THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

June 15, 2010

1:48 p.m.

REGULAR SESSION

SENATOR DAVID J. VALESKY, Acting President

ANGELO J. APONTE, Secretary

P R O C E E D I N G S

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

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

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

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

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

ACTING PRESIDENT VALESKY: The reading of the Journal.

The Secretary will read.

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

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

Presentation of petitions.

Messages from the Assembly.

Messages from the Governor.

Reports of standing committees.

Senator Klein.

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

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

The Secretary will read.

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

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

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

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

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

4478A, by Senator Dilan, an act to

amend the Railroad Law;

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

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

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

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

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

All bills ordered direct to third reading.

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

(Response of "Aye.")

ACTING PRESIDENT VALESKY: Opposed, nay.

(No response.)

ACTING PRESIDENT VALESKY: The Rules Committee report is adopted.

Senator Klein.

SENATOR KLEIN: Mr. President, I

have some floor motions.

ACTING PRESIDENT VALESKY: You may proceed.

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

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

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

ACTING PRESIDENT VALESKY: So ordered.

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

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

Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

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

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

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

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

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

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

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

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

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

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

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

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

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

ACTING PRESIDENT VALESKY: Substitutions ordered.

Senator Klein.

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

ACTING PRESIDENT VALESKY:

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

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

ACTING PRESIDENT VALESKY: The Secretary will read.

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

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

(Response of "Aye.")

ACTING PRESIDENT VALESKY: Opposed, nay.

(No response.)

ACTING PRESIDENT VALESKY: The resolution is adopted.

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

Senator Klein.

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

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

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

ACTING PRESIDENT VALESKY: The Secretary will read.

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

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

(Response of "Aye.")

ACTING PRESIDENT VALESKY: Opposed, nay.

(No response.)

ACTING PRESIDENT VALESKY: The

resolution is adopted.

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

Senator Klein.

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

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

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

SENATOR LIBOUS: Lay the bill aside.

ACTING PRESIDENT VALESKY: The bill is laid aside.

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

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

ACTING PRESIDENT VALESKY: The

bill is laid aside for the day.

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

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

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

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

ACTING PRESIDENT VALESKY: Read the last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT VALESKY: Senator Klein.

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

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

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

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

Announce the results.

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

Ayes, 42. Nays, 19.

ACTING PRESIDENT VALESKY: The bill is passed.

Returning to Calendar Number 155.

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

ACTING PRESIDENT VALESKY: Read the last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

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

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

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

Ayes, 43. Nays, 18.

ACTING PRESIDENT VALESKY: The bill is passed.

Senator Hannon, why do you rise?

SENATOR HANNON: Mr. President,

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

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

SENATOR HANNON: Thank you, Mr. President.

ACTING PRESIDENT VALESKY: Senator Klein.

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

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

SENATOR RANZENHOFER: Thank you, Mr. President.

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

former colleague, Mary Lou Rath.

(Standing ovation.)

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

The Secretary will proceed with Calendar Number 481, noncontroversial.

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

ACTING PRESIDENT VALESKY: Read the last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

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

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

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

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

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

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

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

Senator Craig Johnson, to explain his vote.

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

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

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

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

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

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

I vote yes. Thank you very much,

Mr. President.

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

Announce the results.

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

Ayes, 55. Nays, 6.

ACTING PRESIDENT VALESKY: The bill is passed.

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

ACTING PRESIDENT VALESKY: Read the last section.

SENATOR LIBOUS: Lay it aside.

ACTING PRESIDENT VALESKY: The bill is laid aside.

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

ACTING PRESIDENT VALESKY: Read the last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61. Nays, 0.

ACTING PRESIDENT VALESKY: The bill is passed.

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

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

Read the last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT VALESKY: The

bill is passed.

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

ACTING PRESIDENT VALESKY: Read the last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT VALESKY: The bill is passed.

Senator DeFrancisco, why do you rise?

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

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

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

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

The bill is passed.

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

ACTING PRESIDENT VALESKY: Read the last section.

SENATOR LIBOUS: Lay it aside.

ACTING PRESIDENT VALESKY: The bill is laid aside.

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

ACTING PRESIDENT VALESKY: Read the last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT VALESKY: The bill is passed.

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

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

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

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

ACTING PRESIDENT VALESKY: Read the last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT VALESKY: The bill is passed.

THE SECRETARY: Calendar Number

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

ACTING PRESIDENT VALESKY: Read the last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

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

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

ACTING PRESIDENT VALESKY: The bill is passed.

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

ACTING PRESIDENT VALESKY: Read the last section.

THE SECRETARY: Section 2. This

act shall take effect on the 30th day.

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT VALESKY: Announce the results.

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

Ayes, 33. Nays, 28.

ACTING PRESIDENT VALESKY: The bill is passed.

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

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

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

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

an act to amend the General Business Law.

ACTING PRESIDENT VALESKY: Read the last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT VALESKY: The bill is passed.

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

ACTING PRESIDENT VALESKY: Read the last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT VALESKY: Announce the results.

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

Ayes, 52. Nays, 9.

ACTING PRESIDENT VALESKY: The bill is passed.

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

ACTING PRESIDENT VALESKY: Read the last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT VALESKY: Senator Klein.

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

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

aside for the day.

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

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

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

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

ACTING PRESIDENT VALESKY: Read the last section.

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

SENATOR SALAND: Lay it aside.

ACTING PRESIDENT VALESKY: The bill is laid aside.

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

ACTING PRESIDENT VALESKY: Call the roll on the resolution.

(The Secretary called the roll.)

ACTING PRESIDENT VALESKY: Announce the results.

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

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

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

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

The Secretary will announce the results.

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

Ayes, 59. Nays, 2.

ACTING PRESIDENT VALESKY: First

consideration on this concurrent resolution is approved.

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

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

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

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

ACTING PRESIDENT VALESKY: Read the last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT VALESKY: Announce the results.

THE SECRETARY: Those recorded in the negative on Calendar Number 729 are Senators Alesi, Bonacic, DeFrancisco, Farley, Flanagan, Fuschillo, Golden, Griffo, Hannon,

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

Ayes, 32. Nays, 29.

ACTING PRESIDENT VALESKY: The bill is passed.

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

ACTING PRESIDENT VALESKY: Read the last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT VALESKY: The bill is passed.

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

and Breeding Law.

ACTING PRESIDENT VALESKY: Read the last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT VALESKY: The bill is passed.

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

ACTING PRESIDENT VALESKY: Read the last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT VALESKY: Announce the results.

THE SECRETARY: Those recorded in

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

Ayes, 54. Nays, 7.

ACTING PRESIDENT VALESKY: The bill is passed.

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

ACTING PRESIDENT VALESKY: Read the last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT VALESKY: The bill is passed.

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

ACTING PRESIDENT VALESKY: Read the last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

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

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

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

ACTING PRESIDENT VALESKY: Read the last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT VALESKY: Announce the results.

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

Voting in the negative, Senators Larkin and Skelos.

ACTING PRESIDENT VALESKY: The bill is passed.

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

ACTING PRESIDENT VALESKY: Read the last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT VALESKY: Announce the results.

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

Senator Maziarz voting in the

affirmative. Again.

Ayes, 37. Nays, 24.

ACTING PRESIDENT VALESKY: The bill is passed.

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

ACTING PRESIDENT VALESKY: Read the last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

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

SENATOR LIZ KRUEGER: Thank you very much.

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

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

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

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

Thank you, Mr. President.

ACTING PRESIDENT VALESKY: Senator Krueger to be recorded in the

affirmative.

Senator Bonacic, to explain his vote.

SENATOR BONACIC: Just to explain my vote.

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

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

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

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

Senator Libous.

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

(Laughter.)

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

Senator Alesi, to explain his vote.

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

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

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

Senator Maziarz, to explain his vote.

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

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

Thank you.

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

Senator Saland, to explain his vote.

SENATOR SALAND: Thank you, Mr. President.

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

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

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

(Laughter.)

ACTING PRESIDENT VALESKY: Senator Saland, how do you vote?

SENATOR SALAND: I vote in the negative.

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

Senator Larkin, to explain his vote.

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

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

me?

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

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

Announce the results.

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

Ayes, 49. Nays, 12.

ACTING PRESIDENT VALESKY: The bill is passed.

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

ACTING PRESIDENT VALESKY: Read the last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

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

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

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

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

it may not be deemed relevant.

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

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

Announce the results.

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

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

Ayes, 40. Nays, 21.

ACTING PRESIDENT VALESKY: The bill is passed.

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

Law.

ACTING PRESIDENT VALESKY: Read the last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT VALESKY: The bill is passed.

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

ACTING PRESIDENT VALESKY: Read the last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT VALESKY: The bill is passed.

THE SECRETARY: Calendar Number

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

ACTING PRESIDENT VALESKY: Read the last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT VALESKY: Announce the results.

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

Ayes, 33. Nays, 28.

ACTING PRESIDENT VALESKY: The bill is passed.

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

2554B, an act to amend the Election Law.

ACTING PRESIDENT VALESKY: Read the last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT VALESKY: Announce the results.

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

Ayes, 33. Nays, 28.

ACTING PRESIDENT VALESKY: The bill is passed.

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

ACTING PRESIDENT VALESKY: Read the last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

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

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

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

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

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

Thank you. I vote no.

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

Senator Adams, to explain his vote.

SENATOR ADAMS: Yeah, thank you. I started out my law enforcement career as a transit police officer. And the role of those who are in the transit system, Mr. President, is not merely there just to clean the station, but to move large numbers of passengers.

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

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

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

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

Announce the results.

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

Ayes, 58. Nays, 3.

ACTING PRESIDENT VALESKY: The bill is passed.

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

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

ACTING PRESIDENT VALESKY: Read the last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT VALESKY: Announce the results.

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

(Pause.)

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

Ayes, 40. Nays, 21.

ACTING PRESIDENT VALESKY: The bill is passed.

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

ACTING PRESIDENT VALESKY: Read the last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT VALESKY: The bill is passed.

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

ACTING PRESIDENT VALESKY: Read the last section.

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

SENATOR LIBOUS: Lay the bill aside.

ACTING PRESIDENT VALESKY: The bill is laid aside.

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

ACTING PRESIDENT VALESKY: Read the last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT VALESKY: The bill is passed.

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

ACTING PRESIDENT VALESKY: Read the last section.

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

ACTING PRESIDENT VALESKY: Call

the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT VALESKY: The bill is passed.

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

SENATOR LIBOUS: Lay it aside.

ACTING PRESIDENT VALESKY: The bill is laid aside.

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

ACTING PRESIDENT VALESKY: Read the last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT VALESKY: The bill is passed.

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

ACTING PRESIDENT VALESKY: Read the last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT VALESKY: The bill is passed.

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

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

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

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

ACTING PRESIDENT VALESKY: Read

the last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT VALESKY: The bill is passed.

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

ACTING PRESIDENT VALESKY: Read the last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

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

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

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

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

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

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

Thank you.

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

Senator Farley, to explain his vote.

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

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

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

Announce the results.

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

Ayes, 45. Nays, 16.

ACTING PRESIDENT VALESKY: The bill is passed.

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

ACTING PRESIDENT VALESKY: Read the last section.

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

ACTING PRESIDENT VALESKY: Call

the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT VALESKY: The bill is passed.

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

ACTING PRESIDENT VALESKY: Senator Klein.

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

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

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

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

(Response of "Aye.")

ACTING PRESIDENT VALESKY: Opposed, nay.

(Response of "Nay.")

ACTING PRESIDENT VALESKY: The message is accepted.

The Secretary will read the last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

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

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

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

Senator Klein.

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

ACTING PRESIDENT VALESKY: Senator Libous.

SENATOR LIBOUS: Thank you, Senator Klein.

Immediate Republican conference.

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

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

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

ACTING PRESIDENT VALESKY: The Senate will stand at ease.

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

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

ACTING PRESIDENT VALESKY: The Senate will return to order.

Senator Klein.

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

ACTING PRESIDENT VALESKY: The Secretary will ring the bells.

All Senators are asked to come to

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

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

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

SENATOR LIBOUS: Mr. President.

ACTING PRESIDENT VALESKY: Senator Libous.

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

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

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

debate is closed.

The Secretary will ring the bells once again.

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

Senator Klein.

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

Let's take up Calendar Number 839.

ACTING PRESIDENT VALESKY: Calendar Number 958 will be laid aside temporarily.

The Secretary will place Calendar Number 839 before the house.

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

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

Hearing none, the debate is closed.

The Secretary will ring the bells.

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

Senator Schneiderman, on the bill.

SENATOR SCHNEIDERMAN: Thank you, Mr. President.

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

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

As has been testified to and

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

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

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

ACTING PRESIDENT VALESKY: Thank you, Senator Schneiderman.

Are there any other Senators who wish to be heard?

Seeing none, the debate is closed.

The Secretary will ring the bells.

Read the last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

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

SENATOR SQUADRON: Thank you, Mr. President.

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

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

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

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

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

I vote yes. Thank you, Mr. President.

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

Senator Craig Johnson, to explain his vote.

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

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

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

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

I vote yes, Mr. President. Thank you.

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

Senator Adams, to explain his vote.

SENATOR ADAMS: Thank you, Mr. President.

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

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

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

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

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

Senator Liz Krueger, to explain her vote.

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

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

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

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

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

ACTING PRESIDENT VALESKY:

Senator Liz Krueger to be recorded in the affirmative.

Senator Montgomery, to explain her vote.

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

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

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

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

issues.

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

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

Thank you, Mr. President. I vote aye.

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

Senator Perkins, to explain his vote.

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

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

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

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

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

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

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

Senator Diaz, to explain his vote.

SENATOR DIAZ: Thank you, Mr. President.

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

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

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

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

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

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

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

Senator Smith, to explain his vote.

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

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

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

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

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

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

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

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

Thank you.

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

Senator Oppenheimer, to explain her vote.

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

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

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

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

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

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

SENATOR OPPENHEIMER: I'm voting yes.

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

Senator Klein.

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

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

The Secretary will proceed with calling the roll call slowly.

SENATOR LIBOUS: Mr. President, point of clarification.

ACTING PRESIDENT VALESKY:

Senator Libous, state your point of clarification.

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

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

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

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

THE SECRETARY: Senator Adams.

SENATOR ADAMS: I vote aye.

THE SECRETARY: Senator Addabbo.

SENATOR ADDABBO: Yes.

THE SECRETARY: Senator Alesi.

SENATOR ALESI: No.

THE SECRETARY: Senator Aubertine.

SENATOR AUBERTINE: No.

THE SECRETARY: Senator Bonacic.

Senator Bonacic in the negative.

Senator Breslin.

SENATOR BRESLIN: Yes.

THE SECRETARY: Senator DeFrancisco.

SENATOR DeFRANCISCO: No.

THE SECRETARY: Senator Diaz.

SENATOR DIAZ: Si se puede.

THE SECRETARY: Senator Dilan.

SENATOR DILAN: Yes.

THE SECRETARY: Senator Duane.

SENATOR DUANE: Yes.

THE SECRETARY: Senator Espada.

SENATOR ESPADA: Yes.

THE SECRETARY: Senator Farley.

SENATOR FARLEY: No.

THE SECRETARY: Senator Flanagan.

SENATOR FLANAGAN: No.

THE SECRETARY: Senator Foley.

SENATOR FOLEY: Yes.

THE SECRETARY: Senator Fuschillo.

SENATOR FUSCHILLO: No.

THE SECRETARY: Senator Golden.

(No response.)

THE SECRETARY: Senator Griffo.
SENATOR GRIFFO: No.
THE SECRETARY: Senator Hannon.
SENATOR HANNON: No.
THE SECRETARY: Senator Hassell-Thompson.
SENATOR HASSELL-THOMPSON: Yes.
THE SECRETARY: Senator Huntley.
SENATOR HUNTLEY: Yes.
THE SECRETARY: Senator C. Johnson.
SENATOR CRAIG JOHNSON: Yes.
THE SECRETARY: Senator O. Johnson.
SENATOR OWEN JOHNSON: No.
THE SECRETARY: Senator Klein.
SENATOR KLEIN: Yes.
THE SECRETARY: Senator L. Krueger.
SENATOR LIZ KRUEGER: Yes.
THE SECRETARY: Senator C. Kruger.
SENATOR CARL KRUGER: Yes.
THE SECRETARY: Senator Lanza.
SENATOR LANZA: No.

THE SECRETARY: Senator Larkin.
SENATOR LARKIN: No.
THE SECRETARY: Senator LaValle.
SENATOR LaVALLE: No.
THE SECRETARY: Senator Leibell.
SENATOR LEIBELL: No.
THE SECRETARY: Senator Libous.
SENATOR LIBOUS: No.
THE SECRETARY: Senator Little.
SENATOR LITTLE: No.
THE SECRETARY: Senator Marcellino.
SENATOR MARCELLINO: No.
THE SECRETARY: Senator Maziarz.
SENATOR MAZIARZ: No.
THE SECRETARY: Senator McDonald.
SENATOR McDONALD: No.
THE SECRETARY: Senator Montgomery.
SENATOR MONTGOMERY: Yes.
THE SECRETARY: Senator Morahan, excused.
Senator Nozzolio.
SENATOR NOZZOLIO: No.
THE SECRETARY: Senator Onorato.

SENATOR ONORATO: Yes.
THE SECRETARY: Senator Oppenheimer.
SENATOR OPPENHEIMER: Yes.
THE SECRETARY: Senator Padavan.
SENATOR PADAVAN: Yes.
THE SECRETARY: Senator Parker.
SENATOR PARKER: Aye.
THE SECRETARY: Senator Peralta.
SENATOR PERALTA: Yes.
THE SECRETARY: Senator Perkins.
SENATOR PERKINS: Yes, sir.
THE SECRETARY: Senator Ranzenhofer.
SENATOR RANZENHOFER: No.
THE SECRETARY: Senator Robach.
SENATOR ROBACH: No.
THE SECRETARY: Senator Saland.
SENATOR SALAND: No.
THE SECRETARY: Senator Sampson.
SENATOR SAMPSON: Yes.
THE SECRETARY: Senator Savino.
SENATOR SAVINO: Yes.
THE SECRETARY: Senator Schneiderman.

ACTING PRESIDENT VALESKY:

Senator Schneiderman, to explain his vote.

SENATOR SCHNEIDERMAN: Thank you, Mr. President.

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

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

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

ACTING PRESIDENT VALESKY:

Senator Schneiderman to be recorded in the affirmative.

THE SECRETARY: Senator Serrano.

SENATOR SERRANO: Yes.

THE SECRETARY: Senator Seward.
SENATOR SEWARD: No.
THE SECRETARY: Senator Skelos: No.
Senator Smith.
SENATOR SMITH: Yes.
THE SECRETARY: Senator Squadron.
SENATOR SQUADRON: Yes.
THE SECRETARY: Senator Stachowski.
SENATOR STACHOWSKI: No.
THE SECRETARY: Senator Stavisky.
SENATOR STAVISKY: Yes.
THE SECRETARY: Senator Stewart-Cousins.
SENATOR STEWART-COUSINS: Yes.
THE SECRETARY: Senator Thompson.
SENATOR THOMPSON: Yes.
THE SECRETARY: Senator Valesky.
SENATOR VALESKY: No.
THE SECRETARY: Senator Volker.
SENATOR VOLKER: No.
THE SECRETARY: Senator Winner.
SENATOR WINNER: No.
THE SECRETARY: Senator Young.

SENATOR YOUNG: No.

SENATOR KLEIN: Mr. President.

ACTING PRESIDENT VALESKY: Senator Klein.

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

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

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

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

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

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

The Secretary will read.

THE SECRETARY: Calendar Number

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

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

Seeing none, the debate is closed.

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

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT VALESKY: Announce the results.

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

Absent from voting: Senator

Golden.

Ayes, 32. Nays, 28.

ACTING PRESIDENT VALESKY: The bill is passed.

The Secretary will continue to read.

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

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

Seeing none, the debate is closed.

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

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT VALESKY: The Secretary will announce the results.

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

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

Ayes, 32. Nays, 29.

ACTING PRESIDENT VALESKY: The bill is passed.

The Secretary will continue to read.

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

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

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

Read the last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

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

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

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

SENATOR SEWARD: Thank you, Mr. President.

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

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

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

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

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

Senator Schneiderman, to explain his vote.

SENATOR SCHNEIDERMAN: Thank you, Mr. President.

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

reoffering policies to their healthy customers.

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

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

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

Announce the results.

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

Ayes, 53. Nays, 8.

ACTING PRESIDENT VALESKY: The

bill is passed.

The Secretary will continue to read.

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

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

Seeing none, the debate is closed.

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

Read the last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

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

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

addition.

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

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

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

I vote yes, Mr. President.

ACTING PRESIDENT VALESKY:

Senator Klein to be recorded in the

affirmative.

Announce the results.

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

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

Ayes, 32. Nays, 28.

ACTING PRESIDENT VALESKY: The bill is passed.

The Secretary will continue to read.

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

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

Seeing none, the debate is closed.

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

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

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

SENATOR KLEIN: Thank you, Mr. President.

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

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

I think besides having some direly

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

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

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

Announce the results.

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

Absent from voting: Senator Volker.

Ayes, 32. Nays, 28.

ACTING PRESIDENT VALESKY: The bill is passed.

The Secretary will continue to

read.

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

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

Seeing none, the debate is closed.

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

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60. Nays, 0.

Absent from voting: Senator Volker.

ACTING PRESIDENT VALESKY: The bill is passed.

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

SENATOR KLEIN: Thank you, Mr. President.

Can we briefly return to motions and resolutions.

ACTING PRESIDENT VALESKY: Returning to motions and resolutions.

Senator Klein.

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

ACTING PRESIDENT VALESKY: The amendments are received.

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

ACTING PRESIDENT VALESKY: The Secretary will read.

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

ACTING PRESIDENT VALESKY: Senator Klein.

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

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

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT VALESKY: Senator Klein.

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

ACTING PRESIDENT VALESKY: So ordered.

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

ACTING PRESIDENT VALESKY: The amendments are received.

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

ACTING PRESIDENT VALESKY: Senator Libous.

SENATOR LIBOUS: Thank you, Mr. President.

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

ACTING PRESIDENT VALESKY: The Secretary will read.

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

ACTING PRESIDENT VALESKY: Senator Libous.

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

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

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT VALESKY: Senator Libous.

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

ACTING PRESIDENT VALESKY: The amendments are received.

Senator Klein.

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

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

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

ACTING PRESIDENT VALESKY: Read the last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

SENATOR LIBOUS: Mr. President.

ACTING PRESIDENT VALESKY:

Senator Libous, why do you rise?

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

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

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

SENATOR LIBOUS: Thank you, Mr. President.

(Pause.)

SENATOR LIBOUS: Mr. President.

ACTING PRESIDENT VALESKY: Senator Libous.

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

ACTING PRESIDENT VALESKY: Immediate Republican conference.

Senator Klein.

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

6:30 sharp.

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

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

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

ACTING PRESIDENT VALESKY: Senator Klein.

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

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

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

ACTING PRESIDENT VALESKY: Read the last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT VALESKY: The bill is passed.

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

ACTING PRESIDENT VALESKY: Read the last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT VALESKY: The bill is passed.

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

ACTING PRESIDENT VALESKY: Read the last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

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

Ayes, 58. Nays, 3.

ACTING PRESIDENT VALESKY: The bill is passed.

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

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

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

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

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

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

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

ACTING PRESIDENT VALESKY: Read the last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT VALESKY: The bill is passed.

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

ACTING PRESIDENT VALESKY: Read the last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT VALESKY: The bill is passed.

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

ACTING PRESIDENT VALESKY: Read the last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT VALESKY: The bill is passed.

THE SECRETARY: Calendar Number 968 --

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

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

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

ACTING PRESIDENT VALESKY: Read the last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT VALESKY: The bill is passed.

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

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

ACTING PRESIDENT VALESKY: The desk is clear.

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

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

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