NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

June 17, 2008

11:05 a.m.

REGULAR SESSION

SENATOR THOMAS W. LIBOUS, Acting President

STEVEN M. BOGGESS, Secretary

P R O C E E D I N G S

ACTING PRESIDENT LIBOUS: The Senate will come to order.

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

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

ACTING PRESIDENT LIBOUS: To give the invocation this morning is Reverend Matthew Smith, pastor of Faith Baptist Church in Cortland.

REVEREND SMITH: Let us pray.

Almighty God and Eternal Father, You are the mighty King of Kings and Lord of Lords. Your kingdom is an everlasting kingdom, and Your dominion is from generation to generation.

Today we acknowledge Your great sovereignty, that You do according to Your Will in the host of heaven and among the inhabitants of the earth.

We give You thanks for revealing Your glory among the nations and for giving us the opportunity to cherish the freedoms that

You have provided for us as citizens of this country and this great state.

We thank You for each of the members of this honorable Senate that You have called to represent Your people. We thank You for their families and their staff, and we ask that the light of Your divine wisdom direct their deliberations and shine forth in all their proceedings -- the bills, the resolutions framed by them.

Grant them the fortitude to make decisions and lead our state in a way that pleases You. May those who serve in this body be enabled by Your powerful protection to discharge their duties with honesty and integrity. Give them strength of body and mind and boldness to stand for what is right in Your sight.

May they seek to preserve peace, protect life, promote happiness, and continue to bring us the blessings of liberty and justice for all.

Today we implore the assistance of heaven and ask that Your will always be done in our state and that Your love always abound

in our hearts, for to You belong the greatness, the power and the glory forever and ever.

And I ask this in the name above all names, the Lord Jesus Christ. Amen.

ACTING PRESIDENT LIBOUS: Reading of the Journal.

THE SECRETARY: In Senate, Monday, June 16, the Senate met pursuant to adjournment. The Journal of Sunday, June 15, was read and approved. On motion, Senate adjourned.

ACTING PRESIDENT LIBOUS: 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 Farley.

SENATOR FARLEY: Thank you,

Mr. President.

On behalf of Senator Morahan, I wish to call up his bill, Print Number 2441, recalled from the Assembly, and it's now at your desk.

ACTING PRESIDENT LIBOUS: The Secretary will read.

THE SECRETARY: Calendar Number 1124, by Senator Morahan, Senate Print 2441, an act to amend the Tax Law.

ACTING PRESIDENT LIBOUS: Senator Farley.

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

ACTING PRESIDENT LIBOUS: Call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 37.

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

ACTING PRESIDENT LIBOUS: The amendments are received.

Senator Skelos.

SENATOR SKELOS: Mr. President, I

believe there are a number of substitutions at the desk, if we could make them at this time.

ACTING PRESIDENT LIBOUS: The Secretary will read.

THE SECRETARY: On page 7, Senator Fuschillo moves to discharge, from the Committee on Rules, Assembly Print Number 72D and substitute it for the identical Senate Bill Number 2360D, Third Reading Calendar 165.

On page 20, Senator Lanza moves to discharge, from the Committee on Rules, Assembly Bill Number 537B and substitute it for the identical Senate Bill Number 2173B, Third Reading Calendar 555.

On page 20, Senator Alesi moves to discharge, from the Committee on Consumer Protection, Assembly Bill Number 472 and substitute it for the identical Senate Bill Number 170A, Third Reading Calendar 567.

On page 28, Senator Hannon moves to discharge, from the Committee on Health, Assembly Bill Number 7674B and substitute it for the identical Senate Bill Number 5018B, Third Reading Calendar 820.

On page 31, Senator Farley moves to

discharge, from the Committee on Rules, Assembly Bill Number 11028 and substitute it for the identical Senate Bill Number 7365, Third Reading Calendar 893.

On page 44, Senator Larkin moves to discharge, from the Committee on Rules, Assembly Bill Number 10831 and substitute it for the identical Senate Bill Number 7777, Third Reading Calendar 1207.

On page 48, Senator O. Johnson moves to discharge, from the Committee on Health, Assembly Bill Number 10677 and substitute it for the identical Senate Bill Number 7694, Third Reading Calendar 1290.

On page 56, Senator Young moves to discharge, from the Committee on Commerce, Economic Development and Small Business, Assembly Bill Number 8075 and substitute it for the identical Senate Bill Number 6781, Third Reading Calendar 1458.

On page 56, Senator Young moves to discharge, from the Committee on Commerce, Economic Development and Small Business, Assembly Bill Number 8074 and substitute it for the identical Senate Bill Number 6782,

Third Reading Calendar 1459.

On page 56, Senator Young moves to discharge, from the Committee on Commerce, Economic Development and Small Business, Assembly Bill Number 10393 and substitute it for the identical Senate Bill Number 7313, Third Reading Calendar 1460.

On page 56, Senator Seward moves to discharge, from the Committee on Rules, Assembly Bill Number 7699A and substitute it for the identical Senate Bill Number 4617A, Third Reading Calendar 1464.

On page 57, Senator Seward moves to discharge, from the Committee on Rules, Assembly Bill Number 10656 and substitute it for the identical Senate Bill Number 7550, Third Reading Calendar 1476.

On page 57, Senator Padavan moves to discharge, from the Committee on Rules, Assembly Bill Number 10389 and substitute it for the identical Senate Bill Number 7294, Third Reading Calendar 1491.

On page 59, Senator Hannon moves to discharge, from the Committee on Rules, Assembly Bill Number 11054A and substitute it

for the identical Senate Bill Number 7751A, Third Reading Calendar 1518.

On page 62, Senator Nozzolio moves to discharge, from the Committee on Civil Service and Pensions, Assembly Bill Number 1804A and substitute it for the identical Senate Bill Number 8336, Third Reading Calendar 1759.

On page 63, Senator Flanagan moves to discharge, from the Committee on Rules, Assembly Bill Number 11094 and substitute it for the identical Senate Bill Number 8349, Third Reading Calendar 1833.

On page 66, Senator Alesi moves to discharge, from the Committee on Commerce, Economic Development and Small Business, Assembly Bill Number 2554A and substitute it for the identical Senate Bill Number 3592A, Third Reading Calendar 1854.

On page 66, Senator DeFrancisco moves to discharge, from the Committee on Mental Health and Developmental Disabilities, Assembly Bill Number 8983 and substitute it for the identical Senate Bill Number 5129, Third Reading Calendar 1861.

On page 67, Senator Farley moves to discharge, from the Committee on Rules, Assembly Bill Number 251 and substitute it for the identical Senate Bill Number 5621, Third Reading Calendar 1863.

On page 67, Senator Fuschillo moves to discharge, from the Committee on Civil Service and Pensions, Assembly Bill Number 8473A and substitute it for the identical Senate Bill Number 5687B, Third Reading Calendar 1864.

On page 67, Senator Saland moves to discharge, from the Committee on Education, Assembly Bill Number 8699B and substitute it for the identical Senate Bill Number 6040A, Third Reading Calendar 1867.

On page 68, Senator Alesi moves to discharge, from the Committee on Commerce, Economic Development and Small Business, Assembly Bill Number 9997 and substitute it for the identical Senate Bill Number 7135, Third Reading Calendar 1876.

On page 68, Senator Seward moves to discharge, from the Committee on Rules, Assembly Bill Number 11052 and substitute it

for the identical Senate Bill Number 7690, Third Reading Calendar 1880.

On page 68, Senator Seward moves to discharge, from the Committee on Rules, Assembly Bill Number 10573A and substitute it for the identical Senate Bill Number 7691, Third Reading Calendar 1881.

On page 69, Senator Valesky moves to discharge, from the Committee on Rules, Assembly Bill Number 10771 and substitute it for the identical Senate Bill Number 8236, Third Reading Calendar 1888.

On page 69, Senator Maziarz moves to discharge, from the Committee on Rules, Assembly Bill Number 11329 and substitute it for the identical Senate Bill Number 8245, Third Reading Calendar 1889.

And on page 69, Senator Griffo moves to discharge, from the Committee on Elections, Assembly Bill Number 10087 and substitute it for the identical Senate Bill Number 8443, Third Reading Calendar 1891.

ACTING PRESIDENT LIBOUS: Substitutions ordered.

Senator Griffo.

SENATOR GRIFFO: Mr. President, I'd like to call up my bill, Print Number 8363, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT LIBOUS: The Secretary will read.

THE SECRETARY: Calendar Number 1703, by the Senate Committee on Rules, Senate Print 8363, an act in relation to adjusting.

ACTING PRESIDENT LIBOUS: Senator Griffo.

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

ACTING PRESIDENT LIBOUS: Call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 41.

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

ACTING PRESIDENT LIBOUS: The amendments are received.

Senator Skelos.

SENATOR SKELOS: Mr. President, if we could adopt the Resolution Calendar,

with the exception of Resolution 6606.

ACTING PRESIDENT LIBOUS: All in favor of adopting the Resolution Calendar, with the exception of Resolution 6606, say aye.

(Response of "Aye.")

ACTING PRESIDENT LIBOUS: Opposed, nay.

(No response.)

ACTING PRESIDENT LIBOUS: The Resolution Calendar is adopted.

Senator Skelos.

SENATOR SKELOS: Mr. President, Resolution 6606, by Senator Bruno, is at the desk. If we could read it in its entirety, move for its immediate adoption, and open it up for cosponsorship.

ACTING PRESIDENT LIBOUS: The Secretary will read Resolution Number 6606 in its entirety.

THE SECRETARY: By Senator Bruno, Legislative Resolution Number 6606, mourning the death of David D. Cole, distinguished citizen and devoted member of his community.

"WHEREAS, It is the custom of this

Legislative Body to pay tribute to citizens of the State of New York whose lifework and civic endeavor served to enhance the quality of life in their communities and the great State of New York; and

"WHEREAS, David D. Cole of Averill Park, New York, died on Wednesday, November 14, 2007, at the age of 66; and

"WHEREAS, Born in Troy, New York, to the late Westburn and Vera Jones Cole, David D. Cole graduated from Troy High School in 1959; and

"WHEREAS, on May 5, 1962, David married JoAnn Hug, who was also a student at Troy High School. Together, they had four wonderful children. Since 1963, the Cole family has resided within the Averill Park area; and

"WHEREAS, David D. Cole distinguished himself in his profession and by his sincere dedication and substantial contribution to the welfare of his community; and

"WHEREAS, on August 6, 1990, David D. Cole began his employment with the New York

State Senate as a supply clerk. After more than 17 years of dedicated service and numerous promotions, he retired on October 31, 2007, from the position of audiovisual technician; and

"WHEREAS, A communicant of St. Henry's Church in Averill Park, David D. Cole enjoyed carpentry work and doing his own home improvements, as well as gardening. In addition, he took great pleasure in spending time with both his children and his grandchildren, with his number-one goal in his life being to teach them everything he knew about fixing things and the many talents he had learned throughout his life; and

"WHEREAS, Another occasion that brought great happiness to David's life was the family vacations they took each year to Rhode Island. He enjoyed the ocean and deep sea fishing; and

"WHEREAS, Predeceased by his brother Allen Cole, David D. Cole is survived by his wife, JoAnn Hug Cole; his four children, Cindy Ann and Antonio Torres Cole, John W. and Regina Cole, Daniel F. and Brenda

Cole, and Donna and Scott Cole-Paul; brother, John and Grace Cole; sister, Charlotte and William Foster; mother-in-law, Josephine Hug; and 11 grandchildren; and

"WHEREAS, A wonderful husband, loving father and caring grandfather who always put everyone else's needs ahead of his own, David D. Cole leaves behind a legacy which will long endure the passage of time and will remain as a comforting memory to all he served and befriended; now, therefore, be it

"RESOLVED, That this Legislative Body pause in its deliberations to mourn the death of David D. Cole, distinguished citizen and devoted member of his community; and be it further

"RESOLVED, That a copy of this resolution, suitably engrossed, be transmitted to the family of David D. Cole."

ACTING PRESIDENT LIBOUS: Senator Farley, before you speak, could I ask -- there's too many conversations in the fireplaces. Could you please take your conversations outside while this very serious resolution is being taken up.

Senator Farley, you have the floor, sir.

SENATOR FARLEY: Thank you, Mr. President.

I rise on behalf of Senator Bruno, of whom David Cole was his constituent and long-time member of this house.

You know, David Cole sat right here and made it possible at this desk for us to speak for 17 years. He was a very kind and gentle and capable person who was a tremendous help to the desk and to everyone. And, you know, as you review his life -- and he was taken too quickly, in my judgment -- David was most importantly a family man, somebody that had 11 grandchildren, loved his family. I noticed he loved deep sea fishing and being with his family in Rhode Island.

David Cole was a member of this house and a cherished member of the Senate who did a terrific job for us. He died last November when we were out of session, and consequently we're doing this resolution today.

Mr. President, his family is here

in the gallery, and I know that you're going to acknowledge them. He not only was a dear friend of Senator Bruno's and everybody in this chamber; of course, John Casey, who's our counsel at the desk up there, was also very close with his family.

And on behalf of the New York State Senate, I want to extend our deepest sympathy on the loss of your dad and your husband and grandfather, and wish you all well, and to thank you so much for the service that David rendered to this house.

ACTING PRESIDENT LIBOUS: Senator Duane.

SENATOR DUANE: Thank you, Mr. President.

David Cole was an absolute pleasure to work with in every way -- on the floor, off the floor, just really made everything just go so much easier. He was really smart about how he did his job and made it seem effortless for the rest of us. And he was incredibly helpful to everybody, members and staff.

And I know I speak for our entire conference, members and staff, when I say how

much we miss him and how much we enjoyed working with him, and our deepest sympathies go out to his family and his friends. He is enormously missed.

Thank you, Mr. President.

ACTING PRESIDENT LIBOUS: On the resolution, all in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT LIBOUS: Opposed, nay.

(No response.)

ACTING PRESIDENT LIBOUS: The resolution is carried.

We are joined today by David's family: his daughter Donna, his son John, and his wife JoAnn.

Our hearts are saddened, as yours are. He was a very dear friend of every member of this chamber. He came to work diligently every day, always smiled, always worked. And as you will miss a father an husband, we will miss a true friend of the Senate. Our sympathies are with your family.

Senator Skelos.

SENATOR SKELOS: If we could have an immediate meeting of the Rules Committee.

ACTING PRESIDENT LIBOUS: There will be an immediate meeting of the Rules Committee in Room 332.

The Senate will stand at ease temporarily.

(Whereupon, the Senate stood at ease at 11:25 a.m.)

(Whereupon, the Senate reconvened at 11:32 a.m.)

ACTING PRESIDENT LIBOUS: The Senate will come to order.

Members please find their seats, take the conversations outside of the chamber.

Senator Skelos.

SENATOR SKELOS: Thank you, Mr. President.

And I would urge the members to stick close to the chamber because we have many bills to take up today, so we can move quickly.

So if we could go to the noncontroversial reading of the calendar.

ACTING PRESIDENT LIBOUS: Senator

Skelos has ordered the noncontroversial reading of the calendar.

The Secretary will read.

THE SECRETARY: Calendar Number 88, by Senator Farley, Senate Print 5344, an act to amend the Banking Law.

ACTING PRESIDENT LIBOUS: Read the last section.

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

ACTING PRESIDENT LIBOUS: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 48.

ACTING PRESIDENT LIBOUS: The bill is passed.

THE SECRETARY: Calendar Number 103, by Senator Fuschillo, Senate Print 6737A, an act to amend the Environmental Conservation Law and the Public Authorities Law.

ACTING PRESIDENT LIBOUS: Read the last section.

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

ACTING PRESIDENT LIBOUS: Call

the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 50.

ACTING PRESIDENT LIBOUS: The bill is passed.

THE SECRETARY: Calendar Number 165, substituted earlier today by Member of the Assembly Weisenberg, Assembly Print Number 72D, an act to amend the General Business Law.

ACTING PRESIDENT LIBOUS: Read the last section.

THE SECRETARY: Section 5. This act shall take effect on the 90th day.

ACTING PRESIDENT LIBOUS: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 50.

ACTING PRESIDENT LIBOUS: The bill is passed.

THE SECRETARY: Calendar Number 195 --

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

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

THE SECRETARY: Calendar Number 247, by Senator Robach, Senate Print 6829, an act to amend the Civil Service Law.

ACTING PRESIDENT LIBOUS: Read the last section.

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

ACTING PRESIDENT LIBOUS: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 51.

ACTING PRESIDENT LIBOUS: The bill is passed.

THE SECRETARY: Calendar Number 264, by Senator LaValle, Senate Print 930B, an act to amend the Business Corporation Law and the Education Law.

ACTING PRESIDENT LIBOUS: Read the last section.

THE SECRETARY: Section 17. This act shall take effect January 1, 2010.

ACTING PRESIDENT LIBOUS: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 52.

ACTING PRESIDENT LIBOUS: The bill is passed.

THE SECRETARY: Calendar Number 411, by Senator Golden, Senate Print 6966B, an act to amend the Elder Law.

ACTING PRESIDENT LIBOUS: Read the last section.

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

ACTING PRESIDENT LIBOUS: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 52.

ACTING PRESIDENT LIBOUS: The bill is passed.

THE SECRETARY: Calendar Number 436, by Senator Libous, Senate Print 4321A, an act appointing certain individuals to full-time status.

ACTING PRESIDENT LIBOUS: 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 LIBOUS: Call

the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 52.

ACTING PRESIDENT LIBOUS: The bill is passed.

THE SECRETARY: Calendar Number 444, by Senator Fuschillo, Senate Print 6799C, an act to create a course of instruction to train mental health providers.

ACTING PRESIDENT LIBOUS: Read the last section.

THE SECRETARY: Section 7. This act shall take effect on the 60th day.

ACTING PRESIDENT LIBOUS: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 52.

ACTING PRESIDENT LIBOUS: The bill is passed.

THE SECRETARY: Calendar Number 521, by Senator Morahan, Senate Print 6217A, an act to amend the Highway Law.

ACTING PRESIDENT LIBOUS: Read the last section.

THE SECRETARY: Section 3. This

act shall take effect immediately.

ACTING PRESIDENT LIBOUS: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 52.

ACTING PRESIDENT LIBOUS: The bill is passed.

THE SECRETARY: Calendar Number 555, substituted earlier today by Member of the Assembly Paulin, Assembly Print Number 537B, an act to amend the Alcoholic Beverage Control Law.

ACTING PRESIDENT LIBOUS: Read the last section.

THE SECRETARY: Section 5. This act shall take effect on the 120th day.

ACTING PRESIDENT LIBOUS: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 52.

ACTING PRESIDENT LIBOUS: The bill is passed.

THE SECRETARY: Calendar Number 567, substituted earlier today by Member of the Assembly Fields, Assembly Print Number

472, an act to amend the General Business Law.

ACTING PRESIDENT LIBOUS: Read the last section.

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

ACTING PRESIDENT LIBOUS: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 52.

ACTING PRESIDENT LIBOUS: The bill is passed.

THE SECRETARY: Calendar Number 612, by Senator Larkin, Senate Print 205B, an act to amend the Insurance Law.

ACTING PRESIDENT LIBOUS: Read the last section.

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

ACTING PRESIDENT LIBOUS: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 52.

ACTING PRESIDENT LIBOUS: The bill is passed.

THE SECRETARY: Calendar Number

614, by Senator Seward --

SENATOR DUANE: Lay it aside, please.

ACTING PRESIDENT LIBOUS: Would you lay that bill aside, please, at the request of Senator Duane.

THE SECRETARY: Calendar Number 693, by Senator Skelos, Senate Print 962C, an act to amend the Public Officers Law and the Civil Practice Law and Rules.

ACTING PRESIDENT LIBOUS: Read the last section.

THE SECRETARY: Section 8. This act shall take effect on the 30th day.

ACTING PRESIDENT LIBOUS: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 52.

ACTING PRESIDENT LIBOUS: The bill is passed.

Could I again ask, so that we can hear the clerk, that conversations be taken outside of the chamber so the members can hear the roll call.

The Secretary will read.

THE SECRETARY: Calendar Number 705, by Senator Golden, Senate Print 4157E, an act to amend the Vehicle and Traffic Law and the Education Law.

ACTING PRESIDENT LIBOUS: There is a local fiscal impact note at the desk.

Read the last section.

THE SECRETARY: Section 4. This act shall take effect on the 130th day.

ACTING PRESIDENT LIBOUS: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT LIBOUS: Senator Golden, to explain his vote.

SENATOR GOLDEN: Thank you, Mr. President.

I rise today to compliment our body and to compliment the Assembly for voting this bill, because this bill will protect children across the city and state of New York.

Our parents send their kids and place them on those buses, and they believe when that child leaves their home and gets on that bus that they are safe and that they will return to them safely.

And we see, time after time, fights on these buses, we see where kids have been abused, assaulted, beaten not only by the students but by the bus drivers themselves.

We now, with this bill, will be able to identify with this monitoring system those that would be causing this harm to our children and put a stop to it across the city and state of New York.

There are 55,000 school buses that transmit 2.3 million children each and every day. And just this past week we've seen on YouTube where the kids were in a fight and they fought for over 15 minutes on this bus before it was stopped, and kids were hurt and taken to the hospital.

This would give that sense of security. That would also give us the ability to understand what's going on on those buses and would put these bus drivers and the children on notice that there is a monitoring system on that bus.

I have children today up in the gallery upstairs here, and they come from McKinley Junior High School. These are stars

from McKinley Junior High School. And each and every one of these kids are bussed in and out of McKinley Junior High School and see what's going on.

This is in addition to keeping our kids secure and giving our mothers and fathers, the parents of these children, the opportunity to know that when their kids go to school that they will be safe.

I vote aye. Thank you, sir.

(Applause from balcony.)

ACTING PRESIDENT LIBOUS: Senator Golden is recorded in the affirmative.

Senator Diaz, to explain his vote.

SENATOR DIAZ: Thank you, Mr. Chairman.

I also rise to support this piece of legislation and congratulate Senator Golden and congratulate Assemblyman Ruben Diaz, Jr., who is the sponsor of this bill in the Assembly.

This is a bill that is sorely needed, especially in the City of New York, where so many accidents and so many troubles with the children that are being left alone

sometimes in the school buses.

So, Senator Golden, congratulations. And congratulations to Assemblyman Ruben Diaz, Jr. This is a wonderful bill and it's a bill needed.

Thank you very much.

ACTING PRESIDENT LIBOUS: Announce the results.

THE SECRETARY: Ayes, 54. Nays, 0.

ACTING PRESIDENT LIBOUS: The bill is passed.

THE SECRETARY: Calendar Number 730, by Senator Maltese, Senate Print 302A, an act to amend the Real Property Tax Law.

ACTING PRESIDENT LIBOUS: Read the last section.

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

ACTING PRESIDENT LIBOUS: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 54.

ACTING PRESIDENT LIBOUS: The bill is passed.

THE SECRETARY: Calendar Number 741, by Senator Leibell, Senate Print 3811A, an act to amend the Penal Law.

ACTING PRESIDENT LIBOUS: Read the last section.

THE SECRETARY: Section 13. This act shall take effect on the first of November.

ACTING PRESIDENT LIBOUS: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 54.

ACTING PRESIDENT LIBOUS: The bill is passed.

THE SECRETARY: Calendar Number 787, by Senator Winner, Senate Print 3225A, an act to amend the Education Law.

ACTING PRESIDENT LIBOUS: Read the last section.

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

ACTING PRESIDENT LIBOUS: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 54.

ACTING PRESIDENT LIBOUS: The bill is passed.

THE SECRETARY: Calendar Number 820, substituted earlier today by Member of the Assembly Paulin, Assembly Print Number 7674B, an act to amend the Public Health Law.

ACTING PRESIDENT LIBOUS: Read the last section.

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

ACTING PRESIDENT LIBOUS: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 54.

ACTING PRESIDENT LIBOUS: The bill is passed.

THE SECRETARY: Calendar Number 879, by Senator Padavan --

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

ACTING PRESIDENT LIBOUS: Lay it aside for the day.

THE SECRETARY: Calendar 892, by Senator Farley, Senate Print 7360A, an act to amend the Banking Law.

ACTING PRESIDENT LIBOUS: Read the last section.

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

ACTING PRESIDENT LIBOUS: Call the roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT LIBOUS: The bill is passed.

THE SECRETARY: Calendar Number 893, substituted earlier today by Member of the Assembly Towns, Assembly Print Number 11028, an act to amend the Banking Law.

ACTING PRESIDENT LIBOUS: Read the last section.

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

ACTING PRESIDENT LIBOUS: Call the roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT LIBOUS: The

bill is passed.

THE SECRETARY: Calendar Number 924, by Senator Hannon, Senate Print 6468A, an act to amend the --

SENATOR HANNON: Lay it aside for the day.

ACTING PRESIDENT LIBOUS: Lay it aside for the day.

THE SECRETARY: Calendar Number 1003, by Senator Lanza, Senate Print 7602A, an act to amend the Penal Law.

ACTING PRESIDENT LIBOUS: Read the last section.

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

ACTING PRESIDENT LIBOUS: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 55.

ACTING PRESIDENT LIBOUS: The bill is passed.

THE SECRETARY: Calendar Number 1115, by Senator C. Kruger, Senate Print 8147A, an act to amend the Social Services

Law.

ACTING PRESIDENT LIBOUS: Read the last section.

THE SECRETARY: Section 3. This act shall take effect on the 180th day.

ACTING PRESIDENT LIBOUS: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 55.

ACTING PRESIDENT LIBOUS: The bill is passed.

THE SECRETARY: Calendar Number 1155, by Senator LaValle, Senate Print 7593, an act in relation to authorizing the Commissioner of Environmental Conservation.

ACTING PRESIDENT LIBOUS: Read the last section.

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

ACTING PRESIDENT LIBOUS: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT LIBOUS: The bill is passed.

THE SECRETARY: Calendar Number 1207, substituted earlier today by Member of the Assembly Cahill, Assembly Print Number 10831, an act to adjust certain state aid payments.

ACTING PRESIDENT LIBOUS: Read the last section.

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

ACTING PRESIDENT LIBOUS: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT LIBOUS: The bill is passed.

THE SECRETARY: Calendar Number 1249, by Senator Robach, Senate Print 8212, an act to amend the Labor Law.

ACTING PRESIDENT LIBOUS: Read the last section.

THE SECRETARY: Section 3. This act shall take effect on the 180th day.

ACTING PRESIDENT LIBOUS: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT LIBOUS: Senator Robach, to explain his vote.

SENATOR ROBACH: Yes, just briefly, Mr. President.

Thank you, colleagues, for supporting this, and I believe it has support in the other house.

Given the climate we're in today, with people switching jobs frequently, the economy in a little bit, sometimes, of a turmoil, this is a very, very important bill. We worked closely with the commissioner, everyone involved.

This bill, called the WARN Act, Worker Adjustment and Retraining Notification Act, is critically important in today's world. It requires that companies have to give people a 90-day notification in terms of downsizing, downturning or even closing. We've had incidents in my district where people actually showed up to work on a Monday having no idea that their place of employment would be closing or no word from management, obviously giving them no time to transition or change.

This would at least rectify that

and help them in some small way as they deal with this difficulty. And it's something, unfortunately, we need in today's environment.

So I wanted to thank my colleagues for their support of this very, very important legislation.

Thank you, Mr. President.

ACTING PRESIDENT LIBOUS: Senator Robach is in the affirmative.

Results.

THE SECRETARY: Ayes, 56. Nays, 0.

ACTING PRESIDENT LIBOUS: The bill is passed.

THE SECRETARY: Calendar Number 1290, substituted earlier today by Member of the Assembly Sweeney, Assembly Print Number 10677, an act to amend Chapter 563 of the Laws of 2001 amending the Public Health Law.

ACTING PRESIDENT LIBOUS: Read the last section.

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

ACTING PRESIDENT LIBOUS: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT LIBOUS: The bill is passed.

THE SECRETARY: Calendar Number 1319, by Senator Trunzo, Senate Print 559, an act to amend the Agriculture and Markets Law.

ACTING PRESIDENT LIBOUS: Read the last section.

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

ACTING PRESIDENT LIBOUS: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT LIBOUS: The bill is passed.

THE SECRETARY: Calendar Number 1337, by Senator Winner, Senate Print 7125, an act to amend the Elder Law.

ACTING PRESIDENT LIBOUS: Read the last section.

THE SECRETARY: Section 3. This act shall take effect on the first of April.

ACTING PRESIDENT LIBOUS: Call

the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT LIBOUS: The bill is passed.

THE SECRETARY: Calendar Number 1357, by Senator Winner, Senate Print 8214, an act to amend the Tax Law.

ACTING PRESIDENT LIBOUS: Read the last section.

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

ACTING PRESIDENT LIBOUS: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT LIBOUS: The bill is passed.

THE SECRETARY: Calendar Number 1426, by Senator Libous, Senate Print 7405, an act to amend the Vehicle and Traffic Law.

ACTING PRESIDENT LIBOUS: Read the last section.

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

ACTING PRESIDENT LIBOUS: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 55. Nays, 1. Senator Duane recorded in the negative.

ACTING PRESIDENT LIBOUS: The bill is passed.

THE SECRETARY: Calendar Number 1436, by Senator LaValle, Senate Print 8116, an act to amend the Education Law.

ACTING PRESIDENT LIBOUS: Read the last section.

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

ACTING PRESIDENT LIBOUS: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT LIBOUS: The bill is passed.

THE SECRETARY: Calendar Number 1441, by Senator Maziarz, Senate Print 7776, an act to amend the Public Service Law.

ACTING PRESIDENT LIBOUS: Read the last section.

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

ACTING PRESIDENT LIBOUS: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT LIBOUS: The bill is passed.

THE SECRETARY: Calendar Number 1453, by Senator Volker, Senate Print 6731, an act to amend the Executive Law.

ACTING PRESIDENT LIBOUS: Read the last section.

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

ACTING PRESIDENT LIBOUS: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT LIBOUS: The bill is passed.

THE SECRETARY: Calendar Number 1458, substituted earlier today by Member of the Assembly Gianaris, Assembly Print Number 8075, an act to amend the State Administrative

Procedure Act.

ACTING PRESIDENT LIBOUS: Read the last section.

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

ACTING PRESIDENT LIBOUS: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT LIBOUS: The bill is passed.

THE SECRETARY: Calendar Number 1459, substituted earlier today by Member of the Assembly Gianaris, Assembly Print Number 8074, an act to amend the State Administrative Procedure Act.

ACTING PRESIDENT LIBOUS: Read the last section.

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

ACTING PRESIDENT LIBOUS: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 55. Nays, 1. Senator Duane recorded in the negative.

ACTING PRESIDENT LIBOUS: The bill is passed.

THE SECRETARY: Calendar Number 1460, substituted earlier by Member of the Assembly Gianaris, Assembly Print Number 10393, an act to amend the State Administrative Procedure Act.

ACTING PRESIDENT LIBOUS: Read the last section.

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

ACTING PRESIDENT LIBOUS: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT LIBOUS: The bill is passed.

THE SECRETARY: Calendar Number 1464, substituted earlier today by Member of the Assembly Destito, Assembly Print Number 7699A, an act to amend the General Municipal Law.

ACTING PRESIDENT LIBOUS: Read the last section.

THE SECRETARY: Section 2. This

act shall take effect on the 180th day.

ACTING PRESIDENT LIBOUS: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT LIBOUS: The bill is passed.

THE SECRETARY: Calendar Number 1469, by Senator Seward, Senate Print 6535A, an act to amend the Insurance Law.

ACTING PRESIDENT LIBOUS: Read the last section.

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

ACTING PRESIDENT LIBOUS: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT LIBOUS: The bill is passed.

THE SECRETARY: Calendar Number 1475, by Senator Seward --

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

ACTING PRESIDENT LIBOUS: Lay

this bill aside for the day.

THE SECRETARY: Calendar Number 1476, substituted earlier today by Member of the Assembly Morelle, Assembly Print Number 10656, an act to amend the Insurance Law.

ACTING PRESIDENT LIBOUS: Read the last section.

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

ACTING PRESIDENT LIBOUS: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT LIBOUS: The bill is passed.

THE SECRETARY: Calendar Number 1491, substituted earlier today by Member of the Assembly Brennan, Assembly Print Number 10389, an act to amend the Real Property Tax Law.

ACTING PRESIDENT LIBOUS: Read the last section.

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

ACTING PRESIDENT LIBOUS: Call

the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT LIBOUS: The bill is passed.

SENATOR MAZIARZ: Mr. President, I wanted to be recorded in the negative on that.

ACTING PRESIDENT LIBOUS: Senator Maziarz would wish to be recorded in the negative on that bill.

THE SECRETARY: In relation to Calendar Number 1491: Ayes, 56. Nays, 1. Senator Maziarz recorded in the negative.

ACTING PRESIDENT LIBOUS: The bill is passed.

THE SECRETARY: Senate Bill 8189A, Calendar Number 1640.

ACTING PRESIDENT LIBOUS: Read the last section.

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

ACTING PRESIDENT LIBOUS: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT LIBOUS: The bill is passed.

THE SECRETARY: Calendar Number 1809, by Member of the Assembly Sweeney, Assembly Print Number 10981, an act to amend Chapter 318 of the Laws of 2004.

ACTING PRESIDENT LIBOUS: Read the last section.

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

ACTING PRESIDENT LIBOUS: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT LIBOUS: The bill is passed.

Calendar 1809 will be laid aside temporarily. It is out of order and will be picked up later on today.

THE SECRETARY: Calendar Number 1509, by Senator Hannon, Senate Print 8234, an act to amend Chapter 384 of the Laws of 1998 amending the Public Authorities Law.

ACTING PRESIDENT LIBOUS: Read

the last section.

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

ACTING PRESIDENT LIBOUS: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT LIBOUS: The bill is passed.

THE SECRETARY: Calendar Number 1518, substituted earlier today by Member of the Assembly Rivera, Assembly Print Number 11054A, an act to amend the Mental Hygiene Law.

ACTING PRESIDENT LIBOUS: Read the last section.

THE SECRETARY: Section 5. This act shall take effect upon the date of the approval and availability of the simplified Advanced Healthcare Directives form.

ACTING PRESIDENT LIBOUS: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT LIBOUS: The

bill is passed.

THE SECRETARY: Calendar Number 1609, by Senator Winner, Senate Print 6475, an act to amend the Public Officers Law.

ACTING PRESIDENT LIBOUS: Read the last section.

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

ACTING PRESIDENT LIBOUS: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT LIBOUS: The bill is passed.

THE SECRETARY: Calendar Number 1610, by Senator Winner, Senate Print 6476, an act to amend the Public Officers Law.

ACTING PRESIDENT LIBOUS: Read the last section.

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

ACTING PRESIDENT LIBOUS: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT LIBOUS: The bill is passed.

We're going to go to Calendar Number 1279 that was skipped inadvertently, and then we'll go back to regular order.

The Secretary will read.

THE SECRETARY: Calendar Number 1279, by Senator Golden, Senate Print 8196A, an act to amend the Social Services Law and the Public Authorities Law.

ACTING PRESIDENT LIBOUS: Read the last section.

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

ACTING PRESIDENT LIBOUS: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT LIBOUS: The bill is passed.

THE SECRETARY: Calendar Number 1614, by Senator Griffo, Senate Print 6930B, an act to amend the Correction Law.

ACTING PRESIDENT LIBOUS: Read the last section.

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

ACTING PRESIDENT LIBOUS: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Those recorded in the negative on 1614 are Senators Duane, Montgomery, Perkins and Serrano.

Ayes, 53. Nays, 4.

ACTING PRESIDENT LIBOUS: The bill is passed.

THE SECRETARY: Calendar Number 1656, by Senator Marcellino, Senate Print 5307A, an act to amend the Education Law and others.

ACTING PRESIDENT LIBOUS: Read the last section.

THE SECRETARY: Section 16. This act shall take effect two years after the date on which it shall have become law.

ACTING PRESIDENT LIBOUS: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT LIBOUS: The

bill is passed.

Senator Skelos.

SENATOR SKELOS: Mr. President, as we're taking care of certain clerical situations, I just want to wish our colleague Mary Lou Rath, Senator Rath, a happy birthday.

Happy birthday, Mary Lou.

(Applause.)

ACTING PRESIDENT LIBOUS: Senator Rath.

SENATOR RATH: Thank you. After a certain point they're all nonbirthdays, but thank you.

(Laughter.)

ACTING PRESIDENT LIBOUS: Senator Rath, happy birthday.

The Secretary will read.

THE SECRETARY: Calendar Number 1671, by Senator Morahan, Senate Print 8078A, an act to authorize the Rockland Housing Action Coalition, Inc.

ACTING PRESIDENT LIBOUS: Read the last section.

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

ACTING PRESIDENT LIBOUS: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Those recorded in the negative on Calendar Number 1671 are Senators Bonacic, Larkin and Rath.

Ayes, 54. Nays, 3.

ACTING PRESIDENT LIBOUS: The bill is passed.

THE SECRETARY: Calendar Number 1695, by Senator Leibell --

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

ACTING PRESIDENT LIBOUS: Lay this bill aside for the day.

THE SECRETARY: Calendar Number 1710, by Senator Padavan, Senate Print 1665A, an act to amend the Family Court Act.

ACTING PRESIDENT LIBOUS: There is a local fiscal impact note at the desk.

Read the last section.

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

ACTING PRESIDENT LIBOUS: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT LIBOUS: The bill is passed.

THE SECRETARY: Calendar Number 1724, by Senator Morahan, Senate Print 8072A, an act to authorize.

ACTING PRESIDENT LIBOUS: Read the last section.

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

ACTING PRESIDENT LIBOUS: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Those recorded in the negative on Calendar Number 1724 are Senators Bonacic, Larkin and Rath.

Ayes, 54. Nays, 3.

ACTING PRESIDENT LIBOUS: The bill is passed.

THE SECRETARY: Calendar Number 1729, by Senator Leibell, Senate Print --

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

ACTING PRESIDENT LIBOUS: Lay

this bill aside for the day.

THE SECRETARY: Calendar Number 1738, by Senator Skelos, Senate Print 3223A, an act to amend the Workers' Compensation Law.

ACTING PRESIDENT LIBOUS: Read the last section.

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

ACTING PRESIDENT LIBOUS: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT LIBOUS: The bill is passed.

THE SECRETARY: Calendar Number 1759, substituted earlier today by Member of the Assembly Lupardo, Assembly Print Number 1804A, an act to amend the Civil Service Law.

ACTING PRESIDENT LIBOUS: Read the last section.

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

ACTING PRESIDENT LIBOUS: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT LIBOUS: The bill is passed.

THE SECRETARY: Calendar Number 1762, by Senator Robach --

SENATOR ROBACH: Lay it aside for the day.

ACTING PRESIDENT LIBOUS: Lay this bill aside for the day.

THE SECRETARY: Calendar Number 1779, by Senator Fuschillo, Senate Print 5034, an act to amend the Education Law.

ACTING PRESIDENT LIBOUS: Read the last section.

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

ACTING PRESIDENT LIBOUS: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT LIBOUS: The bill is passed.

THE SECRETARY: Calendar Number 1794, by Senator Stachowski, Senate Print 6711, an act to authorize Global Concepts

Charter School.

ACTING PRESIDENT LIBOUS: Read the last section.

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

ACTING PRESIDENT LIBOUS: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Those recorded in the negative on Calendar Number 1794 are Senators Bonacic, Larkin and Rath.

Ayes, 54. Nays, 3.

ACTING PRESIDENT LIBOUS: The bill is passed.

THE SECRETARY: Calendar Number 1802, by Senator Winner, Senate Print 7490A, an act to amend the Education Law.

SENATOR WINNER: Lay it aside for the day.

ACTING PRESIDENT LIBOUS: Lay this bill aside for the day.

THE SECRETARY: Calendar Number 1804, by Senator Lanza, Senate Print 8017A, an act to amend the Vehicle and Traffic Law.

ACTING PRESIDENT LIBOUS: Read

the last section.

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

ACTING PRESIDENT LIBOUS: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT LIBOUS: The bill is passed.

THE SECRETARY: Calendar Number 1809, by Member of the Assembly Sweeney, Assembly Print Number 10981, an act to amend Chapter 318 of the Laws of 2004.

ACTING PRESIDENT LIBOUS: Read the last section.

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

ACTING PRESIDENT LIBOUS: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT LIBOUS: The bill is passed.

THE SECRETARY: Calendar Number 1828, by the Assembly Committee on Rules --

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

ACTING PRESIDENT LIBOUS: Lay that bill aside for the day.

THE SECRETARY: Calendar Number 1829, by Senator Lanza, Senate Print 8018, an act to amend the Vehicle and Traffic Law.

ACTING PRESIDENT LIBOUS: Read the last section.

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

ACTING PRESIDENT LIBOUS: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Those recorded in the negative on Calendar Number 1829 are Senators Duane, Montgomery, Perkins and Serrano.

Ayes, 53. Nays, 4.

ACTING PRESIDENT LIBOUS: The bill is passed.

THE SECRETARY: Calendar Number 1830, by Senator Lanza, Senate Print 8019, an act to establish the Teen Driver Safety Commission.

ACTING PRESIDENT LIBOUS: Read the last section.

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

ACTING PRESIDENT LIBOUS: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT LIBOUS: The bill is passed.

THE SECRETARY: Calendar Number 1832, by Senator Huntley, Senate Print 8224, an act to amend the Vehicle and Traffic Law.

ACTING PRESIDENT LIBOUS: Read the last section.

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

ACTING PRESIDENT LIBOUS: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT LIBOUS: The bill is passed.

THE SECRETARY: Calendar Number 1833, substituted earlier today by Member of

the Assembly O'Donnell, Assembly Print Number 11094, an act to amend Chapter 492 of the Laws of 1993.

ACTING PRESIDENT LIBOUS: Read the last section.

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

ACTING PRESIDENT LIBOUS: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT LIBOUS: The bill is passed.

THE SECRETARY: Calendar Number 1834, by Senator Seward, Senate Print 8357, an act to amend the Insurance Law.

ACTING PRESIDENT LIBOUS: Read the last section.

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

ACTING PRESIDENT LIBOUS: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT LIBOUS: The

bill is passed.

THE SECRETARY: Calendar Number 1835, by Senator Skelos, Senate Print 8382A, an act relating to the real property tax exemption.

ACTING PRESIDENT LIBOUS: Read the last section.

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

ACTING PRESIDENT LIBOUS: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT LIBOUS: The bill is passed.

THE SECRETARY: Calendar Number 1836, by Senator Morahan, Senate Print 8389A, an act to amend Chapter 24 of the Laws of 2007, amending the Mental Hygiene Law.

ACTING PRESIDENT LIBOUS: Read the last section.

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

ACTING PRESIDENT LIBOUS: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT LIBOUS: The bill is passed.

THE SECRETARY: Calendar Number 1837, by Senator Padavan, Senate Print 8426, an act to amend the Real Property Tax Law.

ACTING PRESIDENT LIBOUS: Read the last section.

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

ACTING PRESIDENT LIBOUS: Call the roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT LIBOUS: The bill is passed.

THE SECRETARY: Calendar Number 1838, by Senator Winner, Senate Print 8430, an act to amend the Agriculture and Markets Law.

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

Read the last section.

THE SECRETARY: Section 2. This

act shall take effect immediately.

ACTING PRESIDENT LIBOUS: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT LIBOUS: The bill is passed.

THE SECRETARY: Calendar Number 1839, by Senator Flanagan, Senate Print 8437, an act to amend the General Municipal Law.

ACTING PRESIDENT LIBOUS: Read the last section.

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

ACTING PRESIDENT LIBOUS: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT LIBOUS: The bill is passed.

THE SECRETARY: Calendar Number 1840, by the Senate Committee on Rules, Senate Print Number 8442, an act to amend the Real Property Tax Law.

ACTING PRESIDENT LIBOUS: Read

the last section.

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

ACTING PRESIDENT LIBOUS: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT LIBOUS: The bill is passed.

THE SECRETARY: Calendar Number 1841, by Senator Nozzolio, Senate Print 8447, an act to amend the Monroe County Tax Act.

ACTING PRESIDENT LIBOUS: Read the last section.

THE SECRETARY: Section 9. This act shall take effect immediately.

ACTING PRESIDENT LIBOUS: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT LIBOUS: The bill is passed.

THE SECRETARY: Calendar Number 1843, by Senator Fuschillo, Senate Print 8455, an act to amend the Real Property Tax Law.

ACTING PRESIDENT LIBOUS: Read the last section.

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

ACTING PRESIDENT LIBOUS: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT LIBOUS: The bill is passed.

THE SECRETARY: Calendar Number 1845, by Senator Maltese --

SENATOR DUANE: Lay it aside, please.

ACTING PRESIDENT LIBOUS: Lay that bill aside.

THE SECRETARY: Calendar Number 1846, by Senator Padavan, Senate Print 8459, an act to amend the Public Authorities Law.

ACTING PRESIDENT LIBOUS: Read the last section.

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

ACTING PRESIDENT LIBOUS: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT LIBOUS: The bill is passed.

THE SECRETARY: Calendar Number 1848, by Senator Farley, Senate Print 8464, an act in relation to requiring.

ACTING PRESIDENT LIBOUS: Read the last section.

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

ACTING PRESIDENT LIBOUS: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT LIBOUS: The bill is passed.

THE SECRETARY: Calendar Number 1849, by Senator Seward, Senate Print 8466, an act to amend Chapter 673 of the Laws of 2005, amending the Insurance Law.

ACTING PRESIDENT LIBOUS: Read the last section.

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

ACTING PRESIDENT LIBOUS: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT LIBOUS: The bill is passed.

THE SECRETARY: Calendar Number 1850, by Senator Leibell, Senate Print 8472, an act to amend the Public Officers Law.

ACTING PRESIDENT LIBOUS: Read the last section.

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

ACTING PRESIDENT LIBOUS: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT LIBOUS: The bill is passed.

THE SECRETARY: Calendar Number 1852, by Senator Larkin, Senate Print 8483, an act to amend the Criminal Procedure Law.

ACTING PRESIDENT LIBOUS: Read the last section.

THE SECRETARY: Section 2. This

act shall take effect immediately.

ACTING PRESIDENT LIBOUS: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Those recorded in the negative on Calendar Number 1852 are Senators Duane and Perkins.

Ayes, 56. Nays, 2.

ACTING PRESIDENT LIBOUS: The bill is passed.

THE SECRETARY: Calendar Number 1854, substituted earlier today by Member of the Assembly Morelle, Assembly Print Number 2554A, an act to amend the Economic Development Law.

ACTING PRESIDENT LIBOUS: Read the last section.

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

ACTING PRESIDENT LIBOUS: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT LIBOUS: The bill is passed.

THE SECRETARY: Calendar Number 1855, by Senator Leibell, Senate Print 3619A, an act to amend the Volunteer Firefighters Benefit Law and the Volunteer Ambulance Workers Benefit Law.

ACTING PRESIDENT LIBOUS: Read the last section.

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

ACTING PRESIDENT LIBOUS: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT LIBOUS: The bill is passed.

THE SECRETARY: Calendar Number 1856, by Senator Lanza, Senate Print 3888, an act to amend the Public Authorities Law and the Executive Law.

ACTING PRESIDENT LIBOUS: Read the last section.

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

ACTING PRESIDENT LIBOUS: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT LIBOUS: The bill is passed.

THE SECRETARY: Calendar Number 1857, by Senator LaValle, Senate Print 4155, an act to amend the Education Law.

ACTING PRESIDENT LIBOUS: Read the last section.

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

ACTING PRESIDENT LIBOUS: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT LIBOUS: The bill is passed.

THE SECRETARY: Calendar Number 1858, by Senator Morahan, Senate Print 4467, an act to amend the New York State Urban Development Corporation Act.

ACTING PRESIDENT LIBOUS: Read the last section.

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

ACTING PRESIDENT LIBOUS: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT LIBOUS: The bill is passed.

THE SECRETARY: Calendar Number 1859, by Senator Skelos, Senate Print 4490, an act to authorize.

ACTING PRESIDENT LIBOUS: Read the last section.

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

ACTING PRESIDENT LIBOUS: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Those recorded in the negative on Calendar Number 1859 are Senators Bonacic, Larkin and Rath.

Ayes, 55. Nays, 3.

ACTING PRESIDENT LIBOUS: The bill is passed.

THE SECRETARY: Calendar Number 1860, by Senator Saland, Senate Print 5052A, an act to amend the Executive Law.

ACTING PRESIDENT LIBOUS: Read the last section.

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

ACTING PRESIDENT LIBOUS: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT LIBOUS: The bill is passed.

THE SECRETARY: Calendar Number 1861, substituted earlier today by Member of the Assembly Rivera, Assembly Print Number 8983, an act to amend the Mental Hygiene Law.

ACTING PRESIDENT LIBOUS: Read the last section.

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

ACTING PRESIDENT LIBOUS: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT LIBOUS: The bill is passed.

THE SECRETARY: Calendar Number

1862, by Senator Larkin, Senate Print 5357A, an act to amend the Agriculture and Markets Law.

ACTING PRESIDENT LIBOUS: Read the last section.

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

ACTING PRESIDENT LIBOUS: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT LIBOUS: The bill is passed.

THE SECRETARY: Calendar Number 1863, substituted earlier today by Member of the Assembly Magnarelli, Assembly Print Number 251, an act to amend the Banking Law.

ACTING PRESIDENT LIBOUS: Read the last section.

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

ACTING PRESIDENT LIBOUS: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT LIBOUS: The bill is passed.

THE SECRETARY: Calendar Number 1864, substituted earlier today by Member of the Assembly Cahill, Assembly Print Number 8473A, an act to amend the Civil Service Law.

ACTING PRESIDENT LIBOUS: Read the last section.

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

ACTING PRESIDENT LIBOUS: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT LIBOUS: The bill is passed.

THE SECRETARY: Calendar Number 1865, by Senator Morahan, Senate Print 5694, an act in relation to state aid for certain school districts.

ACTING PRESIDENT LIBOUS: Read the last section.

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

ACTING PRESIDENT LIBOUS: Call

the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT LIBOUS: The bill is passed.

THE SECRETARY: Calendar Number --

ACTING PRESIDENT LIBOUS: Excuse me. Excuse me.

Ladies and gentlemen, could we have some order in the chamber. Take your conversations outside of the chamber so we can hear the clerk read the roll. Thank you.

The Secretary will read.

THE SECRETARY: Calendar Number 1866, by Senator Flanagan, Senate Print --

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

ACTING PRESIDENT LIBOUS: Lay that aside for the day.

THE SECRETARY: Calendar Number 1867, substituted earlier today by Member of the Assembly Nolan, Assembly Print Number 8699B, an act to amend the Education Law.

ACTING PRESIDENT LIBOUS: Read

the last section.

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

ACTING PRESIDENT LIBOUS: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT LIBOUS: The bill is passed.

THE SECRETARY: Calendar Number 1868, by Senator Young, Senate Print 6198A, an act to amend the Agriculture and Markets Law.

ACTING PRESIDENT LIBOUS: Read the last section.

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

ACTING PRESIDENT LIBOUS: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT LIBOUS: The bill is passed.

THE SECRETARY: Calendar Number 1869, by Senator Flanagan, Senate Print 6251, an act to amend the Vehicle and Traffic Law.

ACTING PRESIDENT LIBOUS: Read the last section.

THE SECRETARY: Section 3. This act shall take effect on the first of November.

ACTING PRESIDENT LIBOUS: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT LIBOUS: The bill is passed.

THE SECRETARY: Calendar Number 1871, by Senator Skelos, Senate Print 6721A, an act in relation to enacting.

ACTING PRESIDENT LIBOUS: Read the last section.

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

ACTING PRESIDENT LIBOUS: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT LIBOUS: The bill is passed.

THE SECRETARY: Calendar Number

1872, by Senator Lanza, Senate Print 6762B, an act to amend the Criminal Procedure Law.

ACTING PRESIDENT LIBOUS: Read the last section.

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

ACTING PRESIDENT LIBOUS: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT LIBOUS: Senator Schneiderman, to explain his vote.

SENATOR SCHNEIDERMAN: Thank you, Mr. President.

This piece of legislation would eliminate the protections provided to youthful offenders, the confidentiality regarding misconduct when they were acting under youthful offender status, if the youthful offender was in possession of a graffiti instrument.

I realize that, you know, there are a lot of very, very substantial crimes, there are a lot of really severe crimes that someone can be found guilty of when they're in

youthful offender status. But why we should single out possession of Magic Markers, which are within the definition of graffiti instrument, to use as a basis for eliminating the confidentiality, eliminating the focus of youthful offender status -- which is to try to enable young people who commit bad acts when they're very young to get into society without the stigma of being labeled as a felon from a very young age.

This is a good public policy that has worked. We're always sorting out the nuances of it. We want to protect society from truly dangerous people. I am at a loss to see why someone found guilty, when they are very young, of possession of a Magic Marker should fall into the category of those from whom society needs protection. I would much rather focus on people who commit violent crimes.

I'm voting no on this, Mr. President. I think it's a poorly conceived idea. I realize that in some parts of the state there's a lot of public outcry about graffiti, but this is not the way to

address that problem.

I urge everybody to vote no.

ACTING PRESIDENT LIBOUS: Senator Schneiderman will be recorded in the negative.

Announce the results, please.

THE SECRETARY: Those recorded in the negative on Calendar Number 1872 are Senators Duane, Marcellino, Montgomery, Morahan, Perkins, Schneiderman, Serrano and Thompson.

Ayes, 50. Nays, 8.

ACTING PRESIDENT LIBOUS: The bill is passed.

THE SECRETARY: Calendar Number 1873, by Senator Seward, Senate Print 6835B, an act to establish a blue ribbon commission.

ACTING PRESIDENT LIBOUS: Read the last section.

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

ACTING PRESIDENT LIBOUS: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT LIBOUS: The

bill is passed.

THE SECRETARY: Calendar Number 1874, by Senator Adams, Senate Print 7036, an act to amend the Penal Law.

ACTING PRESIDENT LIBOUS: Read the last section.

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

ACTING PRESIDENT LIBOUS: Call the roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT LIBOUS: The bill is passed.

THE SECRETARY: Calendar Number 1875, by Senator Libous, Senate Print 7049, an act to amend the County Law.

ACTING PRESIDENT LIBOUS: There is a local fiscal impact note at the desk.

Read the last section.

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

ACTING PRESIDENT LIBOUS: Call

the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT LIBOUS: The bill is passed.

THE SECRETARY: Calendar Number 1876, substituted earlier today by Member of the Assembly Weprin, Assembly Print Number 9997, an act to amend the Economic Development Law.

ACTING PRESIDENT LIBOUS: Read the last section.

THE SECRETARY: Section 3. This act shall take effect on the first of January.

ACTING PRESIDENT LIBOUS: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT LIBOUS: The bill is passed.

THE SECRETARY: Calendar Number 1877, by Senator Winner, Senate Print 7232, an act to amend the Public Health Law.

ACTING PRESIDENT LIBOUS: Read the last section.

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

ACTING PRESIDENT LIBOUS: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT LIBOUS: The bill is passed.

THE SECRETARY: Calendar Number 1880, substituted earlier today by Member of the Assembly Lifton, Assembly Print Number 11052, an act relating to increasing availability.

ACTING PRESIDENT LIBOUS: Read the last section.

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

ACTING PRESIDENT LIBOUS: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT LIBOUS: The bill is passed.

THE SECRETARY: Calendar Number 1881, substituted earlier today by Member of

the Assembly Magee, Assembly Print Number 10573A, an act relating to increasing availability.

ACTING PRESIDENT LIBOUS: Read the last section.

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

ACTING PRESIDENT LIBOUS: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT LIBOUS: The bill is passed.

THE SECRETARY: Calendar Number 1882, by Senator Hannon, Senate Print 7807A, an act to amend the Public Authorities Law.

ACTING PRESIDENT LIBOUS: Read the last section.

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

ACTING PRESIDENT LIBOUS: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT LIBOUS: The

bill is passed.

THE SECRETARY: Calendar Number 1884, by Senator Leibell, Senate Print 7966A, an act to amend the Local Finance Law.

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

Read the last section.

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

ACTING PRESIDENT LIBOUS: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT LIBOUS: The bill is passed.

THE SECRETARY: Calendar Number 1885, by Senator LaValle, Senate Print 8108, an act to amend the Real Property Tax Law.

ACTING PRESIDENT LIBOUS: Read the last section.

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

ACTING PRESIDENT LIBOUS: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT LIBOUS: The bill is passed.

THE SECRETARY: Calendar Number 1887, by Senator Young --

SENATOR DUANE: Lay it aside, please.

ACTING PRESIDENT LIBOUS: The bill is laid aside.

THE SECRETARY: Calendar Number 1888, substituted earlier today by Member of the Assembly Magee, Assembly Print Number 10771, an act to authorize.

ACTING PRESIDENT LIBOUS: Read the last section.

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

ACTING PRESIDENT LIBOUS: Call the roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT LIBOUS: The bill is passed.

THE SECRETARY: Calendar Number

1889, substituted earlier today by Member of the Assembly Gabryszak, Assembly Print Number 11329, an act to amend Chapter 433 of the Laws of 1997.

ACTING PRESIDENT LIBOUS: Read the last section.

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

ACTING PRESIDENT LIBOUS: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT LIBOUS: The bill is passed.

THE SECRETARY: Calendar Number 1890, by Senator Bonacic, Senate Print 8294A, an act to amend the Insurance Law.

ACTING PRESIDENT LIBOUS: Read the last section.

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

ACTING PRESIDENT LIBOUS: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT LIBOUS: The bill is passed.

THE SECRETARY: Calendar Number 1891, substituted earlier by Member of the Assembly Wright, Assembly Print Number 10087, an act to amend Chapter 92 of the Laws of 2001, amending the Election Law.

ACTING PRESIDENT LIBOUS: Read the last section.

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

ACTING PRESIDENT LIBOUS: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT LIBOUS: The bill is passed.

THE SECRETARY: Calendar Number 1892, by the Senate Committee on Rules, Senate Print 8446, an act to amend the Insurance Law.

ACTING PRESIDENT LIBOUS: Read the last section.

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

ACTING PRESIDENT LIBOUS: Call

the roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT LIBOUS: The bill is passed.

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

SENATOR SKELOS: Thank you, Mr. President. I believe we have several motions to be made at this time.

SENATOR SEWARD: Mr. President.

ACTING PRESIDENT LIBOUS: Motions and resolutions.

Senator Seward.

SENATOR SEWARD: Yes, on behalf of Senator Lanza, on page number 31 I offer the following amendments to Calendar Number 887, Senate Print Number 7353A, and ask that the bill retain its place on the Third Reading Calendar.

ACTING PRESIDENT LIBOUS: The amendments are received and adopted, and the bill will retain its place on the Third

Reading Calendar.

SENATOR SEWARD: Mr. President, on behalf of Senator Bruno, I wish to call up his bill, Print Number 8259, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT LIBOUS: The Secretary will read.

THE SECRETARY: Calendar Number 1727, by Senator Bruno, Senate Print 8259, an act authorizing the County of Saratoga.

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

ACTING PRESIDENT LIBOUS: Call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

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

ACTING PRESIDENT LIBOUS: The amendments are received.

Senator Little.

SENATOR LITTLE: Thank you, Mr. President.

On page 68 I offer the following

amendments to Calendar Number 1879, Senate Print 7282B, and ask that said bill retain its place on Third Reading Calendar.

ACTING PRESIDENT LIBOUS: Senator, the amendments are received and adopted, and the bill will retain its place on the Third Reading Calendar.

SENATOR LITTLE: Thank you.

Mr. President I ask for a reconsideration of --

ACTING PRESIDENT LIBOUS: Excuse me, Senator Little.

If I could just ask once again, the Senate is in session and that conversations should go outside of the chamber. Thank you.

Senator Little.

SENATOR LITTLE: Thank you, Mr. President.

I wish to call up Senator Maziarz's bill, Senate Print Number 7776, which is at the desk, and ask for a reconsideration of the vote.

ACTING PRESIDENT LIBOUS: The Secretary will read.

THE SECRETARY: Calendar Number

1441, by Senator Maziarz, Senate Print 7776, an act to amend the Public Service Law.

SENATOR LITTLE: I now move to reconsider the vote by which this bill was passed and ask that the bill be restored to the order of third reading.

ACTING PRESIDENT LIBOUS: Call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

SENATOR LITTLE: Thank you. And the bill is restored to the third reading, and I would now ask you to star the bill.

ACTING PRESIDENT LIBOUS: Restored to the Third Reading Calendar, the bill is starred, it is so ordered.

SENATOR LITTLE: Thank you.

Mr. President, on page 48 I offer the following amendments to Calendar Number 1285, Senate Print Number 3248A, and ask that said bill retain its place on the Third Reading Calendar, on behalf of Senator Fuschillo.

ACTING PRESIDENT LIBOUS: The amendments are received, and the bill will

retain its place on the Third Reading Calendar.

SENATOR LITTLE: Thank you.

ACTING PRESIDENT LIBOUS: Thank you, Senator.

Senator Rath.

SENATOR RATH: Mr. President, can we please hear the reading of the controversial calendar.

ACTING PRESIDENT LIBOUS: We will read the controversial calendar.

If the Secretary would please ring the bells and members come to the chamber so that we can do the controversial calendar.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: Calendar Number 614, by Senator Seward, Senate Print 2968A, an act to amend the Insurance Law.

SENATOR LIZ KRUEGER: Explanation.

ACTING PRESIDENT GRIFFO: Explanation, Senator Seward.

SENATOR SEWARD: Certainly, Mr. President.

This legislation would permit all HMOs and insurers in New York State to offer the high-deductible health plans that are coupled with health savings accounts. These plans became available in the year 2003, when the federal government passed legislation that authorized these types of policies to exist.

However, New York State law currently prohibits these high-deductible plans and HSAs from being offered by the HMOs or in the individual market. So today we have a situation where some of the plans are able to offer this option to their clients; however, not all. This legislation would allow HMOs to offer this product, and also those that are marketing to the individual segment of our market.

These types of policies, on average, cost about 40 percent less than traditional policies and, with that savings, that frees up money for both an employer and the employee, should they wish to contribute to the HSA, to cover any medical expenses that they may incur that leads up to that deductible amount.

So this is a piece of legislation which will simply offer one additional option to New Yorkers in terms of being able to obtain health insurance.

ACTING PRESIDENT GRIFFO: Senator Krueger.

SENATOR LIZ KRUEGER: Thank you, Mr. President. If the sponsor would please yield.

ACTING PRESIDENT GRIFFO: Senator Seward, will you yield?

SENATOR SEWARD: Certainly.

ACTING PRESIDENT GRIFFO: Senator Krueger.

SENATOR LIZ KRUEGER: Thank you.

We've debated this bill before, Senator Seward and I. And, Senator, I was curious, have you seen the new General Accounting Office study from May of this year showing that the health savings accounts are functioning as tax shelters but not actually being used by anyone to expand healthcare coverage or to serve lower-income or working people in health insurance?

SENATOR SEWARD: Well,

Mr. President, I haven't read that particular study, but I do know that I would question -- I have a couple of reactions to just the statement you've made, however.

Number one, I have heard from a number of small businesses in particular that have told me that they have offered this option and it is working.

And also, I would further point out that I recognize that this particular product is not for everyone. It simply adds an additional option to those who wish to pursue this type of product for their health insurance. I think it's been a very positive addition to the menu of options that are offered in New York State when it comes to health insurance.

SENATOR LIZ KRUEGER: Thank you.

Mr. President, on the bill.

ACTING PRESIDENT GRIFFO: Senator Krueger, on the bill.

SENATOR LIZ KRUEGER: Thank you. I thank the sponsor.

So there is a new report from the federal government's accountability office,

the GAO: Health savings accounts, participation increasingly was more common among individuals with higher incomes. I misspoke before, it was not a May '08 report, it was an April '08 report.

And the findings of that report -- and it follows up on an earlier GAO report from two years earlier -- was that the average income of health savings account contributors was $139,000, almost double other tax filers who use other forms of employment-related health insurance.

The GAO report on HSAs highlighted their continuing concern that what these accounts are actually being used for is tax sheltering of income by high-income people and not, in fact, being used by people to provide health insurance or health coverage for themselves.

Again, the findings from the federal GAO report are that HSA participants are disproportionately high-income, that HSA participants contribute much more to the accounts than other participants, but they're not using them for healthcare, they're using

them for tax shelters. And that many of the participants appear to view this primarily as a tax shelter rather than an out-of-pocket healthcare cost.

The report further goes on to discuss the fact that the types of employers who are using these high-deductible health insurance plans did not contribute to their workers' HSAs. And in fact, we have seen through the federal studies in '05, '06, and '07 that employers are less likely to contribute to their employees' health insurance programs if they have an HSA plan.

So as I have argued in the past, I believe the sponsor and I both want health insurance options that will cover more people. We want health insurance options that are affordable. The president of the United States has argued for these plans, I believe now since he got into office, and as a result there have been studies done by the federal government, and none of them justify our moving down this road.

I think that the research has been done, the findings are clear that this is not

the direction New York State ought to go in expanding health coverage. I would love for us to be talking universal healthcare today, or expansion of -- even a broader discussion of the bill that I think passed a little while ago to ensure more people can get into Healthy New York insurance or the Family Health Plus insurance or even a state add-on to the Medicare program for younger people.

There are lots of good directions we ought to go in healthcare in this state. There are people begging us for better alternatives for them to be covered by health insurance and for it to be affordable.

I know this is a one-house bill again, but just for the record, this is not the direction we ought to go. And every year we look at this, we have more data from other states and from, thank you, the federal government telling us that we should not go down this road.

So I'll be voting no and urging my colleagues to vote no, Mr. President. Thank you.

ACTING PRESIDENT GRIFFO: Thank

you, Senator Krueger.

Senator Klein.

SENATOR KLEIN: Mr. President, on the bill.

ACTING PRESIDENT GRIFFO: Senator Klein, on the bill.

SENATOR KLEIN: I want to echo what Senator Krueger has said.

Here we are trying to solve the healthcare crisis, making sure that everyone has access to health insurance. What we also need to look at is the problem of people who are paying good money, hard-earned money, for health insurance and not getting what they paid for.

My office released a study last month where we looked at the problem of all the healthcare insurance companies, the HMOs that presently insure people in New York State, and we looked to see how they cover what's known as single-source drugs. Single-source drugs are drugs that are usually under patent. They're specific drugs, name-brand drugs. They tend to be more expensive than other drugs.

And one of the things we're finding, time and time again, is when a doctor prescribes such a drug, most of these drugs are not covered by the HMO. And if they are covered, they're forcing the client or the consumer to jump through hoops, to get all types of permission to first use a generic drug before they can use a name-brand drug -- and this is after a doctor has already prescribed the specific medication that they know works for their patient.

So I think what we need to be doing is changing our present healthcare system in relation to HMOs in New York State. I think we need a very, very simple system. Sometimes we try to complicate things, but I think the way we really solve this problem is make it rather easy. If a doctor, let's say, prescribes a specific medication for a patient, they know that that drug works well for their patient without any side effects, that's the drug that the HMO should pay for. And if there is a need for a copayment, it should be a very reasonable copayment.

Right now I'm hearing from doctors

time and time again that they lost control over their ability to do what's right for their patient. And that's just wrong. If a doctor prescribes a specific medication, the HMO should pay for it. Healthcare decisions should be made rather simple between a doctor and a patient, not by some bureaucrat sitting behind a desk at an HMO.

One of the things we looked at as well is specific drugs, like Lipitor. And this is going to be a problem, I believe, in the future, because Lipitor is about to go off-patent, which means the market is going to be flooded with various generics.

And the problem is, Lipitor is a specific class of drug that helps people with high blood pressure, and the HMOs are going to be prescribing all of these generics because it's just cheaper. I'm not saying a generic shouldn't be something that can be recommended by a physician. But if a generic is proven not to work for a patient, then the name-brand drug or the specific single-source drug is what the HMO should pay for.

So again, I think we should be

doing a lot more than this bill does today, because we're truly in a crisis situation, not only for those who have no health insurance, but even those who are paying good money to have healthcare coverage and get the prescription drugs they need.

So I vote no on this legislation.

ACTING PRESIDENT GRIFFO: Thank you, Senator Klein.

Senator Schneiderman.

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

ACTING PRESIDENT GRIFFO: Senator Schneiderman, on the bill.

SENATOR SCHNEIDERMAN: This almost makes me feel as though we're enacting a bill that would make it all right to sell a quart of milk that actually was filled with half milk, half water.

This is something that waters down healthcare coverage and opens the door to people paying money for plans that really will not give them the coverage that they need should they have a serious problem.

A lot of employers in other states

who have attempted to use this sort of a program have in fact offered this more or less as a bait and switch. People think they're getting more than they are, they don't get the coverage that they need.

And I would urge all of you to remember that this is largely the fault of the Senate that we're in this situation, because in 1999 the Senate Majority allowed the statute requiring approval for increases in health insurance premiums to expire. I mean, the State Insurance Department doesn't have the leverage they used to have.

So what do we come out with? We come out with these bad plans, these watered-down plans that don't give people the coverage they need. This is not the direction our state should be taking.

I'm going to be voting no, and I look forward in the months ahead to us coming up with real solutions to the healthcare crisis in this state instead of just providing watered-down milk.

Thank you.

ACTING PRESIDENT GRIFFO: Is

there any other Senator wishing to be heard?

Debate is closed. The Secretary will ring the bell.

Read the last section.

THE SECRETARY: Section 4. This act shall take effect January 1, 2009.

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

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

SENATOR BRESLIN: Thank you, Mr. President.

I fully appreciate and respect the opinion of most of the members of the Democratic conference on this bill.

However, I look at it from a different vantage point, and hopefully not a naive one, that on any given day we have close to 3 million uninsured in this state and 5 million in any given year. And that this bill, this high-end health insurance bill, gives an opportunity for small-businessmen who might not otherwise be able to provide insurance to their employees to be able to

reach out and bring them under an umbrella.

Is it a Band-Aid? Yes, it's a Band-Aid. But if we can insure some additional folks with health insurance, I have to support it. And as we move towards -- hopefully, sooner rather than later -- a universal health plan, we should provide those opportunities for employers when they're given an opportunity to provide, again, Band-Aid plans which allow their employees to maybe get to a doctor or get to an emergency room, to have crisis-intervention healthcare.

Is it good? It's not great, but it's better than not having it.

So for those reasons, I vote aye.

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

Senator Seward, to explain his vote.

SENATOR SEWARD: Yes, thank you, Mr. President. I also rise in support of this legislation.

Certainly everyone in this chamber, I'm sure, wants to see everyone covered in New York State when it comes to health

insurance, to not have any uninsured in New York.

And I'm very pleased that in the last year or so the administration, through the Insurance Department and the Department of Health, has been going around the state having hearings, gathering testimony about how New York State could best achieve universal coverage for all New Yorkers.

However, we are not sitting by and waiting for this report, which was due May 31st and now it may not be until sometime this fall or even the end of the year. These are complex, complicated issues. To our credit, this Legislature, working with the Governor, has not been sitting idly by, waiting for a report, because in this year's budget we established a new low-cost prescription program, we expanded Child Health Plus to include more young people. We are moving forward to close the session here with an expansion of the Healthy New York program.

And we just passed, earlier today, legislation which I believe is going to become law which gives another low-cost option for

young people getting out of college, no longer covered by their parents' insurance, before they get that first job or get their own coverage, to fill that gap.

This legislation before us, as Senator Breslin has described very well, provides just one more option to help people be able to obtain health insurance.

I think it's a very worthy piece of legislation, and that's why it's sponsored by the Farm Bureau, the Business Council, and many other groups who are seeking a way to afford health insurance for themselves and their employees.

I vote aye.

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

Announce the results.

THE SECRETARY: Those recorded in the negative on Calendar Number 614 are Senators Dilan, Duane, C. Johnson, Klein, L. Krueger, Montgomery, Onorato, Perkins, Sabini, Sampson, Savino, Schneiderman, Stewart-Cousins and Thompson. Also Senator Smith. Also Senator Serrano. Also Senator

Stavisky.

Absent from voting: Senators Adams, Hassell-Thompson and Parker.

Ayes, 41. Nays, 17.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1845, by Senator Maltese, Senate Print 8457, an act to amend the Elder Law.

ACTING PRESIDENT GRIFFO: Senator Smith.

SENATOR SMITH: Thank you, Mr. President. I believe I have an amendment at the desk, and I am asking that the amendment be waived and I ask to be heard on the amendment.

ACTING PRESIDENT GRIFFO: Thank you, Senator.

Yes, Senator Smith, I do have the amendment. I have reviewed that amendment with counsel, and this amendment appears to be identical to Senate Bill 8153A, which lacks a home-rule message, which is necessary. So the amendment is out of order.

SENATOR SMITH: Mr. President.

ACTING PRESIDENT GRIFFO: Senator Smith.

SENATOR SMITH: This is being offered not as a bill, this is an amendment to the bill.

ACTING PRESIDENT GRIFFO: I understand, Senator Smith. However, it is the content that controls the legislation. This content is identical to the bill that I had identified previously, 8153A.

Under Article 9, Section 2 of the Constitution, Senator Smith, those issues dealing with property and affairs of localities do require a home-rule message, and this does that. So accordingly, it's identical to the bill and deals with that content.

So as a result of that, the amendment is not in order.

SENATOR SMITH: Mr. President, this particular amendment was filed prior to this, the other day, and was ruled actually to be not germane. This is not a bill. I understand you're citing Section 9, but this again is an amendment to a bill that's being

offered by Senator Maltese.

I think Senator Maltese clearly understands the importance of this issue, and perhaps you may want to engage the sponsor of the bill and actually request that you engage the sponsor of the bill and have him speak to the fact that this is --

ACTING PRESIDENT GRIFFO: Senator Smith, this is not a ruling of germaneness, it is a ruling on the content, what is required.

As a result of that, this issue is -- as I indicated earlier, the amendment is unacceptable because of its identical nature to the bill that has been previously identified. And it is governed by the home rule procedures accordingly with the Constitution, as I have cited to you, Article 9, Section 2 specifically of the Constitution.

SENATOR SMITH: Right. And I respect your knowledge of the rules, Mr. President.

But I respectfully submit that this particular amendment that I am putting forward is a matter of amending procedure, not

regarding the bill. I understand where you are, and I understand what you are ruling on. But again, this is procedurally what we're trying to do, not a matter of dealing with the bill specifically.

ACTING PRESIDENT GRIFFO: But the ruling is on the substance, Senator Smith, because we're not dealing with procedure now. The amendment requires a certain act. And as a result of that, it is not a matter of germaneness but, again, on the content. So as a result of that, the amendment is unacceptable.

SENATOR SMITH: Mr. President, I --

ACTING PRESIDENT GRIFFO: That is the ruling of the chair, Senator Smith.

SENATOR SMITH: Mr. President, I am asking for us to be heard on a procedure, not on the amendment per se, which, Mr. President, we are allowed, as you know, according to the rules. All I'm saying, we have a procedure that we're looking for, and that's all we're asking. I'm not asking to do anything more than that.

So I understand what you're citing, but you're actually changing the rules with respect to what I am actually asking. It is not germane to what I'm asking.

ACTING PRESIDENT GRIFFO: Senator Smith, I think, though, that we're ruling on an amendment that you are asking for a waiver of the reading of an amendment. We are telling you that the amendment is unacceptable, for the regulations that I have cited earlier with the Constitution.

So the amendment is out of order. So accordingly, you cannot be heard on an amendment -- we cannot waive a reading on an amendment that is out of order.

SENATOR SMITH: Mr. President, let me be clear. Well, we can appeal the ruling, but that's -- I just want to be clear.

So what you are saying, Mr. President, is that the amendment that I am asking to be heard on, which deals with the modernization of the NYCHA homes, the senior citizen centers, which we think at this point is actually going to be closed, based on the fact that Senator Maltese's bill --

SENATOR PADAVAN: Mr. President. Mr. President, point of order.

ACTING PRESIDENT GRIFFO: Senator Padavan.

SENATOR PADAVAN: I believe the chair -- you have ruled on whether or not this amendment can be pursued by virtue of its lacking a home rule message. Your ruling has been challenged.

Therefore, let us vote on that and not debate the content of an amendment that's no longer permitted to be submitted to this body for consideration.

ACTING PRESIDENT GRIFFO: Thank you, Senator Padavan. Your point of order is well-taken.

Senator Smith, my ruling stands.

SENATOR SMITH: Mr. President, I appreciate Senator Padavan's eagerness to engage himself in this dialogue, but unfortunately you should rule him out of order, because this is a dialogue between you and I.

ACTING PRESIDENT GRIFFO: Senator Smith, my ruling --

SENATOR SMITH: Mr. President --

ACTING PRESIDENT GRIFFO: -- and as I indicated to you earlier, you're again dealing with the affairs of property, and that is under the jurisdiction of the locality. Property and affairs of a locality require home rules, Senator Smith. And that is what you are dealing with. So the ruling stands.

Are you asking now for an appeal of the ruling?

SENATOR SMITH: Mr. President, not am I asking for an appeal of the ruling, but I understand you understand that we need a home rule message for this.

Now, I don't know, Mr. President, if at this point it is in order for us to move to be at ease so we can get an actual ruling on this. But you tell me, Mr. President.

ACTING PRESIDENT GRIFFO: Senator Padavan.

SENATOR PADAVAN: Mr. President, I understand you issued a ruling based on counsel and your understanding of the requirements of a home rule message.

Now, I've been in this chamber

36 years. I don't recall a debate between the chair and a member on any issue. So either your ruling is being challenged and should be acted upon accordingly or the amendment withdrawn, one or the other.

This debate is inconsistent with the rules of this house.

ACTING PRESIDENT GRIFFO: Thank you, Senator Padavan.

Senator Smith, let me reiterate that I have made a rule on the amendment. Short of an appeal -- you've indicated that you do not want to appeal the decision of the chair, so accordingly we will move on to the bill.

SENATOR SMITH: Mr. President, I still reserve the right to appeal --

ACTING PRESIDENT GRIFFO: Senator Smith, do you wish to be heard on the bill?

SENATOR SMITH: Mr. President, I still reserve the right to appeal the ruling on the amendment.

What I'm asking for is clarification. Senator Padavan is not the president of the Senate right now; you are.

ACTING PRESIDENT GRIFFO:

Correct. But I have given you my ruling --

SENATOR SMITH: I am not --

ACTING PRESIDENT GRIFFO: -- and you continue to challenge my ruling.

SENATOR SMITH: Mr. President -- Mr. President --

ACTING PRESIDENT GRIFFO: I have given you a ruling, Senator Smith.

SENATOR SMITH: Did you not say that I had the right to appeal the decision?

ACTING PRESIDENT GRIFFO: I did, and you indicated you did not have a desire to.

SENATOR SMITH: Mr. President, Mr. President, I have not told you whether or not I'm appealing your ruling.

What I'm trying to do is get an understanding of what you are telling me. I am not as intelligent as you are; it takes me a lot longer to understand the facts. And I believe, as one colleague to another, you owe me the respect to explain to me why you are ruling that way in terms of needing a home rule in Section 9. That's all I'm asking.

ACTING PRESIDENT GRIFFO: I think that --

SENATOR SMITH: Mr. Padavan is trying to protect you, for what reason I don't know.

ACTING PRESIDENT GRIFFO: There's no one trying to protect, Senator Smith.

I've indicated several times now how and why we made the ruling of the chair, and we have been very clear about that, citing sections of the Constitution, talking about the content which controls, talking to you about the purview within the affairs of the property. And the affairs are that dealing with a locality; therefore, they require a home rule, as in accordance with counsel.

So I have specifically given you an answer and have ruled on this, Senator Smith. So short of an appeal, we will move forward on the bill.

Senator Maltese, why do you rise?

SENATOR SMITH: Mr. President, we will appeal the ruling of the chair.

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

SENATOR MALTESE: Yes, Mr. President, since it's my bill, I would respectfully request that possibly the points that my colleague would wish to make can be made during the debate on the initial bill. And all aspects of that debate can be covered at that time, including the proposals that would be made by Senator Smith and others at this time.

SENATOR SMITH: Mr. President, I'd like to appeal the ruling of the chair.

ACTING PRESIDENT GRIFFO: Thank you, Senator Smith. Senator Smith is asking for an appeal of the ruling of the chair.

SENATOR CONNOR: Slow roll call, Mr. President.

SENATOR MONTGOMERY: Slow roll call.

ACTING PRESIDENT GRIFFO: Gentlemen, may we have order in the house, please.

I am reviewing now the request to appeal the ruling of the chair. The indication of the interest and desire for a slow roll call is not eligible, under the

rules of the Senate, under actions of bills and concurrent resolutions and nominations, which are Article 8, Section 6(B) only allows for the slow roll call. So in this case a slow roll call will not be allowed.

The negatives will please raise their hands.

SENATOR CONNOR: Point of order, Mr. President.

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

SENATOR CONNOR: We had a slow roll call a week ago on a ruling of the chair.

ACTING PRESIDENT GRIFFO: Senator Connor, that was done on consent, by unanimous consent.

There does not appear to be unanimous consent in the chamber today, so your point is not well-taken.

I have cited to --

SENATOR CONNOR: Mr. President, you're entitled to your opinion, but not your own facts. There was no consent.

ACTING PRESIDENT GRIFFO: These are not opinions, Senator Connor. I am citing

to you specific rules of engagement here in the chamber.

Senator Duane, why do you rise?

SENATOR DUANE: Because, Mr. President, I was actually sitting in the chair. There was no call for consent. We went immediately to a slow roll when it was requested.

I think if you took another look at the rules, you would see that that's totally appropriate.

And as has been stated, a precedent was set, and to change the rules at this point would be really a breach of trust on how we operate in this chamber.

ACTING PRESIDENT GRIFFO: That is -- unfortunately, Senator Duane, that is not accurate. I have told you that the previous ruling was done on unanimous consent. That does not exist today. I have cited the rules that are present here, talking to you about Rule 8, Section 6(B).

So as a result of that, the ruling stands. I would ask that all those who disagree who want to overrule the chair,

please raise their hand.

SENATOR DUANE: Mr. President --

ACTING PRESIDENT GRIFFO: That is the ruling of the chair. Senator Duane, you're out of order.

SENATOR DUANE: Mr. President, since there's a dispute, may we have a reading of the transcript of that day, Mr. President? I think you will see and hear that there -- I'm sorry that you are mistaken about that, but if you -- if we have a reading of the transcript, you will see that there was no call for consent, we went right to a slow roll call.

And I'm entitled to hear that. We're all entitled to hear that.

ACTING PRESIDENT GRIFFO: Senator Duane, the chair has made its ruling.

I will now ask that all those who are opposed and would like to have a reconsideration of appeal of the chair, please raise your hands.

SENATOR DUANE: Mr. President -- Mr. President --

SENATOR SMITH: Point of order,

Mr. President.

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

SENATOR MAZIARZ: Excuse me. Excuse me, Mr. President. Can we just have a very brief recess.

Mr. President.

ACTING PRESIDENT GRIFFO: Senator Maziarz.

SENATOR MAZIARZ: Would the Senate please stand in recess for two minutes.

ACTING PRESIDENT GRIFFO: The Senate stands at ease.

(Whereupon, the Senate stood at ease at 1:05 p.m.)

(Whereupon, the Senate reconvened at 1:09 p.m.)

ACTING PRESIDENT GRIFFO: The Senate will come to order. The Senate will please come to order.

Senator Skelos.

SENATOR SKELOS: It's my understanding that the Minority has offered up an amendment. The Majority has said that it's out of order because a home-rule message is

required. I believe the Minority is appealing the ruling of the chair.

And I believe we're on a slow roll call now?

SENATOR SMITH: No --

ACTING PRESIDENT GRIFFO: Senator Skelos --

SENATOR SKELOS: Have you ruled on the amendment?

ACTING PRESIDENT GRIFFO: I have.

The slow roll call will not be accepted. I have cited the rationale behind that, and there is no precedent in this case because there was no objection registered during the last time.

There has been an objection registered today, Senator Duane. So, accordingly, the ruling stands. The ruling of the chair stands.

SENATOR SABINI: Mr. President --

ACTING PRESIDENT GRIFFO: Senator Sabini, you're out of order. Please sit down.

SENATOR SABINI: -- point of order.

ACTING PRESIDENT GRIFFO: Senator

Skelos has the floor. Do you yield to Senator Sabini, Senator Skelos?

SENATOR SKELOS: No, I do not.

ACTING PRESIDENT GRIFFO: Okay. Senator Sabini, please take your seat.

Senator Skelos, you may continue.

SENATOR SKELOS: If we could now go to the main bill.

SENATOR SABINI: Mr. President, point of order.

ACTING PRESIDENT GRIFFO: Senator Sabini, on your point of order.

SENATOR SABINI: Who objected to the slow roll call?

ACTING PRESIDENT GRIFFO: Today?

SENATOR SABINI: Yes.

ACTING PRESIDENT GRIFFO: Slow roll call? A member of the Majority indicated, I think Senator Maltese may have. He wanted to discuss the bill.

SENATOR SABINI: I did not hear that.

ACTING PRESIDENT GRIFFO: Paterson did -- Senator Padavan did. Excuse me.

SENATOR SABINI: Senator Paterson or Senator Padavan?

ACTING PRESIDENT GRIFFO: Senator Padavan. Mr. Chairman, Senator Padavan did.

SENATOR DUANE: Mr. President.

ACTING PRESIDENT GRIFFO: Senator Duane.

SENATOR DUANE: I don't believe that you have responded to the request for a reading of the Journal of last week when we had a similar situation.

ACTING PRESIDENT GRIFFO: Senator Duane is out of order. We're on the bill. I've made my ruling. The ruling stands as is.

We will now return to the motion to overrule --

SENATOR DUANE: Mr. President, did you rule --

ACTING PRESIDENT GRIFFO: Senator Duane, you're out of order.

SENATOR DUANE: Did you rule on the --

ACTING PRESIDENT GRIFFO: -- on the motion to overrule --

SENATOR DUANE: Mr. President,

point of --

ACTING PRESIDENT GRIFFO: -- to overrule that of the --

SENATOR DUANE: -- point of --

ACTING PRESIDENT GRIFFO: Senator Duane, please take your seat.

SENATOR DUANE: A point of clarification. Did you rule --

ACTING PRESIDENT GRIFFO: Senator Duane, please take your seat.

SENATOR DUANE: -- that you are not permitting the reading of the Journal from last week? Did you make a ruling on that, Mr. President?

ACTING PRESIDENT GRIFFO: Senator Duane, I did. I just said that your request is out of order at this time because we are on the bill.

SENATOR DUANE: Well, I would challenge -- I would challenge that, Mr. President. A point of order is always in order.

ACTING PRESIDENT GRIFFO: We cannot overrule two things at the same time. We can take that up after we take the first

vote if you would like to, Senator Duane.

Currently the motion before this body -- gentlemen --

SENATOR DUANE: A point of order takes precedent over everything else.

ACTING PRESIDENT GRIFFO: Your point of order is not well-taken. Please take your seat.

SENATOR DUANE: There's no such thing as a point of order not being well-taken when there's no response on the merits.

ACTING PRESIDENT GRIFFO: I didn't give you a response on that, Senator Duane. I told you that you were out of order. We're speaking on the bill right now. That's your motion.

SENATOR DUANE: Then I'm challenging that.

ACTING PRESIDENT GRIFFO: That challenge will have to take secondary to the -- there is a challenge to the rule of the chair right now. Are you withdrawing that ruling, then, that Senator Smith made? Is he withdrawing that motion?

SENATOR DUANE: Mr. President --

ACTING PRESIDENT GRIFFO: Senator Duane, is he withdrawing that motion? Do you speak for him?

SENATOR DUANE: How are we dealing with that motion?

ACTING PRESIDENT GRIFFO: Right now we are dealing with that -- the motion was on whether or not you should overrule the ruling of the chair.

SENATOR SMITH: Point of order, Mr. President.

ACTING PRESIDENT GRIFFO: Senator Smith.

SENATOR SMITH: Yes. Can I withdraw my motion?

ACTING PRESIDENT GRIFFO: You want to withdraw your motion?

SENATOR SMITH: I withdraw my motion.

ACTING PRESIDENT GRIFFO: The amendment is withdrawn.

Senator Bruno.

SENATOR BRUNO: It's the Senator Maltese bill that's on the floor?

ACTING PRESIDENT GRIFFO:

Correct, Senator Bruno.

SENATOR BRUNO: Can we lay it aside presently, Senator? Do you mind laying this bill aside presently?

SENATOR MALTESE: Mr. President, lay my bill aside temporarily.

ACTING PRESIDENT GRIFFO: Calendar 1845 is laid aside temporarily.

SENATOR BRUNO: Thank you, Mr. President.

And I would, with the concurrence of our colleagues, continue with the calendar.

ACTING PRESIDENT GRIFFO: Without objection, the calendar will continue.

The Secretary will read.

THE SECRETARY: Calendar Number 1887, by Senator Young, Senate Print 8169A, an act to amend the Environmental Conservation Law.

SENATOR SABINI: Explanation.

ACTING PRESIDENT GRIFFO: Explanation, Senator Young.

SENATOR YOUNG: Yes, this bill was requested by the Department of Environmental Conservation. It establishes

statewide requirements for oil wells and horizontal gas wells to access natural gas resources throughout the Southern Tier of Western New York and across the entire Southern Tier east.

Basically, this would allow the proper management, it would streamline things for DEC to be able to get things moving. It does not change whether or not you can access and drill for oil and gas right now in New York State; you can do this. This helps streamlined the permitting process.

ACTING PRESIDENT GRIFFO: Senator Sabini.

SENATOR SABINI: Mr. President, would the sponsor yield for a question.

ACTING PRESIDENT GRIFFO: Senator Young, will you yield for a question?

SENATOR YOUNG: Yes, Mr. President.

ACTING PRESIDENT GRIFFO: Senator Sabini.

SENATOR SABINI: Mr. President, through you, would the sponsor tell me what counties are going to be affected by this

piece of legislation?

ACTING PRESIDENT GRIFFO: Senator Young.

SENATOR YOUNG: It's all of the Southern Tier. It's not listed by counties, but it's Broome, Tioga, Sullivan, and Delaware, in addition to Allegany, Cattaraugus and Chautauqua counties.

SENATOR SABINI: Mr. President, if the sponsor would continue to yield.

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

SENATOR YOUNG: Yes.

ACTING PRESIDENT GRIFFO: Senator Sabini.

SENATOR SABINI: Through you, Mr. President, would the sponsor tell me how people get their drinking water in those counties?

ACTING PRESIDENT GRIFFO: Senator Young.

SENATOR YOUNG: Well, people get their drinking water in those counties the same way everyone else does -- through the different water systems, through wells,

through surface water, depending on what system is in place in those particular communities.

SENATOR SABINI: Mr. President, if the sponsor could continue to yield.

ACTING PRESIDENT GRIFFO: Senator Young, do you yield?

SENATOR YOUNG: Yes.

ACTING PRESIDENT GRIFFO: Senator Sabini.

SENATOR SABINI: Actually, I don't get my drinking water when I'm home that way at all, I get it through the Cat/Del Reservoir system. Is part of that New York City Watershed area in this -- the area that would be affected by this legislation?

ACTING PRESIDENT GRIFFO: Senator Young.

SENATOR YOUNG: No, it is not.

SENATOR SABINI: Mr. President, if the sponsor would continue to yield.

SENATOR YOUNG: Yes.

ACTING PRESIDENT GRIFFO: Senator Young yields.

SENATOR SABINI: Through you,

Mr. President, my understanding is that the Delaware River Valley part of the -- and I always mispronounce this -- the Shawangunk Ridge, I believe it's called, is part of this which is in the New York City Watershed area, is it not?

SENATOR YOUNG: Senator Sabini, one of the things that I want to stress is that this bill does not change anything that can occur right now. That this is a departmental bill from DEC, it will have no effect on water sources in New York State. There has been no incident of it affecting any water sources in New York State.

And so I believe that your line of questioning is not relevant to the focus of the bill.

SENATOR SABINI: Mr. President, if the sponsor could continue to yield.

SENATOR YOUNG: Yes.

ACTING PRESIDENT GRIFFO: Senator Young yields.

SENATOR SABINI: Through you, Mr. President, can the sponsor describe to the house what the term "fracking" or fracturing

drilling is?

SENATOR YOUNG: Basically, what it does is it breaks up rock, and there is water that is injected to recover the oil and gas.

However, I would stress again there has never been any source of contamination that I'm aware of -- if Senator Sabini has it, I'd love to hear about it. But that this is a safe process, it's a new technology, it's been proven.

And I believe very strongly if the Department of Environmental Conservation, if it was a problem, they would not allow this process in New York State.

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

SENATOR YOUNG: Yes.

ACTING PRESIDENT GRIFFO: Senator Young yields.

SENATOR SABINI: I'm delighted at the newfound faith in the DEC by Senator Young, since I've heard otherwise in the past. I'm glad we've had this epiphany.

Mr. President, would the sponsor tell me what is in this water that's injected to get the gas out of the wells, what chemicals?

SENATOR YOUNG: You know, Senator Sabini, I'm not sure right at the moment. But they are not qualified, I believe, by DEC as hazardous materials. That's the understanding that I have.

SENATOR SABINI: Mr. President, on the bill.

ACTING PRESIDENT GRIFFO: Senator Sabini, on the bill.

SENATOR SABINI: Well, Senator Young is right, she doesn't know. None of us know, because those chemicals are protected under federal law. It is suspected by many people that one of the chemicals that's mixed with that water -- besides sand -- is strychnine, not something I would think the sponsor or anyone else would want in our wells or in our water supply. That's a carcinogen.

With regard to past experience as to whether or not this technology has contaminated anything, we don't really know

yet, because the technology is very new.

I can tell you that in the case of the Binghamton-Johnson City water treatment facility, they're talking about bringing in a million gallons of wastewater that treatment plants may not be able to handle. That's a little frightening.

Water treatment plants have capacity, they're built with capacity. And the millions of gallons of water that will be used to fracture this gas out of the Marcellus shale is a lot more water than the wastewater treatment plants are able to handle.

Now, the Pennsylvania Department of Environmental Protection met with 150 people from the gas and oil industry just the other day to make sure that Pennsylvania companies understand that there are laws governing drilling. And this kind of meeting came after operators in Pennsylvania illegally diverted streams from their streambeds and spilled diesel fuel at sites.

There are farmers upstate who have already noticed that wastewater from this fracturing is being deposited onto roadways

that spill into local water supplies and wells.

I understand that there's a lot of money in this industry of fracturing; I understand that. And in distressed economic times, I understand that there are those who would rather have their farmland subject to this fracturing rather than wait and find out what that will mean.

It's sad that we're in an economic time where a quick buck is more important than long-term concerns. But no one really knows what this fracturing will do to the land throughout the counties being discussed. I think we should take a go-slow approach. There are others that feel that way as well.

We are in a position now of being at sort of the first step of learning about this kind of mining for gas, and yet I believe this bill will speed up the process. The Susquehanna River Basin Commission, which is a bi-state commission, has told 23 exploration companies operating in New York and Pennsylvania that they need to come to them before obtaining water from rivers, creeks and

streams in the area that they're talking about mining in.

The process of drilling wells in underground Marcellus and Utica shale formations involves injecting large amounts of water into these formations, breaking them up, releasing trapped gas, and sending sand and other chemicals which are protected under federal patent law -- that we don't know about -- into the ground.

Large, unregulated withdrawals from streams can reduce the flow of water in time of drought and cripple our wastewater plants in time of flood. I think this is a technology that we're nowhere near knowing enough about. I think there's lots of people within this area that have emailed us and called us, and a number of environment groups have come forward to say let's take a go-slow approach on this.

So, Mr. President, I'm going to be voting in the negative, thank you.

ACTING PRESIDENT GRIFFO: Senator Duane.

SENATOR DUANE: Thank you.

Mr. President, on the bill.

ACTING PRESIDENT GRIFFO: Senator Duane, on the bill.

SENATOR DUANE: This is, interestingly, a time where I think everyone in the state, no matter where they live, has a tremendous interest in this legislation and not passing this legislation at this point in time.

Let me say from the get-go, it's possible, though I think unlikely -- and I'm willing to be wrong about it -- but it's possible that, as the sponsor says, there is absolutely no danger, that this is a totally safe technology. However, we do not know that. And there is no proof of that.

As the sponsor said, this is a new technology. We do not know the ramifications of this technology. Absolutely, it has an impact on the water table of anywhere where this drilling takes place. Because in order for this drilling to take place, the drilling uses up an enormous amount of water.

It uses an enormous amount of water in the area that the drill is taking place,

and we do not know what is left in place of that water that's used. The water is displaced, it's contaminated. The water that's left is also contaminated.

So lay aside what it might do to the New York City Watershed. What it does to the local drinking water of the counties and municipalities that are being impacted potentially by this drilling.

The vast majority of people who live in these counties get their water locally, sometimes through a municipal water system and sometimes through wells. And we do not know the impact of this technology. Why are we making it so that we won't be finding out about it? If we permit this drilling to start now --

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

SENATOR YOUNG: Will Senator Duane yield for a question.

ACTING PRESIDENT GRIFFO: Senator Duane, will you yield for a question?

SENATOR DUANE: Sure. Yes, Mr. President.

ACTING PRESIDENT GRIFFO: Senator Young.

SENATOR YOUNG: Senator Duane, I'm listening to what you're saying, and my question is, on what factual information are you basing the comments that you're making right now? Because you even admitted yourself you don't know.

What I'd like to point out is that DEC -- what this bill actually does is that it will give DEC even more oversight over this process. And it's not going to contaminate water wells, it's not going to contaminate municipal systems. There have been millions of fracking across this country -- for example, in Texas, the Burnett shale -- and there have been no incidents of water being contaminated. Millions, millions.

So I guess my question to you, again, is where are you getting your information from? Because it's totally unsubstantiated.

SENATOR DUANE: Mr. President.

ACTING PRESIDENT GRIFFO: Senator Duane.

SENATOR DUANE: I said that I wanted to have more information. Perhaps a public hearing. What a concept.

Interestingly, the only state that was specifically mentioned by the sponsor in her question was Texas. Now, if we want to have the same environmental situation here in New York that Texas has, I think it's time for most of us to move, because Texas has a horrendous, horrible environmental record.

If we want to look at examples of what has happened, let's look at Ohio, let's look at Pennsylvania -- which, frankly, the terrain of which, the geology of which much move tracks with Senator Young's district than does Texas. And I actually know something about --

SENATOR YOUNG: Senator Duane, will you yield for a question?

SENATOR DUANE: If I could finish answering the question -- if I may finish answering the question, which I think I'm allowed to, since I was kind enough to yield before I finished -- there is an incredibly high rate of cancer in many places in Texas

which many believe, scientists believe, is in part caused by the terrible environment there.

And I have some personal knowledge of that. My partner's mother died of cancer, they lived in the Rio Grande Valley, and they strongly believe that it's the water that caused her to get esophageal cancer. As have many people on both sides of the Rio Grande.

So I don't want us to be Texas. Let's look at what has happened in Pennsylvania, let's look at what happened in Ohio before we rush to pass this legislation.

SENATOR YOUNG: Senator Duane, again, first of all, I'm sure you're aware that New York State is probably the most regulated, environmentally regulated state in the entire country.

And if some of the states are less regulated but they still haven't had an incident, how can you stand there today and say that you have some kind of facts or some kind of data that suggests otherwise? I think it's outrageous that you would even say that.

We have looked at what has happened in Pennsylvania. We have looked at what has

happened in Ohio. And I have to say they're even less regulated than us. And one thing that I want to point out to you that I guess I'm asking if you understand about the bill is that --

SENATOR DUANE: I just want to --

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

SENATOR CONNOR: Point of order. There's a back and forth. I haven't heard a question.

SENATOR YOUNG: If you understand -- I'm asking the question, Senator Connor.

I'm wondering if you understand, Senator Duane, that we are the most regulated environmentally, from an environmental standpoint, state. And, number two, whether you understand that this recovery of oil and gas is already allowable in New York State, and this does not change that one bit, but basically gives more oversight to DEC in this process.

Do you understand those two things?

ACTING PRESIDENT GRIFFO: Senator

Duane.

SENATOR DUANE: Mr. President, I think there were two questions. One is how can I say this, and the second question was -- what was the very end of your --

SENATOR YOUNG: This legislation does not change the fact that you already can recover oil and gas in New York State through horizontal drilling. That already occurs. Basically what this does is help DEC. This is --

SENATOR DUANE: Mr. President, I actually just was asking for a very specific clarification. There was a question how can I say this, and then at the very end of what the sponsor was saying she had another question, which I just forgot.

But I'll answer the first question, and if we come to the second one -- how can I say this? How can the sponsor say what she's saying? She doesn't know any more than I do about this, because nobody knows about this, because it's a new technology.

And I'm sure that the companies that are going to make a windfall profit on

this, of course they're going to say it's totally safe. Of course they're going to say that. But there are numerous people in Ohio and Pennsylvania who are sorry that they let people come onto their land and do this, and there are municipalities in Ohio and in Pennsylvania who do not know what has happened to their water. And they are very concerned that their drinking water has been negatively impacted, if not destroyed, by this technology.

So both of us could say "how could you say this." How could we say this? We're both operating without the amount of information that we need to have to make a good choice about whether or not to allow this kind of technology to be used.

SENATOR YOUNG: Senator Duane, will you yield?

ACTING PRESIDENT GRIFFO: Senator Duane, will you continue to yield for another question?

SENATOR DUANE: Yes, Mr. President.

ACTING PRESIDENT GRIFFO: Senator

Young.

SENATOR DUANE: As long as the question is not endless.

SENATOR YOUNG: Senator Duane, this is a DEC departmental bill. This is a DEC --

ACTING PRESIDENT GRIFFO: Senator Young, perhaps you can repeat the question.

SENATOR YOUNG: Senator Duane, I'd like to remind you, this is a DEC departmental bill. And I know that you were very supportive, I believe, of Commissioner Grannis when we confirmed him.

So my question is, do you not have faith in what DEC is putting forward? Do you think that they're wrong on this issue?

ACTING PRESIDENT GRIFFO: Senator Duane.

SENATOR DUANE: Mr. President, I would like to have the luxury of a little bit of time to find out whether they are wrong or not. I do not know.

I think that this technology is potentially very dangerous. I would like -- if DEC thinks that this is a good piece of

legislation, then I'd like to have a hearing on it and have them come forward and discuss it.

I'm more than happy to have the corporations that are pushing this technology to come and testify. And I think we also need to talk with the municipalities and the landowners who have had this technology used on their land in, for instance, Pennsylvania and Ohio.

Let's get them all in the same room and testify, and I can ask as many questions as they want and the sponsor can ask as many questions as she wants. Senator Sabini can ask his questions. We can all ask our questions.

I think it's a little weird, frankly, that we're in the closing days of the session and this bill has just arrived here, no public hearings on it. There is tremendous concern about this legislation among the people and counties across New York State, and I think that we need to hear from them before we take action on this.

You know, I don't know whether

we're the most overly regulated state, but I do know that our water is among the best in the country, and I would like to keep it that way.

ACTING PRESIDENT GRIFFO: Thank you, Senator Duane.

Is there anything further you would like to add on the bill?

SENATOR DUANE: Just if I may finish speaking on the bill, Mr. President.

ACTING PRESIDENT GRIFFO: Senator Duane, on the bill.

SENATOR DUANE: I would encourage my colleagues to vote in the negative on this.

I really think that we need a chance to examine this, to hear from experts. You know, I'm a person -- I know a lot about a few things, I know a little about a lot of things, but I don't know enough about many, many things, and I like to hear from people who know more than I do about them.

So I know that that's a luxury here, but in this case, because it impacts on our environment and our drinking water across the state, I think that we should give this

some time, have hearings, hear from people, make the most educated decision we can on it.

So I'm not saying that we should never pass this, I'm just saying we need time to really examine it. So I am encouraging my colleagues to vote in the negative on this to give us a chance to do that.

And I also want to wish Senator Sampson a happy birthday.

Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: Happy birthday, Senator Sampson.

(Applause.)

ACTING PRESIDENT GRIFFO: Are there any other Senators wishing to speak?

Senator Young.

SENATOR YOUNG: Thank you, Mr. President.

While I respect my colleagues Senators Duane and Sabini very much, I believe that some of the statements that have been made have been misrepresentative of this legislation. Because this does not change a thing as to what's happening right now in New York State as far as allowing horizontal

drilling for natural gas and oil.

And according to DEC's own statistics, there has been 75,000 of these drilling operations upstate with not one negative incident. That's upstate, that's New York State, those are statistics that are kept by our own DEC.

You know, we have the opportunity here to really revitalize the upstate economy, because this is a great opportunity for our localities, it's a great opportunity for our property owners.

And by the way, I do want to mention that there's a bill that will be put on the calendar shortly that gives landowners a longer period of time so that they can review things and refuse if they don't want to accept a contract that's put forward by one of the drilling companies.

But this is really key to revitalizing the upstate economy. These companies want to invest millions of dollars into our economy.

And also, at the same time, you know, if people in this chamber are concerned

about energy costs, about the consumers, one of the things that undoubtedly we have to do is increase our domestic supply. This does exactly that.

So I would encourage all of our colleagues and actually urge them to vote yes. This is environmentally sound. This is a DEC departmental bill. This revives the upstate economy, and it increases our supply of energy.

Thank you.

ACTING PRESIDENT GRIFFO: Thank you, Senator Young.

Senator Sabini.

SENATOR SABINI: Mr. President, on the bill.

ACTING PRESIDENT GRIFFO: Senator Sabini, on the bill.

SENATOR SABINI: I think it's clear to me that this practice of fracking our shale supply is one that really requires a little more study. The executive director of the Broome County Soil and Water Conservation District said in a newspaper report just yesterday: "This is like a road covered in

fog. It's hard to see which way it turns."

The fact of the matter is it will take millions of gallons of water out of the water supply and then put millions of gallons of water back into the sewage treatment system that has chemicals injected into them by the process and then things taken out of the rock in the process that we don't even know what they are. They could be chemical, they could be radioactive.

None of the soil and water conservation districts have had anything but questions about this process. They don't know how they're going to have the capacity to handle the wastewater, the millions of gallons of wastewater.

Landowners are being -- frankly, it's turned into a land rush where you can get lots of money per acreage to have this process done on your land, and yet they have to do explosions, drilling, and water has to come out of your land and be carted off elsewhere.

I think this is a technology that we need to know more about, rather than encouraging it at the last minute of session.

So I urge all my colleagues from upstate and downstate -- and most of Delaware County is in the New York City Watershed area, as far as I know, having studied a lot about the watershed. I'm concerned about the water supply everywhere in this state. I think this is a process that needs to be looked at more closely rather than speeded up.

And I urge everyone to vote no.

ACTING PRESIDENT GRIFFO: Senator Marcellino.

SENATOR MARCELLINO: Mr. President, just on the bill. Just a clarification so that we understand something.

This bill gives the DEC more authority to regulate and control the process. That's something to be aware of. They are asking for us to give them greater control so that they can monitor these wells, so they can appropriately space these wells so that they will have a minimal or as minimal as possible impact on the local environment.

We're not going at this willy-nilly. This stuff has been done before. It's not new. Not new, it's not brand-new.

It's been used before. We want to, in this state, use it appropriately, with more controls and more monitoring. I don't know how many other times and other ways to say this.

This is a good bill. This will move forward and will help, and it will not negatively impact local water supply or the water supply for the City of New York. It's as simple as that. It's giving more control. I should think you'd want that.

Thank you.

ACTING PRESIDENT GRIFFO: Senator Libous.

SENATOR LIBOUS: Mr. President, I feel compelled to stand up, since my colleagues on the other side of the aisle have talked so eloquently about my district.

And this is something that we are paying very close attention to, not only in the Broome-Chenango-Tioga-Delaware-County area but throughout the state, and that is the concept behind this departmental bill.

We have had dozens of meetings in the Broome County area, because right now they

tell us that the Marcellus shale that's in Broome County is the richest, possibly, in the country. And as Senator Young said, right now they're talking about $180 million in lease arrangements with farmers who haven't been able to pay their taxes for the last five years and other landowners who have been struggling in an upstate economy in an a region where IBM once employed 17,000 people and now employs 1200.

So yes, from an economic development standpoint, my colleagues on the other side of the aisle, this is big for us.

On the other side of the issue, like anything we do here, you have to have balance, you have to have control. We too are extremely concerned about the environment. We're concerned about the water table. We're concerned about a whole host of issues.

That's why Chip McElwee, who made those comments, Senator, in the paper, we have been looking at a number of different ways to make sure that we protect the water table, that we protect -- you mentioned the New York City Reservoir. This side of the aisle,

Senator Bonacic, others here, we have done a number of things over the years to protect the reservoirs that feed New York City. We care very deeply.

During the aftermath of 9/11, it was this house that did a number of major important issues to make sure that those reservoirs were secure and safe during some of the issues that took place during and after 9/11.

So, Mr. President, to my colleagues on the other side of the aisle, I certainly appreciate their concern about some of our districts upstate. I appreciate their concern. But again, this bill, this bill is going to give the answers to those questions. As Senator Young said, this bill gives DEC more authority to regulate, more authority for oversight. That's what DEC is all about.

As a matter of fact, I've spent 20 years here, and I've heard time and time again from my colleagues on the other side of the aisle talking about the regulatory process in DEC and how important it was. And in many cases I've argued against it, because they

seem to be fighting the whole process in creating new businesses and new jobs.

In this case, I agree with you. I agree with you because what Senator Young is trying to do here is make sure that we have a balanced approach. So with all due respect to my colleagues on the other side of the aisle, I respect their opinion, I respect what they have to say, but the answer is within Senator Young's bill, because DEC will be making those decisions that the people in Broome County at the local level that I represent maybe don't have not only the authority but the expertise to make.

Just like we called upon them with the some of the TEC vapors that we've had in the Endicott area. The scientists from DEC come down and they help us, they work with us. It's not the local people who make those decisions.

So, Senator Young, this is an outstanding piece of legislation. This is the balance between the possibility of some great economic growth in upstate New York but also in protecting the environment.

ACTING PRESIDENT GRIFFO: Senator Winner.

SENATOR WINNER: Thank you, Mr. President.

As a Senator representing an area that has had extensive gas exploration in the last number of years, and also as the sponsor of the 2005 amendments to the Environmental Conservation Law which established the new procedures for unitization of gas wells in the state, you know, I'm pleased to support this bill. And I want to commend Senator Young for her efforts in this regard.

You know, it's astonishing to me to listen to some of the downstate patronization of upstate New York with regard to their concerns, their purported concerns over the environment, when this legislation is specifically authorizing more oversight by the Department of Environmental Conservation in order to protect the environment rather than to harm the environment.

And to that extent, I find your concerns to be only knee-jerk-environmentalist types of responses, and therefore I find it

very, very strange that --

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

SENATOR SABINI: Would Senator Winner yield for a question.

ACTING PRESIDENT GRIFFO: Senator Winner, will you yield for a question?

SENATOR WINNER: Yes.

ACTING PRESIDENT GRIFFO: Senator Sabini.

SENATOR SABINI: Mr. President, through you, Senator Winner pointed out this bill would give more oversight to DEC. Is the Senator aware that the bill would reduce the setback for drilling from 660 feet spacings to 460 feet spacings, thereby creating more ability to drill these wells? That's your idea of more regulation, to allow more?

ACTING PRESIDENT GRIFFO: Senator Winner.

SENATOR WINNER: Well, Senator Sabini, the Department of Environmental Conservation is very expert with regard to the way they establish their well setbacks.

And their unitization provisions,

rather than -- I'm sure that Queens, with all of the gas wells that they have down there, is very -- and the Senator from Queens who is about to be a member of the New York Racing and Wagering Board, is certainly going to be -- is very knowledgeable about how they do spacing of gas wells in the Southern Tier. I appreciate that.

I know that you like to use the gas that we're transmitting downtown to New York City in order to fire your generating plants, heat your homes, and otherwise provide affordable energy. I know that you enjoy the provisions of the Empire Pipeline that cut through upstate New York and the Millennium Pipeline that is going all the way through the Southern Tier of New York in order to deliver gas to your municipality down there so you can have cheap and reliable power in order to heat your homes and generate your electricity.

But it is astonishing to me that all of a sudden you now have become, in that process, an expert at how we space wells and site and permit wells for the exploration of gas in New York State.

SENATOR SABINI: Mr. President, if I could --

ACTING PRESIDENT GRIFFO: Senator Sabini.

SENATOR SABINI: If I could address the Senator's remarks.

I don't claim to be an expert in it, but I'm just pointing out that in answering a question about regulation, that the regulation is allowing more drilling, not less.

ACTING PRESIDENT GRIFFO: Senator Sabini, are you asking Senator Winner to continue to yield?

SENATOR SABINI: Who's presiding up there? They're ganging up on us.

(Laughter.)

ACTING PRESIDENT GRIFFO: It's his birthday.

SENATOR SABINI: Mr. President, I'm only pointing out that while --

ACTING PRESIDENT GRIFFO: Senator Sabini, are you asking Senator Winner to continue to yield?

SENATOR SABINI: I'm trying to

answer his point, which is that I'm not expert on the spacing or drilling of wells, but I do know that if you reduce the amount of space, you're going to get more wells. So to say that's more regulation, I guess it's more regulation to have more, but that's not the kind of regulation I was interested in.

Thank you.

ACTING PRESIDENT GRIFFO: Senator Winner.

SENATOR WINNER: In response to Senator Sabini's comment, I would only point out that the unitization size and the spacing unit sizes are specifically for the purpose of determining what is an appropriate spacing size in order to protect the landowners so that they can make sure that the correlative rights that are being taken from them in the form of the gas that's being extracted is more properly allocated among particularly landowners, and therefore they're fairly compensated for the amount of gas that is being extracted. That is the purpose of the size of the spacing units. Also, it obviously serves environmental purposes as well.

Once again, you know, we're standing up here suggesting that the Department of Environmental Conservation has the expertise to do their job, and we want to give them that power and maintain that power for them in order to make sure that this is properly regulated in New York State.

ACTING PRESIDENT GRIFFO: Senator Thompson. Senator Winner, excuse me.

Senator Thompson, why do you rise?

SENATOR THOMPSON: I rise, Mr. President, to ask if Senator Winner would yield for a question.

ACTING PRESIDENT GRIFFO: Senator Winner, will you yield for a question?

SENATOR WINNER: Sure.

ACTING PRESIDENT GRIFFO: Senator Thompson.

SENATOR THOMPSON: Senator, I had a question for you. And I wanted to know whether or not -- you know, how long people have been drilling. This process has been taking place in the state for how many years?

SENATOR WINNER: Well, the drilling in Western New York, particularly in

the Medina well fields, has been going on for -- or had been going on for decades. And obviously depending on the price of gas, some of it slowed down and was abandoned.

And then, with the Trenton/Black River find, it certainly has been receiving new interest. And certainly now with the Marcellus shale find, it's got even more interest. So gas drilling has been going on for probably over a hundred years in New York State.

SENATOR THOMPSON: Are you aware of any --

ACTING PRESIDENT GRIFFO: Senator Thompson, are you asking Senator Winner to continue to yield?

SENATOR THOMPSON: Yes.

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

SENATOR WINNER: Yes.

ACTING PRESIDENT GRIFFO: Senator Thompson.

SENATOR THOMPSON: Mr. President, through you, are you aware of any groups that may be opposed to this bill?

SENATOR WINNER: Well, I'm aware that -- it was brought to my attention that there's a -- the Sierra Club is opposed to it. And that's about it, I think, that I'm aware of.

I'm also aware that New York Farm Bureau is in favor of it. I'm also aware that the Independent Gas and Oil Association is in favor of it. I'm aware that there is obviously a number of independent landowners that are in favor of it. I know there are countless numbers of municipalities throughout the Southern Tier that are in favor of it due to the increased economic activity that it's producing and the additional tax revenue and economic development.

In fact, it's almost astonishing that we have -- in the Southern Tier we have hundreds of millions of dollars in private-sector investment which has finally come to our region of the state in assisting landowners that were in the past unable to secure any kind of reasonable return on their land values or any kind of reasonable return on their investments of property, and I'm

aware that those by the hundreds if not thousands of individuals that are out there that are benefitting from this economic growth and activity are in favor of this legislation.

And I know that there are people from one end of this state to the other that are going to be able to benefit by the increased production in the amount of natural gas and have that gas delivered so that they can heat their homes and power their generating plants are going to be in favor of it and are going to benefit from it.

So those kinds of people and groups are in favor of this legislation, yes.

SENATOR THOMPSON: Through you, Mr. President, will Senator Winner yield for another question.

ACTING PRESIDENT GRIFFO: Senator Winner, do you yield for an additional question?

SENATOR WINNER: Certainly.

ACTING PRESIDENT GRIFFO: Senator Thompson.

SENATOR THOMPSON: Has the DEC ever authorized this state to engage in an

activity and ever reversed its decision?

ACTING PRESIDENT GRIFFO: Senator Winner.

SENATOR WINNER: I don't know whether they have.

Although, Senator, what I will tell you is that I was extraordinarily interested and attended numerous briefings -- and members of my staff -- numerous briefings of the DEC involved in the development of this legislation and specifically questioned them with regard to the safety, the environmental safety concerns as it related to this fracturing process.

And one interesting thing that they pointed out -- and I'm assuming that the DEC, under Pete Grannis's leadership, is telling the truth when they represented to me and to other members of the Legislature that were interested that in their survey of this fracturing process throughout this country, that they had -- which was at least probably a million instances of where that had occurred -- that they had not uncovered one instance, not one instance where there's been

any groundwater contamination.

So I take them at their word. Apparently a number of your colleagues do not take them at their word that that is in fact accurate and do believe that the DEC must be misleading them with regard to the safety. I take DEC at their word that they are doing a good job of regulating this industry and at the same time providing for the unleashing of hundreds of millions of dollars of economic benefit and years and years' worth of supply of plentiful and reasonable-cost natural gas that will come out of this exploration process.

SENATOR THOMPSON: Mr. President, could the speaker yield for two more questions.

ACTING PRESIDENT GRIFFO: Senator Winner, will you yield for two questions?

SENATOR WINNER: Yes, Mr. President.

ACTING PRESIDENT GRIFFO: Senator Thompson.

SENATOR THOMPSON: Senator Winner, have you ever worked for a gas company

before?

SENATOR WINNER: No.

SENATOR THOMPSON: So does that mean you're not an expert on gas drilling or gas operations? Is that safe to assume?

SENATOR WINNER: Well, I was the sponsor of the 2005 legislation, yes. So to that extent I was fairly knowledgeable in the development of that.

SENATOR THOMPSON: But you've never worked for a gas company?

ACTING PRESIDENT GRIFFO: Senator Thompson, those were the two questions.

SENATOR THOMPSON: Could he just answer my question, please.

ACTING PRESIDENT GRIFFO: Would you want to answer the additional question?

SENATOR WINNER: What? I don't understand the question, Senator.

ACTING PRESIDENT GRIFFO: Would you re-pose the question, Senator Thompson.

SENATOR THOMPSON: I just want to know whether or not you've ever worked for a gas company.

Beyond what he has read, has he

ever -- does he have any practical experience, either through high school, through college, or professionally. Beyond reading papers, have you ever had any experience in the gas industry?

SENATOR WINNER: Senator, I'm an attorney in a private practice, and as a result I'm -- that's what my only other occupation has been.

Thank you, Senator.

SENATOR THOMPSON: One last question. Would you --

ACTING PRESIDENT GRIFFO: Senator Thompson, Senator Winner does not yield. Senator Winner has the floor, Senator Thompson, and he does not yield.

Senator Winner, is there anything further you would like to speak on the bill?

SENATOR WINNER: No, I've concluded, thank you.

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

SENATOR THOMPSON: Could I speak on the bill. I --

ACTING PRESIDENT GRIFFO: Senator

Thompson, we have a list.

Next is Senator Bonacic.

SENATOR BONACIC: Thank you, Mr. President.

I'm not going to belabor what's been said, but I'd just like to share some things with you at a meeting that DEC held with concerned constituents and our office on some of the things that you've raised today.

Number one, the drilling for natural gas, they go down about 700 feet. That's point number one. Usually wells don't go below 300, usually, and sometimes much less.

The second point that I want to make, and Senator Young mentioned it, there's a history of 75,000 drillings on different lands where there's knowledge of results of the environment, and it's been done without incident.

Number three, the gas company has to post a bond, and that bond is to make sure there's remediation of the land. They do water analysis when they're done to see if there's any contamination of the water. And

as I say, the drilling companies have to bond this to make sure that the things you're raising now do not cause any harm to the environment.

So -- and how long this has been going on is how long does it take to drill 75,000 wells in good times and bad. And when there's bad times, there's times that they don't drill till the market comes back. Okay?

So having said all of that, we trust the DEC and their specialists to be the protector of the environment. And Delaware County was mentioned by one Senator. Fifty-three percent of the land in Delaware County is in the watershed area, which is the most regulated area and lands in the whole United States. And what we have found in those 53 percent of the land in the watershed area is actually economic strangulation. There is no economic vitality.

So now, when we have the activity of gas drilling, we have the protection of property rights, we have an opportunity to bring back economic vitality for upstate, which is dying on the vine. And which all of

my colleagues, when I hear the rhetoric "we are one state, we have to help everybody" -- well, this helps upstate in economic vitality.

And the environment has been protected for decades. And now we are trying to give the DEC more power to delve deeper, if necessary.

So I cannot understand why we wouldn't get unanimous consent on this legislation. And I want to thank Senator Young and my other colleagues who have expounded on some of the things I've been speaking about.

Mr. President, I vote yes. Thank you.

ACTING PRESIDENT GRIFFO: Senator Thompson, on the bill.

SENATOR THOMPSON: First let me thank my colleagues on both sides of the aisle for their passionate debate on this important issue.

I would agree with my colleague Senator Bonacic that we are truly, indeed, one state, that we should not talk about downstate versus upstate or upstate versus downstate.

I appreciate my colleague Senator Young for her leadership on this issue. My concern is twofold -- or threefold. One, that there are groups from across the state that do not support the bill at this moment because they believe that more work needs to be done. A couple of the groups are the Catskill Mountainkeepers, the Natural Resource Defense Council, and, as my colleague indicated earlier, the Sierra Club as well.

The reason why I am concerned about this issue is sometimes the government is wrong. We have a place in the city of Niagara Falls they call the Love Canal, which is the poster child for government inaction and government getting it wrong. See, the government said to the residents years ago that everything was okay, that they were crazy. But you know what? A lot of environmental scientists and activist groups on both sides of the aisle of the political spectrum grew out of the government being wrong.

We just learned last year, paint that people, the government, that the DEC said

for years was acceptable turned out to be unacceptable. We had to do everything we can to protect people.

I will conclude by saying that the reason why people are concerned is that just like last year, we were concerned about protecting the water, so we passed the Great Lakes Compact to protect our precious water supply, and groups on both sides of the aisle agree that we must protect our water.

Groups are concerned about the following issues: Protecting people from contamination, making sure that there is consistent standards for quality testing and drilling, making sure that we protect air quality and there's air quality monitoring, that there's more disclosure, that there are noise thresholds, that there's also regional planning.

Although we know that upstate is suffering economically, we must always protect those that come after us. There were people years ago who thought it was okay just to open up a factory in a neighborhood, and now we know, 50 years later, that people are

suffering who worked in those plants and the people who lived next to those facilities.

So I'm not saying that we should deny people the opportunity to make money. We know that there's a need. I'm just simply saying that we need to -- if and when this bill passes, we must continue to protect the people that come 50, 60, 75 years later who may buy a house, who may purchase that land, and it may not be protected as good as we think it should be in the years to come.

So I am in opposition of the bill only because I believe we need additional safeguards and protections for those people who come 50, 60 years later who will not have benefited from the short-term investments from these major utility companies and venture capitalists.

Thank you.

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

Debate is closed. The Secretary will ring the bell.

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.)

ACTING PRESIDENT GRIFFO: Senator LaValle.

SENATOR LaVALLE: Yes, thank you, Mr. President.

I've been listening very, very carefully to the debate, and I'm sitting here saying this is a puzzlement. I'm looking, when this bill came up, at the sponsorship. I see Senator Young carrying a DEC department bill. Senator Young.

And I think, Senator Young, you have done a phenomenal job in explaining the necessity for this bill, and to upstate, to achieve some sort of balance.

But Senator Marcellino, as chair, I think really touched on something that's critically important. We're talking about a permit process. Has anyone viewed a DEC permit process and how they make the applicant walk on hot coals to get to the end of where they need to get? They are, thankfully, so

scrupulous in what they do and demand of an applicant. And so this provides greater protection for our environment.

And so Senator Libous talked about the critical balance that we need in protecting the environment but allowing more economic development. And I pride myself on casting votes, when it deals with the environment, very, very carefully.

But it is my pleasure, Senator Young, on this day to support you with a yes vote. I vote in the affirmative.

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

Senator Volker, to explain his vote.

SENATOR VOLKER: Yes, it is kind of rare that Senator LaValle and I agree when it comes to environmental votes.

But I just have to say a couple of things. Senator Young is part of the upstate delegation. It's always fascinating to me to get lectured to by people from New York City about clean water and clean air and all those things that we have assiduously protected

throughout our entire careers.

I can assure you of one thing. I don't know of anybody in Western New York and really in upstate New York who would take any risk with water. The big thing we have in western New York is water. And a lot of the things I've heard here today about drilling are fascinating. My brother lives in Scranton, Pennsylvania, and has told me about the problems in Pennsylvania. It has nothing to do with drilling in the last 10, 15 years. It's all about years ago. And it's a big problem.

We probably have more information on this biomass and all this stuff. The problem is there are many environmentalists who do not want to drill at all. They don't want to do anything because they're frightened.

But let me just say one thing to you because your successors and mine are going to suffer immensely because your city has sat there and done nothing about power.

The reason that we are the number-two target, in Western New York, after

New York City, is because about 60 percent to 70 percent of your power comes through Western New York. You have nowhere near enough power. Once the World Trade Center comes back up, you won't have enough power. I just want to warn you about that, because we provide a lot of things for the city.

So when you try to tell us about the environment and all those kinds of things, and about cows -- I don't think there's any cows in New York City. Frank says there's one farm; he's right.

I only sum up by saying we, we are going to protect our water at all costs. We don't need environmentalists, frankly, to tell us about water because we'll protect it ourselves. So I vote aye.

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

Senator Sabini, to explain his vote.

SENATOR SABINI: Mr. President, as I stated earlier, I'll be voting in the negative, primarily because, as the prior speaker noted, if someone had done something

years ago, there wouldn't be the problem today in Scranton, Pennsylvania. I don't want to be responsible years from now of someone saying we didn't do something about technology we didn't know about years ago.

So to protect the future, I think we should have more time and more study on this process. That's why I'm voting in the negative. Thank you.

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

Senator Duane, to explain his vote.

SENATOR DUANE: Thank you, Mr. President.

I just want to say that my people have been in this state longer than many others here: The Duanes of Duanesburg, the Hallinans of Callicoon. We may have lost that mansion in Duanesburg, but our spirit continues.

I just want to raise one issue that wasn't raised as I vote no on this, and that is the Millennium Pipeline, those are good union jobs. These drillers come in, they're not union, they come, they drill, they leave,

and what are we left with? We don't know. That's what we're trying to find out.

So, Mr. President, I'll be voting in the negative on this. Thank you.

ACTING PRESIDENT GRIFFO: Senator Duane to be recorded in the negative.

Announce the results.

THE SECRETARY: Those recorded in the negative on Calendar Number 1887 are Senators Adams, Connor, Duane, Huntley, Klein, L. Krueger, Montgomery, Parker, Perkins, Sabini, Savino, Schneiderman, Serrano, Smith, Stavisky and Thompson.

Ayes, 45. Nays, 16.

ACTING PRESIDENT GRIFFO: The bill is passed.

The Secretary will read Calendar 1845.

THE SECRETARY: Calendar Number 1845, by Senator Maltese, Senate Print 8457, an act to amend the Elder Law.

SENATOR SMITH: Explanation.

ACTING PRESIDENT GRIFFO: Explanation, Senator Maltese. Senator Maltese, Senator Smith requests an explanation

of the bill.

SENATOR MALTESE: Yes, Mr. President.

Just as a brief prelude to the bill, in the '60s there was a realization on the part of many visionaries and people concerned with the increasing number of elderly that were not served by any type of real attention. And this was not just with meals or a place to be, but a fact of life for many seniors whose loneliness, the fact that they felt that a lifetime of work had left them without any real benefits despite living in the greatest country in the world.

And certain people in the '60s -- and I do call them visionaries -- like Cavaliere Peter Cardella, from the Ridgewood area, came up basically with the idea of centers that would cater to and benefit seniors, many of whom did not have families or, even if they had families, with the increase in travel and mobility of people, their families were often spread out and far away.

And they came up with senior

centers that now we take for granted, senior centers like the ones we have in my district, but that are throughout the entire City of New York. And we now have 329 senior centers in the City of New York.

And when I talk of visionaries, I talk of nonpartisan people, people like Peter Cardella but also people like Vito Lopez, who founded these centers that now serve literally thousands and thousands of seniors, that in New York City serve 25,000 seniors every day with home meals. In addition, there are 8.1 million meals served daily, with 3.7 million meals served with home-delivered meals by DFTA.

This bill is an outgrowth and result of a policy change that was sought to be enacted by the City of New York. And that policy change was to try to -- in view of what they state is a diminishing number of seniors, some underutilization of senior centers, and the fact that the meals served had declined in certain centers only.

As a result of that, we met with Deputy Mayor Gibbs and we met with

Commissioner Mendez-Santiago to assuage and address the concerns of the seniors. This bill is a reply to the concerns and the worries of the seniors.

Picture, if you will, a senior that relies on home-cooked meals delivered hot to their home each and every day, in some cases except for weekends. And they were challenged and advised that instead of a hot meal, they might be receiving some frozen meal that had to be thawed.

Now, mind you, a good percentage of these seniors are over 90. Many of them cannot care for themselves, depend on home health attendants and others to either look in on them or to take care of them. The idea of frozen meals was not one that -- it was one that filled them with apprehension.

In addition, picture, if you will, these 329 senior centers that many people spend their holidays in, many of them have now opened at Thanksgiving and Christmas and other holidays, both religious and others. The modernization, the word "modernization" worried many of them.

While the motives of the Mayor and the motives of the Department for the Aging was laudatory, at the same time there was not, I believe, enough input from providers, input from community advocates, and certainly not an opportunity for input from the seniors themselves --

ACTING PRESIDENT GRIFFO: Can we have order, please. Thank you.

Senator Maltese.

SENATOR MALTESE: Oh, okay, I've been advised that I'm possibly a little too long.

(Laughter.)

SENATOR SMITH: Yes. Explanation satisfactory.

On the bill, Mr. President.

ACTING PRESIDENT GRIFFO: Senator Smith.

SENATOR SMITH: Yes, thank you.

I want to thank Senator Maltese for bringing forth this particular bill. Obviously there is no resource more precious to us than our seniors. We have a slight difference of opinion with regards to the

approach. And what I would like to do at this time, Mr. President, is just specifically explain my concerns.

One of the things that we believe is very important, in particular as it relates to the modernization of the Meals on Wheels program, and concerns that we have, notwithstanding Senator Maltese's bill, which basically codifies what is already being practiced, is that there are a number of centers, smaller centers -- and many of my members will attest to that -- that will basically close, assuming that this modernization moves forward.

There's a Bronx program right now, there's a pilot program that we are suspecting we'd rather have Senator Maltese amend his bill to make sure that no action is taken until that program is reviewed or that the findings of that program is reviewed and completed. And we believe once that study was completed and it was examined, that it would be real clear that the modernization program that the city is looking to put forward is not one that would serve our seniors well.

We worked very closely with the Governor's office, we put together a 40-question document that went to the City of New York. And I do understand that they may have responded to that with almost the same amount of pages in response.

But more importantly, we believe that the amendment that we were going to put forward would have served to better serve our seniors. This is an important program for many of the seniors and, I know, Senator Maltese, whose interest in serving the seniors of the state is not in question. But more importantly, what is in question is the approach.

There is no doubt that we understand that these programs, these senior programs which are throughout the state, in particular in New York City, we would serve them well if we would take the time to understand what is happening with the program.

We think that had Senator Maltese accepted the amendment, it would not derail his particular bill. We are only trying to improve it. As you know, his particular bill

is a one-house bill. The bill that I have put forward, Mr. President, along with Senator Diaz, has a sponsor in the Assembly by the name of Assemblyman Dinowitz. And assuming that this particular bill, however it was adopted, we would have the Governor sign it, who we know supports it.

So I am going to vote for his bill, but I do want Senator Maltese to understand that this was merely a means by which to improve on some good suggestions that he had. And hopefully, if in fact this bill remains a one-house bill, he will join the bill that Senator Diaz and I have. And we will go so far as to let Senator Maltese be on that bill if he chooses to do so, because we believe that would be a better bill for the seniors of this state.

Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: Thank you, Senator Smith.

Senator Hassell-Thompson.

SENATOR HASSELL-THOMPSON: Thank you, Mr. President. On the bill.

During the budgetary process,

Assemblyman Dinowitz, who is one of the Assemblymen that represents a part of my senatorial district, brought this concern to us as we talked about funding of programming particularly for seniors.

And my concern was then that I had received complaints from many of my senior centers, number one, that they were being threatened with either closing or being consolidated. But more than that, there was a major concern that the meals that were being served were frozen and that -- number one, the food was awful.

Having gotten past the issue of taste and aesthetic choice, there's also a cultural concern that is not being addressed when these meals are being prepared and served. And so that one of the things that the seniors -- I know that we talk about the concerns about diet and how many of the foods that we eat perhaps are not in our best physical interest. But taste is a major factor that determines whether you feel like you want to eat and whatever.

The other concern that I have, by

preparing the meals in this manner and delivering them on a weekly basis, one of the major concerns that created the need for Meals on Wheels gets totally lost, and that is the visitation that happens. And it's a way of checking up on seniors without them really being overly conscious that somebody is watching about what happens to them.

And it's a way in which the delivery of these meals can allow for a cursory look to see, number one, if in the winter the apartment is properly heated, if those needs of seniors are being met.

And so when these programs were designed -- I used to work in community action agencies when a lot of the design for this stuff was being done. It concerns me now that we're talking about the centralization of programs. And while certainly I understand the need to modernize and improve the delivery system, what the Department of Aging for New York City is -- it's failing. It's not a successful proposition for us.

And to allow the Mayor to push this through without careful thought and without

some oversight on the part of communities and our seniors would be a disservice that we would perpetrate on them.

We come here to represent their interests, and their interest is to have some say about the kinds of meals that are served and the way in which the preparation of things are done. And programmatically, if these programs have been successful, I would think that it would be in the best interests of our community agencies to be beefed up and be given technical assistance if that's what's necessary.

But to dismantle programs that have uniquely created an opportunity to ensure that the seniors in our communities are served I think is a disservice to them and to everything that we hold sacred.

So I would hope that we would, in this Legislature, look very carefully at the Bronx senior options pilot program that's being proposed, and that an impact statement as regards these reform measures be submitted to this Legislature no later than at least September of 2008.

And I applaud Senator Maltese in terms of the thoughtfulness, but I would hope that he would be cognizant of the fact that the Mayor does not have all the answers. And that until we build in some oversight to ensure that the way in which these programs are going to be structured meets the needs of the community -- not just the desires, but the needs of the community -- I would hope that he would give consideration to the Bronx senior options pilot program that is being discussed.

Thank you, Mr. President.

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

Senator Golden.

SENATOR GOLDEN: Thank you, Mr. President.

I applaud my colleague Serph Maltese for his direction in assisting to make sure that the seniors of the City of New York and the State of New York never have diminished services in the future. And that's what this bill will do.

And I'm sure that we can work closely with our colleagues across the aisle

and in the other house to achieve the goals we need to make sure that the seniors across our city are not impacted by these cuts.

Before working with the SOFA, Mike Burgess, we sat down and we drafted the questions that went into the City of New York and worked with the SOFA to make sure that these questions were answered and that they were part of a draft that went into the City of New York and to ask the City of New York how they were going to respond to these questions.

SOFA presently has to see a plan. That plan has to be submitted every year. They didn't wait and do it every year, they did it in the middle of the year. So we put a bill together here that will obligate them to put that before SOFA before they do any changes in the City of New York.

That's why this bill is a good bill. It addresses the concerns of the aging plans and makes sure that the plans are adhered to. It also deals with the description and the analysis of the level of detail prescribed by the director showing the

number of seniors who will be affected by each new or changed initiative.

It goes after the demographics and the annual and long-term projections of the numbers of seniors proposed to be served by each initiative. It goes after the financial sustainability. And it goes after whether there are any diminishment of services, that that will not negatively -- there will be no diminishment and there will be no negative impact to our seniors.

That's why this bill addresses those concerns. Working with my colleagues, we were able to come up with this, I believe, compromise that works for us to make sure that our seniors aren't impacted.

The Office of Aging is not required to take consumer-provided information, but we make sure that they have to take that information now, that the stakeholders have to be at the table, that we have to understand what these cuts would do to our seniors across the City and State of New York.

So we're proud. There's not one of us in this room that wants to see a senior

citizen get a cold meal that wants a hot meal, a frozen meal over a hot meal. If they want a hot meal they should get that hot meal, and at our senior centers.

You've got to remember this, this is 19 -- what is this, 2008. We haven't seen any upgrades in some of our locations since the 1970s and 1980s. The programs that are in place today in the City of New York and in many cities across this state and across this country are still working under the 1960s, '70s and '80s rules and regulations and the way they've been designed in basements of churches, in basements of halls that you can't access if you're handicapped.

You need to be able to bring those senior centers into the 21st century. We've got to bring those meals into the 21st century. We've got to give opportunity to our seniors across the City and State of New York.

You've got to remember, the baby boomers are here. They're coming. We are impacting this city and this state greatly with the number of seniors that will be here. And we have to be able to take care of the

needs of those seniors when they get here, and we've got to take care of the needs of the seniors of today.

So it's time to upgrade. It's time to do the right thing. And it's time to give our seniors their due here in this great state. I give my good colleague again congratulations for coming up with this bill, and hopefully that we have passage of this bill by the Assembly and by our good colleagues here.

Thank you. I vote aye.

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

SENATOR GOLDEN: Senator Diaz, how are you?

ACTING PRESIDENT GRIFFO: Senator Diaz.

SENATOR DIAZ: Will the honorable chairman of the Aging Committee yield for a question, please.

ACTING PRESIDENT GRIFFO: Senator Golden, will you yield for a question?

SENATOR GOLDEN: It's not my bill.

ACTING PRESIDENT GRIFFO: It's not his bill, Senator Diaz.

SENATOR DIAZ: Thank you.

ACTING PRESIDENT GRIFFO: Senator Padavan.

SENATOR PADAVAN: Mr. President, it's unnecessary for me to repeat, I think, what Senator Golden so appropriately and eloquently stated in support of Senator Maltese's bill, which I think is the right way to go in terms of our responsibility.

We have met, as he indicated, with Commissioner Santiago, we've met on more than one occasion with the commissioner and on two occasions with the deputy mayor assigned to this area of city government. And we've made all of the very issues that you've heard here -- clear, concise, to the point.

But here's the part that disturbs me. We're dealing with the Administrative Code of the City of New York, a singular city agency, funded in the city budget. The ineptitude of city government, specifically the City Council, to address this issue to the same extent we are, collectively, both sides

of the aisle, is astonishing.

It would be like if we had a state agency doing something, a state agency that we regulate, a state agency that we provide for in the state budget, and we bumped it somewhere else. And that's what they've done. They have washed their hands of this issue and sent it to the State Legislature.

There's nothing partisan about this, but I think it's certainly real. We should all be going back to our city councilmen and saying: Look, we're doing everything individually and collectively in Albany to address this issue. But how about you doing your job? You're dealing with the city budget. You're dealing with the administrative code. Make sure that nothing adverse and inappropriate happens to our senior programs.

And we'll work together. It should not be entirely our responsibility, as it's now turned out to be. Because what they're now saying down there in city government, in that august chamber known as the City Council, "The problem is in Albany. They're going to

solve it."

Nonsense. We'll do our part, but they should do theirs as well.

I vote aye.

ACTING PRESIDENT GRIFFO: Senator Diaz.

SENATOR DIAZ: Thank you, Mr. Chairman. On the bill.

ACTING PRESIDENT GRIFFO: Senator Diaz, on the bill.

SENATOR DIAZ: When we talk about senior citizens, we all try to be the defenders of senior citizens. Senator Maltese has a good bill. I'm not saying this is a bad bill. And I congratulate you.

But by preventing Senator Smith from doing or introducing an amendment to fortify, to give more strength to Senator Maltese's bill, I think was wrong.

Senator Maltese is a person that has shown his dedication and his love and his commitment to senior citizens.

But when Senator Golden says that we are here to defend and to be sure that every senior citizen gets a hot meal if they

want to, and when Senator Golden said that and Senator Padavan also said that we have met with Commissioner Edwin Mendez and he has explained -- and let me tell you what it is Commissioner Edwin Mendez said: Any senior, any senior citizen who wants to have a hot meal, they will get a hot meal.

What he's not saying, what he's not saying is that, ladies and gentlemen, when you -- in the Bronx, they took 17 distributors of hot meals and they make it only three. So those three distributors, they got frozen meals in the truck. When they go to the home of a senior citizen and the senior citizen says "I want a hot meal," you know what they do? They come downstairs to the truck, they put the frozen meal in the oven, they warm up the frozen meal, they go back to the senior and say, "Here is a warm meal. Here is a hot meal."

Does that make sense, Senator Golden? That's what Edwin Mendez-Santiago is not telling you.

And by the way, shame, shame on all of those Bronx City Council delegation that

voted for this. Shame on them. Not one single, not one single City Council member from the Bronx opposed this. They all voted, they all went together with the Mayor: Oh, yeah, Mr. Mayor [salaaming], whatever you want. And they sold out the senior citizens in the Bronx.

Now senior citizens in the Bronx, they have to eat, they have to eat frozen meals. And Edwin Mendez said no, if they want a hot meal, they can get a hot meal. I already told you how they get a hot meal: Go down to the truck, put the meal in the oven in the truck, and then they get a hot meal.

Now they want to bring that to the whole City of New York. Senator Maltese, they want to bring that to your district. Senator Golden, they want to bring that to the senior citizens in your district. Senator Padavan, they want to bring that to the senior citizens in your district.

And to all of you, to all of us in the Bronx -- now, in the Bronx, we already have it. There's nothing we could do. Thanks, thanks to the Bronx City Council

delegation, there's nothing we could do.

But you in Manhattan, you got a choice. And you in Brooklyn, you got a choice. In Queens, you got a choice. In Staten Island, you got a choice to protect the and defend senior citizens in your district. Stand up to the Mayor stand up to Edwin Mendez-Santiago and tell him no.

Another thing, let me tell you something, we have senior citizens that are stationed in an African-American area. Other seniors are placed in the Puerto Rican or Hispanic area. Or in the Jewish area. Or they're in different communities. The senior citizens that are in the Hispanic district, they like rice and beans. The senior citizens that are in the African-American community, they like other kinds of food.

SENATOR STAVISKY: Collard greens.

SENATOR DIAZ: There you go. The senior citizens that are in the Jewish community, the Russians, Italians, they're all different.

Now, when they consolidate all of

that, when they consolidate all of that and they put all the -- they try to consolidate all of the senior centers in one area, what's going to happen to those seniors that like to eat rice and beans or pasta fagioli? What happens to those seniors in your district like to eat something else?

Because by consolidation, what they're doing, what they're trying to do by consolidation is to put all the seniors and bring all the seniors and close the smallest senior centers and make one big senior center. Because that's the 21st century you were talking, Mr. Golden. You say we got to get used to the 20th century. 20th century senior citizens gave too much for us. They worked too hard. They gave their life. They don't deserve what they're trying to do to them now.

Frozen meals, frozen meals from a company in Massachusetts. Frozen meals. Tell me, tell me, if you might, who are the companies importing or bringing the frozen meals to the Bronx? That's what they're trying to do to the senior citizens in Brooklyn, in Staten Island, in Manhattan, in

Brooklyn and in Queens.

We in the Bronx, we in the Bronx, thanks again to the beautiful Bronx County Council delegation, thanks to all of them and to the chairman and to all of them, thanks to them, our seniors in the Bronx are eating frozen meals. And that is something that I will never forget, I will never forget from my City Council delegation. They did that to the seniors in the Bronx, they did that to the senior citizens in the Bronx.

And I want all of you to prevent the other seniors from the City of New York to go through this. It's wrong. It's not good. It's bad. To save a few pennies? To save a few pennies you're going to put the senior citizens through this? I want a hot meal. Okay, let me go down. [Pantomiming.] Here's your hot meal.

Are you going to tell us now that we love seniors and we are doing the best for senior citizens? We're killing them. Besides, besides the hot meal every day, the delivery every day to a senior citizen serves many purposes. When the delivery person goes

to the door and knocks on the door, he watches and he will be able to see that the senior citizen is in good condition and nothing happens to them. And at the same time, he will give the senior citizen the hot meal.

Senior citizens, if the hot meal comes seven -- seven -- they do twice a week, they bring senior citizens the three packages of frozen meals. The senior citizen has to put that in the freezer, and when the time comes, the senior citizen has to use either a microwave oven or find a way to do it, to have the -- to make the hot meal.

Now, suppose -- and you might tell me that that's the senior citizen's problem. But suppose that the senior citizen gets three meals for three days. And in the morning the senior is hungry, eat that one, go and eat and then at night eats another one. What's going to happen through the rest of the day?

No, no, no, no, not today. Not today, Mr. Chairman. I love you. Not today. I'm talking about seniors, and that's my thing. And I'm talking on the bill. So not today, I'm not -- you want to go home? Go

home. I'm talking today. I'm not -- I'm not -- I'm not -- I am not shutting my mouth today.

What you are doing to the senior citizens is wrong. What the Mayor of the City of New Yorks, the multibillionaire Michael Bloomberg, what he is doing to the senior citizens of the City of New York is wrong. It's abusive. What Commissioner Edwin Mendez-Santiago is doing is abusive to senior citizens. And to allow us to go to support those things here?

No, ladies and gentlemen, no, it's wrong. We should protect our senior citizens. We should look out for them. We should not allow this to happen to the senior citizens.

Senator Padavan, the senior citizens in your district. Senator Golden, you, sir, you are the chairman of the Aging Committee. Don't allow this to happen. Because the Mayor -- don't allow this to happen.

You, Senator Adams, don't allow this to happen to your seniors in Brooklyn. Senator Montgomery, don't allow this to happen

to your seniors in Brooklyn. And you, Senator, don't allow this to happen.

In the Bronx, we have to live with that. We from the Bronx, there's nothing we could do. Our seniors are eating hot meals. [Laughing.] Our seniors are eating frozen meals, and when they want a hot meal they go down and warm up -- thanks, thanks again to the Bronx City Council delegation and to the chairman and to all of them that sold out our senior citizens. And now the Bronx is going through this.

And I don't want the other communities to go through what our senior citizens in the Bronx are going through. Stop -- stop -- we are -- we are -- we are in a position to stop Mayor Bloomberg and stop the Department for the Aging to keep abusing our senior citizens. I mean, you want to close senior centers because we are in the 20th century and we're going to close those small centers and put all of them together?

And they have one meal, because when the frozen meal comes, it's only one meal. It's only one meal. It's not different

meals. A frozen meal for the Hispanic, a frozen meal for the Italian, a frozen meal for the Jews, a frozen meal for others. It's one meal for everyone in the community in that area. So whoever doesn't like the frozen meal, too bad for you. You got to eat what you get.

That's not the right way to treat our senior citizens. So, ladies and gentlemen, that's why I -- I'm supporting your bill. I am supporting your bill because you are a good man. I love you very much. You are a good man, Senator Maltese. I'm supporting your bill. You are a good man.

I'm just talking because I got to talk. I got to -- I got to -- I have to vent. I have to let it go because when I see the senior citizens in the Bronx going through what they are going through, it's made me angry. It's made me upset. And the Mayor of the City of New York should be -- we should stop the Mayor of the City of New York. You know, we have a bill, Senator Smith and myself, we have a bill. And we require -- we require the Commissioner of the Aging is

requiring the commissioner of the city to respond of all the questions that we ask him.

So, ladies and gentlemen, Senator Griffo, Mr. President, thank you for this time. You know I love you. I love your parents too, wherever they are. Give them my regards. They are senior citizens too. They're lucky they don't live in the City of New York. They're good people. They love me too. They came here to meet me, and they love me.

So ladies and gentlemen, thank you very much. Thank you for listening. Stop Mayor Bloomberg and Commissioner Edwin Mendez-Santiago to do to the senior citizens of Brooklyn, Manhattan, Staten Island, and Queens what they did to the senior citizens in the Bronx.

Thank you very much.

ACTING PRESIDENT GRIFFO: Thank you, Senator Diaz, for sharing and your love.

Senator Klein.

SENATOR KLEIN: Mr. President, on the bill.

ACTING PRESIDENT GRIFFO: Senator

Klein, on the bill.

SENATOR KLEIN: Thank you, Mr. President.

I think what my objection is is that the legislation before us today does not have sufficient oversight. We actually submitted forty separate detailed questions about this plan, and I think before we do anything we certainly need to know the ramifications on senior citizens all over our city.

Senator Diaz was correct in citing and talking about the Bronx example. I had the dubious distinction of seeing firsthand how this pilot program affected senior citizens; first, on the Meals on Wheels program. Clearly, speaking to seniors, the quality of the food is not good.

But I think just as important is it wasn't only that a senior citizen would get a meal delivered to their doorstep, the most important thing was a person actually making contact with that senior citizen. Making sure that they're okay, making sure that they were properly bathed, making sure they weren't

wearing the same clothes, really checking on their state of mind.

That really is what's missing from the program that is up and running now in the Bronx, and certainly our senior citizens are not better for it.

The other point, as far as our senior centers, we have to remain ever-vigilant in not changing a system which I believe right now works very, very well. There is not a senior center in my district or any place I have gone in the Bronx that isn't at full capacity. And one of the things that the Reverend, I'm surprised he didn't know about, the day to go to the senior center is the day they serve chicken, because that's when you get the largest crowd.

And I think it's important to really understand what a senior center is all about. It's not only about a senior going there to get a hot meal. I think one of the things that we need to remember, it's an opportunity for a senior citizen to reconnect with friends and just be out of their home.

You know, through medical research

we've done great things in keeping people alive longer, but one thing we haven't found a cure for is loneliness. And the ability for a senior citizen to reconnect with friends, take part in activities at senior centers is something that's very, very difficult to put a price tag on.

So I think my hesitation here is in allowing this administration, the city administration, to sort of reconfigure senior programs again, based on our experience in Bronx County. We had many programs that were providing Meals on Wheels. It's now consolidated to one or two. So we put a lot of not-for-profits that really knew what they were doing in serving their specific neighborhood population out of business.

So I think before we allow this administration -- and we have a right to do this, by the way, because the money that's going to be used is state and federal dollars. We have to make sure that we're not putting our senior citizens in jeopardy. And I think all of us in this legislative body understand that it's in our best interest to make sure

that our senior citizens can live out their golden years in comfort and dignity.

I vote no on this, Mr. President.

ACTING PRESIDENT GRIFFO: Senator Adams.

SENATOR ADAMS: Would Senator Diaz stand for a question.

ACTING PRESIDENT GRIFFO: Senator Diaz, will you yield for a question?

SENATOR DIAZ: Yes, Mr. President.

ACTING PRESIDENT GRIFFO: Senator Adams.

SENATOR ADAMS: Through you, Mr. President, I didn't quite understand what you were saying. When a senior gets one of these frozen meals and they say, as Senator Golden stated, that they wanted a hot meal, they go downstairs and bring them a hot meal, or do they give them the same frozen meal.

SENATOR DIAZ: They will warm up the front meal and they bring it to them, the same frozen meal.

SENATOR ADAMS: Would he yield for another question.

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

SENATOR DIAZ: Yes, sir.

ACTING PRESIDENT GRIFFO: Senator Adams.

SENATOR ADAMS: So they will take the same frozen meal that the senior stated they didn't want and they will go down to a truck and put it in a microwave or something and heat it up?

SENATOR DIAZ: Yeah, yes, that's what I'm saying. Until -- until Commissioner Edwin Mendez prove me wrong, that's what I'm saying.

SENATOR ADAMS: Would he yield to another question.

ACTING PRESIDENT GRIFFO: Senator Diaz, do you continue to yield?

SENATOR DIAZ: Yes, sir.

SENATOR ADAMS: There was something else you stated. You stated that although in our city we have different communities and our seniors, at that point in their life they're used to different tastes and different foods.

So this frozen Swanson dinner sort of format, they're going to address the different taste needs of the various communities we have in our city?

ACTING PRESIDENT GRIFFO: Senator Diaz.

SENATOR DIAZ: What I'm saying, Senator Adams, is that when they join -- they put all the smaller senior centers together, they bring seniors from all over. If the center -- if the local center is in the black community, maybe that's what they bring, tastes for that area, maybe. But the other seniors that came from other areas to that center, they will have to eat what that center is getting. That's what I'm saying.

If they bring the seniors to a Jewish area and that's the center in the area, they will have food geared to that community. But all the seniors that come from the other areas to that center, they're going to have to eat that.

SENATOR ADAMS: Thank you.

On the bill.

ACTING PRESIDENT GRIFFO: Senator

Adams, on the bill.

SENATOR ADAMS: My district in Brooklyn, the 20th Senatorial District, is probably one of the most diverse districts in the state. I have a large Hassidic Jewish community, a large Irish community, a large Asian community, Caribbean-American, African-American, with different tastes, different foods. And to have a program that believes a one-size-fits-all I think is the wrong way to go.

But I think, even more so, what Senator Klein stated that many of us seem to be overlooking and to be ignoring. I recall how for many years when the postman on my block would stop at some of the seniors' homes and speak with them, they would want to hold them there for a great period of time.

Many of our seniors are not as fortunate as our parents are. They don't have visitors. Some of them spend countless number of days without anyone calling them, without anyone knocking at their door. The only sound they hear is coming from a television set. They spend countless number of hours because

their children or their family members are no longer with them.

That human contact and human interaction is more than just some ceremonial event that takes place during the 12:00 p.m. hour of the day. It is the only human contact that they ever feel. And I think that when you have administrators that are detached from everyday human beings and make policies that are more geared towards profit interests instead of social interaction, that's the wrong way to go, particularly when you have a billionaire attitude where you don't have to worry about frozen meals, you can buy the company that makes the meals. It's wrong.

And no matter what policy seems to come out of City Hall, if you look close enough there's some type of consultant that's attached, there's some type of group that's making millions off the policy. There just seems to be this mad rush to privatize but ignore the concerns of individuals.

Serving people, particularly seniors and children, there should never be a profit-gearing motivation behind it. It

should be behind dealing with the sensitivity of those two ends of the spectrum of our society, and that's our seniors. All of us, no matter which town we're from, no matter what ethnicity we're from, no matter what background, there's a common denominator. If we like it or not, we're getting old.

And I don't wanting anyone knocking at my door with a frozen modern-day Swanson dinner, popping it into a microwave oven inside his truck, when instead someone should come and have a human interaction with me and my family member. No person sitting inside this chamber would want their parents to have to go through that. And we shouldn't want the seniors of our state to have to endure that.

The program is wrong. And the arrogance that we continue to show this chamber. Senator Klein just stated he has 74 questions that he asked of City Hall to answer. How many times are we going to allow this administration to state: So what that thousands of people elected you to become state senators, we don't have to listen to you.

I don't believe in that philosophy. If we don't take ourselves serious and demand that our local municipalities answer our questions, then who the heck is going to take us serious? At a minimum, he should have answered the 74 questions. At a minimum, he should learn that he has to come through us to get these policies changed.

So I will vote with Senator Maltese's bill, because it does answer some of the questions. But Senator Dilan and Senator Hassell-Thompson and Senator Klein, they raise some important issues that we have a look at, how are we treating our seniors. What are we doing to make sure that they're not kicked to the curb of our society but they're appreciated for allowing us to be the great city and the great state that we belong in. And you don't do that by telling them to pop their meal into an oven. It's the wrong thing to do.

And we need to modernize our senior centers. Yes, we say yes to that. But modernization doesn't mean the less treatment in a very humanistic way of how we treat our

seniors. And I think that what we're doing in the aging area is the wrong way to go.

ACTING PRESIDENT GRIFFO: Thank you, Senator Adams.

Senator Stavisky.

SENATOR STAVISKY: Thank you, Mr. President.

About 20 or 25 years ago, my husband and I founded a senior center in Flushing. And the reason was very simple: we saw people sitting on the benches in the community with no place to go. People would stay in their apartments, staring at four walls.

And every study shows that people do better when they're in some kind of socialized setting. It's not the meals, it's the companionship. And that is very, very important.

We do a congregate meals program at the center that I'm very closely identified with. In fact, they're kosher meals. There's another center in my district where chicken day is the big day, as Senator Klein said. Chicken day. And they line up outside. And

the story is that if you make it to the second tree outside, you're going to get your chicken. And if not, they will run out of food. Going to run out of chickens, too, I guess.

That's why this program is so important and why Commissioner Mendez-Santiago is so wrong. It's not only the frozen meals component, but also the need to submit the RFP so that centers can be consolidated. What does consolidation of centers mean? It means fewer centers. It means older people will not be able to visit a center, because many older people no longer drive.

Our mass transit system is such, at least in Queens County, where we have a hub and a spoke concept, so that to go from Whitestone, where I live, to Bayside, you have to go into Flushing, change buses, and go back to Bayside. And seniors are not going to do this.

So what happens if we have to issue -- if senior centers have to issue an RFP? Yes, they will save money. But it will come back to haunt us, because seniors will

increase the costs of healthcare, they will increase other costs as well.

The purpose is to get seniors out of their homes. And to do otherwise, it seems to me, constitutes a form, an insidious form of elder abuse.

I'm going to vote for Senator Maltese's bill because anything that benefits seniors I think benefits us all. But on the other hand, I would hope that we would bring the companion bill to Assemblyman Dinowitz's bill to the Senate floor for a vote. That's the ultimate solution. And hopefully, before the end of session, we will accomplish that.

ACTING PRESIDENT GRIFFO: Senator Schneiderman.

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

ACTING PRESIDENT GRIFFO: Senator Schneiderman, on the bill.

SENATOR SCHNEIDERMAN: Just having a discussion with Senator Savino about whether this bill does more harm than good.

And it's really unfortunate, because I'm sure Senator Maltese's intent was

to do something that actually advances the interests of the seniors in New York who are suffering under, among other things, this poorly conceived and horribly executed plan that the Department for the Aging in the City of New York is undertaking.

But listening to this debate, Mr. President, I have to say that I've determined that I have to vote against this bill because of the bad process, the bad substance, the bad policy, and the bad politics that have been on display here today.

One of my colleagues on the other side of the aisle said about this bill, which simply provides plan amendments -- essentially, what's already required. The agency has already taken the position that everything in this bill is already required. So in practice, this bill will do nothing. It does codify something.

But one of my colleagues on the other side of the aisle had the temerity to stand here and say, "This bill will make sure seniors will not have diminishing services in the future." I wrote it down. "This bill

makes sure seniors will not have diminishing services in the future." That, Mr. President, is at an out-and-out misstatement.

And I think it's very important for us to acknowledge what's going on. Those of my colleagues from the Bronx who have spoken up are really bearing witness to the catastrophe that is coming towards all of your seniors if you allow DFTA to proceed to implement the same sort of program as was implemented in the Bronx.

Do not tell seniors this bill will prevent them from having diminishing services. Under the DFTA plan, senior centers are closing down, we are losing front-line centers. Seniors are not getting the same service of hot meals. Seniors are losing services. Seniors are suffering. And I don't understand how can you sit here today and say we're doing everything we can do for seniors, this bill will protect them.

This bill won't protect them. This bill requires some change in the filing requirements. And in your desperation to avoid confronting the real issue, you have

reached beyond any reasonable limit for technical legal objections to the amendment offered by Senator Smith, of his bill and Senator Diaz's bill, that would actually stop the Department for the Aging from implementing this failed program.

The seniors in the Bronx -- and I represent part of the Bronx -- are suffering, ladies and gentlemen. You have to stop this from happening elsewhere. Please, please put your politics aside. Focus on the policy. Allow Senator Smith's bill to the floor. Let us stop the Department for the Aging from harming more seniors, from closing more centers, from having more people receive multiple meals that they have to deal with themselves or cold meals or, if they're really extra-assertive, a reheated meal.

This is bad public policy, this is bad politics. On display today has not just been bad substance but bad process. This is a one-house bill that does nothing. And what we are offering you is a two-house bill, sponsored by Assemblyman Dinowitz in the Assembly, that would do something. Even with

this bill, we have more fights ahead of us for seniors. We have to fund the programs. We have to deal with the fact that we have an aging population. And there will be more fights ahead.

But Senator Smith and Senator Diaz have offered a two-house bill that would address the problem. You are offering us a one-house bill that would do nothing.

I'm voting no, Mr. President. I hope before the session ends we will put a bill on the floor that actually addresses the crisis facing seniors in the City of New York. I vote no.

ACTING PRESIDENT GRIFFO: Senator Krueger.

SENATOR LIZ KRUEGER: Thank you, Mr. President, on the bill.

ACTING PRESIDENT GRIFFO: Senator Krueger, on the bill.

SENATOR LIZ KRUEGER: Well, we started off today having a debate about germaneness of whose amendment to what bill. But I have to tell you, I'm just excited we're finally, on the floor of the New York State

Senate, talking about seniors and the problems that they're facing, whether we agree or don't agree on Senator Maltese's bill versus Senator Smith and Senator Diaz's bill.

I spent days on the floor of the Senate listening to resolutions involving racehorses and other issues that I don't think of as important as what happens to senior citizens in the State of New York.

So the bill here today has mostly been talking about the issue of frozen meals for Meals on Wheels delivery in the City of New York. But I would argue, as someone who represents seniors in my district and who's spent her life working on food and nutrition and hunger issues before I got to the State Senate, that the questions are much larger than we are starting to address today. And the assignment is not done with this bill one way or the other.

We are expecting an enormous increase in the number of seniors in this state in the next 20 years, for two reasons. One, the changing demographics of the fact that the baby boomers are all getting older.

And, two, we're living longer.

And yet if you ask the question -- I don't care where you come from in the State of New York -- are you ready, do we have the services that will be needed for us, do we have the 21st century technology to provide the best care, the best access to food and nutrition, the best models for socialization in our communities? Whether it's the Adirondacks or the Bronx or Manhattan, I will tell you will the answer is no. We are so far behind where we need to be.

And to disagree with one of my colleagues before who said senior centers are about socializing, not even the meals, they are absolutely about both. Poor seniors in my city are dependent on getting those meals at those senior centers. And so it terrifies me that the City of New York is considering, without real evaluation and research, closing some of the centers. Because we know the number of seniors are going up, and we also know in the City of New York, once you lose a piece of not-for-profit real estate, you never get it back. It's gone. You won't be able to

afford to open a new senior center if three years from now you go, Oops, that was a mistake.

It's why it's a crisis that the New York City Housing Authority is being pressured and forced by their own economics to talking about closing their senior meal centers in some of the poorest communities of the City of New York. We're not going to replace them. We're not going to get more.

So I respect and agree with my colleague Senator Diaz -- and that doesn't happen that often on this floor, as you know -- when he talks about the dangerous of shifting to a frozen meals program and the failures that we've seen happening in the Bronx. But I'll tell you, we should all be worried no matter where we are in the City of New York or in the State of New York.

You know, there are studies that have come out -- in fact, in New York City just in the last week the New York City Food Bank, a group I was very proud to found back 25 years ago, did their annual study on hunger in the City of New York. The numbers are

terrifying.

And one of the fastest growing populations who are turning for emergency food are seniors. They aren't getting the food they need when they go out to senior centers. They don't have the money to purchase the food they need if they go to the supermarket. They are one of the lowest utilizers of the federal Food Stamp program, free money for food for seniors and others through the federal government.

Do you know we still make seniors get from fingerprinted in New York City in order to apply for food stamps? That's one of the reasons seniors aren't getting food stamps. That's one of the reasons they are going hungry.

We are looking at just the tip of the iceberg when we talk about what the Department for the Aging and the Mayor have proposed compared to what we need to look at, what we need to focus on on the floor of the Senate. We have to talk about the fact that our seniors are being evicted from their homes at higher rates than the rest of New Yorkers.

We have to talk about the fact that the housing court judges in New York have urged us to create a right to counsel and even special Housing Court parts so that somebody is there to protect senior citizens from being evicted and ending up on our streets, in our shelters, in hospitals, unable to be discharged, or in nursing homes because there's nowhere else for them to go.

We ought to be talking about the fact that we have healthcare crises where seniors even with Medicare can't afford to pay their rent and their food once their Part B deduction has been taken out, once they have to pay copays for medicine.

We have to talk about the priorities we are not making here at the state level or, I would agree with my colleagues, in the City of New York. Why are we fighting over cutting back on home-delivered meals to vulnerable, sick, living-alone seniors in their homes when we're still providing programs like corporate welfare, like the ICIP program -- which, by the way, sunsets when we leave session this year.

And I don't know if that bill is coming to the floor, but I hope my colleagues will consider joining me in not continuing that program. It's $400 million of city taxes not collected because of a program that provides tax reductions for corporations in tall buildings in my district in midtown Manhattan who, trust me, aren't leaving if that tax exemption sunsets on them.

But what will that bill do if it sunsets? It will give the City of New York $400 million more every year that we can talk about spending on our senior meals and our seniors, we can talk about spending on our schoolchildren, because we're also dealing with cuts to our schools.

So we're not prioritizing right. I don't believe that Senator Maltese's bill goes far enough. I will vote for it, but again, I wanted to stand up and say at least we're spending a little time today talking about seniors, and I want to highlight how rarely we prioritize them.

And that should frighten all of us, and we should all go home and feel like we

need to be better accountable to the people in our districts about what we are doing to plan to ensure that no senior in New York State ever thinks they have to go hungry, that no senior in New York State ever imagines they have to decide between paying their rent or paying for their food, that no senior is struck in winter not being able to afford heating oil for their home or to pay their electricity or heating bill if they're in an apartment, that no senior ever has to go to their pharmacist and say "I can't afford the copayment for my prescriptions, so even though my doctor gave me four, I'm only going to use two this month."

That is what's going on for seniors in every community in this state, and those are the issues we should be focused on in this chamber much more of the time.

I will vote for the bill. But again, my goal here is to say shame on us, we are not even touching the surface, scratching the surface of what we should be addressing.

Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: Is

there any other Senator wishing to be heard on the bill?

Senator Connor.

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

I think Senator Krueger just gave a good picture statewide of how we've been avoiding -- "we" being government at the state and the local level -- been avoiding responsibility to plan for and protect our growing senior population.

I want to speak a bit about my district, because as the city talks about closing and consolidating, in my district, statistics are there. Probably certainly half the voting population, I know, are new younger residents, well-off, work on Wall Street, buying condos at great price.

But also in my district are seniors, and in some neighborhoods increasingly isolated because of that demographic change, surrounded by much younger people, younger families not related to them. The old neighborhood has changed. And they take refuge at the senior center. That's

where they can meet and congregate and socialize with their friends, and that's where they can get a hot meal at lunch.

There are many, many senior centers in my district. In Manhattan, literally you could walk for less than an hour and pass eight or 10 of them. Why? Well, there are several -- three or four, actually -- senior centers just in Chinatown. And the seniors who go there are primarily Asian, Asian-American. And obviously the food that's served there is appealing to their traditional diet. I love it too; I think we all like it. But it's basically Chinese food.

To start closing and consolidating with senior centers just a few blocks north, which serve kosher meals to an aging Jewish population. And if you go a little bit west, you find another ethnic group in Manhattan with their senior centers. And a little bit north and east, senior centers, the clientele primarily Latino.

So Senator Diaz makes an important point. If we're going to treat these seniors with dignity, we want to give them appealing

meals, not just something to cram down their throats to stay alive. They're entitled to that dignity.

And what's going on now is the city, with its plans, with its bureaucratic plans using some sort of corporate model, is ignoring the real human needs of our senior citizens, offending their dignity -- and by the way, I don't mean to suggest these senior centers are segregated, because in all of them you find people of different ethnicities. Usually in the minority there, but they go there because they know someone, they feel comfortable there. They're entitled to that opportunity to choose where they want to go, where they're comfortable, in their senior years.

So, Mr. President, I'm saying I'm going to fight for these seniors, we're going to fight against this administration that's ignoring their real needs, that's looking for efficiency-efficiency at the expense of the health, welfare and happiness of our senior citizens.

While I'm on the topic,

Mr. President, just in today's newspaper, a story about the New York City Housing Authority, how it's been running deficits. Why? Well, the federal government has walked away from that program and cost, over the last five or six years, tens and tens of millions of dollars to the New York City Housing Authority, which is the best-run housing authority, has been historically, in the nation.

The state hasn't exactly done its part, because starting with the Pataki administration, the state stopped paying I think it was $25 million to pay for, as a subsidy to public housing the state built and the state owns, but New York City Housing Authority administers.

So what do we see in today's paper, Mr. President? Still running a $191 million deficit for this year, projecting a $207 million deficit for next year. The housing authority is now saying, We're going to close the community centers.

Now, what made New York City public housing the best in the nation? The fact that

it did look after the total well-being. It built not just housing to put poor people in or working people in, it built communities.

And part of that were these community centers, are these community centers that provide a place for kids to go after school. But, on our topic here, that also in many instances provide senior citizen community centers and meals.

And they're talking about closing it, as early as July first. You say, well, a lot of money, though. Where would you get $200 million? Well, the shocking thing, Mr. President, is the City of New York charges the New York City Housing Authority $200 million a year for police services, sanitation services, things that private landlords with similar developments of multiple buildings get for nothing.

What landlord is charged money for police services? What residential building is charged for sanitation services? The answer is none.

So why is the Bloomberg administration, its housing authority, why is

the Bloomberg administration taking this $200 million and forcing the housing authority to close the community centers where meals are served to seniors, where seniors are given activities, where children are given after-school activities and summer activities, educational experiences, and recreational experiences? While the Bloomberg administration is taking $200 million a year to provide them with police in case there's a crime or to answer their calls for help from the police or to pick up their trash. Which they do for billionaire private owners with similar projects, they do for nothing beyond, obviously, the property taxes.

Why? Why? Where are our values? Where are our values when we're ignoring that kind of need in a city that's bursting with younger, wealthier residents, that despite the economic downturn has actually been fat with cash? Why do we need to do this? Why do we treat our seniors that way? Why are we going to close these centers?

I say it's got to stop, Mr. President. It's got to stop. I'm going

to vote for this bill, but I want to see teeth in it. I want to see, when these plans are filed, somebody saying: No, you can't do that to our seniors, you can't consolidate these centers, you can't close them, you can't close the centers in public housing, you have to preserve the dignity and the health and the welfare of our senior citizens.

Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: Is there any other member wishing to be heard?

Senator Golden, to close.

SENATOR GOLDEN: Thank you, Mr. President, real quickly.

I just wanted to clarify for diminishment of services. Well, there won't be any diminishment of services as a result of these new change initiatives, how these changes would be measured and the efforts that will be made to counteract any negative impact, negating any negative impact to the community.

I think this bill is important. SOFA is at the table. SOFA can make the final decisions to a plan. And that, I think, is

important. This is a vote for the seniors not just for the City of New York, but this is a vote for the seniors of the State of New York, to make sure that no plans are submitted that would impact our seniors such as hurting and not going forward with new senior centers and addressing the senior centers at those locations and bringing them up to speed.

I think it's important that we move to the future and that we get into the 21st century and that no senior is left behind and that no senior is given any type of diminishment of services in this great city and state.

So again, I voted aye already, I just wanted to clarify. And thank you, Mr. President.

ACTING PRESIDENT GRIFFO: Debate is closed. The Secretary will ring the bell.

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: Those recorded in the negative on Calendar Number 1845 are Senators Klein, Perkins and Schneiderman. Also Senator Serrano.

Absent from voting: Senators C. Kruger and Thompson.

Ayes, 55. Nays, 4.

ACTING PRESIDENT GRIFFO: The bill is passed.

Senator Skelos, that ends the controversial reading of the calendar.

SENATOR SKELOS: Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: May we have order, please.

SENATOR SKELOS: If we could return to motions and resolutions at this time, I believe there's some housekeeping.

ACTING PRESIDENT GRIFFO: We'll return to motions and resolutions.

Senator Nozzolio.

SENATOR NOZZOLIO: Yes, Mr. President. On behalf of Senator Padavan, I wish to call up Print Number 5865, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: Calendar Number 520, by Senator Padavan, Senate Print 5865, an act to amend the Vehicle and Traffic Law.

ACTING PRESIDENT GRIFFO: Senator Nozzolio.

SENATOR NOZZOLIO: 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, 61.

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

ACTING PRESIDENT GRIFFO: The amendments are accepted.

SENATOR NOZZOLIO: Mr. President, on behalf of Senator Volker, I wish to call up Print Number 3175B, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: Calendar Number

237, by Senator Volker, Senate Print 3175B, an act to amend the Social Services Law.

SENATOR NOZZOLIO: 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, 61.

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

ACTING PRESIDENT GRIFFO: The amendments are accepted.

Senator Farley.

SENATOR FARLEY: Thank you, Mr. President.

On behalf of myself, I wish to call up my bill, Senate Print 8464, it's recalled from the Assembly, and it's now at the desk.

ACTING PRESIDENT GRIFFO: The Secretary will read.

Again, I will ask for order in the chamber so that we can allow for an accurate representation of the transcript, please. Thank you.

The Secretary will read.

THE SECRETARY: Calendar Number 1848, by Senator Farley, Senate Print 8464, an act in relation to requiring.

ACTING PRESIDENT GRIFFO: Senator Farley.

SENATOR FARLEY: Mr. President, I now move to reconsider the vote by which this bill was passed, and I ask that the bill be restored to the order of third reading.

ACTING PRESIDENT GRIFFO: Call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

SENATOR FARLEY: Mr. President, I now move to discharge, from the Committee on Rules, Assembly Print 11555 and substitute it for my identical bill.

The Senate bill passed unanimously on the first passage, and I now move that the substituted Assembly bill have its third reading at this time.

ACTING PRESIDENT GRIFFO: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1848, by the Assembly Committee on Rules, Assembly Print Number 11555, an act in relation to requiring the State Comptroller.

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.

SENATOR FARLEY: Mr. President, on behalf of Senator Golden, I move to amend Senate Bill 7332B by striking out the amendments made on 6/16/08 and restoring it to its previous print number, 7332A.

ACTING PRESIDENT GRIFFO: So ordered.

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

Senator Seward, on page 51,

Calendar Number 1348, Senate Print 7471;

Senator Golden, on page 54, Calendar Number 1419, Senate Print 7229A;

On behalf of Senator Seward, on page 57, Calendar Number 1470, Senate Print 6749A;

On behalf of Senator Flanagan, on page 67, Calendar Number 1866, Senate Print 5830A;

On behalf of Senator Marcellino, on page 55, Calendar Number 1440, Senate Print 6945A;

And also, on behalf of Senator Alesi, on page 25, Calendar Number 717, Senate Print 175A.

Mr. President, I move that these bills retain their place on the 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 Farley.

SENATOR FARLEY: If I may return to the order of resolutions, passed earlier

today was Resolution 6552, recognizing National Friends of the Library Week.

Historically, everybody in the chamber has been on that resolution. I'd like to offer it up to everyone. And if you don't care to be a sponsor of it, please report to the desk.

ACTING PRESIDENT GRIFFO: On Resolution 6552, Senator Farley has invited all members to be sponsors. If you choose not to be, please notify the desk.

Senator Duane.

SENATOR DUANE: Thank you, Mr. President.

On behalf of Senator Thompson, I wish to call up his bill, Print Number 8101A, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: Calendar Number 1607, by Senator Thompson, Senate Print 8101A, an act to amend the Parks, Recreation and Historic Preservation Law.

SENATOR DUANE: 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, 61.

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

ACTING PRESIDENT GRIFFO: The amendments are accepted.

SENATOR DUANE: Thank you very much.

ACTING PRESIDENT GRIFFO: Thank you, Senator Duane.

Senator Maziarz.

SENATOR MAZIARZ: Senator Griffo, would you please recognize Senator Ruth Hassell-Thompson, please.

ACTING PRESIDENT GRIFFO: Senator Hassell-Thompson.

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

Had I been in the chamber on Calendar Number 614, Senate Bill 2968A, I

would have voted no.

ACTING PRESIDENT GRIFFO: The record shall so reflect.

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

ACTING PRESIDENT GRIFFO: Senator Thompson.

SENATOR THOMPSON: Thank you, Mr. President.

Had I been in the chamber for Calendar Number 1845, Senate Bill 8457, I would have voted yes in the affirmative.

ACTING PRESIDENT GRIFFO: Thank you, Senator Thompson. The record shall so reflect.

Senator Oppenheimer.

SENATOR OPPENHEIMER: Mr. President, I unfortunately was out of the chamber on a bill that I would like to be voted no on. That is S6393A, earlier this morning. I was at a press conference.

Thank you.

ACTING PRESIDENT GRIFFO: Thank you, Senator. The record shall so reflect.

Senator Maziarz.

SENATOR MAZIARZ: Senator Griffo, at this time -- or, I'm sorry, Mr. President, at this time could we return to reports of standing committees.

I believe there's a report of the Rules Committee at the desk.

ACTING PRESIDENT GRIFFO: Returning to the reports of standing committees for the Rules Committee report.

The Secretary will read.

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

Senate Print 4104, by Senator Huntley, an act to amend the Penal Law;

4854A, by Senator LaValle, an act to amend the Real Property Tax Law;

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

5087, by Senator LaValle, an act to amend the Environmental Conservation Law;

5271, by Senator DeFrancisco, an act to amend the Mental Hygiene Law;

5675, by Senator Lanza, an act to amend the Penal Law;

6022A, by Senator Padavan, an act to amend the Retirement and Social Security Law;

6044A, by Senator Flanagan, an act to amend the Civil Service Law;

7161B, by Senator Saland, an act to amend the Public Officers Law;

7905A, by Senator Young, an act to amend the Agriculture and Markets Law;

7991, by Senator Flanagan, an act to amend the Penal Law;

8077, by Senator Morahan, an act to amend the Civil Service Law;

8238, by Senator Flanagan, an act to amend Chapter 830 of the Laws of 1986;

8287, by Senator Young, an act to amend the State Administrative Procedure Act;

8347, by Senator Bonacic, an act to amend the Real Property Law;

8386, by Senator Skelos, an act to amend the Public Health Law;

8444, by Senator Griffo, an act to amend Chapter 237 of the Laws of 2005;

8462, by Senator Skelos, an act to amend the Tax Law;

8473, by Senator Leibell, an act to amend the Patriot Plan;

And Senate Print 8484, by Senator Volker, an act to amend the Public Authorities Law.

All bills ordered direct to third reading.

ACTING PRESIDENT GRIFFO: Senator Maziarz.

SENATOR MAZIARZ: Mr. President, at this time we should have a motion 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 Rules Committee report is accepted.

SENATOR MAZIARZ: Now we should take up the noncontroversial reading of Supplemental Calendar A.

ACTING PRESIDENT GRIFFO: The

Secretary will conduct the noncontroversial reading of Supplemental Calendar 60A.

THE SECRETARY: Calendar Number 1853, by Senator Huntley, Senate Print 4104, an act to amend the Penal Law.

ACTING PRESIDENT GRIFFO: Read the last section.

THE SECRETARY: Section 2. 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 1893, by Senator LaValle, Senate Print 4854A, an act to amend the Real Property Tax Law and others.

ACTING PRESIDENT GRIFFO: Read the last section.

THE SECRETARY: Section 17. 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 1894, by Senator Lanza, Senate Print 4922A, an act to amend the Vehicle and Traffic Law.

ACTING PRESIDENT GRIFFO: Read the 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, 61.

ACTING PRESIDENT GRIFFO: The bill is passed.

Senator Maziarz.

SENATOR MAZIARZ: Can we just laid aside Calendar Number 1895 for the day, please.

ACTING PRESIDENT GRIFFO: Calendar Number 1895 is laid aside for the day.

THE SECRETARY: In relation to Calendar Number 1896, Senator DeFrancisco moves to discharge, from the Committee on Mental Health and Developmental Disabilities, Assembly Bill Number 8977 and substitute it for the identical Senate Bill Number 5271, Third Reading Calendar 1896.

ACTING PRESIDENT GRIFFO: The substitution is so ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1896, by Member of the Assembly Rivera, Assembly Print Number 8977, an act to amend the Mental Hygiene Law.

ACTING PRESIDENT GRIFFO: Read the last section.

THE SECRETARY: Section 3. 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

1897, by Senator Lanza, Senate Print 5675, an act to amend the Penal Law.

ACTING PRESIDENT GRIFFO: Read the last section.

THE SECRETARY: Section 2. 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 1898, by Senator Padavan, Senate Print 6022A, an act to amend the Retirement and Social Security Law.

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, 61.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1899, by Senator Flanagan, Senate Print 6044A, an act to amend the Civil Service Law.

ACTING PRESIDENT GRIFFO: There is a home-rule message 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.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1900, by Senator Saland, Senate Print 7161B, an act to amend the Public Officers Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call

cull.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1901, Senator Young moves to discharge, from the Committee on Rules, Assembly Bill Number 10687A and substitute it for the identical Senate Bill Number 7905A, Third Reading Calendar 1901.

ACTING PRESIDENT GRIFFO: Substitution so ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1901, by Member of the Assembly Stirpe, Assembly Bill Number 10687A, an act to amend the Agriculture and Markets 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 1902, by Senator Flanagan, Senate Print 7991, an act to amend the Penal Law.

ACTING PRESIDENT GRIFFO: Read the last section.

THE SECRETARY: Section 3. 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 1903, by Senator --

SENATOR MAZIARZ: Please lay the bill aside for the day.

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

THE SECRETARY: Calendar Number 1904, by Senator Flanagan, Senate Print 8238,

an act to amend Chapter 830 of the Laws of 1986, authorizing the State University of New York.

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 1905, by Senator Young, Senate Print 8287, an act to amend the State Administrative Procedure Act.

ACTING PRESIDENT GRIFFO: Read the last section.

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

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 1906, by Senator --

SENATOR MAZIARZ: Lay that bill laid aside for the day, please.

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

THE SECRETARY: Calendar Number 1907, by --

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

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

THE SECRETARY: In relation to Calendar Number 1908, Senator Griffo moves to discharge, from the Committee on Elections, Assembly Bill Number 10088, and substitute it for the identical Senate Bill Number 8444, Third Reading Calendar 1908.

ACTING PRESIDENT GRIFFO: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number

1908, by Member of the Assembly Carrozza, Assembly Print Number 10088, an act to amend Chapter 237 of the Laws of 2005 amending the Election 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 1909, by Senator Skelos, Senate Print 8462, an act to amend the Tax 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 1910, by Senator Leibell, Senate Print 8473, an act to amend the Patriot Plan.

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 1911, by Senator Volker, Senate Print 8484, an act to amend 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, 61.

ACTING PRESIDENT GRIFFO: The bill is passed.

Senator Maziarz, that completes the noncontroversial reading of the supplemental calendar.

SENATOR MAZIARZ: Thank you, Mr. President.

There will be an immediate meeting of the Rules Committee in the Majority Conference Room, Room 332.

ACTING PRESIDENT GRIFFO: There will be an immediate meeting of the Rules Committee in the Majority Conference Room, Room 332.

The Senate stands at ease.

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

(Whereupon, the Senate reconvened at 3:58 p.m.)

ACTING PRESIDENT GRIFFO: The Senate will come to order.

SENATOR SKELOS: Mr. President.

ACTING PRESIDENT GRIFFO: Senator Skelos.

SENATOR SKELOS: Mr. President, if we could return to the reports of standing committees for the report of the Rules Committee.

ACTING PRESIDENT GRIFFO: Reports of standing committees.

From the Committee on Rules, the Secretary will read.

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

Senate Print 579, by Senator Larkin, an act to amend the Racing, Pari-Mutuel Wagering and Breeding Law;

1282D, by Senator Maltese, an act to amend the Agriculture and Markets Law;

3410, by Senator LaValle, an act to amend the Public Service Law;

4019A, by Senator Hannon, an act to amend the Public Health Law;

5351A, by Senator Trunzo, an act to amend the Public Authorities Law;

5366C, by Senator Little, an act to amend the County Law;

5552B, by Senator Skelos, an act to

amend the Tax Law;

5772, by Senator Padavan, an act to amend the Vehicle and Traffic Law;

6479A, by Senator Lanza, an act to amend the Vehicle and Traffic Law;

6660A, by Senator DeFrancisco, an act to amend the Public Officers Law;

6745, by Senator Lanza, an act to amend the Public Service Law;

6873, by Senator Maziarz, an act providing for the creation;

6915, by Senator DeFrancisco, an act to amend the Alcoholic Beverage Control Law;

7062, by Senator Winner, an act to amend the Executive Law;

7154, by Senator Stewart-Cousins, an act authorizing;

7217A, by Senator Trunzo, an act authorizing;

7332A, by Senator Golden, an act to amend the Retirement and Social Security Law;

7434, by Senator Farley, an act to amend the Banking Law;

7638A, by Senator Volker, an act to

amend the General Business Law;

7645, by Senator Winner, an act to amend the Tax Law;

7664B, by Senator Maziarz, an act to amend the Public Service Law;

7682, by Senator Young, an act to amend the Highway Law;

7829, by Senator Leibell, an act to amend the Tax Law;

7850A, by Senator Winner, an act to amend the Executive Law;

8000A, by Senator Flanagan, an act to amend the Retirement and Social Security Law;

8036, by Senator Fuschillo, an act to amend the Vehicle and Traffic Law;

8107B, by Senator Flanagan, an act to authorize;

8307A, by Senator Trunzo, an act to amend the Education Law;

8317, by Senator Padavan, an act to amend the Private Housing Finance Law;

8350, by Senator Flanagan, an act to amend Chapter 581 of the Laws of 2005;

8392, by Senator Griffo, an act to

amend the Highway Law;

8396, by Senator Farley, an act to authorize;

8397, by Senator Lanza, an act to amend the Public Authorities Law;

8475, by Senator Morahan, an act to amend the Mental Hygiene Law;

8478, by Senator Skelos, an act to amend the Mental Hygiene Law;

8485, by Senator Flanagan, an act to amend the Public Authorities Law;

8486, by Senator Young, an act in relation to adjusting;

8500, by Senator Robach, an act to amend the Correction Law and others;

8508, by Senator Montgomery, an act to amend the Correction Law;

8517, by Senator Saland, an act to amend the General Business Law;

8520, by Senator Volker, an act to amend Chapter 989 of the Laws of 1958;

8530, by Senator Skelos, an act to amend the Education Law;

8531, by Senator Saland, an act to amend the Education Law;

8553, by Senator Saland, an act to amend the Education Law;

And Senate Print 8554, by Senator Saland, an act to amend the Education Law.

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 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 Skelos.

SENATOR SKELOS: If we could go to motions and resolutions.

ACTING PRESIDENT GRIFFO: The Senate will return to the order of motions and

resolutions.

Senator Winner.

SENATOR WINNER: Thank you, Mr. President.

I offer the following amendments to Calendar Number 1907, Senate Print Number 8386, and ask that the bill retain its place on the Third Reading Calendar.

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

Senator Winner.

SENATOR WINNER: Mr. President, I offer the following amendments to Calendar Number 1945, Senate Print Number 8475, and ask that said bill retain its place on the Third Reading Calendar.

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

Thank you, Senator Winner.

SENATOR WINNER: Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: Senator Skelos.

SENATOR SKELOS: Mr. President, Senator Volker has a resolution at the desk, 6613. If we could have it read in its entirety, move for its immediate adoption, and open it up for cosponsorship.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: By Senator Volker, Legislative Resolution Number 6613, mourning the untimely death of journalist Tim Russert, a Buffalo native and renowned host of "Meet the Press."

"WHEREAS, It is the sense of this Legislative Body to honor the memory of cherished citizens of the State of New York who distinguished themselves in their profession and whose talent, wit, charm, intellect and unique personality permeated all they did; and

"WHEREAS, It is with great sorrow and deep regret that this Legislative Body records the passing of Timothy John Russert, Jr., who died on Friday, June 13, 2008, in

Washington, D.C., at the age of 58; and

"WHEREAS, Regarded as one of the best political reporters in America, Tim Russert had a reputation for hard-hitting coverage that cut through the spin and uncovered the truth. He was one of America's most influential journalists working in Washington; and

"WHEREAS, As NBC's senior vice president and Washington bureau chief, Tim Russert helped shape the way today's news is reported and analyzed. He was a fixture in American homes on Sunday mornings and especially on election nights; and

"WHEREAS, As managing editor and moderator of 'Meet the Press' since 1991, he headed one of the most popular and most often-quoted news programs on the air. A political analyst for 'Today,' anchor of CNBC's 'The Tim Russert Show' and MSNBC contributing anchor, he brought his insight and intelligence to a global audience; and

"WHEREAS, Tim Russert's quick wit, warm humor and gregarious nature shed an irreverent light on the Washington scene, even

as he unraveled its most intricate complexities; and

"WHEREAS, A true child of Buffalo, New York, Tim Russert was born on May 7, 1950. He graduated from Canisius High School, John Carroll University, and with honors from Cleveland-Marshall College of Law. Furthermore, he was admitted to the bar in both the State of New York and the District of Columbia; and

"WHEREAS, Before joining NBC, Tim Russert observed firsthand the inner workings of the executive and legislative branches of government as special counsel to United States Senator Daniel Patrick Moynihan, and counselor to New York State Governor Mario Cuomo; and

"WHEREAS, Tim Russert chose to honor his father and write a book about growing up in blue-collar Buffalo in the 1950s and 1960s. Big Russ and Me, released May 10, 2004, tells not of Washington insiders, but of his roots and the lessons taught by his father and reinforced by his neighborhood and his Jesuit teachers, who taught him not what to think, but how, lessons he passed on to his

own son, Luke; and

"WHEREAS, Tim Russert loved his family, his faith, his country, and politics. In addition to his son, Luke, he is survived by his loving wife, Maureen Orth, his father, Tim Russert, and his three sisters; and

"WHEREAS, Every citizen in New York State and the nation has most certainly benefitted, in one way or another, from the intelligence and insight that Tim Russert brought to his audience; and

"WHEREAS, Named by Time magazine as one of the top 100 most influential people in the world for 2008, Tim Russert was the recipient of numerous professional awards and honorary college degrees. He also won an Emmy for his role in the coverage of President Ronald Reagan's funeral in 2004; and

"WHEREAS, This Legislative Body, representing the people of this great Empire State, remembers and honors Tim Russert's purposeful life and distinguished career and extends its sincere condolences to his family, friends and colleagues; now, therefore, be it

"RESOLVED, That this Legislative

Body pause in its deliberations to mourn the untimely death of journalist Tim Russert, a Buffalo native and renowned host of 'Meet the Press'; and be it further

"RESOLVED, That copies of this resolution, suitably engrossed, be transmitted to the family of Tim Russert."

ACTING PRESIDENT GRIFFO: Senator Bruno.

SENATOR BRUNO: Mr. President and colleagues, I just wanted to say a quick word about Tim Russert that we are recognizing and honoring here in this great chamber today.

I had the privilege of spending some time with him on a personal level at St. Rose a couple of years ago. I think he was the commencement speaker and I was doing something there. And I sat with him kind of like -- it must have been for a couple of hours before the commencement, after.

Do you know what struck me with him? And when you read about him with Senator Moynihan, you read about him working for the Governor Mario Cuomo -- I was impressed that he seemed to only work for Democrats. But

having said that -- that was humorous, Tom.

You know, he was so personal and kind of so sharing, as well as pretty direct, that I just thought to myself -- and this is a great man, who mixes with the greatest -- that this is a really caring, great person. And that's an impression that stays with you for a lifetime.

So all of us were grieving and are grieving for his family. Because when somebody leaves suddenly, it's pretty traumatic and dramatic for the family. But, you know, he's at peace. He lived his life -- I think 30 years married with his wife -- in a way that really is a role model for all of us. Because he could be very direct, very controversial, just like some of us here in this chamber. But he's a real, you could say in his heart, nice guy.

So I just really wanted to share that, to have that personal quality time with somebody as great as Tim Russert.

Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: Thank you, Senator Bruno.

Senator Volker.

SENATOR VOLKER: Mr. President, it is interesting that in reading the resolution -- and let me explain to you why the resolution is not a little longer. We called NBC News, and we asked them to send us material, even though of course we knew a great deal about Tim, and they sent us reams of material.

And I understand the Assembly, as of this afternoon, had not yet composed of a resolution because I guess they were putting so much into it. But we decided that we would do the resolution today. I believe they're doing an honorarium today in Washington, if I'm not mistaken. I have been told that the actual funeral is going to be a private funeral, fittingly in Buffalo.

But when I read the resolution, there's one thing that was not in here. Although, yeah, Tim did work for Governor Cuomo, he came here from South Buffalo to the Assembly. And that's where I first met Tim, because he worked for Vince Graber. Vince a close personal friend. You get close to

somebody when you defeat him one time and lose the next.

And Tim and I -- or Tim became a good friend of mine. In fact, I remember him coming to me, this kind of chubby-faced fellow from South Buffalo, who struck me immediately as an affable, very capable person. He was quickly -- he loved Albany, by the way. A little hard to believe, but he did, because he loved the political game. Of course, he loved Washington more.

When he was here, he worked for Vince Graber, did legislation and public relations for him. And then of course when Mario Cuomo became Governor, it was quickly that he noticed that this was a person who was headed for, I think, headed for greatness.

And he was a Democrat, there's no question. But despite that fact -- and maybe it's partly because my wife was a Democrat -- I understand the feelings of those people, especially those people that come out of what I call mill towns like Buffalo.

His father, who he called "Big Russ" in his book, I met him a number of

times; a wonderful person. His wife is a pleasure. And I think a lot of us saw Luke, who is the son who appears to me to be a chip off the old block, on television.

It's hard to speak too much about Tim because so much was shown on television during the last weekend. My son Mark was absolutely crushed, because he and his wife Alisa were such huge fans of "Meet the Press."

And I always felt -- and I think Buffalonians, when it's a person who seems to represent the values that we believe that we in Buffalo represent, you cling to that. And I don't care what political party he is or what views he carries, Tim Russert was a tough -- he was a tough negotiator, but he was even more so a tough interviewer.

I watched some of the interviews -- and by the way, those interviews are with Republicans, Democrats, all sorts of people. He didn't discriminate against anybody. He -- his job was to be a reporter. And an investigative reporter, you could say that, a person to get out what he thought were the facts. And he did.

He came to Albany here a number of times later, and I spoke with him here about his family, about the early days, and his love also, by the way, for Daniel Patrick Moynihan, who was a very interesting fellow. He was, well, a little more liberal than some of us upstate, but if you knew him and dealt with him -- and I dealt with him a lot -- he was a warm man who Tim Russert would gravitate to because that was Tim Russert. He was very much like Daniel Patrick Moynihan.

He never, that I ever saw, put on any airs. He could walk into a building and sometimes people at first didn't recognize him, and he was hobnobbing and they suddenly realized they were with a famous person. And he was just the same in the halls of Washington, in the back room here in Albany, and or in a South Buffalo church or, as Senator Bruno said, at St. Rose, where I think he gave the speech at a graduation, I believe, or something.

He was a great man. He was Jesuit-taught, like myself, except that he went to John Caroll and of course I went to

Canisius. He had some very close personal friends who taught him; in fact, one particular priest who he called every year on the priest's birthday. And here's a man who was probably one of the busiest men in America and would call one of his teachers, a priest, every year, and take the time to do that.

He was a gentleman, he was bright, he was a very major part of the Western New York community. We were always proud of him. He was always proud of the Buffalo Bills, the Sabres, which are intertwined in our community. He was not, by the way, anybody who ever talked negatively about anyone, but particularly he never talked negative about Western New York.

Of course, we're offering cosponsorship to everybody in the Senate, and I have a feeling nobody is going to turn it down.

But I have to finish by saying I admit that I watched "Meet the Press" with Tim when I didn't watch a lot of other programs -- not because he was a Buffalonian or because he was from New York, but because he was

enjoyable to watch and listen to, and he was a man of character, strength.

And I have no doubt that he's already been welcomed into heaven by the great God who put us here and will decide when we leave.

Goodbye to Tim Russert, and I wish his family better times in the future.

ACTING PRESIDENT GRIFFO: Senator Stachowski.

SENATOR STACHOWSKI: Yes, Mr. President, I too would like to rise to say a few words about Tim Russert.

I had the good fortune of knowing Tim for a long, long time and found out, as I was a young man in the county legislature, that Tim Russert wanted to become a county legislature. And at that point I found out that his father and my father worked on a garbage truck together. I don't know who was the tosser and who was the catcher -- because in those days they weren't automatic -- but they worked way back.

And Tim had to come to my dad's liquor store to ask for his support, because

he had part of that district. And he told him, of course, "I know your dad a long time, garbagemen together." And he said, "I'll tell you what, I'm going to support you. And when the other people turn on you, I'm still going to stay with you."

And fortunately for Tim, my father stayed with him, but the other people didn't, and he didn't become a county legislator. So that enabled him to follow the career path that he followed, because maybe if he became a county legislator, everything would have turned out different. So sometimes losing is winning. And in that case, in his life, not becoming that legislator was the best thing that could have happened to him, because shortly thereafter is when he hooked up with Senator Moynihan.

And so obviously the Senator Moynihan experiment worked out extremely well -- he was passing out flyers, doing whatever they asked him to do, and Moynihan invited him to join his staff. And Tim obviously did a great job there, so good that he could perfectly mimic the senator and

sometimes would take calls for him and people didn't know they were talking to Tim Russert. And obviously all of you heard this from the TV all this week.

Ken Shapiro tells a great story. Just the other day, he told me he remembered a story when he was in the Assembly, you know, running the show on that side, he was the chief of staff for the Speaker, and Tim came up from Mario's office. He had a brown bag in his hand because he had to meet with Ken Shapiro; it was after midnight.

And Ken says to him, "What have you got in the bag?" He says, "Well, I brought my own beer, because I know you Jewish guys don't necessarily drink beer." So he's a South Buffalo guy; you know, he wants his six-pack to do business with.

But Tim definitely was a South Buffalo guy, he's a Buffalo guy. Anybody that wasn't sure, you just had to watch "Meet the Press" during football season. He always ended up every show with "Go, Bills," no matter how the Bills were doing. He was a true and loyal Bills supporter. He was a

Yankee fan -- he now became a Nationals fan, because they had a team and he had season tickets -- but a Yankee fan is always a Yankee fan. And also a Sabre fan.

So Tim was a real Buffalo guy. Never changed, became a major celebrity. Obviously "Meet the Press" alone would have been enough, but being the bureau chief, he was in charge of all the people we see on television and all those various news shows.

And if you ran into Tim, you wouldn't know that he ever changed from when you knew him when he was young. He was still the same guy, he met you just as warmly. He never changed. That's the best compliment I think anybody can ever give to anybody, is that the guy never changes. No matter how big he became in his career, he never changed his personality. And to me, that's just a real tribute.

Obviously our hearts go out to Maureen and to his son, Luke. And obviously when he wrote his book about his dad, Big Russ, he took a special effort and wrote a chapter to his son about how much he cared

about his son, so his son always knew how much he loved him.

And there's a great story that Tim told about a lot of those older WWII guys, they're not big "I love you" guys. My father was very similar. So he used to always leave for college and shake hands or come home for a visit and shake hands. And one time his father grabbed him and said, "I love you." And he said, "What did you say?"

It's a great, great story he told. It was after he wrote the book. That's how long it took for his father to give him kind of a hug and -- I mean, he always knew his dad loved him, but the fact is that the words don't always come out of people that were from that period.

And I feel really touched for his dad. I'm sure he feels worse than most of us -- not because he lost his son; nobody wants to lose a child. But one of the terrible things is Tim just recently had to put his dad in a home because he was having trouble just functioning on his own, even though his sisters would run over all the

time. And I'm sure that somewhere in his mind he thinks that might have added to Tim's problems, but I don't think it did.

Interestingly enough, the true Bills fan came out this spring. The Bills have an offensive lineman named Brad Butler. The guy is 6'6", 300 and some pounds. He got an internship in Washington this year, so one of the things he wanted to do was meet Tim Russert, because he's a University of Virginia grad, followed politics all the time, and thought what a fascinating thing this would be, you know, I'm from the Bills and I meet Russert and he can tell me all the political stories.

So he was doing this internship with Jack Kemp -- one of your guys -- and so Jack arranged for him to meet Tim, and they said hello, and Brad is ready to start talking politics -- and all Russert wanted to talk about was the Buffalo Bills, what's going on, how are they going to improve, is everybody healthy. Just that was Tim.

There's so much you could say about him. As Senator Volker said, NBC sent reams

of things. If you watched television all weekend, you turned on MSNBC, they just constantly had shows running with different broadcasters talking about their true affection for Tim. And you could tell it was real.

The one thing that came out that was, I thought, remarkable is as busy as he was, every time somebody had a baby or the child had a birthday, he would send them a note. And, you know, for a guy like that to take the time to send a note, write it out -- always a handwritten note, not an email, not a text, handwritten note: Congratulations on your child, da-da-da-da-da.

And the other thing that came out that I found remarkable is as everybody's children were growing up, he never confused any of the kids' names, knew what school they were going to, and always asked about it. Which to me is fascinating, because I have a hard time of keeping track of whose child is what, how old they are, what school they're in.

So to me it's just all

complimentary things about a great Buffalonian, a wonderful human being, a legend, obviously, in all of our times. And the best thing I can say about him is that he never changed. He was always the South Buffalo guy, Tim Russert, big smile on his face -- serious when it was time to be serious, but gregarious when it was time to have a good time.

And the best thing I can say about him is Tim Russert was a friend, and we'll all miss him.

ACTING PRESIDENT GRIFFO: Thank you, Senator Stachowski.

Senator Thompson.

SENATOR THOMPSON: Thank you, Mr. President.

It's with great sadness and sorrow that I stand here today. Tim Russert believed in Buffalo. He was a native son. He was someone who believed in Western New York, also believed in upstate, in addition to New York as a whole.

He was a great ambassador. As many of my colleagues have talked about today,

every chance he had to go beyond his unofficial call of duty to promote New York, but also Buffalo, he did that.

I think for so many people, many people from working-class roots, he represented the promise, the hope of what hard work and a good education could do for you.

And sometimes we -- we never know when our time is going to come, and we never know who we inspire along the way. And I -- it just won't be the same watching that program on Sunday mornings. Because I know when I was in college, I know when I got out of college, I know before I got elected to office, every one of us have that political-critic kind of mindset where we watch the shows and we think about the issues and then we debate them.

And I think that Tim always was -- he was good, he was someone that inspired so many people, and he was a fair and balanced journalist.

And so today I stand with great humbleness but also with great sadness as well, because this is not only a loss for his

family, not only a loss for Western New York and particularly for Buffalo, but it's a loss for the country.

But one of the things I think that's also important to note is that there will be young people who knew he was from Buffalo and from New York who will say that if he could make it, they could make it too. And sometimes in life we forget that story. We forget about those young people who are struggling to make it, who come from very humble beginnings.

And I think that many people have been inspired, and many young people who are trying to figure out this guy is from upstate, this guy is from Buffalo, they will look at this situation and say that if he did it, I can too. I can too.

And that's what leadership is about. Whether you're in the public sector or the private sector, it's the capacity to motivate people and to inspire people. And I can truly say that I was inspired by him, and I know that so many other people were inspired by him as well. And he will truly, truly be

missed as well.

God bless him and his family.

ACTING PRESIDENT GRIFFO: Thank you, Senator Thompson.

Senator Rath.

SENATOR RATH: Thank you, Mr. President.

So much has been said, and I will repeat a couple of the themes briefly as we say our goodbyes officially to Tim Russert.

About a week ago we spoke in this chamber about our colleague Jimmy Griffin. They were from the same place. They were cut from the same cloth. Direct, honest, South Buffalo Irish, and you knew where they were coming from all the time.

Tim Russert, his directness became a part of "Meet the Press," and such an endearing part. Of course his lyrical Irish personality and his quickness with words blended with all of his directness. When he would look into the camera, he was talking to each of us. We knew that. When he was interviewing one of the folks across the desk from him, he was right into his eyes, and we

knew that he was expecting the truth and expecting accountability.

A couple of anecdotes, one in particular that maybe you didn't hear over the weekend as so much of it was being said. Tim apparently wanted to buy his father a car, a nice automobile. He said: Dad always had a car, but it was never really very much, and I thought, I'm going to get him a really, really nice car.

So he said to Big Russ, "Let's go car shopping, and I'm going to get you a Lexus or get you a BMW -- something really nice." And Big Russ said no, he wanted a Crown Vic.

And Tim apparently said to his father, "Now, Dad, it's a police car. It's a nice car, but, you know, let me get you something really nice."

And Big Russ said to Tim: "Tim, you think I'm going to take one of those foreign cars down to the VFW post on a Friday night to see the guys? How am I going to explain that? My kid makes it big in Washington, and now I'm going to be a big shot."

And Tim Russert looked directly into the camera and said: "There were always more lessons to learn from Big Russ."

And I think that struck home with all of us who understood where Big Russ was coming from and where Tim was coming from as his son.

And so thank you to Big Russ and to Mrs. Russert, who raised a wonderful family of responsible young people who were part of what the values of Western New York are. I heard it in Senator Thompson and Senator Stachowski and Senator Volker.

Our people, we know who we are in Western New York. Our kids go to Denver, they go to Boston, they go to Atlanta. Ten years later, they have children, they come home, they want to raise their children at home because we know what the values are, we know what the value system is, we know what to expect of each other.

And Tim Russert was one of those people. He knew what to expect back home, and we knew where he was and who he was and how proud he was of what Buffalo had meant to him.

And how proud we are from Buffalo to have had Tim Russert as one of our favorite sons.

And next year -- I would predict next year's future -- the Bills are going to do much better, because they're going to have a cheerleader over on the other side who's got a lot more power in his cheers than we have in ours, and we'll be hearing "Go, Bills" coming from the heavenly halls.

Thanks for the life of Tim Russert.

ACTING PRESIDENT GRIFFO: Thank you, Senator Rath.

At this time I'd like to ask all the members in the chamber to please rise in a moment of silent tribute and reflection for the late Timothy J. Russert of Buffalo, New York.

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

ACTING PRESIDENT GRIFFO: The question is on the resolution. All in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT GRIFFO: Opposed, nay.

(No response.)

ACTING PRESIDENT GRIFFO: The resolution is carried.

Everyone is welcome to be a cosponsor. If you are not interested, please notify the desk.

Senator Robach.

SENATOR ROBACH: Yes, Mr. President. I believe we have some housekeeping at the desk.

ACTING PRESIDENT GRIFFO: Senator Farley.

SENATOR FARLEY: Thank you, Mr. President.

On behalf of Senator Winner, on page 51 I offer the following amendments to Calendar Number 1342, Senate Print 6262A, and I ask that that bill retain its place on the Third Reading Calendar.

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

SENATOR FARLEY: On behalf of Senator Winner again, on page 62, I offer the

following amendments to Calendar Number 1802, Senate Print 7490A, and I ask that that bill retain its place on the Third Reading Calendar.

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

Senator Robach.

SENATOR ROBACH: Yes, Mr. President. Is there any further business at the desk?

ACTING PRESIDENT GRIFFO: There is none.

SENATOR ROBACH: Then I move we stand adjourned until Wednesday, June 18th, at 11:00 a.m.

ACTING PRESIDENT GRIFFO: On motion, the Senate stands adjourned until Wednesday, June 18th, at 11:00 a.m.

(Whereupon, at 4:33 p.m., the Senate adjourned.)