NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

June 11, 2007

3:25 p.m.

REGULAR SESSION

SENATOR JAMES S. ALESI, Acting President

STEVEN M. BOGGESS, Secretary

P R O C E E D I N G S

ACTING PRESIDENT ALESI: The Senate will come to order.

All rise.

I ask everyone present to join in reciting the Pledge of Allegiance.

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

ACTING PRESIDENT ALESI: The invocation today will be given by Reverend Peter G. Young, of Mother Theresa Community.

REVEREND YOUNG: Thank you, Senator. Let us pray.

As we stand here today, may we focus our attention to the beautiful stained glass above the podium, because this is the state seal that has the motto "Excelsior" -- "ever upward." And it replaced the place of the crown in 1777. Lady Liberty, with a peasant cap representing democracy, has her left foot stepping on the crown, representing the rejection of royalty.

As citizens of the Empire State, we have been the leader with our constitution, 12 years before the federal Constitution. As

a national leader, as a New York State Senator, you have been given these great privileges.

So, God, these Senators have a great power and responsibility. May we pray that they will always work in Your image and honor all of our New York State citizens.

Amen.

ACTING PRESIDENT ALESI: Thank you, Father Young.

Reading of the Journal.

THE SECRETARY: In Senate, Sunday, June 10, the Senate met pursuant to adjournment. The Journal of Saturday, June 9, was read and approved. On motion, Senate adjourned.

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

Presentation of petitions.

Messages from the Assembly.

Messages from the Governor.

Reports of standing committees.

Reports of select committees.

Communications and reports from

state officers.

Motions and resolutions.

Senator Farley.

SENATOR FARLEY: Thank you, Mr. President.

On behalf of Senator Griffo, Mr. President, I wish to call up his bill, Print Number 5482, it's recalled from the Assembly, and it's now at the desk.

ACTING PRESIDENT ALESI: The Secretary will read.

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

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

ACTING PRESIDENT ALESI: Call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 45.

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

ACTING PRESIDENT ALESI: The

amendments are received.

SENATOR FARLEY: Mr. President, on behalf of Senator Volker, I wish to call up his bill, Print Number 1602, it's recalled from the Assembly, and it's now at the desk.

ACTING PRESIDENT ALESI: The Secretary will read.

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

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

ACTING PRESIDENT ALESI: Call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 45.

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

ACTING PRESIDENT ALESI: The amendments are received.

SENATOR FARLEY: Mr. President, I now have amendments to be offered on the following Third Reading Calendar bills.

On behalf of yourself, Senator

Alesi, on page 10, Calendar Number 343, Senate Print 1459.

On behalf of Senator Larkin, on page 13, Calendar Number 439, Senate Print 421.

On behalf of Senator Fuschillo, on page 22, Calendar Number 724, Senate Print 4517.

On behalf of Senator LaValle, on page 29, Calendar 889, Senate Print 3585.

On behalf of Senator Volker, on page 36, Calendar Number 1041, Senate Print 3560A.

And on behalf of Senator Hannon, on page 28, Calendar Number 863, Senate Print Number 5118A.

And on behalf of Senator Fuschillo, on page 28, Calendar Number 870, Senate Print 5543A.

And on behalf of Senator DeFrancisco, on page 20, Calendar Number 661, Senate Print 39A.

And on behalf of Senator Maltese, on page 21, Calendar Number 693, Senate Print 4580.

And on behalf of Senator Robach, on page 55, Calendar Number 1435, Senate Print Number 1923.

And on behalf of myself, Senator Farley, on page 46, Calendar Number 1276, Senate Print 5288.

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

ACTING PRESIDENT ALESI: All amendments are received and adopted, and all bills will retain their place on third reading.

Senator Little.

SENATOR LITTLE: Thank you, Mr. President.

Are there any substitutions at the desk?

ACTING PRESIDENT ALESI: There are.

SENATOR LITTLE: If we could make them at this time. Thank you.

ACTING PRESIDENT ALESI: The Secretary will read.

THE SECRETARY: On page 23,

Senator Skelos moves to discharge, from the Committee on Rules, Assembly Bill Number 4964, and substitute it for the identical Senate Bill Number 2801, Third Reading Calendar 729.

On page 31, Senator Maziarz moves to discharge, from the Committee on Rules, Assembly Bill Number 3626A and substitute it for the identical Senate Bill Number 1624A, Third Reading Calendar 938.

On page 41, Senator Farley moves to discharge, from the Committee on Rules, Assembly Bill Number 8365 and substitute it for the identical Senate Bill Number 4958, Third Reading Calendar 1171.

On page 42, Senator Little moves to discharge, from the Committee on Local Government, Assembly Bill Number 7399 and substitute it for the identical Senate Bill Number 5083, Third Reading Calendar 1188.

On page 43, Senator O. Johnson moves to discharge, from the Committee on Environmental Conservation, Assembly Bill Number 8202 and substitute it for the identical Senate Bill Number 5836, Third Reading Calendar 1212.

On page 43, Senator O. Johnson moves to discharge, from the Committee on Environmental Conservation, Assembly Bill Number 8204 and substitute it for the identical Senate Bill Number 5837, Third Reading Calendar 1213.

On page 43, Senator O. Johnson moves to discharge, from the Committee on Environmental Conservation, Assembly Bill Number 8212 and substitute it for the identical Senate Bill Number 5838, Third Reading Calendar 1214.

On page 43, Senator O. Johnson moves to discharge, from the Committee on Environmental Conservation, Assembly Bill Number 8200 and substitute it for the identical Senate Bill Number 5839, Third Reading Calendar 1215.

And on page 55, Senator Griffo moves to discharge, from the Committee on Elections, Assembly Bill Number 641 and substitute it for the identical Senate Bill Number 6003, Third Reading Calendar 1484.

ACTING PRESIDENT ALESI: Substitutions ordered.

Senator Little.

SENATOR LITTLE: Thank you, Mr. President. May we please have the noncontroversial reading of the calendar.

ACTING PRESIDENT ALESI: The Secretary will read.

THE SECRETARY: Calendar Number 96, by Senator Saland, Senate Print 1773A, an act to amend the Education Law.

ACTING PRESIDENT ALESI: Read the last section.

THE SECRETARY: Section 23. This act shall take effect immediately.

ACTING PRESIDENT ALESI: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 52.

ACTING PRESIDENT ALESI: The bill is passed.

THE SECRETARY: Calendar Number 373, by Senator Maltese, Senate Print 1771, an act to amend the New York City Criminal Court Act.

ACTING PRESIDENT ALESI: Read the last section.

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

ACTING PRESIDENT ALESI: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 52.

ACTING PRESIDENT ALESI: The bill is passed.

THE SECRETARY: Calendar Number 423, by Senator Little, Senate Print 1133, an act to amend the Town Law, the Public Officers Law, and the Village Law.

ACTING PRESIDENT ALESI: Read the last section.

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

ACTING PRESIDENT ALESI: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 52.

ACTING PRESIDENT ALESI: The bill is passed.

THE SECRETARY: Calendar Number 424, by Senator Little, Senate Print 1134, an act to amend the Town Law, the Public Officers

Law, and the Village Law.

ACTING PRESIDENT ALESI: Read the last section.

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

ACTING PRESIDENT ALESI: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 52.

ACTING PRESIDENT ALESI: The bill is passed.

THE SECRETARY: Calendar Number 505, by Senator Rath, Senate Print 4009A, an act to amend the Social Services Law.

ACTING PRESIDENT ALESI: Read the last section.

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

ACTING PRESIDENT ALESI: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 52.

ACTING PRESIDENT ALESI: The bill is passed.

THE SECRETARY: Calendar Number

630, by Senator Little, Senate Print 3814B, an act to amend the General Business Law.

ACTING PRESIDENT ALESI: Read the last section.

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

ACTING PRESIDENT ALESI: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 53.

ACTING PRESIDENT ALESI: The bill is passed.

THE SECRETARY: Calendar Number 701, by Senator Seward, Senate Print 2968, an act to amend the Insurance Law.

SENATOR DUANE: Lay it aside, please.

ACTING PRESIDENT ALESI: Lay the bill aside.

THE SECRETARY: Calendar Number 729, substituted earlier by Member of the Assembly Gottfried, Assembly Print Number 4964, an act to amend the Social Services Law.

ACTING PRESIDENT ALESI: Read the last section.

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

ACTING PRESIDENT ALESI: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 53.

ACTING PRESIDENT ALESI: The bill is passed.

THE SECRETARY: Calendar Number 772, by Senator Skelos, Senate Print 3573, an act to amend the Vehicle and Traffic Law.

ACTING PRESIDENT ALESI: Read the last section.

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

ACTING PRESIDENT ALESI: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 53.

ACTING PRESIDENT ALESI: The bill is passed.

THE SECRETARY: Calendar Number 773, by Senator Larkin, Senate Print 4040A, an act to amend the Vehicle and Traffic Law.

ACTING PRESIDENT ALESI: Read the

last section.

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

ACTING PRESIDENT ALESI: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 55.

ACTING PRESIDENT ALESI: The bill is passed.

THE SECRETARY: Calendar Number 835, by Senator DeFrancisco, Senate Print 4210, an act to amend the Real Property Actions and Proceedings Law and the Civil Practice Law and Rules.

ACTING PRESIDENT ALESI: Read the last section.

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

ACTING PRESIDENT ALESI: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 55. Nays, 0.

ACTING PRESIDENT ALESI: The bill

is passed.

THE SECRETARY: Calendar Number 871, by Senator Young, Senate Print 5579A, an act to amend the Agriculture and Markets Law.

ACTING PRESIDENT ALESI: Read the last section.

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

ACTING PRESIDENT ALESI: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 55.

ACTING PRESIDENT ALESI: The bill is passed.

THE SECRETARY: Calendar Number 874, by Senator Winner, Senate Print 3317A, an act to amend the Highway Law.

ACTING PRESIDENT ALESI: Read the last section.

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

ACTING PRESIDENT ALESI: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 55.

ACTING PRESIDENT ALESI: The bill is passed.

THE SECRETARY: Calendar Number 880, by Senator Flanagan, Senate Print 5628A, an act to amend the State Administrative Procedure Act.

ACTING PRESIDENT ALESI: Read the last section.

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

ACTING PRESIDENT ALESI: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 55.

ACTING PRESIDENT ALESI: The bill is passed.

THE SECRETARY: Calendar Number 899, by Senator Little, Senate Print 5110, an act to amend the General Municipal Law.

ACTING PRESIDENT ALESI: Read the last section.

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

ACTING PRESIDENT ALESI: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 55.

ACTING PRESIDENT ALESI: The bill is passed.

THE SECRETARY: Calendar Number 930, by Senator Golden, Senate Print 3333B, an act to amend the Education Law.

ACTING PRESIDENT ALESI: Read the last section.

THE SECRETARY: Section 4. This act shall take effect on the 180th day.

ACTING PRESIDENT ALESI: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 55.

ACTING PRESIDENT ALESI: The bill is passed.

THE SECRETARY: Calendar Number 938, substituted earlier today by Member of the Assembly John, Assembly Print Number 3626A, an act to amend the Labor Law.

ACTING PRESIDENT ALESI: Read the last section.

THE SECRETARY: Section 2. This act shall take effect January 1, 2009.

ACTING PRESIDENT ALESI: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 55.

ACTING PRESIDENT ALESI: The bill is passed.

THE SECRETARY: Calendar Number 951, by Senator Lanza, Senate Print 3596, an act authorizing the City of New York to reconvey its interest.

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

Read the last section.

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

ACTING PRESIDENT ALESI: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 55.

ACTING PRESIDENT ALESI: The bill is passed.

THE SECRETARY: Calendar Number 988, by Senator Rath, Senate Print 5194A, an act to amend the General Business Law.

ACTING PRESIDENT ALESI: Read the

last section.

THE SECRETARY: Section 3. This act shall take effect on the earliest of either the 30th day or the 390th day.

ACTING PRESIDENT ALESI: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 55.

ACTING PRESIDENT ALESI: The bill is passed.

THE SECRETARY: Calendar Number 994, by Senator Larkin, Senate Print 4968, an act to authorize the transfer of all funds.

ACTING PRESIDENT ALESI: Read the last section.

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

ACTING PRESIDENT ALESI: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 55.

ACTING PRESIDENT ALESI: The bill is passed.

THE SECRETARY: Calendar Number 1018, by Senator Seward, Senate Print 3150A,

an act --

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

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

THE SECRETARY: Calendar Number 1081, by Senator Saland, Senate Print 5747, an act to amend Chapter 425 of the Laws of 2002 amending the Education Law.

ACTING PRESIDENT ALESI: Read the last section.

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

ACTING PRESIDENT ALESI: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 55.

ACTING PRESIDENT ALESI: The bill is passed.

THE SECRETARY: Calendar Number 1115, by Senator Nozzolio, Senate Print 589, an act to amend the Executive Law.

ACTING PRESIDENT ALESI: Read the last section.

THE SECRETARY: Section 2. This

act shall take effect immediately.

ACTING PRESIDENT ALESI: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 54. Nays, 1. Senator L. Krueger recorded in the negative.

ACTING PRESIDENT ALESI: The bill is passed.

THE SECRETARY: Calendar Number 1148, by Senator Maziarz, Senate Print 949, an act to amend the Vehicle and Traffic Law.

ACTING PRESIDENT ALESI: Read the last section.

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

ACTING PRESIDENT ALESI: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 55.

ACTING PRESIDENT ALESI: The bill is passed.

THE SECRETARY: Calendar Number 1157, by Senator Rath, Senate Print 2964, an

act to amend the Alcoholic Beverage Control Law.

ACTING PRESIDENT ALESI: Read the last section.

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

ACTING PRESIDENT ALESI: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT ALESI: Senator Montgomery, to explain her vote.

SENATOR MONTGOMERY: Yes, thank you, Mr. President.

I note that this is legislation that Senator Rath has introduced, and I note that a number of similar bills have been introduced by Senator Little as well, and I certainly identify with the issue that they are drawing attention to and trying to address.

I do, however, have some concerns that we keep trying to legislate this problem and it does not seem to be helping us with really addressing the serious problem with young people and drinking, and drinking and

driving and what have you.

So I certainly hope that we can begin to come up with a better way of trying to deal with young people in particular who are inclined to want to drink even if they have to falsify their ID and whatever else that they do.

I'm going to support this bill, however, because it does not carry with it a criminal penalty, it just carries with it some restitution. So I'm going to vote yes. But I think that we need to think about this much more seriously as a social issue rather than as a criminal issue.

Thank you, Mr. President. I vote yes.

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

Announce the results.

THE SECRETARY: Ayes, 55. Nays, 0.

ACTING PRESIDENT ALESI: The bill is passed.

THE SECRETARY: Calendar Number

1158, by Senator Padavan, Senate Print 3995, an act to amend the Mental Hygiene Law.

ACTING PRESIDENT ALESI: Read the last section.

THE SECRETARY: Section 4. This act shall take effect one year after it shall have become law.

ACTING PRESIDENT ALESI: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT ALESI: The bill is passed.

THE SECRETARY: Calendar Number 1171, substituted earlier today by Member of the Assembly Jeffries, Assembly Print Number 8365, an act to amend the Banking Law and the Real Property Actions and Proceedings Law.

ACTING PRESIDENT ALESI: Read the last section.

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

ACTING PRESIDENT ALESI: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT ALESI: The bill is passed.

THE SECRETARY: Calendar Number 1188, substituted earlier today by Member of the Assembly Hoyt, Assembly Print Number 7399, an act to amend the General Municipal Law.

ACTING PRESIDENT ALESI: Read the last section.

THE SECRETARY: Section 2. This act shall take effect January 1, 2009.

ACTING PRESIDENT ALESI: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT ALESI: The bill is passed.

THE SECRETARY: Calendar Number 1191, by the Senate Committee on Rules, Senate Print Number 5849A, an act to amend Chapter 370 of the Laws of 2001 relating to creating the Clifton Park-Halfmoon library district.

ACTING PRESIDENT ALESI: Read the last section.

THE SECRETARY: Section 2. This

act shall take effect immediately.

ACTING PRESIDENT ALESI: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT ALESI: The bill is passed.

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

ACTING PRESIDENT ALESI: Read the last section.

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

ACTING PRESIDENT ALESI: Call the roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT ALESI: The bill is passed.

THE SECRETARY: Calendar Number 1212, substituted earlier today by Member of

the Assembly Colton, Assembly Print Number 8202, an act to amend the Environmental Conservation Law.

ACTING PRESIDENT ALESI: Read the last section.

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

ACTING PRESIDENT ALESI: Call the roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT ALESI: The bill is passed.

THE SECRETARY: Calendar Number 1213, substituted earlier by Member of the Assembly Espaillat, Assembly Print Number 8204, an act to amend the Environmental Conservation Law.

ACTING PRESIDENT ALESI: Read the last section.

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

ACTING PRESIDENT ALESI: Call the

roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT ALESI: The bill is passed.

THE SECRETARY: Calendar Number 1214, substituted earlier today by Member of the Assembly Sweeney, Assembly Print Number 8212, an act to amend the Environmental Conservation Law.

ACTING PRESIDENT ALESI: Read the last section.

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

ACTING PRESIDENT ALESI: Call the roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT ALESI: The bill is passed.

THE SECRETARY: Calendar Number

1215, substituted earlier today by Member of the Assembly Eddington, Assembly Print Number 8200, an act to amend the Environmental Conservation Law.

ACTING PRESIDENT ALESI: Read the last section.

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

ACTING PRESIDENT ALESI: Call the roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT ALESI: The bill is passed.

THE SECRETARY: Calendar Number 1326, by Senator C. Kruger, Senate Print 4542, an act to amend the Family Court Act and the Criminal Procedure Law.

ACTING PRESIDENT ALESI: Read the last section.

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

ACTING PRESIDENT ALESI: Call the

roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT ALESI: The bill is passed.

THE SECRETARY: Calendar Number 1333, by Senator Flanagan, Senate Print 690A, an act to amend the Public Health Law.

ACTING PRESIDENT ALESI: Read the last section.

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

ACTING PRESIDENT ALESI: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT ALESI: The bill is passed.

THE SECRETARY: Calendar Number 1430, by Senator LaValle, Senate Print 4735, an act to amend the Vehicle and Traffic Law.

ACTING PRESIDENT ALESI: Read the last section.

THE SECRETARY: Section 4. This act shall take effect on the first of

November.

ACTING PRESIDENT ALESI: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT ALESI: The bill is passed.

THE SECRETARY: Calendar Number 1484, substituted earlier today by Member of the Assembly Wright, Assembly Print Number 641, an act to amend Chapter 92 of the Laws of 2001, amending the Election Law.

ACTING PRESIDENT ALESI: Read the last section.

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

ACTING PRESIDENT ALESI: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT ALESI: The bill is passed.

THE SECRETARY: Calendar Number 1487, by Senator Fuschillo, Senate Print 4304B, an act to amend the Executive Law.

ACTING PRESIDENT ALESI: Read the last section.

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

ACTING PRESIDENT ALESI: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT ALESI: The bill is passed.

THE SECRETARY: Calendar Number 1507, by Senator Padavan, Senate Print 3529A, an act to amend the Agriculture and Markets Law.

ACTING PRESIDENT ALESI: Read the last section.

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

ACTING PRESIDENT ALESI: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT ALESI: The bill is passed.

THE SECRETARY: Calendar Number 1537, by Senator Lanza, Senate Print 5791A, an act to amend the Penal Law.

ACTING PRESIDENT ALESI: Read the last section.

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

ACTING PRESIDENT ALESI: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT ALESI: The bill is passed.

THE SECRETARY: Calendar Number 1544, by Senator Young, Senate Print 5995, an act to authorize the conveyance of certain state lands.

ACTING PRESIDENT ALESI: Read the last section.

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

ACTING PRESIDENT ALESI: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT ALESI: The bill is passed.

THE SECRETARY: Calendar Number 1555, by Senator Alesi, Senate Print 1915A, an act to amend the Alcoholic Beverage Control Law.

ACTING PRESIDENT ALESI: Read the last section.

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

ACTING PRESIDENT ALESI: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT ALESI: The bill is passed.

THE SECRETARY: Calendar Number 1564, by Senator Larkin, Senate Print 571, an act to amend the Agriculture and Markets Law, the County Law, the Insurance Law and the Tax Law.

ACTING PRESIDENT ALESI: Read the last section.

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

ACTING PRESIDENT ALESI: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT ALESI: The bill is passed.

THE SECRETARY: Calendar Number 1574, by Senator Libous, Senate Print 5978, an act to amend --

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

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

THE SECRETARY: Calendar Number 1575, by Senator Maltese, Senate Print 6007, an act to amend the Labor Law.

ACTING PRESIDENT ALESI: Read the last section.

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

ACTING PRESIDENT ALESI: Call the roll.

(The Secretary called the roll.)

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

SENATOR SALAND: Thank you, Mr. President, to explain my vote.

Mr. President, this bill deals with the implementation of programs to prevent workplace violence in public schools. We had passed a bill last year which, among public employers, had excluded public schools. I can only assume that was in part because of the SAVE program.

I certainly am not insensitive to the importance of requiring programs to deal with this critically important workplace issue, but I do believe that it is more appropriately dealt with in the SAVE program that we passed -- both houses, in fact, had passed, and it was signed into law several years ago.

And for that reason, Mr. President, I'm going to vote in the negative on this bill. Thank you.

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

Announce the results.

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

ACTING PRESIDENT ALESI: The bill is passed.

THE SECRETARY: Calendar Number 1576, by Senator Breslin, Senate Print 2768, an act authorizing the Division of Criminal Justice Services.

ACTING PRESIDENT ALESI: Read the last section.

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

ACTING PRESIDENT ALESI: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT ALESI: The bill is passed.

THE SECRETARY: Calendar Number 1577, by Senator LaValle, Senate Print 3310, an act to amend the General Municipal Law.

ACTING PRESIDENT ALESI: Read the last section.

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

ACTING PRESIDENT ALESI: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT ALESI: The bill is passed.

THE SECRETARY: Calendar Number 1579, by Senator DeFrancisco, Senate Print 3785, an act to amend the State Finance Law and the Judiciary Law.

ACTING PRESIDENT ALESI: Read the last section.

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

ACTING PRESIDENT ALESI: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT ALESI: The bill is passed.

THE SECRETARY: Calendar Number 1581, by Senator Nozzolio, Senate Print 4855, an act to amend the Executive Law.

ACTING PRESIDENT ALESI: Read the last section.

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

ACTING PRESIDENT ALESI: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Those recorded in the negative on Calendar Number 1581 are Senators Duane, Huntley and Perkins.

Ayes, 54. Nays, 3.

ACTING PRESIDENT ALESI: The bill is passed.

THE SECRETARY: Calendar Number 1582, by Senator Young, Senate Print 4952A, an act to amend the Environmental Conservation Law.

ACTING PRESIDENT ALESI: Read the last section.

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

ACTING PRESIDENT ALESI: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT ALESI: The bill is passed.

THE SECRETARY: Calendar Number 1583, by Senator Wright, Senate Print 5352, an

act to amend the Tax Law.

ACTING PRESIDENT ALESI: Read the last section.

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

ACTING PRESIDENT ALESI: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT ALESI: The bill is passed.

THE SECRETARY: Calendar Number 1585, by Senator Golden, Senate Print 5730, an act to amend the Penal Law.

ACTING PRESIDENT ALESI: Read the last section.

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

ACTING PRESIDENT ALESI: Call the roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT ALESI: The bill

is passed.

THE SECRETARY: Calendar Number 1587, by Senator Golden, Senate Print 5767, an act to amend the Penal Law.

ACTING PRESIDENT ALESI: Read the last section.

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

ACTING PRESIDENT ALESI: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT ALESI: The bill is passed.

THE SECRETARY: Calendar Number 1588, by Senator Lanza, Senate Print 5802, an act to amend the Penal Law and the Criminal Procedure Law.

ACTING PRESIDENT ALESI: Read the last section.

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

ACTING PRESIDENT ALESI: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Those recorded in the negative on Calendar Number 1588 are Senators Duane, Montgomery and Perkins.

Ayes, 54. Nays, 3.

ACTING PRESIDENT ALESI: The bill is passed.

THE SECRETARY: Calendar Number 1589, by the Senate Committee on Rules, Senate Print 5889A, an act to amend the Tax Law.

ACTING PRESIDENT ALESI: Read the last section.

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

ACTING PRESIDENT ALESI: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT ALESI: The bill is passed.

THE SECRETARY: Calendar Number 1590, by Senator Maziarz, Senate Print 5906 --

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

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

THE SECRETARY: Calendar Number 1591, by Senator Morahan, Senate Print 5944, an act to amend the Retirement and Social Security Law.

ACTING PRESIDENT ALESI: Read the last section.

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

ACTING PRESIDENT ALESI: Call the roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT ALESI: The bill is passed.

THE SECRETARY: Calendar Number 1593, by Senator Leibell, Senate Print 5986, an act to amend the Criminal Procedure Law.

ACTING PRESIDENT ALESI: Read the last section.

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

ACTING PRESIDENT ALESI: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT ALESI: The bill is passed.

THE SECRETARY: Calendar Number 1594, by Senator Golden, Senate Print 5991, an act to amend the Penal Law.

ACTING PRESIDENT ALESI: Read the last section.

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

ACTING PRESIDENT ALESI: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT ALESI: The bill is passed.

THE SECRETARY: Calendar Number 1596, by Senator Skelos, Senate Print 6019, an act to authorize the assessor of the County of Nassau to accept an application.

ACTING PRESIDENT ALESI: Read the last section.

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

ACTING PRESIDENT ALESI: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57. Nays, 0.

ACTING PRESIDENT ALESI: The bill is passed.

THE SECRETARY: Calendar Number 1597, by Senator Nozzolio, Senate Print 591B, an act to amend the Education Law.

ACTING PRESIDENT ALESI: Read the last section.

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

ACTING PRESIDENT ALESI: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT ALESI: The bill is passed.

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

SENATOR LITTLE: Thank you, Mr. President. Now may we have the

controversial reading of the calendar.

ACTING PRESIDENT ALESI: The Secretary will ring the bell.

The Secretary will read.

THE SECRETARY: Calendar Number 701, by Senator Seward, Senate Print --

SENATOR LIZ KRUEGER: Explanation, please.

ACTING PRESIDENT ALESI: Explanation, Senator Seward.

SENATOR SEWARD: Certainly, Mr. President.

The purpose of the bill before us is to help individuals and businesses to better afford health insurance by making it easier for them to purchase high-deductible health plans that are coupled with health savings accounts.

Now, these types of policies were created under the federal Medicare Prescription Drug Improvement and Modernization Act of 2003. However, here in New York, current law prohibits these high-deductible health plans and HSAs from being offered by HMOs and being offered in the

individual market. So only other parts of the health insurance market are able to make these available to their clients.

So this would remove that prohibition and allow for the greater marketing of this type of health insurance product.

This legislation goes right at the heart of our efforts to bring down the number of uninsured when it comes to health insurance in New York State. Close to 3 million New Yorkers continue to be without health insurance.

It seems to me, Mr. President, that we need to aggressively pursue solving that problem. I think it has to be done in a variety of ways. Certainly we have a number of very good public programs, from Healthy New York, Child Health Plus, Family Health Plus. But also it seems to me we need to look at innovative approaches to also help people to be able to afford health insurance.

These high-deductible health insurance plans, coupled with HSAs, are less costly. And it just seems to me that we ought

to make this option available. It's not for everyone, but we should, it seems to me, make this option available to more New Yorkers so that as they look down a menu of options they have, this will be included with other options.

ACTING PRESIDENT ALESI: Thank you, Senator.

Senator Krueger.

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

ACTING PRESIDENT ALESI: Senator Krueger, on the bill.

SENATOR LIZ KRUEGER: Thank you.

I appreciate the sponsor's explanation. We've debated this bill several years, although this bill does vary from your previous bills. This bill doesn't have the option for health insurance to no longer cover certain illnesses, which was one serious concern I had about the previous legislation.

So I want to thank the sponsor for amending his bill to remove the option for insurance companies to decide they don't want to pay for certain types of illnesses. I

think that is certainly an improvement.

I'm still left with the dilemma, though, that these high-deductible insurance models really end up being for healthy and wealthy people. If you've got the money to pay $1,800 in deductibles and put into savings accounts, you're right, this might be a good insurance plan for you.

Although most people, when we talk about people who can't afford insurance or the uninsured, are working in low-wage jobs with minimal benefits. They can't really put in the $1,800 deductible or put the money into a health savings account, because they don't have that kind of money.

And so my concern about this legislation, despite my appreciation for your having amended it, is that we'll still find ourselves in situations where, if companies opt into this model, their insurees will not be able to participate in getting primary healthcare, in getting basic healthcare that of course saves us all money down the road, because they won't have that high deductible to pay out.

I'm also very concerned with the fact that if we set up a two-tier model of insurance, the kind of insurance programs we have today and the model where, with a high deductible, you can basically shift the heavy burden of the cost of healthcare to each insuree, that insurance companies will continue over time to bias themselves towards the high deductible and we won't have a market that has both kinds of insurance -- our current system in the proposal you're making -- but that insurance companies will opt out of existing coverage plans, only offer the high deductible, and at the end of the day we will have only one model of health insurance, the insurance that healthy and wealthy people can pay for. And I don't think that that does us any justice here in New York State or is the model we want.

And again, with due respect to the sponsor, for me, now in 2007, pretty much everything that President Bush put into his Medicare Prescription and Modernization Act of December 8, 2003, in my opinion has been a flop. So I don't think we should continue

down the model of the Medicare Reform Act of 2003. Because on each topic, as we've watched it roll into effect, we've seen bad things happen for health care coverage and insurance.

So I think we should look to other people for models for success and recognize that that bill wasn't a very good bill.

So I will continue to vote no on the bill. Thank you very much.

Thank you, Mr. President.

ACTING PRESIDENT ALESI: Does any other Senator wish to be heard?

If not, the debate is closed.

The Secretary will ring the bell.

Read the last section.

THE SECRETARY: Section 4. This act shall take effect January 1, 2008.

ACTING PRESIDENT ALESI: Call the roll.

(The Secretary called the roll.)

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

SENATOR SEWARD: Yeah, thank you, Mr. President.

The bill before us, it seems to me,

goes right at the heart of our efforts to cut down the number of uninsured that we have in the state of New York, which continues to be too high.

Unlike Senator Krueger in her comments, I do not have the same reservations at all. The question is, where does the money come from for --

ACTING PRESIDENT ALESI: Excuse me, Senator.

May we have some order, please.

SENATOR SEWARD: The question is, where does the money come from to deposit into one of these health savings accounts?

Mr. President, it comes from the savings for both the employee and the employer, the savings that they are going to derive if they in fact decide to switch to one of these policies. The savings are significant. The employer can contribute to the health savings account, and the employee can also contribute to this health savings account. That's where the money comes from.

And that money, deposited in a health savings account, can be used to spend

for any expenses up to the deductible level. Individuals, consumers of our state, can have choices, they can make decisions regarding their healthcare.

And this legislation, added to all the other efforts that are underway in the state of New York to cut down on the uninsured, is going to help us a great deal with that effort.

Mr. President, I vote aye.

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

Will those Senators voting in the negative please raise your hands again.

Senator Rath, to explain her vote.

SENATOR RATH: Thank you, Mr. President. To explain my vote.

I'd like to congratulate Senator Seward and the hard work on this bill. This has been around for three or four years. It was a bill similar to one that I talked with him about at that time, after having gone to national conference where one of the most important things that was developing in the insurance industry throughout the country was

an opportunity to have health savings accounts in place because of the dramatic savings that could occur when an individual takes charge and is responsible for their own healthcare.

In other words, if you take really good care of yourself and don't have to spend the money, then you get to save the money.

And in talking with some of our good friends in the workers' unions, they were caught on the idea that if the dollars were saved for the public employees, then maybe there would be an opportunity to renegotiate contracts, because dollars would be saved because the workers had taken care and in charge of their own healthcare, so to speak.

And I have a bill that will follow hot on the heels of this one -- maybe not this year, but absolutely next year -- that will make this a condition of employment for public employee unions, that if they want to save the money by taking care of their health care, saving the dollars for us, their employer, then we want to negotiate with them for higher wages for those employees.

I congratulate you, Senator Seward.

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

Announce the results.

THE SECRETARY: Those recorded in the negative on Calendar Number 701 are Senators Adams, Diaz, Dilan, Duane, Gonzalez, Huntley, C. Johnson, Klein, L. Krueger, C. Kruger, Montgomery, Onorato, Parker, Perkins, Sabini, Sampson, Savino, Schneiderman, Smith, Stavisky, Stewart-Cousins and Thompson.

Absent from voting: Senators Connor and Oppenheimer.

Ayes, 36. Nays, 22.

ACTING PRESIDENT ALESI: The bill is passed.

Senator Little, that concludes the controversial reading of the calendar.

SENATOR LITTLE: Thank you, Mr. President.

There will be an immediate meeting of the Rules Committee in the Senate Conference Room.

The Senate stands at ease.

ACTING PRESIDENT ALESI: Immediate meeting of the Rules Committee in

Conference Room 332.

Senator Nozzolio, for a motion.

SENATOR NOZZOLIO: Thank you, Mr. President.

ACTING PRESIDENT ALESI: Senator, one moment, please.

SENATOR NOZZOLIO: Thank you, Mr. President.

I wish to call up Print Number 2129, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT ALESI: The Secretary will read.

THE SECRETARY: Calendar Number 478, by Senator LaValle, Senate Print 2129, an act to amend the Highway Law.

SENATOR NOZZOLIO: Mr. President, on behalf of Senator LaValle, I now wish to reconsider the vote by which the bill was passed.

ACTING PRESIDENT ALESI: Call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

SENATOR NOZZOLIO: On behalf of

Senator LaValle, I offer the following amendments.

ACTING PRESIDENT ALESI: Amendments received.

The Senate stands at ease.

(Whereupon, the Senate stood at ease at 4:14 p.m.)

(Whereupon, the Senate reconvened at 4:24 p.m.)

ACTING PRESIDENT ALESI: Senator Little.

SENATOR LITTLE: Thank you, Mr. President. If we could return to motions and resolutions.

ACTING PRESIDENT ALESI: Motions and resolutions.

SENATOR LITTLE: Mr. President, thank you.

On behalf of Senator Nozzolio, I wish to call up bill Print Number 3756, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT ALESI: The Secretary will read.

THE SECRETARY: Calendar Number

856, by Senator Nozzolio, Senate Print 3756, an act authorizing the Commissioner of General Services.

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

ACTING PRESIDENT ALESI: Call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

SENATOR LITTLE: Mr. President, I now offer the following amendments.

ACTING PRESIDENT ALESI: The amendments are received.

SENATOR LITTLE: On behalf of Senator Nozzolio, I wish to call up bill Print Number 333A, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT ALESI: The Secretary will read.

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

SENATOR LITTLE: Mr. President, I now move to reconsider the vote by which this

bill was passed.

ACTING PRESIDENT ALESI: Call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

SENATOR LITTLE: Mr. President, I now offer the following amendments.

ACTING PRESIDENT ALESI: The amendments are received.

SENATOR LITTLE: Thank you.

Mr. President, on behalf of Senator Morahan, I wish to call up bill Print Number 4073, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT ALESI: The Secretary will read.

THE SECRETARY: Calendar Number 911, by Senator Morahan, Senate Print 4073, an act requiring the use of politically correct terminology.

ACTING PRESIDENT ALESI: Call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

SENATOR LITTLE: Mr. President, I

now offer the following amendments.

ACTING PRESIDENT ALESI: The amendments are received.

SENATOR LITTLE: Thank you.

Mr. President, on a motion. On behalf of Senator Fuschillo, on page number 20 I offer the following amendments to Calendar Number 631, Senate Print Number 3854, and ask that said bill retain its place on Third Reading Calendar.

ACTING PRESIDENT ALESI: The amendments are received, and the bill will retain its place on third reading.

SENATOR LITTLE: Thank you.

Mr. President, may we return to the reports of standing committees. I believe there's a report of the Rules Committee at the desk.

ACTING PRESIDENT ALESI: Reports of standing committees.

The Secretary will read.

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

Senate Print 1919, by Senator

Larkin, an act to amend the Vehicle and Traffic Law;

4083B, by Senator Little, an act to amend Chapter 80 of the Laws of 2000;

Senate Print 4321, by Senator Libous, an act appointing certain individuals;

5450, by Senator Nozzolio, an act to amend the Correction Law;

5684, by Senator Young, an act to amend the Agriculture and Markets Law;

5718, by the Senate Committee on Rules, an act to amend the County Law;

5745, by Senator Stachowski, an act to amend the Racing, Pari-Mutuel Wagering and Breeding Law;

5798, by the Senate Committee on Rules, an act to amend the Tax Law;

5911, by Senator Golden, an act to amend Chapter 642 of the Laws of 2004;

5925, by the Senate Committee on Rules, an act to amend the Tax Law;

5967, by Senator DeFrancisco, an act to amend the Surrogate's Court Procudre Act;

5984, by Senator Leibell, an act to

amend the Waterfront Commission Act;

6038, by Senator Skelos, an act to authorize;

And Senate Print 6039, by Senator Alesi, an act to amend the Highway Law.

All bills ordered direct to third reading.

ACTING PRESIDENT ALESI: Senator Little.

SENATOR LITTLE: I move to accept the report of the Rules Committee.

ACTING PRESIDENT ALESI: All in favor of accepting the report of the Rules Committee signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT ALESI: Opposed, nay.

(No response.)

ACTING PRESIDENT ALESI: The report is accepted.

Senator Little.

SENATOR LITTLE: Thank you, Mr. President. Could we please take up Calendar Number 1603.

ACTING PRESIDENT ALESI: The

Secretary will read.

THE SECRETARY: Calendar Number 1603, by the Senate Committee on Rules, Senate Print 5718, an act to amend the County Law.

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

Read the last section.

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

ACTING PRESIDENT ALESI: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT ALESI: The bill is passed.

Senator Little.

SENATOR LITTLE: Mr. President, for the information of the members, there will be a Rules Committee meeting in the Senate Conference Room at 5 o'clock, and then the Rules Committee report will come back to the Senate.

But we will not be taking up any bills, so the Senate will stand at ease until such time that we come back from the

committee.

ACTING PRESIDENT ALESI: There will be a Rules Committee meeting at 5 o'clock in Conference Room 332. No further business will be taken up. We will stand at ease until then.

The Senate stands at ease.

(Whereupon, the Senate stood at ease at 4:32 p.m.)

(Whereupon, the Senate reconvened at 5:04 p.m.)

ACTING PRESIDENT ALESI: Senator Skelos.

SENATOR SKELOS: Mr. President, if we could return to motions and resolutions.

On behalf of Senator DeFrancisco, I wish to call up his bill, Print Number 911A, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT ALESI: Motions and resolutions.

The Secretary will read.

THE SECRETARY: Calendar Number 619, by Senator DeFrancisco, Senate Print 911A, an act to amend the Executive Law.

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

ACTING PRESIDENT ALESI: Call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

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

ACTING PRESIDENT ALESI: The amendments are received.

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

ACTING PRESIDENT ALESI: Reports of standing committees.

The Secretary will read.

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

Senate Print 247A, by Senator Morahan, an act to amend the Tax Law;

428, by Senator Larkin, an act to

amend the Real Property Tax Law;

687, by Senator Flanagan, an act to amend the Education Law;

800, by Senator Breslin, an act to amend the Real Property Tax Law;

808, by Senator Maltese, an act to amend the Public Officers Law;

898, by Senator LaValle, an act to authorize;

1529, by Senator Fuschillo, an act to amend the Real Property Tax Law;

1866, by Senator Rath, an act to amend the Real Property Tax Law;

1914, by Senator Alesi, an act in relation to directing;

2878, by Senator DeFrancisco, an act to amend the Criminal Procedure Law;

2962, by Senator Rath, an act to amend the Tax Law;

3104, by Senator Maziarz, an act to amend the Vehicle and Traffic Law;

3119A, by Senator Nozzolio, an act to amend the Criminal Procedure Law;

3574, by Senator Lanza, an act to amend the Tax Law;

3650, by Senator Leibell, an act to amend the Executive Law;

3944, by Senator Seward, an act to amend the Tax Law;

4325, by Senator Winner, an act to amend the Real Property Tax Law;

4482, by Senator Skelos, an act to amend the Tax Law;

4488, by Senator Skelos, an act to authorize;

4639A, by Senator Padavan, an act to amend the Tax Law;

4692, by Senator Saland, an act to amend the Town Law;

4791, by Senator Seward, an act to amend the Tax Law;

4829, by Senator Saland, an act to amend the Town Law;

4859, by the Senate Committee on Rules, an act to authorize;

5037A, by Senator Nozzolio, an act to amend the Penal Law;

5859, by Senator Trunzo, an act in relation to authorizing;

5988, by the Senate Committee on

Rules, an act to amend the Hudson River Park Act;

And Senate Print 5998A, by Senator Saland, an act to amend the Education Law.

All bills ordered direct to third reading.

ACTING PRESIDENT ALESI: Senator Skelos.

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

ACTING PRESIDENT ALESI: All in favor of accepting the report of the Rules Committee signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT ALESI: Opposed, nay.

(No response.)

ACTING PRESIDENT ALESI: The report is accepted.

Senator Skelos.

SENATOR SKELOS: Mr. President, on page number 48 I offer the following amendments to Calendar Number 1305, Senate Print 4704B, and ask that said bill retain its

place on the Third Reading Calendar.

ACTING PRESIDENT ALESI: The amendments are received, and the bill will retain its place on third reading.

Senator Skelos.

SENATOR SKELOS: Mr. President, I believe there is one more amendment.

ACTING PRESIDENT ALESI: There is.

SENATOR SKELOS: Mr. President.

ACTING PRESIDENT ALESI: Senator Skelos.

SENATOR SKELOS: On behalf of Senator Winner, on page number 56 I offer the following amendments to Calendar Number 1499, Print Number 2366, and ask that said bill retain its place on the Third Reading Calendar.

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

Senator Skelos.

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

ACTING PRESIDENT ALESI: There is

no further business, Senator.

SENATOR SKELOS: There being none, I move we stand adjourned until Tuesday, June 12th, at 3:00 p.m.

ACTING PRESIDENT ALESI: There being no further business, on motion, the Senate stands adjourned until Tuesday, June 12th, at 3:00 p.m.

(Whereupon, at 5:10 p.m., the Senate adjourned.)