NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

May 30, 2007

3:11 p.m.

REGULAR SESSION

SENATOR CARL L. MARCELLINO, Acting President

STEVEN M. BOGGESS, Secretary

P R O C E E D I N G S

ACTING PRESIDENT MARCELLINO: The Senate will come to order.

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

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

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

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

ACTING PRESIDENT MARCELLINO: Reading of the Journal.

THE SECRETARY: In Senate, Tuesday, May 29, the Senate met pursuant to adjournment. The Journal of Monday, May 28, was read and approved. On motion, Senate adjourned.

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

Presentation of petitions.

Messages from the Assembly.

Messages from the Governor.

Reports of standing committees.

The Secretary will read.

THE SECRETARY: Senator O. Johnson, from the Committee on Finance, reports the following nominations.

As Inspector General of the Office of the Metropolitan Transportation Authority, Barry Kluger, of New York City.

ACTING PRESIDENT MARCELLINO: Senator Johnson.

SENATOR OWEN JOHNSON: I move the nomination.

ACTING PRESIDENT MARCELLINO: Senator Libous.

SENATOR LIBOUS: Thank you, Mr. President.

I rise to second the nomination of Barry Kluger as the inspector general for the MTA.

I am very pleased that Governor Spitzer has sent us a candidate with these outstanding qualifications. Spending time with Mr. Kluger and having a number of conversations with him to get a feel for his

qualifications for the job, I came away extremely confident, as the committee did when it met and had questions for him and reviewed his qualifications.

Mr. Kluger himself is a daily rider of the MTA, so he understands his role as an advocate, as the inspector general. He also has a very, very strong desire to work with us here in the Legislature and other colleagues throughout various transportation agencies.

His background, an investigation background with the Bronx County district attorney's office, I think gives him the qualifications that we need in this very, very important role as inspector general.

And, Mr. President, I am quite confident that he will be an outstanding inspector general, that Governor Spitzer has sent us a very well qualified candidate. And it is a pleasure for me to second his nomination.

ACTING PRESIDENT MARCELLINO: Senator Sabini.

SENATOR SABINI: Thank you, Mr. President.

I too want to rise to second the nomination of Mr. Kluger to be the inspector general of the MTA. It's a very important position, the MTA having billions of dollars in operating and capital money go through its doors. And over the years we've seen a lot of that money, its efficacy, called into question.

I think Mr. Kluger and his background in law enforcement, his extensive experience at the Bronx district attorney's office and in other places, will go a long way to making sure that the dollars spent by the MTA are spent effectively and honestly and in the public's interest.

In addition, one of the most important aspects I think that he brings to this job is that being in a criminal law enforcement background, with the MTA now the recipient of large amounts of federal money for antiterrorism, that we can be sure that when we wake up in the morning we won't see, or hopefully won't see, if I'm confident in his abilities, that that money won't be wasted or frittered away but will be used to protect

New Yorkers as they ride the system, as they go on our bridges and tunnels, as they ride the commuter railways.

So I'm pretty confident that Barry Kluger is the right man for the job. I applaud the Governor for his appointment and look forward to working with him in the future.

Thank you, Mr. President.

ACTING PRESIDENT MARCELLINO: Thank you, Senator.

Can we have a little order in the house, please.

Senator Krueger.

SENATOR LIZ KRUEGER: Thank you, Mr. President.

I also rise to second the nomination of Barry Kluger to be the inspector general of the MTA.

Mr. Kluger is both a constituent and a neighbor from New York City, and I have had many opportunities to chat with him actually on the streets of the district about the importance of public service and the work that he has done to date on behalf of the

people of New York. And I've also had a chance to meet with him to discuss his new mission and his new agenda at the MTA.

And I share my colleagues' support for his talents and skills and commitment to taking on this very large job to make sure that the MTA is run as we need it to be run, that the funds are accounted for, that there are audits both from a financial perspective and from the perspective of programmatic operations.

And any authority and any government agency needs to have the ability to technically self-police and keep itself both honest and transparent. And so I am delighted that a man of Mr. Kluger's caliber is willing to shift gears in his career and move from his work at the district attorney's office to taking on this enormous responsibility for the MTA and in fact for all of the people in New York State.

So I congratulate him and look forward to continuing to work with him.

Thank you, Mr. President.

ACTING PRESIDENT MARCELLINO:

Thank you, Senator.

Any other Senator wishing to be heard on the nomination?

The question then is on the nomination of Barry Kluger, of New York City, to serve as inspector general of the office of the Metropolitan Transportation Authority. All in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT MARCELLINO: Opposed, nay.

(No response.)

ACTING PRESIDENT MARCELLINO: Mr. Kluger is confirmed.

Congratulations, Mr. Kluger. We wish you the best on your very important position and very important job.

(Applause.)

ACTING PRESIDENT MARCELLINO: Mr. Kluger is joined by his son Alex, who is also in the audience. Thank you for coming, Alex.

The Secretary will read.

THE SECRETARY: As public member of the State Banking Board, Brian D. Obergfell, of Brooklyn.

As a member of the State Athletic Commission, Melvina Lathan, of Ardsley.

As a member of the board of directors of the New York Convention Center Operating Corporation, Edward P. Kane, of Rockville Centre.

As members of the Minority Health Council, Cheryl G. Garlow, of Irving; Kam Man Kenny Kwong, of Bayside; and Gladys Vidor, of Rensselaer.

As a member of the Board of Visitors of the Capital District Psychiatric Center, Judith Reichenthal, of Clifton Park.

As a member of the Board of Visitors of the Mohawk Valley Psychiatric Center, Karen N. Christensen, of Utica.

And as a member of the Board of Visitors of the St. Lawrence Psychiatric Center, Joanne M. Charleson, of Canton.

ACTING PRESIDENT MARCELLINO: Senator Johnson.

SENATOR OWEN JOHNSON: I rise to move the nominations.

ACTING PRESIDENT MARCELLINO: The nominations are moved.

The question is on the nominations as read by the Secretary. All in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT MARCELLINO: Opposed, nay.

(No response.)

ACTING PRESIDENT MARCELLINO: The nominees are confirmed.

Reports of select committees.

Communications and reports of state officers.

Motions and resolutions.

Senator Bonacic.

SENATOR BONACIC: Thank you, Mr. President.

On behalf of Senator Fuschillo, who's now entering the chambers, on page 45 I offer the following amendments to Calendar Number 751, Print Number 4723, and ask that said bill retain its place on the Third Reading Calendar.

ACTING PRESIDENT MARCELLINO: So ordered.

SENATOR BONACIC: Also on behalf

of Senator Volker, who's in the chambers, I would like to offer, on page number 81, the following amendment to Calendar Number 1234, Print Number 3166B, and ask that said bill retain its place on the Third Reading Calendar.

ACTING PRESIDENT MARCELLINO: So ordered.

SENATOR BONACIC: Thank you, Mr. President.

ACTING PRESIDENT MARCELLINO: Senator Wright.

SENATOR WRIGHT: Thank you, Mr. President.

Are there any substitutions at the desk?

ACTING PRESIDENT MARCELLINO: Yes, there are, Senator. Just one.

The Secretary will read the substitution.

THE SECRETARY: On page 62, Senator Farley moves to discharge, from the Committee on Rules, Assembly Bill Number 2997 and substitute it for the identical Senate Bill Number 1521, Third Reading Calendar 1009.

ACTING PRESIDENT MARCELLINO: The substitution is ordered.

Senator Wright.

SENATOR WRIGHT: May we please adopt the Resolution Calendar.

ACTING PRESIDENT MARCELLINO: The motion is to adopt the Resolution Calendar. All in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT MARCELLINO: Opposed, nay.

(No response.)

ACTING PRESIDENT MARCELLINO: The Resolution Calendar is adopted.

Senator Wright.

SENATOR WRIGHT: May we please have the noncontroversial reading of the calendar.

ACTING PRESIDENT MARCELLINO: The Secretary will read.

THE SECRETARY: Calendar Number 226, by Senator Larkin, Senate Print 1356, an act to remove from the Albert Wisner Memorial Public Library.

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, 50.

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: Calendar Number 317, by Senator Maziarz, Senate Print 255, an act to amend the Penal Law and the Agriculture and Markets Law, in relation to offenses.

ACTING PRESIDENT MARCELLINO: 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.)

THE SECRETARY: Ayes, 50.

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: Calendar Number

516, by Senator Robach, Senate Print 2162, an act to amend the State Finance Law, in relation to contracts.

ACTING PRESIDENT MARCELLINO: Read the last section, please.

THE SECRETARY: Section 3. This act shall take effect on the 60th day.

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 50.

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: Calendar Number 640, by Senator Skelos, Senate Print 435A, an act to amend the Penal Law, in relation to sentencing.

SENATOR WRIGHT: Mr. President, could we lay that aside temporarily, please.

ACTING PRESIDENT MARCELLINO: The bill is laid aside temporarily.

The Secretary will continue to read.

THE SECRETARY: Calendar Number 699, by Senator Larkin, Senate Print 205, an

act to amend the Insurance Law, in relation to providing.

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, 50.

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: Calendar Number 749, by Senator Morahan, Senate Print 4589, an act to amend the General Business Law, in relation to increasing the amount.

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, 51.

ACTING PRESIDENT MARCELLINO: The

bill is passed.

THE SECRETARY: Calendar Number 774, by Senator Little, Senate Print 4241, an act to amend the Navigation Law, in relation to chemical testing.

ACTING PRESIDENT MARCELLINO: Read the last section.

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

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 51.

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: Calendar Number 848, by Senator DeFrancisco, Senate Print 5127, an act to amend the Surrogate's Court Procedure Act, in relation to allocation.

ACTING PRESIDENT MARCELLINO: Read the last section.

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

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 52.

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: Calendar Number 873, by Senator Bonacic, Senate Print 469, an act to amend the Vehicle and Traffic Law, in relation to allowing.

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, 51. Nays, 1. Senator Duane recorded in the negative.

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: Calendar Number 905, by Senator Flanagan, Senate Print 5524, an act to authorize the Nassau Suffolk Service for the Autistic, Inc.

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, 50. Nays, 2. Senators Bonacic and Larkin recorded in the negative.

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: Calendar Number 909, by Senator Morahan, Senate Print 2902, an act to amend the Mental Hygiene Law --

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

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

THE SECRETARY: Calendar Number 916, by Senator Morahan, Senate Print 5078, an act to amend the Mental Hygiene Law, in relation to establishing the Task Force on Adults with Autism.

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: Ayes, 52.

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: Calendar Number 934, by Senator LaValle, Senate Print 5240, an act to amend the Education Law, in relation to the practice of public accountancy.

ACTING PRESIDENT MARCELLINO: Last section.

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

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 52.

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: Calendar Number 971, by Senator Flanagan, Senate Print 694, an act to amend the Tax Law, in relation to exempting.

ACTING PRESIDENT MARCELLINO:

There is a local fiscal impact statement at the desk.

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, 51. Nays, 1. Senator Duane recorded in the negative.

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: Calendar Number 972, by Senator Farley, Senate Print 899, an act to amend the Education Law, in relation to providing funding.

ACTING PRESIDENT MARCELLINO: Read the last section.

THE SECRETARY: Section 2. This act shall take effect April 1, 2008.

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 52.

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: Calendar Number 999, by Senator Maziarz, Senate Print 2308, an act to amend the Environmental Conservation Law, in relation to regulatory program fees.

ACTING PRESIDENT MARCELLINO: Read the last section, please.

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

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 52.

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: Calendar Number 1009, substituted earlier today by Member of the Assembly Butler, Assembly Print Number 2997, an act to amend Chapter 489 of the Laws of 2004.

ACTING PRESIDENT MARCELLINO: Last section.

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

ACTING PRESIDENT MARCELLINO: Call the roll.

THE SECRETARY: Ayes, 52.

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: Calendar Number 1011, by the Senate Committee on Rules, Senate Print 1818, an act to amend the Tax Law, in relation to extending.

ACTING PRESIDENT MARCELLINO: 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, 52.

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: Calendar Number 1034, by Senator Golden, Senate Print 320, an act to amend the Penal Law, in relation to promoting prostitution.

ACTING PRESIDENT MARCELLINO: Read the last section.

THE SECRETARY: Section 9. This act shall take effect on the first of November.

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 52.

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: Calendar Number 1038, by Senator Morahan, Senate Print 2589, an act to amend the Penal Law, in relation to adding.

ACTING PRESIDENT MARCELLINO: 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, 52.

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: Calendar Number

1040, by Senator Volker, Senate Print 3559, an act to amend the Civil Practice Law and Rules, in relation to the timing and service of motions.

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, 51. Nays, 1. Senator Duane recorded in the negative.

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: Calendar Number 1044, by Senator Volker, Senate Print 4028, an act to amend the Penal Law, in relation to prohibition.

ACTING PRESIDENT MARCELLINO: Last section, please.

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, 51. Nays, 1. Senator Duane recorded in the negative.

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: Calendar Number 1048, by Senator Nozzolio, Senate Print 4330, an act to amend the Penal Law, in relation to expanding the definition of dangerous contraband.

ACTING PRESIDENT MARCELLINO: Read the last section, please.

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

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: Calendar Number 1049, by Senator Flanagan, Senate Print 4417, an act to amend the Criminal Procedure Law, in

relation to denial of recognizance.

ACTING PRESIDENT MARCELLINO: Read the last section.

THE SECRETARY: Section 8. This act shall take effect on the first of November.

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: Calendar Number 1051, by Senator Saland, Senate Print 4789, an act to amend the Penal Law, in relation to theft of credit card.

ACTING PRESIDENT MARCELLINO: Read the last section, please.

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, 52.

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: Calendar Number 1073, by Senator Farley, Senate Print 3542, an act to amend the Education Law, in relation to appropriations for library services.

ACTING PRESIDENT MARCELLINO: 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, 52.

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: Calendar Number 1084, by Senator Marcellino, Senate Print 615, an act to amend the Criminal Procedure Law, in relation to anonymous juries.

ACTING PRESIDENT MARCELLINO: Last section, please.

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

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 53.

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: Calendar Number 1089, by Senator Volker, Senate Print 1602, an act to amend the Correction Law, in relation to extending protection.

ACTING PRESIDENT MARCELLINO: 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, 53.

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: Calendar Number 1091, by Senator Rath, Senate Print 2327, an act to amend the Correction Law, in relation to employment limitations.

ACTING PRESIDENT MARCELLINO:

Last section, please.

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, 54.

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: Calendar Number 1093, by Senator Skelos, Senate Print 2460, an act to amend the Correction Law, in relation to requiring sex offenders to register.

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, 54. Nays, 1. Senator Duane recorded in the negative.

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: Calendar Number 1098, by Senator Nozzolio, Senate Print 5143, an act to amend the Correction Law, in relation to authorizing.

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, 55.

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: Calendar Number 1100, by Senator Fuschillo, Senate Print 5541, an act to amend the Executive Law and others, in relation to police reports.

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, 55.

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: Calendar Number 1103, by Senator Maziarz, Senate Print 2776, an act to amend the Retirement and Social Security Law, in relation to establishing.

ACTING PRESIDENT MARCELLINO: 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.)

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

SENATOR DUANE: Thank you, Mr. President.

I wanted to particularly call attention to this piece of legislation today. This is an excellent, excellent bill which will both help to educate the public on ways in which HIV can and cannot be transmitted and also protect the rights of workers in the state.

And it's altogether a bill which is much needed and which will solve any number of problems having to do with HIV presumption. And I commend the sponsor for bringing it forward, and I'm very pleased that it's going to be passing our house today.

Thank you, Mr. President. I'll be voting yes.

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

Announce the results.

THE SECRETARY: Ayes, 55. Nays, 0.

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: Calendar Number 1111, by Senator Robach, Senate Print 4931, an act to amend the Retirement and Social Security Law, in relation to creditable service.

ACTING PRESIDENT MARCELLINO: Read the last section.

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

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 55.

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: Calendar Number 1112, by Senator Bonacic, Senate Print 5260, an act relating to authorizing the reopening of the 25-year retirement benefit plan.

ACTING PRESIDENT MARCELLINO: 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 MARCELLINO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 55.

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: Calendar Number 1121, by Senator Leibell, Senate Print 5558, an act to amend Chapter 942 of the Laws of 1983 and Chapter 541 of the Laws of 1984.

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, 55.

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: Calendar Number 1125, by Senator Little, Senate Print 2342, an act to amend the General Municipal Law, in relation to taking of billboards.

ACTING PRESIDENT MARCELLINO: 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, 54. Nays, 1. Senator Duane recorded in the negative.

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: Calendar Number 1130, by Senator Little, Senate Print 4857, an act to amend the Town Law, in relation to authorizing the town board of the Town of Chester.

ACTING PRESIDENT MARCELLINO: We have a home-rule message at the desk.

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, 55.

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: Calendar Number 1223, by Senator Padavan, Senate Print 1600, an act to amend the --

SENATOR WRIGHT: Lay that aside temporarily.

ACTING PRESIDENT MARCELLINO: Lay that bill aside temporarily, please.

THE SECRETARY: Calendar Number 1235, by Senator Wright, Senate Print 3414, an

act to amend the Penal Law, in relation to the definition of without authorization.

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, 55.

ACTING PRESIDENT MARCELLINO: The bill is passed.

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

Can we have some order in the house, please.

Senator Wright.

SENATOR WRIGHT: Thank you, Mr. President.

In five minutes we're going to convene a meeting of the Rules Committee in the Majority Conference Room.

Following that, we will reconvene the Senate for the report of the Rules Committee and these two bills.

ACTING PRESIDENT MARCELLINO: In five minutes there will be a meeting of the Rules Committee in the Majority Conference Room.

In the interim, we will stand at ease.

(Whereupon, the Senate stood at ease at 3:39 p.m.)

(Whereupon, the Senate reconvened at 3:48 p.m.)

ACTING PRESIDENT MARCELLINO: Senator Skelos.

SENATOR SKELOS: Mr. President, if we could return to the noncontroversial calendar and take up Calendar Number 640.

ACTING PRESIDENT MARCELLINO: The Secretary will read from the noncontroversial calendar.

THE SECRETARY: Calendar Number 640, by Senator Skelos, Senate Print 435A, an act to amend the Penal Law, in relation to sentencing.

ACTING PRESIDENT MARCELLINO: Read the last section.

THE SECRETARY: Section 4. This

act shall take effect on the first of November.

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Those recorded in the negative on Calendar Number 640 are Senators Dilan, Duane, Hassell-Thompson, Montgomery, Parker, Perkins, Schneiderman and Serrano. Also Senator L. Krueger.

Ayes, 49. Nays, 9.

ACTING PRESIDENT MARCELLINO: The bill is passed.

If we could have some order, please.

The Secretary will continue to read.

THE SECRETARY: Calendar Number 1223, by Senator Padavan, Senate Print 1600, an act to amend the Criminal Procedure Law and the Penal Law, in relation to aggravated criminal conduct.

ACTING PRESIDENT MARCELLINO: Read the last section, please.

THE SECRETARY: Section 5. This

act shall take effect immediately.

ACTING PRESIDENT MARCELLINO:

Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Those recorded in the negative on Calendar Number 1223 are Senators Dilan, Duane, Hassell-Thompson, L. Krueger, Montgomery, Parker and Perkins.

Ayes, 51. Nays, 7.

ACTING PRESIDENT MARCELLINO: The bill is passed.

Senator Skelos.

SENATOR SKELOS: Mr. President, if we could return to reports of standing committees, there's a report of the Rules Committee at the desk. If we could take it up at this time.

ACTING PRESIDENT MARCELLINO: The Secretary will read the report of the Rules Committee.

THE SECRETARY: Senator Bruno, from the Committee on Rules, reports the following bill direct to third reading:

Senate Print 5951, by the Senate Committee on Rules, an act to amend the

Multiple Dwelling Law.

SENATOR SKELOS: Mr. President, move to accept the report of the Rules Committee.

ACTING PRESIDENT MARCELLINO: The motion is to accept the report of the Rules Committee. All in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT MARCELLINO: Opposed, nay.

(No response.)

ACTING PRESIDENT MARCELLINO: The report of the Rules Committee is accepted.

Senator Skelos.

SENATOR SKELOS: Mr. President, if we could take up Calendar Number 1439, Senate 5951, which was just reported from the Rules Committee.

ACTING PRESIDENT MARCELLINO: The Secretary will read.

THE SECRETARY: In relation to Calendar Number 1439, Senator Bruno, from the Committee on Rules, moves to discharge Assembly Print Number 8694 and substitute it

for the identical Senate Bill Number 5951, Third Reading Calendar 1439.

ACTING PRESIDENT MARCELLINO: Substitution is ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1439, by Member of the Assembly Glick, Assembly Print Number 8694, an act to amend the Multiple Dwelling Law.

ACTING PRESIDENT MARCELLINO: Read the last section.

Senator Padavan.

SENATOR PADAVAN: Mr. President, on the bill.

I have no idea whatever --

ACTING PRESIDENT MARCELLINO: Senator Padavan --

SENATOR PADAVAN: On the bill.

ACTING PRESIDENT MARCELLINO: We're on the noncontroversial calendar. Would you like to explain your vote?

SENATOR PADAVAN: Well, if that's the case, I will.

ACTING PRESIDENT MARCELLINO: Thank you.

Senator Padavan, to explain his vote.

SENATOR PADAVAN: I repeat, I have no knowledge whatsoever what the connection between the Loft Law and Quick Draw is all about. Unless there's something going on that I don't know. Perhaps they're thinking of putting the video crack in every loft; you get it when you lease.

But there is no connection. And so this is legislative blackmail. We're being forced -- and I do support the extension of the Loft Law -- to either choose between something which has been destructive to our communities, causing a great deal of economic harm to a lot of people without any redeeming values, as far as I'm concerned, and continuing the Loft Law, which I think makes a great deal of sense.

But I'm not going to be blackmailed, and I'm voting no.

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

Senator Duane, to explain his vote.

SENATOR DUANE: Yes, Mr. President.

I would like to be associated with Senator Padavan's remarks verbatim. And I also will be voting in the negative.

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

Senator Montgomery.

SENATOR MONTGOMERY: Yes, Mr. President. I also agree with Senator Padavan, and I will vote in the negative.

ACTING PRESIDENT MARCELLINO: Senator Montgomery agrees with the consensus-builder Padavan. She will be recorded in the negative.

Senator L. Krueger.

SENATOR LIZ KRUEGER: Thank you.

I also agree with Senator Padavan and think that these two issues should not be --

(Laughter; catcalling.)

ACTING PRESIDENT MARCELLINO: Senator Padavan, do you want to recall your vote?

SENATOR LIZ KRUEGER: I agree with Senator Padavan on his points. I support the Loft Law. And so I find myself being blackmailed into voting yes, despite the fact that I completely agree with him.

Thank you, Mr. President.

ACTING PRESIDENT MARCELLINO: Are you being recorded in the affirmative, Senator?

SENATOR LIZ KRUEGER: Yes, Mr. President.

ACTING PRESIDENT MARCELLINO: Senator Krueger in the affirmative.

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, 55. Nays, 3. Those recorded in the negative are Senators Duane, Montgomery and Padavan.

ACTING PRESIDENT MARCELLINO: The bill is passed.

Senator Skelos.

SENATOR SKELOS: If you would recognize Senator Lanza, please.

ACTING PRESIDENT MARCELLINO: Senator Lanza.

SENATOR LANZA: Yes, Mr. President. On page number 61 I offer the following amendments to Calendar Number 998, Senate Print Number 1768, and ask that said bill retain its place on Third Reading Calendar.

ACTING PRESIDENT MARCELLINO: So ordered.

Senator Skelos.

SENATOR SKELOS: Mr. President --

SENATOR LANZA: And it's on behalf of Senator Maltese.

ACTING PRESIDENT MARCELLINO: Thank you.

SENATOR SKELOS: Mr. President, is there any further business to come before the Senate?

ACTING PRESIDENT MARCELLINO: The floor is clean, sir.

SENATOR SKELOS: There being none, I move we stand adjourned until

Thursday, May 31st, at 11:00 a.m.

ACTING PRESIDENT MARCELLINO: There being no further business, the Senate will stand adjourned until Thursday, May 31st, at 11:00 a.m.

(Whereupon, at 3:56 p.m., the Senate adjourned.)