NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

June 23, 2008

11:25 a.m.

REGULAR SESSION

SENATOR JOSEPH A. GRIFFO, Acting President

STEVEN M. BOGGESS, Secretary

P R O C E E D I N G S

ACTING PRESIDENT GRIFFO: The Senate will come to order.

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

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

ACTING PRESIDENT GRIFFO: In the absence of clergy, I ask that we all bow our heads in a moment of silence.

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

ACTING PRESIDENT GRIFFO: The reading of the Journal.

THE SECRETARY: In Senate, Sunday, June 22, the Senate met pursuant to adjournment. The Journal of Saturday, June 21, was read and approved. On motion, Senate adjourned.

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

Presentation of petitions.

Messages from the Assembly.

Messages from the Governor.

Reports of standing committees.

Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

Senator Maziarz.

SENATOR MAZIARZ: Mr. President, there will be an immediate meeting of the Corporations Committee in the Majority Conference Room, Room 332.

ACTING PRESIDENT GRIFFO: There will be an immediate meeting of the Corporations Committee in the Majority Conference Room, Room 332.

On motions and resolutions, Senator Fuschillo.

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

On behalf of Senator Maltese, I move that the following bill be discharged from its respective committee and be recommitted with instructions to strike the enacting clause: Senate Print Number 5877.

ACTING PRESIDENT GRIFFO: So

ordered.

SENATOR FUSCHILLO: On behalf of Senator Nozzolio, I wish to amend Senate Print Number 7762A by striking out the amendments made on June 16th and restoring it to its original print number, 7762.

ACTING PRESIDENT GRIFFO: So ordered.

SENATOR FUSCHILLO: On behalf of Senator Maziarz, I wish to call up Senate Print Number 2308, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: Calendar Number 500, by Senator Maziarz, Senate Print 2308, an act to amend the Environmental Conservation Law.

SENATOR FUSCHILLO: I 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, 38.

SENATOR FUSCHILLO: I now offer the following amendments.

ACTING PRESIDENT GRIFFO: The amendments are accepted.

SENATOR FUSCHILLO: Amendments are offered to the following Third Reading Calendar bills:

Sponsored by Senator Lanza, page number 20, Calendar Number 626, Senate Print Number 7024A;

By Senator Maziarz, page number 48, Calendar Number 1444, Senate Print Number 7924;

By Senator Owen Johnson, page number 55, Calendar Number 2037, Senate Print Number 8572.

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

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

SENATOR FUSCHILLO: Thank you.

ACTING PRESIDENT GRIFFO: Thank you, Senator Fuschillo.

Senator Maziarz.

SENATOR MAZIARZ: Mr. President, would you recognize Senator Duane, please.

ACTING PRESIDENT GRIFFO: Senator Duane.

SENATOR DUANE: Thank you, Mr. President.

On behalf of Senator C. Kruger, on page number 28 I offer the following amendments to Calendar Number 918, Senate Print Number 7342A, 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.

SENATOR DUANE: Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: Thank you, Senator Duane.

Senator Maziarz.

SENATOR MAZIARZ: Mr. President, by way of process, when the Corporations Committee meeting is done, we're going to call

an immediate meeting of the Rules Committee.

And in the meantime, we will stand at ease temporarily.

ACTING PRESIDENT GRIFFO: Can we do some substitutions, Senator Maziarz, at this time.

Following the Corporations Committee meeting, there will be an immediate meeting of the Rules Committee in the Majority Conference Room.

SENATOR MAZIARZ: Please do the substitutions at this time, Mr. President.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: On page 9, Senator Volker moves to discharge, from the Committee on Rules, Assembly Bill Number 5258C and substitute it for the identical Senate Bill Number 3175C, Third Reading Calendar 237.

On page 13, Senator Fuschillo moves to discharge, from the Committee on Rules, Assembly Bill Number 70A and substitute it for the identical Senate Bill Number 5045B, Third Reading Calendar 368.

On page 20, Senator Seward moves to

discharge, from the Committee on Rules, Assembly Bill Number 8343A and substitute it for the identical Senate Bill Number 2071A, Third Reading Calendar 613.

On page 28, Senator Winner moves to discharge, from the Committee on Rules, Assembly Bill Number 9073B and substitute it for the identical Senate Bill Number 6151B, Third Reading Calendar 896.

On page 30, Senator Griffo moves to discharge, from the Committee on Health, Assembly Bill Number 10121 and substitute it for the identical Senate Bill Number 7110, Third Reading Calendar 948.

On page 32, Senator Morahan moves to discharge, from the Committee on Rules, Assembly Bill Number 11491A and substitute it for the identical Senate Bill Number 8058B, Third Reading Calendar 1010.

On page 34, Senator Saland moves to discharge, from the Committee on Rules, Assembly Bill Number 9628B and substitute it for the identical Senate Bill Number 7293A, Third Reading Calendar 1120.

ACTING PRESIDENT GRIFFO: Excuse

me. Can we have order, please, as the Secretary is reading an official part of the calendar. I'd ask all conversations to be taken outside the chamber. The Senate is still in session.

The Secretary will continue to read.

THE SECRETARY: On page 35, Senator Sabini moves to discharge, from the Committee on Consumer Protection, Assembly Bill Number 3520 and substitute it for the identical Senate Bill Number 5874A, Third Reading Calendar 1144.

On page 38, Senator Young moves to discharge, from the Committee on Rules, Assembly Bill Number 11174A and substitute it for the identical Senate Bill Number 8006A, Third Reading Calendar 1209.

On page 53, Senator Golden moves to discharge, from the Committee on Rules, Assembly Bill Number 5566A and substitute it for the identical Senate Bill Number 3060A, Third Reading Calendar 1960.

On page 54, Senator Bonacic moves to discharge, from the Committee on Rules,

Assembly Bill Number 11005 and substitute it for the identical Senate Bill Number 7364, Third Reading Calendar 1993.

And on page 54, Senator Libous moves to discharge, from the Committee on Rules, Assembly Bill Number 11418 and substitute it for the identical Senate Bill Number 8539, Third Reading Calendar 2012.

ACTING PRESIDENT GRIFFO: Substitutions are so ordered.

The Senate will stand at ease.

(Whereupon, the Senate stood at ease at 11:33 a.m.)

ACTING PRESIDENT GRIFFO: The Senate will come to order.

Senator Maziarz.

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: Immediate meeting of the Rules Committee in the Majority Conference Room, Room 332.

SENATOR MAZIARZ: The Senate will stand at ease in the meantime.

ACTING PRESIDENT GRIFFO: The Senate stands at ease.

The Senate will come to order.

Senator Maziarz.

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

There will be an immediate meeting of the Senate Labor Committee in Room 332.

ACTING PRESIDENT GRIFFO: There will be an immediate meeting of the Senate Labor Committee in Room 332.

SENATOR MAZIARZ: The Senate will stand at ease.

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

(Whereupon, the Senate reconvened at 12:17 p.m.)

ACTING PRESIDENT GRIFFO: The Senate will come to order.

Senator Little.

SENATOR LITTLE: Thank you, Mr. President. Could we return to reports of standing committees, please.

ACTING PRESIDENT GRIFFO: Under reports of standing committees.

SENATOR LITTLE: Is there a report of the Rules Committee?

ACTING PRESIDENT GRIFFO: There is a report of the Rules Committee at the desk.

The Secretary will read.

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

Senate Print 2498A, by Senator Sampson, an act to direct;

4255D, by Senator Breslin, an act to amend the Public Lands Law;

4994B, by Senator Maziarz, an act to amend the Labor Law;

7513, by Senator Golden, an act to amend Chapter 567 of the Laws of 1993;

7692A, by Senator O. Johnson, an act to amend the Environmental Conservation Law;

8134B, by Senator Maziarz, an act to amend the Public Authorities Law;

8143A, by Senator Farley, an act to amend the Real Property Actions and Proceedings Law;

8197C, by Senator Golden, an act to amend Chapter 507 of the Laws of 1974;

8297A, by Senator Fuschillo, an act to amend the General Business Law;

8303A, by Senator DeFrancisco, an act to amend Chapter 340 of the Laws of 2001;

8362B, by Senator Connor, an act to amend the Alcoholic Beverage Control Law;

8376A, by Senator Fuschillo, an act to amend the Executive Law;

8432, by Senator Oppenheimer, an act to amend Chapter 137 of the Laws of 1877;

Senate Print 8526B, by the Senate Committee on Rules, an act to amend the New York State Urban Development Corporation Act;

8527B, by the Senate Committee on Rules, an act to amend the Executive Law;

8534A, by Senator Morahan, an act to amend the Social Services Law;

8552, by Senator Morahan, an act to amend Chapter 577 of the Laws of 2006;

8564, by Senator Libous, an act to amend the Public Authorities Law;

8610, by Senator DeFrancisco, an act to amend the Civil Practice Law and Rules;

8613, by the Senate Committee on Rules, an act to amend Chapter 57 of the Laws of 2008;

8627, by Senator O. Johnson, an act to amend Chapter 404 of the Laws of 2006;

8633, by the Senate Committee on Rules, an act to amend the Tax Law;

8637, by Senator Morahan, an act to amend the Labor Law;

8655, by Senator Morahan, an act to amend the Mental Hygiene Law;

8674, by the Senate Committee on Rules, an act to amend the Public Health Law;

8676, by Senator Golden, an act to amend the Retirement and Social Security Law;

8679, by the Senate Committee on Rules, an act to create;

8680, by the Senate Committee on Rules, an act to amend the Urban Development Corporation Act;

8681, by Senator Golden, an act to amend the Tax Law;

8683, by the Senate Committee on Rules, an act to amend the General Municipal Law;

8684, by the Senate Committee on Rules, an act to amend the State Finance Law;

8698, by the Senate Committee on Rules, an act to amend the Racing, Pari-Mutuel Wagering and Breeding Law;

8699, by Senator Skelos, an act to amend the Education Law;

8700, by Senator Bonacic, an act to amend the Tax Law;

8702, by Senator Hannon, an act to amend the Social Services Law;

8703, by Senator Bonacic, an act to amend Chapter 172 of the Laws of 2002;

8704, by Senator Bonacic, an act to amend the Private Housing Finance Law;

And Senate Print 8705, by Senator Padavan, an act to amend the Real Property Tax Law.

All bills ordered direct to third reading.

ACTING PRESIDENT GRIFFO: Senator Little.

SENATOR LITTLE: Thank you, Mr. President. We move to accept the Rules Committee report.

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

(Response of "Aye.")

ACTING PRESIDENT GRIFFO: Opposed, nay.

(No response.)

ACTING PRESIDENT GRIFFO: The Rules Committee report is accepted.

SENATOR LITTLE: May we now return to motions and resolutions. And I believe we have some.

ACTING PRESIDENT GRIFFO: Motions and resolutions.

Senator Farley.

SENATOR FARLEY: Thank you, Mr. President.

On behalf of Senator Maltese, I wish call up his bill, Print Number 8281, it's recalled from the Assembly, and it's now at the desk.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: Calendar Number 1827, by Senator Maltese, Senate Print 8281,

an act to amend the Arts and Cultural Affairs Law.

SENATOR FARLEY: 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, 56.

SENATOR FARLEY: I now offer the following amendments.

ACTING PRESIDENT GRIFFO: The amendments are received and adopted.

SENATOR FARLEY: On behalf of Senator Trunzo, Mr. President, I wish to call up his bill, Print Number 4174, it's recalled from the Assembly, and it's now at the desk.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: Calendar Number 1684, by Senator Trunzo, Senate Print 4174, an act to amend the General Municipal Law and others.

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

bill passed.

ACTING PRESIDENT GRIFFO: Call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56.

SENATOR FARLEY: I now offer the following amendments.

ACTING PRESIDENT GRIFFO: The amendments are accepted.

SENATOR FARLEY: On behalf of Senator Bonacic, Mr. President, please remove the sponsor's star from Calendar Number 1828.

ACTING PRESIDENT GRIFFO: The star is removed.

SENATOR FARLEY: Mr. President, on behalf of Senator Bonacic, I wish to call up Calendar Number 1828, Assembly Print Number 11440.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: Calendar Number 1828, by the Assembly Committee on Rules Assembly Print Number 11440, an act to amend Chapter 172 of the Laws of 2002.

SENATOR FARLEY: Mr. President, I

now move to reconsider the vote by which this Assembly Bill was substituted for Senator Bonacic's bill, Senate Print 8331, on June 16th.

ACTING PRESIDENT GRIFFO: Call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56.

SENATOR FARLEY: I mow move, Mr. President, that Assembly Bill 11440 be recommitted to the Committee on Rules and that Senator Bonacic's Senate bill be recommitted to the Committee on Rules.

ACTING PRESIDENT GRIFFO: So ordered.

SENATOR FARLEY: On behalf of Senator Bruno, Mr. President, on Supplemental Calendar 63A I now offer the following amendments to Calendar Number 2097, Senate Print 8679, 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 Little.

SENATOR LITTLE: Thank you, Mr. President.

I believe there is a resolution at the desk, and I would ask that it be read title only. It is Number 6798, by Senator Bruno.

ACTING PRESIDENT GRIFFO: The Secretary will read.

SENATOR LITTLE: Thank you.

THE SECRETARY: By Senator Bruno, Senate Resolution Number 6798, establishing a plan setting forth an itemized list of grantees for the New York State Economic Development Assistance Program established pursuant to an appropriation in the 2008-2009 state fiscal year and in Part QQ of Chapter 57 of the Laws of 2008.

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

(The Secretary called the roll.)

ACTING PRESIDENT GRIFFO: Senator Krueger.

SENATOR LIZ KRUEGER: Thank you.

On the resolution.

I just want to make sure that we put on the record that this is about $86 million in capital member items. Under the budget reform law we passed two years ago, these capital expenditures -- in fact all memorandum of understanding arrangements -- have to go through a resolution and be passed by the Senate.

Ironically, in this year's budget, we changed the rules so it doesn't have to go through both houses. The Senate does its own, and the Assembly does its own. I think that wasn't a very good idea in the budget. I think everybody should have a chance to take a look at what the capital monies are and what they're being spent on.

It's an improvement over the past, when nobody knew what the dollars were going to be spent on until after they were spent. In fact, the Comptroller's office used to say you wouldn't be able to figure this out until years after the money was spent. It's somewhat of an improvement in that we're getting it on our desks right as we decide to

vote on it.

I don't think it's a great model of spending government money. This is a second portion of $350 million that the Senate Majority only seems to have any decision-making over. And we did $215 million, now we're doing about another $85 million, and I understand that leaves us about $49 million to be spent at some point in time.

I won't vote against it. But I still think we have a long way to go in how we spend state money. And I just wanted to make sure everyone knew this is what they were voting on.

Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: Thank you, Senator Krueger.

Senator Krueger to be recorded in the affirmative.

Announce the results.

THE SECRETARY: Ayes, 56. Nays, 0.

ACTING PRESIDENT GRIFFO: The resolution is adopted.

Senator Little.

SENATOR LITTLE: Thank you, Mr. President.

We have a resolution at the desk by Senator Leibell, which we would ask to be read title only. It is Resolution Number 6799.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: By Senator Leibell, Legislative Resolution Number 6799, memorializing Governor David A. Paterson to proclaim September 2008 as Childhood Cancer Awareness Month in the State of New York.

ACTING PRESIDENT GRIFFO: All in favor of adopting the resolution signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT GRIFFO: Opposed, nay.

(No response.)

ACTING PRESIDENT GRIFFO: The resolution is adopted.

Senator Little.

SENATOR LITTLE: Thank you.

Mr. President, we also have a resolution by Senator DeFrancisco, which is

Resolution Number 6800. I would ask that that be read title only.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: By Senator DeFrancisco, Legislative Resolution Number 6800, congratulating the West Genesee Wildcats Girls Lacrosse Team and Head Coach Bob Elmer upon the occasion of capturing the 2008 New York State Class A Championship.

ACTING PRESIDENT GRIFFO: May I ask again that we have order. There is much business to be conducted today, and it is very difficult for the transcripts to be accurate if we can't have order.

On the resolution, all those in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT GRIFFO: Opposed, nay.

(No response.)

ACTING PRESIDENT GRIFFO: The resolution is adopted.

Senator Little.

SENATOR LITTLE: Thank you,

Mr. President.

We also have another resolution by Senator DeFrancisco, which is Number 6801. And we ask that that also be read title only.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: By Senator DeFrancisco, Legislative Resolution Number 6801, congratulating the West Genesee Wildcats Boys Lacrosse Team and Head Coach Mike Messere upon the occasion of capturing the 2008 New York State Class A Lacrosse Championship.

ACTING PRESIDENT GRIFFO: Senator DeFrancisco.

SENATOR DeFRANCISCO: Yes, I just want to rise. There's these two resolutions, a very unique situation, in that both the boys and the girls Class A lacrosse teams from one school, West Genesee, won the state championship.

It's just an incredible feat for this school, and it's also incredible when you think about the fact that the boys team, when they won this year, this was their 15th Class A boys lacrosse title, state title,

which is something that will never be duplicated, and it will only be increased by West Genesee.

So I just want to congratulate both the boys and girls teams and their respective coaching staffs for excellence in this sport.

ACTING PRESIDENT GRIFFO: Thank you, Senator DeFrancisco.

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 adopted.

Senator Little.

SENATOR LITTLE: Thank you, Mr. President.

May we now take up the noncontroversial reading of the calendar, which would be Senate Supplemental Calendar Number 63A.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: Calendar Number 2071, by Senator Sampson, Senate Print 2498A, an act to direct the conducting of an evaluation for the need of educating barbers.

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, 56.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 2072, by Senator Breslin, Senate Print 4255D, an act to amend the Public Lands 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, 56.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 2073, by Senator Maziarz, Senate Print 4994B, an act to amend the Labor Law and the State Finance Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 2074, by Senator Golden, Senate Print 7513, an act to amend Chapter 567 of the Laws of 1993, amending the Private Housing Finance 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, 56.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: In relation to Calendar Number 2075, Senator O. Johnson moves to discharge, from the Committee on Rules, Assembly Bill Number 11080 and substitute it for the identical Senate Bill Number 7692A, Third Reading Calendar 2075.

ACTING PRESIDENT GRIFFO: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 2075, by Member of the Assembly Sweeney, Assembly Print Number 11080, an act to amend the Environmental Conservation Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

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

SENATOR LaVALLE: Thank you, Mr. President.

I just want to say, as I do very often at the end of the session, where we have legislation that regulates marine life, whether it be lobsters or other kinds of fish, the industry, when you add the petroleum issue and everything else, is really going to be dying.

And rightfully or wrongfully, the only thing that will be left is the marine life, with no one there to secure it for the consumption of anyone.

So I vote in the negative, Mr. President.

ACTING PRESIDENT GRIFFO: Senator LaValle to be recorded in the negative.

Announce the results.

THE SECRETARY: Those recorded in the negative on Calendar Number 2075 are Senators Duane and LaValle.

Ayes, 55. Nays, 2.

ACTING PRESIDENT GRIFFO: The

bill is passed.

THE SECRETARY: Calendar Number 2076, by Senator Maziarz, Senate Print 8134B, an act to amend the Public Authorities 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.)

ACTING PRESIDENT GRIFFO: Senator Schneiderman.

SENATOR SCHNEIDERMAN: To explain my vote, Mr. President.

I feel it's important to call attention to unusual circumstances. This is an excellent Senator Maziarz bill. I vote in the affirmative.

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

Announce the results.

THE SECRETARY: Ayes, 57. Nays, 0.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 2077, by Senator Farley, Senate Print 8143A, an act to amend the Real Property Actions and Proceedings Law and others.

ACTING PRESIDENT GRIFFO: Senator Little.

SENATOR LITTLE: Thank you, Mr. President.

Is there a message of necessity at the desk?

ACTING PRESIDENT GRIFFO: There is a message of necessity at the desk.

SENATOR LITTLE: Thank you. I move to accept the message of necessity.

ACTING PRESIDENT GRIFFO: All in favor of accepting the message of necessity indicate by saying aye.

(Response of "Aye.")

ACTING PRESIDENT GRIFFO: Opposed, nay.

(No response.)

ACTING PRESIDENT GRIFFO: The message is accepted.

The Secretary will read the last section.

THE SECRETARY: Section 28. This act shall take effect immediately.

SENATOR DUANE: Lay it aside, please.

ACTING PRESIDENT GRIFFO: The bill is laid aside.

THE SECRETARY: Calendar Number 2078, by Senator Golden, Senate Print 8197C, an act to amend Chapter 507 of the Laws of 1974, relating to apportionment.

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, 57.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 2079, by Senator Fuschillo, Senate Print 8297A, an act to amend the General Business

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.)

ACTING PRESIDENT GRIFFO: Senator Fuschillo.

SENATOR FUSCHILLO: Mr. President, just to explain my vote.

Last year we had heard throughout New York State and throughout this nation about so many products and dangerous toys that were still on the market and still on the shelves. Well, what this legislation does is it creates the Children's Product Safety and Recall Effectiveness Act.

What it does is it sets standards in New York State -- because there are no standards right now -- to ensure that toys that are dangerous or have been recalled by the distributors, by the retailers, by the Consumer Protection Board, the United States

Consumer Protection Board, that they're taken off the shelves within 24 hours, ensuring that parents do not buy these products. And that, if possible, the consumers will be contacted and notified of the recall as well.

Thank you very much, Mr. President. I'll be voting in the affirmative.

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

Announce the results.

THE SECRETARY: Ayes, 58. Nays, 0.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: In relation to 2080, Senator DeFrancisco moves to discharge, from the Committee on Rules, Assembly Bill Number 11459 and substitute it for the identical Senate Bill Number 8303A, Third Reading Calendar 2080.

ACTING PRESIDENT GRIFFO: Substitution so ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 2080, by the Assembly Committee on Rules,

Assembly 11459, an act to amend Chapter 340 of the Laws of 2001, amending the Judiciary 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, 58.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 2081, by Senator Connor, Senate Print 8362B, an act to amend the Alcoholic Beverage Control Law.

ACTING PRESIDENT GRIFFO: Read the last section.

THE SECRETARY: Section 2. This act shall take effect December 31, 2008.

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT GRIFFO: Senator Little.

SENATOR LITTLE: Thank you. I would just like to explain my vote on this piece of legislation, which actually makes the distance greater between a church, school, whatever, and an establishment that has a liquor license.

In New York City, this may be a problem, and I wouldn't object if this were only for New York City. But in many of our small communities where we're doing revitalization of downtown areas, where we have closed churches but we still have others in existence and we're trying to establish a downtown traffic, with restaurants and all, this becomes very difficult, and making this distance even farther is problematic.

Therefore, I vote in the negative. Thank you.

ACTING PRESIDENT GRIFFO: Senator Little to be recorded in the negative.

Senator Connor, to explain his vote.

SENATOR CONNOR: Thank you, Mr. President.

This legislation arises out of a

problem which we have certainly in the metropolitan area in New York City, and that is the oversaturation of licensed premises.

In my district in the Lower East Side, in Carroll Gardens, in Brooklyn, in Soho, there are literally hundreds and hundreds of licensees, and what this bill addresses is something that we've observed going on.

Under the 200-foot rule, a licensed premises can't be licensed to serve alcohol if they're within 200 feet of a church or a school or other house of worship. And the way it's always been computed is from the center of the doorway to the center of the doorway of the house of worship or school. And we have actually found people who want to open a bar moving the door -- closing off the door, moving it around to the side of the building, some other place on their building, to get beyond the 200 feet.

So this bill would say it goes from the property line of the school or house of worship to the property line of the licensed premises. It's that simple.

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

Announce the results.

THE SECRETARY: Those recorded in the negative on Calendar Number 2081 are Senators Griffo, Little, Maziarz and Seward. Also Senator Fuschillo. Also Senator Saland. Also Senator Marcellino.

Ayes, 53. Nays, 7.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 2082, by Senator Fuschillo, Senate Print 8376A, an act to amend the Executive Law and others.

ACTING PRESIDENT GRIFFO: Senator Little.

SENATOR LITTLE: Thank you, Mr. President.

Is there a message of necessity at the desk?

ACTING PRESIDENT GRIFFO: There is a message of necessity at the desk.

SENATOR LITTLE: Thank you. I move to accept the message of necessity.

ACTING PRESIDENT GRIFFO: All in favor of accepting the message of necessity indicate by saying aye.

(Response of "Aye.")

ACTING PRESIDENT GRIFFO: Opposed, nay.

(No response.)

ACTING PRESIDENT GRIFFO: The message is accepted.

The Secretary will read the last section.

THE SECRETARY: Section 16. This act shall take effect on the 180th day.

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: In relation to Calendar Number 2083, Senator Oppenheimer moves to discharge, from the Committee on Rules, Assembly Bill Number 11467 and substitute it for the identical Senate Bill Number 8432, Third Reading Calendar 2083.

ACTING PRESIDENT GRIFFO: Substitution so ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 2083, by the Assembly Committee on Rules, Assembly Print Number 11467, an act to amend Chapter 137 of the Laws of 1877 relating to incorporating.

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, 60.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 2084, by the Senate Committee on Rules --

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

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

THE SECRETARY: Calendar Number

2085, by the Senate Committee on Rules, Senate Print Number 8527B --

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

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

THE SECRETARY: Calendar Number 2087, by Senator Morahan, Senate Print 8552, an act to amend Chapter 577 of the Laws of 2006, amending the Greenwood Lake Protection Act.

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, 60.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 2088, by Senator Libous, Senate Print 8564, an act to amend the Public Authorities Law.

ACTING PRESIDENT GRIFFO: Read

the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 2089, by Senator DeFrancisco, Senate Print 8610, an act to amend the Civil Practice Law and Rules and the Insurance Law.

ACTING PRESIDENT GRIFFO: Read the last section.

THE SECRETARY: Section 8. This act shall take effect on the 180th day.

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 2090, by the Senate Committee on Rules, Senate

Print Number 8613, an act to amend Chapter 57 of the Laws of 2008, relating to authorizing the New York State Mortgage Agency.

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, 60.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 2091, by Senator O. Johnson, Senate Print 8627, an act to amend Chapter 404 of the Laws of 2006, relating to establishing.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 2092, by the Senate Committee on Rules, Senate Print Number 8633, an act to amend the Tax Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 2093, by Senator Morahan, Senate Print 8637, an act to amend the Labor Law and the Education Law.

ACTING PRESIDENT GRIFFO: Read the last section.

THE SECRETARY: Section 3. This act shall take effect July 1, 2009.

ACTING PRESIDENT GRIFFO: Call

the roll.

(The Secretary called the roll.)

ACTING PRESIDENT GRIFFO: Senator Maziarz.

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

I just want to congratulate Senator Morahan. This is a great bill. All the years that I chaired the Senate Labor Committee, we tried to come to some agreement between hospitals and nurses, and Senator Morahan was able to do that.

And I vote in the affirmative. Thank you, Mr. President.

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

Senator Morahan.

SENATOR MORAHAN: Thank you, Mr. President.

This bill, which originated back I guess in 2002, is a bill that really will do a couple of things.

First of all, we all know we have a critical shortage of nurses in the State of New York. This bill will start to deal with

working conditions, hopefully to attract more people to that profession. It's a well-thought profession, obviously.

But also it ensures patient care in those situations where nurses were required to work even in excess of 16 hours in one tour, when people could be prone to mistakes or people could be overwhelmed with other activities. Thank God this has not happened in our state. This bill will ensure that our nurses get the appropriate time off.

And I'm sure those who are concerned with the impact on hospitals where nurses won't work, I believe there will always be a nurse willing and able to take on the tour of those rather than force a mandatory overtime for our nurses.

So I'm delighted to finally be able to say this bill has a three-way agreement and will pass in the other house as well as being approved by the Governor.

Thank you, Mr. President.

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

Senator Krueger, to explain her

vote.

SENATOR LIZ KRUEGER: Thank you so much. I also rise to thank Senator Morahan for this very important piece of legislation.

Sometimes my district is referred to as Bedpan Alley, it has so many hospitals in it. And as a result, I have large numbers of nurses who live in my district and work in my district who come and talk to me about the problems that have been going on in hospitals, who highlight that if you are a patient in a hospital, it is as dangerous for you to be being taken care of by somebody who has not slept and who has worked too many hours.

And so not only is this an important bill for health and safety of patients in hospitals throughout the State of New York, it's also going to encourage nurses to stay in hospital care, which is also a huge issue throughout the state with our nurse shortage, where not only are nurses leaving the profession, but they're leaving working in hospitals because they have alternatives that are not nearly as insane.

So I am so delighted that we are

passing this bill today. I know that every patient who ever goes into a hospital in New York State will appreciate it even if they don't know that this bill was passed. And I know that it will send a very clear message to support the important work of nurses, the important work they do and the important importance of staying in hospital care.

So I want to thank Senator Morahan.

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

Senator Hassell-Thompson.

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

It's a pleasure to stand in support of a bill from one of my colleagues, particularly as someone who, for close to 36 years, off and on, I practiced nursing. It was my first job. And believe me, it helped to take very good care of my family.

But certainly one of the reasons that I left nursing, and many nurses do leave or those don't come, is because of the excessive hours and the mandated overtime.

Everything that we can do in this

chamber to help to make the workplace for nurses as well as any other worker safe, we have an obligation to do. This bill goes a long way toward correcting one of the major issues that has been a concern of nurses for quite some time, and I'm very proud to be here in this Senate chamber at the time that we pass this bill and to support Senator Morahan.

Thank you, Mr. President.

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

Senator Duane, to explain his vote.

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

I also want to congratulate Senator Morahan on this bill.

And without belaboring the point, I just want to say that I love those nurses. And they always have taken very good care of me, and I know they take good care of everyone else.

And whenever I've had a question, I go to a nurse and they give me a better answer, usually, than anyone else.

So I am very pleased that we're passing this legislation today. And I hope you remember it next time I'm hospitalized.

Thank you very much, Mr. President.

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

Senator Montgomery, to explain her vote.

SENATOR MONTGOMERY: Yes, Mr. President. I also rise to thank Senator Morahan for this bill.

I have a sister who is a nurse and a staff member of my mine who is also a nurse. And so I'm very keenly sensitive and aware of issues that nurses have with being overtaxed, overburdened, and I know how important they are. They are extremely important to our health delivery system. Next to the doctor, I think the nurse is probably the most important person.

And so I rise to certainly support this legislation. It's about time, it's time for us to pay specific attention and to include nurses in everything that we pass in this Legislature, including any funds to

assist them in their educational and professional preparation, because without them there is no health system.

So I want to thank Senator Morahan for this. And I speak for both my own family member and my staff, as well as the nurses throughout this state. We thank you very much.

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

Senator Perkins.

SENATOR PERKINS: Thank you, Mr. President.

On behalf of Kiva Hassina Perkins Watts, my daughter, I want to thank Senator Morahan on her behalf for his leadership on this very, very important bill. She is a nurse and has been practicing as such for quite a bit of time and has been able to even be a part of the advocacy on making this bill coming to fruition.

So I want to thank him, and I want to thank her colleagues in the nursing profession for the wonderful work that they've

done to bring this before us and to make sure that it was passed.

I vote aye.

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

Senator Savino, and then Senator Parker.

SENATOR SAVINO: Thank you, Mr. President.

I also want to rise and congratulate Senator Morahan for accomplishing something that we have been advocating for for a very long time. Before I got elected as an AFSCME representative, I joined the nurses many times, whether it was through PEF, whether it was through 1199, NYSUT, NYSNA, lobbying Albany to change this law, because we knew it was unfair.

We know how hard nurses work. We know how important they are to the delivery of healthcare services in the hospital. As Senator Krueger said, we know they're leaving the hospital care system because they quite frankly can't handle the workload, they can't handle the stress on themselves and the stress

it places on their patients.

But I'm very happy today that we're passing this bill. In fact, about a week or so ago I spoke at a rally in front of the building for the nurses, and I said to them then that our obligation was to pass this bill before we went home on June 23rd and that if we did not, perhaps we should stay and do a little mandatory overtime of our own.

So I'm happy to say that we are finally accomplishing something that we know is critically important to nurses all around New York State. Congratulations.

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

Senator Parker, to explain his vote.

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

There are two kinds of people in the world: there are sick people and those of us who are about to be sick. And so I'm happy to stand and add my voice to the chorus of those who are supporting this bill.

I want to congratulate Senator

Morahan for bringing this up. This is important in terms of the quality of care, you know, for everybody who is either a patient or is going to be a patient in the future.

Certainly our nurses deserve the best work conditions that they can. Representing a district with Kings County, Downstate, Kingsbrook Jewish Medical Center, Brookdale -- and Beth Israel-Kings Highway Hospital right on its outskirts -- I have a plethora of nurses who live in my district and who work and who often come to me, both here in Albany and in the district, to talk about the conditions.

This is one step on the long road of making this state of state a nurse-friendly state. Ken LaValle, chairman of the Higher Education Committee, a number of years ago did a subcommittee on the nursing shortage in this state.

There's lots more that needs to be done. We took care of the some of the issues relating to safety earlier this year. We're now getting rid of mandatory overtime. We still need to pass a bill regulating and

mandating proper staffing ratios in our hospitals and our nursing homes. And we also need to expand the pipeline in New York City, particularly in CUNY, with more nurse practitioners.

We need to create some equity between people who are clinical nurses and people who want to be nurse educators, so that we can encourage nurses to become nurse educators.

And so once we do all those things, we will begin to stem the tide in this serious, serious crisis we have in terms of nurses in this state. But this is a good first step, and let me thank all my colleagues for being supportive of this bill.

I vote aye.

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

Senator Stachowski, to explain his vote.

SENATOR STACHOWSKI: Yes, Mr. President, I too rise to congratulate Senator Morahan on finally getting this bill through. It's been a long time, a lot of

conversations.

Obviously, the nurses point out to us always that maybe some of the people that have left the profession may come back if they know there's not forced overtime anymore.

And I agree with a lot of the things Senator Parker said about things we have to do. And one of the things we have to address next is taking care of the shortage of people teaching nurses, because that's even becoming more rare a bird than the nurses themselves.

So I'd like to congratulate the Senate for passing the bill. But more so I'd like to congratulate all the nursing people that came up all these years, pushing hard to get this bill done and finally accomplishing that goal.

I vote yes.

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

Senator Stavisky, to explain her vote.

SENATOR STAVISKY: Thank you, Mr. President.

I too thank our colleague Senator Morahan for his leadership and his devotion to this issue.

As Senator Parker indicated, we had a task force on the nursing shortage appointed by Senator LaValle a number of years ago, chaired by then Senator Pat McGee, and we held hearings throughout the state. And the same theme resonated at each and every hearing, and that was the -- there were a number of them, but one of them was the question of mandatory overtime.

And the question was how can we attract more people to the nursing profession. Because you certainly are overworked, underpaid. And at least you're hearing today -- not everybody says thank you, but we are giving you a collective thank you for all of the long hours that you've put in in the past and for everything that you're going to be doing in the future.

Thank you.

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

Senator Farley, to explain his

vote.

SENATOR FARLEY: Mr. President, it's very evident that this house loves nurses, as everybody is wrapping themselves in nursing.

I was lobbied very vociferously, because I have five sisters-in-law who are all nurses. And for a lot of years I carried all the legislation for the New York State Nurses Association.

But let me just say I join all of my colleagues in supporting this bill, and I vote aye.

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

Senator Robach, to explain his vote.

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

In addition to the work-condition issue and all the nobility and important work nurses do, I just think there's also one very important thing. You know, in my days when I worked at Eastman Kodak Company years ago, there were studies done on quality and

productivity, even on manufacturing electronic parts, and how that decreased as people were required to work longer and longer.

Well, I always thought on this issue it made absolutely no sense. Nurses, as we all know, are working on us, family members, human beings. And we know we want that margin of error to be zero. So I always thought on patient safety it was very, very important that we get this bill done and limit that to a reasonable goal. I think we've done this.

I'm happy to be a cosponsor on this bill, and I do want to also thank Senator Morahan not only for bringing this bill to the floor, but also working so diligently over the years to get three-way agreement with the other house and the Governor.

I think this will not only be good for nurses, but it's also going to go a long way toward patient safety and making New York State a much safer and better place, and I applaud everyone for their work on this important bill.

I proudly cast my vote in the

affirmative.

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

Senator Connor, to explain his vote.

SENATOR CONNOR: Thank you, Mr. President.

Mr. President, I rise also to lend my voice. And I agree with almost everything that's been said before me, except one thing that Senator Montgomery, my friend Senator Montgomery said. I'm not sure that after the doctors, the nurses are the most important piece of our healthcare.

Because, you know, I've been in the hospital -- fortunately, not very often or for very long -- and it's nice to have the physician stop by at 6:30 or 7:00 in the morning and say "How you doing," but I know who took care of me the other 23 3/4 hours of the day, and it was the nurses, very skilled professionals.

And what we're doing in this legislation is recognizing the professional status of nursing. And nursing, though,

combines not just the brains and knowledge, but try standing on your feet for eight hours, and then try standing on your feet for 12 hours, and see the difference in your performance in the last four hours.

So I want to -- I know this is a while in coming, and I want to congratulate and thank Senator Morahan for making this happen and getting us to this point where we're enacting legislation.

And I think it's not just great for nurses, who deserve it, but it's great for patients, who need it, who need the skilled professional care that they get from nurses who are not exhausted from compelled mandatory overtime.

So I vote aye, Mr. President.

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

Senator Hannon, to explain his vote.

SENATOR HANNON: Yes, Mr. President.

I think what Senator Morahan has brought to the floor is monumental. This has

taken over ten years of work, bringing first all the people concerned about this issue together; the nurses are represented by a wide-ranging number of unions and a wide-ranging number of settings in this state.

And it's been obvious, as we've been working on this legislation, that the need has grown more and more. Just recently the Hospital Association predicted that by 2012 that we'll have an increased nursing shortage of 30 percent.

Well, the difficulty is that unless you have legislation like this, the temptation in running an entity is to push more and more those specific individuals who fulfill the key role of being nurses to work more and more, and it becomes a downward spiral. They will cease to be nurses unless they can predict their work hours, their family schedule. And it does not help society, it does not help the patients.

This is obviously a first step, because there are other aspects of the medical practice that need to be addressed, and there needs to be addressing the shortage -- people

are mentioning Senator LaValle's bill; there are other measures -- the shortage of nurses in this state.

But this is an important, vital first step. It's been a difficult hurdle. I think Senator Morahan should be congratulated for it. Thank you.

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

Senator Adams, to explain his vote.

SENATOR ADAMS: Thank you, Mr. President. I too want to briefly rise and show my support.

I think oftentimes we don't listen to those who are on the ground and who are the professionals. Clearly, the nursing profession is on a sickbed, and we need to start what we can do, as the political surgeons, to revitalize the occupation and bring it to the level of professionalism that it deserves.

I think sometimes we don't understand that, after we spend an hour or two visiting our family members in the hospital, and the nurses have to spend those 12 hours or

more inside a hospital, that they too have family members, they too have loved ones at home.

And when you do the assignment as a nurse for a day or just take a stroll through the hospital, in spite of the physical and emotional weight of being a nurse, they never allow the burden of the job or the profession to be brought out on the patient. And that has a level of just professionalism that needs to be commended, and I think we all can learn from it as we start the process of recuperating our nursing profession and bringing it to the level of pay, level of hours, level of assignment that it deserves.

As a retired law enforcement person, we often had to have our police officers and other first responders go to the hospital. And without the professionalism of our nurses, we would not have the tasks carried out the way they ought to be carried out.

I vote in the affirmative, and I thank the sponsor for this bill.

ACTING PRESIDENT GRIFFO: Senator

Adams to be recorded in the affirmative.

Senator DeFrancisco, to explain his vote.

SENATOR DeFRANCISCO: Thank you, Mr. President.

I think this is an extremely important bill for many reasons, and they've all been discussed. And I won't belabor the point.

But there's another reason, and that simply is good nursing care requires people that simply are alert and not working consecutive hours that make it impossible to be alert. We talk about medical errors that happen. There's no reason why we should encourage medical errors by allowing nurses to go beyond a reasonable period of time to practice their profession.

And so from a patient standpoint, this is an excellent bill, as well as for the nurses.

In addition, I think it's going to be wonderful next year, when the nurses come in, not to have to tell them we're still working on it. Because this has been going on

for many, many years. It's the right thing to do, and Senator Morahan is still my MVP.

Thank you.

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

Senator Sampson, to explain his vote.

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

I want to rise, and I want to commend the sponsor, Senator Morahan. You've done a fabulous -- words cannot express what you did here, not only for us but also for the nurses. And you finally gave them the respect that is definitely due to them.

I had an opportunity -- when I was sick for a week last year, I had an opportunity to be taking care of by a group of nurses who did a fantastic job to get me well again. You know, and I saw the standards and the conditions that they have to operate under, and I just want to commend them for a job well done.

And continue to do what you're doing, inspiring other people, especially

inspiring young nurses to go into the profession and get an opportunity to give back to the community.

So I want to commend you for the job well done, to the nurses, but also, Senator Morahan, thank you very much for giving them the respect that is due.

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

Senator Schneiderman, to explain his vote.

SENATOR SCHNEIDERMAN: Thank you, Mr. President.

It's great that we're finally doing this. I am truly sorry it took so long. Recognition of basic rights should not be such a heavy lift.

I look forward to expanding our recognition of the commitment and services that nurses provide to all of us. This is also a very important bill, and I hope we will expand our protections to people in other types of facilities as we go forward.

This is a tremendously important bill because it represents the union of

patients and healthcare professionals. There are efforts sometimes to pit one group against another. We are all together. The nurses take care of us, we've got to take care of them.

Thanks to Senator Morahan and to our colleagues in the Assembly and all of the unions and other organizations that lobbied tirelessly for this bill.

I vote in the affirmative.

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

Announce the results.

THE SECRETARY: Ayes, 60. Nays, 0.

ACTING PRESIDENT GRIFFO: The bill is passed.

(Applause from the balcony.)

ACTING PRESIDENT GRIFFO: Thank you.

The Secretary will read.

THE SECRETARY: Calendar Number 2094, by Senator Morahan --

SENATOR LITTLE: Lay it aside

temporarily, please.

ACTING PRESIDENT GRIFFO: The bill is laid aside temporarily.

THE SECRETARY: Calendar Number 2095, by the Senate Committee on Rules, Senate Print Number 8674, an act to amend the Public Health 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, 60.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 2096, by Senator Golden, Senate Print 8676, an act to amend the Retirement and Social Security Law and others.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 2098, by the Senate Committee on Rules --

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

ACTING PRESIDENT GRIFFO: Lay it aside for the day.

THE SECRETARY: Calendar Number 2099, by Senator Golden, Senate Print 8681, an act to amend the Tax Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 2100, by the Senate Committee on Rules, Senate Print Number --

SENATOR DUANE: Lay it aside, please.

ACTING PRESIDENT GRIFFO: Lay it aside.

THE SECRETARY: Calendar Number 2101, by the Senate Committee on Rules, Senate Print 8684, an act to amend the State Finance Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 2102, by the Senate Committee on Rules, Senate Print Number 8698, an act to amend the Racing, Pari-Mutuel Wagering and Breeding Law and

others.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59. Nays, 1. Senator Padavan recorded in the negative.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 2103, by Senator Skelos, Senate Print 8699, an act to amend Education Law and the Retirement and Social Security Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT GRIFFO: The

bill is passed.

THE SECRETARY: In relation to Calendar Number 2106, Senator Bonacic moves to discharge, from the Committee on Rules, Assembly Bill Number 11440 and substitute it for the identical Senate Bill Number 8703, Third Reading Calendar 2106.

ACTING PRESIDENT GRIFFO: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 2106, by the Assembly Committee on Rules, Assembly Print Number 11440, an act to amend Chapter 172 of the Laws of 2002.

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, 59. Nays, 1. Senator Schneiderman recorded in the negative.

ACTING PRESIDENT GRIFFO: The

bill is passed.

THE SECRETARY: In relation to Calendar Number 2107, Senator Bonacic moves to discharge, from the Committee on Rules, Assembly Bill Number 10812A and substitute it for the identical Senate Bill Number 8704, Third Reading Calendar 2107.

ACTING PRESIDENT GRIFFO: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 2107, by Member of the Assembly Lopez, Assembly Print Number 10812A, an act to amend the Private Housing Finance 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, 60.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number

2108, by Senator Padavan, Senate Print 8705, an act to amend the Real Property Tax Law.

ACTING PRESIDENT GRIFFO: Senator Little.

SENATOR LITTLE: Thank you, Mr. President.

Is there a message of necessity at the desk?

ACTING PRESIDENT GRIFFO: There is a message of necessity at the desk.

SENATOR LITTLE: Thank you. I move to accept the message of necessity.

ACTING PRESIDENT GRIFFO: All in favor of accepting the message of necessity signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT GRIFFO: Opposed, nay.

(No response.)

ACTING PRESIDENT GRIFFO: The message is accepted.

The Secretary will read the last section.

THE SECRETARY: Section 4. This act shall take effect on the same date and in

the same manner as a chapter of the Laws of 2008.

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT GRIFFO: Senator Krueger, to explain her vote.

SENATOR LIZ KRUEGER: Thank you.

Last week we did a bill modifying and extending the New York City ICIP program, and last week I voted against the bill. So since this is a technical amendment to a program I don't think we should have in existence, I feel it would be consistent for those of us who didn't like the program to continue to vote nay on amendments to the program, and so I vote nay.

Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: Senator Krueger to be recorded in the negative.

Senator Duane, to explain his vote.

Senator Duane, before you begin, would those who are voting in the negative please raise your hands again.

Senator Duane.

SENATOR DUANE: Thank you, Mr. President.

I'm just clarifying this for my own purposes. I believe that this is an amendment to a bill that we passed last week, and I believe that Senators Adams, Krueger, Parker, Sabini, Schneiderman, Hassell-Thompson, C. Kruger and Savino voted no on it.

And I guess one of my colleagues over here will tell me if I'm mistaken about who those no votes were.

And thank you, Mr. President.

ACTING PRESIDENT GRIFFO: Thank you, Senator Duane. How do you vote, Senator Duane?

SENATOR DUANE: Aye.

ACTING PRESIDENT GRIFFO: Senator Duane votes in the affirmative.

Announce the results.

THE SECRETARY: Those recorded in the negative on Calendar Number 2108 are Senators Connor, Hassell-Thompson, Huntley, L. Krueger, Montgomery, Perkins, Sabini, Savino and Schneiderman.

Ayes, 51. Nays, 9.

ACTING PRESIDENT GRIFFO: The bill is passed.

Senator Little.

SENATOR LITTLE: Thank you, Mr. President.

May we take up Calendar Number 2104. And is there a message of necessity at the desk?

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

First, the Secretary will read.

THE SECRETARY: Calendar Number 2104, by Senator Bonacic, Senate Print 8700, an act to amend the Tax Law.

ACTING PRESIDENT GRIFFO: Senator Little.

SENATOR LITTLE: I move to accept the message of necessity that is at the desk.

ACTING PRESIDENT GRIFFO: All in favor of accepting the message of necessity indicate by saying aye.

(Response of "Aye.")

ACTING PRESIDENT GRIFFO: Opposed, nay.

(No response.)

ACTING PRESIDENT GRIFFO: The message is accepted.

The Secretary will read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

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

SENATOR BONACIC: First of all, this is an economic development project for Sullivan County.

You know, the casinos never came, so this is a gentleman that's prepared to invest a billion dollars in the old Concord, bringing a racino and the track also there.

I wanted to thank Governor Paterson for his efforts, and Charles Byrne, and all those that were involved to have this legislation passed. On behalf of the people of Sullivan County, we'd like to thank them for giving the green light to letting this go forward.

Thank you very much, Mr. President.

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

Senator Krueger, to explain her vote.

SENATOR LIZ KRUEGER: Thank you, Mr. President.

With respect to the sponsor, I find myself having to vote no for this bill. I'm not sure that I'm opposed in the long-term about casinos or casinos in specific locations. But I think this bill is giving a deal to someone before we've agreed to have a casino, before it's gotten through the community process or the environmental review process.

And while I am agnostic about gambling questions for the State of New York, my basic understanding of when the state moves into gambling is that it increases revenue to the State of New York to help us pay for public services. And as I read this bill, there would be a dramatic loss of revenue from VLT to us compared to other racino deals we have in the state.

So that while the current maximum keep, so to speak, by the video lottery terminal operator is 54 percent on the other legislation we've moved, this would allow the operator of the VLT to keep 75 percent -- as opposed to 54 percent -- for profits, which would dramatically reduce the money that would be available to state education from this specific deal.

So I do believe, without a bad pun intended, it's putting the cart before the horse in this situation. And I don't think that the state should be giving away its potential racing and VLT revenue that's supposed to go for education when in fact we move forward with expansion of gambling in the State of New York.

And so I think that we shouldn't go ahead with this deal at this point in time before we know all the details and before we really understand the cost to the communities for having this expansion and the loss to state education aid with this specific deal. So I recommend a no vote.

Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: Senator Krueger to be recorded in the negative.

Announce the results.

THE SECRETARY: Those recorded in the negative on Calendar Number 2104 are Senators L. Krueger, Padavan, Perkins and Schneiderman.

Ayes, 56. Nays, 4.

ACTING PRESIDENT GRIFFO: The bill is passed.

Senator Little.

SENATOR LITTLE: Thank you, Mr. President. May we return to Calendar Number 2105.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: Calendar Number 2105, by Senator Hannon, Senate Print 8702, an act to amend the Social Services Law.

SENATOR LITTLE: Is there a message of necessity at the desk?

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

SENATOR LITTLE: Thank you. I move that we accept the message of necessity.

ACTING PRESIDENT GRIFFO: All in favor of accepting the message of necessity indicate by saying aye.

(Response of "Aye.")

ACTING PRESIDENT GRIFFO: Opposed, nay.

(No response.)

ACTING PRESIDENT GRIFFO: The message is accepted.

The Secretary will read the last section.

THE SECRETARY: Section 2. This act shall take effect July 1, 2008.

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT GRIFFO: The bill is passed.

Senator Little.

SENATOR LITTLE: Thank you, Mr. President. May we now return to Calendar Number 2086.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: Calendar Number 2086, by Senator Morahan, Senate Print 8534A, an act to amend the Social Services Law and the Mental Hygiene Law.

ACTING PRESIDENT GRIFFO: Senator Little.

SENATOR LITTLE: Mr. President, is there a message of necessity at the desk?

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

SENATOR LITTLE: Thank you. I move to accept the message of necessity.

ACTING PRESIDENT GRIFFO: All in favor of accepting the message of necessity indicate by saying aye.

(Response of "Aye.")

ACTING PRESIDENT GRIFFO: Opposed, nay.

(No response.)

ACTING PRESIDENT GRIFFO: The message is accepted.

The Secretary will read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT GRIFFO: The bill is passed.

Senator Little.

SENATOR LITTLE: Thank you, Mr. President. May we now take up the controversial reading of Supplemental Calendar 63A.

ACTING PRESIDENT GRIFFO: We will now take up the controversial reading of Supplemental Calendar 63A. The Secretary will ring the bell.

The Secretary will read.

THE SECRETARY: Calendar Number 2077, by Senator Farley, Senate Print 8143A, an act to amend the Real Property Actions and Proceedings Law.

SENATOR KLEIN: Explanation, please.

ACTING PRESIDENT GRIFFO: The message of necessity has already been approved.

An explanation has been requested by Senator Klein, Senator Farley.

SENATOR FARLEY: Thank you, Mr. President.

This is a Governor's program bill which has been agreed upon by the Senate and the Assembly. It's something that we've been working on the entire session. There was a six-hour hearing held that many members attended.

It is addressing one of the serious problems that is facing our state and the nation, as a matter of fact. And in my judgment, this is a landmark piece of legislation where New York is going to lead the nation in providing a comprehensive answer to some of these problems.

To begin with, the bill promotes efforts to encourage lenders and borrowers to reach a mutually agreeable resolution to avoid foreclosure. Specifically, the bill requires that lenders send a notice at least 90 days before initiating foreclosure action. That's rather significant. This notice urges borrowers to work with the lenders or the

housing counseling agency to address their situation.

The bill also has mandatory settlement conferences during the judicial foreclosure process. This will provide an opportunity for borrowers and lenders to try to reach a solution that avoids foreclosure. I think that's what we're trying to accomplish here. And we've got $25 million in the last budget we just passed that would encourage conferences and counseling. And that 90 days before the foreclosure takes place is very, very significant.

This bill also establishes new standards and protections for subprime loans. For instance, these loans, subprime loans must have escrow accounts, mandatory escrow accounts to be sure that the taxes are paid. They may not have prepayment penalties. They may not provide for negative amortization.

And lenders must ensure that the borrower has a reasonable ability to repay this loan. And lenders must also take steps to verify the borrower's income and asset information.

The bill also cracks down on fraudulent practices. Specifically, the bill creates the crime of residential mortgage fraud.

This bill also establishes contractual requirements, consumer protections to try to prevent foreclosure, rescue scams -- where they're going to save them, and really take advantage of them -- in which persons offer to help the homeowners but simply take their money and fail to provide any meaningful services.

This is a comprehensive bill that Senator Padavan has worked very, very hard on this. I also must applaud Senator Connor, who was there for the whole six hours during the hearing process.

And in all my years on the Banking Committee, and as chairman, I've never seen a superintendent who was so involved with this. He was not only involved in all the negotiations, but he stayed there for the whole six hours during the hearing. He also attended the Banking Committee meeting early in the session to discuss this program and

talk about the concerns that he has.

This is a 31-page bill that is very comprehensive, tries its best to address most of the problems that exist in this area. And you have to realize that whereas anybody that's losing their home, that's a tragic situation.

We do have some hot spots in this state, but of course 80-some-odd percent of all the foreclosure subprime problems are in four states: California, Florida, Nevada, Arizona. But New York is addressing this problem. The feds are trying to move on this problem and work on this, with maybe providing billions of dollars, but we'll see what happens there.

But I think that we are in the forefront of trying to address this. And it just shows you what can be accomplished when both houses and the Governor work together on this.

ACTING PRESIDENT GRIFFO: Thank you, Senator Farley.

Senator Klein.

SENATOR KLEIN: Thank you,

Mr. Farley.

Mr. President, I believe there's an amendment at the desk. I ask that the reading of the amendment be waived. I would like to have the opportunity to speak on the said amendment.

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

SENATOR KLEIN: Thank you, Mr. President.

My first amendment would deal with the issue of mandatory upkeep of foreclosed properties. The bill would impose a duty to keep property in a mortgage foreclosure action in a safe condition while the mortgage holder recovers possession of the property, until it is sold, occupied by a renter, or otherwise legally disposed of.

This comes out of an issue that my office studied over the last two months where we saw many, many foreclosed properties which are now held by lending institutions not being kept in a pristine manner.

One of the things that I've been

telling people for over a year and a half now is that the subprime lending crisis is an issue that affects each and every one of us. Whether or not you have a home that's ready to be foreclosed upon, whether or not you have a subprime mortgage, we're now seeing the effect on sort of innocent bystanders. Because as these foreclosed properties become dilapidated, as these foreclosed properties stop being taken care of, we're seeing property values plummet in our communities.

According to a study that I read, for every foreclosed property on a block, the surrounding homes go down, on average, $5,000. Also, there's no secret that crime goes up every time there's a foreclosed property on a block.

The lending institutions were in a very, very big rush to foreclose on these properties and get rid of the homeowners. And now that they own the properties and the market is rather soft, they really don't know what to do. So they're holding them. Some of them are even rented. Some of them are being lived in by squatters.

And that's really why I started getting involved in this whole issue, because one of the things that happened in my community, in the Throgs Neck section of the Bronx -- and I'm not trying to gloom-and-doom, but we're going to see more of this over the next year -- is a home that was owned by someone who couldn't make their mortgage payments, they had a subprime mortgage that reset to 12 percent, they lost their home, the bank foreclosed on the property, it remained vacant for about three months, squatters moved in, the basement was being used by a drug den.

And we did everything possible to, first, locate the individual that owned the property, which we found out finally was the bank. Then we found out that it was supposedly being watched by a management agent. And it took my office probably about a month to finally move for eviction for the tenants, have the place cleaned up, and bring peace back to this tree-lined street in the Bronx.

We're going to see this time and time again. And I think the lending

institutions who in many cases caused this problem in the first place should have an affirmative duty to maintain these properties. And if they don't, the locality should have the ability to go in, fix up the properties and bill the lending institutions.

So I think the legislation before us today, the Governor's program bill, is a very important step in making sure that this problem doesn't occur again within the State of New York. But I think it could be a better bill if we actually add this amendment.

Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: Thank you, Senator Klein.

Is there any other Senator wishing to be heard on the amendment?

Senator Savino.

SENATOR SAVINO: Thank you, Mr. President.

I want to start by saying that the Governor's program bill that has been put forth by Senator Farley is a good bill. It could be better, though. And it could be better and it could be more inclusive if we

were to adopt Senator Klein's amendment.

As he said, about a year and a half ago many of us started public forums in our districts, focusing attention on the subprime lending crisis and how it impacted not just the homeowners but the communities around them. At the time, I remarked that I was quite surprised by the lack of empathy for people who had been caught up in this process. Many homeowners, particularly in Staten Island, felt that this could never happen to them, that they would not have made these risky purchases with their homes.

And I reminded many of them at the time they bought their home, these types of loans were not available. You had to have good credit. You had to have a down payment for a house. You had to have a solid employment history. There was no such thing as zero percent down or 100 percent financing or 120 percent financing. Those were not options available to homeowners.

That is part of the reason why the subprime lending crisis has exploded. We've had an industry that has not policed itself.

We could go on and on about many of the problems that this bill doesn't address. But one of the things we are now seeing, and what I predicted then, was that this is an issue that will affect us from Main Street to Wall Street.

And if you think that your neighbor losing their home doesn't affect you, it does. It depresses everybody's property value. We've seen a 14 percent reduction in property value on Staten Island because of the subprime lending crisis, because of the rate of foreclosure. And now we're seeing something worse. We're seeing our properties devalued because we have a high number of homes that are bank-owned and the banks are not taking care of these properties.

We're seeing vandalism at incredible rates. And if Senator Lanza were in the room, he would agree with me. We're seeing people breaking into new construction, houses that were in the process of being built and builders walked away because they can no longer afford to pay for them, and people are breaking in and stealing the appliances.

They're stealing the windows. They are vandalizing properties, and they are driving down property value for everyone.

So while the Governor's program bill is a good bill, it could be better if we adopted this amendment that says that banks that take these properties have an obligation to take care of them because we are all in this together. Every home that is devalued affects every other homeowner.

So I want to thank Senator Klein for his leadership on this issue, and I urge my colleagues to vote in favor of this amendment.

ACTING PRESIDENT GRIFFO: Thank you, Senator Savino.

Senator Padavan.

SENATOR PADAVAN: Thank you, Mr. President.

We are in the middle, in this state and certainly in this nation, of a crisis that is affecting tens of thousands of families. And this is a major step forward in terms of helping them in a whole variety of ways, not only with their present situation, but dealing

with predatory lenders, scammers, a whole host of abuses that have impacted the lives of so many people in this state.

Now, I agree with Senator Klein: Any property, whomever it is owned by, should be cared for and maintained consistent with the codes and the laws of the City of New York or any other part of our state.

But to amend this bill now, the result of intensive efforts on the part of this house, the Assembly and the Governor -- and I am unaware of any amendment being undertaken in the Assembly or any amendment being conferred by the Governor that would prevent this from becoming law quickly, perhaps even by the end of today if we were to get it through, and I believe we can. To put up this amendment just doesn't make any sense.

What I would suggest to you, Senator Klein -- and I would be happy to support your bill -- put in a separate bill that says exactly what you said a moment ago, and let that be operative. And I don't think anybody would oppose it. But what I don't want to see happen is your amendment sidetrack

this major initiative.

Colleagues, we will be the first state in the nation to take these steps. No other state -- and there are many states worse than ours, by the way. Nevada, California, and Florida, a variety of other locations throughout the nation are far worse off than we are in this problem of foreclosures.

But we are taking the lead. Hopefully others will follow. Hopefully Congress will wake up to the realization that this is a national problem and they should be dealing with it in a very substantive way. But let's move forward on this bill. Let's get it done. There are thousands of people out there waiting for us to accomplish this fact.

Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: Thank you, Senator Padavan.

Senator Schneiderman.

SENATOR SCHNEIDERMAN: Thank you, Mr. President.

I rise in support of this amendment. And I must disagree with my friend

Senator Padavan. I think Senator Klein is absolutely correct, and the premise of the argument here for our side of the aisle is that this is a good bill we're passing today; it is a first step and a first step only.

We have to continue to work on this. We will be back for a special session. I know my constituents would much rather wait a few weeks and get a bill that requires banks to maintain properties.

Senator Klein came up to my district -- and this is a crisis in the inner cities as well as in the suburbs as well as in rural areas. You cannot allow banks who are not property management companies, who are all of a sudden in possession of all of these properties, to allow them to deteriorate. It is a very serious problem in areas where we've worked very hard to reduce crime and to build homeownership and to allow people to own their homes, as in Washington Heights, which I represent.

This is a very serious problem. I think Senator Klein is absolutely right, and I think everyone here should vote for the

amendment. I think we'll have no problem at all getting the Assembly to go along with us.

I urge everyone to vote yes, Mr. President.

ACTING PRESIDENT GRIFFO: Senator Sabini.

SENATOR SABINI: Thank you, Mr. President. On the amendment.

I'm going to support Senator Klein's amendment. You know, not only has he done amazing work on this issue in a global sense, but we've heard some mention of other states like Florida and Nevada. And townships in Florida now -- and for those in suburban and rural parts of the state, you should listen up on this. There are townships in Florida now that have passed resolutions that have mandated that once the grass gets to a certain height in a foreclosed property, the locality goes in to maintain the property.

Now, it sounds almost comical, but there are townships in Florida now that their maintenance budgets for parks and recreation and for landscape have gone up 35 percent because they have to go into the grounds of

these foreclosed properties just to get them to look like they're not blighted so that the township doesn't look blighted.

So the consequences of this foreclosure crisis have had ripple effects on the economy but ripple effects just on the quality of life for our neighborhoods. And, you know, they sort of set the tone by issuing these loans. We should be calling them to task to maintain the properties so all of us aren't affected by it.

I'm going to be voting aye.

ACTING PRESIDENT GRIFFO: Thank you, Senator Sabini.

Senator Montgomery.

SENATOR MONTGOMERY: Yes, Mr. President, I rise to support this amendment.

And I must say that, you know, Senator Klein has been working on this issue for a number of months. And I believe, if I'm not mistaken, there is -- this is the bill that was introduced by Senator Klein that we're now putting forward, he is putting forward as an amendment.

So this is not going to take away any time or opportunity for us to do the Governor's program bill that has been agreed to by both houses. It just means that we have an opportunity to do what the bill does, which is basically mostly prevention. And it seeks to make sure that we don't continue with this serious issue around foreclosing.

But what Senator Klein's bill will do is give us an immediate relief from the properties that have already been foreclosed. And that's what we, in neighborhoods like mine, where I have the highest rate of foreclosure in the state and one of the highest in the nation, that would give some immediate relief for those properties that have already been foreclosed.

So we need both things to happen. And the one small disagreement -- I am loath to have a disagreement with my Senator -- with Senator Padavan, but I do disagree. I think we can do both of these things, and we can do them by the end of the day if the political will is there.

So I support the amendment. I wish

it were a bill. If it comes forward, I think we should support that. We should also support this bill, the underlying bill, because it is also extremely important.

I vote aye on the amendment, Mr. President.

ACTING PRESIDENT GRIFFO: Senator Connor.

SENATOR CONNOR: Thank you, Mr. President.

As the ranking Minority member on Banks, I first want to thank Senator Farley for all of his hard work on this. And Senator Padavan I know was involved in this issue, and of course Senator Klein, who took the lead in wakening the whole state to this issue last summer and fall.

I'm going to vote for the amendment. But I want to correct something that a lot of my colleagues have said. You know, people have said the bank that forecloses should take care of the property. And I wish it were true. If banks were involved, your local neighborhood community bank that used to lend people their mortgages,

we may not have gotten into this problem.

The problem with subprime is the mortgage lender, which is usually not the local bank on subprime -- local banks, certainly credit unions, community banks, they don't lend, by and large, subprime. What's happened, though, is the lender has then transferred the paper, the mortgage, to another party that then transferred it to someone who securitized it.

All that means is they bundled a whole bunch of these and then sold them to Wall Street, which is why there are billions in losses.

And when we get to foreclosure, the person showing up in court foreclosing is the representative of a mortgage servicer provider. And I know from experience, when they're asked by the court "Well, prove you own the mortgage. Where's the note?" they don't have it.

They're some service provider located in Minnesota or Chicago or California or Arizona, foreclosing on a property in New York. And when they're successful in

foreclosing, they end up with the property, some holder in some remote state.

So I think that's where we get into the serious problems with not maintaining the properties that have been foreclosed against, because they're so remote they don't care how high the grass gets, they don't care if the shingles are falling off the house, they don't care if the whole neighborhood goes to pot. It's not their neighborhood, it's not their city, it's not their town.

And so I think we need -- I'm going to vote for this amendment, but I think we need to keep in mind how this problem arose. And it's those remote, by and large, holders of the paper; we don't even know who they are because they've hired a service provider.

And so I would suggest, if this amendment doesn't pass, that we do a similar bill. And I would suggest that localities and the City of New York adopt some local ordinances, as they're entitled to do, about the maintenance of property and, as Senator Sabini pointed out, have the right to go in and maintain the property in the interest of

keeping the tax rateables in the whole neighborhood up and property values up, and charge back the service provider a hefty fee for doing it.

So there are ways to approach this. I think the amendment is a good idea. I'm going to vote for it. But I want everybody to understand the problem. It's just not as simple as the banker across town now holds the property. It's somebody Lord knows who they are and where they are.

Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: Thank you, Senator Connor.

Is there any other Senator wishing to be heard on the amendment?

On the amendment, those Senators in agreement please signify by raising your hands.

THE SECRETARY: Those recorded in agreement are Senators Adams, Aubertine, Breslin, Connor, Diaz, Dilan, Duane, Gonzalez, Hassell-Thompson, Huntley, C. Johnson, Klein, L. Krueger, Montgomery, Onorato, Oppenheimer, Parker, Perkins, Sabini, Sampson, Savino,

Schneiderman, Serrano, Smith, Stachowski, Stavisky, Stewart-Cousins, Thompson and Valesky.

ACTING PRESIDENT GRIFFO: The amendment is not agreed to.

Senator Klein.

SENATOR KLEIN: Mr. President, I believe there's a second amendment at the desk. I ask that the reading of the amendment be waived and would like to be heard on the said amendment.

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

SENATOR KLEIN: Thank you, Mr. President.

My second amendment would impose a one-year foreclosure moratorium. It's an identical bill to a bill that was introduced in this body by Senator Padavan.

I know the legislation before us today does lengthen the foreclosure process, which I think is a good thing. But when you look at the statistics from last year, nationally, 57 percent of people who lost

their homes due to foreclosure had absolutely no contact with their lending institutions. No contact whatsoever.

One of the things that I'm very proud that I was part of with the Democratic conference is, I think, a very novel approach and I believe a program that should be replicated nationwide. We started a program about six months ago called Operation Protect Your Home. It makes a tremendous amount of sense in the light of the fact that all of these people find it very difficult to sit down and speak to their lending institutions.

What we do is very, very simple. We first identify distressed borrowers in a community, people who are 30 to 120 days late on their mortgage payments, we send them letters to show up at a specific location, usually in a school. And the beauty of the program is we have the lending institution there with the borrower, face to face, in the hope of modifying the mortgage.

Through the many hearings that myself and my colleagues had throughout the state this past summer, we found many, many

people were steered into the subprime mortgage crisis. You're always going to get people who probably shouldn't have gotten a mortgage in the first place. But what we heard of more from people was -- people who had the 10 percent to put down, they were better off if they were in a 30-year fixed-rate mortgage, but instead they were told by a lending institution, a mortgage broker, not to worry about it.

When they asked "What do I do when the adjustable rate mortgage resets to 10, 11, 12 percent?" they were told, "You'll be able to refinance based on the new-found equity in your home."

Well, here we are, and that equity in the home did not increase, and now people are forced to pay very, very high interest rates. What we found through our program is people can pay 5, 6, even 7 percent. They can't pay 10, 11 and 12 percent.

So the ability to sit down with the lending institution, get a financial workout in the hope of modifying a mortgage, has proved very, very successful. We've had these

forums all over the state.

And I think we really need the moratorium, because I'd like to sort of put a pause on this whole problem and give people the ability to sit down with their lending institutions in the hope of modifying their mortgages.

We really have to take a very strategic approach to this and prevent as many mortgage foreclosures as we can. Because as we see, this is not only having an impact on our housing market, which for many of us is the most important financial investment we'll ever make in our entire lives, but it's also having a tremendous impact on our financial market as well.

So if we can just stem the tide of foreclosures by having people modify mortgages through a program like we started with the Banking Department, I think we'll go a long way towards helping out many people.

I do want to say thank you to Senator Farley for bringing this bill to the floor.

And I like to remind people this

problem could have been prevented in New York State. Senator Farley probably knows that several years ago we passed and the Governor signed it into law, then-Governor Pataki, probably the strongest anti-predatory lending bill anywhere in the nation. Maryland followed suit and New Jersey followed suit.

And just by way of background, the Comptroller of the Currency on the federal level ruled this unconstitutional because of preemption. This was upheld by the United States Supreme Court.

So what I'm trying to say is we probably wouldn't have been impacted in the same way if this law was allowed to be implemented in the State of New York.

But I think that we all can breathe some sigh of relief that we now have a law in place that makes sure that this doesn't happen again within the State of New York. But clearly, the federal government had to act as well. Most of us probably know we only have control over state-chartered banks. So clearly the feds have to do something as well.

But I think, more importantly, we

have to be very, very mindful of helping those people who are in danger of foreclosure now. We have to make sure that the American dream of homeownership is kept alive for many, many more generations.

So I hope we would pass a moratorium bill today in addition to this legislation, even if it is Senator Padavan's stand-alone bill, because I think we still need to give people time to sit down with their lending institutions in the hope of modifying their mortgages, and keep their hope alive as far as them being part of the American dream.

Thank you, Mr. President.

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

On the amendment, those Senators in agreement please signify by raising your hands.

SENATOR PADAVAN: Mr. President.

ACTING PRESIDENT GRIFFO: Senator Padavan, to speak on the amendment.

SENATOR PADAVAN: Of course I

appreciate your generosity, Senator Klein, in advancing our bill, the Brennan-Padavan bill, in terms of the foreclosure time frame.

You know, over the past year as we've been working on that legislation, we've had a great deal of time and input in terms of what this process is all about. This bill does provide for an opportunity and a mandatory requirement that would bring both the lender and the borrower together so they would reach -- so they would reach a settlement, because certainly banks --

ACTING PRESIDENT GRIFFO: Senator Padavan, excuse me.

Could we please have order, particularly in the back of the chamber. Thank you.

Senator Padavan.

SENATOR PADAVAN: Certainly banks do not want to be in the real estate business. And we understand all of the problems of their ownership providing, in terms of the destruction and the downgrading of the community when you have house after house with foreclosure signs on them.

One of the problems is of course that the banks in many cases aren't the holders of the mortgage. And you have to search out who really does own that property, where is the mortgage, how has it been bundled, how has it been sold to some other entities similarly unknown.

And then you have the people who come and in scam the individual whose house is under threat of foreclosure: "I've got a solution for you, we'll take care of all your problems, here, sign on the dotted line." And that dotted line would put the person in a deeper hole than he was in the beginning. And so these scamming artists are a problem that we found out about that we were not fully aware of.

We had this entire issue of how to set an appropriate benchmark for the settlement to achieve. What would it be, 3 points above prime, 1.7 above prime? Where is an appropriate level to bring that person who's being imposed upon and punished by an adjustable rate mortgage? Which is a big part of the problem. All of those issues and more,

including the $25 million we put in the budget to provide legal advice to those people who will be or are in this kind of a situation.

Now, when all of that was presented, both houses, to the Governor and his counsels, the State Banking Department, the commissioner, they had a different point of view. Whether we agree with it or not, it is their point of view.

Now, when the Governor was asked last week, directly, "What do you think, and why are you not supporting a one-year moratorium?" his response was very pointed and very specific. He said in terms of available credit to the market, in terms of its impact on the existing problem, it would be more destructive to do that than what we are proposing at that particular moment in time as he was explaining the legislation that is now before us.

The bottom line is that's what was deemed appropriate and beneficial. We can debate till the cows come home as to whether or not it's the ultimate solution, whether there's a better solution, whether one year,

nine months, a year and a half, two years, whatever. Keeping in mind that in our state today, without any legislation, we have more time available to the mortgagee in any foreclosure situation than any state in the nation. So when we add 90 days and we add all the other things in this bill, we're over a year and then some. But that's, again, not the issue.

The issue is what has been agreed upon by both houses and, most importantly, proposed by the Governor. Because this is the Governor's bill we're dealing with. And as I said earlier, let this go by us, mess it up, amend it, and we will achieve nothing.

Now, even the most enthusiastic proponents of the one-year moratorium said just the other day -- it was in the New York Times -- ACORN, a strong advocacy group on behalf of people who are in this terrible situation: This is a good bill, it will do a lot. And moreover, if we'd done this a long time ago, the requirements in this legislation had been in effect, many of the problems that people are experiencing today simply would not

have occurred. And they're right.

So even ACORN is saying we must do this. May not be as much as they sought to achieve at the outset, but we should do this. As has said Assemblyman Brennan, the sponsor of our bill, to whom I owe a great deal of gratitude for having generated much of its content. He too has said if we hadn't gone that far, we wouldn't be where we are today. And where we are today in this bill is a long way in the right direction.

So I suggest to you you can pass any amendment you want. And if you do that, you kill the bill. And if you kill the bill, you're hurting people. And I don't think that's what you want to do.

ACTING PRESIDENT GRIFFO: Senator Hassell-Thompson, on the amendment.

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

In January of this year, Operation PUSH and many other organizations came forward asking the federal government to put a moratorium on foreclosures because in December of 2007, over 2 million households foreclosed.

When we looked at the maps of the national average and looked at the numbers of homeownership losses incurred in the State of New York is when many of us began to move with Senator Klein to put together an effort at least for New York State to do a moratorium.

Since January, I can't tell you yet the numbers of foreclosures, but every day there continues to be a significant number. You heard Senator Connor describe the process by which banks turn over these loans to servicers. Well, those servicers are not waiting for three months for you to get not even the prerequisite 90 days, they are doing foreclosure letters after one month. And people are in a state of panic.

But more than the loss of homes, it speaks to what is happening to neighborhoods and communities based on these foreclosures. People who have made major investments in their homes are also affected. This is a domino effect.

We're asking for the moratorium, even though banks are not because they stand to continue to make money every day in late

charges and fees. We're saying that we need time for people to receive the proper kind of counseling in order to make the right deals to get them out of these foreclosure situations. We're asking for this amendment to be passed in support of not just the people who are affected, but our communities as a whole.

So, Mr. President, I am asking all of my colleagues in this house to support Senator Klein in his amendment because I think it is good public policy.

ACTING PRESIDENT GRIFFO: Thank you.

Announce the results.

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

ACTING PRESIDENT GRIFFO: The amendment is not agreed to.

On the bill, Senator Farley.

SENATOR FARLEY: Thank you, Mr. President.

Let me just say that the whole focus and thrust of this bill and the major part of it is to avoid foreclosure. To avoid foreclosure. That's what we're trying to accomplish here. And the 90 days before they can foreclose, where they must meet, counsel, negotiate to prevent foreclosure, is rather significant. And I think that's what accomplishes it.

You know, what you're saying, Senator Klein, in regard to taking care of the property, that has merit, there's no question about it. Of course the municipality could jump in there and make the lender do that or put a lien on it and charge them and that sort of thing. And so that has some merit. But that bill was not in my committee.

But as far as extending and giving another year, this is after they have been in foreclosure for 440 days. They just keep getting deeper and deeper into debt. The Governor said that, speaking about that. We

want to prevent foreclosure. That's what we want to prevent. We want to have people save their homes.

This is a very sophisticated, complicated and comprehensive piece of legislation that tries to address so many of the things that are wrong in this area, the fraud that has been -- how people have been duped, taken advantage of with teaser rates and so many things. And we're trying to address so many things here.

It's been agreed upon. Nothing is perfect in this house, nobody passes a perfect bill. But this really addresses a problem which in my judgment is going to be landmark legislation, as New York has always been in the financial area, leading the nation in doing something.

You know, the predatory lending which was addressed before, which was my legislation, has prevented New York from becoming one of the worst foreclosure states in the nation. There are pockets.

Incidentally, these subprime loans that we're talking about, they don't even make

them upstate. Unfortunately, they don't even make them. What does this do? It allows a person with less than perfect credit to get a loan, to buy a home. So, you know, we don't want to wipe out the subprime market totally. So it's a balancing act.

And consequently, I just want to allude to one other thing in here. What is a subprime loan? It is something that is taken every month by the average mortgage rate in the Northeast. And anything 1.75 above that is considered a subprime loan.

Now, the Superintendent of Banks is able to look at this and adjust that if it's killing the market. Or he can lower it if it's creating a lot of problems. So that gives the Superintendent of Banks flexibility to keep this market open to those that really need and deserve subprime loans.

Now, let's hope that this market gets better. The real estate market, I think, is improving.

Incidentally, in the City of Buffalo, I understand -- and I don't know this for sure -- that the city has moved against

some of these lenders to take care of their property. So it can be done on a local level.

But with that, I ask everybody to support this legislation. It's the best we can do. It is agreed upon by the Assembly, agreed upon by the Governor. And it is desperately needed to help our homeowners in this state.

ACTING PRESIDENT GRIFFO: Senator Savino.

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

First, again, I would like to thank Senator Farley for the work that he's done on this bill, and the Governor for putting it forward. And as I said earlier, it's a good bill, but it's not good enough, and it could be better.

I believe that we need to include in this bill a moratorium on foreclosures. I believe we need to include in this bill the requirement that banks that take properties back through the foreclosure process are required to take care of those properties.

I also believe that what should be

included in this bill is financial literacy for first-time homebuyers. The subprime lending market was never designed for first-time homebuyers. It was designed to allow easy credit to investors so they wouldn't have to tie up all of their equity as they invested in properties and sold them and resold them. It was never meant for the first-time homebuyer.

People putting down money for their first home should have minimally a down payment. The SONYMA mortgage program is probably the best mortgage program for first-time homebuyers. It requires a 5 percent down payment. It requires proof of income. It requires that the risk be minimized to not just the seller but to the homebuyer, with the recognition that stability in a person's economics is good for that person.

The subprime lending market violates all of those rules for first-time homebuyers. We need to make sure that a person who sits down to make their first purchase understands what they're getting

into.

Many of us in this room have bought homes. When I bought my first home, I was very lucky. One, I had the down payment. Two, I had excellent credit. Three, I had a free legal service benefit available to me, so I had my own lawyer.

Far too often people are going in to purchase homes, they are buying homes from mortgage brokers, mortgage brokers who have relationships with appraisers, appraisers who overvalue property so the mortgage broker can sell a bigger loan and make a maximum problem profit for themselves.

Nobody explains to the homebuyer what they're getting themselves into. Nine times out of ten, they don't have an attorney. They're told they don't need an attorney. There's a bank attorney there, and the bank attorney tells them that they can explain it.

Well, many of you in this room are attorneys. You know you cannot represent two people. I believe that might even be a violation of the code of ethics.

We need to make sure that

homebuyers know that they're doing, so there should be a requirement for financial literacy. That does not exist. We should put that in this bill.

There is work yet to be done on this. I'm going to vote for this, Senator Farley, because we do need to do something. But I think we still need to do more.

I spoke earlier of our Operation Protect Your Home project. In February of this year, we hosted that forum -- excuse me, March of this year. We brought that forum to Staten Island. With the pressure of Operation Protect Your Home, the New York State Banking Commission, and the city and state comptroller's offices, we got 19 lenders to come to that forum.

Senator Lanza and I and Senator Klein and several other members of the conference went to that forum held at the College of Staten Island. We were able to identify 2,113 Staten Island homeowners who were at risk for foreclosure or were already in foreclosure. Six hundred of them showed up that day. And since then, several hundred

more have contacted my office and Senator Lanza's office.

We have been able to help a significant number of those homeowners -- I believe it's 312 to date -- to keep their homes. Through a voluntary modification process that we put in place with Operation Protect Your Home, we've been able to do that.

But the problem with this particular bill, and the reason why I think we need the moratorium, is not one of those homeowners that we were able to help through Operation Protect Your Home would be helped by this piece of legislation, because it's too late for too many of them.

We cannot allow that to happen. There are thousands of homeowners who need our help today. And I think we cannot leave them behind as we go forward.

So I'm going to vote for this bill, Senator Farley, because it is a good bill. But it could be better.

ACTING PRESIDENT GRIFFO: Senator Hassell-Thompson.

SENATOR HASSELL-THOMPSON: Thank

you, Mr. President. On the bill.

Senator Farley said that we don't want to wipe out the subprime lending market. I'm not sure that I agree with Senator Farley. I sat on the Banking Committee with Senator Farley until last year, since from almost the first year I came here. And my understanding of the banking business is certainly nowhere near as sophisticated as his.

But what I do understand very clearly is that if banks want to be in the business of doing mortgages, then they need to be in the banking business with the mortgage for the entire life of the mortgage. The whole idea of giving mortgages to servicers takes away their obligation and responsibility to the commitment that they made to the lender. That's number one.

The moratorium, as you heard in the very tail end of Senator Savino's presentation, says that for the group of borrowers that we're talking about, this bill would do nothing. And we're as concerned not only about future lending practices, but we're worried about those who have already

foreclosed, for whom this bill gives no relief.

The other concern that I have is that if we need to incentivize ways for banks to be in the business of giving them extra points for those that they do lending to that don't have absolutely perfect credit, that's an opportunity for us to have another discussion.

But I think that the more layers that we continue to have between the borrower and the person who is responsible for the lending makes it really difficult, because there are many times -- and I can tell you this from personal experience. Many times, once the bank does a loan with you and a servicer takes it over, if there's a discrepancy, the bank will tell you one thing but the servicer will do something completely different.

Our subprime lending market does not, in my opinion, have the level of monitoring and regulatory rules that I think that it needs to have. So I'm not as excited about keeping this secondary layer as many of

my colleagues are.

And I think that we need to be, again, giving the right incentives to our banks to, if they're going to be in the mortgage business, be in the business of doing mortgages and not give the responsibility -- because the contract was never made with the servicer. The contract between the lender and the borrower was made at a primary level, not at the subprime level.

So I really become concerned when we institutionalize behavior even when that behavior is bad. And this has been a very unfortunate kind of bad behavior on the part of a lending structure that has seeped into our lending market.

And if you don't believe that we've only seen the tip of the iceberg, you need to be talking to people who are in the business. And they will tell you that this is not anywhere near the end of what we're going to be seeing in this lending market.

So I think that the minus of this moratorium is not going to put a tourniquet, as they say in the nursing profession, on a

very bad bleeding problem that we have in terms of our economy in the State of New York as well as in this country.

ACTING PRESIDENT GRIFFO: Senator Farley.

SENATOR FARLEY: Yes, just a couple of things I wanted to mention.

At the insistence of Senator Padavan -- incidentally, to address people that are already in foreclosure, this was something the Senate added to the Governor's program bill, that persons with subprime loans who are already in the foreclosure process will be given the opportunity to request a settlement conference. In other words, to help them through this.

So we are addressing some of that for those that are already in foreclosure. Actually, we hope that the federal government may come up with billions to help people that are in foreclosure.

I do want to address some concerns that Senator Savino had, which are already in the bill. We have a duty of care for mortgage brokers. We prohibit improper influence of

real estate appraisals. We regulate the mortgage loan servicers. We address mortgage fraud. We have criminal and civil penalties in this area. We prevent foreclosure rescue scams. We require foreclosure notices. All of these things.

But again, let me just say the thrust of this whole legislation, I think, which makes it kind of unique and significant, we're trying to prevent foreclosures. Banks don't want foreclosures. They don't to be in the real estate business. And we're trying to prevent people from going into foreclosure.

And some of the things that -- there's no question about it -- that have happened with scams and teasers and all of these things, we're trying to address that in the legislation.

It is complicated. It's long, it's 31 pages. But by and large, we try and address most of the problems we can. It's a pretty good piece of legislation and one that needs to be done, and I urge my colleagues to support it.

ACTING PRESIDENT GRIFFO: Is

there any other Senator wishing to be heard on the bill?

Senator Marcellino.

SENATOR MARCELLINO: Yes, Mr. President. I want to say thank you to my colleague Hugh Farley for his efforts and his work on this very, very complicated and important piece of legislation.

You know, I hear calls that we've got to do more, we should have done this, we should have done that. You know, there's never a time when you do a bill, especially one as complicated and as controversial as this one, that you don't want to do more and you didn't want to do something. But compromise is always necessary to get a result.

In our business we always run the risk of letting the perfect be the enemy of the good. This bill is not perfect, but it's a very, very good bill. I think we have to support it enthusiastically.

And I again thank Senator Farley for taking the lead and getting this work done. I intend to vote aye.

ACTING PRESIDENT GRIFFO: Any other Senator wishing to be heard on this bill?

The debate is closed. The Secretary will ring the bell.

Read the last section.

THE SECRETARY: Section 28. This act shall take effect immediately.

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

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

Remember, we are on explanation of votes now, to all the members.

Senator Robach.

SENATOR ROBACH: Yes, Mr. President, I rise to support this bill. And I want to thank the Governor, Senator Farley.

While there's challenges, I still think a huge part of the American dream is to not only own a home but maintain a home, and having --

ACTING PRESIDENT GRIFFO: Senator

Robach, excuse me.

Thank you. Senator Robach, you may continue.

SENATOR ROBACH: -- and trying to have the best resources, programs in place to do that is critically important.

We know there's been some failures in the past that has got us a result that we don't like for a lot of people and a lot of communities. But this legislation really does take us from a very, very different place of where we were to where we'll go with this.

This is going to add a counseling component, which has been critically important to Rochester, the city I represent, of keeping people in this exact situation in their home; duty of care of mortgage loan servicers; stricter penalties for those people who do not follow the rules, let people know what that rate is of swinging from high to low.

This is a good, good step in the right direction. And we are leading the charge in the country. My guess is this legislation that we're passing here will be duplicated in a lot of other states. I think

it's a huge step in the right direction for people to avoid this crisis.

Now that the public is much more informed, coupled with this legislation, hopefully will go a long way to stopping this from occurring in the future and not only hurting families trying to maintain their homes but avoid some of the things we've all spoken about earlier, empty properties throughout the municipalities we represent, or those not covered.

And I'm happy to cast my vote in the affirmative.

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

Senator LaValle, to explain his vote.

SENATOR LaVALLE: Thank you, Mr. President.

I want to congratulate Senator Farley. I know he's worked very hard, very diligently, held hearings on this very subject.

In doing some work in the foreclosure area, I think one of the things is

a truism, that the banks do not want to be in the real estate business. And there are times in the process where you really need to bring people together to say how can we ensure that the individual stay in the home and restructure the agreement.

So I think this will allow, in this legislation, processes and opportunities for people just to do that and for the individual homeowner to receive the kind of counseling and guidance that they need to see this through to the end.

So, Senator Farley, I think you've done a great service to individuals who many times get themselves into a situation or are victimized by bad economic times, to be able to stay in their home and make sure that their family has an opportunity to continue to live in the community that they so love and the reason why they moved there.

I vote yes.

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

Senator Alesi, to explain his vote.

SENATOR ALESI: Thank you,

Mr. President.

I know that a significant amount of work has gone into this bill. And listening to my colleagues, it's clear to me that everyone here understands the importance of protecting those people who are on thin ice when it comes to owning their homes, owning that piece of the American dream that so many people have fought and worked so hard for.

This not only strengthens that American dream of homeownership for the average person who is caught unawares, sometimes, when they get involved in mortgages, it also strengthens the entire industry. It's good for commerce and industry as well to have such strength in our lending laws.

But let me say this. When people are running into trouble on their mortgage payments, it's not just the principal and interest that causes that struggle. There's a third element for most people that are making monthly payments. It's a thing called escrow. It's a thing called taxes, property taxes.

And while we're working so nobly on

helping those people who are struggling to make their mortgage payments, let's remember one other thing. We have to do something here before we leave this town about property taxes, because that's a significant component of what people have to face every month when it comes to staying in their homes and affording homeownership.

Property taxes, coupled with affordability and mortgage payments. We can't do something without doing all of this. We have to deal with property taxes as well as this issue.

I'd like to congratulate Senator Farley for this struggle that he has gone through putting this bill together to make sure that it works well for everyone. But let us all continue to recognize that there is another cost of homeownership in New York State that's running away from the average citizen, and it's property taxes.

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

Senator Farley, to explain his vote.

SENATOR FARLEY: I just want to say thank you to my colleagues on both sides of the aisle, to Senator Connor, my Banking Committee, and Ruth, who was my ranker for a number of years, and Senator Padavan, who's worked so hard on this legislation.

To see this controversial piece of legislation, which is one of the most significant we're passing this year, to be passed unanimously in this house and perhaps in the other house and it's going to be signed by the Governor, that's rather significant.

And I want to thank Peter Edman and Bernie McGarry, who worked through the night without any sleep for the whole past week. They're both here.

You know, we're very grateful to all these people that have made this happen. And I have to say thank you to my colleagues.

I vote aye.

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

Announce the results.

THE SECRETARY: In relation to Calendar Number 2077: Ayes, 61. Nays, 0.

Senator C. Kruger absent from voting.

ACTING PRESIDENT GRIFFO: The bill is passed.

Senator Little.

SENATOR LITTLE: Thank you, Mr. President.

Could we return to Calendar Number 2094, by Senator Morahan.

ACTING PRESIDENT GRIFFO: The Secretary will read.

SENATOR LITTLE: Mr. President, please lay that aside for the day.

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

Senator Little.

SENATOR LITTLE: Thank you. Could we take up Calendar Number 2097, please.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: Calendar Number 2097, by the Senate Committee on Rules, Senate Print 8679A, an act to establish a workgroup.

SENATOR LITTLE: Is there a message of necessity at the desk?

ACTING PRESIDENT GRIFFO: There is a message of necessity at the desk.

SENATOR LITTLE: Thank you. Mr. President, I move to accept the message of necessity.

ACTING PRESIDENT GRIFFO: All in favor of accepting the message of necessity indicate by saying aye.

(Response of "Aye.")

ACTING PRESIDENT GRIFFO: Opposed, nay.

(No response.)

ACTING PRESIDENT GRIFFO: The message is accepted.

The Secretary will 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 Little.

SENATOR LITTLE: Thank you, Mr. President.

Could we now temporarily lay aside the controversial reading of this calendar and return to motions and resolutions. I believe we have some.

ACTING PRESIDENT GRIFFO: The bills on Senate Supplemental Calendar 63A will be laid aside temporarily, and we will return now to the order of motions and resolutions.

Senator Fuschillo.

SENATOR FUSCHILLO: Thank you, Mr. President.

On behalf of Senator Nozzolio, I wish to call up Senate Print Number 7844A, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: Calendar Number 1635, by Senator Nozzolio, Senate Print 7844A, an act in relation to authorizing the Town of Webster.

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

passed.

ACTING PRESIDENT GRIFFO: Call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

SENATOR FUSCHILLO: I now offer the following amendments.

ACTING PRESIDENT GRIFFO: The amendments are accepted.

SENATOR FUSCHILLO: Mr. President, I move to recommit Senate Print Number 8655, Calendar Number 2094 on the order of third reading, to the Committee on Rules, with instructions to said committee to strike out the enacting clause. That's on behalf of Senator Morahan.

ACTING PRESIDENT GRIFFO: So ordered.

SENATOR FUSCHILLO: Mr. President, on behalf of Senator LaValle, on page number 50 I offer the following amendments to Calendar Number 1529, Senate Print Number 7497A, and ask that said bill retain its place on the order of 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 Fuschillo.

SENATOR FUSCHILLO: Thank you.

ACTING PRESIDENT GRIFFO: Senator Little.

SENATOR LITTLE: Thank you, Mr. President.

Could we now take up the active list calendar for today.

ACTING PRESIDENT GRIFFO: We will now take up the noncontroversial active list for June 23, 2008.

The Secretary will read.

THE SECRETARY: Calendar Number 108, by Senator Hannon, Senate Print 4459, an act to amend the Public Health 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 237, substituted earlier today by Member of the Assembly Scarborough, Assembly Print Number 5258C, an act to amend the Social Services Law and the Family Court Act.

ACTING PRESIDENT GRIFFO: Read the last section.

THE SECRETARY: Section 5. This act shall take effect April 1, 2010.

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 256, by Senator Little, Senate Print 1101A, an act to legalize, validate, ratify and confirm certain actions taken.

ACTING PRESIDENT GRIFFO: Read the last section.

THE SECRETARY: Section 5. This act shall 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 285, by Senator Larkin, Senate Print 1047B, an act to amend the Racing, Pari-Mutuel Wagering and Breeding 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 368, substituted earlier today by Member of the Assembly Pheffer, Assembly Print Number

70A, an act to amend the General Business Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 449, by Senator Larkin, Senate Print 4497B, an act to direct the Commissioner of Education.

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

459, by Senator LaValle, Senate Print 6949A, an act to amend the Education 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, 60. Nays, 1. Senator Duane recorded in the negative.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 520, by Senator Padavan, Senate Print 5865A, an act to amend the Vehicle and Traffic 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, 60. Nays, 1. Senator Perkins recorded in the negative.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 546, by Senator DeFrancisco, Senate Print 2061A, 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 557, by Senator Morahan, Senate Print 4006A, an act to amend the Mental Hygiene 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 613, substituted earlier today by Member of the Assembly Sweeney, Assembly Print Number 8343A, an act to amend the Insurance Law.

ACTING PRESIDENT GRIFFO: Read the last section.

THE SECRETARY: Section 6. This act shall take effect on the 90th day.

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 682, by Senator DeFrancisco, Senate Print 2879C, an act to amend the Estates, Powers and Trusts Law and others.

ACTING PRESIDENT GRIFFO: Read the last section.

THE SECRETARY: Section 4. This

act shall take effect on the first of January.

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 711, by Senator LaValle, Senate Print 7215A, an act to amend the Education Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 865, by Senator O. Johnson, Senate Print 7130A, 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 872, by Senator Marcellino, Senate Print 7523, an act to amend the Environmental Conservation Law and the State Finance Law.

ACTING PRESIDENT GRIFFO: Read the last section.

THE SECRETARY: Section 3. This act shall take effect on the same date as a chapter of the Laws of 2008.

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

896, substituted earlier today by Member of the Assembly Morelle, Assembly Print Number 9073B, an act to amend the General Business Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

SENATOR DUANE: Lay it aside, please.

ACTING PRESIDENT GRIFFO: Lay it aside.

THE SECRETARY: Calendar Number 948, substituted earlier today by Member of the Assembly Destito, Assembly Print Number 10121, an act to amend Chapter 479 of the Laws of 2004.

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 952, by Senator Morahan, Senate Print 247B, an act to amend the Tax Law.

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

The Secretary will read the last section.

THE SECRETARY: Section 2. This act shall take effect on the first day of the sales tax quarterly period.

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 1010, substituted earlier today by the Assembly Committee on Rules, Assembly Print Number 11491A, an act authorizing.

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

The Secretary will 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 1031, by Senator Saland, Senate Print 7051A, an act to amend the Education 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 1094, by Senator Morahan, Senate Print 7408A, an act to amend the Mental Hygiene Law and the

Education 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 1095, by Senator Morahan, Senate Print 7410, an act to amend the Mental Hygiene 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

1120, substituted earlier today by Member of the Assembly Paulin, Assembly Print Number 9628B, an act to amend the Public Health 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 1124, by Senator Morahan, Senate Print 2441A, an act to amend the Tax Law.

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

Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the first day of the sales tax quarterly period.

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 1142, by Senator Volker, Senate Print 4029D, an act to amend the General Business Law.

ACTING PRESIDENT GRIFFO: Read the last section.

THE SECRETARY: Section 9. This act shall take effect on 90th day.

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60. Nays, 1. Senator Duane recorded in the negative.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1143, by Senator Morahan, Senate Print 4939A, an act to amend the General Business Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call

the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1144, substituted earlier today by Member of the Assembly Nolan, Assembly Print Number 3520, 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 on the 120th day.

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1148, by Senator Fuschillo, Senate Print 7892A, an act to amend the General Business 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 1158, by Senator Bonacic, Senate Print 7800, an act to amend the Environmental Conservation Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1159, by Senator Marcellino, Senate Print

7842A, an act to amend the Environmental Conservation Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1208, by Senator Volker, Senate Print 7964D, an act validating certain actions.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1209, substituted earlier today by Member of the Assembly Parment, Assembly Print Number 11174A, an act in relation to transportation contracts.

ACTING PRESIDENT GRIFFO: Can we please have order.

Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1226, by Senator LaValle, Senate Print 7946A, an act to amend the General Municipal 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 1238, by Senator LaValle, Senate Print 3063A, an act to amend the Education Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

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 1263, by Senator Larkin, Senate Print 7866A, an act to amend the Racing, Pari-Mutuel Wagering and Breeding 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 1265, by Senator Larkin, Senate Print 2020, an act to amend the Agriculture and Markets Law.

ACTING PRESIDENT GRIFFO: Read the last section.

THE SECRETARY: Section 5. This act shall take effect on the 180th day.

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60. Nays, 1. Senator Duane recorded in the negative.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1266, by Senator Seward, Senate Print 2180D, an act to amend the Vehicle and Traffic Law.

ACTING PRESIDENT GRIFFO: Read the last section.

THE SECRETARY: Section 5. This act shall take effect January 1, 2009.

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 1311, by Senator Winner, Senate Print 7124B, an act to amend the Education 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 1318, by Senator Alesi, Senate Print 166B, an act to amend the General Business Law.

ACTING PRESIDENT GRIFFO: Read

the last section.

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

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 1335, by Senator Smith, Senate Print 4221B, an act to amend the Real Property 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 1348, by Senator Seward, Senate Print 7471A, an act to amend the Alcoholic Beverage Control

Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1386, by Senator Nozzolio, Senate Print 5037D, an act to amend the Penal Law and the Arts and Cultural Affairs Law.

ACTING PRESIDENT GRIFFO: Read the last section.

THE SECRETARY: Section 7. This act shall take effect on the first of November.

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Those recorded in the negative on Calendar Number 1386 are

Senators Adams, Dilan, Duane, Gonzalez, Hassell-Thompson, Huntley, L. Krueger, LaValle, Marcellino, Montgomery, Morahan, Oppenheimer, Parker, Perkins, Sabini and Serrano.

Ayes, 45. Nays, 16.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1413, by Senator Marcellino, Senate Print 3192A, an act to amend the Vehicle and Traffic Law and the New York City Charter.

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: Those recorded in the negative on Calendar Number 1413 are Senators Adams, Dilan, Gonzalez, Hassell-Thompson, L. Krueger, Montgomery, Parker, Perkins, Sabini, Schneiderman and Stavisky.

Ayes, 50. Nays, 11.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1415, by Senator Griffo, Senate Print 4380A, an act to amend the Vehicle and Traffic 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: Those recorded in the negative on Calendar Number 1415 are Senators Duane, Hassell-Thompson, L. Krueger, LaValle, Marcellino, Montgomery, Oppenheimer, Padavan, Parker, Perkins, Sabini, Schneiderman, Serrano and Stavisky.

Ayes, 47. Nays, 14.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1433, by Senator Morahan, Senate Print 8051B, an act to authorize the payment of

transportation aid.

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 1465, by Senator DeFrancisco, Senate Print 5076B, an act to amend the Insurance Law and the Civil Practice Law and Rules.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1470, by Senator Seward, Senate Print 6749B, an act to amend the Insurance Law.

ACTING PRESIDENT GRIFFO: Read the last section.

THE SECRETARY: Section 12. 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 1505, by Senator Nozzolio, Senate Print 7762, an act to amend the Not-for-Profit Corporation 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 1522, by Senator Fuschillo --

SENATOR LIBOUS: Lay that bill aside temporarily, please.

ACTING PRESIDENT GRIFFO: Lay it aside temporarily.

THE SECRETARY: Calendar Number 1599, by Senator Leibell, Senate Print 5603B, an act to amend the Executive Law and the Military Law.

ACTING PRESIDENT GRIFFO: Read the last section.

THE SECRETARY: Section 4. This act shall take effect on the 180th day.

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT GRIFFO: Senator Leibell.

SENATOR LEIBELL: Thank you, Mr. President. To explain my vote.

We all in this chamber, I believe, know what a tremendous job our National Guard

and our Air National Guard has done over the course of this great state's history. And particularly now, we have had so many thousands of our Guardsmen and Air Guardsmen deployed not only at home here but around the world.

And we also know that beyond international struggles, they are always available to help us and our families and everybody throughout the State of New York on an emergency basis.

This legislation attempts to take care of multiple public policy issues, one of which is to make sure that we have as many people covered by health insurance in New York State as is possible, and also to provide this sort of care for our Guardsmen and our Air Guardsmen, and also as a vehicle to encourage recruitment into the National Guard and into the air National Guard.

So through this legislation we will be joining in through a federal program providing our Guardsmen with medical care for themselves and their families at no expense, and expenses will be paid for by New York

State.

This is, I think, a great incentive to all of our Guardsmen and a way for New York State to say thank you for their tremendous service. I vote aye, Mr. President.

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

Announce the results.

THE SECRETARY: Ayes, 61. Nays, 0.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1607, by Senator Thompson, Senate Print 8101B, an act to amend the Parks, Recreation and Historic Preservation 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 1656, by Senator Marcellino, Senate Print 5307B, an act to amend the Education Law.

ACTING PRESIDENT GRIFFO: Read the last section.

THE SECRETARY: Section 18. This act shall take effect in two years.

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1695, by Senator Leibell, Senate Print 6904, an act to amend the State 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: Lay that aside temporarily, please, Calendar 1695.

ACTING PRESIDENT GRIFFO: In relation to Calendar Number 1695, we will withdraw the roll call and lay the bill aside.

SENATOR MAZIARZ: Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: The Secretary will read.

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

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

1706, by Senator Seward, Senate Print 8385A, an act to amend Chapter 630 of the Laws of 1988, amending the Insurance Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1712, by Senator Flanagan, Senate Print 3849A, an act to amend the Economic Development Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT GRIFFO: The

bill is passed.

THE SECRETARY: Calendar Number 1819, by Senator Little, Senate Print 7915C, an act to amend the Real Property Actions and Proceedings Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT GRIFFO: Announce the results.

THE SECRETARY: Those recorded in the negative on Calendar Number 1819 are Senators Duane and Sampson.

Ayes, 59. Nays, 2.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1842, by Senator Larkin, Senate Print 8454, an act to authorize the Village of South Blooming Grove, in the County of Orange.

ACTING PRESIDENT GRIFFO: There

is a home-rule message at the desk.

Read the last section.

THE SECRETARY: Section 9. 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 1844, by Senator Golden, Senate Print 8456 --

SENATOR DUANE: Lay it aside, please.

ACTING PRESIDENT GRIFFO: Lay it aside.

THE SECRETARY: Calendar Number 1866, by Senator Flanagan, Senate Print 5830B, an act to amend the Education Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1878, by Senator Young, Senate Print 7260A, an act to authorize the Village of Randolph in the County of Cattaraugus.

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

The Secretary will 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 1879, by Senator Farley Senate Print 7282C, an act to amend Chapter 505 of the Laws of 2006, relating to authorizing the City of Amsterdam.

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

The Secretary will 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 1907, by Senator Skelos, Senate Print 8386A, an act to amend the Public Health Law.

ACTING PRESIDENT GRIFFO: Read the last section.

THE SECRETARY: Section 2. This act shall take effect April 1, 2010.

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 1912, by Senator Larkin, Senate Print 579A, an

act to amend the Racing, Pari-Mutuel Wagering and Breeding Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60. Nays, 1. Senator Saland recorded in the negative.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1930, by Senator Volker, Senate Print 7638A, an act to amend the General Business Law and the Labor Law.

ACTING PRESIDENT GRIFFO: Read the last section.

THE SECRETARY: Section 4. 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 1945, by Senator Morahan, Senate Print 8475A, 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 120th day.

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1946, by Senator --

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

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

THE SECRETARY: Calendar Number 1949, by Senator Robach, Senate Print 8500, an act to amend the Correction Law, the Penal Law, and the Executive 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 1957, by Senator Libous, Senate Print 1585A, an act to amend the Racing, Pari-Mutuel Wagering and Breeding Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: In relation to Calendar Number 1957: Ayes, 59. Nays, 2. Senators Duane and Saland recorded in the negative.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1960, substituted earlier today by Member of the Assembly Englebright, Assembly Print Number 5566A, an act to amend the Elder Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1985, by Senator Rath, Senate Print 8313B, an act to authorize and direct the Department of Education.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call

the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1987, by Senator Bruno, Senate Print 8365A, an act authorizing the City of Rensselaer.

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

The Secretary will read the last section.

THE SECRETARY: Section 6. 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 1993, substituted earlier today by Member of the Assembly Lopez, Assembly Print Number 11005, an act to amend Chapter 915 of the Laws of 1982 amending the Public Authorities Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1994, by Senator Libous, Senate Print 7675, an act to amend the Town 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 2006, by Senator Nozzolio, Senate Print 8515,

an act to adjust certain state aid payments.

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 2010, by Senator Volker, Senate Print 8537, an act in relation to transportation contracts.

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

2012, substituted earlier today by the Assembly Committee on Rules, Assembly Print Number 11418, an act to amend the Civil Service 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 2014, by Senator Winner, Senate Print 8544, an act to amend the Navigation Law.

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

The Secretary will 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 2020, by Senator Morahan, Senate Print 5218A, an act to create the Orangetown Public Library District.

ACTING PRESIDENT GRIFFO: Read the last section.

THE SECRETARY: Section 6. 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 2026, by Senator Fuschillo, Senate Print 7893A, an act to amend the Executive 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.

THE SECRETARY: Calendar Number 2027, by Senator Griffo, Senate Print 7912A, an act to authorize the New York State Canal Corporation.

ACTING PRESIDENT GRIFFO: Read the last section.

THE SECRETARY: Section 8. 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 2034, by Senator Padavan, Senate Print 8559, an act to amend the Real Property 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 2036, by Senator Volker, Senate Print 8571, 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.

THE SECRETARY: Calendar Number 2038, by Senator Morahan, Senate Print 8573, an act to authorize the Town of Clarkstown, in the County of Rockland.

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

Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 2039, by Senator Saland, Senate Print 8578, an act to amend the Vehicle and Traffic 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, 58. Nays, 3. Senators Griffo, Libous and Maziarz recorded in the negative.

ACTING PRESIDENT GRIFFO: The

bill is passed.

THE SECRETARY: Calendar Number 2044, by Senator Robach --

SENATOR PERKINS: Lay it aside.

ACTING PRESIDENT GRIFFO: Lay the bill aside.

THE SECRETARY: Calendar Number 2050, by Senator O. Johnson, Senate Print 7509A, an act to amend the Vehicle and Traffic Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Those recorded in the negative on Calendar Number 2050 are Senators Dilan, Duane, Griffo, LaValle, Libous, Morahan, Oppenheimer, Padavan, Perkins, Sabini, Saland, Savino and Stavisky.

Ayes, 48. Nays, 13.

ACTING PRESIDENT MAZIARZ: The bill is passed.

THE SECRETARY: Calendar Number 2054, by the Senate Committee on Rules, Senate Print 8240A, an act to amend Chapter 331 of the Laws of 2007.

ACTING PRESIDENT MAZIARZ: 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 MAZIARZ: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT MAZIARZ: The bill is passed.

THE SECRETARY: Calendar Number 2060, by Senator Farley, Senate Print 8586, an act to authorize.

ACTING PRESIDENT MAZIARZ: Read the last section.

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

ACTING PRESIDENT MAZIARZ: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Those recorded in the negative on Calendar Number 2060 are Senators Bonacic, Larkin and Rath.

Ayes, 58. Nays, 3.

ACTING PRESIDENT MAZIARZ: The bill is passed.

THE SECRETARY: Calendar Number 2061, by Senator Farley, Senate Print 8587, an act to authorize.

ACTING PRESIDENT MAZIARZ: Read the last section.

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

ACTING PRESIDENT MAZIARZ: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Those recorded in the negative on Calendar Number 2061 are Senators Bonacic and Larkin.

Ayes, 59. Nays, 2.

ACTING PRESIDENT MAZIARZ: The bill is passed.

The Secretary will read.

THE SECRETARY: Calendar Number 2062, by Senator Farley, Senate Print 8588, an

act to authorize.

ACTING PRESIDENT MAZIARZ: Read the last section.

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

ACTING PRESIDENT MAZIARZ: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Those recorded in the negative on Calendar Number 2062 are Senators Bonacic, Larkin and Rath.

Ayes, 58. Nays, 3.

ACTING PRESIDENT MAZIARZ: The bill is passed.

THE SECRETARY: Calendar Number 2063, by Senator Farley, Senate Print 8589, an act to authorize.

ACTING PRESIDENT MAZIARZ: Read the last section.

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

ACTING PRESIDENT MAZIARZ: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Those recorded in

the negative on Calendar Number 2063 are Senators Bonacic, Larkin and Rath.

Ayes, 58. Nays, 3.

ACTING PRESIDENT MAZIARZ: The bill is passed.

THE SECRETARY: Calendar Number 2064, by Senator Farley, Senate Print 8590, an act to authorize.

ACTING PRESIDENT MAZIARZ: Read the last section.

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

ACTING PRESIDENT MAZIARZ: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Those recorded in the negative on Calendar Number 2064 are Senators Bonacic, Larkin and Rath.

Ayes, 58. Nays, 3.

ACTING PRESIDENT MAZIARZ: The bill is passed.

THE SECRETARY: Calendar Number 2065, by Senator Farley, Senate Print 8592, an act to authorize.

ACTING PRESIDENT MAZIARZ: Read

the last section.

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

ACTING PRESIDENT MAZIARZ: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Those recorded in the negative on Calendar Number 2065 are Senators Bonacic, Larkin and Rath.

Ayes, 58. Nays, 3.

ACTING PRESIDENT MAZIARZ: The bill is passed.

THE SECRETARY: In relation to Calendar Number 2066, Senator Leibell moves to discharge, from the Committee on Rules, Assembly Bill Number 11651 and substitute it for the identical Senate Bill Number 8595, Third Reading Calendar 2066.

ACTING PRESIDENT MAZIARZ: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 2066, by the Assembly Committee on Rules, Assembly Print Number 11651, an act establishing.

ACTING PRESIDENT MAZIARZ: Read the last section.

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

ACTING PRESIDENT MAZIARZ: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT MAZIARZ: The bill is passed.

THE SECRETARY: Calendar Number 2067, by Senator Leibell, Senate Print 8596, an act to amend the Executive Law.

ACTING PRESIDENT MAZIARZ: Read the last section.

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

ACTING PRESIDENT MAZIARZ: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT MAZIARZ: The bill is passed.

THE SECRETARY: In relation to Calendar Number 2068, Senator Larkin moves to

discharge, from the Committee on Rules, Assembly Bill Number 11650 and substitute it for the identical Senate Bill Number 8605, Third Reading Calendar 2068.

ACTING PRESIDENT MAZIARZ: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 2068, by the Assembly Committee on Rules, Assembly Print Number 11650, an act in relation to establishing.

ACTING PRESIDENT MAZIARZ: Read the last section.

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

ACTING PRESIDENT MAZIARZ: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT MAZIARZ: The bill is passed.

THE SECRETARY: In relation to Calendar Number 2069, Senator Larkin moves to discharge, from the Committee on Rules, Assembly Bill Number 11652 and substitute it

for the identical Senate Bill Number 8606, Third Reading Calendar 2069.

ACTING PRESIDENT MAZIARZ: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 2069, by the Assembly Committee on Rules, Assembly Print Number 11652, an act to amend the State Finance Law and the Executive Law.

ACTING PRESIDENT MAZIARZ: Read the last section.

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

ACTING PRESIDENT MAZIARZ: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT MAZIARZ: The bill is passed.

THE SECRETARY: Calendar Number 2070, by Senator Volker, Senate Print 8607, an act to amend the Highway Law.

ACTING PRESIDENT MAZIARZ: Read the last section.

THE SECRETARY: Section 3. This

act shall take effect immediately.

ACTING PRESIDENT MAZIARZ: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT MAZIARZ: The bill is passed.

Senator Libous, that completes the reading of the noncontroversial calendar, the active list.

SENATOR LIBOUS: Mr. President, could we now take up the controversial calendar, please.

ACTING PRESIDENT MAZIARZ: The Secretary will ring the bell. All members are encouraged to take their seats in the chamber.

SENATOR LIBOUS: Mr. President.

ACTING PRESIDENT MAZIARZ: Senator Libous.

SENATOR LIBOUS: There will be an immediate meeting of the Health Committee in Room 332.

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

SENATOR LIBOUS: And we'll stand at ease temporarily.

ACTING PRESIDENT MAZIARZ: Thank you. The Senate stands at ease.

(Whereupon, the Senate stood at ease at 3:24 p.m.)

ACTING PRESIDENT MAZIARZ: Senator Libous.

SENATOR LIBOUS: Mr. President, for those who are in the chamber, the Health Committee meeting has commenced and finished, and we will now have a Finance Committee meeting in Room 332.

ACTING PRESIDENT MAZIARZ: Senate Finance Committee meeting in Room 332.

SENATOR LIBOUS: And the Senate will still stand at ease while Finance is meeting.

ACTING PRESIDENT MAZIARZ: The Senate will stand at ease during the course of the Finance Committee meeting.

(Whereupon, the Senate reconvened at 4:16 p.m.)

ACTING PRESIDENT GRIFFO: The Senate will come to order.

Senator Skelos.

SENATOR SKELOS: Mr. President, if we could now go to the active list, controversial.

ACTING PRESIDENT GRIFFO: The Secretary will ring the bell.

The Secretary will read.

THE SECRETARY: Calendar Number 896, substituted earlier today by Member of the Assembly Morelle, Assembly Print Number 9073B, an act to amend the General Business Law.

SENATOR BRESLIN: Explanation, please.

ACTING PRESIDENT GRIFFO: Senator Winner, Senator Breslin has called for an explanation.

SENATOR WINNER: Thank you, Mr. President.

This is actually a very simple bill. This bill is a measure to try to bring a little bit of competition in the marketing of gasoline in the State of New York and is a bill that passed the Assembly unanimously earlier on this year and is legislation that

fundamentally applies prospectively to new franchise agreements that would be entered into between a service station operator who owns his own station and owns his tanks and pumps and the refiner who provides the gasoline through the distributor, who otherwise might have a franchise agreement that would prohibit that owner of the service station who owns the pumps and tanks from being able to sell unbranded fuel.

Unbranded fuel would have to be sold separately. It would have to be conspicuously labeled as such. The consumer would have to be so advised prior to entering the station.

And in many instances it is found that unbranded fuel is at a less expense to the motorist and certainly at no less quality to the motoring public.

So this is a measure that is prospective in nature. In my judgment, it is constitutional because of its draftsmanship in that fashion. And it should provide for some relief at the pump to our hard-pressed motorists who are having a difficult time.

Only yesterday, when I filled up my tank in Elmira, I went to an unbranded fuel station and was able to secure gas at that station at 6 cents a gallon less than the lowest other price in any branded station in the city of Elmira.

So under those circumstances, this is good for the consumer and it is something that the State of New York, other than dealing with taxes, as this house has done before on gas, is something to instill a little bit of competition. This is not a be-all and end-all. This may provide some relief to that hard-pressed motorist.

And I urge its adoption in this house unanimously, as did the Assembly.

ACTING PRESIDENT GRIFFO: Senator Breslin.

SENATOR BRESLIN: Mr. President, through you, thank the sponsor, Senator Winner, for the explanation.

And if, again through you, he could give us the name of that station where he purchased it for 6 cents less, we'd appreciate it.

Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: Thank you.

Any other Senator wishing to be heard?

Debate is closed. Ring the bell.

Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: In relation to Calendar Number 896: Ayes, 59. Nays, 0.

Absent from voting: Senators C. Kruger, Montgomery and Parker.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1522, by Senator Fuschillo, Senate Print 1312C, an act to amend the Education Law.

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

ACTING PRESIDENT GRIFFO: Lay it aside for the day.

THE SECRETARY: Calendar Number 1695, by Senator Leibell, Senate Print 6904 --

SENATOR SKELOS: Lay it aside for the day.

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

THE SECRETARY: Calendar Number 1844, by Senator Golden, Senate Print 8456, an act relating to requiring.

SENATOR SCHNEIDERMAN: Explanation.

ACTING PRESIDENT GRIFFO: Explanation requested by Senator Schneiderman, Senator Golden.

SENATOR GOLDEN: Thank you, Mr. President.

This bill would require that the Superintendent of the State Police do a study to calm the questions about microstamping the bullet casings of semiautomatic pistols. It would be reported to the Governor by January 31, 2010.

And the reason we're doing this study is whether you're a supporter or an opponent of microstamping, it's impossible to

discuss policy because you have too many questions that affect the microstamping issue.

There is a microstamping bill in California that has one company that does the microstamping, there's only one in the nation at this point, and that doesn't go into effect until 2010.

There are questions about durability, tampering, accuracy, permanency, training, cost, counterfeiting, efficacy, availability, alternatives, coverage. There's a whole host of issues.

There's nobody would want to see anybody that is using guns to kill, those using illegal guns here to kill people in the City and State of New York. You want those people removed. And you want as many tools as you can give to law enforcement to have that job done. But unfortunately, there are just too many questions at this point.

And we believe we have a consensus on a study bill that would help us move towards a solution in the near future.

SENATOR SCHNEIDERMAN: Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: Senator Schneiderman.

SENATOR SCHNEIDERMAN: I believe I have an amendment at the desk. I would request that the reading be waived and that I be heard on the amendment.

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

SENATOR SCHNEIDERMAN: Thank you.

This amendment would strike Senator Golden's study bill, which is one of the bills that we sometimes see in the Senate -- sometimes in the Assembly also -- which really should be called a study-to-death bill. And this would strike it and replace it with a bill that passed the Assembly on April 14th that would actually direct the State of New York to go forward with proven microstamping technology.

The reason to reject Senator Golden's proposal and to enact the Assembly's version of this bill is very simple. All of the issues Senator Golden talked about were raised and dealt with in the context of the

lengthy debate over this legislation in California.

And I do not believe that anyone here that reached out to our counterparts in California -- anyone on the other side of the aisle; I know the gun safety advocates have. All of the questions that Senator Golden has alluded to have been dealt with.

The other states that have studied this issue and are working on legislation include New Jersey, Connecticut, Wisconsin, Massachusetts and Rhode Island.

This is not something that is brand-new. Microstamping technology was developed in the 1990s. And while actually developing micro-identification technology for the electronics industry, it has been used, it has been tested on thousands of firearms.

So what we're doing here is essentially saying to the people of the State of New York we know that microstamping, which marks every bullet with an indelible mark that can tell you the gun it came from, that makes it so much easier for our law enforcement officers to track a crime gun -- to track it

to the dealer who sold it, to track it to the person who purchased it or from whom it was stolen -- we're not going to implement this, we're going to pass a bill to say we need another study.

Now, the technology of microstamping is an incredible addition to the law enforcement community because they already have a system for examining the shell casings in order to try and determine where the shell casing comes from. The technology is so developed that they can often tell just by the random markings that a particular gun generates where a shell came from.

This would make it so much easier, would allow us to track down so many more illegal guns and gun dealers, because it would have a defined laser-imprinted mark that would gone on every shell. They have developed systems to make it virtually impossible for this to be tampered with and, in fact, systems where if you attempt to tamper with it, you are at risk of disabling your own weapon, of damaging your firing pin.

This is something that we know

works, we can do. In Albany, you know, there's one sure way to kill a good bill, and that's to substitute a study. That's what we're doing here today, ladies and gentlemen. This is the dance of the one-house bills.

And when people complain to me about why can't you do anything in Albany, the main issue that they raise, the main issues of concern to them are the issues that come up in this context of the Assembly passing a bill and the Senate saying we're addressing the issue but then passing a different kind of bill.

We don't need another study. I will be glad to send to Senator Golden's office all of the information that was developed in California when they moved this virtually identical legislation. We've studied this issue.

For the Senate now to substitute a study bill for the Assembly's bill is studying this issue to death. How many more crimes will go unsolved, how many crime guns will go untraced because of our failure here today?

I urge everyone to support this

amendment. Let's do something real on the issue of guns. Let's pass a real bill that is identical to the Assembly bill passed on April 14th.

ACTING PRESIDENT GRIFFO: Senator Golden.

SENATOR GOLDEN: Thank you, Mr. President. I've listened to Senator Schneiderman and I find it very interesting some of the comments that he's made.

But there are just simple realities. This technology that he speaks of is so incredible that there's only one company in the entire country that does it. I'd rather make sure that we're more than one company so that we could not sole-source this to one company but to have several companies to choose from.

And, you know, no matter who you talk to, whether it's in California or any of the states that have been mentioned by the Senator, nobody can come up with how much it costs. A dollar-fifty, $5, $8, $20, $100, $300? Nobody can seem to finger a cost of what it would be to do this.

And of course the Senator pointed out that if you move the firing pin, you jeopardizing maybe disabling your own gun. That is another issue that the Senator himself has pointed out.

And the last thing I'd like to bring up is the Assembly has passed this bill to take effect just when our study would be completed in 2010. So I don't see that this bill would hamper the Assembly. If the facts come back that we can do the Assembly's bill in 2010, then we would gladly do the bill in 2010.

Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: Senator Adams.

SENATOR ADAMS: Thank you, Mr. President.

I'm a bit confused. Would the sponsor yield for a question?

ACTING PRESIDENT GRIFFO: You're on the amendment right now, so the sponsor would be Senator Schneiderman.

SENATOR ADAMS: Okay, I'll wait until after.

ACTING PRESIDENT GRIFFO: Senator Schneiderman.

SENATOR SCHNEIDERMAN: Just to respond to my friend Senator Golden's comments, there are companies that are capable of going into the microstamping business. But until more states pass microstamping laws, they're not going to invest the funds to do it.

Todd Lizotte, who is one of the developers of microstamping, has a company that will go into the business. This is not something that is that complicated. As soon as we create the demand, there will be a supply.

And I would urge everyone that they did do cost estimates in California, and obviously the costs go down the more people are doing it. So if a few more big states do it, this is something that can become the standard for everywhere in the gun manufacturing industry, and that's going to bring the cost down substantially.

So these are really problems that are best dealt with by actually passing a bill

to save lives and help our law enforcement officers, and not doing another study.

So I'm happy to work with Senator Golden on any other questions he might have. There are answers. There are answers.

Let's not miss an opportunity to do something tremendously important. We have people being shot all over New York State. A small child was just shot in Albany. One night in Senator Perkins' district we had a whole round of teenagers being shot.

We can't trace the guns unless we implement something like microstamping. Let's do it. Let's not play the Albany dance of one-house bills and kill it.

Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: All those in agreement with the amendment please raise your hands.

THE SECRETARY: Those recorded in agreement are Senators Adams, Breslin, Connor, Diaz, Dilan, Duane, Gonzalez, Hassell-Thompson, Huntley, C. Johnson, Klein, L. Krueger, Onorato, Oppenheimer, Parker, Perkins, Sabini, Sampson, Savino,

Schneiderman, Serrano, Smith, Stavisky, Stewart-Cousins and Thompson.

ACTING PRESIDENT GRIFFO: The amendment is not agreed to.

On the bill, Senator Adams.

SENATOR ADAMS: Would the sponsor yield for a question.

ACTING PRESIDENT GRIFFO: Senator Golden, do you yield to a question from Senator Adams?

SENATOR GOLDEN: Yes, Mr. President.

ACTING PRESIDENT GRIFFO: Senator Adams.

SENATOR ADAMS: Thank you, Senator. I just need to understand, are you against the technology or are you against the one company having the technology?

SENATOR GOLDEN: Mr. President, I'm concerned about only one company being out there, that we would be sole-sourcing this.

I am not against technology that would help us resolve crimes and resolve death and homicides committed by illegal guns in the City and State of New York.

SENATOR ADAMS: Would the sponsor yield for one more question.

ACTING PRESIDENT GRIFFO: One more question, Senator Golden?

SENATOR GOLDEN: Yes, Mr. President.

ACTING PRESIDENT GRIFFO: Senator Adams.

SENATOR ADAMS: Through you, Mr. President, do you believe the technology -- do you think that -- are there any reports that state that there's a flaw in the technology? Are there any reports that state that there's a flaw in the technology?

SENATOR GOLDEN: There are studies, Mr. President, out there that say that the companies that -- or the company that does this, there are flaws in it, yes.

ACTING PRESIDENT GRIFFO: Senator Adams, on the bill?

SENATOR ADAMS: Yes, on the bill.

ACTING PRESIDENT GRIFFO: Senator Adams, on the bill.

SENATOR ADAMS: Okay, I'm not sure aware of any studies that state that

there's a flaw in the technology.

And I'm a bit surprised that a retired member of the New York City Police Department that had a great record in the police department would actually state that we should wait until 2010 before giving police forensic experts a technology that's available.

And if the reason that we are against producing this technology is because only one company is currently in the process of doing it, I mean, there's a patent system that we have in this great country. And what happens when you allow new technology to come into the market, as Senator Schneiderman stated, is that you open the door for others to join this technology.

And there's no one magic bullet to deal with the issues of gun violence. I introduced a bill -- that has yet to come to the floor and yet to be discussed -- that we could put permanent traceable codes on every bullet that's produced. Yet we're not using that technology.

Our law enforcement community

cannot be afraid to marry technology with solving crimes. And to state that we're against this bill or we're against this new innovation, this new technology, merely because one company is doing it or merely because we want to wait until 2010 or that we believe that there are flaws in the technology where there's no evidence to show this, that we're going to prevent our officers from having this information beforehand, that's troubling to me.

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

SENATOR GOLDEN: Just to point out a statement that's just been made, Mr. President.

ACTING PRESIDENT GRIFFO: Are you asking the questioner to yield?

SENATOR GOLDEN: Yes.

ACTING PRESIDENT GRIFFO: Senator Adams, do you yield?

SENATOR ADAMS: Yes. Yes, of course. For Senator Golden, anything.

SENATOR GOLDEN: Thank you, Mr. President.

As you do know, Senator, this bill, your own amendment, doesn't kick in until the same date, 2010. You're aware of that; right?

SENATOR ADAMS: Yes, I am.

SENATOR GOLDEN: That's, I think, one of your arguments.

Mr. President, one of the arguments is that this bill, we have to wait till 2010. The amendment that is on the floor forces the bill to wait to 2010. So there is no difference.

Our study here, our bill, allows us to study to see if in fact the amendment that they want to go forward with is in fact not flawed. And that if in fact it is flawed, we can correct it, and that it would allow for more companies to be allowed to do the technology that we speak of today. And I think that's only fair and right.

Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: Senator Adams.

SENATOR ADAMS: Would the sponsor yield for a question.

ACTING PRESIDENT GRIFFO: Senator

Golden, do you yield?

SENATOR GOLDEN: I do indeed, Mr. President.

ACTING PRESIDENT GRIFFO: Senator Adams.

SENATOR ADAMS: Senator Golden -- through you, Mr. President -- you say if there are flaws. If there are flaws in what? In the technology, or there's flaws in the study?

SENATOR GOLDEN: Flaws in the technology, sir.

SENATOR ADAMS: Thank you. Again, as I stated --

ACTING PRESIDENT GRIFFO: Senator Adams, on the bill.

SENATOR ADAMS: As I stated, Mr. President, how can we in America argue that we should not institute technology merely because there's one company involved? I just don't understand the logic behind that.

One company being involved in technology opens the door in this country for other companies to be a part of the technology and to start opening a market where we can use new technology and law enforcement.

So I don't believe it's a viable argument to state that merely because one company decides to take the initiative to find ways that we can solve gun crimes -- nothing is more disturbing and troubling for a detective that investigates particularly homicide cases to hit a cold case merely because the evidence is not there to connect the person who discharged the weapon with the ballistic evidence that's found at the scene.

There's technology that's available today that we can permanently mark ballistic evidence, either through the barrel of the gun or through permanent marking of the bullet. And we should be embracing that technology.

To state let's do a study when there's already studies out there that show that this technology could be used, to state that we should wait to do this I think is the wrong direction to go in. And I believe that our law enforcement community deserves the support that is needed during a shooting or a homicide.

I don't want to tell a family member that we're unable to find a person who

killed their loved one. I don't want to tell a police officer that we're unable to find the person who shot a cop. You know, we argue about the death penalty, yet we're unwilling to give the evidence that's available to find the person that shot a police officer.

I don't want to tell family members that we couldn't do it because we were too slow here in the State Senate or the State Assembly to pass the technology that could connect a bullet with a gun. And we can say whatever we want about one company or two companies or 20 companies. How many companies do you have to have before you say technology is available?

We've got technology that's available that could put people in jail that hurt people with guns. And to sit here and state that we should wait or maybe -- or have another survey or another study, that's madness. The technology is here. Let's do this. Let's do this now and start getting the individuals who are using guns to take lives of New Yorkers and let's make sure we can find them so they can't go out and continue their

craft of bringing harm to innocent people. Let's make sure we have the technology.

And it's wrong for an ex-police officer to state merely because there's one company, he doesn't want to see the technology there. It's wrong. It's the wrong attitude to take. And I'm surprised that my colleague would take that attitude.

ACTING PRESIDENT GRIFFO: Senator Golden.

SENATOR GOLDEN: Will the Senator please yield.

SENATOR ADAMS: Yes, I will.

SENATOR GOLDEN: Mr. President, does the Senator believe that if we found the markings of the gun that the technology had produced, does he believe that the person that shot that gun is the actual person that used the gun in that crime?

SENATOR ADAMS: I don't understand your question. Can you say it again so I can understand it?

SENATOR GOLDEN: The individual technology that's used to mark the shell, would that show us who in fact used that gun

to kill that individual?

SENATOR ADAMS: No, it doesn't in fact show us.

What it does is that -- what it does -- let me answer your question. What it does, when you have a homicide case, it brings you one step closer to solving the crime. Whatever information we can give our trained investigators allows them one step further to not have a cold case.

SENATOR GOLDEN: Mr. President, if the Senator would yield, one more question.

ACTING PRESIDENT GRIFFO: Senator Adams?

SENATOR ADAMS: Yes, I will.

SENATOR GOLDEN: Mr. President, would the Senator, as he spoke of going to those families of those that have been killed, would he have any problem going to the families of an individual that may have been wrongly convicted because the technology had not worked the way it should have because we didn't wait to do a study to 2010, Mr. President?

ACTING PRESIDENT GRIFFO: Senator

Adams.

SENATOR ADAMS: No one would want to see a wrongly convicted person incarcerated.

And that is why I stated that the studies have already been done, based on what Senator Schneiderman said and based on information that I've witnessed, and based on a bill that I introduced, which is that you can mark all the bullets that are sold, regardless of what gun, to trace them to the person who discharged.

So no, don't give the impression that I am advocating incarcerating innocent people. I'm advocating a marriage of technology with our law enforcement community so they can conduct an investigation. That is what I am advocating, not to merely put innocent people in jail, but to put guilty people in jail.

People who wear the same uniform that you wore, Senator Golden, as a police officer, when they are victims of shooting, then we should make sure we give them all the technology that's available so we can find

them. We can't not only talk about the death penalty, we need to make sure we find the people who kill our officers. That is what I'm advocating.

ACTING PRESIDENT GRIFFO: Thank you, Senator Adams.

Senator Volker.

SENATOR VOLKER: Mr. President, I have to tell you, Senator Adams -- all the studies have been done? No studies have been.

Now, let me tell you something about microstamping. There's a good reason why this bill is opposed by the New Yorkers Against Gun Violence, because they -- they want microstamping. The vast majority of police officers don't believe it works.

In fact, here's an interesting -- we contacted California. California said don't do that bill unless you do a study. The California professors who helped develop this technology are not sure it even works.

In fact, it's interesting that the people who developed this stuff -- California, a very anti-gun state. And the mayor of New York City, who's obviously very

anti-gun --

SENATOR GOLDEN: Senator -- if I could, please, Mr. President --

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

SENATOR GOLDEN: Mr. President, please lay the bill aside due to the course of the day. Lay it aside for the day.

ACTING PRESIDENT GRIFFO: Calendar Number 1844 will be laid aside for the day at the sponsor's request.

The Secretary will read.

THE SECRETARY: Calendar Number 2044, by Senator Robach, Senate Print 6350A, an act to amend the Public Health Law.

ACTING PRESIDENT GRIFFO: Senator Perkins.

SENATOR PERKINS: Through you, Mr. President, may I ask the sponsor a question or two or three.

ACTING PRESIDENT GRIFFO: Senator Robach, will you entertain a question?

SENATOR ROBACH: I will.

ACTING PRESIDENT GRIFFO: Senator Perkins.

SENATOR PERKINS: I want to recognize that this childhood lead poisoning health issue is really very, very important for our state. There are over 10,000 children being poisoned, crippled for life, unable to fulfill their potential educationally. There have even come studies out about some correlation with crime.

So this is a very, very important issue, and I do have to give you some credit for being on top of this to the extent that you have attempted to be with this piece of legislation.

I just want to, however, ask you a question or two as it relates to the bill. One question in particular that I'm concerned about is, who is covered by this bill?

SENATOR ROBACH: Well, maybe a good way for me to answer some of your questions is say what the bill does.

After working for several years now -- in addition to what this Legislature has already done, sending millions of dollars to targeted areas, doing member items for testing kits, retrofitting windows, a number

of things -- what this bill does is really four major components. To take what we've already reduced lead in the state from almost, in some high-risk areas, down by 60 percent.

As you point out, Senator Perkins, 40 percent still stand out, which affects the behavior, the educational development, the learning development of our children, not to mention muscle, bone growth, language, almost everything important to their development.

What this bill will do is, for the first time, four major things. And I'll give them to you in the order I think is important.

It would amend the Public Health Law to ensure that all children age 1, 2, up to age 6, will be tested across the state, and also pregnant mothers in high-risk areas.

The second major component to go a long way to really stamping out lead poisoning in our state would be to amend the Tax Law to authorize a tax credit for certain activities related to lead-hazard reduction and abatement -- I don't know if you want all the details -- up to $1,500 per property, $5,000 per individual, both for rental and

owner-occupied properties.

The third part would be to amend the Public Health Law to authorize the department to establish regulations for inspection, everything else, hoping that over the next several -- well, not even several, couple of years we will have nobody occupying or moving into a house with lead-paint danger.

And fourth would create the Public Health Law to require the department to establish an already continued effort, lead-safe housing awareness guidelines and seminars, both for residents and for people working in this, to do that.

So it would not only be testing, continued education and public awareness, it would incentivize landlords and homeowners, roughly with a fifty-fifty split through a tax credit, to get every property in New York up to snuff so no children, by 2011, would be in unsafe lead environments, is the main gist, the four components.

ACTING PRESIDENT GRIFFO: Senator Perkins.

SENATOR PERKINS: Through you,

Mr. President, may I ask a --

ACTING PRESIDENT GRIFFO: Senator Robach, do you yield?

SENATOR ROBACH: Yes, Mr. President.

ACTING PRESIDENT GRIFFO: Senator Perkins.

SENATOR PERKINS: So does this cover children in New York City?

SENATOR ROBACH: It doesn't, and I probably should have mentioned that. It covers the entire state except for New York City, which has its own, already through City Council, its own set of regulations and rules.

SENATOR PERKINS: Through you, Mr. President, may I again ask --

ACTING PRESIDENT GRIFFO: Senator Robach, do you continue to yield?

SENATOR ROBACH: Yes.

ACTING PRESIDENT GRIFFO: Senator Perkins.

SENATOR PERKINS: Let me just say with respect to New York City, actually, that legislation does not include children that are in lead-based-poison homes of more than

two-family homes. So I was just wondering if this bill manages to cover them as well. I believe there was an earlier bill that to some extent looked at that.

SENATOR ROBACH: I think that this bill -- let me say this, Senator Perkins. This bill would cover that outside of the City of New York. I'm unfamiliar -- I don't know what the regulations are for the City of New York.

But just so you know the genesis of it, this bill was a culmination of working with advocates, the legal community, the medical society, the industry, and a number of other people interested in this, is how we got to where we're at. After, I'd say, three years.

ACTING PRESIDENT GRIFFO: Senator Perkins.

SENATOR PERKINS: Mr. President, through you, may I continue to ask a question.

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

SENATOR ROBACH: I will.

ACTING PRESIDENT GRIFFO: Senator

Perkins.

SENATOR PERKINS: If you could answer it yes or no, this does or does not cover children in New York City?

SENATOR ROBACH: It does not. Well, it takes out cities over a million, which would exclude New York, correct.

SENATOR PERKINS: Through you, Mr. President, may I ask another question.

ACTING PRESIDENT GRIFFO: Senator Robach, would you yield?

SENATOR ROBACH: Yes.

ACTING PRESIDENT GRIFFO: Senator Perkins.

SENATOR PERKINS: Does this legislation include the distribution of linguistically and culturally sensitive material? As you know, a diverse state -- different cultures, different languages. Does your bill cover for those constituents that might not necessarily speak English?

SENATOR ROBACH: I think it would, in terms of however the Health Department currently distributes information. I think they do do some of that bilingually,

at least in Spanish. I think that would continue in what they would develop, the Health Department, in terms of seminar guidelines and inspections, I believe.

SENATOR PERKINS: Through you, Mr. President, may I continue to ask.

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

SENATOR ROBACH: Yes.

ACTING PRESIDENT GRIFFO: Senator Perkins.

SENATOR PERKINS: Specifically, does it speak, in its language, to the linguistic and cultural diversity of the state, yes or no?

SENATOR ROBACH: I wouldn't say it does anything different than any other bill we pass dealing with the Health Department to create programs or anything else. Which again, I have to say, I believe usually does include English and Spanish.

ACTING PRESIDENT GRIFFO: Senator Perkins.

SENATOR PERKINS: I have another few questions, if it's okay with you,

Mr. President.

ACTING PRESIDENT GRIFFO: Senator Robach, would you yield?

SENATOR ROBACH: Absolutely.

ACTING PRESIDENT GRIFFO: Go ahead, Senator Perkins.

SENATOR PERKINS: So it's clear that it does not specifically address the linguistic and cultural diversity that is represented. But you expect that at some point the Health Department will do so accordingly, but it does not require the Health Department to do so?

SENATOR ROBACH: I would say both things, Senator Perkins. I think it does to some degree. I don't know if that's enough to appease your -- what your goal is.

And then, secondly, this was also the language that was agreed upon, the main body of this, with the other house as well.

ACTING PRESIDENT GRIFFO: Senator Perkins.

SENATOR PERKINS: Through you, Mr. President, is there a same-as bill that has been agreed upon?

SENATOR ROBACH: I am hopeful that there will be. The content of the bill is the same as. We made some technical changes on dates, costs, things that were inaccurate. And the only thing that we changed in content was to make the bill effective immediately. And I'm hoping it will match in the other house.

I have every reason to believe, due to the importance of this, the work of advocates and so many people working together, that before we leave that will happen.

ACTING PRESIDENT GRIFFO: Senator Perkins.

SENATOR PERKINS: So at this point there is no same-as?

ACTING PRESIDENT GRIFFO: Senator Robach.

SENATOR ROBACH: Ninety-nine percent same-as, correct. Not a hundred, that's correct.

SENATOR PERKINS: So that means no?

(Laughter.)

SENATOR ROBACH: Ninety-nine

percent, yeah. Yes or no, whichever one you want to pick.

SENATOR PERKINS: Through you again, Mr. President.

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

SENATOR ROBACH: Yes.

ACTING PRESIDENT GRIFFO: Senator Perkins.

SENATOR PERKINS: Is there a fiscal impact statement that accompanies this?

SENATOR ROBACH: Yes, there is. It would roughly -- around those tax credits I talked to you about, $15,000, splitting the difference per household residents, multiple dwellings up to $5,000 per person, up to $15 million in the aggregate.

SENATOR PERKINS: Through you, Mr. President.

ACTING PRESIDENT GRIFFO: Senator Perkins.

SENATOR PERKINS: So there will be a budget appropriation, there's a budget appropriation that has been legislated for this tax credit program that you talk about of

$15 million?

SENATOR ROBACH: Yeah, I would say two things. There will be for next year, and maybe that will grow, depending on need.

But then, secondly, I also think there is money in housing and other places that can go to address this, even General Fund.

I think as you stated earlier, Senator Perkins, given the importance of this, what it does to children, what the cost is down the road for those kids who have already been damaged in terms of special education, other services and things, both for the humanity as well the cost, I think it would be money very, very well spent.

SENATOR PERKINS: Through you, Mr. President, may I continue to ask questions.

SENATOR ROBACH: Absolutely.

ACTING PRESIDENT GRIFFO: Senator Robach yields, Senator Perkins.

SENATOR PERKINS: There's no question that this is a worthy cause of at least $15 million. However, there is no money

been appropriated for this as of now, nor has there been any commitment of money in the next budget.

SENATOR ROBACH: One of the reasons why people didn't want to do the bill is for that exact reason you're bringing up.

I am not in that camp. I think we're already, right now, not doing this -- I think it's imperative, again, both in human terms of the damage to these kids.

But I would also make the argument even on a fiscal note that the money we're spending down the line for the thousands of the kids that have been damaged will far, far outpace the money if there was ever -- this is more than an ounce of prevention for a pound of cure, this is well, well beyond that.

So I understand what you're saying, and I want to work on that. But I'm unwilling to use that for a reason not to try to get a result for those children and those families.

SENATOR PERKINS: On the budget -- on the budget? On the bill. On the bill.

ACTING PRESIDENT GRIFFO: Senator

Perkins, on the bill.

SENATOR PERKINS: On the bill with no budget.

Let me just first again express my appreciation for your interest and your effort to try to address one of the most serious problems we have affecting our children. But however, I -- and even though I feel it falls short in some very important specifics, particularly as it relates to New York City, the children of New York City, particularly as it relates to recognizing the cultural and linguistic diversity of the state, which has to be explicitly required in any legislation -- we cannot leave it up to the Health Department to divine how that needs to be done.

And I'm very concerned about the fact that the tax credit and the fiscal impact issues are not as strongly defined and assured as they would need to be that would make this real substantive as well as having a same-as that would give us some assurance that this bill is going someplace.

Because unfortunately, as you know,

as it stands now, this is a one-house bill that doesn't quite identify how the funding is going to support the bill. It does not cover folks, young people in New York City. And so it might be misunderstood as not a sincere effort.

On the other hand, let me say to you that again, I appreciate what you're doing. I hope that we do better. And I'm going to support the bill.

And so, Mr. President, I vote aye on this bill.

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

Senator Maziarz.

SENATOR MAZIARZ: Mr. President, on the bill.

I want to join my colleague Senator Perkins in congratulating Senator Robach. I know Senator Robach represents a large part of the City of Rochester, and I have just a very small portion of it. But this is something that has been covered a lot in the local media in upstate New York.

And my understanding -- and I

didn't quite understand my colleague Senator Perkins' point, because my understanding is that children in the City of New York are already covered by present law. So I think Senator Robach is doing the right thing by extending that coverage to children in other areas of the state.

And, you know, I think that all too often this issue is seen as one that is a major metropolitan area -- you know, Rochester, Buffalo, Syracuse. And New York City, of course. But actually, I think this is an issue in smaller communities, particularly smaller upstate cities, the type of cities that I represent -- North Tonawanda, Lockport. You know, where there's a lot of older housing, houses that were painted a long time ago where a lot of people have moved out into the suburbs and a lot of these houses are now occupied by younger families with young children.

And I think this is a very important bill. I agree with Senator Perkins. And I know that Senator Robach is going to working to get that appropriation done. I

think this is excellent legislation for the entire state of New York, and I will be voting in the affirmative, Mr. President.

Thank you.

ACTING PRESIDENT GRIFFO: Senator Perkins.

SENATOR PERKINS: Through you, Mr. President, I'd just like to clarify the record that was misrepresented, not purposefully, as it relates to the New York City legislation and whether or not it actually covers the children of New York.

In fact, the bill that I have, 4121, was specifically designed not only to cover the State of New York upstate but also to cover that part of New York City that is not covered by Local Law 1, which was passed, I modestly say, by me when I was in the City Council.

So we need a bill that fills the hole that was not able to be covered in New York City. The bill that I have put forward, 4121 -- which also, by the way, has a same-as in the Assembly carried by Assemblywoman Peoples -- does cover New York

City. It's very, very important that we cover New York City, particularly in terms of those one- and two-family homes that are not covered. Those young people deserve to be helped as well.

Thank you.

ACTING PRESIDENT GRIFFO: Senator Schneiderman.

SENATOR SCHNEIDERMAN: Thank you, Mr. President.

You know, this is a very important issue, and Senator Perkins comes to us with a great deal of knowledge about it.

I just have to say, in the same spirit with which we have been discussing the problem of one-house bills and the dance of one-house bills in Albany, that for us to be here at the last day of session and not to even have a same-as, much less have it moving through the Assembly, indicates to me that this probably is not something that has a realistic possibility.

I think it would be a good step if we were going to do it. But I frankly don't understand why, in the last day of session,

we're moving something out that doesn't even have a same-as in the Assembly.

ACTING PRESIDENT GRIFFO: Senator Robach --

SENATOR SCHNEIDERMAN: I would support the bill --

ACTING PRESIDENT GRIFFO: Senator Robach.

SENATOR ROBACH: For you and everybody else, we are just waiting for Assemblyman Gantt to make the technical changes. I believe this bill is as live and as -- and if it's not done, that will be for all the wrong reasons, not to get to solve for kids.

So I wasn't trying to be flippant when I said there's a 99 percent agreement. We had to change dates that were done from a bill last year that was technically flawed and make some very, very minor changes.

The bill that we put in together on the content of what this does to protect kids is exactly what has been discussed in dialogue. So hopefully that will alleviate some of your fears.

This is as sincere and as real as ever. And if it isn't done, I don't know what the reasons will be, but it will be very, very easy to get this done and rectified -- again, only correcting the inaccuracies in the bill to make it viable to get done right now, if that makes you feel any better. It has a hundred percent --

SENATOR SCHNEIDERMAN: Through you, Mr. President, if the sponsor would yield.

Is there an Assembly sponsor for this bill?

SENATOR ROBACH: Yes. And he has the amendments, and we're waiting for him to put them in.

SENATOR SCHNEIDERMAN: Through you, Mr. President, who is the Assembly sponsor?

SENATOR ROBACH: David Gantt. Assemblyman David Gantt.

SENATOR SCHNEIDERMAN: And what is the bill that Assemblyman Gantt is seeking to amend in the Assembly? Was this bill introduced in the Assembly?

SENATOR ROBACH: Yes. We had the same bill. We amended ours to technically make the date changes correct.

And the only content change at all took the bill to make it immediately effective. That's it. There was nothing to the agreed-upon concepts that I discussed talking to Senator Perkins.

So I am very, very hopeful that after we've been working so hard for the last two years to build consensus, that people who have spoken highly of the importance of this bill will sincerely get it done. I have every belief that they will, due to the importance of this and what's transpired in the past.

ACTING PRESIDENT GRIFFO: Senator Schneiderman.

SENATOR SCHNEIDERMAN: I thank the sponsor for his comments. I am very hopeful that we will do this and that we will do more than this.

It sounds as though he's got the details worked out, and we look forward to him delivering a two-house bill that the Governor will sign.

Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: Anyone else wishing to be heard?

Debate is closed. The Secretary will ring the bell.

Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

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

SENATOR DeFRANCISCO: Yes, I just want to rise to compliment Senator Robach.

This bill, I've been a cosponsor of this bill from the beginning. It's been a few years that it's been percolating. And I know how difficult it was to get all the pieces together to make the various groups happy about it, and also to make sure that there would be adequate funding down the road for this particular bill.

The fact that it passed both houses -- I'm confident it will pass both

houses. I'm also confident that there will be funding available. Because it's going to be very difficult for us not to fund this in view of its substantial importance to many communities.

And I represent part of Syracuse, and I know there's a lot of old housing there that has lead paint. And it's time that we got this particular problem behind us after these many years of trying to get this bill together.

So, Senator Robach, congratulations for the hard work that you have done to get this bill to this point.

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

Senator Perkins, to explain his vote.

SENATOR PERKINS: Yes, I'd like to explain my vote.

ACTING PRESIDENT GRIFFO: Remember, members, we're on explanation of votes now.

SENATOR PERKINS: I want to be clear, again, that a significant hole in this

bill is the absence of covering children in New York City, number one.

Number two, the same-as bill that originally accompanied this effort that came from the Assembly was a bill, as was pointed out, sponsored by Assemblyman Gantt, which has passed three times in the Assembly.

However, since then, a new bill has arrived at the Senate where there were some amendments made to which no same-as was created. So at this point I'm assured that the closeness that has been alleged may not be so close, based on what it is that has come to my attention.

So I'm hopeful that if there are significant differences, that they'll be resolved. Nevertheless, I'm going to support this bill. I'm going to ask my colleagues to support the bill. But I want to be clear that 99 percent close is quite -- not the moment, anyway. But I hope I'm wrong.

ACTING PRESIDENT GRIFFO: Senator Perkins, how do you vote?

SENATOR PERKINS: I vote aye.

ACTING PRESIDENT GRIFFO: Senator

Perkins to be recorded in the affirmative.

Senator Alesi.

SENATOR ALESI: To explain my vote, Mr. President.

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

SENATOR ALESI: Thank you.

First of all, I'd like to congratulate Senator Robach. With regard to whether or not there is a same-as, I think the leadership that Senator Robach has taken is exemplary. And even though we are coming close to the tail end of the session here --

ACTING PRESIDENT GRIFFO: Excuse me, Senator Alesi.

May we have order, please.

SENATOR ALESI: -- this bill gives us the opportunity for any other action to be taken in the other house.

As you know, I represent about a third of the City of Rochester. But we don't have to limit our focus to just those large urban areas. The problem of lead poisoning that Senator Robach's bill deals with is everywhere.

And what we should be concerned with is Senator Robach's central issue, and that is the health of our children and the fact that when they have been poisoned by lead from the sources that his bill deals with, it's irreversible. There's no changes that can be made. They're doomed. The results of lead poisoning can't be turned around.

So I'm voting yes on this bill, and I would like to compliment, again, Senator Robach for his hard work on this. And I would urge those in the other house to follow this kind of leadership, and before the session ends that we can make something happen that deals with the health and welfare of the children not just in our urban cores but all across New York State.

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

Announce the results.

THE SECRETARY: Ayes, 62. Nays, 0.

ACTING PRESIDENT GRIFFO: The bill is passed.

Senator Skelos.

SENATOR SKELOS: Mr. President, if we could return to reports of standing committees for the report of the Finance Committee.

ACTING PRESIDENT GRIFFO: Reports of standing committees.

The Secretary will read the report of the Finance Committee.

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

As a member of the State Liquor Authority, Jeanique Greene, of Yonkers.

ACTING PRESIDENT GRIFFO: Senator Johnson.

SENATOR OWEN JOHNSON: Move the nomination.

ACTING PRESIDENT GRIFFO: The question is on the nomination of Jeanique Greene as a member of the State Liquor Authority. All in favor say aye.

(Response of "Aye.")

ACTING PRESIDENT GRIFFO: Opposed, nay.

(No response.)

ACTING PRESIDENT GRIFFO: Congratulations. Jeanique Greene is now confirmed.

(Applause.)

ACTING PRESIDENT GRIFFO: Jeanique Greene is here with us today. We offer you our congratulations and best wishes.

The Secretary will read.

THE SECRETARY: As a member of the State Liquor Authority, Noreen Healy, of Brooklyn.

ACTING PRESIDENT GRIFFO: Senator Johnson.

SENATOR OWEN JOHNSON: Move the nomination.

ACTING PRESIDENT GRIFFO: Senator Connor.

SENATOR CONNOR: Thank you, Mr. President. I just want to rise to second the motion to move the nomination of Noreen Healy.

She's a neighbor of mine from my neighborhood. I've observed her for the last two years on the State Liquor Authority. She has been part of an effort which has made that

agency far more responsive to our community boards in New York City and to our community concerns in terms of interpreting and enforcing the law in a way that's community-friendly, takes into account the concerns of residents in many neighborhoods that I represent where there are literally hundreds of licensed premises and they've turned into a kind of nightclub row, night-life row.

The agency has now paid a lot of attention to that, and the commissioner has done an excellent job. And I'm very, very happy to move to second her nomination.

Thank you.

ACTING PRESIDENT GRIFFO: The question is on the nomination of Noreen Healy as a member of the State Liquor Authority. All in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT GRIFFO: Opposed, nay.

(No response.)

ACTING PRESIDENT GRIFFO: The nominee is confirmed.

We want to acknowledge Noreen Healy is here today. We want to offer her our congratulations and best wishes.

(Applause.)

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: As a member of the New York State Employment Relations Board, Edward Stahr, of Troy.

ACTING PRESIDENT GRIFFO: Senator Johnson.

SENATOR OWEN JOHNSON: Move the nomination.

ACTING PRESIDENT GRIFFO: The question is on the nomination of Edward Stahr as a member of the New York State Employment Relations Board. All in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT GRIFFO: Opposed, nay.

(No response.)

ACTING PRESIDENT GRIFFO: The nominee is hereby confirmed.

Mr. Stahr is in the chambers today.

We want to extend our congratulations and best wishes to Mr. Ed Stahr.

(Applause.)

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: As a member of the Workers' Compensation Board, Mark D. Higgins, of West Seneca.

ACTING PRESIDENT GRIFFO: Senator Johnson.

SENATOR OWEN JOHNSON: Move the nomination.

ACTING PRESIDENT GRIFFO: Senator Stachowski.

SENATOR STACHOWSKI: Yes, Mr. President, I'd like to rise to second the nomination of Mark Higgins.

If you looked at Mark's background, he's worked with labor for most of his career, if not all of his career. He's got an outstanding record working on behalf of the working men and women of the State of New York. I think that Mark comes from a family of working people.

He's a truly good appointment by

the Governor. I think the Governor did an outstanding selection here. And most importantly to me, Mark Higgins is a friend.

ACTING PRESIDENT GRIFFO: Senator Robach.

SENATOR ROBACH: Yes, Mr. President, could I rise to second to this nomination.

I would also say that from Mark's dad, his brother, who I lived with and served with in the Assembly, Brian Higgins, their whole family has been really involved in trying to improve their neighborhood and having statewide impact across that great resume.

And I think he'll be a tremendous asset filling in on the Workers' Comp Board, which is going to be a challenging job these days, but I know Mark Higgins will be up to it. I'm happy to second the nomination.

Good luck.

ACTING PRESIDENT GRIFFO: Senator Thompson.

SENATOR THOMPSON: Thank you, Mr. President.

I rise to support the nomination of Mr. Higgins. He comes from a rich tradition of public servants, people who have given not only to their communities but also to make government work better for all New Yorkers.

I'm also excited because I know that last year there was a lot of work that went in for many years to reform workers' comp, and he'll be there to protect the rights of workers.

And so I wish him much success, and I'm certain that many people in Western New York will be happy to see someone from Western New York on this very, very important board.

Congratulations.

ACTING PRESIDENT GRIFFO: The question is on the appointment of Mark Higgins as a member of the Workers' Compensation Board. All in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT GRIFFO: Opposed, nay.

(No response.)

ACTING PRESIDENT GRIFFO: The

nominee is hereby confirmed.

Mark is with us today, and we extend our best wishes and congratulations.

(Applause.)

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: As a member of the Metropolitan Transportation Authority, Mark D. Lebow, of New York City.

As a member of the Capital District Transportation Authority, Thomas M. Owens, Esquire, of Albany.

As a member of the Ogdensburg Bridge and Port Authority, Samuel James LaMacchia, of Ogdensburg.

As members of the Port of Oswego Authority, Alfred J. Archer, of Oswego, and John K. Smith, of Oswego.

As members of the Advisory Board on Public Work, Joseph R. Lagana, of West Nyack, and Angela B. Cornell, of Ithaca.

As commissioner of the State Insurance Fund, Raymond Wayne LeChase, of Webster.

As a member of the Veterans Affairs

Commission, Ned D. Foote, of Queensbury.

As a member of the Waterfront and Airport Commission of New York and New Jersey, Ronald Goldstock, of Larchmont.

As director of the New York State Urban Development Corporation, Robert G. Wilmers, of Buffalo.

As members of the State Council on the Arts, Judith O. Rubin, of New York City; Jeffrey B. Soref, of New York City; and Barbaralee Diamonstein-Spielvogel, of New York City.

As a member of the Board of Visitors of the New York State Home for Veterans and Their Dependents at Oxford, Theodore A. Barbuto, of Liverpool.

And as a member of the Public Health Council, Howard Fensterman, of Hewlett Harbor.

ACTING PRESIDENT GRIFFO: Senator Johnson.

SENATOR OWEN JOHNSON: Move the nominations.

ACTING PRESIDENT GRIFFO: The question is on the confirmation of the

nominees as presented. All in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT GRIFFO: Opposed, nay.

(No response.)

ACTING PRESIDENT GRIFFO: The nominees are hereby confirmed.

Senator Skelos.

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

And if we could stand at ease.

ACTING PRESIDENT GRIFFO: There will be an immediate conference of the Majority in the Majority Conference Room, Room 332.

Senator Dilan.

SENATOR DILAN: Yes, Mr. President, there will be an immediate meeting of the Minority conference in Room 315.

ACTING PRESIDENT GRIFFO: There will be an immediate meeting of the Minority Conference in Room 315.

The Senate stands at ease.

(Whereupon, the Senate stood at ease at 5:33 p.m.)

(Whereupon, the Senate reconvened at 6:18 p.m.)

ACTING PRESIDENT GRIFFO: The Senate will come to order.

Senator Winner.

SENATOR WINNER: Thank you, Mr. President.

Could you return to motions and resolutions, please.

ACTING PRESIDENT GRIFFO: We'll return to motions and resolutions.

I'll recognize you, Senator Winner.

SENATOR WINNER: Thank you, Mr. President.

On page 45, I offer the following amendments to Calendar Number 1356, Senate Print Number 8022A, 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.

SENATOR WINNER: Mr. President, I wish to call up Senator Padavan's bill, Print Number 5920, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: Calendar Number 570, by Senator Padavan, Senate Print 5920, an act to amend the Agriculture and Markets Law.

ACTING PRESIDENT GRIFFO: Senator Winner.

SENATOR WINNER: 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, 62.

SENATOR WINNER: Mr. President, I offer the following amendments.

ACTING PRESIDENT GRIFFO: The amendments are accepted.

Senator Winner.

SENATOR WINNER: Thank you, Mr. President. Is there any further business

at the desk?

ACTING PRESIDENT GRIFFO: There is not.

SENATOR WINNER: Then I move that the Senate stand adjourned until Tuesday, June 24th, at 10:00 a.m.

ACTING PRESIDENT GRIFFO: On motion, the Senate stands adjourned until Tuesday, June 24th, at 10:00 a.m.

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