NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

April 14, 2010

11:46 a.m.

REGULAR SESSION

SENATOR CRAIG JOHNSON, Acting President

ANGELO J. APONTE, Secretary

P R O C E E D I N G S

ACTING PRESIDENT CRAIG JOHNSON: The Senate will please come to order.

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

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

ACTING PRESIDENT CRAIG JOHNSON: The invocation will be delivered by the Reverend Peter G. Young, Mother Teresa Community, Albany.

REVEREND YOUNG: Thank you, Senator.

As we have just pledged allegiance to the American Flag, we must recall that New York State had the honor of being the first to proudly display it as a symbol of our freedom.

New Yorkers saw the christening of the American Flag when the Stars and Stripes were flown in battle at the defense of Fort Stanwix, in Rome.

It is with great pride that we are able here to serve as Senators in this

patriotic tradition and as the elected leaders to fulfill Your call, O God.

The leadership of all of these citizens depends on our, quote, quality of care for them. We pray that you will be dedicated and commit yourselves to the call of God to serve them.

Amen.

ACTING PRESIDENT CRAIG JOHNSON: Thank you.

The reading of the Journal.

The Secretary will read.

THE SECRETARY: In Senate, Tuesday, April 13, the Senate met pursuant to adjournment. The Journal of Monday, April 12, was read and approved. On motion, Senate adjourned.

ACTING PRESIDENT CRAIG JOHNSON: 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, please place a sponsor's star on Calendar Number 341.

ACTING PRESIDENT CRAIG JOHNSON: So ordered.

Senator Klein.

SENATOR KLEIN: On behalf of Senator Squadron, on page number 13 I offer the following amendments to Calendar Number 133, Senate Print Number 6141A, and ask that said bill retain its place on Third Reading Calendar.

ACTING PRESIDENT CRAIG JOHNSON: So ordered.

Senator Klein.

SENATOR KLEIN: Mr. President, I believe there are substitutions at the desk. I ask that you make the substitutions at this time.

ACTING PRESIDENT CRAIG JOHNSON: The Secretary will read the substitutions.

THE SECRETARY: On page 22, Senator LaValle moves to discharge, from the Committee on Local Government, Assembly Bill Number 3824 and substitute it for the identical Senate Bill Number 2053, Third Reading Calendar 326.

ACTING PRESIDENT CRAIG JOHNSON: Substitution ordered.

THE SECRETARY: On page 22, Senator Volker moves to discharge, from the Committee on Codes, Assembly Bill Number 1069 and substitute it for the identical Senate Bill Number 2721, Third Reading Calendar 328.

ACTING PRESIDENT CRAIG JOHNSON: Substitution ordered.

THE SECRETARY: On page 23, Senator Hassell-Thompson moves to discharge, from the Committee on Crime Victims, Crime and Correction, Assembly Bill Number 8613 and substitute it for the identical Senate Bill Number 5774, Third Reading Calendar 333.

ACTING PRESIDENT CRAIG JOHNSON: Substitution ordered.

THE SECRETARY: And on page 24, Senator Volker moves to discharge, from the

Committee on Judiciary, Assembly Bill Number 9070 and substitute it for the identical Senate Bill Number 7170, Third Reading Calendar 344.

ACTING PRESIDENT CRAIG JOHNSON: Substitution ordered.

Senator Klein.

SENATOR KLEIN: A little out of order, Mr. President. I believe there's a resolution at the desk by Senator Addabbo. I ask that the title of the resolution be read and move for its immediate adoption.

ACTING PRESIDENT CRAIG JOHNSON: Senator Klein, has this resolution been deemed privileged and submitted by the office of the Temporary President?

SENATOR KLEIN: Yes, it has, Mr. President.

ACTING PRESIDENT CRAIG JOHNSON: The Secretary will read.

THE SECRETARY: By Senator Addabbo, legislative resolution memorializing Governor David A. Paterson to proclaim April 17, 2010, as Jacob A. Riis Day in the State of New York, world-renowned

Danish-American journalist and social documentary photographer.

ACTING PRESIDENT CRAIG JOHNSON: Are there any Senators that wish to be heard on the resolution?

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

(Response of "Aye.")

ACTING PRESIDENT CRAIG JOHNSON: Opposed, nay.

(No response.)

ACTING PRESIDENT CRAIG JOHNSON: The resolution is adopted.

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 Room 124 of the Capitol. I repeat, Room 124 of the Capitol.

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

ACTING PRESIDENT CRAIG JOHNSON: There will be an immediate meeting of the

Finance Committee, followed by an immediate meeting of the Rules Committee in Room 124 of the Capitol.

Pending the return of the Rules Committee, the Senate will stand at ease.

(Whereupon, the Senate stood at ease at 11:51 a.m.)

(Whereupon, the Senate reconvened at 12:32 p.m.)

ACTING PRESIDENT CRAIG JOHNSON: 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 CRAIG JOHNSON: Senator Klein, 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 bill direct to third reading:

Assembly Print 10238A, by Member of the Assembly Towns, an act to amend Chapter 298 of the Laws of 1985, amending the Tax Law.

ACTING PRESIDENT CRAIG JOHNSON: All those in favor of adopting the Rules Committee report please signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT CRAIG JOHNSON: Opposed, nay.

(No response.)

ACTING PRESIDENT CRAIG JOHNSON: The Rules Committee report is adopted.

Senator Klein.

SENATOR KLEIN: Mr. President, at this time can we please go to a reading of the calendar.

ACTING PRESIDENT CRAIG JOHNSON: The Secretary will read.

THE SECRETARY: Calendar Number 33, by Senator L. Krueger, Senate Print 4960B, an act to amend the Election Law.

SENATOR KLEIN: Mr. President, upon unanimous consent, I ask that the roll be opened for the nine bills on the calendar so that Senator Bonacic and Senator Diaz can vote on each bill.

ACTING PRESIDENT CRAIG JOHNSON: Without objection, Senator Klein.

The Secretary will read the last section.

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

ACTING PRESIDENT CRAIG JOHNSON: Call the roll.

(The Secretary called the roll.)

SENATOR DIAZ: Si.

ACTING PRESIDENT CRAIG JOHNSON: Senator Bonacic.

SENATOR BONACIC: Thank you, Mr. President.

On Senator Krueger's bill, Senate 4960B, I'd like to be recorded in the negative. On Senator Addabbo's bill --

ACTING PRESIDENT CRAIG JOHNSON: Senator Bonacic, one second.

SENATOR LIBOUS: If you could just -- we're opening the roll on Calendar Number 33 only. If you could vote on that, please.

SENATOR BONACIC: Okay. This is a first for me. Okay?

ACTING PRESIDENT CRAIG JOHNSON:

Thank you, Senator Bonacic.

SENATOR LIBOUS: It is for some of us also.

ACTING PRESIDENT CRAIG JOHNSON: Senator Bonacic will be recorded in the negative.

Senator Diaz will be recorded in the affirmative.

SENATOR LIBOUS: Lay the bill aside.

ACTING PRESIDENT CRAIG JOHNSON: The roll is withdrawn and the bill is laid aside.

The Secretary will continue to read.

THE SECRETARY: Calendar Number 65, by Member of the Assembly Galef, Assembly Print Number 5276B, an act to amend the Election Law.

ACTING PRESIDENT CRAIG JOHNSON: Read the last section.

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

ACTING PRESIDENT CRAIG JOHNSON: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT CRAIG JOHNSON: Senator Bonacic.

SENATOR BONACIC: In the negative.

ACTING PRESIDENT CRAIG JOHNSON: Senator Bonacic will be recorded in the negative.

Senator Diaz.

SENATOR DIAZ: Yes.

ACTING PRESIDENT CRAIG JOHNSON: Senator Diaz will be recorded in the affirmative.

SENATOR LIBOUS: Lay the bill aside.

ACTING PRESIDENT CRAIG JOHNSON: The roll is withdrawn, and the bill is laid aside.

The Secretary will read.

THE SECRETARY: Calendar Number 66, by Member of the Assembly Kavanagh, Assembly Print Number 4015A, an act to amend the Election Law.

ACTING PRESIDENT CRAIG JOHNSON: Read the last section.

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

ACTING PRESIDENT CRAIG JOHNSON: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT CRAIG JOHNSON: Senator Bonacic.

SENATOR BONACIC: In the negative.

ACTING PRESIDENT CRAIG JOHNSON: Senator Bonacic will be recorded in the negative.

Senator Diaz.

SENATOR DIAZ: Yes.

ACTING PRESIDENT CRAIG JOHNSON: Senator Diaz will be recorded in the affirmative.

SENATOR LIBOUS: Lay the bill aside.

ACTING PRESIDENT CRAIG JOHNSON: The roll is withdrawn, and the bill is laid aside.

The Secretary will read.

THE SECRETARY: Calendar Number 177, by Senator Stavisky, Senate Print 1736B,

an act to amend the Education Law.

ACTING PRESIDENT CRAIG JOHNSON: Read the last section.

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

ACTING PRESIDENT CRAIG JOHNSON: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT CRAIG JOHNSON: Senator Bonacic.

SENATOR BONACIC: In the negative.

ACTING PRESIDENT CRAIG JOHNSON: Senator Bonacic will be recorded in the negative.

Senator Diaz.

SENATOR DIAZ: Yes.

ACTING PRESIDENT CRAIG JOHNSON: Senator Diaz will be recorded in the affirmative.

SENATOR LIBOUS: Mr. President.

ACTING PRESIDENT CRAIG JOHNSON: Yes, Senator Libous.

SENATOR LIBOUS: If it's okay with Senator Klein, on these three bills we

could do the fast roll call and we don't have to open the roll and then we'll keep moving forward.

ACTING PRESIDENT CRAIG JOHNSON: The roll is withdrawn and the bill is laid aside.

The Secretary will continue to read.

THE SECRETARY: Calendar Number 206, by Senator Bonacic, Senate Print 6039, an act to amend the Tax Law.

ACTING PRESIDENT CRAIG JOHNSON: Read the last section.

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

ACTING PRESIDENT CRAIG JOHNSON: Call the roll.

(The Secretary called the roll.)

SENATOR BONACIC: Yes.

ACTING PRESIDENT CRAIG JOHNSON: Senator Bonacic will be recorded in the affirmative.

Senator Diaz.

SENATOR DIAZ: Yes.

ACTING PRESIDENT CRAIG JOHNSON:

Senator Diaz will be recorded in the affirmative.

The roll is withdrawn. The bill is laid aside.

The Secretary will read.

THE SECRETARY: Calendar Number 236, by Senator Addabbo, Senate Print 6910, an act to amend the Election Law.

ACTING PRESIDENT CRAIG JOHNSON: Read the last section.

THE SECRETARY: Section 3. This act shall take effect on the 90th day.

ACTING PRESIDENT CRAIG JOHNSON: Call the roll.

(The Secretary called the roll.)

SENATOR BONACIC: Yes.

ACTING PRESIDENT CRAIG JOHNSON: Senator Bonacic will be recorded in the affirmative.

Senator Diaz.

SENATOR DIAZ: Yes.

ACTING PRESIDENT CRAIG JOHNSON: Senator Diaz will be recorded in the affirmative.

The roll is withdrawn, and the bill

is laid aside.

The Secretary will read.

THE SECRETARY: Calendar Number 268, by Member of the Assembly Dendekker, Assembly Print Number 8530E, an act to amend the Criminal Procedure Law.

ACTING PRESIDENT CRAIG JOHNSON: Read the last section.

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

ACTING PRESIDENT CRAIG JOHNSON: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT CRAIG JOHNSON:

SENATOR BONACIC: In the negative.

ACTING PRESIDENT CRAIG JOHNSON: Senator Bonacic will be recorded in the negative.

Senator Diaz.

SENATOR DIAZ: Yes.

ACTING PRESIDENT CRAIG JOHNSON: Senator Diaz will be recorded in the affirmative.

The roll is withdrawn, and the bill

is laid aside.

The Secretary will read.

THE SECRETARY: Calendar Number 304, by Senator Addabbo, Senate Print 3252, an act to amend the Election Law.

ACTING PRESIDENT CRAIG JOHNSON: Read the last section.

THE SECRETARY: Section 3. This act shall take effect on the first of January next succeeding.

ACTING PRESIDENT CRAIG JOHNSON: Call the roll.

(The Secretary called the roll.)

SENATOR BONACIC: Yes.

ACTING PRESIDENT CRAIG JOHNSON: Senator Bonacic will be recorded in the affirmative.

Senator Diaz.

SENATOR DIAZ: Yes.

ACTING PRESIDENT CRAIG JOHNSON: Senator Diaz will be recorded in the affirmative.

The roll is withdrawn. The bill is laid aside.

The Secretary will read.

THE SECRETARY: Calendar Number 328, substituted earlier today by Member of the Assembly Destito, Assembly Print Number 1069, an act to amend the Penal Law.

ACTING PRESIDENT CRAIG JOHNSON: Read the last section.

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

ACTING PRESIDENT CRAIG JOHNSON: Call the roll.

(The Secretary called the roll.)

SENATOR BONACIC: Yes.

ACTING PRESIDENT CRAIG JOHNSON: Senator Bonacic will be recorded in the affirmative.

Senator Diaz.

SENATOR DIAZ: Yes.

ACTING PRESIDENT CRAIG JOHNSON: Senator Diaz will be recorded in the affirmative.

The roll is withdrawn. The bill is laid aside.

We will now call a reading of the supplemental calendar for the same purposes.

The Secretary will read.

THE SECRETARY: Calendar Number 386, by Member of the Assembly Towns, Assembly Print Number 10238A, an act to amend Chapter 298 of the Laws of 1985, amending the Tax Law.

ACTING PRESIDENT CRAIG JOHNSON: Read the last section.

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

ACTING PRESIDENT CRAIG JOHNSON: Call the roll.

(The Secretary called the roll.)

SENATOR BONACIC: Yes.

ACTING PRESIDENT CRAIG JOHNSON: Senator Bonacic will be recorded in the affirmative.

Senator Diaz.

SENATOR DIAZ: Yes.

ACTING PRESIDENT CRAIG JOHNSON: Senator Diaz will also be recorded in the affirmative.

The roll is withdrawn. The bill is laid aside.

We will now be moving to a reading of the noncontroversial calendar in its

entirety.

The Secretary will read.

THE SECRETARY: Calendar Number 33, by Senator L. Krueger, Senate Print 4960B, an act to amend the Election Law.

ACTING PRESIDENT CRAIG JOHNSON: Read the last section.

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

SENATOR LIBOUS: Lay it aside.

ACTING PRESIDENT CRAIG JOHNSON: The bill is laid aside.

The Secretary will continue.

THE SECRETARY: Calendar Number 65, by Member of the Assembly Galef, Assembly Print Number 5276B, an act to amend the Election Law.

SENATOR LIBOUS: Lay it aside.

ACTING PRESIDENT CRAIG JOHNSON: The bill is laid aside.

The Secretary will continue to read.

THE SECRETARY: Calendar Number 66, by Member of the Assembly Kavanagh, Assembly Print Number 4015A, an act to amend

the Election Law.

SENATOR LIBOUS: Lay it aside.

ACTING PRESIDENT CRAIG JOHNSON: The bill is laid aside.

The Secretary will continue to read.

THE SECRETARY: Calendar Number 177, by Senator Stavisky, Senate Print 1736B, an act to amend the Education Law.

ACTING PRESIDENT CRAIG JOHNSON: Read the last section.

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

ACTING PRESIDENT CRAIG JOHNSON: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT CRAIG JOHNSON: Announce the results.

THE SECRETARY: Those recorded in the negative on Calendar Number 177 are Senators Alesi, Bonacic, DeFrancisco, Farley, Flanagan, Fuschillo, Griffo, Hannon, O. Johnson, Lanza, Larkin, LaValle, Leibell, Libous, Little, Marcellino, McDonald, Nozzolio, Padavan, Ranzenhofer, Saland,

Seward, Skelos, Volker, Winner and Young.

Ayes, 36. Nays, 26.

ACTING PRESIDENT CRAIG JOHNSON: The bill is passed.

The Secretary will read.

THE SECRETARY: Calendar Number 206, by Senator Bonacic, Senate Print 6039, an act to amend the Tax Law.

ACTING PRESIDENT CRAIG JOHNSON: Read the last section.

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

ACTING PRESIDENT CRAIG JOHNSON: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT CRAIG JOHNSON: Announce the results.

THE SECRETARY: Ayes, 62. Nays, 0.

ACTING PRESIDENT CRAIG JOHNSON: The bill is passed.

The Secretary will continue to read.

THE SECRETARY: Calendar Number 236, by Senator Addabbo, Senate Print 6910, an

act to amend the Election Law.

ACTING PRESIDENT CRAIG JOHNSON: Read the last section.

THE SECRETARY: Section 3. This act shall take effect on the 90th day.

ACTING PRESIDENT CRAIG JOHNSON: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT CRAIG JOHNSON: Announce the results.

THE SECRETARY: Ayes, 62. Nays, 0.

ACTING PRESIDENT CRAIG JOHNSON: The bill is passed.

The Secretary will read.

THE SECRETARY: Calendar Number 268, by Member of the Assembly Dendekker, Assembly Print Number 8530E, an act to amend the Criminal Procedure Law.

ACTING PRESIDENT CRAIG JOHNSON: Read the last section.

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

ACTING PRESIDENT CRAIG JOHNSON: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT CRAIG JOHNSON: Can the Senators who are voting in the negative please raise your hands so that your vote can be counted? Thank you.

Announce the results, please.

THE SECRETARY: Those recorded in the negative on Calendar Number 268 are Senators Bonacic, DeFrancisco, Farley, Flanagan, Fuschillo, Golden, Griffo, Hannon, O. Johnson, Larkin, LaValle, Leibell, Libous, Marcellino, Maziarz, McDonald, Morahan, Nozzolio, Seward and Skelos. Also Senator Ranzenhofer. Also Senator Volker. Also Senator Saland. And also Senator Young. Also Senator Little. Also Senator Winner.

ACTING PRESIDENT CRAIG JOHNSON: Announce the results, please.

THE SECRETARY: Ayes, 36. Nays, 26.

ACTING PRESIDENT CRAIG JOHNSON: The bill is passed.

The Journal Clerk is requesting that when members are voting in the negative to please keep your hands up long enough so

they can count you accurately and report the results accurately. Thank you.

The Secretary will read.

THE SECRETARY: Calendar Number 304, by Senator Addabbo, Senate Print 3252, an act to amend the Election Law.

ACTING PRESIDENT CRAIG JOHNSON: Read the last section.

THE SECRETARY: Section 3. This act shall take effect on the first of January next succeeding.

ACTING PRESIDENT CRAIG JOHNSON: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT CRAIG JOHNSON: Announce the results.

THE SECRETARY: Ayes, 62. Nays, 0.

ACTING PRESIDENT CRAIG JOHNSON: The bill is passed.

The Secretary will read.

THE SECRETARY: Calendar Number 328, by Member of the Assembly Destito, substituted earlier today, Assembly Print Number 1069, an act to amend the Penal Law.

ACTING PRESIDENT CRAIG JOHNSON: Read the last section.

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

ACTING PRESIDENT CRAIG JOHNSON: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT CRAIG JOHNSON: Senator Seward, to explain his vote.

SENATOR SEWARD: Yes, thank you, Mr. President.

This legislation -- which would include firearms silencers within the current exemption that exists for activities such as manufacture and repair of certain firearms which are otherwise prohibited in New York State -- is very, very important to my district.

I'm very proud to be the home of Remington Arms, in Ilion, Herkimer County. We have a number of representatives of the union with us today that represent the workers at that plant.

There are close to 1,000 jobs at that plant, and we hope to have more. And the

passage of this legislation will help us in that effort.

So I appreciate the leadership of Senator Volker, the prime sponsor of the bill. I'm proud to be a cosponsor, along with Senator Griffo. And I appreciate the support of my colleagues for this important legislation. It's a jobs bill, and we're very pleased to see its passage.

ACTING PRESIDENT CRAIG JOHNSON: Thank you very much, Senator Seward.

Announce the results.

THE SECRETARY: Ayes, 62. Nays, 0.

ACTING PRESIDENT CRAIG JOHNSON: The bill is passed.

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

Senator Klein.

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

ACTING PRESIDENT CRAIG JOHNSON: The Secretary will ring the bell. Members are all asked to come to the chamber for the

controversial reading of the calendar.

The Secretary will read.

THE SECRETARY: Calendar Number 33, by Senator L. Krueger, Senate Print 4960B, an act to amend the Election Law.

SENATOR LIBOUS: Explanation.

ACTING PRESIDENT CRAIG JOHNSON: Senator Krueger, an explanation has been requested by Senator Libous.

SENATOR LIZ KRUEGER: Thank you very much, Senator Libous.

This legislation allows voters to request an absentee ballot application by fax. It will substantially improve the absentee ballot process by reducing the time it takes voters to get the application for their absentee ballot, while making it easier for them, those who are out of town or abroad, including military personnel, to return their absentee ballots in a timely fashion and be counted.

This will enable more eligible voters to cast a ballot on Election Day. We estimate that thousands more voters will have received their absentee ballots on time,

particularly personnel who are involved with the military or associated organizations out of the country who already are being delayed in their ability to get their ballots back on time.

And we believe that really nothing is more important than making sure that every registered, legal voter has the ability to vote in our elections here in New York State if they have no ability to get to the polls on Voting Day.

ACTING PRESIDENT CRAIG JOHNSON: 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 2. This act shall take effect on the first of January next succeeding.

ACTING PRESIDENT CRAIG JOHNSON: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT CRAIG JOHNSON: Announce the results.

THE SECRETARY: Those recorded in the negative on Calendar Number 33 are Senators Alesi, Bonacic, Farley, Flanagan, Fuschillo, Golden, Griffo, Hannon, Lanza, Larkin, LaValle, Leibell, Marcellino, Maziarz, Nozzolio, Ranzenhofer, Robach, Saland, Seward, Skelos, Volker and Young.

Ayes, 40. Nays, 22.

ACTING PRESIDENT CRAIG JOHNSON: The bill is passed.

The Secretary will read.

THE SECRETARY: Calendar Number 65, by Member of the Assembly Galef, Assembly Print Number 5276B, an act to amend the Election Law.

SENATOR LIBOUS: Read the last section.

SENATOR MAZIARZ: Read the last section.

ACTING PRESIDENT CRAIG JOHNSON: The Secretary will ring the bell.

Read the last section.

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

ACTING PRESIDENT CRAIG JOHNSON:

Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT CRAIG JOHNSON: Announce the results.

THE SECRETARY: Those recorded in the negative on Calendar Number 65 are Senators Alesi, Bonacic, DeFrancisco, Farley, Flanagan, Golden, Griffo, Hannon, O. Johnson, Lanza, Larkin, LaValle, Leibell, Libous, Marcellino, Maziarz, McDonald, Nozzolio, Padavan, Ranzenhofer, Robach, Saland, Seward, Skelos, Volker, Winner and Young.

Ayes, 35. Nays, 27.

ACTING PRESIDENT CRAIG JOHNSON: The bill is passed.

The Secretary will read.

THE SECRETARY: Calendar Number 66, by Member of the Assembly Kavanagh, Assembly Print Number 4015A, an act to amend the Election Law.

ACTING PRESIDENT CRAIG JOHNSON: Senator Fuschillo.

SENATOR FUSCHILLO: Mr. President, will the sponsor yield for a quick question?

ACTING PRESIDENT CRAIG JOHNSON: Senator Klein, will you yield for a question from Senator Fuschillo?

SENATOR KLEIN: Yes, Mr. President.

ACTING PRESIDENT CRAIG JOHNSON: Thank you.

Senator Fuschillo.

SENATOR FUSCHILLO: Senator Klein, just a quick question. On page number 2 of the bill --

SENATOR KLEIN: I'm sorry, Mr. President, I'm having a hard time hearing Senator Fuschillo.

ACTING PRESIDENT CRAIG JOHNSON: Will there please be some order in the chamber.

Senator Fuschillo.

SENATOR FUSCHILLO: Senator Klein, I just have a quick question.

On page number 2 of the bill, it states here: "If a voter has cast a ballot in an affidavit ballot envelope on which such voter claims a party enrollment different from the enrollment in the records in the Board of

Elections, such affidavit shall be treated as an application for a change of enrollment."

Would that take effect immediately? And also, would that person's vote count immediately?

SENATOR KLEIN: It doesn't change the deadline, and it just gives the person the opportunity to change their party affiliation for the next election.

SENATOR FUSCHILLO: Changes it for the next election?

SENATOR KLEIN: That's correct.

SENATOR FUSCHILLO: Would the sponsor yield for another question?

ACTING PRESIDENT CRAIG JOHNSON: Senator Klein, will you continue to yield?

SENATOR KLEIN: Yes, Mr. President.

Senator Fuschillo.

SENATOR FUSCHILLO: So if they're a Democrat and they change to a Republican at that moment, that would serve as an application and as a ballot to vote?

SENATOR KLEIN: Well, let me just back up and describe what the bill does.

We all know there's affidavit ballots. In many cases someone shows up at their correct polling place, the inspectors can't find them in the book, so they give them the affidavit ballot. And at the end of the day, that person never knows whether their vote was counted or whether or not they're truly registered to vote, so of course as somebody to continuously go back and not find themselves in the book.

This would allow us to put on the back of an affidavit ballot a voter registration form. So when they fill out their affidavit ballot and they register, it's submitted. And of course it's not counted for that election if they're not registered, but the registration would take place and qualify for the next election.

And they also would have the ability to also change their enrollment -- again, for the next election. Not for the election that they wouldn't be registered for.

SENATOR FUSCHILLO: Through you, Mr. President, that was going to be my next question.

Thank you, Senator Klein.

ACTING PRESIDENT CRAIG JOHNSON: Thank you.

Senator Hannon, why do you rise?

SENATOR HANNON: I have a question.

ACTING PRESIDENT CRAIG JOHNSON: Senator Klein, will you yield to Senator Hannon for a question?

SENATOR KLEIN: Yes, Mr. President.

ACTING PRESIDENT CRAIG JOHNSON: Thank you.

Senator Hannon.

SENATOR HANNON: Just -- I want to get the sequence. The enrollment change doesn't take effect until after the next election?

SENATOR KLEIN: That's correct, Mr. President.

SENATOR HANNON: Thank you.

ACTING PRESIDENT CRAIG JOHNSON: Any other Senators wishing to be heard?

Hearing none, 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 CRAIG JOHNSON: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT CRAIG JOHNSON: Announce the results.

THE SECRETARY: Those recorded in the negative on Calendar Number 66 are Senators Bonacic, DeFrancisco, Farley, Flanagan, Golden, O. Johnson, Larkin, LaValle, Leibell, Libous, Marcellino, Maziarz, McDonald, Nozzolio, Ranzenhofer, Seward, Skelos and Volker. Also Senator Young. Also Senator Alesi.

Ayes, 42. Nays, 20.

ACTING PRESIDENT CRAIG JOHNSON: The bill is passed.

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

Senator Klein.

SENATOR KLEIN: Mr. President, at this time can we go to a reading of the supplemental calendar.

ACTING PRESIDENT CRAIG JOHNSON: The Secretary will read.

THE SECRETARY: Calendar Number 386, by Member of the Assembly Towns, Assembly Print Number 10238A, an act to amend Chapter 298 of the Laws of 1985, amending the Tax Law.

ACTING PRESIDENT CRAIG JOHNSON: Read the last section.

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

ACTING PRESIDENT CRAIG JOHNSON: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT CRAIG JOHNSON: Announce the results.

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT CRAIG JOHNSON: The bill is passed.

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

Senator Klein.

SENATOR KLEIN: Mr. President, at this time can we go back to motions and

resolutions.

First, there's a resolution at the desk by Senator Hassell-Thompson. I ask that the title of the resolution be read and move for its immediate adoption.

And then Senator Libous has some housekeeping motions.

ACTING PRESIDENT CRAIG JOHNSON: Returning to the order of motions and resolutions.

Senator Klein, has this resolution been deemed privileged and submitted by the office of the Temporary President?

SENATOR KLEIN: Yes, it has, Mr. President.

ACTING PRESIDENT CRAIG JOHNSON: The Secretary will read.

THE SECRETARY: By Senator Hassell-Thompson, legislative resolution commemorating the 51st Anniversary of the Westchester Alumnae Chapter of Delta Sigma Theta Sorority, Inc.

ACTING PRESIDENT CRAIG JOHNSON: Senator Hassell-Thompson.

SENATOR HASSELL-THOMPSON: Thank

you, Mr. President. Just a moment I would like to thank all of my colleagues for their support for this legislation.

The Delta Sigma Theta is a sorority, as you have heard, of long standing. And the thing that makes them valuable is the volunteerism that they give to a range of services within our communities. They have been so participatory, most recently in the census count and making sure that they go out and be a part of the volunteer effort to ensure that the count is accurate and significantly higher than it was in 2000.

And they have also worked with our schools in terms of support services for our young people in each of our efforts to continue to put the education dollars necessary into our budgets. As this ability to do so dwindles, their activities have increased in terms of after-school programs, tutorial programs, and the like.

They work with young women who are at risk of being incarcerated and a variety of other activities too many to name.

The important thing is that in

recognition of this monumental anniversary, I felt that it would be appropriate for us to put forth this resolution to congratulate them for their many years of service to this country -- because it is a national movement, and across this country they continue to do good works.

Thank you, Mr. President, for the opportunity.

ACTING PRESIDENT CRAIG JOHNSON: Thank you very much, Senator Hassell-Thompson.

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

Senator Montgomery.

SENATOR MONTGOMERY: Yes, thank you, Mr. President.

I rise to thank my colleague Senator Hassell-Thompson for introducing this resolution.

And I just want to make note that this is a sorority of women, African-American primarily, who represent the most highly recognized, educated, and professional women of color in our nation.

And they were founded in

January 1913. Their first act as an organization of Delta Sigma Theta women in the city of Washington, D.C., was to participate in the women's suffrage march. They have certainly not stopped there.

It is a group of women that I'm very familiar with. Even though we're just celebrating the Westchester County chapter, they really have chapters all over this nation, and women who really have stepped up and used their positions in America to help advance the status of young people, especially young women, in our nation.

And, Mr. President, unfortunately, it is not the sorority of choice for me, because I'm an Alpha Kappa Alpha woman.

(Laughter.)

SENATOR MONTGOMERY: However, I cannot, I cannot say enough about the fact that having my own experience as a soror, it is so important and I'm so proud that I can stand here and acknowledge this particular group. I'm almost wearing their color today. Didn't intend to, because I usually wear pink and green.

However, today I commend and celebrate the women, the sorors of the Delta Sigma Theta Sorority.

Thank you, Mr. President.

ACTING PRESIDENT CRAIG JOHNSON: Thank you very much, Senator Montgomery.

Senator Parker, on the resolution.

SENATOR PARKER: Thank you very much, Mr. President. On the resolution.

I'm actually rising to add my voice to those who are congratulating Delta Sigma Theta Sorority. These women of distinction have made a significant contribution not just to New York State, but to this nation and particularly to almost all of our communities.

There are many, many women who you know of and have added, you know, to the greatness of this state and the greatness of this country and have really fought particularly for progressive causes around women, around African-Americans, around issues of poverty. And really, we can't really say enough about the service they have provided to our communities.

And in particular I want to mention

one member of the sorority, former Congresswoman Shirley Chisholm, who comes from Brooklyn and who herself was a proud member of the sorority.

We have members in the State Legislature like Annette Robinson, also from Brooklyn, who is a member of Delta Sigma Theta. Many of the women who serve in our communities in many capacities are alumnae, including the clerk to the Senate, Lisa Copeland, former city clerk to the City of Mt. Vernon, also a member of Delta Sigma Theta. And, you know, members of our staff.

This sorority has done a great deal to prepare young women to be leaders in our nation. And we have examples all around us. And so to that, we want to just thank them and give them all the encouragement to continue to work on behalf of our communities.

Thank you, Mr. President.

ACTING PRESIDENT CRAIG JOHNSON: Thank you very much, Senator Parker.

Any other Senators wishing to be heard on the resolution?

The question is on the resolution.

All those in favor please signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT CRAIG JOHNSON: Opposed, nay.

(No response.)

ACTING PRESIDENT CRAIG JOHNSON: The resolution is adopted.

Senator Klein.

SENATOR KLEIN: Mr. President, can you please recognize Senator Libous.

ACTING PRESIDENT CRAIG JOHNSON: Senator Libous.

SENATOR LIBOUS: Thank you, Mr. President. Do you recognize me?

ACTING PRESIDENT CRAIG JOHNSON: I do recognize you, Senator.

SENATOR LIBOUS: Thank you, sir.

On behalf of Senator Volker, who's right here, I move that the following bill be discharged from its respective committee and be recommitted with instructions to strike the enacting clause. And that would be Senate Print 3039A.

ACTING PRESIDENT CRAIG JOHNSON:

So ordered, Senator Libous.

SENATOR LIBOUS: Thank you.

And, Mr. President, there will be a Republican conference at 2:00 p.m.

ACTING PRESIDENT CRAIG JOHNSON: There will be a Republican conference at 2:00 p.m. in the Republican --

SENATOR LIBOUS: -- Conference Room.

ACTING PRESIDENT CRAIG JOHNSON: -- Republican Conference Room.

Senator Klein.

SENATOR KLEIN: Mr. President, can you please recognize Senator Ruth Hassell-Thompson for an announcement about the Democratic conference.

ACTING PRESIDENT CRAIG JOHNSON: Senator Hassell-Thompson.

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

I would like to announce at 1:30 there will be a meeting of the Majority in the Majority Conference Room in 332.

ACTING PRESIDENT CRAIG JOHNSON: There will be a meeting of the Majority

Conference in the Majority Conference Room, Room 332, at 1:30.

Senator Klein.

SENATOR KLEIN: In the meantime, Mr. President, can we please stand at ease.

ACTING PRESIDENT CRAIG JOHNSON: The Senate will stand at ease.

(Whereupon, the Senate stood at ease at 1:22 p.m.)

(Whereupon, the Senate reconvened at 2:42 p.m.)

ACTING PRESIDENT PARKER: Senator Adams.

SENATOR ADAMS: Yes, Mr. President. I move that we adjourn at the call of the Temporary President, intervening days being legislative days.

ACTING PRESIDENT PARKER: On motion, the Senate stands adjourned at the call of the Temporary President, intervening days being legislative days.

(Whereupon, at 2:43 p.m., the Senate adjourned.)