you this, that I kind of close down almost remorsefully, because I just love it here.

(Laughter.)

SENATOR BRUNO: And, you know, to be able to go out and just relax, play some golf, deal with the constituency without the pressures of having to be in session and with all of the goings on. It's another challenge, but all of us are going to try and be up to it.

So I want to just wish you a happy recess as you meet with your constituency and continue in your service, and a healthy recess and a productive one.

And if we get back together, Mr. President, let's hope that it is for one day, when and if, and it will be to continue one of the most productive years that we have had in the last anyone's memory for decades.

So thank you all, and God bless you and safe travel.

(Standing ovation.)

SENATOR BRUNO: Thank you all. And thank you, Mr. President.

And now, there being no further business to come before the Senate, I would move that we stand adjourned, intervening days to be legislative days, subject to the call of the Majority Leader.

ACTING PRESIDENT MEIER: On motion, the Senate stands adjourned until the call of the Majority Leader. Intervening days will be legislative days.

(Whereupon, at 3:49 p.m., the Senate adjourned.)