NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

June 19, 2006

3:18 p.m.

REGULAR SESSION

LT. GOVERNOR MARY O. DONOHUE, President

STEVEN M. BOGGESS, Secretary

P R O C E E D I N G S

THE PRESIDENT: The Senate will please come to order.

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

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

THE PRESIDENT: With us this afternoon is the Reverend Peter G. Young, from Blessed Sacrament Church in Bolton Landing, New York.

REVEREND YOUNG: Let us pray.

Dear God, as we gather in this last week of our Senate session, we reflect on our accomplishments and know that with Your guidance, O God, we will continue to serve our New York State citizens with dedication and commitment for their benefit.

Since we gathered in January, the history books will evaluate these past six months of legislation that offered our citizens a voice of public opinion, that represented all of our state's diversity of opinions.

But this week we conclude 50 years of dedicated Senate public service of John Marchi. This World War II veteran was welcomed by his majority leader, Walter Mahoney, and Governor Averill Harriman to the Capitol, and he has served these years his Staten Island constituency with great dignity and our citizens of the state with honor.

We pray today for all of our Senators, for their health and for their public service and dedication.

Amen.

THE PRESIDENT: Reading of the Journal.

THE SECRETARY: In Senate, Sunday, June 18, the Senate met pursuant to adjournment. The Journal of Saturday, June 17, 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 afternoon, Madam President.

THE PRESIDENT: Good afternoon, Senator.

SENATOR BONACIC: Amendments are offered to the following Third Reading Calendar bills:

Senator Spano, page 22, Calendar 733, Senate Print Number 6703A.

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

SENATOR BONACIC: Senator Hannon, page 48, Calendar 1353, Senate Print Number 7494;

Senator Golden, page 64, Calendar 1744, Senate Print Number 7885B;

Senator Alesi, page 22, Calendar Number 760, Senate Print Number 7001B;

Senator Young, page 13, Calendar Number 423, Senate Print Number 6265;

Senator Balboni, page 29, Calendar 924, Senate Print Number 7682;

Senator Farley, page 30, Calendar Number 946, Senate Print Number 6683A;

Senator Volker, page 34, Calendar Number 1049, Senate Print Number 7728;

Senator LaValle, page number 37, Calendar Number 1124, Senate Print Number 2862C;

Senator Nozzolio, page 51, Calendar Number 1412, Senate Print Number 6971;

Senator Balboni, page 53, Calendar Number 1429, Senate Print Number 4495A;

Senator Padavan, page 61, Calendar Number 1611, Senate Print Number 6719A;

Senator Marcellino, page 52, Calendar Number 1416, Senate Print Number 7282;

Senator Flanagan, page 51, Calendar Number 1413, Senate Print Number 7154A;

Senator Seward, page 46, Calendar Number 1324, Senate Print Number 7899A;

Senator Wright, page 32, Calendar

Number 997, Senate Print Number 3249B;

Senator Volker, page 41, Calendar Number 1214, Senate Print Number 3824B.

Madam President, I now move that these bills retain their place on the order of third reading.

ACTING PRESIDENT YOUNG: Thank you, Senator Bonacic.

The amendments are received, and they will retain their place on the Third Reading Calendar.

SENATOR BONACIC: Thank you.

ACTING PRESIDENT YOUNG: Senator Nozzolio.

SENATOR NOZZOLIO: Thank you, Madam President. Amendments are offered to the following Third Reading Calendar bills:

On behalf of Senator Saland, page number 15, Calendar Number 486, Senate Print Number 6881A;

On behalf of Senator Winner, page 24, Calendar Number 805, Senate Print 2616;

On behalf of Senator Balboni, page number 29, Calendar Number 925, Print Number 7709;

On behalf of Senator Wright, page 34, Calendar Number 1044, Senate Print Number 5005E;

On behalf of Senator Alesi, page number 36, Calendar Number 1097, Print Number 5000A;

On behalf of Senator LaValle, page 41, Calendar Number 1216, Print Number 5131;

On behalf of Senator Morahan, page 41, Calendar Number 1226, Print Number 4103A;

On behalf of Senator Bonacic, on page 45, Calendar Number 1306, Senate Print Number 7847;

On behalf of Senator Skelos, page number 48, Calendar Number 1352, Senate Print Number 7421A;

On behalf of Senator LaValle, page number 57, Calendar Number 1498, Senate Print Number 7081A;

On behalf of Senator Saland, page number 58, Calendar Number 1522, Senate Print Number 7392A;

On behalf of Senator Leibell, page 64, Calendar Number 1771, Senate Print Number 8114;

On behalf of Senator Little, page number 65, Calendar Number 1773, Senate Print Number 8118;

On behalf of Senator Spano, page 67, Calendar Number 1802, Senate Print Number 6865;

And on behalf of Senator LaValle, page number 70, Calendar Number 1832, Senate Print Number 8129.

Madam President, I now move that these bills retain their place on the order of third reading.

ACTING PRESIDENT YOUNG: Thank you, Senator Nozzolio.

The bills are received and will retain their place on the Third Reading Calendar.

Senator Wright.

SENATOR WRIGHT: Thank you, Madam President.

On behalf of Senator Little, I wish to call up Bill Print Number 6384, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT YOUNG: The Secretary will read.

THE SECRETARY: Calendar Number 271, by Senator Little, Senate Print 6384, an act in relation to creating the Dodge Library District.

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

ACTING PRESIDENT YOUNG: Call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 48.

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

ACTING PRESIDENT YOUNG: The amendments are received.

SENATOR WRIGHT: Madam President, on behalf of Senator Alesi, I wish to call up Bill Number 5023, having passed both houses and not delivered to the Governor.

ACTING PRESIDENT YOUNG: The Secretary will read.

THE SECRETARY: Calendar Number 327, by Senator Alesi, Senate Print 5023, an act to amend the Retirement and Social Security Law.

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

ACTING PRESIDENT YOUNG: Call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 48.

ACTING PRESIDENT YOUNG: Senator Wright.

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

ACTING PRESIDENT YOUNG: The amendments are received.

SENATOR WRIGHT: On behalf of Senator Young, I wish to call up Print Number 568B, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT YOUNG: The Secretary will read.

THE SECRETARY: Calendar Number 334, by Senator Young, Senate Print 568B, an act to amend the Alcoholic Beverage Control Law.

SENATOR WRIGHT: Madam President,

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

ACTING PRESIDENT YOUNG: Call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 48.

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

ACTING PRESIDENT YOUNG: The amendments are received.

SENATOR WRIGHT: Madam President, on behalf of Senator Young, I wish to call up Print Number 6508, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT YOUNG: The Secretary will read.

THE SECRETARY: Calendar Number 343, by Senator Young, Senate Print 6508, an act to amend the Tax Law.

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

ACTING PRESIDENT YOUNG: Call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 48.

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

ACTING PRESIDENT YOUNG: The amendments are received.

SENATOR WRIGHT: Madam President, on behalf of Senator Winner, I wish to call up Print Number 6767, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT YOUNG: The Secretary will read.

THE SECRETARY: Calendar Number 707, by Senator Winner, Senate Print 6767, an act to amend the Agriculture and Markets Law.

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

ACTING PRESIDENT YOUNG: Call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 51.

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

ACTING PRESIDENT YOUNG: The amendments are received.

SENATOR WRIGHT: On behalf of Senator Spano, I wish to call up Print Number 7318A, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT YOUNG: The Secretary will read.

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

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

ACTING PRESIDENT YOUNG: Call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 51.

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

ACTING PRESIDENT YOUNG: The amendments are received.

SENATOR WRIGHT: Madam President, on behalf of Senator Balboni, I wish to call up Print Number 6822A, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT YOUNG: The

Secretary will read.

THE SECRETARY: Calendar Number 1003, by Senator Balboni, Senate Print 6822A, an act to amend the Waterfront Commission Act.

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

ACTING PRESIDENT YOUNG: Call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 51.

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

ACTING PRESIDENT YOUNG: The amendments are received.

SENATOR WRIGHT: Madam President, on behalf of Senator Padavan, I wish to call up Print Number 7109, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT YOUNG: The Secretary will read.

THE SECRETARY: Calendar Number 1004, by Senator Padavan, Senate Print 7109, an act to amend the Waterfront Commission Act.

SENATOR WRIGHT: Madam President,

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

ACTING PRESIDENT YOUNG: Call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 51.

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

ACTING PRESIDENT YOUNG: The amendments are received.

SENATOR WRIGHT: Thank you.

ACTING PRESIDENT YOUNG: Senator Fuschillo.

SENATOR FUSCHILLO: Thank you, Madam President.

On behalf of Senator Leibell, I wish to call up Senate Print Number 7181, having passed both houses and not delivered to the Governor.

ACTING PRESIDENT YOUNG: Thank you, Senator Fuschillo.

The Secretary will read.

THE SECRETARY: Calendar Number 1005, by Senator Leibell, Senate Print 7181, an act to amend the Waterfront Commission Act.

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

ACTING PRESIDENT YOUNG: Call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 51.

SENATOR FUSCHILLO: I now offer up the following amendments.

ACTING PRESIDENT YOUNG: The amendments are received.

SENATOR FUSCHILLO: On behalf of Senator Saland, I wish to call up Senate Print Number 6871, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT YOUNG: The Secretary will read.

THE SECRETARY: Calendar Number 1099, by Senator Saland, Senate Print 6871, an act to amend the Criminal Procedure Law.

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

ACTING PRESIDENT YOUNG: Call the

roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 51.

SENATOR FUSCHILLO: I now offer the following amendments.

ACTING PRESIDENT YOUNG: The amendments are received.

SENATOR FUSCHILLO: Madam President, on behalf of Senator Winner, I wish to call up Senate Print 7246, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT YOUNG: The Secretary will read.

THE SECRETARY: Calendar Number 1281, by Senator Winner, Senate Print 7246, an act to authorize.

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

ACTING PRESIDENT YOUNG: Call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 51.

SENATOR FUSCHILLO: I now offer the following amendments.

ACTING PRESIDENT YOUNG: The amendments are received.

SENATOR FUSCHILLO: On behalf of Senator Winner, I wish to call up Senate Print Number 6940, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT YOUNG: The Secretary will read.

THE SECRETARY: Calendar Number 1410, by Senator Winner, Senate Print 6940, an act to amend the Highway Law.

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

ACTING PRESIDENT YOUNG: Call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 51.

SENATOR FUSCHILLO: I now offer the following amendments.

ACTING PRESIDENT YOUNG: The amendments are received.

SENATOR FUSCHILLO: On behalf of Senator Maziarz, I wish to call up Senate Print Number 3335, having passed both houses

and not delivered to the Governor.

ACTING PRESIDENT YOUNG: The Secretary will read.

THE SECRETARY: Calendar Number 1593, by Senator Maziarz, Senate Print 3335, an act in relation to authorizing.

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

ACTING PRESIDENT YOUNG: Call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 51.

SENATOR FUSCHILLO: I now offer up the following amendments.

ACTING PRESIDENT YOUNG: The amendments are received.

SENATOR FUSCHILLO: On behalf of Senator LaValle, I wish to call up Senate Print Number 7405A, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT YOUNG: The Secretary will read.

THE SECRETARY: Calendar Number

1580, by Senator LaValle, Senate Print 7405A, an act to amend the Education Law.

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

ACTING PRESIDENT YOUNG: Call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 51.

SENATOR FUSCHILLO: I now offer the following amendments.

ACTING PRESIDENT YOUNG: The amendments are received.

SENATOR FUSCHILLO: On behalf of Senator Golden, I wish to call up Senate Print Number 7505, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT YOUNG: The Secretary will read.

THE SECRETARY: Calendar Number 1718, by Senator Golden, Senate Print 7505, an act to amend the General Municipal Law.

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

ACTING PRESIDENT YOUNG: Call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 51.

SENATOR FUSCHILLO: I now offer up the following amendments.

ACTING PRESIDENT YOUNG: The amendments are received.

SENATOR FUSCHILLO: On behalf of Senator Meier, I wish to call up Senate Print Number 5392A, having passed both houses and not delivered to the Governor.

ACTING PRESIDENT YOUNG: The Secretary will read.

THE SECRETARY: Calendar Number 193, by Senator Meier, Senate Print 5392A, an act to amend the Social Services Law.

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

ACTING PRESIDENT YOUNG: Call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 51.

SENATOR FUSCHILLO: I now offer up the following amendments.

ACTING PRESIDENT YOUNG: The amendments are received.

SENATOR FUSCHILLO: On behalf of Senator Meier, I wish to call up Senate Print Number 5393, having passed both houses and not delivered to the Governor.

ACTING PRESIDENT YOUNG: The Secretary will read.

THE SECRETARY: Calendar Number 194, by Senator Meier, Senate Print 5393, an act to amend the Family Court Act.

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

ACTING PRESIDENT YOUNG: Call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 52.

SENATOR FUSCHILLO: I now offer up the following amendments.

ACTING PRESIDENT YOUNG: The amendments are received.

SENATOR FUSCHILLO: On behalf of Senator Seward, I wish to call up Senate Print Number 6887, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT YOUNG: The Secretary will read.

THE SECRETARY: Calendar Number 507, by Senator Seward, Senate Print 6887, an act to amend the Insurance Law.

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

ACTING PRESIDENT YOUNG: Call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 52.

SENATOR FUSCHILLO: I now offer the following amendments.

ACTING PRESIDENT YOUNG: The amendments are received.

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

ACTING PRESIDENT YOUNG: Yes, there are, Senator Fuschillo.

The Secretary will read.

THE SECRETARY: On page 5, Senator Volker moves to discharge, from the Committee on Rules, Assembly Bill Number 6027 and substitute it for the identical Senate Bill Number 6348, Third Reading Calendar 146.

On page 13, Senator Little moves to discharge, from the Committee on Local Government, Assembly Bill Number 393 and substitute it for the identical Senate Bill Number 726, Third Reading Calendar 409.

On page 16, Senator Saland moves to discharge, from the Committee on Local Government, Assembly Bill Number 949A and substitute it for the identical Senate Bill Number 6383, Third Reading Calendar 544.

On page 20, Senator Maltese moves to discharge, from the Committee on Transportation, Assembly Bill Number 5778 and substitute it for the identical Senate Bill Number 2939, Third Reading Calendar 664.

On page 33, Senator Bonacic moves to discharge, from the Committee on Rules, Assembly Bill Number 8155A and substitute it for the identical Senate Bill Number 7324,

Third Reading Calendar 1029.

On page 45, Senator Maltese moves to discharge, from the Committee on Veterans, Homeland Security and Military Affairs, Assembly Bill Number 9650 and substitute it for the identical Senate Bill Number 7416, Third Reading Calendar 1300.

On page 53, Senator Maltese moves to discharge, from the Committee on Civil Service and Pensions, Assembly Bill Number 7054A and substitute it for the identical Senate Bill Number 4030A, Third Reading Calendar 1437.

On page 54, Senator Robach moves to discharge, from the Committee on Civil Service and Pensions, Assembly Bill Number 5427A and substitute it for the identical Senate Bill Number 4414A, Third Reading Calendar 1458.

On page 61, Senator Winner moves to discharge, from the Committee on Rules, Assembly Bill Number 10331 and substitute it for the identical Senate Bill Number 7023, Third Reading Calendar 1634.

And on page 63, Senator Winner moves to discharge, from the Committee on

Rules, Assembly Bill Number 10242B and substitute it for the identical Senate Bill Number 7004A, Third Reading Calendar 1713.

ACTING PRESIDENT YOUNG: Substitutions ordered.

Senator Fuschillo.

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

ACTING PRESIDENT YOUNG: The Secretary will read.

THE SECRETARY: Calendar Number 18, by Senator Volker, Senate Print 6277B, an act to amend the Penal Law and others.

ACTING PRESIDENT YOUNG: Read the last section.

THE SECRETARY: Section 30. This act shall take effect on the first of November.

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Announce the results.

THE SECRETARY: Ayes, 52.

ACTING PRESIDENT YOUNG: The bill is passed.

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

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Announce the results.

THE SECRETARY: Ayes, 52.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 146, substituted earlier by Member of the Assembly Ramos, Assembly Print Number 6027, an act to amend the Penal Law.

ACTING PRESIDENT YOUNG: Read the last section.

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

November.

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Announce the results.

THE SECRETARY: Ayes, 51. Nays, 1. Senator Maziarz recorded in the negative.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 323, by Senator Golden, Senate Print 3078A, an act to amend the Civil Service Law.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Announce the results.

THE SECRETARY: Ayes, 52.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 349, by Senator Morahan, Senate Print 5340A, an act to amend the Mental Hygiene Law.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Announce the results.

THE SECRETARY: Ayes, 52.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 409, substituted earlier by Member of the Assembly Gunther, Assembly Print Number 393, an act to amend the Real Property Tax Law.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Announce the results.

THE SECRETARY: Ayes, 52.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 426, by Senator Maltese, Senate Print 5589A, an act to amend the Administrative Code of the City of New York.

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

Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Announce the results.

THE SECRETARY: Ayes, 52.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 469, by Senator --

SENATOR HASSELL-THOMPSON: Lay it aside.

ACTING PRESIDENT YOUNG: The bill is laid aside.

THE SECRETARY: Calendar Number 508, by Senator Marchi, Senate Print 6899, an act to amend Chapter 697 of the Laws of 2004.

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

Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Announce the results.

THE SECRETARY: Ayes, 52.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 524, by Senator Golden, Senate Print 4458D, an act to amend the General Municipal Law.

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

Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Announce the results.

THE SECRETARY: Ayes, 52.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 528, by Senator Golden, Senate Print 6773, an act to amend the Civil Service Law.

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

Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Announce the results.

THE SECRETARY: Ayes, 52.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 544, substituted earlier today by Member of the Assembly Tokasz, Assembly Print Number 949A, an act to amend the Real Property Tax Law.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Announce the results.

THE SECRETARY: Ayes, 51. Nays, 1. Senator LaValle recorded in the negative.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 664, substituted earlier today by Member of the Assembly McLaughlin, Assembly Print Number 5778, an act to amend the Vehicle and Traffic Law.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Announce the results.

THE SECRETARY: Ayes, 52.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 725, by Senator Johnson, Senate Print 6851A, an act to authorize.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Announce the results.

THE SECRETARY: Those recorded in the negative on Calendar Number 725 are Senators Bonacic and Rath.

Ayes, 50. Nays, 2.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 737, by Senator Meier, Senate Print 7042A, an act to amend the Social Services Law.

ACTING PRESIDENT YOUNG: Read the last section.

THE SECRETARY: Section 3. This act shall take effect on the 120th day.

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Announce the results.

THE SECRETARY: Ayes, 52.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 748, by Senator Golden, Senate Print 7239A, an act to amend the Administrative Code of the City of New York.

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

Read the last section.

THE SECRETARY: Section 13. This act shall take effect immediately.

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Announce the results.

THE SECRETARY: Ayes, 52.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 788, by Senator Marcellino, Senate Print 6862A, an act to authorize Pederson-Krag Center of New York.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Announce

the results.

THE SECRETARY: Ayes, 51. Nays, 1. Senator Bonacic recorded in the negative.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 863, by Senator Balboni, Senate Print 7358B, an act to amend the Environmental Conservation Law.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Announce the results.

THE SECRETARY: Ayes, 51. Nays, 1. Senator Duane recorded in the negative.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 888, by Senator Golden, Senate Print 1823A, an act to amend the Penal Law.

SENATOR SABINI: Lay it aside.

ACTING PRESIDENT YOUNG: The bill is laid aside.

THE SECRETARY: Calendar Number 905, by Senator Volker, Senate Print 6753A, an act to amend the Civil Practice Law and Rules.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Announce the results.

THE SECRETARY: Ayes, 52.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 923, by Senator Balboni, Senate Print 7681A, an act to amend the Executive Law.

ACTING PRESIDENT YOUNG: Read the last section.

THE SECRETARY: Section 2. This act shall take effect one year after it shall

have become a law.

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Announce the results.

THE SECRETARY: Ayes, 52.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 930, by Senator Maltese, Senate Print 7417, an act to amend the Civil Service Law.

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

Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: The Secretary will announce the results.

THE SECRETARY: Ayes, 53.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 941, by Senator Spano, Senate Print 5343A, an act to amend the Alcoholic Beverage Control Law.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Announce the results.

THE SECRETARY: Those recorded in the negative on Calendar Number 941 are Senators Duane, Fuschillo, LaValle, Marcellino, Padavan, Saland, Savino and Wright.

Ayes, 45. Nays, 8.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 947, by Senator Wright, Senate Print 6855, an act in relation to authorizing.

ACTING PRESIDENT YOUNG: Read the

last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Announce the results.

THE SECRETARY: Ayes, 53.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 968, by Senator Wright, Senate Print 4487B, an act to amend the General Municipal Law.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Announce the results.

THE SECRETARY: Ayes, 53.

ACTING PRESIDENT YOUNG: The bill

is passed.

THE SECRETARY: Calendar Number 982, by Senator Balboni, Senate Print 7266A, an act to authorize.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Announce the results.

THE SECRETARY: Those recorded in the negative on Calendar Number 982 are Senators Bonacic, Larkin and Rath.

Ayes, 51. Nays, 3.

ACTING PRESIDENT YOUNG: The bill is passed.

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

ACTING PRESIDENT YOUNG: Read the last section.

THE SECRETARY: Section 2. This

act shall take effect immediately.

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Announce the results.

THE SECRETARY: Those recorded in the negative on Calendar Number 986 are Senators Bonacic, Larkin and Rath.

Ayes, 51. Nays, 3.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 992, by Senator Flanagan, Senate Print 5109D, an act to amend the Parks, Recreation and Historic Preservation Law.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Announce the results.

THE SECRETARY: Ayes, 54.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1029, substituted earlier today by Member of the Assembly Koon, Assembly Print Number 8155A, an act to amend the Public Health Law.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Announce the results.

THE SECRETARY: Ayes, 54.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1069, by Senator Volker, Senate Print 7231A, an act to amend the Public Authorities Law.

ACTING PRESIDENT YOUNG: Read the last section.

THE SECRETARY: Section 2. This

act shall take effect immediately.

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Announce the results.

THE SECRETARY: Ayes, 54.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1084, by Senator Golden, Senate Print 7840, an act to amend the Administrative Code of the City of New York.

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

Read the last section.

THE SECRETARY: Section 22. This act shall take effect immediately.

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Announce the results.

THE SECRETARY: Ayes, 54.

ACTING PRESIDENT YOUNG: The bill

is passed.

THE SECRETARY: Calendar Number 1101, by Senator Spano --

SENATOR HASSELL-THOMPSON: Lay it aside.

ACTING PRESIDENT YOUNG: The bill is laid aside.

THE SECRETARY: Calendar Number 1253, by Senator Robach, Senate Print 3065D, an act to amend the Retirement and Social Security Law.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Announce the results.

THE SECRETARY: Ayes, 55.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1300, substituted earlier today by Member of

the Assembly Sweeney, Assembly Print Number 9650, an act to amend the Education Law.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Announce the results.

THE SECRETARY: Ayes, 55.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1301, by Senator Maltese, Senate Print 7677A, an act to amend the Education Law.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Announce

the results.

THE SECRETARY: Ayes, 55.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1336, by Senator Maltese, Senate Print 6299A, an act to amend the General Municipal Law.

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

Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Announce the results.

THE SECRETARY: Ayes, 55.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1343, by the Senate Committee on Rules, Senate Print Number 7920A, an act to authorize the City of New York.

ACTING PRESIDENT YOUNG: 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 YOUNG: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 55.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1396, by Senator LaValle, Senate Print 7356, an act to amend the Criminal Procedure Law.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Announce the results.

THE SECRETARY: Ayes, 54. Nays, 1. Senator Duane recorded in the negative.

ACTING PRESIDENT YOUNG: The bill

is passed.

THE SECRETARY: Calendar Number 1407, by Senator Marchi, Senate Print 6332B, an act to amend the Highway Law.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Announce the results.

THE SECRETARY: Ayes, 55.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1409, by Senator Volker, Senate Print 6748A, an act to amend the Vehicle and Traffic Law.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Announce the results.

THE SECRETARY: Ayes, 55.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1426, by Senator LaValle, Senate Print 3113B, an act to amend the Vehicle and Traffic Law.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Announce the results.

THE SECRETARY: Ayes, 55.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1437, substituted earlier today by Member of the Assembly Abbate, Assembly Print Number 7054A, an act to amend the Retirement and

Social Security Law.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Announce the results.

THE SECRETARY: Ayes, 55.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1458, substituted earlier today by Member of the Assembly Abbate, Assembly Print Number 5427A, an act to amend the Retirement and Social Security Law.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Announce the results.

THE SECRETARY: Ayes, 55.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1465, by Senator Golden, Senate Print 7507, an act to amend the Retirement and Social Security Law and the Administrative Code of the City of New York.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Announce the results.

THE SECRETARY: Ayes, 55.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1468, by Senator Golden, Senate Print 7853A, an act to amend the Retirement and Social

Security Law.

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

Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Announce the results.

THE SECRETARY: Ayes, 55.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1483, by the Senate Committee on Rules, Senate Print Number 7864A, an act to amend Chapter 757 of the Laws of 2005.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Announce the results.

THE SECRETARY: Ayes, 55.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1495, by Senator Morahan, Senate Print 5859A, an act to authorize the Commissioner of General Services.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Announce the results.

THE SECRETARY: Ayes, 55.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1500, by Member of the Assembly Destito --

SENATOR HASSELL-THOMPSON: Lay it aside.

ACTING PRESIDENT YOUNG: The bill is laid aside.

THE SECRETARY: Calendar Number 1503, by Senator LaValle, Senate Print 7690A, an act to amend the Alcoholic Beverage Control Law.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Announce the results.

THE SECRETARY: Ayes, 55.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1525, by Senator Skelos --

SENATOR FUSCHILLO: Lay it aside for the day.

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

THE SECRETARY: Calendar Number

1551, by Senator Spano, Senate Print 7803, an act to amend the Navigation Law.

ACTING PRESIDENT YOUNG: Read the last section.

THE SECRETARY: Section 4. This act shall take effect January 1, 2007.

SENATOR MONTGOMERY: Madam President, to explain my vote.

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Senator Montgomery.

SENATOR MONTGOMERY: Yes, I'm enthusiastically supporting this legislation.

And I note in the sponsor's memo that this increase in pilotage rates will allow the pilots to be able to recruit and train new pilots.

And I also see that there are currently eight pilots licensed for the Hudson River. One of these pilots is eligible for retirement next year, and two others will be eligible in 2007 and 2009, respectively. There is only one pilot in training to replace

retiring pilots.

So we have a very serious situation, obviously, Madam President. And in fact, we need to be doing much more to make sure, because I consider these pilots the first line of defense in terms of the safety of our ports.

So I'm very enthusiastic about it, and I hope that we can pay much more attention to this situation, because we could be facing a very serious problem as it relates to the security of our ports.

Thank you, Madam President.

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

Announce the results.

THE SECRETARY: Ayes, 55.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1560, by Senator Farley --

SENATOR FUSCHILLO: Lay it aside for the day.

ACTING PRESIDENT YOUNG: The bill

is laid aside for the day.

THE SECRETARY: Calendar Number 1561, by Senator Saland, Senate Print 7335B, an act to require the Superintendent of Banks.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Announce the results.

THE SECRETARY: Ayes, 55.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1564, by Senator Farley, Senate Print 7525A, an act to amend the Banking Law.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Announce the results.

THE SECRETARY: Ayes, 55.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1566, by Senator LaValle, Senate Print 839A, an act to amend the Education Law.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Announce the results.

THE SECRETARY: Ayes, 55.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1569, by Senator Larkin, Senate Print 3243A, an act to amend the Education Law.

ACTING PRESIDENT YOUNG: Read the

last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Announce the results.

THE SECRETARY: Ayes, 54. Nays, 1. Senator Marcellino recorded in the negative.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1577, by Senator LaValle, Senate Print 561B, an act to amend the Education Law.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Senator

Duane, to explain his vote.

SENATOR DUANE: Thank you, Madam President.

I want to point out to my colleagues on both sides of the aisle that there is no minority party representation, and oddly and inexcusably there are two appointments by the Speaker of the Assembly and two appointments by the Majority Leader of the Senate.

So not only is this just bad from a policy point of view and certainly doesn't represent the best in bipartisan work that we should be doing here, but it's even more egregious because both of the two majority party leaders get to appoint two members each.

So I would encourage my colleagues on both sides of the aisle -- but I have a feeling this is particularly for this side of the aisle -- to vote in the negative on this, because it is just plain wrong that our conference does not get an appointment.

I'll be voting in the negative, Madam President, and hoping that my colleagues will also vote in the negative.

ACTING PRESIDENT YOUNG: Thank you, Senator Duane. You will be recorded in the negative.

Announce the results.

THE SECRETARY: Ayes, 54. Nays, 1. Senator --

SENATOR STAVISKY: Madam President.

ACTING PRESIDENT YOUNG: Senator Stavisky.

SENATOR STAVISKY: To explain my vote, at the request of one of my colleagues.

ACTING PRESIDENT YOUNG: To explain your vote.

SENATOR STAVISKY: I think it's unfortunate that there is not minority representation on the bill.

However, this came about as a result of a hearing, extensive hearings concerning the college boards and the SAT exams. And I think that this is a step in the right direction, and I commend Senator LaValle. And I hope that if we revisit the issue next year, that perhaps there can be minority representation. But I think it's an

important bill. There have been scandals involving the SAT exam. And I think this is a good step.

Thank you.

ACTING PRESIDENT YOUNG: Senator Stavisky, how do you vote?

SENATOR STAVISKY: I vote aye.

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

Announce the results.

THE SECRETARY: Those recorded in the negative on Calendar Number 1577 are Senators Dilan, Duane, L. Krueger, and Savino. Also Senator Parker.

Ayes, 50. Nays, 5.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1591, by Senator Winner, Senate Print 3304E, an act to amend the Education Law.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the

roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Announce the results.

THE SECRETARY: Ayes, 54. Nays, 1. Senator Marcellino recorded in the negative.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1634, substituted earlier today by Member of the Assembly Lifton, Assembly Print Number 10331, an act to authorize the Village of Cayuga Heights.

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

Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Announce the results.

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1661, by Senator Padavan, Senate Print 8048, an act in relation to authorizing.

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

Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Announce the results.

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1681, by Senator Maziarz, Senate Print 6224A, an act to amend the Vehicle and Traffic Law.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Senator Montgomery.

SENATOR MONTGOMERY: Yes, Madam President, just briefly. I want to thank Senator Maziarz for this bill.

Some years ago I wanted to put this "Buy American" on my newsletters, and I was told that it was not appropriate and I couldn't do it. So now, with this legislation, I'm assuming that I can -- I am authorized also to express my concern that I would like constituents to buy American in order to keep jobs in America.

So thank you. I'm supporting this bill, Madam President.

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

Announce the results.

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1683, by Senator Little, Senate Print 6427A, an act to amend the Vehicle and Traffic Law.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Announce the results.

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1690, by Senator Meier, Senate Print 7641A, an act to amend the Social Services Law.

ACTING PRESIDENT YOUNG: Read the last section.

THE SECRETARY: Section 4. This act shall take effect December 31, 2006.

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Announce the results.

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1713, substituted earlier today by Member of the Assembly Magee, Assembly Print Number 10242B, an act to amend the Agriculture and Markets Law.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Announce the results.

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1717, by Senator Farley, Senate Print 7424A, an act to amend the Real Property Tax Law.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Announce the results.

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1720, by Senator Meier, Senate Print 7643A, an act to amend the Social Services Law.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Announce the results.

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1736, by Senator Maziarz, Senate Print 6223A, an act to amend the Vehicle and Traffic Law.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Announce the results.

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1750, by Senator Bonacic, Senate Print 8032A, an act to amend the Public Authorities Law.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the

roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Announce the results.

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1752, by Senator Padavan, Senate Print 8043A, an act to amend the Real Property Tax Law.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Announce the results.

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1767, by Senator Wright, Senate Print 8100, an act to authorize the conveyance of certain

real property.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Announce the results.

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1769, by Senator Leibell, Senate Print 8109, an act to amend the Public Authorities Law.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Announce the results.

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1772, by Senator Meier, Senate Print 8115, an act to amend the Social Services Law and others.

ACTING PRESIDENT YOUNG: Read the last section.

THE SECRETARY: Section 7. This act shall take effect on the 120th day.

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Announce the results.

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1775, by Senator Padavan, Senate Print 8126, an act to amend the Public Authorities Law.

ACTING PRESIDENT YOUNG: Read the last section.

THE SECRETARY: Section 4. This

act shall take effect immediately.

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Announce the results.

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1776, by Senator Marchi, Senate Print 8127, an act to amend Chapter 586 of the Laws of 2005.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Announce the results.

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number

1777, by Senator Meier, Senate Print 8130, an act to amend the Education Law.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Announce the results.

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1778, by Senator Meier, Senate Print 8131, an act to amend the Social Services Law.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Announce

the results.

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1782, by Senator Little, Senate Print 8151, an act to authorize.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Announce the results.

THE SECRETARY: In relation to Calendar Number 1782: Ayes, 55. Nays, 1. Senator Duane recorded in the negative.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1785, by Senator Trunzo, Senate Print 8157, an act to authorize.

ACTING PRESIDENT YOUNG: Read the

last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Announce the results.

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1791, by Senator Stavisky, Senate Print 1424, an act to amend the Education Law.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Announce the results.

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT YOUNG: The bill

is passed.

THE SECRETARY: Calendar Number 1795, by Senator Savino, Senate Print 4336, an act to amend the Public Authorities Law.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Announce the results.

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1810, by Senator Meier, Senate Print 7644B, an act to amend the Social Services Law and the Executive Law.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the

roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Announce the results.

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1841, by Senator Meier, Senate Print 8183, an act to amend the Social Services Law.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Announce the results.

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 18 --

SENATOR MONTGOMERY: Lay it

aside.

ACTING PRESIDENT YOUNG: Senator Montgomery, which bill would you like to lay aside?

SENATOR MONTGOMERY: 1845.

ACTING PRESIDENT YOUNG: The bill is laid aside.

THE SECRETARY: Calendar Number 1846, by Senator Balboni, Senate Print 8119, an act to amend the Insurance Law.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Announce the results.

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT YOUNG: The bill is passed.

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

SENATOR FUSCHILLO: Madam

President, on the noncontroversial calendar, will you please lay aside for the day Calendar Number 1101.

ACTING PRESIDENT YOUNG: 1101 is laid aside for the day.

SENATOR FUSCHILLO: At this time, will you please take up the reading of the controversial calendar.

ACTING PRESIDENT YOUNG: The Secretary will ring the bell.

The Secretary will read.

THE SECRETARY: Calendar Number 469, by Senator Balboni, Senate Print 6914A, an act to amend the Executive Law.

SENATOR HASSELL-THOMPSON: Explanation.

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

SENATOR BALBONI: Thank you very much, Madam President.

I guess this is going to be of some surprise to all of you in this chamber, but this is a homeland security-related bill. I've been trying to get out of that genre for a little bit, but right now this is a bill

that actually we've been starting to work on for coming up on two years.

Let me just tell you the genesis of this particular proposal. The first is that when you look at all the assets that we have to protect, what you realize very quickly is that 80 percent of them are in private hands. In addition to which you realize that when it comes to emergency management and sheltering people, again, so many of the assets fall into private hands.

Secondly, I was talking with Dr. Robert Scott of Adelphi University, who proudly announced to me that he was going to be the site of a point-of-distribution center, which is where they hand out antibiotics in the case of a medical emergency or radiation tablets or any of the other things that you give out at a point-of-distribution center, but then his attorneys for his insurance company told him he couldn't do it. And that was because of the liability attached to creating a point-of-distribution center.

And I just participated in Nassau County's drill that they had a week ago Sunday

where they had 3,000 people involved in point-of-distribution services, and it was a great drill, but lacking was any of the private-sector involvement.

What this bill does, it says to the private sector: Join us when it comes to emergency management, join us when it comes to providing benefits for people who need sheltering, for helping out in a disaster.

And what we saw in Katrina was that many of the effective responses were not of government but were of the private sector, with the Wal-Mart supply chain, where some of the other companies would be able to deliver vehicles.

So this is an attempt to engage the private sector, finally, with a commonsense civil liability -- yes, I know that's a term that gets some people crazy. But this is what this bill does. It says that during the state of an emergency, of a declared emergency, if you provide services through a contract -- and that word "contract" is going to cause some people some problems -- but a contract, memorandum of understanding, any type of

relationship with the government. And under their supervision, then you will be held responsible only for gross negligence.

This is consistent with the Good Samaritan laws in this nation. Of course, we don't have one in the State of New York. It is also consistent with our decision to indemnify and defend public officers, pursuant to Section 17 of this statute.

Thank you, Madam President.

ACTING PRESIDENT YOUNG: Thank you, Senator Balboni.

Senator Schneiderman.

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

ACTING PRESIDENT YOUNG: Senator Balboni, will you yield?

SENATOR BALBONI: Madam President, I will yield, but I will not say anything about brief responses. Depends what kind of clever witticisms he throws my way.

ACTING PRESIDENT YOUNG: Senator Balboni yields.

SENATOR SCHNEIDERMAN: I note

that the Senator is in a very good mood today.

If I might ask, though, this piece of legislation, proposed piece of legislation raises an issue that, as you state, it makes people crazy. But I don't think what makes people crazy is civil liability; what makes people crazy is immunizing for-profit companies from civil liability.

So my first question to you is this. If a private corporation such as Blackwater or Halliburton or other people who provide services during an emergency had a contract and was being highly paid by the State of New York or a political subdivision for help during an emergency, would this bill immunize them from liability for negligence?

SENATOR BALBONI: Madam President, through you. Let's see if I can think of the absolute worst set of characters to put in the question I'll ask you. How about we just call it Devil, Inc., came and tried to provide services? The question I --

SENATOR SCHNEIDERMAN: You're trying to get metaphysical on me. There's so many real companies that get paid a lot of

money --

SENATOR BALBONI: Run by Mephistopheles.

See, the point is this --

SENATOR SCHNEIDERMAN: If you want to bring your party into it, that's fine with me. But go ahead.

(Laughter.)

SENATOR BALBONI: The point of it is this. Does it really matter if it's a for-profit or if it's not-for-profit? Again, Senator Schneiderman, if you took a look at the recent reports that were written about the Katrina response, what you found out was that many of the big corporations were the best in responding.

And I think you will agree with me wholeheartedly that when it comes to an emergency, it almost doesn't matter who provides the service as long as it gets provided.

Now, you and I can argue that of course there should be better government oversight in terms of the contracts that are given, there should be a better bang for the

buck in terms of who is going to be refunded and given money for responding in the course of an emergency. We can even talk about how many of the funds in national disasters are misspent.

But the point is this. How can we possibly have the arrogance to assume that government is the only responder possible, that we cannot engage the private sector at all? And that's really what we're talking about, engaging the private sector. And that's what this bill does.

SENATOR SCHNEIDERMAN: Thank you.

This is quite an extraordinary rhetorical flourish, where, if you pay the private sector enough, presumably you can get services. But I find that your logic is even a bit more hard to grasp than usual.

Did you meet with President Bush this morning?

SENATOR BALBONI: Mm-hmm.

SENATOR SCHNEIDERMAN: You did. Okay, thank you. On the bill, Madam President --

SENATOR BALBONI: Along with a

whole group of other people, by the way. Representative Gary Ackerman, a lot of good Democrats were there also.

SENATOR SCHNEIDERMAN: That's okay. On the bill.

ACTING PRESIDENT YOUNG: Senator Schneiderman, on the bill.

SENATOR SCHNEIDERMAN: Okay. I knew he was particularly confused. I now understand who he's been talking to and why I had that impression.

This is a very bad piece of legislation, for a very simple reason. If -- what it does is says that the government, in a time of crisis, in an emergency, the government contracts with a for-profit company -- or a not-for-profit, but it includes in it for-profits. This is not a bill that is limited to volunteers or Good Samaritans, which is a relatively small number of participants, unfortunately, in these situations.

When the government contracts with a private-sector company that may very well be overcharging because of the emergency -- and

we know from the records of Hurricane Katrina that this in fact is the case, that some of these companies come in and charge a lot of money because they know they've got the government in a weak negotiating position -- that those private companies will be relieved from the requirement that in every other area of their business they exercise reasonable care in providing services.

SENATOR BALBONI: Madam President, will the gentleman suffer an interruption, a question?

SENATOR SCHNEIDERMAN: "Suffer" is certainly the right word.

Madam President, I would be glad to take a question from the Deputy Secretary of Homeland Security and Self-Promotion.

ACTING PRESIDENT YOUNG: Before we begin -- wait one second. Before you begin, you can't both talk at the same time because the stenographer cannot record the conversation. So I would ask that one speaker at a time, please.

SENATOR BALBONI: Madam President, through you. Would the gentleman

be kind enough to point out where in the bill language exists that says in an emergency a contractor is immune from a contract dispute.

Thank you, Madam President.

ACTING PRESIDENT YOUNG: Thank you, Senator Balboni.

SENATOR SCHNEIDERMAN: Madam President, I didn't say that. But it does make it clear in this legislation, because the first sentence is "During a State disaster emergency," and then states that any firm -- and now I'm reading -- "in the performance of a contract related to such emergency with the State or its political subdivisions is exempt from the law of negligence."

So I'm not talking a contract dispute, I'm talking about a tort exemption. And I would like to note, ladies and gentlemen, that the --

SENATOR BALBONI: Madam President, would the gentleman suffer another interruption, please.

ACTING PRESIDENT YOUNG: Senator Schneiderman, do you yield?

SENATOR SCHNEIDERMAN: Yes. And

once again, "suffering" is the proper term.

SENATOR BALBONI: Madam President, through you. Would the gentleman then explain why is -- why it is we're talking about government agencies being overcharged by a company providing a contractual service?

Thank you, Madam President.

SENATOR SCHNEIDERMAN: Ah. Thank you. Thank you. Now that is an excellent question. Thank you. Thank you, Deputy Secretary.

The reason that that's relevant is to say that we're not talking about, as you've attempted to characterize it, Good Samaritans or companies coming to the call of the public sector. We're talking about companies that are on a contract in an emergency that could very well -- because we know from Hurricane Katrina there were companies that charged more than their usual rates because they knew the government was in a weak negotiating position.

My point is this. You take a company that's on a contract to provide services that's making money. This bill would say in addition to getting the extra money --

or getting your going rate, either way. But we know some companies do overcharge during emergencies -- in addition to the money, you're exempt from liability for negligence.

Now, negligence -- again, I want to make this clear to everyone here who's voting on it. We're not saying that these companies would be required to behave perfectly. Mistakes happen. Negligence is defined by Black's Law Dictionary as a failure -- and I'm quoting, "failure to exercise reasonable care towards others or performing actions which a reasonable person would not."

So we're saying to these companies, act unreasonably. Act unreasonably. You know, negligently fail to inspect the equipment before you build bridges. They are immunized from the requirements of negligence that apply under the tort law to every other company doing business in this state because they happen to get a contract during an emergency with the State of New York.

And that is what this bill would do. And that, ladies and gentlemen, is not what we should be doing. If anything, there

should be a heightened requirement for people during emergencies to provide reasonable care -- again, not perfect care, but reasonable care. That's the law of negligence. It's good law in the state for hundreds of years. It has helped us preserve the relationship between the recipients of services and the companies making lots of money from providing them.

My point about the emergencies is that we know during emergencies that there are situations in which the state has very little choice but to engage the private sector. Fine. That's fine.

This bill would say, in addition to paying whatever the market will bear -- which is often more than the usual rate -- we're going to immunize these companies and remove the requirement they treat people reasonably. So the poor people who needed help during Hurricane Katrina don't get the reasonable care that the wealthy would get if they employ these companies for their private purposes.

And let me use an example. It's not Devil, Inc., it's a real company.

Blackwater, that provides security. It's essentially a sort of a private-army company. And we know during Hurricane Katrina that they charged money for contracts and provided security. We also know that they were employed by lots of big corporations and wealthy people to provide security during emergencies to protect them from the people who were out of their homes.

So we're dealing with a situation in which there are a lot of opportunities for people to shave the edges of what they're doing. Why we would remove, during an emergency, the requirement that a company working for the state and getting paid, remove the requirement that that company exercises reasonable care towards others is beyond me.

So I will say this. I do -- I mean, all kidding aside, that I very much respect the sponsor's attention to the issue of emergency services and to disaster relief. But removing the requirement that companies with contracts from the state behave reasonably and exercise reasonable care in emergencies is the last thing we should be

doing. If we have to pay them, we pay them. But we shouldn't be providing them an additional immunity.

And I'm going to vote no and encourage everyone else to vote no. And if there is a solution to the problem, there are people in remarkable -- and I would suggest this for the Good Samaritans, perhaps, people who do act during an emergency and aren't being paid -- let's provide indemnification. The state can provide that if that's necessary.

There's no reason to provide immunization for for-profit companies, which this bill would do.

Thank you, Madam President.

ACTING PRESIDENT YOUNG: Thank you, Senator.

Senator Balboni.

SENATOR BALBONI: Madam President, I'd like to thank the gentleman for his thoughts on this issue, mostly because they highlight a complete and utter lack of understanding about what it is like to respond in a disaster.

And I get this frustration from sitting down with a table full of National Guardsmen, Coast Guard, police, fire -- and you know what? They're not so worried about the ability of people to bring lawsuits after a disaster hits.

You know, the irony with the argument that we should make sure there's reasonable compensation for people who have been injured through negligence is you assume there's a courthouse left standing. But yet go down to Biloxi, Mississippi, and see what has happened to their society and their structure.

Look, we can argue about tort reform and we can argue --

ACTING PRESIDENT YOUNG: Senator DeFrancisco, why do you rise?

SENATOR DeFRANCISCO: I wonder if Senator Balboni would yield to a question.

SENATOR BALBONI: Yes, I will.

ACTING PRESIDENT YOUNG: Thank you, Senator.

SENATOR DeFRANCISCO: Senator Balboni, is there any statistics or any

studies that you've come up with that indicated there's a difficulty in hiring companies to make money during a state of emergency?

SENATOR BALBONI: Yes.

SENATOR DeFRANCISCO: Can you give me some -- what study was it that you had?

SENATOR BALBONI: Sure. Well, the study was not actually formalized in the sense of a true report. What it was was a report through the Conference of Mayors and through the Department of Homeland Security that talked about the inability to get private property owners to lease out their buildings and to do so in a way where they could have immunity from liability using their facilities. And this is a huge problem, actually, in the metropolitan area, so you bring up a great point.

And you know what's interesting, Senator DeFrancisco, up in your area, in Syracuse, as you know, we were looking for the fairgrounds to be used as a place for staging. And one of the great concerns, ironically, was

that many of the property owners up there said: You know what, we can't do it. We're concerned about some of the problems of getting the goods in there and some of the circumstances surrounding the liability.

And you know, Senator, this has become a huge issue nationally, but it has shown its head here when it comes to the simple thing of protecting for a pandemic, an avian flu. Because what you have here is the many private hospitals who are trying to set up distribution centers outside their hospitals and they can't find the places to do it.

As a matter of fact, I would recommend that you talk to guys like Mike Dowling, who heads up the North Shore-Long Island Jewish Health Center, and his difficulty in trying to set up these types of situations outside of the hospital setting and to get private owners. And in addition to which, you could call Dr. Robert Scott of Adelphi University and ask him.

So the difficulty is I know, Senator, that you would like, being the

attorney that you are, the good attorney that you are, facts and figures on this. But a lot of this is anecdotal. And the funny thing is when people are not willing to present their building for use during an emergency, there's a lot of factors that could go into it. But the thing that they tell me, the thing that they tell the people who run the emergency management centers is that they're nervous about liability. And that's why we put this bill in.

SENATOR DeFRANCISCO: Would the Senator yield to another question.

ACTING PRESIDENT YOUNG: Senator Balboni, do you yield?

SENATOR BALBONI: Yes, I would.

ACTING PRESIDENT YOUNG: He yields.

SENATOR DeFRANCISCO: Were you are aware that the state fairgrounds is a governmental --

SENATOR BALBONI: Yes, as a matter of fact --

SENATOR DeFRANCISCO: -- a governmental -- excuse me --

SENATOR BALBONI: Madam President, I knew he was going to say that, and many of the vendors --

ACTING PRESIDENT YOUNG: Senator Balboni -- Senator Balboni, would you let Senator DeFrancisco ask the question, please.

SENATOR BALBONI: Sure.

SENATOR DeFRANCISCO: Senator, did you know that the state fairgrounds is a governmentally owned facility that will not be affected in any way, shape or form by this bill?

SENATOR BALBONI: Madam President, through you, I think that you're wrong. I think that the vendors who would service that state fairground would in fact be affected by this. And as a matter of fact, this is exactly the reason why I did this bill.

ACTING PRESIDENT YOUNG: Senator DeFrancisco.

SENATOR DeFRANCISCO: I'll wait to speak on the bill because -- I've got more to say. I'll wait to speak on the bill because I'd prefer really to get a succinct

answer to a question that's consistent with the last answer. So maybe I'll try one other question.

ACTING PRESIDENT YOUNG: Senator Balboni, do you yield?

SENATOR BALBONI: Yes.

SENATOR DeFRANCISCO: If I'm not mistaken, your argument was that the only information you have is about people who own buildings that are unable to -- unwilling to provide those buildings during a state of emergency concerning liability. And that's their concern.

And the point of my question with respect to the state fairgrounds is that is a property owner, a governmental owner, and that it's not a vendor. And so I'm trying to figure out how we jump -- and I guess maybe you can explain it -- how we jump from the basis for showing that this is a real problem re property owners to now talking about vendors at the state fair.

SENATOR BALBONI: Madam President, through you. Are you ready?

ACTING PRESIDENT YOUNG: Yes.

SENATOR BALBONI: The gentleman is confused, and I know why he's confused. Because in response to his question as to whether or not there was an actual report, the report related to property owners. As it relates to the terms and conditions of this bill, this bill would affect vendors who actually supply services to places like the fairgrounds. So there were two aspects of the answer.

SENATOR DeFRANCISCO: One more question.

ACTING PRESIDENT YOUNG: Senator Balboni, do you yield?

SENATOR BALBONI: Yes, I do.

ACTING PRESIDENT YOUNG: He yields.

SENATOR DeFRANCISCO: Senator Balboni, may I have a copy of that report that you just referred to that's in existence?

SENATOR BALBONI: Madam President, through you.

ACTING PRESIDENT YOUNG: Senator Balboni.

SENATOR BALBONI: I believe if

you read back the transcript you'll see, Senator, that I mentioned it was not so much a formal report as it was mostly anecdotal information.

SENATOR DeFRANCISCO: Another question, please, if he will yield.

ACTING PRESIDENT YOUNG: Senator DeFrancisco.

SENATOR DeFRANCISCO: So you are equating, in your argument, report with anecdotal information?

SENATOR BALBONI: That's correct.

SENATOR DeFRANCISCO: All right. One other question, if you will.

ACTING PRESIDENT YOUNG: Senator Balboni, will you yield?

SENATOR BALBONI: Yes, I do yield.

SENATOR DeFRANCISCO: Senator Balboni, with respect to this issue of liability, I guess my question is if there is no report or no hard information other than anecdotal information upon which it's difficult to get private companies to act in emergencies, and given the fact that there are

companies that do act in emergencies and in many, many instances get a premium because of the emergency, why the people that they're dealing with should not have protection against simple negligence.

SENATOR BALBONI: I'm sorry, what was your question?

SENATOR DeFRANCISCO: My question was, given the fact that there's no hard evidence, just anecdotal information, and given the fact that it's widely known that private companies get premiums during the states of emergency, why private citizens should not be protected against negligence during these terrible times of national emergencies.

ACTING PRESIDENT YOUNG: Senator Balboni.

SENATOR BALBONI: Madam President, through you. The gentleman's question presumes a number of different things.

Number one, that anecdotal evidence is unworthy of consideration. I would ask the gentleman -- and I know he has, he just is

taking this particular point -- to talk to his fire chiefs, talk to his emergency managers in his neck of the woods, and come down and talk to mine. I'd be happy to host you. And you can meet a lot of the wonderful volunteers who try to set up these programs. In fact, the Nassau County Department of Health has done a pretty good job, and they have information on this.

And, secondly, the wild overcharging. I realize that there were difficulties in some of the emergency responses nationally, but the point -- I thinks that the gentleman is missing the point of the bill. I know we're focused on civil liability, and we know how important civil liability is. But in an emergency, all things are suspended. That's kind of the point.

I know that the gentleman would hate to have martial law ever imposed. I would hate to mention that sometimes martial law is necessary. And during martial law, there are suspension of many of the rights of our society. And that's what this bill does. It talks about emergencies only.

To apply the normal, tired tort reform issue to emergencies is really not appropriate in this matter, particularly -- you know, we have been lucky. Madam President, we are so lucky in this state. Besides 9/11, we have never really had this disaster affect us on a statewide basis.

ACTING PRESIDENT YOUNG: Senator DeFrancisco, why do you rise?

SENATOR DeFRANCISCO: Would the Senator yield to another question.

ACTING PRESIDENT YOUNG: Senator Balboni, will you yield?

SENATOR BALBONI: Yes, I do, Madam President.

ACTING PRESIDENT YOUNG: The Senator yields.

SENATOR DeFRANCISCO: Senator, being so involved in this issue as you are, you've heard of reports where there's been allegations of fraud against many companies who have purchased extravagant items for themselves that should have gone to the victims of a national disaster. Have you heard of those?

SENATOR BALBONI: Madam President, through you, I've heard of those.

I have also heard of the White House report, which I have on my desk -- I'll give it to you, you can read it, it's about 275 pages -- wherein the federal government actually talks about the private sector as being in a better position to provide services than the federal government.

And that's, again, the purpose of the bill.

ACTING PRESIDENT YOUNG: Senator DeFrancisco.

SENATOR DeFRANCISCO: May I ask another question.

ACTING PRESIDENT YOUNG: Will you yield, Senator Balboni?

SENATOR BALBONI: Yes.

SENATOR DeFRANCISCO: If it turns out that any of these allegations are correct, where money was being misused by private companies, and they are either sued for misappropriating government funds or they are prosecuted for fraud, under your bill, would those companies be immune from liability if

during the course of their activities they killed someone by being negligent?

SENATOR BALBONI: Madam President, through you.

ACTING PRESIDENT YOUNG: Senator Balboni.

SENATOR BALBONI: I believe the gentleman is mixing apples and oranges. The bill talks about immunity from negligence. Last I checked, most contractual relationships are governed by the law of contract.

Now, if you happen to kill somebody in the middle of negotiating a contract, I -- you know --

SENATOR DeFRANCISCO: May I ask another question, please.

ACTING PRESIDENT YOUNG: Senator Balboni, do you yield?

SENATOR BALBONI: Yes, I do, Madam President.

ACTING PRESIDENT YOUNG: The Senator yields.

SENATOR DeFRANCISCO: Let me try the question again, because you obviously didn't understand it.

A company has a contract for providing services during Katrina. It's proven that they fraudulently used that money for something else. And they're prosecuted or they're asked to give the money away, and they breach their contract.

While doing their contract, in the course of doing their work, separate incident, they hurt somebody or kill somebody while doing their job.

Under your bill, irrespective of their other bad activities, would those companies be immune from liability for the negligence in hurting or killing somebody?

SENATOR BALBONI: Madam President, through you.

ACTING PRESIDENT YOUNG: Senator Balboni.

SENATOR BALBONI: The bill sets up several requirements under the direction of the state or its political subdivisions. That is one of the requirements.

It could be argued that if a company that was contracting with a local government completely abandoned the contract

and were not providing the services, as was with your hypothetical, that in fact they would fall outside the scope of this, for both the contract, which it would automatically -- I mean this bill would not affect at all, and for their negligence.

Madam President, on the bill. May I continue?

SENATOR DeFRANCISCO: Yes. Yes.

ACTING PRESIDENT YOUNG: Senator Balboni, on the bill.

SENATOR BALBONI: Let me just end with this. This issue is reaching a crisis in other parts of the nation. And I would argue with anybody here in this chamber, if you're really interested in this and don't just want to make this a political football, go and talk to the survivors of Katrina, go and talk to the folks not just in New Orleans, but go and talk to them in Biloxi, Mississippi, and go and talk to them about the civil infrastructure and what they needed and what they didn't have.

This is a very commonsense approach. And I hope that we'll suspend our

usual prayer at the altar of tort liability for the recognition that in an emergency, it's all hands on deck.

Thank you, Madam President.

ACTING PRESIDENT YOUNG: Thank you, Senator Balboni.

Senator DeFrancisco.

SENATOR DeFRANCISCO: On the bill.

ACTING PRESIDENT YOUNG: On the bill.

SENATOR DeFRANCISCO: You know, I just cannot understand for the life of me this feeling that tort liability and protecting citizens from the negligence of others is some un-American or some type of activity that should be treated with disgust.

People get hurt every day of the week. Somehow they've got to be compensated. If the person responsible for the negligence which caused injury or death is not the one to provide the compensation, then somebody else has to. Because those people have injuries, they have medical expenses, they have families that they have to support.

So the concept of a private right of action is as American as any other law or any other field of the law that we have. And it's a simple responsibility. Just like we talked about the death penalty, many of the same people who may be for this bill get on the floor and say, you know, an eye for an eye or teeth for a tooth and we've got to deter these type of people.

Well, how is it any different trying to deter bad behavior that results in injury through negligence than it is to deter somebody from committing a violent act? It's the same concept. There's certain civilized activities, certain activities people should be held responsible for.

Now, with that said, you know, this is not at the altar of any civil liability or altar of whatever was just said. This is a basic principle that I think is a very, very good principle. Rather than government taking care of every evil in society, have the responsible person do it from time to time.

Now, what makes this bill particularly bad as far as I'm concerned is

that these individuals who are privately contracting with the government to do work during states of emergency generally, at least what I hear and what I understand, is they get a premium for their activities. And their activities are in a very bad situation during a case of a national emergency or an emergency of some type. And it seems to me that people who are injured in the course of their activities, especially from groups that are getting premiums for providing their services, should have the same protection as any other citizens during any other time.

And in the event that someone cannot find those individuals to perform the work, it seems to me -- I think that it's unlikely, but if it is, then pay a higher premium. But don't let them just do their work that could result in injury without consequences to other people.

In addition, despite the interpretation of the bill by the sponsor, I firmly believe that the situation where someone does commit fraud, does not provide the emergency assistance to who they're

supposed to provide it to and is even prosecuted for that, under this bill they're immune from liability if in the course of performing their fraud and performing their work they're in a situation where they hurt or kill somebody.

Now, I think that's wrong. And I think this is something that it may sound good if you -- if it's a rhetorical discussion, but on the other hand it's taking away some basic principles of our society. And I feel very strongly that this bill should be voted down for the reasons stated.

ACTING PRESIDENT YOUNG: Thank you, Senator DeFrancisco.

Senator Diaz.

SENATOR DIAZ: Thank you, Madam President. Would the sponsor yield for a question, please.

ACTING PRESIDENT YOUNG: Senator Balboni, do you yield?

SENATOR BALBONI: Oh, all right.

(Laughter.)

SENATOR DIAZ: Senator Balboni, before I ask you a question, I have to say I

appreciate your effort and your leadership in the committee, the Homeland Security Committee, which I am a member of, and for all the time that you have come to my district.

SENATOR BALBONI: Thank you very much.

SENATOR DIAZ: And in the future you are coming to my district, so I appreciate that.

I just wanted to clarify something from you. When I read the bill it said it does not apply to cases involving gross negligence or willful misconduct, nor from damages, injuries or death sustained due to the operation of a motor vehicle.

In the letter of opposition from the trial lawyers, it says under this bill they will not be liable for injury or death that might result from their negligence.

We know that there is a difference between negligence and gross negligence. Will you please, for the record, tell me what is the difference between negligence and gross negligence?

SENATOR BALBONI: Madam

President, through yourself, I probably should go to Black's Law Dictionary. And maybe Senator DeFrancisco, the law professor, could expound on this.

But essentially, simple negligence is where someone breaches a common duty in society. Essentially, that's the broadest discussion of it.

Gross negligence is something that is akin to -- it has an element of recklessness or almost criminality. In other words, it gets to be so bad -- and when it talks about willful, that means you meant to do it, you meant to hurt the other individual, you meant to commit the act. It's not so much intentional, but it's done in a way that involves negligence but is a much higher standard of disregard to your common people or to the situations in which you are operating.

SENATOR DIAZ: Madam President, would the sponsor yield for another question.

ACTING PRESIDENT YOUNG: Senator Balboni, do you yield?

SENATOR BALBONI: Yes, I do.

ACTING PRESIDENT YOUNG: Thank

you.

Senator Diaz.

SENATOR DIAZ: Senator Balboni, you might not want to answer this one, but I'm going to ask it anyway.

Why do you think that the trial lawyers are opposing this bill?

SENATOR BALBONI: Madam President, through you, I believe that the trial lawyers are concerned with the preservation of the right to sue under any circumstances.

ACTING PRESIDENT YOUNG: Senator Diaz.

SENATOR DIAZ: Through you, Madam President, will the sponsor yield.

ACTING PRESIDENT YOUNG: Senator Balboni, will you yield?

SENATOR BALBONI: Yes, I do.

ACTING PRESIDENT YOUNG: The Senator yields.

SENATOR DIAZ: Can you give me any scenario or an example where we have an amazing disaster and somebody commits negligence in their duties?

SENATOR BALBONI: Sure. Madam President, through you.

ACTING PRESIDENT YOUNG: Senator Balboni.

SENATOR BALBONI: We have an emergency, a Class 3 hurricane is coming to Manhattan, and the owner of private warehouse that actually happens to be up in the heights, people approach him, the government comes to him and says, Open your doors, we need to get people out of the low-lying areas, we don't have enough capacity in downtown, so put them in your building.

As they go in through the building, the floor is very old and is a parquet and is wet, and is actually -- there's no -- there's no care on the part of the property owner to put down a sign that says: Be careful, floor is wet. Or the stairway has not been kept in repair and therefore it's crumbling in some sections, and someone, in their rush to go up, they fall and they get injured.

Now, those are examples of what could result from negligence in an emergency, the failure to properly notify someone of a

hazardous condition on your property or have a piece of the infrastructure that could lead somebody to sustain an injury.

SENATOR DIAZ: Thank you.

On the bill, Madam President.

ACTING PRESIDENT YOUNG: Senator Diaz, on the bill.

SENATOR DIAZ: I was listening to Senator DeFrancisco when he was talking, and he said something referring to tort reform. And one of his comments, if I recall, he said that why do we want to prevent people from suing for collecting damages from people that commit negligence.

Tort reform and suing, a few weeks ago there was a bill here where, in the name of protecting the people, it was intended to give the authority to a perpetrator, to a criminal who goes into someone's apartment to rob or to steal and in that process, if the owner of the apartment hurts the perpetrator that went into that apartment, into that house, the bill was intended to give authority, to give power to the criminal to sue the owner of the house.

I don't think that that is something that we could say is on behalf of the consumer. On the contrary, that is something that is on behalf of the criminals and not the victims. And we are here always, supposedly, to protect the victims, not the criminals.

There was another incident where, in the name of protecting people, we intend to give the authority to sue the makers of the cars, in cases where somebody needs a car and in that process hurts someone, the driver hurts someone, that the owner of the company that makes the car be also liable for the incident that occur where the car was leased by someone else.

What that has done is that right now in the Bronx, in my neighborhood, people cannot lease cars. People cannot afford to lease a car because companies already pull away from leasing cars. And consumers, the people are paying a lot more now to lease a car and to have that luxury of leasing a car because we are trying to protect, according to the tort laws, to protect people.

I believe that the explanation that Senator Balboni just gave me on the gross negligence and simple negligence is fair enough. And I think that this bill, this bill really caused that those people that commit gross negligence and willful misconduct, in the process of that, they could be sued. But somebody in the process of helping someone else, without knowledge, without planning commit a negligence, I don't think that person should be sued, especially when it is a state emergency or disaster.

So I think that I'm voting for this bill. And I congratulate Senator Balboni for always looking out for the small guys.

Thank you, Senator Balboni.

ACTING PRESIDENT YOUNG: Thank you, Senator Diaz.

Senator Connor.

SENATOR CONNOR: Thank you, Madam President.

You know, looking out for the small guys, that's -- that, Madam President, is exactly the great democratization that took place in the common law. Because, you know,

Senator DeFrancisco talked about it, the right to recover for negligence. In terms of what it is, it's a way to apportion risk, if you will, damages, and have it fall on the person whose lack of care caused the injury initially, rather than on society as a whole. Of course there is insurance. That's why they got insurance, to spread is that risk.

But as American as apple pie? I'm afraid it's as English as fish and chips. It goes back in the common law.

And the right to recover for negligence was an important right, but it didn't mean very much for the little guy. It meant nothing for the little guy. When the Duke of Marlborough's carriage ran over some poor workman in the street, it meant nothing. Now, if he ran over the Earl of Norfolk, it meant something. The Earl of Norfolk could sue. The poor working man in the street, he couldn't sue. Where is he going to get a barrister? Where is he going to get a lawyer to plead his case? How's he going to pay court fees and have access to the courts?

The fact is the much-maligned trial

bar, going back to common-law days when they seized upon the concept of a contingent fee -- which I know the press likes to, in a big case, they go, Oh, and the lawyer walks away with a third. They never write a story where the recovery was nothing, the lawyer had advanced hundreds of thousands of dollars in costs for expert witnesses and so on and he gets nothing, loses money.

The fact is the contingent fee is for the little guy. It's for working men and women who can't afford lawyers. So when somebody who's fortunate enough to afford a carriage or a motor car or whatever injures them, or when someone who owns a business injures them, they do have recourse. They don't simply have to go away and have their family bear the burden of such an injury, a debilitating injury.

Now, in the case we're talking about here, Madam President, the case of people --

ACTING PRESIDENT YOUNG: Senator Diaz, why do you rise?

SENATOR DIAZ: Would Senator

Connor yield for a question.

ACTING PRESIDENT YOUNG: Senator Connor, do you yield?

SENATOR CONNOR: Certainly, Madam President.

ACTING PRESIDENT YOUNG: The Senator yields.

SENATOR DIAZ: Senator Connor, when a little guy hires a trial lawyer to sue to get some money, what is the fee for the trial lawyers?

SENATOR CONNOR: If the trial lawyer doesn't recover anything for the little guy, the fee is zero and the trial lawyer pays all the expenses.

If the trial lawyer recovers, he gets a percentage of the fee. It's on a sliding scale. For smaller cases, it's one-third of the recovery.

SENATOR DIAZ: One-third.

SENATOR CONNOR: That's correct.

SENATOR DIAZ: Through you, Madam President, will Senator Connor yield.

ACTING PRESIDENT YOUNG: Senator Connor, do you continue to yield?

SENATOR CONNOR: Certainly, Madam President.

ACTING PRESIDENT YOUNG: The Senator yields.

SENATOR DIAZ: So isn't it true, isn't that true that if somebody sues -- if I got hurt and I get a trial lawyer and I sue for $100,000, the trial lawyer, no matter what, would get a third of that? That would be $33,000.

SENATOR CONNOR: Well, no. No. In answer to the question, Madam President, if the client recovers $100,000, the trial lawyer gets a third of that.

If the client recovers nothing, the trial lawyer actually loses thousands of dollars that he's advanced to process the case and gets nothing.

And, Madam President, I'd go further in answering this question and say if the little guy doesn't hire a trial lawyer and sue, he also gets nothing.

SENATOR DIAZ: Through you, Madam President, will Senator Connor still yield.

ACTING PRESIDENT YOUNG: Senator

Connor, do you yield?

SENATOR CONNOR: Certainly, Madam President.

ACTING PRESIDENT YOUNG: The Senator yields.

SENATOR DIAZ: So out of that $100,000, the small guy has to pay all the bills for the doctors, the technicians, any expenses, but the trial lawyer will always get his one-third, no matter that all those expenses will be paid out of the money from the client.

SENATOR CONNOR: No. The trial lawyer pays the expenses of trial. He pays expert witnesses, he pays for expert medical witnesses, he pays for the cost of transcripts. He pays for that whether he wins or loses.

He gets the third if he wins.

SENATOR DIAZ: And through you, Madam President.

ACTING PRESIDENT YOUNG: Senator Connor, do you yield?

SENATOR CONNOR: And the victim -- yes.

SENATOR DIAZ: And the victim will have to cover, out of the two-thirds that the victim gets, has to pay all the medical bills and all the other expenses. Sometimes that victim ends up with zero or with maybe 15 or --

ACTING PRESIDENT YOUNG: Senator Diaz, could I ask you to address your comments to the chair, please.

SENATOR DIAZ: I'm asking him a question.

ACTING PRESIDENT YOUNG: To the chair.

SENATOR DIAZ: But I thought I had the floor.

SENATOR CONNOR: Madam President, I have the floor. I've yielded for a question.

SENATOR DIAZ: So I'm saying that after the $100,000 is issued, the trial lawyer will get a third of that, the victim has to pay all the rest of the bill, and isn't that true that sometimes the victim might end up with only $20,000?

SENATOR CONNOR: Madam President,

it's possible.

But I would point out that the victim is not being rewarded for getting injured. The victim is not supposed to come away rich or richer than he was. The victim is being compensated for the medical costs, pain and suffering, and other things that he suffered.

So the fact that that compensation may go to pay his medical bills, Madam President, is precisely what it's designed to do.

ACTING PRESIDENT YOUNG: Senator Diaz.

SENATOR DIAZ: Another question, through you.

ACTING PRESIDENT YOUNG: Senator Connor, do you yield?

SENATOR CONNOR: Yes, I do, Madam President.

ACTING PRESIDENT YOUNG: Senator Diaz, could you address the question to me.

SENATOR DIAZ: Okay. My last one. Ain't that true that it would be to the advantage of the trial lawyers to be able to

always sue, because they will always get a third no matter what if they collect some money? So it will be -- ain't that true that it would be to the advantage of the trial lawyers to just sue, sue, sue, sue, sue and nothing but sue?

ACTING PRESIDENT YOUNG: Senator Connor.

SENATOR CONNOR: Madam President, as I understand the question, let me say the answer is no.

Unfortunately, unfortunately this Legislature a number of years ago adopted a provision that I think actually acts in derogation of the lawyer's obligation to the client. And that is when they said you could no longer get a third of whatever is recovered but had a sliding scale. So the more that's recovered, the smaller the percentage of the fee that goes to the lawyer.

Now, a lot of lawyers feel that this could be impugning their professional responsibilities, because there suddenly becomes a disincentive for the lawyer to get as much as he possibly can for his client,

whereas, whereas a straight percentage compels the lawyer.

So the question is won't the lawyer oversue. Well, if the lawyer oversues and gets nothing, the lawyer gets nothing. If he oversues and gets a lot more money, the client gets a lot more money.

But the fact that the client has to pay the medical bills makes sense. The client is being compensated for the injuries. It's not the same, Madam President, as winning the lottery.

ACTING PRESIDENT YOUNG: Thank you, Senator.

Senator Diaz.

SENATOR DIAZ: Would Senator Connor yield.

ACTING PRESIDENT YOUNG: Senator Connor, will you yield?

SENATOR CONNOR: Certainly, Madam President.

ACTING PRESIDENT YOUNG: The Senator yields.

SENATOR DIAZ: Isn't that true that before a trial lawyer gets involved in a

case he checks the case back and forth and is about 90 percent sure that he will collect money before getting the case?

SENATOR CONNOR: Madam President, that just depends on the lawyer. Of course, the lawyer is obligated professionally to make a due diligence assessment of the case because you're not supposed to bring frivolous cases. And obviously before the lawyer invests a lot of money in the expenses of the trial, he's going to do that.

But as I was saying, Madam President, with respect to this bill the fact that someone is responding in an emergency ought not provide total immunity to the consequences of the responder's negligence.

You know, I could see a reason -- we'll use Senator Balboni's example. I've got a warehouse, I know the floors are rotten and creaky. I know -- I've been told, I've been told by inspectors: Don't put too much weight on these floors. You know, no forklift trucks in this warehouse. You've got really weak floor and the bearing load -- and the stairway, don't use the stairway because the

stairs are defective.

And lo and behold, the authorities come to me and say, It's a great emergency, we want to open your warehouse to all these people. Your business has kind of taken a downturn. TV cameras are there, they're going to take a picture with the facade of your building with the big sign of your company up there. Everybody is going to think you did good.

So you think, I'm going to take the chance, because I'm going to help these people and I'm going to get all the goodwill. The goodwill that I'm going to get when it's publicized that, you know, Martin Connor's warehouse took in 3,000 refugees of the hurricane.

And lo and behold, they all get in my warehouse and the floor collapses. Madam President, can anyone seriously think -- and the ones who don't fall through the floor use that staircase that Senator Balboni described, with the defective steps. And I knew they were bad, too; I was kind of hoping I'd just get away with it for a couple of days and get

all that good publicity.

Can anyone suggest I should be immune from the consequences of my negligence? I think not, Madam President.

ACTING PRESIDENT YOUNG: Thank you, Senator Connor.

Any other Senator wishing to be heard?

The debate is closed.

The Secretary will ring the bell.

Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Senator Diaz, to explain your vote.

SENATOR DIAZ: Thank you, Madam President.

We're talking about suing and protecting the little guy. Most of the little guys in my district, when they get hurt and they have to pay a trial lawyer to help them, most of -- there are two scenarios here.

One is that the person, the little guy sometimes receives Medicaid, Medicare or is on welfare. After they get sued -- and the lawyer always will get, he or she, her third -- and then pays all the bills, whatever the little guy gets, they never get it. They have to go back to Medicaid, have to go back to Medicare, have to go back to welfare. They never get anything. The lawyer will always get the money.

The second scenario, the second scenario is I have a lady in my church who broke her leg. I'm a pastor. She breaks her leg, she hires a lawyer, they sue. That lawyer sent her to a doctor, that doctor sent her to another doctor for therapy, for follow-up, for treatment, for whatever. When she got a hundred thousand dollars, the lawyer got his third, the lady had to pay everybody else and she ends up with $15,000. Everybody had their money. This is a business, good for trial lawyers.

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

SENATOR DIAZ: So I'm voting

no -- I'm voting yes. I'm voting yes. I'm voting yes.

ACTING PRESIDENT YOUNG: Senator Diaz will be recorded in the affirmative.

Senator Krueger, to explain her vote.

SENATOR LIZ KRUEGER: Thank you, Madam President.

Well, I listened to the debate. And if you listened to part of the argument, you would think we were arguing a Good Samaritan bill where we were talking about people who were volunteering their services in an emergency.

And if it had been a Good Samaritan bill for volunteers, I could have bought into some of the arguments that Senator Balboni made about wanting to make exceptions to standard civil torts protections.

But in fact, this bill is about contractors. This bill is about people who are making money for the business services they are providing, even in terms of in an emergency situation. And there was a reference to, in fact, New Orleans in the

discussion. And one of the things we know now from New Orleans is that while many companies went in there to try to provide good services, several of them were in fact exploiting the situation, were even, you might argue, speculating on the situation of an expectation of government funds for services they really weren't prepared to be able to provide, and in fact in some circumstances may in fact have risked harm to the people they were supposedly serving.

So I will be voting no on this bill, because I think it is fundamental to ensure that if in fact you are harmed in this society that all of us, every one of us, have equal rights and protections under the law.

And again, while the debate, if you were not listening thoroughly, might lead you to believe that this was an issue for volunteer services, that is not the issue under debate here.

I'll be voting no. Thank you, Madam President.

ACTING PRESIDENT YOUNG: Thank you, Senator Krueger. You will be recorded in

the negative.

The Secretary will announce the results.

THE SECRETARY: Those recorded in the negative on Calendar Number 469 are Senators Bonacic, Connor, Coppola, DeFrancisco, Dilan, Duane, Gonzalez, Hassell-Thompson, Klein, L. Krueger, Little, Maziarz, Onorato, Oppenheimer, Parker, Paterson, Sabini, Sampson, Savino, Schneiderman, Serrano, A. Smith, Stachowski, Stavisky and Valesky. Also Senators Breslin and Montgomery.

Ayes, 33. Nays, 27.

ACTING PRESIDENT YOUNG: The bill is passed.

The Secretary will read.

THE SECRETARY: Calendar Number 888, by Senator Golden, Senate Print 1823A, an act to amend the Penal Law.

SENATOR SCHNEIDERMAN: Explanation.

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

SENATOR GOLDEN: Thank you, Madam

President.

Public access -- this is public access to government documents. It is an important aspect of a free society that we all hold so dear. However, at times this freedom is abused and information contained in public records is used for a criminal purpose.

This bill amends the Penal Law to create the offense of criminal use of public records. Someone is guilty of this crime if he or she abuses FOIL to obtain information with the intent to use this information in the furtherance of a crime. Criminal use of public records is a Class E felony.

Now, this has been around last year, and we said we would change this bill and amend this bill and work with the other side of this Senate chamber. And we did that, knowing the civil liberties taken very seriously by all of us here in this room.

But we created a bill here that has a high threshold for the burden of proof for that prosecutor. This bill is a pretty solid bill. This bill, you have to intentionally obtain the record with a FOIL request or go

out and get someone and find that person who's gotten that FOIL request with the intent to use in a crime, and had to plan information illegally when he obtained that information, and, three, attempts to commit a crime or commits a crime. Intentionally obtains with the intent to use, attempts to commit a crime, and/or commits that crime.

So I think we've created a bill here that should work for not only both sides of this chamber but for that in the Assembly as well, by taking in civil liberties and taking in the high threshold for that prosecutor.

ACTING PRESIDENT YOUNG: Thank you, Senator Golden.

Senator Schneiderman.

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

ACTING PRESIDENT YOUNG: On the bill.

SENATOR SCHNEIDERMAN: I appreciate Senator Golden's efforts. And I have to say that we have spoken about this bill, and this is a case in which he has been

true to his commitment to modify it and really attempt to come up with something that addressed the concerns that were raised by my colleagues on my side of the aisle last year and have been raised with him in private.

This bill does create an extremely high standard for prosecution because it requires, before someone can be prosecuted, that they intentionally obtain records through the use of the Public Officers Law and that they in fact use those records that were improperly obtained in the commission of a crime. So I think that does deal with a lot of the issues that have been discussed when this bill came before us before.

I would like to note that there's a more fundamental issue that's been raised in the context of the debate over this legislation, which is really that the proper approach to protecting our records is to make sure that we're not holding a lot of confidential information that could be used against people in the first place. And that we provide bills, as we have done -- Senator Fuschillo sponsored the Security Breach

Information Act, which requires state agencies and businesses to notify persons of the potential acquisition by an unauthorized person of vulnerable personal information, and legislation also sponsored by Senator Fuschillo to freeze access to personal credit error reports. I think we have to take further steps to ensure that the confidential information is not being maintained, it's not maintained, it can't be obtained inadvertently, advertently, intentionally, unintentionally by someone who could use it against someone.

Having said that, and having a general objection to simply using the criminal law in an effort to protect people from the misuse of confidential information, I am going to respond to Senator Golden's effort to bend over backwards. If anything, quite honestly, I think this makes it very difficult to prosecute someone under this bill. I think there's even too much civil liberties in here for me.

But having said that, I respect the sponsor's efforts to make this bill as

narrowly tailored as possible so that only the criminals who steal personal information to use it intentionally for a crime are prosecuted. And I will be supporting the bill.

Thank you, Madam President.

ACTING PRESIDENT YOUNG: Thank you, Senator Schneiderman.

Any other Senator wishing to be heard?

Then 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 November.

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Announce the results.

THE SECRETARY: Those recorded in the negative on Calendar Number 888 are Senators Duane and Serrano.

Ayes, 58. Nays, 2.

ACTING PRESIDENT YOUNG: The bill is passed.

The Secretary will read.

THE SECRETARY: Calendar Number 1500, by Member of the Assembly Destito, Assembly Print Number 9284A, an act to amend the Public Officers Law.

SENATOR HASSELL-THOMPSON: Explanation.

SENATOR SCHNEIDERMAN: Madam President, just --

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

SENATOR SCHNEIDERMAN: No, that's okay. No, that's okay.

Madam President, we don't need an explanation. I just wanted to make a comment, because the bill has been --

ACTING PRESIDENT YOUNG: Senator Schneiderman, on the bill.

SENATOR SCHNEIDERMAN: Thank you, Madam President.

I just wanted to note, for my colleagues that have voted against this bill in the past, that this bill, which allows

New York City sanitation employees with five or more years of service to reside in a political subdivision located not more than 15 miles from New York City, has now been the subject of negotiations.

And my understanding is that while I have great concerns about relaxing residency requirements for city municipal employees, as I believe people should work where they live, in order to provide more better and more appropriate services to the city, I support this bill, as this limits the locations outside of the city in which these individuals can live.

The opposition to the bill has now been withdrawn, and the technical flaw that would have allowed sanitation workers to reside further afield than was the intent of the original legislation has been removed. The City of New York and the Sanitationmen's Association have reached an agreement which is reflected in this bill, and I'm therefore going to be supporting this measure.

Thank you.

ACTING PRESIDENT YOUNG: Senator

Montgomery.

SENATOR MONTGOMERY: Yes, Madam President. I too am going to withdraw my opposition.

And in addition to what my colleague Senator Schneiderman pointed out, I just want to say that it has become more and more difficult for people to live in the city, especially in my district, where the gentrification has really absolutely gone through the roof. And it's gentrification for people who work for the city, for teachers, for police, for sanitation. Anyone who just has a regular job with government, is a middle-income family, wants to raise their family, unless they already reside there and have for the last two decades, they cannot live there at this point in time.

So I am really very sad about that. However, we must go with the progress. There's nothing that we are going to do about it in terms of turning it around immediately. And so I'm going to withdraw my opposition and vote in favor of this legislation.

ACTING PRESIDENT YOUNG: Thank

you, Senator.

Any Senator wishing to be heard?

The debate is closed.

The Secretary will ring the bell.

Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT YOUNG: The bill is passed.

The Secretary will read.

THE SECRETARY: Calendar Number 1845, by Senator Meier, Senate Print 8207, an act to amend the Social Services Law and the Family Court Act.

SENATOR MONTGOMERY: Explanation.

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

SENATOR MEIER: Thank you, Madam President.

This bill is a response to a series of discussions we've been having as a result

of a number of really highly publicized and tragic child abuse cases. And the purpose of the bill really is to provide workers in the Child Protective Service with the tools they need through Family Court to gain access to children.

One of the things that we've been hearing as we talk to Child Protective Service workers around the state is that it is extremely difficult to secure a court order to gain access where the parent or other caregiver has denied access to the child. In fact, the standard is the very same standard that is required to obtain a criminal search warrant. And yet your average building inspector, checking for violations of the sanitary code or the adequacy of plumbing or electrical systems in an apartment, can get in under a much lower standard.

And so what this bill does is it sets forth a number of standards where a Child Protective Service worker can serve a Family Court order upon reasonable suspicion of abuse or maltreatment. And where they've been unable to locate the child or they've been

denied sufficient access to the child, it sets forth elements for the court to weigh in determining whether or not they should grant the order.

But in reality, what this is about is to give child protective workers adequate tools, under judicial supervision, to gain access to children so they can assess the situation and if need be take action to get the child out, get the child access to services.

ACTING PRESIDENT YOUNG: Thank you, Senator Meier.

Senator Montgomery.

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

ACTING PRESIDENT YOUNG: On the bill.

SENATOR MONTGOMERY: Yes, thank you.

I certainly have some concerns about lowering the standards. But all in all, I want to thank Senator Meier for his work, because as you know, the most recent horror story where a child was murdered by her own

parents, and it happened over a long period of child abuse, the child lived in my district and the family lived in my district. And since that time, Senator Meier as well as other of my colleagues have been trying to create a system that was more responsive, and I appreciate that.

I do, however, want to point out, Madam President, that my own version of a response to this legislation, along with my colleague in the Assembly, Assemblywoman Annette Robinson -- it was in both of our districts where this occurred -- we introduced legislation which would establish what we consider to be an emergency response team, which would fit very nicely into Senator Meier's program where he establishes child advocacy centers.

We would like to see that happen and to build on that center, build within that center a process whereby we would not allow this kind of abuse to go over a long period of time but, rather, there would be very early intervention based on not necessarily educational neglect but indicators that there

was something wrong. Not just child abuse, but that there was also perhaps other issues within that family constellation that required some intervention, be it housing, be it domestic violence, be it mental health services, and et cetera.

So while I'm going to support this legislation, I certainly think that we need to do much more as it relates to paying closer attention and providing early intervention to assist families at a point where we can save the lives of women and children in that family.

So, Madam President, I hope that my legislation will be considered some time in the very near future, or some version of it. And with that, I'm definitely going to support this legislation, as I have the other bills that Senator Meier has introduced to try and address this issue.

Thank you.

ACTING PRESIDENT YOUNG: Thank you, Senator Montgomery.

Any other Senator wishing to be heard?

The debate is closed.

The Secretary will ring the bell.

Read the last section.

THE SECRETARY: Section 3. This act shall take effect on the 120th day.

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Announce the results.

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT YOUNG: The bill is passed.

That completes the controversial reading of the calendar.

We have some motions.

Senator Nozzolio.

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

On behalf of Senator Spano, page number 31, Calendar Number 953, Senate Print Number 7808.

On behalf of Senator Winner, page number 51, Calendar Number 1406, Senate Print

Number 5273A.

On behalf of Senator Flanagan, page number 55, Calendar Number 1473, Senate Print Number 7091.

Also on behalf of Senator Flanagan, page number 56, Calendar Number 1493, Senate Print Number 2791.

And on behalf of Senator Skelos, page number 65, Calendar Number 1780, Senate Print Number 8147.

Madam President, I now move that these bills retain their place on the order of third reading.

ACTING PRESIDENT YOUNG: Thank you, Senator Nozzolio.

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

Senator Little.

SENATOR LITTLE: Thank you, Madam President.

I wish to call up Senator Nozzolio's bill, Print Number 6471C, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT YOUNG: The

Secretary will read.

THE SECRETARY: Calendar Number 244, by Senator Nozzolio, Senate Print 6471C, an act to authorize.

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

ACTING PRESIDENT YOUNG: Call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT YOUNG: Senator Little.

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

ACTING PRESIDENT YOUNG: The amendments are received.

SENATOR LITTLE: Madam President, I also wish to call up Senator Fuschillo's bill, Print Number 7563, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT YOUNG: The Secretary will read.

THE SECRETARY: Calendar Number 988, by Senator Fuschillo, Senate Print 7563,

an act to authorize.

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

ACTING PRESIDENT YOUNG: Call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

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

ACTING PRESIDENT YOUNG: The amendments are received.

SENATOR LITTLE: Thank you.

ACTING PRESIDENT YOUNG: Senator Bonacic.

SENATOR BONACIC: Thank you, Madam President.

On behalf of Senator LaValle, I wish to call up Bill Number 718, having passed both houses and not delivered to the Governor.

ACTING PRESIDENT YOUNG: The Secretary will read.

THE SECRETARY: Calendar Number 1311, by Senator LaValle, Senate Print 718, an act to amend the Workers' Compensation Law.

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

ACTING PRESIDENT YOUNG: Call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

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

ACTING PRESIDENT YOUNG: The amendments are received.

Senator Bonacic.

SENATOR BONACIC: Madam President, on behalf of Senator Padavan, I wish to call up Bill Number 6997, having passed both houses and not delivered to the Governor.

ACTING PRESIDENT YOUNG: The Secretary will read.

THE SECRETARY: Calendar Number 649, by Senator Padavan, Senate Print 6997, an act to amend the Penal Law.

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

ACTING PRESIDENT YOUNG: Call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

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

ACTING PRESIDENT YOUNG: The amendments are received.

SENATOR BONACIC: Thank you.

ACTING PRESIDENT YOUNG: Senator Fuschillo.

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

ACTING PRESIDENT YOUNG: Yes, there are.

SENATOR FUSCHILLO: Please make them.

ACTING PRESIDENT YOUNG: The

Secretary will read.

THE SECRETARY: On page 10, Senator Fuschillo moves to discharge, from the Committee on Consumer Protection, Assembly Bill Number 809A and substitute it for the identical Senate Bill Number 5665A, Third Reading Calendar 302.

On page 18, Senator Spano moves to discharge, from the Committee on Investigations and Government Operations, Assembly Bill Number 7294 and substitute it for the identical Senate Bill Number 5074, Third Reading Calendar 592.

On page 22, Senator Johnson moves to discharge, from the Committee on Health, Assembly Bill Number 9955 and substitute it for the identical Senate Bill Number 6786, Third Reading Calendar 741.

On page 26, Senator Robach moves to discharge, from the Committee on Rules, Assembly Bill Number 9113B and substitute it for the identical Senate Bill Number 6347A, Third Reading Calendar 854.

And on page 27, Senator Marcellino moves to discharge, from the Committee on

Health, Assembly Bill Number 9251 and substitute it for the identical Senate Bill Number 6359, Third Reading Calendar 870.

ACTING PRESIDENT YOUNG: Substitutions are ordered.

Senator Fuschillo.

SENATOR FUSCHILLO: Madam President, the supplemental active list has been placed on the members' desks. Could we please go to that and have the noncontroversial reading.

ACTING PRESIDENT YOUNG: The Secretary will read.

THE SECRETARY: Calendar Number 282, by Senator Spano, Senate Print 2893C, an act to amend the State Finance Law.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Announce the results.

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

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 294, by Senator Larkin --

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

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

THE SECRETARY: Calendar Number 296, by Senator Hannon, Senate Print 3493, an act to amend the Public Health Law.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Announce the results.

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT YOUNG: The bill

is passed.

THE SECRETARY: Calendar Number 300, by Senator Morahan, Senate Print 581, an act to amend the General Business Law.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Announce the results.

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 302, substituted earlier by Member of the Assembly Rivera, Assembly Print Number 809A, an act to amend the General Business Law.

ACTING PRESIDENT YOUNG: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the first day of the calendar month next succeeding.

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Announce the results.

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 321, by Senator Maziarz, Senate Print 1985A, an act to amend the Retirement and Social Security Law.

ACTING PRESIDENT YOUNG: Read the last section.

THE SECRETARY: Section 2. This act, dated December 1, 2005, and intended for use only during the 2006 legislative session.

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Announce the results.

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 592, substituted earlier by Member of the Assembly Paulin, Assembly Print Number 7294, an act to amend the Executive Law.

ACTING PRESIDENT YOUNG: Read the last section.

THE SECRETARY: Section 3. This act shall take effect on the first of January next succeeding.

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Announce the results.

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 626, by Senator Maziarz, Senate Print 7175B, an act to amend the Labor Law.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the

roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Announce the results.

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 741, substituted earlier by Member of the Assembly Sweeney, Assembly Print Number 9955, an act to amend Chapter 572 of the Laws of 1994.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Announce the results.

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number

761, by Senator Seward, Senate Print 7286, an act relating to increasing availability.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Announce the results.

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 854, substituted earlier by Member of the Assembly Bing, Assembly Print Number 9113B, an act to amend the Labor Law and the General Business Law.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Announce the results.

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 856, by Senator Saland, Senate Print 6290B, an act to amend the Executive Law.

ACTING PRESIDENT YOUNG: Read the last section.

THE SECRETARY: Section 4. This act shall take effect on the 90th day.

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Announce the results.

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 870, substituted earlier by Member of the Assembly Koon, Assembly Print Number 9251, an act to amend the Public Health Law.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Announce the results.

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1075, by Senator Marchi, Senate Print 7433 --

SENATOR SCHNEIDERMAN: Lay it aside.

ACTING PRESIDENT YOUNG: The bill is laid aside.

THE SECRETARY: Calendar Number 1155, by Senator Alesi, Senate Print 6957, an act to amend the Public Health Law.

ACTING PRESIDENT YOUNG: Read the last section.

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

November.

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Announce the results.

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1156, by Senator Hannon, Senate Print 7459, an act to amend the Public Health Law.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Announce the results.

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number

1157, by Senator Hannon, Senate Print 7544, an act to amend the Public Health Law and the Social Services Law.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Announce the results.

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1291, by Senator Farley, Senate Print 7764A, an act to amend the Banking Law.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Announce the results.

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1405, by Senator Alesi, Senate Print 4993B, an act to amend the Vehicle and Traffic Law.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Announce the results.

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1442, by Senator Maltese, Senate Print 5598A, an act to amend the Retirement and Social Security Law and the Administrative Code of the City of New York.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Announce the results.

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1450, by Senator Seward, Senate Print 7371A, an act to amend the Retirement and Social Security Law.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Announce the results.

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1568, by Senator Padavan, Senate Print 3169C, an act to amend the Education Law and the Insurance Law.

ACTING PRESIDENT YOUNG: Read the last section.

THE SECRETARY: Section 4. This act shall take effect on the 120th day.

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Announce the results.

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1570, by Senator Hannon, Senate Print 4241, an act to amend the Education Law.

ACTING PRESIDENT YOUNG: Read the last section.

THE SECRETARY: Section 2. This

act shall take effect on the 120th day.

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Announce the results.

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1847, by Senator Fuschillo, Senate Print 8232, an act to amend the Vehicle and Traffic Law and others.

ACTING PRESIDENT YOUNG: Read the last section.

THE SECRETARY: Section 27. This act shall take effect on the first of November.

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Announce the results.

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT YOUNG: The bill

is passed.

Senator Fuschillo, that completes the noncontroversial calendar.

SENATOR FUSCHILLO: Madam President, 1075, will you lay it aside for the day, please.

ACTING PRESIDENT YOUNG: 1075 will be laid aside for the day.

Senator Farley.

SENATOR FARLEY: Is 302 out of the house? Is that still here? I'd like to reconsider the vote by which Calendar 302 passed.

SENATOR FUSCHILLO: Madam President.

ACTING PRESIDENT YOUNG: Senator Fuschillo.

SENATOR FUSCHILLO: I move to reconsider the vote by which Calendar Number 302 had recently passed unanimously.

ACTING PRESIDENT YOUNG: The Secretary will read.

THE SECRETARY: Calendar Number 302, substituted earlier today by Member of the Assembly Rivera, Assembly Print Number

809A, an act to amend the General Business Law.

ACTING PRESIDENT YOUNG: Call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

SENATOR FUSCHILLO: Lay it aside for the day.

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

SENATOR FARLEY: Madam President, point of personal privilege.

ACTING PRESIDENT YOUNG: Senator Farley.

SENATOR FARLEY: I want to thank you for that, Senator Fuschillo.

I realize you -- I felt very deeply about this piece of legislation. And needless to say, I was out of the room talking to my counsel about this and a few other things and as I raced in, it passed, it passed fast.

And I did want to be voted no. I would like to speak to it. And I appreciate the courtesy that you granted me. But I was going to go forwarded with a motion to

reconsider.

Thank you, Senator Fuschillo.

ACTING PRESIDENT YOUNG: Senator Montgomery, why do you rise?

SENATOR MONTGOMERY: Madam President, I rise to also thank Senator Fuschillo.

I think this is an act of congeniality that is appropriate -- collegiality, I'm sorry, that is appropriate for this house. We have always, as long as I have been here, we have had a rule which allows us to recall a vote by which a bill passes, in the event that it slips by.

And I think that for Senator Fuschillo to honor that now, even though it's not a bill that we were trying to recall, we now, I think, all of us understand that that rule is still in place and we all have the right to use it. And I'm very happy that Senator Farley could benefit from that today.

So I thank you, and I shall remember. Thank you.

ACTING PRESIDENT YOUNG: Thank you, Senator.

Senator Fuschillo.

SENATOR FUSCHILLO: Madam President, does anybody else want to thank me?

(Laughter.)

ACTING PRESIDENT YOUNG: Thank you, Senator Fuschillo.

SENATOR FUSCHILLO: Thank you very much.

There will be an immediate meeting of the Rules Committee in the Majority Conference Room.

ACTING PRESIDENT YOUNG: The Rules Committee will meet immediately in the Majority Conference Room.

SENATOR FUSCHILLO: And the Senate will stand at ease.

ACTING PRESIDENT YOUNG: The Senate stands at ease.

(Whereupon, the Senate stood at ease at 6:07 p.m.)

(Whereupon, the Senate reconvened at 6:26 p.m.)

SENATOR FUSCHILLO: Madam President.

ACTING PRESIDENT YOUNG: Could we

have some order, please.

Senator Fuschillo.

SENATOR FUSCHILLO: May we please return to the reports of standing committees. I believe there's a report of the Rules Committee at the desk.

ACTING PRESIDENT YOUNG: Reports of standing committees.

The Secretary will read.

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

Senate Print 1241C, by Senator Winner, an act to authorize;

1899B, by Senator Robach, an act to amend the Education Law;

3410B, by Senator Robach, an act to amend the Vehicle and Traffic Law;

3820C, by Senator Trunzo, an act to amend the Real Property Tax Law;

4088B, by Senator Spano, an act to amend the Education Law;

4749, by Senator Spano, an act to amend the Vehicle and Traffic Law;

4782, by Senator Marchi, an act to

amend the Executive Law and the Navigation Law;

4898A, by Senator DeFrancisco, an act to amend the Real Property Law;

5090, by Senator Leibell, an act to amend the Public Health Law;

5182A, by Senator Johnson, an act to amend the Public Officers Law;

5316, by Senator Stachowski, an act to amend the Real Property Tax Law;

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

5441A, by Senator Nozzolio, an act to amend the Penal Law;

5676A, by Senator Little, an act to authorize;

5751, by Senator Meier, an act to amend the Highway Law;

6021B, by Senator Golden, an act to amend the Penal Law;

6604, by Senator LaValle, an act to amend the Education Law;

6653, by Senator Bonacic, an act to amend Chapter 613 of the Laws of 1996;

6661A, by Senator Padavan, an act

to amend the Penal Law;

6672C, by Senator Morahan, an act to provide;

6676, by Senator Morahan, an act to amend the General Municipal Law;

6743, by Senator Padavan, an act to amend the Education Law;

6906, by Senator DeFrancisco, an act to amend the Penal Law;

6970, by Senator Valesky, an act to authorize;

6972B, by Senator Maziarz, an act to amend the Tax Law;

7105B, by Senator Seward, an act to amend the General Business Law;

7205, by Senator Padavan, an act to amend the Real Property Tax Law;

7504, by Senator Golden, an act to amend the Real Property Tax Law;

7680, by Senator Maltese, an act to amend Chapter 154 of the Laws of 1921;

7782B, by Senator Flanagan, an act to amend the Tax Law;

7804, by Senator Spano, an act to amend the Environmental Conservation Law;

7930, by Senator Morahan, an act to amend the Mental Hygiene Law;

7940, by Senator Padavan, an act to amend the Administrative Code of the City of New York;

7975, by Senator Marcellino, an act to amend the Environmental Conservation Law;

8106, by Senator Rath, an act to amend the Retirement and Social Security Law;

8188, by Senator Marcellino, an act to amend the General Obligations Law;

8201, by Senator Golden, an act to amend the Real Property Tax Law;

And Senate Print 8344, by Senator Meier, an act to amend the Social Services Law and the Family Court Act.

All bills ordered direct to third reading.

ACTING PRESIDENT YOUNG: Senator Fuschillo.

SENATOR FUSCHILLO: Move to accept the report of the Rules Committee.

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

(Response of "Aye.")

ACTING PRESIDENT YOUNG: Opposed, nay.

(No response.)

ACTING PRESIDENT YOUNG: The report is accepted.

Senator Fuschillo.

SENATOR FUSCHILLO: Can we return to motions and resolutions and please recognize Senator Bonacic.

ACTING PRESIDENT YOUNG: Motions and resolutions.

Senator Bonacic.

SENATOR BONACIC: Thank you, Madam President.

On behalf of Senator Little, on page number 59 I offer the following amendments to Calendar Number 1555, Senate Print Number 7748, and ask that said bill retain its place on the Third Reading Calendar.

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

SENATOR BONACIC: On behalf of Senator Skelos, on page number 41 I offer the following amendments to Calendar Number 1197, Senate Print Number 7452, and ask that said bill retain its place on the Third Reading Calendar.

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

SENATOR BONACIC: Thank you, Madam President.

ACTING PRESIDENT YOUNG: Thank you.

Senator Nozzolio.

SENATOR NOZZOLIO: Madam President, I wish to call up my bill, Print Number 7234A, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT YOUNG: The Secretary will read.

THE SECRETARY: Calendar Number 858, by Senator Nozzolio, Senate Print 7234A, an act to amend the Real Property Tax Law.

SENATOR NOZZOLIO: Madam

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

ACTING PRESIDENT YOUNG: Call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

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

ACTING PRESIDENT YOUNG: The amendments are received.

Senator Nozzolio.

SENATOR NOZZOLIO: Thank you, Madam President.

On behalf of Senator Young, I wish to call up Bill Number 7828, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT YOUNG: The Secretary will read.

THE SECRETARY: Calendar Number 1024, by Senator Young, Senate Print 7828, an act to amend the Agriculture and Markets Law.

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

ACTING PRESIDENT YOUNG: Call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

SENATOR NOZZOLIO: On behalf of Senator Young, I now offer the following amendments.

ACTING PRESIDENT YOUNG: The amendments are received. Thank you.

Senator Winner.

SENATOR WINNER: On page 69, I offer the following amendments to Calendar Number 1818, Print Number 7892, and ask that said bill retain its place on Third Reading Calendar.

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

Senator Meier.

SENATOR MEIER: Thank you, Madam President.

I wish to call up Senator Skelos's bill, Print Number 7413, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT YOUNG: The Secretary will read.

THE SECRETARY: Calendar Number 1531, by Senator Skelos, Senate Print 7413, an act to amend the Nassau County Civil Divisions Act.

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

ACTING PRESIDENT YOUNG: Call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

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

ACTING PRESIDENT YOUNG: The amendments are received.

SENATOR MEIER: Madam President, on behalf of Senator LaValle, on page number 26 I offer the following amendments to Calendar Number 847, Senate Print Number 2864B, and ask that said bill retain its place on the Third Reading Calendar.

ACTING PRESIDENT YOUNG: The amendments are received, and the bill will

retain its place on the Third Reading Calendar.

SENATOR MEIER: Thank you, Madam President.

ACTING PRESIDENT YOUNG: Thank you, Senator Meier.

Senator Fuschillo.

SENATOR FUSCHILLO: Madam President, may we please take up the noncontroversial reading of Senate Supplemental Calendar Number 58A.

ACTING PRESIDENT YOUNG: The Secretary will read Supplemental Calendar Number 58A.

THE SECRETARY: Calendar Number 1848, by Senator Winner, Senate Print 1241C, an act to authorize the Department of Taxation and Finance.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Announce the results.

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1849, Senator Robach moves to discharge, from the Committee on Education, Assembly Bill Number 9234 and substitute it for the identical Senate Bill Number 1899B, Third Reading Calendar 1849.

ACTING PRESIDENT YOUNG: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1849, by Member of the Assembly Morelle, Assembly Print Number 9234, an act to amend the Education Law.

ACTING PRESIDENT YOUNG: Read the last section.

THE SECRETARY: Section 4. This act shall take effect July 1, 2007.

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Announce the results.

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1850, Senator Robach moves to discharge, from the Committee on Rules, Assembly Bill Number 4914B and substitute it for the identical Senate Bill Number 3410B, Third Reading Calendar 1850.

ACTING PRESIDENT YOUNG: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1850, by Member of the Assembly Canestrari, Assembly Print Number 4914B, an act to amend the Vehicle and Traffic Law.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Announce the results.

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1851, by Senator Trunzo, Senate Print 3820C, an act to amend the Real Property Tax Law.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Announce the results.

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1852, Senator Spano moves to discharge, from the Committee on Education,

Assembly Bill Number 6832B and substitute it for the identical Senate Bill Number 4088B, Third Reading Calendar 1852.

ACTING PRESIDENT YOUNG: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1852, by Member of the Assembly Magnarelli, Assembly Print Number 6832B, an act to amend the Education Law.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Announce the results.

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1853, Senator Spano moves to discharge, from the Committee on

Transportation, Assembly Bill Number 1728 and substitute it for the identical Senate Bill Number 4749, Third Reading Calendar 1853.

ACTING PRESIDENT YOUNG: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1853, by Member of the Assembly Brodsky, Assembly Print Number 1728, an act to amend the Vehicle and Traffic Law.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Announce the results.

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1854, by Senator Marchi --

SENATOR FUSCHILLO: Lay it aside

for the day, please.

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

THE SECRETARY: In relation to Calendar Number 1855, Senator DeFrancisco moves to discharge, from the Committee on Rules, Assembly Bill Number 8053A and substitute it for the identical Senate Bill Number 4898A, Third Reading Calendar 1855.

ACTING PRESIDENT YOUNG: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1855, by Member of the Assembly Weprin, Assembly Print Number 8053A, an act to amend the Real Property Law.

ACTING PRESIDENT YOUNG: Read the last section.

THE SECRETARY: Section 7. This act shall take effect July 1, 2008.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Announce the results.

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1856, by Senator Leibell, Senate Print 5090, an act to amend the Public Health Law.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Announce the results.

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1857, by Senator Johnson, Senate Print 5182A, an act to amend the Public Officers Law.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the

roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG:

Announce the results.

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1858, Senator Stachowski moves to discharge, from the Committee on Housing, Construction and Community Development, Assembly Bill Number 7919 and substitute it for the identical Senate Bill Number 5316, Third Reading Calendar 1858.

ACTING PRESIDENT YOUNG:

Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1858, by Member of the Assembly Hoyt, Assembly Print Number 7919, an act to amend the Real Property Tax Law.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Announce the results.

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1859, by Senator Saland, Senate Print 5432, an act to amend the Education Law.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Announce the results. Senator Montgomery.

SENATOR MONTGOMERY: Yes, Madam President. I'm going to oppose this legislation because there is no exemption, no exception associated with it.

And there are areas in every single

occupation where people can possibly function very adequately, with all due safety, even though they may have had some infraction in their past. It may not even relate to what they're doing. Yet these bills and this one and others like it continue to exclude people from doing anything at all, even maybe being a cook in the kitchen or a dishwasher or a janitor or whatever.

So I am going to oppose this legislation because I think it is very problematic. We keep doing this, and eventually many people in our state will not be able to work anywhere at all. The only thing they will be able to do is spend a life in prison.

So I'm going to vote against this. I vote no.

ACTING PRESIDENT YOUNG: Thank you, Senator Montgomery. You will be recorded in the negative.

The Secretary will announce the results.

THE SECRETARY: Ayes, 58. Nays, 2. Senators Hassell-Thompson and Montgomery

recorded in the negative.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1862, by Senator Meier, Senate Print 5751, an act to amend the Highway Law.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Announce the results.

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1863, by Senator Golden, Senate Print 6021B, an act to amend the Penal Law.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Announce the results.

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1864, Senator LaValle moves to discharge, from the Committee on Higher Education, Assembly Bill Number 10279 and substitute it for the identical Senate Bill Number 6604, Third Reading Calendar 1864.

ACTING PRESIDENT YOUNG: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1864, by Member of the Assembly Canestrari, Assembly Print Number 10279, an act to amend the Education Law.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Announce the results.

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1865, Senator Bonacic moves to discharge, from the Committee on Rules, Assembly Bill Number 9993 and substitute it for the identical Senate Bill Number 6653, Third Reading Calendar 1865.

ACTING PRESIDENT YOUNG: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1865, by Member of the Assembly Lopez, Assembly Print Number 9993, an act to amend Chapter 613 of the Laws of 1996.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Announce the results.

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1866, by Senator Padavan, Senate Print 6661A, an act to amend the Penal Law.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Announce the results.

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number

1867, by Senator Morahan, Senate Print 6672C, an act to provide for the establishment.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Announce the results.

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1868, by Senator Morahan --

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

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

THE SECRETARY: Calendar Number 1869, by Senator Padavan, Senate Print 6743, an act to amend the Education Law.

ACTING PRESIDENT YOUNG: Read the last section.

THE SECRETARY: Section 2. The amendments to paragraph (c) of subdivision 7 of Section 6206 of the Education Law made by Section 2.

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Announce the results.

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1870, by Senator DeFrancisco, Senate Print 6906, an act to amend --

SENATOR SCHNEIDERMAN: Lay it aside.

ACTING PRESIDENT YOUNG: The bill is laid aside.

THE SECRETARY: In relation to Calendar Number 1871, Senator Valesky moves to discharge, from the Committee on Local Government, Assembly Bill Number 10213 and substitute it for the identical Senate Bill Number 6970, Third Reading Calendar 1871.

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

Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Announce the results.

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1872, Senator Maziarz moves to discharge, from the Committee on Rules, Assembly Bill Number 11594 and substitute it for the identical Senate Bill Number 6972B, Third Reading Calendar 1872.

ACTING PRESIDENT YOUNG: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1872, by Member of the Assembly Farrell, Assembly Print Number 11594, an act to amend

the Tax Law.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Announce the results.

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1873, Senator Seward moves to discharge, from the Committee on Rules, Assembly Bill Number 10490B, and substitute it for the identical Senate Bill Number 7105B, Third Reading Calendar 1873.

ACTING PRESIDENT YOUNG: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1873, by Member of the Assembly Destito,

Assembly Print Number 10490B, an act to amend the General Business Law.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Announce the results.

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1874, Senator Padavan moves to discharge, from the Committee on Cities, Assembly Bill Number 10581 and substitute it for the identical Senate Bill Number 7205, Third Reading Calendar 1874.

ACTING PRESIDENT YOUNG: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1874, by Member of the Assembly Robinson,

Assembly Print Number 10581, an act to amend the Real Property Tax Law.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Announce the results.

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1875, by Senator Golden, Senate Print 7504, an act to amend the Real Property Tax Law.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Announce

the results.

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1876, Senator Maltese moves to discharge, from the Committee on Rules, Assembly Bill Number 11094 and substitute it for the identical Senate Bill Number 7680, Third Reading Calendar 1876.

ACTING PRESIDENT YOUNG: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1876, by Member of the Assembly Cusick, Assembly Print Number 11094, an act to amend Chapter 154 of the Laws of 1921.

ACTING PRESIDENT YOUNG: Read the last section.

THE SECRETARY: Section 2. This act shall take effect upon enactment into law by the State of New Jersey.

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Announce the results.

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1878, by Senator Spano, Senate Print 7804, an act to amend the Environmental Conservation Law.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Announce the results.

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

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1879, Senator Morahan moves to discharge, from the Committee on Rules,

Assembly Bill Number 11243 and substitute it for the identical Senate Bill Number 7930, Third Reading Calendar 1879.

ACTING PRESIDENT YOUNG: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1879, by Member of the Assembly Englebright, Assembly Print Number 11243, an act to amend the Mental Hygiene Law.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Announce the results.

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1880, by Senator Padavan, Senate Print 7940, an act to amend the Administrative Code of the

City of New York.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Announce the results.

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1881, Senator Marcellino moves to discharge, from the Committee on Rules, Assembly Bill Number 11457 and substitute it for the identical Senate Bill Number 7975, Third Reading Calendar 1881.

ACTING PRESIDENT YOUNG: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1881, by Member of the Assembly DiNapoli, Assembly Print Number 11457, an act to amend

the Environmental Conservation Law.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Announce the results.

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1882, by Senator Rath, Senate Print 8106, an act to amend the --

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

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

THE SECRETARY: Calendar Number 1883, by Senator Marcellino, Senate Print --

SENATOR HASSELL-THOMPSON: Lay it aside.

ACTING PRESIDENT YOUNG: The bill

is laid aside.

THE SECRETARY: Calendar Number 1884, by Senator Golden --

SENATOR HASSELL-THOMPSON: Lay it aside.

ACTING PRESIDENT YOUNG: The bill is laid aside.

THE SECRETARY: Calendar Number 1885, by Senator Meier, Senate Print 8344, an act to amend the Social Services Law and the Family Court Act.

ACTING PRESIDENT YOUNG: Read the last section.

THE SECRETARY: Section 3. This act shall take effect on the 120th day.

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Announce the results.

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT YOUNG: The bill is passed.

That completes the noncontroversial reading of Supplemental Calendar Number 58A.

Senator Fuschillo.

SENATOR FUSCHILLO: Madam President, will you please take up the reading of the controversial calendar.

ACTING PRESIDENT YOUNG: The Secretary will read.

THE SECRETARY: Calendar Number 1870, by Senator DeFrancisco, Senate Print Number 6906, an act to amend the Penal Law.

SENATOR HASSELL-THOMPSON: Explanation.

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

SENATOR DeFRANCISCO: This bill simply adds to the bodily fluids that, if expelled upon a correction officer, would result in aggravated harassment. Present law says if you throw blood, seminal fluid, urine, feces, it's aggravated harassment. So this bill basically says there's other dangerous bodily fluids, including saliva, spit and sputum.

ACTING PRESIDENT YOUNG: Thank you, Senator.

Senator Montgomery.

SENATOR MONTGOMERY: Yes, Madam President. Would the sponsor yield for a clarification question.

ACTING PRESIDENT YOUNG: Senator DeFrancisco, do you yield?

SENATOR DeFRANCISCO: Yes.

SENATOR MONTGOMERY: Yes, thank you.

Madam President, through you, I was under the impression that there were any number of measures that the corrections already takes for people who do this kind of awful act; i.e., muzzling them, or covering their face and mouth, and covering their cells so that they can't do -- throw stuff out of the cell. And also they spend time in lock-down.

That was my understanding, that there were several measures that are used. Is that not the case, to your understanding?

SENATOR DeFRANCISCO: Yes, those are options. This is just another measure. They're not mutually exclusive.

SENATOR MONTGOMERY: All right.

Thank you, Senator DeFrancisco.

Madam President, on the bill.

ACTING PRESIDENT YOUNG: Senator Montgomery, on the bill.

SENATOR MONTGOMERY: This is another instance where certainly this is behavior that is totally acceptable by any means by anyone, certainly me. But fortunately, DOCS has moved very aggressively to deal with these kind of people. And I think there could be perhaps nothing worse than going into an SHU, which happens to many people in this case.

It is no secret that many of the individuals who do this kind of activity, recognizing what the possible punishment will be, are mentally ill. And so what we have now is Senator DeFrancisco adding to the problem as opposed to the solution. DOCS has tried to come up with a solution. But this bill adds to the problem by extending the sentence, giving them another criminal charge while they're inside, which only extends their sentence much longer.

So while I certainly understand

Senator DeFrancisco's abhorrence to this kind of behavior -- I agree with him on that, but I don't agree that this is necessary or the method to deal with it. I think DOCS has a much better solution and process.

So I'm voting no. Thank you.

ACTING PRESIDENT YOUNG: Thank you, Senator Montgomery.

Senator Nozzolio.

SENATOR NOZZOLIO: Madam President, on the bill.

ACTING PRESIDENT YOUNG: On the bill.

SENATOR NOZZOLIO: Madam President and my colleagues, I rise to support Senator DeFrancisco's efforts to establish and keep establishing workplace safety in our correctional facilities.

That this issue is an issue that on its surface may not appear, to those not familiar with the dangers and practices in our prisons, as one that seems like such a big deal. But the fact of the matter is it is a very big deal for those brave men and women who work in our correctional facilities under

the most adverse of circumstances.

That for many years the laws simply tolerated correction officers and other correctional personnel to be attacked by inmates with their bodily fluids. That it was not unusual for those in our jails in this state, working in our jails, to be harassed by inmates dousing them with their bodily fluids. And up until just a few years ago, it was not a crime for those to engage in that type of behavior.

I had to work for many years with a number of my colleagues in this chamber, some who were also in the Assembly, to try to raise to the level of criminality inmates attacking correctional personnel with their bodily fluids. We succeeded in achieving that.

You could snicker at that issue, but the fact of the matter is it was a question of potential transmission of very serious diseases -- hepatitis, possibly HIV. That with the transmission of using those fluids as weapons, inmates in effect were given no reprimand whatsoever until we changed our laws.

Senator DeFrancisco's measure before us expands that protection to our correctional personnel so that inmates no longer will be able to use other bodily fluids for weapons, as weapons. That there have been inmates convicted under this provision of law and sentenced to additional time because of their behaviors.

And I can tell you that those who work in our correctional facilities, the correction officers, the teachers, the maintenance personnel, they all thank us for achieving this type of legal protection, so that the clear signal is that district attorneys will prosecute for this crime.

Madam President, it's an excellent measure. And that Senator DeFrancisco is to be congratulated for moving another step towards a safer workplace for those men and women who work under very adverse conditions in our state correctional facilities.

ACTING PRESIDENT YOUNG: Thank you, Senator Nozzolio.

Senator Hassell-Thompson.

SENATOR HASSELL-THOMPSON: Thank

you, Madam President.

If the Senator would yield for a couple of questions.

ACTING PRESIDENT YOUNG: Senator DeFrancisco, do you yield?

SENATOR DeFRANCISCO: Yes.

ACTING PRESIDENT YOUNG: The Senator yields.

SENATOR HASSELL-THOMPSON: Thank you.

Through you, Madam President, I wanted to be clear that I heard what I thought I heard. And that was that you say that spitting or any form of sputum was a possible transmittal vehicle for what diseases?

SENATOR DeFRANCISCO: I didn't say. I said it's -- I think Senator Nozzolio mentioned a couple of diseases. But sputum can contain infections, it can contain infections such as hepatitis. Senator Nozzolio mentioned that.

And it's an unhealthy situation. A correction officer could be speaking with an inmate and sputum could conceivably go into the officer's mouth or on their face, later be

put in the mouth indirectly.

So, you know, it's something that is just an expansion of the existing law.

ACTING PRESIDENT YOUNG: Senator Hassell-Thompson.

SENATOR HASSELL-THOMPSON: On the bill.

ACTING PRESIDENT YOUNG: Senator Hassell-Thompson on the bill.

SENATOR HASSELL-THOMPSON: Thank you.

I guess my concern continues to be, as that of Senator Duane, that we do not continue to purport the possibility that sputum is a vehicle or it is a bodily fluid that could contain or could transmit HIV. That is a misnomer.

And I think that we must be very careful, because part of all of the public health -- when we talk about public health issues, we talk about properly educating people about what is and what is not transmittable and what the vehicles are. And sputum and saliva are not transmitters of HIV. And so I just wanted to be clear that that was

not what this bill was purporting.

I certainly support the fact that this is -- it's a -- I think the nastiest thing you could do to any individual is to spit on them or to cause sputum deliberately and intentionally on any person. But I certainly don't want us to misconstrue what the reality is here.

ACTING PRESIDENT YOUNG: Senator Nozzolio, why do you rise?

SENATOR NOZZOLIO: I respectfully ask the Senator to yield.

ACTING PRESIDENT YOUNG: Senator Hassell-Thompson, do you yield?

SENATOR HASSELL-THOMPSON: Yes, I will yield.

ACTING PRESIDENT YOUNG: The Senator yields.

SENATOR NOZZOLIO: Senator Thompson, I certainly understand your line of logic here.

But just to ask through the chair that, Madam President, is Senator Thompson aware that there are many very serious diseases within our prison, particularly

hepatitis, and that that disease certainly is transmittable through human saliva?

ACTING PRESIDENT YOUNG: Senator?

SENATOR HASSELL-THOMPSON: Yes, certainly I am very aware that there are several strains of hepatitis that can, in fact, be transmitted by way of sputum. And to date, there are probably 12 new additional strains which they are examining.

I speak specifically, however -- and I hope that you did not misunderstand. And in case you did or anyone else did in this chamber, I do not disagree that it is an unhealthy practice. It is a nasty, low habit.

But that's not my issue. My issue is to be sure that when we present, that we do so correctly. Because it has taken millions of dollars, of Health Department dollars to educate the public properly and correctly about whether or not sputum is a transmittable bodily fluid for HIV. And that was my only statement.

SENATOR NOZZOLIO: Madam President, will Senator Thompson continue to yield.

ACTING PRESIDENT YOUNG: Senator Hassell-Thompson, will you continue to yield to Senator Nozzolio?

SENATOR HASSELL-THOMPSON: I continue to yield.

SENATOR NOZZOLIO: Thank you, Madam President. Thank you, Senator Thompson.

Senator Thompson's points are very well taken. I just wish to ask if the Senator is aware that the teachers and particularly the nurses within our correctional facilities of the state are extremely concerned that the transmission of the disease and the readily available transmission of disease through bodily fluids could result in serious injury, particularly to those healthcare workers and other correctional personnel who are asked to be involved in sometimes very intense altercations within our prison facilities.

ACTING PRESIDENT YOUNG: Senator?

SENATOR HASSELL-THOMPSON: I am fully aware, Senator. Through you, Madam President, I am fully aware.

I hope that my clarification did not in any way lead you or anyone to believe

that I intend to vote against this bill, because I don't.

However, again, my concern, as someone who has worked in the healthcare field, as someone who was a trainer and an educator for HIV and AIDS, as someone in this state who has gone across the state and taught adherence to medication treatment as well as transmittable vehicles, I would be irresponsible if I did not spend the time that I think is appropriate just to educate this body that when we get caught up -- and we've had this discussion in the past, but I think it's very important that we be clear about what diseases are transmitted by what vehicles.

And that was the only question that I raised, and I will in fact be voting for this bill.

ACTING PRESIDENT YOUNG: Thank you, Senator Hassell-Thompson.

Senator Nozzolio.

SENATOR NOZZOLIO: Thank you, Madam President. Will Senator Thompson be so kind as to continue to yield.

ACTING PRESIDENT YOUNG: Senator, do you yield?

SENATOR HASSELL-THOMPSON: Yes, I will, Madam President.

ACTING PRESIDENT YOUNG: The Senator yields.

SENATOR HASSELL-THOMPSON: Aching leg and all.

SENATOR NOZZOLIO: Thank you, Madam President. Thank you, Senator.

The question is -- and I certainly understand your comments and respect them. I think it's important to clarify these matters. And I also believe it's important to clarify intentions.

That this is important, extremely important to those who work in our correctional facilities. And I just wish to add that it's -- an inmate could be bleeding, and through the nose, mouth, teeth, whatever, in an altercation in a correctional facility. Oftentimes there are fights that correctional personnel are called upon to break up. And that blood certainly could be part of a sputum issue.

And I just wondered if Senator Thompson would also acknowledge that as part of something we'd like to try to prevent.

ACTING PRESIDENT YOUNG: Senator Hassell-Thompson.

SENATOR HASSELL-THOMPSON: Through you, Madam President. Since blood in any form is a transmittable form of HIV, then I would have to accept that under those circumstances, yes. But that's already covered as a bodily fluid in the language of the existing law.

ACTING PRESIDENT YOUNG: Thank you, Senator Hassell-Thompson.

Senator Nozzolio.

SENATOR NOZZOLIO: Madam President, Senator Thompson is correct. It has already been protected.

And I again thank the Senator for yielding, and I appreciate her constructive dialog on this matter.

ACTING PRESIDENT YOUNG: Thank you, Senator.

Senator Hassell-Thompson.

SENATOR HASSELL-THOMPSON: Thank

you, Madam President.

ACTING PRESIDENT YOUNG: Any 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 first of November.

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Announce the results.

Senator Nozzolio, to explain his vote.

SENATOR NOZZOLIO: Thank you, Madam President. My colleagues, again, I thank those who are supporting this measure because by --

ACTING PRESIDENT YOUNG: May we have some order, please. Thank you.

Senator.

SENATOR NOZZOLIO: Thank you, Madam President.

I, in supporting this measure, thank my colleagues who are supporting this measure, because in doing so they're supporting the brave men and women who work behind the walls in our correctional facilities. They walk the toughest beat in law enforcement in America. They're steadfast in their support. And this makes their jobs a little bit safer.

Senator DeFrancisco expanding the breadth of the protections that correctional personnel have is just another way to make our jails safer and make our jails a little less dangerous to work in.

That we worked very hard to establish this threshold. I am very happy that there are district attorneys throughout the state that are prosecuting this crime, actively, to protect those men and women who work in our correctional facilities. And I thank this body for taking another step to make our jails a safer place to work.

Madam President, I vote aye.

ACTING PRESIDENT YOUNG: Thank you, Senator Nozzolio. You will be recorded

in the affirmative.

Announce the results.

THE SECRETARY: Those recorded in the negative on Calendar Number 1870: Senator Montgomery.

Those Senators absent from voting: Senators Duane and Marchi.

Ayes, 57. Nays, 1.

ACTING PRESIDENT YOUNG: The bill is passed.

The Secretary will read.

THE SECRETARY: Calendar Number 1883, by Senator Marcellino, Senate Print 8188, an act to amend the General Obligations Law.

ACTING PRESIDENT YOUNG: Senator Schneiderman.

SENATOR SCHNEIDERMAN: Thank you, Madam President. I'm going to speak on the bill to save us time at this late hour.

I think we're all familiar with this bill in this house. This is a bill that is here as a Governor's program bill. Senator Marcellino is doing his duty as our chair of Environmental Conservation. Before him, it

was carried by Senator Saland, Senator Kuhl, Senator Hoffmann, back to Senator Cook, in one form or another.

It is a bill that has been a chestnut as a one-house bill and should pass from the scene as a one-house bill this year. And I do not believe that the next governor is going to introduce it as a program bill.

The reason this bill doesn't get anywhere, in spite of the vigorous debates that occasionally erupt in relation to it, is that this bill would take -- again, would be an assault on the law of negligence in the State of New York. This would say that a private landowner or their tenants or people who just maintain the property, who open their land, agree that their land can be used for any recreational use -- basketball, skateboarding, anything -- would be exempted from the ordinary rules of the law of negligence.

And again, this came up earlier today in the context of Senator Balboni's bill. Exempting people from the rule of negligence is a very serious blow to the

balance created by America's system of justice. All negligence requires, all the landowners have to do to avoid being liable for negligence is to behave reasonably.

Again, Black's Law Dictionary defines negligence as the failure to exercise reasonable care towards others. So we're not talking about people having to be perfect, we're not saying any little slip and you're liable. We're saying if you act unreasonably -- if there is a swimming pool with broken glass in it and you don't put a fence around it, you don't have a sign that says "Children Keep Out," that might be unreasonable. And it's a fact-by-fact situation.

This bill takes an area of law in which there are some very narrow exemptions -- hunting, fishing, organized gleaning, which I know is something that Senator Smith and Senator Hassell-Thompson like to engage in, boating, trapping, hiking -- that makes it clear we're talking about areas that are more or less wilderness areas, areas in the wild, and instead says any recreational use.

Which is a huge expansion of the pieces of property in our state as to which a landowner or tenant, whoever is in control of that property, is exempted from their responsibility to fence it off, to post it, to take all reasonable care to keep people and particularly children from being injured.

So I'm opposed to this bill for the same reason I opposed its predecessors. I think that we should be able to engage in our organized gleaning or other activities as we wish, which we're allowed to under the current state of law.

There also, as I have to note -- and this has been called to my attention by prior sponsors of this bill -- there is a body of case law that defines what we're talking about for property, but that body of case law is based on the definition of property as essentially property used for recreational activities in, you know, in the wild -- hang gliding, snowmobile operation, that kind of thing.

So when you make it any other recreational use, it opens up a whole broad

area of property that would thereby be exempt from any requirement that the landowner behave reasonably to provide notice, to provide protection to the public.

We're talking about recreation. That means we're talking about a lot of children in this state who would not be protected as well as they are today if this bill were to become law.

I don't think we're going to be seeing this bill again with a new governor, so let's bid it adieu as a one-house chestnut. I'm going to be voting no, with a little bit of nostalgia for it. I know Senator Balboni joins me in that.

Thank you, Madam President.

ACTING PRESIDENT YOUNG: Thank you, Senator Schneiderman.

Senator Montgomery.

SENATOR MONTGOMERY: Yes, thank you, Madam President. I just want to make a comment on this legislation, and certainly on the bill.

ACTING PRESIDENT YOUNG: On the bill.

SENATOR MONTGOMERY: Thank you.

I am not by any means an expert, and I really have never been involved in this debate. However, I do want to say one thing. It is very difficult now for children in my district, even my own son has been barred from doing any activity on the grounds where we live. And the reason for that is that the co-op is desperately afraid of having any kind of lawsuit. So none of the children who live in the development can utilize the grounds for any activity.

And children are not allowed to have recreational activities, physical activities, in many places in New York City because of the fear of lawsuits.

So in a sense we have severely curtailed the opportunity for young people to have the kind of physical activity that would prevent them from becoming obese, that would give them an opportunity to develop skills in certain sports and so forth and so on.

So I really am not sure that this bill would help with that situation. But, Madam President, I do assure you that there is

a very big problem with having recreational areas, especially outdoor areas, being subject to lawsuits which end up being an obstacle to having young people, especially in the urban areas, with very limited access to outdoor activities, that they are curtailed from doing anything because of the fear of lawsuits.

So I just want to make that statement, be on record saying that. And if I decide to support the legislation, I would like for you to understand why I'm doing that.

Thank you.

ACTING PRESIDENT YOUNG: Thank you, Senator.

Any other Senator wishing to be heard?

The debate is closed.

The Secretary will ring the bell.

Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Senator

DeFrancisco, to explain his vote.

SENATOR DeFRANCISCO: Yes, I'm voting no. And I've got an actual, real-life case under existing law to show why a bill like this is not good.

There's a client of mine who was on a reservoir near a hydroelectric plant that is used commonly for fishing in the North Country. He was with his 12-year-old son.

And they did not allow, this hydroplant did not allow the fishing and the use of that facility due to their goodness of their hearts; it was part of the requirement of their license to allow people to use that for recreation.

Well, what ended up happening, without notifying anybody, without any notices, any warnings or whatever, they opened the floodgates because the -- over the dam the water was too high. No sirens, no warnings, no anything.

Well, the two of them were carried through the place that they'd been on many times, carried through the floodgates, went down 60 feet. The father has got one leg

shorter than the other, and thank God the son was not hurt other than minor abrasions and so forth.

The case was thrown out because allowing this -- under existing law, that they were immune, even though they were required to do recreational use under their license. It went up on appeal, same thing citing this statute. No reason for any compensation.

Now, I think that's wrong, and I think an expansion of a bill like that is wrong. That's why I'm voting no.

ACTING PRESIDENT YOUNG: Senator DeFrancisco will be recorded in the negative.

Senator Morahan, to explain his vote.

SENATOR MORAHAN: Thank you, Madam President.

First, I would like to commend Senator Marcellino for proposing this law, this bill. It's well-intentioned but I think misdirected.

My concern is, frankly, that it is too broad, as has been stated in the opening dialogue. I think we need more space for our

children, but that can be done through Little League, that can be done through towns, municipalities, villages.

And I think just to open it up so wide that the mere fact that you've opened it up -- we don't know the condition of the property, we don't know anything about the property. So I think while it's well-intentioned, I can't support it. So I'm going to be voting no.

ACTING PRESIDENT YOUNG: Thank you, Senator Morahan. You will be recorded in the negative.

Senator Marcellino, to explain his vote.

SENATOR MARCELLINO: Yes, Madam President, briefly.

I thank my colleagues for their comments. And I tell you that should this bill come back next year, I will work with Governor-elect Faso to make it an even better bill.

(Laughter.)

SENATOR MARCELLINO: I vote aye.

ACTING PRESIDENT YOUNG: Thank

you, Senator Marcellino. You will be recorded in the affirmative.

Announce the results.

THE SECRETARY: Those recorded in the negative on Calendar Number 1883 are Senators Breslin, Connor, Coppola, DeFrancisco, Dilan, Gonzalez, Hassell-Thompson, Klein, L. Krueger, Morahan, Onorato, Parker, Paterson, Sabini, Sampson, Savino, Schneiderman, Serrano, A. Smith, Stachowski and Stavisky. Also in the negative, Senator Montgomery.

Those Senators absent from voting: Senators Duane and Marchi.

Ayes, 36. Nays, 22.

ACTING PRESIDENT YOUNG: The bill is passed.

The Secretary will read.

THE SECRETARY: Calendar Number 1884, by Senator Golden, Senate Print 8201, an act to amend the Real Property Tax Law.

SENATOR LIZ KRUEGER: Explanation.

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

SENATOR GOLDEN: Thank you, Madam President.

The 421-a has allowed for affordable housing and gives tax benefits to those with 421-a housing. It has been in operation since 1971, has allowed for 130,000 units to be built in New York City. And this is a New York City bill, and it is an extender for one year to the year 2007.

ACTING PRESIDENT YOUNG: Thank you, Senator.

Senator Krueger.

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

ACTING PRESIDENT YOUNG: On the bill.

SENATOR LIZ KRUEGER: So the City of New York has actually created a task force to reevaluate the 421-a program, based on the fact that there's enormous data that at least over the last decade this program, at least in its existing form, has ended up being a subsidy program not for affordable housing but in fact, in many cases, luxury units.

For the record, many of the units

that have been created under 421-a actually are in my district. And as most people might be aware, my district is now some of the most expensive real estate in the country if not the world. And the data shows that the 421-a tax exemptions are not being used to build affordable housing in my district, but are often being used by luxury developers.

Some of the most expensive towers in my district that have gone up in the last decade have taken advantage of the 421-a program. And in fact, in a recently reported New York Times story from April 12, 2006, they profiled 10 apartment buildings that got tax breaks under 421-a, with an individual building owner averaging $9.4 million in tax deductions during the period of the tax break, but not one of the buildings included a 2-bedroom apartment renting for less than $2,000 a month.

The report went on to analyze that in the TriBeCa area of the city, the apartments that were getting 421-a exemptions were renting for as much as $4200 to $5000 a month.

In 1971, when 421-a was first created, it was a very different situation in the City of New York. And I would argue that at one time this was a reasonable model for tax exemptions. But in 2006, it is estimated that the City of New York will lose annually over $300 million in taxes due to the 421-a system and that tax loss will have very little correlation to the increased building of affordable units. Imagine what we could do in the City of New York with another $320 million to build affordable housing.

So despite the fact that the 421-a program is, I would argue, most frequently used in my own district, it is the wrong answer for the 21st century for the City of New York. I look forward to the Mayor's task force coming out with their report on recommendations for radically reforming this program.

And I do not see any motivation for us to wish to extend this program even for another year, because as I read this bill this would allow for continued exemptions for new developments commencing before December 2007

through December 2008. And since we're really only in June 2006, what this bill, if it became law, would do is to extend the existence of a program that has already shown itself to no longer be appropriate for building appropriate housing in the City of New York through the end of 2008.

And even though the Mayor's people, I am advised, are not yet ready to make their recommendations for changes in the law, I personally think it would be fine to allow this law to sunset and start again with new recommendations out of the city.

I'll be voting no. Thank you, Madam President.

ACTING PRESIDENT YOUNG: Thank you, Senator Krueger.

Any other Senator wishing to be heard?

Senator Golden.

SENATOR GOLDEN: On the bill, Madam President.

ACTING PRESIDENT YOUNG: Senator Golden, on the bill.

SENATOR GOLDEN: I thank the

Senator for her statements on 421-a. And I too believe that 421-a should be used for affordable housing.

But this 421-a has allowed for tremendous construction of new housing in the City of New York. And I will point out that Senator Krueger voted aye the last time, and this has been voted unanimously in the past.

And I vote aye. Thank you.

ACTING PRESIDENT YOUNG: Thank you, Senator Golden.

Senator Montgomery.

SENATOR MONTGOMERY: Yes, Madam President. My district, similar to how Senator Krueger describes her district, my district is simply being overbuilt with basically very, very high-end luxury condominiums. And because of the location where I am, these condominiums, these developers have, as a right, access to 421-a tax abatement.

And I think, in the least, when and if we renew the 421-a or extend the 421-a program, it should require that it be targeted to those buildings that afford middle-income

working people an opportunity to be able to live and work in the city.

So I'm going to oppose this straight-out extension because it does not contain any requirement for developers to do affordable housing. And so they're building luxury condos and they're advertising them that they start at $550,000 for a small condo unit in a building on the corner of X and Y Avenue. So this really does not help people in New York City.

This is a developer's program. In my opinion, it's the developer's welfare program. We should end it. At least we should target it to housing that is the most needed, to the most-needed New Yorkers. I would like to see teachers and police officers and firemen and the young families and artists be able to continue to live in my district. And as it goes now, they're not, and we're subsidizing their displacement.

So I'm going to vote no.

ACTING PRESIDENT YOUNG: Thank you, Senator Montgomery.

Any other Senator wishing to be

heard?

Senator Schneiderman.

SENATOR SCHNEIDERMAN: Thank you, Madam President.

I'll try to be brief because this is, I believe, the last bill we're going to be doing today. But I really do want to urge my colleagues to consider what Senator Krueger and Senator Montgomery have talked about.

The Mayor has just convened a task force on tax breaks for housing developers, yet we're rushing forward with this bill today to extend the 421-a program without any reform to the program without waiting for the results or findings of that task force.

Two housing advocacy groups, Habitat for Humanity in New York City and the Pratt Center for Community Development, released a report in April essentially documenting the fact that the 421-a -- and I'm quoting from the report: "In its present form, the 421-a program is a massive misuse of the tax dollars of New York City residents."

"It continues to subsidize luxury homes in expensive neighborhoods with nearly

80 percent of the benefits going in Manhattan. It subsidizes buildings that would have been built anyway, at an annual cost to the city of $300 million and rising fast, and it creates very little affordable housing."

Ladies and gentlemen, we should at least consider reforms to the system. We should at least allow the Mayor's task force to complete its work before we vote to extend it without any reforms.

There are others who are testifying and submitting information to the task force in addition to these groups, but it is clear that we are not getting our bang for the buck and this program, at the very least, is subsidizing developments that would get built because of the nature of the market whether or not they received a subsidy.

Let's concentrate on the crisis for low- and moderate-income people in our city who cannot afford to live in the communities that they come from. Let us concentrate on that. Let us reform this program before we renew it.

I'm going to be voting no, Madam

President.

ACTING PRESIDENT YOUNG: Thank you, Senator Schneiderman.

Senator Connor.

SENATOR CONNOR: Thank you, Madam President.

You know, we had a big fight over this years ago and tried to make some of these programs not applicable to Manhattan. But, you know, the market has changed so much where we are now.

In my district in Brooklyn, in downtown Brooklyn, they are building. They are building in every available space they can find, and they are building very, very expensive apartments. You know, efficiencies start at $800,000 and a one-bedroom, $1.1 million; a two-bedroom, $1.4 million. They sell out before they finish building or converting, in some cases, old factory buildings.

Once upon a time we needed this kind of incentive program. There was no market. There were no people willing to invest in building in New York City. Now

they're tripping over each other to build.

One potential project, they paid -- the developer paid $110 million for an old factory loft building, was converting it into very expensive condominiums. And the buyers of the condominiums will get the tax subsidy from 421-a. Anybody who buys an apartment for $2 million or $3 million doesn't really need a whole lot of help from City of New York's taxpayers to get there.

And what I'm concerned about -- and by the way, Senator Krueger mentioned my district, TriBeCa. I think actually TriBeCa has gotten more expensive than the Upper East Side. And once upon a time there was no TriBeCa. When I was first elected, it was just a bunch of lofts over there.

The Lower East Side, the Lower East Side -- where, frankly, it was pretty rough in Alphabet City 20 years ago, 25 years ago when I was representing it -- now the long-time residents are being chased out, rents have skyrocketed, new construction is going up wherever it can. But it's very, very expensive. There are virtually no set-asides

for affordable housing.

When I say "affordable," I don't just mean housing for the poor, I mean for working families, middle-middle-class families can't afford to live there anymore. In a neighborhood that 25 years ago you would have talked about as one of the classic poorer slum neighborhoods in New York City.

So we really need to revisit this. I'm not saying we shouldn't have a housing program. Where are the set-asides for affordable housing? Oh, occasionally if you get a developer that needs a zoning variance, local officials can squeeze them for -- and they used to say we can't afford to set aside more than 15 to 20 percent; the numbers don't work. Well, at today's numbers you can afford to set aside 40 to 50 percent of these units for affordable and still make money if you're a developer.

So we shouldn't be subsidizing rampant greed. We should be subsidizing responsible development.

My only dilemma about this bill is it's a one-year extender and I do think we

need to have some reliability or predictability if we're going to encourage people to continue to build, because these things don't get built overnight. So if I thought this were going to be close, I might be tempted to say, well, okay, one more extension.

But the Mayor has appointed a panel to investigate changes. I think we ought to keep his feet to the fire. I'm not saying I would let this expire at the end of this year, but something tells me we'll be back before then if we needed a six-month sentence.

But I'd rather do an extension with changes. We really need to take a look at what's going on. Look, it's not bad that people are willing to invest a lot of money in New York City and create new housing. What is bad is we are quickly heading toward what you see in Paris, where the poor people live in the suburbs. And those of who you represent the near suburbs may be noticing demographic change in the districts you represent. It's because working-class people and poor people, in between jobs or have those kind of jobs

that aren't that stable, low-income, are being pushed out to the suburbs.

If you go to Paris, the poorest people live in the farthest suburbs. And back when they had all those disturbances last year, it was in the suburbs. Why? Only the wealthy can live in the city. Well, that's what's starting to happen in New York. And not just Manhattan, it's starting to happen in large parts of Brooklyn, it's getting into Queens, it's happening throughout the city. Folks can't afford to live in Harlem anymore if you've got to pay market. That's a hot neighborhood. I mean, you name it.

So we really have to take a look at what we're doing here, or else the poorest people will have to pay the most transportation costs -- which we know are increasing because of energy considerations -- to get to the lowest-paid jobs in the city. And you're going to be talking about the poor suburbs in many, many cases before long.

So I'm going to vote no as a protest and encourage the city do something about this. Let's have a housing incentive

program for the 21st century. This was a program for the 1970s and 1980s. The market conditions, the economy of the city were far different then. Let's have a program for now.

ACTING PRESIDENT YOUNG: Thank you, Senator Connor.

Any other Senator wishing to be heard?

The debate is closed.

The Secretary will ring the bell.

Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Announce the results.

THE SECRETARY: Those recorded in the negative on Calendar Number 1884 are Senators Breslin, Connor, Coppola, Diaz, Dilan, L. Krueger, C. Kruger, Montgomery, Onorato, Oppenheimer, Padavan, Parker, Paterson, Savino, Schneiderman, Serrano, and Stachowski.

Absent from voting: Senators Duane and Marchi.

Ayes, 41. Nays, 17.

ACTING PRESIDENT YOUNG: The bill is passed.

That concludes the reading of the controversial calendar for Supplemental Calendar Number 58A.

Senator Fuschillo.

SENATOR FUSCHILLO: Madam President, is there any other business at the desk?

ACTING PRESIDENT YOUNG: We have housekeeping, Senator.

SENATOR FUSCHILLO: Please take up the motions.

ACTING PRESIDENT YOUNG: Senator Nozzolio.

SENATOR NOZZOLIO: Thank you, Madam President.

On page 9 I offer the following amendments to Calendar Number 244, Senate Print Number 6471D, and ask that said bill retain its place on Third Reading Calendar.

ACTING PRESIDENT YOUNG: Thank

you, Senator. The amendments are received, and the bill will retain its place on the Third Reading Calendar.

Senator Nozzolio.

SENATOR NOZZOLIO: Madam President, on page 8 I offer the following amendments to Calendar Number 226, Senate Print Number 6015A, on behalf of Senator Seward, and ask that said bill retain its place on Third Reading Calendar.

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

Thank you, Senator.

Senator Little.

SENATOR LITTLE: Thank you, Madam President.

On behalf of Senator Seward, I wish to call up Senate Print Number 7040, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT YOUNG: The Secretary will read.

THE SECRETARY: Calendar Number 727, by Senator Seward, Senate Print 7040, an

act in relation to legalizing.

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

ACTING PRESIDENT YOUNG: Call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

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

ACTING PRESIDENT YOUNG: The amendments are received.

Senator Fuschillo.

SENATOR FUSCHILLO: Madam President, there will be a meeting of the Rules Committee tomorrow, June 20th, at 11:30 a.m. in the Majority Conference Room.

ACTING PRESIDENT YOUNG: Thank you, Senator. There will be a Rules Committee meeting tomorrow at 11:30 in the Majority Conference Room.

SENATOR FUSCHILLO: There being no further business, I move we adjourn until Tuesday, June 20th, at 1:00 p.m.

ACTING PRESIDENT YOUNG: On

motion, the Senate stands adjourned until Tuesday, June 20th, at 1:00 p.m.

(Whereupon, at 7:46 p.m., the Senate adjourned.)