NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

June 19, 2008

11:09 a.m.

REGULAR SESSION

SENATOR GEORGE H. WINNER, JR., Acting President

STEVEN M. BOGGESS, Secretary

P R O C E E D I N G S

ACTING PRESIDENT WINNER: The Senate will come to order.

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

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

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

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

ACTING PRESIDENT WINNER: Reading of the Journal.

THE SECRETARY: In Senate, Wednesday, June 18, the Senate met pursuant to adjournment. The Journal of Tuesday, June 17, was read and approved. On motion, Senate adjourned.

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

Presentation of petitions.

Messages from the Assembly.

Messages from the Governor.

Reports of standing committees.

Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

Senator Skelos.

SENATOR SKELOS: If we could adopt the Resolution Calendar, with the exception of Resolutions 6663, 6664, and 6713.

ACTING PRESIDENT WINNER: All in favor of adopting the Resolution Calendar, with the exception of Resolutions 6663, 6664, and 6713, signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT WINNER: Opposed, nay.

(No response.)

ACTING PRESIDENT WINNER: The Resolution Calendar is adopted.

Senator Skelos.

SENATOR SKELOS: Mr. President, if we could take up Resolution 6713, by Senator Bruno, have the title read, and move for its immediate adoption.

ACTING PRESIDENT WINNER: The Secretary will read.

THE SECRETARY: By Senator Bruno, Concurrent Resolution Number 6713, establishing a plan setting forth an itemized list for grantees for certain appropriations for the 2008-2009 state fiscal year under the Edward Byrne Memorial Grant Program and for grants that prevent domestic violence or aid victims of domestic violence, as required by Subdivision 5 of Section 24 of the State Finance Law.

ACTING PRESIDENT WINNER: Call the roll on the resolution.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 40.

ACTING PRESIDENT WINNER: The resolution is adopted.

SENATOR SKELOS: Mr. President, I believe there are motions at this time.

ACTING PRESIDENT WINNER: Senator Fuschillo.

SENATOR FUSCHILLO: Thank you, Mr. President.

On behalf of Senator DeFrancisco, I

wish to call Senate Print Number 2879A, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT WINNER: The Secretary will read.

THE SECRETARY: Calendar Number 682, by Senator DeFrancisco, Senate Print 2879A, an act to amend the Estates, Powers and Trusts Law and others.

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

ACTING PRESIDENT WINNER: Call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 40.

SENATOR FUSCHILLO: I now offer the following amendments.

ACTING PRESIDENT WINNER: The amendments are received.

SENATOR FUSCHILLO: Thank you, Mr. President.

On behalf of Senator Morahan, I wish to call up Senate Print Number 4006, recalled from the Assembly, which is now at

the desk.

ACTING PRESIDENT WINNER: The Secretary will read.

THE SECRETARY: Calendar Number 557, by Senator Morahan, Senate Print 4006, an act to amend the Mental Hygiene Law.

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

ACTING PRESIDENT WINNER: Call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 40.

SENATOR FUSCHILLO: I now offer the following amendments.

ACTING PRESIDENT WINNER: The amendments are received and adopted.

SENATOR FUSCHILLO: On behalf of Senator Larkin, I wish to call up Senate Print Number 1047A, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT WINNER: The Secretary will read.

THE SECRETARY: Calendar Number 285, by Senator Larkin, Senate Print 1047A, 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 WINNER: Call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 40.

SENATOR FUSCHILLO: I now offer the following amendments.

ACTING PRESIDENT WINNER: The amendments are received and adopted.

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

Sponsored by Senator Larkin, page number 42, Calendar Number 1263, Senate Print Number 7866;

By Senator Volker, page number 39, Calendar Number 1208, Senate Print Number 7964C;

By Senator Winner, page number 46, Calendar Number 1356, Senate Print Number 8022;

By Senator Morahan, page number 34, Calendar Number 1094, Senate Print Number 7408;

And by Senator Larkin, page number 33, Calendar Number 1071, Senate Print Number 7177.

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

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

Thank you, Senator Fuschillo.

SENATOR FUSCHILLO: Thank you.

ACTING PRESIDENT WINNER: Senator Skelos.

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

ACTING PRESIDENT WINNER: The Secretary will read.

THE SECRETARY: On page 4, Senator Leibell moves to discharge, from the Committee on Veterans, Homeland Security and Military Affairs, Assembly Bill Number 5156A

and substitute it for the identical Senate Bill Number 5650, Third Reading Calendar 24.

On page 9, Senator Morahan moves to discharge, from the Committee on Social Services, Children and Families, Assembly Bill Number 2019A and substitute it for the identical Senate Bill Number 2899, Third Reading Calendar 236.

On page 38, Senator Maltese moves to discharge, from the Committee on Rules, Assembly Bill Number 10306 and substitute it for the identical Senate Bill Number 7389, Third Reading Calendar 1179.

On page 40, Senator Rath moves to discharge, from the Committee on Rules, Assembly Bill Number 9317B and substitute it for the identical Senate Bill Number 2324B, Third Reading Calendar 1227.

On page 41, Senator Robach moves to discharge, from the Committee on Rules, Assembly Bill Number 10850 and substitute it for the identical Senate Bill Number 8209, Third Reading Calendar 1248.

On page 56, Senator Montgomery moves to discharge, from the Committee on

Rules, Assembly Bill Number 8849A and substitute it for the identical Senate Bill Number 8508, Third Reading Calendar 1950.

And on page 60, Senator Morahan moves to discharge, from the Committee on Rules, Assembly Bill Number 9225A and substitute it for the identical Senate Bill Number 8545, Third Reading Calendar 2015.

ACTING PRESIDENT WINNER: Substitutions ordered.

Senator Skelos.

SENATOR SKELOS: Mr. President, Senator Breslin has a resolution at the desk, 6664. If we could have it read in its entirety and move for its immediate adoption.

ACTING PRESIDENT WINNER: The Secretary will read.

THE SECRETARY: By Senators Breslin and DeFrancisco --

ACTING PRESIDENT WINNER: Excuse me.

Ladies and gentlemen, may we have some order in the chamber, please, so that we may hear the reading of this resolution and give it its all due consideration. Thank you.

The Secretary will read.

THE SECRETARY: By Senators Breslin and DeFrancisco, Legislative Resolution Number 6664, congratulating Michael Leveille upon the occasion of his designation as recipient of the Tewaaraton Trophy, the lacrosse version of the Heisman Trophy.

"WHEREAS, Excellence and success in competitive sports can be achieved only through strenuous practice, team play and team spirit, nurtured by dedicated coaching and strategic planning; and

"WHEREAS, Athletic competition enhances the moral and physical development of the young people of this state, preparing them for the future by instilling in them the value of teamwork, encouraging a standard of healthy living, imparting a desire for success, and developing a sense of fair play and competition; and

"WHEREAS, This Legislative Body is justly proud to congratulate Michael Leveille upon the occasion of his designation as recipient of the Tewaaraton Trophy, the lacrosse version of the Heisman trophy; and

"WHEREAS, A lifelong resident of the town of Delmar in Albany County, New York, Michael Leveille is a graduate of The Albany Academy, where he was an honor student and captain of both the hockey team and the lacrosse team; and

"WHEREAS, Michael Leveille was named the school's Scholar Athlete and was an All-American and represented the Capital District for two years on the Empire State Games Lacrosse Team; and

"WHEREAS, Michael Leveille was recruited by many of the best lacrosse programs in the country and chose to attend Syracuse University; and

"WHEREAS, Michael Leveille led Syracuse to their tenth Division I National Championship in 2008, leading the team in every major offensive category and in the semifinal game against the University of Virginia, scored the tying goal and then the winning goal in overtime to beat UVA 12-11 in a double overtime victory, leading the Orange to the final game against Johns Hopkins; and

"WHEREAS, Syracuse University

expanded on its great lacrosse tradition, winning its record tenth National Lacrosse Championship only 25 years after the Orange won its first championship; and

"WHEREAS, Michael Leveille received two prestigious awards at Syracuse, the Soladay Award as Syracuse University's Athlete of the Year for both athletic/academic accomplishments and community service, and also Syracuse's Male Athlete of the Year Award; and

"WHEREAS, Moreover, Michael Leveille won the Lowe's Senior Class Award for men's lacrosse, a national honor awarded for achievement in the classroom as well as community service; and

"WHEREAS, Michael Leveille was the recipient of the highest award given in lacrosse, the Tewaaraton Trophy, the lacrosse version of the Heisman Trophy, an award given to the best lacrosse player in the country, modeled after a Native American of the Mohawk Tribe in upstate New York; and

"WHEREAS, Sports competition instills the values of teamwork, pride and

accomplishment, and Michael Leveille has clearly made a contribution to the spirit of excellence which is a tradition of his school; now, therefore, be it

"RESOLVED, That this Legislative Body pause in its deliberations to congratulate Michael Leveille upon the occasion of his designation as recipient of Tewaaraton Trophy, and be it further

"RESOLVED, That a copy of this resolution, suitably engrossed, be transmitted to Michael Leveille."

ACTING PRESIDENT WINNER: Senator Breslin, on the resolution.

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

It's my honor to stand and talk about Mike Leveille, who for four years at Albany Academy, his hockey and lacrosse were well-known throughout the Capital District, and he was at the highest academic level as well.

And for his entire life he's lived in the town of Bethlehem, in my district, and then proceeded to Syracuse University, where

he became an All-American but suffered through, in his junior year, a 5-8 season, something unbecoming of Syracuse, which has won ten championships over the last 25 years.

But this year was a magical year, a magical year that culminated in the semifinals, where Mike scored five goals against Virginia -- the tying goal, the winning goal -- and then went on, against Johns Hopkins, to win the final game and become national lacrosse champions.

But it doesn't end there. As was pointed out, Mike is the recipient of the equivalent of the Heisman Trophy, the Tewaaraton Award, for the outstanding lacrosse player in the country.

But beyond that, not only was he the Athlete of the Year at Syracuse, a fitting successor to Senator John DeFrancisco, who's with us, but he was the Scholar Athlete of the Year at Syracuse.

And now he's joined up in the gallery with his parents, Nancy and George. They, I think, considered the academic part just as valuable if not more valuable than the

athletic awards that Mike that won.

And we're proud to greet him here, as a representative of the national champion, Syracuse, as an All-American, and recently the third drafted player in the lacrosse pro draft. And he starts, though, with his academic background, this fall with KPMG in New York City.

So with that, I welcome Mike and his mom and dad, Nancy and George.

(Applause.)

ACTING PRESIDENT WINNER: Thank you, Senator Breslin.

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

(Response of "Aye.")

ACTING PRESIDENT WINNER: Opposed, nay.

(No response.)

ACTING PRESIDENT WINNER: The resolution is adopted.

Congratulations, Michael and his parents, and thank you for being here.

Senator Skelos.

SENATOR SKELOS: Mr. President,

Resolution 6663, by Senator DeFrancisco, is at the desk. If we could have the title read and move for its immediate adoption.

ACTING PRESIDENT WINNER: The Secretary will read.

THE SECRETARY: By Senator DeFrancisco, Legislative Resolution Number 6663, congratulating the Syracuse University Men's Lacrosse Team upon the occasion of capturing the 2008 NCAA Division I Men's Lacrosse Championship.

ACTING PRESIDENT WINNER: Senator DeFrancisco, on the resolution.

SENATOR DeFRANCISCO: Thank you, Mr. President.

I also congratulate Mike and his family for an outstanding athletic and academic career.

I think Senator Breslin overstated a case a bit; I didn't win the Heisman Trophy or any other trophies equivalent thereto. But I did play baseball there, and I'm an avid Syracuse University fan. And we're very, very proud of the lacrosse team and Michael and his athletic and academic accomplishments.

You know, one thing that was pointed out about this team, other than -- I should start off by saying, actually, that it's just another championship team from Syracuse. I mean, it gets kind of tiresome here, we've had -- you know, with the lacrosse teams constantly winning, with the basketball team here, with all the high school teams that we bring up here.

It's really embarrassing, Michael, to all the other Senators, that they don't have the same opportunity to do this all the time.

But the thing that I think that Senator Breslin said that I think is most significant about this team -- and unfortunately, they couldn't come here; they've all dispersed after school was out -- but the fact that an incredibly successful team over many, many years, that's won now more championships in lacrosse than any other team in history, had a terrible year last year. A very, very bad last year.

Now, in most cases that would result in continued failure and years before

they get back on top again. But it shows the great leadership of Michael and the coach of this team, Coach Desko, and also all the other players, to be able to come together after a bad year and win the national championship again.

So congratulations to Syracuse University, the coach and all the players, and to Michael. And we congratulate Michael for what he's done and also what you're going to do in the future.

Now I just wanted to close by saying one thing. I was a scholar athlete as well at Syracuse University. I only got to the Senate. I hope you get a goal much higher than that in your future life.

So thank you and thanks for coming to be here today.

ACTING PRESIDENT WINNER: Thank you, Senator DeFrancisco.

Senator Stachowski.

SENATOR STACHOWSKI: Yeah, I'd just like to rise to congratulate Mike and his family, Mike on his accomplishments, both as an individual and as a member of a team.

And I'd like to thank you for one other thing. The guys that live in the apartment complex with DeFrancisco, they had him on suicide watch, with the failures of the Syracuse teams in the last year. So if you guys hadn't won, I'm not sure if they would have got him to this point.

But that bravado was a little bit misleading. He was very despondent and wasn't reacting to any wins. Not until you won the championship did he finally get his smile and his bounce back. So we thank you for that.

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

(Response of "Aye.")

ACTING PRESIDENT WINNER: Opposed, nay.

(No response.)

ACTING PRESIDENT WINNER: The resolution is adopted.

Senator Skelos.

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

Room.

And we'll stand at ease.

ACTING PRESIDENT WINNER: Immediate meeting of the Health Committee in the Majority Conference Room.

The Senate stands at ease.

(Whereupon, the Senate stood at ease at 11:27 a.m.)

ACTING PRESIDENT WINNER: Senator Skelos.

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

ACTING PRESIDENT WINNER: Immediate meeting of the Labor Committee in the Majority Conference Room.

The Senate continues to stand at ease.

Senator Skelos.

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

ACTING PRESIDENT WINNER: There

will be an immediate meeting of the Mental Health Committee in the Majority Conference Room.

The Senate stands at ease.

(Whereupon, the Senate reconvened at 12:20 p.m.)

ACTING PRESIDENT WINNER: Senator Little.

SENATOR LITTLE: Mr. President, may we return to motions and resolutions.

ACTING PRESIDENT WINNER: The house will come to order.

Motions and resolutions.

Senator Duane.

SENATOR DUANE: Thank you, Mr. President.

On behalf of Senator Kruger, on page 42 I now offer the following amendments to Calendar Number 1271, Senate Print 4838A, and ask that said bill retain its place on Third Reading Calendar.

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

SENATOR DUANE: Thank you, Mr. President.

And also on behalf of Senator Kruger -- that's the one without the "E," Senator Carl Kruger -- on page 43 I offer the following amendments to Calendar Number 1276, Senate Print Number 7447, and ask that said bill retain its place on Third Reading Calendar.

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

SENATOR DUANE: I don't care what everyone says, Mr. President, you're very nice. Thank you.

(Laughter.)

ACTING PRESIDENT WINNER: Thank you, Senator Duane.

Senator Little.

SENATOR LITTLE: Mr. President, I believe we have a substitution.

ACTING PRESIDENT WINNER: The Secretary will read.

THE SECRETARY: On page 56,

Senator Saland moves to discharge, from the Committee on Rules, Assembly Bill Number 11500A and substitute it for the identical Senate Bill Number 8553, Third Reading Calendar 1955.

ACTING PRESIDENT WINNER: Substitution ordered.

Senator Little.

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

ACTING PRESIDENT WINNER: The Secretary will read.

May we have some order in the chamber. We're going to go through the noncontroversial calendar and appreciate your cooperation and attention.

The Secretary will read.

THE SECRETARY: Calendar Number 24, substituted earlier today by Member of the Assembly Ortiz, Assembly Print Number 5156A, an act to amend the Military Law.

ACTING PRESIDENT WINNER: Read the last section.

THE SECRETARY: Section 3. This

act shall take effect on the 120th day.

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number 121, by Senator Morahan, Senate Print 4447A, an act to amend the Retirement and Social Security Law.

ACTING PRESIDENT WINNER: Read the last section.

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

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number 191, by Senator DeFrancisco, Senate Print 36A, an act to amend the Public Health Law and the State Finance Law.

ACTING PRESIDENT WINNER: Read the last section.

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

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number 236, substituted earlier today by Member of the Assembly Dinowitz, Assembly Print Number 2019A, an act to amend the Domestic Relations Law and the Public Health Law.

ACTING PRESIDENT WINNER: Read the last section.

THE SECRETARY: Section 3. This act shall take effect on the 90th day.

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT WINNER: The bill is passed.

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

ACTING PRESIDENT WINNER: Read the last section.

THE SECRETARY: Section 59. This act shall take effect on the first of November.

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number 429, by Senator Lanza, Senate Print 6355A, an act to amend the Civil Practice Law and Rules.

ACTING PRESIDENT WINNER: Read the last section.

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

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number 495, by Senator Farley, Senate Print 5238A, an act to amend the Retirement and Social Security Law.

ACTING PRESIDENT WINNER: Read the last section.

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

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number 912, by Senator Maltese, Senate Print 6462A, an act to amend Chapter 55 of the Laws of 2007, enacting the Transportation, Economic Development and Environmental Conservation Budget.

ACTING PRESIDENT WINNER: Read the last section.

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

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number 976, by Senator Winner, Senate Print 7797, an act to amend the Alcoholic Beverage Control Law.

ACTING PRESIDENT WINNER: Read the last section.

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

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number 991, by Senator Maltese, Senate Print 6643, an act to amend the Penal Law.

ACTING PRESIDENT WINNER: Read the last section.

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

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number 997, by Senator Volker, Senate Print 7411, an act to amend the Penal Law.

ACTING PRESIDENT WINNER: Read the last section.

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

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number

1179, substituted earlier today by Member of the Assembly Abbate, Assembly Print Number 10306, an act to amend the Civil Service Law.

ACTING PRESIDENT WINNER: Read the last section.

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

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number 1185, by Senator Lanza, Senate Print 8066, an act to amend the Retirement and Social Security Law.

ACTING PRESIDENT WINNER: Read the last section.

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

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number 1186, by Senator Rath, Senate Print 8142, an act to amend the Education Law.

ACTING PRESIDENT WINNER: Read the last section.

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

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

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

SENATOR DIAZ: Thank you, Mr. President.

I'm delighted to support this bill. It's a beautiful, good bill. I'm delighted to support it.

At the same time, I would like to take the opportunity to say hello to the New York Hispanic Clergy Organization. It's an organization that came all the way from the Bronx. They're all there. And I welcome them to the Senate floor.

So thank you, Mr. President. They took their time to come all the way from the Bronx to come here to Albany today.

So thank you, Mr. President, and I'm voting yes on the bill.

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

Announce the results.

THE SECRETARY: Ayes, 59. Nays, 0.

ACTING PRESIDENT WINNER: The bill is passed.

And we welcome all the visitors.

THE SECRETARY: Calendar Number 1204, by Senator Saland, Senate Print 1773A, an act to amend the Education Law.

ACTING PRESIDENT WINNER: Read the last section.

THE SECRETARY: Section 23. This act shall take effect immediately.

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT WINNER: The

bill is passed.

THE SECRETARY: Calendar Number 1227, substituted earlier today by Member of the Assembly DelMonte, Assembly Print Number 9317B, an act to create a task force on multi-use trails.

ACTING PRESIDENT WINNER: Read the last section.

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

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number 1248, substituted earlier today by Member of the Assembly Kavanagh, Assembly Print Number 10850, an act to amend the Labor Law.

ACTING PRESIDENT WINNER: Read the last section.

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

ACTING PRESIDENT WINNER: Call

the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number 1268, by Senator Young, Senate Print 8148, an act to amend the Agriculture and Markets Law.

ACTING PRESIDENT WINNER: Read the last section.

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

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number 1288, by Senator Alesi, Senate Print 7000A, an act to amend the Public Health Law.

ACTING PRESIDENT WINNER: Read the last section.

THE SECRETARY: Section 3. This act shall take effect on the 90th day.

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number 1289, by Senator Little, Senate Print 7472, an act to amend the Social Services Law.

ACTING PRESIDENT WINNER: Read the last section.

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

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT WINNER: The bill is passed.

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

ACTING PRESIDENT WINNER: Read the last section.

THE SECRETARY: Section 2. This

act shall take effect on the first of November.

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number 1427, by Senator O. Johnson, Senate Print 7653C, an act to amend the Vehicle and Traffic Law.

ACTING PRESIDENT WINNER: Read the last section.

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

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number 1482, by Senator Seward --

SENATOR LITTLE: Lay it aside for

the day, please.

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

THE SECRETARY: Calendar Number 1510, by Senator Winner, Senate Print 6282, an act to amend the Alcoholic Beverage Control Law.

ACTING PRESIDENT WINNER: Read the last section.

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

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT WINNER: The bill is passed.

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

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

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

THE SECRETARY: Calendar Number 1729, by Senator Leibell --

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

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

THE SECRETARY: Calendar Number 1748, by Senator Hannon, Senate Print 7002A, an act to authorize the Village of Lloyd Harbor.

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

Read the last section.

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

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number 1762, by Senator Robach --

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

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

THE SECRETARY: Calendar Number 1775, by Senator Seward, Senate Print 2645B, an act to amend the Insurance Law.

ACTING PRESIDENT WINNER: Read the last section.

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

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT WINNER: The bill is passed.

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 WINNER: Read the last section.

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

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number 1812, by Senator Skelos, Senate Print 7769A, an act to amend the Civil Practice Law and Rules.

ACTING PRESIDENT WINNER: Read the last section.

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

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number 1824, by Senator Marcellino, Senate Print 8255A, an act to amend the Environmental Conservation Law.

ACTING PRESIDENT WINNER: Read the last section.

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

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number 1883, by Senator DeFrancisco, Senate Print 7816A, an act to amend the Real Property Tax Law.

ACTING PRESIDENT WINNER: Read the last section.

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

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number 1886, by Senator Robach, Senate Print 8137, an act authorizing the Town of Brighton, Monroe County.

ACTING PRESIDENT WINNER: 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 WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number 1918, by Senator Skelos, Senate Print 5552B, an act to amend the Tax Law.

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

Read the last section.

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

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Those recorded in the negative on Calendar Number 1918 are Senators Duane, L. Krueger, Parker and Perkins.

Ayes, 55. Nays, 4.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number 1920, by Senator Lanza, Senate Print 6479A, an act to amend the Vehicle and Traffic Law.

ACTING PRESIDENT WINNER: Read the last section.

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

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

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

SENATOR SCHNEIDERMAN: Thank you, Mr. President.

I'm going to vote against this bill, and I urge all of my colleagues to vote against it. It is really an extension of the failed Bush administration policy embodied in the Real ID Act, which has been extended and extended and extended because it's essentially impossible for states to comply with it.

Our Department of Motor Vehicles,

under this bill, would be required to obtain a whole set of documents for anyone who wants to get a driver's license, and to verify -- and I'm reading from the sponsor's memo -- with the issuing agency each document required to be presented by the applicant.

This requires the DMV to become essentially a body that enforces federal immigration laws, requires all of our clerks at the DMV to be experts in figuring out whether a particular type of visa issued in 1988 gives someone the same status as the same visa issued in 1998. It's simply a bad idea.

The federal government has to take responsibility for taking care of our borders, for taking care of the immigrants who are here, for ensuring that people are here legally. And I think it is a very bad mistake to continue to follow the Bush administration's lead -- embodied, again, in Real ID, and embodied in this bill -- to make the Department of Motor Vehicles of the State of New York, with no federal funding, no federal funding, responsible for enforcing federal immigration laws. They are incapable

of doing it.

One out of five New Yorkers currently was born somewhere else. We have the highest number of immigrants here we've ever had. The overwhelming majority of them are here legally. But the DMV clerks aren't equipped to evaluate all of their complex visa documents.

So I appreciate the concern. You are required to present identification now to get a driver's license, and you have to be here legally to get a driver's license. Everyone knows that. This would simply create chaos.

And again, it's just a bad message to try and say, you know what, we're going to try and make our DMV clerks into immigration agents. I vote everyone to vote no.

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

THE SECRETARY: Those recorded in the negative on Calendar Number 1920 are Senators Adams, Connor, Dilan, Duane, Gonzalez, Hassell-Thompson, Montgomery, Onorato, Parker, Perkins, Sabini,

Schneiderman, Serrano, Smith, Stavisky, Stewart-Cousins and Thompson.

Ayes, 42. Nays, 17.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number 1927, by Senator Trunzo --

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

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

THE SECRETARY: Calendar Number 1934, by Senator Leibell, Senate Print 7829, an act to amend the Tax Law.

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

Read the last section.

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

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number 1938, by Senator Flanagan, Senate Print 8107B, an act to authorize the Commissioner of General Services.

ACTING PRESIDENT WINNER: Read the last section.

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

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number 1950, substituted earlier today by Member of the Assembly Peoples, Assembly Print Number 8849A, an act to amend the Correction Law.

ACTING PRESIDENT WINNER: Read the last section.

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

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

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

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

I just want to thank my colleagues in this house as well as in the Assembly for this legislation. It's very important. As we know, minorities make up over 70 percent of all reported AIDS cases as reported in 2005.

African-American and Latina women make up less than one-quarter of the female population in the U.S. However, they make up 77 percent of all of the AIDS cases reported among women in the U.S.

And incarceration is a major factor in HIV infection among communities of color. So I am very grateful that we now will be looking specifically to provide information to people who are returning to their communities after having been incarcerated, so that they know where to go to have free HIV testing as well as where they can get services.

So I thank you very much. I'm voting yes on this legislation.

ACTING PRESIDENT WINNER: Senator

Montgomery will be recorded in the affirmative.

Senator Parker, to explain his vote.

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

First let me just begin by thanking Senator Montgomery for her leadership and for this bill, and to congratulate her on being so proactive on an issue that's so important.

This pandemic has now plagued not just this state but this country and this world now for twenty years. And frankly, we're not as far along as we should be as far as eradicating it. This is a horrible and debilitating disease that takes people's lives by the thousands every year, almost now in silence.

The good news is that this is something that's totally preventable by our own behavior. And we certainly, as a state government, ought to be encouraging people to behave responsibly and making sure people who are coming out of our correctional facilities, where there is an overabundance and a

disproportionate amount of people plagued with the disease coming back to our communities, those folks ought to be given the right information and the right tools to protect themselves and our communities.

So I'm voting aye on this bill. I just recently launched an HIV/AIDS task force in my district, and I'm hoping that this will in fact make those kind of initiatives in my district unnecessary in the coming future.

Thank you very much, Senator Montgomery. I vote aye.

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

Senator Hassell-Thompson, to explain her vote.

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

I too would like to congratulate Senator Montgomery on this bill and for the care and thoughtfulness with which she attends to all of our constituents, but particularly to those who are returning from prison.

We think because the numbers of deaths from HIV and AIDS has been reduced

significantly that the scourge is over. Far from it. We are continuing to see new cases of HIV and AIDS, and particularly among our young women between the ages of 12 and 22.

Many times when our returning incarcerated individuals return to our communities, they bring with them very little information about their own health and their health conditions. This will go a long way, I believe, in making sure that no one who is returning from prison will not be informed, will understand the modes of transmission, and will, for their own health and welfare, be more responsible in the way in which they conduct themselves.

So I appreciate again the work that she continues to do, but particularly for her thoughtfulness in presenting this bill to us today. And I encourage all of my colleagues to support her in her efforts.

ACTING PRESIDENT WINNER: Senator Hassell-Thompson will be recorded in the affirmative.

Announce the results.

THE SECRETARY: Ayes, 59. Nays,

0.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number 1955, substituted earlier today by the Assembly Committee on Rules, Assembly Print Number 11500A, an act to amend the Education Law.

ACTING PRESIDENT WINNER: Read the last section.

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

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

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

SENATOR SALAND: Thank you, Mr. President.

Mr. President, this bill represents the culmination of several months' worth of very intensive effort. What it basically does is it puts an equal sign between a teacher's conviction for a crime under the SORA, or Sexual Offense Registry Act, and revocation of

license -- or certification, more appropriately.

And as we have come to learn, regrettably, the conviction or plea to a sex offense doesn't -- unless there's a plea arrangement, which doesn't necessarily always occur -- terminate a teacher's certification.

As a result of which, administrative hearings, whether they be so-called Part 83 hearings or 3020A hearings, have at times been required to be held in correction facilities, often after an extended period of time, as a result of which there is considerable expense incurred by a school district. On top of which the perpetrator has already had, effectively, a due process hearing and been found guilty beyond a reasonable doubt or pled guilty.

So this is a win for taxpayers, it's a win for children, it's a win for parents.

And I'd be remiss if I didn't note that there's over 225,000 teachers in New York State. The overwhelming majority of them are dedicated professionals, dedicated to their

communities and the children and the families whom they serve. These predators certainly don't belong in their midst, and we are removing them far more rapidly.

And if I may, Mr. President, at the expense of being presumptive, the following bill deals very similarly with an issue which basically deals with white-collar crime that is perpetrated against a school district and its taxpayers.

And what that bill similarly would do would be to say that if a school supervisor or business personnel person who had a certificate in fact defrauded that school district, as has occurred in Long Island and in other districts, that person very similarly would immediately experience the revocation of their certification.

As a result of which, I would reasonably expect this would also help to be a deterrent from those who would steal from taxpayers and compromise not only the taxpayers but the quality of education within their respective school districts.

Thank you, Mr. President. Quite

obviously, I vote aye.

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

Senator Little, to explain her vote.

SENATOR LITTLE: Thank you, Mr. President.

If I could briefly explain my vote, because I would like to sincerely thank Senator Saland for his efforts in gaining consensus on this piece of legislation, being able to put it forth and have it become law in New York State.

As a representative of 53 school districts, I know that this is going to not only put these people out of their contact with children within the school, it's going to save the schools a tremendous amount of money in the Part 83/3020A hearings and actually just really do a great job at when there is an offense and a person is guilty or convicted, that is it.

So thank you, Senator Saland. It's a great bill and a great effort put forth.

ACTING PRESIDENT WINNER: Senator

Little will be recorded in the affirmative.

Announce the results.

THE SECRETARY: Ayes, 59. Nays, 0.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number 1956, by Senator Saland, Senate Print 8554, an act to amend the Education Law.

ACTING PRESIDENT WINNER: Read the last section.

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

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number 1969, by Senator Golden, Senate Print 7163, an act to amend the Tax Law.

ACTING PRESIDENT WINNER: Read the last section.

THE SECRETARY: Section 5. This

act shall take effect immediately.

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number 1971, by Senator Sabini, Senate Print 1645, an act to amend the General Business Law.

ACTING PRESIDENT WINNER: Read the last section.

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

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number 1972, by Senator DeFrancisco, Senate Print 7585C, an act to amend the Elder Law and the Public Health Law.

ACTING PRESIDENT WINNER: Read

the last section.

THE SECRETARY: Section 7. This act shall take effect on the 120th day.

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number 1974 --

SENATOR HANNON: Lay it aside for the day.

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

THE SECRETARY: Calendar Number 1991, by Senator Stachowski, Senate Print 6232, an act to amend Chapter 276 of the Laws of 1993 relating to authorizing.

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

Read the last section.

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

ACTING PRESIDENT WINNER: Call

the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number 1995, by Senator Hannon, Senate Print 7752, an act to amend the Surrogate's Court Procedure Act.

ACTING PRESIDENT WINNER: Read the last section.

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

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number 1996, by Senator Winner, Senate Print 8291, an act to amend the Tax Law and the Public Health Law.

ACTING PRESIDENT WINNER: Read the last section.

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

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number 1997, by Senator Winner, Senate Print 8328A, an act to amend the Real Property Tax Law.

ACTING PRESIDENT WINNER: Read the last section.

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

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number 1998, by Senator Winner, Senate Print 8380, an act to amend the Vehicle and Traffic Law.

ACTING PRESIDENT WINNER: Read

the last section.

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

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number 1999, by Senator Padavan, Senate Print 8427A, an act to amend the Real Property Tax Law.

ACTING PRESIDENT WINNER: Read the last section.

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

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT WINNER: Senator Duane.

SENATOR DUANE: Mr. President, because I have a pecuniary interest in Calendar Number 1999, I respectfully request to be excused from voting on this matter.

ACTING PRESIDENT WINNER: Without objection, Senator Duane will be recorded as abstaining.

SENATOR DUANE: Thank you, Mr. President.

ACTING PRESIDENT WINNER: Thank you, Senator Duane.

Announce the results.

THE SECRETARY: Ayes, 58. Nays, 0.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number 2000, by Senator Padavan, Senate Print 8460, an act to amend the New York State Financial Emergency Act for the City of New York.

ACTING PRESIDENT WINNER: Read the last section.

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

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT WINNER: The

bill is passed.

THE SECRETARY: Calendar Number 2002, by Senator Saland, Senate Print 8497, an act to amend the Education Law.

ACTING PRESIDENT WINNER: Read the last section.

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

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number 2003, by Senator Saland, Senate Print 8498, an act to amend the Education Law.

ACTING PRESIDENT WINNER: Read the last section.

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

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number 2005, by Senator Libous, Senate Print 8510, an act to amend the Highway Law.

ACTING PRESIDENT WINNER: Read the last section.

THE SECRETARY: Section 4. This act shall take effect May 1, 2009.

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number 2007, by the Senate Committee on Rules, Senate Print 8516, an act to amend the Insurance Law.

ACTING PRESIDENT WINNER: Read the last section.

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

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number 2008, by the Senate Committee on Rules, Senate Print 8521, an act to amend the Executive Law.

ACTING PRESIDENT WINNER: Read the last section.

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

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number 2009, by Senator Golden, Senate Print 8535, an act to amend the Executive Law and the Social Services Law.

ACTING PRESIDENT WINNER: Read the last section.

THE SECRETARY: Section 13. This act shall take effect April 1.

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number 2013, by Senator Flanagan, Senate Print 8543, an act to amend Chapter 672 of the Laws of 1993, amending the Public Authorities Law.

ACTING PRESIDENT WINNER: Read the last section.

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

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number 2015, substituted earlier today by Member of the Assembly Weisenberg, Assembly Print Number 9225A, an act to amend the Mental Hygiene Law.

ACTING PRESIDENT WINNER: Read

the last section.

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

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number 2017, by Senator Little, Senate Print 8555, an act to amend Part X of Chapter 62 of the Laws of 2003.

ACTING PRESIDENT WINNER: Read the last section.

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

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT WINNER: The bill is passed.

Senator Little, that completes the noncontroversial calendar.

SENATOR LITTLE: Thank you, Mr. President.

Could we return to motions and resolutions.

ACTING PRESIDENT WINNER: Motions and resolutions.

Senator Seward.

SENATOR SEWARD: Yes, Mr. President. On behalf of Senator Flanagan, I wish to call up his bill, Print Number 3849, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT WINNER: The Secretary will read.

THE SECRETARY: Calendar Number 1712, by Senator Flanagan, Senate Print 3849, an act to amend the Economic Development Law.

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

ACTING PRESIDENT WINNER: Call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

SENATOR SEWARD: Mr. President, I

now offer the following amendments.

ACTING PRESIDENT WINNER: The amendments are received and adopted.

Thank you, Senator Seward.

SENATOR SEWARD: Thank you.

SENATOR LITTLE: Mr. President, I believe Senator Duane has a motion.

ACTING PRESIDENT WINNER: Senator Duane.

SENATOR DUANE: Thank you, Mr. President.

On behalf of Senator Sabini, I wish to call up his bill, Print Number 5874, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT WINNER: The Secretary will read.

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

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

ACTING PRESIDENT WINNER: Call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

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

ACTING PRESIDENT WINNER: The amendments are received and adopted.

SENATOR DUANE: Thank you.

ACTING PRESIDENT WINNER: Thank you.

Senator Little.

SENATOR LITTLE: Thank you, Mr. President.

There will now be a meeting of the Rules Committee in the Senate Majority Conference Room, and the Senate will stand at ease.

ACTING PRESIDENT WINNER: Immediate meeting of the Rules Committee in the Majority Conference Room.

The Senate stands at ease.

(Whereupon, the Senate stood at ease at 12:54 p.m.)

(Whereupon, the Senate reconvened at 1:06 p.m.)

ACTING PRESIDENT WINNER: Senator

Skelos.

SENATOR SKELOS: Mr. President, if we could return to reports of standing committees, for the report of the Rules Committee.

ACTING PRESIDENT WINNER: Reports of standing committees.

There is a Rules report at the desk. The Secretary will read.

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

Senate Print 466A, by Senator Bonacic, an act to amend the Private Housing Finance Law;

3387, by Senator Onorato, an act to amend the Penal Law;

5218A, by Senator Morahan, an act to create;

5465A, by Senator Golden, an act to amend the Elder Law;

5565A, by Senator Golden, an act to amend the Criminal Procedure Law;

6043B, by Senator Morahan, an act to amend the Public Health Law;

6533A, by Senator Rath, an act to amend the Education Law;

6639C, by Senator Golden, an act to amend the Education Law;

7893A, by Senator Fuschillo, an act to amend the Executive Law;

7912A, by Senator Griffo, an act to authorize;

8198, by Senator Griffo, an act establishing;

8449, by Senator Hannon, an act to amend the Public Health Law;

8461, by Senator Padavan, an act to amend the General City Law;

8507, by Senator Griffo, an act to amend the Tax Law;

8523, by the Senate Committee on Rules, an act to amend the General Municipal Law;

8524A, by the Senate Committee on Rules, an act to amend the Labor Law;

8559, by Senator Padavan, an act to amend the Real Property Law;

8566, by Senator Leibell, an act to amend the Real Property Tax Law;

8571, by Senator Volker, an act to amend the Public Authorities Law;

8572, by Senator O. Johnson, an act to amend the Vehicle and Traffic Law;

8573, by Senator Morahan, an act to authorize;

8578, by Senator Saland, an act to amend the Vehicle and Traffic Law;

And Senate Print 8584, by Senator Lanza, an act to amend Chapter 759 of the Laws of 1973.

All bills ordered direct to third reading.

ACTING PRESIDENT WINNER: Senator Skelos.

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

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

(Response of "Aye.")

ACTING PRESIDENT WINNER: Opposed, nay.

(No response.)

ACTING PRESIDENT WINNER: The Rules Committee report is accepted.

SENATOR SKELOS: Mr. President, I believe there's a motion, if we could return to the order of motions and resolutions.

ACTING PRESIDENT WINNER: Return to motions and resolutions.

Senator Griffo.

SENATOR GRIFFO: Mr. President, I'd like to call up my bill and offer the following amendments to Calendar 2031, which is Senate Print Number 8507, and ask that the bill retain its place on the Third Reading Calendar.

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

Thank you, Senator Griffo.

Senator Skelos.

SENATOR SKELOS: If we could now take up the Rules report, which is Supplemental Calendar 62A, noncontroversial.

ACTING PRESIDENT WINNER: The Secretary will read.

THE SECRETARY: In relation to Calendar Number 2018, Senator Bonacic moves to discharge, from the Committee on Rules, Assembly Bill Number 8819A and substitute it for the identical Senate Bill Number 466A, Third Reading Calendar 2018.

ACTING PRESIDENT WINNER: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 2018, by Member of the Assembly Magee, Assembly Print Number 8819A, an act to amend the Private Housing Finance Law.

ACTING PRESIDENT WINNER: Read the last section.

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

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number 2019, by Senator Onorato, Senate Print 3387,

an act to amend the Penal Law.

ACTING PRESIDENT WINNER: Read the last section.

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

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57. Nays, 2. Senators Duane and Montgomery recorded in the negative.

ACTING PRESIDENT WINNER: The bill is passed.

Senator Duane.

SENATOR DUANE: Thank you, Mr. President. I just wanted to make sure that I understand this bill.

I believe that it requires 500 hours of community service upon conviction for making graffiti, if I read it right. So I just wanted to double-check and make sure that that's the case.

But as I look, I see that that is what it does. So I'll be voting in the

negative on that one, Mr. President.

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

Senator Montgomery, to explain her vote.

SENATOR MONTGOMERY: Yes, Mr. President, I'm also voting in the negative on this.

And I just want to remind my colleagues that one of the best remedies for graffiti -- that is, the kind that we don't like -- is to engage young people in doing positive graffiti.

I have a number of groups that work with young people, and they literally go around the borough and paint walls. And I have never seen an artistically painted wall done by young people with any graffiti on it.

So I always advise people, especially store owners, property owners, that if you want to make sure that there's no graffiti on your property, have a group of young artists paint that wall, and it becomes for them a symbol of their artistic greatness and no one graffitis it with ugly graffiti.

So I'm opposed to this. I would rather see us invest in allowing young people an opportunity to express their artistic ability and thereby eliminating their need to scribble and make ugly graffiti on our walls. So I'm voting no on this bill.

SENATOR OPPENHEIMER: Mr. President.

ACTING PRESIDENT WINNER: The roll call has been closed. And I apologize to the members.

But as an indulgence, we allowed Senator Duane and Senator Montgomery to explain their votes because they had indicated that they had voted no during the roll call.

SENATOR SKELOS: Mr. President, thank you for pointing that out. And certainly members were just coming in, so I thank you for being flexible.

But I would really urge members, if they have comments to make on any legislation, that they come into the chamber so we can move.

Thank you, Mr. President.

ACTING PRESIDENT WINNER: Thank

you, Senator Skelos.

The bill is passed.

THE SECRETARY: In relation to Calendar Number 2021, Senator Golden moves to discharge, from the Committee on Rules, Assembly Bill Number 5740A and substitute it for the identical Senate Bill Number 5465A, Third Reading Calendar 2021.

ACTING PRESIDENT WINNER: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 2021, by Member of the Assembly Englebright, Assembly Print Number 5740A, an act to amend the Elder Law.

ACTING PRESIDENT WINNER: Read the last section.

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

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number 2022, by Senator Golden, Senate Print 5565A, an act to amend the Criminal Procedure Law.

ACTING PRESIDENT WINNER: Read the last section.

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

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

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

SENATOR DIAZ: No, no. Not to explain my vote, no.

ACTING PRESIDENT WINNER: Announce the results.

THE SECRETARY: Ayes, 57. Nays, 2. Senators Duane and Perkins recorded in the negative.

ACTING PRESIDENT WINNER: The bill is passed.

Senator Diaz, the roll call has been closed.

SENATOR DIAZ: No, I just want to -- about a vote that passed that I wasn't

here.

I would like to ask the record to reflect that if I had been here in the chamber for Calendar Number 1920, Senate Bill 6479A, I would have voted no.

ACTING PRESIDENT WINNER: The record will so indicate.

The Secretary will read.

THE SECRETARY: Calendar Number 2023, by Senator Morahan, Senate Print 6043B, an act to amend the Public Health Law.

ACTING PRESIDENT WINNER: Read the last section.

THE SECRETARY: Section 3. This act shall take effect April 1, 2010.

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: In relation to Calendar Number 2024, Senator Rath moves to discharge, from the Committee on Rules, Assembly Bill Number 9511A and substitute it

for the identical Senate Bill Number 6533A, Third Reading Calendar 2024.

ACTING PRESIDENT WINNER: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 2024, by Member of the Assembly Destito, Assembly Print Number 9511A, an act to amend the Education Law.

ACTING PRESIDENT WINNER: Read the last section.

THE SECRETARY: Section 4. This act shall take effect on the 120th day.

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number 2025, by Senator Golden, Senate Print 6639C, an act to amend the Education Law.

ACTING PRESIDENT WINNER: Read the last section.

THE SECRETARY: Section 2. This

act shall take effect immediately.

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number 2028, by Senator Griffo, Senate Print 8198, an act establishing a temporary state commission.

ACTING PRESIDENT WINNER: Read the last section.

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

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: In relation to Calendar Number 2029, Senator Hannon moves to discharge, from the Committee on Rules, Assembly Bill Number 11468 and substitute it for the identical Senate Bill Number 8449,

Third Reading Calendar 2029.

ACTING PRESIDENT WINNER: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 2029, by the Assembly Committee on Rules, Assembly Print Number 11468, an act to amend the Public Health Law.

ACTING PRESIDENT WINNER: Read the last section.

THE SECRETARY: Section 3. This act shall take effect one year after it shall have become law.

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number 2030, by Senator Padavan, Senate Print 8461, an act to amend the General City Law and the Administrative Code of the City of New York.

ACTING PRESIDENT WINNER: Read the last section.

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

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number 2032, by the Senate Committee on Rules, Senate Print 8523, an act to amend the General Municipal Law.

ACTING PRESIDENT WINNER: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the same date and in the same manner as Part MM of Chapter 57 of the Laws of 2008.

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number

2033, by the Senate Committee on Rules, Senate Print 8524A, an act to amend the Labor Law.

ACTING PRESIDENT WINNER: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the same date and in the same manner as Part MM of Chapter 57 of the Laws of 2008.

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: In relation to Calendar Number 2035, Senator Leibell moves to discharge, from the Committee on Rules, Assembly Bill Number 4262A and substitute it for the identical Senate Bill Number 8566, Third Reading Calendar 2035.

ACTING PRESIDENT WINNER: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number

2035, by Member of the Assembly Gianaris, Assembly Print Number 4262A, an act to amend the Real Property Tax Law.

ACTING PRESIDENT WINNER: Read the last section.

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

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT WINNER: The bill is passed.

Senator Skelos, that completes the noncontroversial reading of Supplemental Calendar 62A.

SENATOR SKELOS: Thank you, Mr. President.

If we could go to the supplemental active list.

ACTING PRESIDENT WINNER: The Secretary will read.

THE SECRETARY: In relation to Calendar Number 1150, Senator Libous moves to discharge, from the Committee on Rules,

Assembly Bill Number 1143B and substitute it for the identical Senate Bill Number 1592B, Third Reading Calendar 1150.

ACTING PRESIDENT WINNER: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1150, by Member of the Assembly Brodsky, Assembly Print Number 1143B, an act to amend the Environmental Conservation Law and the Public Health Law.

ACTING PRESIDENT WINNER: Read the last section.

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

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1802, Senator Winner moves to discharge, from the Committee on Rules, Assembly Bill Number 11463 and substitute it

for the identical Senate Bill Number 7490B, Third Reading Calendar 1802.

ACTING PRESIDENT WINNER: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1802, by the Assembly Committee on Rules, Assembly Print Number 11463, an act to amend the Education Law.

ACTING PRESIDENT WINNER: Read the last section.

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

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number 1992, by Senator Flanagan, Senate Print --

SENATOR LIZ KRUEGER: Lay it aside, please.

SENATOR DUANE: Lay it aside, please.

ACTING PRESIDENT WINNER: The bill is laid aside.

Senator Skelos, that completes the reading of the supplemental active list.

SENATOR SKELOS: If we could now take up the supplemental active list, controversial.

ACTING PRESIDENT WINNER: The Secretary will ring the bell.

The Secretary will read.

THE SECRETARY: Calendar Number 1992, by Senator Flanagan, Senate Print 6543A, an act to amend the Election Law.

SENATOR DUANE: Explanation, please.

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

SENATOR FLANAGAN: Thank you, Mr. President.

Mr. President, this bill would add a new section to the Election Law that would require that when someone is registering to vote, they have to provide proof of citizenship. And that would be done by the

rules and regulations that would be promulgated by the New York State Board of Elections.

ACTING PRESIDENT WINNER: Senator Dilan.

SENATOR DILAN: Yes, I'd like to know if the sponsor would yield for some questions.

ACTING PRESIDENT WINNER: Senator Flanagan, do you yield to Senator Dilan?

SENATOR FLANAGAN: Yes, I do.

ACTING PRESIDENT WINNER: The Senator yields.

SENATOR DILAN: Through you, sir.

The League of Women Voters of the State of New York has indicated that in a four-year period between 2002 and 2006, only 24 people have been convicted nationally for voter fraud.

So I wanted to know, what is the impetus for this bill? And what data do you have within New York State on voter fraud?

SENATOR FLANAGAN: Well, the impetus for the bill, in my estimation, is to protect the integrity of the process. There

is probably not a day, week or month that goes by that we don't see changes in technology, we don't see changes in requirements for all various forms of ID.

I see my colleague Senator Fuschillo here, who's probably made a hallmark in his career on working on issues like identity theft.

We impose stringent requirements for driver's license, for U.S. passports, and frankly I don't think we should be doing anything less when it comes to voting.

I think there are -- I have pages and pages of stories all across the country dealing with voter fraud and cases where the integrity of the process has either been undermined or has the potential to be undermined. So I think this is an important step forward.

SENATOR DILAN: Would the Senator continue to yield.

ACTING PRESIDENT WINNER: Senator Flanagan, do you yield to Senator Dilan?

SENATOR FLANAGAN: Yes, I do.

ACTING PRESIDENT WINNER: The

Senator yields.

SENATOR DILAN: I mean, what empirical data do you have in New York State regarding voter fraud?

SENATOR FLANAGAN: Right in front of me?

SENATOR DILAN: Yeah.

SENATOR FLANAGAN: I don't have anything at my disposal.

SENATOR DILAN: Okay. Another question, Mr. President.

ACTING PRESIDENT WINNER: Senator Flanagan, do you yield?

SENATOR FLANAGAN: Yes, I do.

ACTING PRESIDENT WINNER: The Senator yields.

SENATOR DILAN: Under this bill, what would be acceptable documentation that a voter would have to show to an election worker in order to register?

SENATOR FLANAGAN: Well, in my explanation, Senator Dilan, I did say that acceptable forms of ID and proof would be done through rules that would be promulgated by the New York State Board of Elections. We leave

the discretion and the latitude to them.

Which is a bipartisan board, I might add.

SENATOR DILAN: But I'm assuming that -- will you continue to yield?

SENATOR FLANAGAN: Yes, I do.

SENATOR DILAN: I'm assuming that adequate documentation would be a passport, to prove citizenship, naturalization papers, birth certificate. Is that correct?

SENATOR FLANAGAN: Well, I don't want to make any assumptions on what the -- the Board of Elections, in terms of what they would do. Common sense would dictate that you and I would agree on something like that. Yes, I think a U.S. passport, a birth certificate, naturalization papers.

Let me hasten to add that there are approximately 20 states across the country who have either enacted laws in this area or have introduced legislation in this area. And frankly, there is a test case, which is the State of Arizona, which has actually implemented legislation like this.

SENATOR DILAN: Will the Senator

continue to yield.

ACTING PRESIDENT WINNER: Senator, do you yield?

SENATOR FLANAGAN: Yes, I do.

SENATOR DILAN: Let's take a scenario, for example, where a woman would get married, she takes on her husband's name, and she goes to register to vote. How would she prove -- she would not have a birth certificate indicating her married name. This would put a burden on her to have a passport, pay for a passport, or to pay for a copy of naturalization papers. This puts an extra burden on a female to prove that she is a citizen.

How do you react to that?

SENATOR FLANAGAN: A couple of things. As I stated already, this is the type of thing -- you are familiar, Senator Dilan, with the rule-making process in the State of New York. This is not something that the State Board of Elections should just come out and say, by the way, here's how it's going to be done.

There's a public hearing period,

there's a public comment period. All of that is done through the New York State Register. There would be ample opportunity for people to be heard in a variety of different ways.

That is a legitimate point that you raise. I think it's one worthy of note. But you could have a birth certificate, you could have a marriage license. That could probably be very easily rectified.

SENATOR DILAN: Well, I don't think a marriage license proves citizenship. But another question, sir.

ACTING PRESIDENT WINNER: Senator Flanagan, do you yield?

SENATOR FLANAGAN: Yes, I do.

SENATOR DILAN: What impact would this have on mail registration in New York State? And how do you prove citizenship through mail registration?

SENATOR FLANAGAN: Well, I don't want to appear to be repetitive, but right now you can obviously register by mail. And if we added this additional requirement, that would be something that would have to be contemplated by the board in its

administration and its proposal regarding any rules and regulations. That's something that I believe that they would take into account.

SENATOR DILAN: One further question.

SENATOR FLANAGAN: Yes.

SENATOR DILAN: Your bill does not provide for any cures if a Board of Elections employee makes an error and fails to register a voter or if a voter does not have the necessary documentation immediately available. What cures are in this bill to allow that voter to register?

SENATOR FLANAGAN: Well, actually I would disagree. To suggest that the bill doesn't provide any cure assumes that there's to be going to be a problem. If there are rules and regulations, that is exactly what should be contained in the rules that will be promulgated.

There is contemplation of issues like that, and I'm sure the state board, as we do now in our implementation of the Election Law, someone shows up now, you have registered by mail for the first time, you show up at the

poll and you don't have an acceptable form of ID, you can still vote on a paper ballot.

So there are plenty of ways those safeguards could be implemented.

SENATOR DILAN: Thank you.

On the bill.

ACTING PRESIDENT WINNER: Senator Dilan, on the bill.

SENATOR DILAN: Okay, I just want to indicate that I believe that this bill puts an unfair burden on potential voters in New York State. I think it puts an unfair burden on immigrants or new citizens and minority voters. I think it discourages voter participation and registration.

And there are many advocate groups that are against this bill, and I would urge my colleagues to vote against the bill.

Thank you.

ACTING PRESIDENT WINNER: Senator Diaz.

SENATOR DIAZ: Thank you, Mr. President.

On May 16, 2008, there were presidential elections in the Dominican

Republic. Yeah, a few months ago. Last month. And I was invited, I was invited by the Central Election Board in the Dominican Republic to be one of the foreign observers of the election, Mr. President.

And I flew there, they flew me down there, and I was part of observing that the elections in Santo Domingo were nice.

Let me tell you what I saw, ladies and gentlemen. Let me tell you what I saw. I saw people coming to vote. When people were coming to vote, they had a table in the center. The people that was to -- for them to be able to come to vote, they had to show an ID card. Then the president of that precinct would take the ID card and would read aloud the number of that ID card. Everybody else would write that ID card number down.

The person would go -- the person would be handed a ballot, he or she would go, in front of everybody, behind a desk, do what else they have to do, fold the ballot, and in front of everybody put it in the box.

When the person was coming out, ladies and gentlemen, when the voter was

coming out, the finger was printed with ink.

So in the Dominican Republic -- and I was watching that election on May 16th -- in the Dominican Republic the person had to show an ID card. Plus they had to be fingerprinted before they leave.

In Puerto Rico, my hometown, my town, my country, they don't get fingerprinted, but they have to show an ID card.

So my question to you, ladies and gentlemen, and to my colleagues is, people in Santo Domingo don't complain -- and by the way, I was so impressed. I saw the most serious and the most honest election that I have seen in my life. And everybody was happy showing their ID card. Everyone was happy getting fingerprinted.

And in Puerto Rico, in my country, if people don't have the ID card, they don't vote. Simple as that. Simple as that. If you don't have an ID card, you don't vote.

So if my Puerto Rican countrymen, country fellows don't complain in Puerto Rico and the Dominicans don't complain in Santo

Domingo, why would they complain here?

So as a Puerto Rican, as a Hispanic that fights for the rights of the immigrants, as a Hispanic that fight for the rights of immigrants, I am saying to all of you, everybody that want to vote in New York and in this country should get an ID card. Like they do in Santo Domingo and like they do in Puerto Rico. An ID with card with a picture. And that would be best thing that would happen to avoid any -- any other -- any problem.

So yes, yes, Mr. President, yes, fellow members, I protect the immigrants. One thing is the one thing, the other thing is the other thing. Two different things. Protect the right of the immigrant, but to vote, to vote, people that are going to come out to vote for me now in my reelection campaign, show the ID card and be sure that you could vote.

I'm for this bill. I congratulate Senator Flanagan. And I'm going to support this bill. In Puerto Rico they do it, in Santo Domingo they do it. Why not do it in the States? Thank you very much.

ACTING PRESIDENT WINNER: Senator Serrano.

SENATOR SERRANO: Thank you, Mr. President. Will the sponsor please yield for a question.

ACTING PRESIDENT WINNER: Senator Flanagan, do you yield for a question?

SENATOR FLANAGAN: Yes.

ACTING PRESIDENT WINNER: The sponsor yields.

SENATOR SERRANO: Through you, Mr. President. As we know in the State of New York and in this nation, we have probably the lowest voter advocacy of any developed nation in the world, which is very unfortunate. And we see so many barriers to getting people more involved in the electoral process, as they should, as it would make our country a better place.

Through you, Mr. President, Senator Flanagan, are you concerned that this proposal will actually violate the spirit of the Voting Rights Act of 1965 by putting in place additional barriers to people, citizens registering to vote?

SENATOR FLANAGAN: No.

SENATOR SERRANO: Through you, Mr. President, I respectfully disagree with my friend Senator Flanagan. I think that this will --

ACTING PRESIDENT WINNER: Senator Serrano, are you asking Senator Flanagan to yield?

SENATOR SERRANO: I will. Senator Flanagan -- if the sponsor will yield.

ACTING PRESIDENT WINNER: Senator, do you yield?

SENATOR FLANAGAN: Yes.

ACTING PRESIDENT WINNER: Thank you.

SENATOR SERRANO: As you know, those who register to vote online or in person take an oath of citizenship that they sign on the bottom of their application. Do you not think that the word of the people of the great State of New York is good enough and their signature affirming that they are a citizen is not good enough?

SENATOR FLANAGAN: Mr. President, I believe that this bill only enhances the

integrity of the process.

SENATOR SERRANO: Okay. On the bill.

ACTING PRESIDENT WINNER: Senator Serrano, on the bill.

SENATOR SERRANO: I'm happy for those very enlightening responses, but I would have to say that I believe that this legislation is misguided.

And when you consider that so many New Yorkers are disenfranchised from the electoral process, are not involved -- many from very poor communities do not have all of their documents at their disposal, do not have them in order, many people were born in their homes, do not have what would be considered now to be proper birth certificates -- all of these are discouragements for people to come out and register to vote and to get more involved in making this country a better place.

I think it violates the spirit of the Voting Rights Act of 1965. I think it violates the spirit of the American way. And I have a tremendous amount of trepidation when

I see a bill like this, because I believe that it will disenfranchise those who can least afford to be additionally disenfranchised.

I hope that all of my colleagues join me in opposing this legislation. Thank you.

ACTING PRESIDENT WINNER: Senator Hassell-Thompson.

SENATOR HASSELL-THOMPSON: Thank you, Mr. President. On the bill.

I find it very interesting, Senator Flanagan, that you should choose Arizona as an example. I just left Arizona this past weekend, and voter registration was one of the issues under discussion.

And interestingly enough, if passed, this legislation will create a new barrier to voting, potentially disenfranchising millions of eligible American voters. Arizona, which recently implemented the proof-of-citizenship requirement after the passage of Proposition 200, is a case in point.

In the first six months of 2005, more than 5,000 Arizona citizens had their

registration rejected for failing to provide adequate proof of information for their proof of citizenship. In Pima County, home of Tucson, Arizona, 60 percent of new registrants, all eligible voters, were initially rejected.

As other states similarly implement this law, the potential for disenfranchisement increases exponentially.

Democratic elections should be open to all voters. Part of the HAVA attempt is to make it easier, not more difficult and create barriers.

As we move to this new election, our national elections in 2008, it is very suspicious that efforts are being made to curtail higher voter turnout among Democrats in the coming months. New Americans have historically voted Democrat.

I will be voting no.

ACTING PRESIDENT WINNER: Senator Connor.

SENATOR CONNOR: Thank you, Mr. President.

I've had a bit of experience with

elections over the years, and voting and voter registration. And, you know, what I see going on now with this bill and throughout the country is rather disturbing.

Once upon a time in New York, as some of you may know, until into the fifties, you had to register for each election. There was no permanent registration. Then we went to permanent registration to increase the franchise, the participation in the franchise. And in I think it was 1976 or 1978, we adopted mail voter registration, and it increased the rolls significantly.

So we had this long-standing policy, starting under Governor Rockefeller, when we did permanent registration, to increase voter participation, to encourage everyone to register.

This bill will make it more difficult and will discourage people. And, you know, Senator Diaz pointed out something. You know, in Puerto Rico they get 92 and 93 percent turnouts in elections. We never come close to that in this state. And they have to have an ID.

But what we're doing here is targeted, targeted obstacles to voting. And I'll explain why that is.

And I would support a program -- and I've said this before, about Real ID and whatever, we're one of the few nations that doesn't have a national identity card, and I don't think that's any infringement to do that on anyone's civil liberties. I think you have a right to privacy; you don't have a right to anonymity. That's certainly true, that's not a right that any country can recognize.

But if we were serious about voter participation, adopt an identity card for everyone, existing voters as well, and secure your elections that way.

And if we were serious about it, we would figure out how to prevent anyone from graduating from high school without registering to vote. They're either 18 by then, or they're certainly within a year of the next election of being 18. If they don't want to vote after that, fine. But why don't we do that, why don't we register everyone, every senior in high school? Part of their

requirement should be to register to vote.

I suppose you would put in there some religious objections. There are people who for religious objections don't participate in the electoral process.

Why don't we do that? And gee, we have all the information we need to know about them there. You know, when they go to school, back before they ever dreamed of voting, someone, a parent or whatever, is giving up the fact that they're a citizen or not a citizen or whatever. So we can control that for the future. But we could ensure that everybody's registered to vote.

Now, is fraud a problem? I have been involved literally in dozens and dozens and dozens of elections, and more so, for far longer than I've been in the Senate. And yes, twice I encountered a situation -- actually, it was all in one case -- that this bill would address.

Someone running against one of our colleagues years ago who is no longer with us asked me to help out. The petition was voluminous, and it was obviously full of

forgeries and whatever. And we found one subscribing witness who was -- he was 17, but how we caught it is he registered every year and advanced his birth date a year. Originally he was advancing it six years. He'd been petitioning since he was 12 or 13 and getting paid to do it. His signatures were thrown out.

And in another case there was a woman who had gotten a lot of signatures and who admitted on the stand she was not a United States citizen. She was advised of her rights, and it was referred to the DA.

By the way, how did we catch her? Well, she had two voter registrations in her name at the same address. Varied the birth date by six months. One was Republican, and one was Democratic. She was also in the getting-paid-to-petition business and didn't want to miss any opportunities. She had petitioned for Republican candidates and Democratic candidates. And her signatures, of course, were thrown out.

And it was referred to the DA. The judge didn't refer the young man, they stopped

his testimony. He was 17, you know. He was getting ready to go to college. But the DA did nothing, because DAs get these cases and they think, oh, a little bit of election fraud, ha, ha.

And I've said this on this floor before. Enforcement when you catch somebody is the best deterrent.

Now, what would happen today if one someone signed that oath and registered to vote saying they're a citizen, they're 18 years old, and they're eligible to vote and did so falsely? They'd face up to five years in jail, they'd face up to a $10,000 fine. And if they are not a U.S. citizen, under current federal immigration law, a conviction such as that would undoubtedly get them deported. I think that's a huge deterrent to people falsely registering.

And everything you do is always a balancing act, isn't it? To say why trust people's voluntary compliance -- come on, our entire tax system depends on voluntary compliance by the overwhelming majority of our citizens in filing their tax returns, paying

their taxes.

Yes, you have people check up on it. Yes, when you catch people who violate it, they're in serious trouble. But we depend on the fact that certainly 99 percent of our residents -- not just our citizens, because everybody pays taxes -- are going to comply. And that's how we've structured our electoral system.

Oh, yeah, there was a news station sent a reporter around a few years ago who registered five times, once in each borough, under her name, and they did a little news story about ha, ha, ha, the Board of Elections is doing a lousy job, I got to register five times. What a silly story. And the Board of Elections in the city wanted to refer -- referred it, actually, to the DA, who of course wasn't going to go after this television news reporter.

But sure, people who want to beat the system, they can beat the tax system, they can beat the electoral system. For a while, until they get caught. And as you know, anyone can challenge any voter when they go in

to vote, and anyone can challenge any registration. And that does trigger a closer investigation, and you would catch someone.

I just don't think there's a big problem with this. Maybe a few little instances; there are ways to address that. I don't think the problem, a minuscule problem, is deserving of a huge solution that will potentially put tens of thousands of people, place obstacles to their free voting.

And, you know, even with the ID laws -- you know, oh, you have to show ID -- there are people who don't have government forms of ID. Particularly among poor people, you don't have a job, you don't have a picture ID, you don't have a bank account, you don't have a lot of things that we take for granted. Is that a reason we want to disenfranchise someone?

And I call your attention to the presidential primaries a few weeks back, I think it was in Wisconsin. One of the states where you have to have ID. Eight elderly nuns were turned away from the polls. They were in their 80s. They didn't have driver's

licenses. They didn't have IDs. They'd been living in a convent for 50, 60 years. Don't they have a right to vote, though?

So, I mean, as we go forward, look at the people you're disenfranchising. Figure out better ways to get at the few who may be gaming the system. And I could give you a lot of suggestions, including more enforcement personnel to spot-check.

How do we check people's taxes? We do random audits. I wouldn't object to random reviews of new registrants, more thorough checkups to see what you come up with, and to go after people. Because if you get a couple of people who are cheating, that will deter anyone else who has the thought.

But I just don't think it's a big problem. I think a bigger problem for our democracy is the fact that we think a huge turnout in an election in New York State is 52 percent or 55 percent of the people vote. That's a big problem for our democracy, far bigger than a handful who may be getting away with voting who aren't eligible.

So, Mr. President, I'm going to

oppose this. I urge my colleagues, let's look at a real way to deal with this. Maybe an ID card for all voters, not just for new voters, isn't a bad way to go.

It will cost money, it will cost the state a lot of money to provide that. But that way, you know, people like those nuns could get an ID that would allow them to vote and wouldn't be turned away by operation of either federal law -- because federal law requires new registrants to show some ID.

But with this law -- there are only a couple of ways to prove citizenship. A birth certificate, passport. You know, military discharge papers don't do it. Boy, we don't put any bars to noncitizens joining the Army or the Marines or any other service and going off to fight our wars, we're quite happy to have that happen.

So how will mail registration possibly work? We're going back on the whole scheme. To show that proof, you have to go into a Board of Elections office. And by the way, this is after we've ended the three or four open registration days that we used to

have in October as a matter of law, a hangover from the annual registration requirements, and then used when had you had to personally appear, pre-mail ballot.

And we had them for a number of years after that, and this Legislature said: Oh, we're going to stop paying election inspectors to open the polling places for those four days in October. People really don't have to go in in person to register to vote, they can mail it in.

Pass this law, having eliminated that -- because at least there people could go in person, in their own neighborhood or in their own town or village or wherever to their polling place to register -- you don't have that opportunity now. Now it's go off to the county Board of Elections.

Inconvenient in New York City. In many of the counties you all represent, a long trip, a long, expensive trip at $4 a gallon, to get to the county seat, go to the Board of Elections, register to vote and present your citizenship.

That's what you're asking. Think

about it, my upstate colleagues. Do you really think you want new voters to have to go to the county seat to the Board of Elections on a workday? They're not open Saturday and Sunday.

Those old -- when we had the open registration days in the polling places, you could go on Saturday. There were always two Saturdays in there, I think two Saturdays and there used to be a Wednesday and a Thursday or something. You can't do that anymore.

So you're saying to register to vote now in New York, you have to go to the county Board of Elections to present this proof. You can't even go to your local polling place and do it.

So this piecemeal attack on our election system I think has totally ignored the fact that we eliminated the four open registration days, and now they'll have to go to go to the county seat. In Brooklyn it means a long subway ride. In most of the districts you represent, it can mean a very long ride to get there between 9:00 and 5:00 Monday through Friday to register to vote.

So think again before you disenfranchise your own residents and citizens, before you disenfranchise them. That's putting a big burden on their registering to vote. It's not just that they have to have the documentation, they have to go for the Board of Elections, when it's open, to register.

Mr. President, I urge my colleagues, don't go down this path. This is a very bad bill. It takes out of context one feature of our election system and ignores a lot of others and creates barriers that I don't think were actually anticipated when this bill was put in.

ACTING PRESIDENT GRIFFO: Senator Parker.

SENATOR PARKER: On the bill, Mr. President.

ACTING PRESIDENT GRIFFO: Senator Parker, on the bill.

SENATOR PARKER: First let me thank Senator Flanagan for raising this important issue, because I think that all of us are concerned about voter fraud. And we

certainly want to see that go away.

You know, I think this is the right -- you know, to use Andrea Stewart-Cousin's favorite expression, this is the right church but the wrong pew. I think that we are absolutely creating a situation here, as Senator Connor has indicated, that in fact disenfranchises many people across, you know, across the state.

And unfortunately, Senator Diaz left the chamber, but Senator Diaz actually ought to understand a little bit about history before he starts going -- pontificating on things that he knows very little about. And obviously the election system is one of those things.

We are, as the United States, the leader in electoral democracy. Not the Dominican Republic or Puerto Rico, with all due respect to those countries and their fine democracies. And the reality is that they're also countries that are mainly racially homogeneous, for the most part. And so because of that, the implementation of electoral policy and election law is also

very, very different.

We stand here -- and part of what concerns me about this, Senator Flanagan, and my objections to it is not about your law and your good intentions, because I know you, and I know that you put this forward with the best intentions.

The problem is going to be the implementation at the board level and poll site by poll site. And what you're going to see and what we have historically seen is laws like this used to disenfranchise primarily black and Latino voters across the country. And we've seen it even now, up as recently as February 5th in our own elections here in New York State. And it's really -- it's a significant problem. It's a significant problem.

We here in the United States, as much as we are the leaders, when you look at participation, we rank number 29 out of the top 30 democracies in the world. Twenty-nine. Here in what's supposed to be the greatest democracy in the world, we don't have the participation levels that we should have.

And why is that? Well, some of it is about history. Some of it is, frankly, as great as our democracy is, it was never supposed to be a mass democracy. This was a democracy that was not supposed to have Kevin Parker, an African-American young man from the Bushwick housing projects, representing a State Senate district in Flatbush, Brooklyn.

Most of the people actually, you know, sitting here now representing their various districts, when this democracy was founded, and frankly when this state was founded, would not have even be able to vote, let alone get elected in districts.

And so we have some work to do in our democracy, and this bill doesn't take us toward that work. What we ought to be doing is making our democracy more open.

When you look at places that have greater participation, countries that have greater participation than we do -- take Italy, which only became a democracy in 1976. But what do they do in Italy that's different than the United States? Well, every year they send people around like census workers to

literally register people door by door. It's very similar to what we do for the census. If we were really interested in having people participate, we would do that.

We really ought to be taking this opportunity to discuss, Mr. President, how we in fact change our system here in New York State in order to increase participation, not in fact hinder it. We ought to ask ourselves some fundamental questions. Why do we have elections on a Tuesday? Why not, you know -- and why is it only one day? Why don't we have -- why is it only 12 to 16 hours, depending on what state it is?

We ought to look at maybe having it for a couple of days, maybe having it for a week, maybe doing 24 hours, maybe doing it online. I mean, there's lots of things that we ought to be doing to in fact expand our democracy, not in fact shrink it.

This bill, unfortunately, although the intention is good and we want to find ways to root out fraud -- and so I stand with you, Senator Flanagan, on that principle. But in terms of the application and what we've seen

in terms of the administration of laws like this, the outcomes wind up being the opposite, and we wind up disenfranchising voters all over our state.

I would like to see us eliminate fraud in our electoral system, but this bill, unfortunately, is not the right way to go about that.

ACTING PRESIDENT GRIFFO: Senator Krueger.

SENATOR LIZ KRUEGER: Thank you, Mr. President. On the bill.

ACTING PRESIDENT GRIFFO: Senator Krueger, on the bill.

SENATOR LIZ KRUEGER: Well, the good news about this bill is it would require the Board of Elections to actually propose regulations as to how we would implement this. I say that's good news, because I don't think they could. And as I read the bill, if they can't, then this couldn't be implemented. And I think that's good.

Because I think this is a bill in search of a problem. The federal data, the bipartisan, under the Bush administration

federal data on voter registration fraud shows that we don't have a problem.

Now, if this were to be implemented, when I look at what the other states have done, where you'd need a passport that costs a hundred dollars or you'd need a proof of your birth certificate, which may or may not ever be available and can cost up to $50, or you had to get naturalization papers for your citizenship, which cost now, I think, almost $250 -- but not to worry, because the immigration agency will never get to you, so you won't get them anyway.

What I see is a bill that if it was implemented would, as we have seen in the other states, target elderly people, the poor and the disabled, who statistically are least likely to be able to produce this kind of document. And, on behalf of the 51 percent of the population of New York who are women, would disenfranchise us from our ability to vote, particularly women who have taken names of their husbands during marriage.

In fact, while I'm quite sure I'm a U.S. citizen, I'm quite sure I've been a voter

in New York State literally from the minute I moved to New York State in 1983, I believe that I would not be eligible to vote if this law was in effect.

My legal name on my birth certificate is Elizabeth Krueger. My Social Security card is under Elizabeth Krueger. Everyone who knows me here knows me as Liz Krueger. That is how I am registered to vote, that is how I am listed on my Senate walls and paper. When I became a Senator and they got me paperwork to sign up as a state senator and got me stationery -- I'm sure we all have stationery, even placards for our offices -- it all said "Liz Krueger."

And then I got a contact call from personnel, after about a year, saying: "Social Security and the IRS have a problem. Someone is fraudulently using your Social Security number under the name Elizabeth Krueger, and they live at the same address and have the same birth date. There's a problem."

And I had to go explain that perhaps it was shocking to various federal government agencies, but that "Liz" was a

relatively well-known short nickname for Elizabeth. Poor Pete Grannis when he was here -- his name was Alexander B. Grannis, and he went under "Pete." I was just "Liz," usually understood as short for Elizabeth.

Now, to add to the complications, if I had to produce my passport, and happily I have one, my passport is in the name Elizabeth Krueger-Seley, my husband's last name. Because when I got married, we were going to a Muslim country, Morocco, for our honeymoon, and I was advised that if I didn't have the same name on my passport as my husband, even though we were newlyweds we would not be allowed to stay in the same hotel room. So I made sure that my passport had my husband's name.

Then when I went to get a renewed driver's license and they asked me for my ID, I pulled out my passport; again, Elizabeth Krueger-Seley. So my driver's license is Elizabeth Krueger-Seley.

So my birth certificate is one name, my Social Security card is another name, my passport is another name, my motor vehicle

ID is another name, and I'm known here as another name. Which is the name I'm registered to vote as.

So I have to say I don't think my story is that complicated. Most of the women I know who have been married, and particularly who have been married who are above a certain age, have taken their husband's name. We won't even get into the complications of supposed you got divorced and remarried and changed names again.

So if I'm worried that I wouldn't be able to vote under this law, I'm very worried for the hundreds of thousands of women who I believe would find themselves in the same position.

And again, when we look at the data from around the country, the poorer you are, the more likely you are to have this problem. The more disabled you are, the more likely you are to have this problem. And the more elderly you are, the more likely you are to have this problem.

My colleague Ruth Hassell-Thompson already raised the findings in Arizona. I'll

just reference one newspaper story -- actually, it was a TV news story -- from June '08: "Woman, 97, Battles Voter ID Law." From Arizona. She's a legal American, she was born and raised in America. She's been voting since 1932. And yet under the Arizona law, she was rejected for a voter ID because she doesn't a passport, she doesn't have a birth certificate. And she reports that since she was born in 1910, before birth certificates were issued, she can't get one.

So again, on behalf of women, we don't want this law. On behalf of elderly people, we don't want this law. On behalf of poor people, we don't want this law. On behalf of disabled people, we don't want this law.

The really good news is even if we got this law, we wouldn't have a way to implement it.

And best of all, we don't have a problem we need to fix, because we don't have a voter registration fraud problem in our state or in our country.

I'll be voting no. Thank you,

Mr. President.

ACTING PRESIDENT GRIFFO: Thank you, Senator Krueger.

Senator Stavisky.

SENATOR STAVISKY: Thank you.

I guess, Senator Krueger, I'm fortunate to have a very short name. But we had nothing to do with that.

Mr. President, if the sponsor would yield, I have a couple of questions.

ACTING PRESIDENT GRIFFO: Senator Flanagan, do you yield for a couple of questions?

SENATOR FLANAGAN: Yes, I do.

ACTING PRESIDENT GRIFFO: Senator Stavisky.

SENATOR STAVISKY: Both Senator Connor and Senator Krueger have alluded to the fact that voter fraud doesn't seem to be a major problem. Can you tell us any statistics in New York State on people who either have been indicted or convicted on voter fraud issues?

SENATOR FLANAGAN: Senator Dilan had asked me this question before, and I

probably should have given a little bit more detail.

Do I have anything specifically from the State Board of Elections? No. But I'll just read you one thing that is, to the extent that it can be, independent, and that was in 2006 an investigation by the Poughkeepsie Journal.

And one of the findings that they had come up with was that there were at least 2600 people who had cast votes that were dead. Now, I don't know if you might consider that fraud, but I consider that fraud.

SENATOR STAVISKY: It depends on when they died.

(Laughter.)

SENATOR FLANAGAN: So there's just one. And it's laid out, by the way.

And to Senator Hassell-Thompson's point, while it's not in her district, the overwhelming majority of those facts emanate from the City of New York.

ACTING PRESIDENT GRIFFO: Senator Stavisky.

SENATOR ONORATO: Did they show a

death certificate?

SENATOR STAVISKY: My colleague said that -- no, I'm not going to ask that question. And I'm not going to ask whether there was a challenge to any of the legislative races based upon the alleged suspicions of fraud.

Let me ask you another question, then.

SENATOR FLANAGAN: Sure.

SENATOR STAVISKY: From what I understand, it is relatively rare for instances of voter fraud to occur when they vote. But there are instances before they vote, when they register to vote. And it seems to me that that is an area of concern.

When they register to vote, what do they have to show in order to become a registered voter?

SENATOR FLANAGAN: Well, actually, right now you can register in a couple of different ways. You can certainly register in person at the Board of Elections. You can register by mail. And if you look at it in terms of convenience and things that

have changed, going back to observations made by Senator Connor from 1976, we now have mail registration, which has really helped spur voter registration.

So that's probably -- I don't know if I have this a hundred percent correct, but probably the most convenient and most frequently used form of registration is by mail.

SENATOR STAVISKY: Don't they have to show --

ACTING PRESIDENT GRIFFO: Senator Stavisky, are you asking Senator Flanagan to continue to yield?

SENATOR STAVISKY: I'm sorry, one other question.

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

SENATOR FLANAGAN: Yes, I'm sorry, I do yield.

ACTING PRESIDENT GRIFFO: Senator Stavisky.

SENATOR STAVISKY: Don't they take an oath that they are a citizen when they register to vote?

SENATOR FLANAGAN: Yes.

SENATOR STAVISKY: So aren't we -- one follow-up question, then.

ACTING PRESIDENT GRIFFO: Senator Flanagan, do you yield?

SENATOR FLANAGAN: Yes.

ACTING PRESIDENT GRIFFO: Senator Stavisky.

SENATOR STAVISKY: So doesn't that resolve the issue of voter fraud potential, when they register, they take an oath that they are a citizen?

SENATOR FLANAGAN: In my estimation, no. I'd like to see something else. And we can respectfully disagree and have a difference of opinion on something like this.

Right now, if you register by mail, there is no check. Now, if you're a first-time voter and you register by mail and you show up at the poll, you have to show some form of ID. And going back to what Senator Connor offered, I would gladly, gladly support what he was talking about in terms of voter ID or a universal ID card.

But, ladies and gentlemen, I sat and spent hours and hours -- Senator Dilan was there -- working on issues involving HAVA. Quite candidly, it was the Democrats who didn't want to go anywhere near that, didn't want to have any identification, any proof offered whatsoever. We very clearly wanted to have much more stringent requirements, but quite frankly it was the Democrats who didn't want to have anything to do with it, in any way, shape or form.

SENATOR STAVISKY: Well, I think this is not a Democrat/Republican issue but more an issue of enforcing our laws.

Thank you, Senator. On the bill.

ACTING PRESIDENT GRIFFO: Senator Stavisky, on the bill.

SENATOR STAVISKY: Very briefly, I represent a district in Flushing, and several years ago we did have an instance of voter fraud in the registration process. What happened -- and Senator Connor was not involved in this. But what happened was there was an instance where people registered to vote from a studio apartment, and there were

15 or so people registered to vote from a studio apartment in Flushing. There were other individuals who registered to vote from industrial areas in Flushing. One in particular, I think, was a bookstore, if I'm not mistaken.

They were caught. The case was referred to the Queens district attorney, people were subpoenaed, and I believe there was a plea bargain entered into and the case was eventually resolved.

This is what troubles me. It's the potential for fraud at the registration level. I see people on the street registering voters without asking for identification. That troubles me. I understand that this occurred several days ago, somebody gave me a call and told me that there were instances of people registering voters on the street and not asking, just signing them up without identification.

I find that troubling. But unfortunately, I don't see how this legislation is going to remedy it.

I think we all want to encourage

voter participation, and I am going to vote against this bill. Thank you.

ACTING PRESIDENT GRIFFO: Thank you, Senator Stavisky.

Senator Sabini.

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

ACTING PRESIDENT GRIFFO: Senator Sabini, on the bill.

SENATOR SABINI: I understand the sponsor's sincerity in trying to make sure we have some surety in the results of our elections.

But I think in proposing this bill and moving forward with it, statistically, whether we like it or not, lots of groups of people who would be adversely affected: the elderly, African-Americans, immigrants, people with disabilities, poor people. Many of the types of people that are represented in districts like mine.

And we've heard a lot of the arguments already, but one of the other things that troubles me here is to allow the State Board of Elections to make this determination.

There's no appropriation for them to buy any equipment or hire any personnel to do this vetting process, to check encryptions. All of these new IDs now have encryptions. We went through that with driver's license debate.

So there's no money there. But also the State Board of Elections, in recent years, has been, frankly, at a full-time stalemate. They can't seem to get anything done because of the partisan nature of the board.

I remember when we were in the HAVA conference committee with Senator Morahan and others from the Assembly and this body, we had a hard time coming up with a common ground on what kind of IDs we would want to show to demonstrate citizenship. People from upstate wanted to use fishing licenses, and people from downstate wanted to use senior Metro cards, and each side that was not from that area questioned the veracity of either.

So I think this just brings up more problems than it solves. I think New York has been behind the curve in voter participation. Sometimes it's even folks in my party who are

behind the curve in increasing participation.

I laugh when I hear people complain about mail-in votes, it's not a real vote. Well, in other states, places like Oregon, California, Nevada, State of Washington, people are clamoring to do mail-in votes. In some cases they're doing only mail-in votes. And it increases participation.

So I'd like to find ways that we can have sound results in our elections that we can trust. And I understand that's what the sponsor wants to do here, but I also want to make sure we have the maximum participation. And so therefore I'll be voting in the negative.

Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: Senator Schneiderman.

SENATOR SCHNEIDERMAN: Thank you, Mr. President. Very briefly.

This has been an interesting and I hope educational discussion on this issue. But I just want to underline what to me is the most troubling thing about this bill. It simply changes the law which currently

requires that you must be -- you can't register unless you are a citizen. Senator Flanagan's bill would change it to say unless he or she provides proof of citizenship.

Now, that may seem to be a small change, but I think it's tremendously important because there are two great traditions in the United States -- and I don't mean great in the sense of good, there are two long-standing traditions in the United States regarding voting.

There is a tradition which has been bipartisan, multigenerational, of people who seek to suppress the vote. And it goes back to what used to be called disability laws, the disability laws that initially -- when this republic was founded, if you could not prove you were a Christian, you could not vote. The disability laws on Jews were only relieved in the mid-19th century.

The poll tax was a law to prevent people from voting. Interestingly enough, in Ohio they have a law that allows challenges to voters, and the law is an amendment of a law that existed in the Civil War era that

originally read -- the challenges were allowed to, quote, those with a distinct and visible admixture of African blood.

So that is a tradition in the United States, making it harder for people to vote. And it generally has been directed at people who are different than the mainstream, at people who may have views of how the government should work that are out of sync with the mainstream, poorer people, immigrants, African-Americans.

And I'm afraid that this bill seems to be closer to that tradition than to the other tradition that I hope that we in this house aspire to be a part of, which is the tradition of expanding the franchise, of the suffragist movement, of the Voting Rights Act, of HAVA, of the Motor-Voter Law. There are people who view it in all of our self-interest to expand voter participation.

It is absolutely clear to me that changing this requirement only imposes a disability to the millions of New Yorkers who do not have a birth certificate or a passport. Let's not kid around and say the Board of

Elections can come up with some clever solution. There's virtually no way to prove you're a citizen. You have a birth certificate, you have a passport. Lots of people don't. And overwhelmingly the people who do not have them are poorer, they are older, they are African-American.

So this is something that quite honestly would make -- again, Senator Flanagan is referring to the Board of Elections, which as several people here have pointed out is not really the most adept and able agency at responding to stressful situations or coming up with creative solutions. This would require people really to go in person to a Board of Elections. It's a tremendous burden, frankly, mostly to my upstate colleagues, where the distances are greater.

But it does bother me that we will pass in this house a bill that falls into this unfortunate tradition of disabilities, of restrictions, and of making it more difficult for the poorer, for the elderly, for African-Americans and others to vote.

We have seen challenges to voters

in this state. There are illegal challenges to voters all the time at polling places in New York. I was present at Andrea Stewart-Cousin's election, where there were lots of illegal challenges to African-American and Latino voters. That's not legal, but it's done.

Let's be cognizant of the whole picture: This is a bill that would it harder for people to vote. Let's ensure that citizens are the only ones to vote without imposing a disability. I urge everyone to vote no, Mr. President.

ACTING PRESIDENT GRIFFO: Senator Stewart-Cousins.

SENATOR STEWART-COUSINS: Thank you, Mr. President.

I guess, as Senator Schneiderman alluded to, I've certainly had my experience of election and people being challenged.

But if the sponsor would yield for a question.

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

SENATOR FLANAGAN: Yes.

ACTING PRESIDENT GRIFFO: Senator Stewart-Cousins.

SENATOR STEWART-COUSINS: Thank you, Senator. I was just curious about the reference that you had brought up about the Poughkeepsie Journal and the people who were deceased who were voting.

SENATOR FLANAGAN: Yeah.

SENATOR STEWART-COUSINS: I was just curious. In other words, people who were living used the name of the deceased in order to vote? Is that it? Is that what happened?

SENATOR FLANAGAN: I believe that would be about the only way you could get the vote cast.

SENATOR STEWART-COUSINS: Okay. No, because -- if the sponsor could continue to yield.

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

SENATOR FLANAGAN: Yes.

ACTING PRESIDENT GRIFFO: Senator Stewart-Cousins.

SENATOR STEWART-COUSINS: I was just wondering, as you made that reference,

whether or not the bill that you have in front of us addressed that particular problem.

SENATOR FLANAGAN: No. But the comments that I made were in response to an inquiry about voter fraud in the State of New York. So I don't know that that -- you probably couldn't ask for a clearer example of voter fraud.

Did it address the question of citizenship? No. But the question was not about that, it was about voter fraud.

SENATOR STEWART-COUSINS: Well, I think that --

ACTING PRESIDENT GRIFFO: Senator Stewart-Cousins, are you on the bill?

SENATOR STEWART-COUSINS: I'm on the bill.

ACTING PRESIDENT GRIFFO: Senator Stewart-Cousins, on the bill.

SENATOR STEWART-COUSINS: Clearly I asked that question because, when we talk about voter fraud and when we look at the national instances, certainly in the cases of the two very contentious elections that I was involved in, there were allegations of voter

fraud back and forth. And certainly there was no substantiation of those claims.

However, as Senator Schneiderman said, there were clearly a lot of challenges to voters as they attempted to vote, legal voters as they attempted to vote. In fact, when I came here I offered several pieces of legislation that dealt with people being denied the right to vote.

So I would certainly stand in this chamber with my colleagues who are looking to reduce barriers to vote, not to create new barriers.

In the case of my parents, if this type of legislation were enacted, my mother could never have voted for probably the first 65 years of her life, where she had never traveled out of the country and, although certainly a citizen since birth, living here in New York, had no driver's license because she didn't drive. She assumed the name of her husband, as women of her generation did. And she would not have been qualified to vote.

My father, a decorated war hero who's won the Bronze Star, Purple Heart, a

veteran, disabled, in a nursing home, maybe he could pull his papers together, but chances are he's not going to go to the Board of Elections to approve his citizenship.

This is a barrier. And as we are in this extremely exciting part where maybe the amount of participation in our elections will rise high above the 50 percent of real citizens voting to determine the course of their nation, I think that we should stand with creating more access, not less.

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

Senator Connor.

SENATOR CONNOR: Thank you, Mr. President.

I couldn't help but think the example of 2,000 dead people voting indicates a different kind of fraud. It's not voters lying on their registration forms, obviously. It's someone calculating and running a racket, and it's negligence by the Board of Elections in not taking the certificates they get from the Department of Health and cancelling registrations.

And I don't know, if you want to put a bill in saying dead people have to show their death certificate in order to vote, I -- it doesn't make any sense to me.

But the real problem with this bill is, you know, as Senator Flanagan said, oh, most people register by mail, and it's convenient. This bill doesn't say in order to vote, in order to vote you must show the proof of citizenship. You know, federal law says new voters, in order to vote for the first time, must show identification. This bill says in order to be registered to vote, you must give the proof of age and citizenship.

And there's no way you're going to do that by mail. There's no way. No one is sending their original birth certificate or their passport through the mail to the Board of Elections. That would be foolish.

And it also raises a question, as you look at what Motor Vehicles is doing with the new ID requirements, county clerks' employees or Motor Vehicle employees have to be specially trained to authenticate documents. I do not think our Boards of

Elections have that sort of trained personnel to know whether they were being shown a fake one or not.

But if you do away with the mail registration, the efficacy of mail registration, then you are left with having to personally appear at the Board of Elections with your documentation. And that is a huge burden, more so upstate than in the City of New York. A huge burden.

Monday through Friday, 9:00 to 5:00, go to the county seat at the Board of Elections in order to register to vote. The negative impact is actually going to be greater, I think, on most of the constituencies represented by my Republican colleagues here.

But you really -- they're not registered to vote until they show that documentation. That's my problem with this. You know, to say, oh, they sign an oath as if that's nothing -- anyone appearing at a polling place and identifying themselves, without identity, anybody who walks in and says "I'm John Smith at that address, that's

me in the book," and someone challenges them and says "No, you're not John Smith," has a right to vote as long as they sign the challenge oath.

We use an oath at the polling place, we use an oath at registration to qualify people to vote. Obviously, if they're lying, the penalties for perjury are large and should be imposed. This bill takes us out of that system. You still, when you're challenged at a polling place, can vote on the machine as long as you sign an oath.

But the real problem here is you're not registered -- it's not like in order to vote the first time you have to show this. You're not registered until you show to documentation, and you're not going to be able to show this documentation unless you go to the County Board of Elections.

And when you talk about NVRA, the National Voter Registration Act, so-called Motor Voter, which we have implemented, when you go to certain state agencies -- Motor Vehicles, actually, public assistance offices and so on -- you're given an opportunity to

check a box, and you're automatically registered to vote.

This bill, implementing this bill, would vitiate the NVRA, which is federal law. Because when you go to a lot of these offices, you don't necessarily have to have this proof of citizenship with you to get the governmental service you're getting. And federal law says, Well, if you're not registered, you're automatically registered when you go there and do the paperwork there.

So this bill just doesn't fit into our whole scheme of election law, and it imposes an enormous burden on people who want to register, particularly people in upstate and rural counties.

So, Mr. President, I again urge everyone, vote no.

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

I call on Senator Flanagan, then, to close debate.

SENATOR FLANAGAN: Thank you, Mr. President.

I appreciate the sincerity of the

comments from my colleagues. I just want to offer a few of my own observations.

I listened to a lot of things that I don't think this bill is, because I actually think this bill is quite simple. It basically says that you have to provide proof of citizenship. Now, we can have a philosophical disagreement, people may not want to hear this. But in my interpretation -- I listened to the comments -- this is not about disenfranchising the women, this is not about disenfranchising the elderly, this is not about disenfranchising minorities.

And in the State of New York -- and we will have a difference of opinion on that, because I know how I approach things. And if I look in the State of New York, I'm probably no different than many of you. Every single time I go to a school, every single time I go and talk to kids, the thing I tell them: You can forget everything else I say; when you turn 18, register to vote and vote. It's such an unbelievable right and privilege that we have, and it's a shame that more people don't exercise it.

But I'll just talk about New York State for a second. Within the State of New York, I represent a district where in the last presidential election, turnout was about 80 percent. I don't have an electoral problem in my area. We have problems within the State of New York where people do, and some of our colleagues in this house and the other get elected with 10, 12, maybe 15 percent of the eligible electorate getting out and voting.

People talked about voter fraud. I believe that if you look at HAVA, after the National Voter Registration Act, HAVA came about because people were concerned about the integrity of the process and people were concerned about fraud. There have obviously been court cases and years of legislation and hearings and all kind of issues at the federal level, and it's played out at the state level as well.

I have stories and stories and stories here. I try, when I prepare for something like this, to be at least well-read on what the subject matter is. There are cases all across the country where there's

clear instances of voter fraud.

Now, if you look to Arizona -- and some people don't want to hear about Arizona. But, ladies and gentlemen, that's a state where this law has actually been enacted. There have been no burdens. There have been no impediments. And there have been two court cases at the district court level, at the federal level, and at the Court of Appeals, which have not only said it's not a violation of the National Voter Registration Act, but they have found no statistical evidence and no anecdotal evidence of any kind suggesting that there are impediments being created by a law like this.

Now, do I think our State Board of Elections works perfectly? Absolutely not. Do I think they can come up with rules and regulations? Yes, I do.

Am I worried that people are now going to have to forget mail-in registration? No. I think we can work that out. I think a system could be set up so that all you have to do is show that you are actually a citizen.

I want to do that, and I hope all

of you want to do that, because I want to protect my vote by making sure that someone who should not be voting doesn't have that right or, rather, doesn't have that opportunity. Because if they're not a citizen, they don't have that right anyway.

I will work in good faith with any of my colleagues to help increase electoral participation. But this is not about disenfranchising people, this is about enhancing the integrity of the process and taking something that works and trying to make it better.

Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: 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.)

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

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

Mr. President, I have already stated that I will be voting no, and I want to reaffirm that. Nothing that has been discussed since that convinces me perhaps that my view of this bill was obscured.

To the contrary, I think that Senator Flanagan has asked us -- has said that he sees no impediments, and yet the very state that he quoted indicated the impediments to more than 5,000 eligible voters. That's just a microcosm of what happens and can happen in the State of New York with the numbers of different ethnic groups that we find in this state alone.

So I will be voting no, and I just encourage every right-thinking Senator in here to vote along with me in voting down this bill. Because even though this may not be the intent, the outcomes will in fact be the same.

Thank you, Mr. President.

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

Senator Nozzolio, to explain his vote.

SENATOR NOZZOLIO: Mr. President, can I have some order, please.

ACTING PRESIDENT GRIFFO: Can we have some order, please. Thank you.

SENATOR NOZZOLIO: Thank you, Mr. President.

Mr. President and my colleagues, we are voting on a concept that's fundamental, that you have to be a citizen to have the right to vote in America.

I find it ironic that there are so many people who are not supporting this measure. But maybe the irony is not that great when you realize that the Minority Leader of this house supports legislation that provides those who are here as aliens, albeit legally, the right to vote.

Let me state that again. The Minority Leader and a number of members on that side of the aisle support legislation that allows those who are not citizens in New York State the right to vote in state, local, and national elections.

My grandmother came to this country from Italy. She became a United States citizen, one of the proudest days of her life. And I think certainly the second proudest day of her life in terms of civics and government was the day that she took those citizenship papers and registered her right to vote as a new citizen of this United States of America.

That right is a sacred right. It's a right that many fought and died for. It's a right that we believe strongly that citizens of this country have and that it is one we honor.

My grandmother was proud to demonstrate to all that she was a citizen of the United States. That's what Senator Flanagan's bill does: Only show that you are a citizen of this country, and you of course have the right to vote.

That is why, Mr. President, I know the true spirit of this nation is in its strong citizenry and those who wish to exercise their right and should be proud of their right and proud of their citizenship.

That's why it makes sense,

Mr. President, to establish this legislation. And I vote aye.

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

Senator Parker, to explain his vote.

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

One, let me again just say thank you to Senator Flanagan for bringing this legislation and encouraging this debate on this important issue. Again, I think that he's right, that this bill does not in fact disenfranchise people per se.

The problem is going to be how this bill is executed on the local level. And, you know, the bill, you're right, doesn't do all that. But when you look at how it's going to get executed, people need to understand the entire public policy process.

We in fact here up in Albany, in our ivory tower, legislate lots of things, but when it gets implemented, the unintended outcomes will in fact disenfranchise women, disenfranchise African-Americans,

disenfranchise Latinos. And this is something that we frankly cannot afford.

As I listen to our conversations about immigrants, you know, once again I feel another strain of the Mayflower syndrome coming on and people are just not understanding on what this country was founded. Most of the people here couldn't even vote when this country was founded. This country wasn't founded by the immigrant groups that are represented here. And I'm not just talking about Caribbean or Asian or whatever, I'm talking about people who are Italian and Irish couldn't vote. You didn't have the right. Most of our ancestors didn't even own property enough to have an opportunity to get elected, let alone vote.

So we are in the process here of perfecting our democracy. And this bill doesn't do that. We ought to be opening up our democracy more and more to new groups of people who are coming here because we call ourselves the greatest democracy. And being the greatest democracy means your responsibility to open up and let people

decide. This is a country, a state, and I live in a city and a borough of immigrants. And how dare we not give them an opportunity to participate in the process.

And you're darn right, I support a policy that would allow immigrants on a local level to vote for things like City Council and mayor and school board, because this country is founded, Mr. President, on the idea of no taxation without representation. And that's exactly what we're doing now. We have bills and our federal policy says come, work, pay taxes, but don't participate in the political process which governs your day-to-day life.

It's unfair, and it's un-American, and that's why I'm voting no on this bill.

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

Senator Diaz, to explain his vote.

SENATOR DIAZ: Yes. Yes, Mr. President.

Again, I'm going to repeat myself. I went to Santo Domingo to observe the election there, invited by the Dominican Central Board of Election. And people there

to vote, they had to get an ID card and they had to present proof -- to get the ID card, they had to present proof of citizenship so they could get the ID card. Also in Puerto Rico, where I come from, people have to present proof of citizenship.

So this is not being a Democrat, this is not being a Republican. This is saying that people in the State of New York, to be able to vote, the law says, the law says they have to be U.S. citizens. Not until we change the law, not until we change the law then we're going to allow anything else.

I'm also representing a community full of immigrants. But I don't want to come here because I represent a community full of immigrants and I'm going to say that I'm voting against this bill because it's anti-immigrant. This bill is not anti-immigrant, this bill is pro-law.

The law says, the law says to be able to vote in America, in the United States, in New York, you have to be an American citizen. So that means that to be able to register to vote, you have to present proof

that you are an American citizen simple as that. Simple as that.

So I represent immigrants. I'm a Puerto Rican, I'm Hispanic. But I don't want to vote against this bill because I want immigrants to vote. Yes, I want immigrants to vote. I want everyone with the regular visa, not the American -- the green card to vote. But that's a different law. Let's pass a law authorizing them to vote, and then they can vote.

Meanwhile, meanwhile, anyone -- until that time comes, every person that would like to vote in America has to be a U.S. citizen. I don't like it. I want other people to vote so that I could keep in power. That's the law. So that's why I'm voting for this bill. Not because I'm anti-anybody. As one of my colleagues said, move to that side, move to that Republican side. Oh, to protect the law I have to be Republican? So I cannot be a Democrat to protect the law? So I'm a Democrat, I don't protect the law? So I have to move to the other side and vote Republican so I could protect the law?

UNIDENTIFIED REPUBLICAN SENATOR: Yes.

(Laughter.)

SENATOR DIAZ: How ridiculous is that?

ACTING PRESIDENT GRIFFO: Senator Diaz, how do you vote?

SENATOR DIAZ: I'm voting yes.

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

Senator Montgomery, to explain her vote.

SENATOR MONTGOMERY: Yes, Mr. President, just very briefly.

I just want to remind my colleagues that the central theme of Martin Luther King's struggle for the rights in this country was to attain voting rights. And at that time, prior to the Voting Rights Act of 1965, there was the poll tax and many other obstacles to voting by African-Americans in this country.

And so in the name of Martin Luther King, I think that this really goes against -- this is a back-door poll-tax bill, because the -- those documents that are required will

cost up to $210 in order for a person to be able to access the records. If it's a passport, $85. If it's a birth certificate, up to $15. And if it's naturalization papers, it's $210. That is indeed a poll tax.

That is -- it defies the civil rights movement. It defies the intent of Dr. Martin Luther King. And I think that none of us in this room would want to say that we now, in 2008, do not respect and honor the legacy of Dr. Martin Luther King. I vote no.

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

Senator Oppenheimer, to explain her vote.

SENATOR OPPENHEIMER: Yes, Mr. President.

I've been listening closely, and I certainly agree with the people who say that a number of people will be discouraged from voting. A number of people -- a great number of people, maybe as much as 11 percent in nation, do not have the picture ID. There's a cost entailed there, and in many cases it is not only a cost but something that they simply

haven't acquired and can't acquire for any number of reasons.

But what interested me is this message that I got from the League of Women Voters, which I'm happy to say I am a past president of, and they say that voter fraud is miniscule in this country. There was a national study done between the years 2002 and 2006, and only 24 people were convicted nationally of voter fraud. And they say in each of those cases it was really due to human error in the local and the state bureaucracies.

Which brings me to my next point. Right now the Board of Elections, which is, as we all know, a bipartisan agency, they are in total gridlock right now. And they don't have the capacity to review the credentials of every person.

And down to the most basic level, I would have to say that do you really think that myself, a middle-class white woman, is going to be asked to produce this kind of information? I don't think so. I think this is targeted at our new residents and our

minority residents, and I think there will be unequal justice of which we will all be very embarrassed.

This is not a bill which we can be proud of. And I'm happy to vote in the no.

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

The Secretary will announce the results.

THE SECRETARY: Those recorded in the negative on Calendar Number 1992 are Senators Adams, Breslin, Connor, Dilan, Duane, Gonzalez, Hassell-Thompson, Klein, L. Krueger, Montgomery, Onorato, Oppenheimer, Parker, Perkins, Sabini, Sampson, Savino, Schneiderman, Serrano, Smith, Stavisky, Stewart-Cousins and Thompson.

Absent from voting: Senator C. Kruger.

Ayes, 37. Nays, 23.

ACTING PRESIDENT GRIFFO: The bill is passed.

Senator Maziarz, that completes the controversial reading of the supplemental calendar.

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

Just for everyone's knowledge about the process going forward, we're going to take up two bills now from the last calendar. Then we are going to have a Rules Committee meeting, and we will be voting on that Rules Committee report.

Then there's going to be a Finance Committee meeting, and there will be confirmations that we will take up today.

And after session is over, there will be a short Majority conference.

So that's the schedule for the rest of the day. And whosever decision it was to take up that last bill on getaway day, I want to thank them.

(Laughter.)

SENATOR MAZIARZ: Mr. President, would you please call up Calendar Number 1729.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: In relation to Calendar Number 1729, Senator Leibell moves to discharge, from the Committee on Rules,

Assembly Bill Number 11303 and substitute it for the identical Senate Bill Number 8312, Third Reading Calendar 1729.

ACTING PRESIDENT GRIFFO: The substitution is ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1729, by Member of the Assembly Molinaro, Assembly Print Number 11303, an act in relation to state aid payments.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT GRIFFO: The bill is passed.

Senator Maziarz.

SENATOR MAZIARZ: Thank you, Mr. President.

Can we please take up Calendar Number 2040, laid aside earlier.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: In relation to Calendar Number 2040, Senator Lanza moves to discharge, from the Committee on Rules, Assembly Bill Number 11634 and substitute it for the identical Senate Bill Number 8584, Third Reading Calendar 2040.

ACTING PRESIDENT GRIFFO: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 2040, by the Assembly Committee on Rules, Assembly Print Number 11634, an act to amend Chapter 759 of the Laws of 1973.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT GRIFFO: The bill is passed.

Senator Maziarz.

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

There will be an immediate meeting of the Senate Finance Committee in Room 332, the Majority Conference Room.

ACTING PRESIDENT GRIFFO: There's an immediate meeting of the Senate Finance Committee in Room 332, the Majority Conference Room.

Senator Maziarz.

SENATOR MAZIARZ: Mr. President, could we return to motions and resolutions.

ACTING PRESIDENT GRIFFO: May I have some order in the house, please.

We will return to motions and resolutions.

SENATOR MAZIARZ: Would you recognize Senator Fuschillo, please, Mr. President.

ACTING PRESIDENT GRIFFO: Senator Fuschillo.

SENATOR FUSCHILLO: Thank you, Mr. President.

On behalf of Senator Little, on

page 54 I offer the following amendments to Calendar Number 1819, Senate Print Number 7915B, 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 Third Reading Calendar.

Please can we have some order in the chamber so that the stenographer can get an accurate reading of the proceedings. Thank you.

Senator Fuschillo.

SENATOR FUSCHILLO: Mr. President, on behalf of Senator LaValle, I move to amend Senate Print Number 3208B by striking out the amendments made on May 5th and restoring it to its previous print number, 3208A.

ACTING PRESIDENT GRIFFO: So ordered.

SENATOR FUSCHILLO: On behalf of Senator Little, I wish to call up Senate Print 1101, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: Calendar Number 256, by Senator Little, Senate Print 1101, an act to legalize, validate, ratify and confirm.

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

ACTING PRESIDENT GRIFFO: Call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

SENATOR FUSCHILLO: I now offer the following amendments.

ACTING PRESIDENT GRIFFO: The amendments are accepted.

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

Sponsored by Senator Winner, page number 21, Calendar Number 621, Senate Print Number 7061;

By Senator Fuschillo, page number 36, Calendar Number 1148, Senate Print Number 7892;

By Senator Fuschillo, page number 52, Calendar Number 1522, Senate Print Number 1312B;

By Senator Skelos, page number 56, Calendar Number 1946, Senate Print Number 8478.

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

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

SENATOR FUSCHILLO: Thank you.

ACTING PRESIDENT GRIFFO: Thank you, Senator Fuschillo.

Senator Maziarz.

SENATOR MAZIARZ: Mr. President, would you recognize Senator Duane, please.

ACTING PRESIDENT GRIFFO: Senator Duane.

SENATOR DUANE: Thank you, Mr. President.

I wish to call up Senator Diaz's bill, Print Number 767, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: Calendar Number 1538, by Senator Diaz, Senate Print 767, an act to amend the Executive Law and the Agriculture and Markets Law.

ACTING PRESIDENT GRIFFO: Senator Duane.

SENATOR DUANE: Mr. President, I 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: The Secretary will call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT GRIFFO: Senator Duane.

SENATOR DUANE: Mr. President, I now move to recommit the bill to the Committee on Rules, with instructions to said committee to strike out the enacting clause.

ACTING PRESIDENT GRIFFO: So ordered.

SENATOR DUANE: Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: Thank you, Senator Duane.

Senator Nozzolio.

SENATOR NOZZOLIO: Mr. President, on behalf of Senator Winner, I wish to call up Print Number 7124A, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: Calendar Number 1311, by Senator Winner, Senate Print 7124A, an act to amend the Education Law.

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

ACTING PRESIDENT GRIFFO: Call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

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

ACTING PRESIDENT GRIFFO: The

amendments are accepted.

SENATOR NOZZOLIO: Mr. President, Calendar Number 682, Print Number 2879B, I offer the following amendments, on behalf of Senator DeFrancisco, 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 Maziarz.

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

Could we stand at ease pending the report of the Finance Committee.

ACTING PRESIDENT GRIFFO: The Senate stands at ease pending the report of the Finance Committee.

(Whereupon, the Senate stood at ease at 2:56 p.m.)

(Whereupon, the Senate reconvened at 3:44 p.m.)

ACTING PRESIDENT GRIFFO: The Senate will come to order.

Senator Bruno.

SENATOR BRUNO: Mr. President, can we at this time return to reports of standing committees.

I believe there's a report from the Finance Committee at the desk, and I ask that it be read at this time.

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

The Secretary will read the report of the Finance Committee.

THE SECRETARY: Senator Owen Johnson, from the Committee on Finance, reports the following nominations.

As a member of the State Board of Parole, Lisa Beth Elovich, of Selkirk.

ACTING PRESIDENT GRIFFO: Senator Johnson.

SENATOR OWEN JOHNSON: Move the nomination.

ACTING PRESIDENT GRIFFO: Senator Bruno.

SENATOR BRUNO: Mr. President, on the nomination.

Thank you, Senator Johnson and colleagues.

Lisa Elovich Avella is a constituent of mine. And Lisa is here, and I'm very proud of Lisa, as all of us should be. Educated with a B.A. in government in Maryland, Hofstra, as a juris doctor, and has served as an assistant district attorney in Manhattan and a deputy attorney general, and has served with great distinction already on the Parole Board, which is a very difficult assignment, as we all know.

So we are fortunate when highly qualified people are ready to give public service in the way that Lisa has already demonstrated.

So I'm proud, as a representative of a distinguished constituent, who, besides everything else, a hugely successful entrepreneur, mother. So we're glad that the Governor would submit Lisa, and I am proud to move this nomination, Mr. President.

ACTING PRESIDENT GRIFFO: Thank you, Senator Bruno.

Senator Nozzolio.

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

Commissioner Elovich came before the Senate Standing Committee on Crime Victims, Crime and Corrections this morning and did an excellent in job in outlining for the committee the dynamics of, every day, a commissioner's responsibilities.

That the committee has worked hard to ensure transparency and appropriate notice be given to all those victims of crime who are interested in the activities of the New York State Board of Parole.

Commissioner Elovich was tremendous in outlining those dynamics, discussing a number of the cases that she was called into question to ask about and to be involved with. Nonetheless, it was a very good experience, a very educating experience for the members of the committee, who are extremely impressed with Commissioner Elovich's background and are very pleased that she is facing renomination. The committee unanimously endorsed that renomination.

Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: Thank you, Senator Nozzolio.

Senator Farley.

SENATOR FARLEY: Yeah, I rise to support Lisa Elovich, who is an incredible young woman with a sparkling resume who really has done so much.

She's been a district attorney for the County of New York, worked in the criminal area. She has been with the Attorney General's office as a deputy attorney general and did an outstanding job there. She's a graduate of Hofstra Law School. She's been an administrative law judge. She's been, of course, continuing on from the Division of Parole.

She's a person that is very broad-based in all of the things she does. She's a promoter of boxing, which I think is very, very exciting; I've attended many of her matches.

And I think that Lisa is an incredible appointment and somebody that can really serve Parole. Because this is something that is really important in protecting society, and she has had the background to make a good judgment as to what

should happen in the Division of Parole.

And I endorse her enthusiastically.

ACTING PRESIDENT GRIFFO: Thank you, Senator Farley.

Senator Skelos.

SENATOR SKELOS: Thank you, Mr. President.

I want to congratulate the Governor on this appointment and to Senator Bruno for moving the nomination.

Unlike most of you in this chamber, I knew Lisa when she was a little girl and my constituent. In fact, I went to her bat mitzvah many, many years ago.

But she is just a great person, a great human being. And I know she's distinguished herself on the Parole Board, and I'm happy to join in seconding your nomination, Lisa.

ACTING PRESIDENT GRIFFO: Thank you, Senator Skelos.

The question is on the nomination of Lisa Beth Elovich, of Selkirk, for a position as a member of the State Board of Parole. All in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT GRIFFO: Opposed, nay.

(No response.)

ACTING PRESIDENT GRIFFO: Congratulations and best wishes, Lisa.

(Applause.)

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: As a member of the State Board of Parole, Mary Ross, of Hempstead.

ACTING PRESIDENT GRIFFO: Senator Johnson.

SENATOR O. JOHNSON: I move the nomination.

ACTING PRESIDENT GRIFFO: Senator Nozzolio.

SENATOR NOZZOLIO: Mr. President, the Senate Standing Committee on Crime Victims, Crime and Corrections came together to review the nomination of Mary Ross as a member of the New York State Board of Parole, unanimously endorsed her candidacy.

That there are many things in her

variety of background and experience that are impressive, but I believe one of the most impressive aspects of her resume is that she is a member of the Sisters of St. Joseph, that she will be the first nun, to the knowledge of those who know the historical aspects of the Board of Parole, she will be the very first nun to serve in that capacity.

Whatever reservations I may have had about Mary Ross's candidacy were eliminated by that fact, because I know Sister Frances Theresa, Sister Ellen Marie, Sister Noreen and many others who taught me at St. Patrick's School from age five into eighth grade certainly were exemplary of great service, and that that is a watchword and hallmark of the order of Sisters of St. Joseph, and that this is exemplary of the candidate that is before us.

The committee unanimously endorsed her candidacy for nomination to the Board of Parole, and that I'm here to reflect that endorsement.

Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: Thank

you, Senator Nozzolio.

Senator Stachowski.

SENATOR STACHOWSKI: Just briefly, I'd like to second this nomination.

There was a great background on Mary Ross, all her involvement with the various programs that she worked with through her experience, and then her law school.

And there was one question in the Finance Committee about would she be able to deal out the justice. And as one of the other people that went to Catholic grammar school -- and anyone that did knows very well that nuns have absolutely no problem dealing out justice.

(Laughter.)

SENATOR STACHOWSKI: So I'd like to take this opportunity to congratulate the Governor and second the nomination.

ACTING PRESIDENT GRIFFO: Thank you, Senator Stachowski.

Senator Stavisky.

SENATOR STAVISKY: Yes, I did not -- I was never disciplined by the sisters.

However, let me add that Mary Ross

brings a unique background, and I am particularly proud of the fact that she is a graduate of the City University of New York Law School. It is a law school devoted to public service, and I know everybody at the law school is proud and delighted that Mary Ross is going to be a member of the Parole Board, and we congratulate her.

Thank you very much, Mr. President.

ACTING PRESIDENT GRIFFO: Thank you, Senator Stavisky.

Senator Hannon.

SENATOR HANNON: Yes, Mr. President. I'd like to rise in support of Ms. Ross's nomination.

She has a distinguished background, served with Legal Aid, brings a unique perspective to being on the Parole Board.

I must say that, having gone from kindergarten in parochial school to finishing with Catholic school in Fordham Law, that I've had a certain due, deep respect for nuns, even former nuns, and I do believe the discipline I received will be an appropriate mental framework for when you're approaching your

duties in the Parole Board.

So congratulations.

ACTING PRESIDENT GRIFFO: Thank you, Senator Hannon.

The question is on the nomination of Mary Ross, of Hempstead, as a member of the State Board of Parole. All in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT GRIFFO: Opposed, nay.

(No response.)

ACTING PRESIDENT GRIFFO: Congratulations, Mary Ross, and our best wishes.

(Applause.)

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: As a member of the State Board of Parole, Joseph P. Crangle, of Buffalo.

ACTING PRESIDENT GRIFFO: Senator Johnson.

SENATOR OWEN JOHNSON: I move the nomination.

ACTING PRESIDENT GRIFFO: Senator Nozzolio.

SENATOR NOZZOLIO: Thank you, Mr. President.

Mr. President, Mr. Crangle came before the Committee on Crime Victims, Crime and Corrections, and Joseph Crangle's resume is extensive, his criminal justice background. And the committee was most impressed with his work in the domestic violence courts of Erie County.

He presents a great background, is sensitive to working for crime victims, and that he will be knowledgeable about the ramifications of crime, particularly violent crime, as he undergoes his review as a member of the New York State Board of Parole.

That background and experience, as well as many of us like to say also his location, and the fact that he is from Western New York and was born and raised in Erie County, educated in Monroe County, he has that perspective of Western New York presence on the Board of Parole which we believe is also a great addition to his extremely varied and

important background.

He also worked in probation, which is another aspect of the criminal justice system that brings an individual well suited to be in service as a commissioner of the very important New York State Board of Parole.

The committee unanimously endorsed Mr. Crangle's nomination, and that I rise to support that nomination as well.

Thank you very much, Mr. President.

ACTING PRESIDENT GRIFFO: Thank you, Senator Nozzolio.

Senator Volker.

SENATOR VOLKER: Mr. President, I to want to support young Mr. Crangle.

I've known him for a number of years -- but of course I've known his father for about 30 or 35 years -- a fine young man who I am convinced will make a great addition to the Board of Parole.

We need really good, solid people on the Board of Parole, and I think all three of the nominees that we have today are excellent nominees. And I congratulate the Governor, and I wish Joe Crangle the best on

the board.

ACTING PRESIDENT GRIFFO: Senator Maziarz.

SENATOR MAZIARZ: Thank you very much, Mr. President. I too want to add my support to this nominee.

I think it's always a good thing and great when somebody from Western New York is appointed to a very important and very highly responsible position such as this.

And I want to congratulate the nominee, Mr. Crangle, and particularly congratulate his dad, Joe Crangle, who is here too. I'm sure this is a very proud moment for him to be back here in Albany to see his son confirmed today.

I vote in the affirmative, Mr. President.

ACTING PRESIDENT GRIFFO: Thank you, Senator Maziarz.

Senator Stachowski.

SENATOR STACHOWSKI: Yes, Mr. President, I too rise to second the nomination of Joseph Crangle to the Parole Board.

I think his background will serve him well. His education at Canisius will provide a good background. And he'll bring the tenacity of his father and the compassion of his mother to this position, and I think that he will be a positive addition.

And I congratulate the Governor on this appointment and wish Joe very well in his career as a part of the Parole Board.

Thank you.

ACTING PRESIDENT GRIFFO: Thank you, Senator Stachowski.

Senator Thompson.

SENATOR THOMPSON: Thank you, Mr. President, for the opportunity to speak.

I am really excited today to second the nomination of Joseph P. Crangle, not only because he's a resident of my district, but he comes very highly recommended. Many of us in Western New York are excited, as Senator Maziarz just talked about, at seeing someone else from Western New York go on one of these very, very important boards.

I know, as a father, that his dad is very excited to see his son move up

professionally, like all of us are who are parents. We're always very excited to see our children grow up and reach great heights.

One of the things that was talked about today in Finance was the need to focus more on reentry programs. I know that the chair of Parole Board and many of its members are very concerned about making our neighborhoods safer and making sure that when people leave the system, that they are prepared to come back into society so we can reduce that rate of reincarceration which raises up our taxes.

And so I look forward to him going on this board. I believe he is a great addition.

And many people in Western New York are excited; we had two major appointments two days in a row, so this has been a great week for Western New York.

ACTING PRESIDENT GRIFFO: Thank you, Senator Thompson.

Senator Rath.

SENATOR RATH: Thank you, Mr. President. It would be incomplete if all

of the members of the Western New York delegation did not rise to second Mr. Crangle's nomination.

I too want to congratulate the Governor on his wisdom in this bright young man who will have a bright future. It's a little poignant. In these very chambers, just last week, we spoke about Jimmy Griffin. Just this week we spoke Tim Russert. And today we're talking about the next generation of leadership in the Crangle family.

Congratulations.

ACTING PRESIDENT GRIFFO: Thank you, Senator Rath.

The question is on the nomination of Joseph P. Crangle as a member of the State Board of Parole. All in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT GRIFFO: Opposed, nay.

(No response.)

ACTING PRESIDENT GRIFFO: Today joining Mr. Crangle is his wife, Kim, as well as his dad, Joseph.

We extend to Joe P. our congratulations and best wishes.

(Applause.)

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: As commissioner of the State Insurance Fund, H. Sidney Holmes, III, of New York City.

As members of the board of directors of the Roosevelt Island Operating Corporation, Fay Fryer Christian, of New York City; Katherine Teets Grimm, M.D., of New York City; Jonathan M. Kalkin, of New York City; and David M. Kraut, of New York City.

As members of the Mental Health Services Council, Lori Accardi, of Vestal, and Susan M. Delehanty, of Tupper Lake.

As a member of the State Camp Safety Advisory Council, Gordon W. Felt, of Remsen.

And as members of the State Hospital Review and Planning Council, Patricia Smith Bransford, of New York City; Joan S. Conboy, of Fort Plain; and Edwin T. Graham, of Niskayuna.

ACTING PRESIDENT GRIFFO: Senator Johnson.

SENATOR OWEN JOHNSON: Move the nominations.

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

(Response of "Aye.")

ACTING PRESIDENT GRIFFO: Opposed, nay.

(No response.)

ACTING PRESIDENT GRIFFO: Senator Serrano.

SENATOR SERRANO: Thank you, Mr. President.

I just wanted to speak very briefly, being that I represent Roosevelt Island, on the new appointees. And I want to congratulate all of them for being elected and appointed and confirmed.

And I'm so proud to represent the island, a very close-knit community which has a rich history and a very diverse population. The island finds itself, however, at a watershed moment, with great challenges that

include a commitment to affordable housing, the senior and disabled community, and vibrant commerce on Main Street.

The key to overcoming these challenges is greater democracy and transparency. Earlier this year, the Roosevelt Island Operating Corporation and the residents association joined forces to establish an electoral process, one in which the island residents, for the first time in their history, were able to vote for the candidates that we would recommend to serve on the board of the operating corporation.

Governor Paterson, to his enormous credit, followed most of these recommendations. And it is a beginning, though certainly not an end, of a tremendous and long-awaited march towards self-determination.

Thank you.

ACTING PRESIDENT GRIFFO: Thank you, Senator Serrano.

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

(Response of "Aye.")

ACTING PRESIDENT GRIFFO: Opposed, nay.

(No response.)

ACTING PRESIDENT GRIFFO: The nominees are all confirmed that have been voted on affirmatively today. Thank you very much.

Senator Volker.

SENATOR VOLKER: I'd like to call an immediate meeting of the Rules Committee. And we'll recess until they come back.

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

The chair recognizes Senator Savino.

SENATOR SAVINO: Thank you, Mr. President.

I'd like the record to reflect that had I been in the room on Calendar Number 2033, I would have voted no.

ACTING PRESIDENT GRIFFO: The record shall so reflect.

SENATOR SAVINO: Thank you.

ACTING PRESIDENT GRIFFO: Senator Stavisky.

SENATOR STAVISKY: Mr. President, I too was absent from the chamber in a meeting. And if I had been present for Calendar 2033, I would have voted in the negative.

ACTING PRESIDENT GRIFFO: The record shall so reflect.

The Senate stands at ease.

(Whereupon, the Senate stood at ease at 4:05 p.m.)

(Whereupon, the Senate reconvened at 4:16 p.m.)

ACTING PRESIDENT GRIFFO: The Senate will come to order.

Senator Skelos.

SENATOR SKELOS: Mr. President, if we could return to reports of standing committees for the report of the Rules Committee.

ACTING PRESIDENT GRIFFO: Reports of standing committees.

The Secretary will read the report

of the Rules Committee.

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

Senate Print 3216B, by Senator Libous, an act to amend the Highway Law;

5910A, by the Senate Committee on Rules, an act to authorize;

6207B, by Senator Serrano, an act to amend the Real Property Tax Law;

6350A, by Senator Robach, an act to amend the Public Health Law;

6366A, by Senator Padavan, an act to amend the Real Property Tax Law;

6814, by Senator Fuschillo, an act to amend the Vehicle and Traffic Law;

7131A, by Senator Farley, an act to amend the Education Law;

7214, by Senator Volker, an act to amend the Criminal Procedure Law;

7322, by Senator Leibell, an act to amend the County Law;

7509A, by Senator O. Johnson, an act to amend the Vehicle and Traffic Law;

7633, by Senator Libous, an act to

amend the General Municipal Law;

7723, by Senator Montgomery, an act to amend the General Business Law;

7825, by Senator Young, an act to amend the General Obligations Law;

8240A, by the Senate Committee on Rules, an act to amend Chapter 331 of the Laws of 2007;

8346, by Senator Volker, an act in relation to establishing;

8509B, by Senator DeFrancisco, an act to amend the Education Law;

8536, by Senator Marcellino, an act to amend the Environmental Conservation Law;

8579, by Senator Marcellino, an act to rename;

8581, by Senator LaValle, an act in relation to the implementation of terms;

8586, by Senator Farley, an act to authorize;

8587, by Senator Farley, an act to authorize;

8588, by Senator Farley, an act to authorize;

8589, by Senator Farley, an act to

authorize;

8590, by Senator Farley, an act to authorize.

8592, by Senator Farley, an act to authorize;

8595, by Senator Leibell, an act establishing the veterans of war on terror;

8596, by Senator Leibell, an act to amend the Executive Law;

8605, by Senator Larkin, an act in relation to establishing;

8606, by Senator Larkin, an act to amend the State Finance Law and the Executive Law;

And Senate Print 8607, by Senator Volker, an act to amend the Highway Law.

All bills ordered direct to third reading.

ACTING PRESIDENT GRIFFO: Senator Skelos.

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

ACTING PRESIDENT GRIFFO: All in favor of accepting the Rules Committee report

signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT GRIFFO: Opposed, nay.

(No response.)

ACTING PRESIDENT GRIFFO: The report is accepted.

Senator Skelos.

SENATOR SKELOS: Mr. President, before we take up the Rules report, if we could go back to motions and resolutions.

ACTING PRESIDENT GRIFFO: We will return to motions and resolutions.

The chair recognizes Senator Farley.

SENATOR FARLEY: Yes, I'm authorized, thank you.

Mr. President, I wish to call up Senator DeFrancisco's bill, 2061, it's recalled from the Assembly, and it's now at the desk.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: Calendar Number 546, by Senator DeFrancisco, Senate Print

2061, an act to amend the Penal Law.

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

ACTING PRESIDENT GRIFFO: Call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

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

ACTING PRESIDENT GRIFFO: The amendments are accepted.

SENATOR FARLEY: On behalf of Senator Larkin, Mr. President, I wish to call up his bill, 4497A, it's recalled from the Assembly, and it's now at the desk.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: Calendar Number 449, by Senator Larkin, Senate Print 4497A, an act to direct the Commissioner of Education.

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

ACTING PRESIDENT GRIFFO: The

Secretary will call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

SENATOR FARLEY: I now offer the following amendments.

ACTING PRESIDENT GRIFFO: The amendments are accepted.

SENATOR FARLEY: On behalf of Senator Marcellino, Mr. President, I wish to call up his bill, 5307A, it's recalled from the Assembly, and it's now at your desk.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: Calendar Number 1656, by Senator Marcellino, Senate Print 5307A, an act to amend the Education Law.

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

ACTING PRESIDENT GRIFFO: Call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

SENATOR FARLEY: I now offer the

following amendments.

ACTING PRESIDENT GRIFFO: The amendments are accepted.

SENATOR FARLEY: Mr. President, on behalf of Senator Alesi, on page 6 I offer the following amendments to Calendar Number 134, Senate Print 6634B, and I ask that this 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 Skelos.

SENATOR SKELOS: Mr. President, if we could take up Senate Supplemental Calendar 62B.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: In relation to Calendar Number 2041, Senator Libous moves to discharge, from the Committee on Rules, Assembly Bill Number 2343B and substitute it for the identical Senate Bill Number 3216B, Third Reading Calendar 2041.

ACTING PRESIDENT GRIFFO: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 2041, by Member of the Assembly Hoyt, Assembly Print Number 2343B, an act to amend the Highway 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.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: In relation to Calendar Number 2042, Senator Bruno moves to discharge, from the Committee on Rules, Assembly Bill Number 8499A and substitute it for the identical Senate Bill Number 5910A, Third Reading Calendar 2042.

ACTING PRESIDENT GRIFFO: Substitution so ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 2042, by Member of the Assembly Pretlow, Assembly Print Number 8499A, an act to authorize the City of Yonkers, County of Westchester.

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.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: In relation to Calendar Number 2043, Senator Serrano moves to discharge, from the Committee on Local Government, Assembly Bill Number 8666A and substitute it for the identical Senate Bill Number 6207B, Third Reading Calendar 2043.

ACTING PRESIDENT GRIFFO:

Substitution so ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 2043, by Member of the Assembly Farrell, Assembly Print Number 8666A, 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.)

ACTING PRESIDENT GRIFFO: Senator Serrano.

SENATOR SERRANO: Thank you, Mr. President.

Not only is this a joyous day, for me because it's my 36th birthday, but also this is the first --

(Applause.)

SENATOR SERRANO: It gets better.

This is the first Serrano legislation that has come to this floor. And I want to thank everyone, because this is such

a very meaningful bill to me.

This bill will reclassify properties north of 110th Street in Manhattan at a higher tax rate. For many years, vacant lots north of 110th Street have been classified and taxed at much lower rate, removing any incentive for developing much-needed things like affordable housing.

And I want to thank the borough president, Scott Stringer, of Manhattan for putting out a report, "No Vacancy," which outlines how we can do a much better job on dealing with the affordable housing crisis by passing this piece of legislation.

So I want to thank all of my colleagues from both sides of the aisle for their support on this, of course the borough president, Scott Stringer, Assemblymember Denny Farrell, and Mayor Bloomberg for his support of this legislation.

Thank you. I vote yes.

(Applause.)

ACTING PRESIDENT GRIFFO: Senator Schneiderman.

SENATOR SCHNEIDERMAN: Thank you,

Mr. President. I rise really to commend Senator Serrano.

This is a great bill to have as your first bill. It is a tremendously important program for everyone that represents Upper Manhattan.

Very often in New York State our laws regarding tax rates and incentives for development lag behind actual market conditions. There is a tremendous interest in development north of 110th Street now, and it's very important that we update the laws to address the real market conditions to ensure that we get affordable housing, that schools are built as communities expand and high-rises rise.

And the borough president, Scott Stringer, was in Albany lobbying for this. I note that he has a quite a successful record, for a New York City elected official, of coming to Albany and getting bills passed.

And I really just have to commend Senator Serrano. I'm very impressed that he made it here after his birthday party last night in order to speak on his bill, and I

commend him for his good work.

ACTING PRESIDENT GRIFFO: Announce the results.

THE SECRETARY: Ayes, 60. Nays, 0.

ACTING PRESIDENT GRIFFO: The bill is passed.

Happy birthday, Senator Serrano.

(Applause.)

THE SECRETARY: Calendar Number 2045, by Senator Padavan, Senate Print 6366A, 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 July 1, 2008.

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT GRIFFO: Senator Krueger.

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

This is an amendment of a tax-credit exemption bill, the Industrial and

Commercial Incentive Program, that if I had my druthers we would have allowed to sunset this June, as it was scheduled to do.

This is a program that internal studies by the City of New York found that over the 25-year term of the existing subsidies, the City of New York will suffer a loss of $1.1 billion. And indeed, the study found that the vast majority of the tax breaks have gone to projects in the city that the city itself determined would have happened anyway.

So of the $3.4 billion awarded through the ICIP program during the time period that has been studied, $2.8 billion of the $3.4 billion in lost revenue was not justifiable.

We are in tough economic times. The City of New York is talking about closing programs in our schools, cutting down on the number of teachers, increasing class size rather than reducing class size.

I have to say I don't think this is the time to continue a corporate welfare program that in fact primarily goes to midtown

Manhattan, my district, where as we speak people are literally fighting to the death over air rights to build more buildings. In fact, the complaint in my district is that there's too much development, too high, too frequent.

And so I don't think we need this tax incentive program. I think its time has come and gone. I think the research shows that it is not necessary.

And I wish that the City of New York wasn't asking us to continue allowing them to give this kind of corporate tax break, because they need the money, Mr. President. And it's not at all obvious to me that the people who have been taking advantage of this specific tax credit program need the incentive, because I see them incentivized all over the place, building.

So it is a reduction in the program. It was an attempt at a modification of a program whose time should have been over. But I'm not --

ACTING PRESIDENT GRIFFO: Can we have some order, please.

Senator Krueger.

SENATOR LIZ KRUEGER: But I am not at all satisfied that this is as good as the city could have done, and I wish that they could have come to us either saying "Enough, we don't need this program" or with a much more finely targeted ICIP program.

So I'll be voting no. Thank you, Mr. President.

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

Senator Schneiderman.

SENATOR SCHNEIDERMAN: Thank you.

As good as Senator Serrano's bill was as far as dealing with the need for proper treatment in terms of taxes and incentives of development in New York City, this bill is just that bad.

This is the worst sort of corporate welfare, Mr. President. This is a bill that provided a tax incentive for work on the MetLife Building at 200 Park Avenue -- you know, that used to be the Pan Am Building -- one of the richest, most choice properties in the world.

This is inexcusable corporate welfare. I'm sorry we're extending the program. And in fact, we're not even cutting back in ways that were called for by the city in its own reports.

This is not what we need in a time of fiscal crisis. I am voting no.

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

Could the negatives please raise your hands again. Those voting no, please raise your hand.

Announce the results.

THE SECRETARY: Those recorded in the negative on Calendar Number 2045 are Senators Adams, Hassell-Thompson, L. Krueger, C. Kruger, Parker, Sabini, Savino and Schneiderman.

Ayes, 53. Nays, 8.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 2046, by Senator Fuschillo, Senate Print 6814, an act to amend the Vehicle and Traffic Law.

ACTING PRESIDENT GRIFFO: Read

the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 2047, by Senator Farley, Senate Print 7131A, 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 first of April.

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: In relation to Calendar Number 2048, Senator Volker moves to

discharge, from the Committee on Rules, Assembly Bill Number 10502 and substitute it for the identical Senate Bill Number 7214, Third Reading Calendar 2048.

ACTING PRESIDENT GRIFFO: Substitution so ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 2048, by Member of the Assembly O'Donnell, Assembly Print Number 10502, 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 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: In relation to Calendar Number 2049, Senator Leibell moves to discharge, from the Committee on Rules, Assembly Bill Number 10413 and substitute it

for the identical Senate Bill Number 7322, Third Reading Calendar 2049.

ACTING PRESIDENT GRIFFO: Could I please have some order in the chamber. Thank you.

Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 2049, by Member of the Assembly Bradley, Assembly Print Number 10413, an act to amend the County 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, 61.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 2051, by Senator Libous, Senate Print 7633, an act to amend the General Municipal 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.)

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

SENATOR LIZ KRUEGER: Thank you.

Well, the day rolls on and bills move out speedily. And the bill was dated April 22nd, so maybe I should have read it before Rules. But this is a bill that would expand an IDA membership to include an enrolled member of the political party which has the second-most members in the governing body of the County of Broome.

I really don't understand why we're doing partisan political assignments within an IDA board. I'm not sure whether it would meet any constitutional standard. I hope it doesn't.

So I'll be voting no, but I'm also fairly amused. What happens if the second

party changes in the midst of the IDA appointee's term? Do they have to quit, or do they have to change party, which one?

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

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

Senator Schneiderman.

SENATOR SCHNEIDERMAN: Thank you.

I have come to appreciate many members on the other side of the aisle over the years. And I enjoy our debates on issues of substance, I enjoy their collegiality. But I especially enjoy their sense of humor.

And as those of you who know me know, Senator Maziarz tries to keep me cheered up every year by introducing his bill about wounded bears chasing children through the woods. I take this in the same spirit.

This is a bill that would alter the composition of the Broome County IDA by adding someone defined as a member of the political party which has the second-most members in the governing body of the County of Broome.

Was there an election? Did the

county executive change? I don't know. I take this as something that's designed to help keep us in a good mood.

Senator Libous is one of my favorite legislators, and I think the County of Broome is one of the most beautiful places in the State of New York. I suppose, under those circumstances, you're allowed to have a little gag every now and then.

I'm voting no, Mr. President.

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

Senator Maziarz, to explain his vote.

SENATOR MAZIARZ: Thank you very much, Mr. President. To explain my vote.

I am shocked that my colleagues, Senator Schneiderman most particularly, is opposed to diversity and inclusiveness.

(Laughter.)

SENATOR MAZIARZ: I think it's shocking and shameful that Senator Schneiderman would take this course when just a few short minutes ago, maybe an hour or so ago, he wanted to let everyone vote. Everyone

that could possibly, you know, walk into a polling place, regardless of where they lived, whether they were citizens or not, he wanted them to vote.

But in the poor Broome County Industrial Development Agency, he wants to limit the individuals that can serve voluntarily on that board.

I think it's shameful and it's wrong, and I vote in the affirmative, Mr. President.

(Laughter.)

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

Senator Libous.

SENATOR LIBOUS: Thank you, Mr. President. I too want to explain my vote.

And thank you, Senator Maziarz, because I was going to echo the same things with my good friends Senator Schneiderman and Senator Krueger, that I would think you would be enthusiastically supporting this, because it gives everyone as an opportunity to now serve so that both political parties are fully represented and not just one party having

control. Because I know how much that upsets the two of you, if one party has too much control.

So I, like Senator Maziarz, am just somewhat in shock that I'm not getting the full support of all of my colleagues on the other side of the aisle. But, Mr. President, maybe someday that will happen.

I vote aye.

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

Senator Hassell-Thompson.

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

Senator Libous, you're absolutely right. We do tend, on this side of the aisle, to want to achieve adversity. And so might I suggest to you that in the language of this that the language say both political parties should in fact be represented, and then we would not feel like there was an imbalance.

I will be voting no.

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

Announce the results.

THE SECRETARY: Those recorded in the negative on Calendar Number 2051 are Senators Adams, Duane, Hassell-Thompson, L. Krueger, Parker and Schneiderman. Also Senator Savino.

Ayes, 54. Nays, 7.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 2052, by Senator Montgomery, Senate Print 7723, an act to amend the General Business 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 2053, by Senator Young, Senate Print 7825, 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 30th day.

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT GRIFFO: Senator Young.

SENATOR YOUNG: Thank you, Mr. President.

This bill actually provides protections to consumers, to landowners, by allowing them, if they signed an oil and gas lease, to be able to cancel the contract after five days instead of three.

Currently, it's three right now. And many of the people who are new to these leases need to have the time necessary so that they can fully review those with an attorney and get the answers that they need.

So this is supported by the Farm Bureau, many landowners across New York State, and I vote aye.

ACTING PRESIDENT GRIFFO: Senator Young 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 2055, by Senator Volker, Senate Print 8346, an act in relation to establishing the conservation easement law of the Town of Elma.

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

Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: In relation to Calendar Number 2057, Senator Marcellino moves to discharge, from the Committee on Rules,

Assembly Bill Number 11278 and substitute it for the identical Senate Bill Number 8536, Third Reading Calendar 2057.

ACTING PRESIDENT GRIFFO: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 2057, by Member of the Assembly Sweeney, Assembly Print Number 11278, 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, 61.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: In relation to Calendar Number 2058, Senator Marcellino moves to discharge, from the Committee on Rules, Assembly Bill Number 10137 and substitute it for the identical Senate Bill Number 8579,

Third Reading Calendar 2058.

ACTING PRESIDENT GRIFFO: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 2058, by Member of the Assembly Conte, Assembly Print Number 10137, an act to rename Cold Spring Harbor State Park.

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: In relation to Calendar Number 2059, Senator LaValle moves to discharge, from the Committee on Rules, Assembly Bill Number 11630 and substitute it for the identical Senate Bill Number 8581, Third Reading Calendar 2059.

ACTING PRESIDENT GRIFFO:

Substitution so ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 2059, by the Assembly Committee on Rules, Assembly Print Number 11630, an act in relation to the implementation of the terms of a written agreement.

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 Skelos, that completes the reading of Supplemental Calendar 62B.

SENATOR SKELOS: Thank you, Mr. President. Is there any further business at the desk?

ACTING PRESIDENT GRIFFO: There is none.

SENATOR SKELOS: Just a reminder

that there will be a conference of the Majority immediately following session.

And there being no further business to come before the Senate, I move we adjourn until Monday, June 23rd, at 11:00 a.m., intervening days being legislative days.

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

And on motion, the Senate stands adjourned until Monday, June 23rd, at 11:00 a.m., intervening days being legislative days.

(Whereupon, at 4:43 p.m., the Senate adjourned.)