NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

May 12, 2010

11:30 a.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: Today's invocation will be provided by Rabbi Yaakov Kellman, from the Jewish Educational Resources of New York, here in Albany.

Rabbi.

RABBI KELLMAN: Jerusalem, reunited as a holy city for people of all faiths, 43 years ago today. Jerusalem: The city of peace, the city of wholeness, the city of respect -- for three faiths.

We bless you, we pray for you, we ask God's beneficence to this convening body, that the peace of Jerusalem shine upon each one of you now and forever.

Amen.

ACTING PRESIDENT VALESKY: The reading of the Journal.

The Secretary will read.

THE SECRETARY: In Senate, Tuesday, May 11, 2010, the Senate met pursuant to adjournment. The Journal of Monday, May 10, 2010, 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, on behalf of Senator Sampson, I move that the following bills be discharged from their respective committees and be recommitted with instructions to strike the enacting clause: Senate Number 144, 1632, 2352, 3404, and 7504.

ACTING PRESIDENT VALESKY: So

ordered.

Senator Klein.

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

ACTING PRESIDENT VALESKY: The Secretary will take up the substitutions.

THE SECRETARY: Page 27, Senator Schneiderman moves to discharge, from the Committee on Education, Assembly Bill Number 6453A and substitute it for the identical Senate Bill Number 6196A, Third Reading Calendar 461.

Page number 30, Senator C. Johnson moves to discharge, from the Committee on Local Government, Assembly Bill Number 6249B and substitute it for the identical Senate Bill Number 2269A, Third Reading Calendar Number 504.

Page number 30, Senator Squadron moves to discharge, from the Committee on Corporations, Authorities and Commissions, Assembly Bill Number 10147 and substitute it for the identical Senate Bill Number 7365,

Third Reading Calendar 506.

ACTING PRESIDENT VALESKY: Substitutions ordered.

Senator Klein.

SENATOR KLEIN: Mr. President, I believe there's a resolution at the desk by Senator Perkins. I ask that the resolution be read in its entirety and move for its immediate adoption.

ACTING PRESIDENT VALESKY: 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 VALESKY: The Secretary will read.

THE SECRETARY: By Senator Perkins, Senate Legislative Resolution mourning the death of legendary singer, dancer, actress and civil rights activist Lena Mary Calhoun Horne.

"WHEREAS, It is the sense of this Legislative Body to pay tribute to the lives of those esteemed individuals of world renown

who distinguished themselves through their life's work; and

"WHEREAS, Born in Brooklyn, New York, Lena Horne was the first black performer to be signed to a long-term contract by a major Hollywood studio and went on to achieve international fame as a singer. She died at the age of 92 on Sunday, May 9, 2010; and

"WHEREAS, Lena Horne's timeless legacy will forever be celebrated as part of the fabric of American popular music. Her striking beauty often overshadowed her talent and artistry; and

"WHEREAS, Lena Horne was largely raised by her grandparents as her mother, Edna Horne, who pursued a career in show business, and father, Teddy Horne, separated. Lena dropped out of high school at age 16 and joined the chorus line at the Cotton Club, the fabled Harlem night spot where the entertainers were black and the clientele white. She left the club in 1935 to tour with Noble Sissle's orchestra, billed as Helena Horne; and

"WHEREAS, The talented Lena Horne once said, 'I was unique in that I was a kind of black that white people could accept ... I was their daydream. I had the worst kind of acceptance because it was never for how great I was or what I contributed. It was because of the way I looked.'; and

"WHEREAS, Actress Liza Minelli's father, director Vincente Minelli, brought Lena Horne to Hollywood to star in 'Cabin in the Sky,' in 1943. In the 1940s, Lena Horne was one of the first black performers hired to sing with a major white band, to play the Copacabana nightclub in New York City. And when she signed with MGM, she was among a few black actors to have a contract with a major Hollywood studio; and

"WHEREAS, In 1943, MGM Studios temporarily transferred her to 20th Century Fox to play the role of Selina Rogers in the all-black movie musical 'Stormy Weather.' Her rendition of the title song became a major hit and her most famous tune; and

"WHEREAS, In her first big Broadway success, as the star of 'Jamaica' in 1957,

reviewer Richard Watts, Jr., called her 'one of the incomparable performers of our time.' Songwriter Buddy de Sylva dubbed her 'the best female singer of songs'; and

"WHEREAS, Ms. Horne's voice was not particularly powerful, but it was extremely expressive. She reached her listeners emotionally by acting as well as singing the romantic standards like 'The Man I Love' and 'Moon River' that dominated her repertory. The person she always credited as her main influence was not another singer but a pianist and composer, Duke Ellington's longtime associate Billy Strayhorn; and

"WHEREAS, Lena Horne had married MGM music director Lennie Hayton, a white man, in Paris in 1947 after her first overseas engagements in France and England. An earlier marriage to Louis J. Jones had ended in divorce in 1944 after producing her daughter, Gail, and her son, Teddy. Lena's father, her son, and Hayton all died in 1970 and 1971; and

"WHEREAS, While at MGM, Lena Horne starred in the all-black 'Cabin in the Sky,' but in most movies, she appeared only in

musical numbers that could be cut when shown in the South, and she was denied major roles and speaking parts. She had appeared in the role of Julie in a 'Show Boat' scene in a 1946 movie about Jerome Kern, and was deemed a logical choice for the 1951 movie, but the part went to a white actress, Ava Gardner, who did not sing; and

"WHEREAS, Lena Horne was only two when her grandmother, a prominent member of the Urban League and the National Association for the Advancement of Colored People, enrolled her in the NAACP. However, Lena avoided activism until 1945, when she was entertaining at an Army base and saw German prisoners of war sitting up front while black American soldiers were consigned to the rear. That pivotal moment channeled her anger into something useful; and

"WHEREAS, Roger Edens, the composer and musical arranger who had been Judy Garland's chief protector at MGM, had heard the elegant Lena Horne sing at Cafe Society and also went to hear her at the Little Troc. He then insisted that Arthur Freed, the

producer of MGM's lavish musicals, listen to Ms. Horne sing. Mr. Freed insisted that Louis B. Mayer, who ran the studio, hear her too, and when he did, she had soon signed a seven-year contract with MGM; and

"WHEREAS, With Lena Horne being the trailblazer, the NAACP celebrated that particular contract as a weapon in its war to get better movie roles for black performers; and

"WHEREAS, Perpetually frustrated with racism, Lena Horne got involved in various social and political organizations, and, partly because of her friendship with singer-actor-activist Paul Robeson, was blacklisted during the Red-hunting McCarthy era. By the 1960s, she was one of the most visible celebrities in the civil rights movement, once throwing a lamp at a customer who made a racial slur in a Beverly Hills restaurant, and, in 1963, joining 250,000 others in the March on Washington for Jobs and Freedom when Martin Luther King, Jr., gave his 'I Have a Dream' speech. She also spoke at a rally that year with another civil rights

leader, Medgar Evers, just days before his assassination; and

"WHEREAS, Lena Horne's 1981 one-woman Broadway show, 'Lena Horne: The Lady and Her Music,' won a special Tony Award and two Grammy Awards. In it, the 64-year-old singer used two renditions, one straight and the other gut-wrenching, of 'Stormy Weather' to give audiences a glimpse of the spiritual odyssey of her five-decade career; and

"WHEREAS, A true asset to society, Lena Horne's life and works will endure as an inspiration and legacy to all who had the privilege and honor of knowing her. She is survived by her daughter, journalist Gail Buckley; now, therefore, be it

"RESOLVED, That this Legislative Body pause in its deliberations to mourn the death of legendary singer, dancer, actress and civil rights activist Lena Mary Calhoun Horne; and be it further

"RESOLVED, That a copy of this resolution, suitably engrossed, be transmitted to Gail Buckley."

ACTING PRESIDENT VALESKY:

Senator Perkins, on the resolution.

SENATOR PERKINS: Thank you, Mr. President. I'll just make a brief few observations.

First, you know, in the resolution there is a quote from Lena Horne that I just want to emphasize because it is kind of tragic that she herself had to acknowledge that it was not her talent but her race that seemed to be so much a part of her acknowledgment by the public. Even though she was, you know, a beautiful woman, but she was not just accepted for her talent.

And I think that she reminds me and so many of us that unfortunately there have been so many other actors and actresses and scientists and doctors and writers and others who have had to experience that kind of tokenism or racism.

And I just would like to say that hopefully that past will be left in the past and that we will be able to move forward and begin to recognize each other for what we really represent and that our talents will really be that which we focus on.

And so I'm honored to have had the opportunity to experience her. I want to thank her for that which she contributed even in the civil rights movement. And I would hope that my colleagues would join me in supporting this resolution.

Thank you.

ACTING PRESIDENT VALESKY: Thank you, Senator Perkins.

Senator Montgomery, on the resolution.

SENATOR MONTGOMERY: Yes, Mr. President, I rise to thank my colleague Senator Perkins for introducing this resolution.

And as we all know, anyone who had ever laid eyes on Lena Horne knows that she was one of the most beautiful women in the world. But she was not only physically attractive, but she was also a beautiful human being.

She started her life in Brooklyn, in my own district, and so she's probably one of the most outstanding people in theater from the community, the village of

Bedford-Stuyvesant.

And I appreciate the fact that she was not simply an actress who was looking to be the most famous actress. She had tremendous talent, but she also utilized that talent to benefit her community and her people in a very significant way. So she lived her life both in terms of her profession but also in terms of her significant place in society to make a statement on behalf of her people.

So I commend her and I celebrate her life. And again, I thank my colleague for introducing this in commemorating the life and death of Lena Horne.

Thank you.

ACTING PRESIDENT VALESKY: Thank you, Senator Montgomery.

Are there any other Senators who wish to be heard?

Seeing none, the question is on the resolution. All in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT VALESKY: Opposed, nay.

(No response.)

ACTING PRESIDENT VALESKY: The resolution is adopted.

Senator Perkins has indicated he would like to open this resolution up to the entire body for cosponsorship. Any Senator wishing not cosponsor the resolution please inform the desk.

Senator Klein.

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

ACTING PRESIDENT VALESKY: 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 VALESKY: The Secretary will read.

THE SECRETARY: By Senators Breslin and Parker, Senate Legislative Resolution commemorating the observance of

Yom Yerushalayim, Jerusalem Day, on May 12, 2010.

ACTING PRESIDENT VALESKY: Senator Breslin, on the resolution.

SENATOR BRESLIN: Thank you very much, Mr. President.

I rise because today is the celebration of Jerusalem Day and Jerusalem Day, in particular, the first time we have celebrated in the Capital District, this area.

And it celebrates the anniversary of the unification of Jerusalem, which took place 43 years ago, 43 years ago after the culmination of the Six-Day War in Israel.

And tonight, at Temple Israel, we'll bring together a number of different groups, twenty in all, from different religious backgrounds, from different faiths, to commemorate the peaceful transition in Jerusalem.

And tonight at Temple Israel we'll be honoring several individuals, including Bill Adams, the deputy director of the Bridges for Peace in the United States; Dr. Stephen Berk, a professor of history at Union College;

Dr. Arthur Brenner, a professor of Judaic studies at the University of Albany; and my dear friend Michael McNulty, the former Congressman for this area -- all four of whom have been instrumental in the peaceful process that's taken place in Jerusalem.

And I ask all to think of this day as a commemoration of the peaceful unification of the wonderful city of Jerusalem.

Thank you, Mr. President.

ACTING PRESIDENT VALESKY: Thank you, Senator Breslin.

Senator Parker, on the resolution.

SENATOR PARKER: Mr. President, on the resolution.

Yom Yerushalayim, or Jerusalem Day, is a recent addition to the Hebrew calendar. It commemorates the reunification of Jerusalem after the Six-Day War in 1967.

As you know, I represent the 21st Senatorial District in Brooklyn, which is Flatbush and East Flatbush, Midwood, Ditmas Park, Kensington and Boro Park, and as such I represent probably the largest population of Jews by anybody who's not Jewish in the State

of New York. So this day is a really important day for people in my district, and it's important for me, especially having visited Jerusalem two years ago and seeing the kind of history and culture that exists in the City of Jerusalem.

Jerusalem is a city today that is sacred to not just Jews but also Christians and Muslims, and all live there in relative peace, for the most part.

Today, May 12th, Temple Israel in Albany, as Senator Breslin has indicated, is going to have the Christian Zionist community celebrating the 43rd anniversary of the Jerusalem reunification. And so we want to congratulate them and really just be respectful of the history of Jerusalem and so much that that history has given not just to the people of my community but the people of New York and the people of the world.

Thank you.

ACTING PRESIDENT VALESKY: Thank you, Senator Parker.

Are there any other Senators who wish to be heard?

Seeing none, the question is on the resolution. All in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT VALESKY: Opposed, nay.

(No response.)

ACTING PRESIDENT VALESKY: The resolution is adopted.

Senator Breslin has asked that the resolution be opened for cosponsorship. Any member wishing not to be a cosponsor should notify the desk.

Senator Klein.

SENATOR KLEIN: Mr. President, I believe Senator Breslin has another resolution at the desk. I ask that the title of the resolution be read and move for its immediate adoption.

ACTING PRESIDENT VALESKY: 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 VALESKY: The Secretary will read.

THE SECRETARY: By Senators Breslin and Parker, Senate Legislative Resolution commending the first Capital District community commemoration of Yom Yerushalayim, Jerusalem Day, on May 12, 2010.

ACTING PRESIDENT VALESKY: Senator Breslin, on the resolution.

SENATOR BRESLIN: Thank you very much, Mr. President.

Again, I would be repeating much of what I said in my explanation of the prior resolution. Again, it's commemorating in a very peaceful way the unification of Jerusalem 43 years ago after the Six-Day War.

And Temple Israel, in the Capital District, is bringing together a peaceful group, twenty in all, of organizations that will celebrate it tonight at Temple Israel. And I know I've been invited, and I'll be there. And I hope many of the people who are listening to this will also be there. And again, Temple Israel, 6 o'clock.

Thank you very much, Mr. President.

ACTING PRESIDENT VALESKY: Thank you, Senator Breslin.

Are there any other Senators who wish to be heard?

Seeing none, the question is on the resolution. All in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT VALESKY: Opposed, nay.

(No response.)

ACTING PRESIDENT VALESKY: The resolution is adopted.

Senator Breslin has also asked that this resolution be open to cosponsorship. Any Senator wishing not to cosponsor the resolution should notify the desk.

And at this point, with unanimous consent, I'd like to welcome Joel Lion, the consul for media affairs to the Consulate General of Israel, to please come forward and make a few statements.

CONSUL LION: Senators, as the official representative of the State of Israel now here in the Capital City of Albany, it is

an honor to thank you, all of you, for your solidarity to the State of Israel, for your solidarity with our capital, Jerusalem, and, as it was said in the resolution, we hope that also we will find a way to have peace, peace in our region. It's not easy. But I hope that we are now on a good way to have it.

Thank you very, very much for everything.

(Applause.)

ACTING PRESIDENT VALESKY: Senator Klein.

SENATOR KLEIN: Mr. President, I believe that there are four resolutions at the desk by Senator Ruth Hassell-Thompson. I ask that the title of each resolution be read and move for its immediate adoption.

ACTING PRESIDENT VALESKY: Senator Klein, have these resolutions been deemed privileged and submitted by the office of the Temporary President?

SENATOR KLEIN: Yes, they have, Mr. President.

ACTING PRESIDENT VALESKY: The Secretary will proceed with reading the titles

of all four resolutions.

THE SECRETARY: By Senator Hassell-Thompson, legislative resolution commending Deacon Myrtle Elaine Mitchell upon the occasion of her designation for special recognition by the Women's Ministry of Grace Baptist Church at its Women's Convocation Weekend, May 14-16, 2010.

By Senator Hassell-Thompson, legislative resolution commending Deacon Wanda Michael Peters upon the occasion of her designation for special recognition by the Women's Ministry of Grace Baptist Church at its Women's Convocation Weekend, May 14-16, 2010.

By Senator Hassell-Thompson, legislative resolution commending Deacon Gwendolyn Youngs upon the occasion of her designation for special recognition by the Women's Ministry of Grace Baptist Church at its Women's Convocation Weekend, May 14-16, 2010.

And by Senator Hassell-Thompson, legislative resolution commending Rita E. Strayhorn upon the occasion of her designation

for special recognition by the Women's Ministry of Grace Baptist Church at its Women's Convocation Weekend, May 14-16, 2010.

ACTING PRESIDENT VALESKY: Senator Hassell-Thompson, on the resolutions.

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

I rise to ask this body to celebrate with me the lives of these four women who are members of my church, which is Grace Baptist. And also, because she is a staffer, we're not allowed to do resolutions, but also I'd like to include the name of Lisa A. Copeland, who is also being honored as one of the five women.

The five women represent the five women who began the Church of Grace. And many years ago, the pastor began to create awards for those members who showed leadership beyond their contributions to the church but for the their work in the community at large.

In the names of these five women, in the persons of Lisa Copeland, of Deacon Gwendolyn Youngs, Rita Strayhorn, Deacon Wanda Michael Peters, and Deacon Myrtle Elaine

Mitchell -- the fact that these women are called deacons, as opposed to deaconesses, also talks about the progressiveness of the church that looks at women's ability to serve in any role within the ministerial life of the church.

And so to these four deacons and to Lisa Copeland, I give honor and praise for the work that they do and would ask that those who would wish would sign onto this resolution.

Thank you, Mr. President.

ACTING PRESIDENT VALESKY: Thank you, Senator Hassell-Thompson.

Are there any other Senators who wish to be heard?

Seeing none, the question is on the resolutions. All in favor of adopting the resolutions signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT VALESKY: Opposed, nay.

(No response.)

ACTING PRESIDENT VALESKY: The resolutions are adopted.

Senator Hassell-Thompson has

offered cosponsorship on all four of these. Anyone wishing not to be a cosponsor should notify the desk.

Senator Klein.

SENATOR KLEIN: Mr. President, at this time I move to adopt the Resolution Calendar in its entirety, with the exception of Senate Resolution 5182.

ACTING PRESIDENT VALESKY: All in favor of adopting the Senate Resolution Calendar, with the exception of Resolution Number 5182, 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, I move that we take up Senate Resolution 5182, by Senator Savino. I ask that the title of the resolution be read and move for its immediate adoption.

ACTING PRESIDENT VALESKY: The

Secretary will read.

THE SECRETARY: By Senator Savino, Legislative Resolution Number 5182, memorializing Governor David A. Paterson to proclaim May 15th through June 15th, 2010 as Tourette Syndrome Awareness Month in the State of New York.

ACTING PRESIDENT VALESKY: All in favor of adopting the resolution please signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT VALESKY: Opposed, nay.

(No response.)

ACTING PRESIDENT VALESKY: The resolution is adopted.

Senator Savino has offered cosponsorship to all Senators. Anyone wishing not to be a cosponsor of 5182 please notify the desk.

Senator Klein.

SENATOR KLEIN: Mr. President, I have two motions.

The first, on behalf of Senator Thompson, on page number 26 I offer the

following amendments to Calendar Number 456, Senate Print Number 3560.

ACTING PRESIDENT VALESKY: Amendments received.

SENATOR KLEIN: Mr. President, on behalf of Senator Huntley, on page number 18 I offer the following amendments to Calendar Number 329, Senate Print Number 3119A, and ask that said bill retain its place on Third Reading Calendar.

ACTING PRESIDENT VALESKY: So ordered.

Senator Klein.

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

ACTING PRESIDENT VALESKY: The Secretary will proceed with the reading of the active bills on Senate Calendar Number 47.

THE SECRETARY: Calendar Number 246, by Senator Thompson, Senate Bill 4954B, 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: Senator DeFrancisco.

SENATOR DeFRANCISCO: Are we going on the regular calendar right now?

ACTING PRESIDENT VALESKY: This is the bill taken from the supplemental active list.

SENATOR DeFRANCISCO: Okay, thank you.

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: Excuse me, Mr. President.

ACTING PRESIDENT VALESKY: Senator Libous.

SENATOR LIBOUS: Mr. President, could you again repeat what we're on? Because there seems to be some confusion; people are looking at the calendar. If you could just --

ACTING PRESIDENT VALESKY: Yes.

Calendar Number 246, which is the bill that comprises the supplemental active list, is currently before the house.

SENATOR LIBOUS: Thank you, Mr. President.

ACTING PRESIDENT VALESKY: The Secretary will announce the results.

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT VALESKY: The bill is passed.

THE SECRETARY: Calendar Number 262, by Senator Morahan, Senate Bill 1823B, an act to amend the Labor 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: Senators Bonacic, DeFrancisco,

Flanagan, Golden, Griffo, Lanza, Libous, Ranzenhofer, Saland, Seward and Winner. Also Senator Leibell. Also Senator Little. Also Senator Nozzolio. Also Senator O. Johnson. Also Senator Young.

ACTING PRESIDENT VALESKY: The Secretary will announce the final vote.

THE SECRETARY: Ayes, 46. Nays, 16.

ACTING PRESIDENT VALESKY: The bill is passed.

THE SECRETARY: Calendar Number 311, by Assemblywoman Hooper, Assembly Bill Number 9010, 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, 62.

ACTING PRESIDENT VALESKY: The bill is passed.

THE SECRETARY: Calendar Number 381, by Senator Perkins, Senate Bill 6066A, 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.)

ACTING PRESIDENT VALESKY: Announce the results.

THE SECRETARY: In relation to Calendar Number 381, those recorded in the negative: Senators Bonacic, DeFrancisco, Flanagan, Fuschillo, Golden, Hannon, Larkin, LaValle, Nozzolio, Padavan, Skelos, Volker and Young.

Ayes, 48. Nays, 13.

ACTING PRESIDENT VALESKY: The bill is passed.

The Secretary will continue to read.

THE SECRETARY: Calendar Number

388, by Senator McDonald, Senate Bill 5873, an act in relation to authorizing the Town of Malta.

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

Read the last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT VALESKY: The bill is passed.

THE SECRETARY: Calendar Number 412, by Senator Griffo, Senate Print 7188, an act to amend the State Finance Law.

ACTING PRESIDENT VALESKY: Read the last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT VALESKY: The bill is passed.

THE SECRETARY: Calendar Number 427, by Senator Padavan, Senate Bill 7327A, an act to amend the General City Law and the Administrative Code of the City of New York.

ACTING PRESIDENT VALESKY: Read the last section.

THE SECRETARY: Section 12. 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: Ayes, 61.

ACTING PRESIDENT VALESKY: The bill is passed.

THE SECRETARY: Calendar Number 433, by Assemblyman Scarborough, Assembly Print Number 8524, an act to amend the Family Court Act and the Social Services Law.

ACTING PRESIDENT VALESKY: Read the last section.

THE SECRETARY: Section 4. This

act shall take effect on the 90th day after it shall have become law.

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT VALESKY: The bill is passed.

THE SECRETARY: Calendar Number 444, by Senator Savino --

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 447, by Assemblyperson Gottfried, Assembly Bill 6020, 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 first day of the first month beginning 180 days or more after it shall have become law.

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT VALESKY: The bill is passed.

THE SECRETARY: Calendar Number 450, by Senator Savino, Senate Bill 5533A, an act to amend the Retirement and Social Security Law.

ACTING PRESIDENT VALESKY: Read the last section.

THE SECRETARY: Section 11. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after October 16, 1992.

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT VALESKY: The bill is passed.

THE SECRETARY: Calendar Number 451, by Assemblymember Destito, Assembly Bill Number 8531A, an act to amend 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, 61.

ACTING PRESIDENT VALESKY: The bill is passed.

THE SECRETARY: Calendar Number 453, by Senator C. Johnson, Senate Bill 7332, 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, 61.

ACTING PRESIDENT VALESKY: The bill is passed.

THE SECRETARY: Calendar Number 458, by Senator Aubertine, Senate Bill 4277,

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 30th day after it shall have become law.

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT VALESKY: Announce the results.

THE SECRETARY: In relation to Calendar Number 458, those recorded in the negative: Senators Duane, Hannon, Hassell-Thompson, L. Krueger, LaValle, Marcellino, Montgomery, Oppenheimer, Perkins, Schneiderman and Serrano.

Ayes, 50. Nays, 11.

ACTING PRESIDENT VALESKY: The bill is passed.

THE SECRETARY: Calendar Number 462, by Senator Valesky, Senate Bill 7232, an act to amend Chapter 698 of the Laws of 1996 amending 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, 61.

ACTING PRESIDENT VALESKY: The bill is passed.

THE SECRETARY: Calendar Number 474, by Member of the Assembly McEneny, Assembly Print Number 7885A, an act to amend the Education Law.

ACTING PRESIDENT VALESKY: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the 180th day after it shall have become law.

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT VALESKY: The bill is passed.

THE SECRETARY: Calendar Number

493, by Senator Klein, Senate Bill 1909C, 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 next succeeding.

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

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

SENATOR KLEIN: Thank you, Mr. President.

Unfortunately, over the last couple of years we've seen an increase in the number of times vandalism takes place outside a house of worship. Presently we have enhanced penalties for theft or vandalism that occurs within a religious house of worship, but unfortunately it's not covered for statues or menorahs or things that are outside.

So I think this is a very tough and common-sense approach to have a Class E felony for vandalism of all types of property outside

a house of worship. My hope is that we'll no longer consider this just a prank by young people, but take it seriously. And hopefully this legislation will have a chilling effect to make sure that religious articles outside of a house of worship are kept safe and secure.

So of course I vote yes, Mr. President.

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

Announce the results.

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT VALESKY: The bill is passed.

THE SECRETARY: Senator Klein, that completes the reading of the calendar.

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

ACTING PRESIDENT VALESKY: The desk is clear.

SENATOR KLEIN: There being no further business, Mr. President, I move that we adjourn at the call of the Temporary

President, intervening days to be legislative days.

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

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