NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

June 15, 2006

11:08 a.m.

REGULAR SESSION

LT. GOVERNOR MARY O. DONOHUE, President

STEVEN M. BOGGESS, Secretary

P R O C E E D I N G S

THE PRESIDENT: The Senate will please come to order.

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

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

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

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

THE PRESIDENT: Reading of the Journal.

THE SECRETARY: In Senate, Wednesday, June 14, the Senate met pursuant to adjournment. The Journal of Tuesday, June 13, was read and approved. On motion, Senate adjourned.

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

Presentation of petitions.

Messages from the Assembly.

Messages from the Governor.

Reports of standing committees.

Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

Senator Bonacic.

SENATOR BONACIC: Good morning, Madam President.

THE PRESIDENT: Good morning, Senator.

SENATOR BONACIC: First of all, on behalf of myself, I wish to call up my bill, Number 6952B, having passed both houses and not delivered to the Governor.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: Calendar Number 726, by Senator Bonacic, Senate Print 6952B, an act to authorize.

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

THE PRESIDENT: The Secretary

will call the roll upon reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 41.

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

THE PRESIDENT: The amendments are received.

Senator Fuschillo.

Senator Bonacic, please continue.

SENATOR BONACIC: Good morning again.

THE PRESIDENT: And please continue again.

SENATOR BONACIC: On behalf of Senator Fuschillo, I wish to call up his bill, Print Number 785A, recalled from the Assembly, which is now at the desk.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: Calendar Number 45, by Senator Fuschillo, Senate Print 785A, an act to amend the Tax Law.

SENATOR BONACIC: Madam President, I now move to reconsider the vote

by which the bill was passed.

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

(The Secretary called the roll.)

THE SECRETARY: Ayes, 41.

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

THE PRESIDENT: The amendments are received.

SENATOR BONACIC: Continuing, on behalf of Senator Fuschillo again, I wish to call up his bill, Print Number 7556A, recalled from the Assembly, which is now at the desk.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: Calendar Number 986, by Senator Fuschillo, Senate Print 7556A, an act to authorize.

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

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

(The Secretary called the roll.)

THE SECRETARY: Ayes, 41.

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

THE PRESIDENT: The amendments are received.

SENATOR BONACIC: On behalf of Senator Little, Madam President, on page number 9, I offer the following amendments to Calendar Number 260, Print Number 6002, and ask that said bill retain its place on Third Reading Calendar.

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

SENATOR BONACIC: And finally, on behalf of Senator Golden, on page number 72 I offer the following amendments to Calendar Number 1744, Senate Print Number 7885A, and ask that said bill retain its place on the Third Reading Calendar.

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

SENATOR BONACIC: Thank you,

Madam President.

THE PRESIDENT: You're welcome, Senator.

Senator Fuschillo.

SENATOR FUSCHILLO: Madam President, are there any substitutions at the desk?

THE PRESIDENT: Yes, there are, Senator.

The Secretary will read.

THE SECRETARY: On page 10, Senator Breslin moves to discharge, from the Committee on Rules, Assembly Bill Number 9188A and substitute it for the identical Senate Bill Number 6263A, Third Reading Calendar 292.

On page 20, Senator Padavan moves to discharge, from the Committee on Cities, Assembly Bill Number 10291 and substitute it for the identical Senate Bill Number 7048, Third Reading Calendar 614.

On page 22, Senator Morahan moves to discharge, from the Committee on Mental Health and Developmental Disabilities, Assembly Bill Number 9986A and substitute it for the identical Senate Bill Number 6706A,

Third Reading Calendar 685.

On page 32, Senator DeFrancisco moves to discharge, from the Committee on Rules, Assembly Bill Number 10863A and substitute it for the identical Senate Bill Number 7365, Third Reading Calendar 914.

On page 40, Senator Maziarz moves to discharge, from the Committee on Social Services, Children and Families, Assembly Bill Number 10204 and substitute it for the identical Senate Bill Number 6284, Third Reading Calendar 1098.

On page 46, Senator Bonacic moves to discharge, from the Committee on Rules, Assembly Bill Number 11338 and substitute it for the identical Senate Bill Number 7013, Third Reading Calendar 1231.

On page 50, Senator Maziarz moves to discharge, from the Committee on Rules, Assembly Bill Number 11326 and substitute it for the identical Senate Bill Number 3234A, Third Reading Calendar 1312.

On page 53, Senator Hannon moves to discharge, from the Committee on Rules, Assembly Bill Number 11236 and substitute it

for the identical Senate Bill Number 5087A, Third Reading Calendar 1347.

On page 53, Senator Volker moves to discharge, from the Committee on Health, Assembly Bill Number 1254 and substitute it for the identical Senate Bill Number 6991, Third Reading Calendar 1349.

On page 54, Senator Larkin moves to discharge, from the Committee on Aging, Assembly Bill Number 399 and substitute it for the identical Senate Bill Number 62, Third Reading Calendar 1366.

On page 63, Senator Flanagan moves to discharge, from the Committee on Crime Victims, Crime and Correction, Assembly Bill Number 3691 and substitute it for the identical Senate Bill Number 2830, Third Reading Calendar 1509.

On page 65, Senator Little moves to discharge, from the Committee on Local Government, Assembly Bill Number 10485 and substitute it for the identical Senate Bill Number 7698, Third Reading Calendar 1541.

On page 65, Senator Little moves to discharge, from the Committee on Local

Government, Assembly Bill Number 10477 and substitute it for the identical Senate Bill Number 7699, Third Reading Calendar 1542.

On page 65, Senator Seward moves to discharge, from the Committee on Local Government, Assembly Bill Number 10649 and substitute it for the identical Senate Bill Number 7886, Third Reading Calendar 1546.

On page 70, Senator Robach moves to discharge, from the Committee on Mental Health and Developmental Disabilities, Assembly Bill Number 5385 and substitute it for the identical Senate Bill Number 3522, Third Reading Calendar 1733.

On page 71, Senator Oppenheimer moves to discharge, from the Committee on Rules, Assembly Bill Number 10239 and substitute it for the identical Senate Bill Number 7186, Third Reading Calendar 1739.

On page 71, Senator Marcellino moves to discharge, from the Committee on Consumer Protection, Assembly Bill Number 9595 and substitute it for the identical Senate Bill Number 7394, Third Reading Calendar 1740.

And on page 73, Senator Nozzolio

moves to discharge, from the Committee on Rules, Assembly Bill Number 11232 and substitute it for the identical Senate Bill Number 8086, Third Reading Calendar 1759.

THE PRESIDENT: Substitutions ordered.

Senator Fuschillo.

SENATOR FUSCHILLO: Madam President, may we please adopt the Resolution Calendar.

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

(Response of "Aye.")

THE PRESIDENT: Opposed, nay.

(No response.)

THE PRESIDENT: The Resolution Calendar is adopted.

Senator Fuschillo.

SENATOR FUSCHILLO: Madam President, there was a previously adopted resolution at the desk by Senator Golden. May we please have the title read.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: By Senator Golden, Legislative Resolution Number 4766, memorializing Governor George E. Pataki to proclaim June 2006 as Elder Abuse Awareness Month in the State of New York.

THE PRESIDENT: Senator Golden.

SENATOR GOLDEN: Good morning, Madam President. I rise to talk about the elder abuse going on here and in the state and the nation and in the world.

We adopted a resolution here on April 25th for Elder Abuse Day here in the State of New York. And today, in the concourse, we have the World Health Organization, in association with the International Network for the Prevention of Elder Abuse is observing today, June 15th, as the first World Elder Abuse Awareness Day.

They state that abuse, neglect and financial exploitation of elders is much more common than society admits. Abuse to the elderly within the family is no longer a hushed-up, dark secret. Numerous instances of harassment of senior citizens is coming to light. However, a combination of fear,

pressure to uphold the family name, and the lack of awareness on where to turn for help results in many of the cases remaining hidden.

If we look in our own communities today, with 3 million seniors here in the state of New York, and we see what I see going on in Brooklyn, where we have our seniors actually beaten, actually being prisoners in their own homes, actual complaints of broken legs and broken arms and being thrown downstairs. And it's uncalled, it's unnecessary, it's inhumane, and it's time that we as a state and we as a nation understand what's going on with this elder abuse and come to terms with it.

Physicians and counselors who work with the victims believe that for every instance of abuse that is reported, there are scores that never come to light.

The harassment ranges from neglect, ill treatment, to physical harm and of course the different things that I've just named of these different seniors being assaulted by their loved ones and arms breaking and legs being broken.

Many organizations receive an average of 10 to 15 complaints every day of abuse of elderly men and women by their own children. What is worrying is that the abuse is prevalent even in the well-educated strata.

I would like the victims of abuse to know that help is available and to seek assistance instead of suffering in silence. And that's what today is about, and that's what that conference has done back on April 25th.

We continue to acknowledge it, and we continue to assist the organizations around this state, to make sure that we get this dirty little family secret out and that these seniors are taken care of.

Thank you, Madam President.

THE PRESIDENT: Thank you, Senator Golden. That resolution was previously adopted.

Senator Fuschillo.

SENATOR FUSCHILLO: Madam President, please recognize Senator Farley for a motion.

THE PRESIDENT: Senator Farley.

SENATOR FARLEY: Thank you, Madam President, and good morning.

On behalf of myself, on page 66, I offer the following amendments to Calendar Number 1562, Senate Print 7431, and I ask that that bill retain its place on the Third Reading Calendar.

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

Senator Fuschillo.

SENATOR FUSCHILLO: Madam President, may we please have the reading of the noncontroversial calendar.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: Calendar Number 292, substituted earlier by Member of the Assembly McEneny, Assembly Print Number 9188A, an act to amend the Real Property Tax Law.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 49.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 333, by Senator Morahan, Senate Print 6538A, an act to repeal Chapter 635 of the Laws of 1973.

THE PRESIDENT: Read the last section.

THE SECRETARY: Section 6. This act shall take effect July 1, 2006.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 49.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 339, by Senator Volker, Senate Print 6334B, an act to amend the Tax Law.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 49.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 341, by Senator Little, Senate Print 6388C, an act to amend the Tax Law.

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

Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 48. Nays, 1. Senator Valesky recorded in the negative.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 353, by Senator LaValle, Senate Print 4642A, an act to amend the Education Law.

THE PRESIDENT: Read the last section.

THE SECRETARY: Section 14. This act shall take effect on the 180th day.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 49.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 432, by Senator Maziarz, Senate Print 5849D, an act to amend the Parks, Recreation and Historic Preservation 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, 49.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 435, by Senator Volker, Senate Print 193B, an act to amend the Real Property Law.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 48. Nays, 1. Senator Nozzolio recorded in the negative.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 449, by Senator Golden, Senate Print --

SENATOR FUSCHILLO: Lay it aside temporarily.

THE PRESIDENT: The bill is laid aside temporarily.

THE SECRETARY: Calendar Number 521, by Senator Young, Senate Print 6956A, an act to amend the Agriculture and Markets 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, 49.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number

537, by Senator LaValle, Senate Print 2621A, an act in relation to granting.

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

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 552, by Senator Spano, Senate Print 6326A, an act to amend the Education Law.

THE PRESIDENT: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the 356th day after it shall have become a law.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 49.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 588, by Senator Saland, Senate Print 5416A, an act to amend the Education Law.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 49.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 609, by Senator Alesi, Senate Print 1078A, an act to amend the Labor 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, 49.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number

614, substituted earlier by Member of the Assembly Silver, Assembly Print Number 10291, an act to amend Chapter 890 of the Laws of 1982.

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, 50.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 615, by Senator Spano, Senate Print 4752B, an act to amend the Retirement and Social Security 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, 50.

THE PRESIDENT: The bill is

passed.

THE SECRETARY: Calendar Number 662, by Senator LaValle, Senate Print 2450A, an act to amend the Vehicle and Traffic Law.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 50.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 673, by Senator LaValle, Senate Print 4716A, 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, 51. Nays, 1. Senator Bonacic recorded in the negative.

THE PRESIDENT: The bill is passed.

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

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 685, substituted earlier today by Member of the Assembly Rivera, Assembly Print Number 9986A, an act to amend the Mental Hygiene Law.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE PRESIDENT: Senator Hassell-Thompson, to explain your vote.

SENATOR HASSELL-THOMPSON: Yes, Madam President, thank you.

THE PRESIDENT: You're welcome.

SENATOR HASSELL-THOMPSON: I wanted to explain that I am voting in support of this bill and I'm encouraging many of my colleagues to do so.

One of the things that I appreciate is when a bill comes before us and it's weak or it lacks expansion and the broadness that it needs, and when a colleague takes the time to listen and to change it, I'm greatly appreciated.

Nurse practitioners have now been added to this bill, and it expands the capacity and capability of staff to be able to add support to services. So I am now in support of this bill and, as I said, I encourage my colleagues to do so as well.

Thank you, Madam President.

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

The Secretary will announce the results.

THE SECRETARY: Ayes, 53. Nays, 1. Senator Duane recorded in the negative.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 694, by Senator Seward, Senate Print 6677A, an act to amend the Tax Law.

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

Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 53. Nays, 1. Senator Valesky recorded in the negative.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 695, by Senator LaValle, Senate Print 7103A, an act to amend the Tax Law.

THE PRESIDENT: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the first day of a sales tax quarterly period.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 54.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 702, by Senator Wright, Senate Print 5690, an act to amend the Public Service Law.

THE PRESIDENT: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the 90th day.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 54.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 836, by Senator Larkin, Senate Print 6937, an act to amend the Retirement and Social Security Law.

THE PRESIDENT: Read the last

section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 54.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 852, by Senator Robach, Senate Print 1903, an act to amend the General Municipal 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, 53. Nays, 1. Senator Duane recorded in the negative.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 882, by Senator Fuschillo, Senate Print 7686A, an act to amend the General Business Law.

THE PRESIDENT: Read the last

section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 54.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 914, substituted earlier today by Member of the Assembly Weinstein, Assembly Print Number 10863A, an act to amend the Civil Practice Law and Rules.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 54.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 921, by Senator Nozzolio, Senate Print 4358A, an act to amend the Real Property Tax Law.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 54.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 955, by Senator Volker, Senate Print 3602, an act to amend the Education Law.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 54.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 996, by Senator Libous, Senate Print 2497A, an act to amend the Religious Corporation 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, 54.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1008, by Senator Flanagan, Senate Print 7654, an act to amend the Labor Law and the General Municipal Law.

THE PRESIDENT: Read the last section.

THE SECRETARY: Section 11. This act shall take effect immediately.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 54.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1020, by Senator Larkin, Senate Print 7224A, an act to amend the Agriculture and Markets 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, 54.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1068, by Senator DeFrancisco, Senate Print 7216, an act to amend the Vehicle and Traffic 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, 53. Nays, 1. Senator Duane recorded in the negative.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1098, substituted earlier today by Member of

the Assembly Gottfried, Assembly Print Number 10204, an act to amend Chapter 693 of the Laws of 1996.

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, 54.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1103, by Senator Larkin --

SENATOR HASSELL-THOMPSON: Lay it aside.

THE PRESIDENT: The bill is laid aside.

THE SECRETARY: Calendar Number 1118, by Senator Morahan, Senate Print 5600, an act to amend the Mental Hygiene 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, 54.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1133, by Senator LaValle, Senate Print 1001, Concurrent Resolution of the Senate and Assembly proposing an amendment to Section 26 of Article 6 of the Constitution.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 54.

THE PRESIDENT: The resolution is adopted.

THE SECRETARY: Calendar Number 1214, by Senator Volker, Senate Print 3824B, an act to amend the --

SENATOR FUSCHILLO: Lay it aside for the day.

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

THE SECRETARY: Calendar Number 1216, by Senator LaValle, Senate Print --

SENATOR FUSCHILLO: Lay it aside

for the day.

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

THE SECRETARY: Calendar Number 1231, substituted earlier by Member of the Assembly Cahill, Assembly Print Number 11338, an act to amend the Environmental Conservation 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, 54.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1269, by Senator Meier, Senate Print 7659A, an act to amend the Social Services Law and the Surrogate's Court Procedure Act.

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, 54.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1271, by Senator LaValle, Senate Print 7622A, an act to amend the Alcoholic Beverage Control 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, 54.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1276, by Senator Johnson, Senate Print 5912A, an act to amend the County Law.

THE PRESIDENT: Read the last section.

THE SECRETARY: Section 7. This act shall take effect on the 30th day.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 54.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1298, by Senator LaValle, Senate Print 6804B, an act to amend the Education Law.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 54.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1312, substituted earlier today by Member of the Assembly John, Assembly Print Number 11326, an act to amend the Labor 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, 54.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1320, by Senator Seward, Senate Print 4417, an act to amend the Insurance Law.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 54.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1347, substituted earlier today by Member of the Assembly Peoples, Assembly Print Number 11236, an act to amend the Public Health Law.

THE PRESIDENT: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the 90th day.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 54.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1349, substituted earlier today by Member of the Assembly Dinowitz, Assembly Print Number 1254, an act to amend the Alcoholic Beverage Control Law and others.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 53. Nays, 1. Senator Duane recorded in the negative.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1361, by Senator LaValle, Senate Print 7101B, an act to authorize.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 54.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1362, by Senator Trunzo, Senate Print 7539B, an act to authorize.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 54.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1366, substituted earlier today by Member of the Assembly Gunther, Assembly Print Number 399, an act to amend the Real Property Tax Law.

THE PRESIDENT: Read the last

section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 54.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1381, by Senator Volker, Senate Print 1316, an act to amend the Civil Practice Law and Rules.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE PRESIDENT: Senator DeFrancisco, to explain your vote.

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

And the reason is that it should be up to the trial judge in a civil case to determine whether an admission that was made by an individual should be admissible in that

civil trial.

There shouldn't be a blanket, automatic rule of nonadmissibility, and that should be at the discretion of the judge. That's why I'm voting no on this.

THE PRESIDENT: You will be so recorded as voting in the negative, Senator DeFrancisco.

The Secretary will announce the results.

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

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1382, by Senator Meier, Senate Print 1479A, an act to amend the Criminal Procedure 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, 53. Nays,

1. Senator Duane recorded in the negative.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1390, by Senator Duane, Senate --

SENATOR FUSCHILLO: Lay it aside for the day.

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

THE SECRETARY: Calendar Number 1408, by Senator Wright, Senate Print 6713B, an act to amend the Vehicle and Traffic Law.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 54.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1411, by Senator Marchi, Senate Print 6967B, an act to amend the Vehicle and Traffic Law.

THE PRESIDENT: Read the last

section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 55.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1427, by Senator Alesi, Senate Print 5024C, an act to amend the Vehicle and Traffic Law and the State Finance Law.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 55.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1490, by Senator Saland, Senate Print 7959A, an act to amend the Education Law.

THE PRESIDENT: Read the last

section.

THE SECRETARY: Section 4. This act shall take effect July 1, 2006.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 55.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1498, by Senator LaValle, Senate Print --

SENATOR FUSCHILLO: Lay it aside for the day.

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

THE SECRETARY: Calendar Number 1509, substituted earlier today by Member of the Assembly Destito, Assembly Print Number 3691, an act to amend the Executive Law.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 55.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1536, by Senator Young, Senate Print 7565B, an act to amend the Real Property Tax Law.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 55.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1541, substituted earlier today by Member of the Assembly Sweeney, Assembly Print Number 10485, an act to amend the General Municipal Law.

THE PRESIDENT: Read the last section.

THE SECRETARY: Section 2. This act shall take effect June 1, 2007.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1542, substituted earlier today by Member of the Assembly Sweeney, Assembly Print Number 10477, an act to amend the General Municipal Law.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1546, substituted earlier today by Member of the Assembly Sweeney, Assembly Print Number 10649, an act to amend the Volunteer Firefighters Benefit Law.

ACTING PRESIDENT BONACIC: Read the last section.

THE SECRETARY: Section 2. This

act shall take effect immediately.

ACTING PRESIDENT BONACIC: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT BONACIC: The bill is passed.

THE SECRETARY: Calendar Number 1575, by Senator LaValle, Senate Print 7614A, an act to amend the Education Law.

ACTING PRESIDENT BONACIC: Read the last section.

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

ACTING PRESIDENT BONACIC: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT BONACIC: The bill is passed.

THE SECRETARY: Calendar Number 1609, by Senator Wright, Senate Print 6681, an act to amend the Social Services Law.

ACTING PRESIDENT BONACIC: Read the last section.

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

ACTING PRESIDENT BONACIC: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: In relation to Calendar Number 1609: Ayes, 55. Nays, 1. Senator Montgomery recorded in the negative.

ACTING PRESIDENT BONACIC: The bill is passed.

THE SECRETARY: Calendar Number 1649, by Member of the Assembly Sweeney, Assembly Print Number 10982, an act to amend the General Municipal Law.

ACTING PRESIDENT BONACIC: Read the last section.

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

ACTING PRESIDENT BONACIC: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT BONACIC: The bill is passed.

THE SECRETARY: Calendar Number

1650, by Senator LaValle, Senate Print 7878, an act to amend the General Municipal Law.

ACTING PRESIDENT BONACIC: Read the last section.

THE SECRETARY: Section 13. This act shall take effect June 1, 2007.

ACTING PRESIDENT BONACIC: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 55. Nays, 1. Senator Trunzo recorded in the negative.

ACTING PRESIDENT BONACIC: The bill is passed.

THE SECRETARY: Calendar Number 1660, by Senator Skelos, Senate Print 8047A, an act to amend the Correction Law.

ACTING PRESIDENT BONACIC: Read the last section.

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

ACTING PRESIDENT BONACIC: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT BONACIC: The bill is passed.

THE SECRETARY: Calendar Number 1733, substituted earlier today by Member of the Assembly Rivera, Assembly Print Number 5385, an act to amend the Mental Hygiene Law.

ACTING PRESIDENT BONACIC: Read the last section.

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

ACTING PRESIDENT BONACIC: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT BONACIC: The bill is passed.

THE SECRETARY: Calendar Number 1737, by Senator Breslin, Senate Print Number 6505A, an act to amend the Tax Law.

ACTING PRESIDENT BONACIC: Read the last section.

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

ACTING PRESIDENT BONACIC: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT BONACIC: The bill is passed.

THE SECRETARY: Calendar Number 1738, by Senator Robach, Senate Print 6907, an act to amend the Education Law.

ACTING PRESIDENT BONACIC: Read the last section.

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

ACTING PRESIDENT BONACIC: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT BONACIC: The bill is passed.

THE SECRETARY: Calendar Number 1739, substituted earlier today by Member of the Assembly Latimer, Assembly Print Number 10239, an act to authorize.

ACTING PRESIDENT BONACIC: 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 BONACIC: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT BONACIC: The bill is passed.

THE SECRETARY: Calendar Number 1740, substituted earlier today --

SENATOR HASSELL-THOMPSON: Lay it aside.

ACTING PRESIDENT BONACIC: The bill is laid aside.

THE SECRETARY: Calendar Number 1741, by Senator Marcellino, Senate Print 7448, an act to authorize.

ACTING PRESIDENT BONACIC: Read the last section.

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

ACTING PRESIDENT BONACIC: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT BONACIC: The

bill is passed.

THE SECRETARY: Calendar Number 1742, by Senator Golden, Senate Print 7838, an act to amend the Penal Law.

ACTING PRESIDENT BONACIC: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the 90th day.

ACTING PRESIDENT BONACIC: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 55. Nays, 1. Senator Montgomery recorded in the negative.

ACTING PRESIDENT BONACIC: The bill is passed.

THE SECRETARY: Calendar Number 1743, by Senator Golden, Senate Print 7844B, an act to amend the Administrative Code of the City of New York.

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

Read the last section.

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

ACTING PRESIDENT BONACIC: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 55. Nays, 1. Senator Montgomery recorded in the negative.

ACTING PRESIDENT BONACIC: The bill is passed.

THE SECRETARY: Calendar Number 1745, by Senator Larkin, Senate Print 7987, an act to amend the Criminal Procedure Law.

ACTING PRESIDENT BONACIC: Read the last section.

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

ACTING PRESIDENT BONACIC: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT BONACIC: The bill is passed.

THE SECRETARY: Calendar Number 1746, by Senator Bonacic, Senate Print 7990, an act to amend the Private Housing Finance Law.

ACTING PRESIDENT BONACIC: Read the last section.

THE SECRETARY: Section 3. This act shall take effect January 1, 2008.

ACTING PRESIDENT BONACIC: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT BONACIC: The bill is passed.

THE SECRETARY: Calendar Number 1747, by Senator Marcellino, Senate Print 7994, an act to amend the Environmental Conservation Law and others.

ACTING PRESIDENT BONACIC: Read the last section.

THE SECRETARY: Section 18. This act shall take effect immediately.

ACTING PRESIDENT BONACIC: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT BONACIC: The bill is passed.

THE SECRETARY: Calendar Number

1748, by Senator Marcellino, Senate Print 8003, an act to amend the Environmental Conservation Law.

ACTING PRESIDENT BONACIC: Read the last section.

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

ACTING PRESIDENT BONACIC: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT BONACIC: The bill is passed.

THE SECRETARY: Calendar Number 1749, by Senator Libous, Senate Print 8031, an act to amend the Vehicle and Traffic Law and the General Business Law.

ACTING PRESIDENT BONACIC: Read the last section.

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

ACTING PRESIDENT BONACIC: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT BONACIC: The bill is passed.

THE SECRETARY: Calendar Number 1751, by Senator Meier, Senate Print 8036, an act to amend the Alcoholic Beverage Control Law.

ACTING PRESIDENT BONACIC: Read the last section.

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

ACTING PRESIDENT BONACIC: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT BONACIC: The bill is passed.

THE SECRETARY: Calendar Number 1753, by Senator Johnson, Senate Print 8052, an act to establish.

ACTING PRESIDENT BONACIC: Read the last section.

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

ACTING PRESIDENT BONACIC: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 55. Nays, 1. Senator Duane recorded in the negative.

ACTING PRESIDENT BONACIC: The bill is passed.

THE SECRETARY: Calendar Number 1754, by Senator Skelos, Senate Print 8063, an act to amend the Public Authorities Law.

ACTING PRESIDENT BONACIC: Read the last section.

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

ACTING PRESIDENT BONACIC: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT BONACIC: The bill is passed.

THE SECRETARY: Calendar Number 1755, by Senator Leibell, Senate Print 8064, an act to amend the Real Property Tax Law.

ACTING PRESIDENT BONACIC: Read the last section.

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

ACTING PRESIDENT BONACIC: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT BONACIC: The bill is passed.

THE SECRETARY: Calendar Number 1756, by Senator Balboni, Senate Print 8069, an act to amend the Executive Law.

ACTING PRESIDENT BONACIC: Read the last section.

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

ACTING PRESIDENT BONACIC: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BONACIC: Senator Balboni, to explain your vote.

SENATOR BALBONI: Yes, Mr. President. I want to just take an opportunity -- we don't normally get a chance to talk about this little-known agency that the State of New York has formed: the Cyber Security and Critical Infrastructure Coordination, CSCIC.

This is an organization that was created after 9/11. It actually had it has roots before the turn of the century. And it is one of the real gems of New York State.

It leads the effort nationally, and its director, Will Pelgrin, has an international reputation as being one of the best when it comes to cyber security and understanding the dangers of the Internet and protection of the cyber infrastructure of the state.

This is a very simple bill. It just basically transfers what the Department of Transportation would do in terms of transportation maps, and also talks about metadata, which is a new phenomenon in electronics and in computers.

But the point here is that oftentimes we overlook the great work that we have done in this state. And we should all be proud of this type of an agency, particularly its director, Will Pelgrin.

So I vote aye, Mr. President. Thank you very much.

ACTING PRESIDENT BONACIC: Thank

you, Senator Balboni.

Announce the results.

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT BONACIC: The bill is passed.

THE SECRETARY: Calendar Number 1757, by Senator Libous, Senate Print 8071, an act to amend the State Finance Law and the Vehicle and Traffic Law.

ACTING PRESIDENT BONACIC: Read the last section.

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

ACTING PRESIDENT BONACIC: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT BONACIC: The bill is passed.

THE SECRETARY: Calendar Number 1758, by Senator Spano, Senate Print 8081, an act to amend the Penal Law.

ACTING PRESIDENT BONACIC: Read the last section.

THE SECRETARY: Section 2. This

act shall take effect on the 120th day.

ACTING PRESIDENT BONACIC: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 55. Nays, 2. Senators Hassell-Thompson and L. Krueger recorded in the negative.

ACTING PRESIDENT BONACIC: The bill is passed.

THE SECRETARY: Calendar Number 1759, substituted earlier today by Member of the Assembly Magee, Assembly Print Number 11232, an act to amend Chapter 211 of the Laws of 2005.

ACTING PRESIDENT BONACIC: Call read the last section.

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

ACTING PRESIDENT BONACIC: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT BONACIC: The bill is passed.

THE SECRETARY: Calendar Number

1760, by Senator Bonacic, Senate Print 8087, an act to establish.

ACTING PRESIDENT BONACIC: Read the last section.

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

ACTING PRESIDENT BONACIC: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT BONACIC: The bill is passed.

THE SECRETARY: Calendar Number 1761, by Senator Maziarz, Senate Print 8090, an act to amend the Environmental Conservation Law.

ACTING PRESIDENT BONACIC: Read the last section.

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

ACTING PRESIDENT BONACIC: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT BONACIC: The

bill is passed.

THE SECRETARY: Calendar Number 1762, by Senator Little, Senate Print 8092, an act to legalize, validate, ratify and confirm.

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

Read the last section.

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

ACTING PRESIDENT BONACIC: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT BONACIC: The bill is passed.

THE SECRETARY: Calendar Number 1763, by Senator Nozzolio, Senate Print 8093, an act to amend the Tax Law.

ACTING PRESIDENT BONACIC: Read the last section.

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

ACTING PRESIDENT BONACIC: Call the roll call.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT BONACIC: The bill is passed.

THE SECRETARY: Calendar Number 1764, by Senator Skelos, Senate Print 8096, an act to amend the Judiciary Law.

ACTING PRESIDENT BONACIC: Read the last section.

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

ACTING PRESIDENT BONACIC: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT BONACIC: The bill is passed.

THE SECRETARY: Calendar Number 1765, by Senator Little, Senate Print 8097, an act to authorize and direct.

ACTING PRESIDENT BONACIC: Read the last section.

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

ACTING PRESIDENT BONACIC: Call the roll.

(The Secretary called the roll.)

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

SENATOR SABINI: Thank you, Mr. President.

I want to commend Senator Little on this bill and alert my colleagues that I have a bill that would expand the definition where we would avoid a situation like we had this February.

This February, students who were observant Muslims were given the opportunity to either take the test, high-stakes English aptitude test in third to fifth grade on the day it was scheduled, which happened to be Eid, or take it on another day.

Now, in the city of New York about 10 percent of our school-age populations are various forms of Muslim -- African, South Asian, East Asian. And they already feel isolated as children in our school environment now, and enforcing further isolation I think is wrong.

So I hope that we will address this situation before we leave in the coming weeks

and direct the State Education Department not to force kids to take tests on days when they are observing very important religious holidays.

I vote aye.

ACTING PRESIDENT BONACIC: Thank you, Senator Sabini.

Announce the results.

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT BONACIC: The bill is passed.

THE SECRETARY: Calendar Number 1766, by Senator Meier, Senate Print 8099, an act to amend the Parks, Recreation and Historic Preservation Law and the Vehicle and Traffic Law.

ACTING PRESIDENT BONACIC: Read the last section.

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

ACTING PRESIDENT BONACIC: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT BONACIC: The

bill is passed.

THE SECRETARY: Calendar Number 1768, by Senator Wright, Senate Print 8101, an act to amend the Education Law.

SENATOR HASSELL-THOMPSON: Lay it aside.

ACTING PRESIDENT BONACIC: The bill is laid aside.

THE SECRETARY: Calendar Number 1770, by Senator Little, Senate Print 8112, an act to amend Chapter 540 of the Laws of 1992.

ACTING PRESIDENT BONACIC: Read the last section.

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

ACTING PRESIDENT BONACIC: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT BONACIC: The bill is passed.

THE SECRETARY: Calendar Number 1774, by Senator Padavan, Senate Print 8122, an act to amend the Civil Service Law.

ACTING PRESIDENT BONACIC: Read

the last section.

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

ACTING PRESIDENT BONACIC: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT BONACIC: The bill is passed.

THE SECRETARY: Calendar Number 1779, by Senator Little, Senate Print 8146, an act to amend the Criminal Procedure Law.

ACTING PRESIDENT BONACIC: Read the last section.

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

ACTING PRESIDENT BONACIC: Call the roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT BONACIC: The bill is passed.

THE SECRETARY: Calendar Number 1781, by Senator Saland, Senate Print 8149, an

act to amend the Education Law.

ACTING PRESIDENT BONACIC: Read the last section.

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

ACTING PRESIDENT BONACIC: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT BONACIC: The bill is passed.

THE SECRETARY: Calendar Number 1782, by Senator Little --

SENATOR FUSCHILLO: Lay it aside for the day.

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

THE SECRETARY: Calendar Number 1783, by Senator Golden, Senate Print 8152, an act to amend the Family Court Act.

ACTING PRESIDENT BONACIC: Read the last section.

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

ACTING PRESIDENT BONACIC: Call

the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BONACIC: Senator Montgomery.

SENATOR MONTGOMERY: Yes, Mr. President. 1781, which we just passed --

ACTING PRESIDENT BONACIC: Yes, Senator?

SENATOR MONTGOMERY: I would like to register an opposition to that legislation.

ACTING PRESIDENT BONACIC: Senator Montgomery, the rules of the house are that you have to be present and vote when the vote comes up. So --

SENATOR MONTGOMERY: I was present, Mr. President, and I was standing to vote no on that bill, and in fact to speak on it, and it just went without recognizing me.

ACTING PRESIDENT BONACIC: Senator Montgomery, unfortunately, you have to be present to be recorded no on that vote.

However, for the record, you have expressed an intention to be -- had you been present, you would have voted no on that particular bill. And according to our rules,

that's the best that we can do.

SENATOR MONTGOMERY: Mr. President, just as a slight correction, I was present on that vote, but I intended to vote no. And I would like the record to show that I intended to be no on that particular bill.

SENATOR FUSCHILLO: Without objection.

ACTING PRESIDENT BONACIC: Without objection, Senator Montgomery will be voted no on Bill Number 1781.

SENATOR FUSCHILLO: Mr. President.

ACTING PRESIDENT BONACIC: Yes, Senator Fuschillo, why do you rise?

SENATOR FUSCHILLO: The vote was already taken. My "without objection" was to note for the record that Senator Montgomery would have voted in the negative on the bill.

We're not changing the vote, just without objection that she would have voted negative. That's for the record. Thank you.

Please continue.

ACTING PRESIDENT BONACIC: The Secretary will read.

THE SECRETARY: Calendar Number 1783, by Senator Golden, Senate Print 8152, an act to amend the Family Court Act.

ACTING PRESIDENT BONACIC: Read the last section.

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

ACTING PRESIDENT BONACIC: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT BONACIC: The bill is passed.

THE SECRETARY: Calendar Number 1784, by Senator Johnson --

SENATOR HASSELL-THOMPSON: Lay it aside.

ACTING PRESIDENT BONACIC: The bill is laid aside.

THE SECRETARY: Calendar Number 1786, by Senator Spano, Senate Print 8159, an act to amend a chapter of the Laws of 2006, amending the Labor Law.

ACTING PRESIDENT BONACIC: Read the last section.

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

ACTING PRESIDENT BONACIC: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT BONACIC: The bill is passed.

THE SECRETARY: Calendar Number 1787, by Senator Golden --

SENATOR HASSELL-THOMPSON: Lay it aside.

ACTING PRESIDENT BONACIC: The bill is laid aside.

The Secretary will read the supplemental calendar.

THE SECRETARY: Calendar Number 739, by Senator Meier, Senate Print 7045A, an act to amend the Social Services Law.

SENATOR HASSELL-THOMPSON: Lay it aside.

ACTING PRESIDENT BONACIC: The bill is laid aside.

THE SECRETARY: Calendar Number 1330, by Senator Skelos, Senate Print 7493A,

an act to amend the Eminent Domain Procedure Law.

ACTING PRESIDENT BONACIC: Read the last section.

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

ACTING PRESIDENT BONACIC: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT BONACIC: The bill is passed.

That completes the noncontroversial reading of the calendar.

SENATOR FUSCHILLO: Mr. President.

ACTING PRESIDENT BONACIC: Senator Fuschillo.

SENATOR FUSCHILLO: Will you please take up Calendar Number 449. That was laid aside temporarily on noncontroversial.

ACTING PRESIDENT BONACIC: The Secretary will read.

THE SECRETARY: Calendar Number 449, by Senator Golden, Senate Print 1197, an

act to amend the Penal Law.

ACTING PRESIDENT BONACIC: Read the last section.

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

ACTING PRESIDENT BONACIC: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BONACIC: The Secretary will announce the results.

THE SECRETARY: Those recorded in the negative on Calendar Number 449 are Senator Andrews, Duane, Hassell-Thompson, L. Krueger, Montgomery, Parker and A. Smith.

Ayes, 50. Nays, 7.

ACTING PRESIDENT BONACIC: The bill is passed.

Senator Fuschillo.

SENATOR FUSCHILLO: Mr. President, will you please return to motions and resolutions and recognize Senator Farley.

ACTING PRESIDENT BONACIC: Motions and resolutions.

Senator Farley.

SENATOR FARLEY: Thank you, Mr. President.

On behalf of Senator Spano, on page 40 I offer the following amendments to Calendar Number 1101, Senate Print 7816, and I ask that this bill retain its place on the Third Reading Calendar.

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

SENATOR FARLEY: On behalf of Senator Leibell, Mr. President, on page 70 I offer the following amendments to Calendar Number 1721, Senate Print 7713, and I ask that that bill retain its place on the Third Reading Calendar.

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

SENATOR FARLEY: Mr. President, on behalf of Senator Little, on page 35 I offer the following amendments to Calendar Number 990, Senate Print 7755, and I ask that

that bill retain its place on the Third Reading Calendar.

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

Senator Fuschillo.

SENATOR FUSCHILLO: Mr. President, may we please have the reading of the controversial calendar.

ACTING PRESIDENT BONACIC: The Secretary will read.

THE SECRETARY: Calendar Number 1103, by Senator Larkin, Senate Print 853A, an act to amend the General Municipal Law.

SENATOR LIZ KRUEGER: Explanation.

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

The bill number, by the way, is 1103.

SENATOR LARKIN: I don't know who asked for the explanation.

ACTING PRESIDENT BONACIC:

Senator Krueger.

SENATOR LARKIN: This bill amends the General Municipal Law as it pertains to IDAs.

What it does here, it provides technical and financial assistance to agriculture producers that grow, harvest, produce or process agricultural products in this state. We believe that such assistance could be strategic and offer other services. We want to be able to help them in developing a financial or a business plan. It can also include low-interest loans. Exactly what we're doing now with IDAs.

I don't know what you have in the city of Manhattan, but in the --

SENATOR SCHNEIDERMAN: Borough. Borough.

SENATOR LARKIN: Same difference.

But in the country, we have a lot of areas that are agriculture, Liz. And right now the competition coming in from all over the world makes it imperative that if we're able to keep some of these farm wineries, we have to do something that will enable them to

be moving forward.

What we've also done is we've defined the projects that can be assisted. The definition of agricultural projects that is used in this bill is the same definition that is used in the Ag and Markets Law when it comes to defining ag districts and real property agricultural assessments.

This is supported statewide by farms, by fruit farms, by onion growers, by everything else because it's considered a vehicle for them to stay in business and to be able to pay their bills.

ACTING PRESIDENT BONACIC: Senator Krueger, why do you rise?

SENATOR LIZ KRUEGER: Thank you. I'd like the sponsor to yield, please.

ACTING PRESIDENT BONACIC: Senator Larkin, will you yield?

SENATOR LARKIN: Yes, Mr. President.

ACTING PRESIDENT BONACIC: Senator Krueger.

SENATOR LIZ KRUEGER: Thank you. Thank you for the explanation, Senator.

My one question for you is as I read this bill -- and I understand your argument, it's to support local agriculture, and I have no argument there.

But as I read the bill, is it possible that someone who was producing agricultural products outside of New York State could then take advantage of this law in manufacturing, processing, or warehousing? Or would this be specific to agricultural products that were New York State-grown?

SENATOR LARKIN: I think we can turn that around, Liz. And I appreciate your question about it.

But if I owned the land in -- say, in the Hudson Valley -- and I can specifically say someone who has land. I don't know them, I'm just saying this. And some of them have 500, 600, 700 acres, and it's a combination of grapes and fruits and whatever else.

They own the land. They've been paying taxes on it for 10 or 15 years. But yes, they may live in Pennsylvania or something. But the responsibility for the maintenance, the care, the taxes and

everything else is done in the State of New York on behalf of the State of New York and on behalf of the property that they own.

SENATOR LIZ KRUEGER: Thank you.

Again, Mr. President, if, through you, the sponsor would yield for an additional question.

ACTING PRESIDENT BONACIC: Senator Larkin?

SENATOR LARKIN: Yes.

ACTING PRESIDENT BONACIC: Yes, Senator Krueger.

SENATOR LIZ KRUEGER: Thank you.

Again, thank you for your explanation. Perhaps I didn't ask my question correctly, so I'll try to repeat it.

My only concern here is a scenario where, under this bill, someone who's growing their products outside of New York -- a company who's manufacturing in New York but might be buying corn from Iowa or grapes from California or some other agricultural product -- would be able to take advantage of this.

So just to clarify, this would only

apply to New York State-grown agriculture?

SENATOR LARKIN: This bill is very definitive. It must be on land in New York State, and the produce must be developed and come through the ground up to us to get it out and get it to the market. It has to be our land, and the produce here is coming from that land.

So you can't ship something in from California or ship something to California and expect to get it. It has to be -- in other words, we have a term upstate that we call home-grown. Breslin knows it; he's been on a farm, I think.

SENATOR LIZ KRUEGER: Thank you. Thank you.

Just on the bill briefly, Mr. President.

ACTING PRESIDENT BONACIC: Senator Krueger, on the bill.

SENATOR LIZ KRUEGER: I thank the sponsor for his clarification.

Again, the reasoning for my question was I didn't want us to accidentally pass a law that would actually allow some kind

of special tax exemptions or special advantages for companies who might be manufacturing or warehousing here in New York State but weren't, in fact, in the business of supporting New York State agriculture but rather were going to slide in.

And I know that now, the sponsor certainly doesn't intend that, and accept his clarification that this would only be for New York State agricultural products and their manufacture and warehousing.

So I will support the bill. Thank you, Mr. President.

ACTING PRESIDENT BONACIC: Thank you, Senator Krueger.

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 BONACIC: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: In relation to Calendar Number 1103, those recorded in the negative: Senator Duane.

Absent from voting: Senators Connor and Sampson.

Ayes, 57. Nays, 1.

ACTING PRESIDENT BONACIC: The bill is passed.

I'm going to ask the members could they please stay in their seats as we continue and move along with the controversial calendar.

The Secretary will read.

THE SECRETARY: Calendar Number 1740, by Member of the Assembly Pheffer, Assembly Print Number 9595 --

SENATOR SCHNEIDERMAN: Explanation.

ACTING PRESIDENT BONACIC: Senator Marcellino, an explanation has been asked for.

SENATOR MARCELLINO: Thank you, Mr. President. This bill provides --

ACTING PRESIDENT BONACIC: Out of respect for Senator Marcellino, could we

please have less noise in the chambers. Thank you.

Senator Marcellino.

SENATOR MARCELLINO: This bill provides that all renewal notices for magazine subscriptions shall include the month and year of the expiration of the subscriber's current subscription, either on the order card, the renewal offer, or the mailing label on the invitation to renew that is packaged with an issue of the magazine.

ACTING PRESIDENT BONACIC: Senator Schneiderman, why do you rise?

SENATOR SCHNEIDERMAN: Thank you. If the sponsor would yield for a question.

ACTING PRESIDENT BONACIC: Senator Marcellino, do you yield?

SENATOR MARCELLINO: Yes.

ACTING PRESIDENT BONACIC: Senator Schneiderman.

SENATOR SCHNEIDERMAN: I notice that this bill applies to publishers of magazines. Is the intention of the sponsor to require that other distributors and independent agencies that sell subscriptions

also be required to disclose the month and year in which the subscription expires?

SENATOR MARCELLINO: Senator, I apologize, but I could not hear your question completely. Would you please repeat it?

SENATOR SCHNEIDERMAN: The question is this. The bill explicitly relates to publishers of magazines sold by subscription.

And my question is, there are now many other intermediaries in subscription services and private businesses that sell subscriptions. Is the sponsor's intent that those parties also be required to disclose the month and year in which a subscription expires, as required of publishers by this bill?

SENATOR MARCELLINO: Perhaps you can provide me with an example.

SENATOR SCHNEIDERMAN: Through you, Mr. President, there are subscription services that are not publishers of a magazine but still sell subscriptions. They provide -- they buy -- you know, they're intermediates, as it were. They're middlemen who --

SENATOR MARCELLINO: The answer is yes.

SENATOR SCHNEIDERMAN: So the intent is to cover everyone who sells subscriptions?

SENATOR MARCELLINO: Yes.

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

ACTING PRESIDENT BONACIC: 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 on the 60th day.

ACTING PRESIDENT BONACIC: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: In relation to Calendar Number 1740, those Senators absent from voting: Senators Connor, Diaz and Sampson.

Ayes, 57. Nays, 0.

ACTING PRESIDENT BONACIC: The bill is passed.

THE SECRETARY: Calendar Number 1768, by Senator Wright, Senate Print 8101, an act to amend the Education Law.

SENATOR OPPENHEIMER: Explanation, please.

ACTING PRESIDENT BONACIC: Senator Wright, an explanation has been requested.

SENATOR WRIGHT: Thank you, Mr. President.

The bill before us establishes a uniform standard for transfers by students in grades 9 through 12. Currently, the standards are different across the state in different sections, so this would provide for a uniform standard and would also provide for a uniform appeal process.

SENATOR OPPENHEIMER: If the sponsor would yield.

ACTING PRESIDENT BONACIC: Senator Oppenheimer, why do you rise?

SENATOR OPPENHEIMER: Would the sponsor yield.

ACTING PRESIDENT BONACIC: Senator Wright, do you yield to a question?

SENATOR WRIGHT: Certainly, Mr. President.

SENATOR OPPENHEIMER: I have a couple of questions.

My first question, Senator Wright, is why does the state have an interest in allowing recruiting amongst schools?

SENATOR WRIGHT: We are not encouraging or allowing the recruiting among schools. We are simply providing for a uniform standard so that all of the students in this state are treated in a fair and equitable and consistent manner regardless of where you reside in the state. That is our interest.

ACTING PRESIDENT BONACIC: Senator Oppenheimer.

SENATOR OPPENHEIMER: If the Senator will would yield.

ACTING PRESIDENT BONACIC: Senator Wright, will you yield?

SENATOR WRIGHT: I will continue to yield.

ACTING PRESIDENT BONACIC: Senator Oppenheimer.

SENATOR OPPENHEIMER: Well, you have my curiosity. What is the inequity that you see that requires the standardization?

SENATOR WRIGHT: Well, for example, Senator, in Section III I happen to have a constituent who is now being denied eligibility for a one-year period. Were this individual a resident of Section II, the maximum ineligibility would have been 20 percent of the schedule. So that's the inequity.

SENATOR OPPENHEIMER: All right. We may have a difference in opinion on that.

One more question, if the sponsor would yield.

ACTING PRESIDENT BONACIC: Senator Wright, will you continue to yield?

SENATOR WRIGHT: Certainly, Mr. President.

ACTING PRESIDENT BONACIC: Senator Oppenheimer.

SENATOR OPPENHEIMER: Well, the question is, why are we getting involved with the rules of an independent, voluntary organization which has always existed?

SENATOR WRIGHT: The reason being, Mr. President, is that we have spent the last eight months trying to work with that independent, voluntary organization, which appears to be accountable to no one, is unresponsive and unwilling to address the issues and concerns presented to them.

And therefore, this is the recourse available to us to protect the rights of the students in question.

SENATOR OPPENHEIMER: Thank you very much, Senator Wright.

If I may, on the bill, please.

SENATOR WRIGHT: Thank you, Mr. President.

ACTING PRESIDENT BONACIC: Senator Oppenheimer, on the bill.

SENATOR OPPENHEIMER: We may have a disagreement.

I mean, there are definite rules between the sections that you were referring to. And your bill would override the rules for the transfer of high school student athletes. That these rules were adopted by the New York State High School Athletic

Association, and they have been in place. So you're looking to override the rules that are currently in place.

And I think this legislation would open the door wide for recruiting of high school athletes. Students would be encouraged to jump from school to school regardless of where they live in search of the very best athletic program to seek more playing time or to play for a different coach, one that they perceive is a better coach.

The primary function of schools in my opinion, humble as it may be, is to educate children, and it is not to play sports. And I think the Senate should allow the current process to work.

In August, the New York State High School Athletic Association, which regulates sports, will be reviewing the ideas in this legislation and consider altering their rules to address what the sponsor's concerns are.

So I don't think the New York State Senate should be injecting themselves into the workings of an independent institution and the decision of the members of the New York State

High School Athletic Association.

I will be voting in the negative. Thank you.

ACTING PRESIDENT BONACIC: Senator LaValle, why do you rise?

SENATOR LaVALLE: Thank you, Mr. President. On the bill.

ACTING PRESIDENT BONACIC: On the bill, Senator LaValle.

SENATOR LaVALLE: I rise to support Senator Wright's legislation.

Senator Oppenheimer, the sections are independent bodies. Their rules are arbitrary and capricious, with no review. They plant their feet and don't really have processes to evaluate legitimate complaints.

Certainly there are a lot of complaints that, you know -- we want to protect the student. That's most important. A lot of parents get involved, and a lot of people get involved, so you do need a body to screen these grievances.

Many years ago we had, in our section, Rule 13, that did not allow students to play both scholastic and out-of-high-school

sports. I can remember getting a call from Governor Cuomo, who supported legislation that I had, because the sections fold their arms, say thank you very much, and really take a walk.

And so Senator Wright has been, in trying to deal with grievances in his area, has been forced, really -- because of, I'm sure, not an adequate opportunity to discuss it, to have some sort of due process -- has come to the last resort, and that is the Legislature.

Now, I agree with you that we can't be every week dealing with different changes. But I'm sure -- Senator Wright is a very reasoned, deliberate individual. And when he comes to this body with a piece of legislation, I am sure that his constituents and his office have been pushed to absolute frustration to come here.

So I have had more than one situation with the individual body, and I tell you, Senator, there is no room for due process. It's their way or the highway.

I am going to support and vote in

the affirmative on Senator Wright's legislation.

ACTING PRESIDENT BONACIC: Thank you, Senator LaValle.

Does any other member wish to be heard?

Senator Stachowski.

SENATOR STACHOWSKI: Yes, I also rise to support Senator Wright's legislation.

Being very familiar with some of the sections, and having it pointed out that some sections have different rules on transfers, how long you have to sit out, and the fact that most sections participate in the state championships -- where our section, if you're not a public school, you're a Catholic school, you're not allowed to participate. So that's different than everybody else's.

And Senator Wright just pointed out Section II is a 20 percent of the season maximum of sitting out if you transfer, where a lot of other places, it's a full year. It is in our area.

The fact is that the public schools that talk about and hammer away at recruiting

often are the people that do some of the best recruiting themselves, moving students in and out of their district.

We had the benefit of having a school, because of a school closing -- and I coach at a Catholic school, by the way. And that's the highest target, usually, is the Catholic school's recruit.

Which was kind of humorous to us, because we had a young man transfer -- after the inner-city Catholic school closed down, he came out to the school that I coach at. And interestingly enough, his father, when sitting down with us, was sharing stories of the various public schools that had called his house and said, We will provide you with a house that you will live in, and et cetera, as long as you come to our school. But none of those schools recruit, so . . .

The interesting fact is you can transfer -- and even out here, there's stories about students whose families have moved to another district so they could play. Say if they had a daughter, she would play for a better women's basketball program and end up

going to, say, Boston College. Just picking a school. And maybe she went to Shenendehowa, because it's got a great women's basketball program. I'm not saying that that actually happened, but I could probably produce the last name with that story.

So for those reasons and the fact that the public schools do dig in that way -- as Senator LaValle so perfectly illustrated, that it's always their way or the highway, there's no room for discussion, there's no room for compromise. And so I believe that if Senator Wright could have gotten some kind of compromise or action, this bill wouldn't be in front of us.

If they would take a unified action statewide, which they claim to take in their memo that they immediately sent out to everybody upon the arrival of this bill coming out of Rules, well, then, we wouldn't be standing here debating this bill and we would have a reasonable solution, hopefully.

And because he seems to have gotten their attention, I think it's a good thing to vote for Senator Wright's bill.

Thank you.

ACTING PRESIDENT BONACIC: Thank you, Senator Stachowski.

Senator Hannon, why do you rise?

SENATOR HANNON: I support the bill. But to kind of put a word of caution in everybody's mind.

Both through some proposed legislation in regard to having schools establish a uniform policy on concussions, and working with the state school boards and the State Athletic Association, and through the involvement of my daughters, each in three varsity sports that have done things statewide, I found out that our 700 high schools have numerous athletic teams in each high school -- some say over a hundred teams per high school -- and that there are numerous coaches of fairly decent influence in many of the communities throughout the state.

They, on a volunteer basis, will work on the sections, they arrive at policy, they will do all of this.

If we start overriding this without careful consideration, and I'm not saying --

and I'm supporting this bill, so this is appropriate. If we start overriding this, we're going to be embroiled in difficulties far beyond what we had imagined.

So what Senator Wright has addressed is a stalemate of this policymaking, but there are numerous others that are out there -- the number of tournaments, the way the participate, how they're selected, when they take place, who is eligible, whether they go beyond certain sections. It goes on and on.

I actually think that we're lucky because most of these people are doing it on a volunteer basis. They don't get paid very much to begin with, a few thousand dollars a year, even people with great reputations at being at their high schools year after year.

But what we have to do is be cautious. And you may hear about this down the road, this vote, because people are prominent in their community and actually looking to Senators to address it. And just tell them it was a gridlock that had to be resolved.

Thank you.

ACTING PRESIDENT BONACIC: Thank you, Senator Hannon.

Any other member wish to be heard?

Senator Wright, to close.

SENATOR WRIGHT: Thank you, Mr. President.

I appreciate the comments of my colleagues, particularly Senators LaValle and Stachowski, because they have both accurately reflected the stonewalling that has occurred for some eight months now.

I too am not one who introduces legislation solely for the sake of passing bills. I think if you look at my history, you'll see that that's the case. This is the last choice to try to achieve some degree of equity.

Equally important is the fact we were not arbitrary in how we decided this. We have modeled it after the rules and regulations that are currently in place and being utilized by Section II. So it's not some random thing we've selected, but in looking at the various policies across the

state we chose the one that is most fair and equitable and currently does work in Section II.

So that is the intent. I appreciate the support of my colleagues and look forward to the vote.

Thank you, Mr. President.

ACTING PRESIDENT BONACIC: Thank you, Senator Wright.

The debate is closed.

The Secretary will ring the bell.

Read the last section.

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

ACTING PRESIDENT BONACIC: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BONACIC: Senator Oppenheimer, to explain her vote.

SENATOR OPPENHEIMER: I can sympathize with what the Senator is saying.

And I think the best opportunity for changing the way the High School Athletic Association operates is to make your voice heard in August when they are going to convene

and hopefully develop a procedure where disagreements can be heard and hopefully resolved.

So I'm going to vote no now. I hope that they will see a change in the rules in August, permit people to come before them, be heard, and get a fair resolution to the dispute.

ACTING PRESIDENT BONACIC: Thank you, Senator Oppenheimer. You will be recorded in the negative.

Announce the results.

THE SECRETARY: Those recorded in the negative on Calendar Number 1768 are Senators Hassell-Thompson, Oppenheimer, Schneiderman and A. Smith.

Absent from voting: Senators Diaz and Sampson.

Ayes, 54. Nays, 4.

ACTING PRESIDENT BONACIC: The bill is passed.

THE SECRETARY: Calendar Number 1784, by Senator Johnson, Senate Print 8153, an act to amend the State Law.

SENATOR HASSELL-THOMPSON:

Explanation.

ACTING PRESIDENT WINNER: Senator Johnson, an explanation is asked for.

SENATOR JOHNSON: The State of New York has had a state fish for years. It's the brook trout.

Now, the greatest amount of fishing in New York State is done in saltwater. I felt it was appropriate to have a saltwater state fish in addition to the freshwater state fish. So that's why I introduced the striped bass, which is the favorite sport fish of fishermen in this state.

Thank you.

ACTING PRESIDENT WINNER: Senator LaValle.

SENATOR LaVALLE: Thank you, Mr. President.

This chamber has not heard a debate between Senator Johnson and I in many years on fishing bills. I am not going to debate him; I'm going to speak on the bill.

This chamber has heard many debates on the issue of striped bass. I, representing the east end of Long Island -- of course, in

all of Long Island, we have sports fishermen. But the east end has the real commercial fishing fleets, or what is left of the once proud fishing fleets that dotted many areas in the east end, from Brookhaven all the way out to Montauk.

The issue of the striped bass and the reason why I'm not going to support this bill has led to the demise of a good part of the commercial fishing fleet on eastern Long Island. Many of the commercial fishermen, and I've talked about this, have had a rich history of generation upon generation upon generation to have fished commercially in the waters or on the waters of Long Island.

Many of those people have had to just quit fishing. Commercial fishing is not an easy business. And that business has been made more difficult each and every year by more regulation by the DEC and legislation that has passed this house giving them the authority to regulate size of the fish, the gear used, and it could go on and on and on.

They bear -- they pay taxes, they have to deal with the regulation. And I can

tell you, the fleet in Montauk has been reduced greatly. The fleet -- the Shinnecock Canal is reduced, the Shinnecock Inlet is reduced greatly, and so we have a mere vestige of a commercial fishing fleet that historically provided for the consumer over many, many decades.

To name the striped bass as the state fish I think is inappropriate when it played a role in destroying the commercial fishing industry on Long Island and maybe in other parts of the state. And so I'm going to cast, at that appropriate time, a negative vote on this bill representing the commercial fishing industry.

ACTING PRESIDENT WINNER: Senator Johnson.

SENATOR JOHNSON: I'd like to explain my vote.

ACTING PRESIDENT WINNER: Senator Johnson, we're not on a roll call yet. If you'd like to be on the bill.

SENATOR JOHNSON: On the bill. It all goes together.

ACTING PRESIDENT WINNER: Thank

you, Senator Johnson.

SENATOR JOHNSON: Now, in the early '70s when I was elected, the big tragedy in the fishery around Long Island was the diminishing of striped bass. Their level was so low, almost historically low.

And the reason was that the commercial fishermen were taking fish too small. They found at that time they couldn't reproduce until they were 24 inches long, and they were taking up to -- 16 inches was the minimum, and they were taking every fish they could get.

The Hudson River historically was a nursery for striped bass, but because we kept taking them too small, after a while -- and the fishermen said to us: You shouldn't interfere, because God sends them, and they go away and God will send more back. And I said, God can't send them back if you take away the reproducing fish. So there was quite a battle about that.

But at that time a bill that I put in place, a 24-inch limit at that time, helped to bring back the fishery. And this is one of

the great success stories of fishery management by the DEC and maybe by other people than commercial fishermen having an interest in these fish.

I think it's very appropriate that we recognize the wonderful results that have come out of our regulation of these fish, because now you can catch a fish when you want to. You can catch legal-size fish. You go out surf-casting and catch these fish in the water. You can catch them in the Hudson River now.

But at that time the fish were so low here, there was hardly any reproduction. We had to depend on fish swimming up from the Chesapeake Bay there, which was a good hatchery at that time, and catching them around the Island when they came up.

So I think we have to recognize the great success and celebrate the fact that these fish are here for us to catch. As well as other fish, which are now regulated -- which some people don't like, but it's the same story. If they don't reproduce, they're not going to be back.

So we did a weakfish bill. And they said why did we do a weakfish bill, there's no weakfish. Well, if I pass a bill regulating weakfish and there's no weakfish, why do you say don't do it? If there are no weakfish, as you say, then don't do it.

So we put in regulation about weakfish -- size limits, catch limits, season limits -- and the weakfish came back.

And we're doing that now with winter flounder, summer flounder. All the fish around the Island are regulated one way or another, to keep a continuous supply of fish for recreational purposes and for consumption.

So we're just celebrating now the great success. And everyone who fishes around the Island just loves the fact that those fish are there and they can enjoy the recreation and eat those fish.

So we're celebrating that success, and I hope you'll all join us in celebrating it by passing this bill. Thank you.

ACTING PRESIDENT WINNER: Any other Senator wish to be heard?

The debate is closed.

The Secretary will ring the bell.

Read the last section.

Senator Alesi, to explain his vote.

SENATOR ALESI: Thank you, Mr. President.

I don't mean any disrespect. I'm just sitting here thinking about all the bills I have in the Rules Committee that I'd like to debate. But that's beside the point.

The fact of the matter is there aren't any striped bass where I live. If I were going to have a state fish, I think it should be the black bass or the small-mouth bass.

But in view of the fact that we have other things to do, I'll just vote no.

ACTING PRESIDENT WINNER: Read the last section.

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

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT WINNER: Senator

LaValle.

SENATOR LaVALLE: Mr. President, I rise to explain my vote.

I hate to be the skunk at Senator Johnson's celebration, but I vote no on behalf of a proud industry on the east end of Long Island. And I vote no.

ACTING PRESIDENT WINNER: Senator LaValle will be recorded in the negative.

Results.

THE SECRETARY: Those recorded in the negative on Calendar Number 1784: Senators Alesi, Andrews, Coppola, Dilan, Duane, Gonzalez, Hassell-Thompson, Klein, LaValle, Montgomery, Parker, Robach, Sabini, Schneiderman, A. Smith, M. Smith, Stavisky and Volker.

Those Senators absent from voting: Senators Diaz and Sampson.

Ayes, 40. Nays, 18.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number 1787, by Senator Golden, Senate Print 8160, an act to amend the Transportation Law.

ACTING PRESIDENT WINNER: Can we have some order, please.

SENATOR HASSELL-THOMPSON: Explanation.

ACTING PRESIDENT WINNER: Senator Golden, an explanation has been asked for.

SENATOR GOLDEN: This bill is a city bill and a state bill, statewide bill, that would allow for intermodal dollars to be used in the trimming of trees.

And the reason we're looking at the pruning and trimming of trees in the city and state of New York is because of what they block and the accidents that we have because of stop signs and lights across the city and state of New York that are blocked by these trees. And this would allow for those that could allot some of their intermodal money towards that could have the option of doing so.

ACTING PRESIDENT WINNER: Senator Sabini.

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

ACTING PRESIDENT WINNER: Senator

Golden, do you yield?

SENATOR GOLDEN: I do.

ACTING PRESIDENT WINNER: The Senator yields.

SENATOR SABINI: Multimodal money is considered part of a capital plan, is it not?

SENATOR GOLDEN: Yes, it is, Mr. President.

SENATOR SABINI: Mr. President, on the bill.

ACTING PRESIDENT WINNER: Senator Sabini, on the bill.

SENATOR SABINI: I have a couple of problems with this bill. Senator Golden, the sponsor, served on the city council with me, and we always had a problem with tree pruning. And certainly as an issue of safety, which this bill addresses, is an important one. We want to make sure that those traffic signals aren't obstructed by trees and that people aren't hurt.

But I don't know if this is the way to do it. Taking capital money for expense is not the way to go. I think we all know that.

We've all heard examples of that being a catastrophe for governmental entities, the City of New York in the '70s and other places.

And while I appreciate the fact that it's necessary, I see a slippery slope here. And I think if we're fiscally responsible, we would say this is not a good thing to do with capital money, it's not why we passed the five-year capital plan for transportation. That was for our infrastructure, for our roads and bridges. For our railroads, for bus lines, things that have a long-term capital cost.

In fact, if it was for tree planting I'd be for it, because a tree has a life span of some time. But tree pruning is essentially an expense item.

Now, you know, you can say, Well, this is just a small item. But that's how you get in trouble. Today, trees; tomorrow, Medicaid. It's not, to me, the way to go.

I'll also cite the sponsor's memo. Now, it says currently -- in the justifications, Currently legislators are allocated multimodal funds to use for capital

projects located within his or her district.

Now, I read in the newspaper that we were supposed to see lists of these legislative funds on May 15th. Now, I may have missed the story, but I haven't seen anyone's list but members of the minority.

I don't get any multimodal funds in my discretionary budget, and I don't know of anybody in my conference that's gotten lots of them either recently.

So if these monies are being allocated, I would hope that in the interest of good budgeting, if there are such monies being allocated to legislators, as the sponsor's memo says, that they're done for capital items that are true capital items.

I sympathize with the Parks Department of the City of New York needing money to prune trees. This was a constant battle. The sponsor -- and I acknowledge, the sponsor and I know that it was always a big battle to get the mayor to allocate money for tree pruning.

But to come and take it out of state capital money is really ridiculous.

It's like wanting to take it out of city capital money. They won't do it. You don't take it out of city expense money; they won't do it.

So instead, let's go where it's easy, where there's a big chunk of money, in the five-year plan that we worked so hard on as a Legislature, with both houses involved, and take it out of there.

I just think that that's wrong. I am not against tree pruning. I am not against safety on the highways. But I am against taking capital money for an expense item like this.

I'll be voting no, Mr. President.

ACTING PRESIDENT WINNER: Senator Oppenheimer.

SENATOR OPPENHEIMER: Thank you, Mr. President.

I was going to talk on the bill. I was going to talk earlier on two bills that had a similar situation in it, where monies for school districts were coming from bonding, capital program for annual expense items.

And while I will support -- did

support those bills and will support this, because I understand that our colleagues, you know, have problems in their individual districts. And this seems to be the only way that they can find the necessary funding.

But I have said this on the floor before, and I hope I don't have to say it too much more often, but when I was getting my M.B.A. at Columbia I had a professor who was clever, and he said there really are 11 Commandments. And the 11th Commandment is "Thou shalt not capital expense items." And I believe that.

And I will be supporting this, but I just hope that we can get our act together so that we don't have to keep doing this, because it is a slippery slope. And it's gotten a lot of our communities and school districts in trouble, and it just really has to stop.

Thank you.

ACTING PRESIDENT WINNER: Senator Morahan.

SENATOR MORAHAN: Mr. President, would the sponsor yield?

SENATOR GOLDEN: Yes, Mr. President.

ACTING PRESIDENT WINNER: The Senator yields.

SENATOR MORAHAN: Senator Golden, in suburbia and rural parts of the state, the tree trimming is normally done by a power and light company or a utility company, to protect their lines and to make sure that the branches are clear so that there's no outages in storms, or they minimize the outages.

Would utilities be able to apply for multimodal money?

SENATOR GOLDEN: No, they would not.

This money would be used for the maintenance and preservation of trees. I know that one of my colleagues stated he'd be for tree planting but not for tree pruning. Well, tree pruning keeps the tree alive. But I'm not going to go into that area.

What I wanted to say is that these are used to maintain or move trees that are blocking highways and construction jobs, and these trees are removed and can be used by

that municipality for the use of that purpose.

SENATOR MORAHAN: But it would be restricted to --

ACTING PRESIDENT WINNER: Senator Morahan, are you asking him to yield?

SENATOR MORAHAN: Yes, Mr. President, if he would continue to yield.

ACTING PRESIDENT WINNER: Senator Golden, do you yield?

SENATOR GOLDEN: Yes, Mr. President.

ACTING PRESIDENT WINNER: The Senator yields.

SENATOR MORAHAN: I want a clear understanding. This multimodal money would not be available to anyone other than municipalities?

SENATOR GOLDEN: That is correct, Mr. President.

SENATOR MORAHAN: Thank you.

ACTING PRESIDENT WINNER: Thank you, Senator Morahan.

Senator Montgomery.

SENATOR MONTGOMERY: Yes, Mr. President. Would the sponsor yield for

just one question or clarification?

ACTING PRESIDENT WINNER: Senator Golden, do you yield?

SENATOR GOLDEN: Yes, I do, Mr. President.

ACTING PRESIDENT WINNER: The Senator yields.

SENATOR MONTGOMERY: Through you, Mr. President, Senator, the Thruway Authority just did a substantial increase in the fares on the Thruway, the tolls and other charges. It was my understanding that the Thruway Authority is responsible for the maintenance of the Thruway. Does that not include making sure that the signs are visible at least on that highway?

SENATOR GOLDEN: Yes, that is true, Mr. President.

But this is -- this is maintained by the municipalities for the Parks to be able to go out and to remove trees, trim trees for getting to highways or blocking stop signs or blocking lights.

Anybody that represents a city or town understands the concern here that you can

run up a street and not see a stop sign. We need to be able to get them trimmed so that we can save life and limb. And if you're from the city of New York, you would especially know that.

SENATOR MONTGOMERY: Thank you.

Mr. President, just briefly on the bill.

ACTING PRESIDENT WINNER: Senator Montgomery, on the bill.

SENATOR MONTGOMERY: I have great concerns. Certainly in my district we have tried to use the funds that are available to us under this particular intermodal program to upgrade some of the streets. We have a major thruway that we're trying to replace. That's the Gowanus Thruway. We're hoping to be able to replace that. We have major capital expenditures that we need in upgrading streets and otherwise.

So I would hate to see us begin to take away those funds for the purpose of trimming the trees. I just think that the city should be able to find alternative ways of making sure that that part of the

maintenance process is taken care of without using the capital funds.

So I'm going to vote no on this bill.

ACTING PRESIDENT WINNER: Senator Krueger.

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

ACTING PRESIDENT WINNER: Senator Golden, do you yield?

SENATOR GOLDEN: Yes, I do, Mr. President.

ACTING PRESIDENT WINNER: The Senator yields.

SENATOR LIZ KRUEGER: Thank you.

So part of the discussion so far has been appropriate uses of multimodal funds, whether it's operating or capital.

How much multimodal funds are there in the budget, and where would we find that?

SENATOR GOLDEN: I believe you'd probably have to look that up. I'm not sure, Mr. President.

SENATOR LIZ KRUEGER: Mr. President, through you, if the sponsor would

continue to yield.

ACTING PRESIDENT WINNER: Senator Golden, do you yield?

SENATOR GOLDEN: I do, Mr. President.

ACTING PRESIDENT WINNER: The Senator yields.

SENATOR LIZ KRUEGER: Thank you.

In the memo it discusses an individual legislator being able to allocate multimodal funds for capital projects in his or her district. How much are your multimodal funds for your district?

SENATOR GOLDEN: I have no idea, Mr. President. I'm sure when it comes to the time for my multimodal money that's being distributed to the City of New York, I will discuss that with the City of New York.

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

ACTING PRESIDENT WINNER: Senator Golden, do you continue to yield?

SENATOR GOLDEN: I do indeed, Mr. President.

ACTING PRESIDENT WINNER: The Senator yields.

SENATOR LIZ KRUEGER: Thank you.

I believe by your last answer you believe that the money is distributed to the City of New York, not to individual legislators. Is that your understanding, or did I hear you correctly?

SENATOR GOLDEN: I believe, Mr. President, that multimodal money is distributed in the Assembly to the members and in the Senate to the members.

And where there is intermodal money needed, we give that to the districts that need them, and we talk -- and I talk to the City of New York, who is my municipality. And I'm sure my colleagues do that as well.

SENATOR LIZ KRUEGER: Thank you, Mr. President. If the sponsor would continue to yield.

ACTING PRESIDENT WINNER: Senator, do you yield?

SENATOR GOLDEN: I do, Mr. President.

ACTING PRESIDENT WINNER: The

Senator yields.

SENATOR LIZ KRUEGER: Thank you.

I believe I just received a memo that clarified, just for the record, that in the state fiscal year 2006-2007 Executive Budget there was $50 million appropriated for multimodal, representing the second year of a five-year, $350 million multimodal program established in the 2005-2006 budget.

So my question to the Senator, now that I've gotten my numbers correct, don't you think we should have a further discussion of what's happening with over $50 million a year in multimodal money, and should it not concern you as well as me that you don't know how much there is, how it's being spent, or even what allocation you have, before we move down the road of changing the rules for the use of multimodal money?

SENATOR GOLDEN: Mr. President, I would love to discuss that with her upon that time.

But right now I'm discussing a bill that allows me and others here in the Senate and the Assembly to move intermodal money into

trimming and pruning of trees. And if we can stay on that discussion, I'd be glad to do that.

ACTING PRESIDENT WINNER: Point well-taken, Senator.

SENATOR LIZ KRUEGER: Oh. Thank you for your editorial, Mr. President.

ACTING PRESIDENT WINNER: You're welcome, Senator.

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

ACTING PRESIDENT WINNER: Senator Krueger, on the bill.

SENATOR LIZ KRUEGER: Thank you.

One debate within this bill is whether or not multimodal monies should be allowed to be moved from a capital use to an operating use. According to the state comptroller's office, all multimodal projects must meet the following general requirements: A 10-year bondable service life, and must meet program's legislative intent relating to the specific mode as indicated and outlined, and must be for public transportation or freight transportation purposes.

Unfortunately, even if I think that tree pruning is a valuable service for communities -- and certainly the City of New York desperately always needs more funds for our parks and our trees -- it seems clear to me that the legislative intent and language that was used to apply to the approval of multimodal funds makes it clear that this isn't the right funding stream for this specific purpose.

But I also think that there's a serious argument to be made that this is another pot of money that has been moved through the budget without any serious discussion or information provided to the public.

The sponsor himself admits he has no idea how much money is there, what it's more, or even what he might be being allocated for his district, even though this is money that technically has been available now since the 2005-2006 year.

This is another slush fund of money that we in this Legislature choose to never actually explain to our constituents or to the

public. Why are we allocating funds without ever line-iteming-out what these monies will be used for, who is getting them, and in fact who is not getting them? Not unlike the debate we are having here and in the press -- and, for myself, in the courts -- about member-item money.

So I will vote no on this bill for several reasons. It is not an appropriate use of multimodal funds under the definitions that have been applied to the use of them. But it is also inappropriate for this house to continue to move forward pretending there's no problem with not being able to answer the questions of the public, what is the money, what is it being used for, who, where, what, when, and why. It doesn't meet any of the tests.

So I'll be voting no.

Thank you, Mr. President.

ACTING PRESIDENT WINNER: Any other Senator wish 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 WINNER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT WINNER: Senator Coppola, to explain his vote.

SENATOR COPPOLA: Thank you, Mr. President, to explain my vote.

While I've always been a strong advocate for pruning trees and proper maintenance of trees in the city that I represented for over six years, I will not be able to support this legislation for a couple of reasons.

One of them being that for well over five years, I sponsored legislation to add additional funds to our capital budget for the pruning and proper maintenance of trees, which were neglected for well over 25 years by previous administrations. In each and every year we were told two things: that providing capital funding for the pruning and operational expenses, the needs for those trees, may be counter to New York State law,

number one; and, number two, the Buffalo Fiscal Stability Authority, which was enacted and approved and put onto the City of Buffalo by this Legislature, each and every year said it was fiscally irresponsible to bond funds for the operational needs to prune trees in the city of Buffalo or anywhere else.

And each and every year that I engaged in debate with the control board over our needs, for the same reasons that the sponsor cites, they would say that they understood that our highways and byways were somewhat unsafe because the trees weren't being pruned and the lighting was poor. They would say that they knew that the trees needed to be pruned, because there were multiple liabilities that were costing the city thousands, to the tune of $10,000 per month for tree limbs that were falling. They consistently denied that expense, saying that it was fiscally imprudent to bond funds for tree pruning or even, in some cases, tree removal.

So I cannot not support this legislation because I actually believed them,

at a certain point, that it was fiscally imprudent. So we did put aside monies through our operational budget, and we did it the best and most equitable way.

And furthermore, I would not be able to support this legislation that I've been so ardently supporting the proper pruning and maintenance of trees in my city -- which in fact, through this legislation, the district that I represent will not see one dime of that money. So I could not be supporting this.

I vote no, Mr. President.

ACTING PRESIDENT WINNER: The Senator will be recorded in the negative.

Senator Oppenheimer, to explain her vote.

SENATOR OPPENHEIMER: Yes, I just decided I'm going to vote no.

It's a different situation from the one that was earlier today with the two school districts, because they really had nowhere to turn.

But in this case the sponsor himself has called this work that is done,

he's called it maintenance. And we all are saying the same thing, that maintenance should not go into capital funding.

And I believe that also -- I certainly as a mayor made sure that my trees were trimmed and the signs could be read and there were no tree limbs hanging over our necessary wiring. So there's no reason that New York City shouldn't be under the same observance that all of us are.

So I'm going to be voting no.

ACTING PRESIDENT WINNER: Senator Oppenheimer will be recorded in the negative.

Senator Golden.

SENATOR GOLDEN: Thank you, Mr. President.

I just want to correct, for the record, the money does -- I heard a comment made before, and I just want to correct the comment. The money does go to the municipality, in consultation with the members. And I want to make sure that they are aware of that.

And it's also audited by the Comptroller of the State of New York. So I

want that also to be on the record as well.

ACTING PRESIDENT WINNER: Thank you, Senator Golden.

Senator Golden will be recorded in the affirmative.

Senator Krueger, to explain her vote.

SENATOR LIZ KRUEGER: Thank you.

Thank you, Senator Golden, for your clarification.

One point I wanted to make that I neglected to make in my objection, this is also the type of money that is moving through what we call memorandums of understanding, MOUs within the budget, secret deals where the public never has access.

And because, again, we continue to exempt ourself from FOIL laws allowing the public to find out how we are deciding to spend monies in the budget, this is not the kind of information that, at least under existing rules, the public will ever be able to point out.

So again, I will vote no on multiple reasons. Thank you.

ACTING PRESIDENT WINNER: Senator Krueger will be recorded in the negative.

Senator Sabini.

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

I just want to note that in deference to the sponsor's home county, a tree grows in Brooklyn; I just don't feel we should pay state capital money to prune it.

ACTING PRESIDENT WINNER: How do you vote, Senator?

SENATOR SABINI: I vote no.

ACTING PRESIDENT WINNER: Senator Sabini will be recorded in the negative.

Results.

THE SECRETARY: Those recorded in the negative on Calendar Number 1787 are Senators Andrews, Breslin, Connor, Coppola, Dilan, Duane, Gonzalez, Hassell-Thompson, Klein, L. Krueger, Montgomery, Onorato, Oppenheimer, Parker, Paterson, Sabini, Savino, Schneiderman, Serrano, A. Smith, Stachowski, Stavisky and Valesky. Also Senator Malcolm Smith.

Those Senators absent from voting:

Senators Balboni, Diaz, C. Kruger and Sampson.

Ayes, 32. Nays, 24.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number 739, by Senator Meier, Senate Print 7045A, an act to amend the Social Services Law.

ACTING PRESIDENT WINNER: Senator Schneiderman.

SENATOR SCHNEIDERMAN: Thank you, Mr. President. If the sponsor would yield for a question.

SENATOR MEIER: Certainly.

SENATOR SCHNEIDERMAN: I want to try and move things along rapidly here; some of our members have appointments with Tiger Woods and other things they have to attend to.

This is a piece of legislation that changes the law relating to the persons who are required to report suspicion of abuse or maltreatment of a child.

And I would just like to ask the sponsor, in order to speed this up and focus our inquiry, for teachers and others who work in our schools, what is the current procedure

and how would this bill change the current procedure?

ACTING PRESIDENT WINNER: Senator Meier, do you yield?

SENATOR MEIER: Yes, I do, and I'll be happy to answer the Senator's question.

Mr. President, really what this bill does is it resolves the question of when is a mandatory reporter not a mandatory reporter.

And under the present situation, the law makes a school official a mandatory reporter. That term, under the present law, is widely agreed to include teachers.

ACTING PRESIDENT WINNER: Senator, can you suffer an interruption?

SENATOR MEIER: Certainly.

ACTING PRESIDENT WINNER: Can we have some order so we can resolve this debate. Thank you.

SENATOR MEIER: The present procedure, however, in most schools, when a teacher --

ACTING PRESIDENT WINNER:

Senators, could we have some order in the chamber, please. Give Senator Meier the courtesy of your attention.

SENATOR MEIER: The present procedure in most schools, when a teacher or a school nurse notes a case of suspected abuse, is to then refer to a designated reporting agent. That designated reporting agent is normally a school administrator, the principal, maybe even the school superintendent.

And what this makes clear in this bill is that the teacher and the school nurse are mandatory reporters. They themselves are to make the report. And it eliminates the danger of a report sitting on a school administrator's desk for several days.

We know of cases like that where that has happened. We also know of cases where the reporting agent, perhaps the building principal or the superintendent, avoids making the report because he or she thinks that they, quote, unquote, know the family.

So it makes clear what we believe

is in the existing law and prohibits an additional layer of review or approval.

ACTING PRESIDENT WINNER: Senator Schneiderman.

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

This is an extremely difficult area. I note that there's opposition to this from the School Boards Association and from the New York State United Teachers.

However, having examined it, I think that the sponsor really has taken great pains to ensure that this is not something that disrupts the process in our schools. And this is clearly a work in progress. We've expanded gradually the numbers of people and the types of people that have to report abuse. In my view, it is still vastly underreported.

And while I sympathize with the teachers for wanting a clear chain of command and for the desire to centralize the information with one official that can make sure it's consistent, this legislation, as I read it, still also requires that that designated school official be the recipient of

that information.

So with that, I'm going to be voting in support of the bill, and with the hope that we can continue to work towards a situation in which all suspicion of child abuse gets promptly reported to the proper authorities and that we can continue to try and protect our children.

Thank you, Mr. President.

ACTING PRESIDENT WINNER: Senator Hassell-Thompson.

SENATOR HASSELL-THOMPSON: Thank you, Mr. President. Just on the bill.

I too want to rise to support this bill, primarily because I think that when teachers, as well as nurses and others, are held responsible for reporting, somehow the nuances of that reporting gets lost when it goes through another administrative body.

Having been a pediatric nurse and during the -- I was a pediatric nurse from 1963 until 1971. And a lot of the cases that came before us, there was no vehicle until after 1973 to begin to address the issues of child abuse. And at that time I was an infant

daycare director, but we were responsible for making the reporting through our administrators.

Sometimes, when you're not present, when issues happen, the ability to translate the importance of what you see and what you recognize is totally lost in the transition. And so I think that this is totally appropriate, and I'd like to ensure that we allow people that we hold responsible to be responsible in a timely fashion.

And I commend you, Senator Meier, on this particular bill.

ACTING PRESIDENT WINNER: Any other Senator wish to be heard?

Debate is closed.

The Secretary will ring the bell.

Senator Skelos.

SENATOR SKELOS: While the bell is being rung, I just want to point out that this is the last bill on the controversial calendar.

There will be a meeting of the Rules Committee once we complete this piece of legislation, although that calendar will not

be brought up today.

ACTING PRESIDENT WINNER: Thank you, Senator Skelos.

Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the 90th day.

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: In relation to Calendar Number 739, those Senators absent from voting: Senators Balboni, Diaz, C. Kruger and Sampson.

Those Senators recorded in the negative: Senator Coppola.

Ayes, 55. Nays, 1.

ACTING PRESIDENT WINNER: The bill is passed.

Senator Skelos.

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

And if we could return to the order of motions and resolutions.

ACTING PRESIDENT WINNER: Motions and resolutions.

Senator Fuschillo.

SENATOR FUSCHILLO: Mr. President, on behalf of Senator Golden, I wish to call up Senate Print Number 7377, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT WINNER: The Secretary will read.

THE SECRETARY: Calendar Number 843, by Senator Golden, Senate Print 7377, an act to amend the Retirement and Social Security Law.

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

ACTING PRESIDENT WINNER: Call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

SENATOR FUSCHILLO: I now offer the following amendments.

ACTING PRESIDENT WINNER: The amendments are received and adopted.

Senator Duane.

SENATOR DUANE: Thank you, Mr. President.

On page number 56, I offer the following amendments to Calendar Number 1390, Senate Print Number 6619, and ask that said bill retain its place on Third Reading Calendar.

ACTING PRESIDENT WINNER: The amendments are received and adopted, and the bill will retain its place on the Third Reading Calendar. Thank you, Senator.

Senator Nozzolio.

SENATOR NOZZOLIO: Mr. President, amendments are offered to the following Third Reading Calendar bills:

By Senator Young, on page 22, Calendar Number 688, Senate Print Number 6820B;

By Senator Maltese, page number 30, Calendar Number 871, Senate Print Number 572A;

Senator Marcellino, page number 56, Calendar Number 1403, Senate Print Number 3643B;

By Senator LaValle, page number 67, Calendar Number 1574, Senate Print Number

7613;

And by Senator Padavan, page number 67, Calendar Number 1611, Senate Print Number 6719.

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

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

Senator Marcellino.

SENATOR MARCELLINO: Mr. President, I believe there is a resolution at the desk by Senator Sabini. Can we have the title read and move for its immediate adoption.

ACTING PRESIDENT WINNER: The Secretary will read.

THE SECRETARY: By Senator Sabini, Legislative Resolution Number 6046, commending the South Asian-American Action Committee upon the occasion of hosting its Annual Dinner and Award Ceremony.

ACTING PRESIDENT WINNER: All

those in favor of the resolution signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT WINNER: Opposed?

(No response.)

ACTING PRESIDENT WINNER: The resolution is adopted.

Senator Marcellino.

SENATOR MARCELLINO: Can we stand at ease awaiting the report of the Rules Committee, please.

ACTING PRESIDENT WINNER: The Senate will stand at ease.

(Whereupon, the Senate stood at ease at 1:32 p.m.)

(Whereupon, the Senate reconvened at 1:45 p.m.)

ACTING PRESIDENT WINNER: Senator Marcellino.

SENATOR MARCELLINO: Mr. President, may we return to the reports of standing committees for the report of the Rules Committee.

ACTING PRESIDENT WINNER: The

Rules Committee report is at the desk.

The Secretary will read.

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

Senate Print 1195, by Senator Golden, an act to amend the Vehicle and Traffic Law;

1270A, by Senator Nozzolio, an act to amend the Penal Law;

1424, by Senator Stavisky, an act to amend the Education Law;

3328, by Senator Morahan, an act to amend the Penal Law;

3506B, by Senator Skelos, an act to amend the Correction Law;

3646, by Senator Leibell, an act to amend the Vehicle and Traffic Law;

4336, by Senator Savino, an act to amend the Public Authorities Law;

5031, by Senator Golden, an act to amend the Executive Law;

5119A, by Senator Spano, an act authorizing;

6310A, by Senator Morahan, an act

to amend the Vehicle and Traffic Law;

6361A, by Senator Spano, an act to amend the Vehicle and Traffic Law;

6504A, by Senator Little, an act to amend Chapter 80 of the Laws of 2000;

6623, by Senator Maziarz, an act to amend the Volunteer Firefighters Benefit Law;

6865, by Senator Spano, an act to amend the General Business Law;

7010A, by Senator Maziarz, an act to amend the General Business Law;

7139, by Senator Young, an act to amend the Environmental Conservation Law;

7227A, by Senator Farley, an act in relation to state aid payments;

7302, by Senator Robach, an act to amend Chapter 19 of the Laws of 1994;

7344, by Senator Larkin, an act to amend the Tax Law;

7403A, by Senator Morahan, an act to amend the General Business Law;

7533, by Senator Seward, an act to amend the Abandoned Property Law;

7644B, by Senator Meier, an act to amend the Social Services Law;

7647, by Senator Padavan, an act to amend Local Finance Law;

7673, by Senator Padavan, an act to amend the Tax Law;

7719, by Senator Rath, an act to amend the Real Property Law;

7736B, by Senator Seward, an act in relation;

7779B, by Senator Young, an act authorizing;

7781, by Senator Flanagan, an act to amend the Penal Law;

7814, by Senator Spano, an act to amend the Vehicle and Traffic Law;

7892, by Senator Winner, an act to amend the Legislative Law;

7977, by Senator Marcellino, an act to amend the Education Law;

7986A, by Senator Alesi, an act authorizing;

7988, by Senator Saland, an act authorizing;

8006A, by Senator Bonacic, an act to amend Chapter 172 of the Laws of 2002;

8007, by Senator Bonacic, an act to

amend Chapter 915 of the Laws of 1982;

8010, by Senator Coppola, an act to amend the Real Property Tax Law;

8033, by Senator Larkin, an act to remove;

8054, by Senator Maziarz, an act to amend the State Finance Law;

8060, by Senator Saland, an act to amend the General Business Law;

8068, by Senator DeFrancisco, an act to amend the Real Property Law;

8078, by Senator Meier, an act to authorize;

8098, by Senator Little, an act to amend the Penal Law;

8111, by Senator Libous, an act to amend the Vehicle and Traffic Law;

8119, by Senator Balboni, an act to amend the Insurance Law;

8129, by Senator LaValle, an act to amend the Education Law;

8135, by Senator Volker, an act to amend the Criminal Procedure Law;

8139, by Senator Marcellino, an act to amend the Environmental Conservation Law;

8158, by Senator Spano, an act to amend the Real Property Law;

8162, by Senator Little, an act to amend the Real Property Tax Law;

8168, by Senator Trunzo, an act to amend the Executive Law;

8169, by Senator Fuschillo, an act in relation to permitting;

8170, by Senator Fuschillo, an act to amend the General Business Law;

8172A, by Senator Spano, an act authorizing;

8183, by Senator Meier, an act to amend the Social Services Law;

8184, by Senator Young, an act to direct;

8193, by Senator Young, an act to amend the Tax Law;

8202, by Senator Maziarz, an act to incorporate;

8207, by Senator Meier, an act to amend the Social Services Law;

And Senate Print 8232, by Senator Fuschillo, an act to amend the Vehicle and Traffic Law and others.

All bills ordered direct to third reading.

ACTING PRESIDENT WINNER: Senator Marcellino.

SENATOR MARCELLINO: Move to accept the report of the Rules Committee, Mr. President.

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

(Response of "Aye.")

ACTING PRESIDENT WINNER: Opposed, nay.

(No response.)

ACTING PRESIDENT WINNER: The report is accepted.

Senator Marcellino.

SENATOR MARCELLINO: Mr. President, is there any further business at the desk?

ACTING PRESIDENT WINNER: No, there is not, Senator.

SENATOR MARCELLINO: Then I move that we adjourn until Monday, June 19th, at 3:00 p.m., intervening days being legislative

days.

Safe home.

ACTING PRESIDENT WINNER: On motion, the Senate stands adjourned until Monday, June 19th, at 3:00 p.m., intervening days being legislative days.

Senate is adjourned.

(Whereupon, at 1:51 p.m., the Senate adjourned.)