

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 22, 2010

11 1:32 p.m.

12
13
14 REGULAR SESSION

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17
18 SENATOR DAVID J. VALESKY, Acting President

19 ANGELO J. APONTE, Secretary

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

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

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

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

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

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

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

16 The Secretary will read.

17 THE SECRETARY: In Senate,
18 Monday, June 21, 2010, the Senate met pursuant
19 to adjournment. The Journal of Sunday,
20 June 20, 2010, was read and approved. On
21 motion, Senate adjourned.

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

25 Presentation of petitions.

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

7 Motions and resolutions.

8 Senator Klein.

9 SENATOR KLEIN: Mr. President, on
10 behalf of Senator Breslin, on page number 15 I
11 offer the following amendments to Calendar
12 Number 376, Senate Print Number 5203A, and ask
13 that said bill retain its place on Third
14 Reading Calendar.

15 ACTING PRESIDENT VALESKY: So
16 ordered.

17 Senator Klein.

18 SENATOR KLEIN: Mr. President, at
19 this time I move to adopt the Resolution
20 Calendar in its entirety, with the exception
21 of Senate Resolutions 6160, 6246, 6247, 6244,
22 and 6245.

23 ACTING PRESIDENT VALESKY: All
24 those in favor of adopting the Resolution
25 Calendar, with the exceptions as noted,

1 indicate by saying aye.

2 (Response of "Aye.")

3 ACTING PRESIDENT VALESKY:

4 Opposed, nay.

5 (No response.)

6 ACTING PRESIDENT VALESKY: The
7 Resolution Calendar is adopted.

8 Senator Klein.

9 SENATOR KLEIN: Mr. President, at
10 this time I move to take up Senate Resolution
11 Number 6160, by Senator Foley. I ask that the
12 title of the resolution be read and move for
13 its immediate adoption and allow Senator Foley
14 to speak on his said resolution.

15 ACTING PRESIDENT VALESKY: The
16 Secretary will read.

17 THE SECRETARY: By Senator Foley,
18 Legislative Resolution 6160, mourning the
19 untimely death of Jason Anthony Santora of
20 Farmingdale, New York, and paying tribute to
21 his courageous actions as a member of the
22 United States Army.

23 ACTING PRESIDENT VALESKY:
24 Senator Foley, on the resolution.

25 SENATOR FOLEY: Thank you,

1 Mr. President.

2 It is with a sad responsibility
3 that I rise this morning to speak about a very
4 brave man from Long Island, New York, Sergeant
5 Jason Santora, who was a team leader assigned
6 to the Third Battalion, 75th Ranger Regiment,
7 United States Army. Jason was 25 years of age
8 when he was killed during a combat operation
9 on April 23, 2010, in Afghanistan. Fellow
10 colleagues, he was serving his fourth tour of
11 duty.

12 Jason was a 2003 graduate of Sachem
13 High School North, where he played football
14 and soccer. He enlisted in the United States
15 Army in March of 2006 and completed Infantry
16 One Station Training, the Basic Airborne
17 Course, and the Ranger Indoctrination Program
18 at Fort Benning, Georgia.

19 Jason's medals and decorations
20 include the following: The Ranger Tab, Combat
21 Infantry Badge, Parachutist Badge, Purple
22 Heart, Bronze Star, and the Meritorious
23 Service Medal.

24 Jason is survived by his father,
25 Gary, who is very active in the public union

1 movement in Suffolk County, his mother,
2 Theresa, his sister, Gina, and numerous other
3 family members who will miss him greatly.

4 I'd like to conclude,
5 Mr. President, with this final fact. And I
6 think it also speaks to how grievous his death
7 in fact was. The same month that he was
8 killed, he had the opportunity to go home
9 because his grandmother had passed away at
10 that very time. He decided to stay in
11 Afghanistan because, as he had told his father
12 at that time before his death, his team needed
13 him.

14 But for that kind of attitude, he
15 would have been home as opposed to taking part
16 in an operation on April 23rd that resulted in
17 his death.

18 He was a fine, fine graduate of
19 Sachem High School, a patriotic American. And
20 similar to other colleagues who asked the
21 chamber to stand for a member of silence for
22 him and his family, I would ask the President
23 if he could kindly ask our colleagues to do
24 the same at this moment.

25 ACTING PRESIDENT VALESKY: At

1 Senator Foley's request, all members, staff
2 and visitors are asked to stand in a moment of
3 silence.

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

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

9 (Response of "Aye.")

10 ACTING PRESIDENT VALESKY:
11 Opposed, nay.

12 (No response.)

13 ACTING PRESIDENT VALESKY: The
14 resolution is adopted.

15 Senator Klein.

16 SENATOR KLEIN: Mr. President,
17 would you please recognize Senator Larkin for
18 some remarks.

19 SENATOR LARKIN: Thank you,
20 Mr. President.

21 My resolution, 6215, is a
22 grassroots effort across this nation to
23 remember the spirit of '45. This has taken on
24 a national interest and is now being sponsored
25 by about 190 members between the House and the

1 Senate in Washington and what its purpose is
2 is to remind people of what happened on
3 August 14, 1945, when the world was notified
4 that World War II had ended.

5 There were celebrations then, but
6 today the Greatest Generation is in a dark
7 period. Lot of forget-me-nots, but a lot of
8 people starting to wonder what happened where
9 it did.

10 This effort would be to set aside a
11 day in our life to pay tribute, honor and
12 respect to those Americans who fought in World
13 War II. We know for a fact that just in
14 Europe alone there were over 400,000 Americans
15 killed in World War II. I would appreciate
16 everyone signing onto it. It will be sent to
17 our members of Congress. I would ask also
18 that you as an individual write to your
19 Senators and your Congressmen and ask them to
20 join us on this.

21 This is a day we should not forget.
22 This is a day to say thank you to those that
23 served.

24 Thank you, Mr. President.

25 ACTING PRESIDENT VALESKY: Thank

1 you, Senator Larkin.

2 Senator Klein.

3 SENATOR KLEIN: Mr. President, at
4 this time I move that we go to a reading of
5 the calendar.

6 ACTING PRESIDENT VALESKY: The
7 Secretary will proceed with the reading of the
8 noncontroversial calendar.

9 THE SECRETARY: Calendar Number
10 58, by Senator Aubertine, Senate Print 6237A,
11 an act to amend the Highway Law.

12 ACTING PRESIDENT VALESKY: Read
13 the last section.

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

16 ACTING PRESIDENT VALESKY: Call
17 the roll.

18 (The Secretary called the roll.)

19 THE SECRETARY: Ayes, 56.

20 ACTING PRESIDENT VALESKY: The
21 bill is passed.

22 THE SECRETARY: Calendar Number
23 138, by Senator Foley, Senate Print 6459A, an
24 act to amend the Highway Law.

25 ACTING PRESIDENT VALESKY: Read

1 the last section.

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

4 ACTING PRESIDENT VALESKY: Call
5 the roll.

6 (The Secretary called the roll.)

7 THE SECRETARY: Ayes, 56.

8 ACTING PRESIDENT VALESKY: The
9 bill is passed.

10 THE SECRETARY: Calendar Number
11 169, by Member of the Assembly Lupardo,
12 Assembly Print Number 8300A, an act to amend
13 the Vehicle and Traffic Law.

14 ACTING PRESIDENT VALESKY: Read
15 the last section.

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

18 ACTING PRESIDENT VALESKY: Call
19 the roll.

20 (The Secretary called the roll.)

21 THE SECRETARY: Ayes, 56.

22 ACTING PRESIDENT VALESKY: The
23 bill is passed.

24 THE SECRETARY: Calendar Number
25 217, by --

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

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

5 THE SECRETARY: Calendar Number
6 242, by Senator Oppenheimer, Senate Print
7 4634A, an act to amend the Education Law.

8 ACTING PRESIDENT VALESKY: Read
9 the last section.

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

12 ACTING PRESIDENT VALESKY: Call
13 the roll.

14 (The Secretary called the roll.)

15 THE SECRETARY: Ayes, 56.

16 ACTING PRESIDENT VALESKY: The
17 bill is passed.

18 THE SECRETARY: Calendar Number
19 282, by Senator Perkins, Senate Print 6791 --

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

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

24 THE SECRETARY: Calendar Number
25 371, by Senator Aubertine, Senate Print 7181B,

1 an act to amend the Highway Law and the
2 Vehicle and Traffic Law.

3 ACTING PRESIDENT VALESKY: Read
4 the last section.

5 THE SECRETARY: Section 4. This
6 act shall take effect on the 120th day.

7 ACTING PRESIDENT VALESKY: Call
8 the roll.

9 (The Secretary called the roll.)

10 THE SECRETARY: In relation to
11 Calendar Number 371, to be recorded in the
12 negative: Senator Libous.

13 Ayes, 55. Nays, 1.

14 ACTING PRESIDENT VALESKY: The
15 bill is passed.

16 THE SECRETARY: Calendar Number
17 379, by Member of the Assembly Pretlow,
18 Assembly Print Number 9186B, an act to amend
19 the Penal Law.

20 ACTING PRESIDENT VALESKY: Read
21 the last section.

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

24 ACTING PRESIDENT VALESKY: Call
25 the roll.

1 (The Secretary called the roll.)

2 ACTING PRESIDENT VALESKY:

3 Senator DeFrancisco, to explain his vote.

4 SENATOR DeFRANCISCO: I'm voting
5 no.

6 I have nothing against sanitation
7 enforcement agents, I think they're wonderful
8 people and do a wonderful job. The problem is
9 that there are so many exceptions to the
10 assault third degree by elevating just about
11 everybody that's -- if you look at the bill,
12 it elevates everybody. So the only person
13 left that if assaulted does not have the crime
14 elevated to a felony is the individual who
15 happens to be around while this assault takes
16 place.

17 So I just can't support this, for
18 the reasons I've said in other similar bills.
19 No.

20 ACTING PRESIDENT VALESKY:

21 Senator DeFrancisco to be recorded in the
22 negative.

23 Announce the results.

24 THE SECRETARY: In relation to
25 Calendar Number 379, to be recorded in the

1 negative: Senators DeFrancisco, Little and
2 Ranzenhofer.

3 Ayes, 54. Nays, 3.

4 ACTING PRESIDENT VALESKY: The
5 bill is passed.

6 THE SECRETARY: Calendar Number
7 382, by Senator Squadron, Senate Print 7336,
8 an act to amend Chapter 534 of the Laws of
9 2000.

10 ACTING PRESIDENT VALESKY: Read
11 the last section.

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

14 ACTING PRESIDENT VALESKY: Call
15 the roll.

16 (The Secretary called the roll.)

17 ACTING PRESIDENT VALESKY:
18 Announce the results.

19 THE SECRETARY: In relation to
20 Calendar Number 382, to be recorded in the
21 negative: Senators Bonacic, DeFrancisco,
22 Flanagan, Golden, Griffo, O. Johnson, Lanza,
23 Libous, Ranzenhofer, Volker, Winner and Young.

24 Senator Bonacic is now recorded in
25 the affirmative, and Senator Saland is in the

1 negative.

2 Ayes, 45. Nays, 12.

3 ACTING PRESIDENT VALESKY: The
4 bill is passed.

5 THE SECRETARY: Calendar Number
6 392, by Member of the Assembly Dinowitz,
7 Assembly Print Number 1130A, an act to amend
8 the Education Law.

9 ACTING PRESIDENT VALESKY: Read
10 the last section.

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

13 ACTING PRESIDENT VALESKY: Call
14 the roll.

15 (The Secretary called the roll.)

16 THE SECRETARY: In relation to
17 Calendar Number 392, to be recorded in the
18 negative: Senators Bonacic, Fuschillo,
19 Golden, Griffo, O. Johnson, LaValle, Libous,
20 Marcellino, McDonald, Padavan, Ranzenhofer,
21 Saland, Skelos, Volker and Young.

22 Ayes, 42. Nays, 15.

23 ACTING PRESIDENT VALESKY: The
24 bill is passed.

25 THE SECRETARY: Calendar Number

1 399, by Senator Thompson, Senate Print 3296H,
2 an act to amend the Environmental Conservation
3 Law.

4 ACTING PRESIDENT VALESKY: Read
5 the last section.

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

8 ACTING PRESIDENT VALESKY: Call
9 the roll.

10 (The Secretary called the roll.)

11 THE SECRETARY: Ayes, 57.

12 ACTING PRESIDENT VALESKY: The
13 bill is passed.

14 THE SECRETARY: Calendar Number
15 421, by Member of the Assembly Weisenberg,
16 Assembly Print Number 10835A, an act to amend
17 the Real Property Tax Law.

18 ACTING PRESIDENT VALESKY: Read
19 the last section.

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

22 ACTING PRESIDENT VALESKY: Call
23 the roll.

24 (The Secretary called the roll.)

25 THE SECRETARY: Ayes, 58.

1 ACTING PRESIDENT VALESKY: The
2 bill is passed.

3 THE SECRETARY: Calendar Number
4 448, by --

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

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

9 THE SECRETARY: Calendar Number
10 468, by Senator Leibell, Senate Print 7086C,
11 an act in relation to authorizing the Town of
12 Lewisboro.

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

15 Read the last section.

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

18 ACTING PRESIDENT VALESKY: Call
19 the roll.

20 (The Secretary called the roll.)

21 THE SECRETARY: Ayes, 58.

22 ACTING PRESIDENT VALESKY: The
23 bill is passed.

24 THE SECRETARY: Calendar Number
25 472, by Senator C. Johnson, Senate Print 5895,

1 an act to amend the Public Authorities Law.

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

4 Read the last section.

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

7 ACTING PRESIDENT VALESKY: Call
8 the roll.

9 (The Secretary called the roll.)

10 THE SECRETARY: Ayes, 58.

11 ACTING PRESIDENT VALESKY: The
12 bill is passed.

13 THE SECRETARY: Calendar Number
14 490, by Senator Breslin, Senate Print 6954C,
15 an act to repeal Chapter 241 of the Laws of
16 1930.

17 ACTING PRESIDENT VALESKY: Read
18 the last section.

19 THE SECRETARY: Section 3. This
20 act shall take effect July 1, 2010.

21 ACTING PRESIDENT VALESKY: Call
22 the roll.

23 (The Secretary called the roll.)

24 ACTING PRESIDENT VALESKY:
25 Announce the results.

1 THE SECRETARY: In relation to
2 Calendar Number 490, to be recorded in the
3 negative: Senator Marcellino.

4 Ayes, 57. Nays, 1.

5 ACTING PRESIDENT VALESKY: The
6 bill is passed.

7 THE SECRETARY: Calendar Number
8 498, by Senator --

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

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

13 THE SECRETARY: Calendar Number
14 519, by Senator Squadron, Senate Print 5283A,
15 an act to amend the Tax Law.

16 ACTING PRESIDENT VALESKY: Read
17 the last section.

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

20 ACTING PRESIDENT VALESKY: Call
21 the roll.

22 (The Secretary called the roll.)

23 THE SECRETARY: Ayes, 58.

24 ACTING PRESIDENT VALESKY: The
25 bill is passed.

1 THE SECRETARY: Calendar Number
2 532, by Member of the Assembly Brodsky,
3 Assembly Print Number 1730D, an act to amend
4 the General Business Law.

5 ACTING PRESIDENT VALESKY: Read
6 the last section.

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

9 ACTING PRESIDENT VALESKY: Call
10 the roll.

11 (The Secretary called the roll.)

12 ACTING PRESIDENT VALESKY:
13 Senator Libous.

14 SENATOR LIBOUS: Thank you,
15 Mr. President. I just want to explain my
16 vote.

17 I wanted to thank Senator Squadron.
18 This bill has been before the house a couple
19 of times before. And one of the key
20 components that I was concerned about, me
21 personally, was the Farm Bureau's objection.
22 I believe the Farm Bureau has lifted their
23 objection. I appreciate the fact that he met
24 with them.

25 The only other thing that I would

1 ask of the sponsor -- and I will vote for the
2 bill -- is that there seems to be some
3 discrepancy in dealing with motor vehicles
4 that may be auctioned off by towns and
5 villages. I've spoken to Senator Squadron; he
6 said they were going to check with the General
7 Business Law and, if there is a problem, that
8 he would offer a chapter amendment.

9 I will vote aye on this.

10 ACTING PRESIDENT VALESKY:

11 Senator Libous to be recorded in the
12 affirmative.

13 Senator Squadron, to explain his
14 vote.

15 SENATOR SQUADRON: Thank you,
16 Mr. President.

17 This bill is very important to
18 clean up an industry and create transparency
19 where there hasn't been a lot. But a lot of
20 work was done with my colleagues in the
21 conference who I really want to express my
22 gratitude to, to ensure that this wouldn't
23 cover areas that are already regulated or that
24 already work well.

25 Senator McDonald, Senator

1 Aubertine, Senator Libous and others --
2 Senator Dilan -- raised concerns to ensure
3 equity and ensure that we're not
4 overregulating where it's not necessary.

5 We are looking at creating more
6 clarity relative to some of these certain
7 kinds of town and highway auctions and are
8 working on a chapter amendment, as Senator
9 Libous said, to ensure that there's absolute
10 clarity that these sorts of auctions which the
11 intent is to exempt are in fact exempt.

12 I'll be voting aye. Thank you,
13 Mr. President.

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

17 Senator Duane, to explain his vote.

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

20 Because I may have a pecuniary
21 interest in this bill, I'd ask for unanimous
22 consent to abstain from voting on this
23 calendar 532, S4313D.

24 I'm erring on the side of caution.
25 As most of you know my partner of 17 years --

1 well, you know about him, but you may not know
2 that he works in the auction business. And
3 though of course we don't -- we're not legally
4 married in this state, I just, I want to --
5 because we are married, but we're not, I just
6 want to err on the side of abstaining for
7 cause.

8 Thank you, Mr. President.

9 ACTING PRESIDENT VALESKY:

10 Senator Duane to abstain from voting on
11 Calendar Number 532.

12 Senator Saland, to explain his
13 vote.

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

16 I too would like to thank Senator
17 Squadron, who I've had several conversations
18 with regarding this bill. And while I'm not
19 supporting the bill, I thank him for his
20 effort to be accommodating and to work to deal
21 with the issues raised by the Farm Bureau and
22 I believe the storage warehouse people as
23 well.

24 The New York State Auctioneers, the
25 Business Council still oppose this bill. And

1 this bill basically takes the New York City
2 system that currently regulates the major
3 houses like Sotheby's and imposes that system
4 on all counties with populations in excess of
5 200,000 or if in fact you have a sale with an
6 estimated value of \$100,000 or more.

7 This could prove to be very
8 difficult for many auctioneers, particularly
9 in smaller counties. And I remain
10 particularly troubled by the ability of the
11 con sin nor to be able to bid on his or her
12 own product.

13 I'm going to vote in the negative,
14 but that is certainly not a reflection on
15 Senator Squadron's efforts to try and be
16 accommodating and come up with a better
17 product. I think it is a better product than
18 the one I saw, but I still don't think in my
19 opinion is good enough to pass muster, and
20 I'll be voting in the negative. Thank you.

21 ACTING PRESIDENT VALESKY:

22 Senator Saland to be recorded in the negative.

23 Announce the results.

24 THE SECRETARY: In relation to

25 Calendar Number 532, those Senators to be

1 recorded in the negative are Senators Alesi,
2 Bonacic, DeFrancisco, Griffo, O. Johnson,
3 Little, Nozzolio, Saland, Volker, Winner, and
4 Young. Also Senator Ranzenhofer.

5 Ayes, 45. Nays, 12.

6 Senator Duane, pursuant to Rule 9,
7 Section 1B, abstains from voting.

8 ACTING PRESIDENT VALESKY: The
9 bill is passed.

10 THE SECRETARY: Calendar Number
11 541, by Member of the Assembly Jeffries,
12 Assembly Print Number 10551, an act to amend
13 the Public Service Law.

14 ACTING PRESIDENT VALESKY: Read
15 the last section.

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

18 ACTING PRESIDENT VALESKY: Call
19 the roll.

20 (The Secretary called the roll.)

21 THE SECRETARY: Ayes, 58.

22 ACTING PRESIDENT VALESKY: The
23 bill is passed.

24 THE SECRETARY: Calendar Number
25 587, by Senator Valesky, Senate Print 7542B,

1 an act to amend the Penal Law and the Public
2 Health Law.

3 ACTING PRESIDENT VALESKY: Read
4 the last section.

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

7 ACTING PRESIDENT VALESKY: Call
8 the roll.

9 (The Secretary called the roll.)

10 THE SECRETARY: Ayes, 58.

11 ACTING PRESIDENT VALESKY: The
12 bill is passed.

13 THE SECRETARY: Calendar Number
14 593, by Senator Savino, Senate Print 7452A, an
15 act to amend the Retirement and Social
16 Security Law.

17 ACTING PRESIDENT VALESKY: Read
18 the last section.

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

21 ACTING PRESIDENT VALESKY: Call
22 the roll.

23 (The Secretary called the roll.)

24 THE SECRETARY: In relation to
25 Calendar Number 593, to be recorded in the

1 negative: Senators Griffo, Ranzenhofer, and
2 Maziarz.

3 Ayes, 55. Nays, 3.

4 ACTING PRESIDENT VALESKY: The
5 bill is passed.

6 THE SECRETARY: Calendar Number
7 595, by Senator L. Krueger, Senate Print
8 3853A, an act to amend the Real Property Tax
9 Law.

10 ACTING PRESIDENT VALESKY: Read
11 the last section.

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

14 ACTING PRESIDENT VALESKY: Call
15 the roll.

16 (The Secretary called the roll.)

17 THE SECRETARY: Ayes, 58.

18 ACTING PRESIDENT VALESKY: The
19 bill is passed.

20 THE SECRETARY: Calendar Number
21 598, by Senator Foley --

22 ACTING PRESIDENT VALESKY:
23 Senator Flanagan.

24 SENATOR FLANAGAN: Mr. President,
25 if I could ask for unanimous consent to be

1 recorded in the negative on Calendar 593.

2 ACTING PRESIDENT VALESKY:

3 Senator Flanagan, with unanimous consent, you
4 shall be recorded in the negative on Calendar
5 Number 593.

6 SENATOR FLANAGAN: Thank you.

7 ACTING PRESIDENT VALESKY: The
8 Secretary will continue to read.

9 THE SECRETARY: Calendar Number
10 598, by Senator Foley, Senate Print 5950B, an
11 act authorizing the Town of Brookhaven,
12 Suffolk County, to establish.

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

15 Read the last section.

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

18 ACTING PRESIDENT VALESKY: Call
19 the roll.

20 (The Secretary called the roll.)

21 THE SECRETARY: Ayes, 58.

22 ACTING PRESIDENT VALESKY: The
23 bill is passed.

24 THE SECRETARY: Calendar Number
25 610, by Senator Breslin --

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

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

5 THE SECRETARY: Calendar Number
6 617, by Senator Montgomery, Senate Print --

7 SENATOR LIBOUS: Lay it aside.

8 ACTING PRESIDENT VALESKY: The
9 bill is laid aside.

10 THE SECRETARY: Calendar Number
11 624, by Senator Montgomery --

12 SENATOR LIBOUS: Lay it aside.

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

15 Senator Klein.

16 SENATOR KLEIN: Mr. President, on
17 Calendar Number 610, Senate Print 396A,
18 Senator Breslin's bill, I'd like to remove the
19 lay-aside and not lay it aside for the day.

20 ACTING PRESIDENT VALESKY: On
21 Calendar Number 610, the lay aside for the day
22 is removed and the bill is restored to the
23 noncontroversial calendar.

24 The Secretary will take up Calendar
25 Number 610, noncontroversial.

1 SENATOR LIBOUS: Lay it aside.

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

4 THE SECRETARY: Calendar Number
5 625, by Senator Montgomery, Senate Print 6713,
6 an act relating to the establishment of a
7 pilot program.

8 ACTING PRESIDENT VALESKY: Read
9 the last section.

10 SENATOR YOUNG: Lay it aside,
11 please.

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

14 THE SECRETARY: Calendar Number
15 651, by Senator Dilan, Senate Print 7615, an
16 act to amend the Canal Law.

17 ACTING PRESIDENT VALESKY: Read
18 the last section.

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

21 ACTING PRESIDENT VALESKY: Call
22 the roll.

23 (The Secretary called the roll.)

24 THE SECRETARY: Ayes, 58.

25 ACTING PRESIDENT VALESKY: The

1 bill is passed.

2 THE SECRETARY: Calendar Number
3 656, by Senator Klein, Senate Print 2992B, an
4 act to amend the Education Law.

5 ACTING PRESIDENT VALESKY: Read
6 the last section.

7 THE SECRETARY: Section 5. This
8 act shall take effect 18 months after it shall
9 have become law.

10 ACTING PRESIDENT VALESKY: Call
11 the roll.

12 (The Secretary called the roll.)

13 ACTING PRESIDENT VALESKY:
14 Announce the results.

15 THE SECRETARY: In relation to
16 Calendar Number 656, those Senators to be
17 recorded in the negative: Senators
18 DeFrancisco, Farley, Hannon, L. Krueger,
19 C. Kruger, Larkin, Marcellino, Ranzenhofer and
20 Skelos. Also Senator Leibell.

21 Ayes, 48. Nays, 10.

22 ACTING PRESIDENT VALESKY: The
23 bill is passed.

24 THE SECRETARY: Calendar Number
25 661, by Member of the Assembly Gordon,

1 Assembly Print Number 10448, an act to amend
2 Jonathan's Law.

3 ACTING PRESIDENT VALESKY: Read
4 the last section.

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

7 ACTING PRESIDENT VALESKY: Call
8 the roll.

9 (The Secretary called the roll.)

10 THE SECRETARY: Ayes, 58.

11 ACTING PRESIDENT VALESKY: The
12 bill is passed.

13 THE SECRETARY: Calendar Number
14 675, by Senator Stavisky, Senate Print 1745A,
15 an act to amend the --

16 SENATOR LIBOUS: Lay it aside.

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

19 THE SECRETARY: Calendar Number
20 691, by Senator Sampson, Senate Print 5807B --

21 SENATOR VOLKER: Lay it aside.

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

24 THE SECRETARY: Calendar Number
25 692, by Senator Sampson, Senate Print 5968A --

1 SENATOR VOLKER: Lay it aside.

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

4 THE SECRETARY: Calendar Number
5 695, by Senator Adams, Senate Print 7275B, an
6 act to amend the Executive Law.

7 ACTING PRESIDENT VALESKY: Read
8 the last section.

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

11 ACTING PRESIDENT VALESKY: Call
12 the roll.

13 (The Secretary called the roll.)

14 THE SECRETARY: Ayes, 59.

15 ACTING PRESIDENT VALESKY: The
16 bill is passed.

17 THE SECRETARY: Calendar Number
18 726, by Member of the Assembly Weinstein,
19 Assembly Print --

20 SENATOR LaVALLE: Lay it aside,
21 please.

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

24 THE SECRETARY: Calendar Number
25 728, by Senator Addabbo --

1 SENATOR VOLKER: Lay it aside.

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

4 THE SECRETARY: Calendar Number
5 734, by Senator Little, Senate Print 5868, an
6 act to amend the Real Property Tax Law.

7 ACTING PRESIDENT VALESKY: Read
8 the last section.

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

12 (The Secretary called the roll.)

13 ACTING PRESIDENT VALESKY: Call
14 the roll.

15 THE SECRETARY: Ayes, 59.

16 ACTING PRESIDENT VALESKY: The
17 bill is passed.

18 Senator Klein.

19 SENATOR KLEIN: Mr. President, if
20 we can return to Calendar Number 728, Senate
21 Print Number 7744, Senator Addabbo's bill, I'd
22 like to lay the bill aside for the day.

23 ACTING PRESIDENT VALESKY:
24 Calendar Number 728 will be laid aside for the
25 day.

1 The Secretary will continue to
2 read.

3 THE SECRETARY: Calendar Number
4 749, by Senator Breslin, Senate Print 4869B,
5 an act to amend the Insurance Law.

6 ACTING PRESIDENT VALESKY: Read
7 the last section.

8 THE SECRETARY: Section 3. This
9 act shall take effect on January 1, 2011.

10 ACTING PRESIDENT VALESKY: Call
11 the roll.

12 (The Secretary called the roll.)

13 THE SECRETARY: Ayes, 59.

14 ACTING PRESIDENT VALESKY: The
15 bill is passed.

16 THE SECRETARY: Calendar Number
17 750, by Senator Hassell-Thompson, Senate Print
18 5864A, an act to amend the Insurance Law.

19 ACTING PRESIDENT VALESKY: Read
20 the last section.

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

23 ACTING PRESIDENT VALESKY: Call
24 the roll.

25 (The Secretary called the roll.)

1 ACTING PRESIDENT VALESKY:

2 Senator Seward, to explain his vote.

3 SENATOR SEWARD: Mr. President,
4 this is Calendar Number 750?

5 ACTING PRESIDENT VALESKY:

6 Calendar 750, yes.

7 SENATOR SEWARD: Mr. President,
8 I'm going to be supporting this legislation,
9 although I do not consider it a perfect bill
10 by any stretch of the imagination.

11 It's unclear in the language of the
12 bill whether or not if a patient does not have
13 a prescription drug rider whether this
14 provides the requirement that the plan pay for
15 these drugs.

16 And also there are no provisions in
17 the bill to cover safety protocols to minimize
18 dosage errors and other adverse reactions and
19 interactions in terms of other drugs.

20 It's not a perfect bill, but I do
21 believe that it is a big step forward to
22 provide that option of oral treatment of
23 cancer through drug therapy versus always
24 relying on IVs. So I think in that respect,
25 overall it's a good direction to go, although

1 not a perfect bill. But I do vote aye.

2 ACTING PRESIDENT VALESKY:

3 Senator Seward to be recorded in the
4 affirmative.

5 Senator Craig Johnson, to explain
6 his vote.

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

9 I too want to rise in support of
10 this bill and thank the sponsor, Senator
11 Hassell-Thompson, for her sponsorship. As a
12 son who lost a mother to breast cancer and two
13 grandparents to cancer, I know full well the
14 battles that women and men go through in
15 dealing with chemotherapy.

16 And anything that we can do in the
17 State Legislature to help provide insurance
18 coverage to those who need to get the
19 necessary treatment -- and especially in
20 today's age where chemotherapy drugs -- and
21 we're seeing such tremendous advancement in
22 these drugs, and now with oral chemotherapy
23 drugs in addition to the IVs.

24 This is a good bill. Like Senator
25 Seward said, it's a first step, but it's an

1 important step. And I'll be voting in the
2 affirmative. And again, I thank the Senate
3 sponsorship for her sponsorship of this
4 important piece of legislation. I'll be
5 voting aye.

6 Thank you, Mr. President.

7 ACTING PRESIDENT VALESKY:

8 Senator C. Johnson to be recorded in the
9 affirmative.

10 Senator Hassell-Thompson, to
11 explain her vote.

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

14 And I thank you, Senator Craig
15 Johnson, for your words of encouragement.
16 This bill has meant a lot to a lot of people.

17 And originally when the bill first
18 came to my attention, the person who asked me
19 to carry this bill and to really try to build
20 on this had no idea that this was something
21 that was personal to me as well, having lost a
22 sister to breast cancer and who has
23 participated in the walks and just the week
24 before last participated in the Relay for
25 Life.

1 What this bill does is to ensure
2 that with the extreme costs of oral medication
3 that we do not make it so difficult and
4 impossible to access for so many women -- and
5 men who suffer from breast cancer as well --
6 could not possibly be able to be treated.

7 So I thank all of you for your
8 support, and I will hope that there would be
9 no reason, no condition that would allow you
10 to vote no on this very important piece of
11 legislation to the Senate.

12 Thank you.

13 ACTING PRESIDENT VALESKY:
14 Senator Hassell-Thompson to be recorded in the
15 affirmative.

16 Announce the results.

17 THE SECRETARY: Ayes, 60.

18 ACTING PRESIDENT VALESKY: The
19 bill is passed.

20 THE SECRETARY: Calendar Number
21 755, by Senator Breslin, Senate Print 7773A,
22 an act to amend the Insurance Law.

23 ACTING PRESIDENT VALESKY: Read
24 the last section.

25 THE SECRETARY: Section 3. This

1 act shall take effect immediately.

2 ACTING PRESIDENT VALESKY: Call
3 the roll.

4 (The Secretary called the roll.)

5 THE SECRETARY: Ayes, 60.

6 ACTING PRESIDENT VALESKY: The
7 bill is passed.

8 THE SECRETARY: Calendar Number
9 757, by Senator Squadron, Senate Print 7977,
10 an act to amend the Insurance Law.

11 ACTING PRESIDENT VALESKY: Read
12 the last section.

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

15 ACTING PRESIDENT VALESKY: Call
16 the roll.

17 (The Secretary called the roll.)

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

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

22 I'll be voting in the negative on
23 this particular bill. Not because I do not
24 feel that this testing is not appropriate or
25 necessary for many people, but I believe that

1 once again we are moving forward with a new
2 mandate on health insurance policies in
3 New York without having the benefit of having
4 a cost-benefit analysis conducted by our
5 mandate commission.

6 So therefore, on that basis, I'll
7 be voting in the negative.

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

10 Announce the results.

11 THE SECRETARY: Ayes, 59. Nays,
12 1.

13 ACTING PRESIDENT VALESKY: The
14 bill is passed.

15 THE SECRETARY: Calendar Number
16 786, by Member of the Assembly Gunther,
17 Assembly Print Number 9768, an act to amend
18 the Town Law.

19 ACTING PRESIDENT VALESKY: Read
20 the last section.

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

23 ACTING PRESIDENT VALESKY: Call
24 the roll.

25 (The Secretary called the roll.)

1 THE SECRETARY: Ayes, 60.

2 ACTING PRESIDENT VALESKY: The
3 bill is passed.

4 THE SECRETARY: Calendar Number
5 787, by Member of the Assembly --

6 SENATOR LaVALLE: Lay it aside.

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

9 THE SECRETARY: Calendar Number
10 864, by Member of the Assembly Sweeney,
11 Assembly Print Number 8560B, an act to amend
12 the Environmental Conservation Law.

13 ACTING PRESIDENT VALESKY: Read
14 the last section.

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

17 ACTING PRESIDENT VALESKY: Call
18 the roll.

19 (The Secretary called the roll.)

20 THE SECRETARY: Ayes, 60.

21 ACTING PRESIDENT VALESKY: The
22 bill is passed.

23 THE SECRETARY: Calendar Number
24 868, by Senator Duane, Senate Print 7724, an
25 act to amend the Public Health Law.

1 ACTING PRESIDENT VALESKY: Read
2 the last section.

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

5 ACTING PRESIDENT VALESKY: Call
6 the roll.

7 (The Secretary called the roll.)

8 SENATOR LANZA: Lay it aside.

9 ACTING PRESIDENT VALESKY: The
10 roll call is withdrawn and the bill is laid
11 aside.

12 THE SECRETARY: Calendar Number
13 872, by Senator Oppenheimer, Senate Print
14 7982A, an act to authorize.

15 ACTING PRESIDENT VALESKY: Read
16 the last section.

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

19 ACTING PRESIDENT VALESKY: Call
20 the roll.

21 (The Secretary called the roll.)

22 THE SECRETARY: Ayes, 60.

23 ACTING PRESIDENT VALESKY: The
24 bill is passed.

25 THE SECRETARY: Calendar Number

1 880, by Member of the Assembly Alessi,
2 Assembly Print Number 10973A, an act to amend
3 the Social Services Law.

4 ACTING PRESIDENT VALESKY: Read
5 the last section.

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

8 ACTING PRESIDENT VALESKY: Call
9 the roll.

10 (The Secretary called the roll.)

11 THE SECRETARY: Ayes, 60.

12 ACTING PRESIDENT VALESKY: The
13 bill is passed.

14 THE SECRETARY: Calendar Number
15 885, by Senator Stachowski, Senate Print 7048,
16 an act to amend the Public Authorities Law.

17 ACTING PRESIDENT VALESKY: Read
18 the last section.

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

21 ACTING PRESIDENT VALESKY: Call
22 the roll.

23 (The Secretary called the roll.)

24 THE SECRETARY: Ayes, 60.

25 ACTING PRESIDENT VALESKY: The

1 bill is passed.

2 THE SECRETARY: Calendar Number
3 894, by Senator Foley, Senate Print 3727B, an
4 act to amend the Banking Law.

5 ACTING PRESIDENT VALESKY: Read
6 the last section.

7 THE SECRETARY: Section 45. This
8 act shall take effect immediately.

9 ACTING PRESIDENT VALESKY: Call
10 the roll.

11 (The Secretary called the roll.)

12 THE SECRETARY: Ayes, 60.

13 ACTING PRESIDENT VALESKY: The
14 bill is passed.

15 THE SECRETARY: Calendar Number
16 895, by Senator Foley, Senate Print 7446, an
17 act to amend the Banking Law.

18 ACTING PRESIDENT VALESKY: Read
19 the last section.

20 THE SECRETARY: Section 28. This
21 act shall take effect immediately.

22 ACTING PRESIDENT VALESKY: Call
23 the roll.

24 (The Secretary called the roll.)

25 THE SECRETARY: Ayes, 60.

1 ACTING PRESIDENT VALESKY: The
2 bill is passed.

3 THE SECRETARY: Calendar Number
4 909, by Senator C. Johnson, Senate Print
5 5798A, an act to authorize the County of
6 Nassau.

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

9 Read the last section.

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

12 ACTING PRESIDENT VALESKY: Call
13 the roll.

14 (The Secretary called the roll.)

15 THE SECRETARY: Ayes, 60.

16 ACTING PRESIDENT VALESKY: The
17 bill is passed.

18 THE SECRETARY: Calendar Number
19 913, by Member of the Assembly Destito,
20 Assembly Print Number 9979, an act to
21 authorize the Greater Utica Community Food
22 Resources.

23 ACTING PRESIDENT VALESKY: Read
24 the last section.

25 THE SECRETARY: Section 2. This

1 act shall take effect immediately.

2 ACTING PRESIDENT VALESKY: Call
3 the roll.

4 (The Secretary called the roll.)

5 ACTING PRESIDENT VALESKY:
6 Announce the results.

7 THE SECRETARY: In relation to
8 Calendar Number 913, those Senators to be
9 recorded in the negative: Senators Bonacic
10 and Larkin.

11 Ayes, 58. Nays, 2.

12 ACTING PRESIDENT VALESKY: The
13 bill is passed.

14 THE SECRETARY: Calendar Number
15 923, by Senator Valesky, Senate Print 7815A,
16 an act to legalize, validate, ratify and
17 confirm.

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

20 Read the last section.

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

23 ACTING PRESIDENT VALESKY: Call
24 the roll.

25 (The Secretary called the roll.)

1 ACTING PRESIDENT VALESKY:

2 Announce the results.

3 THE SECRETARY: In relation to
4 Calendar Number 923, those Senators to be
5 recorded in the negative: Senator Lanza.

6 Ayes, 59. Nays, 1.

7 ACTING PRESIDENT VALESKY: The
8 bill is passed.

9 THE SECRETARY: Calendar Number
10 924, by Member of the Assembly Reilly,
11 Assembly Print Number 11023, an act to amend
12 the Town Law.

13 ACTING PRESIDENT VALESKY: Read
14 the last section.

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

17 ACTING PRESIDENT VALESKY: Call
18 the roll.

19 (The Secretary called the roll.)

20 THE SECRETARY: Ayes, 60.

21 ACTING PRESIDENT VALESKY: The
22 bill is passed.

23 THE SECRETARY: Calendar Number
24 925, by --

25 SENATOR KLEIN: Lay the bill

1 aside for the day, please.

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

4 THE SECRETARY: Calendar Number
5 927, by Senator Stewart-Cousins, Senate Print
6 7907, an act to amend the General Municipal
7 Law.

8 ACTING PRESIDENT VALESKY: Read
9 the last section.

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

12 ACTING PRESIDENT VALESKY: Call
13 the roll.

14 (The Secretary called the roll.)

15 ACTING PRESIDENT VALESKY:
16 Announce the results.

17 THE SECRETARY: In relation to
18 Calendar Number 927, those Senators to be
19 recorded in the negative: Senators
20 DeFrancisco, O. Johnson, Padavan, Skelos,
21 Volker and Winner. Also Senator Flanagan.

22 Ayes, 53. Nays, 7.

23 ACTING PRESIDENT VALESKY: The
24 bill is passed.

25 THE SECRETARY: Calendar Number

1 928, by Member of the Assembly Quinn, Assembly
2 Print Number 11136, an act to amend the Town
3 Law.

4 ACTING PRESIDENT VALESKY: Read
5 the last section.

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

8 ACTING PRESIDENT VALESKY: Call
9 the roll.

10 (The Secretary called the roll.)

11 THE SECRETARY: Ayes, 60.

12 ACTING PRESIDENT VALESKY: The
13 bill is passed.

14 THE SECRETARY: Calendar Number
15 932, by Member of the Assembly Schimminger,
16 Assembly Print Number 9047A, an act to amend
17 the Public Authorities Law.

18 ACTING PRESIDENT VALESKY: Read
19 the last section.

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

22 ACTING PRESIDENT VALESKY: Call
23 the roll.

24 (The Secretary called the roll.)

25 THE SECRETARY: Ayes, 60.

1 ACTING PRESIDENT VALESKY: The
2 bill is passed.

3 THE SECRETARY: Calendar Number
4 933, by Member of the Assembly Kolb, Assembly
5 Print Number 9466A, an act to amend the Public
6 Authorities Law.

7 ACTING PRESIDENT VALESKY: Read
8 the last section.

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

11 ACTING PRESIDENT VALESKY: Call
12 the roll.

13 (The Secretary called the roll.)

14 ACTING PRESIDENT VALESKY:
15 Announce the results.

16 THE SECRETARY: In relation to
17 Calendar Number 933, those Senators to be
18 recorded in the negative: Senator Lanza.

19 Ayes, 59. Nays, 1.

20 ACTING PRESIDENT VALESKY: The
21 bill is passed.

22 THE SECRETARY: Calendar Number
23 934, by Senator Aubertine, Senate Print 7870,
24 an act to amend the Public Authorities Law.

25 ACTING PRESIDENT VALESKY: Read

1 the last section.

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

4 ACTING PRESIDENT VALESKY: Call
5 the roll.

6 (The Secretary called the roll.)

7 THE SECRETARY: Ayes, 60.

8 ACTING PRESIDENT VALESKY: The
9 bill is passed.

10 THE SECRETARY: Calendar Number
11 935, by Senator Serrano, Senate Print 7985, an
12 act to amend Chapter 899 of the Laws of 1984.

13 ACTING PRESIDENT VALESKY: Read
14 the last section.

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

17 ACTING PRESIDENT VALESKY: Call
18 the roll.

19 (The Secretary called the roll.)

20 THE SECRETARY: Ayes, 60.

21 ACTING PRESIDENT VALESKY: The
22 bill is passed.

23 THE SECRETARY: Calendar Number
24 941, by Senator Stavisky, Senate Print 3926A,
25 an act to amend the Agriculture and Markets

1 Law.

2 ACTING PRESIDENT VALESKY: Read
3 the last section.

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

6 ACTING PRESIDENT VALESKY: Call
7 the roll.

8 (The Secretary called the roll.)

9 THE SECRETARY: Ayes, 60.

10 ACTING PRESIDENT VALESKY: The
11 bill is passed.

12 THE SECRETARY: Calendar Number
13 949, by Senator Addabbo, Senate Print 6750B,
14 an act to amend the Penal Law.

15 ACTING PRESIDENT VALESKY: Read
16 the last section.

17 THE SECRETARY: Section 2. This
18 act shall take effect on the first of November
19 next succeeding.

20 ACTING PRESIDENT VALESKY: Call
21 the roll.

22 (The Secretary called the roll.)

23 THE SECRETARY: Ayes, 60.

24 ACTING PRESIDENT VALESKY: The
25 bill is passed.

1 THE SECRETARY: Calendar Number
2 951, by Member of the Assembly Pheffer,
3 Assembly Print Number 10000A, an act to amend
4 the General Business Law and the Vehicle and
5 Traffic Law.

6 ACTING PRESIDENT VALESKY: Read
7 the last section.

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

10 ACTING PRESIDENT VALESKY: Call
11 the roll.

12 (The Secretary called the roll.)

13 ACTING PRESIDENT VALESKY:
14 Announce the results.

15 THE SECRETARY: In relation to
16 Calendar Number 951, those Senators to be
17 recorded in the negative: Senators
18 DeFrancisco, Flanagan, O. Johnson, Lanza,
19 Larkin and Ranzenhofer.

20 Ayes, 54. Nays, 6.

21 ACTING PRESIDENT VALESKY: The
22 bill is passed.

23 THE SECRETARY: Calendar Number
24 968, by Senator Foley, Senate Print 6912A, an
25 act to amend the Energy Law.

1 SENATOR LaVALLE: Lay it aside.

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

4 THE SECRETARY: Calendar Number
5 979, by Senator Stavisky, Senate Print 5680A,
6 an act to amend the Executive Law and the
7 Penal Law.

8 ACTING PRESIDENT VALESKY: Read
9 the last section.

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

12 ACTING PRESIDENT VALESKY: Call
13 the roll.

14 (The Secretary called the roll.)

15 THE SECRETARY: Ayes, 60.

16 ACTING PRESIDENT VALESKY: The
17 bill is passed.

18 THE SECRETARY: Calendar Number
19 983, by Senator Schneiderman --

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

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

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

1 Senator Klein.

2 SENATOR KLEIN: Mr. President, I
3 just want to briefly go over the schedule.

4 We're going to now stand at ease
5 for 45 minutes while the minority conferences
6 the Rules agenda. When we come back, we'll
7 take up the controversial active list and then
8 have a Rules Committee meeting.

9 So, Mr. President, may we please
10 stand at ease.

11 ACTING PRESIDENT VALESKY: The
12 Senate will stand at ease for approximately
13 45 minutes.

14 (Whereupon, the Senate stood at
15 ease at 2:20 p.m.)

16 (Whereupon, the Senate reconvened
17 at 4:32 p.m.)

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

20 Senator Johnson.

21 SENATOR CRAIG JOHNSON: Mr.
22 President, can we turn back to motions and
23 resolutions, please.

24 ACTING PRESIDENT VALESKY:
25 Returning to motions and resolutions, Senator

1 Johnson.

2 SENATOR CRAIG JOHNSON: Thank
3 you.

4 On behalf of Senator Onorato,
5 Mr. President, on page 29 I offer the
6 following amendments to Calendar Number 782,
7 Senate Print Number 5847C, and ask that said
8 bill retain its place on Third Reading
9 Calendar.

10 ACTING PRESIDENT VALESKY: So
11 ordered.

12 Senator Johnson.

13 SENATOR CRAIG JOHNSON: Mr.
14 President, on behalf of Senator Breslin, on
15 page 15 I offer the following amendments to
16 Calendar Number 376, Senate Print Number
17 5203A, and ask that said bill retain its place
18 on the Third Reading Calendar.

19 ACTING PRESIDENT VALESKY: So
20 ordered.

21 Senator Johnson.

22 SENATOR CRAIG JOHNSON: Mr.
23 President, on behalf of Senator Foley, on
24 page number 42 I offer the following
25 amendments to Calendar Number 1021, Senate

1 Print Number 7263, and ask that said bill
2 retain its place on Third Reading Calendar.

3 ACTING PRESIDENT VALESKY: So
4 ordered.

5 SENATOR CRAIG JOHNSON: And,
6 Mr. President, on behalf of Senator Stavisky,
7 on page number 7 I offer the following
8 amendments to Calendar Number 139, Senate
9 Print Number 1538C, and ask that said bill
10 retain its place on Third Reading Calendar.

11 ACTING PRESIDENT VALESKY: So
12 ordered.

13 Senator Flanagan.

14 SENATOR FLANAGAN: Mr. President,
15 on page number 25 I offer the following
16 amendments to Calendar Number 653, Senate
17 Print 7700B, and ask that said bill retain its
18 place on Third Reading Calendar.

19 ACTING PRESIDENT VALESKY: So
20 ordered.

21 Senator Craig Johnson.

22 SENATOR CRAIG JOHNSON: Mr.
23 President, at this time can we please move to
24 a reading of the controversial calendar.

25 ACTING PRESIDENT VALESKY: The

1 Secretary will proceed with the reading of the
2 controversial calendar by ringing the bells.

3 I ask all Senators to come to the
4 chamber. There are a number of bills on the
5 controversial calendar, beginning with
6 Calendar Number 610, Senator Breslin's bill.

7 The Secretary will read.

8 THE SECRETARY: Calendar Number
9 610, by Senator Breslin, Senate Print 396A, an
10 act to amend the Vehicle and Traffic Law.

11 ACTING PRESIDENT VALESKY: Are
12 there any Senators who wish to be heard on the
13 bill?

14 SENATOR FLANAGAN: Explanation.

15 ACTING PRESIDENT VALESKY:
16 Senator Breslin, an explanation has been
17 requested by Senator Flanagan.

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

20 This is a parking permit bill for
21 areas in and around the State Capitol of
22 Albany. And I believe that this is the 14th
23 year that I've carried this bill, and the
24 first time I've had the opportunity speak on
25 it.

1 It's a bill that encompasses
2 three-quarters of a mile. It's a pilot
3 program that will last for two years. And it
4 will be determined by the Common Council of
5 Albany on how it will be implemented. And in
6 that three-quarters of a mile, there's
7 approximately 9,000 parking spots. And only
8 2,750 will be available for this parking
9 permit.

10 And there will be stickers,
11 probably, on cars that are residents of
12 houses. It has nothing to do with commercial
13 areas. And these residents will now be able
14 to bring their kids to school and go shopping
15 and come back and have a parking spot, and it
16 will enhance and increase the quality of life
17 for those folks.

18 It won't -- incidentally, people
19 from outside the neighborhoods can go in and
20 for a 90-minute period can park in those same
21 spots, so those 2750 spots won't be
22 exclusively for residential.

23 As I said, it's three-quarters of a
24 mile. The old bills were a mile. It's a
25 two-year sunset. And over these 14 years,

1 we've had a number of garages that have been
2 built, far in excess -- the capacity far in
3 excess of the 2,750 spots allocated. And I
4 might add, over my 14 years, there's been -- I
5 think there's about 17 similar parking-permit
6 bills across the state, many of them sponsored
7 by members of the Minority Conference when
8 they were in the majority, and I in fact
9 supported every one of them.

10 And finally, I might add, in every
11 capital in the Northeast and in every state
12 that surrounds New York State there are
13 parking permit systems around that capitol to
14 do the same thing, to make sure that the
15 residents of this great capital city of Albany
16 have a quality of life that they deserve.

17 And that completes the explanation.
18 Thank you, Mr. President. I'd be glad to
19 answer any questions.

20 ACTING PRESIDENT VALESKY:
21 Senator Bonacic.

22 SENATOR BONACIC: Senator
23 Breslin, just a couple of quick questions, if
24 you would yield.

25 ACTING PRESIDENT VALESKY: Senat

1 or Breslin, do you yield?

2 SENATOR BRESLIN: Yes, certainly.

3 ACTING PRESIDENT VALESKY: The
4 sponsor yields.

5 SENATOR BONACIC: Will the
6 residential permit also apply to a secondary
7 homeowner or just primary?

8 SENATOR BRESLIN: A secondary --
9 would that be a renter, you're saying?

10 SENATOR BONACIC: No, no. Like
11 any homeowner. Like maybe some members have a
12 condominium there.

13 SENATOR BRESLIN: Oh, I'm sure it
14 will exclude all members. I'm not saying
15 that. That would be up to -- because that's a
16 specific detail. We're restricting it to the
17 2,750 parking spots, residential only, no
18 parking spots adjacent to commercial places.

19 That would be up to the city,
20 though, to decide about secondary owners and
21 absentee landlords, things like that.

22 SENATOR BONACIC: Okay. Would
23 you yield to another question?

24 SENATOR BRESLIN: Certainly,
25 Senator Bonacic.

1 SENATOR BONACIC: Would renters
2 be able to get a residential permit if we
3 lease a home?

4 SENATOR BRESLIN: On that, the
5 City Council -- I can't speak for them. The
6 City Council would know what's available to
7 them. And I would assume they would probably
8 go on a priority to owners and then renters,
9 but that hasn't been decided. And it's not my
10 decision.

11 SENATOR BONACIC: Thank you,
12 senator Breslin.

13 SENATOR BRESLIN: Thank you,
14 Senator Bonacic.

15 ACTING PRESIDENT VALESKY: Thank
16 you, Senator Bonacic.

17 Are there any other Senators who
18 wish to be heard?

19 Seeing none, the debate is closed.
20 The Secretary will ring the bells.

21 Senator Volker, why do you rise?

22 SENATOR VOLKER: Mr. President,
23 I'd like to remove the star from Senate Bill
24 7170B, Calendar Number 344, which is on page
25 43.

1 ACTING PRESIDENT VALESKY: The
2 star will be removed on Calendar Number 344.

3 SENATOR VOLKER: Thank you.

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

6 Read the last section.

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

9 ACTING PRESIDENT VALESKY: Call
10 the roll.

11 (The Secretary called the roll.)

12 ACTING PRESIDENT VALESKY:
13 Announce the results.

14 THE SECRETARY: In relation to
15 Calendar Number 610, those Senators recorded
16 in the negative: Senators Alesi, Bonacic,
17 DeFrancisco, Farley, Flanagan, Fuschillo,
18 Golden, Griffio, Hannon, O. Johnson, Lanza,
19 Larkin, LaValle, Leibell, Libous, Little,
20 Marcellino, Maziarz, McDonald, Nozzolio,
21 Padavan, Ranzenhofer, Robach, Saland, Seward,
22 Skelos, Volker, Winner and Young.

23 Ayes, 32. Nays, 29.

24 ACTING PRESIDENT VALESKY: The
25 bill is passed.

1 The Secretary will continue to
2 read.

3 THE SECRETARY: Calendar Number
4 617, by Senator Montgomery, Senate Print
5 6709C, an act to amend the Family Court Act.

6 ACTING PRESIDENT VALESKY:
7 Senator Young.

8 SENATOR YOUNG: Thank you,
9 Mr. President. On the bill.

10 ACTING PRESIDENT VALESKY:
11 Senator Young, on the bill.

12 SENATOR YOUNG: Could I have some
13 order in the chamber, please.

14 ACTING PRESIDENT VALESKY: Yes.
15 Can we please keep the noise down,
16 please.

17 SENATOR YOUNG: Last year, on
18 June 8th, Renee Greco was afraid to go to
19 work. She was 24 years old. She worked in a
20 youth home for troubled juveniles. And she
21 had made up her mind that very day, she told
22 her best friend Jocelyn that she was going to
23 quit her job, she was going to give her two
24 weeks' notice.

25 You see, Renee wanted to help

1 troubled youth. She wanted to make a
2 difference. She needed the job. She needed
3 the health insurance. But she had become so
4 scared of the residents that she felt like she
5 had to quit.

6 So she went to work that day, and
7 she had told her friend Jocelyn there was one
8 resident who she was really, really scared of.
9 His name was Anthony Allen, 19 years old. He
10 actually had threatened to hit her several
11 times. He had tried to push her down the
12 stairs. And she didn't know how to deal with
13 him. He was arrogant, he was disobedient, he
14 didn't want to listen, and he had a real
15 problem with female staff members especially.

16 The day before Renee went to work
17 at that group home -- it was called the Avenue
18 House, in Lockport -- there had been a robbery
19 in a lockbox and \$160 had been stolen. And
20 the staff on the previous shift had told the
21 residents that they were going to find out who
22 took the money.

23 So Renee goes to work, she's
24 sitting at the table with some of the other
25 youth in the home -- by the way, there were

1 five in the home at the time. She was there
2 by herself, 24 years old. So she's playing
3 cards at the table. Anthony Allen and Robert
4 Thousand, who was 17 at the time, came up
5 behind Renee, threw a blanket over her head,
6 and bludgeoned her to death. They fled the
7 scene, they took one of the vans at the
8 residence, and they were found by police near
9 the bus station.

10 Anthony Allen never, ever should
11 have been in that residence alone with a
12 24-year-old female worker. He had been in and
13 out of the system time and time again. And
14 every time they put him in the community, he
15 failed. He stalked somebody, he beat
16 somebody, he was very violent. He had a
17 history of psychiatric problems while he was
18 in state-operated facilities. He had a real
19 problem with female authority figures.

20 Yet the administration at the
21 Office of Children and Family Services pushed
22 him out the door, put him in that setting
23 where he could victimize somebody, where he
24 could brutally beat somebody to death.

25 It's ironic that this legislation

1 is being brought up today, because the
2 accomplice in this case, Robert Thousand, who
3 was 17 at the time last year, just pled guilty
4 today to first-degree manslaughter, and he is
5 going to testify against Anthony Allen.

6 I bring up this case because since
7 Gladys Carrion became the commissioner of
8 OCFS, the system of juvenile justice in this
9 state has been turned on its head. The usual
10 stay used to be, for a juvenile in a
11 state-operated facility, was 18 months. And
12 the staff will tell you during that 18-month
13 period they felt like in many cases they can
14 make progress with these juveniles.

15 Now, under the commissioner's
16 direction, the average stay is six months.
17 They're being pushed out the door into
18 facilities like the one where Renee worked,
19 where they are not equipped to be able to
20 handle this level of youth.

21 You know, the New York City law
22 department says that 84 percent of the youth
23 who are placed in our juvenile system, in our
24 state-operated facilities, have a history of
25 violence. They've been involved in assaults,

1 gangs, drive-by shootings, stabbings, the list
2 goes on and on and on.

3 And Renee's case is far from being
4 unusual. Because since the commissioner has
5 been pushing dangerous youth out onto the
6 streets, we've had case after case after case
7 in this state of violence.

8 Senator Robach will tell you about
9 Officer Anthony DiPonzio, who was shot in the
10 back of the head in Rochester last year,
11 23 years old. And a 14-year-old who he had
12 just spoken to on the street turned around, he
13 turned around, Officer DiPonzio was walking
14 away, the kid pulls out a gun and shoots him
15 in the back of the head. He is lucky to be
16 alive. Unfortunately, he will never be the
17 same time again, because he had a severe brain
18 injury. A 23-year-old police officer shot in
19 the back of the head.

20 You know, I get calls all the time
21 about youth who are let out of our facilities
22 early, because people tell me about what
23 happens. We had a youth arrested for shooting
24 a shooting in Middletown, New York. A
25 recently released youth was involved in a

1 shooting in Auburn. On June 29th of last
2 year, a youth discharged from a home in
3 New York City was arrested for murder.
4 November 18, 2009, youth found dead, and that
5 was in New York City also. Social worker
6 killed by a youth on December 13, 2009.
7 January 2, 2010, resident stabs his friend,
8 was in a youth facility and then released.
9 The list goes on and on and on.

10 So basically what's happening now
11 because of the changes at OCFS, our state
12 facilities are in total chaos. And I know my
13 colleagues on the other side of the aisle have
14 said they are concerned about workplace
15 violence. If you're really concerned about
16 it, take a look at what is really happening at
17 our state-operated facilities. They are out
18 of control.

19 The commissioner has taken away the
20 ability of the staff to be in charge of the
21 facilities. The juveniles inside know that
22 there aren't any consequences for their
23 behavior. Our staff are getting beaten,
24 assaulted, their noses broken, their ribs
25 cracked all the time, because they cannot do

1 their jobs properly because of the changes
2 that the commissioner has made.

3 We don't have the training, we
4 don't have the structure that they need. And
5 just to tell you how serious this is, injuries
6 by violent assaults in our juvenile facilities
7 in this state went up 33 percent last year.
8 Our juvenile justice system is the most
9 dangerous place to work in state agencies in
10 New York.

11 And what's happening is these youth
12 are being placed out in the community even
13 though they're dangerous, even though they're
14 beating our own staff, so that they can prey
15 on victims who are innocent like Renee Greco.
16 It's wrong.

17 You know, this bill codifies all of
18 the mistakes being made by the Office of
19 Children and Family Services right now.
20 Basically, what it does, it drastically
21 reduces judicial discretion by prohibiting
22 placements to OCFS state-operated facilities
23 for all young offenders except for those
24 convicted of violent felony and sex offenses
25 or those who are found by the court to pose a

1 significant risk to public safety and no
2 less-restrictive alternative is available.

3 So in other words, young criminals
4 who have committed violent offenses but
5 pleaded down to a nonviolent offense would
6 likely not be placed in a state-operated
7 facility which is more secure. Young
8 criminals who have had multiple run-ins with
9 the law and have been repeatedly placed in
10 various community-based and private
11 residential programs would not likely be
12 placed in OCFS. Young criminals who might be
13 best served by the comprehensive services that
14 we have would not likely get that opportunity.

15 So what you're doing is a real
16 disservice to these troubled youth, because
17 right now they're not getting the services
18 they need.

19 You know, if we were serious about
20 helping them, if we were serious, we would
21 have more mental health services in our
22 facilities, we would have better staff
23 training, we would have a better focus on
24 education. That's not happening. It's not
25 happening, and in itself is a crime. The law

1 in place already requires the court to order
2 the least restrictive placement. It's already
3 in place. Family Court judges are familiar
4 with the history and needs of many of the
5 youth, because they've already been in their
6 courts. Their judgment should not be impeded
7 by this legislation.

8 I would urge my colleagues to vote
9 no on this bill. We need to go back and start
10 over.

11 Actually, there was a commission,
12 there was a committee on juvenile justice
13 reform, and they had some very positive
14 recommendations that I think we should look at
15 before we move ahead on this bill. They said
16 to fund and provide services, including
17 education and mental health treatment, which
18 prepares youth for release. They said design,
19 implement and invest in a coordinated
20 continuum of facility-based services and
21 programs that address the full range of each
22 youth's needs. Provide high-quality education
23 within the facilities that provides success in
24 the future.

25 There's a lot that we can be doing,

1 but this is the wrong direction. And I say to
2 you if you pass this and this becomes law,
3 you're going to see more victims like Renee
4 Greco. In the future I want you to think
5 about this. Every time you hear on the TV or
6 the radio or read in the newspaper about a
7 juvenile who does a violent crime, I want you
8 to wonder to yourselves, did that person get
9 the help that they needed? Was I partially
10 responsible for them committing that crime
11 because I put them out in the community, out
12 on the streets, instead of getting them
13 somewhere secure where they could get mental
14 health, education, and the other services that
15 they need? I want you to really think about
16 that, because that's a reality. That's a
17 reality.

18 So I plead to you today, don't pass
19 this bill. Because we are going to have, as a
20 result, more Renee Grecos. You know, right
21 after she was killed, Renee's mom said to the
22 police, "I just want to hold Renee's hand one
23 more time." And the police said no. Renee
24 was beaten so badly, beyond recognition, that
25 the police wanted her mom to remember her the

1 way that she was. Please vote no on this
2 legislation.

3 ACTING PRESIDENT VALESKY: Thank
4 you, Senator Young.

5 Senator Montgomery.

6 SENATOR MONTGOMERY: Yes,
7 Mr. President. I rise to respond to a couple
8 of issues raised by my colleague Senator
9 Young. I certainly appreciate her interest in
10 us having more support in facilities for young
11 people. Yes, I agree, we do need more
12 psychiatric treatment and substance abuse
13 treatment and educational support and so forth
14 and so on.

15 But I would just like to inform my
16 colleagues that the issues around the
17 unfortunate, the very sad event with Renee
18 Greco has nothing, absolutely nothing to do
19 with this bill. So I don't know why she
20 raises that and stands up and spends a half
21 hour on that, knowing that that's not what
22 this bill is about. So I reject that.

23 The other thing that I want to say
24 is that the evidence is that at least half or
25 more of the young people who find themselves

1 in the OCFS facilities are nonviolent youth.
2 So I want to just correct that statistic that
3 Senator Young has projected here.

4 And the fact of the matter is this
5 bill does not include the violent juveniles
6 that she talks about. So she is using
7 information, some of the information is not
8 even correct, and she's using an incident to
9 support her position -- and certainly I
10 respect your position, you do not want to see
11 young people diverted from the system.

12 And certainly I understand why,
13 because diverting young people from the system
14 will cause districts like yours to lose
15 facilities, because there won't be enough
16 young people, they will be kept in their
17 communities. That's what the purpose of the
18 legislation is.

19 And it's certainly not for violent
20 juveniles. That is not -- the bill
21 specifically excludes those young people.

22 And I want to say right here and
23 now that this legislation is a result of a
24 recommendation that was made by the task force
25 established by the Governor, and it is

1 specifically in line with our attempt in the
2 state to reform the juvenile justice system.
3 And it is a reform movement that is led by
4 Commissioner Gladys Carrion, in whom I am
5 extremely proud and pleased that she has taken
6 this very difficult task on and made it her
7 mission to see how far we can go in this
8 particular session to reform and change how we
9 treat young people in our system.

10 And so I take offense to the fact
11 that you have continually called for her
12 resignation. I hope that she certainly
13 doesn't listen to Senator Young on that issue.

14 Now Mr. Chair, Mr. President, I
15 hope that my colleagues will certainly embrace
16 this legislation, because this is one of the
17 pieces of what we have been trying to propose
18 to make sure that our system, the way that we
19 treat juveniles, begins with allowing the
20 judge who is making the determination for
21 placement of young people to have -- to
22 consider the possibility of placing them as an
23 alternative to detention and placement in
24 their communities and allowing those of us --
25 especially those of us in the city, because

1 that's where most of the children come from.

2 I daresay there are no more than
3 two children or three from Senator Young's
4 district that end up in any one of these
5 facilities. The majority of them come from
6 districts like mine: Brooklyn, Queens, Staten
7 Island, Manhattan and the Bronx.

8 So we would like to be able to keep
9 as many of those young people as possible, the
10 nonviolent youth, in their communities so that
11 we can give them a better chance to change
12 their behavior, to change the trajectory of
13 their lives, and to hopefully become
14 productive citizens as they grow into
15 adulthood.

16 So that's all we're asking with
17 this bill, and it has nothing to do with what
18 happened to Renee Greco. So I'm very sorry
19 about what happened to that young lady. She
20 lost her life tragically. But I reiterate, it
21 was not, it had nothing to do with this
22 legislation.

23 So if anyone feels that they are
24 going to vote based on Senator Young's
25 presentation of what this bill does, she has

1 presented it totally, totally inappropriately
2 as being related to the tragedy of Renee Greco
3 in Lockport.

4 Mr. President, I urge my colleagues
5 to vote for this very, very important
6 legislation. Thank you.

7 ACTING PRESIDENT VALESKY: Thank
8 you, Senator Montgomery.

9 Senator Maziarz.

10 SENATOR MAZIARZ: Thank you very
11 much, Mr. President.

12 With all due respect to Senator
13 Montgomery, I have to agree with just about
14 everything that Senator Young said. This bill
15 is about placement of young juveniles. And I
16 also have to vehemently disagree with Senator
17 Montgomery's characterization of Commissioner
18 Carrion. I personally, Senator, with all due
19 respect to you, I think Commissioner Carrion
20 is a dangerous person in this state.

21 Renee Greco was murdered by two
22 individuals who never should have been in an
23 unsecure facility. Renee Greco was a single
24 individual, female individual in a home with
25 eight young males who at least four of the

1 eight had had very violent pasts. She didn't
2 even recognize that, she didn't know about
3 that, she had no knowledge of that. I think
4 the people who put her there from the agency
5 that they were referred, I think very few of
6 them knew the past of these individuals.

7 What this is really about, Senator,
8 is proper replacement. I think you want
9 proper placement. I think Senator Young wants
10 proper placement. But part of placing these
11 individuals in the proper setting is secure
12 facilities. These individuals should be in
13 secure facilities -- emphasizing security --
14 not in a residential home in a residential
15 neighborhood.

16 And, Senator, I know you and I
17 often disagree with this in meetings of the
18 Judiciary Committee, but, you know, this isn't
19 about urban areas versus suburban areas. You
20 always talk about areas where -- I think you
21 call them receiving areas, where facilities
22 are located. I happen to represent very rural
23 and suburban areas, but I also represent part
24 of the city of Rochester, where, by the way,
25 both of those individuals, these two young

1 murderers, came from.

2 This bill is about placement.

3 Again, Senator, I think this is the wrong way
4 to go. It's the incorrect emphasis. More
5 emphasis should be placed on putting these
6 young, violent, very violent, potentially --
7 well, in this instance two individuals who
8 killed an innocent little girl in a secure
9 facility, not in an unsecure facility.

10 Thank you, Mr. President.

11 ACTING PRESIDENT VALESKY: Thank
12 you, Senator Maziarz.

13 Senator Liz Krueger, on the bill.

14 Just a reminder for all Senators to
15 keep their comments focused on the legislation
16 at hand, which is Calendar Number 617.

17 Senator Krueger.

18 SENATOR LIZ KRUEGER: Thank you
19 very much, Mr. President.

20 I listened to my colleagues, and I
21 wonder whether they do know what bill we're
22 on. This is not a bill that has anything to
23 do with violent offenders. It doesn't have
24 anything to do with the specific commissioner
25 who may or may not be the commissioner of a

1 specific state agency. This is a bill to
2 ensure that children get the right placement.

3 It's a bill -- and it's part of a
4 package of bills, because there are three
5 bills that Senator Montgomery has brought to
6 us today, that are following the
7 recommendations of a very broad and
8 well-thought-out task force. These are bills
9 that are growing out issues raised by the U.S.
10 Department of Justice that our system for
11 juvenile detention is broken and that we need
12 to fix it.

13 So yes, there may be a horrible set
14 of stories. This, after all, is a reality of
15 children, some of whom are violent, and
16 children in a criminal justice-like system.
17 But the bill we are debating right now isn't a
18 bill that changes the criminal justice law or
19 statute, it doesn't take children out of
20 settings where it is appropriate for them to
21 be, but rather ensures that children get
22 placed in the correct setting for them,
23 alternatives to placement for nonviolent
24 children.

25 Again, this is not a story of

1 violence here. This is a bill speaking about
2 a relatively minor change in our system but
3 that can have the effect of giving young
4 people, through the right placement and the
5 right services, a future ahead of them,
6 decreasing the amount of money the state is
7 paying to have young people put in the wrong
8 placements, and --

9 ACTING PRESIDENT VALESKY:

10 Senator Young, why do you rise?

11 SENATOR YOUNG: Senator Krueger,
12 would you yield to a question?

13 ACTING PRESIDENT VALESKY:

14 Senator Krueger, do you yield to a question?

15 SENATOR LIZ KRUEGER: Certainly,
16 Senator Young.

17 ACTING PRESIDENT VALESKY:

18 Senator Krueger yields.

19 SENATOR YOUNG: I was listening
20 to what you said, and I'd like to ask you, so
21 placement for someone like Anthony Allen --
22 and we have a lot of Anthony Allens who are in
23 the criminal justice system, who had a history
24 of violence, assault, anger management
25 problems -- and you're saying somebody like

1 that is suitable for a setting like the one
2 Renee Greco was in, a community home with very
3 little supervision, very little staff
4 training? You're saying that's an appropriate
5 placement for that young person? You're
6 saying that's good?

7 SENATOR LIZ KRUEGER: Senator
8 Young, I was reading through the bill as you
9 were talking. Just to make clear, this bill
10 does not apply to youth adjudicated to have
11 committed a designated felony. And then it
12 gives a long list of the crimes that this bill
13 doesn't apply to. And of course you still
14 have judicial discretion.

15 But it doesn't -- this bill does
16 not apply to designated felonies including
17 first or second degree murder, manslaughter,
18 kidnapping, arson, assault, gang assault,
19 robbery, rape, armed burglary, assault during
20 burglary, criminal sex acts, aggravated sexual
21 assault, sexually motivated felony, possession
22 of firearm on school grounds, or possession of
23 a machine gun during a robbery.

24 So there are terrible things done
25 by young people, but this bill is not actually

1 attempting to change the current law about the
2 handling of children who have committed these
3 types of violent offenses.

4 SENATOR YOUNG: Will Senator
5 Krueger yield to another question?

6 ACTING PRESIDENT VALESKY:
7 Senator Krueger, do you continue to yield?

8 SENATOR LIZ KRUEGER: Yes, I do.

9 SENATOR YOUNG: Senator Krueger,
10 are you aware that a lot of violent felonies
11 for juveniles get pled down to misdemeanors?
12 For example -- and there are misdemeanors that
13 are very serious that you can get convicted
14 of. You just said it yourself, this bill only
15 applies to juveniles who are convicted of
16 felonies. Well, in a lot of cases --

17 SENATOR LIZ KRUEGER: Nonviolent.

18 SENATOR YOUNG: In a lot of
19 cases, felonies get pled down to nonviolent
20 felonies, people get convicted of
21 misdemeanors -- you know, assault with a
22 deadly weapon, for example, some other kind of
23 assault -- and so they don't get the felony
24 conviction. And so basically what you might
25 force a judge to do, I guess, is either say if

1 somebody commits a serious crime like that,
2 they're going to have to charge and convict
3 them of a felony, or what you're saying is
4 that people who commit these very, very
5 serious crimes are just going to be
6 automatically put into a community setting
7 that is not equipped to deal with them.

8 Are you familiar that a lot of
9 these cases get pled down that way?

10 SENATOR LIZ KRUEGER: Yes. In
11 this bill, the discretion is left to the judge
12 even if they're not convicted of these violent
13 felonies. Under this bill, the judge still
14 has the discretion to use the actual basis of
15 the case, whatever the final pleading was, as
16 their criteria for whether or not the children
17 should or shouldn't be placed in the current
18 model of facilities, as you're describing, or
19 on alternative.

20 So we're not taking that discretion
21 away from the judges, and they still can
22 certainly make the determination that children
23 are not appropriate to be placed in the
24 community based on the evidence of the crime
25 regardless of the outcome.

1 So there's a double protection
2 there. One, this isn't a bill that applies
3 for committing designated felonies and being
4 found guilty. And second, the judge can still
5 use their discretion to place the young person
6 in a more restrictive facility based on the
7 facts of the case.

8 So I still believe that under this
9 law not only are we assuring that we are not
10 opening the door too broadly, but we are
11 continuing to follow the pattern of the state
12 recognizing that judges who have heard the
13 case, who have all of the information, who
14 have all the reports, can in fact make a more
15 restrictive placement.

16 ACTING PRESIDENT VALESKY:
17 Senator Young.

18 SENATOR YOUNG: Will Senator
19 Krueger yield to another question?

20 ACTING PRESIDENT VALESKY:
21 Senator Krueger, do you continue to yield?

22 SENATOR LIZ KRUEGER: I certainly
23 do. Thank you, Mr. President.

24 ACTING PRESIDENT VALESKY: The
25 Senator continues.

1 SENATOR YOUNG: You know, Senator
2 Krueger, I had a Family Court judge call me
3 yesterday about this legislation, and he was
4 angry. And he said, "Are you crazy? Are you
5 crazy for doing this?" He said, "You're tying
6 our hands. You're making it difficult for us
7 to be able to do appropriate placement of
8 dangerous juveniles who may have a history of
9 violence, who do have a history of violence."

10 And he just basically berated me
11 for doing this. And I said, "I am opposed to
12 this legislation, vehemently opposed, for all
13 the reasons that you've said."

14 My question to you, Senator
15 Krueger, is have you spoken to any Family
16 Court judges about the ramifications of this
17 bill?

18 SENATOR LIZ KRUEGER: Thank you.
19 Thank you very much for the question, Senator.

20 In fact, this bill is supported by
21 the Office of Court Administration, and there
22 are many memos from many organizations
23 supporting this.

24 And just to clarify -- and please,
25 go home and tell your Family Court judge --

1 there is nothing in this bill that takes away
2 their discretion. So there's nothing they
3 have to change if they choose to continue to
4 make the placements they have been making.
5 We're not taking discretion away from them.
6 And in fact what we are doing is outlining
7 scenarios where in nonviolent cases there are
8 alternative options, but not forcing those
9 alternative options.

10 So I don't see how your Family
11 Court judge thinks that this law is going to
12 affect their powers on the court to make the
13 right decision based on the community needs
14 and their knowledge of any specific case.

15 SENATOR YOUNG: I'll certainly
16 disagree, because I'll listen to my Family
17 Court judge.

18 But thank you, Senator Krueger.

19 SENATOR LIZ KRUEGER: Thank you.

20 ACTING PRESIDENT VALESKY:
21 Senator Perkins, on the legislation.

22 SENATOR PERKINS: Thank you very
23 much, Mr. President. May I ask, through you,
24 the sponsor a question or two?

25 ACTING PRESIDENT VALESKY:

1 Senator Montgomery, do you yield to a question
2 from Senator Perkins?

3 SENATOR MONTGOMERY: Yes.

4 ACTING PRESIDENT VALESKY: The
5 sponsor yields.

6 SENATOR PERKINS: Senator
7 Montgomery, there's obviously always a concern
8 about violence and violent youth and the
9 appropriate way to deal with them. Does your
10 bill call for the release of violent youth?

11 SENATOR MONTGOMERY: No, it does
12 not.

13 SENATOR PERKINS: Would you
14 explain more -- through you, Mr. President,
15 would you elaborate a little bit in terms of
16 exactly what youth we're talking about and
17 from that point of view?

18 SENATOR MONTGOMERY: Yes, through
19 you, Mr. President. The bill specifically
20 excludes youth who are adjudicated as
21 designated felonies. And Senator Krueger read
22 off a list of what is considered to be
23 designated felonies.

24 I think the other important aspect
25 of this legislation is that the judge retains

1 discretion. And there are several different
2 kinds of placements that the judge can make,
3 and it's up to the judge. There are currently
4 some assessment tools that judges are now
5 using. They have said to me that it's been
6 very helpful to have these assessment tools
7 and it helps them to make placements more
8 appropriate to the young person.

9 That's part of the legislation,
10 that the judge is requested to make the
11 appropriate placement based on the history or
12 the circumstances surrounding that young
13 person, their history and experience, whether
14 or not they pose a risk to the safety of the
15 community if they are not placed. And they
16 also, judges have a level of placement that
17 they can make from nonsecure to very highly
18 secure.

19 This bill simply adds to what the
20 judges already are able to do, alternative to
21 detention. And furthermore, it says that
22 unless there is a safety issue to the
23 community, unless it's totally inappropriate,
24 unless that young person has committed a
25 designated felony, that young person,

1 placement should -- the priority for placement
2 should be an alternative to detention and
3 placement, which costs the state \$210,000 per
4 young person per year to place them in
5 detention in a facility that is far away from
6 their home. It is about nine hours between
7 Senator Young's district, for instance, and my
8 district in Brooklyn.

9 That we want not to be the priority
10 and the preference for the judge to do with
11 that young person if, if they do not have all
12 of the things that I mentioned: If they are
13 not posing a safety to the community, if it is
14 appropriate to place them in their community,
15 more appropriate than sending them far, far
16 away from home, if they have not committed a
17 violent designated felony.

18 If none of those are what is
19 exhibited by this young person in front of
20 them, we're asking them to place that young
21 person in an alternative to detention program
22 placement in their own communities.

23 ACTING PRESIDENT VALESKY:

24 Senator Perkins.

25 SENATOR PERKINS: Thank you.

1 Through you, Mr. President, may I ask the
2 sponsor another question.

3 ACTING PRESIDENT VALESKY:
4 Senator Montgomery, do you continue to yield?

5 SENATOR MONTGOMERY: Yes, I
6 continue.

7 ACTING PRESIDENT VALESKY: The
8 sponsor yields.

9 SENATOR PERKINS: The judges that
10 make these determinations, in other words,
11 decide that this is an individual that in
12 terms of this alternative to detention would
13 not pose a threat to the community and would
14 be returned more or less to the community from
15 which they come? Is that the gist of it?

16 SENATOR MONTGOMERY: The gist of
17 it is that the young person could be sentenced
18 to conditional discharge or probation and
19 alternative to placement in their communities.
20 They could remain on probation while being
21 allowed to stay in their communities. There's
22 a range of different mechanisms that the court
23 has, options that the court has for the type
24 of placement that the judge could require,
25 based on the availability and the needs of

1 that young person. So the best interest of
2 the young person is also part of this
3 legislation.

4 So actually the judge has a great
5 deal of latitude. What we are intending to do
6 with this is to just highlight and encourage
7 the judges who are making decisions on what to
8 do with a young person who is in front of
9 them. We're promoting their sentencing of
10 alternative to detention so that there is an
11 opportunity for that young person to be in
12 their own community while they receive a
13 therapeutic program that will help, assist to
14 help them change their behavior.

15 SENATOR PERKINS: Through you,
16 Mr. President, one final question for the
17 sponsor.

18 ACTING PRESIDENT VALESKY:
19 Senator Montgomery, do you continue to yield?

20 SENATOR MONTGOMERY: I do.

21 ACTING PRESIDENT VALESKY: The
22 sponsor continues.

23 SENATOR PERKINS: Just one final
24 question in terms of the net benefits to state
25 taxpayers. Is it assumed that this is a

1 significantly less costly approach to
2 rehabilitation and to addressing the young
3 person that is -- as opposed to being in a
4 regular facility?

5 SENATOR MONTGOMERY: Absolutely.
6 Through you, Mr. President, the average cost
7 of a placement in an alternative to detention,
8 alternative to placement program, is between
9 \$5,000 and \$15,000 to \$20,000 per young
10 person. And that's with a full therapeutic
11 and appropriate program.

12 The cost to send a young person
13 into detention in a facility that is far, far
14 away from their community is approximately
15 \$210,000 per young person. And for some parts
16 of the state -- i.e., counties like Nassau and
17 Suffolk -- it's even more, I've been told,
18 because of the high transportation costs
19 involved.

20 And mind you, these young people
21 are transported back and forth across the
22 state just so that they can have a court
23 appearance when it's required, frequently. So
24 that we're spending not only the \$210,000 per
25 bed, but we are spending hundreds of thousands

1 of dollars just to transport those young
2 people back and forth across the state.

3 So there is an outrageously
4 irresponsible use of our resources. And the
5 City of New York now has a \$15 million cost
6 associated with a facility upstate where there
7 are three or four children but there are
8 130-odd adults, because they have to maintain
9 the full operation of that facility as long as
10 they have one child there.

11 So this is really a very costly way
12 of doing a very bad program. It's costly to
13 the state. It does not help the young people.
14 And it really takes away the potential of so
15 many young people to actually change their
16 lives, improve their behavior, and become
17 positive and productive citizens.

18 So to your answer, yes, we
19 absolutely have to change this because it is a
20 very, very major cost to us. And we could be
21 spending those dollars on young people in
22 their communities and giving them a better
23 life choice and chance.

24 SENATOR PERKINS: On the bill.

25 ACTING PRESIDENT VALESKY:

1 Senator Perkins, on the bill.

2 SENATOR PERKINS: Thank you very
3 much, Mr. President.

4 And I want to thank the sponsor for
5 indulging the questions.

6 I'm obviously going to vote aye on
7 this. I think it's a very important piece of
8 reform legislation that not only benefits the
9 young people involved, and their families,
10 which have to suffer the traveling and the
11 other kinds of shortcomings when their child
12 is so far away, and when by the same token
13 there are opportunities that may be available
14 to them closer to home, alternatives to
15 detention that are less costly and provide
16 more opportunity for rehabilitation and
17 reentry into the community.

18 And so I think this is an important
19 piece of legislation, a visionary piece of
20 legislation in terms of the direction that we
21 should be going in this state and I daresay in
22 this country. And I look forward not only to
23 its passage and my colleagues joining in
24 voting for this, but also seeing it replicated
25 time and time again in various other ways in

1 our state and throughout the country.

2 Thank you.

3 ACTING PRESIDENT VALESKY: Thank
4 you, Senator Perkins.

5 Are there any other Senators who
6 wish to be heard?

7 Seeing none, the debate is closed.
8 The Secretary will ring the bells.

9 Oh, I'm sorry, Senator Golden.

10 SENATOR GOLDEN: Yes, I just have
11 one question for Senator Montgomery, if she
12 would yield.

13 ACTING PRESIDENT VALESKY:
14 Senator Montgomery, do you yield?

15 SENATOR MONTGOMERY: Yes.

16 ACTING PRESIDENT VALESKY: The
17 sponsor yields.

18 SENATOR GOLDEN: Through you,
19 Mr. President. Listening to Senator Krueger
20 list the number of felonies that the
21 individual would not be allowed to go to
22 least-restrictive setting, would that forbid
23 the judges from using their discretion if in
24 fact they believed that individual child
25 should be put into a more restrictive setting?

1 SENATOR MONTGOMERY: This bill
2 does not preclude the judge making that
3 decision.

4 SENATOR GOLDEN: Pardon me?

5 SENATOR MONTGOMERY: This bill
6 does not preclude the judge making a
7 decision -- through you, Mr. President -- for
8 placement at their discretion.

9 SENATOR GOLDEN: So in your
10 legislation here, the judges would not be
11 forced to go to least restrictive? The way I
12 read it, it says the judge -- the Family
13 Courts will go to least restrictive.

14 SENATOR MONTGOMERY: Mr.
15 President, it's my understanding that this is
16 required by federal law, that language. And
17 it's already in law. That's not new language
18 that we are imposing -- introducing, rather.

19 SENATOR GOLDEN: The last
20 question to Senator Montgomery, Mr. President.

21 ACTING PRESIDENT VALESKY:
22 Senator Montgomery --

23 SENATOR MONTGOMERY: Yes.

24 ACTING PRESIDENT VALESKY: The
25 sponsor yields.

1 SENATOR GOLDEN: Do you believe
2 that the Anthony Allen that was placed in the
3 setting with those 11-to-14-year-old boys, do
4 you believe that that setting was okay for
5 Anthony Allen?

6 SENATOR MONTGOMERY: Could you
7 repeat that, Senator? I'm sorry, I --

8 SENATOR GOLDEN: Do you believe
9 that Anthony Allen, the individual that was
10 responsible for killing that employee,
11 Ms. Greco, could and should have been placed
12 in that setting with the 11-to-14-year-old
13 boys in a community setting?

14 SENATOR MONTGOMERY: Through you,
15 Mr. President, I believe that in that case, in
16 that particular case, that young person was
17 actually in a program that was not directly
18 run by OCFS. Supervised by them, yes. And
19 this particular placement was in a step-down
20 facility, so that that young person was
21 theoretically being prepared to return to
22 their community.

23 I think that -- and I certainly, as
24 chair of the Committee on Children and
25 Families, have been in discussion with OCFS in

1 terms of what actually was happening in
2 that -- in the program. That is a voluntary
3 institution that was actually making the
4 decision for that young woman to be placed in
5 that facility alone with those young men. I
6 think that there are some issues around that,
7 certainly. But it does not have anything to
8 do with this particular legislation.

9 SENATOR GOLDEN: Through you,
10 Mr. President, my question to you, Senator
11 Montgomery, if you will continue to yield.

12 ACTING PRESIDENT VALESKY:
13 Senator Montgomery, do you continue to yield?

14 SENATOR MONTGOMERY: Sure.

15 ACTING PRESIDENT VALESKY: The
16 sponsor continues to yield.

17 SENATOR GOLDEN: Do you believe
18 that that setting was okay for Anthony Allen
19 to be placed in that setting? He was released
20 from OCFS. The commissioner had approved that
21 release to the step-down. Do you believe that
22 that was in fact a setting that that young man
23 should have been placed in?

24 SENATOR MONTGOMERY: Through you,
25 Mr. President. I think what Senator Golden is

1 asking is how were the decisions made for that
2 particular situation to occur. And obviously
3 I'm not in a position to answer that.

4 And as I indicated, it's one of the
5 areas that we are working with OCFS around
6 what really is the role of the agency in
7 helping to guide what happens in the voluntary
8 agencies -- which that was -- and the
9 decisions that they make for how they place
10 their young people. That decision was made
11 within the agency, not by a judge.

12 So what you're asking is very
13 legitimate. And these are issues that we
14 definitely should be concerned about. But
15 that young person and that situation was not
16 the result of a Family Court judge placing
17 that young person in that facility.

18 SENATOR GOLDEN: Mr. President,
19 through you, if Senator Montgomery will
20 continue to yield.

21 ACTING PRESIDENT VALESKY:
22 Senator Montgomery, do you continue to yield?

23 SENATOR MONTGOMERY: Yes.

24 ACTING PRESIDENT VALESKY: The
25 sponsor yields.

1 SENATOR GOLDEN: Senator
2 Montgomery, wouldn't your bill do exactly
3 that? Wouldn't your bill actually release an
4 individual into a program, a community setting
5 such as this, for an individual like Anthony
6 Allen?

7 SENATOR MONTGOMERY: Through you,
8 Mr. President. Senator Golden, what you
9 are -- I think your concern is how do we --

10 SENATOR GOLDEN: Go ahead. I'm
11 listening.

12 SENATOR MONTGOMERY: Your
13 concern, I believe, if I'm hearing you
14 correctly, is for how do you make a
15 determination -- how does a judge make a
16 determination about a young person's threat to
17 the safety of the community.

18 And as I said, the Greco case, that
19 was not a decision that was made by the judge.
20 That was an internal decision made by the
21 voluntary agency and their staff and their
22 process. And we're not in a position to
23 comment on that, because I have personally not
24 had an opportunity to go -- I believe the
25 commissioner has been working with them on

1 their decision-making process as it relates to
2 the young people in their agency.

3 What this bill does is says to the
4 judge that there are a range of decisions that
5 you have that you can make about a young
6 person before you. And these are the areas
7 that we consider that that young person must
8 be designated to be sent into a facility. Any
9 designated felony, any threat to the community
10 and in other ways, we want you to consider
11 those young people not being left in the
12 community.

13 But in the best interest of that
14 young person, if they do not fit into the
15 category of safety threats that you're
16 concerned about, we want that judge to
17 consider, first, alternative to detention as a
18 sentence, as opposed to detention.

19 SENATOR GOLDEN: Last question,
20 Mr. President, if the good Senator will
21 continue to yield.

22 ACTING PRESIDENT VALESKY:
23 Senator Montgomery, do you continue to yield?

24 SENATOR MONTGOMERY: Yes.

25 ACTING PRESIDENT VALESKY: The

1 sponsor continues.

2 SENATOR GOLDEN: Under your
3 legislation, this power would be taken away
4 from the state and from the judges, actually,
5 from allowing the individual to be sent to a
6 more-restrictive setting because he was not
7 convicted of a felony, he or she, but
8 convicted of a plea down to a misdemeanor and
9 therefore sent into a least-restrictive
10 setting. That is what your bill would do.
11 Yes, Senator?

12 SENATOR MONTGOMERY: Through you,
13 Mr. President, we've tried to be as careful as
14 we can be as it relates to making sure that
15 the judge has ample discretion, that the judge
16 is in a position to look at all of the
17 evidence related to that young person,
18 including a tool that judges, Family Court
19 judges are now using themselves to identify as
20 best as possible what that young person may do
21 in the future and to help them do an
22 assessment that is more appropriate to that
23 young person.

24 So we've made sure that all of
25 these safety considerations are in place, left

1 up to the judge, and the judge has plenty of
2 latitude. So your fear about this young
3 person, that somehow a young person is going
4 to be left in the community who is a danger
5 and a threat to the community, I think is
6 unfounded. Especially as it relates to this
7 bill, this legislation.

8 SENATOR GOLDEN: Thank you,
9 Senator.

10 On the bill, Mr. President.

11 ACTING PRESIDENT VALESKY:
12 Senator Golden, on the bill.

13 SENATOR GOLDEN: Senator Young
14 obviously was totally correct that this
15 Anthony Allen should not have been placed in
16 the facility that he was placed in. And
17 unfortunately, Ms. Greco is dead today because
18 of it.

19 This legislation here unfortunately
20 is another piece of legislation coming forward
21 that is the, you know, let's coddle those that
22 have hurt society, let's try to bring them out
23 of the jails, close our jails, put people into
24 least restrictive.

25 And I guarantee you that by the end

1 of this month, before we hit the 30th of this
2 month, that you will see some individual,
3 youth across this state commit another crime
4 in one of these institutions, in the
5 least-restrictive institutions, that should
6 not have been there. And that's before your
7 legislation goes into effect.

8 So when your legislation goes into
9 effect, I can assure you that more people will
10 be harmed, more people unfortunately will die
11 in this state. And that, to me, is a bad
12 piece of legislation.

13 And that legislation is coming from
14 the Governor's task force, and it's coming
15 directly from the administration, from
16 Ms. Carrion, and it's coming directly from the
17 sponsor that is supporting this piece of
18 legislation which I think is a bad piece of
19 legislation that will get people hurt.

20 And there isn't anybody -- as the
21 good Senator Young has stated, that the Family
22 Court judge came out and said "Are you out of
23 your mind? Why are you tying our hands?" And
24 that's what we seem to be doing in public
25 safety here across the State of New York to

1 all of our policing and all of our facilities
2 that take care of our young, is trying to go
3 in a least-restrictive format. Which
4 unfortunately some cannot go to least
5 restrictive. And when you put people into the
6 least restrictive that don't belong there, you
7 get another Ms. Greco. And there will be more
8 Ms. Grecos as we go forward, and that's very
9 unfortunate.

10 I will be voting no, Mr. President.
11 Thank you.

12 ACTING PRESIDENT VALESKY: Thank
13 you, Senator Golden.

14 Senator Savino.

15 SENATOR SAVINO: Thank you,
16 Mr. President.

17 I wasn't actually going to speak on
18 this bill, but in listening to the debate I
19 think it's important that we try and clarify a
20 couple of points. When I first looked at the
21 bill when it was sent to me, I read it and
22 said, I'm kind of confused because this bill
23 doesn't really change anything that's
24 currently in the law. And then I read it
25 again, and what it does.

1 So let's be clear. Currently, as
2 we speak, under the law, under the Family
3 Court Act -- Senator Golden, under the Family
4 Court Act and under federal law, Family Court
5 judges are right now required to place youth
6 adjudicated of an offense in the
7 least-restrictive setting. That's the law
8 right now.

9 What this bill does is it clarifies
10 what least-restrictive setting means. And it
11 adds the definition of conditional discharge,
12 probation, and alternatives to placement. It
13 also does not change the fact that youth who
14 are adjudicated of a violent felony, those
15 that were outlined by Senator Krueger, are not
16 eligible for this.

17 Senator Young, your concerns are
18 absolutely valid. What happened to that young
19 woman was horrific and should never have
20 occurred. But it talks about a bigger problem
21 that we have in our youth facilities.

22 Number one, the current hiring
23 freeze has led to staffing reductions which
24 make these facilities in the secure detention
25 facilities dangerous. More importantly --

1 ACTING PRESIDENT VALESKY:

2 Senator Young, why do you rise?

3 SENATOR SAVINO: I will finish my
4 point and then I will answer any question she
5 wants.

6 ACTING PRESIDENT VALESKY:

7 Senator Savino will yield after she finishes.

8 SENATOR SAVINO: More
9 importantly, some of these youth, the
10 decisions about where they are stepped down
11 to, as Senator Montgomery talked about, those
12 are evaluations that really need to be
13 reviewed.

14 The decisions by Gladys Carrion and
15 her administration, I agree with you, I have
16 some concerns about her approach. I believe
17 that she is moving to the voluntary sector and
18 to nonsecure-detention facilities after the
19 original placement by a judge --
20 inappropriately sometimes. That is something
21 that really deserves examination.

22 Those two or four youth should
23 never have been placed in a nonsecure
24 detention facility, and that nonsecure
25 detention facility should never have had a

1 single woman working there by herself.

2 Absolutely, you are right about that.

3 But the original bill doesn't
4 change anything that's currently in the law.
5 All it does is define what least-restrictive
6 setting means. We have a lot of problems
7 within the juvenile justice system. We have a
8 lot of problems in our detention facilities.
9 All of those should be addressed. But I think
10 we're getting off the track with what this
11 bill actually does.

12 Now, if you have a question for me,
13 I'm more than happy to answer it.

14 ACTING PRESIDENT VALESKY:
15 Senator Young.

16 SENATOR YOUNG: Thank you,
17 Senator Savino.

18 Would the Senator yield for a
19 question?

20 SENATOR SAVINO: If I can.

21 ACTING PRESIDENT VALESKY:
22 Senator Savino does yield, yes.

23 SENATOR SAVINO: If I have an
24 answer for you, Senator Young.

25 SENATOR YOUNG: Thank you. You

1 know, I appreciate your comments. But
2 basically I think you're mitigating -- you're
3 missing the point of our concerns. Because
4 you're right, right now the judges actually
5 work very hard to put these juveniles in the
6 least-restrictive setting. They're doing
7 that.

8 But this basically takes away some
9 of their discretion that they have. And so if
10 they have warning signs on a juvenile, if they
11 think that that person might be violent, might
12 hurt somebody, right now they have the
13 discretion to place that youth in a
14 state-operated facility. This basically takes
15 that away unless that juvenile is convicted of
16 a felony.

17 You know, sometimes violent youth
18 are put in state-operated facilities, you know
19 why? Because their families are afraid of
20 them. Anthony Allen's mother was deathly
21 afraid of him, deathly afraid of him.

22 And so my question is, you know, if
23 that's the case, then how can you say that
24 that's just okay to just define this? Because
25 what it's saying is that unless you have a

1 felony, it's going to be more difficult for a
2 judge to place those juveniles.

3 SENATOR SAVINO: Through you,
4 Mr. President. Again, Senator Young, the
5 concern you have is valid. However, under the
6 current law and what will continue under this
7 bill is a judge still has the discretion to
8 make a placement into a residential setting if
9 they believe it is necessary for the
10 protection of the community or the child.
11 That does not change. Currently they have
12 that right.

13 What happened with Anthony Allen,
14 from what you've described to me and what
15 Senator Young has described, sounds more like
16 a post-placement decision as to when he was
17 ready for the eventual discharge out. And
18 that begs the bigger issue that you spoke
19 about, the lack of mental health services
20 within the OCFS facilities, the lack of
21 oversight, the lack of staffing, the lack of
22 support. Because we're making decisions about
23 returning children or youthful offenders
24 faster than they should. And that's why I
25 said you are right in your concerns.

1 But this bill is not going to
2 change that. What this bill does is defines
3 clearly what least-restrictive setting means.

4 The issues that you have raised and
5 Senator Montgomery has raised are still
6 outstanding. This bill won't fix that, it
7 won't exacerbate it, and it's not going to
8 address the chronic problem we have of youth
9 who are discharged too quickly by an
10 administration that I agree with you has an
11 ideology that believes we should move them out
12 as fast as possible without the support
13 services they need.

14 SENATOR YOUNG: Would Senator
15 Savino continue to yield.

16 SENATOR SAVINO: Certainly.

17 ACTING PRESIDENT VALESKY: Senat
18 or Savino continues to yield.

19 SENATOR YOUNG: I'm glad, Senator
20 Savino, that you agree with me that Anthony
21 Allen should never have been placed out in the
22 community, with his history. But basically
23 what this bill does is that instead of having
24 Anthony Allen put into a state facility and
25 then discharged too quickly, it basically says

1 he couldn't have been placed in the facility
2 in the first place and so he would have been
3 out there in the community even sooner.

4 So on one hand you're saying you
5 agree with us. On the other hand you're
6 saying that it's okay -- because, you know,
7 Anthony Allen was at Tryon, limited secure; he
8 was at Highland, limited secure; and he was
9 released too early. But under this
10 legislation he never would have even been at
11 those two facilities.

12 So, you know, I guess I have to
13 disagree with what you're saying because it
14 just -- you're contradicting yourself, I
15 believe.

16 SENATOR SAVINO: Senator Young,
17 actually I don't think so. Because under the
18 current law, again, the judge has to place
19 them in the least-restrictive setting unless
20 they determine that a more secure setting is
21 necessary for the protection of the community.

22 Again, I don't know Anthony Allen's
23 particular case other than what you've
24 discussed here on the floor. But it sounds to
25 me as if he started in a secure detention

1 facility, under the original placement by a
2 Family Court judge, and then worked his way
3 down through the nonsecure detention facility.

4 The question we have to examine is
5 who made the determination that he was ready
6 to move from secure detention to nonsecure?
7 How did they arrive at that decision? Who
8 were the staff involved? Was the
9 recommendation of a judge there? It doesn't
10 sound like there was.

11 That is an internal issue within
12 the agency operation that I believe needs to
13 be examined and evaluated: How they determine
14 discharge planning for youthful offenders,
15 when are they ready to move from secure
16 detention to nonsecure detention.

17 But this bill still does not change
18 the fact that a judge, who's already required
19 to place them in the least-restrictive
20 setting, now defines what "least restrictive"
21 can mean under the law, still has the
22 discretion to place them in a secure detention
23 facility.

24 SENATOR YOUNG: Thank you,
25 Senator.

1 I have to disagree. I think
2 that --

3 SENATOR SAVINO: That's okay. It
4 wouldn't be the first time, Senator Young.

5 ACTING PRESIDENT STEWART-COUSINS:
6 Senator Duane, on the bill.

7 SENATOR DUANE: Thank you, Madam
8 President.

9 You know, in all the years that
10 I've been in this Legislature, we have mostly
11 done terrible things to children. And
12 historically this Legislature has a history of
13 reacting after a tragedy, a tragedy that has
14 not been caused by the children that are so
15 horribly impacted by the policy that we enact
16 after one bad incident, one tragic terrible
17 incident has happened.

18 Finally, and thanks to Senator
19 Montgomery's passion and fortitude -- and in
20 one very small part measure because of this
21 legislation, and I hope more to come --
22 finally, we're taking steps to prevent
23 terrible things from happening not just to
24 children that we have been so negatively
25 impacting but also to protect adults and

1 children of all ages from having terrible
2 things happen to them.

3 And so, Senator Montgomery, thank
4 you for your incredible and enlightened work
5 on this issue that will positively affect and
6 impact all New Yorkers in the future. I
7 encourage everyone to vote yes on this piece
8 of legislation.

9 Thank you, Madam President.

10 ACTING PRESIDENT STEWART-COUSINS:

11 Thank you, Senator.

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

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

16 Read the last section.

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

19 ACTING PRESIDENT STEWART-COUSINS:

20 Call the roll.

21 (The Secretary called the roll.)

22 ACTING PRESIDENT STEWART-COUSINS:

23 Senator Montgomery, to explain her vote.

24 SENATOR MONTGOMERY: Yes, Madam
25 President. I just want to say that this

1 really has been an interesting discussion on
2 an issue that is extremely important in our
3 state, I think. It's legislation which is
4 supported by the Office of Court
5 Administration, by district attorneys and law
6 enforcement organizations from across our
7 state, from the Council on Children and
8 Childcare Agencies, the Legal Aid Society, and
9 so many other people.

10 And I just think this is something
11 that we need to do, we should be doing. And
12 the judges that I have talked to and met with,
13 so many of them have said yes, let's do this.
14 And in fact they're already doing it, many of
15 them are.

16 And so all is not lost, because
17 despite what we do or don't do here, the
18 judges and the community at large, they're
19 moving in this direction. And so I'm grateful
20 for that. And thank you. I vote aye.

21 ACTING PRESIDENT STEWART-COUSINS:
22 Senator Montgomery to be recorded in the
23 affirmative.

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

1 Senator Montgomery.

2 SENATOR MONTGOMERY: I'm going to
3 lay the bill aside for the day.

4 ACTING PRESIDENT STEWART-COUSINS:
5 The roll call is withdrawn, and the bill is
6 laid aside for the day.

7 The Secretary will continue to
8 read.

9 THE SECRETARY: Calendar Number
10 624, by Senator Montgomery, Senate Print
11 6711B, an act to amend the Executive Law.

12 ACTING PRESIDENT STEWART-COUSINS:
13 Read the last section.

14 SENATOR FUSCHILLO: Explanation.

15 ACTING PRESIDENT STEWART-COUSINS:
16 Senator Montgomery, an explanation has been
17 requested on the bill by Senator Fuschillo.

18 (Disturbance on floor.)

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

21 Senator Montgomery --

22 SENATOR DIAZ: I think that is so
23 [inaudible] for Senator Parker to be using
24 foul language here on this floor in front of
25 women.

1 ACTING PRESIDENT STEWART-COUSINS:

2 Senator Diaz --

3 SENATOR DIAZ: Senator Parker
4 should be reprimanded.

5 ACTING PRESIDENT STEWART-COUSINS:
6 Senator Montgomery, an explanation has been
7 requested by Senator Fuschillo.

8 SENATOR MONTGOMERY: Which bill
9 is this? Which bill is that?

10 ACTING PRESIDENT STEWART-COUSINS:
11 This is on Bill 624.

12 SENATOR MONTGOMERY: Okay, Madam
13 President, just to explain this bill.

14 It would establish a formula by
15 which the state provides assistance to
16 localities, to counties across the state, many
17 of whom don't have alternative-to-detention
18 programs already, would assist them in
19 starting them for their own children, their
20 own young people.

21 And it would assist those counties
22 who already have begun to move more in the
23 direction of creating alternatives to
24 detention and placement for juveniles. It
25 would provide assistance to them in the

1 following way. It establishes a reimbursement
2 of 65 percent to match funds that they expend
3 to develop and run alternative-to-detention
4 programs. A set of standards would be
5 established by the Office of Children and
6 Family Services that meet certain criteria,
7 and those programs would then be eligible to
8 be reimbursed at a rate of 65 percent for
9 every dollar that they expend.

10 I want to just mention a couple of
11 counties that have already begun to move in
12 that direction and are very, very supportive
13 of this legislation.

14 Erie County has developed a
15 continuum of community and evidence-based
16 services that work in tandem to keep
17 juvenile-justice-involved youth out of
18 institutional placement. And between 2004 and
19 2008, Erie County has reduced its placements
20 of juvenile delinquents to both OCFS and the
21 local Department of Social Services by
22 52 percent.

23 New York City, the Department of
24 Probation administers two programs, and one of
25 them, launched in 2002, Esperanza, provides

1 short-term, intensive in-home therapeutic
2 services and crisis management to youth who
3 would have otherwise been placed in an
4 institutional facility.

5 Another program is the ESP program.
6 It's an alternative to placement for
7 moderate-and-high-risk juveniles who are in
8 need of extra attention and support while
9 under probation supervision.

10 These programs have resulted in a
11 very drastic decrease in the number of young
12 people who are identified as placement-bound
13 youth, but they have been able to remain in
14 their communities.

15 Onondaga County, the City of
16 Syracuse in particular, they have launched a
17 program, it's called the probation
18 rehabilitation intensive services and
19 management program. From 1995 to 2008,
20 Onondaga reduced its placements to both OCFS
21 and the local Department of Social Services
22 from 103 to 28, a 73 percent reduction in
23 juvenile delinquency placements.

24 Suffolk County, the juvenile day
25 reporting center provides youth who are at

1 risk of institutional placement with daily
2 supervision and educational programming. In
3 2007, Suffolk County placed 153 youth --

4 ACTING PRESIDENT STEWART-COUSINS:
5 Senator Montgomery --

6 SENATOR MONTGOMERY: -- with
7 OCFS, 42 fewer or 12.5 percent less than in
8 2006. So --

9 ACTING PRESIDENT STEWART-COUSINS:
10 Thank you, Senator.

11 SENATOR MONTGOMERY: -- it makes
12 a big difference when we do alternative-to-
13 placement programming. It reduces the number
14 of young people who end up in the facilities
15 upstate and out of their communities, and it
16 also makes a big difference in the lives of
17 young people.

18 ACTING PRESIDENT STEWART-COUSINS:
19 Thank you.

20 Senator Fuschillo, why do you rise?

21 SENATOR FUSCHILLO: Would Senator
22 Montgomery answer a few questions.

23 ACTING PRESIDENT STEWART-COUSINS:
24 Senator Montgomery, would you yield for a
25 question?

1 SENATOR MONTGOMERY: Yes.

2 SENATOR FUSCHILLO: Senator,
3 thank you very much for that explanation.
4 Just a few questions. Would you answer a few
5 questions?

6 ACTING PRESIDENT STEWART-COUSINS:
7 Senator Montgomery, do you yield?

8 SENATOR MONTGOMERY: Yes.

9 ACTING PRESIDENT STEWART-COUSINS:
10 Senator Montgomery yields.

11 SENATOR FUSCHILLO: Just two
12 simple questions.

13 The bill raises the reimbursement
14 rate to the counties from 50 percent to
15 65 percent; correct?

16 SENATOR MONTGOMERY: The rate
17 that you are referring to, the 50 percent rate
18 that we reimburse is for detention only.
19 There is no reimbursement currently for what
20 counties spend for alternative to detention.
21 There is no formula for reimbursing them for
22 that.

23 SENATOR FUSCHILLO: Would the
24 Senator continue to yield.

25 ACTING PRESIDENT STEWART-COUSINS:

1 Senator Montgomery, do you continue to yield?

2 SENATOR MONTGOMERY: Yes. Yes.

3 SENATOR FUSCHILLO: So that
4 50 percent you just stated is being raised to
5 65 percent?

6 SENATOR MONTGOMERY: There is
7 currently -- it's not a raising of anything.
8 It is establishing for the first time a
9 reimbursement for alternative to detention.
10 The rate that you are referring to is for
11 detention only.

12 SENATOR FUSCHILLO: Would the
13 Senator continue to yield.

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

16 SENATOR MONTGOMERY: Yes.

17 SENATOR FUSCHILLO: Senator, so
18 what is the fiscal impact to the state?

19 SENATOR MONTGOMERY: Well, the
20 fiscal impact in the long run is that we are
21 moving from a system for which we pay \$210,000
22 per child -- half of it the state pays, half
23 of it the county, the locality pays. We're
24 moving to a system that now allows us to
25 reimburse counties 65 percent of a figure

1 between \$5,000 and \$10,000 to \$20,000.

2 So we reduce the cost to the county
3 dramatically, and we also reduce the cost to
4 the state dramatically.

5 SENATOR FUSCHILLO: Will the
6 Senator continue to yield.

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

9 SENATOR MONTGOMERY: Yes.

10 SENATOR FUSCHILLO: Thank you,
11 Senator. What type of youthful offenders are
12 you talking about? What type of crimes have
13 they committed?

14 SENATOR MONTGOMERY: I didn't
15 hear you, I'm sorry.

16 ACTING PRESIDENT STEWART-COUSINS:
17 Senator Fuschillo, would you repeat the
18 question?

19 SENATOR FUSCHILLO: What type of
20 youthful offenders with what type of crimes
21 have they committed would be covered under
22 this legislation?

23 SENATOR MONTGOMERY: The programs
24 that I just enumerated, it's the same types of
25 young people who are already in some of the

1 programs. Some counties have already begun to
2 do more alternative-to-detention programs. It
3 would be the same types of young people,
4 except now we are providing assistance to
5 those counties so that they can continue to
6 provide the same services.

7 SENATOR FUSCHILLO: Would the
8 Senator continue to yield.

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

11 SENATOR MONTGOMERY: Yes.

12 SENATOR FUSCHILLO: Senator, I'm
13 asking you the question what types of
14 offenders, what type of crimes. You responded
15 to me "it's the same type." Could you be a
16 little more detailed in what you mean by the
17 same type of crimes that were committed that
18 are applicable to these youthful offenders?

19 SENATOR MONTGOMERY: Through you,
20 Madam President, I don't have right now a list
21 of the types of young people who are currently
22 in these programs. I can get that for you,
23 Senator.

24 I can only say to you that I have
25 met young people who are participating in

1 alternative-to-detention programs in my
2 district, and they are -- these young people
3 are now on a different track. They are
4 learning skills, they have been able to remain
5 with their families, many of them are working
6 while they are participating on a daily basis
7 in various programs.

8 So -- but if you need more
9 specifics, I'm sure I can be able to get that
10 for you, Senator.

11 SENATOR FUSCHILLO: Thank you.
12 Would the Senator continue for one further
13 question.

14 ACTING PRESIDENT STEWART-COUSINS:
15 Senator Montgomery, will you yield for one
16 more question?

17 SENATOR MONTGOMERY: Yes.

18 SENATOR FUSCHILLO: Senator,
19 thank you. It concerns me a little bit that
20 you're asking us to vote on a piece of
21 legislation and you don't know what type of
22 individuals this is applicable to.

23 I'll make it easy for you. Are
24 they violent offenders, are they violent
25 felony offenders? Are these individuals that

1 we as a society should be concerned about?

2 I'm trying to narrow the scope a little bit
3 for you.

4 You're asking us to vote on the
5 bill. I asked you a question of who this
6 would be applicable to, what criminal
7 offenses. Maybe you could help us either
8 support or not support this by telling us, you
9 know, is this somebody that's a danger to
10 society that's currently in the program, or
11 have been.

12 SENATOR MONTGOMERY: With concern
13 for Senator Flanagan's [sic] fear of who these
14 young people are, they're already
15 participating in programs. So he wants me to
16 assure him that nothing is ever going to
17 happen, no young person is ever going to do
18 that.

19 But you know what, Madam President,
20 I want to lay the bill aside.

21 ACTING PRESIDENT STEWART-COUSINS:
22 We will withdraw the roll and lay the bill
23 aside. For the day, presumably.

24 SENATOR FUSCHILLO: Madam
25 President, I want to thank Senator Montgomery.

1 I mean, I don't know if I should be
2 insulted or not. Senator Flanagan's over
3 there in the back of the room. I'm Senator
4 Fuschillo. I know he's a real good-looking
5 guy.

6 But I thank you very much for your
7 explanation and your patience. Thank you.

8 ACTING PRESIDENT STEWART-COUSINS:
9 The Secretary will continue to read.

10 THE SECRETARY: Calendar Number
11 625, by Senator Montgomery, Senate Print 6713,
12 an act relating to the establishment of a
13 pilot program to provide.

14 SENATOR KLEIN: Lay it aside for
15 the day, please.

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

18 THE SECRETARY: Calendar Number
19 675, by Senator Stavisky, Senate Print 1745A,
20 an act to amend the New York City Civil Court
21 Act.

22 ACTING PRESIDENT STEWART-COUSINS:
23 Is there anyone wishing to be heard on this
24 bill?

25 Hearing none, the debate is closed.

1 The Secretary will please ring the bell.

2 Senator Skelos.

3 SENATOR SKELOS: If we could ask
4 what bill we're on right now.

5 ACTING PRESIDENT STEWART-COUSINS:
6 We are on Calendar Number 675.

7 SENATOR SKELOS: Could we have an
8 explanation on that bill, please.

9 ACTING PRESIDENT STEWART-COUSINS:
10 Senator Stavisky, Senator Skelos has asked for
11 an explanation.

12 SENATOR STAVISKY: This bill
13 would apportion the 11 additional New York
14 City court judgeships that were authorized by
15 the Legislature in 1993. The basis of the
16 apportionment of judges is based upon the
17 backlog in the Civil Court docket, and the
18 Office of Court Administration pays the cost
19 for the first year.

20 ACTING PRESIDENT STEWART-COUSINS:
21 Senator Skelos.

22 SENATOR SKELOS: Madam President,
23 if Senator Stavisky would yield for a
24 question.

25 ACTING PRESIDENT STEWART-COUSINS:

1 Senator Stavisky, do you yield for a question?

2 SENATOR STAVISKY: Yes.

3 SENATOR SKELOS: Could you tell
4 me what additional costs this will incur to
5 people of the state? What will be the
6 additional costs?

7 SENATOR STAVISKY: I've indicated
8 that there is no cost in the first year
9 because the Office of Court Administration
10 pays the first year's cost.

11 SENATOR SKELOS: If Senator
12 Stavisky would yield for a question.

13 ACTING PRESIDENT STEWART-COUSINS:
14 Senator Stavisky, do you continue to yield?

15 SENATOR STAVISKY: Yes.

16 SENATOR SKELOS: Has either
17 chamber up to this point passed the
18 legislative and judiciary budget?

19 SENATOR STAVISKY: No.

20 SENATOR SKELOS: Thank you.

21 I would urge a no vote on this
22 legislation.

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

1 Hearing none, the debate is closed.

2 The Secretary will please ring the bells.

3 Read the last section.

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

6 ACTING PRESIDENT STEWART-COUSINS:
7 Call the roll.

8 (The Secretary called the roll.)

9 ACTING PRESIDENT STEWART-COUSINS:
10 Senator Diaz, to explain his vote.

11 SENATOR DIAZ: Yes, thank you,
12 Madam President.

13 I am one of the 62 Senators, and I
14 am elected by the people in my district. So I
15 want to let everyone know that I will always
16 vote the way I think I should vote and I want
17 to vote. And by threatening me and by using
18 the F language on me will not make me change
19 my mind.

20 So Senator Parker, if he doesn't
21 want to pass any one of my "F" bills, as he
22 said, that's okay, I take the consequences.
23 But that will not change my mind. I will
24 always vote the way I want to vote, and no
25 threat and no pressure will make me change my

1 mind.

2 I'm voting yes now.

3 ACTING PRESIDENT STEWART-COUSINS:

4 Senator Diaz to be recorded in the
5 affirmative.

6 Senator Stavisky to explain her
7 vote.

8 SENATOR STAVISKY: Thank you,
9 Madam President.

10 First of all, a couple of quick
11 points. Number one, there has not been a
12 change in the number of civil court judges in
13 the last 30 years. The backlog is increasing
14 dramatically. We authorized the increase, but
15 we did not make the distribution. The
16 increase was authorized in 1993.

17 And lastly, and I think most
18 importantly, this bill becomes effective
19 January 1, 2011. So it's only one-quarter of
20 the cost in this fiscal year, and it's
21 one-quarter of the annual cost that will be
22 borne by the Office of Court Administration.

23 So there is no fiscal impact in
24 this year's budget whatsoever. There is
25 absolutely no fiscal impact to this year's

1 budget. And I urge my colleagues to vote to
2 reduce the caseload in the civil court in the
3 City of New York.

4 Thank you, Madam President.

5 ACTING PRESIDENT STEWART-COUSINS:
6 Senator Stavisky will be recorded in the
7 affirmative.

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

10 Announce the results.

11 THE SECRETARY: In relation to
12 Calendar Number 675, Senators to be recorded
13 in the negative: Senators Alesi, Bonacic,
14 DeFrancisco, Farley, Flanagan, Fuschillo,
15 Golden, Griffio, Hannon, O. Johnson, Lanza,
16 Larkin, LaValle, Leibell, Libous, Little,
17 Marcellino, Maziarz, McDonald, Nozzolio,
18 Padavan, Ranzenhofer, Robach, Saland, Seward,
19 Skelos, Volker, Winner and Young.

20 Ayes, 32. Nays, 29.

21 ACTING PRESIDENT STEWART-COUSINS:
22 The bill is passed.

23 THE SECRETARY: Calendar Number
24 691, by Senator Sampson, Senate Print 5807B,
25 an act to amend the Uniform City Court Act and

1 the Judiciary Law.

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

5 Hearing none, the Secretary should
6 ring the bells. The debate is closed.

7 Read the last section.

8 THE SECRETARY: Section 8. This
9 act shall take effect on the first of April
10 next succeeding.

11 ACTING PRESIDENT STEWART-COUSINS:
12 Call the roll.

13 (The Secretary called the roll.)

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

16 SENATOR DeFRANCISCO: Yes, this
17 bill would increase the number of city court
18 judges in certain cities. And as a former
19 chair of Judiciary, I know how important it is
20 to have a sufficient number of judges to hear
21 cases.

22 However, at a time when we have not
23 passed the judiciary budget yet, or haven't
24 even reviewed it, and, secondly, when the
25 Governor has called for furloughs and may call

1 for reduction in the number of employees, I
2 just don't think it's the right time to be
3 increasing the number of judges that hear
4 cases.

5 For that reason, I vote no.

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

9 Announce the results.

10 THE SECRETARY: In relation to
11 Calendar Number 691, those Senators to be
12 recorded in the negative: Senators Alesi,
13 Bonacic, DeFrancisco, Farley, Flanagan,
14 Fuschillo, Golden, Griffio, Hannon, O. Johnson,
15 Lanza, Larkin, LaValle, Leibell, Libous,
16 Little, Marcellino, Maziarz, McDonald,
17 Nozzolio, Padavan, Ranzenhofer, Robach,
18 Saland, Seward, Skelos, Volker, Winner and
19 Young.

20 Ayes, 32. Nays, 29.

21 ACTING PRESIDENT STEWART-COUSINS:
22 The bill is passed.

23 THE SECRETARY: Calendar Number
24 692, by Senator Sampson, Senate Print 5968A,
25 an act to amend the Family Court Act.

1 ACTING PRESIDENT STEWART-COUSINS:
2 Are there any Senators wishing to be heard on
3 the bill?
4 Hearing none, debate is closed.
5 The Secretary will please ring the bell.
6 Read the last section.
7 THE SECRETARY: Section 3. This
8 act shall take effect January 1, 2011.
9 ACTING PRESIDENT STEWART-COUSINS:
10 Call the roll.
11 (The Secretary called the roll.)
12 ACTING PRESIDENT STEWART-COUSINS:
13 Announce the results.
14 THE SECRETARY: In relation to
15 Calendar Number 692, those Senators recorded
16 in the negative: Senators Alesi, Bonacic,
17 DeFrancisco, Farley, Flanagan, Fuschillo,
18 Golden, Griffio, Hannon, O. Johnson, Lanza,
19 Larkin, LaValle, Leibell, Libous, Little,
20 Marcellino, Maziarz, McDonald, Nozzolio,
21 Padavan, Ranzenhofer, Robach, Saland, Seward,
22 Skelos, Volker, Winner and Young.
23 Ayes, 32. Nays, 29.
24 ACTING PRESIDENT STEWART-COUSINS:
25 The bill is passed.

1 THE SECRETARY: Calendar Number
2 726, by Member of the Assembly Weinstein --

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

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

7 THE SECRETARY: Calendar Number
8 787, by Member of the Assembly Clark, Assembly
9 Print Number 3233B, an act to amend the
10 Executive Law.

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

14 Senator Fuschillo, why do you rise?

15 SENATOR FUSCHILLO: Would Senator
16 Parker answer a few questions.

17 ACTING PRESIDENT STEWART-COUSINS:
18 Senator Parker, would you please yield for a
19 few questions?

20 SENATOR PARKER: For my friend
21 Senator Fuschillo, absolutely.

22 SENATOR FUSCHILLO: Senator,
23 thank you very much. Just a few questions.

24 In the bill, on page number 2, it
25 states that the child advocate may hire or

1 appoint persons as may be deemed necessary to
2 carry out the duties of the independent
3 office. And down a little further, they can
4 fix compensation.

5 Then it states that their primary
6 function is to examine, evaluate, investigate
7 and report to the Governor and Legislature on
8 particular systemic issues in publicly funded
9 juvenile justice programs overseen by the
10 Office of Children and Family Services and
11 local social service districts.

12 Does this include all local
13 municipalities as well as what the state is
14 doing?

15 SENATOR PARKER: Senator, it
16 does. Through you, Madam President. Senator
17 it does.

18 SENATOR FUSCHILLO: Thank you,
19 Senator. Would the Senator yield to one more
20 question.

21 ACTING PRESIDENT STEWART-COUSINS:
22 Senator Parker, will you continue to yield?

23 SENATOR PARKER: Yes, I will.

24 SENATOR FUSCHILLO: Senator,
25 since this legislation essentially creates a

1 new state agency which has an enormous amount
2 of responsibility when it's going to oversee
3 not only what the state does but also the
4 local social service departments in the
5 counties, can you give us an estimate of what
6 this will cost the State of New York?

7 SENATOR PARKER: Senator
8 Fuschillo -- through you, Madam President --
9 you're right that this office is going to have
10 a great deal of responsibility. And it needs
11 to because the task is enormous.

12 As you know and as Senator Young
13 and some other people have talked about
14 earlier today, our juvenile justice system is
15 almost out of control, essentially. And
16 that's not just me rhetorically saying that on
17 the floor of the Senate; the Governor has had
18 a task force that looked at it. And in fact,
19 the Civil Rights Division of DOJ has in fact
20 looked at this and found it.

21 So this bill is an attempt to in
22 fact coordinate services not really in the
23 agency but really under the guise of the
24 Governor's office, so that we can coordinate
25 services both down from the county level up

1 through the state level to deal with issues.

2 So -- but because we're trying to
3 coordinate existing programs, we're actually
4 absorbing the costs through centralizing
5 existing programs. So the increased cost is
6 really not that much; probably about \$300,000,
7 we estimate. The rest of the expense is
8 expenses that we're already paying vis a vis
9 those activities being performed by other
10 agencies.

11 SENATOR FUSCHILLO: Thank you,
12 Senator.

13 Would the Senator continue to
14 yield?

15 ACTING PRESIDENT STEWART-COUSINS:
16 Senator Parker, do you continue to yield?

17 SENATOR PARKER: Yes.

18 SENATOR FUSCHILLO: Senator, I
19 appreciate your explanation. But I think the
20 legislation is pretty clear that it's a lot
21 more than just coordinating services when you
22 state here that it's to examine and evaluate
23 and investigate local social service
24 districts.

25 I'm assuming that there's no fiscal

1 note that was done for this; is that correct?

2 SENATOR PARKER: To my
3 understanding, there was. Senator, my
4 understanding is that there was a fiscal note
5 done for this.

6 SENATOR FUSCHILLO: Would the
7 Senator continue to yield.

8 ACTING PRESIDENT STEWART-COUSINS:
9 Senator Parker, do you continue to yield?

10 SENATOR PARKER: Yes.

11 SENATOR FUSCHILLO: Would you
12 tell me what the fiscal note was?

13 SENATOR PARKER: I will get you a
14 copy of the fiscal note.

15 So the whole thing is \$1.1 million.

16 SENATOR FUSCHILLO: Thank you
17 very much.

18 SENATOR PARKER: And it's
19 \$800,000 that's already being spent by the
20 Office of the Ombudsman -- I can never say
21 that word -- and then there's another 300,000
22 that would be additional.

23 SENATOR FUSCHILLO: Thank you
24 very much, Senator.

25 Thank you, Madam President.

1 ACTING PRESIDENT STEWART-COUSINS:

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

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

6 Read the last section.

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

9 ACTING PRESIDENT STEWART-COUSINS:
10 Call the roll.

11 (The Secretary called the roll.)

12 ACTING PRESIDENT STEWART-COUSINS:
13 Senator Bonacic, to explain his vote.

14 SENATOR BONACIC: Thank you,
15 Madam President.

16 You know, having a child advocacy
17 position, as well as the three votes before on
18 adding more judges, these things are --
19 they're good. It's something in normal times
20 I think me and my colleagues would be voting
21 for.

22 But these are not normal times. We
23 are simply broke. We're facing a \$9.5 billion
24 deficit this year. It's projected to be
25 \$15 billion next year. This is a time we

1 should not be expanding government, not be
2 expanding the judiciary, and that's the reason
3 that I'm voting no.

4 Thank you, Madam President.

5 ACTING PRESIDENT STEWART-COUSINS:
6 Senator Bonacic to be recorded in the
7 negative.

8 Senator Parker, to explain his
9 vote.

10 SENATOR PARKER: Thank you, Madam
11 President.

12 You know, as I indicated, this
13 bill, this child advocates bill, is a bill
14 that comes out of particular circumstances,
15 and circumstances that we're all very familiar
16 with in terms of all of the problems we've
17 seen in the juvenile justice system.

18 In fact, the bills that we're
19 voting on today are a package of bills that
20 are really led by Senator Montgomery and her
21 intrepid staff to in fact deal with this
22 issue. And I really want to thank her for her
23 advocacy and her leadership around the issues
24 of juvenile justice. There is nobody,
25 frankly, in this Legislature -- in this

1 state -- who cares more about younger people,
2 particularly the young people who everybody
3 else is willing to throw away. And so I want
4 to thank her for that.

5 You know, again, the United States
6 Department of Justice Civil Rights Division
7 found egregious systemwide civil rights
8 violations and serious problems in our state's
9 juvenile justice system. DOJ issued a letter
10 to the Governor outlining a number of
11 constitutional and civil rights violations
12 against youth residing in the four Office of
13 Children and Family Services facilities, such
14 as excessive use of force, inadequate
15 investigations into alleged abuse of staff,
16 and inadequate mental health care.

17 This is transparency and
18 accountability for the least of those and the
19 most vulnerable children in our communities.
20 And I don't know really how people can vote
21 no.

22 I know that everybody wants to make
23 an issue of the money. The question is not
24 how much money this is going to cost to do
25 this, the question is how much is it going to

1 cost, this state, if we don't do it. The
2 question is how much are we going to have to
3 pay in, you know, incarceration for adults who
4 these children will turn out to be. And maybe
5 some of you, quite frankly, would like that
6 because the prisons are in your districts.
7 That's a conversation for another day.

8 But, you know, the question is how
9 much is it going to cost us if we don't do
10 this bill. And I know my colleagues want to
11 talk about, you know, we would have done this
12 in better years. But we've had better years.
13 The bill is not brand-new this year. And we
14 didn't take the bill up then.

15 I really ask my colleagues to do
16 the right thing, vote yes, take care of the
17 most vulnerable children in our communities.
18 Thank you.

19 ACTING PRESIDENT STEWART-COUSINS:
20 Senator Parker to be recorded in the
21 affirmative.

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

24 Senator Parker.

25 SENATOR PARKER: I'd like to make

1 a motion to withdraw the roll and lay the bill
2 aside for the day.

3 ACTING PRESIDENT STEWART-COUSINS:
4 The roll is withdrawn. The bill is laid aside
5 for the day.

6 THE SECRETARY: Calendar Number
7 868, by Senator Duane, Senate Print 7724, an
8 act to amend the Public Health Law.

9 ACTING PRESIDENT STEWART-COUSINS:
10 Senator Golden, why do you rise?

11 SENATOR GOLDEN: Could I have,
12 Madam President, a brief explanation of the
13 bill from the sponsor, please.

14 ACTING PRESIDENT STEWART-COUSINS:
15 Senator Duane, an explanation has been
16 requested.

17 SENATOR DUANE: Yes, Madam
18 President.

19 This bill, which is a departmental
20 bill, is a necessary piece of public health
21 law which has not previously been part of our
22 state's laws. It is to expand the syringe
23 access program for the sale of nonprescription
24 syringes.

25 I think most of my colleagues will

1 recall that ESAP, which is the syringe access
2 program, was established to prevent the
3 transmission of bloodborne diseases, for
4 instance, yes, for injection drug users but
5 also for people who have diabetes and need to
6 inject insulin or women who need to inject for
7 fertility reasons. And this bill will make
8 more syringes available and provide for a safe
9 way to dispose of syringes.

10 I think it's important to note that
11 at this point there are more than 3,000
12 pharmacies in the state who have registered
13 with the Department of Health for the original
14 ESAP program, and this will do a couple of
15 things. One is it will lift the limitation of
16 10 syringes, again, for injection drug users
17 and also for people with diabetes or with
18 fertility issues. And then the second thing
19 it does is it allows pharmacies to make known
20 to the public that they participate in this
21 program.

22 And just, you know, to make sure
23 there's no fear or concerns, this is only for
24 people over the age of 18. And it doesn't
25 change that the syringes would still be kept

1 behind the counter, et cetera.

2 ACTING PRESIDENT STEWART-COUSINS:

3 Thank you, Senator Duane.

4 SENATOR GOLDEN: Thank you,
5 Senator.

6 Through you, Madam President. What
7 was the matter with the old bill, Senator?

8 ACTING PRESIDENT STEWART-COUSINS:

9 Are you asking the Senator to yield?

10 SENATOR GOLDEN: Yes.

11 ACTING PRESIDENT STEWART-COUSINS:

12 Senator Duane, will you yield for a question?

13 SENATOR DUANE: Yes, Madam
14 President.

15 There was nothing wrong with the
16 old bill, but that bill has been in existence
17 for a while now, or that program has been in
18 existence.

19 But these changes, it's been found
20 to be not as -- in some cases, not as
21 convenient and in some cases not as effective
22 to limit the program to 10 syringes at a time.
23 And whether because you're an injection drug
24 user or because you have diabetes or for
25 whatever reason, pharmacies could not make it

1 known, if you will, that they participated in
2 this program through the Department of Health.

3 So now the -- it's more than --
4 probably close to 3300 pharmacies now can make
5 it known that they participate in the program.

6 SENATOR GOLDEN: Thank you,
7 Senator.

8 Two more questions, Madam
9 President, if the Senator will continue to
10 yield.

11 ACTING PRESIDENT STEWART-COUSINS:
12 Senator Duane, do you continue to yield?

13 SENATOR DUANE: Yes, Madam
14 President.

15 SENATOR GOLDEN: Thank you, Madam
16 President.

17 Senator, would the pharmacy be
18 required to hand over a hundred syringes if a
19 person so desired?

20 SENATOR DUANE: Thank you, Madam
21 President. Through you, Madam President.

22 I've -- for lack of a better way to
23 sort of describe what it is, it's sort of like
24 instead of buying, say, a -- it's not exactly
25 the same, but instead of only being able to

1 buy a six-pack of Diet Coke or sugared Coke --
2 the syringes come in 10 packs. So now you
3 could buy a case of Diet Coke or regular Coke
4 or Pepsi, you could buy more, you could get
5 more syringes.

6 So, and I just want to -- and
7 remember, the thing is that, you know, this is
8 to protect if -- I don't know, if someone has
9 hepatitis or something, you just want to be as
10 careful as possible that under any
11 circumstances we know that it's best to try
12 not to allow a needle, whether it's an
13 injection drug user or a diabetic, to share
14 needles with another person. So that's why
15 we're doing this, just to make it even less
16 likely.

17 And also, remember, built in is to
18 make sure that needles are disposed of
19 correctly. And this whole program is also
20 about making sure that no matter who is using
21 a syringe, it is more likely they get disposed
22 of correctly. And similar to maybe a can of
23 Pepsi or Diet Pepsi or whatever, to get the
24 deposit back, if you will, and then be able to
25 buy another soda.

1 SENATOR GOLDEN: Thank you,
2 Senator.

3 Madam President, last question, if
4 the Senator will continue to yield.

5 ACTING PRESIDENT STEWART-COUSINS:
6 Senator Duane, do you continue to yield for
7 one last question?

8 SENATOR DUANE: Yes, Madam
9 President.

10 SENATOR GOLDEN: Senator, do you
11 recognize or did you understand that heroin
12 use in Long Island is an epidemic today and in
13 downstate and across the state is on the rise?
14 Are you aware of that?

15 SENATOR DUANE: Yes, Madam
16 President.

17 SENATOR GOLDEN: You are. Thank
18 you, Senator.

19 On the bill.

20 ACTING PRESIDENT STEWART-COUSINS:
21 Senator Golden, on the bill.

22 SENATOR GOLDEN: Comparing
23 syringes to Coke and to Pepsi makes no logical
24 sense to me or to anybody in this chamber or
25 across the state, especially when it comes to

1 the lives of children and people using heroin
2 and drugs illegally for their choice, their
3 use.

4 And unfortunately our drug use here
5 in the State of New York is on the rise and,
6 in certain parts of this state, is an
7 epidemic.

8 So I will be voting no on this
9 bill. I would hope that all of my colleagues
10 recognize that this is a bad bill and would
11 also vote no.

12 And I would hope that we would not
13 use the reference of like buying a six-pack of
14 Coke or a six-pack of Pepsi, because it's not.
15 Heroin kills. Heroin is addictive, and it is
16 on the rise in this state. And it sends, to
17 me, the wrong signal to the people across this
18 state.

19 Thank you, Madam President.

20 ACTING PRESIDENT STEWART-COUSINS:

21 Thank you.

22 Senator Duane.

23 SENATOR DUANE: Thank you, Madam
24 President. I didn't -- and I hope I don't --
25 I didn't intend to and I hope it didn't come

1 across this way, or maybe it did. But really,
2 I didn't mean it. I didn't mean to compare,
3 obviously, Pepsi to heroin. I was more
4 talking about how the program works.

5 In other words, if a pharmacy
6 participates in the program, you can exchange
7 there, similar to if a grocery sells, you
8 know, that kind of soda, you can return it
9 there.

10 I didn't mean to imply that the
11 substance was the same, it was more just to
12 explain how the program works. So I just want
13 to make that point crystal-clear.

14 And then the other thing -- and,
15 you know, I'm under no illusions people are
16 concerned about syringes. But remember, Madam
17 President, the -- I understand the concern
18 about the drugs. And that is the valuable
19 thing, if you will, to someone who's a
20 substance abuser. The syringe part of this is
21 not the -- is not the valuable thing. The
22 drugs -- not the syringe.

23 What this does is it just makes it
24 less likely that the same syringe will be used
25 by more than one person. And therefore -- and

1 that's why it is a public health issue, for
2 that reason.

3 The issue of addiction and drugs
4 and the menace and what it's doing and has
5 done and can do in the future, that's not what
6 this -- I mean, I understand it's a concern.
7 But we're not making the drug available, which
8 is the valuable thing, we're just making the
9 syringe, which is available already in
10 different ways, less likely to be used by more
11 than one person. And the program makes it
12 more likely that it will be returned and
13 disposed of in a safer manner. So that's what
14 this bill is doing.

15 ACTING PRESIDENT STEWART-COUSINS:

16 Thank you, Senator.

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

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

21 Read the last section.

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

24 ACTING PRESIDENT STEWART-COUSINS:

25 Call the roll.

1 (The Secretary called the roll.)

2 ACTING PRESIDENT STEWART-COUSINS:

3 Senator Hassell-Thompson, to explain her vote.

4 SENATOR HASSELL-THOMPSON: Thank
5 you, Madam President. Just a point of
6 information.

7 One of the reasons that I have
8 continued to be very supportive of legislative
9 language that allows for the distribution of
10 syringe and exchange is because, having worked
11 in the substance-abusing community for a very
12 long time and watching patients who shared
13 syringes --

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

16 SENATOR HASSELL-THOMPSON: -- who
17 shared syringes, as well as shared diseases,
18 it is just terribly important that we
19 recognize that the issues here are really
20 about public health. And that in our ability
21 to do what's in the best interests of the
22 general public is really what this bill
23 development is about.

24 And making sure that we understand
25 that the transmission of blood-carried

1 diseases continues to increase in our
2 communities, so everything that we can do to
3 reduce the numbers or incidences of that
4 happening, we have an obligation to do so.

5 Therefore, I vote yes. Thank you,
6 Madam President.

7 ACTING PRESIDENT STEWART-COUSINS:
8 Senator Hassell-Thompson to be recorded in the
9 affirmative.

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

12 Announce the results.

13 THE SECRETARY: In relation to
14 Calendar Number 868, those Senators recorded
15 in the negative: Senators Aubertine,
16 DeFrancisco, Diaz, Flanagan, Foley, Golden,
17 Griffo, O. Johnson, Lanza, Larkin, LaValle,
18 Leibell, Padavan, Ranzenhofer, Saland, Skelos,
19 Winner and Young. Also Senator Nozzolio.

20 Ayes, 42. Nays, 19.

21 ACTING PRESIDENT STEWART-COUSINS:
22 The bill is passed.

23 THE SECRETARY: Calendar Number
24 968, by Senator Foley, Senate Print 6912A, an
25 act to amend the Energy Law.

1 ACTING PRESIDENT STEWART-COUSINS:

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

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

6 Read the last section.

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

9 ACTING PRESIDENT STEWART-COUSINS:
10 Call the roll.

11 (The Secretary called the roll.)

12 ACTING PRESIDENT STEWART-COUSINS:
13 Senator Foley, to explain his vote.

14 SENATOR FOLEY: Thank you, Madam
15 President.

16 This is a very important piece of
17 energy conservation legislation. And with
18 this particular bill, we had a similar bill in
19 the Long Island region, and it resulted in
20 doing three salutary things. Number one, it
21 created greater energy savings for a number of
22 homes. Number two, it saved, on average --
23 according to the Sustainability Institute of
24 Molloy College, it saved over a thousand
25 dollars in energy costs per new home. And,

1 finally, it also created scores of jobs on
2 Long Island through the HERS rating system.

3 So when we undertake this
4 statewide, Madam President, we'll even have
5 greater savings through energy conservation
6 and we'll also create much more employment
7 opportunities throughout the State of
8 New York.

9 I vote aye.

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

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

15 Announce the results.

16 THE SECRETARY: In relation to
17 Calendar Number 968, those Senators recorded
18 in the negative: Senators Alesi, Bonacic,
19 DeFrancisco, Farley, Flanagan, Golden, Griffio,
20 Hannon, O. Johnson, Lanza, Larkin, LaValle,
21 Leibell, Libous, Little, Marcellino, Maziarz,
22 McDonald, Nozzolio, Padavan, Ranzenhofer,
23 Robach, Saland, Seward, Skelos, Volker, Winner
24 and Young.

25 Ayes, 33. Nays, 28.

1 ACTING PRESIDENT STEWART-COUSINS:

2 The bill is passed.

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

5 Senator Klein.

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

9 ACTING PRESIDENT STEWART-COUSINS:
10 Returning to the order of motions and
11 resolutions.

12 SENATOR KLEIN: Thank you, Madam
13 President.

14 On behalf of Senator Stavisky, on
15 page number 36 I offer the following
16 amendments to Calendar Number 901, Senate
17 Print Number 5954C, and ask that said bill
18 retain its place on Third Reading Calendar.

19 ACTING PRESIDENT STEWART-COUSINS:
20 So ordered.

21 SENATOR KLEIN: On behalf of
22 Senator Oppenheimer, I wish to call up Senate
23 Print Number 7635, recalled from the Assembly,
24 which is now at the desk.

25 ACTING PRESIDENT STEWART-COUSINS:

1 The Secretary will read.

2 THE SECRETARY: Calendar Number
3 603, by Senator Oppenheimer, Senate Print
4 7635, an act to amend the Real Property Tax
5 Law.

6 ACTING PRESIDENT STEWART-COUSINS:
7 Senator Klein.

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

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

14 (The Secretary called the roll.)

15 THE SECRETARY: Ayes, 61.

16 ACTING PRESIDENT STEWART-COUSINS:
17 Senator Klein.

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

20 ACTING PRESIDENT STEWART-COUSINS:
21 Amendments received.

22 SENATOR KLEIN: Madam President,
23 on behalf of Senator Oppenheimer, I wish to
24 call up Senate Print Number 2003, recalled
25 from the Assembly, which is now at the desk.

1 ACTING PRESIDENT STEWART-COUSINS:

2 The Secretary will read.

3 THE SECRETARY: Calendar Number
4 706, by Senator Oppenheimer, Senate Print
5 2003, an act to amend the Election Law.

6 ACTING PRESIDENT STEWART-COUSINS:
7 Senator Klein.

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

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

14 (The Secretary called the roll.)

15 THE SECRETARY: Ayes, 61.

16 ACTING PRESIDENT STEWART-COUSINS:
17 Senator Klein.

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

20 ACTING PRESIDENT STEWART-COUSINS:
21 Amendments received.

22 SENATOR KLEIN: Madam President,
23 on behalf of Senator Breslin, on page number
24 28 I offer the following amendments to
25 Calendar Number 746, Senate Print Number 1700,

1 and ask that said bill retain its place on
2 Third Reading Calendar.

3 ACTING PRESIDENT STEWART-COUSINS:
4 So ordered.

5 SENATOR KLEIN: Madam President,
6 at this time there will be an immediate
7 meeting of the Rules Committee in the Majority
8 Conference Room.

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

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

14 Pending the return of the Rules
15 Committee, the Senate will stand at ease.

16 (Whereupon, the Senate stood at
17 ease at 7:25 p.m.)

18 (Whereupon, the Senate reconvened
19 at 8:22 p.m.)

20 ACTING PRESIDENT STEWART-COUSINS:
21 Senator Klein.

22 SENATOR KLEIN: Madam President,
23 I believe there's a Rules report at the desk.
24 I move we adopt the report at this time.

25 ACTING PRESIDENT STEWART-COUSINS:

1 There is a report of the Rules Committee at
2 the desk.

3 The Secretary will read.

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

7 Senate Print 1229, by Senator
8 Thompson, an act to amend the Tax Law;

9 1987B, by Senator Duane, an act to
10 amend the Education Law;

11 2061, by Senator Huntley, an act to
12 amend the Public Authorities Law;

13 2784B, by Senator Thompson, an act
14 to amend the Education Law;

15 3071A, by Senator Oppenheimer, an
16 act to amend Chapter 654 of the Laws of 1927;

17 3477, by Senator Perkins, an act to
18 amend the New York State Urban Development
19 Corporation Act;

20 4028A, by Senator Huntley, an act
21 to amend the Education Law;

22 4102, by Senator Aubertine, an act
23 to amend the Tax Law;

24 4194A, by Senator Nozzolio, an act
25 to authorize;

1 4208B, by Senator Savino, an act to
2 amend the Public Service Law;

3 4281A, by Senator Valesky, an act
4 to amend the Not-for-Profit Corporation Law;

5 4601A, by Senator Stewart-Cousins,
6 an act to amend the Local Finance Law;

7 4625, by Senator Dilan, an act to
8 amend the Family Court Act;

9 4754, by Senator Stachowski, an act
10 to amend the Labor Law;

11 5011B, by Senator Huntley, an act
12 to amend the Education Law;

13 5389A, by Senator C. Kruger, an act
14 to amend the General Obligations Law;

15 5452B, by Senator Huntley, an act
16 to amend the Education Law;

17 5631A, by Senator Savino, an act to
18 amend the Administrative Code of the City of
19 New York;

20 5942, by Senator Stewart-Cousins,
21 an act to amend the Economic Development Law;

22 5953, by Senator Savino, an act to
23 amend the Real Property Tax Law;

24 6034, by Senator Perkins, an act to
25 amend the General Business Law;

1 6327A, by Senator Lanza, an act to
2 grant;

3 6688A, by Senator Serrano, an act
4 to amend the Public Authorities Law;

5 6696, by Senator Foley, an act to
6 amend the Tax Law;

7 6873B, by Senator L. Krueger, an
8 act to amend the Multiple Dwelling Law;

9 6879A, by Senator Savino, an act to
10 amend the General Municipal Law;

11 6984, by Senator Larkin, an act to
12 authorize;

13 7023, by Senator Huntley, an act to
14 amend the Mental Hygiene Law;

15 7153, by Senator Addabbo, an act to
16 amend the Environmental Conservation Law;

17 7378A, by Senator Squadron, an act
18 to amend the Alcoholic Beverage Control Law;

19 7399, by Senator Peralta, an act to
20 amend the Banking Law;

21 7441C, by Senator Peralta, an act
22 to amend the Public Health Law;

23 7544, by Senator Valesky, an act to
24 amend the Retirement and Social Security Law;

25 7565A, by Senator Parker, an act to

1 amend the Public Service Law;

2 7591, by Senator Addabbo, an act to
3 amend the Public Authorities Law;

4 7675A, by Senator Stachowski, an
5 act to amend the Tax Law;

6 7715A, by Senator Serrano, an act
7 to amend the Public Authorities Law;

8 7729A, by Senator L. Krueger, an
9 act to amend Chapter 174 of the Laws of 1968;

10 7737A, by Senator Peralta, an act
11 to amend the Alcoholic Beverage Control Law;

12 7757, by Senator Oppenheimer, an
13 act to repeal;

14 7805, by Senator Squadron, an act
15 to amend the New York State Printing and
16 Public Documents Law;

17 7865, by Senator Stachowski, an act
18 to amend the Executive Law;

19 7976, by Senator Squadron, an act
20 to amend the Public Health Law;

21 8028, by Senator Stachowski, an act
22 to amend the Economic Development Law;

23 8066, by Senator Squadron, an act
24 to amend the Banking Law;

25 8070, by Senator Squadron, an act

1 to amend the Energy Law;

2 8092, by Senator Stachowski, an act
3 to amend the Insurance Law;

4 8114, by Senator Oppenheimer, an
5 act to authorize;

6 8128, by Senator Thompson, an act
7 to amend the Environmental Conservation Law;

8 8171, by Senator Klein, an act to
9 amend the Public Health Law;

10 8173, by Senator L. Krueger, an act
11 to amend the Real Property Tax Law;

12 8268, by Senator Smith, an act to
13 amend the Transportation Law;

14 8279, by Senator Montgomery, an act
15 to amend the Executive Law;

16 And Senate Print 8016, by Senator
17 Stachowski, an act to amend the Public
18 Authorities Law.

19 All bills ordered direct to third
20 reading.

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

24 (Response of "Aye.")

25 ACTING PRESIDENT STEWART-COUSINS:

1 Opposed, nay.

2 (Response of "Nay.")

3 ACTING PRESIDENT STEWART-COUSINS:

4 The Rules Committee report is adopted.

5 Senator Klein.

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

9 ACTING PRESIDENT STEWART-COUSINS:

10 Returning to the order of motions and
11 resolutions.

12 SENATOR KLEIN: Madam President,
13 on behalf of Senator Aubertine, on
14 Supplemental Calendar 68A I offer the
15 following amendments to Calendar Number 1076,
16 Senate Print Number 4102, and ask that said
17 bill retain its place on Third Reading
18 Calendar.

19 ACTING PRESIDENT STEWART-COUSINS:

20 So ordered.

21 SENATOR KLEIN: On behalf of
22 Senator Huntley, on Supplemental Calendar
23 Number 68A I offer the following amendments to
24 Calendar Number 1071, Senate Print Number
25 2061, and ask that said bill retain its place

1 on Third Reading Calendar.

2 ACTING PRESIDENT STEWART-COUSINS:

3 So ordered.

4 SENATOR KLEIN: Madam President,
5 I would like to withdraw the lay aside for the
6 day and take up Calendar Numbers 617, 624,
7 726, and 625 on the noncontroversial calendar.

8 ACTING PRESIDENT STEWART-COUSINS:

9 The lay aside for the day on the listed bills
10 is withdrawn, and the bills will be put before
11 the house, noncontroversial.

12 SENATOR LIBOUS: Madam President.

13 ACTING PRESIDENT STEWART-COUSINS:

14 Senator Libous.

15 SENATOR LIBOUS: Thank you, Madam
16 President. I just wanted to make note to the
17 Republican members if they could come to the
18 chamber so that we could vote on these bills
19 immediately and move the process along so that
20 we would have a shorter evening.

21 So if members would come to the
22 chamber, we can vote on these three or four
23 bills immediately.

24 ACTING PRESIDENT STEWART-COUSINS:

25 Thank you, Senator Libous.

1 The Secretary will place Calendar
2 Number 617 before the house, noncontroversial.

3 THE SECRETARY: Calendar Number
4 617, by Senator Montgomery, Senate Print
5 6709C, an act to amend the Family Court Act.

6 ACTING PRESIDENT STEWART-COUSINS:
7 Read the last section.

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

10 ACTING PRESIDENT STEWART-COUSINS:
11 Call the roll.

12 (The Secretary called the roll.)

13 ACTING PRESIDENT STEWART-COUSINS:
14 Senator Young, to explain her vote.

15 SENATOR YOUNG: Thank you, Madam
16 President.

17 I'd like to read this article from
18 Utica WKTV. "A teen wanted in Johnstown is
19 facing charges of rape and robbery after he
20 allegedly attacked a woman on Kemble Street
21 Monday night.

22 "Utica Police said the female
23 victim was walking home from a friend's house
24 on Sunset Avenue around 12:45 a.m. on Monday
25 when she encountered a group of males in the

1 vicinity of Genesee and Oswego Streets.

2 "The female told police that the
3 males began whistling at her, and one of the
4 males began to follow her. She said that when
5 she got to the area of Kemble and James
6 Streets, the male who was following her then
7 grabbed her from behind and put his arm around
8 her neck. The male then allegedly dragged her
9 behind a house, where he proceeded to sexually
10 assault her.

11 "Utica Police developed a suspect,
12 Rashod Johnson, 17, who was wanted for failing
13 to return from a home visit as he was a
14 resident at the Tryon Youth Facility in
15 Johnstown.

16 "Johnson is charged with
17 first-degree rape, third-degree robbery,
18 resisting arrest, and false impersonation."

19 You know, there was some debate
20 earlier and people were saying, well, Anthony
21 Allen, who killed Renee Greco, this doesn't
22 apply to him, that case has nothing to do with
23 this bill. That is absolutely wrong. We have
24 had increased violence in our facilities. In
25 fact, earlier this year at the Brooklyn

1 Residential Center, there was a planned attack
2 on a staff member, five New York City police
3 officers had to intervene, and five -- I'm
4 sorry, five youths were charged with assault
5 and the police had to come and mace these
6 youth.

7 We had a riot at Industry earlier
8 this year, 20 youths went wild across the
9 campus. They ended up fighting with each
10 other, but they tried to assault a staff, they
11 actually did.

12 And this is the type of violence
13 that you are moving now from state facilities
14 that at least are a little bit more secure,
15 you are moving it, through this bill, right
16 out into our neighborhoods.

17 Sometimes I think this chamber --

18 ACTING PRESIDENT STEWART-COUSINS:
19 Senator Young.

20 SENATOR YOUNG: -- and the
21 Senators on the other side of the aisle are
22 out of touch. I have the sad, sad duty
23 tomorrow to call Renee Greco's family because
24 they vowed after she was murdered --

25 ACTING PRESIDENT STEWART-COUSINS:

1 Senator Young, how do you vote?

2 SENATOR YOUNG: -- to make the
3 juvenile justice system more safe. This
4 Senate, by your vote today by voting yes, you
5 have failed.

6 ACTING PRESIDENT STEWART-COUSINS:
7 Senator Young, how do you vote?

8 SENATOR YOUNG: I vote no.

9 ACTING PRESIDENT STEWART-COUSINS:
10 Senator Young to be recorded in the negative.

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

13 Announce the results.

14 THE SECRETARY: Those recorded in
15 the negative on Calendar Number 617 are
16 Senators Alesi, Bonacic, DeFrancisco, Farley,
17 Flanagan, Fuschillo, Golden, Griffio, Hannon,
18 O. Johnson, Lanza, Larkin, LaValle, Leibell,
19 Libous, Little, Marcellino, Maziarz, McDonald,
20 Nozzolio, Padavan, Ranzenhofer, Robach,
21 Saland, Seward, Skelos, Volker, Winner and
22 Young.

23 Ayes, 32. Nays, 29.

24 ACTING PRESIDENT STEWART-COUSINS:
25 The bill is passed.

1 The Secretary will place Calendar
2 Number 624 before the house, noncontroversial.

3 THE SECRETARY: Calendar Number
4 624, by Senator Montgomery, Senate Print
5 6711B, an act to amend the Executive Law.

6 ACTING PRESIDENT STEWART-COUSINS:
7 Read the last section.

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

10 ACTING PRESIDENT STEWART-COUSINS:
11 Call the roll.

12 (The Secretary called the roll.)

13 ACTING PRESIDENT STEWART-COUSINS:
14 Announce the results.

15 THE SECRETARY: Those recorded in
16 the negative on Calendar Number 624 are
17 Senators Alesi, Bonacic, DeFrancisco, Farley,
18 Flanagan, Fuschillo, Golden, Griffio, Hannon,
19 O. Johnson, Lanza, Larkin, LaValle, Leibell,
20 Libous, Little, Marcellino, Maziarz, McDonald,
21 Nozzolio, Padavan, Ranzenhofer, Robach,
22 Saland, Seward, Skelos, Volker, Winner and
23 Young.

24 Ayes, 32. Nays, 29.

25 ACTING PRESIDENT STEWART-COUSINS:

1 The bill is passed.

2 The Secretary will place Calendar
3 Number 625 before the house, controversial
4 calendar.

5 THE SECRETARY: Calendar Number
6 625, by Senator Montgomery, Senate Print 6713,
7 an act relating to the establishment of a
8 pilot program.

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

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

14 Read the last section.

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

17 ACTING PRESIDENT STEWART-COUSINS:
18 Call the roll.

19 (The Secretary called the roll.)

20 ACTING PRESIDENT STEWART-COUSINS:
21 Senator Young, to explain her vote.

22 SENATOR YOUNG: Actually, I
23 support this legislation because as I said
24 earlier, Madam President, I think that in our
25 juvenile facilities we need more training, we

1 need more education, we need more intensive
2 mental health services.

3 This bill actually would provide a
4 vocational skills training program at three
5 facilities, and so I will be voting yes.

6 ACTING PRESIDENT STEWART-COUSINS:
7 Senator Young to be recorded in the
8 affirmative.

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

11 Announce the results.

12 THE SECRETARY: Those recorded in
13 the negative on Calendar Number 625 are
14 Senators Flanagan, Golden, Griffo, Lanza,
15 Larkin, Libous, Ranzenhofer and Volker.

16 Ayes, 53. Nays, 8.

17 ACTING PRESIDENT STEWART-COUSINS:
18 The bill is passed.

19 The Secretary will place Calendar
20 Number 726 before the house, controversial.

21 THE SECRETARY: Calendar Number
22 726, by Member of the Assembly Weinstein,
23 Assembly Print Number 6192, an act to amend
24 the New York City Civil Court Act.

25 ACTING PRESIDENT STEWART-COUSINS:

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

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

5 Read the last section.

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

8 ACTING PRESIDENT STEWART-COUSINS:
9 Call the roll.

10 (The Secretary called the roll.)

11 ACTING PRESIDENT STEWART-COUSINS:
12 We'd ask those voting in the negative to
13 please keep their hands up. Thank you.

14 Announce the results.

15 THE SECRETARY: Those recorded in
16 the negative on Calendar Number 726 are
17 Senators Alesi, Bonacic, DeFrancisco, Farley,
18 Flanagan, Fuschillo, Golden, Griffio, Hannon,
19 C. Johnson, O. Johnson, Lanza, Larkin,
20 LaValle, Leibell, Libous, Little, Marcellino,
21 Maziarz, McDonald, Nozzolio, Ranzenhofer,
22 Robach, Saland, Seward, Skelos, Volker, Winner
23 and Young.

24 Ayes, 32. Nays, 29.

25 ACTING PRESIDENT STEWART-COUSINS:

1 The bill is passed.

2 Senator Klein, that completes the
3 reading of the calendar. Senator Klein.

4 SENATOR KLEIN: Madam President,
5 upon unanimous consent I ask that the roll be
6 opened for Senate Bill Number 1987B, for
7 Senator Antoine Thompson to vote.

8 ACTING PRESIDENT STEWART-COUSINS:
9 The Secretary will make the substitution.

10 THE SECRETARY: In relation to
11 Calendar Number 1070, Senator Duane moves to
12 discharge, from the Committee on Education,
13 Assembly Bill Number 3661C and substitute it
14 for the identical Senate Bill Number 1987B,
15 Third Reading Calendar 1070.

16 ACTING PRESIDENT STEWART-COUSINS:
17 Substitution ordered.

18 THE SECRETARY: Calendar Number
19 1070, by Member of the Assembly O'Donnell,
20 Assembly Print Number 3661C, an act to amend
21 the Education Law.

22 ACTING PRESIDENT STEWART-COUSINS:
23 Read the last section.

24 THE SECRETARY: Section 5. This
25 act shall take effect July 1, 2012.

1 ACTING PRESIDENT STEWART-COUSINS:

2 Call the roll.

3 (The Secretary called the roll.)

4 ACTING PRESIDENT STEWART-COUSINS:

5 Senator Thompson.

6 SENATOR THOMPSON: I vote aye.

7 ACTING PRESIDENT STEWART-COUSINS:

8 Senator Thompson will be recorded in the
9 affirmative.

10 The roll call is withdrawn and the
11 bill is laid aside.

12 Senator Klein.

13 SENATOR KLEIN: Madam President,
14 I'd like to take up Senate Bill 1987B on the
15 supplemental calendar, Calendar Number 68A.

16 ACTING PRESIDENT STEWART-COUSINS:
17 The Secretary will place Calendar Number 1070
18 before the house, noncontroversial.

19 THE SECRETARY: Calendar Number
20 1070, substituted earlier by Member of the
21 Assembly O'Donnell, Assembly Print Number
22 3661C, an act to amend the Education Law.

23 SENATOR LIBOUS: Lay it aside.

24 ACTING PRESIDENT STEWART-COUSINS:

25 The bill is laid aside.

1 Senator Klein.

2 SENATOR KLEIN: Madam President,
3 I'd like to go the controversial reading of
4 Senate Bill 1987B on the supplemental
5 calendar.

6 ACTING PRESIDENT STEWART-COUSINS:
7 The Secretary will place Calendar Number 1070
8 before the house, controversial.

9 THE SECRETARY: Calendar Number
10 1070, by Member of the Assembly O'Donnell,
11 Assembly Print Number 3661C, an act to amend
12 the Education Law.

13 ACTING PRESIDENT STEWART-COUSINS:
14 Senator Libous.

15 SENATOR LIBOUS: Madam President,
16 there's an amendment at the desk by Senator
17 Saland. I ask that you please waive its
18 reading and call on Senator Saland to explain
19 the amendment.

20 ACTING PRESIDENT STEWART-COUSINS:
21 The reading is waived.

22 Senator Saland.

23 SENATOR SALAND: Thank you, Madam
24 President.

25 Madam President, the amendment

1 which I offer substantially parallels an
2 anti-bullying bill -- 1253B, I believe --
3 which would provide for protection to all
4 students regardless of not merely their
5 ethnicity, their race, their sexual
6 orientation, but all students.

7 So that if a student, for example,
8 was being bullied -- and certainly there's
9 nobody in this chamber who would want to see a
10 bully have his or her way -- were they being
11 bullied because perhaps they were poor or
12 dressed poorly and were the subject of mockery
13 or perhaps they had some facial characteristic
14 with which they were born, some deformation.
15 Perhaps they didn't wear clean clothes and
16 were odorous. The fact of the matter is is
17 that the universe of reasons by which a child
18 is bullied can't be simply defined in a narrow
19 straitjacketed set of classifications.

20 And certainly one cannot deal with
21 the subject of bullying without dealing with,
22 as part and parcel of the problem, the subject
23 of cyberbullying. Because given the anonymity
24 that cyberbullying affords, given the
25 anonymity plus the technology which enables

1 that anonymity to be so pervasive, so cruel,
2 so intrusive, to not include cyberbullying in
3 a bill intended to deal with bullying is a
4 glaring oversight -- in fact, an error and a
5 gross injustice to each and every student
6 who's been subjected to this indignity.

7 What this bill would do, Madam
8 President -- instead, again, speaking of
9 classifications -- it draws on the recently
10 enacted law in Massachusetts which came on the
11 heels of that godawful tragedy in which a
12 15-year-old girl committed suicide after she
13 was bullied incessantly.

14 And it basically talks in terms of
15 bullying being severe, repeated use by one or
16 more students or school employees of a
17 written, verbal or electronic expression or a
18 physical act or gesture or any combination
19 thereof directed at a student that has the
20 effect of not merely causing injury or
21 emotional harm but placing that student at
22 reasonable fear of harm to himself or herself,
23 creating a hostile environment in school for
24 the student, materially and substantially
25 disrupting the educational process or the

1 orderly operation of a school.

2 And as I mentioned earlier,
3 bullying by definition would include
4 communications or dissemination of any
5 material through the use of technology or
6 electronic means.

7 Bullying is hateful, it's
8 insidious, and we shouldn't pick and choose
9 those who we're going to deem to be shielded
10 from bullying. This is universal in its
11 application and is not merely, not merely
12 limited to school grounds. This would apply
13 in all situations. So that if somebody was
14 tormenting a child by way of cyberbullying
15 while he or she was in a mall, in her home, at
16 a ballfield, the provisions of this would
17 apply.

18 We do not mandate any particular
19 type of instruction. We basically use the
20 codes of conduct that were provided in the
21 SAVE legislation which was enacted some I
22 believe approximately 10 years ago.

23 Madam President, given the
24 universality of this bill, given the fact that
25 its applicable to any category that might be

1 contained in the bill in chief and greatly
2 exceeds the coverage of the bill in chief --
3 not merely exceeds, greatly exceeds. This
4 protection will not rely upon any racial,
5 ethnic, sexual, or any other characteristic
6 clearly defined in the bill in chief as being
7 required before any penalties or any action
8 can occur.

9 This basically says there's an
10 equal sign between abusing someone by way of
11 bullying, regardless of why you choose to do
12 it. If you do it in a jealous rage because
13 you think that someone stole your boyfriend
14 and you're going to get all your girlfriends
15 and boyfriends to abuse that person, to drive
16 them to despair, to isolate them, to make them
17 so sick and so desperate that they may well do
18 harm to themselves, if not take their own
19 lives, that is covered under this bill. That
20 is not covered under the main bill.

21 And I can give you a dozen similar
22 situations, many of which you have seen in one
23 media account or another of someone being
24 driven, driven to take their own life by
25 despair, having absolutely nothing to do with

1 any of the categories enumerated in the main
2 bill.

3 So while I certainly applaud the
4 sponsor for his efforts on the main bill, this
5 bill in its scope, this bill in its reach,
6 this bill in its ability to deal with the
7 issue of bullying is a far superior vehicle by
8 which to accomplish it. I would urge all of
9 my colleagues to vote in favor of this
10 amendment and protect each and every child
11 that you know who has ever been bullied or may
12 be bullied for any reason whatsoever. Any
13 reason whatsoever. Any reason whatsoever, not
14 a limited universe.

15 ACTING PRESIDENT STEWART-COUSINS:

16 Senator Hannon.

17 SENATOR HANNON: Thank you, Madam
18 President. I rise in support of Senator
19 Saland's amendment.

20 The bill in chief was written years
21 ago, and technology has changed so quickly
22 that we now have the new phenomenon of
23 cyberbullying. After the tragedies that
24 occurred in Suffolk this year, in
25 Massachusetts, reports began to pour in from

1 parents, from teachers, from social workers as
2 to exactly what's going on. These days a
3 child can be sitting at the dining room table
4 in their house, phone, BlackBerry in hand, and
5 being bullied. And the nature of being a
6 teenager is that you don't want to admit
7 something's going on. You feel that you've
8 done it wrong.

9 And as we've discussed this with so
10 many educators, we've had roundtables in
11 Suffolk, roundtables in Nassau, talked to the
12 students who came up from the Hudson Valley,
13 it's become obvious that there is a crying
14 need to address current standards. In fact,
15 people nationally tell us that New York is one
16 of six or seven states that has not addressed
17 cyberbullying.

18 We don't need to narrow the
19 application of what we address, we need to
20 deal with the entire population of students.
21 Equally. We don't need to make this some type
22 of symbolic thing, we need to make it real.
23 We need to involve students because the
24 cyberbullying can happen in the school, it can
25 happen on the way to school, and it can happen

1 in the home. So what we need to do is have an
2 educational process, and we need to do it now.

3 I am totally surprised that we have
4 not covered this in the bill in chief, the
5 bill that this amendment seeks to amend.

6 So I would urge people to adopt it.
7 This is a comprehensive statute. You will be
8 doing a great service to the students to the
9 young people of this state by adopting this
10 legislation.

11 Thank you.

12 ACTING PRESIDENT STEWART-COUSINS:
13 Senator Farley.

14 SENATOR FARLEY: Thank you, Madam
15 President. I rise in support of Senator
16 Saland's amendment.

17 This is an area of great personal
18 concern to me, and I'm going to support almost
19 anything in the area of bullying. But Senator
20 Saland's amendment is much more inclusive. It
21 addresses this problem in a much more
22 inclusive way, which I think is so
23 significant.

24 This is an area that needs to be
25 addressed, there's no question about it. And

1 I think that there isn't anybody in this
2 chamber that isn't concerned about the
3 tragedies that have happened to young people
4 as a result of bullying. And again, as was
5 mentioned by Senator Hannon, this
6 cyberbullying and so forth should be
7 addressed.

8 But there's so many areas, and
9 Senator Saland's approach to this is much more
10 inclusive and I think is a better way to
11 address it. And I do rise in support of it.

12 ACTING PRESIDENT STEWART-COUSINS:
13 Senator Flanagan.

14 SENATOR FLANAGAN: Thank you,
15 Madam President. On the amendment.

16 I listened to my colleagues, and I
17 certainly have great respect for the people
18 who are involved in this debate. But I want
19 to come at it not from a completely different
20 angle but a slightly different angle. And I
21 think it's -- at least from my perspective,
22 it's important to recognize that this is
23 obviously not something that happened in the
24 last 24 hours. In fact, it's not in the last
25 24 months. This is something that's been

1 years in the making.

2 And now we have this bill before
3 us, and I'm sharing my personal opinion. I
4 think this bill falls far short of where we
5 could be and where we should be. And
6 personally I feel that this is more about the
7 issue than about the resolution of the
8 problem.

9 Now, I've spoken at length with
10 Senator Hannon, Senator Saland. We were in
11 conference today, we listened to compelling
12 words from Senator Farley. And I'm sitting
13 there thinking, why are we doing it this way?

14 I'm standing here as a member of
15 this Senate, but now I'm standing here as a
16 parent. I have three kids, my youngest one is
17 16. And boy, I learned so much from them, and
18 the thing I learned the most is how little I
19 actually know, especially when it comes to
20 technology.

21 But my son Jake, love him to death,
22 in the morning, first thing you do, I go in
23 his room, he's on the laptop. I'm trying to
24 talk to him during the day, he's texting, he's
25 on the computer downstairs. This is a world

1 of technology. And both of my colleagues
2 alluded to it at some length; we are divorcing
3 ourselves from reality if we don't embrace
4 this problem in its entirety.

5 This bill is not nearly as good as
6 the amendment. The amendment is more
7 encompassing. It deals with cyberbullying
8 because this stuff does not stop at the border
9 of the school playground or the school
10 building or the athletic field. And do I have
11 concerns about the broad reach of that? Yes,
12 I do. Do I think it can be addressed in a
13 fair and equitable fashion to protect people,
14 especially the victims? Yes, I do.

15 Now, in this bill too, nobody
16 talked about another portion of this
17 amendment, aggravated harassment of school
18 personnel. Senator Saland, in his wisdom, has
19 ratcheted up the penalties for people who
20 abuse school district employees. Why not
21 embrace that? Why not take this amendment,
22 champion it, bring the bill back and make it a
23 better bill?

24 Because I don't want to stand here
25 with all of you, or maybe some of us, at some

1 juncture and say, you know, now we're doing a
2 chapter amendment on cyberbullying and we're
3 reacting to four or five or six more incidents
4 where it could be someone we know, it could be
5 a family member, it could be a friend, it
6 could be a grandchild. I don't want to be in
7 that situation. And, ladies and gentlemen, we
8 don't have to be.

9 This is a solid amendment. This is
10 a good-faith effort to try and address a
11 problem. And the fact that cyberbullying is
12 not addressed is really a tragedy. And we're
13 going to move to the main bill, and there's
14 going to be a lot of plaudits and there's
15 going to be a lot of press releases, but it
16 falls far short of where we should be. We
17 should be doing a better job of protecting
18 students all across the State of New York.

19 So yes, I am frustrated and I think
20 we all should be because we are missing a
21 chance to do something that's good and making
22 it a lot better. I stand in full support of
23 the amendment.

24 ACTING PRESIDENT STEWART-COUSINS:
25 Senator Diaz.

1 SENATOR DIAZ: Thank you, Madam
2 President. I also rise to support the
3 amendment.

4 In my district, in my schools, for
5 my people, bullying in school is a very
6 serious problem. Parents in my church,
7 parents come to me because they don't want to
8 send their kids to school because of bullying.

9 And I think that yes, we have to
10 open it to every category. Because the
11 dropout, dropouts, most of the dropouts in our
12 community are because of bullying. Children
13 are afraid to go to school, children are
14 afraid to -- to -- because they think they
15 are -- whatever, for whatever reason.

16 And I agree with the amendment, and
17 I'm here to support the amendment. We should
18 include everything in this bill.

19 Thank you.

20 ACTING PRESIDENT STEWART-COUSINS:
21 Senator Nozzolio.

22 SENATOR NOZZOLIO: Thank you,
23 Madam President. Madam President, on the
24 amendment.

25 We in this chamber, through the

1 years that I served as chairman of the Crime
2 Victims, Crime and Corrections Committee,
3 focused on keeping our laws at pace with
4 technology. Whether it was identity theft,
5 whether it was issues regarding personal
6 privacy and the invasion of new technology
7 into personal privacy, we continually stood on
8 behalf of those who are victimized because of
9 the technology.

10 Often laws can be criticized
11 because they, on the books, couldn't keep pace
12 with the rapidly changing technological
13 advances that we saw in society. This law
14 which is being amended, the law that's
15 proposed, not only doesn't keep pace with
16 technology being on the books, it doesn't keep
17 pace with technology being here before us as
18 we debate.

19 In other words, Senator Saland's
20 amendment does a great job in focusing on the
21 real needs of today and those young people in
22 particular who being victimized time and again
23 by entire technology that is more invasive,
24 more intrusive, more damaging than what we
25 used to see with playground bullies in the

1 schoolyard or other places in town.

2 We have an opportunity here, by
3 accepting Senator Saland's amendment, to make
4 the law today at pace with those who need the
5 protections the most. I stood on many
6 occasions with young people and their parents
7 who were devastated by invasions of their
8 privacy, by harassment over the Internet, by
9 seeing their reputations ruined on Facebook
10 and MySpace, by seeing the bullying taking
11 place time and again in our own state, in
12 upstate communities, by those who are using
13 technology to advance an agenda that
14 unfortunately the legislation that is being
15 proffered -- not the amendment, but the bill
16 in chief -- fails to address even on the
17 surface.

18 So, Madam President, I believe that
19 Senator Saland's amendment, well designed to
20 keep pace with the technological harassment
21 has been existing, should be accepted. And
22 with that, I urge my colleagues to support the
23 amendment.

24 ACTING PRESIDENT STEWART-COUSINS:
25 Senator Adams.

1 SENATOR ADAMS: Thank you, Madam
2 President.

3 As a person who has a 14-year-old
4 son that is in the process of doing his second
5 movie -- his first movie was on the importance
6 of education, his second movie that he's doing
7 now is on teen violence and violence among
8 young people. Because what he realized, after
9 several of his friends came to him and they
10 showed him different scars that they received
11 from relationships -- and he took his money
12 and decided that he wanted to do a movie to
13 touch on this issue.

14 So this issue is real. And I
15 respect the passion that Senator Saland
16 showed, and other Senators when they talk on
17 this topic. Something would be wrong with us
18 if we did not have the level of passion that
19 is displayed on the floor, because we're
20 talking about our children. And we're
21 concerned about anyone who treats a child in
22 an unfair manner.

23 Bullying is not new. The tools
24 that are used are new. And I am truly
25 concerned of how do we effectively approach

1 the issue of using modern-day technology to
2 extend the issue of bullying. But one thing I
3 do not want to do, I do not want to
4 criminalize young people. And when I do a
5 comparative analysis of the two bills and
6 question what is the best approach -- because
7 Senator Duane as well as Senator Saland are
8 trying to reach the final level of making sure
9 our children are safe, and there are several
10 roads to do it. Their roads seem to be
11 different based on what I see in the bills.

12 Senator Duane's bill takes a
13 comprehensive educational approach to it.
14 Senator Saland's bill is more of a bill that's
15 after the child participated in a bullying
16 action of how to we go about to penalize them
17 in a punitive fashion. I believe that's the
18 wrong approach. Because I disagree does not
19 mean Senator Saland does not have a right to
20 his belief. I think that's the wrong
21 approach.

22 Not only that, I always try to stay
23 in my lane. Things that I don't know --
24 because someone pulled a lever and allowed me
25 to be elected to the Senate does not mean all

1 of a sudden I'm an expert on everything. So
2 what I don't know, I sit down to the experts
3 who understand a particular venue and I ask
4 them what's the best approach to reach the
5 results that we're looking at.

6 When I realize that 130
7 organizations support Senator Duane's
8 approach, the Anti-Defamation League supports
9 his approach, and countless number of other
10 organizations believe that we need to have a
11 comprehensive approach of how do we take a
12 child who's bullying, particularly when you
13 look at the numbers, Senator Duane, and you
14 understand that many children who abuse are
15 coming from abusive households and abusive
16 relationships.

17 So if we do not make a
18 comprehensive approach of taking that child
19 who's abusing and have him understand what
20 he's doing wrong prior to him being a bully,
21 then we're making a big mistake.

22 So I think that Senator Duane's
23 bill attempts to do that. Is it a perfect
24 bill? Some would say no. I think it's the
25 first step that we need to take to deal with

1 the very real issue of bullying in our
2 schools.

3 So I commend you, Senator Duane,
4 for this bill. I commend you for
5 understanding that the answer to our children
6 does not simply lie in handcuffs. A civilized
7 society does not merely believe that the mere
8 fact a child that is bullying or has bullying
9 tendencies should be not be helped in a
10 comprehensive fashion. That's what the
11 experts say we ought to be doing, that's what
12 you're saying we ought to be doing.

13 And it does not mean the passion
14 that Senator Saland and others bring to that
15 issue is wrong to bring that passion. We all
16 have that passion. And I hope that passion
17 lives out in my child's movie that indicates
18 why we must stop violence among our young
19 people.

20 Thank you.

21 ACTING PRESIDENT STEWART-COUSINS:
22 Senator DeFrancisco.

23 SENATOR DeFRANCISCO: I thought
24 when we were getting into this new, better
25 leadership in government we were going to

1 actually look at bills, bring out the best
2 bills, and have a fair debate and really
3 consider the bills.

4 Now, it boggles my mind how the
5 more expansive bill that is the amendment,
6 that punishes and tries to protect against all
7 forms of bullying, cannot possibly be better
8 than one that sets out certain protected
9 categories depending upon, in this case, what
10 is important to the sponsor. And that's
11 obvious to anybody that's reading these bills,
12 it's a list of things, what's important to the
13 sponsor.

14 I know when I was growing up --
15 you'll find this hard to believe -- I was one
16 of the smallest kids.

17 (Laughter.)

18 SENATOR DeFRANCISCO: Do you
19 think smallest kids get picked on, or the kids
20 that have a weight problem? Well, under this
21 amendment, the little guy who happens to get
22 picked on by the big guy is actually covered.
23 And my goodness, he may not be of a certain
24 sexual orientation, but on the other hand,
25 he's covered. Or she's covered.

1 On the other hand, under Senator
2 Duane's bill, if you happen to be
3 overweight -- or underweight, I guess, because
4 it talks about weight -- you're covered. Now,
5 tell me the logic behind that. There's
6 certain protected classes that are on Senator
7 Duane's mind that he thinks it's important to
8 advocate for. Therefore, the bill is limited
9 to that extent.

10 Now, anybody who's honest with
11 themselves knows that's what's going on. And
12 every group that supports Duane's bill has to
13 support this amendment because it's more
14 expansive. It's more expansive, includes all
15 types of bullying.

16 So if we look at this honestly, we
17 should support the amendment because it's
18 all-inclusive -- on or off the school grounds,
19 cyberbullying, every type of bullying. As
20 opposed to sending a message towards a certain
21 class of individuals who have a certain
22 agenda.

23 So with that said, I'm going to
24 strongly support this amendment. And I would
25 ask everyone on the other side of the aisle to

1 look at this honestly and see what you read
2 and what bill is the most expansive bill, and
3 support that one, not some one individual's
4 political agenda. Because I'd like to
5 protect -- being still not a very big guy, I'd
6 like to protect the little guys as well.

7 Thank you, Madam President.

8 ACTING PRESIDENT STEWART-COUSINS:
9 Senator Robach.

10 SENATOR ROBACH: Yes, Madam
11 President. I too rise to support this.

12 This is obviously a very important
13 issue that unfortunately for all of us -- as
14 representatives, parents, many of us, regular
15 citizens -- is unfortunately growing. And not
16 only is it growing, it's growing in different
17 ways. As many of my colleagues have pointed
18 out, unfortunately has caused a lot more
19 damage, I guess, as Senator DeFrancisco
20 pointed out, than when we were kids.

21 So I think it is important that we
22 do this right. I wanted to comment a little
23 bit because I think this is important. We
24 have an opportunity here to amend this in one
25 sweep and really make this well. It won't

1 change one other thing to what's been in
2 there. And what Senator Adams said is
3 inaccurate. This does not make anyone a
4 criminal for bullying at all. Some of us -- I
5 would probably be willing to vote for that.
6 That's not in this bill.

7 This bill simply says we are going
8 to be more inclusive in who we cover, and
9 we're going to take today's technology --
10 which I don't have a statistic, but having
11 worked for Monroe County Department of Public
12 Safety, working very closely with Adam Walsh
13 Center, other places, I know that a lot of the
14 ways kids get approached, not only for
15 bullying but even for sexual abuse, is via the
16 computer.

17 I implore you, all of you,
18 especially the sponsor of the bill, let's do
19 this the right way. Let's do the amendment.
20 We can do it right now, today, end the debate
21 and move forward. It does not diminish
22 anything on the main bill, but just makes it
23 more inclusive across the board.

24 And there really is no reason not
25 to do it. You want to talk about

1 bipartisanship and working together, I'd like
2 to think that our children are more important
3 than any individual or anything else. And I'd
4 ask you in the most sincere, kindest way,
5 let's do this amendment and do the right
6 thing. We'll be able to walk out of here
7 proudly.

8 Thank you. I support the amendment
9 wholeheartedly.

10 ACTING PRESIDENT STEWART-COUSINS:
11 Senator Ranzenhofer.

12 SENATOR RANZENHOFER: Thank you,
13 Madam President, on the amendment.

14 You know, this is a very emotional
15 and a very sensitive topic. And it's one of
16 one that really cuts across all age groups,
17 sexes, regardless of the color of your skin.
18 It's pervasive in terms of the way kids
19 interact with each other and really how mean
20 they can be towards each other.

21 Now, a few weeks ago I had the
22 opportunity to go to one of the schools in my
23 district, and they had an anti-bullying
24 campaign where there's a competition among the
25 different schools in the district, and they

1 were demonstrating coming up with different
2 logos and banners to talk about this subject.
3 And I can tell you that the 6th graders in
4 this school were far beyond, in terms of
5 comprehension and understanding of the issue,
6 than any Senator in this chamber, no matter
7 which side of the aisle that you're on.

8 And I had an opportunity to talk to
9 the kids and to participate in their program
10 for the day. And the title of the program was
11 "Build Up, Don't Tear Down." And that was the
12 logo and the title that won on this particular
13 subject.

14 And there were a couple of things
15 that I learned from attending this particular
16 function in the school. And that is that, you
17 know, there were kids there of different ages,
18 many different backgrounds -- rich, poor,
19 black, white. But the important thing for the
20 kids is that no matter who you are, whether
21 it's Senator DeFrancisco's example of whether
22 you're a small kid or a large kid, or you're
23 white or black or you're male or female, you
24 know, the classification to the kids didn't
25 really matter.

1 Now, I know it's important in the
2 dialogue that we've had here and, you know,
3 whether it's the amendment from Senator Saland
4 or Senator Duane's bill. But to the kids that
5 are actually affected by this, they just want
6 to be protected. You know, they don't really
7 understand the different classes of people
8 that we're dealing with. They just want to
9 feel safe in their school.

10 And that's why I support the
11 amendment. Because the kids aren't looking up
12 the definition of who's covered and who's not
13 covered, they just want to be protected. They
14 don't know whether they fall in a class or out
15 of a class, they just want to be protected.

16 And I think that's what we're
17 losing sight of here, is who's protected,
18 who's not protected, who's in, who's out. And
19 that's actually part of the problem with kids,
20 is who's cool and who's not.

21 It doesn't really matter.
22 Everybody really deserves the same type of
23 protection. Again, whether you're picked on
24 on the playground and you're pushed around or
25 you're punched, or you're sitting at home and

1 the emails and the texts are going out that
2 so-and-so did this in the classroom and then
3 the person is then subject to ridicule.

4 And, you know, again, when you're
5 dealing with young kids, whether they're 12 --
6 I mean, their emotional framework is something
7 that is just very hard to understand. They're
8 hot, cold, on and off. And again, you know,
9 it doesn't really matter to them whether
10 they're picked on and pushed around or whether
11 these emails or texts are going out to the
12 whole class telling everybody what a bad
13 person this is.

14 You know, whether you're in the
15 class or not in the class, they just want to
16 be protected. They don't care whether it
17 happens on school property or, as someone
18 alluded to earlier, whether you're in your
19 living room watching TV or you're up in your
20 room on your computer. They just want to be
21 protected.

22 And that's what troubles me about
23 the dialogue and the conversation that we're
24 having here, is why you wouldn't want to help
25 every kid. Why do you only want to help some

1 of the kids? And I think that's a very
2 important distinction and something that the
3 sixth graders in the school got, and we don't
4 really seem to get it here in this chamber.

5 So I'm going to be supporting the
6 amendment because it's more inclusive, it
7 really goes to the heart of matter, which is
8 protecting every child regardless of whether
9 you're in a category that's in a bill that's
10 under consideration or you're not in the bill.

11 Thank you, Madam President.

12 ACTING PRESIDENT STEWART-COUSINS:
13 Senator Alesi.

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

16 I'm going to support this amendment
17 because I think it does so many good things
18 on, as what Senator DeFrancisco says, a much
19 broader range, dealing with cyberbullying and
20 things that the bill in general does not.

21 But in anticipation of the failure
22 of this amendment, I think I will be much more
23 loquacious in giving my reasons for why I am
24 going to support the bill in general.

25 But in the meantime, I will support

1 this amendment, and I look forward to voting
2 yes on the bill on chief.

3 ACTING PRESIDENT STEWART-COUSINS:
4 Are there any other Senators who wish to be
5 heard on the amendment?

6 Senator Skelos.

7 SENATOR SKELOS: Madam President,
8 I certainly rise to support the amendment
9 because I know it is more inclusive in
10 protecting our children from the new
11 technology and any type of bullying.

12 You know, a number of times,
13 Senator Duane, you've proposed legislation in
14 this house that you felt there wouldn't be one
15 Republican vote to support it. And I remember
16 a very emotional evening last year where you
17 had a specific bill, you urged us to support
18 it, and I would say almost every single person
19 on this side of the aisle respected your
20 opinion and we did support it.

21 The amendment that's been proposed
22 by Senator Saland, I think every single one of
23 us in this chamber, including yourself, know
24 that this would make the bill a better bill.

25 So I would urge you, with the sense

1 of fairness that you've seen from us, from the
2 Republicans on this side of the aisle, that
3 you either support the amendment or lay your
4 bill aside so that we can make it even a
5 better bill that can be voted upon in this
6 legislative session.

7 I urge you to do that on your sense
8 of fairness, and I thank Senator Diaz for
9 supporting this amendment.

10 ACTING PRESIDENT STEWART-COUSINS:
11 Are there any other Senators that wish to be
12 heard on the amendment?

13 The question is on the nonsponsor
14 motion to amend Calendar Number 1070. Those
15 Senators voting in support of the nonsponsor
16 amendment please raise your hands.

17 Announce the results.

18 THE SECRETARY: Ayes, 30. Nays,
19 8.

20 ACTING PRESIDENT STEWART-COUSINS:
21 The motion fails.

22 Now returning to the bill in chief,
23 are there any Senators wishing to be heard on
24 the bill?

25 Senator Duane.

1 SENATOR DUANE: Thank you, Madam
2 President.

3 I do want to talk on this bill.
4 it's a very important bill for many, many
5 reasons and to many, many people. And it is a
6 very important bill for I hope not too many
7 generations, but certainly for at least a
8 generation or two to come.

9 I think it's commonly known and the
10 data proves that a student's ability to excel
11 in school can be seriously hampered by
12 bullying or taunting or any kind of
13 intimidation. And of course once that has
14 occurred, it doesn't matter how the
15 perpetrator is treated, because the damage has
16 already been done through the bullying or the
17 intimidation or the taunting.

18 This legislation is designed,
19 written, crafted to providing training and
20 education to students, to staff, at an
21 age-appropriate level, regarding bullying,
22 harassment and discrimination. And the bill
23 is somewhat vague for a reason, because it's
24 supposed to be flexible. It's supposed to
25 give control to local school boards. State

1 Education is certainly good at and will be
2 setting model policies. But "Dignity" is
3 really just a road map.

4 This legislation applies only to
5 public schools, only to public schools. And
6 it encompasses activities, it is true, on
7 school grounds or at school functions, and
8 it's purposely crafted that way. And what I'm
9 about to say will make sense in the context of
10 what I just said and for a whole host of other
11 reasons. This bill will protect First
12 Amendment speech. And again, it's narrowly
13 crafted, narrowly constructed based on Supreme
14 Court rulings.

15 So harassment is narrowly defined
16 as verbal threats, conduct, intimidation or
17 abuse that unreasonably and substantially
18 interferes with a student's educational
19 performance, opportunities, benefits or
20 mental, emotional or physical well-being.
21 Anything that a student may say that doesn't
22 fit that standard is not classified as
23 harassment.

24 Now, there are categories spelled
25 out, purposefully, because these are

1 categories which we know are the most widely
2 in the realm of where harassment and
3 intimidation and discrimination take place.
4 So yes, a person's actual or perceived race,
5 color, weight -- not overweight, not
6 underweight -- weight, national origin, ethnic
7 group, religion, religious practice,
8 disability, sexual orientation, gender or
9 sex -- again, because these are categories,
10 most commonly found to have problems.

11 So -- and many of my colleagues
12 have raised this -- it is not limited to.
13 These are explicitly included, but nothing is
14 precluded. So if you are taunted because you
15 are overweight or because you're thin or
16 because you have an overweight brother or you
17 have a gay brother, you're covered. And
18 you're not allowed to be made fun of. And
19 maybe then you'll be less ashamed if you have
20 an overweight brother or sister or a gay
21 brother. Maybe you won't be so ashamed of
22 that.

23 Nothing in this bill would trump
24 Title VII, which I'm sure people know is
25 gender equality in sports. Nothing trumps the

1 Rehabilitation Act. That also trumps Dignity.
2 Dignity is only designed to fill in any void.

3 And this bill is a prevention bill.
4 It's not a punish after the fact, damage has
5 been done already. It's to prevent. It's a
6 prevention bill, it's an education bill, it's
7 a bill that provides for enormous local
8 control because localities know best. Dignity
9 builds on preexisting reporting requirements
10 that exist to State Ed already. So it is
11 designed to not be burdensome to localities
12 and to local school districts.

13 Now, had we passed this legislation
14 in 2006 -- and believe me, I would have wanted
15 to. And in 2006 the Assembly passed Dignity
16 by a vote of 138-5; in 2007, 125-7; in 2008,
17 130-9; in 2009, 311-5; and, the best year
18 ever, this year, 138-4. So that is the bill
19 that the Assembly has passed since 2006. And
20 of course I wish we had passed it then, but we
21 didn't. So we're catching up.

22 We are catching up as quickly as
23 possible. They've already passed it this
24 year. And I'm not even going to get into who
25 do what first, but -- so they've done it five

1 times. I would very much like to see us pass
2 it this year for the first time and then see
3 the Governor sign it into law.

4 Now, I believe that because this is
5 an educational bill, it will diminish
6 cyberbullying. Remember, this legislation
7 talks about on school grounds or at school
8 functions, but the educational component of it
9 should discourage cyberbullying.

10 In all candor, I motioned for my
11 bill to go to the Education Committee, and
12 Senator Saland did not motion his bill. It
13 was very important to me. If it had been that
14 important, our rules provide a way to motion
15 it and bring it to a committee. And that's
16 what I did.

17 And when I did that, the School
18 Boards Association took an even closer look at
19 it, and they took away their objection to it.
20 So our rules worked magnificently, and now the
21 bill is here on the floor. I worked my bill,
22 and here we are.

23 This is a huge step. Not the end,
24 we do need to build on it. And I hope we will
25 build on it. And I welcome everyone's help in

1 building on it. But first we have to pass
2 this one. First we have to get this one
3 signed into law. And I wish we had done it
4 before, but we didn't. But here we are.

5 And then I hope that -- there may
6 be questions; I don't know. I hope I've said
7 generally why this legislation is so important
8 to every child in every school, every teacher
9 in every school, every member of the school
10 family. That this is a very important piece
11 of legislation for everyone.

12 And if I hadn't been so afraid in
13 schools, I would have done better in school.
14 You know what? God works in mysterious ways.
15 I became a late bloomer, I guess.

16 And I want to just talk about one
17 other thing, and it's certainly my experience,
18 but I don't think it's unique. We heard
19 testimony when we had a hearing on this a few
20 years ago before I was sitting -- before we
21 reversed sides of the chamber, and some
22 Senators were there. One little girl who
23 lived in Ithaca, she was the only
24 African-American girl on her bus. She was
25 bullied. Her mother complained. The

1 punishment was that she was not allowed to
2 ride the bus anymore. That was how they
3 solved the problem, by putting the little girl
4 off the bus who was being bullied.

5 When I first came here and I
6 introduced this bill, I was staying at the old
7 Howard Johnson's. The day after I introduced
8 the bill, there was a story in the local paper
9 about it, and the man behind the desk said to
10 me, "I hope that bill passes." It was 1999.
11 "I hope your bill passes," he said. "My
12 younger brother's disabled, and all of the
13 kids make fun of him all the time in school."

14 This bill has passed several times
15 overwhelmingly in the Assembly. I urge my
16 colleagues to please vote for this bill. And
17 if you know anything about my and my work
18 here, I don't think I've ever passed a bill of
19 importance here without bipartisan support.
20 I'm hoping that's how it's going to be today
21 as well.

22 And as I always have been and I
23 always will be, I am absolutely open to
24 including everyone who wants to work with me
25 on any issue, and in this case, especially on

1 the issue of making schools safer for
2 everyone, for everyone in the school family,
3 and to deter unsafe conditions before they
4 occur.

5 Thank you, Madam President.

6 ACTING PRESIDENT STEWART-COUSINS:

7 Thank you, Senator.

8 Senator Perkins.

9 SENATOR PERKINS: Thank you,
10 Madam President. I'm going to be brief.

11 First I want to acknowledge my
12 appreciation for the discussion, the debate.
13 Even as I may disagree with my colleagues on
14 the other side, I do very much appreciate the
15 perspective that they brought to this.

16 But I want to commend Senator Duane
17 for his leadership on this bill and, by the
18 same token, recognize my Assemblyman up there
19 in the gallery, Danny O'Donnell, for his role
20 in the Assembly.

21 This I believe is a bill that may
22 be specific in terms of identifying some of
23 the historic victims, but by its title,
24 Dignity for All, it's very expansive. And I
25 believe that the intention is being fulfilled

1 because it's already begun to discuss more
2 than just those who are identified and the
3 need to be more expansive -- and I believe it
4 will be more expansive, because it has raised
5 the consciousness of us all, not just about
6 what's happening with this particular group
7 but what's happening in other ways as well.

8 In fact, it's very catalytic in
9 that respect in terms of how the civil rights
10 movement was. While it was a movement that
11 was very specific in many respects,
12 nevertheless it was expansive and inclusive in
13 terms of recognizing that the same inequities
14 that some experienced, others were
15 experiencing as well. And so the movement
16 grew to be more and more expansive. And we're
17 all the better because of that specificity.

18 And so I think this bill in that
19 tradition of the civil rights movement, that
20 while having some specific focus, it was very
21 inclusive and grew to be something that so
22 many of us were able to appreciate and to
23 benefit from.

24 Thank you very much. I want to
25 vote aye on this bill. I think it's a very

1 important bill. Thank you for the vision, and
2 thank you for the inclusiveness.

3 ACTING PRESIDENT STEWART-COUSINS:
4 Thank you, Senator.

5 Senator Craig Johnson.

6 SENATOR CRAIG JOHNSON: Thank
7 you, Madam President. On the bill.

8 ACTING PRESIDENT STEWART-COUSINS:
9 Senator Johnson, on the bill.

10 SENATOR CRAIG JOHNSON: I want to
11 first thank Senator Tom Duane for his
12 continuing dedication with respect to this
13 piece of legislation. I know how hard he has
14 worked in the drafting and redrafting and
15 addressing the issues brought by a variety of
16 different groups and individuals to make sure
17 that we here in New York State and state
18 government do our best to protect our
19 students, to protect them from harassment and
20 protect them from bullying.

21 First, if I can, I want to address
22 very briefly the issue of the amendment that
23 was defeated just very recently. I found
24 myself in reviewing the amendment troubled by
25 the fact that I don't think it went far

1 enough, and that's why I opposed the
2 amendment. The amendment didn't do enough. I
3 agree, like everybody else in this chamber,
4 that we must do more when it comes to
5 cyberbullying.

6 But one of the biggest problems
7 that kids face when it comes to cyberbullying
8 is where that bullying occurs. It occurs on
9 school grounds -- I think one Senator
10 displayed his trusty BlackBerry as evidence of
11 how to cyberbully. You can do it in school
12 and on school grounds.

13 Where the real problem when it
14 comes to cyberbullying occurs is it occurs on
15 computers in somebody's home, when kids go
16 home from school, when they get behind the
17 computer, oftentimes unattended, and they
18 proceed to take the bullying actions. That's
19 not covered and that wasn't covered by the
20 Republican minority's amendment.

21 The amendment talked about how any
22 student or school employee found to be in
23 violation of subdivision 2 of this section in
24 a public school or on school property.
25 Nowhere does it talk about on the corner, away

1 from school property, some other location. If
2 that occurred, by their own amendment, that
3 child, that student, that young adult wouldn't
4 be covered under this amendment. Didn't go
5 far enough.

6 Senator Saland.

7 ACTING PRESIDENT STEWART-COUSINS:

8 Senator Saland, why do you rise?

9 SENATOR SALAND: Madam President,
10 would Senator Johnson yield?

11 SENATOR CRAIG JOHNSON: I'll
12 gladly yield for a question.

13 SENATOR SALAND: Let me call your
14 attention to Section 28-03. And would you
15 like to read along with me, subsection 1?

16 SENATOR CRAIG JOHNSON: Sure.

17 SENATOR SALAND: "For purposes of
18 this section, the term 'bullying' shall mean a
19 severe or repeated use by one or more students
20 or school employees of a written, verbal or
21 electronic expression or a physical act or
22 gesture or any combination thereof directed at
23 a student that has the effect of." Have we
24 seen anything about school grounds yet in
25 here?

1 SENATOR CRAIG JOHNSON: No, I was
2 looking at subdivision 3, Senator Saland. As
3 you define your -- in your --

4 ACTING PRESIDENT STEWART-COUSINS:
5 Gentlemen. Gentlemen.

6 SENATOR CRAIG JOHNSON: I want to
7 finish the answer.

8 What you are doing in subdivision 1
9 is providing the definition of "bullying."
10 What I'm pointing to, Senator Saland, is
11 subdivision 3 -- well, first, if you look at
12 subdivision 2, where you say "no student or
13 school employee shall subject to any student
14 at a public school or a publicly funded
15 special education program to bullying as
16 defined in this section."

17 Then, if you go to subdivision 3,
18 you say "any student or school employee found
19 to be in violation of subdivision 2 of this
20 section in a public school or on school
21 property shall be subject to disciplinary
22 action." So the way I interpret it, maybe
23 it's different than the way you interpret
24 it -- which is that we'd have to go to court
25 to see how the courts would interpret it -- is

1 if a student is sitting in his home, on his
2 own computer, my concern, my concern is that
3 he or she would not be subject to your crafted
4 amendment.

5 Now, if we could work together on a
6 cyberbullying bill that would address that
7 issue, I would gladly work with you and
8 Senator Hannon, because I know how hard
9 Senator Hannon's been working on this issue,
10 to address it. But that's not covered in this
11 amendment tonight.

12 SENATOR SALAND: Well, I'll
13 respectfully disagree with you.

14 SENATOR JOHNSON: I'll continue
15 to yield, by the way.

16 ACTING PRESIDENT STEWART-COUSINS:
17 Well, you know, the question is, is there a
18 question, Senator Saland? Do you want Senator
19 C. Johnson to yield for a question?

20 SENATOR SALAND: Well, if you
21 then would like to prevail upon Senator Duane
22 to lay the bill aside so that we can do that,
23 perhaps we can accomplish that and have a bill
24 tomorrow and take care of this the way it
25 should be taken care of.

1 SENATOR CRAIG JOHNSON: I don't
2 know if Senator Saland would allow me to
3 continue my being on the bill. I'll certainly
4 talk about what I think has to be accomplished
5 tonight and other things going forward.

6 But to answer your question is I
7 believe tonight what's the most important
8 thing tonight is passing Senator Duane's bill
9 and then taking the next step going forward.

10 But I think the problem is is that
11 throughout this process, what this
12 amendment -- while good intentioned, didn't go
13 far enough. And I'm willing to support those
14 efforts, like you've done in the past, when
15 you were in the majority and cyberbullying
16 bills had come before this house. I'll
17 continue to support them.

18 But this amendment didn't go far
19 enough, and I think that's what we have to
20 address. And I'm happy to do that in a
21 separate piece of legislation working with
22 yourself and Senator Hannon. But tonight, and
23 now --

24 ACTING PRESIDENT STEWART-COUSINS:
25 Senator Johnson, you still have the floor.

1 Senator Saland, after Senator
2 Johnson, please.

3 SENATOR SALAND: Thank you.

4 SENATOR CRAIG JOHNSON: The other
5 thing I think what's important to address, if
6 I could, on the amendment, and something that
7 we should address going forward, to my
8 colleagues in the Republican minority and my
9 colleagues in the Democratic majority, is in
10 looking at the language of the amendment I
11 think there are other things we have to
12 protect, Senator Saland.

13 We talk about protecting the
14 student property. Agreed. But I think we
15 also have to protect the student reputation.
16 That's not necessarily covered here. Maybe it
17 could be interpreted. But I think when we're
18 talking about cyberbullying and the effects on
19 students, we need to be specific. We need to
20 be inclusive. We need to go further. And
21 that's what we need to do.

22 I think what we also need to do is
23 we need to address the issue of cyberbullying
24 on the college campuses. And we need to have
25 that ability. We're covering here the lower

1 schools, but when they graduate as seniors in
2 high school, they go on to college, or
3 community college. It's not as if bullying
4 starts or stops. They're adults. Now, that
5 may take the form of harassment, and we have
6 that charge, and it's appropriate. But if
7 they're 17 and they're committing that act, is
8 it harassment or is it bullying? We need
9 address that. And I think it's appropriate to
10 do that.

11 But the amendment didn't go far
12 enough, and I'm not prepared to support an
13 amendment that only covers half the pie. I
14 want the full pie.

15 So let's talk about Dignity, and
16 let's talk about Senator Duane's bill. That's
17 the bill before us today, and it's taken years
18 to get here. And hopefully tonight it finally
19 gets done, because our students in the public
20 schools deserve it.

21 They also, Senator Duane, with all
22 due respect, deserve it in the parochial
23 schools and the private schools. And by the
24 way, the amendment didn't cover parochial
25 schools or private schools. I believe

1 cyberbullying occurs in those establishments
2 as well. We have to address that. Again, we
3 can't go halfway, we've got to go all the way.

4 Senator Duane, I implore you, as we
5 move forward, if we pass this bill tonight --
6 and I hope we do -- we need to address those
7 issues as well. Dignity for all students,
8 whether it's the public schools, parochial
9 schools, private schools.

10 But we have the bill before us
11 tonight, and we can all cite the instances and
12 examples and the tragedies that have occurred
13 for our students, our children. Eric Adams,
14 my friend Eric Adams talked about his
15 14-year-old. I've got the 8-year-old. And
16 the 5-year-old and the 8-1/2-month-old.

17 But my 8-year-old, just like
18 Senator Ranzenhofer talked about the
19 sixth-graders who know about computers, my
20 8-year-old knows about computers. And he
21 likes to play with daddy's BlackBerry, and he
22 likes to play the games. The problem is, when
23 he's 9 and 10, he's going to start asking for
24 a cellphone to have in case of emergency. And
25 I'm told that kids are starting to get them at

1 9 and 10 and 11, for emergency purposes, and
2 that unfortunately those purposes expand.

3 We have to do more for our kids.
4 This bill starts that process. I want it to
5 go further, I do. At this juncture, we need
6 to support this bill. Starting tomorrow,
7 Senator Duane, we need to work together to
8 take it the next step. And I'm prepared to
9 work with you on that. And hopefully my
10 colleagues on the Republican side will do so
11 as well.

12 So tonight I support this great
13 bill. I need to make it a fantastic bill, but
14 tonight it's just great. I thank you, Senator
15 Duane. I'll be voting yes on the bill.

16 Thank you very much, Madam
17 President.

18 ACTING PRESIDENT STEWART-COUSINS:
19 Senator Alesi.

20 SENATOR ALESI: Thank you, Madam
21 President, my colleagues.

22 I'm going to support this bill, and
23 that probably should come as no surprise since
24 I already announced that a few minutes ago.
25 But some of my colleagues who question the

1 fact that why would we want to target specific
2 people in a bill like this -- and I appreciate
3 those concerns and observations. Because, as
4 I said when we were talking about the
5 amendment, that that was far more
6 encompassing. It was broader. It does deal
7 with the real situation of cyberbullying and
8 off-campus bullying and the persistent
9 persecution of people by electronic means.

10 But I understand what the sponsor
11 is trying to accomplish by being specific
12 here, as I also understand why Senator
13 DeFrancisco, for example, questioned why it
14 has to be specific and why it shouldn't just
15 cover everybody.

16 So I guess when you're looking at
17 what you want to do, you just have to say we
18 have to address the situation of bullying at
19 any and every level we can. I think I would
20 join Senator Johnson in offering to work to
21 make this bill better if Senator Duane were
22 willing to do some amendments later on. But
23 obviously the bill is before us right now, and
24 that's not going to happen.

25 So I can tell you why, in my view,

1 we need to be specific, why this bill says
2 that nobody should be bullied for all of these
3 following reasons: The person's actual or
4 perceived race, their color, their weight.
5 Parenthetically, Senator Duane, there is a
6 small imperfection in here that was pointed
7 out by Senator DeFrancisco. You include
8 weight, but not height. We should work on
9 that.

10 I say that rather lightheartedly,
11 but it does underscore what Senator Johnson
12 was saying, and some of my colleagues. We
13 need to clean this bill up a little bit. But
14 let's move forward.

15 National origin, ethnic group,
16 religion, religious practice, disability,
17 gender, or sex. Oh, I left something out. Or
18 sexual orientation.

19 So why would we want to be specific
20 about it? In my view, it's pretty clear.
21 Because kids look for vulnerability. Bullies
22 don't pick on the biggest, toughest, most
23 popular people, they look for the weaknesses
24 in others. That's what bullies do. And their
25 own weakness that's inherent to every bully --

1 because every bully is a weak person -- they
2 seek out the vulnerabilities. And that's why
3 we have to talk about ethnicity and color and
4 race and gender and weight and sexual
5 orientation. Because those are targets.
6 Nobody bullies vanilla ice cream.

7 I heard somebody say, When we were
8 kids, we did this, we bullied these kids or
9 those kids. I have my own experiences.
10 There's not anybody in here that hasn't had
11 some experience either being bullied or being
12 a bully. And let's be honest about it. I'm
13 sure that we've all had that experience or
14 maybe joined in some kind of bullying
15 activity. But the fact of the matter is you
16 target people when you bully them.

17 And in my, you know, growing up it
18 was the kids that lived in the trailer parks
19 because they were poor. Yeah, they got
20 bullied and they got picked on. Okay. There
21 were kids that walked down the wrong side of
22 the street, they got picked on because they
23 were Catholics going to the Catholic school.
24 Or if they were the first Italian on the
25 block, they got pushed in the prickier bushes.

1 That's bullying.

2 And somebody said earlier that
3 cyberbullying is worse, more damaging. I
4 don't know if that's true. Why, because the
5 whole world knows that somebody is being
6 bullied? Maybe. But I can tell you that
7 whether you're being emotionally bullied or
8 physically bullied, you don't see the scars.
9 The scars of your youth are more often than
10 not worn on the inside. You carry those with
11 you.

12 So if it's your sexual orientation
13 or your perceived sexual orientation or if
14 it's your religion or your ethnicity or
15 whatever it is, those are the target areas
16 that bullies go after. And, my colleagues,
17 for those of you that question why we have to
18 be specific, that's exactly why, because
19 they're target areas. They are identifiable
20 vulnerabilities or potential vulnerabilities
21 that bullies seek out, that they go after.
22 And they repeat. And when they repeat it,
23 it's a form of torture. And there's not a
24 person in this chamber that would condone
25 torture of any kind. We pass bills against

1 torturing animals.

2 Okay, the amendment failed.

3 There's no reason here to vote against this
4 bill. The only reason to vote against this
5 bill is because in calling it Dignity for All
6 Students, it includes sexual orientation.
7 Well, guess what? It's time to get over that.
8 Time to get over that. This is about laws
9 that protect our children from being
10 persecuted and tortured physically and
11 emotionally in our schools. In our schools.

12 The word "dignity" is already in
13 the Education Law, by the way. The word
14 "dignity" is in the Education Law. I'm not
15 going to read it, but it's there. Not in any
16 of the underlined sections, but it's there.
17 Observance of laws, rules, courtesy, dignity
18 and other traits that will enhance the quality
19 of their educational experience.

20 And by the way, this bill also
21 talks about moving those vulnerable people
22 away from the manifestations of violence. You
23 know, manifestations of violence. Think about
24 that. That's exactly what I was saying.
25 Torture, cruelty.

1 If "dignity" is already used in the
2 Education Law, then what's wrong with passing
3 a bill that recognizes dignity for all
4 students and simply includes sexual
5 orientation and relative phrases? If
6 "dignity" is within the Education Law, then
7 why can't we recognize that there can be
8 dignity for all students?

9 And vote yes on this, come back at
10 some point, make it better and have dignity
11 within ourselves. Dignity within ourselves.
12 Not as Republicans, not as Democrats, not as
13 coming from some particular race or ethnic
14 background or gender, but human beings that
15 recognize that younger human beings can be
16 saved and better protected in our schools if
17 we recognize that dignity is something that we
18 can give them and give ourselves in the act of
19 doing that.

20 I vote yes.

21 ACTING PRESIDENT STEWART-COUSINS:
22 Senator Saland.

23 SENATOR SALAND: Thank you, Madam
24 President.

25 Madam President, first I'd like to

1 correct a misrepresentation -- which I could
2 assume was merely an oversight and not by way
3 of any deceit -- when Senator Duane said he
4 motioned his bill out of committee and I did
5 not. The record is clear that I very
6 similarly motioned by my bill out of
7 committee. So I don't know what the source of
8 Senator Duane's beliefs or information was,
9 but that certainly is anything but correct.

10 And yes, he is correct that School
11 Boards did withdraw its objection. And the
12 reason it had objected last year was because
13 there was a \$50 million fiscal on this bill,
14 \$50 million to train a person as required in
15 his legislation for each of the 4400 school
16 district schools that comprise the universe of
17 schools in the State of New York.

18 Now, the amendment that we engaged
19 in a bit earlier failed 30 to 8. Twenty-three
20 people saw fit to be absent. And the issues
21 which I raised during the course of discussing
22 the amendment I will merely touch upon
23 extremely briefly.

24 Certainly Senator Duane was
25 eloquent. Certainly Senator Alesi was

1 eloquent. But the simple fact of the matter
2 is that the legislative intent talks in terms
3 of affording all students freedom from
4 bullying in a school environment. And this
5 particular bill is replete with the
6 limitations in two or three different sections
7 as to exactly what that universe is.

8 And as I said earlier, it leaves
9 out a much larger universe which in the
10 amendment would have included not only
11 everything that Senator Duane would hope to
12 accomplish here, but every conceivable
13 bullying situation. Which would certainly
14 cast a much wider and much more appropriate
15 net.

16 Interestingly, somehow or other
17 between last year and this year the
18 \$50 million fiscal that had been attached to
19 this bill, for reasons I've yet to be able to
20 contemplate or figure, disappeared. I guess
21 the Ed Department decided that it didn't want
22 to do fiscals anymore.

23 But the bottom line is that the
24 initial opposition from some of the
25 school-related associations were the concern

1 about the unfunded mandate. With the simple
2 stroke of a pen, the unfunded mandate that had
3 been present previously suddenly disappeared.
4 I'm not quite sure how realistically it
5 disappeared, but nonetheless, for purposes of
6 this discussion here today, it seems to have
7 miraculously disappeared.

8 It remains to be seen if in fact it
9 will not reappear in 4400 schools throughout
10 the State of New York as we require that at
11 least one staff member at every school be
12 thoroughly trained to handle human relations
13 in the areas of race, color, weight, national
14 origin, ethnic group, religion, religious
15 practice, disability, sexual orientation,
16 gender and sex, and whether in fact that's
17 one-shot training or continuing training, and
18 the extent to which that training is required
19 and over how long of a period it's required.

20 So again, Madam President, the
21 amendment did fail at this hour, and the
22 amendment having failed, I am not going to
23 take the time to address some of Senator
24 Johnson's comments. But I would merely like
25 to remind people that there is in this bill I

1 believe a very large unfunded mandate,
2 notwithstanding the fact that it seemed to
3 have evaporated for reasons that I find
4 befuddling.

5 Thank you.

6 ACTING PRESIDENT STEWART-COUSINS:

7 Thank you, Senator.

8 Senator Bonacic.

9 SENATOR BONACIC: The hour is --
10 on the bill. The hour is late, and I'm going
11 to be brief.

12 First of all, I think every member
13 tonight on both sides of the aisle that stood
14 up and spoke on this issue spoke eloquently.
15 And it was very enlightening. That's number
16 one.

17 Number two, we all agree that the
18 time has come to statutorily pass some
19 bullying legislation, even though I personally
20 think superintendents and principals try to
21 handle this now at their own level.

22 The other thing that was clear to
23 me tonight, that more has to be done, but
24 that's not a reason not to get started. So,
25 Senator Duane, thank you for getting us

1 started tonight.

2 Last but not least, I have
3 consistently this year, and I tried in the
4 years past. Not to vote for unfunded
5 mandates. As to what that fiscal impact is,
6 last year we heard it's \$50 million. Maybe
7 it's less. But in any event, NYSUT, our
8 teachers, strongly support the legislation.
9 School boards do not oppose the legislation.
10 So our educational partners are telling us
11 this is one unfunded mandate that they accept
12 because it's time to get started on taking
13 control of bullying. I'm going to vote yes.

14 Thank you, Madam President.

15 ACTING PRESIDENT STEWART-COUSINS:

16 Thank you, Senator.

17 Senator L. Krueger, on the bill.

18 SENATOR LIZ KRUEGER: Thank you,
19 Madam President.

20 Well, it seems to me that this bill
21 has been better researched, better debated,
22 more fine-tunedly taken apart and put back
23 together than almost any bill I have seen us
24 try to move through in Albany. And
25 ironically, it's not that radical or big a

1 deal.

2 It's critical, it's critical that
3 our schools make sure that they are not just
4 preventing bullying but that they are being
5 the models of what we hope our children to
6 grow up and be, which is people who understand
7 and respect each other, people who understand
8 what is okay and not okay when it comes to
9 treatment of other human beings. This is a
10 fundamental thing we should expect our schools
11 to do.

12 And so in 2010, to be debating in
13 fact whether or not we can pass the Dignity
14 for All Students piece of legislation,
15 sincerely is a surprise to me, that even at
16 this late hour there's still debate about
17 this, this late hour in this year of 2010.
18 This is fundamental.

19 Now, the good news is many places
20 around the state are already using Dignity for
21 All Students as the model of how they approach
22 dealing with bullying and harassment and
23 prevention, prevention training. Senator Tom
24 Duane, the sponsor, couldn't have emphasized
25 it enough. Our job here as parents, as

1 community leaders, and as educators is to
2 ensure that we stop this kind of behavior
3 before it ever starts, to educate our young
4 people to know what they can and cannot do.

5 This has been started in many
6 places in the state, including the great City
7 of New York. So we are late to the game, but
8 we're going to get this passed. And it's not
9 an unfunded mandate, happily. The State
10 Education Department's fiscal is only \$270,000
11 to ensure this is implemented statewide.
12 That's probably the paperclip budget for the
13 total number of school districts in the state.

14 So the one thing that I will say
15 that I see as a statement of perhaps bullying
16 and harassment are some of the memos of
17 opposition I have read to this bill. They are
18 so misinformed, so uneducated about the issues
19 facing our young people and what we can do
20 about it as a state and as a society, that the
21 memos of opposition that I read -- along with
22 the far greater memos of support -- reinforces
23 to me why we need Dignity for All Students,
24 why we need to make sure our schools are
25 teaching our young people about right and

1 wrong, about respect, and about dignity.

2 Because I would hope in the next generation
3 there won't be people arguing against such
4 fundamental equal treatment and respect for
5 each other.

6 I'll be very glad to vote yes,
7 Madam President. Thank you.

8 ACTING PRESIDENT STEWART-COUSINS:
9 Thank you, Senator.

10 Senator Padavan, on the bill.

11 SENATOR PADAVAN: I'll explain my
12 vote, Madam President.

13 ACTING PRESIDENT STEWART-COUSINS:
14 Fine, Senator.

15 Senator Marcellino, on the bill.

16 SENATOR MARCELLINO: Likewise,
17 I'll explain my vote.

18 ACTING PRESIDENT STEWART-COUSINS:
19 Well, are there any other Senators, then, who
20 wish to be heard on the bill?

21 Hearing none, seeing none, the
22 debate is closed. I'll ask the Secretary to
23 please ring the bells.

24 Read the last section.

25 THE SECRETARY: Section 5. This

1 act shall take effect July 1, 2012.

2 ACTING PRESIDENT STEWART-COUSINS:

3 Call the roll.

4 (The Secretary called the roll.)

5 THE SECRETARY: Senator Padavan,
6 to explain his vote.

7 SENATOR PADAVAN: Yes, Madam
8 President. Thank you very much.

9 I listened, as did everyone else,
10 to Senator Craig Johnson's point of view
11 relative to the deficiencies of this bill.
12 What he told us was that it doesn't cover
13 cyberbullying to the extent that it should or
14 could, it doesn't deal with the reputation of
15 the victim, it doesn't cover parochial and
16 nonpublic schools, and he may have mentioned
17 some other things that he felt were lacking.

18 And what I can't figure out, Madam
19 President, is the fact that this bill is
20 almost a year and a half old, Senator Craig
21 Johnson's a cosponsor, and none of the things
22 that he pointed out apparently have been
23 addressed.

24 We tried. Certainly Senator
25 Saland's amendment was an effort of

1 significant value. But I'm not sure what
2 Senator Johnson did. Perhaps in the days and
3 weeks ahead, he'll tell us. If anything.
4 Maybe you were not successful. Maybe you
5 tried and you were ignored. Who knows.

6 I vote aye.

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

10 Senator Marcellino, to explain his
11 vote.

12 SENATOR MARCELLINO: Thank you,
13 Madam President, to explain my vote.

14 As a schoolteacher in the City of
15 New York for 20 years, I witnessed bullying on
16 many levels amongst many groups and many kids.
17 I saw the effect it had on the bully, and I
18 saw the effect it had on the bullied. Not
19 good either way.

20 This is nothing but a form of
21 torture. And I cannot and will not support
22 torture at any level. And I think it is a
23 good first step. I wish the amendment had
24 passed, because I thought it was a better
25 approach. However, I'm willing to take this

1 bill. I'm willing to work with my colleague
2 Senator Duane and anyone else who wishes to
3 put a bill together and make a better bill out
4 of it.

5 But I will be voting in support of
6 this bill, Madam President.

7 ACTING PRESIDENT STEWART-COUSINS:
8 Senator Marcellino to be recorded in the
9 affirmative.

10 Senator Duane, to explain his vote.

11 SENATOR DUANE: Thank you, Madam
12 President.

13 I first wanted to clear up -- I was
14 wrong, and I'm sorry about that. And I'm not
15 in Education, because, trust me, Health is
16 already too much. So now maybe it could be
17 motioned out of Rules -- not Rules, Codes.
18 But I don't know whether the timing is right.

19 So we have more work to do on this
20 issue, we have more work to do on our rules.
21 And I am hoping that we'll continue to work
22 together.

23 And I'll be voting aye, Madam
24 President. Thank you. Thank you, everyone.

25 ACTING PRESIDENT STEWART-COUSINS:

1 Senator Duane to be recorded in the
2 affirmative.

3 Senator Adams, to explain his vote.

4 SENATOR ADAMS: Thank you, Madam
5 President. I will be voting aye.

6 And I just want to dispel the
7 misnomer that there's just a special group
8 that is being protected. In fact, all
9 children are being protected. And I think we
10 should be proud as a state legislature because
11 in 2000 we passed a similar piece of
12 legislation, and it dealt with hate crime.
13 And these groups in this protected class are
14 the same groups that we passed in hate crime.

15 In our society we look at those
16 groups that are targeted, and it's the same
17 definition we use in hate crime. And we
18 expand it to weight in addition. So this is
19 not new. We understand that when people hurt
20 people because of who they are, this country
21 believes they should have a special group and
22 a special classification.

23 I will be voting aye because this
24 legislation is on target with that.

25 ACTING PRESIDENT STEWART-COUSINS:

1 Senator Adams to be recorded in the
2 affirmative.

3 Senator Schneiderman, to explain
4 his vote.

5 SENATOR SCHNEIDERMAN: Thank you,
6 Madam President.

7 I proudly vote yes on this piece of
8 legislation. I congratulate Senator Duane for
9 his years of work. I do remember the bill
10 Senator Adams just referred to and the work
11 that Senator Duane led on that.

12 I just do want to note, Madam
13 President, that this is a very carefully
14 drafted bill, and it's drafted to comply with
15 the Constitution. I look forward to working
16 with Senator Saland on other legislation. I
17 do think there is a First Amendment problem
18 with this bill as drafted.

19 Senator Duane's bill separates out
20 harassment, which is prohibited for anyone,
21 for any reason, from discrimination, which we
22 know under the case law has to be defined by
23 certain categories, because schools inherently
24 discriminate. That's what testing is. So
25 Senator Duane's bill does everything you can

1 do under the Constitution. There are areas
2 that not covered here, but that's true of
3 virtually everything that we do. This is a
4 huge step forward.

5 There are many, many children,
6 ladies and gentlemen, who will benefit from
7 this. There's harassment of Jewish students,
8 there's harassment of African-American
9 students, there's severe harassment of Muslim
10 students in our schools, as well as harassment
11 based on sexual orientation.

12 I think this is a bill everyone in
13 this chamber should be proud to support. I am
14 proud to support it. I vote yes.

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

18 Senator LaValle, to explain his
19 vote.

20 SENATOR LaVALLE: Thank you,
21 Madam President.

22 This is an issue where all 62
23 Senators in this chamber really want to
24 resolve what is a very prickly issue in our
25 society and in our schools. I would tell you,

1 as a former teacher and administrator, I think
2 you should have been inclusive in the members
3 to work with you, such as Senator Saland,
4 Senator Hannon, and others, to have a much
5 better bill. I know you're going to be back
6 with some of the things that have been
7 proposed.

8 But one of the things that's
9 missing in this bill -- and I can't find it
10 unless the commissioner or the local boards
11 will deal with it, and it's called parents.
12 Parents. They have to be included when their
13 acts, the schools has to link with the parent
14 in some way to try and bring home and school
15 together in resolving the issue.

16 It's a beginning. I think the
17 Senator Saland amendment would have been far
18 better. But I'm going to support this,
19 Senator Duane. But I hope in the future that
20 you will look at some of the recommendations
21 of our colleagues to make this a better bill
22 and resolve a problem that is very perplexing
23 to our society.

24 ACTING PRESIDENT STEWART-COUSINS:
25 Senator LaValle to be recorded in the

1 affirmative.

2 Senator Fuschillo, to explain his
3 vote.

4 SENATOR FUSCHILLO: Thank you,
5 Madam President.

6 Every year, as a parent of three
7 children now 10, 16, and 19, when they were in
8 the public schools, you're asked to sign a
9 code of conduct in the beginning of the school
10 year. And it's a piece of paper that tells
11 you how you as a parent should act and how
12 your children should act, and that's it. You
13 sign the paper, you hand it in, and you've
14 fulfilled your obligation to the school
15 district.

16 But then during that school year we
17 hear about harassment, we hear about the
18 torture of children. And two years ago, in my
19 child's school district high school, we heard
20 about a suicide, about a girl who during her
21 lunch break, because of a lot of problems,
22 walked downtown, went on the train platform,
23 and when a train came by, jumped.

24 I think this bill is sorely needed
25 because at the very least it's going to force

1 the intervention which is desperately lacking
2 right now.

3 I hope, Senator Duane, you listened
4 carefully to the points that were made, and I
5 hope this is the starting point to something
6 that is even more comprehensive. It's just
7 for public schools, it's not for parochial or
8 private schools. The issues are the same
9 there as well, and I think they need to be
10 addressed.

11 So as somebody who witnesses my
12 children on their BlackBerrys and the Internet
13 as the only forms of communication these
14 days -- because they don't talk to each other
15 anymore, they text each other even if they're
16 sitting next to each other. Two BlackBerrys
17 can be going off, and I'll ask them and their
18 friends, "What are you doing?" "We're talking
19 to each other."

20 And it's unfortunate that the
21 verbal communication isn't there anymore, and
22 that this is the way kids communicate, for
23 better or for worse. Hopefully this
24 legislation and this law, when the Governor
25 signs it, will deal with the worst.

1 I'll be voting in the affirmative.

2 And thank you, Senator Duane, for
3 this legislation.

4 ACTING PRESIDENT STEWART-COUSINS:
5 Senator Fuschillo to be recorded in the
6 affirmative.

7 Senator Little, to explain her
8 vote.

9 SENATOR LITTLE: Thank you, Madam
10 President.

11 This is an important piece of
12 legislation that is very necessary today. And
13 as the mother of six children, grandmother of
14 14, I probably win the prize here. But I have
15 concerns for them and for all children,
16 because growing up today is very, very
17 difficult.

18 We've known bullying when we were
19 youngsters, but bullying didn't last like it
20 does today and wasn't as widespread. But
21 because of all the technology and the things
22 that kids can do today, they can make it
23 really a nightmare for some children when the
24 one starts the process of bullying them.

25 So the good news is that we're

1 passing this piece of legislation. And I
2 think the better news is that we're willing to
3 work together to see that we improve on this
4 legislation. But I thank you for putting it
5 forth, and I vote aye.

6 ACTING PRESIDENT STEWART-COUSINS:
7 Senator Little to be recorded in the
8 affirmative.

9 Senator DeFrancisco, to explain his
10 vote.

11 SENATOR DeFRANCISCO: Yes, there
12 is no adult human being with any sense
13 whatsoever that could not be against bullying.
14 There's just simply -- that's a given.

15 By everyone voting for the
16 amendment, they're voting for a better bill,
17 in my judgment, without singling certain
18 preferred classes out as the alleged victims
19 and eliminating other classes.

20 Number two, for us to sit here and
21 think for a moment that school districts don't
22 care about bullying and school districts don't
23 do what they can about bullying to me is a
24 slap in the face of every school district
25 throughout this state. Bullying happens not

1 because necessarily the schools don't do what
2 they possibly can, but it happens because
3 people are mean to each other. It's even true
4 in these chambers.

5 Children are mean to each other.
6 School districts are trying to deal with it.
7 They don't need a law to tell them that this
8 is the morally right thing to do.

9 Number three, all the school boards
10 were against this last year. This year,
11 miraculously, they say nothing. Because
12 they're going to be accused of not being in
13 favor of trying to stop bullying. How a
14 fiscal note could go from a \$50 million cost
15 last year to zero is nonsense, because every
16 school has to have at least one staff member
17 at every school thoroughly trained in handling
18 human relations, et cetera, et cetera,
19 et cetera.

20 So I am against bullying, and
21 against bullying for everyone, but not at a
22 cost to school districts who, I believe,
23 understand that obligation and are doing what
24 they can. And I don't believe the extra cost
25 is warranted.

1 So at the risk of somebody calling
2 me someone in favor of bullying -- you can
3 certainly do that and try to bully me. But
4 I'm not going to be bullied into voting for
5 something that I don't think is the right
6 bill, so I vote no.

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

10 Senator Foley, to explain his vote.

11 SENATOR FOLEY: Thank you, Madam
12 President.

13 And I rise to strongly support this
14 piece of legislation. As a matter of fact, I
15 spoke with Senator Duane earlier last year,
16 and this is one of the first bills that I had
17 in fact cosponsored.

18 And I really think this is a
19 signature moment for this particular session
20 and for this Senate. Some I think tonight
21 have somewhat minimized the importance of this
22 legislation, as when I look at the history of
23 this particular bill, where in this chamber in
24 2005 it stayed in the Education Committee;
25 2006, never reported out of Education; 2007,

1 never reported out of Education; 2008, never
2 reported out of Education. In 2009, again it
3 was in Education.

4 Whereas in the other house, in the
5 Assembly, from 2006 to 2010 there was broad
6 bipartisan support every one of those
7 legislative years, to the point where
8 virtually all Democrats and virtually every
9 Republican supported the bill.

10 So I think it's very significant,
11 Madam Chair, that we have tonight bipartisan
12 support finally in this Senate to move forward
13 with a bill that Senator Duane has championed
14 for many years. And those of us who have had
15 generations of teachers and administrators in
16 schools can think of many, many occasions
17 where bullying occurred and where this kind of
18 legislation will in fact help to empower
19 school districts to combat bullying.

20 This is one of the finer hours of
21 this Senate, and it's long past time that we
22 approved this. This is not something to
23 minimize, this is something to in fact we want
24 to use the word "celebrate" that finally it
25 took this year, this session, this conference,

1 these Senators to finally find a bridge to
2 support this bill in a bipartisan fashion so
3 we can say in unison that bullying is wrong in
4 this state and that with this legislation,
5 with Senator Duane as the champion, we're
6 finally going to give the districts the
7 ability that they need to use in order to
8 fight this particular scourge.

9 I strongly vote in favor. Thank
10 you, Madam President.

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

14 Senator Alesi, to explain his vote.

15 SENATOR ALESI: Thank you, Madam
16 President.

17 I thought I went on quite a bit
18 explaining why I embrace this and embrace it
19 passionately. In explaining my vote, I would
20 like to recall a couple of years ago when I
21 had a couple dozen kids from my region, the
22 greater Rochester region, come and visit me
23 and ask me to support the bill. Not one of
24 them looked alike, but they all had the same
25 request, to please support this bill.

1 And I want to thank Senator Duane
2 for his persistence and his patience in
3 bringing this bill forth. When I think about
4 those young children that were asking for this
5 support, I was proud to make them a promise
6 several years ago that I would support the
7 bill, and I am proud to vote for the bill
8 tonight in keeping that promise.

9 ACTING PRESIDENT STEWART-COUSINS:
10 Senator Alesi to be recorded in the
11 affirmative.

12 Senator Hannon, to explain his
13 vote.

14 SENATOR HANNON: Madam President,
15 supporting this legislation, I'm doing so
16 because it is a significant first step.

17 Our amendment would have gone
18 beyond it, but I am heartened by the
19 conversations that occurred in public as
20 people were debating the bill. I am heartened
21 by the conversations I've had with other
22 members on both sides of the aisle to try to
23 work to make sure we have a comprehensive
24 piece of legislation.

25 At one point in the last couple of

1 months I was on a radio show and the host gave
2 me a headline from the 1916 New York Times
3 where Theodore Roosevelt was against bullying.
4 Well, you know, we've moved to a bill that
5 we're passing tonight that I think is still
6 only addressing part of it. We've moved to
7 where Facebook and MySpace and Twitter and the
8 Internet and the texting are all tools that we
9 have to address.

10 We'll have to do it by education,
11 by giving comfort to our youth so they don't
12 feel alone if they're being harassed, and we
13 need to have a comprehensive bill. But
14 tonight I will be supporting this bill.

15 Thank you.

16 ACTING PRESIDENT STEWART-COUSINS:
17 Senator Hannon to be recorded in the
18 affirmative.

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

21 SEVERAL SENATORS: No.

22 (Laughter.)

23 ACTING PRESIDENT STEWART-COUSINS:
24 Okay. Announce the results.

25 THE SECRETARY: Those recorded in

1 the negative on Calendar Number 1070 are
2 Senators DeFrancisco, Maziarz and Volker.

3 Ayes, 58. Nays, 3.

4 ACTING PRESIDENT STEWART-COUSINS:

5 The bill is passed.

6 (Applause and cheers from gallery.)

7 ACTING PRESIDENT CRAIG JOHNSON:

8 Senator Klein.

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

12 ACTING PRESIDENT CRAIG JOHNSON:

13 The Secretary will read.

14 THE SECRETARY: Calendar Number
15 1069, by Senator Thompson, Senate Print 1229,
16 an act to amend the Tax Law.

17 ACTING PRESIDENT CRAIG JOHNSON:

18 Read the last section.

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

21 ACTING PRESIDENT CRAIG JOHNSON:

22 Call the roll.

23 (The Secretary called the roll.)

24 ACTING PRESIDENT CRAIG JOHNSON:

25 Announce the results.

1 THE SECRETARY: Ayes, 61.

2 ACTING PRESIDENT CRAIG JOHNSON:

3 The bill is passed.

4 THE SECRETARY: Calendar Number
5 1072, by Senator Thompson, Senate Print 2784B,
6 an act to amend the Education Law.

7 ACTING PRESIDENT CRAIG JOHNSON:
8 Read the last section.

9 THE SECRETARY: Section 18. This
10 act shall take effect three years after the
11 date on which it shall have become a law.

12 SENATOR LIBOUS: Mr. President.

13 ACTING PRESIDENT CRAIG JOHNSON:
14 Senator Libous, why do you rise?

15 SENATOR LIBOUS: 1071 was skipped
16 over.

17 ACTING PRESIDENT CRAIG JOHNSON:
18 1071 was amended, so it's high.

19 SENATOR LIBOUS: Okay. It
20 doesn't indicate that on the calendar.

21 ACTING PRESIDENT CRAIG JOHNSON:
22 Senator Libous, 1071 was amended by motion
23 by -- I just request some order in the
24 chamber, please. Thank you.

25 Senator Libous, Calendar Number

1 1071 was amended by floor motion by Senator
2 Klein about an hour ago. So therefore 1071 is
3 high, as well as 1076 is also high.

4 SENATOR LIBOUS: Thank you,
5 Mr. President. I appreciate --

6 ACTING PRESIDENT CRAIG JOHNSON:
7 1071 and 1076 are both high.

8 SENATOR LIBOUS: The fact that it
9 wasn't designated here, I wasn't --

10 ACTING PRESIDENT CRAIG JOHNSON:
11 Because it was done by floor motion.

12 SENATOR LIBOUS: Thank you.

13 ACTING PRESIDENT CRAIG JOHNSON:
14 Thank you, Senator Libous.

15 The Secretary will continue by
16 calling the roll on Calendar Number 1072.

17 (The Secretary called the roll.)

18 ACTING PRESIDENT CRAIG JOHNSON:
19 Announce the results.

20 THE SECRETARY: Ayes, 61.

21 ACTING PRESIDENT CRAIG JOHNSON:
22 The bill is passed.

23 THE SECRETARY: In relation to
24 Calendar Number 1073, Senator Oppenheimer
25 moves to discharge, from the Committee on

1 Rules, Assembly Bill Number 6527B and
2 substitute it for the identical Senate Bill
3 Number 3071A, Third Reading Calendar 1073.

4 ACTING PRESIDENT CRAIG JOHNSON:
5 Substitution ordered.

6 The Secretary will read.

7 THE SECRETARY: Calendar Number
8 1073, by Member of the Assembly Latimer,
9 Assembly Print Number 6527B, an act to amend
10 Chapter 654 of the Laws of 1927.

11 ACTING PRESIDENT CRAIG JOHNSON:
12 Read the last section.

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

15 ACTING PRESIDENT CRAIG JOHNSON:
16 Call the roll.

17 (The Secretary called the roll.)

18 ACTING PRESIDENT CRAIG JOHNSON:
19 Announce the results.

20 THE SECRETARY: Those recorded in
21 the negative on Calendar Number 1073 are
22 Senators Alesi, Bonacic, DeFrancisco, Farley,
23 Flanagan, Fuschillo, Golden, Griffio, Hannon,
24 O. Johnson, Lanza, Larkin, LaValle, Leibell,
25 Libous, Little, Marcellino, Maziarz, McDonald,

1 Nozzolio, Padavan, Ranzenhofer, Robach,
2 Saland, Seward, Skelos, Volker, Winner and
3 Young.

4 Ayes, 32. Nays, 29.

5 ACTING PRESIDENT CRAIG JOHNSON:

6 The bill is passed.

7 THE SECRETARY: In relation to
8 Calendar Number 1074, Senator Perkins moves to
9 discharge, from the Committee on Corporations,
10 Authorities and Commissions, Assembly Print
11 Number 4550 and substitute it for the
12 identical Senate Bill Number 3477, Third
13 Reading Calendar 1074.

14 ACTING PRESIDENT CRAIG JOHNSON:

15 Substitution ordered.

16 THE SECRETARY: Calendar Number
17 1074, by Member of the Assembly Towns,
18 Assembly Print Number 4550, an act to amend
19 the New York State Urban Development
20 Corporation Act.

21 ACTING PRESIDENT CRAIG JOHNSON:

22 Read the last section.

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

25 ACTING PRESIDENT CRAIG JOHNSON:

1 Call the roll.

2 (The Secretary called the roll.)

3 ACTING PRESIDENT CRAIG JOHNSON:

4 Announce the results.

5 THE SECRETARY: Ayes, 61.

6 ACTING PRESIDENT CRAIG JOHNSON:

7 The bill is passed.

8 THE SECRETARY: Calendar Number
9 1075, by Senator Huntley, Senate Print 4028A,
10 an act to amend the Education Law.

11 ACTING PRESIDENT CRAIG JOHNSON:

12 Read the last section.

13 THE SECRETARY: Section 2. This
14 act shall take effect on the first of July.

15 ACTING PRESIDENT CRAIG JOHNSON:

16 Call the roll.

17 (The Secretary called the roll.)

18 ACTING PRESIDENT CRAIG JOHNSON:

19 Announce the results.

20 THE SECRETARY: Ayes, 61.

21 ACTING PRESIDENT CRAIG JOHNSON:

22 The bill is passed.

23 THE SECRETARY: In relation to
24 Calendar Number 1077, Senator Nozzolio moves
25 to discharge, from the Committee on Rules,

1 Assembly Bill Number 8076A and substitute it
2 for the identical Senate Bill Number 4194A,
3 Third Reading Calendar 1077.

4 ACTING PRESIDENT CRAIG JOHNSON:
5 Substitution ordered.

6 The Secretary will read.

7 THE SECRETARY: Calendar Number
8 1077, by Member of the Assembly Oaks, Assembly
9 Print Number 8076A, an act to authorize the
10 Village of Lyons.

11 ACTING PRESIDENT CRAIG JOHNSON:
12 There 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 CRAIG JOHNSON:
17 Call the roll.

18 (The Secretary called the roll.)

19 ACTING PRESIDENT CRAIG JOHNSON:
20 Announce the results.

21 THE SECRETARY: Ayes, 61.

22 ACTING PRESIDENT CRAIG JOHNSON:
23 The bill is passed.

24 THE SECRETARY: In relation to
25 Calendar Number 1078, Senator Savino moves to

1 discharge, from the Committee on Energy and
2 Telecommunications, Assembly Bill Number --

3 SENATOR RANZENHOFER: Lay it
4 aside.

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

7 ACTING PRESIDENT CRAIG JOHNSON:
8 Senator Ranzenhofer, I know you requested the
9 bill to be laid aside. We just want to finish
10 the substitution, for the record, and then
11 we'll lay the bill aside for the day.

12 The Secretary will continue to
13 read.

14 THE SECRETARY: In relation to
15 Calendar Number 1078, Senator Savino moves to
16 discharge, from the Committee on Energy and
17 Telecommunications, Assembly Bill Number 7593B
18 and substitute it for the identical Senate
19 Bill Number 4208B, Third Reading Calendar
20 1078.

21 ACTING PRESIDENT CRAIG JOHNSON:
22 Substitution ordered.

23 The bill is laid aside for the day.

24 THE SECRETARY: Calendar Number
25 1079, by Senator Valesky, Senate Print 4281A,

1 an act to amend the Not-for-Profit Corporation
2 Law.

3 ACTING PRESIDENT CRAIG JOHNSON:
4 Read the last section.

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

7 ACTING PRESIDENT CRAIG JOHNSON:
8 Call the roll.

9 (The Secretary called the roll.)

10 ACTING PRESIDENT CRAIG JOHNSON:
11 Call the roll.

12 (The Secretary called the roll.)

13 ACTING PRESIDENT CRAIG JOHNSON:
14 Announce the results.

15 THE SECRETARY: Those recorded in
16 the negative on Calendar Number 1079 are
17 Senators Farley, Golden, O. Johnson, Larkin,
18 Libous, Marcellino, Ranzenhofer, Saland,
19 Seward, Skelos, Volker and Young. Also
20 Senator Nozzolio.

21 Ayes, 48. Nays, 13.

22 ACTING PRESIDENT CRAIG JOHNSON:
23 The bill is passed.

24 THE SECRETARY: Calendar Number
25 1080, by Senator Stewart-Cousins, Senate Print

1 4601A, an act to amend the Local Finance Law.

2 ACTING PRESIDENT CRAIG JOHNSON:

3 Read the last section.

4 THE SECRETARY: Section 14. This
5 act shall take effect immediately.

6 ACTING PRESIDENT CRAIG JOHNSON:

7 Call the roll.

8 (The Secretary called the roll.)

9 ACTING PRESIDENT CRAIG JOHNSON:

10 Announce the results.

11 THE SECRETARY: Ayes, 61.

12 ACTING PRESIDENT CRAIG JOHNSON:

13 The bill is passed.

14 THE SECRETARY: Calendar Number
15 1081, by Senator Dilan, Senate Print 4625, an
16 act to amend the Family Court Act.

17 ACTING PRESIDENT CRAIG JOHNSON:

18 Read the last section.

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

21 ACTING PRESIDENT CRAIG JOHNSON:

22 Call the roll.

23 (The Secretary called the roll.)

24 ACTING PRESIDENT CRAIG JOHNSON:

25 Announce the results.

1 THE SECRETARY: Ayes, 61.
2 ACTING PRESIDENT CRAIG JOHNSON:
3 The bill is passed.
4 THE SECRETARY: Calendar Number
5 1082, by Senator Stachowski, Senate Print
6 4754, an act to amend the Labor Law.
7 ACTING PRESIDENT CRAIG JOHNSON:
8 Read the last section.
9 THE SECRETARY: Section 2. This
10 act shall take effect on the 60th day.
11 ACTING PRESIDENT CRAIG JOHNSON:
12 Call the roll.
13 (The Secretary called the roll.)
14 ACTING PRESIDENT CRAIG JOHNSON:
15 Announce the results.
16 THE SECRETARY: Ayes, 61.
17 ACTING PRESIDENT CRAIG JOHNSON:
18 The bill is passed.
19 THE SECRETARY: Calendar Number
20 1083, by Senator Huntley, Senate Print 5011B,
21 an act to amend the Education Law and the
22 Public Health Law.
23 ACTING PRESIDENT CRAIG JOHNSON:
24 Read the last section.
25 THE SECRETARY: Section 3. This

1 act shall take effect on the first of January.

2 ACTING PRESIDENT CRAIG JOHNSON:

3 Call the roll.

4 (The Secretary called the roll.)

5 ACTING PRESIDENT CRAIG JOHNSON:

6 Announce the results.

7 THE SECRETARY: Ayes, 61.

8 ACTING PRESIDENT CRAIG JOHNSON:

9 The bill is passed.

10 THE SECRETARY: Calendar Number
11 1084, by Senator C. Kruger, Senate Print
12 5389A, an act to amend the General Obligations
13 Law.

14 ACTING PRESIDENT CRAIG JOHNSON:

15 Read the last section.

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

18 ACTING PRESIDENT CRAIG JOHNSON:

19 Call the roll.

20 (The Secretary called the roll.)

21 ACTING PRESIDENT CRAIG JOHNSON:

22 Announce the results.

23 THE SECRETARY: Those recorded in
24 the negative on Calendar Number 1084 are
25 Senators Alesi, Bonacic, DeFrancisco, Farley,

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

7 Ayes, 32. Nays, 29.

8 ACTING PRESIDENT CRAIG JOHNSON:

9 The bill is passed.

10 THE SECRETARY: Calendar Number

11 1085, by Senator Huntley, Senate Print 5452B,
12 an act to amend the Education Law.

13 ACTING PRESIDENT CRAIG JOHNSON:

14 Read the last section.

15 THE SECRETARY: Section 2. This

16 act shall take effect on the 120th day.

17 ACTING PRESIDENT CRAIG JOHNSON:

18 Call the roll.

19 (The Secretary called the roll.)

20 ACTING PRESIDENT CRAIG JOHNSON:

21 Announce the results.

22 THE SECRETARY: Ayes, 61.

23 ACTING PRESIDENT CRAIG JOHNSON:

24 The bill is passed.

25 THE SECRETARY: Calendar Number

1 1086, by Senator Savino, Senate Print 5631A,
2 an act to amend the Administrative Code of the
3 City of New York.

4 ACTING PRESIDENT CRAIG JOHNSON:

5 There is a home-rule message at the desk.

6 Read the last section.

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

9 ACTING PRESIDENT CRAIG JOHNSON:

10 Call the roll.

11 (The Secretary called the roll.)

12 ACTING PRESIDENT CRAIG JOHNSON:

13 Announce the results.

14 THE SECRETARY: Ayes, 61.

15 ACTING PRESIDENT CRAIG JOHNSON:

16 The bill is passed.

17 THE SECRETARY: In relation to
18 Calendar Number 1087, Senator Stewart-Cousins
19 moves to discharge, from the Committee on
20 Finance, Assembly Bill Number 6766 and
21 substitute it for the identical Senate Bill
22 Number 5942, Third Reading Calendar 1087.

23 ACTING PRESIDENT CRAIG JOHNSON:

24 Substitution ordered.

25 THE SECRETARY: Calendar Number

1 1087, by Member of the Assembly Latimer,
2 Assembly Print Number 6766, an act to amend
3 the Economic Development Law and the Public
4 Service Law.

5 ACTING PRESIDENT CRAIG JOHNSON:
6 Read the last section.

7 THE SECRETARY: Section 4. This
8 act shall take effect on the first of April.

9 ACTING PRESIDENT CRAIG JOHNSON:
10 Call the roll.

11 (The Secretary called the roll.)

12 ACTING PRESIDENT CRAIG JOHNSON:
13 Announce the results.

14 THE SECRETARY: Ayes, 61.

15 ACTING PRESIDENT CRAIG JOHNSON:
16 The bill is passed.

17 THE SECRETARY: Calendar Number
18 1088, by Senator Savino, Senate Print 5953, an
19 act to amend the Real Property Tax Law.

20 ACTING PRESIDENT CRAIG JOHNSON:
21 Read the last section.

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

24 ACTING PRESIDENT CRAIG JOHNSON:
25 Call the roll.

1 (The Secretary called the roll.)

2 ACTING PRESIDENT CRAIG JOHNSON:

3 Announce the results.

4 THE SECRETARY: Ayes, 59. Nays,
5 2. Senators Bonacic and Larkin recorded in
6 the negative.

7 ACTING PRESIDENT CRAIG JOHNSON:

8 The bill is passed.

9 THE SECRETARY: In relation to
10 Calendar Number 1089, Senator Perkins moves to
11 discharge, from the Committee on Consumer
12 Protection, Assembly Bill Number 8839A and
13 substitute it for the identical Senate Bill
14 Number 6034, Third Reading Calendar 1089.

15 ACTING PRESIDENT CRAIG JOHNSON:

16 Substitution ordered.

17 The Secretary will read.

18 THE SECRETARY: Calendar Number
19 1089, by the Member of the Assembly Pheffer,
20 Assembly Print Number 8839A, an act to amend
21 the General Business Law.

22 ACTING PRESIDENT CRAIG JOHNSON:

23 Read the last section.

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

1 ACTING PRESIDENT CRAIG JOHNSON:

2 Call the roll.

3 (The Secretary called the roll.)

4 ACTING PRESIDENT CRAIG JOHNSON:

5 Announce the results.

6 THE SECRETARY: Ayes, 61.

7 ACTING PRESIDENT CRAIG JOHNSON:

8 The bill is passed.

9 THE SECRETARY: Calendar Number
10 1090, by Senator Lanza, Senate Print 6327A, an
11 act to grant Bruce Kerr a retroactive system
12 membership.

13 ACTING PRESIDENT CRAIG JOHNSON:

14 Read the last section.

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

17 ACTING PRESIDENT CRAIG JOHNSON:

18 Call the roll.

19 (The Secretary called the roll.)

20 ACTING PRESIDENT CRAIG JOHNSON:

21 Announce the results.

22 THE SECRETARY: Ayes, 61.

23 ACTING PRESIDENT CRAIG JOHNSON:

24 The bill is passed.

25 THE SECRETARY: In relation to

1 Calendar Number 1091, Senator Serrano --

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

4 ACTING PRESIDENT CRAIG JOHNSON:
5 The bill is laid aside for the day.

6 Senator Klein, we need to make the
7 substitution first. Then we'll lay the bill
8 aside for the day.

9 THE SECRETARY: In relation to
10 Calendar Number 1091, Senator Serrano moves to
11 discharge, from the Committee on Corporations,
12 Authorities and Commissions, Assembly Bill
13 Number 9465A and substitute it for the
14 identical Senate Bill Number 6688A, Third
15 Reading Calendar 1091.

16 ACTING PRESIDENT CRAIG JOHNSON:
17 Substitution ordered.

18 The bill is laid aside for the day.

19 THE SECRETARY: Calendar Number
20 1092, by Senator Foley, Senate Print 6696, an
21 act to amend the Tax Law.

22 ACTING PRESIDENT CRAIG JOHNSON:
23 Read the last section.

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

1 ACTING PRESIDENT CRAIG JOHNSON:

2 Call the roll.

3 (The Secretary called the roll.)

4 ACTING PRESIDENT CRAIG JOHNSON:

5 Announce the results.

6 THE SECRETARY: Ayes, 61.

7 ACTING PRESIDENT CRAIG JOHNSON:

8 The bill is passed.

9 THE SECRETARY: Calendar Number
10 1093, by Senator L. Krueger, Senate Print --

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

13 ACTING PRESIDENT CRAIG JOHNSON:

14 The bill is laid aside for the day.

15 THE SECRETARY: In relation to
16 Calendar Number 1094, Senator Savino moves to
17 discharge, from the Committee on Rules,
18 Assembly Bill Number 9914A and substitute it
19 for the identical Senate Bill Number 6879A,
20 Third Reading Calendar 1094.

21 ACTING PRESIDENT CRAIG JOHNSON:

22 Substitution ordered.

23 THE SECRETARY: Calendar Number
24 1094, by Member of the Assembly Markey,
25 Assembly Print Number 9914A, an act to amend

1 the General Municipal Law and the Retirement
2 and Social Security Law.

3 ACTING PRESIDENT CRAIG JOHNSON:
4 Read the last section.

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

7 ACTING PRESIDENT CRAIG JOHNSON:
8 Call the roll.

9 (The Secretary called the roll.)

10 ACTING PRESIDENT CRAIG JOHNSON:
11 Announce the results.

12 THE SECRETARY: Ayes, 61.

13 ACTING PRESIDENT CRAIG JOHNSON:
14 The bill is passed.

15 THE SECRETARY: Calendar Number
16 1095, by Senator Larkin, Senate Print 6984, an
17 act to authorize the Town of Montgomery in the
18 County of Orange.

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

21 Read the last section.

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

24 ACTING PRESIDENT CRAIG JOHNSON:
25 Call the roll.

1 (The Secretary called the roll.)

2 ACTING PRESIDENT CRAIG JOHNSON:

3 Announce the results.

4 THE SECRETARY: Ayes, 61.

5 ACTING PRESIDENT CRAIG JOHNSON:

6 The bill is passed.

7 THE SECRETARY: Calendar Number
8 1096, by Senator Huntley, Senate Print 7023,
9 an act to amend the Mental Hygiene Law.

10 ACTING PRESIDENT CRAIG JOHNSON:

11 Read the last section.

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

14 ACTING PRESIDENT CRAIG JOHNSON:

15 Call the roll.

16 (The Secretary called the roll.)

17 ACTING PRESIDENT CRAIG JOHNSON:

18 Senator DeFrancisco, to explain his vote.

19 SENATOR DeFRANCISCO: Yes, I'm
20 voting no.

21 At this time in our history, when
22 we're having enough trouble getting a budget
23 by dribs and drabs, it's not the right thing
24 to do to create an office within an office at
25 a cost of \$760,000, and for that reason I'm

1 voting no.

2 ACTING PRESIDENT CRAIG JOHNSON:

3 Senator DeFrancisco to be recorded in the
4 negative.

5 Announce the results.

6 THE SECRETARY: Those recorded in
7 the negative on Calendar Number 1096 are
8 Senators Bonacic, DeFrancisco, Farley,
9 Flanagan, Golden, Griffio, O. Johnson, Lanza,
10 LaValle, Leibell, Little, Marcellino,
11 McDonald, Nozzolio, Ranzenhofer, Saland,
12 Seward, Skelos, Volker, Winner and Young.
13 Also Senator Larkin.

14 Ayes, 39. Nays, 22.

15 ACTING PRESIDENT CRAIG JOHNSON:

16 The bill is passed.

17 THE SECRETARY: Calendar Number
18 1097, by Senator Addabbo, Senate Print 71 --

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

21 ACTING PRESIDENT CRAIG JOHNSON:

22 The bill is laid aside for the day.

23 THE SECRETARY: In relation to
24 Calendar Number 1099, Senator Squadron moves
25 to discharge, from the Committee on Rules,

1 Assembly Bill Number 10857A and substitute it
2 for the identical Senate Bill Number 7378A,
3 Third Reading Calendar 1099.

4 ACTING PRESIDENT CRAIG JOHNSON:
5 Substitution ordered.

6 THE SECRETARY: Calendar Number
7 1099, by Member of the Assembly Schimminger,
8 Assembly Print Number 10857A, an act to amend
9 the Alcoholic Beverage Control Law.

10 ACTING PRESIDENT CRAIG JOHNSON:
11 Read the last section.

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

14 ACTING PRESIDENT CRAIG JOHNSON:
15 Call the roll.

16 (The Secretary called the roll.)

17 SENATOR LIBOUS: Lay it aside,
18 please.

19 ACTING PRESIDENT CRAIG JOHNSON:
20 The bill is laid aside.

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

23 ACTING PRESIDENT CRAIG JOHNSON:
24 The bill is laid aside for the day.

25 THE SECRETARY: In relation to

1 Calendar Number 1100, Senator Peralta moves to
2 discharge, from the Committee on Rules,
3 Assembly Bill Number 10502 and substitute it
4 for the identical Senate Bill Number 7399,
5 Third Reading Calendar 1100.

6 ACTING PRESIDENT CRAIG JOHNSON:
7 Substitution ordered.

8 THE SECRETARY: Calendar Number
9 1100, by Member of the Assembly Jeffries,
10 Assembly Print Number 10502, an act to amend
11 the Banking Law.

12 ACTING PRESIDENT CRAIG JOHNSON:
13 Read the last section.

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

16 ACTING PRESIDENT CRAIG JOHNSON:
17 Call the roll.

18 (The Secretary called the roll.)

19 ACTING PRESIDENT CRAIG JOHNSON:
20 Senator Farley, to explain his vote.

21 SENATOR FARLEY: Just to explain
22 my vote.

23 I'm voting no. This bill is
24 seriously flawed. It applies only to banking
25 organizations which are state-chartered banks,

1 thrifts and credit unions and to licensed
2 lenders, even though licensed lenders don't
3 have the authority to make mortgage loans.
4 And it does not include mortgage bankers or
5 mortgage brokers.

6 The Banking Department is very much
7 opposed to it, and I think it's veto bait. So
8 I vote no.

9 ACTING PRESIDENT CRAIG JOHNSON:
10 Senator Farley to be recorded in the negative.

11 Announce the results.

12 THE SECRETARY: Those recorded in
13 the negative on Calendar Number 1100 are
14 Senators Bonacic, DeFrancisco, Farley,
15 Flanagan, Griffo, O. Johnson, Lanza, Larkin,
16 Libous, Little, Nozzolio, Seward and Young.

17 Ayes, 48. Nays, 13.

18 ACTING PRESIDENT CRAIG JOHNSON:
19 The bill is passed.

20 THE SECRETARY: Calendar Number
21 1101, by Senator Peralta, Senate Print 7441C,
22 an act to amend the Public Health Law.

23 ACTING PRESIDENT CRAIG JOHNSON:
24 Read the last section.

25 THE SECRETARY: Section 2. This

1 act shall take effect on the first of May.

2 ACTING PRESIDENT CRAIG JOHNSON:

3 Call the roll.

4 (The Secretary called the roll.)

5 ACTING PRESIDENT CRAIG JOHNSON:

6 Senator DeFrancisco, to explain his vote.

7 SENATOR DeFRANCISCO: In our
8 first budget extender that had part of the
9 budget in it, the hospitals took a bath as far
10 as budget cuts.

11 I can't understand for the life of
12 me why anyone would now require additional
13 expenses for hospitals to provide an
14 informational leaflet containing information
15 how parents can subscribe to a consumer
16 safety -- consumer commission's email
17 subscription. Are you kidding me? Are we
18 trying to poke hospitals in the eye and
19 require further costs, or do we want to get
20 some medical care from hospitals?

21 And if people want to get on some
22 government list or email list, well, let them
23 look for it or let them try to figure out
24 something for themselves.

25 So I'm going to vote no on this.

1 ACTING PRESIDENT CRAIG JOHNSON:

2 Senator DeFrancisco to be recorded in the
3 negative.

4 Announce the results.

5 THE SECRETARY: Those recorded in
6 the negative on Calendar Number 1101 are
7 Senators Bonacic, DeFrancisco, Farley,
8 Flanagan, Golden, Griffio, Hannon, O. Johnson,
9 Lanza, Larkin, LaValle, Leibell, Libous,
10 Little, Marcellino, Maziarz, Nozzolio, Robach,
11 Saland, Seward, Skelos, and Winner. Also
12 Senator Fuschillo. Also Senator Young.

13 Ayes, 37. Nays, 24.

14 ACTING PRESIDENT CRAIG JOHNSON:
15 The bill is passed.

16 THE SECRETARY: Calendar Number
17 1102, by Senator Valesky, Senate Print 7544,
18 an act to amend the Retirement and Social
19 Security Law.

20 ACTING PRESIDENT CRAIG JOHNSON:
21 Read the last section.

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

24 ACTING PRESIDENT CRAIG JOHNSON:
25 Call the roll.

1 (The Secretary called the roll.)

2 ACTING PRESIDENT CRAIG JOHNSON:

3 Announce the results.

4 THE SECRETARY: Ayes, 61.

5 ACTING PRESIDENT CRAIG JOHNSON:

6 The bill is passed.

7 THE SECRETARY: Calendar Number

8 1103, by Senator Parker --

9 SENATOR KLEIN: Lay the bill

10 aside for the day, please.

11 ACTING PRESIDENT CRAIG JOHNSON:

12 The bill is laid aside for the day.

13 THE SECRETARY: Calendar Number

14 1104, by Senator Addabbo, Senate Print 7591,

15 an act to amend the Public Authorities Law.

16 ACTING PRESIDENT CRAIG JOHNSON:

17 Read the last section.

18 THE SECRETARY: Section 2. This

19 act shall take effect on the 90th day.

20 ACTING PRESIDENT CRAIG JOHNSON:

21 Call the roll.

22 (The Secretary called the roll.)

23 ACTING PRESIDENT CRAIG JOHNSON:

24 Announce the results.

25 SENATOR KLEIN: Lay the bill

1 aside for the day, please.

2 ACTING PRESIDENT CRAIG JOHNSON:

3 The bill is laid aside for the day.

4 THE SECRETARY: Calendar Number
5 1106, by Senator Stachowski, Senate Print
6 7675A, an act to amend the Tax Law.

7 ACTING PRESIDENT CRAIG JOHNSON:

8 Read the last section.

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

11 ACTING PRESIDENT CRAIG JOHNSON:

12 Call the roll.

13 (The Secretary called the roll.)

14 THE SECRETARY: Ayes, 61.

15 ACTING PRESIDENT CRAIG JOHNSON:

16 The bill is passed.

17 THE SECRETARY: Calendar Number
18 1107, by Senator Serrano, Senate Print 7715A,
19 an act to amend the Public Authorities Law.

20 ACTING PRESIDENT CRAIG JOHNSON:

21 Read the last section.

22 THE SECRETARY: Section 9. This
23 act shall take effect immediately.

24 ACTING PRESIDENT CRAIG JOHNSON:

25 Call the roll.

1 (The Secretary called the roll.)

2 ACTING PRESIDENT CRAIG JOHNSON:

3 Announce the results.

4 THE SECRETARY: Ayes, 61.

5 ACTING PRESIDENT CRAIG JOHNSON:

6 The bill is passed.

7 THE SECRETARY: Calendar Number
8 1108, by Senator L. Krueger, Senate Print
9 7729A, an act to amend Chapter 174 of the Laws
10 of 1968.

11 ACTING PRESIDENT CRAIG JOHNSON:

12 Read the last section.

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

15 ACTING PRESIDENT CRAIG JOHNSON:

16 Call the roll.

17 (The Secretary called the roll.)

18 ACTING PRESIDENT CRAIG JOHNSON:

19 Announce the results.

20 THE SECRETARY: Ayes, 61.

21 ACTING PRESIDENT CRAIG JOHNSON:

22 The bill is passed.

23 THE SECRETARY: Calendar Number
24 1109, by Senator Peralta, Senate Print 7737A,
25 an act to amend the Alcoholic Beverage Control

1 Law.

2 ACTING PRESIDENT CRAIG JOHNSON:

3 Read the last section.

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

6 ACTING PRESIDENT CRAIG JOHNSON:

7 Call the roll.

8 (The Secretary called the roll.)

9 ACTING PRESIDENT CRAIG JOHNSON:

10 Announce the results.

11 THE SECRETARY: Ayes, 61.

12 ACTING PRESIDENT CRAIG JOHNSON:

13 The bill is passed.

14 THE SECRETARY: In relation to
15 Calendar Number 1110, Senator Oppenheimer
16 moves to discharge, from the Committee on
17 Rules, Assembly Bill Number 10982 and
18 substitute it for the identical Senate Bill
19 Number 7757, Third Reading Calendar 1110.

20 ACTING PRESIDENT CRAIG JOHNSON:

21 Substitution ordered.

22 THE SECRETARY: Calendar Number
23 1110, by Member of the Assembly Latimer,
24 Assembly Print Number 10982, an act to repeal
25 Title 20 of Article 7 of the Public

1 Authorities Law.

2 ACTING PRESIDENT CRAIG JOHNSON:

3 There is a home-rule message at the desk.

4 Read the last section.

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

7 ACTING PRESIDENT CRAIG JOHNSON:

8 Call the roll.

9 (The Secretary called the roll.)

10 ACTING PRESIDENT CRAIG JOHNSON:

11 Announce the results.

12 THE SECRETARY: Ayes, 61.

13 ACTING PRESIDENT CRAIG JOHNSON:

14 The bill is passed.

15 THE SECRETARY: Calendar Number
16 1111, by Senator Squadron, Senate Print 7805,
17 an act to amend the New York State Printing
18 and Public Documents Law.

19 ACTING PRESIDENT CRAIG JOHNSON:

20 Read the last section.

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

23 ACTING PRESIDENT CRAIG JOHNSON:

24 Call the roll.

25 (The Secretary called the roll.)

1 ACTING PRESIDENT CRAIG JOHNSON:

2 Announce the results.

3 THE SECRETARY: Ayes, 61.

4 ACTING PRESIDENT CRAIG JOHNSON:

5 The bill is passed.

6 THE SECRETARY: Calendar Number

7 1112, by Senator Stachowski, Senate Print

8 7865, an act to amend the Executive Law.

9 ACTING PRESIDENT CRAIG JOHNSON:

10 Read the last section.

11 THE SECRETARY: Section 2. This

12 act shall take effect immediately.

13 ACTING PRESIDENT CRAIG JOHNSON:

14 Call the roll.

15 (The Secretary called the roll.)

16 ACTING PRESIDENT CRAIG JOHNSON:

17 Announce the results.

18 THE SECRETARY: Ayes, 61.

19 ACTING PRESIDENT CRAIG JOHNSON:

20 The bill is passed.

21 THE SECRETARY: In relation to

22 Calendar Number 1113, Senator Squadron moves

23 to discharge, from the Committee on Health,

24 Assembly Bill Number 1135 and substitute it

25 for the identical Senate Bill Number 7976,

1 Third Reading Calendar 1113.

2 ACTING PRESIDENT CRAIG JOHNSON:

3 Substitution ordered.

4 THE SECRETARY: Calendar Number
5 1113, by Member of the Assembly Dinowitz,
6 Assembly Print Number 1135, an act to amend
7 the Public Health Law.

8 ACTING PRESIDENT CRAIG JOHNSON:

9 Read the last section.

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

12 ACTING PRESIDENT CRAIG JOHNSON:

13 Call the roll.

14 (The Secretary called the roll.)

15 ACTING PRESIDENT CRAIG JOHNSON:

16 Announce the results.

17 THE SECRETARY: Ayes, 61.

18 ACTING PRESIDENT CRAIG JOHNSON:

19 The bill is passed.

20 THE SECRETARY: Calendar Number
21 1114, by Senator Stachowski, Senate Print
22 8028, an act to amend the Economic Development
23 Law.

24 ACTING PRESIDENT CRAIG JOHNSON:

25 Read the last section.

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

3 ACTING PRESIDENT CRAIG JOHNSON:
4 Call the roll.

5 (The Secretary called the roll.)

6 ACTING PRESIDENT CRAIG JOHNSON:
7 Announce the results.

8 THE SECRETARY: Ayes, 61.

9 ACTING PRESIDENT CRAIG JOHNSON:
10 The bill is passed.

11 THE SECRETARY: In relation to
12 Calendar Number 1115, Senator Squadron --

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

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

17 Oh, Senator Klein, there's a
18 substitution. We're going to do the
19 substitution first.

20 THE SECRETARY: Senator Squadron
21 moves to discharge, from the Committee on
22 Banks, Assembly Bill Number 10918 and
23 substitute it for the identical Senate Bill
24 Number 8066, Third Reading Calendar 1115.

25 ACTING PRESIDENT CRAIG JOHNSON:

1 Substitution ordered.

2 The bill is laid aside for the day.

3 THE SECRETARY: Calendar Number
4 1116, by Senator Squadron, Senate Print 8070,
5 an act to amend the Energy Law.

6 ACTING PRESIDENT CRAIG JOHNSON:
7 Read the last section.

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

10 ACTING PRESIDENT CRAIG JOHNSON:
11 Call the roll.

12 (The Secretary called the roll.)

13 ACTING PRESIDENT CRAIG JOHNSON:
14 Announce the results.

15 THE SECRETARY: Those recorded in
16 the negative on Calendar Number 1116 are
17 Senators DeFrancisco, Griffo, O. Johnson,
18 Little and Ranzenhofer.

19 Ayes, 56. Nays, 5.

20 ACTING PRESIDENT CRAIG JOHNSON:
21 The bill is passed.

22 THE SECRETARY: Calendar Number
23 1117, by Senator Stachowski --

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

1 ACTING PRESIDENT CRAIG JOHNSON:

2 The bill is laid aside for the day.

3 THE SECRETARY: Calendar Number
4 1118, by Senator Oppenheimer, Senate Print
5 8114, an act authorizing the assessor of the
6 County of Westchester.

7 ACTING PRESIDENT CRAIG JOHNSON:

8 Read the last section.

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

11 ACTING PRESIDENT CRAIG JOHNSON:

12 Call the roll.

13 (The Secretary called the roll.)

14 ACTING PRESIDENT CRAIG JOHNSON:

15 Announce the results.

16 THE SECRETARY: Ayes, 59. Nays,
17 2. Senators Bonacic and Larkin recorded in
18 the negative.

19 ACTING PRESIDENT CRAIG JOHNSON:

20 The bill is passed.

21 THE SECRETARY: In relation to
22 Calendar Number 1119, Senator Thompson moves
23 to discharge, from the Committee on Rules,
24 Assembly Bill Number 11301 and substitute it
25 for the identical Senate Bill Number 8128,

1 Third Reading Calendar 1119.

2 ACTING PRESIDENT CRAIG JOHNSON:

3 Substitution ordered.

4 THE SECRETARY: Calendar Number
5 1119, by Member of the Assembly Sweeney,
6 Assembly Print Number 11301, an act to amend
7 the Environmental Conservation Law.

8 ACTING PRESIDENT CRAIG JOHNSON:

9 Read the last section.

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

12 ACTING PRESIDENT CRAIG JOHNSON:

13 Call the roll.

14 (The Secretary called the roll.)

15 ACTING PRESIDENT CRAIG JOHNSON:

16 Announce the results.

17 THE SECRETARY: Ayes, 61.

18 ACTING PRESIDENT CRAIG JOHNSON:

19 The bill is passed.

20 THE SECRETARY: Calendar Number
21 1120, by Senator Klein, Senate Print 8171, an
22 act to amend the Public Health Law.

23 ACTING PRESIDENT CRAIG JOHNSON:

24 Read the last section.

25 THE SECRETARY: Section 2. This

1 act shall take effect one year after it shall
2 have become a law.

3 ACTING PRESIDENT CRAIG JOHNSON:
4 Call the roll.

5 (The Secretary called the roll.)

6 ACTING PRESIDENT CRAIG JOHNSON:
7 Announce the results.

8 SENATOR LIBOUS: Lay the bill
9 aside.

10 ACTING PRESIDENT CRAIG JOHNSON:
11 The bill is laid aside.

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

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

16 THE SECRETARY: Calendar Number
17 1121, by Senator L. Krueger, Senate Print
18 8173, an act to amend the Real Property Tax
19 Law.

20 ACTING PRESIDENT CRAIG JOHNSON:
21 Read the last section.

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

24 ACTING PRESIDENT CRAIG JOHNSON:
25 Call the roll.

1 (The Secretary called the roll.)

2 ACTING PRESIDENT CRAIG JOHNSON:

3 Announce the results.

4 THE SECRETARY: Ayes, 61.

5 ACTING PRESIDENT CRAIG JOHNSON:

6 The bill is passed.

7 THE SECRETARY: Calendar Number
8 1122, by Senator Smith, Senate Print 8268, an
9 act to amend the Transportation Law.

10 ACTING PRESIDENT CRAIG JOHNSON:

11 Read the last section.

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

14 ACTING PRESIDENT CRAIG JOHNSON:

15 Call the roll.

16 (The Secretary called the roll.)

17 ACTING PRESIDENT CRAIG JOHNSON:

18 Senator Smith, to explain his vote.

19 SENATOR SMITH: Yes, thank you
20 very much, Mr. President.

21 About three months ago,
22 Mr. President, Secretary LaHood of the
23 Department of Transportation said that
24 New York had to get their act together if we
25 wanted to participate with high-speed rail.

1 Well, today I want to thank the
2 Governor, Chairman Mullen, Commissioner Gee,
3 the staff of the Senate. This bill that we're
4 voting on today will put New York in play to
5 perhaps pursue billions of dollars in
6 transportation money for high-speed rail,
7 which is one of the most transformational
8 initiatives taking place in this country. It
9 has been almost 142 years since President
10 Lincoln signed the Rail Act when this country
11 was at its precipice of challenges that it
12 moved such an initiative.

13 Today, colleagues, we are putting
14 together a board that will put us in place to
15 raise billions of dollars, create thousands of
16 jobs, and bring New York into the
17 transportation 21st century. I vote aye.

18 ACTING PRESIDENT CRAIG JOHNSON:
19 Senator Smith to be recorded in the
20 affirmative.

21 Announce the results.

22 THE SECRETARY: Ayes, 61. Nays,
23 0.

24 ACTING PRESIDENT CRAIG JOHNSON:
25 The bill is passed.

1 THE SECRETARY: Calendar Number
2 1123, by Senator Montgomery, Senate Print
3 8279, an act to amend the Executive Law.

4 ACTING PRESIDENT CRAIG JOHNSON:
5 Read the last section.

6 THE SECRETARY: Section 8. This
7 act shall take effect on the 30th day.

8 ACTING PRESIDENT CRAIG JOHNSON:
9 Call the roll.

10 (The Secretary called the roll.)

11 ACTING PRESIDENT CRAIG JOHNSON:
12 Announce the results.

13 THE SECRETARY: Ayes, 61.

14 ACTING PRESIDENT CRAIG JOHNSON:
15 The bill is passed.

16 THE SECRETARY: Calendar Number
17 1124, by Senator Stachowski, Senate Print
18 8016, an act to amend the Public Authorities
19 Law.

20 ACTING PRESIDENT CRAIG JOHNSON:
21 Read the last section.

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

24 ACTING PRESIDENT CRAIG JOHNSON:
25 Call the roll.

1 (The Secretary called the roll.)

2 ACTING PRESIDENT CRAIG JOHNSON:

3 Announce the results.

4 THE SECRETARY: Ayes, 61.

5 ACTING PRESIDENT CRAIG JOHNSON:

6 The bill is passed.

7 Senator Klein, that completes the
8 reading of the noncontroversial supplemental
9 calendar.

10 SENATOR KLEIN: Mr. President,
11 can we briefly return to motions and
12 resolutions.

13 ACTING PRESIDENT CRAIG JOHNSON:

14 Returning to motions and resolutions.

15 Senator Klein.

16 SENATOR KLEIN: On behalf of
17 Senator Squadron, I wish to call up Senate
18 Print Number 7855, recalled from the Assembly,
19 which is now at the desk.

20 ACTING PRESIDENT CRAIG JOHNSON:

21 The Secretary will read the title.

22 THE SECRETARY: Calendar Number
23 986, by Senator Squadron, Senate Print 7855,
24 an act to amend the Business Corporation Law.

25 ACTING PRESIDENT CRAIG JOHNSON:

1 Senator Klein.

2 SENATOR KLEIN: Mr. President, I
3 now move to reconsider the vote by which this
4 bill was passed.

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

8 (The Secretary called the roll.)

9 THE SECRETARY: Ayes, 61.

10 ACTING PRESIDENT CRAIG JOHNSON:
11 Senator Klein.

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

14 ACTING PRESIDENT CRAIG JOHNSON:
15 Amendments received.

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

18 ACTING PRESIDENT CRAIG JOHNSON:
19 Senator Klein, the desk is clear.

20 SENATOR KLEIN: There being no
21 further business, Mr. President, I move we
22 adjourn until Wednesday, June 23rd, at
23 12:00 p.m.

24 ACTING PRESIDENT CRAIG JOHNSON:
25 There being no further business to come before

1 the Senate, on motion, the Senate stands
2 adjourned until Wednesday, June 23rd, at
3 12:00 p.m.

4 (Whereupon, at 11:10 p.m., the
5 Senate adjourned.)

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