NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

January 30, 2006

3:38 p.m.

REGULAR SESSION

LT. GOVERNOR MARY O. DONOHUE, President

STEVEN M. BOGGESS, Secretary

P R O C E E D I N G S

THE PRESIDENT: The Senate will please come to order.

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

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

THE PRESIDENT: In the absence of clergy, may we bow our heads in a moment of silence, please.

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

THE PRESIDENT: Reading of the Journal.

THE SECRETARY: In Senate, Saturday, January 28, the Senate met pursuant to adjournment. The Journal of Friday, January 27, was read and approved. On motion, Senate adjourned.

THE PRESIDENT: 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 Meier.

SENATOR MEIER: Thank you, Madam President.

On behalf of Senator Golden, on page number 11, I offer the following amendments to Calendar Number 44, Senate Print Number 5756, and ask that said bill retain its place on the Third Reading Calendar.

THE PRESIDENT: The amendments are received. The bill will retain its place on the Third Reading Calendar.

SENATOR MEIER: Thank you, Madam President.

THE PRESIDENT: Thank you, Senator Meier.

Senator Skelos.

SENATOR SKELOS: Madam President, I believe there's an amendment at the desk -- or there's substitutions.

THE PRESIDENT: I'd ask for order. I'm having trouble hearing.

Senator Skelos.

SENATOR SKELOS: I was wrong. No amendments, no substitutions.

If we could go to the noncontroversial reading of the calendar.

THE PRESIDENT: There are no substitutions.

And we will now read the noncontroversial calendar.

THE SECRETARY: Calendar Number 41, by Senator Farley, Senate Print 2481, an act to amend the Education Law, in relation to authorizing the State University trustees.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE PRESIDENT: Senator Farley, to explain your vote.

SENATOR FARLEY: Thank you, Madam President.

This is a bill that is sponsored by almost every member of this Senate. And it's a bill that I expect that we're going to get signed today. It's been around for a lot of years.

It was vetoed because they -- and actually, the current Governor was a sponsor of this bill. And we're going to get it through the Assembly this year. Senator Diaz and a few others are going to be working on that over there.

So this is a good piece of legislation, one that has allowed senior citizens to take courses at the State University on a space-available basis without charge.

It's a good piece of legislation. I thank my colleagues for supporting it.

THE PRESIDENT: The Secretary will announce the results.

THE SECRETARY: Ayes, 50. Nays, 1. Senator Duane recorded in the negative.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number

50, by Senator Leibell, Senate Print 3593A, an act to amend the Retirement and Social Security Law, in relation to the employment of retired persons.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 51.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 51, by Senator Robach, Senate Print 4295, an act to amend the Civil Service Law, in relation to the appointment of members.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 54.

THE PRESIDENT: The bill is

passed.

THE SECRETARY: Calendar Number 52, by Senator Robach, Senate Print 4508, an act to amend the Civil Service Law, in relation to representation of public employees.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

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

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 53, by Senator Farley, Senate Print 6379, an act to amend Chapter 729 of the Laws of 1994, relating to affecting the health insurance benefits.

THE PRESIDENT: Read the last section.

THE SECRETARY: Section 2. This act shall take effect May 15, 2006.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE PRESIDENT: Senator Farley, to explain your vote.

SENATOR FARLEY: Thank you, Madam President.

This is another piece of very significant legislation. It's the number-one priority of the New York State United Teachers. It is a piece of legislation that protects all retired teachers that their health insurance benefits cannot be changed unless they do it for everybody.

It's a major piece of legislation. I would hope that it would be permanent, but this is a one-year extender. We've done it every year. It passes unanimously. And it's very significant.

I only wish that -- and we're working on it, to do it for all public employees and not just teachers. And that bill will be coming shortly.

Thank you, Madam President.

THE PRESIDENT: You will be recorded as voting in the affirmative, Senator

Farley.

Senator Schneiderman, to explain injury vote.

SENATOR SCHNEIDERMAN: Thank you, Madam President, to explain my vote.

I'd just like to echo one thing that Senator Farley, the sponsor, just mentioned. This bill has passed the Assembly and the Senate, or a comparable bill, unanimously -- with no negative votes -- for 12 years.

Ladies and gentlemen, let's not play games with our retirees. Let's not keep this on the table. Let's make this a permanent law so we can stop with the annual ritual. It's nice to have a chapter on your wall every year for something. Let's do something for the retirees to give them the security they deserve long-term. Let's make this permanent.

I'm going to vote yes, but I concur in the sponsor's suggestion that it is time for us to make this permanent.

Thank you, Madam President.

THE PRESIDENT: You will be

recorded as voting in the affirmative, Senator.

The Secretary will announce the results.

THE SECRETARY: Ayes, 58.

THE PRESIDENT: The bill is passed.

Senator Skelos, that completes the calendar.

SENATOR SKELOS: Thank you, Madam President. Is there any other business at the desk?

THE PRESIDENT: No, there is not, Senator.

SENATOR SKELOS: There being no further business to come before the Senate, I move we stand adjourned until Tuesday, January 31st, at 11:00 a.m.

THE PRESIDENT: On motion, the Senate now stands adjourned until Tuesday, January 31st, 11:00 a.m.

(Whereupon, at 3:45 p.m., the Senate adjourned.)