NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

May 9, 2007

11:07 a.m.

REGULAR SESSION

SENATOR JAMES S. ALESI, Acting President

STEVEN M. BOGGESS, Secretary

P R O C E E D I N G S

ACTING PRESIDENT ALESI: The Senate will come to order.

All rise and please repeat with me the Pledge of Allegiance.

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

ACTING PRESIDENT ALESI: In the absence of clergy, may we observe a moment of silence.

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

ACTING PRESIDENT ALESI: Reading of the Journal.

THE SECRETARY: In Senate, Tuesday, May 8, the Senate met pursuant to adjournment. The Journal of Monday, May 7, was read and approved. On motion, Senate adjourned.

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

Presentation of petitions.

Messages from the Assembly.

Messages from the Governor.

Reports of standing committees.

Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

Senator Skelos.

SENATOR SKELOS: Mr. President, if we could adopt the Resolution Calendar at this time.

ACTING PRESIDENT ALESI: All in favor of adopting the Resolution Calendar say aye.

(Response of "Aye.")

ACTING PRESIDENT ALESI: Opposed, nay.

(No response.)

ACTING PRESIDENT ALESI: The Resolution Calendar is adopted.

SENATOR SKELOS: And I believe, Mr. President, there's one substitution to be made at this time.

ACTING PRESIDENT ALESI: The Secretary will read.

THE SECRETARY: On page 43, Senator Volker moves to discharge, from the

Committee on Local Government, Assembly Bill Number 5381 and substitute it for the identical Senate Bill Number 1963, Third Reading Calendar 797.

ACTING PRESIDENT ALESI: Substitution ordered.

Senator Skelos.

SENATOR SKELOS: Mr. President, if we could go to the noncontroversial reading of the calendar.

ACTING PRESIDENT ALESI: The Secretary will read.

THE SECRETARY: Calendar Number 27, by Senator Larkin, Senate Print 224A, an act to amend the Labor Law, the Arts and Cultural Affairs Law, and the General Business Law.

SENATOR LARKIN: Lay it aside for the day.

ACTING PRESIDENT ALESI: Lay the bill aside for the day.

THE SECRETARY: Calendar Number 309, by Senator Seward, Senate Print 2397A, an act to amend the Insurance Law.

ACTING PRESIDENT ALESI: Read the

last section.

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

ACTING PRESIDENT ALESI: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 40.

ACTING PRESIDENT ALESI: The bill is passed.

THE SECRETARY: Calendar Number 462, by Senator Padavan, Senate Print 3827, an act to amend the Civil Service Law.

ACTING PRESIDENT ALESI: Read the last section.

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

ACTING PRESIDENT ALESI: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 40.

ACTING PRESIDENT ALESI: The bill is passed.

THE SECRETARY: Calendar Number 476, by Senator Padavan, Senate Print 2045A, an act to amend the Public Authorities Law.

ACTING PRESIDENT ALESI: Read the last section.

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

ACTING PRESIDENT ALESI: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 42.

ACTING PRESIDENT ALESI: The bill is passed.

THE SECRETARY: Calendar Number 536, by Senator Volker, Senate Print 3909, an act to amend the Criminal Procedure Law.

ACTING PRESIDENT ALESI: Read the last section.

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

ACTING PRESIDENT ALESI: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 41. Nays, 1. Senator Duane recorded in the negative.

ACTING PRESIDENT ALESI: The bill is passed.

THE SECRETARY: Calendar Number

582, by Senator Libous, Senate Print 1591, an act to amend the Religious Corporations Law.

ACTING PRESIDENT ALESI: Read the last section.

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

ACTING PRESIDENT ALESI: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 42. Nays, 1. Senator Duane recorded in the negative.

ACTING PRESIDENT ALESI: The bill is passed.

THE SECRETARY: Calendar Number 583, by Senator Farley, Senate Print 1684, an act to amend the Public Authorities Law.

ACTING PRESIDENT ALESI: Read the last section.

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

ACTING PRESIDENT ALESI: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 43.

ACTING PRESIDENT ALESI: The bill

is passed.

THE SECRETARY: Calendar Number 600, by Senator Morahan, Senate Print 245A, an act to amend the Real Property Tax Law.

ACTING PRESIDENT ALESI: Read the last section.

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

ACTING PRESIDENT ALESI: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Those recorded in the negative on Calendar Number 600 are Senators Connor, L. Krueger and Sabini.

Ayes, 40. Nays, 3.

ACTING PRESIDENT ALESI: The bill is passed.

THE SECRETARY: Calendar Number 620, by Senator Little, Senate Print 1052, an act to establish a blue ribbon commission.

ACTING PRESIDENT ALESI: Read the last section.

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

ACTING PRESIDENT ALESI: Call the

roll.

(The Secretary called the roll.)

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

SENATOR BONACIC: Thank you, Mr. President.

I'm going to support this bill, but I'm voting with frustration. This is a bill to form a blue ribbon commission on property tax reform. Don't you think it's time that we stopped studying and we start acting on legislation?

Now, this is no reflection on our sponsor, because I know she is frustrated wanting to change the property tax system, the way we finance education.

You know, many times people will say there is no difference between the Senate and the Assembly. On the issue of property taxes, there is a dramatic difference between the Senate and the Assembly.

I don't know of any issue that's more important on the Island, Hudson Valley, than school property taxes. And this Senate has at least on four occasions done study

bills, and on two occasions we actually voted on solutions.

For example, Senator Leibell, Senator Saland, and myself last year, in June of 2006, passed a bill to phase out the property taxes for primary homeowners.

What does the Assembly do? The representatives from the Island, the representatives from the Assembly, they do nothing. And if they're doing nothing on this important issue, maybe they shouldn't be here. Maybe they're pretending. But they're putting their head in the sand. They're not looking for a solution.

Let me just tell you what the Assembly is studying, if I may, real quick. Bill 1677, last year, studied the feasibility of developing a regulatory system to achieve sustainable development. Assembly 8557, in June of 2005, passed a bill requiring the Comptroller to study the deferred retirement option plans of public employees. Let me tell you, New Yorkers are deferring retirement for having to pay the property taxes.

And get a load of this one. In

Assembly 8873, last March, a study by the Electronic Procurement Council on the implementation of a statewide electronic procurement notification system. I don't even know what this is, but they're studying it.

I don't mean to be glib. I know it's important to some sponsors. But on May 15th our voters are going to have to decide: Better-quality education, more expensive housing?

I will end this by saying how long are we going to wait for the Assembly to act. A newspaper last year entitled, ironically, the Sullivan County Democrat stated: "The New York Senate has done its part for school property tax reduction. Now it's the Assembly's turn."

We're waiting for Sheldon Silver. We're waiting for the Assembly majority. I vote aye.

Thank you, Mr. President.

ACTING PRESIDENT ALESI: Senator Bonacic will be recorded in the affirmative.

Senator Marcellino, to explain his vote.

SENATOR MARCELLINO: Yes, thank you, Mr. President. I rise to explain my vote on this issue.

This issue, combined with Senator Bruno's bill that we debated the other day on rebate checks for seniors, Senator Morahan's bill we just passed a few moments ago on capping the property tax on seniors for school taxes, a whole host of other measures that have passed -- I know other members of this house have legislation relating to property tax relief. This is an important issue. This is a very important issue to our constituents.

And I share my colleagues' frustration at the inaction of the other chamber. We need to get some motion. People are in need. We have senior citizens on fixed incomes that are making choices between food, medication, or paying their bills. This is not the way we should be. This is not -- this should not happen in this great country and in this great state.

We need to find a way to ease the burden on the hard-pressed, overburdened taxpayers of this state. Property tax is the

most onerous of the taxes that we have, and we should find a way to relieve that burden. And we ask the other house to step up to the plate, come to the table, pass some version of these bills, let's get it to conference committees so we can get some resolution to this issue.

The public is screaming for results. My mail -- and I bet each and every one of you are getting the same mail that I'm getting, both email and snail mail. It's all coming the same way: Help us with property taxes. Help us with property taxes. That's the scream, that's the cry from all of our residents, and it doesn't matter what their age range.

We need to do something, or we're going to drive everyone out of this state -- businesses, older generations, and the young who won't be able to come here because they won't be able to afford to live here.

I support this bill, the others that were mentioned. I intend to vote aye and urge us all to do so, and let's send a message and get the other house moving.

Thank you, Mr. President.

ACTING PRESIDENT ALESI: Senator Marcellino will be recorded in the affirmative.

Senator Little, to explain her vote.

SENATOR LITTLE: Thank you, Mr. President.

Obviously property taxes are not just the number-one issue in my district but the number-one issue in many of your districts as well.

And in the last few years, I have had a number of property tax organizations crop up within the district because people are so concerned about their ability to pay their property taxes and to be able to remain in their home.

Just yesterday I had a woman in my office who bought a house four years ago for $130,000. She has done absolutely nothing to her house -- I mean, keep it clean and all that kind of good stuff -- but as far as improvements or changes to the house. She received her new assessment this week,

$230,000 assessed value on her home. Her taxes will increase. Her ability to pay those taxes has not increased at the same rate.

Now, I sponsor a myriad of bills. I have bills on "circuit breaker," cycle bill for assessment, deferments for senior citizens. We have all kinds of bills, and all of my colleagues have important property tax bills. I sponsor tax-exempt bills with my colleague Senator Bonacic. We're looking at every possible way of helping relieve our citizens of property taxes.

And we need consensus. We need to know how we can do this the best way so that that it helps the entire state. This blue ribbon commission is so critical. These will be experts, financial experts who will address the issue, who will look at all the ideas, who will look at what other states do, who will come up with a new way of doing property taxes in our state, a new way of funding our schools, a better way of assessments and real property values.

Assemblywoman Sandra Galef sponsors this bill in the Assembly. We have an

opportunity to not only pass this bill here but to encourage our Assembly colleagues to pass this bill in the Assembly so that we can move forward and have real property tax relief and get rid of this label that New York State has as having the highest local property taxes, among the highest local property taxes in the entire country.

I certainly will vote aye on this bill and hope everyone else will as well.

Thank you.

ACTING PRESIDENT ALESI: Senator Little will be recorded in the affirmative.

Senator Craig Johnson, to explain his vote.

SENATOR CRAIG JOHNSON: Thank you, Mr. President.

I rise to support this bill and the creation of a blue ribbon panel. It's interesting that my colleague Senator Little, who is the chairwoman of the Local Governments Committee -- and every week when we meet in the Local Governments Committee, we see time and time again bills coming before our committee talking about property tax exemption

for various groups. And the bills are getting longer and the calendar is growing longer for people seeking exemptions.

And we go home and we talk with our residents, who -- May 15th is coming up in the school budget votes. And the schools are nervous because they have to raise taxes, notwithstanding our hard efforts to bring more school aid to our localities. They're nervous about whether or not these budgets are going to pass, because they have to raise property taxes to meet the growing healthcare costs and the pension costs and the utility costs that our schools face.

This bill is very simple. It's just asking us to talk about it, talk about property tax reform. We're not being asked to do anything other than create a commission to talk about alternatives, examine alternatives.

Senator Little and I have been appointed -- for Senator Little, by Senator Bruno; and for myself, by my leader, Senator Smith -- to the Governor's commission on examining efficiencies in local government. And that's one aspect to help reduce the

property taxes facing our citizens.

What a perfect complement is this commission to address property taxes as a whole, all throughout, and explore the alternatives, the possible alternatives. All we're saying to our brethren in the Assembly is let's talk about it, let's go around the state, let's have people appointed to the commission, present testimony and address the issue.

In Suffolk County they appointed a commission to study the issue on the property taxes, and they came back with an interesting report about what may or may not be appropriate. But they did it. We should do the same thing all across the state in our other counties, because it's important to talk about and address the issues. And a lot of unknowns. And it's very simple to say this is an answer when we don't know if it's going to be based upon the empirical evidence.

I urge the Assembly majority to pass this bill, to move it on to the Governor, for the Governor to sign it into law and to create this commission so we can get the hard

evidence, the hard answers to address this issue. Because it's time we provide real relief and real reform to our residents.

I vote aye on the bill, Mr. President.

ACTING PRESIDENT ALESI: Senator Craig Johnson will be recorded in the affirmative.

Senator Klein, to explain his vote.

SENATOR KLEIN: Thank you, Mr. President.

I too rise in favor of this legislation. But I do agree with my colleague Senator Bonacic. I think the public wants some answers. And I think it's rather frustrating that even though we increased state aid in this year's budget, a very interesting article came out in the New York Times where property taxes are still increasing. Even in my district, while maybe they're not higher than they were the year before, property taxes still increase.

So I think part of me says we need to have action, but another part of me says we need a study like this. Because I think

there's no one answer to the problem of rising property taxes.

I think it's a combination of maybe looking towards something like an income tax, which was proposed by Senator Saland in his legislation, giving the individual school district the authority to -- they're looking at increasing sales taxes, as I said, a local income tax, giving them full authority to decide how they want to raise money.

This is also a problem, as I see it, in Westchester County and I think around the state. I never get a complaint about local school districts as far as education is concerned in any of my communities. They love the school system, they all agree their children are getting a first-rate education. But at the same time, they are complaining about forever-increasing property taxes.

So I think it's a combination of things. I think we have to take a good hard look on how we can sort of shift the burden to another source of state revenue to pay for education. And I think also, as Senator Johnson said, we do have to take a close look

on how local school districts spend the taxpayers' money.

You know, I'm not saying they're doing the wrong thing, because as I said before, the education in these school districts is second to none. But at the same time, maybe they can do a better job. Maybe they can do a more efficient job. But I think certainly it's incumbent upon us to do something, because the taxpayers are watching.

I vote yes on this legislation.

ACTING PRESIDENT ALESI: Senator Klein will be recorded in the affirmative.

Senator Liz Krueger, to explain her vote.

SENATOR LIZ KRUEGER: Thank you, Mr. President.

I also rise to support the bill and to thank the sponsor.

You know, it's not that simple. Yes, the public wants a reduction in property taxes. Yes, property taxes have gotten out of hand. But to disagree with my esteemed colleague Senator Bonacic, I think one of the reasons that we haven't moved bills through

both houses is because we attempt individual bills that might sound good but leave other big gaps in answering the question.

And so what I like about this bill and this commission, task force, is it says we need to look at property taxes in relationship to other alternative sources of funding.

As I've said many times, we won't get to the underlying problems of inequity and skyrocketing property taxes or school funding until we're prepared to look at the entire state tax policy system and its relationship to our local taxes.

And so this blue ribbon commission, while it's specific to property taxes, talks about looking at the alternative sources of funding to property taxes. I would argue it even explores the question is taxing property the most equitable and progressive way to meet our government's responsibilities to provide public services, because I'm a big believer in reevaluating the regressive nature of our tax policy at the state and local level and shifting us to a progressive model of tax policy.

I also appreciate that this task force or commission would be looking at assessments. Because we all know that we have serious problems with inequitable modeling of assessments. We all know that we've got too many different units of government doing assessments in the state of New York, which is driving up administrative costs and increasing inequities not just from county to county but sometimes from township to township just next door to each other.

I also like that this bill says we have to look at how we put controls on spending, how we evaluate how these monies are being used in school budgets and at the local level.

So I don't think it's as simple as some of my colleagues might like it to be. And I want to applaud both Assemblywoman Galef and Senator Betty Little for continuing year after year to try to move this legislation so that legislators, experts sit down and try to answer these very tough questions in a holistic manner of bringing together all the questions about how do we ensure that we have

the adequate revenue to provide the public services at the local level and the state level that we must and we all support, in the most equitable, fair and progressive way that we can through our tax policies.

So I actually think it's a big job, and I hope we do get started on it. And so I'm very happy to support this bill and look forward to working with my colleagues on this. Thank you, Senator.

ACTING PRESIDENT ALESI: Senator Liz Krueger will be recorded in the affirmative.

Announce the results, please.

THE SECRETARY: Ayes, 54. Nays, 0.

ACTING PRESIDENT ALESI: The bill is passed.

THE SECRETARY: Calendar Number 648, by Senator Volker, Senate Print 4034, an act to amend the Criminal Procedure Law.

ACTING PRESIDENT ALESI: Read the last section.

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

ACTING PRESIDENT ALESI: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 53. Nays, 2. Senators Duane and Montgomery recorded in the negative.

ACTING PRESIDENT ALESI: The bill is passed.

THE SECRETARY: Calendar Number 656, by Senator Volker, Senate Print 4212, an act to amend the Civil Practice Law and Rules.

ACTING PRESIDENT ALESI: Read the last section.

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

ACTING PRESIDENT ALESI: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 55.

ACTING PRESIDENT ALESI: The bill is passed.

THE SECRETARY: Calendar Number 708, by Senator Volker, Senate Print 1653, an act to amend the Executive Law.

ACTING PRESIDENT ALESI: Read the

last section.

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

ACTING PRESIDENT ALESI: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 55.

ACTING PRESIDENT ALESI: The bill is passed.

THE SECRETARY: Calendar Number 737, by Senator Wright, Senate Print 4728, an act to amend the Family Court Act.

ACTING PRESIDENT ALESI: Read the last section.

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

ACTING PRESIDENT ALESI: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT ALESI: Senator Montgomery.

SENATOR MONTGOMERY: Yes, Mr. President. I want to explain my vote.

ACTING PRESIDENT ALESI: Senator

Montgomery, to explain her vote.

SENATOR MONTGOMERY: Yes.

Mr. President, I have voted no in the past, along with a number of my colleagues, and I continue to oppose this legislation.

And one of the reasons is it seems to remove conditional discharge, which often is used, it's my understanding, by district attorneys and possibly judges to create an alternative to a criminal charge. And since this legislation is specifically targeting juveniles, it creates a criminal offense which will remain with them for life for desecration of a cemetery.

I think that we need to rethink how many different ways we in this Legislature, this legislative body, are creating pathways to criminal charges. Now, we just the last vote taken, or the last vote that I voted no on, would make it possible for anyone who is hiring a police officer or peace officer to open up juvenile records and for petty crimes, as it is described in the memo, they would be able to deny employment.

So we need to really think about

how many ways we create problems for young people, just based on the fact that they have poor judgment and are mischievous and get into various and sundry activities that they should not, but nonetheless we make them pay for the rest of their lives.

So I'm going to continue to vote in the negative on this legislation, and I urge my colleagues to join me in opposing this legislation.

ACTING PRESIDENT ALESI: Senator Montgomery will be recorded in the negative.

Announce the results.

THE SECRETARY: Those recorded in the negative on Calendar Number 737 are Senators Duane, Hassell-Thompson, L. Krueger and Montgomery.

Ayes, 53. Nays, 4.

ACTING PRESIDENT ALESI: The bill is passed.

THE SECRETARY: Calendar Number 759, by Senator Bonacic, Senate Print 480, an act to amend the Vehicle and Traffic Law.

ACTING PRESIDENT ALESI: Read the last section.

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

ACTING PRESIDENT ALESI: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT ALESI: The bill is passed.

THE SECRETARY: Calendar Number 761, by Senator Larkin, Senate Print 578, an act to amend the Vehicle and Traffic Law.

ACTING PRESIDENT ALESI: Read the last section.

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

ACTING PRESIDENT ALESI: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT ALESI: Senator Stewart-Cousins, to explain her vote.

SENATOR STEWART-COUSINS: Yes, to explain my vote.

I want to rise to support this legislation and thank Senator Larkin for

talking about safety on baseball fields and football fields and all-terrain vehicles not being able to be driven on those fields without permission.

And because we're talking about baseball and football and school fields, I wanted to certainly acknowledge the fact that there is a class, a student government class here from the great city of Yonkers, from Emerson Middle School, with their teacher, Ms. Hartwell.

So I want you all to enjoy your time in Albany. Be very, very careful in terms of how you drive when you eventually drive. And know that we are here making laws that will benefit you.

So I thank you and of course want to be recorded in the affirmative.

ACTING PRESIDENT ALESI: Senator Stewart-Cousins will be recorded in the affirmative.

Announce the results.

THE SECRETARY: Those recorded in the negative on Calendar Number 761 are Senators Farley, Griffo, Libous, Little,

Maziarz, Seward, Winner and Young.

Ayes, 49. Nays, 8.

ACTING PRESIDENT ALESI: The bill is passed.

THE SECRETARY: Calendar Number 763, by Senator Trunzo, Senate Print 885, an act to amend the Vehicle and Traffic Law.

ACTING PRESIDENT ALESI: Read the last section.

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

ACTING PRESIDENT ALESI: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT ALESI: The bill is passed.

THE SECRETARY: Calendar Number 764, by Senator Winner, Senate Print 903, an act to amend the Highway Law.

ACTING PRESIDENT ALESI: Read the last section.

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

ACTING PRESIDENT ALESI: Call the

roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT ALESI: The bill is passed.

THE SECRETARY: Calendar Number 765, by Senator Trunzo, Senate Print 1485, an act to amend the Vehicle and Traffic Law.

ACTING PRESIDENT ALESI: Read the last section.

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

ACTING PRESIDENT ALESI: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT ALESI: The bill is passed.

THE SECRETARY: Calendar Number 766, by Senator Libous, Senate Print 1655, an act to amend the Highway Law.

ACTING PRESIDENT ALESI: Read the last section.

THE SECRETARY: Section 3. This

act shall take effect immediately.

ACTING PRESIDENT ALESI: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT ALESI: The bill is passed.

THE SECRETARY: Calendar Number 791, by Senator Maziarz, Senate Print 514, an ability to incorporate the Hartland Volunteer Exempt Firefighter's Benevolent Association.

ACTING PRESIDENT ALESI: Read the last section.

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

ACTING PRESIDENT ALESI: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT ALESI: The bill is passed.

THE SECRETARY: Calendar Number 794, by Senator Little, Senate Print 1138, an act to amend the Local Finance Law.

ACTING PRESIDENT ALESI: Read the

last section.

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

ACTING PRESIDENT ALESI: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT ALESI: The bill is passed.

THE SECRETARY: Calendar Number 796, by Senator Larkin, Senate Print 1481, an act to amend the Village Law.

ACTING PRESIDENT ALESI: Read the last section.

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

ACTING PRESIDENT ALESI: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT ALESI: The bill is passed.

THE SECRETARY: Calendar Number 797, substituted earlier today by Member of the Assembly Schimminger, Assembly Print

Number 5381, an act to amend the Local Finance Law.

ACTING PRESIDENT ALESI: 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 ALESI: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT ALESI: The bill is passed.

THE SECRETARY: Calendar Number 800, by Senator Wright, Senate Print 2772, an act to amend the General Municipal Law.

ACTING PRESIDENT ALESI: Read the last section.

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

ACTING PRESIDENT ALESI: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT ALESI: The bill

is passed.

THE SECRETARY: Calendar Number 801, by Senator Winner, Senate Print 3229, an act to amend the General Municipal Law.

ACTING PRESIDENT ALESI: Read the last section.

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

ACTING PRESIDENT ALESI: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT ALESI: The bill is passed.

THE SECRETARY: Calendar Number 802, by Senator Winner, Senate Print 3232, an act to amend the General Municipal Law.

ACTING PRESIDENT ALESI: Read the last section.

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

ACTING PRESIDENT ALESI: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT ALESI: The bill is passed.

THE SECRETARY: Calendar Number 807, by Senator Winner, Senate Print 3878, an act in relation to authorizing the Town of Potter, County of Yates.

ACTING PRESIDENT ALESI: Read the last section.

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

ACTING PRESIDENT ALESI: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT ALESI: The bill is passed.

THE SECRETARY: Calendar Number 823, by Senator LaValle, Senate Print 3903, an act to amend the Education Law.

ACTING PRESIDENT ALESI: Read the last section.

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

ACTING PRESIDENT ALESI: Call the

roll.

(The Secretary called the roll.)

THE SECRETARY: Those recorded in the negative on Calendar Number 823 are Senators Adams, Duane, Hassell-Thompson, Montgomery and Sampson.

Ayes, 53. Nays, 5.

ACTING PRESIDENT ALESI: The bill is passed.

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

SENATOR WRIGHT: Thank you, Mr. President.

Is there any other business at the desk?

ACTING PRESIDENT ALESI: Thank you, Senator Wright. Senator Nozzolio has a motion.

Senator Nozzolio.

SENATOR NOZZOLIO: Thank you, Senator Alesi.

Mr. President, I'd like to call up my bill, Print Number 3672, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT ALESI: The

Secretary will read.

THE SECRETARY: Calendar Number 529, by Senator Nozzolio, Senate Print 3672, an act to amend the Penal Law.

SENATOR NOZZOLIO: 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 ALESI: The Secretary will call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

SENATOR NOZZOLIO: Mr. President. I now move to recommit Senate Print Number 3672, Calendar Number 529 on the order of third reading, to the Committee on Codes, with instructions to said committee to strike the enacting clause.

ACTING PRESIDENT ALESI: So ordered.

Senator Wright.

SENATOR WRIGHT: Mr. President, there being no further business, I move we adjourn until Monday, May 14th, at 3:00 p.m.,

intervening days being legislative days.

ACTING PRESIDENT ALESI: On motion, the Senate stands adjourned until Monday, May 14th, at 3:00 p.m., intervening days being legislative days.

(Whereupon, at 11:43 a.m., the Senate adjourned.)