NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

June 6, 2007

11:05 a.m.

REGULAR SESSION

LT. GOVERNOR DAVID A. PATERSON, 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 everyone present to 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 take a moment of silence.

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

ACTING PRESIDENT MARCELLINO: Reading of the Journal.

THE SECRETARY: In Senate, Tuesday, June 5, the Senate met pursuant to adjournment. The Journal of Monday, June 4, was read and approved. On motion, Senate adjourned.

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

We have presentation of petitions.

Messages from the Assembly.

Messages from the Governor.

Reports of standing committees.

Reports of select committees.

Communications and reports of state officers.

Motions and resolutions.

Senator Fuschillo.

SENATOR FUSCHILLO: Thank you, Mr. President.

On behalf of Senator LaValle, on page number 57 I offer the following amendments to Calendar Number 1314, Senate Print Number 5476A, and ask that said bill retain its place on Third Reading Calendar.

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

SENATOR FUSCHILLO: Mr. President, on behalf of Senator DeFrancisco, on page number 51 I offer the following amendments to Calendar Number 1247, Senate Print Number 5256, and ask that said bill retain its place on Third Reading Calendar.

ACTING PRESIDENT MARCELLINO: The amendments are accepted, and the bill will

retain its place on the Third Reading Calendar.

SENATOR FUSCHILLO: Thank you.

ACTING PRESIDENT MARCELLINO: You're welcome.

Senator Skelos.

SENATOR SKELOS: Mr. President, I believe there are substitutions at the desk. If we could make them at this time.

ACTING PRESIDENT MARCELLINO: The Secretary will read the substitutions.

THE SECRETARY: On page 39, Senator Marcellino moves to discharge, from the Committee on Rules, Assembly Bill Number 8016 and substitute it for the identical Senate Bill Number 3973, Third Reading Calendar 1002.

On page 39, Senator Bonacic moves to discharge, from the Committee on Environmental Conservation, Assembly Bill Number 1159 and substitute it for the identical Senate Bill Number 4916, Third Reading Calendar 1003.

On page 47, Senator Morahan moves to discharge, from the Committee on Rules,

Assembly Bill Number 6820 and substitute it for the identical Senate Bill Number 4436, Third Reading Calendar 1160.

On page 64, Senator Klein moves to discharge, from the Committee on Rules, Assembly Bill Number 8585 and substitute it for the identical Senate Bill Number 5871, Third Reading Calendar 1438.

On page 68, Senator Bruno moves to discharge, from the Committee on Rules, Assembly Bill Number 6952 and substitute it for the identical Senate Bill Number 4860, Third Reading Calendar 1477.

On page 68, Senator Morahan moves to discharge, from the Committee on Veterans Homeland Security and Military Affairs, Assembly Bill Number 5154 and substitute it for the identical Senate Bill Number 5170, Third Reading Calendar 1478.

And on page 68, Senator Bruno moves to discharge, from the Committee on Rules, Assembly Bill Number 8199 and substitute it for the identical Senate Bill Number 5731, Third Reading Calendar 1480.

ACTING PRESIDENT MARCELLINO: The

substitutions are ordered.

Senator Skelos.

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

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

THE PRESIDENT: The chair recognizes Senator Bruno.

SENATOR BRUNO: Mr. President, I notice there are still many empty seats in the chamber. I would trust that the bells are ringing and the sergeant-at-arms are diligently finding out where the members are who are not here.

We have important work to do, and one of the first pieces of business to come before the Senate today is a resolution by Senator Bonacic. It is 2652. We would ask that it be read in its entirety and move for its immediate adoption.

THE PRESIDENT: The Secretary

will read.

THE SECRETARY: By Senator Bonacic, Legislative Resolution Number 2652, commending the Valedictorians, Salutatorians, and Honored Students of the 42nd Senate District, in recognition of their outstanding accomplishments, at a celebration to be held at the State Capitol on June 6, 2007.

"WHEREAS, It is the sense of this Legislative Body to act in accord with its long-standing traditions, to honor the youth of today -- the leaders of tomorrow -- whose character and achievements exemplify the ideals and values cherished by this great state and nation; and

"WHEREAS, This Legislative Body is justly proud to recognize and commend the high achievements of these dedicated students in the 42nd Senate District on the occasion of a special celebratory visit to the State Capitol in Albany, New York, on Wednesday, June 6, 2007. At this time the Valedictorians, Salutatorians, and Honored Students who have been selected by their school leadership for outstanding community service will receive

special recognition from the Senate in the Senate chamber. Lunch will be served in the Well of the Legislative Office Building, followed by a tour of the State Capitol; and

"WHEREAS, These Valedictorians, Salutatorians and Honored Students represent the best of developed potential inherent in our most precious resource, our youth. Their achievements have brought enduring honor to their families and communities and should be recognized and saluted; and

"WHEREAS, These Valedictorians who are being commended today for their outstanding academic performances and exemplary achievements include: Paul Beeman, Nicole Frank, Jaime Mills, Kate Hume, Coyote Anderson, Caitlin Logan, Ashley Baldwin-Hunter, Amy Brower, Karl Anderson, Bhakti Shah, Jarett Schwartz, Amarynth Sichel, Gemma de Choisy, Melinda White, Carolyn Murray, Andrea Faldermeyer, Ivy Lam, Adam Cohn, David Frost, Lucas Behnke, Hallie Schwab, Jessica Wilcox, Allyce Bolger, Cassandra Rosado, Christopher Weitzman, Courtney Laing, John Wenner, Ross Bernhardt,

Monica Lee, Matthew Baker and Cheryl Dumond; and

"WHEREAS, The Salutatorians who are being commended today for their outstanding academic performances and exemplary achievements include: Jennifer Daly, Kimberlee Daly, Austin Fox, Savannah Wentz, Jessica Mattson, Meghan Dembrosky, Erin Grey, Zachary Gold, Nicholas Butts, James White, Sharon Keren, Dana Moyer, Matthew Baxter, Colleen Casey, Cassie C. Merwin, Melanie Haines, Shivani Radhakrishnan, Kaitlyn Rubin, Christopher Lazinski, Jonah Bernhard, Adam Derkacz, Andrew Neidhardt, Michael McBride, Tara Schor, Meredith Leverich, Maria Mirabito, Patricia Ann Austin, Mavrick Micha, Jessica Armstrong, Miranda Benevides, Andrea Hassler and Emily Kinnear; and

"WHEREAS, The Honored Students who are being commended today and who have been selected by their school leadership for outstanding school or community service include: Tracy Briggs, Alexandra Amore, Melanie Bittencourth, Emily Schmitt, Arooj Iqbal, Meghan Hakim, Jacqueline Trotti, Jesse

Campanaro, Nathaniel Shelly-Reade, Ryan Jobson, Corey Taylor, Larissa Domaszowec, Pamela Bossdorf, Derek Stanley, Anna Roberts, Jessica Cole, Michael Curbelo, Ginger Pierce, Kathryn M. Ruhlin and Conor Miller; and

"WHEREAS, These Valedictorians, Salutatorians and Honored Students may now stand with pride as they assess their achievements, experience the satisfaction of their labors and the joy of their accomplishments, eager to face the new experiences of a challenging world; now, therefore, be it

"RESOLVED, That this Legislative Body pause in its deliberations to commend the Valedictorians, Salutatorians and Honored Students of the 42nd Senate District, in recognition of their outstanding accomplishments at a celebration to be held at the State Capitol on June 6, 2007, and be it further

"RESOLVED, That copies of this resolution, suitably engrossed, be transmitted to the aforementioned Valedictorians, Salutatorians and Honored Students."

THE PRESIDENT: On the resolution, the chair recognizes the distinguished Senator Bonacic.

SENATOR BONACIC: Thank you, Mr. President.

One of the greatest joys I get each year in being a State Senator is to welcome all of our most honored students, our valedictorians, salutatorians and honored students in 31 school districts. They are the best of the best of our high school students.

Many are joined by the superintendents of the school, school administrators, and of course the MVPs, parents of the children.

And what we have had planned today is that we've had a brief seminar this morning by presidents of colleges that have spoken to these students about the transition from high school to college. And all of them will be going to college in a variety of fields in colleges throughout the United States.

And what we want to impress upon these students is that the State of New York is the place to come back to work, to live,

and to raise your family.

Everyone in this chamber -- all of my colleagues on both sides of the aisle -- you may not be their constituents, but they are proud of what you have accomplished so far.

And Tom Testo is the gentleman up there reading the names. And he said to me before we got started, he was apologizing in advance for some of those tough names that might now have been phonetically correct. But, Tom, you were terrific as usual.

But we welcome you here today, we honor you, and we wish you the best of the best as you continue your college career and your journey through life.

Thank you very much, Mr. President.

THE PRESIDENT: On the resolution, all those in favor please indicate by saying aye.

(Response of "Aye.")

THE PRESIDENT: Opposed, nay.

(No response.)

THE PRESIDENT: The resolution is adopted.

To the 31 valedictorians, the 33 salutatorians, and the 20 honored students and their most valuable parents, we welcome you all to the Senate chamber.

(Applause.)

THE PRESIDENT: Senator Bruno.

SENATOR BRUNO: Mr. President, I believe I have a privileged resolution at the desk, 2663. I would ask that it now be read in its entirety and move for its immediate adoption.

THE PRESIDENT: The Secretary will read Resolution 2663 in its entirety.

THE SECRETARY: By Senators Bruno, Libous, and all members of the Senate, Legislative Resolution Number 2663 paying grateful tribute to the life and accomplishments of Warren M. Anderson, former Majority Leader of the New York State Senate.

"WHEREAS, It is with profound sorrow that this Legislative Body, representing the people of the State of New York, is moved this day to pay tribute to an eminent gentleman of indomitable faith and dedication whose purposeful life and

accomplishments will forever stand as a paradigm and inspiration for others; and

"WHEREAS, Born on October 16, 1915, in Bainbridge, New York, Warren Mattice Anderson, the Majority Leader of the New York State Senate from 1973 until 1988, died on Friday, June 1, 2007, at the age of 91; and

"WHEREAS, A graduate of Colgate University and Albany Law School, Warren M. Anderson served as a second lieutenant in the United States Army, Judge Advocate General's Department, during World War II; and

"WHEREAS, Following World War II, Warren M. Anderson served as Assistant County Attorney for Broome County before joining the Binghamton law firm Hinman, Howard & Kattell in 1949, becoming a partner in 1952, a position he maintained until his death; and

"WHEREAS, In 1953, Warren M. Anderson was elected to the New York State Senate seat which was previously occupied by his father, Floyd E. Anderson, and served continuously until his retirement in 1988; and

"WHEREAS, Warren M. Anderson was elected President Pro Tem and Majority Leader

of the Senate in 1973, a position he held until his retirement, as well as a leadership tenure unsurpassed in the history of the New York State Senate; and

"WHEREAS, During his tenure as Majority Leader of the New York State Senate, Warren M. Anderson was the driving force behind construction of Interstate 88 between Binghamton and Schenectady, also known as the Warren M. Anderson Highway; and

"WHEREAS, While Warren M. Anderson is credited with having a leadership role in the effort to save New York City from bankruptcy in 1975, one of his lesser known legislative accomplishments in which he took pride was chairmanship of the committee which rewrote New York's Business Corporation Law; and

"WHEREAS, A strong advocate for quality education, Warren M. Anderson devoted much of his time and efforts to supporting various educational institutions and endeavors. He served as a member of the Board of Trustees of both Colgate University and Elmira College, and chaired Colgate's

presidential search committee, was a member of the Colgate's Presidents Club and Maroon Council, a member of the Advisory Committee of the Government Law Center at Albany Law School, and a member of the Board of Overseers at the Nelson A. Rockefeller Institute of Government; and

"WHEREAS, In addition, Warren M. Anderson helped to create the Tuition Assistance Program in the State of New York and was a strong supporter of the SUNY school system, including Binghamton University; and

"WHEREAS, A true citizen of Broome County, Warren M. Anderson believed in giving back to the community he loved so much. He was a member of a number of clubs and organizations, including Sons of the American Revolution, Post 80, American Legion, 21 Club, Live Wire Club, R&A Club, Austin Putting Academy, and Kannibal Klub; and

"WHEREAS, Warren M. Anderson was predeceased by Eleanor S. Anderson, to whom he was married for 55 years. He is survived by his wife, Ruth W. Anderson; four sons and daughters-in-law -- W. David and Margaret

Anderson, Lawrence and Karen Anderson, Richard and Elizabeth Anderson, and Thomas and Lisa Anderson; his stepchildren, Melissa Bennett, Beryl and Christopher Bryan, and Berkeley Bennett; and his seven grandchildren -- Rachel, David, Shain, Lindy, Ellie, Julia and Carter Anderson; and

"WHEREAS, Armed with a humanistic spirit, imbued with a sense of compassion, and comforted by a loving family, Warren M. Anderson leaves behind a legacy which will long endure the passing of time and will remain a comforting memory to all he served and befriended; and

"WHEREAS, It is the intent of this Legislative Body to honor the memory of Warren M. Anderson and salute his accomplishments in bettering his community, the State of New York, and nation; now, therefore, be it

RESOLVED, That this Legislative Body pause in its deliberations in a moment of silent tribute to Warren M. Anderson, whose unselfish concern for the welfare of others enhanced the lives of those so fortunate to have called him family, colleague and friend,

and to express its deepest condolences to his family; and be it further

"RESOLVED, That a copy of this resolution, suitably engrossed, be transmitted to the family of Warren M. Anderson."

THE PRESIDENT: On the resolution, Senator Bruno.

SENATOR BRUNO: Thank you, Mr. President and colleagues.

We've just heard about a legend in the Senate and in state government. We've heard a chronicle of a giant. I'm holding in my hand Warren Anderson's jacket, one of his jackets.

(Applause.)

SENATOR BRUNO: Now, for those that are visitors and those that are new to the Senate, those of us that are here looked for Leader Anderson to walk into this chamber with this jacket, because it signified the end of the session. This was his end-of-session jacket.

And this was a tradition at Colgate, where in his fraternity, on the last day of school, everyone wore jackets like

this. That had to be some sight.

(Laughter.)

SENATOR BRUNO: And this is marked, when 36 years -- think about it, of public service, 36 years. Setting a record as the Majority Leader in the history of the Senate, 16-plus years. When I became leader, my hair was black. And I haven't got nearly those numbers of years, let me tell you, because it's a tough job. But he did it in such a way that he made it seem easy.

But you know, on his last days when he was here, he called over -- I think Kyle Hughes, Marc, was over at the Legislative Correspondents Office. He said, "I want to leave something, I want to leave something that you all over there will remember me by." So he wrote, in this: "Warren Anderson, December 1988," and brought it there.

For Warren Anderson -- I'd put it on, but the shoulders are much broader than mine. And we're not ending session. But for Warren Anderson, you want to think about the humility of a man who was as strong as anyone could be, but how humble, to say "I'm going to

leave you something to remember me by." Think of that. Thirty-six years of public service.

You heard a page of what he did in that life, 91 years. Volumes could be read and printed of the effect that Warren Anderson had on the people of New York State in a direct way by his leadership, by his leadership.

So while there is a jacket hanging there in the Legislative Correspondents room, while it is signed by our good friend Warren Anderson, which is just a great memory, everything that he did with his adult life -- you heard it, serving in World War II, distinguishing himself in service even unrelated to the Senate.

A dangerous road from Binghamton to Albany, two-lane road, he took it upon himself -- the 7 -- to change that road. Now there's a direct road from Binghamton to Albany. Now Senator Libous can drive safely back and forth in half the time that it took.

He was thinking of that. He was thinking of the constituency, thinking of the danger. It didn't relate to his ease of

movement; that was an afterthought.

Now, I only live 25 minutes from here. And you think I can get a road that leads into Albany? I should say not. It takes me as long to drive from there as it does for you from Binghamton.

But he was able to do things like -- you mentioned the Tuition Assistance Program. Think about what that means, supplementing young people's ability to afford a higher education. Think about the ramifications of that to people, adults.

Think about us submitting legislation like that and getting it done. Would anybody here want to step up to that challenge? I don't think so. To get a compromise -- what's the right amount, what's the right income levels? He did it. He did it. And that is legendary. That goes on and on and on.

So while there are memories of him, the living memory is the work that he did with tuition assistance. And you heard it, New York City -- those that were here, remember New York City? New York City was in

bankruptcy, on the verge of bankruptcy, a bankrupt city. And many people said, Let it go bankrupt. Let it go bankrupt. Let them start over.

Warren Anderson, the giant that he was, stood firm and said, That is the model city of this state, that is the model city of this country, that is the model city for the world. We cannot allow it to go bankrupt. He performed magic, performed magic by bringing interests together.

Were people here -- who was here when that happened? Owen, you were here, and Caesar. Seven or eight members.

But think about the impact of that one effort, taking strong will, persuasion, persistence, staying with it. And then the knowledge to put something together that could work.

He was a great man. He was a personal friend to me. We had differences, like you sometimes have with me. Which I never could understand how we can be in a different place.

(Laughter.)

SENATOR BRUNO: I had some differences with Andy. But in retrospect, he was always right. He was right. And I remind you all of that.

(Laughter.)

SENATOR BRUNO: I don't remember any time when he was wrong, when I was petitioning him for something, approaching him.

But I'll say this to you before I sit down. I would not be here without the leadership of Warren Anderson. I would not be here as a Senator. And I'm not saying that in a patronizing way, I am saying that as a matter of fact.

Now, some of you are saying: Darn, how life would be different if you weren't here.

The first time I ran, I had all I could do to survive a primary, and I lived in my district two years when I first ran for office. Warren Anderson reached out, after I had survived the primary, and literally pulled me into the Senate in a three-way race. Because I had somebody in a third party that

stayed right there and drew votes.

Point? Then -- and I want to tell you this, because when we're under siege we kind of forget -- a former Congressman for four years lost his election in my district, decided he'd run against me. Why? Because he had won -- I was running underneath him, he put his votes over me, he had beat me, he beat me while he lost in the Congressional district.

So I became the number-one target in the state, a marginal. Senator Smith, he's smiling and he's happy to hear that, that we were marginalized.

Do you know who stepped in? Warren Anderson. I can tell you now, I know, they wrote me off. Did polls, I was gone. You know? Four-year Congressional guy; I mean, he was a very accomplished guy. Wrote me off. Goodbye. Okay? Focus on the others. You know who didn't write me off? Warren Anderson.

I remember Warren Anderson called and he said, "We're going to stay with you, we're going to partner with you, we're going

to support you in every way that we can." And I remember sitting in that office when they said "You're going to be a winner." Three weeks out from the election. "Whatever it takes, you're going to be a winner." That's leadership. That was contrary to others who were his colleagues saying, Let Bruno go, focus on the others.

So when I say I have the greatest respect for Warren Anderson as a man, as an individual, as a father, as a family man, as a Senator, as a leader -- mostly, as a real true friend. He was a friend. A friend of mine, a friend of yours, a friend to all of the people in New York State and in this country.

So, Mr. President, we extend our condolences to his family -- and they're as proud as we all are of him and his legacy -- and to his grandchildren, his seven grandchildren, who will go on in his memory. This place, we are better people for his leadership and for us all having known him.

Thank you, Mr. President.

THE PRESIDENT: Thank you very much, Senator Bruno.

Senator Libous.

SENATOR LIBOUS: Thank you, Mr. President.

I know a lot of my colleagues will speak and reflect on their relationship with Warren Anderson here in Albany. I didn't serve with him, but I will reflect on a couple of experiences that I had and how I believe his constituents reacted to his leadership, not only as Majority Leader but also as their Senator.

I have to start with a story, though. I can tell you it was in 1981, and there was a primary for Binghamton mayor on the Republican ticket. And Senator Anderson had his candidate, and Tom Libous and a few renegades had their candidate. And at the end of the primary, our candidate lost, but -- it was a close race -- by about a hundred votes.

And you have to understand that as a young man, 28 years old, going home the next morning and receiving a phone call that "Warren Anderson wants to see you tomorrow," my knees were knocking. Because I wasn't an elected official, I was just a young kid

kicking around Republican politics. And back there, Warren Anderson never called anybody. But he called personally and asked to see me.

So I went to see him and sat in his office, and he was there with Clayton Axtell, who was one of the attorneys at the firm and one of his trusted advisors for many years.

And he looked at me and he said, "Young man, you ran a hell of a race." He said, "And I respect that you stuck with what you believed in." "But," he says, "now it's time for you to get on another team." And we talked about compromise, we talked about working together, and we talked about, you know, strengthening the party.

Sometime after that, about seven years went on, I was elected to Binghamton City Council, I got another call from Warren Anderson. And this was in February. My wife took the call again and said, "Senator Anderson wants to see you in the law office."

I went up to the law office, we sat down. And I was planning on running for the mayor of Binghamton. I was a city councilman. And he sat down and we got talking again about

public service and what it meant and how I was enjoying it. And then he paused and he said, "Do you have your heart set on running for mayor?" And I said, "Yes, sir, I do." He said, "Would you ever consider running for the Senate?"

And I looked at him, and I said -- as I could be, sometimes, a little wise guy, I looked at him and said, "Well, sir, I would never primary you." And he looked at me and he says, "No," he said, "I'm going to retire, and I'd like you to succeed me."

And I can't tell you the feeling that I had that day, but a lot of emotion came over me and I couldn't believe that he would ask me to succeed him. And I said "Why me?" And he said, "Well, it's very important, you see," and he talked about the conference and he talked about what everybody here meant to him in the conference.

And I have to be candid with you, I didn't know what a conference was, I didn't know what the conference meant. But I could see in his emotion and his eyes that it meant an awful lot to him, that every individual of

the Republican conference was special to him in a special way.

Warren Anderson did an awful lot here in Albany, and I know you'll talk about that. But he did an awful lot for us in the district. And I think I'd like to reflect on just a couple of key things that he did back home and how people respected him and looked up to him.

Senator Bruno mentioned about the highway between here and Binghamton, the now Senator Warren M. Anderson Highway that Senator Seward, I think, early after he retired, introduced. And that was important to him. The entire infrastructure of the state was important to him.

He took a number of local people that he respected and he put them in trusted positions, whether it be local attorney Dar Wales, who served as a SUNY trustee; Clayt Axtell, who I mentioned, who was head of the 6th Judicial Convention, and he was chair; Bob Best, who served as chairman of Security Mutual Life Insurance and was on the Board of Regents. These were local people that he

respected that he put into powerful positions in the state.

He created and arranged the state's first veterans home, built in Oxford, because he cared about the healthcare of our veterans. He built many, many parks and helped many people, but the Oquaga Creek State Park was developed in Broome and Delaware and Chenango Counties, because Warren Anderson felt there was space there that needed to be developed so people could recreate and enjoy.

Senator Bruno talked about education. Nothing was more important to Senator Anderson back home than a small college called Harper College. And he helped to build that and transformed that literally into what is now Binghamton University, one of the flagship colleges in the SUNY system.

And he took special pride in that. He took special pride in that. When you shared conversation with him, when he talked within the community, you could see that as the college continued to grow and the SUNY system continued to grow, his special heart was always at Binghamton University.

He did a number of things within our community. He was extremely well respected. People knew he was the Majority Leader, but they really didn't know what the Majority Leader did here. What they did know is that back home they had a true friend that they called Andy. And that's what he was called back home. He wasn't Senator Anderson, he wasn't Majority Leader Anderson, he was Andy, the friend of the community.

I will miss him personally. He was a mentor to me. If it wasn't for him, I would not be here in the Senate, there's no question about it. I mean, not only to have him selecting me, but also his guidance.

During my tenure as a Senator, not once did he ever call me and tell me what to do up here. But he was always there for counsel. He was always there for advice. And he was always there just to listen. And he was a great listener.

For those of you who served with him, you know that he would take time, especially if there were two sides of an issue. If there was an issue back home where

different groups were involved, he would always take the time to listen.

I was told a story by someone who worked for him that when the seat belt legislation was being debated on the floor, before he put that bill out, he got a lengthy letter from a senior citizen that shared with him that if you pass this legislation, if something happens, that seat belt is going to choke me, because I'm a petite lady, and she was a senior citizen.

And the staff member told me that that bothered him. He said to the staff member, he said, "Please assure me that this woman is going to be safe before we put that bill to the floor, and any woman or any person that size who's concerned." I mean, a little thing like that he cared about. That was Warren Anderson.

So I too stand here to honor a friend, a very personal friend, but more so a friend of the Southern Tier and everyone that I represent, and that he represented for 36 years.

ACTING PRESIDENT MARCELLINO:

Senator Smith.

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

I rise also to join Senator Bruno and Senator Libous and many of our colleagues here today who will give tribute to one who you've already heard described as a giant in this business.

I don't have the experience or the background of experience with Senator Anderson that Joe and Tom has. Quite frankly, when he was elected to the Senate, I wasn't even born yet. Joe said "mmm." When he was Majority Leader, I was actually still in high school.

But one of the things I do have is I have the honor to be able to stand on this floor and talk about someone who is such a giant. And I believe Senator Anderson was such a giant that what he does, even by virtue of allowing us to talk about him today, he adds to our resume in terms of what we're able to do and talk about.

When I leave the Senate -- whenever that happens, Joe -- there are some things you want to be able to carry with you and talk

about that you were able to accomplish while you were here.

Well, today, even though he has passed away at 91 years of age, he is still giving something to us. What he has given to many of us is that we are able to add to our resume the fact that we are able to stand on this floor and give tribute to such a giant and to someone who has done so much for this state.

Tuition Assistance Program. Many of us have family, have friends, neighbors, brothers and sisters who, if not for that program, they would not be the persons that they are today. We all know the importance of education, what it does for you, what it does for you in terms of your life, how it allows you to be productive. And if a gentleman such as Mr. Anderson had not taken the time to understand the significance of what that program would do, many of us would not be here today.

So this is a very important day for us. I had the opportunity, with Senator Volker, to go over to the memorial tribute

today. Senator Anderson's name was on the program. I was able to look at his name. And when you look at his name, it says something. When you look at his name, it actually shakes the walls.

And I'm sure if these walls could speak, they would actually shake and rumble -- not just because of the flashy jacket that he wore, but he entered a room and the room changed.

Now, you will say, Well, Malcolm, how do you know that? You wasn't even around for that. But when I hear stories from Senator Bruno, Senator Libous, I've heard them from Senator Connor, I've heard them from many members who were here for quite some time. He was obviously someone that made a statement when he walked into the room.

So I am honored to be able to put this on the resume that I am going to take with me when I leave the Senate to say that I was able to stand on this floor and talk about such a giant, someone whose heart was in the right place, someone who as Senator Libous called Andy, who people understood he was just

a friend to the neighborhood.

His family is probably saddened by the loss, but they should know that all of us stand to honor him, all of us remember what he has done for this state. Many of us had the opportunity to experience him firsthand. But those of us who did not, we also had the opportunity to experience what he did for the people of this state by virtue of that TAP program.

So I know it's a sad day for his family, but they should know that we all stand here in tribute to him. We will always stand in tribute to him. And at some point in time, if it's appropriate, I'm sure we will do something even more demonstrative by virtue of all that he has meant to each and every one of us.

So to Senator Libous I say thank you for even taking his place. I know how big that is. I know how it must have impacted you when he called you and said, I want you to take my seat.

Senator Bruno, I say to you, thank you for becoming the leader after him. No, I

don't count the one in between. I'm not counting the one in between.

That's the Governor? Well, tell the Governor you and I are talking; he needs to give us our moment.

Senator Bruno, I thank you for all that you have done in his legacy and carrying on the business of the business of the Senate which is so important to us as we move forward. And it's good to know that there is hope for an underdog, as you explained your Congressional circumstances.

SENATOR BRUNO: Thank you. Thank you.

SENATOR SMITH: Yes. Yes, you persevered and survived, that's right.

(Laughter.)

SENATOR SMITH: So, colleagues, I stand here in awe of a gentleman by the name of Majority Leader Anderson, someone who, as I said, got into the Senate before he was elected his, but his name clearly carries the weight well beyond his passing.

Thank you very much.

ACTING PRESIDENT MARCELLINO:

Senator Farley.

SENATOR FARLEY: Thank you, Mr. President. I rise to pay tribute to Warren Anderson.

Let me just say something. Senator Bruno, as you spoke of all of these primaries and things, I was involved with them also at the same time. We came in together. And it was kind of interesting, because when I was elected -- and I defeated an incumbent Senator -- I was number 32. So you can see that things were kind of close way back then.

And Warren Anderson was a very interesting guy. And I was very impressed with Senator Bruno's tribute to him, because it was very moving. Because he could spar with Senator Anderson -- and you don't want to spar with Senator Bruno -- but they became very fast friends, and I think that was important.

I just want to recall a few things. He was a very gentle man. He was one that led by consensus. Kind of kept a light underneath the bushel. But Warren Anderson was a very strong person and one that really made a

difference.

You know, there's a lot of people today and a lot of groups today that are trying to diminish the Legislature as a copartner in government. Let me just say something that I saw that happen under Warren Anderson's watch, that the Legislature, both the Senate and the Assembly, became powerful, independent copartners in government.

It was Warren Anderson and Stanley Fink and the early speakers who he worked very closely with. I think Stanley Fink considered him one of his dearest friends in the world. And he did work very, very well with the Assembly leadership.

And the Legislature really was -- they started their own research, their Ways and Means and the Finance Committees were funded. And we did not necessarily become appendage of the Governor, which this Legislature was for years and years. They only used to meet two or three months, look for the next party, and they were out of town.

That's not the case. We're always in session. And Warren Anderson was very much

a part of making the Legislature a copartner in government, along with the Speaker of the Assembly.

And as I think is the thrust today, and you can understand that, by certain groups that want to diminish the Legislature. I think that's unfortunate.

Warren Anderson was a giant. He has the record for serving the longest of any Majority Leader, and that's kind of difficult. He was never really challenged. He also, I thought, was very kind to all of his members. He took every member, whether of either side, and talked to them. He was very considerate of the Minority, and very tolerant. And I thought he was a great leader.

He was a role model. As I said when I first heard of his passage, that he was like a father to me. The mere fact that I was a newly elected young Senator at that time and really taken care of, I really enjoyed that. But he was always a dear friend. He has four boys that he was absolutely very, very fond of.

And he devoted his life to public

service. He literally devoted his life to public service. And as Senator Libous said, he was totally loved in that area of the Southern Tier. He was the Southern Tier. And you can see so many things that remain with his imprimatur on it.

You know, they talk about that road. That was called Bloody 7, because people died on every mile of it, practically. And what a job that was to build that expressway. They fought him on almost every mile of it, and he never surrendered. He was determined.

And Warren Anderson was not only a great leader, he was a great Senator and a great father and husband, and he'll be sorely missed. He had a full life, but what a life he had. And many of us as Senators could use him as a role model.

I extend my best to his family and wish all of them well.

ACTING PRESIDENT MARCELLINO: Senator Stachowski.

SENATOR STACHOWSKI: Yes, Mr. President, I too rise to speak about

Warren Anderson.

I had the good fortune of getting here when Warren Anderson was the leader. And he was truly a great, great leader. He ran the house in a real tight fashion.

However, as Senator Connor alludes to many times, that in those days, if you had good bills, no matter which side of the aisle you were from, he would pass them. And he did a good job in running the place, and he also shared resources a little bit better than they're shared today. And the whole place was a lot more collegial.

But there was never any mistake who was in the Majority and who was the leader. And I think that's what made him such a great leader.

And as Senator Bruno spoke about that coat, late in session, when we'd be here till 3:00, 4:00 in the morning a few nights in a row, we'd look forward to the night that Senator Anderson would walk in with that loud sport coat. And it was like, oh, God, we're finally done. And there were two things that happened that night, we'd do the horse bills,

we'd do any racing bills, and Senator Anderson would come with that coat.

Senator Anderson was a true gentleman. I have never met anybody like him. I think he was just somebody special. And I think that as members talked about, Senator Anderson really saved New York City. I mean, the Governor wanted to do something, the Speaker wanted to do something. The President of the United States said let them help themselves. And it was all up to Senator Anderson and the Senate to do something to actually get something done for New York.

And there was a lot of question then, because then in those days -- and I wasn't here, but I can remember -- the big phrase was always why don't we let New York City cut away from the state and let upstate be itself. And, you know, Senator Anderson was from upstate.

He rose to the occasion, did whatever was necessary. I know the guys that were here tell me they used to work constantly -- weekends, right through -- until they solved that big situation with New York

City. And it's a great thing that they did, because New York City was then and still is the financial capital of the world. And how we even thought about letting that go down nationally was beyond me. But the fact is, Senator Anderson wouldn't think of it.

Between that and TAP and all the other things he did are all the things that made him a great legislator. But he was also an interesting man.

Manny Gold told the story many times, and a few times on the floor, about the time he needed to see Senator Anderson about a bill that was really important to him, and he couldn't get by the person that was in front of his office. I forgot what her name is -- I really didn't, but I'll just say that for the sake of the story.

(Laughter.)

SENATOR STACHOWSKI: He couldn't get by her. So he went to the Lieutenant Governor's office, who was a Democrat at the time, went out the window, went on the ledge, knocked on the window on Senator Anderson's office -- he went across on that little ledge.

And Senator Anderson unlocked the window, waved him in, they sat down and talked about the bill. And then he was going to go back out on the windowsill, but he made him go out through the doorway. And Senator Anderson eventually did do that bill.

But it was an interesting story. But that's how he was; he wasn't even fazed by the fact that here's a man coming on the ledge knocking on the window.

He also made the mistake of drinking Senator Anderson's water bucket once, on one of the nights when there wasn't a lot to do, and he said that was a real eye-opener for him. Those of you who were here will understand what that means.

But he did have one fault. Sometimes on the floor he had a hearing problem. And there would be a slow roll call vote, and the votes would be cast, and sometimes he didn't hear one of his guys vote. Because I would -- you'd see him get up out of his seat, walk around the chamber, stop at the one he didn't hear, put his hand on his shoulder and say, for example, "Could you call

Senator Owen Johnson's name? I don't believe I heard him vote correctly."

And then the vote would be repeated to whatever it was, or whatever Senator Anderson thought it should be, and we would continue on. And for those of us that were here, it was kind of an interesting situation.

You can see Marc, who's been here quite a while, nodding. Because in those days the press used to sit here. They didn't sit in their little room where they sit now with their little boxes on, they sat here. And everybody would see Senator Anderson move around. So he knows that I'm not making this up. The older guys know that I'm not making this up. But it was something to see.

He also loved to play golf, and you'd see him talking with the other guys who played golf. He had a million different golf clubs, always getting different clubs.

But he also liked to do one other thing. In those days we used to play softball. And Senator Anderson loved to pitch his one or two innings that he would pitch in the annual Senate-Assembly softball game.

And when I first got here, I was a marginal Senator, believe it or not. My district, I was marginal. For some reason they thought that they could win that seat. Really, the numbers weren't that good, but they thought they could.

And fortunately, my first time at playing softball for the Senate, I played very well. So Pat Briggs came up to me at a reception and said, "Even though you're marginal, we're going to beat you, Senator Anderson told me to tell you that he's going to find something for you to do that you can still play softball for the Senate."

Had I realized that all these other jobs paid more, I might have thrown the election and just been an employee here and done a lot better financially.

(Laughter.)

SENATOR STACHOWSKI: But I told her not to worry about it, I wouldn't let Senator Anderson down. And I proceeded to win and kept playing softball with them until we stopped playing.

We also had a great conversation

all the time because he was, as far as I'm concerned, the Colgate alumni. Nobody loved Colgate more than he did.

I went to a game once at Colgate after I got here, and I was walking across the parking lot and he stopped me because I had walked by the Maroons picnic and I didn't realize it. And he pulled me in, with the other guy I was with, and introduced us to everybody.

He was -- I don't mean to say this, he was the big Maroon. But, you know, not to be confused, it was the color. That's their color.

But he was a big, big supporter of Colgate. He also was a huge New York Giant fan. And another thing that we shared in common -- and the only time I got on the front page of the New York Times -- session was ending, he wanted to know about the Giants draft. Or it was budget time was ending, he wanted to know how the Giants did in their draft.

My college coach was the player personnel director of the Giants, so I always

had their take on all the guys they picked. And every year I would give him a list.

So I'm walking over, I'm standing where the counsel is, and Senator Anderson is standing up, and there's a picture of about four of us talking about this draft. And the New York Times had a picture: "Senators gather to talk about budget."

(Laughter.)

SENATOR STACHOWSKI: That's a true story.

And even after Warren left, as long as my guy was player personnel director, he would give me that list and I would mail it religiously to Senator Anderson, and he would look forward to getting it.

So the reality was I had a great relationship with him from a few different perspectives. I played football at Holy Cross, I was fortunate in that way, and he had known about me from that. Never held it against me that I played good, because they won sometimes and we won sometimes.

And he was just a wonderful man, a great leader. I think when you have the

definition of "Senate Majority Leader," Warren Anderson's picture would be there. Not just because he served there the longest, but he was everything a leader should be.

And I am truly grateful for the experience of working with him, but more grateful for the fact that I could call Warren Anderson a friend.

Thank you, Mr. President.

ACTING PRESIDENT MARCELLINO: Senator Padavan.

SENATOR PADAVAN: Thank you, Mr. President.

I appreciate very much the experiences and anecdotes that have been shared with us by Senator Bruno and Senator Libous and Senator Stachowski. And of course I have my own.

It's a fact, without any doubt, that I would not be here in the Senate were it not for Warren Anderson. When I first considered running for the Senate against an incumbent, there were others who had similar ideas. And there was a difficult decision to be made. Some folks down in the city thought

I was too liberal. How they could come to that conclusion I can't imagine, but they did.

And at some point we were summoned to Albany, and the meeting was with Senator Anderson. He was not Majority Leader; this was in 1972. But he was acting as Majority Leader because the incumbent was incapacitated over an extended period of time, a gentleman by the name of Earl Brydges.

As a result of that meeting, he made a decision, and his decision was that I would be the candidate. And that decision, of course, had to be confirmed and involved many other people, but it began with him.

Needless to say, the first vote I cast as a new Senator was for Warren Anderson to become Majority Leader. That was my very first vote. And probably the most important and significant vote I ever cast here in this place.

Over the years, as you heard from others, he became a mentor to me. Only a couple of years -- or even less -- after my election, we went headlong into something that the Majority Leader mentioned before, commonly

referred to as the fiscal crisis of the City of New York.

As a new junior Senator, this was a very, very traumatic time for me, because very, very difficult decisions had to be made. There were seven Senators in the Majority representing different parts of the City of New York, and I was the most junior member of that group. There was hardly a week that went by -- during the session and into the summer and the fall, we met on and off all year, in '75, '76, and even before -- that we were not in Senator Anderson's office talking about the things that had to be done.

Not all those things were very popular. We were called the "Seven Dwarfs" by some people, and others called us the "Seven Rocks of Granite" by virtue of what we decided together that we had to do.

The result of it all is history -- the Municipal Assistance Corporation, the Environmental Control Board, guarantees for bonds to bail the city out from the federal government, a whole host of things, each of them predicated upon actions that had to be

taken by this house and this Legislature. And the man at the front of all of that was Warren Anderson.

So when Senator Bruno tells you, as he did so well earlier, that he was committed to seeing that the City of New York survived -- not only just survived, but would be transformed so that it could move forward, as it did. And we were all part of that. But if it were not for his determination, I don't think it would have happened.

Now, in the process, as you also heard, he had the ability to work -- there were a number of Governors during his tenure: Rockefeller, Wilson, Hugh Carey, and then of course Mario Cuomo. And despite the fact that they were not always of his party, they had a great deal of respect for him and would most of the time accede to what he felt was the right thing to do.

Senator Farley mentioned his relationship with the Speaker of the Assembly. Stanley Fink viewed Warren Anderson not as an adversary but as a partner. There was a mutual respect. And when you consider the

vastly different places from which they came, it was quite unique. But really delightful to observe.

We had a personal relationship, as did many of you. I enjoyed it when he came down to the city and my wife and I would have dinner with he and Eleanor, and the visits we did at his little lake cottage up in Delaware County.

And I would say to you that during those years that Warren Anderson served here in this chamber and that I had the pleasure of working with him and being with him and considering him a friend and a mentor, those were perhaps the best times during my tenure.

Thank you, Mr. President.

ACTING PRESIDENT MARCELLINO: Senator Connor.

SENATOR CONNOR: Thank you, Mr. President.

You know, Mr. President, that jacket we saw wasn't the only one. Andy had a whole collection of wild sport coats. And my colleagues who were here will remember he had a few teasers, too. We'd be here wondering

which was the last day of session, and he'd come out in a sport coat, you know, just a plain orange sport coat. You'd think, that's pretty wild. And we'd have debates about was that good enough to be the closer. And of course it wasn't, it was just a tease.

Those last days, by the way -- a few years ago, in a little spat, we had a closed call of the house, and members were going, What's that? We closed session, and probably the last four or five days of the session, in closed call of the house. That meant all the members had to here. Talk about empty seat voting. That was the rule then.

But you had to be in the chambers, the doors were locked, and you had to have a sergeant-at-arms escort you to the restroom if you wanted to leave. And we got a lot of work done, because we were all here. And that's the way he ran the house.

But it was a far less partisan, as I've said before, house the way it was run. I first got here, my first session in the Minority, I passed 20 bills. Because Senator Warren Anderson's instructions to his counsels

and his guidance to the committee chairs was we will do any bill on the merits.

Now, that didn't mean a Democrat could pass a bill that flew in the face of Republican philosophical differences that we had. But if you had a bill that was just a good idea to help the people of the State of New York, nobody stole your bill. You negotiated with the committee chair, the bill came out -- it wasn't all the last week of session, either. Democratic bills came out every week, and they passed.

The other thing Warren Anderson would do is he governed. He governed, and he did what needed to be done for the state. And he did it many times a bill -- almost always a budget -- that he had to negotiate with a Democratic speaker and Democratic Governor would come to this floor, and he'd have 12 or 15 votes on that side of the aisle, and he'd get the rest of the votes from this side of the aisle.

Other bills that were closer, or short a few votes, Senator Anderson would chat with Democratic members on the merits of the

bill and get the votes needed to pass the bill.

It was a much more collegial house, less partisan. We had annual dinners, annual black-tie dinners for all the members. Then for a couple of years they got skipped, and things were getting a little heated on the floor. And I remember Warren Anderson called Senator Ohrenstein and said, "You know, the members are getting a little testy with each other. Let's have a Senate dinner again." And we all went out together. As we did frequently anyway in less formal circumstances.

My first year here, Senator Anderson put a bill out -- I was ranking on the Civil Service and Pensions Committee. Actually, for the first 16 years I was here. But the first year I was here, ranker -- he put a bill out to amend the Taylor Law in a more progressive way. I forget the specifics of that bill.

The chair of Civil Service and Pensions was Senator Dick Schermerhorn. He sat in the very chair that Senator Padavan is

in right now. And he was opposed to this bill, and he debated against the bill. And I debated back in favor of the bill. And after my speech, I sat down -- I sat up there -- and a sergeant-at-arms came over to me, tapped me on the shoulder and said, "Senator Connor, you have a phone call."

Now, in those days we had two little tables with a phone each on them back in each fireplace. A little disruptive, but the members could make the phone calls from there. Which of course made being locked in here bearable, because while you couldn't leave, you could talk to the outside world.

And I got on the phone, and a very familiar voice said: "Hello, Senator Connor." I said, "Senator Anderson?" He said: "Yeah. Just because I'm not out there, I want you to know I'm always listening and watching, and I was listening on the box, and I want you to know that I agree with you and not with my committee chair on that bill."

That's the kind of remarkable way that he ran this house. It was on the merits. And of course there was no retribution. His

committee chair was free to express his views as well.

But I was here a few months, and we had the first Senate Club dinner from when I was here, and Andy came over to me and put his arm around my shoulder and he said, "You know, Marty, why don't you join us? You really should be a Republican."

Now, this is because, remember, the area I'm from in Brooklyn was solid Republican in the 1930s and '40s and '50s, but by the end of the '60s -- and by the way, I should describe myself back then. My hair was well over my ears, I had a big droopy moustache. You know, we were the '60s kids starting to take seats in the Senate in our very early thirties.

And I said to him -- and he also made a reference to the fact that I had worked at a big Wall Street law firm, so he thought I should be one of them. And I said, "Senator, have you looked at my district?" He thought a minute and he said, "Yeah, I guess you couldn't win that."

But Senator Bruno alluded to an

election -- I was on the campaign committee then, and Senator Bruno is absolutely right. Our polls showed Senator Bruno losing a month before the election and three weeks before the election, losing badly to a former Congressman. And he won. And now I've just learned why; because Senator Anderson stuck with him.

I first met Senator Libous when I went to Binghamton to count votes. Senator Anderson was very wise and very astute politically in picking this hardworking, hard-charging, savvy 35-year-old, I guess he was then, to run for the seat. Because our candidate was the elder John Burns, an elder statesman of the Democratic Party -- I guess he was 70 then -- but he had been the state chair and obviously was a prominent citizen of the Binghamton area.

And I think Election Night, on the machines, I think John Burns was ahead. But Senator Libous won it on the paper ballots and absentees, which he'd obviously very carefully worked, as we know we should do.

I went out there to do the recount

for John Burns. And I guess I was in Binghamton three or four nights, five nights, while we counted votes in Norwich and Owego and in Binghamton. And Senator Libous prevailed.

Now, remember, Senator Anderson had announced his retirement, but he was still was the Majority Leader. And we did have a session that December, just a couple of weeks later, actually. A week later, I think, because that went on through November.

And he called me over and he said: "Marty, I'm really mad at you." I said: "Why? For doing that recount?" He said: "No, for staying four or five nights in a hotel in Binghamton and never calling me up and coming and having dinner with me." That's the kind of person Warren Anderson was.

I just think of incredible occasions when he was, for us younger members, not just our Majority Leader but he was very much a father figure. Not just to the younger Republican members, but to the younger Democratic members. He lived and breathed this institution. His father had served

before him.

And when I look around this chamber, newer members say to me, Oh, the stonework isn't finished on some of these cornices up here. And I say, Well, it was far, far more unfinished until Senator Anderson got the lintels carved over these doorways. Based on the original plans.

And he led the effort to raise private funds to restore these light fixtures. These are replicas of the original light fixtures, which had long before been destroyed and they put a grate up there.

So this chamber that we serve in, if you look at old pictures -- including the carpeting, even. This carpeting was custom-made based on a picture of how the Senate chamber was originally. When I first got here, there was some red carpeting with state seals on it or something.

He very much loved this chamber, and he was very proud of the fact that they never got all of the stonework done. They had to import stonecutters to do it. They certainly never carved the fireplaces the way

these original plans had shown. But this beautiful chamber in which we served has been restored to what it is, and that was done through the leadership of Warren Anderson.

So I certainly can't think of the New York State Senate as an institution without thinking of Warren Anderson, what he meant to this institution and what he meant to the people of the State of New York in all the things he did, including my own city, saving that city.

They were in session 11 months that year. There was a crisis. Sometimes they were called back later in the week after having gone home because someone discovered some other thing was going to go into default if they didn't pass legislation. And he'd get everybody back.

But you felt, with Warren Anderson, he would always hear you out. His instructions to his senior staff was to hear you out. Democratic or Republican, you could pitch for your bill, you could pitch for your viewpoint. And sometimes they even said yes. More often they said yes, but amend it. But

eventually, if you had a good idea, it came to fruition in legislation.

So certainly my condolences go out to Warren Anderson's family. And I can only say that I'm a far better person and a far better legislator for having served under Warren Anderson and for having often taken his advice and guidance and counsel.

Thank you, Mr. President.

ACTING PRESIDENT MORAHAN: Senator Winner.

SENATOR WINNER: Thank you, Mr. President.

You know, I'm very humbled to be able to even stand up here and to be able to pay a tribute to Warren Anderson. It's really amazing that I'm actually here as a Senator and be able to speak, you know, of a person who would have been a colleague had I been serving in this Senate with him at that time. But, you know, he was obviously a giant of man that clearly I have had a lot of past experience with.

And, you know, it's hard to talk about these kinds of -- make these kind of

tributes without -- you don't want to make it sort of about me. It's not about me, it's about him. But a lot of what about him is the impact he had on me and on my career and my life, and it was extraordinary.

For those of you probably don't know, I was a sort of a ne'er-do-well college graduate in 1971 who moved to Albany and really didn't have a whole lot to do, waiting to see what I was going to do about law school. And my father at that time suggested, "You know, it might be a good idea if you get a job." And, you know, I thought that was kind of an unreasonable requirement on his part.

But at the same time, he said, "There's this place called the Legislature, and why don't you see if you can get a job there?" I said, "What's the Legislature?" I really had very little familiarity with that, fresh out of St. Lawrence University.

But my mother, who had a very long-standing relationship with Senator Anderson growing up as a young woman in Binghamton -- and her family and the Anderson

family clearly were very good friends and neighbors and whatever -- she said, "Let me call my friend Andy and see if he won't take pity on you and get you a job."

So Andy called Cadillac Smith, and in December of 1971 I got hired, and the rest is history. And here I am.

And, you know, I've been very blessed to be able to be associated with Andy over those years. And when I worked in the Senate for all those years with Cadillac and was always in awe of all of the work that Warren Anderson did for many of those years. And I even remember Senator Farley coming in and trying to beg favors with Cadillac and talking about Warren Anderson and whatever as a young staffer.

But Warren helped me run for the Assembly the first time in 1978, and I served in the Assembly and shared Tioga County with him as the Senator and also Chemung County with Cadillac Smith. And so, you know, I had it pretty good. I got the Majority Leader and the Deputy Majority Leader taking care of my district; I didn't have a whole lot to do.

They certainly were able to do that.

So it was really unbelievable to watch him take care of his blessed Southern Tier, and what I have been privileged to represent now, and spent a lot of time -- he gave me a lot of guidance, a lot of advice, and was a very, very dedicated Senator as we all know and you have all pointed out.

You know, a couple of people stole a little bit of the thunder. Senator Stachowski, you know, made reference to the fact that Warren was such a tremendous Colgate University booster. Helped get my daughter in there, my oldest daughter, which I was very grateful. And she did well. But he would always, always talk to you about what he really -- the affection that he had for Colgate University and all the great things he did for Colgate University.

And my uncle, I believe, was one of his roommates there, and he would always -- I would always be able to share that personal relationship with Andy directly related to my own family.

And as Senator Connor pointed out,

this place that I'm in awe of every time I come in here was largely done as a result of his overseeing and tutelage. And it is probably the most impressive legislative chamber in the entire world, and Warren Anderson is responsible for making it that.

And so I too join in this tribute to Warren Anderson, a great man. And, you know, I thank him every day I drive up that 88, like Senator Libous does, because it saves a great daily of time off my life every time I'm able to take that highway.

But he was a great man, a great statesman, a great leader and a great advocate for the Southern Tier. And my condolences to his family. And I am just so privileged and humble to be able to have been associated with him for my entire career.

Thank you.

ACTING PRESIDENT MORAHAN: Senator Larkin.

SENATOR LARKIN: Thank you, Mr. President.

During '73, '74, and '75 I worked here when George worked here and Senator

LaValle worked for Leon Giuffreda. Right, George? John was working for you, Senator Padavan.

And, you know, one of the things we see around here today, the messenger service that we have here -- you know, in '73 we still weren't over in the new building, we were all in here. We moved over there. And the messenger service that we have today was from Warren Anderson.

There was a young man that worked here, his name was Tony Russo. Tom, you remember him. And Warren Anderson told about four or five of us together -- and he for some reason took a liking to me. He said, "You're an Army colonel, you ought to know how to organize."

What are we going to do? How are we going to do this? And Warren Anderson said: "Here is a group of individuals that have nothing to do to occupy their mind. Let's do something positive. Let's get them."

I was just talking to Tom Libous, and he said that one of the messenger members here has been here 30 years working for the

Senate.

What would have happened to those young individuals if they had nothing in life to do? Here they have a mission, they have a job, they have some responsibilities, they've turned their whole life around where they're independent living and doing things that are positive. But, you know, that was Warren Anderson.

I remember the first time he called me and said, you know, "I'd like to go to West Point." And, you know, Warren Anderson was an Army officer in World War II. He was an infantry officer and then became a JAG officer. He got up to West Point, somebody stopped him at the gate. He was in the car behind me, and he had "Senate 1." And they said, That doesn't show anything.

Now I'm getting scared, I go to get out of my car and get back to his. And the young sergeant said, "Who is he?" I said, "He's a retired colonel." He said, "Sir, get back in your car and get going." Warren Anderson walked up and he said, "What do I owe the guy?" I said, "A salute. That's about

all you owe him." He had a great respect for his country.

And, you know, I remember when we were talking about Stewart in 1982. When he come down there, he didn't want to talk to the politicians, he wanted to talk to the people who were going to have to live under the conditions of whatever we did at the airport. And he didn't promise anybody anything big. He had ideas.

And he said, "I think you people are making a mistake. You ought to make this an authority." And guess what? Here we are 25 years later, we're now going to have the Port Authority take over Stewart Airport.

Anderson was always thinking ahead of the game. Anderson thought of the people. The little I had to do with him, I was impressed with the way he did things because he listened to you instead of just said "send me a memo." He always wanted to see you in person.

I had a relationship with him because he had a good concern for the military. Warren Anderson was a dedicated

public servant.

Those of us who knew him, he treated the staff -- and I think Senator Padavan will say that, he treated the staff just as nice and kind as he did the members. Because he realized one thing: without key staff and their input, we wouldn't be as efficient as we are.

May God bless his soul.

ACTING PRESIDENT MORAHAN: Thank you, Senator.

Senator Oppenheimer.

SENATOR OPPENHEIMER: Thank you, Mr. President.

A lot of what I was going to say I have already heard said, so I will just touch on some of the important things that attracted me so to this gentle man. And he was one of the most gentle men I have ever met.

His kindness to everyone, as was just mentioned, from the littlest person to the most significant person, to the Governor -- he treated everybody very equally and very kindly. He was a great listener. So even when I had a problem -- and after all, I

was of the other party -- he was interested in hearing my opinion. And he listened carefully, and his eyes were attached at you, on you, the entire time.

I could not say, like Senator Bruno, Senator Libous and Senator Padavan, that I would not be here were it not for Senator Anderson. Indeed, the contrary. He tried his very hardest not to have me be here. But once I was here, he was certainly very generous with his time and his words.

The thing that struck me the most about Andy, I would say, is his great love for the Senate, for the body. Political, neither Democrat nor Republican, but the Senate as an institution in and of itself. And I think that's what made him so motivated to be bipartisan and to listen to everyone, because the institution meant more to him than any political issue or any political party.

In thinking about his bipartisanship, I remember we had a softball team that was mentioned earlier. And normally the Senate softball team would play the Assembly softball team as the last thing at

the end of our leagues. We would have six or seven different softball games.

At any rate, so this one year we managed somehow to beat the Assembly. That was not common. Normally the Assembly softball team just wiped us up. So this huge trophy was brought into the chamber, and Senator Anderson said: "I really don't feel that I deserve this trophy, but I do believe that the pitcher for our Senate softball team deserves the trophy. And with that, Senator Suzi Oppenheimer, would you please come up here and accept this trophy?"

The trophy was as big as me. But it was quite a tribute to a man who saw us as a single body and important that we maintain that thinking.

And as far as outlandish jackets, when that last outlandish jacket came on the floor, we all knew session was over. Forget your bills, whatever you thought you were going to pass, you're not going to pass any more, things are over, it's finished and goodbye.

And so in saying goodbye to Warren

Anderson, I can only think of how important he was to this chamber, and in many ways important to all of us, and motivating us to be the best we can in a way that is important to this chamber and maybe less important to our individual parties.

Thank you.

ACTING PRESIDENT MORAHAN: Thank you, Senator.

Senator Maltese.

SENATOR MALTESE: Of course I want to echo a great deal of what my colleagues have expressed.

Certainly he was one of our predecessors that the term "courtly gentleman" fit to a tee. There are Senators and public officials, elected officials that fit that category, but I could think instantly of three: Warren Anderson, Malcolm Wilson, and John Marchi.

I know that my colleague Senator Padavan spoke about Senator Anderson clearing the fact that he was not too liberal in 1972. But I was at the time in the presidential primaries in New Hampshire and Florida, and

Warren Anderson's office had called me because within a three-week period the county chairmen of -- the Republican county chairman of Queens and the Conservative county chairman of Queens had both passed away, and I was the vice chairman of the Conservative Party. And he called me and convinced me that Senator Frank Padavan was not as liberal as some of us thought. And certainly that's been borne out over these many years.

Skipping ahead to 1988 when my predecessor, my good friend Senator Knorr was stepping down, it was Senator Anderson that was involved with talking to me and other Republicans and Conservatives in Queens and in the state. And it was not an easy lift to convince some that an enrolled Conservative should run for a seat held by a Republican in the City of New York.

And it was through his efforts and his leadership that he convinced some others and at the same time smoothed the way so that I would be a member of the Senate Republican conference and enabled me to run for that office and then provided me with the

wherewithal to run in that race in a district even at that time that was over two-to-one Democratic enrollment.

Through the years of his leadership I was executive director of the Conservative Party, from the early '70s, just about the time he took the Majority Leadership, until '88 -- well, into '86 when I became state chairman. But meeting with him during sessions was a pleasure at all times. He was always a gentleman. I cannot recollect, no matter how hard I try at times, that there was a cross word or even a disagreement.

Certainly on some ideological grounds, time and again, there were some differences between the Conservative Party and the Republican Party and he smoothed them over with finesse and made us feel very happy to deal with him. And as a result, through the years, many, many Republicans won only by virtue of their Conservative endorsement and because of Senator Anderson and his sense of leadership and congeniality and comradeship.

He was a steadying influence on the Republican Party, certainly in the State of

New York. He was a gentleman at all times. He was a leader. He was a friend, he was a mentor, no question about that. I will miss him.

He is an absolutely critical part of the legacy of the State Senate, the legacy of this chamber, and is what enables us to call it an august house. He will be sorely missed by all of us.

ACTING PRESIDENT LARKIN: Thank you, Senator.

Senator Montgomery.

SENATOR MONTGOMERY: Thank you, Mr. President. I just rise to also echo what my colleagues have said.

And for me personally and for my own development in terms of my political profession, if you will, Senator Anderson was not only the Majority Leader for the Republicans but he was the Majority Leader of the whole house. And I appreciate that.

He was a great teacher, certainly for me, in how he practiced his statesmanship. He had just such a great respect for our institution and believed and actually made it

possible for each of us to be able to participate. Because I think he believed that there was a role for each of us to play despite our party affiliation.

And so being in the minority party, as well as being a minority, and being a woman, he still made it possible for me to have bills passed in this house that were important to my constituents as well as people across the state.

Every session, when we left, each of us had something that we had been able to accomplish. And I think that was because he believed that it was important for all of us to feel a part of this institution and to be able to play a role. So we were not essentially penalized for who we were, but we were invited and allowed to participate in some way meaningful to us.

And so I will -- I have missed him over the years since he left the Senate. And certainly I think that we all owe a very major debt of gratitude for the bar that he set as a leader in this house and in this state. And so I rise to honor him as my leader, and my

condolences go out to his family as well.

Thank you, Mr. President.

ACTING PRESIDENT LARKIN: Thank you, Senator Montgomery.

The question is on the resolution. All in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT LARKIN: Opposed, nay.

(No response.)

ACTING PRESIDENT LARKIN: The resolution is adopted.

Senator Libous.

SENATOR LIBOUS: Thank you, Mr. President.

I believe there's another resolution at the desk, by Senator Golden, Number 2662. Could we have its title read and adopt it, please.

ACTING PRESIDENT LARKIN: The Secretary will read.

THE SECRETARY: By Senator Golden, Legislative Resolution Number 2662, commending Saint Columba Roman Catholic Church of Brooklyn, New York, upon the occasion of

its Gala 40th Anniversary Mass and Dinner Dance on June 9, 2007.

ACTING PRESIDENT LARKIN: On the resolution, all in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT LARKIN: Opposed, nay.

(No response.)

ACTING PRESIDENT LARKIN: The resolution is adopted.

Senator Libous.

SENATOR LIBOUS: Mr. President, would you please recognize Senator Alesi.

ACTING PRESIDENT LARKIN: Senator Alesi.

SENATOR ALESI: Mr. President, I wish to call up a bill, Print Number 3814A, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT LARKIN: The Secretary will read.

THE SECRETARY: Calendar Number 630, by Senator Little, Senate Print 3814A, an act to amend the General Business Law.

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

ACTING PRESIDENT LARKIN: The Secretary will call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

SENATOR ALESI: I now offer the following amendments.

ACTING PRESIDENT LARKIN: The amendments are received.

SENATOR ALESI: Mr. President, would you call up Print Number 423, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT LARKIN: The Secretary will read.

THE SECRETARY: Calendar Number 594, by Senator Larkin, Senate Print 423, an act to amend the Education Law.

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

ACTING PRESIDENT LARKIN: Call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

SENATOR ALESI: I now offer the following amendments.

ACTING PRESIDENT LARKIN: The amendments are received.

SENATOR ALESI: Mr. President, on page number 34 I offer the following amendments to Calendar Number 937, Senate Print Number 583, and ask that said bill retain its place on Third Reading Calendar.

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

SENATOR ALESI: Thank you, Mr. President.

On page number 63 I offer the following amendments to Calendar Number 1402, Senate Print Number 5744, and ask that said bill retain its place on Third Reading Calendar.

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

Senator Libous.

SENATOR LIBOUS: Mr. President, are there any substitutions at the desk?

ACTING PRESIDENT LARKIN: There is one.

SENATOR LIBOUS: Could it be read, please.

ACTING PRESIDENT LARKIN: The Secretary will read.

THE SECRETARY: On page 58, Senator Padavan moves to discharge, from the Committee on Rules, Assembly Bill Number 4138A and substitute it for the identical Senate Bill Number 4634A, Third Reading Calendar 1330.

ACTING PRESIDENT LARKIN: Substitution ordered.

Senator Libous.

SENATOR LIBOUS: Mr. President, could we please return to the reports of standing committees.

I believe there is a report from the Rules Committee at the desk. And could we have it read and accepted, please.

ACTING PRESIDENT LARKIN: The Secretary will read.

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

Senate Print 425, by Senator Larkin, an act to amend the Tax Law;

1283, by Senator Maziarz, an act in relation to adjusted valuation;

1449, by Senator Nozzolio, an act to amend the Criminal Procedure Law;

1542, by Senator Fuschillo, an act to amend the Penal Law;

1762, by Senator Rath, an act to create;

1884A, by Senator Maziarz, an act to allow;

2153, by Senator Libous, an act to amend the State Finance Law;

2180A, by Senator Seward, an act to amend the Vehicle and Traffic Law;

2366, by Senator Winner, an act to amend the Tax Law;

2368, by Senator C. Kruger, an act to amend the Vehicle and Traffic Law;

2421, by Senator DeFrancisco, an act to amend the Penal Law;

2894, by Senator Larkin, an act to amend the Criminal Procedure Law;

2935, by Senator Marcellino, an act to require;

3049, by Senator Trunzo, an act to amend the Education Law;

3235, by Senator Winner, an act to amend the New York State Urban Development Corporation Act;

3430, by Senator Skelos, an act to amend the Tax Law;

3529A, by Senator Padavan, an act to amend the Agriculture and Markets Law;

3575A, by Senator Farley, an act to amend the New York State Urban Development Corporation Act;

3576, by Senator Lanza, an act to amend the Tax Law;

3751, by Senator Wright, an act to amend the Environmental Conservation Law;

3849, by Senator Flanagan, an act to amend the Economic Development Law;

4024, by Senator Rath, an act to amend the Criminal Procedure Law;

4092, by Senator Oppenheimer, an

act relating to the term of office of mayor and trustee;

4245, by Senator Volker, an act to amend the Civil Practice Law and Rules;

4269A, by Senator Golden, an act to amend the Penal Law;

4709, by Senator Farley, an act to amend the State Finance Law;

And Senate Print 4854, by Senator LaValle, an act to amend the Real Property Tax Law.

All bills ordered direct to third reading.

ACTING PRESIDENT LARKIN: Senator Libous.

SENATOR LIBOUS: I move to accept the Rules report, Mr. President.

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

(Response of "Aye.")

ACTING PRESIDENT LARKIN: Opposed, nay.

(No response.)

ACTING PRESIDENT LARKIN: The Rules report is accepted.

SENATOR LIBOUS: Mr. President, could we have the noncontroversial reading of the calendar for today, please.

ACTING PRESIDENT LARKIN: The Secretary will read.

THE SECRETARY: Calendar Number 95, by Senator Saland, Senate Print 1147A, an act to amend Chapter 698 of the Laws of 1996.

ACTING PRESIDENT LARKIN: Read the last section.

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

ACTING PRESIDENT LARKIN: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT LARKIN: The bill is passed.

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

ACTING PRESIDENT LARKIN: Read the last section.

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

ACTING PRESIDENT LARKIN: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT LARKIN: The bill is passed.

THE SECRETARY: Calendar Number 121, by Senator Maziarz, Senate Print 948B, an act to amend the Labor Law.

ACTING PRESIDENT LARKIN: Read the last section.

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

ACTING PRESIDENT LARKIN: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT LARKIN: The bill is passed.

THE SECRETARY: Calendar Number 142, by Senator Bonacic, Senate Print --

SENATOR LIBOUS: Lay that aside for the day, please.

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

THE SECRETARY: Calendar Number 146, by Senator Farley, Senate Print 1593, an act to amend the Environmental Conservation Law.

ACTING PRESIDENT LARKIN: Read the last section.

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

ACTING PRESIDENT LARKIN: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT LARKIN: The bill is passed.

THE SECRETARY: Calendar Number 222, by Senator Nozzolio, Senate Print 1454, an act to amend the Correction Law.

ACTING PRESIDENT LARKIN: Read the last section.

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

ACTING PRESIDENT LARKIN: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Those recorded in

the negative on Calendar Number 222 are Senators Duane, Hassell-Thompson, Montgomery and Perkins.

Ayes, 54. Nays, 4.

ACTING PRESIDENT LARKIN: The bill is passed.

THE SECRETARY: Calendar Number 266, by Senator Golden, Senate Print 2818A, an act to amend the Real Property Tax Law.

ACTING PRESIDENT LARKIN: Read the last section.

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

ACTING PRESIDENT LARKIN: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT LARKIN: The bill is passed.

THE SECRETARY: Calendar Number 417, by Senator Flanagan, Senate Print 3188, an act to amend the Election Law.

ACTING PRESIDENT LARKIN: Read the last section.

THE SECRETARY: Section 2. This

act shall take effect immediately.

ACTING PRESIDENT LARKIN: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT LARKIN: The bill is passed.

THE SECRETARY: Calendar Number 472, by Senator Golden, Senate Print 1149, 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. Nays, 1. Senator Montgomery recorded in the negative.

ACTING PRESIDENT ALESI: The bill is passed.

THE SECRETARY: Calendar Number 479, by Senator DeFrancisco, Senate Print 2741A, an act to amend the General Business

Law and the Penal Law.

ACTING PRESIDENT ALESI: Read the last section.

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

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 488, by Senator Winner, Senate Print 1715, an act to amend the General Obligations 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: Those recorded in the negative on Calendar Number 488 are Senators Hassell-Thompson, Huntley,

Montgomery, Onorato, Perkins, Serrano and Stewart-Cousins. Also Senator L. Krueger.

Ayes, 50. Nays, 8.

ACTING PRESIDENT ALESI: The bill is passed.

THE SECRETARY: Calendar Number 700, by Senator Seward, Senate Print 2645, an act to amend the Insurance 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, 58.

ACTING PRESIDENT ALESI: The bill is passed.

THE SECRETARY: Calendar Number 739, by Senator C. Kruger, Senate Print 4962, an act to amend the Social Services Law and others.

ACTING PRESIDENT ALESI: Read the last section.

THE SECRETARY: Section 7. This

act shall take effect on the 120th day.

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 770, by Senator DeFrancisco, Senate Print --

SENATOR LIBOUS: Lay it aside temporarily, please.

ACTING PRESIDENT ALESI: The bill is laid aside temporarily.

THE SECRETARY: Calendar Number 776, by Senator Bonacic, Senate Print 4258, 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, 58.

ACTING PRESIDENT ALESI: The bill

is passed.

THE SECRETARY: Calendar Number 779, by Senator Griffo, Senate Print 4785, an act to amend the Civil Service Law.

ACTING PRESIDENT ALESI: Read the last section.

THE SECRETARY: Section 4. 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 806, by Senator Fuschillo, Senate Print 3541A, an act to authorize Hands Across Long Island, Inc.

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 2. Senators Bonacic and Larkin recorded in the negative.

ACTING PRESIDENT ALESI: The bill is passed.

THE SECRETARY: Calendar Number 815, by Senator Flanagan, Senate Print 3847, an act to amend the Public Authorities 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.)

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

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

I just wanted to point out that this bill, the provisions of this bill were voted on I believe last week in a more comprehensive bill sponsored by Senator Flanagan. So this provision has already been voted on.

And at that time I voted against that bill because it failed to include certain provisions that were previously discussed in our negotiations, including the MWBE provisions, the prevailing wage provisions, and provisions to guarantee that the voice and opinion of the minority conferences would be kept into the record during the PACB.

So I just want to continue to be concerned about that even as I am supporting this particular bill because of its more limited aspect. And in fact, you know, I think it is a step in the right direction, again, for reform of the public authorities. So I just want to go on record in support of it.

Thank you.

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

Senator Stachowski, to explain his vote.

SENATOR STACHOWSKI: To explain my vote.

I voted for Senator Flanagan's bill to try to get the process moving and get the

negotiations going on public authority reform, on the next step to that. And this bill is already contained in that, and I'll support that also.

But I also must note, at the time that we're passing this bill and we just passed the other, that this week in Finance we had a bill that creates the Railroad Public Authority.

And it's kind of interesting, because it's the same situation we find ourself in oftentimes here where we do a bill and say no unfunded mandates and on that same calendar or the next two days' calendars there will be a series of unfunded mandates.

So I'm just trying to figure out what the direction is. And I'm going to vote yes on this, but I'll be looking forward to seeing that rail one come to see if we're really going to do that or not.

You know, it's kind of interesting that we don't want to do any without supervision and without legislative okay, and now we're going to create another one because we don't have enough already.

I vote yes.

ACTING PRESIDENT ALESI: Senator Stachowski recorded in the in the affirmative.

Senator Hassell-Thompson, to explain her vote.

SENATOR HASSELL-THOMPSON: I too would just rise to support this bill by Senator Flanagan.

We have had a series of discussions about public authorities. And incrementally, I think, we're getting there, one bill at a time. Usually I'm very impatient, but I've learned in this chamber that whatever incremental step we can make I'm willing to take that one and accept it as such.

We do have to monitor, we do have to keep very close vigilance as we create these authorities that we're not creating shadow governments that are under no one's jurisdiction.

And so I applaud Senator Flanagan, which I rarely do, but I want those of you to tell him in his absence that I did. I think that this was very thought-provoking and an excellent step on his behalf -- on all of our

behalf in the State of New York -- and I will support this bill.

ACTING PRESIDENT ALESI: Senator Hassell-Thompson will be recorded in the affirmative.

Announce the results.

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT ALESI: The bill is passed.

THE SECRETARY: Calendar Number 840, by Senator DeFrancisco, Senate Print 4780A, an act to amend the Family Court Act.

ACTING PRESIDENT ALESI: Read the last section.

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

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 878, by Senator Griffo, Senate Print 4432, 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, 58.

ACTING PRESIDENT ALESI: The bill is passed.

THE SECRETARY: Calendar Number 880, by Senator Flanagan, Senate Print --

SENATOR LIBOUS: Lay that bill aside for the day, please.

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

THE SECRETARY: Calendar Number 912, by Senator Morahan, Senate Print 4145, an act to amend the Mental Hygiene Law and the Real Property Actions and Proceedings 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, 58.

ACTING PRESIDENT ALESI: The bill is passed.

THE SECRETARY: Calendar Number 927, by Senator LaValle, Senate Print 5289, an act to amend Chapter 672 of the Laws of 1993, amending the Public Authorities 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, 58.

ACTING PRESIDENT ALESI: The bill is passed.

THE SECRETARY: Calendar Number 979, by Senator Seward, Senate Print 5137, an act to amend the State Finance Law.

ACTING PRESIDENT ALESI: Read the last section.

THE SECRETARY: Section 2. This

act shall take effect April 1, 2007.

ACTING PRESIDENT ALESI: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: In relation to Calendar Number 979: Ayes, 57. Nays, 1. Senator Montgomery recorded in the negative.

ACTING PRESIDENT ALESI: The bill is passed.

Senator Libous.

SENATOR LIBOUS: Mr. President, Calendar Number 770 was laid aside temporarily. Could we call that up now, please.

THE SECRETARY: Calendar Number 770, by Senator DeFrancisco, Senate Print 3271, an act to amend the Navigation Law, the Parks, Recreation and Historic Preservation Law, and the Vehicle and Traffic Law.

ACTING PRESIDENT ALESI: Read the last section.

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

ACTING PRESIDENT ALESI: Call the roll.

(The Secretary called the roll.)

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

SENATOR DeFRANCISCO: Yes, this bill basically provides for alcohol-related offenses to be interchangeable.

For example, if you get a DWI in the past and if you get a boating while intoxicated, that prior DWI does not count as a first offense and the boater who is driving intoxicated is not subject to more serious penalties. And the same thing is true for snowmobiles as well.

The concept here by this bill is that if you're found to be guilty of an intoxication offense while operating either a vehicle, a boat, a snowmobile or anything of those nature, then that applies as a predicate for a more serious offense the second time you're found to have committed an offense driving any of those vehicles.

The reason it's important to me, last year a young woman by the name of Tiffany Heitkamp in my area was killed as a passenger in a boating accident. As it turned out, the

driver of that boat had been convicted of prior DWIs. But because this bill was not in effect as a law, this person was not charged as a second offender. It was a first offense, boating while intoxicated.

So this bill is extremely important, and it's logical. And I think it's something that everyone should vote for. And hopefully Assembly -- and there is a companion bill -- the Assembly will pass the bill as well.

Thank you. I vote aye.

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

Announce the results.

THE SECRETARY: Ayes, 58. Nays, 0.

ACTING PRESIDENT ALESI: The bill is passed.

THE SECRETARY: Calendar Number 989, by Senator Skelos, Senate Print 5196, an act to amend the General Business 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.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT ALESI: The bill is passed.

THE SECRETARY: Calendar Number 1002, substituted earlier today by Member of the Assembly Sweeney, Assembly Print Number 8016, an act to amend the Environmental Conservation Law and others.

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, 58.

ACTING PRESIDENT ALESI: The bill is passed.

THE SECRETARY: Calendar Number

1003, substituted earlier today by Member of the Assembly Gunther, Assembly Print Number 1159, an act to amend the Environmental Conservation 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, 58.

ACTING PRESIDENT ALESI: The bill is passed.

THE SECRETARY: Calendar Number 1021, by Senator Winner, Senate Print 3819, an act to amend the 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: Ayes, 58.

ACTING PRESIDENT ALESI: The bill is passed.

THE SECRETARY: Calendar Number 1054, by Senator Volker, Senate Print 4953, an act to amend the Penal 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, 58.

ACTING PRESIDENT ALESI: The bill is passed.

THE SECRETARY: Calendar Number 1057, by Senator Volker, Senate Print 5452, an act to amend the Criminal Procedure Law.

ACTING PRESIDENT ALESI: Read the last section.

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

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 1071, by Senator Saland, Senate Print 1094, an act to amend the Education Law.

ACTING PRESIDENT ALESI: Read the last section.

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

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 1074, by Senator Griffo, Senate Print 3657, 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: Ayes, 58.

ACTING PRESIDENT ALESI: The bill is passed.

THE SECRETARY: Calendar Number 1076, by Senator Bonacic, Senate Print 4161, an act in relation to transportation contracts.

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 1078, by Senator Seward, Senate Print 4790, an act in relation to transportation contracts.

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 1101, by Senator Nozzolio, Senate Print 327, an act to repeal paragraph F of subdivision 4 of Section 209 of the Civil Service 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, 58.

ACTING PRESIDENT ALESI: The bill is passed.

THE SECRETARY: Calendar Number 1120, by Senator Griffo, Senate Print 5482, an act to amend the Social Services Law and the Executive Law.

ACTING PRESIDENT ALESI: Read the

last section.

THE SECRETARY: Section 4. 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 1124, by Senator Seward, Senate Print 1657, an act to amend the County Law.

ACTING PRESIDENT ALESI: There is a local fiscal impact note 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, 58.

ACTING PRESIDENT ALESI: The bill is passed.

THE SECRETARY: Calendar Number 1127, by Senator Young, Senate Print 3846, an

act relating to the filing of documentation.

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, 58.

ACTING PRESIDENT ALESI: The bill is passed.

THE SECRETARY: Calendar Number 1134, by Senator Skelos, Senate Print 5539, an act to authorize Young Israel of Hewlett.

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

ACTING PRESIDENT ALESI: The bill

is passed.

THE SECRETARY: Calendar Number 1144, by Senator Farley, Senate Print 5345, an act to amend Chapter 371 of the Laws of 1997 amending the Parks, Recreation and Historic Preservation 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, 58.

ACTING PRESIDENT ALESI: The bill is passed.

THE SECRETARY: Calendar Number 1160, substituted earlier today by Member of the Assembly P. Rivera, Assembly Print Number 6820, an act to direct the Commissioner of Mental Health.

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, 58.

ACTING PRESIDENT ALESI: The bill is passed.

THE SECRETARY: Calendar Number 1192, by Senator Larkin, Senate Print 577A, an act to amend the Racing, Pari-Mutuel Wagering and Breeding 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. Nays, 1. Senator Duane recorded in the negative.

ACTING PRESIDENT ALESI: The bill is passed.

THE SECRETARY: Calendar Number 1198, by Senator Farley, Senate Print 4139, an act to amend the Environmental Conservation 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, 58.

ACTING PRESIDENT ALESI: The bill is passed.

THE SECRETARY: Calendar Number 1239, by Senator DeFrancisco, Senate Print 3762, 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, 56. Nays, 2. Senators Duane and L. Krueger recorded in the negative.

ACTING PRESIDENT ALESI: The bill

is passed.

THE SECRETARY: Calendar Number 1248, by Senator Lanza, Senate Print 5617, an act to amend the Penal Law.

ACTING PRESIDENT ALESI: Read the last section.

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

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 1249, by Senator Wright, Senate Print 5726, 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, 56. Nays, 2. Senators Duane and L. Krueger recorded in the negative.

ACTING PRESIDENT ALESI: The bill is passed.

THE SECRETARY: Calendar Number 1250, by Senator Fuschillo, Senate Print 5780, an act to amend the Penal Law and the Vehicle and Traffic Law.

ACTING PRESIDENT ALESI: Read the last section.

THE SECRETARY: Section 6. This act shall take effect on the 60th day.

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 1251, by Senator Fuschillo, Senate Print 5795, an act to amend the Penal Law and the Criminal Procedure Law.

ACTING PRESIDENT ALESI: Read the last section.

THE SECRETARY: Section 14. This act shall take effect on the 90th day.

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 1259, by Senator Libous, Senate Print 4097A, an act to amend the Insurance Law.

ACTING PRESIDENT ALESI: Read the last section.

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

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 1266, by Senator Lanza, Senate Print 4611A, an act to amend the General Business 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, 58.

ACTING PRESIDENT ALESI: The bill is passed.

THE SECRETARY: Calendar Number 1275, by Senator Griffo, Senate Print 4619, an act to amend the Parks, Recreation and Historic Preservation Law.

ACTING PRESIDENT ALESI: Read the last section.

THE SECRETARY: Section 4. 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 1286, by Senator Flanagan, Senate Print 5632A,

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, 59.

ACTING PRESIDENT ALESI: The bill is passed.

THE SECRETARY: Calendar Number 1330, substituted earlier today by Member of the Assembly Scarborough, Assembly Print Number 4138A, an act to amend the Social Services 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, 59.

ACTING PRESIDENT ALESI: The bill

is passed.

THE SECRETARY: Calendar Number 1349, by Senator Maziarz, Senate Print 3101, an act to amend the Mental Hygiene Law.

ACTING PRESIDENT ALESI: Read the last section.

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

ACTING PRESIDENT ALESI: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT ALESI: The bill is passed.

THE SECRETARY: Calendar Number 1351, by Senator Winner, Senate Print 4312, an act to amend the Executive 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, 59.

ACTING PRESIDENT ALESI: The bill is passed.

THE SECRETARY: Calendar Number 1358, by Senator Wright, Senate Print 5057, an act to amend the State Finance 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, 59.

ACTING PRESIDENT ALESI: The bill is passed.

THE SECRETARY: Calendar Number 1359, by Senator O. Johnson, Senate Print 5449, 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, 59.

ACTING PRESIDENT ALESI: The bill is passed.

THE SECRETARY: Calendar Number 1395, by Senator Nozzolio, Senate Print 5748, an act to authorize the County of Cayuga.

ACTING PRESIDENT ALESI: 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 ALESI: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT ALESI: The bill is passed.

THE SECRETARY: Calendar Number 1425, by Senator DeFrancisco --

SENATOR DUANE: Lay it aside.

ACTING PRESIDENT ALESI: Lay the bill aside.

Senator Duane has rescinded his lay-aside request. The Secretary will read.

THE SECRETARY: Calendar Number

1425, by Senator DeFrancisco, Senate Print 3078, 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.)

THE SECRETARY: Ayes, 58. Nays, 0.

ACTING PRESIDENT ALESI: The bill is passed.

THE SECRETARY: Calendar Number 1427, by Senator Marcellino.

SENATOR DUANE: Lay it aside.

ACTING PRESIDENT ALESI: Lay the bill aside.

THE SECRETARY: Calendar Number 1437, by Senator Larkin, Senate Print 4497, an act to direct the Commissioner of Education.

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, 59.

ACTING PRESIDENT ALESI: The bill is passed.

THE SECRETARY: Calendar Number 1438, substituted earlier today by Member of the Assembly Paulin, Assembly Print Number 8585, an act to authorize a reduced special notice period.

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, 59.

ACTING PRESIDENT ALESI: The bill is passed.

THE SECRETARY: Calendar Number 1444, by Senator Maziarz, Senate Print 52, an

act to amend the Vehicle and Traffic Law.

ACTING PRESIDENT ALESI: Read the last section.

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

ACTING PRESIDENT ALESI: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT ALESI: The bill is passed.

THE SECRETARY: Calendar Number 1446, by Senator Larkin, Senate Print 231, 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 January next succeeding.

ACTING PRESIDENT ALESI: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT ALESI: The bill is passed.

THE SECRETARY: Calendar Number 1447, by Senator Nozzolio, Senate Print 328, an act to amend the Criminal Procedure 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.)

THE SECRETARY: Ayes, 56. Nays, 3. Senators Duane, L. Krueger and Montgomery recorded in the negative.

ACTING PRESIDENT ALESI: The bill is passed.

THE SECRETARY: Calendar Number 1448, by Senator Marcellino, Senate Print 613, 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 first of November.

ACTING PRESIDENT ALESI: Call the

roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT ALESI: The bill is passed.

THE SECRETARY: Calendar Number 1449, by Senator Trunzo, Senate Print 888, an act to amend the General Municipal 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, 59.

ACTING PRESIDENT ALESI: The bill is passed.

THE SECRETARY: Calendar Number 1451, by Senator Skelos, Senate Print --

SENATOR DUANE: Lay it aside, please.

ACTING PRESIDENT ALESI: Lay the bill aside.

THE SECRETARY: Calendar Number

1452, by Senator Fuschillo, Senate Print 1532, an act to amend the Penal Law.

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.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT ALESI: The bill is passed.

THE SECRETARY: Calendar Number 1453, by Senator Libous, Senate Print 1590, an act to amend the Tax 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, 59.

ACTING PRESIDENT ALESI: The bill

is passed.

THE SECRETARY: Calendar Number 1454, by Senator Maziarz, Senate Print 1618A, an act in relation to the initial date of enrollment.

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, 59.

ACTING PRESIDENT ALESI: The bill is passed.

THE SECRETARY: Calendar Number 1455, by Senator Robach, Senate Print 1703, an act to amend the Criminal Procedure Law and the Vehicle and Traffic 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, 59.

ACTING PRESIDENT ALESI: The bill is passed.

THE SECRETARY: Calendar Number 1456, by Senator Rath, Senate Print 1757, an act to amend the Penal 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.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT ALESI: The bill is passed.

THE SECRETARY: Calendar Number 1457, by Senator Farley, Senate Print 1843, 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: Those recorded in the negative on Calendar Number 1457 are Senators Dilan, Duane, L. Krueger and Montgomery.

Ayes, 55. Nays, 4.

ACTING PRESIDENT ALESI: The bill is passed.

Senator Oppenheimer.

SENATOR OPPENHEIMER: Thank you.

I stepped out for a moment and a bill flew past, and I meant to be voting no. So if I may, I'd like to be recorded as voting no on Calendar Number 1451.

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

SENATOR OPPENHEIMER: Thank you very much.

Wait, forget it. It was laid aside.

ACTING PRESIDENT ALESI: Thank

you very much.

The Secretary will read.

THE SECRETARY: Calendar Number 1458, by Senator Larkin, Senate Print 2019, an act to amend the Agriculture and Markets Law.

ACTING PRESIDENT ALESI: Read the last section.

THE SECRETARY: Section 7. This act shall take effect on the 180th day.

ACTING PRESIDENT ALESI: Call the roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT ALESI: The bill is passed.

THE SECRETARY: Calendar Number 1459, by Senator Young, Senate Print 2036, an act to amend the Tax 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, 59.

ACTING PRESIDENT ALESI: The bill is passed.

THE SECRETARY: Calendar Number 1460, by Senator Lanza, Senate Print 2177, an act to amend the Tax Law.

ACTING PRESIDENT ALESI: Read the last section.

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

ACTING PRESIDENT ALESI: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Those recorded in the negative on Calendar Number 1460 are Senators Duane, Huntley and L. Krueger.

Ayes, 56. Nays, 3.

ACTING PRESIDENT ALESI: The bill is passed.

Senator LaValle.

SENATOR LaVALLE: Yes, excuse me, Mr. President. According to Rule 9, I was at a sanctioned meeting and I would like to be recorded in the negative on Calendar Number

700, Senate Bill Number 2645.

ACTING PRESIDENT ALESI: Thank you, Senator. The record will reflect.

The Secretary will read.

THE SECRETARY: Calendar Number 1461, by Senator Rath, Senate Print 2334, 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: Ayes, 59.

ACTING PRESIDENT ALESI: The bill is passed.

THE SECRETARY: Calendar Number 1462, by Senator Little, Senate Print 2343, an act to amend the Tax Law.

ACTING PRESIDENT ALESI: Read the last section.

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

ACTING PRESIDENT ALESI: There is

a local fiscal impact note at the desk.

Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57. Nays, 2. Senators Duane and L. Krueger recorded in the negative.

ACTING PRESIDENT ALESI: The bill is passed.

THE SECRETARY: Calendar Number 1463, by Senator DeFrancisco, Senate Print 2420, an act to amend the Penal 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.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT ALESI: The bill is passed.

THE SECRETARY: Calendar Number 1464, by Senator Morahan, Senate Print 2445, an act to amend Chapter 425 of the Laws of

2006.

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, 59.

ACTING PRESIDENT ALESI: The bill is passed.

THE SECRETARY: Calendar Number 1466, by Senator Marcellino, Senate Print 2934, an act to authorize.

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, 59.

ACTING PRESIDENT ALESI: The bill is passed.

THE SECRETARY: Calendar Number

1467, by Senator Volker, Senate Print 3092, an act to amend the Executive 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.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT ALESI: The bill is passed.

THE SECRETARY: Calendar Number 1468, by Senator Winner, Senate Print 3234, an act to amend the New York State Urban Development Corporation Act.

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, 59.

ACTING PRESIDENT ALESI: The bill is passed.

THE SECRETARY: Calendar Number 1469, by Senator Flanagan, Senate Print 3329, an act to amend the Penal Law.

ACTING PRESIDENT ALESI: Read the last section.

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

ACTING PRESIDENT ALESI: Call the roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT ALESI: The bill is passed.

THE SECRETARY: Calendar Number 1470, by Senator Young, Senate Print 3551, an act to authorize the Town of Friendship.

ACTING PRESIDENT ALESI: 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 ALESI: Call the

roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT ALESI: The bill is passed.

THE SECRETARY: Calendar Number 1471, by Senator Seward, Senate Print 3759, an act to amend the Abandoned Property 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, 59.

ACTING PRESIDENT ALESI: The bill is passed.

THE SECRETARY: Calendar Number 1472, by Senator Skelos, Senate Print 3917, an act to amend the Retirement and Social Security 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, 59.

ACTING PRESIDENT ALESI: The bill is passed.

THE SECRETARY: Calendar Number 1473, by Senator LaValle, Senate Print 4168, 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, 57. Nays, 2. Senators Duane and Montgomery recorded in the negative.

ACTING PRESIDENT ALESI: The bill is passed.

THE SECRETARY: Calendar Number 1474, by Senator Wright, Senate Print 4259, an act to amend the 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: Ayes, 59.

ACTING PRESIDENT ALESI: The bill is passed.

THE SECRETARY: Calendar Number 1475, by Senator Bonacic --

SENATOR DUANE: Lay it aside, please.

ACTING PRESIDENT ALESI: Lay the bill aside.

THE SECRETARY: Calendar Number 1476, by Senator Golden, Senate Print 4268, an act to amend the Criminal Procedure Law and the Executive Law.

ACTING PRESIDENT ALESI: Read the last section.

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

ACTING PRESIDENT ALESI: Call the

roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT ALESI: The bill is passed.

THE SECRETARY: Calendar Number 1477, substituted earlier today by Member of the Assembly Giglio, Assembly Print Number 6952, an act to amend the 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: Ayes, 59.

ACTING PRESIDENT ALESI: The bill is passed.

THE SECRETARY: Calendar Number 1478, substituted earlier today by Member of the Assembly Ortiz, Assembly Print Number 5154, an act to amend the Executive Law and

the Mental Hygiene Law.

ACTING PRESIDENT ALESI: Read the last section.

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

ACTING PRESIDENT ALESI: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT ALESI: The bill is passed.

THE SECRETARY: Calendar Number 1479, by Senator Fuschillo, Senate Print 5315, 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 Craig Johnson, to explain his vote.

SENATOR CRAIG JOHNSON: Thank you, Mr. President.

I rise today to support this legislation and, first, to congratulate my colleague Chuck Fuschillo for his leadership in this legislation and the need, the desperate need for this legislation.

We have a crisis throughout New York State, but in particular in Nassau County, and that is the increasing DWIs that we're seeing all throughout the county.

And I wish to recognize and welcome my friend and former colleague in law, the Nassau County District Attorney Kathleen Rice, who is with us today in the Senate chamber.

She really is -- you can raise your hand, Kathleen, so my colleagues can recognize you from over here -- she really is a pioneer in pursuing DWI convictions. But what Senator Fuschillo's legislation will do is give her another tool and really fill in a missing gap that we have under New York State's criminal law.

And so I thank Senator Fuschillo for pursuing this initiative. I thank

Kathleen Rice for fighting the fight in Nassau County. And I'm proud to support this piece of legislation.

Thank you very much.

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

Announce the results.

THE SECRETARY: Ayes, 59. Nays, 0.

ACTING PRESIDENT ALESI: The bill is passed.

THE SECRETARY: Calendar Number 1480, substituted earlier today by Member of the Assembly Canestrari, Assembly Print Number 8199, an act to amend the 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: Ayes, 59.

ACTING PRESIDENT ALESI: The bill

is passed.

THE SECRETARY: Calendar Number 1482, by Senator Padavan, Senate Print 5945, an act to amend the Real Property Tax 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, 59.

ACTING PRESIDENT ALESI: The bill is passed.

THE SECRETARY: Calendar Number 1485, by Senator Lanza, Senate Print 1325A, an act to amend the Judiciary Law and the Education Law.

ACTING PRESIDENT ALESI: Read the last section.

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

ACTING PRESIDENT ALESI: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT ALESI: The bill is passed.

THE SECRETARY: Calendar Number 1486, by Senator Skelos, Senate Print 3947A, an act to amend the Tax Law.

ACTING PRESIDENT ALESI: There is a local fiscal impact note at the desk.

Read the last section.

THE SECRETARY: Section 5. This act shall take effect October 1.

ACTING PRESIDENT ALESI: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT ALESI: The bill is passed.

THE SECRETARY: Calendar Number 1488, by Senator Fuschillo, Senate Print 5517, an act to amend the Penal Law, the Executive Law, and the Vehicle and Traffic Law.

ACTING PRESIDENT ALESI: Read the last section.

THE SECRETARY: Section 16. 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 Fuschillo, to explain his vote.

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

I will be voting in the affirmative on this legislation, and what it does is it creates the penalty of aggravated vehicular homicide and aggravated vehicular assault for those who choose to drink and drive and murder and those who choose to drink and drive and cause serious injury.

I want to thank the Nassau County District Attorney Kathleen Rice and her office, Maureen McCormick, for their work on this legislation. And I want to welcome Jennifer Flynn and Chris and Denise Tangney to the chambers as well, as well as her sister Lisa and her husband David Moscolo. We appreciate your support in coming up here today.

Nearly two years ago the Tangney

and Flynn family suffered a tragedy, a tragedy that's become all too common in this state. And my colleague Senator Johnson called it a crisis, and I agree with him. But I'll go back to the words of District Attorney Rice, it's an epidemic out of control in New York State.

I truly believed a few years ago, when I authored .08, with unanimous support in this chamber, that we would see a significant decrease in the arrests and fatalities in New York State. But we haven't.

Last year we created the offense, in a new law that took effect in November, called aggravated vehicular DWI, that targeted high BAC and repeat offenders. And hopefully, with the strength and provisions of that law, it will give prosecutors the necessary tools to put those behind bars.

This is another measure to go after those who irresponsibly get in a car and drive drunk. Because that car then becomes a weapon. And I firmly believe that we should stop the prejudice of bias or distinction about what kind of weapon kills somebody.

When you get behind a car drunk, it becomes a weapon, and you commit murder when you kill somebody.

The Flynn and Tangney family was celebrating a wedding. They live on the South Shore of Long Island, on Long Beach, and they were celebrating a wedding on the North Shore. And they planned it very well, they planned it to the last moment, where they took a limousine, they took a car service back to their home, driving on the Meadowbrook Parkway heading southbound, in the southbound lane.

But what they didn't know was a guy by the name of Martin Heidgen, who all day long was drinking -- some reports, 14 hours, probably more. Three times the legal limit he was drunk here in New York State. He was driving in the southbound lane northbound for about three miles. Head-on collision with the limousine.

The limousine driver, Stanley Rabinowitz, 59 years old, was murdered, was killed upon impact. The Flynns' little daughter, Katie, age 7 -- and you probably have read this repeatedly -- was murdered as

well. Her father, Chris Tangney, who's in the back, was given his last rites at the hospital by a priest who a year later was killed by a drunk driver.

So the question we have to ask ourselves is when is the killing going to stop in New York State. When do the people who choose to drink and drive -- and I hate reading, and I'm sure you do as well, that it's an accident. It's a crash. It's a fatality. It's something that they chose to do.

This new bill, this new legislation -- and the families have met with Speaker Silver, we have a sponsor in the Assembly, Assemblyman Harvey Weisenberg. We're meeting with the Governor today. We're going to do our work to ensure that this becomes law and passes both houses, passes the Assembly before we leave and takes effect November first.

But what it does is it gives the prosecutors -- like Nassau County District Attorney Kathleen Rice, and prosecutors throughout the state who have signed off on

this, who have worked with us on this legislation through the entire year -- the necessary tools to put these individuals behind bars and put them in jail for the time that's necessary, up to 25 years.

Mr. President, it's with a heavy heart I must tell you that I even relate that story to this esteemed body, with the families here. But the tragic events have led us to this legislation. I vote aye.

Thank you very much.

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

Senator Skelos, to explain his vote.

SENATOR SKELOS: Mr. President, I want to start off by thanking Senator Fuschillo and our DA from Nassau County, Kathleen Rice, for really taking the leadership on an epidemic that's facing our state and really our nation.

Several years ago, when the tragedy befell the Tangney and Flynn family, who are my constituents, I received a call from Senator Fuschillo in the early morning, I

think it was a Sunday morning, to tell me that he had had a visit from a chief of the fire department, I believe in Freeport. The chief was so upset and troubled by this tragedy, this murder, that he went specifically to Senator Fuschillo's house and said "Something needs to be done."

Senator Fuschillo immediately moved aggressively, as he has on other legislation, to help stop DWIs in our state. And if somebody injures somebody, drives while intoxicated, they're going to be punished.

The Tangneys and the Flynns are incredible people. You know, all of us, we take our jobs very seriously here, as we should. But when you sit in a press conference and we relive today what they relive every hour of the day, it puts life in perspective, and what's really important.

What's important is our priorities should always be protecting the innocent, protecting those who want to just live a healthy long life, as I know the family wanted for Katie.

Many things touch us in our lives,

and I think all of us, we receive plaques, we receive mementos, we receive certain things that really affect our lives. There are two things that I have in my district office that really struck me.

One was, number one, the pen and the ribbon that Governor Pataki used when he signed Megan's Law, which I sponsored a number of years ago, because it reminds me of our obligation to protect our young and the tragedy that befell the Kanka family, but how they took this tragedy and turned it in such a way that young Megan had a purpose in life and other children are now being protected in our state and throughout the entire country, in fact.

The second one is the memorial mass card that I took at the funeral parlor which has the face of beautiful young Katie. And I keep that in my drawer to remind us of our responsibility, again, to protect children, to do whatever we have in our power to resolve our political differences in favor of protecting innocent lives so that young Katies and young Megans can have the opportunities

and the future that all of us have had.

So Senator Fuschillo and to my colleagues, I urge you, support this legislation. Give the district attorneys, police, the ability to do what they need to punish those who commit this type of crime, this type of murder, but also that it will hopefully serve as a deterrent so that young people -- all people -- who go behind a car will understand what their responsibility is.

Mr. President, I vote aye.

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

Senator Nozzolio, to explain his vote.

SENATOR NOZZOLIO: Thank you, Mr. President.

Mr. President and my colleagues, I rise to support this legislation and particularly to thank our colleagues from Nassau County, Senator Fuschillo and Senator Skelos, for bringing to the attention of this Legislature and the entire state how a vehicle driven by an inebriated drunk can be as dangerous a weapon as any gun or knife or

bomb.

Aggravated vehicular manslaughter or homicide, as the statute is to be created, takes into account those victims. And as chairman of the Crime Victims, Crime and Corrections Committee, it matters not how the family and the individuals victimized -- what weapon is used in that crime being perpetrated.

That Senator Fuschillo's legislation says that a weapon can be any instrument that wreaks havoc. And in the hands of someone who is irresponsible and drunk, an automobile becomes that weapon.

My hat's off to Senator Fuschillo for being so sensitive and farsighted to prevent crime victims from happening in the first place by establishing this type of strong law that sends a very clear message to every corner of the state that this type of irresponsible behavior will not be tolerated.

Thank you, Mr. President. I vote aye.

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

Senator Little, to explain her vote.

SENATOR LITTLE: Thank you, Mr. President.

I too would like to join in thanking my colleagues for putting forth this piece of legislation that is so important, a piece of legislation that hopefully will drive home the point that if you are drinking, you cannot drive. And if you do, there will be extreme punishments for you.

But I would also like to take a moment to thank Jennifer Flynn and her family for coming forward with this. I attended the press conference. I certainly have read about the horrific accident and the really, truly unnecessary loss of life. It never should have happened, and yet this family has had to endure this each and every day.

I think Jennifer's statement that it could have happened to any of us really hits home, because it was random. It could have happened to any of us. And it could continue to happen to many of us if we don't do something about it.

Personally, I have six children and 11 grandchildren that I can't stop thinking about. How would I do what she is doing? I'm sure there are days when getting up is a major effort, and moving forward. But to be able to come out and to speak and to participate and to try to move this legislation forward, because this was an accident that was -- everyone felt it was just heart-wrenching to even think what this family went through.

So I just want to thank her for coming forward and thank her and her family for their courage. And my thoughts and prayers continue to be with them.

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.

Again, I will be voting in the affirmative on this piece of legislation and thank Senator Fuschillo for this piece of legislation as well.

I'm a parent of two young children,

and when I'm home every night saying good night to them and holding them, I can't imagine going through what the Flynn family and the Tangney family has gone through.

And we talk about use of a vehicle as a weapon. I'm just proud that we created today a weapon to go after the drunk drivers and have this tragedy create this weapon for District Attorney Rice and the other district attorneys all across New York State. Because the time has come.

When you speak to constituents, when tragedies like this happen and the constituents don't understand that the perpetrators have committed a murder, a murder, and yet the DA's hands have been tied in the past -- and really, what District Attorney Rice was able to accomplish in the prosecution of this case, against what editorial boards said was inappropriate, what many people in the public didn't get, we now really provide you, through Chuck Fuschillo's leadership, the weapon to go after and to punish those people who take these lives.

And I'm just proud to be able to

vote yes on this bill. So I congratulate Senator Fuschillo. I thank Senator Skelos for his words; they were incredibly moving. And I wish nothing but the best for the families on this day and for all the other days. I will be voting yes.

Thank you very much.

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

Announce the results.

THE SECRETARY: Ayes, 60. Nays, 0.

ACTING PRESIDENT ALESI: The bill is passed.

THE SECRETARY: Calendar Number 1489, by Senator Little, Senate Print 5965, an act to authorize certain healthcare professionals.

ACTING PRESIDENT ALESI: Read the last section.

THE SECRETARY: Section 2. This act shall take effect July 18, 2007.

ACTING PRESIDENT ALESI: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT ALESI: The bill is passed.

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

SENATOR FLANAGAN: Thank you, Mr. President. If we could have the noncontroversial reading of Supplemental Calendar Number 56A.

ACTING PRESIDENT ALESI: The Secretary will read.

THE SECRETARY: Calendar Number 1491, by Senator Larkin, Senate Print 425, an act to amend the Tax Law.

ACTING PRESIDENT ALESI: Read the last section.

THE SECRETARY: Section 2. This act shall take effect December 1.

ACTING PRESIDENT ALESI: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Those recorded in the negative on Calendar Number 1491 are Senators Duane, Huntley, L. Krueger and

Perkins.

Ayes, 56. Nays, 4.

ACTING PRESIDENT ALESI: The bill is passed.

THE SECRETARY: Calendar Number 1492, by Senator Maziarz, Senate Print 1283, an act in relation to adjusted valuation.

ACTING PRESIDENT ALESI: Read the last section.

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

ACTING PRESIDENT ALESI: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT ALESI: The bill is passed.

THE SECRETARY: Calendar Number 1493, by --

SENATOR DUANE: Lay it aside, please.

ACTING PRESIDENT ALESI: Lay the bill aside.

THE SECRETARY: Calendar Number 1494, by Senator Fuschillo, Senate Print 1542,

an act to amend the Penal 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.)

THE SECRETARY: Those recorded in the negative on Calendar Number 1494 are Senators Duane, Montgomery and Perkins.

Ayes, 57. Nays, 3.

ACTING PRESIDENT ALESI: The bill is passed.

THE SECRETARY: Calendar Number 1495, by Senator Rath, Senate Print 1762, an act to create a joint bipartisan task force.

ACTING PRESIDENT ALESI: Read the last section.

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

ACTING PRESIDENT ALESI: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT ALESI: The bill is passed.

THE SECRETARY: Calendar Number 1496, by Senator Maziarz, Senate Print 1884A, an act to allow Jerry R. Sullivan.

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, 60.

ACTING PRESIDENT ALESI: The bill is passed.

THE SECRETARY: Calendar Number 1497, by Senator Libous, Senate Print 2153, an act to amend the State Finance Law.

ACTING PRESIDENT ALESI: Read the last section.

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

ACTING PRESIDENT ALESI: Call the

roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT ALESI: The bill is passed.

THE SECRETARY: Calendar Number 1499, by Senator Winner, Senate Print 2366, an act to amend the Tax Law.

ACTING PRESIDENT ALESI: Read the last section.

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

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

THE SECRETARY: Calendar Number 1500, by Senator C. Kruger, Senate Print 2368, an act to amend the Vehicle and Traffic Law and the Penal Law.

ACTING PRESIDENT ALESI: Read the last section.

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

ACTING PRESIDENT ALESI: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT ALESI: The bill is passed.

THE SECRETARY: Calendar Number 1501, by Senator DeFrancisco, Senate Print 2421, an act to amend the Penal 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.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT ALESI: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1502, Senator Larkin moves to discharge, from the Committee on Rules, Assembly Print Number 5865 and substitute it for the identical Senate Bill Number 2894, Third Reading Calendar 1502.

ACTING PRESIDENT ALESI:

Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1502, by Member of the Assembly Calhoun, Assembly Print Number 5865, 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: Those recorded in the negative on Calendar Number 1502 are Senators Duane, Huntley, L. Krueger and Montgomery.

Ayes, 56. Nays, 4.

ACTING PRESIDENT ALESI: The bill is passed.

THE SECRETARY: Calendar Number 1504, by Senator Trunzo, Senate Print 3049, an act to amend the Education Law.

ACTING PRESIDENT ALESI: Read the last section.

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

ACTING PRESIDENT ALESI: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT ALESI: The bill is passed.

THE SECRETARY: Calendar Number 1505, by Senator Winner, Senate Print 3235, an act to amend the New York State Urban Development Corporation Act.

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, 60.

ACTING PRESIDENT ALESI: The bill is passed.

THE SECRETARY: Calendar Number 1506, by Senator Skelos, Senate Print 3430, an act to amend the Tax 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, 59. Nays, 1. Senator Duane recorded in the negative.

ACTING PRESIDENT ALESI: The bill is passed.

THE SECRETARY: Calendar Number 1508, by Senator Farley, Senate Print 3575A, an act to amend the New York State Urban Development Corporation Act.

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, 60.

ACTING PRESIDENT ALESI: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1509, Senator Lanza moves to discharge, from the Committee on Rules, Assembly Bill Number 7031 and substitute it for the identical Senate Bill Number 3576, Third Reading Calendar 1509.

ACTING PRESIDENT ALESI: Substitution is ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1509, by Member of the Assembly Cusick, Assembly Print Number 7031, an act to amend the Tax Law.

ACTING PRESIDENT ALESI: Read the last section.

THE SECRETARY: Section 4. This act shall take effect August 31.

ACTING PRESIDENT ALESI: Call the roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT ALESI: The bill is passed.

THE SECRETARY: Calendar Number

1510, by Senator Wright, Senate Print 3751, an act to amend the Environmental Conservation 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, 58. Nays, 2. Senators Perkins and Serrano recorded in the negative.

ACTING PRESIDENT ALESI: The bill is passed.

THE SECRETARY: Calendar Number 1511, by Senator Flanagan, Senate Print 3849, an act to amend the Economic Development 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, 60.

ACTING PRESIDENT ALESI: The bill is passed.

THE SECRETARY: Calendar Number 1512, by Senator Rath, Senate Print 4024, an act to amend the Criminal Procedure Law and others.

ACTING PRESIDENT ALESI: Read the last section.

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

ACTING PRESIDENT ALESI: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Those recorded in the negative on Calendar Number 1512 are Senators Duane, Huntley, L. Krueger, Montgomery, Perkins, Serrano and Stewart-Cousins.

Ayes, 53. Nays, 7.

ACTING PRESIDENT ALESI: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1513, Senator Oppenheimer

moves to discharge, from the Committee on Local Government, Assembly Bill Number 1219 and substitute it for the identical Senate Bill Number 4092, Third Reading Calendar 1513.

ACTING PRESIDENT ALESI: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1513, by Member of the Assembly Latimer, Assembly Bill Number 1219, an act relating to the term of office of mayor and trustees.

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, 60.

ACTING PRESIDENT ALESI: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1514, Senator Volker moves to discharge, from the Committee on Rules,

Assembly Bill Number 8188 and substitute it for the identical Senate Bill Number 4245, Third Reading Calendar 1514.

ACTING PRESIDENT ALESI: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1514, by Member of the Assembly Titus, Assembly Print Number 8188, 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 immediately.

ACTING PRESIDENT ALESI: Call the roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT ALESI: The bill is passed.

THE SECRETARY: Calendar Number 1515, by Senator Golden, Senate Print 4269A, an act to amend the Penal Law, the Criminal Procedure Law, the Executive Law and the

Railroad Law.

ACTING PRESIDENT ALESI: Read the last section.

SENATOR DUANE: Lay it aside, please.

ACTING PRESIDENT ALESI: Lay the bill aside.

THE SECRETARY: Calendar Number 1516, by Senator Farley, Senate Print 4709, an act to amend the State Finance Law.

ACTING PRESIDENT ALESI: Read the last section.

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

ACTING PRESIDENT ALESI: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT ALESI: The bill is passed.

THE SECRETARY: Calendar Number 1518, by Senator LaValle, Senate Print 4854, an act to amend the Real Property Tax Law.

ACTING PRESIDENT ALESI: Read the last section.

THE SECRETARY: Section 17. This act shall take effect immediately.

ACTING PRESIDENT ALESI: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT ALESI: The bill is passed.

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

SENATOR WRIGHT: Thank you, Mr. President.

On the controversial calendar, can we take up Calendar Number 1451.

ACTING PRESIDENT ALESI: The Secretary will ring the bell.

The Secretary will read Calendar 1451.

THE SECRETARY: Calendar Number 1451, by Senator Skelos, Senate Print 1483, an act to amend the General Municipal Law.

SENATOR LIZ KRUEGER: Explanation.

ACTING PRESIDENT ALESI: Senator

Skelos, an explanation has been requested.

SENATOR SKELOS: Who asked for the explanation?

ACTING PRESIDENT ALESI: Senator Liz Krueger.

SENATOR SKELOS: I believe you asked for an explanation last year. So it's good to be joined with you this year explaining the bill.

This bill authorizes municipalities, upon approval of the local governing body, to establish a program to provide a rebate to a project occupant for a portion of real property taxes to offset the cost of certain necessary infrastructure investments for affordable housing or other economic development projects.

I know that on Long Island, throughout the state, certainly economic development is a priority of most of us here. But also, in specific, if I speak about Nassau County and Long Island, affordable housing is critically important.

This legislation would encourage both economic development and affordable

housing throughout our communities.

ACTING PRESIDENT ALESI: Senator Liz Krueger.

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

ACTING PRESIDENT ALESI: Senator Skelos, will you yield to Senator Liz Krueger?

SENATOR SKELOS: Yes, I do, Mr. President.

ACTING PRESIDENT ALESI: Senator Krueger.

SENATOR LIZ KRUEGER: Thank you very much, Mr. President.

I appreciate the explanation. And yes, of course we did debate this bill last year. And you've brought it up again.

And I respect your argument about affordable housing and the importance of expanding affordable housing everywhere we can. It's not unique to Nassau County or any other county in this state.

But my understanding in reading this bill is that a locality could approve what are commonly called TIFs for any type of

economic development. Is that your understanding, that the locality could approve it anywhere for any type of economic development?

SENATOR SKELOS: Yes.

SENATOR LIZ KRUEGER: Thank you, Mr. President. Thank you.

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

ACTING PRESIDENT ALESI: Senator Skelos, will you continue to yield?

SENATOR SKELOS: Yes, I do, Mr. President.

ACTING PRESIDENT ALESI: The Senator yields.

SENATOR LIZ KRUEGER: Thank you.

So again, perhaps just to explain to my colleagues, the idea of this bill is that rather than paying taxes, a developer would make an agreement with the locality that it would pay for infrastructure, for its own development, in exchange for a 100 percent exemption from the taxes they would otherwise owe the locality and the county or for the new assessed value.

So whatever the base that might have been the tax rate on that parcel of land or parcels of land, that would continue. But it would break into a second category of the new assessed value. They would not pay taxes for a specific time period and instead would pay for the infrastructure modernization that they wanted for their development.

Is that a correct analysis?

SENATOR SKELOS: Mr. President, to respond, many municipalities cannot afford these type of infrastructure expenses, especially when you deal in the areas of high technology, biotechnology, where energy costs and certainly water costs are extremely critical to their development.

So the municipality would be able to, through the rebate program, help the developer for the cost only of those infrastructure development's costs.

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

ACTING PRESIDENT ALESI: Senator Skelos, do you continue to yield?

SENATOR SKELOS: Yes, I do.

ACTING PRESIDENT ALESI: The Senator yields.

SENATOR LIZ KRUEGER: Thank you. I appreciate the Senator's responses. And I appreciate his point about the higher-tech infrastructure.

But am I correct to assume that this would be any type of an infrastructure, so it could be running sewer lines, water lines, a new widening of an intersection, a new street put in? Pretty much any definition of infrastructure would be allowed?

SENATOR SKELOS: There are a number of them listed, but not limited to. And it would be really the determination of the governing body and the developer as to what their own agreement would be as to what's necessary to complete, again, an affordable housing project or an economic development project.

SENATOR LIZ KRUEGER: Thank you.

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

ACTING PRESIDENT ALESI: Senator

Skelos, do you continue to yield?

SENATOR SKELOS: Yes, I do, Mr. President.

ACTING PRESIDENT ALESI: The Senator continues to yield.

SENATOR LIZ KRUEGER: Thank you, Mr. President.

So again, the sponsor has been so helpful, and again he references affordable housing. But this could also be used for a strip mall or a big box store; am I correct?

SENATOR SKELOS: If I could, Mr. President, the governing body would make a determination as to what's in the best interest of their community in terms of economic development.

SENATOR LIZ KRUEGER: Mr. President, on the bill.

ACTING PRESIDENT ALESI: On the bill.

SENATOR LIZ KRUEGER: Thank you.

I appreciate the sponsor's patience in responding to my questions.

And the fact is this model of TIFs, tax incremental financing, has been used all

over the country in varieties of ways. And there are lessons to be learned from other parts of the country that have gone down this road.

And New York State is being asked to consider this now. And I respect that it would be at the local government's request. But the research from around the country shows that local governments haven't always made the wisest decisions for themselves and their tax dollars when they've gone into tax incremental financing models.

The dilemma here is -- perhaps not unlike some of the things we've seen in Empire Zones here in the State of New York -- what was originally intended for a specific purpose has been expanded throughout the country in a variety of ways that I fear, under this bill, could also happen here in New York State.

Originally the idea of TIFs were to be very specific for development of infrastructure and projects in quote, unquote, blighted, poor urban areas where there was land that might not otherwise be developed.

But what we have seen from

throughout the country are patterns of local governments thinking or being convinced -- perhaps against their own best interests, in some cases -- that they could get infrastructure paid for without having to cover those costs themselves in areas where, the truth is, developers are interested in building and would be building otherwise, and that they are giving away their ability to collect increased assessed taxes for perhaps decades. Sometimes we're talking 25-, 30-, 35-year bonds, where they have given way their ability to collect increased assessed taxes for themselves.

It to some degree allows one entity, the developer of property, to make the decision for the government for the next 25 or 30 years, this is how this tax money is going to be used, for my infrastructure. Not for other priorities the locality might have, not for other services.

And of course some of the traps here are that the actual creation of the new development or projects may result in new increased costs for the local government

without any new tax possibilities for the local government.

There was a study done recently in Chicago that has used quite a few TIFs over the last few years, and the study was disturbing. And again, Chicago, a very large city, a growing city, a sophisticated local government, I think most of us would agree by most definitions.

And the evaluation of the 36 TIF districts in the City of Chicago found that over the lifetime of the 36 districts analyzed, the local taxing bodies, drawing on Chicago's property tax base, are estimated to lose $1.3 billion in tax revenue they probably would have collected in these areas if they had not been declared TIF districts.

During this same time period, for the Chicago 36 TIFs, it's estimated that the public schools will not receive $632 million in property tax revenue that the schools would have received if the 36 areas had continued to grow at their estimated pre-TIF rates without the TIF deals, and that the City of Chicago will not collect a projected $255 million it

would have received if it hadn't approved these 36 TIF districts.

Collectively, the estimate from the study is that the local taxes bodies are foregoing the benefits of a projected $1.6 billion in property tax revenue during the lifetime of these TIF districts and that the overall gain in projected new property tax revenue that can be attributed to these districts will only be $362 million instead of $1.6 billion.

There's other studies from around the country. Texas has been using this model quite a bit, and there what we're seeing is -- and again, TIFs can be used in different ways. My concern is this legislation doesn't craft carefully enough what they can't be used for.

In Texas we've seen literally range wars between big box stores where one company gets a TIF deal to move into an area and then the small businesses and even large other businesses are complaining that they have an enormous tax disincentive or disadvantage in comparison to the company that figured out how to walk in and go into a TIF.

Now, an interesting, I suppose, analogy is in Texas you've got companies like Target and Wal-Mart furious that competitors of theirs are getting better deals as well as small businesses.

So again, we're ending up in a situation where you can have unequal distribution or inequity in tax policy between large businesses competing, you can have absolutely tax inequity and disadvantages to smaller businesses who then can't compete with the tax advantages given to large corporations.

You end up conceivably, as Chicago is learning, that they've given away billions of dollars of tax money that they would otherwise be getting and after the fact have evaluated that that development would have happened anyway.

I won't disagree with the sponsor that with carefully crafted models -- again, I believe as they were intended, specifically targeted to be used only in areas where the development would not otherwise happen, the investment in the infrastructure would

absolutely otherwise not happen -- that it can be crafted, if crafted carefully, as one model in economic development.

But I think the research from around the country is showing us -- and again, many states have some kind of -- actually, 47 states have some kind of TIF legislation. And of course it's not all identical. So we're coming to this late, but I think there are important lessons for us to learn about mistakes we shouldn't make if we were to approve any kind of TIF-model legislation.

Then there's also the issue of environmental groups are very concerned this actually encourages sprawl, as opposed to the targeting of redevelopment in urban areas, the way that this specific legislation is written.

So again, I with due respect think that conceivably there could be a way to draw a piece of legislation that was much more narrow, that might allow localities with a whole series of check-offs before they went down the road and, with very specific limitations, allow for TIF models.

But I think that if New York State

were to implement this open-ended law that allowed localities to do anything, what we would find after the fact was that we would be looking at studies here in New York State perhaps not very different than the studies coming out of Chicago or rural Texas, arguing that this wasn't a very good model of economic development and that we had lost an enormous amount of revenue at the local level.

So while in general my philosophy is to support the concept of local governments making their own decisions, I worry very much that this model has been exploited in too many other parts of the country and that we need to be very careful if we move forward here.

So I'll be voting no and recommend my colleagues vote no.

Thank you, Mr. President.

ACTING PRESIDENT ALESI: Thank you, Senator Krueger.

Does any other Senator wish to be heard? If not, the debate is closed.

The Secretary will ring the bell.

Read the last section.

THE SECRETARY: Section 2. This

act shall take effect immediately.

ACTING PRESIDENT ALESI: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT ALESI: Announce the results.

THE SECRETARY: Those recorded in the negative on Calendar Number 1451 are Senators Adams, Breslin, Connor, Diaz, Dilan, Duane, Hassell-Thompson, Huntley, Klein, L. Krueger, Montgomery, Onorato, Oppenheimer, Perkins, Sabini, Savino, Schneiderman, Serrano, Stachowski and Stavisky.

Ayes, 40. Nays, 20.

ACTING PRESIDENT ALESI: The bill is passed.

Senator Skelos.

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

ACTING PRESIDENT ALESI: Immediate meeting of the Rules Committee in the Majority Conference Room.

SENATOR SKELOS: Thank you,

Mr. President.

ACTING PRESIDENT ALESI: You're welcome, Senator.

Senator Hassell-Thompson.

SENATOR HASSELL-THOMPSON: Thank you, Mr. President.

Mr. President, I rise to state that according to Rule 9, had I been in the chambers, I would voted no on Calendar Numbers 1249 and 1512.

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

SENATOR HASSELL-THOMPSON: Thank you.

ACTING PRESIDENT ALESI: Senator Skelos.

SENATOR SKELOS: Thank you, 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 ALESI: Reports of standing committees.

The Secretary will read.

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

Senate Print 2127, by Senator Stachowski, an act to authorize the Town of Hamburg;

4806, by Senator Nozzolio, an act to amend the Penal Law;

4834A, by Senator Larkin, an act to amend the Correction Law;

4862, by the Senate Committee on Rules, an act to amend the Tax Law;

4909, by Senator Seward, an act to amend the Criminal Procedure Law;

4949, by Senator Winner, an act to amend the Tax Law;

5009, by Senator Alesi, an act to amend the Real Property Tax Law;

5049, by Senator Fuschillo, an act to amend the Criminal Procedure Law;

5298, by Senator Bonacic, an act authorizing;

5389, by Senator Wright, an act to amend the Tax Law;

5451, by Senator Marcellino, an act

to amend the Tax Law;

5507, by Senator Morahan, an act to amend the General Municipal Law;

5526, by Senator LaValle, an act to amend the Social Services Law;

5552A, by Senator Skelos, an act to amend the Tax Law;

5627A, by Senator Flanagan, an act granting;

5706B, by Senator Maziarz, an act to amend the Economic Development Law;

5717A, by the Senate Committee on Rules, an act to amend the Tax Law;

5728, by Senator Golden, an act to amend the Penal Law;

5766A, by Senator Golden, an act to amend the Real Property Tax Law;

5791A, by Senator Lanza, an act to amend the Penal Law;

5860, by Senator Rath, an act to amend the Domestic Relations Law;

5907, by Senator O. Johnson, an act to amend the Tax Law;

5909, by Senator Libous, an act to amend the Tax Law;

5933, by Senator Saland, an act to amend the General Business Law;

5970, by Senator Skelos, an act to amend Chapter 138 of the Laws of 1998;

5989, by Senator Little, an act to amend the Tax Law;

5995, by Senator Young, an act authorizing;

And Senate Print 6013, by the Senate Committee on Rules, an act to amend the Tax Law.

All bills ordered direct to third reading.

ACTING PRESIDENT ALESI: Senator Skelos.

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

ACTING PRESIDENT ALESI: All in favor of accepting the Rules report, aye.

(Response of "Aye.")

ACTING PRESIDENT ALESI: Opposed, nay.

(No response.)

ACTING PRESIDENT ALESI: The

Rules report is accepted.

Senator Nozzolio.

SENATOR NOZZOLIO: Thank you, Mr. President. To amend a bill on calendar third reading.

On page number 17, I offer the following amendments to Calendar Number 505, Senate Print Number 4009, on behalf of Senator Rath, and ask that said bill retain its place on Third Reading Calendar.

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

Senator Skelos.

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

ACTING PRESIDENT ALESI: There is one substitution, Senator.

The Secretary will read.

THE SECRETARY: On page 39, Senator Libous moves to discharge, from the Committee on Rules, Assembly Bill Number 2742 and substitute it for the identical Senate

Bill Number 1586, Third Reading Calendar 997.

ACTING PRESIDENT ALESI: Substitution ordered.

Senator Skelos.

SENATOR SKELOS: Mr. President, if we could now take up Calendar Number 997, noncontroversial.

ACTING PRESIDENT ALESI: The Secretary will read.

THE SECRETARY: Calendar Number 997, substituted earlier by Member of the Assembly Lupardo, Assembly Print Number 2742, an act to amend the Environmental Conservation Law.

ACTING PRESIDENT ALESI: Read the last section.

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

ACTING PRESIDENT ALESI: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT ALESI: The bill is passed.

Senator Skelos.

SENATOR SKELOS: Mr. President, if we could go back to the controversial calendar and take up Calendar Number 1475, by Senator Bonacic.

ACTING PRESIDENT ALESI: The Secretary will read.

THE SECRETARY: Calendar Number 1475, by Senator Bonacic, Senate Print 4265, an act to amend the Executive Law.

SENATOR DUANE: Explanation, please.

ACTING PRESIDENT ALESI: Senator Bonacic, an explanation has been requested.

SENATOR BONACIC: Thank you, Mr. President.

This is a bill that would prevent state agencies from fining municipalities when those municipalities, after a notification of a violation of a specific law or regulation, makes a good-faith effort to work with the state agency to remediate the violation and in fact does remediate the violation or obtains a waiver or variance from said violation.

The reason that motivated us to put this legislation in, in our Senate district we

have two regions from DEC, Region 3 and Region 4. Last year in Region 3, and I have no better way it describe it, but it appears that agency went on a violation spree. They came into our Senate district and they went to a lot of highway departments of the various towns and they fined them heavy fines to clean up what they claimed were violations.

For example, there was a violation of painting a building a wrong color. So the highway superintendent said, Fine, we'll correct it, and they did.

In Region 4, when they came and did their inspections, there was no fines. They were told to remediate, or there were no violations at all.

So my experience with local governments in general is that they don't intentionally try to violate laws or regulations. And I think it is good public relations for state agencies, when they notify local governments of a particular violation, you work with them and you give them an opportunity to remediate. And if they remediate, there should not be any fines.

But what are the fines if they happen? In my particular situation that I'm explaining to you, the fines were against about seven or eight local governments to the tune of $4,000 to $8,000 apiece. And what are we doing? We're driving up property taxes.

And what I find is that local officials don't want to embarrass themselves. They know everybody in their community. They don't knowingly and intentionally violate statutes or regulations. And when it comes to their attention, they want to cure it. And if they're elected officials, they doubly want to cure it because they don't want their reputations stained in working for the public good in case they have to run again for public office.

So for all those reasons, we believe that this is a good bill.

ACTING PRESIDENT ALESI: Senator Liz Krueger.

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

ACTING PRESIDENT ALESI: Senator

Bonacic, will you yield to Senator Krueger?

SENATOR BONACIC: Glad to yield to Senator Krueger.

ACTING PRESIDENT ALESI: The Senator yields.

SENATOR LIZ KRUEGER: Thank you, Mr. President.

I understand the intent as you describe it, Senator. But when I read the bill, it says if a municipality is making good-faith effort. What's the definition of "good-faith effort"?

Is there a timeline attached? Is there a once is okay but five times is not okay on the same issue? Is there an evidentiary tracking of the completion? You know, I couldn't find a legal definition of "good faith."

SENATOR BONACIC: Well, let me help you with this, if I may.

Normally it's in the discretion of the agency that gives the violation or gives notice of the violation to cure. So -- and I just happened to use DEC, but it could be any state agency. There are agencies now, the

labor agency, there's a federal agency, there's a mining operation agency that allows notice and remediation without violations. So it's not a black-and-white definition, it's discretionary with the agency.

And if the local government is aggrieved because the agency says I'll give you 24 hours to fix it, and they fix it in three days and the agency continues to fine them because they didn't do it in 24 hours, it allows a remedy, what we call an Article 78 proceeding, of which that local government can go to a judge and see if they acted reasonably if they acted in good faith. And it allows that discretion interplay.

But what we find is that normally when agencies give notices of remediation to do it, a violation, an opportunity to remediate, they work with local governments. They are in communication. So that scenario of Article 78 is not likely to happen, because the agencies and the local government all working in good faith, being better neighbors, trying to do good government, trying to build relationships, trying to keep property taxes

down.

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

ACTING PRESIDENT ALESI: Senator Bonacic, will you continue to yield?

SENATOR BONACIC: I would love to continue to yield.

ACTING PRESIDENT ALESI: The Senator will love to continue to yield.

Senator Krueger.

SENATOR LIZ KRUEGER: That's lovely, thank you.

All right, so you answered my question, or you gave the explanation about the effort, good-faith effort. You also talk about, in your bill, alternatively obtain a waiver or variance for the violation.

Is it our understanding that in every possible state-agency law involving violations that there are existing models for waivers and variances? Or are you trying to say that in this legislation you're somehow creating a model for variance and waiver? Because you don't go into that further in the

bill either.

SENATOR BONACIC: There is no model or prototype for every agency for waivers or variances. Some don't have any; maybe others do. So depending on your agency -- the answer is there is no uniform policy of waivers or variances for all the agencies in the State of New York.

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

ACTING PRESIDENT ALESI: Senator Krueger, on the bill.

SENATOR LIZ KRUEGER: Thank you.

I want to thank the sponsor for his explanation of the bill.

And I want to start off by saying I understand the intent. And I agree that the purpose of laws is to deter people from doing bad things, including other governments. We want to discourage them from making mistakes. We want to deter them from repeating mistakes.

And that the purpose of fines, I think particularly in cases of violation of laws and regulations by a government, is rarely a situation where the other level of

government is intentionally in violation of a state law or a federal law but, rather, is either mistaken about the law or didn't know that they were in violation or needed technical assistance to help them understand why they were in violation and why we have that law.

And that I agree with the sponsor that it's probably a very small percentage of local or county governments that read a state law from any agency and say, Let's go out and violate it. Because that seems nonsensical. And I think we agree on that.

My concern is that your law attempts to take some very complex issues across potentially all state agencies and all possible state laws and resolve what may be very technical and very different issues from one agency to another simply by putting in some wording -- work in good faith together, get a variance or a waiver -- when, based on your answers to my questions, we don't even necessarily have definitions for those within the laws of all these agencies.

So that I will vote no on the bill,

because I think there's a way to go down the road you want to go, but this isn't the way to do it. That what we would be leaving ourselves open to if this became law would just be an enormous amount of court cases between local government and the state government where the local government says, I believe I acted in good faith in trying to resolve this, you didn't work with me.

Even your example of taking Article 78, those are court cases. Sometimes governments do sue each other. Probably if we tracked, there would be any number of court cases between local governments and state governments any day of the week.

But I don't think we want to try to resolve a problem by creating new vague ways for state agencies to fight with other each other and not resolve issues. I think that much of what you're hoping to do needs to be done through both careful evaluation of existing regulations in the different agencies and evaluation of what kind of language we would need to perhaps put into the laws that dictate what each of these state agencies do.

So I share with you the belief that it's not that likely that too many government entities out there are purposely trying to avoid following laws and think if they never have to pay a fine because they can always say we're making good-faith effort and we're opening and we're arguing interpretation of our right to a waiver or a variance -- I don't think necessarily there are that many local or county governments that would use that as their model for trying to continue to violate state law time after time after time.

So I do think of this as different than, say, imagining you were asking for a good-faith variance from criminal law: I promise I won't do it again, give me an exemption, give me a walk.

I don't think this is the right way to go down this road, and I do think what we would find if we approached it this way is we would just have this giant new set of arguments between local governments, county governments and state agencies, too many more court cases, and a lot of time by the agency spent simply arguing who was in good faith,

when, where, who was supposed to offer variance or determine remediation, when, where.

And the last thing I want to see is us take actions that will result in large new numbers of court disputes between local agencies and the state. So I'll vote no.

But I do want to just, for the record, make it clear I do believe that the intent is a sincere one to try to help figure out how you resolve disagreements between local, county governments and state governments. But there's reasons we have laws with careful, clear definitions, and I worry that this language will just burst open at the seams existing language and protections.

So I'll vote no, Mr. President. Thank you.

ACTING PRESIDENT ALESI: Senator Nozzolio, on the bill.

SENATOR NOZZOLIO: Thank you, Mr. President.

Mr. President, I rise in support of this legislation, very happily. Because I too was frustrated as I was in my district office

and received a call from the town highway superintendent in Wolcott, New York, who said: "You won't believe this, but the DEC is going to fine the taxpayers of our small town because the fuel storage tank is not painted the right color."

That the issue before us, thanks to Senator Bonacic, is legislation that tries to put an end to the insanity that we see in our bureaucracy, our bureaucracy that often too often becomes a radar-trap mentality as opposed to trying to help stop problems and solve problems: We gotcha.

Well, unfortunately, my colleagues -- and Senator Bonacic's legislation is trying to address this -- that when you gotcha, the taxpayers are going to be paying the bill. Doubly so in this case, where the agency could have resolved this problem in a way that was conducive to helping, in a way that was conducive to the least cost to the taxpayers involved.

I was surprised that this occurred across the state. I thought it was isolated to some of the smaller towns in the upstate

area. But it seems as though it's permeating throughout the state, and that this type of legislation is a way to ensure our taxpayers aren't going to have to pay the bill twice.

Senator Bonacic, thank you for bringing this to our attention. That it seems to me government is designed to help the ultimate taxpayer. And that this is a way that we can do that, in trying to help eliminate this radar-trap mentality.

It's a good bill, Mr. President. I fully support it.

ACTING PRESIDENT ALESI: Thank you, Senator Nozzolio.

Does any other Senator wish to be heard?

If not, the debate is closed. The Secretary will ring the bell.

Read the last section.

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

ACTING PRESIDENT ALESI: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT ALESI: Senator

Bonacic, to explain his vote.

SENATOR BONACIC: You know, a few years ago when the state was having economic problems in bringing revenue into the state, the Governor had set up in his budget a plan that the agencies would have to fund their own departments by fine violations. So they were motivated to go out and fine in order to fund their departments.

And it became a Machiavellian way that was punitive on local governments, on corporations, on taxpayers, and property owners to fund state government.

We know that a lot of small towns upstate with a population of less than 5,000, when they have severe sewer failures or severe treatment plant failures and it costs anywhere from $5 to $15 million to cure, well, there is no base there to pay for that. So what the agencies do is they work with these towns and they help them with their grant applications till they can get a large assistance from the federal government and the state before they can do these big capital projects.

And normally they work with the

local governments when there's problems on big infrastructure failures on sewer and water. These are a smaller violation variety that deserves an opportunity to cure.

Thank you. I vote yes. Thank you, Mr. President.

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

Senator Schneiderman, to explain his vote.

SENATOR SCHNEIDERMAN: Thank you. To explain my vote, Mr. President.

I must say I'm struck by the contrast between the leniency we are urged to express with this legislation and the attitude towards people in most other situations where there's some criminal penalty to be imposed.

I'm very sympathetic to local governments. But if they're engaged in illegal conduct, if there is a bureaucracy that is under the jurisdiction of this Legislature that should be doing something different, then that shouldn't relieve them of their obligation to comply with the law and that should not relieve us of our obligation

to rein in that bureaucracy.

But if you're going to allow people who have drug problems to say "I'm making progress toward kicking the habit, so therefore I shouldn't do the time," that's one thing. But that same generosity of spirit is not offered to anyone else in the criminal process.

So I would urge that we try and have a little consistency. And so in the absence of such consistency, I encourage everyone to vote no as I do.

Thank you, Mr. President.

ACTING PRESIDENT ALESI: Thank you. Senator Schneiderman will be recorded in the negative.

Senator Nozzolio, to explain his vote.

SENATOR NOZZOLIO: I'm compelled to explain my vote by Senator Schneiderman's comments, Mr. President.

That is, a review of the legislation will tell you that this is not intended -- as Senator Bonacic has stated and I need to reiterate, that it is not intended

to focus on criminal activity.

If there is in fact a criminal action being taken place by a municipality, that is far outside the scope of this legislation. This does not deal with criminal activity. It simply deals with interpretation and potential violations of regulations, and it's a civil question.

I vote aye.

ACTING PRESIDENT ALESI: Thank you. Senator Nozzolio will be recorded in the affirmative.

Senator Hassell-Thompson, to explain her vote.

SENATOR HASSELL-THOMPSON: Thank you, Mr. President.

I've voted no on this bill, basically more because of the argument that I heard made by Senator Liz Krueger. Primarily because, having served on local government, the city that I represented at that time was in fact a victim, I call it a victim of state government. And I felt that the way in which state government dealt with our municipality was not reasonable.

But I think that what I do become concerned with is if we think that a tweak and an adjustment in a bill is sufficient, that may in reality cause a domino effect that may not be in the best interests. I would like to see us spend some more time in terms of how do we remedy this, as opposed to the way in which we've chosen to do it in this particular bill.

So in fact I will be voting no. Thank you, Mr. President.

ACTING PRESIDENT ALESI: Thank you. Senator Hassell-Thompson will be recorded in the initiative.

Senator Liz Krueger, to explain her vote.

SENATOR LIZ KRUEGER: Thank you.

Every time my colleague Senator Bonacic gets up, I find that I have fundamental agreement with him on the problem and yet come to a different solution.

So he raised, in his explaining his vote, the dilemma that agencies are in fact being required to go after people, to hit them with violations and fees in order to pay for their functioning agencies. And he and I

agree that's wrong.

But I would simply respond this body decides the budget of those agencies. This body votes for massive tax cuts week in and week out where we're not exactly sure how we're going to pay for them, but we know the answer in our hearts. It's that the agencies won't have the money to provide the services and to follow the laws we pass.

So we have to confront the fact that if we pass laws and we then need agencies to implement the laws, they need budgets and we have to balance our need for revenue with our desire to always be the ones voting for tax cuts.

So again, with respect to Senator Bonacic, we have set up this dilemma. I just think we have different answers to the problem.

Thank you, Mr. President. I vote no.

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

Announce the results.

THE SECRETARY: Those recorded in

the negative on Calendar Number 1475 are Senators Adams, Breslin, Connor, Diaz, Duane, Hassell-Thompson, Huntley, C. Johnson, Klein, L. Krueger, C. Kruger, LaValle, Leibell, Montgomery, Onorato, Oppenheimer, Padavan, Perkins, Sabini, Savino, Schneiderman, Serrano, Smith, Stachowski, Stavisky, Stewart-Cousins and Valesky.

Ayes, 34. Nays, 27.

ACTING PRESIDENT ALESI: The bill is passed.

Senator Skelos.

SENATOR SKELOS: Mr. President, if we could on the controversial calendar call up Calendar Number 1427.

ACTING PRESIDENT ALESI: The Secretary will read.

THE SECRETARY: Calendar Number 1427, by Senator Marcellino, Senate Print 3192, an act to amend the Vehicle and Traffic Law and the New York City Charter.

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.)

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

SENATOR PADAVAN: Thank you very much.

I want to thank Senator Marcellino for amending this bill to provide for reciprocity, meaning that if you're in New York City and you go out to Nassau and you have a handicapped permit and you park in one of their spots, you will not get a ticket. And the reverse would come into play.

My district being right on the border of Nassau County, this has been a real problem for my seniors, who unwittingly go into Nassau to shop, they'll park in one of these handicapped parking spaces and they'll come out with a ticket.

Senator Marcellino has addressed that, and I thank him for doing so. It makes a great deal of sense to me, if you're handicapped, you should be allowed to be in a handicapped parking permit wherever you may

go, whether it be Nassau or New York City, at any point in time.

ACTING PRESIDENT ALESI: Thank you. Senator Padavan will be recorded in the affirmative.

Announce the results.

THE SECRETARY: Those recorded in the negative on Calendar Number 1427 are Senators Connor, Dilan, Hassell-Thompson, Huntley, L. Krueger, Montgomery, Sabini, Savino, Schneiderman and Stavisky. Also Senator Perkins.

Ayes, 49. Nays, 11.

ACTING PRESIDENT ALESI: The bill is passed.

Senator Skelos.

SENATOR SKELOS: Mr. President, if we could now go to Senate Supplemental Calendar 56A, controversial.

ACTING PRESIDENT ALESI: The Secretary will read.

THE SECRETARY: Calendar Number 1493, by Senator Nozzolio, Senate Print 1449, an act to amend the Criminal Procedure Law and the General Business Law.

ACTING PRESIDENT ALESI: Senator Schneiderman.

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

ACTING PRESIDENT ALESI: Senator Schneiderman, on the bill.

SENATOR SCHNEIDERMAN: This is a bill we have seen before, we've debated before. And it addresses the question of the need to have background checks, accurate information, for any agency that seeks to employ a law enforcement officer. So at the request of a law enforcement agency, it requires employers to disclose employment information that could be relevant.

This is again an example of a bill that is well-intended and that has some good things in it but that has a lurking land mine in Section 2, which for whatever reason -- I think sort of pent-up, undirected anti-trial-lawyer sentiment -- says "In the absence of fraud or malice, no employer shall be subject to any liability by virtue of releasing information."

So that means there is no incentive

for people to ensure that we release accurate information. I'm afraid this bill could have the opposite intent of the noble intent with which it is introduced.

This bill essentially requires information to be produced relating to people who might be in law enforcement but doesn't require that the information be accurate. Unless you're committing out-and-out fraud, you could just pull any old file and send it along, it doesn't matter.

This small portion of this otherwise meritorious bill, in Section 2, undercuts the entire effort. We don't just need any information about potential law enforcement officers, we need to ensure we get accurate information.

I don't want to be looking at the file of the person who is next in alphabetical order after the person who we're concerned with. We should take out this provision before we pass the bill, in the absence of fraud or malice.

Let's have the same standards for liability for the failure to produce accurate

information that apply to everyone else: If you make an innocent mistake, you're not liable. If you commit gross negligence, have no system of filing and make no effort to verify that you're releasing the proper information, then you should be liable.

Again, ladies and gentlemen, passing a bad bill to address a serious problem does not resolve that problem. It ensures simply another round of tree-destroying one-house bills passing in the Senate and the Assembly.

I'm voting no on this. And I would urge the sponsor, who I know is sincere in his desire to make sure that employers produce information that could be important in making determinations as to whether or not someone is qualified and equipped to serve as a law enforcement officer -- I would urge the sponsor to take this part out.

Let's not just get information about law enforcement officers and applicants for those positions, let's ensure that we get accurate information. Until you take this out, you are passing a bill with a license to

produce misleading, incomplete or inaccurate information.

I urge everyone to vote no, Mr. President. Thank you.

ACTING PRESIDENT ALESI: Thank you, Senator Schneiderman.

Does any other Senator wish to be heard? If not, the debate is closed.

Read the last section.

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

ACTING PRESIDENT ALESI: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT ALESI: Senator Nozzolio.

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

I appreciate the comments of my colleague and friend Senator Schneiderman regarding his concerns. But we are trying to, in this legislation, ensure that we are screening as well as recruiting the best candidates for law enforcement peace officer statute.

That this is an extremely important position. We need to garner as much information as possible. That we need to ensure that there is no terrorism -- terrorist infusion into our law enforcement, so applicants and the screening of applicants has never been more important.

That's why we're putting this information there. It's not to preclude those who deserve these types of positions, it's to --

ACTING PRESIDENT ALESI: Excuse me, Senator. Thank you.

SENATOR NOZZOLIO: Thank you.

This provision is not to exclude those who are law-abiding and shall be law enforcement officers, it's to exclude those who may have in their background some very serious questionable conduct or character that needs to be put forward.

Thank you, Mr. President. I vote aye.

ACTING PRESIDENT ALESI: Announce the results.

THE SECRETARY: Those recorded in

the negative on Calendar Number 1493 are Senators Adams, Breslin, Connor, Diaz, Dilan, Duane, Gonzalez, Hassell-Thompson, Huntley, L. Krueger, C. Kruger, Montgomery, Perkins, Sabini, Sampson, Savino, Schneiderman, Serrano, Smith, Stachowski and Stavisky.

Ayes, 40. Nays, 21.

ACTING PRESIDENT ALESI: The bill is passed.

THE SECRETARY: Calendar Number 1515, by Senator Golden, Senate Print 4269A, an act to amend the Criminal Procedure Law and others.

ACTING PRESIDENT ALESI: Read the last section.

THE SECRETARY: Section 8. This act shall take effect on the 90th day.

ACTING PRESIDENT ALESI: Call the roll.

(The Secretary called the roll.)

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

SENATOR GOLDEN: On the bill, Mr. President.

I rise to talk and to vote in favor

of this bill that is before us today. It was here last year, and it's here again this year. It was important last year, and it's more important this year.

And if you see what's gone on in the City of New York specifically, if you detain a train, you take that line out of service for a period of time, the services that have to respond to it and the number of people that are caused to be late to wherever they may be going, whether it be school, to hospital, work, home. That train service, that line is out of service for not five minutes or ten minutes, but you put that whole system down for as long as 45 minutes.

People go in there and throw metal bars on top of the third rail, causing the entire system to go down. And we do not have crimes on the books or in the Penal Law that would prevent that and put these people in jail for doing something that we believe is wrong.

If you take a look at the blackout that we had, people had to walk through those train stations, up through those exits in the

dark, try to get through those areas to get to safety. And they've got to step over boxes and mattresses and pipes and rubble that's placed there by people. That should not be in our line.

If you take a look at what happened last week where we see a fuel line that runs to Kennedy Airport, right in my own community and Senator Savino's community, there's that fuel line running right underneath the track. You've got to cut, you've got to go in and you have access to that fuel line, to both the N line and the R line.

If people don't believe that we have to protect the citizenry of the city and state of New York, if they think that we don't have the responsibility to make sure that people are safe across our city and state, there's something wrong.

We have to protect them. That's why we're here. This bill protects them. And if we see what happened at Fort Dix last month, we see what happened at Kennedy Airport this month, they only got to be right once. We seen what happened at 9/11.

So hopefully this bill becomes law, we send it over to the Assembly and the Assembly passes it and the good Governor signs this bill. I vote yes, Mr. President. Thank you.

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

Announce the results.

THE SECRETARY: Those recorded in the negative on Calendar Number 1515 are Senators Bonacic, Connor, Duane, Farley, Hassell-Thompson, Huntley, Little, Maziarz, Montgomery, Perkins, Robach, Serrano and Winner. Also Senator Griffo.

Ayes, 47. Nays, 14.

ACTING PRESIDENT ALESI: The bill is passed.

Senator Skelos, that completes the reading of the controversial calendar.

Senator Skelos.

SENATOR SKELOS: Mr. President, would you please recognize Senator Robach.

ACTING PRESIDENT ALESI: Senator Robach.

SENATOR ROBACH: Yes,

Mr. President. On page 17 I offer the following amendments to Calendar Number 506, Senate Print Number 186, and ask that the said bill retain its place on Third Reading Calendar.

ACTING PRESIDENT ALESI: The amendments are received and adopted.

SENATOR ROBACH: Also on page 42, I offer the following amendments to Calendar 1062, Senate Print Number 304, and ask that the said bill retain its place on the Third Reading Calendar.

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

SENATOR ROBACH: And, Mr. President, last but not least, on page 24 I offer the following amendments to Calendar Number 722, Senate Print Number 2328, and ask that the said bill retain its place on Third Reading Calendar.

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

Calendar.

SENATOR ROBACH: Thank you, Mr. President.

ACTING PRESIDENT ALESI: Senator Gonzalez.

SENATOR GONZALEZ: Mr. President, pursuant to Rule 9, I was required to be at a public meeting. And I would like to cast my votes on the following bills on the controversial calendar: Calendar Number 1451, 1475, and 1427 in the negative.

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

Senator Valesky.

SENATOR VALESKY: Mr. President, pursuant to Rule 9 I was required to be at a six-way leadership public meeting. I cast my vote as follows for bills on the controversial calendar: Senate Print 1483, by Senator Skelos, Calendar Number 1451, in the affirmative.

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

Senator Skelos.

SENATOR SKELOS: Mr. President,

is there any further business to come --

ACTING PRESIDENT ALESI: Senator Farley.

SENATOR FARLEY: Yes. On Senator Golden's bill, I understand that that's only restricted to New York City and Nassau and Suffolk, Monroe. So -- and I would just like to change my vote to yes.

SENATOR SKELOS: Mr. President.

ACTING PRESIDENT ALESI: Senator Skelos.

SENATOR SKELOS: Senator Farley, under the rules, we can't do that at this point.

Mr. President, are there any Senators that wish to be recognized?

ACTING PRESIDENT ALESI: Any other Senators?

SENATOR SKELOS: Is there any further business to come before the Senate?

ACTING PRESIDENT ALESI: No, Senator, there is not.

SENATOR SKELOS: In consultation with the Minority Leader, Senator Bruno hands up the following committee assignments for

filing.

ACTING PRESIDENT ALESI: They will be recorded. Thank you, Senator.

Senator Skelos.

SENATOR SKELOS: Mr. President, there being no further business to come before the Senate, I move we stand adjourned until Thursday, June 7th, at 11:00 a.m.

ACTING PRESIDENT ALESI: On motion, the Senate stands adjourned until Thursday, June 7th, at 11:00 a.m.

(Whereupon, at 3:29 p.m., the Senate adjourned.)