NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

June 6, 2006

3:02 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

ACTING PRESIDENT LITTLE: The Senate will 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.)

ACTING PRESIDENT LITTLE: The invocation today will be given by the Reverend Donald Dixon, pastor of the First Baptist Church of Little Falls.

REVEREND DIXON: Let us pray.

Heavenly Father, I thank You for our country, our state and those who have been elected to lead and serve us. May these members of the [Senate] look to You for guidance in directing the affairs of our state.

Give them wisdom as they go about their activities. May they always have as their goals the best interests of the people who they serve. May our leaders understand and follow the principles put forth in Your word.

I pray that they may be men and women who hold to high moral and ethical standards, realizing that ultimately they are responsible to You for how they conduct themselves as leaders.

I pray this as a Christian minister of the Gospel in the name that is above every name, the Lord Jesus.

Amen.

ACTING PRESIDENT LITTLE: Thank you, Pastor Dixon.

Reading of the Journal.

THE SECRETARY: In Senate, Monday, June 5, the Senate met pursuant to adjournment. The Journal of Sunday, June 4, was read and approved. On motion, Senate adjourned.

ACTING PRESIDENT LITTLE: 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.

Senator Fuschillo.

SENATOR FUSCHILLO: Thank you, Madam President.

Amendments are offered to the following Third Reading Calendar bills:

Sponsored by Senator Volker, page number 11, Calendar Number 114, Senate Print Number 1617A;

By Senator Golden, page number 18, Calendar Number 323, Senate Print Number 3078;

By Senator LaValle, page number 60, Calendar Number 1167, Senate Print Number 1633A;

By Senator LaValle, page number 71, Calendar Number 1298, Senate Print Number 6804A;

By Senator Flanagan, page number 82, Calendar Number 1413, Senate Print Number 7154;

By Senator Padavan, page number 29, Calendar Number 628, Senate Print Number 2164A.

I now move that these bills retain their place on Third Reading Calendar.

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

SENATOR FUSCHILLO: Madam President, on behalf of Senator Volker, I wish to call up Senate Print Number 6334A, having passed both houses and not delivered to the Governor.

ACTING PRESIDENT LITTLE: The Secretary will read.

THE SECRETARY: Calendar Number 339, by Senator Volker, Senate Print 6334A, an act to amend Chapter 185 of the Laws of 2005.

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

ACTING PRESIDENT LITTLE: Call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 41.

SENATOR FUSCHILLO: I now offer up the following amendments.

ACTING PRESIDENT LITTLE: The amendments are received. And that bill was passed.

SENATOR FUSCHILLO: On behalf of Senator LaValle, I wish to call up Senate Print Number 1626, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT LITTLE: The Secretary will read.

THE SECRETARY: Calendar Number 451, by Senator LaValle, Senate Print 1626, an act to amend the Criminal Procedure Law.

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

ACTING PRESIDENT LITTLE: Call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 41.

SENATOR FUSCHILLO: I now offer the following amendments.

ACTING PRESIDENT LITTLE: The amendments are received.

SENATOR FUSCHILLO: On behalf of Senator Balboni, I wish to call up Senate

Print Number 6783, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT LITTLE: The Secretary will read.

THE SECRETARY: Calendar Number 678, by Senator Balboni, Senate Print 6783, an act authorizing the assessor of the County of Nassau.

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

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

(The Secretary called the roll.)

THE SECRETARY: Ayes, 41.

SENATOR FUSCHILLO: I now offer the following amendments.

ACTING PRESIDENT LITTLE: The amendments are received.

Senator Skelos.

SENATOR SKELOS: Madam President, I believe there are substitutions at the desk, if we could make them at this time.

ACTING PRESIDENT LITTLE: The

Secretary will read.

THE SECRETARY: On page 35, Senator Connor moves to discharge, from the Committee on Local Government, Assembly Bill Number 9193 and substitute it for the identical Senate Bill Number 6023, Third Reading Calendar 785.

On page 62, Senator Fuschillo moves to discharge, from the Committee on Consumer Protection, Assembly Bill Number 11141 and substitute it for the identical Senate Bill Number 7887, Third Reading Calendar 1202.

On page 65, Senator Farley moves to discharge, from the Committee on Veterans, Homeland Security and Military Affairs, Assembly Bill Number 974 and substitute it for the identical Senate Bill Number 7384, Third Reading Calendar 1240.

On page 69, Senator Spano moves to discharge, from the Committee on Local Government, Assembly Bill Number 10070 and substitute it for the identical Senate Bill Number 6701, Third Reading Calendar 1277.

On page 69, Senator Little moves to discharge, from the Committee on Local

Government, Assembly Bill Number 8974A and substitute it for the identical Senate Bill Number 7273, Third Reading Calendar 1282.

On page 71, Senator LaValle moves to discharge, from the Committee on Higher Education, Assembly Bill Number 10878 and substitute it for the identical Senate Bill Number 7400, Third Reading Calendar 1299.

And on page 84, Senator Robach moves to discharge, from the Committee on Veterans, Homeland Security and Military Affairs, Assembly Bill Number 10038 and substitute it for the identical Senate Bill Number 6908, Third Reading Calendar 1431.

ACTING PRESIDENT LITTLE: The substitutions are so ordered.

Senator Skelos.

SENATOR SKELOS: Madam President, there's a resolution at the desk, 5652, by Senator Robach. If we could have it read in its entirety and move for its immediate adoption.

ACTING PRESIDENT LITTLE: Thank you.

The Secretary will read.

THE SECRETARY: By Senator Robach, Legislative Resolution Number 5652, congratulating student-athlete Jason McElwain and the Greece Athena High School Boys Basketball Team for their outstanding accomplishments and overall team record.

"WHEREAS, Excellence and success in competitive sports can be achieved only through strenuous practice, team play and team spirit, nurtured by dedicated coaching and strategic planning; and

"WHEREAS, Athletic competition enhances the moral and physical development of the young people of this state, preparing them for the future by instilling in them the value of teamwork, encouraging a standard of healthy living, imparting a desire for success, and developing a sense of fair play and competition; and

"WHEREAS, Jason McElwain, a 17-year-old senior at Greece Athena High School near Rochester, New York, has done everything he was asked to do for the varsity boys basketball team -- keep the stats, operate the clock, and hand out water bottles.

That all changed for the team manager on Wednesday, February 15, 2006, in the final home game of the season; and

"WHEREAS, Team Manager Jason McElwain put on a uniform with four minutes left and entered the game with his team way ahead in the lead. He proceed to hit six 3-point shots, finished with 20 points, and was carried off the court on his teammates' shoulders, with deafening cheers from the crowd after his team's 79-43 victory over Spencerport; and

"WHEREAS, Jason McElwain served as team manager to both varsity and junior varsity teams, doing anything to stay near the sport he loves. His coach, Jim Johnson, was so impressed with his dedication that he decided to suit Jason up for the final home game; and

"WHEREAS, After the stellar home finale, the Greece Athena Trojans High School Boys Basketball Team advanced to the postseason to become the Section V Class AA champions; and

"WHEREAS, In front of at least

8,000 fans, family, and friends at Blue Cross Arena at the War Memorial, senior guard Steve Kerr scored a game-high 19 points and the tournament MVP Rickey Wallace added 16 points to lead the Trojans to a 54-51 comeback victory over Irondequoit High School; and

"WHEREAS, The athletic talent displayed by this team is due in great part to the efforts of Coach Jim Johnson, a skilled and inspirational tutor, respected for his ability to develop potential into excellence; and

"WHEREAS, Coach Jim Johnson has done a superb job in guiding, molding and inspiring the team members toward their goals; and

"WHEREAS, Sports competition instills the values of teamwork, pride and accomplishment, and Coach Jim Johnson and the outstanding athletes on the Greece Athena High School Boys Basketball Team have clearly made a contribution to the spirit of excellence which is a tradition of their school; now, therefore, be it

"RESOLVED, That this Legislative

Body pause in its deliberations to congratulate the Greece Athena High School Boys Basketball Team, its members -- Brian Benson, Kyle Boline, Matthew Davies, Devin De Point, Kourtney Goff, Levar Goff, R.J. Kalb, Stephen Kerr, Richard Kirton, Michael Long, Terrance McCutchen, Matthew Sheehan, John Swartz, Robert Tixa, Rickey Wallace and Robert Zappia -- the inspirational Team Manager Jason McElwain, and Coach Jim Johnson on their outstanding season and overall team record; and be it further

"RESOLVED, That copies of this resolution, suitably engrossed, be transmitted to the Greece Athena High School Boys Basketball Team and to Coach Jim Johnson."

THE PRESIDENT: Senator Robach.

SENATOR ROBACH: Yes, Madam President.

I am just honored and delighted to have these great young men, their coaches, some of the parents here today -- not only to acknowledge their great athletic achievement, but they're also very nice young men, good student athletes, and a pleasure to be around.

And above and beyond the great accomplishments the team had this year and moving through the playoffs and the sectionals, no matter where you were, whether you're a sports fan or not a sports fan, certainly the teamwork and what JMac accomplished this year really brought a tear to everyone's eye, in the spirit of can-do attitude, always being prepared, working for that day when you get your chance. And he made the most of it. I think the word that comes to mind is inspirational.

And while this happened right in our backyard, in Greece, New York, this was a message for people across the state, across the nation and across this country that no matter what you have to deal with, if you persevere, you're surrounded by the right environment, the right encouragement, you too can hit your peak and prosper.

And it was something that certainly, whether you saw it on regular television, ESPN, the news or whatever, I'll remember for my whole life.

And I want to thank not only JMac

but Coach Johnson, the parents, the whole team for their contribution in providing us with something that not only makes me proud, being from the same town, but also proud as a human being, really showing people what it's like and how people can flourish.

So, boys, great job. We're happy you're here. We hope you enjoy the day. And they're all there -- I'm not going to read everybody's name, but if you want to stand up, thanks for your great accomplishment and we wish you all the best in the future.

(Applause.)

THE PRESIDENT: Senator Nozzolio.

SENATOR NOZZOLIO: Thank you, Madam President.

Madam President, I rise to support Senator Robach's excellent resolution on behalf of this fine group of young athletes from, and I'd like to emphasize, Section V. Although I don't represent Greece, I represent a wide swath of Section V. And I want to say that the athletes from Greece Athena, although not from my district, certainly we were very proud of all your accomplishments as

representative of not just your school but the entire region of Section V, a multicounty region that has produced great state champions in the past.

I must say this team in particular did us special pride. They are champions. And, Madam President, it was an honor to have these fine young men from Section V represent us in athletic endeavor.

Thank you very much.

THE PRESIDENT: Senator Alesi.

SENATOR ALESI: Thank you, Madam President.

As someone who also represents Monroe County, it would be hard for me not to stand and speak and congratulate the entire team -- JMac especially -- but also to note how important it is for a team working together and a coach taking a shot on a young man and the young man performing in the most remarkable fashion that he did and the way that his teammates have embraced that, and how they've all gone on together to be ambassadors and to show us that when we're looking for inspiration on a daily basis, we might find it

in the most unusual places. And here we see it in this group of fine people in our gallery today.

I'm proud to be a representative of the area, proud to join my colleagues, especially Senator Robach, who represents Greece Athena, and proud of the efforts and the accomplishments of the entire team.

And, JMac, good luck to you too as well.

THE PRESIDENT: The question now is on the resolution. All in favor please signify by saying aye.

(Response of "Aye.")

THE PRESIDENT: Opposed, nay.

(No response.)

THE PRESIDENT: The resolution is adopted.

Congratulations. And we're confident you're going to have similar success down the road. Best wishes to you.

Senator Skelos.

SENATOR SKELOS: Madam President, Resolution 4197, by Senator Bonacic, was adopted on March 28th. If we could have it

read in its entirety at this time and then recognize Senator Bonacic.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: By Senator Bonacic, Legislative Resolution Number 4197, congratulating the South Kortright High School Girls Basketball Team and Coach Harry Nissen upon the occasion of capturing the 2006 New York State Class D Championship.

"WHEREAS, Excellence and success in competitive sports can be achieved only through strenuous practice, team play and team spirit, nurtured by dedicated coaching and strategic planning; and

"WHEREAS, Athletic competition enhances the moral and physical development of the young people of this state, preparing them for the future by instilling in them the value of family work, encouraging a standard of healthy living, imparting a desire for success, and developing a sense of fair play and competition; and

"WHEREAS, The South Kortright High School Girls Basketball Team are the 2006

New York State Class D Champions; and

"WHEREAS, The South Kortright High School Girls Basketball Team defeated Chapel Field High School 72-50 at Hudson Valley Community College to win the state title; and

"WHEREAS, The athletic talent displayed by this team is due in great part to the efforts of Coach Harry Nissen, a skilled and inspirational tutor, respected for his ability to develop potential into excellence; and

"WHEREAS, The team's overall record is outstanding, and the team members were loyally and enthusiastically supported by family, fans, friends and the community at large; and

"WHEREAS, The hallmarks of the South Kortright High School Girls Basketball Team, from the opening game of the season to participation in the championship, were a sisterhood of athletic ability, of good sportsmanship, of honor and of scholarship, demonstrating that these team players are second to none; and

"WHEREAS, Athletically and

academically, the team members have proven themselves to be an unbeatable combination of talents, reflecting favorably on their school; and

"WHEREAS, Coach Harry Nissen has done a superb job in guiding, molding and inspiring the team members toward their goals; and

"WHEREAS, Sports competition instills the values of teamwork, pride and accomplishment, and Coach Harry Nissen and the outstanding athletes on the South Kortright High School Girls Basketball Team have clearly made a contribution to the spirit of excellence which is a tradition of their school; now, therefore, be it

"RESOLVED, That this Legislative Body pause in its deliberations to congratulate the South Kortright High School Girls Basketball Team and Coach Harry Nissen on their outstanding season and overall team record; and be it further

"RESOLVED, That copies of this resolution, suitably engrossed, be transmitted to the South Kortright High School Girls

Basketball Team and to Coach Harry Nissen."

THE PRESIDENT: Senator Bonacic.

SENATOR BONACIC: Thank you, Madam President. Looks like today is "basketball recognition day."

And as you know, yesterday when you spoke to our val/sal gathering, we had three students from South Kortright in Delaware County. They had such a wonderful time that we invited 10 female students from South Kortright today.

And I want to congratulate these 10 talented women who won the state division basketball championship, Division D. They're accompanied by their coach, Harry Nissen, and the assistant coach, Patti McGrail.

And we have spent some time with these ladies. They're not only good athletes, they're talented human beings. And in some of the discussions, what I tried to point out to them -- and which they've agreed -- when you play a sport, you learn several characteristics that prepare you for life. You learn to play as a team to depend and trust each other. You learn how to always

work hard in order to excel. You also learn that you have to overcome adversity to prevail. And having these characteristics I think prepares you for life.

I enjoyed very much our meeting. I wish you the best as you continue your high school career and college career. And out of the 10 ladies that are here today, three are going on to college and the other seven are coming back. So this is their first championship ever in South Kortright, and we hope many more we'll see in the future. We enjoy having you.

Thank you very much, Madam President.

(Applause.)

THE PRESIDENT: On the resolution, all in favor please signify by saying aye.

(Response of "Aye.")

THE PRESIDENT: And it's now been adopted again. So this is definitely appropriate recognition of your talents. Best wishes for continued success.

Why don't you stand. We want to

acknowledge you like the other team. Congratulations.

(Applause.)

SENATOR SKELOS: Madam President, if we could have the title read on Senator Malcolm Smith's resolution, Number 5659, and move for its immediate adoption.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: By Senator Malcolm Smith, Legislative Resolution Number 5659, commending Ana Michele Douyon upon the occasion of receiving Honorable Mention in the 2006 Art Contest of the Disabilities Awareness Program, sponsored by the New York State Commission on Quality of Care and Advocacy for Persons with Disabilities.

THE PRESIDENT: Senator Malcolm Smith.

SENATOR MALCOLM SMITH: Thank you very much, Madam President.

And while this is not related to basketball, it does relate to one of our young people, one of our shining stars in our community. And I think it's always a good

thing when you can stand up on the floor of the Senate, especially the floor of the New York State Senate, and be proud about a young person in your community who has done something and done something very well.

Ana Michele Douyon, who entered into the 2006 Arts Contest for the Disabilities Awareness Program, when she did the artwork she had no idea that she was going to get a call one day from the State of New York, from the Governor's office, that says: Ana, your project actually was successful, it was great art, and that it actually won an honorable mention and would actually be given an award where she would have to come to the Executive Mansion.

Ana Michele was honored to receive that phone call. Her teacher was honored to know that it happened. And I will tell you, when she visited me today in my office, everything was going well until she mentioned she went to Sacred Heart. Well, I went to St. Catherine's, which was a rival to my elementary school. And so we're having a great meeting till we got to the point Sacred

Heart came up. But thereafter, things went back upward.

So I'm happy today that she is joined by her mother, Florence, her father, Anthony. She's joined by her brother, Ammon. She's joined by her grandmother, Gisele -- Gisele is here -- and her teacher, Mrs. Brereton, and her teacher's husband. So if they would just stand.

And I would just ask the members of the Senate to honor Ana Michele. She's a second-grade young lady from the school of Sacred Heart.

(Applause.)

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

(Response of "Aye.")

THE PRESIDENT: Opposed, nay.

(No response.)

THE PRESIDENT: The resolution is adopted.

Congratulations to you, and best wishes. Thank you for joining us.

Senator Johnson.

SENATOR JOHNSON: Madam

President, it's wonderful to see all these youngsters being honored today for their activities in sports.

We have a group from my district, I'm very honored to be here, called my "Senator for a Day" members. And they come up here every two years, and they visit with us. And right up here, the 28 members from my school district, they're all honor students, they're all motivated. They might end up in this chamber representing the people one of these days. But for the moment, they're finishing up their education.

They took a tour around the Capitol, they're going to the museum, they've been up in the tower, they learned a little bit about their government, and they're here to observe us perform. And I'm very honored that they came to join us and hope they have a wonderful day. And they'll be here for a few more hours, then heading back for home.

And it's nice to have you with us. Have a great day.

THE PRESIDENT: Thank you.

Senator Skelos.

SENATOR SKELOS: Madam President, if we could adopt the balance of the Resolution Calendar in its entirety.

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

(Response of "Aye.")

THE PRESIDENT: Opposed, nay.

(No response.)

THE PRESIDENT: The remainder of the Resolution Calender is so adopted.

Senator Skelos.

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

THE PRESIDENT: The Secretary will read.

THE SECRETARY: Calendar Number 171, by Senator Skelos, Senate Print 980A, an act to amend the Public Health Law.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 51.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 225, by Senator Seward, Senate Print 1372, an act to amend the Insurance Law.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 51.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 241, by Senator Spano, Senate Print 5755B, an act to amend the Tax Law.

THE PRESIDENT: Read the last section.

THE SECRETARY: Section 7. This act shall take effect March 1, 2006.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 49. Nays, 2. Senators Balboni and Duane recorded in the negative.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 367, by Senator Padavan, Senate Print 3266, an act to amend the Real Property Tax Law.

THE PRESIDENT: Read the last section.

THE SECRETARY: Section 6. This act shall take effect immediately.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 51.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 546, by Senator Saland, Senate Print 6762A, an act to authorize the Town of Wappinger, County of Dutchess.

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

Read the last section.

THE SECRETARY: Section 5. This

act shall take effect immediately.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 51.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 607, by Senator Farley, Senate Print 6432A, an act to amend Chapter 698 of the Laws of 1991 amending the Public Authorities Law.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 52.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 695, by Senator LaValle, Senate --

SENATOR SKELOS: Lay it aside for the day.

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

THE SECRETARY: Calendar Number 726, by Senator Bonacic, Senate Print 6952B, an act to authorize the City of Port Jervis.

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

Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 52.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 729, by Senator Skelos, Senate Print 7171B, an act to authorize.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 52.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 752, by Senator Spano, Senate Print 7318A, an act to amend the Labor Law.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

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

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 753, by Senator Maziarz, Senate Print 7321B, an act to amend the Labor Law.

ACTING PRESIDENT LITTLE: Read the last section.

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

ACTING PRESIDENT LITTLE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 53.

ACTING PRESIDENT LITTLE: The bill is passed.

THE SECRETARY: Calendar Number 774, by Senator Trunzo, Senate Print 7134, an act to amend the Correction Law.

ACTING PRESIDENT LITTLE: Read the last section.

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

ACTING PRESIDENT LITTLE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 53.

ACTING PRESIDENT LITTLE: The bill is passed.

THE SECRETARY: Calendar Number 785, substituted earlier today by Member of the Assembly Millman, Assembly Print Number 9193, an act to authorize the Cobble Hill Playgroup, Inc.

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, 52. Nays, 1. Senator Larkin recorded in the negative.

ACTING PRESIDENT LITTLE: The bill is passed.

THE SECRETARY: Calendar Number 815, by Senator Balboni, Senate Print --

SENATOR SKELOS: Lay it aside for the day.

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

THE SECRETARY: Calendar Number 822, by Senator Robach, Senate Print 1906, an act to amend the Real Property Actions and Proceedings Law.

ACTING PRESIDENT LITTLE: Read the last section.

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

ACTING PRESIDENT LITTLE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 52. Nays, 2. Senators Meier and Winner recorded in the

negative.

ACTING PRESIDENT LITTLE: The bill is passed.

THE SECRETARY: Calendar Number 958, by Senator Marcellino, Senate Print 7283, an act to amend the Education Law.

ACTING PRESIDENT LITTLE: Read the last section.

THE SECRETARY: Section 11. This act shall take effect on the first of July.

ACTING PRESIDENT LITTLE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 54.

ACTING PRESIDENT LITTLE: The bill is passed.

THE SECRETARY: Calendar Number 1053, by Senator Marcellino, Senate Print 676, an act to amend the Vehicle and Traffic 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.)

ACTING PRESIDENT LITTLE: Senator Krueger, to explain her vote.

SENATOR LIZ KRUEGER: Thank you very much, Madam President.

We debated this bill extensively last year. And the concern was that the definitions of who would be eligible for handicapped parking in the City of New York who lived outside of the City of New York and the limitations, the very serious limitations on street availability for more cars, led several of us to vote against that bill.

And I will continue to vote against the bill, not as a vote against recognizing the added problems of people with serious handicaps and their necessity of being able to move around our city but, rather, the recognition that simply saying that large numbers of people would suddenly have access to parking in no-parking zones in the City of New York would be an enormous problem, particularly in my district of Midtown and the East Side of Manhattan, where literally you cannot cross the street in some intersections

because of the sheer volume of vehicles.

So I will continue to vote no for this bill.

Thank you, Madam President.

ACTING PRESIDENT LITTLE: Thank you.

Senator Krueger will be recorded in the negative.

Senator Padavan, to explain his vote.

SENATOR PADAVAN: Yes, Madam President.

This bill I think makes sense. If someone is disabled and has received an appropriate permit, no matter where the jurisdiction is, we are one state. That fact of disability should be acknowledged and honored by any other jurisdiction in the state. And so I will be voting for this bill.

However, I do feel that there is one issue -- in talking to Senator Marcellino, he intends to deal with that problem -- is that residents of New York City who have handicapped parking permits are not acknowledged in certain jurisdictions outside

the City of New York.

And I have had specific instances of seniors, handicapped, going into Nassau County, which is on the border of my district, parking in a handicapped zone and getting a ticket because their tag was New York City.

And so I think we should address that as well. There should be total reciprocity. If you're handicapped and you have a permit, no matter where you are in this great state, you should be given the opportunity of parking in a handicapped space.

I vote aye.

ACTING PRESIDENT LITTLE: Thank you.

Senator Padavan will be recorded in the affirmative.

Senator Marcellino, to explain his vote.

SENATOR MARCELLINO: Yes, Madam President. I rise to explain my vote.

It is a concept, as Senator Padavan just talked about, of fairness. And I will address the concerns that the good Senator raised by amending the bill next time around.

This concept that mass numbers of people would charge into the city to park in handicapped spaces, it's just plain silly. That simply isn't going to happen.

There are needs, however, of people on Long Island and other areas of the state who have to travel into the city for medical purposes, for other reasons, and a handicapped spot would be useful. And I think that is a matter of plain fairness.

The concept of this mass migration business is plain silly, as I said before. So I'll be voting aye. And hopefully this bill will be amended and it will pass unanimously next time.

ACTING PRESIDENT LITTLE: Thank you.

Senator Marcellino will be recorded in the affirmative.

Senator Schneiderman, to explain his vote.

SENATOR SCHNEIDERMAN: Thank you, Madam President, very briefly.

I hope that we can move forward on this issue. I think Senator Marcellino has

called our attention to something that is -- that really, I think, resonates with everyone in this room, that there's a fundamental injustice if people are -- some folks are allowed to park because they have a permit for disability parking and others are not.

The problem that has been raised is that the parking systems are very different in different parts of the state. New York City, again, does not have disabled parking slots specifically, so the permits enable people to park pretty much anywhere. And second of all, there's no uniformity, there are no standards to determine exactly who gets these permits and what they can be used for.

So I would suggest that an approach that's more likely to result in a law to help us move forward and actually address this problem would be to provide for some sort of uniformity, some sort of coherence to the system that would ensure the City of New York, which is obviously concerned about this, that there aren't permits being issued with lesser standards and there aren't permits being issued that can be taken off and moved from

car to car.

That sort of approach I think would get the support of everyone in this house and would enable us to move forward in the other house as well.

In the absence of something providing for some uniformity of both what the permits mean and how they are issued, I'm going to be voting no again, Madam President.

Thank you.

ACTING PRESIDENT LITTLE: Thank you.

Senator Schneiderman will be recorded in the negative.

Senator Hassell-Thompson, to explain her vote.

SENATOR HASSELL-THOMPSON: Yes. It's very rarely that I am not in agreement with most of what goes on in New York City. But somehow I think I'm having a problem here trying to understand how someone who has been issued a handicapped sticker and is handicapped in a particular borough and they suddenly don't have a handicapping condition anywhere else.

You know -- and I think that what we need to be doing, as was already stated, we need to be addressing this issue universally in terms of how do you ensure that people who have who a handicapping condition receive reciprocity. And that's -- you know, I guess that's where my issue lies.

And I'm not sure that I'm comfortable that we have addressed this in this bill or in the way in which we proceed that we go forward.

ACTING PRESIDENT LITTLE: Thank you, Senator.

Senator Hassell-Thompson, how do you vote?

SENATOR HASSELL-THOMPSON: Somehow I didn't vote no on it before, but I think I will be voting no on it today.

ACTING PRESIDENT LITTLE: You will be recorded in the negative.

Senator Diaz, to explain his vote.

SENATOR DIAZ: Thank you, Madam President.

I'm also in support of this bill. I think that if you are handicapped, you are

handicapped anywhere, everywhere, and all the time. I don't think that people should be handicapped in the City of New York and not be handicapped in Yonkers or not be handicapped in Albany.

If you are a handicapped person, you are handicapped in New York City, in Albany, whatever. And if Albany or the City of New York issue a permit, a handicapped permit, that should be valid all over the state.

So I'm in support of this bill, and I think that handicapped people deserve our support. And I support the sponsor of the bill.

ACTING PRESIDENT LITTLE: Thank you.

Senator Diaz will be recorded in the affirmative.

The Secretary will announce the results.

THE SECRETARY: Those recorded in the negative on Calendar Number 1053 are Senators Dilan, Hassell-Thompson, L. Krueger, Montgomery, Parker, Sabini, Savino,

Schneiderman and Stavisky.

Ayes, 50. Nays, 9.

ACTING PRESIDENT LITTLE: The bill is passed.

THE SECRETARY: Calendar Number 1075, by Senator Marchi, Senate Print 7433, an act to amend the Retirement and Social Security Law.

SENATOR SKELOS: Lay it aside for the day.

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

THE SECRETARY: Calendar Number 1116, by Senator Trunzo, Senate Print 7542A, an act in relation to authorizing the Town of Brookhaven.

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. Nays, 1. Senator Bonacic recorded in the negative.

ACTING PRESIDENT LITTLE: The bill is passed.

THE SECRETARY: Calendar Number 1117, by Senator Morahan, Senate Print 4542, an act to amend the Mental Hygiene Law.

ACTING PRESIDENT LITTLE: Read the last section.

THE SECRETARY: Section 4. This act shall take effect on the first of January.

ACTING PRESIDENT LITTLE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT LITTLE: The bill is passed.

THE SECRETARY: Calendar Number 1120, by Senator LaValle, Senate Print 419C, an act to amend the Education Law.

ACTING PRESIDENT LITTLE: Read the last section.

THE SECRETARY: Section 5. This act shall take effect on the 180th day.

ACTING PRESIDENT LITTLE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57. Nays, 2. Senators Connor and Padavan recorded in the negative.

ACTING PRESIDENT LITTLE: The bill is passed.

THE SECRETARY: Calendar Number 1134, by Senator Bruno, Senate Print --

SENATOR SKELOS: Lay it aside temporarily.

ACTING PRESIDENT LITTLE: The bill is laid aside temporarily.

THE SECRETARY: Calendar Number 1163, by Senator Little, Senate Print 720A, an act to amend the Tax Law.

ACTING PRESIDENT LITTLE: Read the last section.

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

ACTING PRESIDENT LITTLE: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT LITTLE: Senator Krueger, to explain your vote.

SENATOR LIZ KRUEGER: Thank you, Madam President.

While I do understand the issue of needing to produce snow for ski areas, again, just for the record, we have an energy crisis, we should be discouraging use of fossil fuels and gasoline.

And I hope that there is a model where ski areas could use clean-energy models and alternative energy to produce their snow. And maybe is answer is there are or that they would be motivated to do so.

But just continuing on my record that I vote against tax reductions for the use of fossil fuels and energy, I'll be voting no on this. But hoping that, like every other industry in the State of New York, our ski areas figure out to how to produce snow without using environmentally harmful or short resources and, rather, move to alternative-energy models.

So thank you very much; I'll be voting no.

ACTING PRESIDENT LITTLE: Thank you.

Senator Krueger will be recorded in the negative.

The Secretary will announce the results.

THE SECRETARY: Ayes, 58. Nays, 2. Senators Duane and L. Krueger recorded in the negative.

ACTING PRESIDENT LITTLE: The bill is passed.

THE SECRETARY: Calendar Number 1177, by Senator Morahan, Senate Print 6825A, an act to amend the Executive Law.

ACTING PRESIDENT LITTLE: Read the last section.

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

ACTING PRESIDENT LITTLE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT LITTLE: The bill is passed.

THE SECRETARY: Calendar Number 1202, substituted earlier today by Member of the Assembly Pheffer, Assembly Print Number 11141, an act to amend the General Business 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, 60.

ACTING PRESIDENT LITTLE: The bill is passed.

THE SECRETARY: Calendar Number 1206, by Senator Balboni, Senate Print 930, an act to amend the Civil Practice Law and Rules.

SENATOR SCHNEIDERMAN: Lay it aside.

ACTING PRESIDENT LITTLE: The bill is laid aside.

THE SECRETARY: Calendar Number 1210, by Senator Skelos, Senate Print 2393, an act to amend the Penal Law.

ACTING PRESIDENT LITTLE: Read the last section.

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

ACTING PRESIDENT LITTLE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Those recorded in the negative on Calendar Number 1210 are Senators Duane, Maziarz, Montgomery, Nozzolio and Young.

Ayes, 55. Nays, 5.

ACTING PRESIDENT LITTLE: The bill is passed.

SENATOR BRUNO: Madam President, can we at this time return to Calendar 1134. I believe I have a bill I'd like to bring before the floor.

ACTING PRESIDENT LITTLE: The Secretary will read Calendar Number 1134.

THE SECRETARY: Calendar Number 1134, by Senator Bruno, Senate Print 1370, Concurrent Resolution of the Senate and Assembly proposing amendments to the Constitution.

ACTING PRESIDENT LITTLE: Senator Bruno.

SENATOR BRUNO: Yes, Madam President, to explain my vote.

This resolution really gives first passage to initiative and referendum, which brings subjects -- as you all know, because we have passed this in this house before -- before the people. Important issues, when they follow certain procedures, can be voted on directly by the public in a referendum. And these are issues that may not come before the Legislature in any other way.

We would encourage passage here again. And we're encouraging the Assembly to join us for first passage. Second passage would be next year in the legislative session and then go before the people of this state for, hopefully, ratification.

Critically important. Life, liberty, pursuit of happiness -- that's what life is all about here in New York. And this chamber has been extremely supportive.

Thank you, Madam President. Thank you, colleagues. I vote in favor.

ACTING PRESIDENT LITTLE: Thank you.

The Secretary will call the roll on the resolution.

(The Secretary called the roll.)

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

SENATOR BONACIC: Thank you, Madam President.

First of all, I'd like to congratulate Senator Bruno for bringing this bill to the floor. This is a piece of legislation that's the most powerful weapon and tool we can give to the people of the State of New York to make judgments on their government.

And anyone who -- I'm shocked that people would vote against this bill, because, to me, anyone who votes against this bill is afraid of the influence of the people's vote to participate in democracy and change government for the issues that they are not satisfied with.

So I wholeheartedly support this constitutional amendment, and I would urge my colleagues to support it also.

Thank you very much, Madam President.

ACTING PRESIDENT LITTLE: Thank

you.

Senator Bonacic will be recorded in the affirmative.

Senator Diaz, to explain his vote.

SENATOR DIAZ: Thank you, Madam President. I'm also in support of this bill.

I think that some people might say that we don't need this bill because the people sent us here to represent them; therefore, we are representing the people, so the people doesn't have to get involved in the issues.

Well, ladies and gentlemen, yes, it's a good bill. And I congratulate Senator Bruno. Senator Bruno, I congratulate you on this bill. It's a good bill. And I think that -- I want to tell you the reason why I think that it is a good bill.

There are certain things that people should decide to be able to be put into referendum -- gay marriage, abortion. People should put that in a referendum and let the people decide. And let the whole state, the whole nation decide.

That's why I'm supporting President

Bush's amendment to the Constitution, because people should decide. Let the people put the referendum and let the people decide what has to be done.

So yes, I'm in support of this legislation. I'm also in support of President Bush's amendment to the Constitution of the United States of America. God bless America.

ACTING PRESIDENT LITTLE: Thank you.

Senator Diaz will be recorded in the affirmative.

Senator Robach, to explain his vote.

SENATOR ROBACH: Yes, Madam President. I too rise to happily cast my vote in the affirmative.

This is an issue that we've been working on for a long time. And I think if you look at what's gone on a little bit -- and I'm not sure why. We all know in this room that government is very important. But we see the number of people that are eligible to get registered to vote, registering in the first place. We see even less people turning out to

vote.

I think this absolutely would be a tool that hopefully will send a message to everyone, give them even a louder voice at the ballot box, besides what man or woman will represent them -- direct access to certain important issues. And hopefully this will be something that will be good for all of democracy as well.

This truly is, as the cliche saying goes, power to the people. I think it's a step in the right direction, and hopefully something that will get the average man and woman voter a little bit more engaged in the right direction.

I happily cast my vote in the affirmative.

ACTING PRESIDENT LITTLE: Thank you.

Senator Robach will be recorded in the affirmative.

Senator Stavisky, to explain her vote.

SENATOR STAVISKY: To explain my vote, Madam President.

For all of the reasons that my colleagues have explained, I see -- I see what has happened in California, and for that reason I vote no.

ACTING PRESIDENT LITTLE: Thank you.

Senator Stavisky will be recorded in the negative.

Senator Krueger, to explain her vote.

SENATOR LIZ KRUEGER: Thank you, Madam President.

Well, I'm in support of this bill, and yet I disagree with some of my colleagues who are also supporting the bill. And I feel that I should explain to some of my colleagues who are opposed to the bill, well, I think that there's the right way to do I&R and the wrong way, and that this bill expresses some of the concerns of my colleagues who are voting against it.

It doesn't do everything it should. And I would argue that we also need clean election/campaign finance reform before this ever became the law of the State of New York.

Because where I&R has sometimes done harm instead of good in other states is when people with the most money could buy the elections because they could do huge outreach on one side of an issue.

But if people look at this bill -- and it's the reason why I can support this bill, while I wouldn't support many other I&R proposals. It's because it does require that at least 5 percent of the number of votes cast in a gubernatorial election would have to come from at least 3/5 of the state's congressional districts. So you couldn't have one section of the state taking over for another for geographical disagreements.

I also think it's important to recognize that this wouldn't be allowed to apply to elections of officers for appropriation of monies, which has been a huge problem in some other states, or in mandating certain activities on corporations.

It also would require that any I&R adopted would have to be voted by twice in two consecutive election cycles of the voters before it moved into law.

So again, there's a -- I think a carefulness and a thoughtfulness built into this model of I&R that we have not seen in several other states.

So I share some of my colleagues' concerns that when you open up an initiative and referendum process for the voters, you may risk someone, not the voters and democracy taking control, but, rather, some special interest. Or you may end up in a situation where one section of the state is fighting out over another section of the state geographically. And we certainly know of that experience all too well here in New York.

That an I&R model that actually ensures that every district of the state has to go out there and sell it to the voters, that it has to go through multiple steps, that there is a formal process by which certain issues could be considered through a referendum of the voters and other issues would be left to the mandate and the responsibility of legislators -- because, after all, why do people elect us? They elect to us make hopefully good decisions on their

behalf.

That there is a check and balance in a good I&R model, and I think this is a good one. So again, I don't think it's a universal panacea for anyone out there who is voting for it. But I also think that this bill actually doesn't open up some of the concerns that have been raised by my colleagues in observing things that have happened in other states that I would agree were not in the best interests of the people.

So I vote yes, but with recognition that these are complicated issues that we should be thinking through carefully.

Thank you, Madam President.

ACTING PRESIDENT LITTLE: Thank you.

Senator Krueger will be recorded in the affirmative.

Senator Nozzolio, to explain his vote.

SENATOR NOZZOLIO: Thank you, Madam President.

Madam President and my colleagues, I rise to explain my vote in support of

initiative and referendum.

First, I wish to congratulate Senate Majority Leader Joe Bruno for moving this measure to the floor.

That I have been a sponsor of initiative and referendum for a number of years. That I believe very strongly in the concept that citizens should have a direct participatory role in their democracy. That we have nothing to fear by supporting this measure other than the wrath of the electorate, who will have now, because of this measure, a direct voice in specific measures of legislation.

My favorite quotation from the United States Supreme Court was written by Justice Brandeis, that said very simply that in the United States the highest public office is that of private citizen.

I take that responsibility and that guideline very seriously. That we do not have a couch potato democracy or we cannot succeed with a couch potato mentality in terms of our democracy.

We clearly need citizen

participation. And that this measure, which is a measure that over 25 states -- not just California, as some of my colleagues have alluded to, but 25 states at the very minimum have established initiative and referendum. It's those states that have a direct participation by their citizens. We should not fear that participation.

Senator Bonacic mentioned this is the ultimate reform. Those of you who have claimed to be reformers must support this measure because, frankly, this is the ultimate reform. And what this Legislature may do or not do with initiative and referendum on the books would serve, at the very minimum, as a Damocles sword over those who are intransigent to move this legislation forward.

Initiative and referendum has many elements that we should be proud of. I'm proud that this Senate Republican conference moved this measure to the floor.

Thank you, Madam President.

ACTING PRESIDENT LITTLE: Thank you.

Senator Nozzolio will be recorded

in the affirmative.

Senator Balboni, to explain his vote.

SENATOR BALBONI: Madam President, I rise to support this bill but note that it looks like the air of reform and change doesn't reach this far. It seems that we've had this whole big discussion about how we should change things and how we should empower individuals, and yet we're going to stop the train here because we are concerned that we might let people in and actually participate in government.

Well, I'm here to tell you that I think it's a good thing for New York. I think this would be one of the things that we should take a look at. And we should continue this reform bandwagon as it goes towards this issue.

I vote aye. Thank you.

ACTING PRESIDENT LITTLE: Thank you.

Senator Balboni will be recorded in the affirmative.

Senator Connor, to explain your

vote.

SENATOR CONNOR: Thank you, Madam President.

I'm voting no on this bill. And I've always thought if initiative and referendum were adopted and they had to get petitions and all, it might make life interesting or more remunerative for those who practice election law.

(Laughter.)

SENATOR CONNOR: But the fact is a number of years ago Governor Cuomo proposed what was called a limited initiative. And I was the Senate sponsor of that at the time. And that was geared toward a situation which I liked where the voters could force the Legislature to consider a legislative proposal.

And his particular, I think, concern then was the anti-bias crime bill that had been languishing for a number of years, and that gave him the idea. And I thought that was a good idea because it combined the legislative, the deliberative nature of the legislature with the people's ability to

initiate some action here. And to the extent people talk about there's sometimes a logjam in Albany, I thought that proposal was well considered and kind of gave us a bit of both worlds.

Out-and-out initiative and referendum I think would be a wonderful idea except for the economic factors. And I know Senator Krueger said, well, we need campaign finance reform. The problem in this area is if you look at the jurisprudence, the Supreme Court has said in the California case -- and California had a law basically saying corporations can't contribute money to campaigns and so on. And they tried to extend that to corporations couldn't spend money on a campaign.

We have a similar pretty strict limitation on what corporations can do politically. They can only give $5,000 in the aggregate to campaigns in a year.

But the Supreme Court case said that when the business and economic interests of the corporation are involved, they can spend unlimited money, corporate money. That

case involved an attempt to regulate utility rates. And the large California utility companies -- and they won at the Supreme Court -- were permitted to spend untold millions of dollars of corporate funds on media, television, mail, et cetera, to beat back the referendum.

And, frankly, the citizens who had taken all the time and trouble to circulate and get whatever they required -- 50,000, 100,000 signatures -- didn't have a chance against that type of economic power.

So in theory, initiative and referendum looks wonderful. And sometimes the public succeeds in bringing something forth. But if you take on the powerful monied interests in initiative and referendum, you're going to get slapped down.

And if the monied interests decide they want to push something by initiative and referendum, they're likely to prevail in a way that they've never -- and you can talk and the press can talk about special-interest influence on the Legislature. But, frankly, initiative and referendum gets right to it.

Their money gets right to the voter and wins them over, their hearts and minds.

And the Legislature, I don't think -- I think we're immune to a lot of that. And the kind of reforms that have been are evolving make us even more and more immune certainly to the perception that somehow special interests hold sway here.

So initiative and referendum is the special interests' dream. It's their dream. It puts their money to work. It puts their money back in play. And we can do all the campaign finance reform we want to try and change the influence of money. But this measure would give carte blanche to big money.

So that's why I'm voting no, Madam President.

ACTING PRESIDENT LITTLE: Thank you.

Senator Connor will be recorded in the negative.

Senator Oppenheimer, to explain her vote.

SENATOR OPPENHEIMER: Thank you very much, Madam President.

What Senator Connor just said made me reflect on something that happened about 28 years ago in Westchester, and some of you may recall that.

We wanted to go to a Westchester Power Authority, and we had most of the citizens very revved up and interested in this new proposal because we were quite angry at some things that Con Ed had done at that time.

Well, exactly what Senator Connor mentioned happened: Con Ed threw so much money into that campaign that even though we had the citizenry originally interested in it, it completely squelched that interest. So we were unfortunately bought out of something that we had thought was going to be a wonderful, wonderful project for our county.

But I think in terms of reform, in terms of getting back citizen interest and participation, I think there would be nothing better than to put in place a bipartisan commission to draw our district lines. They think our district lines are all rigged, and they might well be right. And I also think that there's nothing like campaign finance

reform that has real teeth in it to make the citizenry realize that we are genuinely interested in reform.

I'll be voting no.

ACTING PRESIDENT LITTLE: Thank you.

Senator Oppenheimer will be recorded in the negative.

The Secretary will announce the results.

THE SECRETARY: Those recorded in the negative on Calendar Number 1134 are Senators Connor, Duane, Hassell-Thompson, Montgomery, Oppenheimer, Parker, Savino, Schneiderman and Stavisky. Also Senator A. Smith.

Ayes, 50. Nays, 10.

ACTING PRESIDENT LITTLE: The resolution is adopted.

THE SECRETARY: Calendar Number 1219, by Senator Balboni, Senate Print 7208B, an act to amend the Penal Law and the Criminal Procedure Law.

ACTING PRESIDENT LITTLE: Read the last section.

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

ACTING PRESIDENT LITTLE: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT LITTLE: Senator Montgomery, to explain your vote.

SENATOR MONTGOMERY: Yes, Madam President, thank you.

I'm voting no on this legislation. And the primary reason that I'm voting no is because the definition that is used, the language that is used in this legislation that defines what is a gang could very well define any number of organizations that I'm familiar with.

Those organizations have a particular code, a handshake and other things that they use as part of their membership participation. Some of those are professional organizations, sororities and fraternities. Many friends of mine are members. And while I understand that this is not referring to them, it certainly describes who they are and what

their membership in the organizations consists of.

And also I want to just say to you, Madam President, and to my colleagues that this is a bill which captures any two young people who happen to be standing on a corner together and wearing similar clothing, which many of them do. In my district, every teenager has a white T-shirt and big jeans. And so any of them could at any point be defined as a gang, based on this legislation.

I think it's very broad. It's not specific enough. And it requires a determinate sentence that is added onto any other sentence for criminal activity that already is in law.

So I think we need to think about this much more carefully. There are other ways of dealing with gangs. Other jurisdictions have done it very successfully. And rather than immediately rushing to just add a few more years of incarceration and defining gang activity much more broadly, we need to be thinking through what we are doing in order to avoid young people having to

engage in activities which we consider to be gang activity.

So I'm voting no, Madam President.

ACTING PRESIDENT LITTLE: Thank you.

Senator Montgomery will be recorded in the negative.

Senator Balboni, to explain his vote.

SENATOR BALBONI: Madam President, this bill addresses something which, if you talk to law enforcement officials, is really becoming an epidemic. The amount of gangs that are preying upon the streets of U.S. cities is increasing, particularly here in the state of New York. In fact, on March 15, 2006, there was an article that 18 Manhattan drug gang members were indicted.

This is a constant story. When you talk to prosecutors, they talk about the inability to go after the collective actions of the groups. That is what this legislation attempts to do.

It attempts to define criminal

street gang activity, because that really is the nexus for the criminal activity. And a whole host of associate problems come out of it, whether it's recruiting schoolchildren on school grounds to become a member of a gang, whether it is trying to work out a drug cartel on the streets of our cities. This is a major, major problem.

This is something that law enforcement likes. This is something that has been drafted with their consent and involvement. And this is a step that we need to take, not only as a state but as a nation, to address this rising problem.

I vote aye.

ACTING PRESIDENT LITTLE: Thank you.

Senator Balboni will be recorded in the affirmative.

Senator Parker, to explain his vote.

SENATOR PARKER: Thank you, Madam President.

I'm actually rising to vote no on this bill. And once again, I guess I'm

disappointed in that we've taken the easy way out at kind of attacking a problem once it's already become a problem.

The problems of gangs and -- the rising problem of gangs in our community is very, very serious and very significant. And so I applaud the members of this chamber for taking up this important matter. But I think that we've gone about it in the wrong way.

We really ought to be trying to, Madam President, deal with this before it becomes a problem. I mean, the reality is that gangs are something that essentially we've created, we've created because we have allowed our young people to be unsupervised and not to deal with the problems that we have in our own communities before they become problems.

So we go back and we look at the history of New York City -- even if you go back to the early '90s, when we were having a significant crisis in terms of funding and money in the city, and there was a serious crime problem, we didn't have a gang problem. We didn't have one in the early '90s. We

didn't start getting a gang problem in the City of New York, at least, until well into the mid-'90s and the beginning of 2000.

And the reality of the gang problem was that during the time that Mayor Giuliani was there, he redefined the way that we did crime. And I know that's something that -- you know, "America's Mayor," and everybody's all happy with Giuliani. But the reality is we have to look at what happened.

He redefined crime so that we were only looking at the seven major categories that the FBI focuses on. Which means everything else that doesn't fit into those seven major categories essentially got ignored. And so we put money into those things. And so the murders or rapes or batteries, we paid attention to it and we dealt with it.

Under the Dinkins administration, there was a policy called cops and kids where we went and put money into both police officers and making sure that we went to a model under Commissioner Brown where there was some community policing and police officers

were in the street knowing what was happening in the communities.

But then also there was money for youth programming. And so at the time the state had a State Division for Youth, which we no longer have anymore in the state. And the State Division for Youth -- and I know this so well because I actually worked for the State Division for Youth and implemented some of these programs in communities where money was given to community-based organizations to engage young people in leadership, to make sure that young people were being engaged in after-school programs.

And at that time in our public schools we had music, art, dance and athletics as regular parts of the curriculum and things that young people were engaged in every day. So that after school a young person might be engaged in baseball or football or basketball or lacrosse. There were programs, if they weren't involved there in youth programs, where they might have been either getting tutors or they might have been learning dance or they might have been learning martial arts

or something that was engaging them.

All of those -- the dollars for those programs have been eliminated. On the city level, the Department of Youth Services got merged with the Department of Community Development, so now it's the Department of Community Development and Youth Services.

So what have we done to our young people? We've abandoned them. We've gone to an educational system that now simply teaches to the test. There's no more music, art, dance and athletics as regular parts of the curriculum. We are no longer providing, you know, any type of after-school programs. And now when they get involved in gangs, we're now saying you're criminals.

The reality is that we're the criminals because we have abandoned the young people of the city and of the state. And as this bill is no way to address that reality, I'll vote no.

ACTING PRESIDENT LITTLE: Thank you.

Senator Parker will be recorded in the negative.

Before we continue, may I remind everyone that you actually have two minutes to explain your vote. We've been flexible today, but we would like to stick to the two minutes for the rest of the day. Thank you.

Senator Sabini, to explain his vote in two minutes.

SENATOR SABINI: Thank you, Madam President.

While I agree with my colleagues Senators Montgomery and Parker that we need a holistic approach to the problem of our youth, I do think that part of that holistic approach is penalty.

Gangs are a very serious problem. I have a package of legislation introduced in this house to deal with gangs. And while I think my bill happens to be better than Senator Balboni's bill, I don't think the good should be the enemy of the perfect, and I intend to support this bill.

Just last week, Madam President, in P.S. 89 in Elmhurst we had a meeting sponsored by Assemblyman Peralta -- who sponsors a number of my bills on gang activity -- and

District Attorney Brown where about four dozen parents, mostly from immigrant families, came with genuine fear that their children were being recruited into these gangs, and that they didn't know all the signs, all the colors, all the codes they should know to know whether or not their children were being recruited or attacked by gangs.

So I congratulate Senator Balboni on his legislation, and Assemblyman Rivera. Hope we continue to do more. Hope we do go to a holistic approach and do some more prevention as well. But I don't think we can just do one or the other.

This does at least some of it, and I'll be voting aye. Thank you.

ACTING PRESIDENT LITTLE: Thank you.

Senator Sabini will be recorded in the affirmative.

The Secretary will announce the results.

THE SECRETARY: Those recorded in the negative on Calendar Number 1219 are Senators Duane, Montgomery and Parker.

Ayes, 58. Nays, 3.

ACTING PRESIDENT LITTLE: The bill is passed.

THE SECRETARY: Calendar Number 1220, by Senator Larkin, Senate Print 7225A, an act to amend the Penal Law.

ACTING PRESIDENT LITTLE: Read the last section.

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

ACTING PRESIDENT LITTLE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT LITTLE: The bill is passed.

THE SECRETARY: Calendar Number 1240, substituted earlier today by Member of the Assembly McEneny, Assembly Print Number 974, an act to amend the Real Property Tax Law.

ACTING PRESIDENT LITTLE: Read the last section.

THE SECRETARY: Section 3. This

act shall take effect on the 30th day.

ACTING PRESIDENT LITTLE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT LITTLE: The bill is passed.

THE SECRETARY: Calendar Number 1243, by Senator Young, Senate Print 6235, an act to amend the Vehicle and Traffic Law.

ACTING PRESIDENT LITTLE: Read the last section.

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

ACTING PRESIDENT LITTLE: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT LITTLE: Senator Young, to explain her vote.

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

Under current law, unsafe drivers who have been sniffing glues or aerosols cannot be charged with driving while ability-impaired by drugs.

And the Vehicle and Traffic Law now defines a drug as those listed under Public Health Law Section 3306, which includes illegal and prescription drugs but not glues and aerosol inhalants.

This bill amends the Vehicle and Traffic Law by expanding the definition of "drug" to include those inhalants and certain glues.

Glue sniffing, aerosol inhalation or inhalation of any toxic vapor affects one's ability to drive safely and should be included as grounds for drug-impaired driving. And those who have been inhaling dangerous substances should not be allowed to drive and place the lives of other New Yorkers in danger, because they present as much of a threat on the road as drunken drivers in many cases.

We have a responsibility to protect motorists against dangerous drivers. And I want to thank my colleagues for supporting this very important bill.

ACTING PRESIDENT LITTLE: Thank you.

Senator Young will be recorded in the affirmative.

Senator Duane, to explain his vote.

SENATOR DUANE: Thank you, Madam President.

I'm going to vote against this bill, which expands the definition of "drug" in the Vehicle and Traffic Law to include inhalants and certain glues.

And I really think that this bill needs some kind of a hearing to determine not just the impact, obviously, which sniffing glue or inhalants has on a person, but, more specifically, how is law enforcement going to test whether someone's been sniffing glue or not. I don't think such a thing exists. If it does, I'd love to hear about it and we can hear about it in a hearing.

But the other thing is obviously someone that's sniffing glue has a substance abuse problem, and obviously they would need treatment for substance abuse. And yet because we don't have Timothy's Law passed here in New York State, many New Yorkers, if they needed that kind of treatment, would be

unable to afford it.

Now, the week is almost over and we have yet to move on Timothy's Law. What are we waiting for? There's only two more weeks after this. We need to pass a Timothy's Law this session. New Yorkers are calling for it. People who care about mental health are calling for it. We cannot afford to wait any longer. We need to get Timothy's Law on the floor of this house and get it into law.

Thank you, Madam President.

ACTING PRESIDENT LITTLE: Thank you.

Senator Duane will be recorded in the negative.

The Secretary will announce the results.

THE SECRETARY: Ayes, 60. Nays, 1. Senator Duane recorded in the negative.

ACTING PRESIDENT LITTLE: The bill is passed.

THE SECRETARY: Calendar Number 1244, by Senator Saland, Senate Print 6558, an act to amend the Vehicle and Traffic Law.

ACTING PRESIDENT LITTLE: Read

the last section.

THE SECRETARY: Section 2. This act shall take effect nine months after it shall have become a law.

ACTING PRESIDENT LITTLE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60. Nays, 1. Senator Duane recorded in the negative.

ACTING PRESIDENT LITTLE: The bill is passed.

THE SECRETARY: Calendar Number 1249, by Senator Padavan, Senate Print 7119A, an act to amend the Retirement and Social Security Law.

ACTING PRESIDENT LITTLE: Read the last section.

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

ACTING PRESIDENT LITTLE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT LITTLE: The bill is passed.

THE SECRETARY: Calendar Number 1251, by Senator Robach, Senate Print 7589, an act to amend the Retirement and Social Security Law.

ACTING PRESIDENT LITTLE: Read the last section.

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

ACTING PRESIDENT LITTLE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT LITTLE: The bill is passed.

THE SECRETARY: Calendar Number 1260, by Senator Maltese, Senate Print 7667, an act to allow Triborough Bridge and Tunnel members of the New York City Employees' Retirement System to elect.

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, 61.

ACTING PRESIDENT LITTLE: The bill is passed.

THE SECRETARY: Calendar Number 1267, by Senator Saland, Senate Print 7419A, an act to amend the Social Services Law.

ACTING PRESIDENT LITTLE: Read the last section.

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

ACTING PRESIDENT LITTLE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT LITTLE: The bill is passed.

THE SECRETARY: Calendar Number 1272, by Senator Nozzolio, Senate Print 1946, an act to amend the General Municipal Law.

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, 61.

ACTING PRESIDENT LITTLE: The bill is passed.

THE SECRETARY: Calendar Number 1273, by Senator Little, Senate Print 3846, an act to amend the General Municipal 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, 60. Nays, 1. Senator Duane recorded in the negative.

ACTING PRESIDENT LITTLE: The bill is passed.

THE SECRETARY: Calendar Number 1275, by Senator Hannon, Senate Print 4799, an act to authorize the assessor of the County of Nassau.

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, 60. Nays, 1. Senator Larkin recorded in the negative.

ACTING PRESIDENT LITTLE: The bill is passed.

THE SECRETARY: Calendar Number 1277, substituted earlier today by Member of the Assembly Pretlow, Assembly Print Number 10070, an act to amend the Local Finance Law.

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, 61.

ACTING PRESIDENT LITTLE: The bill is passed.

THE SECRETARY: Calendar Number 1279, by Senator Balboni, Senate Print 7047, an act to amend Chapter 457 of the Laws of 2001 relating to authorizing the town board of the Town of North Hempstead.

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, 61.

ACTING PRESIDENT LITTLE: The bill is passed.

THE SECRETARY: Calendar Number 1281, by Senator Winner, Senate Print 7246, an act to authorize the conveyance of certain real property.

ACTING PRESIDENT LITTLE: Read the last section.

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

ACTING PRESIDENT LITTLE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT LITTLE: The bill is passed.

THE SECRETARY: Calendar Number 1282, substituted earlier today by the Assembly Committee on Rules, Assembly Print Number 8974A, an act to amend the General Municipal 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, 61.

ACTING PRESIDENT LITTLE: The bill is passed.

THE SECRETARY: Calendar Number 1289, by Senator Farley, Senate Print 7523, an act to amend the Banking Law.

ACTING PRESIDENT LITTLE: Read the last section.

THE SECRETARY: Section 3. This

act shall take effect immediately.

ACTING PRESIDENT LITTLE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60. Nays, 1. Senator Duane recorded in the negative.

ACTING PRESIDENT LITTLE: The bill is passed.

THE SECRETARY: Calendar Number 1295, by Senator LaValle, Senate Print 2863B, an act to amend the Education 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, 61.

ACTING PRESIDENT LITTLE: The bill is passed.

THE SECRETARY: Calendar Number 1299, substituted earlier today by Member of the Assembly Canestrari, Assembly Print Number 10878, an act to amend Chapter 534 of the Laws

of 1993 amending the Education 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, 61.

ACTING PRESIDENT LITTLE: The bill is passed.

THE SECRETARY: Calendar Number 1302, by Senator Maziarz, Senate Print 211A, an act to amend the Real Property Law.

ACTING PRESIDENT LITTLE: Read the last section.

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

ACTING PRESIDENT LITTLE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT LITTLE: The bill is passed.

THE SECRETARY: Calendar Number

1303, by Senator Winner, Senate Print 7031, an act to amend the Real Property Tax Law.

ACTING PRESIDENT LITTLE: Read the last section.

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

ACTING PRESIDENT LITTLE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT LITTLE: The bill is passed.

THE SECRETARY: Calendar Number 1304, by Senator Skelos, Senate Print 7670A, an act to authorize the Rockville Centre Housing Authority.

SENATOR SCHNEIDERMAN: Lay it aside.

ACTING PRESIDENT LITTLE: The bill is laid aside.

THE SECRETARY: Calendar Number 1313, by Senator Maltese, Senate Print 3597, an act to amend the Labor Law and the Civil Service Law.

ACTING PRESIDENT LITTLE: Read

the last section.

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

ACTING PRESIDENT LITTLE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT LITTLE: The bill is passed.

THE SECRETARY: Calendar Number 1317, by Senator DeFrancisco, Senate Print 3012C, an act to amend the Insurance Law and the Civil Practice Laws and Rules.

ACTING PRESIDENT LITTLE: Read the last section.

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

ACTING PRESIDENT LITTLE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT LITTLE: The bill is passed.

THE SECRETARY: Calendar Number 1319, by Senator Seward, Senate Print 4321, an

act to amend the Insurance 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, 60. Nays, 1. Senator LaValle recorded in the negative.

ACTING PRESIDENT LITTLE: The bill is passed.

THE SECRETARY: Calendar Number 1364, by Senator Flanagan, Senate Print 7934, an act to amend Chapter 50 of the Laws of 2006, enacting the Public Protection and General Government Budget.

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, 61.

ACTING PRESIDENT LITTLE: The bill is passed.

THE SECRETARY: Calendar Number 1365, by Senator Flanagan --

SENATOR SCHNEIDERMAN: Lay it aside.

ACTING PRESIDENT LITTLE: The bill is laid aside.

THE SECRETARY: Calendar Number 1431, substituted earlier today by Member of the Assembly Morelle, Assembly Print Number 10038, an act to amend the Civil Service 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, 61.

ACTING PRESIDENT LITTLE: The bill is passed.

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

SENATOR SKELOS: Thank you, Madam

President. If we could go to the controversial reading at this time.

ACTING PRESIDENT LITTLE: Thank you.

The Secretary will read.

SENATOR SKELOS: Madam President, before we go to the controversial reading, there will be an immediate meeting of the Finance Committee in the Majority Conference Room.

ACTING PRESIDENT LITTLE: Thank you.

There is an immediate meeting of the Finance Committee in the Majority Conference Room.

The Secretary will ring the bell.

SENATOR SKELOS: Madam President, we'll stand at ease pending the report of the Finance Committee.

ACTING PRESIDENT LITTLE: Thank you.

The Senate will stand at ease.

(Whereupon, the Senate stood at ease at 4:31 p.m.)

(Whereupon, the Senate reconvened

at 4:44 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 Finance Committee at the desk. I ask that it be read.

ACTING PRESIDENT LITTLE: Reports of standing committees.

The Secretary will read.

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

Senate Print 8076, by Senator Bruno, an act to amend the Public Health Law;

And Senate Print 8077, by Senator Bruno, an act to amend the Public Health Law.

Both bills ordered direct to third reading.

ACTING PRESIDENT LITTLE: Without objection, both bills will be reported direct to third reading.

Senator Skelos.

SENATOR SKELOS: Madam President,

if we could go to the controversial reading of the calendar.

ACTING PRESIDENT LITTLE: Thank you.

The Secretary will read. And we will ring the bell.

THE SECRETARY: Calendar Number 1206, by Senator Balboni, Senate Print 930, an act to amend the Civil Practice Law and Rules.

SENATOR SCHNEIDERMAN: Brief explanation.

ACTING PRESIDENT LITTLE: Thank you.

Senator Balboni, for an explanation.

SENATOR BALBONI: Madam President, this is the -- I think it's the eighth year --

SENATOR SCHNEIDERMAN: It's the ninth.

SENATOR BALBONI: Is it? But I haven't been here for nine years.

I think it's the eighth year that we're doing this bill. And this is the bill that would prohibit somebody who commits a

felony and gets injured during the commission of that felony and then sues.

So I'd like to just kind of go through and give you a preview of what you could expect in any other year.

I would normally start off with a discussion of Bernard McCummings and that case and how a man got mugged and then his mugger sued for $4 million and won.

And then Senator Schneiderman would rise, and he'd say that this bill is incomprehensibly drafted, overbroad, and the issue should be settled by the courts.

Then I would respond by talking to you of the case of the drug dealer who went to the hospital with condom-wrapped heroin in his stomach, got a scar, and sued the hospital.

And then Senator Schneiderman would rise and he'd ask me a whole host of imponderable hypotheticals, and I could not be able to really explain them because they didn't apply.

And then Senator DeFrancisco would rise and ask me if I went to high school.

(Laughter.)

SENATOR BALBONI: And then after that, we would talk about how the victim and the defendant in the Bernard McCummings case were both abused, but how the case really doesn't apply.

And we'd both talk about how -- we would lament how we'd love to solve this and get the Assembly engaged, but they're not going to engage, so we'll agree to meet back here next year.

Thank you very much, Madam President.

(Laughter.)

ACTING PRESIDENT LITTLE: Thank you.

Senator Schneiderman.

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

ACTING PRESIDENT LITTLE: On the bill.

SENATOR SCHNEIDERMAN: I would stipulate to everything that has been put into the record so far on this issue.

And I would like to commend Senator Balboni for that special 12-step program he's

taking about verbosity; it seems to be working very well. The summary is much appreciated.

This is a bill that -- this is the ninth year of this bill or a similar bill that would have the same effect. And I think that after nine years -- I mean, you know, my daughter was in kindergarten, she's now a raging adolescent; it's a long time -- that we can come up with something better.

We are going to have a new opportunity next year. We are going to have a new governor. Things will change. I very sincerely hope that we can redraft this bill to deal with some of the problems in drafting. It is absolutely clear to me that this bill, contrary to the last few years' assertions by the distinguished sponsor, does not codify the rule of Barker v. Kallash.

We need to have something that allows judges and juries to settle hard cases. These are not easy cases. This bill would protect violent vigilantes, third parties.

And Senator Connor -- he left -- he pointed this out last year, that this doesn't just apply to victims. This means someone

could have just committed a white-collar crime and be leaving his brokerage firm with a cashier's check in his pocket, and if some third party shoots him on the street, he's barred from suing that person.

So this is something that in some cases I think even the distinguished sponsor will concede probably should go to a judge and jury.

I do think that with some editing we can come up with a better bill. I hope we will do that. We do have a new day dawning with a new governor this coming year. And the governor is -- the governor-to-be, I believe, is someone who is a fine lawyer who would love to work on this issue with us. So let's try and do that.

I appreciate the brevity. I appreciate the explanation. I think everything is correct. I'm not sure Senator DeFrancisco got -- I think he was researching whether the answer he got to the question about law school was in fact the case. I'm not sure if he's come over any new information.

But subject to that, I am going to vote no, as many of my colleagues have voted no on this for the last nine years. Looking back on the bill, I find that it's really sort of an honor roll of progressive legislators. When this bill was first introduced, Senators Dollinger, Gold, Lachman, Leichter, Markowitz, Santiago, Stavisky, Walden -- a lot of folks who have moved on were voting against it.

I'm proud to be in that tradition and vote no for a bad bill that would take hard cases away from juries. I believe in juries. I believe in the jury system. And I think the notion that it is an unalloyed good to take cases away from juries and make it easier to dismiss them before a full and fair hearing is a bad thing and is contrary to the intention of the founders of the republic.

I vote no, and I look forward with all sincerity to trying to do something between now and next year. Let's actually edit this and come up with something better to greet the new governor when he arrives.

Thank you, Madam President.

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 4. This act shall take effect immediately.

ACTING PRESIDENT LITTLE: Call the roll.

(The Secretary called the roll.)

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

SENATOR DIAZ: Thank you, Madam President.

I am in support of this bill, for the reason that when we are campaigning in the street, we tell the people that we are to protect them and to stop crime and that we will give a better life to the residents of our district.

Now when we come here, I'm surprised at seeing people voting to defend the criminals and not the victims. This bill simply authorizes anybody who, in the act of

committing a crime, gets hurt so that person could sue the people that hurt him.

That means that if somebody comes to my house when I am sleeping and that person gets hurt, that person will be able to sue me. That is the most ridiculous thing that I have seen in my life.

And I'm surprised to see that every year this bill comes to the floor, and it's a one-house bill, and always the Republicans are pushing for the bill, to stop this, and my colleagues on this side of the aisle are always opposing this bill.

You know, when we go out there, we go out there telling people that we're going to protect the victims, not the criminals. By opposing this bill, we are sending a message that we are protecting criminals and nothing for the victims.

So I am in support of this bill because this is a good bill and criminals have to know that if they get hurt committing a crime, that that's their problem. They should not sue anybody if they're committing a crime.

ACTING PRESIDENT LITTLE: Thank

you.

Senator Diaz will be recorded in the affirmative.

THE SECRETARY: Those recorded in the negative on Calendar Number 1206 are Senators Andrews, Connor, Coppola, DeFrancisco, Dilan, Duane, Gonzalez, Hassell-Thompson, L. Krueger, Montgomery, Parker, Paterson, Schneiderman, A. Smith and Stavisky.

Absent from voting: Senator C. Kruger.

Ayes, 44. Nays, 15.

ACTING PRESIDENT LITTLE: The bill is passed.

THE SECRETARY: Calendar Number 1304, by Senator Skelos, Senate Print 7670A, an act to authorize.

SENATOR LIZ KRUEGER: Explanation, please.

ACTING PRESIDENT LITTLE: Senator Skelos, for an explanation.

SENATOR SKELOS: Thank you, Madam President.

This legislation authorizes the

sale or lease of all or part of the project commonly known as the Rockville Centre Apartments by the Rockville Centre Housing Authority. It will allow the infusion of private capital to ensure the long-term viability of the project. It was requested by the Rockville Centre Housing Authority.

It's important to note that under this legislation existing tenants will not be replaced and the rent will be -- remain the same.

ACTING PRESIDENT LITTLE: Thank you.

Senator Krueger.

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

ACTING PRESIDENT LITTLE: Thank you.

Senator Skelos, will you yield?

SENATOR SKELOS: Yes.

ACTING PRESIDENT LITTLE: The Senator yields.

SENATOR LIZ KRUEGER: Thank you.

How many units are in this project

that we're talking about?

SENATOR SKELOS: I believe it's about 150.

SENATOR LIZ KRUEGER: Thank you.

Madam President, through you, if the sponsor would continue to yield.

SENATOR SKELOS: Yes, I will.

ACTING PRESIDENT LITTLE: The sponsor will continue to yield.

SENATOR LIZ KRUEGER: Thank you.

Where will the tenants go during the renovation period?

SENATOR SKELOS: There were 30 units built, new units, in which they will be -- have priority. And then when the renovation is completed in their old unit, they will go back into that unit.

SENATOR LIZ KRUEGER: Thank you.

Madam President, if the sponsor would continue to yield.

ACTING PRESIDENT LITTLE: Thank you.

Senator Skelos, do you continue to yield?

SENATOR SKELOS: Yes.

ACTING PRESIDENT LITTLE: The Senator yields.

SENATOR LIZ KRUEGER: Thank you.

Under the bill it talks about that some of these units might be sold rather than continue to be rented. How many of these units would come off of the rental rolls, so to speak, and move into being privately owned units?

SENATOR SKELOS: I don't believe any.

SENATOR LIZ KRUEGER: You don't believe any. So perhaps I'm -- I'm sorry, through you, Madam President.

Where in the bill it talks about either -- excuse me, I'll look for the section. Excuse me -- that "The commissioner of housing and community renewal shall not grant such approval until he or she makes a finding that such sale or lease will enable the project to be redeveloped."

So perhaps in that sentence we're talking about the sale of the project, not the individual units?

SENATOR SKELOS: That's the sale

of the project.

SENATOR LIZ KRUEGER: Thank you. Thank you for the clarification.

Madam President, through you, if the sponsor would continue to yield.

ACTING PRESIDENT LITTLE: Thank you.

Senator Skelos, do you continue to yield?

SENATOR SKELOS: Yes.

ACTING PRESIDENT LITTLE: The Senator yields.

SENATOR LIZ KRUEGER: There's a formula in the bill about how many units must be offered to different categories of income-eligible people. And then there's a Section D, it's lines 38 through 42 -- excuse me, line 43 on page 2, and it clarifies that "All tenants who resided in the housing project prior to the sale or lease shall be offered their current apartment or comparable accommodation at the project at their current rent for a period of one year, with yearly increases thereafter not to exceed the regional Consumer Price Index."

Is it your expectation that people would actually only have year-to-year leases as opposed to the protections they currently have as a public housing complex?

SENATOR SKELOS: The protections, the way I understand it, will continue exactly the way they are now.

SENATOR LIZ KRUEGER: Thank you.

Madam President, if the sponsor would continue to yield.

ACTING PRESIDENT LITTLE: Thank you.

Senator Skelos, do you continue to yield?

SENATOR SKELOS: Yes.

ACTING PRESIDENT LITTLE: The Senator yields.

SENATOR LIZ KRUEGER: Thank you.

So again, just to reiterate my concerns from what I thought was written in a certain way in this bill, it is your belief that in this bill no tenants will be evicted, they will be offered alternative housing during renovation and they will all be eligible to come back into their apartments

with continuing rights and protections under public housing law?

SENATOR SKELOS: Yes.

SENATOR LIZ KRUEGER: Yes? Excuse me. I've heard the Senator say yes, and so he has resolved my concerns about this bill.

Thank you very much.

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 5. This act shall take effect immediately.

ACTING PRESIDENT LITTLE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: In relation to Calendar Number 1304, those Senators absent from voting: Senators Farley, C. Kruger, and Parker.

Ayes, 57.

ACTING PRESIDENT LITTLE: The bill is passed.

THE SECRETARY: Calendar Number 1365, by Senator Flanagan, Senate Print 7935, an act making an appropriation for services and expenses.

SENATOR SABINI: Explanation.

ACTING PRESIDENT LITTLE: Thank you.

Senator Flanagan, for an explanation.

SENATOR FLANAGAN: Thank you, Madam President.

This bill is a continuation of some of the issues affecting HAVA. It's a $10 million appropriation to help our localities pay for interim compliance with litigation that was brought by the Justice Department against the State of New York.

And I would respectfully offer that this bill goes well beyond what was ultimately decided by the court and what plans were submitted by the State Board of Elections and our participating counties.

What we've done here is recognize

the problem, we've provided funds so that our municipalities don't suffer any adverse effects. And frankly, what we've done is by giving them more money than they asked for, we've given them an opportunity to make a bad plan that was approved by the court a lot better to make sure that people who are disabled have access just like everybody else.

It's not perfect, but it's a far cry and a tremendous improvement from what was originally submitted by the state board and what was accepted by the Justice Department and the Supreme Court.

ACTING PRESIDENT LITTLE: Thank you.

Senator Sabini.

SENATOR SABINI: Thank you, Madam President. If the sponsor would yield for a question.

ACTING PRESIDENT LITTLE: Thank you.

Senator Flanagan, do you yield?

SENATOR FLANAGAN: Yes.

ACTING PRESIDENT LITTLE: The sponsor yields.

SENATOR SABINI: Thank you. I wanted to ask the chairman, is there an Assembly sponsor for this bill?

SENATOR FLANAGAN: No. The day this bill was introduced, I sent a lengthy letter to Assemblyman Wright explaining to him what the issues were and asking him to introduce the bill in the Assembly, and he has not done so.

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

ACTING PRESIDENT LITTLE: Thank you.

Senator Flanagan, do you continue to yield?

SENATOR FLANAGAN: Yes.

ACTING PRESIDENT LITTLE: The Senator yields.

SENATOR SABINI: It occurs to me that with the primary 3 1/2 months away and none of this hardware has been ordered yet, does the sponsor think it's reasonable to think that we would be able to spend this money this year?

SENATOR FLANAGAN: Absolutely.

There's no reason in the world that we can't do this, there's no reason in the world that we shouldn't do this. And the fact that there's been delay is no excuse for us trying to do what we should have done a long time ago.

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

ACTING PRESIDENT LITTLE: Thank you.

Senator Flanagan, do you continue to yield?

SENATOR FLANAGAN: Yes.

ACTING PRESIDENT LITTLE: The Senator yields.

SENATOR SABINI: The money that's going to be used for this comes out of state money, and there's an interim plan that's going to put into action other ballot markers. That's my understanding. It is also my concern that whatever we purchase with this $10 million will not be the hardware approved by the interim court plan.

What would we do with the equipment we buy with this $10 million if it's not part

of the interim court plan?

SENATOR FLANAGAN: Well, the machines that are being purchased, they have been approved by the court and the Justice Department. And that includes 111 Avanti machines, 19 ES&Ses, and 14 Populex machines. So these have been approved for interim compliance for this fall's elections.

This money is being offered recognizing that there have been problems for our counties in their potential compliance with HAVA. Whether it's New York City or Suffolk County or any county across the state, they've all come and said, When we have to do interim compliance or full compliance, we're concerned that there may not be enough money.

This is a recognition that there has some delay, that there have been problems, and the state should step in and do something. Us doing nothing I think is far worse than trying to provide some appropriations.

And since you raise this, there are two other issues which I think are separate but related. We just passed a bill before about a state match for $7.7 million. And in

this year's budget, we had an additional $5 million for handicap accessibility for poll sites.

The Assembly didn't want to do that. The Assembly didn't want to do the $7.7 million match. They haven't done anything on this.

So if we're going to look at who's being proactive, who's being responsive, and who's trying to meet the needs of voters across the state, not only on an interim but a full compliance basis, it's the Senate. This is what we should be doing, and perhaps we should even be doing more.

SENATOR SABINI: Madam President, on the bill.

ACTING PRESIDENT LITTLE: Thank you.

Senator Sabini, on the bill.

SENATOR SABINI: It is my contention that the commissioners of elections around the state are at this point much more concerned about training and getting their poll workers up to speed and getting more funds freed up for that.

But I will make an amazing statement: I am going to wait and not say how I'm voting on this bill until others have had a chance to speak. Because I think the chairman has made a sincere attempt here to do something better. I'm not just sure that in trying to do something better, this in the long run will not be a waste of the taxpayers' money.

So I'll reserve judgment on the bill, and I think others have questions.

Thank you, Madam President.

ACTING PRESIDENT LITTLE: Thank you.

Is there any other Senator wishing to be heard?

Senator Dilan.

SENATOR DILAN: Yes, Madam President, on the bill.

ACTING PRESIDENT LITTLE: Thank you.

Senator Dilan, on the bill.

SENATOR DILAN: I will be voting yes on this bill. As has been indicated, this is a bill that will provide $10 million in

addition to what has been agreed upon by the Board of Elections and the Justice Department.

However, I'm a little concerned as to the timing of the introduction of this bill. Here we are, 3 1/2 months prior to the upcoming primaries, and I'm concerned that the Office of General Services will not have sufficient time to prepare the necessary contracts, we will not have sufficient time for the manufacturers to deliver these machines. And I think, as has been indicated by Senator Sabini, I don't believe that the Board of Elections will have sufficient time to train its staff to manage these machines.

Also, it's a one-house bill. I've been in touch with the Assembly, and they indicate that they will not be taking this bill up in this session at all.

So therefore, I believe that this bill at this time, late time in the session, will not do anything to help any handicapped voters at the polls either in the primary or general election.

Thank you, Madam President.

ACTING PRESIDENT LITTLE: Thank

you.

Senator Krueger.

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

ACTING PRESIDENT LITTLE: Thank you.

Senator Flanagan, do you yield?

SENATOR FLANAGAN: Yes.

ACTING PRESIDENT LITTLE: The Senator yields.

SENATOR LIZ KRUEGER: Thank you.

Senator Flanagan, you chair the Committee on Elections and worked very hard with the conference committee on HAVA. Do you think if we had gone with a statewide standard a year and a half or two years ago we would be in this situation today where we realize that people with disabilities may have trouble getting to the polls this fall?

SENATOR FLANAGAN: We have a statewide standard.

SENATOR LIZ KRUEGER: Madam President, if I might correct my question.

ACTING PRESIDENT LITTLE: Thank you. Go ahead, Senator Krueger.

SENATOR LIZ KRUEGER: Thank you. To clarify.

If we had one statewide system and that the state had decided to go with one voting machine system for the state a year and a half, two years ago, would we be in this dilemma today?

SENATOR FLANAGAN: I don't think it makes a difference either way.

In fact, just looking -- by virtue of what we did in legislation last year and what's been now brought into this interim compliance plan, this shows there is not unanimity not only outside of New York State but inside of New York State.

We've provided options. Now, granted, there are a lot more counties who are looking to use the Avanti machine. But there's ES&S and there's the Populex machine.

So what we did was delegate that authority and responsibility to the state board and allow our counties who wanted the responsibility, who were clamoring for that authority, to make those decisions. That's what's been done right here.

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

ACTING PRESIDENT LITTLE: Thank you.

Senator Krueger, on the bill.

SENATOR LIZ KRUEGER: Thank you.

I don't agree with my colleague on this issue. I don't think they were clamoring to have the ability to make their own decisions on this. I think the counties were looking to the state to make a rational decision of a statewide system for all of the counties and all the people of New York State.

I think they were looking to us to make that decision much earlier than we passed HAVA legislation in the State of New York.

And in fact, while I don't disagree with the sponsor that there are real problems still facing us for ensuring that handicapped voters have full access to the right to vote, as each and every one of us should, this fall, that if we had handled this whole situation differently several years ago, we would not find ourselves in this situation today.

I also have to share my colleagues

Senator Sabini and Senator Dilan's concerns that this is not going to translate into any change at the voting booths this fall. So few months away from the primary I don't believe there's any county who could actually go out, order additional machines from manufacturers, get them in, get their workers trained and, in fact, spend the money that the sponsor suggests that we put in today.

I don't think I'll vote against the bill because it's at least an attempt to say, Okay, maybe we've made mistakes and we're going to try to fix something. But I do not believe that you will see any county that could actually take advantage of this.

And again, I would argue that if we were to go back and look at the history of what didn't happen in the State of New York with implementation of the Help America Vote Act, we would find that we should all share some liability in why we are now, in June of 2006, dealing with orders from the federal Department of Justice and having counties, again, not clamoring for the opportunity to make these decisions themselves but desperate

and frustrated over the fact that these issues weren't dealt with, I would say farther than months ago, but years ago.

I know certainly that the City of New York's Board of Elections has been on the record multiple times in testimony over the course of the last year, if not year and a half, saying you guys waited too long, you left too many unanswered questions, there is no way that we can implement smart, good changes in our elections for 2006.

They are right. They will not. They will flunk the test. But I would argue that our counties and our localities didn't, we did.

So while I won't vote against this bill, I would also hazard to guess that even if it was passed in both houses, we wouldn't spend the money because it's too late for anybody to do anything new about it for this election.

Thank you, Madam President.

ACTING PRESIDENT LITTLE: Thank you.

Is there any other Senator wishing

to be heard?

Senator Flanagan.

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

ACTING PRESIDENT LITTLE: Senator Flanagan, on the bill.

SENATOR FLANAGAN: I just want to make a couple of basic points.

There have been points raised about procedural issues, about administrative issues, about technical issues, about past history.

Let's get right to the facts of what this bill is about. It's about money. It's about providing money to localities so that they don't have any excuses that they can offer to anybody.

Yes, have there been delays? Yes, there certainly have. Can fingers be pointed in every single direction? Yes, they can. But the counties have said that we need to be protect so that the state doesn't take away some of our HAVA funds to meet the commitment of New York State for $7.7 million.

The Senate has acted. The Assembly

hasn't. The Assembly has refused to get into the game, to say that they want to hold counties harmless on that point. That's a basic distinction. They didn't want to provide money for poll sites. We fought and got $5 million.

Is it perfect? No. Have we fought for the rights of disabled individuals to have the same access as everybody else? Yes, far better than the Assembly.

And finally, this is about just giving the money to municipalities here. We're not -- if we didn't give them anything, some of the issues that you're talking about are still going to be debated.

And if we want to talk about delay and we want to go back, Senator Spano was on the conference committee. And I remember at one of our extended meetings a lot of this had to do with issues that had nothing to do with HAVA. The Assembly refused to agree to a number of different issues because of governance at the State Board of Elections.

So if we want to talk about delay, we want to bring up past history, we can go on

for a while about that and the politics that was played with issues at the board that were ultimately resolved.

This is about providing accessibility for people with disabilities and making sure that somebody can get in. And now we're allowing municipalities to have extra money so if they want to demonstrate a will and prove that there's a way, they can do that.

If the Assembly is not going to do it, it doesn't mean that we shouldn't act. This is a good bill, and the counties have supported this bill and the preceding bill. It should be passed.

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.)

THE SECRETARY: In relation to Calendar Number 1365, absent from voting: Senator C. Kruger.

Ayes, 59. Nays, 0.

ACTING PRESIDENT LITTLE: The bill is passed.

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

SENATOR SKELOS: Thank you, Madam President.

Is there any further business at the desk?

ACTING PRESIDENT LITTLE: Yes, there is, Senator Skelos.

Could we have quiet, please. Thank you.

There is further business.

Senator Nozzolio.

SENATOR NOZZOLIO: Madam President, on page 75 I offer the following amendments to Calendar Number 1344, Senate Print Number 2602B, on behalf of Senator Fuschillo, and ask that said bill retain its

place on Third Reading Calendar.

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

SENATOR NOZZOLIO: Madam President, on page 18 I offer the following amendments to Calendar Number 333, Senate Print Number 6538, and ask on behalf of Senator Morahan that said bill retain its place on Third Reading Calendar.

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

Senator Fuschillo.

SENATOR FUSCHILLO: Madam President, on behalf of Senator Balboni, I wish to call up Senate Print Number 6781, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT LITTLE: The Secretary will read.

THE SECRETARY: Calendar Number 676, by Senator Balboni, Senate Print 6781, an

act authorizing the assessor of the County of Nassau.

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

ACTING PRESIDENT LITTLE: The Secretary will call the roll upon reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

SENATOR FUSCHILLO: I now offer the following amendments.

ACTING PRESIDENT LITTLE: The amendments are received.

Senator Skelos.

SENATOR SKELOS: Madam President, there being no further business to come before the Senate, I move we stand adjourned until Wednesday, June 7th, at 11:00 a.m.

ACTING PRESIDENT LITTLE: On motion, the Senate stands adjourned until Wednesday, June 7 --

SENATOR SKELOS: Madam President. Madam President, just one minute. If you would recognize Senator Volker.

ACTING PRESIDENT LITTLE: Senator Volker.

SENATOR VOLKER: I apologize. Just to remind everybody that tomorrow is the memorial service at St. Mary's Church, on -- I think it's Lodge Street, but I think most people know where it is, at 8 o'clock. And the breakfast afterwards is at 9 o'clock.

Kay Stafford, Ron Stafford's wife, is coming up for the memorial service. And so I just wanted to tell everybody if you could get there, it would be very appropriate.

Thank you.

SENATOR SKELOS: Madam President, there being no further business to come before the Senate, I move we stand adjourned until Wednesday, June 7th, at 11:00 a.m.

ACTING PRESIDENT LITTLE: On motion, the Senate stands adjourned until Wednesday, June 7th, at 11:00 a.m.

(Whereupon, at 5:23 p.m., the Senate adjourned.)