NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

June 7, 2007

11:05 a.m.

REGULAR SESSION

SENATOR CATHARINE M. YOUNG, Acting President

STEVEN M. BOGGESS, Secretary

P R O C E E D I N G S

ACTING PRESIDENT YOUNG: The Senate will come to order.

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

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

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

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

ACTING PRESIDENT YOUNG: Reading of the Journal.

THE SECRETARY: In Senate, Wednesday, June 6, the Senate met pursuant to adjournment. The Journal of Tuesday, June 5, was read and approved. On motion, Senate adjourned.

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

Presentation of petitions.

Messages from the Assembly.

Messages from the Governor.

Reports of standing committees.

Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

Senator Farley.

SENATOR FARLEY: Thank you, Madam President.

On behalf of Senator Maziarz, I wish to call up his bill, Print Number 258, it's recalled from the Assembly and it's now at the desk.

ACTING PRESIDENT YOUNG: The Secretary will read.

THE SECRETARY: Calendar Number 167, by Senator Maziarz, Senate Print 258, an act to amend the Administrative Procedure Act.

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

ACTING PRESIDENT YOUNG: The Secretary will call the roll upon reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 37.

SENATOR FARLEY: Madam President, I now offer the following amendments.

ACTING PRESIDENT YOUNG: The amendments are received.

SENATOR FARLEY: Again on behalf of Senator Maziarz, Madam President, I wish to call up his bill, Print Number 4460, it's recalled from the Assembly and it's now at the desk.

ACTING PRESIDENT YOUNG: The Secretary will read.

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

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

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

(The Secretary called the roll.)

THE SECRETARY: Ayes, 38.

SENATOR FARLEY: I now offer the

following amendments.

ACTING PRESIDENT YOUNG: The amendments are received.

SENATOR FARLEY: Madam President, on behalf of Senator Winner, I wish to call up his bill, Print Number 3219, it's recalled from the Assembly and it's now at the desk.

ACTING PRESIDENT YOUNG: The Secretary will read.

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

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

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

(The Secretary called the roll.)

THE SECRETARY: Ayes, 38.

SENATOR FARLEY: Madam President, I now offer the following amendments.

ACTING PRESIDENT YOUNG: The amendments are received.

Senator Fuschillo.

SENATOR FUSCHILLO: Thank you very much, Madam President.

Amendments are offered to the following Third Reading Calendar bills:

Sponsored by Senator Golden, page number 9, Calendar Number 269, Senate Print Number 453;

By Senator Leibell, page number 13, Calendar Number 434, Senate Print Number 3806;

By Senator Nozzolio, page number 22, Calendar Number 682, Senate Print Number 4118A;

By Senator Flanagan, page number 31, Calendar Number 891, Senate Print Number 3852;

By Senator Volker, page number 52, Calendar Number 1305, Senate Print Number 4704A;

By Senator Flanagan, page number 31, Calendar Number 880, Senate Print Number 5628;

By Senator Flanagan, page number 53, Calendar Number 1333, Senate Print Number 690;

By Senator Padavan, page number 34, Calendar Number 956, Senate Print Number 5246;

By Senator Saland, page number 39, Calendar Number 1043, Senate Print Number 3740;

By Senator Saland, page number 62, Calendar Number 1534, Senate Print Number 5717A;

And by Senator Little, page number 42, Calendar Number 1131, Senate Print Number 5302A.

I now move that these bills retain their place on the order of third reading.

ACTING PRESIDENT YOUNG: Thank you, Senator Fuschillo. The amendments are received, and the bills will retain their place on the Third Reading Calendar.

Senator Skelos.

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

ACTING PRESIDENT YOUNG: The Secretary will read.

THE SECRETARY: On page 16, Senator Little moves to discharge, from the

Committee on Social Services, Children and Families, Assembly Bill Number 1301 and substitute it for the identical Senate Bill Number 1108, Third Reading Calendar 503.

On page 27, Senator Trunzo moves to discharge, from the Committee on Rules, Assembly Bill Number 6478 and substitute it for the identical Senate Bill Number 3261, Third Reading Calendar 804.

On page 32, Senator Morahan moves to discharge, from the Committee on Rules, Assembly Bill Number 1453A and substitute it for the identical Senate Bill Number 2902A, Third Reading Calendar 909.

On page 37, Senator LaValle moves to discharge, from the Committee on Environmental Conservation, Assembly Bill Number 6275 and substitute it for the identical Senate Bill Number 3431, Third Reading Calendar 1000.

On page 37, Senator Young moves to discharge, from the Committee on Environmental Conservation, Assembly Bill Number 7542 and substitute it for the identical Senate Bill Number 5141, Third Reading Calendar 1004.

On page 38, Senator Winner moves to discharge, from the Committee on Rules, Assembly Bill Number 7112A and substitute it for the identical Senate Bill Number 4170A, Third Reading Calendar 1027.

On page 39, Senator Volker moves to discharge, from the Committee on Codes, Assembly Bill Number 7328 and substitute it for the identical Senate Bill Number 4320, Third Reading Calendar 1046.

On page 46, Senator O. Johnson moves to discharge, from the Committee on Environmental Conservation, Assembly Bill Number 8210 and substitute it for the identical Senate Bill Number 5832, Third Reading Calendar 1208.

On page 46, Senator O. Johnson moves to discharge, from the Committee on Environmental Conservation, Assembly Bill Number 8203 and substitute it for the identical Senate Bill Number 5833, Third Reading Calendar 1209.

On page 46, Senator O. Johnson moves to discharge, from the Committee on Environmental Conservation, Assembly Bill

Number 8205 and substitute it for the identical Senate Bill Number 5834, Third Reading Calendar 1210.

On page 46, Senator O. Johnson moves to discharge, from the Committee on Environmental Conservation, Assembly Bill Number 8207 and substitute it for the identical Senate Bill Number 5835, Third Reading Calendar 1211.

On page 51, Senator Padavan moves to discharge, from the Committee on Rules, Assembly Bill Number 7891 and substitute it for the identical Senate Bill Number 5819, Third Reading Calendar 1297.

On page 59, Senator L. Krueger moves to discharge, from the Committee on Rules, Assembly Bill Number 8455 and substitute it for the identical Senate Bill Number 5926, Third Reading Calendar 1481.

On page 60, Senator Larkin moves to discharge, from the Committee on Rules, Assembly Bill Number 316B and substitute it for the identical Senate Bill Number 4834A, Third Reading Calendar 1520.

And on page 62, Senator Saland

moves to discharge, from the Committee on Rules, Assembly Bill Number 723A and substitute it for the identical Senate Bill Number 5933, Third Reading Calendar 1541.

ACTING PRESIDENT YOUNG: Substitutions ordered.

Senator Skelos.

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

And if the Senate could stand at ease.

ACTING PRESIDENT YOUNG: The Senate will stand at ease.

(Whereupon, the Senate stood at ease at 11:14 a.m.)

(Whereupon, the Senate reconvened at 11:27 a.m.)

ACTING PRESIDENT YOUNG: Senator Skelos.

SENATOR SKELOS: Madam President, on the order of motions and resolutions, I move that we adopt the Resolution Calendar at this time.

ACTING PRESIDENT YOUNG: Motions and resolutions.

All in favor of adopting the Resolution Calendar signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT YOUNG: Opposed, nay.

(No response.)

ACTING PRESIDENT YOUNG: The Resolution Calendar is adopted.

Senator Skelos.

SENATOR SKELOS: Madam 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 YOUNG: Reports of standing committees.

The Secretary will read.

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

Senate Print 335, by Senator Nozzolio, an act to amend the Correction Law;

536, by Senator Larkin, an act to

amend the Agriculture and Markets Law;

614, by Senator Marcellino, an act to amend the Real Property Tax Law;

942A, by Senator LaValle, an act to amend the Tax Law;

1222, by Senator C. Kruger, an act to amend the Executive Law;

1480, by Senator Larkin, an act to amend the Agriculture and Markets Law;

1705, by Senator Robach, an act to amend the Vehicle and Traffic Law;

1827, by Senator DeFrancisco, an act to amend the Economic Development Law;

1885A, by Senator Maziarz, an act in relation to the initial date of enrollment;

1915A, by Senator Alesi, an act to amend the Alcoholic Beverage Control Law;

2597, by Senator Alesi, an act to amend the Volunteer Firefighters Benefit Law;

2989, by Senator Rath, an act to amend the Tax Law;

3666, by Senator Winner, an act to amend the Public Lands Law;

4253, by Senator Volker, an act to amend the General Municipal Law;

4270, by Senator Golden, an act to amend the Penal Law;

4397, by Senator Flanagan, an act to amend the Executive Law;

4511, by Senator Wright, an act to amend the General Municipal Law;

4557, by Senator Golden, an act to amend the Social Services Law;

4811, by Senator Nozzolio, an act to amend the General Municipal Law;

4950, by Senator Winner, an act to amend the Tax Law;

5144, by Senator Wright, an act to amend the Highway Law;

5299, by Senator Bonacic, an act to amend the Penal Law;

5729, by Senator Golden, an act to amend the Penal Law;

5736A, by the Senate Committee on Rules, an act to amend the Tax Law;

5826A, by Senator Wright, an act to amend the Economic Development Law;

5851, by the Senate Committee on Rules, an act to amend the Tax Law;

5918, by Senator Wright, an act to

amend the Judiciary Law;

5978, by Senator Libous, an act to amend Chapter 656 of the Laws of 2002;

And Senate Print 6007, by Senator Maltese, an act to amend the Labor Law.

All bills ordered direct to third reading.

ACTING PRESIDENT YOUNG: Senator Skelos.

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

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

(Response of "Aye.")

ACTING PRESIDENT YOUNG: Opposed, nay.

(No response.)

ACTING PRESIDENT YOUNG: The Rules report is accepted.

Senator Skelos.

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

ACTING PRESIDENT YOUNG: The

Secretary will read.

THE SECRETARY: Calendar Number 48, by Senator DeFrancisco, Senate Print 1264, an act to amend the Real Property Law.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 53.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 74, by Senator Robach, Senate Print 1594, an act to amend the Civil Service Law.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 53.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 175, by Senator Padavan, Senate Print 2414, an act to amend the Administrative Code of the City of New York.

ACTING PRESIDENT YOUNG: 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 YOUNG: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 53.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 278, by Senator Winner, Senate Print 1714, an act to amend the Tax Law.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the

roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 53.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 314, by Senator Padavan, Senate Print 3315, an act to amend the Civil Service Law.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 53.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 473, by Senator Farley --

SENATOR DUANE: Lay it aside, please.

ACTING PRESIDENT YOUNG: The bill is laid aside.

THE SECRETARY: Calendar Number

503, substituted earlier today by Member of the Assembly Aubertine, Assembly Print Number 1301, an act to amend the Social Services Law.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 53.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 563, by Senator Lanza, Senate Print 4239, an act to amend the Civil Service Law.

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

Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 53.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 692, by Senator Leibell, Senate Print 4565, an act to amend the Labor Law.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

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

SENATOR LEIBELL: Yes, Madam President, to explain my vote for a moment.

We have had a continuing problem in this state and in this country with identity theft. It's reached a crisis proportion. Right now there are many of my constituents who have been victims of this.

This legislation will amend the Labor Law, and it is an attempt to prohibit employers from using an employee's Social Security number for purposes of identifying

that employee. This would include a prohibition against printing of the employee's Social Security number on any form of employee identification card.

I would also note that this has become a major issue in the homeland security area, as terrorists have become one of the largest organized perpetrators of identity theft, and they're seeking to finance their operations through identity theft. It's become a crisis in this state.

So I'm very pleased that this legislation is passing the house today and will look forward to the same sort of support in the Assembly.

Thank you.

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

Announce the results.

THE SECRETARY: Ayes, 53. Nays, 0.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number

756, by Senator Winner, Senate Print 4238, an act to amend the Alcoholic Beverage Control Law.

ACTING PRESIDENT YOUNG: Read the last section.

THE SECRETARY: Section 6. This act shall take effect on the first day of the month that begins at least 90 days after the date on which it shall have become law.

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 53.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 804, substituted earlier today by Member of the Assembly Fields, Assembly Print Number 6478, an act to amend the Real Property Tax Law.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the

roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 54.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 839, by Senator Griffo --

SENATOR DUANE: Lay it aside, please.

ACTING PRESIDENT YOUNG: The resolution is laid aside.

THE SECRETARY: Calendar Number 853, by Senator Little, Senate Print 1121, an act to amend the State Finance Law and the Environmental Conservation Law.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Senator Oppenheimer.

SENATOR OPPENHEIMER: Sorry.

Thank you, Madam President. I was questioning what bill we were on.

ACTING PRESIDENT YOUNG: We're on 853, by Senator Little.

SENATOR OPPENHEIMER: Thank you.

THE SECRETARY: Those recorded in the negative on Calendar Number 853 are Senators L. Krueger and Oppenheimer. Ayes, 53. Nays, 2.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 859, by Senator Farley, Senate Print 1562, an act to amend the Public Health Law.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 55.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number

860, by Senator Seward, Senate Print 3027, an act to amend the Public Health Law.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 55.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 909, substituted earlier today by Member of the Assembly Englebright, Assembly Print Number 1453A, an act to amend the Mental Hygiene Law.

ACTING PRESIDENT YOUNG: Read the last section.

THE SECRETARY: Section 5. This act shall take effect April 1, 2008.

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 55.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 970, by Senator Golden, Senate Print 206, an act to amend the State Finance Law.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1000, substituted earlier today by Member of the Assembly Alessi, Assembly Print Number 6275, an act to authorize the Commissioner of Environmental Conservation.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the

roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1004, substituted earlier today by Member of the Assembly Parment, Assembly Print Number 7542, an act to amend the Environmental Conservation Law.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1027, substituted earlier today by Member of the Assembly Baccalles, Assembly Print Number 7112A, an act to amend the Tax Law.

ACTING PRESIDENT YOUNG: Read the

last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1032, by Senator Farley, Senate Print 4408, an act to amend the Tax Law.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1046, substituted earlier today by Member of the Assembly Weinstein, Assembly Print Number

7328, an act to amend the Civil Practice Law and Rules.

ACTING PRESIDENT YOUNG: Read the last section.

THE SECRETARY: Section 6. This act shall take effect on the first of January next succeeding.

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1065, by Senator Skelos, Senate Print 4383B, an act to amend the Penal Law.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT YOUNG: The bill

is passed.

THE SECRETARY: Calendar Number 1072, by Senator Fuschillo, Senate Print 1543, an act to amend the Education Law.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1079, by Senator Nozzolio, Senate Print 5000, an act in relation to legalizing certain acts.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1082, by Senator Farley, Senate Print 5761, an act to legalize, validate, ratify and confirm certain actions taken.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1128, by Senator DeFrancisco, Senate Print 4116, an act to amend the General Municipal Law.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the

roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1195, by Senator Robach, Senate Print 2984, an act to amend the General Municipal Law.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 55. Nays, 2. Senators Duane and Padavan recorded in the negative.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1208, substituted earlier today by Member of the Assembly Titone, Assembly Print Number 8210, an act to amend the Environmental Conservation Law.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1209, substituted earlier today by Member of the Assembly Schimel, Assembly Print Number 8203, an act to amend the Environmental Conservation Law.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 55. Nays, 2. Senators Duane and LaValle recorded in the

negative.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1210, substituted earlier today by Member of the Assembly N. Rivera, Assembly Print Number 8205, an act to amend the Environmental Conservation Law.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 55. Nays, 2. Senators Duane and LaValle recorded in the negative.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1211, substituted earlier today by Member of the Assembly Fields, Assembly Print Number 8207, an act to amend the Environmental Conservation Law.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 55. Nays, 2. Senators Duane and LaValle recorded in the negative.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1263, by Senator Seward, Senate Print 5138, an act to amend the Insurance Law.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1264, by Senator Seward, Senate Print 5431A, an act to amend the Insurance Law.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1297, substituted earlier today by Member of the Assembly Brennan, Assembly Print Number 7891, an act to amend Chapter 139 of the Laws of 2005.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1346, by Senator Nozzolio, Senate Print 333A, an act to amend the Correction Law.

ACTING PRESIDENT YOUNG: Read the last section.

THE SECRETARY: Section 7. This act shall take effect 18 months after it shall have become law.

ACTING PRESIDENT YOUNG: Senator Nozzolio.

SENATOR NOZZOLIO: Madam President, to explain my vote.

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Senator Nozzolio, to explain your vote.

SENATOR NOZZOLIO: Thank you, Madam President.

My colleagues, the action that we are taking today in the enactment in this legislation, this very important legislation

relating to the confinement and treatment of convicted individuals incarcerated in our New York State system that are mentally ill, that this provides the creation for the first time of psychiatric correctional action within our facilities.

It will make our prison facilities in this state safer and more humane. That's why the measure is supported by virtually every major newspaper editorial page across this state. That's why it's supported by the advocates for the mentally ill. And that's why we need to support this measure.

We argue about correctional issues frequently in this chamber, but there is no argument that we should be doing all we can to make our jails safer places, safer places for those incarcerated and safer places for those brave men and women who lay their lives on the line each and every day to work in those correctional systems, work in those prisons, do the job day in and day out in our jails. Those are the correction officers of this state, those are the dedicated correctional personnel who teach there, who are involved

there. And that that's why this measure makes all the sense in the world.

That we believe it's landmark legislation, and that it's very pleasing to see it has so much support in this chamber, because it's necessary to make our jails safer, to make our jails more humane.

Thank you, Madam President. I vote aye.

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

Senator Duane, to explain his vote.

SENATOR DUANE: Thank you, Madam President.

I first and foremost want to compliment Senator Nozzolio on this really terrific piece of legislation. And anyone who has walked down a corridor of a SHU would know immediately that this legislation is very much needed.

First and foremost, of course, is the safety of the correction officers and the staff and administration of our correctional facilities. And this legislation I believe

augments their safety in those correctional facilities.

In addition, if we want our correctional facilities to be humane places, then this legislation will be enormously helpful towards achieving that goal.

And I also would encourage my colleagues to vote in the affirmative on this legislation. It's much needed. It will make New York State, I think, a leader on this issue of mentally ill incarcerated people, and also on safety and better-managed, well-run correctional facilities.

I will be voting in the affirmative, Madam President.

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

Senator Montgomery.

SENATOR MONTGOMERY: Yes, Madam President, I rise to thank Senator Nozzolio for this legislation.

And it's really very, very refreshing to hear and to see and to know that he is really, really putting forth an

extremely important and, as he said in his own words, humane approach to how we treat people who are incarcerated.

And I note that this legislation calls for the assessment of people who are mentally ill, and it speeds up the process, provides oversight by the Commission on Quality of Care, and really provides for treatment which is very much more appropriate for inmates who are severely mentally ill and who act accordingly. Now they will be treated rather than held in inhumane circumstances until they are released back into society.

So I thank you, Senator Nozzolio. And thank you, Madam President. I'll be voting yes on this legislation.

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

Senator Little, to explain her vote.

SENATOR LITTLE: Thank you, Madam President.

I'd like to congratulate Senator Nozzolio for putting forth this bill once

again. This is very, very important.

I have a number of facilities in my district. And the Friday before Christmas, I visited Great Meadow facility, which is located in Washington County. And they have a special mental health housing unit where 62 inmates who had been in special housing units have been taken out of those housing units because they were suffering from mental illness and are being treated in this prison, in Great Meadow prison.

I also had the opportunity to spend some time talking to the psychologist -- I'm not sure if she was a psychologist or psychiatrist, but the doctor who is in charge of this unit. And we talked a lot about the treatment of these patients and how better it was not only for the patient but for the people taking care of them, the inmate and the correction officer as well, because they were being treated for their mental illness and they were being treated as if they had a mental illness rather than the fact that they were just disruptive within the facility.

So it takes a little more space, it

takes a few more correction officers, but the correction officers there were working with these inmates and understood and had been trained to deal with them. So this is a very important, humane piece of legislation.

It is currently being done within our prison system, within the system that we already have, so I don't believe that the expense that is being talked about in having all new facilities is really accurate. I think that it can be done within the facilities through some additions, some extra space, and certainly with the caliber of the correction officers that we have and more mental health counselors and treatment for our facilities.

So I vote aye and I really encourage everyone to. I think that we are doing something that's very humane by passing this bill.

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

Senator Schneiderman.

SENATOR SCHNEIDERMAN: Thank you,

Madam President. Briefly on the bill.

I would like to compliment the sponsor. And I'd also like to note that the most active person in this chamber since I've been here on calling attention to the problems of the SHU and visiting them frequently is Senator Duane, who was for a long time our ranking member on the Corrections and Crime Victims Committee.

This is a victory for humane practices. We still have our work cut out for us regarding the treatment of mentally ill prisoners. I hope this is something that we can move forward on. I realize there is a concern about the cost. I realize there is a concern about how they deal with people who have serious behavior problems, not necessarily of their own volition.

But this is a victory for humane and intelligent correctional policies. And I know that in fact Senator Duane has been so active on this issue that I gather there are people who are incarcerated in these facilities who actually know him by name when he visits.

So kudos to all who have brought this about and brought this to our attention. I hope that we will move ahead and actually deal with this issue in a more fundamental way between now and the end of the session.

Thank you, Madam President.

ACTING PRESIDENT YOUNG: Thank you, Senator Schneiderman. You will be recorded as a yes.

Announce the results.

THE SECRETARY: Ayes, 59. Nays, 0.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1354, by Senator Volker, Senate Print 4556, an act to amend the Executive Law.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1379, by Senator Robach, Senate Print 5779, an act to amend the Civil Service Law.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1392, by Senator Maltese, Senate Print 5382, an act to amend the Administrative Code of the City of New York.

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

Read the last section.

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

ACTING PRESIDENT YOUNG: Call the

roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1412, by Senator Griffo, Senate Print --

SENATOR DUANE: Lay it aside, please.

ACTING PRESIDENT YOUNG: The bill is laid aside.

THE SECRETARY: Calendar Number 1435, by Senator Robach, Senate Print --

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

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

THE SECRETARY: Calendar Number 1450, by Senator O. Johnson, Senate Print 921, an act to amend the Tax Law.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the

roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1481, substituted --

SENATOR PADAVAN: Lay it aside.

ACTING PRESIDENT YOUNG: The bill is laid aside.

THE SECRETARY: Calendar Number 1483, by Senator Saland, Senate Print 5958, an act to amend the Highway Law.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1490, by Senator Fuschillo, Senate Print 5974, an act to amend the Vehicle and Traffic Law.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1519, by Senator Nozzolio, Senate Print 4806, an act to amend the Penal Law.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Those recorded in the negative on Calendar Number 1519 are Senators Duane, Montgomery, Perkins and Schneiderman.

Ayes, 55. Nays, 4.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1520, substituted earlier today by Member of the Assembly Magnarelli, Assembly Print Number 316B, an act to amend the Correction Law.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Senator Stewart-Cousins.

SENATOR STEWART-COUSINS: Thank you, Madam President.

I first wanted to just commend Senator Larkin for bringing, once again, attention to abusive head trauma, otherwise

known as shaken baby syndrome.

Certainly the Senate has done things to educate the population on this tragedy. And nothing, I think, compels me to speak more than the tragic death of Cynthia Gibbs, who in Yonkers in November of 2000 was shaken by her certified baby sitter and died due to head trauma.

Three thousand children a year are subjected to being shaken and actually lose their lives. It causes untold damage, untold pain to the families. And the years that children survive with this abusive head trauma cause them difficulties in school, et cetera.

So I again wanted to congratulate Senator Larkin and let you know that Darryl Gibbs, the father of Cynthia Gibbs, who is a constituent of mine, has really led a tremendous effort in educating people. Because education works -- not just for inmates, but for everyone. And he's also moving it on a federal level so that people will be told: Don't shake your babies, your babies' brains are delicate.

So again I commend Senator Larkin,

the Senate, and hopefully on a federal level we will educate people not just in prison, not just in hospital, but everywhere that babies are delicate and should not be shaken. I'll certainly be voting for it.

ACTING PRESIDENT YOUNG: Thank you, Senator Stewart-Cousins. You will be recorded as a yes.

Announce the results.

THE SECRETARY: Ayes, 59. Nays, 0.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1521, by the Senate Committee on Rules, Senate Print Number 4862, an act to amend the Tax Law.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1522, by Senator Seward, Senate Print 4909, an act to amend the Criminal Procedure Law.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1523, by Senator Winner, Senate Print 4949, an act to amend the Tax Law.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1524, by Senator Alesi, Senate Print 5009, an act to amend the Real Property Tax Law.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1525, by Senator Fuschillo, Senate Print 5049, an act to amend the Criminal Procedure Law.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1526, by Senator Bonacic, Senate Print 5298, an act authorizing the Sullivan County legislature.

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

Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1527, by Senator Wright, Senate Print 5389, an act to amend the Tax Law.

ACTING PRESIDENT YOUNG: Read the

last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1528, by Senator Marcellino, Senate Print 5451, an act to amend the Tax Law.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1530, by Senator LaValle, Senate Print 5526, an act to amend the Social Services Law and

the Correction Law.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1531, by Senator Skelos, Senate Print 5552A, an act to amend the Tax Law.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT YOUNG: The bill

is passed.

THE SECRETARY: Calendar Number 1532, by Senator Flanagan, Senate Print 5627A, an act granting retroactive Tier 1 membership.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1533, by Senator Maziarz, Senate Print --

SENATOR DUANE: Lay it aside, please.

ACTING PRESIDENT YOUNG: The bill is laid aside.

THE SECRETARY: Calendar Number 1535, by Senator Golden, Senate Print 5728, an act to amend the Penal Law and the Vehicle and Traffic Law.

ACTING PRESIDENT YOUNG: Read the

last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1536, by Senator Golden, Senate Print 5766A, an act to amend the Real Property Tax Law.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1538, by Senator Rath, Senate Print 5860, an act to amend the Domestic Relations Law and

the Military Law.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1539, by Senator O. Johnson, Senate Print 5907, an act to amend the Tax Law.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number

1540, by Senator Libous, Senate Print 5909, an act to amend the Tax Law.

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

Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1541, substituted earlier today by Member of the Assembly DelMonte, Assembly Print Number 723A, an act to amend the General Business Law and the Executive Law.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1542, by Senator Skelos, Senate Print 5970, an act to amend Chapter 138 of the Laws of 1998.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1543, by Senator Little, Senate Print 5989, an act to amend the Tax Law.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1545, by the Senate Committee on Rules, Senate Print Number 6013, an act to amend the Tax Law.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT YOUNG: The bill is passed.

Senator Skelos.

SENATOR SKELOS: Thank you, Madam President. If we could go to Senate Supplemental Calendar Number 57A, noncontroversial.

ACTING PRESIDENT YOUNG: We will go to Senate Supplemental Calendar Number 57A.

The Secretary will read.

THE SECRETARY: Calendar Number 1546, by Senator Nozzolio, Senate Print 335, an act to amend the Correction Law.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1547, by Senator Larkin, Senate Print 536, an act to amend the Agriculture and Markets Law.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57. Nays,

2. Senators Duane and Padavan recorded in the negative.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1548, by Senator Marcellino, Senate Print 614, an act to amend the Real Property Tax Law.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

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

SENATOR MARCELLINO: Thank you, Madam President. I rise to explain my vote on this bill.

Many school districts and municipalities operate on a very tight margin with the taxes that they collect, especially on the business community. And sometimes businesses are enticed in and given tax breaks to do that, to come into the communities.

Some of these businesses decide to change their assessments and do an appeal process. And if they are successful, it takes money away from the municipalities in which they exist. In other words, it breaks the deal that was made before.

The businesses are within their rights; we're not suggesting they're not. All we're suggesting by this bill is that they give prior notice, is that they let the municipalities and the school districts know their intention so that the municipalities and the districts can plan appropriately when they go through their budget process.

I think this is simply a fairness situation. And I am very pleased that this bill will pass and hopefully it will pass the other house, because I believe it's a no-brainer.

Thank you, Madam President.

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

Announce the results.

THE SECRETARY: Ayes, 59. Nays,

0.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1549, by Senator LaValle, Senate Print 942A, an act to amend the Tax Law.

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

Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Senator Krueger.

SENATOR LIZ KRUEGER: Thank you, Madam President. To explain my vote.

While I understand the idea behind this bill, I find myself voting no because it simply defines that any business associated with an incubator project could have a sales-tax exemption on any equipment above $500.

Now, the text of the memo describes

trying to help small- and medium-sized businesses. But in fact there's nothing that says the largest corporation in the state of New York couldn't associate itself with an incubator in order to be exempt from sales tax on their purchases.

And so I think that this bill would open us up to potentially shifting the way corporations structure themselves and their locations in order to avoid taxes to the State of New York. And so I'll be voting no.

Thank you, Madam President.

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

Announce the results.

THE SECRETARY: Those recorded in the negative on Calendar Number 1549 are Senators Duane, Hassell-Thompson, L. Krueger and Perkins.

Ayes, 55. Nays, 4.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1550, by Senator C. Kruger, Senate Print 1222,

an act to amend the Executive Law.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1551, by Senator Larkin, Senate Print 1480, an act to amend the Agriculture and Markets Law.

ACTING PRESIDENT YOUNG: Read the last section.

THE SECRETARY: Section 10. This act shall take effect on the 180th day.

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number

1552, by Senator Robach, Senate Print 1705 --

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

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

THE SECRETARY: In relation to Calendar Number 1553, Senator DeFrancisco moves to discharge, from the Committee on Rules, Assembly Bill Number 1921 and substitute it for the identical Senate Bill Number 1827, Third Reading Calendar 1553.

ACTING PRESIDENT YOUNG: Read the last section.

THE SECRETARY: Calendar Number 1553, by Member of the Assembly Weprin, Assembly Print Number 1921, an act to amend the Economic Development Law.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1554, by Senator Maziarz, Senate Print 1885A, an act in relation to the initial date of enrollment.

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

Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1556, by Senator Alesi, Senate Print 2597, an act to amend the Volunteer Firefighters Benefit Law and the Volunteer Ambulance Workers Benefit Law.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1557, by Senator Rath, Senate Print 2989, an act to amend the Tax Law.

ACTING PRESIDENT YOUNG: 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 YOUNG: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1558, by Senator Winner, Senate Print 3666, an act to amend the Public Lands Law.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1559, by Senator Volker, Senate Print 4253, an act to amend the General Municipal Law.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number

1560, by Senator Golden, Senate Print 4270, an act to amend the Penal Law.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Those recorded in the negative on Calendar Number 1560 are Senators Duane, Montgomery and Perkins. Also Senator Hassell-Thompson.

Ayes, 55. Nays, 4.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1561, by Senator Flanagan, Senate Print 4397, an act to amend the Executive Law.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1562, by Senator Wright, Senate Print 4511, an act to amend the General Municipal Law.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1563, Senator Golden moves to discharge, from the Committee on Rules, Assembly Bill Number 7949A and substitute it for the identical Senate Bill Number 4557, Third Reading Calendar 1563.

ACTING PRESIDENT YOUNG: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1563, by Member of the Assembly Wright, Assembly Print Number 7949A, an act to amend the Social Services Law.

ACTING PRESIDENT YOUNG: Read the last section.

THE SECRETARY: Section 3. This act shall take effect December 31, 2007.

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1565, by Senator Nozzolio, Senate Print 4811, an act to amend the General Municipal Law.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1566, by Senator Winner, Senate Print 4950, an act to amend the Tax Law.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1567, by Senator Wright, Senate Print 5144, an act to amend the Highway Law.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the

roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1568, by Senator Bonacic, Senate Print 5299, an act to amend the Penal Law.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1569, by Senator Golden --

SENATOR DUANE: Lay it aside, please.

ACTING PRESIDENT YOUNG: The bill is laid aside.

THE SECRETARY: Calendar Number 1570, by the Senate Committee on Rules, Senate Print Number 5736A, an act to amend the Tax Law.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1571, by Senator Wright, Senate Print 5826A, an act to amend the Economic Development Law.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1572, by the Senate Committee on Rules, Senate Print Number 5851, an act to amend the Tax Law.

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

Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1573, by Senator Wright, Senate Print 5918, an act to amend the Judiciary Law.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the

roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT YOUNG: The bill is passed.

That completes the noncontroversial reading of Supplemental Calendar 57A.

Senator Libous.

SENATOR LIBOUS: Madam President, could we please go to the controversial reading of the calendar.

ACTING PRESIDENT YOUNG: Yes, Senator Libous, we'll go to the controversial reading of the calendar.

The Secretary will ring the bell.

The Secretary will read.

THE SECRETARY: Calendar Number 473, by Senator Farley, Senate Print 1297, an act to amend the Public Authorities Law.

SENATOR SABINI: Explanation, please.

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

SENATOR FARLEY: Thank you, Madam President.

This bill would authorize the four upstate regional transportation authorities to utilize a line of credit, as does every other business in this state. Currently such authority is explicitly available only to the MTA.

You know, this bill passed the Senate unanimously in 2003, 2004, and 2005. In 2006 there were several people that voted against it, with opposition basically from some of the New York City members.

It appears voluminous because individually it amends four different sections of the Public Authorities Law, for the Niagara Frontier Authority, the Rochester-Genesee Authority, the Capital District Transportation Authority, and the Central New York Regional Transportation Authority.

This new language here conforms these four sections to the language exactly that's in the MTA language. It would enable these upstate transportation authorities to operate more efficiently, and potentially at a lower cost, and create parity with the MTA.

Lines of credit actually are

short-term revolving obligations which are primarily used for cash flow. They can be particularly significant in the transit industry, which must deal with daily and seasonal variations in ridership as well as cyclical payments of government subsidies.

Although these authorities are able to issue short-term obligations such as revenue anticipation notes, they are relatively complex and inflexible. They go out for months, and you might only need the money for three or four days or a week. They can also be more costly, because they are issued and the interest must be paid for period of months, as I said.

The lines of credit are tapped for maybe a week, days or even hours, for that matter. And the interest is paid only on the actual amount of time that they need the money.

It's sponsored, multisponsored in the Assembly by a score of Assemblymen. And quite frankly, in my judgment, it's a no-brainer, because I don't see any reason why the upstate authorities should not be able to

utilize a line of credit.

ACTING PRESIDENT YOUNG: Thank you for that explanation, Senator Farley.

Senator Sabini.

SENATOR SABINI: On the bill, Madam President.

ACTING PRESIDENT YOUNG: Senator Sabini, on the bill.

SENATOR SABINI: Senator Farley is correct when he asserts that this is the same that the MTA has. And it probably shouldn't. Probably shouldn't.

The MTA got that authority in the year 2000 when the Legislature put the Transportation Bond Act on the ballot. That bond act failed. But as part of the structure of the bond act, the legislative piece of that bond act allowed the MTA to have that authority, and it probably shouldn't have it. In fact, it may be my intention to address a new piece of legislation next year to take away that authority.

Because if we really wanted these authorities to have the ability to take other obligations, we'd define what they are. We

really don't in this legislation.

LIPA had that authority and abused it, and the ratepayers paid. We saw what happened in Orange County in the '90s when they had that authority, and their county went belly up. We've seen what happened in authority after authority that have limited oversight over them in how they borrow.

So I don't want to discriminate against upstate. I think that we should take that authority away from the MTA too, and it's my intention to draft such legislation.

We have just been presented with a with drafts of a bill on congestion pricing that creates another authority, seemingly what we said we didn't want to do, and gives that authority great power over billions of dollars. We've run into a lot of danger creating these authorities. We've run into danger giving authorities very loose power.

And while as the ranker on Transportation I want to see a healthy Rochester-Genesee Transit Authority, Niagara Frontier Transit Authority and Capital District Authority and the Central New York

Authority, I also want to make sure that they're acting in the best interests of the taxpayers of the State of New York.

And that is why I've opposed this bill since I've been the ranker on Transportation and will continue to oppose it, because I think it's really in the spirit of what our Governor is trying to do with authority reform and rein in some of the power they have to go into markets without any scrutiny, without any supervision, and in effect play roulette with the taxpayers' money.

I'm going to be voting no, Madam President.

ACTING PRESIDENT YOUNG: Thank you, Senator Sabini.

Senator Farley.

SENATOR FARLEY: Thank you, Senator Sabini, for your comment. Much of what you say is so accurate.

But let me just say that some of the concern that you express are involved with investments. The Orange County situation in California, for those of you that might

remember, they were investing in terrible things. This is only going out and borrowing for a few days or allowing them to have a line of credit for cash-flow situations.

Your concern is well taken that authorities must be monitored. And you know, let me -- I don't see him here in the room, but Senator Leibell last year passed some authority reform that was the first thing that's been done in here maybe in 50 years. And I thought it was very, very significant, because needless to say it's been very hard to oversight authorities.

But by and large, this bill does not do anything except to get these upstate transition authorities to be able to operate a little bit more efficiently and not to have to issue bonds or long-term notes when they need money for a few days. Basically that's all it's trying to do.

Thank you, Madam President.

ACTING PRESIDENT YOUNG: Thank you, Senator Farley.

Any other Senator wishing to be heard?

Debate is closed.

The Secretary will ring the bell.

Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Announce the results.

THE SECRETARY: Those recorded in the negative on Calendar Number 473 are Senators Duane, Hassell-Thompson, Huntley, L. Krueger, Montgomery, Perkins, Sabini, Schneiderman, Serrano, Stavisky and Stewart-Cousins. Also Senator Onorato.

Those Senators absent from voting: Senator C. Kruger.

Ayes, 46. Nays, 12.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 839, by Senator Griffo, Senate Print 4736, Concurrent Resolution of the Senate and Assembly proposing an amendment to Section 1

of Article 4 of the Constitution.

ACTING PRESIDENT YOUNG: Any Senator wishing to be heard on the resolution?

SENATOR CRAIG JOHNSON: Explanation, please, Madam President.

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

SENATOR GRIFFO: Thank you, Madam President.

Since the beginning of session this year, and particularly over the last couple of days, we have discussed many reforms to our government, many different concepts that have been advanced. And in conversation with many citizens as well as many interested groups across this state, I believe that it is imperative that we as members of this body continue to do our best to represent the will of the people and to reflect the mood of the people.

This bill would offer the people of this great state a guaranteed mechanism to keep leadership fresh and the exchange of ideas innovative. It is an opportunity for us to truly show that we are serious about

significant reform in this state.

There are some 36 other states across this country who now have a similar provision in place. This particular bill basically reflects the 22nd Amendment. It is a model that has worked nationally.

And this will be an opportunity also, through the constitutional amendment process, to allow the people of this state to have the final say. Even though this Legislature, through its action, would have the opportunity to lead, we also recognize that in the end the people of this state will be given the opportunity to make the final decision.

This has a wide range of support from a number of print media, various good government groups. And in fact the Governor himself has advocated for this concept last fall during the campaign.

SENATOR CRAIG JOHNSON: Explanation satisfactory, Madam President.

ACTING PRESIDENT YOUNG: Thank you, Senator Griffo.

Any Senator wishing to be heard?

The debate is closed. The Secretary will ring the bell.

On the resolution, the Secretary will call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Senator L. Krueger, to explain her vote.

SENATOR LIZ KRUEGER: Thank you, Madam President.

It seems to me this one is simple. Democracy means people get to go to the voting booth and vote people into office or out of office. I don't support term limits for elections.

I respect the concerns of the sponsor of making sure there are even playing fields and new opportunities. I hope that this house might pass a public financing campaign finance law very, very soon, even before we leave this year. I think it addresses many of the concerns that the sponsor has and that I share.

But the right way to deal with the democratic process and equity is through campaign finance and public financing. Allow

voters to decide who they vote for or against in the voting booth. I vote no.

Thank you, Madam President.

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

Announce the results.

THE SECRETARY: Those recorded in the negative on Calendar Number 839 are Senators Adams, Breslin, Connor, Diaz, Dilan, Duane, Hassell-Thompson, Huntley, C. Johnson, L. Krueger, Montgomery, Onorato, Oppenheimer, Perkins, Sabini, Sampson, Schneiderman, Serrano, Smith, Stachowski, Stewart-Cousins and Thompson.

Absent from voting: Senator C. Kruger.

Ayes, 36. Nays, 22.

ACTING PRESIDENT YOUNG: The resolution is passed.

The Secretary will read.

THE SECRETARY: Calendar Number 1412, by Senator Griffo, Senate Print 4737, an act to amend the Legislative Law.

ACTING PRESIDENT YOUNG: Read the

last section.

SENATOR DUANE: Explanation, please.

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

SENATOR GRIFFO: Thank you, Madam President.

The old Chinese proverb is: The journey of a thousand miles begins with the first step. We just took the first step, so hopefully we can continue down that road.

And I think that this now offers us another unique opportunity, because we have over 11 million registered voters in the state of New York. And the House of Representatives has already taken some initiative in this effort by limiting terms of chairs of committees.

Again, this gives, I think, an opportunity to strike a reasonable compromise between the desire voters may have to return incumbents to office who sit in the two houses and the need for occasional fresh insight, direction and energy in the leadership of our respective organizations.

So I hope today that what we can see here is an opportunity to have us make significant change, but to do it in a wholesale way too, so that this bill would work in tandem with what we were just were able to pass here. So that there's linkage here so that the constitutional amendment proceeds.

And while we have had some discussion with members in the Assembly and there have been a number of members of the Assembly who have introduced various types of bills that may be similar but not specific to this particular proposal that is before us today, I as a newcomer tend to believe that we can do things and despite some reluctance, maybe, in the Assembly and the failure to act, the approach that was taken in this bill was not to be heavy-handed, but to try to encourage them.

Because it is not to disparage any existing leadership, it's only to encourage that more people continue to be involved, that we continue to have new opportunities and availabilities in leadership so that we can

continue to reinvigorate the bodies.

So I think these are positive steps that will lead to more participation, and I am hopeful that my colleagues will see the same.

ACTING PRESIDENT YOUNG: Thank you, Senator Griffo, for that explanation.

Senator Krueger.

SENATOR LIZ KRUEGER: Thank you, Madam President. I believe there's an amendment at the desk. I ask that the amendment's reading be waived, and I'd like to be heard on my amendment.

ACTING PRESIDENT YOUNG: The reading is waived, and you may be heard on the amendment.

SENATOR LIZ KRUEGER: Thank you, Madam President.

Thank you, Senator Griffo. I agree with your bill. My amendment simply takes out Section 2 of your bill, which requires that in order for your bill to go into effect, we'd have to first enact the previous bill, S4736, which is a constitutional amendment and therefore we couldn't possibly act on your primary focus of the bill until 2010 at the

earliest.

In my amendment, simply removing that requirement and instead replacing it with this act shall go forth immediately, we could do this immediately. Because I share exactly your position.

And in fact, we don't even have to wait for the Assembly. We could do this through the rules of the Senate. And they could go into effect immediately.

And in fact my leader, Senator Smith, introduced a resolution to the Rules Committee on April 23rd, currently waiting for someone to get back to us, that would in fact implement your bill as a rule of the New York State Senate immediately.

So I think we are in agreement on this. And if you accepted my amendment to your bill, we could accomplish this tomorrow. So I want to thank you for your bill. But I hope, with all due respect, you'll consider my amendment to have this move now and not wait till we change constitutional amendments or we move constitutional amendments that force us to deal with the question of term limits on

elected officials.

This is term limits, as you so accurately point out, on leadership here in the Legislature. Let's get this done now.

Thank you, Madam President.

ACTING PRESIDENT YOUNG: Thank you, Senator Krueger.

On the amendment, those Senators in agreement please signify by raising your hands.

THE SECRETARY: Those recorded in agreement are Senators Adams, Breslin, Connor, Diaz, Dilan, Duane, Hassell-Thompson, Huntley, C. Johnson, Klein, L. Krueger, Montgomery, Onorato, Oppenheimer, Perkins, Sabini, Sampson, Schneiderman, Serrano, Smith, Stachowski, Stavisky, Stewart-Cousins, Thompson and Valesky.

ACTING PRESIDENT YOUNG: The amendment is not agreed to.

Read the last section.

THE SECRETARY: Section 2. This act shall take effect only in the event that the amendments to the Constitution proposed in Concurrent Resolution of the Senate and

Assembly proposing an amendment to Section 1 of Article 4 of the Constitution shall apply.

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

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

SENATOR SABINI: On the bill, I'm going to be voting --

ACTING PRESIDENT YOUNG: To explain your vote?

SENATOR SABINI: To explain my vote, yes, I'm sorry. To explain my vote.

I'm going to be voting yes. It just struck me with some irony that a couple of weeks ago we experienced a lot of finger pointing at us about how we said one thing and did another. And we voted on a bill, the last bill, which should it have been brought up in 2002, I suspect the vote might have been different for term limits for the Governor. We may have avoided four years of not much happening.

And now we just defeated an amendment that would have implemented the bill

that we're voting for immediately. So I guess maybe some of the introspection and some of the name calling should be turned on its side and other people should look to see where hypocrisy really lies. Perhaps there is a generous dose to go all around the room.

ACTING PRESIDENT YOUNG: Senator Sabini, how do you vote?

SENATOR SABINI: I vote aye.

ACTING PRESIDENT YOUNG: You will be recorded in the affirmative.

SENATOR OPPENHEIMER: Madam President.

ACTING PRESIDENT YOUNG: Senator Oppenheimer, to explain your vote.

SENATOR OPPENHEIMER: Thank you, Madam President.

I just wanted to make a brief comment that it's ironic that we're doing this today, because just yesterday we were extolling the amazing virtues of Senator Warren Anderson.

Senator Warren Anderson served for 15 years here as leader, and an amazing leader he was. And if we had this bill, he would not

have been our leader for 15 years.

ACTING PRESIDENT YOUNG: Senator Oppenheimer, how do you vote?

SENATOR OPPENHEIMER: Yes.

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

Senator Griffo, to explain your vote.

SENATOR GRIFFO: Thank you, Madam President.

Again, I think the important aspect here when we talk about when and how is that there's linkage here to both bills that we passed. We're going to be proposing constitutional amendments giving the public an opportunity to express their opinion. If we want to make wholesale changes, we should do that with a strategy so we can continue to educate, inform and show people the progress along the way.

This particular bill, I recognize that we need to win support. What good is mouthing change if we can't make change? This gives us an opportunity to try to win that support, and hopefully you will work with me

to convince the Assembly why this is necessary. Because one house alone doesn't make the wholesale change or the necessary change that needs to be implemented in the State Capitol.

This bill is all-encompassing and will be more permanent. And that's why the approach was taken, and that's why it will take more time in order to ensure that we build that support to make the essential change that is necessary to make a difference.

Thank you, Madam President. I vote aye.

ACTING PRESIDENT YOUNG: Thank you, Senator Griffo. You will be recorded as a yes.

Senator Valesky, to explain his vote.

SENATOR VALESKY: Thank you, Madam President.

I rise to support this measure and thank Senator Griffo for bringing this bill to the floor today.

Senator Krueger is certainly right, we could do this by changing the rules of the

Senate. But the fact is, to my knowledge, this is the first time we've had this debate on this floor. And I want to acknowledge Senator Griffo's efforts and encourage him to continue forward in this effort.

And, Senator, I will continue to work with you as we convince our colleagues, our reform-minded colleagues in the other house to take the right action as well.

Thank you very much. I vote in the affirmative.

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

Senator Diaz, to explain his vote.

SENATOR DIAZ: Thank you. I have to say that I'm always saying what other people are not saying. And I'm always getting in trouble because I speak what other people don't speak or don't say.

And, ladies and gentlemen, I have seen this thing going every time that we minorities have the opportunity to be somewhere, somebody comes and change the game, the rules. And, you know, I'm a black guy

from the Bronx, Puerto Rican. And my dream is to be a chairman of a committee, like you guys over there have been for years and years and years and years. You've been there for 50 years, and I just come here now, and I want to be a chairman. I want to have the same benefits, the same power that you still have.

Now we're almost two seats together, and I'm trying to get my power and you're going to take it away. And you want to take it away from me? That's not fair, man. Come on. I'm voting no.

(Laughter.)

ACTING PRESIDENT YOUNG: Senator Diaz, you will be recorded in the negative.

Announce the results.

THE SECRETARY: In relation to Calendar Number 1412, those recorded in the negative are Senators Diaz and Dilan.

Absent from voting: Senator C. Kruger.

Ayes, 56. Nays, 2.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number

1481, substituted earlier by Member of the Assembly Gottfried, Assembly Print Number 8455, an act to amend the Alcoholic Beverage Control Law.

SENATOR PADAVAN: Explanation, please.

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

SENATOR LIZ KRUEGER: Thank you.

This bill would allow a lounge within a hotel in Times Square to continue to operate. It had been approved by the State Liquor Authority back in 1999. And the argument was made recently that because it is defined as the front door of the hotel, it is defined as too close to a school, that it doesn't meet the 200-foot rule.

The argument that has been made to allow it to continue to stay open is that it's actually 206 feet, if you measure from the opening of the school to the opening of the lounge within the hotel. And I'd be happy to provide the Senator the map.

Again, this area is Times Square. It's 46th Street in my district. There are,

to be honest, endless bars and restaurants and hotels with internal bars in that geographic area of the city.

And what I'm attempting to do is to hopefully allow this hotel that has been a good neighbor with a functioning bar and restaurant since 1999 to be able to continue to operate.

We spoke to the school, who had no concern about this. But because it's a public school, they did not feel they had the ability to write a letter saying this has been no problem and is no different than so many other restaurants and bars actually up and down the entire block and avenues.

ACTING PRESIDENT YOUNG: Thank you, Senator Krueger, for that explanation.

SENATOR PADAVAN: Madam President, will the sponsor yield to a question, please.

ACTING PRESIDENT YOUNG: Senator Padavan wants to know if Senator Krueger will yield. Will you yield?

SENATOR LIZ KRUEGER: Yes, of course I will.

SENATOR PADAVAN: I read your memo and I also heard your explanation.

Are you aware that last fall, for about six months, the SLA -- which is under new leadership in many, many different ways and reinvigorated in its effort to deal with myriad problems, that laws that they are responsible for are being -- how they're being enforced and so on -- that that task force, which had a number of members, including Senator Duane and myself, Assemblymen, councilmen, community planning board representatives, police department, a whole host of people, including the industry, spent a considerable amount of time discussing the 200-feet rule? Are you aware of that?

SENATOR LIZ KRUEGER: Yes, Senator, I am.

SENATOR PADAVAN: Okay. Now, I want to read to you a paragraph from the report that came out of that task force which was signed off by everybody. It says: The statutes provide that the measurements be taken in a straight line from the center of the nearest entrance of the school or church

or house of worship to the center of the nearest entrance of the proposed establishment, the bar. The authority has interpreted these sections as meaning a straight line from one entrance to the other. The court decisions on the 200-foot rule have not questioned this interpretation. The travel walking distance between the church or house of worship or the school and the premises is not relevant to the determination.

Now, that statement is in direct contradiction to what you said and what is in your memo. Do you think it's appropriate -- this is a question, if you would yield -- to have a bar next to a house of worship or a school, next door?

ACTING PRESIDENT YOUNG: Senator Krueger, do you yield?

SENATOR LIZ KRUEGER: Thank you. I think I'm answering. Yes, I yielded. I respect the question, and I will answer it.

Not only am I aware of the work the SLA has been doing, the moratorium, I've participated in any number of the meetings. And I have to tell you I am in total agreement

with you on almost every issue that comes up around SLA, their failure to be strict enough about the rules. I work with my community boards on a regular basis with their frustrations with the SLA approving too many bars, not recognizing and respecting when a community says this one is a bad neighbor, this would be too many, this would have a negative impact.

And so to be honest, Senator, you could probably get me to agree not only with your points but even with your vote on this bill.

This is a situation where they have been in operation. There was a new interpretation by the SLA. And I'll even accept that the SLA shouldn't have given them the license, perhaps. But the SLA did give them the license. They have been operating. They have a long history. They are a good neighbor.

I checked with my community board. This isn't a player that is a problem in the community. There is a recognition that Times Square is, by definition, a center of theater,

hotels, restaurants, lounges within hotels that are primarily used by guests of the hotel, that this is not a residential neighborhood in the definition we talk about, I think and you and I both agree, in most parts of the City of New York.

And to be honest, it was simply the hope that, again, this specific hotel, who's been in operation, who has the support of the community, the support of the community board, has not been seen as having any problems, does not have police reports against them, is not the type of bar I know that you and I both know are problems in various communities throughout the city -- that they don't meet any of those problem categories.

And so I won't argue with your literal definition. I will simply again make the argument they've been a business without problems, supported in the community, that have not proved to be a problem. And so I'm hoping that we might let them continue.

But I want to make it clear that I in no way disagree with your analysis of the importance of moving forward with much more

careful determinations by the SLA and respect for community input into when they make decisions about when they allow bars, when they make exceptions. As you and I know, the 500-foot rule has really been a crisis problem in certain neighborhoods throughout the five boroughs.

I hope that's an explanation.

SENATOR PADAVAN: Senator, would you yield again?

ACTING PRESIDENT YOUNG: Senator Krueger, would you continue to yield?

SENATOR LIZ KRUEGER: Certainly.

SENATOR PADAVAN: Are you aware that by virtue of court decisions and prior determinations there are no exceptions allowed to the 200-foot rule except those that are delineated in law, such as if the establishment was there before the church or school or house of worship was established or the application was for a prior license which they upgraded. That's not the case here. There are no exceptions, and that's why you're putting in the bill.

Now, here's my question, Senator,

if you would yield again.

SENATOR LIZ KRUEGER: Yes, I will, Madam President.

SENATOR PADAVAN: If we make an exception for this particular location and precedent is set, does this not open up a Pandora's box for the entire state for all kinds of bars and taverns within 200 feet, entrance to entrance, of a school, church or house of worship to get a license?

SENATOR LIZ KRUEGER: I think it's an excellent question.

We have opened up that Pandora's box. In the past in this house, we passed a bill that allowed for another hotel, also in my district, to obtain a liquor license even though they were technically too close to a church. That was the Mayfair Hotel.

I have a number of court determinations that apparently have allowed for exceptions to the 200-foot rule. So I don't disagree with you that there's the question of the --

SENATOR PADAVAN: Senator, I would love to see those court interpretations,

because the memo from the SLA says there have not been any. But we won't debate it.

On the bill, if I may.

SENATOR LIZ KRUEGER: Thank you, Madam President.

ACTING PRESIDENT YOUNG: Thank you, Senator Krueger.

Senator Padavan, on the bill.

SENATOR PADAVAN: The problems with this issue may seem minor, but they are very significant. We have legislation to extend the 200-foot rule. Imagine a church or synagogue or school that has an entrance at Point A, a schoolyard that may go back a hundred, 200 feet in different directions, and then a bar that opens up right at the edge of that schoolyard.

We don't want that to happen. And so we have introduced legislation which is supported by many to extend that 200 feet to 500 feet under certain circumstances.

So what we're doing here, however, is we're going in a different direction. The report from the SLA and the legal analysis tells us unequivocally that it's a straight

line. It's a straight line. Whether it's a residential community or not, there is a public school right next door to the bar. And it's been the judgment of the Legislature forever that that is unwise and inappropriate.

And I think to do this today, I know of no other bills that we've passed -- if we did, I certainly wasn't aware of them; I'd have been on my feet talking about them -- to establish this precedent today with this particular establishment -- and the memo is incorrect. Straight line has been the rule.

Now, how they got that license in '99, I have no idea. We know, you know, from anecdotal information that the SLA wasn't the swiftest thing on the block for a lot of years. And how they got that license and through what means, I mean, there's a whole industry of lawyers out there doing that kind of thing. So I'm not going to be able to answer that question, and probably neither are you.

But the fact that that mistake was made should not be compounded by this bill. Perhaps they changed hands and ownership; that

may have happened.

So I'm suggesting to you, my colleagues, that we just don't do this. I'm sure this hotel will continue to survive without this particular license and continue to serve its occupants without the benefit of this particular bar, whether it be next door or wherever.

So I'm going to be voting in opposition of this bill, Madam President.

ACTING PRESIDENT YOUNG: Thank you, Senator Padavan.

Senator Marcellino.

SENATOR MARCELLINO: Thank you, Madam President.

I can understand why the sponsor is bringing the measure. However, there's an occurrence that occurred within a community that I'm aware of, within my district, where the ownership of a bar, if you will, was granted a liquor license and operated quite well. The community was pleased. The ownership ran the establishment well.

But in the normal course of things, the ownership changed. New owners took over.

And it was a mess. Lots of problems. Underage drinking, drugs, police calls. The community was up in arms. It had to go through an entire -- the bar is still there, causing problems. The community is trying to take issue, and they're having difficult times in the courts. The bar, by the way, has changed ownership three times since then. There's been a continuous pattern.

So while we may do something with the best of intentions, as often happens in this house and in this Legislature, we get the law of unintended consequences that comes along. What happens if this is passed, this bar operates, and they sell or they move or they lease to a new owner and there is a problem? Then the calls come in: Why didn't you do this, why didn't you take action, how could you have allowed the law to be avoided? How could you have allowed this exception? Why weren't you thinking? All of those complaints come in.

I say we err on the side of caution. I intend to vote no.

ACTING PRESIDENT YOUNG: Thank

you, Senator Marcellino.

Senator Connor.

SENATOR CONNOR: Thank you, Madam President.

First of all, let me say I over the years have applauded and followed Senator Padavan's lead on these issues.

I've just heard Senator Marcellino's story about a sad situation. I've got a hundred of those stories on the Lower East Side, where people file a plan, a business plan with the community board that they're going to be a white-tablecloth restaurant and then the community board approves them and, lo and behold, what they finally file with the SLA is they're a nightclub open to 4:00 a.m., music, crowds, whatever.

Now, I was on that task force, together with Senator Duane and Senator Padavan, I believe Senator Maltese was on it, local officials. And thanks to the new leadership in the SLA, particularly Commissioner Noreen Healey, who chaired that task force, we did come up with a variety of

both suggestions for procedural changes in the permitting process and for some legislation.

So my district has been plagued with these problems. You've heard me speak about it last year when we confirmed new commissioners. And Senator Padavan was of great assistance in a case brought by a community group in Soho about the 500-foot rule, since he was the sponsor of it, and the old SLA was ignoring application of it.

There is one stretch of -- there is a block in my district that has something like 80-some licensed premises on it. So I am sensitive to these issues.

But the problem with this is not one size fits all, not one situation. There are exceptions, Madam President.

And I have one that I am thinking of doing legislation for because we don't seem to solve it. And I will give the example. There is a block in TriBeCa that has four or five restaurants on them. They are some of the most -- they include two or three of the most well known restaurants in New York City, owned by the most prominent

restaurateur-chefs. They have been there for some time.

Also on that block is a nondescript office building of five, six stories the way you would find in TriBeCa. And it turns out that for some time on the third floor of that building, with no sign out front, no sign in the lobby, has been a small mosque. Why is there no sign outside, no sign in the lobby? They wanted to be very discreet. They don't want people to know there's a mosque there. They are in fear because of events -- not just since 9/11, but even before that, the original bombing of the World Trade Center, they have fear. The congregants, on any given Friday, 20, 25 people may make their way into this office building and up to this mosque for their worship.

It is a house of worship. It is not listed in the phone book. No one knew it was there. It's been there, it turns out, for many years. The neighbors canvassed the neighborhood: nobody knew it was there.

These prominent restaurateurs invested millions of dollars in establishing

their businesses. Obviously their high-end restaurant businesses don't work economically if they can't serve wine, if they can't serve alcohol. It's part of the package, obviously, of a fancy restaurant.

Just a few months ago, through happenstance, SLA learned of the existence of this mosque. They learned about it from a resident who finally realized it was there and is making mischief. And it was really a resident who wanted to stop a pending application for a vacant space on the block. Fine. And they stopped it.

But then the SLA went back to these other five establishments, served them notices that they want to cancel their liquor license and fine them enormously for a fraudulent application because they never disclosed the existence of this mosque that no one knew was there.

The imam and the president of the congregation of the mosque have no objection to these restaurants being there. Their major concern is that now they're being publicized and they really didn't want people to know

they were there.

By Senator Padavan's strict interpretation, which I usually agree with in many, many instances in these applications and so on, these leading restaurants would have to be closed, lose their licenses. Tens of employees in each would be -- I mean, these are, as restaurants go, large employers. Business investment made in all good faith -- and these are restaurants. Nobody has complained about them. These are restaurants that are closed by 11 o'clock at night or 11:15 at night. These are not nightclubs, they're not night-life establishments. These are really fancy, expensive, prominent restaurants.

Madam President, Senator Padavan I guess would say they're within 200 feet of this mosque, this hidden mosque; close them. I say that's not a reasonable way to apply the law.

We don't want to put these businesses out. There's no objection from the congregants in this house of worship. They admit that they deliberately have no signs

outside or whatever because they don't want any publicity, they don't want people really to know -- in Lower Manhattan, a few blocks from the World Trade Center site, they really don't want people to know they're there.

So I think what Senator Krueger is doing in addressing a specific instance is perhaps appropriate. We don't want a blanket exception in the law, because we've had bad experiences with the public-interest exception to Senator Padavan's original law. Not because of him, but because of the way it was being, in my opinion, misinterpreted.

On the other hand, in New York City, a large metropolitan area, while it's that very fact that's caused innumerable problems with oversaturation of licensed premises, in fact we need to be reasonable. We don't want to put these businesspeople out of huge investments, their employees out of work, and put what else on those blocks.

So I'm going to vote for this, even though I was on that task force and I urged the SLA to strictly interpret the 200-foot rule and the 500-foot rule. I think, and I

hope my example has convinced you all, there are reasons for prudent exceptions to be granted by this Legislature.

Thank you, Madam President.

ACTING PRESIDENT YOUNG: Thank you, Senator Connor.

Any other Senator wishing to be heard?

Senator Alesi.

SENATOR ALESI: Thank you.

Madam President, as chairman of the Committee of Commerce, Economic Development and Small Business, we reviewed this legislation before discharging it from committee.

Now, I understand that in the Legislature we have the power to change things that generally are not changeable when they're governed by something like the SLA that operates by regulations empowered by this Legislature to do that. But there are times when the Legislature has to look at exceptions to the power that we give those authorities. We heard a lot about authorities earlier here today.

This is one of the exceptions, I believe, that we have to pay close attention to, because we're talking about a small business. And we don't necessarily have to make a political issue out of this. There is justification for our considering this in a positive way simply because this business -- regardless of where it's located, this business has been in existence for many years, has had a license. And only because there is a change in ownership, there's a different way of viewing how the measurement should be taken.

So I would simply ask my colleagues to consider this fact, that the SLA is giving this business, where business owners have invested in a commercial endeavor in this state, the temporary operating authority until the Legislature does something to recognize that they can operate according to the way that they were operating under the previous license.

I feel as if I'm in kind of an odd position here, advocating for this bill. Nevertheless, I also feel that I am living up

to my responsibility to be objective and help business in New York State thrive. I'm voting aye.

ACTING PRESIDENT YOUNG: Thank you, Senator Alesi.

Any other Senator wishing to be heard?

The debate is closed.

The Secretary will ring the bell.

Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Announce the results.

THE SECRETARY: Those recorded in the negative on Calendar Number 1481 are Senators Bonacic, Flanagan, Fuschillo, Hannon, Johnson, C. Johnson, Lanza, LaValle, Little, Maltese, Marcellino, Morahan, Padavan, Robach, Skelos, Stewart-Cousins, Trunzo, Valesky, Young. Also Senator Larkin. Also Senator Saland. Also Senator Nozzolio.

Absent from voting: Senator C. Kruger.

Ayes, 36. Nays, 22.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1533, by Senator Maziarz, Senate Print 5706B, an act to amend the Economic Development Law.

SENATOR LIZ KRUEGER: Explanation.

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

SENATOR MAZIARZ: I just voted in the affirmative on the last bill.

(Laughter.)

SENATOR MAZIARZ: I studied it so hard, it was -- my explanation was actually buried here because I was so concentrating on that last bill. The last bill that I voted in favor of. Did I say that, Madam President?

(Laughter.)

SENATOR MAZIARZ: This legislation would create an economic impact report on ATV and motorized recreation in New York State. This report would study the

number of ATVs registered in New York as well as the number of participants involved in ATV and off-road activity. Further, the report would study the amount of revenue expended by individuals in the area on all ATV-related expenses.

There was monies last year collected for -- additional revenue for an ATV registration surcharge, and money for this study would come out of that ATV surcharge.

ACTING PRESIDENT YOUNG: Thank you, Senator Maziarz.

Senator Krueger.

SENATOR LIZ KRUEGER: Thank you, Madam President. If the sponsor would yield to a question.

ACTING PRESIDENT YOUNG: Senator Maziarz, do you yield?

SENATOR MAZIARZ: Certainly, Madam President.

ACTING PRESIDENT YOUNG: Senator Maziarz yields.

SENATOR LIZ KRUEGER: Thank you.

So I read your bill, and it referenced, your memo, a study that was done

on the Tug Hill Region ATV economic impact. And I read the study. It's online. And actually, they had several, an earlier one and a newer one.

And my one question to you on the study is, it talks about evaluating the economic advantages of ATV, and I do appreciate that it's a significant industry in your district. But it doesn't talk about measuring some of the costs of ATVs.

It talks about negative consequences, but nowhere does it talk about the healthcare costs associated with this sport, which unfortunately has a fairly high rate of injury that's been growing actually exponentially over the last decade, according to the Center for Disease Control.

And in fact there's been estimates from national studies that the healthcare costs from injuries for every ATV that is sold should be calculated as $3,500 in new healthcare costs associated with injuries.

So I guess I'm asking you would you consider ensuring that in this study, factored in, are the costs from injuries and deaths

from ATVs, it turns out statistically particularly for people under 16 driving ATVs.

SENATOR MAZIARZ: The answer to your question is yes.

But I would just like to, if I could, comment on that question. You said that ATVs may be popular in my district. Actually, Senator, ATVs are popular across New York State, most particularly in upstate and Central New York.

My good colleague and fellow caucus member of the Polish-American caucus here in this body, Senator Stachowski, indicated to me just a few minutes ago there's a very large ATV dealer located right in his district. So it is an extremely popular sport across the state, not just in my district.

But to answer your question, I will absolutely see to it, Senator, that the impact of the two areas that you talked about, or three areas, I'm sorry, that you talked about are included in the study.

SENATOR LIZ KRUEGER: Thank you.

Madam President, on the bill.

ACTING PRESIDENT YOUNG: Senator

Krueger, on the bill.

SENATOR LIZ KRUEGER: I appreciate the sponsor's answers to my question.

And I will be voting for his bill, because I think studying the question of the pluses and minuses of ATVs throughout the State of New York is an important issue for this Legislature and for this government to evaluate.

But again, I just want to emphasize that the data coming out of the federal government, of actually several agencies, the death and injury statistics, the Interior Department statistics -- because so many ATVs are actually used on national park grounds throughout the country -- the data even done by a small rural hospital in Oregon near a large ATV, I guess, park, showing that they had a disproportionately large number of uninsured people showing up at their rural hospital without health insurance and that they were fearing, this particularly hospital in Reedsport, Oregon, near the Oregon National Recreation Park Dunes ATV site, that it was

going to potentially bankrupt their rural hospital because they had to deal with so many injuries from uninsured people.

So I just wanted to highlight that I think it's important for us to evaluate the economic advantages and disadvantages, the opportunities created and the safety concerns we should be aware of in evaluating and moving forward with expansion or changes in ATV laws.

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

ACTING PRESIDENT YOUNG: Thank you, Senator Krueger.

Any other Senator wishing to be heard?

Senator Wright.

SENATOR WRIGHT: Thank you, Madam President.

I rise to commend my colleague Senator Maziarz on taking an initiative that we started in our region two years ago and expanding that initiative statewide.

The success in the Tug Hill has been well documented by the report. In turn, that becomes a critical tool to move forward

with the planning of appropriate use of ATVs, the establishment of trails, the recognition of its importance to the outdoor recreational economy that occurs in our region, the western region, and throughout upstate New York. Those are important elements of our tourism-based economy.

I want to commend the Senator for his leadership. He is well-recognized within the tourism and the outdoor recreation and conservation field for his efforts. This is but another fine example. I'm looking forward to joining him in his support.

Thank you.

ACTING PRESIDENT YOUNG: Thank you, Senator Wright.

Senator LaValle.

SENATOR LaVALLE: Thank you very much, Madam President.

I'm going to support this legislation. But having said that, I would say that there is a difference in, I know, upstate and downstate on this issue of ATVs and how it might add to tourism and economic development in upstate New York.

Suffolk County has some of the toughest laws on the use of ATVs and penalties that are assessed individuals that are using that in inappropriate places. And I would say the county legislature in Suffolk keeps looking at the present laws, which are the toughest in the state, and continues to make them even tougher.

Too many times young individuals are really hurt, killed, or maimed for their lifetime. So we're talking about something -- a very, very dangerous activity. But I'm also mindfully aware that there are individuals that want to do this, even go out and do it as a family. And I know of several instances in my own Senate district.

But I think such a report, I think, has to recognize the differences between the upstate and downstate viewpoint on this particular issue. But I am going to support Senator Maziarz on this initiative.

Thank you, Madam President.

ACTING PRESIDENT YOUNG: Thank you, Senator LaValle.

Any Senator wishing to be heard?

Debate is closed.

The Secretary will ring the bell.

Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: In relation to Calendar Number 1533: Ayes, 58. Nays, 0.

Absent from voting: Senator C. Kruger.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1569, by Senator Golden, Senate Print 5729, an act to amend the Penal Law.

SENATOR MONTGOMERY: Explanation.

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

SENATOR GOLDEN: Thank you, Madam President.

This bill adds a new section of the Penal Law, refusing to identify oneself upon questioning. It makes it a Class A

misdemeanor. This allows a police officer or a court officer to ask a person to identify him or herself in the course of a Terry stop and provides for criminal liability when the person intentionally fails to provide such information.

This only applies when the officer reasonably suspects that a person has committed or is about to commit a crime. An officer's right to ask for this information has long been established and is in fact part of our law here in the City of New York. In the State of New York, it's a procedural law. We're trying to move it from the CPL over to the Penal Law.

And if we take -- I think last year we used Officer Corr, who approached a vehicle, he had suspicion, reasonable suspicion because he had identification of the vehicle, to pull that vehicle over. And he approached that vehicle. Unfortunately, Officer Corr was shot and killed because his gut reaction and his suspicion was correct.

But had he walked up on that car and Mr. and Mrs. Jones were in that vehicle,

he would have moved from suspicion and said, This is not the people I'm looking for.

So that's what it does. It gives them reasonable suspicion so that they can get probable cause to effect an arrest. It's a tool that the police departments across the state of New York use on a regular basis.

In the City of New York, when you stop and question somebody or stop and ask for someone's name, you're required to fill out a UF-250, which is a document that shows the stop, the reason for the stop, and what suspicion was used to allow you to stop that individual.

Until 2004, there was a question whether refusal to answer the officer could result in a penalty. The Supreme Court has ruled, in Hiibel vs. Nevada, and very clearly said when only a name is being requested, there can be criminal enforcement.

And again, what reasonable suspicion is is a legal standard in United States law, that a person has been, is, or is about to engage in criminal activity, based on specific and articulable facts and inferences.

This bill is drafted similar to that of the Nevada statute and does not require an individual to carry identification, does not require an individual to give more than his or her name, and is law in 23 other states.

Thank you, Madam President.

ACTING PRESIDENT YOUNG: Thank you, Senator Golden.

Senator Montgomery.

SENATOR MONTGOMERY: Yes, Madam President. Thank you for the explanation, Senator Golden.

I'm just fascinated by the example that you use, that the officer was shot when he approached the car. And of course that's a very horrible thing. And our law enforcement members are subjected to that kind of possible violence and danger each and every day, and I certainly understand that.

However, I fail to see the connection between your bill here and the example that you use.

ACTING PRESIDENT YOUNG: Senator Montgomery, are you asking Senator Golden to

yield?

SENATOR MONTGOMERY: No, I'm speaking on the bill.

ACTING PRESIDENT YOUNG: Okay, on the bill.

SENATOR MONTGOMERY: On the bill, thank you.

And so I fail to see the relationship between the example that the sponsor, Senator Golden, uses as a rationale for this legislation and what the legislation does.

It simply says that if an officer stops someone -- now, Madam President, mind you, I had the privilege of riding in a police vehicle, and I was shown the way that that vehicle is able to track any vehicle and find out who owns it, whether or not they have any charges against them, any tickets, whatever, right in that police car.

And my assumption is even though that was another state, my assumption is that New York is probably way above that state in terms of technology as it relates to law enforcement and the capability of tracking

down and finding out if someone has actually committed a crime.

So what this does, however, this legislation does is that if an officer thinks that someone may be looking to do something, he can stop that -- he or she can stop that person. And in fact, if that person says, I'm X rather than Y, or I'm not going to give you my name, the officer, under this bill, is authorized to charge that person as a criminal, as if they have committed a crime.

And I think that, in my experience, the most likely individual to fall into this category of refusing to give the police their name, or at least very likely, is the teenagers who are on the streets. I see them there stopped constantly by the police. And if they are not carrying ID, unfortunately, the police very often take them to the precinct and do a check on them.

But this would allow the police to automatically charge those young people who don't have ID with an A misdemeanor. So I think we need to think this through much more carefully, because it's one more opportunity

for police officers to levy a criminal charge especially against young people simply because they don't have identification.

And we all know that the only way that you can receive identification as a teenager is that you have to pay for that ID, if your school or some other organization does not provide that for you free. We have not made it possible or mandatory that every young person have access to an ID. Middle schools don't give IDs, only high schools.

So I am very, very concerned that this is going to have unintentional consequences, especially on people, young people in particular, in my district, where just for walking the street, being stopped by the police, asked for ID, they don't have it, and they get charged with an A misdemeanor.

So I'm going to vote no on this legislation, Madam President. Thank you.

ACTING PRESIDENT YOUNG: Thank you, Senator Montgomery.

Senator Schneiderman.

SENATOR SCHNEIDERMAN: Yes, if the sponsor would yield for a few brief

questions.

ACTING PRESIDENT YOUNG: Will the sponsor yield?

SENATOR GOLDEN: Yes, Madam President.

SENATOR SCHNEIDERMAN: Through you, Madam President. This bill refers to police officers or court officers, and it appears to apply to all police officers and court officers. Is that correct?

SENATOR GOLDEN: Yes.

SENATOR SCHNEIDERMAN: So through you, Madam President, it would apply to plainclothes police officers as well as uniformed police officers; is that correct?

ACTING PRESIDENT YOUNG: Senator Golden, do you continue to yield?

SENATOR GOLDEN: Yes, Madam President.

SENATOR SCHNEIDERMAN: And through you, Madam President, it would apply to undercover police officers as well as uniformed police officers and plainclothes police officers; is that not correct?

ACTING PRESIDENT YOUNG: Senator

Golden?

SENATOR GOLDEN: Yes, Madam President.

SENATOR SCHNEIDERMAN: And the bill is very short, I'm reading it, it's 14 lines long.

Could the sponsor please point us to where, if at all, in this bill it requires an undercover or plainclothes police officer to tell the suspect that he is or she is in fact a police officer when asking the name of that suspect.

SENATOR GOLDEN: The procedure that's across the State of New York is to identify oneself and to effect an arrest. If this individual has failed to identify themselves to this individual and this individual police officer has suspicion that that individual has committed a crime or is about to commit a crime, that person will be arrested.

ACTING PRESIDENT YOUNG: Thank you, Senator Golden.

Senator Schneiderman.

SENATOR SCHNEIDERMAN: Thank you.

Through you, Madam President, if the sponsor would continue to yield.

ACTING PRESIDENT YOUNG: Senator Golden, do you yield?

SENATOR GOLDEN: I do, Madam President.

ACTING PRESIDENT YOUNG: The sponsor yields.

SENATOR SCHNEIDERMAN: Is there in the procedure you have just described or any other requirement that the police officer identify themself as a police officer before demanding in the course of -- I'm reading from the bill -- in the course of temporary questioning of such person, their name? Is there any requirement in this bill that the police officer identify themself as a police officer?

SENATOR GOLDEN: Madam President, there has to be a nexus between the suspicion and the crime. So the nexus, if the person fails to answer their name, it's addition to the crime is failure to do so, and that person is arrested.

Does the person make -- the officer

approaches an individual, and that person is -- if that presumption is that the police officer is not a police officer, that's the individual's chance that they take.

SENATOR SCHNEIDERMAN: Thank the sponsor for his answers.

Madam President, on the bill.

ACTING PRESIDENT YOUNG: Thank you, Senator Golden.

Senator Schneiderman, on the bill.

SENATOR SCHNEIDERMAN: I think the sponsor has just said it as clearly as it can be said. This is a chance that someone takes.

If someone comes up to you and demands to know your name, they're not required to identify themselves as a police officer. They could be an undercover police officer, they could be a plainclothes police officer, and you refuse or you give a nickname or something, you get arrested.

This is not what we should be enacting into law, Madam President. And this is the kind of provision that could be used in a very arbitrary and discriminatory fashion.

You cannot enact a bill into law that creates a crime for failing to give your name to someone who you may not even know -- when you may not even know who that person is and there's no requirement that that person identify themselves as a police officer.

And I think Senator Montgomery's point is well taken. I don't think it's a big secret who is most likely to be victimized by this statute. Okay?

Thank you, Madam President. I encourage everyone to vote no.

ACTING PRESIDENT YOUNG: Thank you, Senator Schneiderman.

Senator Golden.

SENATOR GOLDEN: Yes, I rise to explain to the last comments that on line 4 it says, in the bill, intentionally fails to provide his or her name to a police officer, to a police officer or a court officer.

So therefore, identification has to be made.

Thank you, Madam President.

ACTING PRESIDENT YOUNG: Thank you, Senator Golden.

Senator Diaz.

SENATOR DIAZ: Thank you, Madam President.

I also rise to oppose this bill. I think that it's a very, very bad bill for our community, for our teenagers.

I was a member of the Civil Complaint Review Board representing the County of the Bronx in the City of New York. And I faced so many cases where a police officer, to cover their action, they issue all kind of summonses. And this is another way for a police officer to cover their abuse of power, their foul languages or their actions, by saying the person refused to identify themselves, so they could hand them a summons.

I'm also very, very aware of those plainclothes police officers. And for example, we have a case in the Bronx -- two cases right now that -- three that I might say. We have the case of Amadou Diallo, who was, because of identification, he got 19 bullets from four plainclothes police officers.

Now we just got a case in the

Bronx, Fermin Arzu, who was killed in the back by a police officer in plainclothes. And also we have the case of Reverend Del Valle, who was stopped and kicked and whatever, in a case of mistaken identity.

So, you know, I think that these kind of bills don't have -- shouldn't have room in our deliberation on our Senate floor. So I'm here to say that you could call me in the negative, and I ask all my colleagues to vote no on this bill.

ACTING PRESIDENT YOUNG: Thank you, Senator Diaz.

Senator Adams.

SENATOR ADAMS: Madam President, through you, would the sponsor yield for a question.

ACTING PRESIDENT YOUNG: Senator Golden, do you yield?

SENATOR GOLDEN: I do, Madam President.

SENATOR ADAMS: This is an interesting bill, and I just want to get more clarification.

The person stopped, would they need

identification?

SENATOR GOLDEN: No. Madam President, they would not. But I am enjoying this conversation with a captain, former captain of the New York City Police Department, that we have to talk about Terry stops. But that's okay.

SENATOR ADAMS: Would the sponsor continue to yield.

ACTING PRESIDENT YOUNG: Senator Golden, do you yield?

SENATOR GOLDEN: I do.

ACTING PRESIDENT YOUNG: The Senator yields.

SENATOR ADAMS: To your knowledge, is there any law that requires a police officer to identify himself as a police officer? A law. Not a procedure within the department, is there any law?

SENATOR GOLDEN: No, there is not.

But again, if I may point out, that in the bill it says intentionally failed to provide his or her name -- it doesn't say to John Doe or John Schmoe, it says to a police

officer or a court officer.

ACTING PRESIDENT YOUNG: Senator Adams.

SENATOR ADAMS: Would the sponsor continue to yield.

ACTING PRESIDENT YOUNG: Senator Golden, do you yield?

SENATOR GOLDEN: I do, Madam President.

ACTING PRESIDENT YOUNG: The Senator yields.

SENATOR ADAMS: Just for clarification, what standard of proof would the officer need to conduct the inquiry?

SENATOR GOLDEN: Madam President, the reason for the initial stop is suspicion, suspicion of a crime that has been or is about to be committed. That is the reason for the stop.

If the individual officer can build his reasonable suspicion to probable cause for arrest, this is an additional tool that the police departments across this state and nation use to effect these arrests.

And in these times of terrorism

across this state and across the country, this is important that we give these officers the tools that they need to be able to effect probable cause and an arrest.

ACTING PRESIDENT YOUNG: Thank you, Senator Golden.

Senator Adams.

SENATOR ADAMS: Would the sponsor continue to yield.

ACTING PRESIDENT YOUNG: Senator Golden, do you yield?

SENATOR GOLDEN: I do, Madam President.

ACTING PRESIDENT YOUNG: The sponsor yields.

SENATOR ADAMS: Senator, you stated "suspicion." There's two levels of suspicion, there's mere suspicion and there's reasonable suspicion.

Which level of suspicion are we talking about?

SENATOR GOLDEN: Reasonable suspicion.

ACTING PRESIDENT YOUNG: Senator Adams.

SENATOR ADAMS: Would the sponsor continue to yield?

ACTING PRESIDENT YOUNG: Senator Golden, do you yield?

SENATOR GOLDEN: I do, Madam President.

ACTING PRESIDENT YOUNG: The sponsor yields.

SENATOR ADAMS: Senator, this crime, would the crime stand alone, or would the crime take place if there's an additional criminal act that takes place?

SENATOR GOLDEN: Stand alone. This legislation says that it can stand alone.

ACTING PRESIDENT YOUNG: Senator Adams.

SENATOR ADAMS: On the bill.

ACTING PRESIDENT YOUNG: Senator Adams, on the bill.

SENATOR ADAMS: Some very important points just came out. Although I understand the spirit -- and often I find myself agreeing with my colleague because many of his bills touch the nerve center of the issues that are important to us.

I'm leaving today, if we ever get out of here, I'm leaving today to go to Brooklyn. We had an incident where 30 children, young people, high school -- many of them are A students -- 30 children were on their way to a funeral that one of their classmates was shot and killed.

While they were walking to the funeral, the police officer stopped them, placed them in handcuffs, had them sit on the ground and arrested them. Arrested all 30 of them.

You can only imagine, as I sit next to the empty seat of my colleague who just lost his father this morning, the trauma and grief that an adult feels when they lose a loved one. Can you imagine what a child feels when they lose a loved one? And on your way to mourning, while you were in a period of mourning, you find yourself sitting in a police precinct where the police officers are mocking the death of the individual who was killed.

Here's the problem. In an ideal environment, when you have police officers

like Senator Golden -- who's a retired member of the police department -- when you have conscientious law enforcement officers, you can create and almost become creative in how you have laws to fight those important issues.

But this is not the days we're living in. We are not living in our mother's and father's police department. It's a different police department, Senator, it really is, when you have 550,000 -- hear that number, 550,000 young people who were stopped and questioned by the police.

According to the Governor's report when he was Attorney General, the forms that you're supposed to prepare, only one out of every four stops were prepared. So there's a possibility that 2 million young people were stopped and questioned by the police. Two million. And a minute proportion of them actually committed a crime.

According to this legislation -- and we have to be careful here. We can't continue to hide behind the boogeyman of terrorism for every crime and law we want to pass. We can't continue to do that.

I lost friends at the Center of Trade. I lost colleagues and police officers at the Center of Trade when it was attacked. But I'll be darned if I become who those who attacked us want us to become. That is not the agenda that I'm going to set forth.

So I'm not afraid of the boogeyman of terrorism, I'm afraid of the boogeyman of passing laws that incarcerate our children.

Several important issues that need to be pointed out. And before I do so, Queens, in the Minority Leader's district, a police officer was shot. You got to really hear what happened out there. A police officer was shot; 98 children were arrested. Parents were calling to look for their kids.

Let me tell you what happened, Senator Diaz. A woman was in the hospital expecting her son or daughter -- her son, who normally visited her every evening, he was missing. She called around. And the neighbors in the St. Albans, Queens -- middle-class income, in Queens, the neighbors started calling around, and they realized that all the children were missing.

The children were all locked up because a police officer was shot, so they went through the entire community locking up young black boys. The young men we interviewed said they were inside the holding cells looking across the cells and saying, There's John from across the street, there's Bobby from next door.

All these black boys were locked up and incarcerated for petty offenses -- urination, riding a bike on the sidewalk, walking down their blocks in their community.

The reason many of you cannot feel this pain, because it's not your children. When you sit around at cookouts, when you sit around at block association meetings, when you sit around at a family gathering, you're not hearing your sons stating how often they are stopped by the police. These kids are tired, they're tired.

And we're not talking about the worst among us, we're talking about the best among us. We have moved to the point now that we're no longer looking for criminals. We're looking for anyone who has the wrong skin

pigmentation. And that's wrong. And I'm saying it loud enough so these children up here can hear that. It's wrong. It's wrong.

So this bill, on the surface, it seems all right. It seems like we're just giving the police officer another tool in his arsenal to fight crime. That's great as we sit here in this sterilized environment of the State Senate.

But let me tell you about the dirty universe of policing. Too many children are getting criminal records for simple things merely because police are becoming creative in their incarceration ability. And that's the reality of what we're facing here today.

There's no law to carry an identification. There's no law that a police officer must identify himself in the first place. No law. We just heard the Senator say that. It's a procedure that takes place.

There's also a procedure on the New York City Police Department books that says it's against the law to profile. But does profiling take place? You better believe that it takes place.

The crime stands alone. Hear that. That's the most important statement: The crime stands alone. We are willing to give a young person a criminal record merely because the police officer stated he did not identify himself.

And that crime stands alone. Not that if it turns out that this person was committing a crime and then you add on the charge of not identifying yourself. I could accept that.

But merely because a young person or an individual did not identify himself to a police officer, we're going to charge him with a misdemeanor. A misdemeanor is not a violation, it's not a summons. A misdemeanor is like a bad marriage; it stays with you forever. Forever.

So when that young person goes to become a teacher, he has to write on that application: Have you ever been arrested? Yes, I have. When he goes to become a police officer: Have you ever been arrested? Yes, I have. When he goes to be admitted to the Bar Association: Have you ever been arrested?

Yes, I have.

No one wants to hear the fact that, Well, I was arrested just because I told the police officer the wrong name. That's not the reality.

When 14-year-old Johnny becomes 21 years old and he applies for Shearson Brothers or American Express or Smith Barney and he has to say, Yes, I have, and his counterpart across town or in Rochester or Troy or Long Island doesn't have to say that, he's not going to be employed.

We've got to think this through. This bill is wrong. This bill is wrong. It goes in the wrong direction. I am not only urging you to vote no. I am asking you, as I stated when I first spoke on this floor, look out outside my window and understand that this bill directly impacts my children.

And I'm asking you, Senator Golden, if we can go back to the drawing board and just add that if a young person or a person is found guilty of a crime and lied to the police, we will add this on as an additional charge. And the police officer has the

responsibility to tell the person, he or she, that it's against the law to give false information, as we currently have a law that states and indicates that.

When you look over this bill in depth, and you couple it with the fact that we have a major problem across the country with how we incarcerate young people of color, we're adding to this problem. And I am going to vote no.

ACTING PRESIDENT YOUNG: Thank you, Senator Adams.

Any Senator wishing to be heard?

Debate is closed.

The Secretary will ring the bell.

Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

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

SENATOR BONACIC: Thank you, Madam President.

I think our Constitution gives us the right of free speech. It gives us the right not to speak.

And I appreciated Senator Adams' remarks. I vote in the negative.

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

Senator Stewart-Cousins, to explain her vote.

SENATOR STEWART-COUSINS: Thank you, Madam President.

You know, I sit in the chambers, and day after day we are --

ACTING PRESIDENT YOUNG: Excuse me, Senator.

Could I have some order in the chamber, please.

Thank you.

SENATOR STEWART-COUSINS: Thank you, Madam President.

Day after day we are passing legislation that we are saying protects our children. We are very cognizant of what our children are facing in this world. We have

trained our children from very early on not to talk to strangers. That's very basic: don't talk to strangers.

And in this situation, we are saying that if a stranger, unidentified, approaches a child, that this child is supposed to anticipate that this might be a police officer who might be concerned about terrorism.

A child has been taught not to speak to strangers for that child's protection. To arrest a child who has been taught not to speak to strangers in the event that this person might be a police officer is wrong. I'll be voting no.

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

Senator DeFrancisco, to explain his vote.

SENATOR DeFRANCISCO: I'm voting no, as I did last year, not for -- closer to the reasons Senator Stewart-Cousins has just mentioned.

You can have a situation where a

young person doesn't know whether or not that person is a police officer. They may intentionally not give a name, not because they're trying to thwart a police officer, but they don't know. That's intentional. I'm not give you my name because I don't know who the hell you are. So I think it's dangerous to a lot of people that might get stopped.

All I'm looking for to vote yes would be something in here where the individual knowing refuses to -- knowing that the person requesting is a police officer, they intentionally refuse to give their name. Then I think the bill would be acceptable, at least to me.

So for those reasons, I'm voting no.

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

THE SECRETARY: Those recorded in the negative on Calendar Number 1569 are Senators Adams, Bonacic, Breslin, DeFrancisco, Connor, Diaz, Dilan, Duane, Fuschillo, Hassell-Thompson, Huntley, L. Krueger, Little,

Montgomery, Onorato, Perkins, Sabini, Sampson, Schneiderman, Serrano, Smith, Stavisky, Stewart-Cousins and Thompson. Also Senator Marcellino.

Ayes, 33. Nays, 25.

ACTING PRESIDENT YOUNG: Senator Libous.

SENATOR LIBOUS: Madam President, would you withdraw the roll call and lay the bill aside for the day, please.

ACTING PRESIDENT YOUNG: The roll call is withdrawn. The bill is laid aside for the day.

SENATOR LIBOUS: Madam President, there will be an immediate meeting of the Rules Committee in the Majority Conference Room, 332.

ACTING PRESIDENT YOUNG: There's an immediate meeting of the Rules Committee in the Majority Conference Room, Room 332.

SENATOR LIBOUS: If we could have some order in the chamber, please.

Thank you. I thought I was at a ball game for a minute.

Madam President, there will be an

immediate meeting of the Rules Committee in Room 332. The Senate will stand at ease.

And then we'll have the report of the Rules Committee read when we get back. We'll be not taking it up today, we'll be taking it up, the Rules report, on Monday.

ACTING PRESIDENT YOUNG: Senator Duane.

SENATOR DUANE: Thank you, Madam President.

On behalf of Senator C. Kruger, on page 24 I offer the following amendments to Calendar Number 736, Senate Print Number 4551, and ask that said bill retain its place on Third Reading Calendar.

ACTING PRESIDENT YOUNG: The amendments are received. The bill will maintain its place on the Third Reading Calendar.

Senator Fuschillo.

SENATOR FUSCHILLO: Thank you, Madam President.

On behalf of Senator Wright, on page number 31 I offer the following amendments to Calendar Number 888, Senate

Print Number 3138, and ask that said bill retain its place on Third Reading Calendar.

ACTING PRESIDENT YOUNG: Thank you, Senator Fuschillo. The amendments are received. The bill will maintain its place on the Third Reading Calendar.

SENATOR FUSCHILLO: Madam President, on behalf of Senator Morahan, on page number 58 I offer the following amendments to Calendar Number 1428, Senate Print Number 3294A, and ask that said bill retain its place on Third Reading Calendar.

ACTING PRESIDENT YOUNG: Thank you, Senator Fuschillo. The amendments are received. The bill will maintain its place on the Third Reading Calendar.

SENATOR FUSCHILLO: Thank you.

ACTING PRESIDENT YOUNG: The Senate stands at ease.

(Whereupon, the Senate stood at ease at 2:07 p.m.)

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

ACTING PRESIDENT DUANE: Senator Skelos.

SENATOR SKELOS: Mr. President, if we could return to motions and resolutions, I wish to call up Senator Nozzolio's bill, Print Number 1449, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT DUANE: The Secretary will read.

THE SECRETARY: Calendar Number 1493, by Senator Nozzolio, Senate Print 1449, an act to amend the Criminal Procedure Law.

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

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

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT DUANE: Senator Skelos.

SENATOR SKELOS: Mr. President, I believe you're supposed to say that the bill is restored to its place on the Third Reading Calendar.

ACTING PRESIDENT DUANE: And so

it was. The bill was restored to its original place on the Third Reading Calendar.

SENATOR SKELOS: Thank you, Mr. President. I now offer the following amendments.

ACTING PRESIDENT DUANE: The amendments are received.

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

ACTING PRESIDENT DUANE: Reports of standing committees.

The Secretary will read.

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

Senate Print 571, by Senator Larkin, an act to amend the Agriculture and Markets Law;

591B, by Senator Nozzolio, an act to amend the Education Law;

2768, by Senator Breslin, an act authorizing;

3310, by Senator LaValle, an act to amend the General Municipal Law;

3490A, by Senator Wright, an act in relation to authorizing;

3785, by Senator DeFrancisco, an act to amend the State Finance Law;

4485, by Senator Lanza, an act to amend the Correction Law;

4855, by Senator Nozzolio, an act to amend the Executive Law;

4952A, by Senator Young, an act to amend the Environmental Conservation Law;

5352, by Senator Wright, an act to amend the Tax Law;

5661, by Senator Morahan, an act to amend the General Municipal Law;

5730, by Senator Golden, an act to amend the Penal Law;

5762A, by Senator Wright, an act in relation;

5767, by Senator Golden, an act to amend the Penal Law;

5802, by Senator Lanza, an act to amend the Penal Law;

5889A, by the Senate Committee on

Rules, an act to amend the Tax Law;

5889, by the Senate Committee on Rules, an act to amend the Tax Law;

5906, by Senator Maziarz, an act to amend the Parks, Recreation and Historic Preservation Law;

5944, by Senator Morahan, an act to amend the Retirement and Social Security Law;

5983, by the Senate Committee on Rules, an act to amend the Tax Law;

5986, by Senator Leibell, an act to amend the Criminal Procedure Law;

5991, by Senator Golden, an act to amend the Penal Law;

6014, by the Senate Committee on Rules, an act to amend the Tax Law;

And Senate Print 6019, by Senator Skelos, an act to authorize the assessor.

All bills ordered direct to third reading.

ACTING PRESIDENT DUANE: Senator Skelos.

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

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

(Response of "Aye.")

ACTING PRESIDENT DUANE: Opposed, nay.

(No response.)

ACTING PRESIDENT DUANE: The Rules report is accepted.

Senator Skelos.

SENATOR SKELOS: Mr. President, for the members that are watching on TV, there has not been a coup.

But is there any further business to come before the Senate?

ACTING PRESIDENT DUANE: There is no other business.

SENATOR SKELOS: There being none, I move we stand adjourned until Monday, June 11th, at 3:00 p.m., intervening days to be legislative days.

ACTING PRESIDENT DUANE: On motion, the Senate stands adjourned until Monday, June 11th, at 3:00 p.m., intervening days being legislative days.

SENATOR SKELOS: Thank you,

Mr. President.

ACTING PRESIDENT DUANE: Thank you.

(Whereupon, at 2:21 p.m., the Senate adjourned.)