NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

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3:29 p.m.

REGULAR SESSION

SENATOR ANDREA STEWART-COUSINS, Acting President

ANGELO J. APONTE, Secretary

P R O C E E D I N G S

ACTING PRESIDENT STEWART-COUSINS: The Senate will please come to order.

I ask everyone present to rise and recite with me the Pledge of Allegiance to our Flag.

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

ACTING PRESIDENT STEWART-COUSINS: In the absence of clergy, may all we bow our heads for a moment of silence.

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

ACTING PRESIDENT STEWART-COUSINS: Thank you.

The reading of the Journal.

The Secretary will read.

THE SECRETARY: In Senate, Monday, March 2, the Senate met pursuant to adjournment. The Journal of Friday, February 27, was read and approved. On motion, Senate adjourned.

ACTING PRESIDENT STEWART-COUSINS: 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 Klein.

SENATOR KLEIN: Madam President, are there any substitutions at the desk?

ACTING PRESIDENT STEWART-COUSINS: Yes, there are, Senator Klein.

The Secretary will read.

THE SECRETARY: On page 9, Senator Parker moves to discharge, from the Committee on Banks, Assembly Bill Number 259 and substitute it for the identical Senate Bill Number 1936, Third Reading Calendar 67.

ACTING PRESIDENT STEWART-COUSINS: Substitution ordered.

Senator Klein.

SENATOR KLEIN: Madam President,

may we at this time adopt the Resolution Calendar, with the exception of Resolution Numbers 619, 620, and 623.

ACTING PRESIDENT STEWART-COUSINS: All those in favor of adopting the Senate Resolution Calendar, with the exception of Resolutions 619, 620, and 623, please signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT STEWART-COUSINS: Opposed, nay.

(No response.)

ACTING PRESIDENT STEWART-COUSINS: The Resolution Calendar, with the exception of Resolution Numbers 619, 620, and 623, is adopted.

Senator Klein.

SENATOR KLEIN: Madam President, can we please have the title read of Senate Resolution Number 30, previously adopted by this house on January 13, 2009, and call on Senator Griffo to speak on the said resolution.

ACTING PRESIDENT STEWART-COUSINS:

The Secretary will read.

THE SECRETARY: By Senator Griffo, Legislative Resolution Number 30, memorializing Governor David A. Paterson to proclaim March 2009 as Deep Vein Thrombosis Awareness Month in the State of New York.

ACTING PRESIDENT STEWART-COUSINS: Senator Griffo.

SENATOR GRIFFO: Thank you, Madam President.

ACTING PRESIDENT STEWART-COUSINS: Excuse me, Senator.

May we have order in the chamber, please.

Senator Griffo.

SENATOR GRIFFO: Thank you, Madam President.

We all know how important health issues are and health concerns are to all of us, and that's why this resolution particularly calls to attention something that for many years really did not receive the attention that it deserved.

This is Deep Vein Thrombosis

Awareness Month, and it was brought to my attention by a number of people who are in the gallery above me today. I want to recognize Kevin Powers from Genesee Orthopedics, and Paul Lynch from Sanofi-Aventis, and also Dr. John DeTraglia and Cynthia DeTraglia from Mohawk Valley Cardiothoracic Surgery, and relatives of the Powers family, Diane and Vivian, who are also here today.

I want to thank them for coming, because this is something if we don't pay attention to could really have a very deadly effect. Many people don't understand that symptoms of DVT are something that you may take for granted. They include pain, swelling, tenderness, discoloration or redness of affected areas of the skin. So many times these are often misdiagnosed, and the symptoms are silent.

So as a result of many of the individuals that I have come in contact with, like Mr. Powers and Dr. DeTraglia, I think it's important that we create an environment where we are sending forth information and

education on this potentially very deadly disease.

It occurs in over 2 million Americans each year; 600,000 are hospitalized for DVT. It is the most preventable cause of hospital deaths in the United States. So one-third of hospitalized patients with these risk factors can receive preventive treatment.

In the elderly, DVT is associated with a 21 percent a year mortality rate. And cancer patients undergoing surgical procedures have at least twice the risk of postoperative DVT and more than three times the risk than noncancer patients. Many of these are because of a pulmonary embolism that can occur and cause this type of death.

So I think it's essential and that's why as a result of working with these fine people that we are able to present in this house this resolution to memorialize the Governor to declare March as DVT Awareness Month. And I know this will be done likewise in the Assembly.

I appreciate their hard work and

efforts, and I hope this is the beginning of really calling attention to this very deadly situation and health care concern. And this memorializing resolution now will declare this month Deep Vein Thrombosis Awareness Month, and I am hopeful that more New Yorkers are benefit because of the hard work and efforts of the people that are here with me and the education that we are attempting to put forth.

Thank you, Madam President.

ACTING PRESIDENT STEWART-COUSINS: Thank you, Senator Griffo.

Senator Klein.

SENATOR KLEIN: Madam President, could we at this time take up Resolution 623. I ask that the resolution be read in its entirety and move for its immediate adoption, and call on Senator Perkins to speak on his said resolution.

ACTING PRESIDENT STEWART-COUSINS: The Secretary will read.

THE SECRETARY: By Senator Perkins, Legislative Resolution Number 623, mourning the death of Wilbert A. Tatum, a man

of singular distinction and a pioneer in African-American journalism.

"WHEREAS, It is the custom of this Legislative Body to pay proper tribute to those individuals of extraordinary character whose lives exemplified the highest ideals of humanity and whose lifework and civic endeavor served to enhance the quality of life in the great State of New York; and

"WHEREAS, Wilbert 'Bill' Tatum of New York City, New York, died on Thursday, February 26, 2009, at the age of 76; and

"WHEREAS, A great advocate and a penetrating writer, Wilbert A. Tatum is an iconic and vitally important figure in both journalism and civil rights. His courage, his tenacity, his sagacity, and his advocacy are unparalleled in African-American journalism; and

"WHEREAS, Wilbert A. Tatum was the longtime publisher of the Amsterdam News, New York City's oldest African-American newspaper and one of the oldest ethnic papers in the country; and

"WHEREAS, Wilbert A. Tatum held multiple roles throughout his 25-year tenure at the publication, including editor, publisher, chairman, and chief executive; and

"WHEREAS, His exceptional leadership of the Amsterdam News made his name nearly synonymous with the paper's; and

"WHEREAS, The former deputy borough president of Manhattan, Wilbert A. Tatum will forever serve as a strong pioneering role model for both African-American men and women, as well as all Americans, for he exemplified the virtues of family, sacrifice, excellence, determination, and self-confidence; and

"WHEREAS, Wilbert A. Tatum's highest priority and joy was his family. He is survived by his wife, Susan, and his daughter, Elinor; and

"WHEREAS, Armed with a humanistic spirit, imbued with a sense of compassion, and comforted by a loving family, Wilbert A. Tatum leaves behind a legacy which will long endure the passage of time and will remain as a comforting memory to all he served and

befriended; now, therefore, be it

"RESOLVED, That this Legislative Body pause in its deliberations to mourn the death of Wilbert A. Tatum, a man of singular distinction and a pioneer in African-American journalism, and be it further

"RESOLVED, That a copy of this resolution, suitably engrossed, be transmitted to the family of Wilbert A. Tatum."

ACTING PRESIDENT STEWART-COUSINS: Senator Perkins.

SENATOR PERKINS: Thank you so much, Madam Chair. I just want to make a few quick comments.

Obviously, the resolution speaks well to his legacy. But, you know, one of the aspects of Wilbert Tatum is that he as a journalist, as someone in the media, understood that we have to keep a watchful eye for the injustice that sometimes the media can perpetuate. And in that regard, you know, he was a beacon towards that end.

You know, right now we are about to celebrate the 20th anniversary of the

so-called Central Park Five case, where five young men were falsely accused of raping a Central Park jogger. Many of you I'm sure have heard about it, because it was not only nationally reported but also internationally reported.

And unfortunately, it was the injustice of the media that drove a lynch mob mentality in our city and in our country that resulted in them being called urban terrorists and wolf packs. And in fact, even Donald Trump, the Donald Trump that we all know, took a full-page ad in the New York Times and other local newspapers calling for the return of the death penalty for these young men.

And in fact, thanks to Wilbert Tatum and the Amsterdam News, he kept his eye on this case and enabled justice to take place in terms of the evidence that ultimately came out after 13 years that resulted in the confession of the true rapist and obviously the dropping of the charges -- unfortunately, too late for these young men.

And so for what he has done with

respect to the Central Park jogger case and those young men who were victimized by that case and bringing about justice in that case, that, I think, is the single most signature aspect of the kind of leadership that he tried to provide, not only for the Amsterdam News but for the media in general.

The media has the great power of being an arbiter of justice. Too often it doesn't quite fulfill that role. Bill Tatum is an example of how that can be done.

Thank you very much.

ACTING PRESIDENT STEWART-COUSINS: Thank you, Senator Perkins.

Senator Espada.

SENATOR ESPADA: Thank you, Madam President.

I guess the question will always be asked when all of us, one by one, have our appointment at the Pearly Gates: What have we done? Why should we be remembered?

Why was Bill Tatum important? He was important because Senators like Bill Perkins remember those signature

accomplishments and social justice issues.

I remember him as a friend. Those Saturdays when they would hold session at the Amsterdam News to proffer endorsements was a very tense time for all of us, because we knew that Bill would be there, and he'd be chilling out in his little sofa area. And while he had others with him, you knew that the hard questions would come from Bill because he wanted to hear not just what you wanted to say but really feel whether indeed it was in your soul.

And so I recall the legacy of not just Bill Tatum but the institution, the New York Amsterdam News, about to celebrate a hundred years this year. His tenure over that paper, that leadership of over a quarter of a century. He passed the baton on to his daughter Ellie. And still the conscience of it all I think for many years, his wife, Susan. They're all there.

But the signature moment for me, and why we can all recall different signature moments, was because he was so accomplished.

His editorials, so penetrating. Bill Tatum was unafraid to be unpopular. He was unafraid to be controversial.

Bill Tatum took on a very powerful mayor -- and this is what I recall as his signature moment -- in 1986 through 1989, on a weekly basis, when we had the most powerful mayor the City of New York had had in many a generation. His name was Ed Koch. And he was, I guess, one of many in the recent past of the imperial mayors.

He took him on, and he took him on every week for three years. And he took him on on real issues of substance that mattered to communities of color in New York City. No one would hear and no one would take him seriously during that point because it was the imperial, all-powerful Ed Koch, the mayor.

And whatever one felt about him, Ed Koch, he also has a great record of accomplishment. But there came that time when we had to have change from bottom up -- and I know that's become popular of late. But Bill Tatum understood how to talk the talk of the

language of the people in the street who needed to be awakened, they needed to believe that they could in fact fashion change.

And in my mind, that ushered in the David Dinkins era. Because David Dinkins came out of that movement that Bill Tatum started in those pages of the Amsterdam News. With a circulation of about 25,000 to 30,000, he affected the voice and the conscience of about 8 million people.

And so that voice and that legacy will be sorely missed. But the Amsterdam News, with all due respect to its publisher emeritus, will live on. And people like Ellie and others will carry on the message of social and economic justice.

Thank you very much.

ACTING PRESIDENT STEWART-COUSINS: Thank you, Senator Espada.

Senator Schneiderman.

SENATOR SCHNEIDERMAN: Thank you, Madam President.

I want to thank my colleague Senator Perkins for making us all take a

moment to think about some of the things that are important in life.

And as we all proceed here and fight over the transactional issues of the day, it is very, very appropriate to pause and think about someone who took the longer view and fought for issues before they were popular. And before we were capable of passing laws in New York State, he fought for getting the ideas on which those laws were based into the conversation.

When I was first a young attorney just out of law school, Bill Tatum was a client of my law firm. And I think one of the first legal assignments I ever undertook, a senior partner came in to me and said, "There's a guy here who's got a problem." And I went into an office, and there was Bill Tatum. And he said, "Is there any legal theory for the following fact situation? A man who is later exonerated is arrested and taken into a police precinct. He comes out four hours later and he's been beaten to a pulp. No one knows what happened to him. He

has no witnesses. Is there any recourse for this person?"

And my first reaction was, I'm here to make money at a corporate law firm, I really never expected to get this kind of assignment. But I then came to understand that Bill Tatum, who was a very successful businessman and a very successful man in the corporate world in his own way, always took time to ask questions on behalf of those most in need, those who had the least defense, those who had the least resources, and those whose questions raised some of the most difficult issues.

And I actually did research on that case, and we actually determined that there were theories of liability for someone who's supposed to be taken into custody and protected while he's in custody.

I worked for years with Will Tatum, and I have to say he had an impact on a lot of people's lives. He was a mentor to many, many people. He took a lot of criticism. He took a lot of criticism that was unwarranted. But

he was not afraid, as my colleagues have indicated, to tackle people bigger than himself and to hold out on issues that were not popular when he started -- but through that process, he transformed the dialogue in our city.

And I know Ellie is keeping up that tradition. But there are a lot of folks out there like me who knew him when we were younger, were encouraged by him to challenge authority, were encouraged by him to make like Bill Perkins and constantly pick fights with people bigger than us, and that we could survive. That was Will Tatum.

And it's great that we're pausing today to think about him as we move forward. This business is not always about doing, you know, the bidding of the rich and the powerful. This business is also about speaking up for those who do not have voices. And it's great that we're honoring a man who did that so eloquently and so strongly for so many years.

Thank you, Madam President.

ACTING PRESIDENT STEWART-COUSINS: Thank you, Senator.

Senator Duane.

SENATOR DUANE: Thank you, Madam President. I also want to raise my voice in tribute to Bill Tatum.

And I met him and first sought his endorsement when I was running to be a Democratic district leader in the very early '80s. And Senator Schneiderman said from when he was young man; I was thinking I still am, but I'm not.

But the thing about Bill Tatum, his warm and generous demeanor, his terrific sense of humor could never have been mistaken for the incredibly sharp mind and really strong ideology. And, you know, he made his choices on the merits. He was a really able and strong advocate and occasional adversary.

I looked forward to my meetings with him when it was time for an endorsement. I enjoyed them in a way that I don't think you're supposed to enjoy endorsement meetings.

And I'm enormously sorry for his

daughter, who I always call Elinor. I know she's Ellie. Our joke is that for forever I've been promising her that we'd have a cup of coffee. Instead, we've made it dinner. But she's a really terrific businesswoman, an astute journalist. She does her father proud.

And I know he's watching what's happening. And as we make progress in this world, a huge part of it is because Bill Tatum worked so hard and so long and made sure that his voice was heard through the Amsterdam News and every other piece of community activism that he did, which predated his ownership of the Amsterdam News. And a wonderful, wonderful man.

Thank you, Madam President.

ACTING PRESIDENT STEWART-COUSINS: Thank you, Senator.

Are there any other Senators that wish to be heard on the resolution?

Senator Montgomery.

SENATOR MONTGOMERY: Yes, thank you, Madam President. I rise to join my colleagues in paying a special tribute to

Mr. Tatum.

I think that more than anything, I would like to just acknowledge the fact that the thing that Bill Tatum represents is an enormously important figure. Because when the newspaper the Amsterdam News was started a hundred years ago, it was a time in our history when there were very, very, very few African-American newspapers.

And it was very difficult, it must have been very, very difficult for Bill Tatum to even survive. I know many times he talked about how difficult it was to even get ads, to even get the state agencies to take ads in the newspaper.

So it was not easy for Bill Tatum to run a newspaper. Yet that was the organ -- every African-American in the city knows about the Amsterdam News, and most of them read the Amsterdam News. That is extremely important. News is important to communities. And he carried news that was specific to our community.

So I am indebted to him. I think

we all are. And he did not only care about the African-American community, because, as you see, many friends from all walks of life came to Bill Tatum. And he loved the City of New York. But he especially loved and revered and respected the African-American community. So I am grateful to him for that.

There were many times when his stories were the only stories in the newspaper in the City of New York. So for that, he is an historical figure, he is important to the city and the culture, and especially the community, the black African-American community and Caribbean community in the city.

So I thank him, and I thank Senator Perkins for acknowledging him. We don't often have an opportunity to acknowledge the great people of our city and our state. So thank you.

And I join my colleagues in his memory to his daughter. We know that she is carrying on that legacy. We thank her. But she has a wonderful and great and important, significant father who has passed on, gone to

heaven.

Thank you.

ACTING PRESIDENT STEWART-COUSINS: Thank you, Senator.

Senator Klein.

SENATOR KLEIN: Thank you, Madam President.

I too would like to rise and commend my colleague Senator Perkins on his resolution memorializing Bill Tatum.

When I was first elected to the Assembly, one of the issues that still unfortunately plagues us, not only in Bronx County but across the state, is that of childhood asthma. At the time, I did a very comprehensive study, legislation. We were able to get the first pediatric asthma unit in the Bronx.

And Bill Tatum called me. He was very impressed with what we did in the Bronx; he wanted to try to replicate the same type of thing in Harlem. And we became friendly.

Every year, as you know, Madam President, because you were my honoree this

year, I do an African-American history breakfast, where I had the privilege of having Mr. Tatum as the guest speaker one year.

And he was a very, very smart man, someone who cared deeply about people. Even though he rose to become a very successful businessman, he never forgot where he came from.

And one of the things that I was very proud of is in 2004, when I ran for the Senate -- it was a very contentious race -- and he gave me a glowing endorsement. So it shows that life is somewhat circular sometimes.

But again, I want to thank Senator Perkins because today we take a moment, and we should take more than a moment, to recognize a great man who contributed much to not only the African-American community but all of us in New York State.

ACTING PRESIDENT STEWART-COUSINS: Thank you, Senator.

The question is on the resolution. All those in favor please signify by saying

aye.

(Response of "Aye.")

ACTING PRESIDENT STEWART-COUSINS: Opposed, nay.

(No response.)

ACTING PRESIDENT STEWART-COUSINS: The resolution is adopted.

I'm sure that Senator Perkins would want us to open and he has asked us to open the resolution to everyone. And indeed, if there is a member wishing not to be a multisponsor of the resolution, please so inform the desk.

Senator Klein.

SENATOR KLEIN: Madam President, may we at this time go to the reading of the noncontroversial calendar.

ACTING PRESIDENT STEWART-COUSINS: The Secretary will read.

THE SECRETARY: Calendar Number 43, by Member of the Assembly Millman, Assembly Print Number 300, an act to amend the Education Law, in relation to enacting the "New York Higher Education Cares" Act.

ACTING PRESIDENT STEWART-COUSINS: Read the last section.

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

ACTING PRESIDENT STEWART-COUSINS: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT STEWART-COUSINS: The bill is passed.

THE SECRETARY: Calendar Number 50, by Senator Breslin, Senate Print 2088, an act to amend the Insurance Law and the Civil Practice Law and Rules, in relation to standard fire insurance policies.

ACTING PRESIDENT STEWART-COUSINS: Read the last section.

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

ACTING PRESIDENT STEWART-COUSINS: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT STEWART-COUSINS:

The bill is passed.

THE SECRETARY: Calendar Number 54, by Senator Larkin, Senate Print 644, an act to amend the Racing, Pari-Mutuel Wagering and Breeding Law, in relation to free passes, cards or badges.

ACTING PRESIDENT STEWART-COUSINS: Read the last section.

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

ACTING PRESIDENT STEWART-COUSINS: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT STEWART-COUSINS: Announce the results.

THE SECRETARY: Ayes, 61. Nays, 1. Senator Duane recorded in the negative.

ACTING PRESIDENT STEWART-COUSINS: The bill is passed.

THE SECRETARY: Calendar Number 61, by Member of the Assembly Peoples, Assembly Print Number 3483, an act to amend the Executive Law, in relation to institution of court actions.

SENATOR MORAHAN: Lay it aside.

ACTING PRESIDENT STEWART-COUSINS: The bill is laid aside.

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

SENATOR KLEIN: Madam President, at this time could we please move to the controversial reading of the calendar.

ACTING PRESIDENT STEWART-COUSINS: If the Secretary would please ring the bells.

Members are all asked to come to the chamber for the purpose of the controversial reading of the calendar.

The Secretary will read.

THE SECRETARY: Calendar Number 61, by Member of the Assembly Peoples, Assembly Print Number 3483, an act to amend the Executive Law.

SENATOR WINNER: Explanation.

ACTING PRESIDENT STEWART-COUSINS: Senator Thompson, an explanation has been requested.

SENATOR THOMPSON: Yes, Madam President.

This amendment allows that an individual who is claiming to be aggrieved by an unlawful discriminatory practice may bring a lawsuit within three years after any dismissal for administrative convenience. This lies squarely with the harm that is caused by the statute of limitations running on a resident of New York State's claim for unlawful discrimination.

This bill was originally presented as a program bill under former Governor Pataki. At that time, the delay in the processing of these cases sometimes reached 12 years. Obviously, a lot can happen in 12 years -- witnesses move, people pass away, and memories fade.

Presently, the New York State Division of Human Rights has the ability to offer administrative convenience dismissals for the following reasons.

So a complainant can bring a discriminatory action based on the federal law. The Division of Human Rights has reported that they do not want to use their

resources for cases that are going to the federal court, because these resources are limited. So you can keep a case alive because a complainant cannot be located or a respondent has failed to emerge.

In order to successfully sue in unlawful discrimination cases, the individual will most likely want to sue in federal court and in addition bring their state claim with them. So this is a bill that would simply give individuals an opportunity to seek a legal remedy.

I also think it's important to note that there are plenty of people in New York State who will benefit from the extension of time for suing for unlawful discrimination claims. In 2008, there were 586 ACDs. There were 235 situations of investigatory procedures and also a number of 351 people from various hearings.

So I think this is a good bill. It will not put any additional pressure on the office of the Division of Human Rights. This would just give people additional protection.

And in 2007, the New York State Trial Lawyers offered a memorandum in support of this bill; again, a bill that was a program bill sponsored by Governor Pataki.

Thank you.

ACTING PRESIDENT STEWART-COUSINS: Thank you, Senator.

Senator Winner.

SENATOR WINNER: Thank you, Madam President. On the bill.

I rise in opposition to this bill predominantly because of one particular deficiency and unintended consequence, I think, of the bill that relates to the issue of statute of limitations.

While I understand the trial lawyers are in favor of increasing the statute of limitations -- they are pretty much on anything, in order to allow the opportunity to bring more lawsuits -- this legislation is also opposed by the National Federation of Independent Businesses. And as such, they believe that it will have an unintended adverse consequence to small business owners

in New York State.

But more importantly, this legislation is deficient because it seeks to extend the statute of limitations upon the dismissal for administrative convenience in cases that would also include municipalities.

And municipalities currently now have a one-year statute of limitations, and this bill would increase that statute of limitations to bring a case to a three-year period.

It also would eliminate, probably by the purposes of the language, the requirement that before you commence an action against a municipality you first file a notice of claim.

So to that extent, this will expose municipalities and their insurance carriers to increased premiums as a result of coverage of this extension of the statute of limitations that otherwise would be not be effective against them, because right now they only have -- anyone who wants to bring a claim in this case in state court would only have a

one-year statute of limitations in order to bring that claim.

So while I recognize that this legislation derived out of the failure of the Division of Human Rights to do its job properly in New York State, I think that that failure, because of the lack of the Division of Human Rights in bringing their administrative convenience dismissals properly and promptly before their board within the 285-day statutory requirement that they currently have, I think it's unfair to now penalize municipalities for that failure of the Division of Human Rights to do their job properly.

And as such, if this bill were amended to have the particular consideration of maintaining the current statute of limitations -- which I believe is the intent of the original Pataki legislation -- as opposed to the statute of limitations requirement of three years as against municipalities, then under those circumstances it would be less onerous, although still a

recognition of the failure of the Division of Human Rights to properly do their job.

So to that extent, I think that this legislation ought to be defeated, because it has an adverse consequence to municipal employers in this state.

ACTING PRESIDENT STEWART-COUSINS: Are there any other Senators wishing to be heard on the bill before us?

Hearing none, the debate is closed.

The Secretary will please ring the bells.

Read the last section.

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

ACTING PRESIDENT STEWART-COUSINS: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT STEWART-COUSINS: Senator Schneiderman, to explain his vote.

SENATOR SCHNEIDERMAN: Thank you, Madam President.

I'm proud to support this piece of legislation. I want to commend Senator

Thompson. We have had difficulties for many years in this state where people who were victims of discriminatory practices really were unable to get justice, and I think that this is a very prudent and well-crafted piece of legislation intended to address that problem.

It's been moving in the Assembly for years. And I just want to commend Senator Thompson for pursuing it, for bringing it to the floor, and for enabling us to pass it today.

This will enable a relatively small number of people, but people who have been the victims of unlawful discrimination, to get their day in court, to get their shot at justice. And that's something we all should be about in this great body.

Thank you, Madam President.

ACTING PRESIDENT STEWART-COUSINS: Senator Hassell-Thompson, to explain her vote.

SENATOR HASSELL-THOMPSON: Thank you, Madam President.

I find it very interesting that

we're more concerned in this house about how municipalities will in fact be penalized and we're not concerned about the rights of people.

I want to commend my colleague Senator Thompson for this legislation and let him know that I give him full support and that I would hope that right-thinking people in this chamber would agree and do likewise.

Thank you, Madam President.

ACTING PRESIDENT STEWART-COUSINS: Senator DeFrancisco, to explain his vote.

SENATOR DeFRANCISCO: As a right-thinking person who happens to disagree, I thought I'd explain my vote, the negative vote.

Right now the law requires the Human Rights Commission to do their job in a specific period of time, 285 days. And if they're going to administratively dismiss a case, they're supposed to do it before that date.

Now, what is the remedy? Extend the time to sue, or require the Division of

Human Rights to do what they're supposed to do according to a law passed by this Legislature and signed by a Governor?

I just think this encourages the Division of Human Rights to do whatever they want for the period of time they ever want, and not do justice to these same individuals who may have been able to administratively resolve their case earlier than have to bring a lawsuit.

That's why I'm voting no. Thank you.

ACTING PRESIDENT STEWART-COUSINS: Are there any other Senators wishing to explain their vote?

Announce the results.

THE SECRETARY: Those recorded in the negative on Calendar Number 61 are Senators Bonacic, DeFrancisco, Farley, Flanagan, Golden, O. Johnson, Larkin, LaValle, Leibell, Little, Nozzolio, Ranzenhofer, Saland, Seward, Skelos, Volker and Winner. Also Senator Lanza voting in the negative.

Absent from voting: Senator

Griffo.

Ayes, 43. Nays, 18.

ACTING PRESIDENT STEWART-COUSINS: The bill is passed.

Senator Klein.

SENATOR KLEIN: Madam President, is there any further business at the desk?

ACTING PRESIDENT STEWART-COUSINS: Senator Klein, the desk is clear.

SENATOR KLEIN: There being none, Madam President, I move that we adjourn until Wednesday, tomorrow, March 4th, at 3:00 p.m.

ACTING PRESIDENT STEWART-COUSINS: There being no further business to come before the Senate, on motion, the Senate stands adjourned until Wednesday, March 4th, at 3:00 p.m.

(Whereupon, at 4:12 p.m., the Senate adjourned.)