NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

June 11, 2008

3:06 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 please 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: Today's invocation will be offered by the Reverend Peter Young, of the Mother Theresa Community here in Albany.

Father.

REVEREND YOUNG: Thank you, Senator.

Let us pray.

The wisdom of God is beyond imagining, and God's goodness a boundless treasure. You, O Lord, unfailingly enlighten our minds to open up new and better means of sharing with each other, here in this Senate chamber, our constituencies and information, ideas and aspirations.

The discovery of technology can be of great assistance to our citizens of

New York, that they can bring them then into the time of need for our resources, especially at this time for the cost of gasoline.

For all quality of life, may You provide the resources that will give New Yorkers a better kind of lifestyle.

Amen.

ACTING PRESIDENT GRIFFO: Thank you, Father.

The reading of the Journal.

THE SECRETARY: In Senate, Tuesday, June 10, the Senate met pursuant to adjournment. The Journal of Monday, June 9, 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.

The Secretary will read.

THE SECRETARY: Senator O. Johnson, from the Committee on Finance,

reports the following nominations.

As a public member of the State Banking Board, John LaFalce, of Kenmore.

Senator Marcellino.

SENATOR MARCELLINO: Move the nomination.

ACTING PRESIDENT GRIFFO: Senator Farley, on the nomination.

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

I just want to say a few words on John LaFalce, former Senator, former Assemblyman. Not many people leave the Senate to go over to the Assembly, but he did, and became a distinguished Congressman, a member of the United States House of Representatives Banking Committee, somebody that I've worked with over the years. He was always very concerned about banking issues.

You know, to serve on this nonpaid position, we're very grateful to have the Governor be able to get him to serve. And I spoke with him; he wasn't able to come down. And he was very concerned what Billy Stachowski was going to say about him during

the confirmation hearing.

But anyway, John LaFalce is an outstanding addition to the Banking Board and somebody that I enthusiastically endorse, and I would like to move his nomination.

ACTING PRESIDENT GRIFFO: Thank you, Senator Farley.

Senator Mary Lou Rath.

SENATOR RATH: Thank you, Mr. President.

I'd like to congratulate the Governor on the wisdom of his appointment of former Congressman John LaFalce to the State Banking Board.

Of course, everyone knows of his service in Washington on the Banking Board; I believe he was chairman for a number of years. And his reputation is international in regards to his expertise and his dedication to the issues.

And so I'm delighted to have a member of our Western New York grouping of public officials to serve here in this very high and prestigious position and look forward to working with him and the other members of

the Banking Board.

Thank you.

ACTING PRESIDENT GRIFFO: Thank you, Senator Rath.

Senator Stachowski.

SENATOR STACHOWSKI: Yes, Mr. President, I too would like to rise to second the nomination of John LaFalce and congratulate the Governor on his appointment.

John spent most of his time in Congress working on banking issues, and I think he'll bring a wealth of knowledge with him, and as well as being a Western New Yorker, which we appreciate.

But I would be remiss if I didn't tell a quick story. Way back when we did the start of our little above-ground subway system in downtown Buffalo, John LaFalce was noted for not giving the shortest of speeches. And he got up and said, "I'm going to make a few brief remarks." And when he did, all the electeds stood up and gave him a standing ovation, because he'd always say "I'm going to make a few brief remarks," and then we'd be there -- but it was a cold day, and he

actually stuck to his word.

But all kidding aside, John is a very intelligent man. Obviously, a former Senator, which would make him stand in good stead with us, but a real expert on banking issues, and I think he'll bring a lot to the board. And I'm proud to second his nomination.

ACTING PRESIDENT GRIFFO: Thank you, Senator Stachowski.

The question is on the nomination of John LaFalce, of Kenmore, for a seat as a member of the State Banking Board. All in favor indicate by saying aye.

(Response of "Aye.")

ACTING PRESIDENT GRIFFO: Opposed, nay.

(No response.)

ACTING PRESIDENT GRIFFO: The nomination of John LaFalce is hereby confirmed.

The Secretary will read.

THE SECRETARY: As a member of the Empire State Plaza Art Commission, Dolores Sarno, of Saratoga Springs.

As a member of the Palisades Interstate Park Commission, David H. Mortimer, of New York City.

As members of the Medical Advisory Committee, Katherine Annette Golar, M.D., of Brooklyn; Lynda Marlene Karig Hohmann, Ph.D., M.D., of Albany; Greg Otten, of New York City; and Lisa B. Sbrana, of New York City.

As members of the Council on Human Blood and Transfusion Services, David M. Huskie, of Petersburg, and Philip L. McCarthy, of Williamsville.

And as a member of the Minority Health Council, Dennis Deleon, of New York City.

SENATOR MARCELLINO: Move the nominations, Mr. President.

ACTING PRESIDENT GRIFFO: Thank you, Senator Marcellino.

The question is on the nominations as read. All in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT GRIFFO: Opposed, nay.

(No response.)

ACTING PRESIDENT GRIFFO: The nominees are hereby confirmed.

Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

Senator Fuschillo.

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

Amendments are offered to the following Third Reading Calendar bills:

Sponsored by Senator Bonacic, page number 35, Calendar Number 947, Senate Print Number 6222;

By Senator DeFrancisco, page number 42, Calendar Number 1145, Senate Print Number 6663A;

By Senator Griffo, page number 68, Calendar Number 1614, Senate Print Number 6930A.

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

ACTING PRESIDENT GRIFFO: The amendments are received and adopted, and the bills will retain their place on the Third

Reading Calendar.

SENATOR FUSCHILLO: Thank you.

Mr. President, on behalf of Senator Farley, I wish to call up Senate Print Number 7148A, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: Calendar Number 1032, by Senator Farley, Senate Print 7148A, an act in relation to special education transportation contracts.

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, 43.

SENATOR FUSCHILLO: I now offer the following amendments.

ACTING PRESIDENT GRIFFO: The amendments are accepted.

SENATOR FUSCHILLO: Thank you.

ACTING PRESIDENT GRIFFO: Thank

you, Senator Fuschillo.

Senator Duane.

SENATOR DUANE: Thank you, Mr. President.

On behalf of my close personal friend Senator Stachowski, I move to recommit Senate Print Number 825, Calendar Number 1411 on the order of third reading, to the Committee on Transportation, with instructions to said committee to strike out the enacting clause.

ACTING PRESIDENT GRIFFO: So ordered.

SENATOR DUANE: Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: Thank you, Senator Duane.

Senator Marcellino.

SENATOR MARCELLINO: Mr. President, thank you. I believe there are some seven substitutions to be made. Could we have that done now, please.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: On page 29,

Senator Montgomery moves to discharge, from the Committee on Social Services, Children and Families, Assembly Bill Number 1942 and substitute it for the identical Senate Bill Number 3158, Third Reading Calendar 809.

On page 36, Senator Saland moves to discharge, from the Committee on Rules, Assembly Bill Number 9715A and substitute it for the identical Senate Bill Number 7184A, Third Reading Calendar 970.

On page 63, Senator Seward moves to discharge, from the Committee on Insurance, Assembly Bill Number 10371 and substitute it for the identical Senate Bill Number 7368, Third Reading Calendar 1474.

On page 68, Senator Padavan moves discharge, from the Committee on Rules, Assembly Bill Number 10736 and substitute it for the identical Senate Bill Number 6897, Third Reading Calendar 1613.

On page 69, Senator Volker moves to discharge, from the Committee on Investigations and Government Operations, Assembly Bill Number 2656 and substitute it for the identical Senate Bill Number 7288,

Third Reading Calendar 1620.

On page 69, Senator Flanagan moves to discharge, from the Committee on Rules, Assembly Bill Number 10241 and substitute it for the identical Senate Bill Number 7568, Third Reading Calendar 1628.

And on page 70, Senator Marcellino moves to discharge, from the Committee on Rules, Assembly Bill Number 10620 and substitute it for the identical Senate Bill Number 7627, Third Reading Calendar 1630.

ACTING PRESIDENT GRIFFO: The substitutions are so ordered.

Senator Marcellino.

SENATOR MARCELLINO: Yes, Mr. President. Can we adopt the Resolution Calendar, with the exception of Resolutions 6075, 6462 and 6463.

ACTING PRESIDENT GRIFFO: All in favor of adopting the Resolution Calendar, with the exceptions of Resolutions 6075, 6462, and 6463, signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT GRIFFO: Opposed, nay.

(No response.)

ACTING PRESIDENT GRIFFO: The Resolution Calendar is adopted.

Senator Marcellino.

SENATOR MARCELLINO: Mr. President, we have a resolution by Senator Gonzalez. We'd like the title read -- that's Number 6075 -- and Senator Gonzalez would like to open it for cosponsorship.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: By Senator Gonzalez, Legislative Resolution Number 6075, memorializing Governor David A. Paterson to proclaim Tuesday, July 15, 2008, as Amyotrophic Lateral Sclerosis Awareness Day in the State of 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 and open for cosponsorship. If you do not wish to be a cosponsor, please notify the desk.

Senator Marcellino.

SENATOR MARCELLINO: Mr. President, we have a Resolution 6462, by Senator Thompson. We'd like the title read, move for its immediate adoption, and open the resolution for cosponsorship.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: By Senator Thompson, Legislative Resolution Number 6462, memorializing Governor David A. Paterson to proclaim August 4, 2008, as Coast Guard Day in the State of 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.

It is open for cosponsorship. If you choose not to be a cosponsor, please notify the desk.

Senator Marcellino.

SENATOR MARCELLINO: Mr. President, thank you.

And also by Senator Thompson, Resolution 6463. We'd like the title read, move for its immediate adoption, and open the resolution for cosponsorship.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: By Senator Thompson, Legislative Resolution Number 6463, memorializing Governor David A. Paterson to proclaim November 15, 2008, as America Recycles Day in the State of 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.

It is open for cosponsorship. If you choose not to be a cosponsor, please notify the desk. Thank you.

Senator Farley.

SENATOR FARLEY: Thank you, Mr. President. I have a couple of motions.

On behalf of Senator Rath, on page 71, I offer the following amendments to Calendar Number 1640, Senate Print 8189, and I ask that that 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 FARLEY: On behalf of Senator Flanagan, Mr. President, on page 12 I offer the following amendments to Calendar Number 301, Senate Print 5592, and I ask that that 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 Marcellino.

SENATOR MARCELLINO: Yes, Mr. President. At this time there will be an immediate meeting of the Rules Committee in Room 332, and we'll await the report of the Rules Committee.

ACTING PRESIDENT GRIFFO: There will be an immediate meeting of the Rules Committee in the Majority Conference Room, Room 332.

The Senate will stand at ease.

(Whereupon, the Senate stood at ease at 3:20 p.m.)

(Whereupon, the Senate reconvened at 3:31 p.m.)

ACTING PRESIDENT GRIFFO: The Senate will come to order.

Senator Marcellino.

SENATOR MARCELLINO: Thank you, Mr. President. May we move to the noncontroversial reading of the calendar.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: Calendar Number

196, by Senator Hannon, Senate Print 5429, an act to amend the Public Health Law and the Social Services Law, in relation to specialized nursing services.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 375, by Senator Bonacic --

SENATOR MARCELLINO: Lay it aside for the day.

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

THE SECRETARY: Calendar Number 401, by Senator Saland, Senate Print 1071, an act to amend the Social Services Law, in relation to abandoned infants.

ACTING PRESIDENT GRIFFO: Read

the last section.

THE SECRETARY: Section 12. This act shall take effect on the 60th day.

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 403, by Senator Skelos, Senate Print 3828, an act to amend the Family Court Act and the Domestic Relations Law, in relation to abandoned infants.

ACTING PRESIDENT GRIFFO: Read the last section.

THE SECRETARY: Section 10. This act shall take effect on the 60th day.

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number

809, substituted earlier today by Member of the Assembly Robinson, Assembly Print Number 1942, an act to amend the Domestic Relations Law and the Public Health Law, in relation to a petition.

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.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 970, substituted earlier by Member of the Assembly Gordon, Assembly Print Number 9715A, an act to amend the Agriculture and Markets Law, in relation to establishing animal response teams.

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.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1029, by Senator Marcellino, Senate Print 6939, an act to amend the Education Law --

SENATOR DUANE: Lay it aside, please.

ACTING PRESIDENT GRIFFO: The bill is laid aside.

THE SECRETARY: Calendar Number 1038, by Senator Larkin, Senate Print 7687, an act in relation to transportation contracts.

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, 58.

ACTING PRESIDENT GRIFFO: The

bill is passed.

THE SECRETARY: Calendar Number 1039, by Senator Saland, Senate Print 7981A, an act to amend the Education Law, in relation to ability of members.

ACTING PRESIDENT GRIFFO: Can we have some order, please, so the stenographer can hear. Thank you.

Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1137, by Senator Seward, Senate Print 7198, an act to amend the Executive Law, in relation to including.

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.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1144, by Senator Sabini, Senate Print 5874, an act to amend the Agriculture and Markets Law, in relation to inspection.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT GRIFFO: Senator Sabini.

SENATOR SABINI: Mr. President, to explain my vote.

This bill will put some teeth into the inspection process at the State Agriculture Department. It was originally a bill that was sponsored by then-Assemblyman

Klein in the other house.

And we have a system of inspections in our slaughterhouses where State Ag comes in and looks at cleanliness conditions. But the difference between what is the law now and what could be the law if this bill becomes law is that there's no impetus for you to pass the inspection. You can fail the inspection over and over and over and still have a license to run a slaughterhouse.

It's particularly important now that we're finding more and more slaughterhouses that are catering to people who eat halal meats in the Muslim community who pay extra for that kind of service and yet have conditions that are oftentimes not very cleanly.

We learned yesterday that we have to watch our tomatoes; we have to watch our beef and poultry even more closely.

I want to thank Chairman Fuschillo for his help on this, and I'm going to be voting aye on this bill. Thank you.

ACTING PRESIDENT GRIFFO: Senator Sabini to 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 1165, by Senator Winner, Senate Print 7933, an act to amend the Alcoholic Beverage Control Law, in relation to designating.

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 1205, by Senator Bonacic, Senate Print 7047, an act to amend the Education Law, in relation to exemptions.

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 1222, by Senator Nozzolio, Senate Print 7543, an act in relation to creating.

ACTING PRESIDENT GRIFFO: Read the last section.

THE SECRETARY: Section 8. This act --

SENATOR DUANE: Lay it aside, please.

ACTING PRESIDENT GRIFFO: Lay it aside.

THE SECRETARY: Calendar Number 1241, by Senator Marcellino, Senate Print 6938, an act to amend the Education Law, in relation to including special education expenditures.

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 1299, by Senator Skelos, Senate Print 2375 --

SENATOR DUANE: Lay it aside, please.

ACTING PRESIDENT GRIFFO: Lay it aside.

THE SECRETARY: Calendar Number 1304, by Senator Young, Senate Print 6248A, an act to amend the Tax Law, in relation to sales tax.

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 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 1306, by Senator DeFrancisco, Senate Print 6664A, an act to amend the Tax Law, in relation to enacting the Taxpayer Advocate Act.

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, 60.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1307, by Senator Lanza, Senate Print 6769A, an act to amend the Education Law, in relation to random testing.

ACTING PRESIDENT GRIFFO: Read

the last section.

THE SECRETARY: Section 4. This act --

SENATOR DUANE: Lay it aside, please.

ACTING PRESIDENT GRIFFO: The bill is laid aside.

THE SECRETARY: Calendar Number 1312, by Senator Bonacic, Senate Print 7279, an act to establish a temporary state commission.

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 1435, by Senator LaValle, Senate Print 8110, an act to amend the Education Law, in relation to central high school districts.

ACTING PRESIDENT GRIFFO: Read the last section.

THE SECRETARY: Section 2. This act shall take --

SENATOR DUANE: Lay it aside, please.

ACTING PRESIDENT GRIFFO: Lay it aside.

THE SECRETARY: Calendar Number 1439, by Senator Marcellino --

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

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

THE SECRETARY: Calendar Number 1471, by Senator Seward, Senate Print 7111, an act to amend the Insurance Law, in relation to service contracts.

ACTING PRESIDENT GRIFFO: Read the last section.

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

SENATOR DUANE: Lay it aside, please.

ACTING PRESIDENT GRIFFO: Lay it

aside.

THE SECRETARY: Calendar Number 1474, substituted earlier today by Member of the Assembly Peoples, Assembly Print Number 10371, an act to amend the Insurance Law, in relation to changing the reported date.

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 1477, by Senator Seward, Senate Print 7609A, an act to amend the Insurance Law, in relation to investments and activities.

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 1480, by Senator Seward, Senate Print 8167, an act to amend the Insurance Law, in relation to 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.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1496, by Senator Flanagan, Senate Print 4355, an act to amend Chapter 154 of the Laws of 1921 constituting the Port of New York Authority.

ACTING PRESIDENT GRIFFO: Read

the last section.

THE SECRETARY: Section 6. This act shall take effect upon enactment into law by the State of New Jersey.

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 MARCELLINO: Lay it aside for the day, please.

ACTING PRESIDENT GRIFFO: Lay it aside for the day.

THE SECRETARY: Calendar Number 1568, by Senator Maziarz, Senate Print 3101, an act to amend the Mental Hygiene Law, in relation to safety provisions.

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, 60.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1589, by Senator Morahan --

SENATOR DUANE: Lay it aside, please.

ACTING PRESIDENT GRIFFO: Lay it aside.

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

SENATOR DUANE: Lay it aside, please.

ACTING PRESIDENT GRIFFO: Lay it aside.

THE SECRETARY: Calendar Number 1594, by Senator Seward, Senate Print 4791, an act to amend the Tax Law, in relation to sales tax exemption.

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

The Secretary will read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT GRIFFO: Senator Hassell-Thompson, to explain her vote.

SENATOR HASSELL-THOMPSON: Yes, thank you, Mr. President.

I was hesitant to vote no on this bill, but I'm not clear that the bill will make sure that the sales tax is not collected. Whenever you use a credit card, it's automatic that sales tax is extracted. And I'm not clear how this bill keeps -- I'm not sure how this bill keeps people from being able to pay.

It's very clear that when you use a coin machine, that you don't pay taxes on the coins. But I'm not clear that once you do the transaction through the credit card that the sales tax won't automatically be extracted. And if they're not supposed to pay, I'm not clear that companies will not still charge.

So I will be voting no just on lack

of clarity.

ACTING PRESIDENT GRIFFO: Senator Hassell-Thompson to be recorded in the negative.

Announce the results.

THE SECRETARY: Those recorded in the negative on Calendar Number 1594 are Senators Duane, Hassell-Thompson, L. Krueger, Perkins and Schneiderman.

Ayes, 56. Nays, 5.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1596, by Senator Larkin, Senate Print 536, an act to amend the Agriculture and Markets Law, in relation to powers and duties of the Commissioner of Agriculture and Markets.

ACTING PRESIDENT GRIFFO: Read the last section.

Senator Duane, did you make a motion to lay that aside?

SENATOR DUANE: Mr. President, are you hearing voices? No, I didn't.

ACTING PRESIDENT GRIFFO: Only from above.

(Laughter.)

ACTING PRESIDENT GRIFFO: Read the last section.

THE SECRETARY: Section 12. 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 1605, by the Assembly Committee on Rules, Assembly Print Number 9242A, an act in relation to communication service surcharges.

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

The Secretary will 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 1606, by Senator O. Johnson, Senate Print 6465A, an act to authorize the New York Gospel Assembly, Inc.

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 1606 are Senators Bonacic, Larkin and Rath.

Ayes, 58. Nays, 3.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1608, by Senator Flanagan, Senate Print 5632B, an act to amend the Executive Law, in relation to public safety.

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 Golden.

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

This bill that authorizes the Office of Homeland Security to establish and implement a statewide planning and mapping system of schools colleges and universities is something that's very important for this state, especially not just if there's a terrorist attack, like we seen on 9/11, but if there is a incident where a child would go onto a campus with a gun and that that school could be evacuated safely, within a quick response time, within 10 or 12 minutes that that entire school could be evacuated if in fact there was a threat to that school.

This mapping would allow that to happen. I would hope that all of my

colleagues would vote for this bill and that we can get this bill passed in the Assembly and sent to the Governor for signage, because it is important for the children across this state that we have the securities that we need to keep their families safe and to keep those children safe.

We have kids here today from the Our Lady of Guadalupe in Brooklyn. They were there at 9/11 when they seen the tragedy of what happened and how that city was shut down. And they needed a response, and they had no response. Those schools were not given the mapping system that can be given to them to ensure that they would be safe in the future.

So we will look hopefully to pass legislation that works for them in Brooklyn and for those across the State of New York.

This is a very forward bill, and I thank Senator Flanagan for putting it forward, and I vote aye.

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

Announce the results.

THE SECRETARY: Ayes, 61. Nays,

0.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1611, by Senator Volker, Senate Print 6677B, an act to amend the Erie County Tax Act, in relation to providing.

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, 61.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1612, by Senator Morahan, Senate Print 6768A, an act to amend the Mental Hygiene Law, in relation to developing.

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 1613, substituted earlier today by Member of the Assembly --

SENATOR DUANE: Lay it aside, please.

ACTING PRESIDENT GRIFFO: Lay it aside.

THE SECRETARY: Calendar Number 1615, by Senator Golden, Senate Print 6968A, an act to amend the Elder Law, in relation to establishing.

ACTING PRESIDENT GRIFFO: Read the last section.

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

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 1616, by Senator Larkin, Senate Print 6973, an act to amend the Agriculture and Markets Law and others, in relation to granting partial deduction.

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: Calendar Number 1617, by Senator Trunzo, Senate Print 7220, an act authorizing the assessor of the Town of Islip.

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: Calendar Number 1618, by Senator Skelos, Senate Print 7255, an act to authorize the West Hempstead Union Free School District, Nassau County.

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: Calendar Number 1619, by Senator Leibell, Senate Print 7267A,

an act --

SENATOR DUANE: Lay it aside, please.

ACTING PRESIDENT GRIFFO: Lay it aside.

THE SECRETARY: Calendar Number 1620, substituted earlier today by Member of the Assembly Diaz, Assembly Print Number 2656, an act to amend the Executive Law, in relation to including.

ACTING PRESIDENT GRIFFO: 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 1621, by Senator Morahan, Senate Print 7307, an act authorizing Camp Venture, Inc., to file an application.

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 1621 are Senators Bonacic, Larkin and Rath.

Ayes, 58. Nays, 3.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1622, by Senator Fuschillo, Senate Print 7386, an act to authorize the First United Methodist Church of Roosevelt to file an application.

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 1622 are Senators Bonacic, Larkin and Rath.

Ayes, 58. Nays, 3.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1623, by Senator Flanagan, Senate Print 7424A, an act to amend the Public Officers Law, in relation to definition of a public body.

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 1624, by Senator Skelos, Senate Print 7451, an act to amend the Town Law, in relation to extending.

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 1625, by Senator Bonacic, Senate Print 7464A, an act to legalize, validate, ratify and confirm certain actions.

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

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.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number

1626, by Senator O. Johnson, Senate Print 7481, an act to authorize the Suffolk Jewish Center to file an application.

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 1626 are Senators Bonacic, Larkin and Rath.

Ayes, 58. Nays, 3.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1627, by Senator Lanza, Senate Print 7553, an act to amend the Real Property Tax Law and the Education Law, in relation to a green roof tax abatement.

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 1628, substituted earlier today by Member of the Assembly Kavanagh, Assembly Print Number 10241, an act to amend the State Finance Law, in relation to disqualification.

ACTING PRESIDENT GRIFFO: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the 120th 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 1629, by Senator Fuschillo, Senate Print 7591, an act to amend the Real Property Tax Law, in relation to allowing.

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, 61.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1630, substituted earlier by Member of the Assembly Walker, Assembly Print Number 10620, an act to amend the Town Law, in relation to election.

ACTING PRESIDENT GRIFFO: Read the last section.

THE SECRETARY: Section 3. This act shall take effect January 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 1631, by Senator Trunzo, Senate Print 7715, an act in relation to authorizing the assessor of the Town of Islip.

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 1631 are Senators Bonacic, Larkin and Rath.

Ayes, 58. Nays, 3.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1632, by Senator Padavan, Senate Print 7728, an act to amend the Education Law, in relation --

SENATOR LIZ KRUEGER: Lay it aside, please.

ACTING PRESIDENT GRIFFO: Lay it aside.

THE SECRETARY: Calendar Number 1633, by Senator Farley, Senate Print 7810, an act to authorize Faith Deliverance Tabernacle to file an application.

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 1633 are Senators Bonacic, Larkin and Rath.

Ayes, 58. Nays, 3.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1634, by Senator LaValle, Senate Print 7839, an act to amend the State Finance Law, in relation to commodities.

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 1636, by Senator Griffo, Senate Print 7899, an act to amend the Penal Law, in relation to permits for public displays of fireworks.

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.)

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

SENATOR CONNOR: Thank you, Mr. President.

Just let me say I'm a big fan of fireworks. I've had several pictures at various times hanging in my office -- you know, Fourth of July or Statute of Liberty

kind of thing.

The only fireworks display I ever saw I didn't like had nothing to do with the display. We were standing at that window here on the evening of the Fourth of July watching the fireworks.

But it's an important, serious subject. Safety is everything. And the Labor Department has been proposing a comprehensive bill that will provide for things like insurance and so on.

To say oh, this is just for a little -- you know, somebody locally to do a fireworks display at their home for 50 or 100 guests for their kid's graduation or whatever, really leaves aside the question of how much insurance they have. What if something goes wrong? What if they burn the garage next door down? What if they hurt a neighbor?

And so that's why I'm voting no for this, Mr. President.

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

Announce the results.

THE SECRETARY: Those recorded in

the negative on Calendar Number 1636 are Senators Connor, Duane, Klein, L. Krueger, Marcellino, Morahan, Parker, Perkins, Sabini, Savino, Schneiderman, Serrano, Stavisky and Stewart-Cousins.

Ayes, 47. Nays, 14.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1637, by Senator Bonacic, Senate Print 7919A, an act authorizing the Town of Deerpark to issue bonds.

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

The Secretary will read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number

1638, by Senator Saland, Senate Print 7984A, an act to amend --

SENATOR DUANE: Lay it aside, please.

ACTING PRESIDENT GRIFFO: Lay it aside.

THE SECRETARY: Calendar Number 1639, by Senator Robach, Senate Print 8164, an act to amend the Penal Law, in relation to crimes of manslaughter.

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 1641, by Senator Rath, Senate Print 8272, an act to amend the Town Law, in relation to the residency requirement.

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 1642, by Senator Maziarz, Senate Print 8279, an act to amend the Town Law, in relation to residency requirement.

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 1644, by Senator LaValle, Senate Print 8314,

an act to amend the --

SENATOR DUANE: Lay it aside, please.

ACTING PRESIDENT GRIFFO: Lay it aside.

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

SENATOR DUANE: Lay it aside, please.

ACTING PRESIDENT GRIFFO: Lay it aside.

THE SECRETARY: Calendar Number 1649, by Member of the Assembly Jaffee, Assembly Print Number 9306, an act authorizing the Mosdos Torah, Inc., to file an application.

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 1649 are Senators Bonacic, Larkin and Rath.

Ayes, 58. Nays, 3.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1643, by Senator Little, Senate Print 8286, an act to amend the Local Finance Law, in relation to making technical amendments.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll call.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT GRIFFO: The bill is passed.

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

SENATOR MARCELLINO: Mr. President, can we move directly to the controversial reading of the calendar.

ACTING PRESIDENT GRIFFO: The

Secretary will ring the bells.

Senator Marcellino.

SENATOR MARCELLINO: Mr. President, can we return to the order of motions and resolutions and recognize Senator Bonacic.

ACTING PRESIDENT GRIFFO: Motions and resolutions.

Senator Bonacic.

SENATOR BONACIC: Thank you, Mr. President.

On page number 26, I offer the following amendments, on behalf of Senator Fuschillo, to Calendar Number 726, Senate Print Number 7191, and ask that that 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 BONACIC: Again on behalf of Senator Fuschillo, on page number 14 I offer the following amendments to Calendar Number 368, Senate Print Number 5045A, and ask

that the 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 BONACIC: On behalf of Senator DeFrancisco, I wish to call up Bill Print Number 6466, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: Calendar Number 619, by Senator DeFrancisco, Senate Print 6466, an act to amend the Agriculture and Markets Law.

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

ACTING PRESIDENT GRIFFO: Call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

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

ACTING PRESIDENT GRIFFO: The amendments are accepted.

SENATOR BONACIC: Last but not least, on behalf of Senator Fuschillo, I wish to call up Senate Print Number 6799B, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: Calendar Number 444, by Senator Fuschillo, Senate Print 6799B, an act to create a course of instruction.

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

ACTING PRESIDENT GRIFFO: The amendments are accepted.

SENATOR BONACIC: Thank you.

ACTING PRESIDENT GRIFFO: Senator Duane.

SENATOR DUANE: Thank you, Mr. President. I know how much you like to hear me speak.

On behalf of Senator Thompson, I wish to call up Bill Print Number 8101, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT GRIFFO: The Secretary will read.

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: Senator Duane.

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

ACTING PRESIDENT GRIFFO: Call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT GRIFFO: Do you have amendments?

SENATOR DUANE: I do.

Mr. President, I now offer the following amendments.

ACTING PRESIDENT GRIFFO: The amendments are accepted.

SENATOR DUANE: Thank you, Mr. President.

SENATOR MARCELLINO: Mr. President, can we go to the controversial reading, please.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: Calendar Number 1029, by Senator Marcellino, Senate Print 6939, an act to amend the Education Law, in relation to enforcement.

SENATOR DUANE: Explanation.

ACTING PRESIDENT GRIFFO: Explanation, Senator Marcellino.

SENATOR MARCELLINO: Thank you, Mr. President.

This legislation authorizes -- not mandates, but authorizes -- school districts to enforce and continue in effect the suspension of a pupil ordered by the school district that the pupil previously attended.

ACTING PRESIDENT GRIFFO: Senator Duane.

SENATOR DUANE: Thank you, Mr. President. If the sponsor would yield.

ACTING PRESIDENT GRIFFO: Senator Marcellino, do you yield?

SENATOR MARCELLINO: Yes, I do.

ACTING PRESIDENT GRIFFO: Senator Duane.

SENATOR DUANE: Thank you, Mr. President.

What happens now when a pupil, a student has been suspended and they move to a new district during the course of the suspension?

SENATOR MARCELLINO: Currently, Senator Duane, there is a loophole in the law that if a student transfers, the suspension lapses.

SENATOR DUANE: And through you, Mr. President, would the sponsor continue to yield.

ACTING PRESIDENT GRIFFO: Senator Marcellino, do you yield?

SENATOR MARCELLINO: Yes, I do.

ACTING PRESIDENT GRIFFO: Senator Duane.

SENATOR DUANE: And just to clarify, this continuation of the suspension in the new district is at the discretion of the new district, it's not mandatory?

SENATOR MARCELLINO: That's perfectly correct, sir.

SENATOR DUANE: And through you, Mr. President, if the sponsor would continue to yield.

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

SENATOR MARCELLINO: Yes, I do.

ACTING PRESIDENT GRIFFO: Senator Duane.

SENATOR DUANE: What's the system by which the districts communicate this? Is it generally electronic, or is the student required to bring their transcripts or does one district automatically send them? How do the districts know what the suspension was and for -- what the reason was and how long the suspension was?

SENATOR MARCELLINO: It's my

understanding, through you, Mr. Chairman, that the records are transferred to the accepting school district. The statement would include the suspension and the purpose of the suspension and the length of the suspension. Which is mandated by the Commissioner of Education.

By the way, there is also an appeal process, obviously, that the student and the student's family can take advantage of, and that doesn't change.

SENATOR DUANE: And through you, Mr. President, if the sponsor would continue to yield.

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

SENATOR MARCELLINO: Yes, I do.

ACTING PRESIDENT GRIFFO: Senator Duane.

SENATOR DUANE: And I don't know whether this is the case, but if -- for instance, in New York City, the district for developmentally disabled students is a different district. And I'm wondering if a student is in -- for instance, if a student is

in a district but it's been decided that they should go into a special-needs school which may be part of a different district and there may have been a suspension before they knew that the behavioral problem was a mental illness problem or a development problem, does that -- does it continue there as well, or does the suspension end at that point?

SENATOR MARCELLINO: It's been a long time since I taught in the city school system and was involved in these processes, but it's my understanding that if it was -- if the transfer was normally usually requested or mandated by 110 Livingston Street or the hearing authority, that would occur.

In the city they do their own thing, in a sense. It's not like the rest of the state, where you have separate entities and separate districts. They're all under the Board of Education at 110 Livingston Street, so they all get that general control.

So they would know the suspension, they would know the appeal process. It would be controlled before the child ever got to the other school.

SENATOR DUANE: Okay, thank you.

Thank you, Mr. President. On the bill.

ACTING PRESIDENT GRIFFO: Senator Duane, on the bill.

SENATOR DUANE: I have some trepidation about this bill. But because it is discretionary, I'm going to vote in the affirmative, with the faith that the new district will look at the circumstances around why a student may have been suspended earlier on and that a student in need of special help will not be discriminated against or unduly continued in a suspension because we're passing this legislation.

So I will be voting in the affirmative, but with reservations.

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

Senator Hassell-Thompson.

SENATOR HASSELL-THOMPSON: Thank you.

Yes, I won't ask any questions, but I just want to comment on the bill.

ACTING PRESIDENT GRIFFO: On the

bill, Senator Hassell-Thompson.

SENATOR HASSELL-THOMPSON: I think I understand the intent of the bill.

But for the last two years, I've been lobbying hard for us to take a look at our school districts where we have high numbers of children who are being suspended from school. And when you look at those suspension numbers, what you will see is that there's a definite correlation between those youngsters who constantly are suspended and those who ultimately drop out, and somehow that constitutes a part of school to prison, the pipeline to prison.

These studies have not been done by me, they've been done by universities including Harvard, and some other studies. And there's a movement across this country to try to look at the societal behaviors that cause children to be suspended.

And it concerns me that in light of -- I think when we did some studies of the State of New York, for instance, Rochester has a suspension rate -- I was looking at my city and found that we had a 15 percent suspension

rate, which correlated to pretty much the same thing in terms of dropouts. But the state looked at Rochester, and Rochester has a 65 percent suspension rate.

My concern about this bill and any other that encourages children to be suspended in subsequent schools concerns me a great deal. And I have been very motivated to look at school districts and make sure that we begin a process, as the State of Virginia has done and several others who have identified suspension as being a major cause of a lot of the dropout rate, particularly in communities of color.

And I am more encouraged, I think, by an attitude that says that we ought to be working with -- excuse me, Senator Larkin -- that we should be working with noneducational people and the community at large to see how we can reduce the rate of suspension and not create barriers that automatically assume that children will not only be suspended from one school but from any school within a district.

So I will in fact be voting no. Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: Senator Diaz.

SENATOR DIAZ: Thank you, Mr. President.

Senator Hassell-Thompson said that she thinks that she understands the purpose of the bill. I really don't understand the purpose of the bill.

Because I do believe, Mr. President, I do believe in second chance. Second chance means that sometimes you have to give another opportunity to people to see if they could behave or could do better.

What this bill, what this bill is saying is it is punishing, ruining completely, closing the door to a young girl or a young boy that for whatever reason in the school district that he or she was, they became into problems.

Sometimes, sometimes people that switch environments, people that change friends, people that are transferred from one environment to another, they do better in the other place because they have been taken away from the friends, from the environment.

And I believe that we should give a second chance. I mean, I would support a bill like this if the bill says a student that was suspended in one school district and then was suspended in another school district. But then, you know, I would support something like that, that the student shall not be immediately in another school district.

But for a student, especially knowing the people in my district, in the black and Hispanic community, we sometimes need a friendly voice, a friendly ear to listen to us, to understand us, and to give us a second chance. And this bill is closing the doors on our youth. If you behave -- if you blow it here, there is no more opportunity for you. Goodbye. Go into the street, go sell drugs and go ruin your future for good.

So, ladies and gentlemen, I really, really have problems with a bill like this. I think that -- again, I'm asking all of you, before you vote on this bill, let's give them a second chance. Let's give them another opportunity. And don't close doors on our youth this way.

I'm voting no. Thank you.

ACTING PRESIDENT GRIFFO: Thank you, Senator Diaz.

Any other Senator wishing to be heard?

Debate is closed. The Secretary will ring the bell.

The Senate will come to order.

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 Diaz, to explain his vote.

SENATOR DIAZ: Thank you, Mr. Chairman.

I'm just going to explain my vote just for the benefit of those that were not in chamber when I spoke before.

And I'm saying that this bill, by suspending, by closing the door on the one student that is suspended, the one school district, and don't giving the opportunity, a

second opportunity to that student to go into another district, is closing the door on the future of that student.

So I believe in second chance. I believe that students -- sometimes by transferring students to another district, even though the student was suspended in one district, by transferring the student to another district, a new environment, new friends, sometimes the student does better.

So I believe in second chance. I'm asking all of you to give students a second opportunity and don't close the door, because by doing that you are ruining, completely ruining the life for that student. So please let's give them another opportunity.

And you are telling me to finish. Yes, I'm finishing. But please don't vote yes on this bill. I'm voting no. Join me. Vote no.

Thank you.

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

Senator Hassell-Thompson, to explain her vote.

SENATOR HASSELL-THOMPSON: Thank you, Mr. President.

Just to be sure that there's no confusion, I heard that Senator Diaz said he didn't understand what I understood. But what I meant when I said that I understood the need for the bill, part of it is the safety. When children sometimes commit certain acts in a school and they've been suspended based upon that, going to another school without that school having some knowledge may create some safety issues. And there's a piece of me that responds very positively to that.

But when I look at the very minor kinds of reasons that children are being suspended now, what this does is just gives another stroke not only at that school's ability to suspend the child but other schools as well.

So that my contention is that when you have cities like Rochester with a 65 percent suspension rate, and you have other smaller cities, suburban cities, with 15 to 45 percent suspension rates, that says to me that we've got some serious problems and

perhaps this is not the way we should be responding to this particular issue.

So I will in fact be voting no. Thank you. And I'm encouraging my colleagues to do so as well.

ACTING PRESIDENT GRIFFO: Senator Hassell-Thompson to be recorded in the negative.

Senator Montgomery, to explain her vote.

SENATOR MONTGOMERY: Yes, Mr. President, I want to thank my colleagues for this debate, because it was really very thought-provoking.

And I want to thank Senator Hassell-Thompson for that illustration of what can happen when we don't give young people a second chance, and Senator Diaz. And I am going to join them in voting no.

I was not sure how I was going to vote initially. But with an open discussion among members very often, very often issues come up that we may not have thought about, and it's very good.

So, Mr. President, I am definitely

voting no on this legislation, and I hope that we will be able to think about what to do with young people who exhibit problem behavior in any way and to try and address the cause of that behavior a little bit better than we do now besides automatically suspending them.

So I vote no.

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

Senator Liz Krueger, on an explanation.

SENATOR LIZ KRUEGER: Thank you, Mr. President. I also rise to vote no on this bill.

I listened to my colleague's explanation. I respect the sponsor's argument. But in fact kids do stupid things sometimes, particularly teenagers, if anyone here has ever been a teenager and remembers that fact. And I think that the concept of having a law where a teenager who made a mistake can't have an ability to go back to school is a very, very dangerous precedent for us to take.

So I appreciate my colleagues

raising my awareness about this issue and how it could affect young people, and so I'll vote no.

Thank you, Mr. President.

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

Senator Marcellino.

SENATOR MARCELLINO: Mr. President, I would have stayed quiet, but I can't just stand there and let go on the record what's gone on the record.

Nobody can be kept out of school permanently unless you commit murder and are put in jail. We're not talking about that. We're talking about schools a chance to get the help that Senator Diaz was looking for for a youngster who, in this case or one of the cases we're talking about, brought guns into his school system, threatened his teachers and fellow students.

I don't think that's a silly act or a capricious act on the part of a silly teenager, Senator. With all due respect, that's quite serious. I think you would want that kid treated, I think you would want that

kid with psychiatric evaluation. You couldn't do that without this bill. The district receiving the youngster can't do anything about it. That was the purpose.

The parents had money and used that leverage to get the kid out of the school to a different school system to avoid any penalty and avoid, frankly, the help that child needed.

This gives the system a chance to help the youngsters, which I believe we all want. I urge everyone, consider your vote. Please vote yes. This is an important bill for the safety of students and teachers and anyone else in the school system, and it will allow them the time to give help to kids who need it.

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

Announce the results.

THE SECRETARY: Those recorded in the negative on Calendar Number 1029 are Senators Diaz, Gonzalez, Hassell-Thompson, Huntley, L. Krueger, Montgomery, Parker,

Perkins, Sampson and Serrano.

Absent from voting: Senators Adams, C. Kruger and Robach.

Ayes, 49. Nays, 10.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1222, by Senator Nozzolio, Senate Print 7543, an act in relation to creating.

SENATOR DUANE: Explanation, please.

ACTING PRESIDENT GRIFFO: Explanation, Senator Nozzolio.

SENATOR NOZZOLIO: Mr. President, who asked for the explanation?

ACTING PRESIDENT GRIFFO: Senator Duane.

SENATOR NOZZOLIO: Thank you, Mr. President.

The measure before us creates a Palmyra Community Public Library District within the County of Wayne. That this district is to be created to help expand and reinforce the local commitment to the library. And as we all know, libraries are windows on

the world for young and old alike.

And that this library is cherished by the community. And as such. The advocates for the library believe that they require the authority of this legislation to expand their base.

ACTING PRESIDENT GRIFFO: Thank you, Senator Nozzolio.

SENATOR DUANE: Explanation satisfactory.

ACTING PRESIDENT GRIFFO: The debate is closed. The Secretary will ring the bell.

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 1222, absent from voting: Senators Adams, C. Kruger and Robach.

Ayes, 59. Nays, 0.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1299, by Senator Skelos --

SENATOR MARCELLINO: Mr. President, lay the bill aside for the day.

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

SENATOR MARCELLINO: And can we ask, in the interests of expeditiousness and moving this process along, if the members could stay in the chambers so we can get these things done quickly and we can move the votes as quickly as possible.

ACTING PRESIDENT GRIFFO: At the request of Senator Marcellino, I would ask that members please remain in their seats in order to expedite the process today, and ask the Sergeant-at-Arms to gather members.

The Secretary will read.

THE SECRETARY: Calendar Number 1307, by Senator Lanza, Senate Print 6769A, an act to amend the Education Law.

SENATOR DUANE: Explanation, please.

ACTING PRESIDENT GRIFFO: Explanation, Senator Lanza.

SENATOR LANZA: Yes, Mr. President.

Performance-enhancing anabolic steroid abuse is a growing problem posing a significant health threat to our high school athletes. It is important that we educate students with respect to these dangers, but it's also important that we deter its use from the very beginning.

This bill would require student athletes to agree not to use illegal anabolic steroids and also require random testing.

ACTING PRESIDENT GRIFFO: Thank you, Senator Lanza.

Senator Krueger.

SENATOR LIZ KRUEGER: Thank you. If the sponsor wouldn't mind answering some questions.

ACTING PRESIDENT GRIFFO: Senator Lanza, will you yield?

SENATOR LANZA: Yes, Mr. President.

ACTING PRESIDENT GRIFFO: Senator Krueger.

SENATOR LIZ KRUEGER: Thank you,

Senator. Through you, Mr. President.

The estimated cost is a million dollars from this bill. But how many tests are we expecting will be performed per year?

ACTING PRESIDENT GRIFFO: Senator Lanza.

SENATOR LANZA: Mr. President, the estimate is approximately 5,000.

SENATOR LIZ KRUEGER: Thank you, Mr. President. If the sponsor would continue to yield.

ACTING PRESIDENT GRIFFO: Senator Lanza, will you continue to yield?

SENATOR LANZA: Yes, Mr. President.

ACTING PRESIDENT GRIFFO: Senator Krueger.

SENATOR LIZ KRUEGER: What are the legal ramifications for the school as well as the young person if they are tested and they are found to in fact have steroids in their system? Does the school have an obligation to report to the police department, to the district attorney's office? What happens once the test results are known?

SENATOR LANZA: Through you, Mr. President, there is a privacy provision within this legislation that would prohibit the schools from reporting any results of testing to third parties.

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

ACTING PRESIDENT GRIFFO: Senator Lanza, will you continue to yield?

SENATOR LANZA: Yes.

ACTING PRESIDENT GRIFFO: Senator Krueger.

SENATOR LIZ KRUEGER: So we'll test; we might find young people using the drugs. And then what will we do with that information? Will we stop the student from participating in the activity?

SENATOR LANZA: Through you, Mr. President, the rules would be promulgated by the State Department of Education. Penalties would range from probation to suspension from the athletic program.

SENATOR LIZ KRUEGER: Mr. President, if through you the sponsor would

continue to yield.

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

SENATOR LANZA: Yes.

ACTING PRESIDENT GRIFFO: Senator Krueger.

SENATOR LIZ KRUEGER: Thank you.

Would the school have an obligation to report the information to the parents of the student athlete?

SENATOR LANZA: Through you, Mr. President, this program would require consent of the parent.

SENATOR LIZ KRUEGER: Thank you.

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

ACTING PRESIDENT GRIFFO: Senator Lanza, will you continue to yield?

SENATOR LANZA: Yes.

ACTING PRESIDENT GRIFFO: Senator Krueger.

SENATOR LIZ KRUEGER: And I appreciate the sponsor's answers, because of course I don't want young people using steroids.

So it would be random, but you would have to get permission from the parent to test the student. So some random number of students in any given sports activity would have a note to bring home to their parents to get signed off to participate, is that the correct understanding?

SENATOR LANZA: Through you, Mr. President. As a condition of entering into the athletic program, much in the same way as students across the state today are required to submit to physical examinations before participating in athletic programs, this would just be added to that.

SENATOR LIZ KRUEGER: So through you, Mr. President, if the sponsor would continue to yield.

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

SENATOR LANZA: Yes.

ACTING PRESIDENT GRIFFO: Senator Krueger.

SENATOR LIZ KRUEGER: Thank you.

So again, I decide to sign up for a school sport, I have to get permission from my

parent or guardian to participate in the sport, and now that documentation will also say and if you're a participant in these sports, you may be randomly selected for a steroid test? I think that's what I heard you say.

And then as my follow-up, and then if in fact I am selected for the test and the test comes back as a positive for steroids, the privacy provisions will mean that the school doesn't report it to the district attorney or the police, but does the school report that finding specifically back to my parent?

SENATOR LANZA: Through you, Mr. President, it does not.

SENATOR LIZ KRUEGER: It does not. And then -- I'm sorry, Mr. President, if through you the sponsor would continue to yield.

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

SENATOR LANZA: Yes.

ACTING PRESIDENT GRIFFO: Senator Krueger.

SENATOR LIZ KRUEGER: So the positive finding would not be reported to my parent, but I would then no longer be eligible to participate in the sport?

ACTING PRESIDENT GRIFFO: Senator Lanza.

SENATOR LANZA: Through you, potentially.

SENATOR LIZ KRUEGER: Thank you.

On the bill.

ACTING PRESIDENT GRIFFO: Senator Krueger, on the bill.

SENATOR LIZ KRUEGER: I'm going to vote for the bill, because I think we have to do anything and everything to make sure that our young people are not using steroids, because it's killing them. It may kill them later in life after they get old enough to realize what a terrible mistake this was.

And so I certainly understand the sponsor's argument for why he wants to have a program that would hopefully discourage young people from using steroids.

My concerns about the bill, though, are in fact, though, we might find out we have

a problem for an individual, we're not telling their family, their parents, their guardians, and we're not necessarily even stopping them from continuing in the sport. Hence, we've done a test, we'll have some statistical data, but we won't necessarily have helped that one young person.

We also might find a pattern of many young people all on the same team potentially being found positive for steroids, but again, we won't necessarily be addressing what might be a systemic problem even with someone in a position of authority involved with the sports team at the school, again because of privacy.

I certainly am not a legislator who likes to stand up and argue for stricter penalties on teenagers; hence the earlier discussion on the previous bill. But I'm worried that we'll spend quite a bit of money on this bill, and again -- well, we'll spend a million dollars, although I've been told that the costs are higher than I understood them to be, so I'm not sure you can actually do as many tests as you want with a million dollars.

But then, even doing that, this bill doesn't take the information anywhere that will help let the parents know that their child has a problem, that lets the school system even know that they may have a pattern and practice problem among a certain group of athletes participating in a particular type of sports.

And so I'm struggling with the fact that I understand the goal; I'm not sure this bill is going to get us where we want to go.

So I'll vote for the bill under the belief that if it's put into law, others will see there's some glitches here that we need to work on as well, and that we'll no doubt have to come back and revisit, either through a stricter set of regulations or through amendments to the law afterwards, how we deal with the question now you know the information but what are you doing with it to stop young people from using steroids.

So I appreciate the sponsor's efforts with the bill and his answers to my questions. And again, I will vote for the bill; I don't want anyone to be discouraged

from voting for it. But I think we're going to need to go farther to get to where you and I want to go.

Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: Thank you, Senator Krueger.

Is there any other Senator wishing to be heard?

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

Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: In relation to Calendar Number 1307, absent from voting: Senators Adams, C. Kruger, and Robach.

Ayes, 59. Nays, 0.

ACTING PRESIDENT GRIFFO: The bill is passed.

Senator Marcellino.

SENATOR MARCELLINO: Mr. President, can we have the remaining bills

that were laid aside laid aside for the day.

ACTING PRESIDENT GRIFFO: The remaining bills on the controversial calendar will be laid aside for the day.

SENATOR MARCELLINO: Do we have any motions? I believe we do. If we could take Senator Farley now on the motions.

ACTING PRESIDENT GRIFFO: Thank you, Senator Marcellino.

Returning to the order of motions and resolutions. Senator Farley, on motions.

SENATOR FARLEY: Thank you, Mr. President.

On behalf of Senator Bonacic, on page 15, Calendar Number 375, Senate Print Number 5514A, I offer the following amendments.

And on behalf of Senator Lanza, on page 32, Calendar Number 887, Senate Print Number 7353, I offer amendments to that.

ACTING PRESIDENT GRIFFO: Can we have order, please.

SENATOR FARLEY: And on behalf of Senator Marcellino, on page 61, Calendar Number 1439, Senate Print 6944A, I offer the

amendments to those third reading bills, and I ask that the bills retain their place on the Third Reading Calendar.

ACTING PRESIDENT GRIFFO: The amendments are received and adopted, and the bills will retain their place on the third reading calendar.

Senator Marcellino.

SENATOR MARCELLINO: Mr. President, if we can return to reports of standing committees and take up the report of Rules Committee, the prior Rules Committee report.

So the members will know, we're going to take this, approve it, do another Rules Committee meeting before we break for the day. We're not going to take up any bills on that, but we're going to have another Rules Committee meeting, so everybody knows what's going on. We will adjourn after that Rules Committee meeting has returned.

ACTING PRESIDENT GRIFFO: Thank you, Senator Marcellino.

Returning to the order of reports of standing committees, the Secretary will

read the report of the Rules Committee.

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

Senate Print 195, by Senator Larkin, an act to authorize;

900, by Senator Flanagan, an act to authorize;

1140A, by Senator Little, Concurrent Resolution of the Senate and Assembly;

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

3727, by Senator Golden, an act to amend the Executive Law --

ACTING PRESIDENT GRIFFO: The stenographer cannot hear the reading of the reports. Can we have order, please. Thank you.

THE SECRETARY: -- Calendar Number 3741A, by Senator Leibell, an act to amend the Executive Law;

5307, by Senator Marcellino, an act to amend the Education Law;

6004, by Senator Griffo, an act to

amend the Education Law;

6736, by Senator Flanagan, an act to authorize;

7063, by Senator Winner, an act to amend the County Law and others;

7132, by Senator Libous, an act to amend the Executive Law;

7226, by Senator Duane, an act to amend the Environmental Conservation Law;

7256, by Senator Skelos, an act to authorize;

7312, by Senator Volker, an act to amend the County Law;

7338A, by Senator Morahan, an act to authorize;

7501, by Senator Skelos, an act to authorize;

7717, by Senator Trunzo, an act to amend the General Municipal Law;

7799A, by Senator Bonacic, an act to amend the Real Property Tax Law;

7805, by Senator Farley, an act to amend the Education Law;

7930, by Senator Maziarz, an act in relation to authorizing;

8078, by Senator Morahan, an act to authorize;

8183A, by Senator Trunzo, an act to amend the Criminal Procedure Law;

8247, by Senator Marcellino, an act to authorize;

8276A, by Senator Golden, an act to amend the Education Law;

8327, by Senator Leibell, an act to amend the Tax Law;

And Senate Print 8348, by Senator Flanagan, an act to amend Chapter 629 of the Laws of 2005.

All bills ordered direct to third reading.

ACTING PRESIDENT GRIFFO: Senator Marcellino.

SENATOR MARCELLINO: Thank you, Mr. President. If we could just hold for one second.

ACTING PRESIDENT GRIFFO: Senator Marcellino.

SENATOR MARCELLINO: Mr. President, I'm advised that there will be a Rules Committee meeting at 5 o'clock,

5:00 p.m. in Room 332. We will take that, we'll just get the report and then adjourn.

So we're going to stand at ease until 5:00 when the Rules Committee will meet.

ACTING PRESIDENT GRIFFO: Senator Marcellino, do you have a motion to accept the current Rules Committee report?

SENATOR MARCELLINO: I move to accept the report of the Rules Committee as read.

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 of the Rules Committee is accepted.

There will be a meeting of the Rules Committee at 5:00 p.m. in the Senate Majority Conference Room, Room 332.

The Senate stands at ease.

(Whereupon, the Senate stood at ease at 4:52 p.m.)

(Whereupon, the Senate reconvened at 5:15 p.m.)

ACTING PRESIDENT GRIFFO: Senator Saland.

SENATOR SALAND: May we please return to reports of standing committees for the report of the Rules Committee.

ACTING PRESIDENT GRIFFO: Reports of standing committees.

The Secretary will read the Rules Committee report.

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

Senate Print 322, by Senator Golden, an act to amend the Elder Law;

475, by Senator Bonacic, an act to amend the Public Health Law;

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

1120, by Senator Little, an act to amend the Real Property Tax Law;

1842C, by Senator LaValle, an act to amend the Tax Law;

3581, by Senator Flanagan, an act

to amend the Economic Development Law;

2724, by Senator Griffo, Concurrent Resolution of the Senate and Assembly;

3776A, by Senator Young, an act to amend the Environmental Conservation Law;

4174, by Senator Trunzo, an act to amend the General Municipal Law and others;

4218A, by Senator Leibell, an act to amend the Executive Law;

4304C, by Senator Fuschillo, an act to amend the Executive Law;

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

5042, by Senator Saland, an act to amend the General Obligations Law;

5442B, by Senator Marcellino, an act to amend the Energy Law;

5584A, by Senator Lanza, an act to amend the Penal Law;

6691, by Senator Trunzo, an act to direct;

6728A, by Senator O. Johnson, an act to amend Chapter 635 of the Laws of 1987;

6785A, by Senator Fuschillo, an act to authorize;

6792A, by Senator Lanza, an act to amend the Tax Law;

6904, by Senator Leibell, an act to amend the State Law;

7139A, by Senator Maltese, an act to amend the Executive Law;

7701, by Senator Rath, an act to amend the Real Property Tax Law;

8133, by Senator Maziarz, an act to amend Chapter 33 of the Laws of 1998;

8173A, by Senator Marcellino, an act to amend the Tax Law;

8188, by Senator Skelos, an act to amend the Town Law;

8237, by Senator Bruno, an act to legalize, validate, ratify and confirm;

8310, by Senator Little, an act to adjust;

8363, by the Senate Committee on Rules, an act in relation to adjusting;

8374, by Senator Robach, an act to amend the Workers' Compensation Law;

8384, by Senator O. Johnson, an act to amend the State Finance Law and others;

8385, by Senator Seward, an act to

amend Chapter 630 of the Laws of 1988;

And Senate Print 8387, by Senator Gonzalez, an act to amend the Domestic Relations Law.

All bills ordered direct to third reading.

ACTING PRESIDENT GRIFFO: Senator Saland.

SENATOR SALAND: Thank you, Mr. President. I move to accept the report of the Rules Committee.

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

(Response of "Aye.")

ACTING PRESIDENT GRIFFO: Opposed, nay.

(No response.)

ACTING PRESIDENT GRIFFO: The report is accepted.

Senator Saland.

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

ACTING PRESIDENT GRIFFO: There is none.

SENATOR SALAND: Then I would move to adjourn until Thursday, June 12th, at 11:00 a.m.

ACTING PRESIDENT GRIFFO: On motion, the Senate stands adjourned until Thursday, June 12th, at 11:00 a.m.

(Whereupon, at 5:19 p.m., the Senate adjourned.)