NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

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11:27 a.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 we all 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, Wednesday, March 18, the Senate met pursuant to adjournment. The Journal of Tuesday, March 17, 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, I have a motion to amend a bill on the calendar in the third reading. On page number 8 I offer the following amendments to Calendar Number 59, Senate Bill 1547, at the request of Senator Stavisky.

ACTING PRESIDENT STEWART-COUSINS: So ordered.

Senator Klein.

SENATOR KLEIN: Madam President, may we at this time take up Legislative Resolution 884. I ask that the title be read and move for its immediate adoption.

ACTING PRESIDENT STEWART-COUSINS:

The Secretary will read.

THE SECRETARY: By Senator Winner, Legislative Resolution Number 884, congratulating Mr. and Mrs. Franklin Westlake upon the occasion of their celebration of their 60th Wedding Anniversary.

ACTING PRESIDENT STEWART-COUSINS: 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.

Senator Klein.

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

ACTING PRESIDENT STEWART-COUSINS: Yes, Senator Klein, there is a substitution.

The Secretary will read.

THE SECRETARY: On page 11, Senator Breslin moves to discharge, from the Committee on Insurance, Assembly Bill Number

6740 and substitute it for the identical Senate Bill Number 3068, Third Reading Calendar 110.

ACTING PRESIDENT STEWART-COUSINS: Substitution ordered.

Senator Klein.

SENATOR KLEIN: Madam President, at this time can we take up Legislative Resolution 885. I ask that it be read in its entirety and move for its immediate adoption.

ACTING PRESIDENT STEWART-COUSINS: The Secretary will read.

THE SECRETARY: By Senator DeFrancisco, Legislative Resolution Number 885, honoring the Skaneateles High School Orchestra on placing first at the Presidential Inaugural Heritage Music Festival.

"WHEREAS, It is the sense of this Legislative Body to recognize those organizations within our midst which have demonstrated consistent excellence while bringing great pride and enjoyment to the citizens of our great state; and

"WHEREAS, One such organization is

the Skaneateles High School Orchestra, whose members traveled to the invitation-only Presidential Inaugural Heritage Music Festival in Fairfax, Virginia, with one goal in mind, to represent themselves, their school, and their community by performing with the highest standard of excellence; and

"WHEREAS, The members of the Skaneateles High School Orchestra include Marika Klosowski, Sarah Main, Gaelyn Price, Jeff Baldetti, Eric Murray, Olivia Hamlin, Elizabeth Shoenfelt, Joe Duggan, Liam Edwards, Chelsea White, Dan Lemp, Josh Prickel, Jenny Coye, Amanda Dart, Jennifer Richardson, Jared Mulcahy, Ben Weirich, Brigid Judge, Kathleen Bitter, Danielle Mazzeo, Jessica Tidd, AJ Richichi, Trevor Hinman, Diane Temple, Cassie Berg, Xander Edwards, Reid Swartz, Daniel Kringer, and Nick Simmons; and

"WHEREAS, It is an honor simply to attend such a prestigious festival, which brings together the most gifted musicians and musical groups to compete and perform. Heritage Festivals was established in 1980 by

a group of music educators and educational tour professionals to do just that; and

"WHEREAS, At the Presidential Inaugural Heritage Music Festival, the Skaneateles High School Orchestra performed before a panel of nationally renowned adjudicators and beat out 110 choral and orchestra groups from around the nation to take top honors; and

"WHEREAS, The Skaneateles High School Orchestra received the Outstanding Orchestra Award by having the highest overall score in the competition at George Mason University, which was held on Monday, January 19, 2009; and

"WHEREAS, In addition, the award comes with a special invitation to perform at a later date in either New York City's Kennedy Center or sites in Chicago or Los Angeles; and

"WHEREAS, At the festival, the 29 students in the Skaneateles High School Orchestra also received the Adjudicator's Award, a prize given for scoring 92 or higher out of 100 possible points given by the

judges; and

"WHEREAS, These honors were especially significant, being that it was the very first time the Skaneateles High School Orchestra had ever competed in the Presidential Inaugural Heritage Music Festival; and

"WHEREAS, By virtue of their performance, the Skaneateles High School Orchestra returned to Skaneateles and Skaneateles High School in triumph; and

"WHEREAS, The group will fondly remember their trip as the experience of a lifetime. Not only did they place first at the festival, but they also had the opportunity to attend inaugural ceremonies for President Barack Obama in Washington, D.C.; and

"WHEREAS, In addition to this fine accomplishment, the Skaneateles High School Orchestra has a distinguished history of achievement, including being selected to perform in Rochester, New York, at the 71st Annual NYSSMA Winter Conference in 2006; and

"WHEREAS, It should be further noted that excellence in orchestra is possible only through vigorous practice and discipline, habits that will guide these young musicians to a lifetime of success in the musical field or whatever career field they may decide upon; and

"WHEREAS, The extremely high level of musical talent, spirit and teamwork displayed by the members of the 2008-2009 Skaneateles High School Orchestra is due in great part to the enthusiasm and guidance of their dedicated director, Karen Veverka; and

"WHEREAS, It is well understood that no orchestra can attain success without a very large supporting cast that receives little recognition, but does enjoy great pride and satisfaction in the successes of its orchestra. This includes parents, siblings, teachers, instrumental instructors, drivers, fundraisers, and other unsung heroes and heroines; now, therefore, be it

"RESOLVED, That this Legislative Body pause in its deliberations to take this

opportunity to honor the members of the Skaneateles High School Orchestra, who are credits to their school, role models to their classmates, and exceptionally talented musicians, together with Director Karen Veverka and the orchestra's loyal and generous supporters in the Skaneateles High School Orchestra community; and be it further

"RESOLVED, That a copy of this resolution, suitably engrossed, be transmitted to Karen Veverka, director, Skaneateles High School Orchestra."

ACTING PRESIDENT STEWART-COUSINS: Senator DeFrancisco.

SENATOR DeFRANCISCO: Yes, thank you, Madam President.

I rise to congratulate the Skaneateles High School Orchestra, who are with us today, another example of exceptional students from Central New York who not only do the right thing but also excel in their area of expertise. We have a great, great music program throughout Onondaga County, and this is the cream of the crop that you see today.

This invitation to the music festival was by invitation only. And not only did they -- and this is the first time they went to this festival, if I'm not mistaken. And out of 110 entrants, they came out to be number one. That's better odds than the NCAA tournament.

(Laughter.)

SENATOR DeFRANCISCO: But it's really remarkable what they have done. They are excellent musicians and, better yet, they are excellent together making music.

And I think Karen Veverka should be congratulated. Without a leader, these things never happen. And we're very proud of her and all the students. And thank you for being here, and keep up the wonderful work. You will be the leaders of tomorrow and hopefully you'll do a heck of a lot better job than we do.

Thank you very much.

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

Senator Valesky.

SENATOR VALESKY: Thank you, Madam President.

I want to join my colleague Senator DeFrancisco in congratulating the Skaneateles High School Orchestra and echo his comments in support and his words of congratulations.

Also, I want to single out your parents, because I know that certainly they were the ones who instilled in all of you at a very early age a love for music, and they also have a great responsibility in terms of making sure you're where you need to be for rehearsals and festivals and everything that goes along with the time commitment.

So congratulations to all of you, your music teachers, and your parents as well.

Thanks.

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

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

Hearing none, 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.

At the request of the sponsor, the resolution is open for multisponsorship by the entire house. Any member wishing not to be a multisponsor of the resolution should so inform the desk.

Senator Klein.

SENATOR KLEIN: Madam President, may we at this time take up Legislative Resolution Number 892. I ask that the title be read and move for its immediate adoption.

ACTING PRESIDENT STEWART-COUSINS: The Secretary will read.

THE SECRETARY: By Senator Stachowski, Legislative Resolution Number 892, honoring the memory and celebrating the life of Lucy Tokasz.

ACTING PRESIDENT STEWART-COUSINS: Senator Stachowski.

SENATOR STACHOWSKI: Madam President, I just wanted to rise to say a couple of words.

Lucy Tokasz was former Majority Leader Paul Tokasz's mom. She got buried this morning. A very wonderful lady, raised a wonderful family, Paul included. His brother is a commissioner in the fire district, his father is a commissioner in the fire district. They're very community-orientated.

And I just thought we should take a moment to honor Lucy's life and wish our condolences to Paul and his family. Thank you.

Thank you, Madam President.

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

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

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.

At the request of the sponsor, the resolution is open for multisponsorship by the entire house. Again, any member wishing not to be a multisponsor of the resolution should so inform the desk.

Senator Klein.

SENATOR KLEIN: Madam President, may we at this time take up a reading of Senate Calendar Number 23.

ACTING PRESIDENT STEWART-COUSINS: The Secretary will read.

THE SECRETARY: Calendar Number 68, by Member of the Assembly Perry, Assembly Print Number 4341B, an act to amend the Environmental Conservation Law, in relation to permit application.

SENATOR LIBOUS: Lay it aside, please.

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

THE SECRETARY: Calendar Number 103, by Senator Addabbo, Senate Print --

SENATOR LIBOUS: Lay it aside, please.

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

THE SECRETARY: Calendar Number 110, substituted earlier by Member of the Assembly Morelle, Assembly Print Number 6740, an act to amend the Insurance Law.

SENATOR LIBOUS: Lay it aside, please.

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

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

SENATOR KLEIN: Madam President, may we at this time have a reading of the controversial calendar.

ACTING PRESIDENT STEWART-COUSINS: The Secretary will please ring the bell.

The Secretary will read.

THE SECRETARY: Calendar Number 68, by Member of the Assembly Perry, Assembly

Print Number 4341B, an act to amend the Environmental Conservation Law.

ACTING PRESIDENT STEWART-COUSINS: Read the last section.

SENATOR SALAND: Explanation, please.

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

SENATOR SAMPSON: Thank you, Madam President.

Basically, this bill requires that anyone who is operating or attempts to operate a regulated medical waste facility must certify that it is in compliance with local zoning requirements.

To go even further, just doing some research, there's approximately about 18,000 regulated medical waste generators in New York that dispose of about 200,000 tons of regulated medical waste annually. This is a staggering amount.

And we just want to make sure that those who attempt to operate something like

this are just in compliance with local zoning and to certify that they are in compliance with local zoning requirements.

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

Senator Saland.

SENATOR SALAND: Would Senator Sampson yield to a question?

ACTING PRESIDENT STEWART-COUSINS: Senator Sampson, do you yield for a question?

SENATOR SAMPSON: Definitely. Through you, Madam President, I yield.

ACTING PRESIDENT STEWART-COUSINS: Senator Sampson yields.

SENATOR SALAND: Thank you, Senator Sampson.

Senator Sampson, I looked at your bill and I've looked at the relevant section which the bill amends. And I'm a little confused, and I would hope that you might be able to give me a hand here. This is not an area that I have any enormous amount of expertise.

I would first start off by asking,

does this apply to hospitals?

SENATOR SAMPSON: Through you, Madam President, it would apply to those hospitals if they have a regulated medical waste facility. And if it existed prior to this legislation, it would just be grandfathered in.

SENATOR SALAND: Through you, Madam President.

ACTING PRESIDENT STEWART-COUSINS: Do you continue to yield, Senator Sampson?

SENATOR SAMPSON: Oh, yes, I do.

SENATOR SALAND: Thank you, Senator.

Let me see if I understand you correctly. You're saying that (A) it applies to hospitals; (B) if the hospital has a permit for the treatment and storage and disposal of regulated medical waste currently, it is grandfathered?

SENATOR SAMPSON: Through you, Madam President, it would apply to a hospital that's applying for a permit going forward.

SENATOR SALAND: If you'd

continue to yield.

ACTING PRESIDENT STEWART-COUSINS: Senator, do you continue to yield?

SENATOR SAMPSON: Yes, Madam President.

SENATOR SALAND: What is the length of the duration of these permits?

SENATOR SAMPSON: Through you, Madam President, it depends upon what DEC requires. You might have to apply for a permit maybe every three or four years -- excuse me, two years. Excuse me. Your answer is two years, Senator.

SENATOR SALAND: If the Senator would continue to yield.

ACTING PRESIDENT STEWART-COUSINS: Do you continue to yield, Senator Sampson?

SENATOR SAMPSON: Of course, yes, I do.

ACTING PRESIDENT STEWART-COUSINS: The Senator continues to yield.

SENATOR SALAND: I'll start off by saying that I don't see grandfathering language in the 12 lines that constitute this

bill, but I'd welcome that language being there.

But my question would be what happens to an existing hospital at the end of that two years? They now have to apply for another permit and are subject to the provisions of this bill?

SENATOR SAMPSON: What happens to that existing hospital, basically, since the facility already existed when they had it -- excuse me, through you, Madam President -- that facility would just make the necessary notations to DEC, but they would be grandfathered in. They would not have to go through an additional step.

So if they choose to go through an additional step, they would have then have to go through the community board to get a variance. And at that point in time they would explain that this already existed prior to this piece of legislation, so therefore a variance would be granted and it wouldn't be denied, so they can go forth with their renewed application.

ACTING PRESIDENT STEWART-COUSINS: Senator Saland, would you like Senator Sampson to continue to yield?

SENATOR SALAND: Yes, if Senator Sampson would continue to yield.

ACTING PRESIDENT STEWART-COUSINS: Senator Sampson, do you continue to yield?

SENATOR SAMPSON: Yes, I do.

SENATOR SALAND: Senator, I do not doubt for one minute what you're telling me is your intent, and I am comforted by that. But I don't see it in the bill.

And I would ask that you consider taking what you discussed, grandfathering hospitals -- I don't know who else gets these permits; as I said, I profess no expertise -- grandfathering hospitals and verifying that so long as a hospital has such a permit, doesn't expand its use within the two years that constitutes the permit period, that they will continue to be grandfathered.

SENATOR SAMPSON: Through you, Madam President, to answer that question, Senator Saland, the hospitals are zoned as

hospitals --

SENATOR SALAND: I'm sorry, it's probably my hearing, not Senator Sampson, but if you --

SENATOR SAMPSON: Through you, Madam President, the hospitals are zoned as hospitals. They're not zoned as regulated medical waste facilities. That's not their primary function.

So as a result of that, they wouldn't have any problem coming into compliance or even being granted a variance, because their primary issue is they are a hospital, they're not zoned as regulated medical waste facilities. Excuse me, they're not classed as regulated medical waste facilities.

ACTING PRESIDENT STEWART-COUSINS: Have you completed your questioning, Senator Saland?

SENATOR SALAND: No. If you'll just bear with me a second, Madam President.

Senator Sampson, I'll apologize to you again for my lack of expertise in this

area, but I do have several hospitals in my district, and it is cause for concern.

My sense here, in looking at the section that you're amending, is that hospitals certainly are engaged in the treatment, storage, or disposal of regulated medical waste. And while there seems to be some distinction in the law as to how they shall be treated, I'm not exactly sure that your section that you're proposing as an amendment recognizes that distinction. And I'm discomforted at the prospect of this having an unintended consequence with respect to hospitals that are currently engaged in this kind of practice.

I'd be far more comforted and would hope that you would consider clarifying what we have just discussed here on the floor, that a hospital currently engaged in the storage of these types of medical wastes is grandfathered if it currently is permitted to do so, and at the expiration of that two-year period will continue to be grandfathered so long as they do not expand their operation with respect to

the storage of medical wastes.

SENATOR SAMPSON: Through you, Madam President. Senator Saland, they are grandfathered in under this piece of legislation.

SENATOR SALAND: Thank you.

Thank you, Senator Sampson.

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

SENATOR SALAND: Madam President, on the bill.

ACTING PRESIDENT STEWART-COUSINS: Senator Saland, on the bill.

SENATOR SALAND: I'm truly reluctant to take issue with Senator Sampson, for whom I have professed before high regard. I just don't see that in these 12 lines in this bill. And while that may be his intent, and I commend him for that intent, I'm discomfited by voting for a bill that does not either in the bill text or in the bill memo make reference to the fact that these hospitals are grandfathered in.

And I would hope that -- this bill

is going to pass the house -- that we will come back and revisit and make it perfectly clear that hospitals, as discussed in our exchange, are not subject to these provisions.

ACTING PRESIDENT STEWART-COUSINS: Thank you, Senator.

Senator Flanagan.

SENATOR FLANAGAN: Madam President, would Senator Sampson yield?

ACTING PRESIDENT STEWART-COUSINS: Senator Sampson, do you yield?

SENATOR SAMPSON: Yes, I do.

SENATOR FLANAGAN: Madam President, through you. Senator Sampson, I was looking at not only the bill but the memo, and I just wanted to clarify a couple of things in particular.

My first question is your memo references city zoning laws on at least three occasions that I can see, and you've referenced in some of your comments the concept of a community board. But as I read this bill, this clearly has statewide application.

SENATOR SAMPSON: Through you, Madam President. Yes, it does, Senator.

SENATOR FLANAGAN: Okay. Would Senator Sampson continue to yield?

ACTING PRESIDENT STEWART-COUSINS: Do you continue to yield?

SENATOR SAMPSON: Yes, I do.

SENATOR FLANAGAN: In looking at the 12 lines of the bill and then in looking at the memo, the reference is to "medical waste transfer stations." Is that -- I'm just trying to get my arms around that what means.

For example, I'm thinking if you go to a doctor's office, they have some type of medical waste; every office you go into, they're responsible for proper disposal of hazardous materials. Do they fall within the jurisdiction of these type of permits?

Because you referenced that there are over 18,000 permits in the State of New York. Is it just hospitals, or is it something as small as a medical office?

SENATOR SAMPSON: Well, through you, Madam President, when we talk about

regulated medical waste, it would consist of animal waste, human pathological waste, human blood, blood products, needles and syringes, cultures, stocks, microbiological materials generated in research and healthcare.

SENATOR FLANAGAN: Madam President, through you, would Senator Sampson continue to yield?

ACTING PRESIDENT STEWART-COUSINS: Senator Sampson, do you continue to yield?

SENATOR SAMPSON: Yes, I do.

SENATOR FLANAGAN: I appreciate the definition of the medical waste. But respectfully, it doesn't answer my question.

What I'm trying to get to is how broad is this. Because in your opening remarks you referenced the fact, again, that there are over 18,000 permits. And I'll give you an example of what I'm thinking of.

I'm in a building right in the Town of Smithtown. It is an office building, it's a two-story office building with a number of medical offices right within that building. Now, I've been to several of them myself. And

I know in the definition of what you described as medical waste, they would fall into that category.

So what I'm trying to ascertain -- and I think this follows up somewhat on what Senator Saland was talking about -- how does this actually apply in practice? Is that doctor's office now going to have to certify that they are in compliance with local zoning when in fact they're no more than a tenant in that building?

SENATOR SAMPSON: Through you, Madam President. Basically, it would not apply to them, because basically it would apply to those individuals who they would contract with to secure their medical waste and take it to the medical waste transfer stations to dispose of. Which happens in most doctor's offices.

SENATOR FLANAGAN: Madam President, would Senator Sampson continue to yield?

ACTING PRESIDENT STEWART-COUSINS: Do you continue to yield, Senator Sampson?

SENATOR SAMPSON: Yes, I do.

SENATOR FLANAGAN: I take what you're saying, and I'll comment on that when I speak on bill.

But you also referenced the concept of grandfathering, and you at that point particularly spoke to a community board and that a variance would be granted based on the fact that this is an existing facility. And I would like to know what authority you're citing in making that representation, and I'll explain why I'm asking in particular.

This is an area where I actually do some work outside the Legislature, in zoning and planning work as an attorney. And the way you're setting it out for all of us to review is in essence to say that simply by virtue of the fact that they were an existing facility, they would automatically be granted that extension going forward or that permission going forward.

And I can just tell you that in practice, municipalities jealously guard their local zoning and planning authority. And

simply because somebody happens to exist doesn't mean for one second that any local board is just going to as a matter of fact go along and say: Absolutely, you get a variance. They are a quasi-governmental entity that has authority that grants them discretion that you can't affect and that I can't affect.

And what I'm concerned about is, what are you citing as authority for the basic idea that simply as someone moves along, that they're now going to be granted permission?

SENATOR SAMPSON: Through you, Madam President. To respond to that question, I'm just going to tell what my understanding is with respect to the practice in my district with respect to if there is an individual who has a facility, already existing facility, and this law is passed, they would come before the community board and they would describe to them that this facility has already existed prior to the passage of this legislation. And they would seek a variance.

At that point in time, we would

convey to whatever issues that they have, and at that point in time the board would vote on it. But furthermore, if the board was in disagreement, then it would go to the borough president's office or the local municipality to agree on that.

But usually, from my experience, is that once the use has already existed prior to that legislation, usually there is no problem allowing that individual, granting them a variance so that they can continue to operate.

SENATOR FLANAGAN: Madam President, on the bill.

Thank you, Senator Sampson.

ACTING PRESIDENT STEWART-COUSINS: Senator Flanagan, on the bill.

SENATOR FLANAGAN: Following up on two of the questions that I asked, Senator Sampson is obviously a very serious legislator. I take at face value all the things that he's representing. But I feel like this bill is a step in the right direction, but not there.

It appears to me that this bill is

an outgrowth of an issue that has probably arisen in the City of New York. But as you explained to me relative to the grandfathering and going forward, you were representing the community board, you were referencing the borough president. And yet we have thousands of towns and villages throughout this state that will now be subject to this type of legislation.

Take that in conjunction with what Senator Sampson just said about how the person who is actually contracting with the doctor's office would be the one responsible. It seems to me that we're going down a path that would almost be impossible to, no pun intended, to regulate.

The point being that the person who is actually picking up the medical waste, if I follow what he's representing, is now the one that has to make the certification and say that not only the building but the doctor's office is now in compliance with state law.

Well-intentioned, but I think there needs to be some amendments to this if it's

actually going to be properly effective and implemented.

Thank you, Madam President.

ACTING PRESIDENT STEWART-COUSINS: Senator Marcellino.

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

ACTING PRESIDENT STEWART-COUSINS: Senator Marcellino, on the bill.

SENATOR MARCELLINO: In citing what my two colleagues have just pointed out -- and I am not an attorney, but I worked and served in local government for a number of years. It is extremely tough to site a medical waste transfer facilitate in any community. These are -- most people around it, the so-called NIMBY impact, will not want it in their backyard, will give it a hard time.

What you're saying here is that if a facility gets the permit, gets the zoning, exists for a period of time, their permit now comes up for renewal. In the interim of that period of time, the local zoning board has

decided to change the zone and now makes it illegal to site such a facility in that zone.

Senator Sampson says they would be grandfathered. However, this bill says that the applicant has to notify the DEC, the issuing agency for the permit, that they are in compliance with local zoning. They will no longer be in compliance with local zoning. They will be a nonconforming use, perhaps, but they'll no longer be in compliance with local zoning.

The DEC, then, by my limited legal experience, would then say: You're not in compliance, we can't issue you the permit. Even though you existed before, we can't, because you're no longer in compliance.

I think we have a problem here that has to be clarified. There is no statement that I've been able to find, that I've asked my counsel and I've asked Senate Research and so forth to go in and find out for me, is there anything in law that requires that the grandfathering of an existing facility? There is nothing that requires that anything be

grandfathered in law.

So while it may happen, and most municipalities, I would agree with Senator Sampson, do it as a matter of just fairness or common sense, there's no requirement for them to do it. And I think that's a problem. That is a problem now for the DEC, because they've got to issue a permit which, according to this new law, would not be legal.

So I think what Senator Flanagan and what Senator Saland have suggested to Senator Sampson is that this bill needs to be cleaned up a bit. And I understand what he wants to do, and I understand his concern, and I have no problem with that. But I think we need to fix the laws to make it less ambiguous and less of a problem for the issuing agencies, because I can see lawsuits all over the place here.

Having served in the town clerk's office in the Town of Oyster Bay for a number of years, I've been served with these papers when the zoning situation was in challenge. And I can see a local community saying, "Hey,

wait a minute," you know, hiring an attorney and saying, "Well, we don't want this here anymore, get it out of my neighborhood. It's no longer in compliance with the zoning law, and you don't have a right, DEC and the State of New York, to issue this permit, we're challenging this thing."

And meanwhile, a very necessary service and a very necessary function, the handling of medical red bag waste, has to be dealt with. This is important. Otherwise, we end up with needles on beaches and so forth floating around, and we don't want that. And all kinds of problems that could occur. This could cause all kinds of health concerns, let alone environmental concerns.

So, you know, Senator Sampson, again, the bill will probably pass, I don't doubt that. But I would suggest that there has to be some amendments to this particular piece of legislation just to clarify it. And if you want to put in statute that grandfathering is required, let's do that. Let's do that once and for all so we don't

have this problem ever again.

Thank you, Madam President.

ACTING PRESIDENT STEWART-COUSINS: Senator Golden.

SENATOR GOLDEN: Thank you, Madam President.

I only have one question for the sponsor, if he would yield for a question.

ACTING PRESIDENT STEWART-COUSINS: Senator Sampson, do you yield?

SENATOR SAMPSON: Yes, I do.

SENATOR GOLDEN: Senator, I'm at a loss for the 18,000 permits. Could somebody explain to me where the 18,000 permits are? If this is not the doctor's office, they're grandfathered. If it's not for the hospitals, they're grandfathered. There's not 18,000 transfer stations. I'm at a loss of where these permits and who these permits would be for.

SENATOR SAMPSON: Through you, Madam President. Senator Golden, I don't have the list of where these 18,000 permits are. But from my understanding with consulting with

DEC, this is the information that has been provided to me with respect to this.

And I did have conversations with DEC regarding this legislation, which they signed off on.

SENATOR GOLDEN: Madam President, I had one question, but I have a second question, if the sponsor would yield.

ACTING PRESIDENT STEWART-COUSINS: Senator Sampson, do you continue to yield?

SENATOR SAMPSON: Yes, I do.

SENATOR GOLDEN: Senator, I would strongly urge that you pull this bill until some amendments to it.

I'd also strongly urge that we get the list of who those 18,000 permits are, so that we understand who they are. I don't know who they could be except for doctor's offices and hospitals. And I think we're all, on both sides of the aisle, a little mystified as to what and who these 18,000 permits could be if they weren't to the doctor's offices and to the hospitals.

So I would strongly urge that, you

know, bring this bill back up next week, do some amendments, but -- it's good-intentioned, but there's too much out there for us to take a chance on voting on a bill like this that could affect our communities across the City of New York and the State of New York.

ACTING PRESIDENT STEWART-COUSINS: Was there a question, Senator Golden?

SENATOR SAMPSON: Through you, Madam President. Senator Golden, I think this bill is very important, especially when you're talking about regulated medical waste. The only thing we're asking is those individuals just to certify.

Presently, now, if they have an application and they submit it, they ask them are they in compliance with local zoning. It's either yes or no. It's presently done now. The only thing we're asking them to do is to just certify and just do the homework. Take two minutes out and look up your zoning requirements and see if it complies.

Especially after September 11th, with all the biological terrorism that can

happen, we need to know what sort of waste is in our communities. And I'm quite sure if -- this is an important issue. The only thing we're requiring -- and we're not saying you can't have these facilities, we're just saying make sure you're in compliance.

It's the same thing if I wanted to build an extra dormer on my house, I have to make sure that it's in compliance with the local zoning requirements.

SENATOR GOLDEN: On the bill, Madam President.

ACTING PRESIDENT STEWART-COUSINS: Senator Golden, on the bill.

SENATOR GOLDEN: I didn't get the answer I was looking for. I do believe there is -- there's just too much on these 12 lines in this bill that go unanswered across the city and state.

I dare to say that if we vote for a bill today that's going to impose sanctions on doctor's offices across the City and State of New York, allow community boards to have jurisdiction over these zoning regulations --

as it's been stated earlier by Senator Flanagan, these are quasi-government agencies -- it's scary.

I don't believe that this is the direction that we should be going. We need to know what those 18,000 permits are about. Right now it just sounds like a lot of -- another place to look to get additional funding here for the State of New York on DEC's end of it.

The sponsor may be well-intentioned, and I think he is well-intentioned in trying to put a bill forward that would deal with medical waste. But having said that, it's just not ripe yet, this bill, to go forward.

So I don't know how we could vote for this bill. I cannot vote for this bill, and I will be voting no if it goes forward. It's just too many questions unanswered.

And lastly, homeland security is very important to us, and we should know what's going on. But this bill is not going to help us one way or the other on the

homeland security issues across the State of New York.

Thank you, Madam President.

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

Senator Fuschillo.

SENATOR FUSCHILLO: Would the sponsor just yield for a few questions just for clarification.

ACTING PRESIDENT STEWART-COUSINS: Senator Sampson, do you yield?

SENATOR SAMPSON: Yes, I do.

SENATOR FUSCHILLO: Senator Sampson, thank you very much.

My understanding is, Senator, in reading your language, that this bill says that the DEC can't preempt local zoning laws and that the local zoning laws that are applicable in this case -- we've heard a lot of questions through a medical office -- have to be adhered to. Is that correct?

SENATOR SAMPSON: Through you, Madam President, yes.

SENATOR FUSCHILLO: Thank you very much.

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

Hearing none, 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 Marcellino, to explain his vote.

SENATOR MARCELLINO: Yes, Madam President. Again, I was just hoping that my colleague would have agreed not necessarily to pull the bill on my behalf, but to have agreed later on down the road to seek amendments to clarify this particular legislation, because I think it needs clarification.

It opens up -- and I'll repeat it

again, if the local zoning exists, the facility goes in, it's legal. During the term of the permit, the zoning is changed for whatever reason, the operation becomes illegal by zoning, the DEC can no longer issue that renewal permit. So you're putting a medical waste facility out of business.

These are difficult facilities are site under any circumstances. They are necessary facilities for the protection and health of our communities. I think this needs clarification in law. There is no legal requirement currently in law that says you must grandfather in these operations. Therefore, you're putting at risk the public health.

I understand what Senator Sampson wishes to do, but this bill doesn't do it. It adds confusion. I would hope amendments will be sought down the road to do that.

In the interim, I cannot in good conscience support the legislation. I will be voting no.

ACTING PRESIDENT STEWART-COUSINS:

Senator Marcellino to be recorded in the negative.

Senator Saland, to explain his vote.

SENATOR SALAND: Thank you, Madam President.

I certainly want to commend Senator Sampson for what he's attempting to do here. And I believe what he's attempting to do certainly is an appropriate policy aim.

I'm concerned, however, of the potential for unintended consequences, as discussed in our debate or exchange. There's nothing in here, nothing in this bill that tells me that the hospitals that I think we're both mutually concerned about are in fact grandfathered, and nothing that says that at the expiration of their two-year permit that, barring some change in their operation or expansion of their operation, that they would continue to be able to conduct business in the same fashion they had been conducting it prior to the enactment of this legislation, should it be enacted.

I find myself, under those circumstances, being forced to vote no. And would hope there will be every effort made to address that issue, either by way of amendment or subsequent legislation.

Thank you, Madam President.

ACTING PRESIDENT STEWART-COUSINS: Senator Saland will be recorded in the negative.

Senator Schneiderman, to explain his vote.

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

I rise in strong support of Senator Sampson's legislation. I think that we're seeing a lot of speculation about things that I really think miss the point of this bill.

The Department of Environmental Conservation of the State of New York for years has taken the position that they are incapable of screening every application for the facilities covered under this bill to see if it complies with zoning laws.

This is a good, efficient, putting

the burden where it belongs piece of common-sense legislation to say that you have to comply with zoning laws, you can't try to roll local communities or evade it.

This is filling a gap we have to fill. For years, under the Pataki administration, the Department of Environmental Conservation conceded that they could not ensure that zoning laws were being respected. Senator Sampson is not saying let's create a big new bureaucracy. He's putting the burden on the permit holder.

This is a good piece of legislation. I am proud to support it.

ACTING PRESIDENT STEWART-COUSINS: Senator Schneiderman to be recorded in the affirmative.

Senator Liz Krueger, to explain her vote.

SENATOR LIZ KRUEGER: Thank you very much.

Well, I represent a dense urban community. I represent an area that's often called Bedpan Alley because we have so many

hospitals. My hospitals are not opposed to this bill.

My community would totally support this bill. We find it unbelievably frustrating when zoning laws are not respected, when facilities are allowed to be imposed upon communities without the community having a say in what those facilities are and what the potential impact and risk is to the community.

I represent urban dense, but I can't imagine that if I represented a suburban town or a rural community that we wouldn't have the exact same position. Local people would want to not have state agencies ride roughshod over them; I hear that constantly from my colleagues. Urban, rural, and suburban communities want to make sure their zoning laws are respected.

I have to say I have heard endless debates in this house arguing for exactly what John Sampson's bill does today. And I am amazed that people are opposing the bill. It's the right thing to do. And I can

guarantee you it's what every one of our communities would want.

I'm very proud to support this bill. Thank you, Madam President.

ACTING PRESIDENT STEWART-COUSINS: Senator L. Krueger to be recorded in the affirmative.

Senator Oppenheimer, to explain her vote.

SENATOR OPPENHEIMER: Well, thank you very much, Madam President.

I think Senator L. Krueger has just pretty much said everything that I was going to say -- but that's not going to stop me. No, I'll be brief.

Over and over again I have said, from my vantage point many years ago of being a mayor, that I don't believe that the state seems to care very much about what the local impacts are because they never look at the local impacts. So we are forever saying at least give us an opportunity to respond, at least look at our zoning laws, at least put us into the picture.

This is exactly what this bill does. And that's why most of us who represent areas from outside of the city ought to be applauding this. We're finally getting a little say into the process.

And so this is the perfect bill for us, for all of us outside of New York City. And New York City too, as I hear the hospitals in the city are supporting it.

So I can't imagine why anybody would ever want to vote against this. I'm strongly supportive. I'm voting yes.

ACTING PRESIDENT STEWART-COUSINS: Senator Oppenheimer to be recorded in the affirmative.

There any other Senators wishing to explain his or her vote?

Hearing none, announce the results, please.

THE SECRETARY: Those recorded in the negative on Calendar Number 68 are Senators Flanagan, Golden, Marcellino, Saland, and Skelos.

Absent from voting: Senator

McDonald.

Ayes, 56. Nays, 5.

ACTING PRESIDENT STEWART-COUSINS: The bill is passed.

The Secretary will continue to read.

THE SECRETARY: Calendar Number 103, by Senator Addabbo, Senate Print 2866, an act to amend the Election Law.

SENATOR KLEIN: At the sponsor's request, can we lay the bill aside for the day.

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

The Secretary will continue to read.

THE SECRETARY: Calendar Number 110, substituted earlier today by Member of the Assembly Morelle, Assembly Print Number 6740, an act to amend the Insurance Law.

SENATOR LIBOUS: Madam President.

ACTING PRESIDENT STEWART-COUSINS: Senator Libous, why do you rise?

SENATOR LIBOUS: I believe

Senator Hannon has an amendment at the desk. I would ask that we waive the reading but read the title. And then if you would, respectfully, call on Senator Hannon, please.

ACTING PRESIDENT STEWART-COUSINS: Senator Hannon's amendment is here at the desk. Without objection, the reading is waived and you may speak, Senator Hannon, on the amendment.

SENATOR HANNON: Thank you, Madam President.

The main bill would implement the mini-COBRA provisions for the State of New York, implementing the federal ARRA act; it's now called the American Recovery and Reinvestment Act.

The provision that's being implemented by the bill-in-chief would extend COBRA coverage to employees of smaller companies, the ones not directly covered by the federal act. These smaller employees would be given the right to opt into COBRA coverage, a right that arises because the federal stimulus act would pay 65 percent of

the premium cost for the individual.

The amendment would deal directly with the question of the cost of premiums for individuals for healthcare insurance and would seek to repeal the recently enacted tax that is levied by the February 2009 Deficit Reduction Act, otherwise sometimes called the covered lives assessment.

This assessment, to the extent of a $240 million on an annual basis tax, will increase premiums to every family in this state covered by health insurance. Those are not just people employed by large companies getting health plans; it would extend to every union benefit plan in this state that has what is called a Taft-Hartley plan. They're covered by this assessment that I seek to repeal in this amendment.

In an era when we are seeking to expand healthcare coverage, expand the affordability of healthcare coverage, we have acted in February in an inconsistent way. This amendment would put us on the right course, and I would urge everybody's support

of it.

Thank you, Madam President.

ACTING PRESIDENT STEWART-COUSINS: Thank you.

The question is on the nonsponsor motion to amend Calendar Number 110. Senators voting in support of the nonsponsor amendment please signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT STEWART-COUSINS: Senator Libous.

SENATOR LIBOUS: Madam President, I believe there's a fast roll call on amendments.

ACTING PRESIDENT STEWART-COUSINS: We will proceed with the fast roll call.

Those voting in support of the nonsponsor amendment please raise your hands.

Announce the results.

THE SECRETARY: Ayes, 28. Nays, 32.

ACTING PRESIDENT STEWART-COUSINS: The motion has failed.

Senator Libous.

SENATOR LIBOUS: Madam President, I believe there's one other amendment at the desk, by Senator Seward. And I ask that its reading be waived and if you could please call on Senator Seward.

ACTING PRESIDENT STEWART-COUSINS: Yes, Senator Libous, Senator Seward's amendment is here at the desk. Without objection, the reading is waived. And, Senator Seward, you may speak on the amendment.

SENATOR SEWARD: Thank you, Madam President.

The main bill before us is a worthy bill, no question about it, because it does help the employees of small businesses who have lost their jobs to continue to afford health insurance coverage. That's a very worthy piece of legislation.

But as worthy as that is, there's another whole group of employees who are struggling with the very same problem. And we can make this worthy bill even better by helping to address that whole other group who

are struggling with the same problem, and that is the employees of small businesses whose employer and the employees themselves cannot afford health insurance, those that are working for a small business but yet cannot afford health insurance coverage.

And New York State has an excellent program called Healthy New York, which is access to health insurance for small businesses and others who find themselves without health insurance for at least 12 months. And the amendment that I'm presenting today would expand the Healthy New York from the current 208 percent of the federal poverty level up to 250 percent of the federal poverty level, which would expand the program to include many more people and their families.

Now, this would make, for example, a family of four with an annual net income of approximately $60,000 per year eligible for Healthy New York.

The second item in our amendment is to make Healthy New York available to all but

at an unsubsidized rate. So doing so would, in fact, reduce health insurance costs for small businesses at no cost to the state, in that case, because qualified businesses would be able to purchase their health insurance at a lower cost because they would be able to purchase a less comprehensive health insurance policy. That's why they have the lower premium.

And finally, Madam President, this amendment would exempt the high-deductible health insurance plans which are now allowable on the market. It would exempt these policies from the current multitude of state mandates, allow much more flexibility in putting together a health insurance plan, thus making those policies even more affordable.

All of these measures that are included in this amendment have been passed by this house before. They are endorsed by all the voices of small business, most notably the National Federation of Independent Businesses.

It's a step in the right direction, a big step in the right direction to help

those small businesses, their employees and individuals who currently do not have health insurance, to give them access to affordable health insurance at the same time we are helping, as the main bill does, those who have been employees of small businesses who have lost their jobs to help them to continue their coverage.

Madam President, I urge approval of the amendment.

ACTING PRESIDENT STEWART-COUSINS: Thank you, Senator.

The question is on the nonsponsor motion to amend Calendar Number 110. Those Senators voting in support of the nonsponsor amendment please raise your hands.

Announce the results.

THE SECRETARY: Ayes, 28. Nays, 32.

ACTING PRESIDENT STEWART-COUSINS: The motion fails.

Now we will return to the bill in the main, please.

SENATOR LIBOUS: Would Senator

Breslin give an explanation, please.

ACTING PRESIDENT STEWART-COUSINS: Senator Breslin.

SENATOR BRESLIN: Thank you, Madam President.

I think this is a bill that we can all justifiably support, because it's a win-win-win. The federal government, through legislation passed in February of this year, allows people who have been terminated through no fault of their own retroactively to September 1, 2008 --

ACTING PRESIDENT STEWART-COUSINS: May we have order in the chamber, please.

Excuse me, Senator Breslin. Please continue.

SENATOR BRESLIN: -- to apply for COBRA benefits, which ordinarily would be very expensive to someone in that situation.

However, with the act passed in February, 65 percent of that cost will be taken on by the federal government. So it is no expense to New York State, it is no expense to an insurance company, and it is a benefit

for those people who have lost their jobs without any fault of their own.

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

SENATOR BRESLIN: And I vote aye.

ACTING PRESIDENT STEWART-COUSINS: Senator Espada.

SENATOR ESPADA: Thank you, Madam President.

I rise to acknowledge the obvious. The Obama agenda of change in healthcare by way of the economic stimulus package has arrived, has arrived in a very strong way.

In the Assembly on Tuesday, this bill passed without a single negative vote. And it did so because it recognizes that the economic crisis has claimed many casualties.

And those casualties, these are real people with real faces and real families throughout the 62 State Senate districts in New York that could easily fall, and in fact have fallen. So therefore this is a reprieve, a second chance, as it were, to all those families that could not, simply because they

could not afford healthcare -- will now be able to get healthcare, not for a thousand dollars out of their family budget per month, but $300.

It can be the difference, clearly, with respect to affordability of healthcare, but also whether that money then goes to a payment of a mortgage or tuition for their children or even their small savings accounts won't be taxed.

So this is indeed an economic stimulus that all of us, 500,000 of the people we represent will enjoy retroactively at no cost to this state. It's one that we should all praise and we should all support.

I thank Senator Breslin for bringing this expeditiously, including the Governor. And I'll be voting in the affirmative.

Thank you, Madam Chair.

ACTING PRESIDENT STEWART-COUSINS: Senator Hannon.

SENATOR HANNON: Yes, Madam President. I wonder if the sponsor would

yield to a question.

ACTING PRESIDENT STEWART-COUSINS: Senator Breslin, do you yield?

SENATOR BRESLIN: Certainly, Madam President.

SENATOR HANNON: Senator Breslin, I know that you're trying to implement this federal statute which has its own convoluted language. But I wanted to first ask about the eligibility period that is set forth in this statute.

Because I go to the sponsor's memo that has been filed on this, and I first find a reference to people who were involuntarily terminated from their jobs between September 1, 2008, and December 31, 2009. That's in statement in support, paragraph 1.

And then, in the third paragraph, it talks about a special election period for people laid off between September 1, 2008, and the date the federal bill was signed into law, February 17th.

So the question would really be, what is the window that we are making

available under this proposed statute to people who would be eligible?

SENATOR BRESLIN: I would suspect, Senator Hannon -- through you, Madam President -- that the window goes back to September 1, 2008, and would include all those people who have been taken off their job without any cause of their own.

SENATOR HANNON: May I ask another question?

ACTING PRESIDENT STEWART-COUSINS: Senator Breslin, do you continue to yield?

SENATOR BRESLIN: Oh, absolutely.

ACTING PRESIDENT STEWART-COUSINS: Senator Breslin yields.

SENATOR HANNON: Senator Breslin, the question is when does that window end.

Because in the memo there are two different dates provided. I don't know if it's just they're referring to two different provisions or whether there's a contradiction. The first date is December 13, 2009, the end of this year, and the second date is February 17, 2009, the date that the federal

bill was signed.

SENATOR BRESLIN: It's my understanding -- through you, Madam President -- Senator Hannon, that it's the end of 2009. December 31, 2009.

SENATOR HANNON: Thank you. I have another question on another, similar topic.

ACTING PRESIDENT STEWART-COUSINS: Senator Breslin, do you continue to yield?

SENATOR BRESLIN: Yes, I do.

SENATOR HANNON: The question is there's a reason under the law they have to have a notification to the eligible individuals. I would wonder who is it that has to send out the notices on this. Because in my mind, the question arises -- it refers to administrators. And I don't find that as a defined term under the State Insurance Law.

SENATOR BRESLIN: Through you, Madam President. I think the federal government sends notification through the local employers.

SENATOR HANNON: Another

question, Madam President?

ACTING PRESIDENT STEWART-COUSINS: Senator Breslin, do you continue to yield?

SENATOR BRESLIN: I absolutely continue to yield.

SENATOR HANNON: I would think the question on that arises as somewhat of a question because of the federal law. And I would urge that you look into getting a clarification. I don't believe it's because of state law but because of federal law.

Another question, Madam President?

ACTING PRESIDENT STEWART-COUSINS: Senator Breslin, do you continue to yield?

SENATOR BRESLIN: It's my honor, Madam President.

SENATOR HANNON: In your proposed bill it talks about -- and it does three times, lines 13, 18, and then the corresponding sections afterwards -- about additional notice. And I can't find any other references to additional notice. Because in the prior sentence to each of the times the word "additional notice" is made, it talks

about notice to the individual.

So I was wondering how we get -- what are the notices? Are there two notices required to the covered individuals, or is there one notice?

SENATOR BRESLIN: It's my understanding, through you, Madam President, that we identified the first notice. That any other notices that I think would come later, if any did arise.

SENATOR HANNON: I didn't hear you, Senator.

SENATOR BRESLIN: I'll amend my answer.

If in fact the legislation -- which passed 143 to 0 in the Assembly on Tuesday -- if it's passed and signed into law today, there would only be the requirement of one notice. Through you, Madam President.

SENATOR HANNON: Thank you very much.

SENATOR BRESLIN: Thank you, Senator Hannon.

ACTING PRESIDENT STEWART-COUSINS:

Senator Schneiderman.

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

ACTING PRESIDENT STEWART-COUSINS: Senator Schneiderman, on the bill.

SENATOR SCHNEIDERMAN: I think that we rarely have an opportunity to vote for as clearly beneficial a piece of legislation as we do today. I commend Senator Breslin and the Governor and all those who worked on developing this.

It is absolutely essential that we make these adjustments to COBRA. We have federal money available, but the federal provisions do not establish a special election period. This is a way to very simply provide affordable healthcare to half a million people in the State of New York. It's a way for us to take advantage of federal funding that is available for the moment. It's essential that we do it, it's essential that we do it today.

This is a part of a larger movement in America. And when President Obama brought to Washington the concept that was later

embodied in the American Recovery and Reinvestment tax act, it was a message that we all heard last year. People are ready for change. People are tired of us being a country with so many people who can't afford healthcare. People are tired of us being the only industrial nation without universal coverage.

This is a step in that direction. Hard economic times make it hard for us to go forward. But in the State of New York we have to adopt creative and aggressive innovative programs like the one embodied in this bill that we're voting on now to take advantage of every federal dollar available under the new regime.

We are not ever going back, ladies and gentlemen. We are on the road to universal healthcare. We are on the road to everyone having insurance. We're on the road to all of our children being able to get to see primary care doctors and get preventive care. This is a piece of that puzzle.

I urge everyone to vote yes. Thank

you, Senator Breslin. And I cannot imagine why anyone would vote against this bill today. I hope everyone will vote in the affirmative.

Thank you, Madam President.

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

Senator Liz Krueger.

SENATOR LIZ KRUEGER: I rise to support this bill.

As Senator Schneiderman just said, this is part of President Obama's stimulus package. It's one of the best parts of the stimulus package.

I know that my office gets calls every day from people being laid off from their jobs, in panic about how will they meet their family's basic needs and how will they continue healthcare insurance.

Given the incredibly high cost of COBRA, particularly in my district, where we have high costs and so the costs of health insurance -- well, actually it's everywhere in the State of New York is exceptionally high -- the concept that we can insure people

retroactively, even if they've lost their jobs since September 2008, that we can provide them retroactive rights to COBRA coverage for insurance with the federal government picking up 65 percent of the cost, is amazing. It's just amazing that we're going to be able to do this.

And I understand and appreciate the questions about notice. I would actually argue it's incumbent upon every one of us to do everything we can to let our constituents know about this program. We don't want anyone losing out on the opportunity to continue health insurance with the federal government paying 65 percent of the cost.

I also just want to highlight one additional fact. This is good for our businesses when business can continue a larger group coverage. So even if they've had to lay off X number of employees and they're trying to hold on and they're trying to continue in business and they're hoping they'll be able to rehire those people as the economy turns around, this actually puts them in a better

negotiating position with the insurance companies. Because again, on paper, it's a larger group policy.

So this is a win for our businesses, even if they've been in the position of having to lay people off. It's a win for our people. And again, let's not forget the rule of thumb: You always try to get as much as you can from the government bigger than you. It's not just passing this law, it's making sure every New Yorker who possibly could be eligible receives this benefit.

So it's a win for everyone, and I am very glad to support Senator Breslin's bill.

Thank you very much, Madam President.

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

Senator Klein, to close.

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

I too want to praise Senator

Breslin today for bringing this very important piece of legislation before us.

This is quite historic. There hasn't been a time that we on this Senate floor were able to reduce health insurance by 65 percent. I think everyone understands the importance of providing affordable healthcare to those who are working. Unfortunately, in these tough economic times when so many of our neighbors and residents in New York State are losing their jobs, to be able to have some peace of mind, to be able to afford healthcare, I believe it's worth its weight in gold.

One of the statistics I know Senator Espada pointed out, but I think in some ways it's worth repeating. If an individual is laid off from their current employment, where presently the healthcare would cost a thousand dollars, it would now cost $350. That's a tremendous reduction.

It makes healthcare affordable, allows an individual who doesn't have a job at this point to use that money for other things,

like taking care of their mortgage, education costs, making sure they can put food on the table for their families.

So as I said before, this is something that's important and part of President Obama's national plan to put more money back in people's pockets during these tough times.

But I hope we take this one step further, because I think we also have to be cognizant of the fact that people are paying good money every day to be insured when they get injured or when they need a doctor or when they need to buy prescription drugs. And I think we have a lot to do to make sure that people get what they pay for, and that healthcare decisions are made between a doctor and a patient and not some bureaucrat sitting behind a desk at a healthcare organization.

So I think today we're doing something very, very important in providing affordable healthcare for those who are unemployed at this time. And I really praise Senator Breslin for bringing this before us

today.

I vote yes, Madam President.

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

Are there any other Senators wishing to be heard on the bill?

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 Foley, to explain his vote.

SENATOR FOLEY: Thank you, Madam President.

I want to commend Senator Breslin for sponsoring today's resolution. Not only will this help close to half a million families in the State of New York but literally tens of thousands on Long Island and

within my senatorial district. This will make the difference for a number of families to be able to provide for their families the healthcare that they so richly deserve.

And this is another example, Madam President, where the changes in Washington and the changes in Albany have heralded a new era where we're helping the families, together in partnership with the federal government, so they can provide for their families and have the healthcare and have, let's say -- can we have a little order? Thank you, Madam Chair.

ACTING PRESIDENT STEWART-COUSINS: Can we have order in the chamber.

SENATOR FOLEY: They can have the peace of mind, with the passage of this legislation, that many families will have the health coverage that otherwise they would lose.

So in conclusion, I will vote in the affirmative. And thank you for the time, Madam President.

ACTING PRESIDENT STEWART-COUSINS: Senator Foley to be recorded in the

affirmative.

Senator LaValle.

SENATOR LaVALLE: Thank you, Madam President.

Senator Breslin, this legislation certainly is very good and will expand, for many of our citizens, healthcare.

I think the idea of Senator Hannon's amendment and Senator Seward's amendments is to say that it is critically important that when we consider issues such as this that we really put everything on the table, you know, at the same time.

I think the point was made today that covered lives, the health tax, could and would affect a lot of people indirectly, because the companies will merely pass along that tax.

Senator Seward's amendments certainly open up healthcare options. And while we're not doing it today, I hope that at some juncture in this session that we will consider, during the budget, Senator Hannon's amendment and Senator Seward's amendments that

will really cover even more people in this state.

But certainly you are to be congratulated on your initiative. I vote in the affirmative.

ACTING PRESIDENT STEWART-COUSINS: Senator LaValle to be recorded in the affirmative.

Senator Duane.

SENATOR DUANE: Thank you, Madam President.

I rise to vote yes on this piece of legislation. And I just want to add that I think Senator Breslin's quick action on this legislation is really to be complimented.

And also, Senator Breslin not only gets the insurance part of this but also the importance of keeping people in a position where they can actually access care and where they don't have to depend on emergency room care. This bill will help move us towards our commitment to primary and preventive healthcare.

And others have said things which I

agree with, but I just really compliment Senator Breslin because of his understanding of both the insurance component and the importance of this for -- because of the healthcare component.

Thank you, Madam President.

ACTING PRESIDENT STEWART-COUSINS: How do you vote, Senator Duane?

SENATOR DUANE: I vote yes.

ACTING PRESIDENT STEWART-COUSINS: Senator Duane to be recorded in the affirmative.

Senator DeFrancisco.

SENATOR DeFRANCISCO: Yes, there's a very simple reason why this bill passed unanimously, is that it's a good bill.

If any legislative body or legislator had a pot of money handed to them from the federal government and didn't take advantage of that pot of money to provide healthcare coverage for people who are losing their jobs, they would be subject to some serious inquiry as to their rationality.

So this bill is a logical bill. A

pot of money was made available. We're taking advantage of it. And everyone, both sides of the aisle, are voting in favor of it.

My only caution, however, is this pot of money isn't necessarily from the federal government, it's from taxpayers. It comes from one pocket, goes into another. And, secondly, that taxpayers' money is not going to be available permanently.

So we have some real responsibilities here. Rather than just saying yes to a pot of money, the real responsibility is to put our house in order, make sure our budget is a good budget so that businesses can provide for their employees in the future because there's a good solid budget, good solid policies in the State of New York to create jobs. And the sooner we get to that job, the better off we'll all be.

Thank you.

ACTING PRESIDENT STEWART-COUSINS: And you will be voting in the affirmative?

SENATOR DeFRANCISCO: Yes.

ACTING PRESIDENT STEWART-COUSINS:

Thank you. Senator DeFrancisco to be recorded in the affirmative.

Senator Perkins.

SENATOR PERKINS: Thank you, Madam President.

I want to vote yes on this bill, and I want to first compliment my colleague Senator Breslin for bringing this before us. It's obviously a very, very important piece of legislation, and nobody in their right mind, as was said, would dare vote against it.

But I also want to take a quick moment to recognize our president, who has, through this effort, lived up to his campaign promise about providing for universal healthcare. This is a down payment, I believe, that we are to expect to see even more of this from our president, and that will enable us on this level to be able to help our constituents.

This is not just money for Wall Street, this is money for the people in our streets and our communities who are suffering. And this type of stimulus, I believe, goes a

long way not only towards providing healthcare but also towards providing for other kinds of stimulation for our economy that will benefit us all.

So thank you, Senator Breslin, and thank you, President Obama.

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

Anyone else wishing to explain his or her vote?

Announce the results.

THE SECRETARY: Ayes, 60. Nays, 0.

Absent from voting: Senators McDonald and Winner.

ACTING PRESIDENT STEWART-COUSINS: The bill is passed.

Senator Klein.

SENATOR KLEIN: Madam President, can we please recognize Senator Hassell-Thompson for a brief announcement.

ACTING PRESIDENT STEWART-COUSINS: Senator Hassell-Thompson.

SENATOR HASSELL-THOMPSON: Thank

you, Madam President.

I would just like to let the Senate Majority know that there's going to be a meeting immediately following session in Room 332. Thank you.

ACTING PRESIDENT STEWART-COUSINS: Thank you, Senator Hassell-Thompson.

There will be a meeting immediately following session of the Majority Conference in the Majority Conference Room, 332.

Senator Klein.

SENATOR KLEIN: Madam President, can we recognize Senator Libous also for a brief announcement.

ACTING PRESIDENT STEWART-COUSINS: Senator Libous.

SENATOR LIBOUS: Thank you, Madam President.

The Republican Conference will meet immediately in Room 315.

ACTING PRESIDENT STEWART-COUSINS: Thank you. That would be after session?

SENATOR LIBOUS: That would be after session, Madam President.

ACTING PRESIDENT STEWART-COUSINS: Thank you. The Minority Conference will be meeting immediately after session in the Minority Conference Room.

Senator Klein.

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

ACTING PRESIDENT STEWART-COUSINS: Senator Klein, there is no further business at the desk; it is clear.

SENATOR KLEIN: There being none, I move that we adjourn subject to the call of the Majority Leader, intervening days to be legislative days.

ACTING PRESIDENT STEWART-COUSINS: There being no further business to come before the Senate, on motion, the Senate stands adjourned subject to the call of the Majority Leader, intervening days being legislative days.

(Whereupon, at 12:52 p.m., the Senate adjourned.)