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NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

May 27, 2009

11:19 a.m.

REGULAR SESSION

SENATOR NEIL D. BRESLIN, Acting President

ANGELO J. APONTE, Secretary

1 P R O C E E D I N G S

2 ACTING PRESIDENT BRESLIN: The
3 Senate will come to order.

4 I ask everyone to join me in
5 reciting the Pledge of Allegiance.

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

8 ACTING PRESIDENT BRESLIN: The
9 invocation today will be presented by the
10 Reverend Peter G. Young, of the Mother Teresa
11 Community in Albany.

12 REVEREND YOUNG: Let us pray.

13 As we enjoy today's May weather, in
14 this Memorial Day weekend we recall with
15 prayer and pride for our veterans that have
16 sacrificed to provide us with our freedom.

17 If you were serving in this chamber
18 in Kingston in 1777 in the Senate body, there
19 was a death sentence for those Senators who
20 were caught by the loyalists.

21 Today our Senators are challenged
22 in economically difficult times. May You give
23 us the grace of God to protect us and to help
24 us to provide the answers to these economic

1 crises.

2 Amen.

3 ACTING PRESIDENT BRESLIN: Thank
4 you, Father Young.

5 The reading of the Journal.

6 The Secretary will read.

7 THE SECRETARY: In Senate,
8 Tuesday, May 26, the Senate met pursuant to
9 adjournment. Senator Breslin in the chair,
10 upon designation of the Temporary President.
11 The Journal of Monday, May 25, was read and
12 approved. On motion, Senate adjourned.

13 ACTING PRESIDENT BRESLIN:
14 Without objection, the Journal stands approved
15 as read.

16 Presentation of petitions.

17 Messages from the Assembly.

18 Messages from the Governor.

19 Reports of standing committees.

20 Senator Klein.

21 SENATOR KLEIN: Mr. President,
22 are there any substitutions at the desk?

23 ACTING PRESIDENT BRESLIN: Yes,
24 Senator Klein, there are.

1 The Secretary will read.

2 THE SECRETARY: On page 20,
3 Senator Aubertine moves to discharge, from the
4 Committee on Agriculture, Assembly Bill Number
5 7266, and substitute it for the identical
6 Senate Bill Number 4404, Third Reading
7 Calendar 291.

8 ACTING PRESIDENT BRESLIN:
9 Substitution ordered.

10 THE SECRETARY: On page number
11 27, Senator Sampson moves to discharge, from
12 the Committee on Judiciary, Assembly Bill
13 Number 7132 and substitute it for the
14 identical Senate Bill Number 3528, Third
15 Reading Calendar Number 357.

16 ACTING PRESIDENT BRESLIN:
17 Substitution ordered.

18 Senator Klein.

19 SENATOR KLEIN: Mr. President, I
20 believe there's a report of the Finance
21 Committee at the desk.

22 ACTING PRESIDENT BRESLIN:
23 Senator Klein, there is a report of the
24 Finance Committee here at the desk.

1 The Secretary will read.

2 THE SECRETARY: Senator Kruger,
3 from the Committee on Finance, reports the
4 following nominations.

5 As a member of the State Civil
6 Service Commission, Joseph Dennis Hanrahan, of
7 Latham.

8 ACTING PRESIDENT BRESLIN:
9 Senator Kruger.

10 SENATOR CARL KRUGER: Please move
11 the nomination.

12 ACTING PRESIDENT BRESLIN:
13 Senator Savino, on the nomination.

14 SENATOR SAVINO: Thank you,
15 Mr. President.

16 I rise in support of this
17 nomination of J. Dennis Hanrahan to the State
18 Civil Service Commission. Welcome.

19 This is a reappointment of
20 Mr. Hanrahan, who was appointed last year, and
21 a well-deserved reappointment. He recently
22 appeared before the Senate Committee on Civil
23 Service and Pensions, where he came to address
24 us on his renomination. And he was able to

1 display to the committee a wealth of
2 information about the civil service merit
3 system, his commitment to it, his experience
4 as a human resource manager, and his
5 understanding of what for many people is a
6 very boring, arcane piece of law but
7 critically important to the state workforce.

8 So I am very pleased to say
9 congratulations and to second the nomination
10 of J. Dennis Hanrahan to the State Civil
11 Service Commission.

12 ACTING PRESIDENT BRESLIN: Are
13 there any other Senators wishing to be heard
14 on the nomination?

15 The question, then, is on the
16 motion to confirm the nomination of Joseph
17 Dennis Hanrahan as a member of the State Civil
18 Service Commission. All those in favor please
19 signify by saying aye.

20 (Response of "Aye.")

21 ACTING PRESIDENT BRESLIN:
22 Opposed, nay.

23 (No response.)

24 ACTING PRESIDENT BRESLIN: The

1 motion carries. The nomination is hereby
2 confirmed.

3 Congratulations, Mr. Hanrahan.

4 (Applause.)

5 ACTING PRESIDENT BRESLIN: The
6 Secretary will continue to read.

7 THE SECRETARY: As a member of
8 the New York State Energy Research and
9 Development Authority, David Elliman, of
10 New York City.

11 As a member of the New York Job
12 Development Authority, Emily Youssouf, of
13 New York City.

14 As a member of the Administrative
15 Review Board for Professional Medical Conduct,
16 Richard D. Milone, M.D., of Rye.

17 As a member of the Citizen's Policy
18 and Complaint Review Council, Julie A.
19 Scalione, of Williamsville.

20 As a member of the Minority Health
21 Council, Ingrid M. Allard, M.D., of Tarrytown.

22 As a member of the Public Health
23 Council, Michael S. Fassler, of Bayside.

24 As a member of the State Hospital

1 Review and Planning Council, Anderson Torres,
2 Ph.D., of the Bronx.

3 ACTING PRESIDENT BRESLIN:

4 Senator Kruger.

5 SENATOR CARL KRUGER: Will you
6 please move the nominations.

7 ACTING PRESIDENT BRESLIN: Are
8 there any other Senators wishing to be heard
9 on the nominations?

10 The question is on the motion to
11 confirm the nominations of David Elliman,
12 Emily Youssouf, Richard D. Milone, Julie A.
13 Scalione, Ingrid M. Allard, Michael M.
14 Fassler, and Anderson Torres. All those in
15 favor please signify by saying aye.

16 (Response of "Aye.")

17 ACTING PRESIDENT BRESLIN:

18 Opposed, nay.

19 (No response.)

20 ACTING PRESIDENT BRESLIN: The
21 motion carries.

22 The nominations are hereby
23 confirmed.

24 Reports of select committees.

1 Communications and reports from
2 state officers.

3 Motions and resolutions.

4 Senator Klein.

5 SENATOR KLEIN: Mr. President,
6 may we at this time adopt the Resolution
7 Calendar in its entirety.

8 ACTING PRESIDENT BRESLIN: All
9 those in favor of adopting the Resolution
10 Calendar in its entirety please signify by
11 saying aye.

12 (Response of "Aye.")

13 ACTING PRESIDENT BRESLIN:
14 Opposed, nay.

15 (No response.)

16 ACTING PRESIDENT BRESLIN: The
17 Resolution Calendar is adopted in its
18 entirety.

19 Senator Klein.

20 SENATOR KLEIN: Mr. President, at
21 this time can we move to a reading of the
22 calendar.

23 ACTING PRESIDENT BRESLIN: The
24 Secretary will read.

1 THE SECRETARY: Calendar Number
2 229, by Senator Addabbo, Senate Bill 3252, an
3 act to amend the Election Law, in relation to
4 including email addresses and voter
5 registration data.

6 ACTING PRESIDENT BRESLIN: Read
7 the last section.

8 THE SECRETARY: Section 3. This
9 act shall take effect on the first of January
10 next succeeding.

11 ACTING PRESIDENT BRESLIN: Call
12 the roll.

13 (The Secretary called the roll.)

14 ACTING PRESIDENT BRESLIN:
15 Announce the results.

16 THE SECRETARY: Ayes, 61.

17 ACTING PRESIDENT BRESLIN: The
18 bill is passed.

19 The Secretary will continue to
20 read.

21 THE SECRETARY: Calendar Number
22 268, by Senator Stavisky, Senate Print 1741,
23 an act to amend the Vehicle and Traffic Law --

24 SENATOR KLEIN: Please lay the

1 bill aside for the day.

2 ACTING PRESIDENT BRESLIN: The
3 bill is laid aside for the day.

4 The Secretary will continue to
5 read.

6 THE SECRETARY: Calendar Number
7 273, by Member of the Assembly Gottfried,
8 Assembly Bill Number 724, an act to amend the
9 Public Health Law, in relation to retaliation.

10 ACTING PRESIDENT BRESLIN: Read
11 the last section.

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

14 ACTING PRESIDENT BRESLIN: Call
15 the roll.

16 (The Secretary called the roll.)

17 ACTING PRESIDENT BRESLIN:
18 Announce the results.

19 THE SECRETARY: Ayes, 61.

20 ACTING PRESIDENT BRESLIN: The
21 bill is passed.

22 THE SECRETARY: Calendar Number
23 274, by Member of the Assembly Gottfried,
24 Assembly Bill Number 763, an act to amend the

1 Public Health Law, in relation to private
2 rights of action.

3 SENATOR MARCELLINO: Lay the bill
4 aside.

5 ACTING PRESIDENT BRESLIN: The
6 bill is laid aside.

7 The Secretary will continue to
8 read.

9 THE SECRETARY: Calendar Number
10 291, substituted earlier today by Member of
11 the Assembly Magee, Assembly Print Number
12 7266, an act to amend the Agriculture and
13 Markets Law, in relation to the milk producers
14 security fund.

15 ACTING PRESIDENT BRESLIN: Read
16 the last section.

17 THE SECRETARY: Section 3. This
18 act shall take effect on the 30th day after it
19 shall have become law.

20 ACTING PRESIDENT BRESLIN: Call
21 the roll.

22 (The Secretary called the roll.)

23 ACTING PRESIDENT BRESLIN:
24 Announce the results.

1 THE SECRETARY: Ayes, 61.

2 ACTING PRESIDENT BRESLIN: The
3 bill is passed.

4 THE SECRETARY: Calendar Number
5 294, by Member of the Assembly Dinowitz,
6 Assembly Print Number 1800, an act to amend
7 the Real Property Tax Law.

8 SENATOR KLEIN: Lay that bill
9 aside for the day.

10 ACTING PRESIDENT BRESLIN: The
11 bill is laid aside for the day.

12 THE SECRETARY: Calendar Number
13 299, by Member of the Assembly Destito,
14 Assembly Print Number 1204, an act to
15 authorize the City of Utica.

16 ACTING PRESIDENT BRESLIN: There
17 is a home-rule message at the desk.

18 Read the last section.

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

21 ACTING PRESIDENT BRESLIN: Call
22 the roll.

23 (The Secretary called the roll.)

24 ACTING PRESIDENT BRESLIN:

1 Announce the results.

2 THE SECRETARY: Ayes, 62.

3 ACTING PRESIDENT BRESLIN: The
4 bill is passed.

5 THE SECRETARY: Calendar Number
6 303, by Senator Stachowski, Senate Print 1967,
7 an act to amend the Penal Law, in relation to
8 the definition of assault in the second
9 degree.

10 ACTING PRESIDENT BRESLIN: Read
11 the last section.

12 THE SECRETARY: Section 2. This
13 act shall take effect on the first of November
14 next succeeding.

15 ACTING PRESIDENT BRESLIN: Call
16 the roll.

17 (The Secretary called the roll.)

18 ACTING PRESIDENT BRESLIN:
19 Senator DeFrancisco, to explain his vote.

20 SENATOR DeFRANCISCO: I'm going
21 to vote aye.

22 And to just be consistent, we're
23 now into another special category that is
24 raised to assault in the second degree. But

1 I'm getting close, because now we have
2 building inspectors. Pretty soon we'll have
3 dogcatchers, and we may have the full gamut of
4 every single potential person that could
5 possibly be raised from an assault third to an
6 assault second.

7 So that day is near, and I'll vote
8 yes.

9 ACTING PRESIDENT BRESLIN:
10 Senator DeFrancisco will be recorded in the
11 affirmative.

12 Senator Volker.

13 SENATOR VOLKER: I agree with
14 Senator DeFrancisco. Except, as I have
15 pointed out on many, many occasions as the
16 former chairman of Codes, the problem is that
17 assault is probably one of the most
18 undergraded areas in the law.

19 But getting the Assembly to pass a
20 bill that increases the penalty for assault is
21 like getting a -- I won't -- I'm trying to
22 think of something. It's very, very
23 difficult.

24 In fact, I notice that this is a

1 D felony. If I know the Assembly correctly,
2 the only way it will pass the Assembly is as
3 an E felony.

4 It's unfortunate, but the realities
5 of this Legislature are that this house passes
6 the tough assault legislation, and
7 unfortunately the other house will not.

8 I vote aye.

9 ACTING PRESIDENT BRESLIN:
10 Senator Volker will be recorded in the
11 affirmative.

12 Announce the results.

13 THE SECRETARY: Ayes, 62.

14 ACTING PRESIDENT BRESLIN: The
15 bill is passed.

16 THE SECRETARY: Calendar Number
17 306, by Senator Monserrate, Senate Bill 3792,
18 an act to amend the General Business Law.

19 ACTING PRESIDENT BRESLIN: Read
20 the last section.

21 THE SECRETARY: Section 3. This
22 act shall take effect on the first of April
23 next succeeding.

24 ACTING PRESIDENT BRESLIN: Call

1 the roll.

2 (The Secretary called the roll.)

3 ACTING PRESIDENT BRESLIN:

4 Announce the results.

5 THE SECRETARY: Ayes, 62.

6 ACTING PRESIDENT BRESLIN: The

7 bill is passed.

8 THE SECRETARY: Calendar Number

9 310, by Senator Oppenheimer, Senate Print

10 1888, an act to amend the Tax Law.

11 ACTING PRESIDENT BRESLIN: There

12 is a home-rule message at the desk.

13 Read the last section.

14 THE SECRETARY: Section 2. This

15 act shall take effect immediately.

16 ACTING PRESIDENT BRESLIN: Call

17 the roll.

18 (The Secretary called the roll.)

19 ACTING PRESIDENT BRESLIN:

20 Announce the results.

21 THE SECRETARY: Ayes, 62.

22 ACTING PRESIDENT BRESLIN: The

23 bill is passed.

24 THE SECRETARY: Calendar Number

1 319, by Member of the Assembly Schimminger,
2 Assembly Print Number 7822, an act to amend
3 Chapter 391 of the Laws of 2007 relating to
4 directing the law revision commission.

5 ACTING PRESIDENT BRESLIN: Read
6 the last section.

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

9 ACTING PRESIDENT BRESLIN: Call
10 the roll.

11 (The Secretary called the roll.)

12 ACTING PRESIDENT BRESLIN:
13 Announce the results.

14 THE SECRETARY: Ayes, 62.

15 ACTING PRESIDENT BRESLIN: The
16 bill is passed.

17 THE SECRETARY: Calendar Number
18 326, by Member of the Assembly Cusick,
19 Assembly Print Number 6914, an act to amend
20 Chapter 395 of the Laws of 1978.

21 ACTING PRESIDENT BRESLIN: Read
22 the last section.

23 THE SECRETARY: Section 2. This
24 act shall take effect April 1, 2009.

1 ACTING PRESIDENT BRESLIN: Call
2 the roll.

3 (The Secretary called the roll.)

4 ACTING PRESIDENT BRESLIN:
5 Announce the results.

6 THE SECRETARY: Ayes, 62.

7 ACTING PRESIDENT BRESLIN: The
8 bill is passed.

9 THE SECRETARY: Calendar Number
10 341, by Senator Valesky, Senate Print 3493, an
11 act to --

12 SENATOR KLEIN: Lay it aside for
13 the day.

14 ACTING PRESIDENT BRESLIN: The
15 bill is laid aside for the day.

16 THE SECRETARY: Calendar Number
17 369, by Senator Valesky, Senate Print 2960B,
18 an act to amend the Tax Law, in relation to
19 providing a tax credit for rehabilitation of
20 historic properties.

21 ACTING PRESIDENT BRESLIN: Read
22 the last section.

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

1 ACTING PRESIDENT BRESLIN: Call
2 the roll.

3 (The Secretary called the roll.)

4 ACTING PRESIDENT BRESLIN:
5 Announce the results.

6 THE SECRETARY: Ayes, 62.

7 ACTING PRESIDENT BRESLIN: The
8 bill is passed.

9 THE SECRETARY: Calendar Number
10 383, by Senator Savino, Senate Print 5503, an
11 act to amend the Executive Law.

12 ACTING PRESIDENT BRESLIN: Read
13 the last section.

14 THE SECRETARY: Section 26. This
15 act shall take effect immediately.

16 ACTING PRESIDENT BRESLIN: Call
17 the roll.

18 (The Secretary called the roll.)

19 ACTING PRESIDENT BRESLIN:
20 Announce the results.

21 THE SECRETARY: Ayes, 62.

22 ACTING PRESIDENT BRESLIN: The
23 bill is passed.

24 THE SECRETARY: Calendar Number

1 384, by Senator Savino, Senate Print 5504, an
2 act to amend the Executive Law, in relation to
3 terms and conditions of employment.

4 ACTING PRESIDENT BRESLIN: Read
5 the last section.

6 THE SECRETARY: Section 24. This
7 act shall take effect immediately.

8 ACTING PRESIDENT BRESLIN: Call
9 the roll.

10 (The Secretary called the roll.)

11 ACTING PRESIDENT BRESLIN:
12 Senator Volker, to explain his vote.

13 SENATOR VOLKER: Yeah, I want to
14 thank Senator Savino for passing these two
15 bills. These are the pay bills for the State
16 Police.

17 And I want to compliment the State
18 Police for their patience. These agreements
19 were made a long time ago. And I spoke at
20 some length with Dan De Federicis and the
21 leaders of the union, and they were willing to
22 wait. And I just want to say to them, they
23 certainly deserve the pay increase.

24 And let's hope in the future when

1 we get agreements that they are more promptly
2 taken care of.

3 ACTING PRESIDENT BRESLIN:
4 Senator Volker will be recorded in the
5 affirmative.

6 Announce the results.

7 THE SECRETARY: Ayes, 62.

8 ACTING PRESIDENT BRESLIN: The
9 bill is passed.

10 THE SECRETARY: Calendar Number
11 420, by Member of the Assembly Magee, Assembly
12 Print Number 2321, an act to amend the
13 Alcoholic Beverage Control Law.

14 ACTING PRESIDENT BRESLIN: Read
15 the last section.

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

18 ACTING PRESIDENT BRESLIN: Call
19 the roll.

20 (The Secretary called the roll.)

21 ACTING PRESIDENT BRESLIN:
22 Announce the results.

23 THE SECRETARY: Ayes, 62.

24 ACTING PRESIDENT BRESLIN: The

1 bill is passed.

2 Senator Klein, that completes the
3 noncontroversial reading of the active bills
4 on the calendar.

5 SENATOR KLEIN: Mr. President, at
6 this time can we move to the reading of the
7 controversial calendar.

8 ACTING PRESIDENT BRESLIN: The
9 Secretary will please ring the bells.

10 Members are all asked to come to
11 the chamber for the controversial reading of
12 active bills on the calendar.

13 The Secretary will read.

14 THE SECRETARY: Calendar Number
15 274, by Member of the Assembly Gottfried,
16 Assembly Print Number 763, an act to amend the
17 Public Health Law.

18 ACTING PRESIDENT BRESLIN:
19 Senator Hannon.

20 SENATOR HANNON: Mr. President,
21 on the bill.

22 ACTING PRESIDENT BRESLIN:
23 Senator Hannon, on the bill.

24 SENATOR HANNON: Mr. President, I

1 rise to oppose this piece of legislation.

2 A little bit of background. This
3 is legislation that would expand the rights to
4 sue a nursing home and to sue the people who
5 run a nursing home. It would affect people
6 who run not-for-profit nursing homes, it would
7 affect people who run for-profit nursing
8 homes, it would affect the municipalities that
9 run nursing homes, such as our counties
10 throughout the state. Even Albany County has
11 two that they sponsor.

12 The backdrop of this immediately is
13 that we have taken hundreds of millions of
14 dollars away -- not by my acquiescence, not by
15 my support, but by the action of the budget --
16 from the entire series of nursing homes
17 throughout the state. So that they are under
18 fiscal constraint like they have never been
19 before.

20 This bill is introduced ostensibly
21 to clarify when people can be sued who run
22 nursing homes. If the bill were put in to
23 clarify, you probably would say, why is it
24 necessary after hundreds of years it needs to

1 be clarified?

2 It's very clear if you read the
3 case law of the various courts -- the four
4 Appellate Divisions, the many Supreme Courts,
5 the Court of Appeals we have in this state --
6 that nursing homes are sued as a practical
7 matter now, under the standard negligence
8 statutes we have in this state which give rise
9 to duties of care when you take care of
10 people, which give rise to liabilities when
11 people don't take care of people.

12 We look at the Trial Lawyers' memo
13 that says "We need to specify the tort causes
14 of action that are among the remedies offered
15 to patients."

16 But if you look at the bill, it's
17 not limited to those tort remedies that are
18 listed in the bill. It said "for purposes of
19 this section, injury shall include," and then
20 goes on to say what they are. But "shall
21 include" and not be limited to.

22 So clearly, listing these is not
23 the reason for this bill. Well, then, what is
24 the reason?

1 What is sought under this bill is
2 to change the common law right to sue for --
3 and to have a statutory right to sue, but to
4 curtail the rights of people to put in a
5 defense and say that the person suing has been
6 partially negligent on their own part.

7 Now, the partial negligence, it's
8 called, under -- for all the law professors,
9 it's called comparative negligence. That
10 allows there to be some mitigation of damages
11 if the person bringing the suit is partially
12 at fault. It's up to the trier of the facts,
13 it's up to the judge, the jury. They're the
14 ones who make the decisions. We're not
15 involved.

16 But if we pass this statute, we
17 curtail that ability. In so curtailing that
18 ability, we're going to raise the costs of
19 running a nursing home, raising the costs at
20 the very same time that we have --

21 ACTING PRESIDENT BRESLIN: Excuse
22 me, Senator Hannon.

23 Could we have some order, please.

24 Thank you. Continue; I apologize.

1 SENATOR HANNON: I'm sorry.

2 Thank you very much, Mr. President.

3 So we raise costs and we curtail
4 the ability to run these nursing homes. What
5 happens? They're not getting the money from
6 the state. They're not getting the money from
7 the federal government. They're not getting
8 the money from insurers. They're going to
9 have to either charge the patients more or
10 deliver less services.

11 In the end, this proposal is
12 counterproductive. In the end, this proposal
13 will hurt patients. And I don't believe it's
14 supported. And for that, I would urge
15 everybody in this chamber to reject this
16 proposal.

17 Thank you, Mr. President.

18 ACTING PRESIDENT BRESLIN: Thank
19 you, Senator Hannon.

20 Are there any other Senators
21 wishing to be heard?

22 Hearing none, the debate is closed.

23 The Secretary will ring the bell.

24 Read the last section.

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

3 ACTING PRESIDENT BRESLIN: Call
4 the roll.

5 (The Secretary called the roll.)

6 ACTING PRESIDENT BRESLIN:
7 Senator Saland, to explain his vote.

8 SENATOR SALAND: Thank you,
9 Mr. President.

10 Mr. President, the interesting
11 thing about this bill is --

12 ACTING PRESIDENT BRESLIN: Excuse
13 me, Senator Saland.

14 Can we have some quiet, please, in
15 the chamber.

16 SENATOR SALAND: The interesting
17 thing about this bill is it's yet another in a
18 continuum of bills that we have seen brought
19 before this house which basically seems to go
20 out of its way to do harm to business in the
21 State of New York.

22 We endured one of the most horrific
23 budgets we have seen certainly within
24 anybody's memory. For those of us who have

1 the misfortune of being a suburb in the MTA
2 region, we endured perhaps the most horrendous
3 of horrendous taxes in the form of the payroll
4 tax.

5 There is no nursing home patient
6 who does not have the right to sue, who does
7 not have the right to recover damages. There
8 has been no hue and cry over the need for such
9 legislation as before us.

10 This legislation is special
11 interest legislation, legislation that is
12 intended to benefit the trial lawyers, who are
13 its biggest advocates here for this type of
14 quote, unquote relief.

15 Those who will be damaged will be
16 nursing homes and, ultimately, nursing home
17 patients, in that many of us know full well we
18 have a difficult time finding nursing home
19 beds for the people in our respective
20 communities who want them.

21 This will be another disincentive,
22 another effort to try yet to pile onto nursing
23 homes. And we will once again see the quality
24 of life in New York and the ability of

1 business to thrive be punished.

2 I vote in the negative.

3 ACTING PRESIDENT BRESLIN:

4 Senator Saland will be recorded in the
5 negative.

6 Announce the results.

7 THE SECRETARY: In relation to
8 Calendar Number 274, those recorded in the
9 negative are Senators Alesi, Farley, Flanagan,
10 Golden, Griffo, Hannon, O. Johnson, Lanza,
11 Larkin, LaValle, Little, Marcellino, Nozzolio,
12 Padavan, Ranzenhofer, Saland, Seward, Skelos,
13 Volker, Winner and Young.

14 Ayes, 41. Nays, 21.

15 ACTING PRESIDENT BRESLIN: The
16 bill is passed.

17 Senator Klein, that completes the
18 controversial reading of the active bills on
19 the calendar.

20 SENATOR KLEIN: Mr. President,
21 can you please recognize Senator Ruth
22 Hassell-Thompson for a brief announcement.

23 ACTING PRESIDENT BRESLIN:

24 Senator Hassell-Thompson.

1 SENATOR HASSELL-THOMPSON: Yes,
2 thank you, Mr. President. I have two
3 announcements.

4 The first is that one of the things
5 we attempt to do when we come into these
6 chambers is to present good government and
7 good governmental policies. And with us this
8 morning are three fifth-grade classes from
9 Columbus Elementary School in the City of
10 Mt. Vernon, with their principal, Mr. Peter
11 Ragaglia; their teachers, Ms. Irene Boykin,
12 Mr. Baldino, Ms. Lipedusi -- I hope I said
13 that right -- Ms. Dimas, and Kathy First, who
14 is a volunteer.

15 More importantly, we have with them
16 two mentors who have been working for 21 years
17 as mentors to third, fourth, and fifth graders
18 as a part of our intergenerational program, in
19 the person of Ms. Lavinia Smith, who is
20 86 years old, and in the person of
21 Ms. Macklebee, who is 75 years old, both of
22 whom have been a part of our program for that
23 extensive period.

24 And I would just like this audience

1 to know that they are there reviewing and
2 observing, and, in the persons of
3 Ms. Macklebee and Ms. Smith, both of whom have
4 been in these chambers each year for the nine
5 years that the Columbus School has been
6 coming.

7 And they want you to know that they
8 continue to be proud of the work that we do
9 here in state government, and they just wanted
10 to be acknowledged.

11 My second announcement is that
12 immediately following our session we will be
13 having a Majority conference in the Majority
14 Conference Room, Room 332, immediately
15 following session.

16 Thank you, Mr. President.

17 ACTING PRESIDENT BRESLIN: Thank
18 you, Senator Hassell-Thompson.

19 There will be an immediate meeting
20 of the Senate Majority in Room 332.

21 Senator Klein.

22 SENATOR KLEIN: Mr. President,
23 can you now recognize Senator Marcellino for
24 an announcement.

1 ACTING PRESIDENT BRESLIN:

2 Senator Marcellino.

3 SENATOR MARCELLINO: Yes,

4 Mr. President. There will be a meeting of the
5 Minority in Room 314 immediately following
6 session.

7 ACTING PRESIDENT BRESLIN: There
8 will be a meeting of the Senate Minority in
9 Room 314 immediately after session.

10 Senator Klein.

11 SENATOR KLEIN: Mr. President, is
12 there any further business at the desk?

13 ACTING PRESIDENT BRESLIN: Yes,
14 there is, Senator Klein.

15 SENATOR KLEIN: I hand up the
16 following committee notice on behalf of
17 Senator Smith and ask that it be filed in the
18 Journal.

19 ACTING PRESIDENT BRESLIN: So
20 ordered.

21 Senator Klein.

22 SENATOR KLEIN: Mr. President, is
23 there any further business?

24 ACTING PRESIDENT BRESLIN: No,

1 Senator, the desk is clear.

2 SENATOR KLEIN: As there is no
3 further business, I move that we adjourn until
4 Monday, June 1st, at 3:00 p.m., intervening
5 days to be legislative days.

6 ACTING PRESIDENT BRESLIN: There
7 being no further business to come before the
8 Senate, on motion, the Senate stands adjourned
9 until Monday, June 1st, at 3:00 p.m.,
10 intervening days being legislative days.

11 (Whereupon, at 11:52 a.m., the
12 Senate adjourned.)

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