NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

July 16, 2009

12:56 p.m.

REGULAR SESSION

SENATOR DAVID J. VALESKY, Acting President

ANGELO J. APONTE, Secretary

P R O C E E D I N G S

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

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

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

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

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

ACTING PRESIDENT VALESKY: The reading of the Journal.

The Secretary will read.

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

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

Presentation of petitions.

Messages from the Assembly.

Messages from the Governor.

Reports of standing committees.

Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

Senator Klein.

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

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

ACTING PRESIDENT VALESKY: The motion is withdrawn.

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

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

SENATOR DeFRANCISCO: Lay it

aside.

ACTING PRESIDENT VALESKY: The bill is laid aside.

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

ACTING PRESIDENT VALESKY: Substitution ordered.

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

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, 56.

ACTING PRESIDENT VALESKY: The

bill is passed.

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

ACTING PRESIDENT VALESKY: Substitution ordered.

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

ACTING PRESIDENT VALESKY: Read the last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT VALESKY: The bill is passed.

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

ACTING PRESIDENT VALESKY: Read the last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT VALESKY: The bill is passed.

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

ACTING PRESIDENT VALESKY: Read the last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT VALESKY: Senator Foley, to explain his vote.

SENATOR FOLEY: Thank you, Mr. President.

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

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

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

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

Thank you, Mr. President.

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

Announce the results.

THE SECRETARY: Ayes, 56. Nays, 0.

ACTING PRESIDENT VALESKY: The bill is passed.

THE SECRETARY: Calendar Number 377, by --

SENATOR LIBOUS: Lay it aside.

ACTING PRESIDENT VALESKY: The bill is laid aside.

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

SENATOR LIBOUS: Lay it aside.

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

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

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

SENATOR LIBOUS: Lay it aside.

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

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

ACTING PRESIDENT VALESKY: Substitution ordered.

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

ACTING PRESIDENT VALESKY: Read the last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT VALESKY: The bill is passed.

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

ACTING PRESIDENT VALESKY: Substitution ordered.

SENATOR LIBOUS: Lay it aside.

ACTING PRESIDENT VALESKY: The bill is laid aside.

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

ACTING PRESIDENT VALESKY:

Substitution ordered.

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

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, 56.

ACTING PRESIDENT VALESKY: The bill is passed.

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

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, 55. Nays, 1. Senator Ranzenhofer recorded in the negative.

ACTING PRESIDENT VALESKY: The bill is passed.

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

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, 56.

ACTING PRESIDENT VALESKY: The bill is passed.

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

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

ACTING PRESIDENT VALESKY: Substitution ordered.

SENATOR LIBOUS: Lay the bill aside, please.

ACTING PRESIDENT VALESKY: The bill is laid aside.

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

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, 56.

ACTING PRESIDENT VALESKY: The bill is passed.

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

the Correction Law.

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, 55. Nays, 1. Senator Lanza recorded in the negative.

ACTING PRESIDENT VALESKY: The bill is passed.

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

ACTING PRESIDENT VALESKY: Substitution ordered.

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

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, 56.

ACTING PRESIDENT VALESKY: The bill is passed.

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

ACTING PRESIDENT VALESKY: Substitution ordered.

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

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, 56.

ACTING PRESIDENT VALESKY: The bill is passed.

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

ACTING PRESIDENT VALESKY: Substitution ordered.

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

ACTING PRESIDENT VALESKY: Read the last section.

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

November.

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT VALESKY: The bill is passed.

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

ACTING PRESIDENT VALESKY: Substitution ordered.

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

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, 56.

ACTING PRESIDENT VALESKY: The bill is passed.

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

ACTING PRESIDENT VALESKY: Substitution ordered.

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

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, 57.

ACTING PRESIDENT VALESKY: The bill is passed.

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

ACTING PRESIDENT VALESKY: Substitution ordered.

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

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, 57.

ACTING PRESIDENT VALESKY: The

bill is passed.

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

ACTING PRESIDENT VALESKY: Substitution ordered.

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

ACTING PRESIDENT VALESKY: Read the last section.

THE SECRETARY: Section 4. This act shall --

SENATOR DeFRANCISCO: Lay it aside.

ACTING PRESIDENT VALESKY: The bill is laid aside.

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

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

ACTING PRESIDENT VALESKY: Substitution ordered.

SENATOR LIBOUS: Lay it aside, please.

ACTING PRESIDENT VALESKY: The bill is laid aside.

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

ACTING PRESIDENT VALESKY: Substitution ordered.

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

ACTING PRESIDENT VALESKY: Read the last section.

THE SECRETARY: Section 3. This

act shall take effect on the 60th day.

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT VALESKY: The bill is passed.

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

ACTING PRESIDENT VALESKY: Substitution ordered.

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

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.)

ACTING PRESIDENT VALESKY:

Senator Marcellino, to explain his vote.

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

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

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

Text messaging is dangerous while

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

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

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

Announce the results.

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

ACTING PRESIDENT VALESKY: The bill is passed.

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

SENATOR LIBOUS: Lay it aside, please.

ACTING PRESIDENT VALESKY: The bill is laid aside.

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

ACTING PRESIDENT VALESKY: Substitution ordered.

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

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, 57.

ACTING PRESIDENT VALESKY: The bill is passed.

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

ACTING PRESIDENT VALESKY: Read the last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT VALESKY: The bill is passed.

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

ACTING PRESIDENT VALESKY: Substitution ordered.

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

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

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, 57.

ACTING PRESIDENT VALESKY: The bill is passed.

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

ACTING PRESIDENT VALESKY: Substitution ordered.

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

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.)

ACTING PRESIDENT VALESKY: Announce the results.

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

SENATOR ADAMS: Lay it aside for the day.

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

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

Third Reading Calendar 640.

ACTING PRESIDENT VALESKY: Substitution ordered.

SENATOR LIBOUS: Lay it aside, please.

ACTING PRESIDENT VALESKY: The bill is laid aside.

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

ACTING PRESIDENT VALESKY: Substitution ordered.

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

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, 57.

ACTING PRESIDENT VALESKY: The bill is passed.

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

ACTING PRESIDENT VALESKY: Read the last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

SENATOR HANNON: Lay it aside.

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

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

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

ACTING PRESIDENT VALESKY: Substitution ordered.

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

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.)

SENATOR DeFRANCISCO: Lay it aside, please.

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

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

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

ACTING PRESIDENT VALESKY: Substitution ordered.

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

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, 57.

ACTING PRESIDENT VALESKY: The bill is passed.

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

Third Reading Calendar 727.

ACTING PRESIDENT VALESKY: Substitution ordered.

SENATOR LIBOUS: Lay the bill aside.

ACTING PRESIDENT VALESKY: The bill is laid aside.

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

ACTING PRESIDENT VALESKY: Substitution ordered.

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

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, 57.

ACTING PRESIDENT VALESKY: The bill is passed.

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

ACTING PRESIDENT VALESKY: Substitution ordered.

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

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

Read the last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT VALESKY: The bill is passed.

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

ACTING PRESIDENT VALESKY: Substitution ordered.

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

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, 57.

ACTING PRESIDENT VALESKY: The bill is passed.

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

ACTING PRESIDENT VALESKY: Senator Liz Krueger.

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

ACTING PRESIDENT VALESKY: Calendar Number 730.

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

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

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

ACTING PRESIDENT VALESKY: Substitution ordered.

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

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

Read the last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT VALESKY: The bill is passed.

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

ACTING PRESIDENT VALESKY: Substitution ordered.

THE SECRETARY: Calendar Number

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

SENATOR DUANE: Lay it aside.

ACTING PRESIDENT VALESKY: The bill is laid aside.

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

ACTING PRESIDENT VALESKY: Substitution ordered.

THE SECRETARY: Calendar Number 733, by Member of the Assembly Tedisco, Assembly Print Number 3337A, 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, 56. Nays, 1. Senator Bonacic recorded in the negative.

ACTING PRESIDENT VALESKY: The bill is passed.

THE SECRETARY: In relation to Calendar Number 734, Senator C. Johnson moves to discharge, from the Committee on Rules, Assembly Bill Number 1544B and substitute it for the identical Senate Bill Number 1263B, Third Reading Calendar 734.

ACTING PRESIDENT VALESKY: Substitution ordered.

THE SECRETARY: Calendar Number 734, by Member of the Assembly Schimel, Assembly Print Number 1544B, an act to amend the Public Authorities Law.

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, 57.

ACTING PRESIDENT VALESKY: The bill is passed.

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

ACTING PRESIDENT VALESKY: Substitution ordered.

SENATOR LIBOUS: Lay it aside.

ACTING PRESIDENT VALESKY: The bill is laid aside.

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

ACTING PRESIDENT VALESKY: Substitution ordered.

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

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

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

Read the last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT VALESKY: The bill is passed.

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

ACTING PRESIDENT VALESKY: Substitution ordered.

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

the Town Law.

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, 57.

ACTING PRESIDENT VALESKY: The bill is passed.

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

SENATOR KLEIN: Lay it aside.

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

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

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

aside.

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

ACTING PRESIDENT VALESKY: Substitution ordered.

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

SENATOR KLEIN: Lay it aside.

ACTING PRESIDENT VALESKY: The bill is laid aside.

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

ACTING PRESIDENT VALESKY: Substitution ordered.

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

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

Read the last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT VALESKY: The bill is passed.

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

ACTING PRESIDENT VALESKY: Substitution ordered.

THE SECRETARY: Calendar Number

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

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, 57.

ACTING PRESIDENT VALESKY: The bill is passed.

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

ACTING PRESIDENT VALESKY: Substitution ordered.

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

the Criminal Procedure Law.

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, 57.

ACTING PRESIDENT VALESKY: The bill is passed.

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

ACTING PRESIDENT VALESKY: Substitution ordered.

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

ACTING PRESIDENT VALESKY: Read

the last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

SENATOR LANZA: Lay it aside.

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

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

ACTING PRESIDENT VALESKY: Substitution ordered.

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

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, 57.

ACTING PRESIDENT VALESKY: The bill is passed.

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

ACTING PRESIDENT VALESKY: Substitution ordered.

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

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

Read the last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT VALESKY: The bill is passed.

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

ACTING PRESIDENT VALESKY: Substitution ordered.

THE SECRETARY: Calendar Number 746, by Member of the Assembly Fitzpatrick, Assembly Print Number 8329, 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, 57.

ACTING PRESIDENT VALESKY: The bill is passed.

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

ACTING PRESIDENT VALESKY: Substitution ordered.

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

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, 57.

ACTING PRESIDENT VALESKY: The

bill is passed.

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

ACTING PRESIDENT VALESKY: Substitution ordered.

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

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, 55. Nays, 2. Senators Bonacic and Larkin recorded in the negative.

ACTING PRESIDENT VALESKY: The

bill is passed.

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

ACTING PRESIDENT VALESKY: Substitution ordered.

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

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, 55. Nays, 2. Senators Bonacic and Larkin recorded in the negative.

ACTING PRESIDENT VALESKY: The

bill is passed.

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

ACTING PRESIDENT VALESKY: Substitution ordered.

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

ACTING PRESIDENT VALESKY: Read the last section.

SENATOR DUANE: Lay it aside.

ACTING PRESIDENT VALESKY: The bill is laid aside.

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

ACTING PRESIDENT VALESKY:

Substitution ordered.

Senator Libous.

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

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

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

(Laughter.)

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

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

ACTING PRESIDENT VALESKY:

Substitution ordered, and the bill is laid aside.

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

ACTING PRESIDENT VALESKY: Substitution ordered.

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

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, 57.

ACTING PRESIDENT VALESKY: The bill is passed.

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

ACTING PRESIDENT VALESKY: Substitution ordered.

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

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, 57.

ACTING PRESIDENT VALESKY: The bill is passed.

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

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

ACTING PRESIDENT VALESKY: Substitution ordered.

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

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, 57.

ACTING PRESIDENT VALESKY: The bill is passed.

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

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

ACTING PRESIDENT VALESKY: Substitution ordered.

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

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

Read the last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT VALESKY: The bill is passed.

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

ACTING PRESIDENT VALESKY: Substitution ordered.

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

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 757, Senator Marcellino moves to discharge, from the Committee on Codes, Assembly Bill Number 3939 and substitute it for the identical Senate Bill Number 2940, Third Reading Calendar 757.

ACTING PRESIDENT VALESKY: Substitution ordered.

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

ACTING PRESIDENT VALESKY: Read the last section.

SENATOR DUANE: Lay it aside.

ACTING PRESIDENT VALESKY: The bill is laid aside.

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

ACTING PRESIDENT VALESKY: Substitution ordered.

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

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. And there was a home-rule message at the desk on that bill.

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

ACTING PRESIDENT VALESKY: Substitution ordered.

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

ACTING PRESIDENT VALESKY: Read the last section.

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

November.

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT VALESKY: The bill is passed.

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

ACTING PRESIDENT VALESKY: Substitution ordered.

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

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, 56. Nays, 2. Senators Duane and L. Krueger recorded in the negative.

ACTING PRESIDENT VALESKY: The bill is passed.

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

ACTING PRESIDENT VALESKY: Substitution ordered.

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

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 762, Senator Hannon moves to discharge, from the Committee on Rules, Assembly Bill Number 8339A and substitute it for the identical Senate Bill Number 3434A, Third Reading Calendar 762.

ACTING PRESIDENT VALESKY: Substitution ordered.

THE SECRETARY: Calendar Number 762, by Member of the Assembly McKevitt, Assembly Print Number 8339A, 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, 57. Nays, 1. Senator Bonacic recorded in the negative.

ACTING PRESIDENT VALESKY: The bill is passed.

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

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

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

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

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

THE SECRETARY: In relation to

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

SENATOR HASSELL-THOMPSON: Lay it aside.

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

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

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

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

ACTING PRESIDENT VALESKY: Substitution ordered.

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

SENATOR DUANE: Lay it aside, please.

ACTING PRESIDENT VALESKY: The bill is laid aside.

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

ACTING PRESIDENT VALESKY: Substitution ordered.

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

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 767, Senator Oppenheimer moves to discharge, from the Committee on Rules, Assembly Bill Number 6153A and substitute it for the identical Senate Bill Number 3631A, Third Reading Calendar 767.

ACTING PRESIDENT VALESKY: Substitution ordered.

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

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

Read the last section.

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

ACTING PRESIDENT 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 768, Senator Foley moves to discharge, from the Committee on Rules, Assembly Bill Number 7148 and substitute it for the identical Senate Bill Number 3643, Third Reading Calendar 768.

ACTING PRESIDENT VALESKY: Substitution ordered.

THE SECRETARY: Calendar Number 768, by Member of the Assembly Eddington, Assembly Print Number 7148, 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, 56. Nays, 2. Senators Bonacic and Larkin recorded in the negative.

ACTING PRESIDENT VALESKY: The bill is passed.

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

ACTING PRESIDENT VALESKY: Substitution ordered.

THE SECRETARY: Calendar Number 769, by Member of the Assembly Conte, Assembly Print Number 7201A, 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, 56. Nays, 2. Senators Bonacic and Larkin recorded in the negative.

ACTING PRESIDENT VALESKY: The bill is passed.

THE SECRETARY: In relation to

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

ACTING PRESIDENT VALESKY: Substitution ordered.

THE SECRETARY: Calendar Number 770, by Member of the Assembly Jaffee, Assembly Print Number 7220, 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, 56. Nays, 2. Senators Bonacic and Larkin recorded in the negative.

ACTING PRESIDENT VALESKY: The bill is passed.

THE SECRETARY: In relation to

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

ACTING PRESIDENT VALESKY: Substitution ordered.

THE SECRETARY: Calendar Number 771, by Member of the Assembly Jaffee, Assembly Print Number 6473, 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, 56. Nays, 2. Senators Bonacic and Larkin recorded in the negative.

ACTING PRESIDENT VALESKY: The bill is passed.

THE SECRETARY: In relation to

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

ACTING PRESIDENT VALESKY: Substitution ordered.

THE SECRETARY: Calendar Number 772, by Member of the Assembly Jaffee, Assembly Print Number 6472A, 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, 56. Nays, 2. Senators Bonacic and Larkin recorded in the negative.

ACTING PRESIDENT VALESKY: The bill is passed.

THE SECRETARY: In relation to

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

ACTING PRESIDENT VALESKY: Substitution ordered.

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

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 774, Senator Bonacic moves to discharge, from the Committee on Environmental

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

ACTING PRESIDENT VALESKY: Substitution ordered.

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

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 775, Senator Valesky moves to discharge, from the Committee on Rules, Assembly Bill Number 7420A and substitute it for the identical Senate Bill Number 3812A,

Third Reading Calendar 775.

ACTING PRESIDENT VALESKY: Substitution ordered.

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

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

Read the last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

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

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

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

privacy in what they do.

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

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

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

For those reasons, I vote no.

ACTING PRESIDENT VALESKY: Senator DeFrancisco to be recorded in the

negative.

Announce the results.

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

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

ACTING PRESIDENT VALESKY: The bill is passed.

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

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

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 776, Senator C. Johnson moves to discharge, from the Committee on Local Government, Assembly Print Number 7664 and substitute it for the identical Senate Bill Number 3822, Third Reading Calendar 776.

ACTING PRESIDENT VALESKY: Substitution ordered.

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

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 777, Senator Sampson moves to discharge, from the Committee on Rules, Assembly Bill Number 7260 and substitute it for the identical Senate Bill Number 4088, Third Reading Calendar 777.

ACTING PRESIDENT VALESKY: Substitution ordered.

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

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 778, Senator Winner moves to discharge, from the Committee on Rules, Assembly Bill Number 7509 and substitute it for the identical Senate Bill Number 4127, Third Reading Calendar 778.

ACTING PRESIDENT VALESKY: Substitution ordered.

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

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, 56. Nays, 2. Senators Duane and Serrano recorded in the negative.

ACTING PRESIDENT VALESKY: The bill is passed.

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

ACTING PRESIDENT VALESKY: Substitution ordered.

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

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 780, Senator Ranzenhofer moves to discharge, from the Committee on Rules, Assembly Bill Number 7019A and substitute it for the identical Senate Bill Number 4304, Third Reading Calendar 780.

ACTING PRESIDENT VALESKY: Substitution ordered.

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

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

Read the last section.

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

ACTING PRESIDENT 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 781, Senator Stewart-Cousins moves to discharge, from the Committee on Rules, Assembly Bill Number 5493A and substitute it for the identical Senate Bill Number 4392A, Third Reading Calendar 781.

ACTING PRESIDENT VALESKY: Substitution ordered.

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

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

Read the last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT VALESKY: The

bill is passed.

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

ACTING PRESIDENT VALESKY: Substitution ordered.

THE SECRETARY: Calendar Number 782, by Member of the Assembly Ramos, Assembly Print Number 8674, 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, 56. Nays, 2. Senators Bonacic and Larkin recorded in the negative.

ACTING PRESIDENT VALESKY: The bill is passed.

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

ACTING PRESIDENT VALESKY: Substitution ordered.

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

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

Read the last section.

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

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

ACTING PRESIDENT VALESKY: Substitution ordered.

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

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

Read the last section.

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

ACTING PRESIDENT 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 785, Senator Parker moves to

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

ACTING PRESIDENT VALESKY: Substitution ordered.

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

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 786, Senator Bonacic moves to discharge, from the Committee on Local Government, Assembly Print Number 7185A and

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

ACTING PRESIDENT VALESKY: Substitution ordered.

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

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 787, Senator O. Johnson moves to discharge, from the Committee on Rules, Assembly Bill Number 7893A and substitute it for the identical Senate Bill Number 4849A, Third Reading Calendar 787.

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.

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

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

Read the last section.

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

ACTING PRESIDENT 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 789, Senator Bonacic moves to discharge, from the Committee on Rules, Assembly Bill Number 8186A and substitute it for the identical Senate Bill Number 4911, Third Reading Calendar 789.

ACTING PRESIDENT VALESKY: Substitution ordered.

THE SECRETARY: Calendar Number

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

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 790, Senator Oppenheimer moves to discharge, from the Committee on Local Government, Assembly Print Number 3173 and substitute it for the identical Senate Bill Number 4946, Third Reading Calendar 790.

ACTING PRESIDENT VALESKY: Substitution ordered.

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

SENATOR BONACIC: Lay it aside.

ACTING PRESIDENT VALESKY: The bill is laid aside.

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

ACTING PRESIDENT VALESKY: Substitution ordered.

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

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

Read the last section.

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

ACTING PRESIDENT 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 792, Senator Foley moves to --

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

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

ACTING PRESIDENT VALESKY: The bill is passed.

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

ACTING PRESIDENT VALESKY: Substitution ordered.

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

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, 56. Nays, 2. Senators Bonacic and Larkin recorded in the negative.

ACTING PRESIDENT VALESKY: The bill is passed.

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

ACTING PRESIDENT VALESKY: Substitution ordered.

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

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 794, Senator Morahan moves to discharge, from the Committee on Rules, Assembly Print Number 2756A and substitute it for the identical Senate Bill Number 5158A, Third Reading Calendar 794.

ACTING PRESIDENT VALESKY: Substitution ordered.

THE SECRETARY: Calendar Number 794, by Member of the Assembly Rabbitt, Assembly Print Number 2756A, 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, 57. Nays, 1. Senator Bonacic recorded in the negative.

ACTING PRESIDENT VALESKY: The bill is passed.

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

ACTING PRESIDENT VALESKY: Substitution ordered.

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

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, 57. Nays, 1. Senator Duane recorded in the negative.

ACTING PRESIDENT VALESKY: The bill is passed.

THE SECRETARY: In relation to Calendar Number 796, Senator Winner moves to discharge, from the Committee on Rules, Assembly Bill Number 8019A and substitute it for the identical Senate Bill Number 5304A, Third Reading Calendar 796.

ACTING PRESIDENT VALESKY: Substitution ordered.

THE SECRETARY: Calendar Number 796, by Member of the Assembly O'Mara, Assembly Print Number 8019A, an act to authorize.

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

Read the last section.

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

ACTING PRESIDENT 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 797, Senator Morahan moves to discharge, from the Committee on Rules, Assembly Bill Number 7579A and substitute it for the identical Senate Bill Number 5309A, Third Reading Calendar 797.

ACTING PRESIDENT VALESKY: Substitution ordered.

THE SECRETARY: Calendar Number 797, by Member of the Assembly Jaffee, Assembly Print Number 7579A, 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 798, Senator Morahan moves to discharge, from the Committee on Rules, Assembly Print Number 7580A and substitute it for the identical Senate Print Number 5322A, Third Reading Calendar 798.

ACTING PRESIDENT VALESKY: Substitution ordered.

THE SECRETARY: Calendar Number 798, by Member of the Assembly Jaffee, Assembly Print Number 7580A, 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, 57. Nays,

1. Senator Bonacic recorded in the negative.

ACTING PRESIDENT VALESKY: The bill is passed.

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

ACTING PRESIDENT VALESKY: Substitution ordered.

THE SECRETARY: Calendar Number 799, by Member of the Assembly Rabbitt, Assembly Print Number 2757, 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, 57. Nays, 1. Senator Bonacic recorded in the negative.

ACTING PRESIDENT VALESKY: The bill is passed.

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

ACTING PRESIDENT VALESKY: Substitution ordered.

THE SECRETARY: Calendar Number 800, by Member of the Assembly Rabbitt, Assembly Print Number 7751A, 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, 57. Nays, 1. Senator Bonacic recorded in the negative.

ACTING PRESIDENT VALESKY: The

bill is passed.

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

ACTING PRESIDENT VALESKY: Substitution ordered.

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

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, 57. Nays, 1. Senator Bonacic recorded in the negative.

ACTING PRESIDENT VALESKY: The bill is passed.

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

ACTING PRESIDENT VALESKY: Substitution ordered.

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

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 804, Senator Volker moves to

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

ACTING PRESIDENT VALESKY: Substitution ordered.

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

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 805, Senator Libous moves to discharge, from the Committee on Rules, Assembly Bill Number 8020A and substitute it

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

ACTING PRESIDENT VALESKY: Substitution ordered.

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

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

Read the last section.

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

ACTING PRESIDENT 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 806, Senator Valesky moves to discharge, from the Committee on Rules, Assembly Bill Number 8017 and substitute it for the identical Senate Bill Number 5405,

Third Reading Calendar 806.

ACTING PRESIDENT VALESKY: Substitution ordered.

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

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 807, Senator Klein moves to discharge, from the Committee on Rules, Assembly Bill Number 8114A and substitute it for the identical Senate Bill Number 5436A, Third Reading Calendar 807.

ACTING PRESIDENT VALESKY:

Substitution ordered.

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

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 808, Senator Addabbo moves to discharge, from the Committee on Rules, Assembly Bill Number 5651A and substitute it for the identical Senate Bill Number 5443A, Third Reading Calendar 808.

ACTING PRESIDENT VALESKY: Substitution ordered.

THE SECRETARY: Calendar Number

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

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

Read the last section.

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

ACTING PRESIDENT 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 809, Senator Duane moves to discharge, from the Committee on Rules, Assembly Bill Number 8573 and substitute it for the identical Senate Bill Number 5450, Third Reading Calendar 809.

ACTING PRESIDENT VALESKY: Substitution ordered.

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

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

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 810, Senator Larkin moves to discharge, from the Committee on Rules, Assembly Bill Number 8272 and substitute it for the identical Senate Bill Number 5458, Third Reading Calendar 810.

ACTING PRESIDENT VALESKY: Substitution ordered.

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

authorize.

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

Read the last section.

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

ACTING PRESIDENT 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 811, Senator Libous moves to discharge, from the Committee on Rules, Assembly Bill Number 8286 and substitute it for the identical Senate Bill Number 5490, Third Reading Calendar 811.

ACTING PRESIDENT VALESKY: Substitution ordered.

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

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

Read the last section.

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

ACTING PRESIDENT 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 812, Senator DeFrancisco moves to discharge, from the Committee on Rules, Assembly Bill Number 8379A and substitute it for the identical Senate Bill Number 5506A, Third Reading Calendar 812.

ACTING PRESIDENT VALESKY: Substitution ordered.

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

ACTING PRESIDENT VALESKY: There

is a home-rule message at the desk.

Read the last section.

SENATOR DUANE: Lay it aside.

ACTING PRESIDENT VALESKY: The bill is laid aside.

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

ACTING PRESIDENT VALESKY: Substitution ordered.

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

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 814, Senator Farley moves to discharge, from the Committee on Rules, Assembly Bill Number 8354 and substitute it for the identical Senate Bill Number 5555, Third Reading Calendar 814.

ACTING PRESIDENT VALESKY: Substitution ordered.

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

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 815, Senator Fuschillo moves to discharge, from the Committee on Rules, Assembly Bill Number 8356 and substitute it for the identical Senate Bill Number 5556, Third Reading Calendar 815.

ACTING PRESIDENT VALESKY: Substitution ordered.

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

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

ACTING PRESIDENT VALESKY: Substitution ordered.

THE SECRETARY: Calendar Number 816, by Member of the Assembly Lupardo, Assembly Print Number 8370, 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 817, Senator Larkin moves to discharge, from the Committee on Rules,

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

ACTING PRESIDENT VALESKY: Substitution ordered.

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

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

Read the last section.

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

ACTING PRESIDENT 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 818, Senator McDonald moves to discharge, from the Committee on Rules, Assembly Print Number 8588 and substitute it

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

SENATOR MONTGOMERY: Lay it aside.

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

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

ACTING PRESIDENT VALESKY: Substitution ordered.

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

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

Read the last section.

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

ACTING PRESIDENT 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 820, Senator Larkin moves to discharge, from the Committee on Rules, Assembly Bill Number 8669 and substitute it for the identical Senate Bill Number 5703, Third Reading Calendar 820.

ACTING PRESIDENT VALESKY: Substitution ordered.

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

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 821, Senator Oppenheimer moves to discharge, from the Committee on Rules, Assembly Bill Number 8580 and substitute it for the identical Senate Bill Number 5713, Third Reading Calendar 821.

ACTING PRESIDENT VALESKY: Substitution ordered.

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

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

Read the last section.

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

ACTING PRESIDENT 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 822, Senator Oppenheimer moves to discharge, from the Committee on Rules, Assembly Bill Number 8637 and substitute it for the identical Senate Bill Number 5730, Third Reading Calendar 822.

ACTING PRESIDENT VALESKY: Substitution ordered.

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

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, 57. Nays, 1. Senator Duane recorded in the negative.

ACTING PRESIDENT VALESKY: The bill is passed.

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

ACTING PRESIDENT VALESKY: Substitution ordered.

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

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

Read the last section.

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

ACTING PRESIDENT 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 825, Senator Valesky moves to discharge, from the Committee on Commerce, Economic Development and Small Business, Assembly Print Number 7368 and substitute it for the identical Senate Bill Number 5749, Third Reading Calendar 825.

ACTING PRESIDENT VALESKY: Substitution ordered.

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

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: In relation to Calendar Number 825: Ayes, 57. Nays, 1. Senator Dilan recorded in the negative.

ACTING PRESIDENT VALESKY: The bill is passed.

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

ACTING PRESIDENT VALESKY: Substitution ordered.

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

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 827, Senator Leibell moves to discharge, from the Committee on Rules, Assembly Bill Number 8097 and substitute it for the identical Senate Bill Number 5763, Third Reading Calendar 827.

ACTING PRESIDENT VALESKY: Substitution ordered.

THE SECRETARY: Calendar Number 827, by Member of the Assembly Galef, Assembly Print Number 8097, 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, 57. Nays, 1. Senator Bonacic recorded in the negative.

ACTING PRESIDENT VALESKY: The bill is passed.

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

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

ACTING PRESIDENT VALESKY: Substitution ordered.

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

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 829, Senator Little moves to discharge, from the Committee on Rules, Assembly Bill Number 8725 and substitute it

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

ACTING PRESIDENT VALESKY: Substitution ordered.

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

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, 57. Nays, 1. Senator Dilan recorded in the negative.

ACTING PRESIDENT VALESKY: The bill is passed.

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

Third Reading Calendar 830.

ACTING PRESIDENT VALESKY: Substitution ordered.

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

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 831, Senator Libous moves to discharge, from the Committee on Rules, Assembly Bill Number 8774 and substitute it for the identical Senate Bill Number 5816, Third Reading Calendar 831.

ACTING PRESIDENT VALESKY:

Substitution ordered.

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

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

Read the last section.

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

ACTING PRESIDENT 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 832, Senator Bonacic moves to discharge, from the Committee on Rules, Assembly Bill Number 8767A and substitute it for the identical Senate Bill Number 5828A, Third Reading Calendar 832.

ACTING PRESIDENT VALESKY: Substitution ordered.

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

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.)

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

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

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

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

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

The Secretary will announce the results.

THE SECRETARY: Ayes, 58. Nays, 0.

ACTING PRESIDENT VALESKY: The bill is passed.

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

ACTING PRESIDENT VALESKY: Substitution ordered.

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

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 834, Senator Farley moves to discharge, from the Committee on Rules, Assembly Bill Number 4421A and substitute it for the identical Senate Bill Number 5840, Reading Calendar 834.

ACTING PRESIDENT VALESKY: Substitution ordered.

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

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

Read the last section.

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

ACTING PRESIDENT 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 835, Senator Libous moves to discharge, from the Committee on Rules, Assembly Bill Number 8890 and substitute it for the identical Senate Bill Number 5867A, Third Reading Calendar 835.

ACTING PRESIDENT VALESKY: Substitution ordered.

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

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 836, Senator LaValle moves to discharge, from the Committee on Rules, Assembly Print Number 8368A and substitute it for the identical Senate Bill Number 5899, Third Reading Calendar 836.

ACTING PRESIDENT VALESKY: Substitution ordered.

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

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

ACTING PRESIDENT VALESKY: Substitution ordered.

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

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 838, Senator Morahan moves to discharge, from the Committee on Rules,

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

ACTING PRESIDENT VALESKY: Substitution ordered.

THE SECRETARY: Calendar Number 838, by Member of the Assembly Rabbitt, Assembly Print Number 7773A, 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, 57. Nays, 1. Senator Bonacic recorded in the negative.

ACTING PRESIDENT VALESKY: The bill is passed.

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

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

ACTING PRESIDENT VALESKY: Substitution ordered.

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

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, 57. Nays, 1. Senator Bonacic recorded in the negative.

ACTING PRESIDENT VALESKY: The bill is passed.

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

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 841, Senator Aubertine moves to discharge, from the Committee on Rules, Assembly Bill Number 8967 and substitute it for the identical Senate Bill Number 5951, Third Reading Calendar 841.

ACTING PRESIDENT VALESKY: Substitution ordered.

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

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

Read the last section.

THE SECRETARY: Section 2. This

act shall take effect immediately.

ACTING PRESIDENT 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 842 --

SENATOR YOUNG: Lay it aside.

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

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

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

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

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

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

ACTING PRESIDENT VALESKY: Read the last section.

THE SECRETARY: Section 3. 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.

Senator Klein.

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

ACTING PRESIDENT VALESKY: That

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

ACTING PRESIDENT STEWART-COUSINS: Senator Klein.

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

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

The Secretary will read.

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

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

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

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

ACTING PRESIDENT STEWART-COUSINS: Read the last section.

SENATOR LIBOUS: Explanation.

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

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

The Secretary will read.

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

ACTING PRESIDENT STEWART-COUSINS: Read the last section.

SENATOR LIBOUS: Explanation, please.

ACTING PRESIDENT STEWART-COUSINS: An explanation has been requested.

SENATOR LIZ KRUEGER: Thank you, Madam President.

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

SENATOR LIBOUS: Madam President.

ACTING PRESIDENT STEWART-COUSINS: Senator Libous.

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

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

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

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

ACTING PRESIDENT STEWART-COUSINS: Senator Krueger.

SENATOR LIZ KRUEGER: Thank you, Madam President.

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

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

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

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

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

ACTING PRESIDENT STEWART-COUSINS: Thank you, Senator.

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

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

Read the last section.

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

ACTING PRESIDENT STEWART-COUSINS: Call the roll.

(The Secretary called the roll.)

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

SENATOR LIZ KRUEGER: Thank you very much.

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

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

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

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

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

Thank you, Madam President.

ACTING PRESIDENT STEWART-COUSINS: Senator Klein.

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

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

The Secretary will read.

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

ACTING PRESIDENT STEWART-COUSINS: Read the last section.

SENATOR LIBOUS: Explanation.

ACTING PRESIDENT STEWART-COUSINS: An explanation has been requested, Senator Savino.

SENATOR SAVINO: Thank you, Madam President.

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

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

ACTING PRESIDENT STEWART-COUSINS: Again, order, please, so we can hear the explanation.

SENATOR SAVINO: Thank you, Madam President.

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

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

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

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

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

In response to that, over the years

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

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

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

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

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

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

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

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

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

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

Thank you.

ACTING PRESIDENT STEWART-COUSINS: Thank you, Senator.

Senator Hannon.

SENATOR HANNON: On the bill, Madam President.

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

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

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

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

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

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

ACTING PRESIDENT STEWART-COUSINS:

Thank you, Senator.

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

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

Read the last section.

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

ACTING PRESIDENT STEWART-COUSINS: Call the roll.

(The Secretary called the roll.)

SENATOR SAVINO: Madam President.

ACTING PRESIDENT STEWART-COUSINS: Senator Savino.

SENATOR SAVINO: Thank you, Madam President.

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

Thank you.

ACTING PRESIDENT STEWART-COUSINS: The roll call will be withdrawn, and the bill is laid aside for the day.

The Secretary will read.

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

ACTING PRESIDENT STEWART-COUSINS: Read the last section.

SENATOR DeFRANCISCO: Explanation.

ACTING PRESIDENT STEWART-COUSINS: An explanation has been requested, Senator Stachowski.

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

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

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

ACTING PRESIDENT STEWART-COUSINS: Thank you, Senator.

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

Hearing none, the debate is closed.

The Secretary will ring the bells.

Read the last section.

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

ACTING PRESIDENT STEWART-COUSINS: Call the roll.

(The Secretary called the roll.)

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

Again, please, let's be courteous

to each other.

Senator DeFrancisco.

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

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

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

Thank you.

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

Announce the results.

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

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

Ayes, 48. Nays, 9.

ACTING PRESIDENT STEWART-COUSINS: The bill is passed.

The Secretary will continue to read.

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

SENATOR DeFRANCISCO: Explanation.

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

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

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

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

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

ACTING PRESIDENT STEWART-COUSINS: Thank you, Senator.

Senator DeFrancisco, why do you rise?

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

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

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

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

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

with the property to make it viable.

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

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

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

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

Senator Padavan.

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

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

SENATOR VALESKY: Certainly.

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

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

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

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

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

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

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

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

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

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

SENATOR VALESKY: Yes.

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

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

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

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

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

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

But the fact remains unless you

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

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

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

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

Senator Maziarz.

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

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

(Laughter.)

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

Any other Senators wishing to be heard on the bill?

Hearing none, the debate is closed.

The Secretary will please ring the bell.

Read the last section.

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

ACTING PRESIDENT STEWART-COUSINS: Call the roll.

(The Secretary called the roll.)

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

SENATOR DeFRANCISCO: Yes. I'm voting no.

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

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

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

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

So I vote no.

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

Announce the results.

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

Senators DeFrancisco, Flanagan, Golden, and Skelos.

Absent from voting, Senators Diaz and Padavan.

Ayes, 53. Nays, 4.

ACTING PRESIDENT STEWART-COUSINS: The bill is passed.

The Secretary will continue to read.

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

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

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

The Secretary will continue to read.

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

SENATOR SALAND: Explanation.

ACTING PRESIDENT STEWART-COUSINS:

An explanation has been requested, Senator Sampson.

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

ACTING PRESIDENT STEWART-COUSINS: Senator Saland.

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

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

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

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

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

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

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

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

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

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

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

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

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

ACTING PRESIDENT STEWART-COUSINS: Thank you, Senator.

Senator Saland.

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

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

SENATOR SALAND: Yes, Madam President.

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

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

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

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

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

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

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

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

SENATOR SAMPSON: Yes.

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

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

currently doing this?

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

SENATOR SALAND: If the Senator will continue to yield.

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

SENATOR SAMPSON: Certainly.

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

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

SENATOR SALAND: In Manhattan?

SENATOR SAMPSON: Yes.

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

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

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

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

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

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

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

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

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

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

SENATOR SAMPSON: Yes, through you, Madam President.

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

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

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

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

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

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

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

SENATOR SAMPSON: And your question is?

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

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

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

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

SENATOR SAMPSON: Definitely,

yes.

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

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

SENATOR SALAND: And --

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

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

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

SENATOR SAMPSON: Yes, I do.

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

SENATOR SAMPSON: Yes, it is.

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

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

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

SENATOR SALAND: Well, thank you.

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

ACTING PRESIDENT STEWART-COUSINS:

Senator Sampson, do you yield?

SENATOR SAMPSON: Oh, definitely. Definitely.

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

SENATOR SAMPSON: Through you, Madam President.

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

SENATOR SALAND: Thank you, Senator Sampson.

On the bill, Madam President.

ACTING PRESIDENT STEWART-COUSINS:

Senator Saland, on the bill.

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

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

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

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

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

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

themselves of this type of service.

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

ACTING PRESIDENT STEWART-COUSINS: Thank you, Senator.

Senator LaValle.

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

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

SENATOR SAMPSON: Oh, yes.

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

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

SENATOR SAMPSON: Excuse me,

Madam President. I can't hear Senator LaValle.

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

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

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

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

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

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

SENATOR SAMPSON: Yes.

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

SENATOR SAMPSON: Correct.

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

Thank you, Senator Sampson.

SENATOR SAMPSON: Thank you very much.

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

Hearing none, the debate is closed.

The Secretary will please ring the bells.

Read the last section.

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

ACTING PRESIDENT STEWART-COUSINS:

Call the roll.

(The Secretary called the roll.)

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

Ayes, 54. Nays, 3.

ACTING PRESIDENT STEWART-COUSINS: The bill is passed.

The Secretary will continue to read.

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

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

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

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

SENATOR DeFRANCISCO: Explanation.

ACTING PRESIDENT STEWART-COUSINS: An explanation has been requested, Senator Addabbo.

SENATOR ADDABBO: Yes, thank you, Madam President.

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

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

ACTING PRESIDENT STEWART-COUSINS: Thank you, Senator.

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

Hearing none, the debate is closed.

The Secretary will ring the bell.

Read the last section.

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

ACTING PRESIDENT STEWART-COUSINS: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57. Nays, 0.

ACTING PRESIDENT STEWART-COUSINS: The bill is passed.

The Secretary will continue to read.

THE SECRETARY: Calendar Number 645, substituted earlier by Member of the Assembly Weprin, Assembly Print Number 8131, an act to amend the Tax Law.

SENATOR DeFRANCISCO: Read the last section.

ACTING PRESIDENT STEWART-COUSINS: Read the last section.

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

ACTING PRESIDENT STEWART-COUSINS: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT STEWART-COUSINS: Announce the results.

THE SECRETARY: Ayes, 57. Nays, 0.

ACTING PRESIDENT STEWART-COUSINS: The bill is passed.

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

SENATOR LIBOUS: Explanation, please.

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

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

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

The Secretary will continue to read.

THE SECRETARY: Calendar Number 732, substituted earlier by Member of the Assembly Calhoun, Assembly Print Number 2534, an act to amend the Criminal Procedure Law.

ACTING PRESIDENT STEWART-COUSINS: Read the last section.

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

ACTING PRESIDENT STEWART-COUSINS: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT STEWART-COUSINS: Announce the results.

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT STEWART-COUSINS: The bill is passed.

The Secretary will continue to read.

THE SECRETARY: Calendar Number 735, substituted earlier today by Member of

the Assembly Kellner, Assembly Print Number 3949, an act to amend the Real Property Tax Law.

SENATOR LIBOUS: Explanation.

SENATOR SERRANO: Lay the bill aside for the day.

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

The Secretary will continue to read.

THE SECRETARY: Calendar Number 738, substituted earlier by Member of the Assembly Thiele, Assembly Print Number 4632A, an act to amend the Criminal Procedure Law.

ACTING PRESIDENT STEWART-COUSINS: Read the last section.

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

ACTING PRESIDENT STEWART-COUSINS: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT STEWART-COUSINS: Announce the results.

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT STEWART-COUSINS: The bill is passed.

The Secretary will continue to read.

THE SECRETARY: Calendar Number 739, substituted earlier today by Member of the Assembly Thiele, Assembly Print Number 4633A, an act to amend the Criminal Procedure Law.

ACTING PRESIDENT STEWART-COUSINS: Read the last section.

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

ACTING PRESIDENT STEWART-COUSINS: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT STEWART-COUSINS: Announce the results.

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT STEWART-COUSINS: The bill is passed.

The Secretary will continue to read.

THE SECRETARY: Calendar Number

743, substituted earlier today by Member of the Assembly Millman, Assembly Print Number 5328, an act in relation to allowing.

SENATOR LANZA: Explanation.

ACTING PRESIDENT STEWART-COUSINS: An explanation is requested, Senator Montgomery.

SENATOR MONTGOMERY: Yes, thank you, Madam President.

I first want to acknowledge that I know that Senator Golden has tried on this legislation, and this time around I'm trying as well.

This is for a bill that is specifically to rectify a situation on behalf of the Honorable Justice Reichbach, who, on behalf of the United Nations, spent six months in Kosovo in 2003 and early 2004. And after having been there for two months, apparently as of August 2003 he became on unpaid leave for the State of New York.

He sought and received an opinion -- prior to leaving the U.S., he received an opinion in writing from the State

Comptroller's office indicating that he would be eligible for pension while he was serving in Kosovo. However, about two months after he had gone to Kosovo, he received another letter from the Comptroller stating that they had made an error in determining his eligibility and therefore he would not be eligible to continue his retirement. This bill seeks to rectify that situation on behalf of Judge Reichbach.

And I might add, Madam President, that the reason that he was in Kosovo was to serve as a judge on behalf of the United Nations War Crimes Tribunal. So I believe that it is only fair for this body to consider justice on behalf of the Honorable Justice Reichbach, because he served on behalf of his country at a time when he was needed.

He did receive authorization to continue his state retirement eligibility. However, it was rescinded, and he's now seeking for us to allow him to count those four months that he went off of the state retirement plan.

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

Senator Lanza.

SENATOR LANZA: Yes, Madam President. Would the sponsor yield to a series of questions?

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

SENATOR MONTGOMERY: Yes.

SENATOR LANZA: Through you, Madam President, I understand what Senator Montgomery is trying to accomplish through this legislation. But I have some questions with respect to some of the facts.

As I understand it, this judge, judge of the State of New York, left the bench and became employed by the United Nations overseas in 2003, in Kosovo. Prior to leaving, he received an opinion from the State Comptroller that he would receive pension credit for the time that he served or worked for, I should say, the United Nations, and that the judge relied upon that opinion in making his decision to leave the bench and to

become employed by the United Nations.

And so I understand that if those were the facts, that the intent of this legislation is to -- and then that he received a subsequent letter from the Comptroller saying that in fact that would not be the case, but that nevertheless the judge relied on that first opinion, went to Kosovo, left the bench.

And so I could understand that if this were a mistake that was made by the Comptroller and that in fact the judge relied upon that mistake and left the bench, worked for the United Nations, that perhaps there's something that we should do to make the judge whole.

I want to also point out, first, that for the first two months that the judge was in Kosovo he was paid by the State of New York, utilizing vacation time, and that in the remaining five months he was paid by the United Nations.

Here's the question of fact that I have. The letter that was issued by the State

Comptroller indicating that the judge would receive pension credit was written on June 16th in 2003, prior to him leaving and taking on this new employment. It was stated as a justification for this legislation that months later the Comptroller reversed his decision, but that it was too late and that the judge was already there.

I have a copy of that letter in which the State Comptroller reversed its first decision. That letter was written a week later. It was written one week after the first letter was written -- and, in fact, before the judge left the bench and took the job with the United Nations.

So in fact it seems to me, based on the facts, that the judge was not relying on the first letter because that first letter and the decision therein had already been rescinded.

So I ask the sponsor whether or not my statement of the facts is accurate and that in fact one week after the first letter was written, a second letter was already written

by the State Comptroller.

SENATOR MONTGOMERY: The question I believe that you're asking is why the judge states that it was two months after or it was sometime after he was already in Kosovo?

SENATOR LANZA: Let me clarify, through you, Madam President.

What I'm saying is I guess the gist of this legislation is whether or not we should make whole this judge who may have relied on an incorrect opinion from the State Comptroller. But that letter was written on June 16, 2003.

The letter rescinding that opinion was written one week later, prior to the judge leaving the bench and employing himself with the United Nations.

So I guess my question is, under those facts, was the judge really relying on that incorrect decision?

SENATOR MONTGOMERY: Through you, Madam President, I am relying on the statement from the judge himself, and he clearly states that about a month after he arrived in Kosovo

he received the communication from the Comptroller rescinding the decision in the first letter.

So I can't believe -- although how would I know -- but I would certainly rely on the judge to be telling the truth. Perhaps the letter went to an address in the U.S. and it took some time for it to actually get to him. However, this is what he says. It was a month after he received the first letter.

And I don't believe the judge would be lying and put it in writing, Madam President.

SENATOR LANZA: Madam President, will Senator Montgomery continue to yield.

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

SENATOR MONTGOMERY: Yes, I will.

SENATOR LANZA: Thank you, Senator Montgomery. And through you, Madam President.

Senator Montgomery, I have a letter that was written by then-State Comptroller Alan Hevesi. This letter was provided me by

your office. This letter was written to the judge in question. The letter was written on June 23, 2003, prior to the time that the judge went to work for the United Nations. The letter is addressed to the judge, and the address to which it was sent was the Supreme Court at 120 Schermerhorn Street in Brooklyn.

And so I guess my question to you is, given that fact, should we be making an exception here and doing something that we would not do, for instance, for someone who was employed by the state and then went to work for the federal government?

And given the question of fact here, shouldn't we withdraw this piece of legislation and make sure that we do have the facts correctly here?

SENATOR MONTGOMERY: Through you, Madam President, I think in this particular case -- ordinarily, Senator Lanza, I would perhaps certainly agree. But in this particular case we have a situation where this judge went to another country, but he wasn't on vacation, as you have implied, but rather

he was serving on behalf of the United States as a -- I'm using the phrase guest justice in a situation that was extremely important, I believe, as it relates to the U.S.'s own interest and mission.

And therefore, I think that it's a humanitarian act on our part to allow him to receive the credit for the four months where he was in fact not eligible, by virtue of not being on payroll in the U.S., in the state.

SENATOR LANZA: Thank you, Senator Montgomery.

Madam President, on the bill.

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

SENATOR LANZA: You know, when I first saw this legislation and saw the facts, while I would typically be opposed to legislation which would allow us to bend the rules for one individual in a way that we typically wouldn't for others, I was sympathetic when I heard that the State Comptroller, in writing, indicated to this judge that he would receive pension credit

while employed by the United Nations.

But in receiving this letter and seeing it, it's become clear to me, without really casting undue aspersion, that the letter rescinding the initial opinion was written not months after the first letter, or a year later, it was written one week later.

So that initial decision that said "sure, you're going to get pension credit" stood for only seven days -- and, more importantly, was rescinded prior to the time that the judge decided to go work for the United Nations.

And again, I think it's admirable for an individual to want to serve in the way that this individual did. However, to talk about the humanitarian nature here -- first of all, he was paid by the State of New York, first from vacation time, and then he was paid by the United Nations. And now we're asking the taxpayers to pay upwards of $20,000 to buy back pension time and credit while he made this decision to do what he was free to do, but having, I believe, all the information

necessary to make an informed decision and a decision based on the fact that he would not be receiving pension credit.

And for that reason, I'm going to be voting in the negative on this legislation. I would urge my colleagues to do the same. And, perhaps with some clarification with respect to some other facts that we may not have, to revisit this situation at a later time.

Thank you, Madam President.

ACTING PRESIDENT STEWART-COUSINS: Thank you, Senator.

Senator Flanagan.

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

I want to take a slightly different tack from Senator Lanza. We were actually discussing this bill before it came up. And this is a picture bill. There's some money obviously attached to this, and I can understand the reasons why it may be here.

And I'm going to take Senator Montgomery at her word, certainly, which is

very easy to do, and follow in terms of what the correspondence was where the judge acknowledges in writing that he had gotten this notice a month after the fact. And I'll take that at face value.

And I'll still come to the same conclusion that we shouldn't do this bill. The reason being, he was paid by the State of New York, and he actually was on vacation time. He took vacation time and was paid as an employee of the State of New York. And that time had not run out before he found out he was not going to be eligible for that credit.

So he was on paid time with the State of New York and at the time he found out, even if it was a month, had full knowledge that he was not going to be entitled to any further credit. And yet he stayed for at least five more months.

And I look at this and think, okay, it's humanitarian work for which he got paid. This is going to cost the taxpayers. And if we do a bill like this, we're going to have

500 other bills just like it, and someone is going to say, I was doing something really important and benevolent and noteworthy, and I deserve the same kind of recognition.

And for those reasons, I'm going to vote no.

ACTING PRESIDENT STEWART-COUSINS: Senator Savino.

SENATOR SAVINO: Thank you, Madam President.

I've actually quite enjoyed watching this debate. You know, as the chair of the Civil Service and Pensions Committee -- and I know Senator Robach can attest to this -- the committee on an annual basis gets flooded with what Senator Flanagan appropriately called picture bills. Every year members of this body get approached by constituents who feel that somehow or other there's been an inequity that applies to them and the only way that they can get some redress is to seek legislation to correct that inequity.

And all of us, every one of you,

has introduced some of those bills. I have a pile on my desk. Some of them I actually find quite amusing. I'm not sure, I think it's Senator Leibell, I think you have a constituent who wants me to create a pension plan just for him, hand-picking from the best of the multiple systems. He feels somehow there's an inequity, through no fault of his own. That is always the justification in every piece of this legislation, through no fault of their own.

And we generally look at them askance, because we recognize what they are. They're an opportunity from individual members to address an issue that a constituent has brought them.

In fact, Senator Lanza has one: Norma Jean Ciserio [ph] feels that she should be introduced into Tier 1 even though she wasn't hired by the City of New York until five years after it closed. But she feels it's an inequity.

Senator Little has a woman who actually went to the Albany Times Union and

complained that she was being deprived of a benefit, a pension benefit from her deceased husband. She had a very compelling case, except the facts didn't fit the case. And in fact, she was paid and her sons were paid; she just didn't like what she got.

And so we consider these bills. But I recognize this, and I think Senator Robach would attest to this, we recognize them for what they are. They are an opportunity for those of us in office to help a constituent who feels that we can help them, recognizing that most of the time we cannot because we cannot change the regulations, even though it's through no fault of their own.

So I'm just going to make a suggestion that if we're going to begin to examine these bills as if somehow we're conducting a trial over them -- which I'm okay with doing in the committee -- I think Senator Lanza, as the ranker, and myself, we should institute a new rule in the Civil Service and Pensions Committee that picture bills that come to us for consideration should come with

the evidence to substantiate the claim that through no fault of their own that this inequity existed.

So I'm going to vote for this bill, for Senator Montgomery, for her constituent, the judge, and we'll let the Governor determine whether or not, through no fault of his own, that inequity existed. And I'm going to do that because Senator Montgomery is trying to help a constituent.

Thank you.

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

Hearing none, the debate is closed.

The Secretary will please ring the bells.

Senator Klein.

SENATOR KLEIN: Madam President, can we stand at ease at this time?

ACTING PRESIDENT STEWART-COUSINS: The Senate will stand at ease.

(Whereupon, the Senate stood at ease at 4:30 p.m.)

(Whereupon, the Senate reconvened at 4:41 p.m.)

ACTING PRESIDENT STEWART-COUSINS: Senator Klein.

SENATOR KLEIN: Madam President, can we lay the bill aside temporarily.

And on behalf of Senator Ruth Hassell-Thompson, could we have an immediate Democratic conference in the Majority Conference Room.

And please recognize Senator Libous.

ACTING PRESIDENT STEWART-COUSINS: Senator Libous.

SENATOR LIBOUS: Thank you, Madam President.

We'll have an immediate Republican conference in the Republican Conference Room.

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

There will be an immediate meeting of the Majority in the Majority Conference Room and an immediate meeting of the Republicans in the Republican Conference Room.

(Whereupon, the Senate stood at ease at 4:42 p.m.)

(Whereupon, the Senate reconvened at 5:51 p.m.)

ACTING PRESIDENT VALESKY: The Senate will return to order.

Senator Klein.

SENATOR KLEIN: Mr. President, can we please return to the controversial calendar and take up Calendar Number 743.

ACTING PRESIDENT VALESKY: The Senate will return to the controversial reading of the calendar.

When we left for break, we had Calendar Number 743 in front of the house. We will resume at that point.

The Secretary will ring the bells. I ask all Senators to come to the chamber.

Senator Libous.

SENATOR LIBOUS: I was just going to ask them to read it, and we'll read the last section.

ACTING PRESIDENT VALESKY: The Secretary will 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.)

ACTING PRESIDENT VALESKY: Senator Saland, to explain his vote.

SENATOR SALAND: Thank you, Mr. President.

Mr. President, I have served in the State Legislature for some 29 years and make it a practice of trying to, as best as I can, universally support any home-rule request or any local bill, and in fact had voted for this bill in Rules.

I was rather disturbed when I heard, during the course of the debate, the time sequence which Senator Lanza brought forward in reading from the documents that he had as to when this particular individual -- who happens to be a judge, a man who took an oath of office -- in which he alleged as a basis of his receiving credit in the pension system that he had not been timely notified.

Well, clearly this man was timely notified. I find that what is occurring here is beyond shameless. I think it casts a cloud on an institution that has already been beclouded on numerous occasions over the course of certainly our recent history and certainly our most recent history.

I'm deeply troubled. I think the judge either needs a veracity check or a competency check to support his effort for however many months credit he's going to get in the pension system by bringing forth the allegations which are clearly at odds with the truth. It is, I think, a stunning violation of his oath of office, and I will vote in opposition.

Thank you.

ACTING PRESIDENT VALESKY: Senator Saland to be recorded in the negative.

Senator Lanza, to explain his vote.

SENATOR LANZA: Thank you, Mr. President.

I want to say to the sponsor, Senator Montgomery, that I understand

completely what you're attempting to do with this legislation. You're trying to do a good and decent thing, because that's what kind of person and that's what kind of Senator you are.

I have questions of fact with respect to whether or not there is an injustice here that needs to be remedied, as I've discussed before. And for that reason, I'm going to vote in the negative. But I thank Senator Montgomery for the exchange that occurred with respect to this bill.

ACTING PRESIDENT VALESKY: Senator Lanza to be recorded in the negative.

Senator Leibell, to explain his vote.

SENATOR LEIBELL: Thank you, Mr. President.

During the exchange, Senator Savino mentioned my name, and it was another Senator with a similar name.

That I've had bills in, as most of us have, on pension issues that have come up. And like my colleagues, I have no question

Senator Montgomery has the best of intentions in offering this legislation.

But like some of my colleagues here, I have some concerns with this bill. And when we see the paperwork that was put in to support it, there would certainly seem to be, on the part of the individual asking for this relief, to be a lack of candor there.

I will tell you -- and I point this out, Senator Savino; maybe you can help me with this. I put in a bill for a number of years, and I did it for Virginia Donahue. And I served with her husband, Frank, who died very suddenly of cancer, very quickly. And he had picked the wrong box to fill out while he was heavily medicated and dying of colon cancer. And Frank Donahue had been the chief assistant district attorney in Westchester County, and I worked for him as a young lawyer.

And I never was able to get any sort of legislation through here, whether in the majority or minority, and I think that's the type of case that screams out for some

sort of redress from this legislative body so we can help in this case a widow who suffered through no fault of her own.

I have a problem with this particular bill that's before the house today. As I said, I know the sponsor means only the best by introducing it. But I'm going to be constrained to vote in the negative.

Thank you.

ACTING PRESIDENT VALESKY: Senator Leibell to be recorded in the negative.

Senator Winner, to explain his vote.

SENATOR WINNER: Thank you, Mr. President.

I rise because I'm going to support this legislation. I'm going to support this legislation based upon the representations that Senator Montgomery has made to this body with regard to the veracity of the information that she believes has been submitted by the judge in support of her efforts to have this legislation move on his behalf.

I am going to support it, you know, because I believe that Senator Montgomery's representations to this body are that the judge was truthful with regard to his representations, that in fact he did not receive this information from the Comptroller that indicated that the consent or the approval of the credit was properly -- was received by him, even though the documentary evidence that Senator Lanza has indicated would deem to be to the contrary.

But I do so also expecting, before this legislation is finally approved by the Governor of the State of New York, that I will encourage -- as I know some of my colleagues will -- that I expect to communicate with the Office of the Governor and expect him to investigate and to look into the veracity of the statements that were in fact made by the judge in support of his contention that he did not receive this information, and expect that there should be some clarification as to whether or not this message was received by him from the Comptroller one week later. It

seems odd that it would not have been so received. But again, I accept Senator Montgomery's representations.

But I would urge that the Governor's office and the office of the counsel of the Governor would thoroughly look into this and make sure that this Legislature has been properly informed as to the entitlement of this individual to the benefit that he is trying to receive from the taxpayers of the State of New York.

So I vote in the affirmative, Mr. President.

ACTING PRESIDENT VALESKY: Senator Winner to be recorded in the affirmative.

Are there any other Senators who wish to explain their vote?

The Secretary will announce the results.

THE SECRETARY: Those recorded in the negative on Calendar Number 743 are Senators Flanagan, Griffo, Lanza, Leibell, Ranzenhofer, Robach, and Saland. Also Senator

LaValle. Also Senator Larkin.

Ayes, 48. Nays, 9.

ACTING PRESIDENT VALESKY: The bill is passed.

Senator Bonacic.

SENATOR BONACIC: Thank you, Mr. President.

I'd like to remove a lay-aside on Senator Oppenheimer's bill, Senate Number 4946.

ACTING PRESIDENT VALESKY: Do you have the calendar number, Senator Bonacic?

SENATOR BONACIC: 790. Senate Print 4946.

ACTING PRESIDENT VALESKY: Okay, the Secretary will place Calendar Number 790 before the house, noncontroversial.

THE SECRETARY: Calendar Number 790, substituted earlier today by Member of the Assembly Lentol, Assembly Print Number 3173, an act to amend the General Municipal Law.

ACTING PRESIDENT VALESKY: Read the last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT VALESKY: The bill is passed.

THE SECRETARY: Calendar Number 750, substituted earlier by Member of the Assembly Skartados, Assembly Print Number 6700, an act to direct the Commissioner of Education.

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, 57.

ACTING PRESIDENT VALESKY: The bill is passed.

THE SECRETARY: Calendar Number 751, substituted earlier today by Member of the Assembly Canestrari, Assembly Print Number 6329B, an act authorizing a certain housing authority.

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, 57.

ACTING PRESIDENT VALESKY: The bill is passed.

THE SECRETARY: Calendar Number 757, substituted earlier today by Member of the Assembly Raia, Assembly Print Number 3939, an act to amend the Criminal Procedure Law.

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, 57.

ACTING PRESIDENT VALESKY: The bill is passed.

THE SECRETARY: Calendar Number 765, substituted earlier today by Member of the Assembly Crouch, Assembly Print Number 7092A, an act to amend the Town Law and the Public Officers Law.

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, 57.

ACTING PRESIDENT VALESKY: The bill is passed.

THE SECRETARY: Calendar Number 812, substituted earlier by Member of the Assembly Barclay, Assembly Print Number 8379A, an act to amend Chapter 607 of the Laws of

2004.

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

Read the last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT VALESKY: The bill is passed.

THE SECRETARY: Calendar Number 818, substituted earlier today by Member of the Assembly Gordon, Assembly Print Number 8588, an act authorizing Steven Roy to file.

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

Read the last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT VALESKY: The bill is passed.

THE SECRETARY: Calendar Number 842, substituted earlier today by Member of the Assembly Weinstein, Assembly Print Number 8956A --

SENATOR LIBOUS: Mr. President, I thought this was laid aside for the day.

ACTING PRESIDENT VALESKY: Senator Libous, the bill was laid aside temporarily.

SENATOR KLEIN: Lay the bill aside for the day.

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

Senator Klein, that completes the controversial reading of the active bills on Senate Calendar Number 61.

Senator Klein.

SENATOR KLEIN: Mr. President, by unanimous consent can we temporarily lay aside Calendar Number 842.

ACTING PRESIDENT VALESKY:

Calendar Number 842 is laid aside temporarily.

Senator Klein.

SENATOR KLEIN: Mr. President, at this time can we have an immediate Rules Committee meeting in Room 332.

ACTING PRESIDENT VALESKY: There will be an immediate meeting of the Senate Standing Committee on Rules in Room 332.

SENATOR KLEIN: And can we stand at ease pending the report of the Rules Committee.

ACTING PRESIDENT VALESKY: The Senate will stand at ease.

Senator Libous.

SENATOR LIBOUS: Mr. President, as soon as the Rules Committee meeting is over, there will be a Republican conference immediately following the Rules Committee.

ACTING PRESIDENT VALESKY: An immediate Republican conference following the conclusion of the Rules Committee meeting.

(Whereupon, the Senate stood at ease at 6:07 p.m.)

(Whereupon, the Senate reconvened

at 6:40 p.m.)

ACTING PRESIDENT VALESKY: The Senate will return to order.

Senator Klein.

SENATOR KLEIN: Mr. President, is there a report of the Rules Committee at the desk?

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

SENATOR KLEIN: I move to accept the report of the Rules Committee, Mr. President.

ACTING PRESIDENT VALESKY: The Secretary will read.

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

Assembly Print 8905, by Member of the Assembly Weisenberg, an act to authorize;

Senate Print 2343A, by Senator Savino, an act to amend the General Municipal Law;

4865B, by Senator Montgomery, an

act to amend the Family Court Act;

1145A, by Senator Perkins, an act to amend the Environmental Conservation Law;

1058A, by Senator Addabbo, an act to amend the Election Law;

1169B, by Senator Dilan, an act to amend the Vehicle and Traffic Law;

1347, by Senator Duane, an act to amend the Personal Property Law;

1537C, by Senator Perkins, an act to amend the Public Authorities Law;

1590, by Senator Thompson, an act to amend the Economic Development Law;

1599A, by Senator Valesky, an act to amend the Public Service Law;

1608, by Senator Valesky, an act to amend the Executive Law;

1743A, by Senator Stavisky, an act in relation;

3180B, by Senator Duane, an act to amend the Public Health Law;

3358, by Senator Onorato, an act to amend the Labor Law;

3531B, by Senator Dilan, an act to

amend the Public Authorities Law;

3603, by Senator Stavisky, an act relating to;

3623A, by Senator Dilan, an act to amend the Vehicle and Traffic Law;

3285A, by Senator Adams, an act to amend the Executive Law;

3842, by Senator Duane, an act to amend the Public Health Law;

3992A, by Senator Dilan, an act to amend the Insurance Law;

4283B, by Senator Valesky, an act to amend the Public Service Law;

4330A, by Senator Valesky, an act to amend the Agriculture and Markets Law;

4364A, by Senator Aubertine, an act to amend the Not-For-Profit Corporation Law;

4796, by Senator Savino, an act to amend the Civil Practice Law and Rules;

5208, by Senator Huntley, an act to amend the Penal Law;

5575A, by Senator Stachowski, an act creating;

5578, by Senator Squadron, an act

to amend the Alcoholic Beverage Control Law;

5603C, by Senator Aubertine, an act to create;

5632, by Senator Savino, an act to amend the Retirement and Social Security Law;

5732, by Senator Aubertine, an act to amend the New York State Urban Development Corporation Act;

5764, by Senator Sampson, act to amend the Social Services Law;

5779, by Senator Thompson, an act to amend the Public Buildings Law;

5892, by Senator Espada, an act to amend the Private Housing Finance Law;

5929, by Senator Parker, an act to amend the Insurance Law;

5956, by Senator L. Krueger, an act to amend the Real Property Tax Law;

5980, by Senator Klein, an act to amend the Insurance Law;

5981, by Senator Klein, an act to amend the Education Law;

5982, by Senator Savino, an act to amend the Labor Law;

5990, by Senator Klein, an act to amend the Election Law;

5998, by Senator Klein, an act to amend the Tax Law;

6024, by Senator Breslin, an act to amend the Social Services Law;

6041, by Senator Foley, an act to amend the Real Property Tax Law;

6046, by Senator Aubertine, an act to amend the State Finance Law;

6050, by Senator Stachowski, an act to amend the Public Authorities Law;

6056, by Senator Valesky, an act to amend the Tax Law;

939A, by Senator Robach, an act to amend the Public Health Law;

2295, by Senator Stavisky, an act to amend the Education Law;

4126, by Senator Winner, an act in relation to;

4200, by Senator Stavisky, an act to amend the Education Law;

5036, by Senator Hassell-Thompson, an act to amend the Social Services Law;

5598B, by Senator Stachowski, an act to amend the General Municipal Law;

5615, by Senator Parker, an act to amend the Public Service Law;

5872, by Senator Maziarz, an act to amend the Social Services Law;

6073, by Senator O. Johnson, an act to amend the Town Law;

2664, by Senator Duane, an act to amend the Social Services Law;

5576, by Senator Parker, an act to amend the Education Law;

And Senate Print 5861A, by Senator Dilan, an act to amend the Tax Law.

All bills ordered direct to third reading.

ACTING PRESIDENT VALESKY: Those Senators in favor of adopting the report of the Rules Committee signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT VALESKY: Opposed, nay.

(No response.)

ACTING PRESIDENT VALESKY: The

report of the Rules Committee is adopted.

Senator Klein.

SENATOR KLEIN: Mr. President, can we please stand at ease pending the Minority coming back from conference.

ACTING PRESIDENT VALESKY: The Senate will stand at ease pending the return of the Minority conference.

(Whereupon, the Senate stood at ease at 6:45 p.m.)

(Whereupon, the Senate reconvened at 8:20 p.m.)

ACTING PRESIDENT VALESKY: The Senate will return to order.

Senator Klein.

SENATOR KLEIN: Mr. President, at this time can we take up Senate Supplemental Calendar Number 61A.

ACTING PRESIDENT VALESKY: Senator Klein, we can do that. Would you prefer to take up would you prefer to take up -- I believe there's some housekeeping. Would you prefer to do that first?

SENATOR KLEIN: No, let's take up

the calendar.

ACTING PRESIDENT VALESKY: The Secretary will proceed with the reading of the noncontroversial reading of Senate Calendar Number 61A.

Senator Klein.

SENATOR KLEIN: Mr. President, at this time we can take up the supplemental active list.

ACTING PRESIDENT VALESKY: The Secretary will proceed with the noncontroversial reading of the bills on the supplemental active list.

THE SECRETARY: In relation to Calendar Number 160, Senator Parker moves to discharge, from the Committee on Rules, Assembly Bill Number 5877B and substitute it for the identical Senate Bill Number 2501B, Third Reading Calendar 160.

ACTING PRESIDENT VALESKY: Substitution ordered.

THE SECRETARY: Calendar Number 160, by Member of the Assembly Cahill, Assembly Print Number 5877B, an act to amend

the Energy Law.

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, 57.

ACTING PRESIDENT VALESKY: The bill is passed.

THE SECRETARY: In relation to Calendar Number 322, Senator Savino moves to discharge, from the Committee on Rules, Assembly Bill Number 4106B and substitute it for the identical Senate Bill Number 5098A, Third Reading Calendar 322.

ACTING PRESIDENT VALESKY: Substitution ordered.

THE SECRETARY: Calendar Number 322, by Member of the Assembly Abbate, Assembly Print Number 4106B, an act to amend the Public Officers Law.

ACTING PRESIDENT VALESKY: Read

the last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT VALESKY: The bill is passed.

THE SECRETARY: Calendar Number 370, by Senator Adams, Senate Print 3022, an act to amend the Racing, Pari-Mutuel Wagering and Breeding Law.

SENATOR WINNER: Lay it aside.

ACTING PRESIDENT VALESKY: The bill is laid aside.

SENATOR KLEIN: Can we lay the bill aside for the day.

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

THE SECRETARY: In relation to Calendar Number 371, Senator Adams moves to discharge, from the Committee on Rules, Assembly Bill Number 8181 and substitute it

for the identical Senate Bill Number 3023, Third Reading Calendar 371.

ACTING PRESIDENT VALESKY: Substitution ordered.

THE SECRETARY: Calendar Number 371, by Member of the Assembly DelMonte, Assembly Print --

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

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

THE SECRETARY: Calendar Number 471, by Member of the Assembly Englebright, Assembly Print Number 7432A, an act to amend the Parks, Recreation and Historic Preservation Law.

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, 57.

ACTING PRESIDENT VALESKY: The bill is passed.

THE SECRETARY: Calendar Number 485 by Senator Hassell-Thompson --

SENATOR HASSELL-THOMPSON: Lay it aside for the day.

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

THE SECRETARY: Calendar Number 493, by Member of the Assembly Wright, Assembly Print Number 7449, an act to amend the Social Services Law.

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, 57.

ACTING PRESIDENT VALESKY: The bill is passed.

THE SECRETARY: In relation to Calendar Number 512, Senator Onorato moves to

discharge, from the Committee on Rules, Assembly Bill Number 2021B and substitute it for the identical Senate Bill Number 2776B, Third Reading Calendar 512.

ACTING PRESIDENT VALESKY: Substitution ordered.

THE SECRETARY: Calendar Number 512, by Member of the Assembly John, Assembly Print Number 2021B, an act to amend the Workers' Compensation Law.

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: Those recorded in the negative on Calendar Number 512 are Senators Larkin, Little, Seward, Volker and Winner.

Ayes, 52. Nays, 5.

ACTING PRESIDENT VALESKY: The bill is passed.

THE SECRETARY: In relation to Calendar Number 516, Senator Squadron moves to discharge, from the Committee on Rules, Assembly Bill Number 8125A and substitute it for the identical Senate Bill Number 5281A, Third Reading Calendar 516.

ACTING PRESIDENT VALESKY: Substitution ordered.

SENATOR KLEIN: Lay it aside for the day.

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

THE SECRETARY: In relation to Calendar Number 523, Senator Savino moves to discharge, from the Committee on Rules, Assembly Bill Number 6604A and substitute it for the identical Senate Bill Number 2962A, Third Reading Calendar 523.

ACTING PRESIDENT VALESKY: Substitution ordered.

THE SECRETARY: Calendar Number 523, by Member of the Assembly Abbate, Assembly Print Number 6604A, an act to amend the Agriculture and Markets Law.

ACTING PRESIDENT VALESKY: Read the last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT VALESKY: The bill is passed.

THE SECRETARY: In relation to Calendar Number 559, Hassell-Thompson moves to discharge, from the Committee on Finance, Assembly Bill Number 4629B and substitute it for the identical Senate Bill Number 5042, Third Reading Calendar 559.

ACTING PRESIDENT VALESKY: Substitution ordered.

THE SECRETARY: Calendar Number 559, by Member of the Assembly Weinstein, Assembly Print Number 4629B, an act to amend the Executive Law.

ACTING PRESIDENT VALESKY: Read the last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT VALESKY: The bill is passed.

THE SECRETARY: Calendar Number 570, by Senator Parker, Senate Print 3764, an act to amend the Penal Law.

ACTING PRESIDENT VALESKY: Read the last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 55. Nays, 2. Senators DeFrancisco and Little recorded in the negative.

ACTING PRESIDENT VALESKY: The bill is passed.

THE SECRETARY: In relation to Calendar Number 632, Senator Oppenheimer moves to discharge, from the Committee on Elections, Assembly Bill Number 6718B and substitute it for the identical Senate Bill Number 4135A, Third Reading Calendar 632.

ACTING PRESIDENT VALESKY: Substitution ordered.

THE SECRETARY: Calendar Number 632, by Member of the Assembly Pheffer, Assembly Print Number 6718B, an act to amend the Education Law.

ACTING PRESIDENT VALESKY: Read the last section.

THE SECRETARY: Section 3. This act shall take effect January 1, 2010.

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT VALESKY: The bill is passed.

THE SECRETARY: In relation to Calendar Number 802, Senator Morahan moves to

discharge, from the Committee on Rules, Assembly Bill Number 7749A and substitute it for the identical Senate Bill Number 5338A, Third Reading Calendar 802.

ACTING PRESIDENT VALESKY: Substitution ordered.

THE SECRETARY: Calendar Number 802, by Member of the Assembly Rabbitt, Assembly Print Number 7749A, an act to authorize the Town of Ramapo.

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, 56. Nays, 1. Senator Bonacic recorded in the negative.

ACTING PRESIDENT VALESKY: The bill is passed.

THE SECRETARY: In relation to Calendar Number 843, Senator Volker moves to discharge, from the Committee on Rules,

Assembly Bill Number 7581A and substitute it for the identical Senate Bill Number 6057, Third Reading Calendar 843.

ACTING PRESIDENT VALESKY: Substitution ordered.

THE SECRETARY: Calendar Number 843, by Member of the Assembly Kolb, Assembly Print Number 7581A, an act to amend the Environmental Conservation Law.

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, 55. Nays, 2. Senators Duane and Serrano recorded in the negative.

ACTING PRESIDENT VALESKY: The bill is passed.

THE SECRETARY: In relation to Calendar Number 844, Senator Robach moves to discharge, from the Committee on Rules,

Assembly Bill Number 9025 and substitute it for the identical Senate Bill Number 6063, Third Reading Calendar 844.

ACTING PRESIDENT VALESKY: Substitution ordered.

THE SECRETARY: Calendar Number 844, by Member of the Assembly Gantt, Assembly Print Number 9025, an act in relation to paying aid and incentives.

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, 57.

ACTING PRESIDENT VALESKY: The bill is passed.

THE SECRETARY: In relation to Calendar Number 845, Senator L. Krueger moves to discharge, from the Committee on Health, Assembly Print Number 789B and substitute it for the identical Senate Bill Number 1107A,

Third Reading Calendar 845.

ACTING PRESIDENT VALESKY: Substitution ordered.

THE SECRETARY: Calendar Number 845, by Member of the Assembly Gunther, Assembly Print Number 789B, an act to amend the Public Health Law.

ACTING PRESIDENT VALESKY: Read the last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 55. Nays, 2. Senators Marcellino and Volker recorded in the negative.

ACTING PRESIDENT VALESKY: The bill is passed.

THE SECRETARY: In relation to Calendar Number 846, Senator Sampson moves to discharge, from the Committee on Consumer Protection, Assembly Bill Number 3409 and substitute it for the identical Senate Bill

Number 2460, Third Reading Calendar 846.

ACTING PRESIDENT VALESKY: Substitution ordered.

SENATOR LIBOUS: Lay it aside.

ACTING PRESIDENT VALESKY: The bill is laid aside.

THE SECRETARY: Calendar Number 847, by Senator Aubertine, Senate Print 2813A, an act to amend the Public Authorities Law.

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: Those recorded in the negative on Calendar Number 847 are Senators Alesi, Golden, C. Johnson, Larkin, Marcellino, Ranzenhofer, Seward, Volker and Winner.

Ayes, 48. Nays, 9.

ACTING PRESIDENT VALESKY: The bill is passed.

THE SECRETARY: In relation to Calendar Number 848, Senator Valesky moves to discharge, from the Committee on Commerce, Economic Development and Small Business, Assembly Bill Number 2201A and substitute it for the identical Senate Bill Number 3076A, Third Reading Calendar 848.

ACTING PRESIDENT VALESKY: Substitution ordered.

THE SECRETARY: Calendar Number 848, by Member of the Assembly Morelle, Assembly Print Number 2201A, an act to amend the Economic Development Law.

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, 57.

ACTING PRESIDENT VALESKY: The bill is passed.

THE SECRETARY: In relation to

Calendar Number 849, Senator Stewart-Cousins moves to discharge, from the Committee on Rules, Assembly Bill Number 7122C and substitute it for the identical Senate Bill Number 3325B, Third Reading Calendar 849.

ACTING PRESIDENT VALESKY: Substitution ordered.

THE SECRETARY: Calendar Number 849, by Member of the Assembly Spano, Assembly Print Number 7122C, an act to amend the General Municipal Law.

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, 57.

ACTING PRESIDENT VALESKY: The bill is passed.

THE SECRETARY: In relation to Calendar Number 850, Senator Savino moves to discharge, from the Committee on Finance,

Assembly Print Number 4343 and substitute it for the identical Senate Bill Number 3508, Third Reading Calendar 850.

ACTING PRESIDENT VALESKY: Substitution ordered.

SENATOR LIBOUS: Lay it aside.

ACTING PRESIDENT VALESKY: The bill is laid aside.

THE SECRETARY: In relation to Calendar Number 851, Senator Duane moves to discharge, from the Committee on Codes, Assembly Bill Number 1752A and substitute it for the identical Senate Bill Number 3527, Third Reading Calendar 851.

ACTING PRESIDENT VALESKY: Substitution ordered.

SENATOR LIBOUS: Lay it aside.

ACTING PRESIDENT VALESKY: The bill is laid aside.

THE SECRETARY: In relation to Calendar Number 852, Senator Montgomery moves to discharge, from the Committee on Codes, Assembly Bill Number 8282A and substitute it for the identical Senate Bill Number 3866A,

Third Reading Calendar 852.

ACTING PRESIDENT VALESKY: Substitution ordered.

THE SECRETARY: Calendar Number 852, by Member of the Assembly Bradley, Assembly Print Number 8282A, an act to amend the Family Court Act.

ACTING PRESIDENT VALESKY: Read the last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT VALESKY: The bill is passed.

THE SECRETARY: In relation to Calendar Number 853, Senator Montgomery moves to discharge, from the Committee on Rules, Assembly Print Number 8888 and substitute it for the identical Senate Bill Number 3879A, Third Reading Calendar 853.

ACTING PRESIDENT VALESKY:

Substitution ordered.

THE SECRETARY: Calendar Number 853, by Member of the Assembly Weinstein, Assembly Print Number 8888, an act to amend the Social Services Law.

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: Those recorded in the negative on Calendar Number 853 are Senators DeFrancisco and Ranzenhofer.

Ayes, 55. Nays, 2.

ACTING PRESIDENT VALESKY: The bill is passed.

THE SECRETARY: Calendar Number 854, by Senator Klein, Senate Print 4589B, an act to amend the Public Health Law.

ACTING PRESIDENT VALESKY: Read the last section.

THE SECRETARY: Section 2. This

act shall take effect one year after it shall have become law.

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Those recorded in the negative on Calendar Number 854 are Senators DeFrancisco, Flanagan, Golden, Lanza, Little, Marcellino and Seward.

Ayes, 50. Nays, 7.

ACTING PRESIDENT VALESKY: The bill is passed.

THE SECRETARY: In relation to Calendar Number 855, Senator Breslin moves to discharge, from the Committee on Insurance, Assembly Bill Number 7949A and substitute it for the identical Senate Bill Number 4602A, Third Reading Calendar 855.

ACTING PRESIDENT VALESKY: Substitution ordered.

THE SECRETARY: Calendar Number 855, by Member of the Assembly Silver, Assembly Print Number 7949A, an act to amend the Insurance Law.

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, 57.

ACTING PRESIDENT VALESKY: The bill is passed.

THE SECRETARY: In relation to Calendar Number 856, Senator Oppenheimer moves to discharge, from the Committee on Rules, Assembly Bill Number 6772A and substitute it for the identical Senate Bill Number 4944A, Third Reading Calendar 856.

ACTING PRESIDENT VALESKY: Substitution ordered.

THE SECRETARY: Calendar Number 856, by Member of the Assembly Paulin, Assembly Print Number 6772A, an act to amend the Public Health Law.

ACTING PRESIDENT VALESKY: Read the last section.

THE SECRETARY: Section 3. This act shall take effect April 1, 2011.

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT VALESKY: The bill is passed.

THE SECRETARY: In relation to Calendar Number 857, Senator Hassell-Thompson moves to discharge, from the Committee on Investigations and Government Operations, Assembly Bill Number 9017 and substitute it for the identical Senate Bill Number 5031A, Third Reading Calendar 857.

SENATOR LIBOUS: Lay it aside.

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

THE SECRETARY: In relation to Calendar Number 858, Senator Oppenheimer moves to discharge, from the Committee on Education, Assembly Bill Number 8245A and substitute it for the identical Senate Bill Number 5446A,

Third Reading Calendar 858.

ACTING PRESIDENT VALESKY: Substitution ordered.

THE SECRETARY: Calendar Number 858, by Member of the Assembly Nolan, Assembly Print Number 8245A, an act to amend the Education Law.

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, 57.

ACTING PRESIDENT VALESKY: The bill is passed.

THE SECRETARY: In relation to Calendar Number 859, Senator Addabbo moves to discharge, from the Committee on Elections, Assembly Bill Number 8527 and substitute it for the identical Senate Bill Number 5448A, Third Reading Calendar 859.

ACTING PRESIDENT VALESKY:

Substitution ordered.

THE SECRETARY: Calendar Number 859, by Member of the Assembly Skartados, Assembly Print Number 8527, an act to amend the Election Law.

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, 57.

ACTING PRESIDENT VALESKY: The bill is passed.

THE SECRETARY: In relation to Calendar Number 859: Ayes, 56. Nays, 1. Senator Golden recorded in the negative.

ACTING PRESIDENT VALESKY: The bill is passed.

THE SECRETARY: In relation to Calendar Number 860, Senator Breslin moves to discharge, from the Committee on Finance, Assembly Print Number 8400 and substitute it

for the identical Senate Print Number 5471, Third Reading Calendar 860.

ACTING PRESIDENT VALESKY: Substitution ordered.

THE SECRETARY: Calendar Number 860, by Member of the Assembly Peoples, Assembly Print Number 8400, an act to amend the Insurance Law.

ACTING PRESIDENT VALESKY: Read the last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT VALESKY: The bill is passed.

THE SECRETARY: In relation to Calendar Number 861, Senator Klein moves to discharge, from the Committee --

SENATOR KLEIN: Lay the bill aside for the day.

ACTING PRESIDENT VALESKY: The

Secretary will complete the Assembly substitution first.

THE SECRETARY: Senator Klein moves to discharge, from the Committee on Agriculture, Assembly Bill Number 3765 and substitute it for the identical Senate Bill Number 5479, Third Reading Calendar 861.

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

THE SECRETARY: Calendar Number 862, by Senator Huntley, Senate Print 5562B, an act to amend the Public Health Law and the New York State Medical Care Facilities Finance Agency Act.

ACTING PRESIDENT VALESKY: Read the last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT VALESKY: The

bill is passed.

THE SECRETARY: In relation to Calendar Number 863, Senator Valesky moves to discharge, from the Committee on Investigations and Government Operations, Assembly Print Number 8294 and substitute it for the identical Senate Print Number 5586, Third Reading Calendar 863.

ACTING PRESIDENT VALESKY: Substitution ordered.

THE SECRETARY: Calendar Number 863, by Member of the Assembly Destito, Assembly Print Number 8294, an act to amend the Tax Law.

ACTING PRESIDENT VALESKY: Read the last section.

THE SECRETARY: Section 5. This act shall take effect on the first day of a sales tax quarterly period.

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT VALESKY: The

bill is passed.

THE SECRETARY: In relation to Calendar Number 864, Senator Squadron moves to discharge, from the Committee on Rules, Assembly Print Number 8519 and substitute it for the identical Senate Bill Number 5577, Third Reading Calendar 864.

ACTING PRESIDENT VALESKY: Substitution ordered.

THE SECRETARY: Calendar Number 864, by Member of the Assembly Schimminger, Assembly Print Number 8519, an act to amend the Alcoholic Beverage Control Law.

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.)

SENATOR DeFRANCISCO: Lay it aside.

ACTING PRESIDENT VALESKY: The roll call is withdrawn, and the bill is laid

aside.

THE SECRETARY: In relation to Calendar Number 865, Senator Stewart-Cousins moves to discharge, from the Committee on Commerce, Economic Development and Small Business, Assembly Bill Number 3193 and substitute it for the identical Senate Bill Number 5639, Third Reading Calendar 865.

ACTING PRESIDENT VALESKY: Substitution ordered.

THE SECRETARY: Calendar Number 865, by Member of the Assembly Weprin, Assembly Print Number 3193, an act to amend the Economic Development Law.

ACTING PRESIDENT VALESKY: Read the last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT VALESKY: The bill is passed.

THE SECRETARY: In relation to Calendar Number 866, Senator Sampson moves to discharge, from the Committee on Children and Families, Assembly Print Number 2004A and substitute it for the identical Senate Print Number 5697, Third Reading Calendar 866.

ACTING PRESIDENT VALESKY: Substitution ordered.

THE SECRETARY: Calendar Number 866, by Member of the Assembly Weinstein, Assembly Print Number 2004A, an act to amend the Domestic Relations Law and the Family Court Act.

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, 57.

ACTING PRESIDENT VALESKY: The bill is passed.

THE SECRETARY: Calendar Number

867, by Senator Schneiderman, Senate Print 5701, an act to amend the Education Law.

ACTING PRESIDENT VALESKY: Read the last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Those recorded in the negative on Calendar Number 867 are Senators DeFrancisco, Larkin, Marcellino, Maziarz, Ranzenhofer, and Skelos. Also Senator Morahan.

Ayes, 50. Nays, 7.

ACTING PRESIDENT VALESKY: The bill is passed.

THE SECRETARY: In relation to Calendar Number 868, Senator Thompson moves to discharge, from the Committee on Environmental Conservation, Assembly Print Number 8559A and substitute it for the identical Senate Bill Number 5766, Third Reading Calendar 868.

ACTING PRESIDENT VALESKY:

Substitution ordered.

THE SECRETARY: Calendar Number 868, by Member of the Assembly Sweeney, Assembly Print Number 8559A, an act to amend the Environmental Conservation Law.

ACTING PRESIDENT VALESKY: Read the last section.

THE SECRETARY: Section 3. This act shall take effect on the 90th day.

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: In relation to Calendar Number 868, those recorded in the negative are Senators Griffo, Serrano and Maziarz. Also Senator Duane.

Ayes, 53. Nays, 4.

ACTING PRESIDENT VALESKY: The bill is passed.

THE SECRETARY: Calendar Number 869, by Senator Sampson, Senate Print 5807A, an act to amend the Uniform City Court Act and the Judiciary Law.

ACTING PRESIDENT VALESKY: Read

the last section.

THE SECRETARY: Section 8. This act shall take effect on the first of April.

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT VALESKY: The bill is passed.

THE SECRETARY: In relation to Calendar Number 870, Senator Valesky moves to discharge, from the Committee on Rules, Assembly Bill Number 8593 and substitute it for the identical Senate Bill Number 5823, Third Reading Calendar 870.

ACTING PRESIDENT VALESKY: Substitution ordered.

THE SECRETARY: Calendar Number 870, by Member of the Assembly Magee, Assembly Print Number 8593, an act to amend the Agriculture and Markets Law.

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, 57.

ACTING PRESIDENT VALESKY: The bill is passed.

THE SECRETARY: Calendar Number 871, by Senator Klein, Senate Print 5841A, an act authorizing the Commissioner of General Services.

ACTING PRESIDENT VALESKY: Read the last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT VALESKY: The bill is passed.

THE SECRETARY: In relation to Calendar Number 872, Senator Aubertine moves to discharge, from the Committee on Rules,

Assembly Bill Number 8901 and substitute it for the identical Senate Bill Number 5888, Third Reading Calendar 872.

ACTING PRESIDENT VALESKY: Substitution ordered.

THE SECRETARY: Calendar Number 872, by Member of the Assembly Silver, Assembly Print Number 8901, an act --

SENATOR KLEIN: Lay it aside for the day.

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

THE SECRETARY: In relation to Calendar Number 873, Senator Perkins moves to discharge, from the Committee on Rules, Assembly Bill Number 8823 and substitute it for the identical Senate Bill Number 5914, Third Reading Calendar 873.

ACTING PRESIDENT VALESKY: Substitution ordered.

THE SECRETARY: Calendar Number 873, by Member of the Assembly Wright, Assembly Print Number 8823, an act to amend the Alcoholic Beverage Control Law.

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, 55. Nays, 2. Senators Fuschillo and Hannon recorded in the negative.

SENATOR SALAND: Mr. President, is this 873?

ACTING PRESIDENT VALESKY: This is Calendar 873, yes, Senator Perkins' bill.

THE SECRETARY: Those recorded in the negative on Calendar Number 873 are Senators Fuschillo, Hannon and Saland.

Ayes, 54. Nays, 3.

ACTING PRESIDENT VALESKY: The bill is passed.

THE SECRETARY: In relation to Calendar Number 874, Senator Sampson moves to discharge, from the Committee on Rules, Assembly Bill Number 8681 and substitute it

for the identical Senate Bill Number 5987, Third Reading Calendar 874.

SENATOR KLEIN: Lay the bill aside for the day.

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

THE SECRETARY: In relation to Calendar Number 875, Senator Valesky moves to discharge, from the Committee on Rules, Assembly Print Number 7967A and substitute it for the identical Senate Bill Number 6017, Third Reading Calendar 875.

ACTING PRESIDENT VALESKY: Substitution ordered.

THE SECRETARY: Calendar Number 875, by Member of the Assembly Hoyt, Assembly Print Number 7967A, an act to amend the Private Housing Finance Law.

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, 57.

ACTING PRESIDENT VALESKY: The bill is passed.

THE SECRETARY: In relation to Calendar Number 876, Senator Breslin moves to discharge, from the Committee on Rules, Assembly Bill Number 9038 and substitute it for the identical Senate Bill Number 6030, Third Reading Calendar 876.

ACTING PRESIDENT VALESKY: Substitution ordered.

THE SECRETARY: Calendar Number 876, by Member of the Assembly Morelle, Assembly Print Number 9038, an act to amend the Insurance Law.

ACTING PRESIDENT VALESKY: Read the last section.

THE SECRETARY: Section 8. This act shall take effect September 1, 2009.

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT VALESKY: Senator Seward, to explain his vote.

SENATOR SEWARD: Yes, very briefly.

I'm going to support this legislation, because it does attempt to address an important issue, and that is to extend health insurance coverage for children, older children, young adults who have not yet secured a place in their career and have health insurance through their employment.

But I think this particular bill, as well-intentioned as it is, falls short of where it needs to be in terms of truly addressing this problem. And we look forward to working with Senator Breslin, Senator Hannon and others in the future to come in with a version which I think will better address this issue for young adults.

I vote aye.

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

Announce the results.

THE SECRETARY: Ayes, 57. Nays, 0.

ACTING PRESIDENT VALESKY: The bill is passed.

THE SECRETARY: In relation to Calendar Number 877, Senator Aubertine moves to discharge, from the Committee on Rules, Assembly Bill Number 9031 and substitute it for the identical Senate Bill Number 6032, Third Reading Calendar 877.

ACTING PRESIDENT VALESKY: Substitution ordered.

THE SECRETARY: Calendar Number 877 --

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

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

THE SECRETARY: In relation to Calendar Number 878, Senator Perkins moves to discharge, from the Committee on Rules, Assembly Bill Number 8839A and substitute it for the identical Senate Bill Number 6034, Third Reading Calendar 878.

SENATOR LIBOUS: Lay it aside, please.

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

THE SECRETARY: In relation to Calendar Number 879, Senator Aubertine moves to discharge, from the Committee on Rules, Assembly Bill Number 8789 and substitute it for the identical Senate Bill Number 6037, Third Reading Calendar 879.

ACTING PRESIDENT VALESKY: Substitution ordered.

THE SECRETARY: Calendar Number 879, by Member of the Assembly Ortiz, Assembly Print Number 8789, an act to amend the Domestic Relations Law and others.

ACTING PRESIDENT VALESKY: Read the last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Those recorded in the negative on Calendar Number 879 are Senators DeFrancisco, Flanagan, Golden, Lanza, Larkin, Leibell, Marcellino, Morahan, Ranzenhofer, Saland and Skelos.

Ayes, 46. Nays, 11.

ACTING PRESIDENT VALESKY: The bill is passed.

THE SECRETARY: In relation to Calendar Number 880, Senator Thompson moves to discharge, from the Committee on Rules, Assembly Print Number 9049 and substitute it for the identical Senate Bill Number 6047, Third Reading Calendar 880.

ACTING PRESIDENT VALESKY: Substitution ordered.

THE SECRETARY: Calendar Number 880, by Member of the Assembly Sweeney, Assembly Print Number 9049, an act to amend the Environmental Conservation Law.

ACTING PRESIDENT VALESKY: Read the last section.

SENATOR LIBOUS: Lay it aside.

ACTING PRESIDENT VALESKY: The

bill is laid aside.

THE SECRETARY: Calendar Number 881, by Senator Sampson, Senate Print 6068, an act to amend the Insurance Law.

ACTING PRESIDENT VALESKY: Read the last section.

THE SECRETARY: Section 3 --

SENATOR LIBOUS: Lay it aside.

ACTING PRESIDENT VALESKY: The bill is laid aside.

THE SECRETARY: Calendar Number 882, by Senator Thompson, Senate Print 6089, an act to amend the Environmental Conservation Law.

ACTING PRESIDENT VALESKY: Read the last section.

THE SECRETARY: Section 7. This act shall take effect on the same date and in the same manner as a chapter of the Laws of 2009.

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

SENATOR LIBOUS: Lay it aside.

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

THE SECRETARY: Calendar Number 883, by Member of the Assembly Weprin, Assembly Print Number 3250, an act to amend the Public Authorities Law.

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.)

SENATOR LIBOUS: Lay it aside.

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

THE SECRETARY: In relation to Calendar Number 884, Senator Stachowski moves to discharge, from the Committee on Finance, Assembly Print Number 251A and substitute it for the identical Senate Bill Number 2289A, Third Reading Calendar 884.

ACTING PRESIDENT VALESKY: Substitution ordered.

THE SECRETARY: Calendar Number 884, by Member of the Assembly Magnarelli, Assembly Print Number 251A, an act to amend the Public Authorities Law.

ACTING PRESIDENT VALESKY: Read the last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT VALESKY: Senator Alesi, to explain his vote.

SENATOR ALESI: To explain my vote.

It's a great bill.

(Laughter.)

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

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT VALESKY: The

bill is passed.

THE SECRETARY: In relation to Calendar Number 885, Senator Stachowski moves to discharge, from the Committee on Veterans, Homeland Security and Military Affairs, Assembly Bill Number 2239 and substitute it for the identical Senate Bill Number 2440, Third Reading Calendar 885.

ACTING PRESIDENT VALESKY: Substitution ordered.

THE SECRETARY: Calendar Number 885, by Member of the Assembly Schroeder, Assembly Print Number 2239, an act to amend the Real Property Tax Law.

ACTING PRESIDENT VALESKY: Read the last section.

THE SECRETARY: Section 2 --

SENATOR LIBOUS: Lay it aside.

ACTING PRESIDENT VALESKY: The bill is laid aside.

THE SECRETARY: In relation to Calendar Number 886, Senator Stachowski moves to discharge, from the Committee on Housing, Construction and Community Development,

Assembly Bill Number 6093A and substitute it for the identical Senate Bill Number 2791A, Third Reading Calendar 886.

ACTING PRESIDENT VALESKY: Substitution ordered.

THE SECRETARY: Calendar Number 886, by Member of the Assembly Schroeder, Assembly Print Number 6093A, an act to amend the Executive Law.

ACTING PRESIDENT VALESKY: Read the last section.

THE SECRETARY: Section 3. This act shall take effect on the 80th day.

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT VALESKY: The bill is passed.

THE SECRETARY: In relation to Calendar Number 887, Senator Addabbo moves to discharge, from the Committee on Energy and Telecommunications, Assembly Print Number 3639C, and substitute it for the identical

Senate Bill Number 4192B, Third Reading Calendar 887.

ACTING PRESIDENT VALESKY: Substitution ordered.

THE SECRETARY: Calendar Number 887, by Member of the Assembly Hevesi, Assembly Print Number 3639C, an act to amend the Public Service Law and the General Business Law.

ACTING PRESIDENT VALESKY: Read the last section.

THE SECRETARY: Section 4. This act shall take effect April 1, 2010.

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Those recorded in the negative on Calendar Number 887 are Senators Farley, Seward and Volker.

Ayes, 54. Nays, 3.

ACTING PRESIDENT VALESKY: The bill is passed.

THE SECRETARY: In relation to Calendar Number 888, Senator Stachowski moves

to discharge, from the Committee on Finance, Assembly Bill Number 2849 and substitute it for the identical Senate Bill Number 4435, Third Reading Calendar 888.

ACTING PRESIDENT VALESKY: Substitution ordered.

THE SECRETARY: Calendar Number 888, by Member of the Assembly Schimminger, Assembly Print Number 2849, an act to amend the Economic Development Law.

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.)

SENATOR ALESI: To explain my vote.

ACTING PRESIDENT VALESKY: Senator Alesi, to explain his vote.

SENATOR ALESI: This is another great bill, as was Calendar 848.

ACTING PRESIDENT VALESKY:

Senator Alesi to be recorded in the affirmative.

Announce the results.

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT VALESKY: The bill is passed.

THE SECRETARY: In relation to Calendar Number 889, Senator Aubertine moves to discharge, from the Committee on Energy and Telecommunications, Assembly Bill Number 2928 and substitute it for the identical Senate Bill Number 4841, Third Reading Calendar 889.

ACTING PRESIDENT VALESKY: Substitution ordered.

THE SECRETARY: Calendar Number 889, by --

SENATOR KLEIN: Lay it aside for the day.

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

THE SECRETARY: In relation to Calendar Number 890, Senator Huntley moves to discharge, from the Committee on Finance, Assembly Bill Number 5055 and substitute it

for the identical Senate Bill Number 4938, Third Reading Calendar 890.

ACTING PRESIDENT VALESKY: Substitution ordered.

THE SECRETARY: Calendar Number 890, by Member of the Assembly Rivera, Assembly Print Number 5055, an act to amend the Mental Hygiene Law.

ACTING PRESIDENT VALESKY: Read the last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Those recorded in the negative on Calendar Number 890 are Senators DeFrancisco, Griffo, Lanza and Little.

Ayes, 53. Nays, 4.

ACTING PRESIDENT VALESKY: The bill is passed.

THE SECRETARY: In relation to Calendar Number 891, Senator C. Johnson moves

to discharge, from the Committee on Finance, Assembly Bill Number 7698 and substitute it for the identical Senate Bill Number 5048, Third Reading Calendar 891.

ACTING PRESIDENT VALESKY: Substitution ordered.

THE SECRETARY: Calendar Number 891, by Member of the Assembly Meng, Assembly Print Number 7698, an act to amend the Executive Law.

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, 57.

ACTING PRESIDENT VALESKY: The bill is passed.

THE SECRETARY: In relation to Calendar Number 892, Senator Huntley moves to discharge, from the Committee on Investigations and Government Operations,

Assembly Bill Number 781B and substitute it for the identical Senate Bill Number 5396, Third Reading Calendar 892.

ACTING PRESIDENT VALESKY: Substitution ordered.

THE SECRETARY: Calendar Number 892, by Member of the Assembly Paulin, Assembly Print Number 781B, an act to amend the Executive Law.

ACTING PRESIDENT VALESKY: Read the last section.

THE SECRETARY: Section 3. This act shall take effect on the 120th day.

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT VALESKY: The bill is passed.

THE SECRETARY: In relation to Calendar Number 893, Senator Breslin moves to discharge, from the Committee on Insurance, Assembly Bill Number 8402A and substitute it for the identical Senate Bill Number 5472A,

Third Reading Calendar 893.

ACTING PRESIDENT VALESKY: Substitution ordered.

THE SECRETARY: Calendar Number 893, by Member of the Assembly Morelle, Assembly Print Number 8402A, an act to amend the Insurance Law and the Public Health Law.

ACTING PRESIDENT VALESKY: Read the last section.

THE SECRETARY: Section 48. This act shall take effect January 1, 2010.

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT VALESKY: The bill is passed.

THE SECRETARY: In relation to Calendar Number 894, Senator Klein moves to discharge, from the Committee on Labor, Assembly Bill Number 7144A and substitute it for the identical Senate Bill Number 5737, Third Reading Calendar 894.

ACTING PRESIDENT VALESKY:

Substitution ordered.

THE SECRETARY: Calendar Number 894, by Member of the Assembly Benedetto, Assembly Print Number 7144A, an act to amend the Labor Law and the Civil Service Law.

ACTING PRESIDENT VALESKY: Read the last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT VALESKY: The bill is passed.

THE SECRETARY: In relation to Calendar Number 895, Senator Huntley moves to discharge, from the Committee on Rules, Assembly Bill Number 8972A and substitute it for the identical Senate Bill Number 5930A, Third Reading Calendar 895.

ACTING PRESIDENT VALESKY: Substitution ordered.

THE SECRETARY: Calendar Number

895, by Member of the Assembly Weisenberg, Assembly Print Number 8972A, an act to amend the Mental Hygiene Law.

ACTING PRESIDENT VALESKY: Read the last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT VALESKY: The bill is passed.

Senator Klein, that completes the noncontroversial reading of the supplemental active list.

SENATOR KLEIN: Mr. President, on behalf of Senator Schneiderman, I move to reconsider the vote by which Calendar 867 was passed.

ACTING PRESIDENT VALESKY: The Secretary will call the roll on reconsideration.

THE SECRETARY: Calendar Number

867, by Senator Schneiderman, Senate Print 701, an act to amend the Education Law.

SENATOR SCHNEIDERMAN: Lay it aside for the day.

ACTING PRESIDENT VALESKY: The bill is before the house, restored to its place on the Third Reading Calendar, and laid aside for the day.

Senator Klein.

SENATOR KLEIN: Mr. President, at this time can we go to the controversial reading of the supplemental calendar, please.

ACTING PRESIDENT VALESKY: The Secretary will ring the bells.

We will proceed with the controversial reading of the bills on the supplemental active list.

Senator Klein.

SENATOR KLEIN: Mr. President, can we go back to the order of motions and resolutions, please.

ACTING PRESIDENT VALESKY: To the order of motions and resolutions.

Senator Klein.

SENATOR KLEIN: I have four motions.

First, on behalf of Senator Aubertine, I move to recommit Senate Print 4104, Calendar Number 571 on the order of Third Reading, to the Committee on Codes, with instructions to said committee to strike out the enacting clause.

ACTING PRESIDENT VALESKY: So ordered.

SENATOR KLEIN: On behalf of Senator Ruth Hassell-Thompson, on page 25 I offer the following amendments to Calendar Number 485, Senate Print Number 1799, and ask that said bill retain its place on Third Reading Calendar.

ACTING PRESIDENT VALESKY: The amendments are received.

SENATOR KLEIN: Mr. President, on behalf of Senator Thompson, on page 9 I offer the following amendments to Calendar Number 174, Senate Print Number 3781, and ask that the bill retain its place on Third Reading Calendar.

ACTING PRESIDENT VALESKY: The amendments are received.

SENATOR KLEIN: And last, on behalf of Senator Thompson, on page 10 I offer the following amendments to Calendar Number 207, Senate Print 3782, and ask that said bill retain its place on Third Reading Calendar.

ACTING PRESIDENT VALESKY: The amendments are received.

SENATOR KLEIN: Madam President, welcome.

ACTING PRESIDENT STEWART-COUSINS: Senator Klein.

SENATOR KLEIN: At this time can we move to the controversial reading of the supplemental calendar.

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

SENATOR LIBOUS: Madam President.

ACTING PRESIDENT STEWART-COUSINS: Senator Libous.

SENATOR LIBOUS: If I could ask of Senator Klein, and I would ask that our members stay in the chamber and we can get this moving. And if Senator Klein might ask that the same, so that we can move these bills right along.

ACTING PRESIDENT STEWART-COUSINS: The Secretary will read.

THE SECRETARY: Calendar Number 846, by Member of the Assembly Perry, Assembly Print Number 3409, an act to amend the Personal Property Law and the Banking Law.

SENATOR GOLDEN: Explanation.

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

SENATOR SAMPSON: Madam President, who is asking for the explanation?

ACTING PRESIDENT STEWART-COUSINS: Senator Golden has requested the explanation.

SENATOR SAMPSON: Senator Golden, this bill prohibits credit card companies from including interest and fees in determining over-the-limit charges on credit cards. This

includes all credit card fees, such is finance charges, service charges, commissions, fines and penalties.

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

SENATOR FARLEY: Thank you, my distinguished friend over here.

Let me just say that if there's any consensus on the Banking Committee -- this did not go through the Banking Committee -- it's to enhance and try to protect the state-chartered banks.

Now, this would only affect state-chartered banks. And the vast preponderance, if not 98 percent of all the credit cards in this state are handled through the federal -- they've moved them out of state because they don't want to be troubled by such legislation.

Senator Sampson, this may -- actually, the New York State Bankers Association opposes this. You may think that you're really helping the consumer, but unfortunately you may mislead them by letting

them think they have protection when, in reality, this bill would apply to almost no credit cards in this state.

I think there's only about four state-chartered banks that even have their own credit cards. Should this become law, it's a good chance that they will move it out of state.

So I would have to vote no on this, with all due respect.

SENATOR SAMPSON: Thank you.

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

SENATOR SAMPSON: Thank you, Senator Farley.

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

Hearing none, the debate is closed.

The Secretary will ring the bell.

Read the last section.

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

ACTING PRESIDENT STEWART-COUSINS:

Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT STEWART-COUSINS: Announce the results.

THE SECRETARY: Those recorded in the negative on Calendar Number 846 are Senators Bonacic, DeFrancisco, Farley, Griffo, Hannon, Larkin, LaValle, Marcellino, Maziarz, Ranzenhofer, Saland, Seward, Skelos, Volker, Winner, and Young.

Absent from voting: Senator McDonald.

Ayes, 40. Nays, 16.

ACTING PRESIDENT STEWART-COUSINS: The bill is passed.

The Secretary will continue to read.

THE SECRETARY: Calendar Number 850, substituted earlier today by Member of the Assembly Brodsky, Assembly Print Number 4343, an act to amend the Public Authorities Law.

SENATOR LIBOUS: Explanation.

ACTING PRESIDENT STEWART-COUSINS:

Senator Savino, an explanation is requested by Senator Libous.

SENATOR SAVINO: Thank you, Madam President.

This bill would amend the Public Authorities Law in relation to subcontracting out by public authorities.

Essentially what the legislation would require is that public authorities would be prohibited from contracting out for services unless contracting for such services is, one, cost-effective when compared to the cost of having the public authority do the work in-house.

It would have to be required for a short duration, making it impractical to hire bargaining unit employees to perform the same service. Or if it was required for special expertise not currently available in the bargaining unit, or required due to an urgent need such that the delay in hiring employees would frustrate the public interest.

It would be --

ACTING PRESIDENT STEWART-COUSINS:

I'd ask the members to extend the courtesy to Senator Savino as she explains her bill.

SENATOR SAVINO: Thank you, Madam President.

It would also require the public authorities to perform a cost-benefit analysis of proposed contracts when they do contract out, which would evaluate but not be limited to the following factors: Whether there was reimbursement from other sources both for the direct and indirect costs of performing the work; whether or not the contractor that they contract out to provides wages and supplements to employees which are comparable to those paid to similar employees performing similar work in the geographic area where the work is to be performed.

A contract may not be considered cost-effective if such wages and supplements are substantially lower that those customarily paid in the area, and whether the quality of service being provided is comparable to that which could be provided by the public authority's own employees currently covered by

their bargaining units.

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

SENATOR LIBOUS: Explanation satisfactory. Read the last section.

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

Read the last section.

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

ACTING PRESIDENT STEWART-COUSINS: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT STEWART-COUSINS: Announce the results.

THE SECRETARY: Those recorded in the negative on Calendar Number 850 are Senators Golden, Ranzenhofer and Skelos. Also Senator Saland. Also Senators Hannon and Larkin. Also Senator Marcellino. Also Senator LaValle. Also Senator Flanagan. Also Senator Leibell.

Ayes, 47. Nays, 10.

ACTING PRESIDENT STEWART-COUSINS: The bill is passed.

The Secretary will continue to read.

THE SECRETARY: Calendar Number 851, substituted earlier by Member of the Assembly Gottfried, Assembly Print Number 1752A, an act to amend the Public Health Law.

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

SENATOR HANNON: I'd like to speak on the bill.

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

SENATOR HANNON: Let me just ask a question of the chair first. This is which calendar, which calendar item?

ACTING PRESIDENT STEWART-COUSINS: It's Number 851, Senator.

SENATOR HANNON: Thank you.

There is, in light of the total circumstances affecting hospitals, a good reason not to support this. We have been in substantial removal of their financial support

from this year's budget. We have changed around their funding streams by moving major support away from inpatient healthcare to outpatient clinics, ambulatory clinics. The federal government has talked about major changes.

But the president of the United States and the hospitals in this nation have talked about sacrificing $1.5 trillion to $2 trillion over the next 10 years, which would translate into a loss to hospitals of about a billion dollars a year from affecting that agreement between the President of the United States and the hospitals of this nation, notwithstanding whatever of the various five or six bills come out of Congress for reforming healthcare.

In light of that, we're supposed to have a disclosure statement that would be the Nursing Care Quality Protection Act. It sounds great, but nothing would be there. We don't have standards that say what the ratios of staffing to patients ought to be. We don't actually have, in any given hospital

institution, a uniform type of care that has to be given.

How can I say that? We have emergency rooms, we have general surgical units, we have intensive care units, we have obstetric units. Each one of those -- and I could go on. Postsurgical. Each one of those requires a different staffing pattern.

Now, all of the hospitals in this state have to conform to quality standards. If they don't conform to quality standards, they're subject to strict regulation by the state hospital department, by federal regulations.

So there is quality there. The point is if we start to have to have this vague mandate, we're going to be collecting things against a standard that's unknown.

For those reasons and for many others -- and the hour is too late and we have too much things on our plate -- I just want to point out that the hospitals in New York City, the Greater Hospital Association, the hospitals in the state, the Hospital

Association of New York State, various specific hospitals have communicated their opposition. This is not the right time nor the right place to go with this legislation.

Now, consumers and patients in this state are left with a myriad of resources currently available, currently available to everybody. It's on the web. You can go look on the web for any hospital in the state and find a myriad of indicators and make your decisions as to the services being provided.

But this legislation is the wrong place at the wrong time. In the future, perhaps with some of the things being discussed under national healthcare reform with quality indicators, with effectiveness indicators, this would be appropriate. But not now, not this time.

Thank you, Madam President.

ACTING PRESIDENT STEWART-COUSINS: Thank you, Senator.

Senator LaValle.

SENATOR LaVALLE: Thank you, Madam President.

It is a very rare time when I rise to have a disparate view than my learned colleague to my left, Senator Hannon. Normally, throughout my career I have been very supportive of our hospitals. During the budget, I stood up here and debated Senator Duane. And actually Senator Hannon articulated many of the reasons why we need to be supportive of the hospitals.

I spend a lot of time with -- I have five hospitals in my district. I have done a lot of interaction with the hospitals in my Senate district, which places me there and talking to patients, talking to staff. One of the biggest complaints today, and I hear this all the time, people will say: "The last place you want to be is in a hospital."

Now, for a lot of reasons, you don't want to be ill. But you don't want to be in a hospital because the issue of nursing to patient ratios differs. And in some cases, because the hospitals are so jammed fiscally, that ratio in some cases is compromised.

In this case I am going to, because

again, through my career, I have been a person who believes that one of the best kinds of regulation is through disclosure, through transparency. And I think the more information that we have in terms of nurse/patient ratios is a good thing. It's a good thing for the patients.

We have to, in other venues, be supportive of the hospitals to be able to ensure that they have the revenues to provide adequate care. But we should not be in a place at this time compromising patients' health.

So when it comes for a vote -- and again, it's rare that I have a disparate view from my colleague Senator Hannon -- but I am going to be supportive of this legislation.

Thank you.

ACTING PRESIDENT STEWART-COUSINS: Thank you, Senator.

Senator DeFrancisco.

SENATOR DeFRANCISCO: I'm going to vote in favor of this bill as well. This used to be my bill in other times.

And it's interesting that hospitals would be against something like this. It's simple disclosure to give the consumer a little information about the various numbers of nurses and the like that serve in the hospital, that serve in direct patient care. It's just more information.

And the reason why it seems sort of unusual the hospitals would be against this for so many years is that they're advertising all over the place nowadays, trying to convince people to come, through their advertisements, to their particular hospital for their specialty.

They should also be willing -- and if they're not, the state should require them -- to provide this information to the general public to make a wise decision.

I'm going to vote yes.

ACTING PRESIDENT STEWART-COUSINS: Thank you, Senator.

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

Senator Duane.

SENATOR DUANE: Thank you very much, Madam President.

My colleagues, I think -- all of them -- made some excellent points. But I want to most of all stress that the intent of this bill is really just to better inform consumers. And the goal really is to try to have as many tools in order to ensure the best quality of care.

The information that will be garnered as a result of this bill is information that's part of much information that will empower consumers as well as people in the health and medical fields, and ultimately I think it will help to provide for a better health care system for all New Yorkers.

Thank you, Madam President. And I encourage my colleagues to vote yes. Thank you.

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

Any other Senators wishing to be heard?

Hearing none, the debate is closed.

The Secretary will please ring the bells.

Read the last section.

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

ACTING PRESIDENT STEWART-COUSINS: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Those recorded in the negative on Calendar Number 851 are Senators Farley, Hannon, Larkin, Libous, Little, Marcellino, Ranzenhofer, Seward, Skelos and Winner.

Ayes, 47. Nays, 10.

ACTING PRESIDENT STEWART-COUSINS: The bill is passed.

The Secretary will read.

THE SECRETARY: Calendar Number 857, substituted earlier today by Member of the Assembly Weinstein, Assembly Print Number 9017, an act to amend the Family Court Act.

SENATOR LIBOUS: Read the last section.

ACTING PRESIDENT STEWART-COUSINS: Read the last section.

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

ACTING PRESIDENT STEWART-COUSINS: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Those recorded in the negative on Calendar Number 857 are Senators Bonacic, DeFrancisco, Skelos and Volker.

Ayes, 53. Nays, 4.

ACTING PRESIDENT STEWART-COUSINS: The bill is passed.

The Secretary will continue to read.

THE SECRETARY: Calendar Number 864, substituted earlier today by Member of the Assembly Schimminger --

SENATOR KLEIN: Lay it aside for the day.

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

The Secretary will continue to

read.

THE SECRETARY: Calendar Number 878, substituted earlier today by Member of the Assembly Pheffer, Assembly Print Number 8839A, an act to amend the General Business Law.

SENATOR FUSCHILLO: Explanation.

ACTING PRESIDENT STEWART-COUSINS: Senator Perkins, an explanation has been requested by Senator Fuschillo.

SENATOR PERKINS: This bill amends the "Do Not Call" Law to create more comprehensive protections from unsolicited telemarketing sales calls for consumers.

The bill expressly prohibits prerecorded telemarketing sales call, restricts telemarketer calling times, requires telemarketers to disclose all terms and conditions related to offers containing negative option features, and provides the Consumer Protection Board with subpoena power to investigate violations.

Effectively, it better coordinates the federal law with our state law.

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

SENATOR SALAND: On the bill.

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

SENATOR SALAND: Madam President, I certainly don't have any problems with anything that Senator Perkins mentioned in his explanation of the bill.

What does, however, give me some problems is providing the Consumer Protection Board with a subpoena power, something which we have not done for them previously, something in fact which they didn't even ask for in their program bill.

And I just think it's a rather slippery slope, and I'm not quite sure how we justify providing this particular ability to this particular entity. And for that reason, Madam President, I'm going to vote in the negative and urge my colleagues to vote in the negative as well.

ACTING PRESIDENT STEWART-COUSINS: Thank you, Senator.

Senator Fuschillo, why do you rise?

SENATOR FUSCHILLO: On the bill, Madam President.

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

SENATOR FUSCHILLO: I am well-versed on the "Do Not Call" Registry, as the author of that, and Senator Stachowski was the co-prime back in 2001. And all the provisions that Senator Perkins talked about, consumers in New York are currently covered.

The Consumer Protection Board was established in 1970 as a consumer watchdog and a think tank, not to go down the avenue of have subpoena power. As the former chair of the Consumer Protection Board, when the current executive director and chair came in, she came from the Attorney General's office. And she handled consumer complaints. And I think she wanted to take the powers that she had in the Attorney General's Office and bring them to the Consumer Protection Board.

I did not agree with her because I felt, as I feel now, that the Attorney

General's Office, their Consumer Protection Unit does an admirable job in protecting consumers. And I have full faith and confidence in Attorney General Andrew Cuomo and his staff to handle consumer complaints when it has to go to the next step.

Now, to give the Consumer Protection Board the subpoena power that they currently don't have and take away the authority and the responsibility that the Attorney General's Office has, I never understood why she wanted to do it; I don't understand why she wants to do it today.

I urge all my colleagues to vote against this bill to reinforce our faith in the Attorney General's Consumer Protection Unit. When I was the chair of the Consumer Protection Board, I had many dealings with Attorney General then Eliot Spitzer and Attorney General currently Andrew Cuomo, and I must tell you something, ladies and gentlemen, that the consumers of New York State are fortunate to have a strong Attorney General's Office.

And to give the Consumer Protection Board, and the chair, subpoena power is wrong, and I urge a no vote on this legislation.

Thank you, Madam President.

ACTING PRESIDENT STEWART-COUSINS: Thank you, Senator.

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

Senator Maziarz.

SENATOR MAZIARZ: Thank you very much, Madam President.

I respectfully disagree with my colleagues. I think this is a good bill.

Just very recently I had, I think, maybe hundreds, maybe thousands of calls in my Senate district making extremely negative, disparaging remarks against our new Senate majority leader. They were anti-Hispanic calls. And we still don't know to this day who did that, and I'd like to find out.

I think this is a good bill. Thank you.

ACTING PRESIDENT STEWART-COUSINS: Senator Klein.

SENATOR KLEIN: I'd like to rise in support of this legislation. I want to thank my colleague Senator Perkins. This piece of legislation is something that I shared with Senator Fuschillo; I was the Assembly sponsor of the original "Do Not Call" legislation.

And I think one of the most important things that we have to remember about this is that it did cut down on unwanted telemarketing calls tremendously, especially those calls which targeted senior citizens and people who are vulnerable to different kinds of scams.

And I think it's important, since we wrote the original law, that we keep updating it. And certainly one of the newer nuisances are these automated calls.

So I want to give a lot of credit to my colleague Senator Perkins, and of course I support this legislation.

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

Are there any other Senators

wishing to be heard on the bill?

Hearing none, the debate is closed.

The Secretary will ring the bell.

Read the last section.

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

ACTING PRESIDENT STEWART-COUSINS: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT STEWART-COUSINS: Announce the results.

THE SECRETARY: Those recorded in the negative on Calendar Number 878 are Senators Alesi, Bonacic, DeFrancisco, Farley, Flanagan, Fuschillo, Golden, Griffo, Hannon, Lanza, Larkin, LaValle, Leibell, Libous, Little, Marcellino, McDonald, Morahan, Nozzolio, Padavan, Ranzenhofer, Robach, Saland, Seward, Skelos, Volker, Winner and Young.

Ayes, 29. Nays, 28.

ACTING PRESIDENT STEWART-COUSINS: The bill is defeated.

Senator Perkins.

SENATOR PERKINS: Madam President, I'd like to lay it on the table.

ACTING PRESIDENT STEWART-COUSINS: The bill is laid on the table. The bill is tabled.

The Secretary will continue to read.

THE SECRETARY: Calendar Number 880, substituted earlier today by Member of the Assembly Sweeney, Assembly Print Number 9049, an act to amend the Environmental Conservation Law.

ACTING PRESIDENT STEWART-COUSINS: Read the last section.

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

ACTING PRESIDENT STEWART-COUSINS: Call the roll.

(The Secretary called the roll.)

SENATOR MARCELLINO: Madam President.

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

SENATOR MARCELLINO: I'd like to

speak on the bill.

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

SENATOR MARCELLINO: Yes, thank you, Madam President.

This is not an easy point for me. For years, I have been working very hard to do an electronic waste recycling bill. I've been working to do a regional bill in the Northeast with the Council of State Governments so that we had a unibill for the entire Northeast region so that manufacturers could come in with one set of rules in all of these states that we have.

I thought we were getting really very close as negotiations went on this particular year. However, at the last minute, language was removed from the bill by the Assembly that put manufacturers located in New York State, in various regions of the state -- such as Kodak, such as Hewlett Packard, such an IBM, such as Canon -- various major employers at a detriment.

The language that was removed was

recognized by Senator Thompson, as the sponsor, and he has placed a subsequent bill down the line which is, I think, the next bill we'll probably take up, as a chapter amendment.

Unfortunately, at this time we have no agreement on the part of the Assembly to take up the chapter amendment, and that means it's worthless. We'll pass a one-house bill that did not pass the Assembly. There will be no reason for them to come back. The bill that we are currently talking about is a bill that has passed the Assembly. They have no incentive to come back and redo this bill.

And as I said before, this bill, if passed in this form, will cost jobs in various regions of the state which we cannot afford.

This language that I would like to see in the bill, in this current bill, would not change the idea, would not impact it in any way, shape or form, and I do not believe is opposed by any environmental group that is currently supporting the electronic waste bill.

I would like to see this bill laid aside. And at this point in time I do urge my colleague Senator Thompson, who chairs the EnCon Committee in this house, to lay the bill aside.

Let us negotiate with the Assembly. Let us talk to the sponsor, let us talk to the EnCon chair in the other house, let us get an agreement on this bill so that the language gets put in or they'll accept a chapter amendment -- I don't care which -- but we could then pass the bill at a later date, which I would be more than happy to do. I would be more than happy to extend my efforts and my best work, if you will, to assist in this negotiation to make this bill real.

I would like nothing better than to pass this bill in a form that is good for the State of New York. Right now it is not. It will not help.

We are going to be back, and we all know it. This is not the last time this chamber will meet. This is not the last time we will come together as a house, and bills

will be on the table. This bill could be one of them, negotiated with full three-way agreement, with the Governor signing it, the Senate passing it, the Assembly passing it in the proper form.

Again, I urge that that be the case. The last thing I want to do is to see a bill like this, which I have worked extremely hard to get passed, defeated. I don't like that. That's not what I want to do.

So again, I do urge my colleague, you have my commitment to work with you to make this bill whole, to make this bill a realistic bill that can pass in the proper form that would be effective and not cost jobs in this state, not impact negatively employers in this state, and having absolutely nothing to do with an environmental thing.

This bill is flawed as it is now. And we can make it better. We can make it more effective for the environment and for the workers of this state.

Thank you, Madam President. With the bill in this form, I will have to vote no

and urge my colleagues to vote no as well.

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

Senator Thompson.

SENATOR THOMPSON: Thank you. First let me thank you, Madam President, for recognizing me. I just want to give a couple of things on the bill.

The first is that electronic recycling is extremely important. A lot of time has gone into working on this bill long before I even came into the Senate, as my colleague Senator Marcellino talked about.

I think there's a couple of things that are of extreme importance. Number one, this process has been extremely transparent. We had a number of roundtables that were televised by the Senate. We had companies come from all over the country to participate in them. We also have a number of letters, memorandums of support from General Electric to the New York State Association of Counties to NYCOM. A lot of organizations have come out in support of this bill.

Nineteen other states have e-waste legislation on the books right now. That's tremendously important as well. New York City, who has a law on the books, they have delayed the implementation of the e-waste bill in New York City because they were waiting for the Senate to pass this bill.

My colleague talked about input and recommendations. Every suggestion that was recommended was added to this bill. The only reason why this last technical amendment was not added to the bill is because, as everyone knows, we had a little disturbance during the month of June. And so the Assembly, on the last day, they waited for us to hopefully come together, but we didn't. But they did put in a couple of the other amendments.

I have every bit of confidence that this other chapter amendment, we will get it done. But all the other amendments that have been recommended by the industry, by the advocates -- this was a very grueling process to work through, and we were able to do that.

And again, the companies in this

state, if they sell products in this state or in New York City, whether upstate, downstate or out of state and they sell products in New York City, they will have to comply with that law. And that's why so many companies came together to support this bill.

Can we do this other amendment? Yes, we can. Do we need to do it? Absolutely. But this bill will not take effect until July 1st of 2010. And this is extremely important. This bill will not take effect until July 1st of 2010, and it preempts New York City's bill. So it gives these companies in New York State that you're fighting for some breathing room. And that's why so many companies and over 20 organizations have come out in support of this bill.

When HP and a couple of others had some concerns about business-to-business usage, I said to them that we would put the chapter amendment in. We did it immediately within two days. And so they understand that, number one, the bill doesn't take effect until

July 1st of 2010. They don't have to comply with the New York City bill; this preempts the New York City bill.

So if you want to help businesses, you need to support this bill, because otherwise they will have to comply with New York's bill on August 1st of this year, and they then have to go around hiring service companies or providing the service themselves to collect recyclable materials. So this is very, very important.

And I would ask you to support this bill. It's a very good bill. And even though my colleague said he may not vote for it, he has put a lot of time in it and he can honestly say that I have valued his input. And everything he suggested that we could get in before the June deadline, we did submit, and we will do this other chapter amendment as well.

Thank you.

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

Senator Craig Johnson.

SENATOR CRAIG JOHNSON: Thank you, Madam President. I rise to express my concerns about this bill.

And I have the utmost respect for my good friend and colleague the chairman of the Environmental Conservation Committee, a committee that I served as a ranker on for a year, working with my colleague from Long Island, Senator Marcellino.

But my concern comes out of the definite need to promote recycling of e-waste. And I think all of us here in this body recognize today that one of the biggest environmental concerns is more and more computers and computer monitors, the technology that we seem to rely upon getting old very rapidly and filling up our space.

But at the same time, at the same time we have to balance these concerns with legislation that, while good-intentioned, may have some problems that affect all of us throughout the state.

My concern is not on Chairman Thompson's goals, my concern is what happens

with the other side in this Capitol. We have before us right now a bill that was introduced on June 22, 2009, in the days, if it was a perfect world, of what would have been the last days of our Senate session. Facts change, and we're here today.

The problem is, the problem is the bill that we are debating in my opinion contains some very burdensome problems for businesses like Canon, which is located on Long Island, an important employer for constituents who may live in Senator Fuschillo's district or my district or Senator Skelos, Senator Hannon, or Senator Marcellino's district. Or Kodak, located upstate in Rochester, Senator Robach's district.

Now, what's important is Senator Thompson has recognized some of these potential problems and introduced an amendment on July 13th, an important amendment that would address these concerns. There's one problem, my colleagues; the Assembly hasn't passed it. Hasn't passed what looks to be an

amendment that saves or would save the bill.

So what we're being asked to do right now is pass a bill that has flaws, that we know has flaws, that there's legislation to correct those flaws, but that corrective legislation hasn't even been introduced in the Assembly.

My concern is the Assembly is not even going to take it up. Because if they carried about the legislation, they would have introduced it right after or at the same time as Senator Thompson. But they haven't. They haven't.

And so my concern is we pass a piece of legislation tonight with acknowledged problems and the Governor signs it, and then we have a potential economic impact on employers and employees in areas like Long Island -- which just saw a very important company, OC Pharmaceuticals, leave Long Island to go to Westchester.

I think we need to recognize this is an important piece of legislation, but it should be done right. It should be done

correctly. I think we all recognize that we're going to be back in September. I think we understand, given the major economic problems we continue to face here in New York State, we're coming back. And hopefully we're going work together in the spirit we saw last night to solve those problems.

Well, we should take that same spirit and apply it to this bill. We should put aside this bill for a short period of time to ensure that the Assembly introduces a very simple amendment that recognizes the problems and then we have the confidence -- I don't have confidence tonight, ladies and gentlemen, that the Assembly is going to do the right thing that Senator Thompson has done by introducing this amendment.

And it's because of that lack of confidence that I have in the Assembly, a lack of confidence I think a lot of us have shared in years past and even tonight, that I cannot at this time support an important piece of legislation. I can't do it because I'm afraid the Assembly won't fix the problem that

Senator Thompson has tried to fix and then we've got even a bigger problem for some of our employers in New York State.

Thank you very much, Madam President.

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

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

Senator Alesi.

SENATOR ALESI: Thank you. I'll be brief.

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

SENATOR ALESI: As a former chair of the Committee on Commerce and Economic Development, and now the ranker -- but more importantly, as somebody who comes from the Greater Rochester area -- I know the impact of disrupting the balance between trying to do the right thing with our environment and trying to protect and preserve and even grow jobs, especially in the upstate area, Rochester area, where Eastman Kodak is

headquartered.

Many times I had conversations with the former chair and expert on environmental issues, Senator Marcellino, on how that balance could better be implemented. I know of nobody who is more passionate about protecting the environment. I know of nobody in this state -- even though I can't hear very well, I know of nobody in this state who has more passion and more knowledge than Senator Marcellino, with all respect to the new chair.

But I also believe that having some personal knowledge and experience about the growth of our economy, the decline of our economy, the people that are my neighbors, my constituents that once might have worked not only for Kodak, but supplied Kodak and serviced Kodak, a company that at one time by itself had 80,000 employees in the greater Rochester area and now has one-twelfth, one-twelfth of that 80,000.

And they have come to us and they have said, "We are good stewards of the environment within the confines of the

business that we run, and we are becoming better stewards." Just as many companies, without even having to be forced legislatively -- because economically, it's sound for them to be good stewards of the environment. Businesses are good partners with those that want a solid, sound environment.

When I listened to Senator Marcellino, someone who is passionate beyond belief, someone who is driven more than I was even comfortable with at times, I have to say that there is absolutely something right with his approach to this. I believe it myself, because, as I said, I can see the impact it's going to have not just on a Rochester company but on all New York State.

In fact, the company I've talked about is not the only company that's going to be impacted. HP, maybe others. Suppliers, servicers. A global company is going to be impacted with this by rushing this through.

There will be no retreat to the Assembly, I guarantee you. I guarantee you.

Even if there's a chapter amendment in print right now, it will never make it over there, it won't be taken up. This bill will go to the Governor. And it will be one more death blow to a company that is on the edge right now, that has done everything it can to survive not only economically, to be prudent in everything it does as it relates to our environment.

To simplify the argument, if Senator Marcellino is saying we should wait -- and I can't imagine anyone here who would not heed his advice.

But to bring it back home, I've seen so many of my friends and neighbors that are either out of work -- highly skilled, highly educated people -- or maybe they're doing some job that is below their level of training and education because they need to put food on the table.

When I see that, and I know that this is just going to add one more nail to the coffin, then I have to implore Senator Thompson, take this bill and lay it aside and

rather than wait for a chapter amendment, make the adjustments that will serve not only the environment but will serve human beings that need to put food on their table, pay their bills, and send their kids to school. That would be not only a prudent thing to do, but I think it would be a compassionate thing to do.

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

SENATOR THOMPSON: Yes, Madam President, I tried to restrain myself as much as I can. If my colleague would be kind enough to yield for one question.

ACTING PRESIDENT STEWART-COUSINS: Senator Alesi, Senator Thompson has asked you to yield for a question.

SENATOR ALESI: I will yield for a question.

SENATOR THOMPSON: Yeah, just one question.

Through you, Madam Chairperson, if my colleague is aware that this bill will not take effect until July 1st of 2010. In addition, if he's aware that the reason why

it's so important to do this bill now is because the same companies like Kodak that he's concerned about would be impacted by the New York City bill. If he's aware of those two things.

SENATOR ALESI: Madam President, through you -- and I'll try to be as succinct as possible. Unless there are other sections, usually the last line says when the bill shall take effect. And this last line said it shall take effect immediately. That's the bill we're talking about, not the implementation.

So once again, I would simply ask, with all due respect, based on the expertise and passion, not only of myself but of Senator Marcellino and others, that Senator Thompson simply at this late hour, without trying to ram this bill down everybody's throat, take a moment and say it would be okay for me as the author to lay this bill aside and work with the Assembly to do the prudent thing.

But this last line does say this bill shall take effect immediately.

ACTING PRESIDENT STEWART-COUSINS:

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

Hearing none, the debate is closed.

The Secretary will please ring the bells and read the last section.

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

ACTING PRESIDENT STEWART-COUSINS: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT STEWART-COUSINS: Senator Thompson.

SENATOR THOMPSON: Yes, seeing that we are a couple of votes short tonight, I would ask that we table the bill.

ACTING PRESIDENT STEWART-COUSINS: The bill is tabled.

SENATOR THOMPSON: And withdraw the motion as well.

ACTING PRESIDENT STEWART-COUSINS: We will withdraw the roll and lay the bill on the table.

SENATOR THOMPSON: Yes, withdraw the roll and lay the bill aside for the day.

Thanks.

ACTING PRESIDENT STEWART-COUSINS: The roll is withdrawn, and the bill is laid aside for the day.

The Secretary will read.

THE SECRETARY: Calendar Number 881, by Senator Sampson, Senate Print 6068, an act to amend the Insurance Law.

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

SENATOR HANNON: To speak on the bill, Madam President.

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

SENATOR HANNON: I have another improbable task, which is why I think that a bill labeled mandate relief, with a respected sponsor, contains something that I think will actually do the reverse of helping localities and do the reverse of helping people in the state.

Sections A to F in this bill -- and Section F is the one that I'm talking about. It wasn't in the bill originally when it came

from the Governor as mandate relief, but some people have put it in there. And I believe what it does is it cuts off the current right of subrogation and thereby says to people who provide health insurance, you're not going to be able to recover for --

ACTING PRESIDENT STEWART-COUSINS: Excuse me, Senator Hannon.

May we have order in the chamber, please.

SENATOR HANNON: You're not going to be able to recover from awards, and you're going to have to raise your premiums accordingly.

Now, at 10 after 10:00, the right of subrogation is certainly pretty strange. What is it? It's a whole principle in equitable law that says if somebody has insurance coverage and has a right, because they have been injured, to sue, that they can only recover once, that they cannot recover twice. They can't get insurance payments for their health benefits and they can't get an award in court because they've been injured.

But precisely this bill would propose to cut off that and allow the double recovery.

People have talked about that this is occasioned by some recent Court of Appeals decision called Fasso in February of this year. You read through it, it says the opposite. It talks about the fact that a person does not have the right to double recover.

Whatever other excuses have been offered, you then go to the bill, the very last part of the bill, and I find it astounding. Because the right of subrogation is something we gave specifically to the people who provide Medicaid benefits -- namely, the state and the counties -- in the budget this year so they could make sure they could have recoveries.

Now we purport to take it away from the insurers. And by the provisions in this bill, I believe we take it away actually from Medicaid. People have said otherwise.

There is a statement at the end

under the General Obligations Law that's added that says when a plaintiff settles with one or more defendants in an action for personal injuries, medical, dental or podiatric malpractice, it shall be conclusively presumed that the settlement does not include any compensation for the cost of healthcare services. Conclusively presumed. We're making a decision by this statute as to what every case is included its award and settlement in this state.

It goes further on to say that by entering into any settlement, the plaintiff should not be deemed to have taken action in derogation of any nonstatutory right. We're making decisions for every court case.

People will, in years to come, in law reviews wonder what the heck we were ever doing and why we were raising premiums. Well, it's because people like the trial lawyers, their memo in support -- I'm speaking in opposition to it -- they have made some convoluted statements.

They talk about a health insurer

enjoying a windfall. "The health insurer is enjoying a windfall by both collecting premiums from a person covered and collecting reimbursement from a city." Well, they forget to say that the health insurer has paid health benefits. Someone has an injury, someone is harmed, the insurer is paying. They skip over that.

We are abrogating the entire principle here tonight. I don't believe it is supportable. I am voting against this bill. I would urge my colleagues to do the same.

ACTING PRESIDENT STEWART-COUSINS: Thank you, Senator.

Senator DeFrancisco.

SENATOR DeFRANCISCO: Very briefly, it was just mentioned that there's no windfall to the insurance companies. Well, the fact of the matter is under the present situation, without this bill, there definitely is a windfall.

There's a big difference between Medicaid having a lien on a recovery in a lawsuit because the plaintiff in the lawsuit

doesn't paid pay premiums for the Medicaid benefits. These are statutory rights that the state has provided, and the plaintiff is not paying premiums.

The windfall is very, very simple to understand. If the insurance company is getting premiums to pay for the ill health of someone, they're being paid for the benefit they're providing. It's double recovery if they're not only getting paid for the benefit provided, but then be able to recover once the plaintiff gets a recovery in a lawsuit.

And if you look at the statute, the statute precludes you from going after medical expenses. You can't get that double dip.

And the other point I think that's really important for those who don't practice this type of law is that the insurance companies have a hold over settlements. You try to settle a case, you try to find out what the lien is that they want.

And the fact of the matter is they hold a club over the settlement. And if you've got to pay the lien of the insurance

company, that means the defendant has to pay more in a settlement. That's not fair to that defendant, because the defendant wasn't getting premiums like the insurance company was for the health insurance.

So this is a very good bill. It's good not only because it helps municipalities in getting reimbursement, but it prevents the double-dipping of insurance companies and makes for a more efficient settlement process so that the settlements are likely to be less -- and the insurance companies are not getting reimbursement as well as premiums.

So it's an excellent, excellent bill, long overview, and I would urge the support of both sides of the aisle.

ACTING PRESIDENT STEWART-COUSINS: Thank you, Senator.

Senator Volker.

SENATOR VOLKER: Madam President, it really is ironic -- and I want to compliment my good friend Senator Sampson that an issue that I have been pursuing for I guess 15 years is included in part of a bill

sponsored by Senator Sampson. Who, by the way, I think was a wonderful gentleman this year as chairman of Judiciary, I want to make that very clear.

But everybody should know that what is involved in this bill is a provision that relates to what's called collateral source. Now, collateral source has been around for years and it has caused millions and millions of dollars to be paid out by the City of New York, the City of Buffalo, the City of Rochester, counties, towns, villages. Every municipality in this state has supported my attempt over the years, or our attempt over the years, to eliminate collateral source.

Now, it has been difficult for many reasons. The Assembly has been reluctant to move on this unless we tag with that certain other issues. And Senator DeFrancisco and I a couple of years ago had competing bills relating to how this issue would be taken care of. Finally, what happened is we joined them together.

And although I hate to dispute my

great friend Senator Hannon, who is brilliant in healthcare, I don't quite agree with the way in which he has decided that the situation will come down. The truth is it is far more complicated than that.

Oh, it may raise, slightly, healthcare costs. That is possible. But the big thing is every city, town, village and county in this state is going to be able to keep or recover millions of dollars. The City of New York, very conservatively now -- they used to say $100 million; they now say about 30 million. I think one reason is that they changed the way they insure. But at any one given time, it could well be $100 million because of the way the system works.

So let me say that when this portion of the Legislature is over, there will be people in the business community and in the municipalities who will say that one of the major issues in tort reform that has been sought after for at least a decade was accomplished in this bill.

And I compliment my good friend,

the chairman of Judiciary. I realize that this is not a perfect bill, and Senator Hannon did mention some of the difficulties that we have when you're dealing with this subrogation issue and when you're dealing with the issue of different trial issues.

But there's no question in my mind that the people of this state will be far better off and that specifically the municipalities of this state will be far better off when this bill is passed and passed through both houses and is signed by the Governor.

Congratulations, Senator Sampson.

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

Senator Schneiderman.

SENATOR SCHNEIDERMAN: Thank you, Madam President.

I also rise to support this bill. And I have had the benefit of listening to Senator Volker and Senator DeFrancisco talk about it for a number of years, about this issue.

And I just want to emphasize to all of my colleagues, this bill cleans up an area of law that can charitably be described right now as a mess as a result of several judicial decisions.

Right now a public defendant like the City of New York, or a county government, is treated differently under the law than a private defendant when it comes to whether insurance companies can seek to recover after there's a settlement of a tort claim.

The law now discourages settlements of cases because, remarkably, it provides that even though defendants aren't supposed to -- you know, they will not pay for the medical costs that were reimbursed by insurance, that they're not allowed to settle a case if there's a slip-and-fall plaintiff because the insurers can intervene and demand a share of the settlement.

So the law is confusing, the law discourages settlements, and the law costs our local governments many millions of dollars a year. The New York State Association of

Counties supports this bill, the City of New York supports it and says it's one of their top priorities. This will make the law more just.

And it's not -- really, if you think about it, it just doesn't make sense to say if I pay my premiums, I have health insurance, the job of the insurer is to cover me if I'm hurt. And if I happen to be hurt just on my own, they pay it. And if I'm hurt in a tort claim and then sue someone and get a recovery -- which recovery does not, under the law, include my medical expenses that were paid for by the insurer -- why should they be allowed to come back and separately sue the defendant?

This costs the city and our counties and local governments a lot of money. It's unfair. Having private defendants treated differently than public defendants is unfair. Having a rule that discourages settlements like this is unfair.

This is a great solution to the problems in a comprehensive reform of these

confusing areas of law. It's great. And I want to urge everyone also that this is a bill that we've been dealing with separately. Senator Sampson has put it together in a bill that has other provisions that will save local governments money. It's, I think, something that everyone in this house should be able to support.

Obviously we hear a lot from local governments about unfunded mandates from Albany and how we need to do more to help them. This bill helps them. Let's do this tonight.

Thank you, Senator Sampson.

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

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

Senator Hannon, why do you rise?

SENATOR HANNON: I'd like to speak again, if I'm permitted. Briefly.

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

SENATOR HANNON: I have no idea

how many of these local governments supported the mandate relief provision of the bill and how many support this provision of the bill. I wonder. I haven't tracked it, but the bill did start as a mandate relief bill, and this was added on as the tail-end article.

And the second thing is for all of the arguments that I've heard from trial lawyers about it's difficult to settle, it's not difficult to settle, I have two points.

(A), it is difficult to settle. The Court of Appeals said we ought to address that. Specifically, they said the Legislature did not address the procedures and the means of recovery. Consequently, the Legislature may wish to reexamine the concept of permissible intervention under CPLR 1013.

You know what? You know what's not done in this bill? We didn't address that. And I think that's a major gap. So we'll continue to have problems, right here. Fasso, February 2009, Court of Appeals, New York State. So it's there.

And the worst part of it is what

we've done by having the cutoff of subrogation is we have two different types of insurance that goes out in New York State. One is subject to state regulation; the other is preempted by ERISA. All we can affect is what's done by state regulation.

By adding this provision in, we're going to have two different types of negotiations. It's going to take longer for plaintiffs and defendants to figure out under which category the coverage is and what are the permissible rules. We have not solved problems here. We've made it more complicated, we've made it more costly. We'll be back to this area shortly.

Thank you.

ACTING PRESIDENT STEWART-COUSINS: Thank you, Senator.

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

Hearing none, the debate is closed.

The Secretary will please ring the bells.

Read the last section.

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

ACTING PRESIDENT STEWART-COUSINS: Call the roll.

(The Secretary called the roll.)

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

SENATOR SCHNEIDERMAN: Thank you, Madam President.

If it wasn't so late, I would enjoy having a lengthy colloquy with my friend Senator Hannon.

But I just do want to point out that the City of New York and NYSAC do support this provision of the bill explicitly, because this provision was taken from a separate bill I carried all year which that bill in itself was endorsed by the local governments.

And second, we do deal with the footnote in Fasso that was cited by Senator Hannon, page 20 of the bill, Section 8, line 25 on.

So thank you, Madam President. I appreciate these colloquies. I look forward

to doing them in the daylight. But this is a good bill, it does address the relevant issues. And this provision and the rest of the bill is all supported, separately and together, by our local governments.

Thank you.

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

Senator Winner, to explain his vote.

SENATOR WINNER: Thank you, Madam President. I rise to support this legislation.

Clearly there are other provisions of this bill that are also extraordinarily important to local government, and those are the bonding provisions that are provided in here to allow local governments to be able to afford bonding terms that are going to be much more favorable to them to provide for economic development projects and the like.

That additionally, in conjunction with the collateral source provisions that

have been called for by municipalities over and over and over for years after years, I think compel us to be in support of this legislation.

ACTING PRESIDENT STEWART-COUSINS: Excuse me, Senator.

(Gaveling for order.)

SENATOR WINNER: Thank you, Madam President.

For those reasons, obviously I do disagree with my colleague Senator Hannon with regard to the impact of the subrogation provisions. I think that there's a big differentiation between the settlement provisions and where subrogation should come into place, and the issue of collateral source set-offs after trial. I think those are two very important distinctions that have not been raised during the debate here.

Collateral source is still available for those private health insurance companies who would otherwise be paying benefits that would have been to be separately stated in a verdict sheet after trial. These

are only provisions with regard to actions that are subject to settlements, and in almost every one of those instances there's always an opportunity and effort to try to isolate the dollars that are set aside for whether they be collateral source or whether they be for pain and suffering and the like, and therefore are always in dispute.

And that as a result, those private health insurance companies who are not subject to a statutory right of lien on those settlement proceeds are always in an ability to come in and interfere with that settlement, delay the provisions in the settlement of that case, and therefore cost the parties even more money.

Therefore, Madam President, I am supporting this legislation very enthusiastically. Thank you very much.

ACTING PRESIDENT STEWART-COUSINS: Senator Winner will be recorded in the affirmative.

Announce the results.

THE SECRETARY: Those recorded in

the negative on Calendar Number 881 are Senators Alesi, Hannon, Larkin, LaValle, Marcellino, Seward, and Skelos. Also Senator Farley.

Ayes, 49. Nays, 8.

ACTING PRESIDENT STEWART-COUSINS: The bill is passed.

The Secretary will continue to read.

THE SECRETARY: Calendar Number 882, by Senator Thompson, Senate Print --

SENATOR KLEIN: Lay the bill aside for the day.

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

The Secretary will continue to read.

THE SECRETARY: Calendar Number 883, by Member of the Assembly Weprin, Assembly Print Number 3250 --

SENATOR KLEIN: Lay the bill aside for the day.

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

The Secretary will continue to read.

THE SECRETARY: Calendar Number 885, substituted earlier today by Member of the Assembly Schroeder, Assembly Print Number 2239, an act to amend the Real Property Tax Law.

SENATOR LIBOUS: Read the last section.

ACTING PRESIDENT STEWART-COUSINS: Read the last section.

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

ACTING PRESIDENT STEWART-COUSINS: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT STEWART-COUSINS: Announce the results.

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT STEWART-COUSINS: The bill is passed.

Senator Klein, that concludes the reading of the controversial calendar.

SENATOR KLEIN: Madam President,

at this time can we stand at ease.

And if you can please recognize Senator Libous.

ACTING PRESIDENT STEWART-COUSINS: Senator Libous.

SENATOR LIBOUS: Thank you, Madam President.

There will be a brief Republican conference immediately.

ACTING PRESIDENT STEWART-COUSINS: The Senate stands at ease.

And there will be a brief Republican conference immediately.

(Whereupon, the Senate stood at ease at 10:35 p.m.)

(Whereupon, the Senate reconvened at 11:42 p.m.)

ACTING PRESIDENT VALESKY: The Senate is in order.

Senator Klein.

SENATOR KLEIN: Mr. President, I move that we take up the Senate Resolution Calendar in its entirety.

ACTING PRESIDENT VALESKY: All

those in favor of adopting the Senate Resolution Calendar in its entirety signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT VALESKY: Opposed, nay.

(No response.)

ACTING PRESIDENT VALESKY: The Resolution Calendar is adopted.

Senator Klein.

SENATOR KLEIN: Mr. President, at this time can we take up Senate Supplemental Calendar Number 61A.

Excuse me, Mr. President. Can you just recognize Senator Larkin on one of the resolutions.

ACTING PRESIDENT VALESKY: Senator Larkin.

SENATOR LARKIN: On Resolution 2733.

ACTING PRESIDENT VALESKY: Senator Larkin, on the resolution.

SENATOR LARKIN: Mr. President, thank you. Thank you.

This is very important. You know, it's still the 16th day of July. Forty years ago today, we launched on a mission that late President John F. Kennedy said "In this decade, we will land a man on the moon." And on the 16th they took off, and on the 20th they landed.

You know, this is very, very important. A lot of people here, around the world, are putting their stuff together this weekend out at San Francisco, out at Stanford, West Point.

There were three gentlemen, there was a gentleman by the name of Armstrong, a graduate of the University of Purdue; Buzz Aldrin, Class of 1950, West Point; Michael Collins, Class of West Point, 1952. Armstrong and Aldrin were combat pilots before they became part of NASA. As a matter of fact, Armstrong flew 78 combat missions over Korea. And Aldrin, a jet pilot also in Korea, flew 66 combat missions and was shot down twice. Michael Collins was in the Cold War and later on became part of Iraq I.

Now, these people have put together something that we all as Americans can be very proud of. And I think it's something that we shouldn't pass lightly when you can start to think. I see my colleague Senator Breslin looking up there; he said, "You know, if my brother just kept going, he might have been part of that."

Ladies and gentlemen, we as Americans ought to be very proud of these three Americans. They took a ride and, as Armstrong said, one step for mankind, one giant step.

So, ladies and gentlemen, we should all thank God we have such dedicated Americans who back forty years ago, when going up in the air was not as easy as it is today -- and we ought to be thankful and look what they've done for us.

Thank you very much, Mr. President.

ACTING PRESIDENT VALESKY: Thank you, Senator Larkin.

Senator Klein.

SENATOR KLEIN: Mr. President, at

this time can we take up Senate Supplemental Calendar Number 61A.

ACTING PRESIDENT VALESKY: The Secretary will read Senate Supplemental Calendar 61A.

THE SECRETARY: Calendar Number 896, by Member of the Assembly Weisenberg, Assembly Print Number 8905, an act to authorize.

ACTING PRESIDENT VALESKY: Read the last section.

THE SECRETARY: Section --

SENATOR DUANE: Lay it aside.

ACTING PRESIDENT VALESKY: The bill is laid aside.

THE SECRETARY: In relation to Calendar Number 897, Senator Savino moves to discharge, from the Committee on Finance, Assembly Bill Number 4905A and substitute it for the identical Senate Bill Number 2343A, Third Reading Calendar 897.

ACTING PRESIDENT VALESKY: Substitution ordered.

THE SECRETARY: Calendar Number

897, by Member of the Assembly Markey, Assembly Print Number 4905A, an act to amend the General Municipal Law and the Retirement and Social Security Law.

ACTING PRESIDENT VALESKY: Read the last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT VALESKY: The bill is passed.

THE SECRETARY: In relation to Calendar Number 898, Senator Montgomery moves to discharge, from the Committee on Codes, Assembly Bill Number 7846B and substitute it for the identical Senate Bill Number 4865B, Third Reading Calendar 898.

ACTING PRESIDENT VALESKY: Substitution ordered.

THE SECRETARY: Calendar Number 898, by Member of the Assembly Millman,

Assembly Print Number 7846B, an act to amend the Family Court Act and the Social Services Law.

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, 56. Nays, 1. Senator Ranzenhofer recorded in the negative.

ACTING PRESIDENT VALESKY: The bill is passed.

THE SECRETARY: In relation to Calendar Number 899, Senator Perkins moves to discharge, from the Committee on Rules --

SENATOR KLEIN: Lay the bill aside for the day.

ACTING PRESIDENT VALESKY: The Secretary will complete the substitution.

THE SECRETARY: Senator Perkins moves to discharge, from the Committee on

Rules, Assembly Bill Number 8642 and substitute it for the identical Senate Bill Number 1145A, Third Reading Calendar 899.

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

THE SECRETARY: In relation to Calendar Number 900, Senator Addabbo moves to discharge, from the Committee on Finance, Assembly Bill Number 584A and substitute it for the identical Senate Bill Number 1058A, Third Reading Calendar 900.

ACTING PRESIDENT VALESKY: Substitution ordered.

THE SECRETARY: Calendar Number 900, by Member of the Assembly Cahill, Assembly Print Number 584A, an act to amend the Election Law.

ACTING PRESIDENT VALESKY: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the 15th of December.

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT VALESKY: The bill is passed.

THE SECRETARY: In relation to Calendar Number 901, Senator Dilan moves to discharge, from the Committee on --

SENATOR KLEIN: Lay the bill aside for the day.

ACTING PRESIDENT VALESKY: The Secretary will complete the substitution.

THE SECRETARY: -- from the Committee on Codes, Assembly Bill Number 225A and substitute it for the identical Senate Bill Number 1169B, Third Reading Calendar 901.

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

THE SECRETARY: Calendar Number 902, by Senator Duane, Senate Print --

ACTING PRESIDENT VALESKY: Senator Saland.

SENATOR SALAND: Mr. President, can you please tell me what bill we're on and

whether roll has been called?

ACTING PRESIDENT VALESKY: Calendar Number 901 was laid aside for the day. We're waiting to proceed with 902.

SENATOR SALAND: Has the bill been called?

ACTING PRESIDENT VALESKY: It has not.

SENATOR SALAND: Thank you, sir.

ACTING PRESIDENT VALESKY: Senator Klein.

SENATOR KLEIN: Mr. President, can we stand at ease.

ACTING PRESIDENT VALESKY: The Senate will stand at ease.

(Whereupon, the Senate stood at ease at 11:50 p.m.)

(Whereupon, the Senate reconvened at 11:59 p.m.)

ACTING PRESIDENT VALESKY: The Senate returns to session.

Senator Klein.

SENATOR KLEIN: Mr. President, can we continue with the reading of Senate

Supplemental Calendar Number 61A.

ACTING PRESIDENT VALESKY: The Secretary will continue reading Senate Supplemental Calendar 61A.

The Secretary will place Calendar 902 before the house.

THE SECRETARY: Calendar Number 902, by Senator Duane, Senate Print 1347, an act to amend the Personal Property Law.

SENATOR LIBOUS: Lay it aside.

ACTING PRESIDENT VALESKY: Senator Libous, did you say lay it aside?

SENATOR LIBOUS: I did.

ACTING PRESIDENT VALESKY: Lay the bill aside.

Senator Klein.

SENATOR KLEIN: Mr. President, the clock, I think, just almost struck midnight. I would like the record to reflect that after consultation with Senator Libous, and with unanimous consent, we will continue this legislative session past midnight.

SENATOR LIBOUS: Without objection.

ACTING PRESIDENT VALESKY: By unanimous consent, the Senate will continue its work past the midnight hour.

The Secretary will continue to read.

THE SECRETARY: In relation to Calendar Number 903, Senator Perkins moves to discharge, from the Committee on Finance, Assembly Bill Number 2209C and substitute it for the identical Senate Bill Number 1537C, Third Reading Calendar 903.

SENATOR LIBOUS: Read the last section.

ACTING PRESIDENT VALESKY: Substitution ordered.

THE SECRETARY: Calendar Number 903, by Member of the Assembly Brodsky, Assembly Print Number 2209C, an act to amend the Public Authorities Law and the Executive Law.

ACTING PRESIDENT VALESKY: Read the last section.

THE SECRETARY: Section 26. This act shall take effect on the 60th day.

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Those recorded in the negative on Calendar Number 903 are Senators Bonacic, DeFrancisco, Golden, Hannon, Larkin, LaValle, Leibell, Little, Marcellino, Maziarz, Padavan, Ranzenhofer, Saland, Skelos, Volker and Young. Also Senator Fuschillo. Also Senator Libous.

Ayes, 39. Nays, 18.

ACTING PRESIDENT VALESKY: The bill is passed.

THE SECRETARY: In relation to Calendar Number 904, Senator Thompson moves to discharge, from the Committee on Finance, Assembly Bill Number 4097 and substitute it for the identical Senate Bill Number 1590, Third Reading Calendar 904.

ACTING PRESIDENT VALESKY: Substitution ordered.

THE SECRETARY: Calendar Number 904, by Member of the Assembly Millman, Assembly Print Number 4097, an act to amend

the Economic Development Law.

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, 57.

ACTING PRESIDENT VALESKY: The bill is passed.

THE SECRETARY: In relation to Calendar Number 905, Senator Valesky moves to discharge, from the Committee on Finance, Assembly Bill Number 1122 and substitute it for the identical Senate Bill Number 1599, Third Reading Calendar 905.

ACTING PRESIDENT VALESKY: Substitution ordered.

THE SECRETARY: Calendar Number 905, by Member of the Assembly Destito, Assembly Print Number 1122, an act to amend the Public Service Law.

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, 57.

ACTING PRESIDENT VALESKY: The bill is passed.

THE SECRETARY: In relation to Calendar Number 906, Senator Valesky moves to discharge, from the Committee on Finance, Assembly Bill Number 250 and substitute it for the identical Senate Bill Number 1608, Third Reading Calendar 906.

ACTING PRESIDENT VALESKY: Substitution ordered.

THE SECRETARY: Calendar Number 906, by Member of the Assembly Magnarelli, Assembly Print Number 250, an act to amend the Executive Law and the Education Law.

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, 57.

ACTING PRESIDENT VALESKY: The bill is passed.

THE SECRETARY: In relation to Calendar Number 907, Senator Stavisky moves to discharge, from the Committee on Veterans, Homeland Security and Military Affairs, Assembly Bill Number 1247A and substitute it for the identical Senate Bill Number 1743A, Third Reading Calendar 907.

ACTING PRESIDENT VALESKY: Substitution ordered.

THE SECRETARY: Calendar Number 907, by Member of the Assembly Lancman, Assembly Print Number 1247A, an act in relation to enacting.

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, 57.

ACTING PRESIDENT VALESKY: The bill is passed.

THE SECRETARY: In relation to Calendar Number 908, Senator Duane moves to discharge, from the Committee on Finance, Assembly Bill Number 6741B and substitute it for the identical Senate Print Number 3180B, Third Reading Calendar 908.

ACTING PRESIDENT VALESKY: Substitution ordered.

THE SECRETARY: Calendar Number 908, by Member of the Assembly --

SENATOR LIBOUS: Lay it aside.

ACTING PRESIDENT VALESKY: The bill is laid aside.

THE SECRETARY: In relation to Calendar Number 909, Senator Onorato moves to discharge, from the Committee on Finance, Assembly Bill Number 6963 and substitute it for the identical Senate Bill Number 3358B,

Third Reading Calendar 909.

ACTING PRESIDENT VALESKY: Substitution ordered.

THE SECRETARY: Calendar Number 909, by Member of the Assembly Zebrowski, Assembly Print Number 6963, an act to amend the Labor Law.

ACTING PRESIDENT VALESKY: Read the last section.

THE SECRETARY: Section 4. This act shall --

SENATOR DUANE: Lay it aside.

ACTING PRESIDENT VALESKY: The bill is laid aside.

THE SECRETARY: In relation to Calendar Number 910, Senator Dilan moves to discharge, from the Committee on Finance, Assembly Bill Number 7056B and substitute it for the identical Senate Bill Number 3531B, Third Reading Calendar 910.

ACTING PRESIDENT VALESKY: Substitution ordered.

Senator Padavan, why do you rise?

SENATOR PADAVAN: Will Senator

Dilan answer a question, please?

ACTING PRESIDENT VALESKY: We need to put the bill before the house.

THE SECRETARY: Calendar Number 910, by Member of the Assembly Benedetto, Assembly Print Number 7056B, an act to amend the Public Authorities Law.

SENATOR KLEIN: Lay the bill aside for the day.

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

THE SECRETARY: In relation to Calendar Number 911, Senator Stavisky moves to discharge, from the Committee on Finance, Assembly Bill Number 6391 and substitute it for the identical Senate Bill Number 3603, Third Reading Calendar 911.

ACTING PRESIDENT VALESKY: Substitution ordered.

SENATOR LIBOUS: Lay it aside.

SENATOR KLEIN: Lay the bill aside for the day.

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

THE SECRETARY: In relation to Calendar Number 912, Senator Dilan moves to discharge, from the Committee on Codes, Assembly Bill Number 8612A and substitute it for the identical Senate Bill Number 3623A, Third Reading Calendar 912.

ACTING PRESIDENT VALESKY: Substitution ordered.

THE SECRETARY: Calendar Number 912, by Member of the Assembly Gantt, Assembly Print Number 8612A, an act to amend the Vehicle and Traffic Law.

ACTING PRESIDENT VALESKY: Read the last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT VALESKY: Senator Flanagan, to explain his vote.

SENATOR FLANAGAN: Thank you, Mr. President.

I was discussing this bill with

Senator Lanza, and I know in some respects people say you're crazy to vote against a bill like this. But at some point, looking at kids and determining their age, I'm not sure we're going in the right direction here.

The child restraint system, I understand; wearing a seat belt, I understand. But now I'm not quite sure if this means a child who's 8 years old has to be in some type of car seat or some limited car seat. I don't know that that's properly defined.

It just seems to me that we're going perhaps a bit too far. All for safety, but at some point kids can sit like regular people in a car. I'm voting no.

ACTING PRESIDENT VALESKY: Senator Flanagan to be recorded in the negative.

Announce the results.

THE SECRETARY: Ayes, 55. Nays, 2. Senators Flanagan and Little recorded in the negative.

ACTING PRESIDENT VALESKY: The bill is passed.

THE SECRETARY: In relation to Calendar Number 913, Senator Adams moves to discharge, from the Committee on Finance, Assembly Bill Number 8555A and substitute it for the identical Senate Bill Number 3285A, Third Reading Calendar 913.

ACTING PRESIDENT VALESKY: Substitution ordered.

THE SECRETARY: Calendar Number 913, by Member of the Assembly Espaillat, Assembly Print Number 8555A, an act to amend the Executive Law and the State Finance Law.

ACTING PRESIDENT VALESKY: Read the last section.

THE SECRETARY: Section --

SENATOR DUANE: Lay it aside.

ACTING PRESIDENT VALESKY: The bill is laid aside.

THE SECRETARY: In relation to Calendar Number 914, Senator Duane moves to discharge, from the Committee on Finance, Assembly Bill Number 903 and substitute it for the identical Senate Bill Number 3842, Third Reading Calendar 914.

ACTING PRESIDENT VALESKY: Substitution ordered.

THE SECRETARY: Calendar Number 914, by Member of the Assembly Gottfried, Assembly Print Number 903, an act to amend the Public Health Law.

SENATOR LIBOUS: Read the last section.

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, 57.

ACTING PRESIDENT VALESKY: The bill is passed.

THE SECRETARY: Calendar Number 915, by Senator Dilan, Senate Print 3992A, an act to amend the Insurance Law.

ACTING PRESIDENT VALESKY: Read the last section.

THE SECRETARY: Section 2. This

act shall take effect --

SENATOR KLEIN: Lay the bill aside for the day.

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

THE SECRETARY: In relation to Calendar Number 916, Senator Valesky moves to discharge, from the Committee on Finance, Assembly Bill Number 2442C and substitute it for the identical Senate Bill Number 4283B, Third Reading Calendar 916.

ACTING PRESIDENT VALESKY: Substitution ordered.

THE SECRETARY: Calendar Number 916, by Member of the Assembly Destito, Assembly Print Number 2442C, an act to amend the Public Service Law and the Public Authorities Law.

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, 57.

ACTING PRESIDENT VALESKY: The bill is passed.

THE SECRETARY: In relation to Calendar Number 917, Senator Valesky moves to discharge, from the Committee on Finance, Assembly Bill Number 7742A and substitute it for the identical Senate Bill Number 4330A, Third Reading Calendar 917.

ACTING PRESIDENT VALESKY: Substitution ordered.

THE SECRETARY: Calendar Number 917, by Member of the Assembly Destito, Assembly Print Number 7742A, an act to amend the Agriculture and Markets Law.

ACTING PRESIDENT VALESKY: Read the last section.

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

SENATOR DUANE: Lay it aside.

ACTING PRESIDENT VALESKY: The bill is laid aside.

THE SECRETARY: In relation to

Calendar Number 918, Senator Aubertine moves to discharge, from the Committee on Corporations, Authorities and Commissions. Assembly Bill Number 4218 and substitute it for the identical Senate Bill Number 4364A, Third Reading Calendar 918.

ACTING PRESIDENT VALESKY: Substitution ordered.

THE SECRETARY: Calendar Number 918, by Member of the Assembly Brodsky. Assembly Print Number 4218, an act to amend the Not-For-Profit Corporation Law.

ACTING PRESIDENT VALESKY: Read the last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT VALESKY: The bill is passed.

THE SECRETARY: In relation to Calendar Number 919, Senator Savino moves to

discharge, from the Committee on Codes, Assembly Bill Number 8043 and substitute it for the identical Senate Bill Number 4796, Third Reading Calendar 919.

ACTING PRESIDENT VALESKY: Substitution ordered.

THE SECRETARY: Calendar Number 919, by Member of the Assembly Cusick, Assembly Print Number 8043, an act to amend the Civil Practice Law and Rules.

ACTING PRESIDENT VALESKY: Read the last section.

SENATOR DUANE: Lay it aside.

ACTING PRESIDENT VALESKY: The bill is laid aside.

THE SECRETARY: In relation to Calendar Number 920, Senator Huntley moves to discharge, from the Committee on Codes, Assembly Bill Number 6349 and substitute it for the identical Senate Bill Number 5208, Third Reading Calendar 920.

ACTING PRESIDENT VALESKY: Substitution ordered.

THE SECRETARY: Calendar Number

920, by Member of the Assembly Gordon, Assembly Print Number 6349, an act to amend the Penal Law.

ACTING PRESIDENT VALESKY: Read the last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT VALESKY: The bill is passed.

THE SECRETARY: Calendar Number 921, by Senator Stachowski, Senate Print 5575A, an act creating an Economic Development Benefit Task Force.

ACTING PRESIDENT VALESKY: Read the last section.

THE SECRETARY: Section 3. This act shall take effect on the 30th day.

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT VALESKY: The bill is passed.

THE SECRETARY: In relation to Calendar Number 922, Senator Squadron moves to discharge, from the Committee on Commerce, Economic Development and Small Business, Assembly Bill Number 8518 and substitute it for the identical Senate Bill Number 5578, Third Reading Calendar 922.

ACTING PRESIDENT VALESKY: Substitution ordered.

THE SECRETARY: Calendar Number 922, by Member of the Assembly Schimminger, Assembly Print Number 8518, an act to amend the Alcoholic Beverage Control Law.

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: Those recorded in the negative on Calendar Number 922 are Senators Bonacic, DeFrancisco, Farley, Flanagan, Fuschillo, Griffo, Huntley, Lanza, Larkin, Libous, Little, Ranzenhofer, Robach, Saland and Winner. Also Senator Monserrate. Also Senator Young.

Ayes, 40. Nays, 17.

ACTING PRESIDENT VALESKY: The bill is passed.

THE SECRETARY: In relation to Calendar Number 923, Senator Aubertine moves to discharge, from the Committee on Finance, Assembly Bill Number 8405C, and substitute it for the identical Senate Bill Number 5603C, Third Reading Calendar 923.

ACTING PRESIDENT VALESKY: Substitution ordered.

THE SECRETARY: Calendar Number 923, by Member of the Assembly Brodsky, Assembly Print Number 8405C, an act to create a Temporary New York State War of 1812 200th Anniversary Commemoration Commission.

ACTING PRESIDENT VALESKY: Read

the last section.

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

SENATOR DUANE: Lay it aside.

ACTING PRESIDENT VALESKY: The bill is laid aside.

THE SECRETARY: In relation to Calendar Number 924, Senator Savino moves to discharge, from the Committee on Finance, Assembly Bill Number 8228 and substitute it for the identical Senate Bill Number 5632, Third Reading Calendar 924.

ACTING PRESIDENT VALESKY: Substitution ordered.

THE SECRETARY: Calendar Number 924, by Member of the Assembly Abbate, Assembly Print Number 8228, an act to amend the Retirement and Social Security Law.

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, 57.

ACTING PRESIDENT VALESKY: The bill is passed.

THE SECRETARY: In relation to Calendar Number 925, Senator Aubertine moves to discharge from the Committee on Corporations, Authorities and Commissions, Assembly Bill Number 8643 and substitute it for the identical Senate Bill Number 5732, Third Reading Calendar 925.

ACTING PRESIDENT VALESKY: Substitution ordered.

THE SECRETARY: Calendar Number 925, by Member of the Assembly Cahill, Assembly Print Number 8643, an act to amend the New York State Urban Development Corporation Act.

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, 57.

ACTING PRESIDENT VALESKY: The bill is passed.

THE SECRETARY: Calendar Number 926, by Senator Sampson, Senate Print 5764, an act to amend the Social Services Law.

ACTING PRESIDENT VALESKY: Read the last section.

SENATOR DUANE: Lay it aside.

ACTING PRESIDENT VALESKY: The bill is laid aside.

THE SECRETARY: In relation to Calendar Number 927, Senator Thompson moves to discharge, from the Committee on Investigations and Government Operations, Assembly Bill Number 7246B and substitute it for the identical Senate Bill Number 5779, Third Reading Calendar 927.

ACTING PRESIDENT VALESKY: Substitution ordered.

THE SECRETARY: Calendar Number 927, by Member of the Assembly Lupardo, Assembly Print Number 7246B, an act to amend

the Public Buildings Law.

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.)

ACTING PRESIDENT VALESKY: Senator Little, to explain her vote.

SENATOR LITTLE: Thank you, Mr. President. Just briefly.

While it's definitely a good idea for green construction and energy efficiency, I just think that at this time, with the state's finances the way they are, this is an imposition on OGS to do this and it would be a little bit too expensive at this time.

Therefore, I will vote in the negative.

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

Results.

THE SECRETARY: Ayes, 55. Nays,

2. Senators DeFrancisco and Little recorded in the negative.

ACTING PRESIDENT VALESKY: The bill is passed.

THE SECRETARY: In relation to Calendar Number 928, Senator Espada moves to discharge, from the Committee on Rules, Assembly Bill Number 8842 and substitute it for the identical Senate Bill Number 5892, Third Reading Calendar 928.

ACTING PRESIDENT VALESKY: Substitution ordered.

THE SECRETARY: Calendar Number 928, by Member of the Assembly Crespo, Assembly Print Number 8842, an act to amend the Private Housing Finance Law.

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, 57.

ACTING PRESIDENT VALESKY: The bill is passed.

THE SECRETARY: In relation to Calendar Number 929, Senator Parker moves to discharge, from the Committee on Rules, Assembly Print Number 1004 and substitute it for the identical Senate Bill Number 5929, Third Reading Calendar 929.

ACTING PRESIDENT VALESKY: Substitution ordered.

THE SECRETARY: Calendar Number 929, by Member of the Assembly Dinowitz, Assembly Print Number 1004, an act to amend the Insurance Law.

ACTING PRESIDENT VALESKY: Read the last section.

SENATOR DUANE: Lay it aside.

ACTING PRESIDENT VALESKY: The bill is laid aside.

THE SECRETARY: Calendar Number 930, by Senator C. Kruger, Senate Print 5956, an act to amend the Real Property Tax Law.

ACTING PRESIDENT VALESKY: Read the last section.

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

SENATOR LIBOUS: Lay it aside.

ACTING PRESIDENT VALESKY: The bill is laid aside.

SENATOR SMITH: Lay it aside for the day.

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

THE SECRETARY: Calendar Number 931, by Senator Klein, Senate Print 5980, an act to amend the Insurance Law.

ACTING PRESIDENT VALESKY: Read the last section.

THE SECRETARY: Section 5. This act shall take effect on the 30th day.

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT VALESKY: The bill is passed.

THE SECRETARY: Calendar Number 932, by Senator Klein, Senate Print 5981, an

act to amend the Education Law.

ACTING PRESIDENT VALESKY: Read the last section.

THE SECRETARY: Section 4. This act shall take --

SENATOR DUANE: Lay it aside.

ACTING PRESIDENT VALESKY: The bill is laid aside.

THE SECRETARY: In relation to Calendar Number 933, Senator Savino moves to discharge, from the Committee on Rules, Assembly Bill Number 6493D and substitute it for the identical Senate Bill Number 5982, Third Reading Calendar 933.

ACTING PRESIDENT VALESKY: Substitution ordered.

THE SECRETARY: Calendar Number 933, by --

SENATOR LIBOUS: Lay it aside.

ACTING PRESIDENT VALESKY: The bill is laid aside.

THE SECRETARY: In relation to Calendar Number 934, Senator Klein moves to discharge, from the Committee on Rules,

Assembly Bill Number 3367A and substitute it for the identical Senate Bill Number 5990, Third Reading Calendar 934.

ACTING PRESIDENT VALESKY: Substitution ordered.

THE SECRETARY: Calendar Number 934, by Member of the Assembly Englebright, Assembly Print Number 3367A, an act to amend the Election Law.

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, 57.

ACTING PRESIDENT VALESKY: The bill is passed.

SENATOR LIBOUS: Excuse me, Mr. President.

ACTING PRESIDENT VALESKY: Senator Libous.

SENATOR LIBOUS: Calendar Number

933 was laid aside inadvertently. And if we could bring that back up and take it on.

ACTING PRESIDENT VALESKY: Senator Libous withdraws his lay-aside on Calendar Number 933. The Secretary will place 933 before the house.

THE SECRETARY: Calendar Number 933, substituted earlier by Member of the Assembly John, Assembly Print Number 6493D, an act to amend the Labor Law and the General Business Law.

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: Those recorded in the negative on Calendar Number 933 are Senators Alesi, Bonacic, DeFrancisco, Farley, Flanagan, Hannon, Larkin, LaValle, Leibell, Libous, McDonald, Nozzolio, Ranzenhofer, Robach, Saland, Seward, Volker, Winner and

Young. Also Senator Little.

Ayes, 37. Nays, 20.

ACTING PRESIDENT VALESKY: The bill is passed.

THE SECRETARY: In relation to Calendar Number 935, Senator Klein moves to discharge, from the Committee on Rules, Assembly Print Number 8018A and substitute it for the identical Senate Bill Number 5998, Third Reading Calendar 935.

ACTING PRESIDENT VALESKY: Substitution ordered.

THE SECRETARY: Calendar Number 935, by Member of the Assembly Morelle, Assembly Print Number 8018A, an act to amend the Tax Law.

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, 57.

ACTING PRESIDENT VALESKY: The bill is passed.

THE SECRETARY: In relation to Calendar Number 936, Senator Breslin moves to discharge, from the Committee on Rules, Assembly Bill Number 9033 and substitute it for the identical Senate Bill Number 6024, Third Reading Calendar 936.

ACTING PRESIDENT VALESKY: Substitution ordered.

THE SECRETARY: Calendar Number 936, by Member of the Assembly Gottfried, Assembly Print Number 9033, an act to amend the Social Services Law.

ACTING PRESIDENT VALESKY: Read the last section.

THE SECRETARY: Section 2. This act --

SENATOR LIBOUS: Lay it aside.

ACTING PRESIDENT VALESKY: The bill is laid aside.

THE SECRETARY: Calendar Number 937, by Senator Foley, Senate Print 6041, an act to amend the Real Property Tax Law.

ACTING PRESIDENT VALESKY: Read the last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT VALESKY: The bill is passed.

THE SECRETARY: In relation to Calendar Number 938, Senator Aubertine moves to discharge, from the Committee on Rules, Assembly Bill Number 9019 and substitute it for the identical Senate Bill Number 6046, Third Reading Calendar 938.

ACTING PRESIDENT VALESKY: Substitution ordered.

THE SECRETARY: Calendar Number 938, by Member of the Assembly Cahill, Assembly Print Number 9019, an act to amend the State Finance Law.

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, 57.

ACTING PRESIDENT VALESKY: The bill is passed.

THE SECRETARY: In relation to Calendar Number 939, Senator Stachowski moves to discharge, from the Committee on Rules, Assembly Print Number 9040 and substitute it for the identical Senate Bill Number 6050, Third Reading Calendar 939.

ACTING PRESIDENT VALESKY: Substitution ordered.

THE SECRETARY: Calendar Number 939, by Member of the Assembly Cahill --

SENATOR MAZIARZ: Lay it aside.

ACTING PRESIDENT VALESKY: The bill is laid aside.

THE SECRETARY: In relation to Calendar Number 940, Senator Valesky moves to discharge, from the Committee on Rules,

Assembly Bill Number 9023 and substitute it for the identical Senate Bill Number 6056, Third Reading Calendar 940.

ACTING PRESIDENT VALESKY: Substitution ordered.

THE SECRETARY: Calendar Number 940, by Member of the Assembly Hoyt, Assembly Print Number 9023, an act to amend the Tax Law.

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, 57.

ACTING PRESIDENT VALESKY: The bill is passed.

THE SECRETARY: In relation to Calendar Number 941, Senator Robach moves to discharge, from the Committee on Health, Assembly Print Number 6818A and substitute it for the identical Senate Bill Number 939A,

Third Reading Calendar 941.

ACTING PRESIDENT VALESKY: Substitution ordered.

THE SECRETARY: Calendar Number 941, by Member of the Assembly Morelle, Assembly Print Number 6818A, an act to amend the Public Health Law.

ACTING PRESIDENT VALESKY: Read the last section.

SENATOR DUANE: Lay it aside.

ACTING PRESIDENT VALESKY: The bill is laid aside.

THE SECRETARY: In relation to Calendar Number 942, Senator Stavisky moves to discharge, from the Committee on Rules, Assembly Bill Number 2713 and substitute it for the identical Senate Bill Number 2295, Third Reading Calendar 942.

ACTING PRESIDENT VALESKY: Substitution ordered.

THE SECRETARY: Calendar Number 942, by Member of the Assembly Glick, Assembly Print Number 2713, an act to amend the Education Law.

SENATOR KLEIN: Lay the bill aside for the day.

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

THE SECRETARY: In relation to Calendar Number 943, Senator Winner moves to discharge, from the Committee on Education, Assembly Bill Number 7506 and substitute it for the identical Senate Bill Number 4126, Third Reading Calendar 943.

ACTING PRESIDENT VALESKY: Substitution ordered.

THE SECRETARY: Calendar Number 943, by Member of the Assembly Bacalles, Assembly Print Number 7506, an act in relation to capital improvement.

ACTING PRESIDENT VALESKY: Read the last section.

THE SECRETARY: Section 2. This act shall --

SENATOR DUANE: Lay it aside.

ACTING PRESIDENT VALESKY: The bill is laid aside.

THE SECRETARY: In relation to

Calendar Number 944, Senator Stavisky moves to discharge, from the Committee on Rules, Assembly Bill Number 8219 and substitute it for the identical Senate Bill Number 4200, Third Reading Calendar 944.

ACTING PRESIDENT VALESKY: Substitution ordered.

THE SECRETARY: Calendar Number 944, by Member of the Assembly Glick, Assembly Print Number 8219, an act to amend the Education Law and the State Finance Law.

ACTING PRESIDENT VALESKY: Read the last section.

SENATOR LaVALLE: Lay it aside.

ACTING PRESIDENT VALESKY: The bill is laid aside.

THE SECRETARY: In relation to Calendar Number 945, Senator Hassell-Thompson moves to discharge, from the Committee on Finance, Assembly Bill Number 3843A and substitute it for the identical Senate Bill Number 5036, Third Reading Calendar 945.

ACTING PRESIDENT VALESKY: Substitution ordered.

THE SECRETARY: Calendar Number 945, by Member of the Assembly Rosenthal, Assembly Print Number 3843A, an act to amend the Social Services Law.

ACTING PRESIDENT VALESKY: Read the last section.

THE SECRETARY: Section 2. This act shall --

SENATOR WINNER: Lay it aside.

ACTING PRESIDENT VALESKY: The bill is laid aside.

THE SECRETARY: Calendar Number 946, by Senator Stachowski, Senate Print 5598B, an act to amend the General Municipal Law.

ACTING PRESIDENT VALESKY: Read the last section.

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

SENATOR MAZIARZ: Lay the bill aside.

ACTING PRESIDENT VALESKY: The bill is laid aside.

THE SECRETARY: Calendar Number

947, by Senator Parker, Senate Print 5615, an act to amend the Public Service Law and the General Business Law.

ACTING PRESIDENT VALESKY: Read the last section.

THE SECRETARY: Section --

SENATOR WINNER: Lay it aside.

ACTING PRESIDENT VALESKY: The bill is laid aside.

THE SECRETARY: In relation to Calendar Number 948, Senator Maziarz moves to discharge, from the Committee on Rules, Assembly Bill Number 8826 and substitute it for the identical Senate Bill Number 5872, Third Reading Calendar 948.

ACTING PRESIDENT VALESKY: Substitution ordered.

THE SECRETARY: Calendar Number 948, by Member of the Assembly Schimminger, Assembly Print Number 8826, an act to amend the Social Services Law.

ACTING PRESIDENT VALESKY: Read the last section.

SENATOR DUANE: Lay it aside.

ACTING PRESIDENT VALESKY: The bill is laid aside.

THE SECRETARY: In relation to Calendar Number 949, Senator O. Johnson moves to discharge, from the Committee on Rules, Assembly Bill Number 8862 and substitute it for the identical Senate Bill Number 6073, Third Reading Calendar 949.

ACTING PRESIDENT VALESKY: Substitution ordered.

THE SECRETARY: Calendar Number 949, by Member of the Assembly Sweeney, Assembly Print Number 8862, an act to amend the Town Law.

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: Ayes, 57.

ACTING PRESIDENT VALESKY: The bill is passed.

THE SECRETARY: Calendar Number

950, by Senator Duane, Senate Print 2664, an act to amend the Social Services Law.

ACTING PRESIDENT VALESKY: Read the last section.

MULTIPLE SENATORS: Lay it aside.

SENATOR LIBOUS: Lay it aside.

ACTING PRESIDENT VALESKY: The bill is laid aside.

THE SECRETARY: Calendar Number 951, by Senator Parker, Senate Print 5576, an act to amend the Education Law and the New York City Charter.

ACTING PRESIDENT VALESKY: Read the last section.

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

SENATOR WINNER: Lay it aside.

MULTIPLE SENATORS: Lay it aside.

ACTING PRESIDENT VALESKY: The bill is laid aside.

THE SECRETARY: Calendar Number 952, by Senator Dilan, Senate Print 5861A, an act to amend the Tax Law.

ACTING PRESIDENT VALESKY: Read

the last section.

MULTIPLE SENATORS: Lay it aside.

SENATOR KLEIN: Lay it aside for the day.

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

Senator Smith, that completes the noncontroversial reading of Senate Supplemental Calendar 61A.

Senator Libous.

SENATOR LIBOUS: Mr. President, I believe if I can just -- if you call on Senator Maziarz, he would like to withdraw a lay-aside and we could address it.

ACTING PRESIDENT VALESKY: Senator Maziarz.

SENATOR MAZIARZ: Thank you, Mr. President. Could I withdraw the lay-aside for Calendar 946, Senate Bill 5598B, please.

ACTING PRESIDENT VALESKY: The Secretary will place Calendar 946 before the house.

THE SECRETARY: Calendar Number 946, by Senator Stachowski, Senate Print

5598B, an act to amend the General Municipal Law.

ACTING PRESIDENT VALESKY: Read the last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT VALESKY: Senator Maziarz.

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

ACTING PRESIDENT VALESKY: Senator Maziarz, to explain his vote.

SENATOR MAZIARZ: Mr. President, I intend on voting in favor of this bill.

We just a few minutes ago passed Calendar Number 921, which creates a commission to study the benefits -- or the successes and failures of the Empire Zone program. That has to be the fastest report of any commission we've ever appointed, because now we're passing a bill that does the

corrections to the Empire Zone program -- which quite frankly, in the budget which was passed here by one vote, we nearly destroyed the good parts of the Empire Zone program.

So, Mr. President, I think this is a good bill, and I'm going to be voting in favor of it.

Thank you.

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

Senator Stachowski, to explain his vote.

SENATOR STACHOWSKI: Just to explain my vote, Mr. President.

The bill that we are passing now is a technical cleanup bill of the action that was taken in the budget.

For those that would be interested in what the 920 bill actually does, it sets up a commission to develop the program that will come after Empire Zones disappears. And so it's a program bill that -- a task force that people in the Empire Zone -- either people

that are in it, people that work with it -- throughout the state have been reaching out to us since we announced we were trying to do this, to try to get membership on that task force so that they can take part in developing the new program. Which is the way we would like that to happen.

But this particular technical change that we're doing in this bill addresses the problems that everybody brought to us that were in the budget. The fact is that the look-back now will go back only to January '09, which is very important to the people that are in Empire Zones.

It also gives them an opportunity to be considered either -- if there's people that own multiple projects that are in various Empire Zones, they can be either considered individually or all at once. It would be their option. That's another part that people brought to us.

The other thing it does is it clears up what shirt-changer is and talks about that you have to change your federal ID

number to be a shirt-changer.

So the cleanups in this bill are very important to the people that are participating in the Empire Zone program. We listened to them when they talked to us after the budget was passed. We did the best we could in cleaning up the program that was originally put in by the Governor in the budget. And this is a technical change that even cleans it up better, as presented to us by the people that do business in Empire Zones.

So we're glad that this bill is on the floor. We're hoping that the Assembly will see its passage and that Assemblyman Schimminger will be able to carry the day in the Assembly and get this done so we'll have a cleaner program that will carry on until we address the new program.

Thank you, Mr. President.

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

Senator Winner, to explain his

vote.

SENATOR WINNER: Thank you, Mr. President.

Briefly, I am supporting this bill. It's just a clear example as to the necessity for this bill is the fact that we did this budget in secret and caused all these problems with regard to the Empire Zone program. And this bill is a reflection of the mistakes that were made in that secretive process.

It's just unfortunate that those deliberations weren't done in the open so we wouldn't have made that mistake, because now we're dependent upon an Assembly that has been heretofore unwilling to be cooperative with regard to the Empire Zone program.

And so while I'm hopeful that they will in fact agree with this measure, I am somewhat skeptical and I am somewhat disappointed that in fact we got to this point whereby in particular our upstate regions are in so much jeopardy with regard to their noncompetitiveness that the Empire Zone changes that are made are going to make

further economic difficulties for us in our upstate region.

So while I will support this measure, it's unfortunate that we had to be in this position. Had we done a more diligent job in the budget in the first place, we wouldn't be here.

I vote in the affirmative.

ACTING PRESIDENT VALESKY: Senator Winner to be recorded in the affirmative.

Senator Nozzolio, to explain his vote.

SENATOR NOZZOLIO: Thank you, Mr. President. I echo the words of Senator Winner.

But this cleanup bill is attempting to address a mess that is huge across New York State, a mess that puts havoc into economic development, a mess that was created by one single vote in the last budget process.

This budget never should have had this provision in it. It never should have sent a signal to business that New York is all

over the place, it's unreliable.

That this cleanup measure is a half-step in the right direction, but it doesn't undo the damage that has already been done to businesses that are trying to make sound economic decisions to bring jobs and keep jobs in New York State.

Mr. President, I support this measure but certainly wish that we did not have to be here. And I think Senator Winner's question about whether the Assembly will in fact finish this cleanup is one that remains open.

ACTING PRESIDENT VALESKY: Senator Nozzolio to be recorded in the affirmative.

Announce the results.

THE SECRETARY: Ayes, 57. Nays, 0.

ACTING PRESIDENT VALESKY: The bill is passed.

SENATOR WINNER: Mr. President.

ACTING PRESIDENT VALESKY: Senator Winner.

SENATOR WINNER: Yes, I'd like to remove my lay-aside on Calendar Number 951.

ACTING PRESIDENT VALESKY: The Secretary will place Calendar Number 951 before the house.

THE SECRETARY: Calendar Number 951, by Senator Parker, Senate Print 5576, an act to amend the Education Law and the New York City Charter.

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.)

SENATOR KLEIN: Lay the bill aside for the day.

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

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

SENATOR KLEIN: Mr. President, at

this time can we move to a reading of the controversial calendar, Senate Supplemental Calendar Number 61A.

ACTING PRESIDENT VALESKY: The Secretary will proceed with the controversial reading of Supplemental Calendar Number 61A.

THE SECRETARY: Calendar Number 896, by Member of the Assembly Weisenberg, Assembly Print Number 8905, an act to authorize.

SENATOR DUANE: Explanation.

(Pause.)

SENATOR SKELOS: Mr. President.

ACTING PRESIDENT VALESKY: Senator Skelos.

SENATOR SKELOS: Are we at ease, or are we having press conferences now? Can I just clarify what's happening right now?

ACTING PRESIDENT VALESKY: Sure. Calendar Number 896 is before the house. Senator Duane has asked for an explanation.

SENATOR SKELOS: Fine.

ACTING PRESIDENT VALESKY: And I'm waiting for -- since there is no Senate

sponsor for this bill, I'm waiting for a Senator to explain the bill.

SENATOR SKELOS: This Young Israel of Hewlett is in my district. The bill is sponsored by Assemblyman Weisenberg, and it would allow Young Israel of Hewlett to file an application for a real property tax exemption with the County of Nassau retroactively.

ACTING PRESIDENT VALESKY: Thank you, Senator Skelos.

Senator Duane.

SENATOR DUANE: Explanation satisfactory. Thank you, Senator.

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, 55. Nays, 2. Senators Bonacic and Larkin recorded in the negative.

ACTING PRESIDENT VALESKY: The

bill is passed.

THE SECRETARY: Calendar Number 902, by Senator Duane, Senate Print 1347, an act to amend the Personal Property Law.

SENATOR SKELOS: Explanation, please.

ACTING PRESIDENT VALESKY: Senator Duane, an explanation has been requested.

SENATOR DUANE: Thank you, Mr. President.

This legislation would require that all rent-to-own merchandise be -- that the prices can't be inflated above the local market rate; that all hidden fees must be disclosed in the purchase agreement; that interest and other charges have to comply with the federal Truth in Lending Act, which is the standard for all credit cards; that all fees must be itemized in the purchase agreement; that the purchase agreements must clearly state how many payments are necessary to purchase the merchandise; and that if a renter should cancel the agreement, the rent-to-own

agreement, that the penalty fee cannot be more than 10 percent and that interest rates cannot be more than 25 percent per year.

I think many of us have heard --

SENATOR SKELOS: If I could --

ACTING PRESIDENT VALESKY: Senator Skelos.

SENATOR SKELOS: -- the explanation is sufficient. Thank you very much.

ACTING PRESIDENT VALESKY: Thank you, Senator Duane.

Read the last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Those recorded in the negative on Calendar Number 902 are Senators Alesi, Bonacic, DeFrancisco, Farley, Flanagan, Fuschillo, Golden, Griffo, Hannon, Lanza, Larkin, LaValle, Leibell, Libous, Little, Marcellino, Maziarz, McDonald,

Morahan, Nozzolio, Padavan, Ranzenhofer, Robach, Saland, Seward, Skelos, Volker, Winner and Young.

Ayes, 28. Nays, 29.

ACTING PRESIDENT VALESKY: The bill is defeated.

Senator Klein.

SENATOR KLEIN: Mr. President, with unanimous consent, and after consultation with Senator Libous, I ask that we withdraw the lay-aside on Calendar Number 951 and take it up as part of the noncontroversial calendar.

ACTING PRESIDENT VALESKY: The Secretary will place Calendar 951 before the house, noncontroversial.

THE SECRETARY: Calendar Number 951, by Senator Parker, Senate Print 5576, an act to amend the Education Law and the New York City Charter.

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.)

SENATOR PARKER: Lay it aside.

SENATOR KLEIN: Lay the bill aside.

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

The Secretary will continue to call the bills in calendar order.

THE SECRETARY: Calendar Number 908, substituted earlier today by Member of the Assembly Bradley, Assembly Print Number 6741B, an act to amend the Public Health Law and the Insurance Law.

ACTING PRESIDENT VALESKY: Read the last section.

SENATOR SEWARD: On the bill.

ACTING PRESIDENT VALESKY: Senator Seward, on the bill.

SENATOR SEWARD: Yeah, briefly on the bill, Mr. President.

In an effort to render quality

medical care as well as to control costs, many of the HMOs and our health plans have established managed-care networks of providers who have agreed to provide care for members of that particular health plan or HMO at a reasonable rate of expense. And that helps to keep the costs of health premiums down.

But this legislation before us, my fear is would increase costs, would diminish managed-care plans, would gut managed-care plans, diminish their ability to protect plan participants as well as significantly alter these provider networks that have been established.

And in light of existing New York regulations, this bill is unnecessary and would not benefit insureds, because current law does permit referrals to nonparticipating laboratories under certain circumstances and they are indeed paid.

So, Mr. President, I would encourage a no vote on this legislation.

ACTING PRESIDENT VALESKY: Thank you, Senator Seward.

Are there any other Senators who wish to be heard?

Senator Duane.

SENATOR DUANE: Thank you, Mr. President.

You know, I'm confident that people understand that sometimes numbers don't necessarily mean that they're correct or that people that have more numbers in their group at a moment in time, that doesn't necessarily make them correct on an issue.

That said, I just want to describe what this piece of legislation does.

Unfortunately, current law permits health plans to limit consumers and their providers to certain clinical labs and health plans in a network. That deprives the consumer as well as the prescriber of choosing the best clinical laboratory that serves their needs. In fact, in some cases some labs offer more and/or different or more precise information to the consumer and the healthcare provider.

And I don't think that we -- I do

not want on me that I would deprive a healthcare provider and their patient from getting the best possible information.

This bill would guarantee that a consumer can access out-of-network clinical labs so that they can get the most precise and the best information from their tests.

By the way, the bill also provides that the health insurer will pay the clinical lab directly. And the individual is similarly responsible for paying any extra copay, coinsurance or deductible, so that argument is not -- should not be of a concern.

And this bill was amended because there were concerns. And one of the great things about working both in this body and this Senate, as well as reaching out as thoroughly as possible with the industry and with consumer groups, is that sometimes a bill when it's first drawn, drafted, is not perfect. And in this case, I think revisions, after speaking with colleagues and people in the industry and consumers and consumer groups, has made for a better bill and

assuaged some of the concerns that various groups had.

So this bill did incorporate those concerns from the industry and the consumer groups. There was a negotiation that happened among all of us. And that's reflected in this bill, in this B print.

The legislation passed the Assembly overwhelmingly. Not that that necessarily means that -- it's just another piece of information for people as they make their decision about how to vote on this bill. But I think we have a very good, pro-consumer, pro-best possible information for the patient, allowing best efforts for the healthcare provider to get the best information to the patient bill. And I would encourage my colleagues to vote yes on this bill.

Thank you, Mr. President.

ACTING PRESIDENT VALESKY: Thank you, Senator Duane.

SENATOR LIBOUS: Read the last section.

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.)

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

SENATOR ROBACH: Very quickly.

In all due respect to my friend and colleague Tom Duane, having nothing to do with numbers, this bill -- every lab in New York State has to go through certain criteria, a certain quality level. And one of the reasons why HMOs work within those streams is actually to keep the costs down, not raise it, if you take volume.

So the logic would be if someone for some reason, even though they all have to meet the same standard, wanted to go to an out-of-service provider, actually increasing the cost to all those people in that healthcare service.

So in all due respect, while I

understand your intention, I'm not seeing the merit of the bill. And for that reason and no other, I'm going to cast my vote in the negative.

ACTING PRESIDENT VALESKY: Senator Robach to be recorded in the negative.

Announce the results.

THE SECRETARY: Those recorded in the negative on Calendar Number 908 are Senators Alesi, Bonacic, DeFrancisco, Farley, Flanagan, Fuschillo, Golden, Griffo, Hannon, Lanza, Larkin, LaValle, Leibell, Libous, Little, Marcellino, Maziarz, McDonald, Morahan, Nozzolio, Padavan, Ranzenhofer, Robach, Saland, Seward, Skelos, Volker, Winner and Young.

Ayes, 28. Nays, 29.

ACTING PRESIDENT VALESKY: The bill is defeated.

Senator Klein.

SENATOR KLEIN: Mr. President, can we call Calendar 951, Print Number 5576 -- Senator Parker's bill -- controversially.

ACTING PRESIDENT VALESKY: The

Secretary will place Calendar Number 951 before the house, controversial.

THE SECRETARY: Calendar Number 951, by Senator Parker, Senate Print 5576, an act to amend the Education Law and the New York City Charter.

SENATOR SMITH: Explanation.

ACTING PRESIDENT VALESKY: Senator Parker, an explanation has been requested.

SENATOR PARKER: Thank you, Mr. President.

This bill is the Better Schools Act. And as everyone knows, that we have been in the midst of talking about school governance. We have had in New York City calls for mayoral control. There's also been a hue and cry in our community against mayoral control and a desire to return to the old system.

This bill would actually strengthen and put at the focus parental involvement by making sure that parents were more empowered.

It overhauls the city Education

Board by expanding it to 17 members. Eight would be appointed by the mayor, one each by the borough presidents, one by the City Council, one by the Governor, one by the Assembly, one by the Senate. It authorizes the chairman of the board to select a chairperson from among its voting members. It actually eliminates -- it eliminates the chancellor as the chair of the board. It establishes two-year terms.

It empowers district superintendents to address issues such as school choice and student discipline, language access for parents and students. It addresses education of students with disabilities and also empowers the superintendent to deal with shared decision-making among schools.

As it relates to the budget, it also provides a significant amount of transparency and accountability by making sure that there is board approval for procurement contracts that exceed $200,000. Also, the board would have to approve the DOE operating budget for a five-year capital plan.

It establishes that the chancellor be appointed by the mayor and serve as an ex officio member as opposed to the chair of the board. It requires the chancellor to provide the Independent Budget Office with all relevant data.

It requires that the CECs hold at least two public hearings per year. It requires community input when selecting superintendents. It requires the city board to approve budget requests prior to sending requests to the mayor. It requires consultation with school leadership teams before principals can propose a school budget. It requires that proposed budgets be aligned with the school's comprehensive educational plan.

In addition, the comptroller of the City of New York shall have power to audit the Department of Education -- again, back to this idea of transparency and accountability.

It requires that New York City provide 5 percent of funds given to the Office of Management and Budget of the IBO, the

Independent Budget Office, to carry out responsibilities. That is, that it is more than just to say that the IBO needs to have these oversight functions, but we actually provide a funding mechanism within the context of the bill for that work to actually get done.

It amends the city charter to create a center for parent and student services, and empowers it within the office of the public advocate. It requires the city to provide an amount actual equal to 10 percent of the Office of Management and Budget to the budget of the public advocate to fund a training center. That number is approximately $3 million a year.

It replaces one of the elected community district education council members with a student and grants the student all voting rights, thus empowering students within the context of the legislative outline of the bill.

SENATOR SMITH: Explanation sufficient.

ACTING PRESIDENT VALESKY: Thank you, Senator Parker.

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

SENATOR PARKER: I want to talk on the bill.

ACTING PRESIDENT VALESKY: Senator Parker, you may continue.

SENATOR PARKER: Mr. President, thank you very much.

As you know, this is the Better Schools Act, which has come about because in 2002 this State Legislature made New York City and made the mayor of New York City the most powerful person in the country as related to public education by creating a mayoral control system.

The beginning of that system in 2002 created a reign of tyranny over parents and students throughout the five boroughs of New York City, where parents did not have access to the schools, where community leaders and elected officials could not oversee what was happening in classrooms, where schools

were opened and closed, frankly, willy-nilly, without any input from parents, students, community leaders or elected officials.

And as somebody who has kind of grown up in public education -- went to P.S. 193 on Avenue L in Bedford, went to Andries Hudde Junior High School, I.S. 240, went to Midwood High School on Avenue L -- I'm sorry, on Bedford Avenue and Glenwood Road -- I know how important public school is not just to my own life and my own pursuits, but what public education has meant to the people of the City of New York.

We have over 1.1 million schoolchildren every single day who go to public schools in our city. And it is important that, yes, there is some significant oversight to what they do, but then also that their parents have some input on what happens in the classroom, on the ability to have children go to a school that makes sense for them in their community.

It's important that community members feel good about the schools that are

in their community and that they have some sense of ownership to make sure that those young people who are going to those schools and engaging in activities in the community are in fact involved.

This Better Schools Act isn't about control, it's about continuing to improve the education quality and quantity in New York City. The Better Schools Act requires transparency, it imposes accountability, it ensures access for parents, for students throughout the New York City school system.

And these are not small considerations, especially since we recognize that we are in a financial crisis and we have to extract the greatest possible value of our investment from taxpayer dollars.

State Comptroller Tom DiNapoli has reported our revenues in April and May are down from a year ago and that the numbers for June are due out tomorrow -- well, I guess tonight. New York is in an economic crisis, and we all know that, but our investment in education should not be sacrificed.

In the budget we passed in April, the payout for the Campaign for Fiscal Equity lawsuit was reduced and spread over an extra year. Now, this was a critical thing particularly for me. And those of you who have served in this body with me for the last seven years know that I blocked the doors of the State Capitol in 2004 when we were about to go on break without dealing with the Campaign for Fiscal Equity lawsuit. In 2006, I stood in this very chamber and took 10 no votes on the budget exactly because we had failed our responsibility to respond to the Campaign for Fiscal Equity lawsuit.

And so for us to be in an economic situation where we now were unable to fulfill our commitment once again to the children of the City of New York and then, by extension -- because CFE in the iterations that we passed in this body, frankly, did not just deal with New York City but in fact dealt with every single low-needs district in the entire state.

And so for us not to in fact hold on to our commitment was really disturbing for

me this year.

With revenues coming in under forecast, it's likely that some in this chamber will support reducing the state's educational investments even more in the next DRP or definitely in next year's budget. Well, it won't be me. At the time when things are bad, that is exactly the right time to invest in education.

You get nothing more in terms of third-party externalities than you do in education. Educating our children gives us better citizens, it gives us better communities, it gives us people who are better for economic development, because a well-skilled workforce is one of the things that corporations look at when they're looking to relocate, it brings in more tax dollars and give us an ability to in fact shore up our future.

Expert after expert, whether economists, educators, law enforcement professionals, and even business owners understand that a public investment in

education prepares our children to contribute. They're our next generation of thinkers, workers and leaders. The experts tell us that if we shortchange our children, we will only pay a higher price over the long haul, with more children unprepared to compete. The government will spend more to incarcerate. And that's exactly what we've seen. Their unrealized potential means they earn less over their lifetimes, they will contribute less to state revenues and only increase the burden that remains on taxpayers.

So I believe that we have to hold onto our investment in education as a whole, but it does not mean we continue to make large investments without greater returns.

And so the mayor and the chancellor want to take all the credit for student performance. They ignore the role of the Legislature's historic multi-billion-dollar investment in New York City's school system and the long overdue financial corrections made through the Campaign for Fiscal Equity.

So over the last four years we've

put approximately $20 billion, this State Legislature -- with most of the Republicans saying no to it -- has put about $20 billion into New York City public schools. And that includes about $5.8 billion in capital improvements for schools.

If you want to start talking about performance and why performance is better, it is in fact better in large part because of the increased dollars that we put in. If you want to talk about why performance is better, yes, the mayor and the chancellor have done some things that are good and correct. But we have also done our share here. We have put in place a Contract for Excellence that has allowed class sizes to be smaller, that has given accountability to the system.

But right now all they want to do is tell us how good they did and tell us about statistics. They want credit for statistics improvements they claim have occurred in the system, and that's all they show us, are these statistics. There is no independent verification for their job performance, and

it's like an employee writing their own performance review or a student allowed to write his own report card.

The people in this conference, the Democratic conference of the State Senate, believe that everyone has to tighten their belts and adjust to the new fiscal reality. The days of the Halliburton-style economy and the mayoral style of management are over.

This year, this Legislature provided $8.9 billion in school aid and the state has given $54 billion to New York City's school aid since we've allowed mayoral control, $54 billion. That's even big money to Mike Bloomberg. And that massive investment and enormous amount of money, people have to pay attention to that and have some accountability for it. Mike Bloomberg himself would have never made an investment that big without requiring some measure of accountability and independent audit, and neither will we.

Now, so some of you have the same experience I have. When I was young, my

father used to send me to the store all the time. And what did he say? "Bring my change and bring my receipt."

This Legislature and many of our partners fought decades to get New York City their fair share of educating funding. And two years ago, after electing a Democratic governor we finally honored the Campaign for Fiscal Equity court decree and increased our investment in education. Why? Because we wanted change, and we still want that change to go on today.

And we want meaningful improvements that we can measure. We want higher test scores, we want less racial disparity in four-year graduation rates. We want lower dropout rates. We want lower class sizes. And we want better teacher pay.

In exchange for that increased investment, we've gotten statistics and press releases, and we all know what Mark Twain says about statistics.

If the success story is real, then why do we have parents coming into my office

and your offices asking for help getting their kids into a local school and helping them fight through the bureaucracy when they have a problem? Why do racial disparities in test scores, retention and graduation rates exist?

We gave Joel Klein and Mike Bloomberg the money, and they went to the store. We still want our change, and we definitely want our receipt. And we don't want a receipt printed up by the guy we sent to the store. We don't want an accounting firm from the two guys in the room down in New York City who tell us to leave them alone and pay no mind to what they're doing. We want independent confirmation of both quality of their work and the management of the people and the money.

You can't tell us that after we gave you almost $9 billion this year, an increase of $625 million from the previous year, that you have imposed a hiring freeze on new teachers but there aren't enough kindergarten seats this year. It doesn't -- it doesn't add up.

Some of you will remember in 2008 we gave them -- we spent, in 2008, more money in the State of New York per pupil than any other state in the history of the United States on education. And literally a week after we did that, Mike Bloomberg announced cuts to teachers and was talking about closing schools and cuts to classrooms. It's outrageous.

Look, I'm not going to be placated by statistical improvements when the four-year graduation rates amongst blacks and Latinos lags significantly behind others. You can't have a Panel for Educational Policy that votes with you 97 out of 97 times and the one time they disagree with you on policy, you fire members on the panel in the Monday Night Massacre. It's unacceptable.

If we're going to have a panel that is supposed to provide a check and a balance to the work of the chancellor, then it needs to be a real board -- point-blank, period. If you hire all the people on the board, if your boy is the chair of the board and you, you

know, can fire them summarily, that is not a board. That is a staff meeting. And if you're going to have a sham board, you might as well have no board at all.

We don't have confidence in a system that requires great investment but continues to deliver less than perfect results. If this were one of Mike Bloomberg's business investments, neither would he.

The Better Schools Act requires transparency. It empowers the Independent Budget Office to conduct forensic audits of the board's finances and the independent performance of audits in our schools. The Better School Act imposes accountability by reforming the Panel on Educational Policy and ensuring that innovations and reforms are properly considered at the highest level of the educational system. And it makes the chancellor a nonvoting ex officio member of the panel.

This Better Schools Act ensures access for parents and students to the system that is designed to service them. And that's

been missing. It seems basic. I know you're sitting there saying, Really? But right now, parents in our district don't have access to the system and don't know how to access the system.

Our constituents will have local mechanisms to resolve concerns or problems they may have with their children's education and empower district-level decision-makers to facilitate speedy resolutions to those parents' concerns. Taken together, the Better Schools Act improves school governance. Whoever the mayor is, now and in the future, will still have the authority for running the system that has to provide healthy and safe schools, offer the best curriculum for teaching methods, and improve performance of students in the system.

What the Best Schools Act requires is that with the authority we grant to any mayor will also now come the responsibility to account for how they achieve these goals and how they manage the investments in the future of New York City's children.

We need to have accountability. And I'm asking my colleagues in this body to vote for this bill today. I have heard numerous people around this Capitol and numbers of my colleagues say to me: We need to do something around school governance. Well, ladies and gentlemen, here we are. Here is a bill that you can vote for that provides not only the kind of school governance that we need in the City of New York, but it also provides the enhancement of parental involvement that has been missing in the current iteration of school governance.

Some of you say, This is antimayoral control, and I'm for mayoral control. I think of this as mayoral control, but I think of it as enhanced mayoral control. It is enhanced with parental involvement, it is enhanced with transparency and accountability, it is enhanced with checks and balances, it is enhanced by more democracy. And how can we in fact not be supportive of a bill that increases democracy amongst the parents and the children in the system that we

think is so important?

Now, I know many of my colleagues don't live in New York City, and so for some of you this may be, you know, not that big of a deal. And so if you think it's not that big of a deal, vote for the bill. If you want to see -- you know, and I know all my colleagues in here, as much as I've sat here and heard people, you know, complain about how much money we spend, with us spending $8.9 billion this year on education in New York City, with us spending $54 billion over the last seven years in the system, there is no way that you can not vote for this bill, because this bill provides the kind of transparency and accountability that is needed in our system.

This is a chance for us to do the right thing by the children of New York City. And so I'm asking you to join me in voting for this bill. Let's get this bill passed. Let's start some conversations in good faith with the mayor and the governor and the Assembly, and let's put together a law that in fact does what it needs to do for those children and

make sure that parents are feeling comfortable about the system that they're sending their children to everyday.

Thank you, Mr. President.

SENATOR LIBOUS: Read the last section.

ACTING PRESIDENT VALESKY: Thank you, Senator Parker. Are there any other Senators who wish to be heard?

Senator Perkins.

SENATOR PERKINS: Thank you, Mr. President. I rise to express my support for this bill.

And, you know, mayoral control as we have come to know is it really about mayoral dictatorship. It has created a system in which the only voice that you can significantly hear and that has any input whatsoever is the voice of the mayor. There is no serious involvement of parents, and all you hear are parents in our communities complaining about the fact that they are disconnected from the process.

When you try to find out about the

statistics that are reported in terms of the success of the system, all you hear are the statistics that are provided by the mayor. And when they're challenged, those challenges go without review or without serious consideration. And they come from highly regarded experts who in the past have informed us in terms of these types of statistics but never are given any consideration under this mayor.

Most significant, perhaps, for me is the fact that under this system of mayoral control, it seems as if the most important thrust of this effort has been to create charter schools in our communities, charter schools that only appear in my district above 96th Street, where the children of color attend school. Yet below 96th Street, the public schools are available to the children in those communities.

The public schools in my community above 96th Street are schools that are failing miserably. Parents are fleeing them as if they're fleeing a four-alarm fire. And the

only options that they're given are charter schools where our children are questionably being given a better education. In fact, you still can't even get the statistics about those schools.

And we've notice that this is the case with all of our communities above 96th Street, metaphorically speaking. And you'll notice that in all of these communities, parents are fleeing the schools throughout the city.

You know, this week we are witnessing the 100th anniversary of the celebration of the NAACP. And amongst its significant contributions is not simply the fact that we now have Barack Obama as our president and Sonia Sotomayor about to become our first Latina United States Supreme Court judge -- but significant in that legacy has been its movement to prevent separate and unequal public education. Thurgood Marshall, as you know, Brown vs. Board of Education.

Yet despite that significant historical legacy, you have a mayor in

New York City who brags that charter schools are the public's private schools for children of color. Charter schools are the private schools for children of color, according to Mayor Bloomberg.

And it seems to me that all he is doing is restating separate and unequal, resegregating our children in a way that clearly is polarizing in racial terms. And I think from that perspective alone, it gives us reason to want not to see mayoral control as we have witnessed it over these past few years.

Mayoral control has been polarizing in terms of communities, has been alienating in terms of parents, has not proven itself to be a success in terms of the outcomes. And in fact, if you really look at what's going on, it has been an opportunity for this mayor to, in a dictatorial way, determine how a huge $21 billion budget is being spent without any oversight in terms of premium practices, et cetera.

So this bill I think goes a long

way towards curing these ills that we've witnessed over the last years. And by the way, in case you didn't know it, mayoral control sunsetted, and we did not turn into the Soviet Union-type chaos as was predicted mayor.

So I think this is an important step forward in terms of trying to really reform our public school system. I would hope that my colleagues on both sides of the aisle would take a good look at what we've been experiencing in New York City. It has not an system that is unquestionably successful. In fact, quite the opposite. Parents throughout the city are wondering whether or not their children are getting the best education that they can and why can't their children go to a public school and have to go to a charter school.

Just recently, in conclusion, you may have read in the Daily News, thanks to Juan Gonzalez, an instance of mayoral control gone amuck, in which one of the schools in my district, P.S. 123, a charter school operator

invaded the school, took over the school without authority -- because they had been given the wink, supposedly, that they were going to be able to move into that school, and at the expense of the people that are already in that school.

And so I think that this mayoral control has not proven itself to be successful in terms of educational outcomes, has created a great deal of disruption and confusion, has questionable outcomes in terms of our children, and I believe has a racially polarizing effect in terms of the educational community in general.

So for that reason, I encourage my colleagues to support this bill. And appreciate the fact that this bill, in the spirit of the reforms that we just passed, is a good example of why we need to be able to have a debate, to have a discussion, to have a vote up or down on legislation that comes before this body.

Thank you so much.

ACTING PRESIDENT VALESKY: Thank

you, Senator Perkins.

Senator Monserrate.

SENATOR MONSERRATE: Thank you very much, Mr. Chair.

I also rise in support of this legislation sponsored by Senator Parker. And I echo the sentiments of my colleague Bill Perkins.

I also want to give a strong welcome to the deputy mayor, who's looking from the balcony, Dennis Walcott. Thank you for being here.

And just for the record, Mr. Mayor, Dennis is working very hard to promote your agenda.

When we speak about education in our communities, ladies and gentlemen, we are talking about a historical battleground, a battleground that in many ways was fought by people of color. The very fact that today in our current school system in the City of New York children are taught who Fannie Lou Hamer was, who Harriet Tubman was, what the civil rights struggle was before Martin Luther

King, is that parents and communities demanded empowerment and demanded participation in our education systems.

And also, the Latino community, which throughout the 60s and the 70s had to sue the department, the Board of Education to ensure that there was bilingual education for limited English speakers.

Ladies and gentlemen, this all occurred because parents were at the forefront of participating in their children's education. In fact -- and this is a fact -- every scientific and clinical study will show you that parental participation is paramount for the success of our children's education.

And ladies and gentlemen, what we have seen in the City of New York is the separation of parents from the educational process of their children. And yes, parents are not precluded in participating in a PTA meeting. They are not precluded from visiting a teacher. But there is no formalized structure that empowers parents and communities.

And this is why, ladies and gentlemen, many of the downstate Senators from the City of New York are raising our voices to the mayor of the City of New York. We're not trying to kill your mayoral control. What we want to do is ensure that parents have a real voice in the education of their children.

It is easy for many folks to escape and not to recall the fact that it is only in New York City where we need a special plan to give almost entire power to one executive to run the educational system.

The second point I wanted to make -- because there are two objections that I have raised with the administration with respect to the current mayoral control scheme -- and that is, one, parental participation; and, two, to have a panel, an educational panel without fixed terms is not to have a real panel at all.

In fact, if you have a panel where you can remove those that you have chosen because they have the intellect, the capacity and the experience, and if at midnight you can

move them out because they don't agree with your policy, then that's not a real panel. That's not folks that we have chosen to lead and to participate.

In this body we ratify nominations constantly. We put people on the bench. We make them commissioners, we make them parts of boards. But almost always, in their entirety, they are for fixed terms.

Look at the Secretary of the Senate, where there was a lot of debate recently about who should be the Secretary of the Senate and what he was doing and what he wasn't. But the fact is even when we were challenging and discussing the leadership of this house, we understood that the Secretary of the Senate had a fixed term and that his constitutional fixed term was to do the good of the State of New York in the Senate. We understood that.

So why would the administration and the mayor of the City of New York be so concerned to have so much power that the very same people that he put on this panel he can

remove the day before a vote and then replace them with people with zero educational experience?

That, ladies and gentlemen, is an affront. It's an affront to this institution and the political power that we should exercise as responsible legislators and send a message back to the executive of the City of New York: This Senate will not be a rubber stamp. This Senate will demand that you meet with us and you negotiate what's important for our 1.1 million children.

So I ask my friends and my colleagues on the other side of the aisle, I ask my friends and my colleagues on this side of the aisle, not allowing this discussion to continually deteriorate in the politics of New York City, but by standing up for our children and our communities, because we have a right to be heard in the education of our children and our future.

Thank you very much.

ACTING PRESIDENT VALESKY: Thank you, Senator Monserrate.

Senator Adams.

SENATOR ADAMS: Thank you, Mr. President.

I think about my 22-year career. And Hiram and I, we were both police officers. And ever since I was a rookie, I used to look at things in the police department that I felt was wrong, because I took great pride in being a police officer. And, you know, people used to say we were anti-cops just because we thought it was wrong for cops to do something that was illegal. And we weren't. We just enjoyed and we loved our career.

And that's the way I feel about education. You know, this is not about attacking Mayor Bloomberg. It's not about attacking Klein. Dennis Walcott, who's the deputy mayor and I think one of the finest deputy mayors the city has, I've known for over 30 years. It's larger than that.

Its' the common denominator for those who are incarcerated is not ethnicity or economics, it's education.

This is a very important time in

our lives, and we have to make a very big decision. And I know my colleagues on the other side of the aisle have already made up their mind which way they're going to vote, and so I don't want to convince them on how to vote. I want to get the record straight.

I think it is wrong and it is a lie to state that Kevin Parker and Shirley Huntley and Ruth and Bill Perkins and Hiram Monserrate and others, that we are attempting to take the system backwards. That is a lie.

I am tired, since the beginning of my career in policing in '84, of putting handcuffs on 11-year-old children and children sitting in classrooms too afraid to read and write because gangs were pervasive. Countless numbers of adults unable to attend college because they couldn't take the academic courses that were involved. I don't want to go back.

But none of us would disagree, none of us, that the system we're currently seeing is not perfect. We may disagree on the level of improvements, if they're high or low, but

none of us would state that the system that's currently in place is perfect.

When little Jordan, my son, comes home and he says, "Dad, I didn't get a D in math, I got a C" -- "but, son, I don't want you to have a C. I want you to move towards an A. So you have to do something different to move from a C to an A." This is what we're saying.

The system isn't perfect now that Mayor Bloomberg has put together. So what we're doing is looking at that system, redefining it, coming up with some changes, improvements, to move us from a C to a B to an A and to a perfect system. That is our goal.

Our goal is not to go back to a system that was riddled with Fs. That is not what we want, and that's not what we're looking for.

And I think that when you look at some very important areas, something shocked me when I read the New York Times over the weekend. Do you know that in the Department of Education we have something called credit

recovery? Credit recovery? A child can miss 50 percent of his classroom time, 50 percent, and just do a project to get a credit. That's not education. That's filling our detentional facilities upstate.

But it's more than just credit recovery. It's when I started in policing, when Commissioner Bratton took over the police department he put in place this thing called COMPSTAT. And the goal was that you have precinct commanders, you would tell them, if you want to be promoted, you had to make sure crime was down in your precinct. And that was the only way you were going to be promoted.

So what you had police commanders starting to do, they said, well, you know what, one way to ensure crime was down is not to report it. Or instead of saying there's a robbery, I'm going to say it's a grand larceny. Or instead of saying someone's assaulted, I'm going to say they tripped.

That's what we're doing to our principals. We are telling our principals, who must be judged on how well they do with

students based on their graduation rates -- our principals have learned creative ways of graduating students. Seventy-five percent of our students who graduate from high school, they can't get into college. They've got to take remedial courses. Go back eight years. The children who were eight years ago in the system, the system has been eight years running. So those who are graduating now have been eight years in the system. And they're not prepared.

So we have to change the direction that we're going in, change what we're doing. Here's what I'm saying -- as we continue this discussion in a later time, because this bill I'm sure will be defeated, but our victory will be won -- we must define education.

Someone else took over our system and they defined education for us based on how well our children pass an examination. And I say no.

I want a well-rounded child. I want a child that is not being mistreated by obesity that's killing our children, that

understands you should have recess, you should go out and have a gym in your building. I want a child that can sit down and not only check off squares in a box but understand it is all right to play and talk to an Asian child, it is all right to understand that if someone is gay you should not be abusive to them. Madoff got As, and look what he did to us.

We need to build character in our children. And you don't have character merely studying for a test. That is not an American child. Our children are not only going to compete with Buffalo, they're going to compete with Belgium. They're not going to only compete with New York State, they're going to compete with New Zealand.

This is the only country where we're training our children just to be robots, instead of training them to be educated, intelligent human beings. Because the globe is what they are supposed to adore, explore, and to conquer, not just sit inside a classroom.

This is a major issue that we're going for, and this is why we have so much passion. And the passion we have is being perceived as we're anti-education. And I don't believe some of the things that I'm reading in the papers that are questioning, how dare us say we want the system to be better? How dare us? This is what they're saying.

Every editorial board seems to have drunken the Mayor Bloomberg Kool-Aid that if you question the system, you're anti-education. That's what they're saying. If we question the system. How dare the mayor tell you you'd better not change one period in the legislation. When did we become an extension of City Hall? How dare him tell the governor, You need to call them back every day until they pass this bill, this bill.

Am I missing something? Are we not the Senate? Do we not have the responsibility to make sure that we are separate, that we understand what we're passing and what we're doing?

I think we're in a good place. I think that we have an opportunity to do some good things. This bill may not be perfect. But you know what it does? It starts the discussion. And I'm always talking about, you know, the guys standing behind me from the Times, the Daily News and the Post, and I know they're going to beat me up tomorrow. But the reality is, tell the truth. Tell the truth. Let's talk about the empress that is unclothed and stop acting like they have a designer dress on.

Listen, we've reached out to City Hall several times, and we said, Can't we talk about those things that are important to us? Can't we have a conversation? Can we at least sit down as reasonable, intelligent adults and at least listen to what we have to say? How could you be so arrogant that you're not willing to listen?

You know what they offered to us? You know what they told us, Lanza? They said, "We'll let you do an MOU, and then we'll put it into the chancellor regs."

I'm a legislator. I don't do MOUs. I pass laws and bills. My school buildings are not a group of chain stores, 7-11s, where you look at profit margins to decide the success of them. Those are my children, those are my babies. Those are the people I strapped on a bulletproof vest for for 22 years and stood on the corner to protect their lives. How dare you tell me I can't tell you what I think they should have to be educated?

This is what this is about. And I don't care how late it is, because you're going to hear me. You're going to hear what I have to say. This is an important issue that we're riding on.

And that's why Hiram Monserrate and Kevin Parker and John Sampson -- no one wakes up in the morning with merely a slingshot of compassion and desire and goes after a Goliath like Bloomberg unless you are determined to believe that what you're doing is right.

We are right. We are right in what we're saying. And, Velmanette, don't let anybody tell you we are wrong. Bill, don't

let anybody tell you we are wrong. We are right in what we're doing. We're in the right direction.

So I'm saying to you, my friend of many years, Deputy Mayor Walcott, I know your heart, I know your desire. From the Urban League to the Department of Education, I know your commitment. It's imperative that we put this system in the right direction.

We cannot have a chancellor who is going to control the billions of dollars with no oversight. No other agency head in this entire state has one man that can control billions of dollars in no-bid contracts, billions of dollars of giving away contracts to people he knew. No other man in the entire State of New York has that level of oversight.

All we want is transparency. That's all we're asking for. All we're asking for is the common denominator of greatness, and that's parental participation. I don't care how raggedy a school is, I don't care how old the books are -- if you have a parent who is compassionate and educated on how to

educate her child, you have a productive child. It doesn't matter.

All we want is to make sure that when we send money out of here to go there, that it's spent correctly. That's all we're asking. All we're asking is just to have some input, that if I knock on a school building door in my district that they will at least let me in so I can talk to the students. Is that asking too much?

All we're asking is to take the school buildings, what we can't fund -- we can't fund community centers, we can't build community centers because we're in a deficit. Yet we have school buildings on corners in our community where you have gyms and swimming pools that we can't get into to allow children off the streets of New York.

All we're asking is when we pick up the phone to call the Department of Education and say, "This Korean mother that can't speak English needs help," we just want a return phone call. That's all we're asking.

And I think that the reason these

guys are not reporting it right is because they don't know what we're going through. They don't realize that we're locked out of our educational system. They think we are just merely complaining.

We have no say-so in our educational system. And you know what's funny? Flanagan, I know that if the schools on Long Island was treated that way, you wouldn't tolerate it. I know it, because that's not the type of person you are. You know that? Libous, I know that if the schools in your community, you couldn't go inside there to have your children play, that would be unacceptable. I know that. DeFrancisco, I know that if the quality of education was challenged in your community, you wouldn't accept that.

Because let me tell you one thing about a parent, I don't care where they are. A parent will give their life for their children. There would be something unhuman about us if we were willing to let this go without a fight. There would be something

wrong with us.

I know the men and women on that side of the aisle, no matter who they are or where they're from, a parent doesn't moan any different. If their child is harmed by anyone or anyplace, the moan is the same. Just hear our moans, that's all. That's all I'm asking of you. No matter which way you vote, just demand that he has a conversation with us.

This is an issue that I'm asking of you on the other side of the aisle to take this out of politics. I'm asking you not as Senator, I'm asking you as Eric Adams. I need you on this one. I just need you to tell the mayor -- not of your city, but of my city -- sit down and have a conversation with Eric Adams so we can do some improvements in education.

You and I both know there's only three of you over there that are in the City of New York. There's only a few of us here that will probably vote for this bill. All I'm asking of you, LaValle and Padavan and Larkin -- and even you, Winner -- all I'm

asking, let us have input in the system that our children go to. That's all I'm asking. And I'm going to tell you something. I would do it for you.

ACTING PRESIDENT VALESKY: Thank you, Senator Adams.

Senator Huntley.

SENATOR HUNTLEY: Yes, Mr. President. It's very hard to follow Senator Adams, you know, when he speaks, because Eric, that was excellent.

Let me just say this. My granddaughter goes to school in Dean Skelos's district. What a lovely school. I snuck down -- the Governor can send the troopers now, it's over. I snuck down last week to go to a ballet recital that they had. And I'm telling you, the parents, the school, the people in general, they were marvelous.

Now let me tell you the second part of the story. I live in a community whether there's a school, Public School 30. It's called the Ruby S. Couche School. In fact, I named the school, me and some other parents.

I laid the first brick in the school. It's been there a very long time. It was a very good school. Community school, we were welcome, the community did activities, the kids were happy, they were not totally underachievers. The kids were doing -- they weren't doing the greatest, but they were surviving. They were being educated by a very good principal, Althea Tyson, who moved on to another school.

When Althea Tyson left that school, we got a principal who had never been a principal before. The principal was a teacher. While the principal is principaling for the children, he's also going to school -- 835 children, but twice a week he left to go for his principal training. And he left the building in charge of someone who was an AP but had never been an AP before. So, you know, there's like this ten-minute education in the community where we live.

The community has totally been marked up. I used to go there, I used to help them fund-raise, have cookie sales. Even as a

Senator, in September when I'd be down, schools would open, I'd participate. I visit all my schools. Starting in September and October, I cover every school in my district.

I was amazed when I went to P.S. 30 and I was told that I couldn't come in, the principal would have to call the Department of Ed and get permission to see if they could speak to me. That's every school in my district, okay?

But not at Dean Skelos's school. When I go there, they open the door and welcome me. In fact, in my daughter's classroom, even though it's Dean's area, they have a big picture of me up in my granddaughter's classroom. You know, the library picture. And the kids are just so happy about it.

So what we're saying, we're not saying that we want to take over the mayor. But we're saying that we are tired of letting the mayor strangle the life out of our community. And that's what's going on. And we will not tolerate it any longer.

Now, this body, I'm not asking any of you to do anything. I'm not asking you to vote. Frankly, I don't care. I'm not asking this body over here to vote either, other than the people who I know will vote for it. Because I've found, since I've been here in the Senate, all that we do, we don't care an awful lot about children. We don't. We care about all these other things. We care about the MTA. We care about this project, we care about that project, but we absolutely do nothing at all for our children. I don't think I've heard education mentioned -- and I'm going into my second term -- I don't think I've heard it be mentioned 20 times, and that's very sad.

And when people ask me about the Senate and education, you know what I say to them? I say, "Well, the Senators don't really care about education." Because you don't. Okay?

My colleagues across the aisle, I know for you it's a political vote. I'm quite aware. And I tell my colleagues over here,

there are such things as political votes and there are such things as votes. Okay?

This is not a political vote for me. It's not about the mayor; I don't know the mayor. Never met him, never been to Gracie Mansion, never spoke to him. So I don't know him, so it's not about him. It's about our children and our community.

So I leave you with this. Feel very proud of yourselves when our kids end up where Eric was talking about, with handcuffs. Feel very proud of that. Because without a good education, you get no place. We all know that. We all know today is a different time. You must be educated. So just remember, we asked you to support what we're doing. And you're not, but hey, that's okay.

I just want to go on record saying that, you know, it's very sad that adults -- and parents, because most of you are parents -- only care about their own children.

Thank you.

ACTING PRESIDENT STEWART-COUSINS: Thank you, Senator.

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

Hearing none, the debate is closed.

The Secretary will ring the bell.

Read the last section.

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

ACTING PRESIDENT STEWART-COUSINS: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT STEWART-COUSINS: Announce the results.

THE SECRETARY: Those recorded in the negative on Calendar Number 951 are Senators Alesi, Aubertine, Bonacic, DeFrancisco, Farley, Flanagan, Fuschillo, Golden, Griffo, Hannon, C. Johnson, Klein, L. Krueger, Lanza, Larkin, LaValle, Leibell, Libous, Little, Marcellino, Maziarz, McDonald, Morahan, Nozzolio, Oppenheimer, Padavan, Ranzenhofer, Robach, Saland, Savino, Schneiderman, Serrano, Seward, Skelos, Smith, Stachowski, Valesky, Volker, Winner and Young.

Absent from voting: Senators Dilan

and Onorato.

Ayes, 15. Nays, 40.

ACTING PRESIDENT STEWART-COUSINS: The bill is defeated.

The Secretary will continue to read.

THE SECRETARY: Calendar Number 909, substituted earlier today by Member of the Assembly Zebrowski, Assembly Print Number 6963, an act to amend the Labor Law.

ACTING PRESIDENT STEWART-COUSINS: Read the last section.

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

ACTING PRESIDENT STEWART-COUSINS: Call the roll.

(The Secretary called the roll.)

SENATOR WINNER: Explanation.

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

SENATOR BRESLIN: Thank you, Madam President.

This bill was initiated by the

Labor Department. The Labor Department had been doing exhaustive investigations of workers who were either denied their pay or given less than full pay.

And as a result of that, the Labor Department provided a bill which would increase the penalties for employers who did not give proper pay. And the penalties hadn't been increased in 50 years.

Employers would not be allowed to terminate any employees who were viewed as whistleblowers, and those penalties were tightened as well.

It also provided the Labor Department, through its commissioner, through administrative procedures to not only seek the back pay but seek liquidated damages. That generally is the outline of the bill.

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

Are there any other Senators wishing to speak on this bill?

Read the last section.

THE SECRETARY: Section 4. This

act shall take effect on the 90th day.

ACTING PRESIDENT STEWART-COUSINS: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT STEWART-COUSINS: Senator Saland.

SENATOR SALAND: To explain my vote.

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

SENATOR SALAND: Thank you, Madam President.

Certainly the description which Senator Breslin provided is accurate, and it's accurate as far as it went. However, while it does provide for liquidated damages, this bill, there's a recognition that if an employer provides a good-faith basis for believing that the underpayment was in compliance with the law, there is no liquidated damages.

And I raise that point simply to point out that in all other areas, there's a penalty. The penalty under the current law is

anywhere from a minimum of 200 to 2,000. This would increase it from a minimum of 1,000 to 10,000. And yet there's no recognition of that good faith in which an employer may have made a mistake. So the penalties get increased rather dramatically without the benefit of the good-faith exception that's recognized for purposes of the liquidated damages.

So I'm going to vote in opposition to this and would hope that my colleagues would as well. Thank you.

ACTING PRESIDENT STEWART-COUSINS: Thank you. Senator Sampson to be recorded in the negative.

Announce the results.

THE SECRETARY: Those recorded in the negative on Calendar Number 909 are Senators Bonacic, DeFrancisco, Farley, Flanagan, Griffo, Hannon, Lanza, Larkin, LaValle, Leibell, Libous, Little, Nozzolio, Ranzenhofer, Saland, Seward, Skelos, Winner and Young.

Absent from voting: Senators

Dilan, Huntley, C. Johnson, Onorato and Thompson.

Ayes, 33. Nays, 19.

ACTING PRESIDENT STEWART-COUSINS: The bill is passed.

The Secretary will continue to read.

THE SECRETARY: Calendar Number 913, substituted earlier today by Member of the Assembly Espaillat, Assembly Print Number 8555A, an act to amend the Executive Law and the State Finance Law.

SENATOR LIBOUS: Read the last section.

ACTING PRESIDENT STEWART-COUSINS: The debate is closed. The Secretary will ring the bell.

Read the last section.

THE SECRETARY: Section 5. This act shall take effect on the first of April.

ACTING PRESIDENT STEWART-COUSINS: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT STEWART-COUSINS:

Announce the results.

THE SECRETARY: In relation to Calendar Number 913: Ayes, 53. Nays, 0. Absent from voting: Senators Dilan, Huntley, Lanza and Onorato.

ACTING PRESIDENT STEWART-COUSINS: The bill is passed.

The Secretary will continue to read.

THE SECRETARY: Calendar Number 917, substituted earlier today by Member of the Assembly Destito, Assembly Print Number 7742A, an act to amend the Agriculture and Markets Law.

SENATOR LIBOUS: Read the last section.

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

Hearing none, the debate is closed.

The Secretary will ring the bell.

Read the last section.

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

ACTING PRESIDENT STEWART-COUSINS: Announce the results.

THE SECRETARY: In relation to Calendar Number 917: Ayes, 53. Nays, 0.

Absent from voting: Senators Dilan, Huntley, Monserrate and Onorato.

ACTING PRESIDENT STEWART-COUSINS: The bill is passed.

The Secretary will continue to read.

THE SECRETARY: Calendar Number 919, substituted earlier today by Member of the Assembly Cusick, Assembly Print Number 8043, an act to amend the Civil Practice Law and Rules.

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

Hearing none, the debate is closed.

The Secretary will please ring the bell.

Read the last section.

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

ACTING PRESIDENT STEWART-COUSINS: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT STEWART-COUSINS: Announce the results.

THE SECRETARY: In relation to Calendar Number 919: Ayes, 53. Nays, 0.

Absent from voting: Senators Dilan, Huntley, Monserrate and Onorato.

ACTING PRESIDENT STEWART-COUSINS: The bill is passed.

The Secretary will continue to read.

THE SECRETARY: Calendar Number 923, substituted earlier today by Member of the Assembly Brodsky, Assembly Print Number 8405C, an act to create a Temporary New York State War of 1812 200th Anniversary Commemoration Commission.

SENATOR LIBOUS: Last section.

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

Hearing none, the debate is closed.

The Secretary will please ring the bell.

Read the last section.

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

ACTING PRESIDENT STEWART-COUSINS: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT STEWART-COUSINS: Announce the results.

THE SECRETARY: In relation to Calendar Number 923: Ayes, 53. Nays, 0.

Absent from voting: Senators Dilan, Huntley, Monserrate and Onorato.

ACTING PRESIDENT STEWART-COUSINS: The bill is passed.

The Secretary will continue to read.

THE SECRETARY: Calendar Number 926, by Senator Sampson, Senate Print 5764, an act to amend the Social Services Law.

SENATOR LIBOUS: Read the last section.

ACTING PRESIDENT STEWART-COUSINS:

Are there any Senators wishing to speak on the bill?

Hearing none, the debate is closed.

The Secretary will please ring the bells.

Read the last section.

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

ACTING PRESIDENT STEWART-COUSINS: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT STEWART-COUSINS: Announce the results.

THE SECRETARY: Those recorded in the negative on Calendar Number 926 are Senators DeFrancisco, Flanagan, Griffo, Hannon, Larkin, LaValle, Little, Marcellino, Padavan, Ranzenhofer, Saland, Skelos, Volker and Winner.

Absent from voting: Senators Dilan, Huntley, Monserrate and Onorato.

Ayes, 39. Nays, 14.

ACTING PRESIDENT STEWART-COUSINS: The bill is passed.

The Secretary will continue to read.

THE SECRETARY: Calendar Number 929, substituted earlier today by Member of the Assembly Dinowitz, Assembly Print Number 1004, an act to amend the Insurance Law.

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

Hearing none, the debate is closed.

The Secretary will please ring the bells.

Read the last section.

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

ACTING PRESIDENT STEWART-COUSINS: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT STEWART-COUSINS: Announce the results.

THE SECRETARY: Ayes, 52. Nays, 0. Absent from voting: Senators Dilan, Huntley, Monserrate, Onorato and Parker.

ACTING PRESIDENT STEWART-COUSINS:

The bill is passed.

THE SECRETARY: Calendar Number 932, by Senator Klein, Senate Print 5981, an act to amend the Education Law.

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

Hearing none, the debate is closed.

The Secretary will please ring the bells.

Read the last section.

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

ACTING PRESIDENT STEWART-COUSINS: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT STEWART-COUSINS: Announce the results.

THE SECRETARY: Ayes, 53. Nays, 0. Absent from voting: Senators Dilan, Huntley, Monserrate and Onorato.

ACTING PRESIDENT STEWART-COUSINS: The bill is passed.

The Secretary will continue to

read.

THE SECRETARY: Calendar Number 936, substituted earlier today by Member of the Assembly Gottfried, Assembly Print Number 9033, an act to amend the Social Services Law.

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

Hearing none, the debate is closed.

The Secretary will please ring the bell.

Read the last section.

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

ACTING PRESIDENT STEWART-COUSINS: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT STEWART-COUSINS: Announce the results.

THE SECRETARY: Those recorded in the negative on Calendar Number 936 are Senators Hannon, Larkin, Little, Marcellino, Ranzenhofer, Saland and Seward.

Absent from voting: Senators

Dilan, Huntley, Monserrate and Onorato.

Ayes, 46. Nays, 7.

ACTING PRESIDENT STEWART-COUSINS: The bill is passed.

The Secretary will continue to read.

THE SECRETARY: Calendar Number 939, substituted earlier by Member of the Assembly Cahill, Assembly Print Number 9040, an act to amend the Public Authorities Law.

SENATOR MAZIARZ: Explanation.

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

SENATOR STACHOWSKI: Yes, Madam President. This bill is an act to amend the Public Authorities Law in relation to the energy efficiency and clean energy initiatives of the Power Authority of the State of New York, providing for the repeal of such provisions upon expiration thereof.

The purpose of the bill is to enhance the energy efficiency, clean energy, energy service and green building programs

administered by the Power Authority of the State of New York, to reduce energy consumption and mitigate environmental impacts from energy usage consistent with the state's energy and environmental policies.

This bill will provide NYPA with the authority to design, develop, construct, implement, provide and administer energy-related projects, programs and services for recipients of economic development power, expansion power, replacement power, preservation power, high load-factor power, municipal distribution agency power, Power for Jobs.

This bill will also give them the authority, as deemed feasible or advisable by NYPA's trustees, that NYPA may finance, design, develop, construct, implement and administer energy-related projects, programs and services for any public entity and customers of NYPA's low-power-cost programs.

NYPA may consult standards and other criteria established or adopted by other organizations, including but not limited to

the United States Green Building Council and its lead program, the Green Building Initiative's Green Globes rating system, and the American National Standards Institute.

NYPA may use note and bond proceeds and other authority funds to finance projects and programs.

The programs can authorize contracts, energy efficiency, clean energy, energy services, green building programs for up to 35 years' duration, provided that the duration of any such contract does not exceed the expected useful life of the facilities or equipment comprising such projects.

The bill would build upon the significant reductions in the consumption of energy and the contributions to a cleaner environment made possible by NYPA's energy efficiency, clean energy, energy service, sustainable building programs and make it easier for public entities to implement such services and projects.

NYPA has invested more than $1 billion in energy efficient projects at

publicly owned facilities in New York State since 1987. Through direct implementation of projects and low-cost financing, its energy services programs have resulted in more than 1,560 completed projects at 2,640 facilities, producing more than $102 million in annual taxpayer savings.

Since the inception of this program, these programs have reduced energy consumption in the state by over 900 gigawatt hours and prevented the emission of approximately 824,987 tons of greenhouse gas emissions.

An example of one of these success stories would be NYPA's own building in White Plains, where NYPA replaced its chilled water plant as an energy efficiency measure and implemented other measures that earned the facility Lead Existing Building Gold Status. The completed project is saving NYPA 4,704,764 kilowatt hours per year of electricity, accounting for a savings of $338,951 annually.

The new equipment has reduced greenhouse gases by 3,034 tons per year and

mitigated the CFCs that would otherwise be refrigerated of the old chilled water plant. Many of the public entities served by NYPA can make use of these programs, such as the City of New York, the Office of General Services, the State University of New York --

(Laughter; Republican Senators gesturing "surrender.")

SENATOR STACHOWSKI: No, I'm trying to give an explanation.

Go ahead.

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

SENATOR MAZIARZ: Would Senator Stachowski yield for many questions?

SENATOR STACHOWSKI: Sure. Go ahead.

ACTING PRESIDENT STEWART-COUSINS: Senator Stachowski yields.

SENATOR MAZIARZ: The first question I have, Senator Stachowski, is did you just say that you were pleased to see that the assets of NYPA would be used to do something in the City of New York?

SENATOR STACHOWSKI: I said that this is a program that is statewide, Senator Maziarz. Whether you like it or not, the City of New York is part of New York State.

Currently, in a program that was developed long before I got here, Power for Jobs, which everybody raves about upstate, has more money invested in downstate New York than upstate. I think that was done by the Republican Senate. Just a guess, because it's in the last 40 years. And New York City gets to make use of this program. All of upstate gets to make use of this program.

If I'm not mistaken, SUNY, with the exception of a couple of locations on Long Island, is located throughout upstate New York and will be readily available to make use of this. As a matter of fact, there's fire companies upstate that are using any of these programs, they also can make use of this program.

And all the companies in upstate that are trying to achieve energy savings will be able to apply for these programs and get

better energy efficiency and therefore save energy costs and save the state money and save us the size of a footprint in carbon dioxide emissions.

So yes, New York City is part of it, but so is all of upstate.

SENATOR MAZIARZ: Madam President, through you, would Senator Stachowski continue to yield for questions.

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

SENATOR STACHOWSKI: Yes, I continue to yield.

SENATOR MAZIARZ: Yes, Senator Stachowski, you pointed out earlier that the Senate approved the Power for Jobs program. Did the Assembly approve the Power for Jobs program too?

SENATOR STACHOWSKI: I believe they will be.

SENATOR MAZIARZ: No, have they in the past?

SENATOR STACHOWSKI: In the past? Yes, they have in the past, yes.

SENATOR MAZIARZ: They have --

SENATOR STACHOWSKI: Yes.

SENATOR MAZIARZ: -- the Assembly has approved the Power for Jobs program since 1997.

You read the first, I think, lines 3 through 9 of this bill during your explanation about the entities that are eligible under this program for energy efficiency grants from the Power Authority. It's a very wide-ranging, very broad, very general criteria that the Power Authority will be able to assist them in.

Through you, Madam President, if Senator Stachowski would answer, where does the Power Authority make its money? Where is the Power Authority going to get the money to fund all of these things from?

SENATOR STACHOWSKI: I believe, Senator, that a lot of these will be loans and grants, and they'll achieve a lot of savings from the power that won't be used, as they have achieved in the power in the White Plains station, their own building in White Plains.

And as they continue to get more energy-efficient buildings, less energy will be used by each individual user and more energy will be available for more companies hopefully that will locate in upstate New York and then become energy users in more of these low-cost-power programs.

SENATOR MAZIARZ: Madam President, through you --

ACTING PRESIDENT STEWART-COUSINS: Are you asking Senator Stachowski to yield?

SENATOR MAZIARZ: No, actually I'll speak on the bill, because Senator Stachowski wasn't going to answer my questions.

The Power Authority gets its money from two places, Senator. It gets it from the Massena plant in St. Lawrence, a little bit, but it gets the boatload of its revenue, which Congressman Brian Higgins -- who you're very familiar with, a Democrat from Western New York -- continually points out, along with myself, they get the boatload of their revenue from the Niagara plant.

So money from Niagara. Because they operate 16 plants in the State of New York, and they are so inept that they lose money in 14 out of the 16. They only make money at St. Lawrence and, of course, their cash cow, Niagara.

So once again, once again, just like back in February of this year when $550 million was stolen from the people of Western New York, when the chance to create jobs in Western New York, when the chance to have economic development in Western New York was taken away by this Legislature, once again the people of Western New York are going to have to use their best asset, that hydropower, to fund these energy-efficiency grants in New York City, downstate New York, Long Island, Westchester, and across the state.

Twenty-two percent of the homes in the City of Niagara Falls are abandoned. They're not for sale, they're not in foreclosure, they're abandoned. The U.S. Census Bureau estimates that the largest decline in population of any city in upstate

New York will be in the City of Niagara Falls.

How can that be, when right down the road is the largest hydroelectric plant in the entire northeastern United States? How can that be?

There should be jobs, there should be companies, there should be opportunities there. Congressman Higgins sees it. I see it. Why don't the people who represent Western New York in this room see it? The Buffalo News continually reminds them of that. And they continually come here and vote against the interests of those young people in Western New York.

Senator Adams and Senator Parker spoke very passionately earlier about young children and their education in the City of New York. And I feel just as passionately about this issue, as I'm sure you all know. It's unfortunate that we had to have this at 3 o'clock in the morning, a Power Authority bill. Senator Smith, don't ever put a Power Authority bill on the calendar at 3 o'clock in the morning.

I will vote against this. I will ask my colleagues to vote against this. I will beg my colleagues from Western New York to withdraw their sponsorship of this.

This is taking our best asset, taking our best asset and sending it to -- they define public authorities, public universities such as the City University of New York -- taking our best asset out of Western New York and sending it downstate. When is it going to stop?

Thank you, Madam President.

ACTING PRESIDENT STEWART-COUSINS: Thank you, Senator.

Senator Stachowski, why do you rise?

SENATOR STACHOWSKI: Yes, Madam President. I'd like to speak on the bill.

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

SENATOR STACHOWSKI: It seems like it's very easy for Senator Maziarz to stand here and criticize everything that is done for the power plant that is a federal

power plant, I might add. I don't hear him complaining about the power that goes out of state. And maybe he wants to talk to the Congressman about opening that up and see how well they do at keeping that power.

He talks about the money that was swept in the DRP, but he never talks about the $500 million that was swept while he sat on this side of the aisle over the course of the many budgets when they took money from the Power Authority to balance budgets. That was okay, because then Senator Maziarz did it. And I would never use a word like he used in that. But when he did it, it was fine. When lot of these programs were put in while he was here, that was fine.

During the course of his budget comments, he said how they could have used that money to reduce people's rates. Well, that money was there the year before; he was chairman of Energy, and nobody's rates went down.

He complained about an assessment on electric and other power that unfortunately

we couldn't get out. We got the telephone part out. However, during the 30-day amendment period of the budget -- that he always takes so much credit that he fought -- he was chairman of Energy. Didn't say word about that assessment. Could have started the fight then, and maybe we would have been successful in getting that whole piece out of the budget. But he sat quietly while the 30-day amendment period went by.

Does the whole state benefit from this program? Yes. Does Niagara County need more help? Absolutely. Does Erie County and the other counties in Western New York need more help? Yes. If we want to look who's in charge of Niagara County, we don't have to look far. We know who runs Niagara County. It's nobody sitting on this side. But if that's how we want to play, that's how we'll play on this.

This happens to be a very good program. If you want to kill it, feel free. This bill enables companies that get power to do a better job with their buildings, with the

way they use their energy. They will end up saving energy. They will save on the carbon footprint. There will be more energy for other companies. There will be more energy to induce more companies to come to Western New York, hopefully, or other parts of upstate. People will go to work. The Power Authority will make money, not lose money. They're saving money in the examples that are in the bill itself.

But I guess we shouldn't mention those parts. We should just beat a dead horse and say that this is just terrible because it takes an asset of the state and uses it for the whole state.

If I'm not mistaken, based on the economy in Western New York, we're not generating all the tax dollars, but we're benefiting from a lot of the programs. And I think a lot of those dollars, even in this bad time in downstate, are coming from downstate coming up here and paying a lot of the bills.

And I'm not defending downstate, but this is one New York. And a bill like

this recognizes that this is one New York and that SUNY campuses can benefit, authorities can benefit, businesses that use all these various programs from the Power Authority can benefit from the ability to make their buildings greener, more efficient, better energy users. Definitely better environmentally for everyone around it.

But if it's politically expedient to kill this bill, then feel free. And all your colleagues who join you. Kill the bill, George. Great job, be proud of yourself.

I think it's a good bill. I think everybody should vote for it. I think it's a step forward for New York State. Everybody is looking how to green buildings. Part of the ARRA money is for green buildings. This program will help that become more efficient and make those dollars easier for municipalities to use.

Hopefully we'll be smart enough not to be petty and to pass this bill and add another good program into the asset of trying to make New York a better place to locate

businesses and to keep your business in. Because when they have programs to help your business become more efficient and let you use less power, your expenses go down and your competitiveness goes up.

So if that's a bad thing, then vote no. I think it would be a great vote on your part. And it might be our turn to run around to the newspapers and all the TV stations and say, well, you know, we did this program we were going to do for -- yup, unfortunately New York City benefited, but it would have benefited all the companies that are getting Power for Jobs in upstate New York and help them become more efficient, able to compete better with the other plants that are in their own company and maybe even be cheaper than a lot of the plants.

Maybe keep the Ford stamping plant in Hamburg, where I represent, and make them more efficient in their power use and more competitive with the other Ford plants across the country and keep those jobs in Western New York.

Maybe if we had this program we might not have the cutbacks that they're having at Chevy. But we'll never know, because if they choose to kill this bill tonight we'll never find out tonight, either, if in the future we'll have that ability to make these companies more competitive.

Hopefully we'll look past that, we'll do a bill that's good for the State of New York and we'll do what's right for the people that do business and work and live in the State of New York. And I suggest everybody votes for this bill.

Thank you, Madam President.

ACTING PRESIDENT STEWART-COUSINS: Thank you, Senator.

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

Hearing none, the debate is closed.

The Secretary will please ring the bell.

Read the last section.

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

ACTING PRESIDENT STEWART-COUSINS: Call the roll.

(The Secretary called the roll.)

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

SENATOR MAZIARZ: Thank you very much, Madam President. To explain my vote.

I think that my colleague has to get his talking points updated. He continues to use, and other representatives continue to use that tired example of previous sweeps from the Power Authority under Governor Pataki and under Governor Spitzer.

And he knows, because I've said it so many times, absolutely there were previous sweeps under the previous governors, Governor Pataki and Governor Spitzer, that I supported because they were used for the right reason. They were used to pay for energy programs. They were used to pay for a program like Power for Jobs. They were used to fund energy development and research into the General Fund budget.

I remember being at one of these

hearings that Governor Spitzer had downstate in the Red Room, on energy issues, and he talked about a sweep from the Power Authority. And he leaned over to me and he said, "We have to be very careful." The discussion was, you know, on whether to take money and put it into the General Fund. And he leaned over to me and he said, "You know, if we get it into the General Fund once, it will become a piggy bank for Shelly." And we sort of laughed and joked about that.

And when we did that this year, by one vote in this body, the ex-governor at the time called me up, and he recalled that conversation. Because now it has become a piggy bank. The Niagara Power Project has become a piggy bank.

This was the first time, the first time this year that a sweep from the Power Authority was intended for the state's General Fund. It came to Albany to pay the bills. And it came directly from Niagara.

It was also unprecedented in the amount. Congressman Higgins -- I say this all

the time, much, I'm sure, to the pain of my colleagues from Western New York. Congressman Higgins, a Democrat, said that this Legislature took more out of Western New York in one day than the Power Authority has given us in 50 years.

Senator Stachowski mentioned the Chevy plant. I mentioned the Chevy plant many times on the floor during the debate on the budget. The Chevy plant just laid off 274 people, UAW people in Western New York. You know why? You know what we did to them in this year's budget? We raised their utility rates by a thousand dollars a week. That's what we did to them.

We wouldn't have to do that to them if we could keep our power. If we could keep the money that's generated from selling our power in Niagara -- and I'm sure the same is true in St. Lawrence -- we wouldn't need a stimulus package. We wouldn't need help from the State of New York. Niagara Falls wouldn't be a dying city that it is today, and Western New York would be a vibrant community with

people moving in instead of moving out.

ACTING PRESIDENT STEWART-COUSINS: Senator Maziarz --

SENATOR MAZIARZ: Yes.

ACTING PRESIDENT STEWART-COUSINS: How do you vote?

SENATOR MAZIARZ: Is my time up?

(Laughter.)

ACTING PRESIDENT STEWART-COUSINS: Apparently.

SENATOR MAZIARZ: I vote in the negative. Thank you.

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

Senator Thompson.

SENATOR THOMPSON: Yes, first let me thank Senator Stachowski for being the lead sponsor on this bill.

I think it's very important that we support this economic development tool. And I would just say that, you know, it's easy to -- particularly for people in Western New York to get caught in the gridlock of Albany.

I think that many of my colleagues

on the other side of the aisle from Western New York know that the Western New York delegation used to have a rich tradition of working together in a collegial and bipartisan way so that we could work in the Assembly and the Senate to bring home our resources for Western New York.

And I believe that we have gotten on the wrong path, the path of gridlock and destruction, which will hamper our ability to work collectively across the aisle to deliver for Western New York. Because we in Western New York are always concerned about making sure that we get our fair share.

And I would just say to my colleagues that when I was in the minority, I used to work with folks and listen. And sometimes I would agree or disagree, but I always understood one thing, that together we can work collectively to produce for Western New York.

And I think that since January we have been on a very destructive course that will not benefit Western New York.

So I would ask that as we move forward over the next year to year and a half that we be mindful of why we were successful in the past. That's because Democrats and Republicans from Western New York always worked together. We didn't always agree, but one thing we always agreed on was making sure that we sent a united message to deliver for Western New York.

And I would say that we need to get back on that path, because that's what the people from Western New York want. Anyone can throw a rock. Anyone can throw a stone --

ACTING PRESIDENT STEWART-COUSINS: Senator Thompson, how do you vote?

SENATOR THOMPSON: I support this bill.

And I also believe that, you know, you can't change the rules because you're in the minority. You know, if it was good to be collegial when you were in the majority, it's good to be collegial when you're in the minority as well.

Thank you, and God bless you.

ACTING PRESIDENT STEWART-COUSINS: Senator Thompson will be recorded in the affirmative.

Announce the results.

THE SECRETARY: Those recorded in the negative on Calendar Number 939 are Senators DeFrancisco, Griffo, Libous, Maziarz, Winner and Young. Also Senator Little. Also Senator Ranzenhofer.

Absent from voting: Senators Dilan, Huntley, McDonald, Monserrate and Onorato.

Ayes, 44. Nays, 8.

ACTING PRESIDENT STEWART-COUSINS: The bill is passed.

Senator Klein.

SENATOR KLEIN: Madam President, staying with the controversial calendar, can we take up Calendar Number 944, Print Number 4200.

ACTING PRESIDENT STEWART-COUSINS: The Secretary will read.

THE SECRETARY: Calendar Number 944, substituted earlier today by Member of

the Assembly Glick, Assembly Print Number 8219, an act to amend the Education Law and the State Finance Law.

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

Senator LaValle.

SENATOR LaVALLE: Yeah, would Senator Stavisky -- the hour is late; I'm just going to ask you one brief question.

This is a surcharge on the 48 professions that the State Education Department oversees. There's not been an increase since, I think --

SENATOR STAVISKY: I didn't hear the end of your question.

SENATOR LaVALLE: Can you hear me?

SENATOR STAVISKY: Yes, now I can.

SENATOR LaVALLE: This is a bill placing a 15 percent surcharge on the 48 professions that the department oversees. There hasn't been an increase since '89. But

this is a large increase.

I think the membership wants to know, Senator Stavisky, that the professions are supportive of this so that they can be served properly by the department.

SENATOR STAVISKY: Yes. This is a 15 percent surcharge. Let's remember that the Office of the Professions takes care of 50,000 professional licenses, 250,000 registrations. They certify educational requirements. They have 300 educational programs that they take care of, 15,000 reviews of nontraditional educational programs. They handle a million calls and emails, et cetera.

There have been absolutely no memos in opposition. And in fact, it was the professions who came to me and said, "We support the 15 percent surcharge."

And the following have issued written memoranda on the subject: The New York State Institute of Architects, the New York Mental Health Councils Association, the National Association for Drama Therapy,

the New York State Podiatric Medical Association, the New York Chapter of the American Society of Landscape Architects, the National Association of Advancement of Psychoanalysis, the Public Employees Federation, the New York Mental Health Councils Association.

This does not apply to doctor registrations, only the 48 licenses that come under the jurisdiction of the State Education Department.

SENATOR LaVALLE: Thank you, Senator Stavisky.

Thank you, Madam President.

ACTING PRESIDENT STEWART-COUSINS: Thank you, Senator.

Are there any other Senators wishing to speak on the bill?

Hearing none, the debate is closed.

The Secretary will please ring the bells.

Read the last section.

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

ACTING PRESIDENT STEWART-COUSINS: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT STEWART-COUSINS: Announce the results.

THE SECRETARY: In relation to Calendar Number 944: Ayes, 52. Nays, 0.

Absent from voting: Senators Dilan, Huntley, McDonald, Monserrate and Onorato.

ACTING PRESIDENT STEWART-COUSINS: The bill is passed.

Senator Klein.

SENATOR KLEIN: Madam President, can we take up at this time Calendar Number 945, Print Number 5036.

ACTING PRESIDENT STEWART-COUSINS: The Secretary will read.

THE SECRETARY: Calendar Number 945, substituted earlier today by Member of the Assembly Rosenthal, Assembly Print Number 3843A, an act to amend the Social Services Law.

ACTING PRESIDENT STEWART-COUSINS:

Are there any Senators wishing to speak on the bill?

Hearing none, the debate is closed.

SENATOR LIBOUS: Read the last section, please.

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

Read the last section.

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

ACTING PRESIDENT STEWART-COUSINS: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT STEWART-COUSINS: Announce the results.

THE SECRETARY: In relation to Calendar Number 945: Ayes, 52. Nays, 0.

Absent from voting: Senators Dilan, Huntley, McDonald, Monserrate and Onorato.

ACTING PRESIDENT STEWART-COUSINS: The bill is passed.

Senator Skelos.

SENATOR SKELOS: Yeah, if I could

just be recognized for a minute.

I had a passing thought to move to adjourn, although I'm not going to do it, because out of respect for members that have bills here and they've spent the entire evening here.

But I do want to point out that as of right now there are eight members of the Democrat majority not here voting on this legislation. That's one-quarter of that conference is not here voting.

Now, I know, with Senator Foley, his father is very ill, and we pray for him.

But this is not the way we should be conducting business at this time in the hour.

ACTING PRESIDENT STEWART-COUSINS: Thank you, Senator.

Senator Klein.

SENATOR KLEIN: Madam President, now that Senator Skelos withdrew his childish threat, let's take up Calendar Number 941, Print Number 939A.

ACTING PRESIDENT STEWART-COUSINS:

The Secretary will read.

THE SECRETARY: Calendar Number 941, substituted earlier today by Member of the Assembly Morelle, Assembly Print 6818A, an act to amend the Public Health Law.

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

Hearing none, the debate is closed.

The Secretary will please ring the bells.

Read the last section.

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

ACTING PRESIDENT STEWART-COUSINS: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT STEWART-COUSINS: Announce the results.

THE SECRETARY: Ayes, 52. Nays, 0.

Absent from voting: Senators Dilan, Huntley, McDonald, Monserrate, and Onorato.

ACTING PRESIDENT STEWART-COUSINS: The bill is passed.

Senator Klein.

SENATOR KLEIN: Madam President, can we now take up Calendar Number 943, Print Number 4126.

ACTING PRESIDENT STEWART-COUSINS: The Secretary will read.

THE SECRETARY: Calendar Number 943, substituted earlier today by Member of the Assembly Bacalles, Assembly Print Number 7506, an act in relation to capital improvement projects.

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

Hearing none, the debate is closed.

The Secretary will please ring the bell.

Read the last section.

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

ACTING PRESIDENT STEWART-COUSINS: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT STEWART-COUSINS: Announce the results.

THE SECRETARY: In relation to Calendar Number 943: Ayes, 52. Nays, 0.

Absent from voting: Senators Dilan, Huntley, McDonald, Monserrate and Onorato.

ACTING PRESIDENT STEWART-COUSINS: The bill is passed.

Senator Klein.

SENATOR KLEIN: Madam President, can we take up Calendar Number 947 and then proceed in order on the controversial calendar.

ACTING PRESIDENT STEWART-COUSINS: The Secretary will read.

THE SECRETARY: Calendar Number 947, by Senator Parker, Senate Print 5615, an act to amend the Public Service Law and the General Business Law.

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

Hearing none, the debate is closed.

The Secretary will please ring the bells.

Read the last section.

THE SECRETARY: Section 4. This act shall take effect on the 120th day.

ACTING PRESIDENT STEWART-COUSINS: Call the roll.

(The Secretary called the roll.)

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

SENATOR LaVALLE: Yes, to explain my vote.

This was a LaValle bill in prior years, so it is my pleasure to vote for it as a Senator Parker bill.

ACTING PRESIDENT STEWART-COUSINS: Announce the results.

THE SECRETARY: In relation to Calendar Number 947: Ayes, 52. Nays, 0.

Absent from voting: Senators Dilan, Huntley, McDonald, Monserrate and Onorato.

ACTING PRESIDENT STEWART-COUSINS:

The bill is passed.

The Secretary will read.

THE SECRETARY: Calendar Number 948, substituted earlier today by Member of the Assembly Schimminger, Assembly Print Number 8826, an act to amend the Social Services Law.

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

Hearing none, the debate is closed.

The Secretary will please ring the bells and read the last section.

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

ACTING PRESIDENT STEWART-COUSINS: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT STEWART-COUSINS: Announce the results.

THE SECRETARY: In relation to Calendar Number 948: Ayes, 52. Nays, 0.

Absent from voting: Senators Dilan, Huntley, McDonald, Monserrate and

Onorato.

ACTING PRESIDENT STEWART-COUSINS: The bill is passed.

The Secretary will continue to read.

THE SECRETARY: Calendar Number 950, by Senator Duane, Senate Print 2664, an act to amend the Social Services Law.

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

Senator Duane.

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

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

SENATOR DUANE: Thank you, Madam President.

You know, I'm wondering whether anyone thinks that I like being here after 3 o'clock tonight after having been here very, very late last night.

And you know what? I also wonder whether there's anyone in this chamber that

thinks that they can scare me or get me to back down on anything that I believe in.

I wonder if there's anyone in this chamber that thinks whether I care whether I'm a Senator or not. I don't. I only care that I get to say what is important to me and to people that I represent on this floor.

I don't think you know what I'm doing here. I'm here to save lives. I'm here to fight for what I believe in. I'm here to stand up for myself and to stand up for other people that don't have people standing up for themselves here, in this chamber. That's why I'm here, to stand up, to stand up for what I believe in and to fight for people who don't have a voice.

Let me take you back. The early eighties. Visiting friends in hospitals. We'd go in, we'd go in one night, in the morning they'd be dead. I'd bring them food, my family, bring them food, my friends, bring someone food. But whoever was in the bed would be dead before they could eat it.

We'd leave it. Maybe the nurses

will take it home. No, they wouldn't eat it, because it's contaminated. Contaminated. Wouldn't touch it. Wouldn't go into the room, wearing masks, gloves, gowns.

Someone gets sick in the afternoon, they'd be dead the next day. Dead. And that went on for months and then years. Dead. Dead. You think if you got sick and your friends were dying that I would sit there and do nothing? No. But that's what happened. That's what happened.

Every cold, every virus, every temperature, I thought I'd be dead. And so did so many people that I knew. Dead.

You think you scare me? You think you can make me back off? Nothing scares me.

There were gurneys backed up into the avenues because they wouldn't let people in the emergency rooms. The public hospitals, they had to. They tried not to, but they had to. You know what? The Catholic hospitals, the only ones. The only ones. Scared? That was scared.

Eventually, people could stay alive

a few days. A few days. People thrown out of their homes. People evicted from their apartments. Families didn't want to know who their kids were. Oh, oh, his lips were on that glass, don't touch it. Sterilize that plate. Every cold, every fever, every virus, I'm going to die. That's what it was like. Scared? No. Mad? You bet.

And then there were -- oh, you know, this -- you know, we can put you on this antibiotic for a while. It will wreck your lungs, but we'll give you a few more weeks. Here, try this additive, maybe this will help. Nothing helped. Hundreds, hundreds of my friends died. And every day I thought I could be the next one.

I wish I could say things are different now, but they're not. Not much different at all.

1985, I was in a study about how people were coping and surviving, their mental health. You know what the answer was? I don't know that we needed a study. "Not so good." When they took my blood, we weren't

even supposed to find out. Why? Because nothing could be done.

You know when I got here, those of you that remember? Remember? Remember all those bills? Oh, you can get AIDS from a taxi inspector. You can get AIDS from a guard. 1999.

So easy to find a place to live. Today, I have doctors who treat people with HIV, they cannot rent space. No stigma. No stigma. In Queens, where I grew up, it was in the paper, they wanted to site a small house for people living with AIDS. The neighbors hysterical: All those people with HIV around our children. Today, today that goes on.

What does this bill do? This bill would let someone living, if they could find a private home to live in, to live on more than 30 bucks a week. You try it. Toilet paper, socks, underwear, telephone, visiting your grandchildren, toothpaste, toothbrush.

The only people in New York State, the only people who have to pay more than 30 percent of their income in rent. You are

going to kill a bill? Nice. Nice. If you're lucky enough to find a place to live.

Yeah, I'm scared. You scare me. Yeah, you'll make me back off. I love being a Senator. What, you might not accept me? I earned my spot here.

Yeah, you want to know what's going on in our schools? Oh, come to the school on World AIDS Day. I'll show you what they're doing about teaching about HIV. They're doing a great job. One kid, tragic, choked on a hot dog in a cafeteria. One child. Meanwhile, every day kids are getting infected, hundreds, probably thousands every year, because no one till them how HIV is transmitted. And you think you can get it from my saliva.

Oh, yeah, don't let my doctor choose the lab to get my blood drawn so they know what kind of medicine I should take. That's another good one. I had to fight to let them take blood in prisons and send it to labs so they can get people in prisons the right medicine to keep them alive because the labs the prisons use didn't test for the right

kind of -- to see what kind of strain the HIV was so they could prescribe the right kind of drug.

If people are lucky enough to find a place to live, you let them keep a couple hundred dollars a month to live on -- if they're lucky enough. Right here in Colonie, a few years ago when I was here, that TV show that builds houses for people? They built a house for a mom here. Four kids. Two living with HIV, two without. She adopted them.

I read in the Times Union letters to the editor: Why are they building a pool? It's Albany, it's cold. How often can they go swimming? Why did they build a pool?

Because the Town of Colonie wouldn't let them swim in the pool. That's a couple of years ago. Not just the two that had HIV, but their brothers too, because they're all contaminated. Right here in Albany. And those kids are lucky they had someone to -- they could live with a mother who loved them.

The thing I'm most proud of that I

did when I was in the New York City Council was when Mayor Giuliani wanted to eliminate the agency that helped keep people with AIDS alive. He wanted to eliminate it. I put it in law he couldn't break it up.

I got them an extra hundred dollars for food. You know what they call AIDS? Wasting disease. A hundred dollars to take the subway to the doctor. That money is taken away.

This bill would let people have a few dollars to live on if they could find place to live. The people that this bill would protect, they live in SROs. They live in garbage where the landlord makes all the money and they're left with nothing. The only ones.

You think it's funny, we'll kill Duane's bill. No, you're not killing my bill. You're killing people.

I'm lucky, I have a good health plan. You think someone would hire me if I left here? I'm expensive. My drugs cost money. I don't live in a place where I'd end

up living on less than 10 bucks a day -- toilet paper, toothpaste, phone calls, visit my mother. Go to the doctor. Buy a Band-Aid for when they take my blood if it starts to bleed again.

Funny. Kill Duane's bill. Yeah, I'm nice. I've got a sense of humor. But I'm not here so you like me. I'm here to save my life, and I'm here to save the lives of other people because they don't have anyone sitting here.

In 1989, 1990 -- 1984 -- even today, people sitting in hospitals. Sick friends, sick relatives. No cure. Yeah, people live longer, but it kills. You know how many people get evicted, get dragged into court because they don't have enough money to stay in their homes? These people that would get a few extra dollars.

You wonder why I fight so hard for tenants? Because landlords evicted family. If someone died of AIDS and the partner wasn't on the lease, the body wouldn't even be cold, they'd be nailing the eviction notice to the

door.

Oh, don't fight, Tom. You'll never win. They'll never say your families count. Your families won't count. We'll never win. I said, "Why not fight it anyway? We're getting evicted anyway. What do we have to lose?"

It took years, but we won. They can't throw us out. And neither can you.

You want someone to live on a couple of dollars for their toilet paper and their toothpaste and take the subway to visit their mother? Defeat the bill; it's on you. Have a good time. Have a big laugh. Go ahead, do it tonight. But I'm coming back, and you can't stop me.

ACTING PRESIDENT STEWART-COUSINS: Are there any other Senators wishing to --

(Standing ovation.)

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

SENATOR THOMPSON: I just want to say something real quick. I won't be long.

ACTING PRESIDENT STEWART-COUSINS: Senator Thompson.

SENATOR THOMPSON: I really appreciate with great compassion that Senator Duane spoke.

You know, the last month and a half it's really been, I think, quite soul-searching. And I know one of the days I went home and I was pretty frustrated. And as you know, traveling west, it's a four-hour ride. And some of the things that Senator Duane talked about was on my mind, not only on the way there but on the way back, about why we take some of the tough issues that we take up.

And we had a conversation in conference about a week and a half ago about what makes us different. What makes us different is because we fight for the folks that Tom is talking about. We take up the causes that are not easy, they're not popular. Especially when you are one of -- you know, a Democrat. We take up these issues that aren't so sexy, that are not safe. They're not cool.

And I know, I know how that is. I do it all the time. The issues that make people uncomfortable. Oh, here they come with the tree-hugger issue or social justice or economic justice. And it's unfortunate. Because the issues that you talk about, whether it's dealing with folks who are affected, infected, or impacted, on a whole host of issues it's not easy. Even the folks on that side of the aisle have the same -- we all have a similar problem with some of the same issues. And that's why we got involved with this.

But sometimes we get so caught up in our two minutes of fame that we sometimes lose sight of why we first ran for office and why we ran for the Senate.

So I commend you for that. Because this last 30 to 45 days for me has reminded me why we take up these progressive issues, why we fight for the people we fight for. And why we do the things that we do so that they know that they have a voice here. Whether they are people who have just come to America or people

who have been shut out in America. Or people who believe that the dream would touch them.

Because you know what? Just because Obama is president, that doesn't mean the people on the main streets and side streets are feeling a lot better right now. So they look to all of us to make sure that we don't lose sight of that because we have bigger offices and people call us Mr. Senator or Mrs. Senator or Miss Senator. We have a responsibility.

And, Tom, I appreciate it. Yes, tonight is long. But you know what? I think it was an important message. And we can't ever lose sight of it. This is why so many great people have come through these chambers, so that we can make good public and progressive public policy. That's what this is all about. And we can't ever lose sight of that and get so caught up in our rugged individualism which has so often crippled America. We can do better, and we will do better.

Thank you.

ACTING PRESIDENT STEWART-COUSINS: Thank you, Senator.

Senator Alesi.

SENATOR ALESI: Thank you, Madam President.

Senator Duane, would you be kind enough to yield for a brief question?

ACTING PRESIDENT STEWART-COUSINS: Senator Duane, will you yield for a question?

SENATOR DUANE: Yes, Madam President.

SENATOR ALESI: We know each fairly well; I think that goes without saying. Through you, Madam President, Senator Duane and I have had a lot of conversations about this subject.

We've never had the opportunity to discuss the thing that is in this bill, the housing crisis for those people who are on public assistance and the cost to them of sustaining themselves. All of the things that you spoke so passionately about comes down to what's in this bill.

And the bill simply asks that those

people who are described as being on public assistance, living in sustained housing circumstances, not be required to pay more than 30 percent of their earned or unearned income, as I understand it. Am I correct in that?

SENATOR DUANE: (Nodding.)

SENATOR ALESI: Through you, Madam President, will the Senator continue to yield?

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

SENATOR DUANE: Yes, Madam President.

SENATOR ALESI: Senator, I embrace everything that you said. Having said that, and setting that aside, is there any other disease or any other circumstance where someone on public assistance who is living in a sustained or assisted living situation that's described in this bill, are they guaranteed that they will not have to spend more than 30 percent of their earned or unearned income to sustain themselves? Are

there any other health circumstances -- Madam President, this is a very sensitive issue. I'm trying to be sensitive; I'm trying to frame my question. So I apologize for the interruption, Senator.

Are there any other circumstances? None?

SENATOR DUANE: Through you, Madam President. No, there aren't.

And the problem is compounded because if you've been diagnosed with cancer or MS or if you've had an amputation or a whole host of other terrible health problems -- I'm not saying it's easy. But because it's so difficult for these people to find a place to live, if they are lucky enough to find a place in a private accommodation, this is the circumstance that they find themselves in.

And there is no other group in the State of New York that is required to pay more than 30 percent of their income for rent. And that money doesn't go back, that money -- it just leaves them destitute.

SENATOR ALESI: Madam President, will Senator Duane continue to yield.

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

SENATOR DUANE: Yes, Madam President.

SENATOR ALESI: Again, I would simply remind you of our personal friendship and our relationship and our discussions and remind the body that on a daily basis we share not only these chambers, but we share the members lounge, we eat together, we drink together, we talk together, we visit, and we come into contact with each over in a very normal way in these circumstances.

And I believe that we are all good and close friends. And I don't notice and I haven't experienced any circumstances where the kind of bias that you describe has been displayed here, at least obviously.

I consider you a friend. And as I said earlier, I embrace the issues that you talked about, and I truly appreciate your passion.

I simply asked the question because to be fair, to be fair to all of those other people who might have another disease, how do we not offer them the same kind of thing that you're proposing here?

And so when I cast my vote, I'll have to weigh that. And in doing that, it will have no bearing, Senator, at all on the issue of bias. And I hope that you'll understand that.

Thank you, Madam President.

ACTING PRESIDENT STEWART-COUSINS: Thank you, Senator.

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

SENATOR ADAMS: Yes, Madam President.

ACTING PRESIDENT STEWART-COUSINS: Senator Adams.

SENATOR ADAMS: First, I want to thank you, Senator Duane. I don't know those who suffer from cancer that are not allowed to swim in swimming pools. I don't know people who have asthma that are not allowed to rent

apartments. I don't know people who have lupus that are told to wash their glass after they drink.

So no other individuals who suffer from diseases don't have the benefit that Senator Duane is talking about, but they too do not go through the stigma that is associated with AIDS.

Last year -- or early this year, I should say, while I was here in the Senate, my building burned down. And I rushed to return back to Brooklyn because I have three apartments in that building. Each one of those apartments are rented to individuals who are HIV-positive. And I promised them from the day they moved in I would never raise their rent, I would make sure they have a place to stay.

And I'm hoping within the next few days that they will finish fixing the building so they can return home, because I know what they go through.

So no, this is not a benefit that is extended to others. But others don't go

through those who are inflicted with HIV or who have AIDS. It's very real. And only a person that can't see that would ever feel the impact that it does to individuals and their families.

So I commend you for this bill, and I will be voting in the positive.

ACTING PRESIDENT STEWART-COUSINS: Thank you, Senator.

Are there any other Senators wishing to speak on the bill?

Hearing none, the debate is closed.

The Secretary will please ring the bells.

Read the last section.

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

ACTING PRESIDENT STEWART-COUSINS: Call the roll.

(The Secretary called the roll.)

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

SENATOR DeFRANCISCO: Yes, I'm going to vote in favor of this bill. And

basically a lot was based upon what Senator Duane had said.

As I listened to the debate, in many instances I changed my mind as to my initial opinion. And that's true as late as today, when another Senator Duane bill was on the floor that I had laid aside. He came over, gave me an explanation, I took off the lay-aside, and we went ahead and proceeded.

Secondly, this is a very unusual night because the Majority does not have enough people to pass any bills today.

And the only thing I truly take offense at is the fact that somehow we're being accused of wanting to kill a specific bill or kill bills. We could have killed every single bill that came on the floor today. And we didn't do that. We based our vote and are basing this vote on the merits of the situation. And everybody has different views of the merits of every case.

So I'm going to vote yes on this bill, but I don't want anybody in the world to think that I or anyone on this side of the

aisle is being pushed to vote yes because of some embarrassment that somehow Senator Duane got the concept that we were going to kill his bill and that he's not afraid of us.

I'm going to always vote on the merits, as I believe all of my colleagues are here today, and I vote aye.

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

Senator Liz Krueger.

SENATOR LIZ KRUEGER: Thank you. I rise to support the bill and thank you for reminding many of us why we do come here every day. Tom, thank you.

But in response to the question of Senator Alesi, I think it's important to point out that this is a bill for people who are suffering with HIV/AIDS but who are also, by definition, so poor that they need public assistance.

And so in response to your question, I would say if we were to take a look at the population of people suffering

from chronic and crisis-like illnesses who find themselves on public assistance, we should ask ourselves a question: Are we providing adequate income to many, many people who are ill from many diseases in this state and have to turn to the government for assistance, for public assistance, for food stamps, for healthcare?

And I think if we looked at the question, we would know that the answer is no, we're not doing enough for these people.

So I don't think the debate ought to be why this for people with AIDS or HIV who are poor, but why not, as a state, aren't we looking at making sure we provide adequate housing and healthcare and income for anyone in the state who finds themselves desperate, poor and sick?

I'm very proud to vote yes. Thank you.

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

Senator Duane, to explain his vote.

SENATOR DUANE: Madam President, I just want to be as crystal-clear as possible.

People living with HIV and AIDS are the only class of people whose income is capped at this low level. Other diseases, people living on public assistance, they only pay a third. It's only, in grotesque unfairness, are people living with HIV and AIDS limited in the amount of money they are allowed to have each month. The rest is taken away from them. So I just wanted to clarify that.

And then the other thing I wanted to say was thank you.

ACTING PRESIDENT STEWART-COUSINS: Announce the results.

SENATOR HANNON: I'd like to explain my vote.

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

SENATOR HANNON: When I first saw this bill yesterday, it was in the Rules Committee. I asked how much it cost. Senator

Duane didn't provide any information but just gave a structural answer that he thought it would save money because it would put people in better circumstances.

And during this debate I've been thinking about the 12-plus, 15-plus years that I was chair of health, of all of the budgets that we did, of the over $100 million a year that we do to support people who have AIDS to support them, to help them with medical problems, help them with housing problems.

I presume that there are some people in the circumstance the way Senator Duane has outlined tonight that still have plight. But I do not believe there is a study out there, I do not believe there are newspaper reports that show this to be widespread. I have not seen that.

To bring up something with this much emotion at the end of the session, outside of the budget, without an appropriation -- where it probably is great for emotion but I don't know how factual it is, I don't know how practical it is -- is

something I have an objection to. If it were that much needed, it should have been worked through, we should have done a supplemental appropriation to the budget, we should get actual assistance to people who need it.

I've worked, I've voted for people who have AIDS, to better their lives, to better their healthcare, to better their circumstances. I believe it's an obligation we have. I've put that test to mettle. And I'm not sure this is the case tonight. I just don't think I'm supporting this, because I haven't seen the facts.

Thank you.

ACTING PRESIDENT STEWART-COUSINS: Senator Hannon to be recorded in the negative.

Senator Schneiderman, to explain his vote.

SENATOR SCHNEIDERMAN: Thank you, Madam President.

I'm very proud to rise in support of this bill. I will be voting yes. This is -- I don't see how you can't support this bill. I hear Senator Alesi, this doesn't

solve everyone's problems, but it solves a very real problem for a lot of people.

And, Senator Hannon, there is a study by Johns Hopkins on this specific issue, and Senator Duane has a copy and will be glad to provide you with it.

There is no question that in the State of New York there are people suffering under these circumstances, the combination of disease and discrimination. We can do something about it. Let's do something about it tonight.

Thank you, Tom. Thanks to all of you for supporting this.

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

Senator Lanza, to explain his vote.

SENATOR LANZA: Thank you, Madam President.

I just want to say that like everyone in the chamber tonight, I listened very attentively to you, Senator Duane, and heard your passion. And the vote I'm about to

cast, I will cast in a way that is in part influenced by some of the things that you talked about.

You talked about fairness. And I just want to point out -- and I think you know this in your heart -- I think it's unfair to suggest that anyone in this chamber would vote for or against something because they thought it was funny. And I can assure you that no one on either side of the aisle said that they were going to do anything because it was a Duane bill. In fact, if anything, the support that I think there will be for this bill may be because it's a Duane bill.

And so I'm going to vote in favor of this, but I just wanted to point that out.

ACTING PRESIDENT STEWART-COUSINS: Senator Lanza will be recorded in the affirmative.

Senator Alesi, to explain his vote.

SENATOR ALESI: To explain my vote, Madam President.

My colleagues, Senator Krueger, Liz Krueger pointed out that we should probably be

looking at all of the diseases. And I think that was exactly where I was going with my questioning. Because we should be making a more comprehensive approach to taking care of those people who have living needs, who don't have the resources to sustain themselves while they're sick.

So yes, of course, we should be doing that. But tonight we're presented with a bill that specifically deals with HIV/AIDS.

It would be better if we could be voting on a more comprehensive approach. That goes without saying, although Senator Krueger very adroitly brought that to our attention.

So I mentioned that my vote would not be based on any form of bias, and it will not be. But I will tell you this. I would prefer to be voting on a bill that does not single out a particular disease, although I will vote in favor of this bill, as Senator Duane probably could have predicted. But I'll be doing it more as a statement rather than something that is purely objective.

ACTING PRESIDENT STEWART-COUSINS:

Senator Alesi to be recorded in the affirmative.

Senator Flanagan, to explain his vote.

SENATOR FLANAGAN: Thank you, Madam President.

I'll try and be very brief. I want to associate myself with the remarks made by Senator Alesi. This is -- it's frustrating, it's enlightening.

And in listening to the comments from Senator Duane in particular, Senator Duane, there is a lot of affection for you in this chamber, because most of us were worried that you were going to keel over in the course of your comments. So fortunately, nothing like that happened.

But I do take some offense to the way the comments were raised. And I agree with Senator Lanza that nobody thinks this is funny. And I would only hasten to add that as we look at all these issues and we deal with things like this, we have talked about this house and about the other house. And I tried

looking quickly at some of the background.

And, Senator Duane, at the beginning of this, I was voting no. I've changed my mind; I'm going to be voting yes.

But I would also say that for all the things that are said negatively about the Senate, we're passing this bill. And you're right, we could kill this bill. We, the nasty Republicans, quote, unquote, could kill this bill. But that's not going to happen.

I just offer for everyone's enlightenment that this bill has not passed in the Assembly. It's been introduced since January and sits in the Ways and Means Committee. And when everyone seems to look at that house as being the vanguard and the great protector, it's this house -- and it's frankly the members on both sides of the aisle -- that are going to pass this bill.

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

Senator Marcellino, to explain his vote.

SENATOR MARCELLINO: Yes, Madam President. Thank you.

I rise at this early hour of the morning with about a three-hour ride ahead of me. I should arrive on Long Island sometime around the rush hour, where I will see my wife, whom I haven't seen in a month. It's our fortieth anniversary week. We had a cruise planned. Needless to say, I didn't get there. I'm here, doing my job.

Tom, you taught me something today. One, you taught me you're very emotional. And I thought I had seen just about everything, but you showed me something. And I thought there was no one in the world that could scare me except my wife, and she's about two-foot-three and hits like somebody your height and weight.

I'd like to see a copy of that study. I'd like to read it. And I think perhaps it would be a good idea if you shared it with all of us.

I leave my thoughts with Jim Alesi. I wish we could be voting on a more

comprehensive situation and a bill that took into consideration more of the diseases out there where the impact might be similar. I think we'd all feel better for it.

But in this case, this is what we have to do to deal with. And I will be voting in the affirmative.

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

Announce the results.

THE SECRETARY: In relation to Calendar Number 950: Ayes, 52. Nays, 1. Senator Hannon recorded in the negative.

Absent from voting: Senators Dilan, Huntley, McDonald and Onorato.

ACTING PRESIDENT STEWART-COUSINS: The bill is passed.

Senator Klein.

SENATOR KLEIN: Madam President, can we at this time take up the supplemental active list.

ACTING PRESIDENT STEWART-COUSINS: The Secretary will read.

THE SECRETARY: In relation to Calendar Number 307, Senator Monserrate moves to discharge, from the Committee on Rules, Assembly Bill Number 271A and substitute it for the identical Senate Bill Number 3797, Third Reading Calendar 307.

SENATOR KLEIN: Lay the bill aside for the day.

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

THE SECRETARY: Calendar Number 345, by Member of the Assembly Weinstein, Assembly Print Number --

SENATOR KLEIN: Lay the bill aside for the day.

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

THE SECRETARY: In relation to Calendar Number 391, Senator Hassell-Thompson moves to discharge, from the Committee on Rules --

SENATOR KLEIN: Lay the bill aside for the day.

ACTING PRESIDENT STEWART-COUSINS:

The Secretary will make the substitution first.

THE SECRETARY: Senator Hassell-Thompson moves to discharge, from the Committee on Rules, Assembly Bill Number 3664A and substitute it for the identical Senate Bill Number 4366A, Third Reading Calendar 391.

ACTING PRESIDENT STEWART-COUSINS: Substitution ordered.

The bill will be laid aside for the day.

THE SECRETARY: Calendar Number 419, by Member of the Assembly Rosenthal, Assembly Print Number 3378, an act to amend the Social Services Law.

ACTING PRESIDENT STEWART-COUSINS: Read the last section.

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

ACTING PRESIDENT STEWART-COUSINS: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT STEWART-COUSINS: Announce the results.

THE SECRETARY: Ayes, 56. Nays, 1. Senator Ranzenhofer recorded in the negative.

ACTING PRESIDENT STEWART-COUSINS: The bill is passed.

THE SECRETARY: Calendar Number 455, by Senator Monserrate, Senate Print Number 4071, an act to amend the General Business Law.

ACTING PRESIDENT STEWART-COUSINS: Read the last section.

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

SENATOR KLEIN: Lay the bill aside for the day.

ACTING PRESIDENT STEWART-COUSINS: Lay the bill aside for the day.

The Secretary will continue to read.

THE SECRETARY: Calendar Number 521, by Member of the Assembly Aubry, Assembly Print Number 3766, an act to amend the Correction Law.

SENATOR KLEIN: Lay the bill

aside for the day.

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

THE SECRETARY: In relation to Calendar Number 556, Senator Breslin moves to discharge, from the Committee on Finance, Assembly Bill Number 5049 and substitute it for the identical Senate Bill Number 4809, Third Reading Calendar 556.

ACTING PRESIDENT STEWART-COUSINS: Substitution ordered.

THE SECRETARY: Calendar Number 556, by Member of the Assembly Destito, Assembly Print Number 5049, an act to amend the Public Officers Law.

ACTING PRESIDENT STEWART-COUSINS: Read the last section.

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

ACTING PRESIDENT STEWART-COUSINS: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT STEWART-COUSINS: Announce the results.

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT STEWART-COUSINS: The bill is passed.

THE SECRETARY: Calendar Number 567, by Senator Duane, Senate Print 3164A, an act to amend the Public Health Law and others.

ACTING PRESIDENT STEWART-COUSINS: Read the last section.

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

ACTING PRESIDENT STEWART-COUSINS: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT STEWART-COUSINS: Announce the results.

Oh, Senator Maziarz, to explain his vote.

SENATOR MAZIARZ: Madam President, just to very, very briefly explain my vote.

I think it's very fitting that we should be ending this session -- I think this is really the end of session -- voting for a bill sponsored by Tom Duane, and hopefully

that Eric Schneiderman is going to support, that's been endorsed by New York State Right to Life Committee.

(Laughter.)

SENATOR MAZIARZ: And I just want to acknowledge these two ladies who have sat here all day waiting for this particular bill to come up.

ACTING PRESIDENT STEWART-COUSINS: Thank you.

Senator Duane, to explain his vote.

SENATOR DUANE: Thank you, Madam President.

I just wanted to especially -- well, thank a lot of people, but I'm not going to, but in particular Senator Hannon for his invaluable advice and wise counsel on helping with this legislation. So thank you.

Thank you, Madam President.

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

Announce the results.

THE SECRETARY: In relation to Calendar Number 567: Ayes, 57. Nays, 0.

ACTING PRESIDENT STEWART-COUSINS: The bill is passed.

Senator Smith, that concludes the reading of the supplemental active list.

SENATOR SMITH: Yes, thank you, Madam President.

Normally, Madam President, this would be a time when we would make remarks regarding the end of session for this year. While we know this was an extraordinary year for us, it is not over.

And I would say to my colleagues, while I know you will be going home safely, while we will be praying for each one of your families, please note that there is much more business for us to do. We will probably be back in these chambers sometime between now and the end of the year. And at that time will be a time for the appropriate end-of-session comments.

So please note that this is not the end of session for this year. While we know that this is the end during this summer, we will be back sometime between now and the fall

to conduct some other business.

Is there any other further business at the desk, Madam President?

I ask that the bills that are remaining or that are outstanding on the calendar be recommitted to the Committee on Rules.

ACTING PRESIDENT STEWART-COUSINS: Senator, the desk is clear. The outstanding bills will be recommitted to the Committee on Rules.

SENATOR SMITH: There being no further business, I ask that we adjourn this session at the call of the Temporary President, intervening days to be legislative days.

ACTING PRESIDENT STEWART-COUSINS: The Senate is adjourned at the call of the Temporary President, intervening days to be legislative days.

(Whereupon, at 4:07 a.m., the Senate adjourned.)