NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

June 10, 2008

3:08 p.m.

REGULAR SESSION

SENATOR JOSEPH A. GRIFFO, Acting President

STEVEN M. BOGGESS, Secretary

P R O C E E D I N G S

ACTING PRESIDENT GRIFFO: The Senate will come to order.

I ask all present to rise and join with me as we recite the Pledge of Allegiance to our Flag.

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

ACTING PRESIDENT GRIFFO: In the absence of clergy today, I ask that we all bow our heads in a moment of silence.

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

ACTING PRESIDENT GRIFFO: The reading of the Journal.

THE SECRETARY: In Senate, Monday, June 9, the Senate met pursuant to adjournment. The Journal of Saturday, June 7, was read and approved. On motion, Senate adjourned.

ACTING PRESIDENT GRIFFO: 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.

Senator Skelos.

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

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

The Senate will stand at ease.

(Whereupon, the Senate stood at ease at 3:11 p.m.)

(Whereupon, the Senate reconvened at 3:21 p.m.)

ACTING PRESIDENT GRIFFO: The Senate will come to order.

Senator Skelos.

SENATOR SKELOS: Mr. President, please recognize Senator Larkin at this time.

ACTING PRESIDENT GRIFFO: Senator Larkin.

SENATOR LARKIN: Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: May we please have order, out of respect for our speakers and the business in the chamber today.

Senator Larkin.

SENATOR LARKIN: Last week, once again, soldiers from Fort Drum, New York, who come from various areas of this great nation of ours, lost their lives in combat while defending our peace and our right to our individual responsibilities.

For the young people here, this is a sad case. Nobody knows it better than some of us here, some of us who served in combat -- Senator Bruno, myself, in Korea. When you have to write a letter home to a mother and tell her, "I regret to inform you that your 19-year-old son was killed today," mother or father, brothers or sisters have no idea what you mean. Today, they see it on television. In those days, they didn't.

But we're here today to take a moment of silence and reflect on what has

happened to these young men, very young in age, very grateful for their nation. All were volunteers. None of these three men were drafted. Two of them had reenlisted for an extended period of time to conserve their country.

So before you go to bed tonight, I ask all of you to take a moment and think about these men. They are Sergeant Shane Duffy, Taunton, Massachusetts; Specialist Jonathan Emard of Mesquite, Texas; Sergeant Cody Legg of Escondido, California. All are members of the First Battalion, the 87th Infantry, of the Tenth Mountain Division.

May God keep them in His hands.

ACTING PRESIDENT GRIFFO: I would ask the Sergeant to hold the door, and I ask all members to rise in a moment of silence and observation as explained by Senator Larkin.

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

ACTING PRESIDENT GRIFFO: Motions and resolutions.

On resolutions, Senator Skelos.

SENATOR SKELOS: Mr. President,

there's a Resolution 6410 at the desk, by Senator Nozzolio. If we could have it read in its entirety and move for its immediate adoption.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: By Senator Nozzolio, Legislative Resolution Number 6410, congratulating the Red Creek Science Olympiad Team upon the occasion of capturing the Best Small School Award at the New York State Science Olympiad Competition.

"WHEREAS, It is the sense of this Legislative Body to commend and pay tribute to those who, by achieving outstanding success in their educational and scientific endeavors, have inspired and brought pride to our majestic Empire State; and

"WHEREAS, It is also the sense of this Legislative Body to recognize the dedication and commitment of our young people who distinguish themselves through excellence in science competition; and

"WHEREAS, Attendant to such concern, and in full accord with its

long-standing traditions, this Legislative Body is justly proud to congratulate the Red Creek Science Olympiad Team upon the occasion of capturing the Best Small School Award at the New York State Science Olympiad Competition; and

"WHEREAS, The Science Olympiad is a national nonprofit organization dedicated to improving the quality of K-12 science education, increasing male, female and minority interest in science, creating a technologically literate workforce and providing for recognition for outstanding achievement by both students and teachers. These goals are achieved by participating in Science Olympiad tournaments and noncompetitive events, incorporating Science Olympiad into classroom curriculum, and attending teacher training institutes; and

"WHEREAS, The Science Olympiad mission is to promote and improve student interest in science and to improve the quality of K-12 science education throughout the nation; and

"WHEREAS, The vision of the Science

Olympiad is to create a passion for learning science by supporting elementary and secondary Science Olympiad tournaments at building, district, county, state and national levels with an emphasis on teamwork and a commitment to excellence; improve the quality of K-12 science education throughout the nation by changing the way science is perceived and the way it is taught, with an emphasis on problem solving and hands-on, minds-on, constructivist learning practices; celebrate and recognize the outstanding achievement of both students and teachers in the areas of science and technology; and promote partnerships among community, businesses, industry, government and education; and

"WHEREAS, The specific purposes of the Science Olympiad are to bring science to life, show how science works, emphasize problem-solving aspects of science and the understanding of science concepts; develop teamwork and cooperative learning strategies among students; make science education more exciting so more students will enroll in science courses and engage in other science

activities; promote high levels of achievement and a commitment to excellence; demonstrate that American students can perform at levels that surpass expectations of practicing scientists and engineers; and attract more students, particularly females and minorities, to professional and technical careers in science, technology and science teaching; and

"WHEREAS, The Red Creek Science Olympiad Team competed at the New York State Science Olympiad held at the West Point Military Academy on March 14-15, 2008, and captured the Best Small School Award for the third consecutive year. In addition, it placed 22nd out of all schools in New York State; and

"WHEREAS, Previously, in February 2008, the Red Creek Science Olympiad Team qualified for the New York State competition by participating in the regional competition at LeMoyne College and placing fifth; and

"WHEREAS, The members of the Red Creek Science Olympiad Team are Jesse Cramer, Kevin Dates, Spencer Bills, Nick Schwartz, Eric Stevens, Steven Sholes, Josh Misso,

Matthew Treby, Stephanie Grant, Caitlin Casier, Olivia Pitts, Stephanie Fralick, Allison Sheldon, Lindsey Johnson, Chelsea Craine and Elizabeth Grant; and

"WHEREAS, Instrumental in the success and outstanding achievement of the 2008 Red Creek Science Olympiad Team were Coaches Carol Burch, Kelsey Burch, Darlene Stevens, Nancy Taddeo, Joseph Bonanno, Terry Elmer, Carrie Griffith, Erik Robbins and Oakley Wojieck; and

"WHEREAS, It is appropriate to celebrate the educational and scientific accomplishments of remarkable schools, students, coaches and teachers in this great Empire State; and

"WHEREAS, This Legislative Body is justly proud to congratulate the Red Creek Science Olympiad Team upon the occasion of capturing the Best Small School Award at the New York State Science Olympiad Competition. This outstanding performance has clearly made a contribution to the spirit of excellence which is a tradition of the Red Creek school and community; now, therefore, be it

"RESOLVED, That this Legislative Body pause in its deliberations to congratulate the Red Creek Science Olympiad Team upon the occasion of capturing the Best Small School Award at the New York State Science Olympiad Competition; and be it further

"RESOLVED, That copies of this resolution, suitably engrossed, be transmitted to the members and coaches of the 2008 Red Creek Science Olympiad Team."

ACTING PRESIDENT GRIFFO: Thank you.

I did ask for order in the chamber. We have a number of guests here today, and I want to be able to ensure that we can hear our speakers. So would members please take their seats. Take staff conversations into the outer lobby.

Senator Nozzolio.

SENATOR NOZZOLIO: Thank you, Mr. President. On the resolution.

It's a great honor to stand with these excellent young students from the School District of Red Creek -- which is at the

shores of Lake Ontario in the northern and eastern part of Wayne County and in the northern portion of Cayuga County -- who represent the finest of our future.

I want to recognize also David Sholes, who is superintendent of schools of Red Creek; Noel Patterson, the principal; and Jeanette Treby, a Board of Education member, along with a number of coaches and students who made up the team that captured the Best Small School of the Year Award.

That the Science Olympiad is a wonderful competition that brings together all the best of knowledge of science as well as great teamwork, ability to work together to compete with other schools in many cases with many more resources than were allowed the students of Red Creek. It shows that through hard work and perseverance and teamwork, a school such as Red Creek can be victorious in a very extreme competition.

That competition is all part of our future. Because if we succeed in science and science education, our future as a competitive engine, this region, this state, this nation

will be better able to compete in the global marketplace that is becoming more and more competitive each day.

I want to congratulate the coaches who are here with us today, Coach Burch, Stevens, Taddeo, Bonanno, Elmer, Griffith and Robbins for your excellent tutelage, your going above and beyond the call of duty to help mentor these fine young citizens into great productive members. They know their science, they know their community, they are a credit to certainly our region and our entire state.

Mr. President, please join with me in welcoming the Red Creek Science Olympiad Team, the best small school in the State of New York, Red Creek. Thank you, Mr. President. Thank you for your support.

ACTING PRESIDENT GRIFFO: Thank you, Senator Nozzolio.

We welcome and recognize this great accomplishment. Congratulations to all of you.

(Applause.)

ACTING PRESIDENT GRIFFO: The

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

(Response of "Aye.")

ACTING PRESIDENT GRIFFO: Opposed, nay.

(No response.)

ACTING PRESIDENT GRIFFO: The resolution is adopted.

Senator Skelos.

SENATOR SKELOS: Mr. President, Resolution 6408, by Senator Young, is at the desk. If we could have it read in its entirety and move for its immediate adoption.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: By Senator Young, Legislative Resolution Number 6408, commemorating the Inaugural New York State Senate "Volunteers of Valor" Celebration on Tuesday, June 10, 2008.

"WHEREAS, Within every community of the State of New York there are certain individuals who, by virtue of their commitment and dedication, command the respect and admiration of their community for their

exemplary contributions and service on behalf of others; and

"WHEREAS, This Legislative Body is proud to recognize and honor those distinguished citizens who would devote themselves to public service, demonstrating great courage and diligence in providing for the care and welfare of the citizens of their communities and this great Empire State; and

"WHEREAS, Attendant to such concern, and in full accord with its long-standing traditions, this Legislative Body is justly proud to commemorate the Inaugural New York State Senate 'Volunteers of Valor' Celebration on Tuesday, June 10, 2008; and

"WHEREAS, This memorable event will feature a reception and an exhibit in the Well of the Legislative Office Building in Albany, New York, recognizing the 'Volunteers of Valor' for their achievements and thanking them for the exceptional service they provide for communities throughout the State of New York; and

"WHEREAS, Most, if not all,

New Yorkers have at one time or another benefited from the acts of courage and heroism from volunteer firefighters, emergency medical technicians, auxiliary police and community emergency response teams; and

"WHEREAS, It takes a special dedication, a strong desire to help others and a tireless sense of community to forsake precious time with family and friends to respond to the signal that a neighbor is in need; and

"WHEREAS, Throughout their years of devoted service, these 'Volunteers of Valor' have heroically performed above and beyond the call of duty. It is appropriate to recognize and commend such outstanding individuals for their valued contributions to their community; and

"WHEREAS, With great pride, this Legislative Body recognizes the magnanimous contributions of the 'Volunteers of Valor' and wishes them continued success in all of their future endeavors; and

"WHEREAS, It is the sense of this Legislative Body that when those dedicated

citizens who unselfishly devote their lives to the preservation of order and the protection of others are brought to our attention, they should be celebrated and recognized by all the citizens of this great state of New York; now, therefore, be it

"RESOLVED, That this Legislative Body pause in its deliberations to commemorate the First Annual New York State Senate's 'Volunteers of Valor' Celebration, to be held June 10, 2008."

ACTING PRESIDENT GRIFFO: Senator Young.

SENATOR YOUNG: Thank you, Mr. President.

And I just want to thank my colleagues today for taking part, many of you took part in our first "Volunteers of Valor" ceremony, and especially my colleague Senator Joe Robach. I was called out of town on unavoidable business in my district, it was very critical to the future of my district, so Senator Joe Robach stepped in and handled the ceremony.

So thank you very much, Senator,

for your graciousness in doing that.

But a few years ago, the Firefighters Association of the State of New York did a study and what they found is that in New York State, if we had to replace and pay for all of the volunteer firefighter and emergency services, it would cost the taxpayers of the state about $8 billion annually. Think about that cost.

But think of the costs that our volunteers put in. They sacrifice their personal time with their families, they undergo hours and hours of training. And many of them are unsung heroes in our communities.

And that's why I felt so compelled to establish this program, so that we can sing their praises, let the entire state know about all that they accomplish every single day. Because no matter what time the tones go off, no matter what time the fire bells ring, they are there to help their neighbors.

And we truly appreciate all that they've done, whether they've put their lives on the line for us or whether they've just simply, quietly volunteered for 60 and even

70 years.

So I congratulate everyone who received this prestigious award. We thank you from the bottom our hearts for your service to our communities, to our neighbors, to our families and our state. And we salute you for your valor.

Thank you.

ACTING PRESIDENT GRIFFO: Thank you, Senator Young.

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

(Response of "Aye.")

ACTING PRESIDENT GRIFFO: Opposed, nay.

(No response.)

ACTING PRESIDENT GRIFFO: The resolution is adopted.

We welcome those who are with us this afternoon and congratulate you and give you our respect and our best wishes.

(Applause.)

ACTING PRESIDENT GRIFFO: Senator Skelos.

SENATOR SKELOS: Mr. President,

there's a resolution at the desk, 6405. If we could have the title read and move for its immediate adoption.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: By Senator Skelos, Legislative Resolution Number 6405, honoring Camp DeBaun for its long and meritorious service to the youth of Oceanside, New York.

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

(Response of "Aye.")

ACTING PRESIDENT GRIFFO: Opposed, nay.

(No response.)

ACTING PRESIDENT GRIFFO: The resolution is adopted.

Senator Skelos.

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

ACTING PRESIDENT GRIFFO: On motions.

Senator Fuschillo.

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

On behalf of Senator Volker, I wish to amend Senate Bill 5560A by striking out the amendments made on May 20th and restoring it to its original print, 5560.

ACTING PRESIDENT GRIFFO: So ordered.

SENATOR FUSCHILLO: On behalf of Senator Volker, I wish to move that the following bill be discharged from its respective committee and be recommitted with instructions to strike the enacting clause: Senate Print Number 4955A.

ACTING PRESIDENT GRIFFO: So ordered.

SENATOR FUSCHILLO: On behalf of Senator Leibell, I wish to call up Senate Print Number 2382A, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: Calendar Number 680, by Senator Leibell, Senate Print 2382A,

an act to amend the Surrogate's Court Procedure Act.

SENATOR FUSCHILLO: I now 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, 59.

SENATOR FUSCHILLO: I now offer the following amendments.

ACTING PRESIDENT GRIFFO: The amendments are received.

SENATOR FUSCHILLO: On behalf of Senator Maziarz, I wish to call up Senate Print Number 6697, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: Calendar Number 1188, by Senator Maziarz, Senate Print 6697, an act to amend the Real Property Tax Law.

SENATOR FUSCHILLO: I now 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, 59.

SENATOR FUSCHILLO: I now offer the following amendments.

ACTING PRESIDENT GRIFFO: The amendments are received.

SENATOR FUSCHILLO: Thank you, Mr. President.

On behalf of Senator Leibell, I wish to call up Senate Print Number 3643, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: Calendar Number 739, by Senator Leibell, Senate Print 3643, an act to amend the Executive Law.

SENATOR FUSCHILLO: I now 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, 59.

SENATOR FUSCHILLO: I now offer the following amendments.

ACTING PRESIDENT GRIFFO: The amendments are received.

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

Sponsored by Senator Leibell, page number 15, Calendar Number 377, Senate Print Number 6382A;

By Senator Libous, page number 17, Calendar Number 436, Senate Print Number 4321;

By Senator Winner, page number 31, Calendar Number 869, Senate Print Number 6750;

By Senator Winner, page number 33, Calendar Number 896, Senate Print Number 6151A;

By Senator DeFrancisco, page number 33, Calendar Number 906, Senate Print Number 1828A;

By Senator Griffo, page number 34, Calendar Number 916, Senate Print Number 5482D;

By Senator Fuschillo, page number

45, Calendar Number 1156, Senate Print Number 7679;

By Senator Volker, page number 48, Calendar Number 1208, Senate Print Number 7964A;

By Senator Rath, page number 49, Calendar Number 1227, Senate Print Number 2324A;

By Senator Alesi, page number 53, Calendar Number 1288, Senate Print Number 7000;

By Senator Maziarz, page number 54, Calendar Number 1301, Senate Print Number 5706B;

By Senator Nozzolio, page number 59, Calendar Number 1386, Senate Print Number 5037B;

By Senator Volker, page number 59, Calendar Number 1387, Senate Print Number 6203A;

By Senator Skelos, page number 60, Calendar Number 1395, Senate Print Number 7712;

By Senator Golden, page number 61, Calendar Number 1419, Senate Print Number

7229;

By Senator Griffo, page number 61, Calendar Number 1424, Senate Print Number 3429;

By Senator Owen Johnson, page number 62, Calendar Number 1427, Senate Print Number 7653A;

By Senator Fuschillo, page number 62, Calendar Number 1429, Senate Print Number 4307A;

By Senator Volker, page number 63, Calendar Number 1447, Senate Print Number 3164;

By Senator Seward, page number 64, Calendar Number 1469, Senate Print Number 6535;

By Senator LaValle, page number 68, Calendar Number 1531, Senate Print Number 7838;

By Senator LaValle, page number 63, Calendar Number 1432, Senate Print Number 7951;

By Senator Hannon, page number 6, Calendar Number 106, Senate Print Number 599A;

By Senator Maltese, page number 9,

Calendar Number 209, Senate Print Number 1238B;

By Senator Hannon, page number 53, Calendar Number 1287, Senate Print Number 4642;

By Senator LaValle, page number 55, Calendar Number 1310, Senate Print Number 7018.

I now move that these bills retain their place on the order of Third Reading Calendar.

ACTING PRESIDENT GRIFFO: Very well done, Senator Fuschillo.

The amendments are received and adopted, and the bills will retain their place on the Third Reading Calendar.

SENATOR FUSCHILLO: Thank you very much.

ACTING PRESIDENT GRIFFO: Senator Robach.

SENATOR ROBACH: Yes, Mr. President.

On page number 52 I offer the following amendments to Calendar Number 1274, Senate Print Number 6449, and ask that said

bill retain its place on Third Reading Calendar, on behalf of Senator Maltese.

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

SENATOR ROBACH: And also, Mr. President, on page 52 I offer the following amendments to Calendar Number 1285, Senate Print Number 3248, and ask that said bill retain its place on Third Reading Calendar, on behalf of the expeditious Senator Fuschillo.

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

Thank you, Senator Robach.

SENATOR ROBACH: And also, Mr. President, I wish to call up Print Number 5015, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT GRIFFO: The Secretary will read.

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.

SENATOR ROBACH: Mr. President, I now 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, 59.

SENATOR ROBACH: Mr. President, I now offer the following amendments on behalf of Senator Hannon.

ACTING PRESIDENT GRIFFO: The amendments are received.

Senator Sabini.

SENATOR SABINI: Thank you, Mr. President.

On behalf of the gentlelady from Kings County, Senator Montgomery, I move that Senate Bill 8368 be discharged from its respective committee and be recommitted with instructions to strike the enacting clause.

ACTING PRESIDENT GRIFFO: So ordered.

SENATOR SABINI: And on behalf of the gentlelady from Westchester County, Senator Stewart-Cousins, on page number 39 I offer the following amendments to Calendar Number 1027, Senate Print Number 5807A, and ask that said bill retain its place on the Third Reading Calendar.

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

The Secretary will now read the substitutions.

THE SECRETARY: On page 10, Senator O. Johnson moves to discharge, from the Committee on Health, Assembly Bill Number 2988A and substitute it for the identical Senate Bill Number 1344A, Third Reading Calendar 230.

On page 29, Senator Maziarz moves to discharge, from the Committee on Health, Assembly Bill Number 1206A and substitute it for the identical Senate Bill Number 1608, Third Reading Calendar 817.

On page 33, Senator Libous moves to

discharge, from the Committee on Agriculture, Assembly Bill Number 536A and substitute it for the identical Senate Bill Number 3082A, Third Reading Calendar 894.

ACTING PRESIDENT GRIFFO: Can we have order in the chamber, please.

THE SECRETARY: On page 59, Senator Skelos moves to discharge, from the Committee on Rules, Assembly Bill Number 10252A and substitute it for the identical Senate Bill Number 7990, Third Reading Calendar 1366.

On page 64, Senator Winner moves to discharge, from the Committee on Rules, Assembly Bill Number 1599A and substitute it for the identical Senate Bill Number 7796, Third Reading Calendar 1461.

On page 69, Senator Morahan moves to discharge, from the Committee on Local Government, Assembly Bill Number 9092 and substitute it for the identical Senate Bill Number 1475, Third Reading Calendar 1558.

On page 70, Senator Volker moves to discharge, from the Committee on Codes, Assembly Bill Number 750 and substitute it for

the identical Senate Bill Number 2677, Third Reading Calendar 1565.

On page 71, Senator DeFrancisco moves to discharge, from the Committee on Transportation, Assembly Bill Number 6479A and substitute it for the identical Senate Bill Number 3683A, Third Reading Calendar 1572.

And on page 71, Senator Golden moves to discharge, from the Committee on Finance, Assembly Bill Number 2845B and substitute it for the identical Senate Bill Number 5567A, Third Reading Calendar 1579.

ACTING PRESIDENT GRIFFO: Substitutions so ordered.

Senator Skelos.

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

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: Calendar Number 44, by Senator Farley, Senate Print 902B, an act to amend the Public Health Law, in relation to penalties for violations.

ACTING PRESIDENT GRIFFO: Read

the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 122, by Senator Little, Senate Print 4913A, an act to amend the Retirement and Social Security Law, in relation to retirement and benefits.

ACTING PRESIDENT GRIFFO: 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.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number

214, by Senator Maziarz, Senate Print 6778, an act to amend the Civil Service Law, in relation to leaves of absence.

ACTING PRESIDENT GRIFFO: 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.)

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

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 230, substituted earlier by Member of the Assembly Weisenberg, Assembly Print Number 2988A, an act to amend Public Health Law, in relation to requiring certain recreational swimming facilities.

ACTING PRESIDENT GRIFFO: There is a local fiscal impact statement at the desk.

The Secretary will read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 519, by Senator Libous, Senate Print 5358A, an act to amend the Highway Law and the Public Authorities Law, in relation to establishing.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT GRIFFO: Senator Libous.

SENATOR LIBOUS: Thank you, Mr. President. I just want to explain my vote briefly on this.

This legislation is going to bring

New York State forward in the transportation field, like 42 other states, where you drive through the highways of Pennsylvania, for instance, and if you look, the exits coincide with the mile markers.

This is what we want to do in New York. It makes an awful lot of sense. We recognize that -- Mr. President, could we have a little order, please.

ACTING PRESIDENT GRIFFO: Once again, I ask the members to please take seats. Take staff conversations outside the chamber.

In order for the steno to have an accurate representation of these proceedings, please cooperate.

SENATOR LIBOUS: Thank you, Mr. President. If I can continue. Just on the bill, Mr. President.

Again, this is going to move New York State forward. We will hopefully, once the Assembly passes this and the Governor signs it, become the 44th state to have exits coincide with mile markers.

It is a positive sign for not only tourism but also our emergency services

personnel, both fire emergency, EMTs, all have been very supportive of this legislation because they tell us that it would be much easier to find distressed vehicles and those who are injured.

So I'm very pleased that this house is passing this bill, and we certainly await the Assembly to do the same later this year.

ACTING PRESIDENT GRIFFO: Senator Libous will be recorded in the affirmative.

Announce the results.

THE SECRETARY: Ayes, 59. Nays, 0.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 525, by Senator Padavan --

SENATOR ADAMS: Lay it aside, please.

ACTING PRESIDENT GRIFFO: Lay it aside.

THE SECRETARY: Calendar Number 558, by Senator Morahan, Senate Print 7033A, an act to amend the Mental Hygiene Law, in relation to establishing.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 813, by Senator C. Kruger, Senate Print 7437A, an act to amend the Executive Law, in relation to the advisory council.

ACTING PRESIDENT GRIFFO: 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.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number

817, substituted earlier today by Member of the Assembly Gunther, Assembly Print Number 1206A, an act to amend the Public Health Law, in relation to requiring.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 894, substituted earlier today by Member of the Assembly Paulin --

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

ACTING PRESIDENT GRIFFO: Lay it aside for the day.

THE SECRETARY: Calendar Number 1002, by Senator Fuschillo, Senate Print 7577A, an act to amend the Penal Law, in relation to unlawfully permitting.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1019, by Senator Young, Senate Print --

SENATOR SABINI: Lay it aside.

ACTING PRESIDENT GRIFFO: Lay it aside.

THE SECRETARY: Calendar Number 1070, by Senator Larkin, Senate Print 6955, an act to amend the Alcoholic Beverage Control Law, in relation to licenses.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1089, by Senator Morahan, Senate Print 4437A, an act to amend the Mental Hygiene Law, in relation to statewide goals and objectives.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1114, by Senator Saland, Senate Print 7982A, an act to amend the Social Services Law, in relation to responsibilities.

ACTING PRESIDENT GRIFFO: 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.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1118, by Senator Bonacic, Senate Print 4022A, an act to amend the Public Health Law, in relation to establishing.

ACTING PRESIDENT GRIFFO: 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.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1131, by Senator Seward, Senate Print 5137A, an act to amend the State Finance Law, in relation to the maintenance of effort

requirement.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1135, by Senator DeFrancisco, Senate Print --

SENATOR SABINI: Lay it aside, please.

ACTING PRESIDENT GRIFFO: Lay it aside.

THE SECRETARY: Calendar Number 1136, by Senator Libous, Senate Print 6828A, an act authorizing the --

SENATOR SABINI: Lay it aside.

ACTING PRESIDENT GRIFFO: Lay it aside.

THE SECRETARY: Calendar Number 1201, by Senator Marcellino, Senate Print 607A, an act to amend the Education Law, in relation to requiring.

ACTING PRESIDENT GRIFFO: Read the last section.

THE SECRETARY: Section 11. This act shall take effect on the first of July.

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT GRIFFO: Senator Oppenheimer.

SENATOR OPPENHEIMER: I'd just like to speak against this bill briefly, because public school critics have been in a national effort mounting a campaign that would publicize the amount of money spent on instructional expenses in school districts. And they've established a goal of ensuring that at least 65 percent of the expenditures are spent inside of the classroom.

Well, I'm happy to report in New York State we are way above 65 percent. We're at 78 percent of the expenditures on

schools are spent in our classrooms.

And I'm urging a no vote because the definition of "instructional expense" is very broad -- that's good -- but nonetheless it represents a burden on our school districts. The information happens to be available online, so the bill probably is unnecessary.

Rural and small districts are going to appear wasteful, because a greater percentage of their expenditures are obviously necessarily spent on transportation costs. And it makes them look less successful by comparison because they have to spend it on transportation rather than in the classroom.

There's several other reasons. But I think that we can be proud of the percentage that we do spend in New York State. And the information is readily available on the Internet.

So for those reasons, I'm going to be voting no, and I think other people should too.

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

Senator Marcellino.

SENATOR MARCELLINO: Thank you, Mr. President.

I'm going to urge a yes vote, because all this bill is is a means of -- it's transparency. It's letting people know where their tax dollars are going for their particular district. Not a statewide average, which is at 68 percent, not a national average -- I'm sorry, the national average at 68 percent, a statewide average at 78 percent -- but where their particular district lies.

The taxpayers have a right to know exactly where the dollars are going and why. They then can go to their school districts and their school boards and say, "What's going on here? Why are you doing this? Why are you not doing that?" It simply allows the districts to be responsive to their communities and to their people. There's no other reason for it.

As far as a small school district having to spend money on transportation, I'm sure the residents of that district could

explain and understand an explanation that would give a good reason why they have to spend money on transportation; namely, long distances between schools and their homes.

I don't see this as a problem. It is simply saying that you should know where your dollars are going. And I don't understand why anybody wouldn't want that done, why anybody would be afraid to have the percentage of money going into the classroom being perfectly stated or obviously stated on the report card that the district puts out.

Now, as far as the terms being overly broad, the Commissioner of Education, it's his own regulations that defines these rules. It's Regulation 175.39. And it simply says "The expenses included are curriculum development and supervision, research, planning and evaluation, in-service training, teaching programs for children with disabilities, occupational education, special education teaching, pre-K programs, school library and audiovisuals, educational television, computer assisted instruction, attendance efforts, guidance, health services,

psychological services, social work services, pupil personnel services, interscholastic athletics, and employee benefits."

There's nothing broad, there's nothing overly sweeping. These are very specific statements, they're very specific programs. Every district knows them. The fact that you can compile statewide averages and national averages shows that the information is there. The district simply is making it easier for the taxpayer.

It should be as simple as possible for the taxpayer to get this information. That's all this bill does. I urge a yes vote in order to give the taxpayers the full information as to exactly where their tax dollars are going and why.

Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: Thank you, Senator Marcellino. To be recorded in the affirmative.

Senator Diaz, to explain his vote.

SENATOR DIAZ: Thank you, Mr. President.

I have to join Senator Marcellino

in asking the same question. I don't know why anyone would want to hide the money. I mean, we send, every year we send -- I'm from New York City, from the Bronx. And at one time the mayor of the City of New York hired Herman Badillo to go and find out where is the money. And after hiring so many accountants, the money was -- no one could find the money.

So we don't even know how -- where the money in education is spent. We all know that in the State of New York we spend $18,000 per student annually. But we don't know where the money goes.

So by passing a law to tell us, to require that each school district includes the percentage of its budget spent on instructional expenses, I mean, that's -- that's simple. Yes, tell us. Tell us how much money of all the money we send, of all the money you spend, of all the billions of dollars you get, where the money goes.

So to oppose something like this, you know, amazing. I can't oppose something like this. I have to agree with Senator Marcellino, this is a good piece of

legislation.

We should all find out where the money goes, how much money goes into instructional education, how the educational department spends the money. Yes. And that's I'm here voting yes on this bill.

ACTING PRESIDENT GRIFFO: Senator Diaz to be recorded in the affirmative.

Announce the results.

THE SECRETARY: Those recorded in the negative on Calendar Number 1201 are Senators Breslin, Connor, Hassell-Thompson, L. Krueger, Oppenheimer, Perkins, Sabini, Savino, Schneiderman, Serrano, Stachowski, Stavisky and Thompson.

Ayes, 46. Nays, 13.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1223, by Senator DeFrancisco, Senate Print 7546A, an act to authorize the Village of North Syracuse in the County of Onondaga.

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

The Secretary will read the last

section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1262, by Senator Larkin, Senate Print 7773, an act to amend the General Municipal Law, in relation to authorizing.

ACTING PRESIDENT GRIFFO: 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.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1300, by Senator Seward, Senate Print 3759, an

act to amend the Abandoned Property Law, in relation to determination of claims.

ACTING PRESIDENT GRIFFO: 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.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1305, by Senator Libous, Senate Print 6516A, an act to amend the State Finance Law, in relation to establishing the Bridge and Road Investment and Dedicated Fund Guaranteed Enforcement "BRIDGE" Reform Act.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1366, substituted earlier today by Member of the Assembly Hooper, Assembly Print Number 10252A, an act to amend the Retirement and Social Security Law, in relation to mandatory retirement age.

ACTING PRESIDENT GRIFFO: 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.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1393, by Senator Nozzolio, Senate Print 7616A, an act to amend the Criminal Procedure Law, in relation to granting uniformed marine patrol officers.

ACTING PRESIDENT GRIFFO: 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.)

THE SECRETARY: Those recorded in the negative on Calendar Number 1393 are Senators L. Krueger and Perkins.

Ayes, 57. Nays, 2.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1396, by Senator Little, Senate Print 7729A, an act to amend the Criminal Procedure Law, in relation to designating Village of Lake George --

SENATOR SABINI: Lay it aside.

ACTING PRESIDENT GRIFFO: Lay it aside.

THE SECRETARY: Calendar Number 1404, by Senator Saland, Senate Print 7986, an act to amend the Penal Law, in relation to prostitution offenses.

ACTING PRESIDENT GRIFFO: Read

the last section.

THE SECRETARY: Section 10. This act shall take effect on the 90th day.

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1407, by Senator Maltese, Senate Print 8207, an act to amend the Penal Law, in relation to establishing the offense of unlawful violent recording.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1445, by Senator Nozzolio, Senate Print 547, an act to amend the Executive Law, in relation to prohibiting.

ACTING PRESIDENT GRIFFO: 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 DeFrancisco, to explain his vote.

SENATOR DeFRANCISCO: Yes, I'm going to vote in the negative.

If a lien is filed, it's either a lien or it's not a lien. I don't think it's consistent to call it a lien but it's not going to have any effect on credit. So that's the reason for voting against this bill.

ACTING PRESIDENT GRIFFO: Senator DeFrancisco to be recorded in the negative.

Announce the results.

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

negative.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1454, by Senator Nozzolio, Senate Print 7763, an act to amend the Correction Law, in relation to adaptive reuse plans.

ACTING PRESIDENT GRIFFO: 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.)

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

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1461, substituted earlier today by Member of the Assembly Magee, Assembly Print Number 1599A, an act to amend the Alcoholic Beverage Control Law, in relation to hours of wine tasting.

ACTING PRESIDENT GRIFFO: 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.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1493, by Senator Young, Senate Print 7669, an act to amend the Municipal Home Rule Law, in relation to authorizing.

ACTING PRESIDENT GRIFFO: 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.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number

1502, by Senator LaValle, Senate Print 7624, an act to amend the Public Authorities Law, in relation to the "I Live New York" student loan program.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1513, by Senator Griffo, Senate Print 7499, an act to amend the Mental Hygiene Law, in relation to providing additional discharge planning.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call

the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1537, by Senator DeFrancisco, Senate Print 8311A, an act in relation to terms and conditions of employment for certain nonjudicial officers and employees.

ACTING PRESIDENT GRIFFO: Read the last section.

THE SECRETARY: Section 11. This act shall take effect immediately.

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1550, by Senator Seward --

SENATOR DUANE: Lay it aside, please.

ACTING PRESIDENT GRIFFO: Lay it

aside.

THE SECRETARY: Calendar Number 1553, by Senator Larkin, Senate Print 425B, an act to amend the Tax Law, in relation to providing an exemption.

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

The Secretary will read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Those recorded in the negative on Calendar Number 1553 are Senators Duane, L. Krueger, Montgomery, Perkins and Serrano.

Ayes, 55. Nays, 5.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1554, by Senator Golden, Senate Print 456, an act to amend the Executive Law, in relation to designating the month of September as

Firefighter, Police Officer and Emergency Medical Technician Appreciation Month.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1555, by Senator Saland, Senate Print 525A, an act to amend the State Finance Law, in relation to providing state reimbursement.

ACTING PRESIDENT GRIFFO: 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.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT GRIFFO: The

bill is passed.

THE SECRETARY: Calendar Number 1556, by Senator Nozzolio, Senate Print 589, an act to amend the Executive Law, in relation to certain uniform fire prevention and building code standards.

ACTING PRESIDENT GRIFFO: 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.)

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

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1557, by Senator Marcellino, Senate Print 613, an act to amend the Vehicle and Traffic Law, in relation to establishing the School Safety Zone Act.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1558, substituted earlier today by Member of the Assembly Jaffee, Assembly Print Number 9092, an act authorizing Northeastern Conference Corporation of Seventh Day Adventists.

ACTING PRESIDENT GRIFFO: 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.)

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

ACTING PRESIDENT GRIFFO: The

bill is passed.

THE SECRETARY: Calendar Number 1559, by Senator Robach, Senate Print 1697, an act to amend the Penal Law, in relation to aggravated vehicular assault.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1560, by Senator Volker --

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

ACTING PRESIDENT GRIFFO: Lay it aside for the day, at the request of the sponsor.

THE SECRETARY: Calendar Number 1561, by Senator DeFrancisco, Senate Print

2060, an act to amend the Tax Law, in relation to providing an additional personal income tax exemption.

ACTING PRESIDENT GRIFFO: 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 DeFrancisco, to explain his vote.

SENATOR DeFRANCISCO: Yes, I vote aye.

Basically this bill will give another thousand-dollar exemption to a family that takes care of a person over 70 years of age if the person has income below $5,000.

You know, in this day and age where we're providing so much money for adult care facilities or for visiting nurses or for any other assistance that the state may give, there's many family members still to this day doing what they can on their own for their loved ones. And although this exemption is

not going to make a huge dent in the costs that they are experiencing in caring for the elderly individual, I think the least thing we can do is provide an independent exemption for them.

So I vote aye for that reason.

ACTING PRESIDENT GRIFFO: Senator DeFrancisco to be recorded in the affirmative.

Announce the results.

THE SECRETARY: Ayes, 60. Nays, 0.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1563, by Senator Seward, Senate Print 2179A, an act to amend the Tax Law, in relation to habitat conservation tax credit.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1564, by Senator Smith, Senate Print 2438, an act to amend the Penal Law, in relation to increasing the penalties.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1565, substituted earlier today by Member of the Assembly Wright, Assembly Print Number 750, an act to amend the Civil Practice Law and Rules, in relation to termination of an action.

ACTING PRESIDENT GRIFFO: 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.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1566, by Senator Farley, Senate Print 2744, an act to amend the Penal Law, in relation to increasing the penalty.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58. Nays, 2. Senators Duane and Montgomery recorded in the negative.

ACTING PRESIDENT GRIFFO: The

bill is passed.

THE SECRETARY: Calendar Number 1567, by Senator Seward, Senate Print 3019B, an act to amend the Insurance Law and the State Finance Law, in relation to enforcement.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1569, by Senator Winner, Senate Print 3238B, an act to amend the Tax Law and others, in relation to enacting the Omnibus Emergency Services Volunteer Incentive Act.

ACTING PRESIDENT GRIFFO: Read the last section.

THE SECRETARY: Section 11. This act shall take effect immediately.

ACTING PRESIDENT GRIFFO: Call

the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1570, by Senator Skelos, Senate Print 3430, an act to amend the Tax Law, in relation to qualified emerging technology company facilities.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1571, by Senator Leibell, Senate Print 3654A, an act to amend the Military Law and the State

Finance Law, in relation to creating.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1572, substituted earlier today by Member of the Assembly Magnarelli, Assembly Print Number 6479A, an act to amend the Vehicle and Traffic Law, in relation to eliminating.

ACTING PRESIDENT GRIFFO: 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.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT GRIFFO: The

bill is passed.

THE SECRETARY: Calendar Number 1573, by Senator Alesi, Senate Print 4340, an act to amend the Penal Law, in relation to endangering the welfare of a child.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1574, by Senator Marcellino, Senate Print 4717A, an act to authorize the Incorporated Village of Muttontown.

ACTING PRESIDENT GRIFFO: 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.)

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

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1575, by Senator LaValle, Senate Print 4735, an act to amend the Vehicle and Traffic Law, in relation to increasing the minimum period.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1576, by Senator Young, Senate Print 4903, an act to amend the Labor Law, in relation to asbestos project notification fees.

ACTING PRESIDENT GRIFFO: 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.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1577, by Senator Griffo, Senate Print 4932, an act to amend the Penal Law, in relation to sexual abuse.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1578, by Senator Bonacic --

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

ACTING PRESIDENT GRIFFO: Lay it aside for the day.

THE SECRETARY: Calendar Number 1579, substituted earlier today by Member of the Assembly Towns, Assembly Print Number 2845B, an act to amend the Executive Law, in relation to establishing.

ACTING PRESIDENT GRIFFO: 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.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1580, by Senator Trunzo, Senate Print 6868, an

act to amend the Penal Law, in relation to prohibiting certain sex offenders.

ACTING PRESIDENT GRIFFO: 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.)

THE SECRETARY: Ayes, 58. Nays, 2. Senators Montgomery and Perkins recorded in the negative.

ACTING PRESIDENT GRIFFO: The bill is passed.

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

SENATOR VOLKER: Mr. President, could we have the controversial reading of the calendar, please.

ACTING PRESIDENT GRIFFO: The Secretary will ring the bell.

The Secretary will read.

THE SECRETARY: Calendar Number 525, by Senator Padavan, Senate Print 66, an act to amend the Penal Law, in relation to

including gambling.

SENATOR DUANE: Explanation.

ACTING PRESIDENT GRIFFO: Explanation.

SENATOR PADAVAN: Thank you, Mr. President.

Currently Internet gambling is illegal under federal law and state law. However, there are some provisions that require clarification and amendment, and that's what this legislation would do.

We include in the current law a change that would prohibit explicitly including Internet gambling in terms of endorsements as an offense under Article 225 of the existing penal code. In addition, we also include the computer as a gambling device under that same provision of law.

ACTING PRESIDENT GRIFFO: Senator Adams, why do you rise?

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

ACTING PRESIDENT GRIFFO: Senator Padavan, will you yield for a question?

SENATOR PADAVAN: Yes.

ACTING PRESIDENT GRIFFO: Senator Adams.

SENATOR ADAMS: I'm looking at your sponsor memo, and it states that Internet gambling has been found specifically prohibited by federal law.

Are you aware of the U.S. courts ruling and the federal appeals court ruling on this topic?

ACTING PRESIDENT GRIFFO: Senator Padavan.

SENATOR PADAVAN: No, I am not, Senator.

SENATOR ADAMS: Would the sponsor continue to yield.

ACTING PRESIDENT GRIFFO: Senator Padavan, do you continue to yield?

SENATOR PADAVAN: Yes.

ACTING PRESIDENT GRIFFO: Senator Adams.

SENATOR ADAMS: The U.S. courts as well as the federal court has directly ruled that the interpretation is not correct that Internet gambling is against the law on

the federal level. Are you familiar with the Department of Justice position on this topic?

ACTING PRESIDENT GRIFFO: Senator Padavan.

SENATOR PADAVAN: I didn't hear the last part. Would you repeat that?

SENATOR ADAMS: The Department of Justice.

SENATOR PADAVAN: Department of Justice?

SENATOR ADAMS: Yes.

SENATOR PADAVAN: Senator, I'm not familiar with that citation of the court you mentioned.

However, I am familiar with Section 225 of our state law, which is what we are amending. So now whether that's relevant to the federal court case that you referred to is questionable in my mind.

However, as far as I understand it, state law currently in effect which prohibits Internet gambling is the law of the State of New York.

And what we're doing here, as I explained at the outset, is clarifying certain

provisions of that existing law.

SENATOR ADAMS: Would the sponsor continue to yield.

ACTING PRESIDENT GRIFFO: Senator Padavan, do you continue to yield?

SENATOR PADAVAN: Yes.

ACTING PRESIDENT GRIFFO: Senator Adams.

SENATOR ADAMS: Through you, Mr. President. According to the Penal Law, are you familiar that the Penal Law indicates -- basically exempts the actual player?

ACTING PRESIDENT GRIFFO: Senator Padavan.

SENATOR PADAVAN: That it what?

SENATOR ADAMS: Exempts the player. According to the Penal Law, it says acting other than as a player.

SENATOR PADAVAN: We're talking about various things: those who promote it, those who facilitate it, and the device that is used to implement it. That's the law we're dealing with.

I'm not talking necessarily about

the 14-year-old kid who gets on the Internet and starts gambling, as many of them are doing in this state, an increasingly greater number every year. We have a serious problem in New York State in regard to adolescent gambling and gambling across the board, but that's the fastest growing. And those kids have access to the Internet.

And Internet gambling endorsed by celebrities, quote, getting them into that mode of activity is destructive, to say the least. And we're trying to close a few loopholes in that particular provision.

SENATOR ADAMS: Would the sponsor continue to yield, Mr. President?

ACTING PRESIDENT GRIFFO: Senator Padavan, do you continue to yield?

SENATOR PADAVAN: Yes.

SENATOR ADAMS: I agree with you, Senator Padavan. Not only do I know the song, but I wrote it.

My question is, is your law going after those who are actually playing Internet gambling? Is that what your change in law is going to do?

SENATOR PADAVAN: The section that we're dealing with, Senator, doesn't go after the player, it goes after the person or companies or individuals who are implementing this. In one way or the other. I thought I explained that before. And that's what Section 225 of our penal code does.

SENATOR ADAMS: Would the sponsor continue to yield.

ACTING PRESIDENT GRIFFO: Senator Padavan, do you continue to yield?

SENATOR PADAVAN: Yes.

ACTING PRESIDENT GRIFFO: Senator Adams.

SENATOR ADAMS: Through you, Mr. President.

Senator Padavan, if your bill is passed, it will prevent not only 14-year-olds, as you stated, but it will also prevent adults from participate in Internet gambling, those who can't go to Las Vegas or Atlantic City or who are restricted to homebound, it will also prevent them from playing?

SENATOR PADAVAN: Senator, it is currently against the law in New York State

for Internet gambling to take place. That's the law today. What we're doing is clarifying certain provisions of that law.

So what you just said is already in effect, not by virtue of these changes that clarify and amend, but by virtue of what is already in law. And I know of no effort, at least not in this house, to repeal Section 225 of the penal code.

Now, the fact remains, Senator, if you want to understand gambling in New York State, I'll be glad to give you a report we published a few years ago, "All Gambling, All the Time." And in here you will read studies done by our State of New York Council on Problem Gambling pointing out how this addiction is now affecting well over a million people in New York State, with racinos, with VLTs, with Quick Draw, with Super Lotto, with Lottery scratch-offs.

We are wagering in this state more than any state in the nation on an aggregate basis or on a per capita basis.

And it also points, in the studies that we have referred to and which have been

undertaken, that the largest increase percentagewise is among adolescents, who as you know and I know have a great deal of access today to the Internet.

Now, I really feel sorry for the person who can't travel to Atlantic City or to Las Vegas to play the games that you would like them to play. But frankly, I have a greater degree of sorrow and concern for the million-plus people in this state who are suffering -- as well as their families, as well as society in general -- because of the prolifical way this state has promoted, encouraged and dealt with gambling issues across the board.

This is one part of it, a very small part of it, that we're attempting to deal with which we feel makes sense.

SENATOR ADAMS: Would the sponsor continue to yield for one final question, Mr. President.

SENATOR PADAVAN: One more question, Mr. President.

ACTING PRESIDENT GRIFFO: Senator Padavan, will you continue to yield for a

final question?

SENATOR PADAVAN: Yes.

ACTING PRESIDENT GRIFFO: Senator Adams.

SENATOR ADAMS: I actually stated one final question prior to you saying "one more question."

This actually embarks on what happens on the Internet, so it's bigger than that. And I'm sorry that you will limit the question if you believe wholeheartedly in this bill.

But my question to you that I asked you and you have yet to answer is that does this prevent -- you stated that current law prevents gambling in the State of New York. Is it prevented from the player? That's my question to you.

SENATOR PADAVAN: Current law does not affect the player. Current law is what it is. And that's what we're amending.

SENATOR ADAMS: Thank you.

ACTING PRESIDENT GRIFFO: Thank you.

Is there any other member wishing

to be heard?

Senator Volker.

SENATOR VOLKER: Will the sponsor yield for one question.

SENATOR PADAVAN: Yes.

SENATOR VOLKER: Senator, is this bill any different than the bill that was passed unanimously in this house in 2006 and 2007?

SENATOR PADAVAN: No. Same bill.

SENATOR VOLKER: Thank you.

ACTING PRESIDENT GRIFFO: Senator C. Johnson.

SENATOR CRAIG JOHNSON: Will the sponsor yield for one more question, please.

SENATOR PADAVAN: Yes.

ACTING PRESIDENT GRIFFO: Senator Padavan, would you yield to Senator Johnson?

SENATOR PADAVAN: Yes.

SENATOR CRAIG JOHNSON: Thank you, Senator Padavan. Through you, Mr. President, because I wasn't here in 2007, just a clarification.

The bill proposes to change the definition of "advance gambling activity" to

include the phrase "toward the public endorsement thereof." And reading the memorandum in support, one of the concerns you have as the sponsor is the public endorsement of illegal gambling by celebrities.

Does that mean that this bill is making it a crime for a celebrity to endorse the Internet gambling that's occurring today?

SENATOR PADAVAN: In New York State, yes.

SENATOR CRAIG JOHNSON: Okay. Thank you very much. Thank you.

ACTING PRESIDENT GRIFFO: Thank you.

Senator Sabini.

SENATOR SABINI: Mr. President, will the sponsor yield for a question.

ACTING PRESIDENT GRIFFO: Senator Padavan, will you yield for a question?

SENATOR PADAVAN: Yes.

ACTING PRESIDENT GRIFFO: Senator Sabini.

SENATOR SABINI: Through you, Mr. President, I'd like to ask the sponsor, since -- and I voted for this bill before, but

I'm troubled by an answer he gave to an earlier question. Isn't the ban on Internet poker now subject to federal statute?

ACTING PRESIDENT GRIFFO: Senator Padavan.

SENATOR PADAVAN: Senator, you're right, it is. As a matter of fact, in my opening statement I indicated that it is illegal under federal statute.

A member, however -- you may have heard him a moment ago -- referred to some court case that I'm not familiar with.

But nevertheless, we are dealing with state law. And that's what I'm amending, not federal law.

SENATOR SABINI: Through you, Mr. President, if the sponsor would continue to yield.

ACTING PRESIDENT GRIFFO: Senator Padavan, would you continue to yield?

SENATOR PADAVAN: Yes.

ACTING PRESIDENT GRIFFO: Senator Sabini.

SENATOR SABINI: Under the justification of the bill, and as mentioned in

the question with Senator Craig Johnson, you said that this would clarify existing law to put a ban on endorsement of Internet gambling by celebrities and other public figures.

Would a public figure be an Internet poker player or a professional poker player?

SENATOR PADAVAN: If their capacity is that of endorsing the activity in New York State, yes.

SENATOR SABINI: Through you, Mr. President, would the sponsor would continue to yield.

ACTING PRESIDENT GRIFFO: Senator Padavan, would you continue to yield?

SENATOR PADAVAN: Yes.

ACTING PRESIDENT GRIFFO: Senator Sabini.

SENATOR SABINI: So under this bill, if someone were to advertise in a publication, a hard-copy publication, say a magazine in New York, for an Internet gaming site that was offshore, that publication would be taking an illegal ad?

SENATOR PADAVAN: The individual

would be committing a crime if this became law.

You know, Senator, if you stood outside your district and said I endorse Internet gambling, you are a celebrity in your district, and you'd be breaking the law. We wouldn't want you to do that.

SENATOR SABINI: Through you, Mr. President, if the sponsor would continue to yield.

ACTING PRESIDENT GRIFFO: Senator Padavan, would you continue to yield?

SENATOR PADAVAN: Yes. One more.

ACTING PRESIDENT GRIFFO: Senator Sabini.

SENATOR SABINI: So would that make, for example, our former Senator in New York State, Senator D'Amato, as head of the Poker Players Alliance, and who has done many ads in national publications and newspapers calling for the reversal of the federal ban on Internet poker, would that make him a violator of this law?

SENATOR PADAVAN: I'm not sure of the context in which you put it --

SENATOR SABINI: He's a celebrity.

SENATOR PADAVAN: He is a celebrity, obviously. If you're a celebrity, then certainly he's a celebrity.

And if he's going to publicly endorse the activity you just described, yes, if this became law, he would be in violation of it.

SENATOR SABINI: Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: Thank you, Senators.

Any other Senator wishing to be heard?

Senator DeFrancisco.

SENATOR DeFRANCISCO: Yes, just as a point of clarification, you've already answered that this does not prevent individuals from playing, because that's the first phrase of the bill. I understand that.

But what I'm a little unclear on, there's a section here dealing with adding computers as gambling devices. And I guess my question is if I'm an individual playing a

computer gambling game in the privacy of my home on a computer, although you can't prosecute me as a result of the fact that individuals can't be prosecuted, can somebody seize my illegal gambling device?

SENATOR PADAVAN: Senator, just to give you an answer that might clarify your question, today slot machines, other than those operated by the state under the misguided euphemism of VLTs, are illegal, and they're used to gamble. Some places have been found to have these poker machines. They're illegal.

Now, if you're using the computer for the same purpose, it then becomes a gambling device and therefore would be illegal under this provision. The answer to your question is yes.

ACTING PRESIDENT GRIFFO: Senator DeFrancisco.

SENATOR DeFRANCISCO: One other question.

So it's not illegal for me to play the game on a computer, but it's illegal for the computer to be used for that purpose?

SENATOR PADAVAN: That's correct.

ACTING PRESIDENT GRIFFO: Senator Krueger.

SENATOR LIZ KRUEGER: Thank you. If the sponsor would please yield for a question.

ACTING PRESIDENT GRIFFO: Senator Padavan, will you yield for a question from Senator Krueger?

SENATOR PADAVAN: Yes.

ACTING PRESIDENT GRIFFO: Senator Krueger.

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

So I voted for this bill in the past, and I would like to vote for it again --

SENATOR PADAVAN: And you showed good judgment, Senator. And hopefully you'll do it again.

SENATOR LIZ KRUEGER: Thank you very much, Senator.

But again, as we're sitting here and looking at the sentences in the bill, and to follow up on Senator DeFrancisco's question, if I am an Internet cafe or a

library or a school that has computers and people are using them and some of them use them, perhaps without my knowledge, to gamble on the Internet, am I, the library, school or Internet cafe, liable under your law?

SENATOR PADAVAN: No. No.

SENATOR LIZ KRUEGER: No? Thank you.

SENATOR PADAVAN: Again, I want to restate what I have said several times. We are clarifying existing law by virtue of these provisions that we'd like to see included. We're not changing the law dramatically in any way.

Currently, Internet gambling is illegal. Therefore, the device that you use is illegal. And we're clarifying it with this proposal.

ACTING PRESIDENT GRIFFO: Senator Krueger.

SENATOR LIZ KRUEGER: Mr. President, if the sponsor would yield for an additional question.

ACTING PRESIDENT GRIFFO: Will you yield to an additional question, Senator

Padavan?

SENATOR PADAVAN: Yes.

ACTING PRESIDENT GRIFFO: Senator Krueger.

SENATOR LIZ KRUEGER: Thank you. You're helping me narrow down the questions.

Okay, so somebody who owns the computer -- which might not be you, the gambler -- isn't liable if you use their computer for that purpose. But the bill also talks about the Internet service and their responsibility. So if I am a company, Google, Yahoo, any number of other browsers -- I use those browsers, and occasionally I've seen advertisements for Internet gambling there.

Under this law, would those companies be participating in an illegal activity and be liable?

SENATOR PADAVAN: Yes. If they are promoting gambling, Internet gambling in New York State -- currently it's against the law. Nothing to do with this bill. It's currently against the law.

SENATOR LIZ KRUEGER: So, Mr. President, one more question for the sponsor.

ACTING PRESIDENT GRIFFO: Senator Padavan, will you yield to a last question?

SENATOR PADAVAN: One more question, Senator.

ACTING PRESIDENT GRIFFO: Senator Krueger.

SENATOR LIZ KRUEGER: Thank you.

So based on your answer to my last question, how does this bill change that?

SENATOR PADAVAN: By virtue of the definitions that we've included, hopefully we will include in the law, by defining what we mean when we say "gambling activity."

We include the promotional activity associated with Internet gambling in the definition, and we clarify what the gambling device is in this case; namely, the computer.

SENATOR LIZ KRUEGER: Thank you.

Mr. President, briefly on the bill.

ACTING PRESIDENT GRIFFO: Senator Krueger, briefly on the bill.

SENATOR LIZ KRUEGER: Thank you. I appreciate the sponsor's answers not only to my questions but to a series of questions from some of us who I think agree with him on the

very complex issue of gambling, gambling addiction, and particularly the inability for anyone to oversee young people potentially using computers to gamble.

I will still vote for this bill again, although I have to say some of the answers to the questions raise some issues for me as to whether we in the State of New York, in the State Legislature, actually have the authority to implement these penalties if we're talking about offshore companies, if we're talking about international Internet websites, if we're talking about access through the most standard browsers that the entire world is using at this time.

So it's a matter of respect for the importance of the issue that I'm voting for the bill. But I do have some concerns that this will be challenged federally and even internationally as far as our ability to regulate, in a very complex world of international Internet, offshore computer systems and gambling. But I will vote yes.

Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: Senator

Diaz.

SENATOR DIAZ: Mr. President, will the sponsor yield for a question.

ACTING PRESIDENT GRIFFO: Senator Padavan, do you yield for a question from Senator Diaz?

SENATOR PADAVAN: Yes, I will.

ACTING PRESIDENT GRIFFO: Senator Diaz.

SENATOR DIAZ: Senator Padavan, I am one of those that have voted yes for this bill in the past, and I am planning to vote yes today. I'm doing it because of my religious convictions; I don't believe in gambling.

However, something that I would like to find out is, what is the penalties? Could you tell me the penalties for anybody that is found guilty of this? Or we cannot say that today?

SENATOR PADAVAN: I'd have to get you specifics. They are misdemeanors and in some cases felonies, and they're in different categories. And I can't tell you off the top of my head. They're fines and/or prison

sentences depending upon the nature of the act.

And that's in the penal code today. These are not new penalties; they already exist.

SENATOR DIAZ: Thank you, Mr. President. I'm voting yes on this bill.

ACTING PRESIDENT GRIFFO: Thank you.

Any other Senator wishing to be heard?

Senator Connor.

SENATOR CONNOR: Yes, Mr. President. I've voted for this in the past. And I listened very carefully to the discussion here, and it was most enlightening.

And I have a real problem both intellectually and also in terms of fairness with making the computer that's being used into a gambling device.

Now, Mr. President, Senator Padavan quite accurately pointed out that a slot machine, video poker machine -- in a bar, in a restaurant, in a back room -- is a gambling device. As is a roulette wheel, anything else

in an illegal casino. And when discovered, it's seized.

But those devices belong not to the people who are gambling -- who, if you will, may well be the victims of this proliferation of gambling, which I too deplore. They belong to the operator, the one raking in the dough, the one making money on the odds, the person conducting the illegal gaming.

To seize the gambler's computer, that doesn't belong to the Internet gambling operation that's making all the money. It belongs to the gambler, the person who happens -- I shouldn't say gambler, but the person who happens to be engaged in a gambling -- it probably belongs to them.

But as Senator Liz Krueger pointed out quite accurately, it might belong to a library, a school, an Internet cafe. So to make that as a matter of law a gambling device subject to seizure could well result in the Internet cafe's computer being confiscated when they had no awareness and the person was on there playing poker or whatever.

Or if it just belongs to the

sucker, so to speak, who's there on his laptop playing video poker at a poker game on the Internet through some offshore location, to say, "Well, he's not committing a crime, but we're going to seize his $1600 laptop" is to me rather extreme.

I don't know why we have to declare that computer a gambling device. It is not just the same as a roulette wheel, a video poker game or a slot machine. Because by definition, they belong to the person who's coming along and collecting the money out of them at the end of the day or raking it in across the table.

So I'm going to change my vote. As a result of this discussion, I'm going to vote no as long as that's in there. Because let's face it, what happens in our courts to participants in illegal gambling, first offenders? A $200 fine, maybe. Probably dismissal the first time, or an ACD.

But what would be the fine be for a violation of somebody participating? I mean, in this case Senator Padavan says, Well, that person wouldn't be committing a crime, even.

So why do you seize, then, an important piece of their property if they haven't committed the crime?

And unlike, unlike a roulette table or a video poker machine or a slot machine, the computer has other uses, legitimate uses that we support, that we want people in the information age to be literate in computers, we teach kids in school how to use computers from kindergarten on. We do if we're properly funding the schools they go to so they have computers. Some schools do, and some schools don't. But we ought to be teaching every child in our schools how to use a computer.

So, Mr. President, I'm changing my position. I've been enlightened by the discussion. I think it's grossly unfair to make the computer subject to confiscation when the person using it is not guilty of a crime or a misdemeanor or a violation.

Mr. President, this has been a great discussion. This is what the New York State Senate should be about. I know beyond a doubt, I've learned from many decades here of the sincerity of Senator Padavan. And I

commend him, I've joined with him on many occasions in trying to stop this march toward a gambling society where people are only victimized.

I just think that provision in his bill goes too far, it's unfair, and we ought to reject it. I would gladly vote for this his bill were he to amend it to eliminate that feature.

Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: Is there any other Senator wishing to be heard?

Debate is closed. The Secretary will ring the bells.

The Secretary will read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT GRIFFO: Senator Adams, to explain your vote.

SENATOR ADAMS: Thank you,

Mr. President.

I think that we're all becoming modern-day Trekkies. We're entering new universes, new areas. The Internet is going to cause us to debate and have discussions for years to come. I applaud some of the things that we've done around Internet pornography targeting children.

I think that this is going to be an area of great debate in the future years. And I agree, we must do more to deal with the issue of gambling, particularly when this targets young people.

But I think there are some serious problems in this bill. Even our federal courts have indicated they are in conflict with the Department of Justice in their interpretation of Internet gambling.

I believe that the Penal Law currently protects the player. And for now to put the computer as a tool of the crime, this raises great concerns, particularly if we want to protect young people and now we appear to be criminalizing them.

I'm going to vote no. I believe

that this discussion has to be looked at. I'm hoping that this bill doesn't go any further than this house so that we can continue to have a strong discussion on how we deal with the issue of gambling and some of the underlying effects.

I'm going to vote no at this time.

ACTING PRESIDENT GRIFFO: Senator Adams to be recorded in the negative.

Senator DeFrancisco, to explain his vote.

SENATOR DeFRANCISCO: Yes, I just want to explain my no vote.

And that is, I just think the language of the bill is a little bit inconsistent. It's not a vote for gambling or Internet gambling or any other type of gambling.

But to me, it's extremely inconsistent to have a bill that says that the user of the computer is not guilty of anything but on the other hand the computer that that person is using is a gambling device that presumably would be even subject to seizure.

So once that's corrected, I'd

probably be able to handle this vote in a different way; namely, a yes. But I vote no.

ACTING PRESIDENT GRIFFO: Senator DeFrancisco to be recorded in the negative.

Announce the results.

THE SECRETARY: Those recorded in the negative on Calendar Number 525 are Senators Adams, Connor, DeFrancisco, Dilan, Hassell-Thompson, Maziarz, Onorato, Perkins, Sabini, Savino and Thompson.

Absent from voting: Senator C. Kruger and Senator Sampson.

Ayes, 48. Nays, 11.

ACTING PRESIDENT GRIFFO: The bill is passed.

Senator Duane.

SENATOR DUANE: Thank you, Mr. President.

I was out of the chamber chairing a hearing on the Dignity for All Students Act, but had I been in the chamber I would have voted in the negative on Calendar Numbers 1201, 1262, and 1393.

Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: The

record shall so reflect, Senator Duane.

The Secretary will read.

THE SECRETARY: Calendar Number 1019, by Senator Young, Senate Print 6997A, an act to amend the Highway Law, in relation to designating a portion of the state highway system.

SENATOR DUANE: May I have an explanation, please.

ACTING PRESIDENT GRIFFO: Explanation.

SENATOR YOUNG: Certainly, Mr. President.

This bill memorializes Governor Frank Higgins by naming the bridge over Exit 26 on Interstate 86 in the town of Olean in his memory.

This year is the bicentennial of Cattaraugus County when it was actually incorporated. There's a bicentennial committee that was established by the chairwoman of the Cattaraugus County Legislature. They have designated August 2, 2008, as Governor Frank Higgins Day in Cattaraugus County.

And they also have requested this legislation. The Cattaraugus County Legislature passed a formal resolution earlier this year.

And so this would memorialize and honor and recognize the only governor of New York State to come from Olean, New York.

ACTING PRESIDENT GRIFFO: Thank you, Senator Young.

Is there any other Senator wishing to be heard?

The Secretary will ring the bells.

Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: In relation to Calendar Number 1019: Ayes, 59. Nays, 0.

Absent from voting: Senators C. Kruger and Sampson.

ACTING PRESIDENT GRIFFO: The bill is passed.

The Secretary will read.

THE SECRETARY: Calendar Number 1135, by Senator DeFrancisco, Senate Print 6726A, an act to amend the Executive Law and the Criminal Procedure Law, in relation to the collection of DNA samples.

ACTING PRESIDENT GRIFFO: Senator Schneiderman, why do you rise?

SENATOR SCHNEIDERMAN: Thank you, Mr. President. Through you, if the sponsor would yield for a few very brief questions.

ACTING PRESIDENT GRIFFO: Senator DeFrancisco, do you yield?

SENATOR DeFRANCISCO: Yes, Mr. President.

ACTING PRESIDENT GRIFFO: Senator Schneiderman, one second, please.

May we have order, please, in the chamber.

Senator Schneiderman.

SENATOR SCHNEIDERMAN: Thank you, Mr. President. Through you.

This legislation deals with the state's DNA database. Does it have provisions to create mandatory guidelines for the cataloging, storage and preservation of DNA

samples?

ACTING PRESIDENT GRIFFO: Senator DeFrancisco.

SENATOR DeFRANCISCO: It has a direction to the Forensic Science Commission to create those guidelines. There's no legislative guidelines.

SENATOR SCHNEIDERMAN: But through you, Mr. President, is it not correct, though, that the guidelines are voluntary, there's nothing in this bill that states the guidelines will be mandatory?

SENATOR DeFRANCISCO: That is correct.

SENATOR SCHNEIDERMAN: Thank you.

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

ACTING PRESIDENT GRIFFO: Senator DeFrancisco, do you continue to yield?

SENATOR DeFRANCISCO: Yes.

ACTING PRESIDENT GRIFFO: Senator Schneiderman.

SENATOR SCHNEIDERMAN: This legislation expands the crimes for which samples must be provided to include all

youthful offender offenses; is that not correct?

ACTING PRESIDENT GRIFFO: Senator DeFrancisco.

SENATOR DeFRANCISCO: That is correct. Any offense for which a fingerprint will now be taken -- if presently a fingerprint is taken, you can now take a DNA, under this bill.

SENATOR SCHNEIDERMAN: And finally, this bill will create a --

ACTING PRESIDENT GRIFFO: Senator Schneiderman, do you choose to ask another question?

SENATOR SCHNEIDERMAN: Yes, I do. Through you, Mr. President, if the sponsor would continue to yield.

ACTING PRESIDENT GRIFFO: Senator DeFrancisco, do you continue to yield?

SENATOR DeFRANCISCO: Yes.

SENATOR SCHNEIDERMAN: Finally, this legislation would create a Commission for Exoneration Review. Would that commission be maintained and, to the extent it incurred any expenses, funded by the State of New York?

ACTING PRESIDENT GRIFFO: Senator DeFrancisco.

SENATOR DeFRANCISCO: Yes.

SENATOR SCHNEIDERMAN: Thank you. Through you, Mr. President, if the sponsor would continue to yield.

ACTING PRESIDENT GRIFFO: Senator Schneiderman, on the bill.

SENATOR SCHNEIDERMAN: No, no, I --

ACTING PRESIDENT GRIFFO: You want to ask another question?

Senator DeFrancisco, will you continue to yield?

SENATOR DeFRANCISCO: Oh, I'm sorry. You said "thank you." I thought that meant you were done.

SENATOR SCHNEIDERMAN: No, I was just being polite. Thank you.

SENATOR DeFRANCISCO: You're welcome.

(Laughter.)

SENATOR SCHNEIDERMAN: Does this legislation include any provisions to try to deal with the problem of wrongful or coerced

confessions?

ACTING PRESIDENT GRIFFO: Senator DeFrancisco.

SENATOR DeFRANCISCO: No. No. This is a DNA bill.

SENATOR SCHNEIDERMAN: Does this legislation --

ACTING PRESIDENT GRIFFO: Senator Schneiderman, do you continue to wish to ask a question?

SENATOR SCHNEIDERMAN: Yes. I have two more questions, Mr. President.

ACTING PRESIDENT GRIFFO: Two more questions, Senator DeFrancisco. Do you continue to yield?

SENATOR DeFRANCISCO: Yes.

ACTING PRESIDENT GRIFFO: Senator Schneiderman.

SENATOR SCHNEIDERMAN: Thank you.

Does this legislation provide include any provisions to deal with the problem of eyewitness misidentification?

SENATOR DeFRANCISCO: No. That's a different issue. No, it's not part of this bill.

SENATOR SCHNEIDERMAN: And finally, I want to ask if the sponsor is aware of the fact that last week the New York State Bar Association, through its president, Bernice Leber, announced that the Bar Association was voluntarily forming a commission for exoneration review to be paid for and staffed by experts assembled by the New York State Bar Association.

SENATOR DeFRANCISCO: I didn't know that, but that would be terrific. It will help the organization that's going to be setting the standards to set those standards. So the timing is perfect.

SENATOR SCHNEIDERMAN: Thank you.

I'd like to thank the sponsor for his answers.

ACTING PRESIDENT GRIFFO: Senator Schneiderman.

SENATOR SCHNEIDERMAN: Thank you. On the bill, Mr. President.

ACTING PRESIDENT GRIFFO: On the bill.

SENATOR SCHNEIDERMAN: I'm going to seek to help Senator DeFrancisco, much as

the Bar Association is seeking to help Senator DeFrancisco, because I think that we have been to a certain extent playing around with efforts to expand our use of DNA evidence and looking at the issue of wrongful conviction that has been opened up through the exonerations we have seen through DNA evidence. But I think it's time for us to be a little more ambitious.

This is legislation that we really, in my view, passed by last year. We had a conference committee convened on DNA evidence last June. I was on the committee. And unfortunately, that was just prior to the time Senator Bruno and then-Governor Spitzer stopped talking to each other. So that went the way of all the conference committees last year.

But I would like to, by way of helping the sponsor out, offer an amendment that I think will significantly improve the bill.

And I believe that there is an amendment at the desk, and I'd ask that the reading of the amendment be waived and that I

could be heard on the amendment.

ACTING PRESIDENT GRIFFO: The Reading is waived, and you may be heard on the amendment, Senator Schneiderman.

SENATOR SCHNEIDERMAN: Thank you.

This is an amendment that would expand upon the legislation that has been offered by Senator DeFrancisco in critical ways. The first and most essential thing that this amendment would do is to instead of creating voluntary guidelines for the use of DNA, it would create mandatory guidelines, so that every local jurisdiction would have to follow one system of cataloging, storing and preserving DNA evidence.

And, ladies and gentlemen, I would like to call your attention the case of Al Newton, who I spoke to today to congratulate him for graduating from Medgar Evers College.

Al Newton was incarcerated and requested in 1994 that his DNA be compared to the DNA found at the crime scene. They could not find his DNA. They could not find the DNA. They did not locate the DNA until 2005. They tested it; he was not the guilty party.

He had been incarcerated from 1994 till 2005, requesting every year that they test his DNA against the DNA found at the crime scene. And because we lack a system for mandating the accurate cataloging, preservation and indexing of DNA evidence, this man did that time.

Thank God he's really someone who has recovered well. He has graduated from college, he wants to go on to law school.

But that's the kind of injustice that we just shouldn't be perpetuating in the State of New York. We can stop that now, but we're not going to stop it with voluntary guidelines.

Second, this amendment would get rid of rogue databases. This is a tremendously important issue. We have to have one comprehensive, integrated statewide database for DNA.

Unfortunately, Senator DeFrancisco's legislation does not deal with the fact that we have bits and pieces of databases in different jurisdictions lying around in the state that aren't integrated. We have to deal with that. We have to have

one database so that innocent people are no longer incarcerated by the State of New York.

Third, this requires the state to develop a plan to eliminate the backlog of DNA samples. Senator DeFrancisco's bill expands the database significantly. Indeed, some people feel that it expands it too far, since it does extend to youthful offender crimes the requirement to submit a DNA sample.

The problem is we've had tremendous difficulty working our way through the backlog, and there's no provision in Senator DeFrancisco's bill to address that issue.

Fourth, this bill requires videotaping of custodial interrogations. Twenty-five percent of all the DNA exonerations done by the Innocence Project -- stone-cold exonerations, no question the individuals did not commit the crimes -- falsely confessed to crimes they didn't commit.

Ladies and gentlemen, I know there's a tremendous psychological resistance to admitting that people in police custody will confess to crimes they did not commit.

But we now know that 25 percent of those exonerated did in fact do that.

We have to videotape interrogations. We have to ensure that the people for which DNA evidence is not available are not wrongfully incarcerated because of a wrongfully induced confession.

This is something that will increase confidence in the police. It's one of those things that has been instituted in jurisdictions around the country. It's been resisted by some in the law enforcement community. But in every jurisdiction in which it's been implemented, the law enforcement community has come around to like it.

It makes it impossible for a defense lawyer to challenge a valid confession. And that's the right result. It puts the right person in jail, the guilty party, and it ensures that the innocent will no longer be convicted.

Finally, what this amendment would do is add something absolutely critical in my mind to Senator DeFrancisco's bill, which is provisions to protect against eyewitness

misidentification. I mean, I think that the problem of wrongful confession is very serious. But more than half of the DNA exonerations have involved some form of eyewitness misidentification.

Eyewitness testimony can be tremendously powerful. But we also know it is probably the most badly flawed type of evidence that you can base a conviction on. We have to have double-blind screening. We have to have a system in place where those who are administering a lineup do not know who the suspect is so they don't give an indication, subtly or not so subtly, as to who they think is the guilty party.

We have to protect the innocent in this state and ensure that the guilty do time, and that's why I urge everyone to vote for this amendment. Ladies and gentlemen, we have to take more aggressive action than the underlying bill would provide. We have to ensure that innocent people are no longer going to prison.

And I would urge everyone here that this is a law-and-order bill, this is a

pro-police bill, this is a law enforcement bill. Because we have, I'm sorry to say, hundreds, perhaps thousands of people wrongfully doing time in the State of New York, the perpetrators of the crimes for which they are incarcerated are walking around free.

Let's ensure that we catch the guilty parties. Let's ensure that we never again send an innocent man like Al Newton to jail when it can be prevented by implementing the provisions in this amendment.

I urge everyone to vote yes, Mr. President.

ACTING PRESIDENT GRIFFO: Is there any other Senator wishing to be heard?

The question is on the amendment. 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, Klein, L. Krueger, Montgomery, Onorato, Oppenheimer, Perkins, Sabini, Savino, Schneiderman, Serrano, Smith, Stavisky, Stewart-Cousins and Thompson.

ACTING PRESIDENT GRIFFO: The amendment is not agreed to.

Is there any other Senator wishing to speak on the bill?

Debate is closed. The Secretary will ring the bell.

The Secretary will read the last section.

THE SECRETARY: Section 21. This act shall take effect on November 1, 2008.

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

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

May we have order in the chamber, please.

Senator DeFrancisco.

SENATOR DeFRANCISCO: I'm going to vote yes on this bill.

And there was a lot of discussion about the importance of DNA evidence in order to exonerate individuals, and I think that's a very, very important aspect of this bill.

And I was at those meetings that

were referred to by Senator Schneiderman, the joint conference committee meetings. And the reason there was no movement is that the people that were against this version of a DNA bill said we were going too far by requiring DNA samples from those who presently give fingerprints, and that was going too far too fast. And that's why there was really no movement.

Our bill says if now you give fingerprints, instead of fingerprints, you're going to give DNA evidence.

Now, it seems to me that back whenever fingerprints were the scientific evidence of the day, when they first came into vogue, I imagine there were some that said it's not really a good idea, the science that we're talking about.

Well, we're beyond fingerprints. If we've got a better technique, we should expand it. And it's logical instead of fingerprints we use the better technique, and that's what that bill does.

In addition to providing a bank that will be helpful in exonerating innocent

people, there was an incident in my community that was a very serious incident. And it's referred to in the memorandum supporting the bill, so I won't read it at all. But it was a situation where an individual who was not required to give DNA evidence at the time of the arrest actually committed a rape and murder two days before the person's sentencing. And that's why Carol Nelson is no longer around.

Had there been a DNA sample allowed at the time of the arrest, that match could have been made. It could have been made because there was a prior unsolved incident where he committed another rape that was later determined. If the DNA sample was taken at that prior time, he would have been in jail.

So it's not only to exonerate the innocent. There are people on the street that should not be on the street. And if we've got a tool like DNA evidence, we should require it at the time of arrest for this very reason.

So I vote aye.

ACTING PRESIDENT GRIFFO: Senator DeFrancisco to be recorded in the affirmative.

Senator Schneiderman, to explain his vote.

SENATOR SCHNEIDERMAN: To explain my vote. I want to make two points very briefly.

The first is that I am going to support this bill in the hope that we will get back to a conference committee.

I do think, however, we should modify this and other legislation to take account of what the Bar Association is doing. There's no reason in a time of fiscal crisis that we should be forcing the state to pay for what the private sector has magnanimously volunteered to do in a comprehensive way and to pay for it. I'm hopeful that some of my colleagues will show some traditional Republican prudence in that regard.

And second of all, I want to mention, in regard to what Senator DeFrancisco just said, I was at the conference committees, and I think it's really important to recognize that when we all walked in and convened the conference committee, someone from the other side of the aisle stated very clearly: "We're

only interested in changing the law in ways that help us catch guilty people. We are not interested in changing the law to create new vehicles for exonerating the wrongfully convicted."

I hope that your side of the aisle has changed its view given all of the information about wrongful convictions that are coming forward.

We are, on our side of the aisle, holding hearings to showcase this issue. This is tremendously important. And one way or the other, we are going to make New York a state that is safer for the innocent and tougher on the guilty, through passing a comprehensive bill.

Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: Senator Schneiderman to be recorded in the affirmative.

Senator Volker, to explain his vote.

SENATOR VOLKER: To explain my vote.

Senator Schneiderman, if anybody

said that -- and I was there too -- I'm sure they were kidding.

But here's my problem with the Innocence Project. I believe they don't want to find innocent people innocent, they want to find guilty people innocent.

Senator, I don't know if that person you were talking about -- and I hope they didn't commit any crimes. But I can tell you this. We have a problem that's been developing with DNA. We know it. DNA is found at the scene of a crime where there's two or three people that were found guilty. Because none of those three was part of that DNA, because the evidence -- remember, DNA attacks the evidence.

We know, for instance, that some of the people found innocent in Illinois because of DNA were guilty. They actually committed the crimes. We know that. I mean, you know, look it, this is a very complicated kind of issue.

In fact, I argue that the Innocence Project did a good job of finding some guilty people innocent, because that's clear. We

know that. They confessed. Why did they confess? They were forced, publicly? Several of them publicly confessed. They weren't forced. But because of the way evidence works, some of those people were found innocent.

Now, I'm saying I am happy to work on finding people certainly innocent who are not guilty. But I have to tell you, there have been very, very, very few in this state. The contention -- you know, we understand that, that's their job, is to find people innocent. That's fine if they're truly innocent. Because most of the crimes in this state, unfortunately, are not solved. We know that for a fact.

And as Senator DeFrancisco said here, we want to make sure two things. One, obviously, we only want to convict the guilty. But secondly, we want to help to find innocent people. That's fine.

But the Assembly, by the way, is never going to pass this bill, whether you put all that stuff in there or not, because they don't want to do anymore with DNA because

they're a lot more afraid of people being found guilty.

So it's fine for you to say that you're being really nice and doing this kind of -- I'm glad that the New York City Bar or New York State Bar, whichever it is -- it doesn't matter, because they're both the same -- that they're doing this. But they'd better watch themselves. Because there's a lot more coming out about DNA cases in the future, I'll tell you right now, that's going to make a lot of people wonder about the total accuracy of it.

And that's why we want more study. And that's why we want -- by the way, I'm on your side. We have to provide more money for DNA testing. Absolutely. We need it. And I've been complaining about that. It's not fiscal prudence, it's the real world. So I hope that next year we're going to do that, whatever happens here.

And I'm fine, by the way, with finding more -- using DNA to find people innocent if they're truly innocent. I just want you to know that.

I vote aye.

ACTING PRESIDENT GRIFFO: Senator Volker to be recorded in the affirmative.

Announce the results.

THE SECRETARY: In relation to Calendar Number 1135, recorded in the negative: Senators Duane and Perkins.

Absent from voting: Senators C. Kruger and Sampson.

Ayes, 58. Nays, 2.

ACTING PRESIDENT GRIFFO: The bill is passed.

Senator Volker.

SENATOR VOLKER: Mr. President, just one thing.

I think we have three bills left, if I'm not mistaken, and they're all local bills. What we'd like is if the members would just stay in the chamber, if they could, so that we can get this session done as early as possible.

ACTING PRESIDENT GRIFFO: Thank you, Senator Volker.

The Secretary will read Calendar Number 1136.

THE SECRETARY: Calendar Number 1136, by Senator Libous, Senate Print 6828A, an act authorizing the Commissioner of Transportation to transfer certain lands.

SENATOR DUANE: Explanation, please.

ACTING PRESIDENT GRIFFO: Explanation, Senator Libous.

SENATOR LIBOUS: Thanks, Mr. President.

Mr. President, this is a parcel of land that is adjacent to a larger parcel of land in which I've been working with the county executive on, and my Assemblywoman, to try to see that the IDA would acquire the land.

But once they acquire the land, there are some environmental problems that we are aware of. And we know that before any development could take place there, there would have to be cleanup that would be coordinated and run and certainly acceptable by the DEC.

The purpose of this is the county executive has been working on an economic

development proposal for the entire county, it's an organized plan. And while this acreage, I believe it's about 10 acres, has been sitting empty for quite some time, it is adjacent to a large parcel of land, and we believe that it's right on an intersection of the highway that we could attract a business for future job development.

ACTING PRESIDENT GRIFFO: Thank you, Senator Libous.

SENATOR DUANE: Explanation satisfactory.

ACTING PRESIDENT GRIFFO: Thank you.

Debate is closed.

The Secretary will ring the bells.

SENATOR SKELOS: Mr. President.

ACTING PRESIDENT GRIFFO: Senator Skelos.

SENATOR SKELOS: I believe we have two more bills on the contested calendar, and there's going to be a Rules Committee meeting.

But Senator Bruno has asked that we, in an orderly fashion, that staff starts

leaving, because there is a severe weather alert, potential tornadoes. Obviously, members can stay here for the evening.

(Laughter.)

SENATOR SKELOS: But there is a severe weather alert. So he's suggesting that, you know, when appropriate, members, staff, that you start heading home this evening.

ACTING PRESIDENT GRIFFO: Thank you, Senator.

SENATOR SKELOS: So if we can complete the contested calendar.

ACTING PRESIDENT GRIFFO: Very good.

The Secretary will read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT GRIFFO: Announce the results.

THE SECRETARY: In relation to

Calendar Number 1136, absent from voting: Senators C. Kruger and Sampson.

Ayes, 60. Nays, 0.

ACTING PRESIDENT GRIFFO: The bill is passed.

The Secretary will read.

THE SECRETARY: Calendar Number 1396, by Senator Little, Senate Print 7729A, an act to amend the Criminal Procedure Law, in relation to designating.

SENATOR DUANE: Explanation, please.

ACTING PRESIDENT GRIFFO: Senator Little.

SENATOR LITTLE: Thank you, Mr. President.

I'm sponsoring this bill at the request of the Village of Lake George in Warren County. Each summer, the Village of Lake George hires 15 to 20 college students under their village law, which allows them to hire constables.

These college students are allowed to issue appearance tickets and do traffic direction, traffic violations and all. The

village does not allow them to carry firearms and therefore would like to have them designated as peace officers so that they do not have to go through the firearm training.

This is a cost to the village at a time when property taxes are high and we're looking at ways to reduce costs. Therefore, if the village were allowed to have these young people who are hired, seasonal employees every summer, as peace officers, they would not have to require them -- they would not be required to go through firearms training, which is costly for the village.

ACTING PRESIDENT GRIFFO: Thank you, Senator Little.

SENATOR LITTLE: They do not carry firearms. They are not allowed to carry firearms, according to the village.

ACTING PRESIDENT GRIFFO: Senator Schneiderman.

SENATOR SCHNEIDERMAN: Through you, Mr. President, if the sponsor would yield for a question.

ACTING PRESIDENT GRIFFO: Senator Little, do you yield for a question?

SENATOR LITTLE: Yes, Mr. President.

ACTING PRESIDENT GRIFFO: Can we have order, please, so that we can continue to conduct this business and then we can leave.

SENATOR SCHNEIDERMAN: Just to clarify, it is my understanding that if you give someone peace officer status, in fact they do have to undertake firearms training if they are to carry firearms. Is that not correct?

SENATOR LITTLE: If they are authorized to carry firearms.

These -- these -- right now they're called constables, they are not authorized to carry firearms unless they happen to have a firearms license of their own. But they do not carry firearms while they're in the employ of the Village of LaGuardia.

SENATOR SCHNEIDERMAN: Through you, if the sponsor would continue to yield.

ACTING PRESIDENT GRIFFO: Senator Little, do you continue to yield?

SENATOR LITTLE: Yes.

ACTING PRESIDENT GRIFFO: Senator

Schneiderman.

SENATOR SCHNEIDERMAN: Just so we're all clear on this, peace officer status does not confer the right to carry a firearm. If you do carry a firearm, having peace officer status, you do have to undergo safety training. Is that not correct?

SENATOR LITTLE: Absolutely. But you would not have to undergo firearm training.

SENATOR SCHNEIDERMAN: Okay, thank you, Mr. President. Thank the sponsor for her answers.

ACTING PRESIDENT GRIFFO: Any other Senator wishing to be heard?

Senator Connor.

SENATOR CONNOR: Thank you, Mr. President.

Yeah, I'd just like to clarify that, because I've seen a number of peace officer bills coming up this year that passed last year that were vetoed by our former governor, our immediate former governor.

And the memos say, oh, these people shouldn't be allowed to carry arms, they don't

undergo training. And I don't know who was advising on that, but I recall my first years here when we granted peace officer status to different people, Triborough Bridge and Tunnel toll collectors and others, and it did mean you could carry a weapon if you were a peace officer.

Mel Miller, when he was chair of Codes, had his staff go through it all and we passed a new peace officer bill so that peace officers, while they have certain arrest powers, do not have a right to carry firearms unless they are trained and licensed.

And I don't understand all these vetoes I've been seeing on Codes Committee bills from last year that say, oh, these people shouldn't carry firearms.

And so Senator Little is absolutely right. The problem is if you're a constable, you're deemed a police officer and you have to go through all this training and carry a weapon. What this bill does is say you can be a constable in Lake George and only be a peace officer, not entitled to carry guns, therefore not required to be trained.

Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: Any other Senator wishing to be heard?

Debate is closed. The Secretary will ring the bells.

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.)

THE SECRETARY: Those recorded in the negative on Calendar Number 1396 are Senators Duane, L. Krueger and Perkins.

Absent from voting: Senators C. Kruger and Sampson.

Ayes, 57. Nays, 3.

ACTING PRESIDENT GRIFFO: The bill is passed.

The Secretary will read.

THE SECRETARY: Calendar Number 1550, by Senator Seward, Senate Print 8343, an act authorizing the State University of New York to lease certain lands.

SENATOR DUANE: Explanation,

please.

ACTING PRESIDENT GRIFFO: Explanation, Senator Seward.

SENATOR SEWARD: Certainly, Mr. President.

This legislation would authorize the State University of New York to directly lease certain lands in the southwest corner of Cortland County, which houses the Harford Fire Company.

Now, Harford is a very rural small community, and its current fire station is very antiquated and there's a great need of a new modern facility.

Now, the New York State College of Agriculture and Life Sciences, which is one of the statutory colleges of Cornell, part of the State University system, owns property adjacent to the current Harford Town Hall and the town facilities. And that would be an ideal site for a new firehouse.

And so this legislation would authorize SUNY to lease approximately five acres of property to the Harford Fire Company for this very worthy purpose, to help protect

the people and property of this small rural community.

SENATOR DUANE: Explanation satisfactory.

ACTING PRESIDENT GRIFFO: Debate is closed. The Secretary will ring the bells.

Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: In relation to Calendar Number 1550, absent from voting: Senators C. Kruger and Sampson.

Ayes, 60. Nays, 0.

ACTING PRESIDENT GRIFFO: The bill is passed.

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

SENATOR SKELOS: Mr. President, we are going to have a meeting of the Rules Committee now, and then we'll return and take up the other Rules report that came out earlier, take that up noncontroversial.

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

We will now return to motions and resolutions.

Senator Robach.

SENATOR ROBACH: Yes, Mr. President. I wish to call up Bill Print Number 4157D, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: Calendar Number 705, by Senator Golden, Senate Print 4157D, an act to amend the Vehicle and Traffic Law.

SENATOR ROBACH: Mr. President, I now 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, 61.

SENATOR ROBACH: Mr. President, I now offer the following amendments on behalf

of Senator Golden.

ACTING PRESIDENT GRIFFO: The amendments are received.

Senator Robach.

SENATOR ROBACH: Mr. President, I wish to call up Bill Print Number 1830, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: Calendar Number 15, by Senator DeFrancisco, Senate Print 1830, an act to amend the Military Law.

SENATOR ROBACH: I now 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, 61.

SENATOR ROBACH: I now offer the following amendments on behalf of Senator DeFrancisco.

ACTING PRESIDENT GRIFFO: The amendments are received.

Senator Robach.

SENATOR ROBACH: Mr. President, I wish to call up Bill Print Number 2360C, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: Calendar Number 165, by Senator Fuschillo, Senate Print 2360C, an act to amend the General Business Law.

ACTING PRESIDENT GRIFFO: Senator Robach.

SENATOR ROBACH: I now 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, 61.

SENATOR ROBACH: Mr. President, I offer the following amendments on behalf of Senator Fuschillo.

ACTING PRESIDENT GRIFFO: The amendments are received.

Senator Duane.

SENATOR DUANE: Thank you, Mr. President.

On behalf of Senator Sabini, on page 50 I offer the following amendments to Calendar Number 1257, Senate Print Number 6720A, and ask that said bill retain its place on the Third Reading Calendar.

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

SENATOR DUANE: Thank you.

ACTING PRESIDENT GRIFFO: The Senate stands at ease.

(Whereupon, the Senate stood at ease at 5:43 p.m.)

(Whereupon, the Senate reconvened at 5:50 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 for the report of the Rules Committee, the first report.

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 1574A, by Senator Padavan, an act to amend the Education Law;

1707, by Senator Robach, an act to amend the Penal Law;

1971, by Senator Volker, an act to amend the Civil Practice Law and Rules;

2004A, by Senator Robach, an act to amend the Executive Law;

2398, by Senator Trunzo, an act to amend the General Municipal Law;

3021, by Senator Seward, an act to amend the Tax Law;

3552, by Senator Young, an act to amend the Labor Law;

3937, by Senator Farley, an act to amend the New York State Printing and Public Documents Law;

4013A, by Senator Morahan, an act relating to authorizing and directing;

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

4488, by Senator Skelos, an act to authorize;

4563A, by Senator Leibell, an act to amend the Vehicle and Traffic Law;

4575, by Senator Young, an act to amend the Tax Law;

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

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

5373, by Senator Hannon, an act to authorize;

5595A, by Senator Flanagan, an act to amend the Penal Law and the Correction Law;

5603A, by Senator Leibell, an act to amend the Executive Law and the Military Law;

5644, by Senator Leibell, an act to amend the Military Law;

5685, by Senator Young, an act to amend the Tax Law and others;

5938, by Senator Nozzolio, an act to amend Chapter 219 of the Laws of 2002;

6038, by Senator Skelos, an act to authorize;

6076A, by Senator Griffo, an act to amend the Tax Law;

6460A, by the Senate Committee on Rules, an act in relation to communication;

6465A, by Senator O. Johnson, an act to authorize;

8101, by Senator Thompson, an act to amend the Parks, Recreation and Historic Preservation Law;

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

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

1287, by Senator O. Johnson, an act to amend the Executive Law;

And Senate Print 1474, by Senator Morahan, an act authorizing.

All bills ordered direct to third reading.

ACTING PRESIDENT GRIFFO: Senator Skelos.

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

ACTING PRESIDENT GRIFFO: The motion is to accept the report of the Rules Committee. All in favor say aye.

(Response of "Aye.")

ACTING PRESIDENT GRIFFO: Opposed, nay.

(No response.)

ACTING PRESIDENT GRIFFO: The report of the Rules Committee is accepted.

Senator Skelos.

SENATOR SKELOS: Mr. President, if we could take up the Rules report, noncontroversial.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: Calendar Number 1581, by Senator Padavan, Senate Print 1574A, an act to amend the Education Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1582, by Senator Robach, Senate Print 1707, an act to amend the Penal Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1583, by Senator Volker, Senate Print 1971, an act to amend the Civil Practice Law and Rules.

ACTING PRESIDENT GRIFFO: 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.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1584, by Senator Robach, Senate Print 2004A, an act to amend the Executive Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1585, by Senator Trunzo, Senate Print 2398, an act to amend the General Municipal Law.

ACTING PRESIDENT GRIFFO: Read the last section.

THE SECRETARY: Section 2. This

act shall take effect April 1, 2009.

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1586, by Senator Seward, Senate Print 3021, an act to amend the Tax Law.

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

Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1587, by Senator Young, Senate Print 3552, an act to amend the Labor Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Those recorded in the negative on Calendar Number 1587 are Senators Duane, Perkins and Savino.

Ayes, 58. Nays, 3.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1588, by Senator Farley, Senate Print 3937, an act to amend the New York State Printing and Public Documents Law.

ACTING PRESIDENT GRIFFO: 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.)

THE SECRETARY: Ayes, 60. Nays,

1. Senator Duane recorded in the negative.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1589, by Senator Morahan, Senate Print 4013A, an act relating to authorizing and directing the Commissioner of General Services.

SENATOR DUANE: Lay it aside, please.

ACTING PRESIDENT GRIFFO: Lay it aside.

THE SECRETARY: Calendar Number 1590, by Senator Winner, Senate Print 4325, an act to amend the Real Property Tax Law.

ACTING PRESIDENT GRIFFO: Read the last section.

THE SECRETARY: Section 2. This act --

SENATOR DUANE: Lay it aside.

ACTING PRESIDENT GRIFFO: Lay it aside.

THE SECRETARY: Calendar Number 1591, by Senator Skelos, Senate Print 4488, an act to authorize.

ACTING PRESIDENT GRIFFO: Read

the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60. Nays, 1. Senator Bonacic recorded in the negative.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1592, Senator Leibell moves to discharge, from the Committee on Labor, Assembly Bill Number 3587A and substitute it for the identical Senate Bill Number 4563A, Third Reading Calendar 1592.

ACTING PRESIDENT GRIFFO: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1592, by Member of the Assembly Bradley, Assembly Print Number 3587A, an act to amend the Vehicle and Traffic Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1593, by Senator Young, Senate Print 4575, an act to amend the Tax Law.

ACTING PRESIDENT GRIFFO: 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.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1594, by Senator Seward, Senate Print 4791 --

SENATOR DUANE: Lay it aside,

please.

ACTING PRESIDENT GRIFFO: Lay it aside.

THE SECRETARY: Calendar Number 1595, by Senator Nozzolio, Senate Print 4855, an act to amend the Executive Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Those recorded in the negative on Calendar Number 1595 are Senators Duane, Hassell-Thompson, L. Krueger, Montgomery and Perkins.

Ayes, 56. Nays, 5.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1597, by Senator Hannon, Senate Print 5373, an act to authorize.

ACTING PRESIDENT GRIFFO: 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.)

THE SECRETARY: Ayes, 60. Nays, 1. Senator Bonacic recorded in the negative.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1598, Senator Flanagan moves to discharge, from the Committee on Codes, Assembly Bill Number 8488A and substitute it for the identical Senate Bill Number 5595A, Third Reading Calendar 1598.

ACTING PRESIDENT GRIFFO: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1598, by Member of the Assembly Titone, Assembly Print Number 8488A, an act to amend the Penal Law and the Correction Law.

ACTING PRESIDENT GRIFFO: Read the last section.

THE SECRETARY: Section 3. This

act shall take effect on the 60th day.

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1599, by Senator Leibell, Senate Print 5603A, an act to amend the Executive Law and the Military Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1600, by Senator Leibell, Senate Print 5644, an act to amend the Military Law and the Education Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1601, by Senator Young, Senate Print 5685, an act to amend the Tax Law and others.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1602, Senator Nozzolio moves

to discharge, from the Committee on Judiciary, Assembly Bill Number 8781 and substitute it for the identical Senate Bill Number 5938, Third Reading Calendar 1602.

ACTING PRESIDENT GRIFFO: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1602, by Member of the Assembly John, Assembly Print Number 8781, an act to amend Chapter 219 of the Laws of 2002 amending the Judiciary Law.

ACTING PRESIDENT GRIFFO: 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.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1603, by Senator Skelos, Senate Print 6038, an act to authorize.

ACTING PRESIDENT GRIFFO: 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.)

THE SECRETARY: Ayes, 59. Nays, 2. Senators Bonacic and Larkin recorded in the negative.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1604, by Senator Griffo, Senate Print 6076A, an act to amend the Tax Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1605, Senator Bruno moves to discharge, from the Committee on Rules --

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

ACTING PRESIDENT GRIFFO: Lay it aside for the day.

Senator Skelos, shall we substitute it first?

SENATOR SKELOS: Yes.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: In relation to Calendar Number 1605, Senator Bruno moves to discharge, from the Committee on Rules, Assembly Bill Number 9242 and substitute it for the identical Senate Bill Number 6460A, Third Reading Calendar 1605.

ACTING PRESIDENT GRIFFO: Substitution so ordered.

There is a local fiscal impact note at the desk.

The bill is laid aside for the day.

THE SECRETARY: Calendar Number 1606, by Senator O. Johnson, Senate Print

6465A, an act to authorize.

SENATOR DUANE: Lay it aside, please.

ACTING PRESIDENT GRIFFO: Lay it aside.

THE SECRETARY: Calendar Number 1607, by Senator Thompson, Senate Print 8101, an act to amend the Parks, Recreation and Historic Preservation Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1646, by Senator Larkin, Senate Print 428, an act to amend the Real Property Tax Law.

ACTING PRESIDENT GRIFFO: 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.)

THE SECRETARY: Ayes, 60. Nays, 1. Senator Duane recorded in the negative.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1647, by Senator Flanagan, Senate Print 687, an act to amend the Education Law.

ACTING PRESIDENT GRIFFO: 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.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1648, by Senator O. Johnson, Senate Print 1287, an act to amend the Executive Law.

SENATOR DUANE: Lay it aside,

please.

ACTING PRESIDENT GRIFFO: Lay it aside.

THE SECRETARY: In relation to Calendar Number 1649, Senator Morahan moves to discharge, from the Committee on Local Government, Assembly Bill Number 9306 and substitute it for the identical Senate Bill Number 1474, Third Reading Calendar 1649.

ACTING PRESIDENT GRIFFO: Substitution so ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1649 --

SENATOR DUANE: Lay it aside, please.

ACTING PRESIDENT GRIFFO: The bill is laid aside.

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

SENATOR SKELOS: Mr. President, the bills that are on the controversial calendar, would you please lay those aside for the day.

ACTING PRESIDENT GRIFFO: The Secretary will lay those bills on the controversial calendar aside for the day.

SENATOR SKELOS: And if we could return to reports of standing committees for the report of the Rules report.

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

5632B, by Senator Flanagan, an act to amend the Executive Law;

6475, by Senator Winner, an act to amend the Public Officers Law;

6476, by Senator Winner, an act to amend the Public Officers Law;

6677B, by Senator Volker, an act to amend the Erie County Tax Act;

6768A, by Senator Morahan, an act to amend the Mental Hygiene Law;

6897, by Senator Padavan, an act to amend Chapter 548 of the Laws of 2004;

6930A, by Senator Griffo, an act to amend the Correction Law;

6968A, by Senator Golden, an act to amend the Elder Law;

6973, by Senator Larkin, an act to amend the Agriculture and Markets Law;

7220, by Senator Trunzo, an act authorizing;

7255, by Senator Skelos, an act to authorize;

7267A, by Senator Leibell, an act to amend the Public Officers Law;

7288, by Senator Volker, an act to amend the Executive Law;

7307, by Senator Morahan, an act authorizing;

7386, by Senator Fuschillo, an act to authorize;

7424A, by Senator Flanagan, an act to amend the Public Officers Law;

7451, by Senator Skelos, an act to amend the Town Law;

7464A, by Senator Bonacic, an act

to legalize, validate and ratify;

7481, by Senator O. Johnson, an act to authorize;

7553, by Senator Lanza, an act to amend the Real Property Tax Law;

7568, by Senator Flanagan, an act to amend the State Finance Law;

7591, by Senator Fuschillo, an act to amend the Real Property Tax Law;

7627, by Senator Marcellino, an act to amend the Town Law;

7715, by Senator Trunzo, an act in relation to authorizing;

7728, by Senator Padavan, an act to amend the Education Law;

7810, by Senator Farley, an act to authorize;

7839, by Senator LaValle, an act to amend the State Finance Law;

7844A, by Senator Nozzolio, an act in relation to authorizing;

7899, by Senator Griffo, an act to amend the Penal Law;

7919A, by Senator Bonacic, an act authorizing;

7984A, by Senator Saland, an act to amend the Penal Law and the Correction Law;

8164, by Senator Robach, an act to amend the Penal Law;

8189, by Senator Rath, an act to allow;

8272, by Senator Rath, an act to amend the Town Law;

8279, by Senator Maziarz, an act to amend the Town Law;

8286, by Senator Little, an act to amend the Local Finance Law;

8314, by Senator LaValle, an act to amend the Correction Law;

And Senate Print 8407, by Senator Smith, an act to amend the Executive Law.

All bills ordered direct to third reading.

ACTING PRESIDENT GRIFFO: Senator Skelos.

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

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

(Response of "Aye.")

ACTING PRESIDENT GRIFFO: Opposed, nay.

(No response.)

ACTING PRESIDENT GRIFFO: The report is accepted.

Senator Skelos.

SENATOR SKELOS: Mr. President, is there any further business to come before the Senate?

ACTING PRESIDENT GRIFFO: There is none.

SENATOR SKELOS: There being none, I move we stand adjourned until Wednesday, June 11th, at 3:00 p.m.

ACTING PRESIDENT GRIFFO: On motion, the Senate stands adjourned until Wednesday, June 11th, at 3:00 p.m.

(Whereupon, at 6:07 p.m., the Senate adjourned.)