NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

June 22, 2006

10:30 a.m.

REGULAR SESSION

LT. GOVERNOR MARY O. DONOHUE, President

STEVEN M. BOGGESS, Secretary

P R O C E E D I N G S

THE PRESIDENT: The Senate will please come to order.

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

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

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

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

THE PRESIDENT: Reading of the Journal.

THE SECRETARY: In Senate, Wednesday, June 21, the Senate met pursuant to adjournment. The Journal of Tuesday, June 20, was read and approved. On motion, Senate adjourned.

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

As we near the close of this session, I want to thank each and every one of

you for your cooperation.

Senator Bruno, obviously, as our Majority Leader, without his efficiency and his diligence, we never could have accomplished all that we have.

I thank Senator Bruno, Senator Paterson, before him -- because for me, this is -- we may be seeing each other again later in the year, but we may not. So I want to thank Senator Paterson's predecessor, Senator Connor, as well as each and every one of you.

You have made this, and I mean this from the bottom of my heart, you have made this a very enjoyable experience for me, with the bipartisan cooperation. We've moved the calendars ahead smoothly, I think, because of that spirit of bipartisan cooperation, for the benefit of the people.

And I'm confident we're going to close this session in the same manner. Right? Is there agreement? Can we vote on that? All in favor, please signify by saying aye.

I wish you the very best. I feel a bond, a positive bond with each and every one of you. Where's Senator Duane? That includes

him too.

Have a great summer, and I look forward to seeing all of you again. Good luck.

(Extended applause.)

THE PRESIDENT: Presentation of petitions.

Messages from the Assembly.

Messages from the Governor.

Reports of standing committees.

The Secretary will read.

THE SECRETARY: Senator DeFrancisco, from the Committee on Judiciary, reports the following nomination.

As a judge of the Oneida Family Court, Randal B. Caldwell, of Utica.

THE PRESIDENT: Senator DeFrancisco.

SENATOR DeFRANCISCO: Yes, thank you, Madam President.

I rise to move the nomination of Randal Caldwell for the position of judge of the Oneida County Family Court.

The Governor as well as the Senate have reviewed his qualifications and his

submissions. He appeared before the Judiciary Committee today and was determined to be qualified and passed unanimously to the full Senate.

And I would move that nomination and request that you call on Senator Meier to second.

THE PRESIDENT: Senator Meier.

SENATOR MEIER: Thank you, Madam President.

I'm pleased to rise to second the nomination of Randal Caldwell as a judge of the Family Court for Oneida County. I have known Randy Caldwell for many years as a practicing lawyer, and he brings significant experience to this position.

His legal background encompasses serving as a law clerk, as an assistant district attorney, where he prosecuted every manner of case as a municipal attorney serving for the towns of Marcy and Deerfield, as a privately practicing attorney, where he's had the kinds of varied experience that is necessary for Family Court. And also presently serving as the county attorney of

Oneida County, which, as everyone knows, is a position which holds significant responsibilities before the Family Court.

One of the things I think that I always look for as we review judicial candidates is whether the candidate has a rounded life outside of the law office and the courtroom, because that tells you something about the person's character. And Randy Caldwell is such a person. He serves as a volunteer fireman, he's coached both baseball and hockey, working with kids in the community where he practices law.

And it shows you, I think, that he understands that you need to do more than just make your living practicing law, you need to put something back into the community.

And I would suspect that in particular his work as a volunteer fireman will serve him well in Family Court, where you're going to put out a few fires now and again.

He is my good friend, he's a great lawyer, he's going to be a great judge. And, Madam President, I'm pleased to second his

nomination.

THE PRESIDENT: All in favor of the nomination of Randal B. Caldwell, of Utica, as a judge of the Oneida Family Court please signify by saying aye.

(Response of "Aye.")

THE PRESIDENT: Opposed, nay.

(No response.)

THE PRESIDENT: The nominee is hereby confirmed.

Congratulations, Judge Caldwell, and best wishes for success.

(Applause.)

THE PRESIDENT: Judge Caldwell is accompanied today by his uncle, Robert Basmajian, and his secretary, Rose Grimaldi.

Have a great celebration.

Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

SENATOR ROBACH: Madam President, are there any motions or substitutions at the desk?

THE PRESIDENT: Yes, there are,

Senator.

The Secretary will read.

THE SECRETARY: On page 10, Senator Young moves to discharge, from the Committee on Rules, Assembly Bill Number 3676D and substitute it for the identical Senate Bill Number 568C, Third Reading Calendar 334.

On page 10, Senator Young moves to discharge, from the Committee on Rules, Assembly Bill Number 9703A and substitute it for the identical Senate Bill Number 6508A, Third Reading Calendar 343.

On page 18, Senator Winner moves to discharge, from the Committee on Rules, Assembly Bill Number 9995A and substitute it for the identical Senate Bill Number 6767A, Third Reading Calendar 707.

On page 20, Senator Spano moves to discharge, from the Committee on Rules, Assembly Bill Number 10922B and substitute it for the identical Senate Bill Number 7318B, Third Reading Calendar 752.

On page 23, Senator Flanagan moves to discharge, from the Committee on Commerce, Economic Development and Small Business,

Assembly Bill Number 10327 and substitute it for the identical Senate Bill Number 7152, Third Reading Calendar 851.

On page 30, Senator Wright moves to discharge, from the Committee on Rules, Assembly Bill Number 891F and substitute it for the identical Senate Bill Number 5005F, Third Reading Calendar 1044.

On page 31, Senator Saland moves to discharge, from the Committee on Rules, Assembly Bill Number 9907A and substitute it for the identical Senate Bill Number 6871A, Third Reading Calendar 1099.

On page 35, Senator Little moves to discharge, from the Committee on Finance, Assembly Bill Number 10724 and substitute it for the identical Senate Bill Number 7740, Third Reading Calendar 1185.

On page 39, Senator Winner moves to discharge, from the Committee on Rules, Assembly Bill Number 10680A and substitute it for the identical Senate Bill Number 7246A, Third Reading Calendar 1281.

On page 40, Senator Seward moves to discharge, from the Committee on Rules,

Assembly Bill Number 11199B and substitute it for the identical Senate Bill Number 7737B, Third Reading Calendar 1323.

On page 48, Senator LaValle moves to discharge, from the Committee on Rules, Assembly Bill Number 10409B and substitute it for the identical Senate Bill Number 7081B, Third Reading Calendar 1498.

On page 51, Senator Padavan moves to discharge, from the Committee on Rules, Assembly Bill Number 9935B and substitute it for the identical Senate Bill Number 6719B, Third Reading Calendar 1611.

On page 53, Senator Golden moves to discharge, from the Committee on Rules, Assembly Bill Number 11255A and substitute it for the identical Senate Bill Number 7885C, Third Reading Calendar 1744.

On page 55, Senator DeFrancisco moves to discharge, from the Committee on Rules, Assembly Bill Number 4135C and substitute it for the identical Senate Bill Number 44C, Third Reading Calendar 1889.

On page 55, Senator Oppenheimer moves to discharge, from the Committee on

Rules, Assembly Bill Number 10388B and substitute it for the identical Senate Bill Number 7444B, Third Reading Calendar 1910.

On page 56, Senator Golden moves to discharge, from the Committee on Rules, Assembly Bill Number 9128A and substitute it for the identical Senate Bill Number 6014A, Third Reading Calendar 1947.

And on page 57, Senator Oppenheimer moves to discharge, from the Committee on Rules, Assembly Bill Number 11747A and substitute it for the identical Senate Bill Number 8156A, Third Reading Calendar 1989.

THE PRESIDENT: Substitutions ordered.

Senator Robach.

SENATOR ROBACH: Madam President, there is a resolution at the desk by Senator Marchi. If we could have that read in its entirety and move for its immediate adoption.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: By Senator Marchi, Legislative Resolution Number 6248, honoring the life and accomplishments of

former Member of the Assembly Elizabeth Connolly.

"WHEREAS, This Legislative Body is greatly moved to recognize and pay reverent tribute to Elizabeth A. Connelly, a cherished friend and distinguished former colleague who passed away on May 25, 2006, at age 77; and

"WHEREAS, Elizabeth 'Betty' Connelly served with flair, elegance and distinction as a member of the New York State Assembly from 1973 through 2000, most honorably representing the Richmond County citizens of the 61st Assembly District from 1973 through 1982, the 58th Assembly District from 1983 through 1992, and the 59th District from 1993 until her retirement in 2000; and

"WHEREAS, Born Elizabeth Ann Keresey on June 19, 1928, Elizabeth Connolly was born in Brooklyn and raised in the Depression-era Bronx, where she attended Walton High School. In the mid-1940s, she worked as a secretary at the New York Life Insurance Company. Then, from 1946 to 1954, she worked in Pan American World Airways' cargo and telephone sales office, with her

future husband, Robert Connelly, whom she married on September 6, 1952; and

"WHEREAS, A resident of Staten Island since 1954, and a homemaker raising her four children, she became an involved and valued member of many community organizations. She had developed a keen interest in politics at an early age, soaking up the political discussions of her mother and grandparents at the family's kitchen table, and naturally gravitated to local politics, first helping several friends and, soon, becoming involved herself; and

"WHEREAS, When she was elected to the Assembly in 1973, Elizabeth Connelly became the first woman from Staten Island ever elected to public office and went on to be reelected 13 times and to have a storied 27-year career of many firsts, virtually unmatched in the Assembly; and

"WHEREAS, In 1977, Elizabeth Connelly was appointed chairwoman of the Assembly Committee on Mental Health, Mental Retardation, Developmental Disabilities, Alcoholism and Substance Abuse, making her the

first woman Democrat ever to chair an Assembly standing committee; and

"WHEREAS, She led the mental health committee until 1993, when she was appointed to chair the Committee on Standing Committees, the highest-ranking leadership post ever held by a woman in the Assembly until, in 1995, she was named to the highest-ranking leadership post held by a woman in the history of the New York State Assembly, Speaker Pro Tempore, a position in which she truly excelled; and

"WHEREAS, As the voice of The People's House, Elizabeth Connelly's respect for tradition and achievement, for civility and propriety, for dignity and graciousness, at all times and under all conditions, whether extending her heartfelt greetings to the countless guests who came to the Assembly Chamber from around the world or presiding over a contentious debate, were extraordinarily and greatly admired by all; and

"WHEREAS, She also served on the Health, Correction, Veterans' Affairs and Rules Committees, as a member of the Committee

on Ways and Means, chair of the Assembly Intern Committee, chair of the Assembly Subcommittee on Drunk Driving, member of the Assembly Subcommittee on Women Veterans and, in 1993, was selected by her colleagues to chair the New York State Legislative Women's Caucus; and

"WHEREAS, Elizabeth Connelly was named to, as well, and ably served on, the State Ad Hoc Task Force on AIDS, the Assembly Task Forces on the Homeless and New Americans, the Governor's Interagency Task Force on Troubled and Needy Children, and the State Task Force on Implementation of the Americans with Disabilities Act of 1990; and

"WHEREAS, She was a prime sponsor, in the Assembly, for legislation that created the Charter Commission for the City of Staten Island, and she served as the vice chairwoman of that commission; and

"WHEREAS, She was a strong advocate for the people of Staten Island in the expression of their interest in self-governance; and

"WHEREAS, In every instance, she

authored or was instrumental in the passage of legislation greatly affecting the lives of citizens across the state. They include the Stop DWI Program, the raising of the state's legal drinking age from 18 to 19 (later raised to 21), a treatment program for compulsive gamblers, the first halfway house for women of the metropolitan area addicted to alcohol, treatment and education for victims of brain injuries, the rights of veterans, both male and female, and the prohibition of cars passing a school bus stopped with its lights flashing, first gaining its extension to Staten Island, then the entire state, including New York City; and

"WHEREAS, Elizabeth Connelly is perhaps, though, best known for her advocacy and leadership on behalf of people with a mental illness and those who have a developmental delay. Her efforts influenced vast improvements in the mental health community, including the reorganization of the State Department of Mental Hygiene, the closure of the Willowbrook State School, and the movement to community-based care; and

"WHEREAS, Elizabeth Connelly was a great lady and remarkable leader because her leadership was not merely defined by her character but by the battles she chose to fight; and

"WHEREAS, Her commitment and leadership extended to her community as well. She was a member of numerous boards, committees, societies, councils and other community organizations. She served as the first woman chair of the Board of Trustees of Staten Island University Hospital. She was honored many times for her contributions and service. Six facilities on Staten Island are already named in her honor. She and Robert were long-time active members of Blessed Sacrament Roman Catholic Church, where in 2002 they celebrated their 50th wedding anniversary, and together they also served on the board of the Staten Island September 11 Fund to aid local families of the victims of that tragic day; and

"WHEREAS, Elizabeth Connelly is survived by her husband, Robert V. Connelly; her three daughters, Alice M. Lanzi, Margaret

A. Nicholson, and Therese B. Shannon; her son, Robert V. Connelly, Jr.; her seven grandchildren, Michael and Elizabeth Lanzi, Richard, Thomas and Kerry Nicholson, and Jack and Brian Shannon; and a legion of friends, family members and colleagues for whom she was an inspiration and who will long remember her generosity of spirit; and

"WHEREAS, Trusted advisor, steadfast friend and tenacious fighter on behalf of the people she served and the things in which she believed, Elizabeth Connelly truly merits the grateful tribute of this Legislative Body; now, therefore, be it

"RESOLVED, That this Legislative Body pause in its deliberations to honor and pay grateful tribute to the life and accomplishments of Assemblywoman Elizabeth A. Connelly, recognizing the significance of her exemplary record of public service and dedicating ourselves anew to the causes and people she served so well; and be it further

"RESOLVED, That a copy of this resolution, suitably engrossed, be transmitted to the family of Elizabeth A. Connelly with

the deepest condolences of this Legislative Body."

THE PRESIDENT: Senator Marchi.

SENATOR MARCHI: Madam President, it was my good fortune to know Betty Connelly, or Elizabeth Connelly, very well. And she was truly a landmark in Staten Island, and we're extremely proud of her.

We have another member here from Staten Island; we never had this much.

But Betty was special. And her daughter also works with me in Staten Island, and they're an exceptional family.

When we consider the fact that she was chairwoman of the Assembly Committee on Mental Health, Mental Retardation, Developmental Disabilities, Alcoholism and Substance Abuse, making her the first woman Democrat ever to chair an Assembly standing committee.

And she set -- established an early mark. And she's revered and prayed for by so many people in Richmond County, but also the State of New York and the United States, because she pioneered those who had suffered,

by circumstances, deficiencies and difficulties.

So when I see you, Madam President, I see you as a future -- all right, I won't disclose, but I think all of us share a very sympathetic view of you. And it's just wonderful to see you up there, as it was wonderful to see Betty Connelly up there. And she did it in the Assembly, where the membership was much bigger.

So these facts are here, and there are others who will join in, I'm sure, extending to her their heartfelt feelings. And this will be treasured. I know that her husband, if he could have been here, would have. And he will be delighted that we took this action here on the floor of the Senate, and tracking with also the homage paid to her by the Assembly.

So, Madam President, I'm very proud to see this come before the full Assembly. And if you assent to this, maybe 30 or 40 years from now I'll come back, I promise, for you too.

Thank you.

THE PRESIDENT: Thank you, Senator Marchi.

Senator Padavan.

SENATOR PADAVAN: Yes, thank you, Madam President.

First let me thank Senator Marchi for introducing this resolution and presenting it to us in the manner which he just did.

From 1976 to 1986, Betty Connelly and I found ourselves in the unique position of each chairing, in our respective houses, what was then the Senate Committee on Mental Health, Addiction, involving two committees that now exist, at a point in time with Governor Carey and others spearheading initiatives of a total restructuring of the delivery system for the mentally ill, the addicted, the retarded in the State of New York.

Hundreds of different bills, legislation, each one a landmark in its own way, were presented to the Legislature, developed by the Legislature for enactment.

Betty and I traveled around the state, in many different places, from

Rochester to New York City, over an extended period of time, holding hearings. And we did so knowing full well that this was far from a partisan issue, that together we wanted to do the best we could do for those were, for reasons unbeknownst to us, deprived of one faculty or the other, addicted in one form or the other, and had to be dealt with in an appropriate way.

And so for ten years, she and I worked together creating the Quality of Care Commission, the site selection law, the reorganization of OMH, the development of OMRDD, and the list goes on and on and on. And it was a very productive time.

It was a joy to work with her. She was a not only a bright woman in every respect, and a great legislator, but also one you could relate to on a personal level and communicate with in a way that is sometimes unique.

And if there were any successes that we all enjoyed during that decade, it was because of her dedication and hard work.

And so, Senator Marchi, your

resolution says it all, in far more eloquent ways than I can. But we build on the shoulders of others, we all know that. As time evolves, whatever we've accomplished years from now won't even be remembered. But this resolution will be on the record telling everyone what this great lady did for that period of time. And I thank you for doing it.

THE PRESIDENT: Senator Savino.

SENATOR SAVINO: Thank you, Madam President.

I also want to thank Senator Marchi for bringing this resolution commemorating the life of Elizabeth Connelly, whose passing certainly devastated Staten Island. We were heartbroken when she left us recently. She was a true example of what all of us should strive to be.

And a lot has been made about the fact that Betty Connelly was the first woman ever elected from Staten Island. And it's on her shoulders that I stand.

When she first came here, she used to tell me that they didn't even have a ladies' room on the floor of the Assembly.

And it was much harder for her; she was a young woman with small children. And yet she managed to tend to the needs of her family -- her husband, Bob, her three kids -- come up here every week, do what was necessary for Staten Island. She became one of the greatest advocates for women, women who suffer from substance abuse, and mental health.

Some of her crowning achievements in Staten Island is erasing the image of Willowbrook and replacing it with the Elizabeth Connelly Center and becoming a model for mental health services.

The last time I saw Betty was about two months ago at a luncheon for Amethyst House. Amethyst House was a program that she helped found for women who suffered from substance abuse, a place where they could go to get treatment and that their children could be with them so that their families would remain intact while they suffered through what was a terrible time for them.

Betty never gave up on any of her causes. Even after she left the Assembly, she remained active in community causes. And she

was an inspiration to all of us. She worked harder than us, she was more inspiring than any of us could ever be. And her loss to Staten Island and to New York City is certainly something that is going to take us quite a while to get over.

So I want to thank you, Senator Marchi, for allowing us to take this moment to recognize Elizabeth Connelly.

THE PRESIDENT: Senator Leibell.

SENATOR LEIBELL: Thank you, Madam President.

In listening to my colleagues' comments and their recollections, I went over earlier in the week to the Assembly when they were having the commemoration in honor of Betty Connelly. And I served for 12 years in that house and served with Betty. And like my colleagues say, she was truly a remarkable woman.

And she was a leader, but not just in terms of the definition we use in the Capitol for leader. She was a leader in every way. As was noted, she was at the forefront of helping people who were less fortunate in

life, people with handicaps, a variety of types of disabilities. And I might add, this continued even after she left the State Legislature.

So to lose Betty Connelly is truly a great loss for all of us, for the people of this great State of New York, and especially for her own family. I know her family quite well. As she became ill, she was brave in her illness, as she was brave in all the issues she fought for in public life.

So we will all greatly miss Betty Connelly.

THE PRESIDENT: Senator Little.

SENATOR LITTLE: Thank you.

I certainly knew Betty Connelly as a member of the Assembly for seven years. But we also had a connection, as I do with Senator Marchi, because I lived on Staten Island for two years. So I'm not totally an Adirondack woman.

I taught school at PS 8 in Great Kills and always enjoyed talking about Staten Island with Betty Connelly. And we actually had some people that we both knew in common.

Well, when I got to the Assembly, Betty Connelly was an example for what a woman legislator -- what any legislator should be. She was absolutely a wonderful person, a wonderful model for other legislators, and a mentor for many of us as we came on board.

Her years as speaker pro tem were perfect examples of what a person's demeanor should be and how they should respect other people regardless of their party, but always listening and dealing with them in a very, very respectful way.

The one thing I also noticed about Betty, and I think everyone did, is that she loved her position, she loved representing Staten Island, and she loved everything that she was doing up here.

She was a great person. We all miss her, and I'm sure her family misses her greatly as well. But it was an honor to have known her.

Thank you.

THE PRESIDENT: Senator Flanagan.

SENATOR FLANAGAN: Thank you, Madam President.

I too had the opportunity to serve with Assemblywoman Connelly for 16 years.

A couple of brief observations. I would characterize her as sort of the female equivalent of John Marchi. Everybody -- and maybe it's a Staten Island thing, but everybody listens, everybody reveres them, and everybody respects them.

She exemplified what the real meaning of being a lady is. I think she exemplified the qualities in human beings that we would all like to see and hopefully emulate. And she just had a certain temperament and demeanor, as Senator Little spoke of. When she was on the rostrum, she just sort of had this look. She could just give you a glance, and you knew you were supposed to sit down or be quiet or whatever the case was.

But she was a terrific person to deal with, and her legacy as a public servant and great human being will stand the test of time in a very positive way.

THE PRESIDENT: Senator Robach.

SENATOR ROBACH: Yes, Madam

President. I too rise, served 10 years with Betty Connelly, not only worked with her in the Legislature but also in the Irish Legislators Society as an officer.

And in addition to the many, many great legislative accomplishments she had with people with disabilities, people dealing with substance abuse, mental health issues, gambling addictions, crime victims, DWI victims, I think it's important for the record to note that I think Betty exemplified, more so than anybody I know in the Legislature, in a nonpartisan, human way, a real civility to the Legislature that is an example, something we could probably all use more of.

She was not only effective and direct, she treated everyone -- and I mean everyone, of every party, whether they were new or a long-standing legislator or a constituent, for that matter -- with the utmost degree of respect. And we are diminished by her leaving the Legislature, but more so by her passing.

And I would even go one step farther, to say she was not only a role model

in the Legislature but I think a role model to all of us, as a human being, as a neighbor, a community activist, a mother and a friend. And while she's gone, she will not be forgotten.

And I too would thank John Marchi for bringing this important resolution to the floor.

THE PRESIDENT: Senator Volker.

SENATOR VOLKER: Madam President, Betty Connelly was not just a great legislator and a wonderful person, but she was a gentle leader.

And it's unfortunate that Frank is gone, here, because I was going to say, however, she was tough enough to deal with Frank Padavan. I mean, you know, she could -- there were times when they argued over bills, and I would be privy to some of those discussions. But Frank always realized that he -- and he always loved Betty. And despite the fact that sometimes it didn't seem that way, he always did, and I knew that.

Betty Connelly was one of the real movers and shakers, as they say of our

American-Irish legislators. I don't know of anybody that disliked Betty Connelly.

And you know, something was said about Staten Island and gentility. Well, there may be a lot of truth to that. Because probably at one time when Betty was here in the Assembly, between John Marchi and Betty Connelly, I don't think there was any area of our state that people felt was more represented by fine, warm, good human beings.

I will very much miss her. I was privileged to be in her presence and her husband's on a number of occasions. My wife and I had a dinner with them a number of times. He was also a very wonderful man, and I spoke briefly with him before her passing.

We will miss her, but she is part of the culture, in my opinion, of this Legislature. And we who have been part of that, we'll never forget her.

And yes, thank you, Senator Marchi. Of course, you're part of the culture here more than anybody else.

But Betty will be deeply missed.

THE PRESIDENT: Senator Winner.

SENATOR WINNER: Thank you, Madam President.

I would be remiss I didn't stand to express my not only condolences over Betty's passing but my respect for her over the 22 years that I served with her in the Assembly.

Betty Connelly, in particular as speaker pro tem, brought such order and dignity and respect to the house -- which, believe it or not, in some instances could get a little unruly over there. I know that would come as a rather large shock to those of you who are here.

And as minority leader pro tem, she certainly was the type of person that I cowered to when she would be somewhat severe when she needed to be in order to maintain that order and dignity that the Assembly needed to have maintained. And she presided over that house with such great class, dignity, and presence that it made the service in the Assembly very, very much of an honor to be able to participate.

So I had tremendous respect for her. I tremendously admired her. And as a

result, the Assembly, when she retired in 2000, the Assembly was sorely at a loss for her no longer being there.

So thank you, Senator Marchi, for bringing this resolution before us.

THE PRESIDENT: Senator Farley.

SENATOR FARLEY: Thank you, Madam President.

You know, Senator Flanagan said very much what was on my mind. She was the equivalent of John Marchi over there, and such dignity and class.

I knew her well. Not only was she a very dignified and classy woman, I had the good fortune of having her daughter Margaret as my student. And I would say something to Betty about how well she was doing, what a lovely young woman Margaret was, and she would absolutely beam and be thrilled. Because I guess there's no more important role for anyone than being a mother and watching their offspring do well. And the same applies for fathers.

But Betty Connelly was not only a great legislator and a dignified, lovely,

lovely woman, she was also a great mother and had a beautiful family. And my deepest sympathy goes out to her family, because she truly was a credit to the Legislature and to New York State and to Staten Island. And we wish her family well.

THE PRESIDENT: Senator Marchi.

SENATOR MARCHI: I was going to suggest I believe there's a widespread feeling about this wonderful woman, who was a great mother -- bipartisan. She had all of qualities and the tremendous contributions she made that everybody in this chamber would probably like to share sponsorship in her, unless they indicate to the contrary.

But -- and this is an unusual case. You don't get too many cases like this that would have enjoyed total support then, now, and I'm sure in the future.

Thank you, Madam President.

THE PRESIDENT: Senator Robach, do you have any objection?

SENATOR ROBACH: Yes, Madam President, let's open this up to everyone.

And if someone would not like their

name on this resolution honoring Assemblywoman Connelly, please let the front desk know.

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

(Response of "Aye.")

THE PRESIDENT: Opposed, nay.

(No response.)

THE PRESIDENT: The resolution is adopted.

Any member who does not wish to cosponsor the last resolution please notify the desk.

Senator Robach.

SENATOR ROBACH: Yes, Madam President, could we go to the noncontroversial reading of the calendar, please.

THE PRESIDENT: The Secretary will read.

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

THE PRESIDENT: Read the last section.

THE SECRETARY: Section 4. This

act shall take effect on the 90th day.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

THE PRESIDENT: The bill is passed.

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

THE PRESIDENT: Read the last section.

THE SECRETARY: Section 5. This act shall take effect on the 90th day.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 244, by Senator Nozzolio, Senate Print 6471E, an act to authorize the Urban Development Corporation to transfer.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 260, by Senator Little, Senate Print 6002A, an act to amend the Navigation Law.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

THE PRESIDENT: The bill is passed.

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

THE PRESIDENT: Read the last section.

THE SECRETARY: Section 8. This

act shall take effect immediately.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

THE PRESIDENT: The bill is passed.

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

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

THE PRESIDENT: The bill is passed.

THE SECRETARY: In relation to Calendar Number 334, substituted earlier today --

SENATOR HASSELL-THOMPSON: Lay it aside.

THE PRESIDENT: The bill is laid

aside.

THE SECRETARY: Calendar Number 343, substituted earlier today by Member of the Assembly Parment, Assembly Print Number 9703A, an act to amend the Tax Law.

THE PRESIDENT: Read the last section.

THE SECRETARY: Section 3. This act shall take effect March 1, 2006.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 357, by Senator Rath, Senate Print 6566, an act to amend the Tax Law.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

THE PRESIDENT: The bill is

passed.

THE SECRETARY: Calendar Number 428, by Senator Maziarz, Senate Print 6802, an act to amend the Workers' Compensation Law.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

THE PRESIDENT: The bill is passed.

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

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 553, by Senator Padavan, Senate Print 4565, an act to amend the Administrative Code of the City of New York.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

THE PRESIDENT: The bill is passed.

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

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 707, substituted earlier today by Member of the Assembly Koon, Assembly Print Number 9995A, an act to amend the Agriculture and Markets Law.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 727, by Senator Seward, Senate Print 7040A, an act in relation to legalizing, validating, ratifying and confirming.

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

Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 733, by Senator Spano, Senate Print 6703B, an act to amend the Social Services Law and the County Law.

THE PRESIDENT: Read the last section.

THE SECRETARY: Section 5. This act shall take effect on the 120th day.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 752, substituted earlier today by Member of the Assembly John, Assembly Print Number 10922B, an act to amend the Labor Law.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 760, by Senator Alesi, Senate Print 7001C, an act to amend the Public Health Law.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

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

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 805, by Senator Winner, Senate Print 2616A, an act to amend the Highway Law.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 847, by Senator LaValle, Senate Print 2864C, an act to amend the Education Law.

THE PRESIDENT: Read the last section.

THE SECRETARY: Section 12. This act shall take effect on the 180th day.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 851, substituted earlier today by Member of the Assembly Christensen, Assembly Print Number 10327, an act to amend the State Administrative Procedure Act.

THE PRESIDENT: Read the last section.

THE SECRETARY: Section 2. This

act shall take effect on the 180th day.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

THE PRESIDENT: The bill is passed.

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

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

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

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 922, by Senator Balboni, Senate Print 7209B, an act to amend the Military Law.

THE PRESIDENT: Read the last section.

THE SECRETARY: Section 2. This

act shall take effect immediately.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 925, by Senator Balboni, Senate Print 7709A, an act to amend the Executive Law.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE PRESIDENT: Senator Balboni, to explain your vote.

SENATOR BALBONI: Madam President, let me begin my comments by saying how wonderful you look today, that wonderful color.

You've done such a wonderful job through your entire tenure, you continue doing it. It's wonderful to have you here.

THE PRESIDENT: Thank you. You

may be seated now.

(Laughter.)

SENATOR BALBONI: Everybody has that same response to me.

This bill, again, marks a point where New York is going to lead the way again. After the Dubai Ports World issue at the New York ports and the national ports, we responded -- this is an agreed-to bill with the Assembly -- and we'll be the first state in the nation to require that if a state asset is sold, there will be a security vetting to make sure that that critical asset is not compromised by the sale.

It's the first time we're doing it, first time in the nation. Again, we in New York lead the way.

I'm going to vote aye, Madam President. Thank you.

THE PRESIDENT: You will be so recorded as voting in the affirmative, Senator Balboni.

Senator Duane.

SENATOR DUANE: Thank you, Madam President. Lovely though this bill is --

though not as lovely as you today -- I would be remiss if I did not --

THE PRESIDENT: Today?

SENATOR DUANE: I would be remiss I didn't mention that there's no minority representation in this bill. So I'm afraid I'll have to be voting no.

Thank you, Madam President.

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

Senator Meier.

SENATOR MEIER: Madam President, I know this probably hasn't been done for you in several years, in one of your prior careers, but Senator Balboni neglected to say that he's brought this lovely apple for you today.

(Laughter.)

SENATOR MEIER: And I ask to be recorded as voting for the bill.

THE PRESIDENT: All right. Do you know something I don't know, Senator?

And you will be so recorded as voting in the affirmative.

The Secretary will announce the

results.

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

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 988, by Senator Fuschillo, Senate Print 7563A, an act to authorize.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

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

THE PRESIDENT: The bill is passed.

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

THE PRESIDENT: Read the last section.

THE SECRETARY: Section 6. This act shall take effect upon the enactment into

law by the State of New Jersey of legislation having identical effect.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

THE PRESIDENT: The bill is passed.

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

THE PRESIDENT: Read the last section.

THE SECRETARY: Section 6. This act shall take effect upon the enactment into law by the State of New Jersey of legislation having identical effect.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

THE PRESIDENT: The bill is passed.

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

THE PRESIDENT: Read the last

section.

THE SECRETARY: Section 7. This act shall take effect upon the enactment into law by the State of New Jersey of legislation having identical effect.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1019, by Senator Young, Senate Print 7213A, an act to amend the Agriculture and Markets Law and the General Business Law.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1024, by Senator Young, Senate Print 7828A, an

act to amend the Agriculture and Markets Law.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1044, substituted earlier today by Member of the Assembly Brodsky, Assembly Print Number 891F, an act to amend the Penal Law.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number

1049, by Senator Volker, Senate Print 7728A, an act to amend the Executive Law.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1099, substituted earlier today by Member of the Assembly Paulin, Assembly Print Number 9907A, an act to amend the Criminal Procedure Law.

THE PRESIDENT: Read the last section.

THE SECRETARY: Section 3. This act shall take effect on the 30th day.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

THE PRESIDENT: The bill is

passed.

THE SECRETARY: Calendar Number 1165, by Senator Seward --

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

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

THE SECRETARY: Calendar Number 1185, substituted earlier today by Member of the Assembly Sweeney, Assembly Print Number 10724, an act to amend the Executive Law.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1214, by Senator Volker, Senate Print 3824C, an act to amend the Civil Practice Law and Rules.

THE PRESIDENT: Read the last

section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

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

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1216, by Senator LaValle, Senate Print 5131A, an act to amend the Criminal Procedure Law.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

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

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1281, substituted earlier today by Member of

the Assembly O'Mara, Assembly Print Number 10680A, an act to authorize the conveyance.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1306, by Senator Bonacic, Senate Print 7847A, an act to amend the Private Housing Finance Law.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE PRESIDENT: Senator Bonacic, to explain your vote.

SENATOR BONACIC: Thank you, Madam President.

This is a legislation to provide financial and technical resources to assist renters as well as low- and moderate-income persons with disabilities for housing.

I wanted to thank Commissioner Judy Calogero and Deputy Commissioner Lorrie Pizzola for assistance on developing this legislation.

This is new. Keeping those with disabilities in their housing is very essential. And this legislation is a cost-effective way of doing that. I think housing for persons with disabilities is going to grow as a concern for this Legislature to address.

I want to also express any appreciation to DHCR and the Assembly for incorporating requested changes to the legislation which would -- ensuring that disabled veterans would have the same benefits to this program.

This year the Senate has authorized the Housing Finance Agency to develop an initiative to make all newly constructed housing visitable. The Housing Committee has

also passed legislation requiring the development of an accessible housing database and ensuring that we are in compliance with all Fair Housing laws.

I know Senator Morahan has been an active leader in this issue. And I believe this bill is something we need not only to put into law but we need to fund, because the needs of those with disabilities are very real and will be better addressed with this law on the books.

I vote aye.

THE PRESIDENT: You will be so recorded as voting in the affirmative, Senator Bonacic.

The Secretary will announce the results.

THE SECRETARY: Ayes, 58.

THE PRESIDENT: The bill is passed.

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

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1323, substituted earlier today by Member of the Assembly Grannis, Assembly Print Number 11199B, an act to amend the Insurance Law.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56. Nays, 2. Senators Maziarz and Rath recorded in the negative.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1324, by Senator Seward, Senate Print 7899B, an act to amend the Insurance Law.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1325, by Member of the Assembly Markey, Assembly Print Number 196A, an act to amend the Agriculture and Markets Law and the State Finance Law.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1406, by Senator Winner, Senate Print 5273B,

an act to amend the Highway Law.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

THE PRESIDENT: The bill is passed.

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

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1412, by Senator Nozzolio, Senate Print 6971A, 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, 58.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1413, by Senator Flanagan, Senate Print 7154B, an act to amend the Navigation 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, 58.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1416, by Senator Marcellino, Senate Print 7282A, 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, 58.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1473, by Senator Flanagan, Senate Print 7091A, an act to amend the Election 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, 58.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1493, by Senator Flanagan, Senate Print 2791A, 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 120th day.

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Announce the results.

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1498, substituted earlier today by Member of

the Assembly Thiele, Assembly Print Number 10409B, an act in relation to residency requirements.

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, 58.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1522, by Senator Saland, Senate Print 7392B, an act to amend the Domestic Relations Law and others.

ACTING PRESIDENT YOUNG: Read the last section.

THE SECRETARY: Section 9. 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, 58.

ACTING PRESIDENT YOUNG: The bill is passed.

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

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, 58.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1555, by Senator Little, Senate Print 7748A, an act to amend the Public Authorities 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, 58.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1574, by Senator LaValle, Senate Print 76 --

SENATOR ROBACH: Lay it aside temporarily, please.

ACTING PRESIDENT YOUNG: The bill is laid aside.

THE SECRETARY: Calendar Number 1580, by Senator LaValle, Senate Print 7405B, an act to amend the Education 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, 58.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1593, by Senator Maziarz, Senate Print 3335A, 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 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, 58.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1611, substituted earlier today by Member of the Assembly Abbate, Assembly Print Number 9935B, 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, 58.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1718, by Senator Golden, Senate Print 7505A, an act to amend the General Municipal 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, 58.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1744, substituted earlier today by Member of the Assembly --

SENATOR ROBACH: Lay it aside temporarily.

ACTING PRESIDENT YOUNG: The bill is laid aside.

THE SECRETARY: Calendar Number 1771, by Senator Leibell, Senate Print 8114A, an act to amend the Not-For-Profit Corporation 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, 58.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1773, by Senator Little, Senate Print 8118A, an act to authorize the Town of Johnsburg.

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

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, 58.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1780, by Senator Skelos, Senate Print 8147A, an act to amend the Labor Law.

ACTING PRESIDENT YOUNG: Read the

last section.

THE SECRETARY: Section 2. 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, 58.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1818, by Senator Winner, Senate Print 7892A, an act to amend the Legislative Law and the State Finance 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, 57. Nays,

1. Senator Duane recorded in the negative.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1832, by Senator LaValle, Senate Print 8129A, an act to amend the Education 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, 58.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1860, by Senator Nozzolio, Senate Print 5441A, 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 60th day.

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Announce the results.

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1888, by Senator Padavan, Senate Print 83 --

SENATOR ROBACH: Lay it aside temporarily, please.

ACTING PRESIDENT YOUNG: The bill is laid aside.

THE SECRETARY: Calendar Number 1889, substituted earlier today by Member of the Assembly Morelle, Assembly Print Number 4135C, an act to amend the Real Property Law.

ACTING PRESIDENT YOUNG: Read the last section.

THE SECRETARY: Section 3. This act shall take effect January 1, 2007.

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG:

Announce the results.

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1899, by Senator Johnson --

SENATOR HASSELL-THOMPSON: Lay it aside.

ACTING PRESIDENT YOUNG: The bill is laid aside.

THE SECRETARY: Calendar Number 1901, by Senator Wright, Senate Print 5675A --

SENATOR HASSELL-THOMPSON: Lay it aside.

ACTING PRESIDENT YOUNG: The bill is laid aside.

THE SECRETARY: Calendar Number 1908, by Senator Skelos, Senate Print 7230A, an act to amend the Public Authorities 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, 58.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1910, substituted earlier today by Member of the Assembly Latimer, Assembly Print Number 10388B, an act to amend Chapter 654 of the Laws of 1927.

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, 58.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number

1914, by Senator Winner, Senate Print 7636A, 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 60th day.

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Announce the results.

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1921, by Senator Wright --

SENATOR HASSELL-THOMPSON: Lay it aside.

ACTING PRESIDENT YOUNG: The bill is laid aside.

THE SECRETARY: Calendar Number 1934, by Senator Marcellino, Senate Print 8182A, 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 first of January.

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Announce the results.

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1947, substituted earlier today by Member of the Assembly Morelle, Assembly Print Number 9128A, 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, 58.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1956, by Senator Morahan, Senate Print 7402A, 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, 58.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1961, by Senator Alesi, Senate Print 7944A, 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 of January.

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Announce the results.

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1963, by Senator Young, Senate Print 7973A, 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 first of April next succeeding.

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Announce the results.

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1964, by Senator Nozzolio, Senate Print 8013A, an act to amend the Vehicle and Traffic Law and the State Finance 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, 58.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1966, by Senator LaValle, Senate Print 8035A, an act to amend the Vehicle and Traffic Law and the State Finance 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, 58.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1975, by Senator Libous, Senate Print 8209, an act to amend the General Business 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, 58.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1987, by Senator Saland, Senate Print 7352A, an act to amend the Penal Law.

ACTING PRESIDENT YOUNG: Read the last section.

THE SECRETARY: Section 13. 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, 58.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1988, by Senator Skelos, Senate Print 8148, an act to amend the Retirement and Social Security 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, 58.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1989, substituted earlier today by the Assembly Committee on Rules, Assembly Print Number 11747A, an act authorizing the City of New Rochelle.

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, 58.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1991, by Senator Meier, Senate Print 8218, an act to amend the Social Services Law.

ACTING PRESIDENT YOUNG: Read the last section.

THE SECRETARY: Section 2. 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, 58.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1997, by Senator Wright, Senate Print 8266A, 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, 58.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 2001, by Senator Hannon, Senate Print 8278A, an act to authorize the Village of Hempstead.

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

Read the last section.

THE SECRETARY: Section 8. 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, 58.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 2008, by Senator Spano, Senate Print 8297A, an act to amend the 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, 58.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 2016, by Senator Robach, Senate Print 8339A, 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 April 1, 2008.

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Senator Robach, to explain his vote.

SENATOR ROBACH: Yes, Madam Speaker, just briefly to explain my vote.

I am very happy and want to thank my colleagues for supporting this important

legislation, the advocates and the groups that worked on this in a series of meetings and roundtables, working very closely with my colleague Peter Abbate in the other house.

This really is the quintessential win-win-win situation. This, at no cost to government, is going to allow us to give an incentive to keep people in police and fire, experienced people on the job a little bit longer and at the same time give those employees a lump-sum option. Again, at no cost to government.

Somewhat innovative, but really a good thing. Most importantly, a good thing for not only the affected parties but also, I believe, for providing the services, the important services these employees provide for New Yorkers on a daily basis.

And that's been something we've been talking about for a long time, but we finally got it done, and I want to thank everyone involved.

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

Announce the results.

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 2018, by the Senate Committee on Rules, Senate Print Number 8362, 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, 57. Nays, 1. Senator Duane recorded in the negative.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 2019, by Senator Spano, Senate Print 8382, an act to amend the Labor Law.

ACTING PRESIDENT YOUNG: Read the

last section.

THE SECRETARY: Section 3. 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, 58.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 2020, by Senator Rath, Senate Print 8387, an act to allow for the terms and conditions of employment.

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, 58.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 2021, by Senator Balboni, Senate Print 8389, 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, 58.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 2022, by Senator Alesi, Senate Print 8390, an act to provide for the creation of a temporary state commission.

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, 58.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 2047, by Senator Alesi, Senate Print 8445, an act to amend the Penal Law.

ACTING PRESIDENT YOUNG: Senator Robach.

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

ACTING PRESIDENT YOUNG: Yes, there is.

SENATOR ROBACH: Could we move to accept that message.

ACTING PRESIDENT YOUNG: All in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT YOUNG: Opposed, nay.

(No response.)

ACTING PRESIDENT YOUNG: The message is accepted.

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: Senator Alesi, to explain his vote.

SENATOR ALESI: Thank you, Madam President.

This is a bill that we were able to work out with the Assembly after a lot of negotiation, a lot of dedication to this issue by Craig Todeschini's family, Assemblyman Jeff Brown, Senator DeFrancisco.

And it is in recognition of the death of Trooper Todeschini, who was involved in a high-speed chase. It not only memorializes him, but it also memorializes the efforts of those who work daily to protect our structure of law and order and to protect those of us who rely on that structure of law

and order.

And I notice that the Todeschini family is in the gallery today. And in passing this bill on their behalf, I would like to thank them, especially, for their devotion to this effort and wish them all the absolute very best.

Now, this will provide very strict penalties for those people who try to elude police officers in a high-speed case, putting those police officers at risk as well as the citizens in general. And of course I vote yes on this bill.

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

Senator DeFrancisco, to explain your vote.

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

This bill originated a few years ago and was first introduced by Senator Alesi, and I commend him for that.

Unfortunately, it never passed the other house. And the need for such a bill to

protect troopers or any law enforcement officials from having to go through high-speed chases, it was pretty apparent.

There was an article in our paper a few days ago concerning why we keep naming these bills after people. Well, this is a perfect example. This bill would not have happened but for the efforts of the Todeschini family. They had news conferences in Syracuse, they had news conferences here in Albany with the Senate leadership.

In fact, they even themselves met with the Speaker to express their concerns about the original bill that was submitted in the Assembly that just wasn't strong enough. It wouldn't have done what they needed to have done.

So that's why we name bills for individuals. And this is the Craig Todeschini bill.

And I want to commend Jeff Brown for his efforts in the Assembly, and also Kristi and her father who are here today -- Kristi is the widow of Craig Todeschini -- Cindy and Jim Todeschini, his parents, because

it was their efforts that made a bill that was long overdue become a reality to help protect law enforcement officers in the future.

So thank you very much.

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

Announce the results.

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

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 2051, by Senator Seward, Senate Print 4319A, 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, 58.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 2060, by Senator Saland, Senate Print 76 --

SENATOR ROBACH: Lay it aside temporarily.

ACTING PRESIDENT YOUNG: The bill is laid aside.

THE SECRETARY: Calendar Number 2061, by Senator LaValle, Senate Print 7675C, an act to amend the Education Law.

SENATOR ROBACH: Lay it aside temporarily.

ACTING PRESIDENT YOUNG: The bill is laid aside.

THE SECRETARY: Calendar Number 2093, by Senator Robach --

SENATOR HASSELL-THOMPSON: Lay it aside.

ACTING PRESIDENT YOUNG: The bill is laid aside.

That concludes the noncontroversial reading of Calendar Number 61.

SENATOR ROBACH: Madam President, if you could ring the bells to alert the

members that we will be on a controversial calendar and please ask them to come into the chamber.

ACTING PRESIDENT YOUNG: Thank you, Senator.

The Secretary will ring the bell.

Senator Robach.

SENATOR ROBACH: Yes, Madam President. If we could move to the controversial reading of the calendar, starting with Calendar Number 1901.

ACTING PRESIDENT YOUNG: We will now have the controversial reading of Calendar 61, starting with Calendar Number 1901.

THE SECRETARY: Calendar Number 1901, by Senator Wright, Senate Print 5675A, an act to amend the Energy Law.

SENATOR SCHNEIDERMAN: Explanation.

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

SENATOR WRIGHT: Thank you, Madam President.

The bill before us today allows for

selected pilot projects to use methane gas or other liquid natural gas, to address a number of energy and environmental concerns.

ACTING PRESIDENT YOUNG: Thank you, Senator.

Any other Senator wishing to be heard?

Senator Schneiderman.

SENATOR SCHNEIDERMAN: Yes, thank you, Madam President.

This piece of legislation is something that would really derail the regulatory process that we've directed for liquid natural gas.

I agree with the sponsor that we do need to revisit the issue of the siting and transportation of LNG, but in my view this piece of legislation is overkill. It essentially guts all of the regulations and would result in a situation from being, in my view, overregulated, or our laws being overly restrictive, to the laws being virtually existent.

The oversight of siting and operations of LNG facilities would really be

so severely cut back that the need to protect public safety would be put at risk.

I therefore am going to be voting no, Madam President. I don't believe this bill is going to pass the Assembly. I hope we will come up with a more moderate approach to revising our state regulations for the siting and transportation of LNG, but this is not it, in my view.

Thank you.

ACTING PRESIDENT YOUNG: Thank you, Senator.

Senator Parker.

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

ACTING PRESIDENT YOUNG: On the bill.

SENATOR PARKER: Providing safe, reliable, and affordable energy sources is a critical need for this nation and for, clearly, this state. And certainly we ought to have, you know, a diversity of different products. As I said yesterday, we clearly ought to be looking at things that are clean-burning. We ought to be looking at

alternative energy.

And LNG is something that we ought to be looking at as a viable alternative to coal and some other dirtier products that we've been using. And we certainly want to be able to find an effective and streamlined manner to do that.

And I certainly commend Senator Wright, who I've worked with, as the ranker, me being the ranker on Energy and Telecommunications with him. I know how important it is for him to provide ways to provide, again, safe, reliable and affordable energy for the entire state.

However, this bill does not do enough in terms of integrating both the need to provide energy and the needs of our communities and for them to be safe and reliable.

When we look at some of the failings of our energy policy in this state, the fact that we stand here today, the last day of this session, still with no Article X bill which would provide safe siting of power plants around the state, still without an

Article VII bill, which would provide safe siting of transmission lines around the state, still without an Article VI, which would look at a significant plan for energy around the state -- I look at this and see the same problems on why we haven't passed those bills and why this bill will not handle our problems.

Which is that we have to do both at the same time. We have to provide a way for energy companies to be able to come into the market and provide safe and reliable energy, but at the same time making sure that the public is safe, making sure that both consumers and community people have some access and some input into the process.

This bill fails to have the proper oversight by either the Department of Environmental Conservation, the Department of Public Service or the Office of Fire Prevention and Control. And I think the unlimited transport of liquified natural gas on state and local roadways would certainly provide a danger that I certainly am concerned about. Particularly as we, you know, continue

to talk about homeland security and those things, liquified natural gas is one of the things that we really need to have a significant control on.

So I'm hoping that we might be able to go back and relook at this bill, find some amendments that would address these concerns that we have. And we look forward to providing liquified natural gas, but in a safe and reliable way that we know will both light and heat our homes but also will protect our communities.

Thank you.

ACTING PRESIDENT YOUNG: Thank you, Senator Parker.

Any other Senator wishing to be heard?

Senator Sabini.

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

ACTING PRESIDENT YOUNG: On the bill.

SENATOR SABINI: While I applaud the sponsor's intentions of providing to find alternative means of giving us power and

energy and filling New York's needs in the 21st century, I find it ironic on the last day of session, when we've heard so much over the years from our senior member about the dangers of liquid natural gas and the tragic accident we saw some years ago in Staten Island, that we would pass a bill that would allow unfettered transport of LNG in these pilot projects. And that concerns me greatly.

I think that there's sort of a middle ground we can achieve, and I don't think this is the middle ground. I would like to see a more safety-conscious version of this bill. And I'll be voting no.

Thank you.

ACTING PRESIDENT YOUNG: Thank you, Senator.

Senator Marcellino.

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

There's a lot of talk about alternative energy and the need to provide alternative sources of energy, clean-burning fuels and all of that.

You can't have it both ways. You

can't say you want something and then, every time somebody puts up something that is an alternative and would like to try it out, then say: Oh, no, you can't do that. Oh, no, you can't do that. Oh, no, you can't do that.

I mean, it's great to be for clean fuel, to be for safe energy, to be for additional sources of power -- and then to say no to everything that's possible.

And to address Senator Sabini, the disaster on Staten Island had absolutely nothing to do with liquified natural gas. The tanks were empty. It had to do with a liner in the tank that was set off by a workman's spark. It had nothing to do with liquified natural gas. That's been proven.

We've debated that a hundred times in this house, and it's been said over and over again. To bring that up again is kind of silly. We're going back over old, old ground that is absolutely incorrect.

So let's deal with the reality, let's deal with the facts. If you want clean fuel and clean energy and alternative sources of it, which we all say and we all recognize

that we need, then you have to allow for experimentation and pilot projects. Otherwise, you can never get it. It's important.

These are all land-based. There's no floating, liquified natural gas here. There's nothing set on sea or on waterways, so we're not dealing with that issue. This deals with land-based experiment, land-based projects.

And, Madam President, I vote aye when the time comes.

ACTING PRESIDENT YOUNG: Thank you, Senator.

Any other Senator wishing to be heard?

Senator Sabini, for a second time.

SENATOR SABINI: Thank you, Madam President. To address the remarks of the previous speaker.

I agree with him that you can't always be against everything. And I think those of us that have concerns about this bill are not against everything.

But I would, as the ranker on

Transportation, like to hear from the Department of Motor Vehicles on this. I'd like to hear from the State Department of Transportation on this. I'd like to hear from the AAA about this. I have not heard those voices yet. And since this bill would allow certain projects to have LNG transferred on our state's highways, that concerns me a lot.

And so no, I'm not a naysayer on any new form of energy. But if we're going to have LNG unregulated on our highways and byways, even in a pilot project, I'd like to know the safety factor on those. So that's my concern.

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

ACTING PRESIDENT YOUNG: Thank you, Senator.

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 4. This act shall take effect on the 120th day.

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Senator Wright, to explain his vote.

SENATOR WRIGHT: Thank you, Madam President, to explain my vote. I want to clarify a couple of items from the debate.

Number one, these are in fact pilot projects. So this is not some big conspiracy but in fact very specific, targeted pilots in six different categories, using such things as biogas from composting, landfill gas recovery sites, remote distribution systems.

So what we're trying to do is use a gradual, go-slow approach that in fact enables us to study and draw the information from looking at these various alternatives statewide.

Equally important is we do not do this in an unregulated environment. The very same land-use agencies that review and site the existing petroleum facilities, be it diesel, gasoline or propane, are the very same regulatory agencies that will oversee these

sitings.

Equally important relative to transportation, it is currently transported through New York State, as opposed to within New York State. This would allow the intratransport, but only in full compliance with all existing federal regulation and any additional requirements imposed by DOT or DMV.

It further requires that NYSERDA will work with the project with all of those state agencies -- DOT, DEC, PSC -- and any others that are necessary. And all of the tanks will be registered with DEC.

It's a reasoned, go-slow approach to begin exploring alternatives so in fact we can have alternatives as opposed to simply talking about them. I vote aye and encourage my colleagues to do so.

Thank you.

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

Announce the results.

THE SECRETARY: Those recorded in the negative on Calendar Number 1901 are

Senators Andrews, Breslin, Coppola, Dilan, Duane, Gonzalez, Hassell-Thompson, Klein, L. Krueger, LaValle, Leibell, Morahan, Onorato, Oppenheimer, Padavan, Parker, Paterson, Sabini, Savino, Schneiderman, Serrano, A. Smith and Stavisky.

Absent from voting on Calendar Number 1901: Senators Connor, C. Kruger, Meier and Sampson.

Ayes, 33. Nays, 23.

ACTING PRESIDENT YOUNG: The bill is passed.

Senator Robach.

SENATOR ROBACH: Yes, Madam President. If we could continue with the controversial reading of the calendar, moving to Calendar 1921, please.

ACTING PRESIDENT YOUNG: The Secretary will read Calendar 1921.

THE SECRETARY: Calendar Number 1921, by Senator Wright, Senate Print 7942B, an act in relation to authorizing and directing.

ACTING PRESIDENT YOUNG: Senator Hassell-Thompson.

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

ACTING PRESIDENT YOUNG: On the bill.

SENATOR HASSELL-THOMPSON: If I were asking a question of the sponsor of the bill, I would ask why this bill and not Senate 4263, which is the "Cellphone Users' Bill of Rights."

In the bill, as I understand it, it authorizes and directs the Consumer Protection Board to study complaints made by consumers of wireless telephones. Well, that's what they already do. And not only that, they work already closely with the Attorney General's office to study standards for wireless telephone service.

Basically, this is a stall bill. The bill that Senator Wright had put into play before was a much, much better bill. Particularly because as someone who for a while was the ranking member of Consumer Protection, I worked very closely with the Consumer Protection Board and know that complaints about cellphones were one of the --

that and identity theft were two of the major, major issues among consumers, particularly senior citizens.

There are a lot of issues with cellphones, but particularly, why do we need to study this problem when we need to be providing customers with the right to cancel whenever it's appropriate?

For instance, every time you buy a new phone or if you lose a phone, you have to enter into a new contract, which means that your costs continue to go up. If you're already contracting with a cellphone company, that contract should not be for the instrument but for service.

Also, Senator Wright's former bill requires disclosure of the contents of contracts for the sale of cellphones. It also calls to disclose the areas within the state and each county where service is available by companies selling cellphones. And the list goes on. But it accomplishes some very appropriate things that need to happen on behalf of consumers.

My concern is that consumers are

not protected by studies. And the necessity for this study means that we're just stalling an opportunity to help cellphone users and particularly our seniors to get a better rate and to get a better deal and also have the option of opting out, when appropriate, out of contracts that are not in their best interest.

Thank you, Madam President.

ACTING PRESIDENT YOUNG: Thank you, Senator.

Senator Wright.

SENATOR WRIGHT: Thank you, Madam President. To, I guess, explain the bill since the questions were not asked of me.

ACTING PRESIDENT YOUNG: On the bill.

SENATOR WRIGHT: Let me begin by saying my colleague is correct, we do have a bill that would impose a whole series of standards. We've held hearings, we've taken testimony, we've looked at those issues.

And as part of that process, we have two competing sets of reports and facts, one prepared by AARP and one prepared by the wireless industry. And they both assess

public opinion, and they conclude two opposite things. That's one reason why we need to have somebody objectively look at it further.

The second reason is, as much as I too share my colleague's concerns for senior citizens and the impact that it has on those individuals, I'm also concerned about all of the consumers. And the utilization of cellphones applies to most everyone nowadays and is not limited to seniors. So consequently, the impacts have a very broad base and impact. That's why we want to take a look at the implications of it.

The cellphone industry is truly a nationwide industry. It is a relatively new industry. And no one in the nation at this point, no state has imposed regulations of this nature. Therefore, New York would be -- number one, would be the most restrictive and, more importantly, would have an adverse impact on the competitiveness of the industry which is in fact providing us those very competitive rates.

We in fact would be adding, under the former bill, substantial regulations and

costs that would apply to everyone. Because when you're allowed out of contracts, when you're allowed to change the terms of contracts, there is a cost in that process. And that cost gets shifted to everyone who is a user. So consequently, we want a clear analysis of why that occurred.

And why are we advocating that? Because California -- like New York, the leader in the nation -- did in fact what the other bill calls for, imposed all of those standards and guidelines, very tough. In fact, prided itself on having the toughest regulations on the cellphone industry in the nation.

And what did they do eight months later after adopting those regulations and standards? They suspended them. And they reconsidered them. And the reasons were why? To make them less restrictive and less costly.

What we're suggesting is New York does not want to repeat the mistakes of California, New York does not want to provide additional costs and restrictions to its consumers, New York wants it to remain a

competitive environment.

And we want to also do an objective study by disinterested third parties using the collective resources of those state agencies to draw a conclusion and give us recommendations.

In deference to the work done to date by AARP, we in fact incorporate their standards as the standards to be studied. Not some arbitrary selection of standards. But very specifically incorporate what they're looking to do.

So no one is trying to provide a disservice to anyone. No one is disregarding the information we have to date. But it is conflicting information. And when we have conflicting information, as we have done on several other occasions this morning, whether it's eminent domain or other issues, when we cannot achieve a clear consensus, we advance the need to provide additional information through a study.

That's what this bill does today, and I encourage my colleagues to support it.

ACTING PRESIDENT YOUNG: Thank

you, Senator Wright.

Senator Diaz.

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

ACTING PRESIDENT YOUNG: On the bill.

SENATOR DIAZ: This is another instance where I have to stand and speak on behalf of senior citizens.

I heard Senator Wright saying that he is concerned about senior citizens but that he's also concerned about the rest of the population or the consumers. And I will agree with him on that statement, but only if we agree too that seniors and consumers are in the same boat, but the seniors are in more danger.

I used to be the chairman of the Aging Committee of the New York City Council, and right here and now I am a member of the Aging Committee. And time after time I have seen how seniors are being discriminated and doing things that are not fair to them.

If we really care about senior citizens, if we really put them in our minds

and do the best thing for them, I think that one of the best organizations that will help us understand and fight for senior citizens is the AARP, an organization, social organization of those that really fight to protect senior citizens' rights.

And not only in the City of New York I have seen senior citizens being discriminated by changing -- in my county, the Bronx, by changing the daily hot meal. Instead of giving them a daily hot meal, now they're receiving frozen meals for the whole week.

The Department of Housing recently established a policy where a senior citizen will be charged more money for services. If a key of the door of the apartment for a senior citizen drops by accident into the elevator shaft, the senior will be charged $50 to get the key out. And if a senior locks -- he or she locks himself out of the apartment and Housing has to come and open the door for them, they're going to have to pay $50.

I think that seniors have given too much for this nation, for our development.

And if we are here, we are here because of them. And I believe that when we have to do a study -- so we're tired of studying. A commission to study this, study that, a commission for this, a commission for that. Look at that and look at the other thing. And nothing ever is done.

If we really want to establish something and protect consumers, including senior citizens, then we don't need a study, we need a law. We need to pass a law, a law that will create consumer protection for the millions of cellphone users in New York State, especially for those older and low-income persons who might find themselves trapped in an unfortunate contract.

We all have gone through that. We all here, I believe that everyone here has a contract with a cellphone company. We know all the hanky-panky and the things that go there. You get into a contract, you cannot get out of the contract, you get something that it is not what you were supposed to get. The telephone drops everywhere, you can never get a tone.

So senior citizens have to be protected. Not only senior citizens. As Senator Wright rightfully said, the whole consumer population of the State of New York.

And I believe that this is not a good bill. A bill -- if we really want to do it, let's make a law, not a study. We are tired of studies, tired of commissions to do things and at the end nothing happens.

So, Madam President, I am voting no on this bill.

ACTING PRESIDENT YOUNG: Thank you, Senator Diaz.

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 4. This act shall take effect immediately.

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

Announce the results.

THE SECRETARY: Those recorded in

the negative on Calendar Number 1921 are Senators Andrews, Coppola, Diaz, Dilan, Duane, Gonzalez, Hassell-Thompson, Klein, L. Krueger, Morahan, Onorato, Oppenheimer, Parker, Paterson, Sabini, Savino, Schneiderman, Serrano, A. Smith, M. Smith, Stachowski, Stavisky, Trunzo and Valesky. Also Senator Breslin.

Absent from voting: Senators C. Kruger and Sampson.

Ayes, 33. Nays, 25.

ACTING PRESIDENT YOUNG: The bill is passed.

Senator Robach.

SENATOR ROBACH: Madam President, continuing on the controversial reading, could we bring up Calendar 2093, please.

ACTING PRESIDENT YOUNG: Calendar Number 2093, on debate.

THE SECRETARY: Calendar Number 2093, by Senator Robach, Senate Print 8200, an act to amend the Legislative Law.

SENATOR LIZ KRUEGER: Explanation.

ACTING PRESIDENT YOUNG: Senator

Robach, an explanation has been requested.

SENATOR ROBACH: Yes, Madam President.

This is a bill which would really take away from the whim of the Legislature and make mandatory joint conference committee usage for the budgetary process. Which I certainly believe has already shown, through our optional usage, clearly adds to both the timeliness as well as the openness of the budget process.

And this is something that I have been working on for a long time, as well as a lot of advocates from across the state, but especially from the Rochester area and Western New York, where people are as equally concerned with the process and know there is a correlation to the outcome.

I don't want to be too long, but I would say I feel this is so important, even in our last budget negotiations, clearly having everyone in the same room -- and I know this happens for others -- allowed me to really, with cameras rolling, set the record straight on the amount of per-capita revenue sharing

for the city of Rochester. I firmly believe without this process in place, we probably wouldn't have gotten that outcome.

I think it's far too long now that we don't say we're going to do this on an optional basis, we make this the standard operating procedure for the budget. It's one of the biggest things we do. The public has asked for it. I think we should be responsive. And hopefully this is a first step -- I'm a believer in this process where I think we've utilized it for other pieces of legislation as well. But clearly the budget is one of the most important and largest things we do.

And so we're moving forward with this as we try to hopefully at some point get something not only passed in this house but in the other house as well.

ACTING PRESIDENT YOUNG: Thank you, Senator Robach.

Senator Krueger.

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

ACTING PRESIDENT YOUNG: Will the sponsor yield?

SENATOR ROBACH: I certainly will.

ACTING PRESIDENT YOUNG: The Senator yields.

SENATOR LIZ KRUEGER: Thank you.

Would this change anything from what we've been doing the last several years, or would this just codify what we've been doing?

SENATOR ROBACH: I guess I would say you could use the word "codify."

What it will do, quite frankly and simply, is we no longer have to wait for the collective mood of the bodies or the leadership. It would put into statute conference committees have to be established, timeliness of how they met, and again, be a concrete assurance that the process be more open and I believe it also leads to timeliness.

SENATOR LIZ KRUEGER: Madam President, if the sponsor would please yield.

ACTING PRESIDENT YOUNG: Senator

Robach, do you yield?

SENATOR ROBACH: I will.

ACTING PRESIDENT YOUNG: He yields.

SENATOR LIZ KRUEGER: Thank you.

Under the process we've been using and, as you describe, would be codifying by putting it into statute, we still don't really do budget conferences on the capital funds or the tax revenue budget. Would this bill assure conferencing on those parts of the budget as well?

SENATOR ROBACH: I am not sure of every in and out and specific.

What I do know is it would absolutely guarantee -- again, the example I gave on local governments. I do think those things, there is absolutely an opportunity for everything in the budget process, if people want to bring it up in the committee process when they're there, I think that empowers the rank-and-file members in this process to really talk about anything they want that you can make a legitimate, cogent argument is related to the committee you're on.

So while it doesn't specifically say those portions have to be covered, I certainly think if you're on that conference committee, I'm on that conference committee, we could bring that up at that point. So my answer would be yes, it would cover that.

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

ACTING PRESIDENT YOUNG: Senator Robach, do you yield?

SENATOR ROBACH: Absolutely.

SENATOR LIZ KRUEGER: Thank you.

Is there anything in this bill that would codify that there should be markups of the actual bills through these conferences a la what Congress does, where you have a conference committee and you actually take a look at budget bills and you actually work on them in public and have markup sessions? Would this allow for that or assure that?

SENATOR ROBACH: It does not mandate that. But certainly we could absolutely do that.

I think I would agree that

historically, in our operations of voluntarily using conference committees, we're sort of a little bit more of a work in progress, because oftentimes the result of the committee will change the nature of the bill.

But that doesn't mean we couldn't start with an actual bill in print. And again, I think this would be up to the collective will of the members of both houses.

I would say that goes on to a much greater degree in this house than it does in the other body of this Legislature.

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

ACTING PRESIDENT YOUNG: Does the Senator yield?

SENATOR ROBACH: Certainly.

ACTING PRESIDENT YOUNG: The Senator yields.

SENATOR LIZ KRUEGER: I actually have no idea if it happens more in this house than the other house.

SENATOR ROBACH: Well, if you -- I can assure you it does. And just pay

attention and look.

SENATOR LIZ KRUEGER: Oh, I do pay attention. Thank you, Senator.

One of the frustrations of people who do pay attention and watch the conference committee process for the budget that has been operating so far is that anything that seems to get into a debate gets taken out of the conference committee and moved into what's euphemistically called the mother ship.

Would anything in this bill stop that process from continuing?

SENATOR ROBACH: I don't believe it would.

But I also think that if this is absolutely how we have to operate, I do think to some degree it can change the historical, cultural differences, where certainly it should be required, requested and asked of the members at that mother-ship committee, for lack of a better term, to explain what went on, what the input was from everything.

Maybe this will expedite some of your questions. I really believe that what we have now, as opposed to what this will do, it

will make it a hundred percent better. But there's no doubt, like in any legislative body or any system, how much the members speak up, how aggressive we are, how much we delve into it will have a resultant outcome, as well as that openness is.

But this process that we're putting in is a great, great jump to a much, much better place than where we are now. There have been years when I've been in this Legislature where one house in this Legislature has refused to participate in conference committees. The result of that was not only late budgets, but everything you're asking about being done in the back room.

This bill clearly makes the likelihood of that almost impossible, unless people want to go out there and not ask the questions people like you and I would ask, of not only of their collective house but the other house as well.

SENATOR LIZ KRUEGER: Thank you.

Madam President, on the bill.

ACTING PRESIDENT YOUNG: Senator Krueger, on the bill.

SENATOR LIZ KRUEGER: Thank you.

I appreciate the sponsor's answers to my questions.

I do support the bill. I just think we aren't going far enough. When the sponsor references that this will dramatically improve the process, I think at the same time he agreed with me this will codify in statute the process as it's been operating for the last year or two. And yes, that has been an improvement over the process prior to the last two years.

But in fact, I would argue that it is not some great leap, it is simply a bill that says we should continue to do in statute what we have been doing for the last two years.

Having said that, we have much more to do on this issue. I would argue that a conference committee process for the budget should include all pieces of the budget, not selected sections of the budget. I would argue or even challenge us all to imagine trying to actually codify in a law the mother-ship process. You couldn't, because

there actually isn't one that you could possibly explain or justify in legislative bill-drafting language.

But perhaps that would be worth an attempt, because then we would realize how much further we have to go in establishing an actual open, legitimate budget review process where the public can see what's going on, where legislators can have markup sessions and discuss their differences of opinion, as we absolutely have the right to do, about all the parts of the budget.

I would argue that we need an extended timeline for budget bills and budget conferences. In fact, I carry a bill that says that on budget bills we should have a 10-day timeline in the law rather than a three-day timeline.

I also carry a bill that says we should have standing conference committees on any similar bills that pass two houses, not just specific to a subsection of the budget bills in a budget conference committee process as laid out in this bill.

So I appreciate the Senator's

answering the questions. I certainly can support the bill. I have learned that in Albany even small baby steps forward are worth supporting. But I don't want anyone to walk away with the assumption that we have made some great leap here in putting into statute the process as it's been operating, again, I believe for the last two years.

We have a beginning here, as Senator Robach pointed out. But I don't want anyone walking away thinking that we have completed the task in an open and equitable budget process that I believe, if we were to codify, would dramatically improve not just the process of passing a budget in New York State but the final outcome of that budget. And that the people that we represent in every district of this state would be pleased and impressed that we could take those steps. But we're not there yet.

So I will be voting yes. Thank you, Madam President.

ACTING PRESIDENT YOUNG: Thank you, Senator Krueger.

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 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 2019, those Senators absent from voting: Senators C. Kruger and Senator.

Ayes, 58. Nays, 0.

ACTING PRESIDENT YOUNG: The bill is passed.

Senator Robach.

SENATOR ROBACH: Yes, Madam President, could we recognize --

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

SENATOR OPPENHEIMER: I would like, Madam President, for the record to note that I was out of the chamber on Senate

business when 8330 passed, and I would like to be registered as a no vote. Or have it noted that I would have voted no.

Thank you, Madam President.

ACTING PRESIDENT YOUNG: Thank you, Senator Oppenheimer. The record will so reflect.

Senator Robach.

SENATOR ROBACH: Yes, Madam President. Continuing on the controversial calendar, could we bring up Calendar Number 1899, please.

ACTING PRESIDENT YOUNG: Calendar Number 1899, on debate.

The Secretary will read.

THE SECRETARY: Calendar Number 1899, by Senator Johnson, Senate Print 5517C, an act to amend the Vehicle and Traffic Law.

SENATOR SCHNEIDERMAN: Explanation.

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

SENATOR JOHNSON: Yes. This is a law concerning a relatively new invention called a personal assistive transportation

device, which is a Segway, it's called Segway, a two-wheeled device powered by electricity which you can use to travel streets, sidewalks, so on -- wherever it's authorized, of course -- at a speed between 3 and 12.5 miles an hour, depending on how you govern it.

And this law that we're talking about today was passed twice, a similar law was passed twice in 2003 and 2005, but it was with objections from New York City.

And so this bill has been redesigned so that New York City is not included in this. It can only be used outside New York City, unless the city itself opts into this law. They'd have to pass local laws authorizing its use if they wanted to do it.

And it was very interesting that the Mayor is now supportive of this, but we're not putting the city in the law. He's going to do it on his own, I guess when he's ready, when the City Council is ready.

But they've already had experiments with the police riding these, to see how they could patrol the parks and so with these, and

they found they're very useful. They stand a little higher than the person standing up on this, of course. And you travel a little faster.

It's no wider than a person and no deeper than a person. It takes very little space on the sidewalks. And they're very pedestrian-friendly. Forty states have already passed laws legalizing this type of device, and I think it's about time that we should pass it in this state.

Thank you.

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

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

ACTING PRESIDENT MARCELLINO: Senator Johnson, do you yield for a question?

SENATOR JOHNSON: Yes.

ACTING PRESIDENT MARCELLINO: He yields, Senator.

SENATOR SCHNEIDERMAN: Thank you.

Am I correct in understanding that this year's version of the bill has been

modified and that now Segways would remain illegal in the City of New York unless the local governing body, the Mayor and the Council, take action, and that if they want -- as you indicated they might want to do -- to allow police officers to use the Segways, unless we pass this bill, they will not be allowed to pass legislation to enable police officers to use Segways?

SENATOR JOHNSON: Well, that's correct.

SENATOR SCHNEIDERMAN: And following up on that --

ACTING PRESIDENT MARCELLINO: Senator Johnson, do you yield for another question?

SENATOR JOHNSON: Yes.

ACTING PRESIDENT MARCELLINO: He yields, Senator.

SENATOR SCHNEIDERMAN: Outside of the City of New York, it is my understanding that the bill has been modified to allow any local government -- and I'm now reading from Section 1271(2)(a) -- to prohibit entirely or prohibit the use thereof in specific areas

under the jurisdiction of such county, city town village.

So essentially, in the City of New York, unless the Mayor and the City Council act, Segways are illegal for all purposes, and in every other part of the state, any local government can ban them, limit their use in any way they see fit. Is that correct?

SENATOR JOHNSON: That's exactly right.

SENATOR SCHNEIDERMAN: Thank you.

Mr. President, on the bill. Thank the sponsor.

ACTING PRESIDENT MARCELLINO: Senator Schneiderman, on the bill.

SENATOR SCHNEIDERMAN: I have voted against previous incarnations of this bill, but I have to say I have rarely seen the manufacturer of a product continue to modify legislation to provide for every possible restriction. All the things that we requested they do in this version of the bill I believe they have done.

I appreciate the fact that now the

City of New York, which used to be opposed to this, supports this legislation. They are interested, perhaps, in having police officers use Segways and would require this law before they could do so.

So I'm going to withdraw my opposition at this time, Mr. President. And I think if -- there -- Segways are legal in most states, and if we have problems with them I'm sure our local governments will not hesitate to regulate or restrict their use.

But I have to say that this version of bill really provides as many safeguards as you could possibly ask for, and I'm impressed with the responsiveness of this company in coming up with provisions that would make it acceptable to the City of New York and acceptable to me.

Thank you, Mr. President.

ACTING PRESIDENT MARCELLINO: Any other Senator wishing to be heard?

Senator Krueger.

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

ACTING PRESIDENT MARCELLINO: Senator Johnson, do you yield for a question?

SENATOR JOHNSON: Yes, Mr. President.

ACTING PRESIDENT MARCELLINO: The sponsor yields.

SENATOR LIZ KRUEGER: Thank you, Mr. President.

So as was just explained by my colleague Senator Schneiderman -- and for people who like to listen, you should listen, because we're going to have a big disagreement on this, Senator Schneiderman and I.

As you explained it, in New York City it would be illegal unless the city passed a law, but it would not be under motor vehicle law in this bill for the City of New York. That's how I read the bill.

So the question is, would there be any requirements for registering a license or insuring such vehicles?

SENATOR JOHNSON: We don't have any regulations in this bill. It is under the motor vehicle law, though.

SENATOR LIZ KRUEGER: I believe,

as I read it, it would not be subject to motor vehicle law in the City of New York or in a city with a million or more people. So I believe it would not.

It's specifically excluded from being considered a motor vehicle within a city with a population of 1 million or more. So there's different rules for whether it's in the city or outside the city.

SENATOR JOHNSON: I would believe that if the city did opt into it, they would adopt the article in here about regulation, traffic laws, so on and so on and so on. They would put that in their own laws, I'm sure. They could mimic what every other municipality would be governed by.

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

ACTING PRESIDENT MARCELLINO: Senator Johnson, do you continue to yield?

SENATOR JOHNSON: Yes, I do.

ACTING PRESIDENT MARCELLINO: He yields, Senator.

SENATOR LIZ KRUEGER: Thank you.

So it is your understanding that the City of New York could require insurance for such vehicles even though it wouldn't be under motor vehicle law for the City of New York?

SENATOR JOHNSON: I'm sure they could do that, yes.

I don't know, do they do that for bicycles and scooters? I don't know. Is that what they do now with scooters and bicycles? Then they would do the same thing for this, I suppose.

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

ACTING PRESIDENT MARCELLINO: Senator Johnson, do you continue to yield?

SENATOR JOHNSON: Yes.

ACTING PRESIDENT MARCELLINO: He yields.

SENATOR LIZ KRUEGER: Thank you.

Would you have to be licensed to ride one of these vehicles, Senator Johnson?

SENATOR JOHNSON: No, you wouldn't.

SENATOR LIZ KRUEGER: You would not.

SENATOR JOHNSON: They're very simple to operate. Anyone can do it. They're very safe.

SENATOR LIZ KRUEGER: Thank you.

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

ACTING PRESIDENT MARCELLINO: Senator, do you continue to yield?

SENATOR JOHNSON: Yes, Mr. President.

ACTING PRESIDENT MARCELLINO: The Senator continues to yield, Senator.

SENATOR LIZ KRUEGER: Thank you.

There was reference made to the company that has produced these and has been working with the Legislature to change the law to try to make it more acceptable.

Is it your understanding, Senator, that we aren't actually allowed to pass laws that could be would be to the advantage of any specific company?

SENATOR JOHNSON: Would you repeat that question, please?

SENATOR LIZ KRUEGER: Certainly.

Is it your understanding that the State Legislature is forbidden from passing a law that would be specific to a company and their business interests?

SENATOR JOHNSON: Well, actually, this talks about a personal assistive mobility device. If another company devised one, I'm sure that would be covered under the law as well. Right now it's a generic term, I think. We don't mention the manufacturer in this bill.

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

ACTING PRESIDENT MARCELLINO: Senator Krueger, on the bill.

SENATOR LIZ KRUEGER: Thank you. I appreciate the Senator's responses to my questions, although it leaves me with the same questions.

These are vehicles that would be potentially allowed in City of New York -- granted, with city approval -- that wouldn't fall under motor vehicle law. And I'm not convinced that then the City of New York would

have any ability to mandate that there was insurance coverage, liability protections, licensing of these vehicles, since they, under this law, wouldn't fall under the State Department of Motor Vehicles law.

I have seen these in operation in my district. I'd like to discuss a little bit about my district. It's probably the most densely populated section of the country and certainly ranks up there with the world. My district includes Midtown Manhattan, the East Side, North Chelsea, the Upper East Side. I have a disproportionately large number of senior citizens who live in my district, and a population density during the days on the sidewalks that is so extreme that in several situations, particularly in the Midtown section of my district, we've had to work with the police about how we ensure that pedestrians can fit on the sidewalks rather than on the streets, because they have taken to walking in the roadways because there is no room for them to walk on the sidewalks.

We have had a growing incidence of pedestrian/vehicle accidents and, in fact,

deaths on major thoroughfares and corners in my district, although they are reflected throughout Manhattan, not just my district.

These sidewalks are too crowded as is. They are crowded by citizens who live there, citizens who are working there, disproportionately significant numbers of seniors, and in fact, in many parts of the district, young mothers and father with children in either carriages or trying to watch them weave in and out of the overcrowded sidewalks and trying to prevent them from accidentally crossing into the streets when they are not being watched carefully enough or they can't be seen because the crowds are so extreme in my district.

Perhaps the number-one quality-of-life issue that is discussed in my district after noise is the problem of bicycles on the sidewalks. And that is a regulated vehicle, bicycles, and yet we find that there is constant violation of the law with disproportionately large numbers of hired bicycle --

ACTING PRESIDENT MARCELLINO:

Excuse me, Senator.

Ladies and gentlemen, if you could please, any conversations, take them out of the chamber. We will call you back when it's time to vote. If the conversation is that important, please take it out of the chamber.

Thank you, Senator.

SENATOR LIZ KRUEGER: Thank you, Mr. President.

As I was saying, bicycles on the sidewalks are an enormous additional problem, disproportionately causing problems, again, for seniors, for the disabled, and for families with young children.

I have been doing a lot of work recently and held a number of town hall meetings and open discussions about working with a group called Transportation Alternatives and trying to deal with the ways that the City of New York could make our sidewalks, quote, more pedestrian-friendly.

We have also explored what we're referring to, with the City Council, of "elder districts," where you would have different standards in areas that are disproportionately

resided in by senior citizens.

I think a fascinating piece of information that I didn't know until I started to do this work was that the average American walks 4 feet per second. The average senior walks 2 and a half feet per second. See, did any of us know that? No.

Why would I know that? Because in my district we find a problem with seniors not being able to even cross the streets in time for these -- for the red light/green light patterns. They get trapped, cannot get across the avenues because they do not have the time in relationship to the red/green changes. We have seniors who in fact rearrange their life patterns to avoid ever having to cross certain thoroughfares because they know that they cannot do it in the time allowed.

This problem is added to by the fact that we have seniors and disabled and children in carriages who end up being clogged up at the intersections for crossing, which even decreases their ability to cross the streets and get down the sidewalks.

I'm trying to explain the visuals

for those of you who might not have visited my district recently. Although I hope you all do, because it's a great district with wonderful things going on.

But these devices on the sidewalks will add dramatically, in my opinion, to the chaos factor and create additional problems for people attempting to walk down our sidewalks and across our streets.

Fairly recently I walked out of my district office and there were five people on Segways on the sidewalk crossing in front of the door of my building. Technically illegal, but there they were. And I watched as people attempted to move out of their way.

These vehicles average 70 to 80 pounds. They can go extremely fast compared to pedestrians or people in wheelchairs. They have X amount of time that is required before they can stop. And in fact, in the one example I saw on the sidewalks, they could not stop in time for the people moving up and down the sidewalks, and I witnessed several bumps just by watching them on one block. I did not attempt a citizen's

arrest -- excuse me, this is not legal in New York City -- but it was fairly disturbing to observe them on the sidewalk.

And again, one might argue why would you have gangs of Segway riders, five at a time. But nonetheless, they were in this situation.

There are any number of organizations who have in fact urged us not to pass this legislation. I heard the statement that the Mayor of the City of New York has changed his position and now wants them. My understanding was that the City of New York withdrew its memo of opposition, not that they put in a memo of support, although I could be wrong on that.

But we have the American Automobile Association, the American Lung Association, the Brain Injury Society, Citizens Environmental Coalition, Environmental Advocates, Institute for Transportation and Development Policy, Manhattan Boroughwide Agency Council on Aging, Natural Resources Defense Council, Neighborhood Streets Network, New York Bicycle Coalition, New York Public

Interest Research Group, Regional Planning Association, Safe Kids New York, the Sierra Club, Transportation Alternatives, TriState Transportation Campaign, Washington Heights and Inwood Council on Aging all joining me in opposing this bill.

Yes, if we pass it here, it still doesn't happen in my city unless the Council and the Mayor come to some agreement. But I have to argue that we should not let this pass. We should not let it be an option in the city.

I would think that there are any number of towns and municipalities throughout the State of New York who might find themselves feeling the same way I do, and so perhaps they could also move legislation to prevent these types of vehicles from traversing their streets and their roads.

But I will speak only for my district in the City of New York when I tell you that this is a very bad idea whose time has not come, and I will be voting no and urging my colleagues to.

Thank you, Mr. President.

ACTING PRESIDENT MARCELLINO: Is there any other Senator wishing to be heard?

The debate is closed.

The Secretary will please ring the bell.

Read the last section.

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

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

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

SENATOR OPPENHEIMER: Thank you.

This is an improved bill, in that it does give local communities the right to vote on it, but --

ACTING PRESIDENT MARCELLINO: Excuse me, Senator. Just hold on a minute, please.

Ladies and gentlemen, please take your seats. The Senator would like to explain her vote.

The quicker we can do this, the faster we move the process, please. It's

going to be a long day.

SENATOR OPPENHEIMER: But I am voting no because I think this would be detrimental to pedestrian traffic.

Were the Segways to be on the roadbeds and not on the sidewalks, I would be more supportive. But considering it is on sidewalks -- and I have seen the size of these things. They're rather big. And I don't think that they belong on the sidewalk where people are walking. You know, young or elderly, they could be very much impacted if one of these ever fell on them.

So I'll be voting no. And maybe if it comes back as something that would be in roadways rather than on sidewalks, I would be interested in supporting it.

ACTING PRESIDENT MARCELLINO: Thank you, Senator.

Senator Oppenheimer, I assume you're recorded in the negative.

SENATOR OPPENHEIMER: Negative, thank you.

ACTING PRESIDENT MARCELLINO: Please announce the results.

THE SECRETARY: Those recorded in the negative on Calendar Number 1899 are Senators Andrews, Connor, Gonzalez, Klein, L. Krueger, LaValle, Leibell, Marcellino, Morahan, Oppenheimer, Sabini, Saland, Savino, Serrano, A. Smith, Spano, Stachowski, Stavisky and Valesky.

Those Senators absent from voting: Senators C. Kruger and Sampson.

Ayes, 39. Nays, 19.

ACTING PRESIDENT MARCELLINO: The bill is passed.

Senator Robach.

SENATOR ROBACH: Yes, Mr. President. If we could continue with the controversial calendar and go to Calendar Number 334, please.

ACTING PRESIDENT MARCELLINO: The Secretary will read.

THE SECRETARY: Calendar Number 334, substituted earlier today by Member of the Assembly Schimminger, Assembly Print Number 3676D, an act to amend the General Business Law.

SENATOR SCHNEIDERMAN:

Explanation.

ACTING PRESIDENT MARCELLINO: Senator Young, an explanation has been requested.

Ladies and gentlemen, I might ask again if we can please have some quiet in the chamber.

SENATOR YOUNG: Thank you, Mr. President.

This bill amends the General Business Law and the Alcoholic Beverage Control Law to prohibit any person or business from selling an alcohol vaporizing device and prohibiting a licensee -- that's someone a liquor license -- from possessing or making available for use an alcohol vaporizing device upon the premises of that establishment.

It establishes penalties because persons who sell and licensees who possess or make available on the premises of a licensed establishment alcohol vaporizing devices would be guilty of a violation for a first offense with a fine not more than $5,000. It would be elevated to Class B misdemeanor and a fine not more than $10,000 for a subsequent offense

within five years.

This is an agreed-upon bill with the Assembly. It's something that's been an issue for several years. Several other states have banned these devices. And that's why this legislation is before us today.

ACTING PRESIDENT MARCELLINO: Any Senator wishing to be heard on the issue?

Senator Sabini, why do you rise?

SENATOR SABINI: Mr. President, on the bill.

ACTING PRESIDENT MARCELLINO: Senator Sabini, on the bill.

SENATOR SABINI: I'm not going to create a protracted debate on this, because we've had a vote on this bill earlier this year, and we had a protracted debate last year on it.

I just want to point out to my colleagues very quickly that these devices are used in regulated places. To use them, you have to use a regulated product: spirits. Banning this is no different than banning an ice cube tray, a refrigerator, a glass. I just think it's a little overkill.

I think our entertainment industry is smart enough not to jeopardize their licenses by having people use these recklessly or have people under 21 -- and if they have people under 21 using alcohol, they lose their license anyway.

I just think this is an attempt to find something to object to with a new device that some in the entertainment industry thought would help business, especially after we -- some of our hospitality establishments took a hit after we banned smoking in them.

So I am again going to vote no. Thank you.

ACTING PRESIDENT MARCELLINO: Thank you, Senator.

Any other Senator wishing to be heard?

Senator Young.

SENATOR YOUNG: Thank you, Senator. On the bill.

ACTING PRESIDENT MARCELLINO: Senator Young, on the bill.

SENATOR YOUNG: I'm surprised to hear my colleague say this is overkill,

because these devices are extremely dangerous. The way they work is that you take a shot of alcohol and it goes into a machine, it's mixed with air, and the person ingesting it actually inhales it into their lungs.

The reason why this makes it very dangerous is that it totally bypasses the digestive system. Usually when you have a glass of wine, even when you drink a shot of alcohol, it goes into your stomach and into your digestive system and it's processed over time. About 10 to 15 percent is processed in the stomach, then it goes into the small intestine, where about 85 to 90 percent of the processing occurs. Well, you don't have this rapid rush that you have with these alcohol-without-liquid machines.

And what happens when you inhale it, number one, it damages your lung and, number two, it goes directly into your bloodstream, goes directly to your brain. Study after study has shown that alcohol kills brain cells when you ingest too much of it.

The other problem with this is the fact that these machines also increase the

risk of addiction. There's a researcher at Brown Medical School, and he says that when researchers want to model addiction to alcohol with rats, they use this vaporizing method. Because, number one, the rats don't want to drink the alcohol, but, number two, it gets rats hooked on alcohol much quicker. Think about how that translates for humans.

So these machines are dangerous. They promote alcohol addiction. They could cause damage to the brain and the lungs. And they also promote drunk driving.

So I'm very happy that this bill is before us today. As I said previously, other states have outlawed these machines. We should do the same in New York State. This is an agreed-upon bill with the State Assembly. And I would urge all of my colleagues to vote yes on this legislation.

Thank you very much, Mr. President.

ACTING PRESIDENT MARCELLINO: Thank you, Senator.

Senator Duane.

SENATOR DUANE: Thank you, Mr. President. Just to speak on the bill.

ACTING PRESIDENT MARCELLINO: Senator Duane, on the bill.

SENATOR DUANE: I'm going to vote for it. But as was just raised by Senator Young, if someone does become addicted to alcohol, then they need treatment. And without Timothy's Law, a lot of New Yorkers will not get the treatment that they need.

So while it's good that we're going pass this bill today, we still have work to do because we still have to pass Timothy's Law.

Thank you, Mr. President.

ACTING PRESIDENT MARCELLINO: Thank you, Senator Duane.

Thank you, Senator Young, for the biology lesson.

Senator Sabini.

SENATOR SABINI: Mr. President, on the bill.

ACTING PRESIDENT MARCELLINO: Senator Sabini, on the bill.

SENATOR SABINI: I just want to point out that while the sponsor may have mentioned that this is how they force rats to ingest alcohol, I would submit that I've never

seen a rat take a drink yet of alcohol or order a martini anywhere. I think it's a procedure they use scientifically to get the rat to participate in the experiment. So I really don't think that's a particularly good reason to ban these.

Additionally, the common denominator in all of the things being said by the sponsor is the regulated product. And it's sold in a regulated atmosphere.

So I'm confident that the people we have licensed in this state and the people who regulate those licenses are experienced enough to handle this machine. I don't think that this machine is any different than anything else used in a hospitality establishment. And that's why I oppose it.

Thank you.

ACTING PRESIDENT MARCELLINO: Thank you, Senator.

Any other Senator wishing to be heard?

SENATOR PADAVAN: Yes.

ACTING PRESIDENT MARCELLINO: Senator Padavan, on the bill.

SENATOR PADAVAN: Senator Sabini repeatedly says this is a regulated industry. And he knows and I know, in his district and mine, in every part of the state, particularly in New York City, that is the least regulated industry.

And why? Lack of resources, lack of inspectors, problems that prevail throughout the city. All sorts of terrible things coming out of this regulated industry. Police having to shut them down using other laws rather than the regulatory agency, the SLA.

So to hang our hats on that doesn't make any sense at all.

But the bottom line is this device is designed to get people drunk more quickly and more efficiently. Plain and simple. And they'll inhale this alcohol through this device as they're leaving, and we know what could possibly happen after that.

It makes a great deal of sense not to have this particular product. And I don't know that it's regulated as a product by anyone. Perhaps you could share some

specifics. I don't know if the device itself is regulated by any federal or state agency. To my knowledge, it's not. The premise may be, but the device is not.

ACTING PRESIDENT MARCELLINO: Thank you, Senator Padavan.

Debate is closed.

The Secretary will ring the bells, please.

Read the last section.

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

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MARCELLINO: Announce the results, please.

THE SECRETARY: Those recorded in the negative on Calendar Number 334 are Senator Andrews, Coppola, Gonzalez, Klein, L. Krueger, Parker, Sabini, Savino and Schneiderman.

Absent from voting: Senators C. Kruger and Sampson.

Ayes, 49. Nays, 9.

ACTING PRESIDENT MARCELLINO: The bill is passed.

Senator Robach.

SENATOR ROBACH: Yes, Mr. President. If we could go to the supplemental active list and begin with the noncontroversial reading of the calendar, please.

Mr. President, if we could just delay for one moment at the request of Senator Schneiderman.

ACTING PRESIDENT MARCELLINO: It will be my pleasure to do so.

SENATOR SEWARD: Mr. President.

ACTING PRESIDENT MARCELLINO: Senator Seward, why do you rise?

Excuse me one second, Senator.

Can I have some attention, please. Shhh.

Thank you, Senator.

SENATOR SEWARD: I just had one request, Mr. President. I was unavoidably out of the chamber when Calendar 760 passed earlier today, and I would just like the

record to reflect that had I been here, I would have voted in the negative.

ACTING PRESIDENT MARCELLINO: The record will so reflect, Senator, without objection.

SENATOR SEWARD: Thank you.

ACTING PRESIDENT MARCELLINO: The Secretary will read.

THE SECRETARY: Calendar Number 140, by Senator Oppenheimer, Senate Print 5304A, an act to amend the Criminal Procedure Law.

ACTING PRESIDENT MARCELLINO: Read the last section.

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

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: Calendar Number 224, by Senator Larkin, Senate Print 414, an act to amend the Insurance Law.

ACTING PRESIDENT MARCELLINO:

Read the last section.

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

ACTING PRESIDENT MARCELLINO:

Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: Calendar Number 430, by Senator Maziarz, Senate Print 6682, an act to amend the Labor Law.

ACTING PRESIDENT MARCELLINO:

Read the last section.

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

ACTING PRESIDENT MARCELLINO:

Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MARCELLINO:

Senator Schneiderman, why do you rise?

SENATOR SCHNEIDERMAN: Yes, Mr. President. I'm in support of this bill, which requires --

ACTING PRESIDENT MARCELLINO: Sir, are you speaking on the bill?

SENATOR SCHNEIDERMAN: Well, I'm explaining my vote.

ACTING PRESIDENT MARCELLINO: He's explaining his vote.

SENATOR SCHNEIDERMAN: I support this bill because it does require disclosure of information. We know that there's a problem in this state of certain employers having the state pay for the healthcare of their employees. This would gather information about it. It's a good step.

It falls far short of the "Fair Share for Healthcare" bills that have been introduced by Senator Savino and then later by Senator Spano, and I'm disappointed that we appear to be closing this session without taking action on those bills.

I commend Senator Maziarz for taking the first step, but I don't think we really need a lot of studies to understand that it is wrong for companies to pay their employees so little that they're on public healthcare as a way of subsidizing those

companies' tremendous profits.

So I will be voting in support of this bill, Mr. President, but with tremendous disappointment that we're ending this session without taking further steps in this regard.

Thank you.

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

Announce the results.

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: Calendar Number 483, by Senator Larkin, Senate Print 6614, an act to authorize the payment to the Wallkill Central School District.

ACTING PRESIDENT MARCELLINO: Read the last section.

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

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: Calendar Number 2036, by Senator Marcellino, Senate Print 8292, an act to amend the Education Law.

ACTING PRESIDENT MARCELLINO: Read the last section.

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

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: Calendar Number 2066, by Senator Hannon, Senate Print 8220A, an act to legalize, validate, ratify and confirm.

ACTING PRESIDENT MARCELLINO: Read the last section.

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

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: Calendar Number 2067, by Senator Winner, Senate Print 8233A, an act to authorize.

ACTING PRESIDENT MARCELLINO: Read the last section.

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

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: Calendar Number 2071, by Senator Golden, Senate Print 8367, an act to amend the Administrative Code of the City of New York.

ACTING PRESIDENT MARCELLINO: Read the last section.

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

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: Calendar Number 2072, by Senator Nozzolio, Senate Print 8368, an act to amend the Executive Law.

ACTING PRESIDENT MARCELLINO: Read the last section.

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

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: Calendar Number 2074, by Senator Johnson, Senate Print 8380, an act to amend the Environmental Conservation Law.

ACTING PRESIDENT MARCELLINO:

Read the last section.

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

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: Calendar Number 2075, by Senator LaValle, Senate Print 8388, an act to amend the Education Law, the State Finance Law and the Tax Law.

ACTING PRESIDENT MARCELLINO: Read the last section.

THE SECRETARY: Section 8. This act shall take effect immediately.

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: Calendar Number 2076, by Senator Larkin, Senate Print 8391, an

act to amend the Penal Law.

ACTING PRESIDENT MARCELLINO: Read the last section.

THE SECRETARY: Section 6. This act shall take effect on the 180th day.

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: Calendar Number 2079, by Senator Little, Senate Print 8410, an act to establish a blue ribbon commission.

ACTING PRESIDENT MARCELLINO: Read the last section.

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

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MARCELLINO: Senator Duane, to explain your vote.

SENATOR DUANE: Thank you, Mr. President.

I am going to be voting against this. There's no minority representation, and there should be. So I'll be voting in the negative, Mr. President.

ACTING PRESIDENT MARCELLINO: Senator Duane will be recorded in the negative.

Announce the results, please.

THE SECRETARY: Ayes, 58. Nays, 1. Senator Duane recorded in the negative.

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: Calendar Number 2080, by Senator Leibell, Senate Print 8416, an act to amend the Not-For-Profit Corporation Law.

ACTING PRESIDENT MARCELLINO: Read the last section.

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

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT MARCELLINO: The

bill is passed.

THE SECRETARY: Calendar Number 2081, by Senator Flanagan, Senate Print 8424, an act to amend the Public Health Law.

ACTING PRESIDENT MARCELLINO: Read the last section.

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

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: In relation to Number 2082, Senator Seward moves to discharge, from the Committee on Environmental Conservation, Assembly Print Number 5808C and substitute it for the identical Senate Bill Number 3232A, Third Reading Calendar 2082.

ACTING PRESIDENT MARCELLINO: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 2082, by Member of the Assembly Morelle,

Assembly Print Number 5808C, an act to amend the Environmental Conservation Law.

ACTING PRESIDENT MARCELLINO: Read the last section.

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

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58. Nays, 1. Senator Duane recorded in the negative.

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: Calendar Number 2083, by Senator Golden, Senate Print 3530C, an act to amend the Elder Law and the Tax Law.

ACTING PRESIDENT MARCELLINO: Read the last section.

THE SECRETARY: Section 7. This act shall take effect on the 90th day.

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

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

SENATOR LaVALLE: Thank you, Mr. President.

I want to congratulate and commend Senator Golden on this piece of legislation. It may put New York State at the cutting edge of what should be happening in elder law. I know he has worked very, very hard, very diligently over the last two years to bring this bill before us.

It's a good bill. Thank you, Senator Golden. I vote in the affirmative.

ACTING PRESIDENT MARCELLINO: Thank you, Senator LaValle. You will be recorded in the affirmative.

Senator Hannon, to explain his vote.

SENATOR HANNON: To explain my vote to support the legislation.

I'd like to fully echo what Senator LaValle has said and congratulate Senator Golden for pursuing this through a number of hearings and roundtables and studies. I believe this will substantially help those people seeking long-term-care assistance in this state.

Thank you.

ACTING PRESIDENT MARCELLINO: Thank you, Senator Hannon. You will be recorded in the affirmative.

Announce the results, please.

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: Calendar Number 2085, by Senator Spano, Senate Print 5071B, an act to amend the Social Services Law.

ACTING PRESIDENT MARCELLINO: Read the last section.

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

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: In relation to Calendar Number 2087, Senator Maziarz moves to discharge, from the Committee on Rules,

Assembly Bill Number 7837B and substitute it for the identical Senate Bill Number 5975A, Third Reading Calendar 2087.

ACTING PRESIDENT MARCELLINO: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 2087, by Member of the Assembly Gunther, Assembly Print Number 7837B, an act to amend the Public Health Law.

ACTING PRESIDENT MARCELLINO: Read the last section.

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

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MARCELLINO: Senator Maziarz, to explain his vote.

SENATOR MAZIARZ: Yes, very briefly, Mr. President, to explain my vote.

I just want to thank Senator Hannon for all his work and his staff's work with this, and the New York State Nurses Association, and, most particularly,

Assemblywoman Aileen Gunther, who was a nurse and provided a lot of great information in getting this bill to the floor today for a final vote.

Thank you.

ACTING PRESIDENT MARCELLINO: Announce the results, please.

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: Calendar Number 2088, by Senator Spano, Senate Print 6833, an act relating to establishing.

ACTING PRESIDENT MARCELLINO: Read the last section.

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

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: Calendar Number 2089, by Senator Golden --

SENATOR HASSELL-THOMPSON: Lay it aside.

ACTING PRESIDENT MARCELLINO: Lay the bill aside.

THE SECRETARY: In relation to Calendar Number 2090, Senator Hannon moves to discharge, from the Committee on Rules, Assembly Bill Number 10782A and substitute it for the identical Senate Bill Number 7340A, Third Reading Calendar 2090.

ACTING PRESIDENT MARCELLINO: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 2090, by Member of the Assembly Englebright, Assembly Print Number 10782A, an act to amend the Social Services Law.

ACTING PRESIDENT MARCELLINO: Read the last section.

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

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: In relation to Calendar Number 2091, Senator Klein moves to discharge, from the Committee on Rules, Assembly Bill Number 10796 and substitute it for the identical Senate Bill Number 7373, Third Reading Calendar 2091.

ACTING PRESIDENT MARCELLINO: Substitution is ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 2091, by Member of the Assembly Paulin, Assembly Print Number 10796, an act authorizing the Village of Bronxville.

ACTING PRESIDENT MARCELLINO: 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 MARCELLINO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT MARCELLINO: The

bill is passed.

THE SECRETARY: Calendar Number 2092, by Senator Hannon, Senate Print 7717A, an act to amend the Public Health Law and the New York State Medical Care Facilities Finance Agency Act.

ACTING PRESIDENT MARCELLINO: Read the last section.

THE SECRETARY: Section 14. This act shall take effect immediately.

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: Calendar Number 2094, by Senator Spano, Senate Print 8342A, an act to amend the Tax Law.

ACTING PRESIDENT MARCELLINO: Read the last section.

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

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: Calendar Number 2095, by Senator Marcellino, Senate Print 8347A, an act to amend the Environmental Conservation Law.

ACTING PRESIDENT MARCELLINO: Read the last section.

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

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: Calendar Number 2096, by the Senate Committee on Rules, Senate Print Number 8354, an act to amend the Education Law.

ACTING PRESIDENT MARCELLINO: Read the last section.

THE SECRETARY: Section 3. This

act shall take effect June 30, 2006.

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: Calendar Number 2097, by Senator Saland, Senate Print 8355, an act to amend the Education Law.

ACTING PRESIDENT MARCELLINO: Read the last section.

THE SECRETARY: Section 8. This act shall take effect June 30, 2006.

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MARCELLINO: Senator Bonacic, to explain your vote.

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

First of all, I want to thank Senator Saland for putting this legislation forward.

I have for the last three years

been an active participant in driving this issue, not only in our house but in our conference. And I'd like to address the bill, if I may.

This legislation is about priorities. Our priorities under this bill include a greater commitment to state aid, a commitment to make sure our share of aid meets our students' needs, and a commitment to making home ownership more affordable.

Twelve years ago the Senate passed a comprehensive bill similar to this that would have given the option to school districts that would have phased out the property tax on primary residences. The bill would have taken eight to 20 years, according to the sponsor, Senator Cook, at the time.

Assembly Democrats said no. They offered no alternatives. They said they had to study the issue. They sat on the sidelines of property tax reform for 12 years.

New Yorkers have suffered from 12 years of property tax hikes. The failure to act 12 years ago by the Assembly has caused New Yorkers to be overtaxed and overburdened.

Taxpayers want and deserve real property tax relief now.

If this bill becomes law, we're going to have to make budget changes, and I'm prepared to make them. If we have to cut in other areas to prioritize education and home ownership, let's do it. Everybody says cut the member items, then you can reduce property taxes. You know what? If we had to cut $2 million or whatever the amount is from member items to fund education and remove the property tax from people's homes -- and I know some people will gasp -- I say, let's do it.

The point is, the Senate and only the Senate has said we are ready to stand up and shift billions of dollars onto the state to get property taxes off the back of primary homeowners.

Excuse me. I've been informed by counsel at the desk that Senator Saland had two bills. And I'll continue this discussion when I lay the next bill aside.

I thank you, Mr. President.

ACTING PRESIDENT MARCELLINO: Thank you, Senator.

Announce the results, please.

THE SECRETARY: In relation to Calendar Number 2097: Ayes, 59. Nays, 0.

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: Calendar Number 2098, by Senator Saland, Senate Print 8360, an act to amend the Education Law and the Real Property Tax Law.

SENATOR SCHNEIDERMAN: On behalf of Senator Bonacic, I'd like to lay the bill aside.

ACTING PRESIDENT MARCELLINO: Thank you, Senator Schneiderman. The bill is laid aside.

THE SECRETARY: Calendar Number 2099, by Senator Balboni, Senate Print 8363A, an act authorizing.

ACTING PRESIDENT MARCELLINO: Read the last section.

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

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58. Nays, 1. Senator Bonacic recorded in the negative.

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: Calendar Number 2100, by Senator Maltese, Senate Print 8364, an act to amend the General Municipal Law.

ACTING PRESIDENT MARCELLINO: Read the last section.

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

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: Calendar Number 2101, by Senator Golden --

SENATOR SCHNEIDERMAN: Lay it aside.

ACTING PRESIDENT MARCELLINO: Lay the bill aside.

THE SECRETARY: Calendar Number 2102, by Senator Padavan, Senate Print 8383,

an act directing the Department of Environmental Conservation.

ACTING PRESIDENT MARCELLINO: Read the last section.

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

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: Calendar Number 2103, by Senator Alesi, Senate Print 8384, an act to amend the Economic Development Law.

ACTING PRESIDENT MARCELLINO: Read the last section.

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

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58. Nays, 1. Senator Duane recorded in the negative.

ACTING PRESIDENT MARCELLINO: The

bill is passed.

THE SECRETARY: Calendar Number 2104, by Senator Alesi, Senate Print 8385, an act to amend the Economic Development Law.

ACTING PRESIDENT MARCELLINO: Read the last section.

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

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

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

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

While I applaud the efforts of Senator Alesi and would say that any time that we can provide more information for businesses that are locating in New York State, anywhere throughout the state -- unfortunately, we're not doing enough.

Where I come from, Western New York, you all know this chamber, this body, the legislative body of New York State has put in place control boards in the City of

Buffalo, in the County of Erie, talking about possibly a control board for the County of Niagara.

And each and every day when I go back to my district or I read the newspaper even from here, I hear about businesses that are looking to leave. And what they do is say that they need more assistance from the government, they need more taxpayer dollars to stay in our area.

The problem that we're experiencing is we keep throwing money at them, but we have no idea of where we're going. We're throwing money at the problem, we're not addressing anything, we don't have a strategic approach of how we're going to keep businesses in certain regions of New York State.

And what I think we need to do is come up with a plan that we do not have a hodgepodge system and that our economic development plan is specific to each and every region, rather than just throwing money at the businesses and asking them to stay.

Thank you. I vote yes.

ACTING PRESIDENT MARCELLINO:

Senator Coppola will be recorded in the affirmative.

Announce the results.

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: Calendar Number 2105, by Senator Alesi, Senate Print 8386, an act to amend the State Administrative Procedure Act.

ACTING PRESIDENT MARCELLINO: Read the last section.

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

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: Calendar Number 2106, by Senator DeFrancisco, Senate Print 8393, an act to amend Chapter 203 of the Laws of 2004.

ACTING PRESIDENT MARCELLINO:

Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the same date and in the same manner as a chapter of the Laws of 2006.

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: Calendar Number 2108, by Senator Bruno --

SENATOR SCHNEIDERMAN: Lay it aside.

ACTING PRESIDENT MARCELLINO: The bill is laid aside.

THE SECRETARY: Calendar Number 2109, by Senator Spano, Senate Print 8417, an act to amend the Insurance Law and the Public Health Law.

ACTING PRESIDENT MARCELLINO: Read the last section.

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

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58. Nays, 1. Senator Rath recorded in the negative.

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: Calendar Number 2110, by Senator Flanagan, Senate Print 8420, an act to amend the Education Law.

ACTING PRESIDENT MARCELLINO: Read the last section, please.

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

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: Calendar Number 2111, by Senator Flanagan, Senate Print 8423, an act to amend the Economic Development Law.

ACTING PRESIDENT MARCELLINO: Read the last section, please.

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

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MARCELLINO: Senator Smith, why do you rise?

SENATOR MALCOLM SMITH: Mr. President, I'd like to explain my vote.

ACTING PRESIDENT MARCELLINO: Senator Smith, to explain his vote.

SENATOR MALCOLM SMITH: Thank you.

Senator Flanagan has put forward a system as he considers it to be an enhanced statewide business information referral system, which essentially has a 511 number to it. I think it's a smart idea, it's a great concept, and it's one that would provide information to many of the businesses around this state.

However, what I would have hoped Mr. Flanagan would have done was taken the time to speak to members of our conference. Senator Paterson and many of the members of

our conference have worked very diligently on a statewide program that really would have placed New York State in the forefront of what seems to have been a growing global competition for this entire country.

We have a state right now that has been threatened with competition from businesses around the world. And in order for us to maintain our superiority, in order for us to maintain our leadership role in this country, we need to have a process and a program that allows our government and allows our businesses to be very nimble, very efficient, and be able to respond on a dime to information as well as access to programs.

We have put forward a tremendous program with regard to regionalization, ten regional organizations throughout the state. We put a program that would have made sure that businesses, professional organizations would be a part of the economic development program throughout this entire state.

And while the 511 phone number provides information, it is only one method and one step toward what we believe should be

part of a comprehensive program. Senator Coppola talked about it a little earlier in terms of Senator Alesi's bill.

And I would just hope that while we know that this is just one method of us getting there, perhaps when we come back, maybe sometime in a special session in September, we will then be allowed to put together a comprehensive program with our conference, that was led under Senator Paterson, that will make sure that the businesses in this state have the ability to compete not only countrywide but throughout the world, which is what we are faced with today.

I will be voting aye on this bill.

ACTING PRESIDENT MARCELLINO: Thank you, Senator Smith. You will be recorded in the affirmative.

Senator Schneiderman, why do you rise?

SENATOR SCHNEIDERMAN: Thank you. To explain my vote.

ACTING PRESIDENT MARCELLINO: Senator Schneiderman, to explain his vote.

SENATOR SCHNEIDERMAN: I just want to thank everyone on both sides of the aisle who have worked on these issues -- Senator Smith, Senator Coppola, Senator Valesky, and Senator Paterson, who put together our conference's package. And I'm pleased to see some of the ideas that they introduced adopted in this legislation.

There is an old expression that there's no limit to what you can get done as long as you are willing to let someone else take the credit. And I think that that applies very well here.

Thank you, gentlemen, and I'm glad that we're moving forward on some parts of the program that you developed. Thank you.

ACTING PRESIDENT MARCELLINO: Senator Schneiderman, how do you vote?

SENATOR SCHNEIDERMAN: I vote in the affirmative.

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

Announce the results.

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT MARCELLINO: The bill is passed.

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

ACTING PRESIDENT MARCELLINO:

SENATOR ROBACH: Yes, Mr. President. If we could just stand at ease momentarily.

ACTING PRESIDENT MARCELLINO: The Senate will stand at ease momentarily.

Senator Robach.

SENATOR ROBACH: Mr. President, there will be an immediate meeting of the Rules Committee in the Majority Conference Room, and the Senate will stand at ease until the completion of that meeting.

ACTING PRESIDENT MARCELLINO: There will be an immediate meeting of the Rules Committee in the Majority Conference Room.

The Senate will stand at ease in the interim.

(Whereupon, the Senate stood at ease at 2:16 p.m.)

(Whereupon, the Senate reconvened

at 2:34 p.m.)

ACTING PRESIDENT MARCELLINO: Senator Skelos.

SENATOR SKELOS: Mr. President, could you please call up Calendar Number 2036.

ACTING PRESIDENT MARCELLINO: The Secretary will read.

THE SECRETARY: Calendar Number 2036, by Senator Marcellino, Senate Print 8292, an act to amend the Education Law.

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

ACTING PRESIDENT MARCELLINO: Call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

SENATOR SKELOS: Lay it aside, please.

ACTING PRESIDENT MARCELLINO: The bill is laid aside.

SENATOR SKELOS: Mr. President, if you could call up, noncontroversial, Calendar Number 2089.

ACTING PRESIDENT MARCELLINO: The

Secretary will read Calendar Number 2089, noncontroversial.

THE SECRETARY: In relation to Calendar Number 2089, Senator Golden moves to discharge, from the Committee on Rules, Assembly Bill Number 11650A and substitute it for the identical Senate Bill Number 6986A, Third Reading Calendar 2089.

ACTING PRESIDENT MARCELLINO: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 2089, by Member of the Assembly Englebright, Assembly Print Number 11650A, an act to amend the Social Services Law.

ACTING PRESIDENT MARCELLINO: Read the last section.

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

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT MARCELLINO: The bill is passed.

Senator Skelos.

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

ACTING PRESIDENT MARCELLINO: Reports of standing committees.

The Secretary will read the report of the Rules Committee.

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

Senate Print 1969B, by Senator Nozzolio, an act to amend the Vehicle and Traffic Law;

1970B, by Senator Nozzolio, an act to amend the Vehicle and Traffic Law;

2797A, by Senator Flanagan, an act to amend the Mental Hygiene Law;

3767A, by Senator Nozzolio, an act to amend the Tax Law;

4164, by Senator Saland, an act to amend the Penal Law;

4331B, by Senator Hannon, an act to

amend the Public Health Law;

4456B, by Senator Golden, an act to amend the Public Authorities Law;

5525A, by Senator Libous, an act to amend the Vehicle and Traffic Law;

5987C, by Senator Spano, an act to amend the Mental Hygiene Law;

6575, by Senator Spano, an act to amend the State Finance Law;

6795A, by Senator Johnson, an act to amend the Environmental Conservation Law;

7184B, by Senator Flanagan, an act to amend the Real Property Tax Law;

7263, by Senator Volker, an act to amend the Retirement and Social Security Law;

7425B, by Senator Farley, an act establishing;

7679, by Senator Maltese, an act to amend the Administrative Code of the City of New York;

7832, by the Senate Committee on Rules, an act to amend Chapter 103 of the Laws of 2004;

7961, by Senator Marcellino, an act to amend the Environmental Conservation Law;

8034, by Senator Larkin, an act to amend the Navigation Law;

8067, by Senator Hannon, an act to amend Chapter 884 of the Laws of 1990;

8074, by Senator Little, Concurrent Resolution of the Senate and Assembly;

8082, by Senator Spano, an act to amend the Public Health Law;

8137, by Senator Klein, an act to amend the Vehicle and Traffic Law;

8180, by Senator Alesi, an act authorizing;

8281, by Senator Bonacic, an act to amend the Vehicle and Traffic Law;

8294, by Senator Balboni, an act to amend the Military Law;

8308A, by Senator Morahan, an act in relation;

8402, by the Senate Committee on Rules, an act to amend the Real Property Tax Law;

8405, by Senator LaValle, an act to amend the Environmental Conservation Law;

And Senate Print 8444, by Senator Bruno, an act to amend the Environmental

Conservation Law.

All bills ordered direct to third reading.

SENATOR SKELOS: Mr. President, I move that we accept the report of the Rules Committee.

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

(Response of "Aye.")

ACTING PRESIDENT MARCELLINO: Opposed, nay.

(No response.)

ACTING PRESIDENT MARCELLINO: The report is accepted.

Senator Skelos.

SENATOR SKELOS: Please recognize Senator Gonzalez.

SENATOR GONZALEZ: Mr. President, there will be an immediate meeting of the Minority conference in Room 315.

ACTING PRESIDENT MARCELLINO: There will be an immediate meeting of the Minority conference in Room 315.

SENATOR SKELOS: Mr. President,

there will be an immediate meeting of the Majority conference in the Majority Conference Room.

ACTING PRESIDENT MARCELLINO: And likewise, an immediate meeting of the Majority conference in the Majority Conference Room.

The Senate will stand at ease.

(Whereupon, the Senate stood at ease at 2:40 p.m.)

(Whereupon, the Senate reconvened at 3:48 p.m.)

ACTING PRESIDENT MARCELLINO: Senator Skelos.

SENATOR SKELOS: If we could return to the supplemental active list.

ACTING PRESIDENT MARCELLINO: The Secretary will read the supplemental active list, controversial.

SENATOR SKELOS: First, Mr. President, if you would recognize Senator Morahan.

ACTING PRESIDENT MARCELLINO: Senator Morahan.

SENATOR MORAHAN: Thank you, Mr. President.

I wish to call up my bill, Print Number 6775B, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT MARCELLINO: The Secretary will read.

THE SECRETARY: Calendar Number 2057, by Senator Morahan, Senate Print 6775B, an act to amend the Public Health Law.

SENATOR MORAHAN: Mr. President, I now move to reconsider the vote by which this bill passed.

ACTING PRESIDENT MARCELLINO: Call the roll on reconsideration, please.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT MARCELLINO: Senator Morahan.

SENATOR MORAHAN: Yes, Mr. President, I ask that the bill be restored to its place on Third Reading Calendar.

ACTING PRESIDENT MARCELLINO: So ordered.

Senator Skelos.

SENATOR SKELOS: Mr. President, on the supplemental active list, the Minority

has agreed to remove the lay-aside on three bills, which we could now take up noncontroversial.

ACTING PRESIDENT MARCELLINO: The Secretary will read.

THE SECRETARY: Calendar Number 2098, by Senator Saland, Senate Print 8360, an act to amend the Education Law and the Real Property Tax Law.

ACTING PRESIDENT MARCELLINO: Read the last section.

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

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MARCELLINO: Senator Saland, why do you rise?

SENATOR SALAND: To briefly explain my vote, Mr. President.

ACTING PRESIDENT MARCELLINO: Senator Saland, to explain his vote.

Could we have some order in the house, please.

SENATOR SALAND: Mr. President,

there's certainly nobody or at the very least very, very few people who are not aware of the burgeoning school property tax problem that's plaguing all of our school districts, our independent school districts and to some extent perhaps even the dependent school districts as well.

This is an effort to deal in a very serious fashion with the problem of those burgeoning taxes by providing a direct, in effect, through an optional system, means by which state dollars can replace local school tax dollars phased in over a period of five years, while at the same time capping, for those who are 70 years or older, at local option, through acts of local board after public hearings, the school taxes of such of our senior citizens.

This bill is consistent, certainly, with the tradition in this house of dealing with issues related to school property tax. Certainly the precedents of STAR can be found in prior Senate legislation. And similarly, our Rebate New York program found its way into the tax credit bill that we passed perhaps

within the past 10 days to two weeks.

Mr. President, I will certainly vote in the affirmative on this measure. Thank you.

ACTING PRESIDENT MARCELLINO: Senator Saland will be recorded in the affirmative.

Senator Bonacic.

SENATOR BONACIC: Thank you, Mr. President.

Twelve years ago, the Senate passed a comprehensive legislation that would have eliminated the property tax on homeowners. Democrats in the Assembly refused to act. And as a result of that inaction, we've had 12 years of increased property taxes that have now become unbearable.

We shouldn't have to ask people are they going to want to fund education for their children or help carry their housing to stay in their homes so it be affordable.

Again, the Senate has acted. And we have a good partner this time: we have the Attorney General who has stepped up and is the only one from the Democratic Party talking

about school property tax relief.

So the Senate, again, with a five-year option, is giving school districts and constituents within those school districts an option to phase out the property taxes on homeowners. The state will have to pay a larger share.

Now the gauntlet has been thrown before the Assembly leadership. Are they going to act and vote on a property tax reduction bill, or are they going to talk for another 12 years?

I vote yes. Thank you very much, Mr. President.

ACTING PRESIDENT MARCELLINO: Thank you, Senator Bonacic. You will be recorded in the affirmative.

Senator Leibell.

SENATOR LEIBELL: Thank you, Mr. President.

This Legislature certainly on a daily basis faces issues that are very difficult and most problematic. But I daresay there's almost none that's more difficult than this issue we're talking about right now.

The issue is how to provide a quality education for all the young people in the State of New York, how to make it affordable, and how to make it affordable in such a way that it will not drive out the middle class.

I would note also that New York State is not alone in confronting this problem. This has been a problem that's followed us around the country. Every state I think has had to deal with this, or is going to be dealing with it, and it has certainly been the subject of litigation not only in New York State but in numerous other states.

I think that Senator Saland, by putting forward this legislation today, is making a very, very strong effort and attempt to try and deal with this problem, to shift away some of this burden of school property taxes away from the local homeowner, the primary residence owner, to the state itself.

I might note that we have made a commitment in this budget and in so many previous budgets by putting in substantial dollars into education. But no matter what we

attempt to do, this problem of funding education continues to stay with us.

Certainly there will be other legislation in this area attempting to deal with this further, but this is a most important and significant piece of legislation, one that I am very pleased to support.

ACTING PRESIDENT MARCELLINO: Thank you, Senator Leibell. You will be voted in the affirmative.

Senator Oppenheimer, to explain her vote.

SENATOR OPPENHEIMER: Well, I'm certainly going to support this bill, because I have been working on this issue for so long and so hard.

I feel that this is only a statement. The issue is so complex that to simply put out there "Hello, voters, would you like to get rid of the property tax" is really not certainly an in-depth solution.

We have studied this for several months now, looked at several alternatives, come up with maybe four or five possible

options. But it really is so complicated. And this particular bill really does not in any way address the needs of business. And to just lay additional tax on them is certainly not going to benefit us with our economic development moves.

But, I mean, it says what I want said, that we have to look at this issue seriously and find some kind of an answer. This is not the answer, but at least it moves us to look more closely. And I know -- you know, it is so complicated that it will not -- there will not be an easy answer out there for us.

But I will be voting yes.

ACTING PRESIDENT MARCELLINO: Senator Oppenheimer will be recorded in the affirmative.

Senator Morahan.

SENATOR MORAHAN: Thank you, Mr. President.

I stand in support of this bill by Senator Saland. I think it's an excellent move to bring the focus of high property taxes -- in particular, school taxes -- to the

forefront in the State of New York, as it is with all the residents of New York.

Many of us are working back home to deal with and try to find solutions to this confiscatory tax rate that we pay to support our schools at the local level. For example, I have a summit coming up with all the school board presidents and all the superintendents and others to deal with not only this issue on funding but also on mandates and what mandates that we put on school districts through the SED and whether those mandates are really working or necessary.

And I think once the state gets into the complete absorption of property tax levies for school district expenses, then maybe we will look more closely at the mandate process that we put in across the state, sometimes without fully understanding the impact on the homeowner.

So I support this bill by Senator Saland. I think it's a good start-off. I think we'll be working on this bill and others in the next several months. But I think this whole house and the Assembly -- and I'm sure

they're equally concerned with property tax increases and also the school tax property. And I think together we will find a way and we will get something done.

And hopefully between now and when we come back in January we'll have forged new legislation, with the support of the new governor, whoever he is or she is, whoever knows, that we will get some meaningful reform and relief to the real property taxpayers in the State of New York.

Thank you, Mr. President.

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

Senator Stavisky.

SENATOR STAVISKY: Thank you, Madam -- sir. Mr. President.

ACTING PRESIDENT MARCELLINO: You're welcome.

SENATOR STAVISKY: Mr. President. Sorry about that.

I was disappointed to hear another one of these let's blame somebody else for our own problems. There are other reasons, I

think, for the increases in the property tax.

What bothers me is this legislation is going to place an unusual -- an unfair burden upon the business community, and the business community certainly doesn't need any other tax increases and any other -- anything else that we do to make it more difficult for business to prosper.

I think business is the key to prosperity. And I think that if this legislation were to pass and the burden be placed on the business community, it will only encourage them to leave the state. And we certainly don't have to drive out the economic engine that drives our economy.

The farmers are going to suffer also under this legislation.

And, Mr. President, for that reason I vote no.

ACTING PRESIDENT MARCELLINO: Senator Stavisky will be recorded in the negative.

Senator LaValle, to explain his vote.

SENATOR LaVALLE: Thank you,

Mr. President. I rise to support this legislation.

Outside of the City of New York, there is no greater problem than real estate property taxes as we look at it from the school district tax.

I'm a little amused because I'm listening to some of my colleagues who were talking at other points in this session and last session about raising billions -- I even lost count. It could have been 10 or more billion dollars -- to finance CFE.

Whatever, this bill begins to address the issue by making a very strong statement and a plan and a program to begin to reduce the burden on real property taxpayers and begin to look at other broad-based taxes to fund that.

All of the gubernatorial candidates have made this a number-one issue and have pledged, as part of their campaigns, billions of dollars, 6 billion or more, to reduce the impact of real property taxes on homeowners.

So Senator Saland presents to us a plan and a program that does exactly that, and

a component that would, for those homeowners 70 or older, freeze their property taxes so that they can remain here in New York State, remain with their families, and not move to other part of the country.

I vote aye, Mr. President.

ACTING PRESIDENT MARCELLINO: Thank you, Senator LaValle. You will be recorded in the affirmative.

Senator Krueger, to explain her vote.

SENATOR LIZ KRUEGER: Thank you, Mr. President. To explain my vote.

Well, I guess one of the problems when you try to write a bill June 18th and pass it June 22nd is you don't necessarily look at the whole picture.

So since I've come to the Senate, I have stood up and said over and over again we will not resolve the education funding issue in the state until we reevaluate tax policy statewide, we will not actually address tax equity in this state until we completely reevaluate how we're collecting our taxes and how we're spending them.

So I do respect Senator Saland's attempt to say we need to do something about this. No disagreement.

My problem with the bill is -- and, Senator LaValle, I believe you were wrong, just in reference. We aren't resolving the CFE obligation -- which is estimated to be, what, a minimum 6 billion a year that the state is supposed to be coming up with for education. We're adding to the 6 billion a new assignment of an approximately 9 billion more for the state to come up with, because Senator Saland's bill is estimated to cost 9 billion annually when fully phased in over a five-year period.

So I don't actually disagree with my colleague's attempts to come up with a solution to the property tax issue. The problem is this bill doesn't do that. It shifts 9 billion to the state without explaining how we would now have to come up with $15 billion more in education aid at the state level on an annual basis.

Now, I almost wanted to vote for the bill because it would force the issue, it

would force the issue of finally saying let's look at our entire tax policy and let's do it right. But I can't, because there's so many problems still with this bill, including the reference my colleagues made at the local level, since your property tax owners won't pay their taxes but the school costs will go up, because everyone will go to vote and be happy to vote for higher school costs because it just goes to the state, not to the locality. That means your businesses, your farmers, and anybody who's not a homeowner can fully expect a dramatic increase in their property taxes as a direct outcome of this bill.

So bravo for the attempt. Bad idea to try to create a solution in four days. Flunks the test of answering the problem. And again, want to talk about where we come up with 15 billion annual in new state money for education? I'm happy to do that.

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

ACTING PRESIDENT MARCELLINO: Thank you, Senator Krueger. You will be

recorded in the negative.

Senator DeFrancisco, to explain his vote.

SENATOR DeFRANCISCO: Yes, I'm voting in the affirmative.

And about a decade ago, a very similar bill was proposed by Senator Charlie Cook. And at that time we heard basically the same arguments, that it's going to cost so much that we probably should not do it.

But the concept here is the longer we wait to convert the manner of funding of schools from the property tax and off the property taxpayers' back, the more difficult it's going to be.

As an analogy, when a proposal came out by Mid-States, a school organization that came out with a school aid formula reform several years ago, the cost of it was $4 billion for it to be implemented. And it cost too much at that time, and the formula was not approved or not even given serious consideration. Four billion dollars today is very little compared to the school tax increases that we've been providing in the

state over the last few years.

So my point simply is this. It may cost a lot, but it's good policy to get property taxes off the funding of schools, and so that property taxpayers are not killed every year and more and more each year we have to have an alternate formula. Charlie Cook saw this years ago. We should have listened to him. And now is as good a time as any to get it started.

I vote aye.

ACTING PRESIDENT MARCELLINO: Thank you, Senator DeFrancisco. You will be voted in the affirmative.

Senator Larkin.

SENATOR LARKIN: Thank you, Mr. President.

You know, I just heard my good friend and colleague Senator DeFrancisco talk about the late Senator Cook. About 10 or 11 years ago, Senator Cook took up this challenge. And Senator Cook said we'll never --

ACTING PRESIDENT MARCELLINO: Excuse me.

Ladies and gentlemen, can we have some order in the house, please.

Thank you.

SENATOR LARKIN: Thank you, Mr. President.

This was an issue that Senator Cook, during his tenure as chairman of the Education Committee, said: We must be bold, we must not just continually wait. We talk around here, day in and day out -- and I believe it's on both sides of the aisle -- that we have to address the issue of property tax. And people talk about it.

Today we're here with a bill that says we have an initiative, we're going to address it. And somebody said to me, walking down, "Well, what does the Governor say? What does the Speaker say?" I don't really care what they say. We are saying for the people we represent that this is an opportunity for us to strike a ground and say what we're going to do in hopes of addressing the real issue of real property tax.

I don't believe that there's anybody who's being honest with us can say

that it is not an issue in their district. If it isn't, they must be going around with blinders and earplugs. And what we need to do is to sit here and say let's do something about it.

The issue is, how do we get there? We talk about doing 20 percent for the next five years. And people will say, Well, there's the money, there's this. I always believe where there's a will, there's a way.

This is a striking attempt to address the most critical issue facing the taxpayers of this state. If we don't do something, we won't be worrying about reapportionment in 2010, we'll be worrying about who's going to turn the lights out as the last person leaves the state.

Thank you, Mr. President.

ACTING PRESIDENT MARCELLINO: Senator Larkin will be recorded in the affirmative.

Senator Connor.

SENATOR CONNOR: Thank you, Mr. President.

While I certainly appreciate the

desire of members to provide relief for the taxpayers in their districts, I think the residential property tax -- I do believe it's outmoded. It's a tax that's been around for as long as the State of New York, and goes back to colonial times when the measure of wealth -- people didn't have money, they had land. They had buildings. And it is outmoded.

That said, this bill is like signing a blank check for every school district. The State of New York signs the check, and the people who don't have to pay the check get to fill in the number.

I cannot believe that fiscally responsible members of this house would want to issue blank checks to the -- what are there, a couple thousand school districts in the state? How many? Seven hundred school districts. And, you know, except for the city school districts, 695 of them are going to get a blank check. They can decide let's have solid-gold goal posts on the football field. Heck, some people in Albany are going to pay for it.

Who will pay for it? The state's general taxpayers will pay for it. And we all know that New York City taxpayers send a dollar to Albany and get back $.60. So this is a huge transfer of wealth from one part of the state to another.

And I just think it's fiscally totally irresponsible. I think we ought to have a real plan for real property tax relief. We ought to have a real plan for funding education in this state. But we have to have the fundamental principle of accountability. You cannot leave the decision of how much to spend to someone who doesn't have to write the check. You can't say go ahead and decide how much to spend, we'll fill in the amount when you tell us how much you want -- not how much you need, not what standards are applied.

So this bill is, perhaps as some members on the other side of the aisle have said, a statement about school taxes, real property -- residential real property taxes. But it's nothing more than that, a statement. It's not a solution, it's not a plan, it's not an answer. It's a blank check.

ACTING PRESIDENT MARCELLINO: Senator Connor, I assume you're recorded in the negative.

SENATOR CONNOR: In the negative.

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

Senator Little, to explain her vote.

SENATOR LITTLE: Thank you. Thank you, Mr. President.

I'm very proud to be part of this Senate conference and to join my colleagues in voting for this bill.

There are many ideas that have been generated by our conference that have become law, and some of them have taken several years. Just last night we passed three that have taken a number of years to actually make them materialize and be enacted into law. And we've seen them happen frequently.

Property tax is an enormous issue in my district and throughout the state. I think this bill is one idea to put forward. We have to do something.

A second idea that we have passed

earlier today is a bill that I'm sponsoring that creates a blue-ribbon commission of experts -- bipartisan; we have a bill in the Assembly sponsored by Assemblywoman Galef that would do the same thing -- that would look at this and see what is the answer, how can we protect this property tax situation and the system that we have in New York State.

This is one measure to put on the table, and it certainly is something to be debated and to work on and to help have happen.

So I vote aye on this. Thank you.

ACTING PRESIDENT MARCELLINO: Thank you, Senator Little. You will be recorded in the affirmative.

Senator Schneiderman, to explain his vote.

SENATOR SCHNEIDERMAN: Thank you, Mr. President.

I have to concur with Senator Connor, Senator Krueger and others -- Senator Stavisky -- that this is really are remarkably bad bill. And I just -- I must say I realize you want to make a statement that -- we all

want to reduce property taxes.

If this was a bill to say we are going to replace the system of school funding with a completely new system, get property taxes out of it, that would be one thing. That's not what this is.

This exempts a certain category of property from property taxes. Doesn't deal with farmers, doesn't deal with businesses. Their property taxes will presumably be going up because they're now stuck covering every increase.

And, as Senator Connor pointed out, maintains the provisions of law that have school districts voting for how high their budgets should be but provides that the state will pay for. You have a third-party payer.

This is not the way to make a statement that we want to bring property taxes down, ladies and gentlemen, I'm sorry.

And other parts of the bill I quite frankly find incomprehensible. One part of it eliminates residential taxes for everyone while another part freezes rates for those over 70 years old. So I'm not sure what that

does. There's apparently an effort to deal with the Big Five school districts and replace their local share, but those aren't tied to -- that is not tied to property tax.

So as Senator Krueger said, you shouldn't be drafting bills in complicated areas of law in four days. We need something better, even if you just want to use it to make a statement, ladies and gentlemen.

I will be voting in the negative. Thank you.

ACTING PRESIDENT MARCELLINO: Thank you, Senator Schneiderman. You will be recorded in the negative.

Announce the results, please.

THE SECRETARY: Those recorded in the negative on Calendar Number 2098 are Senators Andrews, Connor, Dilan, Duane, Gonzalez, L. Krueger, Onorato, Parker, Paterson, Sabini, Savino, Schneiderman, A. Smith and Stavisky. Also Senator Serrano.

Ayes, 44. Nays, 15.

ACTING PRESIDENT MARCELLINO: The bill is passed.

The Secretary will continue to

read.

Senator Skelos.

SENATOR SKELOS: There will be an immediate meeting of the Racing, Gaming and Wagering Committee in the Majority Conference Room.

ACTING PRESIDENT MARCELLINO: There will be an immediate meeting of the Racing, Gaming and Wagering Committee in the Majority Conference Room.

SENATOR SKELOS: And, Mr. President, can we stand at ease.

ACTING PRESIDENT MARCELLINO: The Senate will stand at ease.

(Whereupon, the Senate stood at ease at 4:22 p.m.)

(Whereupon, the Senate reconvened at 4:38 p.m.)

ACTING PRESIDENT MARCELLINO: Senator Libous.

SENATOR LIBOUS: Mr. President, we'd like to take up the noncontroversial calendar, Number 2101.

ACTING PRESIDENT MARCELLINO: The Secretary will read Calendar Number 2101.

THE SECRETARY: Calendar Number 2101, by Senator Golden, Senate Print 8365A, an act to amend the Education Law.

ACTING PRESIDENT MARCELLINO: Read the last section.

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

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MARCELLINO: Ladies and gentlemen, if we can have some order in the house so that we can get our work done. We have a couple of bills to do. They're supposed to go noncontroversial. Let us get the work done.

If everybody will take their seats. Take the conversations out of the room, please, so that we can do this. Otherwise we're going to have confusion.

If you want to record a vote of no, please do so. If you want to explain your vote, indicate to the chair; we will do that. But let's have some order. Thank you.

Senator Oppenheimer, to explain her

vote.

SENATOR OPPENHEIMER: I think this sets a bad precedent. And this bill is going to just increase costs. It's not going to generate any savings. It just doesn't make a lot of sense to me.

I'll be voting no.

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

Senator Hassell-Thompson, why do you rise?

SENATOR HASSELL-THOMPSON: Yes, just to explain my vote.

ACTING PRESIDENT MARCELLINO: Senator Hassell-Thompson, to explain her vote.

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

The only point of debate for me with this bill is that this will be very difficult -- I perceive that this bill will be very difficult to administer. The only way that we can estimate the cost for reimbursement would be to correlate with attendance.

But the bill will increase costs without generating any savings. If one student on a bus with 30 others receives 1/30th of the transportation expense, the city loses money. The bus driver, gas, and any other aid costs are the same, whether there are 29, 27, or 30 children on the bus.

Paying the parent to take one of the students to school is a net loss to the district.

I will be voting no.

ACTING PRESIDENT MARCELLINO: Senator Hassell-Thompson will be recorded in the negative.

Senator Stavisky, why do you rise?

SENATOR STAVISKY: To explain my vote.

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

SENATOR STAVISKY: I'm troubled by this bill. I'm concerned that it might raise property taxes, and I vote no.

ACTING PRESIDENT MARCELLINO: Senator Stavisky will be recorded in the negative.

Senator Schneiderman.

SENATOR SCHNEIDERMAN: Thank you, Mr. President.

I am also going to be voting no on this. I think that the difficulty once again with this bill, as with some other bills we're seeing in the waning hours of this session -- what I hope are the waning hours of this session -- is that there are efforts to provide additional benefits or to pretend that we're going to provide additional benefits to homeowners or to parents without any provision for reducing costs.

This is something that is opposed by New York City and the New York City Department of Education, for a very obvious reason. It increases costs tremendously without generating savings. And it is by sharing all of the costs of transporting students, having supervisors, that we're able to keep costs as low as they are.

They're currently too high. I appreciate the fact as the parent of a child who has to get to and from school, that this is a burden. But this is not the proper

approach to resolving this problem.

I will be joining my colleagues in voting no, Mr. President.

ACTING PRESIDENT MARCELLINO: Thank you, Senator Schneiderman. You will be recorded in the negative.

Is there anyone else who wants to explain their vote?

Please announce the results.

THE SECRETARY: Those recorded in the negative on Calendar Number 2101 are Senators Andrews, Coppola, Dilan, Duane, Gonzalez, Onorato, Oppenheimer, Paterson, Sabini, Schneiderman, Serrano, A. Smith, Stachowski, Stavisky and Valesky.

Ayes, 44. Nays, 15.

ACTING PRESIDENT MARCELLINO: The bill is passed.

SENATOR LIBOUS: Mr. President.

ACTING PRESIDENT MARCELLINO: Senator Libous.

SENATOR LIBOUS: Can we take up Calendar Number 2108, please.

ACTING PRESIDENT MARCELLINO: The Secretary will read.

THE SECRETARY: Calendar Number 2108, by Senator Bruno, Senate Print 8414, an act to amend the State Finance Law.

ACTING PRESIDENT MARCELLINO: Read the last section, please.

THE SECRETARY: Section 38. This act shall take effect immediately.

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT MARCELLINO: The bill is passed.

Senator Libous, that completes the calendar.

SENATOR LIBOUS: Mr. President, if you would just give us a second here, we're trying to --

ACTING PRESIDENT MARCELLINO: Senator Libous, you can have two seconds.

SENATOR LIBOUS: Mr. President, if you could recognize Senator Oppenheimer, please.

ACTING PRESIDENT MARCELLINO: Yes, I recognize her. She's right over there.

(Laughter.)

ACTING PRESIDENT MARCELLINO: Senator Oppenheimer.

SENATOR OPPENHEIMER: Thank you. Thank you, Mr. President.

I wish to call up my bill, Senate Print Number 5304A, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT MARCELLINO: The Secretary will read.

THE SECRETARY: Calendar Number 140, by Senator Oppenheimer, Senate Print 5304A, an act to amend the Criminal Procedure Law.

SENATOR OPPENHEIMER: Mr. 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 MARCELLINO: Please call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT MARCELLINO: And the bill will be reported to the Third Reading

Calendar.

Senator Oppenheimer.

SENATOR OPPENHEIMER: All right. Mr. President, I now move to discharge, from the Committee on Rules, Assembly Print Number 6715B and substitute it for my identical bill.

ACTING PRESIDENT MARCELLINO: The substitution is ordered.

Senator Oppenheimer.

SENATOR OPPENHEIMER: The Senate bill on first passage was voted unanimously. I now move that the substituted Assembly bill have its third reading at this time.

ACTING PRESIDENT MARCELLINO: The Secretary will read.

THE SECRETARY: Calendar Number 140, substituted by Senator Oppenheimer, sponsored by Member of the Assembly Latimer, Assembly Print Number 6715B, an act to amend the Criminal Procedure Law.

ACTING PRESIDENT MARCELLINO: Read the last section.

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

ACTING PRESIDENT MARCELLINO:

Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT MARCELLINO: The bill is passed once again.

SENATOR OPPENHEIMER: Thank you.

SENATOR LIBOUS: Mr. President.

ACTING PRESIDENT MARCELLINO: Senator Libous.

SENATOR LIBOUS: Could we please have the noncontroversial reading of Supplemental Senate Calendar Number 61A. And I believe that has been distributed on all the members' desks.

ACTING PRESIDENT MARCELLINO: The Secretary will read Supplemental Calendar 61A, which should be on your desks.

Senator Krueger, why do you rise?

SENATOR LIZ KRUEGER: Thank you, Mr. President. I'd just like to go on the record that I was mistakenly out of the room when the Calendar 2101, S8365A, was voted on. Had I been here, I would have voted no.

Thank you, Mr. President.

ACTING PRESIDENT MARCELLINO: The

record will so indicate.

The Secretary will begin to read Supplemental Calendar 61A, which is on everybody's desk.

THE SECRETARY: Calendar Number 2115, by Senator Nozzolio, Senate Print 1969B, an act to amend the Vehicle and Traffic Law.

ACTING PRESIDENT MARCELLINO: Read the last section.

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

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: Calendar Number 2116, by Senator Nozzolio, Senate Print 1970B, an act to amend the Vehicle and Traffic Law.

ACTING PRESIDENT MARCELLINO: Read the last section.

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

ACTING PRESIDENT MARCELLINO:

Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: Calendar Number 2117, by Senator Flanagan, Senate Print 2797A, an act to amend the Mental Hygiene Law.

ACTING PRESIDENT MARCELLINO: Read the last section.

THE SECRETARY: Section 8. This act shall take effect on the 180th day.

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58. Nays, 1. Senator Duane recorded in the negative.

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: Calendar Number 2118, by Senator Nozzolio, Senate Print 3767A, an act to amend the Tax Law.

ACTING PRESIDENT MARCELLINO: Read the last section.

THE SECRETARY: Section 2. This

act shall take effect on the first day of the sales tax quarterly period.

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: In relation to Calendar Number 2119, Senator Saland moves to discharge, from the Committee on Rules, Assembly Bill Number 9272 and substitute it for the identical Senate Bill Number 4164, Third Reading Calendar 2119.

ACTING PRESIDENT MARCELLINO: The substitution is ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 2119, by Member of the Assembly Koon, Assembly Print Number 9272, an act to amend the Penal Law.

ACTING PRESIDENT MARCELLINO: Read the last section.

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

November.

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT MARCELLINO: The bill is passed.

Can we have some order in the house so we don't have any confusion as to which bill is up and who's supposed to vote for what.

Thank you very much, people.

THE SECRETARY: Calendar Number 2120, by Senator Hannon, Senate Print 4331B, an act to amend the Public Health Law.

ACTING PRESIDENT MARCELLINO: Read the last section.

THE SECRETARY: Section 16. This act shall take effect immediately.

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: In relation to Calendar Number 2121, Senator Golden moves to discharge, from the Committee on Rules, Assembly Bill Number 7189B and substitute it for the identical Senate Bill Number 4456B, Third Reading Calendar 2121.

ACTING PRESIDENT MARCELLINO: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 2121, by Member of the Assembly Abbate, Assembly Print Number 7189B, an act to amend the Public Authorities Law.

ACTING PRESIDENT MARCELLINO: Read the last section.

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

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: In relation to Calendar Number 2122, Senator Libous moves to

discharge, from the Committee on Rules, Assembly Bill Number 8670B and substitute it for the identical Senate Bill Number 5525A, Third Reading Calendar 2122.

ACTING PRESIDENT MARCELLINO: The substitution is ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 2122, by the Assembly Committee on Rules, Assembly Print Number 8670B, an act to amend the Vehicle and Traffic Law.

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

The Secretary will read the last section.

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

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: In relation to Calendar Number 2123, Senator Spano moves to

discharge, from the Committee on Rules, Assembly Bill Number 8988D and substitute it for the identical Senate Bill Number 5987C, Third Reading Calendar 2123.

ACTING PRESIDENT MARCELLINO: The substitution is ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 2123, by the Assembly Committee on Rules, Assembly Print Number 8988D, an act to amend the Mental Hygiene Law.

ACTING PRESIDENT MARCELLINO: Read the last section.

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

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: In relation to Calendar Number 2123: Ayes, 58. Nays, 1. Senator Meier recorded in the negative.

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: In relation to Calendar Number 2124, Senator Spano moves to

discharge, from the Committee on Finance, Assembly Bill Number 1259 and substitute it for the identical Senate Bill Number 6575, Third Reading Calendar 2124.

ACTING PRESIDENT MARCELLINO: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 2124, by Member of the Assembly John, Assembly Print Number 1259, an act to amend the State Finance Law.

ACTING PRESIDENT MARCELLINO: Read the last section.

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

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58. Nays, 1. Senator Duane recorded in the negative.

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: Calendar Number 2125, by Senator Johnson, Senate Print 6795A, an act to amend the Environmental Conservation

Law.

ACTING PRESIDENT MARCELLINO: Read the last section.

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

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58. Nays, 1. Senator LaValle recorded in the negative.

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: In relation to Calendar Number 2126, Senator Flanagan moves to discharge, from the Committee on Rules, Assembly Bill Number 11245 and substitute it for the identical Senate Bill Number 7184B, Third Reading Calendar 2126.

ACTING PRESIDENT MARCELLINO: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 2126, by Member of the Assembly Englebright, Assembly Print Number 11245, an act to amend the Real Property Tax Law.

ACTING PRESIDENT MARCELLINO:

Read the last section.

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

ACTING PRESIDENT MARCELLINO:

Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: Calendar Number 2127, by Senator Volker, Senate Print 7263, an act to amend the Retirement and Social Security Law.

ACTING PRESIDENT MARCELLINO:

Read the last section.

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

ACTING PRESIDENT MARCELLINO:

Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: Calendar Number

2128, by Senator Farley, Senate Print 7425B, an act establishing a demonstration program.

ACTING PRESIDENT MARCELLINO: Read the last section.

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

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MARCELLINO: Senator Valesky, to explain his vote.

SENATOR VALESKY: Thank you, Mr. President. I'll be supporting this bill and encouraging my colleagues to do the same.

Just to point out for the record that I had advanced an amendment to an earlier version of Senator Skelos's Medicaid fraud bill that passed last night that would encourage and allow all counties that are interested in establishing demonstration programs as a way to combat Medicaid fraud, abuse and waste to in fact do so.

I am hopeful that as we look ahead to next year and continue to find creative ways to save money in our Medicaid program,

that we may revisit that issue in the future.

I vote aye, Mr. President.

ACTING PRESIDENT MARCELLINO: Senator Valesky will be recorded in the affirmative.

Announce the results.

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: Calendar Number 2129, by Senator Maltese, Senate Print 7679, an act to amend the Administrative Code of the City of New York.

ACTING PRESIDENT MARCELLINO: Read the last section.

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

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: In relation to Calendar Number 2130, Senator Bruno moves to

discharge, from the Committee on Rules, Assembly Bill Number 8955A and substitute it for the identical Senate Bill Number 7832, Third Reading Calendar 2130.

ACTING PRESIDENT MARCELLINO: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 2130, by the Assembly Committee on Rules, Assembly Print Number 8955A, an act to amend Chapter 103 of the Laws of 2004.

ACTING PRESIDENT MARCELLINO: Read the last section.

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

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: In relation to Calendar Number 2131, Senator Marcellino moves to discharge, from the Committee on Rules, Assembly Bill Number 10621A and substitute it

for the identical Senate Bill Number 7961, Third Reading Calendar 2131.

ACTING PRESIDENT MARCELLINO: The substitution is ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 2131, by Member of the Assembly Colton, Assembly Print Number 10621A, an act to amend the Environmental Conservation Law.

ACTING PRESIDENT MARCELLINO: Read the last section.

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

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: In relation to Calendar Number 2132, Senator Larkin moves to discharge, from the Committee on Rules, Assembly Bill Number 11001 and substitute it for the identical Senate Bill Number 8034, Third Reading Calendar 2132.

ACTING PRESIDENT MARCELLINO: The substitution is ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 2132, by Member of the Assembly Cahill, Assembly Print Number 11001, an act to amend the Navigation Law.

ACTING PRESIDENT MARCELLINO: 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 MARCELLINO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: In relation to Calendar Number 2133, Senator Hannon moves to discharge, from the Committee on Health, Assembly Bill Number 10140 and substitute it for the identical Senate Bill Number 8067, Third Reading Calendar 2133.

ACTING PRESIDENT MARCELLINO:

Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 2133, by Member of the Assembly Gottfried, Assembly Print Number 10140, an act to amend Chapter 884 of the Laws of 1990.

ACTING PRESIDENT MARCELLINO: Read the last section.

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

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: In relation to Calendar Number 2134, Senator Little moves to discharge, from the Committee on Rules, Assembly Bill Number 11614 and substitute it for the identical Senate Bill Number 8074, Third Reading Calendar 2134.

ACTING PRESIDENT MARCELLINO: The substitution is ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 2134, by Member of the Assembly DiNapoli, Assembly Print Number 11614, Concurrent resolution of the Senate and Assembly proposing an amendment to Section 1 of Article 14 of the Constitution.

ACTING PRESIDENT MARCELLINO: The Secretary will call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT MARCELLINO: The resolution is adopted.

THE SECRETARY: In relation to Calendar Number 2135, Senator Spano moves to discharge, from the Committee on Rules, Assembly Bill Number 11666 and substitute it for the identical Senate Bill Number 8082, Third Reading Calendar 2135.

ACTING PRESIDENT MARCELLINO: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 2135, by Member of the Assembly Paulin, Assembly Print Number 11666, an act to amend the Public Health Law.

ACTING PRESIDENT MARCELLINO: Read the last section.

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

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: In relation to Calendar Number 2136, Senator Klein moves to discharge, from the Committee on Rules, Assembly Bill Number 11774 and substitute it for the identical Senate Bill Number 8137, Third Reading Calendar 2136.

ACTING PRESIDENT MARCELLINO: The substitution is ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 2136, by the Assembly Committee on Rules, Assembly Print Number 11774, an act to amend the Vehicle and Traffic Law.

ACTING PRESIDENT MARCELLINO: 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 MARCELLINO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: In relation to Calendar Number 2137, Senator Alesi moves to discharge, from the Committee on Rules, Assembly Bill Number 11806 and substitute it for the identical Senate Bill Number 8180, Third Reading Calendar 2137.

ACTING PRESIDENT MARCELLINO: The substitution is ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 2137, by the Assembly Committee on Rules, Assembly Print Number 11806, an act authorizing the Commissioner of Health.

ACTING PRESIDENT MARCELLINO: Read the last section.

THE SECRETARY: Section 2. This

act shall take effect immediately.

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: In relation to Calendar Number 2138, Senator Bonacic moves to discharge, from the Committee on Rules, Assembly Bill Number 3995 and substitute it for the identical Senate Bill Number 8281, Third Reading Calendar 2138.

ACTING PRESIDENT MARCELLINO: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 2138, by Member of the Assembly Cahill, Assembly Print Number 3995, an act to amend the Vehicle and Traffic Law.

ACTING PRESIDENT MARCELLINO: Read the last section.

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

ACTING PRESIDENT MARCELLINO:

Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: Calendar Number 2139, by Senator Balboni, Senate Print 8294, an act to amend the Military Law and the State Finance Law.

ACTING PRESIDENT MARCELLINO: Read the last section.

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

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: In relation to Calendar Number 2140, Senator Morahan moves to discharge, from the Committee on Rules, Assembly Bill Number 11866A and substitute it for the identical Senate Bill Number 8308A, Third Reading Calendar 2140.

ACTING PRESIDENT MARCELLINO: The substitution is ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 2140, by the Assembly Committee on Rules, Assembly Print Number 11866A, an act in relation to school aid payments.

ACTING PRESIDENT MARCELLINO: Read the last section.

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

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: Calendar Number 2141, by the Senate Committee on Rules, Senate Print Number 8402, an act to amend the Real Property Tax Law.

ACTING PRESIDENT MARCELLINO: Read the last section.

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

ACTING PRESIDENT MARCELLINO:

Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: Calendar Number 2142, by Senator LaValle, Senate Print 8405, an act to amend the Environmental Conservation Law and others.

ACTING PRESIDENT MARCELLINO:

Read the last section.

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

ACTING PRESIDENT MARCELLINO:

Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT MARCELLINO: The bill is passed.

Senator Bruno, that completes the calendar, Supplemental 61A.

Senator Bruno, why do you rise?

SENATOR BRUNO: Mr. President, greetings.

ACTING PRESIDENT MARCELLINO: Greetings, sir.

SENATOR BRUNO: We are going to -- listen, please.

Tom, thank you.

ACTING PRESIDENT MARCELLINO: Come on, guys.

SENATOR BRUNO: We're all trying to do the people's business as best we can under very challenging and difficult circumstances, but we are going to -- so don't anybody move, please -- recess for a little while and then, in the meantime, call a Rules Committee meeting in Room 332.

But the recess will give us an opportunity to take a break and join Senator Marchi and his lovely wife, Maria Luisa, out here, where I believe the Governor is going to come by and the Speaker is going to come by, and both houses, with members, in a little open house honoring Senator Marchi's -- which may be the last day of regular session -- that he, as the longest serving legislator in the whole United States, will be attending.

Now, we may be back later, and

Senator Marchi will be back if we are. But officially we're supposed to be closing on June 22nd.

So we've laid out some good things to eat, there are some good things to drink, and there is great company and the Senator and his wife.

So we would like the Rules Committee, we would like to recess. We would like for you not to go too far, because it's right outside the door. And hopefully some of your colleagues will make it a pass-through from the Assembly.

So this is togetherness and love and peace in the greatest tradition of Senator John Marchi, the most distinguished legislator in the whole country.

(Standing ovation.)

ACTING PRESIDENT MARCELLINO: On that note, there will be a meeting of the Rules Committee in Room 332.

The Senate will be at ease. Let's enjoy.

(Whereupon, the Senate stood at ease at 5:20 p.m.)

(Whereupon, the Senate reconvened at 5:57 p.m.)

SENATOR BALBONI: Mr. President.

ACTING PRESIDENT FUSCHILLO: Senator Balboni.

SENATOR BALBONI: Can we please return to reports of standing committees. I believe there is a Rules report at the desk.

ACTING PRESIDENT FUSCHILLO: Reports of standing committees.

The Secretary will read.

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

Senate Print 126A, by Senator Seward, an act relating to the Department of Health;

1072B, by Senator Alesi, an act to amend the Volunteer Firefighters Benefit Law;

2790B, by Senator Flanagan, an act to amend the Tax Law;

3518C, by Senator Morahan, an act to amend the Retirement and Social Security Law;

3531A, by Senator Winner, an act to

amend the Workers' Compensation Law;

4605A, by Senator Wright, an act to amend the Public Service Law;

4927A, by Senator Hannon, an act to amend the Public Health Law;

6742, by Senator Padavan, an act to amend Chapter 548 of the Laws of 2004;

7458A, by Senator Hannon, an act to amend the Public Health Law;

7642, by Senator Meier, an act to amend the Social Services Law;

7691A, by Senator Padavan, an act to amend the Family Court Act;

7979, by Senator Seward, an act relating to increasing availability;

7992, by Senator Libous, an act to amend the Highway Law;

8072A, by Senator Maziarz, an act to amend the Labor Law;

8110, by Senator Leibell, an act to amend the Public Authorities Law;

8173, by Senator Morahan, an act to amend the Mental Hygiene Law;

8194, by Senator Golden, an act to amend the Social Services Law;

8195, by Senator Farley, an act to amend the New York State Urban Development Corporation Act;

8210, by Senator Maltese, an act to amend the Public Health Law;

8227A, by Senator Hannon, an act to amend the Public Health Law;

8291A, by Senator Fuschillo, an act to amend the Environmental Conservation Law;

8306, by Senator Breslin, an act to amend the Highway Law;

8316, by Senator Wright, an act to amend the Public Authorities Law;

8320, by Senator Balboni, an act to amend the Real Property Tax Law;

8326A, by Senator Morahan, an act in relation to the determination;

8335, by the Senate Committee on Rules, an act to amend Chapter 444 of the Laws of 1997;

8350A, by Senator Golden, an act to amend the Urban Development Corporation Act;

8373, by Senator Fuschillo, an act to amend the General Business Law;

8374, by Senator Skelos, an act to

amend the Public Authorities Law;

8375, by Senator Winner, an act to authorize;

8394, by Senator Maziarz, an act to amend the Public Authorities Law;

8399, by the Senate Committee on Rules, an act to amend the General Municipal Law;

8400, by Senator Golden, an act to amend the Vehicle and Traffic Law;

8422, by Senator Leibell, an act to amend the Education Law;

8426, by Senator Leibell, an act to amend the Public Authorities Law;

8428, by Senator Golden, an act to amend the Administrative Code of the City of New York;

8430, by Senator Volker, an act to amend the Military Law;

8431, by Senator Saland, an act to amend the Penal Law;

8436, by Senator Little, an act to amend the Criminal Procedure Law;

8453, by Senator Padavan, an act to authorize;

8454, by Senator Balboni, an act to amend the Public Authorities Law;

8456, by Senator Maziarz, an act to amend Chapter 62 of the Laws of 2003;

And Senate Print 8457, by Senator Skelos, an act to amend the Correction Law and the Executive Law.

All bills ordered direct to third reading.

ACTING PRESIDENT FUSCHILLO: Senator Balboni.

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

ACTING PRESIDENT FUSCHILLO: Madam President? Mr. President.

SENATOR BALBONI: Did I say Madam President? I'm sorry. Your hair looks great.

(Laughter.)

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

(Response of "Aye.")

ACTING PRESIDENT FUSCHILLO: Opposed, nay.

(No response.)

ACTING PRESIDENT FUSCHILLO: The report is accepted.

SENATOR BALBONI: Mr. President.

ACTING PRESIDENT FUSCHILLO: Senator Balboni.

SENATOR BALBONI: For the edification of the members, this is what we're going to be doing now. We're going to be taking up the supplemental active list. These bills are not on the floor as a result of a Rules Committee meeting. This is off the main calendar and should be on your desks.

And this will done in a noncontroversial fashion, hopefully.

Mr. President.

ACTING PRESIDENT FUSCHILLO: Senator Balboni.

SENATOR BALBONI: As we prepare the chamber for the consideration of the supplemental active list, why don't we return to reports of standing committees.

And I believe there is a report of the Finance Committee at the desk with one nomination on it.

ACTING PRESIDENT FUSCHILLO: Reports of standing committees.

The Secretary will read.

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

As a member of the Public Service Commission, Robert E. Curry, Jr., Esquire, of Lattingtown.

ACTING PRESIDENT FUSCHILLO: Senator Johnson.

SENATOR JOHNSON: I'd like to move that nomination.

ACTING PRESIDENT FUSCHILLO: The question is on the nomination of Robert E. Curry, Jr., of Lattingtown, as a member of the Public Service Commission. All in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT FUSCHILLO: Opposed, nay.

(No response.)

ACTING PRESIDENT FUSCHILLO: Robert E. Curry is hereby confirmed as a member of the Public Service Commission.

Mr. Curry.

(Applause.)

ACTING PRESIDENT FUSCHILLO: Mr. Curry is here with his son, Robert.

Congratulations.

Senator Balboni.

SENATOR BALBONI: Mr. President, I believe that we are ready now to take up the supplemental active list, beginning with Calendar Number 175, by Senator Alesi.

ACTING PRESIDENT FUSCHILLO: The Secretary will read.

THE SECRETARY: Calendar Number 175, by Senator Alesi, Senate Print 6365A, an act to amend the Public Health Law.

SENATOR BALBONI: Mr. President.

ACTING PRESIDENT FUSCHILLO: Senator Balboni.

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

ACTING PRESIDENT FUSCHILLO: Yes, there is.

SENATOR BALBONI: I move to accept the message of necessity.

ACTING PRESIDENT FUSCHILLO: All

in favor of accepting the message of necessity signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT FUSCHILLO: Opposed, nay.

(No response.)

ACTING PRESIDENT FUSCHILLO: The ayes have it. The message is accepted.

Read the last section.

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

ACTING PRESIDENT FUSCHILLO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT FUSCHILLO: The bill is passed.

THE SECRETARY: In relation to Calendar Number 318, Senator Volker moves to discharge, from the Committee on Rules, Assembly Bill Number 11864 and substitute it for the identical Senate Bill Number 2742A, Third Reading Calendar 318.

ACTING PRESIDENT FUSCHILLO: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 318, by the Assembly Committee on Rules, Assembly Print Number 11864, an act to amend the Penal Law.

ACTING PRESIDENT FUSCHILLO: Read the last section.

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

ACTING PRESIDENT FUSCHILLO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT FUSCHILLO: Senator Serrano, why do you rise?

SENATOR SERRANO: To explain my vote.

ACTING PRESIDENT FUSCHILLO: Senator Serrano, to explain his vote.

SENATOR SERRANO: I will be voting against this bill.

And I hope my colleagues have the opportunity to take a long, hard look at the language of this bill. This is a very dangerous piece of legislation it would lower the age requirement for a youngster to use a

pistol to 14 years old.

Now, there's no reason why a 14-year-old child should be anywhere near a gun. And this is just going to teach them the so-called sport of violence and how to use a gun, and it is a very, very dangerous situation.

And I hope that all of my colleagues here on both sides of the aisle take a long, hard look at this bill. I will be voting no.

Thank you.

ACTING PRESIDENT FUSCHILLO: Senator Serrano, you will be recorded in the negative.

Senator Schneiderman.

SENATOR SCHNEIDERMAN: Thank you, Mr. President. To explain my vote.

I also will be voting in the negative, although I do think that young people being trained in how to shoot is not necessarily a bad thing. I shot long guns when I was a kid. I didn't carry one around with me.

But I think that this reinforces --

the fact that we're able to do this bill reinforces my concern that we're ending this session, once again, with the Assembly having passed a whole series of enforceable, reasonable restrictions on the sale of illegal firearms and on the dealers who sell illegal firearms or sell the guns that become illegal firearms in the State of New York.

We really have to reassess the attitude of this house. There was much made at the end of last year that we were finally getting tough on guns and gun crime. We have failed to meet that standard this year. We have failed to live up to that obligation this year.

I'll be voting no on this, in the hope that as we move forward we will be able to address this critical issue.

Thank you, Mr. President.

ACTING PRESIDENT FUSCHILLO: Announce the results.

THE SECRETARY: Those recorded in the negative on Calendar Number 318 are Senators Duane, L. Krueger, Schneiderman and Serrano.

Ayes, 56. Nays, 4.

ACTING PRESIDENT FUSCHILLO: The bill is passed.

THE SECRETARY: In relation to Calendar Number 348, Senator Morahan moves to discharge, from the Committee on Rules, Assembly Bill Number 2895A and substitute it for the identical Senate Bill Number 3653A, Third Reading Calendar 348.

ACTING PRESIDENT FUSCHILLO: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 348, by Member of the Assembly Rivera, Assembly Print Number 2895A, an act to amend the Mental Hygiene Law.

ACTING PRESIDENT FUSCHILLO: Read the last section.

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

ACTING PRESIDENT FUSCHILLO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT FUSCHILLO: Senator Morahan.

SENATOR MORAHAN: Mr. President, I'd like to explain my vote.

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

SENATOR MORAHAN: This bill is a major movement in this house towards helping to create an inventory of those New Yorkers who have mental disease and are in need of housing.

This bill has passed three years in a row in the Assembly, but this year we're going to join the Assembly and get this bill into law.

What this bill will require is counties every month reporting what the need is out there for either subsidized housing, supplemental housing, group homes or whatever it may be. And until this time, we have never had a real inventory as to exactly what that need is. This bill will service that need.

As we go forward in the future, we're going to have to address that need and see if we can meet the needs of New Yorkers that have mental disease of one form or another and are in dire need of some shelter.

Thank you.

ACTING PRESIDENT FUSCHILLO: Announce the results.

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT FUSCHILLO: The bill is passed.

THE SECRETARY: In relation to Calendar Number 386, Senator Nozzolio moves to discharge, from the Committee on Rules, Assembly Bill Number 2122 and substitute it for the identical Senate Bill Number 4493, Third Reading Calendar 386.

ACTING PRESIDENT FUSCHILLO: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 386, by Member of the Assembly Morelle, Assembly Print Number 2122, an act to amend the General Business Law.

ACTING PRESIDENT FUSCHILLO: Read the last section.

THE SECRETARY: Section 4. This act shall take effect on the 60th day.

ACTING PRESIDENT FUSCHILLO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT FUSCHILLO: The bill is passed.

THE SECRETARY: Calendar Number 423, by Senator Young, Senate Print 6265A, an act to amend the Private Housing Finance Law.

ACTING PRESIDENT FUSCHILLO: Read the last section.

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

ACTING PRESIDENT FUSCHILLO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT FUSCHILLO: The bill is passed.

THE SECRETARY: Calendar Number 691, by Senator Golden, Senate Print 4502A, an act to amend the Alcoholic Beverage Control Law.

ACTING PRESIDENT FUSCHILLO: Senator Balboni.

SENATOR BALBONI: Mr. President, I believe there's a message of necessity at

the desk.

ACTING PRESIDENT FUSCHILLO: Yes, there is.

SENATOR BALBONI: I move that we accept the message.

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

(Response of "Aye.")

ACTING PRESIDENT FUSCHILLO: Opposed, nay.

(No response.)

ACTING PRESIDENT FUSCHILLO: The ayes have it.

The Secretary will read the last section.

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

ACTING PRESIDENT FUSCHILLO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT FUSCHILLO: The bill is passed.

THE SECRETARY: In relation to

Calendar Number 912, Senator DeFrancisco moves to discharge, from the Committee on Rules, Assembly Bill Number 10619B and substitute it for the identical Senate Bill Number 7233A, Third Reading Calendar 912.

ACTING PRESIDENT FUSCHILLO: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 912, by Member of the Assembly Magnarelli, Assembly Print Number 10619B, an act to amend the Penal Law.

ACTING PRESIDENT FUSCHILLO: Read the last section.

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

ACTING PRESIDENT FUSCHILLO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT FUSCHILLO: Senator DeFrancisco, to explain your vote.

SENATOR DeFRANCISCO: Thank you, Mr. President.

This bill is entitled the

Bill Leaf-Brandi Woods bill. Earlier in the year we had a news conference about this bill. And basically what this bill resulted from was two unfortunate deaths, one a reporter from WSYR News who was killed by the drunk driver going the wrong way on a major thoroughfare in Onondaga County, and another the death of a young 11-year-old Girl Scout who was delivering her Girl Scout cookies, by a drunk driver.

The reason for this bill is each of those defendants, or those charged, were convicted of prior DWIs. And what this bill does is it increases penalties for individuals who have prior DWIs that cause serious physical injury or death. So that there's serious punishment for the repeat DWI offender.

It's an important bill, and I urge the support of everyone. And I vote aye.

ACTING PRESIDENT FUSCHILLO: Senator DeFrancisco will be recorded in the affirmative.

Announce the results.

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT FUSCHILLO: The bill is passed.

THE SECRETARY: Calendar Number 924, by Senator Balboni, Senate Print 7682A, an act to amend the Executive Law.

ACTING PRESIDENT FUSCHILLO: Read the last section.

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

ACTING PRESIDENT FUSCHILLO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT FUSCHILLO: Senator Balboni, why do you rise?

SENATOR BALBONI: Mr. President, I'd like to explain my vote.

This particular bill is a significant bill because what this does, it creates, for the first time in New York State history, a uniform identification card for firefighters.

Now, it may not sound like it's so important, but the impact of this is that everybody who is a volunteer firefighter or a

professional firefighter will be able to go to any scene across the state and be able to assist because of this card.

This recommendation came out of the George Washington University Homeland Security Policy Institute, and we are the first state in the nation to take this up. Once again, New York State leading the way.

I vote aye, Mr. President. Thank you.

ACTING PRESIDENT FUSCHILLO: Senator Balboni will be recorded in the negative.

Announce the results.

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT FUSCHILLO: The bill is passed.

THE SECRETARY: Calendar Number 946, by Senator Farley, Senate Print 6683B, an act to amend the Tax Law.

ACTING PRESIDENT FUSCHILLO: Read the last section.

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

ACTING PRESIDENT FUSCHILLO: Call

the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT FUSCHILLO: The bill is passed.

THE SECRETARY: In relation to Calendar Number 948, Senator Bruno moves to discharge, from the Committee on Investigations and Government Operations, Assembly Bill Number 10654A and substitute it for the identical Senate Bill Number 7194A, Third Reading Calendar 948.

ACTING PRESIDENT FUSCHILLO: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 948, by the Assembly Committee on Rules, Assembly Print Number 10654A, an act to amend the Tax Law.

ACTING PRESIDENT FUSCHILLO: Read the last section.

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

ACTING PRESIDENT FUSCHILLO: Call

the roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT FUSCHILLO: The bill is passed.

THE SECRETARY: Calendar Number 997, by Senator Wright, Senate Print 3249D, an act to amend the General Business Law.

SENATOR BALBONI: Mr. President.

ACTING PRESIDENT FUSCHILLO: Senator Balboni.

SENATOR BALBONI: I believe there is a message of necessity at the desk.

ACTING PRESIDENT FUSCHILLO: Yes, there is.

SENATOR BALBONI: I move to accept the message.

ACTING PRESIDENT FUSCHILLO: All in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT FUSCHILLO: Opposed, nay.

(No response.)

ACTING PRESIDENT FUSCHILLO: The

message is accepted.

The Secretary will read the last section.

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

ACTING PRESIDENT FUSCHILLO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT FUSCHILLO: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1013, Senator Seward moves to discharge, from the Committee on Rules, Assembly Bill Number 11129 and substitute it for the identical Senate Bill Number 7158A, Third Reading Calendar 1013.

ACTING PRESIDENT FUSCHILLO: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1013, by Member of the Assembly Latimer, Assembly Print Number 11129, an act to amend the Insurance Law.

ACTING PRESIDENT FUSCHILLO: Read

the last section.

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

ACTING PRESIDENT FUSCHILLO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT FUSCHILLO: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1023, Senator Young moves to discharge, from the Committee on Rules, Assembly Bill Number 10624A and substitute it for the identical Senate Bill Number 7785, Third Reading Calendar 1023.

ACTING PRESIDENT FUSCHILLO: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1023, by Member of the Assembly Magee, Assembly Print Number 10624A, an act to amend the Agriculture and Markets Law.

ACTING PRESIDENT FUSCHILLO: Read the last section.

THE SECRETARY: Section 2. This

act shall take effect immediately.

ACTING PRESIDENT FUSCHILLO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT FUSCHILLO: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1063, Senator Nozzolio moves to discharge, from the Committee on Rules, Assembly Bill Number 9911A and substitute it for the identical Senate Bill Number 6647A, Third Reading Calendar 1063.

ACTING PRESIDENT FUSCHILLO: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1063, by Member of the Assembly Errigo, Assembly Print Number 9911A, an act to amend the Highway Law.

ACTING PRESIDENT FUSCHILLO: Read the last section.

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

ACTING PRESIDENT FUSCHILLO: Call

the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT FUSCHILLO: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1068, Senator DeFrancisco moves to discharge, from the Committee on Rules, Assembly Bill Number 10369A and substitute it for the identical Senate Bill Number 7216A, Third Reading Calendar 1068.

ACTING PRESIDENT FUSCHILLO: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1068, by Member of the Assembly Magnarelli, Assembly Print Number 10369A, an act to amend the Vehicle and Traffic Law.

ACTING PRESIDENT FUSCHILLO: Read the last section.

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

ACTING PRESIDENT FUSCHILLO: Call the roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT FUSCHILLO: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1197, Senator Skelos moves to discharge, from the Committee on Rules, Assembly Bill Number 11167B and substitute it for the identical Senate Bill Number 7452A, Third Reading Calendar 1197.

ACTING PRESIDENT FUSCHILLO: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1197, by Member of the Assembly Morelle, Assembly Print Number 11167B, an act to amend the General Business Law.

ACTING PRESIDENT FUSCHILLO: Read the last section.

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

ACTING PRESIDENT FUSCHILLO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT FUSCHILLO: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1217, Senator DeFrancisco moves to discharge, from the Committee on Codes, Assembly Bill Number 8858A and substitute it for the identical Senate Bill Number 5682A, Third Reading Calendar 1217.

ACTING PRESIDENT FUSCHILLO: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1217, by the Assembly Committee on Rules, Assembly Print Number 8858A, an act to amend the Criminal Procedure Law.

ACTING PRESIDENT FUSCHILLO: Read the last section.

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

ACTING PRESIDENT FUSCHILLO: Call the roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT FUSCHILLO: The bill is passed.

THE SECRETARY: Calendar Number 1226 --

SENATOR BALBONI: Mr. President.

ACTING PRESIDENT FUSCHILLO: Senator Balboni.

SENATOR BALBONI: Please have that bill laid aside temporarily.

ACTING PRESIDENT FUSCHILLO: The bill is laid aside temporarily.

SENATOR BALBONI: Thank you.

THE SECRETARY: In relation to Calendar Number 1232, Senator Libous moves to discharge, from the Committee on Rules, Assembly Bill Number 10120C and substitute it for the identical Senate Bill Number 7301A, Third Reading Calendar 1232.

ACTING PRESIDENT FUSCHILLO: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1232, by Member of the Assembly Lupardo, Assembly Print Number 10120C, an act to amend the Environmental Conservation Law.

ACTING PRESIDENT FUSCHILLO: Read the last section.

THE SECRETARY: Section 3. This act shall take effect on the 60th day.

ACTING PRESIDENT FUSCHILLO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT FUSCHILLO: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1233, Senator Libous moves to discharge, from the Committee on Rules, Assembly Bill Number 10757A and substitute it for the identical Senate Bill Number 7307B, Third Reading Calendar 1233.

ACTING PRESIDENT FUSCHILLO: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1233, by Member of the Assembly Lupardo, Assembly Print Number 10757A, an act to amend the Environmental Conservation Law.

ACTING PRESIDENT FUSCHILLO: Read the last section.

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

ACTING PRESIDENT FUSCHILLO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT FUSCHILLO: The bill is passed.

THE SECRETARY: Calendar Number 1266, by Senator Saland, Senate Print 7315A, an act to amend the Family Court Act, the Penal Law, and the Criminal Procedure Law.

ACTING PRESIDENT FUSCHILLO: Read the last section.

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

ACTING PRESIDENT FUSCHILLO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT FUSCHILLO: The bill is passed.

THE SECRETARY: Calendar Number 1285, by Senator Libous, Senate Print 7511B, an act to amend the Real Property Tax Law.

ACTING PRESIDENT FUSCHILLO: Read the last section.

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

ACTING PRESIDENT FUSCHILLO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT FUSCHILLO: The bill is passed.

THE SECRETARY: Calendar Number 1352, by Senator Skelos, Senate Print 7421B, an act to amend the Public Health Law.

ACTING PRESIDENT FUSCHILLO: Read the last section.

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

ACTING PRESIDENT FUSCHILLO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT FUSCHILLO: The bill is passed.

THE SECRETARY: Calendar Number 1357, by Senator Morahan, Senate Print 243C,

an act to amend the Tax Law.

ACTING PRESIDENT FUSCHILLO: 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 FUSCHILLO: We have a local fiscal impact note at the desk.

Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT FUSCHILLO: The bill is passed.

THE SECRETARY: Calendar Number 1429, by Senator Balboni, Senate Print 4495B, an act to amend the Executive Law and the General Business Law.

ACTING PRESIDENT FUSCHILLO: Read the last section.

THE SECRETARY: Section 6. This act shall take effect on the 90th day.

ACTING PRESIDENT FUSCHILLO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT FUSCHILLO: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1652, Senator Fuschillo moves to discharge, from the Committee on Rules, Assembly Bill Number 10920A and substitute it for the identical Senate Bill Number 8019A, Third Reading Calendar 1652.

ACTING PRESIDENT FUSCHILLO: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1652, by Member of the Assembly Hooper, Assembly Print Number 10920A, an act to authorize.

ACTING PRESIDENT FUSCHILLO: Read the last section.

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

ACTING PRESIDENT FUSCHILLO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Those recorded in the negative on Calendar Number 1652 are Senators Bonacic, Larkin and Rath.

Ayes, 57. Nays, 3.

ACTING PRESIDENT FUSCHILLO: The bill is passed.

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

ACTING PRESIDENT FUSCHILLO: Senator Balboni, why do you rise?

SENATOR BALBONI: Mr. President, I believe there's a message of necessity at the desk.

ACTING PRESIDENT FUSCHILLO: Yes, there is.

SENATOR BALBONI: I move that we accept the message.

ACTING PRESIDENT FUSCHILLO: All in favor please signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT FUSCHILLO: Opposed, nay.

(No response.)

ACTING PRESIDENT FUSCHILLO: The message is accepted.

The Secretary will read.

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

ACTING PRESIDENT FUSCHILLO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT FUSCHILLO: The bill is passed.

THE SECRETARY: Calendar Number 1812, by Senator Padavan, Senate Print 7673, an act to amend the Tax Law.

ACTING PRESIDENT FUSCHILLO: Read the last section.

THE SECRETARY: Section 4. This act shall take effect on the first day of a sales tax quarterly period.

ACTING PRESIDENT FUSCHILLO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT FUSCHILLO: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1909, Senator Skelos moves to discharge, from the Committee on Rules,

Assembly Bill Number 11399C and substitute it for the identical Senate Bill Number 7381C, Third Reading Calendar 1909.

ACTING PRESIDENT FUSCHILLO: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1909, by Member of the Assembly Weisenberg, Assembly Print Number 11399C, an act to amend the Education Law.

ACTING PRESIDENT FUSCHILLO: Read the last section.

THE SECRETARY: Section 9. This act shall take effect on the first of July next succeeding.

ACTING PRESIDENT FUSCHILLO: Call the roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT FUSCHILLO: The bill is passed.

THE SECRETARY: Calendar Number 1992, by Senator DeFrancisco, Senate Print 8239, an act to authorize.

ACTING PRESIDENT FUSCHILLO: Senator Balboni.

SENATOR BALBONI: Yes, Mr. President. I believe there's a message of necessity at the desk from the Governor.

ACTING PRESIDENT FUSCHILLO: Yes, there is.

SENATOR BALBONI: I move that we accept the message.

ACTING PRESIDENT FUSCHILLO: All in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT FUSCHILLO: Opposed, nay.

(No response.)

ACTING PRESIDENT FUSCHILLO: The message is accepted.

The Secretary will read.

THE SECRETARY: Senate Print Number 8239, an act to authorize the reopening of the optional 20-year retirement plan.

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

Read the last section.

THE SECRETARY: Section 3. This

act shall take effect immediately.

ACTING PRESIDENT FUSCHILLO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT FUSCHILLO: The bill is passed.

THE SECRETARY: Calendar Number 1993, by Senator Marcellino, Senate Print 8240, an act to amend the Agriculture and Markets Law.

ACTING PRESIDENT FUSCHILLO: Senator Balboni.

SENATOR BALBONI: Mr. President, I believe there's a message of necessity at the desk.

ACTING PRESIDENT FUSCHILLO: Yes, there is.

SENATOR BALBONI: I move that we accept the message.

ACTING PRESIDENT FUSCHILLO: All in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT FUSCHILLO: Opposed, nay.

(No response.)

ACTING PRESIDENT FUSCHILLO: The message is accepted.

Read the last section.

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

ACTING PRESIDENT FUSCHILLO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT FUSCHILLO: The bill is passed.

THE SECRETARY: Calendar Number 1994, by Senator Padavan, Senate Print 8242, an act to amend the Education Law.

ACTING PRESIDENT FUSCHILLO: Senator Balboni.

SENATOR BALBONI: Mr. President, I believe there is a message of necessity at the desk.

ACTING PRESIDENT FUSCHILLO: Yes, there is.

SENATOR BALBONI: I move that we accept the message.

ACTING PRESIDENT FUSCHILLO: All in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT FUSCHILLO: Opposed, nay.

(No response.)

ACTING PRESIDENT FUSCHILLO: The message is accepted.

Read the last section.

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

ACTING PRESIDENT FUSCHILLO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT FUSCHILLO: The bill is passed.

THE SECRETARY: Calendar Number 1995, by Senator Fuschillo, Senate Print 8263, an act to amend the Penal Law and the Criminal Procedure Law.

ACTING PRESIDENT FUSCHILLO: Senator Balboni.

SENATOR BALBONI: Mr. President, I believe there is a message of necessity at

the desk.

ACTING PRESIDENT FUSCHILLO: Yes, there is.

SENATOR BALBONI: I move that we accept the message.

ACTING PRESIDENT FUSCHILLO: All in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT FUSCHILLO: Opposed, nay.

(No response.)

ACTING PRESIDENT FUSCHILLO: The message is accepted.

Read the last section.

THE SECRETARY: Section 14. This act shall take effect on the 90th day.

ACTING PRESIDENT FUSCHILLO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT FUSCHILLO: The bill is passed.

THE SECRETARY: In relation to Calendar Number 2057, Senator Morahan moves to discharge, from the Committee on Rules

Assembly Bill Number 9201B and substitute it for the identical Senate Bill Number 6775B, Third Reading Calendar 2057.

ACTING PRESIDENT FUSCHILLO: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 2057, by Member of the Assembly Zebrowski, Assembly Print Number 9201B, an act to amend the Public Health Law.

ACTING PRESIDENT FUSCHILLO: Read the last section.

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

ACTING PRESIDENT FUSCHILLO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT FUSCHILLO: The bill is passed.

THE SECRETARY: Calendar Number 2077, by Senator Padavan, Senate Print 8392, an act to amend the Tax Law and the Parks, Recreation and Historic Preservation Law.

ACTING PRESIDENT FUSCHILLO: Read

the last section.

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

ACTING PRESIDENT FUSCHILLO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT FUSCHILLO: The bill is passed.

THE SECRETARY: In relation to Calendar Number 2086, Senator Hannon moves to discharge, from the Committee on Rules, Assembly Bill Number 4882B and substitute it for the identical Senate Bill Number 5606A, Third Reading Calendar 2086.

ACTING PRESIDENT FUSCHILLO: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 2086, by Member of the Assembly Pretlow, Assembly Print Number 4882B, an act to amend the Public Health Law.

ACTING PRESIDENT FUSCHILLO: Read the last section.

THE SECRETARY: Section 4. This

act shall take effect one year after it shall have become a law.

ACTING PRESIDENT FUSCHILLO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT FUSCHILLO: The bill is passed.

THE SECRETARY: Calendar Number 2112, by Senator Meier, Senate Print 8435, an act to amend the Family Court Act and others.

ACTING PRESIDENT FUSCHILLO: Senator Balboni.

SENATOR BALBONI: Mr. President, I believe there is a message of necessity at the desk.

ACTING PRESIDENT FUSCHILLO: Yes, there is.

SENATOR BALBONI: I move that we accept the message.

ACTING PRESIDENT FUSCHILLO: All in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT FUSCHILLO: Opposed, nay.

(No response.)

ACTING PRESIDENT FUSCHILLO: The message is accepted.

Read the last section.

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

ACTING PRESIDENT FUSCHILLO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT FUSCHILLO: The bill is passed.

THE SECRETARY: Calendar Number 2113, by Senator Bruno, Senate Print 8438, an act to authorizing the County of Saratoga.

ACTING PRESIDENT FUSCHILLO: Senator Schneiderman.

SENATOR SCHNEIDERMAN: Yes, Mr. President, I believe there's a message of necessity at the desk. I'd like to ask that the message be accepted.

ACTING PRESIDENT FUSCHILLO: Yes, there is.

SENATOR SCHNEIDERMAN: All in favor.

ACTING PRESIDENT FUSCHILLO: Do you move for the message to be --

SENATOR SCHNEIDERMAN: I would move that we accept the message.

ACTING PRESIDENT FUSCHILLO: Okay. All in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT FUSCHILLO: Opposed, nay.

(No response.)

ACTING PRESIDENT FUSCHILLO: The message is accepted.

Read the last section.

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

ACTING PRESIDENT FUSCHILLO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT FUSCHILLO: The bill is passed.

THE SECRETARY: Calendar Number 2114, by Senator Golden, Senate Print 8442, an act to amend the Tax Law.

ACTING PRESIDENT FUSCHILLO:

Senator Balboni.

SENATOR BALBONI: Mr. President, obviously some of us in this chamber need a reminder of how these things are done.

I believe there is a message of necessity at the desk.

ACTING PRESIDENT FUSCHILLO: Yes, there is, Senator.

SENATOR BALBONI: I move that we accept the message of necessity.

ACTING PRESIDENT FUSCHILLO: All in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT FUSCHILLO: Opposed, nay.

(No response.)

ACTING PRESIDENT FUSCHILLO: The message is accepted.

Read the last section.

THE SECRETARY: Section 8. This act shall take effect immediately.

ACTING PRESIDENT FUSCHILLO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT FUSCHILLO: The bill is passed.

Senator Balboni, that completes the noncontroversial reading of the supplemental calendar.

SENATOR BALBONI: Mr. President, I'd like to go back to a bill on the supplemental active list, the one we just did that began with Calendar Number 175.

I'd like to go to Calendar Number 1226, by Senator Morahan.

ACTING PRESIDENT FUSCHILLO: This will be the noncontroversial reading of Calendar 1226.

The Secretary will read.

THE SECRETARY: In relation to Calendar Number 1226, Senator Morahan moves to discharge, from the Committee on Rules, Assembly Bill Number 5972B and substitute it for the identical Senate Bill Number 4103B, Third Reading Calendar 1226.

ACTING PRESIDENT FUSCHILLO: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number

1226, by Member of the Assembly Rabbitt, Assembly Print Number 5972B, an act to amend the Greenwood Lake Protection Act.

ACTING PRESIDENT FUSCHILLO: Read the last section.

THE SECRETARY: Section 4. This act shall take effect upon the enactment into law by the State of New Jersey.

ACTING PRESIDENT FUSCHILLO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT FUSCHILLO: The bill is passed.

Senator Nozzolio, for a motion.

SENATOR NOZZOLIO: Thank you, Mr. President.

I offer the following amendments on behalf of Senator Hannon to Calendar Number 2163, Senate Print Number 8227A, and ask that said bill retain its place on Third Reading Calendar.

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

Calendar.

SENATOR BALBONI: Mr. President.

ACTING PRESIDENT FUSCHILLO: Senator Balboni.

SENATOR BALBONI: We will now take up Supplemental Calendar Number 61B, which is on the members' desks, along with a packet of bills which represents the bills that were recently reported from the last Rules Committee meeting. This will be taken up in a noncontroversial manner.

ACTING PRESIDENT FUSCHILLO: The Secretary will read the noncontroversial reading of Supplemental Calendar 61B.

THE SECRETARY: In relation to Calendar Number 2144, Senator Seward moves to discharge, from the Committee on Rules, Assembly Bill Number 829A and substitute it for the identical Senate Bill Number 126A, Third Reading Calendar 2144.

ACTING PRESIDENT FUSCHILLO: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 2144, by Member of the Assembly Lifton,

Assembly Print Number 829A, an act relating to the Department of Health approval.

ACTING PRESIDENT FUSCHILLO: Read the last section.

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

ACTING PRESIDENT FUSCHILLO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT FUSCHILLO: The bill is passed.

THE SECRETARY: Calendar Number 2145, by Senator Alesi, Senate Print 1072B, an act to amend the Volunteer Firefighters Benefit Law.

ACTING PRESIDENT FUSCHILLO: Read the last section.

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

ACTING PRESIDENT FUSCHILLO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT FUSCHILLO: The

bill is passed.

THE SECRETARY: Calendar Number 2146, by Senator Flanagan, Senate Print 2790B, an act to amend the Tax Law.

ACTING PRESIDENT FUSCHILLO: 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 FUSCHILLO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT FUSCHILLO: The bill is passed.

THE SECRETARY: Calendar Number 2147, by Senator Morahan, Senate Print 3518C, an act to amend the retirement and Social Security Law.

ACTING PRESIDENT FUSCHILLO: Read the last section.

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

ACTING PRESIDENT FUSCHILLO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT FUSCHILLO: The bill is passed.

Senator Morahan, why do you rise?

SENATOR MORAHAN: To explain my vote and to talk about the bill.

This was called a "Mommy bill." These are women who years ago were teachers in Tier 1 who left for reasons of family, to have children and what have you, and when they tried to reenter the system and come back as teachers, they were put in different tiers.

This bill, which has been lobbied for for several years, will now put those people back into the original tier that they were in when they first were employed and had to leave for family reasons.

Good bill. Thank you.

ACTING PRESIDENT FUSCHILLO: Thank you, Senator.

Announce the results.

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT FUSCHILLO: The bill is passed.

THE SECRETARY: Calendar Number 2148, by Senator Winner, Senate Print 3531A, an act to amend the Workers' Compensation Law.

ACTING PRESIDENT FUSCHILLO: Read the last section.

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

ACTING PRESIDENT FUSCHILLO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT FUSCHILLO: The bill is passed.

THE SECRETARY: Calendar Number 2149, by Senator Wright, Senate Print 4605A, an act to amend the Public Service Law.

ACTING PRESIDENT FUSCHILLO: Read the last section.

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

ACTING PRESIDENT FUSCHILLO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT FUSCHILLO: The

bill is passed.

THE SECRETARY: In relation to Calendar Number 2150, Senator Hannon moves to discharge, from the Committee on Rules, Assembly Bill Number 8219A and substitute it for the identical Senate Bill Number 4927A, Third Reading Calendar 2150.

ACTING PRESIDENT FUSCHILLO: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 2150, by Member of the Assembly Tokasz, Assembly Print Number 8219A, an act to amend the Public Health Law.

ACTING PRESIDENT FUSCHILLO: Read the last section.

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

ACTING PRESIDENT FUSCHILLO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT FUSCHILLO: The bill is passed.

THE SECRETARY: Calendar Number

2151, by Senator Padavan, Senate Print 6742, an act to amend Chapter 548 of the Laws of 2004.

ACTING PRESIDENT FUSCHILLO: Read the last section.

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

ACTING PRESIDENT FUSCHILLO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT FUSCHILLO: The bill is passed.

THE SECRETARY: In relation to Calendar Number 2152, Senator Hannon moves to discharge, from the Committee on Rules, Assembly Bill Number 11162B and substitute it for the identical Senate Bill Number 7458A, Third Reading Calendar 2152.

ACTING PRESIDENT FUSCHILLO: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 2152, by Member of the Assembly Gottfried, Assembly Print Number 11162B, an act to amend

the Public Health Law.

ACTING PRESIDENT FUSCHILLO: Read the last section.

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

ACTING PRESIDENT FUSCHILLO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT FUSCHILLO: The bill is passed.

SENATOR MEIER: Mr. President.

ACTING PRESIDENT FUSCHILLO: Senator Meier.

SENATOR MEIER: Would you place a sponsor's star, please, on Calendar Number 2153, Senate Print 7642.

ACTING PRESIDENT FUSCHILLO: The bill will be starred.

THE SECRETARY: Calendar Number 2154, by Senator Padavan, Senate Print 7691A, an act to amend the Family Court Act and the Criminal Procedure Law.

ACTING PRESIDENT FUSCHILLO: Read the last section.

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

ACTING PRESIDENT FUSCHILLO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT FUSCHILLO: The bill is passed.

THE SECRETARY: In relation to Calendar Number 2155, Senator Seward moves to discharge, from the Committee on Rules, Assembly Bill Number 11514 and substitute it for the identical Senate Bill Number 7979, Third Reading Calendar 2155.

ACTING PRESIDENT FUSCHILLO: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 2155, by Member of the Assembly Lifton, Assembly Print Number 11514, an act relating to increasing availability.

ACTING PRESIDENT FUSCHILLO: Read the last section.

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

ACTING PRESIDENT FUSCHILLO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT FUSCHILLO: The bill is passed.

THE SECRETARY: Calendar Number 2156, by Senator Libous, Senate Print 7992, an act to amend the Highway Law and the Vehicle and Traffic Law.

ACTING PRESIDENT FUSCHILLO: Read the last section.

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

ACTING PRESIDENT FUSCHILLO: Call the roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT FUSCHILLO: The bill is passed.

THE SECRETARY: Calendar Number 2157, by Senator Maziarz, Senate Print 8072A, an act to amend the Labor Law.

ACTING PRESIDENT FUSCHILLO: Read the last section.

THE SECRETARY: Section 3. This act shall take effect on the 60th day.

ACTING PRESIDENT FUSCHILLO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT FUSCHILLO: The bill is passed.

THE SECRETARY: Calendar Number 2158, by Senator Leibell, Senate Print 8110, an act to amend the Public Authorities Law.

ACTING PRESIDENT FUSCHILLO: Read the last section.

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

ACTING PRESIDENT FUSCHILLO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT FUSCHILLO: The bill is passed.

THE SECRETARY: In relation to Calendar Number 2159, Senator Morahan moves to

discharge, from the Committee on Rules, Assembly Bill Number 11749 and substitute it for the identical Senate Bill Number 8173, Third Reading Calendar 2159.

ACTING PRESIDENT FUSCHILLO: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 2159, by the Assembly Committee on Rules, Assembly Print Number 11749, an act to amend the Mental Hygiene Law.

ACTING PRESIDENT FUSCHILLO: Read the last section.

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

ACTING PRESIDENT FUSCHILLO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT FUSCHILLO: The bill is passed.

THE SECRETARY: Calendar Number 2160, by Senator Golden, Senate Print 8194, an act to amend the Social Services Law.

ACTING PRESIDENT FUSCHILLO: Read

the last section.

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

ACTING PRESIDENT FUSCHILLO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT FUSCHILLO: The bill is passed.

THE SECRETARY: Calendar Number 2161, by Senator Farley, Senate Print 8195, an act to amend the New York State Urban Development Corporation Act.

ACTING PRESIDENT FUSCHILLO: Read the last section.

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

ACTING PRESIDENT FUSCHILLO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT FUSCHILLO: The bill is passed.

THE SECRETARY: In relation to Calendar Number 2162, Senator Maltese moves to

discharge, from the Committee on Rules, Assembly Bill Number 11902 and substitute it for the identical Senate Bill Number 8210, Third Reading Calendar 2162.

ACTING PRESIDENT FUSCHILLO: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 2162, by the Assembly Committee on Rules, Assembly Print Number 11902, an act to amend the Public Health Law.

ACTING PRESIDENT FUSCHILLO: Read the last section.

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

ACTING PRESIDENT FUSCHILLO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT FUSCHILLO: The bill is passed.

THE SECRETARY: In relation to Calendar Number 2164, Senator Fuschillo moves to discharge, from the Committee on Rules, Assembly Bill Number 11933A and substitute it

for the identical Senate Bill Number 8291A, Third Reading Calendar 2164.

ACTING PRESIDENT FUSCHILLO: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 2164, by the Assembly Committee on Rules, Assembly Bill Number 11933A, an act to amend the Environmental Conservation Law and the Public Authorities Law.

ACTING PRESIDENT FUSCHILLO: Read the last section.

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

ACTING PRESIDENT FUSCHILLO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT FUSCHILLO: The bill is passed.

THE SECRETARY: Calendar Number 2166, by Senator Wright, Senate Print 8316, an act to amend the Public Authorities Law.

ACTING PRESIDENT FUSCHILLO: Read the last section.

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

ACTING PRESIDENT FUSCHILLO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT FUSCHILLO: Senator Schneiderman.

SENATOR SCHNEIDERMAN: Mr. President, to explain my vote.

ACTING PRESIDENT FUSCHILLO: Senator Schneiderman, to explain his vote.

SENATOR SCHNEIDERMAN: I'm going to be voting against this bill, because my reading of it is that it essentially authorizes an end to competitive bidding. It takes away the requirement that NYPA comply with state and local competitive bidding and procurement requirements.

We have a lot of problems with NYPA already. The Comptroller of the State of the New York, Alan Hevesi, has been extremely critical of their practices. And we're really engaged in this sort of dance back and forth where we're fighting for more openness and transparency with regard to New York's

authorities and with regard, particularly, in the area of energy.

And this really furthers the notion and the perception that there's sort of a shadow government out there. The authority really is lacking funds, lacking transparency. And I don't think we need to be passing a bill to end the requirement that it comply with competitive bidding and procurement requirements.

So I will be voting in the negative, Mr. President.

ACTING PRESIDENT FUSCHILLO: Senator Schneiderman, you will be recorded in the negative.

Senator Liz Krueger.

SENATOR LIZ KRUEGER: Thank you. To explain my vote.

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

SENATOR LIZ KRUEGER: I will also be voting in the negative, and just for the record want to add my concern with this bill says that the New York Power Authority should be taking on responsibility for the purchase

of electricity for state agencies.

Well, what we know is that currently the Power for Jobs program is in a situation where, when the analysis has been done, the companies through Power for Jobs who went out into the market and purchased for themselves versus allowing the Power Authority to buy for them, they did better. So the Power Authority actually has a record of doing worse in the market pricewise than individual companies through Power for Jobs.

And so I don't think at this point in history we should be encouraging others to work through the New York Power Authority to try to get better prices, because apparently they're not actually very good at that.

I hope that in the near future we will be improving the services available through the New York Power Authority because of continuing reforms and transparency. But I also, because of the concerns raised feel, that we should not move this bill at this time.

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

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

Senator Wright.

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

ACTING PRESIDENT FUSCHILLO: Senator Wright, to explain your vote.

SENATOR WRIGHT: What this does is expands the authority that the Power Authority already has and exercises. And under that authority since 1990 the Power Authority has completed more than 1400 different energy-efficiency projects for public schools and government buildings across the state, saving in excess of $92 million in energy costs and reducing electricity consumption by 860,000 megawatt hours annually.

So it is a significant effort of energy efficiency. We are looking to expand it into additional arenas beyond the public school and municipality areas.

Relative to the observation that the Power Authority did not purchase at a

lower price, frankly, that was an anomaly having to do with the markets and the timing of the purchase, not the methodology or manner in which the authority purchases, which consistently has demonstrated savings over the Power for Jobs program life. Which is why so many participants seek admission to the Power for Jobs program.

I will be voting aye.

ACTING PRESIDENT FUSCHILLO: Senator Wright will be recorded in the affirmative.

Announce the results.

THE SECRETARY: Those recorded in the negative on Calendar Number 2166 are Senators Duane, Hannon, Hassell-Thompson, L. Krueger, Parker, Sabini and Schneiderman. Also Senator Connor. Also Senator Serrano.

Ayes, 51. Nays, 9.

ACTING PRESIDENT FUSCHILLO: The bill is passed.

THE SECRETARY: Calendar Number 2167, by Senator Balboni, Senate Print 8320, an act to amend the Real Property Tax Law.

ACTING PRESIDENT FUSCHILLO: Read

the last section.

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

ACTING PRESIDENT FUSCHILLO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT FUSCHILLO: The bill is passed.

THE SECRETARY: Calendar Number 2168, by Senator Morahan, Senate Print 8326A, an act in relation to the determination.

ACTING PRESIDENT FUSCHILLO: Read the last section.

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

ACTING PRESIDENT FUSCHILLO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT FUSCHILLO: The bill is passed.

THE SECRETARY: Calendar Number 2169, by the Senate Committee on Rules, Senate Print 8335, an act to amend Chapter 444 of the

Laws of 1997.

ACTING PRESIDENT FUSCHILLO: Read the last section.

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

ACTING PRESIDENT FUSCHILLO: Call the roll.

(The Secretary called the roll.)

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

SENATOR LIZ KRUEGER: Thank you, Mr. President.

I'm voting no. Every year that I'm here we say we're going to reform industrial development agencies. We've had report after report. The Comptroller has done audits, the Comptroller has made recommendations, there have been assorted bills that have moved or not moved through either house of this Legislature.

We're ending up one more session without doing anything to fix the problems that continue to exist in IDAs throughout the State of New York.

And so frankly, in protest, I am

voting no, because I would prefer to see these laws sunset rather than continue to move them forward year after year without dealing with any of the serious problems that we ought to be dealing with.

I vote no.

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

Senator Schneiderman.

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

ACTING PRESIDENT FUSCHILLO: Senator Schneiderman, to explain his vote.

SENATOR SCHNEIDERMAN: I join with Senator Krueger. It is unfortunate that we're closing the session down without addressing a host of issues. I spoke earlier about gun regulation.

But in the area of IDAs, we have a system that's essentially out of control. We do not have a requirement that effectively ensures that IDA benefits are given to firms that are in compliance with state laws. We have firms that are in violation of

environmental quality laws, worker safety laws, that are in violation of fraud laws and continue to receive benefits.

We don't have adequate reporting on project costs and benefits. The IDA reports do not include information on payments in lieu of taxes, or PILOTs, the calculation of tax benefits that are provided on a continuous basis, and even the most basic information on jobs created and retained. They're not presented in the annual reports and updated annually.

So I will support this legislation, but I think it is unfortunate that since I've been here -- and I've been here a few years longer than Senator Krueger -- we have talked every year about the need to reform and improve IDAs. This year, once again, we're adjourning without acting.

Thank you, Mr. President.

ACTING PRESIDENT FUSCHILLO: Senator Schneiderman, you will be recorded in the affirmative.

Announce the results.

THE SECRETARY: Those recorded in

the negative on Calendar Number 2169 are Senators Duane, L. Krueger, Parker and Spano.

Ayes, 56. Nays, 4.

ACTING PRESIDENT FUSCHILLO: The bill is passed.

THE SECRETARY: Calendar Number 2170, by Senator Golden, Senate Print 8350A, an act to amend the Urban Development Corporation Act.

ACTING PRESIDENT FUSCHILLO: Read the last section.

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

ACTING PRESIDENT FUSCHILLO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT FUSCHILLO: The bill is passed.

THE SECRETARY: Calendar Number 2171, by Senator Fuschillo, Senate Print 8373, an act to amend the General Business Law.

ACTING PRESIDENT FUSCHILLO: Read the last section.

THE SECRETARY: Section 3. This

act shall take effect on the 90th day.

ACTING PRESIDENT FUSCHILLO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT FUSCHILLO: The bill is passed.

THE SECRETARY: Calendar Number 2172 --

SENATOR SKELOS: Lay it aside for the day.

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

THE SECRETARY: Calendar Number 2173, by Senator Winner, Senate Print 8375, an act to authorize the Department of Taxation and Finance.

ACTING PRESIDENT FUSCHILLO: Read the last section.

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

ACTING PRESIDENT FUSCHILLO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT FUSCHILLO: The bill is passed.

THE SECRETARY: Calendar Number 2174, by Senator Maziarz, Senate Print 8394, an act to amend the Public Authorities Law.

ACTING PRESIDENT FUSCHILLO: Read the last section.

THE SECRETARY: Section 5. This act shall take effect on the 30th day.

ACTING PRESIDENT FUSCHILLO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT FUSCHILLO: The bill is passed.

THE SECRETARY: Calendar Number 2175 --

ACTING PRESIDENT FUSCHILLO: Senator Balboni.

SENATOR BALBONI: Please lay it aside for the day.

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

THE SECRETARY: Calendar Number 2176, by Senator Golden, Senate Print 8400, an

act to amend the Vehicle and Traffic Law.

ACTING PRESIDENT FUSCHILLO: Read the last section.

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

ACTING PRESIDENT FUSCHILLO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT FUSCHILLO: The bill is passed.

THE SECRETARY: Calendar Number 2177, by Senator Leibell, Senate Print 8422, an act to amend the Education Law.

ACTING PRESIDENT FUSCHILLO: Read the last section.

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

ACTING PRESIDENT FUSCHILLO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT FUSCHILLO: The bill is passed.

THE SECRETARY: In relation to

Calendar Number 2180, Senator Volker moves to discharge, from the Committee on Rules, Assembly Bill Number 11585 and substitute it for the identical Senate Bill Number 8430, Third Reading Calendar 2180.

ACTING PRESIDENT FUSCHILLO: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 2180, by Member of the Assembly Pheffer, Assembly Print Number 11585, an act to amend the Military Law.

ACTING PRESIDENT FUSCHILLO: Read the last section.

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

ACTING PRESIDENT FUSCHILLO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT FUSCHILLO: The bill is passed.

THE SECRETARY: In relation to Calendar Number 2185, Senator Maziarz moves to discharge, from the Committee on Rules,

Assembly Bill Number 11893 and substitute it for the identical Senate Bill Number 8456, Third Reading Calendar 2185.

ACTING PRESIDENT FUSCHILLO: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 2185, by the Assembly Committee on Rules, Assembly Print Number 11893, an act to amend Chapter 62 of the Laws of 2003.

ACTING PRESIDENT FUSCHILLO: Read the last section.

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

ACTING PRESIDENT FUSCHILLO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT FUSCHILLO: The bill is passed.

THE SECRETARY: In relation to Calendar Number 2186, Senator Skelos moves to discharge, from the Committee on Rules, Assembly Bill Number 8370A and substitute it for the identical Senate Bill Number 8457,

Third Reading Calendar 2186.

ACTING PRESIDENT FUSCHILLO: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 2186, by Member of the Assembly Aubry, Assembly Print Number 8370A, an act to amend the Correction Law and the Executive Law.

ACTING PRESIDENT FUSCHILLO: Read the last section.

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

ACTING PRESIDENT FUSCHILLO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT FUSCHILLO: Senator Skelos.

SENATOR SKELOS: If I could explain my vote.

This legislation, which has passed the Assembly, will continue to reform and improve Megan's Law. By this legislation, all level of sex offenders will be permitted to have community notification and Level 2 sex offenders will be included on the Internet.

ACTING PRESIDENT FUSCHILLO: Senator Skelos will be recorded in the affirmative.

Senator Coppola.

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

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

SENATOR COPPOLA: I'll be supporting this legislation and thank Senator Skelos for bringing it to the floor.

I just want to mention, though, that the notification process in the district that I represent, the City of Buffalo and the City of Niagara Falls, is very difficult. The Internet is a very useful way for people to find out where these individuals live in their communities. The one problem, though, that we have with the state's registry is that it asks for personal information to be supplied before individuals can access the information.

So I would ask and encourage my colleagues to consider next year that we change this legislation so that personal information from the people who are accessing

these sites does not have to put into these databases before they access the information they're looking for.

Thank you, and I vote yes.

ACTING PRESIDENT FUSCHILLO: Senator Coppola will be recorded in the affirmative.

Announce the results.

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT FUSCHILLO: The bill is passed.

SENATOR BALBONI: Madam President.

ACTING PRESIDENT LITTLE: Senator Balboni.

SENATOR BALBONI: Yes, could we please return to the Supplemental Calendar Number 61B. We're taking up Calendar 2181.

ACTING PRESIDENT LITTLE: The Secretary will read.

SENATOR BALBONI: Thank you.

THE SECRETARY: Calendar Number 2181, by Senator Saland, Senate Print 8431, an act to amend the Penal Law.

ACTING PRESIDENT LITTLE: Senator

Balboni.

SENATOR BALBONI: Yes, Madam President. I believe there is a message of necessity at the desk.

ACTING PRESIDENT LITTLE: There is.

SENATOR BALBONI: I would move that we accept the message of necessity.

ACTING PRESIDENT LITTLE: Thank you.

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

(Response of "Aye.")

ACTING PRESIDENT LITTLE: Opposed, nay.

(No response.)

ACTING PRESIDENT LITTLE: The message is accepted.

Read the last section.

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

ACTING PRESIDENT LITTLE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT LITTLE: The bill is passed.

THE SECRETARY: Calendar Number 2183, by Senator Padavan, Senate Print 8453, an act to authorize the Dormitory Authority.

ACTING PRESIDENT LITTLE: Senator Balboni.

SENATOR BALBONI: Yes, Madam President. Is there a message of necessity at the desk?

ACTING PRESIDENT LITTLE: Yes, there is.

SENATOR BALBONI: I would move that we accept the message of necessity.

ACTING PRESIDENT LITTLE: Thank you.

All those in favor of accepting the message of necessity signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT LITTLE: Opposed, nay.

(No response.)

ACTING PRESIDENT LITTLE: The message is accepted.

Read the last section.

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

ACTING PRESIDENT LITTLE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT LITTLE: The bill is passed.

THE SECRETARY: Calendar Number 2184, by Senator Balboni, Senate Print 8454, an act to amend the Public Authorities Law.

ACTING PRESIDENT LITTLE: Senator Balboni.

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

ACTING PRESIDENT LITTLE: Yes, there is.

SENATOR BALBONI: I would move that we accept the message.

ACTING PRESIDENT LITTLE: Thank you.

All those in favor of accepting the message of necessity signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT LITTLE: Those opposed, nay.

(No response.)

ACTING PRESIDENT LITTLE: The message is accepted.

Read the last section.

THE SECRETARY: Section 3. This act shall take effect on the same date and in the same manner as a chapter of the Laws of 2006.

ACTING PRESIDENT LITTLE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT LITTLE: The bill is passed.

SENATOR BALBONI: Madam President.

ACTING PRESIDENT LITTLE: Senator Balboni.

SENATOR BALBONI: There will be an immediate meeting of the Finance Committee in the Senate Majority Conference Room.

ACTING PRESIDENT LITTLE:

Immediate meeting of the Finance Committee in the Finance Committee in the Majority Conference Room.

SENATOR BALBONI: And that meeting will be followed immediately by a meeting of the Rules Committee in the same room.

ACTING PRESIDENT LITTLE: Followed immediately by a meeting of the Rules Committee in the Majority Conference Room.

SENATOR BALBONI: The Senate stands at ease.

ACTING PRESIDENT LITTLE: Thank you. The Senate stands at ease.

(Whereupon, the Senate stood at ease at 7:13 p.m.)

(Whereupon, the Senate reconvened at 7:51 p.m.)

SENATOR BALBONI: Madam President.

ACTING PRESIDENT LITTLE: Senator Balboni.

SENATOR BALBONI: I'd like to return to reports of standing committees. I believe there's a Rules report at the desk.

ACTING PRESIDENT LITTLE: Reports of standing committees.

The Secretary will read.

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

Senate Print 3591, by Senator Alesi, an act to amend the Education Law;

4068A, by Senator LaValle, an act to amend the Mental Hygiene Law;

4150B, by Senator Padavan, an act to amend the General Municipal Law;

5046A, by the Senate Committee on Rules, an act to amend the Executive Law;

6636, by Senator LaValle, an act to amend the General Business Law;

6826A, by Senator Volker, an act to amend the Environmental Conservation Law;

6938A, by Senator Rath, an act in relation to authorizing;

7617A, by Senator Saland, an act to amend the Social Services Law;

7941, by Senator Padavan, an act to amend the Public Health Law;

8075B, by Senator Marcellino, an

act to amend the Environmental Conservation Law;

8089, by Senator Paterson, an act authorizing the City of New York;

8107, by Senator Maziarz, an act to amend the Environmental Conservation Law;

8256, by Senator Spano, an act requiring;

8261, by Senator Morahan, an act to amend the Mental Hygiene Law;

8312, by Senator Spano, an act to amend the Public Health Law;

8341A, by Senator Hannon, an act to amend the Public Health Law;

8352, by Senator Johnson, an act to amend the Insurance Law;

8357, by Senator Seward, an act to amend the Insurance Law;

8379, by Senator Robach, an act to amend the Public Health Law;

8413, by Senator Golden, an act to amend the Public Health Law;

8419A, by Senator Leibell, an act to amend the Penal Law;

8449, by Senator Golden, an act to

amend the Insurance Law;

And Senate Print 8459, by Senator Morahan, an act to amend the Penal Law.

All bills ordered direct to third reading.

Senator Balboni.

SENATOR BALBONI: Yes, Madam President, I move that we accept the report of the Rules Committee.

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

(Response of "Aye.")

ACTING PRESIDENT LITTLE: Opposed, nay.

(No response.)

ACTING PRESIDENT LITTLE: The report is accepted.

SENATOR BALBONI: Madam President, I believe that there's a Senate Resolution Calendar at the desk. I move that we adopt the calendar.

ACTING PRESIDENT LITTLE: All in favor of adopting the Resolution Calendar signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT LITTLE: Opposed, nay.

(No response.)

ACTING PRESIDENT LITTLE: The Resolution Calendar is adopted.

SENATOR BALBONI: Madam President, could we stand at ease for a moment, please.

ACTING PRESIDENT LITTLE: Yes. The Senate stands at ease.

(Whereupon, the Senate stood at ease at 7:54 p.m.)

(Whereupon, the Senate reconvened at 7:59 p.m.)

SENATOR BALBONI: Madam President, could we please return to Supplemental Calendar 61B, Calendar Number 2165, by Senator Breslin. It's no longer high.

ACTING PRESIDENT LITTLE: Thank you.

The Secretary will read.

THE SECRETARY: Calendar Number 2165, by Senator Breslin, Senate Print 8306,

an act to amend the Highway Law.

ACTING PRESIDENT LITTLE: Senator Breslin.

SENATOR BRESLIN: Is there a message of necessity, Madam President?

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

SENATOR BRESLIN: I would have expected that.

I move that we accept the message.

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

(Response of "Aye.")

ACTING PRESIDENT LITTLE: All those opposed, nay.

(No response.)

ACTING PRESIDENT LITTLE: The message is accepted.

Read the last section.

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

ACTING PRESIDENT LITTLE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT LITTLE: The bill is passed.

SENATOR BALBONI: Madam President.

ACTING PRESIDENT LITTLE: Senator Balboni.

SENATOR BALBONI: Yes, Madam President. Could we please return to reports of standing committees. I believe there's a report of the Finance Committee at the desk.

ACTING PRESIDENT LITTLE: Thank you.

Reports of standing committees.

The Secretary will read.

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

As a member of the New York State Racing and Wagering Board, John B. Simoni, of Charlton.

ACTING PRESIDENT LITTLE: Senator Johnson.

SENATOR JOHNSON: Move the nomination.

ACTING PRESIDENT LITTLE: Thank you.

The question is on the nomination of John B. Simoni, of Charlton, as a member of the New York State Racing and Wagering Board. All in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT LITTLE: Opposed, nay.

(No response.)

ACTING PRESIDENT LITTLE: John B. Simoni, of Charlton is -- before I continue, Senator Farley.

SENATOR FARLEY: I just want to say a word about John Simoni, who I've known for I guess close to 30 years.

John is eminently qualified. He knows something about racing and wagering, having been a standardbred horse owner. He's been very active as a supervisor in the County of Saratoga. And he's eminently qualified and somebody that is going to make an outstanding member of the Racing and Wagering Board.

And I enthusiastically support his nomination.

ACTING PRESIDENT LITTLE: Thank you.

John B. Simoni, of Charlton, is hereby confirmed as a member of the New York State Racing and Wagering Board.

Congratulations, John.

(Applause.)

ACTING PRESIDENT LITTLE: The Secretary will read.

THE SECRETARY: As a member of the New York State Racing and Wagering Board, Daniel D. Hogan, of Slingerlands.

SENATOR HASSELL-THOMPSON: Madam President.

ACTING PRESIDENT LITTLE: Senator Hassell-Thompson.

SENATOR HASSELL-THOMPSON: Yes, did we vote on Simoni? That was my question.

ACTING PRESIDENT LITTLE: Yes, we did. And then Senator Farley spoke and then we did the confirmation. It was a bit confusing.

SENATOR HASSELL-THOMPSON: Fine. Okay. Thank you.

ACTING PRESIDENT LITTLE: Thank

you.

Senator Johnson.

SENATOR JOHNSON: Move the nomination.

ACTING PRESIDENT LITTLE: Thank you.

Senator Nozzolio.

SENATOR NOZZOLIO: Yes, Madam President, on the nomination.

I proudly rise in support of this nomination. That Dan Hogan has been a great public servant throughout his career. It's always great to see an alumni of the Senate staff go out and make good, and he certainly has done a lot of that. Great tutelage in local government as well as recently with the Office of General Services.

He's coming into a very important position, very important for the economy of our entire state. And that I proudly support this great nomination.

ACTING PRESIDENT LITTLE: Thank you.

Senator Balboni.

SENATOR BALBONI: Yes, I rise

quickly, because Dan is one of the good guys who's been around here for over two decades. I met him when I first got here.

He's one of the guys who's always gotten it. He's always been about public service, it's always about doing the best he can for the State of New York.

This is another in a long line of appointments that he has richly deserved. And it's a great nomination on behalf of the Governor.

Congratulations, Dan.

ACTING PRESIDENT LITTLE: Senator Maziarz.

SENATOR MAZIARZ: Thank you very much, Madam President.

I rise too, for just a few seconds, because I know everybody is in a hurry to get home.

But I couldn't let this pass without saying that Dan, even though he's been in Albany for a long time now, is originally from Niagara County, from a great family with a long history in governmental service in Niagara County.

And he started working in the Senate I think as an intern for my predecessor, John Daly. So I'm going to take a lot of the credit for the great work that Dan's done.

He's a great appointment.

Thank you, Madam President.

ACTING PRESIDENT LITTLE: Thank you.

Senator Spano.

SENATOR SPANO: Thank you, Madam President.

It's my pleasure to join my colleagues in congratulating Dan Hogan and wishing him well as a member of the State Racing and Wagering Board.

As the representative of the City of Yonkers, and for all the great things that will be happening at Yonkers Raceway, it's so important for us to have someone who has the sensitivity and the time, the commitment and the advocacy for not only racing in this state, but also as we progress towards this new industry of video lottery terminals all across the State of New York, of someone who

has got a keen eye on taking that industry and moving it forward and at the same time protecting things that are so important like the integrity of racing at Yonkers Raceway and the harness tracks across this state.

So he has done an outstanding job in the Office of General Services, has had a great career, is an overall great guy, and is a great listener, and doesn't mind getting his hands dirty and making things happen.

It's my pleasure to second his nomination and to enthusiastically support his nomination today.

ACTING PRESIDENT LITTLE: Thank you.

The question is on the nomination of Daniel D. Hogan, of Slingerlands, for a term as a member of the New York State Racing and Wagering Board. All in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT LITTLE: Opposed, nay.

(No response.)

ACTING PRESIDENT LITTLE: Daniel

D. Hogan is hereby confirmed as a member of the New York State Racing and Wagering Board.

Congratulations, Dan.

(Applause.)

ACTING PRESIDENT LITTLE: The Secretary will read.

THE SECRETARY: As a member of the Public Service Commission, Cheryl Ritchko-Buley, of Slingerlands.

ACTING PRESIDENT LITTLE: Senator Johnson.

SENATOR JOHNSON: Move the nomination.

ACTING PRESIDENT LITTLE: Senator Libous.

SENATOR LIBOUS: Thank you, Madam President. I just want to comment on this nominee.

I said this in committee; I want to say it publicly in front of the whole body. I had the pleasure in the last six months working with Cheryl Buley as working on the Racing and Wagering Board as its chairperson and opening a new park, Cayuga Park, the first time in 30 years in this state that we opened

a new raceway -- racino, as they now call it.

And over that period of time, she has been just an outstanding individual to work with, extremely professional, very competent. And every time there was a problem, she personally made sure that I was called back and things moved smoothly.

And I just -- I'm going to miss her on the board, but I see that we have two new, very, very competent board members going on the Racing and Wagering Board.

And I want to again just applaud the Governor for moving her to the Public Service Commission. And she is just an outstanding nominee.

ACTING PRESIDENT LITTLE: Senator Sabini.

SENATOR SABINI: Thank you, Madam President. I too want to endorse this nomination.

Ms. Buley was there to listen to us speaking for the minority on Racing and Wagering whenever I had a problem or a concern, and I am sure she'll bring the same openness and hard work to the Public Service

Commission.

Thank you.

ACTING PRESIDENT LITTLE: Thank you.

Senator Hannon.

SENATOR HANNON: Yes, Madam President. I just want to commend to this body the nomination of Ms. Buley.

I think she's done an outstanding job during a turbulent time in regard to racing in this state. And I'm glad that she has accepted the challenge to go to the PSC and deal with the energy and telecommunications policies in the near future.

ACTING PRESIDENT LITTLE: Thank you.

The question is on the nomination of Cheryl Ritchko-Buley, of Slingerlands, for a term as a member of the Public Service Commission. All in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT LITTLE: Opposed, nay.

(No response.)

ACTING PRESIDENT LITTLE: Cheryl Ritchko-Buley, of Slingerlands, is hereby confirmed as a member of the Public Service Commission.

Congratulations, Cheryl.

(Applause.)

ACTING PRESIDENT LITTLE: The Secretary will read.

THE SECRETARY: As a member of the Workers' Compensation Board, Richard A. Bell, of Saratoga Springs.

ACTING PRESIDENT LITTLE: Senator Balboni.

SENATOR BALBONI: Move the nomination.

ACTING PRESIDENT LITTLE: Senator Spano.

SENATOR SPANO: Thank you, Madam Chairman.

Rick Bell has been a great addition to the Workers' Compensation Board and comes to this board as a commissioner armed with the knowledge and the practical knowledge of the daily operations of the board as well as the

sensitivity to protecting the dignity of injured workers across the state.

We are proud of the Governor's nomination, and I'm very pleased to speak in favor of his nomination today.

ACTING PRESIDENT LITTLE: Senator Libous.

SENATOR LIBOUS: Thank you, Madam President.

I want to rise and join my colleague Senator Spano in commenting on Rick Bell's nomination.

I think that Rick brings his background to the board, but he has been running the board as executive director for a number of years now. And I think he understands not only the workings of the board, but he also understands the plight of injured workers and certainly the function of being a member of the Workers' Compensation Board.

He is an outstanding candidate, he is an outstanding leader, and I just want to join Senator Spano and my colleagues in seconding this nomination.

ACTING PRESIDENT LITTLE: Thank you.

The question is on the nomination of Richard A. Bell, of Saratoga Springs, as a member of the Workers' Compensation Board.

All those in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT LITTLE: Opposed, nay.

(No response.)

ACTING PRESIDENT LITTLE: Richard A. Bell is hereby confirmed as a member of the Workers' Compensation Board.

Congratulations, Rick.

(Applause.)

SENATOR BALBONI: Madam President.

ACTING PRESIDENT LITTLE: Senator Balboni.

SENATOR BALBONI: Would you please recognize Senator Breslin.

ACTING PRESIDENT LITTLE: Senator Breslin.

SENATOR BRESLIN: Thank you, Senator Balboni. Thank you, Madam President.

I've been out of the chamber on Senate business, but had I been here, I would have made remarks about Dan Hogan and his background, experience -- and a lot in this chamber, with Senator John Daly -- as an assistant with Mike Hoblock, his time at OGS, and his ability to communicate with the Legislature and all other areas.

And I think it's a wonderful decision by the Governor, and I'm sure he'll continue to make everybody in this body very proud. And he's also my constituent.

ACTING PRESIDENT LITTLE: Thank you, Senator.

Senator Balboni.

SENATOR BALBONI: Madam President, is there any other further business at the desk?

ACTING PRESIDENT LITTLE: No, there is not, Senator Balboni.

SENATOR BALBONI: In that case I would move that we adjourn until tomorrow morning, Friday, at 10:00 a.m.

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

tomorrow morning, Friday, June 23rd, at 10:00 a.m.

(Whereupon, at 8:17 p.m., the Senate adjourned.)