NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

June 16, 2010

11:24 a.m.

REGULAR SESSION

SENATOR ANDREA STEWART-COUSINS, Acting President

ANGELO J. APONTE, Secretary

P R O C E E D I N G S

ACTING PRESIDENT STEWART-COUSINS: The Senate will please come to order.

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

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

ACTING PRESIDENT STEWART-COUSINS: In the absence of clergy, may we all bow our heads in a moment of silence.

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

ACTING PRESIDENT STEWART-COUSINS: The reading of the Journal.

The Secretary will read.

THE SECRETARY: In Senate, Tuesday, June 15, 2010, the Senate met pursuant to adjournment. The Journal of Monday, June 14, 2010, was read and approved. On motion, Senate adjourned.

ACTING PRESIDENT STEWART-COUSINS: Without objection, the Journal stands approved as read.

Presentations of petitions.

Messages from the Assembly.

Messages from the Governor.

Reports of standing committees.

Senator Klein.

SENATOR KLEIN: Madam President, on behalf of Senator Parker, on page 30 I offer the following amendments to Calendar Number 707, Senate Print Number 2087A, and ask that said bill retain its place on Third Reading Calendar.

ACTING PRESIDENT STEWART-COUSINS: So ordered.

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

ACTING PRESIDENT STEWART-COUSINS: Senator Klein, we must go back to the order of business first.

Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

The Secretary will read the substitutions.

THE SECRETARY: Page 18, Senator C. Johnson moves to discharge, from the Committee on Rules, Assembly Bill Number 10835A and substitute it for the identical Senate Bill Number 7366A, Third Reading Calendar 421.

Page 19, Senator Morahan moves to discharge, from the Committee on Rules, Assembly Bill Number 10824B and substitute it for the identical Senate Bill Number 7432A, Third Reading Calendar 471.

Page 29, Senator Breslin moves to discharge, from the Committee on Rules, Assembly Bill Number 9944 and substitute it for the identical Senate Bill Number 6858, Third Reading Calendar 693.

Page 31, Senator Larkin moves to discharge, from the Committee on Rules, Assembly Bill Number 9950 and substitute it for the identical Senate Bill Number 7030, Third Reading Calendar 736.

Page 36, Senator Perkins moves to discharge, from the Committee on Rules, Assembly Bill Number 11322 and substitute it for the identical Senate Bill Number 7583,

Third Reading Calendar 796.

Page 36, Senator Klein moves to discharge, from the Committee on Rules, Assembly Bill Number 11226 and substitute it for the identical Senate Bill Number 8002, Third Reading Calendar 808.

Page number 42, Senator Espada moves to discharge, from the Committee on Rules, Assembly Bill Number 11324 and substitute it for the identical Senate Bill Number 8073, Third Reading Calendar 893.

Page number 45, Senator Fuschillo moves to discharge, from the Committee on Rules, Assembly Bill Number 10025A and substitute it for the identical Senate Bill Number 6975A, Third Reading Calendar 912.

Page number 45, Senator Griffo moves to discharge, from the Committee on Rules, Assembly Bill Number 9979 and substitute it for the identical Senate Bill Number 6976, Third Reading Calendar 913.

Page number 45, Senator Fuschillo moves to discharge, from the Committee on Rules, Assembly Bill Number 10512A and substitute it for the identical Senate Bill

Number 7386A, Third Reading Calendar 915.

Page number 45, Senator Hannon moves to discharge, from the Committee on Rules, Assembly Bill Number 9511A and substitute it for the identical Senate Bill Number 7404, Third Reading Calendar 916.

Page number 46, Senator Oppenheimer moves to discharge, from the Committee on Rules, Assembly Bill Number 10939 and substitute it for the identical Senate Bill Number 7755, Third Reading Calendar 921.

Page number 48, Senator Squadron moves to discharge, from the Committee on Codes, Assembly Bill Number 7917D and substitute it for the identical Senate Bill Number 5292C, Third Reading Calendar 948.

ACTING PRESIDENT STEWART-COUSINS: Substitutions ordered.

Senator Klein.

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

ACTING PRESIDENT STEWART-COUSINS:

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

SENATOR KLEIN: Yes, it has, Madam President.

ACTING PRESIDENT STEWART-COUSINS: The Secretary will read.

THE SECRETARY: By Senator Smith, legislative resolution honoring Carol Washington upon the occasion of her designation for special recognition by the Delta Minerva Life Development Center, Inc., on June 6, 2010.

ACTING PRESIDENT STEWART-COUSINS: Are there any Senators that wish to be heard on the resolution?

Hearing none, the question is on the resolution. All those in favor please signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT STEWART-COUSINS: Opposed, nay.

(No response.)

ACTING PRESIDENT STEWART-COUSINS: The resolution is adopted.

Senator Klein.

SENATOR KLEIN: Madam 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 STEWART-COUSINS: Senator Klein, has this resolution been deemed privileged and submitted by the office of the Temporary President?

SENATOR KLEIN: Yes, it has, Madam President.

ACTING PRESIDENT STEWART-COUSINS: The Secretary will read.

THE SECRETARY: By Senator Parker, legislative resolution memorializing David A. Paterson to proclaim June 24 through 30, 2010, as Venerable Pierre Toussaint Week in the State of New York.

ACTING PRESIDENT STEWART-COUSINS: Are there any Senators that wish to be heard on the resolution?

Hearing none, the question is on the resolution. All those in favor please signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT STEWART-COUSINS: Opposed, nay.

(No response.)

ACTING PRESIDENT STEWART-COUSINS: The resolution is adopted.

Senator Parker has indicated that he would like to open the resolution up to cosponsorship by the entire house. Any Senator wishing to not be on the resolution please notify the desk.

Senator Klein.

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

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

SENATOR KLEIN: Yes, it has, Madam President.

ACTING PRESIDENT STEWART-COUSINS: The Secretary will read.

THE SECRETARY: By Senator Montgomery, legislative resolution commending the Reverend Doctor Gary V. Simpson upon the occasion of his designation for special honor by Bed-Stuy Campaign Against Hunger at its Harvest Through Love Spring Harvest Benefit Reception on June 17, 2010.

ACTING PRESIDENT STEWART-COUSINS: Are there any other Senators who wish to be heard on the resolution?

Hearing none, the question is on the resolution. All those in favor please signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT STEWART-COUSINS: Opposed, nay.

(No response.)

ACTING PRESIDENT STEWART-COUSINS: The resolution is adopted.

Senator Klein.

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

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

SENATOR KLEIN: Yes, it has, Madam President.

ACTING PRESIDENT STEWART-COUSINS: The Secretary will read.

THE SECRETARY: By Senator Montgomery, legislative resolution commending Erminia Rivera upon the occasion of her designation for special honor by Bed-Stuy Campaign Against Hunger at its Harvest Through Love Spring Harvest Benefit Reception on June 17, 2010.

ACTING PRESIDENT STEWART-COUSINS: Are there any other Senators wishing to be heard on the resolution?

Hearing none, the question is on the resolution. All those in favor please signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT STEWART-COUSINS: Opposed, nay.

(No response.)

ACTING PRESIDENT STEWART-COUSINS: The resolution is adopted.

Senator Montgomery has indicated that she would like the resolution to be open to all. Anyone wishing not to be on the resolution should signify by coming to the front desk.

Senator Klein.

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

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

SENATOR KLEIN: Yes, it has, Madam President.

ACTING PRESIDENT STEWART-COUSINS: The Secretary will read.

THE SECRETARY: By Senator Montgomery, legislative resolution commending Bed-Stuy Campaign Against Hunger upon the occasion of its Harvest Through Love Spring

Harvest Benefit Reception on June 17, 2010.

ACTING PRESIDENT STEWART-COUSINS: Are there any Senators that wish to be heard on the resolution?

Hearing none, the question is on the resolution. All those in favor please signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT STEWART-COUSINS: Opposed, nay.

(No response.)

ACTING PRESIDENT STEWART-COUSINS: The resolution is adopted.

Senator Klein.

SENATOR KLEIN: Madam President, there will be an immediate meeting of the Rules Committee in the Majority Conference Room.

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

ACTING PRESIDENT STEWART-COUSINS: There will be an immediate meeting of the Rules Committee in Room 332.

Pending the conclusion of the Rules Committee meeting, the Senate will stand at

ease.

(Whereupon, the Senate stood at ease at 11:34 a.m.)

(Whereupon, the Senate reconvened at 12:02 p.m.)

ACTING PRESIDENT STEWART-COUSINS: Senator Klein.

SENATOR KLEIN: Madam President, at this time I move to adopt the Resolution Calendar in its entirety.

ACTING PRESIDENT STEWART-COUSINS: All those in favor of adopting the Resolution Calendar in its entirety please signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT STEWART-COUSINS: Opposed, nay.

(No response.)

ACTING PRESIDENT STEWART-COUSINS: The Resolution Calendar is adopted.

Senator Klein.

SENATOR KLEIN: Madam President, before we proceed with the calendar, can we go back to motions and resolutions.

ACTING PRESIDENT STEWART-COUSINS:

Returning to motion and resolutions.

Senator Klein.

SENATOR KLEIN: Madam President, on behalf of Senator Stewart-Cousins, on page 49 I offer the following amendments to Calendar Number 963, Senate Print Number 4057A, and ask that said bill retain its place on Third Reading Calendar.

ACTING PRESIDENT STEWART-COUSINS: So ordered.

SENATOR KLEIN: On behalf of Senator Addabbo, on page 26 I offer the following amendments to Calendar Number 640, Senate Print Number 3995, and ask that said bill retain its place on Third Reading Calendar.

ACTING PRESIDENT STEWART-COUSINS: So ordered.

SENATOR KLEIN: On behalf of Senator Peralta, on page 49 I offer the following amendments to Calendar Number 952, Senate Print Number 7471B, and ask that said bill retain its place on Third Reading Calendar.

ACTING PRESIDENT STEWART-COUSINS:

So ordered.

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

ACTING PRESIDENT STEWART-COUSINS: The Secretary will read.

THE SECRETARY: Calendar Number 336, Senate Print 7141A --

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

ACTING PRESIDENT STEWART-COUSINS: The bill is laid aside for the day.

THE SECRETARY: Calendar Number 398, by Member of the Assembly Englebright, Assembly Print Number 3397, an act to amend the Elder Law.

ACTING PRESIDENT STEWART-COUSINS: Read the last section.

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

ACTING PRESIDENT STEWART-COUSINS: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT STEWART-COUSINS: The bill is passed.

THE SECRETARY: Calendar Number 487, by Member of the Assembly Magnarelli, Assembly Print Number 5220B, an act to amend the Executive Law.

ACTING PRESIDENT STEWART-COUSINS: Read the last section.

THE SECRETARY: Section 3. This act shall take effect on the 120th day after it shall have become law.

ACTING PRESIDENT STEWART-COUSINS: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT STEWART-COUSINS: Senator Valesky, to explain his vote.

SENATOR VALESKY: Yes, thank you, Madam President.

This is a very, very important piece of legislation that creates the Missing Vulnerable Adult Clearinghouse. As we know from numerous cases throughout the state, those individuals who have been diagnosed with Alzheimer's disease and other dementias, over 330,000 New York citizens now, have been known to wander from their homes. And in fact national statistics are indicating that those

who are missing for over 24 hours have nearly a 50 percent chance of suffering serious injury or not being found alive.

This bill establishes the clearinghouse in the Division of Criminal Justice Services, modeled after the Amber Alert. And this will provide a mechanism to coordinate local law enforcement agency response all over the state so that we make sure that when those who are missing, those who are vulnerable, that we have a system in place now to find them just as soon as possible and return them to their homes.

I encourage all my colleagues to support the measure, and I vote in the affirmative.

ACTING PRESIDENT STEWART-COUSINS: Senator Valesky to be recorded in the affirmative.

Senator Klein.

SENATOR KLEIN: I rise in support of this legislation, Madam President. And I want to praise my colleague Senator Valesky for coming up with a comprehensive approach for a very serious problem.

The stats are quite startling that 50 percent of Alzheimer's patients wander. And unfortunately, when you look at the 50 percent of those Alzheimer's patients that do wander, a very, very high percentage, close to 75, are injured or never returned.

I kicked off a program earlier in the year within my Senate district in both the Bronx and Westchester, along with the Alzheimer's Association, which would allow individuals to be able to wear bracelets and necklaces where individuals can call when they're actually found.

We had a case in my district in Pelham Bay where a woman walked over 3 miles from her place of residence, and luckily she was found by a Good Samaritan and wouldn't have been returned home unless she had this necklace around her neck.

So I praise Senator Valesky for taking this beyond just my Senate district and having a statewide comprehensive approach to protect our loved ones. I vote yes.

ACTING PRESIDENT STEWART-COUSINS: Senator Klein to be recorded in the

affirmative.

Is there any other Senator that wishes to explain his or her vote?

Announce the results.

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT STEWART-COUSINS: The bill is passed.

THE SECRETARY: Calendar Number 511, by Senator Diaz, Senate Print 7512A, an act to amend the Elder Law.

ACTING PRESIDENT STEWART-COUSINS: Read the last section.

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

ACTING PRESIDENT STEWART-COUSINS: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT STEWART-COUSINS: Announce the results.

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT STEWART-COUSINS: The bill is passed.

THE SECRETARY: Calendar Number 548, by Senator C. Johnson, Senate Print 949, an act to amend the Real Property Tax Law.

ACTING PRESIDENT STEWART-COUSINS: Read the last section.

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

ACTING PRESIDENT STEWART-COUSINS: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT STEWART-COUSINS: Announce the results.

THE SECRETARY: Ayes, 59. Nays, 1. Senator Ranzenhofer recorded in the negative.

ACTING PRESIDENT STEWART-COUSINS: The bill is passed.

THE SECRETARY: Calendar Number 551, by Member of the Assembly Dinowitz, Assembly Print Number 9838, an act to amend the Elder Law.

ACTING PRESIDENT STEWART-COUSINS: Read the last section.

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

ACTING PRESIDENT STEWART-COUSINS: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT STEWART-COUSINS: Announce the results.

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT STEWART-COUSINS: The bill is passed.

THE SECRETARY: Calendar Number 573, by Member of the Assembly Rosenthal, Assembly Print Number 10410, an act to amend the Family Court Act and the Domestic Relations Law.

ACTING PRESIDENT STEWART-COUSINS: Read the last section.

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

ACTING PRESIDENT STEWART-COUSINS: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT STEWART-COUSINS: Announce the results.

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT STEWART-COUSINS: The bill is passed.

THE SECRETARY: Calendar Number 580, by Member of the Assembly Weinstein, Assembly Print Number 6195A, an act to amend

the Family Court Act.

ACTING PRESIDENT STEWART-COUSINS: Read the last section.

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

ACTING PRESIDENT STEWART-COUSINS: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT STEWART-COUSINS: Announce the results.

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT STEWART-COUSINS: The bill is passed.

THE SECRETARY: Calendar Number 583, by Member of the Assembly N. Rivera, Assembly Print Number 6509B, an act to amend the Public Service Law and the General Business Law.

ACTING PRESIDENT STEWART-COUSINS: Read the last section.

THE SECRETARY: Section 4. This act shall take effect on the 120th day after it shall have become law.

ACTING PRESIDENT STEWART-COUSINS: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT STEWART-COUSINS: Announce the results.

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT STEWART-COUSINS: The bill is passed.

THE SECRETARY: Calendar Number 584, by Senator Klein, Senate Print Number 5980A, an act to amend the Insurance Law and the Public Health Law.

ACTING PRESIDENT STEWART-COUSINS: Read the last section.

THE SECRETARY: Section 6. This act shall take effect on the first of January next succeeding.

ACTING PRESIDENT STEWART-COUSINS: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT STEWART-COUSINS: Senator Klein, to explain his vote.

SENATOR KLEIN: Thank you, Madam President.

This legislation is part of our package today on domestic violence. This is, I think, an important addition to this package

because this bill would amend several provisions of the Insurance Law to give victims of domestic violence the opportunity to designate an alternative address for insurance claims or billing purposes.

It's very clear that if someone is being abused and they're part of an insurance policy of the abuser, this would first make sure that the abuser doesn't know where the abused is, to keep their present address confidential, and also would make sure that the person who is the victim of domestic violence seeks the medical attention they need so much.

So I think this is a very important approach to make sure those who are victims of domestic violence get the medical attention they need and keep their whereabouts confidential.

So of course I vote yes, Madam President.

ACTING PRESIDENT STEWART-COUSINS: Senator Klein to be recorded in the affirmative.

Are there any other Senators

wishing to explain his or her vote?

Hearing none, announce the results.

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT STEWART-COUSINS: The bill is passed.

THE SECRETARY: Calendar Number 589, by Assemblymember Weinstein, Assembly Print Number 8952, an act to amend the Tax Law, the Family Court Act, the Domestic Relations Law and the Social Services Law.

ACTING PRESIDENT STEWART-COUSINS: Read the last section.

THE SECRETARY: Section 13. This act shall take effect on the 90th day after it shall have become law.

ACTING PRESIDENT STEWART-COUSINS: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT STEWART-COUSINS: Announce the results.

THE SECRETARY: In relation to Calendar Number 589, those recorded in the negative are Senators DeFrancisco, Griffo, Hannon, O. Johnson, Larkin, LaValle, Marcellino, Ranzenhofer, Skelos and Winner.

Ayes, 50. Nays, 10.

ACTING PRESIDENT STEWART-COUSINS: The bill is passed.

THE SECRETARY: Calendar Number 613, by Member of the Assembly Weinstein, Assembly Print Number 8393A, an act to amend the Family Court Act and the Domestic Relations Law.

ACTING PRESIDENT STEWART-COUSINS: Read the last section.

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

ACTING PRESIDENT STEWART-COUSINS: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT STEWART-COUSINS: Announce the results.

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT STEWART-COUSINS: The bill is passed.

THE SECRETARY: Calendar Number 641, by Senator Foley, Senate Print 7424B, an act to amend the Election Law.

ACTING PRESIDENT STEWART-COUSINS: Read the last section.

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

ACTING PRESIDENT STEWART-COUSINS: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT STEWART-COUSINS: The bill is passed.

THE SECRETARY: Calendar Number 687, by Senator Klein, Senate Print 5376A, an act to amend the Social Services Law.

ACTING PRESIDENT STEWART-COUSINS: Read the last section.

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

ACTING PRESIDENT STEWART-COUSINS: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT STEWART-COUSINS: Senator Klein, to explain his vote.

SENATOR KLEIN: Thank you, Madam President.

This is a piece of legislation that came out of a study my office conducted back

in 2009 which showed there's no reporting system for elder abuse. Luckily, we do have such a reporting system for domestic violence and child abuse.

This would actually require that the state do a study to sort of consolidate the various agencies to actually have a real reporting mechanism in place to track and effectively deal with the horrible crime of elder abuse.

So this is, I think, a very comprehensive approach. We certainly can't begin to deal with the problem that exists in elder abuse unless we can actually track and then educate individuals who have direct contact with seniors, to spot the telltale signs of elder abuse.

So I vote yes, Madam President.

ACTING PRESIDENT STEWART-COUSINS: Senator Klein to be recorded in the affirmative.

Any other Senators wishing to explain his or her vote?

Announce the results.

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT STEWART-COUSINS: The bill is passed.

THE SECRETARY: Calendar Number 688, by Senator Diaz, Senate Print 6853, an act to amend the Real Property Tax Law.

ACTING PRESIDENT STEWART-COUSINS: Read the last section.

THE SECRETARY: Section 3. This act shall take effect 90 days after it shall have become law.

ACTING PRESIDENT STEWART-COUSINS: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT STEWART-COUSINS: Announce the results.

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT STEWART-COUSINS: The bill is passed.

THE SECRETARY: Calendar Number 689, by Senator Diaz, Senate Print 7513, an act to amend the Elder Law.

ACTING PRESIDENT STEWART-COUSINS: Read the last section.

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

ACTING PRESIDENT STEWART-COUSINS: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT STEWART-COUSINS: Announce the results.

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT STEWART-COUSINS: The bill is passed.

THE SECRETARY: Calendar Number 690, by Member of the Assembly Englebright, Assembly Print Number 2548, an act to amend the Elder Law.

ACTING PRESIDENT STEWART-COUSINS: Read the last section.

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

ACTING PRESIDENT STEWART-COUSINS: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT STEWART-COUSINS: Announce the results.

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT STEWART-COUSINS: The bill is passed.

THE SECRETARY: Calendar Number

766, by Senator Klein, Senate Print 1839, an act to amend the Elder Law.

ACTING PRESIDENT STEWART-COUSINS: Read the last section.

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

ACTING PRESIDENT STEWART-COUSINS: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT STEWART-COUSINS: Senator Klein, to explain his vote.

SENATOR KLEIN: Thank you, Madam President.

This is a piece of legislation that I've been working on for a couple of years now, and I think it's very, very important. I think everyone knows that we have a very effective program for senior citizens to enable them to save lots of money on the ever-increasing cost of prescription drugs, the EPIC program.

I think over the years we have raised the income qualification for EPIC, but I think it's still too low. With more and more senior citizens paying more and more of

their money for prescription drugs, and those same seniors living on a fixed income, I think it's important to recognize that seniors, especially during these tough fiscal times, need a helping hand. So my legislation would raise the income level from $35,000 to $50,000 for an unmarried senior and from $50,000 to $75,000 for a married couple.

There is a fiscal implication. It's $1.1 million for the first year. But again, I think especially, as I said earlier, during these tough fiscal times that's money well spent, because we would actually impact the lives of over 3,000 seniors around the State of New York who now would be able to take part in this very important program, the EPIC program in New York State.

So I vote yes, Madam President.

ACTING PRESIDENT STEWART-COUSINS: Senator Klein to be recorded in the affirmative.

Are there any other Senators wishing to explain his or her vote?

Hearing none, announce the results.

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT STEWART-COUSINS: The bill is passed.

THE SECRETARY: Calendar Number 768, by Senator Klein, Senate Print 2484C, an act to amend the Education Law and the Public Health Law.

ACTING PRESIDENT STEWART-COUSINS: Read the last section.

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

ACTING PRESIDENT STEWART-COUSINS: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT STEWART-COUSINS: Senator Klein, to explain his vote.

SENATOR KLEIN: Thank you, Madam President.

This is a piece of legislation that I think is going to go a long way towards making sure we cut back on the problem of prescription errors. One of the problems we have in New York State is we don't track this information. We have no way of knowing whether or not prescription errors are taking place. There is no really consolidation of

how many are taking place.

So I was able to, through I guess national statistics, show that we have a tremendous problem in underreporting. So this legislation will make it very clear, when someone walks into a pharmacy, where they actually would have to go and who they would have to call to report prescription errors. That's the first step in us being able to track this very important problem in New York State.

So of course I vote yes, Madam President.

ACTING PRESIDENT STEWART-COUSINS: Senator Klein to be recorded in the affirmative.

Senator DeFrancisco, to explain his vote.

SENATOR DeFRANCISCO: I'm going to vote no on this legislation. I think if you go into a pharmacy now, with all the required notices, whether it's workers' compensation or whether it's the availability of drug retail price lists, et cetera, et cetera, you would need half a day to read

the wall.

And I think there's a better way to do this rather than requiring yet another notice. I'm not so sure too many people are going to go to the wall to find out that the Office of Professional Misconduct and where you report this, that or the other thing. The most likely thing is they'd go to the pharmacist and say "There was a bad prescription, what are my options here?"

Maybe we should require at least that information being provided when someone requests it, rather than having another notice that I can't imagine anyone is going to read that's going into the pharmacy, especially if someone has a specific problem like this.

So for that reason, I'm going to vote no.

ACTING PRESIDENT STEWART-COUSINS: Senator DeFrancisco to be recorded in the negative.

Are there any other Senators wishing to explain his or her vote?

Senator Diaz.

SENATOR DIAZ: Thank you. Thank

you, Madam President.

Today is a great day for senior citizens in the State of New York. Today Senator Klein has introduced a few pieces of legislation, and I have introduced five, and all of them have passed. So five different pieces of legislation that I have introduced today and passed, and my colleagues here have been so courteous and so concerned with the senior citizens of the State of New York that they have approved today five of my bills and two of Senator Klein's.

So today is a great day. As the chairman of the Senior Citizens Committee, I thank all my colleagues, I thank all of them, both sides, because the senior citizens of the State of New York today has gotten a big day in the State of New York and in the New York State Senate.

Thank you, ladies and gentlemen. Thank you, Madam President.

ACTING PRESIDENT STEWART-COUSINS: Senator Diaz to be recorded in the affirmative.

Are there any other Senators

wishing to explain his or her vote?

Announce the results.

THE SECRETARY: In relation to Calendar Number 768, to be recorded in the negative: Senators DeFrancisco, Flanagan, O. Johnson and Winner.

Ayes, 56. Nays, 4.

ACTING PRESIDENT STEWART-COUSINS: The bill is passed.

THE SECRETARY: Calendar Number 809, by Senator Addabbo, Senate Print 8033, an act to amend the Election Law.

ACTING PRESIDENT STEWART-COUSINS: Read the last section.

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

ACTING PRESIDENT STEWART-COUSINS: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT STEWART-COUSINS: Announce the results.

THE SECRETARY: In relation to Calendar Number 809, to be recorded in the negative: Senators Bonacic, DeFrancisco, Flanagan, O. Johnson, Larkin, LaValle,

Marcellino, Skelos and Volker. Also Senator Winner.

Ayes, 50. Nays, 10.

ACTING PRESIDENT STEWART-COUSINS: The bill is passed.

THE SECRETARY: Calendar Number 816, by Member of the Assembly Weinstein, Assembly Print Number 10851A, an act to amend the Judiciary Law.

ACTING PRESIDENT STEWART-COUSINS: Read the last section.

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

ACTING PRESIDENT STEWART-COUSINS: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT STEWART-COUSINS: Announce the results.

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT STEWART-COUSINS: The bill is passed.

THE SECRETARY: Calendar Number 843, by Senator Montgomery, Senate Print 6981, an act to amend --

SENATOR SALAND: Lay it aside.

ACTING PRESIDENT STEWART-COUSINS: The bill is laid aside.

THE SECRETARY: Calendar Number 857, by Senator Duane, Senate Print 7873, an act to amend the Criminal Procedure Law.

SENATOR LIBOUS: Lay it aside.

ACTING PRESIDENT STEWART-COUSINS: The bill is laid aside.

THE SECRETARY: Calendar Number 859, by Senator Hassell-Thompson --

SENATOR LIBOUS: Lay it aside.

ACTING PRESIDENT STEWART-COUSINS: The bill is laid aside.

THE SECRETARY: Calendar Number 866, by Member of the Assembly Gottfried, Assembly Print --

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

ACTING PRESIDENT STEWART-COUSINS: The bill is laid aside for the day.

THE SECRETARY: Calendar Number 878, by Member of the Assembly Wright, Assembly Print Number 1459, an act to amend the Social Services Law.

ACTING PRESIDENT STEWART-COUSINS:

Read the last section.

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

ACTING PRESIDENT STEWART-COUSINS: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT STEWART-COUSINS: Senator DeFrancisco, to explain his vote.

SENATOR DeFRANCISCO: Yes, it's always good to have a bill to try to do everything for everybody, but realistically there's only so many dollars to go around in the Home Heating Assistance Program.

I know the bill calls for applying for more money, but it seems to me before we expand the uses of this money to air-conditioning, it would seem that it would be more essential for someone to have their house heated during the winter. And if we're going to take some of that money for air-conditioning in the summer, it may be that we don't get additional funds for this and we end up affecting people who no longer can get heating assistance at their home because it's used up for air-conditioning by somebody else.

So for that reason, until there's additional money identified for air-conditioning, I'm voting no.

ACTING PRESIDENT STEWART-COUSINS: Senator DeFrancisco to be recorded in the negative.

Any other Senator wishing to explain his or her vote?

Announce the results.

THE SECRETARY: In relation to Calendar Number 878, to be recorded in the negative: Senators DeFrancisco, Flanagan, Hannon, O. Johnson, Lanza, LaValle, Leibell, Libous, Marcellino, Ranzenhofer, Skelos, Volker and Winner. Also Senator Larkin. Also Senator Saland.

Ayes, 45. Nays, 15.

ACTING PRESIDENT STEWART-COUSINS: The bill is passed.

THE SECRETARY: Calendar Number 955, by Senator Squadron, Senate Print 7858A, an act to amend the New York City charter.

ACTING PRESIDENT STEWART-COUSINS: Read the last section.

THE SECRETARY: Section 3. This

act shall take effect immediately.

ACTING PRESIDENT STEWART-COUSINS: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT STEWART-COUSINS: Announce the results.

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT STEWART-COUSINS: The bill is passed.

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

SENATOR KLEIN: Madam President, I would wish to withdraw the lay aside for the day on Calendar Numbers 866 and 336.

ACTING PRESIDENT STEWART-COUSINS: The lay asides are withdrawn. The bills will be taken up noncontroversial.

SENATOR KLEIN: Also, I would like to lay aside Calendar Number 859 for the day.

ACTING PRESIDENT STEWART-COUSINS: Calendar Number 859 will be laid aside for the day.

The Secretary will place Calendar Number 336 before the house, noncontroversial.

THE SECRETARY: Calendar Number 336, by Senator Schneiderman, Senate Print 7141A, an act to amend the Penal Law.

ACTING PRESIDENT STEWART-COUSINS: Read the last section.

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

ACTING PRESIDENT STEWART-COUSINS: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT STEWART-COUSINS: Senator Schneiderman, to explain his vote.

SENATOR SCHNEIDERMAN: Thank you, Madam President.

This is a part of the package of bills related to domestic violence that we are moving through the house. And this is a tremendously important bill because it corrects a very serious problem in the current Penal Law. It changes the law relating to witness tampering.

And frankly, in other circumstances, if you just talk -- if someone who has a relationship with a victim says "Ah, you don't want to get involved in this case,"

that is not witness tampering. In domestic violence situations where people are frequently coerced by friends and family members, it is a problem.

We're now correcting that. We are preventing witness tampering in domestic violence cases. We are making people safer and we are saving lives.

Thank you, Madam President. I thank everyone for their support on this important measure.

ACTING PRESIDENT STEWART-COUSINS: Senator Schneiderman to be recorded in the affirmative.

Are there any other Senators wishing to explain his or her vote?

Hearing none, announce the results.

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT STEWART-COUSINS: The bill is passed.

THE SECRETARY: Calendar Number 866, by Member of the Assembly Gottfried, Assembly Print --

SENATOR LIBOUS: Lay it aside.

ACTING PRESIDENT STEWART-COUSINS:

The bill is laid aside.

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

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

ACTING PRESIDENT STEWART-COUSINS: The Secretary will please ring the bell.

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

The Secretary will read.

THE SECRETARY: Calendar Number 843, by Senator Montgomery, Senate Print 6981, an act to amend the Family Court Act and the Criminal Procedure Law.

SENATOR SALAND: Explanation.

ACTING PRESIDENT STEWART-COUSINS: Senator Montgomery, an explanation has been requested.

SENATOR MONTGOMERY: Yes, Madam President. This bill is a very, very simple bill which is meant to provide an appropriate alternative for young people who are below the age of 18 who get into a confrontation with a

parent.

Currently that young person will be treated under Article 8 of the Family Court Act, and the parent is able to bring an order of protection against a child who attacks them, and currently that child will be treated under Article 8 of the Family Court Act, which means that that young person could be charged with disorderly conduct, harassment in the first and second degree, aggravated harassment in the second degree, criminal mischief, menacing in the second and third degree, reckless endangerment, or assault in the second and third degree.

Now, obviously when a young person attacks a parent we want that parent to have some relief in the court. But we may not want the young person to be treated without consideration of that child's age or the circumstances surrounding this family situation. So what the bill does is allows a young person to be charged under Article 7, as a PINS, a person in need of supervision. With this bill, that young person would then have some protections as a child that they do not

have under Article 8.

For instance, if that child is charged as PINS, he or she can be assigned a guardian, a court legal guardian, or a lawyer. That child can receive services. The family could receive services. The child could be placed in foster care. The child could be placed under OCFS detention or hopefully as an alternative-to-detention case.

So there are many reasons why we would prefer that young people under the age of 18 who have an altercation with a parent, that that child be brought to Family Court as a person in need of supervision. That's what this bill does.

ACTING PRESIDENT STEWART-COUSINS: Thank you, Senator Montgomery.

Senator Saland.

SENATOR SALAND: Thank you, Madam President. Would Senator Montgomery yield to some questions?

ACTING PRESIDENT STEWART-COUSINS: Senator Montgomery, do you yield for questions?

SENATOR MONTGOMERY: Through you,

Madam President, I do.

ACTING PRESIDENT STEWART-COUSINS: Senator Montgomery yields.

SENATOR SALAND: Senator Montgomery, I'm looking at your bill, and your bill in two separate places, both under CPL 530-11 and under Family Court 8-12, specifically and very briefly says "Family offenses alleged to have been committed by a child under the age of 18 against a parent or guardian shall be addressed in accordance with Article 7 rather than this article of this act."

Now, Senator Montgomery, I'm sure you're aware that under Article 8 there is concurrent jurisdiction between the Family Court and the criminal courts. And I believe you alluded to that fact or certainly implied that your concern here was primarily that these events that occur between a child and a parent or guardian under your bill not be treated as a crime. Is that correct?

SENATOR MONTGOMERY: I am proposing that that case be treated as a PINS case, a person in need of supervision. And

the judge then has the option of kicking that case up to a higher level. However, it starts out as a basic PINS case.

ACTING PRESIDENT STEWART-COUSINS: Senator Saland, do you wish Senator Montgomery to yield?

SENATOR SALAND: If Senator Montgomery would continue to yield.

ACTING PRESIDENT STEWART-COUSINS: Senator Montgomery, do you continue to yield?

SENATOR MONTGOMERY: I do, Madam President.

SENATOR SALAND: Are you then saying that under Article 7 there is concurrent jurisdiction between the Family Court and Criminal Court?

SENATOR MONTGOMERY: Madam President, through you, I think that the difference that I'm -- the distinction that I'm trying to make here is that we're not -- we do not necessarily want the incident or we want the child to be treated as a criminal case. We want the option of the Family Court judge -- the case starts as a person in need of supervision. In the event that the judge

decides that it needs a higher level of disposition, that Family Court judge has the option to do that. But it doesn't start out under Article 8 as a straight-up Family Court or possibly criminal case.

SENATOR SALAND: Would the Senator continue to yield.

ACTING PRESIDENT STEWART-COUSINS: Senator Montgomery, do you continue to yield?

SENATOR MONTGOMERY: I do, Madam President.

SENATOR SALAND: Senator Montgomery, there's not a question whether it starts out as a criminal case. Is it your intent here that under no circumstance, under your bill, would a child who, for example, threatened a parent with a shotgun, that child would be treated, under Article 7, as a PINS and there would be no criminal jurisdiction?

SENATOR MONTGOMERY: Madam President -- would you repeat the question, Senator?

SENATOR SALAND: Is it your intention that inasmuch as these otherwise Article 8 proceedings would be treated under

Article 7, which is the PINS section, there would be -- that there'd be no criminal jurisdiction?

So in the example I gave you, a child threatens a parent with a shotgun. Under current law, that I believe would constitute one of the degrees of menacing, and there could be a criminal proceeding brought. There would be concurrent jurisdiction both in the Criminal Court and in the Family Court. Under the PINS section, Article 7, there is no concurrent jurisdiction, there is no criminal jurisdiction.

So is it your intent that under no circumstance could a criminal proceeding, regardless of the actions of the child against the parent or the guardian, be treated as a criminal proceeding?

SENATOR MONTGOMERY: Through you, Madam President, the -- in either case. In the case that the judge determines to be clearly more appropriately dealt with in Criminal Court or in a higher part of the Family Court, under Article 8 the judge does have the option of moving that case into the

section that you're describing, Article 8.

But what this does is allows for that young person to be dealt with, to be provided with a different set of protections that are not available to that young person under Article 8. If in fact the judge determines that it's more appropriate that that young person be dealt with under the Article 8 section, it is entirely at the discretion of the judge to make that decision. We're not removing the discretion of the judge, as in any PINS case.

SENATOR SALAND: Would Senator Montgomery continue to yield, please.

ACTING PRESIDENT STEWART-COUSINS: Senator Montgomery, do you continue to yield?

SENATOR MONTGOMERY: Yes, Madam President.

SENATOR SALAND: Senator Montgomery, under Article 7, if you know, does the presiding judge in Family Court who would be hearing this PINS case have the ability to transfer the proceeding to a criminal court?

SENATOR MONTGOMERY: Through you, Madam President, my counsel informs me that

this bill allows the parent to be able to file a case as a PINS, but it does not deny them the opportunity to also file the case as a criminal case under Article 8.

SENATOR SALAND: If the Senator will continue to yield.

ACTING PRESIDENT STEWART-COUSINS: Senator Montgomery, do you continue to yield?

SENATOR MONTGOMERY: Yes.

SENATOR SALAND: Could you or your counsel point out the language, either in this bill or in Article 7, that provides that option? Because I haven't seen it, to be perfectly honest with you, and I've looked for it. And I'd welcome somebody being able to point it out to me.

SENATOR MONTGOMERY: One second, Senator.

SENATOR SALAND: Thank you.

(Pause.)

SENATOR MONTGOMERY: Through you, Madam President, the parent makes a decision, makes a choice, and essentially the relief that the parent is looking for is an order of protection which they can receive under

Article 8, as I indicated. The parent wants to be provided some assistance, some relief, immediate relief from this situation, and the order of protection is available under Article 8.

This bill will allow for the same order of protection to be provided to the parent immediately. But in addition to that, they are able -- the child is able and the family are able to receive services that are not available to them under Article 8.

SENATOR SALAND: Madam President, would the Senator continue to yield.

ACTING PRESIDENT STEWART-COUSINS: Senator Montgomery, do you continue to yield?

SENATOR MONTGOMERY: Yes.

SENATOR SALAND: If in fact that is your intent, Senator Montgomery, I'll invite you to look at lines 19 through 22, and I'll read them, for purposes of this record. "Family offenses alleged to have been committed by child under the age of 18 against a parent or guardian shall be addressed in accordance with Article 7 rather than this article" -- which is Article 8 -- "of this

act."

So you are specifically saying that Article 8, which affords that option to that parent, does not control, but in fact Article 7, which is the PINS article, does control, where that option is not afforded to that parent. The language is clear and it's unequivocal. If your intent is otherwise, then your language does not match your intent; in fact, is totally contrary to what you have claimed your intent to be.

SENATOR MONTGOMERY: Madam President, through you, I take exception to your statement there or your conclusions based on this language.

The language simply, in this particular bill, says "Family offenses alleged to have been committed by a child under the age of 18 against a parent or guardian shall be addressed in accordance with Article 7 rather than this article." Which is Article 8.

Under Article 8, the differences in Article 8 and Article 7 are -- under Article 8, no services can be ordered by the

judge for the child. The child's interests and needs are not considered. The child, with the order of protection, cannot stay at home, cannot be placed. So that child is thrown out of the house, is not allowed to be in the home any longer, though the child maybe way underage. The child does not receive a law guardian to be assigned. And the child -- the only relief in that case is that the child be placed in an adult jail.

Under PINS, the child can receive services vis-a-vis the judge, in consideration of their needs, and an appropriate placement. There are options that the judge has for placement of that young person. They do receive a law guardian. And only in cases of absolute necessity would the child be placed in detention.

That is the difference, and that is why the bill removes those cases from immediately Article 8 into Article 7, as a PINS case, because it allows for a variety of services and considerations for that child that the judge does not have under Article 8. That's the only purpose of this legislation,

Madam President.

SENATOR SALAND: Thank you, Madam President. On the bill.

ACTING PRESIDENT STEWART-COUSINS: Thank you, Senator.

Senator Saland, on the bill.

SENATOR SALAND: Thank you, Senator. On the bill.

Madam President, notwithstanding Senator Montgomery's passionate commitment to children that she may have and be attempting to deal with with regard to this Article 7/ Article 8 scenario that we've created, this is an extraordinarily dangerous bill. This is a bill which unfortunately the sponsor's intentions are belied by the language of the bill. This bill very clearly says -- and it's in Article 8, it is amending Section 8-12. And it clearly says that in the situation involving a child and a parent, Article 8 does not apply, Article 7 applies.

Article 7 is the PINS section, which, yes, provides a plethora of services not normally provided under Article 8. There are circumstances, in some instances some

instances life-threatening circumstances, in which it's very appropriate for criminal jurisdiction to intervene. This would say in absolutely no circumstance could there be that kind of intervention.

There will be people were this bill to pass both houses and be signed into law, there will be people who will be badly injured, there will be people who will be possibly killed, there will be people who will be maimed, and there will no concurrent jurisdiction.

So I would assume, of necessity in a criminal case, there would be some effort, depending upon whether it's a truly violent crime, under one section of the law to enable a criminal prosecution, but there will be a host of other sections, all of which are defined -- the recklessness sections, the mischief sections -- in which nothing will be able to be done.

I would respectfully submit that there are other ways to accomplish what Senator Montgomery proposes to accomplish. This is not the vehicle by which to do it.

This is not merely throwing the baby out with the bath water, this is basically reordering the entire system, reordering the entire system and making it virtually impossible for parents in any number of appropriate situations to be able to call upon the criminal courts for some type of relief.

And to say that there are no circumstances under which an Article 8 offense should be heard by a criminal court really is a grotesque policy statement, and it's a statement which should be denied by this body.

ACTING PRESIDENT STEWART-COUSINS: Senator Savino.

SENATOR SAVINO: Thank you, Madam President.

Senator Saland, would you yield for a question?

ACTING PRESIDENT STEWART-COUSINS: Senator Saland, do you yield?

SENATOR SALAND: Yes.

SENATOR SAVINO: Thank you. Through you, Madam President.

I've listened and I've read the language on the bill, and so -- I mean, I'm

not totally sure I don't disagree with you with respect to the way the bill is drafted, and I think Senator Montgomery also heard that.

However, are you opposed to the intent of the legislation?

SENATOR SALAND: No, my concern is that there are circumstances under which these Article 8 offenses appropriately belong in criminal court.

You may recall, and it's probably before you were here serving, there was a time when somebody who, particularly a woman in a family offense case, had to make a choice as to whether or not she wanted to go to Family Court or whether or not she wanted to go to Criminal Court. And there was a 72-hour period within which she had to make that choice. We changed that law in 1994. I remember it well because it was part of the Family Protection and Domestic Violence Intervention Act, which I authored and every member of the house at that time was a cosponsor of.

We changed that law in order to

ensure that you had the ability to have concurrent jurisdiction in these types of cases. I don't know why anybody would want to deny concurrent jurisdiction in these types of cases. And if it's an unintended consequence and Senator Montgomery would like to have the ability of more services in a situation involving a child and a parent, that's what she should be doing, in my opinion.

I don't think this vehicle accomplishes that limited intent that she described as being her intent. This is certainly far more of a blunderbuss approach that throws everything out, because you're now saying that Article 7 controls in those situations involving a child and a parent or guardian.

SENATOR SAVINO: Thank you, Senator Saland.

On the bill itself.

ACTING PRESIDENT STEWART-COUSINS: Senator Savino, on the bill.

SENATOR SAVINO: You know, I cosponsored this bill with Senator Montgomery and I support the intent behind the

legislation. And I think it's important for those of you who are in the room who really never spent a lot of time in the Family Court system -- as Senator Saland has, as I have, as Senator Montgomery has -- working within the child welfare system, I think it's important that we explain to people what the difference is between a PINS petition and a family offense and what the reality is for many parents who are dealing with what can be recalcitrant children to those who are capable of violence offense.

Many parents who have children who are adolescents are at their wit's end. And they've sought treatment, they've sought assistance, but they don't really know where to go. And there comes a period of time where a parent realizes that they may need protection from their own child, and they have one of two ways to go with this, depending on the offense that the child commits.

Many parents don't realize that they have the ability to go to the Family Court and apply for a PINS petition before the child's behavior becomes so bad that they fear

for themselves and other members of their family. A PINS petition, though, provides something that a family offense finding will not provide to a parent, and what that is predominantly is access to services that they desperately need to deal with their recalcitrant teenager or teenagers.

If you apply for a PINS petition and you're granted that PINS petition, it gives you access to a caseworker from the local social service district. In the City of New York, it's through the Administration of Children's Services. You have a caseworker who is then assigned to work with you to deal with your child.

If you don't, if you only go the family offense route, you don't have access to that service. And that is what Senator Montgomery is trying to provide. It shouldn't get to the point where parents are required to go and file a family offense petition and then have that child that they haven't figured out how to deal with, for a variety of reasons, now have a case that's pending in Criminal Court and Family Court because of the

concurrent jurisdiction.

That is the intent behind this legislation. And if -- Senator Saland, I think I heard you clearly, you support the intent behind that. Your concern is behind the way the bill is drafted, that the unintended consequence of what could be a legislative flaw could create a bigger problem for these families.

So I'm still supporting this bill. And I think we heard you clearly that the bill may need some tweaks so that we achieve the intent of the legislation which is so important for families who really need some service. You don't want to become a parent who now says "I have nowhere to go but to Criminal Court to find ways to deal with my child."

Thank you.

ACTING PRESIDENT STEWART-COUSINS: Senator Robach.

SENATOR ROBACH: Yes, Madam President. On the bill.

While I certainly agree with my colleague Steve Saland and understand Senator

Montgomery's best intentions, I guess I look at it a little bit from the other way. I think that people who are dealing with this unfortunate incident with their children are at least going to get a crash course on what they have to do when they go through the system. And no one likes to go through that.

But when I look at it globally, I'm concerned with this bill because while I understand the intention, I think there's a bad consequence, that exactly what Senator Savino spoke about will get swept under the rug. If a young child is threatening violently his own parents, you can only imagine what might transpire when he's out of the house.

And ironically, I just came from a hearing on youth violence in the Office of Children and Family Services. I know what those results are. In the backyard of a friend of mine, Officer Anthony DiPonzio of Rochester, shot in the head by a 14-year-old nine months out of OCFS. No supervision, and clearly the wrong classification -- after the fact, finding out all these violent things.

I believe if his parents or parent, in this case, would have perhaps gone the other route and made a little bit more of a serious attempt to help this kid, it would not only stop that violence but it also ironically would have helped the individual, because maybe he would have been in a different place that wouldn't have allowed him to do this very violent, impulsive behavior.

You know, President Kennedy said it best, that the situation and crisis at hand should dictate the right government action. And we have, unfortunately -- it saddens me -- an explosion of youth violence. I can't even understand how a 15, a 16-year-old not only killing people in authority -- you know, we had another woman in Lockport that had a blanket thrown over her and was beat with a hammer by kids she was taking care of every day, working for New York State government. And then you hear about the other violence on women, young girls, young boys.

So I don't have a lot of constituents coming to me saying, "I'm worried that my kid is put in the wrong

classification." I more get "I'm worried that my kid's completely out of control and I don't know what's going to happen," and I don't want it to be after the fact when that young person is arrested.

So I think we just have to be very, very careful how we do this. And I think that there could be a better way to make sure, in the PINS -- which I fought very hard to get that legislation passed -- that people can get those services. But I don't think in any way, shape or form should we nor should we deter anybody from taking this growing number of young people, who unfortunately are almost -- are indicating violence or have committed some degree of violence, from classifying them or stopping them from prevailing more violence anywhere in our society, both on their family, to other young people, or to people in authority.

So I would encourage a no vote and say let's go back to the drawing board and try to get to your goal in a better way that doesn't put those young people or anybody in the general public at risk.

ACTING PRESIDENT STEWART-COUSINS: Senator Montgomery.

SENATOR MONTGOMERY: Yes, Madam President. I appreciate Senator Robach's comments, and I just want to certainly agree with him that we are now treating children who have problems, who run into trouble and who at a very early stage in their lives exhibit, in one way or another, some need for some attention that we don't provide for them, some support, and to address them at a stage in their lives when it would make a difference. I agree with you.

And so the manifestation of these -- of issues that young people have at a very early stage is violence at a later stage that we don't understand and we can't figure out what to do about.

So you're right, Senator Robach. I certainly agree with you. And that was what was my intent with this legislation. But absolutely I agree with you that we -- this bill does not really help with issues related to family violence in a broader sense. It does not help in providing a support system

for families with children, with young people who are in trouble. It does not help to get them help and assistance and support at a time when it would be make a difference, where they would not be confronted with a violent teenager later in life.

So yes, you're right, it does not do, really, what we need to be doing in this house. But it was just aimed at hopefully making sure that we don't rush every young person into the criminal system, as opposed to giving ourselves an opportunity to do some of the things that you suggest that we need to do. We need to look at them individually to see what are the symptoms indicating what that young person needs at an early enough stage.

So what I would like to do, Madam President, I would like to lay this bill aside so that hopefully we can discuss this in a larger context, and to pick up on some of the issues that Senator Robach has raised with regard to looking at our youngsters at an early enough stage so that we can actually help them and avoid them having to be either PINS or otherwise. I accept that, and I want

to make sure that what we do is in the best interests of the families that we want to support as well as the children that we want to support.

So I would like to lay the bill aside, and let's try to work on an agreement where all of us can be comfortable with the outcome. Thank you, Madam President.

ACTING PRESIDENT STEWART-COUSINS: Thank you, Senator.

The bill is laid aside for the day at the request of the sponsor.

The Secretary will read.

THE SECRETARY: Calendar Number 857, by Senator Duane, Senate Print 7873, an act --

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

ACTING PRESIDENT STEWART-COUSINS: The bill is laid aside for the day.

The Secretary will continue to read.

THE SECRETARY: Calendar Number 866, by Member of the Assembly Gottfried, Assembly Print Number 1729, an act to amend

the Public Health Law.

ACTING PRESIDENT STEWART-COUSINS: Are there any Senators wishing to be heard on the bill?

Senator Hannon, on the bill.

SENATOR HANNON: Thank you, Madam President. On the bill.

Although the goal of psychologists to get accreditation with hospitals is, in their mind, something they've long sought, I've been surprised at the extraordinarily strong memos that have been issued about this from the people who run the Hospital Association of New York State, from the people who run the Greater Hospital Association of New York, from the Medical Society of the State of New York, and from New York Association of Psychiatrists, all of whom point out, in a very strong fashion, that current law does not prohibit at all psychologists from going on the staff of hospitals, but feel constrained to strongly object to this because of the mandate in the statute.

At a time when we've had eight

straight cuts of assistance to these medical institutions, it is too much for us to be telling them how to further run and staff their institutions when we're giving them less resources.

For those reasons, I'm going to be voting against this bill, Madam President.

ACTING PRESIDENT STEWART-COUSINS: Thank you, Senator Hannon.

Are there any other Senators wishing to be heard on the bill?

Hearing none, the debate is closed. The Secretary will please ring the bells.

Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the 180th day.

ACTING PRESIDENT STEWART-COUSINS: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT STEWART-COUSINS: Announce the results.

THE SECRETARY: In relation to Calendar Number 866, those recorded in the negative: Senators Bonacic, DeFrancisco, Flanagan, Griffo, Hannon, Lanza, Larkin,

LaValle, Leibell, Libous, Little, Marcellino, Maziarz, McDonald, Padavan, Ranzenhofer, Robach, Saland, Seward, Skelos, Volker and Winner. Also Senator Alesi. Also Senator O. Johnson.

Pursuant to Rule 9, absent from voting: Senators Farley, Golden, Nozzolio and Young.

Ayes, 33. Nays, 24.

ACTING PRESIDENT STEWART-COUSINS: The bill is passed.

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

SENATOR KLEIN: Madam 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 STEWART-COUSINS: 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:

By Senator Parker, Senate Print

2165B, an act to amend Chapter 912 of the Laws of 1920;

By Senator Stavisky, Senate Print 2293B, an act to amend the Public Authorities Law;

By Senator Huntley, Senate Print 3117A, an act to amend the Social Services Law;

By Senator Dilan, Senate Print 3772A, an act to amend the Public Authorities Law;

By Senator Foley, Senate Print 4272A, an act to amend the Social Services Law;

By Senator Stachowski, Senate Print 4647B, an act to amend the Vehicle and Traffic Law;

By Senator Hassell-Thompson, Senate Print 5043A, an act to amend the Social Services Law;

By Senator Valesky, Senate Print 5414A, an act to amend the Agriculture and Markets Law;

By Senator Stavisky, Senate Print 5680, an act to amend the Executive Law and

the Penal Law;

By Senator Hassell-Thompson, Senate Print 5999A, an act to amend the Executive Law;

By Senator Hassell-Thompson, Senate Print 6000A, an act to amend the Executive Law;

By Senator Foley, Senate Print 6250, an act to amend the Environmental Conservation Law;

By Senator Schneiderman, Senate Print 7280A, an act to amend the Public Authorities Law;

By Senator Adams, Senate Print 7379, an act to amend the Executive Law;

By Senator Valesky, Senate Print 7556, an act to amend the Tax Law;

And by Senator Squadron, Senate Print 7855, an act to amend the Business Corporation Law.

All bills ordered direct to third reading.

ACTING PRESIDENT STEWART-COUSINS: All those in favor of adopting the Rules Committee report please signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT STEWART-COUSINS: Opposed, nay.

(No response.)

ACTING PRESIDENT STEWART-COUSINS: The Rules Committee report is adopted.

Senator Klein.

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

ACTING PRESIDENT STEWART-COUSINS: The Secretary will read.

THE SECRETARY: Calendar Number 971, by Senator Parker, Senate Print 2165B, an act to amend Chapter 912 of the Laws of 1920.

ACTING PRESIDENT STEWART-COUSINS: Read the last section.

THE SECRETARY: Section 6. This act shall --

SENATOR WINNER: Lay the bill aside.

ACTING PRESIDENT STEWART-COUSINS: The bill is laid aside.

THE SECRETARY: Calendar Number 972, substituted earlier today by

Assemblymember Magnarelli, Assembly Print 356, an act to amend the Public Authorities Law.

ACTING PRESIDENT STEWART-COUSINS: Read the last section.

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

ACTING PRESIDENT STEWART-COUSINS: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT STEWART-COUSINS: Senator LaValle, to explain his vote.

SENATOR LaVALLE: Thank you very much, Madam President.

This is a bill that I think has an important purpose, but at the same time it has a fiscal impact for our community colleges, who have been cut with their base aid and the State University budget being cut. I'm asking where is the money coming from.

And I find it difficult to support the bill. While it has a good purpose, it is an empty vessel because there is no money to fund what is in this bill. So I am going to vote in the negative on this legislation.

ACTING PRESIDENT STEWART-COUSINS:

Thank you, Senator.

Are there any other Senators wishing to explain his or her vote?

Seeing none, announce the results.

THE SECRETARY: In relation to Calendar Number 972, those recorded in the negative are Senators Flanagan, Golden, Griffo, Larkin, LaValle, Little, Marcellino, Seward, Skelos and Volker.

Ayes, 51. Nays 10.

ACTING PRESIDENT STEWART-COUSINS: The bill is passed.

THE SECRETARY: Calendar Number 973, by Senator Huntley, Senate Print 3117A, an act to amend the Social Services Law.

ACTING PRESIDENT STEWART-COUSINS: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the 180th day.

ACTING PRESIDENT STEWART-COUSINS: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT STEWART-COUSINS: Announce the results.

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT STEWART-COUSINS: The bill is passed.

THE SECRETARY: Calendar Number 974, by Senator Dilan --

SENATOR CRAIG JOHNSON: Lay it aside for the day, please.

ACTING PRESIDENT STEWART-COUSINS: The bill is laid aside for the day.

THE SECRETARY: Calendar Number 975, by Senator Foley, Senate Print 4272A, an act to amend the Social Services Law.

ACTING PRESIDENT STEWART-COUSINS: Read the last section.

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

ACTING PRESIDENT STEWART-COUSINS: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT STEWART-COUSINS: Announce the results.

THE SECRETARY: In relation to Calendar Number 975, to be recorded in the negative: Senators Duane and L. Krueger.

Ayes, 59. Nays, 2.

ACTING PRESIDENT STEWART-COUSINS:

The bill is passed.

THE SECRETARY: Calendar Number 976, by Senator Stachowski, Senate Print 4647B, an act to amend the Vehicle and Traffic Law.

ACTING PRESIDENT STEWART-COUSINS: Read the last section.

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

ACTING PRESIDENT STEWART-COUSINS: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT STEWART-COUSINS: Senator DeFrancisco, to explain his vote.

SENATOR DeFRANCISCO: Yes, I'm going to vote in the affirmative.

For those who don't know it, Searles, whose name is in the caption, was an Onondaga County sheriff who was killed when he was making a stop on the side of a highway in Onondaga County.

And I think this is a good bill. It's a safety bill. And actually I think it's a brilliant bill, because I put it in several years ago; it's just a different sponsor with

the same language presently.

But whoever is sponsoring it, it's still a good bill and it should be passed. I vote aye.

ACTING PRESIDENT STEWART-COUSINS: Senator DeFrancisco to be recorded in the affirmative.

Are there any other Senators wishing to explain his or her vote?

Hearing none, announce the results.

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT STEWART-COUSINS: The bill is passed.

THE SECRETARY: Calendar Number 977, by Senator Hassell-Thompson, Senate Print 5043A, an act to amend the Social Services Law.

ACTING PRESIDENT STEWART-COUSINS: The bill is high. Lay it aside for the day.

THE SECRETARY: In relation to Calendar Number 978, Senator Valesky moves to discharge, from the Committee on Agriculture, Assembly Bill Number 6686A and substitute it for the identical Senate Bill Number 5414A, Third Reading Calendar 978.

ACTING PRESIDENT STEWART-COUSINS: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 978, by Member of the Assembly Magee, Assembly Print Number 6686A, an act to amend the Agriculture and Markets Law.

ACTING PRESIDENT STEWART-COUSINS: Read the last section.

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

ACTING PRESIDENT STEWART-COUSINS: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT STEWART-COUSINS: Announce the results.

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT STEWART-COUSINS: The bill is passed.

THE SECRETARY: Calendar Number 979, by Senator Stavisky --

SENATOR CRAIG JOHNSON: Lay the bill aside for the day, please.

ACTING PRESIDENT STEWART-COUSINS: The bill is laid aside for the day.

THE SECRETARY: In relation to Calendar Number 980, Senator Hassell-Thompson moves to discharge, from the Committee on Investigations and Government Operations, Assembly Bill Number 9020A and substitute it for the identical Senate Bill Number 5999A, Third Reading Calendar 980.

ACTING PRESIDENT STEWART-COUSINS: Substitution ordered.

THE SECRETARY: Calendar Number 980, by Member of the Assembly Destito, Assembly Print Number 9020A, an act to amend the Executive Law.

ACTING PRESIDENT STEWART-COUSINS: Read the last section.

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

ACTING PRESIDENT STEWART-COUSINS: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT STEWART-COUSINS: Announce the results.

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT STEWART-COUSINS: The bill is passed.

THE SECRETARY: In relation to Calendar Number 981, Senator Hassell-Thompson moves to discharge, from the Committee on Investigations and Government Operations, Assembly Bill Number 9018A and substitute it for the identical Senate Bill Number 6000A, Third Reading Calendar 981.

ACTING PRESIDENT STEWART-COUSINS: Substitution ordered.

THE SECRETARY: Calendar Number 981, by Member of the Assembly John, Assembly Print Number 9018A, an act to amend the Executive Law.

ACTING PRESIDENT STEWART-COUSINS: Read the last section.

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

ACTING PRESIDENT STEWART-COUSINS: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT STEWART-COUSINS: Announce the results.

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT STEWART-COUSINS: The bill is passed.

THE SECRETARY: Calendar Number 982, by Senator Foley, Senate Print 6250, an act to amend the Environmental Conservation Law.

ACTING PRESIDENT STEWART-COUSINS: Read the last section.

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

ACTING PRESIDENT STEWART-COUSINS: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT STEWART-COUSINS: Senator Fuschillo, to explain his vote.

SENATOR FUSCHILLO: Thank you very much.

I'm going to be supportive of this legislation. It repeals the fishing license fee here in New York State for saltwater recreational fishing. I voted against this last year when you implemented it on the other side of the aisle. It was wrong then, and it's doing the right thing today.

I support this legislation.

ACTING PRESIDENT STEWART-COUSINS: Senator Fuschillo to be recorded in the

affirmative.

Are there any other Senators wishing to explain his or her vote?

Senator LaValle, to explain his vote.

SENATOR LaVALLE: I just want to reiterate what Senator Fuschillo has said, that when this was in the budget I voted against this, and it's good to see it here.

What has happened in my Senate district, because we have -- under the various patents from colonial times, the land was given to the freeholders -- trustees who have control over the bay bottoms. They have literally brought lawsuits and expended taxpayer dollars to defend their rights as trustees.

So I am hopeful that this bill passes both houses and that there is commensurate dollars in the budget to ensure that the saltwater fishing license fee is done away with. So I vote in the affirmative.

ACTING PRESIDENT STEWART-COUSINS: Senator LaValle to be recorded in the affirmative.

Are there any other Senators wishing to explain his or her vote?

Seeing none, announce the results.

THE SECRETARY: In relation to Calendar Number 982, Senator Aubertine to be recorded in the negative.

Ayes, 60. Nays, 1.

ACTING PRESIDENT STEWART-COUSINS: The bill is passed.

THE SECRETARY: Calendar Number 983, by Senator Schneiderman, Senate Print --

SENATOR MAZIARZ: Lay the bill aside, please.

ACTING PRESIDENT STEWART-COUSINS: The bill is laid aside.

THE SECRETARY: In relation to Calendar Number 984, Senator Adams moves to discharge, from the Committee on Investigations and Government Operations, Assembly Bill Number 10180 and substitute it for the identical Senate Bill Number 7379, Third Reading Calendar 984.

ACTING PRESIDENT STEWART-COUSINS: Substitution ordered.

THE SECRETARY: Calendar Number

984, by Member of the Assembly Weinstein, Assembly Print Number 10180, an act to amend the Executive Law.

ACTING PRESIDENT STEWART-COUSINS: Read the last section.

THE SECRETARY: Section 2. This act shall take effect nine months from the date it shall have become law.

ACTING PRESIDENT STEWART-COUSINS: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT STEWART-COUSINS: Announce the results.

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT STEWART-COUSINS: The bill is passed.

THE SECRETARY: Calendar Number 985, by Senator Valesky, Senate Print 7556, an act to amend the Tax Law.

ACTING PRESIDENT STEWART-COUSINS: Read the last section.

THE SECRETARY: Section 8. This act shall take effect immediately.

ACTING PRESIDENT STEWART-COUSINS: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT STEWART-COUSINS: Senator Valesky, to explain his vote.

SENATOR VALESKY: Yes, thank you, Madam President.

This is a very, very important piece of legislation, a Governor's program bill that makes corrections to a law that this Senate passed last year to enhance the Historic Rehabilitation Tax Credit. It was believed at that time that banks and insurance companies, both of which are significant investors in development projects, would have been included. This legislation, a technical correction, was necessary to make clear in law that banks and insurance companies can indeed qualify for the tax credit.

This is a significant piece of economic development legislation for the entire state, but particularly for upstate. And I just want to share with my colleagues -- and appreciate their support on both sides of the aisle -- a list has been compiled by the Preservation League, developers and others of over 20 projects in cities across upstate

New York, including Cohoes, Buffalo, the Hurbson building project in Syracuse, Binghamton, North Tonawanda, Buffalo again, Albany, Rochester, the Pike Block project in Syracuse, and a number of others, projects that will be eligible to be advanced through this legislation should it be passed in the Assembly and signed into law by the Governor.

So I want to thank all of the members of the Senate, on both sides of the aisle, for their support in this critical piece of economic development legislation. I vote in the affirmative. Thank you.

ACTING PRESIDENT STEWART-COUSINS: Senator Valesky to be recorded in the affirmative.

Senator Foley.

SENATOR FOLEY: Thank you, Madam President. I rise in strong support of this legislation and also to commend Senator Valesky for putting this forward.

We live in a state that has many historic buildings, from Montauk Point to Niagara Falls and points in between. And this particular incentive, if you will, both

economic as well as historic, will enable many, many buildings and homes, particularly buildings throughout the state, that have great historic value to be saved and also to be utilized in a fashion that will create jobs and the like.

So this is a very important piece of legislation. This is truly an incentive. Other states have done this for years. So I'm happy and pleased to see that the real historic treasures of this state can now be saved through this very innovative piece of legislation. And again, I'd like to commend Senator Valesky for putting it forward. I will vote in the affirmative.

Thank you, Madam President.

ACTING PRESIDENT STEWART-COUSINS: Senator Foley to be recorded in the affirmative.

Senator C. Johnson.

SENATOR CRAIG JOHNSON: Thank you, Madam President. I also rise to support this piece of legislation.

I want to commend the sponsor, Senator Valesky. For the last couple of years

it's been a passion for him to ensure that this legislation get passed. It was passed beforehand, and he saw the need for the technical amendment and was able to get it done.

And I appreciate that, especially for my district. The beautiful village of Roslyn, the old village of Roslyn, when you drive through, is littered, literally, with hundreds of historic homes and properties. And this tax credit is going to enable an area -- which quite frankly, and all throughout the state, is facing very difficult economic times -- the ability to rehab the properties that so deserve it.

So again, I want to commend Senator Valesky as well as the entire Senate body for making sure this legislation passed.

Thank you very much. I vote in the affirmative.

ACTING PRESIDENT STEWART-COUSINS: Senator C. Johnson to be recorded in the affirmative.

Senator Golden, to explain his vote.

SENATOR GOLDEN: Thank you, Madam President. I too rise, I believe this is a good bill.

Coming from the communities of Bay Ridge and Dyker and Bensonhurst, where I represent, that is where the British landed many, many hundreds of years ago, and they ran down those avenues. And we have historic buildings that are there that can -- the New Utrecht Reformed, which is one of the oldest structures in the city and state of New York. We have Fort Hamilton Army Base, built back in 1825. We have so many facilities that are in our community that have so much history.

And today I'm gifted to have the class from McKinley Junior High School here, from the Dyker Heights/Bay Ridge community, who live in that whole historic community. And one of my winners from the Senator for a Day contest up here, and their essays, and that's Norman Zhao. And I want to congratulate him and his teacher and his class for being here today and watching and witnessing legislation being passed that will

help preserve the old buildings in our community and maintain history.

And I think this is a good day for them and a good day for this chamber.

Thank you, Madam President.

ACTING PRESIDENT STEWART-COUSINS: Thank you, Senator Golden. Senator Golden to be recorded in the affirmative.

Senator Padavan, to explain his vote.

SENATOR PADAVAN: Yes, thank you.

Madam President, as the sponsor of the underlying legislation in 2006 that established this system of credits, I'm happy to say that over those years that have passed, hundreds and hundreds of historic buildings in this state have been saved from the wrecking ball by virtue of the credits that were made available and made it feasible for their rehabilitation and saving them, plain and simple.

And so for that reason I'm happy to support this legislation, which goes a step further and enhances that underlying program to further do the things we set out to do, to

ensure that those buildings and facilities of historic nature and of architectural value are sustained and maintained and continued so that generations to come will enjoy not only being in them and seeing them, but knowing that the people who built them were individuals of great esteem and the facilities that they provide are of value to our quality of life.

Thank you, Madam President.

ACTING PRESIDENT STEWART-COUSINS: Senator Padavan to be recorded in the affirmative.

Are there any other Senators wishing to explain his or her vote?

Hearing none, announce the results.

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT STEWART-COUSINS: The bill is passed.

THE SECRETARY: Calendar Number 986, by Senator Squadron, Senate Print 7855, an act to amend the Business Corporation Law.

ACTING PRESIDENT STEWART-COUSINS: Read the last section.

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

ACTING PRESIDENT STEWART-COUSINS: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT STEWART-COUSINS: Announce the results.

THE SECRETARY: In relation to Calendar Number 986, Senator O. Johnson to be recorded in the negative.

Ayes, 60. Nays, 1.

ACTING PRESIDENT STEWART-COUSINS: The bill is passed.

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

SENATOR CRAIG JOHNSON: Thank you. Madam President, at this time can we go to the controversial reading of the supplemental calendar.

ACTING PRESIDENT STEWART-COUSINS: The Secretary will ring the bell.

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

The Secretary will read.

THE SECRETARY: Calendar Number

971, by Senator Parker, Senate Print 2165B, an act to amend Chapter 912 of the Laws of 1920.

ACTING PRESIDENT STEWART-COUSINS: Senator Padavan.

SENATOR PADAVAN: Thank you, Madam President.

I rise to express a point of view that would hopefully lead you to reject this proposal. I am strongly in opposition to legalizing what is referred to as mixed martial arts in the State of New York.

When the promoters advertise, show these combative sports on TV and elsewhere, they refer to them not as mixed martial arts but as ultimate fighting. Ultimate fighting. And that's exactly what they are. We're teaching our children that you can rap somebody in the back of his neck with your elbow, knee him in the groin, knock him down and beat him up while he's on the ground, with blood all over the place, and that's perfectly all right, that that's a sport.

Well, I suggest to you that it's far from a sport. It is barbaric in every sense of the word. Yes, it's being done

elsewhere in other venues, but that doesn't mean we have to do it in New York.

I have in front of me a memo from the New York State Catholic Conference, which strongly opposes this bill. And I'd like to just read a couple of sentences from it. "The fight involved knees to the groin, kidney punches, knees to the head, and a lot of the aforementioned choking. Please don't show our children that the well-being of the men and women caught up in this violent degradation are worth less than the animals such as Buster's Law that we have so diligently designed to protect animals."

We outlawed animal fighting in this state, which is ultimate fighting, because they fight to the death in most cases. Why the revenues, whatever they might be, that this particular active activity will generate so far transcend the message that we are generating by instituting it justifies passing this bill I am totally incapable of understanding.

So I would strongly urge that we reject this bill, that we listen carefully to

what others are saying in opposition, that we teach our children that this type of contact between human beings is just not acceptable and certainly should not be viewed as a sport.

ACTING PRESIDENT STEWART-COUSINS: Thank you.

Senator L. Krueger.

SENATOR LIZ KRUEGER: Thank you, Madam President.

I rise to share my concern, as Senator Padavan has, that this is a very bad mistake for New York State. Mixed martial arts encourages violence among our children. There's no getting around the violence in the sport. Medical experts agree participation can lead to permanent brain damage and premature death.

Other sports are finally starting to realize the dangers of concussions and acting to reduce them. But in mixed martial arts they wear no padding, they wear no helmets, they wear no protective gear, even like boxing.

When other communities have acted to legalize, inevitably we have seen increased

injuries and, yes, some deaths that followed. And I share my colleague's concern that it encourages dangerous behavior by children who won't know any of the rules to follow to be careful, who will just be copying what they see going on on TVs.

The New York Times recently had an article discussing the concerns that this is increasing violence in our society, that even though supposedly the rules have changed in the modern version of mixed martial arts, it still results in serious danger and harm done to the people who participate.

The most forceful argument I've seen comes from the British Medical Association, which is battling to ban both ultimate fighting and boxing, and they declared that "Doctors cannot stand by while violent fighting tournaments are allowed to take place. Large money can be earned by participants, promoters and others linked to the ultimate fighting, but no amount of money can compensate for permanent brain damage and premature death."

I know we live in a violent

society. I know you can't legislate against violence. I know that our children get mixed messages all the time -- some of them good, some of them towards violence. But I can't vote for a bill that would increase the number of legal activities that promote violence, that can cause serious permanent brain damage or death, and will be used as models by our young children about what are considered acceptable sports activities and unacceptable activities. I urge my colleagues to vote no.

Thank you, Madam President.

ACTING PRESIDENT STEWART-COUSINS: Senator Klein, on the bill.

SENATOR KLEIN: Thank you, Madam President. I rise in support of this legislation and commend my colleague Senator Parker for bringing this legislation to the floor.

Clearly we've heard a lot about this specific sport. And certainly if it were back in 1997 when New York State banned mixed martial arts because at the time it was completely unregulated and a dangerous activity and often compared to human

cockfighting, that certainly is no longer the case right now.

Since that time, it's been regulated, a regulated sport in 37 states which created rules and guidelines to prevent the savagery once associated with this sport. So it's come a long way. It is regulated very similar to how we regulate boxing. It's very similar to how we regulate wrestling.

And I think the time has come for New York State to be the 38th state that allows mixed martial arts. If you look at --

ACTING PRESIDENT STEWART-COUSINS: Can we have order in the chamber, please.

SENATOR KLEIN: Thank you, Madam President.

If you look at the success rate of the sport as far as a revenue generator in other states, it's outstanding. The pay-per-view for the events is off the charts. Neighboring New Jersey, in the Meadowlands and other venues, packs arenas. This is something that I think can do the same thing for New York State.

You know, I firmly believe that,

you know, people around our great state want to watch this. And as long as it's regulated, which it will be under this bill, I think we can generate an awful lot of revenue for many regions around our state. I know Senator Griffo is supportive of this legislation. I know one of the top-ranked fighters is a constituent of his. So there is this New York connection.

I know the numbers are not quite clear, but it has been said we can generate certainly in the first year upward of $5 million. And of course in the legislation there is a 10 percent tax on receipts on ticket sales as well as broadcasting rights, and I think with time this can be a very compelling revenue generator for the state as well as a recurring one.

So I vote yes, Madam President.

ACTING PRESIDENT STEWART-COUSINS: Thank you, Senator.

Senator Padavan, why do you rise?

SENATOR PADAVAN: Will Senator Klein yield to a question.

ACTING PRESIDENT STEWART-COUSINS:

Senator Klein, will you yield to a question?

SENATOR KLEIN: Yes, Madam President.

SENATOR PADAVAN: The regulations you referred to, do they allow choking?

SENATOR KLEIN: I don't see the specifics on what's allowed and what's not allowed.

SENATOR PADAVAN: Well, they do. Do they allow hitting when the individual is down on the ground?

SENATOR KLEIN: I do have it now. Striking, kicking and grappling.

SENATOR PADAVAN: Is what?

SENATOR KLEIN: Are the precise words that are allowed.

SENATOR PADAVAN: That are allowed.

SENATOR KLEIN: That are allowed. I don't see anything that says choking.

SENATOR PADAVAN: It doesn't say it's prohibited, though.

ACTING PRESIDENT STEWART-COUSINS: Senator Padavan.

SENATOR PADAVAN: Would he yield.

ACTING PRESIDENT STEWART-COUSINS: Will you continue to yield, Senator Klein?

SENATOR KLEIN: Yes, Madam President.

SENATOR PADAVAN: Does it say it's prohibited?

SENATOR KLEIN: It specifically states the permitted martial arts techniques -- which is in the legislation, Senator -- which is striking, kicking and grappling.

SENATOR PADAVAN: Senator, you have not answered my question --

ACTING PRESIDENT STEWART-COUSINS: Senator Padavan, do you wish Senator --

SENATOR PADAVAN: -- but let me go on to another one.

SENATOR KLEIN: Again, I will answer your question, Senator. I assume, if they're stating the specific things that are allowed, other things like choking would not be allowed under the legislation.

SENATOR PADAVAN: Madam President, the fact that it doesn't say it is not allowed doesn't mean that it is allowed.

It does mean it's allowed, because it's being done. You talked about those 37 venues. Turn it on, look at one of those fights going on in the cages. You will see choking, you will see kneeing, you will see people being hit while they're on the ground and blooded. And it is permitted by those regulations, which I assume are the very same regulations you are referring to.

ACTING PRESIDENT STEWART-COUSINS: Senator Padavan, are you on the bill or --

SENATOR PADAVAN: Yes, I'm taking a second bite at the apple, if I may. Because the Senator is not going to yield, obviously, to the question that I'm asking.

It is not prohibited. These things are allowed. They are going on today. And I don't care about the $5 million. But I do care about what we are teaching our children.

Now, I'm familiar with when we send our kids to learn judo, taekwondo and other martial arts, and I've been in those places, and I've seen what those children are learning, and it's great. But you don't, you don't knee somebody in the groin, you don't

hit them in the back of the neck with your elbow, you don't beat them up while they're lying on the ground, and you don't choke them.

And that's what this type of ultimate fighting will provide. And if you allowed some of these promoters to go further, they'd have the thumbs up or thumbs down part of it. But they don't go that far. But they certainly do allow someone to be beaten unconscious before that fight will be stopped.

It's not something I think this state, with all due regard to what's going on elsewhere, should permit to be happening.

ACTING PRESIDENT STEWART-COUSINS: Senator Volker, on the bill.

SENATOR VOLKER: Madam President, you know, over the years I have spoken on a number of occasions on violence and television, and I'm the first one to say that it's almost uncontrollable. And when you start talking, for instance, about gun violence, it's kind of a laughable thing to me when people don't realize that the amount of violence, the number of people killed by fists and clubs and other means other than guns has

been rising at a dramatic rate.

I think violence -- and especially for our young people, that a great reason why we have so many problems in our schools has to do with what young people see on television. And I know they can see it on the Internet and so forth. That doesn't make it any more right.

I've seen this ultimate fighting stuff. And if you think about it, boxing, a tough sport, but there are all sorts of rules that govern what can be done during a fight. Senator Krueger and Senator Padavan are right, that ultimate fighting is really about as far out as you can get without going back to the old gladiatorial system.

I realize that it's hard for us to control what our children see, what our people see. Many of us who have been involved in criminal justice are absolutely convinced that the amount of violence in our streets is directly related to what they see and to what is being produced by Hollywood and many other people and the dramatic nature of the bloody kinds of things that we are involved in.

Normally, I speak only where there is terms of something that we can absolutely stop. We can't absolutely stop this ultimate fighting, but we can send a message to our people here in New York that New York is not ready to brutalize people in a public way. And having watched these ultimate fights and the way that they're done -- and I'll show you one thing. Some people now out in the streets are beginning to practice ultimate fighting. And, you know, it seems to me that it will only lead to more violence, to more problems, that we sometimes completely forget about.

So I'm with Senator Padavan and Senator Krueger. This type of activity should not be legalized in New York, and we should try wherever we can to curb violence on TV and on the Internet. Because if we don't, it's very possible our society may be headed for an even worse situation than we're in today.

So I'm going to vote against this legislation.

ACTING PRESIDENT STEWART-COUSINS: Senator Alesi, on the bill.

SENATOR ALESI: Madam President,

my colleagues, thank you.

I'm almost feeling a little bit uncomfortable saying that I am opposing this bill, because having watched ultimate fighting or whatever else you want to call in a more sanitized version, it literally turns my stomach. And for those people who are not affected in that way, I would broaden it and simply say this, that anyone that can get over watching this for any extended period of time has to become desensitized, desensitized to this kind of brutality.

And if there is any one thing we know about problems with young people and violence across this nation -- in fact, violence throughout the world -- it is that they have become desensitized to violence by watching violence on television, by watching people be killed by guns, by watching people be brutally beaten, to the extent where when they see it in real life, they're completely desensitized to it. It doesn't mean anything to them.

And for those people, many of whom are now involved in violent crime, a lot of

times I believe you can trace some of that violence back to the fact that they've been exposed to it over and over and over and over again so many times, they don't see it or feel it as violence.

Now, you can see this on television right now. And as Senator Volker said, yeah, can you catch it on the Internet. And there's no preventing that. Although the bill says if you're 16 years or younger you can't attend one of these events. But you can see them. And I guarantee you the more we see this, the more this kind of brutally is going to mean nothing to younger people. And I also believe that there will probably come a time where even though the bill does not address amateur bouts, you'll start to see amateur bouts that are not sanctioned happening in neighborhoods or other places.

This bill also says you have to be 18 years old or so. That's pretty young. When you've watched ultimate fighting, 18 years old is pretty young to be in a situation like that, especially when the bill allows you to have a fight every 72 hours -- one fight

every three days if you can do it. If you can pass the physical, if your brains and your body aren't so beat up.

I know this is a big economic generator. And my best guess is this bill will be passed based on the fact that New York doesn't want to lose this great opportunity at revenue. But I truly and honestly believe that the more we expose people in our society to this kind of brutality, the more they're going to be desensitized to it and the more outside of the ring we're going to see this kind of activity in our streets and in our schools and places where we would like young people as well as people of older ages to feel safe.

This is going to erode the safety of our communities, our schools and our neighborhoods. And I have to vote no on that basis.

ACTING PRESIDENT STEWART-COUSINS: Senator Leibell.

SENATOR LEIBELL: Thank you, Madam President. Just to echo some of the recent comments of my colleagues.

There has to be a distinction between what's acceptable sport and what is pure brutality. We have all discussed, and we have discussed it as a nation, the violence that we see within our society. I have to believe that encouraging something like this, especially as some sort of an economic engine, can only reduce our society to more and more violence.

I mean, how many times do we discuss the injuries that come about from sports such as football, the head traumas? We've seen our professional athletes, how many of them at a relatively early age are maimed and crippled.

Regardless of the dollars involved for this state, this is a bad way to go. We should be looking for ways to address violence within our society. Madam President, I'll be voting in the negative.

ACTING PRESIDENT STEWART-COUSINS: Thank you, Senator.

Senator Parker.

SENATOR PARKER: Thank you, Madam President. On the bill.

ACTING PRESIDENT STEWART-COUSINS: Senator Parker, would you yield to Senator Lanza?

SENATOR PARKER: For Senator Lanza, anything.

ACTING PRESIDENT STEWART-COUSINS: Senator Lanza, on the bill.

SENATOR LANZA: Thank you, Madam President. And thank you, Senator Parker.

I'll be brief. As I listened to my colleagues Senator Padavan, Senators Volker, Leibell, Alesi, I just want to say, Madam President, I couldn't agree more. We're really living through tough times. Economic, we're 75 or 76 days late with the budget here in this state. We've got so many important social issues that we need to address in this state and across the country. People who are impoverished, people looking for a job -- there's so many things that we have a responsibility here as a Legislature to address.

And I just feel that we can do so much better than legislation like this. This can't be the best that we can do.

And as I listen to the reasons that those who support this legislation offer up, it seems to come down to money. No one's saying anything good about this activity and this conduct. And I just happen to believe that money doesn't make everything all right, that just because you can profit from something it's a good thing.

And there are lots of things that we know that people profit from, whether it's the drug trade or others -- and I'm not comparing this to the drug trade. But I'm just saying that making money doesn't make right or make good or make decent. And this truly is a terrible message to be sending.

You know, as a father of three young children, I can tell you I think it's tougher than ever to raise kids the right way in a society where they are continually bombarded by all sorts of garbage and nonsense. And I think this will make it harder.

You know what the world needs now, as the song says, is more love. Some decency, some compassion. And that's what we should be

talking about. And that's what we should be delivering. We should not send this terrible message that it's okay to really brutalize human decency.

You know, there is a famous football player who went to jail because people were profiting and watching and enjoying dogs fighting. In this state you can go to jail if you let birds fight. Do we truly believe that birds and dogs are more important than people? I really think that that's the message being sent here. And it is truly a terrible one.

And for that reason, I'm going to be voting no. Thank you, Madam President.

ACTING PRESIDENT STEWART-COUSINS: Thank you, Senator.

Senator Parker, to close.

SENATOR PARKER: Thank you, Madam President. On the bill.

I did not realize we had so many peaceniks in this chamber. But let me just -- I rise to, as the sponsor of this bill, just really to, one, clip some things that I think are misunderstood about this sport.

Mixed martial arts is a legitimate sport. It is a sport that has grown over the last number of years. You'll see, out of the 44 states in this great union that have sporting commissions, as Senator Klein indicated, 37 of them have sanctioned mixed martial arts as a legitimate sport.

What my bill attempts to do is to essentially bring us into the mainstream, is to address some of the concerns that people have in this chamber. I agree with almost all of my colleagues with their concerns I guess about violence in our society. I'm not clear that the legalization and regulation of mixed martial arts in the State of New York is going to add to that.

I think that if we are going to ban this, then we ought to be talking about an omnibus bill where we ban boxing from the state, where we ban hockey from the state, where we ban football from the state, where we ban lacrosse from the state. I mean, you know, we have three competitive hockey teams that play in and around the greater New York area and the State of New York, and this is a

sport, you know, where fighting and people losing teeth is part of the everyday activity. And we just celebrated the championship of that sport. Mixed martial arts is actually far more regulated than the fighting that many people in this room enjoy in hockey.

That being said, there's again some conceptions about the kind of striking that can be done. What we're doing in this bill is that we're regulating it. We're saying what can and can't be done. We're saying that there has to be a level of safety. We're saying there has to be a level of humanity in this bill.

Senator Padavan, some of the things that -- I certainly understand and really sympathize with some of your sentiment about this, because I know that you feel very, very strongly about this, as you do many issues that you speak about on this floor.

Striking to the back of the neck is not allowed. Kicking and striking people while they're down is allowed in certain circumstances, but it's not standing over somebody and then stomping them. That's kind

of not what happens.

Also the conversation kind of, you know, in this chamber describes an event that, you know, is almost like gladiarism {sic}. All right? And that's not in fact what happens. There is in fact a referee. There is in fact somebody who monitors it. There is in fact -- you're right that there are submission holds in which people are allowed to tap out or in fact the referee can let people come out of it.

But when you look at the rates of injury -- and Senator Krueger spoke to this as well -- when you look at the rates of injury, particularly concussions, they're actually significantly and dramatically less in mixed martial arts than there are in boxing. Significantly less. And why? Because actually most of the bouts are not decided by people pounding or punching or kicking.

And it's tightly regulated. We will be putting those regulations over to our New York State commission that I think we all trust to do the right thing as relates to regulating the sport. And I think that it

will be something that I think ultimately people will see as a very worthy sport.

There are already places that are engaging in doing training around the sport. Even though bouts aren't allowed, people are still training in the State of New York. Again, we want to bring all of that under regulation. We want to make sure that people are safe when participating in the sport, because this is a sport. And we certainly don't want our young people hurt or injured in any significant way in the sport.

And when people have spoken to the economic implications of this legislation, I think that people have frankly understated them. When you talk about the actual help to the economy in upstate New York by this legislation, you're talking about, to start, it will be $5.2 million and another $11.5 million in New York City because of the economic activity, both because of the actual events as well as people coming into town and the other kinds of things, the ancillary economic activity that surrounds a sanctioned bout.

And so I ask my colleagues to, you know, don't rush to judgment about the level of violence that they believe that they see in this and give the sport a chance. Let us work with our state sports commission to regulate it and to do the right thing economically in the State of New York around this bill.

Thank you very much.

ACTING PRESIDENT STEWART-COUSINS: Thank you, Senator Parker.

Are there any other Senators wishing to be heard?

Hearing none, the debate is closed. The Secretary will please ring the bell.

Read the last section.

THE SECRETARY: Section 6. This act shall take effect on the 120th day.

ACTING PRESIDENT STEWART-COUSINS: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT STEWART-COUSINS: Senator Larkin, to explain his vote.

SENATOR LARKIN: Thank you, Madam President.

I can't believe that we've wasted

an hour of valuable time here this afternoon when we should have been doing something about an important thing called the budget.

When you start to look at these innate actions that we see when we've taken the time to watch this on TV, now I know where all of the games in my city of Kingston and Newburgh, where they get all of their talent from watching this. We're not teaching young people how to be adults, we're teaching young people how to be hoodlums. Look what they do on this show -- pound one another, kick one another. My friend Carl Marcellino said they have those big boxing gloves, they have those leather hand gloves so they can hit and punch one another.

This is a disgrace, this bill is. We should be ashamed of ourself as a legislative body, putting this out here. The next thing, we'll find a street fight in one of our cities and everybody will say, well, they do it on television. You people signed a law to let it happen. This is a disgrace.

I will be able to look at my grandchildren this weekend and say "I don't

let you watch it on TV, and I didn't vote for it in Albany." Why should you?

ACTING PRESIDENT STEWART-COUSINS: Order in the chamber, please.

SENATOR LARKIN: This is -- think of what you're saying. I hear people in here saying we've got to stop the nonsense in the cities, we've got to -- and mostly the people from the City of New York talk about how we've got to do something for the young people. Well, you're not doing anything.

And then when I hear someone say this is going to be for the economy, are we stooping that low to say we're going to have this rough-and-tumble and it's going to help your economy? What about doing something to create jobs, not create confusion?

ACTING PRESIDENT STEWART-COUSINS: Senator Larkin will be recorded in the negative.

Senator Griffo, to explain his vote.

SENATOR GRIFFO: Thank you, Madam President.

While I appreciate and respect that

everyone here would have a personal perspective and a personal preference on any matter of sport, I think what we're dealing with today is the fact that this is an organized sport. It is an organized sport that currently exists and will continue to exist.

And what this bill will do is it will allow the State Athletic Commission to regulate the sport, to ensure things are done properly, and to pay attention to this sport in the way that everybody is expressing they would like to see that take place, to ensure safety.

And secondly, it allows New York State athletes to participate in their own state in a sport that they may choose to participate in, no different than any other professional athlete has that opportunity to do in any other professional sport.

And it also enables this state to benefit economically during some very difficult, challenging times.

So for those reasons, I vote yes.

ACTING PRESIDENT STEWART-COUSINS:

Senator Griffo to be recorded in the affirmative.

Senator Diaz, to explain his vote.

SENATOR DIAZ: Thank you, Madam President.

This is a legislation that I cannot support. I preach in my church, the church that I am the pastor, I preach against violence. And I preach against things that destroy our youth. And I try to teach my youth and people in my church that violence is never, never, never good and never takes us anywhere.

And this kind of sports, this kind of legislation sends a wrong message, a wrong message to all our communities -- especially, especially, especially in our communities.

And don't come and kill the messenger now. But our community needs better messages. Our community needs a message of peace, a message of -- not a message that promotes and creates violence and gives our children, our youth that mentality. We have too much movies, too much TV, too much negative TV, too much negative movies, too

much things going on in our communities destroying the minds and the behavior of our youth, of our people.

So this is -- this is -- honestly, this is not good for our communities. So I'm voting no, Madam President.

ACTING PRESIDENT STEWART-COUSINS: Senator Diaz to be recorded in the negative.

Senator Savino, to explain her vote.

SENATOR SAVINO: Thank you, Madam President.

It is a rare day indeed when party-line votes are not actually party-line votes in this body. We're seeing the yeses on that side and the nos on this side, and yeses here and nos on that side, and I think it's very interesting to see the way this is turning out.

I've heard the argument on both sides that this is a revenue producer and that we're regulating this sport, and I've heard the argument that this is pure violence and we're just allowing people access to it on television. I tend to agree with the latter

argument.

You know, 2,000 years ago the people of ancient Rome used to gather in the Coliseum, along with the Emperor and the Roman Senate, and they would watch gladiators fight to the death and kill each other. And when they were done with that -- that wasn't entertaining enough -- they used to feed the Jews and the Christians to the lions.

That's what passed for entertainment in ancient Rome. And I'm sure the people who ran the city of Rome considered that an economic development program as well. There's not much difference between that and this.

I cannot support this. It is a barbaric -- and I don't want to use the word "sport," because I don't think there's anything sporting about ultimate fighting. It is barbarism portrayed on television for people so that they can watch it and be entertained. And at what point do we cross back over the Rubicon to start feeding people to the lions? Maybe we'll call that a way to save government money because we won't have to

buy food for the lions in the zoo.

I vote no on this bill, and I think that before we grasp at any dollar that we can find in an effort to deal with our budget crisis, we should take a good long look at what we're willing to do for $5 million.

ACTING PRESIDENT STEWART-COUSINS: Senator Savino to be recorded in the negative.

Senator Thompson, to explain his vote.

SENATOR THOMPSON: Yes, Madam Chairwoman. I rise in support of this bill.

I know that many of my colleagues have expressed some concern. But as previously stated, this legislation will allow the State Athletic Commission to move forward with the process. In Niagara Falls, this would be great.

I only request one thing, that the first match is in Niagara Falls. I think it's a great backdrop. In fact, there's a boxing match in Niagara Falls on Saturday night.

So this is really good. I think it will provide some economic opportunity. I think the state should receive more money,

actually, but it's a start. And I think it's a good start, and I strongly support this legislation.

ACTING PRESIDENT STEWART-COUSINS: Senator Thompson to be recorded in the affirmative.

Senator C. Johnson, to explain his vote.

SENATOR CRAIG JOHNSON: Thank you very much, Madam President. I'm going to be voting in the affirmative on this.

I've been listening very closely to the debate and the questions, and I'm struck by some of the comments and observations. We not only permit boxing and hockey, but we promote pro wrestling. And while we as adults know it's fake, our children certainly don't know it's fake. And yet our children are actively -- there are instances where children are actually setting up wrestling rings in their backyard and getting involved in wrestling, and we do nothing to stop that, quote, sport.

And yet what's interesting is an individual who owns the wrestling corporation

is now running for the United States Senate based on the millions of dollars she's made on this sport that we as a state have done nothing to try and ban.

But I think what's even more troubling is sitting here in the Senate today listening to those who oppose this legislation, which will provide regulation, are outraged by the potential violence that is going on, are going to vote against it, and yet also voted against yesterday a microstamping bill that would have helped police end real gun violence in New York State.

I haven't seen these instances of gangs of youth running in our streets, given the fact they can watch mixed martial arts on television right now, and yet we're trying to prevent our police from stopping the real problem of gun violence in New York State, when yesterday we couldn't pass that bill.

I'm going to vote aye on this piece of legislation. I thank the sponsor. I thank Senator Klein, who's been involved in this. And I do vote aye. Thank you very much.

ACTING PRESIDENT STEWART-COUSINS: Senator C. Johnson to be recorded in the affirmative.

Senator Saland, to explain his vote.

SENATOR SALAND: Thank you, Madam President.

My time is limited, so I certainly don't want to pursue the line of argument that was just thrown out there by Senator Johnson.

Suffice it to say that this is a brutal, barbaric activity. I wouldn't even deem it to be a sport. And yes, there have been hockey players who have been prosecuted for their violence that has occurred within the hockey rink. And even professional football, a very violent sport, is making an evident because of the injuries that the athletes have sustained, either to try and avoid the multiplicity of concussions that have occurred or to provide some type of funding for those who in their fifties are substantially disabled, who are neurologically damaged to the point where they prematurely experience dementia.

And what we are effectively doing here, what is attempting to be done with this, is to give sanction to one of the most violent of activities, something that would probably be most closely related to in fact the gladiator analogy in the Roman Forum thousands of years ago.

This is nothing that we should condone. This should be uniformly condemned. And if the basis for our embracing this is the fact that it provides a source of revenue, then shame on us, how low could we possibly stoop?

I vote in the negative.

ACTING PRESIDENT STEWART-COUSINS: Senator Saland to be recorded in the negative.

Senator Alesi, to explain his vote.

SENATOR ALESI: Thank you, Madam President and my colleagues.

I think I've given my reasons for opposing this bill. Primarily because I believe that the more exposure our society gets to this, the more desensitized our people, especially our young people, will become to this kind of brutality. And you'll

see more and more of it in our streets and our schools and our neighborhoods.

But I'd like to point out one thing to my colleagues here. If you look at this bill, this bill doesn't just authorize ultimate fighting. It actually takes out a significant part of Section 5 of the existing law that sanctions professional wrestling, professional boxing, et cetera, et cetera.

This bill carves out a specific piece of the existing law that says you cannot have ultimate fighting in New York State. And under circumstances surrounding ultimate fighting, under the existing law, you could be fined up to $20,000 or more, you could receive a felony, you could receive a misdemeanor or any other number of things.

So somewhere, somehow, sometime, somebody recognized that even though we have professional wrestling, which is theater, professional boxing, which is legitimate to some extent, we don't have, today, ultimate fighting in the law. It's illegal.

So this bill isn't just saying we can have it now, it's saying we're taking out

what exists in the law today. Felonies, misdemeanors, fines up to $20,000 or more if you engage in this. Somebody had it right sometime.

And you know the most interesting thing about this? And I don't want to get too soft on this whole thing, but you know the only place that you specifically can't have ultimate fighting in a hall or some other venue in New York State? You can't have it in a place that's used specifically for religious services.

ACTING PRESIDENT STEWART-COUSINS: Senator Alesi, how do you vote?

SENATOR ALESI: For religious services. Somebody must have their -- I vote no.

ACTING PRESIDENT STEWART-COUSINS: Senator Alesi to be recorded in the negative.

Senator Stavisky, to explain her vote.

SENATOR STAVISKY: Thank you, Madam President.

I've listened to the debate, and I must tell you I'm not a big fan of these

type -- I don't think sports, necessarily. But we watch revenue opportunities slip away. We're constantly being reminded that we have a $9.2 billion deficit. People are watching these activities, but they're watching it in other states.

And I think it's time that we took advantage of the revenues that will be produced in New York State in something that will be recognized and supervised by the State Athletic Commission.

When I used to see the news at night and you watch some of the clips from the hockey games and you see the referee standing there on the ice, watching one player go after another with a stick, and they hit and they do all kinds of things, is this different?

This I think will be better regulated, better supervised, and certainly bring in some revenue that we desperately need in New York. I vote aye.

ACTING PRESIDENT STEWART-COUSINS: Senator Stavisky to be recorded in the affirmative.

Senator DeFrancisco, to explain his

vote.

SENATOR DeFRANCISCO: Yes, I'm going to vote aye on this bill.

And I wasn't expecting to speak, but I couldn't help but have to stand up and comment on what Senator Savino said about this is exactly like the gladiators in ancient Rome and we won't have to have food for the animals. I mean, talk about rhetoric. I mean, that's absolutely ridiculous.

These are consenting adults. In some cases, people -- not only for the viewership that may enjoy this sort of thing -- I don't particularly care for it, but I don't care for "Real Housewives of New York" either.

(Laughter.)

SENATOR DeFRANCISCO: And that doesn't provide too many stimulation for our young people either.

But it seems to me in some instances this may be the only way to be successful for some people who have to be physically capable of doing these type of things.

In fact, if we wanted to really carry this to a very beneficial extreme, maybe we could settle the budget crisis by Carl Kruger and I getting into the ring rather than going through what we do every week.

(Laughter.)

SENATOR DeFRANCISCO: Secondly, I -- and it's going to be regulated. And one of our most recent boxing commissioners, a female, I can't remember her name, explained why she was in favor of it, because she thought it would be regulated.

Lastly, the microstamping argument is so ridiculous I'm not even going to reply to that.

I vote aye.

ACTING PRESIDENT STEWART-COUSINS: Senator DeFrancisco to be recorded in the affirmative.

Senator Padavan, to explain his vote.

SENATOR PADAVAN: Senator DeFrancisco, many of the gladiators were consenting adults, just as a matter of fact.

I too want to comment relevant to

the remarks in explaining his vote by Senator Johnson. I voted for the microstamping bill -- he's gone, he's not here -- and I'm voting against this bill. I don't see the correlation.

On top of that, many of my colleagues, irrespective of how they're voting on this bill, including those who are voting against it, have been advocating criminal justice measures in this state for a long time, only to be thwarted by inaction on that side of the aisle. So to start relating this issue to our records as it relates to dealing with criminals in this state makes no sense whatsoever.

And if you want to go another step further, the sponsor of the microstamping bill was the one who gave us the ceiling where we now have dozens of criminals whose background checks you cannot get and where a drug pusher could end up teaching in a school because that education institution will not be able to get a background check. You remember that whole scenario.

And he promised -- he's not here

either, right now. Oh, yes, he's over there -- that he was going to amend the bill to take care of that problem, and he never did.

So let's not be casting the brickbats in directions that they don't belong.

The fact remains this is a barbaric practice, it is something that teaches our children the wrong idea about sportsmanship. Yes, many of our sports have potentials for harm. But on the football field, they wear helmets and shoulder guards and all sorts of things. Similarly in the hockey rink, in a variety of ways.

And as far as professional wrestling, the kids I know know it's fake. They all know it's fake.

ACTING PRESIDENT STEWART-COUSINS: Senator Padavan -- Senator Padavan, how do you vote?

SENATOR PADAVAN: I vote no.

ACTING PRESIDENT STEWART-COUSINS: Senator Padavan to be recorded in the negative.

Senator Adams, to explain his vote.

SENATOR ADAMS: Thank you, Mr. President -- Mrs. President.

I was sort of confused today; when they said "ultimate fighting," I thought they were talking about our chamber when I first heard it, to be honest with you.

But let me say this. I think Senator Padavan hit it on the head. Football, hockey, wrestling, all of those sports have a level of control because they are regulated. When you permit regulations, then you can make sure that people are operating within the span of control to limit the level of injuries that takes place.

So to vote nay when the ultimate fighting is taking place, you're moving it out of the span of regulating, allowing the commissioner to ensure that it falls within the scope to protect the fighters, and make sure that the fighters reach a certain level of testing, a certain level of professionalism, and a certain level of behavior.

So the arguments that are raised of

why we shouldn't do it is actually the arguments of why we need to do it. We need to regulate sports and make sure that sports are actually performed in a proper manner to make sure that from our young people all the way up to the adults and the professional level is done with a level of regulation. And that's what our excellent society and system that's in place to regulate the activity of athletes in sports.

I vote aye on this bill, and I look forward to having this here in the State of New York.

ACTING PRESIDENT STEWART-COUSINS: Senator Adams to be recorded in the affirmative.

Are there any other Senators wishing to explain his or her vote?

Announce the results.

(Pause.)

ACTING PRESIDENT STEWART-COUSINS: Senator DeFrancisco.

SENATOR DeFRANCISCO: Point of order.

I don't know if it's me or not, but

it seems that after Tom Testo reached that golden age, he seems to be counting a lot slower lately.

(Laughter.)

ACTING PRESIDENT STEWART-COUSINS: Senator DeFrancisco, that's not a point of --

SENATOR DeFRANCISCO: Is there a time frame in which you can count votes? Is there a limit?

ACTING PRESIDENT STEWART-COUSINS: No, Senator. We are striving for accuracy.

SENATOR DeFRANCISCO: I thought it might be for results.

(Pause.)

ACTING PRESIDENT STEWART-COUSINS: Announce the results.

THE SECRETARY: In relation to Calendar Number 971, to be recorded in the negative: Senators Alesi, Bonacic, Breslin, Diaz, Flanagan, Foley, Fuschillo, Hannon, Huntley, O. Johnson, L. Krueger, Lanza, Larkin, LaValle, Leibell, Marcellino, Maziarz, Montgomery, Oppenheimer, Padavan, Ranzenhofer, Saland, Savino, Skelos, Stewart-Cousins and Volker.

Ayes, 32. Nays, 26.

Absent from voting pursuant to Rule 9: Senators Farley, Nozzolio, and Young.

ACTING PRESIDENT STEWART-COUSINS: The bill is passed.

The Secretary will continue to read.

THE SECRETARY: Calendar Number 983, by Senator Schneiderman, Senate Print 7280A --

ACTING PRESIDENT STEWART-COUSINS: May we have order in the chamber, please.

THE SECRETARY: Calendar Number 983, by Senator Schneiderman, Senate Print 7280A --

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

ACTING PRESIDENT STEWART-COUSINS: The bill is laid aside for the day.

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

Senator Klein.

SENATOR KLEIN: Madam President, can you please recognize Senator Libous for an

announcement.

ACTING PRESIDENT STEWART-COUSINS: Senator Libous.

SENATOR LIBOUS: Thank you, Madam President.

There will be an immediate, immediate, immediate, immediate Republican conference in our conference room.

ACTING PRESIDENT STEWART-COUSINS: Thank you, Senator.

There will be an immediate, immediate, immediate Republican conference in the Republican Conference Room.

Senator Klein.

SENATOR KLEIN: Madam President, pending the return of the minority conference, can we please stand at ease for 15 minutes.

ACTING PRESIDENT STEWART-COUSINS: The Senate will stand at ease for 15 minutes, pending the return of the Republican conference.

(Whereupon, the Senate stood at ease at 3:02 p.m.)

(Whereupon, the Senate reconvened at 3:31 p.m.)

ACTING PRESIDENT STEWART-COUSINS: Returning to the order of messages from the Assembly, the chair hands down the following message.

THE SECRETARY: The Assembly sent for concurrence the following bill.

On motion of Mr. Smith, and by unanimous consent, the rules were suspended and said bill ordered to a third reading: Assembly Bill Number 11438.

ACTING PRESIDENT STEWART-COUSINS: So ordered.

Senator Klein.

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

ACTING PRESIDENT STEWART-COUSINS: There is a message of necessity at the desk.

The Secretary will read the title of the bill.

THE SECRETARY: Calendar Number 1034, by the Assembly Committee on Rules, Assembly Print Number 11438, an act to amend the Arts and Cultural Affairs Law.

ACTING PRESIDENT STEWART-COUSINS: Senator Klein.

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

ACTING PRESIDENT STEWART-COUSINS: There is a message of necessity at the desk.

Senator Klein.

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

ACTING PRESIDENT STEWART-COUSINS: The question is on the acceptance of the message of necessity. All those in favor please signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT STEWART-COUSINS: Opposed, nay.

(Response of "Nay.")

ACTING PRESIDENT STEWART-COUSINS: The message is accepted.

The Assembly bill is before the house, noncontroversial.

Read the last section.

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

SENATOR LIBOUS: Lay it aside.

ACTING PRESIDENT STEWART-COUSINS: The bill is laid aside.

Senator Klein.

SENATOR KLEIN: Madam President, can we please go to a controversial reading of this bill.

ACTING PRESIDENT STEWART-COUSINS: The Secretary will place the Assembly bill before the house, controversial.

Read the last section.

SENATOR STAVISKY: Madam President.

ACTING PRESIDENT STEWART-COUSINS: Senator Stavisky, on the bill.

SENATOR STAVISKY: What bill is it? Do we have the bill before us on our desks?

SENATOR LIBOUS: Madam President.

ACTING PRESIDENT STEWART-COUSINS: Senator Libous.

SENATOR LIBOUS: Somewhat in line with Senator Stavisky, is there a calendar number for this? And what calendar is it on, please?

ACTING PRESIDENT STEWART-COUSINS: Senator Libous, because this was directly handed down, there is no calendar number. But

we will be getting the bills on the desks momentarily.

SENATOR LIBOUS: Thank you, Madam President.

(Pause.)

ACTING PRESIDENT STEWART-COUSINS: The bills are on the desks.

I would ask the Secretary to proceed with the reading of the controversial calendar.

THE SECRETARY: Calendar Number 1034, by the Assembly Committee on Rules, Assembly Print Number 11438, an act to amend the Arts and Cultural Affairs Law.

ACTING PRESIDENT STEWART-COUSINS: Read the last section.

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

ACTING PRESIDENT STEWART-COUSINS: The debate is closed. The Secretary will please ring the bell.

Read the last section.

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

ACTING PRESIDENT STEWART-COUSINS:

Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT STEWART-COUSINS: Senator Flanagan, to explain his vote.

SENATOR FLANAGAN: Thank you, Madam President.

I think this bill that we have before us right now is another great example of why things are so screwed up in Albany. We're now getting a bill, literally at the last minute -- all of a sudden we have to do this, it's got to get done right now, and nobody seems to be able to say why.

Here we're advancing money to SUNY Albany to the tune of about $243,000 because of problems associated with the Theater Institute.

I am not comfortable voting for this, for two basic reasons. Number one, it's part of an incremental, piecemeal, snail's pace approach to doing the budget. All of a sudden now the Theater Institute becomes the issue of the day, we have to drop everything else and deal with this now. No disrespect to SUNY Albany, but somehow I don't think they're

going to go out of business if this bill is not passed by 4 o'clock today.

On top of that, if you look at what happened at the Theater Institute, I don't feel that that has been resolved. We have a director who's resigned, there's new people put in, now the board is going to be juggled around. We don't even know if there's been any effort to get any of the money back from the woman who stole it and pilfered it, giving contracts to her family, buying rights to products that frankly she shouldn't have a right to -- criminal behavior. And here we are just throwing money at a problem that doesn't appear to be fixed.

It's the wrong way to go. We shouldn't be doing this in an incremental fashion. I'm going to vote no.

ACTING PRESIDENT STEWART-COUSINS: Senator Flanagan to be recorded in the negative.

I would ask all those voting in the negative to please keep your hands raised.

Announce the results.

THE SECRETARY: Those recorded in

the negative on Calendar Number 1034 are Senators Alesi, Bonacic, DeFrancisco, Flanagan, Fuschillo, Golden, Griffo, Hannon, O. Johnson, Lanza, Larkin, LaValle, Leibell, Libous, Little, Marcellino, Maziarz, McDonald, Nozzolio, Padavan, Ranzenhofer, Robach, Saland, Seward, Skelos, Volker and Winner.

Absent from voting pursuant to Rule 9: Senators Farley and Young.

Ayes, 32. Nays, 27.

ACTING PRESIDENT STEWART-COUSINS: The bill is passed.

Senator Klein.

SENATOR KLEIN: Madam President, can we please briefly go back to motions and resolutions.

ACTING PRESIDENT STEWART-COUSINS: Returning to motions and resolutions.

SENATOR KLEIN: On behalf of Senator Squadron, on page 21 I offer the following amendments to Calendar Number 532, Senate Print Number 4313C, and ask that said bill retain its place on Third Reading Calendar.

ACTING PRESIDENT STEWART-COUSINS:

So ordered.

SENATOR KLEIN: On behalf of Senator Schneiderman, I wish to call up Print Number 4394A, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT STEWART-COUSINS: The Secretary will read the title.

THE SECRETARY: Calendar Number 415, by Senator Schneiderman, Senate Print 4394A, an act to amend the Penal Law.

ACTING PRESIDENT STEWART-COUSINS: Senator Klein.

SENATOR KLEIN: Madam President, I now move to reconsider the vote by which this bill was passed.

ACTING PRESIDENT STEWART-COUSINS: The Secretary will call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT STEWART-COUSINS: Senator Klein.

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

ACTING PRESIDENT STEWART-COUSINS:

The amendments are received.

Senator Klein.

SENATOR KLEIN: Madam President, on behalf of Senator Dilan, on page 49 I offer the following amendments to Calendar Number 964, Senate Print Number 4478A, and ask that said bill retain its place on Third Reading Calendar.

ACTING PRESIDENT STEWART-COUSINS: So ordered.

SENATOR KLEIN: On behalf of Senator Oppenheimer, on page 41 I offer the following amendments to Calendar Number 871, Senate Print Number 7820, and ask that said bill retain its place on Third Reading Calendar.

ACTING PRESIDENT STEWART-COUSINS: So ordered.

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

ACTING PRESIDENT STEWART-COUSINS: Senator Libous.

SENATOR LIBOUS: Madam President, on behalf of Senator Leibell, I call up his bill, Print Number 7620, recalled from the

Assembly, which is now at the desk.

ACTING PRESIDENT STEWART-COUSINS: The Secretary will read.

THE SECRETARY: Calendar Number 881, by Senator Leibell, Senate Print 7620, an act to authorize.

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

ACTING PRESIDENT STEWART-COUSINS: The Secretary will call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

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

ACTING PRESIDENT STEWART-COUSINS: Amendments received.

Senator Klein.

SENATOR KLEIN: Madam President, on behalf of Senator Stachowski, I move that the following bills be discharged from their respective committees and be recommitted with instructions to strike the enacting clause: Senate Numbers 1942, 1955, and 1963.

ACTING PRESIDENT STEWART-COUSINS: So ordered.

Senator Klein.

SENATOR KLEIN: Madam President, can we please stand at ease pending the Minority conference.

And I want to remind my colleagues, please try to stay close to the chamber because we want to finish the business as quickly as possible.

ACTING PRESIDENT STEWART-COUSINS: Senator Libous.

SENATOR LIBOUS: Thank you, Madam President. There will be an immediate Republican conference.

ACTING PRESIDENT STEWART-COUSINS: There will be an immediate Republican conference.

The Senate will stand at ease pending the return of the Republican conference. Please stay close.

(Whereupon, the Senate stood at ease at 3:51 p.m.)

ACTING PRESIDENT STEWART-COUSINS: Senator Klein.

SENATOR KLEIN: Madam President, there will be an immediate meeting of the Rules Committee in the Majority Conference Room.

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

ACTING PRESIDENT STEWART-COUSINS: Immediate meeting of the Rules Committee in the Majority Conference Room.

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

(Whereupon, the Senate reconvened at 6:27 p.m.)

ACTING PRESIDENT STEWART-COUSINS: Senator Klein.

SENATOR KLEIN: Madam 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 STEWART-COUSINS: 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 4538A, by Senator LaValle, an act to amend the Education Law;

2344, by Senator Savino, an act to amend the Civil Service Law;

2956A, by Senator Adams, an act to amend the Labor Law;

3258A, by Senator Duane, an act to amend the Public Health Law;

3510A, by Senator Savino, an act to amend the Education Law;

3718A, by Senator Savino, an act to amend the Retirement and Social Security Law;

4323A, by Senator Foley, an act to amend the Social Services Law;

4349, by Senator C. Kruger, an act to amend the Social Services Law;

4526, by Senator L. Krueger, an act to amend the Legislative Law;

4562, by Senator Savino, an act to amend the Civil Service Law;

4691A, by Senator C. Kruger, an act to amend the Social Services Law;

4948, by Senator Thompson, an act

to amend the Environmental Conservation Law;

4958, by Senator Thompson, an act to amend the Environmental Conservation Law;

5014, by Senator Stachowski, an act to amend the Labor Law;

5202, by Senator Savino, an act to amend the Labor Law;

5634, by Senator Savino, an act to amend the Public Authorities Law;

5689, by Senator Thompson, an act to amend the Environmental Conservation Law;

6283, by Senator Klein, an act to amend the General Business Law;

6433, by Senator Schneiderman, an act to amend the State Finance Law;

6680, by Senator L. Krueger, an act to amend the Social Services Law;

6785, by Senator Savino, an act to amend the Civil Service Law;

7078, by Senator Savino, an act to amend the Retirement and Social Security Law;

7236, by Senator Parker, an act in relation to creating;

7263, by Senator Foley, an act to amend the Public Service Law;

7451, by Senator Savino, an act to amend the Labor Law;

7551, by Senator Oppenheimer, an act to amend the Tax Law;

7658A, by Senator Adams, an act to amend the General Business Law;

7701, by Senator Foley, an act in relation to a report;

7786, by Senator Adams, an act to amend the Criminal Procedure Law;

7829, by Senator Duane, an act to amend the Public Health Law;

7933, by Senator Foley, an act to amend the Town Law;

8011, by Senator Serrano, an act to amend the Parks, Recreation and Historic Preservation Law;

8095, by Senator Valesky, an act to repeal certain provisions;

And Senate Print 8148, by Senator Bonacic, an act to amend Chapter 196 of the Laws of 2008.

All bills ordered direct to third reading.

ACTING PRESIDENT STEWART-COUSINS:

All those in favor of adopting the Rules Committee report please signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT STEWART-COUSINS: Opposed, nay.

(No response.)

ACTING PRESIDENT STEWART-COUSINS: The Rules Committee report is adopted.

Senator Klein.

SENATOR KLEIN: Madam President, can we briefly return to motions and resolutions.

ACTING PRESIDENT STEWART-COUSINS: Returning to motions and resolutions.

Senator Klein.

SENATOR KLEIN: Madam President, on page 4 of Senate Calendar Number 64B, I offer the following amendments to Calendar Number 1031, Senate Print Number 8011, and ask that said bill retain its place on Third Reading Calendar. This is on behalf of Senator Serrano.

ACTING PRESIDENT STEWART-COUSINS: So ordered.

SENATOR KLEIN: On behalf of

Senator Montgomery, on page number 25 I offer the following amendments to Calendar Number 617, Senate Print Number 6709B, and ask that said bill retain its place on Third Reading Calendar.

ACTING PRESIDENT STEWART-COUSINS: So ordered.

SENATOR KLEIN: On behalf of Senator Stewart-Cousins, on page number 47 I offer the following amendments to Calendar Number 929, Senate Print Number 7962A, and ask that said bill retain its place on Third Reading Calendar.

ACTING PRESIDENT STEWART-COUSINS: So ordered.

SENATOR KLEIN: On behalf of Senator Stavisky, on page number 1 of Calendar Number 64A I offer the following amendments to Calendar Number 979, Senate Print Number 5680, and ask that said bill retain its place on Third Reading Calendar.

ACTING PRESIDENT STEWART-COUSINS: So ordered.

SENATOR KLEIN: On behalf of Senator Stachowski, I move that the following

bills be discharged from their respective committees and be recommitted with instructions to strike the enacting clause: Senate Numbers 1942, 1955, and 1963.

ACTING PRESIDENT STEWART-COUSINS: So ordered.

SENATOR KLEIN: Madam President, at this time can we please go to a reading of Supplemental Calendar 64B.

ACTING PRESIDENT STEWART-COUSINS: The Secretary will proceed with the reading of Supplemental Calendar Number 64B.

THE SECRETARY: Calendar Number 988, by Senator LaValle, Senate Print 4538A, an act to amend the Education Law.

ACTING PRESIDENT STEWART-COUSINS: The bill is high. We'll lay it aside for the day.

THE SECRETARY: Calendar Number 990, by Senator Savino, Senate Print 2344, an act to amend the Civil Service Law.

ACTING PRESIDENT STEWART-COUSINS: Read the last section.

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

ACTING PRESIDENT STEWART-COUSINS: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT STEWART-COUSINS: Announce the results.

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT STEWART-COUSINS: The bill is passed.

THE SECRETARY: Calendar Number 992, by Senator Adams, Senate Print 2956A, an act to amend the Labor Law.

ACTING PRESIDENT STEWART-COUSINS: Read the last section.

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

ACTING PRESIDENT STEWART-COUSINS: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT STEWART-COUSINS: Announce the results.

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT STEWART-COUSINS: The bill is passed.

THE SECRETARY: In relation to Calendar Number 994, Senator Duane moves to

discharge, from the Committee on Health, Assembly Bill Number 7662A and substitute it for the identical Senate Bill Number 3258A, Third Reading Calendar 994.

ACTING PRESIDENT STEWART-COUSINS: Substitution ordered.

THE SECRETARY: Calendar Number 994, by Member of the Assembly Ortiz, Assembly Print Number 7662A, an act to amend the Public Health Law.

ACTING PRESIDENT STEWART-COUSINS: Read the last section.

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

ACTING PRESIDENT STEWART-COUSINS: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT STEWART-COUSINS: Announce the results.

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT STEWART-COUSINS: The bill is passed.

THE SECRETARY: Calendar Number 995, by Senator Savino, Senate Print 3510A, an act to amend the Education Law.

ACTING PRESIDENT STEWART-COUSINS: Read the last section.

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

ACTING PRESIDENT STEWART-COUSINS: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT STEWART-COUSINS: Announce the results.

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT STEWART-COUSINS: The bill is passed.

THE SECRETARY: Calendar Number 996, by Senator Savino, Senate Print 3718A, an act to amend the Retirement and Social Security Law.

ACTING PRESIDENT STEWART-COUSINS: Read the last section.

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

ACTING PRESIDENT STEWART-COUSINS: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT STEWART-COUSINS: Senator Hannon, to explain his vote.

SENATOR HANNON: Thank you, Madam President.

While this bill certainly has laudable goals, I find I must not go along with it in this day and age. Page 3 of the bill, the actuarial assumptions from the actuary, says this will have annual employer costs to the New York Employment Retirement System by approximately $90,000 per year. So I'm going to vote against it.

ACTING PRESIDENT STEWART-COUSINS: Senator Hannon to be recorded in the negative.

Are there any other Senators wishing to explain his or her vote?

Announce the results.

THE SECRETARY: Those recorded in the negative on Calendar Number 996 are Senators Griffo, Hannon, Larkin, LaValle, Ranzenhofer and Winner. Also Senator Little. Also Senator Nozzolio. Also Senator Golden. Also Senator Bonacic. Also Senator Maziarz. Also Senator Leibell. Also Senator Saland. Also Senator Skelos. Also Senator Young. Also Senators Flanagan and Fuschillo. Also Senators Libous and Marcellino. Also Senator

McDonald. Also Senator O. Johnson.

In relation to Calendar Number 996: Ayes, 40. Nays, 21.

ACTING PRESIDENT STEWART-COUSINS: The bill is passed.

THE SECRETARY: Calendar Number 999, by Senator Foley, Senate Print 4323A, an act to amend the Social Services Law.

ACTING PRESIDENT STEWART-COUSINS: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the 180th day.

ACTING PRESIDENT STEWART-COUSINS: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59. Nays, 2. Senators Ranzenhofer and Squadron recorded in the negative.

ACTING PRESIDENT STEWART-COUSINS: The bill is passed.

THE SECRETARY: Calendar Number 1000, by Senator C. Kruger, Senate Print 4349, an act to amend the Social Services Law.

ACTING PRESIDENT STEWART-COUSINS: Read the last section.

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

ACTING PRESIDENT STEWART-COUSINS: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT STEWART-COUSINS: Announce the results.

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT STEWART-COUSINS: The bill is passed.

THE SECRETARY: Calendar Number 1001, by Senator L. --

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

ACTING PRESIDENT STEWART-COUSINS: The bill is laid aside for the day.

THE SECRETARY: Calendar Number 1002, by Senator Savino, Senate Print 4562, an act to amend the Civil Service Law.

ACTING PRESIDENT STEWART-COUSINS: Read the last section.

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

ACTING PRESIDENT STEWART-COUSINS: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT STEWART-COUSINS: Announce the results.

SENATOR SALAND: Madam President, can you tell me what bill was just laid aside for the day, what bill we're on, please?

ACTING PRESIDENT STEWART-COUSINS: The bill that was laid aside for the day, Senator Saland, was 1001, and we are currently on 1002.

SENATOR SALAND: Thank you very much, Madam President.

ACTING PRESIDENT STEWART-COUSINS: Announce the results.

THE SECRETARY: In relation to Calendar Number 1002: Ayes, 60. Nays, 1. Senator Ranzenhofer recorded in the negative.

ACTING PRESIDENT STEWART-COUSINS: The bill is passed.

Senator Saland.

SENATOR SALAND: Madam President, may I have unanimous consent to be recorded in the negative on Calendar Number 1002.

ACTING PRESIDENT STEWART-COUSINS: Senator Saland to be recorded in the negative

on Calendar Number 1002.

The Secretary will read.

THE SECRETARY: Calendar Number 1003, by Senator C. Kruger, Senate Print 4691A, an act to amend the Social Services Law.

ACTING PRESIDENT STEWART-COUSINS: Read the last section.

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

ACTING PRESIDENT STEWART-COUSINS: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT STEWART-COUSINS: Announce the results.

THE SECRETARY: Those recorded in the negative on Calendar Number 1003 are Senators Flanagan, Golden, O. Johnson, Lanza, Larkin, Marcellino, Ranzenhofer and Winner.

Ayes, 53. Nays, 8.

ACTING PRESIDENT STEWART-COUSINS: Senator Flanagan.

SENATOR FLANAGAN: Madam President, I respectfully ask for unanimous consent to be recorded in the negative on

Calendar Number 1002, please.

ACTING PRESIDENT STEWART-COUSINS: Unanimous consent granted. You will be recorded in the negative on Calendar Number 1002.

SENATOR FLANAGAN: Thank you.

ACTING PRESIDENT STEWART-COUSINS: Senator Hannon.

SENATOR HANNON: I'm voting no on 1003.

ACTING PRESIDENT STEWART-COUSINS: Announce the results.

THE SECRETARY: Ayes, 52. Nays, 9.

ACTING PRESIDENT STEWART-COUSINS: The bill is passed.

THE SECRETARY: Calendar Number 1004, by Senator Thompson, Senate Print 4948, an act to amend the Environmental Conservation Law.

ACTING PRESIDENT STEWART-COUSINS: Read the last section.

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

ACTING PRESIDENT STEWART-COUSINS:

Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT STEWART-COUSINS: Announce the results.

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT STEWART-COUSINS: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1005, Senator Thompson moves to discharge, from the Committee on Environmental Conservation, Assembly Bill Number 3421 and substitute it for the identical Senate Bill Number 4958, Third Reading Calendar 1005.

ACTING PRESIDENT STEWART-COUSINS: Substitution ordered.

THE SECRETARY: Calendar Number 1005, by Member of the Assembly Sweeney, Assembly Print Number 3421, an act to amend the Environmental Conservation Law.

ACTING PRESIDENT STEWART-COUSINS: Read the last section.

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

ACTING PRESIDENT STEWART-COUSINS:

Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT STEWART-COUSINS: Announce the results.

THE SECRETARY: Those recorded in the negative on Calendar Number 1005 are Senators DeFrancisco, Golden, O. Johnson, Little, Nozzolio, Ranzenhofer and Winner.

Ayes, 54. Nays 7.

ACTING PRESIDENT STEWART-COUSINS: The bill is passed.

THE SECRETARY: Calendar Number 1006, by Senator Stachowski, Senate Print 5014, an act to amend the Labor Law.

ACTING PRESIDENT STEWART-COUSINS: Read the last section.

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

ACTING PRESIDENT STEWART-COUSINS: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT STEWART-COUSINS: Announce the results.

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

negative.

ACTING PRESIDENT STEWART-COUSINS: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1007, Senator Savino moves to discharge, from the Committee on Rules, Assembly Bill Number 9774 and substitute it for the identical Senate Bill Number 5202, Third Reading Calendar 1007.

ACTING PRESIDENT STEWART-COUSINS: Substitution ordered.

THE SECRETARY: Calendar Number 1007, by Member of the Assembly Gibson, Assembly Print Number 9774, an act to amend the Labor Law.

ACTING PRESIDENT STEWART-COUSINS: Read the last section.

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

ACTING PRESIDENT STEWART-COUSINS: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT STEWART-COUSINS: Announce the results.

Senator DeFrancisco, why do you

rise?

SENATOR DeFRANCISCO: Yes, I'd just like to explain my vote.

I voted no not because I'm against homemakers or not because I'm against displaced homemakers. But if you're waiving the fee for one class of individuals, I think it means others have to either pay more or there may be other classes that are equally deserving of a waiver of the fees.

For that reason is why I'm voting no.

ACTING PRESIDENT STEWART-COUSINS: Senator DeFrancisco to be recorded in the negative.

The Secretary will announce the results.

THE SECRETARY: In relation to Calendar Number 1007: Ayes, 60. Nays, 1. Senator DeFrancisco recorded in the negative.

ACTING PRESIDENT STEWART-COUSINS: The bill is passed.

THE SECRETARY: Calendar Number 1008, by Senator Savino --

SENATOR KLEIN: Lay the bill

aside for the day, please.

ACTING PRESIDENT STEWART-COUSINS: The bill is laid aside for the day.

THE SECRETARY: In relation to Calendar Number 1009, Senator Thompson moves to discharge, from the Committee on Environmental Conservation, Assembly Bill Number 3419 and substitute it for the identical Senate Bill Number 5689, Third Reading Calendar 1009.

ACTING PRESIDENT STEWART-COUSINS: Substitution ordered.

THE SECRETARY: Calendar Number 1009, by Member of the Assembly Sweeney, Assembly Print Number 3419, an act to amend the Environmental Conservation Law.

ACTING PRESIDENT STEWART-COUSINS: Read the last section.

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

ACTING PRESIDENT STEWART-COUSINS: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT STEWART-COUSINS: Announce the results.

THE SECRETARY: Those recorded in the negative on Calendar Number 1009 are Senators DeFrancisco, O. Johnson, Lanza, Little, Ranzenhofer. Also Senator Farley.

Ayes, 55. Nays, 6.

ACTING PRESIDENT STEWART-COUSINS: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1012, Senator Klein moves to discharge, from the Committee on Consumer Protection, Assembly Bill Number 5180A and substitute it for the identical Senate Bill Number 6283, Third Reading Calendar 1012.

ACTING PRESIDENT STEWART-COUSINS: Substitution ordered.

THE SECRETARY: Calendar Number 1012, by Member of the Assembly Pheffer, Assembly Print Number 5180A, an act to amend the General Business Law.

ACTING PRESIDENT STEWART-COUSINS: Read the last section.

THE SECRETARY: Section 4. This act shall take effect on the 120th day.

ACTING PRESIDENT STEWART-COUSINS: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT STEWART-COUSINS: Announce the results.

THE SECRETARY: Ayes, 61. Nays, 0.

ACTING PRESIDENT STEWART-COUSINS: The bill is passed.

THE SECRETARY: Calendar Number 1014, by Senator Schneiderman, Senate Print 6433, an act to amend the State Finance Law.

ACTING PRESIDENT STEWART-COUSINS: Read the last section.

THE SECRETARY: Section 4. This act shall take effect on the 180th day.

ACTING PRESIDENT STEWART-COUSINS: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT STEWART-COUSINS: Announce the results.

THE SECRETARY: Those recorded in the negative on Calendar Number 1014 are Senators Bonacic, DeFrancisco, Farley, Flanagan, Fuschillo, Golden, Griffo, Hannon, O. Johnson, Lanza, Larkin, LaValle, Libous, Little, Marcellino, Maziarz, Nozzolio,

Ranzenhofer, Seward, Skelos, Volker, Winner and Young. Also Senator Saland.

Ayes, 37. Nays, 24.

ACTING PRESIDENT STEWART-COUSINS: The bill is passed.

THE SECRETARY: Calendar Number 1015, by Senator L. Krueger --

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

ACTING PRESIDENT STEWART-COUSINS: The bill is laid aside for the day.

THE SECRETARY: Calendar Number 1016, by Senator Savino, Senate Print 6785, an act to amend the Civil Service Law.

ACTING PRESIDENT STEWART-COUSINS: Read the last section.

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

ACTING PRESIDENT STEWART-COUSINS: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT STEWART-COUSINS: Announce the results.

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT STEWART-COUSINS:

The bill is passed.

THE SECRETARY: Calendar Number 1019, by Senator Savino, Senate Print 7078, an act to amend the Retirement and Social Security Law.

ACTING PRESIDENT STEWART-COUSINS: Read the last section.

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

ACTING PRESIDENT STEWART-COUSINS: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT STEWART-COUSINS: Senator Hannon, to explain his vote.

SENATOR HANNON: Well, while I'd love to vote for this, I'm constrained because the fiscal note says for employee who does elect, there will be an annual cost to the State of New York of approximately 9.2 percent of salary for the fiscal year beginning March 31, 2011.

For those reasons, I'm constrained to vote no.

ACTING PRESIDENT STEWART-COUSINS: Senator Hannon to be recorded in the negative.

Announce the results.

THE SECRETARY: Those recorded in the negative on Calendar Number 1019 are Senators Griffo, Hannon, Larkin, LaValle, Ranzenhofer and Winner. Also Senator Marcellino.

Ayes, 54. Nays, 7.

ACTING PRESIDENT STEWART-COUSINS: The bill is passed.

THE SECRETARY: Calendar Number 1020, by Senator Parker --

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

ACTING PRESIDENT STEWART-COUSINS: The bill is laid aside for the day.

THE SECRETARY: Calendar Number 1021, by Senator Foley, Senate Print 7263, an act to amend the Public Service Law.

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

ACTING PRESIDENT STEWART-COUSINS: The bill is laid aside for the day.

THE SECRETARY: Calendar Number 1022, by Senator Savino, Senate Print 7451, an act to amend the Labor Law.

ACTING PRESIDENT STEWART-COUSINS: Read the last section.

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

ACTING PRESIDENT STEWART-COUSINS: Call the roll.

(The Secretary called the roll.)

SENATOR WINNER: Lay it aside.

ACTING PRESIDENT STEWART-COUSINS: The bill is laid aside.

THE SECRETARY: In relation to Calendar Number 1024, Senator Oppenheimer moves to discharge, from the Committee on Investigations and Government Operations, Assembly Bill Number 7253A and substitute it for the identical Senate Bill Number 7551, Third Reading Calendar 1024.

ACTING PRESIDENT STEWART-COUSINS: Substitution ordered.

THE SECRETARY: Calendar Number 1024, by Member of the Assembly Galef, Assembly Print Number 7253A, an act to amend the Tax Law and the State Finance Law.

ACTING PRESIDENT STEWART-COUSINS: Read the last section.

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

ACTING PRESIDENT STEWART-COUSINS: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT STEWART-COUSINS: Announce the results.

SENATOR RANZENHOFER: Madam President --

ACTING PRESIDENT STEWART-COUSINS: Senator Ranzenhofer, why do you rise?

SENATOR RANZENHOFER: The bill is not on the calendar here. It's a different number.

ACTING PRESIDENT STEWART-COUSINS: Senator, the calendar number is 1024.

SENATOR MARCELLINO: But the bill number.

ACTING PRESIDENT STEWART-COUSINS: The bill number is 7551.

SENATOR RANZENHOFER: You read something else, though.

ACTING PRESIDENT STEWART-COUSINS: The bill was substituted. It's the same number as Bill Number 1024.

Senator Klein.

SENATOR KLEIN: Madam President, can you please remove the lay-aside on Calendar Number 1020, Senator Parker's bill, Print Number 7236.

ACTING PRESIDENT STEWART-COUSINS: The lay-aside is withdrawn.

The Secretary will call the roll on Calendar Number 1024.

(The Secretary called the roll.)

ACTING PRESIDENT STEWART-COUSINS: Announce the results.

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT STEWART-COUSINS: The bill is passed.

SENATOR LIBOUS: Madam President, just a point of clarification. Calendar Number 1022 was laid aside for the day?

SENATOR KLEIN: No. 1021 was laid aside for the day.

SENATOR LIBOUS: And 1022, did that pass?

ACTING PRESIDENT STEWART-COUSINS: No, it was laid aside.

SENATOR LIBOUS: Thank you, Madam

President.

ACTING PRESIDENT STEWART-COUSINS: We will return to Calendar Number 1020.

The Secretary will read.

THE SECRETARY: Calendar Number 1020, by Senator Parker, Senate Print 7236, an act in relation to creating the New York State Triangle Shirtwaist Factory Fire 100th Anniversary Commemoration.

ACTING PRESIDENT STEWART-COUSINS: Read the last section.

THE SECRETARY: Section 7. This act shall take effect immediately.

ACTING PRESIDENT STEWART-COUSINS: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT STEWART-COUSINS: Senator Maziarz, to explain his vote.

SENATOR MAZIARZ: Thank you very much, Madam President. Just to explain my vote.

First, I want to commend Senator Parker. This was a very important tragic historic happening in New York State.

And I would recommend to Senator

Parker -- I haven't exactly read through the entire bill yet. I don't know who makes the appointments. But clearly a very good friend of all of ours in this room, both sides of the aisle, someone well respected by everyone, our former colleague Senator Serph Maltese, lost two aunts and his grandmother in this fire.

And clearly I think it would be a tribute to Senator Maltese, who every year in March, even after he left the Senate, still comes back here for the ceremony honoring those individuals who died in that tragic fire. So I would certainly recommend that Senator Maltese be on this commission.

And again, I think this is great legislation and I vote in the affirmative. Thank you.

ACTING PRESIDENT STEWART-COUSINS: Senator Maziarz to be recorded in the affirmative.

Senator Parker, to explain his vote.

SENATOR PARKER: Thank you, Madam President.

As many of you know, this bill

creates a temporary commission to commemorate the 100th anniversary of the Triangle Shirtwaist Factory fire of 1911. And of course this bill is to bring attention to that and create a temporary commission.

Some people may not know that the deaths of 146 immigrant women who were killed in that fire swept through the Triangle Shirtwaist Factory 99 years ago and marks the occasion on which New York changed forever. The Triangle Shirtwaist Factory fire was one of New York's most prolific industrial disasters.

And really what's most shocking about it was the discovery that the managers of the shirtwaist factory had ultimately condemned their valuable employees to a death sentence by locking the doors to the stairwells and exits in order to prevent them from taking cigarette breaks during their shifts. This resulted in many employees being unable to escape. And so of the 146 that perished, 62 persons jumped to their deaths as witnesses looked on and were unable to help.

Attitudes toward safety were as a

result dramatically altered, and from the ashes of this horrific event emerged the American Society of Safety Engineers.

This tragedy represents the need to acknowledge the past in order to effectively deal with the challenges of our future. I'm hopeful everybody will vote for it. I vote aye.

And I'm taking Senator Maziarz's suggestion and I'm going to also suggest to our leader in fact that Senator Serph Maltese be the Senate nominee to this commission.

ACTING PRESIDENT STEWART-COUSINS: Are there any other Senators wishing to explain his or her vote?

Hearing none, announce the results.

THE SECRETARY: Ayes, 61. Nays, 0.

ACTING PRESIDENT STEWART-COUSINS: The bill is passed.

Now we will return to Calendar Number 1026. The Secretary will read.

THE SECRETARY: Calendar Number 1026, by Senator Adams, Senate Print 7658A, an act to amend the General Business Law.

ACTING PRESIDENT STEWART-COUSINS: Read the last section.

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

ACTING PRESIDENT STEWART-COUSINS: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT STEWART-COUSINS: Senator Hannon, to explain his vote.

SENATOR HANNON: Madam President, this bill, which appears just to deal with stolen and misappropriated computer programs, actually I think represents an overreach by the computer industry. Because in the definitions of what is not allowed to be done, it says if someone uses a product that does not have the necessary license ingredients, that that's deemed to be the misappropriated software.

It goes on to have a series of penalties that pyramid. And I believe this is, instead of being something where we're dealing with crime, we're dealing with intellectual property. I don't think this is appropriate to portray it this way. I think

this is just giving a leg up to people in the industry who ought to be able to go into court and sue without a statute like this, sue for actual damages, proof we have a civil service that works.

I don't think we need to put this in the criminal law. And for those reasons I am voting against it.

ACTING PRESIDENT STEWART-COUSINS: Senator Hannon to be recorded in the negative.

Are there any other Senators wishing to explain his or her vote?

Announce the results.

THE SECRETARY: Those recorded in the negative on Calendar Number 1026 are Senators DeFrancisco, Flanagan, Hannon, O. Johnson, Larkin, LaValle, Little, Marcellino, Padavan, Ranzenhofer and Winner.

Ayes, 50. Nays, 11.

ACTING PRESIDENT STEWART-COUSINS: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1027, Senator Foley moves to discharge, from the Committee on Transportation, Assembly Bill Number 7153A and

substitute it for the identical Senate Bill Number 7701, Third Reading Calendar 1027.

ACTING PRESIDENT STEWART-COUSINS: Substitution ordered.

THE SECRETARY: Calendar Number 1027, by Member of the Assembly Alessi, Assembly Print Number 7153A, an act in relation to a report.

ACTING PRESIDENT STEWART-COUSINS: Read the last section.

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

ACTING PRESIDENT STEWART-COUSINS: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT STEWART-COUSINS: Announce the results.

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT STEWART-COUSINS: The bill is passed.

THE SECRETARY: Calendar Number 1028, by Senator Adams, Senate Print 7786, an act to amend the Criminal Procedure Law.

ACTING PRESIDENT STEWART-COUSINS: Read the last section.

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

ACTING PRESIDENT STEWART-COUSINS: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT STEWART-COUSINS: Announce the results.

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT STEWART-COUSINS: The bill is passed.

THE SECRETARY: Calendar Number 1029, by Senator Duane, Senate Print 7829, an act to amend the Public Health Law.

ACTING PRESIDENT STEWART-COUSINS: Read the last section.

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

ACTING PRESIDENT STEWART-COUSINS: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT STEWART-COUSINS: Announce the results.

THE SECRETARY: Ayes, 59. Nays, 2. Senators DeFrancisco and Winner recorded

in the negative.

ACTING PRESIDENT STEWART-COUSINS: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1030, Senator Foley moves to discharge, from the Committee on Local Government, Assembly Bill Number 9181 and substitute it for the identical Senate Bill Number 7933, Third Reading Calendar 1030.

ACTING PRESIDENT STEWART-COUSINS: Substitution ordered.

THE SECRETARY: Calendar Number 1030, by Member of the Assembly Fields, Assembly Print Number 9181, an act to amend the Town Law.

ACTING PRESIDENT STEWART-COUSINS: Read the last section.

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

ACTING PRESIDENT STEWART-COUSINS: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT STEWART-COUSINS: Announce the results.

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT STEWART-COUSINS: The bill is passed.

THE SECRETARY: Calendar Number 1032, by Senator Valesky --

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

ACTING PRESIDENT STEWART-COUSINS: The bill is laid aside for the day.

THE SECRETARY: Calendar Number 1033, by Senator Bonacic, Senate Print 8148, an act to amend Chapter 196 of the Laws of 2008 relating to authorizing.

ACTING PRESIDENT STEWART-COUSINS: The bill is high. Lay the bill aside for the day.

We are returning to Calendar Number 1032. The Secretary will read.

THE SECRETARY: Calendar Number 1032, by Senator Valesky, Senate Print 8095, an act to repeal certain provisions.

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

Read the last section.

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

ACTING PRESIDENT STEWART-COUSINS: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT STEWART-COUSINS: Announce the results.

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT STEWART-COUSINS: The bill is passed.

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

Senator Klein.

SENATOR KLEIN: Madam President, at this time can we please go to a reading of the controversial Supplemental Calendar 64B.

ACTING PRESIDENT STEWART-COUSINS: The Secretary will read.

THE SECRETARY: Calendar Number 1022, by Senator Savino, Senate Print --

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

ACTING PRESIDENT STEWART-COUSINS: The bill is laid aside for the day.

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

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

ACTING PRESIDENT STEWART-COUSINS: Senator Klein, the desk is clear.

SENATOR KLEIN: Madam President, there being no further business, I move that we adjourn until --

ACTING PRESIDENT STEWART-COUSINS: Excuse me, Senator Klein. There appears to be a motion.

SENATOR KLEIN: Okay. Could you call on Senator Libous. He has a motion.

ACTING PRESIDENT STEWART-COUSINS: Senator Libous.

SENATOR LIBOUS: Madam President, before all of my members leave, before I do this motion, there will be a 9:30 Republican conference in the morning.

And, Madam President -- oh, on behalf of Senator Libous, I wish to call up my bill, Print Number 7700A, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT STEWART-COUSINS: The Secretary will read.

THE SECRETARY: Calendar Number

653, by Senator Libous, Senate Print 7700A, an act to amend the Highway Law.

ACTING PRESIDENT STEWART-COUSINS: Senator Libous.

SENATOR LIBOUS: Madam President, I now move to reconsider the vote by which my bill was passed.

ACTING PRESIDENT STEWART-COUSINS: The Secretary will call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

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

ACTING PRESIDENT STEWART-COUSINS: Amendments received.

Senator Klein.

SENATOR KLEIN: Once again, Madam President, I move that we adjourn until Thursday, June 17th, at 10:00 a.m.

ACTING PRESIDENT STEWART-COUSINS: There being no further business to come before the Senate, on motion, the Senate stands adjourned until Thursday, June 17th, at 10:00 a.m.

(Whereupon, at 7:06 p.m., the Senate adjourned.)