NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

June 30, 2010

12:58 p.m.

REGULAR SESSION

SENATOR DAVID J. VALESKY, Acting President

ANGELO J. APONTE, Secretary

P R O C E E D I N G S

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

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

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

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

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

ACTING PRESIDENT VALESKY: The reading of the Journal.

The Secretary will read.

THE SECRETARY: In Senate, Tuesday, June 29, the Senate met pursuant to adjournment. The Journal of Monday, June 28, was read and approved. On motion, Senate adjourned.

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

Presentation of petitions.

Messages from the Assembly.

Messages from the Governor.

Reports of standing committees.

Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

Senator Klein.

SENATOR KLEIN: Mr. President, on behalf of Senator Parker, on page 29 I offer the following amendments to Calendar Number 1204, Senate Print Number 8296A, and ask that said bill retain its place on Third Reading Calendar.

ACTING PRESIDENT VALESKY: So ordered.

Senator Klein.

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

ACTING PRESIDENT VALESKY: The Secretary will proceed to read the substitutions.

THE SECRETARY: On page 10,

Senator Marcellino moves to discharge, from the Committee on Rules, Assembly Bill Number 9799A and substitute it for the identical Senate Bill Number 6705A, Third Reading Calendar 252.

On page 26, Senator L. Krueger moves to discharge, from the Committee on Rules, Assembly Bill Number 7907D and substitute it for the identical Senate Bill Number 4778C, Third Reading Calendar 930.

On page 26, Senator Serrano moves to discharge, from the Committee on Rules, Assembly Bill Number 10392C and substitute it for the identical Senate Bill Number 7985A, Third Reading Calendar 935.

On page 28, Senator Aubertine moves to discharge, from the Committee on Rules, Assembly Bill Number 10023A and substitute it for the identical Senate Bill Number 7936A, Third Reading Calendar 1056.

On page 31, Senator Breslin moves to discharge, from the Committee on Rules, Assembly Bill Number 2279 and substitute it for the identical Senate Bill Number 754, Third Reading Calendar 1293.

On page 32, Senator Lanza moves to discharge, from the Committee on Rules, Assembly Bill Number 7093B and substitute it for the identical Senate Bill Number 4431B, Third Reading Calendar 1326.

On page 32, Senator Valesky moves to discharge, from the Committee on Commerce, Economic Development and Small Business, Assembly Bill Number 488C and substitute it for the identical Senate Bill Number 5614B, Third Reading Calendar 1330.

On page 32, Senator Bonacic moves to discharge, from the Committee on Rules, Assembly Bill Number 9096 and substitute it for the identical Senate Bill Number 6646, Third Reading Calendar 1333.

On page 32, Senator LaValle moves to discharge, from the Committee on Rules, Assembly Bill Number 9947 and substitute it for the identical Senate Bill Number 6861, Third Reading Calendar 1334.

On page 33, Senator Skelos moves to discharge, from the Committee on Rules, Assembly Bill Number 10050A and substitute it for the identical Senate Bill Number 7202A,

Third Reading Calendar 1336.

On page 33, Senator Stachowski moves to discharge, from the Committee on Rules, Assembly Bill Number 5255A and substitute it for the identical Senate Bill Number 7228A, Third Reading Calendar 1337.

On page 33, Senator Morahan moves to discharge, from the Committee on Rules, Assembly Bill Number 11034A and substitute it for the identical Senate Bill Number 7255A, Third Reading Calendar 1338.

On page 33, Senator Duane moves to discharge, from the Committee on Health, Assembly Bill Number 8285 and substitute it for the identical Senate Bill Number 7517, Third Reading Calendar 1342.

On page 33, Senator Stachowski moves to discharge, from the Committee on Rules, Assembly Bill Number 10786 and substitute it for the identical Senate Bill Number 7580, Third Reading Calendar 1343.

On page 33, Senator Flanagan moves to discharge, from the Committee on Local Government, Assembly Bill Number 10875 and substitute it for the identical Senate Bill

Number 7730, Third Reading Calendar 1345.

On page 34, Senator Skelos moves to discharge, from the Committee on Rules, Assembly Bill Number 10049 and substitute it for the identical Senate Bill Number 7840, Third Reading Calendar 1349.

On page 34, Senator Oppenheimer moves to discharge, from the Committee on Rules, Assembly Bill Number 11178A and substitute it for the identical Senate Bill Number 7955A, Third Reading Calendar 1351.

On page 34, Senator Squadron moves to discharge, from the Committee on Energy and Telecommunications, Assembly Bill Number 5691 and substitute it for the identical Senate Bill Number 8097, Third Reading Calendar 1354.

On page 35, Senator Foley moves to discharge, from the Committee on Rules, Assembly Bill Number 10269B and substitute it for the identical Senate Bill Number 8343, Third Reading Calendar 1364.

On page 36, Senator Smith moves to discharge, from the Committee on Rules, Assembly Bill Number 10992 and substitute it for the identical Senate Bill Number 8370,

Third Reading Calendar 1366.

On page 36, Senator Oppenheimer moves to discharge, from the Committee on Rules, Assembly Bill Number 11566 and substitute it for the identical Senate Bill Number 8376, Third Reading Calendar 1368.

On page 36, Senator Dilan moves to discharge, from the Committee on Rules, Assembly Bill Number 11567 and substitute it for the identical Senate Bill Number 8377A, Third Reading Calendar 1369.

On page 37, Senator Young moves to discharge, from the Committee on Rules, Assembly Bill Number 10620 and substitute it for the identical Senate Bill Number 7115A, Third Reading Calendar 1374.

And on page 37, Senator Winner moves to discharge, from the Committee on Rules, Assembly Bill Number 10860 and substitute it for the identical Senate Bill Number 7636, Third Reading Calendar 1376.

ACTING PRESIDENT VALESKY: Substitutions ordered.

Senator Klein.

SENATOR KLEIN: Mr. President, I

believe there's a resolution at the desk by Senator Hassell-Thompson. I ask that the title of the resolution be read and move for its immediate adoption.

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

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

ACTING PRESIDENT VALESKY: The Secretary will read.

THE SECRETARY: By Senator Hassell-Thompson, legislative resolution commending Bobby J. Johnson upon the occasion of receiving the Humanitarian Award from the Women's Welfare Club of Mount Vernon.

ACTING PRESIDENT VALESKY: Senator Hassell-Thompson, on the resolution.

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

Just to -- I rise to congratulate Mr. Bobby Johnson on his award by the Women's Welfare League. This is a group of people who have for over a hundred years been serving our

communities, and they have identified those persons that they believe exemplify the mission of their organization in the person of Bobby Johnson, who is totally a community person, who's someone I've known for a very long time.

I remember back in the early '70s when I ran for school board, we had met at a motorcycle convention, of all places. And the belief that people who ride motorcycles don't have connections to the community and don't have a civic sense of being -- but I found in Bobby Johnson a person who is very concerned about the children and about education.

And he thought that I would make a good candidate for the school board, and he worked very hard, with other members of his motorcycle club, to put together campaign funds for me to run for that public office.

And earlier he had helped to raise money for buses to send parents to go to Washington, D.C., to ensure that childcare was something that stayed on the national agenda. And as they were changing from the cap agency to an independent agency, which today is HHS

but then was HEW, he always had a civic bent. And as somebody who if you saw him on the street, he would never acknowledge any of the things that he had ever done because he just felt that that's what people should just do.

And so in the person of Bobby Johnson, today I'm very happy to stand here and to proclaim him as a friend and to congratulate him as his Senator for the work that he does on behalf of children and the people of the City of Mount Vernon.

Thank you, Mr. President.

ACTING PRESIDENT VALESKY: Thank you, Senator Hassell-Thompson.

All those in favor of adopting the resolution signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT VALESKY: Opposed, nay.

(No response.)

ACTING PRESIDENT VALESKY: The resolution is adopted.

Senator Klein.

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

calendar.

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

THE SECRETARY: Calendar Number 844, by Senator Saland, Senate Print 7001B, an act to amend the Insurance Law.

ACTING PRESIDENT VALESKY: Read the last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT VALESKY: The bill is passed.

THE SECRETARY: Calendar Number 1232, by Senator Stewart-Cousins --

SENATOR LIBOUS: Lay it aside, please.

ACTING PRESIDENT VALESKY: The bill is laid aside.

THE SECRETARY: Calendar Number 1323, by Senator Duane, Senate Print 3180C, an

act to --

SENATOR LIBOUS: Lay it aside, please.

ACTING PRESIDENT VALESKY: The bill is laid aside.

THE SECRETARY: Calendar Number 1324, by Senator Oppenheimer, Senate Print 4117B, an act to amend the Education Law.

ACTING PRESIDENT VALESKY: Read the last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT VALESKY: The bill is passed.

THE SECRETARY: Calendar Number 1325, by Senator Flanagan, Senate Print 4181, an act to amend the Highway Law.

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

Read the last section.

THE SECRETARY: Section 2. This

act shall take effect immediately.

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT VALESKY: The bill is passed.

THE SECRETARY: Calendar Number 1326, substituted earlier today by Member of the Assembly Espaillat, Assembly Print Number 7093B, an act to amend the Executive Law.

ACTING PRESIDENT VALESKY: Read the last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT VALESKY: The bill is passed.

THE SECRETARY: Calendar Number 1327, by Senator Oppenheimer, Senate Print 5512A, an act to amend the Education Law and the Social Services Law.

ACTING PRESIDENT VALESKY: Read the last section.

THE SECRETARY: Section 8. This act shall take effect October 1, 2011.

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Those recorded in the negative on Calendar Number 1327 are Senators Alesi, Bonacic, DeFrancisco, Farley, Flanagan, Fuschillo, Golden, Hannon, O. Johnson, Larkin, LaValle, Leibell, Libous, Marcellino, Padavan, Ranzenhofer, Saland, Seward, Skelos, Volker and Winner.

Ayes, 39. Nays, 21.

ACTING PRESIDENT VALESKY: The bill is passed.

THE SECRETARY: Calendar Number 1328, by Senator Stachowski, Senate Print 5514, an act to amend the State Finance Law.

ACTING PRESIDENT VALESKY: Read the last section.

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

ACTING PRESIDENT VALESKY: Call

the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT VALESKY: The bill is passed.

THE SECRETARY: Calendar Number 1330, substituted earlier today by Member of the Assembly Destito, Assembly Print Number 488C, an act to amend the Alcoholic Beverage Control Law.

ACTING PRESIDENT VALESKY: Read the last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

SENATOR DILAN: Lay it aside.

ACTING PRESIDENT VALESKY: The bill is laid aside.

SENATOR LIBOUS: Mr. President, who did that?

ACTING PRESIDENT VALESKY: The bill was laid aside by Senator Dilan.

THE SECRETARY: Calendar Number

1331, by Senator Savino, Senate Print 5628A, an act to amend the Retirement and Social Security Law.

ACTING PRESIDENT VALESKY: Read the last section.

THE SECRETARY: Section 2. This act --

SENATOR DeFRANCISCO: Lay it aside.

ACTING PRESIDENT VALESKY: The bill is laid aside.

THE SECRETARY: Calendar Number 1332, by Senator Valesky, Senate Print 5969, an act to amend the Education Law.

ACTING PRESIDENT VALESKY: Read the last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT VALESKY: The bill is passed.

THE SECRETARY: Calendar Number

1333, substituted earlier by Member of the Assembly Crouch, Assembly Print Number 9096, an act to amend the Executive Law.

ACTING PRESIDENT VALESKY: Read the last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT VALESKY: The bill is passed.

THE SECRETARY: Calendar Number 1334, substituted earlier today by Member of the Assembly Alessi, Assembly Print Number 9947, an act authorizing William Bianco and Eric Lipinsky.

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

Read the last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT VALESKY: The bill is passed.

THE SECRETARY: Calendar Number 1335, by Senator Hassell-Thompson, Senate Print 6888C, an act to amend the Retirement and Social Security Law and others.

ACTING PRESIDENT VALESKY: Read the last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT VALESKY: The bill is passed.

THE SECRETARY: Calendar Number 1336, substituted earlier today by Member of the Assembly Weisenberg, Assembly Print Number 10050A, an act authorizing the assessor of the County of Nassau.

ACTING PRESIDENT VALESKY: Read the last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT VALESKY: The bill is passed.

THE SECRETARY: Calendar Number 1337, substituted earlier by Member of the Assembly Espaillat, Assembly Print Number 5255A, an act to amend the New York State Urban Development Corporation Act.

ACTING PRESIDENT VALESKY: Read the last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT VALESKY: The bill is passed.

THE SECRETARY: Calendar Number 1338, substituted earlier today by Member of

the Assembly Paulin, Assembly Print Number 11034A, an act to amend the Mental Hygiene Law.

ACTING PRESIDENT VALESKY: Read the last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT VALESKY: The bill is passed.

THE SECRETARY: Calendar Number 1339, by Senator Schneiderman, Senate Print 7267C, an act to amend the General Business Law.

ACTING PRESIDENT VALESKY: Read the last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT VALESKY: The bill is passed.

THE SECRETARY: Calendar Number 1340, by Senator Montgomery, Senate Print 7412B, an act to amend the Administrative Code of the City of New York.

ACTING PRESIDENT VALESKY: Read the last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT VALESKY: Senator Montgomery, to explain her vote.

SENATOR MONTGOMERY: Yes, Mr. President, to explain my vote.

This bill requires notice to owners of adjoining properties that prior to construction or excavation or demolition work being performed, neighboring owners must be notified.

It is in response to a number of incidents in my district and throughout the city where there is a tremendous amount of

construction going on and many of the properties that are being worked on, either through -- completely demolished to rebuild or renovation projects, excavation, it's all going on, and in many, many instances these are buildings that are attached to other buildings, they have adjoining walls.

This legislation simply protects people who live in buildings that are sharing a wall with a building that is being demolished or being worked on otherwise from what happened in my district when one of the buildings collapsed that should not have because the building next to it was being demolished.

And so I ask for support of this legislation. It will help in many, many instances all over our city. And therefore I will be voting in the affirmative.

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

Announce the results.

THE SECRETARY: Those recorded in the negative on Calendar Number 1340 are

Senators Alesi, Aubertine, Bonacic, DeFrancisco, Farley, Flanagan, O. Johnson, Lanza, Larkin, Libous, Maziarz, Nozzolio, Ranzenhofer, Saland, Seward, Skelos, Volker, Winner and Young. Also Senator Griffo.

Ayes, 40. Nays, 20.

ACTING PRESIDENT VALESKY: The bill is passed.

Senator Bonacic.

SENATOR BONACIC: Thank you, Mr. President. I'm going to ask for unanimous consent to be recorded in the negative on Calendar Number 1336, please.

ACTING PRESIDENT VALESKY: With unanimous consent, Senator Bonacic to be recorded in the negative on Calendar 1336.

SENATOR BONACIC: Thank you, Mr. President.

ACTING PRESIDENT VALESKY: The Secretary will read.

THE SECRETARY: Calendar Number 1341, by Senator Valesky, Senate Print 7480A, an act to amend the --

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

SENATOR LARKIN: I'd like to ask for unanimous consent to be recorded in the negative on Calendar Number 1336.

ACTING PRESIDENT VALESKY: With unanimous consent, Senator Larkin to be recorded in the negative on Calendar Number 1336.

The Secretary will read the last section on Calendar Number 1341.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Those recorded in the negative on Calendar Number 1341 are Senators Diaz, Fuschillo and Marcellino.

Ayes, 57. Nays, 3.

ACTING PRESIDENT VALESKY: The bill is passed.

THE SECRETARY: Calendar Number 1342, substituted earlier today by --

SENATOR LIBOUS: Lay it aside.

ACTING PRESIDENT VALESKY: The bill is laid aside.

THE SECRETARY: Calendar Number 1343, substituted earlier today by Member of the Assembly Schimminger, Assembly Print Number 10786, an act to amend the Tax Law.

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

Read the last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT VALESKY: The bill is passed.

THE SECRETARY: Calendar Number 1344, by Senator Oppenheimer, Senate Print 7587, an act to amend the Agriculture and Markets Law and the General Business Law.

ACTING PRESIDENT VALESKY: Read the last section.

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

ACTING PRESIDENT VALESKY: Call

the roll.

(The Secretary called the roll.)

THE SECRETARY: Those recorded in the negative on Calendar Number 1344 are Senators Aubertine, Golden, Griffo, Little, Ranzenhofer, Volker, Winner and Young.

Ayes, 53. Nays, 8.

ACTING PRESIDENT VALESKY: The bill is passed.

THE SECRETARY: Calendar Number 1345, substituted earlier today by Member of the Assembly Magee, Assembly Print Number 10875, an act to amend the Real Property Tax Law.

ACTING PRESIDENT VALESKY: Read the last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT VALESKY: The bill is passed.

THE SECRETARY: Calendar Number

1346, by Senator Farley, Senate Print 7738A, an act to authorize the City of Schenectady.

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

Read the last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT VALESKY: The bill is passed.

THE SECRETARY: Calendar Number 1347, by Senator L. Krueger, Senate Print 7769, an act to amend the Public Authorities Law.

ACTING PRESIDENT VALESKY: Read the last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59. Nays,

2. Senators Diaz and Huntley recorded in the negative.

ACTING PRESIDENT VALESKY: The bill is passed.

THE SECRETARY: Calendar Number 1348, by Senator C. Kruger, Senate Print 7830, an act to amend the Real Property Law.

ACTING PRESIDENT VALESKY: Read the last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT VALESKY: The bill is passed.

THE SECRETARY: Calendar Number 1349, substituted earlier today by Member of the Assembly Weisenberg, Assembly Print Number 10049, an act to amend Chapter 821 of the Laws of 1970 amending the Town Law.

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

Read the last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT VALESKY: The bill is passed.

THE SECRETARY: Calendar Number 1350, by Senator Savino, Senate Print 7900, an act to amend the Workers' Compensation Law.

ACTING PRESIDENT VALESKY: Read the last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT VALESKY: The Secretary will announce the results.

THE SECRETARY: Those recorded in the negative on Calendar Number 1350 are Senators Flanagan, Golden, Larkin, LaValle, Marcellino, Nozzolio, Saland, Skelos, Volker, Winner and Young.

Ayes, 50. Nays, 11.

ACTING PRESIDENT VALESKY: The bill is passed.

THE SECRETARY: Calendar Number -- also Senator Ranzenhofer.

Ayes, 49. Nays, 12.

ACTING PRESIDENT VALESKY: The bill is passed.

THE SECRETARY: Calendar Number 1351, substituted earlier today by Member of the Assembly Paulin, Assembly Print Number 11178A, an act to amend the Agriculture and Markets Law.

ACTING PRESIDENT VALESKY: Read the last section.

THE SECRETARY: Section 4. This act shall take effect on the same date and in the same manner as Section 5 of Chapter 479 of the Laws of 2009.

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT VALESKY: The bill is passed.

THE SECRETARY: Calendar Number 1352, by Senator Aubertine, Senate Print 8004, an act to amend the Penal Law.

ACTING PRESIDENT VALESKY: Read the last section.

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

(The Secretary called the roll.)

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT VALESKY: The bill is passed.

THE SECRETARY: Calendar Number 1354 --

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

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

THE SECRETARY: Calendar Number 1356, by Senator Montgomery, Senate Print 8132A, an act to amend the Social Services Law.

ACTING PRESIDENT VALESKY: The

bill is high and will be laid aside for the day.

THE SECRETARY: Calendar Number 1357, by Senator Stewart-Cousins --

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

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

THE SECRETARY: Calendar Number 1358, by Senator LaValle, Senate Print 8215, an act to amend the Highway Law.

ACTING PRESIDENT VALESKY: Read the last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT VALESKY: The bill is passed.

THE SECRETARY: Calendar Number 1359, by Senator Hassell-Thompson, Senate Print 8229, an act to amend the Executive Law.

ACTING PRESIDENT VALESKY: Read

the last section.

SENATOR LIBOUS: Lay it aside.

ACTING PRESIDENT VALESKY: The bill is laid aside.

THE SECRETARY: Calendar Number 1360, by Senator Parker --

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

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

THE SECRETARY: Calendar Number 1361, by Senator Stachowski, Senate Print 8289, an act to amend the Penal Law.

ACTING PRESIDENT VALESKY: Read the last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT VALESKY: The bill is passed.

THE SECRETARY: Calendar Number 1362, by Senator Aubertine, Senate Print 8310,

an act to amend the Public Service Law.

ACTING PRESIDENT VALESKY: Read the last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT VALESKY: The bill is passed.

THE SECRETARY: Calendar Number 1363, by Senator Squadron, Senate Print 8333, an act to amend the General Business Law.

ACTING PRESIDENT VALESKY: Read the last section.

THE SECRETARY: Section 3. This act shall take effect on the same date and in the same manner as a chapter of the Laws of 2010.

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

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

SENATOR DUANE: Thank you, Mr. President.

Regarding Calendar Number 1363, on June 22nd I abstained from voting on S4313D due to a potential pecuniary interest I may have regarding the legislation, since my partner of 17 years, Louis Webre, is employed in the auction industry.

Today's bill is a chapter amendment to this previous legislation, and as such I ask for unanimous consent to abstain from voting.

Thank you, Mr. President.

ACTING PRESIDENT VALESKY: Without objection, Senator Duane to abstain.

The Secretary will announce the results.

SENATOR SALAND: Mr. President, to explain my vote.

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

SENATOR SALAND: Thank you, Mr. President.

Mr. President, we had an earlier version of this bill which I had spoken in

opposition to and voted against, and one of the concerns with the earlier version of the bill was that it applied New York City auction-house standards to counties with populations of 200,000 or more.

This now takes that very same concept and imposes it upon virtually every county in this state by reducing the population of the county to 45,000. Any county with a population in excess of 45,000 will now be responsible to adhere to these standards that might work wonderfully well for Sotheby's or any of the other major auction houses in New York City but will certainly be a challenge and an imposition and quite a difficult thing for the small local auctioneers to deal with.

So I would urge my colleagues, particularly any single one of them outside of the City of New York in a county with a population of more than 45,000 to vote against this bill. I'm sure that their auctioneers probably have little or no notice of this, as it is in effect a last-minute change without the opportunity to have these people heard

from.

Thank you.

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

Announce the results.

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

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

THE SECRETARY: Calendar Number 1364, substituted earlier today by Member of the Assembly Sweeney, Assembly Print Number 10269B, an act to amend the Environmental Conservation Law.

ACTING PRESIDENT VALESKY: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the 150th day.

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT VALESKY: The bill is passed.

THE SECRETARY: Calendar Number 1365, by Senator Klein, Senate Print 8347, an act to amend the Education Law.

ACTING PRESIDENT VALESKY: Read the last section.

THE SECRETARY: Section 5. This act --

SENATOR LIBOUS: Lay it aside, please.

ACTING PRESIDENT VALESKY: The bill is laid aside.

THE SECRETARY: Calendar Number 1366, substituted earlier today by Member of the Assembly Gantt, Assembly Print Number 10992, an act to amend Chapter 268 of the Laws of 1989 amending the Vehicle and Traffic Law.

ACTING PRESIDENT VALESKY: Read the last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT VALESKY: The

bill is passed.

THE SECRETARY: Calendar Number 1367, by Senator Sampson, Senate Print --

SENATOR LIBOUS: Lay it aside.

ACTING PRESIDENT VALESKY: The bill is laid aside.

THE SECRETARY: Calendar Number 1368, substituted earlier today by the Assembly Committee on Rules, Assembly Print Number 11566, an act to amend the Education Law.

ACTING PRESIDENT VALESKY: Read the last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT VALESKY: The bill is passed.

THE SECRETARY: Calendar Number 1369, substituted earlier today by the Assembly Committee on Rules, Assembly Print Number 11567, an act to amend the Multiple

Dwelling Law.

ACTING PRESIDENT VALESKY: Read the last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

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

SENATOR PADAVAN: Thank you, Mr. President.

First, this bill ties the Loft Law, a very important subject area in the City of New York, to VLT gaming in terms of limitations and hours and all that sort of stuff. What the two of them have in common is absolutely nothing. Why they are together? Because one might not pass if it didn't give the opportunity for people to say, Well, I had to vote for it because I'm in favor of the Loft Law.

To me, that's disingenuous, I think it's really unethical, in a sense, and certainly it has no proper place in this

Legislature.

I'm going to vote no not because I am against the provisions of the Loft Law, which I've certainly been sympathetic to and supported for years, but I am against those provisions that are provided in this bill dealing with video lottery gaming.

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

Senator Libous.

SENATOR LIBOUS: I'm going to join Senator Padavan. I have no problem with the gaming portion of this, and I have no portion with the other portion of it. But I have to tell you that he's right, these two issues have no business being together in a piece of legislation.

I don't understand it. It doesn't make any sense. And I will support my colleague on this point. If we're going to start taking a variety of different issues and putting them into legislation just so that we can get people to vote on them or pass on them, that's not the intent of this body. And

to put a video gaming bill in with the Loft Law, I don't care who you are, it makes absolutely no sense.

So I'll join Senator Padavan in voting no.

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

Announce the results.

THE SECRETARY: Those recorded in the negative on Calendar Number 1369 are Senators Bonacic, DeFrancisco, Farley, Flanagan, Golden, Griffo, O. Johnson, Lanza, Libous, Little, Nozzolio, Padavan, Skelos, Volker, Winner and Young.

SENATOR LaVALLE: Lay the bill aside, please.

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

THE SECRETARY: Calendar Number 1370, by Senator Schneiderman, Senate Print 8378, an act to amend the State Finance Law.

ACTING PRESIDENT VALESKY: Read the last section.

THE SECRETARY: Section 13. This

act shall take effect --

SENATOR HANNON: Lay it aside.

ACTING PRESIDENT VALESKY: The bill is laid aside.

THE SECRETARY: Calendar Number 1371, by Senator Schneiderman, Senate Print 8379A, an act to amend the Labor Law.

ACTING PRESIDENT VALESKY: The bill is high and will be laid aside for the day.

THE SECRETARY: Calendar Number 1372, by Senator Sampson, Senate Print 8391, an act to amend a chapter of the Laws of 2010.

ACTING PRESIDENT VALESKY: That bill is also high and will be laid aside for the day.

THE SECRETARY: Calendar Number 1373, by Senator Young, Senate Print 5806C, an act to authorize the Education Department.

ACTING PRESIDENT VALESKY: Read the last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT VALESKY: The bill is passed.

THE SECRETARY: Calendar Number 1374, substituted earlier today by Member of the Assembly Parment, Assembly Print Number 10620, an act to amend the Highway Law.

ACTING PRESIDENT VALESKY: Read the last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT VALESKY: The bill is passed.

THE SECRETARY: Calendar Number 1375, by Senator Winner, Senate Print 7602, an act in relation to dissolving.

ACTING PRESIDENT VALESKY: Read the last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT VALESKY: The bill is passed.

THE SECRETARY: Calendar Number 1376, substituted earlier today by Member of the Assembly Bacalles, Assembly Print Number 10860, an act in relation to dissolving.

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

Read the last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT VALESKY: The bill is passed.

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

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

controversial calendar.

ACTING PRESIDENT VALESKY: The Secretary will ring the bells and proceed with the reading of the controversial calendar, beginning with Calendar Number 1232.

The Secretary will read.

THE SECRETARY: Calendar Number 1232, by Senator Stewart-Cousins, Senate Print 7189, an act to amend the Education Law.

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

Seeing none, the debate is closed.

The Secretary will ring the bells. All Senator are asked to come to the chamber for the roll call.

Senator Klein.

SENATOR KLEIN: Mr. President, Calendar Number 1367, Senate Print Number 8373A, Senator Sampson's bill, the Minority laid it aside. I want to lay the bill aside for the day.

ACTING PRESIDENT VALESKY: Calendar Number 1367 will be laid aside for the day.

SENATOR KLEIN: Thank you,

Mr. President.

ACTING PRESIDENT VALESKY: Read the last section.

THE SECRETARY: Section 2. This act shall take effect July 1, 2010.

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

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

SENATOR FLANAGAN: Thank you, Mr. President.

I'm going to vote no on this bill. And to follow up on the comments that were made by Senator Robach the other day, this is the second time this week -- and I see her smiling, and I give her credit, Senator Stewart-Cousins, for advancing and pushing for your community.

But I must respectfully tell you that this is the exactly the wrong way that we should be financing and funding education. We're sending one pile of money to a community, now roughly $9 million in less than a week, for special issues that should be

negotiated and debated within the context of the budget.

The Governor has now vetoed all the additional restorations. This is exactly the type of thing that should be aired and vetted in the public eye. If you are from Rochester or Buffalo or Syracuse or, for that matter, any community in the State of New York, you're voting against your own communities by voting in support of this bill.

This is something that should be negotiated; it hasn't been. And it should be part of the budget, and it hasn't been. I'm going to vote no.

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

Senator DeFrancisco, to explain his vote.

SENATOR DeFRANCISCO: I'm going to vote no.

I have a different take on this. With the Governor vetoing all the additional education funding, does anyone in their right mind believe that this bill is real?

It might be a great press release, it might be a great thing to put on a campaign brochure that a bill was passed, but realistically does anyone think that the Governor is going to take Yonkers and provide a pot of money to Yonkers without any other of the major cities or any other community receiving additional funds -- in fact, getting monies that the Legislature, in their infinite wisdom, passed and he vetoed it.

So I would hope that everybody out there realizes what this truly is. And if it wasn't -- well, I'll leave it at that, what it truly is. And it truly is simply a little piece for a campaign brochure that costs the citizens of this state a lot of money to print the bill up, go through the process and go through the debates and get it here on the floor. I vote no.

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

Senator Stewart-Cousins, to explain her vote.

SENATOR STEWART-COUSINS: Yes,

thank you, Mr. President.

When we passed our budget resolution, this language was in the budget, so -- the resolution that was passed in this house. So for anyone who thinks that this is new language, it is not. It is language that is not for a press release, it's not for anything other than to, again, rectify what has been a continuing problem in terms of funding the school district in the City of Yonkers.

And again, as I was saying, even in 2008 I remember Senator Skelos -- I have the article to show -- said that he understood the problem and would help to rewrite the funding formula.

Now, it is very difficult to rewrite a formula that just works for one place. And that is why we very deliberately looked at how Yonkers was different from other communities. And what is different in many cases is the increasing enrollment. And as we cut the funding and not consider the fact that it is frozen and then reduced, and meanwhile you have almost a thousand more students, it

is a cut that is beyond the cuts of other communities.

So yes, I'm standing up and asking my colleagues to support rectifying something that is unique to Yonkers and asking for them to support this. And of course I vote aye. Thank you.

ACTING PRESIDENT VALESKY: Senator Stewart-Cousins to be recorded in the affirmative.

Announce the results.

THE SECRETARY: Those recorded in the negative on Calendar Number 1232 are Senators Alesi, Bonacic, DeFrancisco, Farley, Flanagan, Fuschillo, Golden, Griffo, Hannon, O. Johnson, Lanza, Larkin, LaValle, Leibell, Senator, Little, Marcellino, Maziarz, McDonald, Nozzolio, Padavan, Ranzenhofer, Robach, Saland, Seward, Skelos, Volker, Winner and Young.

Ayes, 32. Nays, 29.

ACTING PRESIDENT VALESKY: The bill is passed.

THE SECRETARY: Calendar Number 1323, by Senator Duane --

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

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

THE SECRETARY: Calendar Number 1330, substituted earlier today by Member of the Assembly Destito, Assembly Print Number --

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

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

THE SECRETARY: Calendar Number 1331, by Senator Savino, Senate Print 5628A, an act to amend the Retirement and Social Security Law.

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

SENATOR DeFRANCISCO: Explanation.

ACTING PRESIDENT VALESKY: Senator Savino, an explanation has been requested by Senator DeFrancisco.

SENATOR SAVINO: Certainly, Mr. President.

This bill would amend the

Retirement and Social Security Law in relation to the purchase of service credit that we refer to as air time. Routinely I get approached by people who ask if they would be able to purchase prior service time. And there is a mechanism in place for people to purchase prior service time for which they may have been in provisional status or they may have had a break in service, so they could add to their length of service.

Air time would actually be for service of which you did not serve. And what this would allow someone to do, they would be able to purchase up to five years of additional time, but they would be required to pay the full cost, which would be the employer's cost and the employee's cost.

And just as an example of what this could potentially cost to an individual, it would actually be very expensive, so they would have to seriously consider it. For instance, an individual who is a Tier 4 member who is age 55 and has a final average salary of $55,000 a year but needs to purchase one additional year of service so they could have

a longer service period, they would have to purchase one year of service for $97,175. Incredibly expensive, but it is possible that someone might want to take advantage of this option.

The cost is totally borne by the employ themselves, so the employer does not have to contribute for that extra time. The employee would have to pay the full freight. If it's an option, it's been done in several other states. The retirement system has said they've gotten several requests for this type of an option for people to take. And so this legislation would allow them to do that.

But of course they would have to be aware of the actual cost and what the benefit would be and how long it could potentially take to recoup the amount of money that they'd paid into it.

SENATOR DeFRANCISCO: Would Senator Savino yield to a question.

ACTING PRESIDENT VALESKY: Senator Savino, do you yield?

SENATOR SAVINO: Certainly.

ACTING PRESIDENT VALESKY: The

sponsor yields.

SENATOR DeFRANCISCO: Presently in the State of New York do we have any of these types of options right now for buying in for service which you did not serve?

SENATOR SAVINO: No. This would allow people to actually do that.

SENATOR DeFRANCISCO: Would Senator Savino yield to another question.

ACTING PRESIDENT VALESKY: Senator Savino?

SENATOR SAVINO: Certainly.

ACTING PRESIDENT VALESKY: The sponsor yields.

SENATOR DeFRANCISCO: Senator Savino, if someone does not reach the retirement age, can they get this money back with interest?

SENATOR SAVINO: I believe they could get the money back -- hold on, let me just take a quick look at the memo. Yes, it would be refunded with interest if they were to die before reaching retirement age or if they were -- if they'd reached retirement age.

And the reason why is because the

Comptroller would be able to take this additional money that the employee put in and put it into the -- it would deposit such funds into the pension accumulation fund. So the money would be accruing interest while it was there.

SENATOR DeFRANCISCO: Would you continue to yield?

SENATOR SAVINO: Certainly.

SENATOR DeFRANCISCO: Now, Senator Savino, so there's really no risk to somebody doing this because they could always get the money back with interest; fair enough?

SENATOR SAVINO: True.

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

ACTING PRESIDENT VALESKY: Senator Savino.

SENATOR SAVINO: Yes.

ACTING PRESIDENT VALESKY: The sponsor yields.

SENATOR DeFRANCISCO: Now, let's suppose somebody lives to retirement age and starts reaping the benefits of this buy-in for service for which they did not serve. Isn't

it true that if they live to a ripe old age then there would be an additional cost to the pension fund that all pensioners rely on?

SENATOR SAVINO: There could be, but that additional cost to the pension system would be mitigated by the investment that was made by the employee.

So there would be minimal cost. The Comptroller's office states that there could be an additional cost based on the length of service that now expands the retirement benefit. However, most of it would have been borne by the investment -- by the employee to begin with.

SENATOR DeFRANCISCO: Thank you.

On the bill.

ACTING PRESIDENT VALESKY: Senator DeFrancisco, on the bill.

SENATOR DeFRANCISCO: You know, the whole concept of buying back service for which you did not serve, was the sponsor's words, just really is foreign to me. I can understand that if you want to buy back service time for -- and we've done that on several situations. But basically what this

is is providing the pension fund as a vehicle for investment for an employee.

And the investment is a pretty good investment, because you can't lose. You can't lose because you can always get your investment money back with interest. But on the other hand, on the upside, you may end up, as the Comptroller said, taking funds out of the pension system above and beyond your investment. Which means taking pension funds out that would be available for other pensioners and therefore, in a way, putting some strain -- minimal though it may be, depending upon the number of people that do this -- on the pension fund.

And as we all know, when investments go down in value, then there's a big hit on local governments and school districts to try to put more money in so that the pension fund is flush. So it seems to me that this is a bad deal for the pension fund and therefore for those who are already in the pension system.

And lastly, the person who might want to make this investment could do

something else. They can invest like everybody else does and take the risks like everybody else does by trying alternative investments. This is not what the pension fund was meant for, and it should not be used in this fashion.

For that reason, I'm going to vote no. Thank you.

ACTING PRESIDENT VALESKY: Thank you, Senator DeFrancisco.

Are there any other Senators who wish to be heard?

Senator Flanagan.

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

I join in the remarks of Senator DeFrancisco. And I think this is exactly the kind of bill that we will get killed for if we pass this bill and it gets chaptered into law. I can't fathom going back to the people I represent and saying now somebody can buy five years' worth of credit that they don't have to work a single day to do that. I can just see the editorials now. It's like air time -- and they're going to be calling us airheads for

doing something like this.

With all the scrutiny and all the discussion and all the debate about pensions and defined benefit and defined contribution and some of the issues involving the largesse of public pensions, this sends exactly the wrong message at the wrong time. I don't see how anybody can look at this and in good conscience support it, particularly when so many of our constituents are hurting in a lot of different ways.

Many people would love to have the pensions that we have available to us as public-sector employees and wouldn't look for anything else. Five years credit for not having to work a single day is bad public policy.

ACTING PRESIDENT VALESKY: Thank you, Senator Flanagan.

Are there any other Senators who wish to be heard?

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

Read the last section.

THE SECRETARY: Section 2. This

act shall take effect on the 90th day.

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT VALESKY: Senator Savino, to explain her vote.

SENATOR SAVINO: Thank you, Mr. President.

I'm going to try one more time and just say that this bill would allow people, at great expense for themselves, to be able to utilize the pension system as an investment vehicle, with minimal cost to the employer.

Contrary to the comments of Senator Flanagan about how somehow this will drive up costs and cost the taxpayers thousands of dollars -- which I find your comments rather interesting, Senator Flanagan, since earlier this year you submitted a bill to my committee that was a 25/55 statewide with a $200 million price tag, and we in the committee rightfully rejected it.

This bill will not cost the taxpayers anything other than a minimal cost. It will be expensive for the employee. If

they want to utilize it, this will allow them to do so as it has been done in other states.

Thank you, Mr. President.

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

Senator Hannon, to explain his vote.

SENATOR HANNON: Notwithstanding the traditional way of looking at costing these things out, and I'm sure that's what the actuary has relied on, the entire pension system has a whole different pressure these days, and that's why the counties are facing increased bills in one year of something on the order of $50 million.

The sponsor says that it's no cost taxpayer. But it is, because the taxpayer has sponsored this system over the years, will continue to sponsor this system, has done the base that allows people to say, well, it's only a little bit more.

But that base is under attack. Investments are going down. The Comptroller is suing British Petroleum because that stock

alone has dropped 10 percent, 20 percent, 30 percent, causing billions of dollars of loss to the pension system.

The traditional ways of accounting do not go forward. And it's going to cost the taxpayer, with a bill like this, to the benefit of the individuals who buy in. And that's why I'm voting against it.

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

Senator Flanagan, to explain his vote.

SENATOR FLANAGAN: Thank you, Mr. President.

In explaining my vote I listened carefully to the comments from Senator Savino, and I'll make a couple of distinctions. Number one, the bill that I had introduced is not before the house.

Number two, this bill is what I would describe as the ultimate pension sweetener. I don't see how anybody could go back to your constituents, any corner, any village, any town, any community in the state and say that this is good public policy. This

is five years' credit for not working a single day. It doesn't matter whether or not the employee has to pay for this or not. Senator DeFrancisco demonstrated that there could be a cost to the system, which is a cost to the taxpayer.

The reality is it's about 1700 days' worth of credit for not a single day's work. That alone is reason enough to vote no.

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

Senator Saland, to explain his vote.

SENATOR SALAND: Thank you, Mr. President.

I listened to the exchanges between Senator DeFrancisco and Senator Savino as well as Senator Flanagan's comments, and I think it might be a little soft or subdued to call this a pension sweetener. I think it would be even a little too subdued to call it an early Christmas present.

I think it's more like someone's taking a club and hammering a pinata and

slamming a bellyful of bucks just falling out of the pension system to some people who did not or will not spend one day of time on the public payroll for benefits they would earn and impose upon everybody else in the system the responsibility of picking up those costs, particularly if in fact they should have the good fortune of beating the actuarial anticipation of their lifespan.

So I think this is among a slew of pension bills that we've seen in the past week or two, perhaps one of the most defective, and certainly warrants being defeated.

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

Senator DeFrancisco, to explain his vote.

SENATOR DeFRANCISCO: Very simply, this is not really a pension bill. It uses the pension system as an investment vehicle for individuals for the five-year period that didn't serve one day of service for the State of New York.

And the problem with the investment vehicle that's being offered if this bill

passes is that the investment vehicle has no risk to the employee, because they could always get their money back plus interest, but it has a downside for the pension system if the employee lives for a certain period of time. That could be a drain on the pension system.

Investments should be investments; pensions should be earned. And if people want to invest, this is not the investment vehicle, the New York State pension, that should be used as an investment. For those reasons, I vote no.

Thank you.

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

Announce the results.

THE SECRETARY: Those recorded in the negative on Calendar Number 1331 are Senators Alesi, Bonacic, DeFrancisco, Farley, Flanagan, Fuschillo, Golden, Griffo, Hannon, O. Johnson, Lanza, Larkin, LaValle, Leibell, Libous, Little, Marcellino, Maziarz, McDonald, Nozzolio, Padavan, Ranzenhofer, Robach,

Saland, Seward, Skelos, Volker, Winner and Young.

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

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

THE SECRETARY: Calendar Number 1342, substituted earlier today by Member of the Assembly Rosenthal, Assembly Print Number 8285, an act to amend the Social Services Law and the State Administrative Procedure Act.

ACTING PRESIDENT VALESKY: Senator Hannon.

SENATOR HANNON: On the bill.

ACTING PRESIDENT VALESKY: Senator Hannon, on the bill.

SENATOR HANNON: This is a bill that -- very simple, 20 lines long -- to say that certain nonprescription drugs could be added to the list of drugs reimbursable under Medicaid.

There are obviously circumstances when that is of benefit to the individual and benefit to the taxpayer, especially when some

type of drug has been taken off of being a prescribed drug, it goes generic, and then it goes proprietary over the counter.

The difficulty is there is a provision in this new language that says it can be done without prior notice and without comment. And I think that is fundamentally wrong. I think there should be a requirement that it saves money or it is a better-quality drug than is otherwise available or both. But to do it without notice and without comment does not serve the Medicaid system, does not serve an individual, does not serve the taxpayer well at all.

And I'm sure there must be some reason. This has not been something that has been hotly discussed. But just reading the plain language, I have a problem with it. And I'll be voting in the negative, Mr. President.

ACTING PRESIDENT VALESKY: Thank you, Senator Hannon.

Are there any other Senators who wish to be heard?

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

Read the last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

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

SENATOR DUANE: Thank you, Mr. President.

This legislation will save patients time, make it easier for them to get medication when they need it. It will help people get more effective treatments faster and cheaper.

And this legislation is going to save the state money and also save the state time. And if you believe time is money, which I believe in work it is, it's going to save money because it will take less time of people to make these approvals.

Anyway, I just encourage everyone to vote yes. It's a good bill. Thank you, Mr. President.

ACTING PRESIDENT VALESKY:

Senator Duane to be recorded in the affirmative.

Would those Senators voting in the negative on Calendar Number 1342 please raise your hands once again.

Announce the results.

THE SECRETARY: Those recorded in the negative on Calendar Number 1342 are Senators Alesi, Bonacic, DeFrancisco, Farley, Flanagan, Fuschillo, Golden, Griffo, Hannon, O. Johnson, Lanza, Larkin, LaValle, Leibell, Libous, Little, Marcellino, Maziarz, McDonald, Nozzolio, Padavan, Ranzenhofer, Robach, Saland, Seward, Skelos, Volker, Winner and Young.

Ayes, 32. Nays, 29.

ACTING PRESIDENT VALESKY: The bill is passed.

THE SECRETARY: Calendar Number 1359, by Senator Hassell-Thompson, Senate Print 8229, an act to amend the Executive Law.

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

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

Read the last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT VALESKY: Announce the results.

THE SECRETARY: Those recorded in the negative on Calendar Number 1359 are Senators Alesi, Bonacic, DeFrancisco, Farley, Flanagan, Fuschillo, Golden, Griffo, Hannon, O. Johnson, Lanza, Larkin, LaValle, Leibell, Libous, Little, Marcellino, Maziarz, McDonald, Nozzolio, Padavan, Ranzenhofer, Robach, Saland, Seward, Skelos, Volker, Winner and Young.

Ayes, 32. Nays, 29.

ACTING PRESIDENT VALESKY: The bill is passed.

THE SECRETARY: Calendar Number 1365, by Senator Klein, Senate Print 8347, an act to amend the Education Law.

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

Seeing none, the debate is closed. The Secretary will ring the bells and read the last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT VALESKY: Announce the results.

THE SECRETARY: Those recorded in the negative on Calendar Number 1365 are Senators Alesi, DeFrancisco, Duane, Farley, Golden, Hannon, Hassell-Thompson, O. Johnson, L. Krueger, McDonald, Nozzolio, Ranzenhofer and Saland.

Ayes, 48. Nays, 13.

ACTING PRESIDENT VALESKY: The bill is passed.

THE SECRETARY: Calendar Number 1369, substituted earlier today by the Assembly Committee on Rules, Assembly Print Number 11567, an act to amend the Multiple Dwelling Law.

ACTING PRESIDENT VALESKY:

Senator Padavan.

SENATOR PADAVAN: Once again, Mr. President, let me repeat briefly my earlier comments.

This bill is legislative blackmail. They've tied together two totally unrelated issues, Loft Law extensions and elimination of any types of limits on the operation of video lottery -- what I called video crack many years ago, and that label still remains. There was a limit of 13 hours -- bars, taverns, bowling alleys, et cetera -- now it's unlimited, no limitation, 24 hours a day, seven days a week.

But I think the insult to this Legislature, I think it's an insult to this Legislature to say to you if you're for the Loft Law -- and I happen to be one -- you have to vote for this, which you're against. To me that is not only disingenuous but I think unethical.

And why we allow ourselves to be put in this position when we could prevent it -- let each of these issues stand on their own. Let us make a judgment based on what the

facts are on two completely unrelated subjects.

I vote no.

ACTING PRESIDENT VALESKY: Thank you, Senator Padavan.

Are there any other Senators who wish to be heard?

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

SENATOR LaVALLE: Mr. President.

ACTING PRESIDENT VALESKY: Senator LaValle.

SENATOR LaVALLE: I have a question for the chairman of the Finance Committee.

ACTING PRESIDENT VALESKY: Senator Kruger, Senator LaValle is asking you to yield to a question.

SENATOR CARL KRUGER: On this bill?

SENATOR LaVALLE: Yes.

SENATOR CARL KRUGER: Yes, I yield, yes.

ACTING PRESIDENT VALESKY: Senator Kruger yields.

SENATOR CARL KRUGER:

SENATOR LaVALLE: I just want to make sure. It has STAR in the title on this bill, and yet I don't find -- I have a two-part question.

One, does this bill have anything to do with the STAR program, number one. And the second question is, is the money for STAR in the revenue budget bill?

SENATOR CARL KRUGER: To answer Senator LaValle's question, through you, Mr. President, yes, the Quick Draw has the STAR provision in it and it helps fund STAR. I guess that's the answer.

ACTING PRESIDENT VALESKY: Senator Saland.

SENATOR SALAND: Mr. President, I can't hear Senator Kruger. If perhaps --

SENATOR CARL KRUGER: Well, is the mic on?

ACTING PRESIDENT VALESKY: Senator Kruger.

SENATOR CARL KRUGER: Firstly, for the purpose of clarity, this bill is no different than the bill that was passed a year

before and the year before that and the year before that and the year before that and the year before that. So in principle, what we're talking about, although it may be a contentious issue this year, it's no difficult different than the bills that have been passed in this house since the very beginning of the Loft Law.

So now in answer to your question, Senator LaValle, the provisions of this bill are no different than the provisions of the bill as it was reflected through all the years that you voted for it.

SENATOR LaVALLE: Or not voted for it.

SENATOR CARL KRUGER: Or voted on it, rather.

SENATOR LaVALLE: I look at the bill, and the only --

ACTING PRESIDENT VALESKY: Senator LaValle, are you asking Senator Kruger to continue to yield?

SENATOR LaVALLE: Yeah, Mr. President.

ACTING PRESIDENT VALESKY:

Senator Kruger, do you continue to yield?

SENATOR CARL KRUGER: Yes, Mr. President.

ACTING PRESIDENT VALESKY: The sponsor yields.

SENATOR LaVALLE: I'm looking at the bill, and the only reference here to the STAR is to possibly that we extend the date, we take out July 2, 2010, when upon such date they shall expire and be repealed. Is that -- is that -- are you talking about --

SENATOR CARL KRUGER: Through you, Mr. President, no. Quick Draw expires, not STAR.

SENATOR LaVALLE: Okay. Senator, could you just guide me -- what are we talking about -- Mr. President --

ACTING PRESIDENT VALESKY: Senator LaValle.

SENATOR CARL KRUGER: Yes, we're trying to pull out the bill, Mr. President.

Your question, Senator?

SENATOR LaVALLE: If you could direct me as to what are we doing with the STAR program in this bill.

SENATOR CARL KRUGER: Through you, Mr. President, we're not doing anything with STAR through this bill, anything different.

SENATOR LaVALLE: What do you mean, anything different? Are we extending it?

SENATOR CARL KRUGER: Maybe you could be more explicit with your question.

SENATOR LaVALLE: All I want to know is, are we extending the STAR program in this bill? Or what are we doing to the STAR program in this bill?

SENATOR CARL KRUGER: Okay. Through you, Mr. President, the funding of the STAR program, a portion of it comes through the Quick Draw lottery, yes, through the video lottery. And we're also changing the hours of play.

SENATOR LaVALLE: So just let me, Mr. President --

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

SENATOR KLEIN: Yes, I do.

ACTING PRESIDENT VALESKY:

Senator Kruger yields.

SENATOR LaVALLE: So what you're saying to me is that we're using Quick Draw monies to finance a portion of the STAR program.

SENATOR CARL KRUGER: Yes, as today and has always been the case.

SENATOR LaVALLE: Okay, thank you. Thank you, Senator Kruger. Thank you, Mr. President.

ACTING PRESIDENT VALESKY: Thank you, Senator LaValle.

Are there any other Senators who wish to be heard?

Senator Padavan.

SENATOR PADAVAN: Yeah, if the Senator would yield.

ACTING PRESIDENT VALESKY: Senator Kruger?

SENATOR CARL KRUGER: Yes, I do.

ACTING PRESIDENT VALESKY: Senator Kruger yields.

SENATOR PADAVAN: I'm reading over the bill. Page 4 talks about the STAR program in terms of the effective date, and

then you go down further on page 4 and it deals with the changing of the hours of video lottery from the 13 hours, so on, to around the clock, no limit.

I don't see any statement or any reference or any direction in this bill that says the funds hereon acquired through the video lottery will be used to offset STAR rebates. There's no reference here that I can find anywhere.

SENATOR CARL KRUGER: Through you, Mr. President, the language that you're referring to would appear not in this bill.

SENATOR PADAVAN: Oh, it isn't in this bill.

SENATOR CARL KRUGER: Excuse me? Through you, Mr. President.

SENATOR PADAVAN: It's not in this bill.

SENATOR CARL KRUGER: Through you, Mr. President. If you would refer, Senator, to Chapter 405 of the Laws of 1999, it would explicitly lay that out.

SENATOR PADAVAN: Would the Senator yield.

ACTING PRESIDENT VALESKY:

Senator Kruger?

SENATOR CARL KRUGER: Yes, I will, Mr. President.

SENATOR PADAVAN: I'm sure that there is some other reference in the law relevant to STAR. But this bill does not say, by virtue of extending the hours from 13 to 24 hours a day, seven days a week, monies shall now be provided to the STAR relief program. There's no reference, there's no tie-in, there's no correlation, none whatsoever.

Now, if you tell me I'm wrong, I'd be certainly appreciative of hearing where, and tell me what line and what page in this bill that is the case.

SENATOR CARL KRUGER: Through you, Mr. President, maybe perhaps if the -- we're having some collaboration between the two Finance secretaries, and maybe we can come up with an answer that satisfies you, Senator Padavan.

Through you, Mr. President, if I'm paraphrasing -- the title of the bill is not

reflective of the content of the bill. The actual content of the bill and as it relates to STAR goes back to the original -- to the original chapter. This bill has nothing to do with STAR per se.

SENATOR PADAVAN: Thank you, Senator Kruger.

So the bill, I'll repeat it loudly, has absolutely nothing to do with STAR one way or the other. Thank you, Mr. President.

ACTING PRESIDENT VALESKY: Thank you, Senator Padavan.

Are there any other Senators who wish to be heard?

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

Read the last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT VALESKY: Announce the results.

THE SECRETARY: Those recorded in

the negative on Calendar Number 1369 are Senators Alesi, Bonacic, DeFrancisco, Farley, Flanagan, O. Johnson, Lanza, Larkin, LaValle, Leibell, Little, Nozzolio, Padavan, Ranzenhofer, Saland, Volker, Winner and Young.

Ayes, 43. Nays, 18.

ACTING PRESIDENT VALESKY: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1370, Senator Schneiderman moves to discharge, from the Committee on Rules, Assembly Bill Number 11568 and substitute it for the identical Senate Bill Number 8378, Third Reading Calendar 1370.

ACTING PRESIDENT VALESKY: Substitution ordered.

THE SECRETARY: Calendar Number 1370, by the Assembly Committee on Rules, Assembly Print Number 11568, an act to amend the State Finance Law.

ACTING PRESIDENT VALESKY: Senator Hannon.

SENATOR HANNON: On the bill, Mr. President.

ACTING PRESIDENT VALESKY:

Senator Hannon, on the bill.

SENATOR HANNON: This bill seems to be one of the everlasting cascade bills for giving new rights of action that are coming from Senator Schneiderman this session. We've seen a few last night in Rules; those haven't hit the floor. But this one, which was only introduced June 27, 2010, would try to expand mightily the False Claims Act that we had enacted in 2007.

And it's a very surprising presence on the floor this because it's members of the majority that have put in proposals that would curtail the state's Medical Inspector General, but this bill would give more powers than what the OMIG has. And so I'm surprised.

I find that it talks about elevating an innocent oversight to fraud. It would reward the lawyers or bounty hunters for actions brought even if the information is gleaned from already published governmental reports. It even adds a whole theory of reverse false claims, and then adds insult to injury by making it all retroactive to a number of years ago.

Now, I am sure the learned Senator who is sponsoring this is going to have a lot of lawyerlike arguments to justify it, including, well, there's a lot of precedent in the new Federal Healthcare Reform Act. But I just don't think it's appropriate at the end of a session to put a bill like this through, put a bill like this through when we've taken hundreds of millions of dollars from the healthcare system, we evaluate how it should be brought -- and if the federal healthcare law did have similar provisions, I would point out it's a whole different statutory scheme that we have doing oversight. And we should not be rushing into it, we should be evaluating this.

And I think you should withdraw -- it may well have merit in the future. And we're going to be back, and we can take a look at it. But something that was introduced on June 27th and three days later we're acting on it, it's complicated, it's costly, and I think it's the wrong direction.

Thank you, Mr. President.

ACTING PRESIDENT VALESKY: Thank

you, Senator Hannon.

Senator Schneiderman, on the bill.

SENATOR SCHNEIDERMAN: Thank you, Mr. President.

I appreciate, as always, Senator Hannon's learned commentary. And I do strongly disagree.

This legislation is a revised version of a bill that was introduced in March. It is in keeping with some other bills that we've been introducing here in the course of the last few weeks and that we've debated.

This an anti-crime bill, Mr. President. This is a tough-on-crime bill. There is a crime wave in this state that is going unaddressed. The crime wave is fraud against the government.

We know that local governments are victims of fraud, we know that state agencies are victims of fraud. This bill, the Fraud Enforcement and Recovery Act, builds on the work of the False Claims Act which we passed in 2007 -- Senator Hannon is quite correct -- after years of opposition from the then-majority.

And because we passed the False Claims Act -- which is modeled on a bill passed by President Abraham Lincoln, otherwise revered on the other side of the aisle -- the New York State Attorney General has been able to recover $200 million that we would not have otherwise recovered over the last three years. A great success story.

But we don't rest with the status quo if we want to protect the pocketbooks of the taxpayers of the State of New York. So the federal government has moved to expand its own False Claims Act, President Obama, visionary that he is, improving on the work of Abraham Lincoln. In Washington they passed a federal Fraud Enforcement and Recovery Act. This bill tracks that bill in many respects.

What this bill does to improve on our False Claims Act is to provide protection to whistleblowers, which turns out to be a problem, and has explicit provisions to make sure that if you blow the whistle on a corrupt government contractor, someone defrauding the government, you can't be retaliated against.

It also has other provisions that

are going to make it possible for local governments, who are left out of our False Claims Act, to recover. Local governments that are now being defrauded and cannot recover triple damages against those committing fraud will now be able, once we pass this bill, to recover.

Mr. President, this is a tough on crime, smart on crime bill. It's something that will bring in revenue to the state. It is estimated that it will bring in at least $25 million a year after it gets up and running in a year or two. Frankly, I was hoping we could do it as a part of the budget, because it does generate revenue. That didn't work out.

But this is the kind of tough-on-crime, smart-on-crime legislation protecting the taxpayers of New York that we should be working on. I am proud to be the sponsor of the bill, and I look forward to having bipartisan support for the efforts of Presidents Lincoln and Obama to combat fraud.

And I also would like to note that this does in fact move some of the

investigations and prosecutions in this area away from the Office of the Medicaid Inspector General. It does in fact upgrade and improve the statutory framework through which the Attorney General can operate, and it does enable private attorneys to bring qui tam actions, which is something that's already allowed under the False Claims Act and somewhat expanded here.

This is a good bill, Mr. President. It is working at the federal level. And, as with the False Claims Act, it is our expectation that the federal government very well may require states to enact something like this or pay a penalty, which is what happened under the False Claims Act as well.

So this is something that will generate revenues for the state, generate revenues for local government, and avoid a penalty from the federal government when they impose their traditional statutory framework.

I hope everyone will join me in supporting this bill, Mr. President.

ACTING PRESIDENT VALESKY: Thank you, Senator Schneiderman.

Senator Craig Johnson.

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

I rise in support of Senator Schneiderman's very common-sense legislation that will help New York State's government and our local governments pursue the fraud that's been going on with these various suits.

But I have to address just a remark by my friend and colleague Senator Hannon when it comes to the Office of Medicaid Inspector General. I've had hearings, two of them, with respect to that particular office. And there's no doubt that we in New York State need to tackle when it comes to Medicaid fraud. But let's stop right there when we talk about that somehow this side of the aisle is trying to prevent the Office of Medicaid Inspector General from doing his job.

What my hearings have shown is the OMIG has been putting innocent providers out of business, providers who are working night and day to help those who need the safety net of Medicaid. And what we're trying to do in this state is provide them with basic due

process rights that we give common criminals. Yet innocent providers -- healthcare providers, nursing homes, home healthcare agencies, hospitals -- don't have those same rights.

So before we start to politicize efforts being undertaken to protect the innocent healthcare providers, let's stay focused on what we need to do, which is punish fraud and protect those innocent healthcare providers who need to be protected.

Senator Schneiderman, I thank you. I thank you for your dedication on this particular piece of legislation. It's an important piece of legislation saying give power to the Office of Attorney General to crack down on the fraud that that has been undergoing not just on our government in New York State but the local governments throughout our great state.

I'll be voting yes, Mr. President. Thank you very much.

ACTING PRESIDENT VALESKY: Thank you, Senator Johnson.

Are there any other Senators who

wish to be heard?

Senator Hannon.

SENATOR HANNON: Yes, just briefly.

I appreciate the comments of Senator Johnson, but the points I made are brought to me by the hospitals of the state and by the Home Care Association of the state.

And for all that you say there's overreaching by an investigatory arm now, this bill would give private attorneys the right to bring the actions and the legislation elevates an innocent oversight to fraud.

So the things you brought out in your hearings are the things that this bill gives the exact power to -- but not with somebody in government, but to a private attorney.

And if there is such a need to do this further, then I would say we should take a look at the powers of the Attorney General, who still has the unit called the MFCU, still look at the Office of Medicaid Inspector General, look at what our local DAs and sometimes controllers are doing in regard to

Medicaid fraud, and take a look at what needs to be done.

But to do this in this context at this time -- and as the sponsor notes, "one of many bills I have out right now" -- I think is an inappropriate time. Take them all together, have hearings on this, have the bar associations involved, have healthcare providers involved, and come up with a reasonable approach. I just don't think doing this now is appropriate.

I may vote for it, too. And guess what? We may vote for you.

(Laughter.)

ACTING PRESIDENT VALESKY: Senator Johnson.

SENATOR CRAIG JOHNSON: Thank you again. And I truly appreciate the dialogue that my friend Senator Hannon has talked about.

But I think what's important here and what we're looking at here is what Senator Schneiderman bill establishes and addresses when it comes to the Attorney General or even private attorneys or the qui tam suits is

establishes the court which has procedures -- and, Senator Hannon, you and I both know that, as attorneys -- has various procedures with a judge to allow things to go through a process.

What my hearings have shown, and in speaking to the very same hospitals that you've spoken to and the home healthcare providers and the nursing homes, when it comes to OMIG, they don't have the due process protections. They don't have them. In here, they at least go to court. They can get the protection from the judges. They can get protections in this bill.

With OMIG -- and what I'm trying to do is trying to put the very same due process protections that are out there for common criminals for litigants. That's being prevented to them by OMIG. And that's what my hearings have shown. I know you've seen the hearings and you hear the testimony from providers that were put out of business who are innocent, who didn't have a chance to have a day in court. Here, Senator Schneiderman, they'll have that opportunity.

And so I think it's important. I

hope Senator Schneiderman does heed your words. And obviously through process we can maybe make things better. And I'll gladly work with you on those hearings and continue my hearings on OMIG, because I think they're important. But I think for today we have the ability to provide protections to our local governments and to New York State.

Again, I'll be voting yes on the bill.

ACTING PRESIDENT VALESKY: Thank you, Senator Johnson.

The debate is closed. The Secretary will ring the bells.

Read the last section.

THE SECRETARY: Section 13. This act shall take effect 14 days after it shall have become a law.

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT VALESKY: Results.

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT VALESKY: The

bill is passed.

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

SENATOR KLEIN: Mr. President, at this time can we please move to a reading of the supplemental active list.

ACTING PRESIDENT VALESKY: The Secretary will proceed with the reading of the supplemental active list.

THE SECRETARY: Calendar Number 1286, Senate Budget Bill, Senate Print 6601A, an act making appropriations for the support of government: LEGISLATURE AND JUDICIARY BUDGET.

SENATOR DeFRANCISCO: Explanation.

ACTING PRESIDENT VALESKY: Senator DeFrancisco, do you wish to lay the bill aside? We're on the noncontroversial calendar.

SENATOR DeFRANCISCO: Yes, lay it aside, please.

ACTING PRESIDENT VALESKY: The bill is laid aside.

Senator Klein.

SENATOR KLEIN: Mr. President, at this time can we please go to a reading of the controversial supplemental active list.

ACTING PRESIDENT VALESKY: The Secretary will proceed with a reading of the controversial supplemental active list.

THE SECRETARY: Calendar Number 1286, Senate Budget Bill, Senate Print 6601A, an act making appropriations for the support of government: LEGISLATURE AND JUDICIARY BUDGET.

SENATOR DeFRANCISCO: Explanation.

ACTING PRESIDENT VALESKY: Senator Kruger, an explanation has been requested by Senator DeFrancisco.

SENATOR CARL KRUGER: Thank you, Mr. President.

This portion of the budget, the legislative and judiciary portion of the budget, provides for appropriations of the legislative portion of $219 million odd as an All Funds basis for the 2010-2011 budget. That's a decrease of approximately 1 percent or a $1.92 million reduction.

The judiciary appropriates $2.656 billion in All Funds, and that is a decrease of $53 million, or 1.96 percent of the proposed 2011 budget. It is an increase of $130 million or 5.1 percent over the FY2009-2010 levels.

ACTING PRESIDENT VALESKY: Senator DeFrancisco.

SENATOR DeFRANCISCO: Would Senator Kruger yield to a question or two.

ACTING PRESIDENT VALESKY: Senator Kruger, do you yield?

SENATOR CARL KRUGER: Yes, I do.

SENATOR DeFRANCISCO: Senator Kruger, on Monday when we did a different part of the budget, the education part, I had asked you what were the total amount of dollars that were spent, according to your numbers on this particular budget.

And it's my understanding that yesterday, Tuesday the 29th, you provided a one-page memo to Senator Libous giving that number to be $135.7 million. Is that correct?

SENATOR CARL KRUGER: If I can just pull out my memo for a moment.

Through you, Mr. President, the All Funds appropriation is $135.7 billion, not million.

SENATOR DeFRANCISCO: Oh, I'm sorry, I get those mixed up. But --

SENATOR CARL KRUGER: A few dollars here or there doesn't matter among friends.

SENATOR DeFRANCISCO: Would Senator Kruger yield to another question.

SENATOR CARL KRUGER: Yes, I do, Mr. President.

ACTING PRESIDENT VALESKY: Senator Kruger yields.

SENATOR DeFRANCISCO: Senator Kruger, can you tell me how many billions of dollars the budget was increased this year over last year?

SENATOR CARL KRUGER: On an All Funds basis, from 133.77 to 135.721.

SENATOR DeFRANCISCO: So approximately -- would Senator Kruger yield to another question.

SENATOR CARL KRUGER: Yes, I do, Mr. President.

SENATOR DeFRANCISCO: So according to your numbers, the amount of increase in the budget from last year to this year is approximately $4 billion?

SENATOR CARL KRUGER: Through you, Mr. President, approximately $2.7 billion.

SENATOR DeFRANCISCO: Would you please give me those numbers again, from what to what?

SENATOR CARL KRUGER: 133.077 to 135.721. Which is a change of approximately 2 percent.

SENATOR DeFRANCISCO: Okay. And would Senator C. Kruger yield to another question.

SENATOR CARL KRUGER: Yes, I do, Mr. President.

ACTING PRESIDENT VALESKY: Senator Kruger continues to yield.

SENATOR DeFRANCISCO: Do you know, Senator Kruger, whether the Governor has got a different figure for last year's budget as far as what was spent in last year's budget?

SENATOR CARL KRUGER: If you can indulge me for one moment, Mr. President.

Through you, Mr. President, I know my numbers, I don't know the Governor's numbers. But if he's using a different number -- these are the numbers that we're using. He may be using a number that includes an adjustment from 2009-2010. But they're not reflective of the adjustment of our rollover numbers.

SENATOR DeFRANCISCO: All right. Would Senator Kruger yield to another question.

ACTING PRESIDENT VALESKY: Senator Kruger?

SENATOR CARL KRUGER: Yes, I do, Mr. President.

SENATOR DeFRANCISCO: Now, you had referred to the memo that you gave Senator Libous yesterday. And it's a one-page memo; correct?

SENATOR CARL KRUGER: Yes.

SENATOR DeFRANCISCO: Okay. Now, Senator Kruger, the 2007 Budget Reform Act required an analysis to be provided on

everyone's desk prior to a vote on any budget bill which compared last year's budget and the -- excuse me, the Governor's budget and the changes made in the legislative budget.

Did you intend this one-page sheet of paper to be that response to that request?

SENATOR CARL KRUGER: Through you, Mr. President, no.

SENATOR DeFRANCISCO: Will Senator Kruger yield to another question.

ACTING PRESIDENT VALESKY: Senator Kruger?

SENATOR CARL KRUGER: Yes, I do.

ACTING PRESIDENT VALESKY: He continues to yield.

SENATOR DeFRANCISCO: After this budget bill, my understanding is there may be one more budget bill, so we will have passed the entire budget. Are you intending to provide that document -- the comparison of the Governor's budget to the legislative budget that's being passed -- at any time, whether before or after the total budget is passed?

SENATOR CARL KRUGER: Through you, Mr. President. I assume, Senator, that

you're referring to the revenue bill?

SENATOR DeFRANCISCO: Let me rephrase the question, if I could, Senator Kruger.

SENATOR CARL KRUGER: Please.

SENATOR DeFRANCISCO: Other than this bill, we have a revenue bill left. And then we will have passed the entire budget. The 2007 Budget Reform Act requires a comparison of the Governor's budget to the budget that the Legislature is about to pass before the budget bill passes, as to the increases, the decreases and the like.

You said you didn't intend this one-page sheet to be that comparison. Can you tell me when we might expect to receive that?

SENATOR CARL KRUGER: Through you, Mr. President. As I indicated, yes, this was not the report that you're referring to. And once the revenue bill is passed upon, then that report will become available.

SENATOR DeFRANCISCO: Okay. Thank you.

On the bill.

ACTING PRESIDENT VALESKY:

Senator DeFrancisco, on the bill.

SENATOR DeFRANCISCO: Once again, I don't want to be too picky by referring to a law that we're required to follow. But it became unanimous moments ago that every part of that budget reform bill that was touted by everyone in 2007 -- and followed, by the way, in 2008, and ignored last year and this year -- that it required within 10 days after the Governor's budget for there to be budget committees could be appointed, for public budget negotiations to take place among all the membership. That was ignored.

It required that there be an analysis placed on the legislators' desks of the differences, the increases and the decreases from the Governor's budget to this budget that's being passed by the Legislature before a vote on the budget bills.

Now we still don't have that, obviously. And we've been promised it after we get done with the revenue bill, which once again is consistent with ignoring a law that the Legislature is supposed to follow, like the citizens are supposed to follow the

various laws that we make that they're responsible for. And by the way, if they violate a law, there's consequences. Apparently there's none here.

So with that said, I just want to also say with respect to the increase from last year, we have done an analysis of the increase of the budget from last year to this year, and our analysis is $5 billion. Now, we'll wait to see what the Governor and the Comptroller say. But in a time of fiscal concern in this State of New York, where we supposedly have a $9.2 billion deficit, we're increasing spending by anywhere from $2.7 billion to $5 billion, depending upon whose numbers you take.

So this is a bad budget bill. The whole budget is bad. And it's an irresponsible budget. I'm going to vote no.

Thank you, Mr. President.

ACTING PRESIDENT VALESKY: Thank you, Senator DeFrancisco.

Are there any other Senators who wish to be heard?

Seeing none, the debate is closed.

The Secretary will ring the bells.

Read the last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT VALESKY: Announce the results.

THE SECRETARY: Those recorded in the negative on Calendar Number 1286 are Senators Alesi, Bonacic, DeFrancisco, Farley, Flanagan, Fuschillo, Golden, Griffo, Hannon, O. Johnson, Lanza, Larkin, LaValle, Leibell, Libous, Little, Marcellino, Maziarz, McDonald, Nozzolio, Padavan, Ranzenhofer, Robach, Saland, Seward, Skelos, Volker, Winner and Young.

Ayes, 32. Nays, 29.

ACTING PRESIDENT VALESKY: The bill is passed.

Senator Klein, that completes the reading of the controversial supplemental active list.

SENATOR KLEIN: Mr. President,

can we briefly return to motions and resolutions.

ACTING PRESIDENT VALESKY: Returning to motions and resolutions.

Senator Klein.

SENATOR KLEIN: On behalf of Senator Oppenheimer, I move that the following bill be discharged from its respective committee and be recommitted with instructions to strike the enacting clause: Senate Print 8307.

ACTING PRESIDENT VALESKY: So ordered.

SENATOR KLEIN: Mr. President, at this time can we please stand at ease.

The Republican Conference is going to conference now, and I expect we can return at 4:30.

ACTING PRESIDENT VALESKY: Immediate Republican conference.

The Senate will stand at ease until approximately 4:30.

(Whereupon, the Senate stood at ease at 3:29 p.m.)

(Whereupon, the Senate reconvened

at 5:56 p.m.)

ACTING PRESIDENT CRAIG JOHNSON: Senator Klein.

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

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

ACTING PRESIDENT CRAIG JOHNSON: There will be an immediate meeting of the Rules Committee in Room 332.

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

(Whereupon, the Senate stood at ease at 5:57 p.m.)

(Whereupon, the Senate reconvened at 6:46 p.m.)

ACTING PRESIDENT VALESKY: The Senate will come to order.

Senator Klein.

SENATOR KLEIN: Mr. President, can we please go to a reading of Senate Supplemental Calendar Number 74A.

ACTING PRESIDENT VALESKY:

Senator Klein.

SENATOR KLEIN: Mr. President, first I believe there is a report of the Rules Committee at the desk. At this time can we adopt the report of the Rules Committee.

ACTING PRESIDENT VALESKY: Senator Klein, there is a report of the Rules Committee at the desk.

The Secretary will read.

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

Senate Print 2057, by Senator Dilan, an act to amend the Vehicle and Traffic Law;

3191B, by Senator Stavisky, an act to amend the Public Health Law;

3705, by Senator Huntley, an act to amend the Administrative Code of the City of New York;

4075A, by Senator Winner, an act to amend the Education Law;

4528A, by Senator L. Krueger, an act to amend the Administrative Code of the City of New York;

5410, by Senator Klein, an act to amend the Religious Corporations Law;

6298A, by Senator Savino, an act to authorize;

6477, by Senator Stewart-Cousins, an act to amend the General Municipal Law;

6793B, by Senator Valesky, an act to amend the Environmental Conservation Law;

6930A, by Senator C. Johnson, an act to amend the General Business Law;

6998A, by Senator Addabbo, an act to amend the Labor Law;

7179, by Senator Winner, an act to amend the General Municipal Law;

7363, by Senator Squadron, an act to amend the Energy Law;

7455A, by Senator Savino, an act to amend the Workers' Compensation Law;

7680, by Senator Diaz, an act to amend the Penal Law;

7765, by Senator Hassell-Thompson, an act to authorize;

7966A, by Senator Thompson, an act to amend the Environmental Conservation Law;

8020, by Senator Perkins, an act to

amend the Environmental Conservation Law;

8100A, by Senator Klein, an act to amend the Real Property Actions and Proceedings Law;

8134A, by Senator Winner, an act to authorize;

8172, by Senator Huntley, an act to amend the New York City Charter;

8174, by Senator Klein, an act to amend the Real Property Actions and Proceedings Law;

8271, by Senator Klein, an act to amend the Social Services Law;

8309A, by Senator Winner, an act relating to permitting;

8348, by Senator Oppenheimer, an act to amend the Public Authorities Law;

8350, by Senator Dilan, an act to amend the Public Housing Law;

8358A, by Senator Breslin, an act to amend the Insurance Law;

8361, by Senator Peralta, an act to amend the New York City Charter;

8375, by Senator Thompson, an act to amend the Environmental Conservation Law;

8388, by Senator Parker, an act to amend the Public Service Law;

And Senate Print 8389, by Senator Parker, an act to amend the Public Service Law.

All bills ordered direct to third reading.

ACTING PRESIDENT VALESKY: All those in favor of adopting the report of the Rules Committee signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT VALESKY: Opposed, nay.

(Response of "Nay.")

ACTING PRESIDENT VALESKY: The report of the Rules Committee is adopted.

Senator Klein.

SENATOR KLEIN: Mr. President, at this time can we please go to a reading of Senate Supplemental Calendar 74A.

ACTING PRESIDENT VALESKY: The Secretary will proceed with the reading of Senate Supplemental Calendar 74A.

THE SECRETARY: Calendar Number 1329, by Senator Dilan, Senate Print 2057, an

act to amend the Vehicle --

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

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

THE SECRETARY: In relation to Calendar Number 1355, Senator Stavisky moves to --

SENATOR KLEIN: Lay the bill aside temporarily, please.

ACTING PRESIDENT VALESKY: If we could finish the substitution first.

THE SECRETARY: Senator Stavisky moves to discharge, from the Committee on Rules, Assembly Bill Number 6714B and substitute it for the identical Senate Bill Number 3191B, Third Reading Calendar 1355.

ACTING PRESIDENT VALESKY: Substitution ordered.

The bill is laid aside temporarily.

THE SECRETARY: Calendar Number 1377, by Senator Huntley, Senate Print 3705, an act to amend the Administrative Code of the City of New York.

ACTING PRESIDENT VALESKY: Read

the last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT VALESKY: Announce the results.

THE SECRETARY: Those recorded in the negative on Calendar Number 1377 are Senators Bonacic, DeFrancisco, Golden, Griffo, O. Johnson, L. Krueger, Little, Nozzolio, Ranzenhofer, Seward, Skelos, Volker and Young.

Ayes, 48. Nays, 13.

ACTING PRESIDENT VALESKY: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1378, Senator Winner moves to discharge, from the Committee on Rules, Assembly Bill Number 8079A and substitute it for the identical Senate Bill Number 4075A, Third Reading Calendar 1378.

ACTING PRESIDENT VALESKY: Substitution ordered.

THE SECRETARY: Calendar Number

1378, by Member of the Assembly Parment, Assembly Print Number 8079A, an act to amend the Education Law and others.

ACTING PRESIDENT VALESKY: Read the last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT VALESKY: The bill is passed.

THE SECRETARY: Calendar Number 1379, by Senator L. Krueger, Senate Print 4528A, an act to amend the Administrative Code of the City of New York.

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

Read the last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT VALESKY: Announce the results.

THE SECRETARY: Those recorded in the negative on Calendar Number 1379 are Senators Nozzolio, Ranzenhofer, Skelos and Young.

Ayes, 57. Nays, 4.

ACTING PRESIDENT VALESKY: The bill is passed.

THE SECRETARY: Calendar Number 1380, by Senator Klein, Senate Print 5410, an act to amend the Religious Corporations Law.

ACTING PRESIDENT VALESKY: Read the last section.

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

SENATOR LIBOUS: Lay it aside.

ACTING PRESIDENT VALESKY: The bill is laid aside.

THE SECRETARY: Calendar Number 1381, by Senator Savino, Senate Print 6298A, an act to authorize the City of New York.

ACTING PRESIDENT VALESKY: The bill is high and will be laid aside for the

day.

THE SECRETARY: Calendar Number 1382, by Senator Stewart-Cousins, Senate Print 6477, an act to amend the General Municipal Law.

ACTING PRESIDENT VALESKY: Read the last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT VALESKY: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1383, Senator Valesky moves to discharge, from the Committee on Rules, Assembly Bill Number 924E and substitute it for the identical Senate Bill Number 6793B, Third Reading Calendar 1383.

ACTING PRESIDENT VALESKY: Substitution ordered.

THE SECRETARY: Calendar Number 1383, by Member of the Assembly DelMonte,

Assembly Print Number 924E, an act to amend the Environmental Conservation Law.

ACTING PRESIDENT VALESKY: Read the last section.

THE SECRETARY: Section --

SENATOR LIBOUS: Lay the bill aside, please.

ACTING PRESIDENT VALESKY: The bill is laid aside.

THE SECRETARY: Calendar Number 1384, by Senator C. Johnson, Senate Print 6930A, an act to amend the General Business Law.

ACTING PRESIDENT VALESKY: Read the last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT VALESKY: The bill is passed.

THE SECRETARY: Calendar Number

1385, by Senator Addabbo, Senate Print 6998A, an act to amend the Labor Law.

ACTING PRESIDENT VALESKY: Read the last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

SENATOR DeFRANCISCO: Lay the bill aside.

ACTING PRESIDENT VALESKY: The bill is laid aside.

THE SECRETARY: Calendar Number 1386, by Senator Winner, Senate Print 7179, an act to amend the General Municipal Law.

ACTING PRESIDENT VALESKY: Read the last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT VALESKY: The

bill is passed.

THE SECRETARY: Calendar Number 1387, by Senator Squadron, Senate Print --

SENATOR LIBOUS: Lay it aside.

ACTING PRESIDENT VALESKY: The bill is laid aside.

THE SECRETARY: Calendar Number 1388, by Senator Savino, Senate Print 7455A, an act to amend the Workers' Compensation Law.

ACTING PRESIDENT VALESKY: Read the last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT VALESKY: The bill is passed.

THE SECRETARY: Calendar Number 1389, by Senator Diaz, Senate Print 7680, an act to amend the Penal Law.

ACTING PRESIDENT VALESKY: Read the last section.

THE SECRETARY: Section 2. This

act shall take effect on the first of November.

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT VALESKY: The bill is passed.

THE SECRETARY: Calendar Number 1390, by Senator Hassell-Thompson, Senate Print 7765, an act to authorize the City of Mount Vernon.

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

Read the last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT VALESKY: The bill is passed.

THE SECRETARY: Calendar Number 1391, by Senator Thompson, Senate Print --

SENATOR LIBOUS: Lay it aside.

ACTING PRESIDENT VALESKY: The bill is laid aside.

THE SECRETARY: In relation to Calendar Number 1392, Senator Perkins moves to discharge, from the Committee on Rules, Assembly Bill Number 8687B and substitute it for the identical Senate Bill Number 8020, Third Reading Calendar 1392.

ACTING PRESIDENT VALESKY: Substitution ordered.

THE SECRETARY: Calendar Number 1392, by Member of the Assembly Rosenthal, Assembly Print Number 8687B, an act to amend the Environmental Conservation Law.

ACTING PRESIDENT VALESKY: Read the last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT VALESKY:

Senator Libous, to explain his vote.

SENATOR LIBOUS: Mr. President, I'm just reading some notes about this bill, and I just wanted to inform everybody that the Greater New York Automobile Dealers Association is against this, and the Upstate Automobile Dealers Association is against it.

I just thought for common information, if anybody would care to know. I vote no.

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

Announce the results.

THE SECRETARY: Those recorded in the negative on Calendar Number 1392 are Senators Alesi, Bonacic, DeFrancisco, Farley, Flanagan, Golden, Griffo, O. Johnson, Lanza, Larkin, Leibell, Libous, Little, Maziarz, McDonald, Nozzolio, Padavan, Ranzenhofer, Robach, Saland, Seward, Skelos, Valesky, Volker, Winner and Young.

Ayes, 35. Nays, 26.

ACTING PRESIDENT VALESKY: The bill is passed.

THE SECRETARY: Calendar Number

1393, by Senator Klein --

SENATOR LIBOUS: Lay it aside.

ACTING PRESIDENT VALESKY: The bill is laid aside.

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

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

THE SECRETARY: Calendar Number 1394, by Senator Winner, Senate Print 8134A, an act to authorize the County of Schuyler.

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

Read the last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT VALESKY: The bill is passed.

THE SECRETARY: Calendar Number 1395, by Senator Huntley, Senate Print 8172, an act to amend the New York City Charter.

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

Read the last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT VALESKY: The bill is passed.

THE SECRETARY: Calendar Number 1396, by Senator Klein --

SENATOR LIBOUS: Lay it aside.

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

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

THE SECRETARY: Calendar Number 1397, by Senator Klein --

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

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

THE SECRETARY: In relation to

Calendar Number 1398, Senator Winner moves to discharge, from the Committee on Rules, Assembly Bill Number 11505A and substitute it for the identical Senate Bill Number 8309A, Third Reading Calendar 1398.

ACTING PRESIDENT VALESKY: Substitution ordered.

THE SECRETARY: Calendar Number 1398, by the Assembly Committee on Rules, Assembly Print Number 11505A, an act relating to permitting a permanent resident.

ACTING PRESIDENT VALESKY: Read the last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT VALESKY: The bill is passed.

THE SECRETARY: Calendar Number 1399, by Senator Oppenheimer, Senate Print 8348, an act to amend the Public Authorities Law.

ACTING PRESIDENT VALESKY: Read the last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT VALESKY: The bill is passed.

THE SECRETARY: Calendar Number 1400, by Senator Dilan, Senate Print 8350, an act to amend the Public Housing Law.

ACTING PRESIDENT VALESKY: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the same date and in the same manner as a chapter of the Laws of 2010.

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Those recorded in the negative on Calendar Number 1400 are Senators Flanagan, Golden, Lanza, Ranzenhofer,

and Young.

Ayes, 56. Nays, 5.

ACTING PRESIDENT VALESKY: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1400: Recorded in the negative, Senator Nozzolio.

Ayes, 55. Nays, 6.

ACTING PRESIDENT VALESKY: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1401, Senator Breslin moves to discharge, from the Committee on Rules, Assembly Bill Number 11555 and substitute it for the identical Senate Bill Number 8358A, Third Reading Calendar 1401.

ACTING PRESIDENT VALESKY: Substitution ordered.

THE SECRETARY: Calendar Number 1401, by the Assembly Committee on Rules, Assembly Print Number 11555, an act to amend the Insurance Law.

ACTING PRESIDENT VALESKY: Read the last section.

THE SECRETARY: Section 3. This

act shall take effect on the same date and in the same manner as a chapter of the Laws of 2010.

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT VALESKY: The bill is passed.

THE SECRETARY: Calendar Number 1402, by Senator Peralta, Senate Print 8361, an act to amend the New York City Charter.

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

Read the last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT VALESKY: The bill is passed.

THE SECRETARY: Calendar Number 1403, by Senator Thompson, Senate Print 8375,

an act to amend the Environmental Conservation Law.

SENATOR YOUNG: Lay it aside.

ACTING PRESIDENT VALESKY: The bill is laid aside.

SENATOR YOUNG: Oh, I'm sorry.

SENATOR LIBOUS: No, lay it aside.

ACTING PRESIDENT VALESKY: The bill is laid aside.

THE SECRETARY: Calendar Number 1404, by Senator Parker, Senate Print 8388, an act to amend the Public Service Law.

ACTING PRESIDENT VALESKY: The bill is high and will be laid aside for the day.

THE SECRETARY: Calendar Number 1405, by Senator Parker, Senate Print 8389, an act to amend the Public Service Law and the State Finance Law.

ACTING PRESIDENT VALESKY: That bill is high and will be laid aside for the day.

Senator Klein, that completes the noncontroversial reading of Supplemental

Calendar 74A.

Senator Klein.

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

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

THE SECRETARY: Calendar Number 1355, substituted earlier today by Member of the Assembly Mayersohn, Assembly Print Number 6714B, an act to amend the Public Health Law.

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

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

The Secretary will continue to read.

THE SECRETARY: Calendar Number 1380, by Senator Klein, Senate Print 5410, an act to amend the Religious Corporations Law.

SENATOR YOUNG: Explanation.

ACTING PRESIDENT CRAIG JOHNSON: Senator Klein, an explanation has been requested by Senator Young.

SENATOR KLEIN: Mr. President, this legislation would expand the current anticombination law to prevent religious corporations owning, managing or controlling a cemetery and selling monuments.

The reason why or the need for this legislation is because back in 1998 there was a problem of for-profits selling monuments and other religious materials on cemeteries. At the time -- and I have the memo in front of me -- the New York State Catholic Conference supported this concept and at the time said that they had no interest in selling any monuments on cemeteries.

Cemeteries are presently, as you know, not-for-profits and are prohibited from selling any monuments or any type of funeral services. So this legislation would merely expand what we passed in 1998.

ACTING PRESIDENT CRAIG JOHNSON: Seeing no Senators wishing to be heard on the bill, hearing none, the debate is closed. The Secretary will please ring the bells.

Read the last section.

THE SECRETARY: Section 2. This

act shall take effect on the 30th day.

ACTING PRESIDENT CRAIG JOHNSON: Call the roll.

(The Secretary called the roll.)

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

Senator Young, to explain her vote.

SENATOR YOUNG: Thank you, Mr. President, to explain my vote.

This bill is actually an unfunded mandate because there's an average of two not-for-profit cemeteries that are abandoned or fail every single month in this state. And when that happens, when they become insolvent, the cemetery actually becomes the responsibility of the local government.

Forty-six other states allow cemeteries to be self-sufficient by selling monuments and so on.

I think this is a very bad bill. We have a serious problem with cemeteries in this state, and this makes a very serious problem even worse. I vote no.

ACTING PRESIDENT CRAIG JOHNSON:

Senator Young to be recorded in the negative.

Senator Klein, to explain his vote.

SENATOR KLEIN: Mr. President, again, this is something that is essential to make sure there still is a monument industry in New York and there's a separation to ensure that cemeteries remain not-for-profits.

The reason why we passed the original combination bill, anticombination law in 1998 was to make sure that privates as well as the Catholic Church or synagogues didn't engage in the practice of selling monuments. At the time, all of the religious organizations supported this legislation. And unfortunately now, years later, some within the archdiocese are taking part in this practice.

It runs counter to the law that we passed back in 1998, and it's I think an unfair advantage to the monument dealers and the monument businesses who are throughout the State of New York who certainly would not be able to compete if someone is selling monuments and maybe in the future maybe other types of religious articles within the

cemetery.

So of course I vote yes.

ACTING PRESIDENT CRAIG JOHNSON: Senator Klein to be recorded in the affirmative.

Senator Farley, to explain his vote.

SENATOR FARLEY: I'm voting no because particularly in the upstate areas, the Catholic and Jewish cemeteries are desperately in -- things have changed. They are in very serious financial difficulty. And this allows them to survive.

I'm sorry, I think it's very important for the benefit of the cemeteries that are particularly in my district and around the state. And I vote no.

ACTING PRESIDENT CRAIG JOHNSON: Senator Farley to be recorded in the negative.

Announce the results.

THE SECRETARY: Those recorded in the negative on Calendar Number 1380 are Senators Alesi, Bonacic, DeFrancisco, Diaz, Farley, Flanagan, Fuschillo, Golden, Griffo, Hannon, Lanza, LaValle, Leibell, Libous,

Little, Marcellino, Maziarz, McDonald, Nozzolio, Padavan, Ranzenhofer, Robach, Seward, Skelos, Volker, Winner and Young. Also Senator Saland.

Ayes, 33. Nays, 28.

ACTING PRESIDENT CRAIG JOHNSON: The bill is passed.

The Secretary will now put before the house Calendar Number 1383.

THE SECRETARY: Calendar Number --

ACTING PRESIDENT CRAIG JOHNSON: Oh, hold on.

Senator Klein.

SENATOR KLEIN: Sorry, Mr. President. At this time I'd like to withdraw the lay-aside on Calendar Number 1355 and restore it to the controversial supplemental calendar.

ACTING PRESIDENT CRAIG JOHNSON: We will now withdraw the lay aside for the day on Calendar Number 1355. We will now put Calendar Number 1355 on the controversial calendar before the house.

The Secretary will read Calendar

Number 1355.

THE SECRETARY: Calendar Number 1355, substituted earlier today by Member of the Assembly Mayersohn, Assembly Print Number 6714B, an act to amend the Public Health Law.

ACTING PRESIDENT CRAIG JOHNSON: Are there any Senators wishing to be heard on the bill?

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

Senator Klein.

SENATOR KLEIN: Mr. President, can we lay this bill temporarily aside.

ACTING PRESIDENT CRAIG JOHNSON: The bill is laid aside temporarily.

The Secretary will now put before the house Calendar Number 1383.

THE SECRETARY: Calendar Number 1383, substituted earlier today by Member of the Assembly DelMonte, Assembly Print Number 924E, an act to amend the Environmental Conservation Law.

ACTING PRESIDENT CRAIG JOHNSON: Are there any Senators wishing to be heard on the bill?

Senator Bonacic.

SENATOR BONACIC: Thank you, Mr. President. Will Senator Valesky just yield to a couple of quick questions.

ACTING PRESIDENT CRAIG JOHNSON: Senator Valesky, will you yield to Senator Bonacic?

SENATOR VALESKY: Yes.

ACTING PRESIDENT CRAIG JOHNSON: Senator Bonacic, Senator Valesky will yield.

SENATOR BONACIC: Thank you, Senator.

You know, this popped up quickly on some of us and we didn't get a chance to really discuss it. So I'd like you to enlighten me a little bit. I know there's some indecision or some conflict of interest within the sportsmen of whether this -- there's differences of opinion whether this is good or not.

SENATOR VALESKY: Sure.

SENATOR BONACIC: Okay. So my first question is, do we know how many people would be able to take advantage of this legislation, those that might be physically

handicapped? Does the DEC have any statistics that will tell us who would benefit from this legislation?

SENATOR VALESKY: Well, in answering that question, let me explain the bill, because that may clarify it.

This bill actually would allow any licensed big game hunter in the state to be able to hunt with a crossbow subject to the same requirements -- same licensure requirements, same safety requirements -- that any big game hunter who hunts with firearms can use in any firearm hunting season.

The issue that you referred to in regard to some controversy between sportsmen organizations -- and by the way, the New York State Conservation Council, the umbrella organization representing fish and game clubs, supports the bill.

The New York bow hunters, who had been opposed to previous versions of the legislation, we believe we have resolved their concerns by removing the use of crossbows from the special archery season, the longbow hunting-only season. So this is use of

crossbows during the firearm season.

SENATOR BONACIC: That clears it up. Thank you, Senator Valesky.

SENATOR VALESKY: Thank you.

SENATOR BONACIC: Thank you, Mr. President.

ACTING PRESIDENT CRAIG JOHNSON: Are there any other Senators wishing to be heard?

Senator Larkin.

SENATOR LARKIN: Thank you, Mr. President. Will Senator Valesky yield for one question.

SENATOR VALESKY: Certainly.

ACTING PRESIDENT CRAIG JOHNSON: Senator Larkin, Senator Valesky will yield.

SENATOR LARKIN: I too, like Senator Bonacic, this jumped out.

Long before you came here -- no disrespect -- we had a major problem with crossbows with those individuals that were in wheelchairs. Have you added or subtracted anything from that?

SENATOR VALESKY: We have expanded -- you're correct, Senator Larkin,

there has been crossbow hunting, relatively limited crossbow hunting in this state for those who are severely disabled for a number of years.

This bill expands the definition of "disabled hunter" for purposes of use of a crossbow during the longbow season and then allows, again, any duly licensed big game hunter to use a crossbow during any firearm-only season.

I would add, Senator Larkin, that the Department of Environmental Conservation, which as you know regulates hunting in this state, is fully supportive of this measure.

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

SENATOR VALESKY: Thank you.

ACTING PRESIDENT CRAIG JOHNSON: Senator Padavan.

SENATOR PADAVAN: Will the Senator yield.

SENATOR VALESKY: Yes, of course.

ACTING PRESIDENT CRAIG JOHNSON: Senator Valesky will yield for Senator Padavan.

SENATOR PADAVAN: I'd like to be clear on this one issue, because to me it's critical. Crossbows will only be permitted during the season that allows for rifles and I presume shotgun season --

SENATOR VALESKY: That's correct.

SENATOR PADAVAN: -- in those counties where shotgun is in limited use.

SENATOR VALESKY: Correct.

SENATOR PADAVAN: And although it varies, the season varies, the requirements vary from county to county, but that would remain fixed, am I correct?

SENATOR VALESKY: Yes. Yes.

SENATOR PADAVAN: So therefore during the bow season there will not be a crossbow person in the woods allowed at the same time; is that correct?

SENATOR VALESKY: Except for unless they are severely disabled --

SENATOR PADAVAN: Yes, I understand that.

SENATOR VALESKY: -- as allowed in current law.

This bill makes no changes to the

use of crossbows during the longbow-bow-only season.

SENATOR PADAVAN: That's a very limited --

SENATOR VALESKY: Extremely limited, yes.

SENATOR PADAVAN: Thank you.

ACTING PRESIDENT CRAIG JOHNSON: Any other Senators wishing to be heard?

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

Read the last section.

THE SECRETARY: Section 17. This act shall take effect October 1, 2010.

ACTING PRESIDENT CRAIG JOHNSON: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT CRAIG JOHNSON: Senator Schneiderman, to explain his vote.

SENATOR SCHNEIDERMAN: Thank you, Mr. President.

I want to commend Senator Valesky on this, and all my colleagues. This is a good pro-sportsmen bill. It's the kind of sensible legislation even Senator Maziarz and

I can agree on. I'm proud to vote in the affirmative for this bill.

ACTING PRESIDENT CRAIG JOHNSON: Senator Schneiderman to be recorded in the affirmative.

Senator Thompson, to explain his vote.

SENATOR THOMPSON: Yes, Mr. President. I am glad to support this bill. We've received at least 500 to 600 letters from all across the state this year.

And I also want to congratulate Senator Valesky for working through some of the details on the bill. We did have a little challenge with the bill in committee, but he worked through those details.

And I'm looking forward to this bill passing today because, again, we've received a lot of letters from big towns and small cities and big cities and small towns across the state. So I think this is a good bill. Congratulations.

ACTING PRESIDENT CRAIG JOHNSON: Thank you, Senator Thompson. You will be recorded in the affirmative.

I am going to ask, before I call on Senator DeFrancisco to explain his vote, to remind Senators to please stay in the chambers. We can move the controversial calendar along a lot faster if everybody is around so we can take the votes.

Senator DeFrancisco, to explain his vote.

SENATOR DeFRANCISCO: Yes, I think this is a good bill.

And I had just suggested to Senator Valesky that it really -- hopefully we could do a chapter amendment and name this after Bob Ripberger, from our district, from Onondaga County, who just passed away in his nineties, I think, or close to 90. He lobbied for this bill for as long as I've been in the Senate. I mean, he's been pushing for people, either disabled or elderly individuals who love the sport but just couldn't physically do it.

So hopefully that's possible in the near future to make that happen in memory of this fine gentleman who was a great sportsman his entire life and an advocate for sportsmen. Thank you.

ACTING PRESIDENT CRAIG JOHNSON: Thank you, Senator DeFrancisco. You will be recorded in the affirmative.

Senator Volker, to explain his vote.

SENATOR VOLKER: Thank you, Mr. President.

I carried this bill for years, and then Senator Maziarz picked up the bill, partly because the support for the bill in Niagara County was enormous, where George lives, and some of the most prominent sportsmen in upstate New York were in that county.

One of the things that caused this bill to move along was the fact that a lot of Iraq and Afghanistan but mostly Iraq veterans, coming back, wanted to get this bill passed because they weren't considered to be disabled enough to be classified to do the hunting during the season. Three of them, I believe, were in Erie County. And one of them I know was in Niagara County, and I think -- one I know was in our county.

But you know, this has been a fight

with the sportsmen ever since I've been here. But I think that frankly it was something that needed to be done.

And I want to thank especially my seatmate here, Senator Padavan, because it's one of the only times since I've been here in 38 years that he hasn't argued with me on a hunting bill. And so I want to thank him very much for being cooperative.

SENATOR PADAVAN: You're welcome.

SENATOR VOLKER: I vote aye.

ACTING PRESIDENT CRAIG JOHNSON: Senator Volker to be recorded in the affirmative.

Announce the results.

THE SECRETARY: In relation to Calendar Number 1383: Ayes, 58. Nays, 3. Senators Marcellino, Perkins and Stewart-Cousins recorded in the negative.

ACTING PRESIDENT CRAIG JOHNSON: The bill is passed.

THE SECRETARY: Calendar Number 1385, by Senator Addabbo, Senate Print 6998A, an act to amend the Labor Law.

ACTING PRESIDENT CRAIG JOHNSON:

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

SENATOR DeFRANCISCO: Yes. Explanation, please. A brief one.

ACTING PRESIDENT CRAIG JOHNSON: Senator Addabbo, an explanation has been requested by Senator DeFrancisco.

SENATOR ADDABBO: Sure. Through you, Mr. President.

This child-safety bill would require any employer, before hiring an employee that would have direct and unsupervised contact with children under 16 years, or 16 years and under, to go through a registry, to check the New York State Sex Offender Registry to see the background of that prospective employee.

The employee would know about the check, and so he would be informed. And again, he have to have direct and unsupervised contact with the children.

SENATOR DeFRANCISCO: Would Senator Addabbo yield to a couple of questions.

ACTING PRESIDENT CRAIG JOHNSON:

Senator Addabbo, will you yield for Senator DeFrancisco?

SENATOR ADDABBO: Yes, Mr. President.

ACTING PRESIDENT CRAIG JOHNSON: Senator DeFrancisco.

SENATOR DeFRANCISCO: The title of the bill talks about requirements of certain employers. Are the employers that have to do this limited by category, or is it all employers in the state?

SENATOR ADDABBO: To really protect the employer as well -- through you, Mr. President -- to really protect the employer as well, it would be employers who have a job opening that has some type of substantial contact with children, again, 16 years or under.

SENATOR DeFRANCISCO: Would Senator Addabbo again yield.

ACTING PRESIDENT CRAIG JOHNSON: Senator Addabbo, do you continue to yield?

SENATOR ADDABBO: Yes.

ACTING PRESIDENT CRAIG JOHNSON: Senator Addabbo yields.

SENATOR DeFRANCISCO: Aren't, for example, schools and daycare centers and the like already required to get fingerprints of employees and do these records checks?

SENATOR ADDABBO: Through you, Mr. President, I believe so.

The issue that came about for me was through a local issue, which was a karate school in which a person who was dealing with the children there -- direct contact, unsupervised -- was a sex offender.

SENATOR DeFRANCISCO: All right. And the last question, if he would take one more.

ACTING PRESIDENT CRAIG JOHNSON: Senator Addabbo, do you continue to yield?

SENATOR ADDABBO: Yes, Mr. President.

SENATOR DeFRANCISCO: I was looking for the bill; I can't seem to find it. But my recollection is that there was a -- if you fail to provide a notice to the employee that you're checking him for the sex registry, there's a penalty. Is that correct?

SENATOR ADDABBO: Through you,

Mr. President, a penalty of $100. And again, the employer would only be responsible for the $100 if it was shown to be a willful not checking the background of the prospective employee.

SENATOR DeFRANCISCO: And I have one last question.

ACTING PRESIDENT CRAIG JOHNSON: Senator Addabbo, for one last question?

SENATOR ADDABBO: Yes, Mr. President.

SENATOR DeFRANCISCO: Would that $100 fine apply to school districts, daycare centers and those areas that are already required to do this -- in fact, have to go further, they have to get fingerprint checks? Would that fine also apply to them?

SENATOR ADDABBO: Through you, Mr. President, I believe it would apply to everybody who would have a school.

SENATOR DeFRANCISCO: All right, thank you.

ACTING PRESIDENT CRAIG JOHNSON: Any other Senators wishing to be heard on the bill?

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

Read the last section.

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

ACTING PRESIDENT CRAIG JOHNSON: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT CRAIG JOHNSON: Announce the results.

THE SECRETARY: Ayes, 61. Nays, 0.

ACTING PRESIDENT CRAIG JOHNSON: The bill is passed.

THE SECRETARY: Calendar Number 1387, by Senator Squadron, Senate Print 7363, an act to amend the Energy Law.

ACTING PRESIDENT CRAIG JOHNSON: Are there any Senators wishing to be heard on this bill?

SENATOR NOZZOLIO: Explanation.

ACTING PRESIDENT CRAIG JOHNSON: An explanation has been requested, Senator Squadron, by Senator Nozzolio.

SENATOR SQUADRON: Thank you very

much, Mr. President.

This bill would create energy-efficiency standards for televisions sold in the State of New York. Televisions have become the new energy guzzlers among household appliances. Once upon a time it was refrigerators, but in 1978 we passed energy-efficiency standards for refrigerators. And you know what happened? They got more energy efficient and they got innovated and got cheaper and better.

We need to do the same thing with televisions now. The new flat-screen TVs, the mega TVs can use a third, 33 percent or more energy than the traditional tube televisions did, both because of their size and because of the technology.

This bill would do some very simple things and not at all radical things. In fact, it tracks a bill that was passed in California just recently. It would create a Tier 1, starting for televisions manufactured after January 1, 2011, which would be a standard that, just to give you a sense, is less than the equivalent Energy Star

standard -- obviously, a voluntary one -- that went into effect just last month.

Tier 2 would be a little bit more stringent in terms of energy efficiency. It would go into effect for televisions manufactured after January 2013.

In effect, this could save, by some estimates, $50 to $250 for a household a year in energy costs. In California they believe it will save $8 billion over ten years. It's a common-sense way to deal with some of the innovation that we've had and bring down the cost of these televisions that are really increasing household costs across the board.

ACTING PRESIDENT CRAIG JOHNSON: Senator Nozzolio.

SENATOR NOZZOLIO: Mr. President, will the sponsor yield.

ACTING PRESIDENT CRAIG JOHNSON: Senator Squadron, will you yield for Senator Nozzolio?

SENATOR SQUADRON: Yes, Mr. President.

ACTING PRESIDENT CRAIG JOHNSON: Senator Nozzolio.

SENATOR NOZZOLIO: Thank you, Mr. President.

Senator Squadron, through the chair, that could you tell us are there national standards for energy efficiency for televisions?

SENATOR SQUADRON: There are no requirements, actually. The Energy Star standard is a national standard.

SENATOR NOZZOLIO: So there are national standards.

Will Senator Squadron continue to yield.

ACTING PRESIDENT CRAIG JOHNSON: Senator Squadron, will you continue to yield?

SENATOR SQUADRON: I will.

SENATOR NOZZOLIO: Will this apply to those televisions manufactured in other places by other companies not headquartered in New York State?

ACTING PRESIDENT CRAIG JOHNSON: Senator Squadron.

SENATOR SQUADRON: Through you, Mr. President, this bill applies to televisions sold in the State of New York. It

tracks a bill passed that affects televisions sold in the State of California. So together you will have two very large markets in which you're saving consumers a whole lot of money by requiring that they can buy cheaper televisions that will be cheaper over their life.

SENATOR NOZZOLIO: Mr. President, will Senator Squadron continue to yield.

ACTING PRESIDENT CRAIG JOHNSON: Senator Squadron, will you continue to yield?

SENATOR SQUADRON: Yes.

SENATOR NOZZOLIO: How much will this regulation, state regulation -- as opposed to a national regulation -- increase the cost of a television sold in New York State?

SENATOR SQUADRON: I'm glad Senator Nozzolio asked that question, Mr. President, because one problem that you have with television efficiency is a large number of televisions that are sold right now are not sold directly to consumers, they're sold in group purchases and other sorts of areas where the only price responsiveness is

the sale, the price at initial sale.

And so what you have is you have small businesses, you have institutions that are then saddled with extremely high energy costs because the group purchaser won't consider the cost of maintaining the television over its life.

And so I don't believe that the more energy efficient television will cost less. In some cases, in fact, it may cost a few dollars more at initial purchase. But over its life it will save between $50 and $250 a year for the average consumer.

SENATOR NOZZOLIO: So, Senator Squadron, if I heard you correctly, that this regulation now proposed by you is going to raise the cost of televisions to New York State consumers. Is that not correct?

SENATOR SQUADRON: That's terribly incorrect. I don't know about Senator Nozzolio's district; in my district, folks are very worried about their monthly energy costs and they've seen their monthly energy costs rise. In my district lots of folks have either bought for themselves or

been given as a gift one of those great spanking shiny new flat-screen televisions and then what they've seen in the months subsequent is their energy bills have gone up. They've spent significantly more every month that they've had that television than they were ever spending before.

And what this bill will do is it will protect those consumers over the life of the television by bringing down their monthly energy costs and saving them significantly more than any differential that they may pay at the store.

SENATOR NOZZOLIO: Mr. President, will Senator Squadron continue to yield.

ACTING PRESIDENT CRAIG JOHNSON: Senator Squadron, will you continue to yield?

SENATOR SQUADRON: Yes.

SENATOR NOZZOLIO: Senator Squadron, how many television manufacturers are producing televisions today that do not comply with the standards that you're proposing in this legislation?

SENATOR SQUADRON: Through you, Mr. President, at least one television

manufacturer, Vizio, has supported this legislation. And just about every major television manufacturer is already producing televisions that comply with the post-January 1, 2011, manufacturing standards because of the Energy Star standards that already exist and have been in place since May.

SENATOR NOZZOLIO: Mr. President, would Senator Squadron yield to one last question.

ACTING PRESIDENT CRAIG JOHNSON: One last question, Senator Squadron, will you yield?

SENATOR SQUADRON: If it's only one. Yes, Mr. President.

SENATOR NOZZOLIO: Senator Squadron, are you aware of how many manufacturers of televisions there are located within the State of New York?

SENATOR SQUADRON: Through you, Mr. President, what I can tell you is how many purchasers of televisions there are in the State of New York. And we have 19 million citizens, we have one of the largest

television --

SENATOR NOZZOLIO: Thank you, Senator. I didn't ask that question. I asked you how many manufacturers of televisions there were in New York State.

SENATOR SQUADRON: Through you, Mr. President, I don't. And I do want to just clarify, since this is the final question, that we're talking about televisions sold in the State of New York, not manufactured in the State of New York. This is a confusion that I know has sometimes permeated this house. I know it did recently on another piece of legislation having to do with microstamping.

We're talking about any sort of television can still be manufactured in the State of New York, and I hope that those folks will stay here. What we're talking about is televisions sold in the State of New York to save New York State consumers in their energy costs over the life of the television.

Thank you, Mr. President.

SENATOR NOZZOLIO: Thank you, Senator Squadron.

Mr. President, on the bill.

ACTING PRESIDENT CRAIG JOHNSON: Senator Nozzolio, on the bill.

SENATOR NOZZOLIO: Thank you, Mr. President and my colleagues. That this regulation is going to cost consumers more money. When you buy a television, because of this legislation if you buy it in New York State, you're going to pay more money. It's going to be more expensive, pure and simple.

Also, I had to ask Senator Squadron the question of manufacturers. Because the answer of how many television manufacturers there are in New York State is zero. There are absolutely no television manufacturers now in New York State.

And I say that's sad because in my hometown of Seneca Falls there used to be a manufacturer of televisions. I worked from 3:30 to midnight one summer washing screen scrap in the Sylvania Electric Television factory that no longer exists.

And why does that no longer exist in New York State? Because of the myriad of rules and regulations and other items of taxation that are placed upon manufacturers.

When that happens, manufacturers leave. And that's what happened to the television industry, an industry that left New York before it left this nation.

And that this type of regulation may be well-intentioned, but the bottom line is that it costs more money for a consumer to purchase a product as a result of this. However the savings may be over the long term, nonetheless it's going to cost more for our citizens because of the proposal before us today, and that's why I must oppose it.

Thank you, Mr. President.

ACTING PRESIDENT CRAIG JOHNSON: Thank you, Senator Nozzolio.

Senator Fuschillo.

SENATOR FUSCHILLO: Will the sponsor yield for a few questions.

ACTING PRESIDENT CRAIG JOHNSON: Senator Squadron, will you yield for some questions from Senator Fuschillo?

SENATOR SQUADRON: I will.

ACTING PRESIDENT CRAIG JOHNSON: Senator Fuschillo.

SENATOR FUSCHILLO: Senator, what

else does this legislation include besides televisions?

SENATOR SQUADRON: I'm sorry, can you --

SENATOR FUSCHILLO: What else is included in the legislation electronically besides televisions?

SENATOR SQUADRON: The legislation before us has the energy efficiency standards that I discussed in my initial presentation and then also updates the definition of televisions.

SENATOR FUSCHILLO: I'm sorry, there was too much noise.

SENATOR SQUADRON: Sorry, Mr. President, the floor leaders are -- thank you.

The legislation has the energy efficiency standards that I described in my presentation. It also updates the definitions of televisions for the contemporary market.

SENATOR FUSCHILLO: Would the sponsor continue to yield.

ACTING PRESIDENT CRAIG JOHNSON: Senator Squadron, will you continue to yield?

SENATOR SQUADRON: Yes.

SENATOR FUSCHILLO: So does it include a DVD player, HDTV player, a VCR also in a single unit?

ACTING PRESIDENT CRAIG JOHNSON: Senator Squadron.

SENATOR SQUADRON: Through you, Mr. President, the definitions include -- the definition of television is updated to include three subsets that are currently significant on the market -- combination televisions, component televisions, and television monitors.

And to answer your question, combination televisions are television set monitors that can include some of these other items.

SENATOR FUSCHILLO: Will the sponsor continue to yield, Mr. President.

ACTING PRESIDENT CRAIG JOHNSON: Senator Squadron, will you continue to yield?

SENATOR SQUADRON: Yes.

SENATOR FUSCHILLO: Do you have a sponsor in the Assembly on this bill, and did it pass?

ACTING PRESIDENT CRAIG JOHNSON: The question is do you have an Assembly sponsor and has it passed the Assembly.

SENATOR SQUADRON: Yes, Mr. President, I do have an Assembly sponsor. As of a couple of hours ago, it had not passed in the Assembly.

SENATOR FUSCHILLO: If the sponsor would continue to yield.

ACTING PRESIDENT CRAIG JOHNSON: Senator Squadron, do you continue to yield?

SENATOR SQUADRON: Yes, Mr. President.

SENATOR FUSCHILLO: Senator Squadron, you gave I assume the retailers in the State of New York to comply within six months of your effective date. If they have any inventory in their warehouses, are they supposed to just throw them away?

SENATOR SQUADRON: Through you, Mr. President, absolutely not. Absolutely not. New York retailers are suffering through the same tough economy the rest of New York is. And that's one reason the bill was written to only apply to televisions

manufactured after January 1, 2011, for the lower standard, and then again televisions manufactured after January 1, 2013, for the more stringent standards. Again, both standards equal to or less than the equivalent Energy Star standards that will apply at that time.

SENATOR FUSCHILLO: Thank you, Senator.

Would the Senator continue to yield?

ACTING PRESIDENT CRAIG JOHNSON: Senator Squadron, do you continue to yield?

SENATOR SQUADRON: Yes.

SENATOR FUSCHILLO: Just one last question for my own clarification. Are these TVs only manufactured in New York State or are they manufactured anywhere in the country to be sold in New York State?

SENATOR SQUADRON: Through you, Mr. President, unfortunately I think many of these televisions aren't manufactured in the United States at all. This is about television -- and again, I know this can be very difficult, and I think we're all

incredibly conscious of the job situation in New York State. And so we need to be very careful about any legislation that will drive manufacturing jobs out of the state.

This legislation doesn't do that because it does not affect manufacturing -- the location of the manufacturer of any television. It only affects the sale of televisions in New York State. And that's a very important distinction, and one we need to be cognizant of.

Thank you, Mr. President.

ACTING PRESIDENT CRAIG JOHNSON: Thank you, Senator Squadron.

Senator Fuschillo.

SENATOR FUSCHILLO: One last question, Mr. President.

ACTING PRESIDENT CRAIG JOHNSON: Senator Squadron, Senator Fuschillo has asked for you to yield for one final question.

SENATOR SQUADRON: Absolutely, Mr. President.

SENATOR FUSCHILLO: Thank you, Senator Squadron. You mentioned California also has a similar law to the one you're

proposing. Any other states in the nation have a law like this?

SENATOR SQUADRON: Through you, Mr. President, California has passed a law on this, as I said. In addition, Maryland, Massachusetts, Washington and Wisconsin have introduced bills on it, though I don't believe they have passed.

SENATOR FUSCHILLO: So just to answer my question, California is the only state in the nation that currently has a law? Mr. President, through you.

SENATOR SQUADRON: Through you, Mr. President, California is the only state that has passed a law.

SENATOR FUSCHILLO: Thank you, Mr. President. Thank you, Senator Squadron.

ACTING PRESIDENT CRAIG JOHNSON: Thank you, Senator Fuschillo.

Senator DeFrancisco.

SENATOR DeFRANCISCO: Would Senator Squadron yield to a question.

ACTING PRESIDENT CRAIG JOHNSON: Senator Squadron, will you yield for Senator DeFrancisco?

SENATOR DeFRANCISCO: Mr. President, I've been awaiting it. Please.

(Laughter.)

SENATOR DeFRANCISCO: Well, I just need a clarification. I don't know if I heard it correctly. When Senator Nozzolio asked you do manufacturers -- the televisions that are in existence now, are they in compliance with the standards that you're going to impose, I think you said yes.

SENATOR SQUADRON: Through you, Mr. President. I said that manufacturers -- I believe it was Senator Fuschillo who asked the question whether about whether retailers would have to throw out their stock or if they would be able to sell it down. And I said they wouldn't because this only applies to televisions manufactured after a certain date. That date is January 1, 2011, for the first year.

SENATOR DeFRANCISCO: Okay. Well, may I ask another question, please.

ACTING PRESIDENT CRAIG JOHNSON: Senator Squadron, will you yield for another question?

SENATOR SQUADRON: Yes.

ACTING PRESIDENT CRAIG JOHNSON: Senator DeFrancisco.

SENATOR DeFRANCISCO: Senator Nozzolio asked you a question about the standards, and he asked you whether or not television sets that are currently existing, do they comply with the standards you want to set. And I thought you said yes.

SENATOR SQUADRON: Oh. Through you, Mr. President, yeah, many, many televisions currently manufactured do comply with the standards. And again, there's a lot of reasons for that, and one of them is how much consumers are calling for lower energy costs in regard to their televisions.

But the other reason is, as I keep talking about, the federal Energy Star requirement -- which is a voluntary standard, not a requirement, excuse me -- is equal to or less than each of standards as they tier up under this bill.

SENATOR DeFRANCISCO: I understand.

Last question.

ACTING PRESIDENT CRAIG JOHNSON: Senator Squadron, will you yield for the last question?

SENATOR SQUADRON: Yes.

SENATOR DeFRANCISCO: If that's the case, why do you need the bill?

SENATOR SQUADRON: Through you, Mr. President. Many, many televisions, as I said, comply with the voluntary Energy Star standards.

However, as I said, there are a number of reasons to have this bill. You found it with refrigerators, you found it with a number of other items where we've set minimum standards for energy efficiency, that you have a significant cut in the overall energy usage and you actually can create a situation where you end up with more innovation when you have a requirement of this sort.

And so the reason to do it is that many folks, including every major environmental group in the State of New York, believe that if this bill passes we'll use 33 percent less energy in 2011, just next

year, than we otherwise would from televisions, 49 percent less energy in 2013, and every year forward than we otherwise would.

So the reason to pass the bill is to save energy, save costs, and help move the industry forward and put New York State at the forefront of it.

Thank you, Mr. President.

ACTING PRESIDENT CRAIG JOHNSON: Thank you, Senator Squadron.

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

Hearing none, debate is closed. The Secretary will please ring the bells. I ask all Senators to please come to the chamber.

The Secretary will read the last section.

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

ACTING PRESIDENT CRAIG JOHNSON: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT CRAIG JOHNSON:

Senator Robach, to explain his vote.

SENATOR ROBACH: Yes, just briefly.

You know, the title of the bill sounds fine. But, you know, we should really be moving toward the federal standard. While we talked about manufacturing jobs, what we see too often in New York is this is going to affect retail jobs, I think, if there's a very different standard in New York. You know, we already have people driving to New Jersey to get their gas, buy their clothes because of standards we put on. Why would we want to not go to the federal standard and do this?

And I also think there was some erroneous information. The technology is getting better on usage. While the television may be bigger, in some cases, the energy used is actually less than old tube televisions, and manufacturers both at the federal and the state level are now using that to advertise, whether it's a refrigerator or anything else, what the Energy Star savings would be. And that seems like a better way to go.

To put New York retailers behind

the eight ball or lose tax revenue because people are going to another state to make a major purchase does not seem like a necessity at this point. But really to follow more the federal plan, the Energy Star ratings and things that are working in the rest of the country, seems to be a better way to go to try and save energy. So I'm going to vote in the negative.

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

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

THE SECRETARY: Calendar Number 1391, by Senator Thompson, Senate Print 7966A, an act to amend the Environmental Conservation Law.

ACTING PRESIDENT CRAIG JOHNSON: Are there any Senators wishing to be heard on the bill?

SENATOR NOZZOLIO: Explanation.

ACTING PRESIDENT CRAIG JOHNSON: Senator Thompson, an explanation has been requested by Senator Nozzolio.

SENATOR THOMPSON: Okay, 1391,

right?

ACTING PRESIDENT CRAIG JOHNSON: Calendar 1391, Senator.

SENATOR THOMPSON: Yes, thank you. Thank you. I always love to answer questions.

Okay, this particular bill addresses a growing problem. As fluorescent lamps become an increasingly popular method of reducing energy use, the amount of mercury contained within these lamps pose a potential health risk. When a fluorescent lamp breaks, it releases mercury, a hazardous material dangerous to human health and the environment. Breakage can ensure during normal use and particularly after disposal.

This legislation would ensure that fluorescent lamps sold in New York State do not contain excessive levels of mercury. Currently, California, Maine, the European Union have already adopted laws that set maximum mercury content limits for compact fluorescent lamps.

This bill also seeks to make sure that we protect our children and,

additionally, our families. There's no opposition to the bill from the industry. And I believe we also moved this bill through committee and there was no opposition to the bill.

ACTING PRESIDENT CRAIG JOHNSON: Any Senators wishing to be heard on the bill?

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

Read the last section.

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

ACTING PRESIDENT CRAIG JOHNSON: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT CRAIG JOHNSON: Senator Bonacic, to explain his vote.

SENATOR BONACIC: First of all, all of the reasons that we spoke about with Senator Squadron's bill applies to this same bill, but it's mercury in the lamps, and it's effective immediately. So you're setting a standard in New York that is not set anywhere else in the United States, and which would prohibit that product from coming in here,

driving the cost up.

It's the exact same objections for the television are the same objections for the mercury in the lamps. I vote no.

Thank you, Mr. President.

ACTING PRESIDENT CRAIG JOHNSON: Senator Bonacic to be recorded in the negative.

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

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

THE SECRETARY: Calendar Number 1403, by Senator Thompson, Senate Print 8375, an act to amend the Environmental Conservation Law.

ACTING PRESIDENT CRAIG JOHNSON: Are there any Senators wishing to be heard on the bill?

SENATOR NOZZOLIO: Explanation.

ACTING PRESIDENT CRAIG JOHNSON: Can we please have some order in the chamber.

Senator Thompson, an explanation has been requested by Senator Nozzolio for Calendar Number 1403.

SENATOR THOMPSON: Sure. Thank you.

This particular bill is a cleanup bill to the expansion of the Bottle Bill last year. The Retail Council of New York State and the Food Industry Alliance of New York both argue that the four RVMs at the larger stores are capable of handling the customer or consumer demands. The bill would address this disparity by clarifying that the square footage thresholds triggering the RVMs are calculated on the area devoted to the display of merchandise for sale to the public.

We had big numbers. For your larger stores, they had -- were required to have eight RVMs; now they would be required to have four.

This bill is very important to the industry. We have received no opposition to this bill. And I think it's really good for the consumers and good for the business.

Lastly, I would argue that the challenge that some of the stores have is the issue of zoning. Some of the stores, because now they're going from not having any to

having eight, they're having zoning problems as well. So this would help many of the stores.

One of the reasons why we moved to the RVM last year is because there was an oversaturation -- rather, over redemption of bottles at supermarkets and convenience stores. So now your Targets, your Wal-Marts, and your pharmacies now will have to redeem using the RVMs as well, and make sure that your supermarkets are not going to have overredemption, particularly in your summer months, the way your supermarkets have all the time. So now you have the department stores and the supermarkets will all have RVMs.

Thank you.

ACTING PRESIDENT CRAIG JOHNSON: Senator Nozzolio.

SENATOR NOZZOLIO: Mr. President, will Senator Thompson yield to a series of questions.

ACTING PRESIDENT CRAIG JOHNSON: Senator Thompson, will you yield for a series of questions from Senator Nozzolio?

SENATOR THOMPSON: Sure. Yes,

sir.

SENATOR NOZZOLIO: Thank you, Mr. President. Thank you, Senator Thompson.

Senator Thompson, my questions do not deal with the redemption or the need to establish a redemption process. My questions begin with your legislation, line 26 through page 2, line 6, where you establish a waiver process that entrusts a lot of power and authority in the commissioner -- and I assume that's the commissioner of Environmental Conservation, is that not correct?

SENATOR THOMPSON: Yes, I believe that is correct. The DEC commissioner will have some authority. And also, through last year to this year, many of the retailers and vendors and distributors have worked with DEC to come up with some of the recommendations during the regulatory process.

SENATOR NOZZOLIO: Will Senator Thompson continue to yield.

ACTING PRESIDENT CRAIG JOHNSON: Senator Thompson, do you continue to yield?

SENATOR THOMPSON: Yes.

SENATOR NOZZOLIO: What I am

concerned about, Senator, as you set forth some criteria where the commissioner could in fact establish a waiver, would that waiver be allowed for redemption to take place somewhere else other than at the point of sale?

SENATOR THOMPSON: I believe that if there was a waiver, they would still have to be on-premises as well. I believe that's the case, right? Yes. It would still have to be on the premises and it can't be in some obscure location in the store.

SENATOR NOZZOLIO: Senator --

SENATOR THOMPSON: And can I just say, also, the intent of the bill is to keep waivers at a minimum. I mean, sometimes people will have a waiver, but I think the intent is to keep waivers at a minimum so that we maximize equal enforcement of the redemption process.

SENATOR NOZZOLIO: If Senator Thompson will continue to yield.

ACTING PRESIDENT CRAIG JOHNSON: Senator Thompson, do you continue to yield?

SENATOR THOMPSON: Yes.

SENATOR NOZZOLIO: Senator, I

appreciate what you're saying, although I don't believe I can at least find that in the six lines of the legislation that we're referring to. Where am I missing that it says that the waiver has to be given -- if it is to be given, is to be given only at the point of sale? Where does your legislation indicate that will be the waiver, in effect?

SENATOR THOMPSON: That is in the original bill from last year. We only amend part of it. But in the original bill from the budget bill last year, it's clearly specified in the original bill.

SENATOR NOZZOLIO: Would Senator Thompson continue to yield.

ACTING PRESIDENT CRAIG JOHNSON: Senator Thompson, do you continue to yield?

SENATOR THOMPSON: Yes, Mr. President.

SENATOR NOZZOLIO: Senator Thompson, where is the reference in this legislation to that original bill or to the original law?

SENATOR THOMPSON: I think it says paragraph 1 referenced Chapter 59.

SENATOR NOZZOLIO: But does that chapter --

ACTING PRESIDENT CRAIG JOHNSON: Do you wish Senator Thompson to continue to yield, Senator Nozzolio?

SENATOR NOZZOLIO: Yes, thank you, Mr. President. Will Senator Thompson continue to yield.

SENATOR THOMPSON: Yes.

ACTING PRESIDENT CRAIG JOHNSON: He does.

SENATOR NOZZOLIO: Thank you, Senator Thompson.

Senator, I am very concerned that this waiver process is not clear enough. And if you're incorporating another statute by reference, why don't you directly incorporate it, or at the very least, list that criteria?

SENATOR THOMPSON: Through you, Mr. President, you know, I think that that's something that could have been looked at.

But I think that this is something that the industry has clearly spoken in favor of. Many department stores came to Albany on a couple of occasions this year and have

pleaded for this correction. If this correction does not happen today, it probably will not happen this year. And so this is the first that someone has mentioned that they had a problem with the particular content of the bill.

The original bill clearly specifies this on the waiver process, which is very limited in scope because our concern was about overredemption at supermarkets. And basically your other big box retailers, like the Sam's Clubs, et cetera, were not making it easy for people to take back bottles. So I think that the -- I'm 99 percent certain we clearly stated that in the original bill.

SENATOR NOZZOLIO: Thank you, Mr. President. Will Senator Thompson continue to yield.

ACTING PRESIDENT CRAIG JOHNSON: Senator Thompson, do you continue to yield?

SENATOR THOMPSON: Absolutely.

SENATOR NOZZOLIO: Thank you, Senator Thompson.

That's very important, Senator, that if you are indicating that the full

intention of this legislation directly instructing the commissioner -- short of language in the legislation you're indicating, as the sponsor of this legislation, that your clear intention is to establish a redemption process, even if it's established under a waiver through the commissioner of the Department of Environmental Conservation, that that redemption process is in fact to be a process at the point of sale.

Is that not correct as I understand you, sir?

SENATOR THOMPSON: Through you, Mr. President. Again, I think that in some very limited cases there may be a waiver. But the bill excuses no retailer selling covered products from the requirement that they accept empty containers.

And in the original bill it does say that they would -- we would -- there's always in every law some small exception. Very limited, though. And I think it -- so as I stated earlier, in order to receive a waiver, the conditions are very, very limited. It would probably be almost impossible.

SENATOR NOZZOLIO: Thank you, Senator Thompson.

Mr. President, on the bill.

ACTING PRESIDENT CRAIG JOHNSON: Senator Nozzolio, on the bill.

SENATOR NOZZOLIO: Mr. President, this measure has received support from various retailers across this state. And I rise not to oppose the process but to further define it.

Senator Thompson indicated today that he believed if waivers are to be given, those waivers still should take into consideration the consumer and particularly establishing this redemption at the point of sale. That the potentials for fraud are extreme if a waiver is given for those to be redeemed and the money to be received by the consumer at another point in another location at another time.

So, Senator, I appreciate your focus on this waiver process, and that I appreciate the opportunity to discuss this with you. I hope that this will not require additional legislation to further refine it.

I think you've done a job discussing it today. But also that if there is further definition required in the future, that you would be amenable to tighten up that waiver process.

Thank you, Mr. President. Thank you, Senator Thompson.

ACTING PRESIDENT CRAIG JOHNSON: Thank you, Senator Nozzolio.

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

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

Read the last section.

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

ACTING PRESIDENT CRAIG JOHNSON: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT CRAIG JOHNSON: The bill is passed.

Senator Klein.

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

ACTING PRESIDENT CRAIG JOHNSON: Senator Klein.

SENATOR KLEIN: Before we do motions, can we return to Calendar Number 1355.

ACTING PRESIDENT CRAIG JOHNSON: Returning to Calendar 1355, Senator Klein.

SENATOR KLEIN: The bill was laid aside temporarily. Can we lay it aside for the day, please.

ACTING PRESIDENT CRAIG JOHNSON: Calendar Number 1355 will be laid aside for the day.

Senator Klein.

SENATOR KLEIN: Now can we return to motions and resolutions.

ACTING PRESIDENT CRAIG JOHNSON: Returning to motions and resolutions.

Senator Klein.

SENATOR KLEIN: On behalf of Senator Thompson, I wish to call up Senate Print Number 5640A, recalled from the Assembly, which is now at the desk.

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

THE SECRETARY: Calendar Number 520, by Senator Thompson, Senate Print 5640A, an act to amend the Labor Law.

ACTING PRESIDENT CRAIG JOHNSON: Senator Klein.

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

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

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT CRAIG JOHNSON: Senator Klein.

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

ACTING PRESIDENT CRAIG JOHNSON: Amendments received.

Senator Klein.

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

ACTING PRESIDENT CRAIG JOHNSON: Senator Libous.

SENATOR LIBOUS: Thanks, Mr.

President. On behalf of Senator Hannon, I wish to call up Bill Number 7403, recalled from the Assembly, which is now at the desk.

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

One moment, Senator Libous. We've just got to clarify something.

SENATOR LIBOUS: I'm quite patient, Mr. President.

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

THE SECRETARY: Calendar Number 942, by Senator Hannon, Senate Print 7403, an act to authorize.

ACTING PRESIDENT CRAIG JOHNSON: Senator Libous.

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

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

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

SENATOR LIBOUS: Mr. President, I

offer up the following amendments.

ACTING PRESIDENT CRAIG JOHNSON: Amendments received, Senator Libous.

Senator Klein.

SENATOR KLEIN: Mr. President, at this time can we please move to a reading of the supplemental active list.

ACTING PRESIDENT CRAIG JOHNSON: The Secretary will read.

THE SECRETARY: Calendar Number 99, by Senator Breslin, Senate Print 2092, an act to amend the Insurance Law.

ACTING PRESIDENT CRAIG JOHNSON: Read the last section.

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

ACTING PRESIDENT CRAIG JOHNSON: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT CRAIG JOHNSON: Announce the results.

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT CRAIG JOHNSON: The bill is passed.

THE SECRETARY: Calendar Number

187, by Member of the Assembly Jeffries --

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

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

THE SECRETARY: Calendar Number 196, by Senator Savino, Senate Print --

SENATOR LIBOUS: Lay it aside.

ACTING PRESIDENT CRAIG JOHNSON: The bill is high. The bill is laid aside for the day.

THE SECRETARY: Calendar Number 298, by Senator Parker, Senate Print 3601D, an act to amend the Social Services Law.

ACTING PRESIDENT CRAIG JOHNSON: The bill is high. The bill is laid aside for the day.

THE SECRETARY: Calendar Number 470, by Member of the Assembly Ortiz, Assembly Print Number 10791, an act to amend the Not-for-Profit Corporation Law.

ACTING PRESIDENT CRAIG JOHNSON: Read the last section.

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

ACTING PRESIDENT CRAIG JOHNSON:

Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT CRAIG JOHNSON:

Announce the results.

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT CRAIG JOHNSON:

The bill is passed.

THE SECRETARY: Calendar Number 471, by Member of the Assembly Cusick, Assembly Print Number 10824B, an act to amend the Mental Hygiene Law.

ACTING PRESIDENT CRAIG JOHNSON:

Read the last section.

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

ACTING PRESIDENT CRAIG JOHNSON:

Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT CRAIG JOHNSON:

Announce the results.

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT CRAIG JOHNSON:

The bill is passed.

THE SECRETARY: Calendar Number

547, by Senator Savino, Senate Print 2978B, an act to amend the Workers' Compensation Law.

ACTING PRESIDENT CRAIG JOHNSON: The bill is high. The bill is laid aside for the day.

THE SECRETARY: Calendar Number 648, by Senator C. Johnson, Senate Print 7739, an act to amend the Alcoholic Beverage Control Law.

ACTING PRESIDENT CRAIG JOHNSON: Read the last section.

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

ACTING PRESIDENT CRAIG JOHNSON: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT CRAIG JOHNSON: Announce the results.

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT CRAIG JOHNSON: The bill is passed.

THE SECRETARY: Calendar Number 834, by Senator Stachowski, Senate Print 5459, an act to amend the Penal Law.

ACTING PRESIDENT CRAIG JOHNSON:

Read the last section.

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

ACTING PRESIDENT CRAIG JOHNSON: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT CRAIG JOHNSON: Announce the results.

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT CRAIG JOHNSON: The bill is passed.

THE SECRETARY: In relation to Calendar Number 870, Senator Seward moves to discharge, from the Committee on Rules, Assembly Bill Number 10634B and substitute it for the identical Senate Bill Number 7287B, Third Reading Calendar 870.

ACTING PRESIDENT CRAIG JOHNSON: Substitution ordered.

THE SECRETARY: Calendar Number 870, by Member of the Assembly Lopez, Assembly Print Number 10634B, an act to amend Chapter 313 of the Laws of 2004.

ACTING PRESIDENT CRAIG JOHNSON: Read the last section.

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

ACTING PRESIDENT CRAIG JOHNSON: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT CRAIG JOHNSON: Announce the results.

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT CRAIG JOHNSON: The bill is passed.

THE SECRETARY: Calendar Number 873, by Senator Larkin, Senate Print 674, an act to amend the Highway Law.

ACTING PRESIDENT CRAIG JOHNSON: Read the last section.

THE SECRETARY: Section 3 --

SENATOR DUANE: Lay it aside, please.

ACTING PRESIDENT CRAIG JOHNSON: The bill is laid aside.

SENATOR LIBOUS: Mr. President, who laid the bill aside?

ACTING PRESIDENT CRAIG JOHNSON: Senator Duane laid the bill aside, Senator Libous.

SENATOR LIBOUS: Thank you, Mr. President.

THE SECRETARY: Calendar Number 900, by Member of the Assembly Gottfried, Assembly Print Number 8117B, an act to amend the Education Law and the Insurance Law.

ACTING PRESIDENT CRAIG JOHNSON: Read the last section.

THE SECRETARY: Section 5. This act shall take effect on the 90th day.

SENATOR LANZA: Lay it aside.

ACTING PRESIDENT CRAIG JOHNSON: The bill is laid aside.

THE SECRETARY: Calendar Number 906, by Senator Libous, Senate Print 440, an act to amend the General Municipal Law.

ACTING PRESIDENT CRAIG JOHNSON: Read the last section.

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

ACTING PRESIDENT CRAIG JOHNSON: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT CRAIG JOHNSON: Announce the results.

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT CRAIG JOHNSON: The bill is passed.

THE SECRETARY: Calendar Number 907, by Senator Larkin, Senate Print 647A, an act to remove from the Albert Wisner Memorial Public Library.

ACTING PRESIDENT CRAIG JOHNSON: Read the last section.

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

ACTING PRESIDENT CRAIG JOHNSON: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT CRAIG JOHNSON: Announce the results.

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT CRAIG JOHNSON: The bill is passed.

THE SECRETARY: Calendar Number 930, by substituted earlier today by Member of the Assembly Bing, Assembly Bill Number 7907D, an act to amend the Not-for-Profit Corporation Law and others.

ACTING PRESIDENT CRAIG JOHNSON:

Read the last section.

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

ACTING PRESIDENT CRAIG JOHNSON: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT CRAIG JOHNSON: Announce the results.

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT CRAIG JOHNSON: The bill is passed.

THE SECRETARY: Calendar Number 935, substituted earlier today by Member of the Assembly Kellner, Assembly Print Number 10392C, an act to amend Chapter 899 of the Laws of 1984.

ACTING PRESIDENT CRAIG JOHNSON: Read the last section.

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

ACTING PRESIDENT CRAIG JOHNSON: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT CRAIG JOHNSON: Announce the results.

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT CRAIG JOHNSON: The bill is passed.

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

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

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

THE SECRETARY: Calendar Number 1112, by Senator Stachowski, Senate Print 7865A, an act in relation to requiring.

ACTING PRESIDENT CRAIG JOHNSON: The bill is high. The bill is laid aside for the day.

THE SECRETARY: Calendar Number 1137, by Senator Foley, Senate Print 7137B, an act to amend the Education Law and the General Municipal Law.

ACTING PRESIDENT CRAIG JOHNSON: Read the last section.

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

SENATOR LIBOUS: Lay it aside.

ACTING PRESIDENT CRAIG JOHNSON:

The bill is laid aside.

THE SECRETARY: Calendar Number 1174, by Senator Thompson, Senate Print 8280, an act to amend the Environmental Conservation Law.

SENATOR YOUNG: Lay it aside.

ACTING PRESIDENT CRAIG JOHNSON: The bill is laid aside.

THE SECRETARY: Calendar Number 1222, by Senator Klein, Senate Print 6213B, an act to amend the Executive Law and the Criminal Procedure Law.

ACTING PRESIDENT CRAIG JOHNSON: Read the last section.

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

ACTING PRESIDENT CRAIG JOHNSON: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT CRAIG JOHNSON: Senator Klein, to explain his vote.

SENATOR KLEIN: Mr. President, thank you.

I rise in support of this legislation. This is, I think, going to go a

long way towards doing two very important things in our criminal justice system, making sure we convict and find the guilty and also being able to exonerate the innocent.

By not expanding our DNA database in New York State, New York is having an impact around the country. Presently 30,000 of the unsolved crimes, 10.5 percent, are because New York has not expanded their database as they should.

I think we have to get over the fact that DNA is no more invasive, and that's why federal and state courts around the country have found that, than fingerprinting. However, DNA is a lot more effective in fighting crime.

So I'm hopeful that the Assembly will follow suit and pass this important legislation and join 23 other states that have already passed DNA-upon-arrest legislation.

I vote yes, Mr. President.

ACTING PRESIDENT CRAIG JOHNSON: Senator Klein to be recorded in the affirmative.

Senator DeFrancisco, to explain his

vote.

SENATOR DeFRANCISCO: Yes, I'm going to vote in the affirmative. And I know that in past years when this was carried, similar bills were carried by others, that there was a big concern by some in the house that this was some kind of imposition on someone who was arrested for a felony because it was only arrest and you're stigmatizing someone.

But to have the database on arrest is extremely important in order to prevent -- I believe in order to find individuals who have committed other crimes, and in order to protect those that have not, by DNA matching.

So this is a good bill and I'm happy that this has been put on the floor today for a vote.

ACTING PRESIDENT CRAIG JOHNSON: Senator DeFrancisco to be recorded in the affirmative.

Announce the results.

THE SECRETARY: Ayes, 59. Nays, 2. Senators Duane and Montgomery recorded in the negative.

ACTING PRESIDENT CRAIG JOHNSON: The bill is passed.

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

ACTING PRESIDENT CRAIG JOHNSON: Read the last section.

THE SECRETARY: Section 7 --

SENATOR LIBOUS: Lay it aside.

ACTING PRESIDENT CRAIG JOHNSON: The bill is laid aside.

THE SECRETARY: In relation to Calendar Number 1321, Senator Hassell-Thompson moves to discharge, from the Committee on Rules, Assembly Bill Number 10984B and substitute it for the identical Senate Bill Number 8390, Third Reading Calendar 1321.

ACTING PRESIDENT CRAIG JOHNSON: Substitutions ordered.

THE SECRETARY: Calendar Number 1321, by Member of the Assembly Paulin, Assembly Print Number 10984B, an act to amend the Domestic Relations Law.

ACTING PRESIDENT CRAIG JOHNSON: Read the last section.

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

ACTING PRESIDENT CRAIG JOHNSON: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT CRAIG JOHNSON: Announce the results.

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT CRAIG JOHNSON: The bill is passed.

SENATOR DeFRANCISCO: Excuse me.

ACTING PRESIDENT CRAIG JOHNSON: I'm sorry, Senator DeFrancisco to explain his vote.

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

I don't know a lot about family law, I know a little bit about it, but I think the people that know it best are those that practice family law. And the family law section of the New York State Bar Association put in a memorandum in opposition to this bill. And I won't read it because I'm sure it's been provided to each of the people here.

And for the reasons they set forth

in that memo, the people that practice family law on a regular basis I think are the experts, and based upon their advice I'm voting no.

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

Announce the results.

THE SECRETARY: Those recorded in the negative on Calendar Number 1321 are Senators DeFrancisco, Little and Winner.

Ayes, 58. Nays, 3.

ACTING PRESIDENT CRAIG JOHNSON: The bill is passed.

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

SENATOR KLEIN: 1325?

ACTING PRESIDENT CRAIG JOHNSON: That bill has already been passed in the Senate.

Senator Klein.

SENATOR KLEIN: Mr. President, returning to Calendar Number 1174, Senate Print Number 8280, Senator Thompson's bill, can we please lay the bill aside for the day.

ACTING PRESIDENT CRAIG JOHNSON: Calendar Number 1174 will be laid aside for the day.

Senator Klein.

SENATOR KLEIN: Mr. President, at this time can we please go to a reading of the controversial supplemental active list.

ACTING PRESIDENT CRAIG JOHNSON: The Secretary will ring the bell.

I ask all members to come to the chamber for the reading of the controversial calendar and to please try to stay in the chamber for the reading of the controversial calendar.

The Secretary will read.

THE SECRETARY: Calendar Number 873, by Senator Larkin, Senate Print 674, an act to amend the Highway Law.

SENATOR KLEIN: Can we please remove the lay-aside on that bill.

ACTING PRESIDENT CRAIG JOHNSON: The lay-aside for Calendar Number 873 has been removed. The bill will go to the noncontroversial calendar.

The Secretary will read the last

section.

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

ACTING PRESIDENT CRAIG JOHNSON: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT CRAIG JOHNSON: Senator Maziarz, to explain his vote.

SENATOR MAZIARZ: Thank you, Mr. President, to explain my vote.

I just want to -- while all my colleagues are in the chamber, I want to state that just last week, on the 25th of June, General Petraeus spoke at a tribute to the National Purple Heart Hall of Fame. And honored, at that particular tribute to the Hall of Fame, were the four individuals who started the idea of creating the Purple Heart Hall of Fame. One of those four members happens to be a member of the New York State Senate, Colonel Bill Larkin.

Colonel.

(Standing ovation.)

SENATOR MAZIARZ: And I vote in the affirmative, by the way.

ACTING PRESIDENT CRAIG JOHNSON: Senator Maziarz will be recorded in the affirmative.

Can we have some order in the chamber, please.

Are there any other Senators who wish to explain their votes?

Seeing none, announce the results.

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT CRAIG JOHNSON: The bill is passed.

Senator Lanza.

SENATOR LANZA: Mr. President, can we remove the lay-aside on Calendar Number 900, please.

ACTING PRESIDENT CRAIG JOHNSON: The lay-aside for Calendar Number 900 has been removed. The bill will go to the noncontroversial supplemental calendar.

The Secretary will read the last section.

THE SECRETARY: Calendar Number 900, by Member of the Assembly Gottfried, Assembly Print Number 8117B, an act to amend the Education Law and the Insurance Law.

ACTING PRESIDENT CRAIG JOHNSON:

Read the last section.

THE SECRETARY: Section 5. This act shall take effect on the 90th day.

ACTING PRESIDENT CRAIG JOHNSON:

Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT CRAIG JOHNSON:

Announce the results.

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT CRAIG JOHNSON:

The bill is passed.

THE SECRETARY: Calendar Number 1137, by Senator Foley, Senate Print 7137B, an act to amend the Education Law and the General Municipal Law.

ACTING PRESIDENT CRAIG JOHNSON:

Are there any Senators who wish to be heard?

Senator Ranzenhofer, why do you rise?

SENATOR RANZENHOFER: We're on 1137?

ACTING PRESIDENT CRAIG JOHNSON:

Calendar 1137.

SENATOR RANZENHOFER: On the

bill, Mr. President.

ACTING PRESIDENT CRAIG JOHNSON: On the bill, Senator Ranzenhofer.

SENATOR RANZENHOFER: My concern with this piece of legislation and the reason why I'm not going to be voting for it is because I believe that this is another unfunded mandate on school districts.

I've heard from the school districts, I've heard from the superintendents, and they are very concerned that this is going to increase their costs. Whenever you're increasing costs for school districts, that means more property taxes that have to be paid by our local taxpayers.

So for that reason, I will not be supporting this bill.

Thank you, Mr. President.

ACTING PRESIDENT CRAIG JOHNSON: Senator Ranzenhofer will be recorded in the negative.

Senator Padavan.

SENATOR PADAVAN: Would the sponsor yield for a question.

ACTING PRESIDENT CRAIG JOHNSON:

Senator Foley, will you yield for a question from Senator Padavan?

SENATOR FOLEY: Yes, Mr. President.

ACTING PRESIDENT CRAIG JOHNSON: Senator Padavan.

SENATOR PADAVAN: In the City of New York, our custodians are engineers. They belong to a group pretty well known and have the capacity to not only do the type of work required by plumbing and electrical work but also to supervise it. Would they be precluded from doing that type of work that they're trained to do, under your provision?

ACTING PRESIDENT CRAIG JOHNSON: Senator Foley.

SENATOR FOLEY: Yes, through the President.

No, in fact the amendments that we made to the bill mirrors the city language. We had spoken with the City Education Department, and after consultation with them, we made certain amendments to the bill and it is very similar to in fact a bill that is in the city.

So they would not be precluded, Mr. President.

SENATOR PADAVAN: So therefore the provisions of your bill -- if you would yield again.

ACTING PRESIDENT CRAIG JOHNSON: Senator Foley, will you yield?

SENATOR FOLEY: Yes, Mr. President.

SENATOR PADAVAN: -- of work to be sent out to a licensed plumber or a licensed electrician in the City of New York would not be a requirement?

SENATOR FOLEY: The City of New York already requires that, Senator Padavan.

SENATOR PADAVAN: Already requires what?

SENATOR FOLEY: Licensed plumbers to either do the work themselves or to supervise the work that would be done.

SENATOR PADAVAN: On the bill.

ACTING PRESIDENT CRAIG JOHNSON: On the bill, Senator Padavan.

SENATOR PADAVAN: It is true that

if they're going out for bid on work that cannot be done internally, yes, then that work must be done by a licensed plumber or a licensed electrician. However, if it's work with the school that's within the capacity of the operating engineer who is the custodian and those people under his direct supervision, that's allowed as well.

And the ambiguity in your bill is as to whether or not that would continue to be so. Because if it were not, that means every time there's a defective light switch and the custodian engineer fixes it or replaces it or the plumbing breaks down and he's got to replace a piece of the waste pipe or some other -- and he's going to have to get a elaborated plumber, now that would be a problem. And that's why I've been asking these questions.

ACTING PRESIDENT CRAIG JOHNSON: Senator Winner.

SENATOR WINNER: Will Senator Foley yield for a brief question?

ACTING PRESIDENT CRAIG JOHNSON: Senator Foley, will you yield to some

questions?

SENATOR FOLEY: Yes.

ACTING PRESIDENT CRAIG JOHNSON: Senator Winner.

SENATOR WINNER: Senator Foley, can you cite any examples where there has been defective work or problems that have required the necessity of having this licensure with any specificity? Are there school districts, for instance, in Chemung County or in Steuben County or Schuyler County or in my district that have been subject to shoddy work and dangerous circumstances because of the failure to have these people on the job?

SENATOR FOLEY: Through you, Mr. President, I can in fact speak to examples in another part or region of the state, in our region, where shoddy workmanship in fact did occur. And that's why we're putting the bill forward, so that on those projects -- not, let's say, regular work done on a day in, day out basis, as Senator Padavan had mentioned -- but for those projects that are $10,000 or above would require a licensed electrician, a licensed plumber to do the work or to

supervise the work.

To answer Senator Winner's question, there have been a number of examples in our part of the state where that type of shoddy workmanship has occurred, and therefore the school district had to revisit that work and in so doing incur an even greater cost than if a licensed plumber or electrician was used in the first instance.

So I don't have any examples, Senator Winner, in your particular part of the state but I have examples in other parts of the state, and that's why we put the bill forward.

SENATOR WINNER: Will the Senator yield, briefly.

ACTING PRESIDENT CRAIG JOHNSON: Senator Foley, will you yield for another question?

SENATOR FOLEY: Yes. Yes.

SENATOR WINNER: Senator, Senator Ranzenhofer pointed out that this would be an unfunded mandate on school districts. Do you have any kind of estimate as to how much money this is going to cost school districts

statewide as a result of having to comply with this measure?

SENATOR FOLEY: Yeah, I think this is, at most, a de minimis impact for school districts.

As I say, those who would use a licensed electrician or plumber, let's say, at the initial project would in fact in some cases or in a number of cases save money in the long run.

Because as I've said before, there have been occasions where workmanship was done by unlicensed plumbers, unlicensed electricians, the school district had to revisit that work, which became a more expensive project than if they hired qualified workers when the work was originally done.

SENATOR WINNER: Would the Senator yield.

ACTING PRESIDENT CRAIG JOHNSON: Senator, do you yield?

SENATOR WINNER: Senator, again, do you have any instances where you can make that allegation or allegation as it relates to districts upstate where the -- for instance,

we represent -- I know you said that maybe you've got some circumstances in Suffolk County, but it's my understanding even down there it's somewhat fractured as to whether or not they think that this is a great idea or whether it isn't a great idea.

And also if you would comment as to the fact that there are numerous local licensing requirements throughout the state that now are not at all uniform -- and this further exacerbates that circumstance, does it not?

SENATOR FOLEY: Well, when you look at the specifics of the bill, Senator Winner, if a municipality does not require a license then they would not have to comply with this particular law or proposal.

This law pertains to those municipalities that do require licenses.

SENATOR WINNER: On the bill briefly, Mr. President.

ACTING PRESIDENT CRAIG JOHNSON: Senator Winner, on the bill.

SENATOR WINNER: This again, as Senator Ranzenhofer pointed out, is an

unfunded mandate that will cost our upstate school districts money at a time when we're cutting school aid, where we are costing them -- we are not dealing with mandate relief.

And I think it flies in the face of our representations that we are in fact trying to prevent unfunded mandates from going forward on our school districts.

And therefore, Mr. President, I think that this is an unwise measure and should not be passed.

ACTING PRESIDENT CRAIG JOHNSON: Thank you, Senator Winner.

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

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

Read the last section.

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

ACTING PRESIDENT CRAIG JOHNSON: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT CRAIG JOHNSON:

Senator Saland, to explain his vote.

SENATOR SALAND: Thank you, Mr. President.

Mr. President, this measure is opposed by both the School Boards Association as well as the school superintendents. In all of my years of service, I've yet to have a school superintendent or school board member or anybody, for that matter, discuss a need for this particular type of legislation.

In a session that certainly will be marked by very steep, staggeringly steep cuts in aid to education, also marred by rejection of the Governor's four-year moratorium on unfunded mandates, we rather blithely are setting about imposing another unfunded mandate on school districts -- one which they, with virtual unanimity, oppose, as we hear from their representatives.

So I'm rather puzzled by the driving need for this. As I believe I may have said, I've never had a complaint from a school district, from a school superintendent, from a building principal that they had a shoddy workmanship problem requiring them to

resort to master plumbers or licensed electricians necessitating passage of this type of legislation.

Ladies and gentlemen, this is a bill in pursuit of a problem that does not really exist and is a burden on our local school districts and should be defeated. I vote in the negative.

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

Senator Farley, to explain his vote.

SENATOR FARLEY: If there's anything in my district that people hate, it's mandates. That's all I hear, from the school districts and everything else, is mandates. Basically they say, Get out of my face with your mandates.

This is perceived as a mandate, I don't care how you slice it. This is a bad vote, and I vote no.

ACTING PRESIDENT CRAIG JOHNSON: Senator Farley to be recorded in the negative.

Senator Foley, to explain his vote.

SENATOR FOLEY: Thank you,

Mr. President.

As was stated earlier in this debate, work below $10,000 will be done, let's say, by the in-house plumber or electrician. So that particular concern has been met.

Additionally, with the second amendment that we've made to the bill, it should be noted for the record, Mr. President, that the New York State Association for superintendents of School Buildings and Grounds have in fact rescinded their opposition to the bill because we have put in the $10,000 threshold. I think that's very important to note for the record.

Additionally, the School Boards association of the State of New York had made their principal opposition to the bill because the original bill spoke about every repair would have to be undertaken by a licensed electrician or plumber. That has been removed with the $10,000 threshold.

So those what I would call constructive criticisms have been addressed in the amendments, and that's why in the one case the superintendents of grounds have rescinded

their opposition. And the principal opposition by the School Boards Association has also been addressed through the amendment process.

Thank you, Mr. President. I vote in the affirmative.

ACTING PRESIDENT CRAIG JOHNSON: Senator Foley to be recorded in the affirmative.

Senator DeFrancisco, to explain his vote.

SENATOR DeFRANCISCO: There seems to be a pattern that's developed over the last couple of years to correct problems that don't exist and give a justification for the correction of the problems that don't exist by something that has nothing to do with the alleged problem.

This is a perfect example. I mean, if there's no problems, there's never been an instance that anyone can cite, especially the sponsor, that there's been some shoddy workmanship or some problem, safety problem or otherwise, we're going to provide a requirement on the school districts. Of

course they're going to be opposed to it.

And then you tweak the bill, like Senator Foley did, so it's less onerous, you've got an exception to a bill that isn't needed in the first place so you can make it pass in some form.

So this is not the way to legislate, especially when we are causing financial hardship to school districts who certainly cannot bear any more financial hardship than they presently have. I vote no.

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

Announce the results.

THE SECRETARY: Those recorded in the negative on Calendar Number 1137 are Senators Bonacic, DeFrancisco, Farley, Larkin, Leibell, Little, Oppenheimer, Ranzenhofer, Saland, Seward, Skelos, Volker, Winner and Young.

Ayes, 47. Nays, 14.

ACTING PRESIDENT CRAIG JOHNSON: The bill is passed.

THE SECRETARY: Calendar Number

1320, by Senator Savino, Senate Print 8380, an act to amend the Labor Law.

ACTING PRESIDENT CRAIG JOHNSON: Are there any Senators wishing to be heard on the bill?

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

Read the last section.

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

ACTING PRESIDENT CRAIG JOHNSON: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT CRAIG JOHNSON: Senator Savino, to explain her vote.

SENATOR SAVINO: Thank you, Mr. President.

I'm actually surprised that there was no explanation requested for the bill, because I came prepared with quite a lot. But since I only have two minutes, I'll try and do this quickly.

The Wage Theft Prevention Act of 2010 sets forth a series of interlocking, strategic, narrow reforms that target bad

actors and the unfair uncompetitive edge they hold over businesses that follow the law and ensure that stolen wages flow back for New York's working families and their communities.

A recent report by the National Employment Law Project found in that New York City's low-wage workforce they experience more than $18 million in wage violations each week, or up to a billion dollars a year. According to the report, more than 300,000 low-wage workers in New York City suffer wage violations each week. What we have are a series of employers -- in New York City particularly, but all around the State of New York -- who cheat workers out of their wages --

ACTING PRESIDENT CRAIG JOHNSON: Can we please have some order in the chamber so Senator Savino can explain her vote.

SENATOR SAVINO: They cheat workers out of hourly wages, not compensating them the minimum wage when they're entitled to it, not handing tips over to them when they're entitled to it, not compensating them for overtime that they've performed, cheating the

workers' compensation system, cheating the unemployment insurance system, cheating New York State's Department of Taxation and Finance.

This bill will put real teeth into the law so that the Department of Labor can now prosecute those bad actors and eliminate the unfair competition they have over good employers in New York State.

I strongly urge everyone to vote for this bill. Small businesses support it, large businesses support it, editorial boards support it, even the Catholic Conference supports it. This is a good bill for New York State's low-wage workers. We can finally give them the justice that they deserve.

Thank you.

ACTING PRESIDENT CRAIG JOHNSON: Senator Savino to be recorded in the affirmative.

Senator Stavisky, to explain her vote.

SENATOR STAVISKY: Thank you, Mr. President.

Thank you, Senator Savino, for

introducing this bill. We stood together not very long ago on the streets of Queens County and talked about these issues. And let me put a different face on it.

In my district we've had a lot of supermarkets that have closed, supermarkets whom long-time residents -- supermarkets that people rely upon. And why have they closed? Because there are supermarkets that are undercutting on wages, on benefits, on exacting long hours and not providing the proper kind of compensation.

And it's for these reasons, it's to protect many, many immigrants and new Americans, that this type of legislation is needed. And I strongly urge my colleagues, when they go into a supermarket, to look around and think these workers, these people who put the food on the shelves and cut the meat, et cetera, that they are entitled to a living, fair wage.

I vote aye.

ACTING PRESIDENT CRAIG JOHNSON: Senator Stavisky to be recorded in the affirmative.

Announce the results.

THE SECRETARY: Those recorded in the negative on Calendar Number 1320 are Senators Alesi, Bonacic, DeFrancisco, Farley, Flanagan, Fuschillo, Golden, Griffo, Hannon, O. Johnson, Lanza, Larkin, LaValle, Leibell, Libous, Little, Marcellino, Maziarz, McDonald, Nozzolio, Ranzenhofer, Robach, Saland, Seward, Skelos, Volker, Winner and Young.

Ayes, 33. Nays, 28.

ACTING PRESIDENT CRAIG JOHNSON: The bill is passed.

Senator Klein.

SENATOR KLEIN: Mr. President, could you please call on Senator Ruth Hassell-Thompson.

ACTING PRESIDENT CRAIG JOHNSON: Senator Hassell-Thompson.

SENATOR KLEIN: I'm sorry, before I do that, I need to do substitutions. I apologize.

I believe that there are substitutions at the desk. I ask that we make them at this time.

ACTING PRESIDENT CRAIG JOHNSON:

Returning to motions and substitutions, the Secretary will read.

THE SECRETARY: On page 21, Senator Klein moves to discharge, from the Committee on Rules, Assembly Bill Number 10048 and substitute it for the identical Senate Bill Number 1858, Third Reading Calendar 767.

ACTING PRESIDENT CRAIG JOHNSON: Substitution ordered.

Senator Klein.

SENATOR KLEIN: Mr. President, can you now call on Senator Hassell-Thompson.

ACTING PRESIDENT CRAIG JOHNSON: Senator Hassell-Thompson.

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

I would like to announce that there will be an immediate meeting of the Majority in Room 332.

ACTING PRESIDENT CRAIG JOHNSON: There will be an immediate meeting of the Majority Conference in the Majority Conference Room, Room 332.

SENATOR KLEIN: Would you please recognize Senator Libous, Mr. President.

ACTING PRESIDENT CRAIG JOHNSON: Senator Libous.

SENATOR LIBOUS: And there will be a not-as-immediate Republican conference in the Republican Conference Room.

ACTING PRESIDENT CRAIG JOHNSON: There will be a not-so-immediate meeting of the Republican Conference in the Republican Conference Room.

Senator Klein.

SENATOR KLEIN: In the interim, can we please stand at ease. Hopefully we can return in about an hour, so five after 10:00.

ACTING PRESIDENT CRAIG JOHNSON: The Senate will stand at ease for approximately one hour, the Senate to return at 10:05.

The Senate is at ease.

(Whereupon, the Senate stood at ease at 9:07 p.m.)

(Whereupon, the Senate reconvened at 11:07 p.m.)

ACTING PRESIDENT CRAIG JOHNSON: Senator Klein.

SENATOR KLEIN: Mr. President,

there's a Resolution Calendar at the desk. I move for its immediate adoption.

ACTING PRESIDENT CRAIG JOHNSON: There is a Resolution Calendar at the desk.

All those in favor of adopting the Resolution Calendar please indicate by saying aye.

(Response of "Aye.")

ACTING PRESIDENT CRAIG JOHNSON: Opposed, nay.

(No response.)

ACTING PRESIDENT CRAIG JOHNSON: The Resolution Calendar is adopted.

Senator Klein.

SENATOR KLEIN: Mr. President, there will be an immediate meeting of the Finance Committee, followed by a meeting of the Rules Committee in the Majority Conference Room.

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

ACTING PRESIDENT CRAIG JOHNSON: There will be an immediate meeting of the Finance Committee, followed by a immediate meeting of the Rules Committee in the Majority

Conference Room.

Until then, the Senate will stand at ease.

(Whereupon, the Senate stood at ease at 11:08 p.m.)

(Whereupon, the Senate reconvened at 11:51 p.m.)

ACTING PRESIDENT CRAIG JOHNSON: Senator Klein.

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

ACTING PRESIDENT CRAIG JOHNSON: There is a report of the Rules Committee at the desk.

The Secretary will read.

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

Senate Print 5901, by Senator McDonald, an act authorizing;

7803, by Senator Peralta, an act to amend the Tax Law;

8022, by Senator Hassell-Thompson,

an act to amend the Correction Law;

8047, by Senator O. Johnson, an act to authorize;

8061, by Senator Aubertine, an act to amend the Environmental Conservation Law;

8190, by Senator Thompson, an act to amend the Tax Law;

8228, by Senator Hassell-Thompson, an act to amend the Correction Law;

8317, by Senator Hassell-Thompson, an act to amend the Correction Law;

8339, by Senator Perkins, an act to amend the Public Authorities Law;

8340A, by the Senate Committee on Rules, an act to amend the Arts and Cultural Affairs Law;

8364, by Senator Montgomery, an act authorizing;

8367, by Senator Stewart-Cousins, an act to authorize the City of Newburgh;

8412, by Senator Klein, an act to amend the Civil Service Law;

8421, by the Senate Committee on Rules, an act to amend a chapter of the Laws of 2010;

8422, by the Senate Committee on Rules, an act to amend part JJ of Chapter 56 of the Laws of 2010;

8374, by Senator Breslin, an act to amend the Insurance Law;

8404, by Senator C. Kruger, an act to amend a chapter of the Laws of 2010;

And Senate Print 8420, by Senator Stachowski, an act to amend the Education Law.

All bills ordered direct to third reading.

ACTING PRESIDENT CRAIG JOHNSON: All those in favor of adopting the Rules Committee report please signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT CRAIG JOHNSON: Opposed, nay.

(Response of "Nay.")

ACTING PRESIDENT CRAIG JOHNSON: The Rules Committee report is adopted.

Senator Klein.

SENATOR KLEIN: Mr. President, can we please return to the order of messages from the Assembly.

ACTING PRESIDENT CRAIG JOHNSON:

Returning to the order of messages from the Assembly, the Secretary will read.

THE SECRETARY: The Assembly sent for concurrence the following bill: On motion of Mr. Smith, and by unanimous consent, the rules were suspended and said bill ordered to a third reading: Assembly Bill Number 11523.

ACTING PRESIDENT CRAIG JOHNSON: The Secretary will read.

THE SECRETARY: Calendar Number 1421, by the Assembly Committee on Rules, Assembly Print Number 11523, an act to amend the Economic Development Law.

ACTING PRESIDENT CRAIG JOHNSON: Read the last section.

THE SECRETARY: Section 2. This act shall --

SENATOR LIBOUS: Lay it aside.

ACTING PRESIDENT CRAIG JOHNSON: The bill is laid aside.

SENATOR KLEIN: Mr. President, lay the bill aside for the day, please.

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

Senator Klein.

SENATOR KLEIN: Mr. President, at this time can we please take up the reading of Supplemental Calendar 74B.

ACTING PRESIDENT CRAIG JOHNSON: The Secretary will read.

THE SECRETARY: Calendar Number 1406, by Senator McDonald, Senate Print 5901, an act authorizing the County of Saratoga to discontinue.

ACTING PRESIDENT CRAIG JOHNSON: There is no home-rule message at the desk. Therefore, the bill will be laid aside for the day.

THE SECRETARY: In relation to Calendar Number 1407, Senator Peralta moves to discharge, from the Committee on Investigations and Government Operations, Assembly Bill Number 3577B and substitute it for the identical Senate Bill Number 7803, Third Reading Calendar 1407.

ACTING PRESIDENT CRAIG JOHNSON: Substitution ordered.

THE SECRETARY: Calendar Number 1407, by Member of the Assembly Aubry, Assembly Print Number 3577B, an act to amend

the Tax Law and the State Finance Law.

ACTING PRESIDENT CRAIG JOHNSON: Read the last section.

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

ACTING PRESIDENT CRAIG JOHNSON: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT CRAIG JOHNSON: Announce the results.

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT CRAIG JOHNSON: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1408, Senator Hassell-Thompson moves to discharge, from the Committee on Rules, Assembly Bill Number 11330A and substitute it for the identical Senate Bill Number 8022, Third Reading Calendar 1408.

ACTING PRESIDENT CRAIG JOHNSON: Substitution ordered.

THE SECRETARY: Calendar Number 1408, by the Assembly Committee on Rules, Assembly Print Number 11330A, an act to amend the Correction Law.

ACTING PRESIDENT CRAIG JOHNSON:

Read the last section.

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

ACTING PRESIDENT CRAIG JOHNSON:

Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT CRAIG JOHNSON:

Announce the results.

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT CRAIG JOHNSON:

The bill is passed.

THE SECRETARY: Calendar Number 1409, by Senator O. Johnson, Senate Print 8047, an act to authorize the Commissioner of General Services.

ACTING PRESIDENT CRAIG JOHNSON:

Read the last section.

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

ACTING PRESIDENT CRAIG JOHNSON:

Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT CRAIG JOHNSON:

Announce the results.

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT CRAIG JOHNSON: The bill is passed.

THE SECRETARY: Calendar Number 1410, by Senator Aubertine, Senate Print 8061, an act to amend the Environmental Conservation Law.

ACTING PRESIDENT CRAIG JOHNSON: Read the last section.

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

ACTING PRESIDENT CRAIG JOHNSON: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT CRAIG JOHNSON: Announce the results.

SENATOR LIBOUS: Lay it aside.

ACTING PRESIDENT CRAIG JOHNSON: The bill is laid aside.

THE SECRETARY: Calendar Number 1411, by Senator Thompson, Senate Print 8190, an act to amend the Tax Law.

ACTING PRESIDENT CRAIG JOHNSON: Read the last section.

THE SECRETARY: Section 2.

This --

SENATOR DeFRANCISCO: Lay it aside.

ACTING PRESIDENT CRAIG JOHNSON: The bill is laid aside.

THE SECRETARY: In relation to Calendar Number 1412, Senator Hassell-Thompson moves to discharge, from the Committee on Rules, Assembly Bill Number 11391 and substitute it for the identical Senate Bill Number 8228, Third Reading Calendar 1412.

ACTING PRESIDENT CRAIG JOHNSON: Substitution ordered.

THE SECRETARY: Calendar Number 1412, by the Assembly Committee on Rules, Assembly Print Number 11391, an act to amend the Correction Law.

ACTING PRESIDENT CRAIG JOHNSON: Read the last section.

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

ACTING PRESIDENT CRAIG JOHNSON: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT CRAIG JOHNSON:

Senator Hassell-Thompson, to explain her vote.

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

The reason that I brought this bill forward is to expand the eligibility for the shock incarceration programs. I think all of you are aware that this year there was a proposal to close Moriah Shock. And in an effort to take a relook at that facility, we have discovered that the numbers of inmates that would normally go to a shock facility have been minimized by the limited sentencing that is required.

So that what we are proposing is that we expand the eligibility for shock to allow second nonviolent offenders who have been in prison previously for a nonviolent offense to be reviewed by the Department of Correctional Services for the shock program. This will go a long way toward helping to keep our shock facilities not only open but will provide an intensive boot camp program for both male and female inmates convicted of nonviolent offenses.

Therefore, I hope that my

colleagues will give consideration to this bill and assist me in its passage. Thank you.

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

Announce the results.

THE SECRETARY: Those recorded in the negative on Calendar Number 1412 are Senators Alesi, Bonacic, Flanagan, Fuschillo, Golden, Griffo, Lanza, Larkin, Flanagan, Leibell, Libous, Marcellino, Ranzenhofer, Robach, Saland and Skelos. Also Senator DeFrancisco. Also Senator Seward. Also Senator O. Johnson.

Ayes, 42. Nays, 19.

ACTING PRESIDENT CRAIG JOHNSON: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1413, Senator Hassell-Thompson moves to --

ACTING PRESIDENT CRAIG JOHNSON: Secretary, one second.

Senator Klein.

SENATOR KLEIN: Mr. President, at this time I move to hold session between the

hours of 12:00 a.m. and 8:00 a.m. on July 1, 2010, under Senate Rule 5, Section 2.

ACTING PRESIDENT CRAIG JOHNSON: All those in favor of holding session on July 1, 2010, between the hours of 12:00 a.m. and 8:00 a.m. please signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT CRAIG JOHNSON: Opposed, nay.

(Response of "Nay.")

ACTING PRESIDENT CRAIG JOHNSON: Senate session is authorized by a majority vote of all members elected between the hours of 12:00 a.m. and 8:00 a.m. on July 1, 2010.

Senator Bonacic.

SENATOR BONACIC: Now that we know that it's 12:01 on July 1st and we're all in a festive mood, I'd like to tell you that this is Senator Fuschillo's birthday now.

(Applause.)

ACTING PRESIDENT CRAIG JOHNSON: Happy birthday, Senator Fuschillo. You don't look a day over 21.

The Secretary will continue to read.

THE SECRETARY: In relation to Calendar Number 1413, Senator Hassell-Thompson moves to discharge, from the Committee on Rules, Assembly Bill Number 10061 and substitute it for the identical Senate Bill Number 8317, Third Reading Calendar 1413.

ACTING PRESIDENT CRAIG JOHNSON: Substitution ordered.

THE SECRETARY: Calendar Number 1413, by Member of the Assembly Aubry, Assembly Print Number 10061, an act to amend the Correction Law.

ACTING PRESIDENT CRAIG JOHNSON: Read the last section.

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

ACTING PRESIDENT CRAIG JOHNSON: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT CRAIG JOHNSON: Announce the results.

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT CRAIG JOHNSON: The bill is passed.

THE SECRETARY: In relation to

Calendar Number 1414, Senator Perkins moves to discharge, from the Committee on Rules, Assembly Bill Number 11546 and substitute it for the identical Senate Bill Number 8339, Third Reading Calendar 1414.

ACTING PRESIDENT CRAIG JOHNSON: Substitution ordered.

THE SECRETARY: Calendar Number 1414, by the Assembly Committee on Rules, Assembly Print Number 11546, an act to amend the Public Authorities Law.

ACTING PRESIDENT CRAIG JOHNSON: Read the last section.

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

ACTING PRESIDENT CRAIG JOHNSON: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT CRAIG JOHNSON: Announce the results.

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT CRAIG JOHNSON: The bill is passed.

THE SECRETARY: Calendar Number 1415, by the Senate Committee on Rules, Senate

Print Number 8340A, an act to amend the Arts and Cultural Affairs Law.

ACTING PRESIDENT CRAIG JOHNSON: Senator Klein.

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

ACTING PRESIDENT CRAIG JOHNSON: There is a message of necessity at the desk, Senator Klein.

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

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

(Response of "Aye.")

ACTING PRESIDENT CRAIG JOHNSON: Opposed, nay.

(No response.)

ACTING PRESIDENT CRAIG JOHNSON: The message of necessity is accepted.

Read the last section.

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

ACTING PRESIDENT CRAIG JOHNSON:

Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT CRAIG JOHNSON: Announce the results.

Senator Squadron, to explain his vote.

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

This bill is another unfortunate extender in an unfortunate experiment that hasn't worked. It's a complicated issue, the issue of ticket reselling and how best to make this market work for regular folks, for families who are too often priced out of the ballgame, for young people who want to go see a concert or take their child to go see The Wiggles.

And the problem is we've been doing this in this state now for three years and it hasn't been working. We know that when Bruce Springsteen comes into the state and tries to sell tickets for a highest price of $95 and instead folks who go to buy those tickets get redirected to a secondary seller who price-gouges them so that families and

individuals can't afford that show.

The fact is this bill doesn't do what we need to do to protect consumers, it doesn't do what we need to do to keep ticket prices down. In fact, what it does is it gives a welcome sign yet again to deceptive marketing practices, to collusion and to unfair business practices that hurt regular folks and make it impossible to affordably see shows or events in this state.

That's why I'm going to vote no, Mr. President. Hopefully eight months from now we can do better. Certainly in the last year we haven't figured out how to do significantly better. Hopefully this is our opportunity.

I'll vote no, Mr. President.

ACTING PRESIDENT CRAIG JOHNSON: Senator Squadron to be recorded in the negative.

Announce the results.

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

ACTING PRESIDENT CRAIG JOHNSON:

The bill is passed.

THE SECRETARY: Calendar Number 1416, by Senator Montgomery, Senate Print 8364, an act to authorizing the Commissioner of General Services.

ACTING PRESIDENT CRAIG JOHNSON: Read the last section.

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

ACTING PRESIDENT CRAIG JOHNSON: Call the roll.

(The Secretary called the roll.)

SENATOR GOLDEN: Lay it aside.

ACTING PRESIDENT CRAIG JOHNSON: The bill is laid aside.

THE SECRETARY: Calendar Number 1417, by Senator Stewart-Cousins, Senate Print 8367, an act to authorize the City of Newburgh.

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

Read the last section.

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

ACTING PRESIDENT CRAIG JOHNSON:

Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT CRAIG JOHNSON: Announce the results.

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT CRAIG JOHNSON: The bill is passed.

THE SECRETARY: Calendar Number 1418, by Senator Klein, Senate Print 8412, an act to amend the Civil Service Law.

ACTING PRESIDENT CRAIG JOHNSON: Senator Klein.

SENATOR KLEIN: Mr. President, is there a message of necessity and appropriation at the desk?

ACTING PRESIDENT CRAIG JOHNSON: There is a message of necessity and appropriation at the desk.

SENATOR KLEIN: Mr. President, I move we accept the message at this time.

ACTING PRESIDENT CRAIG JOHNSON: The question is on the acceptance of the message of necessity and appropriation. All those in favor please signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT CRAIG JOHNSON:

Opposed, nay.

(No response.)

ACTING PRESIDENT CRAIG JOHNSON:

The message is accepted.

Read the last section.

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

ACTING PRESIDENT CRAIG JOHNSON:

Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT CRAIG JOHNSON:

Announce the results.

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT CRAIG JOHNSON:

The bill is passed.

THE SECRETARY: Calendar Number 1419, by the Senate Committee on Rules, Senate Print 8421, an act to amend a chapter of the Laws of 2010 enacting the Education, Labor and Family Assistance Budget.

ACTING PRESIDENT CRAIG JOHNSON:

Senator Klein.

SENATOR KLEIN: Mr. President, is there a message of necessity and appropriation

at the desk?

ACTING PRESIDENT CRAIG JOHNSON: There is a message of necessity and appropriation at the desk, Senator Klein.

SENATOR KLEIN: Mr. President, I move we accept the message at this time.

ACTING PRESIDENT CRAIG JOHNSON: The question is on the acceptance of the message of necessity and appropriation. All those in favor please signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT CRAIG JOHNSON: Opposed, nay.

(No response.)

ACTING PRESIDENT CRAIG JOHNSON: The message is accepted.

Read the last section.

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

ACTING PRESIDENT CRAIG JOHNSON: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT CRAIG JOHNSON: Announce the results.

THE SECRETARY: Ayes --

SENATOR HANNON: Lay it aside.

ACTING PRESIDENT CRAIG JOHNSON: The bill is laid aside.

SENATOR HANNON: Wait, I withdraw it.

ACTING PRESIDENT CRAIG JOHNSON: The lay-aside is withdrawn.

Read the last section.

THE SECRETARY: In relation to Calendar Number 1419: Section 2. This act shall take effect immediately.

ACTING PRESIDENT CRAIG JOHNSON: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT CRAIG JOHNSON: Announce the results.

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT CRAIG JOHNSON: The bill is passed.

THE SECRETARY: Calendar Number 1420, by the Senate Committee on Rules, Senate Print Number 8422, an act to amend Part JJ of Chapter 56 of the Laws of 2010 relating to authorizing certain payments and transfers.

ACTING PRESIDENT CRAIG JOHNSON:

Senator Klein.

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

ACTING PRESIDENT CRAIG JOHNSON: Senator Klein, there is a message of necessity at the desk.

SENATOR KLEIN: I move we accept the message of necessity at this time.

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

(Response of "Aye.")

ACTING PRESIDENT CRAIG JOHNSON: Opposed, nay.

(No response.)

ACTING PRESIDENT CRAIG JOHNSON: Message is accepted.

Read the last section.

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

ACTING PRESIDENT CRAIG JOHNSON: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT CRAIG JOHNSON:

Announce the results.

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT CRAIG JOHNSON: The bill is passed.

THE SECRETARY: Calendar Number 1422, by Senator Breslin, Senate Print 8374, an act to amend the Insurance Law.

ACTING PRESIDENT CRAIG JOHNSON: Read the last section.

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

ACTING PRESIDENT CRAIG JOHNSON: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT CRAIG JOHNSON: Announce the results.

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT CRAIG JOHNSON: The bill is passed.

THE SECRETARY: Calendar Number 1423, by Senator C. Kruger, Senate Print 8404, an act to amend a chapter of the Laws of 2010.

ACTING PRESIDENT CRAIG JOHNSON: The bill is high. The bill will be laid aside for the day.

THE SECRETARY: Calendar Number 1424, by Senator Stachowski, Senate Print 8420, an act to amend the Education Law.

ACTING PRESIDENT CRAIG JOHNSON: Senator Klein.

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

ACTING PRESIDENT CRAIG JOHNSON: Senator Klein, there is a message of necessity at the desk.

SENATOR KLEIN: I move we accept the message of necessity at this time.

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

(Response of "Aye.")

ACTING PRESIDENT CRAIG JOHNSON: Opposed, nay.

(No response.)

ACTING PRESIDENT CRAIG JOHNSON: The message is accepted.

Read the last section.

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

ACTING PRESIDENT CRAIG JOHNSON:
Call the roll.
(The Secretary called the roll.)
ACTING PRESIDENT CRAIG JOHNSON:
Senator Stachowski, to explain his vote.
SENATOR STACHOWSKI: Yeah, just briefly, Mr. President, I'd like to thank a lot of the people that were involved in putting this bill together.
As you know, all the states in the nation are trying to put together a bill to deal with head injuries. And in this state we had a group of legislators all working on this. And I'd like to thank Senator Hannon, Senator Foley, Senator Squadron in particular. We had a roundtable, we had help from experts.
And of course I'd like to thank the Governor for his involvement. He had exchanges with the commissioner of the National Football League to try to get us to push this bill and get it done before session ended because they're trying to encourage everybody to get something in place to deal with the serious problem of minor traumatic brain injuries and the possible repercussions

of them if not treated properly.

So we think we have put together what we believe is the best bill so far that we've seen out of any state in the country, and I'd just like to thank all of my colleagues for helping put this together and make this happen, and in particular help the Governor.

Thank you.

ACTING PRESIDENT CRAIG JOHNSON: Thank you, Senator Stachowski.

Senator Stachowski will be recorded in the affirmative.

Announce the results.

THE SECRETARY: Ayes, 61. Nays, 0.

ACTING PRESIDENT CRAIG JOHNSON: The bill is passed.

Senator Klein, that completes the noncontroversial supplemental calendar.

SENATOR KLEIN: Please recognize Senator Libous.

ACTING PRESIDENT CRAIG JOHNSON: Senator Libous.

SENATOR LIBOUS: Mr. President, I

would like to withdraw the lay-aside on Calendar Number 1410 and ask you to take it back to regular reading.

ACTING PRESIDENT CRAIG JOHNSON: Sure. The lay-aside has been removed from Calendar Number 1410. It will now be placed on the noncontroversial supplemental calendar.

The Secretary will read.

THE SECRETARY: Calendar Number 1410, by Senator Aubertine, Senate Print 8061, an act to amend the Environmental Conservation Law.

ACTING PRESIDENT CRAIG JOHNSON: Read the last section.

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

ACTING PRESIDENT CRAIG JOHNSON: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT CRAIG JOHNSON: Announce the results.

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT CRAIG JOHNSON: The bill is passed.

Senator Klein, that now completes

the noncontroversial supplemental calendar.

SENATOR KLEIN: Mr. President, can we please go to a reading of the controversial supplemental calendar.

ACTING PRESIDENT CRAIG JOHNSON: The Secretary will ring the bells. All members are now invited to come back into the chamber for the reading of the controversial supplemental calendar.

The Secretary will read.

THE SECRETARY: Calendar Number 1411, by Senator Thompson, Senate Print 8190, an act to amend the Tax Law.

ACTING PRESIDENT CRAIG JOHNSON: Senator DeFrancisco.

SENATOR DeFRANCISCO: I have a question of the sponsor.

ACTING PRESIDENT CRAIG JOHNSON: Senator DeFrancisco, one moment please.

We're going to lay the bill aside temporarily.

The bill is now back before the house.

Senator Thompson, Senator DeFrancisco requests you to yield for some

questions. Do you yield?

SENATOR THOMPSON: Absolutely.

ACTING PRESIDENT CRAIG JOHNSON: Senator DeFrancisco, Senator Thompson yields.

SENATOR DeFRANCISCO: Senator Thompson, I think everybody would love to see the development of solar energy and tax credits to provide that energy. Can you tell me what the fiscal impact is on this particular piece of legislation?

SENATOR THOMPSON: There will be a financial plan of fiscal impact in the future. I don't have that number in front of me, but I can get back to you in a few minutes.

SENATOR DeFRANCISCO: Would Senator Thompson yield to another question.

SENATOR THOMPSON: Sure.

SENATOR DeFRANCISCO: Would you please tell me, if we don't know the fiscal impact and obviously it's not been provided for in this budget or the part of the budget that we've proposed -- the part of the budget that we voted on, and I don't think it's in the other part that we didn't vote on yet in

this bifurcated or trifurcated or quadruplicated process, wouldn't it make sense to lay this bill aside until we know the fiscal impact and what it's going to do to our budget?

SENATOR THOMPSON: Through you, Mr. President. I think that one of the things that we've tried to do this year, at least over the last couple of days, is to support a number of initiatives to grow green business in the state. And I'm certain that you're aware that there are a number of people that are supporting efforts to grow the solar industry in the State of New York.

So I think this is a very good bill that warrants support to continue the growth and development of the solar industry in the State of New York.

SENATOR DeFRANCISCO: Thank you.

On the bill.

ACTING PRESIDENT CRAIG JOHNSON: Senator DeFrancisco, on the bill.

SENATOR DeFRANCISCO: I'm going to vote no. Solar energy is a wonderful thing. We should encourage it. We should

have a lot of tax credits for a lot of different things. But if there's no money for the tax credits, then it makes little sense. Or if we don't even know the fiscal impact at this time of concern over the budget, it seems a little bit silly, to put it mildly, to vote on a bill like this without having the money behind it.

So I'm going to vote no because of the unknown fiscal implications and no money being set aside for it. Thank you.

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

Are there any other Senators wishing to be heard?

Hearing none, debate is closed. The Secretary will ring the bells. All members please come back into the chamber.

Read the last section.

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

ACTING PRESIDENT CRAIG JOHNSON: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT CRAIG JOHNSON:

Announce the results.

THE SECRETARY: Ayes, 59. Nays, 2. Senators DeFrancisco and Volker recorded in the negative.

ACTING PRESIDENT CRAIG JOHNSON:

The bill is passed.

THE SECRETARY: Calendar Number 1416, by Senator Montgomery, Senate Print 8364, an act authorizing the Commissioner of General Services.

ACTING PRESIDENT CRAIG JOHNSON:

Senator Golden, why do you rise?

SENATOR GOLDEN: Explanation, please.

ACTING PRESIDENT CRAIG JOHNSON:

Senator Montgomery, Senator Golden has requested an explanation.

Senator Montgomery.

SENATOR MONTGOMERY: Yes, Mr. President. I've been asked for an explanation of this bill?

ACTING PRESIDENT CRAIG JOHNSON:

Yes, Senator.

SENATOR MONTGOMERY: This

authorizes the Commissioner of General Services to sell and convey a building that has been abandoned for some 20-odd or more years that is in the Borough of Brooklyn, in the County of Queens. It's located at 1024 Fulton Street.

It has been vacant and is now pretty much beyond repair, and so we're asking OGS, with the concurrence of OCFS, to convey that building to an organization that wishes to build senior housing that is really a mixed-use program for senior housing and a youth recreational facility attached to it.

SENATOR GOLDEN: Thank you, Senator.

Through you, Mr. President, the CNR Housing Development Fund, what is that?

SENATOR MONTGOMERY: The CNR Housing Development Fund is an organization that currently provides nursing home rehabilitation care for the elderly. They also provide housing for the elderly and disabled.

They have several facilities. Two of their residential buildings are in the

Bronx, and I believe they have a health facility in Queens and a nursing and rehabilitation center in Brooklyn.

SENATOR GOLDEN: Thank you, Senator.

Last question, Mr. President, is this city-owned property or state-owned property?

SENATOR MONTGOMERY: Mr. President, through you, this is state-owned. That's why we're asking the commissioner of the Office of General Services.

SENATOR GOLDEN: The only reason, I got a question from the city asking if this was state-owned or city-owned. That was the reason I'm asking the question.

SENATOR MONTGOMERY: It's state-owned.

SENATOR GOLDEN: Thank you.

SENATOR MONTGOMERY: Thank you.

ACTING PRESIDENT CRAIG JOHNSON: Senator Diaz, why do you rise?

SENATOR DIAZ: Mr. President, would the sponsor yield for a question.

ACTING PRESIDENT CRAIG JOHNSON:

Senator Montgomery, will you yield for a question from Senator Diaz?

SENATOR MONTGOMERY: Yes, Mr. President.

SENATOR DIAZ: Senator Montgomery, I heard you mention property in the Bronx. But it's not in here, it is not in the bill. So why --

SENATOR MONTGOMERY: No, this bill has nothing to do with their property in the Bronx.

I was simply using an example because Senator Golden asked me what kind of organization it was, and I was explaining to him that they have properties in the Bronx that they have developed, it's housing for the elderly. They have a rehabilitation center for the elderly in Brooklyn. They do have a health facility in Queens. So that's all.

But this only has to do with the property that they wish to develop housing with in the Borough of Brooklyn.

SENATOR DIAZ: Thank you, Mr. President.

ACTING PRESIDENT CRAIG JOHNSON:

Thank you, Senator Diaz.

Any other Senators wishing to be heard?

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

Read the last section.

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

ACTING PRESIDENT CRAIG JOHNSON: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT CRAIG JOHNSON: Announce the results.

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT CRAIG JOHNSON: The bill is passed.

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

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

ACTING PRESIDENT CRAIG JOHNSON: Returning to motions and resolutions.

Senator Klein.

SENATOR KLEIN: Mr. President, on behalf of Senator Thompson, on page number 29 I offer the following amendments to Calendar Number 1174, Senate Print Number 8280, and ask that said bill retain its place on Third Reading Calendar.

ACTING PRESIDENT CRAIG JOHNSON: So ordered.

SENATOR KLEIN: Mr. President, can we please go to the supplemental active list and take up Calendar Number 1091.

ACTING PRESIDENT CRAIG JOHNSON: The Secretary will read.

THE SECRETARY: Calendar Number 1091, by Member of the Assembly Kellner, Assembly Print Number 9465A, an act to amend the Public Authorities Law.

ACTING PRESIDENT CRAIG JOHNSON: Read the last section.

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

ACTING PRESIDENT CRAIG JOHNSON: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT CRAIG JOHNSON:

Announce the results.

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

ACTING PRESIDENT CRAIG JOHNSON: The bill is passed.

Senator Klein.

SENATOR KLEIN: Mr. President, once again, can we take up the supplemental active list.

ACTING PRESIDENT CRAIG JOHNSON: The Secretary will read.

THE SECRETARY: Calendar Number 1292, by the Senate Committee on Rules, Senate Print 8381, an act to repeal Section 25-b of Part A of a chapter of the laws of 2010.

ACTING PRESIDENT CRAIG JOHNSON: Read the last section.

SENATOR LIBOUS: Lay the bill aside.

ACTING PRESIDENT CRAIG JOHNSON: The bill is laid aside.

Senator Klein, that completes the reading of the noncontroversial supplemental active list.

SENATOR KLEIN: Mr. President, at

this time can we please take up the reading of the controversial supplemental active list.

ACTING PRESIDENT CRAIG JOHNSON: The Secretary will ring the bell. Members are all asked to come to the chamber for the reading of the controversial supplemental active list.

The Secretary will read.

THE SECRETARY: Calendar Number 1292, by the Senate Committee on Rules, Senate Print 8381, an act to repeal Section 25-b of Part A of a chapter of the Laws of 2010.

ACTING PRESIDENT CRAIG JOHNSON: Senator Flanagan.

SENATOR FLANAGAN: Mr. President, would Senator Kruger yield to some questions.

ACTING PRESIDENT CRAIG JOHNSON: Senator Klein.

SENATOR KLEIN: I'll be happy to yield, Senator Flanagan.

SENATOR FLANAGAN: Senator Klein, thank you.

ACTING PRESIDENT CRAIG JOHNSON: Senator Flanagan.

SENATOR FLANAGAN: Senator Klein,

I do have a couple of basic questions. Let me start by one that may be just too obvious.

This is labeled as a technical correction. I don't view this that way; I'm not sure that many others would. But let me start by asking, in light of the fact that this is tied to the education budget which you advanced and was passed -- the Governor has now vetoed that and made it very clear that he was going to do that, and he's followed through with doing that. So why would we be moving ahead with a bill that's a technical correction to something that's already been vetoed?

SENATOR KLEIN: Well, one of the agreements we were able to obtain with the Assembly and the Senate and the Governor is that if money was reduced -- and of course this is going to be based on the restorations that were made in the education budget we passed jointly with the Assembly earlier in the week -- is that the money for non-Big Five school districts, those school districts that have already passed their budget, that the money would be mandated for non-high-needs

school districts to be used to lower the tax levy, directly to property tax relief.

SENATOR FLANAGAN: Would Senator Klein continue to yield.

ACTING PRESIDENT CRAIG JOHNSON: Senator Klein, do you continue to yield?

SENATOR KLEIN: I'd be happy to yield.

ACTING PRESIDENT CRAIG JOHNSON: Senator Flanagan.

SENATOR FLANAGAN: Who came up with the original plan that would have three tiers, one for low need, one for average need, one for high need? I mean, if you agreed initially that that's what should be done, why was that not in the first bill that we voted on the other day?

SENATOR KLEIN: It was negotiated on later that it was a much better idea that being that school districts around the state that passed their budgets in May -- I assume they tightened their belts. Most of the budgets in the State of New York, as you know, passed -- it would make no sense to now turn around and give over that money.

And by the way, under present law, if we gave that money over to them after they've passed their budgets, they'd be required to keep it in the reserve fund.

We thought it would be much more beneficial to taxpayers around the State of New York, instead of that money gaining dust in a fund for over a year, to be used now to lower the tax levy on the budget that was just passed by school districts around the state, thus giving taxpayers the ability to see tax savings even before their tax bill comes in October.

SENATOR FLANAGAN: Mr. President, if Senator Klein would continue to yield.

ACTING PRESIDENT CRAIG JOHNSON: Senator Klein, do you continue to yield?

SENATOR KLEIN: I'd be happy to yield.

SENATOR FLANAGAN: Senator Klein, I don't agree. Under present law, if we did nothing, school districts basically would have three options.

One, if they had put in a dry appropriation assuming that they might get

more state aid, it could be so allocated as a result of the budget passing.

The second option is that the money could be put into a reserve fund up to 4 percent, as you know.

But there's also an option to reduce the property tax levy under existing law. So there's really three options available to school districts if we do nothing.

But let me go back, because I want to be clear, as we move ahead, what direction we're taking. You mentioned that this was negotiated with the Assembly, the Senate and the Governor. So is it a fair representation that at least this portion of the education budget is agreed to by the Governor?

SENATOR KLEIN: I would hope so.

SENATOR FLANAGAN: Could I get clarity? Is that a yes or a no?

SENATOR KLEIN: Yes.

SENATOR FLANAGAN: Thank you.

SENATOR KLEIN: As you know, Senator Flanagan, things are rather fluid and things change around here from day to day.

SENATOR FLANAGAN: I certainly appreciate that. Thank you, Senator Klein.

Mr. President, on the bill.

ACTING PRESIDENT CRAIG JOHNSON: Senator Flanagan, on the bill.

SENATOR FLANAGAN: The problem I have with this legislation is that it's reflective of some of the issues that we're dealing with in relation to the budget as a whole and in particular as it focuses on education.

Now, we had another opportunity today to deal with a bill by Senator Stewart-Cousins to provide $4 million to Yonkers. The other day we did a bill to Yonkers for about $5 million. Now we're doing a technical correction to the budget for how we're going to distribute money to the school districts. We have another bill that will be coming up that will be a reimbursement to private and parochial schools.

It's a piecemeal approach that frankly just doesn't work. It's bad public policy. It's not the way we should be doing things. But I want to go through very quickly

what this sets up.

And it sets up an adversarial system, in my opinion, and one that is not beneficial to the property taxpayers. Because if we are going to have a uniform standard, that's what it should be. It should be uniform.

Under the original bill that you passed and that we as the Senate Republicans voted against, you created a three-tier system. A high-needs district could get whatever extra money and use it however they want. Then the average-need district would have to use 50 percent for property tax relief, and they could use the other 50 percent however they want. Then of course your low-needs district would have to operate under current law, which was just described.

Now -- and by the way, I got this information from the State Education Department. Low-needs districts, there are 132 of them in the state. Average needs, 335. And high needs, 207.

Now with this technical correction, which is apparently supported by the Governor,

you've taken a bad situation and made it slightly better. It's not good, because now we have competition and you could literally have a situation where you will have neighboring districts, one person can live in one block in one school district and another person could live right across the street and be treated differently.

Because your high-needs districts are going to have a lot more flexibility. They can now turn around and say we got extra money from the State of New York, we're going to reinstitute programming. We're going to bring back teachers. We're going to add back. And you could have a district right next door that simply is not going to have that option.

I believe the prudent way to have done this would have been to create a uniform system so that if the real goal is property tax relief, then everybody should have to operate under the same standard. And frankly, doing it under existing law probably would have been the best course of action because they could have used that to reduce the property tax levy.

So this is not going to help a number of school districts across the State of New York the way you think it is. And it's going to be difficult for certain members to go back to explain to one district versus another that you're now being treated differently from your neighbor.

Again, this is not the way we should be approaching things. It's going to create more problems. It's going to raise more questions. And I guess fundamentally we could ask the question, if the whole veto issue has now rendered some of this moot, why are we actually doing this.

Mr. President, I plan on voting no and I would encourage my colleagues to vote no as well.

ACTING PRESIDENT CRAIG JOHNSON: Thank you, Senator Flanagan.

Senator Klein.

SENATOR KLEIN: I couldn't disagree more with my colleague from Suffolk County. I think the only thing he got correct is that we did change the system.

First of all, that according to

present law, school districts can use the money to put in a reserve or reduce the tax levy. There has never been a case in my memory that any school district, when we did pass a late budget and gave them their money, that they did use it to reduce the tax levy. They use it for next year's budget so they can spend more or not cut services.

The other piece, as far as delivering the money this year, the Superintendent of Education made it very clear to school districts around the state that they should not count on any money from the state this year. So -- there's virtually every school district in the State of New York assumed they were getting nothing as far as school aid, because the Governor in his budget cut school aid. So now to turn around and give school districts money after they tightened their belts, they made their changes, would be ludicrous.

I think in these tough fiscal times when high property taxes is on everyone's mind, the way we can deliver property tax relief is to reduce the levy now.

Again, the high-needs school districts, we are giving them the flexibility to either use the money to actually put in a reserve fund or spend or use to reduce property taxes. I'll be honest with you, probably the high-needs school districts are high-needs school districts for a reason. They probably will use that money and not choose to reduce property taxes.

But again, this was based on the restorations that were made to education in the Senate and Assembly budget to the tune of $280 million. So that would be $280 million for property tax relief. That's an awful lot of money to be given to local taxpayers in these tough fiscal times.

ACTING PRESIDENT CRAIG JOHNSON: Senator Flanagan, why do you rise?

SENATOR FLANAGAN: Mr. President, will Senator Klein yield.

SENATOR KLEIN: I'd be happy to yield.

SENATOR FLANAGAN: Senator Klein, can you point to me where it says in any of this legislation, consistent with what you are

contending that you're doing, that a school district has to use this money for property tax relief and nothing else?

SENATOR KLEIN: Again, as I said, not all school districts have to use the money for property tax relief. As I said, it was changed from the original plan, and that's why this is an amendment to the plan in the budget bill that was passed. High-needs school districts have a choice to use the money for property tax relief or spend to restore services or cuts or anything they made in their budget. It's all the other school districts that have to use it to lower the tax levy.

SENATOR FLANAGAN: Mr. President, would Senator Klein continue to yield.

I'll go back to my question. Show me the language --

ACTING PRESIDENT CRAIG JOHNSON: Let me ask him first if he'll yield, if you wouldn't mind, Senator Flanagan.

Senator Klein, will you yield for Senator Flanagan?

SENATOR KLEIN: I'll be happy to

yield.

ACTING PRESIDENT CRAIG JOHNSON: Senator Flanagan.

SENATOR FLANAGAN: Would you show us the language that says for those average and low-needs districts you can't use it for a dry appropriation, you can't use it for a reserve fund, the only thing you're allowed to use it for is property tax levy reduction? I don't see that in the bill we passed originally. I certainly don't see it in here. So could you show me where that language is?

SENATOR KLEIN: Well, again, through you, Mr. President, presently school districts, again, cannot use the money for anything other than putting it in their reserve funds. That's the way it would go now.

You need the Legislature to put in language to allow them to spend it or use it to reduce the tax levy. That's what this legislation does.

SENATOR FLANAGAN: Mr. President, would Senator Klein continue to yield.

ACTING PRESIDENT CRAIG JOHNSON:

Senator Klein, will you continue to yield?

SENATOR KLEIN: I'll continue to yield.

SENATOR FLANAGAN: Senator Klein, I understand what you're saying. My problem is I don't see what you're saying in writing.

SENATOR KLEIN: I don't have the original bill with me, but I do have the amended bill.

SENATOR FLANAGAN: Well, I actually happen to have the original bill that we passed the other day. And it actually -- the differentiation is in relation to average-needs school districts. It says in that that an average-needs district has to use at least 50 percent to reduce the property tax levy. The other 50 percent they can use as a grant in aid.

So under your plan, 467 school districts do not have to -- in fact, all school districts do not have to use this money to reduce property taxes. It doesn't say that specifically anywhere. Unless you can show me specific language that would do that.

SENATOR KLEIN: As I said,

Senator, we're repealing the language that was in the original budget bill that repealed the fifty-fifty language. So it's right in the budget. That's what we're doing with this amendment today.

So under the original plan when they had the choice to either use -- I'm sorry, not a choice, but 50 percent had to go to reduce the tax levy, the other 50 percent for restorations, we're removing that choice. And now it all goes to reduce the tax levy.

SENATOR FLANAGAN: Mr. President, would Senator Klein continue to yield.

ACTING PRESIDENT CRAIG JOHNSON: Senator Klein, will you continue to yield?

SENATOR KLEIN: Yes.

SENATOR FLANAGAN: I don't want to belabor the point; I'll just make this one comment and ask you to respond to it.

By repealing that section of law that was passed the other day -- which was vetoed by the Governor -- by repealing that section, we are now basically going back, for two-thirds of the school districts in the State of New York, to what is existing law.

Under existing law school districts have the option of putting money into their reserve fund up to 4 percent or reducing the property tax levy.

You are not, you are not achieving the goal that you are intending to achieve because there is nothing specifically that says you can't use it for a reserve fund, you can't use it for a dry appropriation, it has to go to property tax relief.

In fact, the bill you passed the other day, the only area where it had to go to property tax relief was for average-needs school districts because you said specifically in the law that 50 percent had to go to property tax relief. By repealing that, you've taken that dictate way --

SENATOR KLEIN: Again -- again, we disagree on that, Senator Flanagan. And again, you may disagree with me on the concept. I personally believe that the way we're going to help taxpayers is not to give money to a school district and allow them to spend when they operated and actually I think in many cases tightened their belt. And the

money that we're giving them has to be used for property tax relief.

So we can agree on the concept even though, according to my calculations, your Senate district, under this plan, based on the numbers that were passed in the Senate and the Assembly budget, received $8,404,000 exclusively for property tax relief, because I don't think you have a high-needs school district.

SENATOR FLANAGAN: Mr. President, would Senator Klein continue to yield.

ACTING PRESIDENT CRAIG JOHNSON: Senator Klein, do you continue to yield?

SENATOR KLEIN: Yes, Mr. President.

SENATOR FLANAGAN: Senator Klein, conceptually we are absolutely in sync. But when we go back, we're going to have to deal with the reality of what the statute says. Not what we dialogue on, but rather what the statute says.

So conceptually I think it's a very important thing to direct school districts that if they get extra money, that the first

place it has to go -- not the last, but the first place --

SENATOR KLEIN: And again, Senator Flanagan, I believe --

SENATOR FLANAGAN: Excuse me. Senator Klein, please let me finish what I was saying.

SENATOR KLEIN: -- that the statute says that it has to go into a reserve fund and they do not have the choice to use it to reduce the tax levy.

SENATOR FLANAGAN: Senator Klein, let me finish my thought, please.

SENATOR KLEIN: Okay.

SENATOR FLANAGAN: Fundamentally we disagree on what the existing law is. My understanding and interpretation of that law is that school districts have an option. By not saying that it has to go to property tax relief first and second and third, you are not achieving that goal.

Now, you referenced my school districts, okay. The number, to a degree, is irrelevant because there is no mandate that that money has to go to property tax relief.

You can describe it 17, 19, 21 different ways, but under existing law school districts do not have to apply it to property tax relief, they can use it in other ways.

So if the goal is to make sure that that is what is being done, then the language has to be reworked.

Thank you, Mr. President.

SENATOR KLEIN: Again, through you -- I guess I'm responding to myself. But through you, Mr. President, again, the present law exists that school districts do not have the ability to spend money unless the state gives them authorization to do that. Right now, if we did absolutely nothing and restored school aid to school districts, it would sit in a reserve fund until next year.

This legislation, again, if you're a high-needs school district, the money can either be used to reduce the tax levy or for restorations. Every other district would have to use it to reduce the tax levy, thus giving, I think, direly needed tax relief to residents around the State of New York.

ACTING PRESIDENT CRAIG JOHNSON:

Senator Saland, why do you rise?

SENATOR SALAND: Would Senator Klein yield to a question.

ACTING PRESIDENT CRAIG JOHNSON: Senator Klein, will you yield for a question from Senator Saland?

SENATOR KLEIN: Yes.

ACTING PRESIDENT CRAIG JOHNSON: Senator Saland.

SENATOR SALAND: Senator Klein, so you are telling us that the existing law requires that in the case of the two classifications of schools that you've now identified as being either low-needs or average, existing law would require that exclusively of any of these dollars that would have otherwise come to them be used for purposes of their reserve funds?

SENATOR KLEIN: Yes. Unless we do something otherwise.

SENATOR SALAND: Do you have any idea what the --

ACTING PRESIDENT CRAIG JOHNSON: Senator Saland, do you wish Senator Klein to continue to yield?

SENATOR SALAND: Do you continue to yield?

SENATOR KLEIN: I yield, Mr. President.

SENATOR SALAND: Do you have any idea when the tax warrants go out for school districts?

SENATOR KLEIN: September, I believe, Senator.

SENATOR SALAND: Thank you. No further questions. On the bill.

ACTING PRESIDENT CRAIG JOHNSON: It was actually Senator Klein. Are you completed with -- he was on the bill.

Okay, Senator Saland.

SENATOR SALAND: With all due respect to Senator Klein, in fact, until those tax warrants are issued, under existing law those monies can be used either for one of two purposes. Until the tax warrants are issued -- but not after -- they can be used to reduce taxes. They also can be used for the reserve fund. They are not used exclusively for the reserve fund. That is the law.

Were we in September, Senator Klein

would be right. But we're in July. So those school districts still have an option.

So your low-needs school districts and your average-needs school districts can either use it for property tax relief, which would be a good thing, or, given the fact that many of them probably severely depleted their reserve funds because of the cuts they had to take -- and as I mentioned in a similar discourse I believe yesterday, I meet routinely with my school superintendents and I know I advise them to try to avoid depleting their reserve funds because next year was going to be worse than this year. But nonetheless I'm sure in some instances they depleted them substantially, if not entirely.

That it may well be between now and September, or perhaps it may be even in August that the warrants go out -- those school districts, given these monies, may well opt, given the fact that many of them had already planned for the nightmarish budget by way of cuts that they were being hit with, to use those monies to fortify themselves for yet the onslaught of the next year's budget with its

anticipated $15 billion deficit.

So notwithstanding the certainty that we've been assured, the certainty conflicts with the existing law. And, Senator Flanagan, I would -- and with all due respect to Senator Klein, Senator Flanagan has appropriately categorized the state of the existing law.

And Senator Klein would certainly be right if we were after the date for which the tax warrants could be issued. But we are before that date, and a number of weeks, if not a month and a half or more away from that date.

Thank you, Mr. President.

ACTING PRESIDENT CRAIG JOHNSON: Thank you, Senator Saland.

Senator Diaz.

SENATOR DIAZ: Mr. President, would the sponsor yield for a question.

ACTING PRESIDENT CRAIG JOHNSON: Senator Klein, will you yield for a question from Senator Diaz?

SENATOR KLEIN: Yes, Mr. President.

ACTING PRESIDENT CRAIG JOHNSON: Senator Diaz.

SENATOR DIAZ: Senator Klein, it is 1:00 a.m. I'm 68 years old. I'm almost sleepy. My wife is waiting for me.

But if I understood you right, you're saying something about $8 million for the district of Senator Flanagan or something. What was that you said?

SENATOR KLEIN: Eight million dollars in property tax relief, yes, Senator.

SENATOR DIAZ: Could the sponsor yield.

ACTING PRESIDENT CRAIG JOHNSON: Senator Klein, will you continue to yield for Senator Diaz?

SENATOR KLEIN: Yes, Mr. President.

SENATOR DIAZ: What was that again? Eight million dollars for what?

SENATOR KLEIN: Over $8 million for property taxes.

SENATOR DIAZ: To help which district?

SENATOR KLEIN: It was Senator

Flanagan's district.

SENATOR DIAZ: And what part of the state is that?

SENATOR KLEIN: That's Suffolk County.

SENATOR DIAZ: Would the sponsor yield for a question.

ACTING PRESIDENT CRAIG JOHNSON: Senator Klein, will you continue to yield for a question?

(Laughter.)

SENATOR KLEIN: I'm Senator Klein.

(Laughter.)

SENATOR KLEIN: Senator Klein would be happy to yield.

ACTING PRESIDENT CRAIG JOHNSON: Senator Diaz, he will.

SENATOR DIAZ: So you're telling me, Senator Klein, that what we are doing tonight here will be helping Senator Flanagan's district by $8 million?

SENATOR KLEIN: If indeed this does take effect and we eventually have our revenue and the restorations were made as was

done in the Assembly and Senate budget, yes.

SENATOR DIAZ: Will the sponsor yield for one more question.

ACTING PRESIDENT CRAIG JOHNSON: Senator Klein, will you yield for one more question?

SENATOR KLEIN: Yes, Mr. President.

ACTING PRESIDENT CRAIG JOHNSON: Senator Diaz.

SENATOR DIAZ: So then if I understand, if you do something, Senator Klein, if you try and do something like that that would help my district, I would be praising you instead of complaining.

And I think that if that is true, what you say, that what we're doing now at 1:00 a.m. in the morning, in the morning, will help Senator Flanagan's district, Senator Flanagan should be praising you.

SENATOR KLEIN: Well, I guess we disagree on the implementation. But I'm hopeful once we do pass our revenue bill and we have the final version of this chapter, we can make sure that property tax relief goes to

school districts outside of the Big Five that are not high-needs school districts that already passed their budgets.

SENATOR DIAZ: Thank you, Mr. President. Thank you, Senator.

ACTING PRESIDENT CRAIG JOHNSON: Senator DeFrancisco.

SENATOR DeFRANCISCO: I have a couple of questions hopefully to wrap this thing up because everyone's tired.

ACTING PRESIDENT CRAIG JOHNSON: Senator Klein, will you yield for a couple of questions from Senator DeFrancisco?

SENATOR KLEIN: Yes, Mr. President.

SENATOR DeFRANCISCO: It's 1 o'clock. And, Senator Klein, what we've gone through for the last 45 minutes or so on this bill, you can assure us that this is not an academic exercise, is that correct?

SENATOR KLEIN: That's correct.

SENATOR DeFRANCISCO: Okay. And would you yield to another question.

ACTING PRESIDENT CRAIG JOHNSON: Senator Klein, do you continue to yield?

SENATOR KLEIN: Yes, Mr. President.

SENATOR DeFRANCISCO: And it's not an academic exercise because it's a three-way agreement between the Governor, the Senate and the Assembly, correct?

SENATOR KLEIN: Again, it's the Assembly, the Senate and the Governor signed off on this program as well.

SENATOR DeFRANCISCO: And in order for this --

ACTING PRESIDENT CRAIG JOHNSON: Senator Klein, do you wish to continue to yield for Senator DeFrancisco?

SENATOR KLEIN: Yes, Mr. President.

SENATOR DeFRANCISCO: In order for this to go into effect, there has to be the money that the Senate and Assembly restored to give back to the districts like Senator Diaz talked about; correct?

SENATOR KLEIN: That is correct.

SENATOR DeFRANCISCO: Okay. Would Senator Klein continue to yield.

ACTING PRESIDENT CRAIG JOHNSON:

Senator Klein, will you continue to yield?

SENATOR KLEIN: Yup.

SENATOR DeFRANCISCO: Didn't the Governor veto the bills that gave the extra money?

SENATOR KLEIN: Yes, he did.

SENATOR DeFRANCISCO: Okay, one last --

SENATOR KLEIN: But I want to continue on that. Yes, he did. But again, this is something that's an important proposal. We want to get this proposal out now to make sure it's passed by the Assembly and make sure when budget negotiations do take place that this is part of the final product.

Because I want to make sure, Senator DeFrancisco, that when this goes into effect -- and again, under the numbers for education that was restored by the Assembly and the Senate, that your district can received $11,472,000 in property tax relief.

SENATOR DeFRANCISCO: Would Senator Klein yield to another question.

ACTING PRESIDENT CRAIG JOHNSON: Senator Klein, will you continue to yield?

SENATOR DeFRANCISCO: Is this a scoop you're giving us today? Has the Governor undone his veto so all this money goes back?

SENATOR KLEIN: No, he has not.

SENATOR DeFRANCISCO: On the bill, please.

ACTING PRESIDENT CRAIG JOHNSON: Senator DeFrancisco, on the bill.

SENATOR DeFRANCISCO: How could there be a three-way agreement if the essence of this bill, as Senator Diaz has spoken about, is to bring money back to the district and the money that's going back to the districts was vetoed by the Governor?

I would suggest, despite what Senator Klein says, that this is an academic exercise at 1 o'clock in the morning at a time when Senator Diaz's wife is waiting for him and is longing for him at this point in time.

(Laughter.)

SENATOR DeFRANCISCO: So for those -- I'm going to vote no on this bill.

ACTING PRESIDENT CRAIG JOHNSON: Are there any other Senators wishing to be

heard on the bill?

Hearing none -- Senator Schneiderman, why do you rise?

SENATOR SCHNEIDERMAN: I'm cleaning my desk, Mr. President.

(Laughter.)

ACTING PRESIDENT CRAIG JOHNSON: Hearing no other Senators wishing to heard on the bill, debate is closed. The Secretary will please ring the bell.

Read the last section.

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

ACTING PRESIDENT CRAIG JOHNSON: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT CRAIG JOHNSON: Senator Skelos, to explain his vote.

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

I listened with great interest. The word was used, "property tax relief," probably about twenty times over a budget that the Governor has vetoed. I'd just like to talk to you about -- I know, Senator

DeFrancisco, Senator Klein mentioned how your area would receive $11 million in real property tax relief.

But let me tell you what the different regions of the state have lost law of because of your elimination last year of the STAR rebate check. Long Island, $368 million. Hudson Valley, $305 million. New York City, $187 million. Central New York, $177 million. Western New York, $141 million. Capital Region, $140 million. And Rochester, $130 million.

That's the tax discomfort that the Democrat Majority has imposed upon the hardworking people of the State of New York.

So please don't try to fool the people of the state that this is really tax relief when you've taken, last year, a billion and a half of property tax relief away from the people of the state and this year there will be another billion and a half in property tax relief taken away from the hardworking people of the State of New York.

ACTING PRESIDENT CRAIG JOHNSON: Senator Skelos, how do you vote?

SENATOR SKELOS: I vote no.

ACTING PRESIDENT CRAIG JOHNSON: Senator Skelos to be recorded in the negative.

Senator Klein.

SENATOR KLEIN: To explain my vote.

ACTING PRESIDENT CRAIG JOHNSON: Senator Klein, to explain his vote.

SENATOR KLEIN: It's always a pleasure to hear a debate on property tax relief. It's almost as if the other side of the aisle is afraid we actually might accomplish our pledge to give property tax relief I think in a fair way to New Yorkers even during this tough fiscal climate.

I think the other side of the aisle, if they want to get this plan and receive this money to their districts -- and the way we can do this is to override the Governor's veto. Because if we override the Governor's veto, the money that we allocated -- meaning the Senate and Assembly joint budget plan -- would allocate $277 million in property tax relief.

And by the way, looking at the

numbers, most of that money goes to Republican districts, who tend to have school districts that are less high-needs and that actually would have money directly given to them through reduction of their tax levies.

So I'm hopeful at the end of the day this is something that can become a reality with bipartisan support, because I think the property taxpayers of New York State can't wait any longer. And they don't want to see finger-pointing, they don't want to have members get up and blame and point fingers on how much money was lost, they want to see things accomplished. And they want to see things accomplished now because they want property tax relief now.

I vote yes, Mr. President.

ACTING PRESIDENT CRAIG JOHNSON: Senator Klein to be recorded in the affirmative.

Announce the results.

THE SECRETARY: Those recorded in the negative on Calendar Number 1292 are Senators Alesi, Bonacic, DeFrancisco, Farley, Flanagan, Fuschillo, Golden, Griffo,

O. Johnson, Lanza, Larkin, LaValle, Leibell, Libous, Little, Marcellino, Maziarz, McDonald, Nozzolio, Padavan, Ranzenhofer, Robach, Saland, Seward, Skelos, Volker, Winner and Young.

Ayes, 33. Nays, 28.

ACTING PRESIDENT CRAIG JOHNSON: The bill is passed.

Senator Klein.

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

ACTING PRESIDENT CRAIG JOHNSON: Senator Klein, the desk is clear.

SENATOR KLEIN: There being no further business, Mr. President, to come before the Senate, I move that we adjourn until tomorrow at 10:00 a.m.

ACTING PRESIDENT CRAIG JOHNSON: There being no further business to come before the Senate, on motion, the Senate stands adjourned until 10:00 a.m. this morning, Thursday, July 1st.

(Whereupon, at 1:11 a.m., the Senate adjourned.)