

1 NEW YORK STATE SENATE

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3
4 THE STENOGRAPHIC RECORD

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8
9 ALBANY, NEW YORK

10 June 18, 2010

11 10:59 a.m.

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13
14 REGULAR SESSION

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18
19 SENATOR DIANE SAVINO, Acting President

20 ANGELO J. APONTE, Secretary

1 P R O C E E D I N G S

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

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

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

8 ACTING PRESIDENT SAVINO: Today's
9 invocation will be provided by the Reverend
10 Peter G. Young, of Mother Teresa Community,
11 Albany.

12 REVEREND YOUNG: Thank you,
13 Senator.

14 Let us pray.

15 As we approach Father's Day, may we
16 recall the early leaders that did so many
17 outstanding things for our New York State
18 citizens. We are proud of our elected
19 leaders, as we were then and now -- Van Buren,
20 Fillmore, Arthur, Cleveland, Theodore and
21 Franklin Roosevelt. May we continue in the
22 greatness of their dedicated public service to
23 all of our citizens in New York State.

24 May we follow in the rich tradition
25 of the Senators that first met here in the

1 chamber and in Kingston five days after our
2 Declaration of Independence.

3 May we also, O God, realize that
4 You, ever living God, will gather here in this
5 chamber with these men and women as members
6 representing our constituents to provide
7 leadership for all of our New York State
8 citizens. Let Your spirit enlighten our minds
9 and guide our actions, that we may be united
10 in love and bring to fulfillment the work of
11 government for the greater honor and glory of
12 our state citizens.

13 Amen.

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

16 The Secretary will read.

17 THE SECRETARY: In Senate,
18 Thursday, June 17, the Senate met pursuant to
19 adjournment. The Journal of Wednesday,
20 June 16, was read and approved. On motion,
21 Senate adjourned.

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

25 Presentation of petitions.

1 Messages from the Assembly.
2 Messages from the Governor.
3 Reports of standing committees.
4 Reports of select committees.
5 Communications and reports from
6 state officers.

7 Motions and resolutions.
8 Senator Klein.

9 SENATOR KLEIN: Madam President,
10 on behalf of Senator Craig Johnson, on page
11 number 10 I offer the following amendments to
12 Calendar Number 215, Senate Print Number
13 6444B, and ask that said bill retain its place
14 on Third Reading Calendar.

15 ACTING PRESIDENT SAVINO: So
16 ordered.

17 SENATOR KLEIN: Madam President,
18 on behalf of Senator Adams, on page 36 I offer
19 the following amendments to Calendar Number
20 861, Senate Print Number 7945, and ask that
21 said bill retain its place on Third Reading
22 Calendar.

23 ACTING PRESIDENT SAVINO: So
24 ordered.

25 SENATOR KLEIN: On behalf of

1 Senator Aubertine, on page 15 I offer the
2 following amendments to Calendar Number 371,
3 Senate Print Number 7181A, and ask that said
4 bill retain its place on Third Reading
5 Calendar.

6 ACTING PRESIDENT SAVINO: So
7 ordered.

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

12 ACTING PRESIDENT SAVINO: The
13 Secretary will read.

14 THE SECRETARY: On page 4,
15 Senator Hassell-Thompson moves to discharge,
16 from the Committee on Rules, Assembly Bill
17 Number 3103A and substitute it for the
18 identical Senate Bill Number 4018A, Third
19 Reading Calendar 11.

20 On page 6, Senator Aubertine moves
21 to discharge, from the Committee on Rules,
22 Assembly Bill Number 9252A and substitute it
23 for the identical Senate Bill Number 6303A,
24 Third Reading Calendar 104.

25 On page 26, Senator Breslin moves

1 to discharge, from the Committee on Rules,
2 Assembly Bill Number 11131 and substitute it
3 for the identical Senate Bill Number 7772,
4 Third Reading Calendar 685.

5 On page 38, Senator Foley moves to
6 discharge, from the Committee on Rules,
7 Assembly Bill Number 10973A and substitute it
8 for the identical Senate Bill Number 8026A,
9 Third Reading Calendar 880.

10 And on page 44, Senator Peralta
11 moves to discharge, from the Committee on
12 Rules, Assembly Bill Number 10000A and
13 substitute it for the identical Senate Bill
14 Number 7300A, Third Reading Calendar 951.

15 ACTING PRESIDENT SAVINO:
16 Substitutions ordered.

17 Senator Klein.

18 SENATOR KLEIN: Madam President,
19 I believe there's a resolution at the desk by
20 Senator Parker. I ask that the resolution be
21 read in its entirety and move for its
22 immediate adoption.

23 ACTING PRESIDENT SAVINO: Senator
24 Klein, has this resolution been deemed
25 privileged and submitted by the office of the

1 Temporary President?

2 SENATOR KLEIN: Yes, it has,
3 Madam President.

4 ACTING PRESIDENT SAVINO: The
5 Secretary will read.

6 THE SECRETARY: By Senator
7 Parker, legislative resolution expressing
8 heartfelt condolences to the victims of the
9 Gulf of Mexico oil spill which began in April
10 of 2010.

11 "WHEREAS, The ecological, economic
12 and cataclysmic events in the Gulf of Mexico
13 due to the explosion of an oil platform
14 resulting in the deaths of 11 employees and
15 the repercussions to family and friends and
16 the yet unhalted massive releases of oil and
17 natural gases into the waters of the Gulf will
18 require the efforts and support of the
19 citizens of this state and nation to ensure
20 the restoration of the ecology and economy of
21 all the regions affected by the unprecedented
22 ecological disaster; and

23 "WHEREAS, This Legislative Body is
24 moved to extend its heartfelt condolences to
25 the families of the men killed and injured on

1 the offshore oil drill platform and expresses
2 its solidarity with all the volunteers,
3 organizations and individuals involved in the
4 cleanup and recovery efforts in the Gulf Coast
5 of the United States and Mexico; and

6 "WHEREAS, It is the sense of this
7 Legislative Body to express sincerest
8 heartfelt condolences to the small and large
9 businesses, visitors and other parties injured
10 economically and personally by the massive
11 Gulf of Mexico oil and natural gas spill which
12 began in April of 2010; and

13 "WHEREAS, The coordinated efforts
14 of state and federal governments and
15 volunteers in recovering wildlife and ensuring
16 the safety of the waters are recognized by
17 this Legislative Body. The generosity and
18 humanitarianism of those who have given of
19 their time and commitment to attempt to
20 mitigate an environmental disaster cannot be
21 sufficiently extolled; and

22 "WHEREAS, In addition to the human
23 toll, the Gulf of Mexico oil and natural gas
24 spill has resulted in extensive economic
25 destruction of fishing, shrimping and oyster

1 fields, unknown damage to the environment and
2 creatures dependent upon the sustaining
3 presence of the waters, the catastrophic loss
4 of employment and effect on the well-being of
5 countless citizens and businesses along the
6 Gulf of Mexico and the Atlantic Ocean whose
7 habitats may be compromised for some time; and

8 "WHEREAS, This Legislative Body is
9 shocked and dismayed by the magnitude of this
10 ongoing disaster and expresses to all the
11 victims of the Gulf of Mexico oil spill that
12 the people of this Empire State relate to the
13 suffering that others endure in times of such
14 devastation and remain hopeful there will be
15 an environmentally safe and comprehensive
16 resolution to this catastrophe; now,
17 therefore, be it

18 "RESOLVED, That this Legislative
19 Body pause in its deliberations to express
20 sincerest heartfelt condolences to the victims
21 of the Gulf of Mexico oil and gas spill and
22 express solidarity with all the individuals
23 and organizations involved in the ongoing
24 recovery efforts in the Gulf of Mexico; and be
25 it further

1 "RESOLVED, That copies of this
2 resolution, suitably engrossed, be transmitted
3 to the Governors of Alabama, Florida, Georgia,
4 Louisiana, Mississippi and Texas and to the
5 President of Mexico."

6 ACTING PRESIDENT SAVINO: Senator
7 Parker.

8 SENATOR PARKER: Madam President,
9 on the resolution.

10 In April, the Deepwater Horizon, a
11 British Petroleum oil well, exploded and
12 caught fire, killing 11 workers, devastating
13 their families and friends and beginning the
14 ongoing release of millions of gallons of oil
15 and natural gas into the waters of the Gulf of
16 Mexico. The human cost of this disaster and
17 ongoing oil and natural gas spill of
18 unprecedented size and severity cannot be
19 calculated.

20 Looking beyond the devastation to
21 families of the deceased and injured, to the
22 thousands who depend upon the Gulf waters for
23 fishing, shrimping and oystering, as well as
24 tourism, countless thousands of small business
25 people, entrepreneurs, and hardworking

1 employees have been thrown into the ranks of
2 the unemployed and may never again have access
3 to the ecological bounty of the waters of the
4 Gulf of Mexico which have provided livelihoods
5 for people for centuries.

6 The full and lasting effects of
7 this catastrophe and seemingly endless oil
8 spill will not be known for decades. The
9 immediate effects are known to all who join us
10 in mourning the dead oil service workers and
11 the mammals, the birds, the fish, the coral
12 reefs, the unspoiled beaches, shrimp beds and
13 other unrecoverable resources.

14 While it's not the task of this
15 legislative body to set policy for the Gulf or
16 for the United States, we have often led the
17 nation in proposing new bold solutions, and we
18 have always rallied together to snatch new
19 victories out of defeats that we have
20 suffered.

21 That is why I call upon the
22 Governor and the members of this legislative
23 body and to all New Yorkers to mourn this
24 tragedy and promote a prompt resolution to
25 this cataclysmic event by volunteering aid and

1 contributing in some other way to what we have
2 all prayed will be a speedy resolution to this
3 ongoing tragedy.

4 It is why I think we should all, as
5 New Yorkers and as Americans, take this moment
6 to rededicate ourselves to the goal of
7 reducing our addiction to foreign sources of
8 energy, reducing our great state's dependence
9 upon fossil fuels and reducing our carbon
10 footprint, and rethinking innovative solutions
11 to meet New York's energy needs while
12 protecting our natural environment -- our
13 water, our air, each other -- as strongly as
14 possible.

15 I do not want to spend time on
16 these thoughts today while we all take a
17 moment to reflect upon this misfortune and to
18 offer our heartfelt condolences to our fellow
19 Americans in the Gulf and to offer our prayers
20 that the President is able to mitigate the
21 unfolding tragedy that is the Gulf's oil spill
22 today. However, I want to promise you today
23 that over the coming year I will take the
24 opportunity to engage with you, my colleagues,
25 our colleagues in the Assembly, and the

1 Executive in looking for energy solutions in
2 New York that will lower our exposure to the
3 potential catastrophe similar to that which
4 has befallen the people of the Gulf Coast
5 states, while continuing to create and retain
6 well-paying jobs for all New Yorkers.

7 Thank you.

8 ACTING PRESIDENT SAVINO: Are
9 there any other Senators wishing to be heard
10 on the resolution?

11 Seeing none, the question is on the
12 resolution. All those in favor please signify
13 by saying aye.

14 (Response of "Aye.")

15 ACTING PRESIDENT SAVINO:
16 Opposed, nay.

17 (No response.)

18 ACTING PRESIDENT SAVINO: The
19 resolution is adopted.

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

25 Senator Klein.

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

4 ACTING PRESIDENT SAVINO: The
5 Secretary will read.

6 THE SECRETARY: Calendar Number
7 11, substituted earlier today by Member of the
8 Assembly Koon, Assembly Print Number 3103A, an
9 act to amend the Penal Law.

10 ACTING PRESIDENT SAVINO: Read
11 the last section.

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

15 ACTING PRESIDENT SAVINO: Call
16 the roll.

17 (The Secretary called the roll.)

18 ACTING PRESIDENT SAVINO:
19 Announce the results.

20 THE SECRETARY: Ayes, 50.

21 ACTING PRESIDENT SAVINO: The
22 bill is passed.

23 THE SECRETARY: Calendar Number
24 79, by Senator Valesky, Senate Print 5440C, an
25 act to amend the Alcoholic Beverage Control

1 Law.

2 ACTING PRESIDENT SAVINO: Read
3 the last section.

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

6 ACTING PRESIDENT SAVINO: Call
7 the roll.

8 (The Secretary called the roll.)

9 ACTING PRESIDENT SAVINO:
10 Announce the results.

11 THE SECRETARY: Ayes, 50.

12 ACTING PRESIDENT SAVINO: The
13 bill is passed.

14 THE SECRETARY: Calendar Number
15 134, by Senator Fuschillo, Senate Print 46B,
16 an act to amend the Vehicle and Traffic Law.

17 ACTING PRESIDENT SAVINO: Read
18 the last section.

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

21 ACTING PRESIDENT SAVINO: Call
22 the roll.

23 (The Secretary called the roll.)

24 ACTING PRESIDENT SAVINO: Senator
25 Fuschillo, to explain his vote.

1 SENATOR FUSCHILLO: Thank you
2 very much, Madam President.

3 Just briefly, I want to thank the
4 Senate once again for supporting this
5 legislation. We finally, after many, many
6 years of passing this bill in this house, have
7 an agreement with the Assembly that would
8 close a loophole to ensure that when somebody
9 is arrested for DWI, whether they kill
10 somebody or not, who draws blood and under
11 what supervision will not be the determining
12 factor of it being thrown out in the courts.

13 This bill, this piece of
14 legislation is named after Jack Shea, who is a
15 former Olympic Gold Medalist from Betty
16 Little's district. And I want to thank her
17 for her support, and Jack Shea's son Jim Shea.

18 Jack Shea was killed by a drunk
19 driver in 2002, but, because the individual
20 who drew blood was not under a physician's
21 supervision, it was thrown out and the
22 murderer got away. This closes that loophole
23 in New York State's law. It's another tool
24 for us to combat drinking and driving here.

25 I vote yes, and I thank my

1 colleagues for their support.

2 Thank you, Madam President.

3 ACTING PRESIDENT SAVINO: Senator
4 Fuschillo to be recorded in the affirmative.

5 Senator Little, to explain her
6 vote.

7 SENATOR LITTLE: Thank you, Madam
8 President.

9 I would like to begin by thanking
10 Senator Fuschillo for his persistence and for
11 his advocacy on behalf of this piece of
12 legislation.

13 Certainly what happened in the
14 instance where Jack Shea died was a bad thing
15 to happen to anybody, and this corrects that
16 loophole that kept that alcohol test from
17 being used to convict the person who was
18 guilty of hitting him and causing his death.

19 But it was such a sad thing for the
20 people of the Lake Placid Olympic area and the
21 people that knew Jack Shea. Jack Shea was an
22 Olympian, a speed skater in the 1932 Olympics,
23 which were held in Lake Placid. He actually
24 won two Gold Medals. He won the first Gold
25 Medal that was awarded at that 1932 Olympics.

1 His son, Jim Shea, appeared in
2 another Olympics in the 1960s, was an
3 Olympian. And when Jack Shea, while driving
4 his car on a Saturday afternoon in Lake
5 Placid, right in the village, was hit, he was
6 preparing to go to the Olympics where his
7 grandson, Jim Shea, was going to compete in
8 the skeleton. And in that Olympics Jim Shea,
9 young Jim, had his grandfather's Olympic card
10 in his helmet, and he won a Gold Medal.

11 So it's a really spectacular story
12 of a family who has had this Olympic spirit
13 and has been able to achieve so much.

14 But this achievement is going to
15 help in all cases, and especially in rural
16 hospitals, where you don't always have the
17 protocol that was necessary to have the test
18 done by someone who is on the list.

19 And what happened here is that the
20 doctors were trying to save Jack Shea and tend
21 to him, and someone else, an EMT, did the
22 test. Therefore the test, even though it
23 showed that the driver was well over the legal
24 limit in the middle of the afternoon, on a
25 Saturday afternoon, and was driving drunk,

1 they were not able to use that evidence.

2 So thank you to everyone, the
3 district attorney's office, and especially to
4 Senator Fuschillo, and all of those who really
5 worked hard to help get this passed.

6 ACTING PRESIDENT SAVINO: Senator
7 Little to be recorded in the affirmative.

8 Are there any other Senators
9 wishing to explain their vote?

10 Seeing none, announce the results.

11 THE SECRETARY: Ayes, 52. Nays,
12 0.

13 ACTING PRESIDENT SAVINO: The
14 bill is passed.

15 THE SECRETARY: Calendar Number
16 219, by Senator Foley, Senate Print 6041A, an
17 act to amend the Real Property Tax Law.

18 ACTING PRESIDENT SAVINO: Read
19 the last section.

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

22 ACTING PRESIDENT SAVINO: Call
23 the roll.

24 (The Secretary called the roll.)

25 ACTING PRESIDENT SAVINO:

1 Announce the results.

2 THE SECRETARY: Ayes, 52.

3 ACTING PRESIDENT SAVINO: The
4 bill is passed.

5 THE SECRETARY: Calendar Number
6 349, by Member of the Assembly Parment,
7 Assembly Print Number 10233, an act to amend
8 the Correction Law.

9 ACTING PRESIDENT SAVINO: Read
10 the last section.

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

13 ACTING PRESIDENT SAVINO: Call
14 the roll.

15 (The Secretary called the roll.)

16 ACTING PRESIDENT SAVINO:
17 Announce the results.

18 THE SECRETARY: Ayes, 52.

19 ACTING PRESIDENT SAVINO: The
20 bill is passed.

21 THE SECRETARY: Calendar Number
22 506, by Senator Squadron, Senate Print 7365A,
23 an act to amend the Public Authorities Law.

24 ACTING PRESIDENT SAVINO: Read
25 the last section.

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

3 ACTING PRESIDENT SAVINO: Call
4 the roll.

5 (The Secretary called the roll.)

6 ACTING PRESIDENT SAVINO:
7 Announce the results.

8 THE SECRETARY: Ayes, 52.

9 ACTING PRESIDENT SAVINO: The
10 bill is passed.

11 THE SECRETARY: Calendar Number
12 660, by Member of the Assembly Ortiz, Assembly
13 Print Number 10790, an act to amend Chapter
14 408 of the Laws of 1999.

15 ACTING PRESIDENT SAVINO: Read
16 the last section.

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

19 ACTING PRESIDENT SAVINO: Senator
20 Young, to explain her vote.

21 SENATOR YOUNG: Thank you, Madam
22 President.

23 You know, it's with mixed emotions
24 that we pass this bill today, because this is
25 named in honor of Kendra Webdale, who was from

1 my district. She grew up in Fredonia,
2 New York, and 11 years ago she was actually
3 pushed in front of a subway train in New York
4 City. She was killed. The person who pushed
5 her was Andrew Goldstein, who was a
6 schizophrenic.

7 And as a result, 10 years ago we
8 passed Kendra's Law, that has been greatly
9 important public policy where people who have
10 serious mental illness who have a history of
11 violence can get the treatment they so
12 desperately need and allow them to be live in
13 the community so that they can be productive
14 and have a better quality of life.

15 We've had Kendra's Law in place, as
16 I said, for the last 10 years. It expired
17 five years ago; we renewed it again. And we
18 should make Kendra's Law permanent. There
19 actually is legislation that has been
20 introduced that would allow for that to
21 happen. And Kendra's parents, Ralph and Pat
22 Webdale, have fought tirelessly to try to get
23 Kendra's Law permanent.

24 So I'm glad that we are renewing
25 Kendra's Law today. But I have to tell you,

1 it's very disappointing to the family, it's
2 disappointing to a lot of the advocates that
3 we are not making it permanent.

4 So, Madam President, I will be
5 voting in the affirmative, but I think that we
6 need to take another look at this and have
7 some permanency brought to bear. So thank you
8 very much.

9 ACTING PRESIDENT SAVINO: The
10 Secretary will start by calling the roll on
11 Calendar Number 660.

12 (The Secretary called the roll.)

13 ACTING PRESIDENT SAVINO: Senator
14 Hannon, to explain his vote.

15 SENATOR HANNON: Thank you, Madam
16 President.

17 I too rise to support this bill,
18 but I would rather be supporting a
19 permanentization of Kendra's Law.

20 When we last renewed this statute,
21 we called for an in-depth study. That study
22 has been conducted. It was done by a
23 respected academic entity, not connected with
24 New York. It really showed that the care
25 under Kendra's Law is superior in the

1 community than otherwise, that people who need
2 to be treated are not so much confined as
3 cared for so we don't have to worry about the
4 safety of the population in general.

5 I think it should be permanentized.
6 I don't understand why we can't go in that
7 direction. But in any event, we do need to
8 continue it, and I vote in favor.

9 ACTING PRESIDENT SAVINO: Senator
10 Hannon will be recorded in the affirmative.

11 Are there any other Senators who
12 wishing to explain their vote?

13 Seeing none, announce the results.

14 THE SECRETARY: Ayes, 55. Nays,
15 0.

16 ACTING PRESIDENT SAVINO: The
17 bill is passed.

18 THE SECRETARY: Calendar Number
19 682, by Senator Breslin, Senate Print 6949A,
20 an act to amend the Insurance Law.

21 ACTING PRESIDENT SAVINO: Read
22 the last section.

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

25 ACTING PRESIDENT SAVINO: Call

1 the roll.

2 (The Secretary called the roll.)

3 ACTING PRESIDENT SAVINO:

4 Announce the results.

5 THE SECRETARY: Ayes, 55.

6 ACTING PRESIDENT SAVINO: The
7 bill is passed.

8 THE SECRETARY: Calendar Number
9 685, substituted earlier today by Member of
10 the Assembly Silver, Assembly Print Number
11 11131, an act to amend the Insurance Law.

12 ACTING PRESIDENT SAVINO: Read
13 the last section.

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

16 ACTING PRESIDENT SAVINO: Call
17 the roll.

18 (The Secretary called the roll.)

19 ACTING PRESIDENT SAVINO:

20 Announce the results.

21 THE SECRETARY: Ayes, 55.

22 ACTING PRESIDENT SAVINO: The
23 bill is passed.

24 THE SECRETARY: Calendar Number
25 700, by Senator Foley, Senate Print 5746, an

1 act to validate, ratify and confirm the
2 expenditure.

3 ACTING PRESIDENT SAVINO: Read
4 the last section.

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

7 ACTING PRESIDENT SAVINO: Call
8 the roll.

9 (The Secretary called the roll.)

10 ACTING PRESIDENT SAVINO:
11 Announce the results.

12 THE SECRETARY: Ayes, 55.

13 ACTING PRESIDENT SAVINO: The
14 bill is passed.

15 THE SECRETARY: Calendar Number
16 733, by Senator Valesky, Senate Print 2769A,
17 an act to amend Chapter 668 of the Laws of
18 1977, amending the Volunteer Firefighters
19 Benefit Law.

20 ACTING PRESIDENT SAVINO: Read
21 the last section.

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

24 ACTING PRESIDENT SAVINO: Call
25 the roll.

1 (The Secretary called the roll.)

2 ACTING PRESIDENT SAVINO:

3 Announce the results.

4 THE SECRETARY: Ayes, 55.

5 ACTING PRESIDENT SAVINO: The
6 bill is passed.

7 THE SECRETARY: Calendar Number
8 744, by Member of the Assembly Latimer,
9 Assembly Print Number 10126, an act to amend
10 Chapter 831 of the Laws of 1981, amending the
11 Labor Law.

12 ACTING PRESIDENT SAVINO: Read
13 the last section.

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

16 ACTING PRESIDENT SAVINO: Call
17 the roll.

18 (The Secretary called the roll.)

19 ACTING PRESIDENT SAVINO:

20 Announce the results.

21 THE SECRETARY: Ayes, 55.

22 ACTING PRESIDENT SAVINO: The
23 bill is passed.

24 THE SECRETARY: Calendar Number
25 751, by Senator Breslin, Senate Print 6014B,

1 an act to amend the Insurance Law.

2 ACTING PRESIDENT SAVINO: Read
3 the last section.

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

6 ACTING PRESIDENT SAVINO: Call
7 the roll.

8 (The Secretary called the roll.)

9 ACTING PRESIDENT SAVINO:
10 Announce the results.

11 THE SECRETARY: Ayes, 55.

12 ACTING PRESIDENT SAVINO: The
13 bill is passed.

14 THE SECRETARY: Calendar Number
15 753, by Senator Klein, Senate Print 7196A, an
16 act to amend the Insurance Law.

17 ACTING PRESIDENT SAVINO: Read
18 the last section.

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

21 ACTING PRESIDENT SAVINO: Call
22 the roll.

23 (The Secretary called the roll.)

24 ACTING PRESIDENT SAVINO: Senator
25 Klein, to explain his vote.

1 SENATOR KLEIN: Thank you, Madam
2 President.

3 One of the problems that faces
4 elderly New Yorkers is the need for long-term
5 care and how to pay for it. Presently,
6 unfortunately, long-term care policies are
7 very expensive in New York State, anywhere
8 from \$5,000 to \$10,000, depending on how old
9 an individual is. That's why only about
10 330,000 New Yorkers have long-term-care
11 policies.

12 However, close to 9 million
13 New Yorkers have life insurance policies. So
14 this legislation would amend the Insurance Law
15 to expand the definition of the term "life
16 insurance" so that the life insurance policies
17 can cover persons who live in nursing homes
18 for three months or more.

19 What we're doing is allowing people
20 to accelerate the death benefit, which
21 presently 49 other states do, to allow
22 individuals to use their insurance policies
23 for long-term care. This is a way, I think,
24 to give seniors and families peace of mind
25 that individuals will be able to live their

1 golden years in comfort and dignity in a
2 long-term-care facility and the state wouldn't
3 have to pay for it.

4 One of the things that this
5 legislation also would do would, I think,
6 greatly save Medicaid costs. Because
7 presently in New York and across the country
8 we have a three-year lookback period. This
9 would allow individuals at least to use their
10 monies from a life insurance policy before
11 they would have to go on Medicaid, thus saving
12 the state millions and potentially billions of
13 dollars.

14 So I vote yes, Madam President.

15 ACTING PRESIDENT SAVINO: Senator
16 Klein to be recorded in the affirmative.

17 Are there any other Senators who
18 wishing to explain their vote?

19 Seeing none, announce the results.

20 THE SECRETARY: Ayes, 55. Nays,
21 0.

22 ACTING PRESIDENT SAVINO: The
23 bill is passed.

24 THE SECRETARY: Calendar Number
25 756, by Senator Breslin, Senate Print 7794A,

1 an act to amend the Insurance Law.

2 ACTING PRESIDENT SAVINO: Read
3 the last section.

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

6 ACTING PRESIDENT SAVINO: Call
7 the roll.

8 (The Secretary called the roll.)

9 ACTING PRESIDENT SAVINO:
10 Announce the results.

11 THE SECRETARY: Ayes, 55.

12 ACTING PRESIDENT SAVINO: The
13 bill is passed.

14 THE SECRETARY: Calendar Number
15 791, by Senator Hassell-Thompson, Senate Print
16 7315, an act to authorize the city school
17 district of the city of Mount Vernon.

18 ACTING PRESIDENT SAVINO: Read
19 the last section.

20 THE SECRETARY: Section 7. This
21 act shall take effect immediately.

22 ACTING PRESIDENT SAVINO: Call
23 the roll.

24 (The Secretary called the roll.)

25 ACTING PRESIDENT SAVINO:

1 Announce the results.

2 THE SECRETARY: Ayes, 55.

3 ACTING PRESIDENT SAVINO: The
4 bill is passed.

5 THE SECRETARY: Calendar Number
6 795, by Senator Perkins, Senate Print 7582, an
7 act to amend Chapter 915 of the Laws of 1982
8 amending the Public Authorities Law.

9 ACTING PRESIDENT SAVINO: Read
10 the last section.

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

13 ACTING PRESIDENT SAVINO: Call
14 the roll.

15 (The Secretary called the roll.)

16 ACTING PRESIDENT SAVINO:
17 Announce the results.

18 THE SECRETARY: Ayes, 55.

19 ACTING PRESIDENT SAVINO: The
20 bill is passed.

21 THE SECRETARY: Calendar Number
22 796, by the Assembly Committee on Rules,
23 Assembly Print Number 11322, an act to amend
24 Chapter 172 of the Laws of 2002 amending the
25 Public Authorities Law.

1 ACTING PRESIDENT SAVINO: Read
2 the last section.

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

5 ACTING PRESIDENT SAVINO: Call
6 the roll.

7 (The Secretary called the roll.)

8 ACTING PRESIDENT SAVINO:
9 Announce the results.

10 THE SECRETARY: Ayes, 55.

11 ACTING PRESIDENT SAVINO: The
12 bill is passed.

13 THE SECRETARY: Calendar Number
14 798, by Senator C. Kruger, Senate Print 7696,
15 an act to amend the Local Finance Law.

16 ACTING PRESIDENT SAVINO: Read
17 the last section.

18 THE SECRETARY: Section 10. This
19 act shall take effect immediately.

20 ACTING PRESIDENT SAVINO: Call
21 the roll.

22 (The Secretary called the roll.)

23 ACTING PRESIDENT SAVINO:
24 Announce the results.

25 THE SECRETARY: Ayes, 55.

1 ACTING PRESIDENT SAVINO: The
2 bill is passed.

3 THE SECRETARY: Calendar Number
4 847, by Member of the Assembly M. Miller,
5 Assembly Print Number 9898, an act to amend
6 Chapter 491 of the Laws of 1995 amending the
7 Workers' Compensation Law.

8 ACTING PRESIDENT SAVINO: Read
9 the last section.

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

12 ACTING PRESIDENT SAVINO: Call
13 the roll.

14 (The Secretary called the roll.)

15 ACTING PRESIDENT SAVINO:
16 Announce the results.

17 THE SECRETARY: Ayes, 55.

18 ACTING PRESIDENT SAVINO: The
19 bill is passed.

20 THE SECRETARY: Calendar Number
21 877, by Senator Aubertine --

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

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

1 THE SECRETARY: Calendar Number
2 879, by the Assembly Committee on Rules --

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

5 ACTING PRESIDENT SAVINO: The
6 bill is laid aside for the day.

7 THE SECRETARY: Calendar Number
8 920, by Senator Seward, Senate Print 7717, an
9 act to amend Chapter 549 of the Laws of 2005
10 amending the Tax Law.

11 ACTING PRESIDENT SAVINO: There
12 is a home-rule message at the desk.

13 Read the last section.

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

16 ACTING PRESIDENT SAVINO: Call
17 the roll.

18 (The Secretary called the roll.)

19 ACTING PRESIDENT SAVINO:
20 Announce the results.

21 THE SECRETARY: Ayes, 55.

22 ACTING PRESIDENT SAVINO: The
23 bill is passed.

24 THE SECRETARY: Calendar Number
25 988, by Senator LaValle, Senate Print 4538A,

1 an act to amend the Education Law.

2 ACTING PRESIDENT SAVINO: Read
3 the last section.

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

6 ACTING PRESIDENT SAVINO: Call
7 the roll.

8 (The Secretary called the roll.)

9 ACTING PRESIDENT SAVINO:
10 Announce the results.

11 THE SECRETARY: Ayes, 56.

12 ACTING PRESIDENT SAVINO: The
13 bill is passed.

14 THE SECRETARY: Calendar Number
15 1033, by Senator Bonacic, Senate Print 8148,
16 an act to amend Chapter 196 of the Laws of
17 2008, relating to authorizing the Commissioner
18 of General Services.

19 ACTING PRESIDENT SAVINO: Read
20 the last section.

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

23 ACTING PRESIDENT SAVINO: Call
24 the roll.

25 (The Secretary called the roll.)

1 ACTING PRESIDENT SAVINO:

2 Announce the results.

3 THE SECRETARY: Ayes, 56.

4 ACTING PRESIDENT SAVINO: The
5 bill is passed.

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

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

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

14 ACTING PRESIDENT SAVINO: There
15 will be an immediate meeting of the Rules
16 Committee in the Majority Conference Room.

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

19 (Whereupon, the Senate stood at
20 ease at 11:28 a.m.)

21 (Whereupon, the Senate reconvened
22 at 12:31 a.m.)

23 ACTING PRESIDENT SAVINO: The
24 Senate will please return to order.

25 Senator Klein.

1 SENATOR KLEIN: Madam President,
2 I believe there's a Rules report at the desk.
3 I move that we adopt the report at this time.

4 ACTING PRESIDENT SAVINO: There
5 is a Rules report at the desk, Senator Klein.
6 The Secretary will read.

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

10 Senate Print 264A, by Senator
11 Little, an act to direct;

12 766, by Senator C. Johnson, an act
13 to amend the Racing, Pari-Mutuel Wagering and
14 Breeding Law;

15 946A, by Senator Farley, an act to
16 authorize;

17 1079, by Senator Dilan, an act to
18 amend the General Business Law;

19 1104, by Senator Dilan, an act to
20 amend the Public Housing Law;

21 1880A, by Senator Klein, an act to
22 amend the Penal Law;

23 2059, by Senator Huntley, an act to
24 amend the Executive Law;

25 2485A, by Senator Klein, an act to

1 amend the Education Law;

2 2937, by Senator Klein, an act to
3 amend the Education Law;

4 3194, by Senator Klein, an act to
5 amend the Public Health Law;

6 3359, by Senator Onorato, an act to
7 amend the Labor Law;

8 3726B, by Senator Foley, an act to
9 amend the Banking Law;

10 4658B, by Senator Foley, an act to
11 amend the Education Law;

12 4661B, by Senator Foley, an act in
13 relation to granting;

14 4812A, by Senator C. Johnson, an
15 act to amend the Public Officers Law;

16 5114A, by Senator Foley, an act to
17 amend Chapter 606 of the Laws of 2006;

18 5454A, by Senator Aubertine, an act
19 directing the president;

20 5560B, by Senator Oppenheimer, an
21 act to amend the Environmental Conservation
22 Law;

23 5743B, by Senator Nozzolio, an act
24 to amend the Highway Law;

25 5805, by Senator Aubertine, an act

1 to amend the Education Law;

2 6259, by Senator Breslin, an act to
3 amend the Election Law;

4 6453, by Senator Libous, an act to
5 amend the Environmental Conservation Law;

6 6616A, by Senator Montgomery, an
7 act to amend the Public Health Law;

8 6941, by Senator Bonacic, an act to
9 amend the County Law;

10 6986, by Senator Griffo, an act to
11 authorize;

12 7323, by Senator Foley, an act to
13 amend the Education Law;

14 7427, by Senator Foley, an act to
15 authorize;

16 7445, by Senator Foley, an act to
17 amend the Banking Law;

18 7458, by Senator Foley, an act to
19 amend the Public Authorities Law;

20 7461, by Senator Thompson, an act
21 to amend the Criminal Procedure Law;

22 7603, by Senator Breslin, an act to
23 amend the Public Health Law;

24 7698, by Senator C. Johnson, an act
25 to amend the Alcoholic Beverage Control Law;

1 7845, by Senator Breslin, an act to
2 amend the Insurance Law;

3 7889, by Senator Huntley, an act to
4 amend the Mental Hygiene Law;

5 7936, by Senator Aubertine, an act
6 to amend Chapter 106 of the Laws of 2003;

7 8030, by Senator Addabbo, an act to
8 amend the Election Law;

9 8082, by Senator Klein, an act to
10 amend the Real Property Actions and
11 Proceedings Law;

12 8106, by Senator Foley, an act to
13 amend the Executive Law;

14 8110, by Senator Klein, an act to
15 amend Chapter 42 of the Laws of 1996;

16 And Senate Print 8150, by Senator
17 L. Krueger, an act to amend the Real Property
18 Law.

19 All bills ordered direct to third
20 reading.

21 ACTING PRESIDENT SAVINO: All
22 those in favor of adopting the Rules Committee
23 report please signify by saying aye.

24 (Response of "Aye.")

25 ACTING PRESIDENT SAVINO:

1 Opposed, nay.

2 (No response.)

3 ACTING PRESIDENT SAVINO: The
4 Rules Committee report is adopted.

5 Senator Klein.

6 SENATOR KLEIN: Madam President,
7 at this time can we please go to a reading of
8 Senate Supplemental Calendar 66A.

9 ACTING PRESIDENT SAVINO: The
10 Secretary will read.

11 THE SECRETARY: In relation to
12 Calendar Number 969, Senator Little moves to
13 discharge, from the Committee on Local
14 Government, Assembly Bill Number 699A and
15 substitute it for the identical Senate Bill
16 Number 264A, Third Reading Calendar 969.

17 ACTING PRESIDENT SAVINO:
18 Substitution ordered.

19 THE SECRETARY: Calendar Number
20 969, by Member of the Assembly Hoyt, Assembly
21 Print Number 699A, an act to direct the Law
22 Revision Commission.

23 ACTING PRESIDENT SAVINO: Read
24 the last section.

25 THE SECRETARY: Section 4. This

1 act shall take effect on the 30th day.

2 ACTING PRESIDENT SAVINO: Call
3 the roll.

4 (The Secretary called the roll.)

5 ACTING PRESIDENT SAVINO:
6 Announce the results.

7 THE SECRETARY: Ayes, 56.

8 ACTING PRESIDENT SAVINO: The
9 bill is passed.

10 THE SECRETARY: Calendar Number
11 987, by Senator C. Johnson, Senate Print --

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

14 ACTING PRESIDENT SAVINO: The
15 bill is laid aside for the day.

16 THE SECRETARY: In relation to
17 Calendar Number 989, Senator Farley moves to
18 discharge, from the Committee on Rules,
19 Assembly Bill Number 2900A and substitute it
20 for the identical Senate Bill Number 946A,
21 Third Reading Calendar 989.

22 ACTING PRESIDENT SAVINO:
23 Substitution ordered.

24 THE SECRETARY: Calendar Number
25 989, by Member of the Assembly Tedisco,

1 Assembly Print Number 2900A, an act to
2 authorize.

3 ACTING PRESIDENT SAVINO: Read
4 the last section.

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

7 ACTING PRESIDENT SAVINO: Call
8 the roll.

9 (The Secretary called the roll.)

10 ACTING PRESIDENT SAVINO:
11 Announce the results.

12 THE SECRETARY: Ayes, 56.

13 ACTING PRESIDENT SAVINO: The
14 bill is passed.

15 THE SECRETARY: Calendar Number
16 991, by Senator Dilan, Senate Print 1079, an
17 act to amend the General Business Law.

18 ACTING PRESIDENT SAVINO: Read
19 the last section.

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

22 ACTING PRESIDENT SAVINO: Call
23 the roll.

24 (The Secretary called the roll.)

25 THE SECRETARY: Ayes, 54. Nays,

1 2. Senators DeFrancisco and Skelos -- excuse
2 me. Also Senator Ranzenhofer. Also Senator
3 Libous.

4 ACTING PRESIDENT SAVINO: I
5 remind the members, those Senators who want to
6 be recorded in the negative on Calendar Number
7 991, please raise your hand so the Secretary
8 can record your vote accordingly.

9 Senator DeFrancisco, to explain his
10 vote.

11 SENATOR DeFRANCISCO: Yes, this
12 legislation would prohibit cellphone companies
13 from requiring an extension of the time that
14 you have a cellphone contract in return for
15 your request to add another line.

16 There are enough cellphone options
17 with various companies that we shouldn't be
18 dictating what cellphone companies require for
19 different options. If you don't like or don't
20 want to extend your cellphone coverage for
21 another few years, then don't sign the
22 contract. Don't ask for the additional line.

23 When you sign a contract, it means
24 something, and it means that you're in
25 agreement with whatever you sign to. And if

1 you change your mind later on, you have to
2 wait until the contract is over and maybe get
3 a contract with a company that is more in tune
4 with your needs.

5 We shouldn't be interfering with
6 contracts in midstream. I vote no.

7 ACTING PRESIDENT SAVINO: Senator
8 DeFrancisco to be recorded in the negative.

9 Senator Libous, to explain his
10 vote.

11 SENATOR LIBOUS: I vote aye.

12 ACTING PRESIDENT SAVINO: Are
13 there any other Senators wishing to explain
14 their vote?

15 Announce the results.

16 THE SECRETARY: In relation to
17 Calendar Number 991, those recorded in the
18 negative are Senators DeFrancisco, O. Johnson,
19 Marcellino, Ranzenhofer and Skelos.

20 Ayes, 51. Nays, 5.

21 ACTING PRESIDENT SAVINO: The
22 bill is passed.

23 THE SECRETARY: In relation to
24 Calendar Number 993, Senator Dilan moves to
25 discharge, from the Committee on Rules,

1 Assembly Bill Number 4687 and substitute it
2 for the identical Senate Bill Number 1104,
3 Third Reading Calendar 993.

4 ACTING PRESIDENT SAVINO:
5 Substitution ordered.

6 THE SECRETARY: Calendar Number
7 993, by Member of the Assembly V. Lopez,
8 Assembly Print Number 4687, an act to amend
9 the Public Housing Law.

10 ACTING PRESIDENT SAVINO: Read
11 the last section.

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

14 ACTING PRESIDENT SAVINO: Call
15 the roll.

16 (The Secretary called the roll.)

17 ACTING PRESIDENT SAVINO:
18 Announce the results.

19 THE SECRETARY: Ayes, 56.

20 ACTING PRESIDENT SAVINO: The
21 bill is passed.

22 THE SECRETARY: Calendar Number
23 997, by Senator Klein, Senate Print 1880A, an
24 act to amend the Penal Law.

25 ACTING PRESIDENT SAVINO: Read

1 the last section.

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

5 ACTING PRESIDENT SAVINO: Call
6 the roll.

7 (The Secretary called the roll.)

8 ACTING PRESIDENT SAVINO:
9 Announce the results.

10 THE SECRETARY: Ayes, 56.

11 ACTING PRESIDENT SAVINO: The
12 bill is passed.

13 THE SECRETARY: Calendar Number
14 998, by Senator Huntley, Senate Print 2059, an
15 act to amend the Executive Law.

16 ACTING PRESIDENT SAVINO: Read
17 the last section.

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

20 ACTING PRESIDENT SAVINO: Call
21 the roll.

22 (The Secretary called the roll.)

23 SENATOR PADAVAN: Lay it aside.

24 ACTING PRESIDENT SAVINO: The
25 bill is laid aside.

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

3 ACTING PRESIDENT SAVINO: The
4 bill is laid aside for the day.

5 THE SECRETARY: Calendar Number
6 1010, by Senator Klein, Senate Print 2485A, an
7 act to amend the Education Law.

8 ACTING PRESIDENT SAVINO: Read
9 the last section.

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

12 ACTING PRESIDENT SAVINO: Call
13 the roll.

14 (The Secretary called the roll.)

15 ACTING PRESIDENT SAVINO:
16 Announce the results.

17 THE SECRETARY: Those recorded in
18 the negative on Calendar Number 1010 are
19 Senators DeFrancisco, Farley, Larkin, LaValle,
20 Libous, Little, Marcellino, Ranzenhofer,
21 Saland and Young.

22 Ayes, 46. Nays, 10.

23 ACTING PRESIDENT SAVINO: The
24 bill is passed.

25 THE SECRETARY: Calendar Number

1 1011, by Senator Klein --

2 ACTING PRESIDENT SAVINO: In
3 relation to Calendar Number 1010, Senators
4 Bonacic and Nozzolio to be recorded in the
5 negative.

6 Announce the results on Calendar
7 Number 1010.

8 THE SECRETARY: Ayes, 44. Nays,
9 12.

10 ACTING PRESIDENT SAVINO: The
11 bill is still passed.

12 THE SECRETARY: Calendar Number
13 1011, by Senator Klein, Senate Print 2937, an
14 act to amend the Education Law.

15 ACTING PRESIDENT SAVINO: Read
16 the last section.

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

19 SENATOR HANNON: Lay it aside.

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

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

24 THE SECRETARY: Calendar Number
25 1013, by Senator Klein, Senate Print 3194, an

1 act to amend the Public Health Law.

2 ACTING PRESIDENT SAVINO: Read
3 the last section.

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

6 SENATOR HANNON: Lay it aside.

7 ACTING PRESIDENT SAVINO: The
8 bill is laid aside.

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

11 ACTING PRESIDENT SAVINO: The
12 bill is laid aside for the day.

13 THE SECRETARY: In relation to
14 Calendar Number 1017, Senator Onorato moves to
15 discharge, from the Committee on Labor,
16 Assembly Print Number 6964 and substitute it
17 for the identical Senate Bill Number 3359,
18 Third Reading Calendar 1017.

19 ACTING PRESIDENT SAVINO:
20 Substitution ordered.

21 THE SECRETARY: Calendar Number
22 1017, by Member of the Assembly John, Assembly
23 Print Number 6964, an act to amend the Labor
24 Law.

25 ACTING PRESIDENT SAVINO: Read

1 the last section.

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

4 ACTING PRESIDENT SAVINO: Call
5 the roll.

6 (The Secretary called the roll.)

7 SENATOR SALAND: Lay it aside,
8 please.

9 ACTING PRESIDENT SAVINO: The
10 bill is laid aside.

11 THE SECRETARY: Calendar Number
12 1018, by Senator Foley, Senate Print 3726B, an
13 act to amend the Banking Law.

14 ACTING PRESIDENT SAVINO: Read
15 the last section.

16 THE SECRETARY: Section 45. This
17 act shall take effect immediately.

18 ACTING PRESIDENT SAVINO: Call
19 the roll.

20 (The Secretary called the roll.)

21 ACTING PRESIDENT SAVINO:
22 Announce the results.

23 THE SECRETARY: Ayes, 56.

24 ACTING PRESIDENT SAVINO: The
25 bill is passed.

1 THE SECRETARY: Calendar Number
2 1023, by Senator Foley, Senate Print 4658B, an
3 act to amend the Education Law.

4 ACTING PRESIDENT SAVINO: Read
5 the last section.

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

8 ACTING PRESIDENT SAVINO: Call
9 the roll.

10 (The Secretary called the roll.)

11 SENATOR SALAND: To explain my
12 vote.

13 ACTING PRESIDENT SAVINO: Senator
14 Saland, to explain his vote.

15 SENATOR SALAND: Thank you, Madam
16 President.

17 This bill is an unfunded mandate on
18 school boards. And interestingly enough, I
19 would normally expect the New York State
20 School Boards Association to be opposed to
21 something like this. But as fate would have
22 it, they're I believe the only entity that can
23 provide this training, which for them is a
24 source of income. So I think they're somewhat
25 conflicted. I have no idea if they've put in

1 a memo in support or not.

2 But this is a unfunded mandate.
3 When we did the accountability piece in the
4 aftermath of the scandals associated with
5 events in Long Island several years ago, we
6 did impose a training requirement. This, I
7 believe, is truly in excess of what that
8 training requirement is.

9 And again, it is an unfunded
10 mandate on local school districts, and I will
11 be voting in the negative. Thank you.

12 ACTING PRESIDENT SAVINO: Senator
13 Saland will be recorded in the negative.

14 Are there any other Senators
15 wishing to explain their vote?

16 Senator Robach, to explain his
17 vote.

18 SENATOR ROBACH: Madam President,
19 just very briefly.

20 There's certainly nothing wrong
21 with the idea of training. No one thinks
22 that, but I don't think we need to pass a bill
23 to mandate it. Any school district can
24 already do this; many in my district already
25 do.

1 So out of no need or necessity, I'm
2 going to vote in the negative.

3 ACTING PRESIDENT SAVINO: Senator
4 Robach to be recorded in the negative.

5 Announce the results.

6 THE SECRETARY: Those recorded in
7 the negative on Calendar Number 1023 are
8 Senators Bonacic, DeFrancisco, Farley,
9 Flanagan, Griffio, Lanza, Larkin, LaValle,
10 Libous, Maziarz, Nozzolio, Ranzenhofer,
11 Robach, Saland, Seward, Skelos, Volker and
12 Young. Also Senators Little and O. Johnson.

13 Ayes, 36. Nays, 20.

14 ACTING PRESIDENT SAVINO: The
15 bill is passed.

16 THE SECRETARY: Calendar Number
17 1025, by Senator Foley, Senate Print 4661B, an
18 act in relation to granting.

19 ACTING PRESIDENT SAVINO: Read
20 the last section.

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

23 ACTING PRESIDENT SAVINO: Call
24 the roll.

25 (The Secretary called the roll.)

1 ACTING PRESIDENT SAVINO:

2 Announce the results.

3 THE SECRETARY: Ayes, 56.

4 ACTING PRESIDENT SAVINO: The
5 bill is passed.

6 THE SECRETARY: Calendar Number
7 1037, by Senator C. Johnson, Senate Print
8 4812A, an act to amend the Public Officers
9 Law.

10 ACTING PRESIDENT SAVINO: Read
11 the last section.

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

14 ACTING PRESIDENT SAVINO: Call
15 the roll.

16 (The Secretary called the roll.)

17 ACTING PRESIDENT SAVINO:
18 Announce the results.

19 THE SECRETARY: Ayes, 56.

20 ACTING PRESIDENT SAVINO: The
21 bill is passed.

22 THE SECRETARY: Calendar Number
23 1035, by Senator Foley, Senate Print 5114A, an
24 act to amend Chapter 606 of the Laws of 2006
25 amending the Volunteer Firefighters Benefit

1 Law.

2 ACTING PRESIDENT SAVINO: Read
3 the last section.

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

6 ACTING PRESIDENT SAVINO: Call
7 the roll.

8 (The Secretary called the roll.)

9 ACTING PRESIDENT SAVINO:
10 Announce the results.

11 THE SECRETARY: Ayes, 56.

12 ACTING PRESIDENT SAVINO: The
13 bill is passed.

14 THE SECRETARY: In relation to
15 Calendar Number 1036, Senator Aubertine moves
16 to discharge, from the Committee on Rules,
17 Assembly Bill Number 8173A and substitute it
18 for the identical Senate Bill Number 5454A,
19 Third Reading Calendar 1036.

20 ACTING PRESIDENT SAVINO:
21 Substitution ordered.

22 THE SECRETARY: Calendar Number
23 1036, by Member of the Assembly Destito,
24 Assembly Print Number 8173A, an act directing
25 the president of the State University of

1 New York Upstate Medical University.

2 ACTING PRESIDENT SAVINO: Read
3 the last section.

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

6 ACTING PRESIDENT SAVINO: Call
7 the roll.

8 (The Secretary called the roll.)

9 ACTING PRESIDENT SAVINO:
10 Announce the results.

11 THE SECRETARY: Ayes, 56.

12 ACTING PRESIDENT SAVINO: The
13 bill is passed.

14 THE SECRETARY: In relation to
15 Calendar Number 1038, Senator Oppenheimer
16 moves to discharge, from the Committee on
17 Rules, Assembly Bill Number 8011B and
18 substitute it for the identical Senate Bill
19 Number 5560B, Third Reading Calendar 1038.

20 ACTING PRESIDENT SAVINO:
21 Substitution ordered.

22 THE SECRETARY: Calendar Number
23 1038, by Member of the Assembly Hoyt, Assembly
24 Print Number 8011B, an act to amend the
25 Environmental Conservation Law.

1 ACTING PRESIDENT SAVINO: Read
2 the last section.

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

5 ACTING PRESIDENT SAVINO: Senator
6 LaValle, to explain his vote.

7 SENATOR LaVALLE: Yes, I want to
8 rise to support this legislation.

9 It's legislation that I've
10 sponsored for many years with Assemblyman
11 Hoyt, and I'm glad to see that this bill is
12 finally passing today. It's a good bill, good
13 concept. I vote in the affirmative.

14 ACTING PRESIDENT SAVINO: Senator
15 LaValle to be recorded in the affirmative.

16 The Secretary will call the roll on
17 Calendar Number 1038.

18 (The Secretary called the roll.)

19 ACTING PRESIDENT SAVINO: Senator
20 Marcellino, to explain his vote.

21 SENATOR MARCELLINO: Thank you,
22 Madam President.

23 I also rise to support this bill.
24 I think it's a good bill. Its time is long
25 overdue, and it sets right tone, sends the

1 right message for growth in the future
2 throughout the state. I strongly support it.
3 Thank you.

4 ACTING PRESIDENT SAVINO: Senator
5 Marcellino will be recorded in the
6 affirmative.

7 Are there any other Senators
8 wishing to explain their vote?

9 Seeing none, announce the results.

10 THE SECRETARY: Ayes, 54. Nays,
11 2. Senators Aubertine and O. Johnson recorded
12 in the negative.

13 ACTING PRESIDENT SAVINO: The
14 bill is passed.

15 THE SECRETARY: Calendar Number
16 1039, by Senator Nozzolio, Senate Print 5743B,
17 an act to amend the Highway Law.

18 ACTING PRESIDENT SAVINO: Read
19 the last section.

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

22 ACTING PRESIDENT SAVINO: Call
23 the roll.

24 (The Secretary called the roll.)

25 ACTING PRESIDENT SAVINO:

1 Announce the results.

2 THE SECRETARY: Ayes, 56.

3 ACTING PRESIDENT SAVINO: The
4 bill is passed.

5 THE SECRETARY: Calendar Number
6 1040, by Senator Aubertine, Senate Print 5805,
7 an act to amend the Education Law.

8 ACTING PRESIDENT SAVINO: Read
9 the last section.

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

12 ACTING PRESIDENT SAVINO: Call
13 the roll.

14 (The Secretary called the roll.)

15 ACTING PRESIDENT SAVINO:
16 Announce the results.

17 THE SECRETARY: Ayes, 56.

18 ACTING PRESIDENT SAVINO: The
19 bill is passed.

20 THE SECRETARY: Calendar Number
21 1042, by Senator Breslin --

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

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

1 THE SECRETARY: Calendar Number
2 1043, by Senator Libous, Senate Print 6453, an
3 act to amend the Environmental Conservation
4 Law.

5 ACTING PRESIDENT SAVINO: Read
6 the last section.

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

9 ACTING PRESIDENT SAVINO: Call
10 the roll.

11 (The Secretary called the roll.)

12 ACTING PRESIDENT SAVINO:
13 Announce the results.

14 THE SECRETARY: Ayes, 56.

15 ACTING PRESIDENT SAVINO: The
16 bill is passed.

17 THE SECRETARY: In relation to
18 Calendar Number 1044, Senator Montgomery moves
19 to discharge, from the Committee on Finance,
20 Assembly Bill Number 9717A and substitute it
21 for the identical Senate Bill Number 6616A,
22 Third Reading Calendar 1044.

23 ACTING PRESIDENT SAVINO:
24 Substitution ordered.

25 THE SECRETARY: Calendar Number

1 1044, by Member of the Assembly Gottfried,
2 Assembly Print Number 9717A, an act to amend
3 the Public Health Law.

4 ACTING PRESIDENT SAVINO: Read
5 the last section.

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

8 ACTING PRESIDENT SAVINO: Call
9 the roll.

10 (The Secretary called the roll.)

11 ACTING PRESIDENT SAVINO:
12 Announce the results.

13 THE SECRETARY: Ayes, 56.

14 ACTING PRESIDENT SAVINO: The
15 bill is passed.

16 THE SECRETARY: Calendar Number
17 1045, by Senator Bonacic, Senate Print 6941,
18 an act to amend the County Law and the
19 Correction Law.

20 ACTING PRESIDENT SAVINO: Read
21 the last section.

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

24 ACTING PRESIDENT SAVINO: Call
25 the roll.

1 (The Secretary called the roll.)

2 ACTING PRESIDENT SAVINO:

3 Announce the results.

4 THE SECRETARY: Ayes, 56.

5 ACTING PRESIDENT SAVINO: The
6 bill is passed.

7 THE SECRETARY: In relation to
8 Calendar Number 1046, Senator Griffio moves to
9 discharge, from the Committee on Rules,
10 Assembly Bill Number 10268 and substitute it
11 for the identical Senate Bill Number 6986,
12 Third Reading Calendar 1046.

13 ACTING PRESIDENT SAVINO:
14 Substitution ordered.

15 THE SECRETARY: Calendar Number
16 1046, by Member of the Assembly Townsend,
17 Assembly Print Number 10268, an act to
18 authorize the Town of Kirkland.

19 ACTING PRESIDENT SAVINO: There
20 is a home-rule message at the desk.

21 Read the last section.

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

24 ACTING PRESIDENT SAVINO: Call
25 the roll.

1 (The Secretary called the roll.)

2 ACTING PRESIDENT SAVINO:

3 Announce the results.

4 THE SECRETARY: Ayes, 56.

5 ACTING PRESIDENT SAVINO: The
6 bill is passed.

7 THE SECRETARY: Calendar Number
8 1047, by Senator Foley, Senate Print 7323, an
9 act to amend the Education Law.

10 ACTING PRESIDENT SAVINO: Read
11 the last section.

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

14 ACTING PRESIDENT SAVINO: Call
15 the roll.

16 (The Secretary called the roll.)

17 ACTING PRESIDENT SAVINO:

18 Announce the results.

19 THE SECRETARY: Those recorded in
20 the negative on Calendar Number 1047 are
21 Senators DeFrancisco, Flanagan, Hannon,
22 Larkin, Libous, Marcellino, Maziarz, Nozzolio,
23 Ranzenhofer, Seward, Skelos, Volker and Young.

24 Ayes, 43. Nays, 13.

25 ACTING PRESIDENT SAVINO: The

1 bill is passed.

2 THE SECRETARY: Calendar Number
3 1048, by Senator Foley --

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

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

8 THE SECRETARY: Calendar Number
9 1049, by Senator Foley, Senate Print 7445, an
10 act to amend the Banking Law and the General
11 Business Law.

12 ACTING PRESIDENT SAVINO: Read
13 the last section.

14 THE SECRETARY: Section 20. This
15 act shall take effect immediately.

16 ACTING PRESIDENT SAVINO: Call
17 the roll.

18 (The Secretary called the roll.)

19 ACTING PRESIDENT SAVINO:
20 Announce the results.

21 THE SECRETARY: Ayes, 56.

22 ACTING PRESIDENT SAVINO: The
23 bill is passed.

24 THE SECRETARY: In relation to
25 Calendar Number 1050, Senator Foley moves to

1 discharge, from the Committee on
2 Transportation, Assembly Bill Number 10303A
3 and substitute it for the identical Senate
4 Bill Number 7458, Third Reading Calendar 1050.

5 ACTING PRESIDENT SAVINO:
6 Substitution ordered.

7 THE SECRETARY: Calendar Number
8 1050, by Member of the Assembly Rosenthal,
9 Assembly Print Number 10303A, an act to amend
10 the Public Authorities Law.

11 ACTING PRESIDENT SAVINO: Read
12 the last section.

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

15 ACTING PRESIDENT SAVINO: Call
16 the roll.

17 (The Secretary called the roll.)

18 ACTING PRESIDENT SAVINO:
19 Announce the results.

20 THE SECRETARY: Ayes, 56.

21 ACTING PRESIDENT SAVINO: The
22 bill is passed.

23 THE SECRETARY: Calendar Number
24 1051, by Senator Thompson, Senate Print 7461,
25 an act to amend the Criminal Procedure Law.

1 ACTING PRESIDENT SAVINO: Read
2 the last section.

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

5 ACTING PRESIDENT SAVINO: Call
6 the roll.

7 (The Secretary called the roll.)

8 ACTING PRESIDENT SAVINO:
9 Announce the results.

10 THE SECRETARY: Ayes, 55. Nays,
11 1. Senator Duane recorded in the negative.

12 ACTING PRESIDENT SAVINO: The
13 bill is passed.

14 THE SECRETARY: In relation to
15 Calendar Number 1052, Senator Breslin moves to
16 discharge, from the Committee on Rules,
17 Assembly Bill Number 8741C and substitute it
18 for the identical Senate Bill Number 7603,
19 Third Reading Calendar 1052.

20 ACTING PRESIDENT SAVINO:
21 Substitution ordered.

22 THE SECRETARY: Calendar Number
23 1052, by Member of the Assembly Paulin,
24 Assembly Print Number 8741C, an act to amend
25 the Public Health Law.

1 ACTING PRESIDENT SAVINO: Read
2 the last section.

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

5 ACTING PRESIDENT SAVINO: Call
6 the roll.

7 (The Secretary called the roll.)

8 ACTING PRESIDENT SAVINO:
9 Announce the results.

10 THE SECRETARY: Ayes, 56.

11 ACTING PRESIDENT SAVINO: The
12 bill is passed.

13 THE SECRETARY: Calendar Number
14 1053, by Senator C. Johnson, Senate Print
15 7698, an act to amend the Alcoholic Beverage
16 Control Law.

17 ACTING PRESIDENT SAVINO: Read
18 the last section.

19 THE SECRETARY: Section 4. This
20 act shall take effect September 15, 2010.

21 ACTING PRESIDENT SAVINO: Call
22 the roll.

23 (The Secretary called the roll.)

24 ACTING PRESIDENT SAVINO:
25 Announce the results.

1 THE SECRETARY: Ayes, 55. Nays,
2 1. Senator Larkin to be recorded in the
3 negative.

4 ACTING PRESIDENT SAVINO: The
5 bill is passed.

6 THE SECRETARY: Calendar Number
7 1054, by Senator Breslin, Senate Print 7845,
8 an act to amend the Insurance Law.

9 ACTING PRESIDENT SAVINO: Read
10 the last section.

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

13 ACTING PRESIDENT SAVINO: Call
14 the roll.

15 (The Secretary called the roll.)

16 ACTING PRESIDENT SAVINO:
17 Announce the results.

18 THE SECRETARY: Ayes, 56.

19 ACTING PRESIDENT SAVINO: The
20 bill is passed.

21 THE SECRETARY: In relation to
22 Calendar Number 1055, Senator Huntley moves to
23 discharge, from the Committee on Rules,
24 Assembly Bill Number 11197 and substitute it
25 for the identical Senate Bill Number 7889,

1 Third Reading Calendar 1055.

2 ACTING PRESIDENT SAVINO:

3 Substitution ordered.

4 THE SECRETARY: Calendar Number
5 1055, by Member of the Assembly Ortiz,
6 Assembly Print Number 11197, an act to amend
7 the Mental Hygiene Law.

8 ACTING PRESIDENT SAVINO: Read
9 the last section.

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

12 ACTING PRESIDENT SAVINO: Call
13 the roll.

14 (The Secretary called the roll.)

15 ACTING PRESIDENT SAVINO:
16 Announce the results.

17 THE SECRETARY: Ayes, 56.

18 ACTING PRESIDENT SAVINO: The
19 bill is passed.

20 THE SECRETARY: Calendar Number
21 1056, by Senator Aubertine, Senate Print 7936,
22 an act to amend Chapter 106 of the Laws of
23 2003, constituting the Patriot Plan.

24 ACTING PRESIDENT SAVINO: Read
25 the last section.

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

3 ACTING PRESIDENT SAVINO: Call
4 the roll.

5 (The Secretary called the roll.)

6 ACTING PRESIDENT SAVINO:
7 Announce the results.

8 THE SECRETARY: Ayes, 56.

9 ACTING PRESIDENT SAVINO: The
10 bill is passed.

11 THE SECRETARY: In relation to
12 Calendar Number 1057 --

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

15 ACTING PRESIDENT SAVINO: The
16 bill is laid aside for the day.

17 Senator Klein, the Secretary will
18 first read the title of the bill for the
19 purposes of making a substitution.

20 THE SECRETARY: In relation to
21 Calendar Number 1057, Senator Addabbo moves to
22 discharge, from the Committee on Elections,
23 Assembly Bill Number 7850 and substitute it
24 for the identical Senate Bill Number 8030,
25 Third Reading Calendar 1057.

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ACTING PRESIDENT SAVINO:

Substitution ordered.

The bill is laid aside for the day.

THE SECRETARY: Calendar Number
1058, by Senator Klein, Senate Print 8082, an
act to amend the Real Property Actions and
Proceedings Law.

ACTING PRESIDENT SAVINO: Read
the last section.

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

ACTING PRESIDENT SAVINO: Call
the roll.

(The Secretary called the roll.)

ACTING PRESIDENT SAVINO:
Announce the results.

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT SAVINO: The
bill is passed.

THE SECRETARY: Calendar Number
1059, by Senator Foley, Senate Print 8106, an
act to amend the Executive Law.

ACTING PRESIDENT SAVINO: Read
the last section.

THE SECRETARY: Section 2. This

1 act shall take effect immediately.

2 ACTING PRESIDENT SAVINO: Call
3 the roll.

4 (The Secretary called the roll.)

5 ACTING PRESIDENT SAVINO:
6 Announce the results.

7 THE SECRETARY: Ayes, 56.

8 ACTING PRESIDENT SAVINO: The
9 bill is passed.

10 THE SECRETARY: Calendar Number
11 1060, by Senator Klein, Senate Print 8110, an
12 act to amend Chapter 42 of the Laws of 1996
13 amending the Insurance Law.

14 ACTING PRESIDENT SAVINO: Read
15 the last section.

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

18 ACTING PRESIDENT SAVINO: Call
19 the roll.

20 (The Secretary called the roll.)

21 ACTING PRESIDENT SAVINO:
22 Announce the results.

23 THE SECRETARY: Ayes, 56.

24 ACTING PRESIDENT SAVINO: The
25 bill is passed.

1 THE SECRETARY: Calendar Number
2 1061, by Senator L. Krueger, Senate Print
3 8150, an act to amend the Real Property Law.

4 ACTING PRESIDENT SAVINO: Read
5 the last section.

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

8 ACTING PRESIDENT SAVINO: Call
9 the roll.

10 (The Secretary called the roll.)

11 ACTING PRESIDENT SAVINO:
12 Announce the results.

13 THE SECRETARY: Ayes, 54. Nays,
14 2. Senators Little and Ranzenhofer recorded
15 in the negative.

16 ACTING PRESIDENT SAVINO: The
17 bill is passed.

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

21 SENATOR KLEIN: Madam President,
22 can we return to Calendar Number 1017, Print
23 Number 3359, Senator Onorato's bill, and
24 please lay it aside for the day.

25 ACTING PRESIDENT SAVINO:

1 Calendar Number 1017 will be laid aside for
2 the day.

3 Senator Klein.

4 SENATOR KLEIN: Madam President,
5 is there any further business at the desk?

6 ACTING PRESIDENT SAVINO: There
7 is no further business at the desk, Senator
8 Klein.

9 SENATOR KLEIN: Madam President,
10 there being no further business, I move that
11 we adjourn at the call of the Temporary
12 President, intervening days to be legislative
13 days.

14 ACTING PRESIDENT SAVINO: There
15 being no further business to come before the
16 Senate, on motion, the Senate stands adjourned
17 at the call of the Temporary President,
18 intervening days being legislative days.

19 Happy Father's Day to all of the
20 fathers in the chamber. And happy birthday to
21 Senator Serrano, who will be turning
22 30-something tomorrow.

23 (Whereupon, at 1:00 p.m., the
24 Senate adjourned.)

25