NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

February 29, 2012

3:33 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 everyone present to please rise and join me in the Pledge of Allegiance.

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

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

And I'd ask you to keep in mind the victims of the shooting tragedy at the Chardon High School in Ohio that took place earlier this week.

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

ACTING PRESIDENT ROBACH: The reading of the Journal.

THE SECRETARY: In Senate, Tuesday, February 28th, the Senate met pursuant to adjournment. The Journal of Monday, February 27th, 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.

Messages from the Governor.

Reports of standing committees.

Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

Senator Libous.

SENATOR LIBOUS: Mr. President, would you call on Senator Carlucci for a motion, please.

ACTING PRESIDENT ROBACH: Senator Carlucci.

SENATOR CARLUCCI: Yes, Mr. President. I move that the following bill be discharged from its respective committee and be recommitted with instructions to strike the enacting clause: Senate Number 6304.

ACTING PRESIDENT ROBACH: So ordered.

Senator Libous.

SENATOR LIBOUS: Mr. President, thank you. I too have some motions, if I may.

On behalf of Senator Lanza, on page 14 I offer the following amendments to Calendar Number 195, Senate Print 5878A, and ask that said bill retain its place on the Third Reading Calendar.

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

Senator Libous.

SENATOR LIBOUS: Mr. President, on behalf of Senator Ball, I move that the following bill be discharged from its respective committee and be recommitted with instructions to strike the enacting clause. And that would be Senate Print 5433A.

ACTING PRESIDENT ROBACH: So ordered.

SENATOR LIBOUS: And I have another one. On behalf of Senator Nozzolio, Mr. President, on page 6 I offer the following amendments to Calendar Number 44, Senate Print 5208, 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, at this time could we have the reading of the noncontroversial calendar.

ACTING PRESIDENT ROBACH: The Secretary will read.

THE SECRETARY: Calendar Number 46, by Senator Saland, Senate Print 2192A, an act to amend the Vehicle and Traffic Law.

ACTING PRESIDENT ROBACH: Read the last section.

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

ACTING PRESIDENT ROBACH: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 53.

ACTING PRESIDENT ROBACH: The bill is passed.

THE SECRETARY: Calendar Number 49, by Senator Ritchie --

SENATOR BRESLIN: Lay it aside.

ACTING PRESIDENT ROBACH: The bill is laid aside.

THE SECRETARY: Calendar Number 53, by Senator Nozzolio, Senate Print 4673A --

SENATOR BRESLIN: Lay it aside.

ACTING PRESIDENT ROBACH: The bill is laid aside by Senator Breslin.

THE SECRETARY: Calendar Number 109, by Senator Marcellino, Senate Print 948A, an act to amend the Vehicle and Traffic Law.

ACTING PRESIDENT ROBACH: Read the last section.

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

ACTING PRESIDENT ROBACH: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 53.

ACTING PRESIDENT ROBACH: The bill is passed.

THE SECRETARY: Calendar Number 110, by Senator Marcellino, Senate Print 957, an act to amend the Vehicle and Traffic Law.

ACTING PRESIDENT ROBACH: Read the last section.

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

ACTING PRESIDENT ROBACH: Call the roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT ROBACH: The bill is passed.

THE SECRETARY: Calendar Number 114, by Senator Huntley, Senate Print 3022, an act to amend the Vehicle and Traffic Law.

ACTING PRESIDENT ROBACH: Read the last section.

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

ACTING PRESIDENT ROBACH: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 53.

ACTING PRESIDENT ROBACH: The bill is passed.

THE SECRETARY: Calendar Number 132, by Senator Seward, Senate Print 2557, an act to amend the Insurance Law.

ACTING PRESIDENT ROBACH: 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, 52. Nays, 1. Senator Avella recorded in the negative.

ACTING PRESIDENT ROBACH: The bill is passed.

THE SECRETARY: Calendar Number 141, by Senator Bonacic, Senate Print 5533, an act to amend the Business Corporation Law.

ACTING PRESIDENT ROBACH: Read the last section.

THE SECRETARY: Section 17. This act shall take effect immediately.

ACTING PRESIDENT ROBACH: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 53.

ACTING PRESIDENT ROBACH: The bill is passed.

THE SECRETARY: Calendar Number 153, by Senator DeFrancisco --

SENATOR BRESLIN: Lay the bill

aside.

ACTING PRESIDENT ROBACH: The bill is laid aside.

THE SECRETARY: Calendar Number 168, by Senator Gallivan, Senate Print 5557A, an act to amend the Real Property Tax Law.

ACTING PRESIDENT ROBACH: 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, 55.

ACTING PRESIDENT ROBACH: The bill is passed.

THE SECRETARY: Calendar Number 169, by Senator Martins, Senate Print 6307A, an act to amend the Real Property Tax 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.)

THE SECRETARY: Ayes, 55.

ACTING PRESIDENT ROBACH: The bill is passed.

THE SECRETARY: Calendar Number 178, by Senator Maziarz, Senate Print 241, an act to amend the Penal Law.

ACTING PRESIDENT ROBACH: Read the last section.

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

ACTING PRESIDENT ROBACH: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 55.

ACTING PRESIDENT ROBACH: The bill is passed.

THE SECRETARY: Calendar Number 179, by Senator Golden, Senate Print 641B, an act to amend the Penal Law.

ACTING PRESIDENT ROBACH: Read the last section.

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

ACTING PRESIDENT ROBACH: Call the

roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 54. Nays, 1. Senator Duane recorded in the negative.

ACTING PRESIDENT ROBACH: The bill is passed.

THE SECRETARY: Calendar Number 180, by Senator Marcellino, Senate Print 943, an act to amend the Penal Law.

ACTING PRESIDENT ROBACH: Read the last section.

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

ACTING PRESIDENT ROBACH: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 55.

ACTING PRESIDENT ROBACH: The bill is passed.

THE SECRETARY: Calendar Number 181, by Senator Saland, Senate Print 2599, an act to amend the Penal Law.

ACTING PRESIDENT ROBACH: Read the last section.

THE SECRETARY: Section 2. This

act shall take effect on the first of November.

ACTING PRESIDENT ROBACH: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 55.

ACTING PRESIDENT ROBACH: The bill is passed.

THE SECRETARY: Calendar Number 182, by Senator Zeldin, Senate Print 4073B, an act to amend the Election Law.

ACTING PRESIDENT ROBACH: Read the last section.

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

ACTING PRESIDENT ROBACH: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 55.

ACTING PRESIDENT ROBACH: The bill is passed.

THE SECRETARY: Calendar Number 183, by Senator Flanagan, Senate Print 4396, an act to amend the Penal Law.

ACTING PRESIDENT ROBACH: Read the last section.

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

ACTING PRESIDENT ROBACH: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 54. Nays, 1. Senator Duane recorded in the negative.

ACTING PRESIDENT ROBACH: The bill is passed.

THE SECRETARY: Calendar Number 187, by Senator Ritchie, Senate Print 5161, an act to amend the Environmental Conservation Law.

ACTING PRESIDENT ROBACH: 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, 55.

ACTING PRESIDENT ROBACH: The bill is passed.

THE SECRETARY: Calendar Number 188, by Senator Little, Senate Print 6127, an act to amend the Environmental Conservation Law.

ACTING PRESIDENT ROBACH: 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, 55.

ACTING PRESIDENT ROBACH: The bill is passed.

THE SECRETARY: Calendar Number 191, by Senator DeFrancisco, Senate Print 6064, an act to amend the Education 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.)

THE SECRETARY: Ayes, 55.

ACTING PRESIDENT ROBACH: The bill is passed.

THE SECRETARY: Calendar Number 192, by Senator Martins, Senate Print 6296, an

act to amend Chapter 359 of the Laws of 2010.

ACTING PRESIDENT ROBACH: Read the last section.

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

ACTING PRESIDENT ROBACH: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 53. Nays, 2. Senators Duane and Rivera recorded in the negative.

ACTING PRESIDENT ROBACH: The bill is passed.

THE SECRETARY: Calendar Number 194, by Senator Ranzenhofer, Senate Print 5370, an act to amend the Not-for-Profit Corporation 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, 55.

ACTING PRESIDENT ROBACH: The bill is passed.

THE SECRETARY: Calendar Number 196, by Senator Bonacic, Senate Print 6287, an act to amend Chapter 672 of the Laws of 1993.

ACTING PRESIDENT ROBACH: 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, 55.

ACTING PRESIDENT ROBACH: The bill is passed.

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

SENATOR LIBOUS: Mr. President, quite efficiently, I might add. Could we now go to the reading of the controversial calendar.

ACTING PRESIDENT ROBACH: If we can ring the bells and get the members into the chamber for the controversial reading of the calendar.

The quicker members get in, the

more expeditiously we can get to our calendar and our business here.

SENATOR LIBOUS: Mr. President, if we can proceed to the controversial calendar.

ACTING PRESIDENT ROBACH: The Secretary will read.

THE SECRETARY: Calendar Number 49, by Senator Ritchie, Senate Print 3318, an act to amend the Vehicle and Traffic Law.

SENATOR BRESLIN: Explanation.

ACTING PRESIDENT ROBACH: Senator Ritchie, Senator Breslin has asked for an explanation, please.

SENATOR RITCHIE: The bill just redefines "all-terrain vehicle." It increases the drive weight from 1000 pounds to 1500.

ACTING PRESIDENT ROBACH: If there is no other Senator wishing to be heard, the debate is closed.

The Secretary will ring the bell, and I again ask the members to come to the chamber to cast their vote.

Read the last section.

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

ACTING PRESIDENT ROBACH: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT ROBACH: The Secretary will announce the results.

THE SECRETARY: Those recorded in the negative in relation to Calendar Number 49 are Senators Addabbo, Avella, Ball, Breslin, Diaz, Duane, Espaillat, Gianaris, Hassell-Thompson, Huntley, Kennedy, LaValle, Marcellino, Montgomery, Parker, Peralta, Rivera, Serrano, Squadron, Stavisky and Stewart-Cousins.

Absent from voting: Senator Perkins.

Absent from voting pursuant to Rule 9: Senator Krueger.

Ayes, 36. Nays, 21.

ACTING PRESIDENT ROBACH: The bill is passed.

SENATOR LIBOUS: Mr. President.

ACTING PRESIDENT ROBACH: Senator Libous.

SENATOR LIBOUS: Could we just jump out of order and go to Number 153, by Senator DeFrancisco.

ACTING PRESIDENT ROBACH:

Certainly. I want to alert the members that we will be going directly to Calendar 153.

The Secretary will read Calendar Number 153.

THE SECRETARY: Calendar Number 153, by Senator DeFrancisco, Senate Print 6063A, an act to amend the Labor Law.

SENATOR BRESLIN: Explanation.

ACTING PRESIDENT ROBACH: An explanation has been asked for, Senator DeFrancisco.

SENATOR DeFRANCISCO: Yes. Back in 2010, Section 195 of the Labor Law was amended, and there were several significant amendments to the Labor Law. This bill would repeal only one of those.

The part that it would repeal is the section of the law that requires employers on an annual basis to provide the following notice to employees: Whether the employee is paid by hour, shift, day, week, salary; any employee allowances as part of the minimum wage, including tip, meal or lodging; the regular pay day designated by the employer in accordance with

Section 191 of the Labor Law; the name of the employer; any "doing business as" designation of the employer; the physical address of the employer's main office or principal office, and a mailing address, if different; the telephone number of the employer; plus any other information the commissioner deems material and necessary.

This resulted this year in every employer sending out notices to every employee and requiring a confirmation of these terms of employment on an annual basis. And if you don't do it and you violate the law, you can be fined $50 per employee that didn't receive the notice and provide a confirmation of receipt of the notice.

We're in the State of New York -- and most states are in this situation now, of an economic decline. We're trying to get out of the economic doldrums. It's not the time to provide notifications such as this on an annual basis to employees.

And this bill, by eliminating this requirement, would be saving substantial dollars for employers and hopefully allow employers to

actually make profits so that they create some jobs and have other taxpayers that pay taxes and provide more revenue to the State of New York. That's what this bill would do if passed.

ACTING PRESIDENT ROBACH: Thank you, Senator DeFrancisco.

Senator Savino.

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

ACTING PRESIDENT ROBACH: On the bill.

SENATOR SAVINO: I was the author of the Wage Theft Prevention act two years ago. It was probably one of the most comprehensive pieces of legislation I've ever been involved in the development of.

And in fact when it came to the floor in this house, it passed by 33 votes -- 32 Democrats and Senator Frank Padavan.

By the time the bill came to the floor, it was an H print. It had gone through numerous revisions and input from various people, including a lot of small business owners.

The Business Council chose not to participate in the discussion around the wage

theft bill. And if they had participated in the discussion at the time, they might have been able to make the case that the annual notification was in fact unnecessary. But they didn't. They chose to be in opposition to the bill, and they didn't engage in the conversation.

Well, two years later we're in a different place. Now, the Wage Theft Prevention Act has only been in effect a few months. It is very difficult to assume that this particular notification, it's one piece of paper -- we're not allowed to use props on the floor of the Senate, but this is it, in case anybody is looking -- is going to put anybody out of business.

However, that being said, our goal always with the Wage Theft Prevention Act was not going after good employers. We wanted to eliminate the competitive disadvantage that they were up against with bad actors, people who short their employees, people who don't pay them their hourly rate of pay, people who don't compensate them for their overtime, people who don't give them a biweekly notice, people who deprive them of their rights under the law.

That's who our goal was. We were focusing on them. We don't want to create a burden for good businesses.

I've met with some of the business owners. And as we speak, I'm working on legislation that will address a couple of things that actually will provide real solutions to businesses, which could address the issue of the annual notification.

Which, by the way, I firmly believe that this issue could be dealt with administratively by the Department of Labor, and we're asking them to do just that before next year.

But we also want to do something else in the legislation that I will be bringing to this floor relatively soon and I'm going to ask all of you to support it. It will do things like address this annual notification. It will also act on reducing unnecessary paperwork that a lot of small businesses do have to comply with, particularly those who use a paycheck system, particularly those who utilize a direct deposit system.

So I'm going to vote no on this

because I don't think this really provides a real solution. I understand Senator DeFrancisco's concern, and I echo his concern. I don't agree with his solution right now.

And I would ask my colleagues to continue to support me in protecting low-wage workers from being cheated by their employers and protecting the State of New York from being cheated by bad actors, and wait for the legislation that will be coming shortly that will address this issue and other issue for small employers.

Thank you, Mr. President.

ACTING PRESIDENT ROBACH: Thank you, Senator Savino.

Are there any other Senators wishing to be heard?

Seeing none, the debate is closed. The Secretary will ring the bell. We ask the members to please come to the chamber for the 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: Senator DeFrancisco to explain his vote.

SENATOR DeFRANCISCO: I'm going to vote aye on this bill.

We're in a state of economic decline in the State of New York; hopefully we're moving out of it. But it just boggles my mind that there's this many people that are going to vote no on a bill that actually gives information that the employee already knows.

And to give that information annually, and to have them sign for that annually, it's unbelievable that they would want to require employers to go through that needless expense.

And as to Senator Savino, I don't quite understand the no vote when she has asked for the department to do this administratively, what we're doing by the law, the bill that we're passing today, and she's going to prepare another bill that will do the same thing plus other things.

Well, if you agree with this bill,

it would seem that you would vote yes. And I would urge the other Senators who are raising their hands to understand that we want to create jobs in this state, and needless paperwork is not the way to do it, and needless cost to businesses.

I vote aye.

ACTING PRESIDENT ROBACH: Senator DeFrancisco will be recorded in the affirmative.

Senator Rivera to explain his vote.

SENATOR RIVERA: Thank you, Mr. President.

I was not here when this bill was passed. I wish I was. Because Senator Savino laid it out: this is an incredibly serious issue in the State of New York, and it's a serious issue that was brought about by the experiences of workers all across the state. It was a thoughtful piece of legislation that took some time to figure out exactly how to make sure that employees do not have wages stolen from them.

This piece of legislation that we're voting on today would be taking away a part of this large piece of legislation that, again, was very well thought out. And in my view, it

would be trying to chip away at what ultimately some of its opponents would want to do, which would be to strip the entire bill completely out of the law books in New York State.

I stand strongly with my colleagues that passed this bill. I congratulate them for passing it before. And I want to make sure that we stand very strongly against it on the floor of the Senate and in the State of New York.

I will be voting in the negative on this piece of legislation. Thank you.

ACTING PRESIDENT ROBACH: Senator Rivera will be recorded in the negative.

Senator Little to explain her vote.

SENATOR LITTLE: Thank you, Mr. President.

I think if we went back through the legislative record for the last 10 years we would see that mandate relief was discussed many, many, many, many times.

I'm on the Mandate Relief Council. We are listening to businesses coming in. This is one of the things that business would like for mandate relief, as well as municipalities and everyone else.

So I would encourage my colleagues to, instead of just talking about mandate relief, let's take this step and give some mandate relief to the businesses in our communities. And I vote aye.

ACTING PRESIDENT ROBACH: Senator Little will be recorded in the affirmative.

Announce the results.

THE SECRETARY: In relation to Calendar Number 153, those recorded in the negative are Senators Addabbo, Avella, Breslin, Carlucci, Diaz, Dilan, Duane, Espaillat, Gianaris, Hassell-Thompson, Huntley, Kennedy, Klein, Montgomery, Parker, Peralta, Rivera, Sampson, Savino, Serrano, Squadron, Stavisky, and Stewart-Cousins.

Absent from voting: Senator Perkins.

Absent from voting pursuant to Rule 9: Senator Krueger.

Ayes, 34. Nays, 23.

ACTING PRESIDENT ROBACH: The bill is passed.

Senator Libous.

SENATOR LIBOUS: Mr. President, if

we can go back to Senator Nozzolio's bill, Calendar Number 53.

ACTING PRESIDENT ROBACH: The Secretary will read Calendar 53.

THE SECRETARY: Calendar Number 53, by Senator Nozzolio, Senate Print 4673A, an act to amend the Vehicle and Traffic Law.

SENATOR BRESLIN: Explanation.

ACTING PRESIDENT ROBACH: Senator Breslin has asked for an explanation, Senator Nozzolio.

SENATOR NOZZOLIO: I'll be glad to provide that explanation.

Mr. President and my colleagues, this measure simply allows the use of all-terrain vehicles, when explicitly for agricultural purposes, to go from one acreage on the farm to a public highway back to that acreage, for the purposes of growing crops, producing revenue, growing jobs, and growing the economy of the State of New York.

ACTING PRESIDENT ROBACH: Senator Squadron.

SENATOR SQUADRON: Will the sponsor yield for a question.

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

SENATOR NOZZOLIO: Yes, Mr. President.

ACTING PRESIDENT ROBACH: Senator Squadron.

SENATOR SQUADRON: Thank you.

Through you, Mr. President, does the sponsor know if ATVs are currently defined as motor vehicles in the Vehicle and Traffic Law?

SENATOR NOZZOLIO: I'm sorry, Mr. President, I couldn't hear the end of Senator Squadron's question.

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

SENATOR SQUADRON: Sure.

Does the sponsor know if ATVs are currently defined as motor vehicles in the Vehicle and Traffic Law?

SENATOR NOZZOLIO: Are they currently motor vehicles?

SENATOR SQUADRON: Correct.

SENATOR NOZZOLIO: Yes, they are. And they are governed, Mr. President, by the Vehicle and Traffic Law.

SENATOR SQUADRON: Through you, Mr. President, is the sponsor suggesting that ATVs are governed by the same registration and safety and emissions requirements as passenger automobiles?

SENATOR NOZZOLIO: I'm not sure, Mr. President.

SENATOR SQUADRON: So if the sponsor wouldn't mind clarifying, then, what he means when he says yes, they're defined as motor vehicles in the Vehicle and Traffic Law.

SENATOR NOZZOLIO: I don't know -- Senator Squadron, Mr. President, I'm having trouble hearing the end of your comments. They're kind of trailing off. Would you be so kind as to repeat them?

ACTING PRESIDENT ROBACH: And maybe, everybody, can we just get a little order in here so our fellow members can hear the question and we can all hear the dialogue.

Senator Squadron, would you please repeat the question? I'm sorry.

SENATOR SQUADRON: Sure. Thank you. And if the sponsor would continue to yield, I just wanted to understand the answer to the two

different questions.

The sponsor seems to say that ATVs are defined as motor vehicles in the VTL and doesn't know if they are governed by the same safety and emissions standards as passenger automobiles. I wanted to ask under what method are they governed, in the sponsor's view?

SENATOR NOZZOLIO: Mr. President, under Section 2281 of the Vehicle and Traffic Law, ATVs are in fact regulated, that they are defined, that they have certain provisions that they are required to put forward.

However, they are not allowed currently on major highways. And that's hence this measure, which amends the Vehicle and Traffic Law, Section 401, to provide the opportunity, when the vehicles are for agricultural purposes, that those vehicles be allowed to go from one part of the farm onto a public highway to the other part of the farm.

Now, there is precedent for this, Mr. President, precedent for other vehicles. When an individual, for instance, has a truck that's not licensed for highway use, that truck is allowed to go from the north 40 to the

south 40 as long as the truck is used for agricultural purposes.

This legislation amends the Vehicle and Traffic Law to allow ATVs, which are utilized by farmers to get from one end of the farm to the other, once in a while they have to go on public highways to do that.

This provision, though, does not allow ATVs to further ride on highways other than to get from one portion of a farm to another.

SENATOR SQUADRON: Thank you. If the sponsor would continue to yield.

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

SENATOR NOZZOLIO: Yes, Mr. President.

ACTING PRESIDENT ROBACH: Continue.

SENATOR SQUADRON: I appreciate that sort of broader description of the bill from the sponsor. But just to get back to the safety standards for ATVs as compared to motor vehicles as defined in the Vehicle and Traffic Law, would the sponsor say that the safety and emissions standards are less stringent for ATVs than for

motor vehicles, passenger cars in the VTL?

SENATOR NOZZOLIO: Mr. President, in response to Senator Squadron's question, I'd simply say ATVs are not allowed on the highway now, that they're not allowed for taking a Sunday afternoon drive, but rather are to be utilized for trails and other rural-oriented, non-highway-oriented development, to get from one end of a rural area to another, primarily.

This does not allow ATVs to now have highway usage other than going from one end of the farm to the other end of the farm.

SENATOR SQUADRON: If the sponsor would continue to yield.

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

SENATOR NOZZOLIO: Yes, Mr. President.

SENATOR SQUADRON: I appreciate the sponsor's point that currently ATVs are not allowed to use the roads and the highways in the State of New York, and that this bill would allow that.

Let me ask, does this bill also, in allowing that, increase the safety standards or

the emissions standards of ATVs to the level allowed for the vehicles currently allowed on New York State's highways and roads?

SENATOR NOZZOLIO: In response to Senator Squadron's question, Mr. President, I must report to my colleagues that Section 2406 of the Vehicle and Traffic Law talks about and speaks to the issue of equipment on ATVs.

And those equipment qualifications, as set forth in the statute, clearly, no person shall operate an ATV under New York State Vehicle and Traffic Law unless that ATV is equipped with brakes in good operating condition, has a muffler system in good operating condition -- which, by the way, meets federal standards.

It also establishes a requirement for ATVs, as you are running them, to have a spark arrester approved by the United States Forest Service.

You also have to have tires that are at least 2/32nds of an inch of tread with no visible breaks, cuts, exposed cords, bumps or bulges. All these requirements are in the statute.

There are also requirements in the

statute to have lighted white headlights approved by the commissioner of the Department of Motor Vehicles, a lighted red taillight approved by the commissioner of the Department of Motor Vehicles, and that they certainly, when operated at night, must have these in good working condition.

There also is a requirement under the Vehicle and Traffic Law, Mr. President, that a person operating an ATV or riding as a passenger in an ATV must be wearing a protective helmet. As well, that helmet must be approved by the commissioner of the Department of Motor Vehicles.

ACTING PRESIDENT ROBACH: Thank you, Senator Nozzolio.

SENATOR NOZZOLIO: There are other conditions, Mr. President, within this statute.

And to further explain the situation that there are qualifications on the type of tires that you can equip ATVs with and that -- that, I think, responds in detail to my colleague's question.

ACTING PRESIDENT ROBACH: Thank you.

SENATOR SQUADRON: If the sponsor

would continue to yield.

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

SENATOR NOZZOLIO: Yes, Mr. President.

SENATOR SQUADRON: Through you, Mr. President, there are certainly some standards laid out. Again, are those standards lesser than or equal to the safety standards that we currently require on our roads and highways?

SENATOR NOZZOLIO: Mr. President, I don't know.

But I do know this. That the ATVs are established under certain standards, just as hay wagons are, just as vehicles that may be not licensed for road operations.

The purpose of these vehicles is not to take a joyride from one area of the highway to the next, it's to transport farmers and farm employees from the north 40 to the south 40. That's what the purpose of this legislation is, Mr. President.

And that we're establishing that the ATVs have no additional standards than already exist in Vehicle and Traffic Law to

achieve this objective, except for the condition that it is strictly for agricultural purposes.

ACTING PRESIDENT ROBACH: Thank you, Senator Nozzolio.

SENATOR SQUADRON: Thank you. If the sponsor would continue to yield.

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

SENATOR NOZZOLIO: Yes, Mr. President.

SENATOR SQUADRON: Through you, Mr. President. Under this legislation would an ATV, for example, be allowed on the New York State Thruway?

SENATOR NOZZOLIO: Mr. President, I'm not sure if there are too many farms that require Thruway transport from the north 40 to the south 40.

I'm not sure Senator Squadron is asking this question with -- maybe he's asking this question with a specific circumstance in mind. But in the six counties, all the parts of six counties that I represent -- and I have the longest stretch of Thruway of any Senator representing in this body -- I cannot envision

someone taking an ATV to go from one end of their farm to the other using the New York State Thruway.

ACTING PRESIDENT ROBACH: Maybe if I could chime in. Unless you're an authorized vehicle, you have to go through a tollbooth to access the Thruway. So the answer would be technically, under this case, no.

SENATOR SQUADRON: Thank you, Mr. President. I'm not familiar with the parliamentary procedure of that clarification, but I --

ACTING PRESIDENT ROBACH: Maybe I'll go one step further. You could {inaudible} Senator Nozzolio's district out of Brooklyn and Manhattan and take a ride on an ATV. Maybe that would help clear it up for you.

SENATOR SQUADRON: Thank you, Mr. President. Thank you to the sponsor. If the sponsor would continue to yield in the interim.

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

SENATOR NOZZOLIO: Yes, Mr. President.

SENATOR SQUADRON: How about any

other interstate in the State of New York, any divided interchange highway? Would this allow an ATV to travel on any of those?

SENATOR NOZZOLIO: I can't envision such a situation, Mr. President.

Again, Senator Squadron needs only to look at current law, which allows the use of nonregistered vehicles that are implemented for work on the farm, to see if in fact his hypothetical -- as far-fetched as it is, I believe it's simply not a circumstance that currently exists in New York.

SENATOR SQUADRON: If the sponsor would continue to yield.

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

SENATOR NOZZOLIO: Yes, Mr. President.

ACTING PRESIDENT ROBACH: Continue.

SENATOR SQUADRON: Does the sponsor think that it would be a good idea if an ATV met the safety guidance that we've discussed today, for a driver of an ATV to take it on a separated highway, on an interstate highway?

SENATOR NOZZOLIO: Mr. President, I appreciate Senator Squadron's reaching out to me and asking my opinion on some hypothetical measure. I always enjoy colloquy between colleagues and expressing individual opinions.

However, this measure has nothing to do with the hypothetical presented by Senator Squadron, and therefore I think that my question -- my answer, rather, to his question is "asked and answered."

SENATOR SQUADRON: Thank you.

If Senator Duane would be willing to yield to a question.

SENATOR DUANE: No, Mr. President, would you yield for a question, please?

ACTING PRESIDENT ROBACH: Senator Duane, why do you rise?

SENATOR DUANE: I was wondering if you, Mr. President, would yield for a question. You spoke on the bill, Mr. President.

ACTING PRESIDENT ROBACH: I probably did speak a little out of turn.

And I really can't yield for a question. But if you really would like me to answer a question, I could have somebody else

come up here and I'll go down to my seat.

SENATOR DUANE: Mr. President, you spoke on the bill, it doesn't matter whether it was long, short, in between. Actually twice, I believe you did so. Actually, I was wondering if you would yield for a question.

ACTING PRESIDENT ROBACH: I was just trying to move the dialogue along, Senator.

Senator Libous, why do you rise?

SENATOR LIBOUS: Well, since you're going to move the dialogue along, I'll sit down.

But I just wanted to point out that we need to move on to debate. I believe Senator Nozzolio has the floor, and I'd like to continue with the debate.

ACTING PRESIDENT ROBACH: Senator Squadron.

SENATOR SQUADRON: I believe, Mr. President, that I have the floor still.

SENATOR BRESLIN: Point of order, please.

ACTING PRESIDENT ROBACH: Senator Breslin, why do you rise?

SENATOR BRESLIN: I think that we

can solve this. That the chair is not to be answering questions. And when the chair attempts to either be facetious or otherwise, it's out of order. And if we proceed with the rules, I don't think we'll have any of these problems at all.

ACTING PRESIDENT ROBACH: Point well taken. Let's continue.

SENATOR LIBOUS: Mr. President, on that point, I concur that Senator Squadron has the floor.

ACTING PRESIDENT ROBACH: Senator Squadron.

SENATOR DUANE: Mr. President, I would like to agree to that and be satisfied by it. So -- because I did ask the question, since you did speak on the bill. And since -- I therefore am permitted to ask you, since I technically have the floor. But in the interests --

ACTING PRESIDENT ROBACH: Senator Squadron has the floor.

SENATOR DUANE: But in the interests of just so that everyone understands the parliamentary procedures. And we've made that point clear now, I think.

I believe that Senator Squadron is doing an excellent job, and I'd be thrilled to allow him to continue, even though I'm greatly disappointed that you were not inclined to answer a question after having spoken on the bill.

Thank you, Mr. President.

ACTING PRESIDENT ROBACH: Thank you, Senator Duane.

Senator Squadron.

SENATOR SQUADRON: Thank you, Mr. President. And thank Senator Duane for that clarification as well.

I believe that in my conversation with the bill's sponsor, the unmediated portion of it, the bill's sponsor declined to say whether it was a good idea to take an ATV onto a separated highway, interstate highway.

I would say that I understand the reluctance to answer that question because certainly the answer is it's not safe, it is not advisable, and it shouldn't be allowed.

In addition, there are many roads throughout the State of New York that aren't tolled, aren't separated highways, but where vehicles are traveling at clips well over the

speed that would be safe for an ATV where you have --

ACTING PRESIDENT ROBACH: Are you on the bill, Senator Squadron, now? Or are you going to ask a question?

SENATOR SQUADRON: Mr. President, I'm on the bill. Thank you.

ACTING PRESIDENT ROBACH: On the bill.

SENATOR SQUADRON: As I was saying, there are many roads throughout the state where those who would travel at a speed much greater than would be safe on an ATV -- this bill would allow for that.

This bill would allow for behavior that is absolutely not safe. It's the reason, in fact, that we treat ATVs and passenger vehicles differently under the state law. And a 25-mile radius is a very large radius.

And the simple idea of opening up an unregistered vehicle without the same emissions standards, without the same safety standards, to the roads of the State of New York is not safe for the users of those vehicles nor for other users of the road. Whether pedestrians

or bicyclists or automobile drivers, it raises any number of concerns.

And the fact that this bill potentially authorizes something that the bill's sponsor would not state here on the floor of the State Senate is safe and advisable I think is deeply concerning.

I appreciate the need to link different portions of farms. I'd be interested in the number of examples where you have different portions separated by 25 miles of road in this way in which, in addition, an ATV trip is required to go from one to the other, very different than a tractor, than a vehicle that has a very specific purpose and is needed in that case.

So for a lot of reasons, it seems that to gut the protections that we give to vehicles on the roads in this way, to potentially allow behavior that I think no one here would want to advise, and to vote in favor of that behavior, doesn't make any sense.

So I am going to vote no on this bill, and I urge my colleagues to do it. If we want to open the roads to all sorts of

unregistered vehicles without safety standards, let's admit we're doing that and have a debate about that. Let's not today vote yes cloaked in some other purpose.

Thank you, Mr. President.

ACTING PRESIDENT ROBACH: Thank you, Senator Squadron.

Senator Nozzolio on the bill.

SENATOR NOZZOLIO: On the bill, Mr. President.

I'm asking you to consider, in the spirit of allowing Senator Squadron to sleep better this evening, in knowing that this measure does not allow ATVs to be given any access to those limited-access highways, including the New York State Thruway and all those enterprises that -- all those roads in our state that are defined as limited-access highways.

ACTING PRESIDENT ROBACH: Senator Squadron, why do you rise?

SENATOR SQUADRON: Would the sponsor yield for a question?

Thank you for the clarification. It seems to speak directly to our conversation.

ACTING PRESIDENT ROBACH: Senator

Nozzolio, will you yield?

SENATOR NOZZOLIO: In spite of interrupting my closing remarks, Mr. President, I'd be glad to yield to Senator Squadron.

SENATOR SQUADRON: I thank the sponsor for that clarification. And that analysis is one that is consistent with ours, in fact.

And so I want to ask the sponsor, who previously declined to say whether it was advisable or not for an ATV to be on a limited-access highway, on an interstate-type highway, whether at this point the sponsor has a view about whether it makes sense for an ATV to be on such a road.

SENATOR NOZZOLIO: Mr. President, I've already responded to the question. That it is a hypothetical that's not relevant to this bill because this bill does not allow ATVs to be on limited-access highways. It also does not allow ATVs to be operational after sunset or before sunrise.

So that those interests of Senator Squadron I'm sure are legitimate and of concern. I rose to further define for our colleagues

exactly what this bill does and what it doesn't do.

And it certainly does not allow ATVs to go on limited-access highways. It does not allow them to run in any type of operation that's non-agricultural-oriented, traveling from one end of the farm to the other. It also does not allow ATVs to be running during the darkness of night or early morning.

SENATOR SQUADRON: If the sponsor would continue to yield.

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

SENATOR NOZZOLIO: Yes, Mr. President.

ACTING PRESIDENT ROBACH: Continue, Senator Squadron.

SENATOR SQUADRON: Would the sponsor say why such prohibitions are put on ATVs in this bill that don't exist for passenger vehicles under the law? The prohibitions that were just laid out newly in the sponsor's latest response.

SENATOR NOZZOLIO: Mr. President, I think the question from Senator Squadron is

that why those prohibitions aren't placed on other farm vehicles that are allowed to go from the north 40 to the south 40.

Is that correct, Senator? Is that the correct question, Mr. President, that Senator Squadron is asking?

SENATOR SQUADRON: I will restate the question for the sponsor. I'm happy to do so.

The prohibitions that were laid out -- the limited-access highways, the darkness, different prohibitions on ATVs in this bill that don't exist, as far as I know, for passenger vehicles -- why did the sponsor put those prohibitions in this bill? What is the reason?

SENATOR NOZZOLIO: Mr. President, the nature of that question shows that the questioner is asking something far beyond the scope of this legislation.

This proposed measure deals with the ability of farm vehicles that are not registered to be able to go from the north 40 to the south 40. This only adds, this measure only adds ATVs to the list of vehicles that can go from the north 40 to the south 40. It does not

create a special transportation ability of any vehicle.

Those vehicles that currently are allowed to go from the north 40 to the south 40 are also banned from the highway. Regardless of their equipment, regardless of the standard of regulation, they're unregistered vehicles or registered as farm vehicles, not vehicles that otherwise could be placed on the highway.

And we're saying that ATVs now should have -- because they perform a similar function for agriculture, that they should be allowed also to be able to go from one end of the farm to the other end of the farm.

SENATOR SQUADRON: If the sponsor would continue to yield.

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

SENATOR NOZZOLIO: Yes, Mr. President.

SENATOR SQUADRON: The sponsor suggested that my question was outside the scope of the bill, so I would direct the sponsor to the bill itself in asking why the prohibitions are put on ATVs in this bill that do not exist for

other vehicles.

SENATOR NOZZOLIO: Mr. President, in trying to understand Senator Squadron's question, I only can state the following. That the prohibitions -- or the requirements, the safety requirements for the ATVs are already listed in statute today. What we have established is that the all-terrain vehicle must comply with Department of Motor Vehicle regulations as they exist in current law.

SENATOR SQUADRON: If I could stop you there for clarification. I think I may not have been clear enough in my question.

ACTING PRESIDENT ROBACH: Senator Nozzolio.

SENATOR NOZZOLIO: I would always welcome Senator Squadron clarifying his questions.

SENATOR SQUADRON: Thank you. In the interests of time, I would appreciate that opportunity. I thank the sponsor.

I'm not referring to the safety issues that we talked about earlier today, I'm talking specifically about the limitations, the limitations sunset to sunrise, the limitations on

certain kinds of roads, the limitations on a 25-mile radius. Those limitations that are put on ATVs in this bill have nothing to do with the safety requirements of the vehicles themselves.

Those specific limitations, the three that I just listed, why are those put in this bill?

SENATOR NOZZOLIO: Mr. President, Senator Squadron's question about the reasons is that we wanted to ensure that ATVs were in fact used for agricultural purposes, that those agricultural purposes are best suited during the daytime rather than at night, they're best suited for going from the north 40 to the south 40 when you have the types of agricultural needs that are necessary, and that it seemed also in line with the current law which allows nonregistered vehicles to go that same route.

SENATOR SQUADRON: If the sponsor would yield for a final question.

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

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

SENATOR SQUADRON: So safety was

not a concern?

SENATOR NOZZOLIO: Mr. President, we're always concerned with safety. That the safety is a paramount concern for any time you change the motor vehicle and traffic law.

What we're saying here is these are utilized vehicles, they're strictly regulated under current law in terms of their ability to even operate them on off-road experiences. We're saying that the only on-road experience that could exist under this exemption will be for agricultural purposes and limiting the time, the scope, the manner of which those agricultural experiences can be further defined.

That's the purpose of this legislation, and I hope that it will be helpful to New York State agriculture. I urge my colleagues to pass it.

ACTING PRESIDENT ROBACH: Senator Krueger, why do you rise?

SENATOR KRUEGER: Thank you, Mr. President.

I do apologize I had to miss some of the debate; I was at the revenue conference with some of our colleagues and the economists.

But I did have some questions for the sponsor that I believe were not asked already, so I don't think I'll be duplicating questions, if he wouldn't mind.

ACTING PRESIDENT ROBACH: I certainly don't mind.

Senator Nozzolio, would you yield for some questions?

SENATOR NOZZOLIO: I'd be happy to yield to Senator Krueger, Mr. President.

SENATOR KRUEGER: Thank you.

Listening to the debate and looking quickly at the bill, there's a discussion of actually having these vehicles registered through the DMV commissioner and a little bit of a layout of how that would work.

So would this require annual inspection, as for automobiles? Because there's another section of the bill before it, talking about ensuring that these vehicles do not have any out-of-service defects leading to load securement, brake systems, steering components and/or coupling devices.

So I'm wondering will there be an inspection system created on an annual basis,

like for automobiles and trucks?

SENATOR NOZZOLIO: Mr. President, in current law I know that there needs to be certain safety requirements met. Senator Krueger, I read a portion of the law, referred to it in response to Senator Squadron's earlier question, regarding what type of safety components of ATVs should be required.

And the Department of Motor Vehicles requires a number of them, including tire safety, taillight safety, headlight safety, other types of equipment that has to be reviewed.

That the inspection -- are you saying that there's a specific inspection requirement?

SENATOR KRUEGER: I'm asking if there would be a specific inspection on an annual basis the way we do so --

SENATOR NOZZOLIO: Thank you for that clarification, Senator.

That we're not asking for any additional requirements above existing law for the utilization of those vehicles.

SENATOR KRUEGER: Mr. President,

if through you the sponsor would continue to yield.

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

SENATOR NOZZOLIO: Yes, Mr. President.

SENATOR KRUEGER: So now I'll clarify my question. Is there an annual inspection already by the Department of Motor Vehicles under existing law, so this would simply be expanding that somehow?

SENATOR NOZZOLIO: Mr. President, it's my understanding that under existing law there is a registration requirement for ATVs and that registration requirement must comply with -- just as any other vehicle registration requirement in the state has certain standards that must be met, and that registration requirement, as articulated by the Vehicle and Traffic Law, sets forward certain criteria for each of those vehicles.

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

ACTING PRESIDENT ROBACH: Senator

Nozzolio, will you continue to yield?

SENATOR NOZZOLIO: Yes, Mr. President.

ACTING PRESIDENT ROBACH: Continue.

SENATOR KRUEGER: Thank you.

So I confess I'm still a little confused. It is true there's registration for different kinds of vehicles in this state. But vehicles that actually drive on our roads and public highways actually go through a formal inspection on an annual basis.

So my question again, to try to make sure I'm saying it right, is if your bill passed and these vehicles which currently are not used on public roads and highways could be used under certain circumstances on public roads and highways, is it your belief that this would require an actual safety inspection of the vehicle on some schedule as we do with cars, trucks, buses, police and fire vehicles, other vehicles that ride on our roads and highways?

SENATOR NOZZOLIO: Mr. President, in response to Senator Krueger's question I want to make it very clear, particularly to the entire

agriculture community in this state, that this measure has no intention of establishing an additional inspection, regulation, requirement on vehicles that are not meant for long highway use in the first place.

That there are certain standards that the equipment must be on an ATV, but this legislation only allows ATVs to be on the road for a very limited purpose. And that purpose is to enhance New York agriculture, to make it more efficient, to make it more effective. We're not suggesting in any way, shape or form that this legislation enhanced the cost of owning an ATV by a farmer or enhanced the regulatory requirements of said vehicle.

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

ACTING PRESIDENT ROBACH: Senator Nozzolio, would you continue to yield?

SENATOR NOZZOLIO: Yes, Mr. President.

ACTING PRESIDENT ROBACH: Continue.

SENATOR KRUEGER: Thank you to the

sponsor for his answers to my questions.

So again, as I understand it, he doesn't want any new requirements placed on the owners of the vehicles. He does want the vehicles to be able to travel on public roads and highways up to 25 miles from their farms.

Will this law require vehicles to have insurance so that if, unfortunately, there is an accident between this vehicle and another vehicle, this vehicle and a human being, that the standards of automobile, truck, bus insurance will be applied to these vehicles when they are on roadways?

SENATOR NOZZOLIO: Mr. President, it was a long question. I'm not sure I got two-thirds of it.

But if Senator Krueger is asking for a clarification of whether there should be additional insurance requirements or other types of requirements, the law governing ATVs already establishes those requirements. We're not suggesting any additional requirements be set forth.

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

ACTING PRESIDENT ROBACH: On the bill.

SENATOR KRUEGER: So ATVs, large, motorized, with wheels -- moving forward, I missed the debate, I guess, on an earlier ATV bill which would expand the size of these vehicles. And now with this bill we're being asked to support allowing them to function not unlike other transport vehicles used for work, including farm work, trucks of different sizes on roads and highways.

We require that trucks being used for moving product from place to place -- could be farms, could be other places -- we require them to have annual inspections through DMV-approved sites to ensure the safety standards of those vehicles are being met.

We require insurance for the vehicle to ensure -- as opposed to insure -- that in situations where there are accidents and there is harm done to body and property that there is an insurance system in place.

It seems to me that it would be logical to have a bill that allowed these vehicles to do what Senator Nozzolio wants them

to be able to do if it also brought these vehicles under the rubric of our other state DMV laws and insurance laws so that these vehicles, upon riding on our streets and highways, in fact met safety standards and ensured that there was insurance coverage to handle damages if in fact there were accidents.

I don't believe this bill either provides for insurance coverage, nor does it provide for some kind of annual registration inspection. And so I do not feel that we ought to pass this law in the State of New York.

I think it could be amended to address those concerns, but as it stands now, through my questions and answers with the sponsor -- and I greatly appreciate his answers -- I don't think it passes the test for allowing a new type of vehicle on our roads and highways without the same standards applied to them. I'll vote no.

Thank you, Mr. President.

ACTING PRESIDENT ROBACH: Thank you, Senator Krueger.

Is there any other Senator wishing to be heard?

Seeing none, the debate is closed. The Secretary will ring the bell. We ask all 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 90th day.

ACTING PRESIDENT ROBACH: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT ROBACH: Senator Montgomery to explain her vote.

SENATOR MONTGOMERY: Yes, Mr. President. I want to rise to just explain why I'm voting as I'm voting.

I appreciate the issues raised by my colleagues. I see certainly the merit of some of those questions that were raised, and I do hope that we can work some of that out.

But I'm going to, however, support this bill. And I want to make sure that my colleagues understand I'm not doing this to support Senator Nozzolio.

(Laughter.)

SENATOR MONTGOMERY: I just -- I

think it's important for me to distinguish.

I am supporting and I want to send a message that we should be doing as much as we can to support the farmers in our state. And agriculture is a huge business. It's very, very intense, labor-intensive, difficult, and certainly important to our economy.

So I am voting yes on this, and hopefully we can work out the details, Senator Nozzolio.

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

(Scattered applause.)

ACTING PRESIDENT ROBACH: Senator Young to explain her vote.

SENATOR YOUNG: Thank you, Mr. President.

I just want to rise and commend Senator Nozzolio for putting forward this important piece of legislation.

I grew up on a farm. I'm former chair of the Senate Agriculture Committee. I currently serve on the Agriculture Committee. And we need to do everything that we can in this

state to help our farmers be able to have efficient, effective operations.

On my farm my father actually rented three farms that were close to one another, but there was property in between. So in order to get from one farm to another, he had to use the roadways. And I think that's just one small example of upstate, because it's not all cut-and-dried. You have to get around your farms, and it's not always just through the fields.

So I think this is a very important bill. And again, I want to thank Senator Nozzolio for putting it forward because this will help us continue to make sure that agriculture is strong, that our economy is strong upstate, and it's a great idea.

ACTING PRESIDENT ROBACH: Thank you, Senator Young.

Announce the results.

THE SECRETARY: In relation to Calendar Number 53, those recorded in the negative are Senators Avella, Gianaris, Kennedy, Krueger, Parker, Peralta, Rivera, Serrano, Squadron, Stavisky and Stewart-Cousins.

Absent from voting: Senators Huntley and Perkins.

Ayes, 46. Nays, 11.

ACTING PRESIDENT ROBACH: The bill is passed.

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

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

ACTING PRESIDENT ROBACH: We've addressed all of it. There is none.

SENATOR LIBOUS: Thank you, Mr. President.

There being no further business, I move that we adjourn until Thursday, March 1st, at 11:00 a.m.

ACTING PRESIDENT ROBACH: On motion, the Senate stands adjourned until Thursday, March 1st, at 11:00 a.m.

(Whereupon, at 4:50 p.m., the Senate adjourned.)