

1 NEW YORK STATE SENATE

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3
4 THE STENOGRAPHIC RECORD

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8
9 ALBANY, NEW YORK

10 July 16, 2009

11 12:56 p.m.

12
13
14 REGULAR SESSION

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16
17
18 SENATOR DAVID J. VALESKY, Acting President

19 ANGELO J. APONTE, Secretary

1 P R O C E E D I N G S

2 ACTING PRESIDENT VALESKY: The
3 Senate will please come to order.

4 I ask everyone present to please
5 rise and recite with me the Pledge of
6 Allegiance.

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

9 ACTING PRESIDENT VALESKY: In the
10 absence of clergy, may we bow our heads in a
11 moment of silence.

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

14 ACTING PRESIDENT VALESKY: The
15 reading of the Journal.

16 The Secretary will read.

17 THE SECRETARY: In Senate,
18 Wednesday, July 15, the Senate met pursuant to
19 adjournment. The Journal of Tuesday, July 14,
20 was read and approved. On motion, Senate
21 adjourned.

22 ACTING PRESIDENT VALESKY:
23 Without objection, the Journal stands approved
24 as read.

1 Presentation of petitions.
2 Messages from the Assembly.
3 Messages from the Governor.
4 Reports of standing committees.
5 Reports of select committees.
6 Communications and reports from
7 state officers.

8 Motions and resolutions.

9 Senator Klein.

10 SENATOR KLEIN: Mr. President,
11 can we at this time adopt the Resolution
12 Calendar in its entirety.

13 Mr. President, can we withdraw that
14 motion at this time and go directly to the
15 calendar.

16 ACTING PRESIDENT VALESKY: The
17 motion is withdrawn.

18 The Secretary will proceed with the
19 noncontroversial reading of the active bills
20 on Senate Calendar Number 61.

21 THE SECRETARY: Calendar Number
22 78, by Member of the Assembly Clark, Assembly
23 Print Number 1968, an act in relation --

24 SENATOR DeFRANCISCO: Lay it

1 aside.

2 ACTING PRESIDENT VALESKY: The
3 bill is laid aside.

4 THE SECRETARY: In relation to
5 Calendar Number 178, Senator Breslin moves to
6 discharge, from the Committee on Insurance,
7 Assembly Bill Number 1005C and substitute it
8 for the identical Senate Bill Number 3635B,
9 Third Reading Calendar 178.

10 ACTING PRESIDENT VALESKY:
11 Substitution ordered.

12 THE SECRETARY: Calendar Number
13 178, by Member of the Assembly Bing, Assembly
14 Print Number 1005C, an act to amend the
15 Insurance Law.

16 ACTING PRESIDENT VALESKY: Read
17 the last section.

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

20 ACTING PRESIDENT VALESKY: Call
21 the roll.

22 (The Secretary called the roll.)

23 THE SECRETARY: Ayes, 56.

24 ACTING PRESIDENT VALESKY: The

1 bill is passed.

2 THE SECRETARY: In relation to
3 Calendar Number 179, Senator Montgomery moves
4 to discharge, from the Committee on Children
5 and Families, Assembly Print Number 2311A and
6 substitute it for the identical Senate Bill
7 Number 3423A, Third Reading Calendar 179.

8 ACTING PRESIDENT VALESKY:
9 Substitution ordered.

10 THE SECRETARY: Calendar Number
11 179, by Member of the Assembly Lifton,
12 Assembly Print Number 2311A, an act to amend
13 the Social Services Law.

14 ACTING PRESIDENT VALESKY: Read
15 the last section.

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

18 ACTING PRESIDENT VALESKY: Call
19 the roll.

20 (The Secretary called the roll.)

21 THE SECRETARY: Ayes, 55. Nays,
22 1. Senator Lanza recorded in the negative.

23 ACTING PRESIDENT VALESKY: The
24 bill is passed.

1 THE SECRETARY: Calendar Number
2 277, by Senator Klein, Senate Print 2490B, an
3 act to amend the Correction Law.

4 ACTING PRESIDENT VALESKY: Read
5 the last section.

6 THE SECRETARY: Section 3. This
7 act shall take effect on the 60th day.

8 ACTING PRESIDENT VALESKY: Call
9 the roll.

10 (The Secretary called the roll.)

11 THE SECRETARY: Ayes, 56.

12 ACTING PRESIDENT VALESKY: The
13 bill is passed.

14 THE SECRETARY: Calendar Number
15 330, by Member of the Assembly Brodsky,
16 Assembly Print Number 5025, an act to amend
17 the Executive Law.

18 ACTING PRESIDENT VALESKY: Read
19 the last section.

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

22 ACTING PRESIDENT VALESKY: Call
23 the roll.

24 (The Secretary called the roll.)

1 ACTING PRESIDENT VALESKY:

2 Senator Foley, to explain his vote.

3 SENATOR FOLEY: Thank you,
4 Mr. President.

5 Just very briefly, to state for the
6 record that this legislation will require
7 local disaster preparedness plans to be
8 developed among counties, villages, as well as
9 townships.

10 And it should also be noted for the
11 record that incorporated within the bill is
12 that for cities greater than a million, with
13 the number of counties wholly within that
14 particular city, they will be exempted from
15 this particular piece of legislation.
16 However, it should be noted that that
17 particular city will also be working closely
18 with the neighboring counties to ensure that
19 there is a coordinated approach to disaster
20 preparedness.

21 I just wanted to state that for the
22 record. And hopefully we can approve this
23 today and it will enable our local
24 municipalities to coordinate their efforts in

1 order to have a safer and more effective
2 disaster preparedness plan developed for the
3 local constituencies.

4 Thank you, Mr. President.

5 ACTING PRESIDENT VALESKY:
6 Senator Foley to be recorded in the
7 affirmative.

8 Announce the results.

9 THE SECRETARY: Ayes, 56. Nays,
10 0.

11 ACTING PRESIDENT VALESKY: The
12 bill is passed.

13 THE SECRETARY: Calendar Number
14 377, by --

15 SENATOR LIBOUS: Lay it aside.

16 ACTING PRESIDENT VALESKY: The
17 bill is laid aside.

18 THE SECRETARY: In relation to
19 Calendar Number 396, Senator --

20 SENATOR LIBOUS: Lay it aside.

21 ACTING PRESIDENT VALESKY: The
22 Secretary will do the substitution first.

23 THE SECRETARY: In relation to
24 Calendar Number 396, Senator L. Krueger moves

1 to discharge, from the Committee on Rules,
2 Assembly Bill Number 7347 and substitute it
3 for the identical Senate Bill Number 4960,
4 Third Reading Calendar 396.

5 SENATOR LIBOUS: Lay it aside.

6 ACTING PRESIDENT VALESKY:
7 Substitution ordered, and the bill is laid
8 aside.

9 THE SECRETARY: In relation to
10 Calendar Number 439, Senator Duane moves to
11 discharge, from the Committee on Rules,
12 Assembly Print Number 904A and substitute it
13 for the identical Senate Bill Number 3910A,
14 Third Reading Calendar 439.

15 ACTING PRESIDENT VALESKY:
16 Substitution ordered.

17 THE SECRETARY: Calendar Number
18 439, by Member of the Assembly Gottfried,
19 Assembly Print Number 904A, an act to amend
20 the Public Health Law.

21 ACTING PRESIDENT VALESKY: Read
22 the last section.

23 THE SECRETARY: Section 5. This
24 act shall take effect on the 60th day.

1 ACTING PRESIDENT VALESKY: Call
2 the roll.

3 (The Secretary called the roll.)

4 THE SECRETARY: Ayes, 56.

5 ACTING PRESIDENT VALESKY: The
6 bill is passed.

7 THE SECRETARY: In relation to
8 445, Senator Savino moves to discharge, from
9 the Committee on Rules, Assembly Print Number
10 7170A and substitute it for the identical
11 Senate Bill Number 4562, Third Reading
12 Calendar 445.

13 ACTING PRESIDENT VALESKY:
14 Substitution ordered.

15 SENATOR LIBOUS: Lay it aside.

16 ACTING PRESIDENT VALESKY: The
17 bill is laid aside.

18 THE SECRETARY: In relation to
19 Calendar Number 449, Senator Savino moves to
20 discharge, from the Committee on Rules,
21 Assembly Bill Number 8371 and substitute it
22 for the identical Senate Bill Number 5557,
23 Third Reading Calendar 449.

24 ACTING PRESIDENT VALESKY:

1 Substitution ordered.

2 THE SECRETARY: Calendar Number
3 449, by Member of the Assembly Abbate,
4 Assembly Print Number 8371, an act to amend
5 the Retirement and Social Security Law.

6 ACTING PRESIDENT VALESKY: Read
7 the last section.

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

10 ACTING PRESIDENT VALESKY: Call
11 the roll.

12 (The Secretary called the roll.)

13 THE SECRETARY: Ayes, 56.

14 ACTING PRESIDENT VALESKY: The
15 bill is passed.

16 THE SECRETARY: Calendar Number
17 470, by Senator Savino, Senate Print 5474, an
18 act to amend the Navigation Law.

19 ACTING PRESIDENT VALESKY: Read
20 the last section.

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

23 ACTING PRESIDENT VALESKY: Call
24 the roll.

1 (The Secretary called the roll.)

2 THE SECRETARY: Ayes, 55. Nays,

3 1. Senator Ranzenhofer recorded in the
4 negative.

5 ACTING PRESIDENT VALESKY: The
6 bill is passed.

7 THE SECRETARY: Calendar Number
8 483, by Member of the Assembly Millman,
9 Assembly Print Number 4092, an act to amend
10 the Executive Law.

11 ACTING PRESIDENT VALESKY: Read
12 the last section.

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

15 ACTING PRESIDENT VALESKY: Call
16 the roll.

17 (The Secretary called the roll.)

18 THE SECRETARY: Ayes, 56.

19 ACTING PRESIDENT VALESKY: The
20 bill is passed.

21 THE SECRETARY: In relation to
22 Calendar Number 486, Senator Stachowski moves
23 to discharge, from the Committee on Finance,
24 Assembly Bill Number 2247B and substitute it

1 for the identical Senate Bill Number 1948B,
2 Third Reading Calendar 486.

3 ACTING PRESIDENT VALESKY:
4 Substitution ordered.

5 SENATOR LIBOUS: Lay the bill
6 aside, please.

7 ACTING PRESIDENT VALESKY: The
8 bill is laid aside.

9 THE SECRETARY: Calendar Number
10 505, by Senator Klein, Senate Print 5376, an
11 act to amend the Social Services Law.

12 ACTING PRESIDENT VALESKY: Read
13 the last section.

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

16 ACTING PRESIDENT VALESKY: Call
17 the roll.

18 (The Secretary called the roll.)

19 THE SECRETARY: Ayes, 56.

20 ACTING PRESIDENT VALESKY: The
21 bill is passed.

22 THE SECRETARY: Calendar Number
23 517, by Member of the Assembly Destito,
24 Assembly Print Number 606A, an act to amend

1 the Correction Law.

2 ACTING PRESIDENT VALESKY: Read
3 the last section.

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

6 ACTING PRESIDENT VALESKY: Call
7 the roll.

8 (The Secretary called the roll.)

9 THE SECRETARY: Ayes, 55. Nays,
10 1. Senator Lanza recorded in the negative.

11 ACTING PRESIDENT VALESKY: The
12 bill is passed.

13 THE SECRETARY: In relation to
14 Calendar Number 522, Senator Hassell-Thompson
15 moves to discharge, from the Committee on
16 Rules, Assembly Bill Number 8521 and
17 substitute it for the identical Senate Bill
18 Number 5645, Third Reading Calendar 522.

19 ACTING PRESIDENT VALESKY:
20 Substitution ordered.

21 THE SECRETARY: Calendar Number
22 522, by Member of the Assembly Aubry, Assembly
23 Print Number 8521, an act to amend the
24 Correction Law.

1 ACTING PRESIDENT VALESKY: Read
2 the last section.

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

5 ACTING PRESIDENT VALESKY: Call
6 the roll.

7 (The Secretary called the roll.)

8 THE SECRETARY: Ayes, 56.

9 ACTING PRESIDENT VALESKY: The
10 bill is passed.

11 THE SECRETARY: In relation to
12 Calendar Number 537, Senator Thompson moves to
13 discharge, from the Committee on Finance,
14 Assembly Bill Number 4091 and substitute it
15 for the identical Senate Bill Number 1591,
16 Third Reading Calendar 537.

17 ACTING PRESIDENT VALESKY:
18 Substitution ordered.

19 THE SECRETARY: Calendar Number
20 537, by Member of the Assembly Millman,
21 Assembly Print Number 4091, an act to amend
22 the State Finance Law.

23 ACTING PRESIDENT VALESKY: Read
24 the last section.

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

3 ACTING PRESIDENT VALESKY: Call
4 the roll.

5 (The Secretary called the roll.)

6 THE SECRETARY: Ayes, 56.

7 ACTING PRESIDENT VALESKY: The
8 bill is passed.

9 THE SECRETARY: In relation to
10 Calendar Number 538, Senator Valesky moves to
11 discharge, from the Committee on Finance,
12 Assembly Bill Number 2262A and substitute it
13 for the identical Senate Bill Number 1610A,
14 Third Reading Calendar 538.

15 ACTING PRESIDENT VALESKY:
16 Substitution ordered.

17 THE SECRETARY: Calendar Number
18 538, by Member of the Assembly Stirpe,
19 Assembly Print Number 2262A, an act to amend
20 the Navigation Law.

21 ACTING PRESIDENT VALESKY: Read
22 the last section.

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

1 November.

2 ACTING PRESIDENT VALESKY: Call
3 the roll.

4 (The Secretary called the roll.)

5 THE SECRETARY: Ayes, 56.

6 ACTING PRESIDENT VALESKY: The
7 bill is passed.

8 THE SECRETARY: In relation to
9 Calendar Number 544, Senator C. Johnson moves
10 to discharge, from the Committee on Finance,
11 Assembly Bill Number 7741A and substitute it
12 for the identical Senate Bill Number 2900A,
13 Third Reading Calendar 544.

14 ACTING PRESIDENT VALESKY:
15 Substitution ordered.

16 THE SECRETARY: Calendar Number
17 544, by Member of the Assembly Destito,
18 Assembly Print Number 7741A, an act to amend
19 the Executive Law.

20 ACTING PRESIDENT VALESKY: Read
21 the last section.

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

24 ACTING PRESIDENT VALESKY: Call

1 the roll.

2 (The Secretary called the roll.)

3 THE SECRETARY: Ayes, 56.

4 ACTING PRESIDENT VALESKY: The
5 bill is passed.

6 THE SECRETARY: In relation to
7 Calendar Number 552, Senator Stachowski moves
8 to discharge, from the Committee on Finance,
9 Assembly Bill Number 2819 and substitute it
10 for the identical Senate Bill Number 4436,
11 Third Reading Calendar 552.

12 ACTING PRESIDENT VALESKY:
13 Substitution ordered.

14 THE SECRETARY: Calendar Number
15 552, by Member of the Assembly Schimminger,
16 Assembly Print Number 2819, an act to amend
17 the State Finance Law.

18 ACTING PRESIDENT VALESKY: Read
19 the last section.

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

22 ACTING PRESIDENT VALESKY: Call
23 the roll.

24 (The Secretary called the roll.)

1 THE SECRETARY: Ayes, 57.

2 ACTING PRESIDENT VALESKY: The
3 bill is passed.

4 THE SECRETARY: In relation to
5 Calendar Number 553, Senator Stachowski moves
6 to discharge, from the Committee on Finance,
7 Assembly Bill Number 2854 and substitute it
8 for the identical Senate Bill Number 4437,
9 Third Reading Calendar 553.

10 ACTING PRESIDENT VALESKY:
11 Substitution ordered.

12 THE SECRETARY: Calendar Number
13 553, by Member of the Assembly Schimminger,
14 Assembly Print Number 2854, an act to amend
15 the Economic Development Law.

16 ACTING PRESIDENT VALESKY: Read
17 the last section.

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

20 ACTING PRESIDENT VALESKY: Call
21 the roll.

22 (The Secretary called the roll.)

23 THE SECRETARY: Ayes, 57.

24 ACTING PRESIDENT VALESKY: The

1 bill is passed.

2 THE SECRETARY: In relation to
3 Calendar Number 564, Senator Valesky moves to
4 discharge, from the Committee on Local
5 Government, Assembly Bill Number 695A and
6 substitute it for the identical Senate Bill
7 Number 1980A, Third Reading Calendar 564.

8 ACTING PRESIDENT VALESKY:
9 Substitution ordered.

10 THE SECRETARY: Calendar Number
11 564, by Member of the Assembly Hoyt, Assembly
12 Print Number 695A, an act to amend the General
13 Municipal Law.

14 ACTING PRESIDENT VALESKY: Read
15 the last section.

16 THE SECRETARY: Section 4. This
17 act shall --

18 SENATOR DeFRANCISCO: Lay it
19 aside.

20 ACTING PRESIDENT VALESKY: The
21 bill is laid aside.

22 THE SECRETARY: In relation to
23 Calendar Number 566, Senator Addabbo moves to
24 discharge, from the Committee on Rules,

1 Assembly Print Number 5276A and substitute it
2 for the identical Senate Bill Number 2868A,
3 Third Reading Calendar 566.

4 ACTING PRESIDENT VALESKY:
5 Substitution ordered.

6 SENATOR LIBOUS: Lay it aside,
7 please.

8 ACTING PRESIDENT VALESKY: The
9 bill is laid aside.

10 THE SECRETARY: In relation to
11 Calendar Number 568, Senator Foley moves to
12 discharge, from the Committee on Rules,
13 Assembly Bill Number 1627C and substitute it
14 for the identical Senate Bill Number 3331B,
15 Third Reading Calendar 568.

16 ACTING PRESIDENT VALESKY:
17 Substitution ordered.

18 THE SECRETARY: Calendar Number
19 568, by Member of the Assembly Zebrowski,
20 Assembly Print Number 1627C, an act to amend
21 the General Business Law.

22 ACTING PRESIDENT VALESKY: Read
23 the last section.

24 THE SECRETARY: Section 3. This

1 act shall take effect on the 60th day.

2 ACTING PRESIDENT VALESKY: Call
3 the roll.

4 (The Secretary called the roll.)

5 THE SECRETARY: Ayes, 57.

6 ACTING PRESIDENT VALESKY: The
7 bill is passed.

8 THE SECRETARY: In relation to
9 Calendar Number 569, Senator Dilan moves to
10 discharge, from the Committee on Rules,
11 Assembly Bill Number 8568B and substitute it
12 for the identical Senate Bill Number 3619A,
13 Third Reading Calendar 569.

14 ACTING PRESIDENT VALESKY:
15 Substitution ordered.

16 THE SECRETARY: Calendar Number
17 569, by Member of the Assembly Gantt, Assembly
18 Print Number 8568B, an act to amend the
19 Vehicle and Traffic Law.

20 ACTING PRESIDENT VALESKY: Read
21 the last section.

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

24 ACTING PRESIDENT VALESKY: Call

1 the roll.

2 (The Secretary called the roll.)

3 ACTING PRESIDENT VALESKY:

4 Senator Marcellino, to explain his vote.

5 SENATOR MARCELLINO: Yes,
6 Mr. President. I am pleased to rise to
7 explain my vote in support of this bill.

8 This bill hopefully in New York
9 State will put an end to the text-messaging
10 problem that we have. Text messaging, as we
11 all know, is a very dangerous act, but it's
12 second nature to a lot of people, especially
13 our young people. And it's resulted in the
14 deaths of many.

15 By passing this bill, which has had
16 its problems getting it out of the other
17 house -- it's passed this house many times,
18 but not the other house. But I commend
19 Senator Dilan for using his good offices to
20 work out a compromise and put the
21 text-messaging language in this bill so we get
22 a ban and we can end this terrible scourge on
23 our driving public.

24 Text messaging is dangerous while

1 walking, it's dangerous more while driving.
2 And unfortunately, too many people do it.
3 Everybody recognizes that it is a threat. But
4 many people admit to doing it, including
5 adults, while driving. Hopefully we'll put an
6 end to that today in New York State and this
7 will be a leader for the nation.

8 I thank the Senate here for passing
9 this bill, and I thank my colleagues for their
10 support.

11 ACTING PRESIDENT VALESKY:
12 Senator Marcellino to be recorded in the
13 affirmative.

14 Announce the results.

15 THE SECRETARY: In relation to
16 Calendar Number 569: Ayes, 56. Nays, 1.
17 Senator Little recorded in the negative.

18 ACTING PRESIDENT VALESKY: The
19 bill is passed.

20 THE SECRETARY: Calendar Number
21 581, by Senator Sampson, Senate Print 3708D,
22 an act to amend the General Business Law.

23 SENATOR LIBOUS: Lay it aside,
24 please.

1 ACTING PRESIDENT VALESKY: The
2 bill is laid aside.

3 THE SECRETARY: In relation to
4 Calendar Number 584, Senator Adams moves to
5 discharge, from the Committee on Health,
6 Assembly Bill Number 4216 and substitute it
7 for the identical Senate Print Number 4318,
8 Third Reading Calendar 584.

9 ACTING PRESIDENT VALESKY:
10 Substitution ordered.

11 THE SECRETARY: Calendar Number
12 584, by Member of the Assembly Brodsky,
13 Assembly Print Number 4216, an act to amend
14 the Public Health Law.

15 ACTING PRESIDENT VALESKY: Read
16 the last section.

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

19 ACTING PRESIDENT VALESKY: Call
20 the roll.

21 (The Secretary called the roll.)

22 THE SECRETARY: Ayes, 57.

23 ACTING PRESIDENT VALESKY: The
24 bill is passed.

1 THE SECRETARY: Calendar Number
2 600, by Senator Klein, Senate Print 4903, an
3 act to amend the Vehicle and Traffic Law.

4 ACTING PRESIDENT VALESKY: Read
5 the last section.

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

8 ACTING PRESIDENT VALESKY: Call
9 the roll.

10 (The Secretary called the roll.)

11 THE SECRETARY: Ayes, 57.

12 ACTING PRESIDENT VALESKY: The
13 bill is passed.

14 THE SECRETARY: In relation to
15 Calendar Number 624, Senator Espada moves to
16 discharge, from the Committee on Corporations,
17 Authorities and Commissions, Assembly Print
18 Number 5753 and substitute it for the
19 identical Senate Bill Number 5551, Third
20 Reading Calendar 624.

21 ACTING PRESIDENT VALESKY:
22 Substitution ordered.

23 THE SECRETARY: Calendar Number
24 624, by Member of the Assembly Lopez, Assembly

1 Print Number 5753, an act to amend the Public
2 Authorities Law.

3 ACTING PRESIDENT VALESKY: Read
4 the last section.

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

7 ACTING PRESIDENT VALESKY: Call
8 the roll.

9 (The Secretary called the roll.)

10 THE SECRETARY: Ayes, 57.

11 ACTING PRESIDENT VALESKY: The
12 bill is passed.

13 THE SECRETARY: In relation to
14 Calendar Number 638, Senator Adams moves to
15 discharge, from the Committee on Rules,
16 Assembly Bill Number 8182 and substitute it
17 for the identical Senate Bill Number 3021,
18 Third Reading Calendar 638.

19 ACTING PRESIDENT VALESKY:
20 Substitution ordered.

21 THE SECRETARY: Calendar Number
22 638, by Member of the Assembly Spano, Assembly
23 Print Number 8182, an act to amend the Racing,
24 Pari-Mutuel Wagering and Breeding Law.

1 ACTING PRESIDENT VALESKY: Read
2 the last section.

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

5 ACTING PRESIDENT VALESKY: Call
6 the roll.

7 (The Secretary called the roll.)

8 ACTING PRESIDENT VALESKY:
9 Announce the results.

10 THE SECRETARY: Those recorded in
11 the negative on Calendar Number 638 are
12 Senators Griffo, Larkin, Libous, Maziarz,
13 Ranzenhofer, Saland, Skelos, Winner. Also
14 Senator LaValle. Also Senator Leibell.

15 SENATOR ADAMS: Lay it aside for
16 the day.

17 ACTING PRESIDENT VALESKY: The
18 roll call is withdrawn, and the bill is laid
19 aside for the day.

20 THE SECRETARY: In relation to
21 Calendar Number 640, Senator Addabbo moves to
22 discharge, from the Committee on Rules,
23 Assembly Bill Number 8492 and substitute it
24 for the identical Senate Bill Number 4243,

1 Third Reading Calendar 640.

2 ACTING PRESIDENT VALESKY:

3 Substitution ordered.

4 SENATOR LIBOUS: Lay it aside,
5 please.

6 ACTING PRESIDENT VALESKY: The
7 bill is laid aside.

8 THE SECRETARY: In relation to
9 Calendar Number 643, Senator Espada moves to
10 discharge, from the Committee on Housing,
11 Construction and Community Development,
12 Assembly Bill Number 7681 and substitute it
13 for the identical Senate Bill Number 5441,
14 Third Reading Calendar 643.

15 ACTING PRESIDENT VALESKY:

16 Substitution ordered.

17 THE SECRETARY: Calendar Number
18 643, by Member of the Assembly Lopez, Assembly
19 Print Number 7681, an act to amend the Private
20 Housing Finance Law.

21 ACTING PRESIDENT VALESKY: Read
22 the last section.

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

1 ACTING PRESIDENT VALESKY: Call
2 the roll.

3 (The Secretary called the roll.)

4 THE SECRETARY: Ayes, 57.

5 ACTING PRESIDENT VALESKY: The
6 bill is passed.

7 THE SECRETARY: Calendar Number
8 644, by Senator Klein, Senate Print 5622, an
9 act to amend Part R-1 of Chapter 57 of the
10 Laws of 2009 amending the Tax Law.

11 ACTING PRESIDENT VALESKY: Read
12 the last section.

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

15 ACTING PRESIDENT VALESKY: Call
16 the roll.

17 (The Secretary called the roll.)

18 SENATOR HANNON: Lay it aside.

19 ACTING PRESIDENT VALESKY: The
20 roll call is withdrawn, and the bill is laid
21 aside.

22 THE SECRETARY: In relation to
23 Calendar Number 645, Senator Duane moves to
24 discharge, from the Committee on Rules,

1 Assembly Bill Number 8131 and substitute it
2 for the identical Senate Bill Number 4845B,
3 Third Reading Calendar 645.

4 ACTING PRESIDENT VALESKY:
5 Substitution ordered.

6 THE SECRETARY: Calendar Number
7 645, by Member of the Assembly Weprin,
8 Assembly Print Number 8131, an act to amend
9 the Tax Law.

10 ACTING PRESIDENT VALESKY: Read
11 the last section.

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

14 ACTING PRESIDENT VALESKY: Call
15 the roll.

16 (The Secretary called the roll.)

17 SENATOR DeFRANCISCO: Lay it
18 aside, please.

19 ACTING PRESIDENT VALESKY: The
20 roll call is withdrawn, and the bill is laid
21 aside.

22 THE SECRETARY: In relation to
23 Calendar Number 646, Senator Savino moves to
24 discharge, from the Committee on Rules,

1 Assembly Bill Number 8210 and substitute it
2 for the identical Senate Bill Number 5482,
3 Third Reading Calendar 646.

4 ACTING PRESIDENT VALESKY:
5 Substitution ordered.

6 THE SECRETARY: Calendar Number
7 646, by Member of the Assembly Cusick,
8 Assembly Print Number 8210, an act to amend
9 the Navigation Law.

10 ACTING PRESIDENT VALESKY: Read
11 the last section.

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

14 ACTING PRESIDENT VALESKY: Call
15 the roll.

16 (The Secretary called the roll.)

17 THE SECRETARY: Ayes, 57.

18 ACTING PRESIDENT VALESKY: The
19 bill is passed.

20 THE SECRETARY: In relation to
21 Calendar Number 727, Senator Breslin moves to
22 discharge, from the Committee on Rules,
23 Assembly Bill Number 1039 and substitute it
24 for the identical Senate Bill Number 396,

1 Third Reading Calendar 727.

2 ACTING PRESIDENT VALESKY:

3 Substitution ordered.

4 SENATOR LIBOUS: Lay the bill
5 aside.

6 ACTING PRESIDENT VALESKY: The
7 bill is laid aside.

8 THE SECRETARY: In relation to
9 Calendar Number 728, Senator Young moves to
10 discharge, from the Committee on Local
11 Government, Assembly Bill Number 4263 and
12 substitute it for the identical Senate Bill
13 Number 689, Third Reading Calendar 728.

14 ACTING PRESIDENT VALESKY:
15 Substitution ordered.

16 THE SECRETARY: Calendar Number
17 728, by Member of the Assembly Giglio,
18 Assembly Print Number 4263, an act to amend
19 the Town Law.

20 ACTING PRESIDENT VALESKY: Read
21 the last section.

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

24 ACTING PRESIDENT VALESKY: Call

1 the roll.

2 (The Secretary called the roll.)

3 THE SECRETARY: Ayes, 57.

4 ACTING PRESIDENT VALESKY: The
5 bill is passed.

6 THE SECRETARY: In relation to
7 Calendar Number 729, Senator Seward moves to
8 discharge, from the Committee on Rules,
9 Assembly Bill Number 3078A and substitute it
10 for the identical Senate Bill Number 867A,
11 Third Reading Calendar 729.

12 ACTING PRESIDENT VALESKY:
13 Substitution ordered.

14 THE SECRETARY: Calendar Number
15 729, by Member of the Assembly Magee, Assembly
16 Print Number 3078A, an act to authorize the
17 City of Oneonta.

18 ACTING PRESIDENT VALESKY: There
19 is a home-rule message at the desk.

20 Read the last section.

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

23 ACTING PRESIDENT VALESKY: Call
24 the roll.

1 (The Secretary called the roll.)

2 THE SECRETARY: Ayes, 57.

3 ACTING PRESIDENT VALESKY: The
4 bill is passed.

5 THE SECRETARY: In relation to
6 Calendar Number 730, Senator Young moves to
7 discharge, from the Committee on Rules,
8 Assembly Bill Number 4613A and substitute it
9 for the identical Senate Bill Number 868A,
10 Third Reading Calendar 730.

11 ACTING PRESIDENT VALESKY:
12 Substitution ordered.

13 THE SECRETARY: Calendar Number
14 730, by Member of the Assembly Parment,
15 Assembly Print Number 4613A, an act to
16 validate certain actions.

17 ACTING PRESIDENT VALESKY: Read
18 the last section.

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

21 ACTING PRESIDENT VALESKY: Call
22 the roll.

23 (The Secretary called the roll.)

24 THE SECRETARY: Ayes, 57.

1 ACTING PRESIDENT VALESKY: The
2 bill is passed.

3 THE SECRETARY: In relation to
4 Calendar Number 731, Senator --

5 ACTING PRESIDENT VALESKY:
6 Senator Liz Krueger.

7 SENATOR LIZ KRUEGER: Would you
8 repeat the calendar number of that bill for
9 me, please?

10 ACTING PRESIDENT VALESKY:
11 Calendar Number 730.

12 SENATOR LIZ KRUEGER: I jumped
13 ahead of myself. Thank you.

14 ACTING PRESIDENT VALESKY: The
15 Secretary will continue with Calendar Number
16 731.

17 THE SECRETARY: In relation to
18 Calendar Number 731, Senator Morahan moves to
19 discharge, from the Committee on Finance,
20 Assembly Bill Number 2234 and substitute it
21 for the identical Senate Bill Number 1001,
22 Third Reading Calendar 731.

23 ACTING PRESIDENT VALESKY:
24 Substitution ordered.

1 THE SECRETARY: Calendar Number
2 731, by Member of the Assembly Zebrowski,
3 Assembly Print Number 2234, an act to amend
4 Chapter 218 of the Laws of 2008.

5 ACTING PRESIDENT VALESKY: There
6 is a home-rule message at the desk.

7 Read the last section.

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

10 ACTING PRESIDENT VALESKY: Call
11 the roll.

12 (The Secretary called the roll.)

13 THE SECRETARY: Ayes, 57.

14 ACTING PRESIDENT VALESKY: The
15 bill is passed.

16 THE SECRETARY: In relation to
17 Calendar Number 732, Senator Larkin moves to
18 discharge, from the Committee on Codes,
19 Assembly Bill Number 2534 and substitute it
20 for the identical Senate Bill Number 1149A,
21 Third Reading Calendar 732.

22 ACTING PRESIDENT VALESKY:
23 Substitution ordered.

24 THE SECRETARY: Calendar Number

1 732, by Member of the Assembly Calhoun,
2 Assembly Print Number 2534, an act to amend
3 the Criminal Procedure Law.

4 SENATOR DUANE: Lay it aside.

5 ACTING PRESIDENT VALESKY: The
6 bill is laid aside.

7 THE SECRETARY: In relation to
8 Calendar Number 733, Senator Farley moves to
9 discharge, from the Committee on Rules,
10 Assembly Bill Number 3337A and substitute it
11 for the identical Senate Bill Number 1171A,
12 Third Reading Calendar 733.

13 ACTING PRESIDENT VALESKY:
14 Substitution ordered.

15 THE SECRETARY: Calendar Number
16 733, by Member of the Assembly Tedisco,
17 Assembly Print Number 3337A, an act to
18 authorize.

19 ACTING PRESIDENT VALESKY: Read
20 the last section.

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

23 ACTING PRESIDENT VALESKY: Call
24 the roll.

1 (The Secretary called the roll.)
2 THE SECRETARY: Ayes, 56. Nays,
3 1. Senator Bonacic recorded in the negative.
4 ACTING PRESIDENT VALESKY: The
5 bill is passed.
6 THE SECRETARY: In relation to
7 Calendar Number 734, Senator C. Johnson moves
8 to discharge, from the Committee on Rules,
9 Assembly Bill Number 1544B and substitute it
10 for the identical Senate Bill Number 1263B,
11 Third Reading Calendar 734.
12 ACTING PRESIDENT VALESKY:
13 Substitution ordered.
14 THE SECRETARY: Calendar Number
15 734, by Member of the Assembly Schimel,
16 Assembly Print Number 1544B, an act to amend
17 the Public Authorities Law.
18 ACTING PRESIDENT VALESKY: Read
19 the last section.
20 THE SECRETARY: Section 2. This
21 act shall take effect immediately.
22 ACTING PRESIDENT VALESKY: Call
23 the roll.
24 (The Secretary called the roll.)

1 THE SECRETARY: Ayes, 57.

2 ACTING PRESIDENT VALESKY: The
3 bill is passed.

4 THE SECRETARY: In relation to
5 Calendar Number 735, Senator Serrano moves to
6 discharge, from the Committee on Rules,
7 Assembly Bill Number 3949 and substitute it
8 for the identical Senate Bill Number 1393,
9 Third Reading Calendar 735.

10 ACTING PRESIDENT VALESKY:
11 Substitution ordered.

12 SENATOR LIBOUS: Lay it aside.

13 ACTING PRESIDENT VALESKY: The
14 bill is laid aside.

15 THE SECRETARY: In relation to
16 Calendar Number 736, Senator Volker moves to
17 discharge, from the Committee on Rules,
18 Assembly Bill Number 6273B and substitute it
19 for the identical Senate Bill Number 1566B,
20 Third Reading Calendar 736.

21 ACTING PRESIDENT VALESKY:
22 Substitution ordered.

23 THE SECRETARY: Calendar Number
24 736, by Member of the Assembly Corwin,

1 Assembly Print Number 6273B, an act to amend
2 the Real Property Tax Law.

3 ACTING PRESIDENT VALESKY: There
4 is a home-rule message at the desk.

5 Read the last section.

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

8 ACTING PRESIDENT VALESKY: Call
9 the roll.

10 (The Secretary called the roll.)

11 THE SECRETARY: Ayes, 57.

12 ACTING PRESIDENT VALESKY: The
13 bill is passed.

14 THE SECRETARY: In relation to
15 Calendar Number 737, Senator Farley moves to
16 discharge, from the Committee on Rules,
17 Assembly Bill Number 4321 and substitute it
18 for the identical Senate Bill Number 1643,
19 Third Reading Calendar 737.

20 ACTING PRESIDENT VALESKY:
21 Substitution ordered.

22 THE SECRETARY: Calendar Number
23 737, by Member of the Assembly Butler,
24 Assembly Print Number 4321, an act to amend

1 the Town Law.

2 ACTING PRESIDENT VALESKY: Read
3 the last section.

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

6 ACTING PRESIDENT VALESKY: Call
7 the roll.

8 (The Secretary called the roll.)

9 THE SECRETARY: Ayes, 57.

10 ACTING PRESIDENT VALESKY: The
11 bill is passed.

12 THE SECRETARY: In relation to
13 Calendar Number 738, Senator LaValle moves --

14 SENATOR KLEIN: Lay it aside.

15 ACTING PRESIDENT VALESKY: The
16 Secretary will do the substitution first.

17 THE SECRETARY: In relation to
18 Calendar Number 738, Senator LaValle moves to
19 discharge, from the Committee on Rules,
20 Assembly Bill Number 4632A and substitute it
21 for the identical Senate Bill Number 1718A,
22 Third Reading Calendar 738.

23 ACTING PRESIDENT VALESKY:
24 Substitution ordered, and the bill is laid

1 aside.

2 THE SECRETARY: In relation to
3 Calendar Number 739, Senator LaValle moves to
4 discharge, from the Committee on Rules,
5 Assembly Bill Number 4633A and substitute it
6 for the identical Senate Bill Number 1719A,
7 Third Reading Calendar 739.

8 ACTING PRESIDENT VALESKY:
9 Substitution ordered.

10 THE SECRETARY: Calendar Number
11 739, by Member of the Assembly Thiele,
12 Assembly Print Number 4633A, an act to amend
13 the --

14 SENATOR KLEIN: Lay it aside.

15 ACTING PRESIDENT VALESKY: The
16 bill is laid aside.

17 THE SECRETARY: In relation to
18 Calendar Number 740, Senator Little moves to
19 discharge, from the Committee on Rules,
20 Assembly Bill Number 4811 and substitute it
21 for the identical Senate Bill Number 1800,
22 Third Reading Calendar 740.

23 ACTING PRESIDENT VALESKY:
24 Substitution ordered.

1 THE SECRETARY: Calendar Number
2 740, by Member of the Assembly Jordan,
3 Assembly Print Number 4811, an act to
4 authorize the Village of Cambridge.

5 ACTING PRESIDENT VALESKY: There
6 is a home-rule message at the desk.

7 Read the last section.

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

10 ACTING PRESIDENT VALESKY: Call
11 the roll.

12 (The Secretary called the roll.)

13 THE SECRETARY: Ayes, 57.

14 ACTING PRESIDENT VALESKY: The
15 bill is passed.

16 THE SECRETARY: In relation to
17 Calendar Number 741, Senator Ranzenhofer moves
18 to discharge, from the Committee on Rules,
19 Assembly Bill Number 4710 and substitute it
20 for the identical Senate Bill Number 1939,
21 Third Reading Calendar 741.

22 ACTING PRESIDENT VALESKY:
23 Substitution ordered.

24 THE SECRETARY: Calendar Number

1 741, by Member of the Assembly Hawley,
2 Assembly Print Number 4710, an act to amend
3 the Uniform Justice Court Act.

4 ACTING PRESIDENT VALESKY: Read
5 the last section.

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

8 ACTING PRESIDENT VALESKY: Call
9 the roll.

10 (The Secretary called the roll.)

11 THE SECRETARY: Ayes, 57.

12 ACTING PRESIDENT VALESKY: The
13 bill is passed.

14 THE SECRETARY: In relation to
15 Calendar Number 742, Senator Little moves to
16 discharge, from the Committee on Rules,
17 Assembly Bill Number 5311A and substitute it
18 for the identical Senate Bill Number 2146A,
19 Third Reading Calendar 742.

20 ACTING PRESIDENT VALESKY:
21 Substitution ordered.

22 THE SECRETARY: Calendar Number
23 742, by Member of the Assembly Sayward,
24 Assembly Print Number 5311A, an act to amend

1 the Criminal Procedure Law.

2 ACTING PRESIDENT VALESKY: Read
3 the last section.

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

6 ACTING PRESIDENT VALESKY: Call
7 the roll.

8 (The Secretary called the roll.)

9 THE SECRETARY: Ayes, 57.

10 ACTING PRESIDENT VALESKY: The
11 bill is passed.

12 THE SECRETARY: In relation to
13 Calendar Number 743, Senator Montgomery moves
14 to discharge, from the Committee on Rules,
15 Assembly Bill Number 5328 and substitute it
16 for the identical Senate Bill Number 2232,
17 Third Reading Calendar 743.

18 ACTING PRESIDENT VALESKY:
19 Substitution ordered.

20 THE SECRETARY: Calendar Number
21 743, by Member of the Assembly Millman,
22 Assembly Print Number 5328, an act in relation
23 to allowing.

24 ACTING PRESIDENT VALESKY: Read

1 the last section.

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

4 ACTING PRESIDENT VALESKY: Call
5 the roll.

6 SENATOR LANZA: Lay it aside.

7 ACTING PRESIDENT VALESKY:
8 Withdraw the roll call. The bill is laid
9 aside.

10 THE SECRETARY: In relation to
11 Calendar Number 744, Senator Flanagan moves to
12 discharge, from the Committee on Rules,
13 Assembly Bill Number 5709A and substitute it
14 for the identical Senate Bill Number 2407A,
15 Third Reading Calendar 744.

16 ACTING PRESIDENT VALESKY:
17 Substitution ordered.

18 THE SECRETARY: Calendar Number
19 744, by Member of the Assembly Conte, Assembly
20 Print Number 5709A, an act to amend the
21 Criminal Procedure Law.

22 ACTING PRESIDENT VALESKY: Read
23 the last section.

24 THE SECRETARY: Section 2. This

1 act shall take effect immediately.

2 ACTING PRESIDENT VALESKY: Call
3 the roll.

4 (The Secretary called the roll.)

5 THE SECRETARY: Ayes, 57.

6 ACTING PRESIDENT VALESKY: The
7 bill is passed.

8 THE SECRETARY: In relation to
9 Calendar Number 745, Senator Nozzolio moves to
10 discharge, from the Committee on Rules,
11 Assembly Bill Number 5303C and substitute it
12 for the identical Senate Bill Number 2408D,
13 Third Reading Calendar 745.

14 ACTING PRESIDENT VALESKY:
15 Substitution ordered.

16 THE SECRETARY: Calendar Number
17 745, by Member of the Assembly Morelle,
18 Assembly Print Number 5303C, an act to amend
19 the Monroe County Tax Act.

20 ACTING PRESIDENT VALESKY: There
21 is a home-rule message at the desk.

22 Read the last section.

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

1 ACTING PRESIDENT VALESKY: Call
2 the roll.

3 (The Secretary called the roll.)

4 THE SECRETARY: Ayes, 57.

5 ACTING PRESIDENT VALESKY: The
6 bill is passed.

7 THE SECRETARY: In relation to
8 Calendar Number 746, Senator Flanagan moves to
9 discharge, from the Committee on Rules,
10 Assembly Bill Number 8329 and substitute it
11 for the identical Senate Bill Number 2518A,
12 Third Reading Calendar 746.

13 ACTING PRESIDENT VALESKY:
14 Substitution ordered.

15 THE SECRETARY: Calendar Number
16 746, by Member of the Assembly Fitzpatrick,
17 Assembly Print Number 8329, an act to
18 authorize.

19 ACTING PRESIDENT VALESKY: Read
20 the last section.

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

23 ACTING PRESIDENT VALESKY: Call
24 the roll.

1 (The Secretary called the roll.)

2 THE SECRETARY: Ayes, 57.

3 ACTING PRESIDENT VALESKY: The
4 bill is passed.

5 THE SECRETARY: In relation to
6 Calendar Number 747, Senator Nozzolio moves to
7 discharge, from the Committee on Rules,
8 Assembly Bill Number 6889A and substitute it
9 for the identical Senate Bill Number 2687A,
10 Third Reading Calendar 747.

11 ACTING PRESIDENT VALESKY:
12 Substitution ordered.

13 THE SECRETARY: Calendar Number
14 747, by Member of the Assembly Kolb, Assembly
15 Print Number 6889A, an act to adjust.

16 ACTING PRESIDENT VALESKY: Read
17 the last section.

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

20 ACTING PRESIDENT VALESKY: Call
21 the roll.

22 (The Secretary called the roll.)

23 THE SECRETARY: Ayes, 57.

24 ACTING PRESIDENT VALESKY: The

1 bill is passed.

2 THE SECRETARY: In relation to
3 Calendar Number 748, Senator Foley moves to
4 discharge, from the Committee on Rules,
5 Assembly Bill Number 7838A and substitute it
6 for the identical Senate Bill Number 2705A,
7 Third Reading Calendar 748.

8 ACTING PRESIDENT VALESKY:
9 Substitution ordered.

10 THE SECRETARY: Calendar Number
11 748, by Member of the Assembly Ramos, Assembly
12 Print Number 7838A, an act in relation to
13 permitting.

14 ACTING PRESIDENT VALESKY: Read
15 the last section.

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

18 ACTING PRESIDENT VALESKY: Call
19 the roll.

20 (The Secretary called the roll.)

21 THE SECRETARY: Ayes, 55. Nays,
22 2. Senators Bonacic and Larkin recorded in
23 the negative.

24 ACTING PRESIDENT VALESKY: The

1 bill is passed.

2 THE SECRETARY: In relation to
3 Calendar Number 749, Senator Fuschillo moves
4 to discharge, from the Committee on Rules,
5 Assembly Bill Number 5807 and substitute it
6 for the identical Senate Bill Number 2708,
7 Third Reading Calendar 749.

8 ACTING PRESIDENT VALESKY:
9 Substitution ordered.

10 THE SECRETARY: Calendar Number
11 749, by Member of the Assembly Sweeney,
12 Assembly Print Number 5807, an act in relation
13 to permitting.

14 ACTING PRESIDENT VALESKY: Read
15 the last section.

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

18 ACTING PRESIDENT VALESKY: Call
19 the roll.

20 (The Secretary called the roll.)

21 THE SECRETARY: Ayes, 55. Nays,
22 2. Senators Bonacic and Larkin recorded in
23 the negative.

24 ACTING PRESIDENT VALESKY: The

1 bill is passed.

2 THE SECRETARY: In relation to
3 Calendar Number 750, Senator Larkin moves to
4 discharge, from the Committee on Rules,
5 Assembly Print Number 6700 and substitute it
6 for the identical Senate Bill Number 2737,
7 Third Reading Calendar 750.

8 ACTING PRESIDENT VALESKY:
9 Substitution ordered.

10 THE SECRETARY: Calendar Number
11 750, by Member of the Assembly Skartados,
12 Assembly Print Number 6700, an act to direct
13 the Commissioner of Education.

14 ACTING PRESIDENT VALESKY: Read
15 the last section.

16 SENATOR DUANE: Lay it aside.

17 ACTING PRESIDENT VALESKY: The
18 bill is laid aside.

19 THE SECRETARY: In relation to
20 Calendar Number 751, Senator Nozzolio [sic]
21 moves to discharge, from the Committee on
22 Local Government, Assembly Bill Number 6329B
23 and substitute it for the identical Senate
24 Bill Number 2771B, Third Reading Calendar 751.

1 ACTING PRESIDENT VALESKY:

2 Substitution ordered.

3 Senator Libous.

4 SENATOR LIBOUS: Mr. President,
5 the clerk said Senator Nozzolio? Isn't this
6 a -- I'm just clarifying the calendar, please.
7 Number 751, we skipped it?

8 ACTING PRESIDENT VALESKY: The
9 Secretary will correct the clerical error on
10 Calendar 751 and reread Number 751.

11 SENATOR LIBOUS: Thank you,
12 Mr. President. We'd like to lay that bill
13 aside too, when it's read.

14 (Laughter.)

15 THE SECRETARY: In relation to
16 Calendar Number 751, Senator Breslin moves to
17 discharge, from the Committee on Housing,
18 Construction and Community Development,
19 Assembly Bill Number 6329B and substitute it
20 for the identical Senate Bill Number 2771B,
21 Third Reading Calendar 751.

22 SENATOR LIBOUS: Mr. President,
23 can we now lay that bill aside, please.

24 ACTING PRESIDENT VALESKY:

1 Substitution ordered, and the bill is laid
2 aside.

3 THE SECRETARY: In relation to
4 Calendar Number 752, Senator Nozzolio moves to
5 discharge, from the Committee on Rules,
6 Assembly Print Number 6845 and substitute it
7 for the identical Senate Print Number 2799,
8 Third Reading Calendar 752.

9 ACTING PRESIDENT VALESKY:
10 Substitution ordered.

11 THE SECRETARY: Calendar Number
12 752, by Member of the Assembly Finch, Assembly
13 Print Number 6845, an act to amend the
14 Not-For-Profit Corporation Law.

15 ACTING PRESIDENT VALESKY: Read
16 the last section.

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

19 ACTING PRESIDENT VALESKY: Call
20 the roll.

21 (The Secretary called the roll.)

22 THE SECRETARY: Ayes, 57.

23 ACTING PRESIDENT VALESKY: The
24 bill is passed.

1 THE SECRETARY: In relation to
2 Calendar Number 753, Senator Stachowski moves
3 to discharge, from the Committee on Rules,
4 Assembly Bill Number 7991A and substitute it
5 for the identical Senate Bill Number 2841B,
6 Third Reading Calendar 753.

7 ACTING PRESIDENT VALESKY:
8 Substitution ordered.

9 THE SECRETARY: Calendar Number
10 753, by Member of the Assembly Quinn, Assembly
11 Print Number 7991A, an act to legalize,
12 validate, ratify and confirm.

13 ACTING PRESIDENT VALESKY: Read
14 the last section.

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

17 ACTING PRESIDENT VALESKY: Call
18 the roll.

19 (The Secretary called the roll.)

20 THE SECRETARY: Ayes, 57.

21 ACTING PRESIDENT VALESKY: The
22 bill is passed.

23 THE SECRETARY: In relation to
24 Calendar Number 754, Senator Alesi moves to

1 discharge, from the Committee on Rules,
2 Assembly Bill Number 6469A and substitute it
3 for the identical Senate Bill Number 2864A,
4 Third Reading Calendar 754.

5 ACTING PRESIDENT VALESKY:
6 Substitution ordered.

7 THE SECRETARY: Calendar Number
8 754, by Member of the Assembly Morelle,
9 Assembly Print Number 6469A, an act to amend
10 the Navigation Law.

11 ACTING PRESIDENT VALESKY: Read
12 the last section.

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

15 ACTING PRESIDENT VALESKY: Call
16 the roll.

17 (The Secretary called the roll.)

18 THE SECRETARY: Ayes, 57.

19 ACTING PRESIDENT VALESKY: The
20 bill is passed.

21 THE SECRETARY: In relation to
22 Calendar Number 755, Senator Seward moves to
23 discharge, from the Committee on Rules,
24 Assembly Bill Number 6731 and substitute it

1 for the identical Senate Bill Number 2903,
2 Third Reading Calendar 755.

3 ACTING PRESIDENT VALESKY:
4 Substitution ordered.

5 THE SECRETARY: Calendar Number
6 755, by Member of the Assembly Magee, Assembly
7 Print Number 6731, an act to authorize.

8 ACTING PRESIDENT VALESKY: There
9 is a home-rule message at the desk.

10 Read the last section.

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

13 ACTING PRESIDENT VALESKY: Call
14 the roll.

15 (The Secretary called the roll.)

16 THE SECRETARY: Ayes, 57.

17 ACTING PRESIDENT VALESKY: The
18 bill is passed.

19 THE SECRETARY: In relation to
20 Calendar Number 756, Senator Farley moves to
21 discharge, from the Committee on Rules,
22 Assembly Print Number 6486 and substitute it
23 for the identical Senate Bill Number 2931,
24 Third Reading Calendar 756.

1 ACTING PRESIDENT VALESKY:
2 Substitution ordered.

3 THE SECRETARY: Calendar Number
4 756, by Member of the Assembly Amedore,
5 Assembly Print Number 6486, an act to amend
6 the Town Law.

7 ACTING PRESIDENT VALESKY: Read
8 the last section.

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

11 ACTING PRESIDENT VALESKY: Call
12 the roll.

13 (The Secretary called the roll.)

14 THE SECRETARY: Ayes, 58.

15 ACTING PRESIDENT VALESKY: The
16 bill is passed.

17 THE SECRETARY: In relation to
18 Calendar Number 757, Senator Marcellino moves
19 to discharge, from the Committee on Codes,
20 Assembly Bill Number 3939 and substitute it
21 for the identical Senate Bill Number 2940,
22 Third Reading Calendar 757.

23 ACTING PRESIDENT VALESKY:
24 Substitution ordered.

1 THE SECRETARY: Calendar Number
2 757, by Member of the Assembly Raia, Assembly
3 Print Number 3939, an act to amend the
4 Criminal Procedure Law.

5 ACTING PRESIDENT VALESKY: Read
6 the last section.

7 SENATOR DUANE: Lay it aside.

8 ACTING PRESIDENT VALESKY: The
9 bill is laid aside.

10 THE SECRETARY: In relation to
11 Calendar Number 758, Senator Valesky moves to
12 discharge, from the Committee on Rules,
13 Assembly Bill Number 6732 and substitute it
14 for the identical Senate Bill Number 2961,
15 Third Reading Calendar 758.

16 ACTING PRESIDENT VALESKY:
17 Substitution ordered.

18 THE SECRETARY: Calendar Number
19 758, by Member of the Assembly Magee, Assembly
20 Print Number 6732, an act to amend Chapter 648
21 of the Laws of 2008.

22 ACTING PRESIDENT VALESKY: Read
23 the last section.

24 THE SECRETARY: Section 2. This

1 act shall take effect immediately.

2 ACTING PRESIDENT VALESKY: Call
3 the roll.

4 (The Secretary called the roll.)

5 THE SECRETARY: Ayes, 58.

6 ACTING PRESIDENT VALESKY: The
7 bill is passed. And there was a home-rule
8 message at the desk on that bill.

9 THE SECRETARY: In relation to
10 Calendar Number 759, Senator Nozzolio moves to
11 discharge, from the Committee on Codes,
12 Assembly Bill Number 6506 and substitute it
13 for the identical Senate Bill Number 2982,
14 Third Reading Calendar 759.

15 ACTING PRESIDENT VALESKY:
16 Substitution ordered.

17 THE SECRETARY: Calendar Number
18 759, by Member of the Assembly Oaks, Assembly
19 Print Number 6506, an act to amend the
20 Criminal Procedure Law.

21 ACTING PRESIDENT VALESKY: Read
22 the last section.

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

1 November.

2 ACTING PRESIDENT VALESKY: Call
3 the roll.

4 (The Secretary called the roll.)

5 THE SECRETARY: Ayes, 56. Nays,
6 2. Senators Duane and L. Krueger recorded in
7 the negative.

8 ACTING PRESIDENT VALESKY: The
9 bill is passed.

10 THE SECRETARY: In relation to
11 Calendar Number 760, Senator Nozzolio moves to
12 discharge, from the Committee on Rules,
13 Assembly Bill Number 7238 and substitute it
14 for the identical Senate Bill Number 3270,
15 Third Reading Calendar 760.

16 ACTING PRESIDENT VALESKY:
17 Substitution ordered.

18 THE SECRETARY: Calendar Number
19 760, by Member of the Assembly Finch, Assembly
20 Print Number 7238, an act to amend the
21 Criminal Procedure Law.

22 ACTING PRESIDENT VALESKY: Read
23 the last section.

24 THE SECRETARY: Section 2. This

1 act shall take effect immediately.

2 ACTING PRESIDENT VALESKY: Call
3 the roll.

4 (The Secretary called the roll.)

5 THE SECRETARY: Ayes, 56. Nays,
6 2. Senators Duane and L. Krueger recorded in
7 the negative.

8 ACTING PRESIDENT VALESKY: The
9 bill is passed.

10 THE SECRETARY: In relation to
11 Calendar Number 761, Senator Volker moves to
12 discharge, from the Committee on Local
13 Government, Assembly Print Number 2089A and
14 substitute it for the identical Senate Bill
15 Number 3337A, Third Reading Calendar 761.

16 ACTING PRESIDENT VALESKY:
17 Substitution ordered.

18 THE SECRETARY: Calendar Number
19 761, by Member of the Assembly Schroeder,
20 Assembly Print Number 2089A, an act to amend
21 the Real Property Tax Law.

22 ACTING PRESIDENT VALESKY: Read
23 the last section.

24 THE SECRETARY: Section 2. This

1 act shall take effect immediately.

2 ACTING PRESIDENT VALESKY: Call
3 the roll.

4 (The Secretary called the roll.)

5 THE SECRETARY: Ayes, 58.

6 ACTING PRESIDENT VALESKY: The
7 bill is passed.

8 THE SECRETARY: In relation to
9 Calendar Number 762, Senator Hannon moves to
10 discharge, from the Committee on Rules,
11 Assembly Bill Number 8339A and substitute it
12 for the identical Senate Bill Number 3434A,
13 Third Reading Calendar 762.

14 ACTING PRESIDENT VALESKY:
15 Substitution ordered.

16 THE SECRETARY: Calendar Number
17 762, by Member of the Assembly McKevitt,
18 Assembly Print Number 8339A, an act to
19 authorize.

20 ACTING PRESIDENT VALESKY: Read
21 the last section.

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

24 ACTING PRESIDENT VALESKY: Call

1 the roll.

2 (The Secretary called the roll.)

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

5 ACTING PRESIDENT VALESKY: The
6 bill is passed.

7 THE SECRETARY: In relation to
8 Calendar Number 763, Senator --

9 SENATOR KLEIN: Lay it aside for
10 the day, please.

11 ACTING PRESIDENT VALESKY:
12 Senator Klein, before laying the bill aside
13 for the day, if we could take up the Assembly
14 substitution.

15 THE SECRETARY: In relation to
16 Calendar Number 763, Senator Foley moves to
17 discharge, from the Committee on Health,
18 Assembly Bill Number 3144 and substitute it
19 for the identical Senate Bill Number 3532,
20 Third Reading Calendar 763.

21 ACTING PRESIDENT VALESKY:
22 Substitution ordered, and the bill is laid
23 aside for the day.

24 THE SECRETARY: In relation to

1 Calendar Number 764, Senator Skelos moves to
2 discharge, from the Committee on Rules,
3 Assembly Bill Number 7261A and substitute it
4 for the identical Senate --

5 SENATOR HASSELL-THOMPSON: Lay it
6 aside.

7 ACTING PRESIDENT VALESKY: Let us
8 finish the Assembly substitution, please.

9 THE SECRETARY: -- Senate Bill
10 Number 3568A, Third Reading Calendar 764.

11 ACTING PRESIDENT VALESKY:
12 Substitution ordered, and the bill is laid
13 aside.

14 THE SECRETARY: In relation to
15 Calendar Number 765, Senator Libous moves to
16 discharge, from the Committee on Rules,
17 Assembly Bill Number 7092A and substitute it
18 for the identical Senate Bill Number 3613A,
19 Third Reading Calendar 765.

20 ACTING PRESIDENT VALESKY:
21 Substitution ordered.

22 THE SECRETARY: Calendar Number
23 765, by Member of the Assembly Crouch,
24 Assembly Print Number --

1 SENATOR DUANE: Lay it aside,
2 please.

3 ACTING PRESIDENT VALESKY: The
4 bill is laid aside.

5 THE SECRETARY: In relation to
6 Calendar Number 766, Senator Libous moves to
7 discharge, from the Committee on Rules,
8 Assembly Bill Number 7090 and substitute it
9 for the identical Senate Bill Number 3614,
10 Third Reading Calendar 766.

11 ACTING PRESIDENT VALESKY:
12 Substitution ordered.

13 THE SECRETARY: Calendar Number
14 766, by Member of the Assembly Crouch,
15 Assembly Print Number 7090, an act to amend
16 the Town Law.

17 ACTING PRESIDENT VALESKY: Read
18 the last section.

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

21 ACTING PRESIDENT VALESKY: Call
22 the roll.

23 (The Secretary called the roll.)

24 THE SECRETARY: Ayes, 58.

1 ACTING PRESIDENT VALESKY: The
2 bill is passed.

3 THE SECRETARY: In relation to
4 Calendar Number 767, Senator Oppenheimer moves
5 to discharge, from the Committee on Rules,
6 Assembly Bill Number 6153A and substitute it
7 for the identical Senate Bill Number 3631A,
8 Third Reading Calendar 767.

9 ACTING PRESIDENT VALESKY:
10 Substitution ordered.

11 THE SECRETARY: Calendar Number
12 767, by Member of the Assembly Paulin,
13 Assembly Print Number 6153A, an act allowing.

14 ACTING PRESIDENT VALESKY: There
15 is a home-rule message at the desk.

16 Read the last section.

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

19 ACTING PRESIDENT VALESKY: Call
20 the roll.

21 (The Secretary called the roll.)

22 THE SECRETARY: Ayes, 58.

23 ACTING PRESIDENT VALESKY: The
24 bill is passed.

1 THE SECRETARY: In relation to
2 Calendar Number 768, Senator Foley moves to
3 discharge, from the Committee on Rules,
4 Assembly Bill Number 7148 and substitute it
5 for the identical Senate Bill Number 3643,
6 Third Reading Calendar 768.

7 ACTING PRESIDENT VALESKY:
8 Substitution ordered.

9 THE SECRETARY: Calendar Number
10 768, by Member of the Assembly Eddington,
11 Assembly Print Number 7148, an act to
12 authorize.

13 ACTING PRESIDENT VALESKY: Read
14 the last section.

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

17 ACTING PRESIDENT VALESKY: Call
18 the roll.

19 (The Secretary called the roll.)

20 THE SECRETARY: Ayes, 56. Nays,
21 2. Senators Bonacic and Larkin recorded in
22 the negative.

23 ACTING PRESIDENT VALESKY: The
24 bill is passed.

1 THE SECRETARY: In relation to
2 Calendar Number 769, Senator Marcellino moves
3 to discharge, from the Committee on Rules,
4 Assembly Bill Number 7201A and substitute it
5 for the identical Senate Bill Number 3649A,
6 Third Reading Calendar 769.

7 ACTING PRESIDENT VALESKY:
8 Substitution ordered.

9 THE SECRETARY: Calendar Number
10 769, by Member of the Assembly Conte, Assembly
11 Print Number 7201A, an act to authorize.

12 ACTING PRESIDENT VALESKY: Read
13 the last section.

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

16 ACTING PRESIDENT VALESKY: Call
17 the roll.

18 (The Secretary called the roll.)

19 THE SECRETARY: Ayes, 56. Nays,
20 2. Senators Bonacic and Larkin recorded in
21 the negative.

22 ACTING PRESIDENT VALESKY: The
23 bill is passed.

24 THE SECRETARY: In relation to

1 Calendar Number 770, Senator Morahan moves to
2 discharge, from the Committee on Rules,
3 Assembly Bill Number 7220 and substitute it
4 for the identical Senate Bill Number 3756,
5 Third Reading Calendar 770.

6 ACTING PRESIDENT VALESKY:
7 Substitution ordered.

8 THE SECRETARY: Calendar Number
9 770, by Member of the Assembly Jaffee,
10 Assembly Print Number 7220, an act to
11 authorize.

12 ACTING PRESIDENT VALESKY: Read
13 the last section.

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

16 ACTING PRESIDENT VALESKY: Call
17 the roll.

18 (The Secretary called the roll.)

19 THE SECRETARY: Ayes, 56. Nays,
20 2. Senators Bonacic and Larkin recorded in
21 the negative.

22 ACTING PRESIDENT VALESKY: The
23 bill is passed.

24 THE SECRETARY: In relation to

1 Calendar Number 771, Senator Morahan moves to
2 discharge, from the Committee on Local
3 Government, Assembly Bill Number 6473 and
4 substitute it for the identical Senate Bill
5 Number 3757, Third Reading Calendar 771.

6 ACTING PRESIDENT VALESKY:
7 Substitution ordered.

8 THE SECRETARY: Calendar Number
9 771, by Member of the Assembly Jaffee,
10 Assembly Print Number 6473, an act to
11 authorize.

12 ACTING PRESIDENT VALESKY: Read
13 the last section.

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

16 ACTING PRESIDENT VALESKY: Call
17 the roll.

18 (The Secretary called the roll.)

19 THE SECRETARY: Ayes, 56. Nays,
20 2. Senators Bonacic and Larkin recorded in
21 the negative.

22 ACTING PRESIDENT VALESKY: The
23 bill is passed.

24 THE SECRETARY: In relation to

1 Calendar Number 772, Senator Morahan moves to
2 discharge, from the Committee on Local
3 Government, Assembly Bill Number 6472A and
4 substitute it for the identical Senate Bill
5 Number 3758A, Third Reading Calendar 772.

6 ACTING PRESIDENT VALESKY:
7 Substitution ordered.

8 THE SECRETARY: Calendar Number
9 772, by Member of the Assembly Jaffee,
10 Assembly Print Number 6472A, an act to
11 authorize.

12 ACTING PRESIDENT VALESKY: Read
13 the last section.

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

16 ACTING PRESIDENT VALESKY: Call
17 the roll.

18 (The Secretary called the roll.)

19 THE SECRETARY: Ayes, 56. Nays,
20 2. Senators Bonacic and Larkin recorded in
21 the negative.

22 ACTING PRESIDENT VALESKY: The
23 bill is passed.

24 THE SECRETARY: In relation to

1 Calendar Number 773, Senator Winner moves to
2 discharge, from the Committee on Rules,
3 Assembly Bill Number 1396 and substitute it
4 for the identical Senate Bill Number 3771,
5 Third Reading Calendar 773.

6 ACTING PRESIDENT VALESKY:
7 Substitution ordered.

8 THE SECRETARY: Calendar Number
9 773, by Member of the Assembly O'Mara,
10 Assembly Print Number 1396, an act to amend
11 Chapter 438 of the Laws of 2008.

12 ACTING PRESIDENT VALESKY: Read
13 the last section.

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

16 ACTING PRESIDENT VALESKY: Call
17 the roll.

18 (The Secretary called the roll.)

19 THE SECRETARY: Ayes, 58.

20 ACTING PRESIDENT VALESKY: The
21 bill is passed.

22 THE SECRETARY: In relation to
23 Calendar Number 774, Senator Bonacic moves to
24 discharge, from the Committee on Environmental

1 Conservation, Assembly Bill Number 5939 and
2 substitute it for the identical Senate Bill
3 Number 3799, Third Reading Calendar 774.

4 ACTING PRESIDENT VALESKY:
5 Substitution ordered.

6 THE SECRETARY: Calendar Number
7 774, by Member of the Assembly Cahill,
8 Assembly Print Number 5939, an act to amend
9 Chapter 271 of the Laws of 2006.

10 ACTING PRESIDENT VALESKY: Read
11 the last section.

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

14 ACTING PRESIDENT VALESKY: Call
15 the roll.

16 (The Secretary called the roll.)

17 THE SECRETARY: Ayes, 58.

18 ACTING PRESIDENT VALESKY: The
19 bill is passed.

20 THE SECRETARY: In relation to
21 Calendar Number 775, Senator Valesky moves to
22 discharge, from the Committee on Rules,
23 Assembly Bill Number 7420A and substitute it
24 for the identical Senate Bill Number 3812A,

1 Third Reading Calendar 775.

2 ACTING PRESIDENT VALESKY:

3 Substitution ordered.

4 THE SECRETARY: Calendar Number
5 775, by Member of the Assembly Magnarelli,
6 Assembly Print Number 7420A, an act to amend
7 the Vehicle and Traffic Law and others.

8 ACTING PRESIDENT VALESKY: There
9 is a home-rule message at the desk.

10 Read the last section.

11 THE SECRETARY: Section 24. This
12 act shall take effect on the 30th day.

13 ACTING PRESIDENT VALESKY: Call
14 the roll.

15 (The Secretary called the roll.)

16 ACTING PRESIDENT VALESKY:
17 Senator DeFrancisco, to explain his vote.

18 SENATOR DeFRANCISCO: Yes, I'm
19 going to vote no.

20 I know these bills are in vogue
21 nowadays, where we use cameras to pick up
22 violators. But I don't think this Orwellian
23 way of law enforcement makes a lot of sense.
24 I think citizens should have a little bit of

1 privacy in what they do.

2 If there's police officers that see
3 these events or eyewitnesses that see people
4 going through lights or whatever they do
5 wrong, you know, they should be prosecuted.

6 But to have cameras installed for
7 this reason just begs the question as to
8 what's the next reason we're going to install
9 cameras to watch people do things.

10 Secondly, this is an enforcement of
11 a running-a-red-light type of offense against
12 the owner. In many instances the owner might
13 not have any clue that an individual is
14 driving the car through a red light or
15 violating it and may not have any control over
16 that individual -- unless we're assuming that
17 owners should know what everyone is doing
18 who's driving their car at any hour of the day
19 or night. So it imposes a penalty on someone
20 who isn't directly responsible for the
21 violation.

22 For those reasons, I vote no.

23 ACTING PRESIDENT VALESKY:

24 Senator DeFrancisco to be recorded in the

1 negative.

2 Announce the results.

3 If those who are voting in the
4 negative on Calendar 775 would please raise
5 your hands.

6 THE SECRETARY: Those recorded in
7 the negative on Calendar Number 775 are
8 Senators DeFrancisco, Little, Morahan, Saland
9 and Volker. Ayes, 53. Nays, 5.

10 ACTING PRESIDENT VALESKY: The
11 bill is passed.

12 If the Secretary would return to
13 Calendar Number 764, I believe Senator
14 Hassell-Thompson wishes to withdraw her
15 lay-aside.

16 THE SECRETARY: Calendar Number
17 764, substituted earlier today by Member of
18 the Assembly Weisenberg, Assembly Print Number
19 7261A, an act to amend the Real Property Tax
20 Law.

21 ACTING PRESIDENT VALESKY: Read
22 the last section.

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

1 ACTING PRESIDENT VALESKY: Call
2 the roll.

3 (The Secretary called the roll.)

4 THE SECRETARY: Ayes, 58.

5 ACTING PRESIDENT VALESKY: The
6 bill is passed.

7 THE SECRETARY: In relation to
8 Calendar Number 776, Senator C. Johnson moves
9 to discharge, from the Committee on Local
10 Government, Assembly Print Number 7664 and
11 substitute it for the identical Senate Bill
12 Number 3822, Third Reading Calendar 776.

13 ACTING PRESIDENT VALESKY:
14 Substitution ordered.

15 THE SECRETARY: Calendar Number
16 776, by Member of the Assembly Weisenberg,
17 Assembly Print Number 7664, an act to amend
18 the Real Property Tax Law.

19 ACTING PRESIDENT VALESKY: Read
20 the last section.

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

23 ACTING PRESIDENT VALESKY: Call
24 the roll.

1 (The Secretary called the roll.)

2 THE SECRETARY: Ayes, 58.

3 ACTING PRESIDENT VALESKY: The
4 bill is passed.

5 THE SECRETARY: In relation to
6 Calendar Number 777, Senator Sampson moves to
7 discharge, from the Committee on Rules,
8 Assembly Bill Number 7260 and substitute it
9 for the identical Senate Bill Number 4088,
10 Third Reading Calendar 777.

11 ACTING PRESIDENT VALESKY:
12 Substitution ordered.

13 THE SECRETARY: Calendar Number
14 777, by Member of the Assembly Weinstein,
15 Assembly Print Number 7260, an act to amend
16 the Civil Practice Law and Rules.

17 ACTING PRESIDENT VALESKY: Read
18 the last section.

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

21 ACTING PRESIDENT VALESKY: Call
22 the roll.

23 (The Secretary called the roll.)

24 THE SECRETARY: Ayes, 58.

1 ACTING PRESIDENT VALESKY: The
2 bill is passed.

3 THE SECRETARY: In relation to
4 Calendar Number 778, Senator Winner moves to
5 discharge, from the Committee on Rules,
6 Assembly Bill Number 7509 and substitute it
7 for the identical Senate Bill Number 4127,
8 Third Reading Calendar 778.

9 ACTING PRESIDENT VALESKY:
10 Substitution ordered.

11 THE SECRETARY: Calendar Number
12 778, by Member of the Assembly O'Mara,
13 Assembly Print Number 7509, an act to amend
14 the Environmental Conservation Law.

15 ACTING PRESIDENT VALESKY: Read
16 the last section.

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

19 ACTING PRESIDENT VALESKY: Call
20 the roll.

21 (The Secretary called the roll.)

22 THE SECRETARY: Ayes, 56. Nays,
23 2. Senators Duane and Serrano recorded in the
24 negative.

1 ACTING PRESIDENT VALESKY: The
2 bill is passed.

3 THE SECRETARY: In relation to
4 Calendar Number 779, Senator McDonald moves to
5 discharge, from the Committee on Corporations,
6 Authorities and Commissions, Assembly Bill
7 Number 7607 and substitute it for the
8 identical Senate Bill Number 4207, Third
9 Reading Calendar 779.

10 ACTING PRESIDENT VALESKY:
11 Substitution ordered.

12 THE SECRETARY: Calendar Number
13 779, by Member of the Assembly Canestrari,
14 Assembly Print Number 7607, an act to amend
15 Chapter 422 of the Laws of 2008.

16 ACTING PRESIDENT VALESKY: Read
17 the last section.

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

20 ACTING PRESIDENT VALESKY: Call
21 the roll.

22 (The Secretary called the roll.)

23 THE SECRETARY: Ayes, 58.

24 ACTING PRESIDENT VALESKY: The

1 bill is passed.

2 THE SECRETARY: In relation to
3 Calendar Number 780, Senator Ranzenhofer moves
4 to discharge, from the Committee on Rules,
5 Assembly Bill Number 7019A and substitute it
6 for the identical Senate Bill Number 4304,
7 Third Reading Calendar 780.

8 ACTING PRESIDENT VALESKY:
9 Substitution ordered.

10 THE SECRETARY: Calendar Number
11 780, by Member of the Assembly Hawley,
12 Assembly Print Number 7019A, an act to amend
13 the Town Law.

14 ACTING PRESIDENT VALESKY: There
15 is a home-rule message at the desk.

16 Read the last section.

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

19 ACTING PRESIDENT VALESKY: Call
20 the roll.

21 (The Secretary called the roll.)

22 THE SECRETARY: Ayes, 58.

23 ACTING PRESIDENT VALESKY: The
24 bill is passed.

1 THE SECRETARY: In relation to
2 Calendar Number 781, Senator Stewart-Cousins
3 moves to discharge, from the Committee on
4 Rules, Assembly Bill Number 5493A and
5 substitute it for the identical Senate Bill
6 Number 4392A, Third Reading Calendar 781.

7 ACTING PRESIDENT VALESKY:
8 Substitution ordered.

9 THE SECRETARY: Calendar Number
10 781, by Member of the Assembly Spano, Assembly
11 Print Number 5493A, an act to amend the
12 Vehicle and Traffic Law.

13 ACTING PRESIDENT VALESKY: There
14 is a home-rule message at the desk.

15 Read the last section.

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

18 ACTING PRESIDENT VALESKY: Call
19 the roll.

20 (The Secretary called the roll.)

21 THE SECRETARY: In relation to
22 Calendar Number 781: Ayes, 57. Nays, 1.
23 Senator Lanza recorded in the negative.

24 ACTING PRESIDENT VALESKY: The

1 bill is passed.

2 THE SECRETARY: In relation to
3 Calendar Number 782, Senator O. Johnson moves
4 to discharge, from the Committee on Rules,
5 Assembly Bill Number 8674 and substitute it
6 for the identical Senate Bill Number 4428,
7 Third Reading Calendar 782.

8 ACTING PRESIDENT VALESKY:
9 Substitution ordered.

10 THE SECRETARY: Calendar Number
11 782, by Member of the Assembly Ramos, Assembly
12 Print Number 8674, an act to authorize.

13 ACTING PRESIDENT VALESKY: Read
14 the last section.

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

17 ACTING PRESIDENT VALESKY: Call
18 the roll.

19 (The Secretary called the roll.)

20 THE SECRETARY: Ayes, 56. Nays,
21 2. Senators Bonacic and Larkin recorded in
22 the negative.

23 ACTING PRESIDENT VALESKY: The
24 bill is passed.

1 THE SECRETARY: In relation to
2 Calendar Number 783, Senator Maziarz moves to
3 discharge, from the Committee on Rules,
4 Assembly Bill Number 7711A and substitute it
5 for the identical Senate Bill Number 4522A,
6 Third Reading Calendar 783.

7 ACTING PRESIDENT VALESKY:
8 Substitution ordered.

9 THE SECRETARY: Calendar Number
10 783, by Member of the Assembly Hawley,
11 Assembly Print Number 7711A, an act to
12 authorize.

13 ACTING PRESIDENT VALESKY: There
14 is a home-rule message at the desk.

15 Read the last section.

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

18 ACTING PRESIDENT VALESKY: Call
19 the roll.

20 (The Secretary called the roll.)

21 THE SECRETARY: Ayes, 58.

22 ACTING PRESIDENT VALESKY: The
23 bill is passed.

24 THE SECRETARY: In relation to

1 Calendar Number 784, Senator Nozzolio moves to
2 discharge, from the Committee on Rules,
3 Assembly Bill Number 7938A and substitute it
4 for the identical Senate Bill Number 4573A,
5 Third Reading Calendar 784.

6 ACTING PRESIDENT VALESKY:
7 Substitution ordered.

8 THE SECRETARY: Calendar Number
9 784, by Member of the Assembly Errigo,
10 Assembly Print Number 7938A, an act to
11 authorize.

12 ACTING PRESIDENT VALESKY: There
13 is a home-rule message at the desk.

14 Read the last section.

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

17 ACTING PRESIDENT VALESKY: Call
18 the roll.

19 (The Secretary called the roll.)

20 THE SECRETARY: Ayes, 58.

21 ACTING PRESIDENT VALESKY: The
22 bill is passed.

23 THE SECRETARY: In relation to
24 Calendar Number 785, Senator Parker moves to

1 discharge, from the Committee on Rules,
2 Assembly Bill Number 7921 and substitute it
3 for the identical Senate Bill Number 4583,
4 Third Reading Calendar 785.

5 ACTING PRESIDENT VALESKY:
6 Substitution ordered.

7 THE SECRETARY: Calendar Number
8 785, by Member of the Assembly Peralta,
9 Assembly Print Number 7921, an act to amend
10 the Banking Law.

11 ACTING PRESIDENT VALESKY: Read
12 the last section.

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

15 ACTING PRESIDENT VALESKY: Call
16 the roll.

17 (The Secretary called the roll.)

18 THE SECRETARY: Ayes, 58.

19 ACTING PRESIDENT VALESKY: The
20 bill is passed.

21 THE SECRETARY: In relation to
22 Calendar Number 786, Senator Bonacic moves to
23 discharge, from the Committee on Local
24 Government, Assembly Print Number 7185A and

1 substitute it for the identical Senate Bill
2 Number 4824, Third Reading Calendar 786.

3 ACTING PRESIDENT VALESKY:
4 Substitution ordered.

5 THE SECRETARY: Calendar Number
6 786, by Member of the Assembly Gunther,
7 Assembly Print Number 7185A, an act to amend
8 Chapter 392 of the Laws of 2003.

9 ACTING PRESIDENT VALESKY: Read
10 the last section.

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

13 ACTING PRESIDENT VALESKY: Call
14 the roll.

15 (The Secretary called the roll.)

16 THE SECRETARY: Ayes, 58.

17 ACTING PRESIDENT VALESKY: The
18 bill is passed.

19 THE SECRETARY: In relation to
20 Calendar Number 787, Senator O. Johnson moves
21 to discharge, from the Committee on Rules,
22 Assembly Bill Number 7893A and substitute it
23 for the identical Senate Bill Number 4849A,
24 Third Reading Calendar 787.

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ACTING PRESIDENT VALESKY:

Substitution ordered.

THE SECRETARY: Calendar Number

787, by Member of the Assembly Sweeney.

Assembly Print Number 7893A, an act to
authorize.

ACTING PRESIDENT VALESKY: Read

the last section.

THE SECRETARY: Section 2. This

act shall take effect immediately.

ACTING PRESIDENT VALESKY: Call

the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT VALESKY: The

bill is passed.

THE SECRETARY: In relation to

Calendar Number 788, Senator Flanagan moves to
discharge, from the Committee on Rules,
Assembly Bill Number 7840A and substitute it
for the identical Senate Bill Number 4862A,
Third Reading Calendar 788.

ACTING PRESIDENT VALESKY:

Substitution ordered.

1 THE SECRETARY: Calendar Number
2 788, by Member of the Assembly Fitzpatrick,
3 Assembly Print Number 7840A, an act in
4 relation to authorizing.

5 ACTING PRESIDENT VALESKY: There
6 is a home-rule message at the desk.

7 Read the last section.

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

10 ACTING PRESIDENT VALESKY: Call
11 the roll.

12 (The Secretary called the roll.)

13 THE SECRETARY: Ayes, 58.

14 ACTING PRESIDENT VALESKY: The
15 bill is passed.

16 THE SECRETARY: In relation to
17 Calendar Number 789, Senator Bonacic moves to
18 discharge, from the Committee on Rules,
19 Assembly Bill Number 8186A and substitute it
20 for the identical Senate Bill Number 4911,
21 Third Reading Calendar 789.

22 ACTING PRESIDENT VALESKY:
23 Substitution ordered.

24 THE SECRETARY: Calendar Number

1 789, by Member of the Assembly Cahill,
2 Assembly Print Number 8186A, an act to amend
3 the Highway Law.

4 ACTING PRESIDENT VALESKY: Read
5 the last section.

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

8 ACTING PRESIDENT VALESKY: Call
9 the roll.

10 (The Secretary called the roll.)

11 THE SECRETARY: Ayes, 58.

12 ACTING PRESIDENT VALESKY: The
13 bill is passed.

14 THE SECRETARY: In relation to
15 Calendar Number 790, Senator Oppenheimer moves
16 to discharge, from the Committee on Local
17 Government, Assembly Print Number 3173 and
18 substitute it for the identical Senate Bill
19 Number 4946, Third Reading Calendar 790.

20 ACTING PRESIDENT VALESKY:
21 Substitution ordered.

22 THE SECRETARY: Calendar Number
23 790, by Member of the Assembly --

24 SENATOR BONACIC: Lay it aside.

1 ACTING PRESIDENT VALESKY: The
2 bill is laid aside.

3 THE SECRETARY: In relation to
4 Calendar Number 791, Senator LaValle moves to
5 discharge, from the Committee on Rules,
6 Assembly Bill Number 7858 and substitute it
7 for the identical Senate Bill Number 4972,
8 Third Reading Calendar 791.

9 ACTING PRESIDENT VALESKY:
10 Substitution ordered.

11 THE SECRETARY: Calendar Number
12 791, by Member of the Assembly Thiele,
13 Assembly Print Number 7858, an act to
14 authorize.

15 ACTING PRESIDENT VALESKY: There
16 is a home-rule message at the desk.

17 Read the last section.

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

20 ACTING PRESIDENT VALESKY: Call
21 the roll.

22 (The Secretary called the roll.)

23 THE SECRETARY: Ayes, 58.

24 ACTING PRESIDENT VALESKY: The

1 bill is passed.

2 THE SECRETARY: In relation to
3 Calendar Number 792, Senator Foley moves to --

4 ACTING PRESIDENT VALESKY: Hold,
5 please. If we could return to Calendar Number
6 791.

7 THE SECRETARY: In relation to
8 Calendar Number 791: Ayes, 57. Nays, 1.
9 Senator Duane recorded in the negative.

10 ACTING PRESIDENT VALESKY: The
11 bill is passed.

12 THE SECRETARY: In relation to
13 Calendar Number 792, Senator Foley moves to
14 discharge, from the Committee on Rules,
15 Assembly Bill Number 8342A and substitute it
16 for the identical Senate Bill Number 4980A,
17 Third Reading Calendar 792.

18 ACTING PRESIDENT VALESKY:
19 Substitution ordered.

20 THE SECRETARY: Calendar Number
21 792, by Member of the Assembly Ramos, Assembly
22 Print Number 8342A, an act in relation to
23 permitting.

24 ACTING PRESIDENT VALESKY: Read

1 the last section.

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

4 ACTING PRESIDENT VALESKY: Call
5 the roll.

6 (The Secretary called the roll.)

7 THE SECRETARY: Ayes, 56. Nays,
8 2. Senators Bonacic and Larkin recorded in
9 the negative.

10 ACTING PRESIDENT VALESKY: The
11 bill is passed.

12 THE SECRETARY: In relation to
13 Calendar Number 793, Senator Leibell moves to
14 discharge, from the Committee on Codes,
15 Assembly Bill Number 8096 and substitute it
16 for the identical Senate Bill Number 5084,
17 Third Reading Calendar 793.

18 ACTING PRESIDENT VALESKY:
19 Substitution ordered.

20 THE SECRETARY: Calendar Number
21 793, by Member of the Assembly Galef, Assembly
22 Print Number 8096, an act to amend the
23 Criminal Procedure Law.

24 ACTING PRESIDENT VALESKY: Read

1 the last section.

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

4 ACTING PRESIDENT VALESKY: Call
5 the roll.

6 (The Secretary called the roll.)

7 THE SECRETARY: Ayes, 58.

8 ACTING PRESIDENT VALESKY: The
9 bill is passed.

10 THE SECRETARY: In relation to
11 Calendar Number 794, Senator Morahan moves to
12 discharge, from the Committee on Rules,
13 Assembly Print Number 2756A and substitute it
14 for the identical Senate Bill Number 5158A,
15 Third Reading Calendar 794.

16 ACTING PRESIDENT VALESKY:
17 Substitution ordered.

18 THE SECRETARY: Calendar Number
19 794, by Member of the Assembly Rabbitt,
20 Assembly Print Number 2756A, an act to
21 authorize.

22 ACTING PRESIDENT VALESKY: Read
23 the last section.

24 THE SECRETARY: Section 2. This

1 act shall take effect immediately.

2 ACTING PRESIDENT VALESKY: Call
3 the roll.

4 (The Secretary called the roll.)

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

7 ACTING PRESIDENT VALESKY: The
8 bill is passed.

9 THE SECRETARY: In relation to
10 Calendar Number 795, Senator Winner moves to
11 discharge, from the Committee on Rules,
12 Assembly Bill Number 7868 and substitute it
13 for the identical Senate Bill Number 5302,
14 Third Reading Calendar 795.

15 ACTING PRESIDENT VALESKY:
16 Substitution ordered.

17 THE SECRETARY: Calendar Number
18 795, by Member of the Assembly O'Mara,
19 Assembly Print Number 7868, an act to amend
20 the Criminal Procedure Law.

21 ACTING PRESIDENT VALESKY: Read
22 the last section.

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

1 ACTING PRESIDENT VALESKY: Call
2 the roll.
3 (The Secretary called the roll.)
4 THE SECRETARY: Ayes, 57. Nays,
5 1. Senator Duane recorded in the negative.
6 ACTING PRESIDENT VALESKY: The
7 bill is passed.
8 THE SECRETARY: In relation to
9 Calendar Number 796, Senator Winner moves to
10 discharge, from the Committee on Rules,
11 Assembly Bill Number 8019A and substitute it
12 for the identical Senate Bill Number 5304A,
13 Third Reading Calendar 796.
14 ACTING PRESIDENT VALESKY:
15 Substitution ordered.
16 THE SECRETARY: Calendar Number
17 796, by Member of the Assembly O'Mara,
18 Assembly Print Number 8019A, an act to
19 authorize.
20 ACTING PRESIDENT VALESKY: There
21 is a home-rule message at the desk.
22 Read the last section.
23 THE SECRETARY: Section 2. This
24 act shall take effect immediately.

1 ACTING PRESIDENT VALESKY: Call
2 the roll.

3 (The Secretary called the roll.)

4 THE SECRETARY: Ayes, 58.

5 ACTING PRESIDENT VALESKY: The
6 bill is passed.

7 THE SECRETARY: In relation to
8 Calendar Number 797, Senator Morahan moves to
9 discharge, from the Committee on Rules,
10 Assembly Bill Number 7579A and substitute it
11 for the identical Senate Bill Number 5309A,
12 Third Reading Calendar 797.

13 ACTING PRESIDENT VALESKY:
14 Substitution ordered.

15 THE SECRETARY: Calendar Number
16 797, by Member of the Assembly Jaffee,
17 Assembly Print Number 7579A, an act to
18 authorize.

19 ACTING PRESIDENT VALESKY: Read
20 the last section.

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

23 ACTING PRESIDENT VALESKY: Call
24 the roll.

1 (The Secretary called the roll.)

2 THE SECRETARY: Ayes, 58.

3 ACTING PRESIDENT VALESKY: The
4 bill is passed.

5 THE SECRETARY: In relation to
6 Calendar Number 798, Senator Morahan moves to
7 discharge, from the Committee on Rules,
8 Assembly Print Number 7580A and substitute it
9 for the identical Senate Print Number 5322A,
10 Third Reading Calendar 798.

11 ACTING PRESIDENT VALESKY:
12 Substitution ordered.

13 THE SECRETARY: Calendar Number
14 798, by Member of the Assembly Jaffee,
15 Assembly Print Number 7580A, an act to
16 authorize.

17 ACTING PRESIDENT VALESKY: Read
18 the last section.

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

21 ACTING PRESIDENT VALESKY: Call
22 the roll.

23 (The Secretary called the roll.)

24 THE SECRETARY: Ayes, 57. Nays,

1 1. Senator Bonacic recorded in the negative.

2 ACTING PRESIDENT VALESKY: The
3 bill is passed.

4 THE SECRETARY: In relation to
5 Calendar Number 799, Senator Morahan moves to
6 discharge, from the Committee on Rules,
7 Assembly Bill Number 2757 and substitute it
8 for the identical Senate Bill Number 5331,
9 Third Reading Calendar 799.

10 ACTING PRESIDENT VALESKY:
11 Substitution ordered.

12 THE SECRETARY: Calendar Number
13 799, by Member of the Assembly Rabbitt,
14 Assembly Print Number 2757, an act to
15 authorize.

16 ACTING PRESIDENT VALESKY: Read
17 the last section.

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

20 ACTING PRESIDENT VALESKY: Call
21 the roll.

22 (The Secretary called the roll.)

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

1 ACTING PRESIDENT VALESKY: The
2 bill is passed.

3 THE SECRETARY: In relation to
4 Calendar Number 800, Senator Morahan moves to
5 discharge, from the Committee on Rules,
6 Assembly Bill Number 7751A and substitute it
7 for the identical Senate Bill Number 5336A,
8 Third Reading Calendar 800.

9 ACTING PRESIDENT VALESKY:
10 Substitution ordered.

11 THE SECRETARY: Calendar Number
12 800, by Member of the Assembly Rabbitt,
13 Assembly Print Number 7751A, an act to
14 authorize.

15 ACTING PRESIDENT VALESKY: Read
16 the last section.

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

19 ACTING PRESIDENT VALESKY: Call
20 the roll.

21 (The Secretary called the roll.)

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

24 ACTING PRESIDENT VALESKY: The

1 bill is passed.

2 THE SECRETARY: In relation to
3 Calendar Number 801, Senator Morahan moves to
4 discharge, from the Committee on Rules,
5 Assembly Bill Number 7750A and substitute it
6 for the identical Senate Bill Number 5337A,
7 Third Reading Calendar 801.

8 ACTING PRESIDENT VALESKY:
9 Substitution ordered.

10 THE SECRETARY: Calendar Number
11 801, by Member of the Assembly Rabbitt,
12 Assembly Print Number 7750A, an act to
13 authorize the Town of Ramapo.

14 ACTING PRESIDENT VALESKY: Read
15 the last section.

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

18 ACTING PRESIDENT VALESKY: Call
19 the roll.

20 (The Secretary called the roll.)

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

23 ACTING PRESIDENT VALESKY: The
24 bill is passed.

1 THE SECRETARY: In relation to
2 Calendar Number 803, Senator LaValle moves to
3 discharge, from the Committee on Judiciary,
4 Assembly Bill Number 7288 and substitute it
5 for the identical Senate Bill Number 5358,
6 Third Reading Calendar 803.

7 ACTING PRESIDENT VALESKY:
8 Substitution ordered.

9 THE SECRETARY: Calendar Number
10 803, by Member of the Assembly Pretlow,
11 Assembly Print Number 7288, an act in relation
12 to authorizing.

13 ACTING PRESIDENT VALESKY: Read
14 the last section.

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

17 ACTING PRESIDENT VALESKY: Call
18 the roll.

19 (The Secretary called the roll.)

20 THE SECRETARY: Ayes, 58.

21 ACTING PRESIDENT VALESKY: The
22 bill is passed.

23 THE SECRETARY: In relation to
24 Calendar Number 804, Senator Volker moves to

1 discharge, from the Committee on Rules,
2 Assembly Bill Number 8132 and substitute it
3 for the identical Senate Bill Number 5362,
4 Third Reading Calendar 804.

5 ACTING PRESIDENT VALESKY:
6 Substitution ordered.

7 THE SECRETARY: Calendar Number
8 804, by Member of the Assembly Errigo,
9 Assembly Print Number 8132, an act to
10 authorize the funding.

11 ACTING PRESIDENT VALESKY: Read
12 the last section.

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

15 ACTING PRESIDENT VALESKY: Call
16 the roll.

17 (The Secretary called the roll.)

18 THE SECRETARY: Ayes, 58.

19 ACTING PRESIDENT VALESKY: The
20 bill is passed.

21 THE SECRETARY: In relation to
22 Calendar Number 805, Senator Libous moves to
23 discharge, from the Committee on Rules,
24 Assembly Bill Number 8020A and substitute it

1 for the identical Senate Bill Number 5397A,
2 Third Reading Calendar 805.

3 ACTING PRESIDENT VALESKY:
4 Substitution ordered.

5 THE SECRETARY: Calendar Number
6 805, by Member of the Assembly O'Mara,
7 Assembly Print Number 8020A, an act to
8 authorize.

9 ACTING PRESIDENT VALESKY: There
10 is a home-rule message at the desk.

11 Read the last section.

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

14 ACTING PRESIDENT VALESKY: Call
15 the roll.

16 (The Secretary called the roll.)

17 THE SECRETARY: Ayes, 58.

18 ACTING PRESIDENT VALESKY: The
19 bill is passed.

20 THE SECRETARY: In relation to
21 Calendar Number 806, Senator Valesky moves to
22 discharge, from the Committee on Rules,
23 Assembly Bill Number 8017 and substitute it
24 for the identical Senate Bill Number 5405,

1 Third Reading Calendar 806.

2 ACTING PRESIDENT VALESKY:

3 Substitution ordered.

4 THE SECRETARY: Calendar Number
5 806, by Member of the Assembly Magee, Assembly
6 Print Number 8017, an act to amend Chapter 342
7 of the Laws of 2005.

8 ACTING PRESIDENT VALESKY: Read
9 the last section.

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

12 ACTING PRESIDENT VALESKY: Call
13 the roll.

14 (The Secretary called the roll.)

15 THE SECRETARY: Ayes, 58.

16 ACTING PRESIDENT VALESKY: The
17 bill is passed.

18 THE SECRETARY: In relation to
19 Calendar Number 807, Senator Klein moves to
20 discharge, from the Committee on Rules,
21 Assembly Bill Number 8114A and substitute it
22 for the identical Senate Bill Number 5436A,
23 Third Reading Calendar 807.

24 ACTING PRESIDENT VALESKY:

1 Substitution ordered.

2 THE SECRETARY: Calendar Number
3 807, by Member of the Assembly Canestrari,
4 Assembly Print Number 8114A, an act to amend
5 the Public Authorities Law.

6 ACTING PRESIDENT VALESKY: Read
7 the last section.

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

10 ACTING PRESIDENT VALESKY: Call
11 the roll.

12 (The Secretary called the roll.)

13 THE SECRETARY: Ayes, 58.

14 ACTING PRESIDENT VALESKY: The
15 bill is passed.

16 THE SECRETARY: In relation to
17 Calendar Number 808, Senator Addabbo moves to
18 discharge, from the Committee on Rules,
19 Assembly Bill Number 5651A and substitute it
20 for the identical Senate Bill Number 5443A,
21 Third Reading Calendar 808.

22 ACTING PRESIDENT VALESKY:
23 Substitution ordered.

24 THE SECRETARY: Calendar Number

1 808, by Member of the Assembly Pheffer,
2 Assembly Print Number 5651A, an act
3 authorizing the City of New York.

4 ACTING PRESIDENT VALESKY: There
5 is a home-rule message at the desk.

6 Read the last section.

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

9 ACTING PRESIDENT VALESKY: Call
10 the roll.

11 (The Secretary called the roll.)

12 THE SECRETARY: Ayes, 58.

13 ACTING PRESIDENT VALESKY: The
14 bill is passed.

15 THE SECRETARY: In relation to
16 Calendar Number 809, Senator Duane moves to
17 discharge, from the Committee on Rules,
18 Assembly Bill Number 8573 and substitute it
19 for the identical Senate Bill Number 5450,
20 Third Reading Calendar 809.

21 ACTING PRESIDENT VALESKY:
22 Substitution ordered.

23 THE SECRETARY: Calendar Number
24 809, by Member of the Assembly Rosenthal,

1 Assembly Print Number 8573, an act to amend
2 the New York State Medical Care Facilities
3 Finance Agency Act.

4 ACTING PRESIDENT VALESKY: Read
5 the last section.

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

8 ACTING PRESIDENT VALESKY: Call
9 the roll.

10 (The Secretary called the roll.)

11 THE SECRETARY: Ayes, 58.

12 ACTING PRESIDENT VALESKY: The
13 bill is passed.

14 THE SECRETARY: In relation to
15 Calendar Number 810, Senator Larkin moves to
16 discharge, from the Committee on Rules,
17 Assembly Bill Number 8272 and substitute it
18 for the identical Senate Bill Number 5458,
19 Third Reading Calendar 810.

20 ACTING PRESIDENT VALESKY:
21 Substitution ordered.

22 THE SECRETARY: Calendar Number
23 810, by Member of the Assembly Skartados,
24 Assembly Print Number 8272, an act to

1 authorize.

2 ACTING PRESIDENT VALESKY: There
3 is a home-rule message at the desk.

4 Read the last section.

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

7 ACTING PRESIDENT VALESKY: Call
8 the roll.

9 (The Secretary called the roll.)

10 THE SECRETARY: Ayes, 58.

11 ACTING PRESIDENT VALESKY: The
12 bill is passed.

13 THE SECRETARY: In relation to
14 Calendar Number 811, Senator Libous moves to
15 discharge, from the Committee on Rules,
16 Assembly Bill Number 8286 and substitute it
17 for the identical Senate Bill Number 5490,
18 Third Reading Calendar 811.

19 ACTING PRESIDENT VALESKY:
20 Substitution ordered.

21 THE SECRETARY: Calendar Number
22 811, by Member of the Assembly Crouch,
23 Assembly Print Number 8286, an act to
24 authorize.

1 ACTING PRESIDENT VALESKY: There
2 is a home-rule message at the desk.

3 Read the last section.

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

6 ACTING PRESIDENT VALESKY: Call
7 the roll.

8 (The Secretary called the roll.)

9 THE SECRETARY: Ayes, 58.

10 ACTING PRESIDENT VALESKY: The
11 bill is passed.

12 THE SECRETARY: In relation to
13 Calendar Number 812, Senator DeFrancisco moves
14 to discharge, from the Committee on Rules,
15 Assembly Bill Number 8379A and substitute it
16 for the identical Senate Bill Number 5506A,
17 Third Reading Calendar 812.

18 ACTING PRESIDENT VALESKY:
19 Substitution ordered.

20 THE SECRETARY: Calendar Number
21 812, by Member of the Assembly Barclay,
22 Assembly Print Number 8379A, an act to amend
23 Chapter 607 of the Laws of 2004.

24 ACTING PRESIDENT VALESKY: There

1 is a home-rule message at the desk.

2 Read the last section.

3 SENATOR DUANE: Lay it aside.

4 ACTING PRESIDENT VALESKY: The
5 bill is laid aside.

6 THE SECRETARY: In relation to
7 Calendar Number 813, Senator Savino moves to
8 discharge, from the Committee on Rules,
9 Assembly Bill Number 7993 and substitute it
10 for the identical Senate Bill Number 5541,
11 Third Reading Calendar 813.

12 ACTING PRESIDENT VALESKY:
13 Substitution ordered.

14 THE SECRETARY: Calendar Number
15 813, by Member of the Assembly Abbate,
16 Assembly Print Number 7993, an act to amend
17 the Retirement and Social Security Law.

18 ACTING PRESIDENT VALESKY: Read
19 the last section.

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

22 ACTING PRESIDENT VALESKY: Call
23 the roll.

24 (The Secretary called the roll.)

1 THE SECRETARY: Ayes, 58.

2 ACTING PRESIDENT VALESKY: The
3 bill is passed.

4 THE SECRETARY: In relation to
5 Calendar Number 814, Senator Farley moves to
6 discharge, from the Committee on Rules,
7 Assembly Bill Number 8354 and substitute it
8 for the identical Senate Bill Number 5555,
9 Third Reading Calendar 814.

10 ACTING PRESIDENT VALESKY:
11 Substitution ordered.

12 THE SECRETARY: Calendar Number
13 814, by Member of the Assembly Amedore,
14 Assembly Print Number 8354, an act to amend
15 the Criminal Procedure Law.

16 ACTING PRESIDENT VALESKY: Read
17 the last section.

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

20 ACTING PRESIDENT VALESKY: Call
21 the roll.

22 (The Secretary called the roll.)

23 THE SECRETARY: Ayes, 58.

24 ACTING PRESIDENT VALESKY: The

1 bill is passed.

2 THE SECRETARY: In relation to
3 Calendar Number 815, Senator Fuschillo moves
4 to discharge, from the Committee on Rules,
5 Assembly Bill Number 8356 and substitute it
6 for the identical Senate Bill Number 5556,
7 Third Reading Calendar 815.

8 ACTING PRESIDENT VALESKY:
9 Substitution ordered.

10 THE SECRETARY: Calendar Number
11 815, by Member of the Assembly Walker,
12 Assembly Print Number 8356, an act in relation
13 to a real property tax exemption.

14 ACTING PRESIDENT VALESKY: Read
15 the last section.

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

18 ACTING PRESIDENT VALESKY: Call
19 the roll.

20 (The Secretary called the roll.)

21 THE SECRETARY: Ayes, 58.

22 ACTING PRESIDENT VALESKY: The
23 bill is passed.

24 THE SECRETARY: In relation to

1 Calendar Number 816, Senator Libous moves to
2 discharge, from the Committee on Rules,
3 Assembly Bill Number 8370 and substitute it
4 for the identical Senate Bill Number 5581,
5 Third Reading Calendar 816.

6 ACTING PRESIDENT VALESKY:
7 Substitution ordered.

8 THE SECRETARY: Calendar Number
9 816, by Member of the Assembly Lupardo,
10 Assembly Print Number 8370, an act to
11 authorize.

12 ACTING PRESIDENT VALESKY: Read
13 the last section.

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

16 ACTING PRESIDENT VALESKY: Call
17 the roll.

18 (The Secretary called the roll.)

19 THE SECRETARY: Ayes, 58.

20 ACTING PRESIDENT VALESKY: The
21 bill is passed.

22 THE SECRETARY: In relation to
23 Calendar Number 817, Senator Larkin moves to
24 discharge, from the Committee on Rules,

1 Assembly Bill Number 8600 and substitute it
2 for the identical Senate Bill Number 5602,
3 Third Reading Calendar 817.

4 ACTING PRESIDENT VALESKY:
5 Substitution ordered.

6 THE SECRETARY: Calendar Number
7 817, by Member of the Assembly Rabbitt,
8 Assembly Print Number 8600, an act to
9 authorize the Village of Monroe.

10 ACTING PRESIDENT VALESKY: There
11 is a home-rule message at the desk.

12 Read the last section.

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

15 ACTING PRESIDENT VALESKY: Call
16 the roll.

17 (The Secretary called the roll.)

18 THE SECRETARY: Ayes, 58.

19 ACTING PRESIDENT VALESKY: The
20 bill is passed.

21 THE SECRETARY: In relation to
22 Calendar Number 818, Senator McDonald moves to
23 discharge, from the Committee on Rules,
24 Assembly Print Number 8588 and substitute it

1 for the identical Senate Bill Number 5654,
2 Third Reading Calendar 818.

3 SENATOR MONTGOMERY: Lay it
4 aside.

5 ACTING PRESIDENT VALESKY:
6 Substitution ordered, and the bill is laid
7 aside.

8 THE SECRETARY: In relation to
9 Calendar Number 819, Senator McDonald moves to
10 discharge, from the Committee on Rules,
11 Assembly Bill Number 8589 and substitute it
12 for the identical Senate Bill Number 5655,
13 Third Reading Calendar 819.

14 ACTING PRESIDENT VALESKY:
15 Substitution ordered.

16 THE SECRETARY: Calendar Number
17 819, by Member of the Assembly Gordon,
18 Assembly Print Number 8589, an act to
19 legalize, validate, ratify and confirm.

20 ACTING PRESIDENT VALESKY: There
21 is a home-rule message at the desk.

22 Read the last section.

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

1 ACTING PRESIDENT VALESKY: Call
2 the roll.

3 (The Secretary called the roll.)

4 THE SECRETARY: Ayes, 58.

5 ACTING PRESIDENT VALESKY: The
6 bill is passed.

7 THE SECRETARY: In relation to
8 Calendar Number 820, Senator Larkin moves to
9 discharge, from the Committee on Rules,
10 Assembly Bill Number 8669 and substitute it
11 for the identical Senate Bill Number 5703,
12 Third Reading Calendar 820.

13 ACTING PRESIDENT VALESKY:
14 Substitution ordered.

15 THE SECRETARY: Calendar Number
16 820, by Member of the Assembly Rabbitt,
17 Assembly Print Number 8669, an act to amend
18 the Town Law.

19 ACTING PRESIDENT VALESKY: Read
20 the last section.

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

23 ACTING PRESIDENT VALESKY: Call
24 the roll.

1 (The Secretary called the roll.)

2 THE SECRETARY: Ayes, 58.

3 ACTING PRESIDENT VALESKY: The
4 bill is passed.

5 THE SECRETARY: In relation to
6 Calendar Number 821, Senator Oppenheimer moves
7 to discharge, from the Committee on Rules,
8 Assembly Bill Number 8580 and substitute it
9 for the identical Senate Bill Number 5713,
10 Third Reading Calendar 821.

11 ACTING PRESIDENT VALESKY:
12 Substitution ordered.

13 THE SECRETARY: Calendar Number
14 821, by Member of the Assembly Bradley,
15 Assembly Print Number 8580, an act to amend
16 the County Law.

17 ACTING PRESIDENT VALESKY: There
18 is a home-rule message at the desk.

19 Read the last section.

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

22 ACTING PRESIDENT VALESKY: Call
23 the roll.

24 (The Secretary called the roll.)

1 THE SECRETARY: Ayes, 58.

2 ACTING PRESIDENT VALESKY: The
3 bill is passed.

4 THE SECRETARY: In relation to
5 Calendar Number 822, Senator Oppenheimer moves
6 to discharge, from the Committee on Rules,
7 Assembly Bill Number 8637 and substitute it
8 for the identical Senate Bill Number 5730,
9 Third Reading Calendar 822.

10 ACTING PRESIDENT VALESKY:
11 Substitution ordered.

12 THE SECRETARY: Calendar Number
13 822, by Member of the Assembly Latimer,
14 Assembly Print Number 8637, an act to amend
15 the Criminal Procedure Law.

16 ACTING PRESIDENT VALESKY: Read
17 the last section.

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

20 ACTING PRESIDENT VALESKY: Call
21 the roll.

22 (The Secretary called the roll.)

23 THE SECRETARY: Ayes, 57. Nays,
24 1. Senator Duane recorded in the negative.

1 ACTING PRESIDENT VALESKY: The
2 bill is passed.

3 THE SECRETARY: In relation to
4 Calendar Number 823, Senator Saland moves to
5 discharge, from the Committee on Rules,
6 Assembly Bill Number 8661 and substitute it
7 for the identical Senate Bill Number 5735,
8 Third Reading Calendar 823.

9 ACTING PRESIDENT VALESKY:
10 Substitution ordered.

11 THE SECRETARY: Calendar Number
12 823, by Member of the Assembly Molinaro,
13 Assembly Print Number 8661, an act to
14 authorize the Town of Austerlitz.

15 ACTING PRESIDENT VALESKY: There
16 is a home-rule message at the desk.

17 Read the last section.

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

20 ACTING PRESIDENT VALESKY: Call
21 the roll.

22 (The Secretary called the roll.)

23 THE SECRETARY: Ayes, 58.

24 ACTING PRESIDENT VALESKY: The

1 bill is passed.

2 THE SECRETARY: In relation to
3 Calendar Number 825, Senator Valesky moves to
4 discharge, from the Committee on Commerce,
5 Economic Development and Small Business,
6 Assembly Print Number 7368 and substitute it
7 for the identical Senate Bill Number 5749,
8 Third Reading Calendar 825.

9 ACTING PRESIDENT VALESKY:
10 Substitution ordered.

11 THE SECRETARY: Calendar Number
12 825, by Member of the Assembly Schimminger,
13 Assembly Print Number 7368, an act to amend
14 Chapter 192 of the Laws of 2003.

15 ACTING PRESIDENT VALESKY: Read
16 the last section.

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

19 ACTING PRESIDENT VALESKY: Call
20 the roll.

21 (The Secretary called the roll.)

22 THE SECRETARY: In relation to
23 Calendar Number 825: Ayes, 57. Nays, 1.
24 Senator Dilan recorded in the negative.

1 ACTING PRESIDENT VALESKY: The
2 bill is passed.

3 THE SECRETARY: In relation to
4 Calendar Number 826, Senator Leibell moves to
5 discharge, from the Committee on Rules,
6 Assembly Bill Number 8387A and substitute it
7 for the identical Senate Bill Number 5762A,
8 Third Reading Calendar 826.

9 ACTING PRESIDENT VALESKY:
10 Substitution ordered.

11 THE SECRETARY: Calendar Number
12 826, by Member of the Assembly Bradley,
13 Assembly Print Number 8387A, an act in
14 relation to creating.

15 ACTING PRESIDENT VALESKY: Read
16 the last section.

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

19 ACTING PRESIDENT VALESKY: Call
20 the roll.

21 (The Secretary called the roll.)

22 THE SECRETARY: Ayes, 58.

23 ACTING PRESIDENT VALESKY: The
24 bill is passed.

1 THE SECRETARY: In relation to
2 Calendar Number 827, Senator Leibell moves to
3 discharge, from the Committee on Rules,
4 Assembly Bill Number 8097 and substitute it
5 for the identical Senate Bill Number 5763,
6 Third Reading Calendar 827.

7 ACTING PRESIDENT VALESKY:
8 Substitution ordered.

9 THE SECRETARY: Calendar Number
10 827, by Member of the Assembly Galef, Assembly
11 Print Number 8097, an act to authorize.

12 ACTING PRESIDENT VALESKY: Read
13 the last section.

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

16 ACTING PRESIDENT VALESKY: Call
17 the roll.

18 (The Secretary called the roll.)

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

21 ACTING PRESIDENT VALESKY: The
22 bill is passed.

23 THE SECRETARY: In relation to
24 Calendar Number 828, Senator Marcellino moves

1 to discharge, from the Committee on Rules,
2 Assembly Bill Number 8729A and substitute it
3 for the identical Senate Bill Number 5769A,
4 Third Reading Calendar 828.

5 ACTING PRESIDENT VALESKY:
6 Substitution ordered.

7 THE SECRETARY: Calendar Number
8 828, by Member of the Assembly Lavine,
9 Assembly Print Number 8729A, an act to amend
10 the Public Authorities Law.

11 ACTING PRESIDENT VALESKY: Read
12 the last section.

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

15 ACTING PRESIDENT VALESKY: Call
16 the roll.

17 (The Secretary called the roll.)

18 THE SECRETARY: Ayes, 58.

19 ACTING PRESIDENT VALESKY: The
20 bill is passed.

21 THE SECRETARY: In relation to
22 Calendar Number 829, Senator Little moves to
23 discharge, from the Committee on Rules,
24 Assembly Bill Number 8725 and substitute it

1 for the identical Senate Bill Number 5780,
2 Third Reading Calendar 829.

3 ACTING PRESIDENT VALESKY:
4 Substitution ordered.

5 THE SECRETARY: Calendar Number
6 829, by Member of the Assembly Jordan,
7 Assembly Print Number 8725, an act to
8 legalize, validate, ratify and confirm.

9 ACTING PRESIDENT VALESKY: Read
10 the last section.

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

13 ACTING PRESIDENT VALESKY: Call
14 the roll.

15 (The Secretary called the roll.)

16 THE SECRETARY: Ayes, 57. Nays,
17 1. Senator Dilan recorded in the negative.

18 ACTING PRESIDENT VALESKY: The
19 bill is passed.

20 THE SECRETARY: In relation to
21 Calendar Number 830, Senator Serrano moves to
22 discharge, from the Committee on Rules,
23 Assembly Bill Number 8599A and substitute it
24 for the identical Senate Bill Number 5810A,

1 Third Reading Calendar 830.

2 ACTING PRESIDENT VALESKY:

3 Substitution ordered.

4 THE SECRETARY: Calendar Number
5 830, by Member of the Assembly Powell,
6 Assembly Print Number 8599A, an act to amend
7 the Public Authorities Law.

8 ACTING PRESIDENT VALESKY: Read
9 the last section.

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

12 ACTING PRESIDENT VALESKY: Call
13 the roll.

14 (The Secretary called the roll.)

15 THE SECRETARY: Ayes, 58.

16 ACTING PRESIDENT VALESKY: The
17 bill is passed.

18 THE SECRETARY: In relation to
19 Calendar Number 831, Senator Libous moves to
20 discharge, from the Committee on Rules,
21 Assembly Bill Number 8774 and substitute it
22 for the identical Senate Bill Number 5816,
23 Third Reading Calendar 831.

24 ACTING PRESIDENT VALESKY:

1 Substitution ordered.

2 THE SECRETARY: Calendar Number
3 831, by Member of the Assembly Crouch,
4 Assembly Print Number 8774, an act to
5 authorize the Village of New Berlin.

6 ACTING PRESIDENT VALESKY: There
7 is a home-rule message at the desk.

8 Read the last section.

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

11 ACTING PRESIDENT VALESKY: Call
12 the roll.

13 (The Secretary called the roll.)

14 THE SECRETARY: Ayes, 58.

15 ACTING PRESIDENT VALESKY: The
16 bill is passed.

17 THE SECRETARY: In relation to
18 Calendar Number 832, Senator Bonacic moves to
19 discharge, from the Committee on Rules,
20 Assembly Bill Number 8767A and substitute it
21 for the identical Senate Bill Number 5828A,
22 Third Reading Calendar 832.

23 ACTING PRESIDENT VALESKY:
24 Substitution ordered.

1 THE SECRETARY: Calendar Number
2 832, by Member of the Assembly Gunther,
3 Assembly Print Number 8767A, an act to amend
4 the Tax Law.

5 ACTING PRESIDENT VALESKY: Read
6 the last section.

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

9 ACTING PRESIDENT VALESKY: Call
10 the roll.

11 (The Secretary called the roll.)

12 ACTING PRESIDENT VALESKY:
13 Senator Bonacic, to explain his vote.

14 SENATOR BONACIC: This
15 legislation we believe will create 1500 jobs
16 in Sullivan County over a three-year period.

17 I want to thank Senator Klein, who
18 worked with me to help advance this
19 legislation.

20 I'm going to vote in the
21 affirmative. Thank you.

22 ACTING PRESIDENT VALESKY:
23 Senator Bonacic to be recorded in the
24 affirmative.

1 The Secretary will announce the
2 results.

3 THE SECRETARY: Ayes, 58. Nays,
4 0.

5 ACTING PRESIDENT VALESKY: The
6 bill is passed.

7 THE SECRETARY: In relation to
8 Calendar Number 833, Senator Huntley moves to
9 discharge, from the Committee on Rules,
10 Assembly Bill Number 8768 and substitute it
11 for the identical Senate Bill Number 5830,
12 Third Reading Calendar 833.

13 ACTING PRESIDENT VALESKY:
14 Substitution ordered.

15 THE SECRETARY: Calendar Number
16 833, by Member of the Assembly Rivera,
17 Assembly Print Number 8768, an act to amend
18 the Public Authorities Law.

19 ACTING PRESIDENT VALESKY: Read
20 the last section.

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

23 ACTING PRESIDENT VALESKY: Call
24 the roll.

1 (The Secretary called the roll.)

2 THE SECRETARY: Ayes, 58.

3 ACTING PRESIDENT VALESKY: The
4 bill is passed.

5 THE SECRETARY: In relation to
6 Calendar Number 834, Senator Farley moves to
7 discharge, from the Committee on Rules,
8 Assembly Bill Number 4421A and substitute it
9 for the identical Senate Bill Number 5840,
10 Reading Calendar 834.

11 ACTING PRESIDENT VALESKY:
12 Substitution ordered.

13 THE SECRETARY: Calendar Number
14 834, by Member of the Assembly Butler,
15 Assembly Print Number 4421A, an act to amend
16 Chapter 148 of the Laws of 2001.

17 ACTING PRESIDENT VALESKY: There
18 is a home-rule message at the desk.

19 Read the last section.

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

22 ACTING PRESIDENT VALESKY: Call
23 the roll.

24 (The Secretary called the roll.)

1 THE SECRETARY: Ayes, 58.

2 ACTING PRESIDENT VALESKY: The
3 bill is passed.

4 THE SECRETARY: In relation to
5 Calendar Number 835, Senator Libous moves to
6 discharge, from the Committee on Rules,
7 Assembly Bill Number 8890 and substitute it
8 for the identical Senate Bill Number 5867A,
9 Third Reading Calendar 835.

10 ACTING PRESIDENT VALESKY:
11 Substitution ordered.

12 THE SECRETARY: Calendar Number
13 835, by Member of the Assembly Lupardo,
14 Assembly Print Number 8890, an act in relation
15 to creating.

16 ACTING PRESIDENT VALESKY: Read
17 the last section.

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

20 ACTING PRESIDENT VALESKY: Call
21 the roll.

22 (The Secretary called the roll.)

23 THE SECRETARY: Ayes, 58.

24 ACTING PRESIDENT VALESKY: The

1 bill is passed.

2 THE SECRETARY: In relation to
3 Calendar Number 836, Senator LaValle moves to
4 discharge, from the Committee on Rules,
5 Assembly Print Number 8368A and substitute it
6 for the identical Senate Bill Number 5899,
7 Third Reading Calendar 836.

8 ACTING PRESIDENT VALESKY:
9 Substitution ordered.

10 THE SECRETARY: Calendar Number
11 836, by Member of the Assembly Alessi,
12 Assembly Print Number 8368A, an act to amend
13 Chapter 924 of the Laws of 1941.

14 ACTING PRESIDENT VALESKY: Read
15 the last section.

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

18 ACTING PRESIDENT VALESKY: Call
19 the roll.

20 (The Secretary called the roll.)

21 THE SECRETARY: Ayes, 58.

22 ACTING PRESIDENT VALESKY: The
23 bill is passed.

24 THE SECRETARY: In relation to

1 Calendar Number 837, Senator Morahan moves to
2 discharge, from the Committee on Rules,
3 Assembly Bill Number 8815 and substitute it
4 for the identical Senate Bill Number 5903,
5 Third Reading Calendar 837.

6 ACTING PRESIDENT VALESKY:
7 Substitution ordered.

8 THE SECRETARY: Calendar Number
9 837, by Member of the Assembly Zebrowski,
10 Assembly Print Number 8815, an act to amend
11 the Town Law.

12 ACTING PRESIDENT VALESKY: Read
13 the last section.

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

16 ACTING PRESIDENT VALESKY: Call
17 the roll.

18 (The Secretary called the roll.)

19 THE SECRETARY: Ayes, 58.

20 ACTING PRESIDENT VALESKY: The
21 bill is passed.

22 THE SECRETARY: In relation to
23 Calendar Number 838, Senator Morahan moves to
24 discharge, from the Committee on Rules,

1 Assembly Bill Number 7773A and substitute it
2 for the identical Senate Bill Number 5904,
3 Third Reading Calendar 838.

4 ACTING PRESIDENT VALESKY:
5 Substitution ordered.

6 THE SECRETARY: Calendar Number
7 838, by Member of the Assembly Rabbitt,
8 Assembly Print Number 7773A, an act to
9 authorize.

10 ACTING PRESIDENT VALESKY: Read
11 the last section.

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

14 ACTING PRESIDENT VALESKY: Call
15 the roll.

16 (The Secretary called the roll.)

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

19 ACTING PRESIDENT VALESKY: The
20 bill is passed.

21 THE SECRETARY: In relation to
22 Calendar Number 839, Senator Morahan moves to
23 discharge, from the Committee on Rules,
24 Assembly Bill Number 7775A and substitute it

1 for the identical Senate Bill Number 5905,
2 Third Reading Calendar 839.

3 ACTING PRESIDENT VALESKY:
4 Substitution ordered.

5 THE SECRETARY: Calendar Number
6 839, by Member of the Assembly Rabbitt,
7 Assembly Print Number 7775A, an act to
8 authorize the Town of Ramapo.

9 ACTING PRESIDENT VALESKY: Read
10 the last section.

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

13 ACTING PRESIDENT VALESKY: Call
14 the roll.

15 (The Secretary called the roll.)

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

18 ACTING PRESIDENT VALESKY: The
19 bill is passed.

20 THE SECRETARY: Calendar Number
21 840, by Senator Foley, Senate Print 5948, an
22 act to amend the Real Property Tax Law.

23 ACTING PRESIDENT VALESKY: Read
24 the last section.

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

3 ACTING PRESIDENT VALESKY: Call
4 the roll.

5 (The Secretary called the roll.)

6 THE SECRETARY: Ayes, 58.

7 ACTING PRESIDENT VALESKY: The
8 bill is passed.

9 THE SECRETARY: In relation to
10 Calendar Number 841, Senator Aubertine moves
11 to discharge, from the Committee on Rules,
12 Assembly Bill Number 8967 and substitute it
13 for the identical Senate Bill Number 5951,
14 Third Reading Calendar 841.

15 ACTING PRESIDENT VALESKY:
16 Substitution ordered.

17 THE SECRETARY: Calendar Number
18 841, by Member of the Assembly Russell,
19 Assembly Print Number 8967, an act to
20 legalize, validate, ratify and confirm.

21 ACTING PRESIDENT VALESKY: There
22 is a home-rule message at the desk.

23 Read the last section.

24 THE SECRETARY: Section 2. This

1 act shall take effect immediately.

2 ACTING PRESIDENT VALESKY: Call
3 the roll.

4 (The Secretary called the roll.)

5 THE SECRETARY: Ayes, 58.

6 ACTING PRESIDENT VALESKY: The
7 bill is passed.

8 THE SECRETARY: In relation to
9 Calendar Number 842 --

10 SENATOR YOUNG: Lay it aside.

11 ACTING PRESIDENT VALESKY: Could
12 we take the substitution up first, please.

13 THE SECRETARY: In relation to
14 Calendar Number 842, Senator Schneiderman
15 moves to discharge, from the Committee on
16 Rules, Assembly Bill Number 8956A and
17 substitute it for the identical Senate Bill
18 Number 6003A, Third Reading Calendar 842.

19 ACTING PRESIDENT VALESKY:
20 Substitution ordered, and the bill is laid
21 aside.

22 Senator Klein, that completes the
23 noncontroversial reading of the active bills
24 on Senate Calendar Number 61.

1 The Secretary will return and put
2 Calendar Number 644 before the house. I
3 believe Senator Hannon is withdrawing his
4 lay-aside.

5 THE SECRETARY: Calendar Number
6 644, by Senator Klein, Senate Print 5622, an
7 act to amend Part R-1 of Chapter 57 of the
8 Laws of 2009.

9 ACTING PRESIDENT VALESKY: Read
10 the last section.

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

13 ACTING PRESIDENT VALESKY: Call
14 the roll.

15 (The Secretary called the roll.)

16 THE SECRETARY: Ayes, 58.

17 ACTING PRESIDENT VALESKY: The
18 bill is passed.

19 Senator Klein.

20 SENATOR KLEIN: Mr. President,
21 concerning Calendar 842, Senator
22 Schneiderman's bill, can we lay the bill aside
23 temporarily.

24 ACTING PRESIDENT VALESKY: That

1 bill has already been laid aside, Senator
2 Klein, I believe by Senator Young.

3 ACTING PRESIDENT STEWART-COUSINS:
4 Senator Klein.

5 SENATOR KLEIN: Madam President,
6 at this time can we take up a reading of the
7 controversial calendar.

8 ACTING PRESIDENT STEWART-COUSINS:
9 If the Secretary would please ring the bells,
10 members are all asked to come to the chamber
11 for the controversial reading of active bills
12 on the calendar.

13 The Secretary will read.

14 THE SECRETARY: Calendar Number
15 78, by Member of the Assembly Clark, Assembly
16 Print Number 1968, an act in relation --

17 SENATOR KLEIN: Lay the bill
18 aside for the day, please.

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

21 THE SECRETARY: Calendar Number
22 377, by Member of the Assembly Millman,
23 Assembly Print Number 301, an act to amend the
24 Public Health Law and the Insurance Law.

1 ACTING PRESIDENT STEWART-COUSINS:

2 Read the last section.

3 SENATOR LIBOUS: Explanation.

4 SENATOR DUANE: Lay it aside for
5 the day, please.

6 ACTING PRESIDENT STEWART-COUSINS:

7 The bill is laid aside for the day.

8 The Secretary will read.

9 THE SECRETARY: Calendar Number
10 396, substituted earlier today by Member of
11 the Assembly Galef, Assembly Print Number
12 7347, an act to amend the Election Law.

13 ACTING PRESIDENT STEWART-COUSINS:

14 Read the last section.

15 SENATOR LIBOUS: Explanation,
16 please.

17 ACTING PRESIDENT STEWART-COUSINS:

18 An explanation has been requested.

19 SENATOR LIZ KRUEGER: Thank you,
20 Madam President.

21 This bill adds the words "writing
22 in a letter, telefax or other written
23 instrument" to Election Law --

24 SENATOR LIBOUS: Madam President.

1 ACTING PRESIDENT STEWART-COUSINS:
2 Senator Libous.

3 SENATOR LIBOUS: Madam President,
4 I'm sorry, but Senator Krueger, we can't hear
5 you at all over here.

6 SENATOR LIZ KRUEGER: I will try
7 to speak up for you, Senator Libous.

8 SENATOR LIBOUS: Thank you.
9 We're very anxious to hear what you have to
10 say, and we really want to hear.

11 SENATOR LIZ KRUEGER: And I'm
12 anxious to share with you.

13 ACTING PRESIDENT STEWART-COUSINS:
14 Senator Krueger.

15 SENATOR LIZ KRUEGER: Thank you,
16 Madam President.

17 This bill adds the words "writing
18 in a letter, telefax or other written
19 instrument" to Election Law Section 8-400,
20 paragraph 2, paragraph D.

21 What it does, it allows voters to
22 request an absentee ballot not only by
23 appearing in person or through a written
24 letter but through being allowed to telefax --

1 what we know as fax -- the request into the
2 Board of Election.

3 This is technically a 21st century
4 modernization to what already is standard in
5 law, allowing a signature to be signed onto
6 the application for the absentee ballot, and
7 the voter either has to go into the office or
8 mail it into the office.

9 And this will increase the ability
10 of voters to get their requests into the Board
11 of Election at both less cost and potentially
12 less of a problem for them getting to the
13 offices.

14 ACTING PRESIDENT STEWART-COUSINS:
15 Thank you, Senator.

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

18 Hearing none, then the debate is
19 closed. The Secretary will please ring the
20 bells.

21 Read the last section.

22 THE SECRETARY: Section 2. This
23 act shall take effect on the first of January
24 next succeeding.

1 ACTING PRESIDENT STEWART-COUSINS:

2 Call the roll.

3 (The Secretary called the roll.)

4 ACTING PRESIDENT STEWART-COUSINS:

5 Senator Krueger, to explain her vote.

6 SENATOR LIZ KRUEGER: Thank you
7 very much.

8 I'm very proud to be sponsoring
9 this bill today. And when I made the
10 explanation earlier, perhaps I also didn't
11 mention probably the greatest number of people
12 who will be impacted by this bill -- which
13 passed 143 to zero in the Assembly -- are our
14 military members.

15 This assures that military voters
16 who request and receive absentee ballots can
17 in fact use our fax machines to get their
18 absentee ballot requests back here to the
19 United States of America.

20 We know that there's enormous
21 problems with mail and timelines of
22 time-sensitive mail for our U.S. military
23 throughout the world. In 2001, the GAO
24 estimated 6.1 million citizens, including

1 almost 3 million active military personnel and
2 their relatives, lived overseas, and they have
3 a disproportionately more difficult time being
4 able to file their absentee ballot requests.

5 So I'm very pleased and hope that
6 this bill will pass because it means so much
7 to our men and women in the military
8 throughout the world in ensuring they have the
9 right to vote while they are protecting our
10 interests around the world.

11 Thank you, Madam President.

12 ACTING PRESIDENT STEWART-COUSINS:
13 Senator Klein.

14 SENATOR KLEIN: Madam President,
15 can I make a motion to withdraw the roll and
16 lay the bill aside for the day.

17 ACTING PRESIDENT STEWART-COUSINS:
18 We will withdraw the roll, and we will lay the
19 bill aside for the day.

20 The Secretary will read.

21 THE SECRETARY: Calendar Number
22 445, substituted earlier today by Member of
23 the Assembly Abbate, Assembly Print Number
24 7170A, an act to amend the Civil Service Law.

1 ACTING PRESIDENT STEWART-COUSINS:

2 Read the last section.

3 SENATOR LIBOUS: Explanation.

4 ACTING PRESIDENT STEWART-COUSINS:

5 An explanation has been requested, Senator
6 Savino.

7 SENATOR SAVINO: Thank you, Madam
8 President.

9 This bill would seek to amend the
10 Civil Service Law in relation to the duration
11 of probationary periods and disciplinary
12 hearings for employees who are members of the
13 noncompetitive class in the HHC, the Health
14 and Hospitals Corporation of the City of
15 New York.

16 Currently, under Civil Service Law,
17 noncompetitive employees have to serve five
18 years' probation prior to the ability to have
19 due process rights.

20 ACTING PRESIDENT STEWART-COUSINS:

21 Again, order, please, so we can hear the
22 explanation.

23 SENATOR SAVINO: Thank you, Madam
24 President.

1 Currently, noncompetitive class
2 employees who serve anywhere in the civil
3 service system have to serve five years of
4 probation prior to having obtained the right
5 to have disciplinary rights or Section 75
6 rights under Section 75 of the Civil Service
7 Law.

8 So what this bill would do is it
9 would shrink that period of time to one year,
10 mirroring the same probationary period that
11 applies to employees who serve in the
12 competitive class system. It's predicated on
13 the idea that one year is enough of a period
14 of time for an employer to determine that an
15 employee should be retained, they've reached
16 satisfactory levels, and that five years is
17 too long.

18 In fact, I understand there are
19 some who believe that I should take this and
20 apply it to all employees who serve under the
21 civil service system statewide in the
22 noncompetitive class system. I actually
23 agree; I think we should. I don't think we're
24 quite ready to get there yet, though.

1 And in fact, two years ago when
2 Senator Robach was chair of the Civil Service
3 and Pensions Committee and I was the ranker,
4 we moved a piece of legislation through that
5 committee that tasked the State Civil Service
6 Commission, the city Department of Citywide
7 Administrative Services, and other
8 municipalities and localities to develop a
9 plan to reduce the number of provisional
10 employees serving all around the state who are
11 exceeding the 24-month period of time.

12 We asked them to do that because
13 many localities -- a little order, please --
14 many localities had taken to hiring people in
15 the competitive class positions, which are
16 positions where people must be tested for
17 merit and fitness, hiring them under
18 provisional status and never moving them into
19 the permanent status by scheduling civil
20 service exams, moving them off those lists,
21 appointing them as probably permanenters, and
22 allowing them to obtain permanent status and
23 therefore due process rights and protections.

24 In response to that, over the years

1 many collective bargaining agents around the
2 state negotiated extra protections for those
3 workers. Those who served in a provisional
4 title in a competitive class position for more
5 than 24 months, their unions were able to
6 negotiate with those localities and
7 municipalities due process rights similar to
8 those in Section 75 of Civil Service Law.

9 And they enjoyed that for several
10 years, until a decision in a case out in Long
11 Beach was rendered about three years ago,
12 saying that a union cannot negotiate a better
13 benefit or more protection than the law
14 provides.

15 And what this Legislature did, when
16 Senator Robach was the chair, we directed the
17 localities to come up with a five-year plan to
18 reduce the number of people serving in
19 competitive class positions as provisional
20 employees within five years.

21 They've recently shared with us,
22 through the Civil Service Commission, the
23 results of that plan to date. And what we
24 have found -- and we've talked about this in

1 the Civil Service Committee; we've even
2 discussed having a hearing on this -- instead
3 of the localities scheduling exams, moving
4 people in competitive class positions, moving
5 them into probable permanent status,
6 eventually obtaining permanency and due
7 process rights and security, what they've done
8 is they've sought to reclassify hundreds of
9 competitive class positions to the
10 noncompetitive titles. And the reason they
11 did that is because noncompetitive employees
12 serve at will for up to five years.

13 Now, what's at stake here -- and I
14 believe this is the shot across the bow.
15 We're taking on the city's HHC, and I think
16 that this Senate --

17 ACTING PRESIDENT STEWART-COUSINS:
18 Again, I'd like, please, some order.

19 SENATOR SAVINO: I believe that
20 this Senate, along with the Assembly, should
21 demand that the State Civil Service Commission
22 reject the findings of that report and demand
23 that they actually adhere to the law and
24 uphold the concept of merit and fitness, which

1 is how average constituents in all of our
2 districts have the opportunity to compete
3 among their peers, get a job, and be able to
4 obtain security and due process rights.
5 That's what this bill is really about.

6 So we're sending a message to the
7 HHC, we're starting there: Don't attempt to
8 circumvent the competitive class system
9 replacing those employees with noncompetitive
10 employees who really serve at will.

11 Thank you.

12 ACTING PRESIDENT STEWART-COUSINS:

13 Thank you, Senator.

14 Senator Hannon.

15 SENATOR HANNON: On the bill,
16 Madam President.

17 ACTING PRESIDENT STEWART-COUSINS:

18 Senator Hannon, on the bill.

19 SENATOR HANNON: I have a couple
20 of problems with this bill. Not because of
21 what it would do -- because I'm sure the
22 people that it affects feel and have merited
23 the rights that would be granted -- but rather
24 that it's arrived at not through collective

1 bargaining. That it is trying to be imposed
2 as going around collective bargaining.

3 Despite this convoluted explanation
4 by the sponsor as to sending messages and
5 reports and all of that, the basic thing is it
6 grants a right directly, it gives that right
7 without the collective bargaining. It sets a
8 bad precedent to do it without collective
9 bargaining. It allows the management to come
10 back, they may want to impose or take away
11 things without collective bargaining. I think
12 it undercuts a property that we've established
13 in public policy.

14 Furthermore, I think technically
15 this bill is totally flawed. It would reduce
16 the probationary period five years to one
17 year, but it takes effect immediately. When
18 does the one year begin? From their time of
19 employment? From the time of the bill? Who
20 is affected? How is the class affected? It
21 just leaves chaos in its wake.

22 For that reason, I'd be against the
23 bill.

24 ACTING PRESIDENT STEWART-COUSINS:

1 Thank you, Senator.

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

4 Hearing none, the debate is closed.
5 The Secretary will please ring the bell.

6 Read the last section.

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

9 ACTING PRESIDENT STEWART-COUSINS:
10 Call the roll.

11 (The Secretary called the roll.)

12 SENATOR SAVINO: Madam President.

13 ACTING PRESIDENT STEWART-COUSINS:
14 Senator Savino.

15 SENATOR SAVINO: Thank you, Madam
16 President.

17 Obviously I have not done a good
18 enough job convincing my colleagues of the
19 importance of this bill, and I have some work
20 yet to do on it. So I would request that we
21 withdraw the roll call and lay the bill aside
22 for the day so I can continue to work on
23 convincing my colleagues of how important this
24 is.

1 Thank you.

2 ACTING PRESIDENT STEWART-COUSINS:

3 The roll call will be withdrawn, and the bill
4 is laid aside for the day.

5 The Secretary will read.

6 THE SECRETARY: Calendar Number
7 486, substituted earlier today by Member of
8 the Assembly Schroeder, Assembly Print Number
9 2247B, an act in relation to authorizing and
10 directing.

11 ACTING PRESIDENT STEWART-COUSINS:

12 Read the last section.

13 SENATOR DeFRANCISCO:

14 Explanation.

15 ACTING PRESIDENT STEWART-COUSINS:

16 An explanation has been requested, Senator
17 Stachowski.

18 SENATOR STACHOWSKI: This bill
19 calls for the Department of Labor to do a
20 study on hostile behavior and consequences of
21 that behavior in the workplace. It would do
22 the study over the course of a year and come
23 back with a report on the hostile behavior
24 they find in various workplaces and also a

1 list of recommendations and how to deal with
2 those hostile situations.

3 This would save businesses money in
4 the long run. It would prevent, hopefully
5 prevent violent situations that often erupt in
6 the workplace. And the cost would be far
7 exceeded in the savings that would accrue from
8 the prevention of future violent behavior in
9 various work situations.

10 ACTING PRESIDENT STEWART-COUSINS:

11 Thank you, Senator.

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

14 Hearing none, the debate is closed.

15 The Secretary will ring the bells.

16 Read the last section.

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

19 ACTING PRESIDENT STEWART-COUSINS:

20 Call the roll.

21 (The Secretary called the roll.)

22 ACTING PRESIDENT STEWART-COUSINS:

23 Senator DeFrancisco, to explain his vote.

24 Again, please, let's be courteous

1 to each other.

2 Senator DeFrancisco.

3 SENATOR DeFRANCISCO: Yes, I'm
4 voting no on this bill.

5 There's been study after study that
6 we have authorized over the years, and I don't
7 think we have the luxury of studies worth
8 \$300,000 or a million dollars, like an earlier
9 bill was, when we're in a deficit situation
10 that keeps growing.

11 So I'm going to vote no because of
12 the financial circumstances of the state at
13 the present time.

14 Thank you.

15 ACTING PRESIDENT STEWART-COUSINS:
16 Thank you, Senator. Senator DeFrancisco to be
17 recorded in the negative.

18 Announce the results.

19 THE SECRETARY: Those recorded in
20 the negative on Calendar Number 486 are
21 Senators DeFrancisco, Golden, Little, Seward,
22 Skelos and Winner. Also Senator Nozzolio.
23 Also Senator Saland. Also voting in the
24 negative, Senator Bonacic.

1 Absent from voting, Senators Diaz
2 and C. Kruger. Excused from voting, Senators
3 Foley, O. Johnson and Squadron.

4 Ayes, 48. Nays, 9.

5 ACTING PRESIDENT STEWART-COUSINS:
6 The bill is passed.

7 The Secretary will continue to
8 read.

9 THE SECRETARY: Calendar Number
10 564, substituted earlier today by Member of
11 the Assembly Hoyt, Assembly Print Number 695A,
12 an act to amend the General Municipal Law.

13 SENATOR DeFRANCISCO:
14 Explanation.

15 ACTING PRESIDENT STEWART-COUSINS:
16 An explanation has been requested, Senator
17 Valesky.

18 SENATOR VALESKY: Yes, Madam
19 President. This legislation is designed to
20 clarify existing state law and provide an
21 additional tool for local governments, cities,
22 villages across the state who are anxious to
23 be able to enhance their downtowns and other
24 neighborhoods, through clarifying that

1 regulations adopted by those local governments
2 may prohibit improper maintenance of a
3 historical place or building or work of art
4 from substantial deterioration.

5 We have found across the state in
6 many communities that historical buildings
7 that have suffered or continue to suffer from
8 substantial deterioration, which the bill
9 defines, have a direct result on the quality
10 of life in those communities.

11 So again, this is intended to be a
12 tool to allow those local governments the
13 opportunity to strengthen those local laws.

14 ACTING PRESIDENT STEWART-COUSINS:
15 Thank you, Senator.

16 Senator DeFrancisco, why do you
17 rise?

18 SENATOR DeFRANCISCO: Yes, I
19 rise -- I'm going to vote against this bill,
20 and the reason is as follows.

21 There are owners who have historic
22 buildings that they own and it's so
23 restrictive as far as what you can do in many
24 instances with these buildings. That, to me,

1 is the reason why many of these buildings
2 remain vacant for years and years and years,
3 so that the owner cannot do what the owner
4 wants to do with his or her property. And
5 what happens, it does deteriorate and there
6 are problems. There was a building in our
7 city, Dave Valesky's city and mine, Syracuse,
8 at the corner of Butternut Street and Park
9 Street, for years that was basically, in my
10 judgment, historic junk. The owner wanted to
11 do something with it which would have
12 rehabilitated the building, but it had some
13 name associated with it and therefore was
14 considered historic.

15 Well, years went by and it
16 deteriorated substantially, and eventually
17 permission was given after years to knock it
18 down.

19 The reason that it deteriorated
20 wasn't because the city didn't have another
21 authority to try to convince them to keep this
22 property from deteriorating. The reason it
23 deteriorated was because the owner wasn't
24 allowed to do what he could do economically

1 with the property to make it viable.

2 To give the city another tool in
3 this situation, in the situation where I can't
4 use my property the way I want so economically
5 it's a loser -- and now the city is going to
6 come in and say too bad, the historic rules
7 say you can't do anything except X, Y and Z
8 with the property, now we're also going to
9 require you in your business, that makes no
10 sense, is to start putting more money into a
11 loss.

12 And eventually what's going to
13 happen, I think, with more tools like this,
14 after preventing a landowner from what they
15 can do with their property, is more buildings
16 are going to deteriorate. And I think what we
17 need really is reason on behalf of some of
18 these organizations that declare structures
19 historic in being flexible as to what they can
20 do economically with the building.

21 So I'm going to vote against this
22 bill for that reason. And I would urge others
23 to consider that logic in making their vote as
24 well. Thank you.

1 ACTING PRESIDENT STEWART-COUSINS:
2 Senator DeFrancisco to be recorded in the
3 negative.

4 Senator Padavan.

5 SENATOR PADAVAN: Yes, will the
6 sponsor yield to a question?

7 ACTING PRESIDENT STEWART-COUSINS:
8 Senator Valesky, will you yield for a
9 question?

10 SENATOR VALESKY: Certainly.

11 SENATOR PADAVAN: Senator, in my
12 district we have a place called Fort Totten,
13 which was exccessed by the federal government,
14 taken over now by the City of New York. It's
15 now a park. In the middle of it is the
16 original home of the commandant of Fort
17 Totten, goes back a hundred-and-some-odd
18 years. It's a landmark. The problem is it's
19 falling down, it's falling apart, it's
20 deteriorating.

21 To the government of the City of
22 New York, who owns the property, we say, Why
23 don't you stabilize it and, if at all
24 possible, restore it? They say: We don't

1 have the money to do it. We'd love to, but we
2 don't have the funds.

3 Now, tell me how your bill will
4 help solve that problem.

5 SENATOR VALESKY: Senator
6 Padavan, and through you, Madam President, I
7 don't believe this bill would help solve that
8 problem. I don't believe --

9 SENATOR PADAVAN: Therefore, in
10 what way -- excuse me. If you would yield
11 again.

12 SENATOR VALESKY: If I can finish
13 my answer, Senator.

14 SENATOR PADAVAN: Oh, you weren't
15 finished. All right, go ahead.

16 SENATOR VALESKY: This bill does
17 not address an historic property that is owned
18 by a locality. It is intended to address an
19 historic property owned by a private entity.

20 SENATOR PADAVAN: All right,
21 Senator, would you yield again?

22 SENATOR VALESKY: Yes.

23 SENATOR PADAVAN: Well, let's say
24 that private entity, like the City of New York

1 Parks Department, says that we don't have the
2 money to do it; we'd love to do it, but we
3 don't have the funds to do it with. How do
4 you overcome that difficulty?

5 SENATOR VALESKY: Madam
6 President, through you, I think that the
7 legislation, should it become law, would
8 provide the local government with the
9 additional tool to provide additional pressure
10 on the owner of the property to make the
11 necessary improvements to prevent it from
12 deteriorating from substantial neglect.

13 SENATOR PADAVAN: Madam
14 President, on the bill, if I may.

15 ACTING PRESIDENT STEWART-COUSINS:
16 Senator Padavan, on the bill.

17 SENATOR PADAVAN: I'm certainly
18 sympathetic, and the record clearly shows that
19 in my area and elsewhere we have been involved
20 with restorations of significant magnitude,
21 throughout my district and throughout the
22 city. So I support the thrust of what you're
23 trying to do.

24 But the fact remains unless you

1 back it up with some tangible assets so that
2 property owners, whether they be the City of
3 New York or a private owner who justifies and
4 clearly indicates that they don't have the
5 resources to do what you'd like them to do,
6 unless you put that money here or some fund or
7 access to some resource, then the bill really
8 has very limited value, unfortunately. I wish
9 it didn't.

10 And so for that reason I'm going to
11 vote no.

12 ACTING PRESIDENT STEWART-COUSINS:
13 Senator Padavan to be recorded in the
14 negative.

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

17 Senator Maziarz.

18 SENATOR MAZIARZ: Madam
19 President, I understand very well my
20 colleagues Senator DeFrancisco and Senator
21 Padavan's questions and concerns about this
22 bill. I had some of those similar concerns
23 until I saw that last year this was a Maziarz
24 bill.

1 So on the balance, I think it's a
2 good bill, and I'm going to vote in favor of
3 it, Madam President. Thank you.

4 (Laughter.)

5 ACTING PRESIDENT STEWART-COUSINS:
6 Senator Maziarz to be recorded in the
7 affirmative.

8 Any other Senators wishing to be
9 heard on the bill?

10 Hearing none, the debate is closed.

11 The Secretary will please ring the
12 bell.

13 Read the last section.

14 THE SECRETARY: Section 4. This
15 act shall take effect on the 90th day.

16 ACTING PRESIDENT STEWART-COUSINS:
17 Call the roll.

18 (The Secretary called the roll.)

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

21 SENATOR DeFRANCISCO: Yes. I'm
22 voting no.

23 In addition to the comments I made
24 earlier, I think the points made by Senator

1 Padavan indicate that this bill is basically a
2 bill that could be another government "do as I
3 say and not as I do," which require burdens on
4 citizens that they don't permit them to have
5 to suffer on their own.

6 Secondly, right now there are
7 zoning ordinances and there are code
8 requirements of buildings, whether they're
9 vacant or not, and the cities have ample
10 ability through existing law to make sure
11 buildings are in safe condition.

12 So why give another tool to put a
13 burden on an economic loss for a citizen when
14 the economic loss is primarily if not solely
15 because of the fact that the owner cannot do
16 with his or her property what he or she
17 chooses to do?

18 So I vote no.

19 ACTING PRESIDENT STEWART-COUSINS:
20 Senator DeFrancisco to be recorded in the
21 negative.

22 Announce the results.

23 THE SECRETARY: Those recorded in
24 the negative on Calendar Number 564 are

1 Senators DeFrancisco, Flanagan, Golden, and
2 Skelos.

3 Absent from voting, Senators Diaz
4 and Padavan.

5 Ayes, 53. Nays, 4.

6 ACTING PRESIDENT STEWART-COUSINS:
7 The bill is passed.

8 The Secretary will continue to
9 read.

10 THE SECRETARY: Calendar Number
11 566, substituted earlier today by Member of
12 the Assembly Galef, Assembly Print Number
13 5276A, an act to amend the Election Law.

14 SENATOR VALESKY: Lay the bill
15 aside for the day, please.

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

18 The Secretary will continue to
19 read.

20 THE SECRETARY: Calendar Number
21 581, by Senator Sampson, Senate Print 3708D,
22 an act to amend the General Business Law.

23 SENATOR SALAND: Explanation.

24 ACTING PRESIDENT STEWART-COUSINS:

1 An explanation has been requested, Senator
2 Sampson.

3 SENATOR SAMPSON: Who has asked
4 for the explanation, Madam President?

5 ACTING PRESIDENT STEWART-COUSINS:
6 Senator Saland.

7 SENATOR SAMPSON: Senator Saland,
8 thank you very much. I just wanted to make
9 sure.

10 Basically, this bill requires
11 licensed appearance-enhancement professionals
12 to take continuing education classes in
13 infections controls and transmissions.

14 Basically what this bill does is
15 recognizes the need to protect the public from
16 the spread of communicable diseases by
17 ensuring that barbers who handle sharp
18 instruments such as scissors and razors are
19 adequately trained in infection controls and
20 transmissions as well as proper methods of
21 sanitation and sterilization.

22 In addition, this would require
23 enhancement professionals to successfully
24 complete, within three months of their

1 application for a license, a study in
2 infections controls as a prerequisite to
3 receiving a license. And this could be --
4 proof can be shown by a certificate.

5 In addition, any school can be
6 certified as a school of infection controls
7 through approval of a course or a curriculum
8 in sterilization and infection control by the
9 Department of Education.

10 In addition, this does have a sort
11 of an enhancement. It says for each school of
12 infection control shall be annually a
13 percentage of their gross tuition, beginning
14 in 2010 with 6 percent, and declining by
15 1 percent each year until 2013, when at that
16 point in time it will be 3 percent of the
17 gross tuition. That money shall be given to
18 the Secretary of State to use for enforcement
19 of this legislation.

20 The interesting thing about this
21 legislation was last year it passed this house
22 unanimously, but the Governor had vetoed it.
23 And his concerns were addressed. And one
24 concern that was addressed with respect to the

1 assessment of the percentage which would allow
2 for collection of revenue so we can assist in
3 the enforcement.

4 And in addition, there was concern
5 about whether this would be a monopoly. And
6 what we have shown is that there are
7 additional schools who are ready, willing and
8 able who can enforce this curriculum, and the
9 only thing they have to do is to go through
10 the Department of Education.

11 One more second. And this issue,
12 where they talked about with respect to a
13 monopoly issue, I can give an example. In
14 1990, new laws were enacted regarding the
15 courses required for barbers to be licensed to
16 do business in the state. At the time of the
17 law there was only one school in the state
18 that offered this type of course.

19 However, within a few months, there
20 were seven to eight newly licensed schools who
21 can provide these courses. Which might have
22 created a monopoly momentarily, but it gave
23 the avenue in which they can go out and go to
24 the Department of Education to take a course

1 and thus can create more schools to deal with
2 the infection control of disease.

3 ACTING PRESIDENT STEWART-COUSINS:
4 Thank you, Senator.

5 Senator Saland.

6 SENATOR SALAND: Thank you, Madam
7 President. Senator Sampson, I didn't hear --

8 ACTING PRESIDENT STEWART-COUSINS:
9 Senator Saland, are you asking Senator Sampson
10 to yield?

11 SENATOR SALAND: Yes, Madam
12 President.

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

15 SENATOR SAMPSON: Oh, yes,
16 Senator Saland, I yield.

17 SENATOR SALAND: The example that
18 you gave, I could not hear what school you
19 were talking about. You made reference to
20 something back in 1990.

21 SENATOR SAMPSON: In 1990, there
22 were new laws that were enacted regarding the
23 courses required for barbers to be licensed to
24 do business in the state. And at that time

1 there was only one school who had offered this
2 type of coursework. But within a few months,
3 seven to eight newly licensed schools were
4 created, so thus more were given the
5 opportunity.

6 And I think there was an issue with
7 respect to the issue of a monopoly. But what
8 it allows is for schools to go through the
9 Department of Education for this course so
10 they can be duly licensed to offer these sort
11 of classes in infection control and
12 transmission.

13 SENATOR SALAND: Thank you,
14 Senator Sampson. If you'll continue to yield.

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

17 SENATOR SAMPSON: Yes.

18 SENATOR SALAND: I'm not at all
19 troubled by your desire to deal with issues of
20 infection prevention, and certainly commend
21 you for that.

22 Although you have not, I believe,
23 said it, I think you've alluded to the fact
24 that there may be only one school that's

1 currently doing this?

2 SENATOR SAMPSON: There is one
3 school presently at this point in time. But
4 the Department of Education has the curriculum
5 where those -- there are about 14 licensed
6 proprietary schools that can offer this sort
7 of education. And the only thing they have to
8 do is just go through the Department of
9 Education, and they can offer this type of
10 service.

11 SENATOR SALAND: If the Senator
12 will continue to yield.

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

15 SENATOR SAMPSON: Certainly.

16 SENATOR SALAND: So there's
17 currently one school. And where is that
18 school, if you know?

19 SENATOR SAMPSON: I think that
20 school is located in Manhattan.

21 SENATOR SALAND: In Manhattan?

22 SENATOR SAMPSON: Yes.

23 SENATOR SALAND: And you believe
24 there might be 13 or 14 other proprietary

1 schools that might be capable of offering this
2 type of curriculum?

3 SENATOR SAMPSON: Yes. There are
4 presently, at this point in time, 14 licensed
5 proprietary schools offering this educational
6 coursework. I do have a list of a couple of
7 them here.

8 SENATOR SALAND: And if Senator
9 Sampson will continue to yield.

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

12 SENATOR SAMPSON: Yes, I do.
13 Through you, Madam President, I continue to
14 yield.

15 SENATOR SALAND: Senator Sampson,
16 who sets the tuition for this school or this
17 type of school?

18 SENATOR SAMPSON: The institution
19 that provides this sort of service is the one
20 who sets the price. Presently the course is
21 \$60 per student, or \$59.95.

22 SENATOR SALAND: Through you,
23 Madam Chair, if Senator Sampson will continue
24 to yield.

1 ACTING PRESIDENT STEWART-COUSINS:

2 Senator Sampson, do you continue to yield?

3 SENATOR SAMPSON: Yes, through
4 you, Madam President.

5 SENATOR SALAND: On page 2,
6 beginning at line 35, there's reference to an
7 annual assessment based on the prior year's
8 financial statements by the Secretary of
9 State. Is that over and above the \$60 that
10 you referred to? Or is that how the \$60 is
11 apparently arrived at?

12 SENATOR SAMPSON: Through you,
13 Madam President, that is not per student,
14 that's the cost I think per the beauty school.
15 But that has nothing to do with respect to the
16 cost towards the students.

17 SENATOR SALAND: I'm sorry, Madam
18 President. Would you repeat that?

19 SENATOR SAMPSON: Through you,
20 Madam President, could you repeat your
21 question again so I can fully understand it?

22 SENATOR SALAND: The question
23 was -- and I'm looking at paragraph G,
24 starting at line 35 on page 2. There's

1 reference to an annual assessment by the
2 Secretary of State on any school of infection
3 control, based on their prior year's financial
4 statements.

5 And it goes on to say that a
6 percentage of their gross tuition shall be
7 deposited into the business and licensing
8 account, and those funds will be transferred
9 quarterly to the General Fund.

10 SENATOR SAMPSON: And your
11 question is?

12 SENATOR SALAND: Is that an
13 additional assessment over and above the \$60
14 that you referred to as being what is
15 currently the tuition paid by the people who
16 take this course?

17 SENATOR SAMPSON: Through you,
18 Madam President, no, it's not, Senator Saland.

19 SENATOR SALAND: The annual
20 assessment, and you made reference to it -- if
21 you'll continue to yield.

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

24 SENATOR SAMPSON: Definitely,

1 yes.

2 SENATOR SALAND: The annual
3 assessment, as you referred to, and I also
4 made reference to, starts off at 6 percent
5 beginning in October of this year and then
6 declines. That assessment is the means by
7 which tuition will be raised at each of these
8 schools?

9 SENATOR SAMPSON: No, that's not
10 the rate at which tuition will be raised.
11 Basically what we're trying to do is take a
12 certain percentage out of the gross tuition
13 and use that to give to the Secretary of State
14 to assist them in enforcing those individuals
15 who don't comply with this regulation to sort
16 of defray the cost with respect to the
17 Secretary of State.

18 SENATOR SALAND: And --

19 SENATOR SAMPSON: And at that
20 point in time, Senator Saland, it goes from
21 6 percent to 1 percent, but then after 2013 it
22 remains at a steady 3 percent.

23 SENATOR SALAND: And if the
24 Senator will continue to yield.

1 ACTING PRESIDENT STEWART-COUSINS:

2 Senator Sampson, do you continue to yield?

3 SENATOR SAMPSON: Yes, I do.

4 SENATOR SALAND: Now, that annual
5 assessment is being paid by the school.

6 SENATOR SAMPSON: Yes, it is.

7 SENATOR SALAND: The school
8 assumedly is raising that money by way of its
9 tuition. Is that a reasonable assumption on
10 my part?

11 SENATOR SAMPSON: I would say --
12 through you, Madam President -- it depends
13 what the school does also. It could raise
14 money with respect to that aspect, but there's
15 some schools who offer more courses. And I
16 think -- it says percentage of the gross
17 tuition, whatever the gross tuition is.

18 If I'm answering that correctly,
19 Senator Saland. If that answers your
20 question.

21 SENATOR SALAND: Well, thank you.

22 And if Senator Sampson will yield
23 for just one more question.

24 ACTING PRESIDENT STEWART-COUSINS:

1 Senator Sampson, do you yield?

2 SENATOR SAMPSON: Oh, definitely.
3 Definitely.

4 SENATOR SALAND: Senator Sampson,
5 if in fact there is a surplus -- and the bill
6 goes on to refer to how a surplus is to be
7 handled -- why would that surplus not go back
8 to the school and, in turn, to the students,
9 perhaps in the form of a reduced tuition,
10 instead of it being transferred to the General
11 Fund?

12 SENATOR SAMPSON: Through you,
13 Madam President.

14 Senator Saland, we wanted to, I
15 guess, generate some revenue for the state so
16 it can be used in the General Fund and
17 hopefully as an aspect to enhance the
18 education with respect to infectious control
19 of diseases. That's why it was done that way.
20 Through you, Madam President.

21 SENATOR SALAND: Thank you,
22 Senator Sampson.

23 On the bill, Madam President.

24 ACTING PRESIDENT STEWART-COUSINS:

1 Senator Saland, on the bill.

2 SENATOR SALAND: Madam President,
3 I have some reservations about this bill. I
4 certainly hope that Senator Sampson's example
5 proves to be true that there will be other
6 schools that will come into this particular
7 venue and provide the kinds of services that
8 are proposed in this bill, provide the kind of
9 education that's proposed in this bill. I'm
10 not so certain that in fact that's going to
11 happen but, again, would welcome it.

12 But what I'm concerned about even
13 more so is that after a determination has been
14 made by the Secretary of State as to how much
15 shall be taken from the funds raised by the
16 assessments on the schools -- which would in
17 turn come from the students -- that once it's
18 been determined how much is needed, according
19 to the language of the bill, for the
20 implementation and enforcement of this
21 section, the surplus, to the extent that one
22 is identified, goes to the General Fund.

23 Now, I don't know if we're talking
24 about significant amounts of money here. But

1 I suspect that the students and the people who
2 are engaged in the kinds of practices that are
3 being controlled by this particular bill are
4 not necessarily wealthy people, are not people
5 who are making lots of money, are people who
6 I'm sure are as hard-pressed as any you're
7 going to find in this economy.

8 And if in fact there is a surplus,
9 it would seem to me that students should not
10 be subsidizing the state in this situation.
11 We ran through a much larger version of that
12 with the tuition grab that we went through
13 earlier during the course of the adoption of
14 the budget. This is a mini version of that
15 particular unfortunate episode.

16 And I would commend Senator Sampson
17 for what he proposes to do here, and I would
18 hope that if in fact this is not -- and I'm
19 not sure if this is an Assembly substitute.
20 If it is not, I would hope that we could do
21 something at the very least about dealing with
22 that surplus and providing a means of ensuring
23 that it goes back to the hard-pressed young
24 women and men who may be required to avail

1 themselves of this type of service.

2 I thank you, Madam President, and I
3 intend to vote in the negative on this bill.
4 Thank you.

5 ACTING PRESIDENT STEWART-COUSINS:
6 Thank you, Senator.

7 Senator LaValle.

8 SENATOR LaVALLE: Thank you very
9 much, Madam President. Would Senator Sampson
10 yield?

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

13 SENATOR SAMPSON: Oh, yes.

14 SENATOR LaVALLE: Senator
15 Sampson, as you know, proprietary schools have
16 had a very up-and-down history in the State
17 Education Department that actually licenses
18 the schools. We've passed in this house at
19 least two maybe three bills to bring them into
20 tighter control.

21 My one question is -- and I
22 understand what you're doing, and I think the
23 purpose --

24 SENATOR SAMPSON: Excuse me,

1 Madam President. I can't hear Senator
2 LaValle.

3 ACTING PRESIDENT STEWART-COUSINS:
4 Please extend the courtesy to our colleagues.

5 SENATOR LaVALLE: I think the
6 purpose in your bill is laudatory.

7 I know that Senator Saland asked
8 you some of the schools. Do you have the
9 names of some of those schools?

10 SENATOR SAMPSON: One is the
11 Capital Region BOCES, located in Albany,
12 New York. DCMO BOCES, in Sidney Center,
13 New York. The Eastern suffolk BOCES, in
14 Bellport, New York. And the Erie 2 BOCES in
15 the Carrier Educational Center in Angola,
16 New York.

17 You also have the Shear Ego
18 International School of Hair Design in
19 Rochester, New York, and the Atlas Barber
20 School in New York, New York.

21 SENATOR LaVALLE: Okay. So a
22 good number of the schools that you've talked
23 about are actually BOCES programs --

24 SENATOR SAMPSON: Yes.

1 SENATOR LaVALLE: -- that run a
2 cosmetology program, and there are just a few
3 that are really proprietary schools. Is that
4 correct?

5 SENATOR SAMPSON: Correct.

6 SENATOR LaVALLE: Good. That
7 makes a big difference to me and my vote on
8 this bill, since the majority of those
9 programs are really BOCES programs that are
10 more tightly scrutinized through the State
11 Education Department.

12 Thank you, Senator Sampson.

13 SENATOR SAMPSON: Thank you very
14 much.

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

18 Hearing none, the debate is closed.

19 The Secretary will please ring the
20 bells.

21 Read the last section.

22 THE SECRETARY: Section 4. This
23 act shall take effect on the 60th day.

24 ACTING PRESIDENT STEWART-COUSINS:

1 Call the roll.

2 (The Secretary called the roll.)

3 THE SECRETARY: Those recorded in
4 the negative on Calendar Number 581 are
5 Senators Ranzenhofer, Saland and Winner.

6 Ayes, 54. Nays, 3.

7 ACTING PRESIDENT STEWART-COUSINS:
8 The bill is passed.

9 The Secretary will continue to
10 read.

11 THE SECRETARY: Calendar Number
12 638, substituted earlier today by Member of
13 the Assembly Spano, Assembly Print Number
14 8182, an act to amend the Racing, Pari-Mutuel
15 Wagering and Breeding Law.

16 ACTING PRESIDENT STEWART-COUSINS:
17 I believe that was laid aside for the day. So
18 it will be 640.

19 THE SECRETARY: Calendar Number
20 640, substituted earlier today by Member of
21 the Assembly Ramos, Assembly Print Number
22 8492, an act to amend the Election Law.

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

1 SENATOR DeFRANCISCO:

2 Explanation.

3 ACTING PRESIDENT STEWART-COUSINS:

4 An explanation has been requested, Senator
5 Addabbo.

6 SENATOR ADDABBO: Yes, thank you,
7 Madam President.

8 The State Board of Elections in
9 this departmental bill is requesting that
10 because of the increased amount of optical
11 scanners being used as our next generation of
12 voting machines, especially this year in the
13 upstate EDs and probably more widely used in
14 next year's election, that we need to look at
15 changing the criteria that the Board of
16 Elections uses when determining polling sites,
17 voting machines and the amount of voters at
18 these polling sites.

19 So basically what this bill does is
20 add eight words, merely changing the criteria
21 to look at the ability of the new voting
22 machines, or the next generation of voting
23 machines, to take on multiple ballots in a
24 given election. That's it.

1 ACTING PRESIDENT STEWART-COUSINS:
2 Thank you, Senator.
3 Are there any other Senators
4 wishing to be heard on the bill?
5 Hearing none, the debate is closed.
6 The Secretary will ring the bell.
7 Read the last section.
8 THE SECRETARY: Section 2. This
9 act shall take effect immediately.
10 ACTING PRESIDENT STEWART-COUSINS:
11 Call the roll.
12 (The Secretary called the roll.)
13 THE SECRETARY: Ayes, 57. Nays,
14 0.
15 ACTING PRESIDENT STEWART-COUSINS:
16 The bill is passed.
17 The Secretary will continue to
18 read.
19 THE SECRETARY: Calendar Number
20 645, substituted earlier by Member of the
21 Assembly Weprin, Assembly Print Number 8131,
22 an act to amend the Tax Law.
23 SENATOR DeFRANCISCO: Read the
24 last section.

1 ACTING PRESIDENT STEWART-COUSINS:

2 Read the last section.

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

5 ACTING PRESIDENT STEWART-COUSINS:
6 Call the roll.

7 (The Secretary called the roll.)

8 ACTING PRESIDENT STEWART-COUSINS:
9 Announce the results.

10 THE SECRETARY: Ayes, 57. Nays,
11 0.

12 ACTING PRESIDENT STEWART-COUSINS:
13 The bill is passed.

14 THE SECRETARY: Calendar Number
15 727, substituted earlier today by Member of
16 the Assembly McEneny, Assembly Print Number
17 1039, an act to amend the Vehicle and Traffic
18 Law.

19 SENATOR LIBOUS: Explanation,
20 please.

21 ACTING PRESIDENT STEWART-COUSINS:
22 An explanation is requested --

23 SENATOR KLEIN: Lay the bill
24 aside for the day, please.

1 ACTING PRESIDENT STEWART-COUSINS:

2 The bill is laid aside for the day.

3 The Secretary will continue to
4 read.

5 THE SECRETARY: Calendar Number
6 732, substituted earlier by Member of the
7 Assembly Calhoun, Assembly Print Number 2534,
8 an act to amend the Criminal Procedure Law.

9 ACTING PRESIDENT STEWART-COUSINS:
10 Read the last section.

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

13 ACTING PRESIDENT STEWART-COUSINS:
14 Call the roll.

15 (The Secretary called the roll.)

16 ACTING PRESIDENT STEWART-COUSINS:
17 Announce the results.

18 THE SECRETARY: Ayes, 57.

19 ACTING PRESIDENT STEWART-COUSINS:
20 The bill is passed.

21 The Secretary will continue to
22 read.

23 THE SECRETARY: Calendar Number
24 735, substituted earlier today by Member of

1 the Assembly Kellner, Assembly Print Number
2 3949, an act to amend the Real Property Tax
3 Law.

4 SENATOR LIBOUS: Explanation.

5 SENATOR SERRANO: Lay the bill
6 aside for the day.

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

9 The Secretary will continue to
10 read.

11 THE SECRETARY: Calendar Number
12 738, substituted earlier by Member of the
13 Assembly Thiele, Assembly Print Number 4632A,
14 an act to amend the Criminal Procedure Law.

15 ACTING PRESIDENT STEWART-COUSINS:
16 Read the last section.

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

19 ACTING PRESIDENT STEWART-COUSINS:
20 Call the roll.

21 (The Secretary called the roll.)

22 ACTING PRESIDENT STEWART-COUSINS:
23 Announce the results.

24 THE SECRETARY: Ayes, 57.

1 ACTING PRESIDENT STEWART-COUSINS:

2 The bill is passed.

3 The Secretary will continue to
4 read.

5 THE SECRETARY: Calendar Number
6 739, substituted earlier today by Member of
7 the Assembly Thiele, Assembly Print Number
8 4633A, an act to amend the Criminal Procedure
9 Law.

10 ACTING PRESIDENT STEWART-COUSINS:
11 Read the last section.

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

14 ACTING PRESIDENT STEWART-COUSINS:
15 Call the roll.

16 (The Secretary called the roll.)

17 ACTING PRESIDENT STEWART-COUSINS:
18 Announce the results.

19 THE SECRETARY: Ayes, 57.

20 ACTING PRESIDENT STEWART-COUSINS:
21 The bill is passed.

22 The Secretary will continue to
23 read.

24 THE SECRETARY: Calendar Number

1 743, substituted earlier today by Member of
2 the Assembly Millman, Assembly Print Number
3 5328, an act in relation to allowing.

4 SENATOR LANZA: Explanation.

5 ACTING PRESIDENT STEWART-COUSINS:

6 An explanation is requested, Senator
7 Montgomery.

8 SENATOR MONTGOMERY: Yes, thank
9 you, Madam President.

10 I first want to acknowledge that I
11 know that Senator Golden has tried on this
12 legislation, and this time around I'm trying
13 as well.

14 This is for a bill that is
15 specifically to rectify a situation on behalf
16 of the Honorable Justice Reichbach, who, on
17 behalf of the United Nations, spent six months
18 in Kosovo in 2003 and early 2004. And after
19 having been there for two months, apparently
20 as of August 2003 he became on unpaid leave
21 for the State of New York.

22 He sought and received an
23 opinion -- prior to leaving the U.S., he
24 received an opinion in writing from the State

1 Comptroller's office indicating that he would
2 be eligible for pension while he was serving
3 in Kosovo. However, about two months after he
4 had gone to Kosovo, he received another letter
5 from the Comptroller stating that they had
6 made an error in determining his eligibility
7 and therefore he would not be eligible to
8 continue his retirement. This bill seeks to
9 rectify that situation on behalf of Judge
10 Reichbach.

11 And I might add, Madam President,
12 that the reason that he was in Kosovo was to
13 serve as a judge on behalf of the United
14 Nations War Crimes Tribunal. So I believe
15 that it is only fair for this body to consider
16 justice on behalf of the Honorable Justice
17 Reichbach, because he served on behalf of his
18 country at a time when he was needed.

19 He did receive authorization to
20 continue his state retirement eligibility.
21 However, it was rescinded, and he's now
22 seeking for us to allow him to count those
23 four months that he went off of the state
24 retirement plan.

1 ACTING PRESIDENT STEWART-COUSINS:

2 Thank you, Senator Montgomery.

3 Senator Lanza.

4 SENATOR LANZA: Yes, Madam
5 President. Would the sponsor yield to a
6 series of questions?

7 ACTING PRESIDENT STEWART-COUSINS:

8 Senator Montgomery, do you yield?

9 SENATOR MONTGOMERY: Yes.

10 SENATOR LANZA: Through you,
11 Madam President, I understand what Senator
12 Montgomery is trying to accomplish through
13 this legislation. But I have some questions
14 with respect to some of the facts.

15 As I understand it, this judge,
16 judge of the State of New York, left the bench
17 and became employed by the United Nations
18 overseas in 2003, in Kosovo. Prior to
19 leaving, he received an opinion from the State
20 Comptroller that he would receive pension
21 credit for the time that he served or worked
22 for, I should say, the United Nations, and
23 that the judge relied upon that opinion in
24 making his decision to leave the bench and to

1 become employed by the United Nations.

2 And so I understand that if those
3 were the facts, that the intent of this
4 legislation is to -- and then that he received
5 a subsequent letter from the Comptroller
6 saying that in fact that would not be the
7 case, but that nevertheless the judge relied
8 on that first opinion, went to Kosovo, left
9 the bench.

10 And so I could understand that if
11 this were a mistake that was made by the
12 Comptroller and that in fact the judge relied
13 upon that mistake and left the bench, worked
14 for the United Nations, that perhaps there's
15 something that we should do to make the judge
16 whole.

17 I want to also point out, first,
18 that for the first two months that the judge
19 was in Kosovo he was paid by the State of
20 New York, utilizing vacation time, and that in
21 the remaining five months he was paid by the
22 United Nations.

23 Here's the question of fact that I
24 have. The letter that was issued by the State

1 Comptroller indicating that the judge would
2 receive pension credit was written on
3 June 16th in 2003, prior to him leaving and
4 taking on this new employment. It was stated
5 as a justification for this legislation that
6 months later the Comptroller reversed his
7 decision, but that it was too late and that
8 the judge was already there.

9 I have a copy of that letter in
10 which the State Comptroller reversed its first
11 decision. That letter was written a week
12 later. It was written one week after the
13 first letter was written -- and, in fact,
14 before the judge left the bench and took the
15 job with the United Nations.

16 So in fact it seems to me, based on
17 the facts, that the judge was not relying on
18 the first letter because that first letter and
19 the decision therein had already been
20 rescinded.

21 So I ask the sponsor whether or not
22 my statement of the facts is accurate and that
23 in fact one week after the first letter was
24 written, a second letter was already written

1 by the State Comptroller.

2 SENATOR MONTGOMERY: The question
3 I believe that you're asking is why the judge
4 states that it was two months after or it was
5 sometime after he was already in Kosovo?

6 SENATOR LANZA: Let me clarify,
7 through you, Madam President.

8 What I'm saying is I guess the gist
9 of this legislation is whether or not we
10 should make whole this judge who may have
11 relied on an incorrect opinion from the State
12 Comptroller. But that letter was written on
13 June 16, 2003.

14 The letter rescinding that opinion
15 was written one week later, prior to the judge
16 leaving the bench and employing himself with
17 the United Nations.

18 So I guess my question is, under
19 those facts, was the judge really relying on
20 that incorrect decision?

21 SENATOR MONTGOMERY: Through you,
22 Madam President, I am relying on the statement
23 from the judge himself, and he clearly states
24 that about a month after he arrived in Kosovo

1 he received the communication from the
2 Comptroller rescinding the decision in the
3 first letter.

4 So I can't believe -- although how
5 would I know -- but I would certainly rely on
6 the judge to be telling the truth. Perhaps
7 the letter went to an address in the U.S. and
8 it took some time for it to actually get to
9 him. However, this is what he says. It was a
10 month after he received the first letter.

11 And I don't believe the judge would
12 be lying and put it in writing, Madam
13 President.

14 SENATOR LANZA: Madam President,
15 will Senator Montgomery continue to yield.

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

18 SENATOR MONTGOMERY: Yes, I will.

19 SENATOR LANZA: Thank you,
20 Senator Montgomery. And through you, Madam
21 President.

22 Senator Montgomery, I have a letter
23 that was written by then-State Comptroller
24 Alan Hevesi. This letter was provided me by

1 your office. This letter was written to the
2 judge in question. The letter was written on
3 June 23, 2003, prior to the time that the
4 judge went to work for the United Nations.
5 The letter is addressed to the judge, and the
6 address to which it was sent was the Supreme
7 Court at 120 Schermerhorn Street in Brooklyn.

8 And so I guess my question to you
9 is, given that fact, should we be making an
10 exception here and doing something that we
11 would not do, for instance, for someone who
12 was employed by the state and then went to
13 work for the federal government?

14 And given the question of fact
15 here, shouldn't we withdraw this piece of
16 legislation and make sure that we do have the
17 facts correctly here?

18 SENATOR MONTGOMERY: Through you,
19 Madam President, I think in this particular
20 case -- ordinarily, Senator Lanza, I would
21 perhaps certainly agree. But in this
22 particular case we have a situation where this
23 judge went to another country, but he wasn't
24 on vacation, as you have implied, but rather

1 he was serving on behalf of the United States
2 as a -- I'm using the phrase guest justice in
3 a situation that was extremely important, I
4 believe, as it relates to the U.S.'s own
5 interest and mission.

6 And therefore, I think that it's a
7 humanitarian act on our part to allow him to
8 receive the credit for the four months where
9 he was in fact not eligible, by virtue of not
10 being on payroll in the U.S., in the state.

11 SENATOR LANZA: Thank you,
12 Senator Montgomery.

13 Madam President, on the bill.

14 ACTING PRESIDENT STEWART-COUSINS:
15 Senator Lanza, on the bill.

16 SENATOR LANZA: You know, when I
17 first saw this legislation and saw the facts,
18 while I would typically be opposed to
19 legislation which would allow us to bend the
20 rules for one individual in a way that we
21 typically wouldn't for others, I was
22 sympathetic when I heard that the State
23 Comptroller, in writing, indicated to this
24 judge that he would receive pension credit

1 while employed by the United Nations.

2 But in receiving this letter and
3 seeing it, it's become clear to me, without
4 really casting undue aspersion, that the
5 letter rescinding the initial opinion was
6 written not months after the first letter, or
7 a year later, it was written one week later.

8 So that initial decision that said
9 "sure, you're going to get pension credit"
10 stood for only seven days -- and, more
11 importantly, was rescinded prior to the time
12 that the judge decided to go work for the
13 United Nations.

14 And again, I think it's admirable
15 for an individual to want to serve in the way
16 that this individual did. However, to talk
17 about the humanitarian nature here -- first of
18 all, he was paid by the State of New York,
19 first from vacation time, and then he was paid
20 by the United Nations. And now we're asking
21 the taxpayers to pay upwards of \$20,000 to buy
22 back pension time and credit while he made
23 this decision to do what he was free to do,
24 but having, I believe, all the information

1 necessary to make an informed decision and a
2 decision based on the fact that he would not
3 be receiving pension credit.

4 And for that reason, I'm going to
5 be voting in the negative on this legislation.
6 I would urge my colleagues to do the same.
7 And, perhaps with some clarification with
8 respect to some other facts that we may not
9 have, to revisit this situation at a later
10 time.

11 Thank you, Madam President.

12 ACTING PRESIDENT STEWART-COUSINS:

13 Thank you, Senator.

14 Senator Flanagan.

15 SENATOR FLANAGAN: Thank you,
16 Madam President. On the bill.

17 I want to take a slightly different
18 tack from Senator Lanza. We were actually
19 discussing this bill before it came up. And
20 this is a picture bill. There's some money
21 obviously attached to this, and I can
22 understand the reasons why it may be here.

23 And I'm going to take Senator
24 Montgomery at her word, certainly, which is

1 very easy to do, and follow in terms of what
2 the correspondence was where the judge
3 acknowledges in writing that he had gotten
4 this notice a month after the fact. And I'll
5 take that at face value.

6 And I'll still come to the same
7 conclusion that we shouldn't do this bill.
8 The reason being, he was paid by the State of
9 New York, and he actually was on vacation
10 time. He took vacation time and was paid as
11 an employee of the State of New York. And
12 that time had not run out before he found out
13 he was not going to be eligible for that
14 credit.

15 So he was on paid time with the
16 State of New York and at the time he found
17 out, even if it was a month, had full
18 knowledge that he was not going to be entitled
19 to any further credit. And yet he stayed for
20 at least five more months.

21 And I look at this and think, okay,
22 it's humanitarian work for which he got paid.
23 This is going to cost the taxpayers. And if
24 we do a bill like this, we're going to have

1 500 other bills just like it, and someone is
2 going to say, I was doing something really
3 important and benevolent and noteworthy, and I
4 deserve the same kind of recognition.

5 And for those reasons, I'm going to
6 vote no.

7 ACTING PRESIDENT STEWART-COUSINS:
8 Senator Savino.

9 SENATOR SAVINO: Thank you, Madam
10 President.

11 I've actually quite enjoyed
12 watching this debate. You know, as the chair
13 of the Civil Service and Pensions Committee --
14 and I know Senator Robach can attest to
15 this -- the committee on an annual basis gets
16 flooded with what Senator Flanagan
17 appropriately called picture bills. Every
18 year members of this body get approached by
19 constituents who feel that somehow or other
20 there's been an inequity that applies to them
21 and the only way that they can get some
22 redress is to seek legislation to correct that
23 inequity.

24 And all of us, every one of you,

1 has introduced some of those bills. I have a
2 pile on my desk. Some of them I actually find
3 quite amusing. I'm not sure, I think it's
4 Senator Leibell, I think you have a
5 constituent who wants me to create a pension
6 plan just for him, hand-picking from the best
7 of the multiple systems. He feels somehow
8 there's an inequity, through no fault of his
9 own. That is always the justification in
10 every piece of this legislation, through no
11 fault of their own.

12 And we generally look at them
13 askance, because we recognize what they are.
14 They're an opportunity from individual members
15 to address an issue that a constituent has
16 brought them.

17 In fact, Senator Lanza has one:
18 Norma Jean Ciserio [ph] feels that she should
19 be introduced into Tier 1 even though she
20 wasn't hired by the City of New York until
21 five years after it closed. But she feels
22 it's an inequity.

23 Senator Little has a woman who
24 actually went to the Albany Times Union and

1 complained that she was being deprived of a
2 benefit, a pension benefit from her deceased
3 husband. She had a very compelling case,
4 except the facts didn't fit the case. And in
5 fact, she was paid and her sons were paid; she
6 just didn't like what she got.

7 And so we consider these bills.
8 But I recognize this, and I think Senator
9 Robach would attest to this, we recognize them
10 for what they are. They are an opportunity
11 for those of us in office to help a
12 constituent who feels that we can help them,
13 recognizing that most of the time we cannot
14 because we cannot change the regulations, even
15 though it's through no fault of their own.

16 So I'm just going to make a
17 suggestion that if we're going to begin to
18 examine these bills as if somehow we're
19 conducting a trial over them -- which I'm okay
20 with doing in the committee -- I think Senator
21 Lanza, as the ranker, and myself, we should
22 institute a new rule in the Civil Service and
23 Pensions Committee that picture bills that
24 come to us for consideration should come with

1 the evidence to substantiate the claim that
2 through no fault of their own that this
3 inequity existed.

4 So I'm going to vote for this bill,
5 for Senator Montgomery, for her constituent,
6 the judge, and we'll let the Governor
7 determine whether or not, through no fault of
8 his own, that inequity existed. And I'm going
9 to do that because Senator Montgomery is
10 trying to help a constituent.

11 Thank you.

12 ACTING PRESIDENT STEWART-COUSINS:

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

15 Hearing none, the debate is closed.

16 The Secretary will please ring the
17 bells.

18 Senator Klein.

19 SENATOR KLEIN: Madam President,
20 can we stand at ease at this time?

21 ACTING PRESIDENT STEWART-COUSINS:

22 The Senate will stand at ease.

23 (Whereupon, the Senate stood at
24 ease at 4:30 p.m.)

1 (Whereupon, the Senate reconvened
2 at 4:41 p.m.)

3 ACTING PRESIDENT STEWART-COUSINS:
4 Senator Klein.

5 SENATOR KLEIN: Madam President,
6 can we lay the bill aside temporarily.

7 And on behalf of Senator Ruth
8 Hassell-Thompson, could we have an immediate
9 Democratic conference in the Majority
10 Conference Room.

11 And please recognize Senator
12 Libous.

13 ACTING PRESIDENT STEWART-COUSINS:
14 Senator Libous.

15 SENATOR LIBOUS: Thank you, Madam
16 President.

17 We'll have an immediate Republican
18 conference in the Republican Conference Room.

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

21 There will be an immediate meeting
22 of the Majority in the Majority Conference
23 Room and an immediate meeting of the
24 Republicans in the Republican Conference Room.

1 (Whereupon, the Senate stood at
2 ease at 4:42 p.m.)

3 (Whereupon, the Senate reconvened
4 at 5:51 p.m.)

5 ACTING PRESIDENT VALESKY: The
6 Senate will return to order.

7 Senator Klein.

8 SENATOR KLEIN: Mr. President,
9 can we please return to the controversial
10 calendar and take up Calendar Number 743.

11 ACTING PRESIDENT VALESKY: The
12 Senate will return to the controversial
13 reading of the calendar.

14 When we left for break, we had
15 Calendar Number 743 in front of the house. We
16 will resume at that point.

17 The Secretary will ring the bells.
18 I ask all Senators to come to the chamber.

19 Senator Libous.

20 SENATOR LIBOUS: I was just going
21 to ask them to read it, and we'll read the
22 last section.

23 ACTING PRESIDENT VALESKY: The
24 Secretary will read the last section.

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

3 ACTING PRESIDENT VALESKY: Call
4 the roll.

5 (The Secretary called the roll.)

6 ACTING PRESIDENT VALESKY:
7 Senator Saland, to explain his vote.

8 SENATOR SALAND: Thank you,
9 Mr. President.

10 Mr. President, I have served in the
11 State Legislature for some 29 years and make
12 it a practice of trying to, as best as I can,
13 universally support any home-rule request or
14 any local bill, and in fact had voted for this
15 bill in Rules.

16 I was rather disturbed when I
17 heard, during the course of the debate, the
18 time sequence which Senator Lanza brought
19 forward in reading from the documents that he
20 had as to when this particular individual --
21 who happens to be a judge, a man who took an
22 oath of office -- in which he alleged as a
23 basis of his receiving credit in the pension
24 system that he had not been timely notified.

1 Well, clearly this man was timely
2 notified. I find that what is occurring here
3 is beyond shameless. I think it casts a cloud
4 on an institution that has already been
5 beclouded on numerous occasions over the
6 course of certainly our recent history and
7 certainly our most recent history.

8 I'm deeply troubled. I think the
9 judge either needs a veracity check or a
10 competency check to support his effort for
11 however many months credit he's going to get
12 in the pension system by bringing forth the
13 allegations which are clearly at odds with the
14 truth. It is, I think, a stunning violation
15 of his oath of office, and I will vote in
16 opposition.

17 Thank you.

18 ACTING PRESIDENT VALESKY:

19 Senator Saland to be recorded in the negative.

20 Senator Lanza, to explain his vote.

21 SENATOR LANZA: Thank you,
22 Mr. President.

23 I want to say to the sponsor,
24 Senator Montgomery, that I understand

1 completely what you're attempting to do with
2 this legislation. You're trying to do a good
3 and decent thing, because that's what kind of
4 person and that's what kind of Senator you
5 are.

6 I have questions of fact with
7 respect to whether or not there is an
8 injustice here that needs to be remedied, as
9 I've discussed before. And for that reason,
10 I'm going to vote in the negative. But I
11 thank Senator Montgomery for the exchange that
12 occurred with respect to this bill.

13 ACTING PRESIDENT VALESKY:
14 Senator Lanza to be recorded in the negative.

15 Senator Leibell, to explain his
16 vote.

17 SENATOR LEIBELL: Thank you,
18 Mr. President.

19 During the exchange, Senator Savino
20 mentioned my name, and it was another Senator
21 with a similar name.

22 That I've had bills in, as most of
23 us have, on pension issues that have come up.
24 And like my colleagues, I have no question

1 Senator Montgomery has the best of intentions
2 in offering this legislation.

3 But like some of my colleagues
4 here, I have some concerns with this bill.
5 And when we see the paperwork that was put in
6 to support it, there would certainly seem to
7 be, on the part of the individual asking for
8 this relief, to be a lack of candor there.

9 I will tell you -- and I point this
10 out, Senator Savino; maybe you can help me
11 with this. I put in a bill for a number of
12 years, and I did it for Virginia Donahue. And
13 I served with her husband, Frank, who died
14 very suddenly of cancer, very quickly. And he
15 had picked the wrong box to fill out while he
16 was heavily medicated and dying of colon
17 cancer. And Frank Donahue had been the chief
18 assistant district attorney in Westchester
19 County, and I worked for him as a young
20 lawyer.

21 And I never was able to get any
22 sort of legislation through here, whether in
23 the majority or minority, and I think that's
24 the type of case that screams out for some

1 sort of redress from this legislative body so
2 we can help in this case a widow who suffered
3 through no fault of her own.

4 I have a problem with this
5 particular bill that's before the house today.
6 As I said, I know the sponsor means only the
7 best by introducing it. But I'm going to be
8 constrained to vote in the negative.

9 Thank you.

10 ACTING PRESIDENT VALESKY:
11 Senator Leibell to be recorded in the
12 negative.

13 Senator Winner, to explain his
14 vote.

15 SENATOR WINNER: Thank you,
16 Mr. President.

17 I rise because I'm going to support
18 this legislation. I'm going to support this
19 legislation based upon the representations
20 that Senator Montgomery has made to this body
21 with regard to the veracity of the information
22 that she believes has been submitted by the
23 judge in support of her efforts to have this
24 legislation move on his behalf.

1 I am going to support it, you know,
2 because I believe that Senator Montgomery's
3 representations to this body are that the
4 judge was truthful with regard to his
5 representations, that in fact he did not
6 receive this information from the Comptroller
7 that indicated that the consent or the
8 approval of the credit was properly -- was
9 received by him, even though the documentary
10 evidence that Senator Lanza has indicated
11 would deem to be to the contrary.

12 But I do so also expecting, before
13 this legislation is finally approved by the
14 Governor of the State of New York, that I will
15 encourage -- as I know some of my colleagues
16 will -- that I expect to communicate with the
17 Office of the Governor and expect him to
18 investigate and to look into the veracity of
19 the statements that were in fact made by the
20 judge in support of his contention that he did
21 not receive this information, and expect that
22 there should be some clarification as to
23 whether or not this message was received by
24 him from the Comptroller one week later. It

1 seems odd that it would not have been so
2 received. But again, I accept Senator
3 Montgomery's representations.

4 But I would urge that the
5 Governor's office and the office of the
6 counsel of the Governor would thoroughly look
7 into this and make sure that this Legislature
8 has been properly informed as to the
9 entitlement of this individual to the benefit
10 that he is trying to receive from the
11 taxpayers of the State of New York.

12 So I vote in the affirmative,
13 Mr. President.

14 ACTING PRESIDENT VALESKY:
15 Senator Winner to be recorded in the
16 affirmative.

17 Are there any other Senators who
18 wish to explain their vote?

19 The Secretary will announce the
20 results.

21 THE SECRETARY: Those recorded in
22 the negative on Calendar Number 743 are
23 Senators Flanagan, Griffo, Lanza, Leibell,
24 Ranzenhofer, Robach, and Saland. Also Senator

1 LaValle. Also Senator Larkin.

2 Ayes, 48. Nays, 9.

3 ACTING PRESIDENT VALESKY: The
4 bill is passed.

5 Senator Bonacic.

6 SENATOR BONACIC: Thank you,
7 Mr. President.

8 I'd like to remove a lay-aside on
9 Senator Oppenheimer's bill, Senate Number
10 4946.

11 ACTING PRESIDENT VALESKY: Do you
12 have the calendar number, Senator Bonacic?

13 SENATOR BONACIC: 790. Senate
14 Print 4946.

15 ACTING PRESIDENT VALESKY: Okay,
16 the Secretary will place Calendar Number 790
17 before the house, noncontroversial.

18 THE SECRETARY: Calendar Number
19 790, substituted earlier today by Member of
20 the Assembly Lentol, Assembly Print Number
21 3173, an act to amend the General Municipal
22 Law.

23 ACTING PRESIDENT VALESKY: Read
24 the last section.

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

4 ACTING PRESIDENT VALESKY: Call
5 the roll.

6 (The Secretary called the roll.)

7 THE SECRETARY: Ayes, 57.

8 ACTING PRESIDENT VALESKY: The
9 bill is passed.

10 THE SECRETARY: Calendar Number
11 750, substituted earlier by Member of the
12 Assembly Skartados, Assembly Print Number
13 6700, an act to direct the Commissioner of
14 Education.

15 ACTING PRESIDENT VALESKY: Read
16 the last section.

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

19 ACTING PRESIDENT VALESKY: Call
20 the roll.

21 (The Secretary called the roll.)

22 THE SECRETARY: Ayes, 57.

23 ACTING PRESIDENT VALESKY: The
24 bill is passed.

1 THE SECRETARY: Calendar Number
2 751, substituted earlier today by Member of
3 the Assembly Canestrari, Assembly Print Number
4 6329B, an act authorizing a certain housing
5 authority.

6 ACTING PRESIDENT VALESKY: Read
7 the last section.

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

10 ACTING PRESIDENT VALESKY: Call
11 the roll.

12 (The Secretary called the roll.)

13 THE SECRETARY: Ayes, 57.

14 ACTING PRESIDENT VALESKY: The
15 bill is passed.

16 THE SECRETARY: Calendar Number
17 757, substituted earlier today by Member of
18 the Assembly Raia, Assembly Print Number 3939,
19 an act to amend the Criminal Procedure Law.

20 ACTING PRESIDENT VALESKY: Read
21 the last section.

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

24 ACTING PRESIDENT VALESKY: Call

1 the roll.

2 (The Secretary called the roll.)

3 THE SECRETARY: Ayes, 57.

4 ACTING PRESIDENT VALESKY: The
5 bill is passed.

6 THE SECRETARY: Calendar Number
7 765, substituted earlier today by Member of
8 the Assembly Crouch, Assembly Print Number
9 7092A, an act to amend the Town Law and the
10 Public Officers Law.

11 ACTING PRESIDENT VALESKY: Read
12 the last section.

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

15 ACTING PRESIDENT VALESKY: Call
16 the roll.

17 (The Secretary called the roll.)

18 THE SECRETARY: Ayes, 57.

19 ACTING PRESIDENT VALESKY: The
20 bill is passed.

21 THE SECRETARY: Calendar Number
22 812, substituted earlier by Member of the
23 Assembly Barclay, Assembly Print Number 8379A,
24 an act to amend Chapter 607 of the Laws of

1 2004.

2 ACTING PRESIDENT VALESKY: There
3 is a home-rule message at the desk.

4 Read the last section.

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

7 ACTING PRESIDENT VALESKY: Call
8 the roll.

9 (The Secretary called the roll.)

10 THE SECRETARY: Ayes, 57.

11 ACTING PRESIDENT VALESKY: The
12 bill is passed.

13 THE SECRETARY: Calendar Number
14 818, substituted earlier today by Member of
15 the Assembly Gordon, Assembly Print Number
16 8588, an act authorizing Steven Roy to file.

17 ACTING PRESIDENT VALESKY: There
18 is a home-rule message at the desk.

19 Read the last section.

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

22 ACTING PRESIDENT VALESKY: Call
23 the roll.

24 (The Secretary called the roll.)

1 THE SECRETARY: Ayes, 57.

2 ACTING PRESIDENT VALESKY: The
3 bill is passed.

4 THE SECRETARY: Calendar Number
5 842, substituted earlier today by Member of
6 the Assembly Weinstein, Assembly Print Number
7 8956A --

8 SENATOR LIBOUS: Mr. President, I
9 thought this was laid aside for the day.

10 ACTING PRESIDENT VALESKY:
11 Senator Libous, the bill was laid aside
12 temporarily.

13 SENATOR KLEIN: Lay the bill
14 aside for the day.

15 ACTING PRESIDENT VALESKY: The
16 bill is laid aside for the day.

17 Senator Klein, that completes the
18 controversial reading of the active bills on
19 Senate Calendar Number 61.

20 Senator Klein.

21 SENATOR KLEIN: Mr. President, by
22 unanimous consent can we temporarily lay aside
23 Calendar Number 842.

24 ACTING PRESIDENT VALESKY:

1 Calendar Number 842 is laid aside temporarily.

2 Senator Klein.

3 SENATOR KLEIN: Mr. President, at
4 this time can we have an immediate Rules
5 Committee meeting in Room 332.

6 ACTING PRESIDENT VALESKY: There
7 will be an immediate meeting of the Senate
8 Standing Committee on Rules in Room 332.

9 SENATOR KLEIN: And can we stand
10 at ease pending the report of the Rules
11 Committee.

12 ACTING PRESIDENT VALESKY: The
13 Senate will stand at ease.

14 Senator Libous.

15 SENATOR LIBOUS: Mr. President,
16 as soon as the Rules Committee meeting is
17 over, there will be a Republican conference
18 immediately following the Rules Committee.

19 ACTING PRESIDENT VALESKY: An
20 immediate Republican conference following the
21 conclusion of the Rules Committee meeting.

22 (Whereupon, the Senate stood at
23 ease at 6:07 p.m.)

24 (Whereupon, the Senate reconvened

1 at 6:40 p.m.)

2 ACTING PRESIDENT VALESKY: The
3 Senate will return to order.

4 Senator Klein.

5 SENATOR KLEIN: Mr. President, is
6 there a report of the Rules Committee at the
7 desk?

8 ACTING PRESIDENT VALESKY: There
9 is a report of the Rules Committee at the
10 desk.

11 SENATOR KLEIN: I move to accept
12 the report of the Rules Committee,
13 Mr. President.

14 ACTING PRESIDENT VALESKY: The
15 Secretary will read.

16 THE SECRETARY: Senator Smith,
17 from the Committee on Rules, reports the
18 following bills:

19 Assembly Print 8905, by Member of
20 the Assembly Weisenberg, an act to authorize;

21 Senate Print 2343A, by Senator
22 Savino, an act to amend the General Municipal
23 Law;

24 4865B, by Senator Montgomery, an

1 act to amend the Family Court Act;

2 1145A, by Senator Perkins, an act
3 to amend the Environmental Conservation Law;

4 1058A, by Senator Addabbo, an act
5 to amend the Election Law;

6 1169B, by Senator Dilan, an act to
7 amend the Vehicle and Traffic Law;

8 1347, by Senator Duane, an act to
9 amend the Personal Property Law;

10 1537C, by Senator Perkins, an act
11 to amend the Public Authorities Law;

12 1590, by Senator Thompson, an act
13 to amend the Economic Development Law;

14 1599A, by Senator Valesky, an act
15 to amend the Public Service Law;

16 1608, by Senator Valesky, an act to
17 amend the Executive Law;

18 1743A, by Senator Stavisky, an act
19 in relation;

20 3180B, by Senator Duane, an act to
21 amend the Public Health Law;

22 3358, by Senator Onorato, an act to
23 amend the Labor Law;

24 3531B, by Senator Dilan, an act to

1 amend the Public Authorities Law;

2 3603, by Senator Stavisky, an act
3 relating to;

4 3623A, by Senator Dilan, an act to
5 amend the Vehicle and Traffic Law;

6 3285A, by Senator Adams, an act to
7 amend the Executive Law;

8 3842, by Senator Duane, an act to
9 amend the Public Health Law;

10 3992A, by Senator Dilan, an act to
11 amend the Insurance Law;

12 4283B, by Senator Valesky, an act
13 to amend the Public Service Law;

14 4330A, by Senator Valesky, an act
15 to amend the Agriculture and Markets Law;

16 4364A, by Senator Aubertine, an act
17 to amend the Not-For-Profit Corporation Law;

18 4796, by Senator Savino, an act to
19 amend the Civil Practice Law and Rules;

20 5208, by Senator Huntley, an act to
21 amend the Penal Law;

22 5575A, by Senator Stachowski, an
23 act creating;

24 5578, by Senator Squadron, an act

1 to amend the Alcoholic Beverage Control Law;

2 5603C, by Senator Aubertine, an act
3 to create;

4 5632, by Senator Savino, an act to
5 amend the Retirement and Social Security Law;

6 5732, by Senator Aubertine, an act
7 to amend the New York State Urban Development
8 Corporation Act;

9 5764, by Senator Sampson, act to
10 amend the Social Services Law;

11 5779, by Senator Thompson, an act
12 to amend the Public Buildings Law;

13 5892, by Senator Espada, an act to
14 amend the Private Housing Finance Law;

15 5929, by Senator Parker, an act to
16 amend the Insurance Law;

17 5956, by Senator L. Krueger, an act
18 to amend the Real Property Tax Law;

19 5980, by Senator Klein, an act to
20 amend the Insurance Law;

21 5981, by Senator Klein, an act to
22 amend the Education Law;

23 5982, by Senator Savino, an act to
24 amend the Labor Law;

1 5990, by Senator Klein, an act to
2 amend the Election Law;

3 5998, by Senator Klein, an act to
4 amend the Tax Law;

5 6024, by Senator Breslin, an act to
6 amend the Social Services Law;

7 6041, by Senator Foley, an act to
8 amend the Real Property Tax Law;

9 6046, by Senator Aubertine, an act
10 to amend the State Finance Law;

11 6050, by Senator Stachowski, an act
12 to amend the Public Authorities Law;

13 6056, by Senator Valesky, an act to
14 amend the Tax Law;

15 939A, by Senator Robach, an act to
16 amend the Public Health Law;

17 2295, by Senator Stavisky, an act
18 to amend the Education Law;

19 4126, by Senator Winner, an act in
20 relation to;

21 4200, by Senator Stavisky, an act
22 to amend the Education Law;

23 5036, by Senator Hassell-Thompson,
24 an act to amend the Social Services Law;

1 5598B, by Senator Stachowski, an
2 act to amend the General Municipal Law;

3 5615, by Senator Parker, an act to
4 amend the Public Service Law;

5 5872, by Senator Maziarz, an act to
6 amend the Social Services Law;

7 6073, by Senator O. Johnson, an act
8 to amend the Town Law;

9 2664, by Senator Duane, an act to
10 amend the Social Services Law;

11 5576, by Senator Parker, an act to
12 amend the Education Law;

13 And Senate Print 5861A, by Senator
14 Dilan, an act to amend the Tax Law.

15 All bills ordered direct to third
16 reading.

17 ACTING PRESIDENT VALESKY: Those
18 Senators in favor of adopting the report of
19 the Rules Committee signify by saying aye.

20 (Response of "Aye.")

21 ACTING PRESIDENT VALESKY:
22 Opposed, nay.

23 (No response.)

24 ACTING PRESIDENT VALESKY: The

1 report of the Rules Committee is adopted.

2 Senator Klein.

3 SENATOR KLEIN: Mr. President,
4 can we please stand at ease pending the
5 Minority coming back from conference.

6 ACTING PRESIDENT VALESKY: The
7 Senate will stand at ease pending the return
8 of the Minority conference.

9 (Whereupon, the Senate stood at
10 ease at 6:45 p.m.)

11 (Whereupon, the Senate reconvened
12 at 8:20 p.m.)

13 ACTING PRESIDENT VALESKY: The
14 Senate will return to order.

15 Senator Klein.

16 SENATOR KLEIN: Mr. President, at
17 this time can we take up Senate Supplemental
18 Calendar Number 61A.

19 ACTING PRESIDENT VALESKY:
20 Senator Klein, we can do that. Would you
21 prefer to take up would you prefer to take
22 up -- I believe there's some housekeeping.
23 Would you prefer to do that first?

24 SENATOR KLEIN: No, let's take up

1 the calendar.

2 ACTING PRESIDENT VALESKY: The
3 Secretary will proceed with the reading of the
4 noncontroversial reading of Senate Calendar
5 Number 61A.

6 Senator Klein.

7 SENATOR KLEIN: Mr. President, at
8 this time we can take up the supplemental
9 active list.

10 ACTING PRESIDENT VALESKY: The
11 Secretary will proceed with the
12 noncontroversial reading of the bills on the
13 supplemental active list.

14 THE SECRETARY: In relation to
15 Calendar Number 160, Senator Parker moves to
16 discharge, from the Committee on Rules,
17 Assembly Bill Number 5877B and substitute it
18 for the identical Senate Bill Number 2501B,
19 Third Reading Calendar 160.

20 ACTING PRESIDENT VALESKY:
21 Substitution ordered.

22 THE SECRETARY: Calendar Number
23 160, by Member of the Assembly Cahill,
24 Assembly Print Number 5877B, an act to amend

1 the Energy Law.

2 ACTING PRESIDENT VALESKY: Read
3 the last section.

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

6 ACTING PRESIDENT VALESKY: Call
7 the roll.

8 (The Secretary called the roll.)

9 THE SECRETARY: Ayes, 57.

10 ACTING PRESIDENT VALESKY: The
11 bill is passed.

12 THE SECRETARY: In relation to
13 Calendar Number 322, Senator Savino moves to
14 discharge, from the Committee on Rules,
15 Assembly Bill Number 4106B and substitute it
16 for the identical Senate Bill Number 5098A,
17 Third Reading Calendar 322.

18 ACTING PRESIDENT VALESKY:
19 Substitution ordered.

20 THE SECRETARY: Calendar Number
21 322, by Member of the Assembly Abbate,
22 Assembly Print Number 4106B, an act to amend
23 the Public Officers Law.

24 ACTING PRESIDENT VALESKY: Read

1 the last section.

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

4 ACTING PRESIDENT VALESKY: Call
5 the roll.

6 (The Secretary called the roll.)

7 THE SECRETARY: Ayes, 57.

8 ACTING PRESIDENT VALESKY: The
9 bill is passed.

10 THE SECRETARY: Calendar Number
11 370, by Senator Adams, Senate Print 3022, an
12 act to amend the Racing, Pari-Mutuel Wagering
13 and Breeding Law.

14 SENATOR WINNER: Lay it aside.

15 ACTING PRESIDENT VALESKY: The
16 bill is laid aside.

17 SENATOR KLEIN: Can we lay the
18 bill aside for the day.

19 ACTING PRESIDENT VALESKY: The
20 bill is laid aside for the day.

21 THE SECRETARY: In relation to
22 Calendar Number 371, Senator Adams moves to
23 discharge, from the Committee on Rules,
24 Assembly Bill Number 8181 and substitute it

1 for the identical Senate Bill Number 3023,
2 Third Reading Calendar 371.

3 ACTING PRESIDENT VALESKY:
4 Substitution ordered.

5 THE SECRETARY: Calendar Number
6 371, by Member of the Assembly DelMonte,
7 Assembly Print --

8 SENATOR KLEIN: Lay the bill
9 aside for the day, please.

10 ACTING PRESIDENT VALESKY: The
11 bill is laid aside for the day.

12 THE SECRETARY: Calendar Number
13 471, by Member of the Assembly Englebright,
14 Assembly Print Number 7432A, an act to amend
15 the Parks, Recreation and Historic
16 Preservation Law.

17 ACTING PRESIDENT VALESKY: Read
18 the last section.

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

21 ACTING PRESIDENT VALESKY: Call
22 the roll.

23 (The Secretary called the roll.)

24 THE SECRETARY: Ayes, 57.

1 ACTING PRESIDENT VALESKY: The
2 bill is passed.

3 THE SECRETARY: Calendar Number
4 485 by Senator Hassell-Thompson --

5 SENATOR HASSELL-THOMPSON: Lay it
6 aside for the day.

7 ACTING PRESIDENT VALESKY: The
8 bill is laid aside for the day.

9 THE SECRETARY: Calendar Number
10 493, by Member of the Assembly Wright,
11 Assembly Print Number 7449, an act to amend
12 the Social Services Law.

13 ACTING PRESIDENT VALESKY: Read
14 the last section.

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

17 ACTING PRESIDENT VALESKY: Call
18 the roll.

19 (The Secretary called the roll.)

20 THE SECRETARY: Ayes, 57.

21 ACTING PRESIDENT VALESKY: The
22 bill is passed.

23 THE SECRETARY: In relation to
24 Calendar Number 512, Senator Onorato moves to

1 discharge, from the Committee on Rules,
2 Assembly Bill Number 2021B and substitute it
3 for the identical Senate Bill Number 2776B,
4 Third Reading Calendar 512.

5 ACTING PRESIDENT VALESKY:
6 Substitution ordered.

7 THE SECRETARY: Calendar Number
8 512, by Member of the Assembly John, Assembly
9 Print Number 2021B, an act to amend the
10 Workers' Compensation Law.

11 ACTING PRESIDENT VALESKY: Read
12 the last section.

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

15 ACTING PRESIDENT VALESKY: Call
16 the roll.

17 (The Secretary called the roll.)

18 THE SECRETARY: Those recorded in
19 the negative on Calendar Number 512 are
20 Senators Larkin, Little, Seward, Volker and
21 Winner.

22 Ayes, 52. Nays, 5.

23 ACTING PRESIDENT VALESKY: The
24 bill is passed.

1 THE SECRETARY: In relation to
2 Calendar Number 516, Senator Squadron moves to
3 discharge, from the Committee on Rules,
4 Assembly Bill Number 8125A and substitute it
5 for the identical Senate Bill Number 5281A,
6 Third Reading Calendar 516.

7 ACTING PRESIDENT VALESKY:
8 Substitution ordered.

9 SENATOR KLEIN: Lay it aside for
10 the day.

11 ACTING PRESIDENT VALESKY: The
12 bill is laid aside for the day.

13 THE SECRETARY: In relation to
14 Calendar Number 523, Senator Savino moves to
15 discharge, from the Committee on Rules,
16 Assembly Bill Number 6604A and substitute it
17 for the identical Senate Bill Number 2962A,
18 Third Reading Calendar 523.

19 ACTING PRESIDENT VALESKY:
20 Substitution ordered.

21 THE SECRETARY: Calendar Number
22 523, by Member of the Assembly Abbate,
23 Assembly Print Number 6604A, an act to amend
24 the Agriculture and Markets Law.

1 ACTING PRESIDENT VALESKY: Read
2 the last section.

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

5 ACTING PRESIDENT VALESKY: Call
6 the roll.

7 (The Secretary called the roll.)

8 THE SECRETARY: Ayes, 57.

9 ACTING PRESIDENT VALESKY: The
10 bill is passed.

11 THE SECRETARY: In relation to
12 Calendar Number 559, Hassell-Thompson moves to
13 discharge, from the Committee on Finance,
14 Assembly Bill Number 4629B and substitute it
15 for the identical Senate Bill Number 5042,
16 Third Reading Calendar 559.

17 ACTING PRESIDENT VALESKY:
18 Substitution ordered.

19 THE SECRETARY: Calendar Number
20 559, by Member of the Assembly Weinstein,
21 Assembly Print Number 4629B, an act to amend
22 the Executive Law.

23 ACTING PRESIDENT VALESKY: Read
24 the last section.

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

3 ACTING PRESIDENT VALESKY: Call
4 the roll.

5 (The Secretary called the roll.)

6 THE SECRETARY: Ayes, 57.

7 ACTING PRESIDENT VALESKY: The
8 bill is passed.

9 THE SECRETARY: Calendar Number
10 570, by Senator Parker, Senate Print 3764, an
11 act to amend the Penal Law.

12 ACTING PRESIDENT VALESKY: Read
13 the last section.

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

17 ACTING PRESIDENT VALESKY: Call
18 the roll.

19 (The Secretary called the roll.)

20 THE SECRETARY: Ayes, 55. Nays,
21 2. Senators DeFrancisco and Little recorded
22 in the negative.

23 ACTING PRESIDENT VALESKY: The
24 bill is passed.

1 THE SECRETARY: In relation to
2 Calendar Number 632, Senator Oppenheimer moves
3 to discharge, from the Committee on Elections,
4 Assembly Bill Number 6718B and substitute it
5 for the identical Senate Bill Number 4135A,
6 Third Reading Calendar 632.

7 ACTING PRESIDENT VALESKY:
8 Substitution ordered.

9 THE SECRETARY: Calendar Number
10 632, by Member of the Assembly Pheffer,
11 Assembly Print Number 6718B, an act to amend
12 the Education Law.

13 ACTING PRESIDENT VALESKY: Read
14 the last section.

15 THE SECRETARY: Section 3. This
16 act shall take effect January 1, 2010.

17 ACTING PRESIDENT VALESKY: Call
18 the roll.

19 (The Secretary called the roll.)

20 THE SECRETARY: Ayes, 57.

21 ACTING PRESIDENT VALESKY: The
22 bill is passed.

23 THE SECRETARY: In relation to
24 Calendar Number 802, Senator Morahan moves to

1 discharge, from the Committee on Rules,
2 Assembly Bill Number 7749A and substitute it
3 for the identical Senate Bill Number 5338A,
4 Third Reading Calendar 802.

5 ACTING PRESIDENT VALESKY:
6 Substitution ordered.

7 THE SECRETARY: Calendar Number
8 802, by Member of the Assembly Rabbitt,
9 Assembly Print Number 7749A, an act to
10 authorize the Town of Ramapo.

11 ACTING PRESIDENT VALESKY: Read
12 the last section.

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

15 ACTING PRESIDENT VALESKY: Call
16 the roll.

17 (The Secretary called the roll.)

18 THE SECRETARY: Ayes, 56. Nays,
19 1. Senator Bonacic recorded in the negative.

20 ACTING PRESIDENT VALESKY: The
21 bill is passed.

22 THE SECRETARY: In relation to
23 Calendar Number 843, Senator Volker moves to
24 discharge, from the Committee on Rules,

1 Assembly Bill Number 7581A and substitute it
2 for the identical Senate Bill Number 6057,
3 Third Reading Calendar 843.

4 ACTING PRESIDENT VALESKY:
5 Substitution ordered.

6 THE SECRETARY: Calendar Number
7 843, by Member of the Assembly Kolb, Assembly
8 Print Number 7581A, an act to amend the
9 Environmental Conservation Law.

10 ACTING PRESIDENT VALESKY: Read
11 the last section.

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

14 ACTING PRESIDENT VALESKY: Call
15 the roll.

16 (The Secretary called the roll.)

17 THE SECRETARY: Ayes, 55. Nays,
18 2. Senators Duane and Serrano recorded in the
19 negative.

20 ACTING PRESIDENT VALESKY: The
21 bill is passed.

22 THE SECRETARY: In relation to
23 Calendar Number 844, Senator Robach moves to
24 discharge, from the Committee on Rules,

1 Assembly Bill Number 9025 and substitute it
2 for the identical Senate Bill Number 6063,
3 Third Reading Calendar 844.

4 ACTING PRESIDENT VALESKY:
5 Substitution ordered.

6 THE SECRETARY: Calendar Number
7 844, by Member of the Assembly Gantt, Assembly
8 Print Number 9025, an act in relation to
9 paying aid and incentives.

10 ACTING PRESIDENT VALESKY: Read
11 the last section.

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

14 ACTING PRESIDENT VALESKY: Call
15 the roll.

16 (The Secretary called the roll.)

17 THE SECRETARY: Ayes, 57.

18 ACTING PRESIDENT VALESKY: The
19 bill is passed.

20 THE SECRETARY: In relation to
21 Calendar Number 845, Senator L. Krueger moves
22 to discharge, from the Committee on Health,
23 Assembly Print Number 789B and substitute it
24 for the identical Senate Bill Number 1107A,

1 Third Reading Calendar 845.

2 ACTING PRESIDENT VALESKY:

3 Substitution ordered.

4 THE SECRETARY: Calendar Number
5 845, by Member of the Assembly Gunther,
6 Assembly Print Number 789B, an act to amend
7 the Public Health Law.

8 ACTING PRESIDENT VALESKY: Read
9 the last section.

10 THE SECRETARY: Section 2. This
11 act shall take effect on the first of May.

12 ACTING PRESIDENT VALESKY: Call
13 the roll.

14 (The Secretary called the roll.)

15 THE SECRETARY: Ayes, 55. Nays,
16 2. Senators Marcellino and Volker recorded in
17 the negative.

18 ACTING PRESIDENT VALESKY: The
19 bill is passed.

20 THE SECRETARY: In relation to
21 Calendar Number 846, Senator Sampson moves to
22 discharge, from the Committee on Consumer
23 Protection, Assembly Bill Number 3409 and
24 substitute it for the identical Senate Bill

1 Number 2460, Third Reading Calendar 846.

2 ACTING PRESIDENT VALESKY:

3 Substitution ordered.

4 SENATOR LIBOUS: Lay it aside.

5 ACTING PRESIDENT VALESKY: The
6 bill is laid aside.

7 THE SECRETARY: Calendar Number
8 847, by Senator Aubertine, Senate Print 2813A,
9 an act to amend the Public Authorities Law.

10 ACTING PRESIDENT VALESKY: Read
11 the last section.

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

14 ACTING PRESIDENT VALESKY: Call
15 the roll.

16 (The Secretary called the roll.)

17 THE SECRETARY: Those recorded in
18 the negative on Calendar Number 847 are
19 Senators Alesi, Golden, C. Johnson, Larkin,
20 Marcellino, Ranzenhofer, Seward, Volker and
21 Winner.

22 Ayes, 48. Nays, 9.

23 ACTING PRESIDENT VALESKY: The
24 bill is passed.

1 THE SECRETARY: In relation to
2 Calendar Number 848, Senator Valesky moves to
3 discharge, from the Committee on Commerce,
4 Economic Development and Small Business,
5 Assembly Bill Number 2201A and substitute it
6 for the identical Senate Bill Number 3076A,
7 Third Reading Calendar 848.

8 ACTING PRESIDENT VALESKY:
9 Substitution ordered.

10 THE SECRETARY: Calendar Number
11 848, by Member of the Assembly Morelle,
12 Assembly Print Number 2201A, an act to amend
13 the Economic Development Law.

14 ACTING PRESIDENT VALESKY: Read
15 the last section.

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

18 ACTING PRESIDENT VALESKY: Call
19 the roll.

20 (The Secretary called the roll.)

21 THE SECRETARY: Ayes, 57.

22 ACTING PRESIDENT VALESKY: The
23 bill is passed.

24 THE SECRETARY: In relation to

1 Calendar Number 849, Senator Stewart-Cousins
2 moves to discharge, from the Committee on
3 Rules, Assembly Bill Number 7122C and
4 substitute it for the identical Senate Bill
5 Number 3325B, Third Reading Calendar 849.

6 ACTING PRESIDENT VALESKY:
7 Substitution ordered.

8 THE SECRETARY: Calendar Number
9 849, by Member of the Assembly Spano, Assembly
10 Print Number 7122C, an act to amend the
11 General Municipal Law.

12 ACTING PRESIDENT VALESKY: Read
13 the last section.

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

16 ACTING PRESIDENT VALESKY: Call
17 the roll.

18 (The Secretary called the roll.)

19 THE SECRETARY: Ayes, 57.

20 ACTING PRESIDENT VALESKY: The
21 bill is passed.

22 THE SECRETARY: In relation to
23 Calendar Number 850, Senator Savino moves to
24 discharge, from the Committee on Finance,

1 Assembly Print Number 4343 and substitute it
2 for the identical Senate Bill Number 3508,
3 Third Reading Calendar 850.

4 ACTING PRESIDENT VALESKY:
5 Substitution ordered.

6 SENATOR LIBOUS: Lay it aside.

7 ACTING PRESIDENT VALESKY: The
8 bill is laid aside.

9 THE SECRETARY: In relation to
10 Calendar Number 851, Senator Duane moves to
11 discharge, from the Committee on Codes,
12 Assembly Bill Number 1752A and substitute it
13 for the identical Senate Bill Number 3527,
14 Third Reading Calendar 851.

15 ACTING PRESIDENT VALESKY:
16 Substitution ordered.

17 SENATOR LIBOUS: Lay it aside.

18 ACTING PRESIDENT VALESKY: The
19 bill is laid aside.

20 THE SECRETARY: In relation to
21 Calendar Number 852, Senator Montgomery moves
22 to discharge, from the Committee on Codes,
23 Assembly Bill Number 8282A and substitute it
24 for the identical Senate Bill Number 3866A,

1 Third Reading Calendar 852.

2 ACTING PRESIDENT VALESKY:

3 Substitution ordered.

4 THE SECRETARY: Calendar Number
5 852, by Member of the Assembly Bradley,
6 Assembly Print Number 8282A, an act to amend
7 the Family Court Act.

8 ACTING PRESIDENT VALESKY: Read
9 the last section.

10 THE SECRETARY: Section 3. This
11 act shall take effect on the 60th day.

12 ACTING PRESIDENT VALESKY: Call
13 the roll.

14 (The Secretary called the roll.)

15 THE SECRETARY: Ayes, 57.

16 ACTING PRESIDENT VALESKY: The
17 bill is passed.

18 THE SECRETARY: In relation to
19 Calendar Number 853, Senator Montgomery moves
20 to discharge, from the Committee on Rules,
21 Assembly Print Number 8888 and substitute it
22 for the identical Senate Bill Number 3879A,
23 Third Reading Calendar 853.

24 ACTING PRESIDENT VALESKY:

1 Substitution ordered.

2 THE SECRETARY: Calendar Number
3 853, by Member of the Assembly Weinstein,
4 Assembly Print Number 8888, an act to amend
5 the Social Services Law.

6 ACTING PRESIDENT VALESKY: Read
7 the last section.

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

10 ACTING PRESIDENT VALESKY: Call
11 the roll.

12 (The Secretary called the roll.)

13 THE SECRETARY: Those recorded in
14 the negative on Calendar Number 853 are
15 Senators DeFrancisco and Ranzenhofer.

16 Ayes, 55. Nays, 2.

17 ACTING PRESIDENT VALESKY: The
18 bill is passed.

19 THE SECRETARY: Calendar Number
20 854, by Senator Klein, Senate Print 4589B, an
21 act to amend the Public Health Law.

22 ACTING PRESIDENT VALESKY: Read
23 the last section.

24 THE SECRETARY: Section 2. This

1 act shall take effect one year after it shall
2 have become law.

3 ACTING PRESIDENT VALESKY: Call
4 the roll.

5 (The Secretary called the roll.)

6 THE SECRETARY: Those recorded in
7 the negative on Calendar Number 854 are
8 Senators DeFrancisco, Flanagan, Golden, Lanza,
9 Little, Marcellino and Seward.

10 Ayes, 50. Nays, 7.

11 ACTING PRESIDENT VALESKY: The
12 bill is passed.

13 THE SECRETARY: In relation to
14 Calendar Number 855, Senator Breslin moves to
15 discharge, from the Committee on Insurance,
16 Assembly Bill Number 7949A and substitute it
17 for the identical Senate Bill Number 4602A,
18 Third Reading Calendar 855.

19 ACTING PRESIDENT VALESKY:
20 Substitution ordered.

21 THE SECRETARY: Calendar Number
22 855, by Member of the Assembly Silver,
23 Assembly Print Number 7949A, an act to amend
24 the Insurance Law.

1 ACTING PRESIDENT VALESKY: Read
2 the last section.

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

5 ACTING PRESIDENT VALESKY: Call
6 the roll.

7 (The Secretary called the roll.)

8 THE SECRETARY: Ayes, 57.

9 ACTING PRESIDENT VALESKY: The
10 bill is passed.

11 THE SECRETARY: In relation to
12 Calendar Number 856, Senator Oppenheimer moves
13 to discharge, from the Committee on Rules,
14 Assembly Bill Number 6772A and substitute it
15 for the identical Senate Bill Number 4944A,
16 Third Reading Calendar 856.

17 ACTING PRESIDENT VALESKY:
18 Substitution ordered.

19 THE SECRETARY: Calendar Number
20 856, by Member of the Assembly Paulin,
21 Assembly Print Number 6772A, an act to amend
22 the Public Health Law.

23 ACTING PRESIDENT VALESKY: Read
24 the last section.

1 THE SECRETARY: Section 3. This
2 act shall take effect April 1, 2011.

3 ACTING PRESIDENT VALESKY: Call
4 the roll.

5 (The Secretary called the roll.)

6 THE SECRETARY: Ayes, 57.

7 ACTING PRESIDENT VALESKY: The
8 bill is passed.

9 THE SECRETARY: In relation to
10 Calendar Number 857, Senator Hassell-Thompson
11 moves to discharge, from the Committee on
12 Investigations and Government Operations,
13 Assembly Bill Number 9017 and substitute it
14 for the identical Senate Bill Number 5031A,
15 Third Reading Calendar 857.

16 SENATOR LIBOUS: Lay it aside.

17 ACTING PRESIDENT VALESKY:
18 Substitution ordered, and the bill is laid
19 aside.

20 THE SECRETARY: In relation to
21 Calendar Number 858, Senator Oppenheimer moves
22 to discharge, from the Committee on Education,
23 Assembly Bill Number 8245A and substitute it
24 for the identical Senate Bill Number 5446A,

1 Third Reading Calendar 858.

2 ACTING PRESIDENT VALESKY:

3 Substitution ordered.

4 THE SECRETARY: Calendar Number
5 858, by Member of the Assembly Nolan, Assembly
6 Print Number 8245A, an act to amend the
7 Education Law.

8 ACTING PRESIDENT VALESKY: Read
9 the last section.

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

12 ACTING PRESIDENT VALESKY: Call
13 the roll.

14 (The Secretary called the roll.)

15 THE SECRETARY: Ayes, 57.

16 ACTING PRESIDENT VALESKY: The
17 bill is passed.

18 THE SECRETARY: In relation to
19 Calendar Number 859, Senator Addabbo moves to
20 discharge, from the Committee on Elections,
21 Assembly Bill Number 8527 and substitute it
22 for the identical Senate Bill Number 5448A,
23 Third Reading Calendar 859.

24 ACTING PRESIDENT VALESKY:

1 Substitution ordered.

2 THE SECRETARY: Calendar Number
3 859, by Member of the Assembly Skartados,
4 Assembly Print Number 8527, an act to amend
5 the Election Law.

6 ACTING PRESIDENT VALESKY: Read
7 the last section.

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

10 ACTING PRESIDENT VALESKY: Call
11 the roll.

12 (The Secretary called the roll.)

13 THE SECRETARY: Ayes, 57.

14 ACTING PRESIDENT VALESKY: The
15 bill is passed.

16 THE SECRETARY: In relation to
17 Calendar Number 859: Ayes, 56. Nays, 1.
18 Senator Golden recorded in the negative.

19 ACTING PRESIDENT VALESKY: The
20 bill is passed.

21 THE SECRETARY: In relation to
22 Calendar Number 860, Senator Breslin moves to
23 discharge, from the Committee on Finance,
24 Assembly Print Number 8400 and substitute it

1 for the identical Senate Print Number 5471,
2 Third Reading Calendar 860.

3 ACTING PRESIDENT VALESKY:
4 Substitution ordered.

5 THE SECRETARY: Calendar Number
6 860, by Member of the Assembly Peoples,
7 Assembly Print Number 8400, an act to amend
8 the Insurance Law.

9 ACTING PRESIDENT VALESKY: Read
10 the last section.

11 THE SECRETARY: Section 4. This
12 act shall take effect July 1, 2009.

13 ACTING PRESIDENT VALESKY: Call
14 the roll.

15 (The Secretary called the roll.)

16 THE SECRETARY: Ayes, 57.

17 ACTING PRESIDENT VALESKY: The
18 bill is passed.

19 THE SECRETARY: In relation to
20 Calendar Number 861, Senator Klein moves to
21 discharge, from the Committee --

22 SENATOR KLEIN: Lay the bill
23 aside for the day.

24 ACTING PRESIDENT VALESKY: The

1 Secretary will complete the Assembly
2 substitution first.

3 THE SECRETARY: Senator Klein
4 moves to discharge, from the Committee on
5 Agriculture, Assembly Bill Number 3765 and
6 substitute it for the identical Senate Bill
7 Number 5479, Third Reading Calendar 861.

8 ACTING PRESIDENT VALESKY:
9 Substitution ordered, and the bill is laid
10 aside for the day.

11 THE SECRETARY: Calendar Number
12 862, by Senator Huntley, Senate Print 5562B,
13 an act to amend the Public Health Law and the
14 New York State Medical Care Facilities Finance
15 Agency Act.

16 ACTING PRESIDENT VALESKY: Read
17 the last section.

18 THE SECRETARY: Section 14. This
19 act shall take effect immediately.

20 ACTING PRESIDENT VALESKY: Call
21 the roll.

22 (The Secretary called the roll.)

23 THE SECRETARY: Ayes, 57.

24 ACTING PRESIDENT VALESKY: The

1 bill is passed.

2 THE SECRETARY: In relation to
3 Calendar Number 863, Senator Valesky moves to
4 discharge, from the Committee on
5 Investigations and Government Operations,
6 Assembly Print Number 8294 and substitute it
7 for the identical Senate Print Number 5586,
8 Third Reading Calendar 863.

9 ACTING PRESIDENT VALESKY:
10 Substitution ordered.

11 THE SECRETARY: Calendar Number
12 863, by Member of the Assembly Destito,
13 Assembly Print Number 8294, an act to amend
14 the Tax Law.

15 ACTING PRESIDENT VALESKY: Read
16 the last section.

17 THE SECRETARY: Section 5. This
18 act shall take effect on the first day of a
19 sales tax quarterly period.

20 ACTING PRESIDENT VALESKY: Call
21 the roll.

22 (The Secretary called the roll.)

23 THE SECRETARY: Ayes, 57.

24 ACTING PRESIDENT VALESKY: The

1 bill is passed.

2 THE SECRETARY: In relation to
3 Calendar Number 864, Senator Squadron moves to
4 discharge, from the Committee on Rules,
5 Assembly Print Number 8519 and substitute it
6 for the identical Senate Bill Number 5577,
7 Third Reading Calendar 864.

8 ACTING PRESIDENT VALESKY:
9 Substitution ordered.

10 THE SECRETARY: Calendar Number
11 864, by Member of the Assembly Schimminger,
12 Assembly Print Number 8519, an act to amend
13 the Alcoholic Beverage Control Law.

14 ACTING PRESIDENT VALESKY: Read
15 the last section.

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

18 ACTING PRESIDENT VALESKY: Call
19 the roll.

20 (The Secretary called the roll.)

21 SENATOR DeFRANCISCO: Lay it
22 aside.

23 ACTING PRESIDENT VALESKY: The
24 roll call is withdrawn, and the bill is laid

1 aside.

2 THE SECRETARY: In relation to
3 Calendar Number 865, Senator Stewart-Cousins
4 moves to discharge, from the Committee on
5 Commerce, Economic Development and Small
6 Business, Assembly Bill Number 3193 and
7 substitute it for the identical Senate Bill
8 Number 5639, Third Reading Calendar 865.

9 ACTING PRESIDENT VALESKY:
10 Substitution ordered.

11 THE SECRETARY: Calendar Number
12 865, by Member of the Assembly Weprin,
13 Assembly Print Number 3193, an act to amend
14 the Economic Development Law.

15 ACTING PRESIDENT VALESKY: Read
16 the last section.

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

19 ACTING PRESIDENT VALESKY: Call
20 the roll.

21 (The Secretary called the roll.)

22 THE SECRETARY: Ayes, 57.

23 ACTING PRESIDENT VALESKY: The
24 bill is passed.

1 THE SECRETARY: In relation to
2 Calendar Number 866, Senator Sampson moves to
3 discharge, from the Committee on Children and
4 Families, Assembly Print Number 2004A and
5 substitute it for the identical Senate Print
6 Number 5697, Third Reading Calendar 866.

7 ACTING PRESIDENT VALESKY:
8 Substitution ordered.

9 THE SECRETARY: Calendar Number
10 866, by Member of the Assembly Weinstein,
11 Assembly Print Number 2004A, an act to amend
12 the Domestic Relations Law and the Family
13 Court Act.

14 ACTING PRESIDENT VALESKY: Read
15 the last section.

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

18 ACTING PRESIDENT VALESKY: Call
19 the roll.

20 (The Secretary called the roll.)

21 THE SECRETARY: Ayes, 57.

22 ACTING PRESIDENT VALESKY: The
23 bill is passed.

24 THE SECRETARY: Calendar Number

1 867, by Senator Schneiderman, Senate Print
2 5701, an act to amend the Education Law.

3 ACTING PRESIDENT VALESKY: Read
4 the last section.

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

7 ACTING PRESIDENT VALESKY: Call
8 the roll.

9 (The Secretary called the roll.)

10 THE SECRETARY: Those recorded in
11 the negative on Calendar Number 867 are
12 Senators DeFrancisco, Larkin, Marcellino,
13 Maziarz, Ranzenhofer, and Skelos. Also
14 Senator Morahan.

15 Ayes, 50. Nays, 7.

16 ACTING PRESIDENT VALESKY: The
17 bill is passed.

18 THE SECRETARY: In relation to
19 Calendar Number 868, Senator Thompson moves to
20 discharge, from the Committee on Environmental
21 Conservation, Assembly Print Number 8559A and
22 substitute it for the identical Senate Bill
23 Number 5766, Third Reading Calendar 868.

24 ACTING PRESIDENT VALESKY:

1 Substitution ordered.

2 THE SECRETARY: Calendar Number
3 868, by Member of the Assembly Sweeney,
4 Assembly Print Number 8559A, an act to amend
5 the Environmental Conservation Law.

6 ACTING PRESIDENT VALESKY: Read
7 the last section.

8 THE SECRETARY: Section 3. This
9 act shall take effect on the 90th day.

10 ACTING PRESIDENT VALESKY: Call
11 the roll.

12 (The Secretary called the roll.)

13 THE SECRETARY: In relation to
14 Calendar Number 868, those recorded in the
15 negative are Senators Griffo, Serrano and
16 Maziarz. Also Senator Duane.

17 Ayes, 53. Nays, 4.

18 ACTING PRESIDENT VALESKY: The
19 bill is passed.

20 THE SECRETARY: Calendar Number
21 869, by Senator Sampson, Senate Print 5807A,
22 an act to amend the Uniform City Court Act and
23 the Judiciary Law.

24 ACTING PRESIDENT VALESKY: Read

1 the last section.

2 THE SECRETARY: Section 8. This
3 act shall take effect on the first of April.

4 ACTING PRESIDENT VALESKY: Call
5 the roll.

6 (The Secretary called the roll.)

7 THE SECRETARY: Ayes, 57.

8 ACTING PRESIDENT VALESKY: The
9 bill is passed.

10 THE SECRETARY: In relation to
11 Calendar Number 870, Senator Valesky moves to
12 discharge, from the Committee on Rules,
13 Assembly Bill Number 8593 and substitute it
14 for the identical Senate Bill Number 5823,
15 Third Reading Calendar 870.

16 ACTING PRESIDENT VALESKY:
17 Substitution ordered.

18 THE SECRETARY: Calendar Number
19 870, by Member of the Assembly Magee, Assembly
20 Print Number 8593, an act to amend the
21 Agriculture and Markets Law.

22 ACTING PRESIDENT VALESKY: Read
23 the last section.

24 THE SECRETARY: Section 2. This

1 act shall take effect immediately.

2 ACTING PRESIDENT VALESKY: Call
3 the roll.

4 (The Secretary called the roll.)

5 THE SECRETARY: Ayes, 57.

6 ACTING PRESIDENT VALESKY: The
7 bill is passed.

8 THE SECRETARY: Calendar Number
9 871, by Senator Klein, Senate Print 5841A, an
10 act authorizing the Commissioner of General
11 Services.

12 ACTING PRESIDENT VALESKY: Read
13 the last section.

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

16 ACTING PRESIDENT VALESKY: Call
17 the roll.

18 (The Secretary called the roll.)

19 THE SECRETARY: Ayes, 57.

20 ACTING PRESIDENT VALESKY: The
21 bill is passed.

22 THE SECRETARY: In relation to
23 Calendar Number 872, Senator Aubertine moves
24 to discharge, from the Committee on Rules,

1 Assembly Bill Number 8901 and substitute it
2 for the identical Senate Bill Number 5888,
3 Third Reading Calendar 872.

4 ACTING PRESIDENT VALESKY:
5 Substitution ordered.

6 THE SECRETARY: Calendar Number
7 872, by Member of the Assembly Silver,
8 Assembly Print Number 8901, an act --

9 SENATOR KLEIN: Lay it aside for
10 the day.

11 ACTING PRESIDENT VALESKY: The
12 bill is laid aside for the day.

13 THE SECRETARY: In relation to
14 Calendar Number 873, Senator Perkins moves to
15 discharge, from the Committee on Rules,
16 Assembly Bill Number 8823 and substitute it
17 for the identical Senate Bill Number 5914,
18 Third Reading Calendar 873.

19 ACTING PRESIDENT VALESKY:
20 Substitution ordered.

21 THE SECRETARY: Calendar Number
22 873, by Member of the Assembly Wright,
23 Assembly Print Number 8823, an act to amend
24 the Alcoholic Beverage Control Law.

1 ACTING PRESIDENT VALESKY: Read
2 the last section.

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

5 ACTING PRESIDENT VALESKY: Call
6 the roll.

7 (The Secretary called the roll.)

8 THE SECRETARY: Ayes, 55. Nays,
9 2. Senators Fuschillo and Hannon recorded in
10 the negative.

11 SENATOR SALAND: Mr. President,
12 is this 873?

13 ACTING PRESIDENT VALESKY: This
14 is Calendar 873, yes, Senator Perkins' bill.

15 THE SECRETARY: Those recorded in
16 the negative on Calendar Number 873 are
17 Senators Fuschillo, Hannon and Saland.

18 Ayes, 54. Nays, 3.

19 ACTING PRESIDENT VALESKY: The
20 bill is passed.

21 THE SECRETARY: In relation to
22 Calendar Number 874, Senator Sampson moves to
23 discharge, from the Committee on Rules,
24 Assembly Bill Number 8681 and substitute it

1 for the identical Senate Bill Number 5987,
2 Third Reading Calendar 874.

3 SENATOR KLEIN: Lay the bill
4 aside for the day.

5 ACTING PRESIDENT VALESKY:
6 Substitution ordered, and the bill is laid
7 aside for the day.

8 THE SECRETARY: In relation to
9 Calendar Number 875, Senator Valesky moves to
10 discharge, from the Committee on Rules,
11 Assembly Print Number 7967A and substitute it
12 for the identical Senate Bill Number 6017,
13 Third Reading Calendar 875.

14 ACTING PRESIDENT VALESKY:
15 Substitution ordered.

16 THE SECRETARY: Calendar Number
17 875, by Member of the Assembly Hoyt, Assembly
18 Print Number 7967A, an act to amend the
19 Private Housing Finance Law.

20 ACTING PRESIDENT VALESKY: Read
21 the last section.

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

24 ACTING PRESIDENT VALESKY: Call

1 the roll.

2 (The Secretary called the roll.)

3 THE SECRETARY: Ayes, 57.

4 ACTING PRESIDENT VALESKY: The
5 bill is passed.

6 THE SECRETARY: In relation to
7 Calendar Number 876, Senator Breslin moves to
8 discharge, from the Committee on Rules,
9 Assembly Bill Number 9038 and substitute it
10 for the identical Senate Bill Number 6030,
11 Third Reading Calendar 876.

12 ACTING PRESIDENT VALESKY:
13 Substitution ordered.

14 THE SECRETARY: Calendar Number
15 876, by Member of the Assembly Morelle,
16 Assembly Print Number 9038, an act to amend
17 the Insurance Law.

18 ACTING PRESIDENT VALESKY: Read
19 the last section.

20 THE SECRETARY: Section 8. This
21 act shall take effect September 1, 2009.

22 ACTING PRESIDENT VALESKY: Call
23 the roll.

24 (The Secretary called the roll.)

1 ACTING PRESIDENT VALESKY:

2 Senator Seward, to explain his vote.

3 SENATOR SEWARD: Yes, very
4 briefly.

5 I'm going to support this
6 legislation, because it does attempt to
7 address an important issue, and that is to
8 extend health insurance coverage for children,
9 older children, young adults who have not yet
10 secured a place in their career and have
11 health insurance through their employment.

12 But I think this particular bill,
13 as well-intentioned as it is, falls short of
14 where it needs to be in terms of truly
15 addressing this problem. And we look forward
16 to working with Senator Breslin, Senator
17 Hannon and others in the future to come in
18 with a version which I think will better
19 address this issue for young adults.

20 I vote aye.

21 ACTING PRESIDENT VALESKY:

22 Senator Seward to be recorded in the
23 affirmative.

24 Announce the results.

1 THE SECRETARY: Ayes, 57. Nays,
2 0.

3 ACTING PRESIDENT VALESKY: The
4 bill is passed.

5 THE SECRETARY: In relation to
6 Calendar Number 877, Senator Aubertine moves
7 to discharge, from the Committee on Rules,
8 Assembly Bill Number 9031 and substitute it
9 for the identical Senate Bill Number 6032,
10 Third Reading Calendar 877.

11 ACTING PRESIDENT VALESKY:
12 Substitution ordered.

13 THE SECRETARY: Calendar Number
14 877 --

15 SENATOR KLEIN: Lay it aside for
16 the day, please.

17 ACTING PRESIDENT VALESKY: The
18 bill is laid aside for the day.

19 THE SECRETARY: In relation to
20 Calendar Number 878, Senator Perkins moves to
21 discharge, from the Committee on Rules,
22 Assembly Bill Number 8839A and substitute it
23 for the identical Senate Bill Number 6034,
24 Third Reading Calendar 878.

1 SENATOR LIBOUS: Lay it aside,
2 please.

3 ACTING PRESIDENT VALESKY:
4 Substitution ordered, and the bill is laid
5 aside.

6 THE SECRETARY: In relation to
7 Calendar Number 879, Senator Aubertine moves
8 to discharge, from the Committee on Rules,
9 Assembly Bill Number 8789 and substitute it
10 for the identical Senate Bill Number 6037,
11 Third Reading Calendar 879.

12 ACTING PRESIDENT VALESKY:
13 Substitution ordered.

14 THE SECRETARY: Calendar Number
15 879, by Member of the Assembly Ortiz, Assembly
16 Print Number 8789, an act to amend the
17 Domestic Relations Law and others.

18 ACTING PRESIDENT VALESKY: Read
19 the last section.

20 THE SECRETARY: Section 5. This
21 act shall take effect on the 60th day.

22 ACTING PRESIDENT VALESKY: Call
23 the roll.

24 (The Secretary called the roll.)

1 THE SECRETARY: Those recorded in
2 the negative on Calendar Number 879 are
3 Senators DeFrancisco, Flanagan, Golden, Lanza,
4 Larkin, Leibell, Marcellino, Morahan,
5 Ranzenhofer, Saland and Skelos.

6 Ayes, 46. Nays, 11.

7 ACTING PRESIDENT VALESKY: The
8 bill is passed.

9 THE SECRETARY: In relation to
10 Calendar Number 880, Senator Thompson moves to
11 discharge, from the Committee on Rules,
12 Assembly Print Number 9049 and substitute it
13 for the identical Senate Bill Number 6047,
14 Third Reading Calendar 880.

15 ACTING PRESIDENT VALESKY:
16 Substitution ordered.

17 THE SECRETARY: Calendar Number
18 880, by Member of the Assembly Sweeney,
19 Assembly Print Number 9049, an act to amend
20 the Environmental Conservation Law.

21 ACTING PRESIDENT VALESKY: Read
22 the last section.

23 SENATOR LIBOUS: Lay it aside.

24 ACTING PRESIDENT VALESKY: The

1 bill is laid aside.

2 THE SECRETARY: Calendar Number
3 881, by Senator Sampson, Senate Print 6068, an
4 act to amend the Insurance Law.

5 ACTING PRESIDENT VALESKY: Read
6 the last section.

7 THE SECRETARY: Section 3 --

8 SENATOR LIBOUS: Lay it aside.

9 ACTING PRESIDENT VALESKY: The
10 bill is laid aside.

11 THE SECRETARY: Calendar Number
12 882, by Senator Thompson, Senate Print 6089,
13 an act to amend the Environmental Conservation
14 Law.

15 ACTING PRESIDENT VALESKY: Read
16 the last section.

17 THE SECRETARY: Section 7. This
18 act shall take effect on the same date and in
19 the same manner as a chapter of the Laws of
20 2009.

21 ACTING PRESIDENT VALESKY: Call
22 the roll.

23 (The Secretary called the roll.)

24 SENATOR LIBOUS: Lay it aside.

1 ACTING PRESIDENT VALESKY: The
2 roll call is withdrawn, and the bill is laid
3 aside.

4 THE SECRETARY: Calendar Number
5 883, by Member of the Assembly Weprin,
6 Assembly Print Number 3250, an act to amend
7 the Public Authorities Law.

8 ACTING PRESIDENT VALESKY: Read
9 the last section.

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

12 ACTING PRESIDENT VALESKY: Call
13 the roll.

14 (The Secretary called the roll.)

15 SENATOR LIBOUS: Lay it aside.

16 ACTING PRESIDENT VALESKY: The
17 roll call is withdrawn, and the bill is laid
18 aside.

19 THE SECRETARY: In relation to
20 Calendar Number 884, Senator Stachowski moves
21 to discharge, from the Committee on Finance,
22 Assembly Print Number 251A and substitute it
23 for the identical Senate Bill Number 2289A,
24 Third Reading Calendar 884.

1 ACTING PRESIDENT VALESKY:

2 Substitution ordered.

3 THE SECRETARY: Calendar Number
4 884, by Member of the Assembly Magnarelli,
5 Assembly Print Number 251A, an act to amend
6 the Public Authorities Law.

7 ACTING PRESIDENT VALESKY: Read
8 the last section.

9 THE SECRETARY: Section 5. This
10 act shall take effect on the 60th day.

11 ACTING PRESIDENT VALESKY: Call
12 the roll.

13 (The Secretary called the roll.)

14 ACTING PRESIDENT VALESKY:
15 Senator Alesi, to explain his vote.

16 SENATOR ALESI: To explain my
17 vote.

18 It's a great bill.

19 (Laughter.)

20 ACTING PRESIDENT VALESKY:
21 Senator Alesi to be recorded in the
22 affirmative.

23 THE SECRETARY: Ayes, 57.

24 ACTING PRESIDENT VALESKY: The

1 bill is passed.

2 THE SECRETARY: In relation to
3 Calendar Number 885, Senator Stachowski moves
4 to discharge, from the Committee on Veterans,
5 Homeland Security and Military Affairs,
6 Assembly Bill Number 2239 and substitute it
7 for the identical Senate Bill Number 2440,
8 Third Reading Calendar 885.

9 ACTING PRESIDENT VALESKY:
10 Substitution ordered.

11 THE SECRETARY: Calendar Number
12 885, by Member of the Assembly Schroeder,
13 Assembly Print Number 2239, an act to amend
14 the Real Property Tax Law.

15 ACTING PRESIDENT VALESKY: Read
16 the last section.

17 THE SECRETARY: Section 2 --

18 SENATOR LIBOUS: Lay it aside.

19 ACTING PRESIDENT VALESKY: The
20 bill is laid aside.

21 THE SECRETARY: In relation to
22 Calendar Number 886, Senator Stachowski moves
23 to discharge, from the Committee on Housing,
24 Construction and Community Development,

1 Assembly Bill Number 6093A and substitute it
2 for the identical Senate Bill Number 2791A,
3 Third Reading Calendar 886.

4 ACTING PRESIDENT VALESKY:
5 Substitution ordered.

6 THE SECRETARY: Calendar Number
7 886, by Member of the Assembly Schroeder,
8 Assembly Print Number 6093A, an act to amend
9 the Executive Law.

10 ACTING PRESIDENT VALESKY: Read
11 the last section.

12 THE SECRETARY: Section 3. This
13 act shall take effect on the 80th day.

14 ACTING PRESIDENT VALESKY: Call
15 the roll.

16 (The Secretary called the roll.)

17 THE SECRETARY: Ayes, 57.

18 ACTING PRESIDENT VALESKY: The
19 bill is passed.

20 THE SECRETARY: In relation to
21 Calendar Number 887, Senator Addabbo moves to
22 discharge, from the Committee on Energy and
23 Telecommunications, Assembly Print Number
24 3639C, and substitute it for the identical

1 Senate Bill Number 4192B, Third Reading
2 Calendar 887.

3 ACTING PRESIDENT VALESKY:
4 Substitution ordered.

5 THE SECRETARY: Calendar Number
6 887, by Member of the Assembly Hevesi,
7 Assembly Print Number 3639C, an act to amend
8 the Public Service Law and the General
9 Business Law.

10 ACTING PRESIDENT VALESKY: Read
11 the last section.

12 THE SECRETARY: Section 4. This
13 act shall take effect April 1, 2010.

14 ACTING PRESIDENT VALESKY: Call
15 the roll.

16 (The Secretary called the roll.)

17 THE SECRETARY: Those recorded in
18 the negative on Calendar Number 887 are
19 Senators Farley, Seward and Volker.

20 Ayes, 54. Nays, 3.

21 ACTING PRESIDENT VALESKY: The
22 bill is passed.

23 THE SECRETARY: In relation to
24 Calendar Number 888, Senator Stachowski moves

1 to discharge, from the Committee on Finance,
2 Assembly Bill Number 2849 and substitute it
3 for the identical Senate Bill Number 4435,
4 Third Reading Calendar 888.

5 ACTING PRESIDENT VALESKY:
6 Substitution ordered.

7 THE SECRETARY: Calendar Number
8 888, by Member of the Assembly Schimminger,
9 Assembly Print Number 2849, an act to amend
10 the Economic Development Law.

11 ACTING PRESIDENT VALESKY: Read
12 the last section.

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

15 ACTING PRESIDENT VALESKY: Call
16 the roll.

17 (The Secretary called the roll.)

18 SENATOR ALESI: To explain my
19 vote.

20 ACTING PRESIDENT VALESKY:
21 Senator Alesi, to explain his vote.

22 SENATOR ALESI: This is another
23 great bill, as was Calendar 848.

24 ACTING PRESIDENT VALESKY:

1 Senator Alesi to be recorded in the
2 affirmative.

3 Announce the results.

4 THE SECRETARY: Ayes, 57.

5 ACTING PRESIDENT VALESKY: The
6 bill is passed.

7 THE SECRETARY: In relation to
8 Calendar Number 889, Senator Aubertine moves
9 to discharge, from the Committee on Energy and
10 Telecommunications, Assembly Bill Number 2928
11 and substitute it for the identical Senate
12 Bill Number 4841, Third Reading Calendar 889.

13 ACTING PRESIDENT VALESKY:
14 Substitution ordered.

15 THE SECRETARY: Calendar Number
16 889, by --

17 SENATOR KLEIN: Lay it aside for
18 the day.

19 ACTING PRESIDENT VALESKY: The
20 bill is laid aside for the day.

21 THE SECRETARY: In relation to
22 Calendar Number 890, Senator Huntley moves to
23 discharge, from the Committee on Finance,
24 Assembly Bill Number 5055 and substitute it

1 for the identical Senate Bill Number 4938,
2 Third Reading Calendar 890.

3 ACTING PRESIDENT VALESKY:
4 Substitution ordered.

5 THE SECRETARY: Calendar Number
6 890, by Member of the Assembly Rivera,
7 Assembly Print Number 5055, an act to amend
8 the Mental Hygiene Law.

9 ACTING PRESIDENT VALESKY: Read
10 the last section.

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

13 ACTING PRESIDENT VALESKY: Call
14 the roll.

15 (The Secretary called the roll.)

16 THE SECRETARY: Those recorded in
17 the negative on Calendar Number 890 are
18 Senators DeFrancisco, Griffo, Lanza and
19 Little.

20 Ayes, 53. Nays, 4.

21 ACTING PRESIDENT VALESKY: The
22 bill is passed.

23 THE SECRETARY: In relation to
24 Calendar Number 891, Senator C. Johnson moves

1 to discharge, from the Committee on Finance,
2 Assembly Bill Number 7698 and substitute it
3 for the identical Senate Bill Number 5048,
4 Third Reading Calendar 891.

5 ACTING PRESIDENT VALESKY:
6 Substitution ordered.

7 THE SECRETARY: Calendar Number
8 891, by Member of the Assembly Meng, Assembly
9 Print Number 7698, an act to amend the
10 Executive Law.

11 ACTING PRESIDENT VALESKY: Read
12 the last section.

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

15 ACTING PRESIDENT VALESKY: Call
16 the roll.

17 (The Secretary called the roll.)

18 THE SECRETARY: Ayes, 57.

19 ACTING PRESIDENT VALESKY: The
20 bill is passed.

21 THE SECRETARY: In relation to
22 Calendar Number 892, Senator Huntley moves to
23 discharge, from the Committee on
24 Investigations and Government Operations,

1 Assembly Bill Number 781B and substitute it
2 for the identical Senate Bill Number 5396,
3 Third Reading Calendar 892.

4 ACTING PRESIDENT VALESKY:
5 Substitution ordered.

6 THE SECRETARY: Calendar Number
7 892, by Member of the Assembly Paulin,
8 Assembly Print Number 781B, an act to amend
9 the Executive Law.

10 ACTING PRESIDENT VALESKY: Read
11 the last section.

12 THE SECRETARY: Section 3. This
13 act shall take effect on the 120th day.

14 ACTING PRESIDENT VALESKY: Call
15 the roll.

16 (The Secretary called the roll.)

17 THE SECRETARY: Ayes, 57.

18 ACTING PRESIDENT VALESKY: The
19 bill is passed.

20 THE SECRETARY: In relation to
21 Calendar Number 893, Senator Breslin moves to
22 discharge, from the Committee on Insurance,
23 Assembly Bill Number 8402A and substitute it
24 for the identical Senate Bill Number 5472A,

1 Third Reading Calendar 893.

2 ACTING PRESIDENT VALESKY:

3 Substitution ordered.

4 THE SECRETARY: Calendar Number
5 893, by Member of the Assembly Morelle,
6 Assembly Print Number 8402A, an act to amend
7 the Insurance Law and the Public Health Law.

8 ACTING PRESIDENT VALESKY: Read
9 the last section.

10 THE SECRETARY: Section 48. This
11 act shall take effect January 1, 2010.

12 ACTING PRESIDENT VALESKY: Call
13 the roll.

14 (The Secretary called the roll.)

15 THE SECRETARY: Ayes, 57.

16 ACTING PRESIDENT VALESKY: The
17 bill is passed.

18 THE SECRETARY: In relation to
19 Calendar Number 894, Senator Klein moves to
20 discharge, from the Committee on Labor,
21 Assembly Bill Number 7144A and substitute it
22 for the identical Senate Bill Number 5737,
23 Third Reading Calendar 894.

24 ACTING PRESIDENT VALESKY:

1 Substitution ordered.

2 THE SECRETARY: Calendar Number
3 894, by Member of the Assembly Benedetto,
4 Assembly Print Number 7144A, an act to amend
5 the Labor Law and the Civil Service Law.

6 ACTING PRESIDENT VALESKY: Read
7 the last section.

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

10 ACTING PRESIDENT VALESKY: Call
11 the roll.

12 (The Secretary called the roll.)

13 THE SECRETARY: Ayes, 57.

14 ACTING PRESIDENT VALESKY: The
15 bill is passed.

16 THE SECRETARY: In relation to
17 Calendar Number 895, Senator Huntley moves to
18 discharge, from the Committee on Rules,
19 Assembly Bill Number 8972A and substitute it
20 for the identical Senate Bill Number 5930A,
21 Third Reading Calendar 895.

22 ACTING PRESIDENT VALESKY:
23 Substitution ordered.

24 THE SECRETARY: Calendar Number

1 895, by Member of the Assembly Weisenberg,
2 Assembly Print Number 8972A, an act to amend
3 the Mental Hygiene Law.

4 ACTING PRESIDENT VALESKY: Read
5 the last section.

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

8 ACTING PRESIDENT VALESKY: Call
9 the roll.

10 (The Secretary called the roll.)

11 THE SECRETARY: Ayes, 57.

12 ACTING PRESIDENT VALESKY: The
13 bill is passed.

14 Senator Klein, that completes the
15 noncontroversial reading of the supplemental
16 active list.

17 SENATOR KLEIN: Mr. President, on
18 behalf of Senator Schneiderman, I move to
19 reconsider the vote by which Calendar 867 was
20 passed.

21 ACTING PRESIDENT VALESKY: The
22 Secretary will call the roll on
23 reconsideration.

24 THE SECRETARY: Calendar Number

1 867, by Senator Schneiderman, Senate Print
2 701, an act to amend the Education Law.

3 SENATOR SCHNEIDERMAN: Lay it
4 aside for the day.

5 ACTING PRESIDENT VALESKY: The
6 bill is before the house, restored to its
7 place on the Third Reading Calendar, and laid
8 aside for the day.

9 Senator Klein.

10 SENATOR KLEIN: Mr. President, at
11 this time can we go to the controversial
12 reading of the supplemental calendar, please.

13 ACTING PRESIDENT VALESKY: The
14 Secretary will ring the bells.

15 We will proceed with the
16 controversial reading of the bills on the
17 supplemental active list.

18 Senator Klein.

19 SENATOR KLEIN: Mr. President,
20 can we go back to the order of motions and
21 resolutions, please.

22 ACTING PRESIDENT VALESKY: To the
23 order of motions and resolutions.

24 Senator Klein.

1 SENATOR KLEIN: I have four
2 motions.

3 First, on behalf of Senator
4 Aubertine, I move to recommit Senate Print
5 4104, Calendar Number 571 on the order of
6 Third Reading, to the Committee on Codes, with
7 instructions to said committee to strike out
8 the enacting clause.

9 ACTING PRESIDENT VALESKY: So
10 ordered.

11 SENATOR KLEIN: On behalf of
12 Senator Ruth Hassell-Thompson, on page 25 I
13 offer the following amendments to Calendar
14 Number 485, Senate Print Number 1799, and ask
15 that said bill retain its place on Third
16 Reading Calendar.

17 ACTING PRESIDENT VALESKY: The
18 amendments are received.

19 SENATOR KLEIN: Mr. President, on
20 behalf of Senator Thompson, on page 9 I offer
21 the following amendments to Calendar Number
22 174, Senate Print Number 3781, and ask that
23 the bill retain its place on Third Reading
24 Calendar.

1 ACTING PRESIDENT VALESKY: The
2 amendments are received.

3 SENATOR KLEIN: And last, on
4 behalf of Senator Thompson, on page 10 I offer
5 the following amendments to Calendar Number
6 207, Senate Print 3782, and ask that said bill
7 retain its place on Third Reading Calendar.

8 ACTING PRESIDENT VALESKY: The
9 amendments are received.

10 SENATOR KLEIN: Madam President,
11 welcome.

12 ACTING PRESIDENT STEWART-COUSINS:
13 Senator Klein.

14 SENATOR KLEIN: At this time can
15 we move to the controversial reading of the
16 supplemental calendar.

17 ACTING PRESIDENT STEWART-COUSINS:
18 If the Secretary would please ring the bells,
19 members are asked to come to the chamber for
20 the controversial reading of active bills on
21 the calendar.

22 SENATOR LIBOUS: Madam President.

23 ACTING PRESIDENT STEWART-COUSINS:
24 Senator Libous.

1 SENATOR LIBOUS: If I could ask
2 of Senator Klein, and I would ask that our
3 members stay in the chamber and we can get
4 this moving. And if Senator Klein might ask
5 that the same, so that we can move these bills
6 right along.

7 ACTING PRESIDENT STEWART-COUSINS:
8 The Secretary will read.

9 THE SECRETARY: Calendar Number
10 846, by Member of the Assembly Perry, Assembly
11 Print Number 3409, an act to amend the
12 Personal Property Law and the Banking Law.

13 SENATOR GOLDEN: Explanation.

14 ACTING PRESIDENT STEWART-COUSINS:
15 An explanation has been requested, Senator
16 Sampson.

17 SENATOR SAMPSON: Madam
18 President, who is asking for the explanation?

19 ACTING PRESIDENT STEWART-COUSINS:
20 Senator Golden has requested the explanation.

21 SENATOR SAMPSON: Senator Golden,
22 this bill prohibits credit card companies from
23 including interest and fees in determining
24 over-the-limit charges on credit cards. This

1 includes all credit card fees, such is finance
2 charges, service charges, commissions, fines
3 and penalties.

4 ACTING PRESIDENT STEWART-COUSINS:
5 Senator Farley, why do you rise?

6 SENATOR FARLEY: Thank you, my
7 distinguished friend over here.

8 Let me just say that if there's any
9 consensus on the Banking Committee -- this did
10 not go through the Banking Committee -- it's
11 to enhance and try to protect the
12 state-chartered banks.

13 Now, this would only affect
14 state-chartered banks. And the vast
15 preponderance, if not 98 percent of all the
16 credit cards in this state are handled through
17 the federal -- they've moved them out of state
18 because they don't want to be troubled by such
19 legislation.

20 Senator Sampson, this may --
21 actually, the New York State Bankers
22 Association opposes this. You may think that
23 you're really helping the consumer, but
24 unfortunately you may mislead them by letting

1 them think they have protection when, in
2 reality, this bill would apply to almost no
3 credit cards in this state.

4 I think there's only about four
5 state-chartered banks that even have their own
6 credit cards. Should this become law, it's a
7 good chance that they will move it out of
8 state.

9 So I would have to vote no on this,
10 with all due respect.

11 SENATOR SAMPSON: Thank you.

12 ACTING PRESIDENT STEWART-COUSINS:
13 Thank you, Senator Farley.

14 SENATOR SAMPSON: Thank you,
15 Senator Farley.

16 ACTING PRESIDENT STEWART-COUSINS:
17 Are there any other members wishing to be
18 heard on the bill?

19 Hearing none, the debate is closed.

20 The Secretary will ring the bell.

21 Read the last section.

22 THE SECRETARY: Section 3. This
23 act shall take effect on the 60th day.

24 ACTING PRESIDENT STEWART-COUSINS:

1 Call the roll.

2 (The Secretary called the roll.)

3 ACTING PRESIDENT STEWART-COUSINS:

4 Announce the results.

5 THE SECRETARY: Those recorded in
6 the negative on Calendar Number 846 are
7 Senators Bonacic, DeFrancisco, Farley, Griffo,
8 Hannon, Larkin, LaValle, Marcellino, Maziarz,
9 Ranzenhofer, Saland, Seward, Skelos, Volker,
10 Winner, and Young.

11 Absent from voting: Senator
12 McDonald.

13 Ayes, 40. Nays, 16.

14 ACTING PRESIDENT STEWART-COUSINS:

15 The bill is passed.

16 The Secretary will continue to
17 read.

18 THE SECRETARY: Calendar Number
19 850, substituted earlier today by Member of
20 the Assembly Brodsky, Assembly Print Number
21 4343, an act to amend the Public Authorities
22 Law.

23 SENATOR LIBOUS: Explanation.

24 ACTING PRESIDENT STEWART-COUSINS:

1 Senator Savino, an explanation is requested by
2 Senator Libous.

3 SENATOR SAVINO: Thank you, Madam
4 President.

5 This bill would amend the Public
6 Authorities Law in relation to subcontracting
7 out by public authorities.

8 Essentially what the legislation
9 would require is that public authorities would
10 be prohibited from contracting out for
11 services unless contracting for such services
12 is, one, cost-effective when compared to the
13 cost of having the public authority do the
14 work in-house.

15 It would have to be required for a
16 short duration, making it impractical to hire
17 bargaining unit employees to perform the same
18 service. Or if it was required for special
19 expertise not currently available in the
20 bargaining unit, or required due to an urgent
21 need such that the delay in hiring employees
22 would frustrate the public interest.

23 It would be --

24 ACTING PRESIDENT STEWART-COUSINS:

1 I'd ask the members to extend the courtesy to
2 Senator Savino as she explains her bill.

3 SENATOR SAVINO: Thank you, Madam
4 President.

5 It would also require the public
6 authorities to perform a cost-benefit analysis
7 of proposed contracts when they do contract
8 out, which would evaluate but not be limited
9 to the following factors: Whether there was
10 reimbursement from other sources both for the
11 direct and indirect costs of performing the
12 work; whether or not the contractor that they
13 contract out to provides wages and supplements
14 to employees which are comparable to those
15 paid to similar employees performing similar
16 work in the geographic area where the work is
17 to be performed.

18 A contract may not be considered
19 cost-effective if such wages and supplements
20 are substantially lower than those customarily
21 paid in the area, and whether the quality of
22 service being provided is comparable to that
23 which could be provided by the public
24 authority's own employees currently covered by

1 their bargaining units.

2 ACTING PRESIDENT STEWART-COUSINS:

3 Thank you, Senator Savino.

4 SENATOR LIBOUS: Explanation
5 satisfactory. Read the last section.

6 ACTING PRESIDENT STEWART-COUSINS:
7 Are there any other Senators wishing to speak
8 on the bill?

9 Read the last section.

10 THE SECRETARY: Section 2. This
11 act shall take effect on the first of April.

12 ACTING PRESIDENT STEWART-COUSINS:
13 Call the roll.

14 (The Secretary called the roll.)

15 ACTING PRESIDENT STEWART-COUSINS:
16 Announce the results.

17 THE SECRETARY: Those recorded in
18 the negative on Calendar Number 850 are
19 Senators Golden, Ranzenhofer and Skelos. Also
20 Senator Saland. Also Senators Hannon and
21 Larkin. Also Senator Marcellino. Also
22 Senator LaValle. Also Senator Flanagan. Also
23 Senator Leibell.

24 Ayes, 47. Nays, 10.

1 ACTING PRESIDENT STEWART-COUSINS:

2 The bill is passed.

3 The Secretary will continue to
4 read.

5 THE SECRETARY: Calendar Number
6 851, substituted earlier by Member of the
7 Assembly Gottfried, Assembly Print Number
8 1752A, an act to amend the Public Health Law.

9 ACTING PRESIDENT STEWART-COUSINS:
10 Senator Hannon, why do you rise?

11 SENATOR HANNON: I'd like to
12 speak on the bill.

13 ACTING PRESIDENT STEWART-COUSINS:
14 Senator Hannon, on the bill.

15 SENATOR HANNON: Let me just ask
16 a question of the chair first. This is which
17 calendar, which calendar item?

18 ACTING PRESIDENT STEWART-COUSINS:
19 It's Number 851, Senator.

20 SENATOR HANNON: Thank you.

21 There is, in light of the total
22 circumstances affecting hospitals, a good
23 reason not to support this. We have been in
24 substantial removal of their financial support

1 from this year's budget. We have changed
2 around their funding streams by moving major
3 support away from inpatient healthcare to
4 outpatient clinics, ambulatory clinics. The
5 federal government has talked about major
6 changes.

7 But the president of the United
8 States and the hospitals in this nation have
9 talked about sacrificing \$1.5 trillion to
10 \$2 trillion over the next 10 years, which
11 would translate into a loss to hospitals of
12 about a billion dollars a year from affecting
13 that agreement between the President of the
14 United States and the hospitals of this
15 nation, notwithstanding whatever of the
16 various five or six bills come out of Congress
17 for reforming healthcare.

18 In light of that, we're supposed to
19 have a disclosure statement that would be the
20 Nursing Care Quality Protection Act. It
21 sounds great, but nothing would be there. We
22 don't have standards that say what the ratios
23 of staffing to patients ought to be. We don't
24 actually have, in any given hospital

1 institution, a uniform type of care that has
2 to be given.

3 How can I say that? We have
4 emergency rooms, we have general surgical
5 units, we have intensive care units, we have
6 obstetric units. Each one of those -- and I
7 could go on. Postsurgical. Each one of those
8 requires a different staffing pattern.

9 Now, all of the hospitals in this
10 state have to conform to quality standards.
11 If they don't conform to quality standards,
12 they're subject to strict regulation by the
13 state hospital department, by federal
14 regulations.

15 So there is quality there. The
16 point is if we start to have to have this
17 vague mandate, we're going to be collecting
18 things against a standard that's unknown.

19 For those reasons and for many
20 others -- and the hour is too late and we have
21 too much things on our plate -- I just want to
22 point out that the hospitals in New York City,
23 the Greater Hospital Association, the
24 hospitals in the state, the Hospital

1 Association of New York State, various
2 specific hospitals have communicated their
3 opposition. This is not the right time nor
4 the right place to go with this legislation.

5 Now, consumers and patients in this
6 state are left with a myriad of resources
7 currently available, currently available to
8 everybody. It's on the web. You can go look
9 on the web for any hospital in the state and
10 find a myriad of indicators and make your
11 decisions as to the services being provided.

12 But this legislation is the wrong
13 place at the wrong time. In the future,
14 perhaps with some of the things being
15 discussed under national healthcare reform
16 with quality indicators, with effectiveness
17 indicators, this would be appropriate. But
18 not now, not this time.

19 Thank you, Madam President.

20 ACTING PRESIDENT STEWART-COUSINS:

21 Thank you, Senator.

22 Senator LaValle.

23 SENATOR LaVALLE: Thank you,
24 Madam President.

1 It is a very rare time when I rise
2 to have a disparate view than my learned
3 colleague to my left, Senator Hannon.
4 Normally, throughout my career I have been
5 very supportive of our hospitals. During the
6 budget, I stood up here and debated Senator
7 Duane. And actually Senator Hannon
8 articulated many of the reasons why we need to
9 be supportive of the hospitals.

10 I spend a lot of time with -- I
11 have five hospitals in my district. I have
12 done a lot of interaction with the hospitals
13 in my Senate district, which places me there
14 and talking to patients, talking to staff.
15 One of the biggest complaints today, and I
16 hear this all the time, people will say: "The
17 last place you want to be is in a hospital."

18 Now, for a lot of reasons, you
19 don't want to be ill. But you don't want to
20 be in a hospital because the issue of nursing
21 to patient ratios differs. And in some cases,
22 because the hospitals are so jammed fiscally,
23 that ratio in some cases is compromised.

24 In this case I am going to, because

1 again, through my career, I have been a person
2 who believes that one of the best kinds of
3 regulation is through disclosure, through
4 transparency. And I think the more
5 information that we have in terms of
6 nurse/patient ratios is a good thing. It's a
7 good thing for the patients.

8 We have to, in other venues, be
9 supportive of the hospitals to be able to
10 ensure that they have the revenues to provide
11 adequate care. But we should not be in a
12 place at this time compromising patients'
13 health.

14 So when it comes for a vote -- and
15 again, it's rare that I have a disparate view
16 from my colleague Senator Hannon -- but I am
17 going to be supportive of this legislation.

18 Thank you.

19 ACTING PRESIDENT STEWART-COUSINS:

20 Thank you, Senator.

21 Senator DeFrancisco.

22 SENATOR DeFRANCISCO: I'm going
23 to vote in favor of this bill as well. This
24 used to be my bill in other times.

1 And it's interesting that hospitals
2 would be against something like this. It's
3 simple disclosure to give the consumer a
4 little information about the various numbers
5 of nurses and the like that serve in the
6 hospital, that serve in direct patient care.
7 It's just more information.

8 And the reason why it seems sort of
9 unusual the hospitals would be against this
10 for so many years is that they're advertising
11 all over the place nowadays, trying to
12 convince people to come, through their
13 advertisements, to their particular hospital
14 for their specialty.

15 They should also be willing -- and
16 if they're not, the state should require
17 them -- to provide this information to the
18 general public to make a wise decision.

19 I'm going to vote yes.

20 ACTING PRESIDENT STEWART-COUSINS:

21 Thank you, Senator.

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

24 Senator Duane.

1 SENATOR DUANE: Thank you very
2 much, Madam President.

3 My colleagues, I think -- all of
4 them -- made some excellent points. But I
5 want to most of all stress that the intent of
6 this bill is really just to better inform
7 consumers. And the goal really is to try to
8 have as many tools in order to ensure the best
9 quality of care.

10 The information that will be
11 garnered as a result of this bill is
12 information that's part of much information
13 that will empower consumers as well as people
14 in the health and medical fields, and
15 ultimately I think it will help to provide for
16 a better health care system for all
17 New Yorkers.

18 Thank you, Madam President. And I
19 encourage my colleagues to vote yes. Thank
20 you.

21 ACTING PRESIDENT STEWART-COUSINS:
22 Thank you, Senator Duane.

23 Any other Senators wishing to be
24 heard?

1 Hearing none, the debate is closed.

2 The Secretary will please ring the
3 bells.

4 Read the last section.

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

7 ACTING PRESIDENT STEWART-COUSINS:
8 Call the roll.

9 (The Secretary called the roll.)

10 THE SECRETARY: Those recorded in
11 the negative on Calendar Number 851 are
12 Senators Farley, Hannon, Larkin, Libous,
13 Little, Marcellino, Ranzenhofer, Seward,
14 Skelos and Winner.

15 Ayes, 47. Nays, 10.

16 ACTING PRESIDENT STEWART-COUSINS:
17 The bill is passed.

18 The Secretary will read.

19 THE SECRETARY: Calendar Number
20 857, substituted earlier today by Member of
21 the Assembly Weinstein, Assembly Print Number
22 9017, an act to amend the Family Court Act.

23 SENATOR LIBOUS: Read the last
24 section.

1 ACTING PRESIDENT STEWART-COUSINS:

2 Read the last section.

3 THE SECRETARY: Section 15. This
4 act shall take effect on the 90th day.

5 ACTING PRESIDENT STEWART-COUSINS:

6 Call the roll.

7 (The Secretary called the roll.)

8 THE SECRETARY: Those recorded in
9 the negative on Calendar Number 857 are
10 Senators Bonacic, DeFrancisco, Skelos and
11 Volker.

12 Ayes, 53. Nays, 4.

13 ACTING PRESIDENT STEWART-COUSINS:

14 The bill is passed.

15 The Secretary will continue to
16 read.

17 THE SECRETARY: Calendar Number
18 864, substituted earlier today by Member of
19 the Assembly Schimminger --

20 SENATOR KLEIN: Lay it aside for
21 the day.

22 ACTING PRESIDENT STEWART-COUSINS:

23 The bill is laid aside for the day.

24 The Secretary will continue to

1 read.

2 THE SECRETARY: Calendar Number
3 878, substituted earlier today by Member of
4 the Assembly Pheffer, Assembly Print Number
5 8839A, an act to amend the General Business
6 Law.

7 SENATOR FUSCHILLO: Explanation.

8 ACTING PRESIDENT STEWART-COUSINS:
9 Senator Perkins, an explanation has been
10 requested by Senator Fuschillo.

11 SENATOR PERKINS: This bill
12 amends the "Do Not Call" Law to create more
13 comprehensive protections from unsolicited
14 telemarketing sales calls for consumers.

15 The bill expressly prohibits
16 prerecorded telemarketing sales call,
17 restricts telemarketer calling times, requires
18 telemarketers to disclose all terms and
19 conditions related to offers containing
20 negative option features, and provides the
21 Consumer Protection Board with subpoena power
22 to investigate violations.

23 Effectively, it better coordinates
24 the federal law with our state law.

1 ACTING PRESIDENT STEWART-COUSINS:

2 Senator Saland, why do you rise?

3 SENATOR SALAND: On the bill.

4 ACTING PRESIDENT STEWART-COUSINS:

5 Senator Saland, on the bill.

6 SENATOR SALAND: Madam President,
7 I certainly don't have any problems with
8 anything that Senator Perkins mentioned in his
9 explanation of the bill.

10 What does, however, give me some
11 problems is providing the Consumer Protection
12 Board with a subpoena power, something which
13 we have not done for them previously,
14 something in fact which they didn't even ask
15 for in their program bill.

16 And I just think it's a rather
17 slippery slope, and I'm not quite sure how we
18 justify providing this particular ability to
19 this particular entity. And for that reason,
20 Madam President, I'm going to vote in the
21 negative and urge my colleagues to vote in the
22 negative as well.

23 ACTING PRESIDENT STEWART-COUSINS:

24 Thank you, Senator.

1 Senator Fuschillo, why do you rise?

2 SENATOR FUSCHILLO: On the bill,
3 Madam President.

4 ACTING PRESIDENT STEWART-COUSINS:
5 Senator Fuschillo, on the bill.

6 SENATOR FUSCHILLO: I am
7 well-versed on the "Do Not Call" Registry, as
8 the author of that, and Senator Stachowski was
9 the co-prime back in 2001. And all the
10 provisions that Senator Perkins talked about,
11 consumers in New York are currently covered.

12 The Consumer Protection Board was
13 established in 1970 as a consumer watchdog and
14 a think tank, not to go down the avenue of
15 have subpoena power. As the former chair of
16 the Consumer Protection Board, when the
17 current executive director and chair came in,
18 she came from the Attorney General's office.
19 And she handled consumer complaints. And I
20 think she wanted to take the powers that she
21 had in the Attorney General's Office and bring
22 them to the Consumer Protection Board.

23 I did not agree with her because I
24 felt, as I feel now, that the Attorney

1 General's Office, their Consumer Protection
2 Unit does an admirable job in protecting
3 consumers. And I have full faith and
4 confidence in Attorney General Andrew Cuomo
5 and his staff to handle consumer complaints
6 when it has to go to the next step.

7 Now, to give the Consumer
8 Protection Board the subpoena power that they
9 currently don't have and take away the
10 authority and the responsibility that the
11 Attorney General's Office has, I never
12 understood why she wanted to do it; I don't
13 understand why she wants to do it today.

14 I urge all my colleagues to vote
15 against this bill to reinforce our faith in
16 the Attorney General's Consumer Protection
17 Unit. When I was the chair of the Consumer
18 Protection Board, I had many dealings with
19 Attorney General then Eliot Spitzer and
20 Attorney General currently Andrew Cuomo, and I
21 must tell you something, ladies and gentlemen,
22 that the consumers of New York State are
23 fortunate to have a strong Attorney General's
24 Office.

1 And to give the Consumer Protection
2 Board, and the chair, subpoena power is wrong,
3 and I urge a no vote on this legislation.

4 Thank you, Madam President.

5 ACTING PRESIDENT STEWART-COUSINS:

6 Thank you, Senator.

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

9 Senator Maziarz.

10 SENATOR MAZIARZ: Thank you very
11 much, Madam President.

12 I respectfully disagree with my
13 colleagues. I think this is a good bill.

14 Just very recently I had, I think,
15 maybe hundreds, maybe thousands of calls in my
16 Senate district making extremely negative,
17 disparaging remarks against our new Senate
18 majority leader. They were anti-Hispanic
19 calls. And we still don't know to this day
20 who did that, and I'd like to find out.

21 I think this is a good bill. Thank
22 you.

23 ACTING PRESIDENT STEWART-COUSINS:

24 Senator Klein.

1 SENATOR KLEIN: I'd like to rise
2 in support of this legislation. I want to
3 thank my colleague Senator Perkins. This
4 piece of legislation is something that I
5 shared with Senator Fuschillo; I was the
6 Assembly sponsor of the original "Do Not Call"
7 legislation.

8 And I think one of the most
9 important things that we have to remember
10 about this is that it did cut down on unwanted
11 telemarketing calls tremendously, especially
12 those calls which targeted senior citizens and
13 people who are vulnerable to different kinds
14 of scams.

15 And I think it's important, since
16 we wrote the original law, that we keep
17 updating it. And certainly one of the newer
18 nuisances are these automated calls.

19 So I want to give a lot of credit
20 to my colleague Senator Perkins, and of course
21 I support this legislation.

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

24 Are there any other Senators

1 wishing to be heard on the bill?

2 Hearing none, the debate is closed.

3 The Secretary will ring the bell.

4 Read the last section.

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

7 ACTING PRESIDENT STEWART-COUSINS:
8 Call the roll.

9 (The Secretary called the roll.)

10 ACTING PRESIDENT STEWART-COUSINS:
11 Announce the results.

12 THE SECRETARY: Those recorded in
13 the negative on Calendar Number 878 are
14 Senators Alesi, Bonacic, DeFrancisco, Farley,
15 Flanagan, Fuschillo, Golden, Griffio, Hannon,
16 Lanza, Larkin, LaValle, Leibell, Libous,
17 Little, Marcellino, McDonald, Morahan,
18 Nozzolio, Padavan, Ranzenhofer, Robach,
19 Saland, Seward, Skelos, Volker, Winner and
20 Young.

21 Ayes, 29. Nays, 28.

22 ACTING PRESIDENT STEWART-COUSINS:
23 The bill is defeated.

24 Senator Perkins.

1 SENATOR PERKINS: Madam
2 President, I'd like to lay it on the table.
3 ACTING PRESIDENT STEWART-COUSINS:
4 The bill is laid on the table. The bill is
5 tabled.
6 The Secretary will continue to
7 read.
8 THE SECRETARY: Calendar Number
9 880, substituted earlier today by Member of
10 the Assembly Sweeney, Assembly Print Number
11 9049, an act to amend the Environmental
12 Conservation Law.
13 ACTING PRESIDENT STEWART-COUSINS:
14 Read the last section.
15 THE SECRETARY: Section 2. This
16 act shall take effect immediately.
17 ACTING PRESIDENT STEWART-COUSINS:
18 Call the roll.
19 (The Secretary called the roll.)
20 SENATOR MARCELLINO: Madam
21 President.
22 ACTING PRESIDENT STEWART-COUSINS:
23 Senator Marcellino, why do you rise?
24 SENATOR MARCELLINO: I'd like to

1 speak on the bill.

2 ACTING PRESIDENT STEWART-COUSINS:

3 Senator Marcellino, on the bill.

4 SENATOR MARCELLINO: Yes, thank
5 you, Madam President.

6 This is not an easy point for me.
7 For years, I have been working very hard to do
8 an electronic waste recycling bill. I've been
9 working to do a regional bill in the Northeast
10 with the Council of State Governments so that
11 we had a unibill for the entire Northeast
12 region so that manufacturers could come in
13 with one set of rules in all of these states
14 that we have.

15 I thought we were getting really
16 very close as negotiations went on this
17 particular year. However, at the last minute,
18 language was removed from the bill by the
19 Assembly that put manufacturers located in
20 New York State, in various regions of the
21 state -- such as Kodak, such as Hewlett
22 Packard, such an IBM, such as Canon -- various
23 major employers at a detriment.

24 The language that was removed was

1 recognized by Senator Thompson, as the
2 sponsor, and he has placed a subsequent bill
3 down the line which is, I think, the next bill
4 we'll probably take up, as a chapter
5 amendment.

6 Unfortunately, at this time we have
7 no agreement on the part of the Assembly to
8 take up the chapter amendment, and that means
9 it's worthless. We'll pass a one-house bill
10 that did not pass the Assembly. There will be
11 no reason for them to come back. The bill
12 that we are currently talking about is a bill
13 that has passed the Assembly. They have no
14 incentive to come back and redo this bill.

15 And as I said before, this bill, if
16 passed in this form, will cost jobs in various
17 regions of the state which we cannot afford.

18 This language that I would like to
19 see in the bill, in this current bill, would
20 not change the idea, would not impact it in
21 any way, shape or form, and I do not believe
22 is opposed by any environmental group that is
23 currently supporting the electronic waste
24 bill.

1 I would like to see this bill laid
2 aside. And at this point in time I do urge my
3 colleague Senator Thompson, who chairs the
4 EnCon Committee in this house, to lay the bill
5 aside.

6 Let us negotiate with the Assembly.
7 Let us talk to the sponsor, let us talk to the
8 EnCon chair in the other house, let us get an
9 agreement on this bill so that the language
10 gets put in or they'll accept a chapter
11 amendment -- I don't care which -- but we
12 could then pass the bill at a later date,
13 which I would be more than happy to do. I
14 would be more than happy to extend my efforts
15 and my best work, if you will, to assist in
16 this negotiation to make this bill real.

17 I would like nothing better than to
18 pass this bill in a form that is good for the
19 State of New York. Right now it is not. It
20 will not help.

21 We are going to be back, and we all
22 know it. This is not the last time this
23 chamber will meet. This is not the last time
24 we will come together as a house, and bills

1 will be on the table. This bill could be one
2 of them, negotiated with full three-way
3 agreement, with the Governor signing it, the
4 Senate passing it, the Assembly passing it in
5 the proper form.

6 Again, I urge that that be the
7 case. The last thing I want to do is to see a
8 bill like this, which I have worked extremely
9 hard to get passed, defeated. I don't like
10 that. That's not what I want to do.

11 So again, I do urge my colleague,
12 you have my commitment to work with you to
13 make this bill whole, to make this bill a
14 realistic bill that can pass in the proper
15 form that would be effective and not cost jobs
16 in this state, not impact negatively employers
17 in this state, and having absolutely nothing
18 to do with an environmental thing.

19 This bill is flawed as it is now.
20 And we can make it better. We can make it
21 more effective for the environment and for the
22 workers of this state.

23 Thank you, Madam President. With
24 the bill in this form, I will have to vote no

1 and urge my colleagues to vote no as well.

2 ACTING PRESIDENT STEWART-COUSINS:

3 Thank you, Senator Marcellino.

4 Senator Thompson.

5 SENATOR THOMPSON: Thank you.

6 First let me thank you, Madam President, for
7 recognizing me. I just want to give a couple
8 of things on the bill.

9 The first is that electronic
10 recycling is extremely important. A lot of
11 time has gone into working on this bill long
12 before I even came into the Senate, as my
13 colleague Senator Marcellino talked about.

14 I think there's a couple of things
15 that are of extreme importance. Number one,
16 this process has been extremely transparent.
17 We had a number of roundtables that were
18 televised by the Senate. We had companies
19 come from all over the country to participate
20 in them. We also have a number of letters,
21 memorandums of support from General Electric
22 to the New York State Association of Counties
23 to NYCOM. A lot of organizations have come
24 out in support of this bill.

1 Nineteen other states have e-waste
2 legislation on the books right now. That's
3 tremendously important as well. New York
4 City, who has a law on the books, they have
5 delayed the implementation of the e-waste bill
6 in New York City because they were waiting for
7 the Senate to pass this bill.

8 My colleague talked about input and
9 recommendations. Every suggestion that was
10 recommended was added to this bill. The only
11 reason why this last technical amendment was
12 not added to the bill is because, as everyone
13 knows, we had a little disturbance during the
14 month of June. And so the Assembly, on the
15 last day, they waited for us to hopefully come
16 together, but we didn't. But they did put in
17 a couple of the other amendments.

18 I have every bit of confidence that
19 this other chapter amendment, we will get it
20 done. But all the other amendments that have
21 been recommended by the industry, by the
22 advocates -- this was a very grueling process
23 to work through, and we were able to do that.

24 And again, the companies in this

1 state, if they sell products in this state or
2 in New York City, whether upstate, downstate
3 or out of state and they sell products in
4 New York City, they will have to comply with
5 that law. And that's why so many companies
6 came together to support this bill.

7 Can we do this other amendment?

8 Yes, we can. Do we need to do it?

9 Absolutely. But this bill will not take
10 effect until July 1st of 2010. And this is
11 extremely important. This bill will not take
12 effect until July 1st of 2010, and it preempts
13 New York City's bill. So it gives these
14 companies in New York State that you're
15 fighting for some breathing room. And that's
16 why so many companies and over 20
17 organizations have come out in support of this
18 bill.

19 When HP and a couple of others had
20 some concerns about business-to-business
21 usage, I said to them that we would put the
22 chapter amendment in. We did it immediately
23 within two days. And so they understand that,
24 number one, the bill doesn't take effect until

1 July 1st of 2010. They don't have to comply
2 with the New York City bill; this preempts the
3 New York City bill.

4 So if you want to help businesses,
5 you need to support this bill, because
6 otherwise they will have to comply with
7 New York's bill on August 1st of this year,
8 and they then have to go around hiring service
9 companies or providing the service themselves
10 to collect recyclable materials. So this is
11 very, very important.

12 And I would ask you to support this
13 bill. It's a very good bill. And even though
14 my colleague said he may not vote for it, he
15 has put a lot of time in it and he can
16 honestly say that I have valued his input.
17 And everything he suggested that we could get
18 in before the June deadline, we did submit,
19 and we will do this other chapter amendment as
20 well.

21 Thank you.

22 ACTING PRESIDENT STEWART-COUSINS:

23 Thank you, Senator Thompson.

24 Senator Craig Johnson.

1 SENATOR CRAIG JOHNSON: Thank
2 you, Madam President. I rise to express my
3 concerns about this bill.

4 And I have the utmost respect for
5 my good friend and colleague the chairman of
6 the Environmental Conservation Committee, a
7 committee that I served as a ranker on for a
8 year, working with my colleague from Long
9 Island, Senator Marcellino.

10 But my concern comes out of the
11 definite need to promote recycling of e-waste.
12 And I think all of us here in this body
13 recognize today that one of the biggest
14 environmental concerns is more and more
15 computers and computer monitors, the
16 technology that we seem to rely upon getting
17 old very rapidly and filling up our space.

18 But at the same time, at the same
19 time we have to balance these concerns with
20 legislation that, while good-intentioned, may
21 have some problems that affect all of us
22 throughout the state.

23 My concern is not on Chairman
24 Thompson's goals, my concern is what happens

1 with the other side in this Capitol. We have
2 before us right now a bill that was introduced
3 on June 22, 2009, in the days, if it was a
4 perfect world, of what would have been the
5 last days of our Senate session. Facts
6 change, and we're here today.

7 The problem is, the problem is the
8 bill that we are debating in my opinion
9 contains some very burdensome problems for
10 businesses like Canon, which is located on
11 Long Island, an important employer for
12 constituents who may live in Senator
13 Fuschillo's district or my district or Senator
14 Skelos, Senator Hannon, or Senator
15 Marcellino's district. Or Kodak, located
16 upstate in Rochester, Senator Robach's
17 district.

18 Now, what's important is Senator
19 Thompson has recognized some of these
20 potential problems and introduced an amendment
21 on July 13th, an important amendment that
22 would address these concerns. There's one
23 problem, my colleagues; the Assembly hasn't
24 passed it. Hasn't passed what looks to be an

1 amendment that saves or would save the bill.

2 So what we're being asked to do
3 right now is pass a bill that has flaws, that
4 we know has flaws, that there's legislation to
5 correct those flaws, but that corrective
6 legislation hasn't even been introduced in the
7 Assembly.

8 My concern is the Assembly is not
9 even going to take it up. Because if they
10 carried about the legislation, they would have
11 introduced it right after or at the same time
12 as Senator Thompson. But they haven't. They
13 haven't.

14 And so my concern is we pass a
15 piece of legislation tonight with acknowledged
16 problems and the Governor signs it, and then
17 we have a potential economic impact on
18 employers and employees in areas like Long
19 Island -- which just saw a very important
20 company, OC Pharmaceuticals, leave Long Island
21 to go to Westchester.

22 I think we need to recognize this
23 is an important piece of legislation, but it
24 should be done right. It should be done

1 correctly. I think we all recognize that
2 we're going to be back in September. I think
3 we understand, given the major economic
4 problems we continue to face here in New York
5 State, we're coming back. And hopefully we're
6 going work together in the spirit we saw last
7 night to solve those problems.

8 Well, we should take that same
9 spirit and apply it to this bill. We should
10 put aside this bill for a short period of time
11 to ensure that the Assembly introduces a very
12 simple amendment that recognizes the problems
13 and then we have the confidence -- I don't
14 have confidence tonight, ladies and gentlemen,
15 that the Assembly is going to do the right
16 thing that Senator Thompson has done by
17 introducing this amendment.

18 And it's because of that lack of
19 confidence that I have in the Assembly, a lack
20 of confidence I think a lot of us have shared
21 in years past and even tonight, that I cannot
22 at this time support an important piece of
23 legislation. I can't do it because I'm afraid
24 the Assembly won't fix the problem that

1 Senator Thompson has tried to fix and then
2 we've got even a bigger problem for some of
3 our employers in New York State.

4 Thank you very much, Madam
5 President.

6 ACTING PRESIDENT STEWART-COUSINS:
7 Thank you, Senator Johnson.

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

10 Senator Alesi.

11 SENATOR ALESI: Thank you. I'll
12 be brief.

13 ACTING PRESIDENT STEWART-COUSINS:
14 Senator Alesi, on the bill.

15 SENATOR ALESI: As a former chair
16 of the Committee on Commerce and Economic
17 Development, and now the ranker -- but more
18 importantly, as somebody who comes from the
19 Greater Rochester area -- I know the impact of
20 disrupting the balance between trying to do
21 the right thing with our environment and
22 trying to protect and preserve and even grow
23 jobs, especially in the upstate area,
24 Rochester area, where Eastman Kodak is

1 headquartered.

2 Many times I had conversations with
3 the former chair and expert on environmental
4 issues, Senator Marcellino, on how that
5 balance could better be implemented. I know
6 of nobody who is more passionate about
7 protecting the environment. I know of nobody
8 in this state -- even though I can't hear very
9 well, I know of nobody in this state who has
10 more passion and more knowledge than Senator
11 Marcellino, with all respect to the new chair.

12 But I also believe that having some
13 personal knowledge and experience about the
14 growth of our economy, the decline of our
15 economy, the people that are my neighbors, my
16 constituents that once might have worked not
17 only for Kodak, but supplied Kodak and
18 serviced Kodak, a company that at one time by
19 itself had 80,000 employees in the greater
20 Rochester area and now has one-twelfth,
21 one-twelfth of that 80,000.

22 And they have come to us and they
23 have said, "We are good stewards of the
24 environment within the confines of the

1 business that we run, and we are becoming
2 better stewards." Just as many companies,
3 without even having to be forced
4 legislatively -- because economically, it's
5 sound for them to be good stewards of the
6 environment. Businesses are good partners
7 with those that want a solid, sound
8 environment.

9 When I listened to Senator
10 Marcellino, someone who is passionate beyond
11 belief, someone who is driven more than I was
12 even comfortable with at times, I have to say
13 that there is absolutely something right with
14 his approach to this. I believe it myself,
15 because, as I said, I can see the impact it's
16 going to have not just on a Rochester company
17 but on all New York State.

18 In fact, the company I've talked
19 about is not the only company that's going to
20 be impacted. HP, maybe others. Suppliers,
21 servicers. A global company is going to be
22 impacted with this by rushing this through.

23 There will be no retreat to the
24 Assembly, I guarantee you. I guarantee you.

1 Even if there's a chapter amendment in print
2 right now, it will never make it over there,
3 it won't be taken up. This bill will go to
4 the Governor. And it will be one more death
5 blow to a company that is on the edge right
6 now, that has done everything it can to
7 survive not only economically, to be prudent
8 in everything it does as it relates to our
9 environment.

10 To simplify the argument, if
11 Senator Marcellino is saying we should wait --
12 and I can't imagine anyone here who would not
13 heed his advice.

14 But to bring it back home, I've
15 seen so many of my friends and neighbors that
16 are either out of work -- highly skilled,
17 highly educated people -- or maybe they're
18 doing some job that is below their level of
19 training and education because they need to
20 put food on the table.

21 When I see that, and I know that
22 this is just going to add one more nail to the
23 coffin, then I have to implore Senator
24 Thompson, take this bill and lay it aside and

1 rather than wait for a chapter amendment, make
2 the adjustments that will serve not only the
3 environment but will serve human beings that
4 need to put food on their table, pay their
5 bills, and send their kids to school. That
6 would be not only a prudent thing to do, but I
7 think it would be a compassionate thing to do.

8 ACTING PRESIDENT STEWART-COUSINS:
9 Senator Thompson, why do you rise?

10 SENATOR THOMPSON: Yes, Madam
11 President, I tried to restrain myself as much
12 as I can. If my colleague would be kind
13 enough to yield for one question.

14 ACTING PRESIDENT STEWART-COUSINS:
15 Senator Alesi, Senator Thompson has asked you
16 to yield for a question.

17 SENATOR ALESI: I will yield for
18 a question.

19 SENATOR THOMPSON: Yeah, just one
20 question.

21 Through you, Madam Chairperson, if
22 my colleague is aware that this bill will not
23 take effect until July 1st of 2010. In
24 addition, if he's aware that the reason why

1 it's so important to do this bill now is
2 because the same companies like Kodak that
3 he's concerned about would be impacted by the
4 New York City bill. If he's aware of those
5 two things.

6 SENATOR ALESI: Madam President,
7 through you -- and I'll try to be as succinct
8 as possible. Unless there are other sections,
9 usually the last line says when the bill shall
10 take effect. And this last line said it shall
11 take effect immediately. That's the bill
12 we're talking about, not the implementation.

13 So once again, I would simply ask,
14 with all due respect, based on the expertise
15 and passion, not only of myself but of Senator
16 Marcellino and others, that Senator Thompson
17 simply at this late hour, without trying to
18 ram this bill down everybody's throat, take a
19 moment and say it would be okay for me as the
20 author to lay this bill aside and work with
21 the Assembly to do the prudent thing.

22 But this last line does say this
23 bill shall take effect immediately.

24 ACTING PRESIDENT STEWART-COUSINS:

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

3 Hearing none, the debate is closed.

4 The Secretary will please ring the
5 bells and read the last section.

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

8 ACTING PRESIDENT STEWART-COUSINS:
9 Call the roll.

10 (The Secretary called the roll.)

11 ACTING PRESIDENT STEWART-COUSINS:
12 Senator Thompson.

13 SENATOR THOMPSON: Yes, seeing
14 that we are a couple of votes short tonight, I
15 would ask that we table the bill.

16 ACTING PRESIDENT STEWART-COUSINS:
17 The bill is tabled.

18 SENATOR THOMPSON: And withdraw
19 the motion as well.

20 ACTING PRESIDENT STEWART-COUSINS:
21 We will withdraw the roll and lay the bill on
22 the table.

23 SENATOR THOMPSON: Yes, withdraw
24 the roll and lay the bill aside for the day.

1 Thanks.

2 ACTING PRESIDENT STEWART-COUSINS:

3 The roll is withdrawn, and the bill is laid
4 aside for the day.

5 The Secretary will read.

6 THE SECRETARY: Calendar Number
7 881, by Senator Sampson, Senate Print 6068, an
8 act to amend the Insurance Law.

9 ACTING PRESIDENT STEWART-COUSINS:

10 Senator Hannon, why do you rise?

11 SENATOR HANNON: To speak on the
12 bill, Madam President.

13 ACTING PRESIDENT STEWART-COUSINS:

14 Senator Hannon, on the bill.

15 SENATOR HANNON: I have another
16 improbable task, which is why I think that a
17 bill labeled mandate relief, with a respected
18 sponsor, contains something that I think will
19 actually do the reverse of helping localities
20 and do the reverse of helping people in the
21 state.

22 Sections A to F in this bill -- and
23 Section F is the one that I'm talking about.
24 It wasn't in the bill originally when it came

1 from the Governor as mandate relief, but some
2 people have put it in there. And I believe
3 what it does is it cuts off the current right
4 of subrogation and thereby says to people who
5 provide health insurance, you're not going to
6 be able to recover for --

7 ACTING PRESIDENT STEWART-COUSINS:

8 Excuse me, Senator Hannon.

9 May we have order in the chamber,
10 please.

11 SENATOR HANNON: You're not going
12 to be able to recover from awards, and you're
13 going to have to raise your premiums
14 accordingly.

15 Now, at 10 after 10:00, the right
16 of subrogation is certainly pretty strange.
17 What is it? It's a whole principle in
18 equitable law that says if somebody has
19 insurance coverage and has a right, because
20 they have been injured, to sue, that they can
21 only recover once, that they cannot recover
22 twice. They can't get insurance payments for
23 their health benefits and they can't get an
24 award in court because they've been injured.

1 But precisely this bill would
2 propose to cut off that and allow the double
3 recovery.

4 People have talked about that this
5 is occasioned by some recent Court of Appeals
6 decision called Fasso in February of this
7 year. You read through it, it says the
8 opposite. It talks about the fact that a
9 person does not have the right to double
10 recover.

11 Whatever other excuses have been
12 offered, you then go to the bill, the very
13 last part of the bill, and I find it
14 astounding. Because the right of subrogation
15 is something we gave specifically to the
16 people who provide Medicaid benefits --
17 namely, the state and the counties -- in the
18 budget this year so they could make sure they
19 could have recoveries.

20 Now we purport to take it away from
21 the insurers. And by the provisions in this
22 bill, I believe we take it away actually from
23 Medicaid. People have said otherwise.

24 There is a statement at the end

1 under the General Obligations Law that's added
2 that says when a plaintiff settles with one or
3 more defendants in an action for personal
4 injuries, medical, dental or podiatric
5 malpractice, it shall be conclusively presumed
6 that the settlement does not include any
7 compensation for the cost of healthcare
8 services. Conclusively presumed. We're
9 making a decision by this statute as to what
10 every case is included its award and
11 settlement in this state.

12 It goes further on to say that by
13 entering into any settlement, the plaintiff
14 should not be deemed to have taken action in
15 derogation of any nonstatutory right. We're
16 making decisions for every court case.

17 People will, in years to come, in
18 law reviews wonder what the heck we were ever
19 doing and why we were raising premiums. Well,
20 it's because people like the trial lawyers,
21 their memo in support -- I'm speaking in
22 opposition to it -- they have made some
23 convoluted statements.

24 They talk about a health insurer

1 enjoying a windfall. "The health insurer is
2 enjoying a windfall by both collecting
3 premiums from a person covered and collecting
4 reimbursement from a city." Well, they forget
5 to say that the health insurer has paid health
6 benefits. Someone has an injury, someone is
7 harmed, the insurer is paying. They skip over
8 that.

9 We are abrogating the entire
10 principle here tonight. I don't believe it is
11 supportable. I am voting against this bill.
12 I would urge my colleagues to do the same.

13 ACTING PRESIDENT STEWART-COUSINS:

14 Thank you, Senator.

15 Senator DeFrancisco.

16 SENATOR DeFRANCISCO: Very
17 briefly, it was just mentioned that there's no
18 windfall to the insurance companies. Well,
19 the fact of the matter is under the present
20 situation, without this bill, there definitely
21 is a windfall.

22 There's a big difference between
23 Medicaid having a lien on a recovery in a
24 lawsuit because the plaintiff in the lawsuit

1 doesn't paid pay premiums for the Medicaid
2 benefits. These are statutory rights that the
3 state has provided, and the plaintiff is not
4 paying premiums.

5 The windfall is very, very simple
6 to understand. If the insurance company is
7 getting premiums to pay for the ill health of
8 someone, they're being paid for the benefit
9 they're providing. It's double recovery if
10 they're not only getting paid for the benefit
11 provided, but then be able to recover once the
12 plaintiff gets a recovery in a lawsuit.

13 And if you look at the statute, the
14 statute precludes you from going after medical
15 expenses. You can't get that double dip.

16 And the other point I think that's
17 really important for those who don't practice
18 this type of law is that the insurance
19 companies have a hold over settlements. You
20 try to settle a case, you try to find out what
21 the lien is that they want.

22 And the fact of the matter is they
23 hold a club over the settlement. And if
24 you've got to pay the lien of the insurance

1 company, that means the defendant has to pay
2 more in a settlement. That's not fair to that
3 defendant, because the defendant wasn't
4 getting premiums like the insurance company
5 was for the health insurance.

6 So this is a very good bill. It's
7 good not only because it helps municipalities
8 in getting reimbursement, but it prevents the
9 double-dipping of insurance companies and
10 makes for a more efficient settlement process
11 so that the settlements are likely to be
12 less -- and the insurance companies are not
13 getting reimbursement as well as premiums.

14 So it's an excellent, excellent
15 bill, long overview, and I would urge the
16 support of both sides of the aisle.

17 ACTING PRESIDENT STEWART-COUSINS:
18 Thank you, Senator.

19 Senator Volker.

20 SENATOR VOLKER: Madam President,
21 it really is ironic -- and I want to
22 compliment my good friend Senator Sampson that
23 an issue that I have been pursuing for I guess
24 15 years is included in part of a bill

1 sponsored by Senator Sampson. Who, by the
2 way, I think was a wonderful gentleman this
3 year as chairman of Judiciary, I want to make
4 that very clear.

5 But everybody should know that what
6 is involved in this bill is a provision that
7 relates to what's called collateral source.
8 Now, collateral source has been around for
9 years and it has caused millions and millions
10 of dollars to be paid out by the City of
11 New York, the City of Buffalo, the City of
12 Rochester, counties, towns, villages. Every
13 municipality in this state has supported my
14 attempt over the years, or our attempt over
15 the years, to eliminate collateral source.

16 Now, it has been difficult for many
17 reasons. The Assembly has been reluctant to
18 move on this unless we tag with that certain
19 other issues. And Senator DeFrancisco and I a
20 couple of years ago had competing bills
21 relating to how this issue would be taken care
22 of. Finally, what happened is we joined them
23 together.

24 And although I hate to dispute my

1 great friend Senator Hannon, who is brilliant
2 in healthcare, I don't quite agree with the
3 way in which he has decided that the situation
4 will come down. The truth is it is far more
5 complicated than that.

6 Oh, it may raise, slightly,
7 healthcare costs. That is possible. But the
8 big thing is every city, town, village and
9 county in this state is going to be able to
10 keep or recover millions of dollars. The City
11 of New York, very conservatively now -- they
12 used to say \$100 million; they now say about
13 30 million. I think one reason is that they
14 changed the way they insure. But at any one
15 given time, it could well be \$100 million
16 because of the way the system works.

17 So let me say that when this
18 portion of the Legislature is over, there will
19 be people in the business community and in the
20 municipalities who will say that one of the
21 major issues in tort reform that has been
22 sought after for at least a decade was
23 accomplished in this bill.

24 And I compliment my good friend,

1 the chairman of Judiciary. I realize that
2 this is not a perfect bill, and Senator Hannon
3 did mention some of the difficulties that we
4 have when you're dealing with this subrogation
5 issue and when you're dealing with the issue
6 of different trial issues.

7 But there's no question in my mind
8 that the people of this state will be far
9 better off and that specifically the
10 municipalities of this state will be far
11 better off when this bill is passed and passed
12 through both houses and is signed by the
13 Governor.

14 Congratulations, Senator Sampson.

15 ACTING PRESIDENT STEWART-COUSINS:

16 Thank you, Senator Volker.

17 Senator Schneiderman.

18 SENATOR SCHNEIDERMAN: Thank you,
19 Madam President.

20 I also rise to support this bill.
21 And I have had the benefit of listening to
22 Senator Volker and Senator DeFrancisco talk
23 about it for a number of years, about this
24 issue.

1 And I just want to emphasize to all
2 of my colleagues, this bill cleans up an area
3 of law that can charitably be described right
4 now as a mess as a result of several judicial
5 decisions.

6 Right now a public defendant like
7 the City of New York, or a county government,
8 is treated differently under the law than a
9 private defendant when it comes to whether
10 insurance companies can seek to recover after
11 there's a settlement of a tort claim.

12 The law now discourages settlements
13 of cases because, remarkably, it provides that
14 even though defendants aren't supposed to --
15 you know, they will not pay for the medical
16 costs that were reimbursed by insurance, that
17 they're not allowed to settle a case if
18 there's a slip-and-fall plaintiff because the
19 insurers can intervene and demand a share of
20 the settlement.

21 So the law is confusing, the law
22 discourages settlements, and the law costs our
23 local governments many millions of dollars a
24 year. The New York State Association of

1 Counties supports this bill, the City of
2 New York supports it and says it's one of
3 their top priorities. This will make the law
4 more just.

5 And it's not -- really, if you
6 think about it, it just doesn't make sense to
7 say if I pay my premiums, I have health
8 insurance, the job of the insurer is to cover
9 me if I'm hurt. And if I happen to be hurt
10 just on my own, they pay it. And if I'm hurt
11 in a tort claim and then sue someone and get a
12 recovery -- which recovery does not, under the
13 law, include my medical expenses that were
14 paid for by the insurer -- why should they be
15 allowed to come back and separately sue the
16 defendant?

17 This costs the city and our
18 counties and local governments a lot of money.
19 It's unfair. Having private defendants
20 treated differently than public defendants is
21 unfair. Having a rule that discourages
22 settlements like this is unfair.

23 This is a great solution to the
24 problems in a comprehensive reform of these

1 confusing areas of law. It's great. And I
2 want to urge everyone also that this is a bill
3 that we've been dealing with separately.
4 Senator Sampson has put it together in a bill
5 that has other provisions that will save local
6 governments money. It's, I think, something
7 that everyone in this house should be able to
8 support.

9 Obviously we hear a lot from local
10 governments about unfunded mandates from
11 Albany and how we need to do more to help
12 them. This bill helps them. Let's do this
13 tonight.

14 Thank you, Senator Sampson.

15 ACTING PRESIDENT STEWART-COUSINS:

16 Thank you, Senator Schneiderman.

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

19 Senator Hannon, why do you rise?

20 SENATOR HANNON: I'd like to
21 speak again, if I'm permitted. Briefly.

22 ACTING PRESIDENT STEWART-COUSINS:

23 Senator Hannon, on the bill.

24 SENATOR HANNON: I have no idea

1 how many of these local governments supported
2 the mandate relief provision of the bill and
3 how many support this provision of the bill.
4 I wonder. I haven't tracked it, but the bill
5 did start as a mandate relief bill, and this
6 was added on as the tail-end article.

7 And the second thing is for all of
8 the arguments that I've heard from trial
9 lawyers about it's difficult to settle, it's
10 not difficult to settle, I have two points.

11 (A), it is difficult to settle.
12 The Court of Appeals said we ought to address
13 that. Specifically, they said the Legislature
14 did not address the procedures and the means
15 of recovery. Consequently, the Legislature
16 may wish to reexamine the concept of
17 permissible intervention under CPLR 1013.

18 You know what? You know what's not
19 done in this bill? We didn't address that.
20 And I think that's a major gap. So we'll
21 continue to have problems, right here. Fasso,
22 February 2009, Court of Appeals, New York
23 State. So it's there.

24 And the worst part of it is what

1 we've done by having the cutoff of subrogation
2 is we have two different types of insurance
3 that goes out in New York State. One is
4 subject to state regulation; the other is
5 preempted by ERISA. All we can affect is
6 what's done by state regulation.

7 By adding this provision in, we're
8 going to have two different types of
9 negotiations. It's going to take longer for
10 plaintiffs and defendants to figure out under
11 which category the coverage is and what are
12 the permissible rules. We have not solved
13 problems here. We've made it more
14 complicated, we've made it more costly. We'll
15 be back to this area shortly.

16 Thank you.

17 ACTING PRESIDENT STEWART-COUSINS:

18 Thank you, Senator.

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

21 Hearing none, the debate is closed.

22 The Secretary will please ring the
23 bells.

24 Read the last section.

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

3 ACTING PRESIDENT STEWART-COUSINS:
4 Call the roll.

5 (The Secretary called the roll.)

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

8 SENATOR SCHNEIDERMAN: Thank you,
9 Madam President.

10 If it wasn't so late, I would enjoy
11 having a lengthy colloquy with my friend
12 Senator Hannon.

13 But I just do want to point out
14 that the City of New York and NYSAC do support
15 this provision of the bill explicitly, because
16 this provision was taken from a separate bill
17 I carried all year which that bill in itself
18 was endorsed by the local governments.

19 And second, we do deal with the
20 footnote in Fasso that was cited by Senator
21 Hannon, page 20 of the bill, Section 8, line
22 25 on.

23 So thank you, Madam President. I
24 appreciate these colloquies. I look forward

1 to doing them in the daylight. But this is a
2 good bill, it does address the relevant
3 issues. And this provision and the rest of
4 the bill is all supported, separately and
5 together, by our local governments.

6 Thank you.

7 ACTING PRESIDENT STEWART-COUSINS:

8 Senator Schneiderman to be recorded in the
9 affirmative.

10 Senator Winner, to explain his
11 vote.

12 SENATOR WINNER: Thank you, Madam
13 President. I rise to support this
14 legislation.

15 Clearly there are other provisions
16 of this bill that are also extraordinarily
17 important to local government, and those are
18 the bonding provisions that are provided in
19 here to allow local governments to be able to
20 afford bonding terms that are going to be much
21 more favorable to them to provide for economic
22 development projects and the like.

23 That additionally, in conjunction
24 with the collateral source provisions that

1 have been called for by municipalities over
2 and over and over for years after years, I
3 think compel us to be in support of this
4 legislation.

5 ACTING PRESIDENT STEWART-COUSINS:

6 Excuse me, Senator.

7 (Gaveling for order.)

8 SENATOR WINNER: Thank you, Madam
9 President.

10 For those reasons, obviously I do
11 disagree with my colleague Senator Hannon with
12 regard to the impact of the subrogation
13 provisions. I think that there's a big
14 differentiation between the settlement
15 provisions and where subrogation should come
16 into place, and the issue of collateral source
17 set-offs after trial. I think those are two
18 very important distinctions that have not been
19 raised during the debate here.

20 Collateral source is still
21 available for those private health insurance
22 companies who would otherwise be paying
23 benefits that would have been to be separately
24 stated in a verdict sheet after trial. These

1 are only provisions with regard to actions
2 that are subject to settlements, and in almost
3 every one of those instances there's always an
4 opportunity and effort to try to isolate the
5 dollars that are set aside for whether they be
6 collateral source or whether they be for pain
7 and suffering and the like, and therefore are
8 always in dispute.

9 And that as a result, those private
10 health insurance companies who are not subject
11 to a statutory right of lien on those
12 settlement proceeds are always in an ability
13 to come in and interfere with that settlement,
14 delay the provisions in the settlement of that
15 case, and therefore cost the parties even more
16 money.

17 Therefore, Madam President, I am
18 supporting this legislation very
19 enthusiastically. Thank you very much.

20 ACTING PRESIDENT STEWART-COUSINS:
21 Senator Winner will be recorded in the
22 affirmative.

23 Announce the results.

24 THE SECRETARY: Those recorded in

1 the negative on Calendar Number 881 are
2 Senators Alesi, Hannon, Larkin, LaValle,
3 Marcellino, Seward, and Skelos. Also Senator
4 Farley.

5 Ayes, 49. Nays, 8.

6 ACTING PRESIDENT STEWART-COUSINS:
7 The bill is passed.

8 The Secretary will continue to
9 read.

10 THE SECRETARY: Calendar Number
11 882, by Senator Thompson, Senate Print --

12 SENATOR KLEIN: Lay the bill
13 aside for the day.

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

16 The Secretary will continue to
17 read.

18 THE SECRETARY: Calendar Number
19 883, by Member of the Assembly Weprin,
20 Assembly Print Number 3250 --

21 SENATOR KLEIN: Lay the bill
22 aside for the day.

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

1 The Secretary will continue to
2 read.

3 THE SECRETARY: Calendar Number
4 885, substituted earlier today by Member of
5 the Assembly Schroeder, Assembly Print Number
6 2239, an act to amend the Real Property Tax
7 Law.

8 SENATOR LIBOUS: Read the last
9 section.

10 ACTING PRESIDENT STEWART-COUSINS:
11 Read the last section.

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

14 ACTING PRESIDENT STEWART-COUSINS:
15 Call the roll.

16 (The Secretary called the roll.)

17 ACTING PRESIDENT STEWART-COUSINS:
18 Announce the results.

19 THE SECRETARY: Ayes, 57.

20 ACTING PRESIDENT STEWART-COUSINS:
21 The bill is passed.

22 Senator Klein, that concludes the
23 reading of the controversial calendar.

24 SENATOR KLEIN: Madam President,

1 at this time can we stand at ease.

2 And if you can please recognize
3 Senator Libous.

4 ACTING PRESIDENT STEWART-COUSINS:
5 Senator Libous.

6 SENATOR LIBOUS: Thank you, Madam
7 President.

8 There will be a brief Republican
9 conference immediately.

10 ACTING PRESIDENT STEWART-COUSINS:
11 The Senate stands at ease.

12 And there will be a brief
13 Republican conference immediately.

14 (Whereupon, the Senate stood at
15 ease at 10:35 p.m.)

16 (Whereupon, the Senate reconvened
17 at 11:42 p.m.)

18 ACTING PRESIDENT VALESKY: The
19 Senate is in order.

20 Senator Klein.

21 SENATOR KLEIN: Mr. President, I
22 move that we take up the Senate Resolution
23 Calendar in its entirety.

24 ACTING PRESIDENT VALESKY: All

1 those in favor of adopting the Senate
2 Resolution Calendar in its entirety signify by
3 saying aye.

4 (Response of "Aye.")

5 ACTING PRESIDENT VALESKY:

6 Opposed, nay.

7 (No response.)

8 ACTING PRESIDENT VALESKY: The
9 Resolution Calendar is adopted.

10 Senator Klein.

11 SENATOR KLEIN: Mr. President, at
12 this time can we take up Senate Supplemental
13 Calendar Number 61A.

14 Excuse me, Mr. President. Can you
15 just recognize Senator Larkin on one of the
16 resolutions.

17 ACTING PRESIDENT VALESKY:

18 Senator Larkin.

19 SENATOR LARKIN: On Resolution
20 2733.

21 ACTING PRESIDENT VALESKY:

22 Senator Larkin, on the resolution.

23 SENATOR LARKIN: Mr. President,
24 thank you. Thank you.

1 This is very important. You know,
2 it's still the 16th day of July. Forty years
3 ago today, we launched on a mission that late
4 President John F. Kennedy said "In this
5 decade, we will land a man on the moon." And
6 on the 16th they took off, and on the 20th
7 they landed.

8 You know, this is very, very
9 important. A lot of people here, around the
10 world, are putting their stuff together this
11 weekend out at San Francisco, out at Stanford,
12 West Point.

13 There were three gentlemen, there
14 was a gentleman by the name of Armstrong, a
15 graduate of the University of Purdue; Buzz
16 Aldrin, Class of 1950, West Point; Michael
17 Collins, Class of West Point, 1952. Armstrong
18 and Aldrin were combat pilots before they
19 became part of NASA. As a matter of fact,
20 Armstrong flew 78 combat missions over Korea.
21 And Aldrin, a jet pilot also in Korea, flew 66
22 combat missions and was shot down twice.
23 Michael Collins was in the Cold War and later
24 on became part of Iraq I.

1 Now, these people have put together
2 something that we all as Americans can be very
3 proud of. And I think it's something that we
4 shouldn't pass lightly when you can start to
5 think. I see my colleague Senator Breslin
6 looking up there; he said, "You know, if my
7 brother just kept going, he might have been
8 part of that."

9 Ladies and gentlemen, we as
10 Americans ought to be very proud of these
11 three Americans. They took a ride and, as
12 Armstrong said, one step for mankind, one
13 giant step.

14 So, ladies and gentlemen, we should
15 all thank God we have such dedicated Americans
16 who back forty years ago, when going up in the
17 air was not as easy as it is today -- and we
18 ought to be thankful and look what they've
19 done for us.

20 Thank you very much, Mr. President.

21 ACTING PRESIDENT VALESKY: Thank
22 you, Senator Larkin.

23 Senator Klein.

24 SENATOR KLEIN: Mr. President, at

1 this time can we take up Senate Supplemental
2 Calendar Number 61A.

3 ACTING PRESIDENT VALESKY: The
4 Secretary will read Senate Supplemental
5 Calendar 61A.

6 THE SECRETARY: Calendar Number
7 896, by Member of the Assembly Weisenberg,
8 Assembly Print Number 8905, an act to
9 authorize.

10 ACTING PRESIDENT VALESKY: Read
11 the last section.

12 THE SECRETARY: Section --

13 SENATOR DUANE: Lay it aside.

14 ACTING PRESIDENT VALESKY: The
15 bill is laid aside.

16 THE SECRETARY: In relation to
17 Calendar Number 897, Senator Savino moves to
18 discharge, from the Committee on Finance,
19 Assembly Bill Number 4905A and substitute it
20 for the identical Senate Bill Number 2343A,
21 Third Reading Calendar 897.

22 ACTING PRESIDENT VALESKY:
23 Substitution ordered.

24 THE SECRETARY: Calendar Number

1 897, by Member of the Assembly Markey,
2 Assembly Print Number 4905A, an act to amend
3 the General Municipal Law and the Retirement
4 and Social Security Law.

5 ACTING PRESIDENT VALESKY: Read
6 the last section.

7 THE SECRETARY: Section 3. This
8 act shall take effect July 1.

9 ACTING PRESIDENT VALESKY: Call
10 the roll.

11 (The Secretary called the roll.)

12 THE SECRETARY: Ayes, 57.

13 ACTING PRESIDENT VALESKY: The
14 bill is passed.

15 THE SECRETARY: In relation to
16 Calendar Number 898, Senator Montgomery moves
17 to discharge, from the Committee on Codes,
18 Assembly Bill Number 7846B and substitute it
19 for the identical Senate Bill Number 4865B,
20 Third Reading Calendar 898.

21 ACTING PRESIDENT VALESKY:
22 Substitution ordered.

23 THE SECRETARY: Calendar Number
24 898, by Member of the Assembly Millman,

1 Assembly Print Number 7846B, an act to amend
2 the Family Court Act and the Social Services
3 Law.

4 ACTING PRESIDENT VALESKY: Read
5 the last section.

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

8 ACTING PRESIDENT VALESKY: Call
9 the roll.

10 (The Secretary called the roll.)

11 THE SECRETARY: Ayes, 56. Nays,
12 1. Senator Ranzenhofer recorded in the
13 negative.

14 ACTING PRESIDENT VALESKY: The
15 bill is passed.

16 THE SECRETARY: In relation to
17 Calendar Number 899, Senator Perkins moves to
18 discharge, from the Committee on Rules --

19 SENATOR KLEIN: Lay the bill
20 aside for the day.

21 ACTING PRESIDENT VALESKY: The
22 Secretary will complete the substitution.

23 THE SECRETARY: Senator Perkins
24 moves to discharge, from the Committee on

1 Rules, Assembly Bill Number 8642 and
2 substitute it for the identical Senate Bill
3 Number 1145A, Third Reading Calendar 899.

4 ACTING PRESIDENT VALESKY:

5 Substitution ordered, and the bill is laid
6 aside for the day.

7 THE SECRETARY: In relation to
8 Calendar Number 900, Senator Addabbo moves to
9 discharge, from the Committee on Finance,
10 Assembly Bill Number 584A and substitute it
11 for the identical Senate Bill Number 1058A,
12 Third Reading Calendar 900.

13 ACTING PRESIDENT VALESKY:

14 Substitution ordered.

15 THE SECRETARY: Calendar Number
16 900, by Member of the Assembly Cahill,
17 Assembly Print Number 584A, an act to amend
18 the Election Law.

19 ACTING PRESIDENT VALESKY: Read
20 the last section.

21 THE SECRETARY: Section 2. This
22 act shall take effect on the 15th of December.

23 ACTING PRESIDENT VALESKY: Call
24 the roll.

1 (The Secretary called the roll.)

2 THE SECRETARY: Ayes, 57.

3 ACTING PRESIDENT VALESKY: The
4 bill is passed.

5 THE SECRETARY: In relation to
6 Calendar Number 901, Senator Dilan moves to
7 discharge, from the Committee on --

8 SENATOR KLEIN: Lay the bill
9 aside for the day.

10 ACTING PRESIDENT VALESKY: The
11 Secretary will complete the substitution.

12 THE SECRETARY: -- from the
13 Committee on Codes, Assembly Bill Number 225A
14 and substitute it for the identical Senate
15 Bill Number 1169B, Third Reading Calendar 901.

16 ACTING PRESIDENT VALESKY:
17 Substitution ordered, and the bill is laid
18 aside for the day.

19 THE SECRETARY: Calendar Number
20 902, by Senator Duane, Senate Print --

21 ACTING PRESIDENT VALESKY:
22 Senator Saland.

23 SENATOR SALAND: Mr. President,
24 can you please tell me what bill we're on and

1 whether roll has been called?

2 ACTING PRESIDENT VALESKY:

3 Calendar Number 901 was laid aside for the
4 day. We're waiting to proceed with 902.

5 SENATOR SALAND: Has the bill
6 been called?

7 ACTING PRESIDENT VALESKY: It has
8 not.

9 SENATOR SALAND: Thank you, sir.

10 ACTING PRESIDENT VALESKY:
11 Senator Klein.

12 SENATOR KLEIN: Mr. President,
13 can we stand at ease.

14 ACTING PRESIDENT VALESKY: The
15 Senate will stand at ease.

16 (Whereupon, the Senate stood at
17 ease at 11:50 p.m.)

18 (Whereupon, the Senate reconvened
19 at 11:59 p.m.)

20 ACTING PRESIDENT VALESKY: The
21 Senate returns to session.

22 Senator Klein.

23 SENATOR KLEIN: Mr. President,
24 can we continue with the reading of Senate

1 Supplemental Calendar Number 61A.

2 ACTING PRESIDENT VALESKY: The
3 Secretary will continue reading Senate
4 Supplemental Calendar 61A.

5 The Secretary will place Calendar
6 902 before the house.

7 THE SECRETARY: Calendar Number
8 902, by Senator Duane, Senate Print 1347, an
9 act to amend the Personal Property Law.

10 SENATOR LIBOUS: Lay it aside.

11 ACTING PRESIDENT VALESKY:
12 Senator Libous, did you say lay it aside?

13 SENATOR LIBOUS: I did.

14 ACTING PRESIDENT VALESKY: Lay
15 the bill aside.

16 Senator Klein.

17 SENATOR KLEIN: Mr. President,
18 the clock, I think, just almost struck
19 midnight. I would like the record to reflect
20 that after consultation with Senator Libous,
21 and with unanimous consent, we will continue
22 this legislative session past midnight.

23 SENATOR LIBOUS: Without
24 objection.

1 ACTING PRESIDENT VALESKY: By
2 unanimous consent, the Senate will continue
3 its work past the midnight hour.

4 The Secretary will continue to
5 read.

6 THE SECRETARY: In relation to
7 Calendar Number 903, Senator Perkins moves to
8 discharge, from the Committee on Finance,
9 Assembly Bill Number 2209C and substitute it
10 for the identical Senate Bill Number 1537C,
11 Third Reading Calendar 903.

12 SENATOR LIBOUS: Read the last
13 section.

14 ACTING PRESIDENT VALESKY:
15 Substitution ordered.

16 THE SECRETARY: Calendar Number
17 903, by Member of the Assembly Brodsky,
18 Assembly Print Number 2209C, an act to amend
19 the Public Authorities Law and the Executive
20 Law.

21 ACTING PRESIDENT VALESKY: Read
22 the last section.

23 THE SECRETARY: Section 26. This
24 act shall take effect on the 60th day.

1 ACTING PRESIDENT VALESKY: Call
2 the roll.

3 (The Secretary called the roll.)

4 THE SECRETARY: Those recorded in
5 the negative on Calendar Number 903 are
6 Senators Bonacic, DeFrancisco, Golden, Hannon,
7 Larkin, LaValle, Leibell, Little, Marcellino,
8 Maziarz, Padavan, Ranzenhofer, Saland, Skelos,
9 Volker and Young. Also Senator Fuschillo.
10 Also Senator Libous.

11 Ayes, 39. Nays, 18.

12 ACTING PRESIDENT VALESKY: The
13 bill is passed.

14 THE SECRETARY: In relation to
15 Calendar Number 904, Senator Thompson moves to
16 discharge, from the Committee on Finance,
17 Assembly Bill Number 4097 and substitute it
18 for the identical Senate Bill Number 1590,
19 Third Reading Calendar 904.

20 ACTING PRESIDENT VALESKY:
21 Substitution ordered.

22 THE SECRETARY: Calendar Number
23 904, by Member of the Assembly Millman,
24 Assembly Print Number 4097, an act to amend

1 the Economic Development Law.

2 ACTING PRESIDENT VALESKY: Read
3 the last section.

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

6 ACTING PRESIDENT VALESKY: Call
7 the roll.

8 (The Secretary called the roll.)

9 THE SECRETARY: Ayes, 57.

10 ACTING PRESIDENT VALESKY: The
11 bill is passed.

12 THE SECRETARY: In relation to
13 Calendar Number 905, Senator Valesky moves to
14 discharge, from the Committee on Finance,
15 Assembly Bill Number 1122 and substitute it
16 for the identical Senate Bill Number 1599,
17 Third Reading Calendar 905.

18 ACTING PRESIDENT VALESKY:
19 Substitution ordered.

20 THE SECRETARY: Calendar Number
21 905, by Member of the Assembly Destito,
22 Assembly Print Number 1122, an act to amend
23 the Public Service Law.

24 ACTING PRESIDENT VALESKY: Read

1 the last section.

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

4 ACTING PRESIDENT VALESKY: Call
5 the roll.

6 (The Secretary called the roll.)

7 THE SECRETARY: Ayes, 57.

8 ACTING PRESIDENT VALESKY: The
9 bill is passed.

10 THE SECRETARY: In relation to
11 Calendar Number 906, Senator Valesky moves to
12 discharge, from the Committee on Finance,
13 Assembly Bill Number 250 and substitute it for
14 the identical Senate Bill Number 1608, Third
15 Reading Calendar 906.

16 ACTING PRESIDENT VALESKY:
17 Substitution ordered.

18 THE SECRETARY: Calendar Number
19 906, by Member of the Assembly Magnarelli,
20 Assembly Print Number 250, an act to amend the
21 Executive Law and the Education Law.

22 ACTING PRESIDENT VALESKY: Read
23 the last section.

24 THE SECRETARY: Section 2. This

1 act shall take effect immediately.

2 ACTING PRESIDENT VALESKY: Call
3 the roll.

4 (The Secretary called the roll.)

5 THE SECRETARY: Ayes, 57.

6 ACTING PRESIDENT VALESKY: The
7 bill is passed.

8 THE SECRETARY: In relation to
9 Calendar Number 907, Senator Stavisky moves to
10 discharge, from the Committee on Veterans,
11 Homeland Security and Military Affairs,
12 Assembly Bill Number 1247A and substitute it
13 for the identical Senate Bill Number 1743A,
14 Third Reading Calendar 907.

15 ACTING PRESIDENT VALESKY:
16 Substitution ordered.

17 THE SECRETARY: Calendar Number
18 907, by Member of the Assembly Lancman,
19 Assembly Print Number 1247A, an act in
20 relation to enacting.

21 ACTING PRESIDENT VALESKY: Read
22 the last section.

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

1 ACTING PRESIDENT VALESKY: Call
2 the roll.

3 (The Secretary called the roll.)

4 THE SECRETARY: Ayes, 57.

5 ACTING PRESIDENT VALESKY: The
6 bill is passed.

7 THE SECRETARY: In relation to
8 Calendar Number 908, Senator Duane moves to
9 discharge, from the Committee on Finance,
10 Assembly Bill Number 6741B and substitute it
11 for the identical Senate Print Number 3180B,
12 Third Reading Calendar 908.

13 ACTING PRESIDENT VALESKY:
14 Substitution ordered.

15 THE SECRETARY: Calendar Number
16 908, by Member of the Assembly --

17 SENATOR LIBOUS: Lay it aside.

18 ACTING PRESIDENT VALESKY: The
19 bill is laid aside.

20 THE SECRETARY: In relation to
21 Calendar Number 909, Senator Onorato moves to
22 discharge, from the Committee on Finance,
23 Assembly Bill Number 6963 and substitute it
24 for the identical Senate Bill Number 3358B,

1 Third Reading Calendar 909.

2 ACTING PRESIDENT VALESKY:

3 Substitution ordered.

4 THE SECRETARY: Calendar Number
5 909, by Member of the Assembly Zebrowski,
6 Assembly Print Number 6963, an act to amend
7 the Labor Law.

8 ACTING PRESIDENT VALESKY: Read
9 the last section.

10 THE SECRETARY: Section 4. This
11 act shall --

12 SENATOR DUANE: Lay it aside.

13 ACTING PRESIDENT VALESKY: The
14 bill is laid aside.

15 THE SECRETARY: In relation to
16 Calendar Number 910, Senator Dilan moves to
17 discharge, from the Committee on Finance,
18 Assembly Bill Number 7056B and substitute it
19 for the identical Senate Bill Number 3531B,
20 Third Reading Calendar 910.

21 ACTING PRESIDENT VALESKY:

22 Substitution ordered.

23 Senator Padavan, why do you rise?

24 SENATOR PADAVAN: Will Senator

1 Dilan answer a question, please?

2 ACTING PRESIDENT VALESKY: We
3 need to put the bill before the house.

4 THE SECRETARY: Calendar Number
5 910, by Member of the Assembly Benedetto,
6 Assembly Print Number 7056B, an act to amend
7 the Public Authorities Law.

8 SENATOR KLEIN: Lay the bill
9 aside for the day.

10 ACTING PRESIDENT VALESKY: The
11 bill is laid aside for the day.

12 THE SECRETARY: In relation to
13 Calendar Number 911, Senator Stavisky moves to
14 discharge, from the Committee on Finance,
15 Assembly Bill Number 6391 and substitute it
16 for the identical Senate Bill Number 3603,
17 Third Reading Calendar 911.

18 ACTING PRESIDENT VALESKY:
19 Substitution ordered.

20 SENATOR LIBOUS: Lay it aside.

21 SENATOR KLEIN: Lay the bill
22 aside for the day.

23 ACTING PRESIDENT VALESKY: The
24 bill is laid aside for the day.

1 THE SECRETARY: In relation to
2 Calendar Number 912, Senator Dilan moves to
3 discharge, from the Committee on Codes,
4 Assembly Bill Number 8612A and substitute it
5 for the identical Senate Bill Number 3623A,
6 Third Reading Calendar 912.

7 ACTING PRESIDENT VALESKY:
8 Substitution ordered.

9 THE SECRETARY: Calendar Number
10 912, by Member of the Assembly Gantt, Assembly
11 Print Number 8612A, an act to amend the
12 Vehicle and Traffic Law.

13 ACTING PRESIDENT VALESKY: Read
14 the last section.

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

17 ACTING PRESIDENT VALESKY: Call
18 the roll.

19 (The Secretary called the roll.)

20 ACTING PRESIDENT VALESKY:
21 Senator Flanagan, to explain his vote.

22 SENATOR FLANAGAN: Thank you,
23 Mr. President.

24 I was discussing this bill with

1 Senator Lanza, and I know in some respects
2 people say you're crazy to vote against a bill
3 like this. But at some point, looking at kids
4 and determining their age, I'm not sure we're
5 going in the right direction here.

6 The child restraint system, I
7 understand; wearing a seat belt, I understand.
8 But now I'm not quite sure if this means a
9 child who's 8 years old has to be in some type
10 of car seat or some limited car seat. I don't
11 know that that's properly defined.

12 It just seems to me that we're
13 going perhaps a bit too far. All for safety,
14 but at some point kids can sit like regular
15 people in a car. I'm voting no.

16 ACTING PRESIDENT VALESKY:
17 Senator Flanagan to be recorded in the
18 negative.

19 Announce the results.

20 THE SECRETARY: Ayes, 55. Nays,
21 2. Senators Flanagan and Little recorded in
22 the negative.

23 ACTING PRESIDENT VALESKY: The
24 bill is passed.

1 THE SECRETARY: In relation to
2 Calendar Number 913, Senator Adams moves to
3 discharge, from the Committee on Finance,
4 Assembly Bill Number 8555A and substitute it
5 for the identical Senate Bill Number 3285A,
6 Third Reading Calendar 913.

7 ACTING PRESIDENT VALESKY:
8 Substitution ordered.

9 THE SECRETARY: Calendar Number
10 913, by Member of the Assembly Espaillat,
11 Assembly Print Number 8555A, an act to amend
12 the Executive Law and the State Finance Law.

13 ACTING PRESIDENT VALESKY: Read
14 the last section.

15 THE SECRETARY: Section --

16 SENATOR DUANE: Lay it aside.

17 ACTING PRESIDENT VALESKY: The
18 bill is laid aside.

19 THE SECRETARY: In relation to
20 Calendar Number 914, Senator Duane moves to
21 discharge, from the Committee on Finance,
22 Assembly Bill Number 903 and substitute it for
23 the identical Senate Bill Number 3842, Third
24 Reading Calendar 914.

1 ACTING PRESIDENT VALESKY:
2 Substitution ordered.

3 THE SECRETARY: Calendar Number
4 914, by Member of the Assembly Gottfried,
5 Assembly Print Number 903, an act to amend the
6 Public Health Law.

7 SENATOR LIBOUS: Read the last
8 section.

9 ACTING PRESIDENT VALESKY: Read
10 the last section.

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

13 ACTING PRESIDENT VALESKY: Call
14 the roll.

15 (The Secretary called the roll.)

16 THE SECRETARY: Ayes, 57.

17 ACTING PRESIDENT VALESKY: The
18 bill is passed.

19 THE SECRETARY: Calendar Number
20 915, by Senator Dilan, Senate Print 3992A, an
21 act to amend the Insurance Law.

22 ACTING PRESIDENT VALESKY: Read
23 the last section.

24 THE SECRETARY: Section 2. This

1 act shall take effect --

2 SENATOR KLEIN: Lay the bill
3 aside for the day.

4 ACTING PRESIDENT VALESKY: The
5 bill is laid aside for the day.

6 THE SECRETARY: In relation to
7 Calendar Number 916, Senator Valesky moves to
8 discharge, from the Committee on Finance,
9 Assembly Bill Number 2442C and substitute it
10 for the identical Senate Bill Number 4283B,
11 Third Reading Calendar 916.

12 ACTING PRESIDENT VALESKY:
13 Substitution ordered.

14 THE SECRETARY: Calendar Number
15 916, by Member of the Assembly Destito,
16 Assembly Print Number 2442C, an act to amend
17 the Public Service Law and the Public
18 Authorities Law.

19 ACTING PRESIDENT VALESKY: Read
20 the last section.

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

23 ACTING PRESIDENT VALESKY: Call
24 the roll.

1 (The Secretary called the roll.)

2 THE SECRETARY: Ayes, 57.

3 ACTING PRESIDENT VALESKY: The
4 bill is passed.

5 THE SECRETARY: In relation to
6 Calendar Number 917, Senator Valesky moves to
7 discharge, from the Committee on Finance,
8 Assembly Bill Number 7742A and substitute it
9 for the identical Senate Bill Number 4330A,
10 Third Reading Calendar 917.

11 ACTING PRESIDENT VALESKY:
12 Substitution ordered.

13 THE SECRETARY: Calendar Number
14 917, by Member of the Assembly Destito,
15 Assembly Print Number 7742A, an act to amend
16 the Agriculture and Markets Law.

17 ACTING PRESIDENT VALESKY: Read
18 the last section.

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

21 SENATOR DUANE: Lay it aside.

22 ACTING PRESIDENT VALESKY: The
23 bill is laid aside.

24 THE SECRETARY: In relation to

1 Calendar Number 918, Senator Aubertine moves
2 to discharge, from the Committee on
3 Corporations, Authorities and Commissions.
4 Assembly Bill Number 4218 and substitute it
5 for the identical Senate Bill Number 4364A,
6 Third Reading Calendar 918.

7 ACTING PRESIDENT VALESKY:
8 Substitution ordered.

9 THE SECRETARY: Calendar Number
10 918, by Member of the Assembly Brodsky.
11 Assembly Print Number 4218, an act to amend
12 the Not-For-Profit Corporation Law.

13 ACTING PRESIDENT VALESKY: Read
14 the last section.

15 THE SECRETARY: Section 3. This
16 act shall take effect on the 60th day.

17 ACTING PRESIDENT VALESKY: Call
18 the roll.

19 (The Secretary called the roll.)

20 THE SECRETARY: Ayes, 57.

21 ACTING PRESIDENT VALESKY: The
22 bill is passed.

23 THE SECRETARY: In relation to
24 Calendar Number 919, Senator Savino moves to

1 discharge, from the Committee on Codes,
2 Assembly Bill Number 8043 and substitute it
3 for the identical Senate Bill Number 4796,
4 Third Reading Calendar 919.

5 ACTING PRESIDENT VALESKY:
6 Substitution ordered.

7 THE SECRETARY: Calendar Number
8 919, by Member of the Assembly Cusick,
9 Assembly Print Number 8043, an act to amend
10 the Civil Practice Law and Rules.

11 ACTING PRESIDENT VALESKY: Read
12 the last section.

13 SENATOR DUANE: Lay it aside.

14 ACTING PRESIDENT VALESKY: The
15 bill is laid aside.

16 THE SECRETARY: In relation to
17 Calendar Number 920, Senator Huntley moves to
18 discharge, from the Committee on Codes,
19 Assembly Bill Number 6349 and substitute it
20 for the identical Senate Bill Number 5208,
21 Third Reading Calendar 920.

22 ACTING PRESIDENT VALESKY:
23 Substitution ordered.

24 THE SECRETARY: Calendar Number

1 920, by Member of the Assembly Gordon,
2 Assembly Print Number 6349, an act to amend
3 the Penal Law.

4 ACTING PRESIDENT VALESKY: Read
5 the last section.

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

9 ACTING PRESIDENT VALESKY: Call
10 the roll.

11 (The Secretary called the roll.)

12 THE SECRETARY: Ayes, 57.

13 ACTING PRESIDENT VALESKY: The
14 bill is passed.

15 THE SECRETARY: Calendar Number
16 921, by Senator Stachowski, Senate Print
17 5575A, an act creating an Economic Development
18 Benefit Task Force.

19 ACTING PRESIDENT VALESKY: Read
20 the last section.

21 THE SECRETARY: Section 3. This
22 act shall take effect on the 30th day.

23 ACTING PRESIDENT VALESKY: Call
24 the roll.

1 (The Secretary called the roll.)

2 THE SECRETARY: Ayes, 57.

3 ACTING PRESIDENT VALESKY: The
4 bill is passed.

5 THE SECRETARY: In relation to
6 Calendar Number 922, Senator Squadron moves to
7 discharge, from the Committee on Commerce,
8 Economic Development and Small Business,
9 Assembly Bill Number 8518 and substitute it
10 for the identical Senate Bill Number 5578,
11 Third Reading Calendar 922.

12 ACTING PRESIDENT VALESKY:
13 Substitution ordered.

14 THE SECRETARY: Calendar Number
15 922, by Member of the Assembly Schimminger,
16 Assembly Print Number 8518, an act to amend
17 the Alcoholic Beverage Control Law.

18 ACTING PRESIDENT VALESKY: Read
19 the last section.

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

22 ACTING PRESIDENT VALESKY: Call
23 the roll.

24 (The Secretary called the roll.)

1 THE SECRETARY: Those recorded in
2 the negative on Calendar Number 922 are
3 Senators Bonacic, DeFrancisco, Farley,
4 Flanagan, Fuschillo, Griffio, Huntley, Lanza,
5 Larkin, Libous, Little, Ranzenhofer, Robach,
6 Saland and Winner. Also Senator Monserrate.
7 Also Senator Young.

8 Ayes, 40. Nays, 17.

9 ACTING PRESIDENT VALESKY: The
10 bill is passed.

11 THE SECRETARY: In relation to
12 Calendar Number 923, Senator Aubertine moves
13 to discharge, from the Committee on Finance,
14 Assembly Bill Number 8405C, and substitute it
15 for the identical Senate Bill Number 5603C,
16 Third Reading Calendar 923.

17 ACTING PRESIDENT VALESKY:
18 Substitution ordered.

19 THE SECRETARY: Calendar Number
20 923, by Member of the Assembly Brodsky,
21 Assembly Print Number 8405C, an act to create
22 a Temporary New York State War of 1812 200th
23 Anniversary Commemoration Commission.

24 ACTING PRESIDENT VALESKY: Read

1 the last section.

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

4 SENATOR DUANE: Lay it aside.

5 ACTING PRESIDENT VALESKY: The
6 bill is laid aside.

7 THE SECRETARY: In relation to
8 Calendar Number 924, Senator Savino moves to
9 discharge, from the Committee on Finance,
10 Assembly Bill Number 8228 and substitute it
11 for the identical Senate Bill Number 5632,
12 Third Reading Calendar 924.

13 ACTING PRESIDENT VALESKY:
14 Substitution ordered.

15 THE SECRETARY: Calendar Number
16 924, by Member of the Assembly Abbate,
17 Assembly Print Number 8228, an act to amend
18 the Retirement and Social Security Law.

19 ACTING PRESIDENT VALESKY: Read
20 the last section.

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

23 ACTING PRESIDENT VALESKY: Call
24 the roll.

1 (The Secretary called the roll.)

2 THE SECRETARY: Ayes, 57.

3 ACTING PRESIDENT VALESKY: The
4 bill is passed.

5 THE SECRETARY: In relation to
6 Calendar Number 925, Senator Aubertine moves
7 to discharge from the Committee on
8 Corporations, Authorities and Commissions,
9 Assembly Bill Number 8643 and substitute it
10 for the identical Senate Bill Number 5732,
11 Third Reading Calendar 925.

12 ACTING PRESIDENT VALESKY:
13 Substitution ordered.

14 THE SECRETARY: Calendar Number
15 925, by Member of the Assembly Cahill,
16 Assembly Print Number 8643, an act to amend
17 the New York State Urban Development
18 Corporation Act.

19 ACTING PRESIDENT VALESKY: Read
20 the last section.

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

23 ACTING PRESIDENT VALESKY: Call
24 the roll.

1 (The Secretary called the roll.)

2 THE SECRETARY: Ayes, 57.

3 ACTING PRESIDENT VALESKY: The
4 bill is passed.

5 THE SECRETARY: Calendar Number
6 926, by Senator Sampson, Senate Print 5764, an
7 act to amend the Social Services Law.

8 ACTING PRESIDENT VALESKY: Read
9 the last section.

10 SENATOR DUANE: Lay it aside.

11 ACTING PRESIDENT VALESKY: The
12 bill is laid aside.

13 THE SECRETARY: In relation to
14 Calendar Number 927, Senator Thompson moves to
15 discharge, from the Committee on
16 Investigations and Government Operations,
17 Assembly Bill Number 7246B and substitute it
18 for the identical Senate Bill Number 5779,
19 Third Reading Calendar 927.

20 ACTING PRESIDENT VALESKY:
21 Substitution ordered.

22 THE SECRETARY: Calendar Number
23 927, by Member of the Assembly Lupardo,
24 Assembly Print Number 7246B, an act to amend

1 the Public Buildings Law.

2 ACTING PRESIDENT VALESKY: Read
3 the last section.

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

6 ACTING PRESIDENT VALESKY: Call
7 the roll.

8 (The Secretary called the roll.)

9 ACTING PRESIDENT VALESKY:
10 Senator Little, to explain her vote.

11 SENATOR LITTLE: Thank you,
12 Mr. President. Just briefly.

13 While it's definitely a good idea
14 for green construction and energy efficiency,
15 I just think that at this time, with the
16 state's finances the way they are, this is an
17 imposition on OGS to do this and it would be a
18 little bit too expensive at this time.

19 Therefore, I will vote in the
20 negative.

21 ACTING PRESIDENT VALESKY:
22 Senator Little to be recorded in the negative.

23 Results.

24 THE SECRETARY: Ayes, 55. Nays,

1 2. Senators DeFrancisco and Little recorded
2 in the negative.

3 ACTING PRESIDENT VALESKY: The
4 bill is passed.

5 THE SECRETARY: In relation to
6 Calendar Number 928, Senator Espada moves to
7 discharge, from the Committee on Rules,
8 Assembly Bill Number 8842 and substitute it
9 for the identical Senate Bill Number 5892,
10 Third Reading Calendar 928.

11 ACTING PRESIDENT VALESKY:
12 Substitution ordered.

13 THE SECRETARY: Calendar Number
14 928, by Member of the Assembly Crespo,
15 Assembly Print Number 8842, an act to amend
16 the Private Housing Finance Law.

17 ACTING PRESIDENT VALESKY: Read
18 the last section.

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

21 ACTING PRESIDENT VALESKY: Call
22 the roll.

23 (The Secretary called the roll.)

24 THE SECRETARY: Ayes, 57.

1 ACTING PRESIDENT VALESKY: The
2 bill is passed.

3 THE SECRETARY: In relation to
4 Calendar Number 929, Senator Parker moves to
5 discharge, from the Committee on Rules,
6 Assembly Print Number 1004 and substitute it
7 for the identical Senate Bill Number 5929,
8 Third Reading Calendar 929.

9 ACTING PRESIDENT VALESKY:
10 Substitution ordered.

11 THE SECRETARY: Calendar Number
12 929, by Member of the Assembly Dinowitz,
13 Assembly Print Number 1004, an act to amend
14 the Insurance Law.

15 ACTING PRESIDENT VALESKY: Read
16 the last section.

17 SENATOR DUANE: Lay it aside.

18 ACTING PRESIDENT VALESKY: The
19 bill is laid aside.

20 THE SECRETARY: Calendar Number
21 930, by Senator C. Kruger, Senate Print 5956,
22 an act to amend the Real Property Tax Law.

23 ACTING PRESIDENT VALESKY: Read
24 the last section.

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

3 SENATOR LIBOUS: Lay it aside.

4 ACTING PRESIDENT VALESKY: The
5 bill is laid aside.

6 SENATOR SMITH: Lay it aside for
7 the day.

8 ACTING PRESIDENT VALESKY: The
9 bill is laid aside for the day.

10 THE SECRETARY: Calendar Number
11 931, by Senator Klein, Senate Print 5980, an
12 act to amend the Insurance Law.

13 ACTING PRESIDENT VALESKY: Read
14 the last section.

15 THE SECRETARY: Section 5. This
16 act shall take effect on the 30th day.

17 ACTING PRESIDENT VALESKY: Call
18 the roll.

19 (The Secretary called the roll.)

20 THE SECRETARY: Ayes, 57.

21 ACTING PRESIDENT VALESKY: The
22 bill is passed.

23 THE SECRETARY: Calendar Number
24 932, by Senator Klein, Senate Print 5981, an

1 act to amend the Education Law.

2 ACTING PRESIDENT VALESKY: Read
3 the last section.

4 THE SECRETARY: Section 4. This
5 act shall take --

6 SENATOR DUANE: Lay it aside.

7 ACTING PRESIDENT VALESKY: The
8 bill is laid aside.

9 THE SECRETARY: In relation to
10 Calendar Number 933, Senator Savino moves to
11 discharge, from the Committee on Rules,
12 Assembly Bill Number 6493D and substitute it
13 for the identical Senate Bill Number 5982,
14 Third Reading Calendar 933.

15 ACTING PRESIDENT VALESKY:
16 Substitution ordered.

17 THE SECRETARY: Calendar Number
18 933, by --

19 SENATOR LIBOUS: Lay it aside.

20 ACTING PRESIDENT VALESKY: The
21 bill is laid aside.

22 THE SECRETARY: In relation to
23 Calendar Number 934, Senator Klein moves to
24 discharge, from the Committee on Rules,

1 Assembly Bill Number 3367A and substitute it
2 for the identical Senate Bill Number 5990,
3 Third Reading Calendar 934.

4 ACTING PRESIDENT VALESKY:
5 Substitution ordered.

6 THE SECRETARY: Calendar Number
7 934, by Member of the Assembly Englebright,
8 Assembly Print Number 3367A, an act to amend
9 the Election Law.

10 ACTING PRESIDENT VALESKY: Read
11 the last section.

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

14 ACTING PRESIDENT VALESKY: Call
15 the roll.

16 (The Secretary called the roll.)

17 THE SECRETARY: Ayes, 57.

18 ACTING PRESIDENT VALESKY: The
19 bill is passed.

20 SENATOR LIBOUS: Excuse me,
21 Mr. President.

22 ACTING PRESIDENT VALESKY:
23 Senator Libous.

24 SENATOR LIBOUS: Calendar Number

1 933 was laid aside inadvertently. And if we
2 could bring that back up and take it on.

3 ACTING PRESIDENT VALESKY:
4 Senator Libous withdraws his lay-aside on
5 Calendar Number 933. The Secretary will place
6 933 before the house.

7 THE SECRETARY: Calendar Number
8 933, substituted earlier by Member of the
9 Assembly John, Assembly Print Number 6493D, an
10 act to amend the Labor Law and the General
11 Business Law.

12 ACTING PRESIDENT VALESKY: Read
13 the last section.

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

16 ACTING PRESIDENT VALESKY: Call
17 the roll.

18 (The Secretary called the roll.)

19 THE SECRETARY: Those recorded in
20 the negative on Calendar Number 933 are
21 Senators Alesi, Bonacic, DeFrancisco, Farley,
22 Flanagan, Hannon, Larkin, LaValle, Leibell,
23 Libous, McDonald, Nozzolio, Ranzenhofer,
24 Robach, Saland, Seward, Volker, Winner and

1 Young. Also Senator Little.

2 Ayes, 37. Nays, 20.

3 ACTING PRESIDENT VALESKY: The
4 bill is passed.

5 THE SECRETARY: In relation to
6 Calendar Number 935, Senator Klein moves to
7 discharge, from the Committee on Rules,
8 Assembly Print Number 8018A and substitute it
9 for the identical Senate Bill Number 5998,
10 Third Reading Calendar 935.

11 ACTING PRESIDENT VALESKY:
12 Substitution ordered.

13 THE SECRETARY: Calendar Number
14 935, by Member of the Assembly Morelle,
15 Assembly Print Number 8018A, an act to amend
16 the Tax Law.

17 ACTING PRESIDENT VALESKY: Read
18 the last section.

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

21 ACTING PRESIDENT VALESKY: Call
22 the roll.

23 (The Secretary called the roll.)

24 THE SECRETARY: Ayes, 57.

1 ACTING PRESIDENT VALESKY: The
2 bill is passed.

3 THE SECRETARY: In relation to
4 Calendar Number 936, Senator Breslin moves to
5 discharge, from the Committee on Rules,
6 Assembly Bill Number 9033 and substitute it
7 for the identical Senate Bill Number 6024,
8 Third Reading Calendar 936.

9 ACTING PRESIDENT VALESKY:
10 Substitution ordered.

11 THE SECRETARY: Calendar Number
12 936, by Member of the Assembly Gottfried,
13 Assembly Print Number 9033, an act to amend
14 the Social Services Law.

15 ACTING PRESIDENT VALESKY: Read
16 the last section.

17 THE SECRETARY: Section 2. This
18 act --

19 SENATOR LIBOUS: Lay it aside.

20 ACTING PRESIDENT VALESKY: The
21 bill is laid aside.

22 THE SECRETARY: Calendar Number
23 937, by Senator Foley, Senate Print 6041, an
24 act to amend the Real Property Tax Law.

1 ACTING PRESIDENT VALESKY: Read
2 the last section.

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

5 ACTING PRESIDENT VALESKY: Call
6 the roll.

7 (The Secretary called the roll.)

8 THE SECRETARY: Ayes, 57.

9 ACTING PRESIDENT VALESKY: The
10 bill is passed.

11 THE SECRETARY: In relation to
12 Calendar Number 938, Senator Aubertine moves
13 to discharge, from the Committee on Rules,
14 Assembly Bill Number 9019 and substitute it
15 for the identical Senate Bill Number 6046,
16 Third Reading Calendar 938.

17 ACTING PRESIDENT VALESKY:
18 Substitution ordered.

19 THE SECRETARY: Calendar Number
20 938, by Member of the Assembly Cahill,
21 Assembly Print Number 9019, an act to amend
22 the State Finance Law.

23 ACTING PRESIDENT VALESKY: Read
24 the last section.

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

3 ACTING PRESIDENT VALESKY: Call
4 the roll.

5 (The Secretary called the roll.)

6 THE SECRETARY: Ayes, 57.

7 ACTING PRESIDENT VALESKY: The
8 bill is passed.

9 THE SECRETARY: In relation to
10 Calendar Number 939, Senator Stachowski moves
11 to discharge, from the Committee on Rules,
12 Assembly Print Number 9040 and substitute it
13 for the identical Senate Bill Number 6050,
14 Third Reading Calendar 939.

15 ACTING PRESIDENT VALESKY:
16 Substitution ordered.

17 THE SECRETARY: Calendar Number
18 939, by Member of the Assembly Cahill --

19 SENATOR MAZIARZ: Lay it aside.

20 ACTING PRESIDENT VALESKY: The
21 bill is laid aside.

22 THE SECRETARY: In relation to
23 Calendar Number 940, Senator Valesky moves to
24 discharge, from the Committee on Rules,

1 Assembly Bill Number 9023 and substitute it
2 for the identical Senate Bill Number 6056,
3 Third Reading Calendar 940.

4 ACTING PRESIDENT VALESKY:
5 Substitution ordered.

6 THE SECRETARY: Calendar Number
7 940, by Member of the Assembly Hoyt, Assembly
8 Print Number 9023, an act to amend the Tax
9 Law.

10 ACTING PRESIDENT VALESKY: Read
11 the last section.

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

14 ACTING PRESIDENT VALESKY: Call
15 the roll.

16 (The Secretary called the roll.)

17 THE SECRETARY: Ayes, 57.

18 ACTING PRESIDENT VALESKY: The
19 bill is passed.

20 THE SECRETARY: In relation to
21 Calendar Number 941, Senator Robach moves to
22 discharge, from the Committee on Health,
23 Assembly Print Number 6818A and substitute it
24 for the identical Senate Bill Number 939A,

1 Third Reading Calendar 941.

2 ACTING PRESIDENT VALESKY:

3 Substitution ordered.

4 THE SECRETARY: Calendar Number
5 941, by Member of the Assembly Morelle,
6 Assembly Print Number 6818A, an act to amend
7 the Public Health Law.

8 ACTING PRESIDENT VALESKY: Read
9 the last section.

10 SENATOR DUANE: Lay it aside.

11 ACTING PRESIDENT VALESKY: The
12 bill is laid aside.

13 THE SECRETARY: In relation to
14 Calendar Number 942, Senator Stavisky moves to
15 discharge, from the Committee on Rules,
16 Assembly Bill Number 2713 and substitute it
17 for the identical Senate Bill Number 2295,
18 Third Reading Calendar 942.

19 ACTING PRESIDENT VALESKY:

20 Substitution ordered.

21 THE SECRETARY: Calendar Number
22 942, by Member of the Assembly Glick, Assembly
23 Print Number 2713, an act to amend the
24 Education Law.

1 SENATOR KLEIN: Lay the bill
2 aside for the day.

3 ACTING PRESIDENT VALESKY: The
4 bill is laid aside for the day.

5 THE SECRETARY: In relation to
6 Calendar Number 943, Senator Winner moves to
7 discharge, from the Committee on Education,
8 Assembly Bill Number 7506 and substitute it
9 for the identical Senate Bill Number 4126,
10 Third Reading Calendar 943.

11 ACTING PRESIDENT VALESKY:
12 Substitution ordered.

13 THE SECRETARY: Calendar Number
14 943, by Member of the Assembly Bacalles,
15 Assembly Print Number 7506, an act in relation
16 to capital improvement.

17 ACTING PRESIDENT VALESKY: Read
18 the last section.

19 THE SECRETARY: Section 2. This
20 act shall --

21 SENATOR DUANE: Lay it aside.

22 ACTING PRESIDENT VALESKY: The
23 bill is laid aside.

24 THE SECRETARY: In relation to

1 Calendar Number 944, Senator Stavisky moves to
2 discharge, from the Committee on Rules,
3 Assembly Bill Number 8219 and substitute it
4 for the identical Senate Bill Number 4200,
5 Third Reading Calendar 944.

6 ACTING PRESIDENT VALESKY:
7 Substitution ordered.

8 THE SECRETARY: Calendar Number
9 944, by Member of the Assembly Glick, Assembly
10 Print Number 8219, an act to amend the
11 Education Law and the State Finance Law.

12 ACTING PRESIDENT VALESKY: Read
13 the last section.

14 SENATOR LaVALLE: Lay it aside.

15 ACTING PRESIDENT VALESKY: The
16 bill is laid aside.

17 THE SECRETARY: In relation to
18 Calendar Number 945, Senator Hassell-Thompson
19 moves to discharge, from the Committee on
20 Finance, Assembly Bill Number 3843A and
21 substitute it for the identical Senate Bill
22 Number 5036, Third Reading Calendar 945.

23 ACTING PRESIDENT VALESKY:
24 Substitution ordered.

1 THE SECRETARY: Calendar Number
2 945, by Member of the Assembly Rosenthal,
3 Assembly Print Number 3843A, an act to amend
4 the Social Services Law.

5 ACTING PRESIDENT VALESKY: Read
6 the last section.

7 THE SECRETARY: Section 2. This
8 act shall --

9 SENATOR WINNER: Lay it aside.

10 ACTING PRESIDENT VALESKY: The
11 bill is laid aside.

12 THE SECRETARY: Calendar Number
13 946, by Senator Stachowski, Senate Print
14 5598B, an act to amend the General Municipal
15 Law.

16 ACTING PRESIDENT VALESKY: Read
17 the last section.

18 THE SECRETARY: Section 20. This
19 act shall take effect immediately.

20 SENATOR MAZIARZ: Lay the bill
21 aside.

22 ACTING PRESIDENT VALESKY: The
23 bill is laid aside.

24 THE SECRETARY: Calendar Number

1 947, by Senator Parker, Senate Print 5615, an
2 act to amend the Public Service Law and the
3 General Business Law.

4 ACTING PRESIDENT VALESKY: Read
5 the last section.

6 THE SECRETARY: Section --

7 SENATOR WINNER: Lay it aside.

8 ACTING PRESIDENT VALESKY: The
9 bill is laid aside.

10 THE SECRETARY: In relation to
11 Calendar Number 948, Senator Maziarz moves to
12 discharge, from the Committee on Rules,
13 Assembly Bill Number 8826 and substitute it
14 for the identical Senate Bill Number 5872,
15 Third Reading Calendar 948.

16 ACTING PRESIDENT VALESKY:
17 Substitution ordered.

18 THE SECRETARY: Calendar Number
19 948, by Member of the Assembly Schimminger,
20 Assembly Print Number 8826, an act to amend
21 the Social Services Law.

22 ACTING PRESIDENT VALESKY: Read
23 the last section.

24 SENATOR DUANE: Lay it aside.

1 ACTING PRESIDENT VALESKY: The
2 bill is laid aside.

3 THE SECRETARY: In relation to
4 Calendar Number 949, Senator O. Johnson moves
5 to discharge, from the Committee on Rules,
6 Assembly Bill Number 8862 and substitute it
7 for the identical Senate Bill Number 6073,
8 Third Reading Calendar 949.

9 ACTING PRESIDENT VALESKY:
10 Substitution ordered.

11 THE SECRETARY: Calendar Number
12 949, by Member of the Assembly Sweeney,
13 Assembly Print Number 8862, an act to amend
14 the Town Law.

15 ACTING PRESIDENT VALESKY: Read
16 the last section.

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

19 ACTING PRESIDENT VALESKY: Call
20 the roll.

21 THE SECRETARY: Ayes, 57.

22 ACTING PRESIDENT VALESKY: The
23 bill is passed.

24 THE SECRETARY: Calendar Number

1 950, by Senator Duane, Senate Print 2664, an
2 act to amend the Social Services Law.

3 ACTING PRESIDENT VALESKY: Read
4 the last section.

5 MULTIPLE SENATORS: Lay it aside.

6 SENATOR LIBOUS: Lay it aside.

7 ACTING PRESIDENT VALESKY: The
8 bill is laid aside.

9 THE SECRETARY: Calendar Number
10 951, by Senator Parker, Senate Print 5576, an
11 act to amend the Education Law and the
12 New York City Charter.

13 ACTING PRESIDENT VALESKY: Read
14 the last section.

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

17 SENATOR WINNER: Lay it aside.

18 MULTIPLE SENATORS: Lay it aside.

19 ACTING PRESIDENT VALESKY: The
20 bill is laid aside.

21 THE SECRETARY: Calendar Number
22 952, by Senator Dilan, Senate Print 5861A, an
23 act to amend the Tax Law.

24 ACTING PRESIDENT VALESKY: Read

1 the last section.

2 MULTIPLE SENATORS: Lay it aside.

3 SENATOR KLEIN: Lay it aside for
4 the day.

5 ACTING PRESIDENT VALESKY: The
6 bill is laid aside for the day.

7 Senator Smith, that completes the
8 noncontroversial reading of Senate
9 Supplemental Calendar 61A.

10 Senator Libous.

11 SENATOR LIBOUS: Mr. President, I
12 believe if I can just -- if you call on
13 Senator Maziarz, he would like to withdraw a
14 lay-aside and we could address it.

15 ACTING PRESIDENT VALESKY:
16 Senator Maziarz.

17 SENATOR MAZIARZ: Thank you,
18 Mr. President. Could I withdraw the lay-aside
19 for Calendar 946, Senate Bill 5598B, please.

20 ACTING PRESIDENT VALESKY: The
21 Secretary will place Calendar 946 before the
22 house.

23 THE SECRETARY: Calendar Number
24 946, by Senator Stachowski, Senate Print

1 5598B, an act to amend the General Municipal
2 Law.

3 ACTING PRESIDENT VALESKY: Read
4 the last section.

5 THE SECRETARY: Section 20. This
6 act shall take effect immediately.

7 ACTING PRESIDENT VALESKY: Call
8 the roll.

9 (The Secretary called the roll.)

10 ACTING PRESIDENT VALESKY:
11 Senator Maziarz.

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

14 ACTING PRESIDENT VALESKY:
15 Senator Maziarz, to explain his vote.

16 SENATOR MAZIARZ: Mr. President,
17 I intend on voting in favor of this bill.

18 We just a few minutes ago passed
19 Calendar Number 921, which creates a
20 commission to study the benefits -- or the
21 successes and failures of the Empire Zone
22 program. That has to be the fastest report of
23 any commission we've ever appointed, because
24 now we're passing a bill that does the

1 corrections to the Empire Zone program --
2 which quite frankly, in the budget which was
3 passed here by one vote, we nearly destroyed
4 the good parts of the Empire Zone program.

5 So, Mr. President, I think this is
6 a good bill, and I'm going to be voting in
7 favor of it.

8 Thank you.

9 ACTING PRESIDENT VALESKY:
10 Senator Maziarz to be recorded in the
11 affirmative.

12 Senator Stachowski, to explain his
13 vote.

14 SENATOR STACHOWSKI: Just to
15 explain my vote, Mr. President.

16 The bill that we are passing now is
17 a technical cleanup bill of the action that
18 was taken in the budget.

19 For those that would be interested
20 in what the 920 bill actually does, it sets up
21 a commission to develop the program that will
22 come after Empire Zones disappears. And so
23 it's a program bill that -- a task force that
24 people in the Empire Zone -- either people

1 that are in it, people that work with it --
2 throughout the state have been reaching out to
3 us since we announced we were trying to do
4 this, to try to get membership on that task
5 force so that they can take part in developing
6 the new program. Which is the way we would
7 like that to happen.

8 But this particular technical
9 change that we're doing in this bill addresses
10 the problems that everybody brought to us that
11 were in the budget. The fact is that the
12 look-back now will go back only to January
13 '09, which is very important to the people
14 that are in Empire Zones.

15 It also gives them an opportunity
16 to be considered either -- if there's people
17 that own multiple projects that are in various
18 Empire Zones, they can be either considered
19 individually or all at once. It would be
20 their option. That's another part that people
21 brought to us.

22 The other thing it does is it
23 clears up what shirt-changer is and talks
24 about that you have to change your federal ID

1 number to be a shirt-changer.

2 So the cleanups in this bill are
3 very important to the people that are
4 participating in the Empire Zone program. We
5 listened to them when they talked to us after
6 the budget was passed. We did the best we
7 could in cleaning up the program that was
8 originally put in by the Governor in the
9 budget. And this is a technical change that
10 even cleans it up better, as presented to us
11 by the people that do business in Empire
12 Zones.

13 So we're glad that this bill is on
14 the floor. We're hoping that the Assembly
15 will see its passage and that Assemblyman
16 Schimminger will be able to carry the day in
17 the Assembly and get this done so we'll have a
18 cleaner program that will carry on until we
19 address the new program.

20 Thank you, Mr. President.

21 ACTING PRESIDENT VALESKY:

22 Senator Stachowski to be recorded in the
23 affirmative.

24 Senator Winner, to explain his

1 vote.

2 SENATOR WINNER: Thank you,
3 Mr. President.

4 Briefly, I am supporting this bill.
5 It's just a clear example as to the necessity
6 for this bill is the fact that we did this
7 budget in secret and caused all these problems
8 with regard to the Empire Zone program. And
9 this bill is a reflection of the mistakes that
10 were made in that secretive process.

11 It's just unfortunate that those
12 deliberations weren't done in the open so we
13 wouldn't have made that mistake, because now
14 we're dependent upon an Assembly that has been
15 heretofore unwilling to be cooperative with
16 regard to the Empire Zone program.

17 And so while I'm hopeful that they
18 will in fact agree with this measure, I am
19 somewhat skeptical and I am somewhat
20 disappointed that in fact we got to this point
21 whereby in particular our upstate regions are
22 in so much jeopardy with regard to their
23 noncompetitiveness that the Empire Zone
24 changes that are made are going to make

1 further economic difficulties for us in our
2 upstate region.

3 So while I will support this
4 measure, it's unfortunate that we had to be in
5 this position. Had we done a more diligent
6 job in the budget in the first place, we
7 wouldn't be here.

8 I vote in the affirmative.

9 ACTING PRESIDENT VALESKY:
10 Senator Winner to be recorded in the
11 affirmative.

12 Senator Nozzolio, to explain his
13 vote.

14 SENATOR NOZZOLIO: Thank you,
15 Mr. President. I echo the words of Senator
16 Winner.

17 But this cleanup bill is attempting
18 to address a mess that is huge across New York
19 State, a mess that puts havoc into economic
20 development, a mess that was created by one
21 single vote in the last budget process.

22 This budget never should have had
23 this provision in it. It never should have
24 sent a signal to business that New York is all

1 over the place, it's unreliable.

2 That this cleanup measure is a
3 half-step in the right direction, but it
4 doesn't undo the damage that has already been
5 done to businesses that are trying to make
6 sound economic decisions to bring jobs and
7 keep jobs in New York State.

8 Mr. President, I support this
9 measure but certainly wish that we did not
10 have to be here. And I think Senator Winner's
11 question about whether the Assembly will in
12 fact finish this cleanup is one that remains
13 open.

14 ACTING PRESIDENT VALESKY:
15 Senator Nozzolio to be recorded in the
16 affirmative.

17 Announce the results.

18 THE SECRETARY: Ayes, 57. Nays,
19 0.

20 ACTING PRESIDENT VALESKY: The
21 bill is passed.

22 SENATOR WINNER: Mr. President.

23 ACTING PRESIDENT VALESKY:
24 Senator Winner.

1 SENATOR WINNER: Yes, I'd like to
2 remove my lay-aside on Calendar Number 951.

3 ACTING PRESIDENT VALESKY: The
4 Secretary will place Calendar Number 951
5 before the house.

6 THE SECRETARY: Calendar Number
7 951, by Senator Parker, Senate Print 5576, an
8 act to amend the Education Law and the
9 New York City Charter.

10 ACTING PRESIDENT VALESKY: Read
11 the last section.

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

14 ACTING PRESIDENT VALESKY: Call
15 the roll.

16 (The Secretary called the roll.)

17 SENATOR KLEIN: Lay the bill
18 aside for the day.

19 ACTING PRESIDENT VALESKY: The
20 roll call is withdrawn, and the bill is laid
21 aside for the day.

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

24 SENATOR KLEIN: Mr. President, at

1 this time can we move to a reading of the
2 controversial calendar, Senate Supplemental
3 Calendar Number 61A.

4 ACTING PRESIDENT VALESKY: The
5 Secretary will proceed with the controversial
6 reading of Supplemental Calendar Number 61A.

7 THE SECRETARY: Calendar Number
8 896, by Member of the Assembly Weisenberg,
9 Assembly Print Number 8905, an act to
10 authorize.

11 SENATOR DUANE: Explanation.

12 (Pause.)

13 SENATOR SKELOS: Mr. President.

14 ACTING PRESIDENT VALESKY:
15 Senator Skelos.

16 SENATOR SKELOS: Are we at ease,
17 or are we having press conferences now? Can I
18 just clarify what's happening right now?

19 ACTING PRESIDENT VALESKY: Sure.
20 Calendar Number 896 is before the house.
21 Senator Duane has asked for an explanation.

22 SENATOR SKELOS: Fine.

23 ACTING PRESIDENT VALESKY: And
24 I'm waiting for -- since there is no Senate

1 sponsor for this bill, I'm waiting for a
2 Senator to explain the bill.

3 SENATOR SKELOS: This Young
4 Israel of Hewlett is in my district. The bill
5 is sponsored by Assemblyman Weisenberg, and it
6 would allow Young Israel of Hewlett to file an
7 application for a real property tax exemption
8 with the County of Nassau retroactively.

9 ACTING PRESIDENT VALESKY: Thank
10 you, Senator Skelos.

11 Senator Duane.

12 SENATOR DUANE: Explanation
13 satisfactory. Thank you, Senator.

14 ACTING PRESIDENT VALESKY: Read
15 the last section.

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

18 ACTING PRESIDENT VALESKY: Call
19 the roll.

20 (The Secretary called the roll.)

21 THE SECRETARY: Ayes, 55. Nays,
22 2. Senators Bonacic and Larkin recorded in
23 the negative.

24 ACTING PRESIDENT VALESKY: The

1 bill is passed.

2 THE SECRETARY: Calendar Number
3 902, by Senator Duane, Senate Print 1347, an
4 act to amend the Personal Property Law.

5 SENATOR SKELOS: Explanation,
6 please.

7 ACTING PRESIDENT VALESKY:
8 Senator Duane, an explanation has been
9 requested.

10 SENATOR DUANE: Thank you,
11 Mr. President.

12 This legislation would require that
13 all rent-to-own merchandise be -- that the
14 prices can't be inflated above the local
15 market rate; that all hidden fees must be
16 disclosed in the purchase agreement; that
17 interest and other charges have to comply with
18 the federal Truth in Lending Act, which is the
19 standard for all credit cards; that all fees
20 must be itemized in the purchase agreement;
21 that the purchase agreements must clearly
22 state how many payments are necessary to
23 purchase the merchandise; and that if a renter
24 should cancel the agreement, the rent-to-own

1 agreement, that the penalty fee cannot be more
2 than 10 percent and that interest rates cannot
3 be more than 25 percent per year.

4 I think many of us have heard --

5 SENATOR SKELOS: If I could --

6 ACTING PRESIDENT VALESKY:

7 Senator Skelos.

8 SENATOR SKELOS: -- the
9 explanation is sufficient. Thank you very
10 much.

11 ACTING PRESIDENT VALESKY: Thank
12 you, Senator Duane.

13 Read the last section.

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

16 ACTING PRESIDENT VALESKY: Call
17 the roll.

18 (The Secretary called the roll.)

19 THE SECRETARY: Those recorded in
20 the negative on Calendar Number 902 are
21 Senators Alesi, Bonacic, DeFrancisco, Farley,
22 Flanagan, Fuschillo, Golden, Griffio, Hannon,
23 Lanza, Larkin, LaValle, Leibell, Libous,
24 Little, Marcellino, Maziarz, McDonald,

1 Morahan, Nozzolio, Padavan, Ranzenhofer,
2 Robach, Saland, Seward, Skelos, Volker, Winner
3 and Young.

4 Ayes, 28. Nays, 29.

5 ACTING PRESIDENT VALESKY: The
6 bill is defeated.

7 Senator Klein.

8 SENATOR KLEIN: Mr. President,
9 with unanimous consent, and after consultation
10 with Senator Libous, I ask that we withdraw
11 the lay-aside on Calendar Number 951 and take
12 it up as part of the noncontroversial
13 calendar.

14 ACTING PRESIDENT VALESKY: The
15 Secretary will place Calendar 951 before the
16 house, noncontroversial.

17 THE SECRETARY: Calendar Number
18 951, by Senator Parker, Senate Print 5576, an
19 act to amend the Education Law and the
20 New York City Charter.

21 ACTING PRESIDENT VALESKY: Read
22 the last section.

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

1 ACTING PRESIDENT VALESKY: Call
2 the roll.

3 (The Secretary called the roll.)

4 SENATOR PARKER: Lay it aside.

5 SENATOR KLEIN: Lay the bill
6 aside.

7 ACTING PRESIDENT VALESKY: The
8 roll call is withdrawn, and the bill is laid
9 aside.

10 The Secretary will continue to call
11 the bills in calendar order.

12 THE SECRETARY: Calendar Number
13 908, substituted earlier today by Member of
14 the Assembly Bradley, Assembly Print Number
15 6741B, an act to amend the Public Health Law
16 and the Insurance Law.

17 ACTING PRESIDENT VALESKY: Read
18 the last section.

19 SENATOR SEWARD: On the bill.

20 ACTING PRESIDENT VALESKY:
21 Senator Seward, on the bill.

22 SENATOR SEWARD: Yeah, briefly on
23 the bill, Mr. President.

24 In an effort to render quality

1 medical care as well as to control costs, many
2 of the HMOs and our health plans have
3 established managed-care networks of providers
4 who have agreed to provide care for members of
5 that particular health plan or HMO at a
6 reasonable rate of expense. And that helps to
7 keep the costs of health premiums down.

8 But this legislation before us, my
9 fear is would increase costs, would diminish
10 managed-care plans, would gut managed-care
11 plans, diminish their ability to protect plan
12 participants as well as significantly alter
13 these provider networks that have been
14 established.

15 And in light of existing New York
16 regulations, this bill is unnecessary and
17 would not benefit insureds, because current
18 law does permit referrals to nonparticipating
19 laboratories under certain circumstances and
20 they are indeed paid.

21 So, Mr. President, I would
22 encourage a no vote on this legislation.

23 ACTING PRESIDENT VALESKY: Thank
24 you, Senator Seward.

1 Are there any other Senators who
2 wish to be heard?

3 Senator Duane.

4 SENATOR DUANE: Thank you,
5 Mr. President.

6 You know, I'm confident that people
7 understand that sometimes numbers don't
8 necessarily mean that they're correct or that
9 people that have more numbers in their group
10 at a moment in time, that doesn't necessarily
11 make them correct on an issue.

12 That said, I just want to describe
13 what this piece of legislation does.

14 Unfortunately, current law permits
15 health plans to limit consumers and their
16 providers to certain clinical labs and health
17 plans in a network. That deprives the
18 consumer as well as the prescriber of choosing
19 the best clinical laboratory that serves their
20 needs. In fact, in some cases some labs offer
21 more and/or different or more precise
22 information to the consumer and the healthcare
23 provider.

24 And I don't think that we -- I do

1 not want on me that I would deprive a
2 healthcare provider and their patient from
3 getting the best possible information.

4 This bill would guarantee that a
5 consumer can access out-of-network clinical
6 labs so that they can get the most precise and
7 the best information from their tests.

8 By the way, the bill also provides
9 that the health insurer will pay the clinical
10 lab directly. And the individual is similarly
11 responsible for paying any extra copay,
12 coinsurance or deductible, so that argument is
13 not -- should not be of a concern.

14 And this bill was amended because
15 there were concerns. And one of the great
16 things about working both in this body and
17 this Senate, as well as reaching out as
18 thoroughly as possible with the industry and
19 with consumer groups, is that sometimes a bill
20 when it's first drawn, drafted, is not
21 perfect. And in this case, I think revisions,
22 after speaking with colleagues and people in
23 the industry and consumers and consumer
24 groups, has made for a better bill and

1 assuaged some of the concerns that various
2 groups had.

3 So this bill did incorporate those
4 concerns from the industry and the consumer
5 groups. There was a negotiation that happened
6 among all of us. And that's reflected in this
7 bill, in this B print.

8 The legislation passed the Assembly
9 overwhelmingly. Not that that necessarily
10 means that -- it's just another piece of
11 information for people as they make their
12 decision about how to vote on this bill. But
13 I think we have a very good, pro-consumer,
14 pro-best possible information for the patient,
15 allowing best efforts for the healthcare
16 provider to get the best information to the
17 patient bill. And I would encourage my
18 colleagues to vote yes on this bill.

19 Thank you, Mr. President.

20 ACTING PRESIDENT VALESKY: Thank
21 you, Senator Duane.

22 SENATOR LIBOUS: Read the last
23 section.

24 ACTING PRESIDENT VALESKY: Read

1 the last section.

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

4 ACTING PRESIDENT VALESKY: Call
5 the roll.

6 (The Secretary called the roll.)

7 ACTING PRESIDENT VALESKY:
8 Senator Robach, to explain his vote.

9 SENATOR ROBACH: Very quickly.

10 In all due respect to my friend and
11 colleague Tom Duane, having nothing to do with
12 numbers, this bill -- every lab in New York
13 State has to go through certain criteria, a
14 certain quality level. And one of the reasons
15 why HMOs work within those streams is actually
16 to keep the costs down, not raise it, if you
17 take volume.

18 So the logic would be if someone
19 for some reason, even though they all have to
20 meet the same standard, wanted to go to an
21 out-of-service provider, actually increasing
22 the cost to all those people in that
23 healthcare service.

24 So in all due respect, while I

1 understand your intention, I'm not seeing the
2 merit of the bill. And for that reason and no
3 other, I'm going to cast my vote in the
4 negative.

5 ACTING PRESIDENT VALESKY:

6 Senator Robach to be recorded in the negative.

7 Announce the results.

8 THE SECRETARY: Those recorded in
9 the negative on Calendar Number 908 are
10 Senators Alesi, Bonacic, DeFrancisco, Farley,
11 Flanagan, Fuschillo, Golden, Griffio, Hannon,
12 Lanza, Larkin, LaValle, Leibell, Libous,
13 Little, Marcellino, Maziarz, McDonald,
14 Morahan, Nozzolio, Padavan, Ranzenhofer,
15 Robach, Saland, Seward, Skelos, Volker, Winner
16 and Young.

17 Ayes, 28. Nays, 29.

18 ACTING PRESIDENT VALESKY: The
19 bill is defeated.

20 Senator Klein.

21 SENATOR KLEIN: Mr. President,
22 can we call Calendar 951, Print Number 5576 --
23 Senator Parker's bill -- controversially.

24 ACTING PRESIDENT VALESKY: The

1 Secretary will place Calendar Number 951
2 before the house, controversial.

3 THE SECRETARY: Calendar Number
4 951, by Senator Parker, Senate Print 5576, an
5 act to amend the Education Law and the
6 New York City Charter.

7 SENATOR SMITH: Explanation.

8 ACTING PRESIDENT VALESKY:
9 Senator Parker, an explanation has been
10 requested.

11 SENATOR PARKER: Thank you,
12 Mr. President.

13 This bill is the Better Schools
14 Act. And as everyone knows, that we have been
15 in the midst of talking about school
16 governance. We have had in New York City
17 calls for mayoral control. There's also been
18 a hue and cry in our community against mayoral
19 control and a desire to return to the old
20 system.

21 This bill would actually strengthen
22 and put at the focus parental involvement by
23 making sure that parents were more empowered.

24 It overhauls the city Education

1 Board by expanding it to 17 members. Eight
2 would be appointed by the mayor, one each by
3 the borough presidents, one by the City
4 Council, one by the Governor, one by the
5 Assembly, one by the Senate. It authorizes
6 the chairman of the board to select a
7 chairperson from among its voting members. It
8 actually eliminates -- it eliminates the
9 chancellor as the chair of the board. It
10 establishes two-year terms.

11 It empowers district
12 superintendents to address issues such as
13 school choice and student discipline, language
14 access for parents and students. It addresses
15 education of students with disabilities and
16 also empowers the superintendent to deal with
17 shared decision-making among schools.

18 As it relates to the budget, it
19 also provides a significant amount of
20 transparency and accountability by making sure
21 that there is board approval for procurement
22 contracts that exceed \$200,000. Also, the
23 board would have to approve the DOE operating
24 budget for a five-year capital plan.

1 It establishes that the chancellor
2 be appointed by the mayor and serve as an
3 ex officio member as opposed to the chair of
4 the board. It requires the chancellor to
5 provide the Independent Budget Office with all
6 relevant data.

7 It requires that the CECs hold at
8 least two public hearings per year. It
9 requires community input when selecting
10 superintendents. It requires the city board
11 to approve budget requests prior to sending
12 requests to the mayor. It requires
13 consultation with school leadership teams
14 before principals can propose a school budget.
15 It requires that proposed budgets be aligned
16 with the school's comprehensive educational
17 plan.

18 In addition, the comptroller of the
19 City of New York shall have power to audit the
20 Department of Education -- again, back to this
21 idea of transparency and accountability.

22 It requires that New York City
23 provide 5 percent of funds given to the Office
24 of Management and Budget of the IBO, the

1 Independent Budget Office, to carry out
2 responsibilities. That is, that it is more
3 than just to say that the IBO needs to have
4 these oversight functions, but we actually
5 provide a funding mechanism within the context
6 of the bill for that work to actually get
7 done.

8 It amends the city charter to
9 create a center for parent and student
10 services, and empowers it within the office of
11 the public advocate. It requires the city to
12 provide an amount actual equal to 10 percent
13 of the Office of Management and Budget to the
14 budget of the public advocate to fund a
15 training center. That number is approximately
16 \$3 million a year.

17 It replaces one of the elected
18 community district education council members
19 with a student and grants the student all
20 voting rights, thus empowering students within
21 the context of the legislative outline of the
22 bill.

23 SENATOR SMITH: Explanation
24 sufficient.

1 ACTING PRESIDENT VALESKY: Thank
2 you, Senator Parker.

3 Are there any other Senators who
4 wish to be heard on the bill?

5 SENATOR PARKER: I want to talk
6 on the bill.

7 ACTING PRESIDENT VALESKY:
8 Senator Parker, you may continue.

9 SENATOR PARKER: Mr. President,
10 thank you very much.

11 As you know, this is the Better
12 Schools Act, which has come about because in
13 2002 this State Legislature made New York City
14 and made the mayor of New York City the most
15 powerful person in the country as related to
16 public education by creating a mayoral control
17 system.

18 The beginning of that system in
19 2002 created a reign of tyranny over parents
20 and students throughout the five boroughs of
21 New York City, where parents did not have
22 access to the schools, where community leaders
23 and elected officials could not oversee what
24 was happening in classrooms, where schools

1 were opened and closed, frankly, willy-nilly,
2 without any input from parents, students,
3 community leaders or elected officials.

4 And as somebody who has kind of
5 grown up in public education -- went to
6 P.S. 193 on Avenue L in Bedford, went to
7 Andries Hudde Junior High School, I.S. 240,
8 went to Midwood High School on Avenue L -- I'm
9 sorry, on Bedford Avenue and Glenwood Road --
10 I know how important public school is not just
11 to my own life and my own pursuits, but what
12 public education has meant to the people of
13 the City of New York.

14 We have over 1.1 million
15 schoolchildren every single day who go to
16 public schools in our city. And it is
17 important that, yes, there is some significant
18 oversight to what they do, but then also that
19 their parents have some input on what happens
20 in the classroom, on the ability to have
21 children go to a school that makes sense for
22 them in their community.

23 It's important that community
24 members feel good about the schools that are

1 in their community and that they have some
2 sense of ownership to make sure that those
3 young people who are going to those schools
4 and engaging in activities in the community
5 are in fact involved.

6 This Better Schools Act isn't about
7 control, it's about continuing to improve the
8 education quality and quantity in New York
9 City. The Better Schools Act requires
10 transparency, it imposes accountability, it
11 ensures access for parents, for students
12 throughout the New York City school system.

13 And these are not small
14 considerations, especially since we recognize
15 that we are in a financial crisis and we have
16 to extract the greatest possible value of our
17 investment from taxpayer dollars.

18 State Comptroller Tom DiNapoli has
19 reported our revenues in April and May are
20 down from a year ago and that the numbers for
21 June are due out tomorrow -- well, I guess
22 tonight. New York is in an economic crisis,
23 and we all know that, but our investment in
24 education should not be sacrificed.

1 In the budget we passed in April,
2 the payout for the Campaign for Fiscal Equity
3 lawsuit was reduced and spread over an extra
4 year. Now, this was a critical thing
5 particularly for me. And those of you who
6 have served in this body with me for the last
7 seven years know that I blocked the doors of
8 the State Capitol in 2004 when we were about
9 to go on break without dealing with the
10 Campaign for Fiscal Equity lawsuit. In 2006,
11 I stood in this very chamber and took 10 no
12 votes on the budget exactly because we had
13 failed our responsibility to respond to the
14 Campaign for Fiscal Equity lawsuit.

15 And so for us to be in an economic
16 situation where we now were unable to fulfill
17 our commitment once again to the children of
18 the City of New York and then, by extension --
19 because CFE in the iterations that we passed
20 in this body, frankly, did not just deal with
21 New York City but in fact dealt with every
22 single low-needs district in the entire state.

23 And so for us not to in fact hold
24 on to our commitment was really disturbing for

1 me this year.

2 With revenues coming in under
3 forecast, it's likely that some in this
4 chamber will support reducing the state's
5 educational investments even more in the next
6 DRP or definitely in next year's budget.
7 Well, it won't be me. At the time when things
8 are bad, that is exactly the right time to
9 invest in education.

10 You get nothing more in terms of
11 third-party externalities than you do in
12 education. Educating our children gives us
13 better citizens, it gives us better
14 communities, it gives us people who are better
15 for economic development, because a
16 well-skilled workforce is one of the things
17 that corporations look at when they're looking
18 to relocate, it brings in more tax dollars and
19 give us an ability to in fact shore up our
20 future.

21 Expert after expert, whether
22 economists, educators, law enforcement
23 professionals, and even business owners
24 understand that a public investment in

1 education prepares our children to contribute.
2 They're our next generation of thinkers,
3 workers and leaders. The experts tell us that
4 if we shortchange our children, we will only
5 pay a higher price over the long haul, with
6 more children unprepared to compete. The
7 government will spend more to incarcerate.
8 And that's exactly what we've seen. Their
9 unrealized potential means they earn less over
10 their lifetimes, they will contribute less to
11 state revenues and only increase the burden
12 that remains on taxpayers.

13 So I believe that we have to hold
14 onto our investment in education as a whole,
15 but it does not mean we continue to make large
16 investments without greater returns.

17 And so the mayor and the chancellor
18 want to take all the credit for student
19 performance. They ignore the role of the
20 Legislature's historic multi-billion-dollar
21 investment in New York City's school system
22 and the long overdue financial corrections
23 made through the Campaign for Fiscal Equity.

24 So over the last four years we've

1 put approximately \$20 billion, this State
2 Legislature -- with most of the Republicans
3 saying no to it -- has put about \$20 billion
4 into New York City public schools. And that
5 includes about \$5.8 billion in capital
6 improvements for schools.

7 If you want to start talking about
8 performance and why performance is better, it
9 is in fact better in large part because of the
10 increased dollars that we put in. If you want
11 to talk about why performance is better, yes,
12 the mayor and the chancellor have done some
13 things that are good and correct. But we have
14 also done our share here. We have put in
15 place a Contract for Excellence that has
16 allowed class sizes to be smaller, that has
17 given accountability to the system.

18 But right now all they want to do
19 is tell us how good they did and tell us about
20 statistics. They want credit for statistics
21 improvements they claim have occurred in the
22 system, and that's all they show us, are these
23 statistics. There is no independent
24 verification for their job performance, and

1 it's like an employee writing their own
2 performance review or a student allowed to
3 write his own report card.

4 The people in this conference, the
5 Democratic conference of the State Senate,
6 believe that everyone has to tighten their
7 belts and adjust to the new fiscal reality.
8 The days of the Halliburton-style economy and
9 the mayoral style of management are over.

10 This year, this Legislature
11 provided \$8.9 billion in school aid and the
12 state has given \$54 billion to New York City's
13 school aid since we've allowed mayoral
14 control, \$54 billion. That's even big money
15 to Mike Bloomberg. And that massive
16 investment and enormous amount of money,
17 people have to pay attention to that and have
18 some accountability for it. Mike Bloomberg
19 himself would have never made an investment
20 that big without requiring some measure of
21 accountability and independent audit, and
22 neither will we.

23 Now, so some of you have the same
24 experience I have. When I was young, my

1 father used to send me to the store all the
2 time. And what did he say? "Bring my change
3 and bring my receipt."

4 This Legislature and many of our
5 partners fought decades to get New York City
6 their fair share of educating funding. And
7 two years ago, after electing a Democratic
8 governor we finally honored the Campaign for
9 Fiscal Equity court decree and increased our
10 investment in education. Why? Because we
11 wanted change, and we still want that change
12 to go on today.

13 And we want meaningful improvements
14 that we can measure. We want higher test
15 scores, we want less racial disparity in
16 four-year graduation rates. We want lower
17 dropout rates. We want lower class sizes.
18 And we want better teacher pay.

19 In exchange for that increased
20 investment, we've gotten statistics and press
21 releases, and we all know what Mark Twain says
22 about statistics.

23 If the success story is real, then
24 why do we have parents coming into my office

1 and your offices asking for help getting their
2 kids into a local school and helping them
3 fight through the bureaucracy when they have a
4 problem? Why do racial disparities in test
5 scores, retention and graduation rates exist?

6 We gave Joel Klein and Mike
7 Bloomberg the money, and they went to the
8 store. We still want our change, and we
9 definitely want our receipt. And we don't
10 want a receipt printed up by the guy we sent
11 to the store. We don't want an accounting
12 firm from the two guys in the room down in
13 New York City who tell us to leave them alone
14 and pay no mind to what they're doing. We
15 want independent confirmation of both quality
16 of their work and the management of the people
17 and the money.

18 You can't tell us that after we
19 gave you almost \$9 billion this year, an
20 increase of \$625 million from the previous
21 year, that you have imposed a hiring freeze on
22 new teachers but there aren't enough
23 kindergarten seats this year. It doesn't --
24 it doesn't add up.

1 Some of you will remember in 2008
2 we gave them -- we spent, in 2008, more money
3 in the State of New York per pupil than any
4 other state in the history of the United
5 States on education. And literally a week
6 after we did that, Mike Bloomberg announced
7 cuts to teachers and was talking about closing
8 schools and cuts to classrooms. It's
9 outrageous.

10 Look, I'm not going to be placated
11 by statistical improvements when the four-year
12 graduation rates amongst blacks and Latinos
13 lags significantly behind others. You can't
14 have a Panel for Educational Policy that votes
15 with you 97 out of 97 times and the one time
16 they disagree with you on policy, you fire
17 members on the panel in the Monday Night
18 Massacre. It's unacceptable.

19 If we're going to have a panel that
20 is supposed to provide a check and a balance
21 to the work of the chancellor, then it needs
22 to be a real board -- point-blank, period. If
23 you hire all the people on the board, if your
24 boy is the chair of the board and you, you

1 know, can fire them summarily, that is not a
2 board. That is a staff meeting. And if
3 you're going to have a sham board, you might
4 as well have no board at all.

5 We don't have confidence in a
6 system that requires great investment but
7 continues to deliver less than perfect
8 results. If this were one of Mike Bloomberg's
9 business investments, neither would he.

10 The Better Schools Act requires
11 transparency. It empowers the Independent
12 Budget Office to conduct forensic audits of
13 the board's finances and the independent
14 performance of audits in our schools. The
15 Better School Act imposes accountability by
16 reforming the Panel on Educational Policy and
17 ensuring that innovations and reforms are
18 properly considered at the highest level of
19 the educational system. And it makes the
20 chancellor a nonvoting ex officio member of
21 the panel.

22 This Better Schools Act ensures
23 access for parents and students to the system
24 that is designed to service them. And that's

1 been missing. It seems basic. I know you're
2 sitting there saying, Really? But right now,
3 parents in our district don't have access to
4 the system and don't know how to access the
5 system.

6 Our constituents will have local
7 mechanisms to resolve concerns or problems
8 they may have with their children's education
9 and empower district-level decision-makers to
10 facilitate speedy resolutions to those
11 parents' concerns. Taken together, the Better
12 Schools Act improves school governance.
13 Whoever the mayor is, now and in the future,
14 will still have the authority for running the
15 system that has to provide healthy and safe
16 schools, offer the best curriculum for
17 teaching methods, and improve performance of
18 students in the system.

19 What the Best Schools Act requires
20 is that with the authority we grant to any
21 mayor will also now come the responsibility to
22 account for how they achieve these goals and
23 how they manage the investments in the future
24 of New York City's children.

1 We need to have accountability.
2 And I'm asking my colleagues in this body to
3 vote for this bill today. I have heard
4 numerous people around this Capitol and
5 numbers of my colleagues say to me: We need
6 to do something around school governance.
7 Well, ladies and gentlemen, here we are. Here
8 is a bill that you can vote for that provides
9 not only the kind of school governance that we
10 need in the City of New York, but it also
11 provides the enhancement of parental
12 involvement that has been missing in the
13 current iteration of school governance.
14 Some of you say, This is
15 antimayoral control, and I'm for mayoral
16 control. I think of this as mayoral control,
17 but I think of it as enhanced mayoral control.
18 It is enhanced with parental involvement, it
19 is enhanced with transparency and
20 accountability, it is enhanced with checks and
21 balances, it is enhanced by more democracy.
22 And how can we in fact not be supportive of a
23 bill that increases democracy amongst the
24 parents and the children in the system that we

1 think is so important?

2 Now, I know many of my colleagues
3 don't live in New York City, and so for some
4 of you this may be, you know, not that big of
5 a deal. And so if you think it's not that big
6 of a deal, vote for the bill. If you want to
7 see -- you know, and I know all my colleagues
8 in here, as much as I've sat here and heard
9 people, you know, complain about how much
10 money we spend, with us spending \$8.9 billion
11 this year on education in New York City, with
12 us spending \$54 billion over the last seven
13 years in the system, there is no way that you
14 can not vote for this bill, because this bill
15 provides the kind of transparency and
16 accountability that is needed in our system.

17 This is a chance for us to do the
18 right thing by the children of New York City.
19 And so I'm asking you to join me in voting for
20 this bill. Let's get this bill passed. Let's
21 start some conversations in good faith with
22 the mayor and the governor and the Assembly,
23 and let's put together a law that in fact does
24 what it needs to do for those children and

1 make sure that parents are feeling comfortable
2 about the system that they're sending their
3 children to everyday.

4 Thank you, Mr. President.

5 SENATOR LIBOUS: Read the last
6 section.

7 ACTING PRESIDENT VALESKY: Thank
8 you, Senator Parker. Are there any other
9 Senators who wish to be heard?

10 Senator Perkins.

11 SENATOR PERKINS: Thank you,
12 Mr. President. I rise to express my support
13 for this bill.

14 And, you know, mayoral control as
15 we have come to know is it really about
16 mayoral dictatorship. It has created a system
17 in which the only voice that you can
18 significantly hear and that has any input
19 whatsoever is the voice of the mayor. There
20 is no serious involvement of parents, and all
21 you hear are parents in our communities
22 complaining about the fact that they are
23 disconnected from the process.

24 When you try to find out about the

1 statistics that are reported in terms of the
2 success of the system, all you hear are the
3 statistics that are provided by the mayor.
4 And when they're challenged, those challenges
5 go without review or without serious
6 consideration. And they come from highly
7 regarded experts who in the past have informed
8 us in terms of these types of statistics but
9 never are given any consideration under this
10 mayor.

11 Most significant, perhaps, for me
12 is the fact that under this system of mayoral
13 control, it seems as if the most important
14 thrust of this effort has been to create
15 charter schools in our communities, charter
16 schools that only appear in my district above
17 96th Street, where the children of color
18 attend school. Yet below 96th Street, the
19 public schools are available to the children
20 in those communities.

21 The public schools in my community
22 above 96th Street are schools that are failing
23 miserably. Parents are fleeing them as if
24 they're fleeing a four-alarm fire. And the

1 only options that they're given are charter
2 schools where our children are questionably
3 being given a better education. In fact, you
4 still can't even get the statistics about
5 those schools.

6 And we've notice that this is the
7 case with all of our communities above
8 96th Street, metaphorically speaking. And
9 you'll notice that in all of these
10 communities, parents are fleeing the schools
11 throughout the city.

12 You know, this week we are
13 witnessing the 100th anniversary of the
14 celebration of the NAACP. And amongst its
15 significant contributions is not simply the
16 fact that we now have Barack Obama as our
17 president and Sonia Sotomayor about to become
18 our first Latina United States Supreme Court
19 judge -- but significant in that legacy has
20 been its movement to prevent separate and
21 unequal public education. Thurgood Marshall,
22 as you know, Brown vs. Board of Education.

23 Yet despite that significant
24 historical legacy, you have a mayor in

1 New York City who brags that charter schools
2 are the public's private schools for children
3 of color. Charter schools are the private
4 schools for children of color, according to
5 Mayor Bloomberg.

6 And it seems to me that all he is
7 doing is restating separate and unequal,
8 resegregating our children in a way that
9 clearly is polarizing in racial terms. And I
10 think from that perspective alone, it gives us
11 reason to want not to see mayoral control as
12 we have witnessed it over these past few
13 years.

14 Mayoral control has been polarizing
15 in terms of communities, has been alienating
16 in terms of parents, has not proven itself to
17 be a success in terms of the outcomes. And in
18 fact, if you really look at what's going on,
19 it has been an opportunity for this mayor to,
20 in a dictatorial way, determine how a huge
21 \$21 billion budget is being spent without any
22 oversight in terms of premium practices,
23 et cetera.

24 So this bill I think goes a long

1 way towards curing these ills that we've
2 witnessed over the last years. And by the
3 way, in case you didn't know it, mayoral
4 control sunsetted, and we did not turn into
5 the Soviet Union-type chaos as was predicted
6 mayor.

7 So I think this is an important
8 step forward in terms of trying to really
9 reform our public school system. I would hope
10 that my colleagues on both sides of the aisle
11 would take a good look at what we've been
12 experiencing in New York City. It has not an
13 system that is unquestionably successful. In
14 fact, quite the opposite. Parents throughout
15 the city are wondering whether or not their
16 children are getting the best education that
17 they can and why can't their children go to a
18 public school and have to go to a charter
19 school.

20 Just recently, in conclusion, you
21 may have read in the Daily News, thanks to
22 Juan Gonzalez, an instance of mayoral control
23 gone amuck, in which one of the schools in my
24 district, P.S. 123, a charter school operator

1 invaded the school, took over the school
2 without authority -- because they had been
3 given the wink, supposedly, that they were
4 going to be able to move into that school, and
5 at the expense of the people that are already
6 in that school.

7 And so I think that this mayoral
8 control has not proven itself to be successful
9 in terms of educational outcomes, has created
10 a great deal of disruption and confusion, has
11 questionable outcomes in terms of our
12 children, and I believe has a racially
13 polarizing effect in terms of the educational
14 community in general.

15 So for that reason, I encourage my
16 colleagues to support this bill. And
17 appreciate the fact that this bill, in the
18 spirit of the reforms that we just passed, is
19 a good example of why we need to be able to
20 have a debate, to have a discussion, to have a
21 vote up or down on legislation that comes
22 before this body.

23 Thank you so much.

24 ACTING PRESIDENT VALESKY: Thank

1 you, Senator Perkins.

2 Senator Monserrate.

3 SENATOR MONSERRATE: Thank you
4 very much, Mr. Chair.

5 I also rise in support of this
6 legislation sponsored by Senator Parker. And
7 I echo the sentiments of my colleague Bill
8 Perkins.

9 I also want to give a strong
10 welcome to the deputy mayor, who's looking
11 from the balcony, Dennis Walcott. Thank you
12 for being here.

13 And just for the record, Mr. Mayor,
14 Dennis is working very hard to promote your
15 agenda.

16 When we speak about education in
17 our communities, ladies and gentlemen, we are
18 talking about a historical battleground, a
19 battleground that in many ways was fought by
20 people of color. The very fact that today in
21 our current school system in the City of
22 New York children are taught who Fannie Lou
23 Hamer was, who Harriet Tubman was, what the
24 civil rights struggle was before Martin Luther

1 King, is that parents and communities demanded
2 empowerment and demanded participation in our
3 education systems.

4 And also, the Latino community,
5 which throughout the 60s and the 70s had to
6 sue the department, the Board of Education to
7 ensure that there was bilingual education for
8 limited English speakers.

9 Ladies and gentlemen, this all
10 occurred because parents were at the forefront
11 of participating in their children's
12 education. In fact -- and this is a fact --
13 every scientific and clinical study will show
14 you that parental participation is paramount
15 for the success of our children's education.

16 And ladies and gentlemen, what we
17 have seen in the City of New York is the
18 separation of parents from the educational
19 process of their children. And yes, parents
20 are not precluded in participating in a PTA
21 meeting. They are not precluded from visiting
22 a teacher. But there is no formalized
23 structure that empowers parents and
24 communities.

1 And this is why, ladies and
2 gentlemen, many of the downstate Senators from
3 the City of New York are raising our voices to
4 the mayor of the City of New York. We're not
5 trying to kill your mayoral control. What we
6 want to do is ensure that parents have a real
7 voice in the education of their children.

8 It is easy for many folks to escape
9 and not to recall the fact that it is only in
10 New York City where we need a special plan to
11 give almost entire power to one executive to
12 run the educational system.

13 The second point I wanted to
14 make -- because there are two objections that
15 I have raised with the administration with
16 respect to the current mayoral control
17 scheme -- and that is, one, parental
18 participation; and, two, to have a panel, an
19 educational panel without fixed terms is not
20 to have a real panel at all.

21 In fact, if you have a panel where
22 you can remove those that you have chosen
23 because they have the intellect, the capacity
24 and the experience, and if at midnight you can

1 move them out because they don't agree with
2 your policy, then that's not a real panel.
3 That's not folks that we have chosen to lead
4 and to participate.

5 In this body we ratify nominations
6 constantly. We put people on the bench. We
7 make them commissioners, we make them parts of
8 boards. But almost always, in their entirety,
9 they are for fixed terms.

10 Look at the Secretary of the
11 Senate, where there was a lot of debate
12 recently about who should be the Secretary of
13 the Senate and what he was doing and what he
14 wasn't. But the fact is even when we were
15 challenging and discussing the leadership of
16 this house, we understood that the Secretary
17 of the Senate had a fixed term and that his
18 constitutional fixed term was to do the good
19 of the State of New York in the Senate. We
20 understood that.

21 So why would the administration and
22 the mayor of the City of New York be so
23 concerned to have so much power that the very
24 same people that he put on this panel he can

1 remove the day before a vote and then replace
2 them with people with zero educational
3 experience?

4 That, ladies and gentlemen, is an
5 affront. It's an affront to this institution
6 and the political power that we should
7 exercise as responsible legislators and send a
8 message back to the executive of the City of
9 New York: This Senate will not be a rubber
10 stamp. This Senate will demand that you meet
11 with us and you negotiate what's important for
12 our 1.1 million children.

13 So I ask my friends and my
14 colleagues on the other side of the aisle, I
15 ask my friends and my colleagues on this side
16 of the aisle, not allowing this discussion to
17 continually deteriorate in the politics of
18 New York City, but by standing up for our
19 children and our communities, because we have
20 a right to be heard in the education of our
21 children and our future.

22 Thank you very much.

23 ACTING PRESIDENT VALESKY: Thank
24 you, Senator Monserrate.

1 Senator Adams.

2 SENATOR ADAMS: Thank you,
3 Mr. President.

4 I think about my 22-year career.
5 And Hiram and I, we were both police officers.
6 And ever since I was a rookie, I used to look
7 at things in the police department that I felt
8 was wrong, because I took great pride in being
9 a police officer. And, you know, people used
10 to say we were anti-cops just because we
11 thought it was wrong for cops to do something
12 that was illegal. And we weren't. We just
13 enjoyed and we loved our career.

14 And that's the way I feel about
15 education. You know, this is not about
16 attacking Mayor Bloomberg. It's not about
17 attacking Klein. Dennis Walcott, who's the
18 deputy mayor and I think one of the finest
19 deputy mayors the city has, I've known for
20 over 30 years. It's larger than that.

21 Its' the common denominator for
22 those who are incarcerated is not ethnicity or
23 economics, it's education.

24 This is a very important time in

1 our lives, and we have to make a very big
2 decision. And I know my colleagues on the
3 other side of the aisle have already made up
4 their mind which way they're going to vote,
5 and so I don't want to convince them on how to
6 vote. I want to get the record straight.

7 I think it is wrong and it is a lie
8 to state that Kevin Parker and Shirley Huntley
9 and Ruth and Bill Perkins and Hiram Monserrate
10 and others, that we are attempting to take the
11 system backwards. That is a lie.

12 I am tired, since the beginning of
13 my career in policing in '84, of putting
14 handcuffs on 11-year-old children and children
15 sitting in classrooms too afraid to read and
16 write because gangs were pervasive. Countless
17 numbers of adults unable to attend college
18 because they couldn't take the academic
19 courses that were involved. I don't want to
20 go back.

21 But none of us would disagree, none
22 of us, that the system we're currently seeing
23 is not perfect. We may disagree on the level
24 of improvements, if they're high or low, but

1 none of us would state that the system that's
2 currently in place is perfect.

3 When little Jordan, my son, comes
4 home and he says, "Dad, I didn't get a D in
5 math, I got a C" -- "but, son, I don't want
6 you to have a C. I want you to move towards
7 an A. So you have to do something different
8 to move from a C to an A." This is what we're
9 saying.

10 The system isn't perfect now that
11 Mayor Bloomberg has put together. So what
12 we're doing is looking at that system,
13 redefining it, coming up with some changes,
14 improvements, to move us from a C to a B to an
15 A and to a perfect system. That is our goal.

16 Our goal is not to go back to a
17 system that was riddled with Fs. That is not
18 what we want, and that's not what we're
19 looking for.

20 And I think that when you look at
21 some very important areas, something shocked
22 me when I read the New York Times over the
23 weekend. Do you know that in the Department
24 of Education we have something called credit

1 recovery? Credit recovery? A child can miss
2 50 percent of his classroom time, 50 percent,
3 and just do a project to get a credit. That's
4 not education. That's filling our detentional
5 facilities upstate.

6 But it's more than just credit
7 recovery. It's when I started in policing,
8 when Commissioner Bratton took over the police
9 department he put in place this thing called
10 COMPSTAT. And the goal was that you have
11 precinct commanders, you would tell them, if
12 you want to be promoted, you had to make sure
13 crime was down in your precinct. And that was
14 the only way you were going to be promoted.

15 So what you had police commanders
16 starting to do, they said, well, you know
17 what, one way to ensure crime was down is not
18 to report it. Or instead of saying there's a
19 robbery, I'm going to say it's a grand
20 larceny. Or instead of saying someone's
21 assaulted, I'm going to say they tripped.

22 That's what we're doing to our
23 principals. We are telling our principals,
24 who must be judged on how well they do with

1 students based on their graduation rates --
2 our principals have learned creative ways of
3 graduating students. Seventy-five percent of
4 our students who graduate from high school,
5 they can't get into college. They've got to
6 take remedial courses. Go back eight years.
7 The children who were eight years ago in the
8 system, the system has been eight years
9 running. So those who are graduating now have
10 been eight years in the system. And they're
11 not prepared.

12 So we have to change the direction
13 that we're going in, change what we're doing.
14 Here's what I'm saying -- as we continue this
15 discussion in a later time, because this bill
16 I'm sure will be defeated, but our victory
17 will be won -- we must define education.

18 Someone else took over our system
19 and they defined education for us based on how
20 well our children pass an examination. And I
21 say no.

22 I want a well-rounded child. I
23 want a child that is not being mistreated by
24 obesity that's killing our children, that

1 understands you should have recess, you should
2 go out and have a gym in your building. I
3 want a child that can sit down and not only
4 check off squares in a box but understand it
5 is all right to play and talk to an Asian
6 child, it is all right to understand that if
7 someone is gay you should not be abusive to
8 them. Madoff got As, and look what he did to
9 us.

10 We need to build character in our
11 children. And you don't have character merely
12 studying for a test. That is not an American
13 child. Our children are not only going to
14 compete with Buffalo, they're going to compete
15 with Belgium. They're not going to only
16 compete with New York State, they're going to
17 compete with New Zealand.

18 This is the only country where
19 we're training our children just to be robots,
20 instead of training them to be educated,
21 intelligent human beings. Because the globe
22 is what they are supposed to adore, explore,
23 and to conquer, not just sit inside a
24 classroom.

1 This is a major issue that we're
2 going for, and this is why we have so much
3 passion. And the passion we have is being
4 perceived as we're anti-education. And I
5 don't believe some of the things that I'm
6 reading in the papers that are questioning,
7 how dare us say we want the system to be
8 better? How dare us? This is what they're
9 saying.

10 Every editorial board seems to have
11 drunken the Mayor Bloomberg Kool-Aid that if
12 you question the system, you're
13 anti-education. That's what they're saying.
14 If we question the system. How dare the mayor
15 tell you you'd better not change one period in
16 the legislation. When did we become an
17 extension of City Hall? How dare him tell the
18 governor, You need to call them back every day
19 until they pass this bill, this bill.

20 Am I missing something? Are we not
21 the Senate? Do we not have the responsibility
22 to make sure that we are separate, that we
23 understand what we're passing and what we're
24 doing?

1 I think we're in a good place. I
2 think that we have an opportunity to do some
3 good things. This bill may not be perfect.
4 But you know what it does? It starts the
5 discussion. And I'm always talking about, you
6 know, the guys standing behind me from the
7 Times, the Daily News and the Post, and I know
8 they're going to beat me up tomorrow. But the
9 reality is, tell the truth. Tell the truth.
10 Let's talk about the empress that is unclothed
11 and stop acting like they have a designer
12 dress on.

13 Listen, we've reached out to City
14 Hall several times, and we said, Can't we talk
15 about those things that are important to us?
16 Can't we have a conversation? Can we at least
17 sit down as reasonable, intelligent adults and
18 at least listen to what we have to say? How
19 could you be so arrogant that you're not
20 willing to listen?

21 You know what they offered to us?
22 You know what they told us, Lanza? They said,
23 "We'll let you do an MOU, and then we'll put
24 it into the chancellor regs."

1 I'm a legislator. I don't do MOUs.
2 I pass laws and bills. My school buildings
3 are not a group of chain stores, 7-11s, where
4 you look at profit margins to decide the
5 success of them. Those are my children, those
6 are my babies. Those are the people I
7 strapped on a bulletproof vest for for 22
8 years and stood on the corner to protect their
9 lives. How dare you tell me I can't tell you
10 what I think they should have to be educated?

11 This is what this is about. And I
12 don't care how late it is, because you're
13 going to hear me. You're going to hear what I
14 have to say. This is an important issue that
15 we're riding on.

16 And that's why Hiram Monserrate and
17 Kevin Parker and John Sampson -- no one wakes
18 up in the morning with merely a slingshot of
19 compassion and desire and goes after a Goliath
20 like Bloomberg unless you are determined to
21 believe that what you're doing is right.

22 We are right. We are right in what
23 we're saying. And, Velmanette, don't let
24 anybody tell you we are wrong. Bill, don't

1 let anybody tell you we are wrong. We are
2 right in what we're doing. We're in the right
3 direction.

4 So I'm saying to you, my friend of
5 many years, Deputy Mayor Walcott, I know your
6 heart, I know your desire. From the Urban
7 League to the Department of Education, I know
8 your commitment. It's imperative that we put
9 this system in the right direction.

10 We cannot have a chancellor who is
11 going to control the billions of dollars with
12 no oversight. No other agency head in this
13 entire state has one man that can control
14 billions of dollars in no-bid contracts,
15 billions of dollars of giving away contracts
16 to people he knew. No other man in the entire
17 State of New York has that level of oversight.

18 All we want is transparency.
19 That's all we're asking for. All we're asking
20 for is the common denominator of greatness,
21 and that's parental participation. I don't
22 care how raggedy a school is, I don't care how
23 old the books are -- if you have a parent who
24 is compassionate and educated on how to

1 educate her child, you have a productive
2 child. It doesn't matter.

3 All we want is to make sure that
4 when we send money out of here to go there,
5 that it's spent correctly. That's all we're
6 asking. All we're asking is just to have some
7 input, that if I knock on a school building
8 door in my district that they will at least
9 let me in so I can talk to the students. Is
10 that asking too much?

11 All we're asking is to take the
12 school buildings, what we can't fund -- we
13 can't fund community centers, we can't build
14 community centers because we're in a deficit.
15 Yet we have school buildings on corners in our
16 community where you have gyms and swimming
17 pools that we can't get into to allow children
18 off the streets of New York.

19 All we're asking is when we pick up
20 the phone to call the Department of Education
21 and say, "This Korean mother that can't speak
22 English needs help," we just want a return
23 phone call. That's all we're asking.

24 And I think that the reason these

1 guys are not reporting it right is because
2 they don't know what we're going through.
3 They don't realize that we're locked out of
4 our educational system. They think we are
5 just merely complaining.

6 We have no say-so in our
7 educational system. And you know what's
8 funny? Flanagan, I know that if the schools
9 on Long Island was treated that way, you
10 wouldn't tolerate it. I know it, because
11 that's not the type of person you are. You
12 know that? Libous, I know that if the schools
13 in your community, you couldn't go inside
14 there to have your children play, that would
15 be unacceptable. I know that. DeFrancisco, I
16 know that if the quality of education was
17 challenged in your community, you wouldn't
18 accept that.

19 Because let me tell you one thing
20 about a parent, I don't care where they are.
21 A parent will give their life for their
22 children. There would be something unhuman
23 about us if we were willing to let this go
24 without a fight. There would be something

1 wrong with us.

2 I know the men and women on that
3 side of the aisle, no matter who they are or
4 where they're from, a parent doesn't moan any
5 different. If their child is harmed by anyone
6 or anyplace, the moan is the same. Just hear
7 our moans, that's all. That's all I'm asking
8 of you. No matter which way you vote, just
9 demand that he has a conversation with us.

10 This is an issue that I'm asking of
11 you on the other side of the aisle to take
12 this out of politics. I'm asking you not as
13 Senator, I'm asking you as Eric Adams. I need
14 you on this one. I just need you to tell the
15 mayor -- not of your city, but of my city --
16 sit down and have a conversation with Eric
17 Adams so we can do some improvements in
18 education.

19 You and I both know there's only
20 three of you over there that are in the City
21 of New York. There's only a few of us here
22 that will probably vote for this bill. All
23 I'm asking of you, LaValle and Padavan and
24 Larkin -- and even you, Winner -- all I'm

1 asking, let us have input in the system that
2 our children go to. That's all I'm asking.
3 And I'm going to tell you something. I would
4 do it for you.

5 ACTING PRESIDENT VALESKY: Thank
6 you, Senator Adams.

7 Senator Huntley.

8 SENATOR HUNTLEY: Yes, Mr.
9 President. It's very hard to follow Senator
10 Adams, you know, when he speaks, because Eric,
11 that was excellent.

12 Let me just say this. My
13 granddaughter goes to school in Dean Skelos's
14 district. What a lovely school. I snuck
15 down -- the Governor can send the troopers
16 now, it's over. I snuck down last week to go
17 to a ballet recital that they had. And I'm
18 telling you, the parents, the school, the
19 people in general, they were marvelous.

20 Now let me tell you the second part
21 of the story. I live in a community whether
22 there's a school, Public School 30. It's
23 called the Ruby S. Couche School. In fact, I
24 named the school, me and some other parents.

1 I laid the first brick in the school. It's
2 been there a very long time. It was a very
3 good school. Community school, we were
4 welcome, the community did activities, the
5 kids were happy, they were not totally
6 underachievers. The kids were doing -- they
7 weren't doing the greatest, but they were
8 surviving. They were being educated by a very
9 good principal, Althea Tyson, who moved on to
10 another school.

11 When Althea Tyson left that school,
12 we got a principal who had never been a
13 principal before. The principal was a
14 teacher. While the principal is principaling
15 for the children, he's also going to school --
16 835 children, but twice a week he left to go
17 for his principal training. And he left the
18 building in charge of someone who was an AP
19 but had never been an AP before. So, you
20 know, there's like this ten-minute education
21 in the community where we live.

22 The community has totally been
23 marked up. I used to go there, I used to help
24 them fund-raise, have cookie sales. Even as a

1 Senator, in September when I'd be down,
2 schools would open, I'd participate. I visit
3 all my schools. Starting in September and
4 October, I cover every school in my district.

5 I was amazed when I went to P.S. 30
6 and I was told that I couldn't come in, the
7 principal would have to call the Department of
8 Ed and get permission to see if they could
9 speak to me. That's every school in my
10 district, okay?

11 But not at Dean Skelos's school.
12 When I go there, they open the door and
13 welcome me. In fact, in my daughter's
14 classroom, even though it's Dean's area, they
15 have a big picture of me up in my
16 granddaughter's classroom. You know, the
17 library picture. And the kids are just so
18 happy about it.

19 So what we're saying, we're not
20 saying that we want to take over the mayor.
21 But we're saying that we are tired of letting
22 the mayor strangle the life out of our
23 community. And that's what's going on. And
24 we will not tolerate it any longer.

1 Now, this body, I'm not asking any
2 of you to do anything. I'm not asking you to
3 vote. Frankly, I don't care. I'm not asking
4 this body over here to vote either, other than
5 the people who I know will vote for it.

6 Because I've found, since I've been here in
7 the Senate, all that we do, we don't care an
8 awful lot about children. We don't. We care
9 about all these other things. We care about
10 the MTA. We care about this project, we care
11 about that project, but we absolutely do
12 nothing at all for our children. I don't
13 think I've heard education mentioned -- and
14 I'm going into my second term -- I don't think
15 I've heard it be mentioned 20 times, and
16 that's very sad.

17 And when people ask me about the
18 Senate and education, you know what I say to
19 them? I say, "Well, the Senators don't really
20 care about education." Because you don't.
21 Okay?

22 My colleagues across the aisle, I
23 know for you it's a political vote. I'm quite
24 aware. And I tell my colleagues over here,

1 there are such things as political votes and
2 there are such things as votes. Okay?

3 This is not a political vote for
4 me. It's not about the mayor; I don't know
5 the mayor. Never met him, never been to
6 Gracie Mansion, never spoke to him. So I
7 don't know him, so it's not about him. It's
8 about our children and our community.

9 So I leave you with this. Feel
10 very proud of yourselves when our kids end up
11 where Eric was talking about, with handcuffs.
12 Feel very proud of that. Because without a
13 good education, you get no place. We all know
14 that. We all know today is a different time.
15 You must be educated. So just remember, we
16 asked you to support what we're doing. And
17 you're not, but hey, that's okay.

18 I just want to go on record saying
19 that, you know, it's very sad that adults --
20 and parents, because most of you are
21 parents -- only care about their own children.

22 Thank you.

23 ACTING PRESIDENT STEWART-COUSINS:

24 Thank you, Senator.

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

3 Hearing none, the debate is closed.

4 The Secretary will ring the bell.

5 Read the last section.

6 THE SECRETARY: Section 18. This
7 act shall take effect immediately.

8 ACTING PRESIDENT STEWART-COUSINS:
9 Call the roll.

10 (The Secretary called the roll.)

11 ACTING PRESIDENT STEWART-COUSINS:
12 Announce the results.

13 THE SECRETARY: Those recorded in
14 the negative on Calendar Number 951 are
15 Senators Alesi, Aubertine, Bonacic,
16 DeFrancisco, Farley, Flanagan, Fuschillo,
17 Golden, Griffio, Hannon, C. Johnson, Klein,
18 L. Krueger, Lanza, Larkin, LaValle, Leibell,
19 Libous, Little, Marcellino, Maziarz, McDonald,
20 Morahan, Nozzolio, Oppenheimer, Padavan,
21 Ranzenhofer, Robach, Saland, Savino,
22 Schneiderman, Serrano, Seward, Skelos, Smith,
23 Stachowski, Valesky, Volker, Winner and Young.

24 Absent from voting: Senators Dilan

1 and Onorato.

2 Ayes, 15. Nays, 40.

3 ACTING PRESIDENT STEWART-COUSINS:

4 The bill is defeated.

5 The Secretary will continue to
6 read.

7 THE SECRETARY: Calendar Number
8 909, substituted earlier today by Member of
9 the Assembly Zebrowski, Assembly Print Number
10 6963, an act to amend the Labor Law.

11 ACTING PRESIDENT STEWART-COUSINS:
12 Read the last section.

13 THE SECRETARY: Section 4. This
14 act shall take effect on the 90th day.

15 ACTING PRESIDENT STEWART-COUSINS:
16 Call the roll.

17 (The Secretary called the roll.)

18 SENATOR WINNER: Explanation.

19 ACTING PRESIDENT STEWART-COUSINS:
20 Senator Breslin, an explanation has been
21 requested.

22 SENATOR BRESLIN: Thank you,
23 Madam President.

24 This bill was initiated by the

1 Labor Department. The Labor Department had
2 been doing exhaustive investigations of
3 workers who were either denied their pay or
4 given less than full pay.

5 And as a result of that, the Labor
6 Department provided a bill which would
7 increase the penalties for employers who did
8 not give proper pay. And the penalties hadn't
9 been increased in 50 years.

10 Employers would not be allowed to
11 terminate any employees who were viewed as
12 whistleblowers, and those penalties were
13 tightened as well.

14 It also provided the Labor
15 Department, through its commissioner, through
16 administrative procedures to not only seek the
17 back pay but seek liquidated damages. That
18 generally is the outline of the bill.

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

21 Are there any other Senators
22 wishing to speak on this bill?

23 Read the last section.

24 THE SECRETARY: Section 4. This

1 act shall take effect on the 90th day.

2 ACTING PRESIDENT STEWART-COUSINS:

3 Call the roll.

4 (The Secretary called the roll.)

5 ACTING PRESIDENT STEWART-COUSINS:

6 Senator Saland.

7 SENATOR SALAND: To explain my
8 vote.

9 ACTING PRESIDENT STEWART-COUSINS:

10 Senator Saland, to explain his vote.

11 SENATOR SALAND: Thank you,
12 Madam President.

13 Certainly the description which
14 Senator Breslin provided is accurate, and it's
15 accurate as far as it went. However, while it
16 does provide for liquidated damages, this
17 bill, there's a recognition that if an
18 employer provides a good-faith basis for
19 believing that the underpayment was in
20 compliance with the law, there is no
21 liquidated damages.

22 And I raise that point simply to
23 point out that in all other areas, there's a
24 penalty. The penalty under the current law is

1 anywhere from a minimum of 200 to 2,000. This
2 would increase it from a minimum of 1,000 to
3 10,000. And yet there's no recognition of
4 that good faith in which an employer may have
5 made a mistake. So the penalties get
6 increased rather dramatically without the
7 benefit of the good-faith exception that's
8 recognized for purposes of the liquidated
9 damages.

10 So I'm going to vote in opposition
11 to this and would hope that my colleagues
12 would as well. Thank you.

13 ACTING PRESIDENT STEWART-COUSINS:
14 Thank you. Senator Sampson to be recorded in
15 the negative.

16 Announce the results.

17 THE SECRETARY: Those recorded in
18 the negative on Calendar Number 909 are
19 Senators Bonacic, DeFrancisco, Farley,
20 Flanagan, Griffo, Hannon, Lanza, Larkin,
21 LaValle, Leibell, Libous, Little, Nozzolio,
22 Ranzenhofer, Saland, Seward, Skelos, Winner
23 and Young.

24 Absent from voting: Senators

1 Dilan, Huntley, C. Johnson, Onorato and
2 Thompson.

3 Ayes, 33. Nays, 19.

4 ACTING PRESIDENT STEWART-COUSINS:
5 The bill is passed.

6 The Secretary will continue to
7 read.

8 THE SECRETARY: Calendar Number
9 913, substituted earlier today by Member of
10 the Assembly Espaillat, Assembly Print Number
11 8555A, an act to amend the Executive Law and
12 the State Finance Law.

13 SENATOR LIBOUS: Read the last
14 section.

15 ACTING PRESIDENT STEWART-COUSINS:
16 The debate is closed. The Secretary will ring
17 the bell.

18 Read the last section.

19 THE SECRETARY: Section 5. This
20 act shall take effect on the first of April.

21 ACTING PRESIDENT STEWART-COUSINS:
22 Call the roll.

23 (The Secretary called the roll.)

24 ACTING PRESIDENT STEWART-COUSINS:

1 Announce the results.

2 THE SECRETARY: In relation to
3 Calendar Number 913: Ayes, 53. Nays, 0.
4 Absent from voting: Senators Dilan, Huntley,
5 Lanza and Onorato.

6 ACTING PRESIDENT STEWART-COUSINS:
7 The bill is passed.

8 The Secretary will continue to
9 read.

10 THE SECRETARY: Calendar Number
11 917, substituted earlier today by Member of
12 the Assembly Destito, Assembly Print Number
13 7742A, an act to amend the Agriculture and
14 Markets Law.

15 SENATOR LIBOUS: Read the last
16 section.

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

20 Hearing none, the debate is closed.

21 The Secretary will ring the bell.

22 Read the last section.

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

1 ACTING PRESIDENT STEWART-COUSINS:
2 Announce the results.

3 THE SECRETARY: In relation to
4 Calendar Number 917: Ayes, 53. Nays, 0.

5 Absent from voting: Senators
6 Dilan, Huntley, Monserrate and Onorato.

7 ACTING PRESIDENT STEWART-COUSINS:
8 The bill is passed.

9 The Secretary will continue to
10 read.

11 THE SECRETARY: Calendar Number
12 919, substituted earlier today by Member of
13 the Assembly Cusick, Assembly Print Number
14 8043, an act to amend the Civil Practice Law
15 and Rules.

16 ACTING PRESIDENT STEWART-COUSINS:
17 Are there any Senators wishing to be heard on
18 this bill?

19 Hearing none, the debate is closed.

20 The Secretary will please ring the
21 bell.

22 Read the last section.

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

1 ACTING PRESIDENT STEWART-COUSINS:

2 Call the roll.

3 (The Secretary called the roll.)

4 ACTING PRESIDENT STEWART-COUSINS:

5 Announce the results.

6 THE SECRETARY: In relation to

7 Calendar Number 919: Ayes, 53. Nays, 0.

8 Absent from voting: Senators

9 Dilan, Huntley, Monserrate and Onorato.

10 ACTING PRESIDENT STEWART-COUSINS:

11 The bill is passed.

12 The Secretary will continue to

13 read.

14 THE SECRETARY: Calendar Number

15 923, substituted earlier today by Member of

16 the Assembly Brodsky, Assembly Print Number

17 8405C, an act to create a Temporary New York

18 State War of 1812 200th Anniversary

19 Commemoration Commission.

20 SENATOR LIBOUS: Last section.

21 ACTING PRESIDENT STEWART-COUSINS:

22 Are there any Senators wishing to be heard on

23 the bill?

24 Hearing none, the debate is closed.

1 The Secretary will please ring the
2 bell.

3 Read the last section.

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

6 ACTING PRESIDENT STEWART-COUSINS:
7 Call the roll.

8 (The Secretary called the roll.)

9 ACTING PRESIDENT STEWART-COUSINS:
10 Announce the results.

11 THE SECRETARY: In relation to
12 Calendar Number 923: Ayes, 53. Nays, 0.

13 Absent from voting: Senators
14 Dilan, Huntley, Monserrate and Onorato.

15 ACTING PRESIDENT STEWART-COUSINS:
16 The bill is passed.

17 The Secretary will continue to
18 read.

19 THE SECRETARY: Calendar Number
20 926, by Senator Sampson, Senate Print 5764, an
21 act to amend the Social Services Law.

22 SENATOR LIBOUS: Read the last
23 section.

24 ACTING PRESIDENT STEWART-COUSINS:

1 Are there any Senators wishing to speak on the
2 bill?

3 Hearing none, the debate is closed.
4 The Secretary will please ring the
5 bells.

6 Read the last section.

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

9 ACTING PRESIDENT STEWART-COUSINS:
10 Call the roll.

11 (The Secretary called the roll.)

12 ACTING PRESIDENT STEWART-COUSINS:
13 Announce the results.

14 THE SECRETARY: Those recorded in
15 the negative on Calendar Number 926 are
16 Senators DeFrancisco, Flanagan, Griffo,
17 Hannon, Larkin, LaValle, Little, Marcellino,
18 Padavan, Ranzenhofer, Saland, Skelos, Volker
19 and Winner.

20 Absent from voting: Senators
21 Dilan, Huntley, Monserrate and Onorato.

22 Ayes, 39. Nays, 14.

23 ACTING PRESIDENT STEWART-COUSINS:
24 The bill is passed.

1 The Secretary will continue to
2 read.

3 THE SECRETARY: Calendar Number
4 929, substituted earlier today by Member of
5 the Assembly Dinowitz, Assembly Print Number
6 1004, an act to amend the Insurance Law.

7 ACTING PRESIDENT STEWART-COUSINS:
8 Are there any Senators wishing to be heard on
9 this bill?

10 Hearing none, the debate is closed.

11 The Secretary will please ring the
12 bells.

13 Read the last section.

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

16 ACTING PRESIDENT STEWART-COUSINS:
17 Call the roll.

18 (The Secretary called the roll.)

19 ACTING PRESIDENT STEWART-COUSINS:
20 Announce the results.

21 THE SECRETARY: Ayes, 52. Nays,
22 0. Absent from voting: Senators Dilan,
23 Huntley, Monserrate, Onorato and Parker.

24 ACTING PRESIDENT STEWART-COUSINS:

1 The bill is passed.

2 THE SECRETARY: Calendar Number
3 932, by Senator Klein, Senate Print 5981, an
4 act to amend the Education Law.

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

8 Hearing none, the debate is closed.

9 The Secretary will please ring the
10 bells.

11 Read the last section.

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

14 ACTING PRESIDENT STEWART-COUSINS:
15 Call the roll.

16 (The Secretary called the roll.)

17 ACTING PRESIDENT STEWART-COUSINS:
18 Announce the results.

19 THE SECRETARY: Ayes, 53. Nays,
20 0. Absent from voting: Senators Dilan,
21 Huntley, Monserrate and Onorato.

22 ACTING PRESIDENT STEWART-COUSINS:
23 The bill is passed.

24 The Secretary will continue to

1 read.

2 THE SECRETARY: Calendar Number
3 936, substituted earlier today by Member of
4 the Assembly Gottfried, Assembly Print Number
5 9033, an act to amend the Social Services Law.

6 ACTING PRESIDENT STEWART-COUSINS:
7 Are there any Senators wishing to speak on the
8 bill?

9 Hearing none, the debate is closed.
10 The Secretary will please ring the
11 bell.

12 Read the last section.

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

15 ACTING PRESIDENT STEWART-COUSINS:
16 Call the roll.

17 (The Secretary called the roll.)

18 ACTING PRESIDENT STEWART-COUSINS:
19 Announce the results.

20 THE SECRETARY: Those recorded in
21 the negative on Calendar Number 936 are
22 Senators Hannon, Larkin, Little, Marcellino,
23 Ranzenhofer, Saland and Seward.

24 Absent from voting: Senators

1 Dilan, Huntley, Monserrate and Onorato.

2 Ayes, 46. Nays, 7.

3 ACTING PRESIDENT STEWART-COUSINS:

4 The bill is passed.

5 The Secretary will continue to
6 read.

7 THE SECRETARY: Calendar Number
8 939, substituted earlier by Member of the
9 Assembly Cahill, Assembly Print Number 9040,
10 an act to amend the Public Authorities Law.

11 SENATOR MAZIARZ: Explanation.

12 ACTING PRESIDENT STEWART-COUSINS:
13 Senator Stachowski, an explanation has been
14 requested.

15 SENATOR STACHOWSKI: Yes, Madam
16 President. This bill is an act to amend the
17 Public Authorities Law in relation to the
18 energy efficiency and clean energy initiatives
19 of the Power Authority of the State of
20 New York, providing for the repeal of such
21 provisions upon expiration thereof.

22 The purpose of the bill is to
23 enhance the energy efficiency, clean energy,
24 energy service and green building programs

1 administered by the Power Authority of the
2 State of New York, to reduce energy
3 consumption and mitigate environmental impacts
4 from energy usage consistent with the state's
5 energy and environmental policies.

6 This bill will provide NYPA with
7 the authority to design, develop, construct,
8 implement, provide and administer
9 energy-related projects, programs and services
10 for recipients of economic development power,
11 expansion power, replacement power,
12 preservation power, high load-factor power,
13 municipal distribution agency power, Power for
14 Jobs.

15 This bill will also give them the
16 authority, as deemed feasible or advisable by
17 NYPA's trustees, that NYPA may finance,
18 design, develop, construct, implement and
19 administer energy-related projects, programs
20 and services for any public entity and
21 customers of NYPA's low-power-cost programs.

22 NYPA may consult standards and
23 other criteria established or adopted by other
24 organizations, including but not limited to

1 the United States Green Building Council and
2 its lead program, the Green Building
3 Initiative's Green Globes rating system, and
4 the American National Standards Institute.

5 NYPA may use note and bond proceeds
6 and other authority funds to finance projects
7 and programs.

8 The programs can authorize
9 contracts, energy efficiency, clean energy,
10 energy services, green building programs for
11 up to 35 years' duration, provided that the
12 duration of any such contract does not exceed
13 the expected useful life of the facilities or
14 equipment comprising such projects.

15 The bill would build upon the
16 significant reductions in the consumption of
17 energy and the contributions to a cleaner
18 environment made possible by NYPA's energy
19 efficiency, clean energy, energy service,
20 sustainable building programs and make it
21 easier for public entities to implement such
22 services and projects.

23 NYPA has invested more than
24 \$1 billion in energy efficient projects at

1 publicly owned facilities in New York State
2 since 1987. Through direct implementation of
3 projects and low-cost financing, its energy
4 services programs have resulted in more than
5 1,560 completed projects at 2,640 facilities,
6 producing more than \$102 million in annual
7 taxpayer savings.

8 Since the inception of this
9 program, these programs have reduced energy
10 consumption in the state by over 900 gigawatt
11 hours and prevented the emission of
12 approximately 824,987 tons of greenhouse gas
13 emissions.

14 An example of one of these success
15 stories would be NYPA's own building in White
16 Plains, where NYPA replaced its chilled water
17 plant as an energy efficiency measure and
18 implemented other measures that earned the
19 facility Lead Existing Building Gold Status.
20 The completed project is saving NYPA 4,704,764
21 kilowatt hours per year of electricity,
22 accounting for a savings of \$338,951 annually.

23 The new equipment has reduced
24 greenhouse gases by 3,034 tons per year and

1 mitigated the CFCs that would otherwise be
2 refrigerated of the old chilled water plant.
3 Many of the public entities served by NYPA can
4 make use of these programs, such as the City
5 of New York, the Office of General Services,
6 the State University of New York --

7 (Laughter; Republican Senators
8 gesturing "surrender.")

9 SENATOR STACHOWSKI: No, I'm
10 trying to give an explanation.

11 Go ahead.

12 ACTING PRESIDENT STEWART-COUSINS:
13 Senator Maziarz, why do you rise?

14 SENATOR MAZIARZ: Would Senator
15 Stachowski yield for many questions?

16 SENATOR STACHOWSKI: Sure. Go
17 ahead.

18 ACTING PRESIDENT STEWART-COUSINS:
19 Senator Stachowski yields.

20 SENATOR MAZIARZ: The first
21 question I have, Senator Stachowski, is did
22 you just say that you were pleased to see that
23 the assets of NYPA would be used to do
24 something in the City of New York?

1 SENATOR STACHOWSKI: I said that
2 this is a program that is statewide, Senator
3 Maziarz. Whether you like it or not, the City
4 of New York is part of New York State.

5 Currently, in a program that was
6 developed long before I got here, Power for
7 Jobs, which everybody raves about upstate, has
8 more money invested in downstate New York than
9 upstate. I think that was done by the
10 Republican Senate. Just a guess, because it's
11 in the last 40 years. And New York City gets
12 to make use of this program. All of upstate
13 gets to make use of this program.

14 If I'm not mistaken, SUNY, with the
15 exception of a couple of locations on Long
16 Island, is located throughout upstate New York
17 and will be readily available to make use of
18 this. As a matter of fact, there's fire
19 companies upstate that are using any of these
20 programs, they also can make use of this
21 program.

22 And all the companies in upstate
23 that are trying to achieve energy savings will
24 be able to apply for these programs and get

1 better energy efficiency and therefore save
2 energy costs and save the state money and save
3 us the size of a footprint in carbon dioxide
4 emissions.

5 So yes, New York City is part of
6 it, but so is all of upstate.

7 SENATOR MAZIARZ: Madam
8 President, through you, would Senator
9 Stachowski continue to yield for questions.

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

12 SENATOR STACHOWSKI: Yes, I
13 continue to yield.

14 SENATOR MAZIARZ: Yes, Senator
15 Stachowski, you pointed out earlier that the
16 Senate approved the Power for Jobs program.
17 Did the Assembly approve the Power for Jobs
18 program too?

19 SENATOR STACHOWSKI: I believe
20 they will be.

21 SENATOR MAZIARZ: No, have they
22 in the past?

23 SENATOR STACHOWSKI: In the past?
24 Yes, they have in the past, yes.

1 SENATOR MAZIARZ: They have --

2 SENATOR STACHOWSKI: Yes.

3 SENATOR MAZIARZ: -- the Assembly
4 has approved the Power for Jobs program since
5 1997.

6 You read the first, I think, lines
7 3 through 9 of this bill during your
8 explanation about the entities that are
9 eligible under this program for energy
10 efficiency grants from the Power Authority.
11 It's a very wide-ranging, very broad, very
12 general criteria that the Power Authority will
13 be able to assist them in.

14 Through you, Madam President, if
15 Senator Stachowski would answer, where does
16 the Power Authority make its money? Where is
17 the Power Authority going to get the money to
18 fund all of these things from?

19 SENATOR STACHOWSKI: I believe,
20 Senator, that a lot of these will be loans and
21 grants, and they'll achieve a lot of savings
22 from the power that won't be used, as they
23 have achieved in the power in the White Plains
24 station, their own building in White Plains.

1 And as they continue to get more
2 energy-efficient buildings, less energy will
3 be used by each individual user and more
4 energy will be available for more companies
5 hopefully that will locate in upstate New York
6 and then become energy users in more of these
7 low-cost-power programs.

8 SENATOR MAZIARZ: Madam
9 President, through you --

10 ACTING PRESIDENT STEWART-COUSINS:
11 Are you asking Senator Stachowski to yield?

12 SENATOR MAZIARZ: No, actually
13 I'll speak on the bill, because Senator
14 Stachowski wasn't going to answer my
15 questions.

16 The Power Authority gets its money
17 from two places, Senator. It gets it from the
18 Massena plant in St. Lawrence, a little bit,
19 but it gets the boatload of its revenue, which
20 Congressman Brian Higgins -- who you're very
21 familiar with, a Democrat from Western
22 New York -- continually points out, along with
23 myself, they get the boatload of their revenue
24 from the Niagara plant.

1 So money from Niagara. Because
2 they operate 16 plants in the State of
3 New York, and they are so inept that they lose
4 money in 14 out of the 16. They only make
5 money at St. Lawrence and, of course, their
6 cash cow, Niagara.

7 So once again, once again, just
8 like back in February of this year when
9 \$550 million was stolen from the people of
10 Western New York, when the chance to create
11 jobs in Western New York, when the chance to
12 have economic development in Western New York
13 was taken away by this Legislature, once again
14 the people of Western New York are going to
15 have to use their best asset, that hydropower,
16 to fund these energy-efficiency grants in
17 New York City, downstate New York, Long
18 Island, Westchester, and across the state.

19 Twenty-two percent of the homes in
20 the City of Niagara Falls are abandoned.
21 They're not for sale, they're not in
22 foreclosure, they're abandoned. The U.S.
23 Census Bureau estimates that the largest
24 decline in population of any city in upstate

1 New York will be in the City of Niagara Falls.

2 How can that be, when right down
3 the road is the largest hydroelectric plant in
4 the entire northeastern United States? How
5 can that be?

6 There should be jobs, there should
7 be companies, there should be opportunities
8 there. Congressman Higgins sees it. I see
9 it. Why don't the people who represent
10 Western New York in this room see it? The
11 Buffalo News continually reminds them of that.
12 And they continually come here and vote
13 against the interests of those young people in
14 Western New York.

15 Senator Adams and Senator Parker
16 spoke very passionately earlier about young
17 children and their education in the City of
18 New York. And I feel just as passionately
19 about this issue, as I'm sure you all know.
20 It's unfortunate that we had to have this at
21 3 o'clock in the morning, a Power Authority
22 bill. Senator Smith, don't ever put a Power
23 Authority bill on the calendar at 3 o'clock in
24 the morning.

1 I will vote against this. I will
2 ask my colleagues to vote against this. I
3 will beg my colleagues from Western New York
4 to withdraw their sponsorship of this.

5 This is taking our best asset,
6 taking our best asset and sending it to --
7 they define public authorities, public
8 universities such as the City University of
9 New York -- taking our best asset out of
10 Western New York and sending it downstate.
11 When is it going to stop?

12 Thank you, Madam President.

13 ACTING PRESIDENT STEWART-COUSINS:

14 Thank you, Senator.

15 Senator Stachowski, why do you
16 rise?

17 SENATOR STACHOWSKI: Yes, Madam
18 President. I'd like to speak on the bill.

19 ACTING PRESIDENT STEWART-COUSINS:

20 Senator Stachowski, on the bill.

21 SENATOR STACHOWSKI: It seems
22 like it's very easy for Senator Maziarz to
23 stand here and criticize everything that is
24 done for the power plant that is a federal

1 power plant, I might add. I don't hear him
2 complaining about the power that goes out of
3 state. And maybe he wants to talk to the
4 Congressman about opening that up and see how
5 well they do at keeping that power.

6 He talks about the money that was
7 swept in the DRP, but he never talks about the
8 \$500 million that was swept while he sat on
9 this side of the aisle over the course of the
10 many budgets when they took money from the
11 Power Authority to balance budgets. That was
12 okay, because then Senator Maziarz did it.
13 And I would never use a word like he used in
14 that. But when he did it, it was fine. When
15 lot of these programs were put in while he was
16 here, that was fine.

17 During the course of his budget
18 comments, he said how they could have used
19 that money to reduce people's rates. Well,
20 that money was there the year before; he was
21 chairman of Energy, and nobody's rates went
22 down.

23 He complained about an assessment
24 on electric and other power that unfortunately

1 we couldn't get out. We got the telephone
2 part out. However, during the 30-day
3 amendment period of the budget -- that he
4 always takes so much credit that he fought --
5 he was chairman of Energy. Didn't say word
6 about that assessment. Could have started the
7 fight then, and maybe we would have been
8 successful in getting that whole piece out of
9 the budget. But he sat quietly while the
10 30-day amendment period went by.

11 Does the whole state benefit from
12 this program? Yes. Does Niagara County need
13 more help? Absolutely. Does Erie County and
14 the other counties in Western New York need
15 more help? Yes. If we want to look who's in
16 charge of Niagara County, we don't have to
17 look far. We know who runs Niagara County.
18 It's nobody sitting on this side. But if
19 that's how we want to play, that's how we'll
20 play on this.

21 This happens to be a very good
22 program. If you want to kill it, feel free.
23 This bill enables companies that get power to
24 do a better job with their buildings, with the

1 way they use their energy. They will end up
2 saving energy. They will save on the carbon
3 footprint. There will be more energy for
4 other companies. There will be more energy to
5 induce more companies to come to Western
6 New York, hopefully, or other parts of
7 upstate. People will go to work. The Power
8 Authority will make money, not lose money.
9 They're saving money in the examples that are
10 in the bill itself.

11 But I guess we shouldn't mention
12 those parts. We should just beat a dead horse
13 and say that this is just terrible because it
14 takes an asset of the state and uses it for
15 the whole state.

16 If I'm not mistaken, based on the
17 economy in Western New York, we're not
18 generating all the tax dollars, but we're
19 benefiting from a lot of the programs. And I
20 think a lot of those dollars, even in this bad
21 time in downstate, are coming from downstate
22 coming up here and paying a lot of the bills.

23 And I'm not defending downstate,
24 but this is one New York. And a bill like

1 this recognizes that this is one New York and
2 that SUNY campuses can benefit, authorities
3 can benefit, businesses that use all these
4 various programs from the Power Authority can
5 benefit from the ability to make their
6 buildings greener, more efficient, better
7 energy users. Definitely better
8 environmentally for everyone around it.

9 But if it's politically expedient
10 to kill this bill, then feel free. And all
11 your colleagues who join you. Kill the bill,
12 George. Great job, be proud of yourself.

13 I think it's a good bill. I think
14 everybody should vote for it. I think it's a
15 step forward for New York State. Everybody is
16 looking how to green buildings. Part of the
17 ARRA money is for green buildings. This
18 program will help that become more efficient
19 and make those dollars easier for
20 municipalities to use.

21 Hopefully we'll be smart enough not
22 to be petty and to pass this bill and add
23 another good program into the asset of trying
24 to make New York a better place to locate

1 businesses and to keep your business in.

2 Because when they have programs to help your
3 business become more efficient and let you use
4 less power, your expenses go down and your
5 competitiveness goes up.

6 So if that's a bad thing, then vote
7 no. I think it would be a great vote on your
8 part. And it might be our turn to run around
9 to the newspapers and all the TV stations and
10 say, well, you know, we did this program we
11 were going to do for -- yup, unfortunately
12 New York City benefited, but it would have
13 benefited all the companies that are getting
14 Power for Jobs in upstate New York and help
15 them become more efficient, able to compete
16 better with the other plants that are in their
17 own company and maybe even be cheaper than a
18 lot of the plants.

19 Maybe keep the Ford stamping plant
20 in Hamburg, where I represent, and make them
21 more efficient in their power use and more
22 competitive with the other Ford plants across
23 the country and keep those jobs in Western
24 New York.

1 Maybe if we had this program we
2 might not have the cutbacks that they're
3 having at Chevy. But we'll never know,
4 because if they choose to kill this bill
5 tonight we'll never find out tonight, either,
6 if in the future we'll have that ability to
7 make these companies more competitive.

8 Hopefully we'll look past that,
9 we'll do a bill that's good for the State of
10 New York and we'll do what's right for the
11 people that do business and work and live in
12 the State of New York. And I suggest
13 everybody votes for this bill.

14 Thank you, Madam President.

15 ACTING PRESIDENT STEWART-COUSINS:

16 Thank you, Senator.

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

19 Hearing none, the debate is closed.

20 The Secretary will please ring the
21 bell.

22 Read the last section.

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

1 ACTING PRESIDENT STEWART-COUSINS:

2 Call the roll.

3 (The Secretary called the roll.)

4 ACTING PRESIDENT STEWART-COUSINS:

5 Senator Maziarz, to explain his vote.

6 SENATOR MAZIARZ: Thank you very
7 much, Madam President. To explain my vote.

8 I think that my colleague has to
9 get his talking points updated. He continues
10 to use, and other representatives continue to
11 use that tired example of previous sweeps from
12 the Power Authority under Governor Pataki and
13 under Governor Spitzer.

14 And he knows, because I've said it
15 so many times, absolutely there were previous
16 sweeps under the previous governors, Governor
17 Pataki and Governor Spitzer, that I supported
18 because they were used for the right reason.
19 They were used to pay for energy programs.
20 They were used to pay for a program like Power
21 for Jobs. They were used to fund energy
22 development and research into the General Fund
23 budget.

24 I remember being at one of these

1 hearings that Governor Spitzer had downstate
2 in the Red Room, on energy issues, and he
3 talked about a sweep from the Power Authority.
4 And he leaned over to me and he said, "We have
5 to be very careful." The discussion was, you
6 know, on whether to take money and put it into
7 the General Fund. And he leaned over to me
8 and he said, "You know, if we get it into the
9 General Fund once, it will become a piggy bank
10 for Shelly." And we sort of laughed and joked
11 about that.

12 And when we did that this year, by
13 one vote in this body, the ex-governor at the
14 time called me up, and he recalled that
15 conversation. Because now it has become a
16 piggy bank. The Niagara Power Project has
17 become a piggy bank.

18 This was the first time, the first
19 time this year that a sweep from the Power
20 Authority was intended for the state's General
21 Fund. It came to Albany to pay the bills.
22 And it came directly from Niagara.

23 It was also unprecedented in the
24 amount. Congressman Higgins -- I say this all

1 the time, much, I'm sure, to the pain of my
2 colleagues from Western New York. Congressman
3 Higgins, a Democrat, said that this
4 Legislature took more out of Western New York
5 in one day than the Power Authority has given
6 us in 50 years.

7 Senator Stachowski mentioned the
8 Chevy plant. I mentioned the Chevy plant many
9 times on the floor during the debate on the
10 budget. The Chevy plant just laid off 274
11 people, UAW people in Western New York. You
12 know why? You know what we did to them in
13 this year's budget? We raised their utility
14 rates by a thousand dollars a week. That's
15 what we did to them.

16 We wouldn't have to do that to them
17 if we could keep our power. If we could keep
18 the money that's generated from selling our
19 power in Niagara -- and I'm sure the same is
20 true in St. Lawrence -- we wouldn't need a
21 stimulus package. We wouldn't need help from
22 the State of New York. Niagara Falls wouldn't
23 be a dying city that it is today, and Western
24 New York would be a vibrant community with

1 people moving in instead of moving out.

2 ACTING PRESIDENT STEWART-COUSINS:

3 Senator Maziarz --

4 SENATOR MAZIARZ: Yes.

5 ACTING PRESIDENT STEWART-COUSINS:

6 How do you vote?

7 SENATOR MAZIARZ: Is my time up?

8 (Laughter.)

9 ACTING PRESIDENT STEWART-COUSINS:

10 Apparently.

11 SENATOR MAZIARZ: I vote in the

12 negative. Thank you.

13 ACTING PRESIDENT STEWART-COUSINS:

14 Thank you, Senator Maziarz.

15 Senator Thompson.

16 SENATOR THOMPSON: Yes, first let
17 me thank Senator Stachowski for being the lead
18 sponsor on this bill.

19 I think it's very important that we
20 support this economic development tool. And I
21 would just say that, you know, it's easy to --
22 particularly for people in Western New York to
23 get caught in the gridlock of Albany.

24 I think that many of my colleagues

1 on the other side of the aisle from Western
2 New York know that the Western New York
3 delegation used to have a rich tradition of
4 working together in a collegial and bipartisan
5 way so that we could work in the Assembly and
6 the Senate to bring home our resources for
7 Western New York.

8 And I believe that we have gotten
9 on the wrong path, the path of gridlock and
10 destruction, which will hamper our ability to
11 work collectively across the aisle to deliver
12 for Western New York. Because we in Western
13 New York are always concerned about making
14 sure that we get our fair share.

15 And I would just say to my
16 colleagues that when I was in the minority, I
17 used to work with folks and listen. And
18 sometimes I would agree or disagree, but I
19 always understood one thing, that together we
20 can work collectively to produce for Western
21 New York.

22 And I think that since January we
23 have been on a very destructive course that
24 will not benefit Western New York.

1 So I would ask that as we move
2 forward over the next year to year and a half
3 that we be mindful of why we were successful
4 in the past. That's because Democrats and
5 Republicans from Western New York always
6 worked together. We didn't always agree, but
7 one thing we always agreed on was making sure
8 that we sent a united message to deliver for
9 Western New York.

10 And I would say that we need to get
11 back on that path, because that's what the
12 people from Western New York want. Anyone can
13 throw a rock. Anyone can throw a stone --

14 ACTING PRESIDENT STEWART-COUSINS:
15 Senator Thompson, how do you vote?

16 SENATOR THOMPSON: I support this
17 bill.

18 And I also believe that, you know,
19 you can't change the rules because you're in
20 the minority. You know, if it was good to be
21 collegial when you were in the majority, it's
22 good to be collegial when you're in the
23 minority as well.

24 Thank you, and God bless you.

1 ACTING PRESIDENT STEWART-COUSINS:

2 Senator Thompson will be recorded in the
3 affirmative.

4 Announce the results.

5 THE SECRETARY: Those recorded in
6 the negative on Calendar Number 939 are
7 Senators DeFrancisco, Griffo, Libous, Maziarz,
8 Winner and Young. Also Senator Little. Also
9 Senator Ranzenhofer.

10 Absent from voting: Senators
11 Dilan, Huntley, McDonald, Monserrate and
12 Onorato.

13 Ayes, 44. Nays, 8.

14 ACTING PRESIDENT STEWART-COUSINS:
15 The bill is passed.

16 Senator Klein.

17 SENATOR KLEIN: Madam President,
18 staying with the controversial calendar, can
19 we take up Calendar Number 944, Print Number
20 4200.

21 ACTING PRESIDENT STEWART-COUSINS:
22 The Secretary will read.

23 THE SECRETARY: Calendar Number
24 944, substituted earlier today by Member of

1 the Assembly Glick, Assembly Print Number
2 8219, an act to amend the Education Law and
3 the State Finance Law.

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

7 Senator LaValle.

8 SENATOR LaVALLE: Yeah, would
9 Senator Stavisky -- the hour is late; I'm just
10 going to ask you one brief question.

11 This is a surcharge on the 48
12 professions that the State Education
13 Department oversees. There's not been an
14 increase since, I think --

15 SENATOR STAVISKY: I didn't hear
16 the end of your question.

17 SENATOR LaVALLE: Can you hear
18 me?

19 SENATOR STAVISKY: Yes, now I
20 can.

21 SENATOR LaVALLE: This is a bill
22 placing a 15 percent surcharge on the 48
23 professions that the department oversees.
24 There hasn't been an increase since '89. But

1 this is a large increase.

2 I think the membership wants to
3 know, Senator Stavisky, that the professions
4 are supportive of this so that they can be
5 served properly by the department.

6 SENATOR STAVISKY: Yes. This is
7 a 15 percent surcharge. Let's remember that
8 the Office of the Professions takes care of
9 50,000 professional licenses, 250,000
10 registrations. They certify educational
11 requirements. They have 300 educational
12 programs that they take care of, 15,000
13 reviews of nontraditional educational
14 programs. They handle a million calls and
15 emails, et cetera.

16 There have been absolutely no memos
17 in opposition. And in fact, it was the
18 professions who came to me and said, "We
19 support the 15 percent surcharge."

20 And the following have issued
21 written memoranda on the subject: The New
22 York State Institute of Architects, the
23 New York Mental Health Councils Association,
24 the National Association for Drama Therapy,

1 the New York State Podiatric Medical
2 Association, the New York Chapter of the
3 American Society of Landscape Architects, the
4 National Association of Advancement of
5 Psychoanalysis, the Public Employees
6 Federation, the New York Mental Health
7 Councils Association.

8 This does not apply to doctor
9 registrations, only the 48 licenses that come
10 under the jurisdiction of the State Education
11 Department.

12 SENATOR LaVALLE: Thank you,
13 Senator Stavisky.

14 Thank you, Madam President.

15 ACTING PRESIDENT STEWART-COUSINS:
16 Thank you, Senator.

17 Are there any other Senators
18 wishing to speak on the bill?

19 Hearing none, the debate is closed.

20 The Secretary will please ring the
21 bells.

22 Read the last section.

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

1 ACTING PRESIDENT STEWART-COUSINS:

2 Call the roll.

3 (The Secretary called the roll.)

4 ACTING PRESIDENT STEWART-COUSINS:

5 Announce the results.

6 THE SECRETARY: In relation to

7 Calendar Number 944: Ayes, 52. Nays, 0.

8 Absent from voting: Senators

9 Dilan, Huntley, McDonald, Monserrate and

10 Onorato.

11 ACTING PRESIDENT STEWART-COUSINS:

12 The bill is passed.

13 Senator Klein.

14 SENATOR KLEIN: Madam President,

15 can we take up at this time Calendar Number

16 945, Print Number 5036.

17 ACTING PRESIDENT STEWART-COUSINS:

18 The Secretary will read.

19 THE SECRETARY: Calendar Number

20 945, substituted earlier today by Member of

21 the Assembly Rosenthal, Assembly Print Number

22 3843A, an act to amend the Social Services

23 Law.

24 ACTING PRESIDENT STEWART-COUSINS:

1 Are there any Senators wishing to speak on the
2 bill?

3 Hearing none, the debate is closed.

4 SENATOR LIBOUS: Read the last
5 section, please.

6 ACTING PRESIDENT STEWART-COUSINS:
7 The Secretary will please ring the bells.

8 Read the last section.

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

11 ACTING PRESIDENT STEWART-COUSINS:
12 Call the roll.

13 (The Secretary called the roll.)

14 ACTING PRESIDENT STEWART-COUSINS:
15 Announce the results.

16 THE SECRETARY: In relation to
17 Calendar Number 945: Ayes, 52. Nays, 0.

18 Absent from voting: Senators
19 Dilan, Huntley, McDonald, Monserrate and
20 Onorato.

21 ACTING PRESIDENT STEWART-COUSINS:
22 The bill is passed.

23 Senator Skelos.

24 SENATOR SKELOS: Yeah, if I could

1 just be recognized for a minute.

2 I had a passing thought to move to
3 adjourn, although I'm not going to do it,
4 because out of respect for members that have
5 bills here and they've spent the entire
6 evening here.

7 But I do want to point out that as
8 of right now there are eight members of the
9 Democrat majority not here voting on this
10 legislation. That's one-quarter of that
11 conference is not here voting.

12 Now, I know, with Senator Foley,
13 his father is very ill, and we pray for him.

14 But this is not the way we should
15 be conducting business at this time in the
16 hour.

17 ACTING PRESIDENT STEWART-COUSINS:
18 Thank you, Senator.

19 Senator Klein.

20 SENATOR KLEIN: Madam President,
21 now that Senator Skelos withdrew his childish
22 threat, let's take up Calendar Number 941,
23 Print Number 939A.

24 ACTING PRESIDENT STEWART-COUSINS:

1 The Secretary will read.

2 THE SECRETARY: Calendar Number
3 941, substituted earlier today by Member of
4 the Assembly Morelle, Assembly Print 6818A, an
5 act to amend the Public Health Law.

6 ACTING PRESIDENT STEWART-COUSINS:
7 Are there any Senators wishing to speak on the
8 bill?

9 Hearing none, the debate is closed.
10 The Secretary will please ring the
11 bells.

12 Read the last section.

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

15 ACTING PRESIDENT STEWART-COUSINS:
16 Call the roll.

17 (The Secretary called the roll.)

18 ACTING PRESIDENT STEWART-COUSINS:
19 Announce the results.

20 THE SECRETARY: Ayes, 52. Nays,
21 0.

22 Absent from voting: Senators
23 Dilan, Huntley, McDonald, Monserrate, and
24 Onorato.

1 ACTING PRESIDENT STEWART-COUSINS:

2 The bill is passed.

3 Senator Klein.

4 SENATOR KLEIN: Madam President,
5 can we now take up Calendar Number 943, Print
6 Number 4126.

7 ACTING PRESIDENT STEWART-COUSINS:

8 The Secretary will read.

9 THE SECRETARY: Calendar Number
10 943, substituted earlier today by Member of
11 the Assembly Bacalles, Assembly Print Number
12 7506, an act in relation to capital
13 improvement projects.

14 ACTING PRESIDENT STEWART-COUSINS:

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

17 Hearing none, the debate is closed.

18 The Secretary will please ring the
19 bell.

20 Read the last section.

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

23 ACTING PRESIDENT STEWART-COUSINS:

24 Call the roll.

1 (The Secretary called the roll.)

2 ACTING PRESIDENT STEWART-COUSINS:

3 Announce the results.

4 THE SECRETARY: In relation to

5 Calendar Number 943: Ayes, 52. Nays, 0.

6 Absent from voting: Senators

7 Dilan, Huntley, McDonald, Monserrate and

8 Onorato.

9 ACTING PRESIDENT STEWART-COUSINS:

10 The bill is passed.

11 Senator Klein.

12 SENATOR KLEIN: Madam President,

13 can we take up Calendar Number 947 and then

14 proceed in order on the controversial

15 calendar.

16 ACTING PRESIDENT STEWART-COUSINS:

17 The Secretary will read.

18 THE SECRETARY: Calendar Number

19 947, by Senator Parker, Senate Print 5615, an

20 act to amend the Public Service Law and the

21 General Business Law.

22 ACTING PRESIDENT STEWART-COUSINS:

23 Are there any Senators wishing to be heard on

24 the bill before us?

1 Hearing none, the debate is closed.

2 The Secretary will please ring the
3 bells.

4 Read the last section.

5 THE SECRETARY: Section 4. This
6 act shall take effect on the 120th day.

7 ACTING PRESIDENT STEWART-COUSINS:
8 Call the roll.

9 (The Secretary called the roll.)

10 ACTING PRESIDENT STEWART-COUSINS:
11 Senator LaValle, to explain his vote.

12 SENATOR LaVALLE: Yes, to explain
13 my vote.

14 This was a LaValle bill in prior
15 years, so it is my pleasure to vote for it as
16 a Senator Parker bill.

17 ACTING PRESIDENT STEWART-COUSINS:
18 Announce the results.

19 THE SECRETARY: In relation to
20 Calendar Number 947: Ayes, 52. Nays, 0.

21 Absent from voting: Senators
22 Dilan, Huntley, McDonald, Monserrate and
23 Onorato.

24 ACTING PRESIDENT STEWART-COUSINS:

1 The bill is passed.

2 The Secretary will read.

3 THE SECRETARY: Calendar Number
4 948, substituted earlier today by Member of
5 the Assembly Schimminger, Assembly Print
6 Number 8826, an act to amend the Social
7 Services Law.

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

11 Hearing none, the debate is closed.

12 The Secretary will please ring the
13 bells and read the last section.

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

16 ACTING PRESIDENT STEWART-COUSINS:
17 Call the roll.

18 (The Secretary called the roll.)

19 ACTING PRESIDENT STEWART-COUSINS:
20 Announce the results.

21 THE SECRETARY: In relation to
22 Calendar Number 948: Ayes, 52. Nays, 0.

23 Absent from voting: Senators
24 Dilan, Huntley, McDonald, Monserrate and

1 Onorato.

2 ACTING PRESIDENT STEWART-COUSINS:

3 The bill is passed.

4 The Secretary will continue to
5 read.

6 THE SECRETARY: Calendar Number
7 950, by Senator Duane, Senate Print 2664, an
8 act to amend the Social Services Law.

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

12 Senator Duane.

13 SENATOR DUANE: Thank you, Madam
14 President. On the bill.

15 ACTING PRESIDENT STEWART-COUSINS:
16 Senator Duane, on the bill.

17 SENATOR DUANE: Thank you, Madam
18 President.

19 You know, I'm wondering whether
20 anyone thinks that I like being here after
21 3 o'clock tonight after having been here very,
22 very late last night.

23 And you know what? I also wonder
24 whether there's anyone in this chamber that

1 thinks that they can scare me or get me to
2 back down on anything that I believe in.

3 I wonder if there's anyone in this
4 chamber that thinks whether I care whether I'm
5 a Senator or not. I don't. I only care that
6 I get to say what is important to me and to
7 people that I represent on this floor.

8 I don't think you know what I'm
9 doing here. I'm here to save lives. I'm here
10 to fight for what I believe in. I'm here to
11 stand up for myself and to stand up for other
12 people that don't have people standing up for
13 themselves here, in this chamber. That's why
14 I'm here, to stand up, to stand up for what I
15 believe in and to fight for people who don't
16 have a voice.

17 Let me take you back. The early
18 eighties. Visiting friends in hospitals.
19 We'd go in, we'd go in one night, in the
20 morning they'd be dead. I'd bring them food,
21 my family, bring them food, my friends, bring
22 someone food. But whoever was in the bed
23 would be dead before they could eat it.

24 We'd leave it. Maybe the nurses

1 will take it home. No, they wouldn't eat it,
2 because it's contaminated. Contaminated.
3 Wouldn't touch it. Wouldn't go into the room,
4 wearing masks, gloves, gowns.

5 Someone gets sick in the afternoon,
6 they'd be dead the next day. Dead. And that
7 went on for months and then years. Dead.
8 Dead. You think if you got sick and your
9 friends were dying that I would sit there and
10 do nothing? No. But that's what happened.
11 That's what happened.

12 Every cold, every virus, every
13 temperature, I thought I'd be dead. And so
14 did so many people that I knew. Dead.

15 You think you scare me? You think
16 you can make me back off? Nothing scares me.

17 There were gurneys backed up into
18 the avenues because they wouldn't let people
19 in the emergency rooms. The public hospitals,
20 they had to. They tried not to, but they had
21 to. You know what? The Catholic hospitals,
22 the only ones. The only ones. Scared? That
23 was scared.

24 Eventually, people could stay alive

1 a few days. A few days. People thrown out of
2 their homes. People evicted from their
3 apartments. Families didn't want to know who
4 their kids were. Oh, oh, his lips were on
5 that glass, don't touch it. Sterilize that
6 plate. Every cold, every fever, every virus,
7 I'm going to die. That's what it was like.
8 Scared? No. Mad? You bet.

9 And then there were -- oh, you
10 know, this -- you know, we can put you on this
11 antibiotic for a while. It will wreck your
12 lungs, but we'll give you a few more weeks.
13 Here, try this additive, maybe this will help.
14 Nothing helped. Hundreds, hundreds of my
15 friends died. And every day I thought I could
16 be the next one.

17 I wish I could say things are
18 different now, but they're not. Not much
19 different at all.

20 1985, I was in a study about how
21 people were coping and surviving, their mental
22 health. You know what the answer was? I
23 don't know that we needed a study. "Not so
24 good." When they took my blood, we weren't

1 even supposed to find out. Why? Because
2 nothing could be done.

3 You know when I got here, those of
4 you that remember? Remember? Remember all
5 those bills? Oh, you can get AIDS from a taxi
6 inspector. You can get AIDS from a guard.
7 1999.

8 So easy to find a place to live.
9 Today, I have doctors who treat people with
10 HIV, they cannot rent space. No stigma. No
11 stigma. In Queens, where I grew up, it was in
12 the paper, they wanted to site a small house
13 for people living with AIDS. The neighbors
14 hysterical: All those people with HIV around
15 our children. Today, today that goes on.

16 What does this bill do? This bill
17 would let someone living, if they could find a
18 private home to live in, to live on more than
19 30 bucks a week. You try it. Toilet paper,
20 socks, underwear, telephone, visiting your
21 grandchildren, toothpaste, toothbrush.

22 The only people in New York State,
23 the only people who have to pay more than
24 30 percent of their income in rent. You are

1 going to kill a bill? Nice. Nice. If you're
2 lucky enough to find a place to live.

3 Yeah, I'm scared. You scare me.
4 Yeah, you'll make me back off. I love being a
5 Senator. What, you might not accept me? I
6 earned my spot here.

7 Yeah, you want to know what's going
8 on in our schools? Oh, come to the school on
9 World AIDS Day. I'll show you what they're
10 doing about teaching about HIV. They're doing
11 a great job. One kid, tragic, choked on a hot
12 dog in a cafeteria. One child. Meanwhile,
13 every day kids are getting infected, hundreds,
14 probably thousands every year, because no one
15 till them how HIV is transmitted. And you
16 think you can get it from my saliva.

17 Oh, yeah, don't let my doctor
18 choose the lab to get my blood drawn so they
19 know what kind of medicine I should take.
20 That's another good one. I had to fight to
21 let them take blood in prisons and send it to
22 labs so they can get people in prisons the
23 right medicine to keep them alive because the
24 labs the prisons use didn't test for the right

1 kind of -- to see what kind of strain the HIV
2 was so they could prescribe the right kind of
3 drug.

4 If people are lucky enough to find
5 a place to live, you let them keep a couple
6 hundred dollars a month to live on -- if
7 they're lucky enough. Right here in Colonie,
8 a few years ago when I was here, that TV show
9 that builds houses for people? They built a
10 house for a mom here. Four kids. Two living
11 with HIV, two without. She adopted them.

12 I read in the Times Union letters
13 to the editor: Why are they building a pool?
14 It's Albany, it's cold. How often can they go
15 swimming? Why did they build a pool?

16 Because the Town of Colonie
17 wouldn't let them swim in the pool. That's a
18 couple of years ago. Not just the two that
19 had HIV, but their brothers too, because
20 they're all contaminated. Right here in
21 Albany. And those kids are lucky they had
22 someone to -- they could live with a mother
23 who loved them.

24 The thing I'm most proud of that I

1 did when I was in the New York City Council
2 was when Mayor Giuliani wanted to eliminate
3 the agency that helped keep people with AIDS
4 alive. He wanted to eliminate it. I put it
5 in law he couldn't break it up.

6 I got them an extra hundred dollars
7 for food. You know what they call AIDS?
8 Wasting disease. A hundred dollars to take
9 the subway to the doctor. That money is taken
10 away.

11 This bill would let people have a
12 few dollars to live on if they could find
13 place to live. The people that this bill
14 would protect, they live in SROs. They live
15 in garbage where the landlord makes all the
16 money and they're left with nothing. The only
17 ones.

18 You think it's funny, we'll kill
19 Duane's bill. No, you're not killing my bill.
20 You're killing people.

21 I'm lucky, I have a good health
22 plan. You think someone would hire me if I
23 left here? I'm expensive. My drugs cost
24 money. I don't live in a place where I'd end

1 up living on less than 10 bucks a day --
2 toilet paper, toothpaste, phone calls, visit
3 my mother. Go to the doctor. Buy a Band-Aid
4 for when they take my blood if it starts to
5 bleed again.

6 Funny. Kill Duane's bill. Yeah,
7 I'm nice. I've got a sense of humor. But I'm
8 not here so you like me. I'm here to save my
9 life, and I'm here to save the lives of other
10 people because they don't have anyone sitting
11 here.

12 In 1989, 1990 -- 1984 -- even
13 today, people sitting in hospitals. Sick
14 friends, sick relatives. No cure. Yeah,
15 people live longer, but it kills. You know
16 how many people get evicted, get dragged into
17 court because they don't have enough money to
18 stay in their homes? These people that would
19 get a few extra dollars.

20 You wonder why I fight so hard for
21 tenants? Because landlords evicted family.
22 If someone died of AIDS and the partner wasn't
23 on the lease, the body wouldn't even be cold,
24 they'd be nailing the eviction notice to the

1 door.

2 Oh, don't fight, Tom. You'll never
3 win. They'll never say your families count.
4 Your families won't count. We'll never win.
5 I said, "Why not fight it anyway? We're
6 getting evicted anyway. What do we have to
7 lose?"

8 It took years, but we won. They
9 can't throw us out. And neither can you.

10 You want someone to live on a
11 couple of dollars for their toilet paper and
12 their toothpaste and take the subway to visit
13 their mother? Defeat the bill; it's on you.
14 Have a good time. Have a big laugh. Go
15 ahead, do it tonight. But I'm coming back,
16 and you can't stop me.

17 ACTING PRESIDENT STEWART-COUSINS:
18 Are there any other Senators wishing to --
19 (Standing ovation.)

20 ACTING PRESIDENT STEWART-COUSINS:
21 Are there any other Senators wishing to speak
22 on the bill?

23 SENATOR THOMPSON: I just want to
24 say something real quick. I won't be long.

1 ACTING PRESIDENT STEWART-COUSINS:

2 Senator Thompson.

3 SENATOR THOMPSON: I really
4 appreciate with great compassion that Senator
5 Duane spoke.

6 You know, the last month and a half
7 it's really been, I think, quite
8 soul-searching. And I know one of the days I
9 went home and I was pretty frustrated. And as
10 you know, traveling west, it's a four-hour
11 ride. And some of the things that Senator
12 Duane talked about was on my mind, not only on
13 the way there but on the way back, about why
14 we take some of the tough issues that we take
15 up.

16 And we had a conversation in
17 conference about a week and a half ago about
18 what makes us different. What makes us
19 different is because we fight for the folks
20 that Tom is talking about. We take up the
21 causes that are not easy, they're not popular.
22 Especially when you are one of -- you know, a
23 Democrat. We take up these issues that aren't
24 so sexy, that are not safe. They're not cool.

1 And I know, I know how that is. I
2 do it all the time. The issues that make
3 people uncomfortable. Oh, here they come with
4 the tree-hugger issue or social justice or
5 economic justice. And it's unfortunate.
6 Because the issues that you talk about,
7 whether it's dealing with folks who are
8 affected, infected, or impacted, on a whole
9 host of issues it's not easy. Even the folks
10 on that side of the aisle have the same -- we
11 all have a similar problem with some of the
12 same issues. And that's why we got involved
13 with this.

14 But sometimes we get so caught up
15 in our two minutes of fame that we sometimes
16 lose sight of why we first ran for office and
17 why we ran for the Senate.

18 So I commend you for that. Because
19 this last 30 to 45 days for me has reminded me
20 why we take up these progressive issues, why
21 we fight for the people we fight for. And why
22 we do the things that we do so that they know
23 that they have a voice here. Whether they are
24 people who have just come to America or people

1 who have been shut out in America. Or people
2 who believe that the dream would touch them.

3 Because you know what? Just
4 because Obama is president, that doesn't mean
5 the people on the main streets and side
6 streets are feeling a lot better right now.
7 So they look to all of us to make sure that we
8 don't lose sight of that because we have
9 bigger offices and people call us Mr. Senator
10 or Mrs. Senator or Miss Senator. We have a
11 responsibility.

12 And, Tom, I appreciate it. Yes,
13 tonight is long. But you know what? I think
14 it was an important message. And we can't
15 ever lose sight of it. This is why so many
16 great people have come through these chambers,
17 so that we can make good public and
18 progressive public policy. That's what this
19 is all about. And we can't ever lose sight of
20 that and get so caught up in our rugged
21 individualism which has so often crippled
22 America. We can do better, and we will do
23 better.

24 Thank you.

1 ACTING PRESIDENT STEWART-COUSINS:

2 Thank you, Senator.

3 Senator Alesi.

4 SENATOR ALESI: Thank you, Madam
5 President.

6 Senator Duane, would you be kind
7 enough to yield for a brief question?

8 ACTING PRESIDENT STEWART-COUSINS:
9 Senator Duane, will you yield for a question?

10 SENATOR DUANE: Yes, Madam
11 President.

12 SENATOR ALESI: We know each
13 fairly well; I think that goes without saying.
14 Through you, Madam President, Senator Duane
15 and I have had a lot of conversations about
16 this subject.

17 We've never had the opportunity to
18 discuss the thing that is in this bill, the
19 housing crisis for those people who are on
20 public assistance and the cost to them of
21 sustaining themselves. All of the things that
22 you spoke so passionately about comes down to
23 what's in this bill.

24 And the bill simply asks that those

1 people who are described as being on public
2 assistance, living in sustained housing
3 circumstances, not be required to pay more
4 than 30 percent of their earned or unearned
5 income, as I understand it. Am I correct in
6 that?

7 SENATOR DUANE: (Nodding.)

8 SENATOR ALESI: Through you,
9 Madam President, will the Senator continue to
10 yield?

11 ACTING PRESIDENT STEWART-COUSINS:
12 Will you continue to yield, Senator Duane?

13 SENATOR DUANE: Yes, Madam
14 President.

15 SENATOR ALESI: Senator, I
16 embrace everything that you said. Having said
17 that, and setting that aside, is there any
18 other disease or any other circumstance where
19 someone on public assistance who is living in
20 a sustained or assisted living situation
21 that's described in this bill, are they
22 guaranteed that they will not have to spend
23 more than 30 percent of their earned or
24 unearned income to sustain themselves? Are

1 there any other health circumstances -- Madam
2 President, this is a very sensitive issue.
3 I'm trying to be sensitive; I'm trying to
4 frame my question. So I apologize for the
5 interruption, Senator.

6 Are there any other circumstances?
7 None?

8 SENATOR DUANE: Through you,
9 Madam President. No, there aren't.

10 And the problem is compounded
11 because if you've been diagnosed with cancer
12 or MS or if you've had an amputation or a
13 whole host of other terrible health
14 problems -- I'm not saying it's easy. But
15 because it's so difficult for these people to
16 find a place to live, if they are lucky enough
17 to find a place in a private accommodation,
18 this is the circumstance that they find
19 themselves in.

20 And there is no other group in the
21 State of New York that is required to pay more
22 than 30 percent of their income for rent. And
23 that money doesn't go back, that money -- it
24 just leaves them destitute.

1 SENATOR ALESI: Madam President,
2 will Senator Duane continue to yield.

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

5 SENATOR DUANE: Yes, Madam
6 President.

7 SENATOR ALESI: Again, I would
8 simply remind you of our personal friendship
9 and our relationship and our discussions and
10 remind the body that on a daily basis we share
11 not only these chambers, but we share the
12 members lounge, we eat together, we drink
13 together, we talk together, we visit, and we
14 come into contact with each other in a very
15 normal way in these circumstances.

16 And I believe that we are all good
17 and close friends. And I don't notice and I
18 haven't experienced any circumstances where
19 the kind of bias that you describe has been
20 displayed here, at least obviously.

21 I consider you a friend. And as I
22 said earlier, I embrace the issues that you
23 talked about, and I truly appreciate your
24 passion.

1 I simply asked the question because
2 to be fair, to be fair to all of those other
3 people who might have another disease, how do
4 we not offer them the same kind of thing that
5 you're proposing here?

6 And so when I cast my vote, I'll
7 have to weigh that. And in doing that, it
8 will have no bearing, Senator, at all on the
9 issue of bias. And I hope that you'll
10 understand that.

11 Thank you, Madam President.

12 ACTING PRESIDENT STEWART-COUSINS:

13 Thank you, Senator.

14 Are there any other Senators
15 wishing to be heard on the bill before us?

16 SENATOR ADAMS: Yes, Madam
17 President.

18 ACTING PRESIDENT STEWART-COUSINS:
19 Senator Adams.

20 SENATOR ADAMS: First, I want to
21 thank you, Senator Duane. I don't know those
22 who suffer from cancer that are not allowed to
23 swim in swimming pools. I don't know people
24 who have asthma that are not allowed to rent

1 apartments. I don't know people who have
2 lupus that are told to wash their glass after
3 they drink.

4 So no other individuals who suffer
5 from diseases don't have the benefit that
6 Senator Duane is talking about, but they too
7 do not go through the stigma that is
8 associated with AIDS.

9 Last year -- or early this year, I
10 should say, while I was here in the Senate, my
11 building burned down. And I rushed to return
12 back to Brooklyn because I have three
13 apartments in that building. Each one of
14 those apartments are rented to individuals who
15 are HIV-positive. And I promised them from
16 the day they moved in I would never raise
17 their rent, I would make sure they have a
18 place to stay.

19 And I'm hoping within the next few
20 days that they will finish fixing the building
21 so they can return home, because I know what
22 they go through.

23 So no, this is not a benefit that
24 is extended to others. But others don't go

1 through those who are inflicted with HIV or
2 who have AIDS. It's very real. And only a
3 person that can't see that would ever feel the
4 impact that it does to individuals and their
5 families.

6 So I commend you for this bill, and
7 I will be voting in the positive.

8 ACTING PRESIDENT STEWART-COUSINS:
9 Thank you, Senator.

10 Are there any other Senators
11 wishing to speak on the bill?

12 Hearing none, the debate is closed.
13 The Secretary will please ring the
14 bells.

15 Read the last section.

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

18 ACTING PRESIDENT STEWART-COUSINS:
19 Call the roll.

20 (The Secretary called the roll.)

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

23 SENATOR DeFRANCISCO: Yes, I'm
24 going to vote in favor of this bill. And

1 basically a lot was based upon what Senator
2 Duane had said.

3 As I listened to the debate, in
4 many instances I changed my mind as to my
5 initial opinion. And that's true as late as
6 today, when another Senator Duane bill was on
7 the floor that I had laid aside. He came
8 over, gave me an explanation, I took off the
9 lay-aside, and we went ahead and proceeded.

10 Secondly, this is a very unusual
11 night because the Majority does not have
12 enough people to pass any bills today.

13 And the only thing I truly take
14 offense at is the fact that somehow we're
15 being accused of wanting to kill a specific
16 bill or kill bills. We could have killed
17 every single bill that came on the floor
18 today. And we didn't do that. We based our
19 vote and are basing this vote on the merits of
20 the situation. And everybody has different
21 views of the merits of every case.

22 So I'm going to vote yes on this
23 bill, but I don't want anybody in the world to
24 think that I or anyone on this side of the

1 aisle is being pushed to vote yes because of
2 some embarrassment that somehow Senator Duane
3 got the concept that we were going to kill his
4 bill and that he's not afraid of us.

5 I'm going to always vote on the
6 merits, as I believe all of my colleagues are
7 here today, and I vote aye.

8 ACTING PRESIDENT STEWART-COUSINS:
9 Senator DeFrancisco to be recorded in the
10 affirmative.

11 Senator Liz Krueger.

12 SENATOR LIZ KRUEGER: Thank you.
13 I rise to support the bill and thank you for
14 reminding many of us why we do come here every
15 day. Tom, thank you.

16 But in response to the question of
17 Senator Alesi, I think it's important to point
18 out that this is a bill for people who are
19 suffering with HIV/AIDS but who are also, by
20 definition, so poor that they need public
21 assistance.

22 And so in response to your
23 question, I would say if we were to take a
24 look at the population of people suffering

1 from chronic and crisis-like illnesses who
2 find themselves on public assistance, we
3 should ask ourselves a question: Are we
4 providing adequate income to many, many people
5 who are ill from many diseases in this state
6 and have to turn to the government for
7 assistance, for public assistance, for food
8 stamps, for healthcare?

9 And I think if we looked at the
10 question, we would know that the answer is no,
11 we're not doing enough for these people.

12 So I don't think the debate ought
13 to be why this for people with AIDS or HIV who
14 are poor, but why not, as a state, aren't we
15 looking at making sure we provide adequate
16 housing and healthcare and income for anyone
17 in the state who finds themselves desperate,
18 poor and sick?

19 I'm very proud to vote yes. Thank
20 you.

21 ACTING PRESIDENT STEWART-COUSINS:
22 Senator Liz Krueger to be recorded in the
23 affirmative.

24 Senator Duane, to explain his vote.

1 SENATOR DUANE: Madam President,
2 I just want to be as crystal-clear as
3 possible.

4 People living with HIV and AIDS are
5 the only class of people whose income is
6 capped at this low level. Other diseases,
7 people living on public assistance, they only
8 pay a third. It's only, in grotesque
9 unfairness, are people living with HIV and
10 AIDS limited in the amount of money they are
11 allowed to have each month. The rest is taken
12 away from them. So I just wanted to clarify
13 that.

14 And then the other thing I wanted
15 to say was thank you.

16 ACTING PRESIDENT STEWART-COUSINS:
17 Announce the results.

18 SENATOR HANNON: I'd like to
19 explain my vote.

20 ACTING PRESIDENT STEWART-COUSINS:
21 Senator Hannon, to explain his vote.

22 SENATOR HANNON: When I first saw
23 this bill yesterday, it was in the Rules
24 Committee. I asked how much it cost. Senator

1 Duane didn't provide any information but just
2 gave a structural answer that he thought it
3 would save money because it would put people
4 in better circumstances.

5 And during this debate I've been
6 thinking about the 12-plus, 15-plus years that
7 I was chair of health, of all of the budgets
8 that we did, of the over \$100 million a year
9 that we do to support people who have AIDS to
10 support them, to help them with medical
11 problems, help them with housing problems.

12 I presume that there are some
13 people in the circumstance the way Senator
14 Duane has outlined tonight that still have
15 plight. But I do not believe there is a study
16 out there, I do not believe there are
17 newspaper reports that show this to be
18 widespread. I have not seen that.

19 To bring up something with this
20 much emotion at the end of the session,
21 outside of the budget, without an
22 appropriation -- where it probably is great
23 for emotion but I don't know how factual it
24 is, I don't know how practical it is -- is

1 something I have an objection to. If it were
2 that much needed, it should have been worked
3 through, we should have done a supplemental
4 appropriation to the budget, we should get
5 actual assistance to people who need it.

6 I've worked, I've voted for people
7 who have AIDS, to better their lives, to
8 better their healthcare, to better their
9 circumstances. I believe it's an obligation
10 we have. I've put that test to mettle. And
11 I'm not sure this is the case tonight. I just
12 don't think I'm supporting this, because I
13 haven't seen the facts.

14 Thank you.

15 ACTING PRESIDENT STEWART-COUSINS:
16 Senator Hannon to be recorded in the negative.

17 Senator Schneiderman, to explain
18 his vote.

19 SENATOR SCHNEIDERMAN: Thank you,
20 Madam President.

21 I'm very proud to rise in support
22 of this bill. I will be voting yes. This
23 is -- I don't see how you can't support this
24 bill. I hear Senator Alesi, this doesn't

1 solve everyone's problems, but it solves a
2 very real problem for a lot of people.

3 And, Senator Hannon, there is a
4 study by Johns Hopkins on this specific issue,
5 and Senator Duane has a copy and will be glad
6 to provide you with it.

7 There is no question that in the
8 State of New York there are people suffering
9 under these circumstances, the combination of
10 disease and discrimination. We can do
11 something about it. Let's do something about
12 it tonight.

13 Thank you, Tom. Thanks to all of
14 you for supporting this.

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

18 Senator Lanza, to explain his vote.

19 SENATOR LANZA: Thank you, Madam
20 President.

21 I just want to say that like
22 everyone in the chamber tonight, I listened
23 very attentively to you, Senator Duane, and
24 heard your passion. And the vote I'm about to

1 cast, I will cast in a way that is in part
2 influenced by some of the things that you
3 talked about.

4 You talked about fairness. And I
5 just want to point out -- and I think you know
6 this in your heart -- I think it's unfair to
7 suggest that anyone in this chamber would vote
8 for or against something because they thought
9 it was funny. And I can assure you that no
10 one on either side of the aisle said that they
11 were going to do anything because it was a
12 Duane bill. In fact, if anything, the support
13 that I think there will be for this bill may
14 be because it's a Duane bill.

15 And so I'm going to vote in favor
16 of this, but I just wanted to point that out.

17 ACTING PRESIDENT STEWART-COUSINS:
18 Senator Lanza will be recorded in the
19 affirmative.

20 Senator Alesi, to explain his vote.

21 SENATOR ALESI: To explain my
22 vote, Madam President.

23 My colleagues, Senator Krueger, Liz
24 Krueger pointed out that we should probably be

1 looking at all of the diseases. And I think
2 that was exactly where I was going with my
3 questioning. Because we should be making a
4 more comprehensive approach to taking care of
5 those people who have living needs, who don't
6 have the resources to sustain themselves while
7 they're sick.

8 So yes, of course, we should be
9 doing that. But tonight we're presented with
10 a bill that specifically deals with HIV/AIDS.

11 It would be better if we could be
12 voting on a more comprehensive approach. That
13 goes without saying, although Senator Krueger
14 very adroitly brought that to our attention.

15 So I mentioned that my vote would
16 not be based on any form of bias, and it will
17 not be. But I will tell you this. I would
18 prefer to be voting on a bill that does not
19 single out a particular disease, although I
20 will vote in favor of this bill, as Senator
21 Duane probably could have predicted. But I'll
22 be doing it more as a statement rather than
23 something that is purely objective.

24 ACTING PRESIDENT STEWART-COUSINS:

1 Senator Alesi to be recorded in the
2 affirmative.

3 Senator Flanagan, to explain his
4 vote.

5 SENATOR FLANAGAN: Thank you,
6 Madam President.

7 I'll try and be very brief. I want
8 to associate myself with the remarks made by
9 Senator Alesi. This is -- it's frustrating,
10 it's enlightening.

11 And in listening to the comments
12 from Senator Duane in particular, Senator
13 Duane, there is a lot of affection for you in
14 this chamber, because most of us were worried
15 that you were going to keel over in the course
16 of your comments. So fortunately, nothing
17 like that happened.

18 But I do take some offense to the
19 way the comments were raised. And I agree
20 with Senator Lanza that nobody thinks this is
21 funny. And I would only hasten to add that as
22 we look at all these issues and we deal with
23 things like this, we have talked about this
24 house and about the other house. And I tried

1 looking quickly at some of the background.

2 And, Senator Duane, at the
3 beginning of this, I was voting no. I've
4 changed my mind; I'm going to be voting yes.

5 But I would also say that for all
6 the things that are said negatively about the
7 Senate, we're passing this bill. And you're
8 right, we could kill this bill. We, the nasty
9 Republicans, quote, unquote, could kill this
10 bill. But that's not going to happen.

11 I just offer for everyone's
12 enlightenment that this bill has not passed in
13 the Assembly. It's been introduced since
14 January and sits in the Ways and Means
15 Committee. And when everyone seems to look at
16 that house as being the vanguard and the great
17 protector, it's this house -- and it's frankly
18 the members on both sides of the aisle -- that
19 are going to pass this bill.

20 ACTING PRESIDENT STEWART-COUSINS:
21 Senator Flanagan to be recorded in the
22 affirmative.

23 Senator Marcellino, to explain his
24 vote.

1 SENATOR MARCELLINO: Yes, Madam
2 President. Thank you.

3 I rise at this early hour of the
4 morning with about a three-hour ride ahead of
5 me. I should arrive on Long Island sometime
6 around the rush hour, where I will see my
7 wife, whom I haven't seen in a month. It's
8 our fortieth anniversary week. We had a
9 cruise planned. Needless to say, I didn't get
10 there. I'm here, doing my job.

11 Tom, you taught me something today.
12 One, you taught me you're very emotional. And
13 I thought I had seen just about everything,
14 but you showed me something. And I thought
15 there was no one in the world that could scare
16 me except my wife, and she's about
17 two-foot-three and hits like somebody your
18 height and weight.

19 I'd like to see a copy of that
20 study. I'd like to read it. And I think
21 perhaps it would be a good idea if you shared
22 it with all of us.

23 I leave my thoughts with Jim Alesi.
24 I wish we could be voting on a more

1 comprehensive situation and a bill that took
2 into consideration more of the diseases out
3 there where the impact might be similar. I
4 think we'd all feel better for it.

5 But in this case, this is what we
6 have to do to deal with. And I will be voting
7 in the affirmative.

8 ACTING PRESIDENT STEWART-COUSINS:
9 Senator Marcellino to be recorded in the
10 affirmative.

11 Announce the results.

12 THE SECRETARY: In relation to
13 Calendar Number 950: Ayes, 52. Nays, 1.
14 Senator Hannon recorded in the negative.

15 Absent from voting: Senators
16 Dilan, Huntley, McDonald and Onorato.

17 ACTING PRESIDENT STEWART-COUSINS:
18 The bill is passed.

19 Senator Klein.

20 SENATOR KLEIN: Madam President,
21 can we at this time take up the supplemental
22 active list.

23 ACTING PRESIDENT STEWART-COUSINS:
24 The Secretary will read.

1 THE SECRETARY: In relation to
2 Calendar Number 307, Senator Monserrate moves
3 to discharge, from the Committee on Rules,
4 Assembly Bill Number 271A and substitute it
5 for the identical Senate Bill Number 3797,
6 Third Reading Calendar 307.

7 SENATOR KLEIN: Lay the bill
8 aside for the day.

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

11 THE SECRETARY: Calendar Number
12 345, by Member of the Assembly Weinstein,
13 Assembly Print Number --

14 SENATOR KLEIN: Lay the bill
15 aside for the day.

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

18 THE SECRETARY: In relation to
19 Calendar Number 391, Senator Hassell-Thompson
20 moves to discharge, from the Committee on
21 Rules --

22 SENATOR KLEIN: Lay the bill
23 aside for the day.

24 ACTING PRESIDENT STEWART-COUSINS:

1 The Secretary will make the substitution
2 first.

3 THE SECRETARY: Senator
4 Hassell-Thompson moves to discharge, from the
5 Committee on Rules, Assembly Bill Number 3664A
6 and substitute it for the identical Senate
7 Bill Number 4366A, Third Reading Calendar 391.

8 ACTING PRESIDENT STEWART-COUSINS:
9 Substitution ordered.

10 The bill will be laid aside for the
11 day.

12 THE SECRETARY: Calendar Number
13 419, by Member of the Assembly Rosenthal,
14 Assembly Print Number 3378, an act to amend
15 the Social Services Law.

16 ACTING PRESIDENT STEWART-COUSINS:
17 Read the last section.

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

20 ACTING PRESIDENT STEWART-COUSINS:
21 Call the roll.

22 (The Secretary called the roll.)

23 ACTING PRESIDENT STEWART-COUSINS:
24 Announce the results.

1 THE SECRETARY: Ayes, 56. Nays,
2 1. Senator Ranzenhofer recorded in the
3 negative.

4 ACTING PRESIDENT STEWART-COUSINS:
5 The bill is passed.

6 THE SECRETARY: Calendar Number
7 455, by Senator Monserrate, Senate Print
8 Number 4071, an act to amend the General
9 Business Law.

10 ACTING PRESIDENT STEWART-COUSINS:
11 Read the last section.

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

14 SENATOR KLEIN: Lay the bill
15 aside for the day.

16 ACTING PRESIDENT STEWART-COUSINS:
17 Lay the bill aside for the day.

18 The Secretary will continue to
19 read.

20 THE SECRETARY: Calendar Number
21 521, by Member of the Assembly Aubry, Assembly
22 Print Number 3766, an act to amend the
23 Correction Law.

24 SENATOR KLEIN: Lay the bill

1 aside for the day.

2 ACTING PRESIDENT STEWART-COUSINS:

3 The bill is laid aside for the day.

4 THE SECRETARY: In relation to
5 Calendar Number 556, Senator Breslin moves to
6 discharge, from the Committee on Finance,
7 Assembly Bill Number 5049 and substitute it
8 for the identical Senate Bill Number 4809,
9 Third Reading Calendar 556.

10 ACTING PRESIDENT STEWART-COUSINS:
11 Substitution ordered.

12 THE SECRETARY: Calendar Number
13 556, by Member of the Assembly Destito,
14 Assembly Print Number 5049, an act to amend
15 the Public Officers Law.

16 ACTING PRESIDENT STEWART-COUSINS:
17 Read the last section.

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

20 ACTING PRESIDENT STEWART-COUSINS:
21 Call the roll.

22 (The Secretary called the roll.)

23 ACTING PRESIDENT STEWART-COUSINS:
24 Announce the results.

1 THE SECRETARY: Ayes, 57.

2 ACTING PRESIDENT STEWART-COUSINS:

3 The bill is passed.

4 THE SECRETARY: Calendar Number
5 567, by Senator Duane, Senate Print 3164A, an
6 act to amend the Public Health Law and others.

7 ACTING PRESIDENT STEWART-COUSINS:
8 Read the last section.

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

11 ACTING PRESIDENT STEWART-COUSINS:
12 Call the roll.

13 (The Secretary called the roll.)

14 ACTING PRESIDENT STEWART-COUSINS:
15 Announce the results.

16 Oh, Senator Maziarz, to explain his
17 vote.

18 SENATOR MAZIARZ: Madam
19 President, just to very, very briefly explain
20 my vote.

21 I think it's very fitting that we
22 should be ending this session -- I think this
23 is really the end of session -- voting for a
24 bill sponsored by Tom Duane, and hopefully

1 that Eric Schneiderman is going to support,
2 that's been endorsed by New York State Right
3 to Life Committee.

4 (Laughter.)

5 SENATOR MAZIARZ: And I just want
6 to acknowledge these two ladies who have sat
7 here all day waiting for this particular bill
8 to come up.

9 ACTING PRESIDENT STEWART-COUSINS:
10 Thank you.

11 Senator Duane, to explain his vote.

12 SENATOR DUANE: Thank you, Madam
13 President.

14 I just wanted to especially --
15 well, thank a lot of people, but I'm not going
16 to, but in particular Senator Hannon for his
17 invaluable advice and wise counsel on helping
18 with this legislation. So thank you.

19 Thank you, Madam President.

20 ACTING PRESIDENT STEWART-COUSINS:
21 Thank you, Senator Duane.

22 Announce the results.

23 THE SECRETARY: In relation to
24 Calendar Number 567: Ayes, 57. Nays, 0.

1 ACTING PRESIDENT STEWART-COUSINS:

2 The bill is passed.

3 Senator Smith, that concludes the
4 reading of the supplemental active list.

5 SENATOR SMITH: Yes, thank you,
6 Madam President.

7 Normally, Madam President, this
8 would be a time when we would make remarks
9 regarding the end of session for this year.
10 While we know this was an extraordinary year
11 for us, it is not over.

12 And I would say to my colleagues,
13 while I know you will be going home safely,
14 while we will be praying for each one of your
15 families, please note that there is much more
16 business for us to do. We will probably be
17 back in these chambers sometime between now
18 and the end of the year. And at that time
19 will be a time for the appropriate
20 end-of-session comments.

21 So please note that this is not the
22 end of session for this year. While we know
23 that this is the end during this summer, we
24 will be back sometime between now and the fall

1 to conduct some other business.

2 Is there any other further business
3 at the desk, Madam President?

4 I ask that the bills that are
5 remaining or that are outstanding on the
6 calendar be recommitted to the Committee on
7 Rules.

8 ACTING PRESIDENT STEWART-COUSINS:
9 Senator, the desk is clear. The outstanding
10 bills will be recommitted to the Committee on
11 Rules.

12 SENATOR SMITH: There being no
13 further business, I ask that we adjourn this
14 session at the call of the Temporary
15 President, intervening days to be legislative
16 days.

17 ACTING PRESIDENT STEWART-COUSINS:
18 The Senate is adjourned at the call of the
19 Temporary President, intervening days to be
20 legislative days.

21 (Whereupon, at 4:07 a.m., the
22 Senate adjourned.)

23

24