NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

June 20, 2007

11:18 a.m.

REGULAR SESSION

SENATOR GEORGE H. WINNER, Jr., Acting President

STEVEN M. BOGGESS, Secretary

P R O C E E D I N G S

ACTING PRESIDENT WINNER: The Senate will come to order.

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

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

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

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

ACTING PRESIDENT WINNER: Reading of the Journal.

THE SECRETARY: In Senate, Tuesday, June 19, the Senate met pursuant to adjournment. The Journal of Monday, June 18, was read and approved. On motion, Senate adjourned.

ACTING PRESIDENT WINNER: 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 Bruno.

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

ACTING PRESIDENT WINNER: The Secretary will read.

THE SECRETARY: By Senators Bruno and Seward, Legislative Resolution Number 3031, mourning the tragic and untimely death of New York State Trooper David C. Brinkerhoff.

"WHEREAS, It is the sense of this Legislative Body to convey its grateful appreciation and heartfelt regret in recognition of the loss of courageous individuals who dedicated their purposeful lives and careers to serve and protect; and

"WHEREAS, Attendant to such

concern, and in full accord with its long-standing traditions, this Legislative Body mourns the tragic and untimely death of New York State Trooper David C. Brinkerhoff; and

"WHEREAS, A member of the elite Mobile Response Team, New York State Trooper David C. Brinkerhoff made the ultimate sacrifice on April 24, 2007, while faithfully executing his responsibilities; and

"WHEREAS, Trooper David C. Brinkerhoff spent six months of rigorous training to become a member of the Mobile Response Team, including surviving several days atop Mount Marcy, New York State's highest peak, with just the clothes on his back; and

"WHEREAS, His first major assignment as part of the Mobile Response Team, Trooper David C. Brinkerhoff spent days tracking Ralph 'Bucky' Phillips, the infamous fugitive wanted for killing fellow trooper and Mobile Response Team member Joseph A. Longobardo; and

"WHEREAS, A 1995 graduate of

Hamburg High School, David C. Brinkerhoff attended the State University of New York at Albany, majoring in criminology, prior to entering the New York State Police Academy on November 2, 1998. After graduating from the Academy, Trooper David C. Brinkerhoff completed his bachelor's degree and went on to earn his master's in public administration, all while serving as a state trooper; and

"WHEREAS, Trooper David C. Brinkerhoff began his career with Troop A, before being assigned to Troop F, where he worked out of the Coxsackie barracks; and

"WHEREAS, A quintessential police officer, New York State Trooper David C. Brinkerhoff was a recipient of a multitude of awards, honors, and certificates of recognition, including a Superintendent's Letter of Commendation for assisting with the security protocols at the University of Albany's commencement program in 2002, a Superintendent's Letter of Commendation for helping rescue two 15-year-old boys who had been stranded in the rushing waters of the Kaaterskill Creek near the hamlet of

Palenville in 2003, and a Zone Commander's Letter of Commendation for meritorious service while responding to assist with the Hurricane Katrina detail; and

"WHEREAS, In addition, New York State Trooper David C. Brinkerhoff received numerous Troop Commander's Letters of Commendation for DWI arrests, exemplary enforcement activity and for a burglary investigation that resulted in an arrest, as well as a letter of appreciation for providing EMS training; and

"WHEREAS, New York State Trooper David C. Brinkerhoff is survived by his wife, Barbara; their daughter, Isabella Grace; his mother and stepfather, Karen and Robert Howard; and his father and stepmother, Roy and Ruth Brinkerhoff; and

"WHEREAS, Armed with a humanistic spirit, imbued with a sense of compassion, and comforted by a loving family, New York State Trooper David C. Brinkerhoff leaves behind a legacy which will long endure the passage of time and will remain as a comforting memory to all he served and befriended; now, therefore,

be it

"RESOLVED, That this Legislative Body pause in its deliberations to mourn the tragic and untimely death of New York State Trooper David C. Brinkerhoff, noting the significance of his contributions on behalf of the citizens of this noble Empire State; and be it further

"RESOLVED, That a copy of this resolution, suitably engrossed, be transmitted to the family of New York State Trooper David C. Brinkerhoff."

ACTING PRESIDENT WINNER: Senator Bruno.

SENATOR BRUNO: Thank you, Mr. President and colleagues; Superintendent Preston Felton; Barbara Brinkerhoff; mother, Karen, and dad, Roy; Mike, brother; Isabella Grace is here, at 9 months old; family and all the friends that are here really recognizing and celebrating the life of Trooper David Brinkerhoff.

We heard a resolution here recited over those last few moments that chronicles a life that really describes a true hero. We

talk about heroes sometimes in a very casual way. But when you listen to a young man who grew up, dedicated and committed to achieving, and, as we heard, achieved really greatness -- academically, in his life, with friends, family, father, husband. Really a role model.

Joined the Mobile Response Team, a crack team, first on the scene when there's extreme danger.

And I believe, Mr. President, we are joined by David Brinkerhoff's associates in the Mobile Response Team. And if they're here, would they stand up, many of you that are in that. Thank you.

(Extended applause.)

SENATOR BRUNO: Thank you.

And Rich Mattson, Rich Mattson was wounded at that same incident when Travis Trim was shooting and the response all over the place. And Rich has a left arm that's seriously injured, and we all pray and hope that with his courage, his commitment, that you will fully recover.

But thank you for your service and for being here. Rich Mattson.

(Extended applause.)

SENATOR BRUNO: The record that is being established here with this resolution, this will become part of, when it's passed, as it is passed here, like any other piece of legislation that passes, it becomes a permanent record, the history of New York State. So that 50 or 100 years from now, someone could look up this resolution and this number and review the commitment, the dedication, the heroism that we respect, we recognize, and that we honor today.

I point out with law enforcement, every day people in uniform, out of uniform, get up, go out to face who knows what. Who knows what, when these peace officers are out in the world.

Amanda Reif prayerfully is recovering, could have been killed, just a short time ago. Doing what? What I would guess would be considered a routine response by the police in a domestic squabble. But for the grace of God, could have been killed.

Rich Mattson could have been killed. Joe Longobardo was killed; two others

were wounded. You heard that Trooper Brinkerhoff was there during all of that.

These are heroes. People who are out there are heroes. And heroes in the sense that they're willing to put their lives out there to defend and protect us -- children who can't protect themselves, people who are defenseless. But they get up, go out, and never know what that day will bring, how that day will conclude.

Barbara, who shared her life with Trooper David, mom and dad, brother Mike, recognized that he was an outstanding individual, just an achiever. A person who just extended himself in every way. Never, ever -- I'm sure it's always got to be in the back of your minds, your families', that who knows what can happen when you're out there on any call, whatever it is. We know troopers have stopped a car for some traffic infraction and have been killed in cold blood when the car pulls over.

And that's why we're here, really, recognizing and celebrating. And the words that are here, the vote that is taken, the

recognition that we give, that will be here momentarily, but the family -- Barbara, family, friends -- every peace officer that will be out there, that's the legacy of Trooper Brinkerhoff.

That's the legacy when anyone sees anyone out there, that will be the reminder that here was a man who could have done almost anything he wanted to do. He elected to offer himself out there to do just what he wanted to do, to be in the forefront, to be a line of defense for people.

So we're indebted, Barbara, to you, Roy, Karen, Mike, Isabella Grace, for your sacrifice, for the commitment that you have. And just rest assured that people all over this state appreciate and recognize what has happened here, and it will never be forgotten.

We're going to do here this afternoon and this morning a correction to the technicality where the court struck down the death penalty bill here in this state. And this is a death penalty bill that will be an inhibitor for anyone that kills a person in cold-blooded, premeditated murder.

We have passed in this house the bill that puts the death penalty back on the books for killing a peace officer. We know the Assembly is supportive. We know the Governor is supportive. We know that they all join us in recognizing the tragedy that occurs, the danger that's out there. And we are hoping and praying that what we do here will eventually find its way through the other house to the Governor's desk and become law.

Why? The people of this state deserve it. Law enforcement people, especially, they deserve to know that -- it's not Republican, it's not Democrat, it's not political in any way -- anyone out there who will willfully and maliciously shoot at a police officer, kills a police officer, has the potential of paying the ultimate sacrifice with their life. That's justice.

So we want to thank the friends and the family of Trooper Brinkerhoff for being here, for just honoring us with their presence and sharing with them our grief, our thoughts and our prayers.

Thank you, Mr. President.

ACTING PRESIDENT WINNER: Thank you, Senator Bruno.

Senator Smith.

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

To my colleagues, to my friends, family members, Senator Bruno, to Barbara, Isabella and the parents of Trooper Brinkerhoff, these are -- and moments like this are very difficult. I cannot tell you that I know, Barbara, what it feels like, because I do not. I can't imagine what it has been for you since the passing of your husband.

I can only know that when I was at that funeral and I heard Superintendent Felton describe a hero, it was obvious to me that the definition of "hero" was defined by your husband. It was defined by your husband because of how he was raised from his family, the values that his parents instilled in him, as the values that our parents have instilled in us.

But it was very clear to me -- and I didn't know the trooper, but it was very

clear to me that he was someone who was dedicated to what he thought was the best thing in life, and that was being a trooper.

To all of you troopers who are here, I want to offer our thanks to you for what you do every single day.

Senator Bruno said it: When you leave your home, when you leave your children, your family, your friends, you don't know if you're going to return. Unlike us. When we leave our homes, we have a strong sense, colleagues, that we're going to get back home. You do not have that strong sense.

And one of the things that we are dedicated to and will be dedicated to, just as you have our backs, we are going to have yours. There are things that we can do and we will have to do to make sure that you know we are as concerned about you as you are about us.

This is not an easy moment. All of us have had someone in our family that we may have lost. But there is nothing more difficult than to stand on the floor of the Senate and talk about Trooper Brinkerhoff,

given the circumstances surrounding what happened to him in the line of duty, doing what he thought was right, going after someone who was a horrendous individual.

We are doing this resolution today just as Senator Bruno said. This is going to be in our archives forever so that Isabella and Isabella's children can come back and say, Let me see what my father, my grandfather, my great-grandfather was all about.

You should know that this celebration of life on his behalf is something that we take very seriously. God does not give you more than you can handle.

And while I know this is very difficult for you, understand that we as a body will never forget Trooper Brinkerhoff. We as a state will never forget him, because he will be in our archives forever. So in the year 2030, 2060, the year 3000, you will always be able to go back and pull up this day and how much we dedicate it to him.

I will tell you, as a Christian, my prayers are with you each and every day. When I rise in the morning and I do my prayer time,

I will keep you in my prayers. In the evening before I rest, I will also continue to keep you in my prayers. I know that this is difficult for you.

And you might say, well, Malcolm, we don't know you that well. But I will tell you, prayers that are things that are answered by whoever sends them up. And you will know that this family, this Senate will do that for you for the rest of your lives.

Thank you and God bless.

ACTING PRESIDENT WINNER: Thank you, Senator Smith.

Senator Seward.

SENATOR SEWARD: Thank you, Mr. President.

And I'm truly honored and also humbled to join my colleagues, the Brinkerhoff family, and the people of Coxsackie and Greene County, as well as the entire family of the New York State Police and all law enforcement everywhere, in mourning the very unfortunate and untimely death of truly an outstanding New Yorker, a model citizen, and I would say a paragon of dedicated law enforcement, and that

is State Trooper David C. Brinkerhoff.

Trooper Brinkerhoff was a resident of my district, assigned to the State Police, Troop F, at the Coxsackie station. And I can say without reservation that he was truly a respected and beloved member of that community.

In almost nine years as a trooper, David earned no less than 13 troop commander's letters of commendation for a variety of heroic acts. He was honored by the superintendent multiple times. And he was part of the State Police detail that helped out our fellow Americans down in Louisiana following Hurricane Katrina.

As has been said in the resolution, he participated in the hunt for a fugitive in Western New York last year who had killed his fellow trooper, Joseph Longobardo, and wounded other officers.

In short, he was an exemplary state trooper, and the State of New York, the State Police, and I would say Coxsackie and Greene County are the poorer for his tragic death that was precipitated by the criminal action

of a man that I would say -- I won't even mention his name in the same sentence as Trooper Brinkerhoff.

Trooper Brinkerhoff died doing what he loved. He signed on as a member of the troopers' elite Mobile Response Team. He loved working for others, helping others, serving others and protecting people. That was David Brinkerhoff's calling. His heroic efforts to protect us, and I would say all the other little things that he did for others, will always be remembered.

He leaves behind a wife, Barbara; his daughter, Isabella Grace; his mother, stepfather, brother, father and stepmother, many other family members. And we certainly extend our deepest sympathies to them and pray for their comfort and healing during this very time of unspeakable grief for them.

Above all, from everything I've heard, David Brinkerhoff loved people. He loved his wife, Barbara; his daughter, Isabella Grace. He enjoyed playing the trombone, skiing, being with his two German shepherds, Maverick and Marley.

But due to a whole series of unfortunate and tragic events that were set in motion by a very violent young man, Trooper Brinkerhoff will not be coming home to his wife and his daughter. Isabella Grace will grow up not personally knowing her father and that loving touch. His wife Barbara will not have the comfort of her husband's strong arms. His trombone will be silent. And his dogs will wait, I'd say with one ear cocked, for the footfall of the master in the hallway.

And while we all weep for the loss of David Brinkerhoff, we are all better because he lived and because he served and because of his example. There is so much to celebrate in this life that was cut short so early, so much to celebrate.

And to the Brinkerhoff family, I would simply say we hope that you will take some small comfort in knowing that we join you in your grief and that David did so much for so many and his legacy will continue and live forever.

Thank you, Mr. President.

ACTING PRESIDENT WINNER: Thank

you, Senator Seward.

Senator Wright.

SENATOR WRIGHT: Thank you, Mr. President.

I rise to join my colleagues in recognizing and memorializing the life of Trooper Brinkerhoff and sharing with his family and his wife the sacrifices they made on behalf of the people of New York State.

As we are memorializing that life and sacrifice, a constituent of mine, Amanda Reif, lies in a hospital. Trooper Reif is assigned to Troop B in Canton. Monday, her birthday, she responded and was shot in the line of duty. She had just returned to work, having completed a maternity leave for the birth of her 7-month-old son.

Like Trooper Brinkerhoff, Amanda Reif brought to the State Police a desire since sixth grade to be a professional in the law enforcement community in this state, to serve and protect the people of this state. Like David Brinkerhoff, she's demonstrated the commitment, the dedication, the selflessness that the people in the State Police and law

enforcement throughout the state provide us every day.

I want to recognize that commitment of Amanda at the same time we're recognizing Trooper Brinkerhoff's commitment and the commitment of every one of his and her colleagues that serve the people of this state every day.

They make and their families make sacrifices to give our families the protection, our communities the protection that we so rightly expect and deserve. We have an obligation to ensure that we provide them the protections that they're entitled to to meet their obligations on our behalf.

I want to extend my prayers to the Brinkerhoffs, to the family, to their colleagues and to Amanda today and wish her a speedy recovery.

ACTING PRESIDENT WINNER: Thank you, Senator Wright.

Senator Golden.

SENATOR GOLDEN: Thank you, Mr. President.

I would like to welcome the

Brinkerhoff family to our historic Senate chamber and offer them our deepest condolences. To his partner, Rich Mattson, and to all of our troopers up here today, thank you for being here.

As a member of the New York City Police Department many years ago, I know how rewarding it is to be a police officer and the daily challenges to protect, to serve, and to defend the people of this great state.

I have two nephews and a niece not much younger than David Brinkerhoff currently serving in the New York City Police Department, and I often reflect on those dangers and what we see happened to Trooper Amanda Reif.

I try not to dwell on the danger of the profession, but on the wonderful acts of kindness, bravery and the service demonstrated by law enforcement officers here across this state. Every time that we lose a law enforcement officer in the line of duty, it is a tragic moment and a reminder that evil lurks in our streets.

When I traveled to Coxsackie last

month to Trooper Brinkerhoff's funeral, I witnessed the somber but a tremendous outpouring of love and admiration for the Brinkerhoff family. Up and down the Thruway and throughout that tiny upstate town, the focus was on the life of a great man and a public servant. What I saw that night was the love and admiration from New Yorkers and the respect of all they had for that life of Trooper David Brinkerhoff.

I would like to recite a few words from a poem written by Patrick J. Quigley of the Lewis Police Department in Sussex, Delaware. These remind me of that somber day in Coxsackie.

"It was a beautiful spring day; the colors flew proudly in the breeze. The sun was shining and the birds were chirping, yet nobody seemed at ease.

"A somber mood filled the air, a sense of sadness amongst us all; for today we buried a hero who chose to answer the call.

"They came from far and wide to show their respect and admiration for his commitment to serve and protect, and a

lifetime of service and dedication.

"As family members wept and officers consoled one another, we realized the magnitude of our loss as we buried yet another law enforcement brother."

May the sacrifice and the courage of Trooper David Brinkerhoff inspire within the young men and women of New York State the same spirit of service and the desire to do good for humanity.

May God bless David, David's soul, David's family, all of our state troopers here today, and all of law enforcement across the State of New York.

Thank you.

ACTING PRESIDENT WINNER: Thank you, Senator Golden.

Senator Bonacic.

SENATOR BONACIC: Thank you, Mr. President.

Senator Bruno, Senator Smith, my colleagues, unfortunately these kinds of resolutions are coming too frequently before us. We should and can do more to protect our law enforcement officials throughout the State

of New York.

Having said that, to the Brinkerhoff family, David was the best of the best. Some of our colleagues, including myself, attended his funeral, and I was impressed with two things. One, the solidarity of law enforcement. I bet there were close to 5,000 law enforcement officials from all over the United States, including Canada, that came to pay their respects to David.

And the second thing was the celebration of his life. I don't think there was a dry eye in the place.

And I will say, in conclusion, because you have suffered immensely and you'll always have this hole in your heart, that Socrates once said: As long as we remember, he shall always live within us.

And that thin line between civilization and chaos is the gray line that's up there and all over the State of New York. And they were our heroes the day they put their uniform on, and will always be our heroes.

So we thank God and the Brinkerhoff family for giving us David.

Thank you.

ACTING PRESIDENT WINNER: Thank you, Senator Bonacic.

Senator Adams.

SENATOR ADAMS: Thank you, Mr. President.

I too rise in support. I recall when I retired from the New York City Police Department, and I learned a mother's secret.

I remember hugging my mother at the retirement ceremony, and I heard her exhale like never before. You know, she -- she just -- for 21 years, she never really exhaled, never really just got over the fact.

And a mother knows that every day that her son is out there patrolling, no matter if his uniform is blue or gray, no matter if he's a captain, a state trooper, no matter what he is -- you know what? He's just her son. That's all she knows. That's her baby.

And when Mama, she -- she -- when she hugged me that day [pause], I started to

realize that the path of the bullet doesn't change merely because you hit the physical anatomy of a person, it continues to rip through the spiritual anatomy of a family and the anatomy of your friends and other troopers.

And people want to romanticize and theorize what it is, but we're talking about just our boys and just our girls, just our children. And that's how important they are.

And, you know, when you go through experiences like this, if there's one consolation, Mother, understand that this transformation from the physical to the spiritual, it's not a period that ends the sentence of your son's existence. It's only a comma that leads to an exclamation point of a more higher and lofty position. He's always in your heart and in your soul.

I'm a self-confessed mama's boy, so I feel your pain. But take with you that you have a son that lived the life that he wanted to live, that provided the service that he wanted to provide. And no matter what happens, he was the man that you wanted him to

be. And that's the message I want to send to you as I sit here and think about what my mother felt on my retirement day.

And I also want to say that when you lose a person like David, to his colleagues and families and friends, I think about when over 15, 16 years ago, Robert Venable, when he passed away and I received a call. And my baby brother, who was a sergeant in the police department, he called me to find out if I was all right. And although we temporarily exhaled, we realized that someone from our law enforcement family passed away.

And many in here, in this chamber -- Senator Volker and Senator Golden and so many others who have adorned the uniform and patrolled the streets of Troy or New York or Bedford-Stuyvesant or Brownsville or any other part of this state -- we realize there's only one desire we have, and that is to protect and to serve. That is our desire.

Some people believe that when your son took off his uniform or when your dad took off his uniform or when your husband took off his uniform that all of a sudden that he no

believed he had an obligation. No.

An accountant closes his books. A mechanic closes his shop. A storekeeper goes home. A police officer, a state trooper, they don't know what off-duty is. They don't know what it is to all of a sudden believe that I no longer am supposed to protect and serve. That is all they know. It becomes an additional vital organ inside their body.

And the saddest day of my life was when I retired, leaving those men and women who I spent 21 years of my life with. And we mourned and we cried and we shed a tear.

But also, this is more than just a moment of reflection; this is a celebration of life. And if we can see through our pain, see through our hurt, we're realizing that we're celebrating a life. Your son, your dad, your husband, he gave us an opportunity to cheer that we're participating in this humanistic experience. And he's a contributor, as I always say, to the greatest race alive, and that's the human race.

And, Mother, feel with my family joy in extension with you, wife, dad, son,

sister. I know the experience. I must have attended 10 to 15 funerals throughout my career. And the only consolation that you walk away with is that you realize those men and women who decided to adorn a uniform and participate in the role of public safety, they could have easily been detached spectators in this full contact sport called life. But they decided to be involved participants and to change, in a very little way.

So many people live their lives and on the walls of their exteriors, there are stars. But they're costarred and supporting cast, like your son David. He has done so much and has touched so many.

And I remember, when I decided to run for office, sitting down with the Minority Leader, Malcolm Smith, even while I was campaigning. He said: "Eric, you have to bring something to the Senate chamber. You have to bring a way how do we not only respond when our officers lose their lives, but what do we do to prevent them from losing their lives."

There's no consolation prize that

we respond after. More has to be done. How do we make our streets safer. How do we make sure our state troopers and our police officers have the tools to do the job to protect and to serve us.

This today, this event today, this celebration of the life of David should be a reflection and a reindication and a recommitment to us carrying out that goal, to ensure that we don't have to stand at a funeral and hug a mother, to ensure that state troopers don't have to adorn their uniform with tears, to ensure that we don't have symbolically touch lockers as we go on to patrol, that we don't have to symbolically hang up a uniform and don't have to build up walls of fallen heroes.

And we must do that proactively and not reactively. That's my commitment. That's my commitment to you, that's my commitment to the family of David and his peers. When you look at the elite unit that he was in, he was more than just a state trooper. He decided to put himself in harm's way by being in the most difficult assignments, like ESU in the police

department and those other assignments that carry with it a higher level of danger and a higher level of commitment.

We applaud you. And more important, we appreciate you. We appreciate your son, your husband, your father, and all that he has done to make this a better city and a better state to live in.

I thank you very much.

ACTING PRESIDENT WINNER: Thank you, Senator Adams.

Senator Diaz.

SENATOR DIAZ: Thank you, Mr. President.

Today is one of those days that I have to -- as a Puerto Rican minister, I have to come back here and say a few things. Today we are honoring the memory of David C. Brinkerhoff.

And I am a preacher, I'm a pastor. I'm also the father of a daughter who happens to be a police sergeant in the New York City Police Department.

As a pastor, as a minister, the congregation that I am the leader of, too

often I have to preach sermons in a place where somebody died. And it is my duty, it's my duty to try to comfort the family, the relatives.

Senator Malcolm Smith, he mentioned before a biblical passage. He said that God would not give you more than you can handle. And we -- as a preacher, sometimes we use a passage in Ecclesiastes, chapter 7, that says it is best to go to the house of the funeral than to the house of a banquet.

And there is a contradiction there, apparently. Because when you go to a house of a banquet, everybody laughs, everyone puts on their best suit, everyone is happy, dancing, rejoicing. And when you go to a house of a funeral, everybody cries, people are sad, they dress in black.

Then we ask, how come the Bible says that it is best to go to the house of a funeral than to the house of a banquet? And then we also say that the Bible says whoever hits you in the cheek, put the other cheek.

And today I see the family of Trooper David C. Brinkerhoff, and I tend to

say that -- Malcolm Smith also said: "I don't know what you're going through. I can't understand your feelings, because I didn't go through it."

And that is the most correct thing that has been said in here this morning. Who knows what happens, who knows what goes through the minds of a father and a mother, of a relative of David C. Brinkerhoff today.

I just would like to think that if something like this happens to my daughter, if something like this happens to my daughter and I have to confront a situation like that, what would I do?

I'm a preacher. And being a preacher and a pastor, we preachers and pastors and ministers and rabbis and priests, we are the best in the world comforting and consoling other people in their pain. We're the best. We say: Don't worry about it, because to a good father, to a good mother, to a good son, to a good citizen, whenever they die there is a voice from heaven that says, Come, good servant and faithful servant, come to the kingdom prepared for you from the

beginning of the world.

And we use all those biblical passages to comfort the relatives. But I'm the father of my only daughter, who happens to be a police sergeant in the City of New York. And I ask myself, what would I do, what would go through my mind if something like this happens to my daughter, my only daughter. What would happen? What would I do?

Would I be able to use the same biblical passages and the same words that I use to comfort others and that we're using today to comfort the family of David Brinkerhoff? If something like that happens to me, who knows. Only the parents know.

And no matter how many words we use and no matter how many resolutions we do -- which is good, and I congratulate Senator Bruno and this body for doing this, because this is the only thing that they will have in the future, as years go by.

But no matter what we do, that pain, that suffering, that pain of losing a son, of losing a husband, losing a brother -- that pain, who takes it away? How would that

go somewhere?

So, you know, again to the relatives of David C. Brinkerhoff, we are so sorry today for you that you have lost a son, a brother, a husband, whatever. And the only thing that I could do is join Malcolm Smith when he says in my prayers, in my loneliness with God, I will mention your name and ask for strength for your family and for your relatives.

But be aware and always know that a hero, a hero will always be remembered. A hero who loses his life like this in the line of duty, and protecting, a hero will never be forgotten.

So no matter what we do or what we say, please walk out of here knowing, remembering that in this body, here, there are men and women who really care and who really, really honor your son and who will really remember, no matter what, David C. Brinkerhoff.

God bless you, and may the Lord give you strength in this day of suffering.

Thank you.

ACTING PRESIDENT WINNER: Thank you, Senator Diaz.

Senator Saland.

SENATOR SALAND: Thank you, Mr. President.

Mr. President, I rise to express, as my colleagues have before me, my sincere and deepest condolences to the Brinkerhoff family on the loss of their son David. Not only was he a member of law enforcement, a member of the state troopers, but first and foremost he was a father, a husband, a son and a brother.

So I'm sure the pain is enormous. And yet what you have witnessed here today is I think an expression not merely of words but of sincerity, of gratitude, of deepest appreciation for a noble public servant.

I quite candidly did not have the good fortune of experiencing the pleasure of knowing your son. I have for much of my life told my many friends in law enforcement that I've always been a law enforcement wannabe.

And as I look up in the gallery and I see so many state troopers, members of the

State Police, I am reminded, as has been mentioned here today, that each and every day when they go out on a tour they know all too well, and each and every one of them has contemplated, I'm sure, the ultimate sacrifice that young David experienced.

And yet notwithstanding that, each and every day they go out on their tours. And each and every day they protect people who they don't know, they protect communities. They're always there and always ready and willing to serve.

And for those on the Mobile Response Team, I'm sure it's particularly poignant.

I visited Trooper Mattson while he was recuperating at Albany Medical Center and was extraordinarily impressed by his tenacity, his desire to get back on the job. It is, I'm sure, having never experienced it, to have your life flash in front of you in one of these encounters has to be the absolute ultimate.

And while we are here to pay our respects to you and your family and to your

son, I would certainly be remiss if I didn't acknowledge the importance of being thankful that we are not here paying condolences to more than one family, thanking those of you who serve so nobly, so honorably. And I would only hope that this does not become an event that we have to replicate again and again.

I would hope that these types of words of regard and affection are heard in the communities that you serve, heard from your neighbors, heard from the people who you may attend church with. It should not come after you've paid the ultimate price. You should get to hear all of these expressions of gratitude while you are on the job.

So I would say may the Lord bless your son, your father, your brother, your husband, and may He always protect each and every one of his colleagues and those in law enforcement, as they said about protecting all of us. And the Lord certainly knows how well they do it.

Thank you. God bless you.

ACTING PRESIDENT WINNER: Thank you, Senator Saland.

Senator Volker.

SENATOR VOLKER: Mr. President, you know, as I sat here, I think I've heard just about some of the best tributes to anyone that I've ever heard. And I've been in this house -- scary -- for 34 years, 33 years, I guess it is.

But I must say to Barbara, and someday Isabella Grace will know about it, and to Roy Brinkerhoff and Karen Howard, I've been here many years, but I must tell you that Senator Bruno's presentation, Senator Smith, and everyone in this chamber I thought showed the really heartfelt feeling, not just for David but for your family.

But you know, it was something I thought of as I was sitting here listening, we sometimes denigrate -- first of all, this house gets denigrated. We're into things we shouldn't be into, and we're criticized for just about everything. And the United States of America gets criticized because we don't target on supposedly the things we should.

I couldn't help but think what country in the world where, in the midst of

the end of a session, with all the business going on and all the problems, would stop and without any worry about time pay tribute to a young hero who came out of upstate New York -- I believe he was born in my district, brought up in Senator Stachowski's -- who died, well, quite a ways from where he was born, risking his life for all the people of the state, knowing full well that he might have to give up the rest of his life, a life that he loved.

It is a tribute not just obviously to David, but it's a tribute I think to -- in a sense, to this house, that we realize who the real heroes are. It would be a good lesson for maybe some people in the press.

And I don't mean to be critical, but sometimes I think with sports people and even major politicians, the real heroes, the real heroes in this nation and in this state are people like David. They're people like Richard Mattson. They're like the young woman who's now in a hospital in Vermont recovering from her wounds.

But let me just finish by saying thank you for having, and I think it's

courage, I tell you, particularly Barbara and Karen, to come up here. And as great as it is to listen to tributes to your son, I know how difficult it is.

But let me just say that there is no one in this chamber, I am convinced, don't ever kid yourself, who doesn't feel that your son is a hero. And your husband. He's not only a hero, but he's a person that we will not forget, that no one should forget. And understanding that he is a person who should be remembered and will be remembered, by the way, on the wall of the police officer's memorial.

I remember walking away from the wall in 2006 saying I hope that 2007 is a better year than 2006. Unfortunately, it wasn't.

But let me just finish by saying God bless the entire family. And I can assure you that I think I'm speaking for everyone in this body when I say if there's ever anything we can help your family with, we'll do it.

So good luck. We will not forget David.

ACTING PRESIDENT WINNER: Thank you, Senator Volker.

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

(Response of "Aye.")

ACTING PRESIDENT WINNER: Opposed, nay.

(No response.)

ACTING PRESIDENT WINNER: The resolution is adopted.

(Standing ovation.)

ACTING PRESIDENT WINNER: Senator Bruno.

SENATOR BRUNO: Thank you, Mr. President.

Can I ask that all of our colleagues here in the Senate be added to this resolution. And if anyone would prefer otherwise, please privately indicate that at the front desk.

Thank you, Mr. President.

ACTING PRESIDENT WINNER: Thank you, Senator Bruno.

SENATOR BRUNO: And I believe, Mr. President, that there is a resolution by

Senator Leibell at the desk. I would ask that the title be read and move for its immediate adoption.

ACTING PRESIDENT WINNER: The Secretary will read.

THE SECRETARY: By Senator Leibell, Legislative Resolution Number 3033, honoring Timothy S. Carey upon the occasion of his retirement as President and Chief Executive Officer of the New York Power Authority, after more than 30 years of distinguished public service.

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

(Response of "Aye.")

ACTING PRESIDENT WINNER: Opposed, nay.

(No response.)

ACTING PRESIDENT WINNER: The resolution is adopted.

Senator Fuschillo.

SENATOR FUSCHILLO: Thank you, Mr. President.

On behalf of Senator O. Johnson,

please place a sponsor's star on Calendar Number 1809.

ACTING PRESIDENT WINNER: So ordered.

SENATOR FUSCHILLO: On behalf of Senator Skelos, I wish to call up Senate Print Number 5196, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT WINNER: The Secretary will read.

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

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

ACTING PRESIDENT WINNER: Call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

SENATOR FUSCHILLO: I now offer the following amendments.

ACTING PRESIDENT WINNER: The amendments are received and adopted.

SENATOR FUSCHILLO: On behalf of

Senator Flanagan, on page number 50 I offer the following amendments to Calendar Number 1854, Senate Print Number 5506, and ask that said bill retain its place on Third Reading Calendar.

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

Thank you, Senator Fuschillo.

SENATOR FUSCHILLO: Thank you.

ACTING PRESIDENT WINNER: The Secretary will read the substitutions.

THE SECRETARY: On page 24, Senator Stewart-Cousins moves to discharge, from the Committee on Rules, Assembly Bill Number 3164 and substitute it for the identical Senate Bill Number 4137, Third Reading Calendar 893.

On page 24, Senator Padavan moves to discharge, from the Committee on Rules, Assembly Bill Number 2139A and substitute it for the identical Senate Print Number 881A, Third Reading Calendar 928.

On page 43, Senator Saland moves to

discharge, from the Committee on Rules, Assembly Bill Number 4932B and substitute it for the identical Senate Bill Number 5670B, Third Reading Calendar 1724.

On page 45, Senator Hannon moves to discharge, from the Committee on Rules, Assembly Bill Number 8082 and substitute it for the identical Senate Bill Number 5017, Third Reading Calendar 1806.

On page 45, Senator Flanagan moves to discharge, from the Committee on Commerce, Economic Development and Small Business, Assembly Bill Number 726 and substitute it for the identical Senate Bill Number 5593, Third Reading Calendar 1811.

On page 45, Senator Bruno moves to discharge, from the Committee on Rules, Assembly Bill Number 7842A and substitute it for the identical Senate Bill Number 5890A, Third Reading Calendar 1812.

On page 46, Senator Saland moves to discharge, from the Committee on Rules, Assembly Bill Number 8975 and substitute it for the identical Senate Bill Number 5931, Third Reading Calendar 1814.

On page 47, Senator Saland moves to discharge, from the Committee on Rules, Assembly Bill Number 8460 and substitute it for the identical Senate Bill Number 6098, Third Reading Calendar 1824.

On page 47, Senator DeFrancisco moves to discharge, from the Committee on Rules, Assembly Bill Number 8921 and substitute it for the identical Senate Bill Number 6157, Third Reading Calendar 1828.

On page 48, Senator Hannon moves to discharge, from the Committee on Rules, Assembly Bill Number 4650A and substitute it for the identical Senate Bill Number 2339A, Third Reading Calendar 1836.

On page 49, Senator Morahan moves to discharge, from the Committee on Finance, Assembly Bill Number 6574 and substitute it for the identical Senate Bill Number 4108, Third Reading Calendar 1842.

On page 49, Senator O. Johnson moves to discharge, from the Committee on Finance, Assembly Bill Number 7380 and substitute it for the identical Senate Bill Number 4415, Third Reading Calendar 1846.

On page 49, Senator Little moves to discharge, from the Committee on Agriculture, Assembly Bill Number 7113A and substitute it for the identical Senate Bill Number 5108A, Third Reading Calendar 1851.

On page 49, Senator Hannon moves to discharge, from the Committee on Rules, Assembly Bill Number 4911 and substitute it for the identical Senate Bill Number 5123, Third Reading Calendar 1852.

On page 50, Senator Marcellino moves to discharge, from the Committee on Rules, Assembly Bill Number 8445 and substitute it for the identical Senate Bill Number 5309, Third Reading Calendar 1853.

On page 50, Senator Leibell moves to discharge, from the Committee on Rules, Assembly Bill Number 8273A and substitute it for the identical Senate Bill Number 5996, Third Reading Calendar 1857.

And on page 50, Senator Hannon moves to discharge, from the Committee on Rules, Assembly Bill Number 8780 and substitute it for the identical Senate Bill Number 6041, Third Reading Calendar 1860.

ACTING PRESIDENT WINNER: Substitutions ordered.

Senator Bruno.

SENATOR BRUNO: Mr. President, can we at this time recognize Senator Montgomery.

ACTING PRESIDENT WINNER: Senator Montgomery.

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

There will be an immediate meeting of the Democratic conference in the Democratic Conference Room, Room 315.

ACTING PRESIDENT WINNER: There will be an immediate meeting of the Senate Minority in the Minority Conference Room, Room 315.

SENATOR BRUNO: Mr. President.

ACTING PRESIDENT WINNER: Senator Bruno.

SENATOR BRUNO: Two things. One, I believe the Minority would like an immediate conference, and I would represent a conference here with the Majority.

And we'll stand at ease until

1:00 p.m. and no later. We'll reconvene at 1:00.

ACTING PRESIDENT WINNER: There will be an immediate meeting of the Senate Majority in the Majority Conference Room, and likewise for the Senate Minority in the Minority Conference Room.

The Senate stands at ease.

(Whereupon, the Senate stood at ease at 12:26 p.m.)

(Whereupon, the Senate reconvened at 1:22 p.m.)

SENATOR SKELOS: Mr. President.

ACTING PRESIDENT WINNER: Senator Skelos.

SENATOR SKELOS: If we could go to the noncontroversial reading of the calendar.

ACTING PRESIDENT WINNER: The Senate will come to order.

We will go to the noncontroversial reading of the calendar.

The Secretary will read.

THE SECRETARY: Calendar Number 94, by Senator Saland, Senate Print 1097, an

act to amend the Education Law.

ACTING PRESIDENT WINNER: Read the last section.

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

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number 190, by Senator Golden, Senate Print 1777, an act to amend the Penal Law.

ACTING PRESIDENT WINNER: Read the last section.

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

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

SENATOR SKELOS: Lay it aside temporarily, please.

ACTING PRESIDENT WINNER: The

bill is laid aside temporarily.

THE SECRETARY: Calendar Number 338, by Senator Fuschillo, Senate Print 2969B, an act to amend the General Business Law.

ACTING PRESIDENT WINNER: Read the last section.

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

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number 660, by Senator Volker, Senate Print 4632, an act to amend the Criminal Procedure Law.

ACTING PRESIDENT WINNER: Read the last section.

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

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT WINNER: Senator Volker, to explain his vote.

I remind the members that under the provisions of the rules for explaining the vote, please hold your comments, as best you can, to two minutes.

SENATOR VOLKER: Yeah, I'll do my best.

(Laughter.)

SENATOR VOLKER: Yeah, Senator Bruno reminded me of that also, by the way.

Let me just say that this is the bill that my good friend here, Senator Dilan, asked me about earlier. He said why is it that a police officer's life is worth more than an ordinary citizen.

And I said at the time it's not, but the likelihood is that a police officer would be killed about maybe a thousand times more than the average citizen.

This bill is the fix bill, as I call it. Because all this bill really does is to take the old statute, which is still on the books, and change the sentencing provision. Because what the Court of Appeals judges did

was what some of the lawyers that I know called jury nullification.

They looked and they looked to try to figure something to try to frustrate the death penalty. And what they said was that a jury somehow might be intimidated because if there was a jury clash -- that is, it was not unanimous -- then the alternative was that the automatic sentence would be a sentence of life, 25 years and the person could get out.

So what this bill does is equate itself to that decision. It says that if you have a deadlock -- that is, the decision of the jury is not unanimous -- then the deadlock provision says that that person must be sentenced to life without parole.

Personally I think it shows the misunderstanding that a lot of people have that are opposed to the death penalty of the importance of life without parole. I've often said that you've got to look at how many law professors and college professors, criminals, so many people oppose the death penalty. Because the truth is it is a deterrent. They know it, everyone knows it. But they're

afraid of it.

And the reason they're afraid of it -- and I understand -- is that as has happened since the death penalty was restored -- and there have been a number of studies that were kept under wraps for years. And when the Assembly went out and did their hearings, they made sure they had the proper people there who could give their studies. And anybody opposed to the death penalty came in and did their studies. The studies, of course, were for the most part nonsense.

But I have to tell you, I've often said before we did probably one of the most thorough studies of studies that I don't think anybody has done. We looked all around the country. And thanks to Senator Klein -- I had lost track of Isaac Erhlich's study, which was an extremely thorough study back in the '60s, I think, that was considered by many people to be the definitive study on deterrence.

And Ehrlich was not pro-death penalty. And I often said that what you would find is people who were pro-death penalty, they found out it was a deterrent. If they

were anti-death penalty, big surprise, they found that it wasn't a deterrent. But there have been some studies by people who were in the middle -- Ehrlich actually was opposed to the death penalty initially.

There was one fellow in I think it's Emory University did a study, along with his colleagues -- yes, I know, I'll finish in just a second -- and what he said was that they found 1 to 18; for every execution, that 18 people could be saved. Now, they're not just talking about police officers, they're talking about people in general.

So this is a big bill. This is the bill that covers everyone. This is the bill that would restore the death penalty because of the sentencing provision for anybody who is murdered under the provisions of the bill. So that's what this bill is. We passed it before in this house last year, and it's basically the same bill.

I vote aye.

ACTING PRESIDENT WINNER: Senator Volker will be recorded in the affirmative.

Senator Liz Krueger, to explain her

vote.

SENATOR LIZ KRUEGER: Thank you, Mr. President.

I'll be short: No. Because we know the death penalty doesn't work. We don't need a death penalty.

With all due respect to my colleague who just spoke, the reason so many college professors and other academics and researchers have come out against the death penalty is not because they're afraid of it but because they've done their homework and they have researched that it is not a deterrent, that it is used inappropriately, that people who have been later proved to be innocent have ended up on death row or in fact executed in this country, that there is no mechanism at this time to ensure that it is a perfect model and is not racially biased in its application, and that we have life without parole and therefore can protect the public without needing to have a death penalty.

So I tend to like to use science and research when it's available when I make a decision about the law, and the research is

very, very clear. We do not need a death penalty in New York State. There is no reason to reimpose a death penalty. I vote no.

Thank you, Mr. President.

ACTING PRESIDENT WINNER: Thank you, Senator Krueger.

Senator Schneiderman, to explain his vote.

SENATOR SCHNEIDERMAN: Thank you, Mr. President.

I will be voting no, as I have in the past on this. And I -- but I would like to thank Senator Volker for raising the issue of the econometric studies that I believe were cited by Senator Golden when we had a prior debate on this issue.

In fact, in a report dated June 10 of this year, the most recent report you could possibly get, addressing these studies that purport to show that the death penalty actually is a deterrent, and I will quote: "Follow-up studies by top social scientists soundly reject those conclusions as well as the flawed methodology used to reach them."

Jeffrey Fagan, a professor at

Columbia Law School and an expert on statistics, testified to Congress that the Emory and Denver studies were "fraught with numerous technical and conceptual errors and failed to reach the demanding standards of social science."

The fact of the matter is there is no support for the proposition -- no demographic support, no econometric support, no empirical support of any kind for the proposition that the death penalty serves as a deterrent, that it reduces killings.

If we're here to talk about justice, let's talk about justice. Let's talk about people who are wrongfully convicted who will never have a chance to be exonerated if they're subject to the death penalty.

You're not talking about justice. You're talking about revenge. And to many people those things are the same, but that should not be the law in the State of New York. That should not be the law in the Senate.

And I challenge anyone who pretends to have statistical evidence in support of the

absurd proposition that the death penalty reduces crime to have a full and open debate. Let's have a hearing, as we've been promised for a long time in this house, to get the latest data. If we were not afraid of the data, Senator Volker, why not hold a hearing?

I'm come to Depew or wherever to have the hearing. I'll travel west. But let's do it. Let's get the real data out there. What's the name of Dale's town? Oh, Lancaster, excuse me. I will come to Lancaster.

But let's not pass a flawed bill based on flawed assumptions. I encourage everyone, especially Senator Maziarz, to vote no.

(Laughter.)

ACTING PRESIDENT WINNER: I assume Senator Schneiderman will be recorded in the negative.

SENATOR SCHNEIDERMAN: Yes.

ACTING PRESIDENT WINNER: Senator Diaz, to explain his vote.

SENATOR DIAZ: Thank you, Mr. President.

Again, today, we have the honor of this sad situation where we were all celebrating the life of Trooper David C. Brinkerhoff. And I said before that I was a preacher, a minister.

And I'm opposing this bill not because I don't think that it might work. I am not voting against the bill because maybe, as a human, I don't believe that a person that takes a gun, loads that gun, goes to the bodega and kills that bodeguero, leaving the children and parents orphaned, maybe as a human, as a human, my human feeling might tell me he or she deserves the death penalty.

I'm not voting against the bill because I don't believe or maybe I don't think that a person that gets into a taxicab and shoots that person to steal the money doesn't deserve the death penalty. My human feeling, my human feeling says he or she deserves to be executed too.

I'm not voting against the death penalty because I don't believe that a man or a person that goes into a home and rob and assault and rape a woman and kill somebody

doesn't deserve the death penalty. My human feeling, my human nature might tell me he or she deserves the death penalty.

But my religious beliefs are stronger than my human feeling. My religious beliefs take priority on my human feelings. And I cannot vote because I believe that life is sacred in all stages, especially in those late-term abortions where people are killing the baby when it is born --

ACTING PRESIDENT WINNER: Senator Diaz, how do you vote?

SENATOR DIAZ: I'm finishing in a minute, my friend. I will be done in a minute. Because some other people talk so long and you don't cut them.

ACTING PRESIDENT WINNER: Senator Diaz, we're trying to limit this to two minutes, and --

SENATOR DIAZ: And I'm trying to say what I'm trying to say in two minutes.

So I also question those people that don't believe in the death penalty but believe in killing a baby, an infant, in a late-term abortion. I question that too, that

hypocrisy.

But I believe that life is sacred in all stages of life. So that's why I'm voting against this bill. And that's what I am saying. I'm here as a minister, as a Senator, voting according to my religious belief.

ACTING PRESIDENT WINNER: Senator Diaz will be recorded in the negative.

Senator Perkins, to explain his vote.

SENATOR PERKINS: Thank you, Mr. President.

Every time this debate comes up, I am forced to think about New York City in 1989. It was a time when the city was going through a major election, an historic election. It was a momentous time for New York City. Dave Dinkins was about to become the mayor.

But unfortunately it was also the time when there was this great Central Park rape case that not only affected New York City but affected the state and the nation and in fact I believe to some extent triggered a call

that ultimately resulted in the last death penalty.

And I'm reminded painfully of the fact that there were five young men, five kids, five children of my neighbors who were accused of that Central Park jogger rape. And a lynch-mob mentality spearheaded by Donald Trump, in which he took out ads in the New York Times and all the other local media calling for the return of the death penalty.

And that period, that lynch-mob period, resulted in all of those children being tried, convicted, and sentenced before they were even brought to the court. And if the people of this city and this state had listened to Donald Trump, those children would have been sentenced to death under the death penalty.

And it turns out that approximately 12 years later, the real rapist, Matias Reyes, confessed to not only the Central Park jogger rape but also to several other rapes, including the murder of a pregnant woman.

And by the way, five other women were raped around that same time on April 19,

1989, all of color, none of whom -- one of whom was thrown off a roof, none of whom got the kind of publicity and attention that the Central Park jogger got, primarily because she was white and she was working for Salomon Brothers.

I was very intimately involved in that. And it pains me to think that because of Donald Trump and because of that historical moment, these five kids, who ultimately were proven to be innocent, where the videotape confessions were proven to be coerced, and to such an extent that the district attorney, Bob Morgenthau, who originally prosecuted the case, had to say that those videotaped confessions in which those kids essentially confessed that they did it, did not hold water.

ACTING PRESIDENT WINNER: Senator Perkins --

SENATOR PERKINS: To his credit -- I'm concluding -- he called, he determined that the case had to be relooked at. And ultimately those children, those five kids from my neighborhood, were set free.

Unfortunately, nevertheless, crippled for life because of the stigma and the fact that they had to serve up to 13 years.

So I'm voting against this death penalty bill because there are too many instances in which people are accused of --

ACTING PRESIDENT WINNER: Senator Perkins.

SENATOR PERKINS: -- crimes, and in this case of murder or some kind of rape, where the evidence does not hold up. And it's only by the grace of God and DNA and the review of the tapes, of the videotaping of those confessions, that they were able to be set free.

And so again, thank you so much, I'm voting no.

ACTING PRESIDENT WINNER: Senator Perkins will be recorded in the negative.

Senator Parker, to explain his vote. Within the two-minute period, I hope, Senator Parker. Thank you.

SENATOR PARKER: Let me first thank Dale Volker for raising this issue, because I think it is an important issue. We

all want our communities to be safe. We all want our communities to be safe.

Unfortunately, this is not the way that does it. And we disagree that this method in fact deters crime. The whole idea of a death penalty is based on, you know, an eye for an eye, a tooth for a tooth. The problem with that, at the end of the day it leaves society blind and toothless. And that's not the way we ought to be going.

This way is more expensive than giving life sentences, so the state loses money by this. It doesn't work in terms of deterring people.

And further, because of the inability for both our police departments, our courts and our district attorneys to act in a way that is not biased -- and we know that from all of the empirical evidence -- you wind up with numbers of people, mostly black and Latino, and all poor, who wind up getting the death penalty. And that's no way to run a system that ought to be fair and just and nonbiased.

And so for all of those reasons,

and adding my voice to the chorus of those who are calling for the defeat of this bill, I'll be voting no.

ACTING PRESIDENT WINNER: Thank you. Senator Parker will be recorded in the negative.

Senator Connor, to explain his vote.

SENATOR CONNOR: Thank you, Mr. President.

I've spoken many, many, many times on the death penalty on this floor, never for two minutes. So this is a challenge.

I'll sum it up. Studies -- is it a deterrent, isn't it a deterrent, professor this or professor that says so or says it isn't -- I never go by that. I just know instinctively for a large portion of people who commit murder, nothing is a deterrent. They never believe they're going to get caught. They just don't believe they're going to get caught.

You think contract killers ever believe they're going to get caught? They're in the business of it. They're sure they'll

never get caught. So I don't get into that.

I know something. Historically the death penalty arises from a barbaric age. It was applied to many, many crimes. You have the Dickens citation of the pickpockets working the crowd at the hanging of other pickpockets. You just know, in those days there wasn't a penal system that could securely deal with people. Today we can do that. We can put people in life without parole.

And therefore, why should we embrace once again a penalty that's not worthy of our modern civilization and which almost every civilized nation in the world has now rejected?

Secondly, we may have the most perfect justice system that any human contrivance has come up with in any nation. We may. That said, it's a human system. It is fallible. It makes errors. It is always biased, always biased, always has been biased -- I'm not going to say because of race, it has always been a bias against the poorest people in society, the ones who can't

afford the high-priced lawyers.

Please, someone tell me -- I've challenged before -- name me five millionaires in this country that have ever, ever been executed, and I might reconsider that aspect of my argument.

Mr. President, for that and for a variety of other reasons, I vote no.

ACTING PRESIDENT WINNER: Senator Connor will be recorded in the negative.

Senator Maziarz, to explain his vote.

SENATOR MAZIARZ: Thank you very much, Mr. President. Almost impossible in just two minutes.

The night before last, on MSNBC there was a case file, you know all those court TV things, a guy actually that Senator Stachowski knew personally and was involved in a bar business in Buffalo, moves down to Florida, Miramar, Florida, has a successful bar business there called Casey's Nickelodeon, if anybody here who's from Buffalo will remember it.

You know, he's home one afternoon

and two beautiful young girls -- both of whom, by the way, happened to be African-American -- come to visit him. And while they're there in his house just talking by the swimming pool or something, two bad people come in and they're going to rob the place.

What they didn't know about Butch Casey was that he was crazy about security, and he had video cameras all over his house. And these two robbers tied them up, the two girls and him, laid them down on the floor, went through the place, got almost nothing, a couple of watches, almost nothing. You know, on their way out, put a gun to the back of each one of their heads and blew their -- you know what they did.

You know, they're interviewing these two young girls' mothers. You know, they had to watch that videotape at the trial and now they have to watch it on MSNBC and Court TV and all, over and over and over again, their daughters laying on the floor and these guys putting a gun to the back of their head and shooting them, executing them. There's no other word for it but executing.

But Florida, Florida is smarter than we are. Florida doesn't have a Judge Kaye. Florida went through the process, you know, went through the process, and both of those individuals received the death penalty and probably will be executed within the next year or two.

And I'll tell you, is it a deterrent? Those two individuals, once they're executed, will never kill again. It's a deterrent, there's no question it's a deterrent, and I vote aye.

Thank you.

ACTING PRESIDENT WINNER: Senator Maziarz will be recorded in the affirmative.

Senator Oppenheimer, to explain her vote.

SENATOR OPPENHEIMER: Thank you, Mr. President. They usually say bad stories like that make bad -- bad cases make bad law.

But in this case I just want to briefly point out one thing that hasn't been mentioned so far. It's not scientific and it's not religious and it doesn't deal with the fact that most people on death row are

minority peoples. But it would seem to me that our reputation internationally has been harmed enough in the last several years.

And when you think of Western industrialized countries, there is not one that has a death penalty. These are people like you and me from industrialized societies like the one we live in. There were, I think, three countries that had death penalties in the world, and one of them actually stopped it, and that was South Africa when their government changed.

It seems to me that we would have much more in common with other industrialized nations who look upon this as something that they don't want their nation known for. I don't think we want our state known for this. I'm voting no.

ACTING PRESIDENT WINNER: Senator Oppenheimer will be recorded in the negative.

Announce the results.

THE SECRETARY: Those recorded in the negative on Calendar Number 660 are Senators Adams, Breslin, Connor, Diaz, Dilan, Duane, Gonzalez, Hassell-Thompson, Huntley,

L. Krueger, Montgomery, Oppenheimer, Parker, Perkins, Sabini, Sampson, Savino, Schneiderman, Serrano, Smith, Stavisky, Stewart-Cousins, Thompson and Valesky.

Ayes, 38. Nays, 24.

ACTING PRESIDENT WINNER: The bill is passed.

The Secretary will read.

THE SECRETARY: Calendar Number 723, by Senator Wright, Senate Print 2422, an act to amend the Public Health Law.

ACTING PRESIDENT WINNER: Read the last section.

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

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number 735, by Senator C. Kruger, Senate Print 4549, an act to amend the Social Services Law.

ACTING PRESIDENT WINNER: Read

the last section.

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

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

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

SENATOR LIZ KRUEGER: Thank you. I rise to explain why I am voting no on this bill.

Part of the bill I agree with, the opportunity for the State of New York to finally do research on what are the employment outcomes of people who leave public benefits. It's an important question of collecting data: What of our programs work, what don't work? Does a college education move people out of poverty? Does a workfare program fail to do that? Do people end up losing their homes because they've lost their benefits under sanction? Who's ending up where? Those are important questions.

But this law -- and my understanding is the Assembly won't pass it

because of the other sections of this bill -- would also allow an intrusion into the privacy of people after they've left benefits, perhaps forever, with opportunities to try to recoup money from them after the time that they have moved off of benefits.

Public benefits are supposed to be a safety net to help people in poverty take care of themselves, their families, and to provide programs and services that will help them move into the labor market, move out of poverty, become taxpayers. That's the win for all of us.

Continuing to use a computer tracking system to try to go after people for small sums of money that they may have signed when they accepted public assistance -- this is a loan, it can be taken back from you -- I think is a bad model of public policy.

It's a one-house bill, in my understanding, and I'll vote no.

Thank you, Mr. President.

ACTING PRESIDENT WINNER: Senator Krueger will be recorded in the negative.

Announce the results.

THE SECRETARY: Those recorded in the negative on Calendar Number 735 are Senators Adams, Breslin, Connor, Duane, Gonzalez, Hassell-Thompson, L. Krueger, Montgomery, Oppenheimer, Parker, Perkins, Serrano, Stavisky, Stewart-Cousins and Thompson. Also Senator Sampson.

Ayes, 46. Nays, 16.

ACTING PRESIDENT WINNER: The bill is passed.

The Secretary will read.

THE SECRETARY: Calendar Number 893, substituted earlier today by Member of the Assembly Pretlow, Assembly Print Number 3164, an act to amend the Local Finance Law.

ACTING PRESIDENT WINNER: 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 WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT WINNER: The

bill is passed.

THE SECRETARY: Calendar Number 928, substituted earlier today by Member of the Assembly Paulin, Assembly Print Number 2139A, an act to amend the Education Law.

ACTING PRESIDENT WINNER: Read the last section.

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

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number 935, by Senator LaValle, Senate Print 5563, an act to amend the Education Law.

ACTING PRESIDENT WINNER: Read the last section.

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

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT WINNER: Senator Stavisky, to explain her vote.

SENATOR STAVISKY: Yes, Mr. President. I'm going to be opposing this bill.

I think we have to be fiscally responsible, and to add an unfunded mandate upon the State Education Department I think is unconscionable.

The bill does not provide any funding. There is no additional personnel to perform all of these functions. And we are not aware of what the impacts will be upon each of the 700 or so school districts in the State of New York. I suggest that we vote no.

Thank you, Mr. President.

ACTING PRESIDENT WINNER: Senator Stavisky will be recorded in the negative.

Announce the results.

THE SECRETARY: Those recorded in the negative on Calendar Number 935 are Senators Breslin, Dilan, Duane, Gonzalez, L. Krueger, Montgomery, Parker, Stachowski and Stavisky. Also Senator Perkins.

Ayes, 52. Nays, 10.

ACTING PRESIDENT WINNER: The bill is passed.

The Secretary will read.

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

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

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

THE SECRETARY: Calendar Number 1574, by Senator Libous, Senate Print 5978, an act to amend Chapter 656 of the Laws of 2002.

ACTING PRESIDENT WINNER: Read the last section.

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

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number

1639, by Senator Morahan, Senate Print 247A, an act to amend the Tax Law.

ACTING PRESIDENT WINNER: A local fiscal impact note is at the desk.

Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the first day of a sales tax quarterly period.

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number 1703, by Senator Larkin, Senate Print 6108, an act to amend the Real Property Tax Law.

ACTING PRESIDENT WINNER: Read the last section.

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

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT WINNER: Senator

Stachowski, to explain his vote.

SENATOR STACHOWSKI: Yes, Mr. President. I know that this bill, I discussed it with Senator Larkin and he said his counties want this.

But this is a statewide bill allowing sale of tax liens by municipalities. And in Buffalo the experience with selling tax liens was a total disaster. A program that worked in other parts of the state didn't work at all in Buffalo.

We had 1400 properties standing abandoned and slowly delapidating for over five years before a compromise was reached with the company. And they just turned some of them back, and there are still 800 properties that are out there continuing to dilapidate, becoming safety or health hazards.

We just recently had a series of vandalism-caused fires, one of which a fireman was injured and just lost his leg as a result of that injury.

So this one-size-fits-all bill seems like a great idea, but it's a problem. And if your community has some older stock or

has every year a lien sale where there's quite a few properties listed, this may not be a good solution for you. But the localities will think it's a great solution because it gets them for money for tax liens they're not collecting.

And I would also point out, in the day of subprime lending and more and more houses going to foreclosure, and if some of them are older, they may end up standing there because the person foreclosing will never finish the foreclosure. They'll just -- the house will be -- the people will be out of the house, and the house will just continue to dilapidate.

So that this one-size-fits-all seems like a great idea. Not such a good idea, at least not in my area. So I'm voting no, and I would suggest anybody take a thought process and think if their idea would fall into a similar situation before they vote yes on what seems like a great solution.

I vote no.

ACTING PRESIDENT WINNER: Senator Stachowski will be recorded in the negative.

Senator Farley, to explain his vote.

SENATOR FARLEY: Yeah, I rise in support of this, because Mayor Stratton from Schenectady, who worked for your side of the aisle, extols this program. And it's been a savior to Schenectady.

It's also been very, very satisfactory and liked by Amsterdam and Gloversville. For many of these small cities, this has been a real wonderful thing.

And I presume it's an option and one that has worked very, very successful right in this area. I think that Mayor Stratton is constantly saying what a difference it's made in collecting the taxes.

I rise in support of this.

ACTING PRESIDENT WINNER: Senator Farley will be recorded in the affirmative.

Announce the results.

THE SECRETARY: Those recorded in the negative on Calendar Number 1703 are Senators Adams, Bonacic, Dilan, Gonzalez, Parker and Stachowski.

Ayes, 56. Nays, 6.

ACTING PRESIDENT WINNER: The bill is passed.

The Secretary will read.

THE SECRETARY: Calendar Number 1723, by Senator Leibell, Senate Print 5599A, an act to amend the State Technology Law.

ACTING PRESIDENT WINNER: Read the last section.

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

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number 1724, substituted earlier today by Member of the Assembly Paulin, Assembly Print Number 4932B, an act to amend the Executive Law.

ACTING PRESIDENT WINNER: Read the last section.

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

ACTING PRESIDENT WINNER: Call

the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number 1801, by Senator Montgomery, Senate Print 820, an act to amend the General Business Law.

ACTING PRESIDENT WINNER: Read the last section.

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

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number 1803, by Senator Winner, Senate Print 4798, an act to amend the Real Property Tax Law.

ACTING PRESIDENT WINNER: Read the last section.

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

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT WINNER: The meritorious bill is passed.

THE SECRETARY: Calendar Number 1804, by Senator Nozzolio, Senate Print 4813, an act to amend the Energy Law.

ACTING PRESIDENT WINNER: Read the last section.

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

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number 1805, by Senator Fuschillo, Senate Print 4967A, an act to amend the Environmental Conservation Law and the Public Authorities Law.

ACTING PRESIDENT WINNER: Read

the last section.

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

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number 1806, substituted earlier today by Member of the Assembly Gottfried, Assembly Print Number 8082, an act to amend the Public Health Law.

ACTING PRESIDENT WINNER: Read the last section.

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

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number 1807, by Senator Winner, Senate Print 5250A,

an act to amend the General Municipal Law.

ACTING PRESIDENT WINNER: Read the last section.

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

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60. Nays, 2. Senators Duane and Parker recorded in the negative.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number 1810, by Senator Bonacic, Senate Print 5514, an act to amend the Environmental Conservation Law.

ACTING PRESIDENT WINNER: Read the last section.

SENATOR DUANE: Lay it aside, please.

ACTING PRESIDENT WINNER: The bill is laid aside.

THE SECRETARY: Calendar Number 1811, substituted earlier today by Member of

the Assembly Christensen, Assembly Print Number 726, an act to amend the Economic Development Law.

ACTING PRESIDENT WINNER: Read the last section.

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

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number 1812, substituted earlier today by Member of the Assembly Parment, Assembly Print Number 7842A, an act to amend the Tax Law.

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

Read the last section.

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

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number 1813, by Senator Saland, Senate Print 5917A, an act to amend the Correction Law.

ACTING PRESIDENT WINNER: Read the last section.

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

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number 1814, substituted earlier today by Member of the Assembly Young, Assembly Print Number 8975, an act to amend Chapter 658 of the Laws of 2002.

ACTING PRESIDENT WINNER: Read the last section.

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

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number 1815, by Senator Winner, Senate Print 5946, an act to amend the Environmental Conservation Law.

ACTING PRESIDENT WINNER: Read the last section.

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

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number 1816, by Senator Bonacic, Senate Print 5947, an act to amend the Insurance Law.

ACTING PRESIDENT WINNER: Read the last section.

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

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number 1817, by Senator Maltese, Senate Print 6009B, an act to amend the Administrative Code of the City of New York.

ACTING PRESIDENT WINNER: Read the last section.

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

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number 1818, by Senator Farley, Senate Print 6030, an act in relation to affecting the health

insurance benefits.

ACTING PRESIDENT WINNER: Read the last section.

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

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT WINNER: The bill is passed.

Excuse me. Senator Farley, to explain his vote.

SENATOR FARLEY: Thank you. Very quickly.

This is a huge bill that protects all the senior citizen public employees that they can't change the health insurance form unless they change it for everybody. It's a one-year job, like the teachers already have. But this takes care of all public employees.

It is the number-one priority of all the retired people in this state. It's a huge bill, and I'm pleased to vote aye.

ACTING PRESIDENT WINNER: Senator

Farley will be recorded in the affirmative.

Thank you, Senator Farley.

The Secretary will read.

THE SECRETARY: Calendar Number 1819, by Senator Farley, Senate Print 6031A, an act in relation to affecting the health insurance benefits.

ACTING PRESIDENT WINNER: Read the last section.

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

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1820, Senator Hannon moves to discharge, from the Committee on Rules, Assembly Bill Number 8912 and substitute it for the identical Senate Bill Number 6036, Third Reading Calendar 1820.

ACTING PRESIDENT WINNER: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1820, by Member of the Assembly Zebrowski, Assembly Print Number 8912, an act to amend Chapter 505 of the Laws of 1995.

ACTING PRESIDENT WINNER: Read the last section.

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

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number 1821, by Senator Trunzo, Senate Print 6086, an act to authorize The Sisters of Saint Joseph.

ACTING PRESIDENT WINNER: Read the last section.

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

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60. Nays, 2. Senators Bonacic and Larkin recorded in the negative.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number 1822, by Senator Marcellino, Senate Print 6088, an act to amend the Tax Law.

ACTING PRESIDENT WINNER: Read the last section.

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

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number 1823, by Senator Maltese, Senate Print 6092, an act to amend the Retirement and Social Security Law and the Administrative Code of the City of New York.

ACTING PRESIDENT WINNER: Read the last section.

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

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number 1824, substituted earlier today by Member of the Assembly Magee, Assembly Print Number 8460, an act to amend the Environmental Conservation Law and others.

ACTING PRESIDENT WINNER: Read the last section.

THE SECRETARY: Section 13. This act shall take effect on the 180th day.

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number 1826, by Senator Morahan, Senate Print 6138,

an act to amend Chapter 478 of the Laws of 2006.

ACTING PRESIDENT WINNER: Read the last section.

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

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number 1827, by Senator Bonacic, Senate Print 6149, an act to amend Chapter 109 of the Laws of 2006.

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

Read the last section.

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

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number 1828, substituted earlier today by Member of the Assembly Magnarelli, Assembly Print Number 8921, an act to provide an accelerated schedule.

ACTING PRESIDENT WINNER: Read the last section.

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

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number 1829, by Senator Skelos, Senate Print 6160A, an act to amend the Tax Law.

ACTING PRESIDENT WINNER: Read the last section.

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

ACTING PRESIDENT WINNER: Call

the roll.

(The Secretary called the roll.)

ACTING PRESIDENT WINNER: Senator Skelos, to explain his vote.

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

This legislation will help and encourage the use of biofuels -- in particular, ethanol -- throughout the State of New York.

During the next 18 months, it's expected that three now ethanol production facilities will be online in New York State. The problem that exists right now is we are not getting ethanol and other biofuels available to the general public throughout the state of New York.

What this legislation would do and accomplishes, number one, by using ethanol and other biofuels, improve the environment and fight global climate change, will help ease the dependency on foreign oil, and one of the most significant parts of it, it will help promote upstate economic development.

Presently 85 percent, 85 percent of

each dollar spent in New York State on gasoline is exported out of the United States. The money does not stay here. With this legislation, 100 percent of the dollars spent on New York State-produced ethanol will stay in the state's economy. The farmer will grow the corn, the ethanol will be produced in New York State, it will be distributed by New York State retailers and used in New York State.

The average ethanol plant expands the local economic base by $110 million, generates $19.6 million in household income, and supports the creation of up to 694 new permanent jobs.

So this is a plus for the environment, it's a plus for economic development, and it is my hope that the Assembly supports this legislation.

ACTING PRESIDENT WINNER: Thank you. Senator Skelos will be recorded in the affirmative.

Announce the results.

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT WINNER: The

bill is passed.

The Secretary will read.

THE SECRETARY: Calendar Number 1831, by the Senate Committee on Rules, Senate Print 6174, an act to amend the Agriculture and Markets Law.

ACTING PRESIDENT WINNER: Read the last section.

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

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61. Nays, 1. Senator Duane recorded in the negative.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number 1832, by Senator Wright, Senate Print 6190, an act to amend the Energy Law.

ACTING PRESIDENT WINNER: Read the last section.

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

ACTING PRESIDENT WINNER: Call

the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

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

SENATOR WRIGHT: Thank you, Mr. President.

This bill is one of a series of bills that have been passed previously. We passed a tire efficiency standard. The whole intent is to further achieve energy reductions through the utilization of energy-efficient products, standardizing those products, ensuring that the consumers have a choice.

We do not mandate, but we simply establish standards, we ensure that people are educated, and we afford them the opportunity in a competitive environment.

This will go a long way to assisting New York achieve its energy-efficiency standards. I vote aye.

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

The Secretary will announce the results.

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT WINNER: The bill is passed.

The Secretary will read.

THE SECRETARY: Calendar Number 1835, by Senator Golden, Senate Print 1288A, an act to amend the Social Services Law and the Public Authorities Law.

ACTING PRESIDENT WINNER: Read the last section.

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

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number 1836, substituted earlier today by Member of the Assembly Weisenberg, Assembly Print Number 4650A, an act to amend the Public Health Law.

ACTING PRESIDENT WINNER: Read the last section.

THE SECRETARY: Section 2. This

act shall take effect immediately.

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number 1838, by Senator Griffo, Senate Print 2881A, an act to amend the Alcoholic Beverage Control Law.

ACTING PRESIDENT WINNER: Read the last section.

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

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61. Nays, 1. Senator Duane recorded in the negative.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number 1839, by Senator DeFrancisco, Senate Print 3761A, an act to amend the Environmental

Conservation Law.

ACTING PRESIDENT WINNER: Read the last section.

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

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61. Nays, 1. Senator Wright recorded in the negative.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number 1840, by Senator Padavan, Senate Print 3994, an act to amend the Retirement and Social Security Law.

ACTING PRESIDENT WINNER: 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 WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number 1842, substituted earlier today by Member of the Assembly Towns, Assembly Print Number 6574, an act to amend the Executive Law.

ACTING PRESIDENT WINNER: Read the last section.

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

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number 1843, by Senator Leibell, Senate Print 4218, an act to amend the Executive Law.

ACTING PRESIDENT WINNER: Read the last section.

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

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number 1846, substituted earlier today by Member of the Assembly Jeffries, Assembly Print Number 7380, an act to amend the Executive Law.

ACTING PRESIDENT WINNER: Read the last section.

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

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number 1847, by Senator LaValle, Senate Print 4422A, an act to amend the Tax Law.

ACTING PRESIDENT WINNER: 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 WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number 1848, by Senator Morahan, Senate Print 4447, an act to amend the Retirement and Social Security Law.

ACTING PRESIDENT WINNER: Read the last section.

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

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number 1849, by Senator Nozzolio, Senate Print 4856, an act to amend the Highway Law.

ACTING PRESIDENT WINNER: There

is a home-rule message at the desk.

Read the last section.

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

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number 1850, by Senator Morahan, Senate Print 5059A, an act to amend the Public Service Law.

ACTING PRESIDENT WINNER: Read the last section.

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

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number 1851, substituted earlier today by Member of

the Assembly Aubertine, Assembly Print Number 7113A, an act directing the Department of Agriculture and Markets.

ACTING PRESIDENT WINNER: Read the last section.

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

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number 1852, substituted earlier today by Member of the Assembly Hooper, Assembly Print Number 4911, an act authorizing the assessors of the Village of Hempstead.

ACTING PRESIDENT WINNER: Read the last section.

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

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60. Nays, 2. Senators Bonacic and Larkin recorded in the negative.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number 1853, substituted earlier today by Member of the Assembly Abbate, Assembly Print Number 8445, an act to amend the Education Law and the Administrative Code of the City of New York.

ACTING PRESIDENT WINNER: Read the last section.

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

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number 1855, by Senator Saland, Senate Print 5774, an act to amend the Education Law.

ACTING PRESIDENT WINNER: Read

the last section.

THE SECRETARY: Section 22. This act shall take effect on the 180th day.

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number 1856, by Senator Maziarz, Senate Print 5964, an act authorizing the City of Niagara Falls.

ACTING PRESIDENT WINNER: Read the last section.

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

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number 1857, substituted earlier today by Member of the Assembly Bradley, Assembly Print Number

8273A, an act to amend the Domestic Relations Law.

ACTING PRESIDENT WINNER: Read the last section.

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

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number 1858, by Senator Padavan, Senate Print 6023A, an act to amend the Private Housing Finance Law.

ACTING PRESIDENT WINNER: Read the last section.

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

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT WINNER: The

bill is passed.

THE SECRETARY: Calendar Number 1860, substituted earlier today by Member of the Assembly Jacobs, Assembly Print Number 8780, an act to amend Chapter 521 of the Laws of 1994.

ACTING PRESIDENT WINNER: Read the last section.

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

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number 1861, by Senator Seward, Senate Print 6065, an act to amend the Vehicle and Traffic Law.

ACTING PRESIDENT WINNER: Read the last section.

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

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number 1863, by Senator Golden, Senate Print 6114, an act to amend the Retirement and Social Security Law.

ACTING PRESIDENT WINNER: Read the last section.

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

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number 1864, by Senator Bonacic, Senate Print 6150, an act to amend the Executive Law.

ACTING PRESIDENT WINNER: Read the last section.

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

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number 1865, by Senator Bruno, Senate Print 6153, an act providing for a taxpayer assistance authorization.

ACTING PRESIDENT WINNER: 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 WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number 1866, by Senator Wright, Senate Print 6179, an act to amend the Public Authorities Law.

ACTING PRESIDENT WINNER: Read

the last section.

THE SECRETARY: Section 2. This act shall take effect on the same date and in the same manner as a chapter of the Laws of 2007.

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61. Nays, 1. Senator Duane recorded in the negative.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number 1867, by Senator LaValle, Senate Print 6200, an act to amend Chapter 434 of the Laws of 1999.

ACTING PRESIDENT WINNER: Read the last section.

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

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT WINNER: The

bill is passed.

THE SECRETARY: Calendar Number 1868, by the Senate Committee on Rules, Senate Print Number 6224, an act to amend the Workers' Compensation Law.

ACTING PRESIDENT WINNER: Read the last section.

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

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT WINNER: The bill is passed.

Senator Bonacic.

SENATOR BONACIC: Mr. President, Calendar Number 190, by Senator Golden, had been laid aside temporarily. I ask that we take it up at this time.

ACTING PRESIDENT WINNER: The Secretary will read.

THE SECRETARY: Calendar Number 190, by Senator Golden, Senate Print 1777, an act to amend the Penal Law.

ACTING PRESIDENT WINNER: Read the last section.

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

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60. Nays, 2. Senators Duane and L. Krueger recorded in the negative.

ACTING PRESIDENT WINNER: The bill is passed.

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

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

ACTING PRESIDENT WINNER: The Secretary will ring the bell.

The Secretary will read.

THE SECRETARY: Calendar Number 1810, by Senator Bonacic, Senate Print 5514, an act to amend the Environmental Conservation Law.

ACTING PRESIDENT WINNER: Senator Stewart-Cousins.

SENATOR STEWART-COUSINS: Mr. President, I believe there's an amendment at the desk. And I ask that the reading of the amendment be waived and that I would be heard on the amendment.

ACTING PRESIDENT WINNER: The reading is waived, and you may be heard on the amendment, Senator Stewart-Cousins.

SENATOR STEWART-COUSINS: Thank you.

First of all, I wanted to thank Senator Bonacic for raising the important issue of flooding and how it has impacted our different counties and our different communities.

In my district, there were millions and millions of dollars in flooding damage just caused by this recent hurricane event in April. We are still trying to recover from what has happened in Westchester County, whether it was the residents who have had to leave their homes and still have not been able to return months after, whether it was

business districts that were devastated. What happened in Westchester County, as in other counties, certainly needs to be addressed.

And that's what this amendment is about. This amendment is asking us to broaden the environmental commissioner's look into flooding and how it can be mitigated. It's asking Senator Bonacic to include Westchester, Putnam, Nassau and Suffolk as it proceeds to look at how, as we approach this very, very serious hurricane season, how we can protect our counties and our communities.

Westchester County, for example, in the New York State Hazard Mitigation Plan of 2004, is listed as Number 4 in terms of counties that are going to lose, in the event of a flooding disaster, billions of dollars, Number Four. Westchester County cannot be ignored. Nassau and Suffolk actually rank one and two.

So I again commend Senator Bonacic for looking at, frankly, what should have been done years ago. Obviously, this is a problem and I think DEC should have been looking at it before. But now that we're getting ready to

move on it as a body, to ignore these very significant counties with so many billions of dollars at stake, as well as residences, businesses and others, I think would be very unfortunate.

So I certainly hope that my colleague will accept the amendment and we include Westchester, Putnam, Suffolk and Nassau in this study.

ACTING PRESIDENT WINNER: Thank you, Senator.

Senator Craig Johnson.

SENATOR CRAIG JOHNSON: Thank you very much, Mr. President.

I too want to thank Senator Bonacic for his bill. I also want to thank Senator Stewart-Cousins her very commonsense amendment. FEMA, the Federal Emergency Management Agency, has reported on the potential loss estimates for each county in New York. It's contained in the New York State Hazard Mitigation Plan set forth in 2004.

According to the data from FEMA's National Flood Insurance Program, the top two

counties in terms of the number and the value of structures, which are within what's known as a 100-year flood plain, the top two are Nassau County and Suffolk County, in that order. Westchester County is not far behind, as the county with the fourth highest aggregate value of structures within the 100-year flood plain.

Now, the numbers that we're talking about are stark. In my home county of Nassau, in Senator Fuschillo's county, Senator Skelos's county, Senator Marcellino's county and Senator Hannon's county, we're talking about 53,000 structures within this flood plain, with an estimated value of over $19.5 billion -- that's with a B -- billion dollars. For my neighbors in Suffolk -- Senator Owen Johnson, Senator Trunzo, Senator Flanagan, and Senator LaValle -- it's over 60,000 buildings within this flood plain, at an estimated value of $17 billion.

In Putnam County there are 276 buildings within the flood plain, with an estimated value of $95 million.

Combined, this gives -- and we're

focusing on Long Island -- Long Island homeowners a $36 billion incentive to be included in this bill, to be included in this study.

Now, Senator Bonacic, in his supporting memorandum, talks about that we cannot wait for a disaster of Katrinaesque proportions to cause us to act, and that we must act now. And I agree with Senator Bonacic. He also talks about that we must make flood control a priority in this state. And I agree, we have to make it a priority.

But we have to make it a priority for Nassau, for Suffolk, for Westchester, and for Putnam, an amendment that Senator Stewart-Cousins included, and I support.

So in a spirit of bipartisanship, in the interests of New York State, and for the good of all of our constituents, I ask my colleagues, especially those from Long Island and the Lower Hudson Valley, to join me in supporting Senator Stewart-Cousins' amendment.

Thank you very much, Mr. President.

ACTING PRESIDENT WINNER: Senator Oppenheimer, on the amendment.

SENATOR OPPENHEIMER: Well, I think -- thank you, Mr. President. I think what has been said is pretty clear, that this problem is not unique to the Southern Tier or to the Upper Hudson but also most directly, certainly in the last couple of months, to my area that I represent.

In fact, my village has suffered unbelievably in the last storm, and we still haven't recovered. And about a quarter of our village is still shot.

So I think it only makes sense to incorporate us in this study. I can tell you that our county executive has just recommended $10 million to go into a fund to study and start reconstruction and to find ways to avoid these kind of catastrophes in the future.

Our county, our county executive is putting in very big bucks to try and find some solutions. And I think it would be incumbent on the state to make an effort to show that this area of the state, suburbia, plays a major role in our economy and, in addition, has a major flood problem which the state really must help to alleviate.

So I support this amendment and hope that we can, if not at this moment, at least get on to this within the next several weeks or months. Thank you.

ACTING PRESIDENT WINNER: Senator Bonacic.

SENATOR BONACIC: On the amendment. A couple of things.

This bill was introduced on May 30th of this year. And this legislation came before the Environmental Committee, and it was voted 14-0, with the support of Senator Oppenheimer and Senator Johnson. And at no time between that vote on the Environmental Committee till 9:00 a.m. this morning was there a concern about these counties and this amendment.

At any time if there was a request to me to add those counties, I certainly would have supported it in the Environmental Committee.

And the way this amendment came about was a little disturbing. It came to my secretary at 9:00 a.m. when she was on the phone, and it was left by a representative

from Senator Cousins' office without -- who talked at my secretary while she was on the phone. So this amendment appeared for the first time.

Now, I think it's a good idea to add these four counties. We should be concerned about flood damage in all of the counties that are affected. But, you know, I see Senator Stewart-Cousins all of the time. This was never discussed with me in the last 21 days, of putting these counties in.

And let me tell you why it presents a problem. Because if we do this amendment and I amend this bill, under Rule 8, Section 4, it has to go back to the committee, the Environmental Committee, and we've got to wait 10 days. You know what? We can't wait 10 days.

I'll tell you how my morning started. At 6:00 a.m. I get a call -- it's not my staff, it wasn't my family, it was a volunteer firefighter that tells me we had flash flooding in Roscoe and Colchester last night. Now, 26 homes have been damaged.

This is how my day started. But

for my constituents, it was a nightmare. Just like it was in June of 2006, in April of 2005, and in March of 2004.

Now, we have four people missing at 109. There's one confirmed death of flooding. Four more homes have washed away, badly damaged. Now --

SENATOR CRAIG JOHNSON: Would Senator Bonacic yield for a question?

SENATOR BONACIC: First of all, I'd like to just finish. And then I'll come back to you Senator, if that's okay.

SENATOR CRAIG JOHNSON: That's fine.

ACTING PRESIDENT WINNER: Senator Johnson, would you ask the Senator to yield through the chair in the future? Thank you.

SENATOR CRAIG JOHNSON: I apologize, Mr. President.

SENATOR BONACIC: So I want to act now on our legislation. Let me just finish, if I may.

I appreciate the support of my colleagues on the flooding issues in the Environmental Committee and on the floor in

the past. You have always acted in a bipartisan way to help alleviate this problem, or try to.

Whenever we have passed legislation, the Assembly dances. They just passed a bill yesterday. What are they going to do? They're going to study, they're going to study flood control.

Now, we're at a point that we can't study anymore. We have to act. So I for one am asking that we act today on our bill. This amendment will only be dilatory in nature, and I ask that the amendment be defeated.

Thank you, Mr. President. And if Senator Johnson wants to ask me a question --

ACTING PRESIDENT WINNER: Senator Stewart-Cousins, why do you rise?

SENATOR STEWART-COUSINS: I just wanted to ask if the sponsor would yield for a question.

SENATOR BONACIC: Absolutely.

ACTING PRESIDENT WINNER: Senator Bonacic, do you yield to a question?

SENATOR BONACIC: I do.

ACTING PRESIDENT WINNER: Senator

Stewart-Cousins.

SENATOR STEWART-COUSINS: Yes, Senator Bonacic. I was just wondering, is there an Assembly sponsor for this bill? Is there a same-as?

SENATOR BONACIC: The answer is no, only a study bill. The answer is no.

SENATOR STEWART-COUSINS: Well, would the sponsor continue to yield?

SENATOR BONACIC: Absolutely.

ACTING PRESIDENT WINNER: The Senator yields.

SENATOR STEWART-COUSINS: So in the absence of a same-as bill, what would be the problem, then, putting in an amendment? Because as it turns out, we actually have an Assembly sponsor that would sponsor this bill with this amendment.

SENATOR BONACIC: We could do a hand-down in the Assembly. It could happen later today, it could happen tomorrow.

I've already written to the Governor on this. I've spoken to him on this in two private meetings. And we've asked to declare a disaster here.

And I'll tell you what. I'll tell you what, Senator Cousins. If you can tell me that you will meet with Governor Spitzer and he will give me a message of necessity to vote on this bill and you tell me that the Speaker will vote on this bill tomorrow or later today, I'll lay it aside temporarily to give you the opportunity to do that.

Do you think you can do that?

SENATOR STEWART-COUSINS: Is that through the President?

We can -- first of all, from what I gather, you're willing to have this conversation. I don't mind going together to the Governor. But I understand that the message of necessity only happens after we actually have an Assembly bill.

So why don't we have this amendment, get our Assembly bill, and then together go to the Governor for the message of necessity so that we can do the necessary thing for all of the counties that need flood mitigation.

SENATOR BONACIC: Senator Cousins, it's been my experience if a Governor

gives a message of necessity on a particular piece of legislation, there is a strong possibility that the Speaker in the Assembly would embrace it and find a sponsor in a hurry or run it through Rules, and this could be voted on later today or tomorrow.

SENATOR STEWART-COUSINS: Well, Senator Bonacic, I suppose we can suspect or assume from our experience what the Governor may or may not do. As we know, this is a new government, it's a new environment, it's a new Governor. And what from what I gather, the messages of necessity will be minimized.

But again, since we do have an Assembly sponsor with this amendment, I think we can move it, we really can move it, if we just decide collegially and because it's good for us to move the amendment and, you know, get this process going. Who knows, we could possibly have it done before hurricane season strikes and have all these counties actually benefitting from our work here.

SENATOR BONACIC: Mr. President, I'd like to respond to Senator Cousins, if I may.

ACTING PRESIDENT WINNER: Senator Bonacic.

SENATOR BONACIC: You indicated that the Governor may minimize messages of necessity, that they're not likely to happen with the same frequency.

But don't you think flooding, loss of lives, hundreds of millions of dollars of property damage is something that would get your attention and you'd want to react to as quickly as possible?

SENATOR STEWART-COUSINS: You know, again, I think that we're all here for the same good reasons, to do what's best for New York State residents. And I certainly couldn't speak for the Governor, but I suspect that that's why he governs.

But I do think -- again, we keep going back and forth. And I appreciate the work you've done. There's absolutely no reason that I would stand here and say anything less than I want to support what you're doing. I just want to make sure that it includes the counties who we know (A) have been devastated, (B) are likely to be

devastated again, and (C) will cost not only the federal government but probably the state billions of dollars of remediation, reparations, et cetera. And if we can deal with that now, which I do believe we can, we ought to.

I understand the process. But maybe because of my limited tenure here, I don't see the level of obstacles that you probably have met. I would like to think that because we agree -- and I think everyone in the chamber agrees -- that there are problems that we need to address, we can effectively address if we did it together.

Again, we have an Assembly sponsor that will carry our amended version of your very fine work, and I do believe that we can make something different happen and set the tone for the progress that we are making, not only across the aisles but for the residents of New York State.

SENATOR BONACIC: I have a question of Senator Cousins.

ACTING PRESIDENT WINNER: Senator Bonacic, you're asking Senator Cousins to

yield?

SENATOR BONACIC: Will she yield?

ACTING PRESIDENT WINNER: Senator Cousins, do you yield to a question?

SENATOR STEWART-COUSINS: Certainly.

SENATOR BONACIC: Well, Senator Connor is up.

ACTING PRESIDENT WINNER: Senator Connor, why do you rise?

SENATOR CONNOR: On a point of order.

I'm a little confused, Mr. President. Was a question asked? I didn't hear anyone yield. I just don't know where we are in this dialogue.

ACTING PRESIDENT WINNER: Well, Senators, Senator Connor's point is well-taken. We've been very lax with regard to allowing this process to go back and forth.

Senator Stewart-Cousins, you had previously asked Senator Bonacic to yield. Do you have any more questions for Senator Bonacic?

SENATOR STEWART-COUSINS: No. I

have one statement, though, in terms of process --

ACTING PRESIDENT WINNER: Senator Cousins, you don't have the floor. Senator Bonacic has the floor. If you'd like to be recognized subsequently, that's fine.

SENATOR STEWART-COUSINS: Well, I think the final question, Mr. President, was whether or not we could certainly -- whether he would accept my amendment.

ACTING PRESIDENT WINNER: Are you asking Senator Bonacic to yield?

SENATOR STEWART-COUSINS: Yes.

ACTING PRESIDENT WINNER: Senator Bonacic, would you yield to Senator Cousins?

SENATOR BONACIC: Absolutely.

SENATOR STEWART-COUSINS: Senator Bonacic, would you please accept the amendment?

SENATOR BONACIC: I think I tried to explain what the appropriate process is.

If you indicated that you have an Assembly sponsor and you can get that Assembly sponsor to pass the bill today or tomorrow, get a certificate of necessity from the

Governor, I would gladly lay this aside temporarily and do your amendment, and we could have this law in place tomorrow. But you'd have to assure me that you can do those two steps before I delay this any further.

And my last point, Senator, is that there is a Senate bill that has been introduced to address the counties that you speak of. And that's Senate Bill 6382, by, I believe, Senator Leibell. So he is already addressing this issue.

And I want to stay on point to protect the 10 counties that have already suffered devastation, loss of lives, billions of dollars of property damage since 2004.

SENATOR STEWART-COUSINS: Thank you.

SENATOR CONNOR: Mr. President.

ACTING PRESIDENT WINNER: Senator Connor.

SENATOR CONNOR: Thank you, Mr. President. Would Senator Bonacic yield to a question?

SENATOR BONACIC: Yes, I will.

SENATOR CONNOR: Senator, it

seems that we have everybody on the same page here but not on the same bill. And if I may ask you a question and suggest a procedure to you that I know works, because I've seen it done.

Your bill is now S5514. Were you to accept the amendment, include Senator Leibell as a sponsor for today, that would make it 5514A. It would be high on the calendar tomorrow. Couldn't be taken up without a message of necessity, say tomorrow or tomorrow night.

But that would give a day to other people who may have people in the Assembly willing to pass the same bill with a message of necessity.

It doesn't jeopardize your bill, Senator Bonacic. Are you aware that you then tomorrow night, if they fail to get the message of necessity or pass it in the Assembly, could move to restore your original print, which would not be high and could therefore pass?

So I'm suggesting you can work this out in a way that will not -- at the end of

the day, if there's no message of necessity, you can still pass the bill you have here.

SENATOR BONACIC: I think you're dealing with a lot of hypotheticals. I would have a better comfort level if the Assembly would pass the same bill with the amendment that Senator Cousins wants and give a hand-down to us, of which we could then both accomplish the same things.

SENATOR CONNOR: Will the Senator yield for another question?

ACTING PRESIDENT WINNER: Senator Bonacic, do you yield?

SENATOR BONACIC: I will.

ACTING PRESIDENT WINNER: The Senator yields.

SENATOR CONNOR: You realize the results would be the same, either the way I suggested or the way you suggest; you're protected.

SENATOR BONACIC: Well, I've heard for the first time in my discussions with Senator Cousins that you now have an Assembly sponsor, I assume same-as. And I assume that's because of your colleagues in

the other house want to be supportive of Senator Cousins' efforts.

So if you have such a sponsor, a majority sponsor, I only ask that you take the next step and have them pass that bill in the Assembly. Assuming, of course, it's aged.

SENATOR CRAIG JOHNSON: Mr. President.

ACTING PRESIDENT WINNER: Senator Johnson, why do you rise?

SENATOR CRAIG JOHNSON: Thank you.

First, will the Senator yield for a question?

SENATOR BONACIC: I will, of course.

SENATOR CRAIG JOHNSON: Thank you. Just for the record, Senator, when I had previously jumped up, there didn't appear to be anybody at the desk. So that's why I called out for Senator Bonacic during his discussion to yield for a question. So I just wanted to let the record reflect there was nobody up there. You might have been down, I didn't see you. That's why I didn't ask the

question through you.

Senator Bonacic -- through you, Mr. President -- I just want to understand. There is no current Assembly sponsor for this bill?

SENATOR BONACIC: I think I've answered that question for Senator Cousins. I know of no bill that's been introduced as of this morning by an Assembly majority member same as ours.

SENATOR CRAIG JOHNSON: Mr. President, will the Senator continue to yield for a question?

SENATOR BONACIC: I will.

SENATOR CRAIG JOHNSON: Thank you.

Did the Senator ever reach out to Assemblymembers from either party to seek a sponsor in the Assembly for an Assembly bill of this nature?

SENATOR BONACIC: First of all, I always reach out to Assembly majority members. And the only interest was a study bill, and to me that was totally inadequate.

SENATOR CRAIG JOHNSON: Will the

Senator continue to yield for a question.

SENATOR BONACIC: Yes.

SENATOR CRAIG JOHNSON: Just for clarity purposes -- and I have heard the riveting back and forth between Senator Bonacic and my other colleague Senator Stewart-Cousins -- will you support the amendment to add Nassau County, Suffolk County, Putnam County, and Westchester County to your bill? A simple yes or no.

SENATOR BONACIC: Well, let me say it another way. Senator Leibell has the exact same bill, which is -- the answer is yes in his bill, because it covers the same thing that you're asking for.

SENATOR CRAIG JOHNSON: Will the Senator yield for a question.

SENATOR BONACIC: Yes, I will.

SENATOR CRAIG JOHNSON: Can I just ask Senator Bonacic to tell me what Senate bill number that he is referring to?

SENATOR BONACIC: Yes. I have referred to it already, but I will do it again. Senate Bill 6382.

SENATOR CRAIG JOHNSON: Will the

Senator continue to yield for a question.

SENATOR BONACIC: Yes.

SENATOR CRAIG JOHNSON: When was that bill introduced?

SENATOR BONACIC: I believe this morning.

SENATOR CRAIG JOHNSON: Will the Senator yield for a question.

SENATOR BONACIC: Yes.

SENATOR CRAIG JOHNSON: So I find it remarkable that we sat here today, that Senator Bonacic raised the issue that Senator Stewart-Cousins abided by the rules set forth by the Senate on submitting an amendment.

My understanding is that an amendment has to be presented two hours before the -- up to two hours before session after the active list is put forth. That issue was raised.

Now, all of a sudden, we are informed, lo and behold, that today a bill was introduced that would cover this issue in Nassau, Suffolk, Putnam and Westchester.

So my question, Senator Bonacic, is this. Will you lay your bill aside so we can

at least take up almost simultaneously your bill and Senator Leibell's bill, and that way we can all be covered, that the Nassau Senators such as myself and Senator Skelos and the Suffolk Senators --

ACTING PRESIDENT WINNER: Senator Leibell, why do you rise?

SENATOR CRAIG JOHNSON: -- can be adequately -- have our concerns adequately addressed at the same time?

I don't want to leave this session, I don't want to leave this Senate knowing that Nassau and Suffolk, Westchester and Putnam aren't covered by the same type of study which exposes our homeowners to $36 billion in damages.

ACTING PRESIDENT WINNER: Senator Johnson, was that a question?

SENATOR CRAIG JOHNSON: I did ask a question. I said will Senator Bonacic lay his bill aside for the day or lay his bill aside to allow his bill and Senator Leibell's bill to be brought up at the same time so we can vote on them at the same time.

ACTING PRESIDENT WINNER: Senator

Bonacic, do you yield to that question?

SENATOR BONACIC: And the answer is no.

ACTING PRESIDENT WINNER: Thank you, Senator Bonacic.

SENATOR BONACIC: I have a question now of Senator Johnson, if he would yield.

ACTING PRESIDENT WINNER: Senator Bonacic, Senator Johnson does not have the floor. You have the floor.

Senator Leibell is next.

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

First let me say, Senator Bonacic, I think it's an excellent piece of legislation. And I appreciate the fact that you have introduced that and are seeking now to get it passed here on the floor of the Senate.

I have introduced legislation, and possibly we can clear up some of this confusion, because this legislation would serve as a chapter amendment to yours. And it is different from what was offered by the

Minority as their amendment. The counties -- first let me say this flooding issue is becoming increasingly worse and more problematic with every passing year. So this legislation is critically important.

But the bill that I have introduced, and which I don't think Senator Johnson understood, Senate 6382, is much more expansive than your amendment. So the counties that are included, beyond those which Senator Bonacic had originally introduced in his legislation, include Putnam, Westchester, Dutchess, Nassau, Suffolk, Schenectady, Montgomery, Fulton and Saratoga.

So your legislation, Senator Bonacic, is an excellent piece. Hopefully with this chapter amendment we'll be able to expand upon it. And it is certainly very different and much broader than the amendment that was offered by the Minority.

ACTING PRESIDENT WINNER: Thank you, Senator Leibell.

Senator Duane.

SENATOR DUANE: Thank you, Mr. President. I just wanted to clarify

something.

Under the rules that were forced upon us by the Majority, the proper way to serve an amendment is to go to the sponsor's office of the underlying legislation and serve the amendment two hours before I believe it's going to be debated here.

So just to clarify, it was not unusual the way it was served. It's the way that we have been forced to serve things. And if the Majority wants to change it, we'd be more than happy to negotiate that rule and many, many other rules.

Thank you, Mr. President.

ACTING PRESIDENT WINNER: Senator Johnson.

SENATOR CRAIG JOHNSON: Through you, Mr. President, will Senator Leibell yield for a question.

ACTING PRESIDENT WINNER: Senator Leibell, do you yield?

SENATOR LEIBELL: Certainly.

ACTING PRESIDENT WINNER: The Senator yields.

SENATOR CRAIG JOHNSON: Thank

you, Mr. President.

Through you, Mr. President.

Senator Leibell, do you have an Assembly sponsor for your legislation?

SENATOR LEIBELL: I think we will by today. I hope so.

SENATOR CRAIG JOHNSON: So through you, Mr. President, will the Senator continue to yield?

SENATOR LEIBELL: Yup.

ACTING PRESIDENT WINNER: The Senator yields.

SENATOR CRAIG JOHNSON: So at the current time, though, right now you do not have a Senate sponsor for -- an Assembly sponsor for that legislation?

SENATOR LEIBELL: Yeah, I'm the Senate sponsor.

SENATOR CRAIG JOHNSON: Through you, Mr. President, will the Senator continue to yield?

SENATOR LEIBELL: Yup.

ACTING PRESIDENT WINNER: The Senator yields.

SENATOR CRAIG JOHNSON: Senator

Leibell, given the fact that according to the statistics there are several properties that are at risk, with significant millions of dollars in damages, will you support the amendment offered by Senator Stewart-Cousins to include today Putnam County, Nassau County, Suffolk County and Westchester County within Senator Bonacic's bill which is before us today?

SENATOR LEIBELL: No, actually I would prefer to have you support my bill, because it's much more inclusive. It has more counties in it.

I'm very concerned about, obviously, my districts, but I don't wish to be too parochial. This is a much broader piece of legislation, following on that which was given to us by Senator Bonacic.

SENATOR CRAIG JOHNSON: Will Senator Leibell continue to yield, through you, Mr. President?

SENATOR LEIBELL: Yes.

ACTING PRESIDENT WINNER: The Senator yields.

SENATOR CRAIG JOHNSON: Certainly

I look forward to reviewing your legislation which was introduced today. And hopefully, assuming you get an Assembly sponsor, which hopefully will be an Assembly sponsor that can get its arms around it in the Assembly and get it passed through, just to clarify, Nassau County, Suffolk County and Westchester County are included in your legislation? Again, I don't have it in front of me.

SENATOR LEIBELL: Sure. The expanded list of counties: Putnam, Westchester, Dutchess, Nassau, Suffolk, Schenectady, Montgomery, Fulton and Saratoga.

SENATOR CRAIG JOHNSON: Okay. Mr. President, will the Senator continue to yield?

ACTING PRESIDENT WINNER: One moment, Senator Johnson.

Senator Marcellino, why do you rise?

SENATOR MARCELLINO: For just a clarification.

Senator Duane stood before and commented on a rule that said that an amendment had to be presented two hours -- to

the sponsor of the thing two hours before.

My understanding of the rules is that it has to be at least two hours. There's no two-hour requirement. It's at least. It could have been served six months ago. It could have been presented six years ago. I mean -- but at least two hours I understand. So that kind of clarifies that part, I think, a little bit.

SENATOR DUANE: If I could, for clarification, Mr. President, the active list did not come out till midnight last night.

SENATOR MARCELLINO: What does that have to do with the amendment?

SENATOR DUANE: It has to be on the active list. The bill has to be on the active list in order for it to be eligible to be amended.

ACTING PRESIDENT WINNER: Senator Duane --

SENATOR DUANE: The active list did not come out till midnight last night.

ACTING PRESIDENT WINNER: Some order in the chamber.

If you wish to be recognized,

please ask the chair to be recognized, not get up spontaneously and start to speak.

SENATOR DUANE: Mr. President --

ACTING PRESIDENT WINNER: You're out of order, Senator Duane.

SENATOR DUANE: Point of order.

ACTING PRESIDENT WINNER: State your point of order.

SENATOR DUANE: The point of order, Mr. President, is that hostile amendments -- I was referring to hostile amendments, of which, if you hadn't noticed, this was and still is a hostile amendment. And the active list did not come out till midnight last night.

That is the rule for hostile amendments. We followed the rule. We served it appropriately. That's how it's supposed to be done.

If anyone -- if the Majority wants to change the rules, we're more than happy to discuss that, and changes in other rules.

ACTING PRESIDENT WINNER: Senator Duane, the amendment is before the house. Therefore, it is obviously being taken up in

accordance with the rules. So I don't know what your point of order is.

The fact of the matter is what I was trying to do is have you be recognized by the chair prior to getting up and spontaneously speaking. If you wish to raise -- you've raised a point of order. Your point of order is obviously moot, due to the fact that the amendment is before the house.

SENATOR DUANE: Thank you, Mr. President.

However, the original comment was on the misunderstanding that was put on the floor by Senator Bonacic on -- in that he said it was an unusual way in which the amendment had been served, by being brought to his office and handed to his secretary. But in fact, that's the way it's supposed to be done.

ACTING PRESIDENT WINNER: Senator Duane --

SENATOR DUANE: And Senator Marcellino apparently doesn't know about that either.

(Laughter.)

ACTING PRESIDENT WINNER: Senator

Duane, I believe Senator Leibell has the floor.

Senator Leibell.

SENATOR CRAIG JOHNSON: I think, Mr. President, I was going to ask Senator Leibell to continue to yield for a question.

ACTING PRESIDENT WINNER: Senator Johnson asks if you would yield to a question. Senator Leibell, do you yield?

SENATOR LEIBELL: Yes, I do.

ACTING PRESIDENT WINNER: The Senator yields.

SENATOR CRAIG JOHNSON: Senator Leibell, have you been able to secure a message of necessity for your legislation?

SENATOR LEIBELL: No, I have not. As you know, the Governor would probably be more responsive to you than he would be to me.

(Laughter.)

SENATOR CRAIG JOHNSON: Mr. President, will the Senator continue to yield for a question.

SENATOR LEIBELL: Yes.

ACTING PRESIDENT WINNER: The Senator yields.

SENATOR CRAIG JOHNSON: Senator Leibell, I am more than happy to work you as well as Senator Bonacic --

SENATOR LEIBELL: Senator, I look forward to your support for my legislation.

SENATOR CRAIG JOHNSON: Would you agree, then, that Senator Bonacic should lay aside his legislation for the day so we can take up these pieces of legislation together, to ensure that all of it gets passed by the Senate before we go home -- hopefully, it won't be tomorrow; we should continue to do our business -- but pass it before we go home from session?

SENATOR LEIBELL: Oh, no. No, I -- just the opposite. I'd much rather see Senator Bonacic's legislation pass here, move forward and then continue with mine.

SENATOR CRAIG JOHNSON: Through you, Mr. President, will the Senator continue to yield for my final question.

ACTING PRESIDENT WINNER: Senator, do you yield for Senator Johnson's final question?

SENATOR LEIBELL: For his final

question? Certainly.

SENATOR CRAIG JOHNSON: Just to clarify, will you support the amendment put forth by Senator Stewart-Cousins to include Nassau County, Suffolk County, Westchester County and Putnam County in this piece of legislation that we're voting on today?

SENATOR LEIBELL: Senator, with all due respect to my colleague from Westchester, this amendment is grossly inadequate. It leaves out significant parts of New York State that would also like to benefit from this legislation.

So I am in support of this legislation, Senator Bonacic's, my own, and I hope you would also be.

SENATOR CRAIG JOHNSON: I have to amend that answer. I will ask my final, final question. Will the Senator continue to yield for a question, the final, final question? Final, final, final question.

ACTING PRESIDENT WINNER: Senator Leibell, do you want to yield --

SENATOR LEIBELL: For the final, final question? I yield for the final,

final --

ACTING PRESIDENT WINNER: -- to the unreliable representation one final question?

(Laughter.)

SENATOR CRAIG JOHNSON: Senator Duane, please stand up and defend me.

Will you then vote against this piece of legislation today, which will then obviously be taken care of by your legislation at some other date?

Because this one is grossly inadequate, because that's what our amendment tries to fix, is the legislation -- when you're describing our amendment as grossly inadequate, that seems that we're just trying to fix this piece of legislation.

So will you vote against, then, Senator Bonacic's legislation?

SENATOR LEIBELL: Are you talking about the legislation from Senator Bonacic?

SENATOR CRAIG JOHNSON: Senator Bonacic's legislation, correct.

SENATOR LEIBELL: I intend to vote in support of it.

SENATOR CRAIG JOHNSON: Okay. I have no further questions. Thank you very much, Senator Leibell and Senator Bonacic, for yielding the floor.

ACTING PRESIDENT WINNER: Senator Bonacic.

SENATOR BONACIC: Senator Bonacic has a question of Senator Johnson.

(Laughter.)

SENATOR CRAIG JOHNSON: I yield, Mr. President.

ACTING PRESIDENT WINNER: I had no doubt.

Senator Bonacic, Senator Johnson will yield to one question at a time.

SENATOR CRAIG JOHNSON: As many as you want.

SENATOR BONACIC: You are the ranker of the Senate Environmental Committee?

SENATOR CRAIG JOHNSON: I am.

SENATOR BONACIC: And you're aware that this bill was passed, which you supported, on May 30th?

SENATOR CRAIG JOHNSON: Absolutely.

SENATOR BONACIC: And did you have any conversations with Senator Cousins about her concern for these other counties from May 30th up to 9:00 a.m. this morning?

SENATOR CRAIG JOHNSON: I did have conversations.

SENATOR BONACIC: And when was the first time that she expressed to you the concern about these other counties?

SENATOR CRAIG JOHNSON: Senator Bonacic, I can't recall. We converse on numerous issues, including issues of this import. So I can't give you an exact date.

SENATOR BONACIC: But in the spirit of bipartisanship --

ACTING PRESIDENT WINNER: Senator Bonacic, would you please direct your questions to the chair.

Senator Connor, why do you rise?

SENATOR CONNOR: I rise to raise that point of order.

While I enjoy seeing two of my trial lawyer colleagues cross-examine each other, it's not the procedure of the house.

ACTING PRESIDENT WINNER: Your

point is well-taken, Senator Connor.

Senator Bonacic, please ask your questions through the chair.

SENATOR BONACIC: You know what? I think we better move the process along. I have no further questions of Senator Johnson.

Thank you, Senator Johnson.

ACTING PRESIDENT WINNER: Thank you, Senator Bonacic. I think that's very wise.

SENATOR CRAIG JOHNSON: Thank you very much, Senator Bonacic. I appreciate your questions.

Thank you, Mr. President.

ACTING PRESIDENT WINNER: 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, Gonzalez, Hassell-Thompson, Huntley, C. Johnson, Klein, L. Krueger, Montgomery, Onorato, Oppenheimer, Parker, Perkins, Sabini, Savino, Schneiderman, Serrano, Smith, Stachowski, Stavisky, Stewart-Cousins, Thompson and Valesky.

ACTING PRESIDENT WINNER: The amendment is not agreed to.

Read the last section.

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

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT WINNER: The Secretary will ring the bell.

The members are instructed to return to the chamber to vote.

The Secretary will announce the results.

THE SECRETARY: In relation to Calendar Number 1810: Ayes, 60. Nays, 0.

Absent from voting: Senators C. Kruger and Sampson.

ACTING PRESIDENT WINNER: The bill is passed.

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

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

Room.

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

The Senate stands at ease.

(Whereupon, the Senate stood at ease at 3:07 p.m.)

(Whereupon, the Senate reconvened at 3:26 p.m.)

ACTING PRESIDENT WINNER: The Senate will come to order.

Senator Skelos.

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

ACTING PRESIDENT WINNER: Reports of standing committees.

The Secretary will read.

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

Senate Print 4467, by Senator Morahan, an act to amend the New York State

Urban Development Corporation Act;

4578, by Senator C. Kruger, an act to amend the Tax Law;

4998, by Senator Breslin, an act to amend the Canal Law;

5596, by Senator Flanagan, an act to amend the Labor Law;

5620B, by Senator Farley, an act to amend the Banking Law;

5739, by Senator Maltese, an act to authorize;

5790, by Senator Padavan, an act to amend the Alcoholic Beverage Control Law;

6074A, by Senator Golden, an act to amend the Education Law;

6118A, by Senator Marcellino, an act creating;

6127, by Senator Saland, an act to amend Chapter 147 of the Laws of 2001;

6161, by Senator Trunzo, an act to amend the Executive Law;

6164, by Senator Seward, an act to amend the Education Law;

6168, by Senator Robach, an act to amend the Public Health Law;

6176A, by Senator Wright, an act to amend the General Business Law;

6194, by Senator Libous, an act to amend the Vehicle and Traffic Law;

6195, by Senator Trunzo, an act to amend the Criminal Procedure Law;

6197, by Senator Rath, an act to amend the Economic Development Law;

6202, by Senator Hannon, an act to amend Chapter 303 of the Laws of 1999;

6204, by Senator Little, an act to amend the Criminal Procedure Law;

6217, by Senator Morahan, an act to amend the Highway Law;

6220, by Senator Winner, an act to amend Chapter 192 of the Laws of 2003;

6221, by Senator Volker, an act to amend the Alcoholic Beverage Control Law;

6228, by Senator Nozzolio, an act to amend the Executive Law;

6234, by Senator Seward, an act to amend the Insurance Law;

6236, by the Senate Committee on Rules, an act to amend Part OO of Chapter 59;

6238, by the Senate Committee on

Rules, an act to amend the Real Property Law;

6246, by Senator Wright, an act to amend the Executive Law;

6250, by Senator Flanagan, an act to amend the Vehicle and Traffic Law;

6252, by Senator Maltese, an act to amend the Real Property Tax Law;

6259, by Senator Skelos, an act to amend the Labor Law;

6261, by Senator Larkin, an act to amend the Civil Service Law;

238, by Senator Larkin, an act to amend the General Municipal Law;

684A, by Senator Flanagan, an act to amend the Public Health Law;

2074, by Senator Padavan, an act to amend the Education Law;

2993, by Senator Griffo, an act to amend the Public Authorities Law;

3175A, by Senator Volker, an act to amend the Social Services Law;

4390, by Senator Smith, an act to amend the Criminal Procedure Law;

4470A, by Senator Morahan, an act to amend the Mental Hygiene Law;

4566, by Senator Leibell, an act to amend the General Business Law;

5114, by Senator Oppenheimer, an act to amend the Tax Law;

5777, by Senator Flanagan, an act to authorize;

5853, by Senator LaValle, an act to amend the Tax Law;

5867, by Senator Padavan, an act to amend the Local Finance Law;

5869, by Senator Padavan, an act to amend the Public Authorities Law;

5972A, by Senator Lanza, an act to amend the Education Law;

6000, by the Senate Committee on Rules, an act to amend the Tax Law;

6052A, by Senator Hannon, an act to amend the Education Law;

6062, by the Senate Committee on Rules, an act to amend Chapter 272 of the Laws of 1991;

6080, by Senator Volker, an act to amend the Education Law;

6152, by Senator Morahan, an act to amend Chapter 24 of the Laws of 2007;

6156A, by Senator Leibell, an act to amend the Retirement and Social Security Law;

6158, by Senator Maltese, an act to amend the Labor Law;

6196, by Senator Trunzo, an act relating to the distribution;

6198, by Senator Young, an act to amend the Agriculture and Markets Law;

6209A, by Senator Padavan, an act to amend the General Business Law;

6213, by Senator Saland, an act to amend the Alcoholic Beverage Control Law;

6214, by Senator Saland, an act to amend the Public Authorities Law;

6219, by Senator Morahan, an act to amend the Mental Hygiene Law;

6229, by the Senate Committee on Rules, an act to amend the Civil Service Law;

6230, by Senator Volker, an act to amend the Penal Law;

6233, by Senator Golden, an act to amend Chapter 606 of the Laws of 1902;

6241, by Senator Volker, an act to amend the Criminal Procedure Law;

6243, by the Senate Committee on Rules, an act to amend the Education Law;

6244, by Senator Maltese, an act to amend the Transportation Law;

6249, by Senator Maziarz, an act to allow;

6251, by Senator Flanagan, an act to amend the Vehicle and Traffic Law;

6263, by Senator Little, an act to amend the Criminal Procedure Law;

6266, by Senator LaValle, an act to amend the Insurance Law;

6267A, by Senator Padavan, an act to amend the Real Property Tax Law;

6268, by Senator Winner, an act to amend the Alcoholic Beverage Control Law;

6269, by the Senate Committee on Rules, an act to amend Chapter 824 of the Laws of 1987;

6272, by Senator Saland, an act to amend the Education Law;

6274, by Senator Skelos, an act to amend the Social Services Law;

6275, by Senator Saland, an act to amend the Education Law;

6277, by Senator Skelos, an act to amend the Correction Law;

6287, by Senator Seward, an act to amend the Insurance Law;

6296, by Senator Golden, an act to amend the Education Law;

6299, by Senator Griffo, an act to amend Chapter 237 of the Laws of 2005;

6300, by Senator Libous, an act to amend Chapter 549 of the Laws of 1994;

6301, by Senator Saland, an act to amend Chapter 552 of the Laws of 1995;

6302, by Senator Saland, an act to amend Chapter 618 of the Laws of 1998;

6304, by Senator Seward, an act to amend the Insurance Law;

6310, by Senator Leibell, an act to amend the Domestic Relations Law;

6321, by Senator Skelos, an act to amend the Arts and Cultural Affairs Law;

6322, by the Senate Committee on Rules, an act authorizing;

6324, by Senator Griffo, an act to amend the Civil Service Law;

And Senate Print 6358, by Senator

DeFrancisco, an act to amend the State Finance Law.

All bills ordered direct to third reading.

ACTING PRESIDENT WINNER: Senator Skelos.

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

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

(Response of "Aye.")

ACTING PRESIDENT WINNER: Opposed, nay.

(No response.)

ACTING PRESIDENT WINNER: The Rules Committee report is accepted.

Senator Skelos.

SENATOR SKELOS: Thank you, Mr. President.

I believe there's some housekeeping that we can do at this time.

ACTING PRESIDENT WINNER: Senator Nozzolio.

SENATOR NOZZOLIO: Thank you, Mr. President.

On behalf of Senator Alesi, I wish to call up Senate Print Number 4744B, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT WINNER: The Secretary will read.

THE SECRETARY: Calendar Number 1696, by Senator Alesi, Senate Print 4744B, an act in relation to redistributing.

SENATOR NOZZOLIO: Mr. President, I now move to reconsider the vote by which the bill was enacted.

ACTING PRESIDENT WINNER: Call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

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

ACTING PRESIDENT WINNER: The amendments are received and adopted.

SENATOR NOZZOLIO: Mr. President, I wish to call up, on behalf of Senator Larkin, Print Number 6011, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT WINNER: The Secretary will read.

THE SECRETARY: Calendar Number 1754, by Senator Larkin, Senate Print 6011, an act to amend the Tax Law.

SENATOR NOZZOLIO: Mr. President, I now move to reconsider the vote by which the bill was enacted.

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

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

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

ACTING PRESIDENT WINNER: The amendments are received and adopted.

Senator Skelos.

SENATOR SKELOS: Mr. President, on Senate Calendar 64B, on behalf of Senator Saland, would you place a sponsor's star on Calendar Number 1941, Print Number 6272.

ACTING PRESIDENT WINNER: So ordered.

SENATOR SKELOS: Mr. President.

ACTING PRESIDENT WINNER: Senator Skelos.

SENATOR SKELOS: There will be an immediate meeting of the Finance Committee in the Senate Majority Conference Room.

ACTING PRESIDENT WINNER: There will be an immediate meeting of the Finance Committee in the Senate Majority Conference Room.

The Senate will stand at ease.

(Whereupon, the Senate stood at ease at 3:37 p.m.)

(Whereupon, the Senate reconvened at 3:46 p.m.)

ACTING PRESIDENT WINNER: The Senate will come to order.

Senator Skelos.

SENATOR SKELOS: Mr. President, if we could return to reports of standing committees and take up the report of the Finance Committee at this time.

ACTING PRESIDENT WINNER: Reports of standing committees.

The Secretary will read.

THE SECRETARY: Senator O.

Johnson, from the Committee on Finance, reports the following nominations.

As a member of the State of New York Mortgage Agency, Karen A. Phillips, of New York City.

As a member of the Dormitory Authority, John B. Johnson, Jr., of Watertown.

As a trustee of the Power Authority of the State of New York, James A. Besha, Sr., of Berne.

As alternate nonvoting member of the Metropolitan Transportation Authority, Vincent Tessitore, Jr., of East Islip.

As members of the Rochester-Genesee Regional Transportation Authority, Thomas R. Argust, of Rochester; Barbara J. Jones, of Rochester; and Karen C. Pryor, of Rochester.

As a member of the Administrative Review Board for Professional Medical Conduct, Linda Prescott Wilson, of Laurelton.

As a member of the Palisades Interstate Park Commission, Keith Cornell, of Valley Cottage.

As members of the Council on Human Blood and Transfusion Services, Joseph T.

Chiofolo, of Howard Beach; Alicia Elena Gomensoro-Garcia, M.D., of Staten Island; and Lazaro Generoso Rosales, M.D., of Fayetteville.

As members of the Mental Health Services Council, Jeffrey Borenstein, M.D., of New York City; Mark H. Fuller, of LeRoy; Thomas E. Holt, of Jamestown; Grant Mitchell, M.D., of Goldens Bridge; Richard Nelson Rosenthal, M.D., of New York City; Euphemia Strauchn, of Staten Island; and Clara K. Wentland, of Menands.

As members of the Minority Health Council, Anne C. Beal, M.D., of New York City, and Deborah Terrance, of Massena.

As members of the State Camp Advisory Council, Jordan Dale, of Nanuet; Dawn Ewing, of Sleepy Hollow Manor; Robert Geraci, of Baldwinsville; and Robert C. Scheinfeld, Esquire, of New Rochelle.

As members of the Advisory Council to the Commission on Quality of Care and Advocacy for Persons with Disabilities, Barbara S. Devore, of Delmar; Judy Eisman, of Great Neck; Shirley B. Flowers, of Brooklyn;

Joan E. Klink, of Fishkill; and Milo I. Tomanovich, Esquire, of Rochester.

As members of the Board of Visitors of the Binghamton Psychiatric Center, Edward G. Giegucz, of Vestal, and Nancy Ann Thomas, of Binghamton.

As members of Board of Visitors of the Buffalo Psychiatric Center, Davina Moss-King, Ph.D., of Tonawanda, and Ellen J. Maternowski, of Lakewood.

As a member of the Board of Visitors of the Elmira Psychiatric Center, Floyd Haff, of Cohocton.

As a member of the Finger Lakes Developmental Disabilities Services Office, Paul S. Barton, of Elmira.

As a member of the Kingsboro Psychiatric Center, Shirley B. Flowers, of Brooklyn.

As a member of the Long Island Developmental Disabilities Services Office, Mark Douglas Gustin, of Valley Stream.

As a member of the Board of Visitors of the New York State Home for Veterans and Their Dependents at Montrose,

Katherine Ward, of Blauvelt.

As a member of the Board of Visitors of the Queens Children's Psychiatric Center, Willard Hill, of Springfield Gardens.

As a member of the Board of Visitors of the St. Lawrence Psychiatric Center, Richard M. LaValley, of Canton.

As members of the Board of Visitors of the Sagamore Children's Psychiatric Center, Grace E. Clench, of Brentwood, and Elaine Y. Reinke, of Massapequa.

As a member of the Board of Visitors of the Staten Island Developmental Disabilities Services Office, Robert McCarren, Sr., of Staten Island.

As a member of the Board of Visitors of the Sunmount Developmental Disabilities Services Office, Jane DuMoulin, of Cadyville.

And as a member of the Board of Visitors of the Western New York Children's Psychiatric Center, Ramon F. Perez, of Hamburg.

ACTING PRESIDENT WINNER: Senator Johnson.

SENATOR O. JOHNSON: Move the nominations.

ACTING PRESIDENT WINNER: The question is on the confirmation of the nominees as read by the Secretary.

All those in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT WINNER: Opposed, nay.

(No response.)

ACTING PRESIDENT WINNER: The nominees are hereby confirmed.

Senator Skelos.

SENATOR SKELOS: Mr. President, if we could go to Senate Calendar Number 64A, noncontroversial.

ACTING PRESIDENT WINNER: The Secretary will read.

THE SECRETARY: Calendar Number 1869, by Senator Morahan, Senate Print 4467, an act to amend the New York State Urban Development Corporation Act.

ACTING PRESIDENT WINNER: Read the last section.

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

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1870, Senator C. Kruger moves to discharge, from the Committee on Rules, Assembly Bill Number 8094 and substitute it for the identical Senate Bill Number 4578, Third Reading Calendar 1870.

ACTING PRESIDENT WINNER: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1870, by Member of the Assembly Wright, Assembly Print Number 8094, an act to amend the Tax Law and others.

ACTING PRESIDENT WINNER: Read the last section.

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

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1871, Senator Breslin moves to discharge, from the Committee on Rules, Assembly Bill Number 5764 and substitute it for the identical Senate Bill Number 4998, Third Reading Calendar 1871.

ACTING PRESIDENT WINNER: The substitution is ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1871, by Member of the Assembly Hoyt, Assembly Print Number 5764, an act to amend the Canal Law.

ACTING PRESIDENT WINNER: Read the last section.

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

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1872, Senator Flanagan moves to discharge, from the Committee on Labor, Assembly Bill Number 1060 and substitute it for the identical Senate Bill Number 5596, Third Reading Calendar 1872.

ACTING PRESIDENT WINNER: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1872, by Member of the Assembly Destito, Assembly Print Number 1060, an act to amend the Labor Law.

ACTING PRESIDENT WINNER: Read the last section.

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

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number 1873, by Senator Farley, Senate Print 5620B, an act to amend the Banking Law.

ACTING PRESIDENT WINNER: Read the last section.

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

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number 1874, by Senator Maltese, Senate Print 5739, an act to authorize certain employees.

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

The Secretary will read the last section.

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

ACTING PRESIDENT WINNER: Call

the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1875, Senator Padavan moves to discharge, from the Committee on Rules, Assembly Bill Number 7873 and substitute it for the identical Senate Bill Number 5790, Third Reading Calendar 1875.

ACTING PRESIDENT WINNER: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1875, by Member of the Assembly Schimminger, Assembly Print Number 7873, an act to amend the Alcoholic Beverage Control Law.

ACTING PRESIDENT WINNER: Read the last section.

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

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number 1876, by Senator Golden, Senate Print 6074A, an act to amend the Education Law.

ACTING PRESIDENT WINNER: 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, 2007.

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1877, Senator Marcellino moves to discharge, from the Committee on Rules, Assembly Bill Number 9002A and substitute it for the identical Senate Bill Number 6118A, Third Reading Calendar 1877.

ACTING PRESIDENT WINNER: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1877, by Member of the Assembly Sweeney, Assembly Print Number 9002A, an act creating the New York State Sea Level Rise Task Force.

ACTING PRESIDENT WINNER: Read the last section.

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

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number 1878, by Senator Saland, Senate Print 6127, an act to amend Chapter 147 of the Laws of 2001.

ACTING PRESIDENT WINNER: Read the last section.

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

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number 1879, by Senator Trunzo, Senate Print 6161, an act to amend the Executive Law.

ACTING PRESIDENT WINNER: Read the last section.

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

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number 1880, by Senator Seward, Senate Print 6164 --

SENATOR SKELOS: Lay it aside temporarily.

ACTING PRESIDENT WINNER: The bill is laid aside temporarily.

THE SECRETARY: Calendar Number 1881, by Senator Robach, Senate Print 6168, an act to amend the Public Health Law.

ACTING PRESIDENT WINNER: Read the last section.

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

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1883, Senator Libous moves to discharge, from the Committee on Rules, Assembly Bill Number 3978 and substitute it for the identical Senate Bill Number 6194, Third Reading Calendar 1883.

ACTING PRESIDENT WINNER: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1883, by Member of the Assembly Perry, Assembly Print Number 3978, an act to amend the Vehicle and Traffic Law.

ACTING PRESIDENT WINNER: A local fiscal impact note is at the desk.

Read the last section.

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

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number 1884, by Senator Trunzo, Senate Print 6195, an act to amend the Criminal Procedure Law.

ACTING PRESIDENT WINNER: Read the last section.

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

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61. Nays, 1. Senator Duane recorded in the negative.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number 1885, by Senator Rath, Senate Print 6197, an act to amend the Economic Development Law.

ACTING PRESIDENT WINNER: Read the last section.

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

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT WINNER: Senator Rath, to explain her vote.

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

I would like to call to the attention of the delegation here, the body of us here, that an amateur sports development advisory council is something that I wish we had done a number of years ago. As chairman of Tourism, I have come to learn how many people come into this state for the varying reasons that they come.

And I would like to say that a recent study of the Travel Industry of America, entitled "The Power of Sports" is

showing a $543 billion economic impact on the United States every year, and it represents 4.4 percent of the gross national product.

Now, granted, that's all across the United States, and that's not just amateur sports. But that's telling you something about how much money and how many people are involved in sports and sports travel.

We're looking right here to get a council together here in the state similar to the Tourism Advisory Council to promote sports, promote physical fitness on an amateur level. And it will add a great deal of clout to an organization to have their activities promoted through our council.

And I thank you all for your support.

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

Announce the results.

THE SECRETARY: Ayes, 62. Nays, 0.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: In relation to

Calendar Number 1886, Senator Hannon moves to discharge, from the Committee on Rules, Assembly Bill Number 8761 and substitute it for the identical Senate Bill Number 6202, Third Reading Calendar 1886.

ACTING PRESIDENT WINNER: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1886, by Member of the Assembly Young, Assembly Print Number 8761, an act to amend Chapter 303 of the Laws of 1999.

ACTING PRESIDENT WINNER: Read the last section.

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

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number 1887, by Senator Little, Senate Print 6204, an act to amend the Criminal Procedure Law.

ACTING PRESIDENT WINNER: Read the last section.

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

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61. Nays, 1. Senator Duane recorded in the negative.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number 1888, by Senator Morahan, Senate Print 6217, an act to amend the Highway Law.

ACTING PRESIDENT WINNER: Read the last section.

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

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: In relation to

Calendar Number 1891, Senator Nozzolio moves to discharge, from the Committee on Crime Victims, Crime and Correction, Assembly Bill Number 3286 and substitute it for the identical Senate Bill Number 6228, Third Reading Calendar 1891.

ACTING PRESIDENT WINNER: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1891, by Member of the Assembly Aubry, Assembly Print Number 3286, an act to amend the Executive Law.

ACTING PRESIDENT WINNER: Read the last section.

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

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number 1892, by Senator Seward, Senate Print 6234, an

act to amend the Insurance Law.

ACTING PRESIDENT WINNER: Read the last section.

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

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number 1893, by the Senate Committee on Rules, Senate Print 6236, an act to amend Part OO of Chapter 59 of the Laws of 2006.

ACTING PRESIDENT WINNER: Read the last section.

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

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61. Nays, 1. Senator Duane recorded in the negative.

ACTING PRESIDENT WINNER: The

bill is passed.

THE SECRETARY: Calendar Number 1894, by the Senate Committee on Rules, Senate Print 6238, an act to amend the Real Property Law.

ACTING PRESIDENT WINNER: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the same date and in the same manner as Section 5 of Chapter 183 of the Laws of 2006.

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61. Nays, 1. Senator Duane recorded in the negative.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number 1896, by Senator Wright, Senate Print 6246, an act to amend the Executive Law.

ACTING PRESIDENT WINNER: Read the last section.

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

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number 1897, by Senator Flanagan, Senate Print 6250, an act to amend the Vehicle and Traffic Law.

ACTING PRESIDENT WINNER: Read the last section.

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

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT WINNER: Senator Schneiderman.

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

This is a piece of legislation that the sponsor has submitted to codify in statute the current Department of Motor Vehicles regulations that require applicants for driver's licenses to provide either a Social

Security number or proof that you're not eligible for a Social Security number.

This is the current law in New York State. It's not in statute, however. And it's consistent with the laws in many other states.

We will be dealing in the future with more difficult issues in connection with driver's license applications, particularly the issue of immigration status. This bill does not address in any way the issue of immigration status.

And I also just want to note, so it's in the record, that this does not limit the type of proof that can be provided that a applicant is not eligible for a Social Security number.

I suspect in the coming years we'll be dealing a great deal with the issues related to under what circumstances immigrants should be issued driver's licenses. It's a complicated issue, an issue about which many of us are very passionate.

But this statute in my view doesn't change the current law, and it certainly

doesn't provide any unacceptable limits based on immigration status of an applicant for a driver's license. I don't know that it is necessary to put it into a statute; I'm happy with it being in DMV regs.

But I wanted to clarify, based on my discussion with the sponsor, that this in no way addresses the issue of immigration status and will in no way provide limitations on the ability of an immigrant to get a driver's license based on their immigration status.

Thank you, Mr. President.

ACTING PRESIDENT WINNER: How do you vote, Senator Schneiderman?

SENATOR SCHNEIDERMAN: I vote no.

ACTING PRESIDENT WINNER: The Secretary will announce the results.

THE SECRETARY: Those recorded in the negative on Calendar Number 1897 are Senators Adams, Connor, Dilan, Hassell-Thompson, Huntley, L. Krueger, Montgomery, Parker, Sabini, Schneiderman, Serrano and Stavisky. Also Senators Perkins and Stewart-Cousins.

Ayes, 48. Nays, 14.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1897, also Senator Diaz in the negative. Ayes, 47. Nays, 15.

ACTING PRESIDENT WINNER: The bill is still passed.

THE SECRETARY: In relation to Calendar Number 1898, Senator Maltese moves to discharge, from the Committee on Rules, Assembly Bill Number 9124 and substitute it for the identical Senate Bill Number 6252, Third Reading Calendar 1898.

ACTING PRESIDENT WINNER: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1898, by Member of the Assembly Silver, Assembly Print Number 9124, an act to amend the Real Property Tax Law.

ACTING PRESIDENT WINNER: Read the last section.

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

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number 1899, by Senator Skelos, Senate Print 6259, an act to amend the Labor Law.

ACTING PRESIDENT WINNER: Read the last section.

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

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number 1900, by Senator Larkin, Senate Print 6261, an act to amend the Civil Service Law.

ACTING PRESIDENT WINNER: Read the last section.

THE SECRETARY: Section 2. This

act shall take effect immediately.

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT WINNER: The bill is passed.

Senator Skelos, that completes the noncontroversial reading of Calendar 64A.

SENATOR SKELOS: Thank you, Mr. President.

On that calendar would you please lay aside Calendar Number 1880 for the day.

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

Senator Skelos.

SENATOR SKELOS: Mr. President, if we could go to Senate Calendar Number 64B, noncontroversial.

ACTING PRESIDENT WINNER: The Secretary will read the noncontroversial Calendar 64B.

THE SECRETARY: Calendar Number 1895, by Senator Larkin, Senate Print 238, an act to amend the General Municipal Law.

ACTING PRESIDENT WINNER: Read the last section.

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

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61. Nays, 1. Senator Duane recorded in the negative.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number 1901, by Senator Flanagan, Senate Print 684A, an act to amend the Public Health Law.

ACTING PRESIDENT WINNER: Read the last section.

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

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number

1902, by Senator Padavan, Senate Print 2074, an act to amend the Education Law.

ACTING PRESIDENT WINNER: Read the last section.

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

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1903, Senator Griffo moves to discharge, from the Committee on Rules, Assembly Bill Number 5499 and substitute it for the identical Senate Bill Number 2993, Third Reading Calendar 1903.

ACTING PRESIDENT WINNER: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1903, by Member of the Assembly Destito, Assembly Print Number 5499, an act to amend the Public Authorities Law.

ACTING PRESIDENT WINNER: Read the last section.

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

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number 1905, by Senator Smith, Senate Print 4390, an act to amend the Criminal Procedure Law.

ACTING PRESIDENT WINNER: Read the last section.

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

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number

1906, by Senator Morahan, Senate Print 4470A, an act to amend the Mental Hygiene Law.

ACTING PRESIDENT WINNER: Read the last section.

THE SECRETARY: Section 10. This act shall take effect on the first of April.

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1907, Senator Leibell moves to discharge, from the Committee on Consumer Protection, Assembly Bill Number 1416 and substitute it for the identical Senate Bill Number 4566, Third Reading Calendar 1907.

ACTING PRESIDENT WINNER: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1907, by Member of the Assembly Bradley, Assembly Print Number 1416, an act to amend the General Business Law.

ACTING PRESIDENT WINNER: Read the last section.

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

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1908, Senator Oppenheimer moves to discharge, from the Committee on Rules, Assembly Bill Number 7903 and substitute it for the identical Senate Bill Number 5114, Third Reading Calendar 1908.

ACTING PRESIDENT WINNER: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1908, by Member of the Assembly Latimer, Assembly Print Number 7903, an act to amend the Tax Law.

ACTING PRESIDENT WINNER: Read the last section.

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

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number 1909, by Senator Flanagan, Senate Print 5777, an act to authorize the Friends of the Coltrane Home in Dix Hills.

ACTING PRESIDENT WINNER: Read the last section.

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

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60. Nays, 2. Senators Bonacic and Larkin recorded in the negative.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number

1910, by Senator LaValle, Senate Print 5853, an act to amend the Tax Law.

ACTING PRESIDENT WINNER: A local fiscal impact note is at the desk.

Read the last section.

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

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1911, Senator Padavan moves to discharge, from the Committee on Rules, Assembly Bill Number 8277 and substitute it for the identical Senate Bill Number 5867, Third Reading Calendar 1911.

ACTING PRESIDENT WINNER: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1911, by Member of the Assembly Farrell, Assembly Print Number 8277, an act to amend

the Local Finance Law.

ACTING PRESIDENT WINNER: Read the last section.

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

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number 1912, by Senator Padavan, Senate Print 5869, an act to amend the Public Authorities Law.

ACTING PRESIDENT WINNER: Read the last section.

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

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: In relation to

Calendar Number 1913, Senator Lanza moves to discharge, from the Committee on Rules, Assembly Bill Number 5396A and substitute it for the identical Senate Bill Number 5972A, Third Reading Calendar 1913.

ACTING PRESIDENT WINNER: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1913, by Member of the Assembly Nolan, Assembly Print Number 5396A, an act to amend the Education Law.

ACTING PRESIDENT WINNER: Read the last section.

THE SECRETARY: Section 3. This act shall take effect June 30, 2007.

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number 1914, by the Senate Committee on Rules --

SENATOR SKELOS: Lay it aside for

the day, please.

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

THE SECRETARY: Calendar Number 1915, by Senator Hannon, Senate Print 6052A, an act to amend the Education Law and the Public Health Law.

SENATOR HANNON: Mr. President.

ACTING PRESIDENT WINNER: Senator Hannon.

SENATOR HANNON: Yeah, I'd like to explain some legislative intent behind this. I don't believe it's controversial, but it's been a long time --

ACTING PRESIDENT WINNER: Senator Hannon, could we read the last section and have you explain your vote?

SENATOR HANNON: Yes.

ACTING PRESIDENT WINNER: We're not on the roll call yet.

Read the last section.

SENATOR HANNON: No, no, I want to explain it on the bill. I don't want the last section.

ACTING PRESIDENT WINNER: You

have to lay it aside, Senator.

SENATOR HANNON: Okay.

ACTING PRESIDENT WINNER: The bill is laid aside.

THE SECRETARY: Calendar Number 1916, by the Senate Committee on Rules, Senate Print 6062, an act to amend Chapter 272 of the Laws of 1991, amending the Tax Law.

ACTING PRESIDENT WINNER: Read the last section.

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

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number 1917, by Senator Volker, Senate Print 6080, an act to amend the Education Law.

ACTING PRESIDENT WINNER: Read the last section.

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

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1918, Senator Morahan moves to discharge, from the Committee on Rules, Assembly Bill Number 9069 and substitute it for the identical Senate Bill Number 6152, Third Reading Calendar 1918.

ACTING PRESIDENT WINNER: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1918, by Member of the Assembly Weisenberg, Assembly Print Number 9069, an act to amend Chapter 24 of the Laws of 2007, amending the Mental Hygiene Law.

ACTING PRESIDENT WINNER: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the same date and in the same manner as Section 11 of Chapter 24 of

the Laws of 2007.

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number 1921, by Senator Maltese, Senate Print 6158, an act to amend the Labor Law.

ACTING PRESIDENT WINNER: Read the last section.

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

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number 1923, by Senator Young, Senate Print 6198, an act to amend the Agriculture and Markets Law.

ACTING PRESIDENT WINNER: Read the last section.

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

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number 1925, by Senator Saland, Senate Print 6213, an act to amend the Alcoholic Beverage Control Law.

ACTING PRESIDENT WINNER: Read the last section.

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

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number 1926, by Senator Saland, Senate Print 6214, an act to amend the Public Authorities Law.

ACTING PRESIDENT WINNER: Read the last section.

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

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1927, Senator Morahan moves to discharge, from the Committee on Rules, Assembly Bill Number 6843 and substitute it for the identical Senate Bill Number 6219, Third Reading Calendar 1927.

ACTING PRESIDENT WINNER: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1927, by Member of the Assembly P. Rivera, Assembly Print Number 6843, an act to amend the Mental Hygiene Law.

ACTING PRESIDENT WINNER: Read the last section.

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

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number 1928, by the Senate Committee on Rules, Senate Print 6229, an act to amend the Civil Service Law.

ACTING PRESIDENT WINNER: Read the last section.

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

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number 1929, by Senator Volker, Senate Print 6230, an act to amend the Penal Law and the Criminal

Procedure Law.

ACTING PRESIDENT WINNER: Read the last section.

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

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number 1930, by Senator Golden, Senate Print 6233, an act to amend Chapter 606 of the Laws of 1902, relating to the incorporation of the Brooklyn Public Library.

ACTING PRESIDENT WINNER: Read the last section.

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

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number 1931, by Senator Volker, Senate Print 6241, an act to amend the Criminal Procedure Law.

ACTING PRESIDENT WINNER: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the same date and in the same manner as Chapter 74 of the Laws of 2007.

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number 1932, by the Senate Committee on Rules, Senate Print 6243, an act to amend the Education Law.

ACTING PRESIDENT WINNER: Read the last section.

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

ACTING PRESIDENT WINNER: Call

the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number 1933, by Senator Maltese, Senate Print 6244, an act to amend the Transportation Law.

ACTING PRESIDENT WINNER: Read the last section.

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

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number 1935, by Senator Flanagan, Senate Print 6251, an act to amend the Vehicle and Traffic Law.

ACTING PRESIDENT WINNER: Read the last section.

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

November.

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number 1936, by Senator Little, Senate Print 6263, an act to amend the Criminal Procedure Law.

ACTING PRESIDENT WINNER: Read the last section.

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

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60. Nays, 2. Senators Duane and L. Krueger recorded in the negative.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number 1937, by Senator LaValle, Senate Print 6266, an act to amend the Insurance Law.

ACTING PRESIDENT WINNER: Read the last section.

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

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number 1939, by Senator Winner, Senate Print 6268, an act to amend the Alcoholic Beverage Control Law.

ACTING PRESIDENT WINNER: Read the last section.

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

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61. Nays, 1. Senator Duane recorded in the negative.

ACTING PRESIDENT WINNER: The meritorious bill is passed.

THE SECRETARY: In relation to Calendar Number 1940, Senator Bruno moves to discharge, from the Committee on Rules, Assembly Bill Number 8872 and substitute it for the identical Senate Bill Number 6269, Third Reading Calendar 1940.

ACTING PRESIDENT WINNER: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1940, by Member of the Assembly Fields, Assembly Print Number 8872, an act to amend Chapter 824 of the Laws of 1987.

ACTING PRESIDENT WINNER: Read the last section.

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

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number 1942, by Senator Skelos, Senate Print 6274, an

act to amend the Social Services Law.

SENATOR HASSELL-THOMPSON: Lay it aside.

ACTING PRESIDENT WINNER: The bill is laid aside.

THE SECRETARY: Calendar Number 1943, by Senator Saland, Senate Print 6275, an act to amend the Education Law.

ACTING PRESIDENT WINNER: Read the last section.

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

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number 1944, by Senator Skelos, Senate Print 6277, an act to amend the Correction Law.

ACTING PRESIDENT WINNER: Read the last section.

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

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61. Nays, 1. Senator Montgomery recorded in the negative.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1945, Senator Seward moves to discharge, from the Committee on Rules, Assembly Bill Number 9028A and substitute it for the identical Senate Bill Number 6287, Third Reading Calendar 1945.

ACTING PRESIDENT WINNER: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1945, by Member of the Assembly Morelle, Assembly Print Number 9028A, an act to amend the Insurance Law.

ACTING PRESIDENT WINNER: Read the last section.

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

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number 1946, by Senator Golden, Senate Print 6296, an act to amend the Education Law.

ACTING PRESIDENT WINNER: Read the last section.

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

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1947, Senator Griffo moves to discharge, from the Committee on Rules, Assembly Bill Number 8130 and substitute it for the identical Senate Bill Number 6299, Third Reading Calendar 1947.

ACTING PRESIDENT WINNER: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1947, by Member of the Assembly Carrozza, Assembly Print Number 8130, an act to amend Chapter 237 of the Laws of 2005.

ACTING PRESIDENT WINNER: Read the last section.

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

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number 1948, by Senator Libous, Senate Print 6300, an act to amend Chapter 549 of the Laws of 1994, amending the Public Authorities Law.

ACTING PRESIDENT WINNER: Read the last section.

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

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1949, Senator Saland moves to discharge, from the Committee on Rules, Assembly Bill Number 8974 and substitute it for the identical Senate Bill Number 6301, Third Reading Calendar 1949.

ACTING PRESIDENT WINNER: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1949, by Member of the Assembly Maisel, Assembly Print Number 8974, an act to amend Chapter 552 of the Laws of 1995.

ACTING PRESIDENT WINNER: Read the last section.

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

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1950, Senator Saland moves to discharge, from the Committee on Rules, Assembly Bill Number 8970 and substitute it for the identical Senate Bill Number 6302, Third Reading Calendar 1950.

ACTING PRESIDENT WINNER: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1950, by Member of the Assembly Benedetto, Assembly Print Number 8970, an act to amend Chapter 618 of the Laws of 1998, amending the General Municipal Law.

ACTING PRESIDENT WINNER: Read the last section.

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

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number 1951, by Senator Seward, Senate Print 6304, an act to amend the Insurance Law.

ACTING PRESIDENT WINNER: Read the last section.

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

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT WINNER: The bill is passed.

Senator Skelos, that completes the noncontroversial calendar.

SENATOR SKELOS: Mr. President, before we go to the controversial calendar, the Senate will stand at ease until 4:45, at which time there will be a Rules Committee meeting. Then we will report the Rules Committee and take it up at that time.

Oh, yes, I'm sorry. If we could go

back on the noncontroversial and take up Calendar Number 1915, by Senator Hannon.

ACTING PRESIDENT WINNER: Upon unanimous consent, Calendar Number 1915, which was previously laid aside, is restored to the noncontroversial calendar.

The Secretary will read.

The bill is laid aside.

Senator LaValle.

SENATOR LaVALLE: With unanimous consent, Mr. President, can we reconsider and have Calendar Number 1915 read. Senator Hannon will explain his vote.

ACTING PRESIDENT WINNER: With unanimous consent, Calendar Number 1915 is restored to the noncontroversial calendar.

And the Secretary will read.

THE SECRETARY: Calendar Number 1915, by Senator Hannon, Senate Print 6052A, an act to amend the Education Law and the Public Health Law.

ACTING PRESIDENT WINNER: Read the last section.

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

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT WINNER: Senator Hannon, to explain his vote.

SENATOR HANNON: Thank you, Mr. President.

This bill has had considerable legislative gestation, and I wanted to simply put on the record some of the intent behind it.

The purpose of this bill is to require state oversight of physicians performing office-based surgery or invasive procedures. Under current law, the state has no regulatory authority over physician private practices, including those performing office-based surgery. Physician practices are regulated solely through disciplinary proceedings.

The purpose of this legislation is to authorize the Commissioner of Health to enter into agreements with nationally recognized accrediting agencies in order to establish the accreditation of office-based

surgery settings operating in the state and incident reporting related thereto.

It's not intended and should not be interpreted to alter current state of practice in regard to the relationships among healthcare practitioners concerning those who provide anesthesia or sedation in those settings.

This measure I believe will add considerably to the quality and safety of healthcare in this state, and I urge my colleagues to vote accordingly.

Thank you, Mr. President.

ACTING PRESIDENT WINNER: Thank you, Senator Hannon.

Senator Hannon will be recorded in the affirmative.

The Secretary will announce the results.

THE SECRETARY: Ayes, 62. Nays, 0.

ACTING PRESIDENT WINNER: The bill is passed.

Senator LaValle.

SENATOR LaVALLE: Mr. President,

we'll stand at ease pending a report from the Rules Committee.

ACTING PRESIDENT WINNER: The Senate stands at ease.

(Whereupon, the Senate stood at ease at 4:33 p.m.)

(Whereupon, the Senate reconvened at 5:14 p.m.)

ACTING PRESIDENT GRIFFO: The Senate will come to order.

Senator LaValle.

SENATOR LaVALLE: Mr. President, may we please return to reports of standing committees, for the report of the Rules Committee.

ACTING PRESIDENT GRIFFO: We'll return to reports of standing committees.

The Secretary will read the report of the Rules Committee.

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

Senate Print 260A, by Senator Alesi, an act to amend the Tax Law;

295, by Senator Alesi, an act to

amend the Public Health Law;

522, by Senator Maziarz, an act to amend the Elder Law;

703C, by Senator Nozzolio, an act to amend Penal Law;

859, by Senator Volker, an act to amend the Environmental Conservation Law;

1573A, by Senator Maziarz, an act to amend the Public Authorities Law;

2138A, by Senator O. Johnson, an act to amend the Retirement and Social Security Law;

3019A, by Senator Seward, an act to amend Insurance Law and the State Finance Law;

3204, by Senator Breslin, an act to amend the Tax Law;

3247A, by Senator Maziarz, an act to amend the Vehicle and Traffic Law;

3965A, by Senator Bonacic, an act to amend Chapter 915 of the Laws of 1982;

3980A, by Senator Bonacic, an act to amend Chapter 555 of the Laws of 1989;

4041, by Senator Nozzolio, an act to amend the Executive Law;

4112A, by Senator Flanagan, an act

to amend the Civil Service Law;

4392B, by Senator Farley, an act to amend the Banking Law;

4700, by Senator Leibell, an act to amend the Not-for-Profit Corporation Law;

4905A, by Senator Young, an act to authorize the County of Allegany;

5001, by Senator Nozzolio, an act to amend the Social Services Law;

5142A, by Senator C. Kruger, an act to amend the Family Court Act and the Social Services Law;

5442A, by Senator Marcellino, an act to amend the Energy Law;

5618A, by Senator Farley, an act to amend the Banking Law;

5636, by Senator Leibell, an act to amend the Retirement and Social Security Law;

5665B, by Senator Saland, an act to amend the Public Authorities Law;

5737, by Senator Libous, an act to amend the Transportation Law;

6066A, by Senator Nozzolio, an act to amend the General Municipal Law;

6117A, by Senator Marcellino, an

act to amend the Environmental Conservation Law;

6142, by Senator Morahan, an act to amend the Public Health Law;

6206, by Senator Robach, an act to amend the Civil Service Law;

6223A, by Senator DeFrancisco, an act authorizing the Town of Camillus;

6254A, by Senator Libous, an act to amend the Vehicle and Traffic Law;

6262, by Senator Winner, an act to amend the Alcoholic Beverage Control Law;

6264, by Senator LaValle, an act to amend the Education Law;

6273, by Senator Bruno, an act to authorize the City of Saratoga Springs;

6278A, by Senator Robach, an act to amend the State Finance Law;

6286, by Senator Bruno, an act to authorize the Town of Malta;

6298, by Senator Golden, an act to amend the Executive Law and the Social Services Law;

6306, by Senator DeFrancisco, an act to amend the Civil Practice Law and Rules;

6313, by Senator Nozzolio, an act to amend the Correction Law;

6328, by Senator Maziarz, an act to amend Part B of Chapter 57 of the Laws of 2007;

6329, by the Senate Committee on Rules, an act to authorize the Town of Malta;

6332, by Senator Larkin, an act to amend the Penal Law;

6341, by Senator Fuschillo, an act making an appropriation;

6345, by Senator Fuschillo, an act to amend Chapter 33 of the Laws of 2002;

6351, by Senator Robach, an act to amend the Real Property Law;

6352, by Senator Lanza, an act to amend the Correction Law;

6355, by Senator Lanza, an act to amend the Civil Practice Law and Rules;

6375, by Senator Winner, an act to amend a chapter of the Laws of 2007;

And Senate Print 6376, by Senator Golden, an act to amend the Retirement and Social Security Law and others.

All bills ordered direct to third

reading.

ACTING PRESIDENT WINNER: Senator LaValle.

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

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

(Response of "Aye.")

ACTING PRESIDENT WINNER: Opposed, nay.

(No response.)

ACTING PRESIDENT WINNER: The Rules Committee report is accepted.

SENATOR LaVALLE: Mr. President, we will stand at ease so the bills can be put on the desks.

ACTING PRESIDENT WINNER: The Senate will stand at ease.

(Whereupon, the Senate stood at ease at 5:20 p.m.)

(Whereupon, the Senate reconvened at 5:41 p.m.)

ACTING PRESIDENT WINNER: The

house will come to order.

Senator LaValle.

SENATOR LaVALLE: Mr. President, may we please have the noncontroversial reading of Supplemental Calendar 64C.

ACTING PRESIDENT WINNER: The Secretary will read.

THE SECRETARY: Calendar Number 1919, by Senator Alesi, Senate Print 260A, an act to amend the Tax Law.

ACTING PRESIDENT WINNER: Read the last section.

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

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT WINNER: Senator Krueger, to explain her vote.

SENATOR LIZ KRUEGER: Thank you, Mr. President. Just very briefly.

You know, it is an important bill. It helps small businesses, it helps middle-income people, it deals with the question of brackets in taxation that we

haven't adjusted for in over 16 years.

But I do, while I'm voting for the bill, just want to say for the record it will cost the State of New York $192 million on an annual basis. This is the kind of bill we should be dealing with in the context of the state budget, not as a freestanding bill a day before we leave for the year.

So I suspect, because it has no same-as, this is just a one-house bill to say we tried to do the right thing. But in fact the right time to try to do the right thing is in the context of the overall budget.

And yet again, I urge my colleagues could we please do a full evaluation of the inequity of our tax policies for individuals and for businesses, because we will find an enormous amount of work to be done if we go down that road.

Thank you, Mr. President. I vote aye.

ACTING PRESIDENT WINNER: The Secretary will announce the results.

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT WINNER: The

bill is passed.

THE SECRETARY: Calendar Number 1957, by Senator Alesi, Senate Print 295, an act to amend the Public Health Law.

ACTING PRESIDENT WINNER: Read the last section.

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

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1958, Senator Maziarz moves to discharge, from the Committee on Finance, Assembly Bill Number 897 and substitute it for the identical Senate Bill Number 522, Third Reading Calendar 1958.

ACTING PRESIDENT WINNER: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1958, by Member of the Assembly Englebright,

Assembly Print Number 897, an act to amend the Elder Law.

ACTING PRESIDENT WINNER: Read the last section.

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

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1960, Senator Volker moves to discharge, from the Committee on Rules, Assembly Bill Number 735 and substitute it for the identical Senate Bill Number 859, Third Reading Calendar 1960.

ACTING PRESIDENT WINNER: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1960, by Member of the Assembly DelMonte, Assembly Print Number 735, an act to amend the Environmental Conservation Law.

ACTING PRESIDENT WINNER: Read the last section.

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

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1961, Senator Maziarz moves to discharge, from the Committee on Rules, Assembly Bill Number 1398B and substitute it for the identical Senate Bill Number 1573A, Third Reading Calendar 1961.

ACTING PRESIDENT WINNER: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1961, by Member of the Assembly Brodsky, Assembly Print Number 1398B, an act to amend the Public Authorities Law.

ACTING PRESIDENT WINNER: Read the last section.

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

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number 1963, by Senator Seward, Senate Print 3019A, an act to amend the Insurance Law and the State Finance Law.

ACTING PRESIDENT WINNER: May we have some order in the chamber, please.

Read the last section.

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

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1964, Senator Breslin moves to

discharge, from the Committee on Investigations and Government Operations, Assembly Bill Number 5988 and substitute it for the identical Senate Bill Number 3204, Third Reading Calendar 1964.

ACTING PRESIDENT WINNER: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1964, by Member of the Assembly McEneny, Assembly Print Number 5988, an act to amend the Tax Law.

ACTING PRESIDENT WINNER: Read the last section.

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

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number 1965, by Senator Maziarz, Senate Print 3247A, an act to amend the Vehicle and Traffic Law.

ACTING PRESIDENT WINNER: Read the last section.

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

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1966, Senator Bonacic moves to discharge, from the Committee on Rules, Assembly Bill Number 8799 and substitute it for the identical Senate Bill Number 3965A, Third Reading Calendar 1966.

ACTING PRESIDENT WINNER: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1966, by Member of the Assembly Lopez, Assembly Print Number 8799, an act to amend Chapter 915 of the Laws of 1982.

ACTING PRESIDENT WINNER: Read the last section.

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

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1967, Senator Bonacic moves to discharge, from the Committee on Rules, Assembly Bill Number 8800 and substitute it for the identical Senate Bill Number 3980A, Third Reading Calendar 1967.

ACTING PRESIDENT WINNER: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1967, by Member of the Assembly Young, Assembly Print Number 8800, an act to amend Chapter 555 of the Laws of 1989.

ACTING PRESIDENT WINNER: Read the last section.

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

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number 1968, by Senator Nozzolio, Senate Print 4041, an act to amend the Executive Law.

ACTING PRESIDENT WINNER: Read the last section.

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

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number 1969, by Senator Flanagan, Senate Print 4112A, an act to amend the Civil Service Law.

ACTING PRESIDENT WINNER: Read the last section.

THE SECRETARY: Section 2. This

act shall take effect immediately.

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number 1971, by Senator Leibell, Senate Print 4700, an act to amend the Not-For-Profit Corporation Law.

ACTING PRESIDENT WINNER: Read the last section.

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

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number 1972, by Senator Young, Senate Print 4905A, an act to authorize the County of Allegany.

ACTING PRESIDENT WINNER: There

is a home-rule message at the desk.

Read the last section.

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

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1973, Senator Nozzolio moves to discharge, from the Committee on Social Services, Children and Families, Assembly Bill Number 4707 and substitute it for the identical Senate Bill Number 5001, Third Reading Calendar 1973.

ACTING PRESIDENT WINNER: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1973, by Member of the Assembly Destito, Assembly Print Number 4707, an act to amend the Social Services Law.

ACTING PRESIDENT WINNER: Read

the last section.

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

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number 1975, by Senator Marcellino, Senate Print 5442A, an act to amend the Energy Law.

ACTING PRESIDENT WINNER: Read the last section.

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

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1978, Senator Saland moves to discharge, from the Committee on Rules,

Assembly Bill Number 8664A and substitute it for the identical Senate Bill Number 5665B, Third Reading Calendar 1978.

ACTING PRESIDENT WINNER: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1978, by Member of the Assembly Canestrari, Assembly Print Number 8664A, an act to amend the Public Authorities Law.

ACTING PRESIDENT WINNER: Read the last section.

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

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1979, Senator Libous moves to discharge, from the Committee on Rules, Assembly Bill Number 8315 and substitute it for the identical Senate Bill Number 5737,

Third Reading Calendar 1979.

ACTING PRESIDENT WINNER: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1979, by Member of the Assembly Gantt, Assembly Print Number 8315, an act to amend the Transportation Law.

ACTING PRESIDENT WINNER: Read the last section.

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

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number 1981, by Senator Marcellino, Senate Print 6117A, an act to amend the Environmental Conservation Law.

ACTING PRESIDENT WINNER: Read the last section.

THE SECRETARY: Section 2. This

act shall take effect on the 120th day.

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1982, Senator Morahan moves to discharge, from the Committee on Rules, Assembly Bill Number 8631 and substitute it for the identical Senate Bill Number 6142, Third Reading Calendar 1982.

ACTING PRESIDENT WINNER: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1982, by Member of the Assembly Jaffee, Assembly Print Number 8631, an act to amend the Public Health Law.

ACTING PRESIDENT WINNER: Read the last section.

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

ACTING PRESIDENT WINNER: Call

the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1983, Senator Robach moves to discharge, from the Committee on Rules, Assembly Bill Number 5862 and substitute it for the identical Senate Bill Number 6206, Third Reading Calendar 1983.

ACTING PRESIDENT WINNER: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1983, by Member of the Assembly Abbate, Assembly Print Number 5862, an act to amend the Civil Service Law.

ACTING PRESIDENT WINNER: Read the last section.

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

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number 1987, by Senator LaValle, Senate Print 6264, an act to amend the Education Law.

ACTING PRESIDENT WINNER: Read the last section.

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

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT WINNER: Senator LaValle, to explain his vote.

SENATOR LaVALLE: Thank you, Mr. President.

In response to the tragedy at Virginia Tech, the Higher Education Committee had two hearings, trying a fashion a comprehensive campus security plan. We were joined by Chairman Morahan, chairman of Mental Health; Chairman Volker, chairman of the Codes Committee; Chairman Leibell, chairman of Homeland Security; Chairman Nozzolio, chairman

of Crime Victims and Corrections.

And in that hearing we had a broad range of testimony. And the one thing that kept coming up over and over again is that one size does not fit all.

And so the legislation that we have before us is fashioned to give basic standards that each college has to implement. But we are not overly prescriptive in our recommendations.

But they must establish a relationship with local enforcement agencies and have coordination with the local law enforcement agencies and emergency service and medical personnel agencies; the use of various communications and monitoring and sensor technologies in order to maintain safety. Ability to communicate on campus, and we learned that from Virginia Tech. And we want to establish various pilot programs to see what works best.

And we want to make sure -- in the first hearing there was a great deal of testimony on are we providing enough in terms of mental health services on our campuses, do

we have mechanisms in place to properly identify students that have problems.

And so each campus, under this legislation, will implement a protocol for reporting of instances where there is a concern regarding the mental health of a student and various protocols that we hope will be instituted.

We believe that this is a great first beginning. And it is important that we pass legislation so that our campuses will be doing all that they can do to protect life on the campus, whether it be students, faculty or staff.

And we have appropriations in the bill for both City University and State University.

I vote in the affirmative, Mr. President.

ACTING PRESIDENT WINNER: Thank you, Senator LaValle.

Senator LaValle will be recorded in the affirmative.

Senator Stavisky, to explain her vote.

SENATOR STAVISKY: To explain my vote, Mr. President.

I think this is a very good first step, and I'm delighted to support this legislation.

The hearings -- and I attended all of the hearings. And Senator Adams and I met with large numbers of folks. And I came away with the feeling that there are really two separate problems here. One deals with campus security, and the other deals with the mental health issues of the students on campus. And I think this legislation is a good attempt to combine both issues into a good first start.

The testimony at the hearings indicated that there should be one counselor for every 1500 students. Unfortunately, this is a very expensive proposition. And I believe Chancellor Ryan testified that the cost would be somewhere in excess of $10 million to implement at the SUNY campuses.

This $7 million appropriation I think is a good first step. I hope that there is going to be some funding for it, if not this year, then next year.

And we've got to pay more attention because situations such as Virginia Tech can often be avoided with proper mental health counseling and with mental health services, which are often severely underappreciated at many of the colleges and universities throughout our state.

I vote aye, Mr. President.

ACTING PRESIDENT WINNER: Senator Stavisky will be recorded in the affirmative.

Senator Morahan, to explain his vote.

SENATOR MORAHAN: Thank you, Mr. President.

I rise in support of this bill, and I want to congratulate Senator LaValle for heading up the hearings. They truly were very informative.

And as Senator Stavisky correctly pointed out, a good portion of the testimony dealt with mental health issues, the strain and stress of children being away from home for the first time and those sorts of things.

I would just like to inform the Senate and my colleagues that in the last

budget that we adopted March 31st, there was an appropriation in that bill to develop a pilot program operated by NYU and Nathan Kline Institute in Orangetown in Rockland County that will, in the Hudson Valley for a start, institute a program prior to when children or young people go to college. It will be a mental health program, stress dealing with parents and socializing and all those things that really give great difficulty, and the emphasis on achievement and those sorts of things that creates a very stressful environment for our young people.

So in addition to what we've done under Senator LaValle's guidance, that is also there. And hopefully we'll get a good report on that pilot program and see what we can do about doing it statewide next year.

Thank you, Mr. Chairman. I vote yes.

ACTING PRESIDENT WINNER: Senator Morahan will be recorded in the affirmative.

The Secretary will announce the results.

THE SECRETARY: Ayes, 62. Nays,

0.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number 1988, by Senator Bruno, Senate Print 6273, an act to authorize the City of Saratoga Springs.

ACTING PRESIDENT WINNER: 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 WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number 1990, by Senator Bruno, Senate Print 6286, an act to authorize the Town of Malta.

ACTING PRESIDENT WINNER: 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 WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number 1991, by Senator Golden, Senate Print 6298, an act to amend the Executive Law and the Social Services Law.

ACTING PRESIDENT WINNER: Read the last section.

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

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number 1992, by Senator DeFrancisco, Senate Print 6306, an act to amend the Civil Practice Law and Rules.

ACTING PRESIDENT WINNER: Read

the last section.

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

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT WINNER: Senator Seward.

SENATOR SEWARD: Mr. President, to explain my vote.

I have some concerns with this legislation. First off, the declaratory judgment portion of the bill I fear would add litigation and claim costs which will unnecessarily increase insurance premiums in New York State.

And also the provisions that would allow insureds to still be covered if they file a late notice of claim with the insurer, unless the insurer can show material prejudice, will result in insurers having to pay claims on some claims that are so old that the evidence may be very stale and it may be difficult to defend those cases, resulting also in possibly increased premiums.

And finally, the immediate effective date in the legislation is problematic and unreasonable. It does not give the insurers necessary time to prepare for what is a major change in the law that's being proposed.

For those reasons, I vote in the negative.

ACTING PRESIDENT WINNER: Senator Seward will be recorded in the negative.

Senator Saland.

SENATOR SALAND: Thank you, Mr. President.

I too rise to cast my vote in the negative. While I would identify with the remarks of Senator Seward, I certainly do believe the notice of claim procedure is one that could stand modification. But this one, this particular bill tilts it dramatically to the other extreme.

And I suspect many of your local governments, local municipalities, and any entity against whom a note of claim would be filed -- and we are talking disproportionately one or another government -- would be I think

greatly impaired. And it certainly would result, I think, in a considerable flood of litigation.

And for that reason, Mr. President, I vote in the negative.

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

Senator DeFrancisco, to explain his vote.

SENATOR DeFRANCISCO: In balancing any piece of legislation, there's always points of view to one side or the other. But my balance always leans toward the side of the consumer who actually pays premiums for insurance policies.

And if you pay a premium on an insurance policy, this consumer bill would say that if you happen to be a little bit late or late and the insurance company is not prejudiced as a result of you being late, you have to pay. I mean, I think that's pretty logical. Obviously in you're late in providing notice and you prejudice the carrier so they can't do an adequate examination to find out the facts, well, the prejudice

should -- you should lose your claim, your ability to use your insurance.

But if they're not prejudiced, why not? Why not allow people to get the coverage of the insurance policy that the insurance companies have gladly taken the premiums for.

Secondly, the declaratory judgment action is pretty simple. All it says is that in the event that you want to find out the coverage of an individual who is a potential defendant, you could bring an action in court to find out if they have insurance and the extent that that insurance covers the claim.

Normally that is provided voluntarily in the litigation process. But if it's not, why shouldn't you be able to find out the insurance coverage that's available?

So it's a great consumer bill. And as you balance the various respective interests, I balance my interest in favor of the consumer.

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

Senator Schneiderman, to explain

his vote.

SENATOR SCHNEIDERMAN: Mr. President, to explain my vote.

You know, it's interesting when you -- a recent survey of business owners in New York State revealed that the number-one issue that they complained about was not high taxes, overregulation, qualified workforce. It was insurance rates.

One of the things we have a crisis of untold proportions on in New York State that we haven't addressed is the need to do something about our insurance industry. Rates go up when payouts go up, but when payouts go down, rates don't seem to come down.

This is a great, common sense, pro-consumer bill to simplify the process of making a claim against an insurance company to ensure that they don't go through very technical loopholes when dealing with people who have to have insurance and don't have the expertise available to them to maybe read every part of every policy as carefully as they should.

This is pro-consumer. This is

pro-business. This is a good bill. And I'd like to commend the sponsor, Senator DeFrancisco, and of course Senators Golden, Maltese and the other sponsors, Messrs. DeSantis and Riddett, for a fine piece of legislation.

ACTING PRESIDENT WINNER: Senator Schneiderman will be recorded in the affirmative.

Announce the results.

THE SECRETARY: Those recorded in the negative on Calendar Number 1992 are Senators Griffo, Larkin, Saland, Seward, Winner and Wright.

Ayes, 56. Nays, 6.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: In relation to Calendar Number 2003, Senator Golden moves to discharge, from the Committee on Rules, Assembly Bill Number 8470 and substitute it for the identical Senate Bill Number 6376, Third Reading Calendar 2003.

ACTING PRESIDENT WINNER: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 2003, by Member of the Assembly Abbate, Assembly Print Number 8470, an act to amend the Retirement and Social Security Law.

ACTING PRESIDENT WINNER: Read the last section.

THE SECRETARY: Section 22. This act shall take effect at the beginning of the first payroll period.

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT WINNER: The bill is passed.

Senator Skelos, that completes the reading of the noncontroversial Calendar 64C.

SENATOR SKELOS: Thank you, Mr. President.

If we could go to the regular Calendar Number 64 and take up Calendar 1346.

ACTING PRESIDENT WINNER: The Secretary will read.

Senator Skelos, is this the

controversial calendar?

SENATOR SKELOS: It's on the regular calendar.

ACTING PRESIDENT WINNER: Taken up on a noncontroversial basis?

SENATOR SKELOS: Noncontroversial.

ACTING PRESIDENT WINNER: Thank you.

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

ACTING PRESIDENT WINNER: Read the last section.

THE SECRETARY: Section 8. This act shall take effect 18 months after it shall have become a law.

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT WINNER: The bill is passed.

Senator Skelos.

SENATOR SKELOS: Would you please call up Calendar Number 1753, noncontroversial also.

ACTING PRESIDENT WINNER: The Secretary will read.

THE SECRETARY: In relation to Calendar Number 1753, Senator Maziarz moves to discharge, from the Committee on Rules, Assembly Bill Number 248B and substitute it for the identical Senate Bill Number 5862, Third Reading Calendar 1753.

ACTING PRESIDENT WINNER: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1753, by Member of the Assembly DelMonte, Assembly Print Number 248B, an act to amend the Environmental Conservation Law.

ACTING PRESIDENT WINNER: Read the last section.

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

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT WINNER: The bill is passed.

Senator Skelos.

SENATOR SKELOS: Mr. President, on Senate Calendar 64C I'd like to move to reconsider the vote by which Calendar Number 1972, Senate 4905A, passed.

ACTING PRESIDENT WINNER: The Secretary will read.

THE SECRETARY: Calendar Number 1972, by Senator Young, Senate Print 4905A, an act to authorize.

ACTING PRESIDENT WINNER: Call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

SENATOR SKELOS: Would you lay the bill aside for the day.

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

SENATOR SKELOS: Mr. President.

ACTING PRESIDENT WINNER: Senator Skelos.

SENATOR SKELOS: On Calendar

Number 64B, could we please take up Calendar 1942, controversial.

ACTING PRESIDENT WINNER: The Secretary will ring the bell.

The Secretary will read.

THE SECRETARY: Calendar Number 1942, by Senator Skelos, Senate Print --

SENATOR LIZ KRUEGER: Explanation.

ACTING PRESIDENT WINNER: Senator Skelos, an explanation is asked for.

SENATOR SKELOS: Thank you, Mr. President.

This legislation codifies portions of existing state regulations requiring all food stamp beneficiaries to participate in the state finger imaging identification system, as it states, for the purpose of preventing the receipt of duplicate food stamp benefits.

In March the Spitzer administration announced its intention to rescind this requirement for working-families food stamp recipients. This is approximately 20 to 30 percent of all food stamp recipients.

This antifraud requirement was

established pursuant to a bipartisan welfare reform effort in Albany and Washington. And in fact, a recent New York Post editorial praised both then-President Clinton and former Mayor Rudy Giuliani for their great efforts in a bipartisan way.

Really, in my opinion, the Governor is attempting to roll back welfare reform. Every person who is eligible for food stamps, Medicaid, et cetera, should receive the help to which they're entitled. However, the state does have an important responsibility to keep the program accountable and to fight fraud.

Welfare reform has worked. The city and the counties are already performing the finger imaging, so there's no added burden to our local governments. And this legislation does not affect eligibility, resource limitations, or outreach to underserved populations.

ACTING PRESIDENT WINNER: Senator Krueger.

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

ACTING PRESIDENT WINNER: Senator Skelos, do you yield to Senator Krueger?

SENATOR SKELOS: Yes, Mr. President.

SENATOR LIZ KRUEGER: Thank you.

Well, your explanation of the facts that we've had this program in place are of course correct. But my question to you, is there any evidence that this has actually been an effective fraud deterrent model?

SENATOR SKELOS: Could you repeat that, please?

SENATOR LIZ KRUEGER: Certainly. Through you, Mr. President. Do you have any data that shows that finger imaging applicants for food stamps has actually been any type of effective antifraud model?

SENATOR SKELOS: I don't have specific data.

But certainly since President Clinton worked in Washington for welfare reform, Mayor Giuliani did it in New York City, we've seen the rolls come down dramatically. So I believe, personally, it has been working.

Do you have any information that shows it has not been working?

SENATOR LIZ KRUEGER: If the sponsor is asking me a question, Mr. President.

ACTING PRESIDENT WINNER: I think that was rhetorical, Senator.

SENATOR SKELOS: I withdraw that part of the question.

(Laughter.)

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

ACTING PRESIDENT WINNER: Senator Skelos, do you yield?

SENATOR SKELOS: Yes, Mr. President.

SENATOR LIZ KRUEGER: Thank you.

You explained that your bill would continue the program. But my reading of the bill is it would expand it to every member of a food stamp household. Current law is that only the head of household making the application is finger-imaged.

SENATOR SKELOS: It would cover

all individuals that are presently required to be finger-imaged under existing state regulations.

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

ACTING PRESIDENT WINNER: Senator Skelos, do you yield?

SENATOR SKELOS: It would be all adults.

SENATOR LIZ KRUEGER: It would be all adults. Thank you.

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

ACTING PRESIDENT WINNER: Senator Skelos, do you yield?

SENATOR SKELOS: Yes, I do.

SENATOR LIZ KRUEGER: Thank you.

Mr. Sponsor, you explained that this grew out of welfare reform. And you talked about a reduction in caseload in the State of New York since then.

Again, this bill would be unique to food stamp recipients who are not receiving public assistance or welfare, because that law

would stay in -- so the law would stay in place. The Governor has not proposed removing the finger-imaging requirement for public assistance households, only for food stamp households of working and elderly and disabled and non-public assistance.

So again, this would not be undoing, whether we agree or don't agree, on the welfare side of the debate and be specifically what we refer to as the non-welfare food stamp households. Is that your understanding of your bill?

SENATOR SKELOS: I believe I agree with you.

SENATOR LIZ KRUEGER: Thank you.

Oh, a change in Mr. President. Hello, new Mr. President. If the sponsor, would through, would continue to yield.

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

SENATOR SKELOS: I'd be delighted to.

ACTING PRESIDENT GRIFFO: Senator Krueger.

SENATOR LIZ KRUEGER: Thank you.

Thank you, Mr. President.

And so you made a statement that we reduced the caseload, and it may or may not have had a relationship to finger-imaging. Is the purpose of your bill to further reduce the caseload of people receiving food stamps?

SENATOR SKELOS: The purpose of the bill is to prevent fraud and abuse of the system.

And as I said, we have found, through the efforts of former President Clinton, former Mayor Giuliani, with the reforms that were enacted, that it's worked preventing fraud. And we want to make sure that people that are entitled to food stamps are entitled to those benefits, but that it's not abused by those who are not entitled to them.

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

ACTING PRESIDENT GRIFFO: Senator Krueger, on the bill.

SENATOR LIZ KRUEGER: Thank you.

I appreciate the sponsor's comments. None of us want fraud in any

government program. Whether it's food stamps or taxation or subsidies from the government or healthcare or Empire Zones, no one wants fraud in any government program.

Now, the truth is we have an enormous infrastructure in place to prevent people from committing fraud in the food stamp program. I would argue that when we decided to finger-image people for the food stamp program back in the '90s, we took a step too far.

Because it's a program -- excuse me, it's a component of the program that is costing the State of New York money, is requiring the counties to continue to operate a system that the data shows has not actually caught people in fraud.

There are many ways to catch people in fraud in any government benefit program. And, frankly, the programs for low-income people have the disproportionately largest amount of antifraud efforts going on. So we do computer matches of at least 65 different programs for people who are applying for food stamps. We do interviews. We do

cross-references of their documentation. We computer cross-check with other states as well as throughout the counties of New York State.

The federal government, the GAO, in 2007 actually released a study saying that they could find -- excuse me, let me read it correctly. A May 2007 report by the U.S. General Accounting Office found that USDA's comment that the agency has not concluded that finger-imaging enhances program integrity and that it may have a negative effect on program access.

The Urban Institute study found that finger imaging is deterring a approximately 4.3 percent of eligible people, equalling one in 21 people, from applying for food stamps. And yet any tracking of finger-imaging fraud detection in this country has found a match of possibly one match in 5,000 cases. So finger imaging, one match in 5,000 cases. Deterrence of eligible people to participate, 4.3 percent, or one in 21 eligible people.

And of course the other reality, even in that one in 5,000, is there's no data

that shows we wouldn't have caught that one in 5,000 through the 62 other kinds of matches and cross-checks we do.

And yet we have a system where we're discouraging people, we're stigmatizing them, we're making them go to an additional location. Now, under this bill, not just the head of household making the application but every adult 18 and older would have to be brought down to be finger-imaged. And if just one person in that household didn't show up or agree to participate, the entire household would lose their right to food stamps.

Because in food stamp law, if one person doesn't show up who's part of your defined household, the rest of the household can't get food stamps without them, no one can get food stamps.

So I think this has been a mistake up until now, and the data has shown that we don't need it.

The Governor in my opinion was correct to say let's end food stamp finger imaging for non-public assistance households. The federal government seems to agree it's not

a program we need. And 46 out of 50 states don't finger-image applicants for food stamps. Forty-six out of 50 states are not finger-imaging people applying for food stamps.

And the reason we should care so many is because food stamps is the most effective antihunger program we have in this country. It's a hundred percent funded by the federal government. We still have an estimated -- I'm just going to get the newest estimate, because we keep reducing our numbers. We have approximately 1.7 million New Yorkers receiving food stamp benefits, with an estimated participation rate of those eligible just 53 percent. Which means we have 1.5 million New Yorkers who are eligible but not participating in the food stamp program.

So for me, I believe the goal is to increase access to the food stamp program, encourage people to participate, destigmatize the program, don't drown everyone in so many steps to making application that we continue to make it harder and harder and harder for people to apply.

While it's true that the president's Welfare Reform Act of 1996 and Mayor Giuliani's policies translated in my city, New York City, into a reduction of 500,000 households receiving food stamps during that time period, what we saw was an explosion in hunger, a growth in demand for emergency food providers, pantries and soup kitchens, senior citizens digging through garbage at the back of supermarkets looking for food, daycare centers starting to send their children home with emergency food packages over the weekend because they knew there was no food at home and the household wasn't receiving food stamps even though they were income-eligible.

I believe that it is a terrible mistake for us to reverse path now and try to make it tougher for people to participate in the program when the goal should be to increase participation in the program. It's a win for hungry people in the state. It's a win for the nutritional impacts and the health impacts for children and the elderly to be able to receive adequate nutrition. It's a

decrease in our healthcare costs. It is an incentive to help people who are working but are at the bottom of the income ladder to be able to immediate meet their basic needs while going to their jobs and trying to earn a living for themselves.

It's also an economic development program for the State of New York. We talk a lot about economic development. We talk a lot about trying to move money into our poor communities, whether they're distressed upstate communities or inner city communities. I would argue to this house that the food stamp program is the most effective economic-development targeted program we could expand.

First off, we don't pay for it. The federal government pays a hundred percent of the benefits. Second, what can you do with food stamps? There's only one thing you can do: go to a food store in your local neighborhood and buy food. That increases jobs in food stores in poor communities, it increases money available to buy New York State agriculture through our stores and our

farmer's markets and our other programs. It increases jobs in poor communities. And it moves money into our economy from the federal government.

We all talk about that we get short shrift from the federal government, whether we're talking upstate or downstate, rural New York or urban New York. The food stamp program, the fact that we have 1.5 million New Yorkers who are legally eligible but not participating, means that we are losing hundreds of millions of dollars a year that could be going into our local economies and feeding hungry New Yorkers.

And frankly, we should be proactive at every level about expanding participation, about encouraging people to apply, about destigmatizing the program. The people who don't participate but are eligible are the elderly and disabled and working families. Those are the people who are most in need of our help, who are following all the rules, who are trying to do everything right and are still finding themselves unable to meet their needs for food.

The food stamp program is the program we should be running around in every one of our districts encouraging people to apply for, not continually stigmatizing them and making it more difficult.

So I agree with Senator Skelos, the sponsor, we do not want fraud in the food stamp program or any other program. But we already have proven we don't need this program. We don't need finger-imaging of the head of household, and we certainly don't need to expand this to every member of the household. We will see a further reduction in people applying for the program. It's going in the wrong direction.

I urge all of my colleagues to join me in voting no on this bill. And for those of you who wonder why I seem to know so much about the food stamp program, before I became a New York State Senator I spent twenty years of my life working in antihunger programs and working as an advocate and a monitor of the federal food stamp program in New York City. And it is critical for us to encourage participation, not go further down the road of

discouraging participation.

Thank you, Mr. President. I vote no.

ACTING PRESIDENT GRIFFO: Senator Hassell-Thompson.

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

I heard Senator Skelos ask a rhetorical question, and then he withdrew it. But I would really like to answer that rhetorical question.

The New York City Coalition Against Hunger reports that even the Bush administration admits that there is no evidence that finger-imaging significantly reduces fraud in the food stamp program. Rather, there is ample evidence that finger-imaging applicants makes it more difficult for families, particularly working families, to access this vital benefit.

You just heard Senator Liz Krueger elaborate on generally, but let me give you some specific numbers. Nationally half of the participants in the food stamp program are children, and the percentage in New York State

is similar. That means that more than 700,000 children in the State of New York are eligible for benefits but do not currently receive them. And it causes New York State to lose more than $900 million annually in food nutrition benefits.

We have seen one estimate that finger-imaging detects fraud. And here's part of the answer to your question, Senator Skelos. That in the fraud detection, one in 5,000. And yet when we do the eligibility by attempting to increase the numbers of people who are finger-imaged, one in 21 that are eligible never apply.

Thus, in order to prevent this one in 5,000 people from perpetrating fraud, we prevent one in 21 from getting help to feed families.

Not only that, there is no proof that the one in 5,000 fraudulent cases discovered could not have been discovered by the government through other existing means such as pure computer matches.

A report that was commissioned by OTDA in 1990 found no proof that

finger-imaging reduced fraud significantly, and that the agency then refused to release the report to the public.

More recently, a 2007 report by the U.S. General Accounting Office found that USDA official comment that the agency has not concluded that finger-imaging enhances program integrity and that it may have a negative impact on program access.

Those of us who talk about hunger in the State of New York have a great concern that we do not create barriers that will keep people from accessing food stamps and have the ability to feed families. We talk on this floor about the issues of mental health. When it comes to our eating habits, we've been talking extensively this year about our safe schools in terms of our health, how do we provide good healthy opportunities for our children.

And yet we sit here and worry about one in 5,000 detections of fraud and inhibit thousands of families from accessing food programs detrimental and needy for them. And we are not concerned that we are losing

$900 million worth of benefits to this state.

So, Mr. President, I will be voting no. And I would encourage my colleagues to read whatever material that they have on their desks in opposition, because I think that one in 5,000 is not nearly enough of a risk for us to be deterring good healthy habits in food and nutrition in the State of New York.

I thank you.

ACTING PRESIDENT GRIFFO: Senator Sabini.

SENATOR SABINI: Thank you, Mr. President. On the bill.

ACTING PRESIDENT GRIFFO: On the bill.

SENATOR SABINI: The sponsor is correct in citing the drop in the number of people on public assistance in our state as a result of actions by the Clinton administration and downstate by the Giuliani administration. He's a hundred percent correct.

And lots of people in my party don't like to admit the facts, and the facts are that those people didn't just disappear.

The suspicion by most smart people in our state that have studied this issue know that those are people that were probably drawing checks in New Jersey or Pennsylvania or double-dipping or working in another state and drawing welfare here under a different address or working off the books in jobs in family stores and still applying for welfare by not showing income.

So he's right. But the timing is wrong, and I think the focus is misplaced. The people who were part of the fraud of food stamps were the people who were ripping off public assistance. They're gone. They're gone. They're off public assistance. Or they've admitted they moved to New Jersey or they stopped applying for it. The rolls are down. He's a hundred percent right.

And so the rolls of people on food stamps went down a commensurate amount, because those were the same bad actors. But they're gone. So I think that the timing and the sort of focus of this is a little misplaced.

Now, I'm a history buff. And for

those who know the history of the food stamp program, the sponsor of the food stamp program in the United States Congress was that notorious progressive radical Bob Dole, who saw it as a way to have the American farmer help solve the nutrition problems in our country by getting food in people's mouth mouths and, oh, by the way, a couple of dollars in farmers' pockets.

It's not a coincidence that the food stamp program is run not by the Department of Health and Human Services, it's run by the Department of Agriculture. It's a nutrition program. That's why we established it.

The Bush administration itself, as was noted earlier, has said that they don't think finger-imaging deters -- that there's a lot of fraud in the food stamp program now. Because if you're trying to rip off the food stamp program now, you're ripping off bread and milk, basically. And I've been around to some of New York's neighborhoods; I haven't seen anybody fencing bread lately or asking me to buy gray market milk out of their trunk.

It's federal money. By using this process, we'll be costing our taxpayers' money by instituting it. We're not saving any money, because any money -- if you believe there's fraud, and I don't believe at this point that there's a lot of fraud in the food stamp program, it's federal money. You know, people should not rip off the system, but I just don't think they are.

And Senator Krueger is right, the stigma that's attached to this -- and we've all had this in our districts, where people who are truly in need, people who we know who have had problems in their lives will say: I'm too proud to go on food stamps, I can't do that, that's for other people. And they're cheating themselves. And if it's a family, they're cheating their children.

So I think this is kind of misplaced and ill-timed. It might have flown ten years ago. I don't see any need to move forward with this. I think that we ought to be trying to get people to participate in the program who are eligible and find ways to foster that.

I think unfortunately, in the city, in what is otherwise a progressive mayoral administration, they haven't done enough of that in the city. I used to work -- like Senator Krueger, I actually worked at a hunger program as well. I worked for the late Harry Chapin, who created World Hunger Year and was considered a very important figure in Long Island history.

And he was someone who was an advocate of education, not just giving people money, but educating people on how Americans can change their lifestyles so that we can feed the world. But he wasn't against food stamps, because he understood that food stamps were a bridge to get families, children through their adolescence with nutritional meals. It's a chance for people to get back on their feet, and a chance to satisfy the most basic of human activities. We all have to eat.

So I don't frankly believe that this is going in the right direction at all. If we'd talked about this ten years ago, I might have, because I think that it was

coupled with welfare fraud. I think that has now been eradicated. The sponsor is right; the numbers are way down. I don't think this goes toward doing anything but further stigmatizing the food stamp program. And I think we really ought to think before doing something like this.

I'll be voting no. Thank you.

ACTING PRESIDENT GRIFFO: Senator Montgomery.

SENATOR MONTGOMERY: Yes, Mr. President. I certainly appreciate my colleagues' comments and the history lesson, reminder about who actually was the author of the food stamp program.

But I just want to share with you to reinforce how difficult this issue is as it relates to the stigma associated with it. One of my son's friends, who was -- at that time they were very young, maybe third or fourth grade, and this youngster was on Sesame Street, was one of the young stars on Sesame Street, was asked to do a commercial for food stamps. And he refused, because he did not want to be associated with people who needed

food stamps.

So even at that early age, he was very, very much affected by the stigma associated with having to receive food stamps. His family did not, but he was not willing to advertise the program for other families.

So that's how people in my district feel about it, and poor people feel, and they've always felt, some of them. People who cheat the system, that's another thing. But for the most part, poor people are not proud of having to receive handouts. And they considers food stamps part of that process.

So I want to just let you know, it's not a prideful thing. And people are not happy that they have to receive food stamps.

And I also want to associate my comments with the remarks made in relationship to the origin and the rationale for the food stamp program. It's related to the desire to encourage and promote and support healthy -- the consumption of healthy food even by poor people. Access to quality food.

And also it's related to stimulating the agricultural business. And I

think that is very noble, and we talk about that, I certainly talk about it all of the time.

I wish we would spend much more time talking about ways in which we could, as a legislative body, within our authority and our power, somehow figure out ways to get the products that farmers produce in our state, the number of wonderful products that are produced right here in New York State that we can't get to communities in my district because we haven't figured out a way to support the farmers doing it.

I'm talking family farmers, now. Not the agribusiness, but the family farmers. They should be able to travel on the highway free to bring the food to the city. And to create that kind of relationship and economic stimulation that would, I think, result for farmers upstate.

Let's talk about that. That's important to me. I think that's important to the people in our state. There are areas in my district, especially where people in public housing live, in parts of the district that

are suppressed, those places don't even have a descent supermarket, Mr. President. They have to go way out of their area. And heaven knows the bad supermarkets that we used to have in some parts of my district are now shut down because they're being gentrified. There's 23 and 26-story buildings being built in their place.

So we have some real issues as it relates to quality access to quality food, especially for poor people in this state, and especially for some of the communities in my district. That's what I want to talk about. That's what I think we need to have some legislation to try and address.

Let me say, lastly, the Governor has a bill, it's the Healthy Foods Act, the Healthy School Act. We have all kinds of issues, all kinds of legislation addressing the obesity problem. We have problems as it relates to quality foods, access to quality foods.

And until we in the Legislature recognize this as our obligation and responsibility to try and make that happen, we

continue to have these punitive measures. Punitive measures, that's all we can come up with, that's all we can think about. How do I punish somebody who needs food and force them to become part of the criminal justice system. If you're hungry, this is how we're going to do it, fingerprint you.

So I'm very embarrassed by this, to tell you the truth, Mr. President. Because we can do better than this. And I know that my colleagues don't intend to send out this message. But I must tell you, representing the people in my district who really need the food stamps -- and they're part of the 21 percent who -- the 21 people who don't apply and are eligible, they're -- some of them are part of that, and I want to represent them.

And I want to say we shouldn't try to punish them because they need food, we should try to make it possible for them to have access to quality food, including enjoying the wonderful products of the agricultural business and community in our state.

So I'm going to oppose this, along

with the Coalition Against Hunger in New York City. I have a memo from them, they are opposed to it. There's a Nutrition Consortium of New York State here in Albany; they're all opposed to it. There's a Food For All program in Buffalo, New York; they're definitely opposed to it. And there's the Hunger Action Network of New York State; they're opposed to it. And the food bank, Food for Survival in our state, they are opposed to it.

And I think that we should listen to the people who actually are very, very much in touch with hungry people in our state, across our state, in the communities across the state. They understand what the problem is with this legislation, and I think we should be guided by them. I vote no.

ACTING PRESIDENT GRIFFO: Senator Schneiderman.

SENATOR SCHNEIDERMAN: Thank you, Mr. President. Briefly on the bill.

I hope everyone on both sides of the aisle is listening to this debate, because I think that it could not be clearer to me from listening that this legislation, however

well-intended, hurts us. It hurts us, it prevents us from achieving our goals for the food stamp program. And frankly, it prevents us from achieving our goals as a society.

It hurts us in implementing the food stamp program, because the food stamp program is federal money to help poor people eat. We want every possible person eligible for food stamps to sign up.

How is it that in the great state of New York we are now among the states with the worst participation rate in the food stamp program? I think we're 46 out of 50 or something like that, 46 out of 50. That's a disgrace. We want people to eat.

The purpose of this program to is to get food into the hands of poor people. We should not be setting up impediments.

Believe me, believe me, if we tried to impose a requirement like this claiming antifraud necessity on the areas where we know we have huge fraud -- Medicaid fraud, corporate fraud, securities fraud -- no one would do it. But because these are poor people, we feel, well, we can humiliate them,

we can make them feel like they're part of the criminal justice system, as Senator Montgomery has noted.

Poverty is not a crime. And I think that it hurts our society when we drive hunger further underground. Hunger is a hidden crisis. People don't want to come forward and say they're hungry. It hurts us when this bill says that if you have one member of your household who won't get fingerprinted, someone perhaps with a mental disability, someone perhaps who's a 19-year-old who's worried about something, never home, someone who's concerned, maybe they have an immigration issue -- the whole family, then, is disqualified from the program?

That's driving hunger underground. That's creating hunger. That's forcing us as a state to turn away federal funds to feed poor people. This is an impractical bill. It hurts us in our efforts to implement the food stamp program. And frankly, it hurts us in our goal to make this a more just society with fewer hungry people. We should be doing

everything we can do to get people signed up for the food stamp program.

If there's fraud in the food stamp program of any significant size, it's not being done by the poor people who go into the supermarket, it's being done at a higher level. There has been fraud, but it's all involved people working in the program, the printers and distributors of the food stamps. There's never been a significant fraud case involving individuals who are eligible for food stamps getting two cartons of milk instead of one.

That's not what we're worried about for fraud. Let's deal with the real issues of fraud. This bill would be a setback for the program and for our state. I encourage everyone to vote no, Mr. President.

ACTING PRESIDENT GRIFFO: Any other 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 immediately.

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT GRIFFO: Senator Krueger, to explain her vote.

SENATOR LIZ KRUEGER: Thank you. I thought I'd said it all. I will say it fast for those of you who are still not voting no.

Under this bill, this is the household: Grandma is living with her adult daughter, her adult daughter's 20-year-old severely disabled child, and a younger child. And mom is trying to get to work every day and not lose her home and her livelihood.

There might be one finger-imaging office for that entire county, particularly upstate. Under this law, if grandma can't get finger-imaged, if the disabled adult daughter doesn't get finger-imaged, all four household members cannot have food stamps.

This is a ridiculous law. It will do real harm, particularly in upstate counties. I continue to vote no, Mr. President.

ACTING PRESIDENT GRIFFO: Senator

Krueger to be recorded in the negative.

Announce the results.

THE SECRETARY: Those recorded in the negative on Calendar Number 1942 are Senators Adams, Breslin, Connor, Diaz, Dilan, Duane, Gonzalez, Hassell-Thompson, Huntley, L. Krueger, Montgomery, Onorato, Oppenheimer, Parker, Perkins, Sabini, Savino, Schneiderman, Serrano, Smith, Stachowski, Stavisky and Stewart-Cousins. Also Senator Thompson.

Ayes, 38. Nays, 24.

ACTING PRESIDENT GRIFFO: The bill is passed.

Senator Skelos, that completes the controversial reading of the calendar.

SENATOR SKELOS: Thank you. Is there any housekeeping at the desk?

ACTING PRESIDENT GRIFFO: There is.

SENATOR SKELOS: Before the members of the Rules Committee leave, there will be a Rules Committee meeting at 7:00 p.m. in the Majority Conference Room. Those bills will be reported but not taken up this evening.

ACTING PRESIDENT GRIFFO: The Rules Committee will meet at 7:00 p.m. in the Majority Conference Room.

Senator Fuschillo.

SENATOR FUSCHILLO: Mr. President, on behalf of Senator Padavan, I wish to call up Senate Print Number 3420, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: Calendar Number 628, by Senator Padavan, Senate Print 3420, an act to amend the General Business Law.

SENATOR FUSCHILLO: I mow move to reconsider the vote by which the bill was passed.

ACTING PRESIDENT GRIFFO: Call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

SENATOR FUSCHILLO: I now offer the following amendments.

ACTING PRESIDENT GRIFFO: The amendments are received.

SENATOR FUSCHILLO: Thank you.

ACTING PRESIDENT GRIFFO: Senator Breslin.

SENATOR BRESLIN: Mr. President, I move to amend Senate Bill 4255B by striking out the amendments made on 6/19 and restoring it to its original print number, 4255.

ACTING PRESIDENT GRIFFO: So ordered.

SENATOR BRESLIN: Appreciate it.

ACTING PRESIDENT GRIFFO: Thank you, Senator Breslin.

Senator Skelos.

SENATOR SKELOS: We'll stand at ease pending the report of the Rules Committee.

ACTING PRESIDENT GRIFFO: The Senate stands at ease.

(Whereupon, the Senate stood at ease at 6:53 p.m.)

(Whereupon, the Senate reconvened at 7:08 p.m.)

ACTING PRESIDENT GRIFFO: The Senate will come to order.

Senator Skelos.

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 read at this time.

ACTING PRESIDENT GRIFFO: Reports of standing committees.

The Secretary will read.

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

Senate Print 298A, by Senator Maltese, an act to amend the Public Health Law;

557, by Senator Montgomery, an act to amend the General Municipal Law;

1353A, by Senator O. Johnson, an act to amend the Vehicle and Traffic Law;

1533A, by Senator Fuschillo, an act to amend the Penal Law;

3583A, by Senator Fuschillo, an act to amend the Vehicle and Traffic Law;

3987A, by Senator Hannon, an act to amend the Public Health Law;

4296, by Senator Fuschillo, an act

to amend the Vehicle and Traffic Law;

4324B, by Senator Maziarz, an act to amend the Environmental Conservation Law;

4398A, by Senator Flanagan, an act to amend the Penal Law;

4518, by Senator Hannon, an act to repeal subdivision 3 of Section 4012B;

4531, by Senator Golden, an act to amend the Public Authorities Law;

4699, by Senator Leibell, an act to amend the Alcoholic Beverage Control Law;

5369, by Senator Little, an act to amend the Public Health Law;

5561A, by Senator Volker, an act to authorize;

5784, by Senator Alesi, an act to amend the Environmental Conservation Law;

5875A, by Senator Hannon, an act to amend the Social Services Law;

6076, by Senator Griffo, an act to amend the Tax Law;

6159A, by the Senate Committee on Rules, an act to amend the Public Health Law;

6240, by Senator Leibell, an act to amend the Labor Law;

6248, by Senator Young, an act to amend the Tax Law;

6294, by Senator Bonacic, an act to amend the Retirement and Social Security Law;

6340, by the Senate Committee on Rules, an act to amend the Tax Law;

6356, by Senator Maziarz, an act to amend the Labor Law;

And Senate Print 6380, by Senator Volker, an act to amend the Penal Law.

All bills ordered direct to third reading.

ACTING PRESIDENT GRIFFO: Senator Skelos.

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

ACTING PRESIDENT GRIFFO: All those in favor of accepting the Rules report as read signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT GRIFFO: Opposed, nay.

(No response.)

ACTING PRESIDENT GRIFFO: The

Rules report is accepted.

Senator Skelos.

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

ACTING PRESIDENT GRIFFO: There is no further business, Senator Skelos.

SENATOR SKELOS: There being none, I move that the Senate stand adjourned until Thursday, June 21st, at 11:00 a.m.

ACTING PRESIDENT GRIFFO: On motion, the Senate stands adjourned until Thursday, June 21st, at 11:00 a.m.

(Whereupon, at 7:10 p.m., the Senate adjourned.)