

1 NEW YORK STATE SENATE

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4 THE STENOGRAPHIC RECORD

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9 ALBANY, NEW YORK

10 June 29, 2010

11 1:29 p.m.

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13  
14 REGULAR SESSION

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18 SENATOR CRAIG M. JOHNSON, Acting President

19 ANGELO J. APONTE, Secretary

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

2 ACTING PRESIDENT CRAIG JOHNSON:

3 The Senate will please come to order.

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

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

9 ACTING PRESIDENT CRAIG JOHNSON:

10 In the absence of clergy, may we all bow our  
11 heads in a moment of silence.

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

14 ACTING PRESIDENT CRAIG JOHNSON:

15 The reading of the Journal.

16 The Secretary will read.

17 THE SECRETARY: In Senate,  
18 Monday, June 28, the Senate met pursuant to  
19 adjournment. The Journal of Sunday, June 27,  
20 was read and approved. On motion, Senate  
21 adjourned.

22 ACTING PRESIDENT CRAIG JOHNSON:

23 Without objection, the Journal stands approved  
24 as read.

25 Presentation of petitions.

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

7 Motions and resolutions.  
8 Senator Klein.

9 SENATOR KLEIN: Mr. President, on  
10 behalf of Senator Savino, I wish to call up  
11 Print Number 2311D, recalled from the  
12 Assembly, which is now at the desk.

13 ACTING PRESIDENT CRAIG JOHNSON:  
14 The Secretary will read the title.

15 THE SECRETARY: Calendar Number  
16 196, by Senator Savino, Senate Print 2311D, an  
17 act to amend the Labor Law and others.

18 ACTING PRESIDENT CRAIG JOHNSON:  
19 Senator Klein.

20 SENATOR KLEIN: Mr. President, I  
21 now move to reconsider the vote by which this  
22 bill was passed.

23 ACTING PRESIDENT CRAIG JOHNSON:  
24 The Secretary will call the roll on  
25 reconsideration.

1 (The Secretary called the roll.)

2 THE SECRETARY: Ayes, 58.

3 ACTING PRESIDENT CRAIG JOHNSON:

4 Senator Klein.

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

7 ACTING PRESIDENT CRAIG JOHNSON:

8 Amendments received.

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

12 ACTING PRESIDENT CRAIG JOHNSON:

13 The Secretary will read.

14 THE SECRETARY: On page 5,  
15 Senator LaValle moves to discharge, from the  
16 Committee on Rules, Assembly Bill Number 6848A  
17 and substitute it for the identical Senate  
18 Bill Number 3292A, Third Reading Calendar 68.

19 And on page 25, Senator Duane moves  
20 to discharge, from the Committee on Rules,  
21 Assembly Bill Number 8117B and substitute it  
22 for the identical Senate Bill Number 5007A,  
23 Third Reading Calendar 900.

24 ACTING PRESIDENT CRAIG JOHNSON:

25 Substitutions ordered.

1 Senator Klein.

2 SENATOR KLEIN: Mr. President,  
3 before we proceed, I just want to recognize  
4 this is a very special day for one of our  
5 colleagues who we hold near and dear. She is  
6 someone I consider a dear friend, and I know  
7 all of us do. Today is Shirley Huntley's  
8 birthday and anniversary.

9 (Applause.)

10 SENATOR HUNTLEY: Thank you.  
11 Thank you. Thank you.

12 ACTING PRESIDENT CRAIG JOHNSON:  
13 Congratulations, Senator Huntley, on both the  
14 birthday and the anniversary.

15 Senator Klein.

16 SENATOR KLEIN: Mr. President, at  
17 this time I move to recall Senate Resolution  
18 Number 6298, which was previously adopted. I  
19 ask that the resolution be read in its  
20 entirety and ask that Senator Parker, when he  
21 gets here, be allowed to speak on his  
22 resolution.

23 ACTING PRESIDENT CRAIG JOHNSON:  
24 The Secretary will read the resolution in its  
25 entirety.

1                   THE SECRETARY:     By Senator  
2     Parker, Legislative Resolution Number 6298,  
3     mourning the death of Local 371 President  
4     Charles Stephen Ensley, distinguished citizen  
5     and devoted member of his community.

6                   "WHEREAS, It is the custom of this  
7     Legislative Body to pay tribute to citizens of  
8     the State of New York whose lifework and civic  
9     endeavor serve to enhance the quality of life  
10    in their communities and the great State of  
11    New York; and

12                  "WHEREAS, Charles Ensley died on  
13    Friday, June 18, 2010, at the age of 69; and

14                  "WHEREAS, President of Local 371  
15    for 26 years, Charles Ensley was born in  
16    Birmingham, Alabama. He grew up amid the  
17    civil rights campaigns of the 1960s, and some  
18    of his principles came" --

19                  ACTING PRESIDENT CRAIG JOHNSON:  
20    Can we please have some order.

21                  The Secretary will continue to  
22    read.

23                  THE SECRETARY:     "And WHEREAS,  
24    President of Local 371 for 23 years, Charles  
25    Ensley was born in Birmingham, Alabama. He

1 grew up among the civil rights campaigns of  
2 the 1960s, and some of his principles came  
3 from his father, John, who in the 1950s led  
4 African-American workers against brutal  
5 opposition in a long battle for equal pay at  
6 the Birmingham News; and

7 "WHEREAS, Charles Ensley had  
8 unionism, equality and integrity in his DNA.  
9 Growing up in Birmingham as the youngest of  
10 four children, he learned the importance of  
11 individual goals as well as group goals; and

12 "WHEREAS, Charles Ensley graduated  
13 from Parker High School, at that time the  
14 largest black high school in the country. He  
15 later went on to attend Howard University in  
16 Washington, D.C.; and

17 "WHEREAS, Charles Ensley soon  
18 married, and both he and his wife, Annette,  
19 moved to New York City in 1965. He became a  
20 caseworker in the Bureau of Child Welfare  
21 Bedford-Stuyvesant office, and also provided  
22 services in tutoring kids in Harlem and in  
23 educating welfare rights groups; and

24 "WHEREAS, In 1982, after a hotly  
25 contested election, with more than 70 percent

1 of the vote Charles Ensley became president of  
2 Local 371 and began demanding more democracy  
3 and financial accountability in the union; and

4 "WHEREAS, Charles Ensley was an  
5 innovative, independent leader with high  
6 integrity. Possessing an amazing sense of  
7 humor and a quick wit, he fought with vigor  
8 and intelligence, and was proud of winning  
9 dignity and job protections for his members  
10 and never wavered in his steadfast  
11 determination to pursue a progressive agenda;  
12 and

13 "WHEREAS, Charles Ensley believed  
14 that diversity is a major source of the  
15 strength of the union. Regardless of race,  
16 gender, blue collar or professional, the  
17 common ground has been defending the rights of  
18 every single union member; and

19 "WHEREAS, Under Charles Ensley's  
20 leadership as a tough negotiator, Local 371  
21 became the 'Mighty, Mighty Union,' and its  
22 membership grew from 9,000 to 17,000 members.  
23 He received numerous awards for his work,  
24 among them the prestigious Ellis Island Medal  
25 of Honor in 2001; and



1                   "WHEREAS, Charles Ensley served on  
2           a number of boards, including the AFSCME  
3           International Executive Board. He enjoyed  
4           jazz, theater, and reading that ranged from  
5           Russian literature to the French  
6           existentialists, with a particular interest in  
7           black history and the development of the black  
8           novel. In addition, he was a collector of  
9           black art and surrounded himself with some of  
10          the well-known and lesser-known artists from  
11          around the world; and

12                   "WHEREAS, Prior to his death,  
13          Charles Ensley asked that everyone,  
14          particularly Local 371 members, use time,  
15          energy and resources in maintaining the  
16          Mighty, Mighty Union. He was a true asset to  
17          society; and

18                   "WHEREAS, Charles Ensley  
19          distinguished himself in his profession and by  
20          his sincere dedication and substantial  
21          contribution to the welfare of his community;  
22          and

23                   "WHEREAS, Charles Ensley's  
24          commitment to excellence, and his spirit of  
25          humanity, carried over into all fields of

1 enterprise, including charitable and civic  
2 endeavors; and

3 "WHEREAS, Charles Ensley is  
4 survived by his wife, Annette, his sister,  
5 Barbara Jean, his nephews, Bradley and  
6 Clarence, his niece, Imani, along with many  
7 cousins; and

8 "WHEREAS, Armed with a humanistic  
9 spirit, imbued with a sense of compassion, and  
10 comforted by a loving family, Charles Ensley's  
11 life was a portrait of service, a legacy which  
12 will long endure the passage of time and  
13 remain as a comforting memory to all he served  
14 and befriended; now, therefore, be it

15 "RESOLVED, That this Legislative  
16 Body pause in its deliberations to mourn the  
17 death of Local 371 President Charles Stephen  
18 Ensley, distinguished citizen and devoted  
19 member of his community; and be it further

20 "RESOLVED, That a copy of this  
21 resolution, suitably engrossed, be transmitted  
22 to the family of Charles Ensley."

23 ACTING PRESIDENT CRAIG JOHNSON:  
24 Senator Smith.

25 SENATOR SMITH: Thank you very

1 much, Mr. President.

2 Colleagues, it is on very rare  
3 occasions you have the opportunity to  
4 celebrate someone's life. Normally when a  
5 person passes, obviously there is remorse,  
6 there is concern, your heart is broken, your  
7 spirit seems shattered because of the  
8 separation of that person's involvement in  
9 your life.

10 Charles Ensley was that person.  
11 And while my heart is very heavy for someone  
12 who had a tremendous amount of integrity, a  
13 tremendous amount of independence, leadership,  
14 one who regardless of how one felt about a  
15 decision that he made, if he gave you his word  
16 for something, it was clear.

17 I can remember my first attempts at  
18 running for office when I was what you would  
19 call an insurgent and every single person was  
20 on the other side of the fence from me.

21 Charles Ensley was a person who stood up to  
22 not only the powers that be of DC37, but to  
23 all other labor supporters, and said "I'm  
24 going to be with this person." He took a lot  
25 of heat for it, as Senator Savino can tell

1       you, for years. But he was that kind of a  
2       person.

3               But I rise today to say to Charles  
4       that I will never forget your friendship, I  
5       will never forget what you stood for for the  
6       poor people of the City of New York.

7               Most people think union leaders  
8       represent those who are working. Yes, that is  
9       true. But Charles represented people who were  
10      not working. He represented a lot of people  
11      who felt as though nobody would speak up for  
12      them, and he would at times put his own  
13      personal integrity and his leadership of his  
14      particular local on the line.

15              I can't tell you of a finer local  
16      leader than Charles Ensley. I've known many  
17      of them, many of you know them. For those of  
18      you who have not had the opportunity to know  
19      Charles Ensley, you missed a real special  
20      person.

21              This resolution that we're going to  
22      adopt today is well worded. But if I had to  
23      describe its total explanation of Charles  
24      Ensley, I'd say it represents only 10 percent,  
25      because the emotion and the spirit of this

1 individual one could not capture in words.

2 So as I stand here today, I  
3 congratulate my colleague Senator Diane Savino  
4 for not only this resolution, but thank you  
5 for introducing me to Charles. It was because  
6 of you that I developed this very special  
7 relationship.

8 And I ask all my colleagues that  
9 you will say a silent prayer for this  
10 individual at some point during your day,  
11 because this is a loss to the people of this  
12 state, no question about it.

13 And Senator Diane Savino, my heart  
14 goes out to you as well, because I know how  
15 close you and Charles were.

16 Thank you, Mr. President.

17 ACTING PRESIDENT CRAIG JOHNSON:

18 Thank you, Senator Smith.

19 Senator Parker, on the resolution.

20 SENATOR PARKER: Mr. President,  
21 on the resolution.

22 We have not come to bury Charles  
23 Ensley today but to celebrate his life. And  
24 this was a life certainly worth living. To  
25 paraphrase King, it is not where a person

1 stands in times of comfort but in times of  
2 challenge and in times of difficulty in which  
3 people are judged.

4 And certainly you found Charles  
5 Ensley on the front lines every single time it  
6 mattered. Every single time it was important  
7 for somebody to stand up and do the right  
8 thing, you found Charles Ensley at the front  
9 and prepared to do the right thing despite  
10 what everybody else said or what anybody else  
11 did.

12 Similar to Senator Smith's  
13 testimony today, I have a similar testimony in  
14 which, when I ran for office and no one was  
15 ready to support me, Charles Ensley did the  
16 right thing and came forward for me.

17 And I share my condolences to you,  
18 Diane, who I know you were very, very close to  
19 President Ensley.

20 He was somebody who not only led  
21 the members of Local 371 of DC 37 with courage  
22 and dignity and a knife-cutting honesty, but  
23 somebody who saw himself as a leader of New  
24 Yorkers all over the state, particularly  
25 working men and women who were trying to just

1       make a way in the world. And people who  
2       didn't have much.

3                You know, the social service  
4       workers union is a group of people who work  
5       with the least of those in our society. And  
6       so he saw both the mission of helping his  
7       actual members who were doing the work as well  
8       as the clients that they served as his  
9       constituency.

10               And I rededicate myself today to  
11       those same principles of making sure that  
12       every New Yorker, particularly the least of  
13       those in our society, are in fact cared for  
14       and get the best possible representation they  
15       can.

16               We remember and honor the life and  
17       legacy of Charles Ensley.

18               ACTING PRESIDENT CRAIG JOHNSON:

19       Thank you, Senator Parker.

20               Senator Liz Krueger.

21               SENATOR LIZ KRUEGER:     I too want  
22       to rise to say that it is a real loss to us  
23       all for Charles Ensley no longer being on this  
24       earth with us.

25               Like some of my other colleagues, I

1       knew Charles a long time. I knew him long  
2       before I even thought about running for  
3       political office. I was running  
4       not-for-profit organizations, working on  
5       behalf of low-income New Yorkers, working side  
6       by side with members of 371 -- sometimes not  
7       always being in agreement with 371 and needing  
8       to go in and talk to Charles about why what he  
9       thought was the right answer for his workers  
10      might not have been the right answer for the  
11      low-income people of the City of New York who  
12      his workers work with day by day.

13               I worked with him to argue against  
14      the fundamentally wrong policies of the  
15      Giuliani administration during those years,  
16      worked with him to improve federal law, state  
17      law, government regulations and policies that  
18      affected both his workers and millions of  
19      people in the City of New York.

20               And he never forgot why he had the  
21      job he did, that his job was to represent his  
22      members but to represent the fundamental core  
23      values of society and government's obligations  
24      to help those most in need.

25               And he was an amazing man. And so



1        hopefully none of us will forget the lessons  
2        of Charles Ensley's life and what he actually  
3        did for all of us, whether we ever knew him or  
4        not.

5                    Thank you very much, Mr. President.

6                    ACTING PRESIDENT CRAIG JOHNSON:

7        Thank you, Senator Liz Krueger.

8                    Senator Duane.

9                    SENATOR DUANE:        Thank you,  
10       Mr. President. I also rise to speak in  
11       tribute of Charles Ensley.

12                   On so many levels he was an amazing  
13       man. I want to say, because I don't want to  
14       forget this, not least of which was -- I don't  
15       want to say discovering, but recognizing,  
16       investing in, mentoring, supporting one of the  
17       finest elected officials and union leaders I  
18       have ever met or worked with, Diane Savino.  
19       And so for that alone, he deserves enormous  
20       praise.

21                   Charles Ensley within his union was  
22       a voice of conscience and reason and  
23       determination. And he was a person who never  
24       forgot the mission of the members of his local  
25       and of his union. And that was a combination

1 of making sure that his workers had the  
2 strongest possible voice for their well-being  
3 as well as making sure that the mission of  
4 their workers was also to serve people.

5 Because the members of that union  
6 are the people who are front lines in making  
7 life a little bit better and a little bit  
8 easier for people who need help. And in fact,  
9 for those of us who believe that government  
10 can make a difference in people's lives, these  
11 are the actual municipal workers who make a  
12 difference in people's lives.

13 To listen to Charles Ensley talk  
14 about case managers or social workers was --  
15 it was a beautiful -- it was wonderful. I had  
16 the honor of working on the City Council when  
17 he would come and testify, and he was riveting  
18 and he was always on point and he was  
19 convincing and he was amazing.

20 Some of you know this, many of  
21 you -- some of you may know it that, you know,  
22 there were various things in the New York City  
23 Council that I was known for, and here as  
24 well. But the thing that I am most proud of  
25 is the thing that I worked on with Charles

1       Ensley and, frankly, Diane Savino. And that  
2       was Local Law 49, which, when former Mayor  
3       Giuliani first tried to eliminate the city's  
4       Division of AIDS Services, now called HASA --  
5       and then, when he failed at doing that, tried  
6       to, under the guise of reform, decimate it --  
7       we were able to put that part of that agency,  
8       that department, into law so no mayor, no one  
9       could ever, ever, ever eliminate it or destroy  
10      it.

11               And Charles and Diane and people in  
12      the activist community -- it was the most  
13      amazing thing. And it is the model for how it  
14      is that we should provide social services.  
15      And though it's now 13 years ago that that law  
16      was passed, it is a model for how social  
17      services should be provided. And I believe  
18      that Charles would agree with that.

19               Loyal, forceful, smart, funny  
20      sometimes -- just an amazing, just a giant, a  
21      lion in the labor movement for the people of  
22      the City of New York and for the people that  
23      he represented and for the people that he  
24      represented, the people that they helped every  
25      day. A tremendous loss.

1                   But I think, as I think about it  
2                   now, every day that we do something that  
3                   impacts people through our social services or  
4                   children and families legislation here, I'm  
5                   going to think what would Charles do, how  
6                   would Charles get this done, where he would  
7                   find common ground.

8                   He'll be tremendously missed and  
9                   not forgotten. And, Diane, I am so sorry for  
10                  your loss.

11                  ACTING PRESIDENT CRAIG JOHNSON:  
12                  Senator Diane Savino.

13                  SENATOR SAVINO:       Thank you,  
14                  Mr. President. I am going to try and do this  
15                  without getting too upset.

16                  The person that you heard Senator  
17                  Parker and Senator Smith and Senator Duane and  
18                  Senator Krueger talk about and you heard Tommy  
19                  read about is everything that they said he  
20                  was. But he's more than that. He is the  
21                  person who was principally responsible for who  
22                  I am today and why I'm standing here.

23                  He was not just the president of my  
24                  union -- although he was -- he was my friend,  
25                  my mentor, in many ways a father to me in a

1 way my own father wasn't. So that's the  
2 personal part of Charles, and that's why it's  
3 a tremendous loss to me.

4 But for the people of the City of  
5 New York, the people of the State of New York,  
6 and more importantly for the labor movement,  
7 it is a tremendous loss.

8 You know, we read every day about  
9 union leaders -- as a matter of fact, I think  
10 the Post did a story this week about the  
11 exorbitant salaries of union leaders and how  
12 they're not representing their membership.  
13 You will never see anything remotely like  
14 that --

15 ACTING PRESIDENT CRAIG JOHNSON:  
16 Can we please have some order in the chamber.  
17 Thank you.

18 SENATOR SAVINO: You will never  
19 see anything remotely like that written about  
20 Charles Ensley.

21 He was fiercely independent,  
22 fiercely proud, and actually had real disdain  
23 for those who would abuse the leadership of  
24 working people. He had a perverse sense that  
25 a union leader should never get too far away

1 from their membership.

2 And in fact he had a hard and fast  
3 rule that as the president of the union,  
4 particularly in a civil service union, he  
5 would not earn more than his civil service  
6 title. And in fact all of us who worked at  
7 the union office were in the same position.  
8 And he would say, "Girl, if you want a raise,  
9 we'll negotiate it at the bargaining table.  
10 And if you want a promotion, you take a civil  
11 service test."

12 He felt incredibly strongly that  
13 union leaders should not get that far away  
14 from their members, that you had to live under  
15 the contract to really understand what your  
16 union members needed. And in an age where  
17 union presidents are earning \$300,000 a  
18 year -- that would never have happened with  
19 Charles.

20 He was the person to demand honesty  
21 and integrity in his parent union. He was the  
22 one who uncovered the scandals at Council 37  
23 which led to the administratorship and the  
24 eventual jailing of several union leaders for  
25 abusing the union's membership. He never gave

1 up trying to fight to improve Council 37.

2 And his loss is a tremendous loss  
3 not just for them, but for all of us. Because  
4 over the years, not just at the bargaining  
5 table and not just in the halls of government,  
6 he recognized his responsibility to improve  
7 the lives of the people that he represented as  
8 well as the people they served.

9 As I said, he is principally  
10 responsible for who I am today. He taught me  
11 everything I ever knew about unions, he taught  
12 me everything I ever knew about government.  
13 And every day -- like you, Tom -- when I look  
14 at a problem I find myself saying what would  
15 Charles do. And the greatest loss to me right  
16 now is I can't call him and ask him.

17 But I know what he would do. And I  
18 think we all do. Any of us who were touched  
19 by his life would know what Charles would do.  
20 And so, as Kevin said, I will commit, every  
21 day that I'm in office or in public life, to  
22 continue in the tradition of Charles Ensley,  
23 who left this world a better place than he  
24 found it, left the labor movement a far better  
25 place than he found it.

1                   And a voice who is so desperately  
2                   needed for working people has been silenced.  
3                   But it won't be as long as people like myself,  
4                   Kevin, and Liz and Tom and Malcolm, who knew  
5                   him, who worked with him, will be able to  
6                   continue his legacy.

7                   Thank you.

8                   ACTING PRESIDENT CRAIG JOHNSON:  
9                   Thank you, Senator Savino.

10                  I ask all members in the chamber to  
11                  please rise to honor, in a moment of silence,  
12                  the life of Charles Ensley.

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

15                  ACTING PRESIDENT CRAIG JOHNSON:  
16                  This resolution was unanimously adopted on  
17                  June 25th.

18                  Senator Serrano.

19                  SENATOR SERRANO:     Mr. President,  
20                  at this time I move to recall Senate  
21                  Resolution Number 6260, which was previously  
22                  adopted, and I ask that Senator Little be  
23                  permitted to speak on the resolution.

24                  ACTING PRESIDENT CRAIG JOHNSON:  
25                  I would ask for order in the chamber as



1 Senator Little honors the passing of former  
2 New York State Assemblyman James Preston King.

3 Senator Little.

4 SENATOR LITTLE: Thank you,  
5 Mr. President.

6 I rise today and ask all my  
7 colleagues to join me as we recognize a  
8 lifetime of achievement by James Preston King.  
9 He truly was one of the most honorable public  
10 servants that I have ever known.

11 And in recognition of his public  
12 service, the Government Law Center at Albany  
13 Law School in April created the Lifetime  
14 Achievement in Public Services Award, awarded  
15 it to Jim King, and thereby named that award  
16 after him.

17 Jim King was a man of many talents  
18 and wore many hats. He had many titles. He  
19 was a Marine Corps general of the JAG Corps.  
20 He was an Assemblyman who left office in 1995,  
21 and I was elected to complete his term. He  
22 was a Court of Claims judge. He was chief  
23 counsel to the Secretary of State. He was a  
24 commissioner on the Lobbying Commission, a  
25 member of the Public Integrity Commission. He

1        was a professor at Siena College and Albany  
2        Law School. He was a leader of the band and a  
3        trombonist; many of us enjoyed his music at  
4        one time or another.

5                But the titles that were most  
6        important to him were that of husband -- he  
7        was husband to Jane, who predeceased him after  
8        47 years of marriage, and to Anne, his wife of  
9        the past three years. He was dad to three  
10       sons -- his son Jim, in Ticonderoga; his son  
11       David, who is a member of the Finance staff of  
12       the majority here; and his son Glenn, who  
13       works at the Attorney General's office.

14               In all of these things, Jim King  
15       was helping other people and always out to do  
16       what he could for others, and his entire  
17       lifetime was spent doing that in the many  
18       roles that he played. But I think, of all the  
19       titles that I like the best of Jim King, is  
20       that that I can use in talking about him  
21       personally, as being a friend.

22               So I thank you for recognizing him  
23       today and for honoring his family with a  
24       legislative resolution that we have passed and  
25       that I will forward to his family.

1                   Thank you very much.

2                   ACTING PRESIDENT CRAIG JOHNSON:

3           Thank you, Senator Little.

4                   Senator Farley, on the resolution.

5                   SENATOR FARLEY:       Thank you very  
6           much, Mr. President.

7                   I also rise to support what Senator  
8           Little had to say about one of the most  
9           remarkable men that I ever met. An incredible  
10          person that grew up in modest circumstances,  
11          went into the Marine Corps, ended up as a  
12          general, the adjutant general, a distinguished  
13          lawyer, law professor, Assemblyman, trombone  
14          player. He had everything in the -- I never  
15          saw anybody that was so diversified in his  
16          talents.

17                  And not only on top of that, as he  
18          served in the Assembly, I don't know anybody  
19          that didn't love him. He was the nicest man  
20          to work with. From both sides of the aisle,  
21          Jim King was respected and loved.

22                  He was a wonderful father with an  
23          absolutely gorgeous wife and beautiful  
24          children. And everything he did, he did well.  
25          He served as an Assemblyman in my district,

1 and it was an absolute joy to work with him.

2 And Jim King, every time you met  
3 him or had a dealing with him, you came away  
4 feeling good. Jim King is a remarkable man  
5 and somebody that really made quite an impact  
6 in this world. And I wish he and his family  
7 all the best, because they can be very proud  
8 of the legacy that their father left.

9 Thank you.

10 ACTING PRESIDENT CRAIG JOHNSON:

11 Thank you, Senator Farley.

12 Senator Leibell.

13 SENATOR LEIBELL: Thank you,  
14 Mr. President.

15 I just want to echo my colleagues'  
16 comments. Having served in the Assembly, I  
17 served there with Jim King, and he truly was a  
18 remarkable man with a wonderful family.

19 I recall, when my children were  
20 young, he and his wife Jane inviting our  
21 family to spend a weekend with him up in the  
22 district, Betty. And it was a wonderful  
23 weekend.

24 He was great with kids but also, as  
25 has been noted, a remarkable career of public

1 service to New York State but also, before  
2 that, to this country. He was a fairly senior  
3 officer in the Marine Corps when he was  
4 serving in Vietnam, and we often talked about  
5 his experiences there.

6 He was a great public servant, a  
7 great American, and he will be sorely missed.

8 ACTING PRESIDENT CRAIG JOHNSON:  
9 Thank you, Senator Leibell.

10 I ask all persons in the chamber to  
11 please rise and join me in a moment of silence  
12 on the passing of James Preston King.

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

15 ACTING PRESIDENT CRAIG JOHNSON:  
16 Senator Serrano.

17 SENATOR SERRANO: Mr. President,  
18 at this time I move to adopt the Resolution  
19 Calendar in its entirety.

20 ACTING PRESIDENT CRAIG JOHNSON:  
21 All those in favor of adopting the Resolution  
22 Calendar in its entirety please signify by  
23 saying aye.

24 (Response of "Aye.")

25 ACTING PRESIDENT CRAIG JOHNSON:

1 Opposed, nay.

2 (No response.)

3 ACTING PRESIDENT CRAIG JOHNSON:

4 The Resolution Calendar is adopted.

5 Senator Serrano.

6 SENATOR SERRANO: Mr. President,  
7 at this time can we go to a reading of the  
8 calendar.

9 ACTING PRESIDENT CRAIG JOHNSON:

10 The Secretary will read.

11 THE SECRETARY: Calendar Number  
12 239, by Senator Valesky, Senate Print 6718A,  
13 an act relating to authorizing.

14 ACTING PRESIDENT CRAIG JOHNSON:

15 A home-rule message is at the desk.

16 Read the last section.

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

19 ACTING PRESIDENT CRAIG JOHNSON:

20 Call the roll.

21 (The Secretary called the roll.)

22 ACTING PRESIDENT CRAIG JOHNSON:

23 Announce the results.

24 THE SECRETARY: Ayes, 61.

25 ACTING PRESIDENT CRAIG JOHNSON:

1 The bill is passed.

2 THE SECRETARY: Calendar Number  
3 600, by Senator Stewart-Cousins, Senate Print  
4 6697, an act to amend the General Municipal  
5 Law.

6 ACTING PRESIDENT CRAIG JOHNSON:  
7 A home-rule message is here at the desk.

8 Read the last section.

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

11 ACTING PRESIDENT CRAIG JOHNSON:  
12 Call the roll.

13 (The Secretary called the roll.)

14 ACTING PRESIDENT CRAIG JOHNSON:  
15 Announce the results.

16 THE SECRETARY: Ayes, 61.

17 ACTING PRESIDENT CRAIG JOHNSON:  
18 The bill is passed.

19 THE SECRETARY: Calendar Number  
20 807, by Member of the Assembly Perry, Assembly  
21 Print Number 3563, an act to amend the  
22 Election Law.

23 ACTING PRESIDENT CRAIG JOHNSON:  
24 Read the last section.

25 THE SECRETARY: Section 2. This

1 act shall take effect on the 30th day.

2 ACTING PRESIDENT CRAIG JOHNSON:

3 Call the roll.

4 (The Secretary called the roll.)

5 ACTING PRESIDENT CRAIG JOHNSON:

6 Announce the results.

7 THE SECRETARY: Those recorded in  
8 the negative on Calendar Number 807 are  
9 Senators Golden, Griffo, Nozzolio, Skelos and  
10 Volker. Also Senator Young.

11 Ayes, 55. Nays, 6.

12 ACTING PRESIDENT CRAIG JOHNSON:

13 The bill is passed.

14 THE SECRETARY: Calendar Number  
15 929, by Senator Stewart-Cousins, Senate  
16 Print --

17 SENATOR LIBOUS: Lay it aside.

18 ACTING PRESIDENT CRAIG JOHNSON:

19 The bill is laid aside.

20 THE SECRETARY: Calendar Number  
21 974, by Senator Dilan, Senate Print 3772A, an  
22 act to amend the Public Authorities Law.

23 ACTING PRESIDENT CRAIG JOHNSON:

24 Read the last section.

25 THE SECRETARY: Section 4. This



1 act shall take effect immediately.

2 ACTING PRESIDENT CRAIG JOHNSON:

3 Call the roll.

4 (The Secretary called the roll.)

5 ACTING PRESIDENT CRAIG JOHNSON:

6 Announce the results.

7 THE SECRETARY: Those recorded in  
8 the negative on Calendar Number 974 are  
9 Senators DeFrancisco, Flanagan, O. Johnson,  
10 LaValle, Leibell, Little, Marcellino,  
11 Ranzenhofer, Saland, Skelos, Volker and  
12 Winner. Also Senator Larkin. Also Senator  
13 Fuschillo. Also Senator Bonacic.

14 Ayes, 46. Nays, 15.

15 ACTING PRESIDENT CRAIG JOHNSON:

16 The bill is passed.

17 THE SECRETARY: Calendar Number  
18 1021, by Senator Foley, Senate Print 7263C, an  
19 act to amend the Public Service --

20 SENATOR LIBOUS: Lay it aside.

21 ACTING PRESIDENT CRAIG JOHNSON:

22 The bill is laid aside.

23 THE SECRETARY: Calendar Number  
24 1196, by Senator --

25 SENATOR SERRANO: Lay the bill

1       aside for the day, please.

2               ACTING PRESIDENT CRAIG JOHNSON:

3       The bill is laid aside for the day.

4               THE SECRETARY:       Calendar Number  
5       1197, by Member of the Assembly Pheffer,  
6       Assembly Print Number 275A, an act to  
7       establish a New York State Automatic  
8       Identification Technology Privacy Task Force.

9               ACTING PRESIDENT CRAIG JOHNSON:

10       Read the last section.

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

13              ACTING PRESIDENT CRAIG JOHNSON:

14       Call the roll.

15              (The Secretary called the roll.)

16              ACTING PRESIDENT CRAIG JOHNSON:

17       Announce the results.

18              THE SECRETARY:       Those recorded in  
19       the negative on Calendar Number 1197 are  
20       Senators DeFrancisco, Farley, Flanagan,  
21       Golden, Hannon, O. Johnson, Lanza, Larkin,  
22       LaValle, Libous, Little, Marcellino, Maziarz,  
23       Ranzenhofer, Seward, Skelos and Winner.  Also  
24       Senator Saland.

25              Ayes, 43.  Nays, 18.

1                   ACTING PRESIDENT CRAIG JOHNSON:

2       The bill is passed.

3                   THE SECRETARY:     Calendar Number  
4       1276, by Senator Adams, Concurrent Resolution  
5       of the Senate and Assembly proposing --

6                   SENATOR LIBOUS:     Lay it aside.

7                   ACTING PRESIDENT CRAIG JOHNSON:

8       The bill is laid aside.

9                   THE SECRETARY:     Calendar Number  
10      1286, Senate Budget Bill, Senate Print 6601A,  
11      an act --

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

14                  ACTING PRESIDENT CRAIG JOHNSON:

15      The bill is laid aside for the day.

16                  Senator Serrano, that completes the  
17      noncontroversial calendar.

18                  SENATOR SERRANO:     Mr. President,  
19      can I remove the lay aside for the day on  
20      Calendar Number 1196.

21                  ACTING PRESIDENT CRAIG JOHNSON:

22      Senator Serrano, we will remove the lay aside  
23      for the day on Calendar Number 1196 and call  
24      that back up on the noncontroversial calendar.

25                  THE SECRETARY:     Calendar Number

1 1196, by Senator Stewart-Cousins, Senate Print  
2 7190, an act to provide an apportionment.

3 ACTING PRESIDENT CRAIG JOHNSON:  
4 Read the last section.

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

7 ACTING PRESIDENT CRAIG JOHNSON:  
8 Call the roll.

9 (The Secretary called the roll.)

10 ACTING PRESIDENT CRAIG JOHNSON:  
11 Senator Robach, to explain his vote.

12 SENATOR ROBACH: Yes, very  
13 briefly, Mr. President, to explain my vote.

14 Obviously everyone is always doing  
15 what they can to try and benefit their  
16 constituents' and students' education. But  
17 this clearly should be a budget item.

18 And while in all due respect to the  
19 sponsor I understand the need in her  
20 community, certainly there are needier  
21 communities, others that would like to have  
22 the same thing. And I think these are items  
23 that should be included in the budget, not  
24 done in separate preferential treatment for  
25 one group of constituents rather than another.

1                   And so for that reason I am forced  
2                   to vote in the negative.

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

5                   Senator Stewart-Cousins, to explain  
6                   her vote.

7                   SENATOR STEWART-COUSINS:       Thank  
8                   you, Mr. President.

9                   I certainly rise to thank my  
10                  colleagues who will support this measure for  
11                  the children of Yonkers. For however many  
12                  decades, Yonkers has once and several times  
13                  implored the state to create a formula that  
14                  works for Yonkers.

15                 Yonkers is in a unique position,  
16                 neither fish nor fowl. While it is in  
17                 Westchester County, the population in the  
18                 school district is qualified for free and  
19                 reduced lunch. Even Senator Skelos in 2008,  
20                 in our daily newspaper headline, "Skelos Backs  
21                 More State Education Money for Yonkers," and  
22                 said that he would back rewriting the state  
23                 education funding formula for the city.

24                 There was not an easy way to do it,  
25                 because anything you do triggers things for

1       other communities. So the superintendent, in  
2       conjunction with other leaders in our  
3       district, realized that one way to do it was  
4       to look at the increased enrollment. And over  
5       the past year the enrollment has increased by  
6       almost 600 young people, and that's not  
7       included in the formula.

8               So whereas the funding had been cut  
9       in the City of Yonkers, there had been no  
10      consideration for the increase. This allows  
11      for consideration going forward for the  
12      increase in the student body and the  
13      realization that Yonkers indeed is one of the  
14      Big Five, is unique, and certainly in this  
15      respect should have all of its students  
16      counted.

17             So certainly I vote aye.

18             ACTING PRESIDENT CRAIG JOHNSON:

19      Senator Stewart-Cousins to be recorded in the  
20      affirmative.

21             Senator Farley, to explain his  
22      vote.

23             SENATOR FARLEY:     Thank you.

24             Nobody likes to vote against  
25      anything for Yonkers. But let me just say

1       that when we don't even fund libraries for  
2       \$2 million, we could take some of this money  
3       and statewide help the education system for  
4       everyone with supporting libraries.

5               I vote no.

6               ACTING PRESIDENT CRAIG JOHNSON:

7       Senator Farley to be recorded in the negative.

8               The Secretary will announce the  
9       results.

10              THE SECRETARY:       Those recorded in  
11       the negative on Calendar Number 1196 are  
12       Senators Alesi, Bonacic, DeFrancisco, Farley,  
13       Flanagan, Fuschillo, Golden, Griffio, Hannon,  
14       O. Johnson, Lanza, Larkin, LaValle, Leibell,  
15       Libous, Little, Marcellino, Maziarz, McDonald,  
16       Nozzolio, Padavan, Ranzenhofer, Robach,  
17       Saland, Seward, Skelos, Volker, Winner and  
18       Young.

19              Ayes, 32.   Nays, 29.

20              ACTING PRESIDENT CRAIG JOHNSON:

21       Senator Saland, to explain his vote.

22              I apologize, Senator Saland.

23              SENATOR SALAND:       Thank you,  
24       Mr. President.   I merely wanted to make  
25       comment to the fact that Yonkers already

1 receives an enhancement grant that none of the  
2 other Big Four receive, somewhere in the  
3 area -- I believe it might be somewhere in the  
4 area as much as \$17 million.

5 So there certainly has been a  
6 recognition in the monies that have been  
7 driven under the existing education formula to  
8 the particular needs of the City of Yonkers.

9 Thank you, Mr. President.

10 ACTING PRESIDENT CRAIG JOHNSON:

11 Thank you, Senator Saland. You were recorded  
12 in the negative.

13 We announced the results: 32-29.  
14 The bill is passed.

15 Senator Serrano, now that completes  
16 the noncontroversial calendar.

17 SENATOR SERRANO: Thank you,  
18 Mr. President. At this time can we go to a  
19 controversial reading of the calendar.

20 ACTING PRESIDENT CRAIG JOHNSON:

21 The Secretary will ring the bell. Members are  
22 all asked to come to the chamber for a reading  
23 of the controversial calendar.

24 The Secretary will read.

25 THE SECRETARY: Calendar Number



1       929, by Senator Stewart-Cousins, Senate Print  
2       7962C, an act to amend the General Municipal  
3       Law.

4                ACTING PRESIDENT CRAIG JOHNSON:

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

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

9                ACTING PRESIDENT SAVINO:     Read  
10       the last section.

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

13               ACTING PRESIDENT SAVINO:     Call  
14       the roll.

15               (The Secretary called the roll.)

16               ACTING PRESIDENT SAVINO:  
17       Announce the results.

18               THE SECRETARY:     Those recorded in  
19       the negative on Calendar Number 929 are  
20       Senators Alesi, Bonacic, DeFrancisco, Farley,  
21       Flanagan, Fuschillo, Golden, Griffio, Hannon,  
22       O. Johnson, Lanza, Larkin, LaValle, Leibell,  
23       Libous, Little, Marcellino, Maziarz, McDonald,  
24       Nozzolio, Padavan, Ranzenhofer, Robach,  
25       Saland, Seward, Skelos, Volker, Winner and

1 Young.

2 Ayes, 32. Nays, 29.

3 ACTING PRESIDENT SAVINO: The  
4 bill is passed.

5 THE SECRETARY: Calendar Number  
6 1021, by Senator Foley, Senate Print --

7 SENATOR SERRANO: Madam  
8 President, could we lay that bill aside  
9 temporarily.

10 ACTING PRESIDENT SAVINO: The  
11 bill is laid aside temporarily.

12 The Secretary will read.

13 THE SECRETARY: Calendar Number  
14 1276, by Senator Adams, Senate Print 8119A,  
15 Concurrent Resolution of the Senate and  
16 Assembly proposing an amendment to Section 9  
17 of Article 1 of the Constitution.

18 ACTING PRESIDENT SAVINO: Are  
19 there any Senators wishing to be heard?

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

22 Senator Padavan.

23 SENATOR PADAVAN: When we get to  
24 that point, I'd like to explain my vote,  
25 please.

1                   ACTING PRESIDENT SAVINO:     Call  
2     the roll.

3                   (The Secretary called the roll.)

4                   ACTING PRESIDENT SAVINO:  
5     Senator Padavan, to explain his vote.

6                   SENATOR PADAVAN:     Thank you,  
7     Madam President.

8                   There's an old adage that you know  
9     the session is going to end when there's a  
10    gambling bill that's before us. And here we  
11    are again, as we have been for decades now,  
12    with some additional type of gambling venue  
13    imposed upon the people of this state.

14                  And I'm just simply going to  
15    explain my vote because we could go on by the  
16    hour in terms of talking about this issue.

17                  Here's where we are. We are the  
18    state in this great nation with the greatest  
19    number of problem and compulsive gamblers,  
20    over a million people. We are a state that  
21    gambles somewhere in excess of over  
22    \$50 billion annually in all of the various  
23    venues that are out there. We are the  
24    "Gambling State" and no longer the Empire  
25    State.

1                   Why has that happened? Year after  
2                   year a new gambling idea -- it began with the  
3                   lottery in the '60s, an annual event,  
4                   semiannual, and now every minute, depending on  
5                   how fast you can scratch off a card. Super  
6                   Lotto, Quick Draw, VLTs at racetracks, Indian  
7                   casinos. On a per capita basis, we gamble  
8                   more in New York State than any state  
9                   including Nevada.

10                  And that's money that's sucked  
11                  right out of the economy. And if you don't  
12                  think there's a price to pay for it, there is.  
13                  In social services, in criminality, in  
14                  disruption in local communities wherever these  
15                  venues are.

16                  There are all kinds of studies all  
17                  over the country, including in New York by the  
18                  New York State Council on Problem Gambling,  
19                  that tell us the more opportunities you have,  
20                  the more problems you create. And this  
21                  amendment, if it ever became reality,  
22                  constitutional amendment, would just be one  
23                  more opportunity building upon all the others  
24                  that have brought us to this state we're in.

25                  And I will be voting no.

1                   ACTING PRESIDENT SAVINO:     Senator  
2     Padavan to be recorded in the negative.

3                   Are there any other Senators  
4     wishing to explain their vote?

5                   Seeing none, announce the results.

6                   THE SECRETARY:     Those recorded in  
7     the negative on Calendar Number 1276 are  
8     Senators Diaz, Duane, Hannon, L. Krueger,  
9     LaValle, Leibell, Marcellino, Padavan,  
10    Ranzenhofer, Robach, Saland, Skelos and  
11    Volker. Also Senator Alesi.

12                  Ayes, 47. Nays, 14.

13                  ACTING PRESIDENT SAVINO:     The  
14    amendment passes.

15                  THE SECRETARY:     Calendar Number  
16    1286, Senate Budget Bill, Senate Print 6601A,  
17    an act making appropriations for the support  
18    of government.

19                  SENATOR SERRANO:     Could we lay  
20    that bill aside for the day.

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

23                  Senator Serrano.

24                  SENATOR SERRANO:     Madam  
25    President, there will be an immediate meeting

1 of the Rules Committee in Room 332.

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

4 ACTING PRESIDENT SAVINO: There  
5 will be an immediate meeting of the Rules  
6 Committee in Room 332.

7 Pending the return of the Rules  
8 Committee, the Senate stands at ease.

9 (Whereupon, the Senate stood at  
10 ease at 2:30 p.m.)

11 (Whereupon, the Senate reconvened  
12 at 3:32 p.m.)

13 ACTING PRESIDENT SAVINO: Senator  
14 Klein.

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

18 ACTING PRESIDENT SAVINO: Senator  
19 Klein, there is a report of the Rules  
20 Committee at the desk.

21 The Secretary will read.

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

25 Senate Print 754, by Senator

1       Breslin, an act to amend the General Business  
2       Law;

3               1385, by Senator Duane, an act to  
4       amend the Elder Law;

5               2208B, by Senator Diaz, an act to  
6       amend the Elder Law;

7               2361C, by Senator Parker, an act to  
8       amend the General Business Law;

9               2809, by Senator Morahan, an act to  
10      amend the Tax Law;

11              3182A, by Senator Marcellino, an  
12      act to authorize;

13              3317A, by Senator Oppenheimer, an  
14      act to amend the Administrative Code of the  
15      City of New York;

16              3430, by Senator Breslin, an act to  
17      amend Chapter 415 of the Laws of 1913;

18              4786A, by Senator L. Krueger, an  
19      act to amend the Insurance Law;

20              5108, by Senator Savino, an act to  
21      amend the Workers' Compensation Law;

22              5388A, by Senator Squadron, an act  
23      to amend the Public Authorities Law;

24              5439B, by Senator Valesky, an act  
25      to amend the Racing, Pari-Mutuel Wagering and

1 Breeding Law;

2 5768, by Senator Schneiderman, an  
3 act to amend the Business Corporation Law;

4 5794A, by Senator Oppenheimer, an  
5 act to amend the Agriculture and Markets Law;

6 6418A, by Senator C. Johnson, an  
7 act to amend the Penal Law;

8 6432, by Senator Skelos, an act to  
9 amend Chapter 846 of the Laws of 1970;

10 6726, by Senator Stachowski, an act  
11 to amend the Limited Liability Company Law;

12 6832A, by Senator O. Johnson, an  
13 act to amend Chapter 572 of the Laws of 1994;

14 6932, by Senator Montgomery, an act  
15 to amend the Social Services Law;

16 6977, by Senator Larkin, an act to  
17 amend the Criminal Procedure Law;

18 6990B, by Senator Aubertine, an act  
19 to create;

20 7282, by Senator LaValle, an act  
21 designating;

22 7410B, by Senator Espada, an act to  
23 amend the General Business Law;

24 7462A, by Senator Perkins, an act  
25 to amend Chapter 174 of the Laws of 1968;



1                   8255, by Senator C. Kruger, an act  
2           to amend the Tax Law;

3                   8349, by Senator Parker, an act to  
4           amend the General Municipal Law;

5                   8372, by Senator Klein, an act to  
6           amend the Education Law;

7                   8380, by Senator Savino, an act to  
8           amend the Labor Law;

9                   8390, by Senator Hassell-Thompson,  
10          an act to amend the Domestic Relations Law;

11                  And Senate Print 8357, by Senator  
12          Smith, an act to amend the Transportation Law.

13                  All bills ordered direct to third  
14          reading.

15                  ACTING PRESIDENT SAVINO:     All  
16          those in favor of adopting the Rules Committee  
17          report please signify by saying aye.

18                  (Response of "Aye.")

19                  ACTING PRESIDENT SAVINO:  
20          Opposed, nay.

21                  (No response.)

22                  ACTING PRESIDENT SAVINO:     The  
23          Rules Committee report is adopted.

24                  Senator Klein.

25                  SENATOR KLEIN:           Thank you, Madam

1 President.

2 At this time can we please go to a  
3 reading of the supplemental calendar.

4 ACTING PRESIDENT SAVINO: The  
5 Secretary will proceed with a reading of the  
6 supplemental calendar.

7 THE SECRETARY: In relation to  
8 Calendar Number 1294, Senator Duane moves to  
9 discharge, from the Committee on Aging,  
10 Assembly Bill Number 3956 and substitute it  
11 for the identical Senate Bill Number 1385,  
12 Third Reading Calendar 1294.

13 SENATOR PADAVAN: Lay it aside.

14 ACTING PRESIDENT SAVINO:  
15 Substitution ordered.

16 The bill is laid aside.

17 THE SECRETARY: Calendar Number  
18 1295, by Senator Diaz, Senate Print 2208B, an  
19 act to amend the Elder Law.

20 ACTING PRESIDENT SAVINO: Read  
21 the last section.

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

24 ACTING PRESIDENT SAVINO: Call  
25 the roll.

1 (The Secretary called the roll.)

2 ACTING PRESIDENT SAVINO:

3 Senator DeFrancisco, to explain his vote.

4 SENATOR DeFRANCISCO: I'm voting  
5 no. Not because I don't have the greatest  
6 respect for senior citizens, since I am one,  
7 but the fact that this is a task force,  
8 another task force. We seem to have a run on  
9 task force bills in the last couple of weeks.

10 We're in a budget situation that is  
11 very dire, and there seems to be more need for  
12 financial restraint, and that's why I'm voting  
13 no. Thank you.

14 ACTING PRESIDENT SAVINO: Senator  
15 DeFrancisco to be recorded in the negative.

16 Senator Saland, to explain his  
17 vote.

18 SENATOR SALAND: Thank you, Madam  
19 President.

20 Madam President, this bill is  
21 strangely similar -- in fact, identical -- to  
22 a bill which I had passed I believe in 2008.  
23 And at that time the Governor vetoed it  
24 because of the fiscal.

25 And however dire our situation was

1        then, it's even more dire now. I believe the  
2        fiscal impact is somewhere in the area of  
3        \$400,000. It's not provided for in the  
4        budget.

5                    And it's with great reluctance that  
6        I find myself constrained to vote against a  
7        bill that I had previously introduced and  
8        carried, basically on the simple fact and  
9        premise that it's not provided for in the  
10       fiscal plan, it's definitely going to be  
11       vetoed.

12                   And I would hope there would be a  
13       time and a place in which we can accomplish  
14       this, but this certainly is not going to be  
15       the time or the place.

16                   Thank you, Madam President.

17                   ACTING PRESIDENT SAVINO:     Senator  
18       Saland to be recorded in the negative.

19                   Are there any other Senators  
20       wishing to explain their vote?

21                   Announce the results.

22                   THE SECRETARY:     Those recorded in  
23       the negative on Calendar Number 1295 are  
24       Senators DeFrancisco, Flanagan, O. Johnson,  
25       Little, Ranzenhofer, Saland, Skelos, Winner

1 and Young.

2 Ayes, 52. Nays, 9.

3 ACTING PRESIDENT SAVINO: The  
4 bill is passed.

5 THE SECRETARY: In relation to  
6 Calendar Number 1296, Senator Parker moves to  
7 discharge, from the Committee on Rules,  
8 Assembly Bill Number 1558C and substitute it  
9 for the identical Senate Bill Number 2361C,  
10 Third Reading Calendar 1296.

11 ACTING PRESIDENT SAVINO:  
12 Substitution ordered.

13 THE SECRETARY: Calendar Number  
14 1296, by Member of the Assembly Gianaris,  
15 Assembly Print Number 1558C, an act to amend  
16 the General Business Law.

17 ACTING PRESIDENT SAVINO: Read  
18 the last section.

19 THE SECRETARY: Section 6. This  
20 act shall take effect on the 150th day.

21 ACTING PRESIDENT SAVINO: Call  
22 the roll.

23 (The Secretary called the roll.)

24 ACTING PRESIDENT SAVINO:  
25 Announce the results.

1                   THE SECRETARY:     Those recorded in  
2     the negative on Calendar Number 1296 are  
3     Senators DeFrancisco, Farley, Flanagan,  
4     Fuschillo, Golden, O. Johnson, Maziarz,  
5     Ranzenhofer, Saland, Skelos and Young.

6                   Ayes, 50.   Nays, 11.

7                   ACTING PRESIDENT SAVINO:     The  
8     bill is passed.

9                   THE SECRETARY:     Calendar Number  
10    1297, by Senator Morahan, Senate Print 2809,  
11    an act to amend the Tax Law.

12                  ACTING PRESIDENT SAVINO:     Read  
13    the last section.

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

16                  ACTING PRESIDENT SAVINO:     Call  
17    the roll.

18                  (The Secretary called the roll.)

19                  ACTING PRESIDENT SAVINO:  
20    Announce the results.

21                  THE SECRETARY:     Ayes, 61.

22                  ACTING PRESIDENT SAVINO:     The  
23    bill is passed.

24                  THE SECRETARY:     In relation to  
25    Calendar Number 1298, Senator Marcellino moves

1 to discharge, from the Committee on Rules,  
2 Assembly Bill Number 6742A and substitute it  
3 for the identical Senate Bill Number 3182A,  
4 Third Reading Calendar 1298.

5 ACTING PRESIDENT SAVINO:  
6 Substitution ordered.

7 THE SECRETARY: Calendar Number  
8 1298, by Member of the Assembly Conte,  
9 Assembly Print Number 6742A, an act to  
10 authorize payment.

11 ACTING PRESIDENT SAVINO: Read  
12 the last section.

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

15 ACTING PRESIDENT SAVINO: Call  
16 the roll.

17 (The Secretary called the roll.)

18 ACTING PRESIDENT SAVINO:  
19 Announce the results.

20 THE SECRETARY: Ayes, 61.

21 ACTING PRESIDENT SAVINO: The  
22 bill is passed.

23 THE SECRETARY: In relation to  
24 Calendar Number 1299, Senator Oppenheimer  
25 moves to discharge, from the Committee on

1       Housing, Construction and Community  
2       Development, Assembly Bill Number 2365A and  
3       substitute it for the identical Senate Bill  
4       Number 3317A, Third Reading Calendar 1299.

5                ACTING PRESIDENT SAVINO:  
6       Substitution ordered.

7                THE SECRETARY:       Calendar Number  
8       1299, by Member of the Assembly O'Donnell,  
9       Assembly Print Number 2365A --

10               SENATOR HANNON:       Lay it aside.

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

13               THE SECRETARY:       In relation to  
14       Calendar Number 1300, Senator Breslin moves to  
15       discharge, from the Committee on Rules,  
16       Assembly Bill Number 6420 and substitute it  
17       for the identical Senate Bill Number 3430,  
18       Third Reading Calendar 1300.

19               ACTING PRESIDENT SAVINO:  
20       Substitution ordered.

21               THE SECRETARY:       Calendar Number  
22       1300, by Member of the Assembly Weisenberg,  
23       Assembly Print Number 6420, an act to amend  
24       Chapter 415 of the Laws of 1913.

25               ACTING PRESIDENT SAVINO:       Read



1 the last section.

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

4 ACTING PRESIDENT SAVINO: Call  
5 the roll.

6 (The Secretary called the roll.)

7 ACTING PRESIDENT SAVINO:  
8 Announce the results.

9 THE SECRETARY: Ayes, 61.

10 ACTING PRESIDENT SAVINO: The  
11 bill is passed.

12 THE SECRETARY: In relation to  
13 Calendar Number 1301, Senator L. Krueger moves  
14 to discharge, from the Committee on Rules,  
15 Assembly Bill Number 5653A and substitute it  
16 for the identical Senate Bill Number 4786A,  
17 Third Reading Calendar 1301.

18 ACTING PRESIDENT SAVINO:  
19 Substitution ordered.

20 THE SECRETARY: Calendar Number  
21 1301, by Member of the Assembly Rosenthal,  
22 Assembly Print Number 5653A, an act to amend  
23 the Insurance Law.

24 ACTING PRESIDENT SAVINO: Read  
25 the last section.

1                   SENATOR HANNON:     Lay it aside.

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

4                   THE SECRETARY:     In relation to  
5 Calendar Number 1302, Senator Savino moves to  
6 discharge, from the Committee on Rules,  
7 Assembly Bill Number 619 and substitute it for  
8 the identical Senate Bill Number 5108, Third  
9 Reading Calendar 1302.

10                  ACTING PRESIDENT SAVINO:  
11 Substitution ordered.

12                  THE SECRETARY:     Calendar Number  
13 1302, by Member of the Assembly Kavanagh,  
14 Assembly Print Number 619, an act to amend the  
15 Workers' Compensation Law.

16                  ACTING PRESIDENT SAVINO:     Read  
17 the last section.

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

20                  ACTING PRESIDENT SAVINO:     Call  
21 the roll.

22                         (The Secretary called the roll.)

23                  ACTING PRESIDENT SAVINO:  
24 Announce the results.

25                  THE SECRETARY:     In relation to

1       Calendar Number 1302:   Ayes, 59.   Nays, 2.  
2       Senators DeFrancisco and Ranzenhofer recorded  
3       in the negative.

4                ACTING PRESIDENT SAVINO:       The  
5       bill is passed.

6                THE SECRETARY:       Calendar Number  
7       1303, by Senator Squadron, Senate Print 5388A,  
8       an act to amend the Public Authorities Law.

9                ACTING PRESIDENT SAVINO:       Read  
10       the last section.

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

13               ACTING PRESIDENT SAVINO:       Call  
14       the roll.

15               (The Secretary called the roll.)

16               ACTING PRESIDENT SAVINO:  
17       Announce the results.

18               THE SECRETARY:       Those recorded in  
19       the negative on Calendar Number 1303 are  
20       Senators DeFrancisco, Farley, O. Johnson,  
21       Little, Marcellino, Ranzenhofer, Skelos,  
22       Volker, Winner and Young.

23               Ayes, 51.   Nays, 10.

24               ACTING PRESIDENT SAVINO:       The  
25       bill is passed.

1                   THE SECRETARY:     Calendar Number  
2     1304, by Senator Valesky, Senate Print 5439B,  
3     an act to amend the Racing, Pari-Mutuel  
4     Wagering and Breeding Law.

5                   ACTING PRESIDENT SAVINO:     Read  
6     the last section.

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

9                   ACTING PRESIDENT SAVINO:     Call  
10    the roll.

11                   (The Secretary called the roll.)

12                   ACTING PRESIDENT SAVINO:  
13    Announce the results.

14                   THE SECRETARY:     Ayes, 61.

15                   ACTING PRESIDENT SAVINO:     The  
16    bill is passed.

17                   THE SECRETARY:     In relation to  
18    Calendar Number 1306, Senator Oppenheimer  
19    moves to discharge, from the Committee on  
20    Agriculture, Assembly Bill Number 600B and  
21    substitute it for the identical Senate Bill  
22    Number 5794A, Third Reading Calendar 1306.

23                   ACTING PRESIDENT SAVINO:  
24    Substitution ordered.

25                   THE SECRETARY:     Calendar Number

1       1306, by Member of the Assembly Cahill,  
2       Assembly Print Number 600B, an act to amend  
3       the Agriculture and Markets Law.

4                ACTING PRESIDENT SAVINO:     Read  
5       the last section.

6                THE SECRETARY:     Section 5. This  
7       act shall take effect on the 60th day.

8                ACTING PRESIDENT SAVINO:     Call  
9       the roll.

10               (The Secretary called the roll.)

11               ACTING PRESIDENT SAVINO:  
12       Announce the results.

13               THE SECRETARY:     Ayes, 61.

14               ACTING PRESIDENT SAVINO:     The  
15       bill is passed.

16               THE SECRETARY:     Excuse me. In  
17       relation to Calendar Number 1306: Ayes, 60.  
18       Nays, 1. Senator Aubertine recorded in the  
19       negative.

20               ACTING PRESIDENT SAVINO:     The  
21       bill is still passed.

22               THE SECRETARY:     Calendar Number  
23       1307, by Senator C. Johnson, Senate Print  
24       6418A, an act to amend the Penal Law.

25               ACTING PRESIDENT SAVINO:     Read

1 the last section.

2 THE SECRETARY: Section 5. This  
3 act shall take effect September 1, 2010.

4 ACTING PRESIDENT SAVINO: Call  
5 the roll.

6 (The Secretary called the roll.)

7 ACTING PRESIDENT SAVINO: Senator  
8 Johnson, to explain his vote.

9 SENATOR CRAIG JOHNSON: Thank you  
10 very much, Madam President.

11 We have a crisis throughout the  
12 state, but in particular -- and I know my  
13 colleagues from Long Island know all too  
14 well -- we have a real crisis of children  
15 dying as a result of overdoses of drugs, in  
16 particular heroin.

17 The bill that you have before you  
18 today, a bipartisan bill cosponsored by my  
19 friends Chuck Fuschillo and Jeffrey Klein,  
20 Brian Foley, Eric Adams, Darryl Aubertine, Tom  
21 Morahan, George Onorato and Mike Ranzenhofer,  
22 will start the process of punishing those who  
23 kill our children with drugs.

24 I notice that there is some  
25 opposition. I would urge my colleagues who

1       oppose this bill to reverse that decision and  
2       support us. It is time to treat those who  
3       kill our children with drugs as the murderers  
4       that they are. We have to stop the madness.  
5       We have to stop the murder of our children  
6       when it comes to heroin and other drugs.

7                   I vote yes, Madam President. Thank  
8       you.

9                   ACTING PRESIDENT SAVINO:       Senator  
10       C. Johnson to be recorded in the affirmative.

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

13                   Announce the results.

14                   THE SECRETARY:       Those recorded in  
15       the negative on Calendar Number 1307 are  
16       Senators Duane, Hassell-Thompson and  
17       Montgomery.

18                   Ayes, 58. Nays, 3.

19                   ACTING PRESIDENT SAVINO:       The  
20       bill is passed.

21                   THE SECRETARY:       In relation to  
22       Calendar Number 1308, Senator Skelos moves to  
23       discharge, from the Committee on Rules,  
24       Assembly Bill Number 9750 and substitute it  
25       for the identical Senate Bill Number 6432,

1 Third Reading Calendar 1308.

2 ACTING PRESIDENT SAVINO:

3 Substitution ordered.

4 THE SECRETARY: Calendar Number  
5 1308, by Member of the Assembly Weisenberg,  
6 Assembly Print Number 9750, an act to amend  
7 Chapter 846 of the Laws of 1970.

8 ACTING PRESIDENT SAVINO: There  
9 is a home-rule message at the desk.

10 Read the last section.

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

13 ACTING PRESIDENT SAVINO: Call  
14 the roll.

15 (The Secretary called the roll.)

16 ACTING PRESIDENT SAVINO:  
17 Announce the results.

18 THE SECRETARY: Ayes, 61.

19 ACTING PRESIDENT SAVINO: The  
20 bill is passed.

21 THE SECRETARY: Calendar Number  
22 1309, by Senator Stachowski, Senate Print  
23 6726, an act to amend the Limited Liability  
24 Company Law.

25 ACTING PRESIDENT SAVINO: Read



1 the last section.

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

4 ACTING PRESIDENT SAVINO: Call  
5 the roll.

6 (The Secretary called the roll.)

7 ACTING PRESIDENT SAVINO: Senator  
8 Bonacic, to explain his vote.

9 SENATOR BONACIC: I'll be brief.  
10 I should have asked Senator Stachowski the  
11 question.

12 I think there's confusion in this  
13 legislation in the definition of what is small  
14 profit as opposed to a profit company and a  
15 not-for-profit company. And there is no  
16 definition that I can see in the legislation  
17 that will defines "low profit." And that's  
18 going to create confusion and problems with  
19 the different kinds of companies.

20 For that reason, I'm going to vote  
21 no and hope that the sponsor eventually clears  
22 this up.

23 ACTING PRESIDENT SAVINO: Senator  
24 Bonacic to be recorded in the negative.

25 Are there any other Senators

1 wishing to explain their vote?

2 Announce the results.

3 THE SECRETARY: Those recorded in  
4 the negative on Calendar Number 1309 are  
5 Senators Bonacic, DeFrancisco, Flanagan,  
6 Golden, Leibell, Little, Nozzolio, Saland,  
7 Skelos, Winner and Young.

8 Ayes, 50. Nays, 11.

9 ACTING PRESIDENT SAVINO: The  
10 bill is passed.

11 THE SECRETARY: In relation to  
12 Calendar Number 1310, Senator O. Johnson moves  
13 to discharge, from the Committee on Health,  
14 Assembly Bill Number 9999A and substitute it  
15 for the identical Senate Bill Number 6832A,  
16 Third Reading Calendar 1310.

17 ACTING PRESIDENT SAVINO:  
18 Substitution ordered.

19 THE SECRETARY: Calendar Number  
20 1310, by Member of the Assembly Sweeney,  
21 Assembly Print Number 9999A, an act to amend  
22 Chapter 572 of the Laws of 1994.

23 ACTING PRESIDENT SAVINO: Read  
24 the last section.

25 THE SECRETARY: Section 2. This

1 act shall take effect immediately.

2 ACTING PRESIDENT SAVINO: Call  
3 the roll.

4 (The Secretary called the roll.)

5 ACTING PRESIDENT SAVINO:  
6 Announce the results.

7 THE SECRETARY: Ayes, 61.

8 ACTING PRESIDENT SAVINO: The  
9 bill is passed.

10 THE SECRETARY: In relation to  
11 Calendar Number 1311, Senator Montgomery moves  
12 to discharge, from the Committee on Health,  
13 Assembly Bill Number 5681A and substitute it  
14 for the identical Senate Bill Number 6932,  
15 Third Reading Calendar 1311.

16 ACTING PRESIDENT SAVINO:  
17 Substitution ordered.

18 SENATOR PADAVAN: Lay it aside.

19 ACTING PRESIDENT SAVINO: The  
20 bill is laid aside.

21 THE SECRETARY: In relation to  
22 Calendar Number 1312, Senator Larkin moves to  
23 discharge, from the Committee on Codes,  
24 Assembly Bill Number 10005 and substitute it  
25 for the identical Senate Bill Number 6977,

1 Third Reading Calendar 1312.

2 ACTING PRESIDENT SAVINO:

3 Substitution ordered.

4 THE SECRETARY: Calendar Number  
5 1312, by Member of the Assembly Calhoun,  
6 Assembly Print Number 10005, an act to amend  
7 the Criminal Procedure Law.

8 ACTING PRESIDENT SAVINO: Read  
9 the last section.

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

12 ACTING PRESIDENT SAVINO: Call  
13 the roll.

14 (The Secretary called the roll.)

15 ACTING PRESIDENT SAVINO:  
16 Announce the results.

17 THE SECRETARY: Ayes, 60. Nays,  
18 1. Senator Duane recorded in the negative.

19 ACTING PRESIDENT SAVINO: The  
20 bill is passed.

21 THE SECRETARY: In relation to  
22 Calendar Number 1313, Senator Aubertine moves  
23 to discharge, from the Committee on Rules,  
24 Assembly Bill Number 10027B and substitute it  
25 for the identical Senate Bill Number 6990B,

1 Third Reading Calendar 1313.

2 ACTING PRESIDENT SAVINO:

3 Substitution ordered.

4 THE SECRETARY: Calendar Number  
5 1313, by Member of the Assembly Brodsky,  
6 Assembly Print Number 10027B, an act to create  
7 a temporary New York State War of 1812 200th  
8 Anniversary Commemoration Commission.

9 ACTING PRESIDENT SAVINO: Read  
10 the last section.

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

13 ACTING PRESIDENT SAVINO: Call  
14 the roll.

15 (The Secretary called the roll.)

16 ACTING PRESIDENT SAVINO: Senator  
17 Maziarz, to explain his vote.

18 SENATOR MAZIARZ: Madam  
19 President, to very briefly explain my vote.

20 I think this is a very good bill.  
21 We did pass this bill one other time, and the  
22 Governor vetoed it. I hope he doesn't do that  
23 again, because this is a very important moment  
24 in New York State history and the history of  
25 our great country.

1                   And one of the most important  
2           battles took place at Fort Niagara in Niagara  
3           County, and we need this bill.

4                   Thank you. I vote in the  
5           affirmative.

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

8                   Senator Farley, to explain his  
9           vote.

10                  SENATOR FARLEY:     Yes, in support  
11           of this bill, I think Senator Aubertine knows  
12           it's Sackets Harbor, a very famous War of 1812  
13           battle where many, many Americans lost their  
14           lives, and a very significant battle -- it's  
15           almost as significant, if not more so, than  
16           that battle in Niagara --

17                  SENATOR MARCELLINO:     Not more so.

18                  SENATOR FARLEY:     But I vote aye.

19                  ACTING PRESIDENT SAVINO:     Senator  
20           Farley to be recorded in the affirmative.

21                  Senator Volker, to explain his  
22           vote.

23                  SENATOR VOLKER:     Yeah, very  
24           quickly, Madam President. This is a very good  
25           bill.

1                   They burned Buffalo in 1811 and  
2                   then 1812 during the War of 1812. And there  
3                   was a lot of history really all through the  
4                   area around the Great Lakes. But of course,  
5                   as Senator Aubertine is going to show in this  
6                   commission, there was a lot of activity in the  
7                   North Country also.

8                   But it is a very good bill, and we  
9                   are in Western New York planning on a lot of  
10                  celebration at the time. The biggest thing is  
11                  we're going to try to make sure Buffalo  
12                  doesn't burn again.

13                  I vote aye.

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

16                  Announce the results.

17                  THE SECRETARY:     Ayes, 61. Nays,  
18                  0.

19                  ACTING PRESIDENT SAVINO:     The  
20                  bill is passed.

21                  THE SECRETARY:     In relation to  
22                  Calendar Number 1314, Senator LaValle moves to  
23                  discharge, from the Committee on Rules,  
24                  Assembly Bill Number 10466 and substitute it  
25                  for the identical Senate Bill Number 7282,

1 Third Reading Calendar 1314.

2 ACTING PRESIDENT SAVINO:

3 Substitution ordered.

4 THE SECRETARY: Calendar Number  
5 1314, by Member of the Assembly Thiele,  
6 Assembly Print Number 10466, an act  
7 designating state-owned lands.

8 ACTING PRESIDENT SAVINO: Senator  
9 LaValle, to explain his vote.

10 SENATOR LaVALLE: Thank you,  
11 Madam President.

12 This legislation would set aside a  
13 small piece in the hamlet of Westhampton in  
14 the town of Southampton in the name of Edwin  
15 'Buzz' Schwenk.

16 Buzz Schwenk was born and lived in  
17 the town of Southampton until his death about  
18 a year ago. He was a businessman, he headed  
19 the Business Alliance and then headed the Long  
20 Island Housing Partnership. He was very much  
21 involved in development.

22 And then one day there was an  
23 epiphany where Buzz Schwenk came and said,  
24 "You know, I was born, I've lived in  
25 Southampton, and we've got to preserve the



1 Pine Barrens in Southampton."

2 He joined with Assemblyman Tom  
3 DiNapoli at the time to be part of a working  
4 group that developed the Pine Barrens  
5 Preservation Act preserving 100,000 acres.  
6 And to his death, he wanted to make sure that  
7 the Town of Southampton had open space that  
8 was preserved. So he went from a  
9 nonenvironmentalist to an environmentalist and  
10 a preservationist of the land.

11 I vote in the affirmative, Madam  
12 President.

13 ACTING PRESIDENT SAVINO: Senator  
14 LaValle will be recorded in the affirmative.

15 The Secretary will read the last  
16 section.

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

19 ACTING PRESIDENT SAVINO: Call  
20 the roll.

21 (The Secretary called the roll.)

22 THE SECRETARY: Ayes, 61.

23 ACTING PRESIDENT SAVINO: The  
24 bill is passed.

25 THE SECRETARY: Calendar Number

1       1315, by Senator Espada, Senate Print 7410B,  
2       an act to amend the General Business Law.

3                ACTING PRESIDENT SAVINO:     Read  
4       the last section.

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

7                ACTING PRESIDENT SAVINO:     Call  
8       the roll.

9                (The Secretary called the roll.)

10               ACTING PRESIDENT SAVINO:  
11       Announce the results.

12               THE SECRETARY:     Ayes, 61.

13               ACTING PRESIDENT SAVINO:     The  
14       bill is passed.

15               THE SECRETARY:     Calendar Number  
16       1316, by Senator Perkins, Senate Print 7462A,  
17       an act to amend Chapter 174 of the Laws of  
18       1968.

19               ACTING PRESIDENT SAVINO:     Read  
20       the last section.

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

23               ACTING PRESIDENT SAVINO:     Call  
24       the roll.

25               (The Secretary called the roll.)

1                   ACTING PRESIDENT SAVINO:

2       Announce the results.

3                   THE SECRETARY:     Ayes, 61.

4                   ACTING PRESIDENT SAVINO:     The  
5       bill is passed.

6                   THE SECRETARY:     Calendar Number  
7       1317, by Senator C. Kruger, Senate Print 8255,  
8       an act to amend the Tax Law and the  
9       Administrative Code of the City of New York.

10                  ACTING PRESIDENT SAVINO:     Read  
11       the last section.

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

14                  ACTING PRESIDENT SAVINO:     Call  
15       the roll.

16                  (The Secretary called the roll.)

17                  ACTING PRESIDENT SAVINO:  
18       Announce the results.

19                  THE SECRETARY:     Ayes, 61.

20                  ACTING PRESIDENT SAVINO:     The  
21       bill is passed.

22                  THE SECRETARY:     Calendar Number  
23       1318, by Senator Parker, Senate Print --

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

1                   ACTING PRESIDENT SAVINO:     The  
2     bill is laid aside for the day.

3                   THE SECRETARY:     Calendar Number  
4     1319, by Senator Klein, Senate Print 8372, an  
5     act to amend the Education Law.

6                   ACTING PRESIDENT SAVINO:     Read  
7     the last section.

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

10                  ACTING PRESIDENT SAVINO:     Call  
11     the roll.

12                  (The Secretary called the roll.)

13                  ACTING PRESIDENT SAVINO:  
14     Announce the results.

15                  THE SECRETARY:     Ayes, 60.   Nays,  
16     1.   Senator Duane recorded in the negative.

17                  ACTING PRESIDENT SAVINO:     The  
18     bill is passed.

19                  THE SECRETARY:     Calendar Number  
20     1320, by Senator Savino, Senate Print 8380, an  
21     act to amend the Labor Law.

22                  ACTING PRESIDENT SAVINO:     The  
23     bill is high and will be laid aside for the  
24     day.

25                  THE SECRETARY:     Calendar Number

1       1321, by Senator Hassell-Thompson, Senate  
2       Print 8390, an act to amend the Domestic  
3       Relations Law.

4                ACTING PRESIDENT SAVINO:     The  
5       bill is high. It will be laid aside for the  
6       day.

7                THE SECRETARY:     Calendar Number  
8       1322, by Senator Smith, Senate Print 8357, an  
9       act to amend the Transportation Law.

10               ACTING PRESIDENT SAVINO:     Read  
11       the last section.

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

14               ACTING PRESIDENT SAVINO:     Call  
15       the roll.

16               (The Secretary called the roll.)

17               ACTING PRESIDENT SAVINO:  
18       Announce the results.

19               THE SECRETARY:     Ayes, 61.

20               ACTING PRESIDENT SAVINO:     The  
21       bill is passed.

22               Senator Klein, that completes the  
23       reading of the noncontroversial supplemental  
24       calendar.

25               SENATOR KLEIN:     Madam President,

1 at this time can we please go to a reading of  
2 the controversial supplemental calendar.

3 ACTING PRESIDENT SAVINO: The  
4 Secretary will ring the bells and announce the  
5 reading of the controversial supplemental  
6 calendar.

7 SENATOR SEWARD: Madam President.

8 ACTING PRESIDENT SAVINO: Senator  
9 Seward.

10 SENATOR SEWARD: Madam President,  
11 I was unavoidably out of the chamber when 1296  
12 passed a few moments ago, and I would ask  
13 unanimous consent to be recorded in the  
14 negative on Calendar Number 1296.

15 ACTING PRESIDENT SAVINO: Senator  
16 Seward, with unanimous consent, you will be  
17 recorded in the negative on Calendar Number  
18 1296.

19 The Secretary will read.

20 THE SECRETARY: Calendar Number  
21 1294, substituted earlier today by Member of  
22 the Assembly Kellner, Assembly Print Number  
23 3956, an act to amend the Elder Law.

24 ACTING PRESIDENT SAVINO: Are  
25 there any Senators wishing to be heard?

1                   Seeing none, the debate is closed.

2           The Secretary will ring the bells.

3                   Read the last section.

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

6                   ACTING PRESIDENT SAVINO:     Call  
7   the roll.

8                   (The Secretary called the roll.)

9                   SENATOR KLEIN:     Madam President,  
10   can we lay the bill aside temporarily.

11                   ACTING PRESIDENT SAVINO:     The  
12   roll call is withdrawn, and the bill is laid  
13   aside temporarily.

14                   Senator Breslin.

15                   SENATOR BRESLIN:     Madam  
16   President, I request unanimous consent to be  
17   recorded in the negative on Calendar Number  
18   1315.

19                   ACTING PRESIDENT SAVINO:     Senator  
20   Breslin, by unanimous consent you will be  
21   recorded in the negative on Calendar 1315.

22                   The Secretary will read.

23                   THE SECRETARY:     Calendar Number  
24   1299, substituted earlier today by Member of  
25   the Assembly O'Donnell, Assembly Print Number

1       2365A, an act to amend the Administrative Code  
2       of the City of New York.

3                ACTING PRESIDENT SAVINO:       Senator  
4       Hannon.

5                SENATOR HANNON:        Would the  
6       sponsor yield to a question, Madam President.

7                ACTING PRESIDENT SAVINO:       Senator  
8       Oppenheimer, would you yield to a question?

9                SENATOR OPPENHEIMER:        Yes.

10               ACTING PRESIDENT SAVINO:       Senator  
11       Oppenheimer yields.

12               SENATOR HANNON:        Senator  
13       Oppenheimer, I notice that you give a right to  
14       a victim of domestic violence, and you define  
15       how one would be victim of domestic violence  
16       by referencing the Social Services Law. And  
17       you say that a person may retain certain  
18       residency status by "asserting an intent to  
19       return to the housing accommodation."

20                Could you tell me what time  
21       period -- and you make that exact same  
22       statement three or four places in your bill  
23       affecting different provisions of the rent  
24       control and rent stabilization laws.

25                Would you be able to tell me when a



1 person has to assert an intent? And I'm using  
2 the words "assert" and "intent" right from  
3 your proposal.

4 SENATOR OPPENHEIMER: I can tell  
5 you the intent of the law. It is for those  
6 domestic violence victims that have to flee  
7 the residence, their primary residence,  
8 because they are being threatened. And so  
9 with this bill they would be permitted to  
10 leave their primary residence, with the  
11 intention of coming back to that primary  
12 residence when the situation is resolved.

13 As it is domestic violence, you  
14 can't say it will be resolved in two months or  
15 four months. But the intent is that the rent  
16 will still be paid and they will be coming  
17 back to that residence.

18 SENATOR HANNON: Would the  
19 Senator yield for another question.

20 ACTING PRESIDENT SAVINO: Senator  
21 Oppenheimer, will you continue to yield?

22 SENATOR OPPENHEIMER: Of course.

23 ACTING PRESIDENT SAVINO: Senator  
24 Oppenheimer yields.

25 SENATOR HANNON: So would it be

1 an assumption on my part that you intend to  
2 put into this bill that only so long as the  
3 particular factual circumstances attendant to  
4 that domestic violence are continuing, then  
5 when that is ceasing, then one may assert the  
6 intent at that point?

7 SENATOR OPPENHEIMER: Through  
8 you, Madam President, I would think that  
9 that -- there's no need to spell that out.  
10 Anyone who's experienced domestic violence  
11 knows you can't determine how long it's going  
12 to take.

13 But the tenant will continue to pay  
14 rent and plans to come back. So, I mean,  
15 that's the best I can tell you. And I don't  
16 think we can put any specificity into it,  
17 because of the nature of the violation.

18 SENATOR HANNON: Would the  
19 Senator continue to yield.

20 ACTING PRESIDENT SAVINO: Senator  
21 Oppenheimer, will you continue to yield?

22 SENATOR OPPENHEIMER: Yes, I  
23 would.

24 SENATOR HANNON: Let me give you  
25 a hypothetical that's kind of the other side

1 of what I've just asked. Suppose somebody is  
2 a victim of domestic violence -- and by the  
3 way, I appreciate the intent of the bill. I  
4 think it's laudatory.

5 But suppose somebody is a victim of  
6 domestic violence. They, for reasons not  
7 necessarily related to that unfortunate  
8 circumstance, happen to either sublet, legally  
9 or illegally, happen to just not be there, and  
10 two or three years later decide that they want  
11 to go back to that residence. Can they then  
12 make some type of intent to return?

13 SENATOR OPPENHEIMER: Through  
14 you, Madam President, it's written here in the  
15 law that the victim asserts the intent to  
16 return to the housing accommodation and the  
17 victim, this domestic violence victim, will be  
18 deemed to be occupying the unit as her primary  
19 residence during that period of time. I think  
20 the opportunity to sublet if she is occupying  
21 the residence would not be possible.

22 SENATOR HANNON: Madam President,  
23 would the Senator continue to yield.

24 ACTING PRESIDENT SAVINO: Senator  
25 Oppenheimer, will you continue to yield?

1                   SENATOR OPPENHEIMER:     Yes, I do.

2                   SENATOR HANNON:        So may I infer  
3                   that -- see, I'm looking at the timeliness of  
4                   the assertion, not the condition and all those  
5                   things. So may I infer that there must be a  
6                   reasonable timeliness of the conveyance that  
7                   they want to return?

8                   SENATOR OPPENHEIMER:     You know, I  
9                   wish I could be more specific for you, but  
10                  domestic violence is not specific. And it  
11                  says the victim is deemed to be living in that  
12                  residence during that time that she is not  
13                  living in the residence but she is paying  
14                  rent.

15                  And that's the best I can tell you,  
16                  and I think that's the best that can be said  
17                  under these circumstances.

18                  SENATOR HANNON:        Would the  
19                  Senator continue to yield.

20                  ACTING PRESIDENT SAVINO:     Senator  
21                  Oppenheimer, do you continue to yield?

22                  SENATOR OPPENHEIMER:     Yes, I  
23                  will.

24                  SENATOR HANNON:        So you're saying  
25                  that so long as somebody is a victim of

1 domestic violence, that at any time  
2 thereafter, whether or not that domestic  
3 violence has ceased, they can assert an intent  
4 to return? Is that what you're saying?

5 SENATOR OPPENHEIMER: The victim  
6 who has left the unit because of this violence  
7 and who asserts an intent to return to the  
8 housing accommodation, as I said earlier, is  
9 deemed as though they were occupying, she was  
10 occupying -- I shouldn't say "she," it could  
11 be a man, too -- occupying the unit as his  
12 primary residence. So I think it's pretty  
13 much spelled out.

14 SENATOR HANNON: Madam President,  
15 would the Senator continue to yield.

16 ACTING PRESIDENT SAVINO: Senator  
17 Oppenheimer?

18 SENATOR OPPENHEIMER: Yes, I do.

19 ACTING PRESIDENT SAVINO: The  
20 sponsor continues to yield.

21 SENATOR HANNON: Very simply,  
22 Senator Oppenheimer, when do you have to  
23 assert that intent?

24 SENATOR OPPENHEIMER: That is not  
25 written in the law as to when the victim

1 decides that the domestic violence has reached  
2 a point that she is threatened. That is not  
3 written into the law, and I don't see how it  
4 can be.

5 SENATOR HANNON: On the bill,  
6 Madam President.

7 ACTING PRESIDENT SAVINO: Senator  
8 Hannon, on the bill.

9 SENATOR HANNON: Given the  
10 intent, I think there needs to be some type of  
11 reasonableness built into the statute. Absent  
12 the fact that there is any type of provision  
13 for reasonable notification -- it does not  
14 have to be specific, it doesn't have to be a  
15 given time period -- I'm unable to support  
16 this.

17 I think it's poorly written, and I  
18 don't think it would be up held in the courts.  
19 Thank you.

20 ACTING PRESIDENT SAVINO: Senator  
21 Hannon to be recorded in the negative.

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

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

1                   Read the last section.

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

4                   ACTING PRESIDENT SAVINO:     Call  
5                   the roll.

6                   (The Secretary called the roll.)

7                   ACTING PRESIDENT SAVINO:  
8                   Announce the results.

9                   THE SECRETARY:     Ayes, 61.  Nays,  
10                  0.

11                  ACTING PRESIDENT SAVINO:     The  
12                  bill is passed.

13                  THE SECRETARY:     Excuse me.  In  
14                  relation to Calendar Number 1299:  Ayes, 59.  
15                  Nays, 2.  Senators Golden and Hannon recorded  
16                  in the negative.

17                  ACTING PRESIDENT SAVINO:     The  
18                  bill is still passed.

19                  The Secretary will read.

20                  THE SECRETARY:     Calendar Number  
21                  1301, substituted earlier today by Member of  
22                  the Assembly Rosenthal, Assembly Print Number  
23                  5653A, an act to amend the Insurance Law.

24                  ACTING PRESIDENT SAVINO:     Are  
25                  there any Senators wishing to be heard?

1                   Seeing none, debate is closed --

2           oh, I'm sorry, Senator Hannon.

3                   SENATOR HANNON:       On the bill,  
4           Madam President.

5                   ACTING PRESIDENT SAVINO:       On the  
6           bill.

7                   SENATOR HANNON:       This bill, which  
8           has a commonsense logic that you shouldn't pay  
9           more than your copay, unfortunately is  
10          unworkable because there's no place to define  
11          the usual and customary cost of such a  
12          prescribed drug. It says that if the  
13          copayment exceeds the usual and customary cost  
14          of a prescribed drug, they can't charge you  
15          that, that usual and customary cost. It's not  
16          defined.

17                   There are other mechanisms in this  
18          proposal that talk about the posted retail  
19          price and when the copayment exceeds the  
20          pharmacy's usual and customary price. We have  
21          three separate standards in a bill that  
22          exceeds about 31 lines.

23                   If you really want to protect the  
24          individual customer of the pharmacy I think  
25          you need a far better set of definitions, you



1       need definitions that use state law, you need  
2       things like average wholesale price. These  
3       are customary standards. These are defined  
4       standards.

5               But the ones that are in this bill  
6       are not defined. I would think that it's just  
7       unworkable and needs to be redone.

8               Thank you, Madam President.

9               ACTING PRESIDENT SAVINO:     Senator  
10       Hannon to be recorded in the negative.

11              Are there any other Senators who  
12       wishing to speak on the bill?

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

15              Read the last section.

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

18              ACTING PRESIDENT SAVINO:     Call  
19       the roll.

20              (The Secretary called the roll.)

21              ACTING PRESIDENT SAVINO:  
22       Announce the results.

23              THE SECRETARY:     In relation to  
24       Calendar Number 1301, those recorded in the  
25       negative are Senators Golden, Hannon and

1 O. Johnson.

2 Ayes, 58. Nays, 3.

3 ACTING PRESIDENT SAVINO: The  
4 bill is passed.

5 THE SECRETARY: Calendar Number  
6 1311, substituted earlier today by --

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

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

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

14 SENATOR KLEIN: Madam President,  
15 can we go back to Calendar Number 1294, Print  
16 Number 1385, Senator Duane's bill. Can we  
17 remove the lay-aside.

18 ACTING PRESIDENT SAVINO: The  
19 lay-aside is removed from Calendar 1294.

20 The Secretary will read Calendar  
21 Number 1294 on the controversial calendar.

22 THE SECRETARY: Calendar Number  
23 1294, substituted earlier today by Member of  
24 the Assembly Kellner, Assembly Print Number  
25 3956, an act to amend the Elder Law.

1                   ACTING PRESIDENT SAVINO:     Are  
2     there any other Senators wishing to be heard?

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

5                   Read the last section.

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

8                   ACTING PRESIDENT SAVINO:     Call  
9     the roll.

10                  (The Secretary called the roll.)

11                  SENATOR KLEIN:     Lay the bill  
12     aside temporarily again, Madam President.

13                  ACTING PRESIDENT SAVINO:     The  
14     bill is laid aside temporarily.

15                  Senator Klein, that completes the  
16     reading of the supplemental calendar.

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

20                  ACTING PRESIDENT SAVINO:  
21     Returning to motions and resolutions.

22                  Senator Klein.

23                  SENATOR KLEIN:     On behalf of  
24     Senator Aubertine, I wish to call up Print  
25     Number 7936, recalled from the Assembly, which

1 is now at the desk.

2 ACTING PRESIDENT SAVINO: The  
3 Secretary will read.

4 THE SECRETARY: Calendar Number  
5 1056, by Senator Aubertine, Senate Print 7936,  
6 an act to amend Chapter 106 of the Laws of  
7 2003.

8 ACTING PRESIDENT SAVINO: Senator  
9 Klein.

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

13 ACTING PRESIDENT SAVINO: The  
14 Secretary will call the roll on  
15 reconsideration.

16 (The Secretary called the roll.)

17 THE SECRETARY: Ayes, 61.

18 ACTING PRESIDENT SAVINO: Senator  
19 Klein.

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

22 ACTING PRESIDENT SAVINO: The  
23 amendments are received.

24 SENATOR KLEIN: Madam President,  
25 on behalf of Senator Thompson, I wish to call

1 up Print Number 7488A, recalled from the  
2 Assembly, which is now at the desk.

3 ACTING PRESIDENT SAVINO: The  
4 Secretary will read.

5 THE SECRETARY: Calendar Number  
6 1234, by Senator Thompson, Senate Print 7488A,  
7 an act to amend the Public Authorities Law.

8 ACTING PRESIDENT SAVINO: Senator  
9 Klein.

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

13 ACTING PRESIDENT SAVINO: The  
14 Secretary will call the roll on  
15 reconsideration.

16 (The Secretary called the roll.)

17 THE SECRETARY: Ayes, 61.

18 ACTING PRESIDENT SAVINO: Senator  
19 Klein.

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

22 ACTING PRESIDENT SAVINO: The  
23 amendments are received.

24 SENATOR KLEIN: Madam President,  
25 at this time can we call up Calendar Number

1       1201, Senate Print Number 7263C on the  
2       controversial calendar.

3                ACTING PRESIDENT SAVINO:       Senator  
4       Klein, do you mean Calendar Number 1021?

5                SENATOR KLEIN:        I'm sorry, 1021,  
6       Senate Print Number 7263C.

7                ACTING PRESIDENT SAVINO:       The  
8       Secretary will read Calendar Number 1021 on  
9       the controversial calendar.

10               THE SECRETARY:       Calendar Number  
11       1021, by Senator Foley, Senate Print 7263C, an  
12       act to amend the Public Service Law.

13               SENATOR FUSCHILLO:       Explanation.

14               ACTING PRESIDENT SAVINO:       Senator  
15       Foley, an explanation has been requested.

16               SENATOR LIBOUS:       Who asked for  
17       the explanation?

18               ACTING PRESIDENT SAVINO:       Senator  
19       Fuschillo.

20               SENATOR FOLEY:       Thank you, Madam  
21       President.

22               This legislation will strengthen  
23       consumer protection in the event of a merger  
24       between two telephone companies.  
25       Specifically, the bill requires the PSC to

1 address a set of public interest standards  
2 during its review of a sale or merger.

3 Further, this legislation only  
4 affects mergers when one of the two parties'  
5 gross annual New York revenues exceeds  
6 \$200 million. And further, this legislation  
7 would only cover residential mergers.

8 There are 11 specific public  
9 interest standards that the acquiring  
10 corporation must meet and that the PSC must  
11 find. And I'll be happy to go into those  
12 standard later in the debate.

13 Let me just give a little  
14 geographic history to this, if I may, Madam  
15 President. In the spring of 2008, FairPoint  
16 Communications purchased telephone networks in  
17 Vermont, New Hampshire, and Maine. They were  
18 saddled with a \$1 billion debt in the  
19 transaction and were wholly unprepared to  
20 operate the 1.7 additional landlines. In  
21 fact, it was widely acknowledged that since  
22 this conversion occurred with FairPoint,  
23 FairPoint had plagued their customers with  
24 many complaints and quality concerns.

25 What this bill is about, Madam

1       President, is essentially two things. One, it  
2       is designed to balance the interests of  
3       ratepayers and the investors, and to do it in  
4       a fair way. And finally, this bill -- and  
5       most importantly, why I've sponsored this bill  
6       and have over 21 cosponsors -- this bill will  
7       strengthen the PSC's already existing  
8       authority by creating standards to protect  
9       consumers, to protect workers, and to protect  
10      the local economy before it approves a sale or  
11      merger.

12               Most importantly, Madam Chair, and  
13      most succinctly, it will ensure that New York  
14      is not victimized by a bad sale.

15               Thank you, Madam President.

16               ACTING PRESIDENT SAVINO:     Are  
17      there any Senators wishing to be heard?

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

20               Senator C. Johnson.

21               SENATOR CRAIG JOHNSON:     Yes,  
22      Madam President, I request a slow roll call  
23      for this vote, please.

24               ACTING PRESIDENT SAVINO:     Seeing  
25      as five Senators have stood up, a slow roll



1 call is in order.

2 The Secretary will read the last  
3 section and then call the roll slowly.

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

6 Senator Adams.

7 SENATOR ADAMS: Yes.

8 THE SECRETARY: Senator Addabbo.

9 SENATOR ADDABBO: Yes.

10 THE SECRETARY: Senator Alesi.

11 SENATOR ALESI: No.

12 THE SECRETARY: Senator

13 Aubertine.

14 SENATOR AUBERTINE: Aye.

15 THE SECRETARY: Senator Bonacic.

16 SENATOR BONACIC: No.

17 THE SECRETARY: Senator Breslin.

18 SENATOR BRESLIN: Yes.

19 THE SECRETARY: Senator

20 DeFrancisco.

21 SENATOR DeFRANCISCO: No.

22 THE SECRETARY: Senator Diaz.

23 SENATOR DIAZ: Si.

24 THE SECRETARY: Senator Dilan.

25 SENATOR DILAN: Yes.

1 THE SECRETARY: Senator Duane.  
2 SENATOR DUANE: Yes.  
3 THE SECRETARY: Senator Espada.  
4 SENATOR ESPADA: No.  
5 THE SECRETARY: Senator Farley.  
6 SENATOR FARLEY: No.  
7 THE SECRETARY: Senator Flanagan.  
8 SENATOR FLANAGAN: No.  
9 THE SECRETARY: Senator Foley.  
10 SENATOR FOLEY: To explain my  
11 vote, Madam President.  
12 ACTING PRESIDENT SAVINO: Senator  
13 Foley, to explain his vote.  
14 SENATOR FOLEY: Thank you.  
15 I outlined earlier the summary of  
16 the bill, but I also think it's instructive,  
17 Madam President, that this bill is virtually  
18 identical with -- in fact, in two ways a  
19 little bit more restrictive but virtually  
20 identical to two bills that were sponsored two  
21 years ago.  
22 And at that time the lead sponsor  
23 of the bill was Senator Nozzolio, and Senators  
24 Fuschillo, Hannon, Larkin, LaValle and Morahan  
25 were the cosponsors of that particular bill,

1 which is virtually identical to this bill.

2 And prior to that, in 2007 we had  
3 not only Senator Spano but Senator Bonacic,  
4 Senator DeFrancisco, Senator Larkin, Senator  
5 Leibell, Senator Morahan, Senator Padavan and  
6 in fact, my predecessor Senator Trunzo, all  
7 had sported a bill that is virtually identical  
8 to the bill that we're voting on here this  
9 afternoon.

10 I vote aye.

11 ACTING PRESIDENT SAVINO: Senator  
12 Foley to be recorded in the affirmative.

13 The Secretary will continue to call  
14 the roll slowly.

15 THE SECRETARY: Senator  
16 Fuschillo.

17 SENATOR FUSCHILLO: No.

18 THE SECRETARY: Senator Golden.

19 SENATOR GOLDEN: No.

20 THE SECRETARY: Senator Griffo.

21 SENATOR GRIFFO: No.

22 THE SECRETARY: Senator Hannon.

23 SENATOR HANNON: No.

24 THE SECRETARY: Senator  
25 Hassell-Thompson.

1                   SENATOR HASSELL-THOMPSON:     Yes.  
2                   THE SECRETARY:        Senator Huntley.  
3                   SENATOR HUNTLEY:       Yes.  
4                   THE SECRETARY:        Senator C.  
5       Johnson.  
6                   SENATOR CRAIG JOHNSON:     Yes.  
7                   THE SECRETARY:        Senator O.  
8       Johnson.  
9                   SENATOR OWEN JOHNSON:     No.  
10                  THE SECRETARY:        Senator Klein.  
11                  SENATOR KLEIN:        Yes.  
12                  THE SECRETARY:        Senator  
13       L. Krueger.  
14                  SENATOR LIZ KRUEGER:     Yes.  
15                  THE SECRETARY:        Senator C.  
16       Kruger.  
17                  SENATOR CARL KRUGER:     Yes.  
18                  THE SECRETARY:        Senator Lanza.  
19                  SENATOR LANZA:        No.  
20                  THE SECRETARY:        Senator Larkin.  
21                  SENATOR LARKIN:        No.  
22                  THE SECRETARY:        Senator LaValle.  
23                  SENATOR LaVALLE:       No.  
24                  THE SECRETARY:        Senator Leibell.  
25                  SENATOR LEIBELL:       No.

1 THE SECRETARY: Senator Libous.  
2 SENATOR LIBOUS: No.  
3 THE SECRETARY: Senator Little.  
4 SENATOR LITTLE: No.  
5 THE SECRETARY: Senator  
6 Marcellino.  
7 SENATOR MARCELLINO: No.  
8 THE SECRETARY: Senator Maziarz.  
9 SENATOR MAZIARZ: No.  
10 THE SECRETARY: Senator McDonald.  
11 SENATOR McDONALD: No.  
12 THE SECRETARY: Senator  
13 Montgomery.  
14 SENATOR MONTGOMERY: Yes.  
15 THE SECRETARY: Senator Morahan,  
16 excused.  
17 Senator Nozzolio.  
18 SENATOR NOZZOLIO: No.  
19 THE SECRETARY: Senator Onorato.  
20 SENATOR ONORATO: Yes.  
21 THE SECRETARY: Senator  
22 Oppenheimer.  
23 SENATOR OPPENHEIMER: Yes.  
24 THE SECRETARY: Senator Padavan.  
25 SENATOR PADAVAN: No.

1 THE SECRETARY: Senator Parker.  
2 SENATOR PARKER: Yes.  
3 THE SECRETARY: Senator Peralta.  
4 SENATOR PERALTA: Yes.  
5 THE SECRETARY: Senator Perkins.  
6 SENATOR PERKINS: Yes.  
7 THE SECRETARY: Senator  
8 Ranzenhofer.  
9 SENATOR RANZENHOFER: No.  
10 THE SECRETARY: Senator Robach.  
11 SENATOR ROBACH: No.  
12 THE SECRETARY: Senator Saland.  
13 SENATOR SALAND: No.  
14 THE SECRETARY: Senator Sampson.  
15 (Senator Sampson recorded in the  
16 affirmative.)  
17 THE SECRETARY: Senator Savino.  
18 SENATOR SAVINO: Yes.  
19 THE SECRETARY: Senator  
20 Schneiderman.  
21 SENATOR SCHNEIDERMAN: Yes.  
22 THE SECRETARY: Senator Serrano.  
23 SENATOR SERRANO: Yes.  
24 THE SECRETARY: Senator Seward.  
25 SENATOR SEWARD: No.

1 THE SECRETARY: Senator Skelos.

2 SENATOR SKELOS: No.

3 THE SECRETARY: Senator Smith.

4 SENATOR SMITH: Yes.

5 THE SECRETARY: Senator Squadron.

6 SENATOR SQUADRON: Yes.

7 THE SECRETARY: Senator

8 Stachowski.

9 SENATOR STACHOWSKI: Yes.

10 SENATOR KLEIN: Lay the bill  
11 aside for the day, please, Madam President.

12 ACTING PRESIDENT SAVINO: The  
13 roll call is withdrawn, and the bill is laid  
14 aside for the day.

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

17 Senator Klein.

18 SENATOR KLEIN: Madam President,  
19 can we please stand at ease and come back to  
20 the chambers in about an hour. So that would  
21 be ten to 6:00.

22 ACTING PRESIDENT SAVINO: Senator  
23 Libous.

24 SENATOR LIBOUS: Thank you.

25 There will be an immediate

1 Republican conference.

2 ACTING PRESIDENT SAVINO: There  
3 will be an immediate meeting of the Republican  
4 Conference in the Republican Conference Room.

5 The Senate will stand at ease until  
6 ten minutes to 6:00 o'clock.

7 (Whereupon, the Senate stood at  
8 ease at 4:50 p.m.)

9 (Whereupon, the Senate reconvened  
10 at 6:22 p.m.)

11 ACTING PRESIDENT ADAMS: Senator  
12 Klein.

13 SENATOR KLEIN: Mr. President,  
14 there will be an immediate meeting of the  
15 Rules Committee in the Majority Conference  
16 Room.

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

19 ACTING PRESIDENT ADAMS: There's  
20 an immediate meeting of the Rules Committee in  
21 the Majority Conference Room.

22 Until then, the Senate stands at  
23 ease, Senator Libous.

24 (Whereupon, the Senate stood at  
25 ease at 6:23 p.m.)



1 (Whereupon, the Senate reconvened  
2 at 7:01 p.m.)

3 ACTING PRESIDENT CRAIG JOHNSON:  
4 Senator Klein.

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

8 ACTING PRESIDENT CRAIG JOHNSON:  
9 There is a Rules report at the desk.

10 The Secretary will read.

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

14 Senate Print 3180C, by Senator  
15 Duane, an act to amend the Public Health Law;

16 4117B, by Senator Oppenheimer, an  
17 act to amend the Education Law;

18 4181, by Senator Flanagan, an act  
19 to amend the Highway Law;

20 4431B, by Senator Lanza, an act to  
21 amend the Executive Law;

22 5512A, by Senator Oppenheimer, an  
23 act to amend the Education Law;

24 5514, by Senator Stachowski, an act  
25 to amend the State Finance Law;

1                   5614B, by Senator Valesky, an act  
2           to amend the Alcoholic Beverage Control Law;

3                   5628A, by Senator Savino, an act to  
4           amend the Retirement and Social Security Law;

5                   5969, by Senator Valesky, an act to  
6           amend the Education Law;

7                   6646, by Senator Bonacic, an act to  
8           amend the Executive Law;

9                   6861, by Senator LaValle, an act  
10          authorizing;

11                   6888C, by Senator Hassell-Thompson,  
12          an act to amend the Retirement and Social  
13          Security Law;

14                   7202A, by Senator Skelos, an act  
15          authorizing;

16                   7228A, by Senator Stachowski, an  
17          act to amend the New York State Urban  
18          Development Corporation Act;

19                   7255A, by Senator Morahan, an act  
20          to amend the Mental Hygiene Law;

21                   7267C, by Senator Schneiderman, an  
22          act to amend the General Business Law;

23                   7412B, by Senator Montgomery, an  
24          act to amend the Administrative Code of the  
25          City of New York;

1                   7480A, by Senator Valesky, an act  
2           to amend the Alcoholic Beverage Control Law;

3                   7517, by Senator Duane, an act to  
4           amend the Social Services Law;

5                   7580, by Senator Stachowski, an act  
6           to amend the Tax Law;

7                   7587, by Senator Oppenheimer, an  
8           act to amend the Agriculture and Markets Law;

9                   7730, by Senator Flanagan, an act  
10          to amend the Real Property Tax Law;

11                  7738A, by Senator Farley, an act  
12          authorizing;

13                  7769, by Senator L. Krueger, an act  
14          to amend the Public Authorities Law;

15                  7830, by Senator C. Kruger, an act  
16          to amend the Real Property Law;

17                  7840, by Senator Skelos, an act to  
18          amend Chapter 821 of the Laws of 1970;

19                  7900, by Senator Savino, an act to  
20          amend the Workers' Compensation Law;

21                  7955A, by Senator Oppenheimer, an  
22          act to amend the Agriculture and Markets Law;

23                  8004, by Senator Aubertine, an act  
24          to amend the Penal Law;

25                  8072A, by Senator Schneiderman, an

1 act to amend the General Obligations Law;

2 8097, by Senator Squadron, an act  
3 to amend the Public Service Law;

4 8132A, by Senator Montgomery, an  
5 act to amend the Social Services Law;

6 8165A, by Senator Stewart-Cousins,  
7 an act to repeal;

8 8215, by Senator LaValle, an act to  
9 amend the Highway Law;

10 8229, by Senator Hassell-Thompson,  
11 an act to amend the Executive Law.

12 8258, by Senator Parker, an act to  
13 amend a chapter of the Laws of 2010;

14 8289, by Senator Stachowski, an act  
15 to amend the Penal Law;

16 8310, by Senator Aubertine, an act  
17 to amend the Public Service Law;

18 8333, by Senator Squadron, an act  
19 to amend General Business Law;

20 8343, by Senator Foley, an act to  
21 amend the Environmental Conservation Law;

22 8347, by Senator Klein, an act to  
23 amend the Education Law;

24 8370, by the Senate Committee on  
25 Rules, an act to amend Chapter 268 of the Laws

1 of 1989;

2 8373A, by Senator Sampson, an act  
3 to amend the Civil Rights Law;

4 8376, by Senator Oppenheimer, an  
5 act to amend the Education Law;

6 8377A, by Senator Dilan, an act to  
7 amend the Multiple Dwelling Law;

8 8378, by Senator Schneiderman, an  
9 act to amend the State Finance Law;

10 8379A, by Senator Schneiderman, an  
11 act to amend the Labor Law;

12 8391, by Senator Sampson, an act to  
13 amend a chapter of the Laws of 2010;

14 5806C, by Senator Young, an act to  
15 authorize;

16 7115A, by Senator Young, an act to  
17 amend the Highway Law;

18 7602, by Senator Winner, an act in  
19 relation to dissolving;

20 And Senate Print 7636, by Senator  
21 Winner, an act in relation to dissolving.

22 All bills ordered direct to third  
23 reading.

24 ACTING PRESIDENT CRAIG JOHNSON:

25 All those in favor of adopting the Rules

1 Committee report please signify by saying aye.

2 (Response of "Aye.")

3 ACTING PRESIDENT CRAIG JOHNSON:

4 Opposed, nay.

5 (No response.)

6 ACTING PRESIDENT CRAIG JOHNSON:

7 The Rules Committee report is adopted.

8 Senator Klein.

9 SENATOR KLEIN: Mr. President, I  
10 believe there's a resolution at the desk by  
11 Senator Hassell-Thompson. I ask that the  
12 resolution be read title only and move for its  
13 immediate adoption.

14 ACTING PRESIDENT CRAIG JOHNSON:

15 The Secretary will read.

16 THE SECRETARY: By Senator  
17 Hassell-Thompson, legislative resolution  
18 applauding and approving the foregoing steps  
19 that have been taken by the chief judge and  
20 the judiciary to institute an ongoing program  
21 with respect to civil legal services in the  
22 State of New York.

23 ACTING PRESIDENT CRAIG JOHNSON:

24 Senator Klein, as this resolution been deemed  
25 privileged and submitted by the office of the

1 Temporary President?

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

4 ACTING PRESIDENT CRAIG JOHNSON:  
5 The Secretary has read.

6 All those voting in favor of the  
7 resolution please indicate by saying aye.

8 (Response of "Aye.")

9 ACTING PRESIDENT CRAIG JOHNSON:  
10 Opposed, nay.

11 (No response.)

12 ACTING PRESIDENT CRAIG JOHNSON:  
13 The resolution is adopted.

14 Senator Klein.

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

17 ACTING PRESIDENT CRAIG JOHNSON:  
18 No, Senator Klein, the desk is clear.

19 SENATOR KLEIN: There being no  
20 further business, Mr. President, I move that  
21 we adjourn until Wednesday, June 30th, at  
22 12:00 p.m.

23 ACTING PRESIDENT CRAIG JOHNSON:  
24 There being no further business to come before  
25 the Senate, on motion, the Senate stands

1 adjourned until Wednesday, June 30th, at  
2 12:00 p.m.

3 (Whereupon, at 7:07 p.m., the  
4 Senate adjourned.)  
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