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3 THE STENOGRAPHIC RECORD  
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8 ALBANY, NEW YORK

9 June 15, 2010

10 1:48 p.m.  
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12

13 REGULAR SESSION  
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18 SENATOR DAVID J. VALESKY, Acting President

19 ANGELO J. APONTE, Secretary  
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1 P R O C E E D I N G S

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

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

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

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

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

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

16 The Secretary will read.

17 THE SECRETARY: In Senate,  
18 Monday, June 14, the Senate met pursuant to  
19 adjournment. The Journal of Sunday, June 13,  
20 was read and approved. On motion, Senate  
21 adjourned.

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

25 Presentation of petitions.

1 Messages from the Assembly.

2 Messages from the Governor.

3 Reports of standing committees.

4 Senator Klein.

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

9 ACTING PRESIDENT VALESKY: There  
10 is a report of the Rules Committee at the  
11 desk.

12 The Secretary will read.

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

16 Senate Print 1432, by Senator  
17 Dilan, an act to amend the Environmental  
18 Conservation Law;

19 3185, by Senator Dilan, an act to  
20 amend the General Municipal Law;

21 3246, by Senator Stachowski, an act  
22 to amend the Alcoholic Beverage Control Law;

23 4057A, by Senator Stewart-Cousins,  
24 an act to amend the Public Health Law;

25 4478A, by Senator Dilan, an act to

1 amend the Railroad Law;

2 4847A, by Senator Stavisky, an act  
3 to amend the Education Law;

4 5431C, by Senator Stachowski, an  
5 act to amend the Education Law;

6 6476, by Senator Dilan, an act to  
7 amend the Vehicle and Traffic Law;

8 6912A, by Senator Foley, an act to  
9 amend the Energy Law;

10 And Senate Print 8083, by Senator  
11 L. Krueger, an act to amend the Real Property  
12 Tax Law.

13 All bills ordered direct to third  
14 reading.

15 ACTING PRESIDENT VALESKY: All  
16 those in favor of adopting the Rules Committee  
17 report signify by saying aye.

18 (Response of "Aye.")

19 ACTING PRESIDENT VALESKY:  
20 Opposed, nay.

21 (No response.)

22 ACTING PRESIDENT VALESKY: The  
23 Rules Committee report is adopted.

24 Senator Klein.

25 SENATOR KLEIN: Mr. President, I

1 have some floor motions.

2 ACTING PRESIDENT VALESKY: You  
3 may proceed.

4 SENATOR KLEIN: First, on behalf  
5 of Senator Sampson, please remove the  
6 sponsor's star from Calendar Number 335.

7 ACTING PRESIDENT VALESKY: The  
8 sponsor's star will be removed.

9 SENATOR KLEIN: On behalf of  
10 Senator Foley, I move to amend Senate Bill  
11 Number 7604A by striking out the amendments  
12 made on 6/9 and restoring it to the original  
13 print number, 7604.

14 ACTING PRESIDENT VALESKY: So  
15 ordered.

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

20 ACTING PRESIDENT VALESKY: Before  
21 we do that, Senator Klein, we need to return  
22 to the order of business.

23 Reports of select committees.

24 Communications and reports from  
25 state officers.

1 Motions and resolutions.

2 We may now proceed with the  
3 substitutions, and the Secretary will read.

4 THE SECRETARY: On page 34,  
5 Senator L. Krueger moves to discharge, from  
6 the Committee on Rules, Assembly Bill Number  
7 6192 and substitute it for the identical  
8 Senate Bill Number 7621, Third Reading  
9 Calendar 726.

10 On page 40, Senator Stewart-Cousins  
11 moves to discharge, from the Committee on  
12 Rules, Assembly Bill Number 9540A and  
13 substitute it for the identical Senate Bill  
14 Number 7884, Third Reading Calendar 806.

15 On page 44, Senator Squadron moves  
16 to discharge, from the Committee on Housing,  
17 Construction and Community Development,  
18 Assembly Bill Number 8125A and substitute it  
19 for the identical Senate Bill Number 5281A,  
20 Third Reading Calendar 841.

21 On page 46, Senator Hannon moves to  
22 discharge, from the Committee on Rules,  
23 Assembly Bill Number 1719A and substitute it  
24 for the identical Senate Bill Number 2947A,  
25 Third Reading Calendar 865.

1                   On page 49, Senator Klein moves to  
2 discharge, from the Committee on Education,  
3 Assembly Bill Number 10266 and substitute it  
4 for the identical Senate Bill Number 7775,  
5 Third Reading Calendar 903.

6                   On page 50, Senator Stavisky moves  
7 to discharge, from the Committee on Higher  
8 Education, Assembly Bill Number 10123 and  
9 substitute it for the identical Senate Bill  
10 Number 7810, Third Reading Calendar 904.

11                   On page 50, Senator Volker moves to  
12 discharge, from the Committee on Higher  
13 Education, Assembly Bill Number 9512 and  
14 substitute it for the identical Senate Bill  
15 Number 7859, Third Reading Calendar 905.

16                   On page 52, Senator Breslin moves  
17 to discharge, from the Committee on Local  
18 Government, Assembly Bill Number 11023 and  
19 substitute it for the identical Senate Bill  
20 Number 7872, Third Reading Calendar 924.

21                   On page 52, Senator Stachowski  
22 moves to discharge, from the Committee on  
23 Local Government, Assembly Bill Number 11136  
24 and substitute it for the identical Senate  
25 Bill Number 7914, Third Reading Calendar 928.

1                   On page 52, Senator Volker moves to  
2                   discharge, from the Committee on Corporations,  
3                   Authorities and Commissions, Assembly Bill  
4                   Number 9047A and substitute it for the  
5                   identical Senate Bill Number 5938A, Third  
6                   Reading Calendar 932.

7                   On page 52, Senator Valesky moves  
8                   to discharge, from the Committee on  
9                   Corporations, Authorities and Commissions,  
10                  Assembly Bill Number 9466A and substitute it  
11                  for the identical Senate Bill Number 6304,  
12                  Third Reading Calendar 933.

13                  And on page 53, Senator C. Kruger  
14                  moves to discharge, from the Committee on  
15                  Rules, Assembly Bill Number 11440 and  
16                  substitute it for the identical Senate Bill  
17                  Number 8178, Third Reading Calendar 958.

18                  ACTING PRESIDENT VALESKY:  
19                  Substitutions ordered.

20                  Senator Klein.

21                  SENATOR KLEIN:       Mr. President, I  
22                  believe Senator Parker has a resolution at the  
23                  desk. I ask that the title of the resolution  
24                  be read and move for its immediate adoption.

25                  ACTING PRESIDENT VALESKY:



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

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

6 ACTING PRESIDENT VALESKY: The  
7 Secretary will read.

8 THE SECRETARY: By Senator  
9 Parker, legislative resolution celebrating the  
10 63rd Pakistan Independence Day, on Sunday,  
11 August 15, 2010.

12 ACTING PRESIDENT VALESKY: The  
13 question is on the resolution. All in favor  
14 signify by saying aye.

15 (Response of "Aye.")

16 ACTING PRESIDENT VALESKY:  
17 Opposed, nay.

18 (No response.)

19 ACTING PRESIDENT VALESKY: The  
20 resolution is adopted.

21 Senator Parker has offered  
22 cosponsorship to all Senators. Any Senator  
23 wishing not to be a cosponsor should notify  
24 the desk.

25 Senator Klein.

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

6                   ACTING PRESIDENT VALESKY:  
7     Senator Klein, has this resolution been deemed  
8     privileged and submitted by the office of the  
9     Temporary President?

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

12                  ACTING PRESIDENT VALESKY:     The  
13     Secretary will read.

14                  THE SECRETARY:     By Senator  
15     Parker, legislative resolution commemorating  
16     the 63rd anniversary of Indian Independence  
17     Day on Sunday, August 15, 2010.

18                  ACTING PRESIDENT VALESKY:     The  
19     question is on the resolution. All in favor  
20     signify by saying aye.

21                         (Response of "Aye.")

22                  ACTING PRESIDENT VALESKY:  
23     Opposed, nay.

24                         (No response.)

25                  ACTING PRESIDENT VALESKY:     The

1 resolution is adopted.

2 Senator Parker has offered to open  
3 this resolution for cosponsorship. Any  
4 Senator wishing not to cosponsor the  
5 resolution should notify the desk.

6 Senator Klein.

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

10 ACTING PRESIDENT VALESKY: The  
11 Secretary will proceed with the reading of the  
12 calendar.

13 THE SECRETARY: Calendar Number  
14 53, by Senator Klein, Senate Print 2614B, an  
15 act to amend the Real Property Law.

16 SENATOR LIBOUS: Lay the bill  
17 aside.

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

20 THE SECRETARY: Calendar Number  
21 142, by Senator Duane, Senate Print 1795, an  
22 act to amend the Workers' --

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

25 ACTING PRESIDENT VALESKY: The

1 bill is laid aside for the day.

2 THE SECRETARY: Calendar Number  
3 155, by Senator Duane, Senate Print 5620A --

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

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

8 THE SECRETARY: Calendar Number  
9 416, by Member of the Assembly Gottfried,  
10 Assembly Print Number 7670, an act to amend  
11 the Criminal Procedure Law.

12 ACTING PRESIDENT VALESKY: Read  
13 the last section.

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

16 ACTING PRESIDENT VALESKY: Call  
17 the roll.

18 (The Secretary called the roll.)

19 ACTING PRESIDENT VALESKY:  
20 Senator Klein.

21 SENATOR KLEIN: Mr. President, on  
22 Calendar Number 155 I remove the lay aside for  
23 the day.

24 ACTING PRESIDENT VALESKY: The  
25 Secretary will complete the roll call on

1       Calendar Number 416, after which point we will  
2       return to Calendar Number 155.

3               Would those Senators voting in the  
4       negative on Calendar Number 416 please raise  
5       your hands even if you have already done so,  
6       so that we can get an accurate count.

7               Announce the results.

8               THE SECRETARY:     Those recorded in  
9       the negative on Calendar Number 416 are  
10      Senators Bonacic, DeFrancisco, Flanagan,  
11      Fuschillo, Golden, Griffio, Lanza, Larkin,  
12      LaValle, Libous, Marcellino, Nozzolio,  
13      Ranzenhofer, Robach, Skelos, Volker, Winner  
14      and Young.   Also Senator Saland.

15              Ayes, 42.   Nays, 19.

16              ACTING PRESIDENT VALESKY:     The  
17      bill is passed.

18              Returning to Calendar Number 155.

19              THE SECRETARY:     Calendar Number  
20      155, by Senator Duane, Senate Print 5620A, an  
21      act to amend the Penal Law.

22              ACTING PRESIDENT VALESKY:     Read  
23      the last section.

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

1                   ACTING PRESIDENT VALESKY:     Call  
2     the roll.

3                   (The Secretary called the roll.)

4                   THE SECRETARY:     Those recorded in  
5     the negative on Calendar Number 155 are  
6     Senators Bonacic, DeFrancisco, Flanagan,  
7     Foley, Griffo, O. Johnson, Lanza, Larkin,  
8     Libous, Nozzolio, Padavan, Ranzenhofer,  
9     Skelos, Winner, Young. Also Senator LaValle.  
10    Also Senator Saland. Also Senator Farley.  
11    Also Senator Leibell.

12                  ACTING PRESIDENT VALESKY:     The  
13    Secretary will announce the results once  
14    again.

15                  THE SECRETARY:     Those recorded in  
16    the negative on Calendar Number 155 are  
17    Senators DeFrancisco, Farley, Flanagan, Foley,  
18    Griffo, O. Johnson, Lanza, Larkin, LaValle,  
19    Leibell, Libous, Nozzolio, Padavan,  
20    Ranzenhofer, Saland, Skelos, Winner and Young.

21                  Ayes, 43. Nays, 18.

22                  ACTING PRESIDENT VALESKY:     The  
23    bill is passed.

24                  Senator Hannon, why do you rise?

25                  SENATOR HANNON:     Mr. President,

1       because we took these bills in reverse order  
2       from the active list, I have voted for --  
3       correctly -- 155. But I wanted to be recorded  
4       and would ask unanimous consent to be recorded  
5       in the negative on Calendar Number 416, which  
6       is Senate 4429.

7                ACTING PRESIDENT VALESKY:       With  
8       unanimous consent, Senator Hannon, you'll be  
9       recorded in the negative on Calendar Number  
10      416.

11               SENATOR HANNON:       Thank you,  
12      Mr. President.

13               ACTING PRESIDENT VALESKY:  
14      Senator Klein.

15               SENATOR KLEIN:       Mr. President,  
16      before we proceed can you please recognize  
17      Senator Ranzenhofer. He wants to introduce a  
18      distinguished guest.

19               ACTING PRESIDENT VALESKY:  
20      Senator Ranzenhofer, for purpose of an  
21      introduction.

22               SENATOR RANZENHOFER:       Thank you,  
23      Mr. President.

24               With us today in the chambers I'd  
25      like to introduce my predecessor and your

1 former colleague, Mary Lou Rath.

2 (Standing ovation.)

3 ACTING PRESIDENT VALESKY: A very  
4 special welcome to you, Senator Rath. It's  
5 great to see you.

6 The Secretary will proceed with  
7 Calendar Number 481, noncontroversial.

8 THE SECRETARY: Calendar Number  
9 481, by Senator C. Johnson, Senate Print  
10 6309B, an act to amend the Insurance Law.

11 ACTING PRESIDENT VALESKY: Read  
12 the last section.

13 THE SECRETARY: Section 4. This  
14 act shall take effect on the first of January.

15 ACTING PRESIDENT VALESKY: Call  
16 the roll.

17 (The Secretary called the roll.)

18 ACTING PRESIDENT VALESKY:  
19 Senator Seward, to explain his vote.

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

22 Back in 2007, this Legislature used  
23 good judgment in creating the New York State  
24 Healthcare Quality and Cost Containment  
25 Commission, which was established to analyze



1       the impact of any proposed mandates on health  
2       insurance policies in New York State and, in  
3       the quality of care, do a cost and benefit  
4       analysis.

5               Since this legislation before us is  
6       a new mandate and we have yet to get this  
7       mandate commission up and running because the  
8       Assembly still has not appointed their two  
9       members -- and I urge them to do so -- I feel  
10      I should vote no because I believe every time  
11      we add a mandate to health insurance policies  
12      in New York State, the cost goes up and more  
13      people find that health insurance is not  
14      affordable.

15             So therefore I shall be voting in  
16      the negative on this bill.

17             ACTING PRESIDENT VALESKY:

18      Senator Seward to be recorded in the negative.

19             Senator Craig Johnson, to explain  
20      his vote.

21             SENATOR CRAIG JOHNSON:     Thank you  
22      very much, Mr. President. I certainly respect  
23      Senator Seward's opinion on this issue.

24             Let me say a couple of things.  
25      One, I think this is a very important piece of

1       legislation. It's about women's health. It's  
2       about women who, when they get pregnant, one  
3       of the most important things is ensuring that  
4       their child, as it grows in utero, has the  
5       prenatal vitamins necessary to ensure that  
6       child's health when the child is born.

7               The idea of this legislation  
8       actually came to me from my wife's own OB-GYN  
9       after the birth of our third child, who  
10      remarked that there's a wide range of costs  
11      when it comes to prenatal vitamins, especially  
12      for prenatal vitamins that are dedicated to  
13      women who are at high risk for a high-risk  
14      birth.

15             But the real fact remains is that  
16      in this day and age when you can get a  
17      prescription that will help you get somebody  
18      pregnant, I think you should have the ability  
19      to have insurance coverage to make sure that  
20      you take the medicine necessary to let that  
21      baby grow and let that baby become healthy.

22             I urge my colleagues in this Senate  
23      body to vote yes, vote yes to allow women to  
24      have insurance access for prenatal vitamins.

25             I vote yes. Thank you very much,

1 Mr. President.

2 ACTING PRESIDENT VALESKY:

3 Senator Craig Johnson to be recorded in the  
4 affirmative.

5 Announce the results.

6 THE SECRETARY: Those recorded in  
7 the negative on Calendar Number 481 are  
8 Senators Marcellino, Maziarz, Seward, Skelos,  
9 Winner and Young.

10 Ayes, 55. Nays, 6.

11 ACTING PRESIDENT VALESKY: The  
12 bill is passed.

13 THE SECRETARY: Calendar Number  
14 570, by Senator Hassell-Thompson, Senate Print  
15 3890A, an act to amend the Domestic Relations  
16 Law.

17 ACTING PRESIDENT VALESKY: Read  
18 the last section.

19 SENATOR LIBOUS: Lay it aside.

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

22 THE SECRETARY: Calendar Number  
23 575, by Senator Hassell-Thompson, Senate Print  
24 7740A, an act to amend the Domestic Relations  
25 Law.

1                   ACTING PRESIDENT VALESKY:     Read  
2     the last section.

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

5                   ACTING PRESIDENT VALESKY:     Call  
6     the roll.

7                   (The Secretary called the roll.)

8                   THE SECRETARY:     Ayes, 61.   Nays,  
9     0.

10                  ACTING PRESIDENT VALESKY:     The  
11     bill is passed.

12                  THE SECRETARY:     Calendar Number  
13     604, by Senator Stachowski, Senate Print  
14     7664A, an act in relation to deeming objects  
15     or purposes.

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

18                  Read the last section.

19                  THE SECRETARY:     Section 5.   This  
20     act shall take effect immediately.

21                  ACTING PRESIDENT VALESKY:     Call  
22     the roll.

23                  (The Secretary called the roll.)

24                  THE SECRETARY:     Ayes, 61.

25                  ACTING PRESIDENT VALESKY:     The

1 bill is passed.

2 THE SECRETARY: Calendar Number  
3 612, by Member of the Assembly Weinstein,  
4 Assembly Print Number 7569A, an act to amend  
5 the Domestic Relations Law.

6 ACTING PRESIDENT VALESKY: Read  
7 the last section.

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

10 ACTING PRESIDENT VALESKY: Call  
11 the roll.

12 (The Secretary called the roll.)

13 THE SECRETARY: Ayes, 60. Nays,  
14 1. Senator DeFrancisco recorded in the  
15 negative.

16 ACTING PRESIDENT VALESKY: The  
17 bill is passed.

18 Senator DeFrancisco, why do you  
19 rise?

20 SENATOR DeFRANCISCO: Yes, I just  
21 want to explain my no vote.

22 I think that it should be up to the  
23 presiding judge, after balancing all the  
24 interests and the respective assets of each  
25 party, to have the discretion to determine who

1 pays and how much that person pays for  
2 attorney's fees in any proceeding. And  
3 therefore, for that reason, I'm voting no.

4 ACTING PRESIDENT VALESKY:  
5 Senator DeFrancisco to be recorded in the  
6 negative.

7 The bill is passed.

8 THE SECRETARY: Calendar Number  
9 638, by Senator Klein, Senate Print 1837B, an  
10 act to amend the Election Law.

11 ACTING PRESIDENT VALESKY: Read  
12 the last section.

13 SENATOR LIBOUS: Lay it aside.

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

16 THE SECRETARY: Calendar Number  
17 649, by Member of the Assembly N. Rivera,  
18 Assembly Print Number 10094B, an act to amend  
19 the Public Health Law.

20 ACTING PRESIDENT VALESKY: Read  
21 the last section.

22 THE SECRETARY: Section 2. This  
23 act shall take effect January 1, 2011.

24 ACTING PRESIDENT VALESKY: Call  
25 the roll.

1 (The Secretary called the roll.)

2 THE SECRETARY: Ayes, 61.

3 ACTING PRESIDENT VALESKY: The  
4 bill is passed.

5 THE SECRETARY: Calendar Number  
6 707, by Senator Parker, Senate Print --

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

9 ACTING PRESIDENT VALESKY: The  
10 bill is laid aside for the day.

11 THE SECRETARY: Calendar Number  
12 709, by Senator Montgomery, Senate Print 3865,  
13 an act to amend the Domestic Relations Law and  
14 the Social Services Law.

15 ACTING PRESIDENT VALESKY: Read  
16 the last section.

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

19 ACTING PRESIDENT VALESKY: Call  
20 the roll.

21 (The Secretary called the roll.)

22 THE SECRETARY: Ayes, 61.

23 ACTING PRESIDENT VALESKY: The  
24 bill is passed.

25 THE SECRETARY: Calendar Number

1       710, by Member of the Assembly Scarborough,  
2       Assembly Print Number 8504, an act to amend  
3       the Family Court Act and the Social Services  
4       Law.

5                ACTING PRESIDENT VALESKY:     Read  
6       the last section.

7                THE SECRETARY:     Section 11. This  
8       act shall take effect on the 90th day.

9                ACTING PRESIDENT VALESKY:     Call  
10      the roll.

11               (The Secretary called the roll.)

12               ACTING PRESIDENT VALESKY:     The  
13      Secretary will announce the results on  
14      Calendar Number 710.

15               THE SECRETARY:     Ayes, 60. Nays,  
16      1. Senator Golden recorded in the negative.

17               ACTING PRESIDENT VALESKY:     The  
18      bill is passed.

19               THE SECRETARY:     Calendar Number  
20      713, by Member of the Assembly Destito,  
21      Assembly Print Number 529, an act to amend the  
22      Civil Rights Law.

23               ACTING PRESIDENT VALESKY:     Read  
24      the last section.

25               THE SECRETARY:     Section 2. This



1 act shall take effect on the 30th day.

2 ACTING PRESIDENT VALESKY: Call  
3 the roll.

4 (The Secretary called the roll.)

5 ACTING PRESIDENT VALESKY:  
6 Announce the results.

7 THE SECRETARY: Those recorded in  
8 the negative on Calendar Number 713 are  
9 Senators Alesi, Bonacic, DeFrancisco, Farley,  
10 Flanagan, Fuschillo, Golden, Griffio, Hannon,  
11 O. Johnson, Lanza, Larkin, LaValle, Leibell,  
12 Libous, Little, Marcellino, Maziarz, McDonald,  
13 Nozzolio, Ranzenhofer, Robach, Saland, Seward,  
14 Skelos, Volker, Winner and Young.

15 Ayes, 33. Nays, 28.

16 ACTING PRESIDENT VALESKY: The  
17 bill is passed.

18 THE SECRETARY: Calendar Number  
19 715, by Senator Schneiderman, Senate Print --

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

22 ACTING PRESIDENT VALESKY: The  
23 bill is laid aside for the day.

24 THE SECRETARY: Calendar Number  
25 717, by Senator Peralta, Senate Print 7316B,

1 an act to amend the General Business Law.

2 ACTING PRESIDENT VALESKY: Read  
3 the last section.

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

6 ACTING PRESIDENT VALESKY: Call  
7 the roll.

8 (The Secretary called the roll.)

9 THE SECRETARY: Ayes, 61.

10 ACTING PRESIDENT VALESKY: The  
11 bill is passed.

12 THE SECRETARY: Calendar Number  
13 718, by Member of the Assembly Pheffer,  
14 Assembly Print Number 2642C, an act to amend  
15 the General Business Law.

16 ACTING PRESIDENT VALESKY: Read  
17 the last section.

18 THE SECRETARY: Section 2. This  
19 act shall take effect one year after it shall  
20 have become law.

21 ACTING PRESIDENT VALESKY: Call  
22 the roll.

23 (The Secretary called the roll.)

24 ACTING PRESIDENT VALESKY:  
25 Announce the results.

1 THE SECRETARY: Those recorded in  
2 the negative on Calendar Number 718 are  
3 Senators Farley, Flanagan, Golden, O. Johnson,  
4 Larkin, Nozzolio, Seward, Winner and Young.

5 Ayes, 52. Nays, 9.

6 ACTING PRESIDENT VALESKY: The  
7 bill is passed.

8 THE SECRETARY: Calendar Number  
9 726, substituted earlier today by Member of  
10 the Assembly Weinstein, Assembly Print Number  
11 6192, an act to amend the New York City Civil  
12 Court Act.

13 ACTING PRESIDENT VALESKY: Read  
14 the last section.

15 THE SECRETARY: Section 2. This  
16 act shall take effect January 1, 2011.

17 ACTING PRESIDENT VALESKY: Call  
18 the roll.

19 (The Secretary called the roll.)

20 ACTING PRESIDENT VALESKY:  
21 Senator Klein.

22 SENATOR KLEIN: Mr. President,  
23 can we lay the bill aside for the day, please.

24 ACTING PRESIDENT VALESKY: The  
25 roll call is withdrawn, and the bill is laid

1       aside for the day.

2               SENATOR KLEIN:       And also,  
3       Mr. President, Calendar Number 715, Senate  
4       Print 6263B, Senator Schneiderman's bill, can  
5       we please remove the lay-aside. I laid the  
6       bill aside for the day.

7               ACTING PRESIDENT VALESKY:       The  
8       lay-aside on Calendar Number 715 is removed.

9               The Secretary will place that bill  
10       before the house, noncontroversial.

11              THE SECRETARY:       Calendar Number  
12       715, by Senator Schneiderman, Senate Print  
13       6263B, an act to amend the Insurance Law.

14              ACTING PRESIDENT VALESKY:       Read  
15       the last section.

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

18              SENATOR SALAND:       Lay it aside.

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

21              THE SECRETARY:       Calendar Number  
22       727, by Senator Breslin, Senate Print 7682,  
23       Concurrent Resolution of the Senate and  
24       Assembly proposing amendments to Sections 5  
25       and 6 of Article 4 of the Constitution.

1                   ACTING PRESIDENT VALESKY:     Call  
2     the roll on the resolution.

3                   (The Secretary called the roll.)

4                   ACTING PRESIDENT VALESKY:  
5     Announce the results.

6                   THE SECRETARY:     Those recorded in  
7     the negative on Calendar Number 727 are  
8     Senators Golden, Maziarz, Volker, Winner and  
9     Young.

10                  ACTING PRESIDENT VALESKY:  
11     Senator Maziarz, to explain his vote.

12                  SENATOR MAZIARZ:     Mr. President,  
13     I know that Mr. Testo is now 60 years and one  
14     day old and his eyesight isn't what it used to  
15     be, but I am up on this bill, Mr. President.

16                  ACTING PRESIDENT VALESKY:  
17     Senator Maziarz to be recorded in the  
18     affirmative.

19                  The Secretary will announce the  
20     results.

21                  THE SECRETARY:     Those recorded in  
22     the negative on Calendar Number 727 are  
23     Senators Golden and Volker.

24                  Ayes, 59.   Nays, 2.

25                  ACTING PRESIDENT VALESKY:     First

1 consideration on this concurrent resolution is  
2 approved.

3 THE SECRETARY: Calendar Number  
4 728, by Senator Addabbo, Senate Print --

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

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

9 THE SECRETARY: Calendar Number  
10 729, by Senator L. Krueger, Senate Print  
11 7798A, an act to amend the Judiciary Law and  
12 the Civil Practice Law and Rules.

13 ACTING PRESIDENT VALESKY: Read  
14 the last section.

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

17 ACTING PRESIDENT VALESKY: Call  
18 the roll.

19 (The Secretary called the roll.)

20 ACTING PRESIDENT VALESKY:  
21 Announce the results.

22 THE SECRETARY: Those recorded in  
23 the negative on Calendar Number 729 are  
24 Senators Alesi, Bonacic, DeFrancisco, Farley,  
25 Flanagan, Fuschillo, Golden, Griffio, Hannon,

1 O. Johnson, Lanza, Larkin, LaValle, Leibell,  
2 Libous, Little, Marcellino, Maziarz, McDonald,  
3 Nozzolio, Padavan, Ranzenhofer, Robach,  
4 Saland, Seward, Skelos, Volker, Winner and  
5 Young.

6 Ayes, 32. Nays, 29.

7 ACTING PRESIDENT VALESKY: The  
8 bill is passed.

9 THE SECRETARY: Calendar Number  
10 763, by Senator Adams, Senate Print 2717, an  
11 act to amend the Racing, Pari-Mutuel Wagering  
12 and Breeding Law.

13 ACTING PRESIDENT VALESKY: Read  
14 the last section.

15 THE SECRETARY: Section 3. This  
16 act shall take effect on the 180th day.

17 ACTING PRESIDENT VALESKY: Call  
18 the roll.

19 (The Secretary called the roll.)

20 THE SECRETARY: Ayes, 61.

21 ACTING PRESIDENT VALESKY: The  
22 bill is passed.

23 THE SECRETARY: Calendar Number  
24 764, by Senator Adams, Senate Print 7578, an  
25 act to amend the Racing, Pari-Mutuel Wagering

1 and Breeding Law.

2 ACTING PRESIDENT VALESKY: Read  
3 the last section.

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

6 ACTING PRESIDENT VALESKY: Call  
7 the roll.

8 (The Secretary called the roll.)

9 THE SECRETARY: Ayes, 61.

10 ACTING PRESIDENT VALESKY: The  
11 bill is passed.

12 THE SECRETARY: Calendar Number  
13 765, by Senator Stachowski, Senate Print  
14 7801A, an act to amend the General Municipal  
15 Law.

16 ACTING PRESIDENT VALESKY: Read  
17 the last section.

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

20 ACTING PRESIDENT VALESKY: Call  
21 the roll.

22 (The Secretary called the roll.)

23 ACTING PRESIDENT VALESKY:  
24 Announce the results.

25 THE SECRETARY: Those recorded in



1 the negative on Calendar Number 765 are  
2 Senators Duane, Farley, LaValle, Marcellino,  
3 Padavan, Saland and Skelos.

4 Ayes, 54. Nays, 7.

5 ACTING PRESIDENT VALESKY: The  
6 bill is passed.

7 THE SECRETARY: Calendar Number  
8 777, by Senator L. Krueger, Senate Print 4785,  
9 an act to amend the Public Authorities Law.

10 ACTING PRESIDENT VALESKY: Read  
11 the last section.

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

14 ACTING PRESIDENT VALESKY: Call  
15 the roll.

16 (The Secretary called the roll.)

17 THE SECRETARY: Ayes, 61.

18 ACTING PRESIDENT VALESKY: The  
19 bill is passed.

20 THE SECRETARY: Calendar Number  
21 787, by Member of the Assembly Clark, Assembly  
22 Print Number 3233B, an act to amend the  
23 Executive Law.

24 ACTING PRESIDENT VALESKY: Read  
25 the last section.

1 THE SECRETARY: Section 4. This  
2 act shall take effect April 1, 2011.

3 ACTING PRESIDENT VALESKY: Call  
4 the roll.

5 (The Secretary called the roll.)

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

8 ACTING PRESIDENT VALESKY: The  
9 roll call is withdrawn. The bill is laid  
10 aside for the day.

11 THE SECRETARY: Calendar Number  
12 797, by Member of the Assembly Glick, Assembly  
13 Print Number 2769A, an act to amend the State  
14 Finance Law.

15 ACTING PRESIDENT VALESKY: Read  
16 the last section.

17 THE SECRETARY: Section 5. This  
18 act shall take effect January 1, 2012.

19 ACTING PRESIDENT VALESKY: Call  
20 the roll.

21 (The Secretary called the roll.)

22 ACTING PRESIDENT VALESKY:  
23 Announce the results.

24 THE SECRETARY: In relation to  
25 Calendar Number 797: Ayes, 59. Nays, 2.

1 Voting in the negative, Senators Larkin and  
2 Skelos.

3 ACTING PRESIDENT VALESKY: The  
4 bill is passed.

5 THE SECRETARY: Calendar Number  
6 802, by Senator Duane, Senate Print 7902, an  
7 act to amend the Public Health Law.

8 ACTING PRESIDENT VALESKY: Read  
9 the last section.

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

12 ACTING PRESIDENT VALESKY: Call  
13 the roll.

14 (The Secretary called the roll.)

15 ACTING PRESIDENT VALESKY:  
16 Announce the results.

17 THE SECRETARY: Those recorded in  
18 the negative on Calendar Number 802 are  
19 Senators Bonacic, DeFrancisco, Farley,  
20 Flanagan, Golden, Griffo, Hannon, O. Johnson,  
21 Larkin, LaValle, Leibell, Libous, Little,  
22 Marcellino, Maziarz, McDonald, Nozzolio,  
23 Ranzenhofer, Robach, Saland, Seward, Skelos,  
24 Volker, Winner and Young.

25 Senator Maziarz voting in the

1 affirmative. Again.

2 Ayes, 37. Nays, 24.

3 ACTING PRESIDENT VALESKY: The  
4 bill is passed.

5 THE SECRETARY: Calendar Number  
6 804, by Senator L. Krueger, Senate Print 7938,  
7 an act to amend the Executive Law.

8 ACTING PRESIDENT VALESKY: Read  
9 the last section.

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

12 ACTING PRESIDENT VALESKY: Call  
13 the roll.

14 (The Secretary called the roll.)

15 ACTING PRESIDENT VALESKY:  
16 Senator Liz Krueger, to explain her vote.

17 SENATOR LIZ KRUEGER: Thank you  
18 very much.

19 Of course I'm supporting my own  
20 bill. But I want to point out what this bill  
21 would do is to allow us to invite into our  
22 chamber approximately three times a year, and  
23 the Assembly to invite into their chamber  
24 three times a year, the Governor of the great  
25 State of New York, so that we could ask

1        questions and have them answered, that we  
2        could have a broader dialogue between the  
3        Legislature and the Governor of the State of  
4        New York that would in fact be on television,  
5        as everything we do is, would give us an  
6        opportunity to have open discussion back and  
7        forth, to raise challenging questions to the  
8        Governor, have the Governor challenge us back.

9                I think that this is a terrific  
10       model for transparency and it would give us an  
11       opportunity -- some of us who might be in  
12       agreement with any given Governor, some of us  
13       who might be opposed to any given Governor --  
14       to have that dialogue in a public, formal  
15       place, the great Senate floor.

16               And to be honest I would think  
17       everybody, regardless of party, regardless of  
18       who the Governor might be at that time, would  
19       see a real value in this. It happens in a  
20       variety of European and other nations  
21       parliaments, and I think it's a very good  
22       model to go forward with.

23               Thank you, Mr. President.

24               ACTING PRESIDENT VALESKY:

25       Senator Krueger to be recorded in the

1 affirmative.

2 Senator Bonacic, to explain his  
3 vote.

4 SENATOR BONACIC: Just to explain  
5 my vote.

6 I find that the Governor has to  
7 travel quite a bit statewide, outside the  
8 state. And when he feels it's necessary to  
9 speak to the Legislature, he goes to the  
10 different chambers and he speaks to them.

11 I've served under three governors.  
12 When I call the Governor and say I want to  
13 speak to him, he invites me and I do speak to  
14 him.

15 To suggest that the Legislature  
16 doesn't have access to a governor for openness  
17 and transparency -- this is just an  
18 unnecessary feel-good piece of legislation. I  
19 don't think it changes the dynamics at all  
20 between the Governor and the Legislature. I'm  
21 voting no.

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

25 Senator Libous.

1                   SENATOR LIBOUS:     Mr. President, I  
2     want to change my vote. I'm now convinced  
3     that I should vote no.

4                   (Laughter.)

5                   ACTING PRESIDENT VALESKY:  
6     Senator Libous to be recorded in the negative.

7                   Senator Alesi, to explain his vote.

8                   SENATOR ALESI:     Without regard to  
9     any of my colleagues changing their votes, I  
10    am voting yes on this bill for an entirely  
11    different reason. And that is that in view of  
12    the fact that we haven't seen much of the  
13    Governor in a public forum during this  
14    late-budget season, I can't help but support  
15    this effort. Because if nothing else, we'd  
16    have the Governor, whoever that might be for  
17    ensuing years, meeting with the Legislature  
18    when at this point we haven't seen him in a  
19    public forum.

20                   Not to let the Majority off the  
21    hook on this, because we haven't seen them in  
22    a public forum either. But I'm voting yes.

23                   ACTING PRESIDENT VALESKY:  
24    Senator Alesi to be recorded in the  
25    affirmative.

1                   Senator Maziarz, to explain his  
2                   vote.

3                   SENATOR MAZIARZ:     Mr. President,  
4                   to explain my vote, thank you.

5                   I'm voting in the affirmative.   But  
6                   be careful what you wish for.

7                   Thank you.

8                   ACTING PRESIDENT VALESKY:  
9                   Senator Maziarz to be recorded in the  
10                  affirmative.

11                  Senator Saland, to explain his  
12                  vote.

13                  SENATOR SALAND:     Thank you,  
14                  Mr. President.

15                  Mr. President, we're obviously  
16                  attempting here to draw on the Westminster  
17                  system that, as Senator Krueger pointed out,  
18                  is common among European parliaments,  
19                  particularly those that have been influenced  
20                  by the British model.   What she's talking  
21                  about is something they call question time,  
22                  and some of us may see it on C-SPAN.

23                  And I would merely suggest if we  
24                  want to do their system or draw upon their  
25                  system, I'm not quite sure how we penalize the



1 Governor for not showing. We might want to  
2 consider also, if a bill fails -- for example,  
3 particularly a program bill -- that the  
4 government collapses and there's an immediate  
5 call for elections.

6 (Laughter.)

7 ACTING PRESIDENT VALESKY:

8 Senator Saland, how do you vote?

9 SENATOR SALAND: I vote in the  
10 negative.

11 ACTING PRESIDENT VALESKY:

12 Senator Saland to be recorded in the negative.

13 Senator Larkin, to explain his  
14 vote.

15 SENATOR LARKIN: Well, you know,  
16 in explaining this, you have to go back to  
17 '07. We said as a law that we would meet  
18 10 days after the Governor gave us his budget.  
19 Now we're coming here four years later and  
20 saying require the Governor to meet with the  
21 Assembly and the Senate once a month to answer  
22 questions.

23 My question is, what about the  
24 months that we're not in session, where does  
25 he go and where do we meet? Can anybody tell

1 me?

2 I know I'm explaining my vote, but  
3 I haven't heard anybody explain the rationale  
4 of where we're going to meet and why we're not  
5 going to meet. And if this is so important,  
6 what happened to the bill of three years ago?  
7 I thought it was very important.

8 ACTING PRESIDENT VALESKY:  
9 Senator Larkin to be recorded in the negative.

10 Announce the results.

11 THE SECRETARY: Those recorded in  
12 the negative on Calendar Number 804 are  
13 Senators Bonacic, DeFrancisco, Farley,  
14 Flanagan, Larkin, LaValle, Leibell, Libous,  
15 Saland, Skelos, Winner and Young.

16 Ayes, 49. Nays, 12.

17 ACTING PRESIDENT VALESKY: The  
18 bill is passed.

19 THE SECRETARY: Calendar Number  
20 810, by Senator Thompson, Senate Print 1205A,  
21 an act to amend the General Business Law.

22 ACTING PRESIDENT VALESKY: Read  
23 the last section.

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

1                   ACTING PRESIDENT VALESKY:     Call  
2     the roll.

3                   (The Secretary called the roll.)

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

6                   SENATOR SALAND:     Mr. President,  
7     this is a totally superfluous piece of  
8     legislation.

9                   Under the Corrections Law  
10    currently -- I believe it's Article 23A --  
11    there has to be some relationship to whatever  
12    position the party is seeking and the reason  
13    for denial based upon his or her conviction.  
14    If in fact a determination is made that a  
15    nonviolent felon is in no way, shape or form a  
16    danger to a customer or a client, whatever the  
17    appropriate term -- patron, whatever the  
18    appropriate term would be -- that law  
19    currently protects him or her.

20                  There's really no need for this.  
21    And that law has been on the books for the  
22    longest period of time and is often used in  
23    these situations to determine relevance. For  
24    example, if in fact the conviction occurred 15  
25    or 20 years ago, just on the stretch of time

1       it may not be deemed relevant.

2               So I would merely suggest that this  
3 really is totally, as I said before,  
4 superfluous, and I'm going to vote in the  
5 negative. Thank you.

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

8               Announce the results.

9               THE SECRETARY:       Those recorded in  
10 the negative on Calendar Number 810 are  
11 Senators Bonacic, DeFrancisco, Hannon,  
12 O. Johnson, Larkin, LaValle, Libous, Little,  
13 Marcellino, Nozzolio, Ranzenhofer, Saland,  
14 Skelos, Volker, Winner and Young. Also  
15 Senator Farley. Also Senator Maziarz. Also  
16 Senator Golden. Also Senator Griffo.

17               In relation to Calendar Number 810,  
18 also voting in the negative: Senator  
19 Fuschillo.

20               Ayes, 40. Nays, 21.

21               ACTING PRESIDENT VALESKY:       The  
22 bill is passed.

23               THE SECRETARY:       Calendar Number  
24 819, by Senator Savino, Senate Print 8057, an  
25 act to amend the Estates, Powers and Trusts

1 Law.

2 ACTING PRESIDENT VALESKY: Read  
3 the last section.

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

6 ACTING PRESIDENT VALESKY: Call  
7 the roll.

8 (The Secretary called the roll.)

9 THE SECRETARY: Ayes, 61.

10 ACTING PRESIDENT VALESKY: The  
11 bill is passed.

12 THE SECRETARY: Calendar Number  
13 822, by Senator Fuschillo, Senate Print 41, an  
14 act to amend the Judiciary Law.

15 ACTING PRESIDENT VALESKY: Read  
16 the last section.

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

19 ACTING PRESIDENT VALESKY: Call  
20 the roll.

21 (The Secretary called the roll.)

22 THE SECRETARY: Ayes, 61.

23 ACTING PRESIDENT VALESKY: The  
24 bill is passed.

25 THE SECRETARY: Calendar Number

1       823, by Senator Thompson, Senate Print 2517B,  
2       an act to amend the Civil Rights Law.

3                ACTING PRESIDENT VALESKY:     Read  
4       the last section.

5                THE SECRETARY:     Section 3. This  
6       act shall take effect on the 180th day.

7                ACTING PRESIDENT VALESKY:     Call  
8       the roll.

9                (The Secretary called the roll.)

10               ACTING PRESIDENT VALESKY:  
11       Announce the results.

12               THE SECRETARY:     Those recorded in  
13       the negative on Calendar Number 823 are  
14       Senators Bonacic, DeFrancisco, Farley,  
15       Flanagan, Fuschillo, Golden, Griffio, Hannon,  
16       O. Johnson, Lanza, Larkin, LaValle, Leibell,  
17       Libous, Little, Marcellino, Maziarz, McDonald,  
18       Nozzolio, Padavan, Ranzenhofer, Robach,  
19       Saland, Seward, Skelos, Volker, Winner and  
20       Young.

21               Ayes, 33. Nays, 28.

22               ACTING PRESIDENT VALESKY:     The  
23       bill is passed.

24               THE SECRETARY:     Calendar Number  
25       824, by Senator Stewart-Cousins, Senate Print

1       2554B, an act to amend the Election Law.

2               ACTING PRESIDENT VALESKY:     Read  
3       the last section.

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

6               ACTING PRESIDENT VALESKY:     Call  
7       the roll.

8               (The Secretary called the roll.)

9               ACTING PRESIDENT VALESKY:  
10       Announce the results.

11              THE SECRETARY:     Those recorded in  
12       the negative on Calendar Number 824 are  
13       Senators Alesi, Bonacic, DeFrancisco, Farley,  
14       Flanagan, Fuschillo, Golden, Griffio,  
15       O. Johnson, Lanza, Larkin, LaValle, Leibell,  
16       Libous, Little, Marcellino, Maziarz, McDonald,  
17       Nozzolio, Padavan, Ranzenhofer, Robach,  
18       Saland, Seward, Skelos, Volker, Winner and  
19       Young.

20              Ayes, 33.   Nays, 28.

21              ACTING PRESIDENT VALESKY:     The  
22       bill is passed.

23              THE SECRETARY:     Calendar Number  
24       826, by Senator Parker, Senate Print 3764, an  
25       act to amend the Penal Law.

1                   ACTING PRESIDENT VALESKY:     Read  
2     the last section.

3                   THE SECRETARY:     Section 2.   This  
4     act shall take effect on the first of  
5     November.

6                   ACTING PRESIDENT VALESKY:     Call  
7     the roll.

8                   (The Secretary called the roll.)

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

11                   SENATOR DeFRANCISCO:     I'm going  
12    to vote no, for the reason I've voted no on  
13    all of these.   It's another example of trying  
14    to cater to one group and make a penalty for  
15    an assault greater if you happen to be that  
16    type of victim.

17                   This bill already says that if you  
18    cause physical injury to a train operator, a  
19    ticket inspector, a conductor, a signal  
20    person, a bus operator, a station agent -- I  
21    guess we missed one, because that's what this  
22    bill is, the station cleaner or terminal  
23    cleaner.

24                   So I think you've got just about  
25    every worker.   Which it would have been a heck



1 of a lot easier just to raise the assault  
2 level for everybody. But I would suggest that  
3 maybe the next one of these bills add  
4 passenger, because passengers do get assaulted  
5 under these circumstances, and then maybe  
6 we'll have the all-encompassing bill that we  
7 won't have to do this year after year, adding  
8 that specific preferred class to a felony  
9 bill.

10 Thank you. I vote no.

11 ACTING PRESIDENT VALESKY:

12 Senator DeFrancisco to be recorded in the  
13 negative.

14 Senator Adams, to explain his vote.

15 SENATOR ADAMS: Yeah, thank you.

16 I started out my law enforcement career as a  
17 transit police officer. And the role of those  
18 who are in the transit system, Mr. President,  
19 is not merely there just to clean the station,  
20 but to move large numbers of passengers.

21 And we all understand that we  
22 should ensure that anyone that assaults a  
23 victim or an innocent person should have a  
24 substantial penalty. But those who drive  
25 buses, trains and conduct the movement of

1 millions of passengers, particularly in  
2 New York City, should get a special  
3 classification if they are assaulted or if  
4 they do have to deploy large numbers of  
5 people.

6 This is a good bill. And many  
7 transit employees operate alone in the subway  
8 system. And when you understand the  
9 complexity of the miles of subway system in  
10 New York, we understand that they need this  
11 additional protection. And so I will be  
12 voting aye on this bill and the importance of  
13 protecting our Transit Authority employees.

14 ACTING PRESIDENT VALESKY:

15 Senator Adams to be recorded in the  
16 affirmative.

17 Announce the results.

18 THE SECRETARY: Those recorded in  
19 the negative on Calendar Number 826 are  
20 Senators DeFrancisco, Little and Ranzenhofer.

21 Ayes, 58. Nays, 3.

22 ACTING PRESIDENT VALESKY: The  
23 bill is passed.

24 THE SECRETARY: Calendar Number  
25 830, by Senator Hassell-Thompson, Senate Print

1       4688, an act to amend the Penal Law and the  
2       General Business Law.

3               ACTING PRESIDENT VALESKY:     Read  
4       the last section.

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

7               ACTING PRESIDENT VALESKY:     Call  
8       the roll.

9               (The Secretary called the roll.)

10              ACTING PRESIDENT VALESKY:  
11       Announce the results.

12              THE SECRETARY:     Those recorded in  
13       the negative on Calendar Number 830 are  
14       Senators Bonacic, Farley, Flanagan, Fuschillo,  
15       Golden, Griffio, O. Johnson, Lanza, LaValle,  
16       Libous, Little, Nozzolio, Skelos, Winner and  
17       Young.   Also Senator Hannon.

18              (Pause.)

19              THE SECRETARY:     In relation to  
20       Calendar Number 830, those recorded in the  
21       negative:  Senators Bonacic, Farley, Flanagan,  
22       Fuschillo, Golden, Griffio, Hannon, O. Johnson,  
23       Lanza, Larkin, LaValle, Libous, Little,  
24       Nozzolio, Robach, Saland, Seward, Skelos,  
25       Volker, Winner and Young.

1                   Ayes, 40.   Nays, 21.

2                   ACTING PRESIDENT VALESKY:     The  
3   bill is passed.

4                   THE SECRETARY:     Calendar Number  
5   831, by Member of the Assembly John, Assembly  
6   Print Number 2132, an act to amend the  
7   Correction Law.

8                   ACTING PRESIDENT VALESKY:     Read  
9   the last section.

10                  THE SECRETARY:     Section 2.   This  
11   act shall take effect on the first of  
12   November.

13                  ACTING PRESIDENT VALESKY:     Call  
14   the roll.

15                         (The Secretary called the roll.)

16                  THE SECRETARY:     Ayes, 61.

17                  ACTING PRESIDENT VALESKY:     The  
18   bill is passed.

19                  THE SECRETARY:     Calendar Number  
20   835, by Senator Foley, Senate Print 5536A, an  
21   act to amend the Penal Law.

22                  ACTING PRESIDENT VALESKY:     Read  
23   the last section.

24                  THE SECRETARY:     Section 3.   This  
25   act shall take effect on the first of --

1                   SENATOR LIBOUS:     Lay the bill  
2     aside.

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

5                   THE SECRETARY:     Calendar Number  
6     836, by Senator Aubertine, Senate Print 5593A,  
7     an act to amend the Vehicle and Traffic Law.

8                   ACTING PRESIDENT VALESKY:     Read  
9     the last section.

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

12                  ACTING PRESIDENT VALESKY:     Call  
13     the roll.

14                  (The Secretary called the roll.)

15                  THE SECRETARY:     Ayes, 61.

16                  ACTING PRESIDENT VALESKY:     The  
17     bill is passed.

18                  THE SECRETARY:     Calendar Number  
19     838, by Senator Hassell-Thompson, Senate Print  
20     5865, an act to amend the Penal Law.

21                  ACTING PRESIDENT VALESKY:     Read  
22     the last section.

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

25                  ACTING PRESIDENT VALESKY:     Call

1 the roll.

2 (The Secretary called the roll.)

3 THE SECRETARY: Ayes, 61.

4 ACTING PRESIDENT VALESKY: The  
5 bill is passed.

6 THE SECRETARY: Calendar Number  
7 839, by Member of the Assembly Schimel,  
8 Assembly Print Number 6468C, an act to amend  
9 the Penal Law.

10 SENATOR LIBOUS: Lay it aside.

11 ACTING PRESIDENT VALESKY: The  
12 bill is laid aside.

13 THE SECRETARY: Calendar Number  
14 849, by Senator Dilan, Senate Print 7485A, an  
15 act to amend the Vehicle and Traffic Law.

16 ACTING PRESIDENT VALESKY: Read  
17 the last section.

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

20 ACTING PRESIDENT VALESKY: Call  
21 the roll.

22 (The Secretary called the roll.)

23 THE SECRETARY: Ayes, 61.

24 ACTING PRESIDENT VALESKY: The  
25 bill is passed.

1                   THE SECRETARY:     Calendar Number  
2     850, by Senator Schneiderman, Senate Print  
3     7588, an act to amend the Criminal Procedure  
4     Law.

5                   ACTING PRESIDENT VALESKY:     Read  
6     the last section.

7                   THE SECRETARY:     Section 3. This  
8     act shall take effect on the 180th day.

9                   ACTING PRESIDENT VALESKY:     Call  
10    the roll.

11                   (The Secretary called the roll.)

12                   THE SECRETARY:     Ayes, 61.

13                   ACTING PRESIDENT VALESKY:     The  
14    bill is passed.

15                   THE SECRETARY:     Calendar Number  
16    852, by Senator Peralta --

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

19                   ACTING PRESIDENT VALESKY:     The  
20    bill is laid aside for the day.

21                   THE SECRETARY:     Calendar Number  
22    853, by Member of the Assembly Paulin,  
23    Assembly Print Number 9938A, an act to amend  
24    the Penal Law.

25                   ACTING PRESIDENT VALESKY:     Read

1 the last section.

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

4 ACTING PRESIDENT VALESKY: Call  
5 the roll.

6 (The Secretary called the roll.)

7 THE SECRETARY: Ayes, 61.

8 ACTING PRESIDENT VALESKY: The  
9 bill is passed.

10 THE SECRETARY: Calendar Number  
11 854, by Member of the Assembly Gianaris,  
12 Assembly Print Number 3514A, an act to amend  
13 the Criminal Procedure Law.

14 ACTING PRESIDENT VALESKY: Read  
15 the last section.

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

18 ACTING PRESIDENT VALESKY: Call  
19 the roll.

20 (The Secretary called the roll.)

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

23 SENATOR DeFRANCISCO: I'm not so  
24 sure how many people in the chambers have ever  
25 ordered a transcript in a trial, actually a



1 homicide offense, especially those that go on  
2 for weeks and maybe even longer.

3 This could be tens of thousands of  
4 dollars. Certainly in some of these instances  
5 maybe a free transcript is warranted, but not  
6 in every case, just because the people happen  
7 to be of a certain definition as there are in  
8 this bill.

9 I think that there's -- if the  
10 transcript is needed for a court proceeding,  
11 there are procedures to ask the court to order  
12 a free transcript be given if the person  
13 cannot afford it.

14 So I just think this is a horrible  
15 mandate, and I'm going to vote no for that  
16 reason, because of the expense that is being  
17 picked up by government.

18 Thank you.

19 ACTING PRESIDENT VALESKY:

20 Senator DeFrancisco to be recorded in the  
21 negative.

22 Senator Farley, to explain his  
23 vote.

24 SENATOR FARLEY: I just want to  
25 concur with what Senator DeFrancisco said.

1                   This could be an incredible expense  
2                   to the court system and to the State of New  
3                   York, and I'm going to vote no on this.

4                   ACTING PRESIDENT VALESKY:  
5                   Senator Farley to be recorded in the negative.

6                   Announce the results.

7                   THE SECRETARY:       Those recorded in  
8                   the negative on Calendar Number 854 are  
9                   Senators DeFrancisco, Farley, Golden,  
10                  O. Johnson, Larkin, LaValle, Libous,  
11                  Ranzenhofer, Saland, Seward, Skelos, Volker,  
12                  Winner and Young. Also Senator Leibell. Also  
13                  Senator Nozzolio.

14                  Ayes, 45. Nays, 16.

15                  ACTING PRESIDENT VALESKY:       The  
16                  bill is passed.

17                  THE SECRETARY:       Calendar Number  
18                  855, by Senator Stavisky, Senate Print 7856,  
19                  an act to amend the Penal Law.

20                  ACTING PRESIDENT VALESKY:       Read  
21                  the last section.

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

25                  ACTING PRESIDENT VALESKY:       Call

1 the roll.

2 (The Secretary called the roll.)

3 THE SECRETARY: Ayes, 61.

4 ACTING PRESIDENT VALESKY: The  
5 bill is passed.

6 THE SECRETARY: Calendar Number  
7 958, substituted earlier today by the Assembly  
8 Committee on Rules, Assembly Print Number  
9 11440, an act to amend the Education Law.

10 ACTING PRESIDENT VALESKY:  
11 Senator Klein.

12 SENATOR KLEIN: Mr. President, is  
13 there a message of necessity at the desk?

14 ACTING PRESIDENT VALESKY: There  
15 is a message of necessity at the desk.

16 SENATOR KLEIN: Mr. President, I  
17 move to accept the message at this time.

18 ACTING PRESIDENT VALESKY: The  
19 question is on accepting the message of  
20 necessity from the Governor. All in favor  
21 signify by saying aye.

22 (Response of "Aye.")

23 ACTING PRESIDENT VALESKY:  
24 Opposed, nay.

25 (Response of "Nay.")

1                   ACTING PRESIDENT VALESKY:     The  
2     message is accepted.

3                   The Secretary will read the last  
4     section.

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

7                   ACTING PRESIDENT VALESKY:     Call  
8     the roll.

9                   (The Secretary called the roll.)

10                  SENATOR LIBOUS:     Mr. President,  
11     will you lay this bill aside, please.

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

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

17                  Senator Klein.

18                  SENATOR KLEIN:     Mr. President,  
19     can you please call on Senator Libous for a  
20     brief announcement.

21                  ACTING PRESIDENT VALESKY:  
22     Senator Libous.

23                  SENATOR LIBOUS:     Thank you,  
24     Senator Klein.

25                  Immediate Republican conference.

1                   ACTING PRESIDENT VALESKY:     There  
2     will be an immediate conference of the Senate  
3     Republican minority in the Minority Conference  
4     Room.

5                   SENATOR KLEIN:     Pending the  
6     completion of the conference, Mr. President,  
7     can we please stand at ease.

8                   But I want to remind my colleagues  
9     to stay close to the chambers. We're probably  
10    going to be back in about a half an hour.

11                  ACTING PRESIDENT VALESKY:     The  
12    Senate will stand at ease.

13                  (Whereupon, the Senate stood at  
14    ease at 3:04 p.m.)

15                  (Whereupon, the Senate reconvened  
16    at 4:50 p.m.)

17                  ACTING PRESIDENT VALESKY:     The  
18    Senate will return to order.

19                  Senator Klein.

20                  SENATOR KLEIN:     Mr. President, at  
21    this time may we call up Calendar Number 958  
22    on the controversial calendar.

23                  ACTING PRESIDENT VALESKY:     The  
24    Secretary will ring the bells.

25                  All Senators are asked to come to

1 the chamber for the reading of the  
2 controversial calendar, beginning with  
3 Calendar Number 958, which the Secretary will  
4 place before the house.

5 THE SECRETARY: Calendar Number  
6 958, by the Assembly Committee on Rules,  
7 Assembly Print Number 11440, an act to amend  
8 the Education Law.

9 ACTING PRESIDENT VALESKY: Are  
10 there any Senators wishing to be heard?

11 SENATOR LIBOUS: Mr. President.

12 ACTING PRESIDENT VALESKY:  
13 Senator Libous.

14 SENATOR LIBOUS: If there are any  
15 Republican members that hear my voice, it's  
16 important that they come to the chamber  
17 because we are going to vote on this very,  
18 very important piece of legislation that is  
19 before the house.

20 And I think that they would want to  
21 come to the chamber immediately so that they  
22 could register the proper vote on behalf of  
23 their constituents.

24 ACTING PRESIDENT VALESKY: Seeing  
25 no Senators who wish to debate the bill, the

1 debate is closed.

2 The Secretary will ring the bells  
3 once again.

4 All Senators are asked to proceed  
5 immediately to the chamber so that we may call  
6 the roll.

7 Senator Klein.

8 SENATOR KLEIN: Mr. President, on  
9 Calendar Number 958, can we just lay the bill  
10 aside temporarily and move on with the rest of  
11 the agenda.

12 Let's take up Calendar Number 839.

13 ACTING PRESIDENT VALESKY:

14 Calendar Number 958 will be laid aside  
15 temporarily.

16 The Secretary will place Calendar  
17 Number 839 before the house.

18 THE SECRETARY: Calendar Number  
19 839, by Member of the Assembly Schimel,  
20 Assembly Print Number 6468C, an act to amend  
21 the Penal Law.

22 ACTING PRESIDENT VALESKY: Is  
23 there any Senator who wishes to be heard?

24 Hearing none, the debate is closed.

25 The Secretary will ring the bells.

1 All Senators are asked to proceed to the  
2 chamber for the roll call on Calendar Number  
3 839.

4 Senator Schneiderman, on the bill.

5 SENATOR SCHNEIDERMAN: Thank you,  
6 Mr. President.

7 This is legislation that has been  
8 requested and is supported by dozens of law  
9 enforcement organizations and law enforcement  
10 officials across the State of New York. It is  
11 to provide an essential tool so that we can  
12 solve violent gun crimes by ensuring that the  
13 ballistics analysis of our guns -- which is  
14 done already in this state, Mr. President --  
15 has the advantage of having all semiautomatic  
16 pistols sold in this state in the future --  
17 we've got a few years to implement it --  
18 microstamp-ready. They will have  
19 identification numbers.

20 Guns already have serial numbers.  
21 This will just guarantee that for  
22 semiautomatic handguns, the favored guns of  
23 gangs, the cartridges, the shell casings will  
24 be stamped with a number.

25 As has been testified to and



1 written about by many law enforcement officers  
2 and district attorneys, police chiefs,  
3 sheriffs in our state and elsewhere, this is  
4 something that is on the level of  
5 fingerprinting, DNA, vehicle identification  
6 numbers. This is a great technological tool  
7 to advance the cause of public safety. We  
8 cannot keep our streets safe if we can't catch  
9 gun criminals.

10 And I would urge all of my  
11 colleagues to support this bill. This is not  
12 a gun control bill, this is a crime control  
13 bill. By definition, any shell casings that  
14 are ejected at the scene of a shooting that  
15 the police are investigating, that's a violent  
16 criminal -- that came from a violent criminal.

17 So I would ask the support of all  
18 of my colleagues on both sides of the aisle  
19 for this important public safety legislation  
20 and urge everyone to vote yes.

21 ACTING PRESIDENT VALESKY: Thank  
22 you, Senator Schneiderman.

23 Are there any other Senators who  
24 wish to be heard?

25 Seeing none, the debate is closed.

1 The Secretary will ring the bells.

2 Read the last section.

3 THE SECRETARY: Section 7. This  
4 act shall take effect January 1, 2012.

5 ACTING PRESIDENT VALESKY: Call  
6 the roll.

7 (The Secretary called the roll.)

8 ACTING PRESIDENT VALESKY:  
9 Senator Squadron, to explain his vote.

10 SENATOR SQUADRON: Thank you,  
11 Mr. President.

12 First of all, I want to commend  
13 Senator Schneiderman and Assemblymember  
14 Schimel for their hard work to get this bill  
15 passed.

16 Look, this is very simple. When  
17 folks use guns in crimes, when folks use guns  
18 to kill or injure people, we want to know how  
19 that gun was obtained, who used that gun.  
20 This bill makes it easier.

21 And the fact is the arguments  
22 against this bill just don't make any sense.  
23 In New York State we want to make sure that we  
24 have the absolute best identification, crime  
25 fighting, ability to fight gun violence that

1 is such a scourge across our state. This bill  
2 will allow us to do it and allow us to do it  
3 in a 21st-century way.

4 The idea that somehow we wouldn't  
5 want to know who is using what gun when they  
6 commit a crime, that somehow we would want to  
7 not require the top technology to identify the  
8 most dangerous kind of criminals, the most  
9 dangerous kind of crimes and weapons is  
10 absolutely shocking to me.

11 I vote yes. Thank you,  
12 Mr. President.

13 ACTING PRESIDENT VALESKY:  
14 Senator Squadron to be recorded in the  
15 affirmative.

16 Senator Craig Johnson, to explain  
17 his vote.

18 SENATOR CRAIG JOHNSON: Thank you  
19 very much, Mr. President. I also rise to vote  
20 in the affirmative on this bill.

21 I want to commend Senator  
22 Schneiderman. I also want to thank publicly  
23 Assemblywoman Schimel, Michelle Schimel, who  
24 represents my area, my home district in the  
25 7th Senatorial District, for her leadership.

1 This has been a very important piece of  
2 legislation for Assemblywoman Schimel, someone  
3 who has advocated tirelessly all across  
4 New York State on this particular bill.

5 As Senator Squadron talked about,  
6 Senator Schneiderman, this is a crime-fighting  
7 tool, plain and simple. This will help our  
8 law enforcement officers hunt down those who  
9 commit violent crimes with guns. I believe  
10 that in the 21st century our police officers,  
11 our detectives, our law enforcement officials  
12 deserve 21st-century technology, and that's  
13 what we're providing here today.

14 I vote yes, Mr. President. Thank  
15 you.

16 ACTING PRESIDENT VALESKY:  
17 Senator Craig Johnson to be recorded in the  
18 affirmative.

19 Senator Adams, to explain his vote.

20 SENATOR ADAMS: Thank you,  
21 Mr. President.

22 I don't think anything is more  
23 challenging or difficult when you go to a  
24 family's house and you tell them that their  
25 child or their family member was the victim of

1 gun violence. To compound that is when police  
2 respond to the scene and they see the  
3 ballistic evidence lying on the ground and  
4 there's no indicator or no way to compare the  
5 bullets.

6 To vote against this bill after all  
7 of our law enforcement communities have  
8 clearly indicated the importance of this --  
9 this sends a very strong message. I vote aye  
10 for this bill, not only for those crimes and  
11 bullets and firearms that are on the street,  
12 but the countless number of people we can  
13 bring, guilty people to justice.

14 This is an important bill, and  
15 politics should not get in the way of public  
16 safety. I vote aye on this bill, and I  
17 commend the sponsor of the bill.

18 ACTING PRESIDENT VALESKY:  
19 Senator Adams to be recorded in the  
20 affirmative.

21 Senator Liz Krueger, to explain her  
22 vote.

23 SENATOR LIZ KRUEGER: Thank you,  
24 Mr. President. I also rise to support this  
25 bill.

1                   And to be honest, I don't  
2                   understand anyone voting no. It's simply  
3                   using 21st-century technology to ensure that  
4                   we can track where a gun has been used and  
5                   where bullets have been shot through a gun.

6                   Obviously, if the gun is being used  
7                   for legal purposes with legal outcomes,  
8                   there's no issue. But obviously, if a crime  
9                   has been committed, being able to track the  
10                  gun that was used in the crime is a critical  
11                  issue. We talk all the time about modern  
12                  forensic science making it more possible for  
13                  law enforcement to find the guilty parties and  
14                  bring them to justice. And this seems such an  
15                  elegant and efficient way to ensure that law  
16                  enforcement has more tools in order to find  
17                  guilty parties and bring them to justice in  
18                  the case of gun violence.

19                 I'm really fairly shocked that  
20                 there are people who are going to vote no on  
21                 this bill, because it is so commonsense and so  
22                 important for us to move forward with.

23                 So of course I'll be voting yes.  
24                 Thank you very much, Mr. President.

25                 ACTING PRESIDENT VALESKY:

1 Senator Liz Krueger to be recorded in the  
2 affirmative.

3 Senator Montgomery, to explain her  
4 vote.

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

7 I rise to thank Senator  
8 Schneiderman for introducing this legislation.  
9 It's extremely important. I represent a  
10 district where there are any number of young  
11 people who are killed by guns. And one of the  
12 most difficult aspects of trying to address  
13 this issue is that we have this "no snitching"  
14 problem in my district.

15 And so police in my district -- I  
16 met with a group of police officers in one of  
17 the precincts in my district this past week,  
18 and they certainly look for this as one of the  
19 opportunities that they would have to address  
20 the difficult problem of tracing where the  
21 guns come from that are involved in these  
22 crimes.

23 We had a vigil for a 16-year-old  
24 young person who was killed by gunfire, and it  
25 goes on and on with these problems, with these

1 issues.

2 And I know that police, sheriffs,  
3 and law enforcement officers across the state  
4 are advertising on the radio, asking their  
5 constituents to call us to ask us to please  
6 pass this legislation.

7 So I rise on behalf of all of those  
8 young people who have been killed, in my  
9 district especially, that we would like to see  
10 this bill pass this house today.

11 Thank you, Mr. President. I vote  
12 aye.

13 ACTING PRESIDENT VALESKY:  
14 Senator Montgomery to be recorded in the  
15 affirmative.

16 Senator Perkins, to explain his  
17 vote.

18 SENATOR PERKINS: Thank you,  
19 Mr. President. I just rise to support this.

20 And first I want to commend Senator  
21 Schneiderman for the extraordinary work that  
22 he has contributed to making this legislation  
23 here before us. Not only did he do work in  
24 the city and the state, but he went around the  
25 country to get a true assessment of the value



1 of this type of legislation as it is a tool to  
2 fight crime, it's a tool to show our support  
3 for law enforcement, it's a tool that takes  
4 into consideration modern technology.

5 And it's a relief on its way to  
6 many of us who have had to suffer in our  
7 communities gun violence in such a regular and  
8 horrible way.

9 So this is I think a great tribute  
10 to us in terms of trying to fight crime to us  
11 in terms of allying ourselves with the law  
12 enforcement community that has so thoroughly  
13 endorsed this piece of legislation.

14 So I vote aye and want to thank  
15 again Senator Schneiderman and his counterpart  
16 in the Assembly as well.

17 ACTING PRESIDENT VALESKY:  
18 Senator Perkins to be recorded in the  
19 affirmative.

20 Senator Diaz, to explain his vote.

21 SENATOR DIAZ: Thank you,  
22 Mr. President.

23 I just would like to unite with my  
24 colleagues and congratulate Senator Sampson  
25 for allowing this bill to come to the floor.

1                   Just a few weeks ago, we had a  
2                   march in the Bronx with the Bronx borough  
3                   president, Ruben Diaz, Jr., and a lady by the  
4                   name of Gloria Cruz, who is the leader of Moms  
5                   Against Gun Violence.

6                   And we have too many gun deaths in  
7                   the Bronx. Too many. Bodegueros, taxi  
8                   drivers, senior citizens, and now youth have  
9                   been killed. And this is something that I  
10                  don't know, I don't know how anybody could  
11                  vote against it, because this is not -- this  
12                  is something -- a tool to find who committed  
13                  the crime. That's as simple it is, something  
14                  that will help us find out who is a criminal.

15                 We're not judging the good people  
16                 of the State of New York. We're not trying to  
17                 go after the good, decent citizens. This is  
18                 something that will help the police and the  
19                 authorities to identify the gun and the  
20                 bullet, as simple as that. And that will help  
21                 us in the Bronx, it will help us in the City  
22                 of New York, it will help us throughout the  
23                 state.

24                 And I'm proud to vote yes on this  
25                 one. And thank you, Senator Paterson {sic},

1       for allowing us this opportunity to bring this  
2       to the floor.

3                   ACTING PRESIDENT VALESKY:  
4       Senator Diaz to be recorded in the  
5       affirmative.

6                   Senator Smith, to explain his vote.

7                   SENATOR SMITH:       Thank you very  
8       much, Mr. President.

9                   It has been at least several months  
10       now, and I believe many people have heard not  
11       only the shot but have heard the call of many  
12       young people who have been killed by an  
13       unfortunate gun incident.

14                   The Senate majority has taken a  
15       position that gun violence, gang violence is  
16       an issue that we are looking to deal with,  
17       namely in the spirit of a program called  
18       Operation SNUG, which is against gun violence,  
19       gang violence. And this particular bill by  
20       Senator Schneiderman -- who I applaud for  
21       bringing it forward -- on microstamping is  
22       another part of that program.

23                   I think there is some clarity that  
24       needs to be given to this. One, this is not  
25       an anti-gun or challenge to the Second

1       Amendment of any shape or form. It is  
2       strictly giving our law enforcement  
3       individuals the technological tool so that one  
4       can trace and determine, when there was a  
5       particular gunshot or someone was murdered,  
6       unfortunately, we can trace it.

7               Secondly, Mayor Bloomberg was here  
8       today. He expressed the support of many  
9       mayors around this state. Mayor Miner was  
10      here, from Syracuse. The mayor from Utica was  
11      here. A number of mayors, over a hundred  
12      mayors support microstamping. There are over  
13      a thousand murders in the state and City of  
14      New York that have not been cleared up.

15              So this is a commonsense bill. The  
16      fact that some people are purporting it to be  
17      against those who are hunters is in error.

18              So, Mr. President, I will be voting  
19      yes and I do hope the practical consciences of  
20      my colleagues will allow them to vote yes as  
21      well.

22              Thank you.

23              ACTING PRESIDENT VALESKY:

24      Senator Smith to be recorded in the  
25      affirmative.

1                   Senator Oppenheimer, to explain her  
2                   vote.

3                   SENATOR OPPENHEIMER:     Well, like  
4                   Senator Krueger, I'm having a lot of  
5                   difficulty understanding why anyone would ever  
6                   vote against this. In reading the  
7                   applicability, I see that this bill only  
8                   applies to licensed dealers, wholesale  
9                   dealers, and manufacturers. It does not apply  
10                  to gun owners.

11                  I recognize that gun owners feel  
12                  very threatened. They may feel that if they  
13                  pass one bill, that it's a slippery slope and  
14                  a lot of other legislation will follow. But  
15                  this doesn't apply to gun owners. And it's  
16                  just something that will help us find out more  
17                  information about who the manufacturer is,  
18                  perhaps who the robber or the person doing the  
19                  crime is. I can't understand why anyone  
20                  wouldn't want to have that kind of  
21                  information.

22                  I understand the significance of  
23                  gun ownership and of hunting and have always  
24                  kept property that I own open to all hunters.  
25                  It's an important, important contribution that

1 we have the hunters there in order to maintain  
2 the size of our deer population and other  
3 populations.

4 But this has nothing to do with  
5 that. And I can't -- I don't really  
6 understand. I haven't heard any satisfactory  
7 reasoning for why my colleagues would be  
8 against a bill like this.

9 ACTING PRESIDENT VALESKY:  
10 Senator Oppenheimer, how do you vote?

11 SENATOR OPPENHEIMER: I'm voting  
12 yes.

13 ACTING PRESIDENT VALESKY:  
14 Senator Oppenheimer to be recorded in the  
15 affirmative.

16 Senator Klein.

17 SENATOR KLEIN: Mr. President, I  
18 request a slow roll call.

19 ACTING PRESIDENT VALESKY: Seeing  
20 the required minimum of five Senators rise,  
21 the fast roll call is withdrawn.

22 The Secretary will proceed with  
23 calling the roll call slowly.

24 SENATOR LIBOUS: Mr. President,  
25 point of clarification.

1                   ACTING PRESIDENT VALESKY:

2       Senator Libous, state your point of  
3       clarification.

4                   SENATOR LIBOUS:       Aren't we  
5       presently on a roll call?

6                   ACTING PRESIDENT VALESKY:       We  
7       have been. I have just withdrawn the roll  
8       call after seeing five Senators rise in a call  
9       for a slow roll call.

10                  SENATOR LIBOUS:       Thank you,  
11       Mr. President. I just wanted to clarify what  
12       was going on.

13                  ACTING PRESIDENT VALESKY:       The  
14       Secretary will proceed with the roll call  
15       slowly.

16                  THE SECRETARY:       Senator Adams.

17                  SENATOR ADAMS:       I vote aye.

18                  THE SECRETARY:       Senator Addabbo.

19                  SENATOR ADDABBO:       Yes.

20                  THE SECRETARY:       Senator Alesi.

21                  SENATOR ALESI:       No.

22                  THE SECRETARY:       Senator

23       Aubertine.

24                  SENATOR AUBERTINE:       No.

25                  THE SECRETARY:       Senator Bonacic.

1 Senator Bonacic in the negative.  
2 Senator Breslin.  
3 SENATOR BRESLIN: Yes.  
4 THE SECRETARY: Senator  
5 DeFrancisco.  
6 SENATOR DeFRANCISCO: No.  
7 THE SECRETARY: Senator Diaz.  
8 SENATOR DIAZ: Si se puede.  
9 THE SECRETARY: Senator Dilan.  
10 SENATOR DILAN: Yes.  
11 THE SECRETARY: Senator Duane.  
12 SENATOR DUANE: Yes.  
13 THE SECRETARY: Senator Espada.  
14 SENATOR ESPADA: Yes.  
15 THE SECRETARY: Senator Farley.  
16 SENATOR FARLEY: No.  
17 THE SECRETARY: Senator Flanagan.  
18 SENATOR FLANAGAN: No.  
19 THE SECRETARY: Senator Foley.  
20 SENATOR FOLEY: Yes.  
21 THE SECRETARY: Senator  
22 Fuschillo.  
23 SENATOR FUSCHILLO: No.  
24 THE SECRETARY: Senator Golden.  
25 (No response.)



1 THE SECRETARY: Senator Griffo.  
2 SENATOR GRIFFO: No.  
3 THE SECRETARY: Senator Hannon.  
4 SENATOR HANNON: No.  
5 THE SECRETARY: Senator  
6 Hassell-Thompson.  
7 SENATOR HASSELL-THOMPSON: Yes.  
8 THE SECRETARY: Senator Huntley.  
9 SENATOR HUNTLEY: Yes.  
10 THE SECRETARY: Senator C.  
11 Johnson.  
12 SENATOR CRAIG JOHNSON: Yes.  
13 THE SECRETARY: Senator O.  
14 Johnson.  
15 SENATOR OWEN JOHNSON: No.  
16 THE SECRETARY: Senator Klein.  
17 SENATOR KLEIN: Yes.  
18 THE SECRETARY: Senator  
19 L. Krueger.  
20 SENATOR LIZ KRUEGER: Yes.  
21 THE SECRETARY: Senator C.  
22 Kruger.  
23 SENATOR CARL KRUGER: Yes.  
24 THE SECRETARY: Senator Lanza.  
25 SENATOR LANZA: No.

1 THE SECRETARY: Senator Larkin.  
2 SENATOR LARKIN: No.  
3 THE SECRETARY: Senator LaValle.  
4 SENATOR LaVALLE: No.  
5 THE SECRETARY: Senator Leibell.  
6 SENATOR LEIBELL: No.  
7 THE SECRETARY: Senator Libous.  
8 SENATOR LIBOUS: No.  
9 THE SECRETARY: Senator Little.  
10 SENATOR LITTLE: No.  
11 THE SECRETARY: Senator  
12 Marcellino.  
13 SENATOR MARCELLINO: No.  
14 THE SECRETARY: Senator Maziarz.  
15 SENATOR MAZIARZ: No.  
16 THE SECRETARY: Senator McDonald.  
17 SENATOR McDONALD: No.  
18 THE SECRETARY: Senator  
19 Montgomery.  
20 SENATOR MONTGOMERY: Yes.  
21 THE SECRETARY: Senator Morahan,  
22 excused.  
23 Senator Nozzolio.  
24 SENATOR NOZZOLIO: No.  
25 THE SECRETARY: Senator Onorato.

1                   SENATOR ONORATO:     Yes.  
2                   THE SECRETARY:     Senator  
3       Oppenheimer.  
4                   SENATOR OPPENHEIMER:     Yes.  
5                   THE SECRETARY:     Senator Padavan.  
6                   SENATOR PADAVAN:     Yes.  
7                   THE SECRETARY:     Senator Parker.  
8                   SENATOR PARKER:     Aye.  
9                   THE SECRETARY:     Senator Peralta.  
10                  SENATOR PERALTA:     Yes.  
11                  THE SECRETARY:     Senator Perkins.  
12                  SENATOR PERKINS:     Yes, sir.  
13                  THE SECRETARY:     Senator  
14       Ranzenhofer.  
15                  SENATOR RANZENHOFER:     No.  
16                  THE SECRETARY:     Senator Robach.  
17                  SENATOR ROBACH:     No.  
18                  THE SECRETARY:     Senator Saland.  
19                  SENATOR SALAND:     No.  
20                  THE SECRETARY:     Senator Sampson.  
21                  SENATOR SAMPSON:     Yes.  
22                  THE SECRETARY:     Senator Savino.  
23                  SENATOR SAVINO:     Yes.  
24                  THE SECRETARY:     Senator  
25       Schneiderman.

1                   ACTING PRESIDENT VALESKY:

2           Senator Schneiderman, to explain his vote.

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

5                   Obviously I'm voting yes on this  
6           bill. I would urge my colleagues that, while  
7           there's still time, voting for this bill is  
8           votes against gun crime, it's voting to save  
9           lives, it's voting to help our law enforcement  
10          community.

11                   And I frankly am stunned that we're  
12          seeing the no votes we are on this fundamental  
13          legislation to improve the public safety of  
14          all of our citizens. You cannot keep our  
15          streets safe if you can't catch gun criminals.  
16          This is not a perfect solution, but it is a  
17          tool that our law enforcement community is  
18          begging for.

19                   I vote yes, Mr. President, and urge  
20          everyone to vote yes.

21                   ACTING PRESIDENT VALESKY:

22          Senator Schneiderman to be recorded in the  
23          affirmative.

24                   THE SECRETARY:     Senator Serrano.

25                   SENATOR SERRANO:     Yes.

1 THE SECRETARY: Senator Seward.  
2 SENATOR SEWARD: No.  
3 THE SECRETARY: Senator Skelos:  
4 No.  
5 Senator Smith.  
6 SENATOR SMITH: Yes.  
7 THE SECRETARY: Senator Squadron.  
8 SENATOR SQUADRON: Yes.  
9 THE SECRETARY: Senator  
10 Stachowski.  
11 SENATOR STACHOWSKI: No.  
12 THE SECRETARY: Senator Stavisky.  
13 SENATOR STAVISKY: Yes.  
14 THE SECRETARY: Senator  
15 Stewart-Cousins.  
16 SENATOR STEWART-COUSINS: Yes.  
17 THE SECRETARY: Senator Thompson.  
18 SENATOR THOMPSON: Yes.  
19 THE SECRETARY: Senator Valesky.  
20 SENATOR VALESKY: No.  
21 THE SECRETARY: Senator Volker.  
22 SENATOR VOLKER: No.  
23 THE SECRETARY: Senator Winner.  
24 SENATOR WINNER: No.  
25 THE SECRETARY: Senator Young.

1 SENATOR YOUNG: No.

2 SENATOR KLEIN: Mr. President.

3 ACTING PRESIDENT VALESKY:

4 Senator Klein.

5 SENATOR KLEIN: Can we please  
6 withdraw the roll call and lay the bill aside  
7 for the day.

8 ACTING PRESIDENT VALESKY: The  
9 roll call is withdrawn. The bill is laid  
10 aside for the day.

11 The Secretary will proceed --  
12 Senator Klein, with Calendar 958 or Calendar  
13 570?

14 SENATOR KLEIN: Mr. President,  
15 can we please go back to 958, Calendar Number  
16 958.

17 ACTING PRESIDENT VALESKY: The  
18 Secretary will place Calendar 958 before the  
19 house.

20 All Senators are asked to remain in  
21 the chamber. We have another half-dozen bills  
22 on the controversial calendar before  
23 concluding our business.

24 The Secretary will read.

25 THE SECRETARY: Calendar Number

1       958, by the Assembly Committee on Rules,  
2       Assembly Print Number 11440, an act to amend  
3       the Education Law.

4                ACTING PRESIDENT VALESKY:     Are  
5       there any Senators who wish to be heard?

6                Seeing none, the debate is closed.

7                The Secretary will ring the bells  
8       and read the last section.

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

11               ACTING PRESIDENT VALESKY:     Call  
12       the roll.

13               (The Secretary called the roll.)

14               ACTING PRESIDENT VALESKY:  
15       Announce the results.

16               THE SECRETARY:     Those recorded in  
17       the negative on Calendar Number 958 are  
18       Senators Alesi, Bonacic, DeFrancisco, Farley,  
19       Flanagan, Fuschillo, Griffo, Hannon,  
20       O. Johnson, Lanza, Larkin, LaValle, Leibell,  
21       Libous, Little, Marcellino, Maziarz, McDonald,  
22       Nozzolio, Padavan, Ranzenhofer, Robach,  
23       Saland, Seward, Skelos, Volker, Winner and  
24       Young.

25               Absent from voting:   Senator

1 Golden.

2 Ayes, 32. Nays, 28.

3 ACTING PRESIDENT VALESKY: The  
4 bill is passed.

5 The Secretary will continue to  
6 read.

7 THE SECRETARY: Calendar Number  
8 570, by Senator Hassell-Thompson, Senate Print  
9 3890A, an act to amend the Domestic Relations  
10 Law.

11 ACTING PRESIDENT VALESKY: Are  
12 there any other Senators who wish to be heard?

13 Seeing none, the debate is closed.

14 The Secretary will ring the bells  
15 and read the last section.

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

18 ACTING PRESIDENT VALESKY: Call  
19 the roll.

20 (The Secretary called the roll.)

21 ACTING PRESIDENT VALESKY: The  
22 Secretary will announce the results.

23 THE SECRETARY: Those recorded in  
24 the negative on Calendar Number 570 are  
25 Senators DeFrancisco, Diaz, Farley, Flanagan,



1 Fuschillo, Golden, Griffo, Hannon, O. Johnson,  
2 Lanza, Larkin, LaValle, Leibell, Libous,  
3 Little, Marcellino, Maziarz, McDonald,  
4 Nozzolio, Onorato, Padavan, Ranzenhofer,  
5 Robach, Saland, Seward, Skelos, Volker, Winner  
6 and Young.

7 Ayes, 32. Nays, 29.

8 ACTING PRESIDENT VALESKY: The  
9 bill is passed.

10 The Secretary will continue to  
11 read.

12 THE SECRETARY: Calendar Number  
13 715, by Senator Schneiderman, Senate Print  
14 6263B, an act to amend the Insurance Law.

15 ACTING PRESIDENT VALESKY: Are  
16 there any Senators who wish to be heard?

17 Seeing none, the debate is closed.  
18 The Secretary will ring the bells and read the  
19 last section.

20 Read the last section.

21 THE SECRETARY: Section 4. This  
22 act shall take effect on the first of January.

23 ACTING PRESIDENT VALESKY: Call  
24 the roll.

25 (The Secretary called the roll.)

1                   ACTING PRESIDENT VALESKY:

2           Senator Seward, to explain his vote.

3                   SENATOR SEWARD:       Yes,  
4           Mr. President, if anyone is listening.

5                   ACTING PRESIDENT VALESKY:       Can we  
6           have some order in the chamber, please.  It's  
7           a bit difficult to hear.  Senator Seward is  
8           seeking to explain his vote.  If we can take  
9           all conversations outside of the chamber.

10                  SENATOR SEWARD:       Thank you,  
11           Mr. President.

12                         I'm going to vote no on this bill.  
13           I understand the intent of it.  However, I  
14           believe this bill needs some additional work  
15           and amendments.

16                         For example, this bill calls for  
17           the superintendent to make a judgment whether  
18           or not a health insurance carrier is  
19           discriminating against a particular  
20           policyholder as they dropped a whole class of  
21           policies.  And yet in the bill there's no  
22           identifiable standards by which the  
23           superintendent may judge if this has occurred.  
24           I think that needs to be tightened up  
25           considerably.

1           Insurers may legitimately drop an  
2           entire class of policies, mainly due to cost,  
3           and they drag down the entire financial  
4           situation for the entire plan, and that  
5           jeopardizes the coverage and payment of claims  
6           for other policyholders.

7           So this bill needs a great deal of  
8           work, particularly in light of the federal  
9           healthcare law that has been passed a few  
10          months ago. We need to identify how this type  
11          of bill would fit into the federal law.  
12          There's much more work to be done, and  
13          therefore I am voting no.

14                 ACTING PRESIDENT VALESKY:  
15          Senator Seward to be recorded in the negative.

16                 Senator Schneiderman, to explain  
17          his vote.

18                 SENATOR SCHNEIDERMAN:     Thank you,  
19          Mr. President.

20                 This legislation corrects a  
21          grievous wrong in the current law by  
22          preventing insurance companies, who are barred  
23          by law from throwing people out when they get  
24          sick, from obtaining the same results by  
25          cancelling a whole line of policies and then

1 reoffering policies to their healthy  
2 customers.

3 I acknowledge Senator Seward's  
4 concerns. We are in discussions with the  
5 Assembly about possible modifications. But  
6 this is fundamentally an essential step to  
7 preserve the integrity of our insurance  
8 system. This is a gap in the federal  
9 healthcare legislation. It is now possible  
10 for people to be thrown off their insurance  
11 and excluded once they become very ill,  
12 through this pretext.

13 We're closing that loophole with  
14 this legislation, and I am voting in the  
15 affirmative.

16 ACTING PRESIDENT VALESKY:  
17 Senator Schneiderman to be recorded in the  
18 affirmative.

19 Announce the results.

20 THE SECRETARY: Those recorded in  
21 the negative on Calendar Number 715 are  
22 Senators Farley, Hannon, O. Johnson, Larkin,  
23 Maziarz, Seward, Skelos and Winner.

24 Ayes, 53. Nays, 8.

25 ACTING PRESIDENT VALESKY: The

1 bill is passed.

2 The Secretary will continue to  
3 read.

4 THE SECRETARY: Calendar Number  
5 53, by Senator Klein, Senate Print 2614B, an  
6 act to amend the Real Property Law.

7 ACTING PRESIDENT VALESKY: Are  
8 there any Senators who wish to be heard on  
9 Calendar Number 53?

10 Seeing none, the debate is closed.

11 The Secretary will ring the bells.  
12 Calendar Number 53 is before the house.

13 Read the last section.

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

16 ACTING PRESIDENT VALESKY: Call  
17 the roll.

18 (The Secretary called the roll.)

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

21 SENATOR KLEIN: Mr. President, in  
22 lieu of the problems we're having around the  
23 country and especially here in New York with  
24 the large number of foreclosures, this  
25 legislation is a very, very important

1 addition.

2 The bill provides that a homeowner  
3 may recover reasonable attorney fees and costs  
4 in an action when they prevail against the  
5 lender.

6 Right now, under present law, the  
7 bank or the lender only is able to get  
8 attorney fees. With various housing agencies  
9 finding it very, very difficult to find  
10 lawyers for any proceedings, it becomes  
11 incumbent upon the homeowner in many cases to  
12 find a lawyer on their own. Unfortunately,  
13 the pro bono attorneys that have done such  
14 great work in helping distressed borrowers are  
15 far and few between.

16 So this is an important piece of  
17 legislation because this allows now an  
18 attorney to pick up this case, get paid a fee  
19 for their hard work, thus keeping more people  
20 in their home and keeping the American dream  
21 of home ownership alive for future  
22 generations.

23 I vote yes, Mr. President.

24 ACTING PRESIDENT VALESKY:

25 Senator Klein to be recorded in the

1 affirmative.

2 Announce the results.

3 THE SECRETARY: Those recorded in  
4 the negative on Calendar Number 53 are  
5 Senators Alesi, Bonacic, DeFrancisco, Farley,  
6 Flanagan, Fuschillo, Golden, Griffio, Hannon,  
7 O. Johnson, Lanza, Larkin, LaValle, Leibell,  
8 Libous, Little, Marcellino, Maziarz, McDonald,  
9 Nozzolio, Padavan, Ranzenhofer, Robach,  
10 Saland, Seward, Skelos, Winner and Young.

11 In relation to Calendar Number 53,  
12 absent from voting: Senator Volker.

13 Ayes, 32. Nays, 28.

14 ACTING PRESIDENT VALESKY: The  
15 bill is passed.

16 The Secretary will continue to  
17 read.

18 THE SECRETARY: Calendar Number  
19 638, by Senator Klein, Senate Print 1837B, an  
20 act to amend the Election Law.

21 ACTING PRESIDENT VALESKY: Are  
22 there any Senators who wish to be heard?

23 Seeing none, the debate is closed.

24 The Secretary will ring the bells  
25 and read the last section.

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

3 ACTING PRESIDENT VALESKY: Call  
4 the roll.

5 (The Secretary called the roll.)

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

8 SENATOR KLEIN: Thank you,  
9 Mr. President.

10 This is, I think, a commonsense  
11 approach to a problem that exists I believe  
12 all over the state, of the lack of election  
13 inspectors. Unfortunately -- I know our  
14 election inspectors do outstanding work, but a  
15 lot of times they're getting older and older,  
16 and it becomes difficult to replenish an  
17 important workforce.

18 This would allow college students  
19 the ability to serve as election inspectors,  
20 both Democrat and Republican, in areas they  
21 may not necessarily be registered in. In  
22 other words, college students who now could  
23 work as election inspectors in the town or  
24 area they're living in now.

25 I think besides having some direly



1       needed election inspectors, this is I think a  
2       perfect civic lesson for college students, to  
3       engage in the voting process at an early age,  
4       and hopefully that will stay with them for a  
5       lifetime.

6               So, Mr. President, I vote yes on  
7       this bill.

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

11              Announce the results.

12              THE SECRETARY:     Those recorded in  
13      the negative on Calendar Number 638 are  
14      Senators Alesi, Bonacic, DeFrancisco, Farley,  
15      Flanagan, Fuschillo, Golden, Griffio, Hannon,  
16      O. Johnson, Lanza, Larkin, LaValle, Leibell,  
17      Libous, Little, Marcellino, Maziarz, McDonald,  
18      Nozzolio, Padavan, Ranzenhofer, Robach,  
19      Saland, Seward, Skelos, Winner and Young.

20              Absent from voting:   Senator  
21      Volker.

22              Ayes, 32.   Nays, 28.

23              ACTING PRESIDENT VALESKY:     The  
24      bill is passed.

25              The Secretary will continue to

1 read.

2 THE SECRETARY: Calendar Number  
3 835, by Senator Foley, Senate Print 5536A, an  
4 act to amend the Penal Law.

5 ACTING PRESIDENT VALESKY: Are  
6 there any Senators who wish to be heard?

7 Seeing none, the debate is closed.

8 The Secretary will ring the bells  
9 and read the last section.

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

13 ACTING PRESIDENT VALESKY: Call  
14 the roll.

15 (The Secretary called the roll.)

16 THE SECRETARY: Ayes, 60. Nays,  
17 0.

18 Absent from voting: Senator  
19 Volker.

20 ACTING PRESIDENT VALESKY: The  
21 bill is passed.

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

24 SENATOR KLEIN: Thank you,  
25 Mr. President.

1                   Can we briefly return to motions  
2                   and resolutions.

3                   ACTING PRESIDENT VALESKY:  
4                   Returning to motions and resolutions.

5                   Senator Klein.

6                   SENATOR KLEIN:     Mr. President, on  
7                   behalf of Senator L. Krueger, on page 20 I  
8                   offer the following amendments to Calendar  
9                   Number 430, Senate Print Number 3856A, and ask  
10                  that said bill retain its place on Third  
11                  Reading Calendar.

12                  ACTING PRESIDENT VALESKY:     The  
13                  amendments are received.

14                  SENATOR KLEIN:     Mr. President, on  
15                  behalf of Senator Parker, I wish to call up  
16                  Calendar Number 243, Assembly Print Number  
17                  4170A.

18                  ACTING PRESIDENT VALESKY:     The  
19                  Secretary will read.

20                  THE SECRETARY:     Calendar Number  
21                  243, by Member of the Assembly Cook, Assembly  
22                  Print Number 4170A, an act to amend the  
23                  Education Law.

24                  ACTING PRESIDENT VALESKY:  
25                  Senator Klein.

1                   SENATOR KLEIN:     Mr. President, I  
2                   now move to reconsider the vote by which this  
3                   Assembly bill was substituted for Senate Print  
4                   Number 6355 on March 15, 2010.

5                   ACTING PRESIDENT VALESKY:     The  
6                   Secretary will call the roll on  
7                   reconsideration.

8                   (The Secretary called the roll.)

9                   THE SECRETARY:     Ayes, 60.

10                  ACTING PRESIDENT VALESKY:  
11                  Senator Klein.

12                  SENATOR KLEIN:     I now move that  
13                  Assembly Bill Number 4170A be recommitted to  
14                  the Committee on Education and the Senate bill  
15                  be restored to the order of Third Reading  
16                  Calendar.

17                  ACTING PRESIDENT VALESKY:     So  
18                  ordered.

19                  SENATOR KLEIN:     Mr. President, I  
20                  now offer the following amendments.

21                  ACTING PRESIDENT VALESKY:     The  
22                  amendments are received.

23                  SENATOR KLEIN:     Mr. President,  
24                  please recognize Senator Libous also for some  
25                  motions.

1                   ACTING PRESIDENT VALESKY:

2       Senator Libous.

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

5                   On behalf of Senator LaValle, I  
6       wish to call up his bill, Print 1447A,  
7       recalled from the Assembly, which is now at  
8       the desk.

9                   ACTING PRESIDENT VALESKY:       The  
10       Secretary will read.

11                   THE SECRETARY:       Calendar Number  
12       67, by Senator LaValle, Senate Print 1447A, an  
13       act to amend the Education Law.

14                   ACTING PRESIDENT VALESKY:  
15       Senator Libous.

16                   SENATOR LIBOUS:       Thank you,  
17       Mr. President. I now move to reconsider the  
18       vote by which this bill was passed.

19                   ACTING PRESIDENT VALESKY:       The  
20       Secretary will call the roll on  
21       reconsideration.

22                   (The Secretary called the roll.)

23                   THE SECRETARY:       Ayes, 60.

24                   ACTING PRESIDENT VALESKY:  
25       Senator Libous.

1                   SENATOR LIBOUS:     Mr. President, I  
2     now offer up the following amendments.

3                   ACTING PRESIDENT VALESKY:     The  
4     amendments are received.

5                   Senator Klein.

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

9                   ACTING PRESIDENT VALESKY:     The  
10    Secretary will proceed with the reading of  
11    Senate Supplemental Calendar 63A, which is on  
12    the members' desks.

13                  THE SECRETARY:     Calendar Number  
14    960, by Senator Dilan, Senate Print 1432, an  
15    act to amend the Environmental Conservation  
16    Law.

17                  ACTING PRESIDENT VALESKY:     Read  
18    the last section.

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

21                  ACTING PRESIDENT VALESKY:     Call  
22    the roll.

23                  (The Secretary called the roll.)

24                  SENATOR LIBOUS:     Mr. President.

25                  ACTING PRESIDENT VALESKY:

1 Senator Libous, why do you rise?

2 SENATOR LIBOUS: We're on the  
3 supplemental calendar. Where are we on the  
4 supplemental calendar?

5 ACTING PRESIDENT VALESKY: The  
6 first bill on the supplemental calendar,  
7 Calendar Number 960.

8 Senator Libous, these bills were  
9 the result of the Rules Committee meeting from  
10 yesterday. The Rules Committee report was  
11 accepted earlier today.

12 SENATOR LIBOUS: Thank you,  
13 Mr. President.

14 (Pause.)

15 SENATOR LIBOUS: Mr. President.

16 ACTING PRESIDENT VALESKY:  
17 Senator Libous.

18 SENATOR LIBOUS: There will be an  
19 immediate Republican conference. It will be a  
20 short conference, about 15 minutes.

21 ACTING PRESIDENT VALESKY:  
22 Immediate Republican conference.

23 Senator Klein.

24 SENATOR KLEIN: Mr. President,  
25 can we please stand at ease, coming back at

1           6:30 sharp.

2                    ACTING PRESIDENT VALESKY:       The  
3       Senate will stand at ease until 6:30.

4                    (Whereupon, the Senate stood at  
5       ease at 6:13 p.m.)

6                    (Whereupon, the Senate reconvened  
7       at 6:28 p.m.)

8                    ACTING PRESIDENT VALESKY:  
9       Senator Klein.

10                   SENATOR KLEIN:       Mr. President,  
11       can we please go to a reading of the  
12       supplemental calendar.

13                    ACTING PRESIDENT VALESKY:       The  
14       Secretary will proceed with the reading of  
15       Senate Supplemental Calendar 63A.

16                    THE SECRETARY:       Calendar Number  
17       960, by Senator Dilan, Senate Print 1432, an  
18       act to amend the Environmental Conservation  
19       Law.

20                    ACTING PRESIDENT VALESKY:       Read  
21       the last section.

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

24                    ACTING PRESIDENT VALESKY:       Call  
25       the roll.



1 (The Secretary called the roll.)

2 THE SECRETARY: Ayes, 61.

3 ACTING PRESIDENT VALESKY: The  
4 bill is passed.

5 THE SECRETARY: Calendar Number  
6 961, by Senator Dilan, Senate Print 3185, an  
7 act to amend the General Municipal Law.

8 ACTING PRESIDENT VALESKY: Read  
9 the last section.

10 THE SECRETARY: Section 2. This  
11 act shall take effect on the 30th day.

12 ACTING PRESIDENT VALESKY: Call  
13 the roll.

14 (The Secretary called the roll.)

15 THE SECRETARY: Ayes, 60. Nays,  
16 1. Senator Ranzenhofer recorded in the  
17 negative.

18 ACTING PRESIDENT VALESKY: The  
19 bill is passed.

20 THE SECRETARY: Calendar Number  
21 962, by Senator Stachowski, Senate Print 3246,  
22 an act to amend the Alcoholic Beverage Control  
23 Law.

24 ACTING PRESIDENT VALESKY: Read  
25 the last section.

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

3 ACTING PRESIDENT VALESKY: Call  
4 the roll.

5 (The Secretary called the roll.)

6 THE SECRETARY: Those recorded in  
7 the negative on Calendar Number 962 are  
8 Senators Fuschillo and Senator LaValle. Also  
9 Senator Marcellino.

10 Ayes, 58. Nays, 3.

11 ACTING PRESIDENT VALESKY: The  
12 bill is passed.

13 THE SECRETARY: Calendar Number  
14 963, by Senator Stewart-Cousins, Senate  
15 Print --

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

18 ACTING PRESIDENT VALESKY: The  
19 bill is laid aside for the day.

20 THE SECRETARY: Calendar Number  
21 964, by Senator Dilan --

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

24 ACTING PRESIDENT VALESKY: The  
25 bill is laid aside for the day.

1                   THE SECRETARY:     Calendar Number  
2     965, by Senator Stavisky, Senate Print 4847A,  
3     an act to amend the Education Law.

4                   ACTING PRESIDENT VALESKY:     Read  
5     the last section.

6                   THE SECRETARY:     Section 3.   This  
7     act shall take effect on the first of  
8     September.

9                   ACTING PRESIDENT VALESKY:     Call  
10    the roll.

11                   (The Secretary called the roll.)

12                   THE SECRETARY:     Ayes, 61.

13                   ACTING PRESIDENT VALESKY:     The  
14    bill is passed.

15                   THE SECRETARY:     Calendar Number  
16    966, by Senator Stachowski, Senate Print  
17    5431C, an act to amend the Education Law.

18                   ACTING PRESIDENT VALESKY:     Read  
19    the last section.

20                   THE SECRETARY:     Section 2.   This  
21    act shall take effect January 1, 2012.

22                   ACTING PRESIDENT VALESKY:     Call  
23    the roll.

24                   (The Secretary called the roll.)

25                   THE SECRETARY:     Ayes, 61.

1                   ACTING PRESIDENT VALESKY:     The  
2     bill is passed.

3                   THE SECRETARY:     Calendar Number  
4     967, by Senator Dilan, Senate Print 6476, an  
5     act to amend the Vehicle and Traffic Law.

6                   ACTING PRESIDENT VALESKY:     Read  
7     the last section.

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

11                  ACTING PRESIDENT VALESKY:     Call  
12    the roll.

13                  (The Secretary called the roll.)

14                  THE SECRETARY:     Ayes, 61.

15                  ACTING PRESIDENT VALESKY:     The  
16    bill is passed.

17                  THE SECRETARY:     Calendar Number  
18    968 --

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

21                  ACTING PRESIDENT VALESKY:     The  
22    bill is laid aside for the day.

23                  THE SECRETARY:     Calendar Number  
24    970, by Senator L. Krueger, Senate Print 8083,  
25    an act to amend the Real Property Tax Law.

1                   ACTING PRESIDENT VALESKY:     Read  
2     the last section.

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

5                   ACTING PRESIDENT VALESKY:     Call  
6     the roll.

7                   (The Secretary called the roll.)

8                   THE SECRETARY:     Ayes, 61.

9                   ACTING PRESIDENT VALESKY:     The  
10    bill is passed.

11                   Senator Klein, that completes the  
12    reading of Senate Supplemental Calendar 63A.

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

15                   ACTING PRESIDENT VALESKY:     The  
16    desk is clear.

17                   SENATOR KLEIN:     There being no  
18    further business, I move that we adjourn until  
19    Wednesday, June 16th, at 10:00 a.m.

20                   ACTING PRESIDENT VALESKY:     On  
21    motion, the Senate stands adjourned until  
22    Wednesday, June 16th, at 10:00 a.m.

23                   (Whereupon, at 6:32 p.m., the  
24    Senate adjourned.)

25