NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

February 28, 2006

3:16 p.m.

REGULAR SESSION

LT. GOVERNOR MARY O. DONOHUE, President

STEVEN M. BOGGESS, Secretary

P R O C E E D I N G S

THE PRESIDENT: The Senate will please come to order.

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

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

THE PRESIDENT: With us once again this afternoon is the Reverend Peter G. Young to give the invocation. As we all know and respect, he is pastor of Blessed Sacrament Church, in Bolton Landing, New York, as well as a great friend and advisor to the New York State Senate.

REVEREND YOUNG: God, by Your love You made a world where we have become neighbors to each other and we are enabled to love one another. Grant that we too may use the Senate to strive toward a way of life in keeping with God's plan.

It is with great joy that we welcome our neighbors from the north with our Canadian cold front and low temperatures, and with our New York State hospitality. We are

blessed by their cooperative dedication to assist with their love and friendship to all of our New York State citizens.

THE PRESIDENT: Reading of the Journal.

THE SECRETARY: In Senate, Monday, February 27, the Senate met pursuant to adjournment. The Journal of Friday, February 24, was read and approved. On motion, Senate adjourned.

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

Presentation of petitions.

SENATOR SKELOS: Madam President.

THE PRESIDENT: Senator Skelos.

SENATOR SKELOS: Madam President, if I could interrupt and call an immediate meeting of the Finance Committee in the Majority Conference Room.

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

Messages from the Assembly.

Messages from the Governor.

Reports of standing committees.

Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

Senator Little.

SENATOR LITTLE: Thank you, Madam President.

Madam President, on page 8 I offer the following amendments to Calendar Number 97, Senate Print Number 6417, and ask that said bill return to its place on the Third Reading Calendar.

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

SENATOR LITTLE: Thank you.

THE PRESIDENT: Senator Duane.

SENATOR DUANE: Thank you, Madam President.

On behalf of Senator Paterson, I move that the following bill be discharged from is respective committee and be recommitted with instructions to strike the enacting clause: 1571.

THE PRESIDENT: So ordered.

SENATOR DUANE: Thank you.

THE PRESIDENT: Senator Skelos.

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

THE PRESIDENT: Yes, there are, Senator.

The Secretary will read.

THE SECRETARY: On page 11, Senator DeFrancisco moves to discharge, from the Committee on Judiciary, Assembly Bill Number 9455A and substitute it for the identical Senate Bill Number 6315, Third Reading Calendar 164.

And on page 23, Senator Meier moves to discharge, from the Committee on Codes, Assembly Bill Number 9835 and substitute it for the identical Senate Bill Number 6621, Third Reading Calendar 320.

THE PRESIDENT: Substitutions ordered.

Senator Skelos.

SENATOR SKELOS: Madam President, if we could adopt the Resolution Calendar,

with the exception of Resolutions 3566 and 3691.

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

(Response of "Aye.")

THE PRESIDENT: Opposed, nay.

(No response.)

THE PRESIDENT: The Resolution Calendar is so adopted.

Senator Skelos.

SENATOR SKELOS: Madam President, there's a resolution at the desk by Senator Larkin, Number 3566. If we could have the title read and move for its immediate adoption.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: By Senator Larkin, Legislative Resolution Number 3566 commending the United Service Organizations, the USO, upon the occasion of celebrating its 65th anniversary.

THE PRESIDENT: All in favor of adopting the resolution please signify by

saying aye.

(Response of "Aye.")

THE PRESIDENT: Opposed, nay.

(No response.)

THE PRESIDENT: The resolution is adopted.

Senator Skelos.

SENATOR SKELOS: Senator Larkin would like to open up the resolution for sponsorship. If anybody wishes not to sponsor the resolution, they should contact the desk.

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

Senator Skelos.

SENATOR SKELOS: And if we could stand at ease pending the report of the Finance Committee.

THE PRESIDENT: The Senate stands at ease.

(Whereupon, the Senate stood at ease at 3:21 p.m.)

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

ACTING PRESIDENT YOUNG: Senator

Skelos.

SENATOR SKELOS: Madam President, if we could return to motions and resolutions, there's a Resolution 3691 at the desk, by Senator Maziarz. Could we have it read in its entirety and move for its immediate adoption.

ACTING PRESIDENT YOUNG: Could we have some order, please.

The Secretary will read the resolution.

THE SECRETARY: By Senator Maziarz, Legislative Resolution Number 3691, memorializing Governor George E. Pataki to proclaim February 28, 2006, as Canada Day in the State of New York.

"WHEREAS, Canada is New York's primary export market, with $30.2 billion worth of merchandise goods exchanged and almost 23 percent of New York's worldwide exports sold to Canada in 2004; 348,000 New York jobs are supported by Canada-U.S. trade; and

"WHEREAS, New York and Canada share several important national trade corridors, including the Quebec-New York Corridor, the

Capitol Corridor, and Continental One; in addition, over 21 million vehicles crossed the Canada-New York border at eight major crossings in 2005; and

"WHEREAS, Canada and the United States have recognized the critical national significance of New York's border crossings with Canada by investing over $340 million in border infrastructure, including the Port of Excellence under construction at Champlain, New York, a new lane dedicated to FAST-approved trucks at the Lewiston-Queenston Bridge, the designation of the Whirlpool Bridge exclusively for NEXUS travelers, plaza reconfiguration at the Peace Bridge, and announcement of land preclearance pilot projects at both the Peace Bridge and the Thousand Islands Bridge; and

"WHEREAS, The New York-Canada partnership boasts the largest bilateral tourism industry in the United States, with an average of 11,343 visits per day accounting for over $1 billion in expenditures in 2004; and

"WHEREAS, Approximately 80 percent

of New York's fresh surface water, over 700 miles of shoreline, and 40 percent of New York's land expanding over 25 counties are contained in the drainage basins of the Lower Great Lakes waters of Lake Ontario, Lake Erie, the Niagara and St. Lawrence Rivers, all shared with Canada; furthermore, sustaining life, providing recreation, and supporting local and regional economies, the Great Lakes are a true natural legacy to the people of New York and its neighboring provinces in Canada, Ontario and Quebec; and

"WHEREAS, Over 19 million New Yorkers depend on Canada and its vast energy reserves to fuel our state, importing over $6.2 billion worth of energy from Canada last year, including natural gas, petroleum and electricity; and

"WHEREAS, There was a healthy and balanced trade in agriculture and food products between Canada and New York State of well over $1.6 billion last year; and

"WHEREAS, Academic institutions in both Canada and New York are actively engaged in a number of linkages and partnerships,

including exchange programs and joint degrees; and

"WHEREAS, Both Canada and New York State are also engaged in a number of partnerships in various fields of innovative technology which are laying the foundations for our economic futures and mutual benefit; and

"WHEREAS, Canada and New York share many more deep economic, historical, cultural and familial ties; now, therefore, be it

"RESOLVED, That this Legislative Body pause in its deliberations to memorialize Governor George E. Pataki to proclaim February 28, 2006, as Canada Day in the State of New York; and be it further

"RESOLVED, That copies of this resolution, suitably engrossed, be transmitted to The Honorable George E. Pataki, Governor of the State of New York, and to the Canadian Consulate Generals in Buffalo and New York City."

ACTING PRESIDENT YOUNG: At this time I recognize Senator Maziarz.

SENATOR MAZIARZ: Thank you very

much, Madam President.

It's an honor for me to rise in support of this resolution and ask that any of my colleagues who want to sign on are certainly welcome to do so.

As was pointed out in this resolution, Madam President, the country of Canada, where I have been privileged to live on the border my entire life, is a great friend of the United States of America and, equally important, a great friend of the State of New York.

In the resolution we talk about trade and the value of our friendship and education opportunities that are afforded in Canada and United States for citizens of both of our countries. But really, it's that friendship going back hundreds of years between our two countries that has existed and will exist forever.

We are honored today to have Pamela Wallin, the General Consul of Canada for New York City, and Stephen Brereton, the General Consul of Canada for Buffalo. And we are also joined by Corporal Pat Simpson.

Thank you for being here today.

(Applause.)

SENATOR MAZIARZ: Thank you for being here today, and thank you for being such a great friend to the State of New York. Thank you.

Thank you, Madam President.

ACTING PRESIDENT YOUNG: Senator Wright.

SENATOR WRIGHT: Thank you, Madam President.

I quickly join, rise to join my colleague Senator Maziarz and want to recognize his recognition of our friends from our northern neighbor.

My district, of course, also borders Canada, and there's a great deal of traffic back and forth on the Thousand Islands International Bridge, and in fact it is the only international authority that has a local government, Jefferson County, partnered with a nation, Canada.

So there are some unique relationships between ourselves and Canada, not to mention numerous Canadian citizens over

the years who have settled, married, located in our region of the state and are good, productive members of our communities.

And that's why it's so important that we speak out on the issue of homeland security and identification as we go across our borders. I know my colleague Senator Balboni just last week was in Washington speaking to that issue of homeland security and our concerns about federal imposition of passport standards or identification standards that are unnecessary and inappropriate.

None of us want to compromise the security of our borders, and we believe that our Canadian friends feel equally as strong on that same issue. But to impose this kind of burden and expense upon family members that for literally centuries have traveled back and forth over this border to share holidays, to share the commonality of our two nations is, I feel, strongly inappropriate.

And we need to make sure that we share that concern as two nations, that we focus on the ability to provide appropriate security but at the same time make sure that

our government hears that imposing passports and the costs involved with that are totally inappropriate.

So I'm very glad to see our Canadian friends here, I'm glad to see they're nodding agreement with me, and look forward to their return visit.

Thank you very much.

ACTING PRESIDENT YOUNG: Thank you, Senator Wright.

Senator Balboni.

SENATOR BALBONI: Thank you, Madam President.

I rise to welcome the Canadians. You're always here, though, so it kind of feels funny to welcome you.

I have enjoyed many aspects of the chairmanship of the Committee on Homeland Security, but one of the highlights has been the development of my relationship with the Canadian government.

Particularly Pamela Wallin, you have been such a terrific hostess every time. You have brought either John Manley, from the city, or all the different issues -- whether

it was Washington, D.C. -- we've had such a great dialogue and discussion.

And as Senator Wright and Senator Volker and Senator Little and all of the Senators and yourself, Madam President, understand that our vitality as a nation is linked with Canada's. As much as we might want to just talk about, you know, we being our own island, we are not. And it is through partnerships with your nation that we will be stronger and safer, as you will be also.

And it's something that I think is so great for this Legislature to acknowledge, to receive you, to work together and to constantly remind ourselves that neighbors, good neighbors are the best defense in any society. And also cultural enrichment.

So I'd like to welcome you today. I apologize, I will not be at Canada Night. I'm leaving momentarily for Washington, D.C., to meet with the White House tomorrow morning to again stress the fact that requiring New Yorkers or, frankly, U.S. citizens to spend more money, spend more money to go across the border, when they have this whole

new program on Real ID that should suffice, is not the way we should be going.

So I look forward to meeting with you again and working with you in the future. And thanks so much for joining us.

Thank you, Madam President.

ACTING PRESIDENT YOUNG: Thank you, Senator Balboni.

Senator Volker.

SENATOR VOLKER: Madam President, I want to welcome the Canadian delegation here also.

You just heard from the new breed of New Yorker, Mike Balboni, who is on his way to Washington. It took me years before I got to the White House, and he's been here just a couple of years and he gets to the White House.

But anyways, let me just say --

(Laughter.)

SENATOR VOLKER: Let me just seriously say to you that -- that's right. He almost became Attorney General, by the way, but that's another story.

(Laughter.)

SENATOR VOLKER: But anyways, I must say to you that I spent a great deal of time in Canada in my younger years, when I oversaw Energy. I spent a lot more time in Quebec and up north. In the last few years, I've spent a lot of time in Canada in the north country, up far north, fishing and all the rest of the things that Canada provides for a lot of the citizens, not only of your country but for our country also.

I do want to say that our relationship with Canada has always been excellent. I mean, many in the media have tried to denigrate it, and I think it's too bad. Because public officials, for instance, we've been meeting with -- in our Western New York delegation, we've been meeting with public officials from Canada for, I don't know, 15 or 20 years, easily. And we've survived different governments, from Liberal to Conservative and so forth, and we've always had great relations.

And I thank the Canada government, really, for your hospitality for so many Americans in Canada. And we are happy to be

your neighbor. It's, I think, the finest border in the world. And the sad part of it is that we have to even worry about these type of things. And it has nothing to do with the two countries; it has more to do, unfortunately, with the situation in the rest of the world, as we all know.

But thank you for coming here, and thank you for being good neighbors, and thank you for your hospitality to myself and to all of us in New York.

ACTING PRESIDENT YOUNG: Thank you, Senator Volker.

Senator Rath.

SENATOR RATH: Thank you, Madam Chairman.

And welcome to our neighbors from the north -- Steve, Pamela, Sergeant Preston. No, not Sergeant Preston with his dog, King. We were kind of joking about that, because we have such a recollection, some of us who have been watching and listening for so many years.

But it's just one other indication of how warm and friendly our relationship has been and how comfortable we have been with the

Canadians, those of us in Western New York particularly, going across the bridge for lunch and coming back at 1 o'clock after you've had lunch, it's -- you know, there's no traffic in the bridge, it's easy. And that's the way it's been, going back and forth, for years.

And I want to assure you that I know Senator Balboni, in his efforts, is going to be doing everything he can. We will be supporting him to make sure that we find some way that the movement back and forth on those bridges -- not only the Peace Bridge, but the other ones across our border, and of course at Watertown also -- are secure but are easy, not only for the natives who go to hockey games, of course, back and forth, as we all have done, but to the tourist industry, which I am so involved with as chair of the committee, being New York State's number-two industry.

And much of it has to do with going back and forth from Canada, your people, our people. And we need to secure that and make sure that we have safeguarded it.

Thank you for being here today. It

shows your support of us and our institution, just as we this evening and throughout the future will be supportive of you all and your institution.

Thank you.

ACTING PRESIDENT YOUNG: Thank you, Senator Rath.

Senator Little.

SENATOR LITTLE: Thank you, Madam President.

I too would like to join my colleagues in welcoming our friends and neighbors from the north. As a Senator who represents a great deal of the Quebec-New York corridor, I'm just more than happy to welcome you here to our Capitol.

It's important, we know, that our own communities have good relationships with our neighbors. And it's even more important on a global level to have good relationships with our neighbors. And we all know that a relationship such as the one we have with Canada, built on trust and understanding, respect and mutually shared interest, is one that is guaranteed to ensure the best results

of all.

In the 1960s the Adirondack Northway was completed, connecting -- really and truly connecting New York City and Montreal, making it so easy to travel from one place to another. And after that road was developed, not only did people travel that route, but businesses came from Canada to America and vice versa, back and forth.

And as I have watched, as the Senator from this area, I'm really proud of the relationships and the development and the business/economic development that we have seen between our two countries, particularly in the area I represent, to improve the lives of Americans and lives of the Canadians that live in this area.

So I'm very fortunate to have many Canadian businesses who have a place in my district -- Irving Tissue, in Ft. Edward, in Washington County; Bombardier, in Plattsburgh, just to name a few.

I also represent the City of Plattsburgh, which is frequently identified as a suburb of Montreal. And believe me, people

in Plattsburgh easily go to Montreal for dinner and back and forth. We are very proud of the border crossing that is being developed, the Champlain border crossing, well over $100 million to make this one of the best border crossings in the country.

It is so important to all of us, the relationship and the friendship that we have. And I look forward to continuing to work with you and continuing to build upon what so many people have built upon in the past, creating this great relationship.

So thank you, and welcome.

ACTING PRESIDENT YOUNG: Thank you, Senator Little.

Senator Padavan.

SENATOR PADAVAN: Yes, very briefly, Madam President.

On a pleasant note, I'd like to congratulate you on the wonderful showing of your team in Torino, in the Winter Olympics. I believe you broke a record this year in the number of medals won, particularly by a very fine young lady on skates.

And we look forward to the

opportunity of being with you in Canada, in Vancouver, in 2010.

ACTING PRESIDENT YOUNG: Thank you, Senator Padavan.

The question is on the resolution. All in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT YOUNG: Opposed, nay.

(No response.)

ACTING PRESIDENT YOUNG: The resolution is adopted.

Senator Skelos.

SENATOR SKELOS: Madam President, if we could open up to the resolution to sponsorship. If anybody wishes not to sponsor the resolution, they should notify the desk.

ACTING PRESIDENT YOUNG: Any Senator not wishing to be on the resolution, please notify the desk.

The resolution is adopted.

Senator Skelos.

SENATOR SKELOS: Madam President, if we could return to reports of standing committees, I believe there's a report of the

Finance Committee at the desk. I ask that it be read at this time.

ACTING PRESIDENT YOUNG: Reports of standing committees.

The Secretary will read.

THE SECRETARY: Senator Johnson, from the Committee on Finance, reports the following bills direct to third reading:

Senate Print 6465, Senate Budget Bill, an act to amend the Racing, Pari-Mutuel Wagering and Breeding Law;

Senate Print 6466A, Senate Budget Bill, an act to amend Chapter 55 of the Laws of 2005;

And Senate Print 6806, by Senator Robach, an act to amend the Retirement and Social Security Law.

All bills ordered direct to third reading.

ACTING PRESIDENT YOUNG: All bills directly to third reading.

The Secretary will continue to read.

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

following nominations:

As trustees of the Power Authority of the State of New York, Robert E. Moses, of Marietta, and Thomas W. Scozzafava, of Gouverneur.

ACTING PRESIDENT YOUNG: Senator Johnson.

SENATOR JOHNSON: Move the nominations.

ACTING PRESIDENT YOUNG: Senator Wright.

SENATOR WRIGHT: Thank you, Madam President.

I rise to second the nominations. I want to commend the Governor on his recommendation of two appointees to the Power Authority: one, Mr. Moses, who represents central New York; and another individual, Mr. Scozzafava, who will represent northern New York.

This will increase the capacity of the Power Authority board of trustees as called for in the Public Authorities Reform Act that this Legislature enacted last year and was signed into law. It also ensures that

there is a broad geographic representation on the trustees representing the many and diverse interests of the State of New York within the trustees.

So I want to commend the Governor on his appointments, and I appreciate the prompt action of the Finance Committee.

ACTING PRESIDENT YOUNG: Thank you, Senator Wright.

The question is on the confirmation of Robert E. Moses, of Marietta, and Thomas W. Scozzafava, of Gouverneur, as trustees of the Power Authority of the State of New York.

All in favor, aye.

(Response of "Aye.")

ACTING PRESIDENT YOUNG: Opposed, nay.

(No response.)

ACTING PRESIDENT YOUNG: The nominees are hereby confirmed.

Senator Skelos.

SENATOR SKELOS: Madam President, I believe there's one more motion. Senator Winner has a motion.

ACTING PRESIDENT YOUNG: Senator

Winner.

SENATOR WINNER: Madam President, on page 26 I offer the following amendments to Calendar Number 347, Senate Print Number 2975A, and ask that the bill retain its place on the Third Reading Calendar.

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

Senator Skelos.

SENATOR SKELOS: If we could go to the noncontroversial reading of the calendar.

ACTING PRESIDENT YOUNG: The Secretary will read.

THE SECRETARY: Calendar Number 113, by Senator Robach, Senate Print 6480, an act to amend the Civil Service Law, in relation to requiring annual reports.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the

roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 160, by Senator DeFrancisco, Senate Print 2150, an act to amend the Estates, Powers and Trusts Law, in relation to revocatory effect.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 164, substituted earlier today by Member of the Assembly Weinstein, Assembly Print Number 9455A, an act to amend the Estates, Powers and Trusts Law.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 182, by Senator Robach, Senate Print 6476, an act to amend the Civil Service Law, in relation to the authority.

ACTING PRESIDENT YOUNG: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the same date and in the same manner as Chapter 761 of the Laws of 2005.

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT YOUNG: The bill

is passed.

THE SECRETARY: Calendar Number 263, by Senator Little, Senate Print 730, an act to amend the General Municipal Law, in relation to procurement.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 269, by Senator Alesi, Senate Print --

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

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

THE SECRETARY: Calendar Number 270, by Senator Little, Senate Print 6286, an act in relation to directing the Law Revision Commission to make recommendations.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 274, by Senator Little, Senate Print 6547, an act to amend the Local Finance Law, in relation to temporary alternative methods.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number

275, by Senator Marcellino, Senate Print 679, an act to amend the Navigation Law, in relation to providing an exemption.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 276, by Senator Wright, Senate Print 5940, an act to amend the Parks, Recreation and Historic Preservation Law, in relation to providing.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 307, by Senator Larkin, Senate Print 78, an act to amend the Civil Practice Law and Rules, in relation to authorizing.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 309, by Senator Trunzo, Senate Print 150A, an act to amend the Penal Law, in relation to the unlawful sale of tobacco products to a child.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 311, by Senator Saland, Senate Print 312, an act to amend the Penal Law, in relation to including school buses.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 314, by Senator Volker, Senate Print 777, an act to amend the Penal Law, in relation to the imposition of certain fees.

ACTING PRESIDENT YOUNG: Read the last section.

THE SECRETARY: Section 3. This act shall take effect on the same date as Part F of Chapter 56 of the Laws of 2004.

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 315, by Senator Padavan, Senate Print 1138, an act to amend the Penal Law, in relation to the disposal of allegedly stolen motor vehicles.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT YOUNG: The bill

is passed.

THE SECRETARY: Calendar Number 320, substituted earlier today by Member of the Assembly Destito, Assembly Print Number 9835, an act to amend the Penal Law, in relation to riot in the first degree.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 322, by Senator Fuschillo, Senate Print 2222, an act to amend the Civil Service Law, in relation to the waiver of application fees.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the

roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 331, by Senator Saland, Senate Print 3680A, an act to amend Chapter 472 of the Laws of 1998, amending the Education Law.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 333, by Senator Morahan, Senate Print --

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

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

That completes the reading of the calendar.

SENATOR SKELOS: Thank you, Madam President.

Is there any further business at the desk?

ACTING PRESIDENT YOUNG: No, there is not.

SENATOR SKELOS: If you would recognize Senator Krueger.

ACTING PRESIDENT YOUNG: Senator Krueger.

SENATOR LIZ KRUEGER: Thank you, Madam President.

I believe I have a motion at the desk, and I would like to have it called at this time.

ACTING PRESIDENT YOUNG: The Secretary will read.

THE SECRETARY: Senate Print 2293, by Senator Krueger, an act to amend the Legislative Law.

ACTING PRESIDENT YOUNG: Senator Krueger.

SENATOR LIZ KRUEGER: Thank you.

I'd like to speak on my bill, which would create a standing committee on conferences.

In Senator Bruno's own website, there's a statement that he has put in place many legislative reforms, including the creation of joint legislative conference committees, which have successfully resolved issues such as small city school district budget voting, the creation of a pesticide use registry for breast cancer research, and requiring insurance coverage for a 48-hour hospital stay for maternity.

I'm sure we're all very happy that we had conference committees that resolved differences between similar bills in the Assembly and the Senate to ensure that those three examples became law. Unfortunately, there are too many examples of bills that pass both houses year by year and are similar but not same-as bills, and hence they don't become law in this state.

With a bill that I hope we could pass on the floor of this Senate, 2293, or a variation on this bill, we could create

standing committees on conference that would consist of five Senators and five members of the Assembly who could produce a single bill and explanatory reports when each house has passed separate bills accomplishing the same purpose, what we refer to as similar but not same-as bills.

Whenever the Legislature, either house, passes a bill or a resolution that contains substantially the same provisions of law or accomplishes essentially the same purpose as a bill or resolution that has passed the other house, this ongoing standing committee on conference could be called to consider the bills, negotiate the differences, and hopefully come to resolution so that there could be same-as bills moved through both houses.

To have legislation considered by a committee currently requires that both the Speaker of the Assembly and the Majority Leader of the Senate calls for these conference committees and creates them.

Under my legislation, either the Assembly Speaker and the Majority Leader or

the prime sponsor in both houses or the committee chairs that deliberated the bills could call for the conference committee of both houses to come together, resolve differences, hopefully, and move legislation forward that both houses apparently have an interest in and yet, year after year, without these ongoing conference committees these bills sit, never to be passed.

When measures are referred to the committee, under my bill, the committee shall meet within 10 days to negotiate any changes necessary and issue a report on the bills within 15 days after the referral. A report would be filed with the Secretary of the Senate and the Clerk of the Assembly which would contain the conference bill with agreed-upon text. The bills would then be replaced on respective third reading calendars for consideration by both houses.

Currently, conference committees are only rarely utilized to harmonize similar legislation that passes in each house. And as a result, the responsibility for resolving such issues fall informally to the sponsors,

the leaders or their staffs, or some combination thereof.

Under the system we have today, a multitude of reasons often needlessly delay or prevent passage of important legislation. Even when compromise solutions are reached under the current practice, it is often done totally removed from the scrutiny of the public and even the membership of both houses, with amended bills being reported directly to the floor of the Senate and Assembly without committee review.

The proposal I am making for a standing committee on conference is the model that is used by the United States Congress and 45 of the 49 bicameral state legislatures. It's an efficient and a democratic means of dealing with differences over legislation between two houses. The proposal I make today is adapted from Rule 28 of the standing rules of the United States Senate and is similar to the rules governing conference committees in most state legislatures.

And to further my argument for why we would all be much happier if we had

standing conference committees, unlike Congress and many state legislatures, we year after year move thousands of bills that never go anywhere and we move hundreds of bills that are similar but never reach same-as status.

From 1997 through the year 2001, 45,000 bills were introduced in the New York State Assembly, 31,734 in the Senate. On average during that period, each year the Assembly and Senate passed only 2.29 percent in the Assembly and 7.91 percent of the bills in the Senate introduced each year.

Only 1.99 percent of the Assembly bills and 7 percent of the Senate bills each year were introduced into law during that period. Only 7 percent of the bills in the Senate were introduced into law.

In 2002, New York's enactment rate of bills that move through the Legislature was just 4.1 percent, higher than only two other states -- New Jersey and North Carolina -- while the national average of moving bills through both houses and into passage, the national average during the same time was 28 percent.

We could accomplish so much more if we would have standing conference committees. And whether we liked or didn't like individual bills, the point is both houses in the Legislature of New York State consistently pass similar bills that aren't becoming law.

I would argue if we had conference committees, a standing conference committee, we would already have wetlands reform legislation, we would have Article 10 energy plant renewal legislation, we would have mental health parity, Timothy's Law legislation. We would probably be farther down the road for fair funding of public education throughout the State of New York. We could even imagine having moved workers' compensation and prevailing wage law.

It's a simple concept. It's a concept that works in the U.S. Congress and in the majority of the states in our nation. So I am hoping that this year we will consider moving forward with a bill that would create standing conference committees and at the end of this session we could all proudly say look how many bills that we all cared about became

the law of this state. So I hope my colleagues will join me in voting for this motion.

Thank you very much, Madam President.

ACTING PRESIDENT YOUNG: Thank you, Senator Krueger.

All those Senators in favor of the petition out of committee please signify by raising hands.

THE SECRETARY: Those recorded in agreement are Senators Breslin, Connor, Diaz, Duane, Gonzalez, Klein, L. Krueger, Montgomery, Onorato, Parker, Paterson, Sabini, Sampson, Savino, Serrano, A. Smith, Stavisky, and Valesky.

ACTING PRESIDENT YOUNG: The petition is not agreed to.

Senator Fuschillo.

SENATOR FUSCHILLO: Madam President, there being no further business, I move we adjourn until Wednesday, March 1st, at 11:00 a.m.

ACTING PRESIDENT YOUNG: On motion, the Senate stands adjourned until

Wednesday, March 1st, at 11:00 a.m.

(Whereupon, at 4:09 p.m., the Senate adjourned.)