NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

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11:08 a.m.

REGULAR SESSION

SENATOR JOSEPH A. GRIFFO, Acting President

STEVEN M. BOGGESS, Secretary

P R O C E E D I N G S

ACTING PRESIDENT GRIFFO: The Senate will come to order.

The chair recognizes Senator Bruno.

SENATOR BRUNO: Thank you, Mr. President and colleagues.

We are joined here this morning on a very, very happy occasion. Father Catena is going to give the invocation and the prayer. And Father Paul Catena, five years an associate of ours here in the Senate.

And we are honored and privileged that Father Paul Catena, after five years in the Senate, despite that service, went on to this great glory serving the Lord, serving an extended public in such a holy and distinguished way. A teacher, a reporter early in his life, a man who has lived and understands the complexities of life.

And, Father, thank you for joining us. Thank you for your thoughts and your prayers. And let me just share with you, on behalf of my colleagues, this year more than other we need you intervening with the Almighty on our behalf mutually.

Thank you very much, Father.

Mr. President.

ACTING PRESIDENT GRIFFO: We now ask the Reverend Father Paul Catena, whose home parish is St. Michael's Church in Amsterdam, who has been assigned to Christ the King in Westmere, to give us the invocation.

REVEREND CATENA: Almighty God, You are the God of our ancestors, the God of Abraham, Isaac and Jacob. You have made each of us in Your image and have blessed us with so much, so that we can know You, love You and serve You by the way we treat one another.

Help these children of Yours now and always to enact laws that will benefit all our brothers and sisters, not only a select few. Fill them with Your wisdom and Your strength so that Your justice may always prevail.

Amen.

ACTING PRESIDENT GRIFFO: Thank you, Father. God bless you.

I would now ask on this Flag Day that you all join me in the recital of the Pledge of Allegiance to our Flag.

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

ACTING PRESIDENT GRIFFO: Senator Bruno.

SENATOR BRUNO: Mr. President, I would just like to add, Senator Farley is -- he is -- where is he? He is representing the Senate here elsewhere in the Capitol. And Father Catena is a constituent and, I know, a close personal friend.

So I want to just extend his best wishes and his regards, because we asked him to be representative elsewhere. He may be back here before we break.

And, Senator Saland -- Mr. President, would you recognize Senator Saland.

ACTING PRESIDENT GRIFFO: Senator Saland.

SENATOR SALAND: Thank you, Mr. President.

It seems like eons ago I had the good fortune of working with a young man by the name of Paul Catena who was a Senate fellow when I was the chair of the Senate

Children and Families Committee. An extraordinary gentleman, extraordinarily conscientious, as decent of a human being as I've ever had the good fortune of knowing.

There may have been a time when someone considered what we did a high calling. I doubt if there's anybody who would subscribe to that at this particular time. But certainly Father Catena has gone to a much higher calling. We are all proud of his accomplishments.

We all take great comfort in knowing that you as a man of the cloth will be there to spread your message, not only to your flock but really to the greater universe. And we thank you and wish you nothing but the best in all your endeavors.

ACTING PRESIDENT GRIFFO: Senator Little.

SENATOR LITTLE: Thank you, Mr. President.

Although I was not in the Senate when this young fellow was serving in the Senate, I did have the wonderful opportunity of attending Father Catena's ordination on

Saturday, since my son also had a friend who was ordained at the same time.

But it was a wonderful experience, and very inspiring and spiritual. And I just want to thank you, Father, for your career choice and wish you the best.

Thank you.

ACTING PRESIDENT GRIFFO: Senator Morahan.

SENATOR MORAHAN: Thank you, Mr. President.

I knew Father Paul in another life, one that was fraught with politics, one that was doing the battle of the people, where he stood out not so much more the political campaigning -- on his own time, by the way -- but more he showed a difference then.

And he was the glue that kept so many young people who were involved in this activity together, motivated. And all sensed that Paul was a very special person and a very decent young man.

We saw him go through the struggles of making a career decision to answer the call, to assume his vocation, and all that it

meant and all the hardships that he would have to face till he got to this past weekend and his ordination.

So I stand here to congratulate you, Father, proud to call you "Father," and wish you all the best. And I know those parishioners who you will serve will really know they have a very special leader, a very special shepherd. God bless you.

Thank you.

ACTING PRESIDENT GRIFFO: We have been honored today to welcome back to the chamber Father Catena. We wish him well, and we feel much more enriched knowing that you will be praying for all of us in this chamber.

I ask you now to all join me in a round of applause in celebration of his priesthood.

(Sustained applause.)

ACTING PRESIDENT GRIFFO: The reading of the Journal.

THE SECRETARY: In Senate, Wednesday, June 13, the Senate met pursuant to adjournment. The Journal of Tuesday, June 12, was read and approved. On motion, Senate

adjourned.

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

Presentation of petitions.

Messages from the Assembly.

Messages from the Governor.

Reports of standing committees.

The Secretary will read.

THE SECRETARY: Senator O. Johnson, from the Committee on Finance, reports the following nomination:

As a member of the Crime Victims Board, Tina Marie Stanford, of Buffalo.

ACTING PRESIDENT GRIFFO: Senator Johnson.

SENATOR OWEN JOHNSON: I rise to move the nomination.

ACTING PRESIDENT GRIFFO: Senator Thompson.

SENATOR THOMPSON: Yes, Mr. President, I rise to support the nomination of Tina Marie Stanford, someone that I've known for several years now, someone who has a very good character, a very good

professional ability.

I think that Governor Spitzer, the chairman of the Crime Committee, in addition to the members of the Finance Committee, have supported this nomination. I think she's going to do an awesome job. She did a very good job as an assistant district attorney in Erie County.

And I believe that she's going to be an asset to this administration, and I proudly will vote for Tina Marie Stanford as chairperson of the Crime Victims Board.

Thank you.

ACTING PRESIDENT GRIFFO: Thank you, Senator Thompson.

The chair recognizes Senator Adams.

SENATOR ADAMS: Yeah, thank you. I too stand as a member of the Crime Victims and Correction Committee. I had an opportunity to speak with Ms. Tina Marie Stanford. And I think it's important that we take a new look at how we treat victims.

Often, as they go through the system, they are victimized not only by the crime but they're victimized by the system

itself. And I'm encouraged and I'm excited about what Ms. Stanford is going to bring to the board. And we would like to ensure that we could assist her in any way possible.

I think it's a new direction that we're talking on treating victims and making sure that victims are received with the level of respect and dignity as they overcome some of the crimes that impact their lives.

So I too stand in support of this nomination.

ACTING PRESIDENT GRIFFO: Senator Nozzolio.

SENATOR NOZZOLIO: Thank you, Mr. President. On the nomination.

Mr. President and my colleagues, Ms. Stanford came before the Crime Victims, Crime and Corrections Committee with tremendous qualifications. And I applaud this nomination; the committee supported it unanimously.

And that the perspective brought to the Crime Victims Board from a prosecutor, one who has experience in developing cases on behalf of victims, is great training to be an

advocate for victims on this important position on the Crime Victims Board.

One of the things that the committee addressed is that the Crime Victims Board is a board that helps provide justice in the form of compensation to victims. And that when that compensation, when the claim of a crime victim is delayed, that becomes justice denied.

Justice denied was the situation of a Crime Victims Board for too long. But I'm very pleased that over the last decade the Crime Victims Board has aggressively sought to reduce the time frame when a claim comes before them and in so doing provides victims with compensation in a much swifter way.

The backlog of cases has been reduced significantly. We hope that Ms. Stanford, as a member of that board, will focus continually on providing victims with their claims and satisfying those claims to the board as soon as possible, to keep the backlog down and to keep the claims current and compensation coming as soon as absolutely possible.

With that, I heartily endorse this candidacy. I support it fully and will be voting in the affirmative and urge all our colleagues to do the same.

ACTING PRESIDENT GRIFFO: Thank you, Senator Nozzolio.

The chair recognizes Senator Volker.

SENATOR VOLKER: Mr. President, I've met Tina Stanford. She seems like a very wonderful and very intelligent woman.

And I must tell you that, for those of you from New York City, she's a graduate from Fordham. And fortunately she came back to Buffalo and graduated with her juris doctor from SUNY Buffalo.

She has a history with the district attorney's office in Buffalo, is very well respected. And I have no question that she will do a fine job on the Crime Victims Board.

Congratulations.

ACTING PRESIDENT GRIFFO: Thank you, Senator Volker.

The question is on the confirmation of Tina Marie Stanford as a member of the

Crime Victims Board. All in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT GRIFFO: Opposed, nay.

(No response.)

ACTING PRESIDENT GRIFFO: The nominee is confirmed.

We want to congratulate Tina Marie Stanford and also recognize members of her family who are in the gallery with us today -- her aunt Dr. Evelyn Kerney, her daughters Devin and Skyler, and her son James.

Our congratulations and best wishes.

(Applause.)

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: As a member of the State Board of Parole, Sally A. Thompson, of Putnam Valley.

ACTING PRESIDENT GRIFFO: Senator Johnson.

SENATOR OWEN JOHNSON: I rise to move the nomination.

ACTING PRESIDENT GRIFFO: Senator Leibell.

SENATOR LEIBELL: Thank you, Mr. President.

I'd like to rise in support of this nomination. We just a short while ago had the chance, the opportunity in the Senate Finance Committee to meet with the nominee. And I had not had the chance previously.

But for a very difficult position, the Governor has sent us someone who is superbly qualified, who has an excellent resume, who has a long and distinguished career in law enforcement.

So I'm very pleased to rise on the floor today to support this nomination. It's an excellent one. And I know she'll do an excellent job for the people of the State of New York. I move it.

ACTING PRESIDENT GRIFFO: The chair recognizes Senator Adams.

SENATOR ADAMS: Yes, Mr. President. First, we're in a very unique situation. Historically, the person -- as I always use a sports analogy, the player you

receive first goes to the minor leagues and then goes to the professional leagues before they're able to show their skills.

Here we have retired Detective Sally Thompson, who has already been in the professional leagues. She policed the most terrain -- that's New York City Police Department. She rose through the ranks, not only to become a detective, but she was promoted to a second-grade detective, a very difficult feat to accomplish.

She served in the Bronx narcotics major case division. And the level of commitment and know-how and investigatory skill that she brings, we have a major league player that's now going to take the skills that she has acquired on the streets of the City of New York, some of the most difficult beats to patrol, and now we have her participating on the State Board of Parole.

This is an asset to her abilities to be able to look at men and women and make the determination if they should remain on the streets of our state and of our country.

I think this is an excellent

nomination, not only because she comes from the police department that I retired from, but because she brings a high level of expertise, a high level of commitment. And she has served for over twenty years in that agency and now she's bringing that expertise not to hang on the wall and allow it just to wither away, but to bring it into the important parts of the State Board of Parole.

I commend the Governor on this appointment, and I look forward again to ensuring she has the tools and the opportunity to do her job correctly. I support this nomination.

ACTING PRESIDENT GRIFFO: Senator Nozzolio.

SENATOR NOZZOLIO: Thank you, Mr. President. On the nomination.

Mr. President, Ms. Thompson came before the Crime Victims, Crime and Corrections Committee and was fully supported for this important position as a member of the New York State Board of Parole.

Ms. Thompson's qualifications were, simply put, tremendous for this particular

position. That if there's anything that the horrific actions of September 11th taught us, it was that the real heroes in America are those who put their lives on the line each and every day to protect us -- those members of the fire department, those members of the police department, those who are putting themselves in harm's way to protect us.

That Ms. Thomas dedicated her life of service as a New York City police officer. And although she did not have the privilege of working directly with former Captain Adams, that she in effect had a stellar career nonetheless.

That she understands what it's like to put together a case, to prosecute a perpetrator of crime, always focused on the victim, as she had developed her case in every gamut of criminality from the most minor offenses to the most serious of violent felonies.

This is a tremendous background and experience for one to serve on the New York State Board of Parole. That she impressed the committee a great deal; they supported her

unanimously both in the Crime Victims Committee and also the Senate Finance Committee.

And that this is a tremendous appointment. I look forward to her service on the New York State Board of Parole. I fully support the nomination.

Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: Thank you, Senator Nozzolio.

The question is on the confirmation of Sally A. Thompson as a member of the State Board of Parole. All in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT GRIFFO: Opposed, nay.

(No response.)

ACTING PRESIDENT GRIFFO: The nominee is confirmed.

Sally Thompson today is with us, and she is joined by her husband, Kenneth Thompson; her son, Kenneth Jr.; and her daughter, Kianna.

Let us recognize the family,

congratulate Sally, and wish you the best of luck and success.

(Applause.)

ACTING PRESIDENT GRIFFO: The nominations of both Ms. Tina Marie Stanford and Ms. Sally A. Thompson are hereby confirmed.

The Secretary will continue to read.

THE SECRETARY: As members of the State Banking Board, Hans Joachim Doepp, of Purchase; E. Peter Forrestel II, of Akron; and Thomas Siciliano, of Commack.

As public member of the State Banking Board, Sarah Kovner, of New York City.

As members of the Minority Health Council, Ruben P. Cowart, DDS, of Syracuse, and Nilda I. Soto, of the Bronx.

As a member of the Board of Visitors of the Bronx Children's Psychiatric Center, Harriet Parness, of the Bronx.

As a member of the Board of Visitors of the Buffalo Psychiatric Center, Jeanne Allison, of Jamestown.

As members of the Board of Visitors

of the Capital District Psychiatric Center, Lewis F. Krupka, of Schenectady, and Angela Muccigrosso, of Niskayuna.

As a member of the Board of Visitors of the Elmira Psychiatric Center, Richard Arthur Hamling, of Shortsville.

As members of the Board of Visitors of the Finger Lakes Developmental Disabilities Services Office, Barbara Hope Borrelli, of Elmira, and Christine Harkness, of Elmira.

As a member of the Board of Visitors of the Hudson River Psychiatric Center, Marion M. Ostrander, of Kingston.

As a member of the Board of Visitors of the Kingsboro Psychiatric Center, Robert Mayo, DDS, of Brooklyn.

As a member of the Board of Visitors of the Manhattan Psychiatric Center, Marie Lunn, of New York City.

As members of the Board of Visitors of the Mohawk Valley Psychiatric Center, Paul A. Dunn, of Clinton, and Anne M. Jackson, of Boonville.

As a member of the Board of Visitors of the Pilgrim Psychiatric Center,

Davis Pollack, DDS, of Bay Shore.

As a member of the Board of Visitors of the Rochester Psychiatric Center, Barbara Bates, of Bergen.

As a member of the Board of Visitors of the Rockland Children's Psychiatric Center, Eugene P. McMahon, of Pearl River.

As a member of the Board of Visitors of the Sagamore Children's Psychiatric Center, Ninfa S. States, of Great Neck.

As a member of the Board of Visitors of the Staten Island Developmental Disabilities Services Office, John T. Servodidio, of Staten Island.

And as a member of the Board of Visitors of the Western New York Children's Psychiatric Center, Anthony V. D'Amore, of Lancaster.

ACTING PRESIDENT GRIFFO: The question is on the nominations as read by the Secretary. All in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT GRIFFO: Opposed, nay.

(No response.)

ACTING PRESIDENT GRIFFO: All of the nominees are confirmed as read.

We'll return to reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

Senator Fuschillo.

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

On behalf of Senator Larkin, I wish to call up Senate Print Number 2895, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: Calendar Number 446, by Senator Larkin, Senate Print 2895, an act to amend the Racing, Pari-Mutuel Wagering and Breeding Law.

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

ACTING PRESIDENT GRIFFO: Call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 50.

SENATOR FUSCHILLO: I now offer the following amendments.

ACTING PRESIDENT GRIFFO: The amendments are received.

SENATOR FUSCHILLO: On behalf of Senator Seward, I wish to call up Senate Print Number 3944, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: Calendar Number 1626, by Senator Seward, Senate Print 3944, an act to amend the Tax Law.

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

ACTING PRESIDENT GRIFFO: Call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 50.

SENATOR FUSCHILLO: I now offer

the following amendments.

ACTING PRESIDENT GRIFFO: The amendments are received.

SENATOR FUSCHILLO: On behalf of Senator Seward, I wish to call up Senate Print Number 3687, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: Calendar Number 671, by Senator Seward, Senate Print 3687, an act to allow a filing.

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

ACTING PRESIDENT GRIFFO: Call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 51.

SENATOR FUSCHILLO: I now offer the following amendments.

ACTING PRESIDENT GRIFFO: The amendments are received.

SENATOR FUSCHILLO: On behalf of Senator Seward, I wish to call up Senate Print

Number 804, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: Calendar Number 306, by Senator Seward, Senate Print 804, an act to amend Chapter 650 of the Laws of 1998.

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

ACTING PRESIDENT GRIFFO: Call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 51.

SENATOR FUSCHILLO: I now offer the following amendments.

ACTING PRESIDENT GRIFFO: The amendments are received.

SENATOR FUSCHILLO: Mr. President, on behalf of Senator Maziarz, I wish to call up Senate Print Number 948B, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: Calendar Number 121, by Senator Maziarz, Senate Print 948B, an act to amend the Labor Law.

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

ACTING PRESIDENT GRIFFO: Call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 52.

SENATOR FUSCHILLO: I now offer the following amendments.

ACTING PRESIDENT GRIFFO: The amendments are received.

SENATOR FUSCHILLO: On behalf of Senator Young, I wish to call up Senate Print 4454, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: Calendar Number 718, by Senator Young, Senate Print 4454, an act to amend the Agriculture and Markets Law.

SENATOR FUSCHILLO: I now move to reconsider the vote by which the bill was

passed.

ACTING PRESIDENT GRIFFO: Call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 52.

SENATOR FUSCHILLO: I now offer the following amendments.

ACTING PRESIDENT GRIFFO: The amendments are received.

SENATOR FUSCHILLO: On behalf of Senator Maziarz, I wish to call up Senate Print Number 516, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: Calendar Number 1114, by Senator Maziarz, Senate Print 516, an act to amend the Real Property Law.

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

ACTING PRESIDENT GRIFFO: Call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 53.

SENATOR FUSCHILLO: I now offer the following amendments.

ACTING PRESIDENT GRIFFO: The amendments are received.

SENATOR FUSCHILLO: Mr. President, amendments are offered to the following Third Reading Calendar bills:

Sponsored by Senator Lanza, page number 8, Calendar Number 288, Senate Print Number 2693A;

Sponsored by Senator Young, page number 19, Calendar Number 716, Senate Print Number 3714;

By Senator DeFrancisco, page number 23, Calendar Number 844, Senate Print Number 5089;

By Senator Maltese, page number 40, Calendar Number 1296, Senate Print Number 5816;

By Senator Fuschillo, page number 46, Calendar Number 1434, Senate Print Number 1549;

By Senator Seward, page number 47, Calendar Number 1498, Senate Print Number 2180A;

By Senator Little, page number 41, Calendar Number 1307, Senate Print Number 5364;

By Senator LaValle, page number 48, Calendar Number 1616, Senate Print Number 898A;

By Senator DeFrancisco, page number 18, Calendar Number 661, Senate Print Number 39B;

By Senator DeFrancisco, page number 23, Calendar Number 842, Senate Print Number 4878A.

I now move that these bills retain their place on the order of third reading.

ACTING PRESIDENT GRIFFO: The amendments have been received and adopted. The bills will retain their place on the Third Reading Calendar.

Senator Marcellino.

SENATOR MARCELLINO: Thank you, Mr. President.

Mr. President, on behalf of Senator Morahan, I wish to call up Calendar Number 917, Assembly Print Number 3568.

ACTING PRESIDENT GRIFFO: The

Secretary will read.

THE SECRETARY: Calendar Number 917, by Member of the Assembly Lifton, Assembly Print Number 3568, an act to establish.

SENATOR MARCELLINO: I now move to reconsider the vote by which this Assembly bill was substituted for Senator Morahan's bill, Senate Print Number 5398, on June 5, 2007.

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

(The Secretary called the roll.)

THE SECRETARY: Ayes, 53.

SENATOR MARCELLINO: Mr. President, I now move that Assembly Bill Number 3568 be recommitted to the Committee on Rules and that Senator Morahan's Senate bill be restored to the order of the Third Reading Calendar, Number 917.

ACTING PRESIDENT GRIFFO: So ordered.

SENATOR MARCELLINO: Mr. President, I now offer the following

amendments.

ACTING PRESIDENT GRIFFO: The amendments are received.

SENATOR MARCELLINO: Thank you.

Mr. President, on behalf of Senator Hannon, I wish to call up his bill, Print Number 4992, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: Calendar Number 968, by Senator Hannon, Senate Print 4992, an act to amend the Public Health Law.

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

ACTING PRESIDENT GRIFFO: Call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 53.

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

ACTING PRESIDENT GRIFFO: The amendments are received.

SENATOR MARCELLINO: Thank you, Mr. President.

On behalf of Senator Rath, I wish to call up her bill, Print Number 4009A, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: Calendar Number 505, by Senator Rath, Senate Print 4009A, an act to amend the Social Services Law.

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

ACTING PRESIDENT GRIFFO: Call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 53.

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

ACTING PRESIDENT GRIFFO: The amendments are received.

SENATOR MARCELLINO: Thank you.

Mr. President, on behalf of Senator

Larkin, I wish to call up his bill, Print Number 4293, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: Calendar Number 1151, by Senator Larkin, Senate Print 4293, an act to amend the Highway Law.

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

ACTING PRESIDENT GRIFFO: Call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 53.

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

ACTING PRESIDENT GRIFFO: The amendments are received.

SENATOR MARCELLINO: Thank you, Mr. President.

On behalf of myself, I'd like to call up Print Number 634A, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: Calendar Number 1419, by Senator Marcellino, Senate Print 634A, an act to amend the Vehicle and Traffic Law.

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

ACTING PRESIDENT GRIFFO: Call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 54.

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

ACTING PRESIDENT GRIFFO: The amendments are received.

SENATOR MARCELLINO: Thank you, sir.

ACTING PRESIDENT GRIFFO: Senator Stachowski.

SENATOR STACHOWSKI: Mr. President, I wish to call up my bill, Print Number 5746A, recalled from the Assembly,

which is now at the desk.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: Calendar Number 1673, by Senator Stachowski, Senate Print 5746A, an act to authorize.

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

ACTING PRESIDENT GRIFFO: Call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 54.

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

ACTING PRESIDENT GRIFFO: The amendments are received.

SENATOR STACHOWSKI: Thank you.

ACTING PRESIDENT GRIFFO: May we have some order, please.

Senator Little.

SENATOR LITTLE: Thank you, Mr. President.

I wish to call up my bill, Print

Number 5704A, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: Calendar Number 1135, by Senator Little, Senate Print 5704A, an act to amend the General Municipal Law.

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

ACTING PRESIDENT GRIFFO: Call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 54.

SENATOR LITTLE: Thank you. Mr. President, I now offer the following amendments.

ACTING PRESIDENT GRIFFO: The amendments are received.

SENATOR LITTLE: Thank you.

ACTING PRESIDENT GRIFFO: Senator Bruno.

SENATOR BRUNO: Mr. President, can we adopt the Resolution Calendar in its entirety.

ACTING PRESIDENT GRIFFO: The question is on the Resolution Calendar to be adopted in its entirety. All those in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT GRIFFO: Opposed, nay.

(No response.)

ACTING PRESIDENT GRIFFO: The Resolution Calendar is adopted.

Senator Bruno.

SENATOR BRUNO: Mr. President, can we do the noncontroversial reading of the calendar at this time.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: Calendar Number 433, by Senator Trunzo, Senate Print 2399A, an act to amend the Public Health Law.

ACTING PRESIDENT GRIFFO: Last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 55.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 478, by Senator LaValle, Senate Print 2129A, an act to amend the Highway Law.

ACTING PRESIDENT GRIFFO: Last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 55.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 619, by Senator DeFrancisco, Senate Print 911B, an act to amend the Executive Law.

ACTING PRESIDENT GRIFFO: Last section.

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

ACTING PRESIDENT GRIFFO: Call

the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 55.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 631, by Senator Fuschillo, Senate Print 3854A, an act to amend the General Business Law.

ACTING PRESIDENT GRIFFO: Last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 55.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 693, by Senator Maltese, Senate Print 4580A, an act to amend the Transportation Law.

ACTING PRESIDENT GRIFFO: Last section.

THE SECRETARY: Section 3. This act shall take effect on the 90th day.

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 55.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 820, by Senator Farley, Senate Print 2866, an act to amend the Banking Law.

ACTING PRESIDENT GRIFFO: Last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 856, by Senator Nozzolio, Senate Print 3756A, an act to authorize the Commissioner of General Services.

ACTING PRESIDENT GRIFFO: Last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 889, by Senator LaValle, Senate Print 3585A, an act to authorize Hands Across Long Island, Inc.

ACTING PRESIDENT GRIFFO: Last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 54. Nays, 2. Senators Bonacic and Larkin recorded in the negative.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number

911, by Senator Morahan, Senate Print 4073A, an act relating to the use of certain language.

ACTING PRESIDENT GRIFFO: Last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 940, by Senator Stachowski, Senate Print 2808, an act to amend the Labor Law.

ACTING PRESIDENT GRIFFO: Last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT GRIFFO: The

bill is passed.

THE SECRETARY: Calendar Number 1089, by Senator Volker, Senate Print 1602A, an act to amend the Correction Law.

ACTING PRESIDENT GRIFFO: Last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1120, by Senator Griffo, Senate Print 5482A, an act to amend the Social Services Law.

ACTING PRESIDENT GRIFFO: Last section.

SENATOR LIBOUS: Lay it aside for the day, please.

ACTING PRESIDENT GRIFFO: Lay the bill aside for the day.

THE SECRETARY: Calendar Number 1131, by Senator Little, Senate Print 5302B,

an act to amend the Real Property Tax Law.

ACTING PRESIDENT GRIFFO: Last section.

THE SECRETARY: Section 2. This act shall take effect January 1, 2009.

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1304, by Senator Volker, Senate Print 4631, an act to amend the Court of Claims Act.

ACTING PRESIDENT GRIFFO: Last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number

1305, by Senator Volker, Senate Print 4704C, an act authorizing an experimental program.

ACTING PRESIDENT GRIFFO: Last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1346, by Senator Nozzolio, Senate Print 333B, an act to amend the Correction Law and the Mental Hygiene Law.

ACTING PRESIDENT GRIFFO: Last section.

THE SECRETARY: Section 8. This act shall take effect 18 months after it shall have become law.

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

SENATOR LIBOUS: Lay it aside for

the day, please.

ACTING PRESIDENT GRIFFO: The bill is laid aside for the day.

THE SECRETARY: Calendar Number 1397, by Senator Saland, Senate Print 5752, an act to amend the Retirement and Social --

SENATOR LIBOUS: Lay it aside for the day, please.

ACTING PRESIDENT GRIFFO: The bill is laid aside for the day.

THE SECRETARY: Calendar Number 1428, by Senator Morahan, Senate Print 3294B, an act to amend the Vehicle and Traffic Law and the Education Law.

ACTING PRESIDENT GRIFFO: There is a local fiscal impact statement at the desk.

The Secretary will read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT GRIFFO: The

chair recognizes Senator Saland, to explain his vote on the bill.

SENATOR SALAND: Thank you, Mr. Chairman -- Mr. President, I'm sorry. I was thinking in terms of Mr. Chairman.

I would like to commend Senator Morahan as chairman of the Mental Health Committee for once again taking the lead on a very important issue and praise him for bringing this bill before us today.

In the text of his bill memo, he points out that the unfortunate reality today is that the school bus driving staff was under no legal requirement and is under no legal requirement to report incidents of the kind of abuse that formed the catalyst for this legislation.

And I would merely want to once again point out the importance of the legislation that we passed yesterday, legislation which in fact would require that school bus drivers and bus monitors be subjected to the very same requirements with respect to fingerprints as are other school employees, and their obligation is report is

made very clear. And without that obligation to report, incidents like this regrettably have the potential to continue to occur.

So Senator Morahan is to be commended for adding this training component to the existing requirements for training for bus drivers. But we could go that step further also and ensure the reporting of abuse when those very traumatic incidents are imposed upon children.

Thank you, Mr. President, and I cast my vote in the affirmative.

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

The Secretary will announce the results.

THE SECRETARY: Ayes, 58. Nays, 0.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1435, by Senator Robach, Senate Print 1923A, an act to amend the Mental Hygiene Law.

ACTING PRESIDENT GRIFFO: Last section.

THE SECRETARY: Section 3. This act shall take effect July 1, 2008.

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1623, by Senator Nozzolio, Senate Print 3119A, an act to amend the Criminal Procedure Law.

ACTING PRESIDENT GRIFFO: Last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57. Nays, 1. Senator Duane recorded in the negative.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1623, ayes, 56. Nays, 2. Senators -- excuse me.

ACTING PRESIDENT GRIFFO: I would ask all those voting in the negative to please raise your hands on Calendar Number 1623. So to be recorded accurately, again, please raise your hands.

THE SECRETARY: Those recorded in the negative on Calendar Number 1623 are Senators Duane, L. Krueger and Montgomery.

Ayes, 55. Nays, 3.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1631, by Senator Saland, Senate Print 4692, an act to amend the Town Law.

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

Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1637, by the Senate Committee on Rules --

SENATOR DUANE: Lay it aside, please.

ACTING PRESIDENT GRIFFO: Lay the bill aside.

THE SECRETARY: Calendar Number 1654, by Senator Padavan, Senate Print 5425A, an act to amend the Tax Law.

ACTING PRESIDENT GRIFFO: Last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT GRIFFO: The bill is passed.

That completes the reading of the noncontroversial calendar.

SENATOR LIBOUS: Mr. President.

ACTING PRESIDENT GRIFFO: Senator Libous.

SENATOR LIBOUS: There will be an

immediate meeting of the Rules Committee in the Majority Conference Room.

And the Senate will stand at ease temporarily.

ACTING PRESIDENT GRIFFO: There is an immediate meeting of the Rules Committee in the Majority Conference Room, and the Senate will stand at ease.

(Whereupon, the Senate stood at ease at 11:53 a.m.)

(Whereupon, the Senate reconvened at 12:09 p.m.)

ACTING PRESIDENT GRIFFO: The Senate will come to order. I ask for quiet in the chamber.

Senator Bruno.

SENATOR BRUNO: Mr. President, can we at this time return to motions and resolutions.

ACTING PRESIDENT GRIFFO: Motions and resolutions.

Senator Little.

SENATOR LITTLE: Thank you, Mr. President.

On behalf of Senator DeFrancisco, I

wish to call up Print Number 1265, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: Calendar Number 1334, by Senator DeFrancisco, Senate Print 1265, an act to amend the Public Health Law.

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

ACTING PRESIDENT GRIFFO: Call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

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

ACTING PRESIDENT GRIFFO: The amendments are received.

SENATOR LITTLE: Thank you.

ACTING PRESIDENT GRIFFO: Senator Bruno.

SENATOR BRUNO: Mr. President, can we return to reports of standing committees.

I believe there's a report from the

Rules Committee. I would ask that it be read now.

ACTING PRESIDENT GRIFFO: Reports of standing committees.

The Secretary will read the report of the Rules Committee.

THE SECRETARY: Senator Bruno, from the Committee on Rules, reports the following bills:

Senate Print 756B, by Senator Hannon, an act to amend the Surrogate's Court Procedure Act;

847, by Senator Farley, an act relating to the implementation;

1665, by Senator Padavan, an act to amend the Family Court Act;

1861, by Senator Smith, an act authorizing the City of New York;

3432, by Senator LaValle, an act to amend the Penal Law and the Correction Law;

3940, by Senator LaValle, an act to amend the Town Law;

3983, by Senator Wright, an act to amend the Public Service Law;

4721, by Senator Fuschillo, an act

to amend the Penal Law and the Criminal Procedure Law;

4744B, by Senator Alesi, an act in relation to redistributing;

5012, by Senator Nozzolio, an act to amend the Penal Law;

5803, by Senator Lanza, an act to amend the Administrative Code of the City of New York;

5920, by Senator Padavan, an act to amend the Agriculture and Markets Law;

6072, by Senator Padavan, an act to amend Chapter 156 of the Laws of 2006;

6099, by Senator Golden, an act to amend the Retirement and Social Security Law and the Administrative Code of the City of New York;

6107, by Senator Golden, an act to amend the Workers' Compensation Law;

6108, by Senator Larkin, an act to amend the Real Property Tax Law;

6135, by Senator Volker, an act to amend Chapter 367 of the Laws of 1999;

And Senate Print 6147, by Senator Bruno, an act to amend the Real Property Tax

Law.

All bills ordered direct to third reading.

ACTING PRESIDENT GRIFFO: Senator Bruno.

SENATOR BRUNO: Mr. President, I would move to accept the report of the Rules Committee.

ACTING PRESIDENT GRIFFO: All in favor of accepting the report of the Rules Committee signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT GRIFFO: Opposed, nay.

(No response.)

ACTING PRESIDENT GRIFFO: The report is accepted.

Senator Bruno.

SENATOR BRUNO: Mr. President, can we at this time recognize one of our most distinguished Senators, Senator Hassell-Thompson.

ACTING PRESIDENT GRIFFO: Senator Hassell-Thompson.

SENATOR HASSELL-THOMPSON: Thank

you, Senator.

(Applause from the gallery.)

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

It gives me great pleasure to stand here and to recognize one of my elementary schools from the City of Mount Vernon, Grimes Elementary School, and its principal, Ms. Frances Lightsy, and its teachers and parents.

This fifth-grade group represents a group of students who have just received a blue-ribbon designation in their reading and math. And more than that, they have received an exciting global grant for cultural enrichment to learn Mandarin Chinese and over $700,000 in the cultural exchange program will come out of the school.

This is a group of youngsters who have struggled very hard to reach many of the goals. And each goal that we have set for them they have not only reached but exceeded. This is a testament to a high-needs school that is being represented by some extraordinary teachers and an extraordinary

principal.

So they have come to the chambers today to watch us in government, and I am very proud to have this body recognize them for the work and the achievement that they have accomplished.

Thank you, Grimes.

(Applause.)

ACTING PRESIDENT GRIFFO: Thank you, Senator Hassell-Thompson.

We welcome the students from Mount Vernon and wish you the best of luck and an enjoyable summer. I'm sure you're getting ready and anxious for the summer vacation.

Senator Bruno.

SENATOR BRUNO: And, Mr. President, by exception here, Senator Flanagan has a very distinguished and celebrated friend here in the chamber.

I would ask Senator Flanagan if he would care to acknowledge his friend.

ACTING PRESIDENT GRIFFO: Senator Flanagan.

SENATOR FLANAGAN: Thank you, Mr. President. Thank you, Senator Bruno.

In the back of the chamber we're joined today by a name that I think most of you probably know. He goes by Jon Bauman, but was really referred to as "Bowzer" from Sha Na Na and hails from Brooklyn. He's a graduate of Columbia University.

He lives out in that coastal state in the West there, California, but he is a true New Yorker. His kids are back here. And he is still working and touring all over the country.

And frankly, he's working on legislation to protect the interests of people who have had distinguished careers in the music and entertainment industry.

And we just want to welcome you here today. Sha Na Na, Bowzer, nice to see you here.

Thank you.

(Applause.)

ACTING PRESIDENT GRIFFO: Bowzer is in the house. A warm welcome to you.

Senator Bruno.

SENATOR BRUNO: Mr. President, can we at this time take up Calendar Number

1689.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: Calendar Number 1689, by Senator Farley, Senate Print 847, an act relating to the implementation of the recommendations of the Commission on Healthcare Facilities.

ACTING PRESIDENT GRIFFO: Senator Bruno.

SENATOR BRUNO: Thank you, Mr. President and colleagues.

The bill that we have before us is before us by exception. This bill will take Bellevue Woman's Hospital in Senator Farley's district out of the recommendation for closure of the Berger Commission.

I understand that there are hospitals in various parts of this state that are under pressure from recommendations of the Berger Commission. When we accepted up or down the Berger Commission, one way or the other, I and many of you made the statement that we are elected to govern and that we will govern and we will deal with the specific

ramifications in the communities of the Berger Commission.

I personally agree with Senator Farley, the Berger Commission was just plain wrong in ordering the closure of Bellevue. They are 75 years in existence, they provide unique women's services, medically, in the Capital Region, and people come from all over the Northeast.

And if they were to close, those unique services would be absorbed by Ellis Hospital and St. Clare's over these next four or five years at a cost of something like $100 million. That is a stretch and a reach.

So I am asking my colleagues, with the recognition that many of you have specific recommendations to make about a hospital in Buffalo, in Syracuse, out in Senator Young's out, on the Island, in Brooklyn, in Syracuse -- I understand that very clearly. And we will review and approach all of the facilities in time to see that fairness dictates.

We're also mindful that there's a billion and a half dollars that is one of the

reasons why Berger was accepted. That's $300 million over the next five years. And if we do things that are disruptive, that impact that, that jeopardizes that money and that cash flow.

We're mindful of that. We are aware of that. And we are comfortable that Bellevue is unique enough. The information that dictated what the Berger Commission recommended we feel was not accurate or reflective.

Senator Farley, I applaud you for your leadership. And on behalf of your constituency and all the people in the Northeast that Bellevue makes better, we thank you.

Senator Farley.

ACTING PRESIDENT GRIFFO: Thank you, Senator Bruno.

I want to remind the Senators that we are on the controversial calendar, the bell has been rung, and this bill was laid aside by Senator Duane.

I now recognize Senator Farley.

SENATOR FARLEY: Thank you,

Mr. President. Thank you, Senator Bruno.

Let me just say a few words about this. Incidentally, I just returned from the steps of the Capitol with hundreds of women. Now, the women's caucus -- which they made me an honorary member, which is the biggest thing that's happened to me this session.

But let me just say a word about Bellevue Hospital. The Governor and so many said were willing to tinker with and so forth with the Berger Commission report, this is a very modest change. The commission overstated Bellevue's deficit by 92 percent.

Of the handful -- and there are really maybe on two hands -- of hospitals affected in this state, three of them were in Schenectady. The merger between Ellis and St. Clare's is going forward at a good pace. Actually, what is going to happen are under the Berger Commission they'll have to spend $40 million, $50 million for a women's facility at Ellis, which can already and done and is being done at Bellevue.

This is a unique hospital. It is the only woman's hospital, I'm told, in

New York State, and one of two in the nation. The people from all over the country have come in support of this hospital.

The commission here, the Berger Commission, was to save money. I don't know if it's going to save money, but I certainly do know that in the Capital District area what they've focused in on is going to cost a lot more money, particularly if Bellevue is closed.

There have been polls that have been taken: 85 percent of the public want Bellevue to remain open. This bill is being carried in the Assembly by Assemblyman Tonko, Majority Leader Ron Canestrari, Assemblyman Tedisco, Jack McEneny and many, many others.

I have been so grateful to the women's caucus for now and all the women of this state and in my district to get behind the saving of Bellevue Hospital. We're fortunate to have with us the president of Bellevue Hospital in the gallery, in the lovely yellow suit, Anne Saile. And she has been relentless on behalf of saving this hospital.

And I think correcting this mistake or sending this message will have a significant impact not only on the Berger Commission but also on behalf of healthcare in the Capital District.

Let me just say this. The Governor has spoken very, very sympathetically towards Bellevue. It is a truly unique situation. And I would urge all of my colleagues to support this legislation. And I realize that the Berger commission has done a lot of damage around the state, but this is a unique situation. It affects women, and I urge its passage.

Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: Thank you, Senator Farley.

The chair recognizes Senator LaValle.

SENATOR LaVALLE: Thank you, Mr. President.

I rise to support my colleague and classmate Senator Farley on this because I understand, up-front and personal, the frustration that he feels and his constituency

feels in dealing with the recommendations of the Berger Commission.

In my case, I have St. Charles Hospital that is, as a matter of fact, 7/10ths of a mile from my house in Port Jefferson. St. Charles was saved from closure in the recommendations, the Berger recommendations, but was given a business plan that literally, if implemented, would bring closure. That you could not implement the business plan given to them.

So I hope that -- and I'm sure that there are other hospitals in the state whereby the Health Department must get engaged. The Health Department must listen to what the professionals are saying in each and every region of the state. They cannot close emergency rooms and also say that you would have OB-GYN services in that hospital. And I could go on and on.

So, Senator Farley, I understand what is happening in your district. I understand the frustration of your constituents and that women were kind of singled out in this instance. But I think you

are kind of paving the way that we need to really look at some of these ridiculous recommendations that have been made and fine-tune them so that they are workable for each of the hospitals in our region.

Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: Thank you, Senator LaValle.

The chair recognizes Senator Young.

SENATOR YOUNG: Thank you, Mr. President.

And I too want to commend Senator Hugh Farley for his leadership in this topic.

The Berger Commission affected many areas in this state, and it certainly has an impact on my region because I have three hospitals that are downsized to the point where they literally are going to bleed to death because of lack of revenues.

And we knew that we had to do something to change things. We've been working very diligently to help Westfield Hospital, Lake Shore Hospital and Tricounty Hospital in Chautauqua and Cattaraugus counties. And we've made progress. Because

what we're doing in our case is still downsizing these facilities but doing it in a smart manner.

The plan that the Berger Commission came up with in my region did not make sense, and we're trying to make sense of it. And I believe that by working together we can come up with a plan, we have come up with a plan that will still maintain services. In rural areas like mine, distance, geography can make the distance between life and death. And I have special populations, like the Seneca Nation of Indians, the Amish population. Without healthcare in their communities, people will die.

So we're working it out in my region, but we need to make sure that we're maintaining and saving access to quality healthcare here in New York State. We're going to continue to work with the Department of Health to do that. But I commend Senator Farley for his leadership in correcting some of the elements of the Berger Commission that are extremely flawed.

Thank you.

ACTING PRESIDENT GRIFFO: Senator Volker.

SENATOR VOLKER: Mr. President, I want to commend Senator Farley also for this bill. And of course, obviously, Senator Bruno, whose leadership is allowing us to deal with a very complex issue.

I have a bill, as I've said, relating to St. Joseph's Hospital just outside of Buffalo. It actually is in Senator Stachowski's district. And the two of us have been working very hard to try to make sure that we deal with the issue of the closure of a hospital that would create, in my opinion, havoc in the Buffalo area and would cause not only -- it's not just the loss of jobs, it would cause a lot of money to be spent not just in the closing but in what would occur afterwards.

There's two hospitals on each side, in the south end of Erie County and the north end. The two emergency rooms are the two of the busiest emergency rooms, if not the busiest, in upstate New York. St. Joseph's emergency room is also extremely busy and is

right behind those other two.

The other hospitals have said to me: "What are we going to do if St. Joseph's Hospital closes? We'll be totally overwhelmed." And they're already planning, if this should ever happen, to set up, in effect, CONs -- I think that's what they call them -- to expand their emergency room. Well, when you think of it, that doesn't make a lot of sense.

At any rate, I just want to say, as I've said to people when the Berger Commission first occurred, this is still a democracy. And this Legislature has always stood up when issues need to be dealt with, no matter how hard they are.

Senator Farley has stood up, a number of us from the area -- and I know Syracuse has a problem. And of course Senator Young has a problem, which involves, by the way, the south end of my district as well as her district.

So I commend Senator Farley and Senator Bruno for moving on this. And I must say this, that we are having conversations

with the Health Department. And Senator Hannon has been immensely helpful. There's probably never been a chairperson of Health who has been as communicative with the members and has handled this difficult an issue in such a way.

So I commend Senator Farley, Senator Bruno, and Senator Hannon for their help. And this is the first -- sort of the first shot in a series of things that we're going to do to make sure that the Berger Commission is done right.

ACTING PRESIDENT GRIFFO: Senator Stewart-Cousins.

SENATOR STEWART-COUSINS: Yes, Mr. President. I believe there's an amendment at the desk. I ask that the reading of the amendment be waived, and I ask to be heard on the amendment.

ACTING PRESIDENT GRIFFO: The reading is waived, and you may be heard on the amendment.

SENATOR STEWART-COUSINS: Thank you, Mr. President.

I am certainly happy to be here on

a day where there is such positive movement in terms of addressing the Berger Commission and its findings. I too commend --

ACTING PRESIDENT GRIFFO: Senator Hannon, why do you rise?

SENATOR HANNON: Could we get a copy of the amendment?

ACTING PRESIDENT GRIFFO: The amendment is at the desk and has been filed according to the rules of the Senate.

Senator Stewart-Cousins.

SENATOR STEWART-COUSINS: Thank you, Mr. President.

Again, I'm very pleased to be here on a day where the findings of the Berger Commission are being questioned and challenged. Certainly I was not here in 2006 and did not have an opportunity to vote the commission up or down. Had I had that opportunity, I would, as members of the Senate stand and speak now, to say it was just plain wrong.

And certainly Senator Farley's amendment on behalf of the women's hospital, Bellevue Woman's Hospital, and the

conversation with the other Senators clearly indicates that we need to do more.

In my particular instance in Westchester County, the Community Hospital of Dobbs Ferry is in jeopardy. And the Community Hospital of Dobbs Ferry has been cited by the Regional Advisory Commission as a hospital not to close. Yet it is on the Berger Commission's recommendations for closure.

Why should it not close? It shouldn't close because the projected profit of the Community Hospital of Dobbs Ferry was $625,000 in 2006. It shouldn't close because it's the fastest-growing health facility in the region. It shouldn't close because it would create a major crisis not just for the residents in the river towns but for the entire network of hospitals and community health centers that are part of what serves the health needs of the district and the public.

The Community Hospital of Dobbs Ferry is just part of a hospital base that allows for poor, indigent residents of southwest Yonkers to be cared for, that allows

for drug and alcohol treatment programs to be sustained and allows for the larger population of Yonkers to receive care at St. John's Riverside Hospital.

It is indeed a mistake to close the Community Hospital of Dobbs Ferry. And as I support what is happening in terms of our momentum-building to question the Berger Commission's findings, I would hope that my colleagues would accept the amendment and keep the Community Hospital of Dobbs Ferry open.

Thank you.

ACTING PRESIDENT GRIFFO: Senator Hassell-Thompson, do you wish to be recognized on this amendment?

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

ACTING PRESIDENT GRIFFO: Senator Hassell-Thompson.

SENATOR HASSELL-THOMPSON: I have had the opportunity to talk with the women from Bellevue Hospital. And it is very interesting, as we look at the concerns that have been raised, which are very legitimate in terms of care for women, it also strikes me

that the closure of Dobbs Ferry Hospital will parallel many of the same concerns.

I point specifically to the fact that Archway program, which serves the city of Mount Vernon but has a contract through Dobbs Ferry for drug treatment, will affect 19,000 patients that go to Dobbs Ferry for treatment. That is a major concern personally to me.

Also the fact that it will -- it is one of -- closure of this hospital is one in our region which provides care to women with breath cancer utilizing a bilateral prophylactic mastectomy one-step procedure.

Also of concern to me is that regional emergency rooms that already have three-to-five-hour wait limits will now be further burdened by the closure of Dobbs Ferry Hospital.

But more importantly, as someone who has been encouraging nurses and women to go enter the nursing profession -- men as well -- the Cochran School of Nursing, which is the largest hospital-based nursing school in New York, will be forced to reduce their enrollment anywhere from 50 to 65 percent with

this closure.

These are things that, as someone who has practiced nursing for most of my adult life, raise the flag of real concern to me as it relates particularly to women but to patients across the board.

Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: Senator Oppenheimer, do you wish to be heard on this amendment?

SENATOR OPPENHEIMER: Yes, please.

ACTING PRESIDENT GRIFFO: Senator Oppenheimer.

SENATOR OPPENHEIMER: Thank you.

Well, some of the things I was going to say have already been said.

But I think in both cases of Bellevue and Dobbs Ferry, somehow the figures on the revenues and the expenses, profit-and-loss statements, they seem to have gotten confused.

In the case of Dobbs Ferry, they're actually turning a profit. And I had thought one of the missions behind the Berger

Commission was that they were going to eliminate a debt and cost. And in this case, it's a profitable hospital.

And in the case of Bellevue, they had overestimated the loss by like 90 percent.

So I think there has to be a more serious review, certainly, of the revenue and expense statements of these hospitals. To say nothing of the fact that they have a mission that we have spoken of as being extremely valuable. In the case of Bellevue, to I think women all over this country. And in the case of Dobbs Ferry, to people in the central southern part of Westchester.

So I think there needs to be a review, and I would hope that we would make it.

ACTING PRESIDENT GRIFFO: The question is on the amendment. Senators in agreement please signify by raising your hands.

Would you please continue to raise your hands, those in agreement.

THE SECRETARY: Those recorded in agreement are Senators Adams, Breslin, Connor,

Diaz, Dilan, Duane, Gonzalez, Hassell-Thompson, Huntley, C. Johnson, Klein, L. Krueger, Montgomery, Onorato, Oppenheimer, Parker, Perkins, Sabini, Savino, Schneiderman, Serrano, Smith, Stachowski, Stavisky, Stewart-cousins, Thompson and Valesky.

ACTING PRESIDENT GRIFFO: The amendment is not agreed to.

Senator Klein.

SENATOR KLEIN: Thank you, Mr. President.

I believe there is an amendment at the desk, and I ask that the reading of the amendment be waived and that I have the opportunity to speak on the said amendment.

ACTING PRESIDENT GRIFFO: The reading is waived, and you may be heard on the amendment.

SENATOR KLEIN: Thank you, Mr. President.

My amendment is rather simple. It would give the Commissioner of Health, at his or her discretion, the ability to implement the recommendations of the commission.

Presently my reading of all the

cases and everything to do with Berger is right now the Commissioner of Health only has discretion as it applies to a merger of a hospital or the actual closing.

I know, myself, I've been rather frustrated in meeting after meeting trying to keep a hospital open in my district, Westchester Square. But I will say the Commissioner of Health, the Department of Health has been very, very forthright, trying everything in their power to try to keep this hospital open. But I really believe that their hands are tied.

We can stay here and pass all of these bills for all of our individual hospitals -- and many of them are very worthy and really provide, I think, very important medical attention to our communities. You know, I understand how hard Senator Farley has been fighting to keep Bellevue open. Dobbs Ferry is a very important healthcare institution in Andrea Stewart-Cousin's district.

But I really at this point do not think that that's the way to go. You know, if

we look at all the hospitals around our state, they're all providing a very important medical service to these respective communities.

In Senator Fuschillo's district we have Brunswick Hospital, skilled nursing, slated to be closed. In Senator Huntley's district we have Parkway Hospital, slated to close. In Senator Golden's district we have Victory Memorial Hospital slated to close. In Senator Duane's district we have Cabrini Hospital and St. Vincent's Midtown Hospital slated to close.

Of course Andrea Stewart-Cousins, we heard about Dobbs Ferry Hospital. Senator Leibell, we have Skyview Rehabilitation slated to close. And of course Bellevue, Senator Farley's hospital. In Senator Wright's district we have Albert Lindley Lee Hospital slated to close or convert. Lakeside Hospital in Senator Winner's district slated to close -- nursing home, I should say.

You know, the list goes on and on -- Senator Stachowski, Senator Thompson. We all have hospitals. And we all understand how important it is to keep these institutions

open.

I know I've read a lot of the --

ACTING PRESIDENT GRIFFO: Senator Winner, why do you rise?

SENATOR WINNER: Would Senator Klein yield for a question?

ACTING PRESIDENT GRIFFO: Senator Klein, do you yield for a question?

SENATOR KLEIN: I'd be more than happy to yield for a question.

ACTING PRESIDENT GRIFFO: Senator Winner.

SENATOR WINNER: Thank you, Senator Klein.

Senator Klein, earlier in this year, after the Berger report came out, a number of us, including myself, communicated with the Commissioner of Health with regard to a number of concerns that were out there as to erroneous data, erroneous information and in fact just plain false information that went into making some of the determinations that came out of the Berger Commission.

To date, I haven't heard a thing from the Commissioner of Health with regard to

what he plans to do with respect to factoring in that information as to final decisions on the closure of certain facilities, like you referenced Lakeside in my Senate district.

Can you tell me why the Commissioner of Health hasn't done a thing or the Health Department hasn't done anything about responding to legitimate concerns like that?

SENATOR KLEIN: Well, I'm glad you brought that up. When I was actually going to finish explaining my amendment, one of the things I wanted to bring up is the problem that I've seen with the regional hearings.

I think everyone here knows that we had these regional commissions that met all over the state. I know I testified at the time in favor of keeping Westchester Square Hospital open, as well as Northeast Bronx, which luckily wasn't on the list. We only heard rumors. There was no definitive information.

And my hospital specifically is recommended, as far as the regional commission

is concerned, to be open. And if I can just read the end of it, it basically says that there's a strong bond between the patients and the physicians who practice in this area, and closure could signify disruption of access.

So clearly the hearings and the community input certainly stated very, very clearly that this hospital should be open.

Again, Mr. Winner, I get back to what I said earlier. It's my belief and my reading of all of these lawsuits that the Commissioner of Health does not have discretion to keep a hospital open. It is his mandate to either follow through on Berger as far as merger and closure.

I have in front of me one of the lawsuits, and there's many, many of these lawsuits --

ACTING PRESIDENT GRIFFO: Senator Winner, why do you rise?

SENATOR KLEIN: I'm answering your question, Mr. Winner.

ACTING PRESIDENT GRIFFO: Would the members please exchange through the chair.

Senator Winner.

SENATOR KLEIN: I'll finish my answer to the first question, and I'd be happy to yield for another question.

SENATOR WINNER: So you want to complete the answer?

SENATOR KLEIN: I'd like to complete that.

SENATOR WINNER: Please do so.

SENATOR KLEIN: The lawsuit that I have in front of me was one brought by Cabrini Hospital. And all of the lawyers that I've spoke to in my reading of these decisions is really there's a lot of frustration. Because clearly when they're trying to challenge the Berger Commission's results under public meeting laws and lack of due process, all of these lawsuits are failing.

So it leads me to believe, Mr. Winner, that the only way to go here is really to untie the hands of the Department of Health and give them more discretion in looking at that information that you talked about, which may be erroneous from hospital to hospital, and let them decide definitively who should remain open, who should be closed.

ACTING PRESIDENT GRIFFO: Senator Winner.

SENATOR WINNER: Would Senator Klein yield for a question.

ACTING PRESIDENT GRIFFO: Senator Klein, do you yield?

SENATOR KLEIN: Mr. President, I continue to yield.

ACTING PRESIDENT GRIFFO: Senator Winner.

SENATOR WINNER: Again, Senator, the issue of the discretion is not really -- that has not been communicated to anybody with regard to the Department of Health.

Why hasn't the Department of Health, again, done anything with regard to the review of this data or communicated to the members?

And why hasn't the Governor done anything with regard to advancing the idea that you are suggesting right now? Instead of saying that blanketly, the Governor has apparently made it perfectly clear that he intends to support the closure of every single hospital in that report.

Why hasn't the Governor done anything with regard to reversing that which has already been demonstrated to be clearly erroneous, inaccurate and prejudicial, if not harmful recommendations of the Berger Commission in many instances? Why hasn't the Governor done anything?

ACTING PRESIDENT GRIFFO: Senator Klein.

SENATOR KLEIN: Why? I can't speak on behalf of the Governor, Mr. Winner.

But I can speak as a legislator that has worked numerous hours meeting with the Department of Health, both the commissioner and the secretary --

SENATOR WINNER: I bet he'd meet with you.

SENATOR KLEIN: -- in trying to keep my hospital open.

And again, according to their lawyers, according to my reading of the law and all the cases that are involved, we need to give the Commissioner of Health a lot more discretion if we hope to keep any of these hospitals open.

ACTING PRESIDENT GRIFFO: Thank you, Senator Klein.

On the amendment, Senators in agreement please signify by raising your hands. Please keep your hands up.

THE SECRETARY: Those recorded in agreement are Senators Adams, Breslin, Connor, Diaz, Dilan, Duane, Gonzalez, Hassell-Thompson, Huntley, C. Johnson, Klein, L. Krueger, Montgomery, Onorato, Oppenheimer, Parker, Perkins, Sabini, Savino, Schneiderman, Serrano, Smith, Stachowski, Stavisky, Stewart-Cousins, Thompson, and Valesky.

ACTING PRESIDENT GRIFFO: The amendment is not agreed to.

Senator Seward, on the bill.

SENATOR SEWARD: Thank you, Mr. President.

I would agree with much of what has been said from a number of members in terms of many of the problems associated with the Berger Commission report.

When it comes to the bill before us, however, there's no question that we are absolutely, today, needing to move forward

with this legislation to correct a gross error, as I would say, in the Berger Commission report. And moving forward, I hope we can get to some of the other errors and omissions that are included in the Berger Commission, to further correct that report.

But speaking specifically when it comes to Bellevue in the legislation before us, there's no question that the Berger Commission's closure directive was based on some very incorrect financial and even clinical information, by overstating the deficit, widely overstating the deficit of Bellevue, implying that there are no surgical procedures performed at Bellevue when in fact it's about 3,000 per year surgeries at Bellevue.

And finally, and to the point I would like to make, is they characterize Bellevue as being a Schenectady hospital. In all due respect to my colleague Senator Farley, I know full well that Bellevue is not strictly a Schenectady hospital.

I know from the eastern end of my Senate district, particularly Schoharie

County, many, many people as I have walked the streets of the Schoharie County since the Berger Commission report came out, many, many people came up to me and said "I was born at Bellevue" or "My children were born at Bellevue. Please don't let Bellevue close."

In fact, people come from even greater distances to Bellevue to receive outstanding service.

When we talk about quality of care at Bellevue, it's not just rhetoric. Because Bellevue has a very high quality of care and has been so cited by international medical groups.

So, Mr. President, it's very important that we move forward with this legislation today to correct this problem with the Berger Commission. And I hope we'll get to others.

I want to stand on behalf of all of those people who have either been born or had their children born and had other treatments and services rendered at Bellevue. I want to stand in support of this legislation and to compliment and commend Senator Farley for his

leadership, and certainly Senator Bruno for all he has done on behalf of Bellevue and the outstanding medical service that hopefully will continue to be rendered at this fine facility.

ACTING PRESIDENT GRIFFO: Senator Diaz.

SENATOR DIAZ: Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: For a brief question or explanation.

SENATOR DIAZ: No, would the sponsor yield for a question or two.

ACTING PRESIDENT GRIFFO: Will the sponsor yield for a question?

SENATOR FARLEY: Si.

(Laughter.)

ACTING PRESIDENT GRIFFO: Senator Farley yields.

SENATOR DIAZ: Mucho gracias.

Senator Farley, when you were explaining the bill, if I heard you right, you said that the Berger Commission underestimated Bellevue's deficit by 92 percent or something.

SENATOR FARLEY: That is correct.

SENATOR DIAZ: That is correct?

SENATOR FARLEY: They overstated, Senator, Bellevue's deficit by 92 percent.

SENATOR DIAZ: The Berger Commission -- Mr. President, through you, if --

SENATOR FARLEY: That was one of their many inaccuracies.

ACTING PRESIDENT GRIFFO: Senator Farley, will you continue to yield?

SENATOR FARLEY: I do. He's my amigo.

SENATOR DIAZ: Yes, sir.

ACTING PRESIDENT GRIFFO: Senator Diaz.

SENATOR DIAZ: Senator Farley, would you say that the Berger Commission, making a mistake like this, has no validity or has no right to judge or to close hospitals?

ACTING PRESIDENT GRIFFO: Senator Farley.

SENATOR FARLEY: Well, to give a blanket condemnation of the Berger Commission might be easy. The intent of any commission was to save money.

I'll tell you what, Senator. I don't think they're saving any money by closing Bellevue. They're going to have to build a $40-some-million complex with Ellis just to take care of the women's needs that Bellevue already provides. I don't know how that's saving money.

So by and large I think that the Berger Commission, as we've heard around, has been inaccurate and has caused a lot of havoc around the state, and I don't necessarily support it.

And I think that this is the first step of tinkering with the Berger Commission report to show that it needs correction.

ACTING PRESIDENT GRIFFO: Senator Diaz, do you have a further question?

SENATOR DIAZ: Mr. President, through you, will the sponsor still yield?

ACTING PRESIDENT GRIFFO: Senator Farley, will you continue to yield?

SENATOR FARLEY: Yes, I will.

ACTING PRESIDENT GRIFFO: Senator Diaz.

SENATOR DIAZ: So if you know

about this inaccuracy of 92 percent underestimated the budget on Bellevue, would you say that the Governor and the Secretary of Health know about this?

ACTING PRESIDENT GRIFFO: Senator Farley.

SENATOR FARLEY: I'm confident they do. The president of Bellevue, who's with us in the gallery, has made these points to the Governor's office, to the Health Department, and to almost everybody that I know in this Capital District.

These figures have been displayed publicly, and there's a number of inaccuracies. That's just one of them.

Bellevue has an incredible record for quality of care to women. I've never seen such an outpouring, Senator Diaz, of women that are in support of this. Today we had hundreds of women on the steps of this Capitol supporting Bellevue's existence. And by and large, I join them in doing this.

The Capital District, this whole area around here is -- I won't say unanimously, but practically unanimously in

support of Bellevue.

SENATOR DIAZ: Mr. President, through you, would the Senator still yield.

ACTING PRESIDENT GRIFFO: Will you continue to yield, Senator Farley?

SENATOR FARLEY: Yes, I will.

ACTING PRESIDENT GRIFFO: Senator Diaz.

SENATOR DIAZ: If you found this inaccuracy and you say the Governor should -- might know that too, and also the Secretary of Health, would you think -- would you agree with me that there would be a slight possibility that they have committed the same mistake in other hospitals?

SENATOR FARLEY: Oh, I think that's a very likely possibility, yes.

SENATOR DIAZ: Thank you, Senator Farley.

On the bill.

ACTING PRESIDENT GRIFFO: Senator Diaz, on the bill.

SENATOR DIAZ: I'm glad that Senator Farley enlightened us with his finding on this report. And I'm also -- it puzzles me

to know that the Governor and the Secretary of Health might know of these inaccuracies.

I don't have a hospital in my district. But the people in my district attend the Westchester Square Hospital, which is two blocks away from my district. And even though Westchester Square Hospital is in Senator Klein's district, I believe that the people from my district use the hospital more than Senator Klein's constituents.

So by finding out that the Berger Commission committed many, many, many errors and that the Governor and the Secretary of Health knows about this, it puzzles me again to know why is it that the report, the whole report of the Berger Commission has not been thrown into the garbage and something -- and stop all this nonsense of closing hospitals that hurt people.

I am here to support Senator Farley and to congratulate him in this measure. And also to say that knowing this now, we should have approved Senator Klein's amendment to open this up and to give the Secretary of Health more power to study this.

And someone, someone should talk to the Governor and should talk to the Secretary of Health, somebody that's got the access. I don't have the access. But somebody that's got the access to the Governor and to the Secretary of Health should talk to them and tell them, Hey, this report is garbage, the report of the Berger Commission. Throw it in the garbage where it belongs and stop the closing of the hospitals.

Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: Thank you, Senator Diaz.

Senator Nozzolio, on the bill.

SENATOR NOZZOLIO: Thank you, Mr. President.

It's a great debate, and I certainly congratulate and thank the sponsor, Senator Farley, for bringing this measure to the attention of the floor today.

That what is evident through this debate, that the Berger Commission itself was a flawed process in the sense that issues that were reviewed at the time may have not been complete, the analysis may not have been as

extensive as necessary, the facts not brought to bear as they should have been brought, that possibly not -- facts may have been incomplete and not brought to bear as completely as they should have been.

That's why this process has no end in the sense that we should be just simply saying it's over. That Senator Farley recognizes that through this legislation.

I'm encouraging the health care facilities within the Finger Lakes region to also pursue additional avenues, particularly Auburn Memorial Hospital, which was told that its maternity unit needed to be closed. That was not a fact that would have led to the health of the facility. On the contrary, because of the unique circumstances within the city of Auburn and the clientele, the patients who utilize the Auburn Memorial Hospital for maternity use, that in effect the state and hospital will lose Medicaid and Medicare reimbursements because this maternity ward has been designated by the Berger Commission to close.

That information is now being

brought to light in a fully aired way with the Health Department. And as Senator Farley is bringing this issue before us today, it's indicative of all healthcare-related issues and how they should be dealt with and reviewed.

A snapshot does not have a living, breathing component to it. It's just simply a moment in time, a picture was taken. And that's what the Berger Commission did, just take a snapshot of particular circumstances in our healthcare during a particular time. It did not paint a complete picture whatsoever.

That's now thrust upon our shoulders to do so. Senator Farley, through this legislation, is taking those needed steps. And we all are pursuing the Health Department to ensure that they really see the whole picture.

And that's why, Mr. President, this legislation should be supported. And that's why we should be encouraging our healthcare facilities across the state that are directly impacted by decisions of the Berger Commission to complete the picture and paint a full one,

so that the Health Department can take that information and we hope do the right thing. We certainly will be watching with them and working with them to make sure the right thing is done for our communities.

Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: Thank you, Senator Nozzolio.

Senator Montgomery.

SENATOR MONTGOMERY: Yes, thank you, Mr. President. I rise to speak on the bill.

ACTING PRESIDENT GRIFFO: On the bill.

SENATOR MONTGOMERY: Thank you.

I certainly agree and voted for both amendments of my colleagues in an attempt to address this issue as a broad policy approach to what we've boxed ourselves into in terms of the Berger Commission and its results.

But I want to just comment on this particular situation. And I want to thank Senator Farley, because I consider this an appropriate emergency response to a very

important and serious situation. Women's health is very, very important.

And, Mr. President, I know that usually -- and very often, in some instances, I have had male doctors. But I must tell you, I try to avoid them at all costs. I prefer female doctors. I prefer clinics where females are treated, where the focus is on women and women's health. And I even prefer to have a nurse practitioner to a male doctor.

Now, I know that that's a little sexist. However, when it comes to my health, I'm very particular about it and I feel that I have a right to be selective.

And this hospital is a women's hospital. It's one of two in the whole country. And it really is what I consider to be the most culturally competent health facility for women. This is what we need more of. I wish we had a women's health facility in my district.

As a matter of fact, the community health clinics in my district that I've met with tell me of the particular and unique needs that they must consider when they are

dealing with women's health. Some women don't want to have a -- you can't have a male in the facility, because their culture does not allow it. And there are many other unique aspects.

And this hospital gives us a model for how you do women's health correctly. So I'm supporting this. This is a very unique and specific and special situation. And I have met the president and CEO of the hospital. That is also a woman. I'm very proud of that.

So there's every reason, I think, for us to support this particular legislation. And I certainly hope that some of the other broader issues that have been raised here regarding the Berger report are addressed as well. But I rise to support this legislation.

And, Senator Farley, I'm very, very happy that you were able to do this. And as a matter of fact, I want you to know that the chair of the Women's Legislative Caucus is also very supportive. This is a women's legislative issue as well, even though, unfortunately, the men have introduced the bill.

(Laughter.)

SENATOR MONTGOMERY: But that's okay. We accept that. And we are very appreciative that you're moving ahead with this legislation.

Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: Thank you, Senator Montgomery.

You want to welcome Senator Farley to the caucus, too.

SENATOR MONTGOMERY: Yes.

ACTING PRESIDENT GRIFFO: Senator Klein, on the bill.

SENATOR KLEIN: Mr. President, would Senator Farley yield for a question?

ACTING PRESIDENT GRIFFO: Senator Farley, will you yield to a question?

SENATOR FARLEY: Yes, I will.

ACTING PRESIDENT GRIFFO: Senator Klein.

SENATOR KLEIN: Through you, Mr. President. Senator Farley, I just have one question. I know I spoke about it earlier, the regional commission recommendations. And what we've seen,

unfortunately, is a pattern of what the reasonable recommendations were and what the ultimate Berger recommendations were.

What were the recommendations of the regional commission as it applies to Bellevue?

ACTING PRESIDENT GRIFFO: Senator Farley.

SENATOR FARLEY: You're speaking of the commission's report of Bellevue? That it be closed.

SENATOR KLEIN: Correct. Not the ultimate Berger Commission report, but the regional commission that led up to the report.

SENATOR FARLEY: I know. I understand.

SENATOR KLEIN: And do you know what the recommendations were?

SENATOR FARLEY: They were to be closed.

SENATOR KLEIN: Thank you.

On the bill.

ACTING PRESIDENT GRIFFO: Senator Klein, on the bill.

SENATOR KLEIN: You know, I think

what this illustrates is that there really wasn't a lot of input, as I think we'd hoped, from individual community groups, from local hospitals to keep their hospital open. It's very interesting, I know with the wide support that Bellevue has, they still were on the Berger Commission to be closed.

I know my hospital in the Bronx, Westchester Square Hospital, again had a glowing report from the regional commission. It went as far as to say that the hospital has a strong bond between the patients and the community, they serve over 25,000 people a year in the emergency room, a very, very important mission.

Yet lo and behold, after this regional recommendation took place, Westchester Square Hospital was indeed on the Berger Commission's list for closing.

I go back to what I said earlier. I support community input and all the support we have for all of these hospitals here that provide such a vital service. But I really believe that the way to go is really giving the commissioner a lot more say and a lot more

discretion on whether a hospital can remain open.

I just want to read Section 9, Chapter 63, which is the implementation of recommendations. It does not say "may," it says "shall." And I quote, "The Commissioner of Health shall take all actions necessary to implement, in a reasonable, cost-efficient manner, the recommendations of the Commission."

That's not discretionary. That's not "may," that's "shall." And I think that's the type of legislation we need to do before the end of session. This is something that, with a week to, go we have to take up immediately.

Unfortunately, we don't want to be in a position where all of our individual hospitals are left waiting until July of 2008 to know whether or not they're going to be closed. It's going to be very difficult for them to keep doctors, it's going to be very difficult for them to keep nurses and medical staff.

So I'm hopeful that before we leave

session we will have some changes on the Berger language which will enable all of us -- Bellevue, Dobbs Ferry, Westchester Square -- to make our case in a reasonable fashion before the Commissioner of Health to keep our hospitals open.

I vote yes on Mr. Farley's bill, Mr. President.

ACTING PRESIDENT GRIFFO: Thank you, Senator Klein.

Any Senator wishing to be heard? Debate is closed.

The Secretary will ring the bell.

Read the last section.

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

ACTING PRESIDENT GRIFFO: Senator Wright, to explain his vote.

SENATOR WRIGHT: Thank you, Mr. President, to explain my vote.

I too have a hospital in my district, A. L. Lee Hospital, that is closing, as was mentioned, and I have all of the same objections and concerns that Senator Bruno and Senator Farley and my other colleagues have

articulated.

And I'm voting for this bill because what it's doing is sending a clear message that it's not just about Bellevue, it's about all of the other hospitals that have been adversely affected, all of the other nursing homes that have adversely been affected. And we've selected Bellevue as the poster child to promote our concern and frustration and try to drive that message home to the Health Department so that they understand our concerns.

I am hoping, I have been working and I believe that the solution is not in passing one bill per hospital but in fact passing a bill that provides direction, a plan to the Commissioner of Health, that provides an appeal process, that facilitates and assists these facilities in moving ahead rather than dictating one course of action to them.

I found in my discussions that the leadership of my facility is willing to seek alternatives, willing to explore alternatives, but are being told that those options are not

available to them under this current statute, and the Health Commissioner will not pursue those alternatives.

So I for one strongly look forward to being able to support legislation that will give him the authority to do, that will send the strong message that alternatives should be considered. And I'm willing and pleased to support Senator Farley's bill to send that message. I vote aye.

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

Senator Sabini, to explain his vote.

SENATOR SABINI: Mr. President, I'm going to be voting aye on this bill.

But I want to remind the members of this house that we wouldn't be in this position if there wasn't such partisanship within the chamber.

In February of 2006 the Minority Leader of this house, Senator Paterson, introduced a bill, S6591A, which would require that the Berger Commission be implemented with the consent of the majority of the members of

both houses. There were 25 cosponsors to that bill. But of course because of the nature of what we do here in Albany and what we do in this chamber, this bill didn't get the hearing it deserved.

So we wouldn't be in this position if we had actually listened at that time. And perhaps, and I suspect in the future, when the tables are turned, perhaps we're going to be hearing about more bipartisan cooperation from folks who maybe don't have the Governor or perhaps aren't in a position to control things. But maybe we should have looked at this legislation then and we wouldn't be in this position.

I sympathize with Senator Farley and his constituency and those in the Capital District who want this hospital to remain open. I'd like to see it remain open too.

But the fact of the matter remains that we shouldn't be doing this bill by bill, we should have had the guts to say we either want the commission we established to have its recommendations implemented or have the guts to say no. We didn't do that.

I'll vote aye.

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

Senator Stavisky, to explain her vote.

SENATOR STAVISKY: Thank you, Mr. President.

Very briefly, it seems to me that if we had adopted Senator Klein's amendment, we wouldn't be in this position of having to deal with the situation piecemeal.

Secondly, if we had passed Senator Klein's amendment, then Parkway Hospital could have been included in the review procedure and the review process by the Commissioner of Health.

And lastly, let me mention one other group that I think is probably the most egregious example of the insensitivity of the Berger Commission, and that's the SUNY hospitals -- in Syracuse, Upstate, the Medical Center at Syracuse; downstate at SUNY in Brooklyn; and out on Long Island at Stony Brook. Because those are institutions of high quality that really must be maintained. And

to present them as being at risk I think is a travesty.

I will vote for the bill to send a message. And I thank you, Mr. President.

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

Senator DeFrancisco, to explain his vote.

SENATOR DeFRANCISCO: I think we've heard basically the same mantra throughout the debate here. Everybody has their own problem. And Senator Stavisky just mentioned Upstate, and that's true, there's a requirement to merge with Crouse Hospital. And there's a concern whether or not that merger that's required has to be the end of the SUNY hospital into a private hospital, and that's a big concern to many people in our area.

Fortunately, the two hospitals are working together to come up with some recommendations as an alternative. And I will be here with a piece of legislation, if they come up with those recommendations, that is a reasonable alternative. And I hope it will be

treated as favorably as this bill that should be treated favorably today.

So there are many problems throughout the state. And hopefully we can deal with them in a positive manner, depending upon what solutions each area has to try to cut costs, because that's the whole purpose behind the Berger Commission.

I vote aye.

ACTING PRESIDENT GRIFFO: Senator DeFrancisco recorded in the affirmative.

Senator Maltese, to explain his vote.

SENATOR MALTESE: Mr. President, I have listened to the debate and certainly am impressed with Senator Farley's defense of the keeping open of Bellevue Hospital.

This is more than a local issue, as is evident from the listening to the comments of the other Senators. I most wholeheartedly agree with Senator Winner and the other Senators that have stepped forward. In my own county of Queens, the Parkway Hospital is located within Senator Huntley's district. At the same time, it adversely affects Senator

Stavisky, myself, and Senator Smith, among others.

Certainly we have to take another look. Certainly we cannot, at least at this point in time, proceed one hospital at a time. We have to take a look at the overall picture, factor in circumstances that obviously were not taken into consideration by the Berger Commission and should be taken into consideration.

They are dead wrong on the closing of Parkway Hospital. Certainly Parkway Hospital has attributes that no other hospital shares. The geographic location in such a packed, compact urban area merits special consideration. The mix of ages, the senior citizens that Parkway Hospital serves should be taken into consideration.

I wholeheartedly support Senator Farley's bill, but I also think we have to take a new look at the entire picture and consider this over the entire picture. At the same time I vote aye, because this is a meritorious bill and certainly Bellevue Hospital should be kept open.

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

I would ask for order in the chamber, please.

And I will now recognize Senator Hassell-Thompson, for a brief explanation.

Senator Hassell-Thompson.

SENATOR HASSELL-THOMPSON: Thank you, Mr. President. I notice you used "brief."

When I was approached and asked to support this against the hospital closing, in talking to the women who approached me, I was very enthusiastic but I had some trepidation. And I continue to do so only because how does it look that I'm supporting a hospital upstate when I have closures, I have nursing homes, I have facilities within my own district that are scheduled to be closed.

But what I can't do is not support this legislation, primarily because the merits of the services to women that Bellevue provides outweighs those concerns.

And so that I do have greater concern about the validity of some of the

information that the Berger report contains. And what I would hope is that this is an example of a reason, a reasonable doubt, that the Berger report should in fact be reviewed and that there are some questions that we should have asked that we did not ask.

Because the fallacies in the information that presumably have been founded against Bellevue may exist in other institutions throughout the state. And what I would hope in our zeal to save money is that we do not cause disasters to the healthcare of the people of the State of New York, primarily because all of our efforts are to bring people to a healthier conclusion by having services available to them.

And so thank you, Mr. President. I will be supporting Senator Farley and the women of Bellevue Hospital.

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

Senator Farley, to explain his vote.

SENATOR FARLEY: Just very

briefly.

I want to thank my colleagues for their support of this legislation. It's not an easy piece of legislation, but it is one that is absolutely critical and important.

I think it addresses so much of the fallacies and mistakes that are in the Berger Commission report. It also speaks to a very important part of our society, women's health.

I think I've never seen any issue that has resonated more strongly, not only in this Capital District, but throughout the state on behalf of women and on behalf of women's health. This is a very, very important piece of legislation. Its future is uncertain, but I suspect that it is gaining tremendous momentum. It's sending a message. And I'm very grateful for the support of my colleagues on both sides of the aisle.

Thank you very much.

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

Senator Onorato, to explain his vote.

SENATOR ONORATO: Mr. President,

I also rise to support this legislation.

But after hearing all of the conversations here, it seemed almost unanimous that everybody agreed that the Berger Commission was extremely flawed. None of us agree with the findings that were brought forth.

And I don't see why we should not introduce legislation to put a moratorium on any closure until a further examination is done by a committee appointed by the Legislature, not by the Berger Commission or any other one. Let the reports come back to the Legislature and let us make that decision.

Because each one of these hospitals are in our districts, with our constituents, and we should be held responsible. But under the current system we're going to be held responsible for something that we had nothing to do with.

So I urge you to -- Senator Bruno, I urge you to appoint this commission to put a moratorium on any further closures on any hospital throughout the state.

Thank you. I vote aye for the

legislation.

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

The Secretary will announce the results.

THE SECRETARY: Ayes, 61. Nays, 0.

Absent from voting: Senator Sampson.

ACTING PRESIDENT GRIFFO: The bill is passed.

(Applause.)

ACTING PRESIDENT GRIFFO: Senator Bruno.

SENATOR BRUNO: Mr. President, can we return to the noncontroversial calendar at this time.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: In relation to Calendar Number 1688, Senator Hannon moves to discharge, from the Committee on Rules, Assembly Bill Number 3583B and substitute it for the identical Senate Bill Number 756B, Third Reading Calendar 1688.

ACTING PRESIDENT GRIFFO: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1688, by Member of the Assembly Weisenberg, Assembly Print Number 3583B, an act to amend the Surrogate's Court Procedure Act.

ACTING PRESIDENT GRIFFO: Last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1690, by Senator Padavan, Senate Print 1665, an act to amend the Family Court Act.

ACTING PRESIDENT GRIFFO: Last section.

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

ACTING PRESIDENT GRIFFO: There

is a local fiscal impact note at the desk.

Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1691, by Senator Smith, Senate Print 1861, an act authorizing the City of New York.

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

Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1692, by Senator LaValle, Senate Print 3432, an act to amend the Penal Law and the Correction Law.

ACTING PRESIDENT GRIFFO: Last

section.

THE SECRETARY: Section 5. This act shall take effect on the first of November.

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1693, by Senator LaValle, Senate Print 3940, an act to amend the Town Law.

ACTING PRESIDENT GRIFFO: Last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1694, Senator Wright moves to

discharge, from the Committee on Rules, Assembly Bill Number 8518 and substitute it for the identical Senate Bill Number 3983, Third Reading Calendar 1694.

ACTING PRESIDENT GRIFFO: The substitution is ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1694, by Member of the Assembly Reilly, Assembly Print Number 8518, an act to amend the Public Service Law.

ACTING PRESIDENT GRIFFO: Last section.

THE SECRETARY: Section 2. This act shall take effect on the 120th day.

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1695, by Senator Fuschillo, Senate Print 4721, an act to amend the Penal Law and the Criminal Procedure Law.

ACTING PRESIDENT GRIFFO: Last section.

THE SECRETARY: Section 14. This act shall take effect on the 90th day.

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1697, by Senator Nozzolio, Senate Print 5012, an act to amend the Penal Law.

ACTING PRESIDENT GRIFFO: Last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1698, by Senator Lanza, Senate Print 5803, an

act to amend the Administrative Code of the City of New York.

ACTING PRESIDENT GRIFFO: Last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1699, by Senator Padavan, Senate Print 5920, an act to amend the Agriculture and Markets Law.

ACTING PRESIDENT GRIFFO: Last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT GRIFFO: The

bill is passed.

THE SECRETARY: Calendar Number 1701, by Senator Golden, Senate Print 6099, an act to amend the Retirement and Social Security Law.

ACTING PRESIDENT GRIFFO: Last section.

THE SECRETARY: Section 29. This act shall take effect immediately.

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1702, by Senator Golden, Senate Print 6107, an act to amend the Workers' Compensation Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1705, by Senator Bruno, Senate Print 6147, an act to amend the Real Property Tax Law.

ACTING PRESIDENT GRIFFO: Last section.

THE SECRETARY: Section 5. This act shall take effect on the same date as such chapter of the Laws of 2007.

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT GRIFFO: The bill is passed.

That completes the noncontroversial reading of Supplemental Calendar 61A.

Senator Bruno.

SENATOR BRUNO: Mr. President, can we at this time take up Calendar Number 1410.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: In relation to Calendar Number 1410, Senator Stewart-Cousins moves to discharge, from the Committee on Rules, Assembly Bill Number 6965 and substitute it for the identical Senate Bill Number 4138, Third Reading Calendar 1410.

ACTING PRESIDENT GRIFFO: The substitution is ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1410, by Member of the Assembly Pretlow, Assembly Print Number 6965, an act to amend the Tax Law.

ACTING PRESIDENT GRIFFO: Last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT GRIFFO: The bill is passed.

Senator Bruno.

SENATOR BRUNO: Mr. President,

can we ask for an immediate conference of the Majority in the Majority Conference Room for about 15 minutes.

ACTING PRESIDENT GRIFFO: There will be an immediate meeting of the Majority conference in the Majority Conference Room.

The Senate will stand at ease.

SENATOR BRUNO: Thank you, Mr. President.

(Whereupon, the Senate stood at ease at 1:30 p.m.)

(Whereupon, the Senate reconvened at 2:32 p.m.)

ACTING PRESIDENT GRIFFO: The Senate will come to order.

Senator Skelos.

SENATOR SKELOS: Mr. President, would you please lay aside, for the day, Calendar 1637.

ACTING PRESIDENT GRIFFO: Calendar 1637 is laid aside for the day.

Senator Skelos.

SENATOR SKELOS: If we could return to motions and resolutions, please.

ACTING PRESIDENT GRIFFO: Motions

and resolutions.

Senator Nozzolio.

SENATOR NOZZOLIO: Mr. President, amendments are offered to the following Third Reading Calendar bills:

Senator Flanagan, on page 20, Calendar Number 740, Senate Print Number 830A;

Senator Volker, page 34, Calendar Number 1143, Senate Print Number 5233A;

On behalf of Senator Volker, page 36, Calendar Number 1234, Senate Print Number 3166C;

Senator Skelos, page 48, Calendar Number 1595, Senate Print Number 6014;

And Senator Griffo, page number 33, Calendar Number 1120, Senate Print Number 5482A.

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

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

Senator Fuschillo.

SENATOR FUSCHILLO: Mr. President, I wish to call up my bill, Senate Print Number 2969A, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: Calendar Number 338, by Senator Fuschillo, Senate Print 2969A, an act to amend the General Business Law.

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

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

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

SENATOR FUSCHILLO: I now offer the following amendments.

ACTING PRESIDENT GRIFFO: The amendments are received.

SENATOR FUSCHILLO: Mr. President, I wish to call up my bill, Senate Print Number 5541, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: Calendar Number 1100, by Senator Fuschillo, Senate Print 5541, an act to amend the Executive Law and others.

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

ACTING PRESIDENT GRIFFO: Call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

SENATOR FUSCHILLO: I now offer the following amendments.

ACTING PRESIDENT GRIFFO: The amendments are received.

SENATOR FUSCHILLO: On behalf of Senator Morahan, I wish to call up Senate Print Number 5473, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: Calendar Number 1163, by Senator Morahan, Senate Print 5473, an act to amend the Mental Hygiene Law.

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

ACTING PRESIDENT GRIFFO: Call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

SENATOR FUSCHILLO: I now offer the following amendments.

ACTING PRESIDENT GRIFFO: The amendments are received.

SENATOR FUSCHILLO: On behalf of Senator Morahan, I wish to call up Senate Print Number 249, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: Calendar Number 103, by Senator Morahan, Senate Print 249, an act to amend the General Business Law.

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

ACTING PRESIDENT GRIFFO: Call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

SENATOR FUSCHILLO: I now offer the following amendments.

ACTING PRESIDENT GRIFFO: The amendments are received.

SENATOR FUSCHILLO: On behalf of Senator Farley, I wish to call up Senate Print Number 899, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: Calendar Number 972, by Senator Farley, Senate Print 899, an act to amend the Education Law.

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

ACTING PRESIDENT GRIFFO: Call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

SENATOR FUSCHILLO: I now offer the following amendments.

ACTING PRESIDENT GRIFFO: The

amendments are received.

SENATOR FUSCHILLO: On behalf of Senator Flanagan, I wish up Senate Print Number 4175, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: Calendar Number 817, by Senator Flanagan, Senate Print 4175, an act to amend the Public Authorities Law.

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

ACTING PRESIDENT GRIFFO: Call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

SENATOR FUSCHILLO: I now offer the following amendments.

ACTING PRESIDENT GRIFFO: The amendments are received.

SENATOR FUSCHILLO: On behalf of Senator Flanagan, I wish to call up Senate Print Number 3688, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: Calendar Number 427, by Senator Flanagan, Senate Print 3688, an act to amend Chapter 364 of the Laws of 2006.

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

ACTING PRESIDENT GRIFFO: Call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

SENATOR FUSCHILLO: I now offer the following amendments.

ACTING PRESIDENT GRIFFO: The amendments are received.

Senator Skelos.

SENATOR SKELOS: Mr. President, there will be an immediate meeting of the Rules Committee in the Majority Conference Room.

We will then report the Rules Committee to the floor but not take it up at this time.

ACTING PRESIDENT GRIFFO: There will be an immediate meeting of the Rules Committee in the Majority Conference Room.

The Senate stands at ease.

(Whereupon, the Senate stood at ease at 2:37 p.m.)

(Whereupon, the Senate reconvened at 2:46 p.m.)

SENATOR SKELOS: Mr. President.

ACTING PRESIDENT GRIFFO: The Senate will come to order.

Senator Skelos.

SENATOR SKELOS: Mr. President, if we could return to reports of standing committees, there's a report of the Rules Committee at the desk. I ask that it be read at this time.

ACTING PRESIDENT GRIFFO: Reports of standing committees.

The Secretary will read.

THE SECRETARY: Senator Bruno, from the Committee on Rules, reports the following bills:

Senate Print 2004, by Senator Robach, an act to amend the Executive Law;

2068, by Senator LaValle, Concurrent Resolution of the Senate and Assembly;

2598, by Senator Alesi, an act to amend the Vehicle and Traffic Law;

2724, by Senator Griffo, Concurrent Resolution of the Senate and Assembly;

3220, by Senator LaValle, an act to amend the Criminal Procedure Law;

3670, by Senator Winner, an act to amend the Alcoholic Beverage Control Law;

3822, by Senator LaValle, an act to amend the Criminal Procedure Law;

3826, by Senator Padavan, an act to amend the Private Housing Finance Law;

4220A, by Senator Rath, an act relating to adjusted;

4382A, by Senator Marcellino, an act to amend the Executive Law;

4401, by Senator Skelos, an act to amend the Education Law;

4498, by Senator Golden, an act to amend the Education Law;

4922, by Senator Lanza, an act to amend the Vehicle and Traffic Law;

5224, by Senator Padavan, an act to amend the Alcoholic Beverage Control Law;

5286, by Senator Rath, an act to amend the Real Property Tax Law;

5339, by Senator Hannon, an act to amend the County Law;

5599A, by Senator Leibell, an act to amend the State Technology Law;

5670B, by Senator Saland, an act to amend the Executive Law;

5672, by Senator Saland, an act to amend the Executive Law;

5775, by Senator Seward, an act to amend the Vehicle and Traffic Law;

5973A, by Senator Lanza, an act to amend the Education Law;

5981, by Senator Bruno, an act to amend Chapter 757 of the Laws of 2005;

6012A, by Senator Larkin, an act to amend the Alcoholic Beverage Control Law;

6123, by the Senate Committee on Rules, an act to amend the Tax Law;

6166, by Senator Seward, an act to amend the General Business Law;

6167, by Senator Skelos, an act to

amend the Executive Law;

6184, by Senator Rath, an act to amend the Vehicle and Traffic Law;

And Senate Print 6188, by Senator Maltese, an act to allow members.

All bills ordered direct to third reading.

ACTING PRESIDENT GRIFFO: Senator Skelos.

SENATOR SKELOS: Mr. President, move to accept the report of the Rules Committee.

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

(Response of "Aye.")

ACTING PRESIDENT GRIFFO: Opposed, nay.

(No response.)

ACTING PRESIDENT GRIFFO: The report is accepted.

Senator Skelos.

SENATOR SKELOS: Is there any further business at the desk?

ACTING PRESIDENT GRIFFO: There is none.

SENATOR SKELOS: There being none, I move we stand adjourned until Monday, June 18th, at 3:00 p.m. intervening days being legislative days.

ACTING PRESIDENT GRIFFO: On motion, the Senate stands adjourned until Monday, June 18th, at 3:00 p.m., with intervening days being legislative days.

Senate adjourned.

(Whereupon, at 2:49 p.m., the Senate adjourned.)