NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

June 16, 2008

3:17 p.m.

REGULAR SESSION

SENATOR JOSEPH A. GRIFFO, Acting President

STEVEN M. BOGGESS, Secretary

P R O C E E D I N G S

ACTING PRESIDENT GRIFFO: The Senate will come to order.

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

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

ACTING PRESIDENT GRIFFO: In the absence of clergy, I ask that we all bow our heads in silence, in remembrance of a great New Yorker, Tim Russert, who passed away last week.

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

ACTING PRESIDENT GRIFFO: Reading of the Journal.

THE SECRETARY: In Senate, Sunday, June 15, the Senate met pursuant to adjournment. The Journal of Saturday, June 14, was read and approved. On motion, Senate adjourned.

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

Presentation of petitions.

Messages from the Assembly.

Messages from the Governor.

Reports of standing committees.

Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

Senator Alesi.

SENATOR ALESI: Thank you, Mr. President.

Amendments are offered to the following Third Reading Calendar bills:

Sponsored by Senator Hannon, page 6, Calendar Number 106, Senate Print 599B;

Senator Little, on page 11, Calendar Number 261, Senate Print 5302C;

Senator Lanza, page 17, Calendar Number 429, Senate Print 6355;

Senator DeFrancisco, page 40, Calendar Number 1107, Senate Print 7995;

Senator LaValle, page 43, Calendar Number 1157, Senate Print 7724;

Senator Young, page 47, Calendar Number 1209, Senate Print 8006;

Senator LaValle, page 48, Calendar Number 1226, Senate Print 7946;

Senator Seward, page 67, Calendar Number 1706, Senate Print 8385;

Senator LaValle, page 26, Calendar Number 711, Senate Print 7215;

Senator Volker, page 47, Calendar Number 1208, Senate Print 7964B;

Senator Libous, page 43, Calendar Number 1150, Senate Print 1592A;

Senator Marcellino, page 43, Calendar Number 1159, Senate Print 7842;

Senator LaValle, page 48, Calendar Number 1238, Senate Print 3063;

Senator Nozzolio, page 57, Calendar Number 1386, Senate Print 5037C;

And Senator LaValle, page 64, Calendar Number 1529, Senate Print 7497.

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

ACTING PRESIDENT GRIFFO: Thank you, Senator Alesi.

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

Senator Alesi.

SENATOR ALESI: Mr. President, on page 34 I offer the following amendments to Calendar Number 918, Senate Print 7342, and I ask that said bill retain its place on Third Reading Calendar.

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

Senator Alesi.

SENATOR ALESI: Mr. President, on behalf of Senator C. Kruger, on page 41 I offer the following amendments to Calendar Number 1110, Senate Print 7181A, and ask that that bill retain its place on Third Reading Calendar.

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

SENATOR ALESI: On behalf of Senator Malcolm Smith, on page 55 I offer the following amendments to Calendar Number 1335, Senate Print 4221A, and ask that said bill

retain its place on Third Reading Calendar.

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

Thank you, Senator Alesi.

Senator Libous.

SENATOR LIBOUS: Mr. President, I wish to call up Senate Print Number 6747, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: Calendar Number 325, by Senator Volker, Senate Print 6747, an act to amend the Criminal Procedure Law and others.

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

ACTING PRESIDENT GRIFFO: The Secretary will call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 41.

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

ACTING PRESIDENT GRIFFO: The amendments are accepted.

SENATOR LIBOUS: Mr. President, I have one other. I wish to call up Print Number 3079, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: Calendar Number 1380, by Senator Fuschillo, Senate Print 3079, an act to amend the Penal Law.

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

ACTING PRESIDENT GRIFFO: The Secretary will call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 44.

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

ACTING PRESIDENT GRIFFO: The amendments are received and accepted.

SENATOR LIBOUS: Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: Thank you, Senator Libous.

SENATOR LIBOUS: Mr. President, I believe that there are some substitutions at the desk.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: On page 7, Senator Fuschillo moves to discharge, from the Committee on Consumer Protection, Assembly Bill Number 8634D and substitute it for the identical Senate Bill Number 5543E, Third Reading Calendar 169.

On page 7, Senator Seward moves to discharge, from the Committee on Consumer Protection, Assembly Bill Number 8657 and substitute it for the identical Senate Bill Number 6166, Third Reading Calendar 171.

On page 10, Senator Griffo moves to discharge, from the Committee on Civil Service and Pensions, Assembly Bill Number 9719 and substitute it for the identical Senate Bill Number 6836, Third Reading Calendar 251.

On page 15, Senator Maltese moves to discharge, from the Committee on Civil Service and Pensions, Assembly Bill Number 8232 and substitute it for the identical Senate Bill Number 6862, Third Reading Calendar 383.

On page 34, Senator Griffo moves to discharge, from the Committee on Social Services, Children and Families, Assembly Bill Number 7858E and substitute it for the identical Senate Bill Number 5482E, Third Reading Calendar 916.

On page 40, Senator Morahan moves to discharge, from the Committee on Rules, Assembly Bill Number 10933 and substitute it for the identical Senate Bill Number 8057, Third Reading Calendar 1101.

On page 53, Senator Winner moves to discharge, from the Committee on Finance, Assembly Bill Number 9936 and substitute it for the identical Senate Bill Number 6866, Third Reading Calendar 1309.

On page 53, Senator Griffo moves to discharge, from the Committee on Finance, Assembly Bill Number 10563 and substitute it

for the identical Senate Bill Number 7518, Third Reading Calendar 1313.

On page 59, Senator O. Johnson moves to discharge, from the Committee on Rules, Assembly Bill Number 10887 and substitute it for the identical Senate Bill Number 8149, Third Reading Calendar 1437.

On page 68, Senator Morahan moves to discharge, from the Committee on Judiciary, Assembly Bill Number 8953 and substitute it for the identical Senate Bill Number 4449, Third Reading Calendar 1740.

On page 69, Senator Maltese moves to discharge, from the Committee on Rules, Assembly Bill Number 10969 and substitute it for the identical Senate Bill Number 7522, Third Reading Calendar 1752.

On page 69, Senator Flanagan moves to discharge, from the Committee on Codes, Assembly Bill Number 9673 and substitute it for the identical Senate Bill Number 7994, Third Reading Calendar 1754.

On page 69, Senator Golden moves to discharge, from the Committee on Rules, Assembly Bill Number 11355 and substitute it

for the identical Senate Bill Number 8337, Third Reading Calendar 1760.

On page 70, Senator Flanagan moves to discharge, from the Committee on Rules, Assembly Bill Number 11197 and substitute it for the identical Senate Bill Number 8351, Third Reading Calendar 1761.

And on page 70, Senator Young moves to discharge, from the Committee on Rules, Assembly Bill Number 3689B and substitute it for the identical Senate Bill Number 8409, Third Reading Calendar 1766.

ACTING PRESIDENT GRIFFO: Substitutions so ordered.

Senator Libous.

SENATOR LIBOUS: Mr. President, I believe at this time we can begin the noncontroversial reading of the calendar please.

Oh, Senator Bonacic, I believe, needs to be called upon.

ACTING PRESIDENT GRIFFO: Thank you, Senator Libous.

On motions, the chair will recognize Senator Bonacic.

SENATOR BONACIC: Thank you, Mr. President.

On behalf of Senator Padavan, on page 30 I offer the following amendments to Calendar Number 827, Senate Print Number 7005, and ask that said bill retain its place on the Third Reading Calendar.

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

SENATOR BONACIC: Thank you.

On behalf of Senator Saland, on page 38, I offer the following amendments to Calendar Number 1031, Senate Print Number 7051, and ask that said bill retain its place on the Third Reading Calendar.

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

SENATOR BONACIC: Thank you, Mr. President.

On behalf of Senator Seward, on page number 50, I offer the following

amendments to Calendar Number 1266, Senate Print Number 2180C, and ask that said bill retain its place on Third Reading Calendar.

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

SENATOR BONACIC: Thank you, Mr. President.

Finally, on page 63, on behalf of Senator Nozzolio, I offer the following amendments to Calendar Number 1505, Senate Print Number 7762, and ask that said bill retain its place on the Third Reading Calendar.

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

SENATOR BONACIC: Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: Senator Libous.

SENATOR LIBOUS: Mr. President, now that we've got all the housekeeping out of

the way, I think we can go to the noncontroversial calendar, please.

ACTING PRESIDENT GRIFFO: The Secretary will read.

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

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 49.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 82, by Senator Young, Senate Print 3714B, an act to amend the Agriculture and Markets Law, in relation to including.

ACTING PRESIDENT GRIFFO: Read the last section.

THE SECRETARY: Section 2. This

act shall take effect immediately.

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 49.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 102, by Senator Alesi, Senate Print 6635, an act to amend the Environmental Conservation Law and the General Business Law, in relation to jewelry containing lead.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 51.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 169, substituted earlier by Member of the Assembly Pheffer, Assembly Print Number 8634D,

an act to amend the General Business Law and the Penal Law, in relation to providing.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 51.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 171, substituted earlier by Member of the Assembly Magee, Assembly Print Number 8657, an act to amend the General Business Law, in relation to dealer agreements.

ACTING PRESIDENT GRIFFO: Read the last section.

THE SECRETARY: Section 7. This act shall take effect on the 90th day.

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 51.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 251, substituted earlier by Member of the Assembly Destito, Assembly Print Number 9719, an act to amend the Civil Service Law, in relation to providing.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 51.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 262, by Senator Larkin, Senate Print 6108A, an act to amend the Real Property Tax Law, in relation to authorizing.

SENATOR DUANE: Lay it aside, please.

ACTING PRESIDENT GRIFFO: Lay it aside.

THE SECRETARY: Calendar Number 375, by Senator Bonacic, Senate Print 5514B, an act to amend the Environmental Conservation Law, in relation to authorizing and directing.

ACTING PRESIDENT GRIFFO: 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 Craig Johnson.

SENATOR CRAIG JOHNSON: Yes, to explain my vote, Mr. President, thank you.

I'm going to be voting in the affirmative, and I want to thank Senator Bonacic.

If you may recall, last year we had a very lengthy debate on this very issue involving counties to be covered and counties that hadn't been covered in a previous draft. We passed it, but I'm happy to see that it's been amended to include the counties of Nassau, Suffolk, Westchester, I believe a

couple of others that weren't included in the original.

If you looked outside today, it's pouring outside. The rains this past weekend down in Long Island were devastating to a lot of homeowners who were facing the flooding.

This is a good bill. We need to do more, obviously, in addressing the flooding, but I congratulate you, Senator Bonacic, for doing this. So I'll be voting in the affirmative.

Thank you very much.

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

Announce the results.

THE SECRETARY: Ayes, 53. Nays, 0.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 383, substituted earlier by Member of the Assembly Towns, Assembly Print Number 8232, an act to amend the Civil Service Law and the Administrative Code of the City of New York.

ACTING PRESIDENT GRIFFO: Read

the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 53.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 387, by Senator Lanza, Senate Print 6926, an act to amend the Retirement and Social Security Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 52. Nays, 1. Senator Duane recorded in the negative.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number

485, by Senator Padavan, Senate Print 5484, an act to amend the General Obligations Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 53.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 491, by Senator Golden, Senate Print 2818A, an act to amend the Real Property Tax Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 53.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 497, by Senator Maziarz, Senate Print 113, an act to amend the Environmental Conservation Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT GRIFFO: Senator Schneiderman.

SENATOR SCHNEIDERMAN: Thank you, Mr. President.

This is Senator Maziarz's bill that authorizes 12-year-old children to hunt bears with bows and arrows. It is a remarkable piece of legislation. And I think that just as we recently dealt with the issue of the danger of children being mauled by big cats, we should also stand up against children being mauled by wounded bears.

I think the odds of a 12-year-old child actually killing a bear with a bow and

arrow -- as opposed to wounding the bear and missing the bear entirely, resulting in an angry bear chasing the child through the woods -- are overwhelming.

And, Senator Maziarz, I urge you, the Institute for Juvenile Weaponry in Washington has examined your bill, and they have a concern that this is [brandishing plastic slingshot], in fact, in other states that have gone down the slope, a weapon that children are authorized to hunt bears with.

Sir, where will this all stop? I urge you, protect our children. We oppose them being mauled by big cats; we should also oppose them being mauled by wounded bears. I vote no and urge everyone to vote no.

And, Senator Maziarz, I've got you in my sights.

(Laughter.)

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

I do want to remind the members that props are not allowed in the chamber.

SENATOR SCHNEIDERMAN: It is a weapon, sir, not a prop.

(Laughter.)

SENATOR LIBOUS: Would the sergeant-at-arms come and --

(Laughter.)

ACTING PRESIDENT GRIFFO: Senator Maziarz.

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

Once again my good friend Senator Schneiderman is dead wrong, no pun intended. But this bill would allow younger people -- or mothers and fathers to get their children away from television sets and computer screens, get them out into the woods learning good American values like hunting, outdoorsmanship, sporting.

Senator Krueger, who every year -- where is she? Oh, there she is, over there -- Senator Krueger every year has debated me on this bill and asked me, I think every year for the last six or seven years, whether there was a study done on the impact that this would have on young people in the State of New York.

Ironically enough, my staff found a study that was done that showed the positive

impact that legislation like this, getting younger people involved in hunting sports, the positive impact that it would have here in our great state. And I did send that study over to Senator Krueger with a personal note.

And I am totally in favor of this bill. And I hope that someday before Senator Schneiderman and I retire or -- well, before we retire, that this will become law in the State of New York. Or Senator Schneiderman gets appointed to some big job by the Governor, but . . .

(Laughter.)

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

Senator Libous.

SENATOR LIBOUS: Thank you. Before we vote on this bill, I just want to -- and I do certainly appreciate Senator Schneiderman's sense of humor and knowing that sometimes it's a jungle in here. But I just want to remind members that props are not allowed on the Senate floor, and it is part of the Senate Rules. Thank you.

ACTING PRESIDENT GRIFFO: Thank

you, Senator Libous.

Senator Serrano, to explain his vote.

SENATOR SERRANO: Thank you, Mr. President.

While I have great affection and respect for Senator Maziarz, and he knows that, I think this bill is sending the wrong message to the youth of our great state.

As a person who enjoys the great outdoors and the natural wonders that New York State has to offer, I think it's more important that we focus on preserving our natural resources rather than learning how to hunt them.

And it really sends a very negative message to someone at the age of 12 to teach them how to kill anything. And I think we should be very, very careful about those types of values and what they will have, the effect they will have over the long haul for the children of our great state.

So I will be voting against this.

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

SENATOR VOLKER: Mr. President, I know that to my colleagues from downstate New York, particularly from New York City, who only can think of hunters and weapons as some sort of criminal act -- you know, I must be very honest with you, it points up something that I've said for a long time. It's a cultural thing.

I don't know of anybody -- I do know of one person who was hit by an arrow. Certainly not by any young people. And you'd be surprised at how many young people we have who want to be part of an American culture which is as old as the hills and would like to use bow and arrows.

I realize that, as we've often said, the problem in the city is that everything is equaled with violence because, unfortunately, that's what the culture is. And that's too bad.

I have to be honest with you, I've had more discussion from parents -- because let's remember that this is with parents. This is not somebody that's going to run out there and shoot arrows and, you know, have

fun. This is part of, in fact, our basic rights as American citizens.

I don't know of any time in my lifetime that hunters have been involved in illegal activity -- except maybe, it is true, for poaching and things of that nature which, generally speaking, the staff from downstate New York has opposed it. The Pataki people didn't like it because they couldn't even understand what jacklighting was all about.

I have to be honest with you, there is absolutely nothing untoward with this bill. And the chances of a young person being chased by a bear or anything else are about one in a million.

The truth is, to give young people responsibility is something that is so important that it would be wise for many people who are not used to hunters and to American culture to understand that this is the kind of training and the kind of teaching that will help young people, not harm them.

So I don't think -- you know, personally I don't think this is any kind of a joke. And I understand your proposal. And I

understand too that the Assembly has some difficulties because they really have trouble understanding what the whole culture is all about.

You show me where any of the legislation we've passed here that enhances young people as far as weapons are concerned, including bow hunting -- I have never seen one real problem that's ever come out of it. Now, maybe, you know, in New York City there could be a problem, although I don't know of anybody that does a lot of bow hunting in New York City.

But I just want to say that I support this bill. I think it's the right thing to do. And I expect that before I leave here, and I hope it will be a few years from now, we'll see this bill passed into law. Because there are other things the City of New York needs more desperately that I'm sure they're going to be coming to us for.

So I vote aye.

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

Senator Stavisky, to explain her

vote.

SENATOR STAVISKY: Thank you, Mr. President.

I hate to disagree with my friend Senator Volker, but I don't think this is cultural issue, a question of upstate/downstate. Because, as we keep repeating, this is one state.

What bothers me is the idea of children bonding with their parents over killing. To me it's the killing aspect, the hurting and maiming of animals that I find troubling.

That is not the way to bond. You bond in many, many ways. But it seems to me that killing an animal, a defenseless animal, is not bonding, it's cruelty. And I vote no.

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

Senator Stachowski, to explain his vote.

SENATOR STACHOWSKI: Yes, Mr. President. I'd like to rise to support this bill.

I think that in upstate you learn

that the hunters care more about the animals than most other people. And although they hunt them, because it seems that animals are there to be hunted -- I mean, that's -- they don't kill animals for no reason. They hunt them, they usually will eat what they hunt, even today. And they're more careful about not only the animals but the forest land and everything else, and they're more conservationists than the average person.

So there's a push I know now being made by DEC and its commissioner, who used to be a Manhattan Assembly guy, to try to get the hunting age lower. The average hunting age now is too high. So lowering the age for hunting -- and it's always when people start hunting, their parents are always with them to start it out, or an adult is with them.

And the reality is that no better lessons on nature could be learned than to get people out hunting, lower the age of hunting, and to get the average age of the average hunter in New York State back down. Because it is an important industry, it's a great recreational activity.

To stand on the floor and call it killing and murder is a little bit troublesome to me. It shows a complete misunderstanding of what hunting is. And, I mean, if you're calling it that way, then I imagine fishing is murdering too, because you catch the fish, you pull him out of the water, and then you cook him and you eat him. So I don't understand why that would be so much different.

But the reality is that to get the hunting age down would be a great positive for the state. And I think this bill is a good idea, and I'm looking forward this to this bill and any ones that the department sends over also, to support those too.

I vote yes.

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

Senator Savino.

SENATOR SAVINO: Thank you, Mr. President.

First let me say I'm going to vote for this bill. And let me say to my colleagues, who predominantly are coming from the city, I understand your concern and I'm

actually sympathetic to it. There are many of us for whom hunting is completely unacceptable under any circumstances, no matter what the age. And for some of us, it is acceptable.

Now, I may be a city girl, as Senator Volker would point out. I was born and raised in Queens, and now, you know, I live in Staten Island. But on the way to Staten Island, I made a sojourn to Orange County, where I bought my first house, and I lived there for two years.

And it was while I was living in Orange County that I realized that hunting season in many parts of the county, the schools were closed on the first day of hunting season.

The hunting season was a special time for men and their sons, particularly -- some daughters, too, but particularly for men and their sons. They looked forward to it. They bought all types of equipment. They bought camping equipment. They went out into the woods and they bonded.

And you know what I found out from most of my neighbors? None of them ever

killed anything. Sometimes they didn't even shoot anything. But it was that whole bonding experience that meant so much.

So perhaps there is a cultural difference. And maybe we don't have that experience down in the streets of Queens or even in Staten Island. But it is an important cultural tradition that should be maintained.

But because it is something that involves the use of weapons, the earlier that young people are trained and licensed and supervised, the better off they will be. They're going to continue to hunt. They're going to want to teach their sons and maybe their daughters. We need to instill in them that they need to be licensed, trained and always take this sport incredibly seriously, because it can be dangerous.

So I'm going to vote for this bill, Senator Maziarz, because even though I'm a city girl, I understand the country.

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

Senator Adams, to explain his vote.

SENATOR ADAMS: I must have drove

the staff crazy, because I changed my vote five times.

You know, but I think that this discussion was a great discussion, because it shows how, although we are one New York and one state, that we have to learn from each other.

And while the issue is an important issue, I'm going to also vote in the affirmative. And I hope that Senator Maziarz invites me up one day to use a bow and arrow, you know.

But we have to learn from each other. And what is important on one block may not be important in another block. And I think it's out of respect of understanding the norms in a particular geographical location of the state that we can open ourselves up to understand what is possible, what is not possible, and how we can learn by just standing in this chamber, because we are representatives of the various norms in the parts of the cities and the parts of the communities that we come from.

So this was a learning experience

for me, and I went from yes to no to yes to no to yes to no and back to yes again. I'm going to vote in support of this bill. And hopefully it will reach the goal that we're looking for, to continue to process of the long, rich culture coming from Alabama, where we used to hunt, the long rich culture of hunting and men and their children bonding with each other throughout the hunting season.

I'm going to vote in the affirmative.

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

Announce the results.

THE SECRETARY: Those recorded in the negative on Calendar Number 497 are Senators Duane, L. Krueger, LaValle, Morahan, Oppenheimer, Padavan, Perkins, Schneiderman, Serrano, Smith and Stavisky.

Ayes, 44. Nays, 11.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 546, by Senator DeFrancisco, Senate Print 2061, an act to amend the Penal Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 55.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 595, by Senator Alesi, Senate Print 4322A, an act to amend the General Municipal Law.

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

Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT GRIFFO: Senator Robach.

SENATOR ROBACH: Yes, just very

quickly.

This is a somewhat ordinary but very important piece of legislation. I want to commend Senator Alesi. This is something we've been working on for a number of years, as straightforward as it is.

This is bill is good because it will not only allow residential areas around Monroe County to have lower speed limits to protect pedestrians, protect kids around schools, anybody walking or riding a bike, but it's also in direct response to our local government colleagues who have called us to do this.

Currently, in order to change the speed limit, you have to go through a long, lengthy process, additional signage, and other things. This in some regards would be a reverse mandate, where we'd be allowing them to not only make certain streets safer in certain neighborhoods at request, but also do it for less money. So it's really a win/win situation.

And I'm glad this day is here; we've talked about it for a long time, but

there's been some frustration because it's taken a lengthy time to get this passed. And I hope, again, on the merits for protecting people and in response to our colleagues in local government, as well as less cost to local government, to make their citizens safer on roads, highways and neighborhoods, we'll get this passed in the other house.

Clearly, for all those meritorious reasons, a good thing to do, and I proudly cast my vote in the affirmative.

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

Senator Alesi.

SENATOR ALESI: Thank you, Mr. President.

This is a bill that had taken some time to bring to the floor of the Senate. As you know, it has required the cooperation and involvement of several localities and home-rule messages. And I'd also like to thank my cosponsors, Senators Maziarz and Nozzolio and Robach, for their continued effort over the last couple of years to help in that coordinated effort.

I think the people that we represent collectively are better served when local government has the opportunity to determine speed limits in certain neighborhoods. It is those towns that give the subdivisions the permits, and they go through the local committee process, planning boards and things of that nature.

The local governments know better what the needs of the communities are under most circumstances, and it has been a tradition of this Senate to honor the wishes of local government when it makes sense. And in this particular case, making our neighborhoods safe, protecting our families and the traveling public in certain areas in those towns does make sense.

And I am very happy to be able to bring this bill to the floor with my cosponsors. And again, I'd like to thank them for their effort and their cooperation as well.

So I urge my colleagues to support the bill and look forward to positive action in the Assembly, because as we all know, those

members of the Assembly that are carrying this bill serve the same constituents and have the same responsibilities to protect them as we do.

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

Announce the results.

THE SECRETARY: Ayes, 61. Nays, 0.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 652, by Senator Trunzo, Senate Print 4690B, an act to amend the Civil Service Law.

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

Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 656, by Senator Montgomery, Senate Print 3153A, an act to amend the Family Court Act and the Social Services Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 680, by Senator Leibell, Senate Print 2382B, an act to amend the Surrogate's Court Procedure Act, in relation to increasing.

ACTING PRESIDENT GRIFFO: Read the last section.

THE SECRETARY: Section 2. This act shall take effect January 1, 2009.

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT GRIFFO: The bill is passed.

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

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 775, by Senator Little, Senate Print --

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

ACTING PRESIDENT GRIFFO: Lay it aside for the day.

THE SECRETARY: Calendar Number 812, by Senator Golden, Senate Print 7227, an act to amend the Executive Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT GRIFFO: Senator Montgomery.

SENATOR MONTGOMERY: Yes, Mr. President, I would like to comment on this legislation.

I understand the intent of this bill is to ensure that any funding realized, any savings realized through various actions of the Office of Children and Family Services be reinvested specifically in alternatives to incarceration, and I'm certainly all in favor of reinvestment into alternatives.

But I don't think that we in the Legislature want to go as far as to micromanage this agency when there are so many -- this is the largest agency in our state. It has jurisdiction over all aspects of children, youth and families and their

lives. There are many decisions, multiple decisions that have to be made at any given moment.

And I don't believe it is appropriate for us to establish, through this kind of legislation, that we specifically direct the agency to make a decision based on our small and narrow vision of what we would like to see happen.

So I support the intent, but I think that it goes much too far in micromanaging the agency, and so I'm going to vote no on this legislation.

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

Announce the results.

THE SECRETARY: Ayes, 59. Nays, 2. Senators Montgomery and Perkins recorded in the negative.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 856, by Senator DeFrancisco, Senate Print 6461A, an act in relation to the supervision, coordination and approval of highway routing

designations.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 865, by Senator O. Johnson, Senate Print 7130A, an act to amend the Retirement and Social Security Law and the Military Law.

SENATOR OWEN JOHNSON: Lay it aside for the day, please.

ACTING PRESIDENT GRIFFO: Lay it aside for the day.

THE SECRETARY: Calendar Number 869, by Senator Winner, Senate Print 6750A, an act to amend Chapter 296 of the Laws of 2007 amending the Environmental Conservation Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 911, by Senator LaValle, Senate Print 6264A, an act to amend the Education Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 915, by Senator C. Kruger, Senate Print 5142A, an act to amend the Family Court Act and the

Social Services Law.

ACTING PRESIDENT GRIFFO: Read the last section.

THE SECRETARY: Section 17. This act shall take effect on the 90th day.

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 916, substituted earlier today by Member of the Assembly Destito, Assembly Print Number 7858E, an act to amend the Social Services Law and the Executive Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT GRIFFO: The

bill is passed.

THE SECRETARY: Calendar Number 924, by Senator Hannon --

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

ACTING PRESIDENT GRIFFO: Lay it aside for the day.

THE SECRETARY: Calendar Number 1017, by Senator Lanza, Senate Print 6811, an act to amend the Vehicle and Traffic Law.

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

The Secretary will read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1032, by Senator Farley, Senate Print 7148B,

an act in relation to special education transportation contracts.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1073, by Senator Larkin, Senate Print 7245, an act to amend the Alcoholic Beverage Control Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT GRIFFO: The

bill is passed.

THE SECRETARY: Calendar Number 1098, by Senator Morahan, Senate Print 8043, an act to amend the Mental Hygiene Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1101, substituted earlier today by Member of the Assembly Zebrowski, Assembly Print Number 10933, an act to amend the Mental Hygiene Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1139, by Senator Bonacic, Senate Print 7273, an act to amend the Executive Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Those recorded in the negative on Calendar Number 1139 are Senators Duane, Hassell-Thompson, and Perkins.

Ayes, 58. Nays, 3.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1156, by Senator Fuschillo, Senate Print 7679A, an act to amend the Environmental Conservation Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT GRIFFO: The bill is passed.

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

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1204, by Senator Saland --

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

ACTING PRESIDENT GRIFFO: Lay it aside for the day.

THE SECRETARY: Calendar Number 1242, by Senator Adams, Senate Print 7344, an act to amend the Civil Service Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1265, by Senator Larkin --

SENATOR MORAHAN: Lay it aside for the day.

ACTING PRESIDENT GRIFFO: Lay it aside for the day.

THE SECRETARY: Calendar Number 1274, by Senator Maltese, Senate Print 6449A, an act to amend the Social Services Law.

ACTING PRESIDENT GRIFFO: Read

the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1280, by Senator Padavan, Senate Print 63A, an act to amend the --

SENATOR DUANE: Lay it aside, please.

ACTING PRESIDENT GRIFFO: Lay it aside.

THE SECRETARY: Calendar Number 1296, by Senator Flanagan, Senate Print 694, an act to amend the Tax Law.

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

Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Those recorded in the negative on Calendar Number 1296 are Senators Duane, L. Krueger and Perkins. Also Senator Montgomery.

Ayes, 57. Nays, 4.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1301, by Senator Maziarz, Senate Print 5706C --

SENATOR LIBOUS: Please lay that bill aside for the day.

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

THE SECRETARY: Calendar Number 1309, substituted earlier today by Member of the Assembly Bacalles, Assembly Print Number 9936, an act to amend the Executive Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1313, substituted earlier today by Member of the Assembly Destito, Assembly Print Number 10563, an act to amend the State Finance Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1316, by Senator Griffo, Senate Print 8144, an act to amend the Parks, Recreation and Historic Preservation Law.

ACTING PRESIDENT GRIFFO: Read

the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1325, by Senator Young, Senate Print 5686A, an act to amend the Agriculture and Markets Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1334, by Senator Morahan, Senate Print 8080, an act to amend the General Business Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1370, by Senator Larkin, Senate Print 230A, an act to amend the Penal Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number

1378, by Senator LaValle, Senate Print 2680, an act to amend the Penal Law.

ACTING PRESIDENT GRIFFO: The Secretary will read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

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

SENATOR LIZ KRUEGER: Thank you, Mr. President.

I will continue to vote against this bill this year, as I have in the past.

Just pointing out a concern to our colleagues that of course while it is all of our goals to prevent a violent sexual offender from ever attacking anyone again, the research shows that a vast majority of sexual offenders in fact are driven by anger and violence as opposed to hormone levels. And so in fact a proposal to mandate medical castration does not leave us with a protection that we might

think we had.

In addition, I'm particularly concerned about the constitutional protections that are violated by mandating chemical treatments of people that may in fact cause other illnesses and yet not protect us, the public, from them.

So for that reason, I will continue to vote against this bill. Thank you, Mr. President.

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

Senator Montgomery, to explain her vote.

SENATOR MONTGOMERY: Yes, Mr. President. I would like to explain my position on this.

I always support the bill, and I think that in fact it's one way that people who have a particular problem with their inability to control this deviant behavior, this excessive drive, this would help them and in fact would help to keep them from molesting people, one.

And, two, it would also help repeat

offenders not to repeat their offenses and thereby having to be incarcerated for most of their lives.

So I'm supporting this. I think it is a humane thing to do. And as always, I compliment Senator LaValle. And I just hope that we can get this bill done in the Assembly because I think we need this as one of the tools to fight against sex offenders.

Thank you. I vote yes.

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

Announce the results.

THE SECRETARY: Those recorded in the negative on Calendar Number 1378 are Senators Connor, Hassell-Thompson, L. Krueger, Perkins and Schneiderman.

Ayes, 56. Nays, 5.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1395, by Senator Skelos, Senate Print 7712A, an act to amend the Criminal Procedure Law.

ACTING PRESIDENT GRIFFO: Read

the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61. Nays, 0.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1399, by Senator Winner, Senate Print 7852A, an act to amend the Penal Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number

1427, by Senator O. Johnson --

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

ACTING PRESIDENT GRIFFO: Lay it aside for the day.

THE SECRETARY: Calendar Number 1429, by Senator Fuschillo, Senate Print 4307B, an act to amend the Education Law.

ACTING PRESIDENT GRIFFO: Read the last section.

THE SECRETARY: Section 9. This act shall take effect on the first of July.

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1431, by Senator Saland, Senate Print 6272A, an act to amend the Education Law.

ACTING PRESIDENT GRIFFO: Read the last section.

THE SECRETARY: Section 3. This act shall take effect September 1.

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1432, by Senator LaValle, Senate Print 7951A, an act to legalize, validate, ratify and confirm.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1437, substituted earlier today by Member of the Assembly Sweeney, Assembly Print Number

10887, an act in relation to authorizing.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1443, by Senator Maziarz, Senate Print 7923, an act to amend the Tax Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number

1446, by Senator Robach, Senate Print 1702, an act to amend the Correction Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1485, by Senator Young, Senate Print 371, an act to amend the General Municipal Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT GRIFFO: The

bill is passed.

THE SECRETARY: Calendar Number 1486, by Senator Marcellino, Senate Print 614, an act to amend the Real Property Tax Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1504, by Senator Farley, Senate Print 7721B, an act to amend the Public Authorities Law.

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

Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1526, by Senator LaValle, Senate Print 5563, an act to amend the Education Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Those recorded in the negative on Calendar Number 1526 are Senators Dilan, Duane, Gonzalez, Montgomery, Perkins, Stachowski and Stavisky. Also Senator Schneiderman.

Ayes, 53. Nays, 8.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1531, by Senator LaValle, Senate Print 7838A, an act to amend the Education Law.

ACTING PRESIDENT GRIFFO: Read

the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1534, by Senator LaValle, Senate Print 8115, an act to amend the Education Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT GRIFFO: The bill is passed.

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

Historic Preservation Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1665, by Senator Morahan, Senate Print 7338A, an act to authorize.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number

1668, by Senator Bonacic, Senate Print 7799A, an act to amend the Real Property Tax Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT GRIFFO: The bill is passed.

The Secretary will read.

THE SECRETARY: Calendar Number 1690, by Senator Lanza, Senate Print 5584A, an act to amend the Penal Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1697, by Senator Rath, Senate Print 7701, an act to amend the Real Property Tax Law.

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

ACTING PRESIDENT GRIFFO: Lay it aside for the day.

THE SECRETARY: Calendar Number 1729, by Senator Leibell, Senate Print 8312, an act in relation to state aid payments.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Lay it aside for the day.

THE SECRETARY: Calendar Number 1734, by Senator LaValle, Senate Print 8433, an act to amend Chapter 376 of the Laws of 1998.

ACTING PRESIDENT GRIFFO: Read the last section.

THE SECRETARY: Section 2. This

act shall take effect immediately.

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1736, by Senator Breslin, Senate Print 713, an act to amend the Penal Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1737, by Senator Golden, Senate Print 2450A, an act to amend the Public Health Law.

ACTING PRESIDENT GRIFFO: Read the last section.

THE SECRETARY: Section 3. This act shall take effect on the same date as Section 24 of Part B of Chapter 58 of the Laws of 2007.

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1739, by Senator Leibell, Senate Print 3806A, an act to amend the Labor Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1740, substituted earlier today by Member of

the Assembly Zebrowski, Assembly Print Number 8953, an act to amend the Domestic Relations Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1741, by Senator Young, Senate Print 4499A, an act to amend the Environmental Conservation Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1742, by Senator Griffo, Senate Print 4620, an act to amend the General Municipal Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1746, by Senator Lanza, Senate Print 6852B, an act to amend the Tax Law.

ACTING PRESIDENT GRIFFO: Read the last section.

THE SECRETARY: Section 5. This act shall take effect on the first of the month next occurring 30 days after this act shall have become a law.

ACTING PRESIDENT GRIFFO: Call

the roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1747, by Senator Lanza, Senate Print 6907A, an act to amend the Executive Law and the Penal Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1750, by Senator Lanza, Senate Print 7354, an act to amend the Public Officers Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1751, by Senator Flanagan, Senate Print 7461, an act to amend the Executive Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1752, substituted earlier today by Member of the Assembly Englebright, Assembly Print Number 10969, an act to amend the Arts and

Cultural Affairs Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1753, by Senator Lanza, Senate Print 7533, an act to amend the Civil Service Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number

1754, substituted earlier today by Member of the Assembly Spano, Assembly Print Number 9673, an act to amend the Penal Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1755, by Senator Trunzo, Senate Print 8275, an act to amend the Retirement and Social Security Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT GRIFFO: The bill is passed.

Could we have some order, please. Thank you.

THE SECRETARY: Calendar Number 1756, by Senator Flanagan, Senate Print 8290, an act to require the Metropolitan Transportation Authority.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1757, by Senator Golden, Senate Print 8332, an act to amend the Vehicle and Traffic Law.

ACTING PRESIDENT GRIFFO: Read the last section.

THE SECRETARY: Section 2. This act shall take effect September 1.

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1758, by Senator Nozzolio, Senate Print 8335, an act to amend the Civil Service Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1760, substituted earlier today by Member of the Assembly Dinowitz, Assembly Print Number 11355, an act to amend Chapter 841 of the Laws of 1987.

ACTING PRESIDENT GRIFFO: Read

the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1761, substituted earlier today by Member of the Assembly Sweeney, Assembly Print Number 11197, an act to amend Chapter 307 of the Laws of 2005 amending the Public Authorities Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number

1762, by Senator Robach, Senate Print 8377, an act to amend the Workers' Compensation Law.

ACTING PRESIDENT GRIFFO: Read the last section.

THE SECRETARY: Section 2. This act shall --

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

ACTING PRESIDENT GRIFFO: Lay it aside for the day.

THE SECRETARY: Calendar Number 1763, by Senator Robach, Senate Print 8378, an act to amend the Workers' Compensation Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1764, by Senator Robach, Senate Print 8400, an

act to amend the Workers' Compensation Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1765, by Senator Lanza, Senate Print 8402, an act to amend the Criminal Procedure Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1766, substituted earlier today by Member of the Assembly Markey, Assembly Print Number --

SENATOR DUANE: Lay it aside, please.

ACTING PRESIDENT GRIFFO: Lay it aside.

THE SECRETARY: Calendar Number 1767, by Senator Maltese, Senate Print 8424, an act to amend the Penal Law and others.

ACTING PRESIDENT GRIFFO: Read the last section.

THE SECRETARY: Section 20. This act shall take effect on the 90th day.

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT GRIFFO: Announce the results.

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

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number

1768, by Senator Seward, Senate Print 8435, an act to amend Chapter 549 of the Laws of 2005 amending the Tax Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT GRIFFO: The bill is passed.

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

SENATOR MORAHAN: Thank you, Mr. President.

Can we now move to the controversial reading of the calendar, or the reading of the controversial calendar.

ACTING PRESIDENT GRIFFO: Senator Morahan, may we take up some motions prior to the controversial reading.

SENATOR MORAHAN: Fine.

ACTING PRESIDENT GRIFFO: We'll

return to the order of motions and resolutions.

I would ask for some order, please. Thank you.

Senator Fuschillo.

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

On behalf of Senator LaValle, I wish to call up Senate Print Number 6949, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: Calendar Number 459, by Senator LaValle, Senate Print 6949, an act to amend the Education Law.

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

ACTING PRESIDENT GRIFFO: Call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

SENATOR FUSCHILLO: I now offer the following amendments.

ACTING PRESIDENT GRIFFO: The amendments are received and accepted.

Senator Fuschillo.

SENATOR FUSCHILLO: Mr. President, on behalf of Senator Larkin, I wish to call up Senate Print Number 1882, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: Calendar Number 286, by Senator Larkin, Senate Print 1882, an act to amend the Racing, Pari-Mutuel Wagering and Breeding Law.

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

ACTING PRESIDENT GRIFFO: Call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

SENATOR FUSCHILLO: I now offer the following amendments.

ACTING PRESIDENT GRIFFO: The amendments are received and accepted.

SENATOR FUSCHILLO: Thank you.

ACTING PRESIDENT GRIFFO: Thank you, Senator Fuschillo.

We will now go to the controversial reading of the calendar.

Senator Morahan.

SENATOR MORAHAN: That's my request.

ACTING PRESIDENT GRIFFO: At the request of Senator Morahan, we will now go to the controversial reading of the calendar, and the Secretary will ring the bell.

THE SECRETARY: Calendar Number 262, by Senator Larkin, Senate Print 6108A, an act to amend the Real Property Tax Law.

SENATOR DUANE: Explanation, please.

ACTING PRESIDENT GRIFFO: Explanation requested, Senator Larkin.

SENATOR LARKIN: Who asked for it?

ACTING PRESIDENT GRIFFO: Senator Duane.

SENATOR LARKIN: Oh, my brother Thomas.

Tom, this is a bill that we passed

the last couple of years. This is a bill that's sponsored in about 25 or 27 states. It just gives the local government the option to collect delinquent tax liens by the bulk sale of liens to a private entity.

Orange County and Ulster County have asked for this time and time again. It is very important. You can find some units that have this --

ACTING PRESIDENT GRIFFO: Excuse me, Senator Larkin.

Could we please have order so the Senator may be heard.

Senator Larkin.

SENATOR LARKIN: Just recently, we approved the City of Schenectady, City of Amsterdam, Gloversville and Utica to do the same thing, and they were done unanimous.

Why should our county that I represent be denied this opportunity when there are over $5 million to $7 million in this package that would go back to the municipalities? And you know and everybody else knows that dollars are short. These dollars could do some things that are

important for the constituents.

And I hope you had a nice day yesterday.

ACTING PRESIDENT GRIFFO: Senator Montgomery.

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

I appreciate the explanation that Senator Larkin has given. On the bill --

ACTING PRESIDENT GRIFFO: Senator Montgomery, do you wish to speak on the bill or ask a question?

SENATOR MONTGOMERY: I'll speak on the bill, Mr. President.

ACTING PRESIDENT GRIFFO: Senator Montgomery, on the bill.

SENATOR MONTGOMERY: Yes. This is exactly the program that was voted on by the New York City Council, I guess maybe about ten years ago. And after that bill passed, prior to that, the properties that the city owned through the tax lien process were available to citizens in the city who were able to bid on and in many cases acquire those properties.

After a bill very, very exactly similar to this passed the City Council, the city began packaging the liens and selling them to private parties outside of the state, primarily, and it started a wholesale loss of property to people in the City of New York, especially in districts like mine in Brooklyn, where there were essentially thousands of pieces of property that went into this tax lien pool.

And even though they could retrieve their property, the owners of the property, under certain conditions, under certain circumstances, they were not basically able to do that within the specified time. The cost went up five and six times what the original tax lien amount was, based on the requirements of the third-party tax lien owners. And subsequently, consequently, properties were lost.

I'm opposed to this process because basically those outfits, those entities that are going to be in a position to purchase these packages of tax liens are not people who are interested in the development of any

community, and very often it leads to wholesale loss of property and people who don't have the interest of communities to come back and develop properties.

We lose the opportunities to develop affordable housing, to have not-for-profit organizations take properties and develop it into affordable living residences for the people who live in those communities.

I've seen the negative effect of this, and my warning to my colleagues is that this is a trap, and take New York City as an example. We can go through any of our blocks and find the negative consequences of what I consider to be certainly a very ill-advised move on the part of New York City.

So if other municipalities want an example of how awful this can be in the name of raising funds, just look at New York City.

Mr. President, I vote no.

ACTING PRESIDENT GRIFFO: Senator Larkin.

SENATOR LARKIN: I just want to remind Senator Montgomery that this bill, the

difference from the last year was one thing we put in here after the debate last year which Senator Duane brought up, why don't we have a public hearing before there's a contract signed. And as Senator Duane pointed out so clearly, it was very important. And we put that.

So what you're saying about all the destruction -- but this is your City of New York.

Senator Farley, who's diligently working over here, will tell you how important it was to his municipalities. The mayor of Schenectady came here and begged us to pass it for him. Am I correct, Senator?

SENATOR FARLEY: That's correct.

SENATOR LARKIN: So what we're saying, we've done everything to protect. But, you know, those are duly elected officials in the City of New York.

Senator Duane said somebody should be looking over their head and there should be a public hearing. We put it in there, Senator. Senator Montgomery, it's there. But if you can't trust the councilmen that you

represented, maybe you ought to go and speak to the Speaker in the city.

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

Senator Stachowski.

SENATOR STACHOWSKI: Mr. President, just on the issue, and it's the same message I had last year.

I worked on the house flipping task force in Buffalo. In Buffalo, this program was a complete disaster. Not through Buffalo's fault; it just turns out that they had too many properties yearly on their in-rem sale, so that all these properties that were purchased on lien by the private company sat there for two, three, four years with nothing being done to them and became blights on the neighborhoods that they were in.

They have recently worked out a deal with the city to take these properties back from them.

However, the same warning. I'll tell you that it doesn't matter whether you have a public hearing or not, you've got to make sure that your local government does

their due diligence on how their in-rem sale goes every year, on whether they're going to have houses standing there.

Fortunately, these worked in a lot of the other areas, and in most parts of New York City it worked also. Obviously now I know it didn't work in Brooklyn. But I know in Buffalo it was a disaster.

I was aware that it worked in Schenectady before they expanded on it. I was aware that it finally worked in Syracuse. But I just, again, tell you that it did not work in Buffalo. And that's just through the circumstance of the way the in-rem sales work in Buffalo and how many properties were abandoned.

So that's the only warning I have for everybody. It's something I would be remiss if I didn't stand up and say it. But if it works, good. And if it doesn't, well, good luck with the properties you have sitting there for three, four, five years.

I vote yes.

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

Senator Farley.

SENATOR FARLEY: Yeah, just to Senator Stachowski, I understand your concern and so forth.

But let me just say how successful this was for Schenectady, which had the worst credit rating in New York State. And the mayor, giving him due credit -- he once ran against me. Worked for this house, as you well know -- came up and asked for this. And they had so many properties that were delinquent, they weren't collecting and so forth.

That, along with some other things, turned it around. Moody's has raised their credit rating. The city has really come back financially, and this was just one of the keys to the puzzle.

So it can work in some places, and it certainly has worked here and worked in Gloversville and a few other cities that I've had.

ACTING PRESIDENT GRIFFO: 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: We have two more bills that were laid aside. If the members would choose to remain in the chamber, that would help expedite the proceedings.

Announce the results.

THE SECRETARY: Those recorded in the negative on Calendar Number 262 are Senators Adams, Gonzalez and Montgomery.

Absent from voting: Senators C. Kruger, Little and Parker.

Ayes, 56. Nays, 3.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1280, by Senator Padavan, Senate Print 63A, an act to amend the General Municipal Law.

SENATOR DUANE: Explanation, please.

ACTING PRESIDENT GRIFFO: An explanation has been called for.

Again, I ask for order so that the Senator may be heard.

Senator Padavan.

SENATOR PADAVAN: Thank you, Mr. President.

This kept was developed largely by the hard work of Assemblywoman Barbara Clark, who recognized that in the City of New York there was indeed a lack of resources to adequately fund athletic programs in our high schools.

And she came up with a concept that I think makes a great deal of sense to authorize the City of New York, by the City Council, to impose a 3 percent surcharge on the tickets to professional sporting events in the city, for those funds to be used by our high schools in the city to expand and adequately provide for their recreational and sports activities.

ACTING PRESIDENT GRIFFO: Thank you, Senator Padavan.

Senator Duane.

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

ACTING PRESIDENT GRIFFO: Senator Duane, on the bill.

SENATOR DUANE: Well-intentioned though this legislation may be, I have some concerns about it which will lead me to vote in the negative.

I think the first and most overarching issue is that our tax levy dollars should actually go towards the purchase of athletic equipment and uniforms and to make sure that there's space available for all those who want to participate in sports and other athletic activities in our schools. We should just be doing that.

I recall a battle that I had with what was then called the Board of Education where small specialized schools were not being provided with play space for their athletic activities. And the policy of the Department of Education was that all of the students in the bigger schools had space, but they had a policy that the students in the smaller schools didn't have the space.

So they said, Well, we don't have the money for the students in the smaller schools. So I said, Well, but if they were in bigger schools before you had these smaller schools, you'd have space for them. So why don't you have space for them now? I mean, isn't that what our tax levy dollars are supposed to be used for?

So we should just be doing that. If we think that sports and extracurricular athletic activities are important, which they are, I think they are, then we should be funding them appropriately.

I think to place the burden -- you know, there is a tremendous amount of public benefit being given to our largest sports teams, but this would be a tax which would be equally shared by those that sat in the bleachers, which are the only affordable seats for the big stadiums, et cetera.

Also, you know, the Staten Island Yankees are -- frankly, they're not doing too well. And the Cyclones are doing okay; they could be doing better. But to tax those seats more I think will negatively impact the

ability of those teams to fill those seats and those stadiums. And in fact, many people can only afford to go to those because the major league stadium sites are just way too expensive and will be even more expensive after they're completed in large part thanks to the public largesse.

So for the smaller facilities -- where families can actually afford to go and watch the teams -- to have to pay a surcharge I think is just not right.

And though Lady Liberty also does pretty well, another example of why would we be charging -- you know, the women's basketball league does okay, but it certainly doesn't do as well as the male major league teams, and yet there would be a surcharge there as well.

So if we are determined and if we think it's a good goal to provide athletic equipment and venues for students, then we should just fund it. It should be -- we should make the choice to spend money to make sure that they have adequate equipment and decent places to play, but we shouldn't do it

at the expense of making it more difficult for people to watch and families to watch some of our less-advantaged sports teams in stadiums.

So as I say, well-intentioned though this is, because I would like to see athletic venues and equipment funded for sports teams in our schools, I think that we just have to hone this down a little bit better. If we're going to tax something -- although, as I say, I'm not really sure that that's the way to go. Either we just fund it or we should find a way that's not going to hurt people who can barely afford to see athletic events anyway.

So I'll be voting in the negative on this, Mr. President.

And also, I'm not even sure -- I don't know whether the City of New York has even asked for this. I mean, maybe they did, but I'm not sure that they have in the Department of Education. But in the scheme of all the funding requests that they've made and the taxation requests they've made to us, I'm not sure where this is in the priority. I'd kind of like to hear that from them as well.

So I'll be voting in the negative, Mr. President.

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

Senator Connor.

SENATOR CONNOR: Thank you, Mr. President.

You know, this just points out something that I'd like my colleagues who aren't from the city to focus on. And I'm going to vote for the bill. But I agree with Senator Duane, it's a shame we have to do something like this. We shouldn't have to.

The Department of Education, in my mind, I don't know what they're doing. We passed a record amount of school aid -- for all of our schools, but for New York City -- last year, and we increased it this year as part of the CFE settlement.

Now, prior to that, my son was in public school, and he was captain of the golf team. Parents had to pay a tuition for that, toward supporting the team. He was on the football team, and I was told that the Department of Education was giving them

something like $3,000 as a budget to run a football program. Which in that high school, by the way, was the old football team, continuous, in America in a high school.

How did they have a football team? You know, that's anywhere from 70 to 90 to a hundred boys that need equipment, need to go to camp to get in shape, need buses to take them to games. Well, there was a tuition. In public school, there was a tuition. Each parent had to write a couple-of-hundred-dollar check.

Now, I'm sure no one was turned away from the program. I'm sure any parents who couldn't afford it, it was just done discreetly: Okay, you can play football. But the other parents were paying for it. In a public school. My colleagues upstate, is that happens with your football teams?

By the way, couldn't afford to have a marching band. Or, you know, the cheerleaders had to buy their own uniforms. That's what, in a school that's large enough to be able to field teams -- because as Senator Duane pointed out, these small schools

don't get the benefit of any of those extracurriculars. But that's what life is like there.

They're not funded by the Department of Education. I don't know what they're doing with all this extra money. We voted for more money this year, and the Department of Education is cutting budgets in schools. Why is that? Why do I have parents say to me, Why are there budget cuts in my schools, when we gave them more money than they ever got before? It's going on right now.

I fault the mayor for this. He's in charge of the schools, and it's going on right now. They got more money from the state, and they're cutting budgets. And the schools in my district are hopelessly overcrowded. Not by accident, by policy. By policy.

This mayor brought about the rezoning of downtown Brooklyn. He brought about -- after 9/11 he made the statement, he and Deputy Mayor Doctoroff: "The future of lower Manhattan is residential." And I

remember testifying at a hearing right after 9/11 about rebuilding and saying, "If you're going to make it residential, you need schools, schools, schools, libraries and playing fields." And the playing fields we were able to accept are now woefully inadequate.

There are two new schools online now down there that will add 1200 seats. Projections are by the time they're online, we'll need twice as many again.

I happened to be in Lower Manhattan on Saturday. I've never seen so many strollers and baby carriages, frankly. The mayor bragged at a recent event the highest birth rate in America is in TriBeCa.

And they have a wonderful public school there that real estate people encourage people move in here, move in here because you have the best public school, one of the best in Manhattan. What they don't tell them, it's at 160 percent capacity. There's no more room there.

What is the Department of Education doing? What has this mayor done? We're sick

of all the overcrowded schools. We're sick of budget cuts when we put more money in. And we are sick of athletic programs that parents have to pay for if they're fortunate enough to be able to do so. Why, why isn't the Department of Education taking care of our children in New York City?

Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: Senator Padavan.

SENATOR PADAVAN: Thank you, Mr. President. Just a couple of points. Just a couple of points.

First, there's nothing in the bill nor in the authorization that we give to the City Council that would require the New York Yankees or the Mets or any of the other larger teams mandating they pass this 3 percent across. They could absorb it if they choose to.

And frankly, as you pointed out, I think, or someone did, the amount of benefit we have been giving these big sports teams in the City of New York, building stadiums, in all kinds of ways, all kinds of incentives, it

seems to me that they could be motivated to absorb that 3 percent so it would not impact on the families or taking their kids to see a ballgame.

The other point, one of the points you made I think is answered in Article 7, which is on the last page of the bill, where it talks about how the monies are to be utilized. And it's very specific. It talks about sporting goods equipment, uniforms, transportation to outside facilities or games, expenses and fees for interschool and intermural sports competitions, negotiated rental items or fees for nonschool athletic facilities.

As you pointed out, a lot of schools just don't have the fields, so they have to go somewhere else, and frequently there are costs associated with that. And these monies could be used to offset that expense.

Many of you -- I'm sure I do, all of you probably do -- get requests from the teams and the various schools in your district to buy an ad in their journal or to buy a

ticket to their fundraiser, and all that money is being used by them to enhance their program. And we try to do our best, but it's certainly not enough.

Studies have been coming out lately at great frequency about problems of obesity in our young children, health problems, serious ones, because they're not involved in more athletic activity. They're not getting out from behind the computer or in front of the TV screen and getting out on the ballfield and exercising.

There's also been developed a direct correlation between that fact and the propensity of young people to get involved in alcohol, drugs, and other addictions. In other words, the more they are involved in athletics, the less likely they are to get involved in these other destructive forms of behavior.

So there are a lot of pluses here. But I want to reemphasize we are authorizing the City Council of the City of New York, along with the mayor, to do this. And obviously we provide a lot of latitude and

ways for them to implement this proposal.

Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: Thank you, Senator Padavan.

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 on the 30th day.

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

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

SENATOR ADAMS: I just want to explain my vote.

I'm going to vote in the affirmative. I agree with my colleagues on the importance of having athletic programs.

And I think we have to continue to raise the question, as Senator Connor raised, of why are we seeing millions of dollars poured into those consultants, millions of

dollars going to no-bid contracts. The only thing that seems to be going up are those no-bid contracts and those consultants in the Department of Education -- yet we see a decrease in after-school programs, a decrease in our sports funding, a decrease in those special programs for our youth to prevent them from participating in violence.

So I think it's imperative that we ask those questions and protect the funding that goes to our athletic programs, that they don't find themselves, the funding, off the athletic fields and into the pockets of consultants and independent no-bid contracts.

I'm going to vote in the affirmative because it's important to continue the support and the financial support of these sports programs.

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

Senator Hassell-Thompson, to explain her vote.

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

While I agree with Senator Connor

that we work very hard to put an adequate amount of funding into our educational programs, it is very clear that our schools continue to lose the ability to support the athletic programs that are very important to our children.

We have talked in these chambers about obesity, and I appreciate the fact that I hear Senator Padavan now talking about obesity and not just eating disorders. Our children belong to the era of technology, and yet they do not have the kind of physical achievement unless they play basketball, unless they play a sport that they think is going to take them to stardom.

Every child needs to have activities, even those who are not good at sports. And so that our schools continue to lack the playground area, the equipment necessary to ensure that every child has some physical education.

This is not perhaps the best way that we should be doing this, but at least it's one creative way that we need to address this issue. And I would hope that as we begin

next year that we will talk about across the board reforms that really look at the things that are lacking in our schools, as well as our music and culture, so that we have a better-balanced idea of what we're funding for every schoolchild in the State of New York.

Thank you, Mr. President. I will be voting in favor of the bill.

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

Announce the results.

THE SECRETARY: Those recorded in the negative on Calendar Number 1280 are Senators Bonacic, DeFrancisco, Duane, Fuschillo, Griffo, Hannon, C. Johnson, LaValle, Libous, Little, Marcellino, Maziarz, Morahan, Robach, Saland, Savino, Skelos, Stachowski, Thompson, Winner and Young. Also Senator Valesky.

Absent from voting: Senator Parker.

Ayes, 39. Nays, 22.

ACTING PRESIDENT GRIFFO: The bill is passed.

The Secretary will read.

THE SECRETARY: Calendar Number 1766, substituted earlier today by Member of the Assembly Markey, Assembly Print Number 3689B, an act to amend the Agriculture and Markets Law.

ACTING PRESIDENT GRIFFO: Senator Krueger.

SENATOR LIZ KRUEGER: Mr. President, I have an amendment at the desk. I'd like to waive reading and speak on my amendment.

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

SENATOR LIZ KRUEGER: Thank you, Mr. President.

Colleagues, the bill that I am amending would create a task force to study the problem of downed animals. I don't think we need any more study. Research has been done around the world. A significant number of other states, including California, Colorado, Florida, Illinois, Kansas, Oregon, Washington State, and a number of localities

around the country have already passed legislation that mirrors my legislation, today in amendment to the bill --

ACTING PRESIDENT GRIFFO: Excuse me, Senator Krueger.

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

Thank you, Senator Krueger.

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

So my bill, which today is an amendment to Senator Young's bill, would in fact create a no-downed-animal ordinance right here in New York State.

A few months ago the City of New York's public school system pulled hamburger out of our school meals program because of reports from around the country for specific companies having used downed animals in the food chain, creating dangerous and at-risk meat.

What is a downed animal? A downed animal is an animal too sick to walk to the slaughterhouse.

Research has shown that downed

animals are afflicted with a myriad of ailments besides mad cow disease. The U.S. Department of Agriculture has records obtained through the Freedom of Information Act showing explicitly that the consumption of meat from downed animals -- cattle, sheep and swine -- can be afflicted with hepatitis, gangrene, pneumonia, malignant lymphomas and other ailments. Downed animals are also more likely to harbor bacterial contamination than walking animals.

This is a fundamental public health issue. An animal too sick to walk to the slaughterhouse, animals that have been recorded as being dragged in chains and shocked electrically to push them to the slaughterhouse, in fact are sick. We should not be eating them. Our children should not be eating them.

McDonald's, Burger King, Wendy's have already voluntarily excluded downed animal meat from their systems because of their recognition that this is not the quality of meat that should be served to human beings.

A recent Zogby poll showed that

four out of five Americans are opposed to the use of downed animals in the human food supply.

Even the largest livestock operation in New York State, the Empire Livestock Marketing Company, has written a letter -- and they have 60 percent of the market share in our region -- arguing that they do not use downed animal meat for human consumption and they don't think anyone should.

We're past the time for study. We should outlaw downed animal meat for human consumption in the State of New York. The federal government has bills that have just missed passing several times. We can't wait for them any longer. We need to follow the pattern of other states who have moved forward to protect their citizens.

I urge my colleagues to vote with me today on this amendment.

Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: Thank you, Senator Krueger.

Senator Young.

SENATOR YOUNG: Would Senator Krueger yield for a question.

ACTING PRESIDENT GRIFFO: Senator Krueger, would you yield for a question?

SENATOR LIZ KRUEGER: Certainly.

ACTING PRESIDENT GRIFFO: Senator Young.

SENATOR YOUNG: Thank you, Senator Krueger.

Mr. President, we've established this before, but I just wanted an update. Senator Krueger has told me in the past that the only time she's spent on a farm was in a kibbutz in Israel. Maybe she's gone upstate since then, I don't know, and she's spent time on farms upstate.

But I guess my question is, Senator Krueger, what makes you qualified to make ag policy when you've never set foot on a farm in upstate New York?

ACTING PRESIDENT GRIFFO: Senator Krueger.

SENATOR LIZ KRUEGER: Thank you.

Well, I've certainly set foot in upstate New York. And I think since our last

debate I've even visited several farms in upstate New York.

But I'm not sure the argument is one of geography. It is one of health and science. The science is there showing that downed animals in fact have a greater rate of illness that in fact can be transferred to human beings. The U.S. Department of Agriculture, our national agency in charge of food inspection, has documented this data through various reports.

Other states have carried forward with this legislation. Our federal government, in the House and the Senate, have just missed passing a similar bill. Any number of other states have already passed the bill.

And of course we also know that several other countries around the world won't accept our imports of meat because of their concerns about the quality of the health of the meat that we are not only consuming ourselves but making available for export.

So I'm not sure that my geographic location of my home or my travels is really

the relevant question. The science is there, and I'll stand by the science.

ACTING PRESIDENT GRIFFO: Senator Young.

SENATOR YOUNG: Thank you. On the amendment.

ACTING PRESIDENT GRIFFO: Senator Young, on the amendment.

SENATOR YOUNG: You know, actually there already are federal and state regulations that do not allow a downed animal to be introduced into the food supply. That's very clear.

What is clear, though, also is that Senator Krueger's amendment doesn't have anything to do with whether they can enter the food supply. It actually has to do with the treatment of a downed animal once they're down.

So, for example, it prohibits the movement of a downed animal -- and by that it could be a cow that breaks a leg or hurts its foot -- until a veterinarian comes and checks the animal out.

That's the reason why I asked

Senator Krueger about her exposure to agricultural practices in upstate New York, because oftentimes what we face in upstate New York is the fact that we do not have enough large animal veterinarians.

And what that means is that this amendment actually could have quite the opposite effect of its intention. Because if you have to wait for a veterinarian to show up on the scene before you moved a downed animal, you could cause that animal to suffer needlessly for hours and perhaps even days.

So that part of the amendment really doesn't make a lot of sense. It also talks about undue delay, but it's not clearly defined.

And also, if you don't actually treat a downed animal -- and I have to say that a lot of our farmers are jacks-of-all-trades. What that means is they wear many hats. They're able to treat these animals until the vet gets there. But if you have to wait for the vet, it's going to cause a lot of distress, not only for that animal but also a lot of distress for the other

animals.

For example -- and again, practical application -- if a cow breaks its leg right in front of a milking parlor and the farmer can't do anything to move or treat the animal or to anything until a vet gets there, then you have all the other cows that are in distress because they can't be milked, for example.

So this creates a lot of problems. And I don't think that that's Senator Krueger's intent. I think that she wants humane treatment of animals. I believe everyone in this chamber wants that same goal. But this amendment really does not cover it.

You know, the other problem with it is that it prohibits any kind of movement of the animal except by a sled. Well, sometimes in upstate New York there's topography that prohibits that.

I live in the Southern Tier, in Western New York. We have mountains, we have woods, we have everything that we have to deal with.

And I believe that the farmer

should have the latitude to be able to care for the animal to how he or she thinks is best that fits the situation. To try to legislate that is the wrong direction, and that's why I think everyone should oppose this amendment.

Thank you.

ACTING PRESIDENT GRIFFO: Senator Krueger.

SENATOR LIZ KRUEGER: Thank you. On my amendment, Mr. President.

ACTING PRESIDENT GRIFFO: Senator Krueger, on her amendment.

SENATOR LIZ KRUEGER: I appreciate the dialogue on my amendment. And I just wanted to clarify that my bill doesn't require a veterinarian. It does require that there is humane treatment of the animal even if a veterinarian is not available, that we should not have undue delay.

I agree with Senator Young that you should not cause harm or further harm or trauma to the ill animal or any animals around it. And again, my bill lays out specifically a number of options for the moving of an animal, so it does not require specifically

one type of product.

But again, what I think is the primary purpose of the legislation -- and I would certainly be happy to discuss it with the Senator after session -- is to make sure that sick meat is not going into our supply.

And my reason for amending her bill today is I don't think we need a task force to study the question any longer, I think the State of New York needs to move. Because in fact the USDA hasn't mandated these requirements on our food supply; that's why we still have federal legislation pending, S.394 in the U.S. Senate and House 661 in the U.S. House of Representatives, in fact titled the "Downed Animal and Food Safety Protection Act."

So we can agree to disagree on the handling of an animal that is too ill to go to the slaughterhouse to become food for consumption. I think the important priority here today for us is to make sure sick meat is not going into the food supply.

Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: Thank

you, Senator Krueger.

On the amendment, those Senators in favor please signify by raising your hands.

THE SECRETARY: Those recorded in agreement are Senators Adams, Breslin, Connor, Dilan, Duane, Gonzalez, Hassell-Thompson, Huntley, Klein, L. Krueger, Montgomery, Onorato, Oppenheimer, Perkins, Sabini, Sampson, Savino, Schneiderman, Serrano, Smith, Stachowski, Stavisky, Stewart-Cousins and Thompson.

ACTING PRESIDENT GRIFFO: The amendment is not agreed to.

Is there any other Senator wishing to be heard on the bill?

Senator Young.

SENATOR YOUNG: Yes, Mr. President, on the bill in chief.

I want to thank my colleagues for supporting this because it does take additional steps to ensure a safe food supply. But at the same time, this task force will study how to treat downed animals. Because you can come up with policies, but unless you have a task force that looks at how things

would work literally out in the field -- how practical they are, what solutions can we come to -- that's the way to go, rather than legislate something from Albany that doesn't work on the farm.

I do want to also point out that the Farm Bureau opposed Senator Krueger's amendment, but they strongly support this particular bill. They are the leading voice of agriculture, one of the leading voices of agriculture in New York State. I believe that we should listen to them, we should listen to the farmers. And I would urge everyone to support this legislation.

Thank you.

ACTING PRESIDENT GRIFFO: Thank you, Senator Young.

Any other Senator wishing to be heard?

Then 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 GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: In relation to Calendar Number 1766: Ayes, 61. Nays, 0.

Senator Parker absent from voting.

ACTING PRESIDENT GRIFFO: The bill is passed.

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

SENATOR MORAHAN: Thank you, Mr. President.

Could we return to motions and resolutions, please.

ACTING PRESIDENT GRIFFO: On motions and resolutions.

SENATOR MORAHAN: Mr. President, in the meantime, there's going to be an immediate meeting of the Rules Committee in the Majority Conference Room.

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

We will continue with motions and

resolutions.

Senator Fuschillo.

SENATOR FUSCHILLO: Thank you, Mr. President.

Amendments are offered to the follow Third Reading Calendar bills:

Sponsored by Senator Morahan, page number 38, Calendar Number 1010, Senate Print Number 8058A;

By Senator Morahan, page number 42, Calendar Number 1143, Senate Print Number 4939;

By Senator Owen Johnson, page number 59, Calendar Number 1427, Senate Print Number 7653B;

By Senator Morahan, page number 59, Calendar Number 1433, Senate Print Number 8051;

By Senator Fuschillo, page number 64, Calendar Number 1522, Senate Print Number 1312A.

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

ACTING PRESIDENT GRIFFO: Thank you, Senator Fuschillo. The amendments are

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

Senator Fuschillo.

SENATOR FUSCHILLO: Mr. President, on behalf of Senator Seward, I wish to call up Senate Print Number 8435, which is at the desk.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: Calendar Number 1768, by Senator Seward, Senate Print 8435, an act to amend Chapter 549 of the Laws of 2005.

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

ACTING PRESIDENT GRIFFO: Call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT GRIFFO: The bill is restored to third reading.

The Senate stands at ease pending the return of the Rules Committee.

(Whereupon, the Senate stood at ease at 5:29 p.m.)

(Whereupon, the Senate reconvened at 5:45 p.m.)

ACTING PRESIDENT GRIFFO: The Senate will come to order.

Senator Morahan.

SENATOR MORAHAN: Thank you, Mr. President. Can we return to the reports of standing committees for the report of the Rules Committee.

Is there a Rules report at the desk?

ACTING PRESIDENT GRIFFO: The Rules report is at the desk.

The Secretary will read.

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

Senate Print 178B, by Senator Alesi, an act to amend the Education Law;

206, by Senator Golden, an act to amend the State Finance Law;

1084A, by Senator Saland, an act to amend the Environmental Conservation Law and

others;

1628A, by Senator Maziarz, an act to amend the Labor Law;

1955A, by Senator Leibell, an act to amend the Public Health Law;

2177B, by Senator Lanza, an act to amend the Tax Law;

2645B, by Senator Seward, an act to amend the Insurance Law;

4333B, by Senator Young, an act to amend the Agriculture and Markets Law;

4489, by Senator Skelos, an act to authorize;

4637C, by Senator Rath, an act to amend the Environmental Conservation Law;

5034, by Senator Fuschillo, an act to amend the Education Law;

5091B, by Senator DeFrancisco, an act to amend the Domestic Relations Law and others;

5308A, by Senator Marcellino, an act to amend the Education Law;

5525A, by Senator Thompson, an act relating to certain bonds issued;

6878, by Senator Stewart-Cousins,

an act to amend the Local Finance Law;

6882, by Senator Volker, an act to amend the Environmental Conservation Law;

7045A, by Senator Flanagan, an act to authorize;

7128A, by Senator C. Kruger, an act to authorize;

7180, by Senator Robach, an act to amend the State Finance Law;

7335, by Senator Larkin, an act to authorize;

7943, by Senator Flanagan, an act to amend the Public Officers Law;

8023, by Senator Winner, an act to amend the Public Lands Law;

8111A, by Senator LaValle, an act to amend the Town Law;

8306, by Senator Farley, an act to authorize;

8388, by Senator Saland, an act to amend the Town Law;

8399, by Senator Golden, an act to amend the Penal Law;

8425, by Senator Alesi, an act to amend Chapter 831 of the Laws of 1981.

And Senate Print 8522, by Senator Bruno, an act to amend the Education Law.

All bills ordered direct to third reading.

ACTING PRESIDENT GRIFFO: Senator Morahan.

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

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

(Response of "Aye.")

ACTING PRESIDENT GRIFFO: Opposed, nay.

(No response.)

ACTING PRESIDENT GRIFFO: The Rules Committee report is accepted.

Senator Morahan.

SENATOR MORAHAN: Mr. President, could we now have the noncontroversial reading of Supplemental Calendar 59A.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: Calendar Number

1769, by Senator Alesi, Senate Print 178B, an act to amend the Education Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1770, by Senator Golden, Senate Print 206, an act to amend the State Finance Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1771, by Senator Saland, Senate Print 1084A, an act to amend the Environmental Conservation Law and others.

ACTING PRESIDENT GRIFFO: Read the last section.

THE SECRETARY: Section 8. This act shall take effect on the 180th day.

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT GRIFFO: Senator Schneiderman.

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

I have joined many of my colleagues in voting against this bill in the past, and I will do so again today.

This legislation provides an extremely vague provision that can exempt large areas of the state from the requirement that we test well water. And as we know, because of the dumping of toxic materials over many, many decades in parts of the State of New York, whether it's oil or fiberglass or

other substances, it's possible to have, in an area of the state where the water is relatively pristine, a small microenvironment where the wells are in fact poisoned.

This bill provides an exemption that is not done in other states that have had a tradition of industrial development since the 1800s, as New York has. And I think it is just unacceptably dangerous. There is a public health hazard involved in removing the requirement that we test well water.

And I think it's important to take note that the Assembly has got a much more comprehensive bill that has a more coherent way of choosing and documenting what water needs to be tested and doesn't need to be tested, and that's sponsored by Assemblymember Jaffee.

This bill, which is another one of our oldies but goodies, it just provides that the Department of Environmental Conservation may, pursuant to a finding that there's not a health threat, exclude or limit the testing. It doesn't tell us what that is, doesn't tell us what that means.

This is not an acceptable way to reduce our protection of the public health of the citizens of the State of New York. I urge everyone to vote no, and I urge the sponsor to take a look at the Assembly bill.

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

Announce the results.

THE SECRETARY: Those recorded in the negative on Calendar Number 1771 are Senators Adams, Breslin, Diaz, Dilan, Duane, Hassell-Thompson, Huntley, L. Krueger, Little, Oppenheimer, Perkins, Sabini, Savino, Schneiderman, Serrano, Smith, Stachowski, and Stewart-Cousins. Also Senator Stavisky. Also Senator Onorato. Also Senator Montgomery.

Ayes, 41. Nays, 21.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1772, by Senator Maziarz, Senate Print 1628A, an act to amend the Labor Law.

ACTING PRESIDENT GRIFFO: Read the last section.

THE SECRETARY: Section 2. This

act shall take effect on the 90th day.

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1773, Senator Leibell moves to discharge, from the Committee on Health, Assembly Bill Number 538A and substitute it for the identical Senate Bill Number 1955A, Third Reading Calendar 1773.

ACTING PRESIDENT GRIFFO: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1773, by Member of the Assembly Paulin, Assembly Print Number 538A, an act to amend the Public Health Law.

ACTING PRESIDENT GRIFFO: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the 15th of August.

ACTING PRESIDENT GRIFFO: Call

the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1774, by Senator Lanza, Senate Print 2177B, an act to amend the Tax Law.

ACTING PRESIDENT GRIFFO: Read the last section.

THE SECRETARY: Section 7. This act shall take effect April 1, 2009.

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59. Nays, 3. Senators Duane, L. Krueger and Perkins recorded in the negative.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1776, by Senator Young, Senate Print 4333B, an act to amend the Agriculture and Markets Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1777, by Senator Skelos, Senate Print 4489, an act to authorize.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59. Nays, 3. Senators Bonacic, Larkin and Rath recorded in the negative.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1778, by Senator Rath, Senate Print 4637C, an

act to amend the Environmental Conservation Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT GRIFFO: Senator Rath.

SENATOR RATH: To explain my vote, Mr. President.

This bill is named the Bruce S. Kershner Old-Growth Forest Preservation and Protection Act. I bring this to the attention of the members because Bruce Kershner was a Western New Yorker who was an ardent supporter of old-growth forests.

In a time when most people believed there were no more old-growth forests in New York State, he worked tirelessly to find those remnants of forest in New York State, and indeed there are hundreds of acres in various pockets across the state. These areas have

never been logged since the arrival of the first Europeans. Several hundred of those acres are right here in the Albany/Capital District area.

Tragically, Mr. Kershner passed away a year ago. This bill was under consideration at the time. He was very enthusiastic. It's been supported by the Sierra Club, the Conservation Conservancy.

And the purpose of the old-growth forest is that they are the building blocks for restoring natural forest structures and maintaining ecological diversity.

This session, this may go down as one of the most unusual bills and one we can be proudest of, that we have preserved old-growth forests in New York State. Thank you for supporting it.

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

Senator Stachowski, to explain his vote.

SENATOR STACHOWSKI: Yes, Mr. President, I'd like to rise in support of this bill also.

In fact, Senator Rath actually had a very interesting presentation set up out in the Woodlawn Beach area this past spring, I think it was, and I went over and got the whole presentation on old-growth forests and thought it was a great idea.

And I'm glad that we're doing this bill, and we hope that this becomes law, because this is a great bill, as Senator Rath said. And it's a very important bill in that we protect our old-growth forests.

I vote yes.

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

Announce the results.

THE SECRETARY: Ayes, 62. Nays, 0.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1779, by Senator Fuschillo, Senate Print --

SENATOR MORAHAN: Lay it aside for the day.

ACTING PRESIDENT GRIFFO: Lay it aside for the day.

THE SECRETARY: Calendar Number 1780, by Senator DeFrancisco, Senate Print 5091B, an act to amend the Domestic Relations Law and others.

ACTING PRESIDENT GRIFFO: Read the last section.

THE SECRETARY: Section 21. This act shall take effect immediately.

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1781, by Senator Marcellino, Senate Print 5308A, an act to amend the Education Law.

ACTING PRESIDENT GRIFFO: Read the last section.

THE SECRETARY: Section 2. This act shall take effect January 1, 2009.

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1782, Senator Thompson moves to discharge, from the Committee on Rules, Assembly Bill Number 7817A and substitute it for the identical Senate Bill Number 5525A, Third Reading Calendar 1782.

ACTING PRESIDENT GRIFFO: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1782, by Member of the Assembly Peoples, Assembly Print Number 7817A, an act relating to certain bonds.

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

Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT GRIFFO: The

bill is passed.

THE SECRETARY: In relation to Calendar Number 1783, Senator Stewart-Cousins moves to discharge, from the Committee on Local Government, Assembly Bill Number 9887 and substitute it for the identical Senate Bill Number 6878, Third Reading Calendar Number 1783.

ACTING PRESIDENT GRIFFO: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1783, by Member of the Assembly Pretlow, Assembly Print Number 9887, an act to amend the Local Finance Law.

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

Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT GRIFFO: The

bill is passed.

THE SECRETARY: In relation to Calendar Number 1784, Senator Volker moves to discharge, from the Committee on Environmental Conservation, Assembly Bill Number 734 and substitute it for the identical Senate Bill Number 6882, Third Reading Calendar 1784.

ACTING PRESIDENT GRIFFO: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1784, by Member of the Assembly DelMonte, Assembly Print Number 734, an act to amend the Environmental Conservation Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number

1785, by Senator Flanagan, Senate Print 7045A, an act to authorize.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Those recorded in the negative on Calendar Number 1785 are Senators Bonacic, Larkin and Rath.

Ayes, 59. Nays, 3.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1786, Senator C. Kruger moves to discharge, from the Committee on Rules, Assembly Print Number 10089A and substitute it for the identical Senate Bill Number 7128A, Third Reading Calendar 1786.

ACTING PRESIDENT GRIFFO: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number

1786, by Member of the Assembly Weinstein, Assembly Print Number 10089A, an act to authorize.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Those recorded in the negative on Calendar Number 1786 are Senators Bonacic, Larkin and Rath.

Ayes, 59. Nays, 3.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1787, by Senator Robach Senate Print 7180, an act to amend the State Finance Law.

ACTING PRESIDENT GRIFFO: Can we have order, please.

Read the last section.

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

ACTING PRESIDENT GRIFFO: Call

the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1788, by Senator Larkin, Senate Print 7335, an act to authorize the County of Orange.

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

Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1789, Senator Flanagan moves to discharge, from the Committee on Investigations and Government Operations, Assembly Bill Number 3403 and substitute it for the identical Senate Bill Number 7943,

Third Reading Calendar 1789.

ACTING PRESIDENT GRIFFO: Substitution ordered.

And the Secretary will read.

THE SECRETARY: Calendar Number 1789, by Member of the Assembly Diaz, Assembly Print Number 3403, an act to amend the Public Officers Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1790, by Senator Winner, Senate Print 8023, an act to amend the Public Lands Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1791, by Senator LaValle, Senate Print 8111A, an act to amend the Town Law.

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

Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1792, by Senator Farley, Senate Print 8306, an act to authorize the City of Schenectady in the County of Schenectady.

ACTING PRESIDENT GRIFFO: There

is a home-rule message at the desk.

The Secretary will read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1793, by Senator Saland, Senate Print 8388, an act to amend the Town Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number

1795, by Senator Golden, Senate Print 8399, an act to amend the Penal Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

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

SENATOR LIZ KRUEGER: Thank you, Mr. President.

So I read the bill, and I have to say, well, I think I understand the point of the sponsor that we want to pay extra-careful attention for protecting senior citizens over the age of 65 from being taken advantage of or robbed of their property.

But as I read the bill, that regardless of the nature or value of the property, if the person doing the stealing is ten years or more younger than the 65-year-old, then it's an increased crime.

So as I understand the bill, if I'm

85 and I rob a 95-year-old, then I have a greater penalty than if I'm 54 and rob a 64-year-old. And I just don't think we want to go down this road in criminal justice in New York.

So I'll be voting no. Thank you.

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

Announce the results.

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

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1796, by Senator Alesi, Senate Print 8425, an act to amend Chapter 831 of the Laws of 1981.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1797, by Senator Bruno, Senate Print 8522, an act to amend the Education Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

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

SENATOR LIZ KRUEGER: Thank you, Mr. President.

We debated this bill, or a variation on it, last year. And again, as I understand this bill, it's sort of the grandmother or grandfather of all unfunded mandates. The locality would be allowed to stop paying their -- collecting their taxes at the local level, send the bill to the state without an explanation of where we would come up with the money, that is estimated over a

five-year period to be over $11 billion.

These are the kinds of bills we should deal with in the context of the budget, not as freestanding bills. And again, how in a tough fiscal time are we going to deal with such an enormous unfunded mandate? I don't understand how we could vote for this today.

I'll vote no. Thank you, Mr. President.

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

Announce the results.

THE SECRETARY: Those recorded in the negative on Calendar Number 1797 are Senators Hassell-Thompson, L. Krueger and Sabini.

Ayes, 59. Nays, 3.

ACTING PRESIDENT GRIFFO: The bill is passed.

Senator Morahan, that completes the noncontroversial reading of Calendar 59A.

SENATOR MORAHAN: Thank you, Mr. President.

Could we now have an immediate meeting of the Rules Committee in the Majority

Conference Room.

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

SENATOR MORAHAN: And the Senate will stand at ease in the meantime.

ACTING PRESIDENT GRIFFO: The Senate stands at ease.

(Whereupon, the Senate stood at ease at 6:10 p.m.)

(Whereupon, the Senate reconvened at 6:26 p.m.)

ACTING PRESIDENT GRIFFO: The Senate will come to order.

Senator Morahan.

SENATOR MORAHAN: Thank you, Mr. President.

Could we now return to reports of standing committees.

ACTING PRESIDENT GRIFFO: We will return to reports of standing committees.

SENATOR MORAHAN: I understand there's a Rules report at the desk.

ACTING PRESIDENT GRIFFO: The

Secretary will read the report of the Rules Committee.

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

Senate Print 6201A, by Senator Duane, an act to amend the Domestic Relations Law;

7246B, by Senator Larkin, an act to amend the Agriculture and Markets Law;

7346, by Senator LaValle, an act to amend the Town Law;

7358A, by Senator Farley, an act to amend the Banking Law;

7490A, by Senator Winner, an act to amend the Education Law;

7520A, by Senator Trunzo, an act to amend the Retirement and Social Security Law;

7611, by Senator Young, an act to amend the Agriculture and Markets Law;

7683, by Senator Alesi, an act to amend the Public Health Law;

7695, by Senator Volker, an act to amend the Penal Law;

7737, by Senator Maziarz, an act to

amend the Labor Law;

7739, by Senator Skelos, an act to amend Chapter 318 of the Laws of 2004;

7754A, by Senator Hannon, an act to amend the Public Health Law;

7761, by Senator Farley, an act to amend the Banking Law;

7769, by Senator Skelos, an act to amend the Civil Practice Law and Rules;

7814, by Senator DeFrancisco, an act to amend the Real Property Tax Law;

7837, by Senator LaValle, an act to establish;

7851, by Senator Winner, an act to amend the Alcoholic Beverage Control Law;

7854A, by Senator Young, an act to amend the Agriculture and Markets Law;

7873, by Senator Leibell, an act to amend the Agriculture and Markets Law;

7904, by Senator Flanagan, an act to amend the Penal Law;

7915A, by Senator Little, an act to amend the Real Property Actions and Proceedings Law;

7928, by Senator Rath, an act

authorizing;

7975, by Senator Maziarz, an act to amend the Agriculture and Markets Law;

8076, by Senator Morahan, an act to establish;

8156A, by Senator Padavan, an act to amend Chapter 130 of the Laws of 1998;

8255A, by Senator Marcellino, an act to amend the Environmental Conservation Law;

8267, by Senator Bruno, an act in relation to creating;

8271, by Senator Perkins, an act authorizing;

8281, by Senator Maltese, an act to amend the Arts and Cultural Affairs Law;

8331, by Senator Bonacic, an act to amend Chapter 172 of the Laws of 2002;

And Senate Print 8549, by Senator Larkin, an act to amend the Racing, Pari-Mutuel Wagering and Breeding Law.

All bills ordered direct to third reading.

ACTING PRESIDENT GRIFFO: Senator Morahan.

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

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

(Response of "Aye.")

ACTING PRESIDENT GRIFFO: Opposed, nay.

(No response.)

ACTING PRESIDENT GRIFFO: The report is accepted.

Senator Morahan.

SENATOR MORAHAN: Can we return to motions and resolutions and would you recognize Senator Nozzolio, please.

ACTING PRESIDENT GRIFFO: Motions and resolutions.

Senator Nozzolio.

SENATOR NOZZOLIO: Thank you, Mr. President.

I wish to call up Assembly Print Number 734, which is at the desk.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: Calendar Number 1784, by Member of the Assembly DelMonte, Assembly Print Number 734, an act to amend the Environmental Conservation Law.

SENATOR NOZZOLIO: Mr. President, I now move to reconsider the vote by which the bill was passed and ask that said bill be restored to the order of Third Reading Calendar.

ACTING PRESIDENT GRIFFO: Call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT GRIFFO: The bill is restored to third reading.

Senator Nozzolio.

SENATOR NOZZOLIO: Mr. President, on behalf of Senator Skelos, on Supplemental Number 2, page 2, I offer the following amendments to Calendar Number 1812, Senate Print Number 7769, and ask that said bill retain its place on Third Reading Calendar.

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

Reading Calendar.

Thank you, Senator Nozzolio.

Senator Morahan.

SENATOR MORAHAN: Yes, Mr. President. Can we return to the prior supplemental active list, to Calendar 1442, and take that up, noncontroversial reading.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: In relation to Calendar Number 1442, Senator Little moves to discharge, from the Committee on Commerce and Economic Development, Assembly Bill Number 10944 and substitute it for the identical Senate Bill Number 7910, Third Reading Calendar 1442.

ACTING PRESIDENT GRIFFO: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1442, by Member of the Assembly Destito, Assembly Print Number 10944, an act to amend the Executive Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1635, by Senator Nozzolio, Senate Print 7844A, an act in relation to authorizing the Town of Webster.

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

Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT GRIFFO: The bill is passed.

Senator Morahan.

SENATOR MORAHAN: Yes,

Mr. President. Can we now have the noncontroversial reading of the Supplemental Calendar 59B.

ACTING PRESIDENT GRIFFO: The Secretary will conduct the noncontroversial reading of Supplemental Calendar 59B.

THE SECRETARY: Calendar Number 1798, by Senator Duane, Senate Print 6201A, an act to amend the Domestic Relations Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1799, by Senator Larkin, Senate Print 7246B, an act to amend the Agriculture and Markets Law and the Alcoholic Beverage Control Law.

ACTING PRESIDENT GRIFFO: Read the last section.

THE SECRETARY: Section 7. This act shall take effect on the first of January.

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1800, by Senator LaValle, Senate Print 7346, an act to amend the Town Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1801, by Senator Farley, Senate Print 7358A, an act to amend the Banking Law.

ACTING PRESIDENT GRIFFO: Read

the last section.

THE SECRETARY: Section 20. This act shall take effect immediately.

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1802, by Senator Winner, Senate Print 7490A, an act to amend the Education Law.

SENATOR WINNER: Lay it aside for the day.

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

THE SECRETARY: Calendar Number 1803, by Senator Trunzo, Senate Print 7520A, an act to amend the Retirement and Social Security Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call

the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1805, by Senator Young, Senate Print 7611, an act to amend the Agriculture and Markets Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1806, Senator Alesi moves to discharge, from the Committee on Rules, Assembly Bill Number 10764 and substitute it for the identical Senate Bill Number 7683, Third Reading Calendar 1806.

ACTING PRESIDENT GRIFFO:

Substitution so ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1806, by Member of the Assembly Morelle, Assembly Print Number 10764, an act to amend the Public Health Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1807, Senator Volker moves to discharge, from the Committee on Rules, Assembly Bill Number 10765 and substitute it for the identical Senate Bill Number 7695, Third Reading Calendar 1807.

ACTING PRESIDENT GRIFFO: Substitution so ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1807, by Member of the Assembly Rosenthal, Assembly Print Number 10765, an act to amend the Penal Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1808, by Senator Maziarz, Senate Print 7737, an act to amend the Labor Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1809, Senator Skelos moves to discharge, from the Committee on Rules --

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

ACTING PRESIDENT GRIFFO: Can we accept the substitution first, Senator?

SENATOR SKELOS: Yes.

ACTING PRESIDENT GRIFFO: The Secretary will read the substitution.

THE SECRETARY: In relation to Calendar Number 1809, Senator Skelos moves to discharge, from the Committee on Rules, Assembly Bill Number 10981 and substitute it for the identical Senate Bill Number 7739, Third Reading Calendar 1809.

ACTING PRESIDENT GRIFFO: Substitution so ordered.

The bill is laid aside for the day.

THE SECRETARY: Calendar Number 1810, by Senator Hannon, Senate Print 7754A, an act to amend the Public Health Law.

ACTING PRESIDENT GRIFFO: Read

the last section.

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

ACTING PRESIDENT GRIFFO: Call cull call.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1811, by Senator Farley, Senate Print Number 7761, an act to amend the Banking Law and the Insurance Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1813, by Senator DeFrancisco, Senate Print

7814, an act to amend the Real Property Tax Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1814, by Senator LaValle, Senate Print 7837, an act to establish the Suffolk School of Math, Science and Engineering.

ACTING PRESIDENT GRIFFO: Read the last section.

THE SECRETARY: Section 12. This act shall take effect immediately.

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT GRIFFO: The

bill is passed.

THE SECRETARY: Calendar Number 1815, by Senator Winner, Senate Print 7851, an act to amend the Alcoholic Beverage Control Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1816, Senator Young moves to discharge, from the Committee on Agriculture, Assembly Bill Number 10021A and substitute it for the identical Senate Bill Number 7854A, Third Reading Calendar 1816.

ACTING PRESIDENT GRIFFO: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number

1816, by Member of the Assembly Magee, Assembly Print Number 10021A, an act to amend the Agriculture and Markets Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1817, by Senator Leibell, Senate Print 7873, an act to amend the Agriculture and Markets Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1818, by Senator Flanagan, Senate Print 7904, an act to amend the Penal Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1819, by Senator Little --

SENATOR MORAHAN: Lay it aside for the day.

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

THE SECRETARY: Calendar Number 1820, by Senator Rath, Senate Print 7928, an act authorizing the waiver of penalties and interest.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1821, by Senator Maziarz, Senate Print 7975, an act to amend the Agriculture and Markets Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number

1822, by Senator Morahan --

SENATOR MORAHAN: Lay it aside for the day.

ACTING PRESIDENT GRIFFO: Lay it aside for the day.

THE SECRETARY: In relation to Calendar Number 1823, Senator Padavan moves to discharge, from the Committee on Rules, Assembly Bill Number 11240 and substitute it for the identical Senate Bill Number 8156A, Third Reading Calendar 1823.

ACTING PRESIDENT GRIFFO: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1823, by Member of the Assembly Farrell, Assembly Print Number 11240, an act to amend Chapter 130 of the Laws of 1998.

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

Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1825, Senator Bruno moves to discharge, from the Committee on Rules, Assembly Bill Number 11189 and substitute it for the identical Senate Bill Number 8267, Third Reading Calendar 1825.

ACTING PRESIDENT GRIFFO: Substitution so ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1825, by Member of the Assembly Canestrari, Assembly Print Number 11189, an act in relation to creating a public library district in the City of Troy, County of Rensselaer.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1826, by Senator Perkins, Senate Print 8271, an act authorizing the City of New York to reconvey its interest.

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

Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1827, by Senator Maltese, Senate Print 8281, an act to amend the Arts and Cultural Affairs Law.

ACTING PRESIDENT GRIFFO: Read the last section.

THE SECRETARY: Section 3. This

act shall take effect immediately.

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1828, Senator Bonacic moves to discharge, from the Committee on Rules --

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

ACTING PRESIDENT GRIFFO: We'll complete the substitution first, Senator.

The Secretary will continue.

THE SECRETARY: In relation to Calendar Number 1828, Senator Bonacic moves to discharge, from the Committee on Rules, Assembly Bill Number 11440 and substitute it for the identical Senate Bill Number 8331, Third Reading Calendar 1828.

ACTING PRESIDENT GRIFFO: Substitution so ordered.

The bill is laid aside for the day.

SENATOR MORAHAN: Mr. President,

can we take up 1822, which was laid aside for the day a moment ago.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: Calendar Number 1822, by Senator Morahan, Senate Print 8076, an act to establish the Hudson School of Math, Science and Engineering.

ACTING PRESIDENT GRIFFO: Read the last section.

THE SECRETARY: Section 12. This act shall take effect immediately.

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1847, by Senator Larkin, Senate Print 8549, an act to amend the Racing, Pari-Mutuel Wagering and Breeding Law.

ACTING PRESIDENT GRIFFO: Senator Morahan.

SENATOR MORAHAN: Is there a

message of necessity at the desk, Mr. President?

ACTING PRESIDENT GRIFFO: Yes, there is, Senator Morahan.

SENATOR MORAHAN: Motion to accept the message.

ACTING PRESIDENT GRIFFO: All in favor of accepting the message of necessity from the Governor indicate by saying aye.

(Response of "Aye.")

ACTING PRESIDENT GRIFFO: Opposed, nay.

(No response.)

ACTING PRESIDENT GRIFFO: The message is accepted.

Read the last section.

THE SECRETARY: Section 32. This act shall take effect immediately.

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT GRIFFO: The bill is passed.

Senator Morahan, that completes the

noncontroversial reading of the calendar.

SENATOR MORAHAN: Thank you, Mr. President.

There will be an immediate meeting of the Rules Committee in the Majority Conference Room. And we'll stand at ease for the moment.

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

The Senate stands at ease.

(Whereupon, the Senate stood at ease at 6:48 p.m.)

ACTING PRESIDENT GRIFFO: Senator Morahan.

SENATOR MORAHAN: Yes, Mr. President, I've just been advised that we will not be taking up this Rules calendar when it comes out on report. So those members who wish to go about some other business may feel free to do so.

(Whereupon, the Senate reconvened at 7:00 p.m.)

ACTING PRESIDENT MAZIARZ: The

Senate will come to order.

Senator Morahan.

SENATOR MORAHAN: Yes, Mr. President. Can we return to reports of standing committees. I understand that there's a report from the Rules Committee at the desk.

ACTING PRESIDENT MAZIARZ: The Secretary will read.

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

Senate Print 6711, by Senator Stachowski, an act to authorize;

8017A, by Senator Lanza, an act to amend the Vehicle and Traffic Law;

8018, by Senator Lanza, an act to amend the Vehicle and Traffic Law;

8019, by Senator Lanza, an act to establish;

8020A, by Senator Lanza, an act enacting;

8224, by Senator Huntley, an act to amend the Vehicle and Traffic Law;

8349, by Senator Flanagan, an act

to amend Chapter 492 of the Laws of 1993;

8357, by Senator Seward, an act to amend the Insurance Law;

8382A, by Senator Skelos, an act relating;

8389A, by Senator Morahan, an act to amend Chapter 24 of the Laws of 2007;

8426, by Senator Padavan, an act to amend the Real Property Tax Law;

8430, by Senator Winner, an act to amend the Agriculture and Markets Law;

8437, by Senator Flanagan, an act to amend the General Municipal Law;

8442, by the Senate Committee on Rules, an act to amend the Real Property Tax Law;

8447, by Senator Nozzolio, an act to amend the Monroe County Tax Act;

8454, by Senator Larkin, an act to authorize;

8455, by Senator Fuschillo, an act to amend the Real Property Tax Law;

8456, by Senator Golden, an act relating to requiring;

8457, by Senator Maltese, an act to

amend the Elder Law;

8459, by Senator Padavan, an act to amend the Public Authorities Law;

8464, by Senator Farley, an act in relation to requiring;

8466, by Senator Seward, an act to amend Chapter 673 of the Laws of 2005;

8472, by Senator Leibell, an act to amend the Public Officers Law;

8481, by Senator Maziarz, an act to amend the Public Service Law;

And Senate Print 8483, by Senator Larkin, an act to amend the Criminal Procedure Law.

All bills ordered direct to third reading.

ACTING PRESIDENT MAZIARZ: Senator Morahan.

SENATOR MORAHAN: Yes, can we have a motion to accept the report of the Rules Committee.

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

(Response of "Aye.")

ACTING PRESIDENT MAZIARZ:

Opposed, nay.

(No response.)

ACTING PRESIDENT MAZIARZ: The ayes have it; the report is accepted.

Senator Morahan.

SENATOR MORAHAN: Thank you, Mr. President.

Can we stand at ease for a few minutes, Mr. President.

ACTING PRESIDENT MAZIARZ: The Senate will stand at ease.

Senator Morahan.

SENATOR MORAHAN: Thank you, Mr. President. Can we return to motions.

ACTING PRESIDENT MAZIARZ: Motions and resolutions.

Senator Morahan.

SENATOR MORAHAN: Mr. President, I wish to call up Senator Farley's bill, Senate Print 7761, which is at the desk.

ACTING PRESIDENT MAZIARZ: The Secretary will read.

THE SECRETARY: Calendar Number 1811, by Senator Farley, Senate Print 7761, an

act to amend the Banking Law and the Insurance Law.

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

ACTING PRESIDENT MAZIARZ: Call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT MAZIARZ: The bill is restored.

The Secretary will read the substitution on Calendar Number 1811.

THE SECRETARY: In relation to Calendar Number 1811, Senator Farley moves to discharge, from the Committee on Rules, Assembly Bill Number 11236 and substitute it for the identical Senate Bill Number 7761, Third Reading Calendar 1811.

ACTING PRESIDENT MAZIARZ: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1811, by Member of the Assembly Jeffries,

Assembly Print Number 11236, an act to amend the Banking Law and the Insurance Law.

ACTING PRESIDENT MAZIARZ: Read the last section.

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

ACTING PRESIDENT MAZIARZ: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT MAZIARZ: The bill is passed.

Senator Morahan.

SENATOR MORAHAN: Mr. President, can we stand at ease for a few minutes.

I believe we may have another meeting of the Rules Committee in the Majority Conference Room in a few minutes.

ACTING PRESIDENT MAZIARZ: There will be a meeting of the Rules Committee in the Majority Conference Room, Room 332, in two minutes.

The Senate stands at ease.

(Whereupon, the Senate stood at ease at 7:06 p.m.)

(Whereupon, the Senate reconvened at 7:17 p.m.)

ACTING PRESIDENT MAZIARZ: The Senate will come to order.

Senator Morahan.

SENATOR MORAHAN: Yes, Mr. President. Can we return to reports of standing committees.

I understand there's a report from the Rules Committee at the desk.

ACTING PRESIDENT MAZIARZ: Reports of standing committees.

The Secretary will read.

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

Senate Print 3592A, by Senator Alesi, an act to amend the Economic Development Law;

3619A, by Senator Leibell, an act to amend the Volunteer Firefighters Benefit Law;

3888, by Senator Lanza, an act to amend the Public Authorities Law;

4155, by Senator LaValle, an act to

amend the Education Law;

4467, by Senator Morahan, an act to amend the New York State Urban Development Corporation Act;

4490, by Senator Skelos, an act to authorize;

5052A, by Senator Saland, an act to amend the Executive Law;

5129, by Senator DeFrancisco, an act to amend the Mental Hygiene Law;

5357A, by Senator Larkin, an act to amend the Agriculture and Markets Law;

5621, by Senator Farley, an act to amend the Banking Law;

5687B, by Senator Fuschillo, an act to amend the Civil Service Law;

5694, by Senator Morahan, an act in relation to state aid;

5830A, by Senator Flanagan, an act to amend the Education Law;

6040A, by Senator Saland, an act to amend the Education Law;

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

6251, by Senator Flanagan, an act

to amend the Vehicle and Traffic Law;

6298A, by Senator Golden, an act to amend the Executive Law;

6721A, by Senator Skelos, an act in relation to enacting;

6762B, by Senator Lanza, an act to amend the Criminal Procedure Law;

6835B, by Senator Seward, an act to establish;

7036, by Senator Adams, an act to amend the Penal Law;

7049, by Senator Libous, an act to amend the County Law;

7135, by Senator Alesi, an act to amend the Economic Development Law;

7232, by Senator Winner, an act to amend the Public Health Law;

7260A, by Senator Young, an act to authorize;

7282B, by Senator Farley, an act to amend Chapter 505 of the Laws of 2006;

7690, by Senator Seward, an act relating to increasing;

7691, by Senator Seward, an act relating to increasing availability;

7807A, by Senator Hannon, an act to amend the Public Authorities Law;

7816A, by Senator DeFrancisco, an act to amend the Real Property Tax Law;

7966A, by Senator Leibell, an act to amend the Local Finance Law;

8108, by Senator LaValle, an act to amend the Real Property Tax Law;

8137, by Senator Robach, an act authorizing;

8169A, by Senator Young, an act to amend the Environmental Conservation Law;

8236, by Senator Valesky, an act to authorize;

8245, by Senator Maziarz, an act to amend Chapter 433 of the Laws of 1997;

8294A, by Senator Bonacic, an act to amend the Insurance Law;

8443, by Senator Griffo, an act to amend Chapter 92 of the Laws of 2001;

8446, by the Senate Committee on Rules, an act to amend the Insurance Law;

And Senate Print 8473, by Senator Leibell, an act to amend the Patriot Plan.

All bills ordered direct to third

reading.

ACTING PRESIDENT MAZIARZ: Senator Morahan.

SENATOR MORAHAN: Yes, can I move that we accept the report of the Rules Committee, sir.

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

(Response of "Aye.")

ACTING PRESIDENT MAZIARZ: Opposed, nay.

(No response.)

ACTING PRESIDENT MAZIARZ: The Rules Committee report is accepted.

Senator Morahan.

SENATOR MORAHAN: Is there any other further business at the desk, Mr. President?

ACTING PRESIDENT MAZIARZ: There is no further business, Senator.

SENATOR MORAHAN: Then I move that we adjourn till Tuesday, June 17th, at 11:00 a.m.

ACTING PRESIDENT MAZIARZ: On

motion, the Senate stands adjourned until Tuesday, June 17th, at 11:00 a.m.

(Whereupon, at 7:22 p.m., the Senate adjourned.)