NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

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3:08 p.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.

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

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

ACTING PRESIDENT GRIFFO: Today the invocation will be given by Rabbi Shmuel Butman, of the Lubavitch Youth Organization from Brooklyn, New York.

Rabbi.

RABBI BUTMAN: Let us pray.

[In Hebrew] Our Heavenly Father, we ask You to bestow Your blessings upon all the men and women serving in the New York State Senate, who are serving the people of the great State of New York with honesty, decency, and distinction.

We want to thank you for passing a resolution proclaiming 106 days in honor of the Rebbe's 106th birthday. The Rebbe, the Lubavitcher Rebbe, Rebbe Menachim M. Schneerson. The Rebbe stood for education of

all children, of all children of the world, and you are helping to make this possible.

In Psalm 107, which is the psalm we start saying on the first day of the Rebbe's 107th year, the psalmist speaks about thanks giving, about thanking Almighty God for all the good things that are happening to a person.

We, the Jewish people, can appreciate thanks giving very, very much, because for many, many years -- and we're going to celebrate Passover -- we were oppressed, so we understand the gift of freedom and the gift of democracy.

You, the people of the great Senate of this great State of New York, are fighting for democracy and for freedom for all the people in the State of New York, for all the people in the United States of America, and for all the people in the world.

Many years ago, I opened the Senate of a little town called Washington. Before that, I went to see the Rebbe. And the Rebbe said to me that while I'm going to open the Senate, I should take with me a pushkeh. A

pushkeh is a charity box. And I should take a dollar, on the dollar it says "In God We Trust," and I should put in a dollar in the middle while I do the prayer.

I want to do the same today. And the Rebbe said we should do that so that we should know that we all have to do acts of goodness and kindness and charity. I don't want you to think that this is a fundraising mission. It is not. It is a way of doing more goodness and kindness.

I'm going to put in this one dollar. If anyone wants to join me later in doing a good deed, you are more than welcome to do that.

And I want to tell you, in closing, that in our synagogues every Saturday we say a special prayer for each and every one of you. We say the [in Hebrew], which means all of those who serve the public faithfully, as you do, we ask Almighty God to take care of you. We ask Almighty God to watch you and your families from all harm and to bestow all blessings of goodness and kindness upon you.

And I have one more blessing to

bless you all. May you pass the budget, successfully, immediately.

Thank you.

SENATOR SKELOS: Mr. President.

ACTING PRESIDENT GRIFFO: Senator Skelos.

SENATOR SKELOS: Rabbi Butman, it's a pleasure to have you with us once again. And quite frankly, after the members contribute to the charity box, I'm sure if you brought it down to Governor Paterson it would help us complete the budget this year.

But today this body celebrates the 106th birthday of Rabbi Schneerson. We passed a resolution on April 1st honoring the Rabbi and making April 16th through July 30th the 106 days of education. And I know how important that is to you, Rabbi, as director of the Lubavitch Youth Organization.

And it's really an honor to have you here today as we celebrate the distinguished life of Rabbi Schneerson. The Rabbi will always be here in our hearts and our minds. Rabbi Schneerson made it his life's mission to educate people throughout

the world, and in doing so he strengthened the religious, educational, cultural, moral and ethical fibers of everyone he met.

Rabbi Schneerson has made an indelible imprint upon our world, and it is incumbent upon us to all make sure that the spirit of his work continues. I think it's safe to say we all feel a deep sense of duty and privilege to be able to carry on the Rabbi's mission.

So again, once again, Rabbi, we welcome you to this chamber. I would urge all the members to contribute to the charity box. And we look forward to your visit again next year.

Thank you.

RABBI BUTMAN: Thank you very, very much.

SENATOR SKELOS: I would urge -- there are a lot of members not in the chamber right now. The contribution to the charity box is voluntary. So I would urge them to come in and join us at this time.

Mr. President, may we have the reading of the Journal, please.

ACTING PRESIDENT GRIFFO: Thank you, Senator Skelos.

Reading of the Journal. The clerk shall read.

THE SECRETARY: In Senate, Sunday, April 6, the Senate met pursuant to adjournment. Journal of Saturday, April 5, was read and approved. On motion, Senate adjourned.

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

Presentation of petitions.

Messages from the Assembly.

Messages from the Governor.

Reports of standing committees.

Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

Senator Schneiderman.

SENATOR SCHNEIDERMAN: Mr. President, under the Senate rules we can't proceed to the next provision for motions and resolutions if there's not a quorum present.

So I would request at this time a quorum call.

ACTING PRESIDENT GRIFFO: Senator Skelos.

SENATOR SKELOS: Mr. President, we'll stand at ease. I've noticed that there are a number of members of the Minority not here.

ACTING PRESIDENT GRIFFO: The Senate stands at ease.

(Whereupon, the Senate stood at ease at 3:17 p.m.)

ACTING PRESIDENT GRIFFO: Senator Bruno.

SENATOR BRUNO: Mr. President, can we call the session to order.

ACTING PRESIDENT GRIFFO: The Senate will return to order.

SENATOR BRUNO: Can we stand at ease for just a minute here.

ACTING PRESIDENT GRIFFO: The Senate will continue to stand at ease.

(Whereupon, the Senate reconvened at 3:31 p.m.)

SENATOR BRUNO: Mr. President.

ACTING PRESIDENT GRIFFO: Senator Bruno.

SENATOR BRUNO: When we come to order and when we have members in the chamber, we are eventually going to get to do the emergency bill so that the state employees can get paid, since we don't have a budget. So we need authorization for, I think, something in the neighborhood of $83 million worth of keeping government functioning.

So I've talked to the Minority Leader a little while ago, and I expected that he would be with his colleagues here in the chamber. But his deputy is ably representing him.

Should we proceed with the noncontroversial calendar?

ACTING PRESIDENT GRIFFO: Senator Schneiderman.

SENATOR SCHNEIDERMAN: Through you, Mr. President, before the Senate stood at ease, I had requested a quorum call. I don't believe there's a quorum.

And accordingly, it's improper for us to proceed on anything past the first

provisions on page 7 of Rule 5 of the Senate.

ACTING PRESIDENT GRIFFO: Senator Bruno.

SENATOR BRUNO: I believe the Senator is correct in his procedural observation.

And I think my colleagues here on the Republican side of the aisle are going to get very comfortable, and we can recess and we can stay here just as long as you want to stay until you get comfortable that the state needs to function.

So I think it's rather childish to play a game of not coming to the chamber at the appointed hour at 3 o'clock. So you want to spin our wheels.

And let's go through the quorum call, Mr. President, as requested.

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

THE SECRETARY: Senator Adams.

(No response.)

THE SECRETARY: Senator Alesi.

SENATOR ALESI: Here.

THE SECRETARY: Senator

Aubertine.

(No response.)

THE SECRETARY: Senator Bonacic.

SENATOR BONACIC: Here.

THE SECRETARY: Senator Breslin.

(No response.)

THE SECRETARY: Senator Bruno.

(Senator Bruno was recorded as present.)

THE SECRETARY: Senator Connor.

(No response.)

THE SECRETARY: Senator DeFrancisco.

SENATOR DeFRANCISCO: Here.

THE SECRETARY: Senator Diaz.

(No response.)

THE SECRETARY: Senator Dilan.

(No response.)

THE SECRETARY: Senator Duane.

(No response.)

THE SECRETARY: Senator Farley.

SENATOR FARLEY: Here.

THE SECRETARY: Senator Flanagan.

SENATOR FLANAGAN: Here.

THE SECRETARY: Senator

Fuschillo.

SENATOR FUSCHILLO: Here.

THE SECRETARY: Senator Golden.

SENATOR GOLDEN: Here.

THE SECRETARY: Senator Gonzalez.

(No response.)

THE SECRETARY: Senator Griffo.

SENATOR GRIFFO: Here.

THE SECRETARY: Senator Hannon.

SENATOR HANNON: Here.

THE SECRETARY: Senator Hassell-Thompson.

(No response.)

THE SECRETARY: Senator Huntley.

(No response.)

THE SECRETARY: Senator C. Johnson.

(No response.)

THE SECRETARY: Senator O. Johnson.

SENATOR OWEN JOHNSON: Here.

THE SECRETARY: Senator Klein.

(No response.)

THE SECRETARY: Senator L. Krueger.

(No response.)

THE SECRETARY: Senator C. Kruger.

SENATOR CARL KRUGER: Present.

THE SECRETARY: Senator Lanza.

SENATOR LANZA: Here.

THE SECRETARY: Senator Larkin.

SENATOR LARKIN: Here.

THE SECRETARY: Senator LaValle.

SENATOR LaVALLE: Here.

THE SECRETARY: Senator Leibell.

SENATOR LEIBELL: Here.

THE SECRETARY: Senator Libous.

SENATOR LIBOUS: Here.

THE SECRETARY: Senator Little.

SENATOR LITTLE: Here.

THE SECRETARY: Senator Maltese.

SENATOR MALTESE: Present.

THE SECRETARY: Senator Marcellino.

SENATOR MARCELLINO: Here.

THE SECRETARY: Senator Maziarz.

SENATOR MAZIARZ: Here.

THE SECRETARY: Senator Montgomery.

(No response.)

THE SECRETARY: Senator Morahan.

SENATOR MORAHAN: Present.

THE SECRETARY: Senator Nozzolio.

SENATOR NOZZOLIO: Present.

THE SECRETARY: Senator Onorato.

(No response.)

THE SECRETARY: Senator Oppenheimer.

(No response.)

THE SECRETARY: Senator Padavan.

SENATOR PADAVAN: Here.

THE SECRETARY: Senator Parker.

(No response.)

THE SECRETARY: Senator Perkins.

(No response.)

THE SECRETARY: Senator Rath.

SENATOR RATH: Here.

THE SECRETARY: Senator Robach.

SENATOR ROBACH: Present.

THE SECRETARY: Senator Sabini.

(No response.)

THE SECRETARY: Senator Saland.

SENATOR SALAND: Here.

THE SECRETARY: Senator Sampson.

(No response.)

THE SECRETARY: Senator Savino.

(No response.)

THE SECRETARY: Senator Schneiderman.

SENATOR SCHNEIDERMAN: Here.

THE SECRETARY: Senator Serrano.

(No response.)

THE SECRETARY: Senator Seward.

SENATOR SEWARD: Present.

THE SECRETARY: Senator Skelos.

SENATOR SKELOS: Here.

THE SECRETARY: Senator Smith.

(No response.)

THE SECRETARY: Senator Stachowski.

(No response.)

THE SECRETARY: Senator Stavisky.

(No response.)

THE SECRETARY: Senator Stewart-Cousins.

(No response.)

THE SECRETARY: Senator Thompson.

(No response.)

THE SECRETARY: Senator Trunzo.

SENATOR TRUNZO: Here.

ACTING PRESIDENT GRIFFO: Senator Valesky.

(No response.)

THE SECRETARY: Senator Volker.

SENATOR VOLKER: Present.

THE SECRETARY: Senator Winner.

SENATOR WINNER: Here.

THE SECRETARY: Senator Young.

SENATOR YOUNG: Here.

ACTING PRESIDENT GRIFFO: Thirty-four members are present in the chamber, which constitutes a quorum, Senator Schneiderman.

SENATOR SCHNEIDERMAN: Thank you, Mr. President.

SENATOR BRUNO: Mr. President, I believe we have a substitution at the desk, which we should make, and then proceed with the noncontroversial calendar.

ACTING PRESIDENT GRIFFO: Thank you, Senator Bruno.

The Secretary will read.

THE SECRETARY: On page 9, Senator Seward moves to discharge, from the

Committee on Insurance, Assembly Bill Number 9882, and substitute it for the identical Senate Bill Number 6656, Third Reading Calendar 144.

ACTING PRESIDENT GRIFFO: Substitution so ordered.

The Secretary will now conduct the noncontroversial reading of the calendar.

THE SECRETARY: Calendar Number 144, substituted earlier by Member of the Assembly Morelle, Assembly Print Number 9882, an act to amend Chapter 650 of the Laws of 1998 amending the Insurance Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: In relation to Calendar Number 144: Ayes, 34. Nays, 0.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number

335, by Senator Little, Senate Print 6856A, an act to authorize.

SENATOR BRUNO: Lay it aside.

ACTING PRESIDENT GRIFFO: Lay it aside.

THE SECRETARY: Calendar Number 354, by Senator Morahan, Senate Print 6817 --

SENATOR BRUNO: Lay it aside.

ACTING PRESIDENT GRIFFO: Lay it aside.

THE SECRETARY: Calendar Number 357, by Senator DeFrancisco, Senate Print 6661, an act to amend the Executive Law, in relation to establishing.

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, 34.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number

405, by Senator C. Kruger, Senate Print 6886, an act to amend Chapter 534 of the Laws of 2000 amending the Social Services 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, 34.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 430, by Senator Volker, Senate Print 6764, an act to amend the Penal Law, in relation to the definition of criminal act.

ACTING PRESIDENT GRIFFO: Read the 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, 34.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 586, by Senator Farley, Senate Print 6776, an act to amend the Education Law, in relation to allowing.

ACTING PRESIDENT GRIFFO: Read the 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, 34.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 600, by Senator Hannon, Senate Print 4660A, an act to amend Chapter 672 of the Laws of 1993, amending the Public Authorities 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, 34.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 622, by Senator Young, Senate Print 7123, an act to amend the Agriculture and Markets Law and the State Finance Law, in relation to licensure.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 34.

ACTING PRESIDENT GRIFFO: The bill is passed.

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

Senator Bruno.

SENATOR BRUNO: We just went through the noncontroversial calendar, and I

recognize our colleagues here are marked absent on most of the votes that just took place.

And I think that's unfortunate, because they're elected to be representative of a constituency. And they're being paid to represent a constituency.

So we are here, and I'm waiting patiently to see if our colleagues are going to join us. And if not, I'm going to ask Senator Schneiderman what his expectation is.

I talked to Senator Smith earlier and expected him on the floor for general consumption. We are not at this time talking about any issues that are controversial.

So we're just trying to proceed, and then the expectation is we'll recess, subject to the call of the leader, to see whether or not we can get a budget bill back to the floor during daylight.

So the question for Senator Schneiderman, where are your colleagues?

ACTING PRESIDENT GRIFFO: Senator Schneiderman.

SENATOR SCHNEIDERMAN: Mr.

President, thank you.

I have been here for nine years. I've never seen a day where we had a scheduled session and the night before or first thing in the morning we did not have an active list.

Today, we received this short active list of completely noncontroversial, in many cases one-house bills around 11:30 a.m. It is clear that the ordinary rules of procedure in this house have gone by the wayside.

My colleagues, I'm advised by our leader, Senator Malcolm Smith, are here to do budget bills, and they want to get to the budget before we are undertaking any other major business. They've requested this.

Senator Smith would like to speak with Senator Bruno on the phone, if he will make himself available, so that we can make the rabbi's admonition come true and pass the budget immediately and not engage in any other games, activity or measures that interfere with our ability to pass the budget. And that's what my colleagues are waiting to do.

ACTING PRESIDENT GRIFFO: Senator

Bruno.

SENATOR BRUNO: Mr. President, many of us were here during the weekend, trying to get the last budget bill done, while our colleagues were out in my district acting very Spitzerlike, putting politics ahead of governing. And I was very disappointed in that.

So if our colleagues don't want to join us in governing, maybe they can go out and have another political conference with their colleagues.

I would move that we stand in recess, subject to the call of the leader.

ACTING PRESIDENT GRIFFO: The Senate stands at ease, on motion, until the call of the Leader.

SENATOR BRUNO: And I would have an immediate conference of the Majority.

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

The Senate stands at ease.

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

(Whereupon, the Senate reconvened at 4:28 p.m.)

ACTING PRESIDENT GRIFFO: The Senate will come to order.

Senator Skelos.

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

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

SENATOR SKELOS: We'll stand at ease, please.

ACTING PRESIDENT GRIFFO: The Senate stands at ease.

(Whereupon, the Senate reconvened at 4:29 p.m.)

(Whereupon, the Senate reconvened at 4:34 p.m.)

ACTING PRESIDENT GRIFFO: The Senate will come to order.

Senator Skelos.

SENATOR SKELOS: Mr. President,

if we could return to reports of standing committees for the report of the Finance Committee.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: Senator O. Johnson, from the Committee on Finance, reports the following bill direct to third reading:

Senate Print 7473, by the Senate Committee on Rules, an act making appropriations for the support of government.

ACTING PRESIDENT GRIFFO: The bill is reported direct to third reading.

Senator Skelos.

SENATOR SKELOS: Mr. President, I believe the Assembly bill has passed, and it's time to substitute it at this time.

ACTING PRESIDENT GRIFFO: The Secretary will read the substitution.

THE SECRETARY: Senator O. Johnson, from the Committee on Finance, moves to discharge Assembly Bill Number 10484 and substitute it for the identical Senate Bill Number 7473, Third Reading Calendar 716.

ACTING PRESIDENT GRIFFO: Substitution ordered.

Senator Skelos.

SENATOR SKELOS: Mr. President, if we could take the bill up at this time, controversial.

ACTING PRESIDENT GRIFFO: The Secretary will read.

SENATOR SCHNEIDERMAN: Point of order, Mr. President.

ACTING PRESIDENT GRIFFO: Senator Schneiderman.

SENATOR SCHNEIDERMAN: Are we going to lay the bill aside, is that what you're saying?

SENATOR SKELOS: We're taking it up controversial.

ACTING PRESIDENT GRIFFO: The bill has to be read by the Secretary first.

The Secretary will read the bill to bring before the house.

THE SECRETARY: Calendar Number 716, substituted earlier by the Assembly Committee on Rules, Assembly Print Number 10484, an act making appropriations for the

support of government.

SENATOR LIBOUS: Mr. President, explanation of the bill, please.

ACTING PRESIDENT GRIFFO: Explanation, Senator Johnson.

SENATOR O. JOHNSON: This bill provides an all-funds appropriation of $83.7 million, including $33 million General Fund appropriations. These appropriations would allow the state to make payments and incur liabilities for the support of government, and includes the following list, which I can read if you'd like. Or you can read it yourself. Thank you.

ACTING PRESIDENT GRIFFO: Thank you, Senator Johnson.

Senator Padavan.

SENATOR PADAVAN: Yes, would the chairman of Finance yield to a question?

ACTING PRESIDENT GRIFFO: Senator Johnson, will you yield?

SENATOR OWEN JOHNSON: Yes.

SENATOR PADAVAN: Senator, as I read this bill, there's an indication that a significant amount of the money indicated here

would be used for services performed by mentally ill or developmentally disabled persons who are employed in state-operated special employment work for pay or sheltered workshop programs.

I have several in my district in Queens, such as Lexington School for the Deaf and some others whose names escape me for the moment.

Is my assumption where these funds are to be used correct?

SENATOR OWEN JOHNSON: The answer is yes.

SENATOR PADAVAN: Therefore, if this bill is not passed today -- if you'd yield again, Senator -- these individuals working in these capacities would not be paid?

SENATOR OWEN JOHNSON: That's true, Senator.

SENATOR PADAVAN: I also note that the messenger service here in the Capitol, which as most of you know is predominantly disabled young people and adults, also would fall in that category. Am I correct?

SENATOR OWEN JOHNSON: You are right again.

SENATOR PADAVAN: Thank you, Senator.

ACTING PRESIDENT GRIFFO: Senator DeFrancisco.

SENATOR DeFRANCISCO: I just have a question --

SENATOR SKELOS: If I could just interrupt Senator DeFrancisco for a moment, I believe there's a message of necessity at the desk. And I would move that we accept it at this time.

ACTING PRESIDENT GRIFFO: A message of necessity has arrived at the desk.

All in favor of its acceptance signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT GRIFFO: Opposed, nay.

(No response.)

ACTING PRESIDENT GRIFFO: The message is accepted.

Senator DeFrancisco.

SENATOR DeFRANCISCO: I just have

a question of the floor leader, if we could, for a moment.

Senator Skelos, concerning procedurally, I would like to know how many votes we need in order to pass these pay bills to keep government going.

ACTING PRESIDENT GRIFFO: Senator Skelos.

SENATOR SKELOS: Mr. President, if I could respond, I believe under the rules of the Senate you would need 38 -- 42, rather. Forty-two.

SENATOR DeFRANCISCO: One last question. Can you tell me how many Republican Senators have checked in and are available for this particular vote?

SENATOR SKELOS: All 32.

SENATOR DeFRANCISCO: All 32.

And the quorum call that was done earlier, could someone tell me the total number of votes that are available for this vote?

SENATOR LIBOUS: Would you ask it again, Senator?

SENATOR DeFRANCISCO: I'm asking

Senator Skelos to yield.

And the total number of votes that were here on the quorum call, my question is if he could tell me how many total votes are now available in order to attempt to pass this bill.

ACTING PRESIDENT GRIFFO: Senator Skelos.

SENATOR SKELOS: I believe it's 34 -- 32. Thirty-two.

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

SENATOR SCHNEIDERMAN: Through you, Mr. President, there are other members who have come into the chamber since that quorum call was taken some time ago, and I'm not sure that's accurate. You may want to have another quorum call so Senator DeFrancisco can be deadly sure of the point he's trying to make.

ACTING PRESIDENT GRIFFO: Senator DeFrancisco.

SENATOR DeFRANCISCO: No, I don't -- thank you for the offer, but maybe if Senator Skelos would yield and tell me how

many people as of this moment have checked in to vote on this particular piece of legislation other than the 32 Republican votes, the full Majority.

SENATOR SKELOS: A total of 35. So if you take 32 from 35, that means there are three Democrats that have checked in. And that's at about twenty to 5:00, when session was called at 3:00 p.m.

ACTING PRESIDENT GRIFFO: Senator DeFrancisco.

SENATOR DeFRANCISCO: Now, I just wish to be heard for a moment here.

This bill is obviously very, very important. And otherwise, government stops and each of these individuals, each of these individuals will not get paid.

And now I see -- I just want to comment I see we have another vote coming in, a couple more votes, Senator Aubertine and Senator Stewart-Cousins.

That's all I wanted to say. I'm ready to vote.

ACTING PRESIDENT GRIFFO: Thank you, Senator DeFrancisco.

Senator Schneiderman, why do you rise?

SENATOR SCHNEIDERMAN: Thank you, Mr. President. If the sponsor would yield for a few questions.

SENATOR JOHNSON: Yes.

ACTING PRESIDENT GRIFFO: The Senator yields.

SENATOR SCHNEIDERMAN: Thank you.

Through you, Mr. President, does this bill that we're seeking to vote on right now address any issues that relate to revenue, where we get the revenue to keep the payments going to the worthy causes that have been cited?

SENATOR OWEN JOHNSON: There is no new revenue in this bill.

SENATOR SCHNEIDERMAN: Thank you, Mr. President. Does this --

ACTING PRESIDENT GRIFFO: Senator Schneiderman, do you wish to ask the sponsor to continue to yield?

SENATOR SCHNEIDERMAN: Yes, thank you, Mr. President. Through you, if the sponsor would continue to yield.

ACTING PRESIDENT GRIFFO: Senator Johnson, would you continue to yield?

SENATOR OWEN JOHNSON: Yes, I will.

ACTING PRESIDENT GRIFFO: Senator Schneiderman.

SENATOR SCHNEIDERMAN: Thank you.

Does this bill address the issue of the settlement of the Campaign for Fiscal Equity case and the urgent need to provide additional funds to high-needs school districts in our state?

SENATOR OWEN JOHNSON: This pays the employees who are waiting for their checks.

SENATOR SCHNEIDERMAN: Thank you.

Through you, Mr. President.

ACTING PRESIDENT GRIFFO: Senator Schneiderman, do you wish to continue to ask questions?

SENATOR SCHNEIDERMAN: Yes, I do, if the sponsor would yield.

ACTING PRESIDENT GRIFFO: Does the sponsor, Senator Johnson, continue to yield?

SENATOR OWEN JOHNSON: Yes.

SENATOR SCHNEIDERMAN: Are the employees who you referred to who are waiting for their checks, is that limited to state employees or does that include any employees who are employed by local governments who are now waiting for state aid to help them close their own budget gaps and meet payroll?

SENATOR OWEN JOHNSON: This includes state employees.

SENATOR SCHNEIDERMAN: Excuse me?

SENATOR OWEN JOHNSON: It includes state employees waiting for their checks.

SENATOR SCHNEIDERMAN: Thank you.

Thank you, Mr. President. If the sponsor would yield for one more question.

ACTING PRESIDENT GRIFFO: Senator Johnson, will you continue to yield for one final question?

SENATOR OWEN JOHNSON: Yes, Mr. President.

ACTING PRESIDENT GRIFFO: Senator Schneiderman.

SENATOR SCHNEIDERMAN: Thank you.

There has been a discussion about issues related to the continuance of state government, and Senator Padavan mentioned the issue of people with disabilities and employees of institutions that care for those people.

We have not yet passed a budget or negotiated a bill to provide funding for the state's school districts. This legislation will not provide for counseling services, payment for teachers, or payment for any services for children with disabilities in this state, will it?

SENATOR OWEN JOHNSON: Will you rephrase the question, please?

SENATOR SCHNEIDERMAN: Thank you. Through you, Mr. President.

ACTING PRESIDENT GRIFFO: Senator Schneiderman.

SENATOR SCHNEIDERMAN: We've had a discussion so far on this bill that included reference to services for people with disabilities. And my question to you is, one of the major places where we provide services to New Yorkers with disabilities is through

our education system -- through our schools, through special education, through the counselors, teachers, therapists and others who work through the school districts of New York.

Does this bill provide any funding for our school districts so that they may continue to provide those services?

SENATOR OWEN JOHNSON: Last week we passed a bill of $1.2 billion for school districts.

ACTING PRESIDENT GRIFFO: Thank you, Senator Johnson.

SENATOR SCHNEIDERMAN: Thank you. Mr. President, on the bill.

ACTING PRESIDENT GRIFFO: Senator Schneiderman, on the bill.

SENATOR SCHNEIDERMAN: I think that the problem we're running into here, and I think everyone is equally frustrated on both sides of the aisle, is that the ordinary processes by which we try to pass a budget, even the minimal transparency that was provided for in the last few years seems to have fallen by the wayside.

I know that there's a leaders' meeting going on right now where our leader, Senator Smith, is negotiating. We are absolutely conscious of our obligation to be here to provide votes for budget bills. We hope the other side is equally conscious of your obligation to include us in the discussions so that we may participate and fully represent our constituencies, as you seek to do.

No further comments.

ACTING PRESIDENT GRIFFO: Thank you, Senator Schneiderman.

Senator LaValle.

SENATOR LaVALLE: Thank you, Mr. President. Just very briefly.

As I understand it, this bill pertains to 4201 schools for the deaf and blind that are state-supported. And so the money for this is very critical, very important, so that individuals who work in these schools can continue to get paid.

As you might suspect, when you're dealing with a special population, in order to get people who are highly trained to stay and

work through an entire year and subsequent years, it becomes very, very difficult because of the pay schedules that these schools have.

So when we come to the brink of not paying people, it makes it even more difficult to retain and recruit individuals to work in these schools. The people who work there do God's work, do a very, very special mission to have individuals continue to grow and be as productive citizens as those who do not have a disability.

So we are not today sending a very good message. Because when people find out that they came a hair away from not getting paid, that just shakes things up and is not a good kind of thing, because people really do have faith in our government that we are going to do the right thing for them.

Thank you very much, Mr. President.

ACTING PRESIDENT GRIFFO: Thank you, Senator LaValle.

Is there any other Senator wishing to speak?

Senator Larkin.

SENATOR LARKIN: Thank you,

Mr. President.

Truthfully, we all ought to be ashamed today. We're talking about some unfortunate people who need to be cared for. We have state employees to take care of them. And we're at the last minute saying about whether we would vote to have it.

When I see my colleagues just drift in here so they can be counted, they're not doing that to help those people get their paycheck, they're doing it for their own personal gain. They should be ashamed of themselves.

SENATOR SCHNEIDERMAN: Point of order.

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

SENATOR SCHNEIDERMAN: I rise for a point of order.

This violates the Senate rules of courtesy. They're here, as well as you, to vote on the bill. Personal recriminations have no place in this process. I understand everyone is frustrated. Let's vote on the bill --

ACTING PRESIDENT GRIFFO: Senator Larkin has the floor, Senator Schneiderman.

Senator Larkin, proceed.

SENATOR LARKIN: You know, thank you very much, Mr. President. As my good friend and colleague Senator Hannon said, I had the floor.

But what about those people that are worrying about their check? They're going to be hearing the news. The Assembly already passed the bill, and we couldn't get people out of their conference. And then they had to go in and bring them in one at a time to protect them. Who did they protect? Those that they worry about.

That's not an issue. The issue is, what happened to the oath that you took? You took an oath. You are going to come to Albany, you're going to get paid 100-some dollars per day for per diem, but you hide in your conference room not doing the people's business.

That's a shame. That is a shame. And anybody who doesn't think it is, please join me. Let's have a good debate in front of

a TV with families of these people and then find out how those families feel.

I have some people in my district --

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

SENATOR SCHNEIDERMAN: Mr. President, I'm rising to raise a point of order.

This is not germane for the discussion of the budget bill which we're all here to vote on. This is simply personal recriminations, in violation of the Senate rules regarding courtesy.

I would seek a ruling from the chair as to whether this discussion is germane --

ACTING PRESIDENT GRIFFO: Senator Larkin, I will rule on the point of order.

Senator Schneiderman, your point is not well taken. Senator Larkin, you may continue.

Senator Schneiderman, please be seated. Senator Larkin, continue.

SENATOR LARKIN: Thank you,

Mr. President. To interrupt somebody who's speaking out for those who can't be here on this floor to speak out for themselves is a shame. And anybody who doesn't think it is ought to be ashamed to be here in this Senate chamber.

We were sent here to do a job. We took an oath. We get paid. And let's do our job, and let's stop hiding. Because that's exactly what they did; they went to hide because they didn't want to do something that they're paid for.

Thank you.

ACTING PRESIDENT GRIFFO: Is there any other Senator that wishes to be heard?

The 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: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT GRIFFO: Senator

DeFrancisco, to explain his vote.

SENATOR DeFRANCISCO: I would like to explain my vote.

I vote aye on this bill. Obviously everyone in this chamber, Democrat and Republican alike, realizes the importance of this bill.

And also, anybody who's followed government at all realizes what just went on between 3 o'clock and 5 o'clock, where the entire Democrat conference was not here -- not because of the lack of importance of a bill, but because they wanted to make some type of point. I'm not quite sure what it was.

But apparently that point wasn't well taken when we started to vote on the bill, as some members started drifting in the chambers so they could be recorded in the affirmative rather than stopping people from getting paid.

We're in a budget process that may not be as transparent as Senator Schneiderman wants. But that same transparency is aided by his Minority Leader, who he admitted is in that closed-door meeting right now. So I'm

not quite sure what the point was.

And to suggest that we should do an entire budget before we do this -- everybody wants to do an entire budget. And that's what people are working toward at this time. So I would hope that the remainder of this budget process is no longer how long it takes, but that everybody participate and not try this gamesmanship that does nothing other than delay the proceedings and put fear in those it affects if the bill does not get passed.

I vote in the affirmative.

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

Senator Robach, to explain his vote.

SENATOR ROBACH: Yes, Mr. President, let me rise to vote yes.

I do agree that we're all here and there is some frustration. I want to negotiate school aid that's good for the districts I represent, economic development packages, things that are important. Property tax relief initiatives. And that is all

critically important.

But equally important is truly that we do our job and live up to our responsibility. This is related to the budget. If we don't get it done for our lack of agreement, to punish those people that work in government, contract with the government -- whether they're taking care of handicapped kids, everyday citizens, whatever it may be -- would just be wrong.

So I'm glad we're here joining the Assembly on doing this. There was questions on what the priorities were in this. This is the emergency bill sent to us by the Governor of New York State that everybody in this Senate should be voting for, since we don't have agreement on this budget, to keep government going. I think not doing that would be pragmatically wrong, even morally wrong not to do that.

So while all of our colleagues from the other side of the aisle have not joined us, it is good that we have enough votes here today -- I'm proud to say everyone on this side of the aisle -- to keep going and do the

right thing. I vote in the affirmative.

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

Senator Schneiderman, to explain his vote.

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

I obviously am having trouble communicating with my colleagues on the other side of the aisle. When I spoke earlier today I made it very clear that our objection to the proceeding here is the fact that we didn't get an active list, as we always have in the nine years I've been here on a session day, the night before or this morning.

I objected to the fact that on the budget process -- we are here passing, ladies and gentlemen, an emergency pay bill because the budget process has failed and we haven't passed a budget. Your side of the aisle, oh great and righteous ladies and gentlemen, has not included our staff in meetings --

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

SENATOR SCHNEIDERMAN: -- your

side of the aisle has not included our leader in meetings. You know this. The process has broken down. Our objection --

SENATOR SKELOS: Senator Schneiderman, will you yield for a question?

SENATOR SCHNEIDERMAN: I'm explaining my vote. I don't believe I can yield for a question at this time.

SENATOR SKELOS: You're right.

SENATOR SCHNEIDERMAN: Mr. President, if I may finish without interruption. Our conference is ready to work --

ACTING PRESIDENT GRIFFO: Senator Skelos, do you have a point of order?

SENATOR SCHNEIDERMAN: We were here, many of us, over the weekend. We stand at the call of our leader. Senator Smith has attempted to reach out to Senator Bruno on numerous occasions.

But make it clear, we have said our priority is budget bills. We are here to ensure that this pay bill gets passed. You know, this business of, oh, you're not here -- we're here. We're just not here for other

nonsense, other bills that we don't have notice of, and other bills that pass through this nontransparent, undemocratic process.

I vote yes, Mr. President. And I hope everyone looks in the mirror and takes responsibility for their own part in this broken process this year.

Thank you.

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

Senator Skelos.

SENATOR SKELOS: Mr. President, just to explain my vote quickly.

We're doing our job by voting on legislation, and unfortunately many members of the Minority have chosen not to be here. I thank you, Senator Kruger, Carl Kruger, for being here at the beginning, and you too, Senator Schneiderman. And a few individuals happened to find their way in a little bit late, once they became concerned that they were going to be voted perhaps absent.

But, Senator Schneiderman, to talk about a failure of government and all that, I

think that Governor Paterson would be very disappointed in you in the statement that you just made. Here's an individual that came into office upon the resignation of Governor Spitzer, at a very difficult time. And certainly I think it's been appropriate that he be given the opportunity to negotiate a budget.

And I think, all in all, both houses are doing pretty well. The Governor, both majorities, minorities have been included in the negotiations. And for you to stand here and decry the procedures and everything as you do every year I think is unfair to Governor Paterson.

I vote aye.

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

Senator Hassell-Thompson, to explain her vote.

SENATOR HASSELL-THOMPSON: Thank you, Mr. President. I rise to explain my vote.

I will in fact be voting yes. I think I want to go on the record, however, as

saying that I take exception to the aspersion that has been cast upon me and my colleagues in the Democratic Senate.

I've been here eight years, and I've seen each side of this aisle take techniques and strategies that they think will gain them advantage. And it's interesting how when you have the opportunity to play to the camera and to the audience, of course the other guy is always such a bad guy.

Well, those of us who came to vote understand very clearly the importance of making sure that those who serve us in this state -- and serve us very well -- should get paid. That was the reason. And I don't have to be ashamed of the fact that I rebelled against a process that is exclusionary. And if it excludes me, then I don't have to appear. But I think that standing close to 7 feet tall, it's a little difficult for me to hide.

I face up to my responsibility and my obligation. And I didn't come not to be absent. Because if I'm absent, the few times in the eight years that I've been here,

believe me, my constituents are very aware of why I'm absent, and when I vote no, because I explain why it's in the best interests of my constituents to vote no.

The way in which you proceed in these chambers are always to a certain advantage. But unfortunately, it's never to the advantage of the people of the State of New York. And as stakeholders, I think that you ought to be ashamed -- not me, but you should be ashamed of the way you carry on and conduct yourself in these chambers.

I thank you.

ACTING PRESIDENT GRIFFO: Senator Hassell-Thompson, how do you vote?

SENATOR HASSELL-THOMPSON: I vote in the affirmative.

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

Senator Libous, to explain his vote.

SENATOR LIBOUS: Thank you, Mr. President. I too want to explain my vote.

And I stand here with my

colleagues, all 32 on this side of the aisle, to vote on this emergency bill that will help our hardworking, dedicated workers get paid.

But I have to tell you, at 3:30 when there was a quorum call, this bill wouldn't have passed. This bill wouldn't have passed because there were only two Democrats in the chamber at the time.

And, you know, I think -- I find it very interesting that my colleagues who have drifted in -- and I congratulate them for drifting in -- but for those who have drifted in all of a sudden become somewhat offensive, because many, if not the majority, of their colleagues refused to be here to do their job today. And that job is to vote on the bill to make sure that the state workers get paid.

Now, as I look across the aisle, Mr. President -- and in all due respect to my colleague Senator Schneiderman, who said that the Democrat minority is here to work, I see quite a few empty chairs. Now, unless these are invisible beings that are actually going to take up a vote, I would say that the majority of their conference is not here to

work.

So therefore, on this bill that I'm going to vote aye on that will pay the state workers of this state, I tend to disagree with some of the comments, as my colleagues explain their votes, in saying that their conference on the Democratic side was here. Because at 3:30, when there was a quorum call in this house, there were only three members here.

I vote aye.

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

Senator Diaz, to explain his vote.

SENATOR DIAZ: Thank you, Mr. President.

I honestly would like to say that I'm not here to blame anybody, call shame there or shame here.

I think that we in the Democratic conference, Mr. President, the members, we are being -- since we got here since 2 o'clock, we have been involved in a very, very intense negotiation and starting of the budget. So it is not -- you know, to call -- to say that we are not responsible is not -- that's not the

truth. We have been negotiating. As of now there are members that are not here now because there are negotiations to be done, and people are really, really in a very, very serious, very important and very intense negotiation.

So I'm here, we're here. And of course we don't want people to be left without getting paid. And that's why we came, because we want to get paid. We don't want them to pay for the failures of the leadership. So we don't want them to pay for that. So we're here to be sure that they get paid.

But on the other hand, the negotiations that we in the Democratic conference have been doing today, I am so proud, I am so honored of myself -- and by the way, Mr. President, all my colleagues here know when I have to speak or say something or vote, I don't vote Democrat, I don't vote Republican, I don't vote Communist, I don't vote Independent, I vote with my conscience what I believe. I don't care who else believes.

So I'm not playing politics. We

trying to do the best for our community. And because the workforce of New York State needs to get paid, I'm voting proudly yes.

Thank you.

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

Senator Stachowski, to explain his vote.

SENATOR STACHOWSKI: Yes, Mr. President. I'd just like to rise and say that I'm here also to support this bill.

I find it interesting that we're pointing out how this almost didn't pass on time and people almost didn't get paid on time. And it's interesting because, first of all, then they're mentioning that at 3:15 or 3:30 this bill would have not passed. Well, at 3:30 this bill wasn't on the calendar yet.

And if I'm not mistaken, I got a call this morning saying "Would you have any problem with this bill going from Finance to the floor without going through Rules and without going through extra -- jumping through extra hoops," and I said absolutely not.

And so that I find it difficult for

some people to get up and lecture and talk about how this bill almost didn't pass. Well, that's interesting, but it's not -- it doesn't hold any water. It's kind of confusing.

The fact is that nobody felt that way last week when we had a pay bill for the rest of the people and we had the bill and the message on the floor at 3:00 something. It had to pass by 7:00. Well, we didn't come in until well after 7:00, and everybody got their paycheck a day late.

Now, normally that wouldn't make a difference unless you're a single mom and you have a lot of bills that were due and now you've got late fees because you were a day late paying your bills.

And that wasn't a concern last week. I don't know why it wasn't a concern, but it was not a concern. This week it's a concern.

The fact is there's enough people here to pass it. Close doesn't mean anything; "horseshoes and hand grenades" I think is the old thing I used to hear.

And I also am bothered when someone

gets up and they don't lecture me, they kind of get insulting when they're telling us we don't care and "I want to debate you in front of a television camera" and "you don't care about these people and you don't care about those people."

Well, that may be your opinion, but we're here, we're voting, the bill will pass, and it's not necessary in the process to be insulting. It's okay to gain political advantage. It's okay to say what you have to say in defense of why you're voting. But you don't have to beat, excessively, people in a manner that isn't -- as a matter of fact isn't becoming on the Senate floor.

And if you want to do that, that's fine. That's your prerogative. And I'm not picking anybody out in particular, but some people chose to do that. And I just don't think that this chamber is the place for that. From the day I got here, I've always had great respect for this chamber and this institution, and I would wish that everybody else had the same respect and feelings for this place.

Anyway, that's basically my

explanation. I'm happy that I'm here in time to vote. Nobody wants to see government shut down. And it would have been nice if we had the same drive and desire to make sure everybody got paid --

ACTING PRESIDENT GRIFFO: How do you vote, Senator Stachowski?

SENATOR STACHOWSKI: -- on time last week.

I vote yes. Thank you.

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

Senator Parker, to explain his vote.

SENATOR PARKER: Mr. President, to explain my vote.

I'm happy to have an opportunity to vote in the affirmative on this bill. I want to join my colleagues, all of you here, in just saying that I'm glad that we're finally doing this.

But we also ought to be very clear that the reason why we're doing this, an emergency bill, is because we have failed to meet our collective responsibility of passing

a budget on time. Which is why an emergency bill is necessary.

It is ridiculous, ridiculous to in fact blame the new Governor on this or to say that anything that we do in any way reflects on the Governor. We have a new Governor who's been here less than a month. He did his part, which was resubmission of an Executive Budget, and it's now the Legislature's part.

Your leader on the other side of the aisle is fond of talking about how we are a separate branch of government. And you're right, we are. But it's our part now to actually pass the budget, not the Governor's part. The Governor did his part. There was an Executive Budget, there was a resubmission of the Executive Budget. The Governor even came in and bailed you guys out by saying he'd take on the 2 percent, and did his job in doing that.

So -- but what did you do? No, you closed budget subcommittee meetings without resolving even the piddly amount of money that were given to our tables, because you did not want to agree with reducing the amount of

money that we were spending.

Because the reality is that we're in tough fiscal times. And we all need to share the burdens and at the same time make sure we're not balancing the budget on the backs of our constituents and the least of those.

So we're here to pass an emergency budget bill that I agree with and I'm voting aye on. But be clear that this has been a failure for us to get an on-time budget. And certainly no one in this chamber ought to be standing up high and mighty like they're doing something great when we should have resolved this a week ago, literally.

And so, Mr. President, I'm voting aye, and I'm hoping that in the future we find a way to get the budget done on time.

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

Senator Adams, to explain his vote.

SENATOR ADAMS: Yes, to explain my vote briefly in my two minutes.

First of all, in my short stint here, on both sides of the aisle I don't think

I've found a greater group of men and women that represent their state. And I think the level of passion that we bring on the floor is our concern and desire to ensure that our constituents are able to continue to have a decent form of living, a decent form of life.

And I would not participate in pointing fingers across any side of the aisle when it comes down to that level of commitment. I know I'm committed. And I believe when we leave our primary and our general elections and we step on this floor, our commitment is to the people of this state.

And I do not subscribe to any theory of any newspaper that says we are dysfunctional in our desire to commit and live up to that commitment. I vote aye, and I'm glad to see that we will be able to allow our employees of this state to continue to be paid.

Thank you.

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

Senator Hannon, to explain his vote.

SENATOR HANNON: I'd just like to recall to people's minds, because there's been a little bit of shifting of what the facts are, what we're doing right now.

This is a bill is that is a Governor's program bill. It's labeled "Program Bill Number 50," Senate 7473. This means the Governor wrote it. This means it came in from the Governor's counsel's office.

SENATOR SKELOS: At 12:00 noon.

SENATOR HANNON: This means we got it at, the Majority Leader informs me, 12:00 noon.

We were doing our job because we were told that there were services that are vital for residents of this state to receive from people that are paid from this bill. We were here at 3 o'clock, at the appointed hour, and there was nobody but Senator Schneiderman on the other side.

He then suggested that we call a quorum. There were 32 votes for the quorum -- no, I'm sorry, there were 34. There were two members of the Minority. That meant we could not pass an emergency bill.

You know what? We were doing our job. Any suggestion otherwise is totally inappropriate.

I vote aye.

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

Is there any other Senator wishing to be heard?

Announce the results.

THE SECRETARY: In relation to Calendar Number 716: Ayes, 45. Nays, 0.

Absent from voting: Senators Breslin, Connor, Dilan, Duane, Gonzalez, Huntley, Klein, L. Krueger, Montgomery, Oppenheimer, Perkins, Sabini, Sampson, Savino, Serrano, Stavisky and Thompson.

ACTING PRESIDENT GRIFFO: The bill is passed.

Senator Skelos.

SENATOR SKELOS: Mr. President, if we could return to the regular calendar, I believe two bills were laid aside temporarily.

If we could take up Calendar Number 335, by Senator Little.

ACTING PRESIDENT GRIFFO: The

Secretary will read.

THE SECRETARY: Calendar Number 335, by Senator Little, Senate Print 6856A, an act to authorize the County of Washington.

ACTING PRESIDENT GRIFFO: Read the last section.

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

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

Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 45.

ACTING PRESIDENT GRIFFO: The bill is passed.

SENATOR SKELOS: Mr. President.

ACTING PRESIDENT GRIFFO: Senator Skelos.

SENATOR SKELOS: Calendar 354, by Senator Morahan, was laid aside temporarily. If we could bring it up at this time.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: Calendar Number 354, by Senator Morahan, Senate Print 6817, an

act to amend the Mental Hygiene Law and Chapter 568 of the Laws of 2005.

ACTING PRESIDENT GRIFFO: Read the 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, 45.

ACTING PRESIDENT GRIFFO: The bill is passed.

Senator Skelos.

SENATOR SKELOS: Mr. President, if we could stand at ease, at the call of the Majority Leader.

ACTING PRESIDENT GRIFFO: The Senate stands at ease, at the call of the Majority Leader.

(Whereupon, the Senate stood at ease at 5:14 p.m.)

(Whereupon, the Senate reconvened at 6:20 p.m.)

ACTING PRESIDENT HANNON: Senator Skelos.

SENATOR SKELOS: Mr. President, the Senate will stand adjourned until Tuesday, April 8th, at 11:00 a.m. And that's in the form of a motion.

ACTING PRESIDENT HANNON: Any objection? So adopted.

SENATOR SKELOS: Thank you.

ACTING PRESIDENT HANNON: On motion, the Senate stands adjourned until Tuesday, April 8th, at 11:00 a.m.

(Whereupon, at 6:21 p.m., the Senate adjourned.)