NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

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3:17 p.m.

REGULAR SESSION

SENATOR JOSEPH E. ROBACH, Acting President

FRANCIS W. PATIENCE, Secretary

P R O C E E D I N G S

ACTING PRESIDENT ROBACH: The Senate will come to order.

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

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

ACTING PRESIDENT ROBACH: Our invocation today will be given by Pastor Jonathan Shaw, Sr., of the Crown Ministries International of Brooklyn, New York.

PASTOR SHAW: Eternal Father, our Lord, we come before You this day thanking You for the grace that You have given us to behold another day which we have never seen before.

It is now, O Lord, that we ask upon You to grant us Thy favor, Thy grace, Thy ambition, that we may lead and that we may guide in truth and righteousness. As we follow You, we know that we shall be led properly. As You lead us, we shall be led. As You keep us, we shall be kept.

We thank You for this. We thank

You for Your love and kindness. We thank You for Your generosity. It is in Your precious name we pray.

Amen.

ACTING PRESIDENT ROBACH: The reading of the Journal.

THE SECRETARY: In Senate, Tuesday, May 31st, the Senate met pursuant to adjournment. The Journal of Monday, May 30th, was read and approved. On motion, Senate adjourned.

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

Presentation of petitions.

Messages from the Assembly.

The Secretary will read.

THE SECRETARY: On page 25, Senator Oppenheimer moves to discharge, from the Committee on Agriculture, Assembly Bill Number 6373A and substitute it for the identical Senate Bill Number 3911A, Third Reading Calendar 349.

ACTING PRESIDENT ROBACH: Substitution ordered.

THE SECRETARY: On page 42, Senator Farley moves to discharge, from the Committee on Health, Assembly Bill Number 3338 and substitute it for the identical Senate Bill Number 4566, Third Reading Calendar 596.

ACTING PRESIDENT ROBACH: Substitution ordered.

THE SECRETARY: And on page 48, Senator Savino moves to discharge, from the Committee on Finance, Assembly Bill Number 6823 and substitute it for the identical Senate Bill Number 4504, Third Reading Calendar 668.

ACTING PRESIDENT ROBACH: Substitution ordered.

Messages from the Governor.

Reports of standing committees.

Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

Senator Breslin.

SENATOR BRESLIN: Thank you, Mr. President.

On behalf of Senator Perkins, I wish to call up Senate Print Number 3252A, recalled

from the Assembly, which is now at the desk.

ACTING PRESIDENT ROBACH: The Secretary will read.

THE SECRETARY: Calendar Number 192, by Senator Perkins, Senate Print 3252A, an act to authorize certain healthcare professionals.

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

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

(The Secretary called the roll.)

THE SECRETARY: Ayes, 47.

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

ACTING PRESIDENT ROBACH: The amendments are received.

SENATOR BRESLIN: Thank you, Mr. President.

ACTING PRESIDENT ROBACH: Thank you.

Senator Valesky.

SENATOR VALESKY: Mr. President, on behalf of Senator Klein, on page 23 I offer the

following amendments to Calendar Number 312, Senate Print 3992, and ask that said bill retain its place on the Third Reading Calendar.

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

Senator Libous.

SENATOR LIBOUS: Mr. President, I have a number of motions that I need to do at this time.

On behalf of Senator McDonald, I wish to call up his bill, Print Number 2152, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT ROBACH: The Secretary will read.

THE SECRETARY: Calendar Number 101, by Senator McDonald, Senate Print 2152, an act to amend Chapter 542 of the Laws of 1997.

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

ACTING PRESIDENT ROBACH: Call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 48.

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

ACTING PRESIDENT ROBACH: The amendments are received.

SENATOR LIBOUS: Mr. President, on behalf of Senator Young, I call up her bill, Number 3499, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT ROBACH: the Secretary will read.

THE SECRETARY: Calendar Number 393, by Senator Young, Senate Print 3499, an act to amend the Town Law.

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

ACTING PRESIDENT ROBACH: Call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 48.

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

ACTING PRESIDENT ROBACH: The amendments are received.

SENATOR LIBOUS: Mr. President, on behalf of Senator Libous, I wish to call up my bill, Print Number 2462, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT ROBACH: The Secretary will read.

THE SECRETARY: Calendar Number 106, by Senator Libous, Senate Print 2462, an act to amend the Environmental Conservation Law.

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

ACTING PRESIDENT ROBACH: Call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 51.

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

ACTING PRESIDENT ROBACH: The amendments are received.

SENATOR LIBOUS: Mr. President, on behalf of Senator Gallivan, I move the following bill be discharged from its respective committee and be recommitted with instructions to strike the enacting clause. That would be Senate Print

3454.

ACTING PRESIDENT ROBACH: So ordered.

SENATOR LIBOUS: And, Mr. President, on behalf of Senator Maziarz, I would move that his bill be discharged from its respective committee and be recommitted with instructions to strike the enacting clause. That's Senate Print 202.

ACTING PRESIDENT ROBACH: So ordered.

SENATOR LIBOUS: Mr. President, I have a number of amendments that I'm going to offer up to the following Third Reading Calendar bills, if I may.

On behalf of Senator Saland, on page 17, Calendar Number 172, Senate Print 1415A.

Senator Seward, page 18, Calendar Number 199, Senate Print 2370.

Senator Ball, page 38, Calendar Number 541, Senate Print 4554.

Senator DeFrancisco, page 41, Calendar Number 581, Senate Print 2857A.

Senator Hannon, page 42, Calendar Number 598, Senate Print 4991.

Senator McDonald, page 42, Calendar Number 602, Senate Print 2153.

Senator Johnson, page 42, Calendar Number 606, Senate Print 4740B.

Senator Ritchie, page 43, Calendar Number 620, Senate Print 5168.

Senator Maziarz, page 48, Calendar Number 672, Senate Print 4253.

Senator Saland, page 53, Calendar Number 731, Senate Print 4873.

Senator Young, page 55, Calendar Number 751, Senate Print Number 4621.

Mr. President, I now move that these bills will retain their place on the Third Reading Calendar.

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

SENATOR LIBOUS: And, Mr. President, I apologize, but I've been handed some more amendments. If I may, these amendments will be offered on the following Third Reading Calendar bills.

Senator Young, page 56, Calendar

Number 764, Senate Print 4758.

Senator LaValle, page 57, Calendar Number 777, Senate Print 4546.

Senator Martins, page 57, Calendar Number 780, Senate Print 5055.

And Senator Hannon, page 58, Calendar Number 794, Senate Print 4894.

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

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

SENATOR LIBOUS: Mr. President, at this time I believe there are three privileged resolutions at the desk by Senator Skelos. May we have the titles read and move for their immediate adoption.

ACTING PRESIDENT ROBACH: The Secretary will read.

THE SECRETARY: Legislative resolution by Senator Skelos, commending Ann and Elliot Taub upon the occasion of their designation for special recognition by Temple Avodah of Oceanside as Honorees of its

Twilight Journal Dinner Dance on June 5, 2011.

Legislative resolution by Senator Skelos, commending Anita and Louis Hoine upon the occasion of their designation for special recognition by Temple Avodah of Oceanside as Honorees of its Twilight Journal Dinner Dance on June 5, 2011.

And legislative resolution by Senator Skelos, commending Morris Lipton upon the occasion of his designation for special recognition by Temple Avodah of Oceanside as an Honoree of its Twilight Journal Dinner Dance on June 5, 2011.

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

(Response of "Aye.")

ACTING PRESIDENT ROBACH: Opposed, nay.

(No response.)

ACTING PRESIDENT ROBACH: The resolutions are adopted.

Senator Libous.

SENATOR LIBOUS: Mr. President, I believe Senator Breslin has a privileged

resolution at the desk. Could we have the title read and move for its immediate adoption.

ACTING PRESIDENT ROBACH: The Secretary will read.

THE SECRETARY: Legislative Resolution Number 2164, by Senator Breslin, commending Albany County Executive Michael G. Breslin upon the occasion of his designation for special recognition for his dedication to the County of Albany, New York.

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

(Response of "Aye.")

ACTING PRESIDENT ROBACH: Opposed, nay.

(No response.)

ACTING PRESIDENT ROBACH: The resolution is adopted.

Senator Libous.

SENATOR LIBOUS: Mr. President, there's another privileged resolution at the desk by Senator Skelos, Number 2121. Could we have the title read and move for its immediate adoption.

ACTING PRESIDENT ROBACH: The Secretary will read.

THE SECRETARY: Legislative Resolution Number 2121, by Senator Skelos, commemorating the 75th Anniversary of the National Council of Jewish Women, Peninsula Section, and honoring Joan Riegel, recipient of its prestigious Hannah G. Solomon Award.

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

(Response of "Aye.")

ACTING PRESIDENT ROBACH: Opposed, nay.

(No response.)

ACTING PRESIDENT ROBACH: The resolution is adopted.

Senator Libous.

SENATOR LIBOUS: Mr. President, at this time could we take up the reading of the noncontroversial calendar.

ACTING PRESIDENT ROBACH: The Secretary will read.

THE SECRETARY: Calendar Number 25, by Senator Marcellino, Senate Print 947, an act

to amend the Criminal Procedure Law.

SENATOR BRESLIN: Lay it aside.

ACTING PRESIDENT ROBACH: The bill is laid aside.

THE SECRETARY: Calendar Number 46, by Senator Maziarz, Senate Print 234, an act to amend the Arts and Cultural Affairs Law.

ACTING PRESIDENT ROBACH: A home-rule message is at the desk.

SENATOR BRESLIN: Lay it aside.

ACTING PRESIDENT ROBACH: The bill is laid aside.

THE SECRETARY: Calendar Number 138, by Senator Fuschillo, Senate Print 3451A, an act to amend the Penal Law.

SENATOR BRESLIN: Lay it aside.

ACTING PRESIDENT ROBACH: The bill is laid aside.

THE SECRETARY: Calendar Number 243, by Senator Grisanti, Senate Print 3791, an act to amend the Environmental Conservation Law.

SENATOR BRESLIN: Lay it aside.

ACTING PRESIDENT ROBACH: The bill is laid aside.

THE SECRETARY: Calendar Number

255, by Senator Griffo, Senate Print 3641A, an act to amend the Highway Law.

SENATOR BRESLIN: Lay it aside.

ACTING PRESIDENT ROBACH: The bill is laid aside.

THE SECRETARY: Calendar Number 309, by Senator Grisanti, Senate Print 2877A, an act to amend the Environmental Conservation Law.

SENATOR BRESLIN: Lay it aside.

ACTING PRESIDENT ROBACH: The bill is laid aside.

THE SECRETARY: Calendar Number 320, by Senator Fuschillo, Senate Print 4070, an act to amend the Vehicle and Traffic Law.

SENATOR BRESLIN: Lay it aside.

ACTING PRESIDENT ROBACH: The bill is laid aside.

THE SECRETARY: Calendar Number 347, by Senator LaValle, Senate Print 3237, an act to amend the Agriculture and Markets Law.

SENATOR BRESLIN: Lay it aside.

ACTING PRESIDENT ROBACH: The bill is laid aside.

THE SECRETARY: Calendar Number 348, by Senator DeFrancisco, Senate Print 3317,

an act to amend the Agriculture and Markets Law.

SENATOR BRESLIN: Lay it aside.

ACTING PRESIDENT ROBACH: The bill is laid aside.

THE SECRETARY: Calendar Number 349, substituted earlier today by Member of the Assembly Cahill, Senate Print 6373A, an act to amend the Agriculture and Markets Law.

SENATOR BRESLIN: Lay it aside.

ACTING PRESIDENT ROBACH: The bill is laid aside.

THE SECRETARY: Calendar Number 383, by Senator Bonacic, Senate Print 3579, an act to amend the Rural --

SENATOR BRESLIN: Lay it aside.

ACTING PRESIDENT ROBACH: The bill is laid aside.

THE SECRETARY: Calendar Number 415, by Senator Klein, Senate Print 1677, an act to amend the Executive Law.

SENATOR BRESLIN: Lay it aside.

ACTING PRESIDENT ROBACH: The bill is laid aside.

THE SECRETARY: Calendar Number 427, by Senator Young, Senate Print 2835, an act

to amend the Criminal Procedure Law.

SENATOR BRESLIN: Lay it aside.

ACTING PRESIDENT ROBACH: The bill is laid aside.

THE SECRETARY: Calendar Number 438, by Senator Savino, Senate Print 2138, an act to amend the Workers' Compensation Law.

SENATOR BRESLIN: Lay it aside.

ACTING PRESIDENT ROBACH: Lay the bill aside.

THE SECRETARY: Calendar Number 523, by Senator Griffo, Senate Print 4803, an act to amend the Public Health Law.

SENATOR BRESLIN: Lay it aside.

ACTING PRESIDENT ROBACH: The bill is laid aside.

THE SECRETARY: Calendar Number 547, by Senator Griffo, Senate Print 4521, an act to amend the Public Authorities Law.

SENATOR BRESLIN: Lay it aside.

ACTING PRESIDENT ROBACH: The bill is laid aside.

THE SECRETARY: Calendar Number 556, by Senator Nozzolio, Senate Print 464, an act to amend the Penal Law.

SENATOR BRESLIN: Lay it aside.

ACTING PRESIDENT ROBACH: The bill is laid aside.

THE SECRETARY: Calendar Number 557, by Senator Marcellino, Senate Print 946, an act to amend the Penal Law.

SENATOR BRESLIN: Lay it aside.

ACTING PRESIDENT ROBACH: The bill is laid aside.

THE SECRETARY: Calendar Number 558, by Senator Golden, Senate Print 1991, an act to amend the Penal Law.

SENATOR BRESLIN: Lay it aside.

ACTING PRESIDENT ROBACH: The bill is laid aside.

THE SECRETARY: Calendar Number 561, by Senator Saland, Senate Print 4092, an act to amend the Criminal Procedure Law.

ACTING PRESIDENT ROBACH: Read the last section.

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

ACTING PRESIDENT ROBACH: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT ROBACH: The bill is passed.

THE SECRETARY: Calendar Number 568, by Senator Farley, Senate Print 4564, an act to legalize, validate and ratify.

SENATOR BRESLIN: Lay it aside.

ACTING PRESIDENT ROBACH: The bill is laid aside.

THE SECRETARY: Calendar Number 596, substituted earlier today by Member of the Assembly Gottfried, Assembly Print 3338, an act to amend the Public Health Law.

SENATOR BRESLIN: Lay it aside.

ACTING PRESIDENT ROBACH: The bill is laid aside.

THE SECRETARY: Calendar Number 616, by Senator Ball, Senate Print 5270, an act to amend the Penal Law.

SENATOR BRESLIN: Lay it aside.

ACTING PRESIDENT ROBACH: The bill is laid aside.

THE SECRETARY: Calendar Number 630, by Senator Maziarz, Senate Print 3793, an act authorizing the Town of Carlton.

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

SENATOR BRESLIN: Lay it aside.

ACTING PRESIDENT ROBACH: The bill is laid aside.

THE SECRETARY: Calendar Number 636, by Senator Marcellino, Senate Print 4229 --

SENATOR BRESLIN: Lay it aside.

ACTING PRESIDENT ROBACH: The bill is laid aside.

THE SECRETARY: Calendar Number 668, substituted earlier today by Member of the Assembly Paulin, Assembly Print 6823 --

SENATOR BRESLIN: Lay it aside.

ACTING PRESIDENT ROBACH: The bill is laid aside.

THE SECRETARY: Calendar Number 684, by Senator Grisanti, Senate Print 2650, an act to amend the Environmental Conservation Law.

SENATOR BRESLIN: Lay it aside.

ACTING PRESIDENT ROBACH: The bill is laid aside.

THE SECRETARY: Calendar Number 732, by Senator Saland, Senate Print 4921, an act to amend the Education Law.

SENATOR BRESLIN: Lay it aside.

ACTING PRESIDENT ROBACH: The bill is laid aside.

THE SECRETARY: Calendar Number 753, by Senator Young, Senate Print 5210, an act to amend the Public Health Law.

ACTING PRESIDENT ROBACH: Read the last section.

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

ACTING PRESIDENT ROBACH: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT ROBACH: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT ROBACH: The bill is passed.

Senator Libous, that concludes the noncontroversial reading of the calendar.

SENATOR LIBOUS: Thank you, Mr. President.

It appears to have something in the drinking water here in Albany, or maybe the fact

that the sunshine has come out today. But for whatever reason, we will now approach the controversial calendar, which we have many bills on. So we will start with the beginning of the controversial calendar.

And I would ask that maybe you ring the bell, because all members should come to the chamber. And I will make a note that if members are not in the chamber, we will wait a reasonable amount of time for roll call; otherwise, I am moving forward.

ACTING PRESIDENT ROBACH: I urge members to please come into the chamber. We're on the controversial reading of the calendar, and we will begin immediately.

The Secretary will read.

THE SECRETARY: Calendar Number 25, by Senator Marcellino, Senate Print 947, an act to amend the Criminal Procedure Law.

SENATOR BRESLIN: Explanation.

ACTING PRESIDENT ROBACH: Senator Marcellino, an explanation has been requested.

SENATOR MARCELLINO: Thank you, Mr. President.

This bill would permit the court to

issue an order precluding disclosure of jurors' names and addresses upon a showing by the People that such an order is necessary in order to prevent bribery, jury tampering, or physical injury to or harassment of jurors.

ACTING PRESIDENT ROBACH: Thank you, Senator Marcellino.

Is there any Senator wishing to be heard?

Senator Breslin.

SENATOR BRESLIN: Yes, would the sponsor yield to a few questions.

ACTING PRESIDENT ROBACH: Senator Marcellino, will you yield for a question?

SENATOR MARCELLINO: Yes.

ACTING PRESIDENT ROBACH: Senator Breslin.

SENATOR BRESLIN: Thank you, Mr. President.

Through you, Mr. President, was there any particular reason to include a business address as well as a home address in this legislation?

ACTING PRESIDENT ROBACH: Excuse me for one second.

We're having some conversations; let's take them out. We're on debate here, and the members want to hear each other as well as everyone else.

Continue, please.

SENATOR MARCELLINO: Yes, Mr. President. Through you, the reason is very simple. The idea is to hide the identity of the juror. And since revealing where you work obviously reveals who you are, we decided that that's a good idea.

SENATOR BRESLIN: Again through you, Mr. President, will the sponsor continue to yield.

ACTING PRESIDENT ROBACH: Senator Marcellino, will you continue to yield?

SENATOR MARCELLINO: Absolutely.

SENATOR BRESLIN: The legislation has a three-day window before which the prosecutor can move to block the names. Does this three-day notice present the possibility of interfering in any way with a speedy trial?

SENATOR MARCELLINO: No, Senator.

SENATOR BRESLIN: Can you tell us why not?

SENATOR MARCELLINO: Because we think 72 hours is not going to impede anybody's speedy trial in any way, shape or form.

SENATOR BRESLIN: But wouldn't it be true that after that --

SENATOR MARCELLINO: Is the Senator asking me to yield, Mr. President?

SENATOR BRESLIN: I asked for several questions.

ACTING PRESIDENT ROBACH: Yes, will you continue to yield, Senator Marcellino?

SENATOR MARCELLINO: Yes, I will continue to yield.

SENATOR BRESLIN: Through you, Mr. President, would the fact that there's the possibility of a motion after that by the defense, and significant possibilities of delays, would that in any way interfere with a speedy trial?

SENATOR MARCELLINO: We don't believe so.

SENATOR BRESLIN: Through you, Mr. President. Can you tell us why that wouldn't be a factor?

SENATOR MARCELLINO: Because if

these are motions relative to the defendant's concerns or the victim's concerns, whatever the legitimate court process is, we don't consider those delays in the system. That's just the normal court process and the normal order of doing business.

SENATOR BRESLIN: And again through you, Mr. President, will the sponsor continue to yield.

ACTING PRESIDENT ROBACH: Will you continue to yield, Senator Marcellino?

SENATOR MARCELLINO: Yes, I do.

SENATOR BRESLIN: Could you tell us what the defendant would need to argue to overcome the prosecutor's demand to have these names excluded?

SENATOR MARCELLINO: Frankly, no.

SENATOR BRESLIN: Through you again, Mr. President. Would the imposition -- would the imposition of this rule, would it interfere constitutionally or statutorily within the voir dire process for the lawyers, the defense lawyer's inability to obtain enough information to determine whether he should keep that juror on the jury or not?

SENATOR MARCELLINO: We don't believe so, Senator. We believe that it is more important to keep the safety of the jurors and the sanctity of the impaneling process so that no one can tamper or harass a juror or in fact, in some cases, threaten the jurors for participating in a particular kind of trial.

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

SENATOR MARCELLINO: I continue to yield.

SENATOR BRESLIN: When the prosecutor exercises his three-day notice, could you list for us the factors that the judge should consider before making a decision?

SENATOR MARCELLINO: That would relate to the specific judge. And I would think that the judge would make that determination upon -- each individual judge would determine that as they require. Different judges might require different levels of proof or different levels of substantiation, and I think that would leave that up to the judge.

SENATOR BRESLIN: Again through

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

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

SENATOR MARCELLINO: Yes, I continue to yield.

SENATOR BRESLIN: Are you suggesting, then, that the criteria to be used by a particular judge can change from one judge to another, and whatever a particular judge thinks is important, he has the right to use that information to preclude the address of a particular defendant? Or witness.

SENATOR MARCELLINO: While the law in most cases has the same language, everyone would understand that it becomes somewhat open to interpretation by different judges. Hence, you get different decisions.

One would think that each judge would make a determination based on the same facts. You might get different determinations from different judges based on the same set of facts. So yeah, that's just human nature. We think it could happen.

SENATOR BRESLIN: But again through

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

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

SENATOR MARCELLINO: Yes, I do.

SENATOR BRESLIN: Should there not be standards to be followed by a particular judge in making that determination?

SENATOR MARCELLINO: You can supply all the standards in the world you want. Still, human nature is human nature.

SENATOR BRESLIN: Through you, Mr. President, if there was an appeal taken, should the argument be that it was against the human nature?

(Laughter.)

SENATOR BRESLIN: Or should there be more definitive reasons to ascertain that decision?

SENATOR MARCELLINO: Mr. President, I'm not going to engage in what I would consider silly questions. If you want to ask me a question, I'll be happy to answer it --

ACTING PRESIDENT ROBACH: Senator Marcellino, do you want --

SENATOR MARCELLINO: Let me just answer the question.

The Senator is well aware that I am not an attorney and I'm not attempting to argue as an attorney. But I suspect that the judges will take this in all seriousness and would not make frivolous decisions in any case.

SENATOR BRESLIN: I am not being -- through you, Mr. President, I'm not at all being disrespectful for the fact that you're not an attorney. I'm only trying to ascertain the particular protections that we would have to make sure there's some degree of objectivity.

Again through you, Mr. President, will the sponsor continue to yield.

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

SENATOR MARCELLINO: Yes.

SENATOR BRESLIN: Given the fact, as you said, you're not an attorney, did you seek out the Office of Court Administration? And if so, what did they provide you in determining this legislation?

SENATOR MARCELLINO: I do yield.

And as the Senator is well aware,

this bill has been brought up on several different occasions.

The judge would have to take into consideration the following situations: One, whether or not the defendant or the person acting on the defendant's behalf has bribed, tampered with, or caused or attempted to cause physical injury to or harassment of a juror, a prospective juror, or a witness or prospective witnesses in another criminal action or proceeding or in the instant proceeding, or, two, whether the defendant is a member of a group that has manifested an intention to harm or intimidate witnesses or jurors. Three, the seriousness of the charges against the defendant. And four, the extent of pretrial publicity about the criminal action or proceeding.

SENATOR BRESLIN: Again, would the sponsor continue to yield? That was I think the answer to a prior question.

Has the advice of the Office of Court Administration been solicited and received?

SENATOR MARCELLINO: Yes. We had done that at the beginning of this process, and

it came up with some of our guidelines as to what we are dealing with today.

SENATOR BRESLIN: Again through you, Mr. President.

SENATOR MARCELLINO: By the way, this was a program bill that came out -- and I'm clearing my head a little bit, because it goes back some time. This was a program bill that was put out some time ago, and this bill is supported the State of New York Unified Court System.

SENATOR BRESLIN: Again through you, Mr. President, will the sponsor continue to yield.

SENATOR MARCELLINO: Yes, I continue to yield.

SENATOR BRESLIN: Given the 10 percent cut in the Office of Court Administration's budget this year, was advice sought this year on this particular bill?

SENATOR MARCELLINO: No.

SENATOR BRESLIN: And again through you, Mr. President.

ACTING PRESIDENT ROBACH: Do you continue to yield, Senator Marcellino?

SENATOR MARCELLINO: Yes, I do.

SENATOR BRESLIN: Given the timing involved in this bill and the potential for long delays, has there been any sort of cost assessment placed on this legislation?

SENATOR MARCELLINO: No, there has not. Or has not been to my knowledge.

SENATOR BRESLIN: And again, just -- through you, Mr. President, one or two more questions.

There is an area of concern that a defense lawyer tries to know as much as he can about a prospective juror. And it's critically important to ascertain backgrounds, whether they've been involved in this type of situation before, and a lot of information -- their occupations -- which might lend itself toward the disclosure of the name.

Does the sponsor believe that this restriction will have any kind of negative influence on the ultimate disposition of the defendant?

SENATOR MARCELLINO: Mr. President, this bill does not preclude the defendant's attorney from getting this information, it precludes the defendant from getting the

information. The attorney would be permitted to get the information that they need to do the proper interrogation, the proper questioning of the potential jurors, but would be under restriction from revealing that same information to the defendant.

SENATOR BRESLIN: Thank you, Mr. President. Thank you to the sponsor.

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

Hearing none, the debate is closed. The Secretary will ring the bell.

I ask all members to please come to the chamber for the vote.

Read the last section.

THE SECRETARY: Section 4. This act shall take effect on the 30th day.

ACTING PRESIDENT ROBACH: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT ROBACH: Senator Breslin to explain his vote.

SENATOR BRESLIN: Thank you, Mr. President.

I first of all would thank the

sponsor for being so indulgent of me on the various questions, which I think are important to the judicial process.

I have voted for this bill before. The answers that were given will make me continue to vote for this bill. I'd prefer I'd be voting for an ethics bill or a rent-control bill, but I vote aye on this particular bill.

Thank you, Mr. President.

ACTING PRESIDENT ROBACH: Thank you, Senator Breslin. You will be recorded in the affirmative.

Senator Krueger.

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

I also wish that we were dealing with bigger-picture bills for the State of New York. I too am particularly concerned about our failure to address rent regulation strengthening now, on June 1st, with the bill coming up for sunset or June 15th.

I don't know that I was completely satisfied with the answers of the sponsor, but I will be voting yes.

Thank you, Mr. President.

ACTING PRESIDENT ROBACH: Thank you, Senator Krueger. You will be recorded in the affirmative.

Announce the results.

THE SECRETARY: In relation to Calendar Number 25: Ayes, 58. Nays, 0.

Absent from voting are Senators Huntley, C. Kruger and Smith.

ACTING PRESIDENT ROBACH: The bill is passed.

And I would encourage members to stay in the chamber or close by as we continue on the controversial calendar.

The Secretary will read.

THE SECRETARY: Calendar Number 46, by Senator Maziarz, Senate Print 234, an act to amend the Arts and Cultural Affairs Law.

SENATOR SERRANO: Explanation.

ACTING PRESIDENT ROBACH: Senator Maziarz, an explanation has been asked for.

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

This legislation, which was a home-rule message, was at the request of the Niagara County Legislature and the various local

governments entities in Niagara County, would allow for the chief executive officer of each municipality to appoint the local historian.

ACTING PRESIDENT ROBACH: Senator Serrano.

SENATOR SERRANO: Mr. President, will the sponsor please yield.

ACTING PRESIDENT ROBACH: Senator Maziarz, will you yield?

SENATOR MAZIARZ: Absolutely, Mr. President. Senator?

SENATOR SERRANO: Thank you. Through you, Mr. President, I have a question regarding this bill.

I do think it's important that counties, for tourism purposes, have a very robust county historian, someone who can serve as a person to help give a good historical perspective, educational perspective for the counties.

My question is, what is the process involved with selecting this historian? I know in the bill it calls upon the CEO to make the selection. But what sort of process would be in place?

SENATOR MAZIARZ: Thank you, Senator, for that question.

First let me say that in Niagara County -- and this bill specifically is for Niagara County only -- I think other than the county historian, the historian's positions are all on a voluntary basis, or they get paid a very nominal fee. There are no like full-time historians involved here.

And of the 12 towns, Senator, many of them are very small rural communities. Right now -- and that's the problem. I think that's why the county and the local municipalities asked for this bill, is because in some towns there really are no rules set forth. The historians maybe tend to be the historian for as long as they want to be the historian.

This would actually establish a criterion that the chief executive officer -- be it, in the cities, the mayor, in the towns, the town supervisor -- would appoint the historian for a term coterminous with their own term so that the new supervisor or new mayor could make that appointment.

SENATOR SERRANO: Through you,

Mr. President, would the sponsor yield?

SENATOR MAZIARZ: Certainly. Certainly, Mr. President.

ACTING PRESIDENT ROBACH: Continue.

SENATOR SERRANO: Thank you. Through you, will the process include a public process? Meaning there are many folks in the community -- I know in my community, for example -- who would be very interested in knowing who the candidate would be for such a position, a prestigious position. Is there a public process beyond the executives that you mentioned?

SENATOR MAZIARZ: Well, you know, generally it's like anything. When the chief executive officer gets elected, I mean they have varying processes of how they select their team. I would presume that this would follow right along with that.

Of course, Senator, I know that you, being the ranking member of the Tourism Committee, know that the richest history in the entire State of New York is in Niagara County, with Niagara Falls, Old Fort Niagara. I know, Mr. President, that you are well aware that the

Allan Herschell Company manufactured just about every carousel, every carousel in the world, on the corner of Thompson and Vandervoort Streets in the City of North Tonawanda -- one block, one block from my home.

SENATOR SERRANO: Thank you.

Through you, Mr. President, will the sponsor continue to yield?

SENATOR MAZIARZ: Absolutely. And I am full of historical facts about Niagara County. I will yield all day.

(Laughter.)

ACTING PRESIDENT ROBACH: He will yield all day, Senator Serrano.

(Laughter.)

SENATOR SERRANO: Thank you, Senator. And I appreciate your comments about the carousels. And I think that those are all very important issues, not just in Niagara but throughout the entire state, for ways that we could increase tourism. So I do think that this is a good effort and a very important effort.

An additional question I have is I believe that we've taken this bill up before. Am I correct?

SENATOR MAZIARZ: I believe it has passed the Senate before, yes.

SENATOR SERRANO: Now, is there any -- through you, Mr. President, is there a reason why it didn't go all the way?

SENATOR MAZIARZ: I think, Mr. President, in the past the bill was statewide. And that created some problems in other counties, because apparently there are some counties that have a civil service position and some municipalities that have a civil service position as a paid historian.

So we went back to the people in Niagara County, the governmental leaders in Niagara County and said that, you know, if we could do this for just Niagara County the way that they wanted it done, it would gain wider acceptance in the Assembly.

SENATOR SERRANO: And through you, Mr. President, will the sponsor yield?

ACTING PRESIDENT ROBACH: Do you continue to yield, Senator Maziarz?

SENATOR MAZIARZ: Yes.

SENATOR SERRANO: One final question, Senator Maziarz. You mentioned that

this legislation is specific to Niagara County.

SENATOR MAZIARZ: Yes.

SENATOR SERRANO: Do you know of any major differences between the process that would be theoretically set up here and processes that we would have -- other than the fact that they would be on a volunteer basis, besides that, are there any other differences?

SENATOR MAZIARZ: I'm sorry, I don't quite understand the question. Are there any differences between what Niagara County does and what other counties would do?

SENATOR SERRANO: Between -- and what other counties would do, correct.

SENATOR MAZIARZ: Senator Serrano, I can assure you that the way Niagara County does it is better than any other county in the State of New York.

SENATOR SERRANO: Can you be --

ACTING PRESIDENT ROBACH: Senator Serrano, just one moment.

If we can just get a little bit of order in the chamber. If you have an important conversation, please just take it outside.

And then we just need you guys to go

one at a time for the stenographer.

SENATOR MAZIARZ: Thank you, Mr. President. I was -- I haven't finished my answer yet.

The way Niagara County does it is much better than the way they do it in Brooklyn or Staten Island or some of those other places. Not the Bronx, though.

SENATOR DIAZ: Not the Bronx.

SENATOR MAZIARZ: Not the Bronx.

SENATOR SERRANO: Through you, Mr. President. Just to expand a little bit on that, Senator Maziarz, are there some specific differences? I know that you say it's better, and I won't argue with you on that. But are there any specific differences?

SENATOR MAZIARZ: Yes. Well, I think I pointed out before about the carousels. You know, the fact that we have Niagara Falls. We just have more historical sites.

And I think that our people have more of an appreciation for history maybe than some other areas of the state. I don't want to disparage any other areas, Senator, but I just think that we do better, with almost all

volunteers. I think other than the county historian, the only other one that may get paid -- I'm sorry, the only one that may get a salary, actually, is the county historian. The others are almost all volunteers or get a very nominal fee to cover their expenses.

SENATOR SERRANO: Got it.

No further questions. Thank you.

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

ACTING PRESIDENT ROBACH: Are there any other Senators wishing to be heard?

Senator Diaz.

SENATOR DIAZ: Thank you, Mr. President.

Ladies and gentlemen, there are over 25 pieces of legislation that have been put on hold today. The way things appear, it looks like we're going to be here today till about 1 o'clock in the morning or more.

So this is a good opportunity for people from the City of New York, taxi drivers up there -- because, you know, I love taxi drivers, I love senior citizens, and I love --

ACTING PRESIDENT ROBACH: Senator

Diaz, are you on the bill?

SENATOR DIAZ: I'm on the bill. I'm sorry, I'm on the bill. I'm sorry, Mr. President, on the bill.

ACTING PRESIDENT ROBACH: Okay. Let's make your comments germane to the bill.

SENATOR DIAZ: Okay. So I love taxi drivers, I love senior citizens, and I love bodegueros. And those people that are there from the City of New York, taxi drivers, under the leadership of Cira Angeles and -- and --

ACTING PRESIDENT ROBACH: Senator Diaz, I'm trying to be very cordial --

SENATOR DIAZ: I am on the bill. I am on the bill.

SENATOR LIBOUS: Mr. President.

SENATOR DIAZ: Mr. President --

ACTING PRESIDENT ROBACH: Senator Libous.

SENATOR DIAZ: Mr. President, I'm on the bill. We're going to be here all day today.

SENATOR LIBOUS: Mr. President. Mr. President.

ACTING PRESIDENT ROBACH: Senator

Diaz, one moment, please.

Senator Libous.

SENATOR LIBOUS: Point of order, Mr. President.

I believe we're on the bill. I know Senator Diaz would like to at some point probably ask for unanimous consent so he could get up and address some of his constituents that are here. But I think if we could do the vote on the bill, I would then ask Senator Diaz for you to have --

ACTING PRESIDENT ROBACH: Thank you. Senator Libous, your point is well-taken.

Senator Diaz, if we could finish the bill. And if you would like to then address the other topic --

SENATOR DIAZ: I'm almost finished.

ACTING PRESIDENT ROBACH: Okay. Well --

SENATOR DIAZ: Almost finished.

ACTING PRESIDENT ROBACH: -- finish on the bill.

SENATOR DIAZ: Almost finished on the bill.

ACTING PRESIDENT ROBACH: Okay.

SENATOR DIAZ: The bill gives the

opportunity to people to see how is it that we deal here. This bill shows how the people from Niagara Falls, how they deal. And this bill shows how we debate here. Sometimes useless, sometimes nonsense, sometimes nonsense, sometimes we call bills on hold for nothing, just to waste time. And this is a good opportunity for the people of the City of New York, taxi drivers, to see how business are done.

And sooner or later, Mr. President, as we deal with this bill from Ontario, Canada, from Niagara Falls, as we deal with this bill, sooner or later, Mr. President, we're going to be dealing with a bill that affects the lives of more than 30,000 city drivers. And the bill is going to come here, and we're going to debate it, as we are debating this --

ACTING PRESIDENT ROBACH: Thank you. Thank you, Senator Diaz --

SENATOR DIAZ: I am on the bill. I am on the bill.

ACTING PRESIDENT ROBACH: You're really not.

SENATOR DIAZ: Yes, I am, sir. I am on the bill. I'm talking about the bill from

Niagara Falls. And this bill from -- hey.

ACTING PRESIDENT ROBACH: Senator Diaz, your comments are not germane. You're out of order. I'm trying to be very accommodating here.

SENATOR DIAZ: And I'm trying to be --

ACTING PRESIDENT ROBACH: Senator Liz Krueger on the bill.

SENATOR DIAZ: Oh, you -- that -- that is not the right thing to do.

ACTING PRESIDENT ROBACH: Well, are you going to speak on the bill or not, Senator Diaz?

SENATOR DIAZ: I'm going to talk on the bill. I'm going to talk on the bill. I'm going to talk on the bill all afternoon.

ACTING PRESIDENT ROBACH: Senator Diaz.

SENATOR DIAZ: I have the floor. I have the floor. And if you want to be -- if you want to play that game, I could play that game too.

ACTING PRESIDENT ROBACH: We're on the roll call, Senator Diaz. It's not a game.

SENATOR DIAZ: Mr. President --

ACTING PRESIDENT ROBACH: Do you have some comments on the bill?

SENATOR DIAZ: Yes. And the bill, the bill, the bill reads that we -- that we -- yes, we have the bill. Yeah, the bill says that in Niagara -- is Niagara the only county that has the CEO -- do other counties have local historians. The local law says that the county can have local historians. Does it specify how come -- this is --

What I'm trying to tell you, Mr. President, what I'm trying to tell you, Mr. President, is that we're going to have -- we have 25 bills today that my colleagues have put on hold. We are going to go through this thing all day long. There are people that come from the City of New York that could look at this thing better and see things better. And what we're doing is wasting time.

I'm supporting the bill, I am supporting the bill and I'm voting for this bill. But please, let's stop this game.

Thank you very much.

ACTING PRESIDENT ROBACH: Senator

Krueger.

SENATOR KRUEGER: Thank you, Mr. President. I would like to defer my time to Senator Diaz if he still has more things he wanted to say.

Senator Diaz, did you have anything else you wanted to say?

SENATOR DIAZ: What was that?

SENATOR KRUEGER: I was going to defer to you if you had more things you wanted to say.

SENATOR LIBOUS: Point of order, Mr. President.

ACTING PRESIDENT ROBACH: Senator Krueger, Senator Diaz has yielded the floor. Did you want to speak on the bill or ask a question?

SENATOR KRUEGER: Yes, I wanted to ask the sponsor a question, Mr. President.

SENATOR MAZIARZ: Certainly, Mr. President.

ACTING PRESIDENT ROBACH: Senator Maziarz will yield.

SENATOR MAZIARZ: Certainly.

SENATOR KRUEGER: Thank you.

In your description and answers to

my colleague Senator Serrano's questions, you referenced the carousel maker in your district.

SENATOR MAZIARZ: Yes. Allan Herschell.

SENATOR KRUEGER: Allan Herschell. So I have two carousels in my district, in Central Park and in Bryant Park. Do you know if either of those --

SENATOR MAZIARZ: Yes. They are both Allan Herschell carousels, Senator.

SENATOR KRUEGER: They're both Allan --

SENATOR MAZIARZ: Yes.

SENATOR KRUEGER: Thank you very much.

SENATOR MAZIARZ: It's just another thing, it's one more thing, Senator, that upstate New York gave to the City of New York.

(Laughter.)

SENATOR KRUEGER: We love the carousels, Mr. President. Thank you.

ACTING PRESIDENT ROBACH: Senator Rivera.

SENATOR RIVERA: Thank you, Mr. President. I wonder if the sponsor would

yield for a few questions.

ACTING PRESIDENT ROBACH: Senator Maziarz, will you yield?

SENATOR MAZIARZ: Certainly, Mr. President.

SENATOR RIVERA: Thank you, Senator Maziarz. Thank you, Mr. President.

We're certainly not going to debate -- at least you accepted Niagara versus Bronx, so I'm not going to debate you on that one because you already agree with that one.

SENATOR MAZIARZ: Well, actually I said positive things about the Bronx. It's Brooklyn and Staten Island that I --

SENATOR RIVERA: We could definitely have some conversations about Brooklyn and Staten Island.

(Laughter.)

SENATOR RIVERA: But on the bill, I actually wanted to ask you a few questions about the historian.

First of all, through you, Mr. President, what are the qualifications for the historian? Are there any qualifications for that person?

SENATOR MAZIARZ: There are, Senator Rivera. Each municipality actually sets its own. And generally they defer to the chief executive officer.

Again, usually when a town supervisor is elected -- and I can tell you that most of the town supervisors in this county serve for a long time. When a new one comes in, they generally select the people that they want. Again, these are volunteer positions. They have many committees and organizations.

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

SENATOR MAZIARZ: Certainly, Mr. President.

SENATOR RIVERA: Thank you, Mr. President.

SENATOR MAZIARZ: Thank you.

SENATOR RIVERA: But so there's no qualifications like a master's or a Ph.D. in history or anything of that nature?

SENATOR MAZIARZ: I believe for the county historian that there are -- I don't believe, I know that for the county historian,

which I think may be a part-time position -- I may be wrong on that particular fact. But the county historian, the only one that is paid a salary, there are qualifications for that.

And the county legislature does make that particular appointment. We don't have a county executive, we have a county legislature. So they make that particular appointment.

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

ACTING PRESIDENT ROBACH: Will you continue to yield, Senator Maziarz?

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

ACTING PRESIDENT ROBACH: Continue.

SENATOR RIVERA: So the County of Niagara is different than Niagara County?

SENATOR MAZIARZ: No. The county historian is appointed by the county legislature.

SENATOR RIVERA: Which is the one that we're speaking about.

SENATOR MAZIARZ: This bill encompasses not just the county but the 12 towns and three cities located within the county.

SENATOR RIVERA: Gotcha.

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

ACTING PRESIDENT ROBACH: Do you continue to yield, Senator Maziarz?

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

ACTING PRESIDENT ROBACH: Continue, Senator Rivera.

SENATOR RIVERA: Thank you.

How long would the -- so there's no real requirement as far as books written, area of specialization? For the historian, as far as the requirements.

SENATOR MAZIARZ: No. No. No.

SENATOR RIVERA: All right. Through you, Mr. President, if the sponsor will continue to yield.

SENATOR MAZIARZ: Yes, Senator.

But just to get back to your other question, this is almost always a retired individual who wants to volunteer to do this.

SENATOR RIVERA: How long would the historian actually serve for? Through you, Mr. President, how long would the historian serve

for?

SENATOR MAZIARZ: Well, if they're appointed by the chief executive officer, I would assume that they would serve at their pleasure.

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

ACTING PRESIDENT ROBACH: Senator Maziarz?

SENATOR MAZIARZ: Yes, I do.

SENATOR RIVERA: Do they have -- is there -- and I hope the answer is yes. Do they have a residency requirement for --

SENATOR MAZIARZ: Oh, yes. Oh, absolutely, yes.

SENATOR RIVERA: There is a residency requirement.

SENATOR MAZIARZ: Yes. Yes, they do have a residency requirement.

And in fact, to continue that answer, I can tell you that in -- I believe it was early November of last year, our colleague Senator Gianaris visited Niagara County, visited the county courthouse, and I introduced him -- he probably doesn't remember -- to the county

historian at that time.

Now, most of our tourists don't come around the first week of November, they tend to come after Memorial Day and before Labor Day. But Senator Gianaris was the exception. He wanted to be there in -- right after the first Tuesday after the first Monday in November.

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

ACTING PRESIDENT ROBACH: On the bill, Senator Rivera.

SENATOR RIVERA: Thank you so much.

SENATOR MAZIARZ: Thank you, Senator.

SENATOR RIVERA: Thank you, Senator Maziarz.

I will be supporting this legislation, as I am -- in the district that I represent, in the Bronx, the Bronx Historical Society actually resides in my district. Among many other historical landmarks in my district, I actually have the Poe House. Edgar Allan Poe lived in the Bronx, his wife actually died in the Bronx. And the house that his wife actually died in is physically in my district.

SENATOR MAZIARZ: I'm sorry, who?

SENATOR RIVERA: Edgar Allan Poe.

So that is only one of the many historical landmarks that are in the Bronx and certainly in my district. So I will be supportive of this bill.

I would only suggest that not only does a person reside in Niagara but, Senator Maziarz, I would think that that person, if that person is either a Ph.D., has a master's, maybe they've written some books on Niagara, probably that would be the best person to be able to fulfill that role. That's the only thing that I would suggest.

Besides that, good luck to whomever that person is. Maybe, maybe we can get you to do it, Senator. Thank you.

ACTING PRESIDENT ROBACH: Thank you, Senator Rivera, for supporting that landmark legislation.

Senator Gianaris.

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

ACTING PRESIDENT ROBACH: On the bill.

SENATOR GIANARIS: I appreciated Senator Maziarz's comments. In fact, I do rise in support of this bill. But I couldn't let his comments go without stating how much I actually enjoyed my trip to Western New York, as I do frequently. I like to go at all times of the year, and November was a pleasure. And it was a pleasure to see him and meet the historian at that time.

I have since been back several times, and I expect I'll be back next year again. And hopefully it will be an even more enjoyable experience than it was last year.

(Laughter.)

SENATOR GIANARIS: Thank you, Mr. President.

ACTING PRESIDENT ROBACH: Thank you.

Is there any other Senator wishing to be heard?

Hearing none, the debate is closed. Ring the bell.

Can the members please come to the chamber for the vote.

A home-rule message is at the desk.

Read the last section.

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

ACTING PRESIDENT ROBACH: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58. Nays, 0. Absent from voting are Senators C. Kruger, Oppenheimer, and Smith.

ACTING PRESIDENT ROBACH: The bill is passed.

THE SECRETARY: Calendar Number 138, by Senator Fuschillo, Senate Print 3451A, an act to amend the Penal Law.

SENATOR SQUADRON: Explanation.

ACTING PRESIDENT ROBACH: An explanation has been requested.

SENATOR FUSCHILLO: Thank you, Mr. President.

Senator Squadron, this bill amends the Penal Law in relation to criminal trespassing on railroad property.

The bill is supported by the Railroads of New York State. According to them in their memo of support, trespassing is the most

significant cause of death attributed to railroad operations in New York State. More than 500 deaths nationwide are preventable each year. New York State laws are antiquated.

This bill passed unanimously in the Senate last year.

ACTING PRESIDENT ROBACH: Senator Squadron.

SENATOR SQUADRON: Thank you, Mr. President. Will the sponsor yield?

SENATOR FUSCHILLO: Yes, I'd be happy to.

SENATOR SQUADRON: Thank you very much.

I notice that the new definition of the Penal Law references railroad property. What types of railroads would that include?

SENATOR FUSCHILLO: What type of railroads? The ones with trains on them.

(Laughter.)

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

ACTING PRESIDENT ROBACH: Do you yield, Senator Fuschillo?

SENATOR FUSCHILLO: I'd be happy to.

ACTING PRESIDENT ROBACH: Go ahead, Senator Squadron.

SENATOR SQUADRON: So would that include, for example, New York City Transit subway tracks and subway property?

SENATOR FUSCHILLO: Yes. They have trains, yes. Yes, Senator.

SENATOR SQUADRON: And would the sponsor continue to yield.

ACTING PRESIDENT ROBACH: Do you continue to yield, Senator Fuschillo?

SENATOR FUSCHILLO: Yes, Mr. President.

SENATOR SQUADRON: So presumably that would also include the PATH train operated by the Port Authority of New York and New Jersey, though it's a bi-state agency?

SENATOR FUSCHILLO: Mr. President, through you. Senator Squadron, the answer is yes.

SENATOR SQUADRON: The PATH railroad does in fact have trains as well, so I expected that answer.

Through you, Mr. President, if the sponsor --

SENATOR FUSCHILLO: Just to add, this bill did pass unanimously last year in the Senate by my good friend Senator Dilan, who was the chair of Transportation, now the ranking member.

SENATOR SQUADRON: Through you, Mr. President. And I am interested -- and let me ask, if the sponsor will continue to yield, if this is identical to the bill that passed last year.

SENATOR FUSCHILLO: I'd be happy to yield. Yes, Mr. President.

This year we're working with Joe Lentol, who's chairman of Codes in the Assembly. We referenced the Railroad Law provisions now in the Penal Law, to give it an additional strength. But in the hope, Senator, that it passes in the Assembly this year.

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

ACTING PRESIDENT ROBACH: Senator Fuschillo.

SENATOR FUSCHILLO: I'd be happy to yield, Mr. President.

SENATOR SQUADRON: Last year, in addition to RONY, Senator Dilan's bill -- which did pass unanimously -- had the support of Amtrak. Does this version?

SENATOR FUSCHILLO: Yes.

SENATOR SQUADRON: And if the sponsor will continue to yield.

ACTING PRESIDENT ROBACH: Senator Fuschillo?

SENATOR FUSCHILLO: Mr. President, I'd be happy to yield for Senator Squadron.

SENATOR SQUADRON: And it also had the support of the State Trial Lawyers Association, as I understand it. Does this version have the support of that organization as well?

SENATOR FUSCHILLO: I'm sorry, I didn't hear the question.

ACTING PRESIDENT ROBACH: Could you repeat the question, Senator Squadron?

SENATOR DUANE: Could we have some order in the chamber? It's very difficult to hear.

ACTING PRESIDENT ROBACH: Thank you, Senator Duane.

Once again, if we could have some order in here. If you need to discuss, please just step outside so the members and everyone else can hear the debate. Thank you.

Senator Squadron, could you repeat the question?

SENATOR SQUADRON: Just in the interests of efficiency, do any other organizations have support memos for the current draft of the bill?

SENATOR FUSCHILLO: Mr. President, through you. Senator, the only memo of support we have is from the Railroad Association, called RONY, the Railroads of New York State.

SENATOR SQUADRON: Thank you.

And if the sponsor would continue to yield.

ACTING PRESIDENT ROBACH: Senator Fuschillo, do you continue to yield?

SENATOR FUSCHILLO: I do.

SENATOR SQUADRON: The sponsor made a brief reference to how this bill differs from the bill that garnered bipartisan support last

year. Would the sponsor mind going into a little more detail about how this bill differs from the earlier version?

SENATOR FUSCHILLO: I think the only changes that were added were snowmobiles as well. But let me get into a little bit more detail for you, Senator.

I believe since the mid-19th century the laws have only been changed maybe once or twice. And since the event of 9/11, the federal government has been working and the Federal Railroad Administration has been working with states throughout the entire United States and have found that railroad trespassing laws are inadequate and outdated.

One of the reasons I'm confident that Senator Dilan had introduced the bill last year and had it passed in the Senate, we've taken it a step further by looking at other laws throughout New York State and adding snowmobiles and other minor provisions, with the hope that our laws -- again, which have only been updated maybe twice, as they state, since the mid-19th century -- are brought up to speed right now so that, in the heightened awareness of homeland

security issues, New York State is the forefront of the nation in dealing with trespassing.

SENATOR SQUADRON: Thank you very much for that explanation.

I just wondered, since I think a great deal of the mileage of rail that this affects would be in New York City and the New York Transit System, has New York City Transit or the Metropolitan Transportation Authority weighed in on this bill?

If the sponsor would continue to yield. Forgive me, Mr. President.

ACTING PRESIDENT ROBACH: I'm sorry, are you on the bill or --

SENATOR SQUADRON: I don't think I asked the sponsor to yield. Forgive me.

ACTING PRESIDENT ROBACH: Senator Fuschillo, do you continue to yield?

SENATOR FUSCHILLO: Was that a question or just asking --

ACTING PRESIDENT ROBACH: I'm not sure.

SENATOR FUSCHILLO: I'm sorry, Senator, I didn't hear you. The answer is yes to yield. I didn't hear you, but okay.

SENATOR SQUADRON: Forgive me, I went out of order there.

A great deal of the mileage that would be affected by this bill, of track, is in New York City managed by New York Transit and the Metropolitan Transportation Authority -- Long Island Railroad, Metro-North, the other affiliates. Have any of the affiliates or the MTA weighed in on this bill?

SENATOR FUSCHILLO: No, they have not.

But I've been talking to the Long Island Railroad, MTA, Port Authority. They share the same concerns with security issues. They don't want people trespassing on their rails, they don't want people defacing or damaging their property as well. And it is a major concern, especially in the City of New York, where you represent, in light of the tragic events that happened there in 9/11.

And as I stated to you, the Federal Railroad Administration works very closely with the MTA, Port Authority, Metro-North and other railroads around New York State, out of their great concern that New York State laws are

severely inadequate dealing with trespassing issues.

So there's a hope this year, Senator Squadron, since Chairman Lentol carries the bill in the Assembly, that it does become law and strengthens the law and prevents these acts of criminal activity.

SENATOR SQUADRON: Through you, Mr. President, just to ask. I know that in Western New York the NFTA runs a railroad as well that goes right down the heart of the City of Buffalo. If the sponsor would continue to yield, just a brief question on that. Thank you.

I assume they haven't been spoken to. Has there been consideration given to road-surface tracks and rails and how this bill would affect those?

SENATOR FUSCHILLO: Through you, Mr. President, I don't believe it would have any negative effect. What it really does is give law enforcement and prosecutors the necessary tools to go after those who trespass on railroad property.

SENATOR SQUADRON: Thank you very much. I appreciate that.

And the sponsor has -- just a final couple of questions here, if the sponsor would continue to yield.

SENATOR FUSCHILLO: I'd be happy to, Mr. President.

SENATOR SQUADRON: The sponsor has somewhat gone back to the 19th century and sort of the history of legislation to protect the rails from vandalism, from acts of terrorism, other dangerous acts, has talked about the fact that New York needs updating. Are there other states that this legislation is modeled on? Are there other states that today do this better than New York does?

SENATOR FUSCHILLO: The answer is we have not -- we've looked at what other states do. We've mostly looked at what my esteemed colleague Senator Dilan had done last year. We trust his judgment. We think last year's bill was a great bill. We want to make sure it gets passed in the Assembly. We do have sponsors on both sides of the aisle.

But let me read to you the language from the memo of support from the Railroads of New York State that lists member railroads on two

pages. And I'll be happy to provide this to you, of railroads throughout New York State.

"Trespassing is the most significant cause of death attributed to railroad operations in New York State. Nationally, more than 500 such deaths which are preventable occur each year. In addition, since September 11, 2001, the extreme threat to our national transportation infrastructure has added a whole new dimension to railroad safety. In light of these additional threats, railroads have teamed up with the federal and state homeland security agencies to take a 21st-century approach to trespassing and security breaches. But when it comes to enforcement of trespassing offenses in New York, the railroads are forced to do so with laws that have only seen few changes enacted since the mid-19th century."

And I'm confident that my colleague Senator Dilan last year felt the same way that I do. Let's get out of the 19th century -- and I'm sure you feel the same way, Senator Squadron -- let's get into the 21st century. Let's give law enforcement the authority to properly charge and prosecute those that are trespassing, in light of

the heightened homeland security issues.

And this organization represents almost two pages of railroads throughout New York State that all feel the same way, that it's about time New York State comes up to speed, and let's stop living in the past and come into the future -- come into the present.

SENATOR SQUADRON: Thank you very much. If the sponsor would yield for a final question.

SENATOR FUSCHILLO: Mr. President, yes.

SENATOR SQUADRON: Thank you.

I actually don't have the list of the membership. Have the railroad entities, the public authorities that I've mentioned, are they listed as member organizations of RONY?

SENATOR FUSCHILLO: You have the Buffalo and Pittsburgh -- you want me to read all of them to you?

SENATOR SQUADRON: No. Just the ones that I brought up previously, the MTA and its affiliate railroads, the NFTA, any other commuter rail lines in the state.

SENATOR FUSCHILLO: They're not

listed here. The MTA is not listed here. But everybody else seems to be listed here.

And I'll be happy to go through all of them if you want me to.

SENATOR SQUADRON: No, that's okay. I think that might not be a good use of our time this afternoon.

SENATOR FUSCHILLO: Well, I think, you know, what's important, Senator, is that this organization deal with all these private and public railroad transportation providers throughout the state and communicate with all of them.

If there was opposition to this, as the chairman of Transportation, I would have heard it already. I haven't heard it. This has always been a priority of the railroads throughout New York State. And I hope we can count on your support today.

SENATOR SQUADRON: Thank you very much to the sponsor.

On the bill, Mr. President.

ACTING PRESIDENT ROBACH: On the bill, Senator Squadron.

SENATOR SQUADRON: I thank Senator

Fuschillo for a really very patient recitation of the reasons for this bill and references to other states back to the 19th century.

And, you know, I think that the point the sponsor makes is critical and undeniable. You know, we just recently, with all the trove of information that was gathered where Osama bin Laden was brought to justice, saw that in fact there were specific plans related to coming after the rail system in New York City. As the sponsor talks about, New York City has been and continues to be one of the prime targets in the world. We've seen around the world, whether Madrid, in London, that terrorists target rail systems.

In New York City, we move more commuters by rail every single day than in the rest of the country combined. As I referenced, the MTA has three affiliate railroads: The New York City Transit Authority, Metro-North, Long Island Railroad. In addition, the Port Authority runs the PATH train just in New York City. We have the AirTrain as well. Up in Buffalo, all the way up from Senator Maziarz's district down to Senator Kennedy's, the NFTA runs

a rail system.

And so to make sure that New York is no longer in the 19th century is critically important. And I share the sponsor's interest in that.

I also commend the sponsor for working in a bipartisan fashion with Senator Dilan, who I know carried this bill in the past, continues to cosponsor it, passed it last year.

And, you know, we're not getting into that game of just passing a one-house. We are working closely with the Assembly to try to make this bill into law, which is so significant. I want to commend the sponsor for all of that. I think it's significant.

I do think that it's important to have explicit conversations with the MTA and its affiliated railroads. As I said, they move more human beings that every other railroad in this nation every single day. I am certain, as Senator Fuschillo referenced, that they are comfortable with this. I'm also certain that them weighing in, directly being involved, is an important piece of this. Rail freight is a big thing in New York State. It's very important.

We have a number of rail freight corridors; we'd like to have more. But moving humans around, moving people around every single day is a big part of the terrorism risk, and it's critical.

Mr. President, I will be supporting this bill. I think, as I said, Senator Fuschillo clearly -- I've learned a lot asking him some questions here. I think he clearly has a real understanding and sense in a global way of why this is so critically important.

I would urge discussion with the commuter rails before this becomes chaptered. If we need a chapter amendment or a slight modification in this house, I'm sure we would be able to do that as well. If not, then I would just again commend the sponsor for working in a serious way on a significant piece of legislation. I thank him again for the commentary, and I will be supporting this bill.

Thank you, Mr. President.

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

Hearing none, the debate is closed. The Secretary will ring the bell.

I ask members to please come to the

chamber for the vote.

Read the last section.

THE SECRETARY: Section 5. This act shall take effect on the 180th day.

ACTING PRESIDENT ROBACH: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT ROBACH: Senator Krueger to explain her vote.

And I ask members, due to the lengthy calendar, to stick to the two-minute explanation, please.

SENATOR KRUEGER: Thank you, Mr. President. I'll happily stay within two minutes.

I thought this was a fascinating debate, discussion. Obviously rail infrastructure is critical for our state and, as Senator Squadron pointed out, for my city, the City of New York. We couldn't possibly move 8 million people around if we didn't have a safe and diverse rail system.

And of course if we can't continue to assure that we have an affordable housing stock for the 8 million people in our city, we

will have bigger problems than just moving people around on rail; we will need to move them out farther and farther from the city in order for them to live.

So I hope that as we are moving into the infrastructure issues and concerns such as the future of modern and safe rail and protecting people who travel the rails that we will also be taking up another critical issue for so many of our communities, the preservation and standards of quality for our affordable housing stock.

Thank you, Mr. President. I vote yes.

ACTING PRESIDENT ROBACH: Thank you, Senator Krueger. You will be recorded in the affirmative.

Announce the results.

THE SECRETARY: In relation to Calendar 138, absent from voting are Senators Smith and C. Kruger.

Ayes, 59. Nays, 0.

ACTING PRESIDENT ROBACH: The bill is passed.

THE SECRETARY: Calendar Number

243, by Senator Grisanti, Senate Print 3791, an act to amend the Environmental Conservation Law.

SENATOR SQUADRON: Explanation.

ACTING PRESIDENT ROBACH: An explanation, Senator Grisanti, has been requested.

SENATOR GRISANTI: Thank you, Mr. President.

Basically the purpose of this bill is to promote safety in and around stormwater retention ponds by amending the conservation law to require modification of the Stormwater Management Design Manual.

This bill is specifically in place and I asked for it because a good friend of mine's son drowned in one of these ponds. It's a safety issue for my area, a safety issue across New York State.

I'll be happy to answer any further questions anybody may have.

ACTING PRESIDENT ROBACH: Senator Stewart-Cousins.

SENATOR STEWART-COUSINS: Thank you. Would the sponsor yield for a question?

ACTING PRESIDENT ROBACH: Senator

Grisanti, will you yield?

SENATOR GRISANTI: Absolutely.

SENATOR STEWART-COUSINS: Yes, Senator, I know that we discussed this in committee. And in committee I voted without rec because there were some questions that I had, and I'm hoping that I will get some answers.

And certainly let this be on the record that I understood, when you talked about it initially, that this was the result of a very tragic incident. And so this has absolutely nothing to do with that.

But I was wondering, in terms of the way the new regulations will be promulgated, how does it impact the existing retention ponds?

SENATOR GRISANTI: Mr. President, through you. What's going to happen, Senator, is that some of the retention ponds have some of the criteria already, and I'll tell you what these are.

It's going to require posting of warning signs. Some retention ponds have them; some don't. It's going to define a reasonable slope past the aquatic bench. Some of them have it, and some don't. It's going to have basically

any other provisions that DEC deems essential to further safety. It's going to ensure examination of the status of safety features.

So when those are all taken in conjunction and have an aquatic vegetation -- as I said, some of them have them and some don't -- DEC is going to come up with a new manual. This particular legislation is going to speed up that process. Every four years they come out with a manual. The manual they have now is outdated. This is going to speed that up, and to promote safety.

And basically, if it doesn't have, this particular retention pond, any of those items, they'll have to be installed or taken care of. Whether it's owned by the state or a private individual, which is highly unlikely.

SENATOR STEWART-COUSINS: Okay. So then it sounds like it will be an updated manual and the DEC will put these new requirements in. And so the existing stormwater retention ponds will have to -- they won't be grandfathered, they will have to comply with the new regulations?

SENATOR GRISANTI: To my understanding, they will not be grandfathered.

You have to comply with the new regulation.

The DEC was going to update their manual anyways. This gives a little more criteria and a new section to say if you're going to update it, we would like these things in here.

Now, DEC actually made some of the recommendations that are in this bill.

SENATOR STEWART-COUSINS: I understand that they do. But I guess I'm just trying to figure out how in existing -- I mean, some of these retention -- oh, I'm sorry.

ACTING PRESIDENT ROBACH: Would you like Senator Grisanti to continue to yield?

SENATOR STEWART-COUSINS: Yes. Would you continue to yield, Senator?

SENATOR GRISANTI: Yeah. We're old friends. We don't need to be that formal. That's fine. I continue to yield.

SENATOR STEWART-COUSINS: Thank you. I appreciate that.

So some retention ponds have been sort of abandoned for a very, very long time.

SENATOR GRISANTI: Correct.

SENATOR STEWART-COUSINS: I'm still

trying to -- so those kinds of ponds, whose responsibility would it become? Would it be the residents in the area, would it be the municipalities? Whose responsibility would these become?

SENATOR GRISANTI: Whoever owns the retention pond at that point when the regs are updated every four years will have the responsibility of making sure these particular items and items in the past are implemented.

SENATOR STEWART-COUSINS: Okay. So whoever was responsible, if they had not been, they will now have to become responsible, including maybe homeowners that surround a particular --

SENATOR GRISANTI: That's correct.

SENATOR STEWART-COUSINS: So will there be now new liability, then, for -- because sometimes, you know, commercial developers, they have the facility and the capacity to do this. But would this be something that the residents then would have to decide who's going to be responsible? Would they have a new bill, would they have a new liability, will they have to now get insurance? How does that impact, you know,

the residents around a retention pond now, and how will they move forward?

SENATOR GRISANTI: My understanding, Senator, is that with this particular piece of legislation, it doesn't have any effect on liability. Because if it was a homeowner's association that owned the retention pond anyways, that's taken into consideration when they actually purchase insurance. By actually having these added safety measures for the retention pond, what it's going to do is actually reduce their cost of insurance.

With regard to the state side of it, the state has to have notice of any sort of dangerous condition. If the state doesn't have notice, they have an argument then as far as the liability issue for arguing against being liable for something tragic that happens.

But by installing these measures, God forbid a young boy and girl should happen to fall into these ponds. By having the slopes, having the aquatic vegetation, it gives them a better chance of survival rather than being a straight drop of 8, 9 feet.

SENATOR STEWART-COUSINS: But one

of the things in this -- he's going to continue.

One of the phrases was the maintaining authority. That would be -- from your standpoint, who would that be? Would that be the local municipality, the building department? Who is coming out and inspecting these ponds? Would it be the building authority now that will come and inspect everyone?

SENATOR GRISANTI: Under the regulation, the regulation as it's set forth, they always have to go out and inspect. The DEC owns it, they're going to inspect their own. If there's a property owner that owns it, the DEC is having the regulation, they would inspect.

Now, hopefully that's done and that inspection takes place so they're in compliance.

SENATOR STEWART-COUSINS: So DEC will begin to -- will inspect. And if there's any -- if there's -- if there's some problem and they're not adhering to the regulations, what is the penalty?

SENATOR GRISANTI: We don't have a penalty phase at this point. The DEC, it says any other provisions the department deems essential to further promote the safety in and

around the stormwater retention ponds will be up to them.

I didn't put a penalty phase in there. They already go ahead of as of now and regulate it. This is just adding a clause modifying it, 17-0810, adding those other criteria to provide safety for the retention ponds. It's not going to change any other requirements.

SENATOR STEWART-COUSINS: So there's not going to be a penalty if they don't do it. But this is a guide to tell people what should be done and --

SENATOR GRISANTI: What should be done.

SENATOR STEWART-COUSINS: And hopefully, if they are not currently meeting the standards, they will become on par with what the standards should be, by signage and so forth. Thank you.

SENATOR GRISANTI: I would say that's a fair assessment, absolutely.

SENATOR STEWART-COUSINS: Thank you, Senator.

On the bill.

ACTING PRESIDENT ROBACH: Senator Stewart-Cousins on the bill.

SENATOR STEWART-COUSINS: Yeah, there were a number of questions that we were hoping to get answered in light of certainly the tragedy that Senator Grisanti brought to our attention.

And there are no penalties. It sounds like it's an additional thing for DEC to put into their manual so that people will be aware that there are standards, there is a process, there are certain procedures that would make these retention ponds certainly safer, and I'm sure that's what we want to do.

I hope that the municipalities and I hope that those involved in creating these retention ponds, in addition to those who currently have retention ponds, will adhere to the fact that we can make them safer and save lives. So certainly I will be supporting the bill and hopefully, again, this, will be one way to pay honor to the child who drowned.

ACTING PRESIDENT ROBACH: Thank you, Senator Stewart-Cousins.

Are there any other Senators wishing

to be heard?

Hearing none, the debate is closed. The Secretary will ring the bell.

Again, we ask members to please come to the chamber for the vote.

Read the last section.

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

ACTING PRESIDENT ROBACH: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT ROBACH: Announce the results.

THE SECRETARY: Those recorded in the negative on Calendar Number 243 are Senators Gallivan, Griffo, Larkin, Little, Ranzenhofer, and Ritchie.

Absent from voting: Senators C. Kruger and Smith.

Ayes, 53. Nays, 6.

ACTING PRESIDENT ROBACH: The bill is passed.

Senator Libous.

SENATOR LIBOUS: Thank you, Mr. President.

Before we can continue the noncontroversial calendar, I'm somewhat disappointed that some of my colleagues will not stay in the chamber to listen to the interesting debate that is taking place. Because when we get to the roll call, we are going to move along. And we will wait a reasonable period, and then we will move along. And if you're not here, you will be marked absent.

So I would encourage my colleagues to listen to the debate. I am finding it quite interesting, quite stimulating. And I wouldn't want you to lose out on what I'm gaining this afternoon.

Thank you, Mr. President.

ACTING PRESIDENT ROBACH: At your wise suggestion, Senator Libous, we will be moving along in the roll call. So we ask members to stay very close by, if not in their seats, for the debate and the vote.

The Secretary will read.

THE SECRETARY: Calendar Number 255, by Senator Griffo, Senate Print 3641A, an act to amend the Highway Law.

SENATOR BRESLIN: Explanation.

ACTING PRESIDENT ROBACH: An explanation has been requested, Senator Griffo.

SENATOR GRIFFO: Thank you, Mr. President.

This bill will allow towns to designate town roads as low-volume and certain low-volume roads to be minimum maintenance.

ACTING PRESIDENT ROBACH: Senator Espaillat.

SENATOR ESPAILLAT: Yes, Mr. President, through you, will the sponsor yield to some questions?

ACTING PRESIDENT ROBACH: Senator Griffo, will you yield?

SENATOR GRIFFO: By all means, Senator Espaillat.

SENATOR ESPAILLAT: Thank you, Senator Griffo.

I am not a country boy, I'm a city boy, although I was born in a small town. And I wanted to know, perhaps you could enlighten us a little bit more about this particular issue, which is of great interest to all of us, and give me, if you can, an explanation. What is the difference between what is considered currently a

town road as opposed to a low-volume road?

SENATOR GRIFFO: Mr. President, through you. Senator Espaillat, the bill lays out the process for town boards to designate low-volume and minimum-maintenance roads. It's a process that would include a comprehensive study of the roadway, it would include a public hearing, and it would allow for these roads -- we have all embraced the concept of mandate relief. And this is where this goes to, allowing flexibility within those townships for those roads that are not highly traveled to just deal with minimum maintenance on those roads.

And I think the studies that are conducted show that about a 50-car use for a road is basically what this is.

SENATOR ESPAILLAT: If I may, Mr. President.

ACTING PRESIDENT ROBACH: Do you continue to yield, Senator Griffo?

SENATOR GRIFFO: I don't know, I don't think he's asked a question yet.

SENATOR ESPAILLAT: Yes. Are these dirt roads? How many lanes do they have? I mean, what is considered --

SENATOR GRIFFO: I will yield, Senator.

SENATOR ESPAILLAT: -- a low-volume road? Is it six lanes, is it eight lanes, is it a Thruway, is it a dirt road? Is there a particular guideline that you look at to establish which is which? Or do you actually have a vehicle count and establish that because of the volume of vehicles in the road, it establishes in a certain criteria?

SENATOR GRIFFO: Mr. President, through you. Senator Espaillat, as I indicated earlier, one of the counts used is 50 cars, vehicles traveling a road. So that shows if there's only -- studies are being done if 50 cars or less used a road in the course of a day, that indicates the level of usage.

It also deals with a study that was done in 1992 by the Local Roads Research and Coordination Council, which defined and set standards for low volume and classification. And that was done to allow flexibility and to reduce costs to some of these towns where these roads -- which are small roads.

And I invite you to come upstate so

we can show you many of these roads. We can always use -- bring your money, too, because it's very good to invigorate the economy.

SENATOR ESPAILLAT: Mr. President, through you, if I may. I would love to visit those towns. I know that New York State is a beautiful state. And I'm sure that many of the neighborhoods in your region are beautiful and many of us will enjoy being there.

I know that similar bills were introduced through the Rural Resources Commission in the past, both in these chambers and in the lower house. Why not send this bill through the RRC?

SENATOR GRIFFO: Mr. President, through you. Senator Espaillat, this is a bill that was passed in this house. We now have an Assembly sponsor, Assemblywoman Gunther. And we think that this is the most appropriate course and the best course in order to provide the mandate relief that we all agree that is necessary and needed can be accomplished.

SENATOR ESPAILLAT: Mr. President, through you. Senator Griffo, has the commission, the RRC, vetted this bill? Have they reviewed it

appropriately and vetted this bill?

SENATOR GRIFFO: Mr. President, through you. Senator Espaillat, I believe that there's been no one that has expressed any opposition to this bill, to my knowledge. In fact, if anything, there are people that have supported the bill such as the -- we actually have people on both sides. Not only the Association of Towns, but the Adirondack Council, too, which I know many of you on your side are very familiar with.

SENATOR ESPAILLAT: Through you, Mr. President. So do you feel that the Rural Resources Commission approves of this bill? Do they approve of it and they're supportive of it?

SENATOR GRIFFO: Could you repeat the question, Senator Espaillat?

SENATOR ESPAILLAT: Yes. Do you feel that the Rural Resources Commission approves of this particular bill?

SENATOR GRIFFO: That would be my understanding, because there has been no opposition expressed. And the chair sits near me and has given me an unequivocal yes, Senator Espaillat.

SENATOR ESPAILLAT: Okay. Very happy to hear that.

Mr. President, if I may. We are concerned, however, that there is a five-day notice of public hearings regarding these changes, rather than perhaps a 10-day requirement, which has been included in previous similar bills. Is there a reason for the reduction in the public notice for this proposed road designation?

SENATOR GRIFFO: Mr. President, to the best of my knowledge, the town boards that would be making the designation would do it by local law, and there would be 30 days prior to a public hearing on that local law. If you look at Town Law, they specify how you do something like this.

So there's proper notice given. And I believe it's consistent with local law, General Municipal Law, that would regulate something like this, to allow for an input and notification.

SENATOR ESPAILLAT: Mr. President, if I may.

ACTING PRESIDENT ROBACH: Will you continue to yield, Senator Griffo?

SENATOR GRIFFO: Sure.

SENATOR ESPAILLAT: Do you feel that the five days is a sufficient amount of time for the public and affected property owners to prepare and argue their case to the governing body?

SENATOR GRIFFO: Again, Mr. President, through you. Senator Espaillat, as I said, if you look at this, there are a number of criteria for proper notice. And as far as I look at this, if you follow the public hearing requirements, there would be ample notice given -- not only how long it takes to mail to somebody, but there's plenty of opportunity in existing law, as well as in this, to allow for an open public awareness, public input into the process.

SENATOR ESPAILLAT: Mr. President, just one final question, if I may, to the sponsor.

ACTING PRESIDENT ROBACH: Senator Griffo?

SENATOR GRIFFO: Sure.

SENATOR ESPAILLAT: Yes. Previous efforts to expand the universe of low-volume and

minimum-maintenance roads have been based on their potential to reduce the costs for localities. Are there any considerations or potential savings for this particular legislation? And what are the fiscal implications or impact for the localities and regions?

SENATOR GRIFFO: Senator Espaillat -- through you, Mr. President -- as I said, the Town Highway Superintendents, the Association of Towns support this because they all indicate that there will be savings as a result of that opportunity to look at these low-volume roads and have minimal maintenance. In no way does it abandon maintenance, I want to make that perfectly clear.

In fact -- well, maybe we can talk about the Beatles, "The Long and Winding Road," Senator Espaillat, if I can quote from "The long and winding road that leads to your door will never disappear," to give you assurances.

SENATOR ESPAILLAT: Thank you, Mr. President. I prefer "Strawberry Fields Forever." But thank you, Mr. President.

ACTING PRESIDENT ROBACH: Thank

you.

Is there any other Senator wishing to be heard?

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

We ask members to please come to the chamber for the vote.

Read the last section.

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

ACTING PRESIDENT ROBACH: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: In relation to Calendar Number 255, absent from voting are Senators Huntley, C. Kruger and Smith.

Ayes, 58. Nays, 0.

ACTING PRESIDENT ROBACH: The bill is passed.

THE SECRETARY: Calendar Number 309, by Senator Grisanti, Senate Print 2877A, an act to amend the Environmental Conservation Law.

SENATOR PARKER: Explanation.

ACTING PRESIDENT ROBACH: An explanation has been requested, Senator Grisanti.

SENATOR GRISANTI: Thank you, Mr. President.

The purpose of this bill would be to revise the number of reverse vending machines that are required in certain businesses to redeem empty beverage containers, based on the square footage of the store.

ACTING PRESIDENT ROBACH: Senator Peralta.

SENATOR PERALTA: Thank you, Mr. President. Will the sponsor yield?

ACTING PRESIDENT ROBACH: Senator Grisanti, will you yield?

SENATOR GRISANTI: I will, Mr. President.

SENATOR PERALTA: Looking at this bill, I wanted to get a clear definition of what "reverse vending machines" is defined as under this bill.

SENATOR GRISANTI: Reverse vending machine, as it stands from a law that passed a couple of years ago, required stores to have eight of these machines in their facility, based on square footage.

What this is doing is saying that if

you're between 40,000 and 60,000 square feet, you need two machines instead of three; between 60,000 and 85,000 square feet, you need three instead of four; over 85,000 square feet, you can have four machines instead of eight.

Now, what does that do? Basically, some of these stores having eight machines, all across the state you had hundreds of stores, hundreds of machines not being used, drawing serious power off the grid of New York State. On top of that, these stores are losing all this space. So it freed up valuable store space that is lost.

It also included stores probably in your area, like Macy's, that had little refrigerators of $10 spirit water, they would call it. They'd have to have three machines in their stores. Not feasible.

Stores like Home Depot and Lowe's, they'd only sell bottled water to their contractors. The contractors that come in, I don't think the contractors are returning the bottled waters back to Home Depot, who has to have eight to 12 of these machines in their stores.

So it eliminates that burden. The recyclable rate is still not going to go down. But it also gives another exemption that allows that if you have another process by which to recycle, you don't need the machines altogether. Also known as the alternative technology where you crush the containers, use it in a different way. Certain stores in Maine actually use bags, they do it that way.

SENATOR PERALTA: Mr. President, will the sponsor yield for another question.

ACTING PRESIDENT ROBACH: Will you continue to yield, Senator Grisanti?

SENATOR GRISANTI: Yes, I will.

SENATOR PERALTA: Now, with these reductions, these proposed reductions of the RVM machines, would you say that if you reduce it from, let's say, eight to four in the 85,000-square-foot store, that there may be a bigger nuisance created by the longer lines of individuals waiting on the small amount of RVM machines that exist?

SENATOR GRISANTI: That's always a possibility. But you've got to remember, if a store is that large and it wants to have customer

satisfaction -- I'm not saying that they have to take the eight machines and reduce it down. If they want to have the additional machines, they can. This just gives them the option. If those eight machines are not being used, you can go down to four machines instead of eight.

SENATOR PERALTA: Would the sponsor yield for another question.

SENATOR GRISANTI: Yes, Mr. President.

SENATOR PERALTA: This seems to me like this piece of legislation will favor big box stores. I just find it unbelievable that a store that has 85,000 square feet will not have space for eight RVM machines. I've noticed in my district the size of RVM machines, and they're about -- much smaller than the width of the clock in this Senate chamber and definitely much smaller in terms of height.

So 85,000 feet, and the argument is being used that it is too small to have eight RVM machines, I find that unlikely. Why is there a need to reduce it from eight to four?

SENATOR GRISANTI: The machines in recent years have basically been upgraded to

handle more of a capacity for recycled products. So even though the machines are smaller, the technology is better.

So the four machines could possibly do the same work as eight. But having eight of the older machines is causing a heavy drain, and they're larger. Maybe where your stores are, they're the newer machines. Some of the stores have the older machines that are much larger.

SENATOR PERALTA: Mr. President, will the sponsor yield for another question.

ACTING PRESIDENT ROBACH: Senator Grisanti?

SENATOR GRISANTI: Yes, I will.

SENATOR PERALTA: So currently, by law, how can you be sure that this legislation will not lead to a decrease in returns of recyclable bottles?

SENATOR GRISANTI: Because as I said before, the stores still have the ability -- they're going to have the machines. And these smaller machines produce double the capacity of what the other machines had. They're still going to have the recyclable areas in their store.

Now, basically you've got the Food

Industry Alliance, Hannaford, Retail Council of New York, Business Council, they're for this particular legislation because of what it does in terms of upgraded technology, maintains recyclable products, eliminates some of the space that is being taken up in the store.

And on top of that, the DEC does not oppose the bill either.

SENATOR PERALTA: Mr. President, would the sponsor yield for another question.

ACTING PRESIDENT ROBACH: Senator Grisanti, do you continue to yield?

SENATOR GRISANTI: Yes.

SENATOR PERALTA: Now currently, what ends up happening is, by law, if you purchase the container let's say at a big box store, you should be able to redeem the container at a big box store. But at least in the city, what ends up happening is you get a big box store -- you can purchase a container at a big box store and when you go back to redeem, what ends up happening is that they send you to the supermarket so that you can redeem the empty containers.

So wouldn't this be disproportionate

or a burden on the supermarkets whom the big box stores keep on sending back to the supermarkets so that they can redeem these empty containers?

SENATOR GRISANTI: If the big box stores you're talking about that are not exempt from this legislation -- they're supposed to have those machines. They're not supposed to be able to tell somebody you cannot return the recycled products here, to go to a supermarket. So if that's the case, then you probably need to make a complaint.

But I saw the letter from Local 338, and I think it's a contradiction. They oppose the passage of this legislation by saying "As more and more beverages are sold outside of the traditional supermarkets, consumers must have the option to return beverage containers to the place which they purchased them. If this does not occur, then supermarkets bear a disproportionate share." This is exactly where you're getting this from.

Today's supermarkets must use available retail space for RVMs. No consideration is given. So in your one argument you're saying that, well, it doesn't take up a

lot of space but yet, you know, they don't have to come to the store. It's a contradiction.

If they're purchasing a product from a store that is required to have those machines, then all they simply need to do is make a complaint that I want to return it here rather than to a supermarket.

SENATOR PERALTA: Mr. President, would the sponsor yield for another question.

SENATOR GRISANTI: Yes.

ACTING PRESIDENT ROBACH: Yes.

SENATOR PERALTA: Now, does this piece of legislation address any of the enforcement issues? Because as you stated earlier, that if there is a problem you can file a claim. But time and time again, I know that at least in the city and some areas, some counties outside of the city, what tends on happening is that when you purchase a container or a product at a big box store, many of them do not redeem them. And what they end up doing is they send them right back to the supermarkets.

So does your piece of legislation talk about an enforcement provision to help reduce this big problem?

SENATOR GRISANTI: This legislation only talks about the amount of reverse vending machines in the store. It doesn't talk about the regulations on penalties. I'm sure that's somewhere else in the regulations where if you refuse to take recyclable products in your store.

So you need to file a complaint. With whom, I don't know. But that's not addressed in this bill. This bill only addresses the amount of machines.

SENATOR PERALTA: Mr. President, would the sponsor yield for another question.

SENATOR GRISANTI: Yes.

SENATOR PERALTA: So from time to time I get many of these complaints in my district, and I'm pretty sure many of my other colleagues get similar complaints.

So if we receive these complaints and it's only on an upward trend and it's growing, now this piece of legislation will ask for the reduction of RVM machines, not taking into account, especially during this heavy summer season -- where people will wait long hours to redeem their empty containers and sometimes -- actually, many times -- you will have many of

these machines broken.

So if these machines are broken, now instead of having four lines, let's say for example, in the 85,000-square-foot store, you will have two lines or one line waiting to be redeemed.

So if this is the case and these redemptions are just increasing, these complaints are being increased, especially during the summer, why are we reducing the amount of RVM machines when you should be increasing, if not keeping it level? So that way customers can be satisfied, they don't create a nuisance to the other customers that are actually shopping in the area. Why are we reducing?

SENATOR GRISANTI: As I said prior on two occasions, the machines have upgraded technology where they can handle twice the amount of output as the older machines. The older machines are being replaced because they use up too much energy. So it's a cost factor.

And as far as people that are waiting the entire summer to return some of their products, I can't address that issue on why somebody else is hanging onto their recyclable

products.

You can also return these products over the counter if the machine is broken.

SENATOR PERALTA: On the bill, Mr. President.

ACTING PRESIDENT ROBACH: On the bill, Senator Peralta.

SENATOR PERALTA: I understand that Senator Grisanti has good intentions with this bill. But this bill actually shortchanges supermarkets by placing an unfair burden on them. And disproportionately the share of the costs will end up at supermarkets.

This is not an equitable bill, since it favors big box stores. Many of the enforcement policies that are in place do not really work, and we need to work on that. This bill doesn't address the obligation of accepting empty containers even when RVMs aren't working, which in turn increases the lines and creates a nuisance for other customers.

This bill doesn't address the real issue of enforcement, as I said previously, where the real problem with these RVM machines is that big box stores end up sending many of the

customers or people that want to redeem their empty containers back to the supermarkets.

I hoped that today we would be talking about more substantive issues like the extension or the strengthening of rent regulations, but I see that today is not that day. So I am going to be voting in the negative on this one, and I urge all my colleagues to do the same. Thank you.

ACTING PRESIDENT ROBACH: Are there any other Senators wishing to be heard?

Senator Krueger.

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

ACTING PRESIDENT ROBACH: On the bill.

SENATOR KRUEGER: Thank you.

I appreciated very much the back-and-forth, and I respectfully agreed with all the questions that Senator Peralta asked Senator Grisanti, but I find myself coming to the opposite conclusion. I don't think this bill covers all the issues we need to. I think that the points that Senator Peralta was making about the importance of enforcement require additional

exploration in this house.

I am not opposed to this bill, but I would like to reemphasize for the record, as Senator Peralta was highlighting, that in the City of New York we are finding that certain kinds of stores, disproportionately pharmacies -- which I won't name the names, but a number of chain pharmacies -- they sell a significant quantity of cold drinks and bottled beverages that fall under the Bottle Bill in New York State.

Probably they don't meet the 5 percent standard of their floor space, but the irony is they do incredibly rapid turnover. So it's probably more than 5 percent of the product they sell, if not 5 percent of the floor space at any given time. And they are not, I believe, following the correct laws of New York State as far as agreeing to take the bottles back.

So we do find ourselves, in the City of New York, with a situation where relatively small supermarkets -- because in my borough, Manhattan, we don't have space for anything, so our supermarkets aren't really "super" the way you would define them as such in the rest of the

state -- where relatively small food stores with limited space to sell their product end up having to take responsibility for taking back far more containers than they've actually sold, which is a problem for them in trying to master being able to operate their stores correctly.

So the bill itself I believe is a good bill. I think this Legislature needs to go further in exploring both enforcement and expanded options, such as the rightsizing of reverse vending machines and other options that might be available.

So I look forward to working with Senator Grisanti in the future to exploring further where we can go to expand and improve the Bottle Bill system in New York State, making sure that we encourage recycling, we encourage the users to return the bottles, but we also come up with a system that is fair and equitable for all retailers so that some don't end up taking on a greater share of responsibility for returns than others.

So I'll be voting yes, Mr. President. Thank you.

ACTING PRESIDENT ROBACH: Senator

Espaillat.

SENATOR ESPAILLAT: Yes, Mr. President. On this bill, remember that when we had the debate for the Bigger Bottle Bill, one of the issues that continuously came up was the fact that many stores, particularly those in the City of New York -- our smaller supermarkets, if you may, bodegas -- felt that by increasing the Bottle Bill, by approving the Bigger Bottle Bill, that they would see an increase, a 25 percent increase in the handling of bottles. And that as a result, they would have to cut into their storage space.

So if you had now water bottles coming in, Snapple bottles coming in, you would have to maybe go into your basement and take up 25 percent of your storage space in a bodega, and this will have an adverse impact on the business.

As a result, when we discussed the Bigger Bottle Bill, we made some adjustments to address this particular issue, the fact that smaller supermarkets will now have to take an increase of 25 percent in the handling of bottles.

Now, by allowing big box stores not to have the required number of vending machines, what we're saying is that these big box stores will now send their beverage bottles to the smaller operations, to the local supermarkets and the local bodegas, and they will now have to handle an increased amount of bottles in their daily activities, which would again have an impact on their operation, often bringing rodents to their basement, having a series of problems accommodating their small stores that are strapped for space to handle this workload.

So I will be voting in the negative, Mr. President. I think that this is a bill that disproportionately hurts smaller businesses, precisely the ones that provide jobs for the State of New York. We must remember that small businesses are the ones that are the engine to the economy of New York State, and this will further hurt them. I will be voting in the negative.

ACTING PRESIDENT ROBACH: Senator Squadron.

SENATOR SQUADRON: Will the sponsor yield for a question, Mr. President.

ACTING PRESIDENT ROBACH: Senator Grisanti, will you yield?

SENATOR GRISANTI: Yes.

And to get to another Senator's question beforehand, those stores do not have to have the RVM machines or accept containers.

Go on, Senator Squadron.

SENATOR SQUADRON: Thank you. Thank you to the sponsor.

This reduces the number of RVMs for stores of a number of different sizes. The largest reduction on a number basis, on a fractional basis is in stores over 85,000 square feet. Would the sponsor just describe -- and I know you got close to this issue, but would the sponsor mind just describing what -- that's a lot of square feet if you're from New York City. That's, you know, 90 homes in New York City or 110 homes. What supermarkets or food stores would fall into that greater-than-85,000-square-foot category?

SENATOR GRISANTI: The original language that talks about the 40 to 60, 60 to 85, is the original language from the prior bill from a couple of years ago. We're not changing that.

And it passed 61 to nothing, something that was voted on. So we're not changing any of that.

SENATOR SQUADRON: If the sponsor would continue to yield.

SENATOR GRISANTI: Yes.

SENATOR SQUADRON: I understand that. Just, again, the largest reduction here that we're talking about is in this category of really very, very, very large -- very, very, very, very large stores.

And I'm just wondering, 85,000 square feet is hard for me to envision. It seems to me that you might have a couple of sort of super supermarkets, maybe the largest Wegmans in the state, maybe, you know, one of the super -- I can't imagine even a Price Chopper. But, you know, that you're also talking largely about Wal-Marts and Targets. Would that be sort of a fair guess?

SENATOR GRISANTI: I haven't been measuring Tops or Wegmans stores, but I would assume that the Wegmans would probably be -- Super Wegmans in my area would probably be about that size, 85,000.

SENATOR SQUADRON: And a Wal-Mart

or a Target?

SENATOR GRISANTI: Correct.

SENATOR SQUADRON: So thank you very much to the sponsor.

You know, the concern that I would have with this bill would be not so much that Wegmans, which, you know, does a lot of business and is clearly in the category here. I'm actually mostly worried about a Wal-Mart or Target of a great deal of size that has less than 5 percent devoted to groceries that today has an RVM, it's a large business, it does a great deal of volume, that no longer would.

And to me that's the greatest concern in this bill. It's the reason I'm not going to be able to support it, though I think there are some admirable parts of it. I thank the sponsor for helping me clarify it.

ACTING PRESIDENT ROBACH: Debate is closed. The Secretary will ring the bell.

We ask the members to as expeditiously as possible please come to the chamber for a vote.

Read the last section.

THE SECRETARY: Section 2. This

act shall take effect immediately.

ACTING PRESIDENT ROBACH: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT ROBACH: Announce the results.

THE SECRETARY: In relation to Calendar Number 309, those recorded in the negative are Senators Diaz, Dilan, Espaillat, Gianaris, Parker, Peralta, Rivera, Squadron, and Stavisky.

Absent from voting are Senators Duane, C. Kruger, Montgomery and Smith.

Ayes, 48. Nays, 9.

ACTING PRESIDENT ROBACH: The bill is passed.

Senator Libous.

SENATOR LIBOUS: Mr. President, the Senate will stand at ease for five minutes. And I would ask members not to go far, because we will then come back and address what's left on the calendar.

But just we're at ease for five minutes. Please, I would ask members to stay in the chamber or right outside.

ACTING PRESIDENT ROBACH: The Senate will stand at ease. We ask members to stand close by.

Senator Breslin.

SENATOR BRESLIN: Thank you, Mr. President.

During that five-minute period, there will be a quick Democratic conference in Room 314.

ACTING PRESIDENT ROBACH: There will be a Democratic conference in Room 314.

The Senate stands at ease.

(Whereupon, the Senate stood at ease at 5:23 p.m.)

(Whereupon, the Senate reconvened at 5:53 p.m.)

SENATOR LIBOUS: Mr. President.

ACTING PRESIDENT GRIFFO: The Senate will come to order.

Senator Libous.

SENATOR LIBOUS: Mr. President, could we now take up, on the controversial calendar, Calendar Number 427 by Senator Young.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: Calendar Number 427, by Senator Young, Senate Print 2835, an act to amend the Criminal Procedure Law.

SENATOR KRUEGER: Explanation.

ACTING PRESIDENT GRIFFO: An explanation has been requested by Senator Krueger, Senator Young.

SENATOR LIBOUS: Senator Young will be happy to give an explanation momentarily.

ACTING PRESIDENT GRIFFO: Senator Young.

SENATOR YOUNG: Thank you, Mr. President.

The common council in the City of Salamanca in Cattaraugus County requested this legislation. Peace officers may only be designated by an express act of the New York State Legislature, and this legislation would permit the city's dog control officer to issue court appearance tickets for the purpose of enforcing Article 26 of the New York State Ag and Markets Law.

ACTING PRESIDENT GRIFFO: Senator Krueger.

SENATOR KRUEGER: Thank you,

Mr. President. If the sponsor would please yield.

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

Senator Young, do you yield?

SENATOR YOUNG: Certainly.

SENATOR KRUEGER: Thank you.

So this is a peace officer bill for animal control officers in the City of Salamunca.

SENATOR YOUNG: Salamanca.

SENATOR KRUEGER: Salamanca, excuse me. How big is the City of Salamanca?

SENATOR YOUNG: The City of Salamanca is roughly around 7,000 to 8,000 people.

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

SENATOR YOUNG: Yes.

ACTING PRESIDENT GRIFFO: The Senator yields.

SENATOR KRUEGER: Thank you.

How many animal control officers are there in the city?

SENATOR YOUNG: Through you,

Mr. President, actually I believe that these duties have been supported by the police department.

It's important to note that the City of Salamanca is going through a severe crisis right now. The Seneca Nation has not paid the casino revenues for three years, and part of their budget is based on that. So this would help alleviate some of the pressure, because about half the city workforce has had to have been laid off.

So this would provide the animal control duties, and it would be by somebody who is specially trained, but it also would be at a lower cost so that those duties could be handled.

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

ACTING PRESIDENT GRIFFO: Senator Young, do you yield?

SENATOR YOUNG: Certainly.

ACTING PRESIDENT GRIFFO: The Senator yields.

SENATOR KRUEGER: Thank you.

And I apologize, I don't think I quite understood the answer. I understood that

the city is in a financial crisis, as so many of our towns and cities are. But I believe I heard the sponsor say that currently the animal control officers are police in the city.

So could I just clarify. Again, are there animal control officers? How many of them are there? Or in fact do other staff from the city serve that function today?

SENATOR YOUNG: I believe that -- through you, Mr. President, I believe that there may be one animal control officer right now. But they want it designated as a peace officer.

And as I stated previously, this would provide support to the Salamanca Police Department that is experiencing a significant shortage of officers right now due to a fiscal crisis that they're experiencing.

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

ACTING PRESIDENT GRIFFO: The sponsor yields.

SENATOR YOUNG: Certainly.

SENATOR KRUEGER: Thank you. So I appreciate the answer, because I didn't

understand the direction you were explaining.

So because the City of Salamanca has a shortage of funds, it doesn't actually have potentially enough police officers so that the animal control officer or officers would be functioning as peace officers to supplement the police force, not the police force supplementing the animal control force; is that correct?

SENATOR YOUNG: Correct. That's correct.

SENATOR KRUEGER: Thank you.

If through you, Mr. President, the sponsor would continue to yield.

SENATOR YOUNG: Yes.

ACTING PRESIDENT GRIFFO: Senator Young yields.

SENATOR KRUEGER: Thank you.

Are animal control officers elected or appointed?

SENATOR YOUNG: Through you, Mr. President, I believe that they are appointed. And that's why the common council in the City of Salamanca requested this legislation.

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

yield.

SENATOR YOUNG: Yes.

ACTING PRESIDENT GRIFFO: The Senator yields.

SENATOR KRUEGER: Thank you.

What are the current qualifications for somebody to be an animal control officer in the City of Salamanca?

SENATOR YOUNG: Through you, Mr. President, I'm not really sure to be an animal control officer.

But I will point out that this legislation deals with having somebody designated as a peace officer. I will remind the Senator that last year there was legislation that was voted on by this house and passed through the legislative process that gave further training and different standards than previously held for peace officers. So if the Senator's concern is that there would not be enough training or the high enough standards that would be necessary, that was addressed last year.

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

SENATOR YOUNG: Certainly.

ACTING PRESIDENT GRIFFO: The Senator yields.

SENATOR KRUEGER: Thank you.

I didn't forget that there was a change in the status for what a peace officer training needs to be. I appreciate the Senator's pointing that out.

So this would give, as I understand it under her bill, the power to make warrantless arrests that would be given to the animal control officers; is that correct?

SENATOR YOUNG: Yes, it is.

SENATOR KRUEGER: And would this bill actually allow animal control officers who then became peace officers to apply for gun permits to carry guns for their work?

SENATOR YOUNG: No, it would not.

SENATOR KRUEGER: Mr. President, on the bill.

ACTING PRESIDENT GRIFFO: Senator Krueger on the bill.

SENATOR KRUEGER: Thank you. I appreciate the sponsor's responses.

This bill was vetoed previously, and

I suspect it may face a veto again.

For me, it's not this one bill. I am consistent in voting against most peace officer bills for the same reasons I will be voting against this.

I am greatly disturbed to hear that there is a town that doesn't believe they have an adequate police force and wants to give their animal control officer or officers police powers, or peace officer powers, including the power to do warrantless arrests, to follow through on criminal activities and investigations.

I am disturbed that there are not enough police to provide those services, but I don't believe the solution is to give those powers to people who are not police officers or law enforcement officers. I don't think that it is in the best interests of the State of New York to continue the expansion of what I have seen now for the 8½ years that I have been here in the Senate, a continuing push to categorize various people with various job descriptions and job functions having really nothing to do with law enforcement, to give them the powers of law enforcement, to give them the power to arrest, to

investigate, to follow through on criminal charges without their actually being police officers or trained as law enforcement officers.

I think it's a serious mistake for the State of New York. And I don't know, to be fair, whether this bill, in giving an animal control officer the authority or much of the authority of a police officer, is more disturbing to me than times where we have categorized other workers in private or local governments those powers.

But again, I think that for New York State to continue to have a subuniverse of people who seem to have many of the authorities and powers of police within our towns, our courts, our hospitals, our schools, and now our animal control units, I think it's a serious error in public policy and that we should be seriously reevaluating this broader and broader spectrum of who we give police authority to.

I'll be voting no, Mr. President. Thank you.

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

Senator Young.

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

ACTING PRESIDENT GRIFFO: Senator Young on the bill.

SENATOR YOUNG: I just want to clarify something that my colleague said.

Basically this bill would follow the Ag and Markets Law in New York State, and it would allow someone to serve as an animal control officer, not as a police officer. That definitely is not the purpose of this bill, and it's not what this bill does.

But what it would allow is the police officers to be police officers and to stop crime and provide safe streets and help people and save their lives, quite frankly. So that's the intent of this bill, that's what this bill does, and I would urge all of my colleagues to vote yes.

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

Seeing none, hearing none, the debate is closed. The Secretary will ring the bell.

Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT GRIFFO: Announce the results.

THE SECRETARY: In relation to Calendar Number 427, those recorded in the negative are Senators Espaillat, Hassell-Thompson, L. Krueger, Montgomery, Parker, Perkins, Rivera, Serrano, and Squadron.

Absent from voting are Senators Duane, Huntley, C. Kruger and Smith.

Ayes, 48. Nays, 9.

ACTING PRESIDENT GRIFFO: The bill is passed.

Senator Libous.

SENATOR LIBOUS: Mr. President, after consultation with my colleague, the Deputy Minority Leader, Senator Breslin, could we at this time have the remaining bills that are on the controversial calendar restored to the noncontroversial calendar and then read in order of what's left on that noncontroversial calendar.

ACTING PRESIDENT GRIFFO: Without objection, the chair so orders.

And the Secretary will read.

THE SECRETARY: Calendar Number 320, by Senator Fuschillo, Senate Print 4070, 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 immediately.

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 347, by Senator LaValle, Senate Print 3237, an act to amend the Agriculture and Markets Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the

roll.

(The Secretary called the roll.)

ACTING PRESIDENT GRIFFO: Senator Stavisky to explain her vote.

SENATOR STAVISKY: To explain my vote.

I simply want to thank Senator LaValle. This was such a good bill that I passed it last year in my name.

(Laughter.)

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

Announce the results.

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

ACTING PRESIDENT GRIFFO: The bill is passed.

The Secretary will read.

THE SECRETARY: Calendar Number 348, by Senator DeFrancisco, Senate Print 3317, an act to amend the Agriculture and Markets Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 349, by Member of the Assembly Cahill, Assembly Print 6373A, an act to amend the Agriculture and Markets Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 383, by Senator Bonacic, Senate Print 3579, an act to amend the Rural Electric Cooperative Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 415, by Senator Klein, Senate Print 1677, an act to amend the Executive Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 438, by Senator Savino, Senate Print 2138, an act to amend the Workers' Compensation Law.

ACTING PRESIDENT GRIFFO: Read the

last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 523, by Senator Griffo, Senate Print 4803, an act to amend the Public Health Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

SENATOR KRUEGER: What bill are we on?

ACTING PRESIDENT GRIFFO: We're on Bill Number 4803, Calendar 523.

SENATOR KRUEGER: Thank you.

THE SECRETARY: In relation to

Calendar Number 523, those recorded in the negative are Senators L. Krueger and Squadron.

Ayes, 59. Nays, 2.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 547, by Senator Griffo, Senate Print 4521, an act to amend the Public Authorities Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Those recorded in the negative on Calendar Number 547 are Senators L. Krueger and Perkins.

Ayes, 59. Nays, 2.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 556, by Senator Nozzolio, Senate Print 464, an act to amend the Penal Law.

ACTING PRESIDENT GRIFFO: Read the

last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT GRIFFO: Senator Gianaris to explain his vote.

SENATOR GIANARIS: Thank you, Mr. President.

This bill takes a proposal that we've passed as it applies to correction officers, who deal very often with the problem in prisons of prisoners throwing excrement or saliva on the officers. And we properly passed a bill providing protection for those types of people.

This bill expands that very drastically. It even includes peace officers. We just voted for a bill that would give peace officer status to dog control officers in Salamanca. And now we're suggesting that if someone should spit either on such a peace officer in the context of a protest, perhaps, spitting and hitting the shoe of a police officer, this would make that a felony and

subject that person to prison time.

I think it is very overbroad. In fact, it also includes EMTs and paramedics, where you may have situations where someone who is having an epileptic fit in an ambulance may inadvertently be charged with a felony if some kind of bodily fluid were to be secreted onto those officials.

So I will be voting in the negative. I believe this bill goes way too far and is overbroad.

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

Senator Nozzolio to explain his vote.

SENATOR NOZZOLIO: Thank you, Mr. President and my colleagues.

This measure should be supported. That unfortunately in today's society and today's world, spitting, using excrement as a weapon can be a very dangerous situation, particularly if that individual has a serious disease, whether it be hepatitis, HIV. That becomes a deadly weapon.

And that my colleagues who try to

trivialize it are in fact, I believe, insensitive to the needs of those emergency medical personnel and those other law enforcement offers that are literally laying their lives on the line. Those who do not support this measure do not support their efforts.

And that's why this measure is important to get passed and to see stronger penalties for those who are in effect using their bodily fluids as weapons.

Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: Senator Rivera to explain his vote.

SENATOR RIVERA: Thank you, Mr. President.

I will join my colleague Senator Gianaris and vote in the negative on this bill. Senator Nozzolio and I had a debate on this bill in the Crime Victims, Crime and Correction Committee. I also believe that it is a bill that is too broad and goes too far.

It creates a situation where -- we already have laws that protect peace officers and police officers. If they are attacked, if they are -- if somebody wants to -- if somebody pushes

them or attacks them, we already have laws that protect them. And they certainly can arrest the person that is trying to do this, charge them with either resisting arrest or attempted assault. There are many other charges that can be brought upon these people.

This seems to me to be way broad. And really, since it's open to interpretation, many of the situations that Senator Gianaris described in which someone might inadvertently have bodily fluid land on a police officer or a peace officer and all of a sudden finds themself potentially liable for a felony. I think it is too serious an expansion, and I will be voting in the negative on this bill.

Thank you very much, Mr. President.

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

Senator Ruth Hassell-Thompson.

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

Just for the record, I'd like to make a correction in a statement that was made. Senator Nozzolio, it is not possible to transmit HIV and AIDS through saliva.

And I think that the act of spitting and whatever is considered to be disgusting and all the other things that you said, but I think it's very appropriate that we be very careful, when we talk about transmitting something as serious as HIV, that we get our information correct.

Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: How do you vote, Senator Hassell-Thompson?

SENATOR HASSELL-THOMPSON: I'm voting in the negative.

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

Announce the results.

THE SECRETARY: In relation to Calendar Number 556, those recorded in the negative are Senators Breslin, Dilan, Espaillat, Gianaris, Hassell-Thompson, L. Krueger, Montgomery, Parker, Perkins, Rivera, Sampson, Serrano, Squadron, and Stavisky.

Ayes, 47. Nays, 14.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number

557, by Senator Marcellino, Senate Print 946, an act to amend the Penal 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.)

ACTING PRESIDENT GRIFFO: Senator Squadron to explain his vote.

SENATOR SQUADRON: Just briefly.

I commend Senator Marcellino on this bill. There is a definition in current law of comfort animals that is more expansive even than dogs and cats. I would love to see this bill expanded to all of those, whether the snake, the fish, or the pot-bellied pig.

I vote in the affirmative, Mr. President.

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

Announce the results.

THE SECRETARY: In relation to Calendar Number 557, those recorded in the

negative are Senators Montgomery, Parker, and Perkins.

Ayes, 58. Nays, 3.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 558, by Senator Golden, Senate Print 1991, an act to amend the Penal Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 568, by Senator Farley, Senate Print 4564, an act to legalize, validate and ratify.

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 596, by Member of the Assembly Gottfried, Assembly Print 3338, an act to amend the Public Health Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 616, by Senator Ball, Senate Print 5270, an act to amend the Penal Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 630, by Senator Maziarz, Senate Print 3793, an act authorizing the Town of Carlton.

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, 60. Nays, 1. Senator L. Krueger recorded in the negative.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 636, by Senator Marcellino, Senate Print 4229, an

act to amend the Suffolk County Tax Act.

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 668, by Member of the Assembly Paulin, Assembly Print 6823, an act to amend the Social Services Law.

ACTING PRESIDENT GRIFFO: Read the last section.

THE SECRETARY: Section 3. This act shall take effect on June 1, 2011.

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 684, by Senator Grisanti, Senate Print 2650, an act to amend the Environmental Conservation Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: In relation to Calendar Number 684, those recorded in the negative are Senators Perkins and Serrano.

Ayes, 59. Nays, 2.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 732, by Senator Saland, Senate Print 4921, an act to amend the Education Law.

ACTING PRESIDENT GRIFFO: Read the last section.

THE SECRETARY: Section 9. This act shall take effect on the same date and in the same manner as Chapter 42 of the Laws of 2010.

ACTING PRESIDENT GRIFFO: Senator Saland to explain his vote.

SENATOR SALAND: Thank you, Mr. President.

Mr. President, I know everybody in this chamber is well aware of the fact that bullying in many respects has reached almost epidemic proportions and is no longer the kind of thing we once referred to as childhood antics.

In an effort to try and deal with some of these things, this house, both houses have passed the SAVE legislation some 10 years ago, passed as recently as last year the Dignity for All Students Act, a critically important piece of legislation to which Senator Duane and others are certainly dedicated and did a marvelous job of attaining its enactment.

There were, however, gaps that had been left in the protection afforded those who we would seek to protect from bullying. And what this bill does is tries to deal with the entire universe.

It's far more expansive. It tries to deal with bullying and cyberbullying, which currently are not covered under New York's law,

in a fashion in which the creation of a hostile environment or substantially impairing a student's ability to perform in school or substantially impairing his or her ability to obtain an education becomes relevant to the actual occurrence of the bullying.

So that somebody who is being tormented, for example, because of the clothes they wear, because of some alleged misdeed, because of the fact that their hair is different, the fact that they may walk funny, the fact that they may talk funny, the fact that they may have a poor complexion -- and I can go on and on and on -- would now have protection afforded under the school's codes of conduct that would be afforded anybody currently under the existing law.

This legislation hopefully will pass in both houses before the session is over. It is long overdue. And I would hope that we will have a bipartisan effort, a bipartisan bill that will do the one thing we all claim we want to do, which is to protect children. No more egregious acts, no more fatalities, no more suicides, no more demonizing, no more torturing. Let's

provide better tools.

Thank you, Mr. President. Obviously I vote in the affirmative.

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

Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT GRIFFO: The bill is passed.

Senator Libous, that completes the reading of the calendar.

SENATOR LIBOUS: Mr. President, can we go back to motions and resolutions.

ACTING PRESIDENT GRIFFO: Returning to motions and resolutions.

Senator Libous.

SENATOR LIBOUS: On behalf of Senator Fuschillo, on page 19 I offer the following amendments to Calendar Number 219, Senate Print 628, and ask that said bill retain its place on the Third Reading Calendar.

ACTING PRESIDENT GRIFFO: The amendments are received, and the bill will retain its place on third reading.

SENATOR LIBOUS: On behalf of Senator Skelos, on page 45 I offer the following amendments to Calendar Number 637, Senate Print 4264, and ask that said bill retain its place on the Third Reading Calendar.

ACTING PRESIDENT GRIFFO: The amendments are received, and the bill will retain its place on third reading.

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

ACTING PRESIDENT GRIFFO: There is no further business, Senator Libous.

SENATOR LIBOUS: Mr. President, I hear a lot of noise. And I'd like to make an announcement, because members will want to hear this. There will be a Republican conference tomorrow morning at 10:00 a.m.

ACTING PRESIDENT GRIFFO: There will be a Republican conference at 10:00 a.m. tomorrow morning, June 2nd.

SENATOR LIBOUS: The Senate will adjourn at this time until Thursday, June 2nd, at 11:00 a.m.

ACTING PRESIDENT GRIFFO: On motion, the Senate stands adjourned until

Thursday, June 2nd, at 11:00 a.m.

Senate adjourned.

(Whereupon, at 6:25 p.m., the Senate adjourned.)