NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

June 5, 2008

11:02 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 please 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: The reading of the Journal.

THE SECRETARY: In Senate, Wednesday, June 4, the Senate met pursuant to adjournment. The Journal of Tuesday, June 3, 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 Leibell.

SENATOR LEIBELL: Thank you, Mr. President.

I move to recommit Senate Print Number 7565, Calendar Number 1199 on the order of third reading, to the Committee on Transportation, with instructions to said committee to strike out the enacting clause.

ACTING PRESIDENT WINNER: So ordered.

Senator Leibell.

SENATOR LEIBELL: Mr. President, on behalf of Senator Farley, I wish to call up Senate Print Number 902A, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT WINNER: The Secretary will read.

THE SECRETARY: Calendar Number 44, by Senator Farley, Senate Print 902A, an

act to amend the Public Health Law.

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

ACTING PRESIDENT WINNER: Call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 42.

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

ACTING PRESIDENT WINNER: The amendments are received and adopted.

Senator Leibell.

SENATOR LEIBELL: Mr. President, on behalf of Senator Bonacic, please place a sponsor's star on Calendar Numbers 929, 930, and 931.

ACTING PRESIDENT WINNER: So ordered.

Senator Leibell.

SENATOR LEIBELL: Mr. President, amendments are offered to the following Third Reading Calendar bills:

By Senator Fuschillo, page 15, Calendar Number 368, Senate Print 5045;

Senator Lanza, page number 21, Calendar Number 555, Senate Print 2173A;

Senator LaValle, page 62, Calendar Number 1390, Senate Print Number 6847;

Senator Farley, page 69, Calendar Number 1504, Senate Print Number 7721A;

Senator Marcellino, page 65, Calendar Number 1439, Senate Print Number 6944;

And Senator Marcellino, page 65, Calendar Number 1440, Senate Print Number 6945.

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

ACTING PRESIDENT WINNER: The amendments are received and adopted, and the bills shall retain their place on the Third Reading Calendar.

Senator Duane.

SENATOR DUANE: Thank you, Mr. President.

On behalf of Senator Stachowski, on page 51 I offer the following amendments to Calendar Number 1243, Senate Print Number 2803, and ask that said bill retain its place

on Third Reading Calendar.

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

SENATOR DUANE: Thank you, Mr. President.

And on behalf of Senator Adams, I move that the following bill be discharged from its committee and be recommitted with instructions to strike the enacting clause: Senate Number 7041.

ACTING PRESIDENT WINNER: So ordered.

SENATOR DUANE: Thank you, Mr. President.

ACTING PRESIDENT WINNER: Thank you.

Senator Skelos.

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

ACTING PRESIDENT WINNER: The Secretary will read.

THE SECRETARY: On page 25,

Senator Bonacic moves to discharge, from the Committee on Housing, Construction and Community Development, Assembly Bill Number 7001 and substitute it for the identical Senate Bill Number 7053, Third Reading Calendar 677.

On page 34, Senator Volker moves to discharge, from the Committee on Rules, Assembly Bill Number 2891A and substitute it for the identical Senate Bill Number 1653A, Third Reading Calendar 905.

On page 61, Senator LaValle moves to discharge, from the Committee on Codes, Assembly Bill Number 9844 and substitute it for the identical Senate Bill Number 6841, Third Reading Calendar 1389.

And on page 68, Senator Volker moves to discharge, from the Committee on Rules, Assembly Bill Number 10167 and substitute it for the identical Senate Bill Number 7026, Third Reading Calendar 1490.

ACTING PRESIDENT WINNER: Substitutions ordered.

Senator Skelos.

SENATOR SKELOS: Mr. President,

if we could adopt the Resolution Calendar, with the exception of Resolutions 6175, 6322, and 6349.

ACTING PRESIDENT WINNER: All in favor of adopting the Resolution Calendar, with the exception of resolutions 6175, 6322, and 6349, signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT WINNER: Opposed, nay.

(No response.)

ACTING PRESIDENT WINNER: The Resolution Calendar is adopted.

Senator Skelos.

SENATOR SKELOS: Mr. President, Resolution 6175 is at the desk. It's by Senator Lanza. If we could have the title read, move for its immediate adoption, and open it up for cosponsorship.

ACTING PRESIDENT WINNER: The Secretary will read.

THE SECRETARY: By Senator Lanza, Legislative Resolution Number 6175, memorializing Governor David A. Paterson to proclaim May 15 through June 15, 2008, as

Tourette Syndrome Awareness Month in the State of New York.

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 Skelos.

SENATOR SKELOS: Mr. President, Resolution 6322, by Senator Leibell, is at the desk. If we could have the title read, move for its immediate adoption, and open it up for cosponsorship.

ACTING PRESIDENT WINNER: The Secretary will read.

THE SECRETARY: By Senator Leibell, Legislative Resolution Number 6322, memorializing Governor David A. Paterson to proclaim September 2008 as Armed Services Vocational Aptitude Battery Career Exploration Month in the State of New York.

ACTING PRESIDENT WINNER: 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.

This resolution as well, as the prior resolution, is open for sponsorship from all the members. Anyone who does not wish to be a cosponsor should notify the desk.

Senator Skelos.

SENATOR SKELOS: Thank you, Mr. President.

Resolution 6349, by Senator Robach, is at the desk. If we could have the title read, move for its immediate adoption, and open it up for cosponsorship.

ACTING PRESIDENT WINNER: The Secretary will read.

THE SECRETARY: By Senator Robach, Legislative Resolution Number 6349, memorializing Governor David A. Paterson to

proclaim June 2008 as Teen Work Safety Month in the State of New York.

ACTING PRESIDENT WINNER: 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.

And the resolution is open for sponsorship from all members. If you do not wish to be a cosponsor, you should notify the desk.

Senator Skelos.

SENATOR SKELOS: 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 in recess until the meeting is concluded.

(Whereupon, the Senate stood at

ease at 11:10 a.m.)

(Whereupon, the Senate reconvened at 11:17 a.m.)

ACTING PRESIDENT WINNER: Senator Skelos.

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

ACTING PRESIDENT WINNER: The Secretary will read.

THE SECRETARY: Calendar Number 167, by Senator Fuschillo, Senate Print 4442, an act to amend the General Business Law, in relation to itinerant vendors.

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, 48.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number

195, by Senator Hannon, Senate Print 5015, an act to amend the Public Health Law and the Vehicle and Traffic Law, in relation to biennial examinations.

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, 49.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number 672, by Senator C. Kruger, Senate Print 1181, an act to amend the Private Housing Finance Law, in relation to exclusion.

ACTING PRESIDENT WINNER: Read the last section.

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

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 50.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number 677, substituted earlier by Member of the Assembly Lopez, Assembly Print Number 7001, an act to amend the Private Housing Finance Law, in relation to urban initiative contracts.

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, 50.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number 905, substituted earlier today by Member of the Assembly Lentol, Assembly Print Number 2891A, an act to amend the Executive Law, in relation to instructional video.

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, 51.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number 693, by Senator Skelos, Senate Print 962B, an act to amend the Public Officers Law and the Civil Practice Law and Rules, in relation to provision.

ACTING PRESIDENT WINNER: Read the last section.

THE SECRETARY: Section 8. This act shall take effect on the 30th day.

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 51.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number 694, by Senator LaValle, Senate Print 5635A,

an act to amend the Alcoholic Beverage Control Law, in relation to authorizing issuance.

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, 51.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number 1036, by Senator Libous, Senate Print 7646A, an act to authorize the Chenango Valley Central School District to finance a deficit.

ACTING PRESIDENT WINNER: Read the last section.

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

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 51.

ACTING PRESIDENT WINNER: The

bill is passed.

THE SECRETARY: Calendar Number 1037, by Senator Saland, Senate Print 7652, an act to legalize, validate, ratify and confirm certain transportation contracts.

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, 51.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number 1081, by Senator Skelos, Senate Print 7254, an act to amend Chapter 676 of the Laws of 1978, amending the Town 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, 51.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number 1099, by Senator Morahan, Senate Print 8047A, an act to amend the Mental Hygiene Law, in relation to training of boards of directors.

ACTING PRESIDENT WINNER: Read the last section.

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

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 51.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number 1311, by Senator Winner, Senate Print 7124A, an act to amend the Education Law, in relation to the New York State Center for Rural Schools.

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, 51.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number 1352, by Senator Little, Senate Print 7657, an act to amend the Tax Law, in relation to authorizing the County of Warren.

ACTING PRESIDENT WINNER: A local fiscal impact notice 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, 51.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number 1374, by Senator Saland, Senate Print 1651, an

act to amend the Penal Law, in relation to identity theft.

ACTING PRESIDENT WINNER: Read the last section.

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

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 51.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number 1389, substituted earlier today by Member of the Assembly Thiele, Assembly Print Number 9844, an act to amend the Criminal Procedure Law, in relation to granting peace officer status.

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, 49. Nays, 2. Senators Duane and L. Krueger recorded in the negative.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number 1406, by Senator Padavan, Senate Print 8201A, an act to amend the Penal Law, in relation to the creation of the Piracy Protection Act.

ACTING PRESIDENT WINNER: Read the last section.

THE SECRETARY: Section 5. This act shall take effect on the 60th day.

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

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

SENATOR PADAVAN: Yes, thank you, Mr. President. Very briefly.

I want to point out to those here assembled that this issue is very, very important to the City of New York and the State of New York.

The total amount of revenue lost annually as a result of piracy is in excess of $20 billion, much of that in the State of New York, where the motion picture industry has grown significantly, contributing not only jobs but income at all levels -- not just in the theaters, not just in the studios, but in a whole myriad of areas that produce revenues that we need to function properly.

And piracy has been a way of avoiding that income on the part of those who capitalize on this activity.

For the last two sessions we passed a bill sponsored by Senator Volker that did very much of what this bill today does. Now we have the imprimatur of the Attorney General Andrew Cuomo, who has gotten behind this in a very significant way, and I'm hopeful that we'll pass this bill now in both houses and make it law.

I vote aye.

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

Announce the results.

THE SECRETARY: Ayes, 51. Nays,

1. Senator Parker recorded in the negative.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number 1434, by Senator LaValle, Senate Print 8068A, an act in relation to the calculation of aid apportioned.

ACTING PRESIDENT WINNER: Read the last section.

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

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 52.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number 1490, substituted earlier today by Member of the Assembly Schimminger, Assembly Print Number 10167, an act to amend the Erie County Tax Act, in relation to changing dates.

ACTING PRESIDENT WINNER: Read the last section.

THE SECRETARY: Section 2. This

act shall take effect September 1, 2008.

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 52.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number 1507, by Senator Flanagan, Senate Print 7954A, an act relating to large capital projects to be financed.

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 Flanagan, to explain his vote.

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

I think this is a very important piece of legislation because there are a lot of issues affecting the State of New York and

economic development in the City of New York, or frankly the lack thereof, is something that we have not dealt with properly.

We've had a lot of frustration and consternation in terms of getting information from Empire State Development, simple things like their organizational chart, what's going on with major projects all across the State of New York, and particularly in New York City.

This puts their feet to the fire. It's something we shouldn't have to do, frankly, but we need this information so we can actually come up with some real plans about where we're going, not only for the city but for the State of New York.

Thank you.

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

Senator Montgomery, to explain her vote.

SENATOR MONTGOMERY: Yes, Mr. President. I rise to thank Senator Flanagan for this legislation. I agree with him wholeheartedly, this is extremely important.

And I'm sure that when I return to my district, the people in my district are going to be very anxious to write to Senator Flanagan to thank him for this legislation, because he has included, among all of the other projects going on in the city, the Atlantic Yards development.

And as you know and as Senator Flanagan probably understands is that we've been trying to get information and to have access to information that will allow us to be able to evaluate just exactly what this project is going to mean or not mean to the people in my district.

So, Senator Flanagan, thank you. And I look forward to this legislation passing and being signed into law so that we have access to the very information that you are requiring in the bill.

Thank you. I vote aye.

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

The Secretary will announce the results.

THE SECRETARY: Ayes, 53. Nays, 0.

ACTING PRESIDENT WINNER: The bill is passed.

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

SENATOR VOLKER: Thank you, Mr. President.

There is no controversial; right?

ACTING PRESIDENT WINNER: There are no bills that were laid aside, Senator Volker.

SENATOR VOLKER: Fine, thank you.

Is there a Rules report at the desk?

ACTING PRESIDENT WINNER: The Secretary will read.

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

Senate Print 8311A, by Senator DeFrancisco, an act in relation to terms and conditions;

767, by Senator Diaz, an act to amend the Executive Law and the Agriculture

and Markets Law;

1578, by Senator O. Johnson, an act to amend the County Law;

4612A; by Senator Marcellino, an act to authorize;

5539, by Senator Skelos, an act to authorize;

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

6786, by Senator Fuschillo, an act to authorize;

6891, by Senator Young, an act to amend the Criminal Procedure Law;

6916, by Senator Larkin, an act to amend the Real Property Tax Law;

7588, by Senator Little, an act to authorize;

8106, by Senator Flanagan, an act to amend the Criminal Procedure Law;

8205, by Senator Volker, an act to amend the Criminal Procedure Law;

8343, by Senator Seward, an act authorizing;

8360, by Senator LaValle, an act implementing an agreement;

And Senate Print 8373, by Senator Farley, an act to amend the Civil Service Law.

All bills ordered direct to third reading.

ACTING PRESIDENT WINNER: Senator Volker.

SENATOR VOLKER: Move to accept the Rules report.

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

(Response of "Aye.")

ACTING PRESIDENT WINNER: Opposed, nay.

(No response.)

ACTING PRESIDENT WINNER: The Rules report is accepted.

Senator Volker.

SENATOR VOLKER: Take up the noncontroversial calendar on the Rules report, please.

ACTING PRESIDENT WINNER: The Secretary will read the supplemental Rules report calendar, noncontroversial.

THE SECRETARY: Calendar Number

1538, by Senator Diaz, Senate Print 767, an act to amend the Executive Law and the Agriculture and Markets Law, in relation to making victims.

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, 54.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number 1539, by Senator O. Johnson, Senate Print 1578, an act to amend the County Law, in relation to establishing.

ACTING PRESIDENT WINNER: Read the last section.

THE SECRETARY: Section 7. This act shall take effect on the 30th day.

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 54.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number 1540, by Senator Marcellino, Senate Print 4612A, an act to authorize the Incorporated Village of Muttontown to file an application.

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, 54.

ACTING PRESIDENT WINNER: May we have some quiet in the chamber, please.

The bill is passed.

THE SECRETARY: Calendar Number 1541, by Senator Skelos, Senate Print 5539, an act to authorize Young Israel of Hewlett to file applications.

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, 51. Nays, 3. Senators Bonacic, Larkin and Rath recorded in the negative.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number 1542, by Senator Larkin, Senate Print 6261, an act to amend the Civil Service Law, in relation to designating the office of commissioner of parks, recreation and conservation.

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, 54.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number 1543, by Senator Fuschillo, Senate Print 6786, an act to authorize the Village of Amityville to file applications.

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, 51. Nays, 3. Senators Bonacic, Larkin and Rath recorded in the negative.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1544, Senator Young moves to discharge, from the Committee on Rules, Assembly Bill Number 9889 and substitute it for the identical Senate Bill Number 6891, Third Reading Calendar 1544.

ACTING PRESIDENT WINNER: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1544, by Member of the Assembly Giglio, Assembly Print Number 9889, 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.)

ACTING PRESIDENT WINNER: Announce the results.

THE SECRETARY: Those recorded in the negative on Calendar Number 1544 are Senators Duane, Hassell-Thompson and L. Krueger.

Ayes, 51. Nays, 3.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number 1545, by Senator Larkin, Senate Print 6916, an act to amend the Real Property Tax Law, in relation to real property tax exemption.

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, 54.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number 1547, by Senator Little, Senate Print 7588, an act to authorize the Town of Newcomb, in the County of Essex.

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, 54.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number

1548, by Senator Flanagan, Senate Print 8106, an act to amend the Criminal Procedure Law, in relation to designating uniformed officers.

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: Those recorded in the negative on Calendar Number 1548 are Senators Duane and L. Krueger.

Ayes, 52. Nays, 2.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number 1549, by Senator Volker, Senate Print 8205, an act to amend the Criminal Procedure Law, in relation to designating security officers.

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: Those recorded in the negative on Calendar Number 1549 are Senators Duane and L. Krueger.

Ayes, 52. Nays, 2.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number 1551, by Senator LaValle, Senate Print 8360, an act implementing an agreement between the state and an employee organization.

ACTING PRESIDENT WINNER: Read the last section.

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

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 54.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number 1552, by Senator Farley, Senate Print 8373, an act to amend the Civil Service Law, in

relation to compensation.

ACTING PRESIDENT WINNER: Read the last section.

THE SECRETARY: Section 18. This act shall take effect immediately.

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

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

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

This is a significant bill. It allows the Public Employees Federation to -- it implements their contract, 58,000 employees, many of whom are mine and yours, that will -- as far as the bargaining unit, it allows them to get paid and puts their contract in place. So it's a significant piece of legislation that has to be done.

Thank you, Mr. President. I vote aye.

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

Announce the results.

THE SECRETARY: Ayes, 54. Nays, 0.

ACTING PRESIDENT WINNER: The bill is passed.

Senator Volker.

SENATOR VOLKER: Mr. President, we have, I believe, passed all the bills that we can pass today. Because there's two bills on the calendar that are high, and we don't have messages of necessity.

So what we plan on doing is recessing now to go and do another Rules report. But the Rules report will be for next week; it will not be for today.

So we're going to recess for Rules and then come back and adjourn.

ACTING PRESIDENT WINNER: The Senate will stand in recess, and there will be an immediate Rules Committee meeting in the Majority Conference Room.

First, Senator Farley has a motion.

SENATOR FARLEY: Before we recess, I do have a motion, Mr. President.

On behalf of Senator Maltese, I wish to call up his bill, which is Print

Number 3003, it's recalled from the Assembly, and it's now at the desk.

ACTING PRESIDENT WINNER: The Secretary will read.

THE SECRETARY: Calendar Number 1236, by Senator Maltese, Senate Print 3003, an act to amend the Education Law.

SENATOR FARLEY: Mr. President, I now move to reconsider the vote by which this bill passed, and I ask that the bill be restored to the order of third reading.

ACTING PRESIDENT WINNER: Call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 54.

SENATOR FARLEY: Mr. President, I now move to recommit Senate Print Number 3003, Calendar Number 1236 on the order of third reading, to the Committee on Higher Education, with instructions to that committee to strike the enacting clause.

ACTING PRESIDENT WINNER: So ordered.

SENATOR FARLEY: Sounds rather final.

Thank you, Mr. President.

ACTING PRESIDENT WINNER: The Senate stands in recess.

(Whereupon, the Senate stood at ease at 11:40 a.m.)

(Whereupon, the Senate reconvened at 12:02 p.m.)

ACTING PRESIDENT LITTLE: The Senate will come to order.

Senator Volker.

SENATOR VOLKER: Thank you, Madam President.

Would you return to the reports of standing committees for the Rules report.

ACTING PRESIDENT LITTLE: Reports of standing committees.

The Secretary will read.

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

Senate Print 64, by Senator Padavan, an act to amend the County Law and others;

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

456, by Senator Golden, an act to amend the Executive Law;

525A, by Senator Saland, an act to amend the State Finance Law;

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

613, by Senator Marcellino, an act to amend the Vehicle and Traffic Law;

1475, by Senator Morahan, an act authorizing;

1697, by Senator Robach, an act to amend the Penal Law;

1970, by Senator Volker, an act to amend the Civil Practice Law and Rules;

2060, by Senator DeFrancisco, an act to amend the Tax Law;

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

2179A, by Senator Seward, an act to amend the Tax Law;

2438, by Senator Smith, an act to amend the Penal Law;

2677, by Senator Volker, an act to amend the Civil Practice Law and Rules;

2744, by Senator Farley, an act to

amend the Penal Law;

3019B, by Senator Seward, an act to amend the Insurance Law;

3101, by Senator Maziarz, an act to amend the Mental Hygiene Law;

3238B, by Senator Winner, an act to amend the Tax Law;

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

3654A, by Senator Leibell, an act to amend the Military Law;

3683A, by Senator DeFrancisco, an act to amend the Vehicle and Traffic Law;

4340, by Senator Alesi, an act to amend the Penal Law;

4717A, by Senator Marcellino, an act authorizing;

4735, by Senator LaValle, an act to amend the Vehicle and Traffic Law;

4903, by Senator Young, an act to amend the Labor Law;

4932, by Senator Griffo, an act to amend the Penal Law;

5298A, by Senator Bonacic, an act to amend the General Municipal Law;

5567A, by Senator Golden, an act to amend the Executive Law;

And Senate Print 6868, by Senator Trunzo, an act to amend the Penal Law.

All bills ordered direct to third reading.

ACTING PRESIDENT LITTLE: Senator Volker.

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

ACTING PRESIDENT LITTLE: Thank you.

All in favor of accepting the report of the Rules Committee signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT LITTLE: Opposed, nay.

(No response.)

ACTING PRESIDENT LITTLE: The Rules report is accepted.

Senator Volker.

SENATOR VOLKER: Is there any further business at the desk?

ACTING PRESIDENT LITTLE: No,

there is not, Senator.

SENATOR VOLKER: Then I move that we adjourn until Tuesday, June 10th, at 3:00 p.m., intervening days being legislative days.

And, people, don't come back on Monday, because we won't be here. Okay?

ACTING PRESIDENT LITTLE: Thank you.

On motion, the Senate stands adjourned until Tuesday, June 10th, at 3:00 p.m., intervening days being legislative days.

(Whereupon, at 12:05 p.m., the Senate adjourned.)