NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

March 15, 2010

3:51 p.m.

REGULAR SESSION

SENATOR NEIL D. BRESLIN, Acting President

ANGELO J. APONTE, Secretary

P R O C E E D I N G S

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

I ask all to rise and repeat with me the Pledge of Allegiance.

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

ACTING PRESIDENT BRESLIN: The invocation today will be provided by Bishop Orlando Findlayter, pastor of the New Hope Christian Fellowship in Brooklyn.

Bishop.

BISHOP FINDLAYTER: Shall we pray.

Lord, we come before Your presence today. We pause to say thank You for the goodness that You have given unto us. We thank You for life, we thank You for health, and we thank You for strength.

Now, God, we pray for this legislative body. We ask God that You will give them wisdom, that You will give them knowledge, You will give them understanding, You will give them insight.

God, as they legislate, as they

deliberate, cause them to recognize, O God, that their decisions affect every citizen of the State of New York. So we ask that You guide this process. We ask You that be with them. As they have dedicated themselves to public service, that You bless them. That, O God, You provide not only for them but for their families and the districts in which they represent.

We thank You for this great State of New York. We ask that You continue to bless this state as we do that which You have called us to do. We ask all of these blessings in the name of Your son, Jesus, our Lord.

Amen.

ACTING PRESIDENT BRESLIN: Thank you, Bishop.

The reading of the Journal.

The Secretary will read.

THE SECRETARY: In Senate, Sunday, March 14, the Senate met pursuant to adjournment. The Journal of Saturday, March 13, was read and approved. On motion, Senate adjourned.

ACTING PRESIDENT BRESLIN:

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.

Can we have some quiet, please.

Senator Klein.

SENATOR KLEIN: Mr. President, on behalf of Senator Savino, I move to commit Senate Print Number 6660 to the Committee on Judiciary.

ACTING PRESIDENT BRESLIN: So ordered.

SENATOR KLEIN: On behalf of Senator Serrano, on page number 15 I offer the following amendments to Calendar Number 217, Senate Print Number 3555, and ask that said bill retain its place on Third Reading Calendar.

ACTING PRESIDENT BRESLIN: So ordered.

SENATOR KLEIN: On behalf of Senator Aubertine, on page number 12 I offer the following amendments to Calendar Number 170, Senate Print Number 6758, and ask that said bill retain its place on Third Reading Calendar.

ACTING PRESIDENT BRESLIN: So ordered.

SENATOR KLEIN: On behalf of Senator Duane, on page 8 I offer the following amendments to Calendar Number 72, Senate Print Number 1352, and ask that said bill retain its place on Third Reading Calendar.

ACTING PRESIDENT BRESLIN: So ordered.

Senator Klein.

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

ACTING PRESIDENT BRESLIN: The Secretary will read.

THE SECRETARY: On page 16, Senator L. Krueger moves to discharge, from the Committee on Health, Assembly Bill

Number 1138 and substitute it for the identical Senate Bill Number 4529, Third Reading Calendar 224.

On page 16, Senator Montgomery moves to discharge, from the Committee on Health, Assembly Bill Number 775B and substitute it for the identical Senate Bill Number 4645B, Third Reading Calendar 225.

On page 16, Senator Thompson moves to discharge, from the Committee on Finance, Assembly Bill Number 8558 and substitute it for the identical Senate Bill Number 5991, Third Reading Calendar 229.

On page 18, Senator Oppenheimer moves to discharge, from the Committee on Health, Assembly Bill Number 723 and substitute it for the identical Senate Bill Number 3450, Third Reading Calendar 240.

On page 18, Senator Parker moves to discharge, from the Committee on Education, Assembly Bill Number 4170A and substitute it for the identical Senate Bill Number 6355, Third Reading Calendar 243.

And on page 18, Senator Hassell-Thompson moves to discharge, from the

Committee on Social Services, Assembly Bill Number 8873 and substitute it for the identical Senate Bill Number 3754, Third Reading Calendar 245.

ACTING PRESIDENT BRESLIN: Substitutions ordered.

Senator Klein.

SENATOR KLEIN: Mr. President, there will be an immediate meeting of the Finance Committee, followed by an immediate meeting of the Rules Committee in the Majority Conference Room, Room 332.

Pending the return of the Rules Committee, can we please stand at ease.

ACTING PRESIDENT BRESLIN: There will be an Immediate meeting of the Senate Finance Committee in Room 332, followed by a meeting of the Rules Committee in the same room.

Pending their return, we will stand at ease.

(Whereupon, the Senate stood at ease at 3:56 p.m.)

(Whereupon, the Senate reconvened at 4:52 p.m.)

ACTING PRESIDENT BRESLIN:

Senator Klein.

SENATOR KLEIN: Mr. President, I believe there's a report of the Rules Committee at the desk. I move that we adopt the report at this time.

ACTING PRESIDENT BRESLIN:

Returning to the order of reports of standing committees, there is a report of the Rules Committee at the desk.

The Secretary will read.

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

Senate Print 3874A, by Senator Oppenheimer, an act to amend the Education Law;

4375, by Senator Griffo, an act to amend the Uniform Justice Court Act;

5795, by Senator Valesky, an act to amend the Education Law and the State Finance Law;

6212A, by Senator Klein, an act to amend the Real Property Tax Law and the Tax Law;

6777, by Senator Oppenheimer, an act to amend the Education Law;

6883, by Senator Serrano, an act to amend the Executive Law;

7054, by Senator Oppenheimer, an act to amend the Public Officers Law;

And Senate Print 7109, by Senator L. Krueger, an act to amend the Public Officers Law.

All bills ordered direct to third reading.

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

(Response of "Aye.")

ACTING PRESIDENT BRESLIN: Opposed, nay.

(No response.)

ACTING PRESIDENT BRESLIN: The report of the Rules Committee is adopted.

Senator Klein.

SENATOR KLEIN: Mr. President, can we now move to a reading of the calendar.

ACTING PRESIDENT BRESLIN: The Secretary will read.

THE SECRETARY: Calendar Number 166, by Senator Klein, Senate Print 1866, an act to amend the Vehicle and Traffic Law, in relation to residential parking system.

ACTING PRESIDENT BRESLIN: 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 BRESLIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BRESLIN: Announce the results.

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT BRESLIN: The bill is passed.

THE SECRETARY: Calendar Number 191, by Member of the Assembly Weinstein, Assembly Print Number 7805B, an act to amend the Civil Practice Law and Rules and others, in relation to representation of children.

ACTING PRESIDENT BRESLIN: Read the last section.

THE SECRETARY: Section 2. This

act shall take effect immediately.

ACTING PRESIDENT BRESLIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BRESLIN: Announce the results.

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT BRESLIN: The bill is passed.

THE SECRETARY: Calendar Number 219, by Senator Foley, Senate Print 6041, an act to amend the Real Property Tax Law, in relation to redemption.

ACTING PRESIDENT BRESLIN: Read the last section.

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

ACTING PRESIDENT BRESLIN: Call the roll.

(The Secretary called the roll.)

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

SENATOR FOLEY: Thank you, Mr. President.

This very important piece of

legislation would allow any local government entity to waive the fees, penalties and interest for the redemption of foreclosed residential real estate that's been caused by financial hardship as a result of military activation.

We know of a number of military personnel who have served multiple tours abroad, and on a number of occasions they've either lost their job or they've been away from their job for such a long period of time that they fell behind on the payments of their mortgages and in some cases threatened to lose their home through foreclosure.

This very important piece of legislation, which we also approved last year, will enable those particular families to have the peace of mind and to give the local governmental entities the ability to waive the penalties, fees and interest if in fact the homes are foreclosed.

In a number of examples, Mr. President, that will result in a savings of literally thousands upon thousands of dollars. And this is our way as the state

government to enable the localities to help those particular families to save those homes.

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

ACTING PRESIDENT BRESLIN: Thank you, Senator Foley.

Senator Foley to be recorded in the affirmative.

Announce the results.

THE SECRETARY: Ayes, 58. Nays, 0.

ACTING PRESIDENT BRESLIN: The bill is passed.

THE SECRETARY: Calendar Number 221, by Senator C. Kruger, Senate Print 823, an act to amend the Elder Law and the Social Services Law, in relation to provision.

ACTING PRESIDENT BRESLIN: Read the last section.

THE SECRETARY: Section 3. This act shall take effect on the 120th day.

ACTING PRESIDENT BRESLIN: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT BRESLIN: The bill is passed.

THE SECRETARY: Calendar Number 225, substituted earlier today by Member of the Assembly Paulin, Assembly Print Number 775B, an act to amend the Public Health Law, in relation to providing parents.

ACTING PRESIDENT BRESLIN: Read the last section.

THE SECRETARY: Section 2. This act shall take effect April 20, 2011.

ACTING PRESIDENT BRESLIN: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT BRESLIN: The bill is passed.

THE SECRETARY: Calendar Number 226, by Senator Oppenheimer --

SENATOR LIBOUS: Lay it aside.

ACTING PRESIDENT BRESLIN: The bill is laid aside.

THE SECRETARY: Calendar Number 228, by Senator Oppenheimer, Senate Print 5637, an act to amend the Education Law --

SENATOR LIBOUS: Lay it aside, please.

ACTING PRESIDENT BRESLIN: The bill is laid aside.

THE SECRETARY: Calendar Number 231, by Senator Oppenheimer, Senate Print 6776, an act to amend the Education Law.

ACTING PRESIDENT BRESLIN: Read the last section.

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

ACTING PRESIDENT BRESLIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BRESLIN: Announce the results.

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT BRESLIN: The bill is passed.

THE SECRETARY: Calendar Number 238, by Senator Dilan, Senate Print 6120, an act to amend the Vehicle and Traffic Law, in relation to requiring access aisles.

ACTING PRESIDENT BRESLIN: Read the last section.

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

ACTING PRESIDENT BRESLIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BRESLIN: Announce the results.

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT BRESLIN: The bill is passed.

THE SECRETARY: Calendar Number 242, by Senator Oppenheimer, Senate Print 4634, an act to amend the Education Law, in relation to authorizing Boards of Cooperative Educational Services.

ACTING PRESIDENT BRESLIN: Read the last section.

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

ACTING PRESIDENT BRESLIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BRESLIN: Announce the results.

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT BRESLIN: The bill is passed.

THE SECRETARY: Calendar Number 243, substituted earlier today --

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

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

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

Senator Klein.

SENATOR KLEIN: Mr. President, can we now please go to a reading of the controversial calendar.

ACTING PRESIDENT BRESLIN: The Secretary will ring the bell.

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

The Secretary will read.

THE SECRETARY: Calendar Number 226, by Senator Oppenheimer, Senate Print 5523A, an act to amend the Education Law and the General Municipal Law.

SENATOR LIBOUS: Explanation,

please.

ACTING PRESIDENT BRESLIN: Senator Oppenheimer, an explanation, please.

SENATOR OPPENHEIMER: Yes, thank you. Happy to provide it.

This is something that's very long coming. And indeed, we have voted on very similar legislation. There was a Saland bill, I think, two years ago; much of it had -- was contained in that, not all of it. And I think on many occasions we have discussed these bills individually.

And I think what we're trying to do is respond to the outcry that we're hearing in our neighborhoods, not just my neighborhood. And I'm hearing from parents and from school board members and from superintendents. And everybody is saying we have to do something.

And we've been talking about mandate relief forever, at least a couple of decades. And now is the time to act. Because if we don't have the revenues to send down to our school districts, then we have to relieve them of some of the expenses. And that is the whole theory behind this bill.

I'll briefly go through the various provisions of the bill.

First, it prohibits the implementation of new state mandates after the start of a school fiscal year unless for specific reasons, like if it's an executive order or to comply with a federal rule.

Second, it authorizes school districts to get into shared contracts with other school districts for transportation through private contractors. That most of the us commonly call piggybacking, and it's certainly a way to cut costs by sharing.

It requires a BOCES to convene, on or before July 1st of 2011, committees of school and community leaders in cooperation with the district superintendent -- that's the BOCES superintendent -- to create a report to the commissioner examining options for consolidation and shared services, looking for opportunities for things like regional administrative costs, you know, back office costs, joint transportation possibilities, purchasing of health insurance, conceivably purchasing of bulk supplies of prescription

medicines. In other words, trying to bring the benefits of many groups working together to reduce the costs of each of these groups.

Next, it has in it authorizing internal and claims auditing as an aidable shared service.

Now, you may remember that in 2002, under fiscal accountability legislation, we did allow schools to use BOCES for claims auditing purposes. But what you probably didn't focus in on is that it was never aidable, so therefore it wasn't utilized because it wasn't a figure that could be aidable by the state, so it wasn't utilized. So what we're saying here is it should be aidable.

Next, we amend the calculation of the contingency cap to use a five-year rolling average of the Consumer Price Index, the CPI. And that is a more accurate measure. And maybe if schools had reserve funds, we wouldn't need it. But what this does -- and most actuarial firms use this -- the five-year rolling average smooths out the variations from year to year, makes it more accurate.

And in this case, it's essential, because the CPI last year was a negative figure. And so the school budgets, if they went to contingency, would be required to have a negative factor over the prior year's budget.

We really had never counted on deflationary time, and we are in it, and so we have to act accordingly.

Next, we amend the General Municipal Law to authorize the creation of reserve funds for future employer contributions to the TRS, the Teacher Retirement System.

As you all know, the reserve funds already exist for ERS, for the Employee Reserve System. And it really doesn't -- I think it was just an oversight that it was not done for the TRS when it was done for the ERS.

Well, those are the main features. So I will finish.

ACTING PRESIDENT BRESLIN: Thank you, Senator Oppenheimer.

Senator Libous.

SENATOR LIBOUS: Would you please recognize Senator Saland.

ACTING PRESIDENT BRESLIN: Sure.

SENATOR LIBOUS: Thank you, Mr. President.

ACTING PRESIDENT BRESLIN: Senator Saland.

SENATOR SALAND: Thank you, Mr. President.

Senator Oppenheimer, as I read this bill --

ACTING PRESIDENT BRESLIN: Would you like Senator Oppenheimer to yield to a question?

SENATOR SALAND: Yes, thank you, Mr. President. My apologies.

ACTING PRESIDENT BRESLIN: Senator Oppenheimer, will you yield to Senator Saland?

SENATOR OPPENHEIMER: Yes, happy to do so.

SENATOR SALAND: Thank you.

Senator Oppenheimer, as you noted in your opening remarks, some of the derivation of this bill comes from bills that I had helped draft in prior sessions.

But as I read this bill, I found

particularly interesting on the first page, you talk about, beginning at line 13, the fact that a mandate shouldn't be imposed during a school year. And as you may well recall, the genesis of that was action taken by the Board of Regents, maybe it was December of '06 or December of '07, when they required local school districts in the midst of a school year to pay for these math and science calculators, which I think statewide wound up costing them some $100 million.

And this house has, I believe unanimously, passed in response to that abuse this particular language.

The issue which I would raise is not what you intend to do with this particular language, but in the absence of any other qualifying language, basically this bill is saying that mandates are deferred, not eliminated. They're not banned, but they're deferred.

There is no qualifying language which we have seen in other bills which prohibits unfunded mandates or caps them at very limited amounts, such as $10,000 per

municipality or some million statewide.

So in the absence of that language, notwithstanding the fact that I believe we've seen that other bill, were this bill to pass both houses and get to the Governor's desk without that language, additional language being in here, we would not have banned mandates, we merely would have deferred them for a period of up to one year.

ACTING PRESIDENT BRESLIN: Senator Oppenheimer.

SENATOR SALAND: Would you agree with my interpretation? And I would pose that as a question.

SENATOR OPPENHEIMER: Yes, actually I would.

But I would put a caveat saying that in this case it would probably be something like a federal regulational requirement that we would have to probably do. In other words, it would be something that would be almost mandated upon us.

But you're right, it would have to wait -- unless it was extraordinary, it would have to wait until the end of the school year.

SENATOR SALAND: Well, I would hope that you would entertain an amendment, if there's some reciprocity or interest from the other house, that would basically require the elimination of mandates except in those exceptions where some other state body -- i.e., the Regents or the Ed Department -- attempts to impose something which would fall after the start of a school year.

ACTING PRESIDENT BRESLIN: Senator Oppenheimer, do yield to an additional question from Senator Saland?

SENATOR OPPENHEIMER: Yes, we will be happy to discuss that with you.

Now, is there another question?

SENATOR SALAND: So you would be amenable to that?

SENATOR OPPENHEIMER: Yes, I would be happy to sit down and talk with you.

SENATOR SALAND: Over on page 3 of the bill --

ACTING PRESIDENT BRESLIN: Are you asking Senator Oppenheimer to yield again?

SENATOR SALAND: No, I haven't gotten to my point yet. Then I'll ask her to

yield. I'm bringing her attention to where I'm going.

Through you, Mr. President, if you would take a look at Section 6, the language added at line 32, under "aidable shared services, claims auditing or internal auditing services."

The intent of the bill is one which I certainly -- this section, I certainly wholeheartedly agree with. And the question which I have -- and I believe I may have seen another bill, either today in committee or perhaps through the Education Committee, which is an SED bill that makes claims auditing state aidable.

Is there a separate bill that does that as well?

SENATOR OPPENHEIMER: That's a stand-alone bill. There were two bills that involved auditing. And one was the permitting deputy claims auditors within school districts, and the other is to have a centralized, regionalized center for claims auditing through BOCES. And then having that service, which was permitted as of '05, then

having that purpose aidable. As all other BOCES services are.

SENATOR SALAND: Thank you, Senator Oppenheimer.

On the bill, Mr. President.

ACTING PRESIDENT BRESLIN: Senator Saland, on the bill.

SENATOR SALAND: Mr. President, I certainly would not want to suggest that there's anybody who should, for the reasons that I've discussed, have problems with this bill or not support this bill.

But nonetheless, there are problems with this bill that require being addressed. Because when we act on this bill, assuming it were to become law, we will have not banned unfunded mandates, we merely would have deferred them for one year.

And what I find particularly interesting with regard to making the claims auditing state aidable, when this bill was negotiated -- at that time I believe the comptroller was Comptroller Hevesi -- there were negotiations involving the Executive, the Comptroller and the Assembly as well. I had

insisted that the claims auditing function be state aidable and was assured by the State Education Department that it was state aidable. And I had told them that there was no way that I would attempt to move the bill unless that function was state aidable. And based upon their assurances, we moved the bill.

Subsequently, they took the position -- for reasons known only to them -- that this was not a function that could be state aidable.

So I'm certainly pleased once again to try and impress upon everybody the importance of this being state aidable. And notwithstanding the tardiness of the State Education Department in coming to a conclusion that they previously had come to and abandoned, I welcome their support, if in fact they're supporting this, and believe it's long overdue.

Thank you, Mr. President.

ACTING PRESIDENT BRESLIN: Thank you, Senator Saland.

Are there any other Senators

wishing to be heard?

Senator Oppenheimer.

SENATOR OPPENHEIMER: I just want to corroborate what Senator Saland said.

The commitment that was made, you are absolutely right, has not been followed through. And that's why we are putting this in this bill, and hopefully we can see that commitment honored.

Thank you.

ACTING PRESIDENT BRESLIN: Are there 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 9. This act shall take effect immediately.

ACTING PRESIDENT BRESLIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BRESLIN: Announce the results.

THE SECRETARY: Those recorded in the negative on Calendar Number 226 are Senators Duane and Huntley.

Absent from voting according to Rule 9: Senators Adams, Bonacic, Sampson and McDonald.

Ayes, 52. Nays, 2.

ACTING PRESIDENT BRESLIN: The bill is passed.

The Secretary will continue to read.

THE SECRETARY: Calendar Number 228, by Senator Oppenheimer, Senate Print 5637, an act to amend the Education Law.

SENATOR LIBOUS: Explanation, please.

ACTING PRESIDENT BRESLIN: Senator Oppenheimer, an explanation has been requested.

SENATOR OPPENHEIMER: Okay. This bill would allow the school districts to appoint a deputy claims auditor to perform the same duties as the claims auditor.

And the reason for this I think is easy to understand. If the claims auditor within the district is ill or away on a holiday, there is nobody that's going to approve the claims. And as you know, it is

the school boards that are supposed to do it, but in the place of school boards, now we have auditors and the claims auditor certifies the claims. But if something happens to the original claims auditor, there's nobody to approve the payment of bills.

So this says that there should be a deputy claims auditor. It doesn't have to be a separate position, it can be in addition to another position that someone on staff holds. But there needs to be more than one person. And that's why we're putting in this request for a deputy claims auditor.

ACTING PRESIDENT BRESLIN: Thank you, Senator Oppenheimer.

Senator Saland.

SENATOR SALAND: Will Senator Oppenheimer yield to one question?

ACTING PRESIDENT BRESLIN: Senator Oppenheimer, do you yield to a question from Senator Saland?

SENATOR OPPENHEIMER: Sure.

SENATOR SALAND: I notice that this bill is at the request of the State Education Department. And apropos of the

exchange that we had a bit earlier regarding the auditing function being state aidable, is there anything in this bill -- that, again, is a program bill from SED -- that makes that claims auditing function state aidable?

SENATOR OPPENHEIMER: Through you, Mr. President. Actually, as I had mentioned a moment ago, the person may not necessarily have to be an additional personnel; it might be someone in the same department or in another department. But they would be there to certify that the claims are to be paid and to review them. And it doesn't necessarily have to be another position.

So I would say the question of aidability, like with BOCES, that's a different issue. No.

SENATOR SALAND: If the Senator would continue to yield.

ACTING PRESIDENT BRESLIN: Senator Oppenheimer, would you continue to yield for Senator Saland?

SENATOR OPPENHEIMER: Yes.

ACTING PRESIDENT BRESLIN: You may proceed.

SENATOR SALAND: So the long and the short of it is that there's nothing in this bill that would make that function, whether it be the claims auditor or an appointed deputy claims auditor, a state-aidable function.

SENATOR OPPENHEIMER: Through you, Mr. President, I would think that this is just another issue that comes before us in our school budgets and we the voters make our decision.

But no, I don't believe that there's anything that has been written in about auditors.

SENATOR SALAND: Thank you very much, Senator Oppenheimer.

On the bill.

ACTING PRESIDENT BRESLIN: Senator Saland, on the bill.

SENATOR SALAND: I won't repeat my comments with the earlier bill. Suffice it to say that the issue of state aidability for this auditing function is one that continues to be a rather sore spot, continues to be not merely a breach of faith by the State

Education Department but in fact a complete 180-degree turnabout.

You could effectively say one of two things. Either they were extraordinarily stupid, dumb, or whatever other matter of similar fashion you want to describe them when they said that this function would be state aidable -- perhaps duplicitous. I have no idea.

But now we get a State Education Department bill which is a relatively innocuous bill if this is how they want to deal with the issue. They say, okay, you can have a deputy. But still they continue not to benignly neglect the issue of state aidability, they continue to ignore it. Is there not anybody there what has the slightest sensitivity to taxpayers?

There's no reason for anybody to vote against this bill. It borders on being mindless pap. But the simple fact of the matter is that the State Education Department for a period of now several years has breached its promise, breached its representation, continues to ignore an issue which basically

takes money out of the pockets of local taxpayers.

This doesn't make it any worse. It certainly doesn't make it any better. But I've got to tell you something. What they're doing is just grossly inept.

Thank you.

ACTING PRESIDENT BRESLIN: Thank you, Senator Saland.

Are there any other Senators wishing to be heard?

Hearing none, please ring the bells.

Read the last section.

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

ACTING PRESIDENT BRESLIN: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: In relation to Calendar Number 228: Ayes, 54. Nays, 0.

Absent from voting according to Rule 9: Senators Adams, Bonacic, McDonald and Sampson.

ACTING PRESIDENT BRESLIN: The

bill is passed.

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

SENATOR KLEIN: Mr. President, at this time can we please move to a reading of the Supplemental Calendar 21A.

ACTING PRESIDENT BRESLIN: The Secretary will read.

THE SECRETARY: Calendar Number 255, by Senator Oppenheimer, Senate Print 3874A, an act to amend the Education Law.

ACTING PRESIDENT BRESLIN: Read the last section.

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

ACTING PRESIDENT BRESLIN: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT BRESLIN: The bill is passed.

THE SECRETARY: Calendar Number 258, by Senator Oppenheimer, Senate Print 6777, an act to amend the Education Law.

ACTING PRESIDENT BRESLIN: Read

the last section.

THE SECRETARY: Section 3. This act shall take effect July 1, 2010.

ACTING PRESIDENT BRESLIN: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT BRESLIN: The bill is passed.

Senator Klein, that completes the reading of the Supplemental Calendar A.

SENATOR KLEIN: Mr. President, at this time can we please move to a reading of Supplemental Calendar 21B.

ACTING PRESIDENT BRESLIN: The Secretary will read.

THE SECRETARY: Calendar Number 264, by Senator Griffo, Senate Print 4375, an act to amend the Uniform Justice Court Act.

ACTING PRESIDENT BRESLIN: Read the last section.

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

ACTING PRESIDENT BRESLIN: Call the roll.

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT BRESLIN: The bill is passed.

Senator Klein, that completes the reading of Supplemental Calendar 21B.

SENATOR KLEIN: Mr. President, at this time can you please recognize Senator Ruth Hassell-Thompson for an announcement.

ACTING PRESIDENT BRESLIN: Senator Hassell-Thompson.

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

I rise to announce an immediate meeting of the Majority in the Majority Conference Room, Room 332, following session.

ACTING PRESIDENT BRESLIN: There will be an immediate meeting of the Majority Conference in Room 332 after session.

Senator Klein.

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

ACTING PRESIDENT BRESLIN: Senator Klein, the desk is clear.

SENATOR KLEIN: There being none, Mr. President, I move that we adjourn until

Tuesday, March 16th, at 3:00 p.m.

ACTING PRESIDENT BRESLIN: There being no further business, on motion, the Senate stands adjourned until Tuesday, March 16th, at 3:00 p.m.

(Whereupon, at 5:35 p.m., the Senate adjourned.)