NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

June 12, 2008

11:07 a.m.

REGULAR SESSION

SENATOR GEORGE H. WINNER, JR., Acting President

STEVEN M. BOGGESS, Secretary

P R O C E E D I N G S

ACTING PRESIDENT WINNER: The Senate will come to order.

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

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

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

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

ACTING PRESIDENT WINNER: Reading of the Journal.

THE SECRETARY: In Senate, Wednesday, June 11, the Senate met pursuant to adjournment. The Journal of Tuesday, June 10, was read and approved. On motion, Senate adjourned.

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

Presentation of petitions.

Messages from the Assembly.

Messages from the Governor.

Reports of standing committees.

Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

Senator Libous.

SENATOR LIBOUS: Mr. President, could I call an immediate meeting of the Rules Committee in Room 332, please.

ACTING PRESIDENT WINNER: There will be an immediate meeting of the Rules Committee in Room 332.

The Senate will stand at ease pending the return of the Rules Committee members.

SENATOR LIBOUS: Thank you, Mr. President.

(Whereupon, the Senate stood at ease at 11:08 a.m.)

(Whereupon, the Senate reconvened at 11:28 a.m.)

ACTING PRESIDENT WINNER: Senator Libous.

SENATOR LIBOUS: Mr. President,

could we return to motions and resolutions, please.

ACTING PRESIDENT WINNER: Motions and resolutions.

Senator Little.

SENATOR LITTLE: Thank you, Mr. President.

On behalf of Senator O. Johnson, please place a sponsor's star on Calendar Number 1705.

ACTING PRESIDENT WINNER: So ordered.

SENATOR LITTLE: Thank you.

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

Sponsored by Senator LaValle, on page 11, Calendar Number 264, Senate Print Number 930A;

Sponsored by Senator Larkin, on page number 23, Calendar Number 612, Senate Print Number 205A;

Sponsored by Senator Morahan, page number 68, Calendar Number 1671, Senate Print Number 8078;

And sponsored by Senator Marcellino, on page 67, Calendar Number 1656, Senate Print Number 5307.

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

SENATOR LITTLE: Thank you.

ACTING PRESIDENT WINNER: Thank you, Senator Little.

Senator Duane.

SENATOR DUANE: Thank you, Mr. President.

On behalf of Senator Stavisky, on page 64 I offer the following amendments to Calendar Number 1528, Senate Print Number 7016A, and ask that said bill retain its place on Third Reading Calendar.

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

Thank you, Senator Duane.

SENATOR DUANE: Thank you, Mr. President.

ACTING PRESIDENT WINNER: Senator Libous.

SENATOR LIBOUS: Mr. President, we have substitutions at the desk.

ACTING PRESIDENT WINNER: The Secretary will read.

THE SECRETARY: On page 34, Senator Little moves to discharge, from the Committee on Health, Assembly Bill Number 5278A and substitute it for the identical Senate Bill Number 7468, Third Reading Calendar 926.

On page 34, Senator Hannon moves to discharge, from the Committee on Health, Assembly Bill Number 10395A and substitute it for the identical Senate Bill Number 7629, Third Reading Calendar 927.

On page 43, Senator Alesi moves to discharge, from the Committee on Investigations and Government Operations, Assembly Bill Number 10657 and substitute it for the identical Senate Bill Number 7636, Third Reading Calendar 1163.

On page 67, Senator Golden moves to discharge, from the Committee on Finance,

Assembly Bill Number 6198 and substitute it for the identical Senate Bill Number 3727, Third Reading Calendar 1654.

On page 70, Senator Flanagan moves to discharge, from the Committee on Commerce, Economic Development and Small Business, Assembly Bill Number 6906 and substitute it for the identical Senate Bill Number 3581, Third Reading Calendar 1682.

On page 70, Senator Marcellino moves to discharge, from the Committee on Energy and Telecommunications, Assembly Bill Number 2005C and substitute it for the identical Senate Bill Number 5442B, Third Reading Calendar 1689.

On page 71, Senator Maziarz moves to discharge, from the Committee on Social Services, Children and Families, Assembly Bill Number 10671 and substitute it for the identical Senate Bill Number 8133, Third Reading Calendar 1698.

And on page 71, Senator Skelos moves to discharge, from the Committee on Rules, Assembly Bill Number 11156 and substitute it for the identical Senate Bill

Number 8188, Third Reading Calendar 1700.

ACTING PRESIDENT WINNER: Substitutions ordered.

Senator Libous.

SENATOR LIBOUS: Mr. President, Resolution Number 6464, by Senator Thompson, could we have the title read and the resolution moved. And certainly we'd like to open it for cosponsorship.

ACTING PRESIDENT WINNER: The Secretary will read.

THE SECRETARY: By Senator Thompson, Legislative Resolution Number 6464, memorializing Governor David A. Paterson to proclaim November 20, 2008, as Great American Smoke Out Day in the State of New York.

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

(Response of "Aye.")

ACTING PRESIDENT WINNER: Opposed, nay.

(No response.)

ACTING PRESIDENT WINNER: The resolution is adopted.

The resolution is open for cosponsorship; may we please put everyone on as a cosponsor. If someone does not wish to be a cosponsor, please notify the desk.

Senator Libous.

SENATOR LIBOUS: Mr. President, could we please have the noncontroversial reading of the calendar.

ACTING PRESIDENT WINNER: The Secretary will read.

THE SECRETARY: Calendar Number 819, by Senator Hannon, Senate Print 4661A, an act to amend the Public Health Law, in relation to training.

ACTING PRESIDENT WINNER: Read the last section.

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

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 52.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number

920, by Senator C. Kruger, Senate Print 7403, an act to amend the Executive Law, in relation to tolling the placement period for youth on conditional release.

ACTING PRESIDENT WINNER: Read the last section.

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

ACTING PRESIDENT WINNER: Call the roll call.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 52.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number 925, by Senator Fuschillo, Senate Print 7330, an act to amend the Public Health Law, in relation to requiring hotels.

ACTING PRESIDENT WINNER: Read the last section.

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

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 52.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number 926, substituted earlier by Member of the Assembly Wright, Assembly Print Number 5278A, an act to amend the Public Health Law, in relation to healthcare education.

ACTING PRESIDENT WINNER: Read the last section.

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

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

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

SENATOR DUANE: Thank you, Mr. President. I'll be voting in the affirmative on this bill, and I am very supportive of it.

But I do also want to remind all of my colleagues that time in this session is running short and we have yet to take action on the Healthy Teens Act. And I just couldn't

help but be reminded that that also deals with healthcare education. And I hope that time is not going to run out before we're able to pass the Healthy Teens Act.

Thank you, Mr. President. I'll be voting in the affirmative.

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

Announce the results.

THE SECRETARY: Ayes, 53. Nays, 0.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number 927, substituted earlier by Member of the Assembly Gottfried, Assembly Print Number 10395A, an act to amend the Public Health Law, in relation to authorizing physician assistants.

ACTING PRESIDENT WINNER: Read the last section.

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

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 53.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number 1035, by Senator LaValle, Senate Print 7625, an act to authorize payment.

ACTING PRESIDENT WINNER: Read the last section.

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

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 53.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number 1163, substituted earlier by Member of the Assembly Schimminger, Assembly Print Number 10657, an act to amend the Alcoholic Beverage Control Law, in relation to terms.

ACTING PRESIDENT WINNER: Read the last section.

THE SECRETARY: Section 3. This

act shall take effect on the 90th day.

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 53.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number 1284, by Senator Padavan, Senate Print 8145, an act to amend the Real Property Tax Law and the Education Law, in relation to solar electric generating system.

ACTING PRESIDENT WINNER: Read the last section.

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

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 53.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number 1299, by Senator Skelos, Senate Print 2375, an act to amend the Executive Law, in relation to

including the conviction.

SENATOR DUANE: Lay it aside, please.

ACTING PRESIDENT WINNER: The bill is laid aside.

THE SECRETARY: Calendar Number 1372, by Senator Trunzo, Senate Print 1324A, an act to amend the Penal Law, in relation to the criminal sale.

ACTING PRESIDENT WINNER: Read the last section.

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

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

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

SENATOR SCHNEIDERMAN: Thank you, Mr. President.

This bill expands the areas around playgrounds and municipal parks to create -- to attempt to create drug-free zones. And I understand that it has a good intention.

The problem with this bill is that functionally, in the City of New York, if you try and expand the zone where you have enhanced penalties to an area anywhere near a municipal park, you're essentially wiping out the entire borough of Manhattan and the borough of the Bronx and most of Brooklyn and Queens.

Now, if the objective here is to try and toughen penalties in the entire City of New York so that we move all the drug dealing to the suburbs, maybe this would make sense. But as it is now, I think it has to be retooled to deal with the vast differences around our state in geography and demography.

The intention, I think, is very good. None of us want drug dealing in parks. But as it is currently drafted, I think this is an unworkable bill. So with all due regard and appreciation for Senator Trunzo's effort, I'm going to be voting no. This is not something that can possibly work.

Everything within a thousand feet of the real property line of Central Park is a lot of territory, Mr. President, and I don't

think this is going to functionally work. I think this is going to create a two-tier system of penalties, which is not what the sponsor intends.

So I'm going to be voting no. Thank you.

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

The Secretary will announce the results.

THE SECRETARY: Those recorded in the negative on Calendar Number 1372 are Senators Duane, L. Krueger, Perkins and Schneiderman.

Ayes, 52. Nays, 4.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number 1390, by Senator LaValle, Senate Print 6847A, an act to amend the Criminal Procedure Law, in relation to designating employees.

ACTING PRESIDENT WINNER: Read the last section.

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

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Those recorded in the negative on Calendar Number 1390 are Senators Duane, L. Krueger and Perkins.

Ayes, 53. Nays, 3.

ACTING PRESIDENT WINNER: 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 WINNER: Read the last section.

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

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number 1456, by Senator Saland, Senate Print 7949A,

an act to amend the Correction Law, in relation to agreements.

ACTING PRESIDENT WINNER: Read the last section.

THE SECRETARY: Section 3. This act shall take effect on the 30th day.

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56. Nays, 1. Senator Hassell-Thompson recorded in the negative.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number 1471, by Senator Seward, Senate Print 7111 --

SENATOR DUANE: Lay it aside, please.

ACTING PRESIDENT WINNER: The bill is laid aside.

THE SECRETARY: Calendar Number 1499, by Senator Skelos, Senate Print 7349, an act to amend the Business Corporation Law, in relation to dividends.

ACTING PRESIDENT WINNER: Read

the last section.

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

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number 1578, by Senator Bonacic, Senate Print 5298A, an act to amend the General Municipal Law, in relation to authorizing.

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

Read the last section.

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

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT WINNER: 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.

ACTING PRESIDENT WINNER: Read the last section.

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

SENATOR DUANE: Lay it aside, please.

ACTING PRESIDENT WINNER: The bill is laid aside.

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

ACTING PRESIDENT WINNER: Read the last section.

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

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT WINNER: The

bill is passed.

THE SECRETARY: Calendar Number 1613, by Member of the Assembly Lentol, Assembly Print Number 10736, an act to amend Chapter 548 of the Laws of 2004.

ACTING PRESIDENT WINNER: Read the last section.

SENATOR DUANE: Lay it aside, please.

ACTING PRESIDENT WINNER: The bill is laid aside.

THE SECRETARY: Calendar Number 1619, by Senator Leibell, Senate Print 7267A, an act to amend the Public Officers Law, in relation to residency requirements.

ACTING PRESIDENT WINNER: Read the last section.

THE SECRETARY: Section 2. This act --

SENATOR DUANE: Lay it aside, please.

ACTING PRESIDENT WINNER: The bill is laid aside.

THE SECRETARY: Calendar Number 1638, by Senator Saland, Senate Print 7984A,

an act to amend the Penal Law and the Correction Law, in relation to establishing penalties.

ACTING PRESIDENT WINNER: Read the last section.

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

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Those recorded in the negative on Calendar Number 1638 are Senators Duane, Montgomery, Perkins and Serrano. Also Senator Hassell-Thompson.

Ayes, 54. Nays, 5.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number 1644, by Senator LaValle, Senate Print 8314 --

SENATOR DUANE: Lay it aside, please.

ACTING PRESIDENT WINNER: The bill is laid aside.

THE SECRETARY: Calendar Number

1648, by Senator O. Johnson, Senate Print 1287, an act to amend the Executive Law, in relation to requests.

ACTING PRESIDENT WINNER: Read the last section.

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

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number 1650, by Senator Larkin, Senate Print 195, an act to authorize the City of Newburgh.

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

Read the last section.

THE SECRETARY: Section 2. This act shall --

SENATOR DUANE: Lay it aside, please.

ACTING PRESIDENT WINNER: The

bill is laid aside.

THE SECRETARY: Calendar Number 1651, by Senator Flanagan, Senate Print 900, an act to authorize the Holy Cross Roman Catholic Church to retroactively apply.

ACTING PRESIDENT WINNER: Read the last section.

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

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

SENATOR DUANE: Lay it aside, please.

ACTING PRESIDENT WINNER: The bill is laid aside.

THE SECRETARY: Calendar Number 1652, by Senator Little, Concurrent Resolution --

SENATOR DUANE: Lay it aside, please.

ACTING PRESIDENT WINNER: The bill is laid aside.

THE SECRETARY: Calendar Number 1653, by Senator Alesi, Senate Print 2597, an

act to amend the Volunteer Firefighters Benefit Law and the Volunteer Ambulance Workers Benefit Law, in relation to increasing permanent total disability benefits.

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

Read the last section.

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

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number 1654, substituted earlier today by Member of the Assembly Englebright, Assembly Print Number 6198, an act to amend the Executive Law, in relation to making the director.

ACTING PRESIDENT WINNER: Read the last section.

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

ACTING PRESIDENT WINNER: Call

the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number 1655, by Senator Leibell, Senate Print 3741A, an act to amend the Executive Law, in relation to establishing.

ACTING PRESIDENT WINNER: Read the last section.

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

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number 1657, by Senator Griffo, Senate Print 6004, an act to amend the Education Law, in relation to extending certain benefits.

ACTING PRESIDENT WINNER: Read the last section.

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

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number 1658, by Senator Flanagan, Senate Print 6736, an act to authorize the Holy Cross Polish National Church to retroactively apply.

ACTING PRESIDENT WINNER: Read the last section.

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

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Those recorded in the negative on Calendar Number 1658 are Senators Bonacic, Larkin and Rath.

Ayes, 56. Nays, 3.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number 1659, by Senator Winner, Senate Print 7063, an act to amend the County Law and others, in relation to requiring.

ACTING PRESIDENT WINNER: Read the last section.

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

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number 1660, by Senator Libous, Senate Print --

SENATOR DUANE: Lay it aside, please.

ACTING PRESIDENT WINNER: The bill is laid aside.

THE SECRETARY: Calendar Number 1661, by Senator Golden, Senate Print 322, an act to amend the Elder Law, in relation to creating.

ACTING PRESIDENT WINNER: Read

the last section.

THE SECRETARY: Section --

SENATOR DUANE: Lay it aside, please.

ACTING PRESIDENT WINNER: The bill is laid aside.

THE SECRETARY: Calendar Number 1662, by Senator Duane, Senate Print 7226 --

SENATOR MARCELLINO: Lay the bill aside, please.

ACTING PRESIDENT WINNER: The bill is laid aside.

THE SECRETARY: Calendar Number 1663, by Senator Skelos, Senate Print 7256, an act to authorize the Hewlett-East Rockaway Jewish Centre.

ACTING PRESIDENT WINNER: Read the last section.

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

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Those recorded in the negative on Calendar Number 1663 are

Senators Bonacic, Larkin and Rath.

Ayes, 56. Nays, 3.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number 1664, by Senator Volker, Senate Print 7312, an act to amend the County Law, in relation to establishing.

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

Read the last section.

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

SENATOR DUANE: Lay it aside, please.

ACTING PRESIDENT WINNER: The bill is laid aside.

THE SECRETARY: Calendar Number 1666, by Senator Skelos, Senate Print 7501, an act to authorize Valley Stream Union Free School District.

ACTING PRESIDENT WINNER: Read the last section.

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

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number 1667, by Senator Trunzo, Senate Print 7717, an act to amend the General Municipal Law, in relation to granting.

ACTING PRESIDENT WINNER: Read the last section.

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

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number 1669, by Senator Farley, Senate Print 7805, an act to amend the Education Law, in relation to contract for excellence.

ACTING PRESIDENT WINNER: Read the last section.

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

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number 1670, by Senator Maziarz, Senate Print 7930, an act in relation to authorizing and directing.

ACTING PRESIDENT WINNER: Read the last section.

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

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number

1672, by Senator Trunzo, Senate Print 8183A, an act to amend the Criminal Procedure Law, in relation to granting uniform members.

ACTING PRESIDENT WINNER: Read the last section.

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

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Those recorded in the negative on Calendar Number 1672 are Senators Dilan, Duane, L. Krueger, Montgomery, Perkins and Schneiderman. Also Senator Hassell-Thompson.

Ayes, 52. Nays, 7.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number 1673, by Senator Marcellino, Senate Print 8247, an act to authorize the American Diocese of the Malankara Orthodox Syrian Church, Inc., to retroactively apply.

ACTING PRESIDENT WINNER: Read the last section.

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

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Those recorded in the negative on Calendar Number 1673 are Senators Bonacic, Larkin and Rath.

Ayes, 56. Nays, 3.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number 1674, by Senator Golden, Senate Print 8276A, an act to amend the Education Law, in relation to citizenship requirements.

ACTING PRESIDENT WINNER: Read the last section.

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

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number 1675, by Senator Leibell, Senate Print 8327, an act to amend the Tax Law, in relation to New York adjusted gross income.

ACTING PRESIDENT WINNER: Read the last section.

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

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number 1676, by Senator Flanagan, Senate Print 8348, an act to amend Chapter 629 of the Laws of 2005, amending the Local Finance Law.

ACTING PRESIDENT WINNER: Read the last section.

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

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number 1677, by Senator Bonacic, Senate Print 475, an act to amend the Public Health Law, in relation to providing.

ACTING PRESIDENT WINNER: Read the last section.

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

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number 1678, by Senator LaValle, Senate Print 942B, an act to amend the Tax Law, in relation to providing an exemption.

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

Read the last section.

THE SECRETARY: Section 2. This

act shall take effect September 1, 2008.

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

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

SENATOR LIZ KRUEGER: Thank you very much. Just to explain briefly my vote of why I continue to vote no on this bill.

I'm very concerned about the unequal tax policy treatment of if a company locates in a college campus, then they don't have to pay their sales tax under this law, while if you're operating outside of a campus, then you do.

And I think that there should be a concern about fair business tax treatment in this state, so I'll continue to vote no.

Thank you, Mr. President.

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

Announce the results.

THE SECRETARY: Those recorded in the negative on Calendar Number 1678 are Senators Duane, Hassell-Thompson, L. Krueger,

Perkins and Schneiderman. Also Senator Diaz.

Ayes, 53. Nays, 6.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1679, Senator Little moves to discharge, from the Committee on Rules --

SENATOR DUANE: Lay it aside, please.

ACTING PRESIDENT WINNER: Allow the substitution to go forward.

SENATOR DUANE: Yes, Mr. President.

THE SECRETARY: -- Assembly Bill Number 872 and substitute it for the identical Senate Bill Number 1120, Third Reading Calendar 1679.

ACTING PRESIDENT WINNER: Substitution ordered.

The bill is laid aside.

THE SECRETARY: Calendar Number 1680, by Senator LaValle, Senate Print 1842C, an act to amend the Tax Law, in relation to exempting primary residential property.

ACTING PRESIDENT WINNER: Read

the last section.

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

SENATOR DUANE: Lay it aside, please.

ACTING PRESIDENT WINNER: Lay it aside.

THE SECRETARY: Calendar Number 1681, by Senator Griffo, Senate Print 2724, Concurrent Resolution --

SENATOR DUANE: Lay it aside, please.

ACTING PRESIDENT WINNER: The bill is laid aside.

THE SECRETARY: Calendar Number 1682, substituted earlier today by Member of the Assembly Koon, Assembly Print Number 6906, an act to amend the Economic Development Law and others, in relation to providing.

ACTING PRESIDENT WINNER: Read the last section.

THE SECRETARY: Section 2. This act --

SENATOR DUANE: Lay it aside, please.

ACTING PRESIDENT WINNER: The bill is laid aside.

THE SECRETARY: Calendar Number 1683, by Senator Young, Senate Print 3776A, an act to amend the Environmental Conservation Law, in relation to allowing.

ACTING PRESIDENT WINNER: Read the last section.

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

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Those recorded in the negative on Calendar Number 1683 are Senators Duane, Perkins and Serrano.

Ayes, 56. Nays, 3.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number 1684, by Senator Trunzo, Senate Print 4174, an act to amend the General Municipal Law --

SENATOR DUANE: Lay it aside, please.

ACTING PRESIDENT WINNER: The

bill is laid aside.

THE SECRETARY: Calendar Number 1685, by Senator Leibell, Senate Print 4218A, an act to amend the Executive Law, in relation to state contract preference.

ACTING PRESIDENT WINNER: Read the last section.

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

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number 1686, by Senator Fuschillo, Senate Print 4304C, an act to amend the Executive Law, in relation to creating.

ACTING PRESIDENT WINNER: Read the last section.

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

ACTING PRESIDENT WINNER: Call

the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number 1687, by Senator Padavan, Senate Print 4639C, an act to amend the Tax Law, in relation to the exemption.

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

Read the last section.

THE SECRETARY: Section 5. This act shall take effect August 1, 2008.

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number 1688, by Senator Saland, Senate Print 5042, an act to amend the General Obligations Law, in relation to modifications.

ACTING PRESIDENT WINNER: Read

the last section.

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

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number 1689, substituted earlier today by Member of the Assembly Lupardo, Assembly Print Number 2005C, an act to amend the Energy Law, in relation to enacting.

ACTING PRESIDENT WINNER: Read the last section.

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

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number

1691, by Senator Trunzo, Senate Print 6691, an act to direct the adoption of certain criteria.

ACTING PRESIDENT WINNER: Read the last section.

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

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number 1692, by Senator O. Johnson, Senate Print 6728A, an act to amend Chapter --

SENATOR DUANE: Lay it aside, please.

ACTING PRESIDENT WINNER: Lay it aside.

THE SECRETARY: Calendar Number 1693, by Senator Fuschillo, Senate Print 6785A, an act to authorize the Redeemed Christian Church of God to file.

ACTING PRESIDENT WINNER: Read

the last section.

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

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Those recorded in the negative on Calendar Number 1693 are Senators Bonacic, Larkin and Rath.

Ayes, 57. Nays, 3.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number 1694, by Senator Lanza, Senate Print 6792A, an act to amend the Tax Law, in relation to authorizing.

ACTING PRESIDENT WINNER: Read the last section.

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

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT WINNER: The

bill is passed.

THE SECRETARY: Calendar Number 1695, by Senator Leibell --

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

ACTING PRESIDENT WINNER: Lay it aside for the day.

THE SECRETARY: Calendar Number 1696, by Senator Maltese, Senate Print 7139A, an act to amend the Executive Law, in relation to display and use of the flag.

ACTING PRESIDENT WINNER: Read the last section.

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

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number 1697, by Senator Rath --

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

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

THE SECRETARY: Calendar Number 1698, substituted earlier today by Member of the Assembly Gottfried, Assembly Print Number 10671, an act to amend Chapter 33 of the Laws of 1998, amending the Social Services Law.

ACTING PRESIDENT WINNER: Read the last section.

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

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number 1699, by Senator Marcellino, Senate Print 8173A, an act to amend the Tax Law, in relation to allowing.

ACTING PRESIDENT WINNER: Read the last section.

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

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number 1700, substituted earlier today by Member of the Assembly Hoyt, Assembly Print Number 11156, an act to amend the Town Law.

ACTING PRESIDENT WINNER: Read the last section.

THE SECRETARY: Section 6. This act shall take effect on the first of January.

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number 1701, by Senator Bruno, Senate Print 8237, an act to legalize, validate, ratify and confirm certain actions taken by the Town of Schodack.

ACTING PRESIDENT WINNER: A

home-rule message is at the desk.

Read the last section.

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

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number 1702, by Senator Little, Senate Print 8310, an act to adjust certain state aid payments.

ACTING PRESIDENT WINNER: Read the last section.

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

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number 1703, by the Senate Committee on Rules, Senate

Print Number 8363, an act in relation to adjusting certain state aid payments.

ACTING PRESIDENT WINNER: Read the last section.

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

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number 1704, by Senator Robach, Senate Print 8374, an act to amend the Workers' Compensation Law, in relation to eliminating.

ACTING PRESIDENT WINNER: Read the last section.

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

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT WINNER: The

bill is passed.

THE SECRETARY: Calendar Number 1706, by Senator Seward --

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

ACTING PRESIDENT WINNER: Lay it aside for the day.

THE SECRETARY: Calendar Number 1707, by Senator Gonzalez, Senate Print Number 8387, an act to amend the Domestic Relations Law, in relation to authorizing.

ACTING PRESIDENT WINNER: Read the last section.

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

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT WINNER: The bill is passed.

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

SENATOR SKELOS: Thank you, Mr. President.

If you could have the bells rung at this time, let the members know that we're going to the controversial calendar.

And it would help if the members are in their seats as we move through so that we can finish the day expeditiously.

ACTING PRESIDENT WINNER: The Secretary will ring the bell.

And if the members would be kind enough to be in their seats so that we can move through the controversial calendar.

Senator Skelos.

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

ACTING PRESIDENT WINNER: Order in the chamber, please.

We will now move to the reading of the controversial calendar. The Secretary will read.

THE SECRETARY: Calendar Number 1299, by Senator Skelos, Senate Print 2375, an act to amend the Executive Law.

ACTING PRESIDENT WINNER: Senator Schneiderman.

SENATOR SCHNEIDERMAN: Thank you, Mr. President.

I am here joined in opposition to this bill by Mr. Sheen, because this seeks to expand the DNA database. And as anyone who has worked in a law enforcement movie or TV show knows, the DNA database currently is backlogged, we've had tremendous problems with it.

And any bill that expands, as this bill does -- and it's a substantial expansion of the DNA database. It would include people for two violations. It's much broader than anything that has been proposed or really seriously considered thus far.

Anything that -- any bill that expands the database but does not deal with the fundamental issue of mandating that we get rid of rogue DNA databases, mandating that we have requirements for the preservation, cataloging and maintenance of DNA, is not going to solve any of our problems. In fact, it's going to create more problems.

We now have a relatively chaotic system in which we know innocent people are

going to jail and doing time because we don't have a functional system of DNA management, cataloging and indexing in our state.

So I'm going to support this bill as a very, very small part of an overall remedy. And I would urge that the other matters that were under discussion when we debated Senator DeFrancisco's bill two days ago also apply.

But this is a very, very narrow part of a very big problem, and we are not going to pass a bill ever that will become a law that expands the DNA database if it doesn't deal with these other fundamental issues.

Our goal should not just be to show the public that we're spending a lot of money to collect a lot of DNA samples so we look tough on crime when we're not actually putting the mechanisms in place to ensure that every defendant has access to DNA so we can compare crime scene evidence to their DNA, that rogue databases are eliminated, and that we know where the DNA is and can access it.

Once again, I call your attention

to the case of Al Newton, who for 11 years requested a match of his DNA to the DNA found at a crime scene and was told that that DNA had been lost. It had not been lost.

But until we put the money up and invest in a system of cataloging and unifying our DNA database, this kind of a bill will never become law. And if it became law, it wouldn't do us any good.

So I'm going to support the bill, Mr. President, but with the understanding that it's really just a very small part of a very big problem.

Thank you.

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

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

May we please have some order in the chamber, please.

Read the last section.

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

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

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

SENATOR SKELOS: Just to explain my vote --

ACTING PRESIDENT WINNER: Excuse me, Senator Skelos.

May we have some order in the chamber, please.

SENATOR SKELOS: Currently there are approximately 17 misdemeanor crimes that require a person convicted of a crime to submit their DNA.

This expands the list to cover all misdemeanors. The reason for this is experience has clearly shown that many perpetrators convicted of lower or mid-level crimes have committed or will subsequently commit more serious and violent crimes.

ACTING PRESIDENT WINNER: Senator Skelos, will you suffer an interruption.

SENATOR SKELOS: What's important is that we have discovered, Mr. President, that by expanding those who are required to split their DNA to the DNA database, it helps

law enforcement convict those who should be rightfully convicted, but also expanding the DNA database has led to the acquittal of those who are indeed not guilty.

So I strongly support this legislation and urge my colleagues to do so.

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

Any other Senators wishing to be heard?

Announce the results.

THE SECRETARY: Those recorded in the negative on Calendar Number 1299 are Senators Connor, Dilan, Duane, Hassell-Thompson, Montgomery, Parker, Perkins, and Sampson. Also Senator Serrano.

Ayes, 51. Nays, 9.

ACTING PRESIDENT WINNER: The bill is passed.

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

SENATOR DUANE: Explanation, please.

ACTING PRESIDENT WINNER: An explanation has been asked for, Senator Seward.

SENATOR SEWARD: Certainly, Mr. President.

This legislation would expand the definition of a service contract --

ACTING PRESIDENT WINNER: Senator Seward, excuse me. Would you suffer an interruption?

SENATOR SEWARD: Certainly.

ACTING PRESIDENT WINNER: My colleagues, we need to have some order in the chamber. I can barely hear Senator Seward up here.

We're never going to get this business done if we don't have some order and members remain in the chamber in order to be able to vote and move this along. So please keep the conversations down to a minimum, and no unnecessary walking around, and we can get through this business.

Senator Seward.

SENATOR SEWARD: Thank you, Mr. President.

This legislation would expand the definition of a service contract to include contracts providing windshield-repair services which do not involve actual replacement of the windshield or providing for the repair of dents for motor vehicles using paintless dent-repair techniques.

As you know, Mr. President and my colleagues, very often when consumers purchase a vehicle they also purchase a service contract to cover the maintenance of the vehicle to help avoid any unanticipated expenses. And this legislation is necessary to clearly state in the statutes that these types of repairs being included in service contracts do not constitute insurance.

ACTING PRESIDENT WINNER: Thank you, Senator Seward.

Senator Duane.

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

ACTING PRESIDENT WINNER: Senator Seward, do you yield to a question from Senator Duane?

SENATOR SEWARD: Yes.

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

I'm just wondering if in state law if there is any definition for "ding."

SENATOR SEWARD: I am not aware that there is such a definition in statute.

However, I would point out that the legislation clearly states that if there is any painting that actually has to occur as part of the repair of the ding that may be on the vehicle, then, of course, that's a whole different matter. This only involves when there's no painting or actual replacement of a part.

SENATOR DUANE: Thank you.

Mr. President, on the bill.

ACTING PRESIDENT WINNER: Senator Seward, thank you.

Senator Duane, on the bill.

SENATOR DUANE: I am just going to make a tremendous leap of faith and assume that you'll know a ding when you see a ding, and I will be voting in the affirmative on this bill.

Thank you, Mr. President.

ACTING PRESIDENT WINNER: Thank you for your observation. Senator Duane will be recorded in the affirmative.

Any other Senator wishing to be heard?

Debate is closed. The Secretary will ring the bell.

Read the last section.

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

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT WINNER: 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 CONNOR: Explanation.

ACTING PRESIDENT WINNER: An explanation has been asked for.

Senator Morahan.

SENATOR MORAHAN: Yes,

Mr. President.

This bill really authorizes the Commissioner of General Services to erect a monument in the Empire State Plaza or the Capitol Park dedicated to those New York residents who served in the armed forces during the Persian Gulf War, including those who served in the theater operations in Iraq and Afghanistan. And it's an appropriation of $500,000.

ACTING PRESIDENT WINNER: Senator Connor.

SENATOR CONNOR: Thank you, Mr. President.

I believe there's an amendment at the desk. I ask that the reading of the amendment be waived, and I ask to be heard on the amendment.

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

SENATOR CONNOR: Thank you, Mr. President.

As Senator Morahan explained, this bill would authorize the expenditure of

$500,000 to erect a memorial, and it covers the Persian Gulf War, which I believe we define elsewhere in state law as that war in 1991 to push the Iraqis out of Kuwait, and it also has an addendum and says, oh, and those serving in Iraq and Afghanistan, which we know that's in the present day.

With respect to that 1991 war, the then President Bush Sr. had the good sense to stop and not to try and rebuild Iraq. He was criticized for it at the time in some circles, but the fact is I think the occurrences in these past years in Iraq have shown the wisdom of it.

And I would have no objection to a memorial to that war. I believe U.S. casualties were 97 people, something like that. Maybe a hundred.

But I really have a concern with a memorial to the present military actions in Afghanistan and Iraq. I can't recall -- and not that I've been around forever -- us ever doing that. Now, I don't propose we wait, as we did for those Korean War veterans, I don't propose we wait until many years later.

ACTING PRESIDENT WINNER: Can we have some order in the chamber so that all the members can hear the remarks of Senator Connor.

Thank you, Senator Connor.

SENATOR CONNOR: Thank you, Mr. President.

As I was saying, I certainly think it would be appropriate to have a memorial to those who served in 1991 in that action. That war has since passed.

I really question the wisdom of building a memorial to a war that's still ongoing, the outcome of which we cannot be certain of, and a war which I think never should have been fought. We never should have invaded Iraq. It was done on false premises, false claims of intelligence reports. The Congress was misled into it. And we've suffered the loss of thousands of young men and women who bravely serve our country. And certainly someday they should have a memorial, but not now. Not till the war is over.

With respect to Afghanistan, it's the war we should have fought, we should have

won, we should have stuck with it. We should have captured Osama bin Laden; he attacked our state and nation. And the effort was diverted to Iraq, and he's still wherever with his devious plots, and the Taliban seem to come out and resurge constantly in Afghanistan.

I object to spending this state money on this memorial while the war is ongoing. My amendment would take that same amount of money and put it into a scholarship fund for the children of the men and women who serve in these wars. And I think that's what we ought to be doing while the war is ongoing, taking care of the people who served and their children and families.

We should be taking care -- and I know many of my colleagues here have sponsored bills. We should eliminate those anomalies. Why are all our brave National Guard troops over there and get wounded and come back, why do they get 30 days medical care when an active duty or Army Reservist comes back and they're taken care of as long as needed?

We're not treating the people who are serving there fairly. We're not treating

them the way we should. They didn't make the bad political decision to go to this war. They're serving their country honorably, bravely, and with great self-sacrifice.

And our first obligation while this war is going on is to take care of them and their children, and not to build a stone monument to a war that hasn't ended yet. There's time for that later. There's time for that later when and if this war ever concludes. Someone, and I don't want to say who, talked about it going only for a hundred years. God forbid it goes on for a hundred days more.

So I urge everyone to support my amendment. Let's take care of the children of those New Yorkers who serve there before we worry about standing out there on the mall and cutting a ribbon like a burning of big shots with a memorial behind us.

Mr. President, I urge my amendment be adopted.

ACTING PRESIDENT WINNER: Senator Schneiderman.

SENATOR SCHNEIDERMAN: Thank you,

Mr. President.

I rise to strongly support Senator Connor's amendment. I realize that this legislation is well intended, and I mean no disrespect for any of the sponsors, but there's something wrong, in a time of fiscal crisis in this state -- when we know we are not providing the aid to the returning veterans from the Iraq and Afghanistan conflicts, when we know that we're not taking care of the children of those who have made the ultimate sacrifice for a war that probably will never produce any of the benefits that were proffered when we were lured into it -- there's something wrong in this state when we're not taking care of the people who need our care because of this war and yet we're going to spend millions of dollars on a monument. I think we should wait for any monuments.

It sends a very bad message. I am reminded of proposals to present fountains in poor communities where there were riots and there were problems with -- this is back in the 1960s and '70s -- riots, homelessness,

problems with lack of jobs, and there were proposals for fountains and for parks.

Those are not bad things to do, Mr. President. But we are in a time when New York's veterans are not getting the care they need, when the children of people who are dying in this war are not getting the care they need. We do not need to spend our scarce state dollars on a monument, we need to spend our dollars taking care of people who deserve that care.

I think Senator Connor is absolutely right on. I do not think we should be spending state money on a monument when we're not meeting the needs of the people who really deserve the help and are really bearing the burden. This is a war that would not be fought if we had a draft. If the children of the rich were fighting this war, it never would have started.

So let's be clear about this. In my district we have a lot of people who are going to this war, a lot of Dominican-Americans. We have people who aren't even citizens who are fighting this war. They all

come home with needs, whether it's because they're wounded, because they're injured, because they have posttraumatic stress disorder, because they can't find a job when they come home.

Let's deal with that and, as Senator Connor has proposed, let's deal with the children of those who make the ultimate sacrifice. I think everyone in this chamber should support this amendment.

ACTING PRESIDENT WINNER: Senator Diaz.

SENATOR DIAZ: Thank you, Mr. President.

You know, we are living in a time -- and nobody, nobody, no one, I believe, wants war. Everyone wants war to end. We don't want war. Nobody wants to see their children being killed or killing people. Nobody wants that.

However, however, however, however, when Senator Connor says that we are -- that this bill will build a monument to the war in Iraq, the bill doesn't say that. With all due respect to Senator Connor, who I do respect

and admire a lot, the bill doesn't say they're going to build a monument to the war. The bill is saying that we'll build a monument to those young soldiers that have died there.

How will you tell a mother, a parent of one of those young soldiers that have died there that we should not spend half a million dollars to build a monument remembering them so they could come once in a time to the monument to remember their fallen one? I mean, that's an outrage what I'm hearing here.

I don't want war. I want the war to end. I want the war to end. My granddaughter, 18 years old, she volunteered in the Marines, and she's out there. And you are going to tell me now that no, we should not build a monument to remember the fallen ones, those heroes and then we come here and -- when they are there like that, we call them our heroes and heroines. Look at our heroes. And we're going to say no, oh, no, that's too much money because we have other things to do? We should not build a monument to remember the fallen ones, those young girls

and young boys that have given their lives to protect us?

Yes, the war should end. Yes, we should get doing away with that. Yes, nobody wants a war. But to come here and say, oh, we got to do other things -- yes, we have to take care of veterans. I'm a veteran. Yes, I need more benefits as a veteran. Yes, we do. Yes, we need to take care of our students. Yes, we need to take care of all the needs that we have.

But to stand here in this chamber and say, oh, we should not spend half a million dollars to build a monument to those heroes that lost their lives there, shame on you guys. I'm voting yes on that bill.

SENATOR CONNOR: Mr. President.

ACTING PRESIDENT WINNER: Senator Hassell-Thompson is next.

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

While I believe that all of us have a right to our opinions, I also think that the merit to what Senator Connor has asked us to do and to consider ought to be given greater

consideration.

If you were to ask any of the veterans what they would want to have, it certainly would not be to have a monument. A living monument is much more effective, much more true, a true accounting of what you believe their sacrifice is worth. Their sacrifice is to give a better life to their children, to continue to create freedom for their children in this society.

And if those children have to struggle because the benefits that we give to families are denied them because we chose to do a posturing before a monument, then we miss the point.

The point here is that we ask sacrifices of our children, our youth, our future. And they ask us, take care of our families. Right now the benefits to the women who stay behind, the ability to have benefits for their children, health benefits for their children -- we have not sat down and done that plan.

And we have a war that's going on and will continue to make more and more

children orphans because of that war. And while I think that monuments certainly have their place, I think that what people respect is the care that we give to their children and to those loved ones that leave behind.

So when we talk about where our money should go, we should be talking about what is more meaningful to them and not how a moment in the sun means to us as legislators here in this legislative tent.

Thank you, Mr. President. I just chose not to get emotional about this, but I do. I feel that our young men and women give so much. And for us to think that a monument will substitute for what they give and what they ask their families to sacrifice misses the mark.

ACTING PRESIDENT WINNER: Senator Morahan.

SENATOR MORAHAN: Thank you, Mr. President.

I fully understand the concern about the offspring, the survivors of those who have served honorably in the military and sacrificed their lives or given up a portion

of their life for their country. But I believe when we talk benefits for survivors, education for survivors, we talk a different bill. This is a monument bill with $500,000.

By the way, the Iraq and Afghanistan measure was put in the bill at the of bill at the request of the Assembly. They would not pass the bill when it was just the monument and it didn't include Iraq and Iran. So we accommodated the Assembly.

But as to this amendment, what we're saying is because the war is not over or it's because the war should never have been fought, we don't recognize the sacrifice of the veterans, those who did not make the decision to go there other than they were volunteers in the service.

But are we to say the monument -- we don't know the outcome, that we will only recognize the service of those who win the war, and if we lose the war we don't recognize those who served? Is that what we're saying here with this amendment? That's how I read the amendment's desire, or certainly in the comments of the sponsor of the amendment.

I believe we ought to put up this monument in recognition of those who have served in the Persian Gulf and those who continue to serve, those New Yorkers who went as volunteers at the request of their country. You can argue that request all you want. But these young men and women deserve our recognition.

And if we want to do something beyond this, if we want to do something more meaningful -- education benefits, survivor benefits, which we have in place now to some degree -- then fine, let's entertain a separate stand-alone bill that's adequately funded to do that.

But it's hard for me to understand how people can say I'm against the war, but I support the troops, but I won't give them a monument. I find that insulting.

Thank you, Mr. President.

ACTING PRESIDENT WINNER: Senator Leibell.

SENATOR LEIBELL: Thank you, Mr. President.

It's appropriate, I guess, that

while we are having this discussion today we should acknowledge that in the balcony there are women veterans from all over New York State who are watching us have this discussion and dialogue. It's especially appropriate because there are hundreds of thousands of young Americans who are now deployed, guaranteeing us the right to have this debate today.

I'd like to comment on some of the comments that I've heard made. The idea that we should not have a monument until something has concluded goes against, actually, our history in this country. President Lincoln went and dedicated the Gettysburg battleground and cemetery while the outcome of that conflict was not determined yet.

Senator Schneiderman made some comments, if I may, that I think reflects inaccurately on the nature of our military. We are a volunteer force -- nobody is made to go there -- but they are not poor. Some of them are. Some of them are from wealthy families. It may shock some people to know that our military reflects the makeup of the

American population, with one exception. They are better educated than the average American, statistically.

There is no question that we have a need, a continuing need, to address the benefits that our veterans get, their families and those who survive them. That is a continuing dialogue that has gone on throughout the history of this country.

And if anybody wishes to take the time, you can go back and research the debates that occurred after the American Civil War, the greatest loss of American lives in military action up until the current day. That was a discussion that continued. In fact, up until the early 1900s, the largest part of the United States budget was dedicated to making compensation to war widows and their orphans.

It is a continuing challenge. It is one that we will face in this state, other states will face, and primarily the federal government will face. But that should not diminish in any way the recognition that we give to monuments.

And that's how we in our culture, one way we recognize those who have served, those who have suffered, and those who have lost their lives. If it was otherwise, we would have no monuments. We would have no great national cemeteries. There would be no Arlington.

I'm opposed to this amendment, Mr. President.

ACTING PRESIDENT WINNER: Senator Connor.

SENATOR CONNOR: Thank you, Mr. President.

I think a little careful listening -- I did not say we should not have a monument. I said we should not, as a matter of priority, do the monument at this time. We can wait for that. The most urgent need is to take care of veterans, those who have served and who serve and their families.

You know, we talk about the "greatest generation." You know, for me, my parents' generation. They not only saved this country and democracy, they saved the world in World War II. And look at how long it took

before the federal government had a World War II monument on the mall.

Because the federal government gave them the greatest tribute to their service, the greatest living monument you could imagine, in the GI Bill. It allowed those veterans to buy houses and become homeowners. It allowed millions to go to college and get an education and improve their lives and their families' lives. It literally changed America by producing this well-educated corps of returned veterans.

I read in the paper that both houses of Congress have passed a new GI Bill just like the other one: Four years of college when you get back from your service. And our president, who started this war on false information and lies, is threatening to veto it because it costs too much.

Well, how much did that war cost in treasure and in blood that he started? Why not take care of those veterans? Why not give them four years of college? They certainly sacrificed as much as my parents' generation did in that great World War II, and they

deserve it.

And the point I'm making with this amendment is before we build the marble monuments, let's build the monuments of the soul. Let's take care of the families. Let's -- you know, I understand someone who served or who had a loss, it means something to have a monument. And they will have their monument. But it means a lot more to be able to pay the bills, educate the kids, get on with your life and get proper medical care.

Senator Morahan, I have no doubt of his sincerity and concern here. He has a bill that ought to be on this floor now because it deals with the present need now, and that's the posttraumatic stress disorder bill I believe Senator Morahan has.

Because the returning Reservists and National Guardspeople do not get, unlike regular service personnel, do not get the same benefits to treat that disorder, which we know a large percentage of those who have experienced combat suffer from. No, they come back, their 30 days are up. If they have an employer with health insurance, most plans are

going to give them, you know, eight visits.

That's a need. That's a need Senator Morahan has addressed in his bill. I call on the Majority, bring that out.

The point of this amendment is let's take care of today's business, the most urgent needs. We can build the well-deserved monument to the sacrifice at a later time. Right now we should be taking care of those men and women who serve us so bravely in such a self-sacrificing way. And that's the point of my amendment, let's take care of first things first.

Let's bring Senator Morahan's posttraumatic stress disorder bill to the floor and pass it certainly in the next few days.

Thank you, Mr. President.

ACTING PRESIDENT WINNER: Senator Padavan.

SENATOR PADAVAN: Thank you, Mr. President.

If someone were listening to the debate, they would be under the misconception that we have not been addressing the needs of

our returning military personnel, either those who were in the National Guard and the Reserves returning home to New York State. We have.

There have been a number of bills passed in this house dealing with credit, dealing with civil service benefits, dealing with their opportunities for educational enhancements. And if we look up the index, I'm sure you will pick out some others even that I may have forgotten that passed this house.

So it isn't that we have not been attentive to the needs of those young men and women as they return home to New York State, at least not in this chamber.

For 30 years I served in the active and reserves, and prior to retiring in 1984, the unit that I served in for 14 years and commanded for a period of time was activated in the first Gulf War. Headquartered in Fort Tilden and then later Floyd Bennett Field, and they went off to Iraq. And of course when they came back, being in touch with many of them, many of them have worked for me, I had

certainly a different perspective of what they did and how they did it.

That same unit, the 411 Engineer Brigade, was activated a year and a half ago to go back to Iraq. Now, these are all volunteers, citizen soldiers here in New York State, with units that go from Watertown, a battalion up there, all the way down to Brooklyn and Long Island. About 5,000 men and women in toto. They all went. And now they're all coming back. Not quite all.

Now, when I talk to them, I get a different perspective than when I pick up the newspaper and read various commentaries and editorials about what we're doing and why we're doing it. But I don't want to debate that. To use this monument issue as a vehicle to discuss this conflict I think to some degree is inappropriate.

But the point I would like to make is for those 5,000 men and women who served in the Gulf War and served more recently in the current conflict, they would like to have a monument, something that draws attention to their service in this state in this place.

And so therefore I think Senator Morahan's proposal makes a great deal of sense.

I've been at Fort Totten, where we have units leaving. We have ceremonies when they depart and ceremonies when they return. Similarly at an armory in Whitestone. So I've seen these young men and women going, and I've talked to them when they came back. And I know that they would, and their families -- and those who did not return and their families -- would welcome the fact that we in this state acknowledge their service, said thank you in some small way by putting a monument across a street near the Korean War Monument and the other monuments that we have.

Thank you, Mr. President.

ACTING PRESIDENT WINNER: Senator Larkin.

SENATOR LARKIN: Thank you, Mr. President.

You know, I listened today with mixed emotions. First of all, I want to thank my colleague Tom Morahan for putting this bill in. When Tom Morahan put it in, some of the veterans in any area said "Super idea." I

have as many as anybody else served in Iraq, served in Afghanistan, served in Kuwait in Iraq I.

I don't know how many people in this chamber have been in combat. But I want to tell you something. From those who have, we think this is the right thing to do.

You want to put a bill in about doing something else, like a Montgomery bill, I'll be there to help you. But I've asked, over groups coming home -- there will be another 80 coming home next Saturday. But the last two groups that come home, I asked them: "What do you think?" They said, "You know, maybe the people will get it that we're all volunteers."

Three months ago the MNF Commander, General Petraeus, swore in 4600 troops for a reenlistment of four to six years. As Senator Leibell said it, Senator Padavan, Senator Morahan, these are volunteers. Senator Schneiderman talked about a draft. I think a volunteer service is the best thing in the world.

You may not agree with it, but

you've never been there. I don't know anybody in this room that's ever sat down at a table and wrote home to a mother: "I regret to inform you that your son was killed in combat today." I have. It's a sad case. It will make you cry. When you're 24 and the man that just got killed was 19. And I stand here today as an 80-year-old thinking it could be mine.

But why not honor these people? Why not? They've been there. You haven't.

But I tell you, I see people going to Washington Monument, going to the Korean Monument that was built in Beacon, New York, and they got pictures and how great it is and all that. Never heard a shot fired in anger, in combat. Never went to combat. Never went to service. But they want to go there and say, "Oh, I've been to the monument, Tommy. Didn't you like it?"

What you're saying, Senator Connor, is a good point. We should do more. But why take away from those individuals who served, for those individuals who gave their life or parts of their life?

We had a bill last year to take care of those individuals who went overseas and their mortgage was out of whack -- as a matter of fact, there was one from Staten Island. You even helped us, remember, Diane? The cavalry unit. The mother was there, their mortgage was done, two kids were in college.

We tried to do what 22 other states did. And last year the Governor vetoed it. Couldn't afford it. Twenty-two other states have done it. That would have helped us. It passed this chamber, bipartisan. It was a good bill.

But don't mix apples and oranges. This bill says one thing: We want to pay respect and homage to those individuals who served.

When you talk about service, let's think about it. We've got troops in Korea, on the 38th. We have skirmishes. We don't report the casualties. But they've been there since September 2, 1945. We've had troops in France since '44, Germany '44, Japan '45. So, you know, we've got troops all over the world.

But don't let us sit in this

chamber as almighty god and king and say we're not going to do this because of this. I think we make a big, big mistake. I think that Senator Morahan had the right idea. He made a very fine choice. He didn't say we'll do this or we'll do this. There was no decision in his -- if you read the bill and memo, there was nothing to say we're going to take this and we're not give it to somebody else. It specifically talks about creating something to pay respect to those who served.

I want to tell you something. You serve one day in combat, you'd be out there with a trowel putting the concrete together.

I salute you, Tom, for your commitment to our veterans. Thank you and God bless you.

ACTING PRESIDENT WINNER: Senator Nozzolio.

SENATOR NOZZOLIO: Mr. President, on the legislation, on the bill, the amendment.

It is an honor for me to follow, in debating this measure, the words of one of the finest Americans ever, Colonel Bill Larkin.

And when Senator Colonel Bill Larkin talks about military matters, about protecting our veterans, there's no stronger advocate, no finer voice.

I rise as one who served in the Naval Reserve, in the naval militia, but never saw the horrors of combat and can only imagine the anguish, the anxiety, the courage exhibited by those who have.

This monument certainly recognizes that courage and those contributions. But monuments are not just for the dead, they are as much for the living.

A few weeks ago, during the Memorial Day week, I looked into the eyes of second-graders and asked them what they thought of when they were looking forward to Memorial Day. And all of them said they looked forward to it because some were going camping, all of them were going to be off from school. They looked at Memorial Day as a day of play, of recreation. As do, unfortunately, most Americans.

But it's the Memorial Days and the monuments that teach our second-graders and

our high school students and the young and not-so-young together that the price of freedom is not free, that the sacrifices have been exorbitant through our history to ensure that we have the greatest standard of living, the greatest continuous running democracy in the history of the world, and that we are the strength and source of freedom for millions of people across the world. That's what monuments tell us, and that's why monuments play a role.

I join Senator Larkin. I think his suggestion was perfect when he said that we will join in support of veterans' issues. We enacted a resolution earlier this year in this Senate chamber calling on the Congress of the United States to take the adequate steps necessary to provide real healthcare benefits for all our veterans. We led with that request because that's where the policy lies.

I certainly agree with the tenets of the support of our veterans. But frankly, we have done as much as we can in this state -- certainly would look to do more, but those educational benefits, those healthcare

benefits, the things that Senator Connor discussed, we believe they should be beefed up. And that's why we stood in support of that resolution.

Mr. President, that we believe strongly that our veterans are owed much and that we will continue to support them. We have led the way. We have implored our national Congressional delegation to support us in this effort. And that that's why I rise with my remarks today.

Thank you.

ACTING PRESIDENT WINNER: Senator Sabini.

SENATOR SABINI: Thank you, Mr. President. I rise in support of Senator Connor's amendment.

You know, because of the policies of the federal government, while this war is fought on an international level, Congress has refused to institute a draft and we now have to send members of our National Guard among the fighting force, under the command of our Governor.

So Congress has said we want to

fight, but we're not going to introduce a draft. Now, I served on the Selective Service Board, which still exists, stands ready to implement a draft at any moment under orders from Congress. That board stands ready, but there has been no call for a draft.

And the interesting thing is that when we invaded Iraq and started this conflict, there was no call for a draft. And that's probably a good thing.

We're not against monuments. I'm sure all of us would be united in supporting them. I have an interesting monument in my district -- that I helped put up when I was on the City Council -- in Elmhurst. Elmhurst is the most diverse community on the planet. Not in New York State or New York City, but on the planet. And in the Vietnam conflict, some of which dates back four decades, nine servicemen and women were lost from the community of Elmhurst. At that time, three of them were noncitizens, going back four decades.

And the reason I raise that is this. Senator Schneiderman's right. We send a force of all kinds of people. When we

invaded Iraq, oil was at $45 a barrel. We know where it is today. We know the economic times today. And we've seen press reports, or at least I have, that say that recruiting efforts for the military have been improved by the fact that our economic times are so bad, that people in the underclass feel that they can get a jump on things by getting into the armed forces. And yet it's an economic climate we created by being in this war.

That's a little self-serving, it's a little ironic, and it's frankly sad for our state of affairs as a country.

And so the people who are going into the military in areas like mine very often are not citizens. People who some in this room wouldn't give a driver's license to. People who some in this room have voted to take away the Tuition Assistance Program. But they're good enough to shed their blood on behalf of the United States of America.

So I don't think anyone here is against monuments. But I think we as a state, because we have been asked to step up with our National Guard, it's incumbent for us to make

a statement. Senator Connor's amendment makes that statement. And that is that, you know, we'd like to see monuments, but we'd also like to see our folks taken care of, those who have been asked to commit to the service.

So I'm not against Senator Morahan's idea for a monument, and we can take that up as a separate piece of legislation.

But I think that Senator Connor, who can't bring a bill to the floor without the assistance of the Majority, by bringing up this amendment allows New York State to make a statement. And that is that the folks that go to conflict on our behalf deserve the healthcare, the education and, frankly, the respect of the people of the State of New York. That would be a statement that would be heard around this country.

I'm going to vote aye on Senator Connor's amendment.

ACTING PRESIDENT WINNER: Senator Morahan.

SENATOR MORAHAN: Thank you, Mr. President.

I want to thank my colleagues who

support the bill and challenge the amendment. I've heard a lot here. And I think very cleverly wove into this discussion of recognizing our veterans are the merits of the war itself. And I think that's a very dangerous route to take when you're deciding what to do to honor those who serve our country, whether you like the war or not like the war.

There would be no monument to the Vietnam vets. In the '60s we tore this nation apart. We lost our will and we didn't want to continue that war. Now we have this other war coming in, but we have veterans.

Now, we talked about benefits. Somebody said 30 days. Any National Guard New Yorker who has been activated into this Iraq war has benefits for six years, free healthcare from the VA for six years. Those GIs from New York who are wounded have lifetime benefits from the VA. And I guess the next discussion would be how well the VA does that. That's something else.

In this last budget we just passed we appropriated $4.5 million for the education

purposes of those returning from Iraq and Afghanistan, and who have served this nation, for their college education. And I have no problem with saying we should do more. That's fine.

I wasn't a volunteer. I was drafted during the Korean War. A lot of us didn't volunteer. I don't know how those kids do it. It's remarkable.

But as far as I'm concerned, we have a bill on the floor that says we want to erect a monument, we have appropriated the money. I know Senator Hassell-Thompson, she also put a bill in for a monument for the same purpose for the same people, but there was no appropriation. This has an appropriation. This will get it done.

The Assembly has agreed to this bill. It will get done. The Governor will sign this bill, I assume. It will get done.

And if someone wants to do more -- and I think we all want to do more for survivors or whoever -- then let's discuss it, let's get a bill, let's move it on the merits, let's get the appropriation and then we'll

move it.

But I stand in opposition of this particular amendment because it really takes away the purpose of the basic bill, and it really isn't connected. I think it should stand alone.

It takes on a greater responsibility for the state to do the health benefits and whatever and an examination of what's provided now by the federal people to our National Guard folks coming home and to our GIs.

Thank you, Mr. President.

ACTING PRESIDENT WINNER: Senator Diaz.

SENATOR DIAZ: Thank you, Mr. President.

Ladies and gentlemen, we should not allow ourselves to be confused. People are trying to confuse us. I heard somebody saying that we should not substitute -- and that was the word that was said -- we should not substitute the health services and the care of the veterans for a monument. We should not -- that's what they said.

Somebody here said it, I was not even going to mention the name: We should not substitute the benefits for their families and for the veterans for a monument. Who's saying that? How are you -- are you trying to play with our intelligence?

So those people that are watching, those people that are listening, do not let yourself get confused, because nobody is talking about substituting the benefits.

Because in 1960, when I was 18 years old, I proudly joined the Army, voluntary, in Puerto Rico. And I wore the uniform proudly. But you know what happened? 1960, they sent me overseas. And then we find out that we have those Jane Fondas of the world, and those Hanoi Janes, that when I came back in 1963 to Puerto Rico, instead of feeling proud or being proud of the uniform, I hide to get into my house. Because the Hanoi Janes of the world made me feel shame.

And we -- I was not a captain, I was not a general, I was not a sergeant, I was not even a corporal. I was PFC Diaz, Private First Class Diaz. And I was so proud of that

uniform and to go out there and fight for my country.

But the Hanoi Janes of this world, those people make us feel shame and put guilty conscience on us. We were not the ones that initiated the war. We were serving our country.

And those young guys and women that are serving now in Iraq or Iran or whatever it is, over there in the Middle East, they have nothing to do -- if Bush lied, which I don't know if he did, okay, we take it on him. If he had agreed to sign and approve the war and sign to go to war, we take it on him.

But to take it on those, to take it on them that gave their life and made them feel like in 1960 -- in the '60s when we came back home, and try to make them feel ashamed because they are serving the country, because Bush or Hillary Clinton or whoever approved the war sent them there, they have nothing to do with it. Have nothing to do with it.

We are trying -- the bill says let's build a monument to remember those fallen ones. Nobody is saying let's take away

the money for their health, for their community, for their family and forget about them. Nobody is saying that.

We're saying let's build a monument so their parents could come to Albany or wherever it is and, you know, like some people do now, they go to Washington, to the Vietnam Memorial, to remember their fallen ones. So it has nothing to do with it. The Hanoi Janes of this world has no part anymore. We have to make those people feel proud.

And there is no money, there is no money to pay for one life, one young boy or girl, woman, that fall, that give their life in Iraq for this country. There's no money, no money in this world that could compensate their parents for their loss.

So, ladies and gentlemen, this is a good bill. I'm sorry it's a Republican bill, but it's a good bill. And I would like to be part of that bill, if you could allow me to sign on that bill and be part of that bill and be -- and join you and be part of asking for that monument.

Ladies and gentlemen, thank you

very much. We've got to vote yes on this bill.

ACTING PRESIDENT WINNER: Senator Parker.

SENATOR PARKER: Thank you, Mr. President.

First let me begin by thanking Senator Morahan for putting this bill in. I think this is an important bill. I think that honoring the troops is absolutely the absolute thing that we must be doing at this time.

Senator Larkin's comments, I want to associate myself with his comments in terms of how important this is in terms of the generations of troops that we honor by doing this monument.

But I'm in support of this amendment because I think that timing is everything. I think it's insufficient to in fact do a physical monument without doing what Senator Connor calls building a monument to the soul.

I think, Senator Diaz, that in fact when you have a bill that simply says build a monument but does not increase opportunities,

then in fact we are saying to people that yes, we're substituting.

Senator Nozzolio said that the price of freedom is not free, and he's absolutely right. The price of freedom is eternal vigilance. But the vigilance has to be around access to opportunity. We must continue to be vigilant about making sure that our veterans have the opportunities that they fought for.

And as anybody who's, you know, got up and touted their war records -- I unfortunately don't have one, but I come from a family of lots of veterans. I have a uncle who died in -- you know, as a result of injuries and other kinds of detrimental things that happened to him in the Vietnam War. I have a brother who fought in many of the conflicts that we're talking about now who died the very first year I came here as a result of things that resulted from his service in the Marines. A career Marine.

So I have a different story to tell, not one of writing letters home to people of passed war veterans, but of veterans

who have returned home and have walked into my district office and said to me: "Senator Parker, I fought for this country, and I can't get a job." "Senator Parker, I fought for this country and have sustained injuries and can't get proper medical care." "Senator Parker, I fought for this country and can't get proper housing."

And what simply this amendment says is let's first deal with those veterans who have returned home, and let's honor the sacrifice they've made to us and this country by in fact making sure that they have access to the American dream, to be eternally vigilant to make sure that their access to opportunity is not killed because we have allocated money to a monument.

Yes, let's do the monument. But let's also do the other things that need to be done to make sure that our veterans have access to healthcare, to housing, and to employment opportunities once they're out of the military.

Mr. President, I vote aye on this amendment.

ACTING PRESIDENT WINNER: Senator Schneiderman.

SENATOR SCHNEIDERMAN: Thank you, Mr. President.

This is really a fascinating debate, and I'm sorry to say that it appears to reflect a complete disconnect between most of my colleagues on the other side of the aisle, most of our Republican Senators, and most of my colleagues on this side of the aisle and I believe the overwhelming majority of the American people.

It is not true that we have an infinite money and if we spent money -- and this bill does not, by the way, say that the cost of the monument will be limited to half a million dollars. It says we're appropriating half a million, but it may well cost more.

I would urge anyone who suggests that this is not substituting the monument for other social services or veterans' services to read the bill. It simply says that this is appropriating money from the State Treasury or the General Fund.

We've just heard that the Governor

vetoed a bill to help veterans because we couldn't afford it. And yet we want to provide the symbolism.

Here's the disconnect. What you are offering the American people are symbols. And what we are trying to say is deal with the real needs of the troops. Support the troops. Bring them home and care for them when they come home.

Are you telling me -- and one of you just said we have done as much as we can in this house for veterans. That is a lie. And everyone should be ashamed of themselves if you are pretending that that is true when we're closing veterans' hospitals, we're cutting veterans' benefits.

Senator Parker is right. They come into my office, they come into your office. Veterans are in need. And until we meet the needs of those veterans, until we ensure that their children can get a decent education, shame on us for diverting money from those purposes to a monument.

I'm not against monuments, but let's look at this. We're in a fiscal crisis,

our veterans are in need. The troops are being hurt now because of the insanely bad policies of the federal government under this Republican administration. And yet what you are suffering us is symbols.

We passed a resolution urging the federal government to help veterans. Is that all we can do? That's not all we can do. Senator Hassell-Thompson has a bill she cannot get to the floor -- because your leadership blocks it -- to provide additional tax exemptions for veterans who are living in the same household. Senator Shirley Huntley has a bill -- which you're blocking from coming to the floor, the Republican leaders of this house -- that would increase benefits for blind veterans or spouses of blind veterans. You're blocking that.

Have we done everything we can do for veterans? Shame on any one of you who pretends we have. You are blocking bills as we sit here today. And yet you want us to divert money from healthcare, social service, benefits for their children, to build a monument.

This is not about not liking monuments. This is about our priorities. Where are our priorities? I support the troops. I support the human beings. We can build a monument later. I think everyone should vote for this amendment, Mr. President.

ACTING PRESIDENT WINNER: Senator Skelos.

SENATOR SKELOS: Mr. President, I wasn't really going to speak on this amendment, but number one, I want to thank Senator Morahan for the legislation.

And quite honestly, I understand that this is an even year, some people have primaries, others have primaries where county chairmen aren't supporting them.

But to bring up this amendment when we're looking to honor those who have served their country and have lost their life, whether you agree with the war or not, and to somehow equate that as a political statement as to we're not doing enough for our veterans or we shouldn't be building monuments I think is totally inappropriate. It's totally inappropriate and wrong.

You know, a number of years ago I was traveling in the Netherlands and I just happened to stop by, we ran into the American Cemetery of the Netherlands. And I visited another one in Luxembourg. And the group I was with, and my wife, we were stunned, quite honestly, how beautiful, how peaceful, how respectful those cemeteries were.

And we were with the commandant, and there wasn't one piece of crab grass in that cemetery, and we commented how beautiful it was. And the commandant said: "Do you know how many people that live in other countries, in other European countries will come here and say 'It's a waste of money, it's a waste of money that we have all these monuments for those who gave up their lives, that we take such care of those cemeteries'? Only the Americans would do that." Only the Americans would do that.

Well, you know, it took this country over 40 years, if I'm correct, Senator Larkin, to build a World War II monument. Over 40 years. Republican administrations, Democrat administrations, all administrations,

over 40 years. And thank God for Bob Dole, who made that happen.

As I said, this is a political year and we understand at times certain things are done for political advantage. But you know what, if you want to pass or try to pass this amendment, attach it to another bill. There's so many pieces of legislation that are going to come up this year, in the balance of this year, that you could, Senator Connor, try to attach the amendment to.

If it's a matter of making a point or whatever, do it on something else, not on this legislation. Because by doing that, quite honestly -- and for those of you who are going to vote for this amendment, you're no better than those Europeans who said we waste our money on monuments, on cemeteries, and respecting those who lost their lives and sacrificed their lives for their country.

That's, that's the message we should be sending, is we're going to do the monument. We're going to -- Senator Morahan pointed out certain benefits that we did increase this year. Do the amendment on

another bill.

Senator Connor, withdraw this amendment, do it on another bill. Do it on another bill. And there will be, you know, a petition to canvass, the whole thing. But not on this bill to build a monument to those who have sacrificed their lives.

ACTING PRESIDENT WINNER: Senator Volker.

SENATOR VOLKER: Just one statement, if I might.

As somebody who has been involved in building monuments before, I have to tell you, this legislation, should it become law, you don't have to worry about a big hurry of spending the money. It takes about two years, once you authorize a process, to get the plans and all the rest of the stuff done. The OGS controls the process no matter what we do.

So if you think that this is going to have a major impact on the fiscal plan of this state -- the one thing it will do is get the process in motion to get that monument. Most likely by the time it actually happens, it will probably be certainly 2009 and

possibly 2010. So one of the reasons you do it now is to get the process moving to get that done.

It's the way the system works. It's the real world. I can tell you, I was involved in the State Police monument or the police memorial thing and a lot of other things. It took us a number of years to get it. First of all, they've got to find a site for it. There's a number of things that have to be done.

But what Senator Morahan is saying is now is the time to authorize it, get the process moving so we can actually do a memorial to those people.

Just one thing I just want to say, and I know you could say this is irrelevant. When I was in Poland -- the national media always talks about the young people who are attacking America and how terrible it is. My wife and I were standing in Cracow, we were trying to figure out which train to take into downtown Cracow. And there was a woman standing there, and my wife, who speaks a little bit of Polish, asked her about how to

go.

And she said, "Americans," and she yelled upstairs, pushed the button. Her mother, who spoke English, came to the window and said: "I'll be right down." We said, "No, no, no, no, all we want to know is how do we get to downtown Cracow on the train."

The woman said -- she told us from up there, and she said, "You know, we love Americans." And I said, "Well, why?" She said, "Because if it wasn't for you, we wouldn't be free." The older Poles, they understand that story.

And I only say that because I think the national media will never tell you that story, because they would rather knock America as a country.

One final thing, and I'm just -- you know, I have something to do with homeland security and Vinnie Leibell. There's a great many people in homeland security -- in fact, virtually all of them -- that believe if we didn't go into Iraq and Afghanistan, we would have been hit at least twice in this country.

Now, nobody can actually verify

that, but nobody can exactly figure out in the intelligence community why we haven't been hit, because we were supposed to have been hit twice. And we've done a lot of -- we've stopped a lot of plots. "We" meaning our people.

But I have to tell you, I personally believe if we hadn't gone into Iraq and Afghanistan, the West Coast would have hit and probably something on the East Coast. You know, who knows? But I can only say to you there are reasons for everything.

ACTING PRESIDENT WINNER: Senator Little.

SENATOR LITTLE: Thank you, Mr. President.

I am not a veteran and have not served in that capacity at any time, although I have two sons who have served in the military, and I have one son who is currently serving in the military. But I am a supporter of veterans' issues, and I work with the veterans in my district.

And talking to the men and women who have served our country and the family

members who have lost members of their families in the service of our country, I just can't believe that we would stand here and be talking about an either/or; instead of doing that, let's do this. Because I don't believe that we can do enough for our veterans. And I don't believe that any program should be rejected by this body.

My own son, as serving spends three months, six months, three weeks, four weeks away from his family. Those are the sacrifices that they endure. Their entire family endures sacrifices, as do all of our men and women who are away from their families for lengths of time up to a year.

We need to do more, we need to do everything. If anything, this amendment should be in addition to Senator Morahan's idea for a monument.

Monuments speak volumes. And you may say that they aren't necessary, but I believe that they are. And they say, they represent our feelings and our gratitude to our men and women, to our veterans, to those who have died, to those who have changed their

lives and been willing to work for us.

So I support this bill. And if anything, the amendment is what should be changed to say "and" we also do that.

Thank you.

ACTING PRESIDENT WINNER: I would point out that the time allotted to the Senate Minority has expired.

Are there any other Senators on the Majority side that wish to be heard with the few remaining minutes?

If not, on the amendment, those Senators in agreement please signify by raising your hands.

THE SECRETARY: Those recorded in agreement are Senators Breslin, Connor, Dilan, Duane, L. Krueger, Montgomery, Onorato, Oppenheimer, Parker, Perkins, Sabini, Sampson, Savino, Schneiderman, Serrano, Smith, Stavisky and Thompson.

ACTING PRESIDENT WINNER: The amendment is not agreed to.

On the bill, any other Senators wish to be heard?

The debate is closed. The

Secretary will ring the bell.

Read the last section.

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

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60. Nays, 0.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number 1613, by Member of the Assembly Lentol, Assembly Print Number 10736, an act to amend Chapter 548 of the Laws of 2004, amending the Education Law.

ACTING PRESIDENT WINNER: Senator Stavisky.

SENATOR STAVISKY: Will the sponsor rise for a very brief question.

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

SENATOR PADAVAN: Yes.

SENATOR STAVISKY: A couple of very brief questions.

ACTING PRESIDENT WINNER: The Senator yields.

SENATOR STAVISKY: Calendar 1613, which is Senate 6897, didn't this pass yesterday?

SENATOR PADAVAN: Pardon me?

SENATOR STAVISKY: I'm under the impression that this --

SENATOR PADAVAN: No, it was laid aside, Senator.

SENATOR STAVISKY: Oh, it was laid aside yesterday?

SENATOR PADAVAN: Yes, that's correct.

SENATOR STAVISKY: There's a -- one more question, two more questions, if --

SENATOR PADAVAN: The Assembly bill which passed was substituted.

SENATOR STAVISKY: The Assembly bill was substituted for Calendar 1613?

SENATOR PADAVAN: That's correct.

SENATOR STAVISKY: There is a very similar bill, Calendar Number 1632, which was laid aside yesterday, which increased the number of courses and applied it to SUNY as

well as CUNY, isn't that correct?

SENATOR PADAVAN: Yes. But that's not the bill we're dealing with right now. We're dealing with this bill.

SENATOR STAVISKY: But if Calendar Number 1613 passes, it's going to be in conflict with Calendar 1632.

SENATOR PADAVAN: No, not really. Why don't we wait till we get to 1632 and then we can discuss that. Right now we're dealing with 1613, which is an extension of what currently is in place. All right?

SENATOR STAVISKY: Okay, agreed.

ACTING PRESIDENT WINNER: Thank you, Senator Padavan.

Read the last section.

Oh, Senator Smith, sorry.

SENATOR SMITH: On the bill.

ACTING PRESIDENT WINNER: Not on this bill?

SENATOR SMITH: On this bill.

ACTING PRESIDENT WINNER: On the bill.

SENATOR SMITH: Yes. Let me just -- what I wanted to -- I think others

know just recently the trial-level task force, which was a legislative task force of three branches of government, city, state and federal, recently put out a report that spoke to a number of bills that related to increasing the confidence of the public in our law enforcement system.

This particular bill that Senator Padavan is putting forward, or at least an extension thereof, is a good bill. Senator Stavisky in what she was alluding to was a bill that perhaps will come up later which extends the waiver for two classes, as opposed to this extension, which is also good.

What we are trying to underscore with Toby Stavisky as well is understanding the importance of what happens if our law enforcement are allowed to be better educated, what it does to their improved law enforcement background, what it does to improve their ability to do their job.

And while our colleagues are going to pass this bill today, which is a good one, we do hope that the bill will come back that he did lay aside yesterday, it comes back

again this week or perhaps next week.

And it is our belief and understanding that CUNY may have had some involvement with putting this bill off. We would hope that we will rise to a point where we do what is actually best for our law enforcement people, notwithstanding the importance of higher education institutions and their influence.

This is a bill that we support, a bill that I support. But I do hope in the future, given it was part of a larger package of a report that was issued on Sunday, and we are hopeful that some other bills that are within this package will come forward, as we believe it's one that will raise the public confidence in our law enforcement teams not only in New York City but around the state.

So I will be voting aye on this bill, Mr. President, but I do want to make sure that we hopefully have the bill that Senator Stavisky was talking about, that it will come back to the floor before we adjourn next week.

ACTING PRESIDENT WINNER: Is

there any other Senator wishing to be heard?

Debate is closed. The Secretary will ring the bell.

Read the last section.

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

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

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

SENATOR STAVISKY: My question, Mr. President, was simply a mechanical one and a procedural one, not on the substance. I wanted to be sure that there was no conflict between the two bills, where one gives one course and the other is additional courses. Thank you.

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

Results.

THE SECRETARY: In relation to Calendar Number 1613, absent from voting: Senators Gonzalez, Huntley, and Rath.

Ayes, 57. Nays, 0.

ACTING PRESIDENT WINNER: The bill is passed.

Can I please ask the Senators to remain in the chamber so that we can finish the controversial calendar.

The Secretary will read.

THE SECRETARY: Calendar Number 1619, by Senator Leibell, Senate Print 7267A, an act to amend the Public Officers Law.

SENATOR KLEIN: Explanation, please.

ACTING PRESIDENT WINNER: Senator Leibell.

SENATOR LEIBELL: Mr. President, this bill would amend Section 3 of the Public Officers Law to remove the residency requirement for assistant district attorneys in Putnam County.

SENATOR KLEIN: Explanation satisfactory.

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

Debate is closed. The Secretary will ring the bell.

Read the last section.

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

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: In relation to Calendar Number 1619, absent from voting: Senators Gonzalez, Huntley and Rath.

Ayes, 57. Nays, 0.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number 1644, by Senator LaValle, Senate Print 8314, an act to amend the Correction Law, in relation to facilitating compliance.

ACTING PRESIDENT WINNER: Senator Klein.

SENATOR KLEIN: Would the sponsor yield for a couple of questions, Mr. President.

ACTING PRESIDENT WINNER: Senator LaValle, will you yield to Senator Klein for a couple of questions?

SENATOR LaVALLE: Yes, sure.

You didn't want an explanation?

SENATOR KLEIN: Just a couple of questions.

Through you, Mr. President. Senator LaValle, can you just explain what the sex offender registration officer would do as applied to enforcing Megan's Law in the State of New York?

SENATOR LaVALLE: Yeah. One of the changes we made from last year where we had social services handling this as a responsibility, we -- in negotiations with the Governor's office, we chose to allow the locality to choose an officer that would ensure that the individual would be meeting the 10-day rule of checking in in compliance with the provisions of this act.

We give DCJS rule power so that that individual could check in in a number of places that would be convenient and could, after two or three visits, every 10 days they might check in over the telephone. I mean, that could be.

So the individual wants to make sure, since the sex offender really doesn't have a home and is homeless and traveling from

one place to another within the county, that we want to know where that individual is. So that's the key element here.

SENATOR KLEIN: Again, another question through you, Mr. President.

If an individual is homeless and also happens to be classified as a Level 3 sexual predator, will they have to reregister every 90 days as if they had a residence?

SENATOR LaVALLE: Just so you know who we are talking about, this bill emanated because the county -- individuals that didn't have a home, instead of having them in a specific motel, one place, they came up and they said, "We're going to move individuals from one place to another." Could be in almost like a mobile van.

And so it was important to know where they are. So in the legislation it's not 90 days, it's every 10 days.

SENATOR KLEIN: So they would have to reregister every 10 days?

SENATOR LaVALLE: Every 10 days, yeah. And as long as they are classified, then every 10 days they have to check in so

that we know where they are.

With the exception, as I had indicated, if DCJS says this is a Level 1 person, we could do it by the telephone.

SENATOR KLEIN: Again, through you, Mr. President. This is, I guess, a hypothetical.

If indeed, again, a dangerous sexual predator, Level 3, is actually living in a homeless shelter, wouldn't that individual be able to use that address as the homeless shelter they're living in? For Megan's Law registration purposes.

SENATOR LaVALLE: We very specifically define what this person -- in other words, they do not have a residence that is one that we can register as their residence.

SENATOR KLEIN: So we're not talking about sexual predators that are living in homeless shelters? Would they be exempt from your potential law?

SENATOR LaVALLE: No, they would not be exempt from here.

SENATOR KLEIN: So I guess what

I'm asking is would they now be required to register -- let's say they're living in a homeless shelter, let's say it's a family homeless shelter. They use the address of the shelter, that's their residence. Would they have to reregister every 10 days or every 90 days?

SENATOR LaVALLE: No. The key here is -- let's use your hypothetical. I am in a shelter. I will then declare that shelter as my home.

SENATOR KLEIN: And you wouldn't be part of this legislation?

SENATOR LaVALLE: That's right.

SENATOR KLEIN: I have one more question, through you, Mr. President.

Under the requirements of your legislation, would it change the notification requirements under the present Megan's Law? In other words --

SENATOR LaVALLE: No. No, nothing changes there.

SENATOR KLEIN: Thank you very much.

On the bill, Mr. President.

ACTING PRESIDENT WINNER: Senator Klein, on the bill.

SENATOR KLEIN: I think Mr. LaValle has actually introduced a piece of legislation I think which will go a long way towards helping individuals in his district on a very limited basis.

The reason being is one of the things that I found very, very disturbing after we put out a report, my office, last year, was presently there's Level 2 and Level 3 sexual predators living in family homeless shelters all around the City of New York. Not in men's shelters, that's not what we looked at. And we didn't do this to try to deny an individual their right to shelter.

But at the same time, these are individuals who use their address as a family shelter around children. I think that's something that we need to change and maybe go one step further than Mr. LaValle's legislation, to have some type of notification requirements.

Right now the City Homeless

Services does not require anyone in their facilities to even know or be told or notified in any way that a dangerous sexual predator is living around families. I think that's absolutely ludicrous. I think homeless children deserve the same safety as all of our children.

If under our present Megan's Law we're notifying local schools, we're notifying parents in the area, if local law enforcement chooses to do that, I think certainly homeless families have that same right if a dangerous sexual predator is living in one of these family shelters.

So a piece of legislation that I've introduced, and I hope it can somehow pass this session as maybe even an amendment to Senator LaValle's bill, would be very simple. If indeed there is a dangerous sexual predator living in one of these family homeless shelters, I don't think it's too much to ask that we notify the families living in these family shelters that a dangerous sexual predator is living there as well.

And I also think that we should

require the Division of Homeless Services to actually find out that information. If someone walks in and says, "I'm a family member of this family, I want to come live in your family shelter," they should do a background check. They should keep that information confidential, I guess, if the person actually doesn't stay for an extended period of time.

But I think it's important that we gather this information. It's presently part of the Division of Criminal Justice Megan's Law subdirectory, and I think it should be used in a positive way to protect families who are presently living in family shelters.

So I thank Senator LaValle for introducing this piece of legislation, but I think we really need to take it one step further if we're going to really protect families from dangerous sexual predators.

I vote yes on this bill.

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

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

Read the last section.

THE SECRETARY: Section 6. This act shall take effect on the 90th day.

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: In relation to Calendar Number 1644, recorded in the negative: Senator Montgomery.

Absent from voting: Senators Gonzalez, Huntley, Rath and Serrano.

Ayes, 55. Nays, 1.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number 1650, by Senator Larkin, Senate Print 195, an act to authorize the City of Newburgh to establish.

SENATOR KLEIN: Explanation, please.

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

Senator Larkin.

SENATOR LARKIN: Who asked for the --

ACTING PRESIDENT WINNER: Senator Klein has asked for an explanation.

SENATOR LARKIN: Thank you for voting for this bill the last two years, Mr. Klein.

This bill hasn't changed. It passed 61 to nothing; the previous year it passed 60 to nothing.

This is a very simple bill that allows the City of Newburgh to be in partnership with Peekskill, Yonkers, Suffolk County, the City of Utica, and a lot of our cities with population of over 200,000.

The City of Newburgh is a small city. It's got a lot of problems. What it needs is this court so they can handle a lot of these traffic violations and whatnot. I think it's an excellent deal. The city is now owed about $4.5 million to $5 million. And if you have a small city -- I know you have a big city, but even in a city of your size, Senator Klein, you'd realize an additional $5 million would go a long way to providing services that are essential.

SENATOR KLEIN: Thank you,

Senator Larkin. Your explanation was better this year than even last year.

ACTING PRESIDENT WINNER: Senator Duane.

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

ACTING PRESIDENT WINNER: Senator Larkin, do you yield to Senator Duane?

SENATOR LARKIN: I yield to the good Senator from the City of New York, Tom Duane.

ACTING PRESIDENT WINNER: The Senator yields, Senator Duane.

SENATOR DUANE: Thank you, Mr. President.

I'm wondering what happens now. How are these traffic tickets dealt with now?

SENATOR LARKIN: Tom, right now the city has a backlog of probably six to nine months. They've been going out and hiring people to serve notice on it. The city doesn't have extra money to do this. Without this, they're not able to process all of the violations.

And this came from the Division of

Criminal Justice of the previous administration and this administration that this was a positive way to do it, because we in this chamber and in the other house and in previous governors have allowed others to do it.

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

ACTING PRESIDENT WINNER: Senator Larkin, do you yield?

SENATOR LARKIN: Yes, sir.

ACTING PRESIDENT WINNER: The Senator yields.

SENATOR DUANE: More specifically, where are these tickets adjudicated now?

SENATOR LARKIN: Pardon me?

SENATOR DUANE: In what venue are these parking tickets adjudicated now?

SENATOR LARKIN: They're in the custody of the police in the City of Newburgh.

SENATOR DUANE: But through you, Mr. President, just even more specifically, what is the third branch, if you will, what is

the judicial branch of government within Newburgh where these tickets are now being heard?

SENATOR LARKIN: Tom, the City Court is handling all of this. But they have no funding to do any of the other things that are required to be done.

The city manager and the city council visited Peekskill, they've visited Yonkers, they've been to Utica. And they feel that this would in turn effect a positive reaction to clean up all of this mess and generate revenue for the municipality.

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

ACTING PRESIDENT WINNER: Senator Larkin, do you yield?

SENATOR LARKIN: Yeah.

ACTING PRESIDENT WINNER: Senator Larkin yields.

SENATOR DUANE: Thank you.

And what are the funding streams by which the City Court is funded?

SENATOR LARKIN: The state. And

the municipality.

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

SENATOR LARKIN: Oh, come on. One more time.

ACTING PRESIDENT WINNER: Senator Larkin yields.

SENATOR DUANE: Thank you, Mr. President.

What is the pay for City Court judges in Newburgh?

SENATOR LARKIN: If you look at the books that we've passed every few years, there's been statutes saying what the city judges -- in our case we have one sitting judge and one part-time judge.

SENATOR DUANE: And through you, Mr. President, if the sponsor would continue to yield. I'm getting to the point that I'm trying get to, but I need to --

SENATOR LARKIN: I would be delighted if you'd get to the point. Even Klein's laughing.

ACTING PRESIDENT WINNER: By all

means, Senator --

SENATOR DUANE: With bated breath?

SENATOR LARKIN: With bated breath.

SENATOR DUANE: Are administrative judges on tribunals paid less than City Court judges?

SENATOR LARKIN: That's to be determined by the city council.

SENATOR DUANE: So through you, Mr. President -- actually, I'll just speak on the bill. Thank you.

SENATOR LARKIN: You're most welcome.

SENATOR DUANE: Unless you'd like more questions. I could do that too.

ACTING PRESIDENT WINNER: Senator Duane, are you asking Senator Larkin to yield to more questions?

SENATOR DUANE: No, I'm a good person. I will only speak on the bill, Mr. President.

ACTING PRESIDENT WINNER: That's terrific. Senator Duane, on the bill.

SENATOR DUANE: Less time in purgatory for both Senator Larkin and myself.

ACTING PRESIDENT WINNER: Not to mention myself.

SENATOR DUANE: Yes, Mr. President.

UNIDENTIFIED SENATOR: What about us?

SENATOR DUANE: Take care of yourselves.

I am concerned that we are doing an end run around the proper adjudication of these parking tickets in an effort to lessen the fiscal impact. But it seems as if we don't really know what the fiscal impact is. A tribunal -- I'm assuming that's three people, but maybe it's not. But hiring three people may actually end up being more expensive than hiring one person as a town court judge.

So I think that one thing I'd like to see happen is to see what the fiscal impact would be here. Would we be making up enough money on more rapid parking violations, fees being paid by people? Would it be enough to

pay for the hiring of people for a tribunal?

Maybe this is an opportunity for us to share with other municipalities or other jurisdictions within a county. It may be a way to actually reduce the price of government. During these difficult fiscal times I think maybe we should try to look at new strategies.

And while I understand that other municipalities may be using tribunals, perhaps the sharing idea would work better, that different municipalities could share adjudicators or they could travel from place to place within a county, they could spend a day in each municipality.

There are many, many different kinds of strategies which we potentially could use to lessen the burden both for this city but also for other cities around it.

Perhaps a pilot program. We're wild about pilot programs here. And maybe this is a golden opportunity for a pilot program to see if there might be ways for counties and municipalities to share services and save money, including as it applies to

parking violations.

So I'm pleased that this bill has come before us. And because Senator Larkin was so convincing, I may actually end up voting for it.

However, I do think that this should be a jumping-off point for us to look at other ways to share services in municipalities and overall reduce the cost of government while at the same time potentially increasing revenue at the expense of people using vehicles who break our local laws.

So I will vote yes, but I'm optimistic that we will all take a good, long, hard look at other strategies that we could use.

Thank you, Mr. President.

ACTING PRESIDENT WINNER: Any Senator wishing to be heard?

Debate is closed. The Secretary will ring the bell.

Read the last section.

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

ACTING PRESIDENT WINNER: Call

the roll.

(The Secretary called the roll.)

THE SECRETARY: In relation to Calendar Number 1650, absent from voting: Senators Gonzalez, Hassell-Thompson, Huntley, Rath and Serrano.

Ayes, 55. Nays, 0.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number 1651, by Senator Flanagan, Senate Print 900, an act to authorize the Holy Cross Roman Catholic Church to retroactively apply.

SENATOR DUANE: Explanation, please.

ACTING PRESIDENT WINNER: Senator Flanagan, an explanation has been asked for.

SENATOR FLANAGAN: Thank you, Mr. President.

This is a retroactive tax exemption request from a church within the town of Smithtown in the district that I represent.

ACTING PRESIDENT WINNER: Senator Duane.

SENATOR DUANE: Thank you,

Mr. President. If the sponsor would yield.

SENATOR FLANAGAN: Yes.

ACTING PRESIDENT WINNER: Senator Duane, for a question.

SENATOR DUANE: There was another piece of legislation that passed earlier today which authorized the Holy Cross Polish National Church to retroactively apply for a real property tax exemption for property in Smithtown, and I'm wondering whether there's a relationship between the Holy Cross Polish National Church and the Holy Cross Roman Catholic Church, as they're both in Smithtown.

SENATOR FLANAGAN: Senator Duane, we have a lot of houses of worship and churches in the Second Senate District. I don't believe that they are the same.

SENATOR DUANE: But through you, Mr. President, I just want to make absolutely sure that --

ACTING PRESIDENT WINNER: Senator Duane, are you asking Senator Flanagan to yield to a question?

SENATOR DUANE: Yeah, I'm about to get up to that. It's all -- it's a prelude

to the question.

ACTING PRESIDENT WINNER: We can't wait, Senator Duane.

(Laughter.)

SENATOR DUANE: And because I'm trying to find out if -- more precisely if they are the same, then I would ask the sponsor to yield on that question, so we can find out if they are the same institution.

ACTING PRESIDENT WINNER: Senator Flanagan, will you yield to Senator Duane to make a determination as to whether or not the churches are one and the same?

SENATOR FLANAGAN: Yes, I will, Mr. President.

And the answer to your question is no.

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

ACTING PRESIDENT WINNER: Senator Flanagan, do you yield?

SENATOR FLANAGAN: Yes, I do.

ACTING PRESIDENT WINNER: The Senator yields, Senator Duane.

SENATOR DUANE: Thank you, Mr. President.

The tax exemption that's being asked for, that would impact both the local property tax -- does it impact any other taxes being collected or not being collected if we pass this?

SENATOR FLANAGAN: I believe that's a determination that would ultimately be made by the Town of Smithtown through its town assessor. What we're doing is giving them permission to make that application. The ultimate decision will rest with the municipality.

SENATOR DUANE: Thank you. Thank you, Mr. President. Thank you.

ACTING PRESIDENT WINNER: Any Senator wishing to be heard?

The debate is closed.

SENATOR MAZIARZ: Mr. President.

ACTING PRESIDENT WINNER: Senator Maziarz.

SENATOR MAZIARZ: Mr. President, on behalf of the Polish American Caucus here in the New York State Senate, chaired by

Senator Bill Stachowski and myself, we want to express our support for this bill for Holy Cross Polish National Catholic Church, is the correct title, and there are two separate churches.

Thank you, Mr. President.

ACTING PRESIDENT WINNER: Thank you, Senator Maziarz.

Senator Diaz.

(Laughter, catcalls.)

SENATOR DIAZ: Mr. President.

ACTING PRESIDENT WINNER: Yes.

SENATOR DIAZ: On behalf of the evangelical churches of the state, especially the Hispanic ones in the State of New York, we also support this bill. Thank you.

ACTING PRESIDENT WINNER: On behalf of the Episcopal Church, we also thank him as well.

(Laughter.)

ACTING PRESIDENT WINNER: So any other Senator wishing to be heard?

Debate is closed. The Secretary will ring the bell.

Read the last section.

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

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Those recorded in the negative on Calendar Number 1651 are Senators Bonacic and Larkin.

Absent from voting: Senators Gonzalez, Huntley, Rath and Serrano.

Ayes, 54. Nays, 2.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number 1652, by Senator Little, Senate Print 1140A, Concurrent Resolution of the Senate and Assembly proposing amendments to Article 9 of the Constitution.

SENATOR LIZ KRUEGER: Explanation.

ACTING PRESIDENT WINNER: Senator Little, an explanation has been asked for by Senator Krueger.

SENATOR LITTLE: Thank you, Mr. President.

This is a concurrent resolution of the Senate and the Assembly proposing amendments to Article 9 of the Constitution intended to prevent the state from imposing additional unfunded mandates on local governments.

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

SENATOR LITTLE: Yes, I will yield.

ACTING PRESIDENT WINNER: Senator Little yields.

SENATOR LIZ KRUEGER: Thank you.

Constitutional amendments require serious discussion and debate, because we're talking about changing the Constitution. And so I was reviewing Senator Little's bill, and my understanding is it would, with some exceptions -- and they're detailed in there, so I appreciate that -- we, the Legislature, could not pass any law that applied a new cost mandate to a local government.

Is that a fair quick version?

SENATOR LITTLE: No, that's not

accurate, I don't believe, because we have a safety-net provision in the bill which would permit the State Legislature to enact an unfunded mandate if two-thirds of each house concur, the Senate and the Assembly. A public hearing would have to be held, and there would are have to be a fiscal analysis as to the cost of the bill, the mandate, and that would all be made public.

And of course there are several exemptions. Anything under $20,000 is not considered an unfunded mandate, even though it really is. And for a city of a million or more -- New York City -- it's anything under $100,000 would not be considered an unfunded mandate.

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

ACTING PRESIDENT WINNER: Senator Little, do you yield?

SENATOR LITTLE: Yes.

ACTING PRESIDENT WINNER: Senator Little yields.

SENATOR LIZ KRUEGER: Thank you.

In the details of your bill it also talks about budget bills submitted by the Governor pursuant to Article 7 of the Constitution, but only if such bills "implement, revise, amend or continue programs or mandates which currently exist and such bills do not impose any new mandates which, if undertaken by themselves, would otherwise be subject to the restrictions."

If we, the Legislature, chose to submit our own budget bills or our own amendments to budget bills, which it seems to me we do every year, is it my correct understanding that we could not, the Governor could propose new unfunded mandates within particular categories but we, the Legislature, could not do that through amendments to the budget bills? Am I reading that correctly?

SENATOR LITTLE: Well, I think in the summary it talks about budget bills submitted by the Governor. But when you understand it, it says that you're not going to be able to change any currently existing mandate, but you cannot add a new mandate. And many of our new budget bills ask for

continuation of programs which are basically mandates.

For instance, the Medicaid program, which mandates that the counties pay a portion of. Therefore, you would continue budgeting for that every year, and you would be able to do that. This resolution and this constitutional amendment would not affect it. But you could not add any additional mandate to that.

And the way they would determine that is by taking that particular mandate and saying if this separately would be an additional mandate, then it is an unfunded mandate.

There also is a commission that is enacted in this bill that would be used to -- where you could challenge, a local government could challenge an unfunded mandate and say that this was an unfunded mandate even though we at the state may say it wasn't.

So there are opportunities there.

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

ACTING PRESIDENT WINNER: Senator Little, will you yield?

SENATOR LITTLE: Yes, I will yield.

ACTING PRESIDENT WINNER: The Senator yields.

SENATOR LIZ KRUEGER: Thank you. You know, there are so many examples I could raise of -- because I'm struggling with this. I'm concerned about a constitutional amendment and the complications therein. But I think you and I share many concerns about our taking action here that translates into costs at the local level.

You have another bill on today which we're going to get to a little later. It is Bill Number S1120, which would amend the Real Property Tax Law. This would be the State Legislature changing the rules such that there was a broader exemption from property taxes. We actually have many of those of various kinds.

Would that be, under this constitutional amendment, not allowed because would that be an unfunded mandate to --

SENATOR LITTLE: No, I don't believe it would, because it doesn't change, it doesn't extend.

If you want me to start explaining that bill, I can, but that's not before bill before us. But that bill actually makes things easier for DEC to allow a forestry program to get into a 480-a program which already exists. It's just saying that if you are a certified forestry, you don't have to have a forestry management plan approved and all of that by DEC to get into the 480-a forestry plan, which gives you up to an 80 percent reduction in your assessed value. No, so that wouldn't count in this.

And really the reason for this unfunded mandate bill, certainly I relate to it from my years on the Warren County Board of Supervisors, where we would hear how the state budget was doing so well and not raising costs and not raising taxes and not doing all of that, and yet the unfunded mandates that were imposed upon the county caused us to raise property taxes.

And I think that throughout

New York State, everyone is well aware of the fact that our local properties are the problem. It's not the state tax, it's the local property taxes that are a deterrent to business and a deterrent to people living in New York State.

SENATOR LIZ KRUEGER: And I appreciate your answer.

We will debate that other bill later, because I'm not sure I agree with you on the analysis of whether it's not a new program or not.

But just to use another example, I remember a debate on the floor, and I supported the bill, to require our schools to have defibrillators, particularly I believe in sporting events. And at the time I distinctly remember my city sending a memo saying this is an unfunded mandate to mandate defibrillators, even though I think most of us in this house voted for that bill because we thought it would save lives.

Under your constitutional amendment, would a bill like that not be able to be passed?

SENATOR LITTLE: I don't think it would be able to be passed, although it might be able to get under the $20,000 threshold per municipality, per school district. You probably could, although many of my schools are saying that the defibrillators are costing them more than $20,000 to keep them up to speed and -- so yeah, that was an unfunded mandate, and we did pass it in the interests.

Now, how could we do it if we decided that that was important enough? We would pass it by a two-thirds majority.

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

SENATOR LITTLE: Yes.

SENATOR LIZ KRUEGER: Thank you.

Earlier today we just did a -- actually, Senator Klein had a debate with Senator LaValle over the homeless sex offender registration. And we passed it, I think close to unanimously. And again, this will clearly increase the costs at the local level, certainly if I was speaking for New York City, of having to cross-check people every 10 days

as opposed to 90 days or 180 days.

Would, under your constitutional amendment, that bill also then not meet the standard?

SENATOR LITTLE: I believe that, depending on the cost, again, and the exceptions -- there are other exceptions for state laws that comply with federal laws. But if you were going to do an unfunded mandate over that $20,000, you would have to have a fiscal analysis, you would have to have a public hearing before passage, and you would have to make the public aware that this is what we are doing.

SENATOR LIZ KRUEGER: Thank you.

Mr. President, on the bill. Thank you. I appreciate the Senator's answers to my questions.

And I struggle with my own decision about the bill because, again, I think all of us here understand the abject concerns of our local governments that we pass laws that translate into some of the costs or all of the costs translating to them.

If I take any calendar of any day

on this floor, I'm going to find bills we passed that I don't believe would meet your standard of being allowable under this constitutional amendment without a much more complex process as you've described: Hearings, which I always support for legislation, fiscal analysis, which I strongly support for all legislation. I'm always amazed we have so many bills that make it to the floor with fiscal notes that haven't been done; we're not even explaining how we're going to pay for them. And I also agree with the importance of two-thirds bills, because I also think that increases representation on both sides of the aisle of bills.

So I have a dilemma. I agree with so much of this. I like two-thirds bills. I like fiscal analysis. I like public hearings. But I also think through the bills we pass every day. Again, I just used a couple of examples from this book. But take any day, any Third Reading Calendar, any active list; we're passing bills that wouldn't meet your standard.

And so I would make the argument to

you, you have a very radical proposal here in the context of the New York State Senate. I tend to actually like radical proposals. I'm that kind of legislator. I want us to challenge what we're doing.

And yet I still think that there's any number of examples where we would be sorry if we trapped ourselves in a constitutional amendment without further public hearing, discussion and review of what the impact of this would be.

So I'm also concerned that we're not even meeting the test I think you would like us to have for this bill. Now, granted it would have to go through both houses --

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

SENATOR LITTLE: Thank you, Mr. President. If I may respond.

SENATOR LIZ KRUEGER: Yes.

ACTING PRESIDENT GRIFFO: Senator Little.

SENATOR LITTLE: A constitutional amendment, this is first passage. Second passage would begin in '09. And if we passed

it in '09, it would be before the voters in November of 2009. And I believe there would be plenty of public discussion, plenty of hearings, and this bill would certainly grab a lot of attention statewide.

The other thing that in your discussion you brought up is that if we are enacting something here in the Senate that we think is very, very important for our communities to do, then it should be just as important for the state to pay those costs as for the local governments to have to pay those costs.

ACTING PRESIDENT GRIFFO: Senator Krueger.

SENATOR LIZ KRUEGER: Thank you. Thank you, Mr. President, to continue.

In fact, Senator Little spoke on exactly what I was going to say, that because it's a constitutional amendment it does need to go through both houses twice before it goes to the public for a vote.

And in fact, I was going to agree completely with you that this is an opening discussion about something that will require

much more detail.

And I also share with you the view that if we went down this road, we would inevitably find ourselves either choosing to reduce the amount of legislation we pass and mitigate ourselves what we are mandating on our locals and/or would end up shifting the requirements of who pays for what in New York State, which I believe would get us eventually to a statewide equity system for tax policy, something I'm looking forward to.

So I'm having the conversation I appreciated here on the floor today to say that I find this incredibly fascinating and intellectually challenging to what the role of the state government is versus local government, how we would make decisions up here under a new purview in the constitution, what it would mean at the local level, what it would mean for fiscal analysis and shifting from local to state tax policy.

And so because of that, despite concerns that I might have at the end of the day of how this might play out, I'm actually going to urge support of this constitutional

amendment at this point in time in order to continue the discussion and the debate with the 19 million New Yorkers who are impacted every day by bills we pass that perhaps we have not given enough thought to or evaluated the outcome of.

So I want to thank the sponsor for the legislation. Again, at the end of the day, by the second round or a public vote, I might have concluded that I would want to change my mind. But right now, I think that this type of radical proposal is well worth it in the 21st century for the state.

Thank you, Mr. President.

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

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

The Secretary will call the roll on the Concurrent Resolution.

(The Secretary called the roll.)

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

And, Senator Schneiderman, we will be invoking Rule 9(3)(e), two minutes.

SENATOR SCHNEIDERMAN: Thank you, Mr. President. That's one of my favorite rules.

I am rising to note that all of this concern over unfunded mandates appears to omit one salient fact. There's not one unfunded mandate that has been imposed by the State of New York on local governments since I've been here that has not been through a bill put on the floor by the Majority and passed in this house by the Majority. Every unfunded mandate, ladies and gentlemen, comes from you.

So if you want to put a constitutional amendment out there to say please stop us from beating you up, there's a simpler solution. Why don't you and the Republican Majority stop passing unfunded mandates?

I'm going to support this bill, Mr. President, in the spirit of bringing to light the extraordinarily and remarkable hypocrisy which we celebrate here today, and I hope this debate will go forward.

ACTING PRESIDENT GRIFFO: How do

you vote?

SENATOR SCHNEIDERMAN: Oh, I'm for it.

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

Announce the results.

THE SECRETARY: Those recorded in the negative on Calendar Number 1652 are Senators Connor, Montgomery, Perkins and Sabini.

Absent from voting: Senators Gonzalez, Hassell-Thompson, Huntley, Rath and Serrano.

Ayes, 51. Nays, 4.

ACTING PRESIDENT GRIFFO: The resolution is adopted.

THE SECRETARY: Calendar Number 1660, by Senator Libous, Senate Print 7132, an act to amend the Executive Law, in relation to requiring state agencies.

SENATOR DUANE: Explanation.

ACTING PRESIDENT GRIFFO: Explanation, Senator Libous.

SENATOR LIBOUS: Mr. President, I

am extremely happy that Senator Duane asked for an explanation, because I was going to lay this bill aside myself just to explain it.

It's a great bill, and I'm going to explain what it does, because it's going to help everybody in this chamber. It is the "Honesty in Permit Progressing Act." And, for those of you who like acronyms, HIPPA.

What it does, basically, we have a lot of agencies that give out permits, and we all get very frustrated because constituents call us, constituents call us because at the State Liquor Authority a request for a license went in, the application went in, and four or five -- Mr. President, there's a lot of noise in the chamber.

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

SENATOR LIBOUS: Thank you.

And four or five months go by, and then we end up calling the agency and asking the agency, "Gee, what's going on? Where's the permit?" And, you know, we go back to the constituent and say that the agency is working on it.

And then there are young people who go to college and get their teaching license and then they apply to the State Education Department for their license so they can go off into the world and educate our children, and we get phone calls because they want to go to work and they're still waiting two, three, four months because the permit is sitting on somebody's desk in the State Education Department and they just haven't signed off on it.

And it goes on and on and on and on and on, with a whole host of permitting agencies in the State of New York.

What this bill does, Mr. President, is basically require the agencies to come back to the Legislature and the Governor and say, for a liquor license it takes X number of days and X number of months, and for an education license it takes X number of days, X number of months, whatever. And they'll set a standard, they'll come back to us, and now we can call our constituents and say that, you know, it takes -- for a liquor license, hypothetically, it takes two months to get a license.

And if it takes three or four, then they will be penalized in that the application fee that they paid will have to go back to the applicant because the agency did not fulfill its responsibility.

This is a consumer-oriented bill, this is a pro-business bill. This basically helps us to get people their licenses and their permits. And it only pertains to those agencies who issue a hundred permits or more on an annual basis.

Mr. President, this is something that I think is long overdue, it's good legislation. As I said, it's pro-consumer legislation. It's going to help each member in this chamber and their office staff with efficiency in responding to their constituents. I certainly urge all my colleagues to vote aye.

ACTING PRESIDENT GRIFFO: Thank you, Senator Libous.

Senator Montgomery, why do you rise?

SENATOR MONTGOMERY: Yes, Mr. President, I rise to support this

legislation.

I think certainly that Senator Libous is correct, it will help all of us to know exactly what is going on on behalf of our constituents as it relates to the agencies that issue permits.

I only wish, Senator Libous, that you had included in your bill information on how many permits or licenses were refused by an agency and the reason why people are refused.

I am interested in knowing whether or not our state agencies are actually breaking the state law, which says that we are not to discriminate against a person, especially people who, because they've been incarcerated, they've served their time, they have every other aspect of their citizenship returned, and they still are refused to be able to get permits and licenses in certain cases.

So I would really like to see if we could -- if you might consider at some point adding to this information from those agencies requiring them to tell us how many licenses

they refused and what reasons and who was refused, so that we can evaluate whether or not they're actually fulfilling the mandate of the state law in that regard.

And with that, Mr. President, I thank you, and I'm voting yes on this legislation.

ACTING PRESIDENT GRIFFO: Thank you.

Any other Senator wishing to be heard?

Debate is closed. The Secretary will ring the bell.

Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Recorded in the negative: Senator Perkins.

Absent from voting: Senators Gonzalez, Hassell-Thompson, Huntley, Rath and Serrano.

Ayes, 54. Nays, 1.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1661, by Senator Golden, Senate Print 322, an act to amend the Elder Law, in relation to creating.

ACTING PRESIDENT GRIFFO: Senator Smith.

SENATOR SMITH: Thank you, Mr. President.

I believe there is an amendment at the desk, and I ask that the amendment be waived and ask that I be heard on the amendment.

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

Senator Golden, why do you rise?

SENATOR GOLDEN: Point of order, Mr. President.

ACTING PRESIDENT GRIFFO: Please state your point of order.

SENATOR GOLDEN: This is a state's benefit card that was put together as

a statewide program, and it deals with helping our seniors across the State of New York live a healthier and longer life. And by creating this card, this card would give them access to many, many discounts. And in the future, this card would be used as a card for food stamps or EPIC or Medicaid or the federal pharmaceutical benefits program somewhere down in the near future.

So this card is a card that can be used for all of our seniors across the state. The amendment that I looked at is a citywide bill for the City of New York and not germane to the statewide issue that we are presently engaged in.

ACTING PRESIDENT GRIFFO: Thank you, Senator Golden.

Senator Golden's point of order is on whether or not the amendment is germane. Upon consultation with counsel, your point is well-taken.

The amendment is not considered germane, Senator Smith.

SENATOR DUANE: Mr. President, point of order.

ACTING PRESIDENT GRIFFO: Senator Duane, what is your point of order?

SENATOR DUANE: Mr. President, I believe that the definition of "germane" is being at once relevant and appropriate and having to do with the matter at hand.

ACTING PRESIDENT GRIFFO: Senator Duane, are you attempting to overrule the ruling of the chair?

SENATOR MONTGOMERY: Yes.

ACTING PRESIDENT GRIFFO: Please state your point.

(Laughter.)

ACTING PRESIDENT GRIFFO: Please state your point.

SENATOR DUANE: Yes, Mr. President. Though sometimes I actually have to think before I answer, because I get into a lot of trouble if I don't think before I answer. So I appreciate your indulging me on thinking, which can also get me into trouble.

But anyway, I believe if you look at Senate Bill 322, lines 1 through 7, and I'll give you a moment to take a look at that,

those lines state in part that "The Legislature hereby finds and declares that access to healthy foods can make a significant difference in the quality and length of the life of seniors, and that the voluntary program created by this act, with the education and outreach program instituted by the State Office for the Aging" --

ACTING PRESIDENT GRIFFO: Thank you, Senator Duane. Your point --

SENATOR DUANE: Therefore, Mr. President --

ACTING PRESIDENT GRIFFO: Senator Duane --

SENATOR DUANE: Therefore, Mr. President, the bill is germane, our bill is germane to the extent that it applies to programs undertaken or authorized by the --

ACTING PRESIDENT GRIFFO: Senator Duane, the chair rules that you're out of order.

SENATOR DUANE: Through you, Mr. President --

ACTING PRESIDENT GRIFFO: Do you have a point, an additional point of order?

SENATOR DUANE: Mr. President, my point of order, then I would like a vote on that.

ACTING PRESIDENT GRIFFO: Would you like to appeal the ruling of the chair, then?

SENATOR DUANE: Yes, I would, Mr. President.

ACTING PRESIDENT GRIFFO: The question shall be on the ruling of the chair, should it be overruled. All in favor signify say aye.

(Response of "Aye.")

ACTING PRESIDENT GRIFFO: Opposed.

(Response of "Nay.")

ACTING PRESIDENT GRIFFO: The ruling stands.

SENATOR DUANE: Mr. President, I would request that we have a hand count on that, because it sounded to me like the ayes had it.

ACTING PRESIDENT GRIFFO: Senator Duane, the motion to overrule the chair has failed.

SENATOR DUANE: Mr. President, as long as --

ACTING PRESIDENT GRIFFO: Senator Duane. You are out of order, Senator Duane.

SENATOR DUANE: -- as long as five of my members or any members stand, we are entitled to have a slow roll.

ACTING PRESIDENT GRIFFO: Very good, Senator Duane. Do five members stand?

Five members have stood. We will have a slow roll call.

The Secretary will read the slow roll call.

SENATOR DUANE: Mr. President.

ACTING PRESIDENT GRIFFO: There's no debate on a roll call, Senator Duane. Why do you rise?

SENATOR DUANE: I know that, Mr. President. I would like a point of clarification.

I just want to make sure that voting yes is to be in agreement with my challenge, and voting no is to be in agreement with your denial.

ACTING PRESIDENT GRIFFO:

Correct. Senator, yes, that is correct.

The Secretary will call the roll. The question is shall the ruling of the chair be overruled.

THE SECRETARY: Senator Adams, excused.

Senator Alesi.

SENATOR ALESI: No.

THE SECRETARY: Senator Aubertine.

SENATOR AUBERTINE: Yes.

THE SECRETARY: Senator Bonacic.

(No response.)

THE SECRETARY: Senator Breslin.

SENATOR BRESLIN: Yes.

THE SECRETARY: Senator Bruno, no.

Senator Connor.

SENATOR CONNOR: Aye.

THE SECRETARY: Senator DeFrancisco.

SENATOR DeFRANCISCO: No.

THE SECRETARY: Senator Diaz.

SENATOR DIAZ: Si.

THE SECRETARY: Senator Dilan.

SENATOR DILAN: Yes.
THE SECRETARY: Senator Duane.
SENATOR DUANE: Yes.
THE SECRETARY: Senator Farley.
SENATOR FARLEY: No.
THE SECRETARY: Senator Flanagan.
SENATOR FLANAGAN: No.
THE SECRETARY: Senator Fuschillo.
SENATOR FUSCHILLO: No.
THE SECRETARY: Senator Golden.
SENATOR GOLDEN: No.
THE SECRETARY: Senator Gonzalez.
(No response.)
THE SECRETARY: Senator Griffo.
SENATOR GRIFFO: No.
THE SECRETARY: Senator Hannon.
SENATOR HANNON: No.
THE SECRETARY: Senator Hassell-Thompson.
(No response.)
THE SECRETARY: Senator Huntley.
(No response.)
THE SECRETARY: Senator C. Johnson.

SENATOR CRAIG JOHNSON: Yes.

THE SECRETARY: Senator O. Johnson.

SENATOR OWEN JOHNSON: No.

THE SECRETARY: Senator Klein.

SENATOR KLEIN: Yes.

THE SECRETARY: Senator L. Krueger.

SENATOR LIZ KRUEGER: Yes.

THE SECRETARY: Senator C. Kruger, excused.

Senator Lanza.

SENATOR LANZA: No.

THE SECRETARY: Senator Larkin.

SENATOR LARKIN: No.

THE SECRETARY: Senator LaValle.

SENATOR LaVALLE: No.

THE SECRETARY: Senator Leibell.

SENATOR LEIBELL: No.

THE SECRETARY: Senator Libous.

SENATOR LIBOUS: No.

THE SECRETARY: Senator Little.

SENATOR LITTLE: No.

THE SECRETARY: Senator Maltese.

SENATOR MALTESE: No.

THE SECRETARY: Senator Marcellino.

SENATOR MARCELLINO: No.

THE SECRETARY: Senator Maziarz.

SENATOR MAZIARZ: No.

THE SECRETARY: Senator Montgomery.

SENATOR MONTGOMERY: Yes.

THE SECRETARY: Senator Morahan.

SENATOR MORAHAN: No.

THE SECRETARY: Senator Nozzolio.

SENATOR NOZZOLIO: No.

THE SECRETARY: Senator Onorato.

SENATOR ONORATO: Yes.

THE SECRETARY: Senator Oppenheimer.

(No response.)

THE SECRETARY: Senator Padavan.

SENATOR PADAVAN: No.

THE SECRETARY: Senator Parker.

SENATOR PARKER: Yes.

THE SECRETARY: Senator Perkins.

SENATOR PERKINS: Yes.

THE SECRETARY: Senator Rath.

(No response.)

THE SECRETARY: Senator Robach.
SENATOR ROBACH: No.
THE SECRETARY: Senator Sabini.
SENATOR SABINI: Aye.
THE SECRETARY: Senator Saland.
SENATOR SALAND: No.
THE SECRETARY: Senator Sampson.
SENATOR SAMPSON: Yes.
THE SECRETARY: Senator Savino.
SENATOR SAVINO: Yes.
THE SECRETARY: Senator Schneiderman.
SENATOR SCHNEIDERMAN: Yes.
THE SECRETARY: Senator Serrano.
(No response.)
THE SECRETARY: Senator Seward.
SENATOR SEWARD: No.
THE SECRETARY: Senator Skelos.
SENATOR SKELOS: No.
THE SECRETARY: Senator Smith.
SENATOR SMITH: Yes.
THE SECRETARY: Senator Stachowski.
SENATOR STACHOWSKI: Yes.
THE SECRETARY: Senator Stavisky.

SENATOR STAVISKY: Aye.

THE SECRETARY: Senator Stewart-Cousins.

SENATOR STEWART-COUSINS: Yes.

THE SECRETARY: Senator Thompson.

SENATOR THOMPSON: Yes.

THE SECRETARY: Senator Trunzo.

SENATOR TRUNZO: No.

THE SECRETARY: Senator Valesky.

SENATOR VALESKY: Yes.

THE SECRETARY: Senator Volker.

SENATOR VOLKER: No.

THE SECRETARY: Senator Winner.

SENATOR WINNER: No.

THE SECRETARY: Senator Young.

SENATOR YOUNG: No.

ACTING PRESIDENT GRIFFO: The Secretary will call the absentees.

THE SECRETARY: Senator Bonacic.

SENATOR BONACIC: No.

THE SECRETARY: Senator Gonzalez.

(No response.)

THE SECRETARY: Senator Hassell-Thompson.

(No response.)

THE SECRETARY: Senator Huntley.
(No response.)
THE SECRETARY: Senator Oppenheimer.
(No response.)
THE SECRETARY: Senator Rath.
(No response.)
THE SECRETARY: Senator Serrano.
(No response.)
ACTING PRESIDENT GRIFFO: Announce the results.
THE SECRETARY: Ayes, 23. Nays, 31.
ACTING PRESIDENT GRIFFO: The ruling of the chair is sustained.
Are there any Senators wishing to be heard on the bill?
The debate is closed. The Secretary will ring the bell.
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, 55. Nays, 0.

Absent from voting on Calendar Number 1661 are Senators Gonzalez, Hassell-Thompson, Huntley, Rath and Serrano.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1662, by Senator Duane, Senate Print 7226, an act to amend the Environmental Conservation Law --

SENATOR MARCELLINO: Explanation.

ACTING PRESIDENT GRIFFO: Explanation, Senator Duane.

SENATOR DUANE: Thank you, Mr. President. I know my colleagues can't get enough of this voice.

This bill allows the commissioner of the Department of Environmental Conservation to establish a civil penalty of up to $10,000 for violations -- that is, after notice and opportunity for hearing -- by dealers and exhibitors who violate federal laws related to direct contact between a big

cat -- and what is a big cat? Lions, tigers, leopards, cheetahs, jaguars, mountain lions -- and a member or members of the public.

The bill does not apply to an exhibitor or a zoo accredited by or in good standing with the Association of Zoos and Aquariums and operated with sufficient regard to public safety.

Now, seriously and tragically, there have been recent incidents of members of the public getting too close to big cats like lions, tigers, et cetera, and that has caused injuries and in some cases death. And also very sadly, it forces that these big cats be put to sleep as a result.

So this bill is designed to help make it so that this unfortunate and tragic situation does not occur.

Now, my bill is in large part precipitated by Haley's Act, which is named after 17-year-old Haley Hilderbrand, who was mauled to death while posing with a 550-pound tiger for her senior photo at a USDA-licensed facility.

Now, while there are many

USDA-licensed facilities housing dangerous cats, these zoos and sanctuaries account for less than one-third of the USDA-licensed facilities, and the bulk of them, the rest of them are being used by backyard breeders and roadside tourist traps, flea market attractions, and people who call themselves educators, and I'm putting that in quotes, and they charge a fee to bring a lion or a tiger into a classroom or a party.

And bringing big cats, though they may seem tame and not at all dangerous, is actually very, very dangerous. And if not handled properly, they cause a tremendous danger. And sometimes, unfortunately, young people are most at risk because the people handling them should not be handling them and the tigers or cats or leopards or whatever other big cat has not been properly housed and there's not proper supervision.

You know, oftentimes this starts with just using a cub, which obviously are less dangerous. But there's a very slippery slope which occurs. And people pay to have their photos taken or children pay to have

their photo taken or to pet them, and they seem very cute and cuddly. However, these cats can quickly grow into dangerous predators.

And again, it's not their fault, it's what they are as animals. That's their natural way to be. And if one of them mauls or kills a child or an adult, that's terrible in and of itself, and it's compounded because the animal needs to be killed as a result.

So this bill will dovetail along with Haley's Act and actually provide protection for people and also protection for these large and wild cats which should not be put in front of the public without proper supervision. So for the safety of our citizens, as well as to preserve these breeds of large cats, I am urging my colleagues to vote in the affirmative.

Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: Senator Skelos.

SENATOR SKELOS: Thank you, Mr. President. Would Senator Duane yield for a series of questions.

(Laughter.)

ACTING PRESIDENT GRIFFO: Senator Duane, will you yield for a series of questions?

SENATOR DUANE: Yes, Mr. President, I will.

ACTING PRESIDENT GRIFFO: Senator Skelos.

SENATOR SKELOS: Senator Duane, would this apply to feral cats or large pussycats?

SENATOR DUANE: No, Mr. President, it would not apply to even chubby pussycats, no.

(Laughter.)

ACTING PRESIDENT GRIFFO: Senator Skelos.

SENATOR SKELOS: Mr. President, if Senator Duane would yield for another question.

ACTING PRESIDENT GRIFFO: Senator Duane?

SENATOR DUANE: I would be, as always, pleased to yield.

SENATOR SKELOS: It's my

understanding that under the legislation that the Commissioner of Environmental Conservation can exempt some zoos from this requirement.

Is there a particular department within the Department of Environmental Conservation that deals with these types of issues? What criteria is there in making this determination as to whether a zoo should be exempt?

SENATOR DUANE: Through you, Mr. President, the overarching authority is based upon that a zoo be accredited and in. Good standing with the Association of Zoos and Aquariums. And within DEC there is a department which deals with animals, and this would fall under that jurisdiction.

But the overarching -- the controlling -- that the zoo in good standing would be based on the Association of Zoos and Aquariums.

ACTING PRESIDENT GRIFFO: Senator Skelos.

SENATOR SKELOS: Mr. President, if Senator Duane would yield for another question.

ACTING PRESIDENT GRIFFO: Senator Duane?

SENATOR DUANE: Yes, Mr. President.

ACTING PRESIDENT GRIFFO: Senator Skelos.

SENATOR SKELOS: Senator Duane, you mentioned that there could be civil penalties of up to $10,000 for violations of this legislation. I think you also have within the law that an exhibitor or a dealer could be subject up to one year of imprisonment and a $10,000 fine if this is violated. Is that correct?

SENATOR DUANE: With a clarification, Mr. President. That would only occur, the fine or the potential imprisonment, after notice and an opportunity for a hearing.

ACTING PRESIDENT GRIFFO: Senator Skelos.

SENATOR SKELOS: Mr. President, if Senator Duane would yield to another question.

ACTING PRESIDENT GRIFFO: Senator Duane?

SENATOR DUANE: Yes, Mr. President.

ACTING PRESIDENT GRIFFO: Senator Skelos.

SENATOR SKELOS: Senator Duane, I know on a number of occasions yourself and other members of your conference, when we've looked to increase the penalties for issues such as sex offenders not registering, other legislation concerning criminals, that there has been, from a number of members of your conference, a consistent vote against this type of legislation.

I'm just wondering whether, in your mind, that one year in jail is appropriate -- and I'm going to support the legislation -- is appropriate for a person that violates this law, yet for sex offenders and others who commit violent crimes, at times misdemeanors are appropriate.

SENATOR DUANE: Mr. President, I think if you looked at my record -- and I'm not going to pretend to agree -- to speak for every member of my conference, because we're a Democratic conference and people have their

own opinions and points of view on criminal justice and other issues. But I believe if you look at my record, there's a pretty good consistency on protecting children in all cases of crimes that are committed against them. So this would be consistent with my philosophy.

In terms of consistency on sex offenses in general, I just would call everyone's attention to a piece of legislation today which I believe was sponsored by Senator Skelos which I voted in the affirmative on.

So I cannot promise that I'm a hundred percent consistent on everything. As I mentioned before, similarly to before I speak I try to think, I try to think before I vote. So I may not always be consistent, but there is generally a good reason if there's a variation in my vote on various issues.

But in this case, in terms of protecting children, whether from predatory adults or when an animal, through no fault of its own, because of its natural inclinations, puts a child at risk, my support and putting this bill forward is consistent with that

philosophy.

ACTING PRESIDENT GRIFFO: Senator Skelos.

SENATOR SKELOS: If Senator Duane would yield for another question.

ACTING PRESIDENT GRIFFO: Senator Duane, do you yield?

SENATOR DUANE: Yes.

ACTING PRESIDENT GRIFFO: Senator Skelos.

SENATOR SKELOS: Senator Duane, is there an Assembly sponsor to this legislation?

SENATOR DUANE: Mr. President, at this time there is not. However, I expect by the end of this week that there will be.

And in all candor, there was -- there were -- it was hard for me to choose which of the Assembly members who wanted this bill, it was hard for me to choose which one to give it to. And that was my conundrum, because I don't like to let people down. But there will be one, I'm going to have to make that choice by the end of this week.

SENATOR SKELOS: Thank you,

Senator Duane.

If Senator Duane would yield for one more question.

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

SENATOR DUANE: Yes, Mr. President.

ACTING PRESIDENT GRIFFO: Senator Skelos.

SENATOR SKELOS: Senator Duane, I would just ask in the future when Senator Schneiderman admonishes this conference about wasting the Senate's time on one-house bills, that you remind him in the future that we're voting on a one-house bill right now.

And certainly, as I said, I'll be, you know, supportive of the legislation. I'm just wondering whether those within your conference who vote against bills because they consider them one-house or they think the penalties are too severe, you know, I hope they support you in this bill.

SENATOR DUANE: Thank you.

Mr. President, I want to say a couple of things. One is I'd like to open up

sponsorship of this bill to all members on both sides of the aisle, and I'm going to encourage the lucky Assembly sponsor to do the same thing.

Also, it was such a pleasant surprise to see this bill come out of Rules, it was such a surprise -- and who doesn't love a surprise? I was surprised that it came out. And part of my celebration will be to hurry up and get an Assembly sponsor for the bill.

And finally, I wish my conference would do what I said all the time, but unfortunately they don't. And I'm just going to have to live with that burden of independence. But I have a feeling they heard you, and I will let them decide on their own regarding your advice, and I trust that they'll make a good decision.

Thank you.

ACTING PRESIDENT GRIFFO: Senator Bonacic.

SENATOR BONACIC: Yes. Will the sponsor yield for a couple of questions.

ACTING PRESIDENT GRIFFO: Senator Duane, do you yield?

SENATOR DUANE: More than a couple. From Senator Bonacic? He couldn't have enough questions for me.

ACTING PRESIDENT GRIFFO: Senator Bonacic.

SENATOR BONACIC: This kind of legislation is kind of unique to me. I haven't seen this subject matter before. So I'd like to inquire --

SENATOR DUANE: And I am a unique Senator.

SENATOR BONACIC: Do you know what's required to get a federal license for this kind of business?

SENATOR DUANE: You know, I have to honestly say I'm not familiar with everything that's needed, but -- so I'm a little loath to answer that question.

SENATOR BONACIC: Okay. Do you know how many federal licenses there are in the State of New York that would cover this kind of activity?

I would take yes or no if you're not --

SENATOR DUANE: You know, I did

know, and I -- but at this moment I don't know. Again, I -- between yesterday and today, I apologize that I didn't bring that information with me, because I should have known that this bill would be coming to the floor today.

But I did know -- I don't know, but I could get that to you very quickly.

SENATOR BONACIC: Okay.

ACTING PRESIDENT GRIFFO: Senator Bonacic.

SENATOR BONACIC: I don't have a sense of the assets or the size of this kind of a business that would have a federal license in the State of New York. In other words, are these corporate businesses with significant assets and employees? I just don't know. And if you had any knowledge on it, I would appreciate it.

ACTING PRESIDENT GRIFFO: Senator Duane.

SENATOR DUANE: The reason for this bill is to make sure that it's not just, you know, sort of mom-and-pop backyard organizations that would have these dangerous

cats, large cats available for birthday parties, that it would only be organizations like zoos and perhaps circuses, though I have some mixed emotions about those as well, that have the wherewithal and the expertise to handle the animals in a humane and, specific to this legislation, safe way.

And it's not my intention to put out of business petting zoos that have, you know, goats and calves, et cetera. But it is my intention to put out of business organizations that are not equipped to handle these big dangerous cats.

ACTING PRESIDENT GRIFFO: Senator Bonacic.

SENATOR BONACIC: Would you continue to yield for just a couple more questions.

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

SENATOR DUANE: Absolutely, Mr. President.

ACTING PRESIDENT GRIFFO: Senator Bonacic.

SENATOR BONACIC: The explanation

talks of direct contact with cats. So if an individual was in close proximity, this legislation wouldn't apply, it would have to be physical contact, the touching of the animal?

SENATOR DUANE: Mr. President, the point of the legislation -- I'm not expecting DEC commissioners to comb every valley and mountain in New York State to see if people are keeping these big cats illegally.

What I'm trying to prevent is children and adults from coming into contact with them, for instance, for photo ops or petting, for hire. Because I think that that could precipitate a dangerous and potentially deadly situation for the child, the person, and for the animal as well.

So it's really just for those who would be charging and not have the expertise to make sure that the animals are kept in a safe relationship from children or adults.

ACTING PRESIDENT GRIFFO: Senator Bonacic.

SENATOR BONACIC: Will you

continue to yield for just a couple more?

ACTING PRESIDENT GRIFFO: Senator Duane?

SENATOR DUANE: Certainly.

SENATOR BONACIC: Is there any other state in the United States that has this legislation?

SENATOR DUANE: Through you, Mr. President, there are other states with bills pending. As of my last look, none of those states have yet passed the bills. But there is a national state-by-state movement to pass these bills.

And it would be great if we were the first, actually. And in particular, it would be great if we beat California, because you know they recently beat us on the whole marriage thing, so it would be great if we could beat them on this, similar to, you know, the Red Sox and the Yankees, I guess.

But I anticipate that many other states will pass similar legislation, but it would be wonderful if we were the first because there is a national movement with the state-by-state strategy.

SENATOR BONACIC: So I take it no other state has passed it yet.

ACTING PRESIDENT GRIFFO: Senator Duane.

SENATOR DUANE: It is -- it is possible that California has passed this legislation, so I'm not a hundred percent sure. I don't think that they did, but they may have. And I don't know whether Governor Schwarzenegger, if they did pass it, has signed it. But again, I anticipate that they will. And I will get the most up-to-date information pretty much as soon as I get back to my office.

ACTING PRESIDENT GRIFFO: Senator Bonacic.

SENATOR BONACIC: My last question, if I may.

ACTING PRESIDENT GRIFFO: Senator Duane?

SENATOR DUANE: Certainly, Mr. President.

SENATOR BONACIC: Senator Duane, if someone were to be convicted under this legislation, if it were to become law, would

that cause them to have their federal license revoked because they would then be deemed a criminal? And would that result in a loss of business and jobs in this state?

SENATOR DUANE: Through you, Mr. President, they would automatically be in violation of federal law if they were convicted of this, because under federal law they should not be doing this anyway.

So I guess the answer would be yes, they would.

SENATOR BONACIC: Thank you, Senator Duane.

On the bill.

ACTING PRESIDENT GRIFFO: Senator Bonacic, on the bill.

Senator DeFrancisco, why do you rise?

SENATOR DeFRANCISCO: I was wondering if I could have the opportunity to ask Senator Duane a couple of questions.

SENATOR BONACIC: I defer to Senator DeFrancisco.

ACTING PRESIDENT GRIFFO: Thank you, Senator Bonacic.

Senator Duane, are you yielding to questions from Senator DeFrancisco?

SENATOR DUANE: Yes, Mr. President.

SENATOR DeFRANCISCO: Senator Duane, you indicated the purpose of this bill is to avoid children being mauled by animals; correct?

SENATOR DUANE: That is correct, Mr. President.

SENATOR DeFRANCISCO: And the animals that you want to prevent them being mauled by are big cats; correct?

ACTING PRESIDENT GRIFFO: Senator Duane.

SENATOR DUANE: That is correct, Mr. President.

SENATOR DeFRANCISCO: Under your bill, what is the minimum size of a big cat?

SENATOR DUANE: Mr. President, the bill is defined as, per species, lions, tigers, leopards, cheetahs, jaguars, mountain lions. I think that's it.

ACTING PRESIDENT GRIFFO: Senator DeFrancisco.

SENATOR DeFRANCISCO: Would you yield to another question?

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

SENATOR DUANE: Yes, Mr. President.

SENATOR DeFRANCISCO: So is it fair to say that a lion on the first day of birth would be determined to be a big cat, under your bill?

SENATOR DUANE: Mr. President, yes, that is correct.

Because remember, the point of this is that these are not just cuddly, cute little animals, they are in fact something quite different. They're not kittens of domesticated cats, they are a member of a species that is not domesticated.

ACTING PRESIDENT GRIFFO: Senator DeFrancisco.

SENATOR DeFRANCISCO: Would you yield to another question, please.

ACTING PRESIDENT GRIFFO: Senator Duane, do you yield?

SENATOR DUANE: Yes, Mr.

President.

ACTING PRESIDENT GRIFFO: Senator DeFrancisco.

SENATOR DeFRANCISCO: If this bill were to become law, would anyone appearing on Jay Leno with a cuddly young baby lion to show to Jay Leno -- or the former Johnny Carson, as he did in the past -- an animal for educational purposes for the general public, would that person be violating this law?

ACTING PRESIDENT GRIFFO: Senator Duane.

SENATOR DUANE: Mr. President, without knowing specifically who they are, I can't answer that.

But I am assuming that those kinds of television shows do not permit people to bring animals on who are not properly licensed or accredited and in good standing with relevant state and federal agencies, including, for instance, the Association of Zoos and Aquariums.

And so -- well, I'll wait for more questions.

ACTING PRESIDENT GRIFFO: Senator DeFrancisco.

SENATOR DeFRANCISCO: And just one last question, if you would, Senator Duane.

ACTING PRESIDENT GRIFFO: Senator Duane?

SENATOR DUANE: Yes, Mr. President.

ACTING PRESIDENT GRIFFO: Senator DeFrancisco.

SENATOR DeFRANCISCO: Senator Duane, your definition of exhibitors seems to include just about anybody, any person exhibiting any animals which were purchased in commerce or the intended distribution of which affects commerce, et cetera, et cetera.

Is there anybody under this bill, under the language of this bill, that had a baby animal of some type, one of these cats, would there be anybody that would not be an exhibitor under your definition?

SENATOR DUANE: Mr. President, yes, I thought I had clarified this. For instance, zoos. I would hope circuses that

are accredited, though again I have mixed emotions about circuses and large animals. But they all would be permitted to make their animals in a safe manner available to be viewed by the public. And anyone with a license.

It's really just those who are unlicensed and unaccredited. Again, because of the safety issue, because they should not be putting these animals in close contact with children or adults.

ACTING PRESIDENT GRIFFO: Thank you.

Senator Libous.

SENATOR LIBOUS: Thank you, Mr. President.

I wondered if Senator Duane would clarify a couple of points for me, because there's an issue that I'm a little concerned with.

ACTING PRESIDENT GRIFFO: Senator Duane, do you yield?

SENATOR DUANE: Yes, Mr. President.

ACTING PRESIDENT GRIFFO: Senator

Libous.

SENATOR LIBOUS: Senator Duane, I appreciate what you're trying to do with this legislation, and I've licensed intently. But I do have a concern, because I don't think it goes far enough to the protection of all children, and I'll tell you what I mean.

We have a nice zoo in Binghamton called the Ross Park Zoo, it was established back in the 1900s, and it's on a very nice tract of land that the Ross family donated. Because of some problems over the course of the last year, the Ross Park Zoo lost its accreditation. And of course a number of the members of the community -- it's a good-sized zoo for the City of Binghamton, and we do have large cats as defined under your legislation.

And what I'm concerned about is that the protection of our children in Binghamton who still visit the zoo -- and they're trying to reapply for their accreditation, but it is a process. From what I'm hearing, I'm concerned that, God forbid, an incident were to happen under this legislation that because they are in between

accreditation, that they wouldn't be protected under this. Is that correct?

SENATOR DUANE: Through you, Mr. President, I want to first say as long as an organization is accredited by the federal government, it is -- there wouldn't a problem.

And I am assuming, because I believe the people that run the Ross Zoo are law-abiding, that similar to -- I'm trying to think of an example. Sometimes people are allowed to inhabit a building even though it hasn't gotten its certificate of occupancy yet, that pending that, they're allowed to continue to operate.

So I'm assuming that the Ross Zoo would fall under that and so it would still be in compliance with federal regulation.

ACTING PRESIDENT GRIFFO: Senator Libous.

SENATOR LIBOUS: Well, Mr. President, it is --

SENATOR DUANE: And if they're not, they shouldn't be operating. So I'm assuming they are okay with the feds right now.

ACTING PRESIDENT GRIFFO: Senator Libous.

SENATOR LIBOUS: Mr. President, if the sponsor would then -- I certainly respect the sponsor's answer, but I'm not sure that that's the case without having checked with legal counsel.

And, Mr. President, if I could ask the sponsor if he wouldn't mind checking into that for me and responding, only because I do support the concept of the bill here, but I do feel as if the children and the people who visit the Ross Park Zoo may be left out on this technicality until the reaccreditation takes place.

And I feel that as my constituents, they deserve the same protection that anyone else under Senator Duane's bill would receive as they approach a zoo or a place where those, quote, large cats or pussycats are going to be located.

ACTING PRESIDENT GRIFFO: Senator Duane.

SENATOR DUANE: Mr. President, again, not pussycats. Tigers, leopards,

cheetahs, jaguars, et cetera.

But again, I am 99 percent sure that the Ross Zoo is in compliance with federal regulations. But if the Senator would give me the name of their government relations person and a phone number, or the executive director, I will absolutely call and check to make sure. But I would be incredulous if they were not in compliance.

ACTING PRESIDENT GRIFFO: Senator Libous.

SENATOR LIBOUS: Thank you, Mr. President.

And, Senator Duane, thank you. I will get the name of the director. We're not large enough to have a lobbyist or a government relations director, because we're just a small zoo. But I appreciate Senator Duane's response, and I would be happy to get the director's name so that we could see to it that they're covered under this legislation.

Thank you, Senator.

ACTING PRESIDENT GRIFFO: Thank you, Senator Libous.

Senator Marcellino.

SENATOR MARCELLINO: Mr. President, on the bill.

ACTING PRESIDENT GRIFFO: On the bill, Senator Marcellino.

SENATOR MARCELLINO: Many of the questions have been asked and answered on this issue, very important. I intend to vote for this bill, but I just would like to point out to everybody in the chamber that everything in this bill is already current law.

With the exception of the penalty, every single thing that has been discussed is current law right now in the State of New York. Permitting must be done, the DEC carries that out. If you handle these animals, if you travel with them, you have very strict requirements if you do it legally. It's all current law.

We passed a bill in 2004, Chapter 693. We passed an amendment to that in 2005, Chapter 10. The venomous snakes bill, we expanded it to include a whole host of organisms and animals and creatures and critters.

It is current law now. You

cannot -- in the City of New York, for example, it's a complete violation of law to even own a wild cat or one of these creatures that's so defined, and the law goes through a whole litany of these species that goes in.

So I appreciate Senator Duane's eagerness to put forth legislation, but it's already law. So if you want to re-pass existing law -- we're ahead of California, Senator. We did it four years ago. So, you know, if you want to change the penalty, I could agree with that. That's no problem. I'll increase the penalty. So that's fine.

And I'll vote for the bill, because it's apple pie and motherhood as far as I'm concerned. We should not be abusing these creatures or putting them at risk, or the general public at risk with these animals.

The Senator is perfectly correct, these are not cuddly little creatures, these are wild animals, they're dangerous. Their instincts are protection and self-preservation and eating. And quite frankly, folks, we're their food. So if I were you, I wouldn't get too close to any one of these creatures at any

given time because you never know when they want to have lunch.

So as I said before, this is already existing law, but I will in effect vote yes on this very important bill.

Thank you.

ACTING PRESIDENT GRIFFO: Thank you, Senator Marcellino.

Senator Sabini.

SENATOR SABINI: Thank you, Mr. President.

I just wanted to point out, an earlier speaker pointed out that 90 percent of this is in current law. Well, if that were the criteria for the bills we pass in this house, this would look about the size of a pamphlet.

So I think if we want to reflect on what's in statute now that are in our bills, we wouldn't have much to pass for the last six months. So I don't think that's a criteria at all.

ACTING PRESIDENT GRIFFO: Senator Connor.

SENATOR CONNOR: Yes,

Mr. President. You know, as we paw and claw our way through the calendar today --

(Laughter.)

SENATOR CONNOR: -- it's refreshing to have this legislation. And Senator Duane several times referred to the overarching nature of it. And I would ask everyone to look over the arches over the windows at the gargoyles up there and see the big cats looking down on us.

And, you know, I've got to admit this bill doesn't exactly make me want to purr, Mr. President. But weighing it -- weighing it, I think I'll vote aye, but it's close. It's by a whisker.

(Groans.)

ACTING PRESIDENT GRIFFO: Senator Connor, you've earned your stripes.

Any other Senator wishing to be heard?

Senator Montgomery.

SENATOR MONTGOMERY: Yes, Mr. President, I would like to respond to one of the comments by my colleague Senator Skelos, who referred to the penalty and the

fact that many of -- some of us on this side frequently vote against criminal penalties that come so frequently before us for everything, including jumping the turnstile and whatever.

So I have a lot of young people in my district who in fact have criminal records because maybe they jumped the turnstile a couple of times. So I do vote against those, certainly, as one of those people.

But I want to just refer to Senator Duane's bill, because it's very different in the way that he establishes what the penalty is and how it is assessed. It says the penalty may be assessed, a civil penalty, by the commissioner.

So essentially, there's a lot more emphasis on this being a civil penalty, and it allows for a lot of discretion by the commissioner, including, as it says in the bill, any such civil penalty may be compromised by the commissioner. So there is a lot of leeway there.

And in the event that the entity refuses to pay the penalty, assuming that

there is even a penalty, if the commissioner decides that there should be, then they are presumed to be in violation of the law and the bill allows for imprisonment for not more than one year or a fine of not more than $10,000 or both.

However, I just want to point out that there is discretion by the commissioner, there is a lot of latitude, there are a lot of considerations that the commissioner can make. And it is certainly not as punitive as some of the types of penalties that come from the Majority in terms of the legislation that they propose.

And since the criminal justice system specifically, is specifically levied most heavily on African-Americans in this country -- 2 million people incarcerated, and half of them are African-American. So that's a whole different ballgame, in my mind, very disproportionate to the actual rate of crime and who commits those crimes.

So I weigh that very heavily in all of my votes. I do not apologize for it. And certainly I think that this penalty is

extremely and very different from whatever comes across in terms of criminal penalties in many of the legislation.

I support this bill, Mr. President.

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

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

The Secretary will read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

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

SENATOR BONACIC: Thank you, Mr. President.

I have concerns with this legislation because I don't know any more now than before this debate started. I don't know how we're going to hurt this industry with a criminal offense, if this becomes law, of an exhibitor. I don't know if their license will

be revoked. I don't know the arbitrariness and the capriciousness of the DEC saying whether a zoo would be exempted or not. I don't know if it will hurt the tourism industry, when it has, with our zoos upstate. There's more unanswered questions than there are answered.

Having said all of that, I can identify with the safety concerns of Senator Duane. But quite frankly, I don't think this bill is ready yet. It's not structured properly. There's not enough information to make intelligent decisions today.

I'm voting no. Thank you, Mr. President.

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

Senator Craig Johnson, to explain his vote.

SENATOR CRAIG JOHNSON: Thank you very much, Mr. President. I'll be voting in the affirmative.

I want to commend Senator Duane for his leadership on this issue, for the way he handled himself through some very rigorous

questioning by the members of the Majority.

As the father of two young children who oftentimes is asked to attend a number of events where you do have these exhibitors with the large cats, I'm relieved to know that there's now a law going to be put into place that will protect my children, all of our children from these dangerous animals.

We see in the news all the time of situations where teenagers and young people are mauled, either killed or hurt, and now we're going to have a piece of legislation put in place by our good friend Tom Duane that's going to help protect them and punish those who violate it.

So I commend you, Senator Duane, on this piece of legislation. I'll be voting yes. Thank you very much.

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

SENATOR DIAZ: Thank you, Mr. President.

I'm also voting yes. But you know, I'm not clear -- I was supposed to ask the sponsor before, but I let it go. I'm not

clear -- I'm voting yes, but I'm not clear if this is the black cat or the white cat, the one that's going to get punished, because always the black cat is the one that always gets it.

(Laughter.)

SENATOR DIAZ: So I'm voting yes.

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

SENATOR DeFRANCISCO: Yes, I'm going to vote no. I don't think the bill is consistent and makes a lot of sense.

It seems to me if the intent of the bill is to keep kids away from animals that are dangerous, why would you give a zoo an exemption to allow contact between one of these animals and the general public? But it allows that.

And if animals that are of such small size that may have some educational value if children were able to see them up close and personal, and they're no danger, why would you outlaw that?

I just don't think the bill is consistent, I don't think it makes a heck of a

lot of sense, and for those reasons I'm going to vote no.

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

Senator Schneiderman, to explain his vote.

SENATOR SCHNEIDERMAN: Thank you, Mr. President.

I think this is a fine piece of legislation. I'm confident that it will pass the Assembly. There are numerous Assemblymembers who would like to sponsor it.

This is not one of the bills that I criticized, the recidivist one-house bills that come up year and year again that we pass in an effort to make it look as though we're doing something when we're really not.

But I would just like to say I'm very proud that our conference is staking out a position against the mauling of children by animals. And I regret to say that on the other side of the aisle, you're repeatedly passing -- I'm sorry my good friend George Maziarz is not here -- the bill that authorizes children to hunt bears with bows

and arrows, that I refer to as the "Wounded Bear Chasing Children Through the Woods Act."

And I hope that we will take a consistent anti-children-mauling position in this house, and I look forward to you joining with us when that bill comes to the floor in the not too distant future.

I'm opposed to the mauling of children by animals. Thank you, Senator Duane, for taking a firm stance on this important issue.

ACTING PRESIDENT GRIFFO: How do you vote, Senator Schneiderman?

SENATOR SCHNEIDERMAN: I vote in the affirmative, proudly.

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

Senator Duane.

SENATOR DUANE: Thank you, Mr. President.

I just want to thank my colleagues for their great questions and also for their interest and support.

And I just, in all seriousness,

want to raise an issue because of Senator Bonacic's comments. And even though he's voting no, I will get back to him with his answers, even though I don't think I should have to, but I will.

But the serious thing is that I was very saddened and I know he was when the Catskill Game Farm closed down, which was in compliance at all times with federal regulations. And it is my hope that we would be able to have a similar educational farm there in the near future, because I was sad that that family felt they could no longer keep operating it.

So -- and again, but with appreciation to my colleagues, I'll be voting yes.

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

Announce the results.

THE SECRETARY: Those recorded in the negative on Calendar Number 1662 are Senators Bonacic and DeFrancisco.

Absent from voting: Senators Gonzalez, Hassell-Thompson, Huntley, Rath and

Serrano.

Ayes, 53. Nays, 2.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1664, by Senator Volker, Senate Print 7312, an act to amend the County Law, in relation to establishing.

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

SENATOR DUANE: Explanation.

ACTING PRESIDENT GRIFFO: Senator Volker.

SENATOR VOLKER: Yeah, Mr. President, this is a bill requested by the Wyoming County Legislature. And we received a home-rule message. And it asks for a 30-cent surcharge on all wireless devices.

The reason for it has to do, frankly, with the fact that we have not been able to deal with the SWIN problem statewide, and as a result Wyoming County has a 911 dispatching unit in Wyoming County, called the Dispatching Center, which takes care of all fire, EMS, police and also highway department

emergencies and other situations.

What this is designed for is to provide -- and they estimate $92,000 from a 30-cent wireless surcharge to deal with this 911 center. Otherwise, it would have to go on the real property tax.

Wyoming County is not a large county. It has been very frugal in spending, and particularly in the area of real property taxes. So that's the reason that they asked us to provide this wireless surcharge, only for Wyoming County, only for those addresses that are in the county itself.

SENATOR DUANE: Explanation satisfactory.

ACTING PRESIDENT GRIFFO: Thank you, Senator Volker.

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 2. 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 1664, absent from voting: Senators Gonzalez, Hassell-Thompson, Huntley, Rath and Serrano.

Ayes, 55. Nays, 0.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1679, substituted earlier today by Member of the Assembly Destito, Assembly Print Number 872, an act to amend the Real Property Tax Law.

SENATOR DUANE: Explanation, please.

ACTING PRESIDENT GRIFFO: Explanation, Senator Little.

SENATOR LITTLE: Thank you, Mr. President.

To understand this bill, you first of all need to understand the 480/480-a real property tax program, which is given to large

tract of forest land.

You have to have over 50 acres of land. You put your land into a forest program with DEC. You then have to have an approved forest management plan, and you have to follow that plan for 10 years. If you cut down trees, you have to pay a stumpage fee to the municipality, depending upon the size of the tree that was cut down.

And in return for being in this program, you get up to an 80 percent reduction in the assessed value of your land. This is one way of helping maintain forest lands. And we all know the value of trees and forests to the environment.

ACTING PRESIDENT GRIFFO: Can we have order, please. Thank you.

Senator Little.

SENATOR LITTLE: So what we have here is a program that if the forest company that is working the lands, logging the lands, and using all of these hundreds -- in the Adirondacks, you have thousands of acres of forest lands. They are utilizing a forest certification program, something that is

certified by the DEC as sustainable forestry. And the regulations will be made for that by the DEC.

So if they have one of those programs, and many of them do, and they have this program, they advertise it so that people know that when they are cutting their timber on their lands, they are good to the environment, they are careful about endangered species, they do not clear-cut, they follow a very good sustainable forestry program, and they see that new trees are planted and new trees grow along to maintain the resources.

So if they are in that program -- this is a certified forestry program -- what we are saying here is that instead of having to have that forest management plan with DEC, that DEC would accept the forestry certification and say that this is a certified forestry plan and working forest, therefore, we will allow them to be in the 480-a program without having to be part of the forest management plan.

And all of the things that are in the certified plan are really at a higher

level even than the forest management plan that DEC requires.

One of the benefits of this, it really would encourage more of the forestry companies to get into a certified forestry plan and have sustainable certification in their forest operation. It would also free up DEC staff from having to monitor and constantly, you know, okay the forest management plan that the company has to keep presenting.

Other than that, it is good for the forest, good for the environment, good for the companies that are operating. And believe me, this is a big business in many parts of New York State.

And this bill has passed the Senate in 2006 by a vote of 59 to 0, and in 2007 by a veto of 50 to 3.

The bill is supported by the Empire State Forest Products Association, by the Adirondack Council, by the American Forest and Paper Association. And the bill passed the Assembly this morning.

ACTING PRESIDENT MORAHAN:

Senator Duane.

SENATOR DUANE: Thank you, Madam President -- Mr. President.

ACTING PRESIDENT MORAHAN: Close.

(Laughter.)

SENATOR DUANE: If the sponsor would yield.

ACTING PRESIDENT MORAHAN: Senator Little, will you yield?

SENATOR LITTLE: I will yield.

ACTING PRESIDENT MORAHAN: The Senator yields.

SENATOR DUANE: Thank you, Mr. President.

How can we be sure that we can trust the DEC commissioner to recognize forests and certify them if potentially the commissioner is running around the state hunting big cats?

(Laughter.)

SENATOR LITTLE: Well, are they one of the endangered species that we would -- I guess you can be about as sure as anything of the DEC.

SENATOR DUANE: Thank you.

Thank you, Mr. President.

ACTING PRESIDENT MORAHAN: Thank you, Senator Duane.

Senator Krueger.

SENATOR LIZ KRUEGER: Thank you, Mr. President. If through you the sponsor would please yield.

ACTING PRESIDENT MORAHAN: Senator Little, will you yield?

SENATOR LITTLE: Yes, I will yield.

ACTING PRESIDENT MORAHAN: The Senator yields.

SENATOR LIZ KRUEGER: Thank you.

Does DEC support this bill?

SENATOR LITTLE: Yes. It actually would relieve them of some of the oversight that they have to provide for the forest management plan that is required to be in the 480-a. So if this becomes a sustainable certified forestry company working that way, then they could just accept their plan without having to go out and do the whole thing.

SENATOR LIZ KRUEGER: Thank you,

Mr. President. If the sponsor would continue to yield.

ACTING PRESIDENT MORAHAN: Senator, will you continue to yield?

SENATOR LITTLE: Yes.

ACTING PRESIDENT MORAHAN: The Senator yields.

SENATOR LIZ KRUEGER: Do you know how many acres under the current program currently are considered in our program in the State of New York?

SENATOR LITTLE: Fifty.

SENATOR LIZ KRUEGER: I'm sorry?

SENATOR LITTLE: You have to have 50 acres to be in the 480-a program.

SENATOR LIZ KRUEGER: I'm sorry. Mr. President, if through you the sponsor would continue to yield.

ACTING PRESIDENT MORAHAN: Senator Little, will you continue to yield?

SENATOR LITTLE: Yes.

ACTING PRESIDENT MORAHAN: The Senator continues to yield.

SENATOR LIZ KRUEGER: Thank you. I didn't make my question clear enough.

Do you know the total number of acres in the State of New York that are currently in this program?

SENATOR LITTLE: I don't believe I do have that figure, do I? Two million acres of forest land.

And I will tell you that a great deal of it is within the Adirondack Park and the Catskills and many parts of the state.

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

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

SENATOR LITTLE: Yes, I will.

SENATOR LIZ KRUEGER: Thank you. Do you have an estimate of how many more acres would fall into this eligibility if your bill became law?

SENATOR LITTLE: Well, there could be more, but we don't really know that.

We just know that some of the companies that are in this plan are already certified foresters, and they would not have to have the forest management plan because

they are sustainably certified foresters. So it would remove that requirement. And they actually work above the requirements of the forest management plan.

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

ACTING PRESIDENT MORAHAN: Senator Little, will you continue to yield to Senator Krueger?

SENATOR LITTLE: Yes.

ACTING PRESIDENT MORAHAN: The Senator yields.

SENATOR LIZ KRUEGER: So as I read your bill, if acreage is categorized under the new expanded program -- and we don't know how many additional acres might be covered, but some number would be, we assume; otherwise, there would be no purpose of the bill -- then the owner would not have to pay a percentage of their property tax. That is correct?

SENATOR LITTLE: Their assessment is reduced, and their property tax therefore is reduced.

Several years ago, I was able to secure the state commitment, and they pay those taxes, they've been added into the Aid to Municipalities. And they do receive those taxes if the 480-a program affects more than 1 percent of their entire tax base. That's how they get into the reimbursement program.

There does need to be more reimbursement. And if there is a huge expansion of that, then the state needs to continue to reimburse. Because this is actually a statewide plan that helps everyone in the state because of the green and the trees and the forested lands.

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

ACTING PRESIDENT MORAHAN: Senator Little, will you continue to yield to Senator Krueger?

SENATOR LITTLE: Yes.

ACTING PRESIDENT MORAHAN: The Senator yields.

SENATOR LIZ KRUEGER: Thank you.

So again, if I'm understanding your

answers to my questions -- and I appreciate them very much -- this would expand the universe of acreage that might be covered by this program. The existing program does in fact mean that there's a loss in local property tax revenue, although some of it, you're saying, is made up through a program, although not enough, if I understand you correctly.

Is this a local option? Because we pass this law, more acreage goes into this program, there's a reduction in the property tax revenue to the locality. Do I, the local government, have the right to say no, I don't want to lose this property tax revenue?

SENATOR LITTLE: I'm trying to answer all of those questions.

No, it is not an option. This is a statewide program. It does not necessarily mean that the state program would be expanded. It just means that those within the program, if they are a certified forest program, that they would not have to do the unit management plan.

And the state is currently

preparing to have all state forests, all 700,000 acres, come under this, become certified programs, so -- and I'm not sure of the other questions.

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

ACTING PRESIDENT MORAHAN: Senator Krueger, on the bill.

SENATOR LIZ KRUEGER: Thank you.

I appreciate the sponsor's answers to my questions.

And actually, I'm reading the memos in support, and the supporters actually think that there would be more forest that would be certified this way, and that's why they're supporting it.

Which, then, I'm not actually arguing whether it's a good or bad things for the forests to expand the program this way. But I am concerned, given our earlier discussions about unfunded mandates, that this is an example where we would pass a bill without public hearings, without financial evaluation, without a guarantee of replacement by the state for the lost local revenue, and

without a two-thirds vote that would in fact be one of those unfunded mandates we've been talking about during the day.

So I have voted for the bill in the past; I will vote for the bill today. But I just want to highlight how complex the situation is of whether we go down the road of trying to establish that we don't transfer costs to our localities because we think that it's a good thing -- because I don't disagree that better stewardship of our forests is a good thing.

But I do worry that we're not necessarily answering all the questions for our local governments, even the questions the excellent Senator Betty Little's constitutional amendment from earlier today raises when we pass this kind of legislation.

So I will be supporting the bill. Thank you, Mr. President.

ACTING PRESIDENT MORAHAN: Thank you, Senator Krueger.

Senator Little.

SENATOR LITTLE: Mr. President, if I may, yes, this is an unfunded mandate

that is currently in existence, and this would make it easier for these companies to be in this program.

And if we did pass the prohibition on unfunded mandates, then certainly this state would be required to reimburse for the taxes, which is something I have been working on since I've been in the Legislature.

So even though we have a partial, if we do the unfunded mandate constitutional amendment then they would have to pay all the taxes that would happen, because of this statewide program that is already in existence.

Thank you.

ACTING PRESIDENT MORAHAN: Thank you, Senator Little.

Any other Senator wishing to be heard?

If not, the debate is closed. The Secretary will ring the bell.

The Secretary will read the last section.

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

ACTING PRESIDENT MORAHAN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MORAHAN: Announce the results.

THE SECRETARY: In relation to Calendar Number 1679, those recorded in the negative are Senators Connor, Duane, C. Johnson, LaValle, Marcellino, Padavan, Parker, Perkins, Sabini, Stavisky, Stewart-Cousins and Thompson.

Absent from voting: Senators Gonzalez, Hassell-Thompson, Huntley, Rath and Serrano.

Ayes, 43. Nays, 12.

ACTING PRESIDENT MORAHAN: The bill is passed.

THE SECRETARY: Calendar Number 1680, by Senator LaValle, Senate Print 1842C, an act to amend the Tax Law, in relation to exempting.

ACTING PRESIDENT MORAHAN: Read the last section.

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

ACTING PRESIDENT MORAHAN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MORAHAN: Announce the results.

THE SECRETARY: In relation to Calendar Number 1680: Ayes, 55. Nays, 0.

Absent from voting: Senators Gonzalez, Hassell-Thompson, Huntley, Rath and Serrano.

ACTING PRESIDENT MORAHAN: The bill is passed.

THE SECRETARY: Calendar Number 1681, by Senator Griffo, Senate Print 2724, Concurrent Resolution of the Senate and Assembly proposing an amendment to Section 1 of Article 5 of the Constitution.

SENATOR LIZ KRUEGER: Explanation.

ACTING PRESIDENT MORAHAN: Explanation, Senator Griffo.

SENATOR GRIFFO: Thank you, Mr. President.

Essentially recognizing the important duties and responsibilities in these

important positions, this bill essentially expresses our preference to have these positions elected rather than appointed wherever a vacancy may occur and exist.

ACTING PRESIDENT MORAHAN: Senator Krueger.

SENATOR LIZ KRUEGER: Thank you. I appreciate the explanation.

If through you, Mr. President, the sponsor would yield.

ACTING PRESIDENT MORAHAN: Senator Griffo, do you yield?

SENATOR GRIFFO: Yes.

ACTING PRESIDENT MORAHAN: The Senator yields.

SENATOR LIZ KRUEGER: Thank you.

Would this bill provide a mechanism for people to have primaries to get onto the ballot, or simply allow the state committees of the leading parties to choose or anoint the candidate?

SENATOR GRIFFO: Mr. President, through you. Senator Krueger, this bill basically reflects the current process that exists right now. In order to allow for any

type of primary approach to contest the election, we would have to be changing numerous laws and aspects of the law.

So in this case we follow the current procedures that exist under the law, which would basically have the call for the election and a designation of the candidates and the election would take place.

SENATOR LIZ KRUEGER: Thank you.

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

ACTING PRESIDENT MORAHAN: Senator Griffo, do you continue to yield?

SENATOR GRIFFO: Yes.

ACTING PRESIDENT MORAHAN: The Senator yields.

SENATOR LIZ KRUEGER: Thank you.

Does this bill allow for any model of petitions and coming to the public to show your support by individuals, especially in statewide elections where, under the current rules for elections of statewide officials, you need a fairly broad universe of petitions to be filed?

SENATOR GRIFFO: Mr. President,

through you. Senator Krueger, it does not.

But that is not necessarily the case. In a general election, that would be the case. But in a special election, that is not the case right now. There is not a petition process, there is a designation.

And as I indicated to you, I would be more than willing and interested to hear any ideas of how to change the various aspects and laws that exist relative to the process itself.

This basically, again, allows us to say that we favor an election of these statewide officers as opposed to an appointment, and it follows the current procedures and guidelines that are in place.

SENATOR LIZ KRUEGER: Mr. President, on the bill.

ACTING PRESIDENT MORAHAN: Senator Krueger, on the bill.

SENATOR LIZ KRUEGER: Thank you. Thank the sponsor for his explanation.

We had a discussion about this bill I think two years ago and -- maybe it was just last year, I don't want to misspeak -- and

some of the issues I just asked the sponsor were raised then.

I understand the argument for having an election for open seats at the statewide level. I would argue we could have thrown Lieutenant Governor in here as well, since we now have no technical Lieutenant Governor.

My concerns then, and they continue to be my concerns, are that we're not going far enough with this constitutional amendment. Again, as the sponsor correctly said, we would have to change a number of laws to have an actual primary process, actual petitioning, a model for the public to pick the candidates, not the major parties to simply select, conceivably in a back room, who their candidate would be.

We could incorporate some type of runoff election or instant runoff voting method for special elections to ensure that the winner actually had a majority vote of the public. We're talking statewide elections, again.

We could in fact reduce the number

of signatures required in order to open up the ballot but still have a petition process. I heard the sponsor say, well, that would require changing other laws. I think my point is we're talking a constitutional amendment. By definition, we're opening up a complex process to change a system that I think he and I agree we don't like the current system.

But I wish that the sponsor had gone farther in the year since we last discussed this bill -- it was 2007, to be correct -- because I still don't like the model we're being offered. I don't like the current process. I can't in good faith support this constitutional amendment because, again, we're opening up the Constitution. We have the ability to do it right.

So we'll see what happens in both houses, and maybe we'll try for a different constitutional amendment proposal that I think would open up to the public their right to have every vote count, to make decisions about who they wish to have in key statewide elected offices even under circumstances of vacancies and special elections.

So I'm sorry that I don't think that this gets us to where we want to go, and I will be voting no.

Thank you, Mr. President.

ACTING PRESIDENT MORAHAN: Thank you, Senator Krueger. You will be recorded in the negative.

Senator Sabini.

SENATOR SABINI: Thank you, Mr. President. If the sponsor would yield to a question.

ACTING PRESIDENT MORAHAN: Senator Griffo, will you yield?

SENATOR GRIFFO: Yes.

ACTING PRESIDENT MORAHAN: The Senator yields.

SENATOR SABINI: Through you, Mr. President, the sponsor indicated that the special election that the bill calls for would be conducted under rules currently in the law under special elections. But I would submit that there are no special elections statewide.

So based on the answer I heard to Senator Krueger's question, I assume that the nominees would be designated by the state

committees of the appropriate parties that are recognized under state law now. Is that not the case?

SENATOR GRIFFO: Mr. President, through you. Senator Sabini, that is the case. And that's what I had mentioned also to Senator Krueger.

There may not be any statewide elections right now, but we do have special elections that take place in this house and in the Assembly, and those are the procedures that we are mirroring at this point in time.

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

ACTING PRESIDENT MORAHAN: Senator Griffo, will you continue to yield?

SENATOR GRIFFO: Yes.

ACTING PRESIDENT MORAHAN: The Senator yields.

SENATOR SABINI: That goes precisely to my next question, Mr. President, which is there are rules governing the election of members of the Legislature when there's a vacancy, but none of them are

statewide.

And the rules regarding elections and vacancies in the Legislature allow for independent or nonrecognized parties of the State of New York to petition their way on the ballot in a time frame that is set out in law.

Not having special elections statewide, we have no time frame set out in the law where an independent candidate or a candidate of one of the parties that's not recognized under state law -- that would include Democrats, Republicans, Conservatives Independents, Working Families -- how would they get on the ballot if the sponsor's bill became law, of nonparties that are recognized?

SENATOR GRIFFO: Mr. President, through you. Senator Sabini, at this point in time the idea was to take existing law, to level the playing field, to follow -- to bring this into compliance with how we do follow basic procedures in specials. And in most cases, that is what this mirrors right now.

As I had indicated to Senator Krueger, obviously there are many nuances that could be considered. If anyone has ideas or

an input, I would be interested and willing to listen as to changing the various laws across the state and the timetables and things of that nature.

But this gives us the opportunity, because of what we saw in recent time, to deal with the subject immediately. There is a sponsor in the Assembly. We thought this was an agreeable, quick approach to deal with this problem that we have had recurring in the last decade with these vacancies and these significant offices.

And yes, it would follow the basic pattern of the approach and procedures that are in place right now. So that was the reasoning behind it.

SENATOR SABINI: Mr. President, on the bill.

ACTING PRESIDENT MORAHAN: Senator Sabini, on the bill.

SENATOR SABINI: While I appreciate the sponsor's sincerity in trying to get a more democratic and workable solution to the problem of statewide vacancies, I think -- and I know my colleague Senator

Connor would agree -- sometimes the devil is the details.

And I would want to know what protection there was for people to advance independent candidacies, especially in light of the fact that if the state committees of the parties were going to nominate candidates, that would generally exclude, in an open primary, usually the winner of those primaries. Because if past history continues, having the designation of the state parties in an open primary often leads you to second or third place in a real primary.

So I would want to protect the interests of all New Yorkers. I'd want to see more detail. I voted against this bill in the past, and I will do so again, recognizing the sincerity of trying to advance democracy that the chairman of the Election Law committee has. So I'll be voting in the negative.

ACTING PRESIDENT MORAHAN: Thank you, Senator Sabini. You will be recorded in the negative.

Any other Senator wish to be heard?

Senator Connor.

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

I actually have a similar bill in, and voted for this in the past.

But it's amazing to me, Mr. President, how the Republican Party has changed. Because prior to 1952 or '54, I think it was, there were special elections when these offices were vacant. And at a time when the Republican Party dominated both houses of the Legislature, they passed the current provision for election by a joint session. So it's a case of watch what you wish for, Mr. President.

The fact of the matter is any way you look at it, it's political. Now they come forward with it when for many years in a joint session they have not been the majority, and they want to go back on something that their party advocated and pushed through many years ago.

That said, I think it's always a good idea to let the people choose. While this is a constitutional amendment, it won't automatically trigger anything without

enabling legislation, and I would certainly be vigilant to make sure that the enabling legislation provided an opportunity for other than just the party leaders to pick the candidates.

So I'm going to vote yes, Mr. President, but this isn't the whole package. I'd like to see some enabling legislation, certainly before this amendment were ever to receive its second passage and go on to the people.

ACTING PRESIDENT MORAHAN: Thank you, Senator Connor. You will be recorded in the affirmative.

Any other Senator wishing to be heard? If not, the Secretary will ring the bell.

Call the roll on the resolution.

(The Secretary called the roll.)

ACTING PRESIDENT MORAHAN: Announce the results when available.

THE SECRETARY: Those recorded in the negative on Calendar Number 1681 are Senators Breslin, Dilan, Duane, Klein, L. Krueger, Onorato, Parker, Perkins, Sabini,

Sampson, Schneiderman, Smith, Stachowski and Thompson.

Absent from voting: Senators Gonzalez, Hassell-Thompson, Huntley, Rath and Serrano.

Ayes, 41. Nays, 14.

ACTING PRESIDENT MORAHAN: The concurrent resolution is adopted.

The Secretary will read.

THE SECRETARY: Calendar Number 1682, substituted earlier today by Member of the Assembly Koon, Assembly Print Number 6906, an act to amend the Economic Development Law and others.

SENATOR LIZ KRUEGER: Explanation.

ACTING PRESIDENT MORAHAN: Senator Flanagan, Senator Krueger is requesting an explanation.

SENATOR FLANAGAN: Thank you, Mr. President.

Very simply, this requires that our economic development agencies gear their efforts towards small business with an eye towards getting 20 percent of the funds that

are available to go to small business.

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

ACTING PRESIDENT MORAHAN: Senator Flanagan, will you yield for a question from Senator Krueger?

SENATOR FLANAGAN: Yes, I will.

SENATOR LIZ KRUEGER: Thank you.

Could you define "small business" in this law?

SENATOR FLANAGAN: No, I don't define it in this law. But it is defined in New York State statute. In the Economic Development Law, Section 131, "small business" is defined.

SENATOR LIZ KRUEGER: I'm going to ask my counsel, if I find him, to look at that.

Mr. President, if through you the sponsor would yield.

ACTING PRESIDENT MORAHAN: Senator Flanagan, will you continue to yield to Senator Krueger?

SENATOR FLANAGAN: Yes.

SENATOR LIZ KRUEGER: Could you define "entrepreneur" in this law?

SENATOR FLANAGAN: Is it defined? No.

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

ACTING PRESIDENT MORAHAN: Senator Flanagan, would you continue to yield?

SENATOR FLANAGAN: Yes.

SENATOR LIZ KRUEGER: Thank you.

This law would require 20 percent of the contracts going through the Economic Development Corporation or the Urban Development Corporation to go to, quote, small business and entrepreneurs; is that correct?

SENATOR FLANAGAN: That's correct.

SENATOR LIZ KRUEGER: Thank you.

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

ACTING PRESIDENT MORAHAN: Senator Flanagan, will you continue to yield to Senator Krueger?

SENATOR FLANAGAN: Yes.

SENATOR LIZ KRUEGER: Are you familiar with the rules within economic development for targets of contracts for MWBE businesses?

SENATOR FLANAGAN: Yes, I am.

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

ACTING PRESIDENT MORAHAN: Senator Flanagan, will you continue to yield to Senator Krueger?

SENATOR FLANAGAN: Yes, Mr. President.

ACTING PRESIDENT MORAHAN: The Senator yields.

SENATOR LIZ KRUEGER: So we both know that under MWBE, there's actually a definition of what is a minority or a woman-owned business, they have to be certified, there is an evaluation done on the percentage of state business going through certified, quantified MWBE businesses, and out of that research and analysis then the target is attempted to be met.

Your bill would have 20 percent

going to entrepreneurs and small business, but at least in Economic Development Law and in your proposal, I can't find definitions of who those entities would be. So how would we have a parallel type of model to what we have in MWBE?

SENATOR FLANAGAN: Well, under the Economic Development Law, a small business is defined as being deemed to be one which is resident in the state, independently owned and operated, not dominant in its field, and employs 100 or less persons.

I'm confident that our economic development agencies can ascertain what businesses would qualify and those that would not.

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

ACTING PRESIDENT MORAHAN: Senator Flanagan, will you continue to yield to Senator Krueger?

SENATOR FLANAGAN: Yes.

ACTING PRESIDENT MORAHAN: The Senator yields.

SENATOR LIZ KRUEGER: Thank you.

How would we do that same assignment for entrepreneurs if we haven't defined "entrepreneur"?

SENATOR FLANAGAN: Senator Krueger, you are correct. But I'm going to go out on the proverbial limb and suggest that the people who hold these types of positions in these agencies will be well equipped to make a determination about who would qualify and who would not.

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

ACTING PRESIDENT MORAHAN: Senator Flanagan, will you continue to yield to Senator Krueger?

SENATOR FLANAGAN: Yes.

SENATOR LIZ KRUEGER: Thank you.

So we would have a new 20 percent target for small business and entrepreneurs. How would that overlap or contradict our mandates in MWBE programs at this time, since to some degree they'd be competing?

SENATOR FLANAGAN: I don't view

them as being mutually exclusive. I think there could be a complementary effort. There are probably a number of small businesses that would also qualify under the qualifications of MWBE. I don't think one has to be to the exclusion of the other.

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

ACTING PRESIDENT MORAHAN: Senator Flanagan, will you continue to yield to Senator Krueger?

SENATOR FLANAGAN: Yes.

ACTING PRESIDENT MORAHAN: The sponsor yields.

SENATOR LIZ KRUEGER: Thank you. I do appreciate this dialogue.

All right, so we've established what we define as a small business, and it actually has to be a New York State business, but we don't have a definition for entrepreneur. Would it concern you if this mandated contracting out to people who define themselves as entrepreneurs with very large businesses not even here in New York State?

SENATOR FLANAGAN: The concept of the legislation is to be geared towards small business and entrepreneurs within the State of New York. I think being consistent with the definition of a small business, that whether it's Economic Development or Empire State Development, I think their first premise and operation would be to look at businesses in New York State.

And no, do I think they would be looking at a business that would be too large and outside the State of New York? I don't.

SENATOR LIZ KRUEGER: Mr. President, on the bill.

ACTING PRESIDENT MORAHAN: Senator Krueger, on the bill.

SENATOR LIZ KRUEGER: Thank you.

So earlier today we had a long discussion about what was a big cat and what was a zoo and who would define it as such. And one could argue that this would have a much larger impact on the State of New York.

I don't disagree with the proposal to try to ensure that when the State of New York does business with the people's money

(A) we keep it here in the State of New York, (B) we recognize the importance of supporting small business, because I think too much of our economic development policies favor large corporations at the expense of small business.

I'm also, by definition, not, of course, opposed to supporting home-grown entrepreneurs. My concern is, again, the definitions or the lack thereof in your proposal where, as I read this bill, I could actually be a large corporation in another state who defines myself as entrepreneurial and as someone who defines myself as an entrepreneur at the top of that corporation, and I could take a stab at arguing that what we meant was that the State of New York should do business with me even if I'm a very large corporate entity outside the State of New York.

So my concern is in the definitions or the lack thereof in the bill. I'm also concerned that since we don't have the definitions, it's very hard to determine how we would have certifications. Because, again, if I read this as somewhat parallel to what

we're attempting to do with MWBE in the State of New York, where of course we all know we haven't really met our requirements for quite some time, that really the definitions of who you are to be certified is very important to be clarified in law -- who you are as far as percentages out there in order to count who are we doing business with now, do they meet that criteria, who would we do business with instead, have they met the criteria.

That we need to go further than you have in this bill to clarify that we would actually accomplish your goals of ensuring that more of the state money does in fact get used by small businesses and, quote, unquote, home-grown state entrepreneurs.

I'm also a little concerned, because of the lack of definitions and how it would fit into the existing Economic Development Law, what this could mean for existing MWBE businesses. Because would they simply be rolled into this new category, would they have separate certification and numbers requirements still placed on government participating in meeting its MWBE

requirements?

Again, I will admit that I don't think we've been doing it right up until now on MWBE, which is one of the reasons I'm concerned about leaving it to the agencies to come up with all these answers not yet answered in this bill.

So while I actually overall like where you're trying to go with this, I'm very concerned that this is not defined nearly enough, and therefore I'm not clear what the outcome would be.

And so I'm going to vote no, hoping that we can come up with some amendments that might actually pass both houses that would help me answer. And in fact if this bill passes both houses and we have to face that issue even with my concerns, I'm hoping you'll be interested in working with me to try to get those clarifications into the law, because I think that that's really where this will all succeed or fall apart.

Thank you, Mr. President.

ACTING PRESIDENT MORAHAN: Thank you, Senator Krueger.

Any other Senator wish to be heard?

Senator Stewart-Cousins.

SENATOR STEWART-COUSINS: Yes, thank you, Mr. President. I too wanted to rise.

First of all, I certainly wanted to commend Senator Flanagan for dealing with the small business issue. Obviously we know that it is a huge economic engine. Obviously we know that there are so many jobs that are provided by small businesses. In fact, most of our jobs are provided by small business.

But I echo my colleague Senator Krueger's concerns with regard to minority and women-owned businesses. Obviously in the State of New York we know that in terms of minority businesses and women-owned businesses, the state does less than 1 percent business with either of those categories. And many of them obviously are small businesses.

There's nothing that would have prevented us from setting aside other than the fact that it seems that it is not constitutional. We are told that we have to do a disparity study in order to make those

preferences. And that, despite what we see as obvious in terms of the utilization of minority businesses and women-owned businesses, has delayed us from creating preferences.

So at this point I am supportive, but I'm certainly wondering why we are now investing a million dollars in terms of a disparity study if we could so easily just set preferences. If indeed that is true, I would love to have this piece of legislation amended to allow for the preferences that we've sought for minority and women-owned businesses who, again, have been rather underrepresented in the business that we do with the state.

This being said, because small businesses are at the focal point and because it is important, I will certainly support this legislation. But I do hope, as my colleague Senator Krueger says, that we will be able to have something that also looks at the issue of minority and women-owned businesses and addresses them.

ACTING PRESIDENT MORAHAN: Thank you, Senator.

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 immediately.

ACTING PRESIDENT MORAHAN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MORAHAN: The Secretary will announce the results when available.

Can we have a little order in the house, please.

THE SECRETARY: Those recorded in the negative on Calendar Number 1682 are Senators L. Krueger and Perkins.

Absent from voting: Senators Gonzalez, Hassell-Thompson, Huntley, Rath and Serrano.

Ayes, 53. Nays, 2.

ACTING PRESIDENT MORAHAN: The bill is passed.

The Secretary will read.

THE SECRETARY: Calendar Number 1684, by Senator Trunzo, Senate Print 4174, an act to amend the General Municipal Law and others.

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

Read the last section.

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

ACTING PRESIDENT MORAHAN: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: In relation to Calendar Number 1684, absent from voting: Senators Gonzalez, Hassell-Thompson, Huntley, Rath and Serrano.

Ayes, 55. Nays, 0.

ACTING PRESIDENT MORAHAN: The bill is passed.

If the Senators in the chamber will take their seats, we're now going to take on the last bill of the day.

THE SECRETARY: Calendar Number 1692, by Senator O. Johnson, Senate Print

6728A, an act to amend Chapter 635 of the Laws of 1987.

SENATOR SABINI: Explanation.

ACTING PRESIDENT MORAHAN: Senator Johnson, an explanation has been requested.

SENATOR O. JOHNSON: Well, in 1988 there was a piece of land that belonged to the Pilgrim State Hospital, and there was talk about developing it. So I got hold of it, got it transferred to what we call now the Oak Brush Plain Preserve.

It's 850 acres of land, environmental land. It's situated along the high point of Long Island where the water runs either way both sides, a great recharge area for fresh water, a lot of critters run around in there, people walk through on nature walks. It's a wonderful thing.

There was 118 acres that was not included in the preserve at that time. Now we're adding that 118 acres to the 850, to make a total of 970 acres.

ACTING PRESIDENT MORAHAN: Senator Sabini.

SENATOR SABINI: Mr. President, if the sponsor would yield for questions.

ACTING PRESIDENT MORAHAN: Senator Johnson, will you yield to Senator Sabini for a question?

SENATOR OWEN JOHNSON: Yes, Mr. President.

SENATOR SABINI: Mr. President, through you, is the land currently in a natural state right now that you would want it in the preserve?

SENATOR OWEN JOHNSON: Yes, essentially it is.

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

ACTING PRESIDENT MORAHAN: Senator Johnson, will you continue to yield?

SENATOR OWEN JOHNSON: Yes, I will.

ACTING PRESIDENT MORAHAN: The Senator yields.

SENATOR SABINI: I thought during the explanation you said this was the grounds of Pilgrim State Hospital. And my

recollection of that property is that there was a large long-term care facility there.

ACTING PRESIDENT MORAHAN: Is there a question there?

SENATOR SABINI: So, I mean, is it natural or not natural?

SENATOR OWEN JOHNSON: Is that a question?

SENATOR SABINI: Yes.

SENATOR OWEN JOHNSON: Your recollection is correct.

SENATOR SABINI: Mr. President, I'm at a loss, then. Is that a long-term healthcare facility or a naturally wild habitat?

SENATOR OWEN JOHNSON: Your recollection has been altered by time and actions.

SENATOR SABINI: So it's not in a natural state, is that what I'm being told?

ACTING PRESIDENT MORAHAN: Senator Sabini, are you asking Senator Johnson to yield?

SENATOR SABINI: Yes, Mr. President.

ACTING PRESIDENT MORAHAN: Senator Johnson, will you yield to Senator Sabini?

SENATOR OWEN JOHNSON: There was a structure there which has been demolished and eliminated.

SENATOR SABINI: Mr. President, perhaps I'll rephrase the question. Are there currently structures on the property?

SENATOR OWEN JOHNSON: No structures at the moment. Two minor electrical transfer stations, but they're separated out from this parcel.

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

ACTING PRESIDENT MORAHAN: Senator Johnson, will you continue to yield to Senator Sabini?

SENATOR OWEN JOHNSON: Yes.

ACTING PRESIDENT MORAHAN: The sponsor yields.

SENATOR SABINI: Are there roadways on the site now?

SENATOR OWEN JOHNSON: Vestiges

of a roadway exist, yes. But all the rest of the land which is not under the road -- in fact, the road is used for hiking through the property. It all reverted to natural growth and so forth.

SENATOR SABINI: So I'm to ascertain that the part that aren't roads are not roads and the parts that are roads --

ACTING PRESIDENT MORAHAN: Are you on the bill, Senator?

SENATOR SABINI: No, no, I'm just trying to get it straight in my mind.

Mr. President, through you, if the sponsor would continue to yield. Is it not the case that --

ACTING PRESIDENT MORAHAN: Senator Johnson, will you continue to yield?

SENATOR OWEN JOHNSON: Yes, I will, Mr. President.

ACTING PRESIDENT MORAHAN: Senator Sabini, he yields again.

SENATOR SABINI: -- that the New York State Department of Transportation is seeking to site, as stated in the sponsor's memo, the Long Island Truck and Rail

Intermodal Facility at that site?

SENATOR OWEN JOHNSON: Yes, they would like to have that. But we're not permitting them to take that property because there are other sites for that to be located which will not be in a nature preserve.

ACTING PRESIDENT MORAHAN: Senator Sabini.

SENATOR SABINI: On the bill, Mr. President.

ACTING PRESIDENT MORAHAN: Senator Sabini, on the bill.

SENATOR SABINI: Thank you, Mr. President.

I'm very concerned about transferring this property. State DOT has long sought to put the Long Island Intermodal Facility at this site, and as the ranker on Transportation it makes me concerned.

I don't believe, based on information State DOT has given out, that there are alternative sites. The sponsor's memorandum said says there's no cost to the state in the transfer of this land. Actually, there would be a cost to the state, because

they would have to acquire other land to do this project.

Now, you might not want to do the project at all, and maybe the sponsor doesn't and maybe there are people in this room that don't. But I think the project would be one that would reduce truck traffic throughout the downstate region, including areas like Queens and Nassau and Suffolk.

And New York State DOT says that the site selection criteria necessary to site the intermodal facility is access to the Long Island Railroad, at least 50 to 100 acres, access to major east-west truck routes, a site that's suitable to usage for an intermodal facility, and minimal social and environmental impact.

ACTING PRESIDENT MORAHAN: Senator Flanagan, why do you rise?

SENATOR FLANAGAN: I rise to ask if Senator Sabini would yield to a question.

ACTING PRESIDENT MORAHAN: Senator Sabini, would you yield for a question from Senator Flanagan?

SENATOR SABINI: I'll be happy to

yield to Senator Flanagan as soon as I finish my statement.

ACTING PRESIDENT MORAHAN: The Senator refuses to yield at the moment.

SENATOR SABINI: For the moment.

State DOT says that Pilgrim State Hospital is the only site that met all the criteria for this type of project. If we want to continue to try to reduce greenhouse gases and to minimize truck traffic, it's important we utilize rail freight, whether that be our Cross-Harbor Tunnel or throughout Long Island.

And I want to raise the concern of the New York State Department of Transportation, and to those who are concerned about transit issues all over the state, that loss of this site may jeopardize the Long Island Intermodal Truck and Rail Facility.

And so that is my concern that I wanted to raise at this time, and I'm interested in hearing what Senator Flanagan's question is.

ACTING PRESIDENT MORAHAN: Senator Flanagan.

SENATOR FLANAGAN: Mr. President,

through you.

Senator Sabini, do you have a memorandum of opposition from State DOT?

SENATOR SABINI: Through you, Mr. President, I actually have a PowerPoint presentation from State DOT saying this is the only site they believe is suitable for this.

SENATOR FLANAGAN: I appreciate your answer, but that doesn't really answer my question.

ACTING PRESIDENT MORAHAN: Senator Flanagan, do you ask that Senator Sabini continue to yield?

SENATOR FLANAGAN: Yes.

ACTING PRESIDENT MORAHAN: Senator, do you yield?

SENATOR SABINI: Yes.

ACTING PRESIDENT MORAHAN: The Senator yields.

SENATOR FLANAGAN: I appreciate the PowerPoint presentation comment, but do you have a memorandum of opposition on this bill?

SENATOR SABINI: Mr. President, through you, no, I don't.

But I even have a newsletter from the Tri-State Regional Transportation Campaign dating back to 2003 saying the only parcel in Central Long Island where an intermodal freight yard would be feasible is this site.

SENATOR FLANAGAN: Mr. President, would Senator Sabini continue to yield.

ACTING PRESIDENT MORAHAN: Senator Sabini, will you continue to yield?

SENATOR SABINI: Yes, Mr. President.

ACTING PRESIDENT MORAHAN: The Senator yields.

SENATOR FLANAGAN: Are you aware that there are other sites that have been considered and are under consideration that would require no purchase by New York State Department of Transportation which in fact are state-owned lands?

SENATOR SABINI: Through you, Mr. President, no, I am not. But I am aware of the fact that State DOT has said this is this the only available property that they believe is feasible for this.

And if there are, I'd like to hear

about them.

SENATOR FLANAGAN: Mr. President, would Senator Sabini continue to yield.

ACTING PRESIDENT MORAHAN: Senator Sabini, do you continue to yield?

SENATOR SABINI: Yes.

ACTING PRESIDENT MORAHAN: The Senator yields.

SENATOR FLANAGAN: Are you familiar with Crooked Hill Road in Suffolk County?

SENATOR SABINI: Through you, Mr. President, yes, I am.

And I wasn't aware it was considered as a site. I can just tell you what I've read from State DOT.

SENATOR FLANAGAN: Are you aware of Commack Road in Suffolk County?

SENATOR SABINI: Yes.

SENATOR FLANAGAN: Are you aware of Long Island Avenue --

ACTING PRESIDENT MORAHAN: Senator Flanagan, are you asking the Senator to continue to yield?

SENATOR FLANAGAN: I'm sorry,

Mr. President. Will Senator Sabini to continue to yield.

ACTING PRESIDENT MORAHAN: Give him time to think of the answer.

SENATOR SABINI: Yes, Mr. President.

ACTING PRESIDENT MORAHAN: The Senator yields.

SENATOR SABINI: Yes.

SENATOR FLANAGAN: Are you aware of Long Island Avenue in Suffolk County?

SENATOR SABINI: Yes, Mr. President. And yes.

ACTING PRESIDENT MORAHAN: Are you asking the Senator to yield again?

SENATOR FLANAGAN: Yes, I am, Mr. President.

SENATOR SABINI: Yes and yes.

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

ACTING PRESIDENT MORAHAN: Senator Flanagan, on the bill.

SENATOR FLANAGAN: I appreciate listening to the comments, but I'm going to join in with my colleague Senator Johnson, and

I know Senator Trunzo has had a deep and abiding interest in this issue. And this is a broad perspective, but frankly it's also a very local perspective.

The reason I asked Senator Sabini if he was familiar with these roadways is because this facility and this property and this proposal has been around for a number of years, and frankly it happens to be right at the corner or the end of three Senate districts, Senator Johnson's, Senator Trunzo's, and the district that I happen to represent.

So while State DOT has their own blueprint for certain things, we are the ones who are actually in the streets in the communities who are dealing with issues that affect our constituents.

Now, I will tell you in many respects I don't even believe we need this legislation, because I think what Senator Johnson did in 1987 was a very strong piece of legislation. And in fact it basically said for whatever property is left, if it's not really being used for mental

health purposes, then it should be gone into this preserve.

There are those who have interpreted it differently, and frankly that is why we have this legislation here before us today. We didn't want to lack for any clarity in terms of what was being done here. We wanted to take a belt-and-suspenders approach and make sure that the consistency of the 1987 statute was followed.

The land is vacant, it is in a natural state. The psychiatric center that was there has been removed from the property. And frankly, we believe that this is in the best interests of the people in those surrounding communities.

And, Mr. President, one of the primary reasons is because there have been a number of intervening factors over which the State of New York has no control. The surrounding towns --

ACTING PRESIDENT MORAHAN: Senator Sabini, why do you rise?

SENATOR SABINI: I was going to ask to him to yield for a question. I'll let

him finish.

ACTING PRESIDENT MORAHAN: Why don't you sit till you're ready to do that.

SENATOR SABINI: I just don't want to get rushed here.

ACTING PRESIDENT MORAHAN: Thank you. Senator Flanagan to continue.

SENATOR FLANAGAN: There have been a number of intervening factors that has been precipitated by actions taken by local governments -- the Town of Huntington, the Town of Smithtown, the Town of Babylon as well as Suffolk County.

This proposal, when it first came about, had a lot more merit to it because there wasn't as much going on. We are now suffering from the effects of overdevelopment in those areas. I represent Commack Road; it is a bad road at 2 o'clock in the morning. Those surrounding communities are suffering.

There are viable alternatives to this site. This property should have been maintained as a preserve. This will make sure that it's being done. Assemblyman Ramos and Assemblyman Conte and Assemblyman Raia are

pushing for this very clearly in the New York State Assembly.

And, Senator Sabini, I sit on the Transportation Committee, and I'm acutely sensitive to these types of issues. But in reality, there's a better way to do this, and we need to be responsive in that respect.

ACTING PRESIDENT MORAHAN: Senator Sabini.

SENATOR SABINI: Mr. President, would Senator Flanagan yield to a question.

ACTING PRESIDENT MORAHAN: Senator Flanagan, will you yield to Senator Sabini?

SENATOR FLANAGAN: Yes, I will.

ACTING PRESIDENT MORAHAN: The Senator yields.

SENATOR SABINI: I haven't said how I'm voting on this, because, you know, we have a situation in the Gansevoort Pier that Senator Duane is involved in, and some people wanted to have local concerns over global concerns, and you can come down either way on that.

So I appreciate the local concerns

that Senator Flanagan and Senator Owen Johnson have raised.

I'm just wondering if Senator Flanagan and others had expressed their concern when this project was proposed during the Pataki administration.

SENATOR FLANAGAN: Yes.

ACTING PRESIDENT MORAHAN: The answer is yes.

SENATOR SABINI: Thank you, Mr. President.

ACTING PRESIDENT MORAHAN: Thank you, Senator Sabini.

Any other Senator wish to be heard?

Senator Schneiderman.

SENATOR SCHNEIDERMAN: Thank you, Mr. President.

I want to thank Senator Sabini for raising an issue. And I must say that I'm not quite sure I understand how preventing a multimodal facility from being sited in Suffolk County, which in fact is what this bill would do -- I mean, this is the site that DOT and everyone recognizes is the best site.

It is indeed the congestion there

that we're seeking to relieve. One of the biggest problems we've got in New York State is we have an excess of truck traffic. Every time you site a multimodal facility, it gets trucks off the road. It reduces congestion.

So I must say I don't really see this as anything other than an effort to block a facility at the one site that has been approved. If there is another site that has been identified and has been approved by DOT, then bring it forth. But at this late date, after this has been pending for such a long period of time, let's acknowledge that this is simply an effort to block the location of a multimodal facility.

Not only has State DOT expressed its concern about this, but I know that our Congressional delegation, the leader on transit funding in the Congressional delegation, Congressman Jerry Nadler, has expressed concern with how difficult it is to put a multimodal facility into Suffolk County. He's also working on behalf of us getting a rail freight tunnel that would require a multimodal facility in the City of New York.

So he's not picking one part of the state.

But if we do not reduce our reliance on truck traffic, our air will get worse, our congestion will get worse, and our prices will stay higher. So I would commend to all of you who care about the long-term viability of our transportation system and of our environment to oppose this bill.

This is not something that really proffers an alternative, as Senator Duane did when the issue of Gansevoort came up. He has a site identified very close to the existing site that has been analyzed and would serve equally well as the site that was proposed by the city.

Here we're just seeing an effort to block this by taking an area to make it into a wildlife preserve when the memo in support of the bill says that the problem is this is surrounded by all this traffic and congestion. I'm not sure what kind of a wildlife preserve you want in a traffic-congested area.

I vote no. I urge everyone to vote no, Mr. President.

ACTING PRESIDENT MORAHAN: Any

other Senator wish to be heard?

Debate is closed. The Secretary will ring the bell.

Read the last section.

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

ACTING PRESIDENT MORAHAN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MORAHAN: Announce the results when available.

Senator Flanagan, to explain his vote.

SENATOR FLANAGAN: Thank you, Mr. President.

I just want to make two points. I want to congratulate and thank Senator Johnson for not only passing this bill but, 20 years ago, long before anybody was really talking about these types of things, he helped create what is a wildlife preserve or a preserve that is maintained by the DEC that is loved by many of the community groups who happen to use it for hiking and biking and many other things.

It was an 800-acre preserve at a

time when the State of New York just wasn't doing these kinds of things. So he was way out in front then. This is frankly a complement and a continuation of what was started over 20 years ago.

And I listened to the comments about Congressman Nadler being in opposition to this. I can tell you very comfortably and confidently that Congressman Israel, who happens to actually represent the area, is in equally strong commitment to what we are trying to do, and we have individually and collectively met with our federal representatives and pushed this very issue.

I vote in the affirmative.

ACTING PRESIDENT MORAHAN: Thank you, Senator Flanagan. You will be recorded in the affirmative.

Senator Craig Johnson.

SENATOR CRAIG JOHNSON: Thank you, Mr. President.

I rise also to vote yes and congratulate Senator Owen Johnson on this piece of legislation.

I've expressed my opposition as

well to the intermodal facility, joining Senator Flanagan, Senator Johnson, and Senator Trunzo on this, because siting it at this location also has a direct impact in Nassau County, as they're going to be required to use the Main Line for freight purposes, and I've been adamantly opposed to that effort.

I wish that the Senate Republican Majority had joined our petition to discharge, my petition to discharge for my bill that would have given my communities the ability to say yea or nay on the third track, a very similar piece of legislation.

Here we are acceding to the desires of the community, led by Senator Owen Johnson and Senator Flanagan and Senator Trunzo, communities who are concerned about what this intermodal facility will do. I just wish that the Senate Republicans would have joined me and my delegation to allow my bill to prevent the third track from coming into the Seventh Senatorial District the same consideration.

But I will vote yes on this piece of legislation. Thank you.

ACTING PRESIDENT MORAHAN:

Senator Farley, to explain his vote.

SENATOR FARLEY: I want to get up and congratulate Senator Johnson on this wonderful piece of legislation. You're an absolute credit to the Marine Corps. I vote aye.

(Laughter.)

ACTING PRESIDENT MORAHAN: Thank you. You will be recorded in the affirmative.

Senator Craig Johnson will also be recorded in the affirmative.

Announce the results.

THE SECRETARY: Those recorded in the negative on Calendar Number 1692 are Senators Dilan, L. Krueger, Parker, Perkins, Sabini, Sampson and Schneiderman.

Absent from voting: Senators Gonzalez, Hassell-Thompson, Huntley, Rath and Serrano.

Ayes, 48. Nays, 7.

ACTING PRESIDENT MORAHAN: The bill is passed.

Senator Fuschillo.

SENATOR FUSCHILLO: Mr. President, may we please return to the reports

of standing committees. I believe there's another report of the Rules Committee at the desk.

ACTING PRESIDENT MORAHAN: Reports of standing committees.

The Secretary will read.

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

Senate Print 476, by Senator Bonacic, an act to amend the Public Health Law;

1130, by Senator Little, an act to amend the General City Law and others;

1665, by Senator Padavan, an act to amend the Family Court Act;

1851, by Senator LaValle, an act to amend the General Municipal Law;

3849, by Senator Flanagan, an act to amend the Economic Development Law;

4010, by Senator Diaz, an act to amend the Executive Law;

4429, by Senator Leibell, an act to amend the Military Law;

5425B, by Senator Padavan, an act

to amend the Tax Law;

5693, by Senator Flanagan, an act to amend the Tax Law;

5892A, by Senator Saland, an act to amend the Education Law;

5899A, by Senator Griffo, an act to amend the State Technology Law;

6445, by Senator Lanza, an act to amend the Correction Law;

6948, by Senator Golden, an act to amend the Public Authorities Law;

7168, by Senator Griffo, an act to amend the Agriculture and Markets Law;

7921, by Senator Bonacic, an act to authorize;

7944, by Senator Flanagan, an act to amend the Public Officers Law;

8072, by Senator Morahan, an act to authorize;

8117B, by Senator LaValle, an act to amend the Public Health Law;

8124, by Senator Lanza, an act to amend the Vehicle and Traffic Law;

8259, by Senator Bruno, an act authorizing;

8305, by Senator Robach, an act to amend the Public Authorities Law;

8312, by Senator Leibell, an act in relation in state aid payments;

8316, by Senator Volker, an act in relation to transportation;

8364, by the Senate Committee on Rules, an act in relation to adjusting;

8370, by the Senate Committee on Rules, an act to amend Chapter 987 of the Laws of 1971;

8375, by Senator Robach, an act to amend the Workers' Compensation Law;

And Senate Print 8433, by Senator LaValle, an act to amend Chapter 376 of the Laws of 1998.

All bills ordered direct to third reading.

ACTING PRESIDENT MORAHAN: Senator Fuschillo.

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

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

(Response of "Aye.")

ACTING PRESIDENT MORAHAN: Opposed, nay.

(No response.)

ACTING PRESIDENT MORAHAN: The report is accepted.

Senator Fuschillo.

SENATOR FUSCHILLO: Mr. President, can we return to motions and resolutions.

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

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

We will return to the order of motions and resolutions.

Senator Duane.

SENATOR DUANE: Thank you, Mr. President.

On behalf of Senator Carl Kruger, I wish to call up his bill, Print Number 8147, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT MORAHAN: The Secretary will read.

THE SECRETARY: Calendar Number 1115, by Senator C. Kruger, Senate Print 8147, an act to amend the Social Services Law.

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

ACTING PRESIDENT MORAHAN: The Secretary will call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT MORAHAN: Senator Duane.

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

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

SENATOR DUANE: Thank you, Mr. President.

In addition, on behalf of Senator Kruger, I wish to call up his bill, Print

Number 4541, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT MORAHAN: The Secretary will read.

THE SECRETARY: Calendar Number 238, by Senator C. Kruger, Senate Print 4541, an act to amend the Family Court Act and the Domestic Relations Law.

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

ACTING PRESIDENT MORAHAN: Call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

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

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

SENATOR DUANE: Thank you, Mr. President.

ACTING PRESIDENT MORAHAN: You're welcome, Senator Duane.

Senator Griffo.

SENATOR GRIFFO: Thank you, Mr. President.

On behalf of Senator Young, I wish to call up Senate Print 5685, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT MORAHAN: The Secretary will read.

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

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

ACTING PRESIDENT MORAHAN: The Secretary will call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

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

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

Senator Griffo.

SENATOR GRIFFO: Mr. President, on behalf of Senator Golden, I wish to call up Senate Print Number 6966A, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT MORAHAN: The Secretary will read.

THE SECRETARY: Calendar Number 411, by Senator Golden, Senate Print 6966A, an act to amend the Elder Law.

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

ACTING PRESIDENT MORAHAN: The Secretary will call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

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

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

Senator Griffo.

SENATOR GRIFFO: Mr. President, on behalf of Senator Bruno, I wish to call up Print Number 6329, recalled from the Assembly, which is now before the desk.

ACTING PRESIDENT MORAHAN: The Secretary will read.

THE SECRETARY: Calendar Number 777, by the Senate Committee on Rules, Senate Print 6329, an act to authorize the Town of Malta.

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

ACTING PRESIDENT MORAHAN: The Secretary will call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

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

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

Senator Fuschillo.

SENATOR FUSCHILLO: Mr. President, before we do these motions, I also wanted to advise the members that we will be taking up supplemental Calendar Number 58A at the conclusion of these motions.

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

Sponsored by Senator Fuschillo, page number 6, Calendar Number 103, Senate Print Number 6737;

By Senator Farley, page number 32, Calendar Number 892, Senate Print Number 7360;

By Senator Morahan, page number 38, Calendar Number 1010, Senate Print Number 8058;

By Senator Volker, page number 62, Calendar Number 1481, Senate Print Number 8225;

By Senator Hannon, page number 41, Calendar Number 1119, Senate Print Number 4601.

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

ACTING PRESIDENT MORAHAN: The amendments are received, and the bills will retain their place on the Third Reading Calendar.

Senator Fuschillo.

SENATOR FUSCHILLO: Mr. President, on behalf of Senator Leibell, on page number 28 I offer the following amendments to Calendar Number 741, Senate Print Number 3811, and ask that said bill retain its place on Third Reading Calendar.

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

SENATOR FUSCHILLO: Mr. President, on behalf of Senator Padavan, on the supplemental calendar I offer the following amendments to Calendar Number 1710, Senate Print Number 1665, and ask that said bill retain its place on Third Reading Calendar.

ACTING PRESIDENT MORAHAN: The amendments are received, and the bill will retain its position on the Third Reading

Calendar.

SENATOR FUSCHILLO: On behalf of Senator Morahan, on the supplemental calendar I now offer the following amendments to Calendar Number 1724, Senate Print Number 8072, and ask that said bill retain its place on Third Reading Calendar.

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

SENATOR FUSCHILLO: Mr. President, the Senate will stand at ease for a moment.

First, Mr. President, please recognize Senator Lanza.

ACTING PRESIDENT MORAHAN: Senator Lanza.

SENATOR LANZA: Thank you, Mr. President. I wish to call up my bill, Print Number 7602, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT MORAHAN: The Secretary will read.

THE SECRETARY: Calendar Number

1003, by Senator Lanza, Senate Print 7602, an act to amend the Penal Law.

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

ACTING PRESIDENT MORAHAN: The Secretary will call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

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

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

Senator Lanza.

SENATOR LANZA: Mr. President, on behalf of Senator Morahan, I wish to call up Print Number 6217, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT MORAHAN: The Secretary will read.

THE SECRETARY: Calendar Number 521, by Senator Morahan, Senate Print 6217, an

act to amend the Highway Law.

ACTING PRESIDENT MORAHAN: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

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

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

SENATOR LANZA: Mr. President, on behalf of Senator Skelos, I wish to call up Print Number 962B, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT MORAHAN: The Secretary will read.

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

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

ACTING PRESIDENT MORAHAN: The

Secretary will call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

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

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

Senator Fuschillo.

SENATOR FUSCHILLO: Mr. President, we will be waiting for the report of the Rules Committee and the members to return to the chambers.

ACTING PRESIDENT MORAHAN: The Senate will stand at ease until the report of the Rules Committee is forwarded to the chamber.

(Whereupon, the Senate stood at ease at 5:13 p.m.)

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

ACTING PRESIDENT MORAHAN: Senator Fuschillo.

SENATOR FUSCHILLO: Mr. President, can we take up the noncontroversial reading of Supplemental Calendar Number 58A.

ACTING PRESIDENT MORAHAN: The Secretary will read.

THE SECRETARY: Calendar Number 1708, by Senator Bonacic, Senate Print 476, an act to amend the Public Health Law and the Tax Law.

ACTING PRESIDENT MORAHAN: Read the last section.

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

ACTING PRESIDENT MORAHAN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MORAHAN: Announce the results.

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT MORAHAN: The bill is passed.

THE SECRETARY: Calendar Number 1709, by Senator Little, Senate Print 1130, an act to amend the General City Law and others.

ACTING PRESIDENT MORAHAN: Read

the last section.

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

ACTING PRESIDENT MORAHAN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MORAHAN: Announce the results.

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT MORAHAN: The bill is passed.

THE SECRETARY: Calendar Number 1711, by Senator LaValle, Senate Print 1851, an act to amend the General Municipal Law.

ACTING PRESIDENT MORAHAN: Read the last section.

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

ACTING PRESIDENT MORAHAN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MORAHAN: Announce the results.

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT MORAHAN: The

bill is passed.

THE SECRETARY: Calendar Number 1712, by Senator Flanagan, Senate Print 3849, an act to amend the Economic Development Law.

ACTING PRESIDENT MORAHAN: Read the last section.

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

ACTING PRESIDENT MORAHAN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MORAHAN: Announce the results.

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT MORAHAN: The bill is passed.

THE SECRETARY: Calendar Number 1713, by Senator Diaz, Senate Print 4010, an act to amend the Executive Law.

ACTING PRESIDENT MORAHAN: Read the last section.

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

ACTING PRESIDENT MORAHAN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MORAHAN: Announce the results.

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT MORAHAN: The bill is passed.

THE SECRETARY: Calendar Number 1714, by Senator Leibell, Senate Print 4429, an act to amend the Military Law.

ACTING PRESIDENT MORAHAN: Read the last section.

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

ACTING PRESIDENT MORAHAN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MORAHAN: Announce the results.

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT MORAHAN: The bill is passed.

THE SECRETARY: Calendar Number 1715, by Senator Padavan, Senate Print 5425B, an act to amend the Tax Law.

ACTING PRESIDENT MORAHAN: Read

the last section.

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

ACTING PRESIDENT MORAHAN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MORAHAN: Announce the results.

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT MORAHAN: The bill is passed.

THE SECRETARY: Calendar Number 1716, by Senator Flanagan, Senate Print 5693, an act to amend the Tax Law.

ACTING PRESIDENT MORAHAN: Read the last section.

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

ACTING PRESIDENT MORAHAN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MORAHAN: Announce the results.

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT MORAHAN: The

bill is passed.

THE SECRETARY: Calendar Number 1717, by Senator Saland, Senate Print 5892A, an act to amend the Education Law.

ACTING PRESIDENT MORAHAN: Read the last section.

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

ACTING PRESIDENT MORAHAN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MORAHAN: Announce the results.

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT MORAHAN: The bill is passed.

THE SECRETARY: Calendar Number 1718, by Senator Griffo, Senate Print 5899A, an act to amend the State Technology Law, in relation to creating.

ACTING PRESIDENT MORAHAN: Read the last section.

THE SECRETARY: Section 4. This act shall take effect on the 120th day.

ACTING PRESIDENT MORAHAN: Call

the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MORAHAN: Announce the results.

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT MORAHAN: The bill is passed.

THE SECRETARY: Calendar Number 1719, by Senator Lanza, Senate Print 6445, an act to amend the Correction Law.

ACTING PRESIDENT MORAHAN: Read the last section.

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

ACTING PRESIDENT MORAHAN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MORAHAN: Announce the results.

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

ACTING PRESIDENT MORAHAN: The bill is passed.

THE SECRETARY: Calendar Number 1720, by Senator Golden, Senate Print 6948, an

act to amend the Public Authorities Law.

ACTING PRESIDENT MORAHAN: Read the last section.

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

ACTING PRESIDENT MORAHAN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MORAHAN: Announce the results.

Senator Saland, to explain his vote.

SENATOR SALAND: No, I just wanted to be recorded in the negative. I just came from the Rules Committee meeting; I wanted to be recorded in the negative.

ACTING PRESIDENT MORAHAN: You will be recorded in the negative, Senator.

Announce the results.

THE SECRETARY: In relation to Calendar Number 1720: Ayes, 59. Nays, 1. Senator Saland recorded in the negative.

ACTING PRESIDENT MORAHAN: The bill is passed.

THE SECRETARY: In relation to

Calendar Number 1721, Senator Griffo moves to discharge, from the Committee on Consumer Protection, Assembly Bill Number 10132 and substitute it for the identical Senate Bill Number 7168, Third Reading Calendar 1721.

ACTING PRESIDENT MORAHAN: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1721, by Member of the Assembly Magee, Assembly Print Number 10132, an act to amend the Agriculture and Markets Law.

ACTING PRESIDENT MORAHAN: Read the last section.

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

ACTING PRESIDENT MORAHAN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MORAHAN: Announce the results.

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT MORAHAN: The bill is passed.

THE SECRETARY: Calendar Number

1722, by Senator Bonacic, Senate Print 7921, an act to authorize the Commissioner of Environmental Conservation.

ACTING PRESIDENT MORAHAN: Read the last section.

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

ACTING PRESIDENT MORAHAN: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT MORAHAN: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1723, Senator Flanagan moves to discharge, from the Committee on Investigations and Government Operations, Assembly Bill Number 1975 and substitute it for the identical Senate Bill Number 7944, Third Reading Calendar 1723.

ACTING PRESIDENT MORAHAN: Substitution is ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1723, by Member of the Assembly Diaz, Assembly

Print Number 1975, an act to amend the Public Officers Law.

ACTING PRESIDENT MORAHAN: Read the last section.

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

ACTING PRESIDENT MORAHAN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MORAHAN: Announce the results.

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT MORAHAN: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1725, Senator LaValle moves to discharge, from the Committee on Rules, Assembly Bill Number 10945A and substitute it for the identical Senate Bill Number 8117B, Third Reading Calendar 1725.

ACTING PRESIDENT MORAHAN: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1725, by Member of the Assembly Canestrari,

Assembly Print Number 10945A, an act to amend the Public Health Law.

ACTING PRESIDENT MORAHAN: Read the last section.

THE SECRETARY: Section 15. This act shall take effect on the 30th day.

ACTING PRESIDENT MORAHAN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MORAHAN: Announce the results.

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT MORAHAN: The bill is passed.

THE SECRETARY: Calendar Number 1726, by Senator Lanza, Senate Print 8124, an act to amend the Vehicle and Traffic Law.

SENATOR SAMPSON: Lay that aside.

ACTING PRESIDENT MORAHAN: The bill is laid aside.

THE SECRETARY: Calendar Number 1727, by Senator Bruno, Senate Print 8259, an act authorizing the County of Saratoga.

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

Read the last section.

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

ACTING PRESIDENT MORAHAN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MORAHAN: The Secretary will announce the results.

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT MORAHAN: The bill is passed.

THE SECRETARY: Calendar Number 1728, by Senator Robach, Senate Print 8305, an act to amend the Public Authorities Law.

ACTING PRESIDENT MORAHAN: Read the last section.

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

ACTING PRESIDENT MORAHAN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MORAHAN: Announce the results.

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

ACTING PRESIDENT MORAHAN: The bill is passed.

THE SECRETARY: Calendar Number 1729, by Senator Leibell, Senate Print 8312, an act --

SENATOR FUSCHILLO: Lay it aside for the day.

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

THE SECRETARY: Calendar Number 1730, by Senator Volker, Senate Print 8316, an act in relation in transportation maintenance.

ACTING PRESIDENT MORAHAN: Read the last section.

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

ACTING PRESIDENT MORAHAN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MORAHAN: Announce the results.

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT MORAHAN: The bill is passed.

THE SECRETARY: Calendar Number

1731, by the Senate Committee on Rules, Senate Print 8364, an act in relation to adjusting certain state aid payments.

ACTING PRESIDENT MORAHAN: Read the last section.

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

ACTING PRESIDENT MORAHAN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MORAHAN: Announce the results.

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT MORAHAN: The bill is passed.

THE SECRETARY: Calendar Number 1732, by the Senate Committee on Rules, Senate Print Number 8370, an act to amend Chapter 987 of the Laws of 1971 amending the Education Law.

ACTING PRESIDENT MORAHAN: Read the last section.

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

ACTING PRESIDENT MORAHAN: Call

the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MORAHAN: Announce the results.

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

ACTING PRESIDENT MORAHAN: The bill is passed.

THE SECRETARY: Calendar Number 1733, by Senator Robach, Senate Print 8375, an act to amend the Workers' Compensation Law.

ACTING PRESIDENT MORAHAN: Read the last section.

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

ACTING PRESIDENT MORAHAN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MORAHAN: Announce the results.

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT MORAHAN: The bill is passed.

Senator Fuschillo, that completes the noncontroversial reading of Supplemental

Calendar 58A.

SENATOR FUSCHILLO: Mr. President, will you please take up Calendar Number 1726 as a noncontroversial bill.

ACTING PRESIDENT MORAHAN: The Secretary will read.

THE SECRETARY: Calendar Number 1726, by Senator Lanza, Senate Print 8124, an act to amend the Vehicle and Traffic Law.

ACTING PRESIDENT MORAHAN: Read the last section.

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

ACTING PRESIDENT MORAHAN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MORAHAN: Announce the results.

THE SECRETARY: In relation to Calendar Number 1726: Ayes, 59. Nays, 1. Senator Little recorded in the negative.

ACTING PRESIDENT MORAHAN: The bill is passed.

Senator Fuschillo.

SENATOR FUSCHILLO: Mr.

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

ACTING PRESIDENT MORAHAN: Reports of standing committees.

The Secretary will read.

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

Senate Print 463, by Senator Bonacic, an act to amend the Environmental Conservation Law;

713, by Senator Breslin, an act to amend the Penal Law;

2450A, by Senator Golden, an act to amend the Public Health Law;

3223A, by Senator Skelos, an act to amend the Workers' Compensation Law;

3806A, by Senator Leibell, an act to amend the Labor Law;

4449, by Senator Morahan, an act to amend the Domestic Relations Law;

4499A, by Senator Young, an act to amend the Environmental Conservation Law;

4620, by Senator Griffo, an act to amend the General Municipal Law;

4817, by Senator Nozzolio, an act to amend the General Municipal Law;

5507, by Senator Morahan, an act to amend the General Municipal Law;

6024A, by Senator Padavan, an act to amend the Local Finance Law;

6852B, by Senator Lanza, an act to amend the Tax Law;

6907A, by Senator Lanza, an act to amend the Executive Law;

7002A, by Senator Hannon, an act to authorize;

7295A, by Senator Golden, an act to amend the Tax Law;

7354, by Senator Lanza, an act to amend the Public Officers Law;

7461, by Senator Flanagan, an act to amend the Executive Law;

7522, by Senator Maltese, an act to amend the Arts and Cultural Affairs Law;

7533, by Senator Lanza, an act to amend the Civil Service Law;

7994, by Senator Flanagan, an act

to amend the Penal Law;

8275, by Senator Trunzo, an act to amend the Retirement and Social Security Law;

8290, by Senator Flanagan, an act to require;

8332, by Senator Golden, an act to amend the Vehicle and Traffic Law;

8335, by Senator Nozzolio, an act to amend the Civil Service Law;

8336, by Senator Nozzolio, an act to amend the Civil Service Law;

8337, by Senator Golden, an act to amend Chapter 841 of the Laws of 1987;

8351, by Senator Flanagan, an act to amend Chapter 307 of the Laws of 2005;

8377, by Senator Robach, an act to amend the Workers' Compensation Law;

8378, by Senator Robach, an act to amend the Workers' Compensation Law;

8400, by Senator Robach, an act to amend the Workers' Compensation Law;

8402, by Senator Lanza, an act to amend the Criminal Procedure Law;

8409, by Senator Young, an act to amend the Agriculture and Markets Law;

8424, by Senator Maltese, an act to amend the Penal Law;

And Senate Print 8435, by Senator Seward, an act to amend Chapter 549 of the Laws of 2005.

All bills ordered direct to third reading.

ACTING PRESIDENT MORAHAN: Senator Fuschillo.

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

ACTING PRESIDENT MORAHAN: All in favor of accepting the Rules Committee report say aye.

(Response of "Aye.")

ACTING PRESIDENT MORAHAN: Opposed, nay.

(No response.)

ACTING PRESIDENT MORAHAN: The Rules report is accepted.

Senator Fuschillo.

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

ACTING PRESIDENT MORAHAN: There

is no other business at this desk at this moment.

SENATOR FUSCHILLO: There being no further business to come before the Senate, I move we adjourn until Monday, June 16th, at 3:00 p.m., intervening days being legislative days.

ACTING PRESIDENT MORAHAN: On motion, the Senate stands adjourned until Monday, June 16th, at 3:00 p.m., intervening days being legislative days.

(Whereupon, at 5:30 p.m., the Senate adjourned.)