NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

June 22, 2010

1:32 p.m.

REGULAR SESSION

SENATOR DAVID J. VALESKY, Acting President

ANGELO J. APONTE, Secretary

P R O C E E D I N G S

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

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

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

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

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

ACTING PRESIDENT VALESKY: The reading of the Journal.

The Secretary will read.

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

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

Presentation of petitions.

Messages from the Assembly.

Messages from the Governor.

Reports of standing committees.

Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

Senator Klein.

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

ACTING PRESIDENT VALESKY: So ordered.

Senator Klein.

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

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

indicate by saying aye.

(Response of "Aye.")

ACTING PRESIDENT VALESKY: Opposed, nay.

(No response.)

ACTING PRESIDENT VALESKY: The Resolution Calendar is adopted.

Senator Klein.

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

ACTING PRESIDENT VALESKY: The Secretary will read.

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

ACTING PRESIDENT VALESKY: Senator Foley, on the resolution.

SENATOR FOLEY: Thank you,

Mr. President.

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

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

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

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

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

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

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

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

ACTING PRESIDENT VALESKY: At

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

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

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

(Response of "Aye.")

ACTING PRESIDENT VALESKY: Opposed, nay.

(No response.)

ACTING PRESIDENT VALESKY: The resolution is adopted.

Senator Klein.

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

SENATOR LARKIN: Thank you, Mr. President.

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

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

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

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

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

Thank you, Mr. President.

ACTING PRESIDENT VALESKY: Thank

you, Senator Larkin.

Senator Klein.

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

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

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

ACTING PRESIDENT VALESKY: Read the last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT VALESKY: The bill is passed.

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

ACTING PRESIDENT VALESKY: Read

the last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT VALESKY: The bill is passed.

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

ACTING PRESIDENT VALESKY: Read the last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT VALESKY: The bill is passed.

THE SECRETARY: Calendar Number 217, by --

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

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

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

ACTING PRESIDENT VALESKY: Read the last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT VALESKY: The bill is passed.

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

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

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

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

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

ACTING PRESIDENT VALESKY: Read the last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

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

Ayes, 55. Nays, 1.

ACTING PRESIDENT VALESKY: The bill is passed.

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

ACTING PRESIDENT VALESKY: Read the last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

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

SENATOR DeFRANCISCO: I'm voting no.

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

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

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

Announce the results.

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

negative: Senators DeFrancisco, Little and Ranzenhofer.

Ayes, 54. Nays, 3.

ACTING PRESIDENT VALESKY: The bill is passed.

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

ACTING PRESIDENT VALESKY: Read the last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT VALESKY: Announce the results.

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

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

negative.

Ayes, 45. Nays, 12.

ACTING PRESIDENT VALESKY: The bill is passed.

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

ACTING PRESIDENT VALESKY: Read the last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

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

Ayes, 42. Nays, 15.

ACTING PRESIDENT VALESKY: The bill is passed.

THE SECRETARY: Calendar Number

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

ACTING PRESIDENT VALESKY: Read the last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT VALESKY: The bill is passed.

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

ACTING PRESIDENT VALESKY: Read the last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT VALESKY: The bill is passed.

THE SECRETARY: Calendar Number 448, by --

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

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

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

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

Read the last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT VALESKY: The bill is passed.

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

an act to amend the Public Authorities Law.

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

Read the last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT VALESKY: The bill is passed.

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

ACTING PRESIDENT VALESKY: Read the last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT VALESKY: Announce the results.

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

Ayes, 57. Nays, 1.

ACTING PRESIDENT VALESKY: The bill is passed.

THE SECRETARY: Calendar Number 498, by Senator --

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

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

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

ACTING PRESIDENT VALESKY: Read the last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT VALESKY: The bill is passed.

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

ACTING PRESIDENT VALESKY: Read the last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT VALESKY: Senator Libous.

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

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

The only other thing that I would

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

I will vote aye on this.

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

Senator Squadron, to explain his vote.

SENATOR SQUADRON: Thank you, Mr. President.

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

Senator McDonald, Senator

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

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

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

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

Senator Duane, to explain his vote.

SENATOR DUANE: Thank you, Mr. President.

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

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

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

Thank you, Mr. President.

ACTING PRESIDENT VALESKY: Senator Duane to abstain from voting on Calendar Number 532.

Senator Saland, to explain his vote.

SENATOR SALAND: Thank you, Mr. President.

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

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

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

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

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

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

Announce the results.

THE SECRETARY: In relation to Calendar Number 532, those Senators to be

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

Ayes, 45. Nays, 12.

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

ACTING PRESIDENT VALESKY: The bill is passed.

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

ACTING PRESIDENT VALESKY: Read the last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT VALESKY: The bill is passed.

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

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

ACTING PRESIDENT VALESKY: Read the last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT VALESKY: The bill is passed.

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

ACTING PRESIDENT VALESKY: Read the last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

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

negative: Senators Griffo, Ranzenhofer, and Maziarz.

Ayes, 55. Nays, 3.

ACTING PRESIDENT VALESKY: The bill is passed.

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

ACTING PRESIDENT VALESKY: Read the last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT VALESKY: The bill is passed.

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

ACTING PRESIDENT VALESKY: Senator Flanagan.

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

recorded in the negative on Calendar 593.

ACTING PRESIDENT VALESKY: Senator Flanagan, with unanimous consent, you shall be recorded in the negative on Calendar Number 593.

SENATOR FLANAGAN: Thank you.

ACTING PRESIDENT VALESKY: The Secretary will continue to read.

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

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

Read the last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT VALESKY: The bill is passed.

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

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

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

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

SENATOR LIBOUS: Lay it aside.

ACTING PRESIDENT VALESKY: The bill is laid aside.

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

SENATOR LIBOUS: Lay it aside.

ACTING PRESIDENT VALESKY: The bill is laid aside.

Senator Klein.

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

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

The Secretary will take up Calendar Number 610, noncontroversial.

SENATOR LIBOUS: Lay it aside.

ACTING PRESIDENT VALESKY: The bill is laid aside.

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

ACTING PRESIDENT VALESKY: Read the last section.

SENATOR YOUNG: Lay it aside, please.

ACTING PRESIDENT VALESKY: The bill is laid aside.

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

ACTING PRESIDENT VALESKY: Read the last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT VALESKY: The

bill is passed.

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

ACTING PRESIDENT VALESKY: Read the last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT VALESKY: Announce the results.

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

Ayes, 48. Nays, 10.

ACTING PRESIDENT VALESKY: The bill is passed.

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

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

ACTING PRESIDENT VALESKY: Read the last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT VALESKY: The bill is passed.

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

SENATOR LIBOUS: Lay it aside.

ACTING PRESIDENT VALESKY: The bill is laid aside.

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

SENATOR VOLKER: Lay it aside.

ACTING PRESIDENT VALESKY: The bill is laid aside.

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

SENATOR VOLKER: Lay it aside.

ACTING PRESIDENT VALESKY: The bill is laid aside.

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

ACTING PRESIDENT VALESKY: Read the last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT VALESKY: The bill is passed.

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

SENATOR LaVALLE: Lay it aside, please.

ACTING PRESIDENT VALESKY: The bill is laid aside.

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

SENATOR VOLKER: Lay it aside.

ACTING PRESIDENT VALESKY: The bill is laid aside.

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

ACTING PRESIDENT VALESKY: Read the last section.

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

(The Secretary called the roll.)

ACTING PRESIDENT VALESKY: Call the roll.

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT VALESKY: The bill is passed.

Senator Klein.

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

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

The Secretary will continue to read.

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

ACTING PRESIDENT VALESKY: Read the last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT VALESKY: The bill is passed.

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

ACTING PRESIDENT VALESKY: Read the last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT VALESKY:

Senator Seward, to explain his vote.

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

ACTING PRESIDENT VALESKY:

Calendar 750, yes.

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

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

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

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

not a perfect bill. But I do vote aye.

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

Senator Craig Johnson, to explain his vote.

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

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

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

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

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

Thank you, Mr. President.

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

Senator Hassell-Thompson, to explain her vote.

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

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

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

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

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

Thank you.

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

Announce the results.

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT VALESKY: The bill is passed.

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

ACTING PRESIDENT VALESKY: Read the last section.

THE SECRETARY: Section 3. This

act shall take effect immediately.

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT VALESKY: The bill is passed.

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

ACTING PRESIDENT VALESKY: Read the last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

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

SENATOR SEWARD: Thank you, Mr. President.

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

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

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

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

Announce the results.

THE SECRETARY: Ayes, 59. Nays, 1.

ACTING PRESIDENT VALESKY: The bill is passed.

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

ACTING PRESIDENT VALESKY: Read the last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT VALESKY: The bill is passed.

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

SENATOR LaVALLE: Lay it aside.

ACTING PRESIDENT VALESKY: The bill is laid aside.

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

ACTING PRESIDENT VALESKY: Read the last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT VALESKY: The bill is passed.

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

ACTING PRESIDENT VALESKY: Read the last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

SENATOR LANZA: Lay it aside.

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

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

ACTING PRESIDENT VALESKY: Read the last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT VALESKY: The bill is passed.

THE SECRETARY: Calendar Number

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

ACTING PRESIDENT VALESKY: Read the last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT VALESKY: The bill is passed.

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

ACTING PRESIDENT VALESKY: Read the last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT VALESKY: The

bill is passed.

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

ACTING PRESIDENT VALESKY: Read the last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT VALESKY: The bill is passed.

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

ACTING PRESIDENT VALESKY: Read the last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT VALESKY: The bill is passed.

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

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

Read the last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT VALESKY: The bill is passed.

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

ACTING PRESIDENT VALESKY: Read the last section.

THE SECRETARY: Section 2. This

act shall take effect immediately.

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT VALESKY: Announce the results.

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

Ayes, 58. Nays, 2.

ACTING PRESIDENT VALESKY: The bill is passed.

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

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

Read the last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT VALESKY: Announce the results.

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

Ayes, 59. Nays, 1.

ACTING PRESIDENT VALESKY: The bill is passed.

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

ACTING PRESIDENT VALESKY: Read the last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT VALESKY: The bill is passed.

THE SECRETARY: Calendar Number 925, by --

SENATOR KLEIN: Lay the bill

aside for the day, please.

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

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

ACTING PRESIDENT VALESKY: Read the last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT VALESKY: Announce the results.

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

Ayes, 53. Nays, 7.

ACTING PRESIDENT VALESKY: The bill is passed.

THE SECRETARY: Calendar Number

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

ACTING PRESIDENT VALESKY: Read the last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT VALESKY: The bill is passed.

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

ACTING PRESIDENT VALESKY: Read the last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT VALESKY: The bill is passed.

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

ACTING PRESIDENT VALESKY: Read the last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT VALESKY: Announce the results.

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

Ayes, 59. Nays, 1.

ACTING PRESIDENT VALESKY: The bill is passed.

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

ACTING PRESIDENT VALESKY: Read

the last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT VALESKY: The bill is passed.

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

ACTING PRESIDENT VALESKY: Read the last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT VALESKY: The bill is passed.

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

Law.

ACTING PRESIDENT VALESKY: Read the last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT VALESKY: The bill is passed.

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

ACTING PRESIDENT VALESKY: Read the last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT VALESKY: The bill is passed.

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

ACTING PRESIDENT VALESKY: Read the last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT VALESKY: Announce the results.

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

Ayes, 54. Nays, 6.

ACTING PRESIDENT VALESKY: The bill is passed.

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

SENATOR LaVALLE: Lay it aside.

ACTING PRESIDENT VALESKY: The bill is laid aside.

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

ACTING PRESIDENT VALESKY: Read the last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT VALESKY: The bill is passed.

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

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

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

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

Senator Klein.

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

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

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

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

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

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

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

Senator Johnson.

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

ACTING PRESIDENT VALESKY: Returning to motions and resolutions, Senator

Johnson.

SENATOR CRAIG JOHNSON: Thank you.

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

ACTING PRESIDENT VALESKY: So ordered.

Senator Johnson.

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

ACTING PRESIDENT VALESKY: So ordered.

Senator Johnson.

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

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

ACTING PRESIDENT VALESKY: So ordered.

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

ACTING PRESIDENT VALESKY: So ordered.

Senator Flanagan.

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

ACTING PRESIDENT VALESKY: So ordered.

Senator Craig Johnson.

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

ACTING PRESIDENT VALESKY: The

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

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

The Secretary will read.

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

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

SENATOR FLANAGAN: Explanation.

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

SENATOR BRESLIN: Thank you, Mr. President.

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

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

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

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

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

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

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

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

ACTING PRESIDENT VALESKY: Senator Bonacic.

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

ACTING PRESIDENT VALESKY: Senat

or Breslin, do you yield?

SENATOR BRESLIN: Yes, certainly.

ACTING PRESIDENT VALESKY: The sponsor yields.

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

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

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

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

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

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

SENATOR BRESLIN: Certainly, Senator Bonacic.

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

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

SENATOR BONACIC: Thank you, senator Breslin.

SENATOR BRESLIN: Thank you, Senator Bonacic.

ACTING PRESIDENT VALESKY: Thank you, Senator Bonacic.

Are there any other Senators who wish to be heard?

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

Senator Volker, why do you rise?

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

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

SENATOR VOLKER: Thank you.

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

Read the last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT VALESKY: Announce the results.

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

Ayes, 32. Nays, 29.

ACTING PRESIDENT VALESKY: The bill is passed.

The Secretary will continue to read.

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

ACTING PRESIDENT VALESKY: Senator Young.

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

ACTING PRESIDENT VALESKY: Senator Young, on the bill.

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

ACTING PRESIDENT VALESKY: Yes.

Can we please keep the noise down, please.

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

You see, Renee wanted to help

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

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

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

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

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

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

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

It's ironic that this legislation

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

There's a lot that we can be doing,

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

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

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

ACTING PRESIDENT VALESKY: Thank you, Senator Young.

Senator Montgomery.

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

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

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

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

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

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

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

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

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

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

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

that's where most of the children come from.

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

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

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

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

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

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

ACTING PRESIDENT VALESKY: Thank you, Senator Montgomery.

Senator Maziarz.

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

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

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

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

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

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

murderers, came from.

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

Thank you, Mr. President.

ACTING PRESIDENT VALESKY: Thank you, Senator Maziarz.

Senator Liz Krueger, on the bill.

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

Senator Krueger.

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

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

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

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

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

Again, this is not a story of

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

ACTING PRESIDENT VALESKY: Senator Young, why do you rise?

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

ACTING PRESIDENT VALESKY: Senator Krueger, do you yield to a question?

SENATOR LIZ KRUEGER: Certainly, Senator Young.

ACTING PRESIDENT VALESKY: Senator Krueger yields.

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

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

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

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

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

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

SENATOR YOUNG: Will Senator Krueger yield to another question?

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

SENATOR LIZ KRUEGER: Yes, I do.

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

SENATOR LIZ KRUEGER: Nonviolent.

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

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

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

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

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

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

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

ACTING PRESIDENT VALESKY: Senator Young.

SENATOR YOUNG: Will Senator Krueger yield to another question?

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

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

ACTING PRESIDENT VALESKY: The Senator continues.

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

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

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

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

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

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

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

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

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

But thank you, Senator Krueger.

SENATOR LIZ KRUEGER: Thank you.

ACTING PRESIDENT VALESKY: Senator Perkins, on the legislation.

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

ACTING PRESIDENT VALESKY:

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

SENATOR MONTGOMERY: Yes.

ACTING PRESIDENT VALESKY: The sponsor yields.

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

SENATOR MONTGOMERY: No, it does not.

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

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

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

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

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

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

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

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

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

ACTING PRESIDENT VALESKY: Senator Perkins.

SENATOR PERKINS: Thank you.

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

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

SENATOR MONTGOMERY: Yes, I continue.

ACTING PRESIDENT VALESKY: The sponsor yields.

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

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

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

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

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

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

SENATOR MONTGOMERY: I do.

ACTING PRESIDENT VALESKY: The sponsor continues.

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

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

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

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

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

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

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

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

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

SENATOR PERKINS: On the bill.

ACTING PRESIDENT VALESKY:

Senator Perkins, on the bill.

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

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

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

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

our state and throughout the country.

Thank you.

ACTING PRESIDENT VALESKY: Thank you, Senator Perkins.

Are there any other Senators who wish to be heard?

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

Oh, I'm sorry, Senator Golden.

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

ACTING PRESIDENT VALESKY: Senator Montgomery, do you yield?

SENATOR MONTGOMERY: Yes.

ACTING PRESIDENT VALESKY: The sponsor yields.

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

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

SENATOR GOLDEN: Pardon me?

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

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

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

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

ACTING PRESIDENT VALESKY: Senator Montgomery --

SENATOR MONTGOMERY: Yes.

ACTING PRESIDENT VALESKY: The sponsor yields.

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

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

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

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

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

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

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

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

SENATOR MONTGOMERY: Sure.

ACTING PRESIDENT VALESKY: The sponsor continues to yield.

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

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

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

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

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

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

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

SENATOR MONTGOMERY: Yes.

ACTING PRESIDENT VALESKY: The sponsor yields.

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

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

SENATOR GOLDEN: Go ahead. I'm listening.

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

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

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

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

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

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

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

SENATOR MONTGOMERY: Yes.

ACTING PRESIDENT VALESKY: The

sponsor continues.

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

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

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

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

SENATOR GOLDEN: Thank you, Senator.

On the bill, Mr. President.

ACTING PRESIDENT VALESKY: Senator Golden, on the bill.

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

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

And I guarantee you that by the end

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

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

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

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

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

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

ACTING PRESIDENT VALESKY: Thank you, Senator Golden.

Senator Savino.

SENATOR SAVINO: Thank you, Mr. President.

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

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

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

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

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

ACTING PRESIDENT VALESKY:

Senator Young, why do you rise?

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

ACTING PRESIDENT VALESKY:

Senator Savino will yield after she finishes.

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

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

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

single woman working there by herself. Absolutely, you are right about that.

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

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

ACTING PRESIDENT VALESKY: Senator Young.

SENATOR YOUNG: Thank you, Senator Savino.

Would the Senator yield for a question?

SENATOR SAVINO: If I can.

ACTING PRESIDENT VALESKY: Senator Savino does yield, yes.

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

SENATOR YOUNG: Thank you. You

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

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

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

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

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

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

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

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

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

SENATOR YOUNG: Would Senator Savino continue to yield.

SENATOR SAVINO: Certainly.

ACTING PRESIDENT VALESKY: Senat or Savino continues to yield.

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

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

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

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

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

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

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

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

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

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

SENATOR YOUNG: Thank you, Senator.

I have to disagree. I think that --

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

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

SENATOR DUANE: Thank you, Madam President.

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

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

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

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

Thank you, Madam President.

ACTING PRESIDENT STEWART-COUSINS: Thank you, Senator.

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

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

Read the last section.

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

ACTING PRESIDENT STEWART-COUSINS: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT STEWART-COUSINS: Senator Montgomery, to explain her vote.

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

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

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

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

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

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

Senator Montgomery.

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

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

The Secretary will continue to read.

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

ACTING PRESIDENT STEWART-COUSINS: Read the last section.

SENATOR FUSCHILLO: Explanation.

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

(Disturbance on floor.)

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

Senator Montgomery --

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

ACTING PRESIDENT STEWART-COUSINS: Senator Diaz --

SENATOR DIAZ: Senator Parker should be reprimanded.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

ACTING PRESIDENT STEWART-COUSINS: Senator Montgomery --

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

ACTING PRESIDENT STEWART-COUSINS: Thank you, Senator.

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

ACTING PRESIDENT STEWART-COUSINS: Thank you.

Senator Fuschillo, why do you rise?

SENATOR FUSCHILLO: Would Senator Montgomery answer a few questions.

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

SENATOR MONTGOMERY: Yes.

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

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

SENATOR MONTGOMERY: Yes.

ACTING PRESIDENT STEWART-COUSINS: Senator Montgomery yields.

SENATOR FUSCHILLO: Just two simple questions.

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

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

SENATOR FUSCHILLO: Would the Senator continue to yield.

ACTING PRESIDENT STEWART-COUSINS:

Senator Montgomery, do you continue to yield?

SENATOR MONTGOMERY: Yes. Yes.

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

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

SENATOR FUSCHILLO: Would the Senator continue to yield.

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

SENATOR MONTGOMERY: Yes.

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

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

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

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

SENATOR FUSCHILLO: Will the Senator continue to yield.

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

SENATOR MONTGOMERY: Yes.

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

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

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

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

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

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

SENATOR FUSCHILLO: Would the Senator continue to yield.

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

SENATOR MONTGOMERY: Yes.

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

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

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

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

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

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

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

SENATOR MONTGOMERY: Yes.

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

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

we as a society should be concerned about? I'm trying to narrow the scope a little bit for you.

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

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

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

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

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

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

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

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

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

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

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

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

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

Hearing none, the debate is closed.

The Secretary will please ring the bell.

Senator Skelos.

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

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

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

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

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

ACTING PRESIDENT STEWART-COUSINS: Senator Skelos.

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

ACTING PRESIDENT STEWART-COUSINS:

Senator Stavisky, do you yield for a question?

SENATOR STAVISKY: Yes.

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

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

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

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

SENATOR STAVISKY: Yes.

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

SENATOR STAVISKY: No.

SENATOR SKELOS: Thank you.

I would urge a no vote on this legislation.

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

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

Read the last section.

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

ACTING PRESIDENT STEWART-COUSINS: Call the roll.

(The Secretary called the roll.)

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

SENATOR DIAZ: Yes, thank you, Madam President.

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

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

mind.

I'm voting yes now.

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

Senator Stavisky to explain her vote.

SENATOR STAVISKY: Thank you, Madam President.

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

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

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

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

Thank you, Madam President.

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

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

Announce the results.

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

Ayes, 32. Nays, 29.

ACTING PRESIDENT STEWART-COUSINS: The bill is passed.

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

the Judiciary Law.

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

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

Read the last section.

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

ACTING PRESIDENT STEWART-COUSINS: Call the roll.

(The Secretary called the roll.)

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

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

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

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

For that reason, I vote no.

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

Announce the results.

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

Ayes, 32. Nays, 29.

ACTING PRESIDENT STEWART-COUSINS: The bill is passed.

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

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

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

Read the last section.

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

ACTING PRESIDENT STEWART-COUSINS: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT STEWART-COUSINS: Announce the results.

THE SECRETARY: In relation to Calendar Number 692, those Senators recorded in the negative: Senators Alesi, Bonacic, DeFrancisco, Farley, Flanagan, Fuschillo, Golden, Griffo, Hannon, O. Johnson, Lanza, Larkin, LaValle, Leibell, Libous, Little, Marcellino, Maziarz, McDonald, Nozzolio, Padavan, Ranzenhofer, Robach, Saland, Seward, Skelos, Volker, Winner and Young.

Ayes, 32. Nays, 29.

ACTING PRESIDENT STEWART-COUSINS: The bill is passed.

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

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

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

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

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

Senator Fuschillo, why do you rise?

SENATOR FUSCHILLO: Would Senator Parker answer a few questions.

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

SENATOR PARKER: For my friend Senator Fuschillo, absolutely.

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

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

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

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

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

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

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

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

SENATOR PARKER: Yes, I will.

SENATOR FUSCHILLO: Senator, since this legislation essentially creates a

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

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

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

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

through the state level to deal with issues.

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

SENATOR FUSCHILLO: Thank you, Senator.

Would the Senator continue to yield?

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

SENATOR PARKER: Yes.

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

I'm assuming that there's no fiscal

note that was done for this; is that correct?

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

SENATOR FUSCHILLO: Would the Senator continue to yield.

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

SENATOR PARKER: Yes.

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

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

So the whole thing is $1.1 million.

SENATOR FUSCHILLO: Thank you very much.

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

SENATOR FUSCHILLO: Thank you very much, Senator.

Thank you, Madam President.

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

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

Read the last section.

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

ACTING PRESIDENT STEWART-COUSINS: Call the roll.

(The Secretary called the roll.)

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

SENATOR BONACIC: Thank you, Madam President.

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

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

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

Thank you, Madam President.

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

Senator Parker, to explain his vote.

SENATOR PARKER: Thank you, Madam President.

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

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

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

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

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

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

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

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

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

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

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

Senator Parker.

SENATOR PARKER: I'd like to make

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

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

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

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

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

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

SENATOR DUANE: Yes, Madam President.

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

I think most of my colleagues will

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

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

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

behind the counter, et cetera.

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

SENATOR GOLDEN: Thank you, Senator.

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

ACTING PRESIDENT STEWART-COUSINS: Are you asking the Senator to yield?

SENATOR GOLDEN: Yes.

ACTING PRESIDENT STEWART-COUSINS: Senator Duane, will you yield for a question?

SENATOR DUANE: Yes, Madam President.

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

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

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

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

SENATOR GOLDEN: Thank you, Senator.

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

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

SENATOR DUANE: Yes, Madam President.

SENATOR GOLDEN: Thank you, Madam President.

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

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

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

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

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

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

SENATOR GOLDEN: Thank you, Senator.

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

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

SENATOR DUANE: Yes, Madam President.

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

SENATOR DUANE: Yes, Madam President.

SENATOR GOLDEN: You are. Thank you, Senator.

On the bill.

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

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

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

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

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

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

Thank you, Madam President.

ACTING PRESIDENT STEWART-COUSINS: Thank you.

Senator Duane.

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

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

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

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

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

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

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

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

ACTING PRESIDENT STEWART-COUSINS: Thank you, Senator.

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

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

Read the last section.

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

ACTING PRESIDENT STEWART-COUSINS: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT STEWART-COUSINS: Senator Hassell-Thompson, to explain her vote.

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

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

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

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

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

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

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

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

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

Announce the results.

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

Ayes, 42. Nays, 19.

ACTING PRESIDENT STEWART-COUSINS: The bill is passed.

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

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

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

Read the last section.

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

ACTING PRESIDENT STEWART-COUSINS: Call the roll.

(The Secretary called the roll.)

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

SENATOR FOLEY: Thank you, Madam President.

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

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

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

I vote aye.

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

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

Announce the results.

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

Ayes, 33. Nays, 28.

ACTING PRESIDENT STEWART-COUSINS: The bill is passed.

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

Senator Klein.

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

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

SENATOR KLEIN: Thank you, Madam President.

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

ACTING PRESIDENT STEWART-COUSINS: So ordered.

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

ACTING PRESIDENT STEWART-COUSINS:

The Secretary will read.

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

ACTING PRESIDENT STEWART-COUSINS: Senator Klein.

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

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

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT STEWART-COUSINS: Senator Klein.

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

ACTING PRESIDENT STEWART-COUSINS: Amendments received.

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

ACTING PRESIDENT STEWART-COUSINS: The Secretary will read.

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

ACTING PRESIDENT STEWART-COUSINS: Senator Klein.

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

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

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT STEWART-COUSINS: Senator Klein.

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

ACTING PRESIDENT STEWART-COUSINS: Amendments received.

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

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

ACTING PRESIDENT STEWART-COUSINS: So ordered.

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

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

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

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

(Whereupon, the Senate stood at ease at 7:25 p.m.)

(Whereupon, the Senate reconvened at 8:22 p.m.)

ACTING PRESIDENT STEWART-COUSINS: Senator Klein.

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

ACTING PRESIDENT STEWART-COUSINS:

There is a report of the Rules Committee at the desk.

The Secretary will read.

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

Senate Print 1229, by Senator Thompson, an act to amend the Tax Law;

1987B, by Senator Duane, an act to amend the Education Law;

2061, by Senator Huntley, an act to amend the Public Authorities Law;

2784B, by Senator Thompson, an act to amend the Education Law;

3071A, by Senator Oppenheimer, an act to amend Chapter 654 of the Laws of 1927;

3477, by Senator Perkins, an act to amend the New York State Urban Development Corporation Act;

4028A, by Senator Huntley, an act to amend the Education Law;

4102, by Senator Aubertine, an act to amend the Tax Law;

4194A, by Senator Nozzolio, an act to authorize;

4208B, by Senator Savino, an act to amend the Public Service Law;

4281A, by Senator Valesky, an act to amend the Not-for-Profit Corporation Law;

4601A, by Senator Stewart-Cousins, an act to amend the Local Finance Law;

4625, by Senator Dilan, an act to amend the Family Court Act;

4754, by Senator Stachowski, an act to amend the Labor Law;

5011B, by Senator Huntley, an act to amend the Education Law;

5389A, by Senator C. Kruger, an act to amend the General Obligations Law;

5452B, by Senator Huntley, an act to amend the Education Law;

5631A, by Senator Savino, an act to amend the Administrative Code of the City of New York;

5942, by Senator Stewart-Cousins, an act to amend the Economic Development Law;

5953, by Senator Savino, an act to amend the Real Property Tax Law;

6034, by Senator Perkins, an act to amend the General Business Law;

6327A, by Senator Lanza, an act to grant;

6688A, by Senator Serrano, an act to amend the Public Authorities Law;

6696, by Senator Foley, an act to amend the Tax Law;

6873B, by Senator L. Krueger, an act to amend the Multiple Dwelling Law;

6879A, by Senator Savino, an act to amend the General Municipal Law;

6984, by Senator Larkin, an act to authorize;

7023, by Senator Huntley, an act to amend the Mental Hygiene Law;

7153, by Senator Addabbo, an act to amend the Environmental Conservation Law;

7378A, by Senator Squadron, an act to amend the Alcoholic Beverage Control Law;

7399, by Senator Peralta, an act to amend the Banking Law;

7441C, by Senator Peralta, an act to amend the Public Health Law;

7544, by Senator Valesky, an act to amend the Retirement and Social Security Law;

7565A, by Senator Parker, an act to

amend the Public Service Law;

7591, by Senator Addabbo, an act to amend the Public Authorities Law;

7675A, by Senator Stachowski, an act to amend the Tax Law;

7715A, by Senator Serrano, an act to amend the Public Authorities Law;

7729A, by Senator L. Krueger, an act to amend Chapter 174 of the Laws of 1968;

7737A, by Senator Peralta, an act to amend the Alcoholic Beverage Control Law;

7757, by Senator Oppenheimer, an act to repeal;

7805, by Senator Squadron, an act to amend the New York State Printing and Public Documents Law;

7865, by Senator Stachowski, an act to amend the Executive Law;

7976, by Senator Squadron, an act to amend the Public Health Law;

8028, by Senator Stachowski, an act to amend the Economic Development Law;

8066, by Senator Squadron, an act to amend the Banking Law;

8070, by Senator Squadron, an act

to amend the Energy Law;

8092, by Senator Stachowski, an act to amend the Insurance Law;

8114, by Senator Oppenheimer, an act to authorize;

8128, by Senator Thompson, an act to amend the Environmental Conservation Law;

8171, by Senator Klein, an act to amend the Public Health Law;

8173, by Senator L. Krueger, an act to amend the Real Property Tax Law;

8268, by Senator Smith, an act to amend the Transportation Law;

8279, by Senator Montgomery, an act to amend the Executive Law;

And Senate Print 8016, by Senator Stachowski, an act to amend the Public Authorities Law.

All bills ordered direct to third reading.

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

(Response of "Aye.")

ACTING PRESIDENT STEWART-COUSINS:

Opposed, nay.

(Response of "Nay.")

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

Senator Klein.

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

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

SENATOR KLEIN: Madam President, on behalf of Senator Aubertine, on Supplemental Calendar 68A I offer the following amendments to Calendar Number 1076, Senate Print Number 4102, and ask that said bill retain its place on Third Reading Calendar.

ACTING PRESIDENT STEWART-COUSINS: So ordered.

SENATOR KLEIN: On behalf of Senator Huntley, on Supplemental Calendar Number 68A I offer the following amendments to Calendar Number 1071, Senate Print Number 2061, and ask that said bill retain its place

on Third Reading Calendar.

ACTING PRESIDENT STEWART-COUSINS: So ordered.

SENATOR KLEIN: Madam President, I would like to withdraw the lay aside for the day and take up Calendar Numbers 617, 624, 726, and 625 on the noncontroversial calendar.

ACTING PRESIDENT STEWART-COUSINS: The lay aside for the day on the listed bills is withdrawn, and the bills will be put before the house, noncontroversial.

SENATOR LIBOUS: Madam President.

ACTING PRESIDENT STEWART-COUSINS: Senator Libous.

SENATOR LIBOUS: Thank you, Madam President. I just wanted to make note to the Republican members if they could come to the chamber so that we could vote on these bills immediately and move the process along so that we would have a shorter evening.

So if members would come to the chamber, we can vote on these three or four bills immediately.

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

The Secretary will place Calendar Number 617 before the house, noncontroversial.

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

ACTING PRESIDENT STEWART-COUSINS: Read the last section.

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

ACTING PRESIDENT STEWART-COUSINS: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT STEWART-COUSINS: Senator Young, to explain her vote.

SENATOR YOUNG: Thank you, Madam President.

I'd like to read this article from Utica WKTV. "A teen wanted in Johnstown is facing charges of rape and robbery after he allegedly attacked a woman on Kemble Street Monday night.

"Utica Police said the female victim was walking home from a friend's house on Sunset Avenue around 12:45 a.m. on Monday when she encountered a group of males in the

vicinity of Genesee and Oswego Streets.

"The female told police that the males began whistling at her, and one of the males began to follow her. She said that when she got to the area of Kemble and James Streets, the male who was following her then grabbed her from behind and put his arm around her neck. The male then allegedly dragged her behind a house, where he proceeded to sexually assault her.

"Utica Police developed a suspect, Rashod Johnson, 17, who was wanted for failing to return from a home visit as he was a resident at the Tryon Youth Facility in Johnstown.

"Johnson is charged with first-degree rape, third-degree robbery, resisting arrest, and false impersonation."

You know, there was some debate earlier and people were saying, well, Anthony Allen, who killed Renee Greco, this doesn't apply to him, that case has nothing to do with this bill. That is absolutely wrong. We have had increased violence in our facilities. In fact, earlier this year at the Brooklyn

Residential Center, there was a planned attack on a staff member, five New York City police officers had to intervene, and five -- I'm sorry, five youths were charged with assault and the police had to come and mace these youth.

We had a riot at Industry earlier this year, 20 youths went wild across the campus. They ended up fighting with each other, but they tried to assault a staff, they actually did.

And this is the type of violence that you are moving now from state facilities that at least are a little bit more secure, you are moving it, through this bill, right out into our neighborhoods.

Sometimes I think this chamber --

ACTING PRESIDENT STEWART-COUSINS: Senator Young.

SENATOR YOUNG: -- and the Senators on the other side of the aisle are out of touch. I have the sad, sad duty tomorrow to call Renee Greco's family because they vowed after she was murdered --

ACTING PRESIDENT STEWART-COUSINS:

Senator Young, how do you vote?

SENATOR YOUNG: -- to make the juvenile justice system more safe. This Senate, by your vote today by voting yes, you have failed.

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

SENATOR YOUNG: I vote no.

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

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

Announce the results.

THE SECRETARY: Those recorded in the negative on Calendar Number 617 are Senators Alesi, Bonacic, DeFrancisco, Farley, Flanagan, Fuschillo, Golden, Griffo, Hannon, O. Johnson, Lanza, Larkin, LaValle, Leibell, Libous, Little, Marcellino, Maziarz, McDonald, Nozzolio, Padavan, Ranzenhofer, Robach, Saland, Seward, Skelos, Volker, Winner and Young.

Ayes, 32. Nays, 29.

ACTING PRESIDENT STEWART-COUSINS: The bill is passed.

The Secretary will place Calendar Number 624 before the house, noncontroversial.

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

ACTING PRESIDENT STEWART-COUSINS: Read the last section.

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

ACTING PRESIDENT STEWART-COUSINS: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT STEWART-COUSINS: Announce the results.

THE SECRETARY: Those recorded in the negative on Calendar Number 624 are Senators Alesi, Bonacic, DeFrancisco, Farley, Flanagan, Fuschillo, Golden, Griffo, Hannon, O. Johnson, Lanza, Larkin, LaValle, Leibell, Libous, Little, Marcellino, Maziarz, McDonald, Nozzolio, Padavan, Ranzenhofer, Robach, Saland, Seward, Skelos, Volker, Winner and Young.

Ayes, 32. Nays, 29.

ACTING PRESIDENT STEWART-COUSINS:

The bill is passed.

The Secretary will place Calendar Number 625 before the house, controversial calendar.

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

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

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

Read the last section.

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

ACTING PRESIDENT STEWART-COUSINS: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT STEWART-COUSINS: Senator Young, to explain her vote.

SENATOR YOUNG: Actually, I support this legislation because as I said earlier, Madam President, I think that in our juvenile facilities we need more training, we

need more education, we need more intensive mental health services.

This bill actually would provide a vocational skills training program at three facilities, and so I will be voting yes.

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

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

Announce the results.

THE SECRETARY: Those recorded in the negative on Calendar Number 625 are Senators Flanagan, Golden, Griffo, Lanza, Larkin, Libous, Ranzenhofer and Volker.

Ayes, 53. Nays, 8.

ACTING PRESIDENT STEWART-COUSINS: The bill is passed.

The Secretary will place Calendar Number 726 before the house, controversial.

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

ACTING PRESIDENT STEWART-COUSINS:

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

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

Read the last section.

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

ACTING PRESIDENT STEWART-COUSINS: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT STEWART-COUSINS: We'd ask those voting in the negative to please keep their hands up. Thank you.

Announce the results.

THE SECRETARY: Those recorded in the negative on Calendar Number 726 are Senators Alesi, Bonacic, DeFrancisco, Farley, Flanagan, Fuschillo, Golden, Griffo, Hannon, C. Johnson, O. Johnson, Lanza, Larkin, LaValle, Leibell, Libous, Little, Marcellino, Maziarz, McDonald, Nozzolio, Ranzenhofer, Robach, Saland, Seward, Skelos, Volker, Winner and Young.

Ayes, 32. Nays, 29.

ACTING PRESIDENT STEWART-COUSINS:

The bill is passed.

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

SENATOR KLEIN: Madam President, upon unanimous consent I ask that the roll be opened for Senate Bill Number 1987B, for Senator Antoine Thompson to vote.

ACTING PRESIDENT STEWART-COUSINS: The Secretary will make the substitution.

THE SECRETARY: In relation to Calendar Number 1070, Senator Duane moves to discharge, from the Committee on Education, Assembly Bill Number 3661C and substitute it for the identical Senate Bill Number 1987B, Third Reading Calendar 1070.

ACTING PRESIDENT STEWART-COUSINS: Substitution ordered.

THE SECRETARY: Calendar Number 1070, by Member of the Assembly O'Donnell, Assembly Print Number 3661C, an act to amend the Education Law.

ACTING PRESIDENT STEWART-COUSINS: Read the last section.

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

ACTING PRESIDENT STEWART-COUSINS: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT STEWART-COUSINS: Senator Thompson.

SENATOR THOMPSON: I vote aye.

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

The roll call is withdrawn and the bill is laid aside.

Senator Klein.

SENATOR KLEIN: Madam President, I'd like to take up Senate Bill 1987B on the supplemental calendar, Calendar Number 68A.

ACTING PRESIDENT STEWART-COUSINS: The Secretary will place Calendar Number 1070 before the house, noncontroversial.

THE SECRETARY: Calendar Number 1070, substituted earlier by Member of the Assembly O'Donnell, Assembly Print Number 3661C, an act to amend the Education Law.

SENATOR LIBOUS: Lay it aside.

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

Senator Klein.

SENATOR KLEIN: Madam President, I'd like to go the controversial reading of Senate Bill 1987B on the supplemental calendar.

ACTING PRESIDENT STEWART-COUSINS: The Secretary will place Calendar Number 1070 before the house, controversial.

THE SECRETARY: Calendar Number 1070, by Member of the Assembly O'Donnell, Assembly Print Number 3661C, an act to amend the Education Law.

ACTING PRESIDENT STEWART-COUSINS: Senator Libous.

SENATOR LIBOUS: Madam President, there's an amendment at the desk by Senator Saland. I ask that you please waive its reading and call on Senator Saland to explain the amendment.

ACTING PRESIDENT STEWART-COUSINS: The reading is waived.

Senator Saland.

SENATOR SALAND: Thank you, Madam President.

Madam President, the amendment

which I offer substantially parallels an anti-bullying bill -- 1253B, I believe -- which would provide for protection to all students regardless of not merely their ethnicity, their race, their sexual orientation, but all students.

So that if a student, for example, was being bullied -- and certainly there's nobody in this chamber who would want to see a bully have his or her way -- were they being bullied because perhaps they were poor or dressed poorly and were the subject of mockery or perhaps they had some facial characteristic with which they were born, some deformation. Perhaps they didn't wear clean clothes and were odorous. The fact of the matter is is that the universe of reasons by which a child is bullied can't be simply defined in a narrow straitjacketed set of classifications.

And certainly one cannot deal with the subject of bullying without dealing with, as part and parcel of the problem, the subject of cyberbullying. Because given the anonymity that cyberbullying affords, given the anonymity plus the technology which enables

that anonymity to be so pervasive, so cruel, so intrusive, to not include cyberbullying in a bill intended to deal with bullying is a glaring oversight -- in fact, an error and a gross injustice to each and every student who's been subjected to this indignity.

What this bill would do, Madam President -- instead, again, speaking of classifications -- it draws on the recently enacted law in Massachusetts which came on the heels of that godawful tragedy in which a 15-year-old girl committed suicide after she was bullied incessantly.

And it basically talks in terms of bullying being severe, repeated use by one or more students or school employees of a written, verbal or electronic expression or a physical act or gesture or any combination thereof directed at a student that has the effect of not merely causing injury or emotional harm but placing that student at reasonable fear of harm to himself or herself, creating a hostile environment in school for the student, materially and substantially disrupting the educational process or the

orderly operation of a school.

And as I mentioned earlier, bullying by definition would include communications or dissemination of any material through the use of technology or electronic means.

Bullying is hateful, it's insidious, and we shouldn't pick and choose those who we're going to deem to be shielded from bullying. This is universal in its application and is not merely, not merely limited to school grounds. This would apply in all situations. So that if somebody was tormenting a child by way of cyberbullying while he or she was in a mall, in her home, at a ballfield, the provisions of this would apply.

We do not mandate any particular type of instruction. We basically use the codes of conduct that were provided in the SAVE legislation which was enacted some I believe approximately 10 years ago.

Madam President, given the universality of this bill, given the fact that its applicable to any category that might be

contained in the bill in chief and greatly exceeds the coverage of the bill in chief -- not merely exceeds, greatly exceeds. This protection will not rely upon any racial, ethnic, sexual, or any other characteristic clearly defined in the bill in chief as being required before any penalties or any action can occur.

This basically says there's an equal sign between abusing someone by way of bullying, regardless of why you choose to do it. If you do it in a jealous rage because you think that someone stole your boyfriend and you're going to get all your girlfriends and boyfriends to abuse that person, to drive them to despair, to isolate them, to make them so sick and so desperate that they may well do harm to themselves, if not take their own lives, that is covered under this bill. That is not covered under the main bill.

And I can give you a dozen similar situations, many of which you have seen in one media account or another of someone being driven, driven to take their own life by despair, having absolutely nothing to do with

any of the categories enumerated in the main bill.

So while I certainly applaud the sponsor for his efforts on the main bill, this bill in its scope, this bill in its reach, this bill in its ability to deal with the issue of bullying is a far superior vehicle by which to accomplish it. I would urge all of my colleagues to vote in favor of this amendment and protect each and every child that you know who has ever been bullied or may be bullied for any reason whatsoever. Any reason whatsoever. Any reason whatsoever, not a limited universe.

ACTING PRESIDENT STEWART-COUSINS: Senator Hannon.

SENATOR HANNON: Thank you, Madam President. I rise in support of Senator Saland's amendment.

The bill in chief was written years ago, and technology has changed so quickly that we now have the new phenomenon of cyberbullying. After the tragedies that occurred in Suffolk this year, in Massachusetts, reports began to pour in from

parents, from teachers, from social workers as to exactly what's going on. These days a child can be sitting at the dining room table in their house, phone, BlackBerry in hand, and being bullied. And the nature of being a teenager is that you don't want to admit something's going on. You feel that you've done it wrong.

And as we've discussed this with so many educators, we've had roundtables in Suffolk, roundtables in Nassau, talked to the students who came up from the Hudson Valley, it's become obvious that there is a crying need to address current standards. In fact, people nationally tell us that New York is one of six or seven states that has not addressed cyberbullying.

We don't need to narrow the application of what we address, we need to deal with the entire population of students. Equally. We don't need to make this some type of symbolic thing, we need to make it real. We need to involve students because the cyberbullying can happen in the school, it can happen on the way to school, and it can happen

in the home. So what we need to do is have an educational process, and we need to do it now.

I am totally surprised that we have not covered this in the bill in chief, the bill that this amendment seeks to amend.

So I would urge people to adopt it. This is a comprehensive statute. You will be doing a great service to the students to the young people of this state by adopting this legislation.

Thank you.

ACTING PRESIDENT STEWART-COUSINS: Senator Farley.

SENATOR FARLEY: Thank you, Madam President. I rise in support of Senator Saland's amendment.

This is an area of great personal concern to me, and I'm going to support almost anything in the area of bullying. But Senator Saland's amendment is much more inclusive. It addresses this problem in a much more inclusive way, which I think is so significant.

This is an area that needs to be addressed, there's no question about it. And

I think that there isn't anybody in this chamber that isn't concerned about the tragedies that have happened to young people as a result of bullying. And again, as was mentioned by Senator Hannon, this cyberbullying and so forth should be addressed.

But there's so many areas, and Senator Saland's approach to this is much more inclusive and I think is a better way to address it. And I do rise in support of it.

ACTING PRESIDENT STEWART-COUSINS: Senator Flanagan.

SENATOR FLANAGAN: Thank you, Madam President. On the amendment.

I listened to my colleagues, and I certainly have great respect for the people who are involved in this debate. But I want to come at it not from a completely different angle but a slightly different angle. And I think it's -- at least from my perspective, it's important to recognize that this is obviously not something that happened in the last 24 hours. In fact, it's not in the last 24 months. This is something that's been

years in the making.

And now we have this bill before us, and I'm sharing my personal opinion. I think this bill falls far short of where we could be and where we should be. And personally I feel that this is more about the issue than about the resolution of the problem.

Now, I've spoken at length with Senator Hannon, Senator Saland. We were in conference today, we listened to compelling words from Senator Farley. And I'm sitting there thinking, why are we doing it this way?

I'm standing here as a member of this Senate, but now I'm standing here as a parent. I have three kids, my youngest one is 16. And boy, I learned so much from them, and the thing I learned the most is how little I actually know, especially when it comes to technology.

But my son Jake, love him to death, in the morning, first thing you do, I go in his room, he's on the laptop. I'm trying to talk to him during the day, he's texting, he's on the computer downstairs. This is a world

of technology. And both of my colleagues alluded to it at some length; we are divorcing ourselves from reality if we don't embrace this problem in its entirety.

This bill is not nearly as good as the amendment. The amendment is more encompassing. It deals with cyberbullying because this stuff does not stop at the border of the school playground or the school building or the athletic field. And do I have concerns about the broad reach of that? Yes, I do. Do I think it can be addressed in a fair and equitable fashion to protect people, especially the victims? Yes, I do.

Now, in this bill too, nobody talked about another portion of this amendment, aggravated harassment of school personnel. Senator Saland, in his wisdom, has ratcheted up the penalties for people who abuse school district employees. Why not embrace that? Why not take this amendment, champion it, bring the bill back and make it a better bill?

Because I don't want to stand here with all of you, or maybe some of us, at some

juncture and say, you know, now we're doing a chapter amendment on cyberbullying and we're reacting to four or five or six more incidents where it could be someone we know, it could be a family member, it could be a friend, it could be a grandchild. I don't want to be in that situation. And, ladies and gentlemen, we don't have to be.

This is a solid amendment. This is a good-faith effort to try and address a problem. And the fact that cyberbullying is not addressed is really a tragedy. And we're going to move to the main bill, and there's going to be a lot of plaudits and there's going to be a lot of press releases, but it falls far short of where we should be. We should be doing a better job of protecting students all across the State of New York.

So yes, I am frustrated and I think we all should be because we are missing a chance to do something that's good and making it a lot better. I stand in full support of the amendment.

ACTING PRESIDENT STEWART-COUSINS: Senator Diaz.

SENATOR DIAZ: Thank you, Madam President. I also rise to support the amendment.

In my district, in my schools, for my people, bullying in school is a very serious problem. Parents in my church, parents come to me because they don't want to send their kids to school because of bullying.

And I think that yes, we have to open it to every category. Because the dropout, dropouts, most of the dropouts in our community are because of bullying. Children are afraid to go to school, children are afraid to -- to -- because they think they are -- whatever, for whatever reason.

And I agree with the amendment, and I'm here to support the amendment. We should include everything in this bill.

Thank you.

ACTING PRESIDENT STEWART-COUSINS: Senator Nozzolio.

SENATOR NOZZOLIO: Thank you, Madam President. Madam President, on the amendment.

We in this chamber, through the

years that I served as chairman of the Crime Victims, Crime and Corrections Committee, focused on keeping our laws at pace with technology. Whether it was identity theft, whether it was issues regarding personal privacy and the invasion of new technology into personal privacy, we continually stood on behalf of those who are victimized because of the technology.

Often laws can be criticized because they, on the books, couldn't keep pace with the rapidly changing technological advances that we saw in society. This law which is being amended, the law that's proposed, not only doesn't keep pace with technology being on the books, it doesn't keep pace with technology being here before us as we debate.

In other words, Senator Saland's amendment does a great job in focusing on the real needs of today and those young people in particular who being victimized time and again by entire technology that is more invasive, more intrusive, more damaging than what we used to see with playground bullies in the

schoolyard or other places in town.

We have an opportunity here, by accepting Senator Saland's amendment, to make the law today at pace with those who need the protections the most. I stood on many occasions with young people and their parents who were devastated by invasions of their privacy, by harassment over the Internet, by seeing their reputations ruined on Facebook and MySpace, by seeing the bullying taking place time and again in our own state, in upstate communities, by those who are using technology to advance an agenda that unfortunately the legislation that is being proffered -- not the amendment, but the bill in chief -- fails to address even on the surface.

So, Madam President, I believe that Senator Saland's amendment, well designed to keep pace with the technological harassment has been existing, should be accepted. And with that, I urge my colleagues to support the amendment.

ACTING PRESIDENT STEWART-COUSINS: Senator Adams.

SENATOR ADAMS: Thank you, Madam President.

As a person who has a 14-year-old son that is in the process of doing his second movie -- his first movie was on the importance of education, his second movie that he's doing now is on teen violence and violence among young people. Because what he realized, after several of his friends came to him and they showed him different scars that they received from relationships -- and he took his money and decided that he wanted to do a movie to touch on this issue.

So this issue is real. And I respect the passion that Senator Saland showed, and other Senators when they talk on this topic. Something would be wrong with us if we did not have the level of passion that is displayed on the floor, because we're talking about our children. And we're concerned about anyone who treats a child in an unfair manner.

Bullying is not new. The tools that are used are new. And I am truly concerned of how do we effectively approach

the issue of using modern-day technology to extend the issue of bullying. But one thing I do not want to do, I do not want to criminalize young people. And when I do a comparative analysis of the two bills and question what is the best approach -- because Senator Duane as well as Senator Saland are trying to reach the final level of making sure our children are safe, and there are several roads to do it. Their roads seem to be different based on what I see in the bills.

Senator Duane's bill takes a comprehensive educational approach to it. Senator Saland's bill is more of a bill that's after the child participated in a bullying action of how to we go about to penalize them in a punitive fashion. I believe that's the wrong approach. Because I disagree does not mean Senator Saland does not have a right to his belief. I think that's the wrong approach.

Not only that, I always try to stay in my lane. Things that I don't know -- because someone pulled a lever and allowed me to be elected to the Senate does not mean all

of a sudden I'm an expert on everything. So what I don't know, I sit down to the experts who understand a particular venue and I ask them what's the best approach to reach the results that we're looking at.

When I realize that 130 organizations support Senator Duane's approach, the Anti-Defamation League supports his approach, and countless number of other organizations believe that we need to have a comprehensive approach of how do we take a child who's bullying, particularly when you look at the numbers, Senator Duane, and you understand that many children who abuse are coming from abusive households and abusive relationships.

So if we do not make a comprehensive approach of taking that child who's abusing and have him understand what he's doing wrong prior to him being a bully, then we're making a big mistake.

So I think that Senator Duane's bill attempts to do that. Is it a perfect bill? Some would say no. I think it's the first step that we need to take to deal with

the very real issue of bullying in our schools.

So I commend you, Senator Duane, for this bill. I commend you for understanding that the answer to our children does not simply lie in handcuffs. A civilized society does not merely believe that the mere fact a child that is bullying or has bullying tendencies should be not be helped in a comprehensive fashion. That's what the experts say we ought to be doing, that's what you're saying we ought to be doing.

And it does not mean the passion that Senator Saland and others bring to that issue is wrong to bring that passion. We all have that passion. And I hope that passion lives out in my child's movie that indicates why we must stop violence among our young people.

Thank you.

ACTING PRESIDENT STEWART-COUSINS: Senator DeFrancisco.

SENATOR DeFRANCISCO: I thought when we were getting into this new, better leadership in government we were going to

actually look at bills, bring out the best bills, and have a fair debate and really consider the bills.

Now, it boggles my mind how the more expansive bill that is the amendment, that punishes and tries to protect against all forms of bullying, cannot possibly be better than one that sets out certain protected categories depending upon, in this case, what is important to the sponsor. And that's obvious to anybody that's reading these bills, it's a list of things, what's important to the sponsor.

I know when I was growing up -- you'll find this hard to believe -- I was one of the smallest kids.

(Laughter.)

SENATOR DeFRANCISCO: Do you think smallest kids get picked on, or the kids that have a weight problem? Well, under this amendment, the little guy who happens to get picked on by the big guy is actually covered. And my goodness, he may not be of a certain sexual orientation, but on the other hand, he's covered. Or she's covered.

On the other hand, under Senator Duane's bill, if you happen to be overweight -- or underweight, I guess, because it talks about weight -- you're covered. Now, tell me the logic behind that. There's certain protected classes that are on Senator Duane's mind that he thinks it's important to advocate for. Therefore, the bill is limited to that extent.

Now, anybody who's honest with themselves knows that's what's going on. And every group that supports Duane's bill has to support this amendment because it's more expansive. It's more expansive, includes all types of bullying.

So if we look at this honestly, we should support the amendment because it's all-inclusive -- on or off the school grounds, cyberbullying, every type of bullying. As opposed to sending a message towards a certain class of individuals who have a certain agenda.

So with that said, I'm going to strongly support this amendment. And I would ask everyone on the other side of the aisle to

look at this honestly and see what you read and what bill is the most expansive bill, and support that one, not some one individual's political agenda. Because I'd like to protect -- being still not a very big guy, I'd like to protect the little guys as well.

Thank you, Madam President.

ACTING PRESIDENT STEWART-COUSINS: Senator Robach.

SENATOR ROBACH: Yes, Madam President. I too rise to support this.

This is obviously a very important issue that unfortunately for all of us -- as representatives, parents, many of us, regular citizens -- is unfortunately growing. And not only is it growing, it's growing in different ways. As many of my colleagues have pointed out, unfortunately has caused a lot more damage, I guess, as Senator DeFrancisco pointed out, than when we were kids.

So I think it is important that we do this right. I wanted to comment a little bit because I think this is important. We have an opportunity here to amend this in one sweep and really make this well. It won't

change one other thing to what's been in there. And what Senator Adams said is inaccurate. This does not make anyone a criminal for bullying at all. Some of us -- I would probably be willing to vote for that. That's not in this bill.

This bill simply says we are going to be more inclusive in who we cover, and we're going to take today's technology -- which I don't have a statistic, but having worked for Monroe County Department of Public Safety, working very closely with Adam Walsh Center, other places, I know that a lot of the ways kids get approached, not only for bullying but even for sexual abuse, is via the computer.

I implore you, all of you, especially the sponsor of the bill, let's do this the right way. Let's do the amendment. We can do it right now, today, end the debate and move forward. It does not diminish anything on the main bill, but just makes it more inclusive across the board.

And there really is no reason not to do it. You want to talk about

bipartisanship and working together, I'd like to think that our children are more important than any individual or anything else. And I'd ask you in the most sincere, kindest way, let's do this amendment and do the right thing. We'll be able to walk out of here proudly.

Thank you. I support the amendment wholeheartedly.

ACTING PRESIDENT STEWART-COUSINS: Senator Ranzenhofer.

SENATOR RANZENHOFER: Thank you, Madam President, on the amendment.

You know, this is a very emotional and a very sensitive topic. And it's one of one that really cuts across all age groups, sexes, regardless of the color of your skin. It's pervasive in terms of the way kids interact with each other and really how mean they can be towards each other.

Now, a few weeks ago I had the opportunity to go to one of the schools in my district, and they had an anti-bullying campaign where there's a competition among the different schools in the district, and they

were demonstrating coming up with different logos and banners to talk about this subject. And I can tell you that the 6th graders in this school were far beyond, in terms of comprehension and understanding of the issue, than any Senator in this chamber, no matter which side of the aisle that you're on.

And I had an opportunity to talk to the kids and to participate in their program for the day. And the title of the program was "Build Up, Don't Tear Down." And that was the logo and the title that won on this particular subject.

And there were a couple of things that I learned from attending this particular function in the school. And that is that, you know, there were kids there of different ages, many different backgrounds -- rich, poor, black, white. But the important thing for the kids is that no matter who you are, whether it's Senator DeFrancisco's example of whether you're a small kid or a large kid, or you're white or black or you're male or female, you know, the classification to the kids didn't really matter.

Now, I know it's important in the dialogue that we've had here and, you know, whether it's the amendment from Senator Saland or Senator Duane's bill. But to the kids that are actually affected by this, they just want to be protected. You know, they don't really understand the different classes of people that we're dealing with. They just want to feel safe in their school.

And that's why I support the amendment. Because the kids aren't looking up the definition of who's covered and who's not covered, they just want to be protected. They don't know whether they fall in a class or out of a class, they just want to be protected.

And I think that's what we're losing sight of here, is who's protected, who's not protected, who's in, who's out. And that's actually part of the problem with kids, is who's cool and who's not.

It doesn't really matter. Everybody really deserves the same type of protection. Again, whether you're picked on on the playground and you're pushed around or you're punched, or you're sitting at home and

the emails and the texts are going out that so-and-so did this in the classroom and then the person is then subject to ridicule.

And, you know, again, when you're dealing with young kids, whether they're 12 -- I mean, their emotional framework is something that is just very hard to understand. They're hot, cold, on and off. And again, you know, it doesn't really matter to them whether they're picked on and pushed around or whether these emails or texts are going out to the whole class telling everybody what a bad person this is.

You know, whether you're in the class or not in the class, they just want to be protected. They don't care whether it happens on school property or, as someone alluded to earlier, whether you're in your living room watching TV or you're up in your room on your computer. They just want to be protected.

And that's what troubles me about the dialogue and the conversation that we're having here, is why you wouldn't want to help every kid. Why do you only want to help some

of the kids? And I think that's a very important distinction and something that the sixth graders in the school got, and we don't really seem to get it here in this chamber.

So I'm going to be supporting the amendment because it's more inclusive, it really goes to the heart of matter, which is protecting every child regardless of whether you're in a category that's in a bill that's under consideration or you're not in the bill.

Thank you, Madam President.

ACTING PRESIDENT STEWART-COUSINS: Senator Alesi.

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

I'm going to support this amendment because I think it does so many good things on, as what Senator DeFrancisco says, a much broader range, dealing with cyberbullying and things that the bill in general does not.

But in anticipation of the failure of this amendment, I think I will be much more loquacious in giving my reasons for why I am going to support the bill in general.

But in the meantime, I will support

this amendment, and I look forward to voting yes on the bill on chief.

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

Senator Skelos.

SENATOR SKELOS: Madam President, I certainly rise to support the amendment because I know it is more inclusive in protecting our children from the new technology and any type of bullying.

You know, a number of times, Senator Duane, you've proposed legislation in this house that you felt there wouldn't be one Republican vote to support it. And I remember a very emotional evening last year where you had a specific bill, you urged us to support it, and I would say almost every single person on this side of the aisle respected your opinion and we did support it.

The amendment that's been proposed by Senator Saland, I think every single one of us in this chamber, including yourself, know that this would make the bill a better bill.

So I would urge you, with the sense

of fairness that you've seen from us, from the Republicans on this side of the aisle, that you either support the amendment or lay your bill aside so that we can make it even a better bill that can be voted upon in this legislative session.

I urge you to do that on your sense of fairness, and I thank Senator Diaz for supporting this amendment.

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

The question is on the nonsponsor motion to amend Calendar Number 1070. Those Senators voting in support of the nonsponsor amendment please raise your hands.

Announce the results.

THE SECRETARY: Ayes, 30. Nays, 8.

ACTING PRESIDENT STEWART-COUSINS: The motion fails.

Now returning to the bill in chief, are there any Senators wishing to be heard on the bill?

Senator Duane.

SENATOR DUANE: Thank you, Madam President.

I do want to talk on this bill. it's a very important bill for many, many reasons and to many, many people. And it is a very important bill for I hope not too many generations, but certainly for at least a generation or two to come.

I think it's commonly known and the data proves that a student's ability to excel in school can be seriously hampered by bullying or taunting or any kind of intimidation. And of course once that has occurred, it doesn't matter how the perpetrator is treated, because the damage has already been done through the bullying or the intimidation or the taunting.

This legislation is designed, written, crafted to providing training and education to students, to staff, at an age-appropriate level, regarding bullying, harassment and discrimination. And the bill is somewhat vague for a reason, because it's supposed to be flexible. It's supposed to give control to local school boards. State

Education is certainly good at and will be setting model policies. But "Dignity" is really just a road map.

This legislation applies only to public schools, only to public schools. And it encompasses activities, it is true, on school grounds or at school functions, and it's purposely crafted that way. And what I'm about to say will make sense in the context of what I just said and for a whole host of other reasons. This bill will protect First Amendment speech. And again, it's narrowly crafted, narrowly constructed based on Supreme Court rulings.

So harassment is narrowly defined as verbal threats, conduct, intimidation or abuse that unreasonably and substantially interferes with a student's educational performance, opportunities, benefits or mental, emotional or physical well-being. Anything that a student may say that doesn't fit that standard is not classified as harassment.

Now, there are categories spelled out, purposefully, because these are

categories which we know are the most widely in the realm of where harassment and intimidation and discrimination take place. So yes, a person's actual or perceived race, color, weight -- not overweight, not underweight -- weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex -- again, because these are categories, most commonly found to have problems.

So -- and many of my colleagues have raised this -- it is not limited to. These are explicitly included, but nothing is precluded. So if you are taunted because you are overweight or because you're thin or because you have an overweight brother or you have a gay brother, you're covered. And you're not allowed to be made fun of. And maybe then you'll be less ashamed if you have an overweight brother or sister or a gay brother. Maybe you won't be so ashamed of that.

Nothing in this bill would trump Title VII, which I'm sure people know is gender equality in sports. Nothing trumps the

Rehabilitation Act. That also trumps Dignity. Dignity is only designed to fill in any void.

And this bill is a prevention bill. It's not a punish after the fact, damage has been done already. It's to prevent. It's a prevention bill, it's an education bill, it's a bill that provides for enormous local control because localities know best. Dignity builds on preexisting reporting requirements that exist to State Ed already. So it is designed to not be burdensome to localities and to local school districts.

Now, had we passed this legislation in 2006 -- and believe me, I would have wanted to. And in 2006 the Assembly passed Dignity by a vote of 138-5; in 2007, 125-7; in 2008, 130-9; in 2009, 311-5; and, the best year ever, this year, 138-4. So that is the bill that the Assembly has passed since 2006. And of course I wish we had passed it then, but we didn't. So we're catching up.

We are catching up as quickly as possible. They've already passed it this year. And I'm not even going to get into who do what first, but -- so they've done it five

times. I would very much like to see us pass it this year for the first time and then see the Governor sign it into law.

Now, I believe that because this is an educational bill, it will diminish cyberbullying. Remember, this legislation talks about on school grounds or at school functions, but the educational component of it should discourage cyberbullying.

In all candor, I motioned for my bill to go to the Education Committee, and Senator Saland did not motion his bill. It was very important to me. If it had been that important, our rules provide a way to motion it and bring it to a committee. And that's what I did.

And when I did that, the School Boards Association took an even closer look at it, and they took away their objection to it. So our rules worked magnificently, and now the bill is here on the floor. I worked my bill, and here we are.

This is a huge step. Not the end, we do need to build on it. And I hope we will build on it. And I welcome everyone's help in

building on it. But first we have to pass this one. First we have to get this one signed into law. And I wish we had done it before, but we didn't. But here we are.

And then I hope that -- there may be questions; I don't know. I hope I've said generally why this legislation is so important to every child in every school, every teacher in every school, every member of the school family. That this is a very important piece of legislation for everyone.

And if I hadn't been so afraid in schools, I would have done better in school. You know what? God works in mysterious ways. I became a late bloomer, I guess.

And I want to just talk about one other thing, and it's certainly my experience, but I don't think it's unique. We heard testimony when we had a hearing on this a few years ago before I was sitting -- before we reversed sides of the chamber, and some Senators were there. One little girl who lived in Ithaca, she was the only African-American girl on her bus. She was bullied. Her mother complained. The

punishment was that she was not allowed to ride the bus anymore. That was how they solved the problem, by putting the little girl off the bus who was being bullied.

When I first came here and I introduced this bill, I was staying at the old Howard Johnson's. The day after I introduced the bill, there was a story in the local paper about it, and the man behind the desk said to me, "I hope that bill passes." It was 1999. "I hope your bill passes," he said. "My younger brother's disabled, and all of the kids make fun of him all the time in school."

This bill has passed several times overwhelmingly in the Assembly. I urge my colleagues to please vote for this bill. And if you know anything about my and my work here, I don't think I've ever passed a bill of importance here without bipartisan support. I'm hoping that's how it's going to be today as well.

And as I always have been and I always will be, I am absolutely open to including everyone who wants to work with me on any issue, and in this case, especially on

the issue of making schools safer for everyone, for everyone in the school family, and to deter unsafe conditions before they occur.

Thank you, Madam President.

ACTING PRESIDENT STEWART-COUSINS: Thank you, Senator.

Senator Perkins.

SENATOR PERKINS: Thank you, Madam President. I'm going to be brief.

First I want to acknowledge my appreciation for the discussion, the debate. Even as I may disagree with my colleagues on the other side, I do very much appreciate the perspective that they brought to this.

But I want to commend Senator Duane for his leadership on this bill and, by the same token, recognize my Assemblyman up there in the gallery, Danny O'Donnell, for his role in the Assembly.

This I believe is a bill that may be specific in terms of identifying some of the historic victims, but by its title, Dignity for All, it's very expansive. And I believe that the intention is being fulfilled

because it's already begun to discuss more than just those who are identified and the need to be more expansive -- and I believe it will be more expansive, because it has raised the consciousness of us all, not just about what's happening with this particular group but what's happening in other ways as well.

In fact, it's very catalytic in that respect in terms of how the civil rights movement was. While it was a movement that was very specific in many respects, nevertheless it was expansive and inclusive in terms of recognizing that the same inequities that some experienced, others were experiencing as well. And so the movement grew to be more and more expansive. And we're all the better because of that specificity.

And so I think this bill in that tradition of the civil rights movement, that while having some specific focus, it was very inclusive and grew to be something that so many of us were able to appreciate and to benefit from.

Thank you very much. I want to vote aye on this bill. I think it's a very

important bill. Thank you for the vision, and thank you for the inclusiveness.

ACTING PRESIDENT STEWART-COUSINS: Thank you, Senator.

Senator Craig Johnson.

SENATOR CRAIG JOHNSON: Thank you, Madam President. On the bill.

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

SENATOR CRAIG JOHNSON: I want to first thank Senator Tom Duane for his continuing dedication with respect to this piece of legislation. I know how hard he has worked in the drafting and redrafting and addressing the issues brought by a variety of different groups and individuals to make sure that we here in New York State and state government do our best to protect our students, to protect them from harassment and protect them from bullying.

First, if I can, I want to address very briefly the issue of the amendment that was defeated just very recently. I found myself in reviewing the amendment troubled by the fact that I don't think it went far

enough, and that's why I opposed the amendment. The amendment didn't do enough. I agree, like everybody else in this chamber, that we must do more when it comes to cyberbullying.

But one of the biggest problems that kids face when it comes to cyberbullying is where that bullying occurs. It occurs on school grounds -- I think one Senator displayed his trusty BlackBerry as evidence of how to cyberbully. You can do it in school and on school grounds.

Where the real problem when it comes to cyberbullying occurs is it occurs on computers in somebody's home, when kids go home from school, when they get behind the computer, oftentimes unattended, and they proceed to take the bullying actions. That's not covered and that wasn't covered by the Republican minority's amendment.

The amendment talked about how any student or school employee found to be in violation of subdivision 2 of this section in a public school or on school property. Nowhere does it talk about on the corner, away

from school property, some other location. If that occurred, by their own amendment, that child, that student, that young adult wouldn't be covered under this amendment. Didn't go far enough.

Senator Saland.

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

SENATOR SALAND: Madam President, would Senator Johnson yield?

SENATOR CRAIG JOHNSON: I'll gladly yield for a question.

SENATOR SALAND: Let me call your attention to Section 28-03. And would you like to read along with me, subsection 1?

SENATOR CRAIG JOHNSON: Sure.

SENATOR SALAND: "For purposes of this section, the term 'bullying' shall mean a severe or repeated use by one or more students or school employees of a written, verbal or electronic expression or a physical act or gesture or any combination thereof directed at a student that has the effect of." Have we seen anything about school grounds yet in here?

SENATOR CRAIG JOHNSON: No, I was looking at subdivision 3, Senator Saland. As you define your -- in your --

ACTING PRESIDENT STEWART-COUSINS: Gentlemen. Gentlemen.

SENATOR CRAIG JOHNSON: I want to finish the answer.

What you are doing in subdivision 1 is providing the definition of "bullying." What I'm pointing to, Senator Saland, is subdivision 3 -- well, first, if you look at subdivision 2, where you say "no student or school employee shall subject to any student at a public school or a publicly funded special education program to bullying as defined in this section."

Then, if you go to subdivision 3, you say "any student or school employee found to be in violation of subdivision 2 of this section in a public school or on school property shall be subject to disciplinary action." So the way I interpret it, maybe it's different than the way you interpret it -- which is that we'd have to go to court to see how the courts would interpret it -- is

if a student is sitting in his home, on his own computer, my concern, my concern is that he or she would not be subject to your crafted amendment.

Now, if we could work together on a cyberbullying bill that would address that issue, I would gladly work with you and Senator Hannon, because I know how hard Senator Hannon's been working on this issue, to address it. But that's not covered in this amendment tonight.

SENATOR SALAND: Well, I'll respectfully disagree with you.

SENATOR JOHNSON: I'll continue to yield, by the way.

ACTING PRESIDENT STEWART-COUSINS: Well, you know, the question is, is there a question, Senator Saland? Do you want Senator C. Johnson to yield for a question?

SENATOR SALAND: Well, if you then would like to prevail upon Senator Duane to lay the bill aside so that we can do that, perhaps we can accomplish that and have a bill tomorrow and take care of this the way it should be taken care of.

SENATOR CRAIG JOHNSON: I don't know if Senator Saland would allow me to continue my being on the bill. I'll certainly talk about what I think has to be accomplished tonight and other things going forward.

But to answer your question is I believe tonight what's the most important thing tonight is passing Senator Duane's bill and then taking the next step going forward.

But I think the problem is is that throughout this process, what this amendment -- while good intentioned, didn't go far enough. And I'm willing to support those efforts, like you've done in the past, when you were in the majority and cyberbullying bills had come before this house. I'll continue to support them.

But this amendment didn't go far enough, and I think that's what we have to address. And I'm happy to do that in a separate piece of legislation working with yourself and Senator Hannon. But tonight, and now --

ACTING PRESIDENT STEWART-COUSINS: Senator Johnson, you still have the floor.

Senator Saland, after Senator Johnson, please.

SENATOR SALAND: Thank you.

SENATOR CRAIG JOHNSON: The other thing I think what's important to address, if I could, on the amendment, and something that we should address going forward, to my colleagues in the Republican minority and my colleagues in the Democratic majority, is in looking at the language of the amendment I think there are other things we have to protect, Senator Saland.

We talk about protecting the student property. Agreed. But I think we also have to protect the student reputation. That's not necessarily covered here. Maybe it could be interpreted. But I think when we're talking about cyberbullying and the effects on students, we need to be specific. We need to be inclusive. We need to go further. And that's what we need to do.

I think what we also need to do is we need to address the issue of cyberbullying on the college campuses. And we need to have that ability. We're covering here the lower

schools, but when they graduate as seniors in high school, they go on to college, or community college. It's not as if bullying starts or stops. They're adults. Now, that may take the form of harassment, and we have that charge, and it's appropriate. But if they're 17 and they're committing that act, is it harassment or is it bullying? We need address that. And I think it's appropriate to do that.

But the amendment didn't go far enough, and I'm not prepared to support an amendment that only covers half the pie. I want the full pie.

So let's talk about Dignity, and let's talk about Senator Duane's bill. That's the bill before us today, and it's taken years to get here. And hopefully tonight it finally gets done, because our students in the public schools deserve it.

They also, Senator Duane, with all due respect, deserve it in the parochial schools and the private schools. And by the way, the amendment didn't cover parochial schools or private schools. I believe

cyberbullying occurs in those establishments as well. We have to address that. Again, we can't go halfway, we've got to go all the way.

Senator Duane, I implore you, as we move forward, if we pass this bill tonight -- and I hope we do -- we need to address those issues as well. Dignity for all students, whether it's the public schools, parochial schools, private schools.

But we have the bill before us tonight, and we can all cite the instances and examples and the tragedies that have occurred for our students, our children. Eric Adams, my friend Eric Adams talked about his 14-year-old. I've got the 8-year-old. And the 5-year-old and the 8-1/2-month-old.

But my 8-year-old, just like Senator Ranzenhofer talked about the sixth-graders who know about computers, my 8-year-old knows about computers. And he likes to play with daddy's BlackBerry, and he likes to play the games. The problem is, when he's 9 and 10, he's going to start asking for a cellphone to have in case of emergency. And I'm told that kids are starting to get them at

9 and 10 and 11, for emergency purposes, and that unfortunately those purposes expand.

We have to do more for our kids. This bill starts that process. I want it to go further, I do. At this juncture, we need to support this bill. Starting tomorrow, Senator Duane, we need to work together to take it the next step. And I'm prepared to work with you on that. And hopefully my colleagues on the Republican side will do so as well.

So tonight I support this great bill. I need to make it a fantastic bill, but tonight it's just great. I thank you, Senator Duane. I'll be voting yes on the bill.

Thank you very much, Madam President.

ACTING PRESIDENT STEWART-COUSINS: Senator Alesi.

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

I'm going to support this bill, and that probably should come as no surprise since I already announced that a few minutes ago. But some of my colleagues who question the

fact that why would we want to target specific people in a bill like this -- and I appreciate those concerns and observations. Because, as I said when we were talking about the amendment, that that was far more encompassing. It was broader. It does deal with the real situation of cyberbullying and off-campus bullying and the persistent persecution of people by electronic means.

But I understand what the sponsor is trying to accomplish by being specific here, as I also understand why Senator DeFrancisco, for example, questioned why it has to be specific and why it shouldn't just cover everybody.

So I guess when you're looking at what you want to do, you just have to say we have to address the situation of bullying at any and every level we can. I think I would join Senator Johnson in offering to work to make this bill better if Senator Duane were willing to do some amendments later on. But obviously the bill is before us right now, and that's not going to happen.

So I can tell you why, in my view,

we need to be specific, why this bill says that nobody should be bullied for all of these following reasons: The person's actual or perceived race, their color, their weight. Parenthetically, Senator Duane, there is a small imperfection in here that was pointed out by Senator DeFrancisco. You include weight, but not height. We should work on that.

I say that rather lightheartedly, but it does underscore what Senator Johnson was saying, and some of my colleagues. We need to clean this bill up a little bit. But let's move forward.

National origin, ethnic group, religion, religious practice, disability, gender, or sex. Oh, I left something out. Or sexual orientation.

So why would we want to be specific about it? In my view, it's pretty clear. Because kids look for vulnerability. Bullies don't pick on the biggest, toughest, most popular people, they look for the weaknesses in others. That's what bullies do. And their own weakness that's inherent to every bully --

because every bully is a weak person -- they seek out the vulnerabilities. And that's why we have to talk about ethnicity and color and race and gender and weight and sexual orientation. Because those are targets. Nobody bullies vanilla ice cream.

I heard somebody say, When we were kids, we did this, we bullied these kids or those kids. I have my own experiences. There's not anybody in here that hasn't had some experience either being bullied or being a bully. And let's be honest about it. I'm sure that we've all had that experience or maybe joined in some kind of bullying activity. But the fact of the matter is you target people when you bully them.

And in my, you know, growing up it was the kids that lived in the trailer parks because they were poor. Yeah, they got bullied and they got picked on. Okay. There were kids that walked down the wrong side of the street, they got picked on because they were Catholics going to the Catholic school. Or if they were the first Italian on the block, they got pushed in the pricker bushes.

That's bullying.

And somebody said earlier that cyberbullying is worse, more damaging. I don't know if that's true. Why, because the whole world knows that somebody is being bullied? Maybe. But I can tell you that whether you're being emotionally bullied or physically bullied, you don't see the scars. The scars of your youth are more often than not worn on the inside. You carry those with you.

So if it's your sexual orientation or your perceived sexual orientation or if it's your religion or your ethnicity or whatever it is, those are the target areas that bullies go after. And, my colleagues, for those of you that question why we have to be specific, that's exactly why, because they're target areas. They are identifiable vulnerabilities or potential vulnerabilities that bullies seek out, that they go after. And they repeat. And when they repeat it, it's a form of torture. And there's not a person in this chamber that would condone torture of any kind. We pass bills against

torturing animals.

Okay, the amendment failed. There's no reason here to vote against this bill. The only reason to vote against this bill is because in calling it Dignity for All Students, it includes sexual orientation. Well, guess what? It's time to get over that. Time to get over that. This is about laws that protect our children from being persecuted and tortured physically and emotionally in our schools. In our schools.

The word "dignity" is already in the Education Law, by the way. The word "dignity" is in the Education Law. I'm not going to read it, but it's there. Not in any of the underlined sections, but it's there. Observance of laws, rules, courtesy, dignity and other traits that will enhance the quality of their educational experience.

And by the way, this bill also talks about moving those vulnerable people away from the manifestations of violence. You know, manifestations of violence. Think about that. That's exactly what I was saying. Torture, cruelty.

If "dignity" is already used in the Education Law, then what's wrong with passing a bill that recognizes dignity for all students and simply includes sexual orientation and relative phrases? If "dignity" is within the Education Law, then why can't we recognize that there can be dignity for all students?

And vote yes on this, come back at some point, make it better and have dignity within ourselves. Dignity within ourselves. Not as Republicans, not as Democrats, not as coming from some particular race or ethnic background or gender, but human beings that recognize that younger human beings can be saved and better protected in our schools if we recognize that dignity is something that we can give them and give ourselves in the act of doing that.

I vote yes.

ACTING PRESIDENT STEWART-COUSINS: Senator Saland.

SENATOR SALAND: Thank you, Madam President.

Madam President, first I'd like to

correct a misrepresentation -- which I could assume was merely an oversight and not by way of any deceit -- when Senator Duane said he motioned his bill out of committee and I did not. The record is clear that I very similarly motioned by my bill out of committee. So I don't know what the source of Senator Duane's beliefs or information was, but that certainly is anything but correct.

And yes, he is correct that School Boards did withdraw its objection. And the reason it had objected last year was because there was a $50 million fiscal on this bill, $50 million to train a person as required in his legislation for each of the 4400 school district schools that comprise the universe of schools in the State of New York.

Now, the amendment that we engaged in a bit earlier failed 30 to 8. Twenty-three people saw fit to be absent. And the issues which I raised during the course of discussing the amendment I will merely touch upon extremely briefly.

Certainly Senator Duane was eloquent. Certainly Senator Alesi was

eloquent. But the simple fact of the matter is that the legislative intent talks in terms of affording all students freedom from bullying in a school environment. And this particular bill is replete with the limitations in two or three different sections as to exactly what that universe is.

And as I said earlier, it leaves out a much larger universe which in the amendment would have included not only everything that Senator Duane would hope to accomplish here, but every conceivable bullying situation. Which would certainly cast a much wider and much more appropriate net.

Interestingly, somehow or other between last year and this year the $50 million fiscal that had been attached to this bill, for reasons I've yet to be able to contemplate or figure, disappeared. I guess the Ed Department decided that it didn't want to do fiscals anymore.

But the bottom line is that the initial opposition from some of the school-related associations were the concern

about the unfunded mandate. With the simple stroke of a pen, the unfunded mandate that had been present previously suddenly disappeared. I'm not quite sure how realistically it disappeared, but nonetheless, for purposes of this discussion here today, it seems to have miraculously disappeared.

It remains to be seen if in fact it will not reappear in 4400 schools throughout the State of New York as we require that at least one staff member at every school be thoroughly trained to handle human relations in the areas of race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender and sex, and whether in fact that's one-shot training or continuing training, and the extent to which that training is required and over how long of a period it's required.

So again, Madam President, the amendment did fail at this hour, and the amendment having failed, I am not going to take the time to address some of Senator Johnson's comments. But I would merely like to remind people that there is in this bill I

believe a very large unfunded mandate, notwithstanding the fact that it seemed to have evaporated for reasons that I find befuddling.

Thank you.

ACTING PRESIDENT STEWART-COUSINS: Thank you, Senator.

Senator Bonacic.

SENATOR BONACIC: The hour is -- on the bill. The hour is late, and I'm going to be brief.

First of all, I think every member tonight on both sides of the aisle that stood up and spoke on this issue spoke eloquently. And it was very enlightening. That's number one.

Number two, we all agree that the time has come to statutorily pass some bullying legislation, even though I personally think superintendents and principals try to handle this now at their own level.

The other thing that was clear to me tonight, that more has to be done, but that's not a reason not to get started. So, Senator Duane, thank you for getting us

started tonight.

Last but not least, I have consistently this year, and I tried in the years past. Not to vote for unfunded mandates. As to what that fiscal impact is, last year we heard it's $50 million. Maybe it's less. But in any event, NYSUT, our teachers, strongly support the legislation. School boards do not oppose the legislation. So our educational partners are telling us this is one unfunded mandate that they accept because it's time to get started on taking control of bullying. I'm going to vote yes.

Thank you, Madam President.

ACTING PRESIDENT STEWART-COUSINS: Thank you, Senator.

Senator L. Krueger, on the bill.

SENATOR LIZ KRUEGER: Thank you, Madam President.

Well, it seems to me that this bill has been better researched, better debated, more fine-tunedly taken apart and put back together than almost any bill I have seen us try to move through in Albany. And ironically, it's not that radical or big a

deal.

It's critical, it's critical that our schools make sure that they are not just preventing bullying but that they are being the models of what we hope our children to grow up and be, which is people who understand and respect each other, people who understand what is okay and not okay when it comes to treatment of other human beings. This is a fundamental thing we should expect our schools to do.

And so in 2010, to be debating in fact whether or not we can pass the Dignity for All Students piece of legislation, sincerely is a surprise to me, that even at this late hour there's still debate about this, this late hour in this year of 2010. This is fundamental.

Now, the good news is many places around the state are already using Dignity for All Students as the model of how they approach dealing with bullying and harassment and prevention, prevention training. Senator Tom Duane, the sponsor, couldn't have emphasized it enough. Our job here as parents, as

community leaders, and as educators is to ensure that we stop this kind of behavior before it ever starts, to educate our young people to know what they can and cannot do.

This has been started in many places in the state, including the great City of New York. So we are late to the game, but we're going to get this passed. And it's not an unfunded mandate, happily. The State Education Department's fiscal is only $270,000 to ensure this is implemented statewide. That's probably the paperclip budget for the total number of school districts in the state.

So the one thing that I will say that I see as a statement of perhaps bullying and harassment are some of the memos of opposition I have read to this bill. They are so misinformed, so uneducated about the issues facing our young people and what we can do about it as a state and as a society, that the memos of opposition that I read -- along with the far greater memos of support -- reinforces to me why we need Dignity for All Students, why we need to make sure our schools are teaching our young people about right and

wrong, about respect, and about dignity. Because I would hope in the next generation there won't be people arguing against such fundamental equal treatment and respect for each other.

I'll be very glad to vote yes, Madam President. Thank you.

ACTING PRESIDENT STEWART-COUSINS: Thank you, Senator.

Senator Padavan, on the bill.

SENATOR PADAVAN: I'll explain my vote, Madam President.

ACTING PRESIDENT STEWART-COUSINS: Fine, Senator.

Senator Marcellino, on the bill.

SENATOR MARCELLINO: Likewise, I'll explain my vote.

ACTING PRESIDENT STEWART-COUSINS: Well, are there any other Senators, then, who wish to be heard on the bill?

Hearing none, seeing none, the debate is closed. I'll ask the Secretary to please ring the bells.

Read the last section.

THE SECRETARY: Section 5. This

act shall take effect July 1, 2012.

ACTING PRESIDENT STEWART-COUSINS: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Senator Padavan, to explain his vote.

SENATOR PADAVAN: Yes, Madam President. Thank you very much.

I listened, as did everyone else, to Senator Craig Johnson's point of view relative to the deficiencies of this bill. What he told us was that it doesn't cover cyberbullying to the extent that it should or could, it doesn't deal with the reputation of the victim, it doesn't cover parochial and nonpublic schools, and he may have mentioned some other things that he felt were lacking.

And what I can't figure out, Madam President, is the fact that this bill is almost a year and a half old, Senator Craig Johnson's a cosponsor, and none of the things that he pointed out apparently have been addressed.

We tried. Certainly Senator Saland's amendment was an effort of

significant value. But I'm not sure what Senator Johnson did. Perhaps in the days and weeks ahead, he'll tell us. If anything. Maybe you were not successful. Maybe you tried and you were ignored. Who knows.

I vote aye.

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

Senator Marcellino, to explain his vote.

SENATOR MARCELLINO: Thank you, Madam President, to explain my vote.

As a schoolteacher in the City of New York for 20 years, I witnessed bullying on many levels amongst many groups and many kids. I saw the effect it had on the bully, and I saw the effect it had on the bullied. Not good either way.

This is nothing but a form of torture. And I cannot and will not support torture at any level. And I think it is a good first step. I wish the amendment had passed, because I thought it was a better approach. However, I'm willing to take this

bill. I'm willing to work with my colleague Senator Duane and anyone else who wishes to put a bill together and make a better bill out of it.

But I will be voting in support of this bill, Madam President.

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

Senator Duane, to explain his vote.

SENATOR DUANE: Thank you, Madam President.

I first wanted to clear up -- I was wrong, and I'm sorry about that. And I'm not in Education, because, trust me, Health is already too much. So now maybe it could be motioned out of Rules -- not Rules, Codes. But I don't know whether the timing is right.

So we have more work to do on this issue, we have more work to do on our rules. And I am hoping that we'll continue to work together.

And I'll be voting aye, Madam President. Thank you. Thank you, everyone.

ACTING PRESIDENT STEWART-COUSINS:

Senator Duane to be recorded in the affirmative.

Senator Adams, to explain his vote.

SENATOR ADAMS: Thank you, Madam President. I will be voting aye.

And I just want to dispel the misnomer that there's just a special group that is being protected. In fact, all children are being protected. And I think we should be proud as a state legislature because in 2000 we passed a similar piece of legislation, and it dealt with hate crime. And these groups in this protected class are the same groups that we passed in hate crime.

In our society we look at those groups that are targeted, and it's the same definition we use in hate crime. And we expand it to weight in addition. So this is not new. We understand that when people hurt people because of who they are, this country believes they should have a special group and a special classification.

I will be voting aye because this legislation is on target with that.

ACTING PRESIDENT STEWART-COUSINS:

Senator Adams to be recorded in the affirmative.

Senator Schneiderman, to explain his vote.

SENATOR SCHNEIDERMAN: Thank you, Madam President.

I proudly vote yes on this piece of legislation. I congratulate Senator Duane for his years of work. I do remember the bill Senator Adams just referred to and the work that Senator Duane led on that.

I just do want to note, Madam President, that this is a very carefully drafted bill, and it's drafted to comply with the Constitution. I look forward to working with Senator Saland on other legislation. I do think there is a First Amendment problem with this bill as drafted.

Senator Duane's bill separates out harassment, which is prohibited for anyone, for any reason, from discrimination, which we know under the case law has to be defined by certain categories, because schools inherently discriminate. That's what testing is. So Senator Duane's bill does everything you can

do under the Constitution. There are areas that not covered here, but that's true of virtually everything that we do. This is a huge step forward.

There are many, many children, ladies and gentlemen, who will benefit from this. There's harassment of Jewish students, there's harassment of African-American students, there's severe harassment of Muslim students in our schools, as well as harassment based on sexual orientation.

I think this is a bill everyone in this chamber should be proud to support. I am proud to support it. I vote yes.

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

Senator LaValle, to explain his vote.

SENATOR LaVALLE: Thank you, Madam President.

This is an issue where all 62 Senators in this chamber really want to resolve what is a very prickly issue in our society and in our schools. I would tell you,

as a former teacher and administrator, I think you should have been inclusive in the members to work with you, such as Senator Saland, Senator Hannon, and others, to have a much better bill. I know you're going to be back with some of the things that have been proposed.

But one of the things that's missing in this bill -- and I can't find it unless the commissioner or the local boards will deal with it, and it's called parents. Parents. They have to be included when their acts, the schools has to link with the parent in some way to try and bring home and school together in resolving the issue.

It's a beginning. I think the Senator Saland amendment would have been far better. But I'm going to support this, Senator Duane. But I hope in the future that you will look at some of the recommendations of our colleagues to make this a better bill and resolve a problem that is very perplexing to our society.

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

affirmative.

Senator Fuschillo, to explain his vote.

SENATOR FUSCHILLO: Thank you, Madam President.

Every year, as a parent of three children now 10, 16, and 19, when they were in the public schools, you're asked to sign a code of conduct in the beginning of the school year. And it's a piece of paper that tells you how you as a parent should act and how your children should act, and that's it. You sign the paper, you hand it in, and you've fulfilled your obligation to the school district.

But then during that school year we hear about harassment, we hear about the torture of children. And two years ago, in my child's school district high school, we heard about a suicide, about a girl who during her lunch break, because of a lot of problems, walked downtown, went on the train platform, and when a train came by, jumped.

I think this bill is sorely needed because at the very least it's going to force

the intervention which is desperately lacking right now.

I hope, Senator Duane, you listened carefully to the points that were made, and I hope this is the starting point to something that is even more comprehensive. It's just for public schools, it's not for parochial or private schools. The issues are the same there as well, and I think they need to be addressed.

So as somebody who witnesses my children on their BlackBerrys and the Internet as the only forms of communication these days -- because they don't talk to each other anymore, they text each other even if they're sitting next to each other. Two BlackBerrys can be going off, and I'll ask them and their friends, "What are you doing?" "We're talking to each other."

And it's unfortunate that the verbal communication isn't there anymore, and that this is the way kids communicate, for better or for worse. Hopefully this legislation and this law, when the Governor signs it, will deal with the worst.

I'll be voting in the affirmative.

And thank you, Senator Duane, for this legislation.

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

Senator Little, to explain her vote.

SENATOR LITTLE: Thank you, Madam President.

This is an important piece of legislation that is very necessary today. And as the mother of six children, grandmother of 14, I probably win the prize here. But I have concerns for them and for all children, because growing up today is very, very difficult.

We've known bullying when we were youngsters, but bullying didn't last like it does today and wasn't as widespread. But because of all the technology and the things that kids can do today, they can make it really a nightmare for some children when the one starts the process of bullying them.

So the good news is that we're

passing this piece of legislation. And I think the better news is that we're willing to work together to see that we improve on this legislation. But I thank you for putting it forth, and I vote aye.

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

Senator DeFrancisco, to explain his vote.

SENATOR DeFRANCISCO: Yes, there is no adult human being with any sense whatsoever that could not be against bullying. There's just simply -- that's a given.

By everyone voting for the amendment, they're voting for a better bill, in my judgment, without singling certain preferred classes out as the alleged victims and eliminating other classes.

Number two, for us to sit here and think for a moment that school districts don't care about bullying and school districts don't do what they can about bullying to me is a slap in the face of every school district throughout this state. Bullying happens not

because necessarily the schools don't do what they possibly can, but it happens because people are mean to each other. It's even true in these chambers.

Children are mean to each other. School districts are trying to deal with it. They don't need a law to tell them that this is the morally right thing to do.

Number three, all the school boards were against this last year. This year, miraculously, they say nothing. Because they're going to be accused of not being in favor of trying to stop bullying. How a fiscal note could go from a $50 million cost last year to zero is nonsense, because every school has to have at least one staff member at every school thoroughly trained in handling human relations, et cetera, et cetera, et cetera.

So I am against bullying, and against bullying for everyone, but not at a cost to school districts who, I believe, understand that obligation and are doing what they can. And I don't believe the extra cost is warranted.

So at the risk of somebody calling me someone in favor of bullying -- you can certainly do that and try to bully me. But I'm not going to be bullied into voting for something that I don't think is the right bill, so I vote no.

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

Senator Foley, to explain his vote.

SENATOR FOLEY: Thank you, Madam President.

And I rise to strongly support this piece of legislation. As a matter of fact, I spoke with Senator Duane earlier last year, and this is one of the first bills that I had in fact cosponsored.

And I really think this is a signature moment for this particular session and for this Senate. Some I think tonight have somewhat minimized the importance of this legislation, as when I look at the history of this particular bill, where in this chamber in 2005 it stayed in the Education Committee; 2006, never reported out of Education; 2007,

never reported out of Education; 2008, never reported out of Education. In 2009, again it was in Education.

Whereas in the other house, in the Assembly, from 2006 to 2010 there was broad bipartisan support every one of those legislative years, to the point where virtually all Democrats and virtually every Republican supported the bill.

So I think it's very significant, Madam Chair, that we have tonight bipartisan support finally in this Senate to move forward with a bill that Senator Duane has championed for many years. And those of us who have had generations of teachers and administrators in schools can think of many, many occasions where bullying occurred and where this kind of legislation will in fact help to empower school districts to combat bullying.

This is one of the finer hours of this Senate, and it's long past time that we approved this. This is not something to minimize, this is something to in fact we want to use the word "celebrate" that finally it took this year, this session, this conference,

these Senators to finally find a bridge to support this bill in a bipartisan fashion so we can say in unison that bullying is wrong in this state and that with this legislation, with Senator Duane as the champion, we're finally going to give the districts the ability that they need to use in order to fight this particular scourge.

I strongly vote in favor. Thank you, Madam President.

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

Senator Alesi, to explain his vote.

SENATOR ALESI: Thank you, Madam President.

I thought I went on quite a bit explaining why I embrace this and embrace it passionately. In explaining my vote, I would like to recall a couple of years ago when I had a couple dozen kids from my region, the greater Rochester region, come and visit me and ask me to support the bill. Not one of them looked alike, but they all had the same request, to please support this bill.

And I want to thank Senator Duane for his persistence and his patience in bringing this bill forth. When I think about those young children that were asking for this support, I was proud to make them a promise several years ago that I would support the bill, and I am proud to vote for the bill tonight in keeping that promise.

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

Senator Hannon, to explain his vote.

SENATOR HANNON: Madam President, supporting this legislation, I'm doing so because it is a significant first step.

Our amendment would have gone beyond it, but I am heartened by the conversations that occurred in public as people were debating the bill. I am heartened by the conversations I've had with other members on both sides of the aisle to try to work to make sure we have a comprehensive piece of legislation.

At one point in the last couple of

months I was on a radio show and the host gave me a headline from the 1916 New York Times where Theodore Roosevelt was against bullying. Well, you know, we've moved to a bill that we're passing tonight that I think is still only addressing part of it. We've moved to where Facebook and MySpace and Twitter and the Internet and the texting are all tools that we have to address.

We'll have to do it by education, by giving comfort to our youth so they don't feel alone if they're being harassed, and we need to have a comprehensive bill. But tonight I will be supporting this bill.

Thank you.

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

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

SEVERAL SENATORS: No.

(Laughter.)

ACTING PRESIDENT STEWART-COUSINS: Okay. Announce the results.

THE SECRETARY: Those recorded in

the negative on Calendar Number 1070 are Senators DeFrancisco, Maziarz and Volker.

Ayes, 58. Nays, 3.

ACTING PRESIDENT STEWART-COUSINS: The bill is passed.

(Applause and cheers from gallery.)

ACTING PRESIDENT CRAIG JOHNSON: Senator Klein.

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

ACTING PRESIDENT CRAIG JOHNSON: The Secretary will read.

THE SECRETARY: Calendar Number 1069, by Senator Thompson, Senate Print 1229, an act to amend the Tax Law.

ACTING PRESIDENT CRAIG JOHNSON: Read the last section.

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

ACTING PRESIDENT CRAIG JOHNSON: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT CRAIG JOHNSON: Announce the results.

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT CRAIG JOHNSON: The bill is passed.

THE SECRETARY: Calendar Number 1072, by Senator Thompson, Senate Print 2784B, an act to amend the Education Law.

ACTING PRESIDENT CRAIG JOHNSON: Read the last section.

THE SECRETARY: Section 18. This act shall take effect three years after the date on which it shall have become a law.

SENATOR LIBOUS: Mr. President.

ACTING PRESIDENT CRAIG JOHNSON: Senator Libous, why do you rise?

SENATOR LIBOUS: 1071 was skipped over.

ACTING PRESIDENT CRAIG JOHNSON: 1071 was amended, so it's high.

SENATOR LIBOUS: Okay. It doesn't indicate that on the calendar.

ACTING PRESIDENT CRAIG JOHNSON: Senator Libous, 1071 was amended by motion by -- I just request some order in the chamber, please. Thank you.

Senator Libous, Calendar Number

1071 was amended by floor motion by Senator Klein about an hour ago. So therefore 1071 is high, as well as 1076 is also high.

SENATOR LIBOUS: Thank you, Mr. President. I appreciate --

ACTING PRESIDENT CRAIG JOHNSON: 1071 and 1076 are both high.

SENATOR LIBOUS: The fact that it wasn't designated here, I wasn't --

ACTING PRESIDENT CRAIG JOHNSON: Because it was done by floor motion.

SENATOR LIBOUS: Thank you.

ACTING PRESIDENT CRAIG JOHNSON: Thank you, Senator Libous.

The Secretary will continue by calling the roll on Calendar Number 1072.

(The Secretary called the roll.)

ACTING PRESIDENT CRAIG JOHNSON: Announce the results.

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT CRAIG JOHNSON: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1073, Senator Oppenheimer moves to discharge, from the Committee on

Rules, Assembly Bill Number 6527B and substitute it for the identical Senate Bill Number 3071A, Third Reading Calendar 1073.

ACTING PRESIDENT CRAIG JOHNSON: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1073, by Member of the Assembly Latimer, Assembly Print Number 6527B, an act to amend Chapter 654 of the Laws of 1927.

ACTING PRESIDENT CRAIG JOHNSON: Read the last section.

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

ACTING PRESIDENT CRAIG JOHNSON: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT CRAIG JOHNSON: Announce the results.

THE SECRETARY: Those recorded in the negative on Calendar Number 1073 are Senators Alesi, Bonacic, DeFrancisco, Farley, Flanagan, Fuschillo, Golden, Griffo, Hannon, O. Johnson, Lanza, Larkin, LaValle, Leibell, Libous, Little, Marcellino, Maziarz, McDonald,

Nozzolio, Padavan, Ranzenhofer, Robach, Saland, Seward, Skelos, Volker, Winner and Young.

Ayes, 32. Nays, 29.

ACTING PRESIDENT CRAIG JOHNSON: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1074, Senator Perkins moves to discharge, from the Committee on Corporations, Authorities and Commissions, Assembly Print Number 4550 and substitute it for the identical Senate Bill Number 3477, Third Reading Calendar 1074.

ACTING PRESIDENT CRAIG JOHNSON: Substitution ordered.

THE SECRETARY: Calendar Number 1074, by Member of the Assembly Towns, Assembly Print Number 4550, an act to amend the New York State Urban Development Corporation Act.

ACTING PRESIDENT CRAIG JOHNSON: Read the last section.

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

ACTING PRESIDENT CRAIG JOHNSON:

Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT CRAIG JOHNSON: Announce the results.

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT CRAIG JOHNSON: The bill is passed.

THE SECRETARY: Calendar Number 1075, by Senator Huntley, Senate Print 4028A, an act to amend the Education Law.

ACTING PRESIDENT CRAIG JOHNSON: Read the last section.

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

ACTING PRESIDENT CRAIG JOHNSON: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT CRAIG JOHNSON: Announce the results.

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT CRAIG JOHNSON: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1077, Senator Nozzolio moves to discharge, from the Committee on Rules,

Assembly Bill Number 8076A and substitute it for the identical Senate Bill Number 4194A, Third Reading Calendar 1077.

ACTING PRESIDENT CRAIG JOHNSON: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1077, by Member of the Assembly Oaks, Assembly Print Number 8076A, an act to authorize the Village of Lyons.

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

Read the last section.

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

ACTING PRESIDENT CRAIG JOHNSON: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT CRAIG JOHNSON: Announce the results.

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT CRAIG JOHNSON: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1078, Senator Savino moves to

discharge, from the Committee on Energy and Telecommunications, Assembly Bill Number --

SENATOR RANZENHOFER: Lay it aside.

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

ACTING PRESIDENT CRAIG JOHNSON: Senator Ranzenhofer, I know you requested the bill to be laid aside. We just want to finish the substitution, for the record, and then we'll lay the bill aside for the day.

The Secretary will continue to read.

THE SECRETARY: In relation to Calendar Number 1078, Senator Savino moves to discharge, from the Committee on Energy and Telecommunications, Assembly Bill Number 7593B and substitute it for the identical Senate Bill Number 4208B, Third Reading Calendar 1078.

ACTING PRESIDENT CRAIG JOHNSON: Substitution ordered.

The bill is laid aside for the day.

THE SECRETARY: Calendar Number 1079, by Senator Valesky, Senate Print 4281A,

an act to amend the Not-for-Profit Corporation Law.

ACTING PRESIDENT CRAIG JOHNSON: Read the last section.

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

ACTING PRESIDENT CRAIG JOHNSON: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT CRAIG JOHNSON: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT CRAIG JOHNSON: Announce the results.

THE SECRETARY: Those recorded in the negative on Calendar Number 1079 are Senators Farley, Golden, O. Johnson, Larkin, Libous, Marcellino, Ranzenhofer, Saland, Seward, Skelos, Volker and Young. Also Senator Nozzolio.

Ayes, 48. Nays, 13.

ACTING PRESIDENT CRAIG JOHNSON: The bill is passed.

THE SECRETARY: Calendar Number 1080, by Senator Stewart-Cousins, Senate Print

4601A, an act to amend the Local Finance Law.

ACTING PRESIDENT CRAIG JOHNSON: Read the last section.

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

ACTING PRESIDENT CRAIG JOHNSON: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT CRAIG JOHNSON: Announce the results.

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT CRAIG JOHNSON: The bill is passed.

THE SECRETARY: Calendar Number 1081, by Senator Dilan, Senate Print 4625, an act to amend the Family Court Act.

ACTING PRESIDENT CRAIG JOHNSON: Read the last section.

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

ACTING PRESIDENT CRAIG JOHNSON: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT CRAIG JOHNSON: Announce the results.

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT CRAIG JOHNSON: The bill is passed.

THE SECRETARY: Calendar Number 1082, by Senator Stachowski, Senate Print 4754, an act to amend the Labor Law.

ACTING PRESIDENT CRAIG JOHNSON: Read the last section.

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

ACTING PRESIDENT CRAIG JOHNSON: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT CRAIG JOHNSON: Announce the results.

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT CRAIG JOHNSON: The bill is passed.

THE SECRETARY: Calendar Number 1083, by Senator Huntley, Senate Print 5011B, an act to amend the Education Law and the Public Health Law.

ACTING PRESIDENT CRAIG JOHNSON: Read the last section.

THE SECRETARY: Section 3. This

act shall take effect on the first of January.

ACTING PRESIDENT CRAIG JOHNSON:

Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT CRAIG JOHNSON:

Announce the results.

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT CRAIG JOHNSON:

The bill is passed.

THE SECRETARY: Calendar Number 1084, by Senator C. Kruger, Senate Print 5389A, an act to amend the General Obligations Law.

ACTING PRESIDENT CRAIG JOHNSON:

Read the last section.

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

ACTING PRESIDENT CRAIG JOHNSON:

Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT CRAIG JOHNSON:

Announce the results.

THE SECRETARY: Those recorded in the negative on Calendar Number 1084 are Senators Alesi, Bonacic, DeFrancisco, Farley,

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

Ayes, 32. Nays, 29.

ACTING PRESIDENT CRAIG JOHNSON: The bill is passed.

THE SECRETARY: Calendar Number 1085, by Senator Huntley, Senate Print 5452B, an act to amend the Education Law.

ACTING PRESIDENT CRAIG JOHNSON: Read the last section.

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

ACTING PRESIDENT CRAIG JOHNSON: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT CRAIG JOHNSON: Announce the results.

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT CRAIG JOHNSON: The bill is passed.

THE SECRETARY: Calendar Number

1086, by Senator Savino, Senate Print 5631A, an act to amend the Administrative Code of the City of New York.

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

Read the last section.

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

ACTING PRESIDENT CRAIG JOHNSON: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT CRAIG JOHNSON: Announce the results.

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT CRAIG JOHNSON: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1087, Senator Stewart-Cousins moves to discharge, from the Committee on Finance, Assembly Bill Number 6766 and substitute it for the identical Senate Bill Number 5942, Third Reading Calendar 1087.

ACTING PRESIDENT CRAIG JOHNSON: Substitution ordered.

THE SECRETARY: Calendar Number

1087, by Member of the Assembly Latimer, Assembly Print Number 6766, an act to amend the Economic Development Law and the Public Service Law.

ACTING PRESIDENT CRAIG JOHNSON: Read the last section.

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

ACTING PRESIDENT CRAIG JOHNSON: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT CRAIG JOHNSON: Announce the results.

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT CRAIG JOHNSON: The bill is passed.

THE SECRETARY: Calendar Number 1088, by Senator Savino, Senate Print 5953, an act to amend the Real Property Tax Law.

ACTING PRESIDENT CRAIG JOHNSON: Read the last section.

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

ACTING PRESIDENT CRAIG JOHNSON: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT CRAIG JOHNSON: Announce the results.

THE SECRETARY: Ayes, 59. Nays, 2. Senators Bonacic and Larkin recorded in the negative.

ACTING PRESIDENT CRAIG JOHNSON: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1089, Senator Perkins moves to discharge, from the Committee on Consumer Protection, Assembly Bill Number 8839A and substitute it for the identical Senate Bill Number 6034, Third Reading Calendar 1089.

ACTING PRESIDENT CRAIG JOHNSON: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1089, by the Member of the Assembly Pheffer, Assembly Print Number 8839A, an act to amend the General Business Law.

ACTING PRESIDENT CRAIG JOHNSON: Read the last section.

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

ACTING PRESIDENT CRAIG JOHNSON:

Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT CRAIG JOHNSON:

Announce the results.

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT CRAIG JOHNSON:

The bill is passed.

THE SECRETARY: Calendar Number 1090, by Senator Lanza, Senate Print 6327A, an act to grant Bruce Kerr a retroactive system membership.

ACTING PRESIDENT CRAIG JOHNSON:

Read the last section.

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

ACTING PRESIDENT CRAIG JOHNSON:

Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT CRAIG JOHNSON:

Announce the results.

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT CRAIG JOHNSON:

The bill is passed.

THE SECRETARY: In relation to

Calendar Number 1091, Senator Serrano --

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

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

Senator Klein, we need to make the substitution first. Then we'll lay the bill aside for the day.

THE SECRETARY: In relation to Calendar Number 1091, Senator Serrano moves to discharge, from the Committee on Corporations, Authorities and Commissions, Assembly Bill Number 9465A and substitute it for the identical Senate Bill Number 6688A, Third Reading Calendar 1091.

ACTING PRESIDENT CRAIG JOHNSON: Substitution ordered.

The bill is laid aside for the day.

THE SECRETARY: Calendar Number 1092, by Senator Foley, Senate Print 6696, an act to amend the Tax Law.

ACTING PRESIDENT CRAIG JOHNSON: Read the last section.

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

ACTING PRESIDENT CRAIG JOHNSON: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT CRAIG JOHNSON: Announce the results.

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT CRAIG JOHNSON: The bill is passed.

THE SECRETARY: Calendar Number 1093, by Senator L. Krueger, Senate Print --

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

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

THE SECRETARY: In relation to Calendar Number 1094, Senator Savino moves to discharge, from the Committee on Rules, Assembly Bill Number 9914A and substitute it for the identical Senate Bill Number 6879A, Third Reading Calendar 1094.

ACTING PRESIDENT CRAIG JOHNSON: Substitution ordered.

THE SECRETARY: Calendar Number 1094, by Member of the Assembly Markey, Assembly Print Number 9914A, an act to amend

the General Municipal Law and the Retirement and Social Security Law.

ACTING PRESIDENT CRAIG JOHNSON: Read the last section.

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

ACTING PRESIDENT CRAIG JOHNSON: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT CRAIG JOHNSON: Announce the results.

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT CRAIG JOHNSON: The bill is passed.

THE SECRETARY: Calendar Number 1095, by Senator Larkin, Senate Print 6984, an act to authorize the Town of Montgomery in the County of Orange.

ACTING PRESIDENT CRAIG JOHNSON: There is a home-rule message at the desk.

Read the last section.

THE SECRETARY: Section 3. This act shall take effect immediately.

ACTING PRESIDENT CRAIG JOHNSON: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT CRAIG JOHNSON: Announce the results.

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT CRAIG JOHNSON: The bill is passed.

THE SECRETARY: Calendar Number 1096, by Senator Huntley, Senate Print 7023, an act to amend the Mental Hygiene Law.

ACTING PRESIDENT CRAIG JOHNSON: Read the last section.

THE SECRETARY: Section 4. This act shall take effect on the first of April.

ACTING PRESIDENT CRAIG JOHNSON: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT CRAIG JOHNSON: Senator DeFrancisco, to explain his vote.

SENATOR DeFRANCISCO: Yes, I'm voting no.

At this time in our history, when we're having enough trouble getting a budget by dribs and drabs, it's not the right thing to do to create an office within an office at a cost of $760,000, and for that reason I'm

voting no.

ACTING PRESIDENT CRAIG JOHNSON: Senator DeFrancisco to be recorded in the negative.

Announce the results.

THE SECRETARY: Those recorded in the negative on Calendar Number 1096 are Senators Bonacic, DeFrancisco, Farley, Flanagan, Golden, Griffo, O. Johnson, Lanza, LaValle, Leibell, Little, Marcellino, McDonald, Nozzolio, Ranzenhofer, Saland, Seward, Skelos, Volker, Winner and Young. Also Senator Larkin.

Ayes, 39. Nays, 22.

ACTING PRESIDENT CRAIG JOHNSON: The bill is passed.

THE SECRETARY: Calendar Number 1097, by Senator Addabbo, Senate Print 71 --

SENATOR KLEIN: Lay the bill aside for the day, please.

ACTING PRESIDENT CRAIG JOHNSON: The bill is laid aside for the day.

THE SECRETARY: In relation to Calendar Number 1099, Senator Squadron moves to discharge, from the Committee on Rules,

Assembly Bill Number 10857A and substitute it for the identical Senate Bill Number 7378A, Third Reading Calendar 1099.

ACTING PRESIDENT CRAIG JOHNSON: Substitution ordered.

THE SECRETARY: Calendar Number 1099, by Member of the Assembly Schimminger, Assembly Print Number 10857A, an act to amend the Alcoholic Beverage Control Law.

ACTING PRESIDENT CRAIG JOHNSON: Read the last section.

THE SECRETARY: Section 2. This act shall take effect immediately.

ACTING PRESIDENT CRAIG JOHNSON: Call the roll.

(The Secretary called the roll.)

SENATOR LIBOUS: Lay it aside, please.

ACTING PRESIDENT CRAIG JOHNSON: The bill is laid aside.

SENATOR KLEIN: Lay the bill aside for the day, please.

ACTING PRESIDENT CRAIG JOHNSON: The bill is laid aside for the day.

THE SECRETARY: In relation to

Calendar Number 1100, Senator Peralta moves to discharge, from the Committee on Rules, Assembly Bill Number 10502 and substitute it for the identical Senate Bill Number 7399, Third Reading Calendar 1100.

ACTING PRESIDENT CRAIG JOHNSON: Substitution ordered.

THE SECRETARY: Calendar Number 1100, by Member of the Assembly Jeffries, Assembly Print Number 10502, an act to amend the Banking Law.

ACTING PRESIDENT CRAIG JOHNSON: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the 120th day.

ACTING PRESIDENT CRAIG JOHNSON: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT CRAIG JOHNSON: Senator Farley, to explain his vote.

SENATOR FARLEY: Just to explain my vote.

I'm voting no. This bill is seriously flawed. It applies only to banking organizations which are state-chartered banks,

thrifts and credit unions and to licensed lenders, even though licensed lenders don't have the authority to make mortgage loans. And it does not include mortgage bankers or mortgage brokers.

The Banking Department is very much opposed to it, and I think it's veto bait. So I vote no.

ACTING PRESIDENT CRAIG JOHNSON: Senator Farley to be recorded in the negative.

Announce the results.

THE SECRETARY: Those recorded in the negative on Calendar Number 1100 are Senators Bonacic, DeFrancisco, Farley, Flanagan, Griffo, O. Johnson, Lanza, Larkin, Libous, Little, Nozzolio, Seward and Young.

Ayes, 48. Nays, 13.

ACTING PRESIDENT CRAIG JOHNSON: The bill is passed.

THE SECRETARY: Calendar Number 1101, by Senator Peralta, Senate Print 7441C, an act to amend the Public Health Law.

ACTING PRESIDENT CRAIG JOHNSON: Read the last section.

THE SECRETARY: Section 2. This

act shall take effect on the first of May.

ACTING PRESIDENT CRAIG JOHNSON: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT CRAIG JOHNSON: Senator DeFrancisco, to explain his vote.

SENATOR DeFRANCISCO: In our first budget extender that had part of the budget in it, the hospitals took a bath as far as budget cuts.

I can't understand for the life of me why anyone would now require additional expenses for hospitals to provide an informational leaflet containing information how parents can subscribe to a consumer safety -- consumer commission's email subscription. Are you kidding me? Are we trying to poke hospitals in the eye and require further costs, or do we want to get some medical care from hospitals?

And if people want to get on some government list or email list, well, let them look for it or let them try to figure out something for themselves.

So I'm going to vote no on this.

ACTING PRESIDENT CRAIG JOHNSON: Senator DeFrancisco to be recorded in the negative.

Announce the results.

THE SECRETARY: Those recorded in the negative on Calendar Number 1101 are Senators Bonacic, DeFrancisco, Farley, Flanagan, Golden, Griffo, Hannon, O. Johnson, Lanza, Larkin, LaValle, Leibell, Libous, Little, Marcellino, Maziarz, Nozzolio, Robach, Saland, Seward, Skelos, and Winner. Also Senator Fuschillo. Also Senator Young.

Ayes, 37. Nays, 24.

ACTING PRESIDENT CRAIG JOHNSON: The bill is passed.

THE SECRETARY: Calendar Number 1102, by Senator Valesky, Senate Print 7544, an act to amend the Retirement and Social Security Law.

ACTING PRESIDENT CRAIG JOHNSON: Read the last section.

THE SECRETARY: Section 4. This act shall take effect immediately.

ACTING PRESIDENT CRAIG JOHNSON: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT CRAIG JOHNSON: Announce the results.

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT CRAIG JOHNSON: The bill is passed.

THE SECRETARY: Calendar Number 1103, by Senator Parker --

SENATOR KLEIN: Lay the bill aside for the day, please.

ACTING PRESIDENT CRAIG JOHNSON: The bill is laid aside for the day.

THE SECRETARY: Calendar Number 1104, by Senator Addabbo, Senate Print 7591, an act to amend the Public Authorities Law.

ACTING PRESIDENT CRAIG JOHNSON: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the 90th day.

ACTING PRESIDENT CRAIG JOHNSON: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT CRAIG JOHNSON: Announce the results.

SENATOR KLEIN: Lay the bill

aside for the day, please.

ACTING PRESIDENT CRAIG JOHNSON: The bill is laid aside for the day.

THE SECRETARY: Calendar Number 1106, by Senator Stachowski, Senate Print 7675A, an act to amend the Tax Law.

ACTING PRESIDENT CRAIG JOHNSON: Read the last section.

THE SECRETARY: Section 5. This act shall take effect immediately.

ACTING PRESIDENT CRAIG JOHNSON: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT CRAIG JOHNSON: The bill is passed.

THE SECRETARY: Calendar Number 1107, by Senator Serrano, Senate Print 7715A, an act to amend the Public Authorities Law.

ACTING PRESIDENT CRAIG JOHNSON: Read the last section.

THE SECRETARY: Section 9. This act shall take effect immediately.

ACTING PRESIDENT CRAIG JOHNSON: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT CRAIG JOHNSON: Announce the results.

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT CRAIG JOHNSON: The bill is passed.

THE SECRETARY: Calendar Number 1108, by Senator L. Krueger, Senate Print 7729A, an act to amend Chapter 174 of the Laws of 1968.

ACTING PRESIDENT CRAIG JOHNSON: Read the last section.

THE SECRETARY: Section 3. This act shall take effect immediately.

ACTING PRESIDENT CRAIG JOHNSON: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT CRAIG JOHNSON: Announce the results.

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT CRAIG JOHNSON: The bill is passed.

THE SECRETARY: Calendar Number 1109, by Senator Peralta, Senate Print 7737A, an act to amend the Alcoholic Beverage Control

Law.

ACTING PRESIDENT CRAIG JOHNSON: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the 90th day.

ACTING PRESIDENT CRAIG JOHNSON: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT CRAIG JOHNSON: Announce the results.

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT CRAIG JOHNSON: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1110, Senator Oppenheimer moves to discharge, from the Committee on Rules, Assembly Bill Number 10982 and substitute it for the identical Senate Bill Number 7757, Third Reading Calendar 1110.

ACTING PRESIDENT CRAIG JOHNSON: Substitution ordered.

THE SECRETARY: Calendar Number 1110, by Member of the Assembly Latimer, Assembly Print Number 10982, an act to repeal Title 20 of Article 7 of the Public

Authorities Law.

ACTING PRESIDENT CRAIG JOHNSON: There is a home-rule message at the desk.

Read the last section.

THE SECRETARY: Section 2. This act shall take effect immediately.

ACTING PRESIDENT CRAIG JOHNSON: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT CRAIG JOHNSON: Announce the results.

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT CRAIG JOHNSON: The bill is passed.

THE SECRETARY: Calendar Number 1111, by Senator Squadron, Senate Print 7805, an act to amend the New York State Printing and Public Documents Law.

ACTING PRESIDENT CRAIG JOHNSON: Read the last section.

THE SECRETARY: Section 3. This act shall take effect on the 120th day.

ACTING PRESIDENT CRAIG JOHNSON: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT CRAIG JOHNSON:

Announce the results.

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT CRAIG JOHNSON:

The bill is passed.

THE SECRETARY: Calendar Number 1112, by Senator Stachowski, Senate Print 7865, an act to amend the Executive Law.

ACTING PRESIDENT CRAIG JOHNSON:

Read the last section.

THE SECRETARY: Section 2. This act shall take effect immediately.

ACTING PRESIDENT CRAIG JOHNSON:

Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT CRAIG JOHNSON:

Announce the results.

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT CRAIG JOHNSON:

The bill is passed.

THE SECRETARY: In relation to Calendar Number 1113, Senator Squadron moves to discharge, from the Committee on Health, Assembly Bill Number 1135 and substitute it for the identical Senate Bill Number 7976,

Third Reading Calendar 1113.

ACTING PRESIDENT CRAIG JOHNSON: Substitution ordered.

THE SECRETARY: Calendar Number 1113, by Member of the Assembly Dinowitz, Assembly Print Number 1135, an act to amend the Public Health Law.

ACTING PRESIDENT CRAIG JOHNSON: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the 180th day.

ACTING PRESIDENT CRAIG JOHNSON: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT CRAIG JOHNSON: Announce the results.

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT CRAIG JOHNSON: The bill is passed.

THE SECRETARY: Calendar Number 1114, by Senator Stachowski, Senate Print 8028, an act to amend the Economic Development Law.

ACTING PRESIDENT CRAIG JOHNSON: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the 30th day.

ACTING PRESIDENT CRAIG JOHNSON: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT CRAIG JOHNSON: Announce the results.

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT CRAIG JOHNSON: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1115, Senator Squadron --

SENATOR KLEIN: Lay the bill aside for the day, please.

ACTING PRESIDENT CRAIG JOHNSON: The bill is laid aside for the day.

Oh, Senator Klein, there's a substitution. We're going to do the substitution first.

THE SECRETARY: Senator Squadron moves to discharge, from the Committee on Banks, Assembly Bill Number 10918 and substitute it for the identical Senate Bill Number 8066, Third Reading Calendar 1115.

ACTING PRESIDENT CRAIG JOHNSON:

Substitution ordered.

The bill is laid aside for the day.

THE SECRETARY: Calendar Number 1116, by Senator Squadron, Senate Print 8070, an act to amend the Energy Law.

ACTING PRESIDENT CRAIG JOHNSON: Read the last section.

THE SECRETARY: Section 4. This act shall take effect immediately.

ACTING PRESIDENT CRAIG JOHNSON: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT CRAIG JOHNSON: Announce the results.

THE SECRETARY: Those recorded in the negative on Calendar Number 1116 are Senators DeFrancisco, Griffo, O. Johnson, Little and Ranzenhofer.

Ayes, 56. Nays, 5.

ACTING PRESIDENT CRAIG JOHNSON: The bill is passed.

THE SECRETARY: Calendar Number 1117, by Senator Stachowski --

SENATOR KLEIN: Lay the bill aside for the day, please.

ACTING PRESIDENT CRAIG JOHNSON: The bill is laid aside for the day.

THE SECRETARY: Calendar Number 1118, by Senator Oppenheimer, Senate Print 8114, an act authorizing the assessor of the County of Westchester.

ACTING PRESIDENT CRAIG JOHNSON: Read the last section.

THE SECRETARY: Section 2. This act shall take effect immediately.

ACTING PRESIDENT CRAIG JOHNSON: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT CRAIG JOHNSON: Announce the results.

THE SECRETARY: Ayes, 59. Nays, 2. Senators Bonacic and Larkin recorded in the negative.

ACTING PRESIDENT CRAIG JOHNSON: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1119, Senator Thompson moves to discharge, from the Committee on Rules, Assembly Bill Number 11301 and substitute it for the identical Senate Bill Number 8128,

Third Reading Calendar 1119.

ACTING PRESIDENT CRAIG JOHNSON: Substitution ordered.

THE SECRETARY: Calendar Number 1119, by Member of the Assembly Sweeney, Assembly Print Number 11301, an act to amend the Environmental Conservation Law.

ACTING PRESIDENT CRAIG JOHNSON: Read the last section.

THE SECRETARY: Section 2. This act shall take effect immediately.

ACTING PRESIDENT CRAIG JOHNSON: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT CRAIG JOHNSON: Announce the results.

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT CRAIG JOHNSON: The bill is passed.

THE SECRETARY: Calendar Number 1120, by Senator Klein, Senate Print 8171, an act to amend the Public Health Law.

ACTING PRESIDENT CRAIG JOHNSON: Read the last section.

THE SECRETARY: Section 2. This

act shall take effect one year after it shall have become a law.

ACTING PRESIDENT CRAIG JOHNSON: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT CRAIG JOHNSON: Announce the results.

SENATOR LIBOUS: Lay the bill aside.

ACTING PRESIDENT CRAIG JOHNSON: The bill is laid aside.

SENATOR KLEIN: Lay the bill aside for the day, please.

ACTING PRESIDENT CRAIG JOHNSON: The bill is laid aside for the day.

THE SECRETARY: Calendar Number 1121, by Senator L. Krueger, Senate Print 8173, an act to amend the Real Property Tax Law.

ACTING PRESIDENT CRAIG JOHNSON: Read the last section.

THE SECRETARY: Section 3. This act shall take effect immediately.

ACTING PRESIDENT CRAIG JOHNSON: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT CRAIG JOHNSON: Announce the results.

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT CRAIG JOHNSON: The bill is passed.

THE SECRETARY: Calendar Number 1122, by Senator Smith, Senate Print 8268, an act to amend the Transportation Law.

ACTING PRESIDENT CRAIG JOHNSON: Read the last section.

THE SECRETARY: Section 2. This act shall take effect immediately.

ACTING PRESIDENT CRAIG JOHNSON: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT CRAIG JOHNSON: Senator Smith, to explain his vote.

SENATOR SMITH: Yes, thank you very much, Mr. President.

About three months ago, Mr. President, Secretary LaHood of the Department of Transportation said that New York had to get their act together if we wanted to participate with high-speed rail.

Well, today I want to thank the Governor, Chairman Mullen, Commissioner Gee, the staff of the Senate. This bill that we're voting on today will put New York in play to perhaps pursue billions of dollars in transportation money for high-speed rail, which is one of the most transformational initiatives taking place in this country. It has been almost 142 years since President Lincoln signed the Rail Act when this country was at its precipice of challenges that it moved such an initiative.

Today, colleagues, we are putting together a board that will put us in place to raise billions of dollars, create thousands of jobs, and bring New York into the transportation 21st century. I vote aye.

ACTING PRESIDENT CRAIG JOHNSON: Senator Smith to be recorded in the affirmative.

Announce the results.

THE SECRETARY: Ayes, 61. Nays, 0.

ACTING PRESIDENT CRAIG JOHNSON: The bill is passed.

THE SECRETARY: Calendar Number 1123, by Senator Montgomery, Senate Print 8279, an act to amend the Executive Law.

ACTING PRESIDENT CRAIG JOHNSON: Read the last section.

THE SECRETARY: Section 8. This act shall take effect on the 30th day.

ACTING PRESIDENT CRAIG JOHNSON: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT CRAIG JOHNSON: Announce the results.

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT CRAIG JOHNSON: The bill is passed.

THE SECRETARY: Calendar Number 1124, by Senator Stachowski, Senate Print 8016, an act to amend the Public Authorities Law.

ACTING PRESIDENT CRAIG JOHNSON: Read the last section.

THE SECRETARY: Section 2. This act shall take effect immediately.

ACTING PRESIDENT CRAIG JOHNSON: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT CRAIG JOHNSON: Announce the results.

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT CRAIG JOHNSON: The bill is passed.

Senator Klein, that completes the reading of the noncontroversial supplemental calendar.

SENATOR KLEIN: Mr. President, can we briefly return to motions and resolutions.

ACTING PRESIDENT CRAIG JOHNSON: Returning to motions and resolutions.

Senator Klein.

SENATOR KLEIN: On behalf of Senator Squadron, I wish to call up Senate Print Number 7855, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT CRAIG JOHNSON: The Secretary will read the title.

THE SECRETARY: Calendar Number 986, by Senator Squadron, Senate Print 7855, an act to amend the Business Corporation Law.

ACTING PRESIDENT CRAIG JOHNSON:

Senator Klein.

SENATOR KLEIN: Mr. President, I now move to reconsider the vote by which this bill was passed.

ACTING PRESIDENT CRAIG JOHNSON: The Secretary will call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT CRAIG JOHNSON: Senator Klein.

SENATOR KLEIN: Mr. President, I now offer the following amendments.

ACTING PRESIDENT CRAIG JOHNSON: Amendments received.

SENATOR KLEIN: Mr. President, is there any further business at the desk?

ACTING PRESIDENT CRAIG JOHNSON: Senator Klein, the desk is clear.

SENATOR KLEIN: There being no further business, Mr. President, I move we adjourn until Wednesday, June 23rd, at 12:00 p.m.

ACTING PRESIDENT CRAIG JOHNSON: There being no further business to come before

the Senate, on motion, the Senate stands adjourned until Wednesday, June 23rd, at 12:00 p.m.

(Whereupon, at 11:10 p.m., the Senate adjourned.)