NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

May 31, 2007

11:04 a.m.

REGULAR SESSION

SENATOR JOSEPH A. GRIFFO, Acting President

STEVEN M. BOGGESS, Secretary

P R O C E E D I N G S

ACTING PRESIDENT GRIFFO: The Senate will come to order.

I ask everyone present to please rise and join me in reciting the Pledge of Allegiance.

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

ACTING PRESIDENT GRIFFO: In the absence of clergy, I ask that we all bow our heads for a moment of silent prayer.

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

ACTING PRESIDENT GRIFFO: Reading of the Journal.

THE SECRETARY: In Senate, Wednesday, May 30, the Senate met pursuant to adjournment. The Journal of Tuesday, May 29, was read and approved. On motion, Senate adjourned.

ACTING PRESIDENT GRIFFO: 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 Farley.

SENATOR FARLEY: Thank you, Mr. President.

I wish to call up Senator Little's bill, Print Number 1129, recalled from the Assembly, and it's now at the desk.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: Calendar Number 118, by Senator Little, Senate Print 1129, an act to amend the Town Law.

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

ACTING PRESIDENT GRIFFO: Call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 38.

SENATOR FARLEY: I now offer the

following amendments.

ACTING PRESIDENT GRIFFO: The amendments are received.

SENATOR FARLEY: Mr. President, I offer the following amendments to these bills:

On behalf of Senator Maziarz, on page 6, Calendar Number 121, Senate Print Number 948A;

On behalf of Senator Morahan, on page 35, Calendar Number 909, Senate Print Number 2902;

On behalf of Senator Padavan, on page 39, Calendar Number 958, Senate Print Number 5410;

On behalf of Senator Flanagan, on page 65, Calendar Number 1286, Senate Print Number 5632;

And on behalf of Senator Morahan, on page 74, Calendar Number 1377, Senate Print Number 5181.

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

ACTING PRESIDENT GRIFFO: The amendments are received and adopted, and the

bills will retain their place on the Third Reading Calendar.

Senator Skelos.

SENATOR SKELOS: Mr. President, I believe there are substitutions to be made at this time.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: On page 43, Senator DeFrancisco moves to discharge, from the Committee on Investigations and Government Operations, Assembly Bill Number 1689 and substitute it for the identical Senate Bill Number 417, Third Reading Calendar 1007.

And on page 44, Senator Skelos moves to discharge, from the Committee on Rules, Assembly Bill Number 7526A and substitute it for the identical Senate Bill Number 3857, Third Reading Calendar 1022.

ACTING PRESIDENT GRIFFO: Substitutions ordered.

Senator Skelos.

SENATOR SKELOS: Mr. President, there's a Resolution 2514 at the desk by Senator Leibell. If we could have the title

read and move for its immediate adoption.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: By Senator Leibell, Legislative Resolution Number 2514, memorializing Governor Eliot Spitzer to proclaim June 2007 as Guiding Eyes for the Blind Month in the State of New York.

ACTING PRESIDENT GRIFFO: The question is on the resolution. All in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT GRIFFO: Opposed, nay.

(No response.)

ACTING PRESIDENT GRIFFO: The resolution is carried.

Senator Skelos.

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

ACTING PRESIDENT GRIFFO: The Secretary will read.

But first, Senator Klein will be recognized for a quick motion.

SENATOR KLEIN: Yes, Mr. President, I have an amendment of a bill on the calendar of third reading.

On page 75, I offer the following amendments to Calendar Number 1382, Senate Print 1340, on behalf of Senator Stachowski, and ask that said bill retain its place on Third Reading Calendar.

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

The Secretary will conduct the noncontroversial reading of the calendar.

THE SECRETARY: Calendar Number 550, by Senator LaValle, Senate Print 3821A, an act to amend the Alcoholic Beverage Control Law, in relation to service.

ACTING PRESIDENT GRIFFO: Last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 38.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 898, by Senator Little, Senate Print 4963, an act to amend the Real Property Tax Law, in relation to definition and use.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 38.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 915, by Senator Morahan, Senate Print 4438, an act to amend the Mental Hygiene Law, in relation to establishing.

ACTING PRESIDENT GRIFFO: Last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 38.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1007, substituted earlier today by Member of the Assembly R. Diaz, Assembly Print Number 1689, an act to amend the Public Officers Law.

ACTING PRESIDENT GRIFFO: Last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Senator DeFrancisco, to explain his vote.

SENATOR DeFRANCISCO: Yes, I want to just explain that this is another indication of the Legislature attempting to open government so that it's more accessible to the people.

We've passed different laws. Last

year we passed a law on Freedom of Information that, if a state agency or someone who's required to provide this information does not do so in accordance with the law and the person has to go into court, the judge can order, if he chooses to or she chooses to, attorney's fees.

This is another example of opening government by requiring state agencies to place on their website information such as how to make the Freedom of Information request, where records are located, information that makes it easier for the public to access the information that they're entitled to.

So I think it's a significant bill that has passed the Assembly and hopefully will be signed by the Governor and become law.

I vote aye.

ACTING PRESIDENT GRIFFO: Senator DeFrancisco to be recorded in the affirmative.

Announce the results.

THE SECRETARY: Ayes, 39.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number

1010, by Senator Farley, Senate Print 1522, an act to amend the Tax Law.

ACTING PRESIDENT GRIFFO: Last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 39.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1014, by the Senate Committee on Rules, Senate Print 2132, an act to amend the Tax Law and Chapter 200 of the Laws of 2002.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 39.

ACTING PRESIDENT GRIFFO: The

bill is passed.

THE SECRETARY: Calendar Number 1022, substituted earlier today by Member of the Assembly Morelle, Assembly Print Number 7526A, an act to amend the Arts and Cultural Affairs Law.

ACTING PRESIDENT GRIFFO: Last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 39.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1052, by Senator Larkin, Senate Print 4836, an act to amend the Penal Law.

ACTING PRESIDENT GRIFFO: Last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 39.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1053, by Senator Volker, Senate Print 4873, an act to amend the Criminal Procedure Law.

ACTING PRESIDENT GRIFFO: Last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 39.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1059, by Senator Morahan, Senate Print 5474, an act to amend the Penal Law and others.

ACTING PRESIDENT GRIFFO: Last section.

THE SECRETARY: Section 61. This act shall take effect on the 90th day.

ACTING PRESIDENT GRIFFO: Call

the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 39.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1066, by Senator Maziarz, Senate Print 4460, an act to amend Chapter 547 of the Laws of 1947.

ACTING PRESIDENT GRIFFO: Last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 39.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1088, by Senator DeFrancisco, Senate Print 912, an act to amend the Correction Law.

ACTING PRESIDENT GRIFFO: Last section.

THE SECRETARY: Section 2. This

act shall take effect on the first of November.

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 39.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1095, by Senator Nozzolio, Senate Print 3612, an act to amend the Correction Law and the Executive Law.

ACTING PRESIDENT GRIFFO: Last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 39.

ACTING PRESIDENT GRIFFO: The bill is passed.

Senator Skelos.

SENATOR SKELOS: If I could just interrupt for a moment, for the purposes of

planning, I'd like to inform the members of the Majority that there will be a conference at 11:30 in the Majority Conference Room.

ACTING PRESIDENT GRIFFO: Point of information, there will be a conference of the Majority at 11:30 in the Majority Conference Room.

The Secretary will continue to read.

THE SECRETARY: Calendar Number 1099, by Senator Marcellino, Senate Print 5324, an act to amend the Executive Law.

ACTING PRESIDENT GRIFFO: Last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 42.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1104, by Senator Padavan, Senate Print 3076, an act in relation to the participation.

ACTING PRESIDENT GRIFFO: Last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 42.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1108, by Senator Maziarz, Senate Print 3997, an act to authorize the Gates Fire District to offer an option.

ACTING PRESIDENT GRIFFO: Last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 43.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number

1126, by Senator Volker, Senate Print 3213, an act in relation to authorizing the Town of Canandaigua.

ACTING PRESIDENT GRIFFO: 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 GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 43.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1129, by Senator Farley, Senate Print 4406, an act to amend the Town Law.

ACTING PRESIDENT GRIFFO: Last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 43.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1132, by Senator Little, Senate Print 5370A, an act to amend the Local Finance Law.

ACTING PRESIDENT GRIFFO: Last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 43.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1136, by Senator Little, Senate Print 5733, an act to amend the Real Property Tax Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 43.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1145, by Senator Alesi, Senate Print 290, an act to amend the Vehicle and Traffic Law.

ACTING PRESIDENT GRIFFO: Last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 43.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1146, by Senator Bonacic, Senate Print 461, an act to amend the Public Authorities Law.

ACTING PRESIDENT GRIFFO: Last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 43.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1149, by Senator Trunzo, Senate Print 1320, an act to amend the Vehicle and Traffic Law.

ACTING PRESIDENT GRIFFO: Last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 44.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1151, by Senator Larkin, Senate Print 4293, an act to amend the Highway Law.

ACTING PRESIDENT GRIFFO: Last section.

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

ACTING PRESIDENT GRIFFO: Call

the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 44.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1156, by Senator Volker, Senate Print 2372, an act to amend the Alcoholic Beverage Control Law and others.

ACTING PRESIDENT GRIFFO: Last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 45.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1163, by Senator Morahan, Senate Print 5473, an act to amend the Mental Hygiene Law.

ACTING PRESIDENT GRIFFO: Last section.

THE SECRETARY: Section 3. This

act shall take effect immediately.

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 45.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1164, by Senator Marcellino, Senate Print 5760, an act in relation to requiring the Commissioner of Mental Retardation.

ACTING PRESIDENT GRIFFO: Last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 45.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1165, by Senator Young, Senate Print 2135, an act to amend the Education Law.

ACTING PRESIDENT GRIFFO: Last

section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 45.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1166, by Senator Trunzo, Senate Print 3048, an act to amend the Education Law.

ACTING PRESIDENT GRIFFO: Last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 45.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1167, by Senator LaValle, Senate Print 5146, an act to amend the Education Law.

ACTING PRESIDENT GRIFFO: Last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 46.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1170, by Senator Farley, Senate Print 4782A, an act to amend Chapter 223 of the Laws of 1996.

ACTING PRESIDENT GRIFFO: Last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 46.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number

1180, by Senator Young, Senate Print 4903, an act to amend the Labor Law.

ACTING PRESIDENT GRIFFO: Last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 46.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1181, by Senator Lanza, Senate Print 5707, an act to amend the Labor Law.

ACTING PRESIDENT GRIFFO: Last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 50.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1182, by Senator Maltese, Senate Print 5880, an act to amend the Labor Law.

ACTING PRESIDENT GRIFFO: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the same date and in the same manner as Section 2 of Chapter 82 of the Laws of 2006.

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 50.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1184, by Senator Rath, Senate Print 3013, an act to establish a joint police protection district.

ACTING PRESIDENT GRIFFO: 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 GRIFFO: Call

the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 50.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1189, by Senator Marcellino, Senate Print 5157, an act to authorize the City of Glen Cove, County of Nassau.

ACTING PRESIDENT GRIFFO: 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 GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 50.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1190, by Senator Farley, Senate Print 5191, an act authorizing the Village of St. Johnsville, Montgomery County.

ACTING PRESIDENT GRIFFO: 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 GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 51.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1197, by Senator Winner, Senate Print 3219, an act to amend the Environmental Conservation Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 49. Nays, 2. Senators Perkins and Serrano recorded in the negative.

ACTING PRESIDENT GRIFFO: The

bill is passed.

THE SECRETARY: Calendar Number 1221, by Senator DeFrancisco, Senate Print 916, an act to amend the Criminal Procedure Law.

ACTING PRESIDENT GRIFFO: Last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 51.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1225, by Senator Robach, Senate Print 1696, an act to amend the Penal Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 54.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1229, by Senator Rath, Senate Print 2323, an act to amend the Penal Law.

ACTING PRESIDENT GRIFFO: Last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 54.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1253, by Senator Seward, Senate Print 805A, an act to amend the Insurance Law.

ACTING PRESIDENT GRIFFO: Last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 54.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1347, by Senator Bonacic, Senate Print 669, an acknowledgment to establish the Hudson School of Math, Science and Engineering.

ACTING PRESIDENT GRIFFO: Last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

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

SENATOR BONACIC: Thank you, Mr. President.

Earlier this week we spoke about an upstate/Hudson Valley economic development plan. And what is happening in this state, the Capital Region and the Hudson Valley is

becoming a mecca for technology jobs. And we spoke of IBM in Dutchess County, Sematech right here in Albany. And that corridor in between presents many opportunities, now and in the future, for job creation.

This school that we want to establish is a high school technology cutting-edge school, run by BOCES. And I'm pleased that it passed unanimously in this house. Assemblyman Kevin Cahill is carrying it in the other house.

But this is what we should be doing throughout the state, in creating these technology high schools where there are opportunities for employers that deal with emerging markets, capital investment, and public/private partnerships with our education facilities.

This is a win/win for jobs, it's a win/win for our youth, and it's a win/win for the future of economic vitality for the State of New York. I vote yes.

Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: Senator Bonacic to be recorded in the affirmative.

Announce the results.

THE SECRETARY: Ayes, 54. Nays, 0.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1369, by Senator Little, Senate Print 2941, an act authorizing the payment.

ACTING PRESIDENT GRIFFO: Last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 54.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1370, by Senator Robach, Senate Print 3054A, an act to amend the Civil Service Law and the Education Law.

ACTING PRESIDENT GRIFFO: Read the last section.

THE SECRETARY: Section 3. This

act shall take effect on the first of January next succeeding.

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT GRIFFO: The bill is passed.

That completes the noncontroversial reading of the calendar, Senator Skelos.

SENATOR SKELOS: Mr. President, if we could return to motions and resolutions, there's a resolution at the desk, 2465, by Senator Golden. If we could have the title read.

ACTING PRESIDENT GRIFFO: Motions and resolutions.

The Secretary will read.

THE SECRETARY: By Senator Golden, Legislative Resolution Number 2465, commending the United States Naval Special Warfare Development Group for its valiant military service by supporting the Global War on Terror.

ACTING PRESIDENT GRIFFO: Senator Golden.

SENATOR GOLDEN: Thank you, Mr. President.

I rise to speak on this resolution about an elite group, an elite force that is in this great nation that goes around this world and takes on the most serious of obligations to protect our people, our soldiers, our citizens in foreign lands and here in this land.

Today we have the Navy Seals operating here in the City of New York, working with the New York City Police Department in training.

We are today to pay special recognition to the Naval Special Warfare Development Group, which is their official name. This elite Navy Seals team focuses on cutting-edge technology as a means to combat terrorism worldwide. They have developed and evaluated new counterterrorism tactics which are invaluable to the safety of our city, our state and our nation.

The Naval Special Warfare

Development Group recently worked with the NYPD and are there this week sharing some of their counterterrorism knowledge that they have developed. There is little doubt that their knowledge has imparted and has made all of our lives a bit safer.

They will leave for Arizona at the end of this week to further their training and to assist those in Arizona in their training.

It is only fitting that we take a moment today to thank these brave men and women that are out there fighting for us day to day, 24 hours, seven days a week, through the nights, diving underneath our bridges, diving into our waters, looking to make sure that we are secure, that we are safe, and doing counterterrorism across this great nation.

So I'm going to open this up for all of my colleagues if they would join me in this -- I guess this greeting and thanking America's elite.

Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: On the resolution, all in favor signify by saying

aye.

(Response of "Aye.")

ACTING PRESIDENT GRIFFO: Opposed, nay.

(No response.)

ACTING PRESIDENT GRIFFO: The resolution is adopted.

And you may inquire at the desk if you would like to be a cosponsor.

Senator Skelos.

SENATOR SKELOS: I think we've completed the calendar.

There will be a meeting of the Majority in the Majority Conference Room at 11:30, and then perhaps there will be a meeting of the Rules Committee. So we'll report a little bit later.

ACTING PRESIDENT GRIFFO: There will be a meeting of the Majority conference in the Majority Conference Room.

For clarification, on the resolution, the resolution is open to everyone. If you choose not to be on the resolution, please indicate by approaching the desk. Thank you.

The Senate is at ease.

(Whereupon, the Senate stood at ease at 11:29 a.m.)

ACTING PRESIDENT FARLEY: Senator Skelos.

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

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

The Senate will continue to stand at ease.

(Whereupon, the Senate reconvened at 12:22 p.m.)

ACTING PRESIDENT GRIFFO: 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. I ask that it be read at this time.

ACTING PRESIDENT GRIFFO: Reports of standing committees.

The Secretary will read.

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

Senate Print 5908, by Senator Wright, an act to amend the Energy Law;

And Senate Print 5952, by the Senate Committee on Rules, an act to amend Chapter 557 of the Laws of 2001.

Both bills ordered direct to third reading.

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

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

(Response of "Aye.")

ACTING PRESIDENT GRIFFO: Opposed, nay.

(No response.)

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

Senator Skelos.

SENATOR SKELOS: Mr. President,

if you would call up Calendar 1440, Senate Print 5908, that was just reported from the Rules Committee.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: Calendar Number 1440, by Senator Wright, Senate Print 5908, an act to amend the Energy Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

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

SENATOR WRIGHT: Thank you, Mr. President.

I would encourage my colleagues to support this bill today because there's a critical need to increase the capacity for electrical generation in this state that has been well documented on numerous occasions.

What this bill specifically does

provide a predictable, logical, consistent process for the siting of those facilities. Therefore, it's referred to as the siting bill.

It is not a bill that incorporates standards. It is not a bill that in any way diminishes any of the existing air or water quality standards enacted by the State of New York or the federal government. In fact, it specifically includes them.

It also further provides for environmental justice standards that are currently utilized by DEC and incorporated in this statute. It further provides the siting board to allow for mitigation of any defined impacts. It does what it's supposed to do, authorizes the Department of Health and the Department of Environmental Conservation for full participation in the process to meet their public obligations to protect environmental and public health.

I vote aye and encourage my colleagues to do so.

ACTING PRESIDENT GRIFFO: Senator Wright will be recorded in the affirmative.

Senator Parker, to explain his vote.

SENATOR PARKER: Thank you very much, Mr. President.

You know, we are in a crisis situation as relates to our environment as we start thinking about alternative energy, as we start thinking about what needs to happen in our world, let alone our communities and the great State of New York. Making sure that we have clean, safe, reliable energy is at the top of that agenda.

This bill helps us do that. And let me congratulate Senator Wright for bringing it forward and working so hard and diligently on this bill for many years now. Although a young man, he has put in a lot of time working on this.

This bill is not a perfect bill, but I think it does take us a long way to where we need to go. We need to strengthen the environmental justice language and have it a little bit clearer. We need to make sure that we have communities protected. We need to make sure that we are keeping CO2 and

particulate matter down.

This bill does some of that -- not quite as far as we'd like to go, but I'm hoping that in a conference committee that we're going to be able to work out all those details and have a bill that is not a perfect bill but a good bill.

And so I'll be voting yes on this.

ACTING PRESIDENT GRIFFO: Senator Parker will be recorded in the affirmative.

Senator Diaz, to explain his vote.

SENATOR DIAZ: Thank you, Mr. President.

I rise to vote against this bill, strongly oppose this bill, for the following reasons.

Number one, I represent an area in the Bronx called the South Bronx where we have the highest rate of asthma, cancer and lung disease in the nation. In that area, in that area alone, we have, Mr. President, four turbine plants, we have two power plants, we have many waste transportation plants, and we have many recycling stations.

You wonder why is it that that area

has the highest asthma rate, deaths, and cancer and lung disease. Under the Pataki administration, they did something some tricky things, you know. The law requested that a plant of 80 megawatts was supposed to go through a very strict scrutiny, but they decided that they're going to make it 79.9. Like that, they avoided the 80 megawatts. But the plant was now 79.9 megawatts.

And what they did, they put -- in our communities they put one plant, 79.9 megawatts, close to another plant, 79.9 megawatts. So in a region of one mile, you cross the river to Queens, they got one in Queens. So you cross the river, less than a mile. So you've got now a plant with 159.8 megawatts.

So I understand that the state and the city need more energy. But you know what they did? Also they wanted to build 11 miniplants. And they went throughout the state of New York, and they studied 61 sites to build 11 miniplants. They went ahead and, out of the 11 miniplants, they built seven of them in minority areas, minority communities.

Out of the 61 sites in the state they studied to build 11 miniplants, out of the 11 miniplants they built seven in minority communities, and four of the seven right in the Bronx.

So while we understand that we need energy, the bill should say or should mandate that a plant should be built far away, several miles away one from the other, and not confront the case that we are confronting in Queens, the Bronx and other areas.

So, ladies and gentlemen, I cannot support this bill. The bill is detrimental to our health, detrimental to our community. Our communities are already carrying enough burden of miniplants and all these things.

So I'm voting no, Mr. President. And please be sure that my vote is in the no, no, no line. Thank you.

ACTING PRESIDENT GRIFFO: Senator Diaz to be recorded in the negative.

Announce the results.

THE SECRETARY: Those recorded in the negative on Calendar Number 1440 are Senators Connor, Diaz, Dilan, Gonzalez,

Hassell-Thompson, L. Krueger, LaValle, Leibell, Montgomery, Morahan, Oppenheimer, Padavan, Perkins, Sabini, Schneiderman, Serrano, Stavisky, Stewart-Cousins and Thompson. Also Senator Saland.

Ayes, 39. Nays, 20.

ACTING PRESIDENT GRIFFO: The bill is passed.

Senator Skelos.

SENATOR SKELOS: Mr. President, if we could now call up Calendar Number 1441.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: In relation to Calendar Number 1441, Senator Bruno moves to discharge, from the Committee on Rules, Assembly Bill Number 8695 and substitute it for the identical Senate Bill Number 5952, Third Reading Calendar 1441.

ACTING PRESIDENT GRIFFO: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1441, by Member of the Assembly Pheffer, Assembly Print Number 8695, an act to amend

Chapter 557 of the Laws of 2001.

ACTING PRESIDENT GRIFFO: Last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT GRIFFO: The bill is passed.

Senator Skelos.

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

ACTING PRESIDENT GRIFFO: We have a motion.

Senator Fuschillo to be recognized for a motion.

SENATOR FUSCHILLO: Mr. President, thank you.

On behalf of Senator Padavan, on page number 70 I offer the following amendments to Calendar Number 1330, Senate Print Number 4634, and ask that said bill retain its place on Third Reading Calendar.

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

Senator Skelos.

SENATOR SKELOS: Mr. President, there being no further business to come before the Senate, I move we stand adjourned until Monday, June 4th, at 3:00 p.m., intervening days being legislative days.

ACTING PRESIDENT GRIFFO: On motion, the Senate stands adjourned until Monday, June 4th, at 3:00 p.m., intervening days being legislative days.

(Whereupon, at 12:33 p.m., the Senate adjourned.)