NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

February 7, 2012

11:08 a.m.

REGULAR SESSION

SENATOR JOSEPH A. GRIFFO, Acting President

FRANCIS W. PATIENCE, Secretary

P R O C E E D I N G S

ACTING PRESIDENT GRIFFO: The Senate will come to order.

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

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

ACTING PRESIDENT GRIFFO: In the absence of clergy, I ask all to bow for a moment of silent reflection.

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

ACTING PRESIDENT GRIFFO: The reading of the Journal.

THE SECRETARY: In Senate, Monday, February 6, the Senate met pursuant to adjournment. The Journal of Friday, February 3rd, was read and approved. On motion, Senate adjourned.

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

Presentation of petitions.

Messages from the Assembly.

Messages from the Governor.

Reports of standing committees.

Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

Senator Libous.

SENATOR LIBOUS: Thank you, Mr. President.

May we adopt the Resolution Calendar at this time, with the exception of Resolution Numbers 3172, 3181, 3196, 3200, and 3204.

ACTING PRESIDENT GRIFFO: Thank you, Senator Libous.

All in favor of adopting the Resolution Calendar, with the exception of Resolutions 3172, 3181, 3196, 3200 and 3204, signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT GRIFFO: Opposed?

(No response.)

ACTING PRESIDENT GRIFFO: The Resolution Calendar is adopted.

Senator Libous.

SENATOR LIBOUS: Mr. President, I believe there's a resolution at the desk by Senator Skelos. I ask that it be read in its entirety at this time before its immediate adoption.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: Legislative Resolution Number 3204, by Senator Skelos, congratulating the New York Giants upon the occasion of winning Super Bowl XLVI on Sunday, February 5, 2012.

"WHEREAS, It is the custom of this Legislative Body to pay tribute to those exemplary athletes and organizations which excel in professional athletics, distinguishing themselves through notable achievements and representing this great Empire State with pride and determination; and

"WHEREAS, This Legislative Body is justly proud to recognize the hard work, dedication, discipline and accomplishments of professional athletes who, as a team, are recognized as the best in their field and are

proven to be 'World Champions'; and

"WHEREAS, The New York Giants prevailed over the New England Patriots 21-17 to win Super Bowl XLVI at Lucas Oil Stadium in Indianapolis, Indiana, on Sunday, February 5, 2012; and

"WHEREAS, Trailing in the fourth quarter, Giants quarterback Eli Manning connected with receiver Mario Manningham on a 38-yard pass, which jump-started the game-winning drive. This was the turning point toward victory; and

"WHEREAS, The clutch-winning drive ended with Ahmad Bradshaw scoring on a 6-yard touchdown run with 57 seconds left to play in the fourth quarter. This, in turn, gave the New England Patriots one last chance, but the intimidating defense of the Giants guaranteed the championship; and

"WHEREAS, Eli Manning was again named the Super Bowl's Most Valuable Player after completing 30 of 40 passes for 296 yards, with one touchdown pass and zero interceptions" --

ACTING PRESIDENT GRIFFO: I'm going to ask the members to please remain seated and the doors to be closed so we can have some

order in the chamber, please, so we may continue to hear the resolution.

The Secretary will continue to read.

THE SECRETARY: "WHEREAS, Eli Manning was again named the Super Bowl's Most Valuable Player after completing 30 of 40 passes for 296 yards, with one touchdown pass and zero interceptions, triumphing over the Patriots in the Super Bowl for the second time in four years; and

"WHEREAS, The exemplary performance of the members of the New York Giants professional football team are reflective of their dedication, determination and personal commitment; and

"WHEREAS, This marvelous display of athletic prowess, which was truly a team effort, contains lessons for us all: When a dream is worth pursuing, work hard, be innovative, work as a team and never give up despite the odds; now, therefore, be it

"RESOLVED, That this Legislative Body pause in its deliberations to congratulate the New York Football Giants, the team's owners,

the Mara and Tisch families, the team's Head Coach Tom Coughlin and his assistant coaches for bringing the Vince Lombardi Trophy back to New York and for lifting the spirits of the countless Giants fans in New York with their Super Bowl victory; and be it further

"RESOLVED, That copies of this Resolution, suitably engrossed, be transmitted to the entire New York Football Giants organization."

ACTING PRESIDENT GRIFFO: Senator Skelos.

SENATOR SKELOS: Thank you, Mr. President.

What a great day Sunday was as we all watched the Giants win the Super Bowl, whether you were a Jets fan or a Buffalo Bills fan. We were all -- different degrees, but certainly Giant fans, because we wanted to see the Super Bowl trophy, the Lombardi Trophy once again returned to a New York team.

It was an exciting game. And as the resolution points out, the Giants throughout this entire season, when everybody was writing them off -- they wouldn't even make the

playoffs -- they were persistent, they were focused, they were well-coached, they worked together as a team, and we saw the end result this past Sunday.

So from all of us to the New England Patriots and Tom Brady, who would dare, dare say anything negative about a New York team such as the Buffalo Bills, we say nice try. Not quite good enough, because you're never going to beat a New York team when it comes to a Super Bowl.

Thank you very much, Mr. President. I'd like to open up the resolution for sponsorship. If anybody wishes not to sponsor it, I will then know that you're probably a Jets fan.

(Laughter.)

SENATOR SKELOS: But get over it, move on, New York Giants won the Super Bowl.

ACTING PRESIDENT GRIFFO: I think everyone's "blue" here today, Leader.

And the resolution will be opened up for cosponsorship. If you choose not to, please notify the desk.

Senator Libous.

SENATOR LIBOUS: I just wanted to stand and join the leader.

When we adjourned last week, remember I said that we would convene on Monday the 6th, the day after the Giants won the Super Bowl. And you heard it here first.

So I just wanted to make sure everybody understood that correctly, that it was legislated that it would happen.

But as the leader said, you know, I think what the Giants did for us as a state, their accomplishments were about the people of New York. You know, they were 9 and 17. They were the underdog. They weren't expected -- I think after the Washington game and a few other games, nobody expected them to even make the playoffs. But like New Yorkers, they came from behind, they were resilient, they were tough, they were always the underdog, and they were victorious.

So it is great to have them lift our spirits through sports. And I think those are exciting things, and we're very blessed to have them and the many sporting teams that we have throughout New York State.

But for a team to come back that was not expected to win, I think it says a lot not only for the New York Football Giants, their coaching staff and certainly the many stars on the team, but it says a lot about the fans who support them and the people of New York.

ACTING PRESIDENT GRIFFO: Thank you, Senator Libous, for your comments and your prognostication.

Is there any other member wishing to speak?

All in favor of the resolution signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT GRIFFO: Opposed?

(No response.)

ACTING PRESIDENT GRIFFO: The resolution is adopted.

Senator Libous.

SENATOR LIBOUS: Thank you, Mr. President.

I believe there's a resolution at the desk by Senator Perkins, and it's Resolution Number 3181. Could the title be read, and I

believe Senator Perkins would like to be called upon before its adoption.

ACTING PRESIDENT GRIFFO: We will read Resolution Number 3200 in title only. Is that correct, Senator Libous?

Resolution 3200, title only. Then we will move on to the next.

THE SECRETARY: Legislative Resolution Number 3200, by Senator Perkins, recognizing the exemplary service of Dr. Ruth Simmons, President of Brown University.

ACTING PRESIDENT GRIFFO: All in favor of the resolution signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT GRIFFO: Opposed?

(No response.)

ACTING PRESIDENT GRIFFO: The resolution is adopted.

Senator Libous.

SENATOR LIBOUS: Mr. President, I think I got it right this time.

I believe there's another resolution by Senator Perkins at the desk, and I believe at this time it is 3181. We would like

to have it read in its entirety and then Senator Perkins would like to speak on the resolution.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: Legislative Resolution Number 3181, by Senator Perkins, memorializing Governor Andrew M. Cuomo to proclaim February 7, 2012, as Black HIV/AIDS Awareness Day in the State of New York, in conjunction with the observance of National Black HIV/AIDS Awareness Day.

"WHEREAS, It is the sense of this Legislative Body to memorialize Governor Andrew M. Cuomo to proclaim February 7, 2012, as Black HIV/AIDS Awareness Day in the State of New York, in conjunction with the observance of National Black HIV/AIDS Awareness Day (NBHAAD); and

"WHEREAS, February 7, 2012, marks the 12th Anniversary of National Black HIV/AIDS Awareness Day. This year's theme is 'I Am My Brother's/Sister's Keeper: Fight HIV/AIDS'; and

"WHEREAS, The founders of National Black HIV/AIDS Awareness Day include Concerned Black Men, Inc., of Philadelphia; Health Watch Information and Promotion Services, Inc.; Jackson

State University - Mississippi Urban Research Center; National Black Alcoholism and Addictions Council; and the National Black Leadership Commission on AIDS; and

"WHEREAS, The National Black HIV/AIDS Awareness Day community stands to provide capacity-building assistance to black communities and organizations throughout the United States; and

"WHEREAS, In its mission to mitigate and eventually eliminate the spread of HIV, the four focal points of Black HIV/AIDS Awareness Day are education, testing, involvement and treatment; and

"WHEREAS, A national HIV/AIDS testing and treatment community mobilization initiative is designed to encourage blacks across the United States and territorial areas to get educated, get tested, get involved, and get treated around HIV/AIDS as it continues to devastate black communities; and

"WHEREAS, According to the United States Census Bureau, in the State of New York, blacks/African-Americans comprise about 15 percent of the State's population yet account

for nearly half of all new HIV patients; and

"WHEREAS, Data from the New York State Department of Health shows that blacks/African-Americans are 10 times more likely than whites to be diagnosed with HIV, with 67.6 new diagnoses per 100,000 individuals as compared to 6.6 per 100,000 for whites; and

"WHEREAS, According to the New York State Health Department AIDS Institute, over 55,000 blacks/African-Americans live with HIV/AIDS in the State of New York; and

"WHEREAS, Harlem ranks first in AIDS-related deaths in the State of New York; and

"WHEREAS, In the City of New York, black and Latino females have constituted 92 percent of all new HIV diagnoses among females, stated by the New York City Department of Health and Mental Hygiene; and

"WHEREAS, It is crucial that days such as National Black HIV/AIDS Awareness Day are observed in order to continue raising awareness and, eventually, terminating the spread of HIV/AIDS, not only in black/African-American communities but all communities throughout the State of New York, the United States of America,

and around the world; now, therefore, be it

"RESOLVED, That this Legislative Body pause in its deliberations to memorialize Governor Andrew M. Cuomo to proclaim February 7, 2012, as Black HIV/AIDS Awareness Day in the State of New York, in conjunction with the observance of National Black HIV/AIDS Awareness Day; and be it further

"RESOLVED, That a copy of this Resolution, suitably engrossed, be transmitted to The Honorable Andrew M. Cuomo, Governor of the State of New York."

ACTING PRESIDENT GRIFFO: Senator Perkins.

SENATOR PERKINS: Thank you very much.

By way of beginning, I want to recognize some organizations in the gallery that have been so involved for so many years with this great crisis and have been making great contributions.

I would like to acknowledge Kimberleigh Smith, who represents the Harlem United Community AIDS Center; the AIDS Council of Northeastern New York, represented by Michele

McClave and Jen Goldman; the Capital District African-American Coalition on AIDS, Arthur Butler; and the Gay Men of Color Alliance, Harry Davis.

Also supporting us has been the Memorial Temple Church, Mt. Olive Southern Missionary Baptist Church, and the Whitney Young, Jr., Health Services.

Today marks the 12th anniversary of National Black HIV/AIDS Awareness Day. And although February 7th is only one day, we must let today be a reminder of the need to have tireless vigilance for 365 days of the year.

Today serves as a call to action, a call to action that affirms the fact that HIV/AIDS is not over for anyone until it is over for everyone.

Recent statistics have shown a decline in the prevalence of HIV/AIDS in some communities, and we are all encouraged by this success. However, in communities I represent as well as other communities of color throughout this state and this nation, we have not been so fortunate.

This sobering fact, as stated in my

resolution, reminds us that proper HIV/AIDS education in our schools and funding public and nonprofit community agencies that address HIV/AIDS is crucial in the effort to eradicate this crisis.

We cannot relent in our fight against HIV/AIDS. We must stand united. We must remain steadfast in our efforts. United we stand, divided we fall.

And I'd like to open the resolution for my colleagues to join me. Thank you so much.

ACTING PRESIDENT GRIFFO: Thank you, Senator Perkins.

Both of Senator Perkins' resolutions are open for cosponsorship. If you choose not to, please notify the desk.

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

(Response of "Aye.")

ACTING PRESIDENT GRIFFO: Opposed?

(No response.)

ACTING PRESIDENT GRIFFO: The resolution is adopted.

Senator Libous.

SENATOR LIBOUS: Thank you, Mr. President.

There's another resolution at the desk, by Senator Ritchie. I ask that the title be read, and then I believe you would call on Senator Ritchie before its adoption.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: Legislative Resolution Number 3172, by Senator Ritchie, memorializing Governor Andrew M. Cuomo to proclaim February 18-25, 2012, as Future Farmers of America Week in the State of New York.

ACTING PRESIDENT GRIFFO: Senator Ritchie.

SENATOR RITCHIE: Mr. President, it gives me great pleasure to offer a resolution that sets aside February 18th to the 25th as National FFA Week, as a fitting tribute to our agricultural education program.

As many of you are aware, over a half a million young people across the nation learn about science, leadership and farming through their local FFA programs. I would like to welcome the over 80 members who are here with

us today, and open the resolution up to the other members to sign on.

Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: Thank you, Senator Ritchie.

Senator Maziarz.

SENATOR MAZIARZ: Thank you, Mr. President.

I appreciate the opportunity to speak. You know, earlier there was a resolution about the second-best football team in the NFL, and they talked about champions. And these are some true champions that we have here in our gallery today, the Future Farmers of America.

We all know that agriculture is the largest industry in the State of New York, and this is the future of the largest industry in the State of New York sitting here in the gallery.

So I join with my colleague Senator Ritchie from the North Country. I have a very active FFA chapter in Orleans County and in Monroe County in my district, and I meet with them often throughout the course of the year. I appreciate the efforts that they make, I appreciate the efforts that they offer to the

history of the State of New York. They're a bunch of great kids.

And we welcome you here today, and we thank you here today. And we apologize to you for having to listen to all of that nonsense about the New York Giants.

Thank you very much.

(Laughter.)

ACTING PRESIDENT GRIFFO: Senator Montgomery.

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

I join Senator Ritchie and my colleagues in also honoring this wonderful group of young people from around the state.

They came to my district last year and brought down a van that they have transformed into a museum to show young people in the city how our wonderful product, maple syrup, is extracted, and it was an absolutely magnificent opportunity for youngsters from upstate to meet youngsters from downstate and to have an understanding of what they do and how important the farming industry is to all of us in our city.

So I thank them for that. And I'm

so happy that they continue to be the next generation of people who will be producing a most important part of our economy as well as for us to be healthy people in the State of New York.

So thank you, and I'm happy to join in this resolution.

ACTING PRESIDENT GRIFFO: Thank you, Senator Montgomery.

Senator Little.

SENATOR LITTLE: Thank you, Mr. President.

I'd like to join my colleagues in welcoming the FFA members here today in Albany, representing Washington County, Clinton County, and Franklin County, where we have very, very active chapters. And I know we have some folks from Washington County here today.

Thank you for all you do. As future farmers of America, you certainly help us ensure that agriculture remains a big part of our economy and that we are able to count on our local producers to produce our food. So thank you for your efforts, and please continue.

Thank you.

ACTING PRESIDENT GRIFFO: Is there

any other Senator that wishes to speak on the resolution?

All in favor of the resolution signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT GRIFFO: Opposed?

(No response.)

ACTING PRESIDENT GRIFFO: The resolution is adopted.

I want to also welcome all of the FAA students who are here today and participating, particularly those from my district. Welcome. Hopefully you're having an enjoyable day here, and we appreciate all of your good work.

(Applause.)

ACTING PRESIDENT GRIFFO: Senator Maziarz.

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

I believe there's a resolution by Senator Adams at the desk. I ask that the title be read and ask for its immediate adoption. And would you please call on a Buffalo Bills fan,

Senator Adams.

Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: I think we're all the color of blue today in tribute to the Giants and the FFA members who are here.

So we will have the Secretary read the resolution and, Senator Adams, you will be called upon.

SENATOR MAZIARZ: Mr. President, all of us are covered in blue today. For the record.

THE SECRETARY: Legislative Resolution Number 3196, by Senator Adams, mourning the untimely death of Private Danny Chen of New York, New York, and paying tribute to his courageous actions as a member of the United States Army.

ACTING PRESIDENT GRIFFO: Senator Adams.

SENATOR ADAMS: Thank you, Mr. President.

You know, I stand today to speak on a resolution for Private Danny Chen. Danny Chen was a soldier in the United States Army serving in Afghanistan. He was found dead on October 3rd

from a single gunshot wound to the head. The preliminary investigation revealed that he possibly committed suicide, and some believe the suicide took place because of possible hazing.

This resolution is my recommitment and I hope all of our recommitment to the protections of soldiers at home and abroad. It is not an attack on the members of the armed service, for we know that men and women of the armed service protect all Americans. And that's why it's important to point out this terrible incident that took place.

When our parents send our soldiers -- our men, our women, our children, our husbands, our wives -- over to foreign lands to protect our country, they do that with the understanding that they may not return. What they don't expect is for them to commit suicide because they felt that they were not part of the armed forces.

I'm hoping that we will send a strong message here in a state that celebrates our diversity that we believe our armed forces should have a welcome mat for all Americans no matter who they are or where they're from.

And it sends a very clear and loud message that when men and women adorn green fatigues, there's only one color that matters, and that's the red, the white, and the blue.

And I hope that what happened to Private Chen does not happen to any other soldier. And the resolution is a reminder why we must remain vigilant to ensure the importance of diversity not only in our armed services but in the great State of New York and the great country of the USA. Thank you.

ACTING PRESIDENT GRIFFO: Thank you, Senator Adams.

Senator Squadron.

SENATOR SQUADRON: Thank you, Mr. President. I appreciate that.

And first of all, I want to thank my colleague Senator Adams for bringing forth this resolution today.

Danny Chen grew up in my district, in New York's Chinatown, went to P.S. 130. In fact, the principal there today, a woman named Lily Woo, was his principal, and she remembers how enthusiastic he was about the community, about the school, growing up.

And the tragedy that befell him, the experience that he had serving our country is one that no person in this country should ever have, period.

The vast, vast, vast majority of the men and women who serve our country in uniform do so with honor, and the sacrifice they make is something for which we should be grateful and proud every day. But the situation that Danny Chen experienced is one that we need to have zero tolerance for.

And we need to have zero tolerance for it because of the experience that Danny had and the way that he suffered, the way that he was hazed, the way that his background made his time serving our country harder.

But we also need to have zero tolerance because if even one member of the armed forces is treating someone else in this way, is hazing based on any factor, really, but certainly on cultural heritage, on ethnic background, it sullies the entire armed forces, and we need to fight back against it. What those folks who hazed Danny Chen did is they disrespected every one of their brothers and sisters in the armed

forces.

And that's why I appreciate taking a moment here on the floor of the Senate both to honor Danny and his service and also to send the message loud and clear that we are so grateful and so proud of our men and women in the armed forces, and together, as one, we must say this is absolutely unacceptable.

And we need to make the changes necessary that there are no cover-ups, that you don't need a community to stand up to make this public, that the armed forces themselves are going to, from the highest levels, take this as seriously as they should.

So I thank Senator Adams, in the name of Danny Chen, his mother and father, who are still constituents today, the entire Chinatown community, I thank Senator Adams for taking a moment today to honor his life and his service.

ACTING PRESIDENT GRIFFO: Senator Perkins.

SENATOR PERKINS: Thank you very much.

I'll be brief in first thanking

Senator Adams for reminding us of the importance of tolerance in our armed services and for our soldiers, but even here in our chamber and in our communities. And it's unfortunate that this tragedy would have to happen for us to be reminded of this very, very message that this resolution represents.

So again, I just want to thank Senator Adams for bringing this to our attention and for allowing us to be a part of remembering the need for tolerance and the sacrifice that had to be made for that remembrance.

Thank you.

ACTING PRESIDENT GRIFFO: Senator Parker.

SENATOR PARKER: Thank you, Mr. President.

I want to add my voice to those who are remembering not just this tragedy but this hero who was involved in it, and wanted to thank Senator Adams for his leadership in making sure that we don't forgot these kind of stories.

As much as it is important and as much as we in this chamber are proud of the men and women who serve in our United States

military, we understand that things are not perfect there and that we have to continue to push ourselves as a body, to push ourselves as a community, as a state, and as a nation to make sure tolerance and inclusion is part of every aspect of American life.

And it's very ironic that somebody who was fighting for those very ideas loses his life not in service but because of an act of intolerance.

And so we don't celebrate the tragedy, but we hope that we can lift a lesson from it and we remember the life of this great hero.

ACTING PRESIDENT GRIFFO: Thank you, Senator Parker.

All in favor of the resolution signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT GRIFFO: Opposed?

(No response.)

ACTING PRESIDENT GRIFFO: The resolution is adopted.

Senator Libous.

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

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: Calendar Number 119, by Senator Bonacic, Senate Print 6157A, an act to amend the Education Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 124, by Senator DeFrancisco, Senate Print 3297A, an act to amend the Education Law.

ACTING PRESIDENT GRIFFO: Read the last section.

THE SECRETARY: Section 4. This act shall take effect in six months.

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 131, by Senator Klein, Senate Print 1031B, an act to amend the Insurance Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 133, by Senator Seward, Senate Print 2875, an act to amend the Insurance 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, 58. Nays, 1. Senator Parker recorded in the negative.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 136, by Senator Little, Senate Print 547, an act to amend the Vehicle and Traffic Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 138, by Senator DeFrancisco, Senate Print 2903B, an act to amend the Navigation 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, 59.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 139, by Senator Ritchie, Senate Print 5262, an act to amend the Vehicle and Traffic Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 140, by Senator Ranzenhofer, Senate Print 5198B,

an act to repeal certain provisions of the Public Authorities Law.

ACTING PRESIDENT GRIFFO: Read the last section.

THE SECRETARY: Section 33. This act shall take effect on the 60th day.

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT GRIFFO: The bill is passed.

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

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

ACTING PRESIDENT GRIFFO: There is no further business before the desk.

Senator Libous.

SENATOR LIBOUS: Mr. President, there being no further business at the desk, I move that the Senate adjourn until Monday, February 13th, at 3:00 p.m., intervening days being legislative days.

ACTING PRESIDENT GRIFFO: On

motion, the Senate stands adjourned until Monday, February 13th, at 3:00 p.m., intervening days being legislative days.

Senate adjourned.

(Whereupon, at 11:38 a.m., the Senate adjourned.)