

1 NEW YORK STATE SENATE

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3
4 THE STENOGRAPHIC RECORD

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8
9 ALBANY, NEW YORK

10 June 30, 2010

11 12:58 p.m.

12
13
14 REGULAR SESSION

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17
18 SENATOR DAVID J. VALESKY, Acting President

19 ANGELO J. APONTE, Secretary

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

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

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

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

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

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

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

16 The Secretary will read.

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

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

25 Presentation of petitions.

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

7 Motions and resolutions.

8 Senator Klein.

9 SENATOR KLEIN: Mr. President, on
10 behalf of Senator Parker, on page 29 I offer
11 the following amendments to Calendar Number
12 1204, Senate Print Number 8296A, and ask that
13 said bill retain its place on Third Reading
14 Calendar.

15 ACTING PRESIDENT VALESKY: So
16 ordered.

17 Senator Klein.

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

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

25 THE SECRETARY: On page 10,

1 Senator Marcellino moves to discharge, from
2 the Committee on Rules, Assembly Bill Number
3 9799A and substitute it for the identical
4 Senate Bill Number 6705A, Third Reading
5 Calendar 252.

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

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

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

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

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

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

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

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

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

1 Third Reading Calendar 1336.

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

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

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

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

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

1 Number 7730, Third Reading Calendar 1345.

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

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

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

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

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

1 Third Reading Calendar 1366.

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

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

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

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

22 ACTING PRESIDENT VALESKY:
23 Substitutions ordered.

24 Senator Klein.

25 SENATOR KLEIN: Mr. President, I

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

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

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

11 ACTING PRESIDENT VALESKY: The
12 Secretary will read.

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

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

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

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

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

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

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

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

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

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

12 Thank you, Mr. President.

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

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

17 (Response of "Aye.")

18 ACTING PRESIDENT VALESKY:
19 Opposed, nay.

20 (No response.)

21 ACTING PRESIDENT VALESKY: The
22 resolution is adopted.

23 Senator Klein.

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

1 calendar.

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

5 THE SECRETARY: Calendar Number
6 844, by Senator Saland, Senate Print 7001B, an
7 act to amend the Insurance Law.

8 ACTING PRESIDENT VALESKY: Read
9 the last section.

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

12 ACTING PRESIDENT VALESKY: Call
13 the roll.

14 (The Secretary called the roll.)

15 THE SECRETARY: Ayes, 57.

16 ACTING PRESIDENT VALESKY: The
17 bill is passed.

18 THE SECRETARY: Calendar Number
19 1232, by Senator Stewart-Cousins --

20 SENATOR LIBOUS: Lay it aside,
21 please.

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

24 THE SECRETARY: Calendar Number
25 1323, by Senator Duane, Senate Print 3180C, an

1 act to --

2 SENATOR LIBOUS: Lay it aside,
3 please.

4 ACTING PRESIDENT VALESKY: The
5 bill is laid aside.

6 THE SECRETARY: Calendar Number
7 1324, by Senator Oppenheimer, Senate Print
8 4117B, an act to amend the Education Law.

9 ACTING PRESIDENT VALESKY: Read
10 the last section.

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

13 ACTING PRESIDENT VALESKY: Call
14 the roll.

15 (The Secretary called the roll.)

16 THE SECRETARY: Ayes, 57.

17 ACTING PRESIDENT VALESKY: The
18 bill is passed.

19 THE SECRETARY: Calendar Number
20 1325, by Senator Flanagan, Senate Print 4181,
21 an act to amend the Highway Law.

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

24 Read the last section.

25 THE SECRETARY: Section 2. This

1 act shall take effect immediately.

2 ACTING PRESIDENT VALESKY: Call
3 the roll.

4 (The Secretary called the roll.)

5 THE SECRETARY: Ayes, 57.

6 ACTING PRESIDENT VALESKY: The
7 bill is passed.

8 THE SECRETARY: Calendar Number
9 1326, substituted earlier today by Member of
10 the Assembly Espaillat, Assembly Print Number
11 7093B, an act to amend the Executive Law.

12 ACTING PRESIDENT VALESKY: Read
13 the last section.

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

16 ACTING PRESIDENT VALESKY: Call
17 the roll.

18 (The Secretary called the roll.)

19 THE SECRETARY: Ayes, 57.

20 ACTING PRESIDENT VALESKY: The
21 bill is passed.

22 THE SECRETARY: Calendar Number
23 1327, by Senator Oppenheimer, Senate Print
24 5512A, an act to amend the Education Law and
25 the Social Services Law.

1 ACTING PRESIDENT VALESKY: Read
2 the last section.

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

5 ACTING PRESIDENT VALESKY: Call
6 the roll.

7 (The Secretary called the roll.)

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

15 Ayes, 39. Nays, 21.

16 ACTING PRESIDENT VALESKY: The
17 bill is passed.

18 THE SECRETARY: Calendar Number
19 1328, by Senator Stachowski, Senate Print
20 5514, an act to amend the State Finance Law.

21 ACTING PRESIDENT VALESKY: Read
22 the last section.

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

25 ACTING PRESIDENT VALESKY: Call

1 the roll.

2 (The Secretary called the roll.)

3 THE SECRETARY: Ayes, 60.

4 ACTING PRESIDENT VALESKY: The
5 bill is passed.

6 THE SECRETARY: Calendar Number
7 1330, substituted earlier today by Member of
8 the Assembly Destito, Assembly Print Number
9 488C, an act to amend the Alcoholic Beverage
10 Control Law.

11 ACTING PRESIDENT VALESKY: Read
12 the last section.

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

15 ACTING PRESIDENT VALESKY: Call
16 the roll.

17 (The Secretary called the roll.)

18 SENATOR DILAN: Lay it aside.

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

21 SENATOR LIBOUS: Mr. President,
22 who did that?

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

25 THE SECRETARY: Calendar Number

1 1331, by Senator Savino, Senate Print 5628A,
2 an act to amend the Retirement and Social
3 Security Law.

4 ACTING PRESIDENT VALESKY: Read
5 the last section.

6 THE SECRETARY: Section 2. This
7 act --

8 SENATOR DeFRANCISCO: Lay it
9 aside.

10 ACTING PRESIDENT VALESKY: The
11 bill is laid aside.

12 THE SECRETARY: Calendar Number
13 1332, by Senator Valesky, Senate Print 5969,
14 an act to amend the Education Law.

15 ACTING PRESIDENT VALESKY: Read
16 the last section.

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

19 ACTING PRESIDENT VALESKY: Call
20 the roll.

21 (The Secretary called the roll.)

22 THE SECRETARY: Ayes, 60.

23 ACTING PRESIDENT VALESKY: The
24 bill is passed.

25 THE SECRETARY: Calendar Number

1 1333, substituted earlier by Member of the
2 Assembly Crouch, Assembly Print Number 9096,
3 an act to amend the Executive Law.

4 ACTING PRESIDENT VALESKY: Read
5 the last section.

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

8 ACTING PRESIDENT VALESKY: Call
9 the roll.

10 (The Secretary called the roll.)

11 THE SECRETARY: Ayes, 60.

12 ACTING PRESIDENT VALESKY: The
13 bill is passed.

14 THE SECRETARY: Calendar Number
15 1334, substituted earlier today by Member of
16 the Assembly Alessi, Assembly Print Number
17 9947, an act authorizing William Bianco and
18 Eric Lipinsky.

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

21 Read the last section.

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

24 ACTING PRESIDENT VALESKY: Call
25 the roll.

1 (The Secretary called the roll.)

2 THE SECRETARY: Ayes, 60.

3 ACTING PRESIDENT VALESKY: The
4 bill is passed.

5 THE SECRETARY: Calendar Number
6 1335, by Senator Hassell-Thompson, Senate
7 Print 6888C, an act to amend the Retirement
8 and Social Security Law and others.

9 ACTING PRESIDENT VALESKY: Read
10 the last section.

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

13 ACTING PRESIDENT VALESKY: Call
14 the roll.

15 (The Secretary called the roll.)

16 THE SECRETARY: Ayes, 60.

17 ACTING PRESIDENT VALESKY: The
18 bill is passed.

19 THE SECRETARY: Calendar Number
20 1336, substituted earlier today by Member of
21 the Assembly Weisenberg, Assembly Print Number
22 10050A, an act authorizing the assessor of the
23 County of Nassau.

24 ACTING PRESIDENT VALESKY: Read
25 the last section.

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

3 ACTING PRESIDENT VALESKY: Call
4 the roll.

5 (The Secretary called the roll.)

6 THE SECRETARY: Ayes, 60.

7 ACTING PRESIDENT VALESKY: The
8 bill is passed.

9 THE SECRETARY: Calendar Number
10 1337, substituted earlier by Member of the
11 Assembly Espaillat, Assembly Print Number
12 5255A, an act to amend the New York State
13 Urban Development Corporation Act.

14 ACTING PRESIDENT VALESKY: Read
15 the last section.

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

18 ACTING PRESIDENT VALESKY: Call
19 the roll.

20 (The Secretary called the roll.)

21 THE SECRETARY: Ayes, 60.

22 ACTING PRESIDENT VALESKY: The
23 bill is passed.

24 THE SECRETARY: Calendar Number
25 1338, substituted earlier today by Member of

1 the Assembly Paulin, Assembly Print Number
2 11034A, an act to amend the Mental Hygiene
3 Law.

4 ACTING PRESIDENT VALESKY: Read
5 the last section.

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

8 ACTING PRESIDENT VALESKY: Call
9 the roll.

10 (The Secretary called the roll.)

11 THE SECRETARY: Ayes, 60.

12 ACTING PRESIDENT VALESKY: The
13 bill is passed.

14 THE SECRETARY: Calendar Number
15 1339, by Senator Schneiderman, Senate Print
16 7267C, an act to amend the General Business
17 Law.

18 ACTING PRESIDENT VALESKY: Read
19 the last section.

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

22 ACTING PRESIDENT VALESKY: Call
23 the roll.

24 (The Secretary called the roll.)

25 THE SECRETARY: Ayes, 60.

1 ACTING PRESIDENT VALESKY: The
2 bill is passed.

3 THE SECRETARY: Calendar Number
4 1340, by Senator Montgomery, Senate Print
5 7412B, an act to amend the Administrative Code
6 of the City of New York.

7 ACTING PRESIDENT VALESKY: Read
8 the last section.

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

11 ACTING PRESIDENT VALESKY: Call
12 the roll.

13 (The Secretary called the roll.)

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

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

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

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

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

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

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

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

23 Announce the results.

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

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

6 Ayes, 40. Nays, 20.

7 ACTING PRESIDENT VALESKY: The
8 bill is passed.

9 Senator Bonacic.

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

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

17 SENATOR BONACIC: Thank you,
18 Mr. President.

19 ACTING PRESIDENT VALESKY: The
20 Secretary will read.

21 THE SECRETARY: Calendar Number
22 1341, by Senator Valesky, Senate Print 7480A,
23 an act to amend the --

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

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

4 ACTING PRESIDENT VALESKY: With
5 unanimous consent, Senator Larkin to be
6 recorded in the negative on Calendar Number
7 1336.

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

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

12 ACTING PRESIDENT VALESKY: Call
13 the roll.

14 (The Secretary called the roll.)

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

18 Ayes, 57. Nays, 3.

19 ACTING PRESIDENT VALESKY: The
20 bill is passed.

21 THE SECRETARY: Calendar Number
22 1342, substituted earlier today by --

23 SENATOR LIBOUS: Lay it aside.

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

1 THE SECRETARY: Calendar Number
2 1343, substituted earlier today by Member of
3 the Assembly Schimminger, Assembly Print
4 Number 10786, an act to amend the Tax Law.

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

7 Read the last section.

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

10 ACTING PRESIDENT VALESKY: Call
11 the roll.

12 (The Secretary called the roll.)

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

15 ACTING PRESIDENT VALESKY: The
16 bill is passed.

17 THE SECRETARY: Calendar Number
18 1344, by Senator Oppenheimer, Senate Print
19 7587, an act to amend the Agriculture and
20 Markets Law and the General Business Law.

21 ACTING PRESIDENT VALESKY: Read
22 the last section.

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

25 ACTING PRESIDENT VALESKY: Call

1 the roll.

2 (The Secretary called the roll.)

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

7 Ayes, 53. Nays, 8.

8 ACTING PRESIDENT VALESKY: The
9 bill is passed.

10 THE SECRETARY: Calendar Number
11 1345, substituted earlier today by Member of
12 the Assembly Magee, Assembly Print Number
13 10875, an act to amend the Real Property Tax
14 Law.

15 ACTING PRESIDENT VALESKY: Read
16 the last section.

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

19 ACTING PRESIDENT VALESKY: Call
20 the roll.

21 (The Secretary called the roll.)

22 THE SECRETARY: Ayes, 61.

23 ACTING PRESIDENT VALESKY: The
24 bill is passed.

25 THE SECRETARY: Calendar Number

1 1346, by Senator Farley, Senate Print 7738A,
2 an act to authorize the City of Schenectady.

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

5 Read the last section.

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

8 ACTING PRESIDENT VALESKY: Call
9 the roll.

10 (The Secretary called the roll.)

11 THE SECRETARY: Ayes, 61.

12 ACTING PRESIDENT VALESKY: The
13 bill is passed.

14 THE SECRETARY: Calendar Number
15 1347, by Senator L. Krueger, Senate Print
16 7769, an act to amend the Public Authorities
17 Law.

18 ACTING PRESIDENT VALESKY: Read
19 the last section.

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

22 ACTING PRESIDENT VALESKY: Call
23 the roll.

24 (The Secretary called the roll.)

25 THE SECRETARY: Ayes, 59. Nays,

1 2. Senators Diaz and Huntley recorded in the
2 negative.

3 ACTING PRESIDENT VALESKY: The
4 bill is passed.

5 THE SECRETARY: Calendar Number
6 1348, by Senator C. Kruger, Senate Print 7830,
7 an act to amend the Real Property Law.

8 ACTING PRESIDENT VALESKY: Read
9 the last section.

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

12 ACTING PRESIDENT VALESKY: Call
13 the roll.

14 (The Secretary called the roll.)

15 THE SECRETARY: Ayes, 61.

16 ACTING PRESIDENT VALESKY: The
17 bill is passed.

18 THE SECRETARY: Calendar Number
19 1349, substituted earlier today by Member of
20 the Assembly Weisenberg, Assembly Print Number
21 10049, an act to amend Chapter 821 of the Laws
22 of 1970 amending the Town Law.

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

25 Read the last section.

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

3 ACTING PRESIDENT VALESKY: Call
4 the roll.

5 (The Secretary called the roll.)

6 THE SECRETARY: Ayes, 61.

7 ACTING PRESIDENT VALESKY: The
8 bill is passed.

9 THE SECRETARY: Calendar Number
10 1350, by Senator Savino, Senate Print 7900, an
11 act to amend the Workers' Compensation Law.

12 ACTING PRESIDENT VALESKY: Read
13 the last section.

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

16 ACTING PRESIDENT VALESKY: Call
17 the roll.

18 (The Secretary called the roll.)

19 ACTING PRESIDENT VALESKY: The
20 Secretary will announce the results.

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

1 Ayes, 50. Nays, 11.

2 ACTING PRESIDENT VALESKY: The
3 bill is passed.

4 THE SECRETARY: Calendar
5 Number -- also Senator Ranzenhofer.

6 Ayes, 49. Nays, 12.

7 ACTING PRESIDENT VALESKY: The
8 bill is passed.

9 THE SECRETARY: Calendar Number
10 1351, substituted earlier today by Member of
11 the Assembly Paulin, Assembly Print Number
12 11178A, an act to amend the Agriculture and
13 Markets Law.

14 ACTING PRESIDENT VALESKY: Read
15 the last section.

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

20 ACTING PRESIDENT VALESKY: Call
21 the roll.

22 (The Secretary called the roll.)

23 THE SECRETARY: Ayes, 61.

24 ACTING PRESIDENT VALESKY: The
25 bill is passed.

1 THE SECRETARY: Calendar Number
2 1352, by Senator Aubertine, Senate Print 8004,
3 an act to amend the Penal Law.

4 ACTING PRESIDENT VALESKY: Read
5 the last section.

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

8 (The Secretary called the roll.)

9 ACTING PRESIDENT VALESKY: Call
10 the roll.

11 (The Secretary called the roll.)

12 THE SECRETARY: Ayes, 61.

13 ACTING PRESIDENT VALESKY: The
14 bill is passed.

15 THE SECRETARY: Calendar Number
16 1354 --

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

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

21 THE SECRETARY: Calendar Number
22 1356, by Senator Montgomery, Senate Print
23 8132A, an act to amend the Social Services
24 Law.

25 ACTING PRESIDENT VALESKY: The

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

3 THE SECRETARY: Calendar Number
4 1357, by Senator Stewart-Cousins --

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

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

9 THE SECRETARY: Calendar Number
10 1358, by Senator LaValle, Senate Print 8215,
11 an act to amend the Highway Law.

12 ACTING PRESIDENT VALESKY: Read
13 the last section.

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

16 ACTING PRESIDENT VALESKY: Call
17 the roll.

18 (The Secretary called the roll.)

19 THE SECRETARY: Ayes, 61.

20 ACTING PRESIDENT VALESKY: The
21 bill is passed.

22 THE SECRETARY: Calendar Number
23 1359, by Senator Hassell-Thompson, Senate
24 Print 8229, an act to amend the Executive Law.

25 ACTING PRESIDENT VALESKY: Read

1 the last section.

2 SENATOR LIBOUS: Lay it aside.

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

5 THE SECRETARY: Calendar Number
6 1360, by Senator Parker --

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

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

11 THE SECRETARY: Calendar Number
12 1361, by Senator Stachowski, Senate Print
13 8289, an act to amend the Penal Law.

14 ACTING PRESIDENT VALESKY: Read
15 the last section.

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

18 ACTING PRESIDENT VALESKY: Call
19 the roll.

20 (The Secretary called the roll.)

21 THE SECRETARY: Ayes, 61.

22 ACTING PRESIDENT VALESKY: The
23 bill is passed.

24 THE SECRETARY: Calendar Number
25 1362, by Senator Aubertine, Senate Print 8310,

1 an act to amend the Public Service Law.

2 ACTING PRESIDENT VALESKY: Read
3 the last section.

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

6 ACTING PRESIDENT VALESKY: Call
7 the roll.

8 (The Secretary called the roll.)

9 THE SECRETARY: Ayes, 61.

10 ACTING PRESIDENT VALESKY: The
11 bill is passed.

12 THE SECRETARY: Calendar Number
13 1363, by Senator Squadron, Senate Print 8333,
14 an act to amend the General Business Law.

15 ACTING PRESIDENT VALESKY: Read
16 the last section.

17 THE SECRETARY: Section 3. This
18 act shall take effect on the same date and in
19 the same manner as a chapter of the Laws of
20 2010.

21 ACTING PRESIDENT VALESKY: Call
22 the roll.

23 (The Secretary called the roll.)

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

1 SENATOR DUANE: Thank you,
2 Mr. President.

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

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

13 Thank you, Mr. President.

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

16 The Secretary will announce the
17 results.

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

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

22 SENATOR SALAND: Thank you,
23 Mr. President.

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

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

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

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

1 from.

2 Thank you.

3 ACTING PRESIDENT VALESKY:

4 Senator Saland to be recorded in the negative.

5 Announce the results.

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

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

11 THE SECRETARY: Calendar Number
12 1364, substituted earlier today by Member of
13 the Assembly Sweeney, Assembly Print Number
14 10269B, an act to amend the Environmental
15 Conservation Law.

16 ACTING PRESIDENT VALESKY: Read
17 the last section.

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

20 ACTING PRESIDENT VALESKY: Call
21 the roll.

22 (The Secretary called the roll.)

23 THE SECRETARY: Ayes, 61.

24 ACTING PRESIDENT VALESKY: The
25 bill is passed.

1 THE SECRETARY: Calendar Number
2 1365, by Senator Klein, Senate Print 8347, an
3 act to amend the Education Law.

4 ACTING PRESIDENT VALESKY: Read
5 the last section.

6 THE SECRETARY: Section 5. This
7 act --

8 SENATOR LIBOUS: Lay it aside,
9 please.

10 ACTING PRESIDENT VALESKY: The
11 bill is laid aside.

12 THE SECRETARY: Calendar Number
13 1366, substituted earlier today by Member of
14 the Assembly Gantt, Assembly Print Number
15 10992, an act to amend Chapter 268 of the Laws
16 of 1989 amending the Vehicle and Traffic Law.

17 ACTING PRESIDENT VALESKY: Read
18 the last section.

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

21 ACTING PRESIDENT VALESKY: Call
22 the roll.

23 (The Secretary called the roll.)

24 THE SECRETARY: Ayes, 61.

25 ACTING PRESIDENT VALESKY: The

1 bill is passed.

2 THE SECRETARY: Calendar Number
3 1367, by Senator Sampson, Senate Print --

4 SENATOR LIBOUS: Lay it aside.

5 ACTING PRESIDENT VALESKY: The
6 bill is laid aside.

7 THE SECRETARY: Calendar Number
8 1368, substituted earlier today by the
9 Assembly Committee on Rules, Assembly Print
10 Number 11566, an act to amend the Education
11 Law.

12 ACTING PRESIDENT VALESKY: Read
13 the last section.

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

16 ACTING PRESIDENT VALESKY: Call
17 the roll.

18 (The Secretary called the roll.)

19 THE SECRETARY: Ayes, 61.

20 ACTING PRESIDENT VALESKY: The
21 bill is passed.

22 THE SECRETARY: Calendar Number
23 1369, substituted earlier today by the
24 Assembly Committee on Rules, Assembly Print
25 Number 11567, an act to amend the Multiple

1 Dwelling Law.

2 ACTING PRESIDENT VALESKY: Read
3 the last section.

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

6 ACTING PRESIDENT VALESKY: Call
7 the roll.

8 (The Secretary called the roll.)

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

11 SENATOR PADAVAN: Thank you,
12 Mr. President.

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

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

1 Legislature.

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

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

11 Senator Libous.

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

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

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

4 So I'll join Senator Padavan in
5 voting no.

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

8 Announce the results.

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

15 SENATOR LaVALLE: Lay the bill
16 aside, please.

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

20 THE SECRETARY: Calendar Number
21 1370, by Senator Schneiderman, Senate Print
22 8378, an act to amend the State Finance Law.

23 ACTING PRESIDENT VALESKY: Read
24 the last section.

25 THE SECRETARY: Section 13. This

1 act shall take effect --

2 SENATOR HANNON: Lay it aside.

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

5 THE SECRETARY: Calendar Number
6 1371, by Senator Schneiderman, Senate Print
7 8379A, an act to amend the Labor Law.

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

11 THE SECRETARY: Calendar Number
12 1372, by Senator Sampson, Senate Print 8391,
13 an act to amend a chapter of the Laws of 2010.

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

17 THE SECRETARY: Calendar Number
18 1373, by Senator Young, Senate Print 5806C, an
19 act to authorize the Education Department.

20 ACTING PRESIDENT VALESKY: Read
21 the last section.

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

24 ACTING PRESIDENT VALESKY: Call
25 the roll.

1 (The Secretary called the roll.)

2 THE SECRETARY: Ayes, 61.

3 ACTING PRESIDENT VALESKY: The
4 bill is passed.

5 THE SECRETARY: Calendar Number
6 1374, substituted earlier today by Member of
7 the Assembly Parment, Assembly Print Number
8 10620, an act to amend the Highway Law.

9 ACTING PRESIDENT VALESKY: Read
10 the last section.

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

13 ACTING PRESIDENT VALESKY: Call
14 the roll.

15 (The Secretary called the roll.)

16 THE SECRETARY: Ayes, 61.

17 ACTING PRESIDENT VALESKY: The
18 bill is passed.

19 THE SECRETARY: Calendar Number
20 1375, by Senator Winner, Senate Print 7602, an
21 act in relation to dissolving.

22 ACTING PRESIDENT VALESKY: Read
23 the last section.

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

1 ACTING PRESIDENT VALESKY: Call
2 the roll.

3 (The Secretary called the roll.)

4 THE SECRETARY: Ayes, 61.

5 ACTING PRESIDENT VALESKY: The
6 bill is passed.

7 THE SECRETARY: Calendar Number
8 1376, substituted earlier today by Member of
9 the Assembly Bacalles, Assembly Print Number
10 10860, an act in relation to dissolving.

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

13 Read the last section.

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

16 ACTING PRESIDENT VALESKY: Call
17 the roll.

18 (The Secretary called the roll.)

19 THE SECRETARY: Ayes, 61.

20 ACTING PRESIDENT VALESKY: The
21 bill is passed.

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

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

1 controversial calendar.

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

6 The Secretary will read.

7 THE SECRETARY: Calendar Number
8 1232, by Senator Stewart-Cousins, Senate Print
9 7189, an act to amend the Education Law.

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

12 Seeing none, the debate is closed.

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

16 Senator Klein.

17 SENATOR KLEIN: Mr. President,
18 Calendar Number 1367, Senate Print Number
19 8373A, Senator Sampson's bill, the Minority
20 laid it aside. I want to lay the bill aside
21 for the day.

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

25 SENATOR KLEIN: Thank you,

1 Mr. President.

2 ACTING PRESIDENT VALESKY: Read
3 the last section.

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

6 ACTING PRESIDENT VALESKY: Call
7 the roll.

8 (The Secretary called the roll.)

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

11 SENATOR FLANAGAN: Thank you,
12 Mr. President.

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

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

1 negotiated and debated within the context of
2 the budget.

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

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

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

18 Senator DeFrancisco, to explain his
19 vote.

20 SENATOR DeFRANCISCO: I'm going
21 to vote no.

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

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

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

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

23 Senator Stewart-Cousins, to explain
24 her vote.

25 SENATOR STEWART-COUSINS: Yes,

1 thank you, Mr. President.

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

12 And again, as I was saying, even in
13 2008 I remember Senator Skelos -- I have the
14 article to show -- said that he understood the
15 problem and would help to rewrite the funding
16 formula.

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

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

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

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

11 Announce the results.

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

21 Ayes, 32. Nays, 29.

22 ACTING PRESIDENT VALESKY: The
23 bill is passed.

24 THE SECRETARY: Calendar Number
25 1323, by Senator Duane --

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

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

5 THE SECRETARY: Calendar Number
6 1330, substituted earlier today by Member of
7 the Assembly Destito, Assembly Print Number --

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

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

12 THE SECRETARY: Calendar Number
13 1331, by Senator Savino, Senate Print 5628A,
14 an act to amend the Retirement and Social
15 Security Law.

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

18 SENATOR DeFRANCISCO:
19 Explanation.

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

23 SENATOR SAVINO: Certainly,
24 Mr. President.

25 This bill would amend the

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

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

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

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

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

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

20 SENATOR DeFRANCISCO: Would
21 Senator Savino yield to a question.

22 ACTING PRESIDENT VALESKY:
23 Senator Savino, do you yield?

24 SENATOR SAVINO: Certainly.

25 ACTING PRESIDENT VALESKY: The

1 sponsor yields.

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

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

8 SENATOR DeFRANCISCO: Would
9 Senator Savino yield to another question.

10 ACTING PRESIDENT VALESKY:
11 Senator Savino?

12 SENATOR SAVINO: Certainly.

13 ACTING PRESIDENT VALESKY: The
14 sponsor yields.

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

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

25 And the reason why is because the

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

7 SENATOR DeFRANCISCO: Would you
8 continue to yield?

9 SENATOR SAVINO: Certainly.

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

14 SENATOR SAVINO: True.

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

17 ACTING PRESIDENT VALESKY:
18 Senator Savino.

19 SENATOR SAVINO: Yes.

20 ACTING PRESIDENT VALESKY: The
21 sponsor yields.

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

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

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

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

15 SENATOR DeFRANCISCO: Thank you.

16 On the bill.

17 ACTING PRESIDENT VALESKY:

18 Senator DeFrancisco, on the bill.

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

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

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

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

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

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

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

9 ACTING PRESIDENT VALESKY: Thank
10 you, Senator DeFrancisco.

11 Are there any other Senators who
12 wish to be heard?

13 Senator Flanagan.

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

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

1 doing something like this.

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

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

18 ACTING PRESIDENT VALESKY: Thank
19 you, Senator Flanagan.

20 Are there any other Senators who
21 wish to be heard?

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

24 Read the last section.

25 THE SECRETARY: Section 2. This

1 act shall take effect on the 90th day.

2 ACTING PRESIDENT VALESKY: Call
3 the roll.

4 (The Secretary called the roll.)

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

7 SENATOR SAVINO: Thank you,
8 Mr. President.

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

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

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

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

3 Thank you, Mr. President.

4 ACTING PRESIDENT VALESKY:

5 Senator Savino to be recorded in the
6 affirmative.

7 Senator Hannon, to explain his
8 vote.

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

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

23 But that base is under attack.

24 Investments are going down. The Comptroller
25 is suing British Petroleum because that stock

1 alone has dropped 10 percent, 20 percent,
2 30 percent, causing billions of dollars of
3 loss to the pension system.

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

9 ACTING PRESIDENT VALESKY:

10 Senator Hannon to be recorded in the negative.

11 Senator Flanagan, to explain his
12 vote.

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

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

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

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

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

10 ACTING PRESIDENT VALESKY:

11 Senator Flanagan to be recorded in the
12 negative.

13 Senator Saland, to explain his
14 vote.

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

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

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

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

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

14 ACTING PRESIDENT VALESKY:

15 Senator Saland to be recorded in the negative.

16 Senator DeFrancisco, to explain his
17 vote.

18 SENATOR DeFRANCISCO: Very

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

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

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

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

14 Thank you.

15 ACTING PRESIDENT VALESKY:

16 Senator DeFrancisco to be recorded in the
17 negative.

18 Announce the results.

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

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

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

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

8 THE SECRETARY: Calendar Number
9 1342, substituted earlier today by Member of
10 the Assembly Rosenthal, Assembly Print Number
11 8285, an act to amend the Social Services Law
12 and the State Administrative Procedure Act.

13 ACTING PRESIDENT VALESKY:
14 Senator Hannon.

15 SENATOR HANNON: On the bill.

16 ACTING PRESIDENT VALESKY:
17 Senator Hannon, on the bill.

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

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

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

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

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

20 ACTING PRESIDENT VALESKY: Thank
21 you, Senator Hannon.

22 Are there any other Senators who
23 wish to be heard?

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

1 Read the last section.

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

4 ACTING PRESIDENT VALESKY: Call
5 the roll.

6 (The Secretary called the roll.)

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

9 SENATOR DUANE: Thank you,
10 Mr. President.

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

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

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

25 ACTING PRESIDENT VALESKY:

1 Senator Duane to be recorded in the
2 affirmative.

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

6 Announce the results.

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

16 Ayes, 32. Nays, 29.

17 ACTING PRESIDENT VALESKY: The
18 bill is passed.

19 THE SECRETARY: Calendar Number
20 1359, by Senator Hassell-Thompson, Senate
21 Print 8229, an act to amend the Executive Law.

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

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

1 Read the last section.

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

4 ACTING PRESIDENT VALESKY: Call
5 the roll.

6 (The Secretary called the roll.)

7 ACTING PRESIDENT VALESKY:
8 Announce the results.

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

18 Ayes, 32. Nays, 29.

19 ACTING PRESIDENT VALESKY: The
20 bill is passed.

21 THE SECRETARY: Calendar Number
22 1365, by Senator Klein, Senate Print 8347, an
23 act to amend the Education Law.

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

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

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

6 ACTING PRESIDENT VALESKY: Call
7 the roll.

8 (The Secretary called the roll.)

9 ACTING PRESIDENT VALESKY:
10 Announce the results.

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

17 Ayes, 48. Nays, 13.

18 ACTING PRESIDENT VALESKY: The
19 bill is passed.

20 THE SECRETARY: Calendar Number
21 1369, substituted earlier today by the
22 Assembly Committee on Rules, Assembly Print
23 Number 11567, an act to amend the Multiple
24 Dwelling Law.

25 ACTING PRESIDENT VALESKY:

1 Senator Padavan.

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

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

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

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

1 facts are on two completely unrelated
2 subjects.

3 I vote no.

4 ACTING PRESIDENT VALESKY: Thank
5 you, Senator Padavan.

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

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

10 SENATOR LaVALLE: Mr. President.

11 ACTING PRESIDENT VALESKY:
12 Senator LaValle.

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

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

19 SENATOR CARL KRUGER: On this
20 bill?

21 SENATOR LaVALLE: Yes.

22 SENATOR CARL KRUGER: Yes, I
23 yield, yes.

24 ACTING PRESIDENT VALESKY:
25 Senator Kruger yields.

1 SENATOR CARL KRUGER:

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

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

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

15 ACTING PRESIDENT VALESKY:
16 Senator Saland.

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

19 SENATOR CARL KRUGER: Well, is
20 the mic on?

21 ACTING PRESIDENT VALESKY:
22 Senator Kruger.

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

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

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

14 SENATOR LaVALLE: Or not voted
15 for it.

16 SENATOR CARL KRUGER: Or voted on
17 it, rather.

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

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

23 SENATOR LaVALLE: Yeah,
24 Mr. President.

25 ACTING PRESIDENT VALESKY:

1 Senator Kruger, do you continue to yield?

2 SENATOR CARL KRUGER: Yes,
3 Mr. President.

4 ACTING PRESIDENT VALESKY: The
5 sponsor yields.

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

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

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

18 ACTING PRESIDENT VALESKY:
19 Senator LaValle.

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

22 Your question, Senator?

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

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

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

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

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

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

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

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

24 SENATOR KLEIN: Yes, I do.

25 ACTING PRESIDENT VALESKY:

1 Senator Kruger yields.

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

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

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

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

13 Are there any other Senators who
14 wish to be heard?

15 Senator Padavan.

16 SENATOR PADAVAN: Yeah, if the
17 Senator would yield.

18 ACTING PRESIDENT VALESKY:
19 Senator Kruger?

20 SENATOR CARL KRUGER: Yes, I do.

21 ACTING PRESIDENT VALESKY:
22 Senator Kruger yields.

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

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

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

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

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

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

18 SENATOR PADAVAN: It's not in
19 this bill.

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

24 SENATOR PADAVAN: Would the
25 Senator yield.

1 ACTING PRESIDENT VALESKY:

2 Senator Kruger?

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

5 SENATOR PADAVAN: I'm sure that
6 there is some other reference in the law
7 relevant to STAR. But this bill does not say,
8 by virtue of extending the hours from 13 to
9 24 hours a day, seven days a week, monies
10 shall now be provided to the STAR relief
11 program. There's no reference, there's no
12 tie-in, there's no correlation, none
13 whatsoever.

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

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

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

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

6 SENATOR PADAVAN: Thank you,
7 Senator Kruger.

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

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

13 Are there any other Senators who
14 wish to be heard?

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

17 Read the last section.

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

20 ACTING PRESIDENT VALESKY: Call
21 the roll.

22 (The Secretary called the roll.)

23 ACTING PRESIDENT VALESKY:
24 Announce the results.

25 THE SECRETARY: Those recorded in

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

6 Ayes, 43. Nays, 18.

7 ACTING PRESIDENT VALESKY: The
8 bill is passed.

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

15 ACTING PRESIDENT VALESKY:
16 Substitution ordered.

17 THE SECRETARY: Calendar Number
18 1370, by the Assembly Committee on Rules,
19 Assembly Print Number 11568, an act to amend
20 the State Finance Law.

21 ACTING PRESIDENT VALESKY:
22 Senator Hannon.

23 SENATOR HANNON: On the bill,
24 Mr. President.

25 ACTING PRESIDENT VALESKY:

1 Senator Hannon, on the bill.

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

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

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

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

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

24 Thank you, Mr. President.

25 ACTING PRESIDENT VALESKY: Thank

1 you, Senator Hannon.

2 Senator Schneiderman, on the bill.

3 SENATOR SCHNEIDERMAN: Thank you,
4 Mr. President.

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

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

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

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

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

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

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

25 It also has other provisions that

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

8 Mr. President, this is a tough on
9 crime, smart on crime bill. It's something
10 that will bring in revenue to the state. It
11 is estimated that it will bring in at least
12 \$25 million a year after it gets up and
13 running in a year or two. Frankly, I was
14 hoping we could do it as a part of the budget,
15 because it does generate revenue. That didn't
16 work out.

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

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

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

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

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

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

24 ACTING PRESIDENT VALESKY: Thank
25 you, Senator Schneiderman.

1 Senator Craig Johnson.

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

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

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

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

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

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

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

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

23 ACTING PRESIDENT VALESKY: Thank
24 you, Senator Johnson.

25 Are there any other Senators who

1 wish to be heard?

2 Senator Hannon.

3 SENATOR HANNON: Yes, just
4 briefly.

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

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

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

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

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

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

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

14 (Laughter.)

15 ACTING PRESIDENT VALESKY:
16 Senator Johnson.

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

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

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

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

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

25 And so I think it's important. I

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

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

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

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

15 Read the last section.

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

19 ACTING PRESIDENT VALESKY: Call
20 the roll.

21 (The Secretary called the roll.)

22 ACTING PRESIDENT VALESKY:
23 Results.

24 THE SECRETARY: Ayes, 61.

25 ACTING PRESIDENT VALESKY: The

1 bill is passed.

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

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

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

10 THE SECRETARY: Calendar Number
11 1286, Senate Budget Bill, Senate Print 6601A,
12 an act making appropriations for the support
13 of government: LEGISLATURE AND JUDICIARY
14 BUDGET.

15 SENATOR DeFRANCISCO:
16 Explanation.

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

21 SENATOR DeFRANCISCO: Yes, lay it
22 aside, please.

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

25 Senator Klein.

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

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

7 THE SECRETARY: Calendar Number
8 1286, Senate Budget Bill, Senate Print 6601A,
9 an act making appropriations for the support
10 of government: LEGISLATURE AND JUDICIARY
11 BUDGET.

12 SENATOR DeFRANCISCO:
13 Explanation.

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

17 SENATOR CARL KRUGER: Thank you,
18 Mr. President.

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

1 The judiciary appropriates
2 \$2.656 billion in All Funds, and that is a
3 decrease of \$53 million, or 1.96 percent of
4 the proposed 2011 budget. It is an increase
5 of \$130 million or 5.1 percent over the
6 FY2009-2010 levels.

7 ACTING PRESIDENT VALESKY:
8 Senator DeFrancisco.

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

11 ACTING PRESIDENT VALESKY:
12 Senator Kruger, do you yield?

13 SENATOR CARL KRUGER: Yes, I do.

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

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

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

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

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

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

9 SENATOR DeFRANCISCO: Would
10 Senator Kruger yield to another question.

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

13 ACTING PRESIDENT VALESKY:
14 Senator Kruger yields.

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

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

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

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

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

5 SENATOR CARL KRUGER: Through
6 you, Mr. President, approximately
7 \$2.7 billion.

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

11 SENATOR CARL KRUGER: 133.077 to
12 135.721. Which is a change of approximately
13 2 percent.

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

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

19 ACTING PRESIDENT VALESKY:
20 Senator Kruger continues to yield.

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

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

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

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

14 ACTING PRESIDENT VALESKY:
15 Senator Kruger?

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

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

22 SENATOR CARL KRUGER: Yes.

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

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

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

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

9 SENATOR DeFRANCISCO: Will
10 Senator Kruger yield to another question.

11 ACTING PRESIDENT VALESKY:
12 Senator Kruger?

13 SENATOR CARL KRUGER: Yes, I do.

14 ACTING PRESIDENT VALESKY: He
15 continues to yield.

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

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

1 you're referring to the revenue bill?

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

5 SENATOR CARL KRUGER: Please.

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

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

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

22 SENATOR DeFRANCISCO: Okay.

23 Thank you.

24 On the bill.

25 ACTING PRESIDENT VALESKY:

1 Senator DeFrancisco, on the bill.

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

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

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

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

5 So with that said, I just want to
6 also say with respect to the increase from
7 last year, we have done an analysis of the
8 increase of the budget from last year to this
9 year, and our analysis is \$5 billion. Now,
10 we'll wait to see what the Governor and the
11 Comptroller say. But in a time of fiscal
12 concern in this State of New York, where we
13 supposedly have a \$9.2 billion deficit, we're
14 increasing spending by anywhere from
15 \$2.7 billion to \$5 billion, depending upon
16 whose numbers you take.

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

20 Thank you, Mr. President.

21 ACTING PRESIDENT VALESKY: Thank
22 you, Senator DeFrancisco.

23 Are there any other Senators who
24 wish to be heard?

25 Seeing none, the debate is closed.

1 The Secretary will ring the bells.

2 Read the last section.

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

5 ACTING PRESIDENT VALESKY: Call
6 the roll.

7 (The Secretary called the roll.)

8 ACTING PRESIDENT VALESKY:
9 Announce the results.

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

19 Ayes, 32. Nays, 29.

20 ACTING PRESIDENT VALESKY: The
21 bill is passed.

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

25 SENATOR KLEIN: Mr. President,

1 can we briefly return to motions and
2 resolutions.

3 ACTING PRESIDENT VALESKY:
4 Returning to motions and resolutions.

5 Senator Klein.

6 SENATOR KLEIN: On behalf of
7 Senator Oppenheimer, I move that the following
8 bill be discharged from its respective
9 committee and be recommitted with instructions
10 to strike the enacting clause: Senate Print
11 8307.

12 ACTING PRESIDENT VALESKY: So
13 ordered.

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

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

19 ACTING PRESIDENT VALESKY:
20 Immediate Republican conference.

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

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

25 (Whereupon, the Senate reconvened

1 at 5:56 p.m.)

2 ACTING PRESIDENT CRAIG JOHNSON:

3 Senator Klein.

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

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

10 ACTING PRESIDENT CRAIG JOHNSON:

11 There will be an immediate meeting of the
12 Rules Committee in Room 332.

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

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

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

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

21 Senator Klein.

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

25 ACTING PRESIDENT VALESKY:

1 Senator Klein.

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

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

9 The Secretary will read.

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

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

16 3191B, by Senator Stavisky, an act
17 to amend the Public Health Law;

18 3705, by Senator Huntley, an act to
19 amend the Administrative Code of the City of
20 New York;

21 4075A, by Senator Winner, an act to
22 amend the Education Law;

23 4528A, by Senator L. Krueger, an
24 act to amend the Administrative Code of the
25 City of New York;

1 5410, by Senator Klein, an act to
2 amend the Religious Corporations Law;

3 6298A, by Senator Savino, an act to
4 authorize;

5 6477, by Senator Stewart-Cousins,
6 an act to amend the General Municipal Law;

7 6793B, by Senator Valesky, an act
8 to amend the Environmental Conservation Law;

9 6930A, by Senator C. Johnson, an
10 act to amend the General Business Law;

11 6998A, by Senator Addabbo, an act
12 to amend the Labor Law;

13 7179, by Senator Winner, an act to
14 amend the General Municipal Law;

15 7363, by Senator Squadron, an act
16 to amend the Energy Law;

17 7455A, by Senator Savino, an act to
18 amend the Workers' Compensation Law;

19 7680, by Senator Diaz, an act to
20 amend the Penal Law;

21 7765, by Senator Hassell-Thompson,
22 an act to authorize;

23 7966A, by Senator Thompson, an act
24 to amend the Environmental Conservation Law;

25 8020, by Senator Perkins, an act to

1 amend the Environmental Conservation Law;

2 8100A, by Senator Klein, an act to
3 amend the Real Property Actions and
4 Proceedings Law;

5 8134A, by Senator Winner, an act to
6 authorize;

7 8172, by Senator Huntley, an act to
8 amend the New York City Charter;

9 8174, by Senator Klein, an act to
10 amend the Real Property Actions and
11 Proceedings Law;

12 8271, by Senator Klein, an act to
13 amend the Social Services Law;

14 8309A, by Senator Winner, an act
15 relating to permitting;

16 8348, by Senator Oppenheimer, an
17 act to amend the Public Authorities Law;

18 8350, by Senator Dilan, an act to
19 amend the Public Housing Law;

20 8358A, by Senator Breslin, an act
21 to amend the Insurance Law;

22 8361, by Senator Peralta, an act to
23 amend the New York City Charter;

24 8375, by Senator Thompson, an act
25 to amend the Environmental Conservation Law;

1 8388, by Senator Parker, an act to
2 amend the Public Service Law;

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

6 All bills ordered direct to third
7 reading.

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

11 (Response of "Aye.")

12 ACTING PRESIDENT VALESKY:
13 Opposed, nay.

14 (Response of "Nay.")

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

17 Senator Klein.

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

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

24 THE SECRETARY: Calendar Number
25 1329, by Senator Dilan, Senate Print 2057, an

1 act to amend the Vehicle --

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

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

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

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

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

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

18 ACTING PRESIDENT VALESKY:
19 Substitution ordered.

20 The bill is laid aside temporarily.

21 THE SECRETARY: Calendar Number
22 1377, by Senator Huntley, Senate Print 3705,
23 an act to amend the Administrative Code of the
24 City of New York.

25 ACTING PRESIDENT VALESKY: Read

1 the last section.

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

4 ACTING PRESIDENT VALESKY: Call
5 the roll.

6 (The Secretary called the roll.)

7 ACTING PRESIDENT VALESKY:
8 Announce the results.

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

14 Ayes, 48. Nays, 13.

15 ACTING PRESIDENT VALESKY: The
16 bill is passed.

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

23 ACTING PRESIDENT VALESKY:
24 Substitution ordered.

25 THE SECRETARY: Calendar Number

1 1378, by Member of the Assembly Parment,
2 Assembly Print Number 8079A, an act to amend
3 the Education Law and others.

4 ACTING PRESIDENT VALESKY: Read
5 the last section.

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

8 ACTING PRESIDENT VALESKY: Call
9 the roll.

10 (The Secretary called the roll.)

11 THE SECRETARY: Ayes, 61.

12 ACTING PRESIDENT VALESKY: The
13 bill is passed.

14 THE SECRETARY: Calendar Number
15 1379, by Senator L. Krueger, Senate Print
16 4528A, an act to amend the Administrative Code
17 of the City of New York.

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

20 Read the last section.

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

24 ACTING PRESIDENT VALESKY: Call
25 the roll.

1 (The Secretary called the roll.)

2 ACTING PRESIDENT VALESKY:

3 Announce the results.

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

8 Ayes, 57. Nays, 4.

9 ACTING PRESIDENT VALESKY: The
10 bill is passed.

11 THE SECRETARY: Calendar Number
12 1380, by Senator Klein, Senate Print 5410, an
13 act to amend the Religious Corporations Law.

14 ACTING PRESIDENT VALESKY: Read
15 the last section.

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

18 SENATOR LIBOUS: Lay it aside.

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

21 THE SECRETARY: Calendar Number
22 1381, by Senator Savino, Senate Print 6298A,
23 an act to authorize the City of New York.

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

1 day.

2 THE SECRETARY: Calendar Number
3 1382, by Senator Stewart-Cousins, Senate Print
4 6477, an act to amend the General Municipal
5 Law.

6 ACTING PRESIDENT VALESKY: Read
7 the last section.

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

10 ACTING PRESIDENT VALESKY: Call
11 the roll.

12 (The Secretary called the roll.)

13 THE SECRETARY: Ayes, 61.

14 ACTING PRESIDENT VALESKY: The
15 bill is passed.

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

22 ACTING PRESIDENT VALESKY:
23 Substitution ordered.

24 THE SECRETARY: Calendar Number
25 1383, by Member of the Assembly DelMonte,

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

3 ACTING PRESIDENT VALESKY: Read
4 the last section.

5 THE SECRETARY: Section --

6 SENATOR LIBOUS: Lay the bill
7 aside, please.

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

10 THE SECRETARY: Calendar Number
11 1384, by Senator C. Johnson, Senate Print
12 6930A, an act to amend the General Business
13 Law.

14 ACTING PRESIDENT VALESKY: Read
15 the last section.

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

18 ACTING PRESIDENT VALESKY: Call
19 the roll.

20 (The Secretary called the roll.)

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

23 ACTING PRESIDENT VALESKY: The
24 bill is passed.

25 THE SECRETARY: Calendar Number

1 1385, by Senator Addabbo, Senate Print 6998A,
2 an act to amend the Labor Law.

3 ACTING PRESIDENT VALESKY: Read
4 the last section.

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

7 ACTING PRESIDENT VALESKY: Call
8 the roll.

9 (The Secretary called the roll.)

10 SENATOR DeFRANCISCO: Lay the
11 bill aside.

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

14 THE SECRETARY: Calendar Number
15 1386, by Senator Winner, Senate Print 7179, an
16 act to amend the General Municipal Law.

17 ACTING PRESIDENT VALESKY: Read
18 the last section.

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

21 ACTING PRESIDENT VALESKY: Call
22 the roll.

23 (The Secretary called the roll.)

24 THE SECRETARY: Ayes, 61.

25 ACTING PRESIDENT VALESKY: The

1 bill is passed.

2 THE SECRETARY: Calendar Number
3 1387, by Senator Squadron, Senate Print --

4 SENATOR LIBOUS: Lay it aside.

5 ACTING PRESIDENT VALESKY: The
6 bill is laid aside.

7 THE SECRETARY: Calendar Number
8 1388, by Senator Savino, Senate Print 7455A,
9 an act to amend the Workers' Compensation Law.

10 ACTING PRESIDENT VALESKY: Read
11 the last section.

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

14 ACTING PRESIDENT VALESKY: Call
15 the roll.

16 (The Secretary called the roll.)

17 THE SECRETARY: Ayes, 61.

18 ACTING PRESIDENT VALESKY: The
19 bill is passed.

20 THE SECRETARY: Calendar Number
21 1389, by Senator Diaz, Senate Print 7680, an
22 act to amend the Penal Law.

23 ACTING PRESIDENT VALESKY: Read
24 the last section.

25 THE SECRETARY: Section 2. This

1 act shall take effect on the first of
2 November.

3 ACTING PRESIDENT VALESKY: Call
4 the roll.

5 (The Secretary called the roll.)

6 THE SECRETARY: Ayes, 61.

7 ACTING PRESIDENT VALESKY: The
8 bill is passed.

9 THE SECRETARY: Calendar Number
10 1390, by Senator Hassell-Thompson, Senate
11 Print 7765, an act to authorize the City of
12 Mount Vernon.

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

15 Read the last section.

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

18 ACTING PRESIDENT VALESKY: Call
19 the roll.

20 (The Secretary called the roll.)

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

24 ACTING PRESIDENT VALESKY: The
25 bill is passed.

1 THE SECRETARY: Calendar Number
2 1391, by Senator Thompson, Senate Print --

3 SENATOR LIBOUS: Lay it aside.

4 ACTING PRESIDENT VALESKY: The
5 bill is laid aside.

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

12 ACTING PRESIDENT VALESKY:
13 Substitution ordered.

14 THE SECRETARY: Calendar Number
15 1392, by Member of the Assembly Rosenthal,
16 Assembly Print Number 8687B, an act to amend
17 the Environmental Conservation Law.

18 ACTING PRESIDENT VALESKY: Read
19 the last section.

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

22 ACTING PRESIDENT VALESKY: Call
23 the roll.

24 (The Secretary called the roll.)

25 ACTING PRESIDENT VALESKY:

1 Senator Libous, to explain his vote.

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

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

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

13 Announce the results.

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

22 Ayes, 35. Nays, 26.

23 ACTING PRESIDENT VALESKY: The
24 bill is passed.

25 THE SECRETARY: Calendar Number

1 1393, by Senator Klein --

2 SENATOR LIBOUS: Lay it aside.

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

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

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

9 THE SECRETARY: Calendar Number
10 1394, by Senator Winner, Senate Print 8134A,
11 an act to authorize the County of Schuyler.

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

14 Read the last section.

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

17 ACTING PRESIDENT VALESKY: Call
18 the roll.

19 (The Secretary called the roll.)

20 THE SECRETARY: Ayes, 61.

21 ACTING PRESIDENT VALESKY: The
22 bill is passed.

23 THE SECRETARY: Calendar Number
24 1395, by Senator Huntley, Senate Print 8172,
25 an act to amend the New York City Charter.

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

3 Read the last section.

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

6 ACTING PRESIDENT VALESKY: Call
7 the roll.

8 (The Secretary called the roll.)

9 THE SECRETARY: Ayes, 61.

10 ACTING PRESIDENT VALESKY: The
11 bill is passed.

12 THE SECRETARY: Calendar Number
13 1396, by Senator Klein --

14 SENATOR LIBOUS: Lay it aside.

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

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

19 THE SECRETARY: Calendar Number
20 1397, by Senator Klein --

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

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

25 THE SECRETARY: In relation to

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

6 ACTING PRESIDENT VALESKY:
7 Substitution ordered.

8 THE SECRETARY: Calendar Number
9 1398, by the Assembly Committee on Rules,
10 Assembly Print Number 11505A, an act relating
11 to permitting a permanent resident.

12 ACTING PRESIDENT VALESKY: Read
13 the last section.

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

16 ACTING PRESIDENT VALESKY: Call
17 the roll.

18 (The Secretary called the roll.)

19 THE SECRETARY: Ayes, 61.

20 ACTING PRESIDENT VALESKY: The
21 bill is passed.

22 THE SECRETARY: Calendar Number
23 1399, by Senator Oppenheimer, Senate Print
24 8348, an act to amend the Public Authorities
25 Law.

1 ACTING PRESIDENT VALESKY: Read
2 the last section.

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

5 ACTING PRESIDENT VALESKY: Call
6 the roll.

7 (The Secretary called the roll.)

8 THE SECRETARY: Ayes, 61.

9 ACTING PRESIDENT VALESKY: The
10 bill is passed.

11 THE SECRETARY: Calendar Number
12 1400, by Senator Dilan, Senate Print 8350, an
13 act to amend the Public Housing Law.

14 ACTING PRESIDENT VALESKY: Read
15 the last section.

16 THE SECRETARY: Section 2. This
17 act shall take effect on the same date and in
18 the same manner as a chapter of the Laws of
19 2010.

20 ACTING PRESIDENT VALESKY: Call
21 the roll.

22 (The Secretary called the roll.)

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

1 and Young.

2 Ayes, 56. Nays, 5.

3 ACTING PRESIDENT VALESKY: The
4 bill is passed.

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

8 Ayes, 55. Nays, 6.

9 ACTING PRESIDENT VALESKY: The
10 bill is passed.

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

17 ACTING PRESIDENT VALESKY:
18 Substitution ordered.

19 THE SECRETARY: Calendar Number
20 1401, by the Assembly Committee on Rules,
21 Assembly Print Number 11555, an act to amend
22 the Insurance Law.

23 ACTING PRESIDENT VALESKY: Read
24 the last section.

25 THE SECRETARY: Section 3. This

1 act shall take effect on the same date and in
2 the same manner as a chapter of the Laws of
3 2010.

4 ACTING PRESIDENT VALESKY: Call
5 the roll.

6 (The Secretary called the roll.)

7 THE SECRETARY: Ayes, 61.

8 ACTING PRESIDENT VALESKY: The
9 bill is passed.

10 THE SECRETARY: Calendar Number
11 1402, by Senator Peralta, Senate Print 8361,
12 an act to amend the New York City Charter.

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

15 Read the last section.

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

18 ACTING PRESIDENT VALESKY: Call
19 the roll.

20 (The Secretary called the roll.)

21 THE SECRETARY: Ayes, 61.

22 ACTING PRESIDENT VALESKY: The
23 bill is passed.

24 THE SECRETARY: Calendar Number
25 1403, by Senator Thompson, Senate Print 8375,

1 an act to amend the Environmental Conservation
2 Law.

3 SENATOR YOUNG: Lay it aside.

4 ACTING PRESIDENT VALESKY: The
5 bill is laid aside.

6 SENATOR YOUNG: Oh, I'm sorry.

7 SENATOR LIBOUS: No, lay it
8 aside.

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

11 THE SECRETARY: Calendar Number
12 1404, by Senator Parker, Senate Print 8388, an
13 act to amend the Public Service Law.

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

17 THE SECRETARY: Calendar Number
18 1405, by Senator Parker, Senate Print 8389, an
19 act to amend the Public Service Law and the
20 State Finance Law.

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

24 Senator Klein, that completes the
25 noncontroversial reading of Supplemental

1 Calendar 74A.

2 Senator Klein.

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

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

9 THE SECRETARY: Calendar Number
10 1355, substituted earlier today by Member of
11 the Assembly Mayersohn, Assembly Print Number
12 6714B, an act to amend the Public Health Law.

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

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

17 The Secretary will continue to
18 read.

19 THE SECRETARY: Calendar Number
20 1380, by Senator Klein, Senate Print 5410, an
21 act to amend the Religious Corporations Law.

22 SENATOR YOUNG: Explanation.

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

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

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

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

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

24 Read the last section.

25 THE SECRETARY: Section 2. This

1 act shall take effect on the 30th day.

2 ACTING PRESIDENT CRAIG JOHNSON:

3 Call the roll.

4 (The Secretary called the roll.)

5 ACTING PRESIDENT CRAIG JOHNSON:

6 Can we have some order in the chamber, please.

7 Thank you.

8 Senator Young, to explain her vote.

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

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

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

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

25 ACTING PRESIDENT CRAIG JOHNSON:

1 Senator Young to be recorded in the negative.

2 Senator Klein, to explain his vote.

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

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

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

1 cemetery.

2 So of course I vote yes.

3 ACTING PRESIDENT CRAIG JOHNSON:

4 Senator Klein to be recorded in the
5 affirmative.

6 Senator Farley, to explain his
7 vote.

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

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

18 ACTING PRESIDENT CRAIG JOHNSON:

19 Senator Farley to be recorded in the negative.

20 Announce the results.

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

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

5 Ayes, 33. Nays, 28.

6 ACTING PRESIDENT CRAIG JOHNSON:

7 The bill is passed.

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

10 THE SECRETARY: Calendar
11 Number --

12 ACTING PRESIDENT CRAIG JOHNSON:

13 Oh, hold on.

14 Senator Klein.

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

20 ACTING PRESIDENT CRAIG JOHNSON:

21 We will now withdraw the lay aside for the day
22 on Calendar Number 1355. We will now put
23 Calendar Number 1355 on the controversial
24 calendar before the house.

25 The Secretary will read Calendar

1 Number 1355.

2 THE SECRETARY: Calendar Number
3 1355, substituted earlier today by Member of
4 the Assembly Mayersohn, Assembly Print Number
5 6714B, an act to amend the Public Health Law.

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

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

11 Senator Klein.

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

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

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

18 THE SECRETARY: Calendar Number
19 1383, substituted earlier today by Member of
20 the Assembly DelMonte, Assembly Print Number
21 924E, an act to amend the Environmental
22 Conservation Law.

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

1 Senator Bonacic.

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

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

8 SENATOR VALESKY: Yes.

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

11 SENATOR BONACIC: Thank you,
12 Senator.

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

21 SENATOR VALESKY: Sure.

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

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

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

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

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

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

1 crossbows during the firearm season.

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

4 SENATOR VALESKY: Thank you.

5 SENATOR BONACIC: Thank you,
6 Mr. President.

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

10 Senator Larkin.

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

14 SENATOR VALESKY: Certainly.

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

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

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

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

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

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

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

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

17 SENATOR VALESKY: Thank you.

18 ACTING PRESIDENT CRAIG JOHNSON:
19 Senator Padavan.

20 SENATOR PADAVAN: Will the
21 Senator yield.

22 SENATOR VALESKY: Yes, of course.

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

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

6 SENATOR VALESKY: That's correct.

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

9 SENATOR VALESKY: Correct.

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

14 SENATOR VALESKY: Yes. Yes.

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

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

21 SENATOR PADAVAN: Yes, I
22 understand that.

23 SENATOR VALESKY: -- as allowed
24 in current law.

25 This bill makes no changes to the

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

3 SENATOR PADAVAN: That's a very
4 limited --

5 SENATOR VALESKY: Extremely
6 limited, yes.

7 SENATOR PADAVAN: Thank you.

8 ACTING PRESIDENT CRAIG JOHNSON:

9 Any other Senators wishing to be heard?

10 Hearing none, the debate is closed.

11 The Secretary will please ring the bells.

12 Read the last section.

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

15 ACTING PRESIDENT CRAIG JOHNSON:

16 Call the roll.

17 (The Secretary called the roll.)

18 ACTING PRESIDENT CRAIG JOHNSON:

19 Senator Schneiderman, to explain his vote.

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

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

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

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

6 Senator Thompson, to explain his
7 vote.

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

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

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

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

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

7 Senator DeFrancisco, to explain his
8 vote.

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

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

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

1 ACTING PRESIDENT CRAIG JOHNSON:

2 Thank you, Senator DeFrancisco. You will be
3 recorded in the affirmative.

4 Senator Volker, to explain his
5 vote.

6 SENATOR VOLKER: Thank you,
7 Mr. President.

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

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

25 But you know, this has been a fight

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

4 And I want to thank especially my
5 seatmate here, Senator Padavan, because it's
6 one of the only times since I've been here in
7 38 years that he hasn't argued with me on a
8 hunting bill. And so I want to thank him very
9 much for being cooperative.

10 SENATOR PADAVAN: You're welcome.

11 SENATOR VOLKER: I vote aye.

12 ACTING PRESIDENT CRAIG JOHNSON:

13 Senator Volker to be recorded in the
14 affirmative.

15 Announce the results.

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

20 ACTING PRESIDENT CRAIG JOHNSON:

21 The bill is passed.

22 THE SECRETARY: Calendar Number
23 1385, by Senator Addabbo, Senate Print 6998A,
24 an act to amend the Labor Law.

25 ACTING PRESIDENT CRAIG JOHNSON:

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

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

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

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

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

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

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

25 ACTING PRESIDENT CRAIG JOHNSON:

1 Senator Addabbo, will you yield for Senator
2 DeFrancisco?

3 SENATOR ADDABBO: Yes,
4 Mr. President.

5 ACTING PRESIDENT CRAIG JOHNSON:
6 Senator DeFrancisco.

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

12 SENATOR ADDABBO: To really
13 protect the employer as well -- through you,
14 Mr. President -- to really protect the
15 employer as well, it would be employers who
16 have a job opening that has some type of
17 substantial contact with children, again,
18 16 years or under.

19 SENATOR DeFRANCISCO: Would
20 Senator Addabbo again yield.

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

23 SENATOR ADDABBO: Yes.

24 ACTING PRESIDENT CRAIG JOHNSON:
25 Senator Addabbo yields.

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

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

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

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

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

17 SENATOR ADDABBO: Yes,
18 Mr. President.

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

25 SENATOR ADDABBO: Through you,

1 Mr. President, a penalty of \$100. And again,
2 the employer would only be responsible for the
3 \$100 if it was shown to be a willful not
4 checking the background of the prospective
5 employee.

6 SENATOR DeFRANCISCO: And I have
7 one last question.

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

10 SENATOR ADDABBO: Yes,
11 Mr. President.

12 SENATOR DeFRANCISCO: Would that
13 \$100 fine apply to school districts, daycare
14 centers and those areas that are already
15 required to do this -- in fact, have to go
16 further, they have to get fingerprint checks?
17 Would that fine also apply to them?

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

21 SENATOR DeFRANCISCO: All right,
22 thank you.

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

1 Hearing none, debate is closed.

2 The Secretary will ring the bills.

3 Read the last section.

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

6 ACTING PRESIDENT CRAIG JOHNSON:
7 Call the roll.

8 (The Secretary called the roll.)

9 ACTING PRESIDENT CRAIG JOHNSON:
10 Announce the results.

11 THE SECRETARY: Ayes, 61. Nays,
12 0.

13 ACTING PRESIDENT CRAIG JOHNSON:
14 The bill is passed.

15 THE SECRETARY: Calendar Number
16 1387, by Senator Squadron, Senate Print 7363,
17 an act to amend the Energy Law.

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

21 SENATOR NOZZOLIO: Explanation.

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

25 SENATOR SQUADRON: Thank you very

1 much, Mr. President.

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

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

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

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

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

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

15 ACTING PRESIDENT CRAIG JOHNSON:
16 Senator Nozzolio.

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

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

22 SENATOR SQUADRON: Yes,
23 Mr. President.

24 ACTING PRESIDENT CRAIG JOHNSON:
25 Senator Nozzolio.

1 SENATOR NOZZOLIO: Thank you,
2 Mr. President.

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

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

10 SENATOR NOZZOLIO: So there are
11 national standards.

12 Will Senator Squadron continue to
13 yield.

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

16 SENATOR SQUADRON: I will.

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

21 ACTING PRESIDENT CRAIG JOHNSON:
22 Senator Squadron.

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

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

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

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

12 SENATOR SQUADRON: Yes.

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

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

1 the sale, the price at initial sale.

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

8 And so I don't believe that the
9 more energy efficient television will cost
10 less. In some cases, in fact, it may cost a
11 few dollars more at initial purchase. But
12 over its life it will save between \$50 and
13 \$250 a year for the average consumer.

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

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

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

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

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

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

18 SENATOR SQUADRON: Yes.

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

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

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

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

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

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

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

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

1 television --

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

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

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

22 Thank you, Mr. President.

23 SENATOR NOZZOLIO: Thank you,
24 Senator Squadron.

25 Mr. President, on the bill.

1 ACTING PRESIDENT CRAIG JOHNSON:

2 Senator Nozzolio, on the bill.

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

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

16 And I say that's sad because in my
17 hometown of Seneca Falls there used to be a
18 manufacturer of televisions. I worked from
19 3:30 to midnight one summer washing screen
20 scrap in the Sylvania Electric Television
21 factory that no longer exists.

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

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

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

13 Thank you, Mr. President.

14 ACTING PRESIDENT CRAIG JOHNSON:

15 Thank you, Senator Nozzolio.

16 Senator Fuschillo.

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

19 ACTING PRESIDENT CRAIG JOHNSON:

20 Senator Squadron, will you yield for some
21 questions from Senator Fuschillo?

22 SENATOR SQUADRON: I will.

23 ACTING PRESIDENT CRAIG JOHNSON:

24 Senator Fuschillo.

25 SENATOR FUSCHILLO: Senator, what

1 else does this legislation include besides
2 televisions?

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

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

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

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

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

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

22 SENATOR FUSCHILLO: Would the
23 sponsor continue to yield.

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

1 SENATOR SQUADRON: Yes.

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

5 ACTING PRESIDENT CRAIG JOHNSON:
6 Senator Squadron.

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

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

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

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

22 SENATOR SQUADRON: Yes.

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

1 ACTING PRESIDENT CRAIG JOHNSON:

2 The question is do you have an Assembly
3 sponsor and has it passed the Assembly.

4 SENATOR SQUADRON: Yes, Mr.

5 President, I do have an Assembly sponsor. As
6 of a couple of hours ago, it had not passed in
7 the Assembly.

8 SENATOR FUSCHILLO: If the
9 sponsor would continue to yield.

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

12 SENATOR SQUADRON: Yes,
13 Mr. President.

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

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

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

8 SENATOR FUSCHILLO: Thank you,
9 Senator.

10 Would the Senator continue to
11 yield?

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

14 SENATOR SQUADRON: Yes.

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

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

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

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

12 Thank you, Mr. President.

13 ACTING PRESIDENT CRAIG JOHNSON:

14 Thank you, Senator Squadron.

15 Senator Fuschillo.

16 SENATOR FUSCHILLO: One last
17 question, Mr. President.

18 ACTING PRESIDENT CRAIG JOHNSON:

19 Senator Squadron, Senator Fuschillo has asked
20 for you to yield for one final question.

21 SENATOR SQUADRON: Absolutely,
22 Mr. President.

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

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

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

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

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

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

18 ACTING PRESIDENT CRAIG JOHNSON:
19 Thank you, Senator Fuschillo.

20 Senator DeFrancisco.

21 SENATOR DeFRANCISCO: Would
22 Senator Squadron yield to a question.

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

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

3 (Laughter.)

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

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

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

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

1 SENATOR SQUADRON: Yes.

2 ACTING PRESIDENT CRAIG JOHNSON:

3 Senator DeFrancisco.

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

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

17 But the other reason is, as I keep
18 talking about, the federal Energy Star
19 requirement -- which is a voluntary standard,
20 not a requirement, excuse me -- is equal to or
21 less than each of standards as they tier up
22 under this bill.

23 SENATOR DeFRANCISCO: I
24 understand.

25 Last question.

1 ACTING PRESIDENT CRAIG JOHNSON:
2 Senator Squadron, will you yield for the last
3 question?

4 SENATOR SQUADRON: Yes.

5 SENATOR DeFRANCISCO: If that's
6 the case, why do you need the bill?

7 SENATOR SQUADRON: Through you,
8 Mr. President. Many, many televisions, as I
9 said, comply with the voluntary Energy Star
10 standards.

11 However, as I said, there are a
12 number of reasons to have this bill. You
13 found it with refrigerators, you found it with
14 a number of other items where we've set
15 minimum standards for energy efficiency, that
16 you have a significant cut in the overall
17 energy usage and you actually can create a
18 situation where you end up with more
19 innovation when you have a requirement of this
20 sort.

21 And so the reason to do it is that
22 many folks, including every major
23 environmental group in the State of New York,
24 believe that if this bill passes we'll use
25 33 percent less energy in 2011, just next

1 year, than we otherwise would from
2 televisions, 49 percent less energy in 2013,
3 and every year forward than we otherwise
4 would.

5 So the reason to pass the bill is
6 to save energy, save costs, and help move the
7 industry forward and put New York State at the
8 forefront of it.

9 Thank you, Mr. President.

10 ACTING PRESIDENT CRAIG JOHNSON:

11 Thank you, Senator Squadron.

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

14 Hearing none, debate is closed.
15 The Secretary will please ring the bells. I
16 ask all Senators to please come to the
17 chamber.

18 The Secretary will read the last
19 section.

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

22 ACTING PRESIDENT CRAIG JOHNSON:

23 Call the roll.

24 (The Secretary called the roll.)

25 ACTING PRESIDENT CRAIG JOHNSON:

1 Senator Robach, to explain his vote.

2 SENATOR ROBACH: Yes, just
3 briefly.

4 You know, the title of the bill
5 sounds fine. But, you know, we should really
6 be moving toward the federal standard. While
7 we talked about manufacturing jobs, what we
8 see too often in New York is this is going to
9 affect retail jobs, I think, if there's a very
10 different standard in New York. You know, we
11 already have people driving to New Jersey to
12 get their gas, buy their clothes because of
13 standards we put on. Why would we want to not
14 go to the federal standard and do this?

15 And I also think there was some
16 erroneous information. The technology is
17 getting better on usage. While the television
18 may be bigger, in some cases, the energy used
19 is actually less than old tube televisions,
20 and manufacturers both at the federal and the
21 state level are now using that to advertise,
22 whether it's a refrigerator or anything else,
23 what the Energy Star savings would be. And
24 that seems like a better way to go.

25 To put New York retailers behind

1 the eight ball or lose tax revenue because
2 people are going to another state to make a
3 major purchase does not seem like a necessity
4 at this point. But really to follow more the
5 federal plan, the Energy Star ratings and
6 things that are working in the rest of the
7 country, seems to be a better way to go to try
8 and save energy. So I'm going to vote in the
9 negative.

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

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

14 THE SECRETARY: Calendar Number
15 1391, by Senator Thompson, Senate Print 7966A,
16 an act to amend the Environmental Conservation
17 Law.

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

21 SENATOR NOZZOLIO: Explanation.

22 ACTING PRESIDENT CRAIG JOHNSON:
23 Senator Thompson, an explanation has been
24 requested by Senator Nozzolio.

25 SENATOR THOMPSON: Okay, 1391,

1 right?

2 ACTING PRESIDENT CRAIG JOHNSON:

3 Calendar 1391, Senator.

4 SENATOR THOMPSON: Yes, thank
5 you. Thank you. I always love to answer
6 questions.

7 Okay, this particular bill
8 addresses a growing problem. As fluorescent
9 lamps become an increasingly popular method of
10 reducing energy use, the amount of mercury
11 contained within these lamps pose a potential
12 health risk. When a fluorescent lamp breaks,
13 it releases mercury, a hazardous material
14 dangerous to human health and the environment.
15 Breakage can ensure during normal use and
16 particularly after disposal.

17 This legislation would ensure that
18 fluorescent lamps sold in New York State do
19 not contain excessive levels of mercury.
20 Currently, California, Maine, the European
21 Union have already adopted laws that set
22 maximum mercury content limits for compact
23 fluorescent lamps.

24 This bill also seeks to make sure
25 that we protect our children and,

1 additionally, our families. There's no
2 opposition to the bill from the industry. And
3 I believe we also moved this bill through
4 committee and there was no opposition to the
5 bill.

6 ACTING PRESIDENT CRAIG JOHNSON:

7 Any Senators wishing to be heard on the bill?

8 Hearing none, debate is closed.

9 The Secretary will please ring the bells.

10 Read the last section.

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

13 ACTING PRESIDENT CRAIG JOHNSON:

14 Call the roll.

15 (The Secretary called the roll.)

16 ACTING PRESIDENT CRAIG JOHNSON:

17 Senator Bonacic, to explain his vote.

18 SENATOR BONACIC: First of all,
19 all of the reasons that we spoke about with
20 Senator Squadron's bill applies to this same
21 bill, but it's mercury in the lamps, and it's
22 effective immediately. So you're setting a
23 standard in New York that is not set anywhere
24 else in the United States, and which would
25 prohibit that product from coming in here,

1 driving the cost up.

2 It's the exact same objections for
3 the television are the same objections for the
4 mercury in the lamps. I vote no.

5 Thank you, Mr. President.

6 ACTING PRESIDENT CRAIG JOHNSON:
7 Senator Bonacic to be recorded in the
8 negative.

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

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

13 THE SECRETARY: Calendar Number
14 1403, by Senator Thompson, Senate Print 8375,
15 an act to amend the Environmental Conservation
16 Law.

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

20 SENATOR NOZZOLIO: Explanation.

21 ACTING PRESIDENT CRAIG JOHNSON:
22 Can we please have some order in the chamber.

23 Senator Thompson, an explanation
24 has been requested by Senator Nozzolio for
25 Calendar Number 1403.

1 SENATOR THOMPSON: Sure. Thank
2 you.

3 This particular bill is a cleanup
4 bill to the expansion of the Bottle Bill last
5 year. The Retail Council of New York State
6 and the Food Industry Alliance of New York
7 both argue that the four RVMs at the larger
8 stores are capable of handling the customer or
9 consumer demands. The bill would address this
10 disparity by clarifying that the square
11 footage thresholds triggering the RVMs are
12 calculated on the area devoted to the display
13 of merchandise for sale to the public.

14 We had big numbers. For your
15 larger stores, they had -- were required to
16 have eight RVMs; now they would be required to
17 have four.

18 This bill is very important to the
19 industry. We have received no opposition to
20 this bill. And I think it's really good for
21 the consumers and good for the business.

22 Lastly, I would argue that the
23 challenge that some of the stores have is the
24 issue of zoning. Some of the stores, because
25 now they're going from not having any to

1 having eight, they're having zoning problems
2 as well. So this would help many of the
3 stores.

4 One of the reasons why we moved to
5 the RVM last year is because there was an
6 oversaturation -- rather, over redemption of
7 bottles at supermarkets and convenience
8 stores. So now your Targets, your Wal-Marts,
9 and your pharmacies now will have to redeem
10 using the RVMs as well, and make sure that
11 your supermarkets are not going to have
12 overredemption, particularly in your summer
13 months, the way your supermarkets have all the
14 time. So now you have the department stores
15 and the supermarkets will all have RVMs.

16 Thank you.

17 ACTING PRESIDENT CRAIG JOHNSON:
18 Senator Nozzolio.

19 SENATOR NOZZOLIO: Mr. President,
20 will Senator Thompson yield to a series of
21 questions.

22 ACTING PRESIDENT CRAIG JOHNSON:
23 Senator Thompson, will you yield for a series
24 of questions from Senator Nozzolio?

25 SENATOR THOMPSON: Sure. Yes,

1 sir.

2 SENATOR NOZZOLIO: Thank you,
3 Mr. President. Thank you, Senator Thompson.

4 Senator Thompson, my questions do
5 not deal with the redemption or the need to
6 establish a redemption process. My questions
7 begin with your legislation, line 26 through
8 page 2, line 6, where you establish a waiver
9 process that entrusts a lot of power and
10 authority in the commissioner -- and I assume
11 that's the commissioner of Environmental
12 Conservation, is that not correct?

13 SENATOR THOMPSON: Yes, I believe
14 that is correct. The DEC commissioner will
15 have some authority. And also, through last
16 year to this year, many of the retailers and
17 vendors and distributors have worked with DEC
18 to come up with some of the recommendations
19 during the regulatory process.

20 SENATOR NOZZOLIO: Will Senator
21 Thompson continue to yield.

22 ACTING PRESIDENT CRAIG JOHNSON:
23 Senator Thompson, do you continue to yield?

24 SENATOR THOMPSON: Yes.

25 SENATOR NOZZOLIO: What I am

1 concerned about, Senator, as you set forth
2 some criteria where the commissioner could in
3 fact establish a waiver, would that waiver be
4 allowed for redemption to take place somewhere
5 else other than at the point of sale?

6 SENATOR THOMPSON: I believe that
7 if there was a waiver, they would still have
8 to be on-premises as well. I believe that's
9 the case, right? Yes. It would still have to
10 be on the premises and it can't be in some
11 obscure location in the store.

12 SENATOR NOZZOLIO: Senator --

13 SENATOR THOMPSON: And can I just
14 say, also, the intent of the bill is to keep
15 waivers at a minimum. I mean, sometimes
16 people will have a waiver, but I think the
17 intent is to keep waivers at a minimum so that
18 we maximize equal enforcement of the
19 redemption process.

20 SENATOR NOZZOLIO: If Senator
21 Thompson will continue to yield.

22 ACTING PRESIDENT CRAIG JOHNSON:
23 Senator Thompson, do you continue to yield?

24 SENATOR THOMPSON: Yes.

25 SENATOR NOZZOLIO: Senator, I

1 appreciate what you're saying, although I
2 don't believe I can at least find that in the
3 six lines of the legislation that we're
4 referring to. Where am I missing that it says
5 that the waiver has to be given -- if it is to
6 be given, is to be given only at the point of
7 sale? Where does your legislation indicate
8 that will be the waiver, in effect?

9 SENATOR THOMPSON: That is in the
10 original bill from last year. We only amend
11 part of it. But in the original bill from the
12 budget bill last year, it's clearly specified
13 in the original bill.

14 SENATOR NOZZOLIO: Would Senator
15 Thompson continue to yield.

16 ACTING PRESIDENT CRAIG JOHNSON:
17 Senator Thompson, do you continue to yield?

18 SENATOR THOMPSON: Yes,
19 Mr. President.

20 SENATOR NOZZOLIO: Senator
21 Thompson, where is the reference in this
22 legislation to that original bill or to the
23 original law?

24 SENATOR THOMPSON: I think it
25 says paragraph 1 referenced Chapter 59.

1 SENATOR NOZZOLIO: But does that
2 chapter --

3 ACTING PRESIDENT CRAIG JOHNSON:
4 Do you wish Senator Thompson to continue to
5 yield, Senator Nozzolio?

6 SENATOR NOZZOLIO: Yes, thank
7 you, Mr. President. Will Senator Thompson
8 continue to yield.

9 SENATOR THOMPSON: Yes.

10 ACTING PRESIDENT CRAIG JOHNSON:
11 He does.

12 SENATOR NOZZOLIO: Thank you,
13 Senator Thompson.

14 Senator, I am very concerned that
15 this waiver process is not clear enough. And
16 if you're incorporating another statute by
17 reference, why don't you directly incorporate
18 it, or at the very least, list that criteria?

19 SENATOR THOMPSON: Through you,
20 Mr. President, you know, I think that that's
21 something that could have been looked at.

22 But I think that this is something
23 that the industry has clearly spoken in favor
24 of. Many department stores came to Albany on
25 a couple of occasions this year and have

1 pleaded for this correction. If this
2 correction does not happen today, it probably
3 will not happen this year. And so this is the
4 first that someone has mentioned that they had
5 a problem with the particular content of the
6 bill.

7 The original bill clearly specifies
8 this on the waiver process, which is very
9 limited in scope because our concern was about
10 overredemption at supermarkets. And basically
11 your other big box retailers, like the Sam's
12 Clubs, et cetera, were not making it easy for
13 people to take back bottles. So I think that
14 the -- I'm 99 percent certain we clearly
15 stated that in the original bill.

16 SENATOR NOZZOLIO: Thank you,
17 Mr. President. Will Senator Thompson continue
18 to yield.

19 ACTING PRESIDENT CRAIG JOHNSON:
20 Senator Thompson, do you continue to yield?

21 SENATOR THOMPSON: Absolutely.

22 SENATOR NOZZOLIO: Thank you,
23 Senator Thompson.

24 That's very important, Senator,
25 that if you are indicating that the full

1 intention of this legislation directly
2 instructing the commissioner -- short of
3 language in the legislation you're indicating,
4 as the sponsor of this legislation, that your
5 clear intention is to establish a redemption
6 process, even if it's established under a
7 waiver through the commissioner of the
8 Department of Environmental Conservation, that
9 that redemption process is in fact to be a
10 process at the point of sale.

11 Is that not correct as I understand
12 you, sir?

13 SENATOR THOMPSON: Through you,
14 Mr. President. Again, I think that in some
15 very limited cases there may be a waiver. But
16 the bill excuses no retailer selling covered
17 products from the requirement that they accept
18 empty containers.

19 And in the original bill it does
20 say that they would -- we would -- there's
21 always in every law some small exception.
22 Very limited, though. And I think it -- so as
23 I stated earlier, in order to receive a
24 waiver, the conditions are very, very limited.
25 It would probably be almost impossible.

1 SENATOR NOZZOLIO: Thank you,
2 Senator Thompson.

3 Mr. President, on the bill.

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

6 SENATOR NOZZOLIO: Mr. President,
7 this measure has received support from various
8 retailers across this state. And I rise not
9 to oppose the process but to further define
10 it.

11 Senator Thompson indicated today
12 that he believed if waivers are to be given,
13 those waivers still should take into
14 consideration the consumer and particularly
15 establishing this redemption at the point of
16 sale. That the potentials for fraud are
17 extreme if a waiver is given for those to be
18 redeemed and the money to be received by the
19 consumer at another point in another location
20 at another time.

21 So, Senator, I appreciate your
22 focus on this waiver process, and that I
23 appreciate the opportunity to discuss this
24 with you. I hope that this will not require
25 additional legislation to further refine it.

1 I think you've done a job discussing it today.
2 But also that if there is further definition
3 required in the future, that you would be
4 amenable to tighten up that waiver process.

5 Thank you, Mr. President. Thank
6 you, Senator Thompson.

7 ACTING PRESIDENT CRAIG JOHNSON:
8 Thank you, Senator Nozzolio.

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

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

13 Read the last section.

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

16 ACTING PRESIDENT CRAIG JOHNSON:
17 Call the roll.

18 (The Secretary called the roll.)

19 THE SECRETARY: Ayes, 61.

20 ACTING PRESIDENT CRAIG JOHNSON:
21 The bill is passed.

22 Senator Klein.

23 SENATOR KLEIN: Mr. President,
24 can we briefly return to motions and
25 resolutions.

1 ACTING PRESIDENT CRAIG JOHNSON:
2 Senator Klein.

3 SENATOR KLEIN: Before we do
4 motions, can we return to Calendar Number
5 1355.

6 ACTING PRESIDENT CRAIG JOHNSON:
7 Returning to Calendar 1355, Senator Klein.

8 SENATOR KLEIN: The bill was laid
9 aside temporarily. Can we lay it aside for
10 the day, please.

11 ACTING PRESIDENT CRAIG JOHNSON:
12 Calendar Number 1355 will be laid aside for
13 the day.

14 Senator Klein.

15 SENATOR KLEIN: Now can we return
16 to motions and resolutions.

17 ACTING PRESIDENT CRAIG JOHNSON:
18 Returning to motions and resolutions.

19 Senator Klein.

20 SENATOR KLEIN: On behalf of
21 Senator Thompson, I wish to call up Senate
22 Print Number 5640A, recalled from the
23 Assembly, which is now at the desk.

24 ACTING PRESIDENT CRAIG JOHNSON:
25 The Secretary will read the title.

1 THE SECRETARY: Calendar Number
2 520, by Senator Thompson, Senate Print 5640A,
3 an act to amend the Labor Law.

4 ACTING PRESIDENT CRAIG JOHNSON:
5 Senator Klein.

6 SENATOR KLEIN: Mr. President, I
7 now move to reconsider the vote by which this
8 bill was passed.

9 ACTING PRESIDENT CRAIG JOHNSON:
10 The Secretary will call the roll on
11 reconsideration.

12 (The Secretary called the roll.)

13 THE SECRETARY: Ayes, 61.

14 ACTING PRESIDENT CRAIG JOHNSON:
15 Senator Klein.

16 SENATOR KLEIN: Mr. President, I
17 now offer the following amendments.

18 ACTING PRESIDENT CRAIG JOHNSON:
19 Amendments received.

20 Senator Klein.

21 SENATOR KLEIN: Mr. President,
22 can you please recognize Senator Libous.

23 ACTING PRESIDENT CRAIG JOHNSON:
24 Senator Libous.

25 SENATOR LIBOUS: Thanks, Mr.

1 President. On behalf of Senator Hannon, I
2 wish to call up Bill Number 7403, recalled
3 from the Assembly, which is now at the desk.

4 ACTING PRESIDENT CRAIG JOHNSON:
5 The Secretary will read the title.

6 One moment, Senator Libous. We've
7 just got to clarify something.

8 SENATOR LIBOUS: I'm quite
9 patient, Mr. President.

10 ACTING PRESIDENT CRAIG JOHNSON:
11 The Secretary will read the title.

12 THE SECRETARY: Calendar Number
13 942, by Senator Hannon, Senate Print 7403, an
14 act to authorize.

15 ACTING PRESIDENT CRAIG JOHNSON:
16 Senator Libous.

17 SENATOR LIBOUS: Mr. President, I
18 now wish to reconsider the vote by which this
19 bill was passed.

20 ACTING PRESIDENT CRAIG JOHNSON:
21 The Secretary will call the roll on
22 reconsideration.

23 (The Secretary called the roll.)

24 THE SECRETARY: Ayes, 61.

25 SENATOR LIBOUS: Mr. President, I

1 offer up the following amendments.

2 ACTING PRESIDENT CRAIG JOHNSON:

3 Amendments received, Senator Libous.

4 Senator Klein.

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

8 ACTING PRESIDENT CRAIG JOHNSON:

9 The Secretary will read.

10 THE SECRETARY: Calendar Number
11 99, by Senator Breslin, Senate Print 2092, an
12 act to amend the Insurance Law.

13 ACTING PRESIDENT CRAIG JOHNSON:

14 Read the last section.

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

17 ACTING PRESIDENT CRAIG JOHNSON:

18 Call the roll.

19 (The Secretary called the roll.)

20 ACTING PRESIDENT CRAIG JOHNSON:

21 Announce the results.

22 THE SECRETARY: Ayes, 61.

23 ACTING PRESIDENT CRAIG JOHNSON:

24 The bill is passed.

25 THE SECRETARY: Calendar Number

1 187, by Member of the Assembly Jeffries --

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

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

6 THE SECRETARY: Calendar Number
7 196, by Senator Savino, Senate Print --

8 SENATOR LIBOUS: Lay it aside.

9 ACTING PRESIDENT CRAIG JOHNSON:
10 The bill is high. The bill is laid aside for
11 the day.

12 THE SECRETARY: Calendar Number
13 298, by Senator Parker, Senate Print 3601D, an
14 act to amend the Social Services Law.

15 ACTING PRESIDENT CRAIG JOHNSON:
16 The bill is high. The bill is laid aside for
17 the day.

18 THE SECRETARY: Calendar Number
19 470, by Member of the Assembly Ortiz, Assembly
20 Print Number 10791, an act to amend the
21 Not-for-Profit Corporation Law.

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

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

1 ACTING PRESIDENT CRAIG JOHNSON:
2 Call the roll.
3 (The Secretary called the roll.)
4 ACTING PRESIDENT CRAIG JOHNSON:
5 Announce the results.
6 THE SECRETARY: Ayes, 61.
7 ACTING PRESIDENT CRAIG JOHNSON:
8 The bill is passed.
9 THE SECRETARY: Calendar Number
10 471, by Member of the Assembly Cusick,
11 Assembly Print Number 10824B, an act to amend
12 the Mental Hygiene Law.
13 ACTING PRESIDENT CRAIG JOHNSON:
14 Read the last section.
15 THE SECRETARY: Section 2. This
16 act shall take effect immediately.
17 ACTING PRESIDENT CRAIG JOHNSON:
18 Call the roll.
19 (The Secretary called the roll.)
20 ACTING PRESIDENT CRAIG JOHNSON:
21 Announce the results.
22 THE SECRETARY: Ayes, 61.
23 ACTING PRESIDENT CRAIG JOHNSON:
24 The bill is passed.
25 THE SECRETARY: Calendar Number

1 547, by Senator Savino, Senate Print 2978B, an
2 act to amend the Workers' Compensation Law.

3 ACTING PRESIDENT CRAIG JOHNSON:
4 The bill is high. The bill is laid aside for
5 the day.

6 THE SECRETARY: Calendar Number
7 648, by Senator C. Johnson, Senate Print 7739,
8 an act to amend the Alcoholic Beverage Control
9 Law.

10 ACTING PRESIDENT CRAIG JOHNSON:
11 Read the last section.

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

14 ACTING PRESIDENT CRAIG JOHNSON:
15 Call the roll.

16 (The Secretary called the roll.)

17 ACTING PRESIDENT CRAIG JOHNSON:
18 Announce the results.

19 THE SECRETARY: Ayes, 61.

20 ACTING PRESIDENT CRAIG JOHNSON:
21 The bill is passed.

22 THE SECRETARY: Calendar Number
23 834, by Senator Stachowski, Senate Print 5459,
24 an act to amend the Penal Law.

25 ACTING PRESIDENT CRAIG JOHNSON:

1 Read the last section.

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

4 ACTING PRESIDENT CRAIG JOHNSON:
5 Call the roll.

6 (The Secretary called the roll.)

7 ACTING PRESIDENT CRAIG JOHNSON:
8 Announce the results.

9 THE SECRETARY: Ayes, 61.

10 ACTING PRESIDENT CRAIG JOHNSON:
11 The bill is passed.

12 THE SECRETARY: In relation to
13 Calendar Number 870, Senator Seward moves to
14 discharge, from the Committee on Rules,
15 Assembly Bill Number 10634B and substitute it
16 for the identical Senate Bill Number 7287B,
17 Third Reading Calendar 870.

18 ACTING PRESIDENT CRAIG JOHNSON:
19 Substitution ordered.

20 THE SECRETARY: Calendar Number
21 870, by Member of the Assembly Lopez, Assembly
22 Print Number 10634B, an act to amend Chapter
23 313 of the Laws of 2004.

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

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

3 ACTING PRESIDENT CRAIG JOHNSON:
4 Call the roll.

5 (The Secretary called the roll.)

6 ACTING PRESIDENT CRAIG JOHNSON:
7 Announce the results.

8 THE SECRETARY: Ayes, 61.

9 ACTING PRESIDENT CRAIG JOHNSON:
10 The bill is passed.

11 THE SECRETARY: Calendar Number
12 873, by Senator Larkin, Senate Print 674, an
13 act to amend the Highway Law.

14 ACTING PRESIDENT CRAIG JOHNSON:
15 Read the last section.

16 THE SECRETARY: Section 3 --

17 SENATOR DUANE: Lay it aside,
18 please.

19 ACTING PRESIDENT CRAIG JOHNSON:
20 The bill is laid aside.

21 SENATOR LIBOUS: Mr. President,
22 who laid the bill aside?

23 ACTING PRESIDENT CRAIG JOHNSON:
24 Senator Duane laid the bill aside, Senator
25 Libous.

1 SENATOR LIBOUS: Thank you,
2 Mr. President.

3 THE SECRETARY: Calendar Number
4 900, by Member of the Assembly Gottfried,
5 Assembly Print Number 8117B, an act to amend
6 the Education Law and the Insurance Law.

7 ACTING PRESIDENT CRAIG JOHNSON:
8 Read the last section.

9 THE SECRETARY: Section 5. This
10 act shall take effect on the 90th day.

11 SENATOR LANZA: Lay it aside.

12 ACTING PRESIDENT CRAIG JOHNSON:
13 The bill is laid aside.

14 THE SECRETARY: Calendar Number
15 906, by Senator Libous, Senate Print 440, an
16 act to amend the General Municipal Law.

17 ACTING PRESIDENT CRAIG JOHNSON:
18 Read the last section.

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

21 ACTING PRESIDENT CRAIG JOHNSON:
22 Call the roll.

23 (The Secretary called the roll.)

24 ACTING PRESIDENT CRAIG JOHNSON:
25 Announce the results.

1 THE SECRETARY: Ayes, 61.

2 ACTING PRESIDENT CRAIG JOHNSON:

3 The bill is passed.

4 THE SECRETARY: Calendar Number
5 907, by Senator Larkin, Senate Print 647A, an
6 act to remove from the Albert Wisner Memorial
7 Public Library.

8 ACTING PRESIDENT CRAIG JOHNSON:

9 Read the last section.

10 THE SECRETARY: Section 2. This
11 act shall take effect on the first of July.

12 ACTING PRESIDENT CRAIG JOHNSON:

13 Call the roll.

14 (The Secretary called the roll.)

15 ACTING PRESIDENT CRAIG JOHNSON:

16 Announce the results.

17 THE SECRETARY: Ayes, 61.

18 ACTING PRESIDENT CRAIG JOHNSON:

19 The bill is passed.

20 THE SECRETARY: Calendar Number
21 930, by substituted earlier today by Member of
22 the Assembly Bing, Assembly Bill Number 7907D,
23 an act to amend the Not-for-Profit Corporation
24 Law and others.

25 ACTING PRESIDENT CRAIG JOHNSON:

1 Read the last section.

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

4 ACTING PRESIDENT CRAIG JOHNSON:
5 Call the roll.

6 (The Secretary called the roll.)

7 ACTING PRESIDENT CRAIG JOHNSON:
8 Announce the results.

9 THE SECRETARY: Ayes, 61.

10 ACTING PRESIDENT CRAIG JOHNSON:
11 The bill is passed.

12 THE SECRETARY: Calendar Number
13 935, substituted earlier today by Member of
14 the Assembly Kellner, Assembly Print Number
15 10392C, an act to amend Chapter 899 of the
16 Laws of 1984.

17 ACTING PRESIDENT CRAIG JOHNSON:
18 Read the last section.

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

21 ACTING PRESIDENT CRAIG JOHNSON:
22 Call the roll.

23 (The Secretary called the roll.)

24 ACTING PRESIDENT CRAIG JOHNSON:
25 Announce the results.

1 THE SECRETARY: Ayes, 61.

2 ACTING PRESIDENT CRAIG JOHNSON:

3 The bill is passed.

4 THE SECRETARY: Calendar Number

5 1001, by Senator L. Krueger --

6 SENATOR KLEIN: Lay the bill

7 aside for the day, please.

8 ACTING PRESIDENT CRAIG JOHNSON:

9 The bill is laid aside for the day.

10 THE SECRETARY: Calendar Number

11 1112, by Senator Stachowski, Senate Print

12 7865A, an act in relation to requiring.

13 ACTING PRESIDENT CRAIG JOHNSON:

14 The bill is high. The bill is laid aside for

15 the day.

16 THE SECRETARY: Calendar Number

17 1137, by Senator Foley, Senate Print 7137B, an

18 act to amend the Education Law and the General

19 Municipal Law.

20 ACTING PRESIDENT CRAIG JOHNSON:

21 Read the last section.

22 THE SECRETARY: Section 3. This

23 act shall take effect immediately.

24 SENATOR LIBOUS: Lay it aside.

25 ACTING PRESIDENT CRAIG JOHNSON:

1 The bill is laid aside.

2 THE SECRETARY: Calendar Number
3 1174, by Senator Thompson, Senate Print 8280,
4 an act to amend the Environmental Conservation
5 Law.

6 SENATOR YOUNG: Lay it aside.

7 ACTING PRESIDENT CRAIG JOHNSON:
8 The bill is laid aside.

9 THE SECRETARY: Calendar Number
10 1222, by Senator Klein, Senate Print 6213B, an
11 act to amend the Executive Law and the
12 Criminal Procedure Law.

13 ACTING PRESIDENT CRAIG JOHNSON:
14 Read the last section.

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

17 ACTING PRESIDENT CRAIG JOHNSON:
18 Call the roll.

19 (The Secretary called the roll.)

20 ACTING PRESIDENT CRAIG JOHNSON:
21 Senator Klein, to explain his vote.

22 SENATOR KLEIN: Mr. President,
23 thank you.

24 I rise in support of this
25 legislation. This is, I think, going to go a

1 long way towards doing two very important
2 things in our criminal justice system, making
3 sure we convict and find the guilty and also
4 being able to exonerate the innocent.

5 By not expanding our DNA database
6 in New York State, New York is having an
7 impact around the country. Presently 30,000
8 of the unsolved crimes, 10.5 percent, are
9 because New York has not expanded their
10 database as they should.

11 I think we have to get over the
12 fact that DNA is no more invasive, and that's
13 why federal and state courts around the
14 country have found that, than fingerprinting.
15 However, DNA is a lot more effective in
16 fighting crime.

17 So I'm hopeful that the Assembly
18 will follow suit and pass this important
19 legislation and join 23 other states that have
20 already passed DNA-upon-arrest legislation.

21 I vote yes, Mr. President.

22 ACTING PRESIDENT CRAIG JOHNSON:

23 Senator Klein to be recorded in the
24 affirmative.

25 Senator DeFrancisco, to explain his

1 vote.

2 SENATOR DeFRANCISCO: Yes, I'm
3 going to vote in the affirmative. And I know
4 that in past years when this was carried,
5 similar bills were carried by others, that
6 there was a big concern by some in the house
7 that this was some kind of imposition on
8 someone who was arrested for a felony because
9 it was only arrest and you're stigmatizing
10 someone.

11 But to have the database on arrest
12 is extremely important in order to prevent --
13 I believe in order to find individuals who
14 have committed other crimes, and in order to
15 protect those that have not, by DNA matching.

16 So this is a good bill and I'm
17 happy that this has been put on the floor
18 today for a vote.

19 ACTING PRESIDENT CRAIG JOHNSON:
20 Senator DeFrancisco to be recorded in the
21 affirmative.

22 Announce the results.

23 THE SECRETARY: Ayes, 59. Nays,
24 2. Senators Duane and Montgomery recorded in
25 the negative.

1 ACTING PRESIDENT CRAIG JOHNSON:

2 The bill is passed.

3 THE SECRETARY: Calendar Number
4 1320, by Senator Savino, Senate Print 8380, an
5 act to amend the Labor Law.

6 ACTING PRESIDENT CRAIG JOHNSON:

7 Read the last section.

8 THE SECRETARY: Section 7 --

9 SENATOR LIBOUS: Lay it aside.

10 ACTING PRESIDENT CRAIG JOHNSON:

11 The bill is laid aside.

12 THE SECRETARY: In relation to
13 Calendar Number 1321, Senator Hassell-Thompson
14 moves to discharge, from the Committee on
15 Rules, Assembly Bill Number 10984B and
16 substitute it for the identical Senate Bill
17 Number 8390, Third Reading Calendar 1321.

18 ACTING PRESIDENT CRAIG JOHNSON:

19 Substitutions ordered.

20 THE SECRETARY: Calendar Number
21 1321, by Member of the Assembly Paulin,
22 Assembly Print Number 10984B, an act to amend
23 the Domestic Relations Law.

24 ACTING PRESIDENT CRAIG JOHNSON:

25 Read the last section.

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

3 ACTING PRESIDENT CRAIG JOHNSON:
4 Call the roll.

5 (The Secretary called the roll.)

6 ACTING PRESIDENT CRAIG JOHNSON:
7 Announce the results.

8 THE SECRETARY: Ayes, 61.

9 ACTING PRESIDENT CRAIG JOHNSON:
10 The bill is passed.

11 SENATOR DeFRANCISCO: Excuse me.

12 ACTING PRESIDENT CRAIG JOHNSON:
13 I'm sorry, Senator DeFrancisco to explain his
14 vote.

15 SENATOR DeFRANCISCO: Yes, I'm
16 going to vote against this bill.

17 I don't know a lot about family
18 law, I know a little bit about it, but I think
19 the people that know it best are those that
20 practice family law. And the family law
21 section of the New York State Bar Association
22 put in a memorandum in opposition to this
23 bill. And I won't read it because I'm sure
24 it's been provided to each of the people here.

25 And for the reasons they set forth

1 in that memo, the people that practice family
2 law on a regular basis I think are the
3 experts, and based upon their advice I'm
4 voting no.

5 ACTING PRESIDENT CRAIG JOHNSON:
6 Senator DeFrancisco to be recorded in the
7 negative.

8 Announce the results.

9 THE SECRETARY: Those recorded in
10 the negative on Calendar Number 1321 are
11 Senators DeFrancisco, Little and Winner.

12 Ayes, 58. Nays, 3.

13 ACTING PRESIDENT CRAIG JOHNSON:
14 The bill is passed.

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

17 SENATOR KLEIN: 1325?

18 ACTING PRESIDENT CRAIG JOHNSON:
19 That bill has already been passed in the
20 Senate.

21 Senator Klein.

22 SENATOR KLEIN: Mr. President,
23 returning to Calendar Number 1174, Senate
24 Print Number 8280, Senator Thompson's bill,
25 can we please lay the bill aside for the day.

1 ACTING PRESIDENT CRAIG JOHNSON:

2 Calendar Number 1174 will be laid aside for
3 the day.

4 Senator Klein.

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

8 ACTING PRESIDENT CRAIG JOHNSON:

9 The Secretary will ring the bell.

10 I ask all members to come to the
11 chamber for the reading of the controversial
12 calendar and to please try to stay in the
13 chamber for the reading of the controversial
14 calendar.

15 The Secretary will read.

16 THE SECRETARY: Calendar Number
17 873, by Senator Larkin, Senate Print 674, an
18 act to amend the Highway Law.

19 SENATOR KLEIN: Can we please
20 remove the lay-aside on that bill.

21 ACTING PRESIDENT CRAIG JOHNSON:

22 The lay-aside for Calendar Number 873 has been
23 removed. The bill will go to the
24 noncontroversial calendar.

25 The Secretary will read the last

1 section.

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

4 ACTING PRESIDENT CRAIG JOHNSON:
5 Call the roll.

6 (The Secretary called the roll.)

7 ACTING PRESIDENT CRAIG JOHNSON:
8 Senator Maziarz, to explain his vote.

9 SENATOR MAZIARZ: Thank you,
10 Mr. President, to explain my vote.

11 I just want to -- while all my
12 colleagues are in the chamber, I want to state
13 that just last week, on the 25th of June,
14 General Petraeus spoke at a tribute to the
15 National Purple Heart Hall of Fame. And
16 honored, at that particular tribute to the
17 Hall of Fame, were the four individuals who
18 started the idea of creating the Purple Heart
19 Hall of Fame. One of those four members
20 happens to be a member of the New York State
21 Senate, Colonel Bill Larkin.

22 Colonel.

23 (Standing ovation.)

24 SENATOR MAZIARZ: And I vote in
25 the affirmative, by the way.

1 ACTING PRESIDENT CRAIG JOHNSON:

2 Senator Maziarz will be recorded in the
3 affirmative.

4 Can we have some order in the
5 chamber, please.

6 Are there any other Senators who
7 wish to explain their votes?

8 Seeing none, announce the results.

9 THE SECRETARY: Ayes, 61.

10 ACTING PRESIDENT CRAIG JOHNSON:

11 The bill is passed.

12 Senator Lanza.

13 SENATOR LANZA: Mr. President,
14 can we remove the lay-aside on Calendar Number
15 900, please.

16 ACTING PRESIDENT CRAIG JOHNSON:

17 The lay-aside for Calendar Number 900 has been
18 removed. The bill will go to the
19 noncontroversial supplemental calendar.

20 The Secretary will read the last
21 section.

22 THE SECRETARY: Calendar Number
23 900, by Member of the Assembly Gottfried,
24 Assembly Print Number 8117B, an act to amend
25 the Education Law and the Insurance Law.

1 ACTING PRESIDENT CRAIG JOHNSON:

2 Read the last section.

3 THE SECRETARY: Section 5. This
4 act shall take effect on the 90th day.

5 ACTING PRESIDENT CRAIG JOHNSON:
6 Call the roll.

7 (The Secretary called the roll.)

8 ACTING PRESIDENT CRAIG JOHNSON:
9 Announce the results.

10 THE SECRETARY: Ayes, 61.

11 ACTING PRESIDENT CRAIG JOHNSON:
12 The bill is passed.

13 THE SECRETARY: Calendar Number
14 1137, by Senator Foley, Senate Print 7137B, an
15 act to amend the Education Law and the General
16 Municipal Law.

17 ACTING PRESIDENT CRAIG JOHNSON:
18 Are there any Senators who wish to be heard?

19 Senator Ranzenhofer, why do you
20 rise?

21 SENATOR RANZENHOFER: We're on
22 1137?

23 ACTING PRESIDENT CRAIG JOHNSON:
24 Calendar 1137.

25 SENATOR RANZENHOFER: On the

1 bill, Mr. President.

2 ACTING PRESIDENT CRAIG JOHNSON:

3 On the bill, Senator Ranzenhofer.

4 SENATOR RANZENHOFER: My concern
5 with this piece of legislation and the reason
6 why I'm not going to be voting for it is
7 because I believe that this is another
8 unfunded mandate on school districts.

9 I've heard from the school
10 districts, I've heard from the
11 superintendents, and they are very concerned
12 that this is going to increase their costs.
13 Whenever you're increasing costs for school
14 districts, that means more property taxes that
15 have to be paid by our local taxpayers.

16 So for that reason, I will not be
17 supporting this bill.

18 Thank you, Mr. President.

19 ACTING PRESIDENT CRAIG JOHNSON:

20 Senator Ranzenhofer will be recorded in the
21 negative.

22 Senator Padavan.

23 SENATOR PADAVAN: Would the
24 sponsor yield for a question.

25 ACTING PRESIDENT CRAIG JOHNSON:

1 Senator Foley, will you yield for a question
2 from Senator Padavan?

3 SENATOR FOLEY: Yes,
4 Mr. President.

5 ACTING PRESIDENT CRAIG JOHNSON:
6 Senator Padavan.

7 SENATOR PADAVAN: In the City of
8 New York, our custodians are engineers. They
9 belong to a group pretty well known and have
10 the capacity to not only do the type of work
11 required by plumbing and electrical work but
12 also to supervise it. Would they be precluded
13 from doing that type of work that they're
14 trained to do, under your provision?

15 ACTING PRESIDENT CRAIG JOHNSON:
16 Senator Foley.

17 SENATOR FOLEY: Yes, through the
18 President.

19 No, in fact the amendments that we
20 made to the bill mirrors the city language.
21 We had spoken with the City Education
22 Department, and after consultation with them,
23 we made certain amendments to the bill and it
24 is very similar to in fact a bill that is in
25 the city.

1 So they would not be precluded,
2 Mr. President.

3 SENATOR PADAVAN: So therefore
4 the provisions of your bill -- if you would
5 yield again.

6 ACTING PRESIDENT CRAIG JOHNSON:
7 Senator Foley, will you yield?

8 SENATOR FOLEY: Yes,
9 Mr. President.

10 SENATOR PADAVAN: -- of work to
11 be sent out to a licensed plumber or a
12 licensed electrician in the City of New York
13 would not be a requirement?

14 SENATOR FOLEY: The City of
15 New York already requires that, Senator
16 Padavan.

17 SENATOR PADAVAN: Already
18 requires what?

19 SENATOR FOLEY: Licensed plumbers
20 to either do the work themselves or to
21 supervise the work that would be done.

22 SENATOR PADAVAN: On the bill.

23 ACTING PRESIDENT CRAIG JOHNSON:
24 On the bill, Senator Padavan.

25 SENATOR PADAVAN: It is true that

1 if they're going out for bid on work that
2 cannot be done internally, yes, then that work
3 must be done by a licensed plumber or a
4 licensed electrician. However, if it's work
5 with the school that's within the capacity of
6 the operating engineer who is the custodian
7 and those people under his direct supervision,
8 that's allowed as well.

9 And the ambiguity in your bill is
10 as to whether or not that would continue to be
11 so. Because if it were not, that means every
12 time there's a defective light switch and the
13 custodian engineer fixes it or replaces it or
14 the plumbing breaks down and he's got to
15 replace a piece of the waste pipe or some
16 other -- and he's going to have to get a
17 elaborated plumber, now that would be a
18 problem. And that's why I've been asking
19 these questions.

20 ACTING PRESIDENT CRAIG JOHNSON:
21 Senator Winner.

22 SENATOR WINNER: Will Senator
23 Foley yield for a brief question?

24 ACTING PRESIDENT CRAIG JOHNSON:
25 Senator Foley, will you yield to some

1 questions?

2 SENATOR FOLEY: Yes.

3 ACTING PRESIDENT CRAIG JOHNSON:

4 Senator Winner.

5 SENATOR WINNER: Senator Foley,
6 can you cite any examples where there has been
7 defective work or problems that have required
8 the necessity of having this licensure with
9 any specificity? Are there school districts,
10 for instance, in Chemung County or in Steuben
11 County or Schuyler County or in my district
12 that have been subject to shoddy work and
13 dangerous circumstances because of the failure
14 to have these people on the job?

15 SENATOR FOLEY: Through you,
16 Mr. President, I can in fact speak to examples
17 in another part or region of the state, in our
18 region, where shoddy workmanship in fact did
19 occur. And that's why we're putting the bill
20 forward, so that on those projects -- not,
21 let's say, regular work done on a day in, day
22 out basis, as Senator Padavan had mentioned --
23 but for those projects that are \$10,000 or
24 above would require a licensed electrician, a
25 licensed plumber to do the work or to

1 supervise the work.

2 To answer Senator Winner's
3 question, there have been a number of examples
4 in our part of the state where that type of
5 shoddy workmanship has occurred, and therefore
6 the school district had to revisit that work
7 and in so doing incur an even greater cost
8 than if a licensed plumber or electrician was
9 used in the first instance.

10 So I don't have any examples,
11 Senator Winner, in your particular part of the
12 state but I have examples in other parts of
13 the state, and that's why we put the bill
14 forward.

15 SENATOR WINNER: Will the Senator
16 yield, briefly.

17 ACTING PRESIDENT CRAIG JOHNSON:
18 Senator Foley, will you yield for another
19 question?

20 SENATOR FOLEY: Yes. Yes.

21 SENATOR WINNER: Senator, Senator
22 Ranzenhofer pointed out that this would be an
23 unfunded mandate on school districts. Do you
24 have any kind of estimate as to how much money
25 this is going to cost school districts

1 statewide as a result of having to comply with
2 this measure?

3 SENATOR FOLEY: Yeah, I think
4 this is, at most, a de minimis impact for
5 school districts.

6 As I say, those who would use a
7 licensed electrician or plumber, let's say, at
8 the initial project would in fact in some
9 cases or in a number of cases save money in
10 the long run.

11 Because as I've said before, there
12 have been occasions where workmanship was done
13 by unlicensed plumbers, unlicensed
14 electricians, the school district had to
15 revisit that work, which became a more
16 expensive project than if they hired qualified
17 workers when the work was originally done.

18 SENATOR WINNER: Would the
19 Senator yield.

20 ACTING PRESIDENT CRAIG JOHNSON:
21 Senator, do you yield?

22 SENATOR WINNER: Senator, again,
23 do you have any instances where you can make
24 that allegation or allegation as it relates to
25 districts upstate where the -- for instance,

1 we represent -- I know you said that maybe
2 you've got some circumstances in Suffolk
3 County, but it's my understanding even down
4 there it's somewhat fractured as to whether or
5 not they think that this is a great idea or
6 whether it isn't a great idea.

7 And also if you would comment as to
8 the fact that there are numerous local
9 licensing requirements throughout the state
10 that now are not at all uniform -- and this
11 further exacerbates that circumstance, does it
12 not?

13 SENATOR FOLEY: Well, when you
14 look at the specifics of the bill, Senator
15 Winner, if a municipality does not require a
16 license then they would not have to comply
17 with this particular law or proposal.

18 This law pertains to those
19 municipalities that do require licenses.

20 SENATOR WINNER: On the bill
21 briefly, Mr. President.

22 ACTING PRESIDENT CRAIG JOHNSON:
23 Senator Winner, on the bill.

24 SENATOR WINNER: This again, as
25 Senator Ranzenhofer pointed out, is an

1 unfunded mandate that will cost our upstate
2 school districts money at a time when we're
3 cutting school aid, where we are costing
4 them -- we are not dealing with mandate
5 relief.

6 And I think it flies in the face of
7 our representations that we are in fact trying
8 to prevent unfunded mandates from going
9 forward on our school districts.

10 And therefore, Mr. President, I
11 think that this is an unwise measure and
12 should not be passed.

13 ACTING PRESIDENT CRAIG JOHNSON:
14 Thank you, Senator Winner.

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

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

19 Read the last section.

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

22 ACTING PRESIDENT CRAIG JOHNSON:
23 Call the roll.

24 (The Secretary called the roll.)

25 ACTING PRESIDENT CRAIG JOHNSON:

1 Senator Saland, to explain his vote.

2 SENATOR SALAND: Thank you,
3 Mr. President.

4 Mr. President, this measure is
5 opposed by both the School Boards Association
6 as well as the school superintendents. In all
7 of my years of service, I've yet to have a
8 school superintendent or school board member
9 or anybody, for that matter, discuss a need
10 for this particular type of legislation.

11 In a session that certainly will be
12 marked by very steep, staggeringly steep cuts
13 in aid to education, also marred by rejection
14 of the Governor's four-year moratorium on
15 unfunded mandates, we rather blithely are
16 setting about imposing another unfunded
17 mandate on school districts -- one which they,
18 with virtual unanimity, oppose, as we hear
19 from their representatives.

20 So I'm rather puzzled by the
21 driving need for this. As I believe I may
22 have said, I've never had a complaint from a
23 school district, from a school superintendent,
24 from a building principal that they had a
25 shoddy workmanship problem requiring them to

1 resort to master plumbers or licensed
2 electricians necessitating passage of this
3 type of legislation.

4 Ladies and gentlemen, this is a
5 bill in pursuit of a problem that does not
6 really exist and is a burden on our local
7 school districts and should be defeated. I
8 vote in the negative.

9 ACTING PRESIDENT CRAIG JOHNSON:
10 Senator Saland to be recorded in the negative.

11 Senator Farley, to explain his
12 vote.

13 SENATOR FARLEY: If there's
14 anything in my district that people hate, it's
15 mandates. That's all I hear, from the school
16 districts and everything else, is mandates.
17 Basically they say, Get out of my face with
18 your mandates.

19 This is perceived as a mandate, I
20 don't care how you slice it. This is a bad
21 vote, and I vote no.

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

24 Senator Foley, to explain his vote.

25 SENATOR FOLEY: Thank you,

1 Mr. President.

2 As was stated earlier in this
3 debate, work below \$10,000 will be done, let's
4 say, by the in-house plumber or electrician.
5 So that particular concern has been met.

6 Additionally, with the second
7 amendment that we've made to the bill, it
8 should be noted for the record, Mr. President,
9 that the New York State Association for
10 superintendents of School Buildings and
11 Grounds have in fact rescinded their
12 opposition to the bill because we have put in
13 the \$10,000 threshold. I think that's very
14 important to note for the record.

15 Additionally, the School Boards
16 association of the State of New York had made
17 their principal opposition to the bill because
18 the original bill spoke about every repair
19 would have to be undertaken by a licensed
20 electrician or plumber. That has been removed
21 with the \$10,000 threshold.

22 So those what I would call
23 constructive criticisms have been addressed in
24 the amendments, and that's why in the one case
25 the superintendents of grounds have rescinded

1 their opposition. And the principal
2 opposition by the School Boards Association
3 has also been addressed through the amendment
4 process.

5 Thank you, Mr. President. I vote
6 in the affirmative.

7 ACTING PRESIDENT CRAIG JOHNSON:
8 Senator Foley to be recorded in the
9 affirmative.

10 Senator DeFrancisco, to explain his
11 vote.

12 SENATOR DeFRANCISCO: There seems
13 to be a pattern that's developed over the last
14 couple of years to correct problems that don't
15 exist and give a justification for the
16 correction of the problems that don't exist by
17 something that has nothing to do with the
18 alleged problem.

19 This is a perfect example. I mean,
20 if there's no problems, there's never been an
21 instance that anyone can cite, especially the
22 sponsor, that there's been some shoddy
23 workmanship or some problem, safety problem or
24 otherwise, we're going to provide a
25 requirement on the school districts. Of

1 course they're going to be opposed to it.

2 And then you tweak the bill, like
3 Senator Foley did, so it's less onerous,
4 you've got an exception to a bill that isn't
5 needed in the first place so you can make it
6 pass in some form.

7 So this is not the way to
8 legislate, especially when we are causing
9 financial hardship to school districts who
10 certainly cannot bear any more financial
11 hardship than they presently have. I vote no.

12 ACTING PRESIDENT CRAIG JOHNSON:
13 Senator DeFrancisco to be recorded in the
14 negative.

15 Announce the results.

16 THE SECRETARY: Those recorded in
17 the negative on Calendar Number 1137 are
18 Senators Bonacic, DeFrancisco, Farley, Larkin,
19 Leibell, Little, Oppenheimer, Ranzenhofer,
20 Saland, Seward, Skelos, Volker, Winner and
21 Young.

22 Ayes, 47. Nays, 14.

23 ACTING PRESIDENT CRAIG JOHNSON:
24 The bill is passed.

25 THE SECRETARY: Calendar Number

1 1320, by Senator Savino, Senate Print 8380, an
2 act to amend the Labor Law.

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

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

8 Read the last section.

9 THE SECRETARY: Section 17. This
10 act shall take effect immediately.

11 ACTING PRESIDENT CRAIG JOHNSON:
12 Call the roll.

13 (The Secretary called the roll.)

14 ACTING PRESIDENT CRAIG JOHNSON:
15 Senator Savino, to explain her vote.

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

18 I'm actually surprised that there
19 was no explanation requested for the bill,
20 because I came prepared with quite a lot. But
21 since I only have two minutes, I'll try and do
22 this quickly.

23 The Wage Theft Prevention Act of
24 2010 sets forth a series of interlocking,
25 strategic, narrow reforms that target bad

1 actors and the unfair uncompetitive edge they
2 hold over businesses that follow the law and
3 ensure that stolen wages flow back for New
4 York's working families and their communities.

5 A recent report by the National
6 Employment Law Project found in that New York
7 City's low-wage workforce they experience more
8 than \$18 million in wage violations each week,
9 or up to a billion dollars a year. According
10 to the report, more than 300,000 low-wage
11 workers in New York City suffer wage
12 violations each week. What we have are a
13 series of employers -- in New York City
14 particularly, but all around the State of
15 New York -- who cheat workers out of their
16 wages --

17 ACTING PRESIDENT CRAIG JOHNSON:

18 Can we please have some order in the chamber
19 so Senator Savino can explain her vote.

20 SENATOR SAVINO: They cheat
21 workers out of hourly wages, not compensating
22 them the minimum wage when they're entitled to
23 it, not handing tips over to them when they're
24 entitled to it, not compensating them for
25 overtime that they've performed, cheating the

1 workers' compensation system, cheating the
2 unemployment insurance system, cheating New
3 York State's Department of Taxation and
4 Finance.

5 This bill will put real teeth into
6 the law so that the Department of Labor can
7 now prosecute those bad actors and eliminate
8 the unfair competition they have over good
9 employers in New York State.

10 I strongly urge everyone to vote
11 for this bill. Small businesses support it,
12 large businesses support it, editorial boards
13 support it, even the Catholic Conference
14 supports it. This is a good bill for New York
15 State's low-wage workers. We can finally give
16 them the justice that they deserve.

17 Thank you.

18 ACTING PRESIDENT CRAIG JOHNSON:

19 Senator Savino to be recorded in the
20 affirmative.

21 Senator Stavisky, to explain her
22 vote.

23 SENATOR STAVISKY: Thank you,
24 Mr. President.

25 Thank you, Senator Savino, for

1 introducing this bill. We stood together not
2 very long ago on the streets of Queens County
3 and talked about these issues. And let me put
4 a different face on it.

5 In my district we've had a lot of
6 supermarkets that have closed, supermarkets
7 whom long-time residents -- supermarkets that
8 people rely upon. And why have they closed?
9 Because there are supermarkets that are
10 undercutting on wages, on benefits, on
11 exacting long hours and not providing the
12 proper kind of compensation.

13 And it's for these reasons, it's to
14 protect many, many immigrants and new
15 Americans, that this type of legislation is
16 needed. And I strongly urge my colleagues,
17 when they go into a supermarket, to look
18 around and think these workers, these people
19 who put the food on the shelves and cut the
20 meat, et cetera, that they are entitled to a
21 living, fair wage.

22 I vote aye.

23 ACTING PRESIDENT CRAIG JOHNSON:

24 Senator Stavisky to be recorded in the
25 affirmative.

1 Announce the results.

2 THE SECRETARY: Those recorded in
3 the negative on Calendar Number 1320 are
4 Senators Alesi, Bonacic, DeFrancisco, Farley,
5 Flanagan, Fuschillo, Golden, Griffio, Hannon,
6 O. Johnson, Lanza, Larkin, LaValle, Leibell,
7 Libous, Little, Marcellino, Maziarz, McDonald,
8 Nozzolio, Ranzenhofer, Robach, Saland, Seward,
9 Skelos, Volker, Winner and Young.

10 Ayes, 33. Nays, 28.

11 ACTING PRESIDENT CRAIG JOHNSON:

12 The bill is passed.

13 Senator Klein.

14 SENATOR KLEIN: Mr. President,
15 could you please call on Senator Ruth
16 Hassell-Thompson.

17 ACTING PRESIDENT CRAIG JOHNSON:

18 Senator Hassell-Thompson.

19 SENATOR KLEIN: I'm sorry, before
20 I do that, I need to do substitutions. I
21 apologize.

22 I believe that there are
23 substitutions at the desk. I ask that we make
24 them at this time.

25 ACTING PRESIDENT CRAIG JOHNSON:

1 Returning to motions and substitutions, the
2 Secretary will read.

3 THE SECRETARY: On page 21,
4 Senator Klein moves to discharge, from the
5 Committee on Rules, Assembly Bill Number 10048
6 and substitute it for the identical Senate
7 Bill Number 1858, Third Reading Calendar 767.

8 ACTING PRESIDENT CRAIG JOHNSON:
9 Substitution ordered.

10 Senator Klein.

11 SENATOR KLEIN: Mr. President,
12 can you now call on Senator Hassell-Thompson.

13 ACTING PRESIDENT CRAIG JOHNSON:
14 Senator Hassell-Thompson.

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

17 I would like to announce that there
18 will be an immediate meeting of the Majority
19 in Room 332.

20 ACTING PRESIDENT CRAIG JOHNSON:
21 There will be an immediate meeting of the
22 Majority Conference in the Majority Conference
23 Room, Room 332.

24 SENATOR KLEIN: Would you please
25 recognize Senator Libous, Mr. President.

1 ACTING PRESIDENT CRAIG JOHNSON:

2 Senator Libous.

3 SENATOR LIBOUS: And there will
4 be a not-as-immediate Republican conference in
5 the Republican Conference Room.

6 ACTING PRESIDENT CRAIG JOHNSON:
7 There will be a not-so-immediate meeting of
8 the Republican Conference in the Republican
9 Conference Room.

10 Senator Klein.

11 SENATOR KLEIN: In the interim,
12 can we please stand at ease. Hopefully we can
13 return in about an hour, so five after 10:00.

14 ACTING PRESIDENT CRAIG JOHNSON:
15 The Senate will stand at ease for
16 approximately one hour, the Senate to return
17 at 10:05.

18 The Senate is at ease.

19 (Whereupon, the Senate stood at
20 ease at 9:07 p.m.)

21 (Whereupon, the Senate reconvened
22 at 11:07 p.m.)

23 ACTING PRESIDENT CRAIG JOHNSON:

24 Senator Klein.

25 SENATOR KLEIN: Mr. President,

1 there's a Resolution Calendar at the desk. I
2 move for its immediate adoption.

3 ACTING PRESIDENT CRAIG JOHNSON:

4 There is a Resolution Calendar at the desk.

5 All those in favor of adopting the
6 Resolution Calendar please indicate by saying
7 aye.

8 (Response of "Aye.")

9 ACTING PRESIDENT CRAIG JOHNSON:

10 Opposed, nay.

11 (No response.)

12 ACTING PRESIDENT CRAIG JOHNSON:

13 The Resolution Calendar is adopted.

14 Senator Klein.

15 SENATOR KLEIN: Mr. President,
16 there will be an immediate meeting of the
17 Finance Committee, followed by a meeting of
18 the Rules Committee in the Majority Conference
19 Room.

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

22 ACTING PRESIDENT CRAIG JOHNSON:

23 There will be an immediate meeting of the
24 Finance Committee, followed by a immediate
25 meeting of the Rules Committee in the Majority

1 Conference Room.

2 Until then, the Senate will stand
3 at ease.

4 (Whereupon, the Senate stood at
5 ease at 11:08 p.m.)

6 (Whereupon, the Senate reconvened
7 at 11:51 p.m.)

8 ACTING PRESIDENT CRAIG JOHNSON:
9 Senator Klein.

10 SENATOR KLEIN: Mr. President, I
11 believe there's a report of the Rules
12 Committee at the desk. I move we adopt the
13 report at this time.

14 ACTING PRESIDENT CRAIG JOHNSON:
15 There is a report of the Rules Committee at
16 the desk.

17 The Secretary will read.

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

21 Senate Print 5901, by Senator
22 McDonald, an act authorizing;

23 7803, by Senator Peralta, an act to
24 amend the Tax Law;

25 8022, by Senator Hassell-Thompson,

1 an act to amend the Correction Law;

2 8047, by Senator O. Johnson, an act
3 to authorize;

4 8061, by Senator Aubertine, an act
5 to amend the Environmental Conservation Law;

6 8190, by Senator Thompson, an act
7 to amend the Tax Law;

8 8228, by Senator Hassell-Thompson,
9 an act to amend the Correction Law;

10 8317, by Senator Hassell-Thompson,
11 an act to amend the Correction Law;

12 8339, by Senator Perkins, an act to
13 amend the Public Authorities Law;

14 8340A, by the Senate Committee on
15 Rules, an act to amend the Arts and Cultural
16 Affairs Law;

17 8364, by Senator Montgomery, an act
18 authorizing;

19 8367, by Senator Stewart-Cousins,
20 an act to authorize the City of Newburgh;

21 8412, by Senator Klein, an act to
22 amend the Civil Service Law;

23 8421, by the Senate Committee on
24 Rules, an act to amend a chapter of the Laws
25 of 2010;

1 8422, by the Senate Committee on
2 Rules, an act to amend part JJ of Chapter 56
3 of the Laws of 2010;

4 8374, by Senator Breslin, an act to
5 amend the Insurance Law;

6 8404, by Senator C. Kruger, an act
7 to amend a chapter of the Laws of 2010;

8 And Senate Print 8420, by Senator
9 Stachowski, an act to amend the Education Law.

10 All bills ordered direct to third
11 reading.

12 ACTING PRESIDENT CRAIG JOHNSON:
13 All those in favor of adopting the Rules
14 Committee report please signify by saying aye.

15 (Response of "Aye.")

16 ACTING PRESIDENT CRAIG JOHNSON:
17 Opposed, nay.

18 (Response of "Nay.")

19 ACTING PRESIDENT CRAIG JOHNSON:
20 The Rules Committee report is adopted.

21 Senator Klein.

22 SENATOR KLEIN: Mr. President,
23 can we please return to the order of messages
24 from the Assembly.

25 ACTING PRESIDENT CRAIG JOHNSON:

1 Returning to the order of messages from the
2 Assembly, the Secretary will read.

3 THE SECRETARY: The Assembly sent
4 for concurrence the following bill: On motion
5 of Mr. Smith, and by unanimous consent, the
6 rules were suspended and said bill ordered to
7 a third reading: Assembly Bill Number 11523.

8 ACTING PRESIDENT CRAIG JOHNSON:
9 The Secretary will read.

10 THE SECRETARY: Calendar Number
11 1421, by the Assembly Committee on Rules,
12 Assembly Print Number 11523, an act to amend
13 the Economic Development Law.

14 ACTING PRESIDENT CRAIG JOHNSON:
15 Read the last section.

16 THE SECRETARY: Section 2. This
17 act shall --

18 SENATOR LIBOUS: Lay it aside.

19 ACTING PRESIDENT CRAIG JOHNSON:
20 The bill is laid aside.

21 SENATOR KLEIN: Mr. President,
22 lay the bill aside for the day, please.

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

25 Senator Klein.

1 SENATOR KLEIN: Mr. President, at
2 this time can we please take up the reading of
3 Supplemental Calendar 74B.

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

6 THE SECRETARY: Calendar Number
7 1406, by Senator McDonald, Senate Print 5901,
8 an act authorizing the County of Saratoga to
9 discontinue.

10 ACTING PRESIDENT CRAIG JOHNSON:
11 There is no home-rule message at the desk.
12 Therefore, the bill will be laid aside for the
13 day.

14 THE SECRETARY: In relation to
15 Calendar Number 1407, Senator Peralta moves to
16 discharge, from the Committee on
17 Investigations and Government Operations,
18 Assembly Bill Number 3577B and substitute it
19 for the identical Senate Bill Number 7803,
20 Third Reading Calendar 1407.

21 ACTING PRESIDENT CRAIG JOHNSON:
22 Substitution ordered.

23 THE SECRETARY: Calendar Number
24 1407, by Member of the Assembly Aubry,
25 Assembly Print Number 3577B, an act to amend

1 the Tax Law and the State Finance Law.

2 ACTING PRESIDENT CRAIG JOHNSON:

3 Read the last section.

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

6 ACTING PRESIDENT CRAIG JOHNSON:

7 Call the roll.

8 (The Secretary called the roll.)

9 ACTING PRESIDENT CRAIG JOHNSON:

10 Announce the results.

11 THE SECRETARY: Ayes, 61.

12 ACTING PRESIDENT CRAIG JOHNSON:

13 The bill is passed.

14 THE SECRETARY: In relation to
15 Calendar Number 1408, Senator Hassell-Thompson
16 moves to discharge, from the Committee on
17 Rules, Assembly Bill Number 11330A and
18 substitute it for the identical Senate Bill
19 Number 8022, Third Reading Calendar 1408.

20 ACTING PRESIDENT CRAIG JOHNSON:

21 Substitution ordered.

22 THE SECRETARY: Calendar Number
23 1408, by the Assembly Committee on Rules,
24 Assembly Print Number 11330A, an act to amend
25 the Correction Law.

1 ACTING PRESIDENT CRAIG JOHNSON:

2 Read the last section.

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

5 ACTING PRESIDENT CRAIG JOHNSON:

6 Call the roll.

7 (The Secretary called the roll.)

8 ACTING PRESIDENT CRAIG JOHNSON:

9 Announce the results.

10 THE SECRETARY: Ayes, 61.

11 ACTING PRESIDENT CRAIG JOHNSON:

12 The bill is passed.

13 THE SECRETARY: Calendar Number
14 1409, by Senator O. Johnson, Senate Print
15 8047, an act to authorize the Commissioner of
16 General Services.

17 ACTING PRESIDENT CRAIG JOHNSON:

18 Read the last section.

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

21 ACTING PRESIDENT CRAIG JOHNSON:

22 Call the roll.

23 (The Secretary called the roll.)

24 ACTING PRESIDENT CRAIG JOHNSON:

25 Announce the results.

1 THE SECRETARY: Ayes, 61.
2 ACTING PRESIDENT CRAIG JOHNSON:
3 The bill is passed.
4 THE SECRETARY: Calendar Number
5 1410, by Senator Aubertine, Senate Print 8061,
6 an act to amend the Environmental Conservation
7 Law.
8 ACTING PRESIDENT CRAIG JOHNSON:
9 Read the last section.
10 THE SECRETARY: Section 3. This
11 act shall take effect immediately.
12 ACTING PRESIDENT CRAIG JOHNSON:
13 Call the roll.
14 (The Secretary called the roll.)
15 ACTING PRESIDENT CRAIG JOHNSON:
16 Announce the results.
17 SENATOR LIBOUS: Lay it aside.
18 ACTING PRESIDENT CRAIG JOHNSON:
19 The bill is laid aside.
20 THE SECRETARY: Calendar Number
21 1411, by Senator Thompson, Senate Print 8190,
22 an act to amend the Tax Law.
23 ACTING PRESIDENT CRAIG JOHNSON:
24 Read the last section.
25 THE SECRETARY: Section 2.

1 This --

2 SENATOR DeFRANCISCO: Lay it
3 aside.

4 ACTING PRESIDENT CRAIG JOHNSON:
5 The bill is laid aside.

6 THE SECRETARY: In relation to
7 Calendar Number 1412, Senator Hassell-Thompson
8 moves to discharge, from the Committee on
9 Rules, Assembly Bill Number 11391 and
10 substitute it for the identical Senate Bill
11 Number 8228, Third Reading Calendar 1412.

12 ACTING PRESIDENT CRAIG JOHNSON:
13 Substitution ordered.

14 THE SECRETARY: Calendar Number
15 1412, by the Assembly Committee on Rules,
16 Assembly Print Number 11391, an act to amend
17 the Correction Law.

18 ACTING PRESIDENT CRAIG JOHNSON:
19 Read the last section.

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

22 ACTING PRESIDENT CRAIG JOHNSON:
23 Call the roll.

24 (The Secretary called the roll.)

25 ACTING PRESIDENT CRAIG JOHNSON:

1 Senator Hassell-Thompson, to explain her vote.

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

4 The reason that I brought this bill
5 forward is to expand the eligibility for the
6 shock incarceration programs. I think all of
7 you are aware that this year there was a
8 proposal to close Moriah Shock. And in an
9 effort to take a relook at that facility, we
10 have discovered that the numbers of inmates
11 that would normally go to a shock facility
12 have been minimized by the limited sentencing
13 that is required.

14 So that what we are proposing is
15 that we expand the eligibility for shock to
16 allow second nonviolent offenders who have
17 been in prison previously for a nonviolent
18 offense to be reviewed by the Department of
19 Correctional Services for the shock program.
20 This will go a long way toward helping to keep
21 our shock facilities not only open but will
22 provide an intensive boot camp program for
23 both male and female inmates convicted of
24 nonviolent offenses.

25 Therefore, I hope that my

1 colleagues will give consideration to this
2 bill and assist me in its passage. Thank you.

3 ACTING PRESIDENT CRAIG JOHNSON:
4 Senator Hassell-Thompson to be recorded in the
5 affirmative.

6 Announce the results.

7 THE SECRETARY: Those recorded in
8 the negative on Calendar Number 1412 are
9 Senators Alesi, Bonacic, Flanagan, Fuschillo,
10 Golden, Griffio, Lanza, Larkin, Flanagan,
11 Leibell, Libous, Marcellino, Ranzenhofer,
12 Robach, Saland and Skelos. Also Senator
13 DeFrancisco. Also Senator Seward. Also
14 Senator O. Johnson.

15 Ayes, 42. Nays, 19.

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

18 THE SECRETARY: In relation to
19 Calendar Number 1413, Senator Hassell-Thompson
20 moves to --

21 ACTING PRESIDENT CRAIG JOHNSON:
22 Secretary, one second.

23 Senator Klein.

24 SENATOR KLEIN: Mr. President, at
25 this time I move to hold session between the

1 hours of 12:00 a.m. and 8:00 a.m. on July 1,
2 2010, under Senate Rule 5, Section 2.

3 ACTING PRESIDENT CRAIG JOHNSON:

4 All those in favor of holding session on July
5 1, 2010, between the hours of 12:00 a.m. and
6 8:00 a.m. please signify by saying aye.

7 (Response of "Aye.")

8 ACTING PRESIDENT CRAIG JOHNSON:

9 Opposed, nay.

10 (Response of "Nay.")

11 ACTING PRESIDENT CRAIG JOHNSON:

12 Senate session is authorized by a majority
13 vote of all members elected between the hours
14 of 12:00 a.m. and 8:00 a.m. on July 1, 2010.

15 Senator Bonacic.

16 SENATOR BONACIC: Now that we
17 know that it's 12:01 on July 1st and we're all
18 in a festive mood, I'd like to tell you that
19 this is Senator Fuschillo's birthday now.

20 (Applause.)

21 ACTING PRESIDENT CRAIG JOHNSON:

22 Happy birthday, Senator Fuschillo. You don't
23 look a day over 21.

24 The Secretary will continue to
25 read.

1 THE SECRETARY: In relation to
2 Calendar Number 1413, Senator Hassell-Thompson
3 moves to discharge, from the Committee on
4 Rules, Assembly Bill Number 10061 and
5 substitute it for the identical Senate Bill
6 Number 8317, Third Reading Calendar 1413.

7 ACTING PRESIDENT CRAIG JOHNSON:
8 Substitution ordered.

9 THE SECRETARY: Calendar Number
10 1413, by Member of the Assembly Aubry,
11 Assembly Print Number 10061, an act to amend
12 the Correction Law.

13 ACTING PRESIDENT CRAIG JOHNSON:
14 Read the last section.

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

17 ACTING PRESIDENT CRAIG JOHNSON:
18 Call the roll.

19 (The Secretary called the roll.)

20 ACTING PRESIDENT CRAIG JOHNSON:
21 Announce the results.

22 THE SECRETARY: Ayes, 61.

23 ACTING PRESIDENT CRAIG JOHNSON:
24 The bill is passed.

25 THE SECRETARY: In relation to

1 Calendar Number 1414, Senator Perkins moves to
2 discharge, from the Committee on Rules,
3 Assembly Bill Number 11546 and substitute it
4 for the identical Senate Bill Number 8339,
5 Third Reading Calendar 1414.

6 ACTING PRESIDENT CRAIG JOHNSON:
7 Substitution ordered.

8 THE SECRETARY: Calendar Number
9 1414, by the Assembly Committee on Rules,
10 Assembly Print Number 11546, an act to amend
11 the Public Authorities Law.

12 ACTING PRESIDENT CRAIG JOHNSON:
13 Read the last section.

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

16 ACTING PRESIDENT CRAIG JOHNSON:
17 Call the roll.

18 (The Secretary called the roll.)

19 ACTING PRESIDENT CRAIG JOHNSON:
20 Announce the results.

21 THE SECRETARY: Ayes, 61.

22 ACTING PRESIDENT CRAIG JOHNSON:
23 The bill is passed.

24 THE SECRETARY: Calendar Number
25 1415, by the Senate Committee on Rules, Senate

1 Print Number 8340A, an act to amend the Arts
2 and Cultural Affairs Law.

3 ACTING PRESIDENT CRAIG JOHNSON:
4 Senator Klein.

5 SENATOR KLEIN: Mr. President, is
6 there a message of necessity at the desk?

7 ACTING PRESIDENT CRAIG JOHNSON:
8 There is a message of necessity at the desk,
9 Senator Klein.

10 SENATOR KLEIN: Mr. President, I
11 move to accept the message at this time.

12 ACTING PRESIDENT CRAIG JOHNSON:
13 The question is on the acceptance of the
14 message of necessity. All those in favor
15 please signify by saying aye.

16 (Response of "Aye.")

17 ACTING PRESIDENT CRAIG JOHNSON:
18 Opposed, nay.

19 (No response.)

20 ACTING PRESIDENT CRAIG JOHNSON:
21 The message of necessity is accepted.

22 Read the last section.

23 THE SECRETARY: Section 12. This
24 act shall take effect immediately.

25 ACTING PRESIDENT CRAIG JOHNSON:

1 Call the roll.

2 (The Secretary called the roll.)

3 ACTING PRESIDENT CRAIG JOHNSON:

4 Announce the results.

5 Senator Squadron, to explain his
6 vote.

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

9 This bill is another unfortunate
10 extender in an unfortunate experiment that
11 hasn't worked. It's a complicated issue, the
12 issue of ticket reselling and how best to make
13 this market work for regular folks, for
14 families who are too often priced out of the
15 ballgame, for young people who want to go see
16 a concert or take their child to go see
17 The Wiggles.

18 And the problem is we've been doing
19 this in this state now for three years and it
20 hasn't been working. We know that when Bruce
21 Springsteen comes into the state and tries to
22 sell tickets for a highest price of \$95 and
23 instead folks who go to buy those tickets get
24 redirected to a secondary seller who
25 price-gouges them so that families and

1 individuals can't afford that show.

2 The fact is this bill doesn't do
3 what we need to do to protect consumers, it
4 doesn't do what we need to do to keep ticket
5 prices down. In fact, what it does is it
6 gives a welcome sign yet again to deceptive
7 marketing practices, to collusion and to
8 unfair business practices that hurt regular
9 folks and make it impossible to affordably see
10 shows or events in this state.

11 That's why I'm going to vote no,
12 Mr. President. Hopefully eight months from
13 now we can do better. Certainly in the last
14 year we haven't figured out how to do
15 significantly better. Hopefully this is our
16 opportunity.

17 I'll vote no, Mr. President.

18 ACTING PRESIDENT CRAIG JOHNSON:
19 Senator Squadron to be recorded in the
20 negative.

21 Announce the results.

22 THE SECRETARY: Ayes, 59. Nays,
23 2. Senators C. Kruger and Squadron recorded
24 in the negative.

25 ACTING PRESIDENT CRAIG JOHNSON:

1 The bill is passed.

2 THE SECRETARY: Calendar Number
3 1416, by Senator Montgomery, Senate Print
4 8364, an act to authorizing the Commissioner
5 of General Services.

6 ACTING PRESIDENT CRAIG JOHNSON:
7 Read the last section.

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

10 ACTING PRESIDENT CRAIG JOHNSON:
11 Call the roll.

12 (The Secretary called the roll.)

13 SENATOR GOLDEN: Lay it aside.

14 ACTING PRESIDENT CRAIG JOHNSON:
15 The bill is laid aside.

16 THE SECRETARY: Calendar Number
17 1417, by Senator Stewart-Cousins, Senate Print
18 8367, an act to authorize the City of
19 Newburgh.

20 ACTING PRESIDENT CRAIG JOHNSON:
21 There is a home-rule message at the desk.

22 Read the last section.

23 THE SECRETARY: Section 19. This
24 act shall take effect immediately.

25 ACTING PRESIDENT CRAIG JOHNSON:

1 Call the roll.

2 (The Secretary called the roll.)

3 ACTING PRESIDENT CRAIG JOHNSON:

4 Announce the results.

5 THE SECRETARY: Ayes, 61.

6 ACTING PRESIDENT CRAIG JOHNSON:

7 The bill is passed.

8 THE SECRETARY: Calendar Number
9 1418, by Senator Klein, Senate Print 8412, an
10 act to amend the Civil Service Law.

11 ACTING PRESIDENT CRAIG JOHNSON:

12 Senator Klein.

13 SENATOR KLEIN: Mr. President, is
14 there a message of necessity and appropriation
15 at the desk?

16 ACTING PRESIDENT CRAIG JOHNSON:

17 There is a message of necessity and
18 appropriation at the desk.

19 SENATOR KLEIN: Mr. President, I
20 move we accept the message at this time.

21 ACTING PRESIDENT CRAIG JOHNSON:

22 The question is on the acceptance of the
23 message of necessity and appropriation. All
24 those in favor please signify by saying aye.

25 (Response of "Aye.")

1 ACTING PRESIDENT CRAIG JOHNSON:

2 Opposed, nay.

3 (No response.)

4 ACTING PRESIDENT CRAIG JOHNSON:

5 The message is accepted.

6 Read the last section.

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

9 ACTING PRESIDENT CRAIG JOHNSON:

10 Call the roll.

11 (The Secretary called the roll.)

12 ACTING PRESIDENT CRAIG JOHNSON:

13 Announce the results.

14 THE SECRETARY: Ayes, 61.

15 ACTING PRESIDENT CRAIG JOHNSON:

16 The bill is passed.

17 THE SECRETARY: Calendar Number
18 1419, by the Senate Committee on Rules, Senate
19 Print 8421, an act to amend a chapter of the
20 Laws of 2010 enacting the Education, Labor and
21 Family Assistance Budget.

22 ACTING PRESIDENT CRAIG JOHNSON:

23 Senator Klein.

24 SENATOR KLEIN: Mr. President, is
25 there a message of necessity and appropriation

1 at the desk?

2 ACTING PRESIDENT CRAIG JOHNSON:

3 There is a message of necessity and
4 appropriation at the desk, Senator Klein.

5 SENATOR KLEIN: Mr. President, I
6 move we accept the message at this time.

7 ACTING PRESIDENT CRAIG JOHNSON:

8 The question is on the acceptance of the
9 message of necessity and appropriation. All
10 those in favor please signify by saying aye.

11 (Response of "Aye.")

12 ACTING PRESIDENT CRAIG JOHNSON:

13 Opposed, nay.

14 (No response.)

15 ACTING PRESIDENT CRAIG JOHNSON:

16 The message is accepted.

17 Read the last section.

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

20 ACTING PRESIDENT CRAIG JOHNSON:

21 Call the roll.

22 (The Secretary called the roll.)

23 ACTING PRESIDENT CRAIG JOHNSON:

24 Announce the results.

25 THE SECRETARY: Ayes --

1 SENATOR HANNON: Lay it aside.

2 ACTING PRESIDENT CRAIG JOHNSON:

3 The bill is laid aside.

4 SENATOR HANNON: Wait, I withdraw
5 it.

6 ACTING PRESIDENT CRAIG JOHNSON:

7 The lay-aside is withdrawn.

8 Read the last section.

9 THE SECRETARY: In relation to
10 Calendar Number 1419: Section 2. This act
11 shall take effect immediately.

12 ACTING PRESIDENT CRAIG JOHNSON:

13 Call the roll.

14 (The Secretary called the roll.)

15 ACTING PRESIDENT CRAIG JOHNSON:

16 Announce the results.

17 THE SECRETARY: Ayes, 61.

18 ACTING PRESIDENT CRAIG JOHNSON:

19 The bill is passed.

20 THE SECRETARY: Calendar Number
21 1420, by the Senate Committee on Rules, Senate
22 Print Number 8422, an act to amend Part JJ of
23 Chapter 56 of the Laws of 2010 relating to
24 authorizing certain payments and transfers.

25 ACTING PRESIDENT CRAIG JOHNSON:

1 Senator Klein.

2 SENATOR KLEIN: Mr. President, is
3 there a message of necessity at the desk?

4 ACTING PRESIDENT CRAIG JOHNSON:
5 Senator Klein, there is a message of necessity
6 at the desk.

7 SENATOR KLEIN: I move we accept
8 the message of necessity at this time.

9 ACTING PRESIDENT CRAIG JOHNSON:
10 The question is on the acceptance of the
11 message of necessity. All those in favor
12 please signify by saying aye.

13 (Response of "Aye.")

14 ACTING PRESIDENT CRAIG JOHNSON:
15 Opposed, nay.

16 (No response.)

17 ACTING PRESIDENT CRAIG JOHNSON:
18 Message is accepted.

19 Read the last section.

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

22 ACTING PRESIDENT CRAIG JOHNSON:
23 Call the roll.

24 (The Secretary called the roll.)

25 ACTING PRESIDENT CRAIG JOHNSON:

1 Announce the results.

2 THE SECRETARY: Ayes, 61.

3 ACTING PRESIDENT CRAIG JOHNSON:

4 The bill is passed.

5 THE SECRETARY: Calendar Number
6 1422, by Senator Breslin, Senate Print 8374,
7 an act to amend the Insurance Law.

8 ACTING PRESIDENT CRAIG JOHNSON:

9 Read the last section.

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

12 ACTING PRESIDENT CRAIG JOHNSON:

13 Call the roll.

14 (The Secretary called the roll.)

15 ACTING PRESIDENT CRAIG JOHNSON:

16 Announce the results.

17 THE SECRETARY: Ayes, 61.

18 ACTING PRESIDENT CRAIG JOHNSON:

19 The bill is passed.

20 THE SECRETARY: Calendar Number
21 1423, by Senator C. Kruger, Senate Print 8404,
22 an act to amend a chapter of the Laws of 2010.

23 ACTING PRESIDENT CRAIG JOHNSON:

24 The bill is high. The bill will be laid aside
25 for the day.

1 THE SECRETARY: Calendar Number
2 1424, by Senator Stachowski, Senate Print
3 8420, an act to amend the Education Law.

4 ACTING PRESIDENT CRAIG JOHNSON:
5 Senator Klein.

6 SENATOR KLEIN: Mr. President, is
7 there a message of necessity at the desk?

8 ACTING PRESIDENT CRAIG JOHNSON:
9 Senator Klein, there is a message of necessity
10 at the desk.

11 SENATOR KLEIN: I move we accept
12 the message of necessity at this time.

13 ACTING PRESIDENT CRAIG JOHNSON:
14 The question is on the acceptance of the
15 message of necessity. All those in favor
16 please signify by saying aye.

17 (Response of "Aye.")

18 ACTING PRESIDENT CRAIG JOHNSON:
19 Opposed, nay.

20 (No response.)

21 ACTING PRESIDENT CRAIG JOHNSON:
22 The message is accepted.

23 Read the last section.

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

1 ACTING PRESIDENT CRAIG JOHNSON:

2 Call the roll.

3 (The Secretary called the roll.)

4 ACTING PRESIDENT CRAIG JOHNSON:

5 Senator Stachowski, to explain his vote.

6 SENATOR STACHOWSKI: Yeah, just
7 briefly, Mr. President, I'd like to thank a
8 lot of the people that were involved in
9 putting this bill together.

10 As you know, all the states in the
11 nation are trying to put together a bill to
12 deal with head injuries. And in this state we
13 had a group of legislators all working on
14 this. And I'd like to thank Senator Hannon,
15 Senator Foley, Senator Squadron in particular.
16 We had a roundtable, we had help from experts.

17 And of course I'd like to thank the
18 Governor for his involvement. He had
19 exchanges with the commissioner of the
20 National Football League to try to get us to
21 push this bill and get it done before session
22 ended because they're trying to encourage
23 everybody to get something in place to deal
24 with the serious problem of minor traumatic
25 brain injuries and the possible repercussions

1 of them if not treated properly.

2 So we think we have put together
3 what we believe is the best bill so far that
4 we've seen out of any state in the country,
5 and I'd just like to thank all of my
6 colleagues for helping put this together and
7 make this happen, and in particular help the
8 Governor.

9 Thank you.

10 ACTING PRESIDENT CRAIG JOHNSON:

11 Thank you, Senator Stachowski.

12 Senator Stachowski will be recorded
13 in the affirmative.

14 Announce the results.

15 THE SECRETARY: Ayes, 61. Nays,
16 0.

17 ACTING PRESIDENT CRAIG JOHNSON:

18 The bill is passed.

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

21 SENATOR KLEIN: Please recognize
22 Senator Libous.

23 ACTING PRESIDENT CRAIG JOHNSON:

24 Senator Libous.

25 SENATOR LIBOUS: Mr. President, I

1 would like to withdraw the lay-aside on
2 Calendar Number 1410 and ask you to take it
3 back to regular reading.

4 ACTING PRESIDENT CRAIG JOHNSON:
5 Sure. The lay-aside has been removed from
6 Calendar Number 1410. It will now be placed
7 on the noncontroversial supplemental calendar.

8 The Secretary will read.

9 THE SECRETARY: Calendar Number
10 1410, by Senator Aubertine, Senate Print 8061,
11 an act to amend the Environmental Conservation
12 Law.

13 ACTING PRESIDENT CRAIG JOHNSON:
14 Read the last section.

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

17 ACTING PRESIDENT CRAIG JOHNSON:
18 Call the roll.

19 (The Secretary called the roll.)

20 ACTING PRESIDENT CRAIG JOHNSON:
21 Announce the results.

22 THE SECRETARY: Ayes, 61.

23 ACTING PRESIDENT CRAIG JOHNSON:
24 The bill is passed.

25 Senator Klein, that now completes

1 the noncontroversial supplemental calendar.

2 SENATOR KLEIN: Mr. President,
3 can we please go to a reading of the
4 controversial supplemental calendar.

5 ACTING PRESIDENT CRAIG JOHNSON:
6 The Secretary will ring the bells. All
7 members are now invited to come back into the
8 chamber for the reading of the controversial
9 supplemental calendar.

10 The Secretary will read.

11 THE SECRETARY: Calendar Number
12 1411, by Senator Thompson, Senate Print 8190,
13 an act to amend the Tax Law.

14 ACTING PRESIDENT CRAIG JOHNSON:
15 Senator DeFrancisco.

16 SENATOR DeFRANCISCO: I have a
17 question of the sponsor.

18 ACTING PRESIDENT CRAIG JOHNSON:
19 Senator DeFrancisco, one moment please.

20 We're going to lay the bill aside
21 temporarily.

22 The bill is now back before the
23 house.

24 Senator Thompson, Senator
25 DeFrancisco requests you to yield for some

1 questions. Do you yield?

2 SENATOR THOMPSON: Absolutely.

3 ACTING PRESIDENT CRAIG JOHNSON:

4 Senator DeFrancisco, Senator Thompson yields.

5 SENATOR DeFRANCISCO: Senator
6 Thompson, I think everybody would love to see
7 the development of solar energy and tax
8 credits to provide that energy. Can you tell
9 me what the fiscal impact is on this
10 particular piece of legislation?

11 SENATOR THOMPSON: There will be
12 a financial plan of fiscal impact in the
13 future. I don't have that number in front of
14 me, but I can get back to you in a few
15 minutes.

16 SENATOR DeFRANCISCO: Would
17 Senator Thompson yield to another question.

18 SENATOR THOMPSON: Sure.

19 SENATOR DeFRANCISCO: Would you
20 please tell me, if we don't know the fiscal
21 impact and obviously it's not been provided
22 for in this budget or the part of the budget
23 that we've proposed -- the part of the budget
24 that we voted on, and I don't think it's in
25 the other part that we didn't vote on yet in

1 this bifurcated or trifurcated or
2 quadruplicated process, wouldn't it make sense
3 to lay this bill aside until we know the
4 fiscal impact and what it's going to do to our
5 budget?

6 SENATOR THOMPSON: Through you,
7 Mr. President. I think that one of the things
8 that we've tried to do this year, at least
9 over the last couple of days, is to support a
10 number of initiatives to grow green business
11 in the state. And I'm certain that you're
12 aware that there are a number of people that
13 are supporting efforts to grow the solar
14 industry in the State of New York.

15 So I think this is a very good bill
16 that warrants support to continue the growth
17 and development of the solar industry in the
18 State of New York.

19 SENATOR DeFRANCISCO: Thank you.

20 On the bill.

21 ACTING PRESIDENT CRAIG JOHNSON:

22 Senator DeFrancisco, on the bill.

23 SENATOR DeFRANCISCO: I'm going
24 to vote no. Solar energy is a wonderful
25 thing. We should encourage it. We should

1 have a lot of tax credits for a lot of
2 different things. But if there's no money for
3 the tax credits, then it makes little sense.
4 Or if we don't even know the fiscal impact at
5 this time of concern over the budget, it seems
6 a little bit silly, to put it mildly, to vote
7 on a bill like this without having the money
8 behind it.

9 So I'm going to vote no because of
10 the unknown fiscal implications and no money
11 being set aside for it. Thank you.

12 ACTING PRESIDENT CRAIG JOHNSON:
13 Senator DeFrancisco to be recorded in the
14 negative.

15 Are there any other Senators
16 wishing to be heard?

17 Hearing none, debate is closed.
18 The Secretary will ring the bells. All
19 members please come back into the chamber.

20 Read the last section.

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

23 ACTING PRESIDENT CRAIG JOHNSON:
24 Call the roll.

25 (The Secretary called the roll.)

1 ACTING PRESIDENT CRAIG JOHNSON:

2 Announce the results.

3 THE SECRETARY: Ayes, 59. Nays,
4 2. Senators DeFrancisco and Volker recorded
5 in the negative.

6 ACTING PRESIDENT CRAIG JOHNSON:

7 The bill is passed.

8 THE SECRETARY: Calendar Number
9 1416, by Senator Montgomery, Senate Print
10 8364, an act authorizing the Commissioner of
11 General Services.

12 ACTING PRESIDENT CRAIG JOHNSON:

13 Senator Golden, why do you rise?

14 SENATOR GOLDEN: Explanation,
15 please.

16 ACTING PRESIDENT CRAIG JOHNSON:

17 Senator Montgomery, Senator Golden has
18 requested an explanation.

19 Senator Montgomery.

20 SENATOR MONTGOMERY: Yes,
21 Mr. President. I've been asked for an
22 explanation of this bill?

23 ACTING PRESIDENT CRAIG JOHNSON:

24 Yes, Senator.

25 SENATOR MONTGOMERY: This

1 authorizes the Commissioner of General
2 Services to sell and convey a building that
3 has been abandoned for some 20-odd or more
4 years that is in the Borough of Brooklyn, in
5 the County of Queens. It's located at 1024
6 Fulton Street.

7 It has been vacant and is now
8 pretty much beyond repair, and so we're asking
9 OGS, with the concurrence of OCFS, to convey
10 that building to an organization that wishes
11 to build senior housing that is really a
12 mixed-use program for senior housing and a
13 youth recreational facility attached to it.

14 SENATOR GOLDEN: Thank you,
15 Senator.

16 Through you, Mr. President, the CNR
17 Housing Development Fund, what is that?

18 SENATOR MONTGOMERY: The CNR
19 Housing Development Fund is an organization
20 that currently provides nursing home
21 rehabilitation care for the elderly. They
22 also provide housing for the elderly and
23 disabled.

24 They have several facilities. Two
25 of their residential buildings are in the

1 Bronx, and I believe they have a health
2 facility in Queens and a nursing and
3 rehabilitation center in Brooklyn.

4 SENATOR GOLDEN: Thank you,
5 Senator.

6 Last question, Mr. President, is
7 this city-owned property or state-owned
8 property?

9 SENATOR MONTGOMERY: Mr.
10 President, through you, this is state-owned.
11 That's why we're asking the commissioner of
12 the Office of General Services.

13 SENATOR GOLDEN: The only reason,
14 I got a question from the city asking if this
15 was state-owned or city-owned. That was the
16 reason I'm asking the question.

17 SENATOR MONTGOMERY: It's
18 state-owned.

19 SENATOR GOLDEN: Thank you.

20 SENATOR MONTGOMERY: Thank you.

21 ACTING PRESIDENT CRAIG JOHNSON:
22 Senator Diaz, why do you rise?

23 SENATOR DIAZ: Mr. President,
24 would the sponsor yield for a question.

25 ACTING PRESIDENT CRAIG JOHNSON:

1 Senator Montgomery, will you yield for a
2 question from Senator Diaz?

3 SENATOR MONTGOMERY: Yes,
4 Mr. President.

5 SENATOR DIAZ: Senator
6 Montgomery, I heard you mention property in
7 the Bronx. But it's not in here, it is not in
8 the bill. So why --

9 SENATOR MONTGOMERY: No, this
10 bill has nothing to do with their property in
11 the Bronx.

12 I was simply using an example
13 because Senator Golden asked me what kind of
14 organization it was, and I was explaining to
15 him that they have properties in the Bronx
16 that they have developed, it's housing for the
17 elderly. They have a rehabilitation center
18 for the elderly in Brooklyn. They do have a
19 health facility in Queens. So that's all.

20 But this only has to do with the
21 property that they wish to develop housing
22 with in the Borough of Brooklyn.

23 SENATOR DIAZ: Thank you,
24 Mr. President.

25 ACTING PRESIDENT CRAIG JOHNSON:

1 Thank you, Senator Diaz.

2 Any other Senators wishing to be
3 heard?

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

6 Read the last section.

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

9 ACTING PRESIDENT CRAIG JOHNSON:
10 Call the roll.

11 (The Secretary called the roll.)

12 ACTING PRESIDENT CRAIG JOHNSON:
13 Announce the results.

14 THE SECRETARY: Ayes, 61.

15 ACTING PRESIDENT CRAIG JOHNSON:
16 The bill is passed.

17 Senator Klein, that completes the
18 reading of the controversial supplemental
19 calendar.

20 SENATOR KLEIN: Mr. President,
21 can we briefly return to motions and
22 resolutions.

23 ACTING PRESIDENT CRAIG JOHNSON:
24 Returning to motions and resolutions.

25 Senator Klein.

1 SENATOR KLEIN: Mr. President, on
2 behalf of Senator Thompson, on page number 29
3 I offer the following amendments to Calendar
4 Number 1174, Senate Print Number 8280, and ask
5 that said bill retain its place on Third
6 Reading Calendar.

7 ACTING PRESIDENT CRAIG JOHNSON:
8 So ordered.

9 SENATOR KLEIN: Mr. President,
10 can we please go to the supplemental active
11 list and take up Calendar Number 1091.

12 ACTING PRESIDENT CRAIG JOHNSON:
13 The Secretary will read.

14 THE SECRETARY: Calendar Number
15 1091, by Member of the Assembly Kellner,
16 Assembly Print Number 9465A, an act to amend
17 the Public Authorities Law.

18 ACTING PRESIDENT CRAIG JOHNSON:
19 Read the last section.

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

22 ACTING PRESIDENT CRAIG JOHNSON:
23 Call the roll.

24 (The Secretary called the roll.)

25 ACTING PRESIDENT CRAIG JOHNSON:

1 Announce the results.

2 THE SECRETARY: Ayes, 60. Nays,
3 1. Senator Huntley recorded in the negative.

4 ACTING PRESIDENT CRAIG JOHNSON:
5 The bill is passed.

6 Senator Klein.

7 SENATOR KLEIN: Mr. President,
8 once again, can we take up the supplemental
9 active list.

10 ACTING PRESIDENT CRAIG JOHNSON:
11 The Secretary will read.

12 THE SECRETARY: Calendar Number
13 1292, by the Senate Committee on Rules, Senate
14 Print 8381, an act to repeal Section 25-b of
15 Part A of a chapter of the laws of 2010.

16 ACTING PRESIDENT CRAIG JOHNSON:
17 Read the last section.

18 SENATOR LIBOUS: Lay the bill
19 aside.

20 ACTING PRESIDENT CRAIG JOHNSON:
21 The bill is laid aside.

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

25 SENATOR KLEIN: Mr. President, at

1 this time can we please take up the reading of
2 the controversial supplemental active list.

3 ACTING PRESIDENT CRAIG JOHNSON:

4 The Secretary will ring the bell. Members are
5 all asked to come to the chamber for the
6 reading of the controversial supplemental
7 active list.

8 The Secretary will read.

9 THE SECRETARY: Calendar Number
10 1292, by the Senate Committee on Rules, Senate
11 Print 8381, an act to repeal Section 25-b of
12 Part A of a chapter of the Laws of 2010.

13 ACTING PRESIDENT CRAIG JOHNSON:

14 Senator Flanagan.

15 SENATOR FLANAGAN: Mr. President,
16 would Senator Kruger yield to some questions.

17 ACTING PRESIDENT CRAIG JOHNSON:

18 Senator Klein.

19 SENATOR KLEIN: I'll be happy to
20 yield, Senator Flanagan.

21 SENATOR FLANAGAN: Senator Klein,
22 thank you.

23 ACTING PRESIDENT CRAIG JOHNSON:

24 Senator Flanagan.

25 SENATOR FLANAGAN: Senator Klein,

1 I do have a couple of basic questions. Let me
2 start by one that may be just too obvious.

3 This is labeled as a technical
4 correction. I don't view this that way; I'm
5 not sure that many others would. But let me
6 start by asking, in light of the fact that
7 this is tied to the education budget which you
8 advanced and was passed -- the Governor has
9 now vetoed that and made it very clear that he
10 was going to do that, and he's followed
11 through with doing that. So why would we be
12 moving ahead with a bill that's a technical
13 correction to something that's already been
14 vetoed?

15 SENATOR KLEIN: Well, one of the
16 agreements we were able to obtain with the
17 Assembly and the Senate and the Governor is
18 that if money was reduced -- and of course
19 this is going to be based on the restorations
20 that were made in the education budget we
21 passed jointly with the Assembly earlier in
22 the week -- is that the money for non-Big Five
23 school districts, those school districts that
24 have already passed their budget, that the
25 money would be mandated for non-high-needs

1 school districts to be used to lower the tax
2 levy, directly to property tax relief.

3 SENATOR FLANAGAN: Would Senator
4 Klein continue to yield.

5 ACTING PRESIDENT CRAIG JOHNSON:
6 Senator Klein, do you continue to yield?

7 SENATOR KLEIN: I'd be happy to
8 yield.

9 ACTING PRESIDENT CRAIG JOHNSON:
10 Senator Flanagan.

11 SENATOR FLANAGAN: Who came up
12 with the original plan that would have three
13 tiers, one for low need, one for average need,
14 one for high need? I mean, if you agreed
15 initially that that's what should be done, why
16 was that not in the first bill that we voted
17 on the other day?

18 SENATOR KLEIN: It was negotiated
19 on later that it was a much better idea that
20 being that school districts around the state
21 that passed their budgets in May -- I assume
22 they tightened their belts. Most of the
23 budgets in the State of New York, as you know,
24 passed -- it would make no sense to now turn
25 around and give over that money.

1 And by the way, under present law,
2 if we gave that money over to them after
3 they've passed their budgets, they'd be
4 required to keep it in the reserve fund.

5 We thought it would be much more
6 beneficial to taxpayers around the State of
7 New York, instead of that money gaining dust
8 in a fund for over a year, to be used now to
9 lower the tax levy on the budget that was just
10 passed by school districts around the state,
11 thus giving taxpayers the ability to see tax
12 savings even before their tax bill comes in
13 October.

14 SENATOR FLANAGAN: Mr. President,
15 if Senator Klein would continue to yield.

16 ACTING PRESIDENT CRAIG JOHNSON:
17 Senator Klein, do you continue to yield?

18 SENATOR KLEIN: I'd be happy to
19 yield.

20 SENATOR FLANAGAN: Senator Klein,
21 I don't agree. Under present law, if we did
22 nothing, school districts basically would have
23 three options.

24 One, if they had put in a dry
25 appropriation assuming that they might get

1 more state aid, it could be so allocated as a
2 result of the budget passing.

3 The second option is that the money
4 could be put into a reserve fund up to
5 4 percent, as you know.

6 But there's also an option to
7 reduce the property tax levy under existing
8 law. So there's really three options
9 available to school districts if we do
10 nothing.

11 But let me go back, because I want
12 to be clear, as we move ahead, what direction
13 we're taking. You mentioned that this was
14 negotiated with the Assembly, the Senate and
15 the Governor. So is it a fair representation
16 that at least this portion of the education
17 budget is agreed to by the Governor?

18 SENATOR KLEIN: I would hope so.

19 SENATOR FLANAGAN: Could I get
20 clarity? Is that a yes or a no?

21 SENATOR KLEIN: Yes.

22 SENATOR FLANAGAN: Thank you.

23 SENATOR KLEIN: As you know,
24 Senator Flanagan, things are rather fluid and
25 things change around here from day to day.

1 SENATOR FLANAGAN: I certainly
2 appreciate that. Thank you, Senator Klein.

3 Mr. President, on the bill.

4 ACTING PRESIDENT CRAIG JOHNSON:
5 Senator Flanagan, on the bill.

6 SENATOR FLANAGAN: The problem I
7 have with this legislation is that it's
8 reflective of some of the issues that we're
9 dealing with in relation to the budget as a
10 whole and in particular as it focuses on
11 education.

12 Now, we had another opportunity
13 today to deal with a bill by Senator
14 Stewart-Cousins to provide \$4 million to
15 Yonkers. The other day we did a bill to
16 Yonkers for about \$5 million. Now we're doing
17 a technical correction to the budget for how
18 we're going to distribute money to the school
19 districts. We have another bill that will be
20 coming up that will be a reimbursement to
21 private and parochial schools.

22 It's a piecemeal approach that
23 frankly just doesn't work. It's bad public
24 policy. It's not the way we should be doing
25 things. But I want to go through very quickly

1 what this sets up.

2 And it sets up an adversarial
3 system, in my opinion, and one that is not
4 beneficial to the property taxpayers. Because
5 if we are going to have a uniform standard,
6 that's what it should be. It should be
7 uniform.

8 Under the original bill that you
9 passed and that we as the Senate Republicans
10 voted against, you created a three-tier
11 system. A high-needs district could get
12 whatever extra money and use it however they
13 want. Then the average-need district would
14 have to use 50 percent for property tax
15 relief, and they could use the other
16 50 percent however they want. Then of course
17 your low-needs district would have to operate
18 under current law, which was just described.

19 Now -- and by the way, I got this
20 information from the State Education
21 Department. Low-needs districts, there are
22 132 of them in the state. Average needs, 335.
23 And high needs, 207.

24 Now with this technical correction,
25 which is apparently supported by the Governor,

1 you've taken a bad situation and made it
2 slightly better. It's not good, because now
3 we have competition and you could literally
4 have a situation where you will have
5 neighboring districts, one person can live in
6 one block in one school district and another
7 person could live right across the street and
8 be treated differently.

9 Because your high-needs districts
10 are going to have a lot more flexibility.
11 They can now turn around and say we got extra
12 money from the State of New York, we're going
13 to reinstitute programming. We're going to
14 bring back teachers. We're going to add back.
15 And you could have a district right next door
16 that simply is not going to have that option.

17 I believe the prudent way to have
18 done this would have been to create a uniform
19 system so that if the real goal is property
20 tax relief, then everybody should have to
21 operate under the same standard. And frankly,
22 doing it under existing law probably would
23 have been the best course of action because
24 they could have used that to reduce the
25 property tax levy.

1 So this is not going to help a
2 number of school districts across the State of
3 New York the way you think it is. And it's
4 going to be difficult for certain members to
5 go back to explain to one district versus
6 another that you're now being treated
7 differently from your neighbor.

8 Again, this is not the way we
9 should be approaching things. It's going to
10 create more problems. It's going to raise
11 more questions. And I guess fundamentally we
12 could ask the question, if the whole veto
13 issue has now rendered some of this moot, why
14 are we actually doing this.

15 Mr. President, I plan on voting no
16 and I would encourage my colleagues to vote no
17 as well.

18 ACTING PRESIDENT CRAIG JOHNSON:

19 Thank you, Senator Flanagan.

20 Senator Klein.

21 SENATOR KLEIN: I couldn't
22 disagree more with my colleague from Suffolk
23 County. I think the only thing he got correct
24 is that we did change the system.

25 First of all, that according to

1 present law, school districts can use the
2 money to put in a reserve or reduce the tax
3 levy. There has never been a case in my
4 memory that any school district, when we did
5 pass a late budget and gave them their money,
6 that they did use it to reduce the tax levy.
7 They use it for next year's budget so they can
8 spend more or not cut services.

9 The other piece, as far as
10 delivering the money this year, the
11 Superintendent of Education made it very clear
12 to school districts around the state that they
13 should not count on any money from the state
14 this year. So -- there's virtually every
15 school district in the State of New York
16 assumed they were getting nothing as far as
17 school aid, because the Governor in his budget
18 cut school aid. So now to turn around and
19 give school districts money after they
20 tightened their belts, they made their
21 changes, would be ludicrous.

22 I think in these tough fiscal times
23 when high property taxes is on everyone's
24 mind, the way we can deliver property tax
25 relief is to reduce the levy now.

1 Again, the high-needs school
2 districts, we are giving them the flexibility
3 to either use the money to actually put in a
4 reserve fund or spend or use to reduce
5 property taxes. I'll be honest with you,
6 probably the high-needs school districts are
7 high-needs school districts for a reason.
8 They probably will use that money and not
9 choose to reduce property taxes.

10 But again, this was based on the
11 restorations that were made to education in
12 the Senate and Assembly budget to the tune of
13 \$280 million. So that would be \$280 million
14 for property tax relief. That's an awful lot
15 of money to be given to local taxpayers in
16 these tough fiscal times.

17 ACTING PRESIDENT CRAIG JOHNSON:
18 Senator Flanagan, why do you rise?

19 SENATOR FLANAGAN: Mr. President,
20 will Senator Klein yield.

21 SENATOR KLEIN: I'd be happy to
22 yield.

23 SENATOR FLANAGAN: Senator Klein,
24 can you point to me where it says in any of
25 this legislation, consistent with what you are

1 contending that you're doing, that a school
2 district has to use this money for property
3 tax relief and nothing else?

4 SENATOR KLEIN: Again, as I said,
5 not all school districts have to use the money
6 for property tax relief. As I said, it was
7 changed from the original plan, and that's why
8 this is an amendment to the plan in the budget
9 bill that was passed. High-needs school
10 districts have a choice to use the money for
11 property tax relief or spend to restore
12 services or cuts or anything they made in
13 their budget. It's all the other school
14 districts that have to use it to lower the tax
15 levy.

16 SENATOR FLANAGAN: Mr. President,
17 would Senator Klein continue to yield.

18 I'll go back to my question. Show
19 me the language --

20 ACTING PRESIDENT CRAIG JOHNSON:
21 Let me ask him first if he'll yield, if you
22 wouldn't mind, Senator Flanagan.

23 Senator Klein, will you yield for
24 Senator Flanagan?

25 SENATOR KLEIN: I'll be happy to

1 yield.

2 ACTING PRESIDENT CRAIG JOHNSON:

3 Senator Flanagan.

4 SENATOR FLANAGAN: Would you show
5 us the language that says for those average
6 and low-needs districts you can't use it for a
7 dry appropriation, you can't use it for a
8 reserve fund, the only thing you're allowed to
9 use it for is property tax levy reduction? I
10 don't see that in the bill we passed
11 originally. I certainly don't see it in here.
12 So could you show me where that language is?

13 SENATOR KLEIN: Well, again,
14 through you, Mr. President, presently school
15 districts, again, cannot use the money for
16 anything other than putting it in their
17 reserve funds. That's the way it would go
18 now.

19 You need the Legislature to put in
20 language to allow them to spend it or use it
21 to reduce the tax levy. That's what this
22 legislation does.

23 SENATOR FLANAGAN: Mr. President,
24 would Senator Klein continue to yield.

25 ACTING PRESIDENT CRAIG JOHNSON:

1 Senator Klein, will you continue to yield?

2 SENATOR KLEIN: I'll continue to
3 yield.

4 SENATOR FLANAGAN: Senator Klein,
5 I understand what you're saying. My problem
6 is I don't see what you're saying in writing.

7 SENATOR KLEIN: I don't have the
8 original bill with me, but I do have the
9 amended bill.

10 SENATOR FLANAGAN: Well, I
11 actually happen to have the original bill that
12 we passed the other day. And it actually --
13 the differentiation is in relation to
14 average-needs school districts. It says in
15 that that an average-needs district has to use
16 at least 50 percent to reduce the property tax
17 levy. The other 50 percent they can use as a
18 grant in aid.

19 So under your plan, 467 school
20 districts do not have to -- in fact, all
21 school districts do not have to use this money
22 to reduce property taxes. It doesn't say that
23 specifically anywhere. Unless you can show me
24 specific language that would do that.

25 SENATOR KLEIN: As I said,

1 Senator, we're repealing the language that was
2 in the original budget bill that repealed the
3 fifty-fifty language. So it's right in the
4 budget. That's what we're doing with this
5 amendment today.

6 So under the original plan when
7 they had the choice to either use -- I'm
8 sorry, not a choice, but 50 percent had to go
9 to reduce the tax levy, the other 50 percent
10 for restorations, we're removing that choice.
11 And now it all goes to reduce the tax levy.

12 SENATOR FLANAGAN: Mr. President,
13 would Senator Klein continue to yield.

14 ACTING PRESIDENT CRAIG JOHNSON:
15 Senator Klein, will you continue to yield?

16 SENATOR KLEIN: Yes.

17 SENATOR FLANAGAN: I don't want
18 to belabor the point; I'll just make this one
19 comment and ask you to respond to it.

20 By repealing that section of law
21 that was passed the other day -- which was
22 vetoed by the Governor -- by repealing that
23 section, we are now basically going back, for
24 two-thirds of the school districts in the
25 State of New York, to what is existing law.

1 Under existing law school districts have the
2 option of putting money into their reserve
3 fund up to 4 percent or reducing the property
4 tax levy.

5 You are not, you are not achieving
6 the goal that you are intending to achieve
7 because there is nothing specifically that
8 says you can't use it for a reserve fund, you
9 can't use it for a dry appropriation, it has
10 to go to property tax relief.

11 In fact, the bill you passed the
12 other day, the only area where it had to go to
13 property tax relief was for average-needs
14 school districts because you said specifically
15 in the law that 50 percent had to go to
16 property tax relief. By repealing that,
17 you've taken that dictate way --

18 SENATOR KLEIN: Again -- again,
19 we disagree on that, Senator Flanagan. And
20 again, you may disagree with me on the
21 concept. I personally believe that the way
22 we're going to help taxpayers is not to give
23 money to a school district and allow them to
24 spend when they operated and actually I think
25 in many cases tightened their belt. And the

1 money that we're giving them has to be used
2 for property tax relief.

3 So we can agree on the concept even
4 though, according to my calculations, your
5 Senate district, under this plan, based on the
6 numbers that were passed in the Senate and the
7 Assembly budget, received \$8,404,000
8 exclusively for property tax relief, because I
9 don't think you have a high-needs school
10 district.

11 SENATOR FLANAGAN: Mr. President,
12 would Senator Klein continue to yield.

13 ACTING PRESIDENT CRAIG JOHNSON:
14 Senator Klein, do you continue to yield?

15 SENATOR KLEIN: Yes,
16 Mr. President.

17 SENATOR FLANAGAN: Senator Klein,
18 conceptually we are absolutely in sync. But
19 when we go back, we're going to have to deal
20 with the reality of what the statute says.
21 Not what we dialogue on, but rather what the
22 statute says.

23 So conceptually I think it's a very
24 important thing to direct school districts
25 that if they get extra money, that the first

1 place it has to go -- not the last, but the
2 first place --

3 SENATOR KLEIN: And again,
4 Senator Flanagan, I believe --

5 SENATOR FLANAGAN: Excuse me.
6 Senator Klein, please let me finish what I was
7 saying.

8 SENATOR KLEIN: -- that the
9 statute says that it has to go into a reserve
10 fund and they do not have the choice to use it
11 to reduce the tax levy.

12 SENATOR FLANAGAN: Senator Klein,
13 let me finish my thought, please.

14 SENATOR KLEIN: Okay.

15 SENATOR FLANAGAN: Fundamentally
16 we disagree on what the existing law is. My
17 understanding and interpretation of that law
18 is that school districts have an option. By
19 not saying that it has to go to property tax
20 relief first and second and third, you are not
21 achieving that goal.

22 Now, you referenced my school
23 districts, okay. The number, to a degree, is
24 irrelevant because there is no mandate that
25 that money has to go to property tax relief.

1 You can describe it 17, 19, 21 different ways,
2 but under existing law school districts do not
3 have to apply it to property tax relief, they
4 can use it in other ways.

5 So if the goal is to make sure that
6 that is what is being done, then the language
7 has to be reworked.

8 Thank you, Mr. President.

9 SENATOR KLEIN: Again, through
10 you -- I guess I'm responding to myself. But
11 through you, Mr. President, again, the present
12 law exists that school districts do not have
13 the ability to spend money unless the state
14 gives them authorization to do that. Right
15 now, if we did absolutely nothing and restored
16 school aid to school districts, it would sit
17 in a reserve fund until next year.

18 This legislation, again, if you're
19 a high-needs school district, the money can
20 either be used to reduce the tax levy or for
21 restorations. Every other district would have
22 to use it to reduce the tax levy, thus giving,
23 I think, direly needed tax relief to residents
24 around the State of New York.

25 ACTING PRESIDENT CRAIG JOHNSON:

1 Senator Saland, why do you rise?

2 SENATOR SALAND: Would Senator
3 Klein yield to a question.

4 ACTING PRESIDENT CRAIG JOHNSON:
5 Senator Klein, will you yield for a question
6 from Senator Saland?

7 SENATOR KLEIN: Yes.

8 ACTING PRESIDENT CRAIG JOHNSON:
9 Senator Saland.

10 SENATOR SALAND: Senator Klein,
11 so you are telling us that the existing law
12 requires that in the case of the two
13 classifications of schools that you've now
14 identified as being either low-needs or
15 average, existing law would require that
16 exclusively of any of these dollars that would
17 have otherwise come to them be used for
18 purposes of their reserve funds?

19 SENATOR KLEIN: Yes. Unless we
20 do something otherwise.

21 SENATOR SALAND: Do you have any
22 idea what the --

23 ACTING PRESIDENT CRAIG JOHNSON:
24 Senator Saland, do you wish Senator Klein to
25 continue to yield?

1 SENATOR SALAND: Do you continue
2 to yield?

3 SENATOR KLEIN: I yield,
4 Mr. President.

5 SENATOR SALAND: Do you have any
6 idea when the tax warrants go out for school
7 districts?

8 SENATOR KLEIN: September, I
9 believe, Senator.

10 SENATOR SALAND: Thank you. No
11 further questions. On the bill.

12 ACTING PRESIDENT CRAIG JOHNSON:
13 It was actually Senator Klein. Are you
14 completed with -- he was on the bill.

15 Okay, Senator Saland.

16 SENATOR SALAND: With all due
17 respect to Senator Klein, in fact, until those
18 tax warrants are issued, under existing law
19 those monies can be used either for one of two
20 purposes. Until the tax warrants are
21 issued -- but not after -- they can be used to
22 reduce taxes. They also can be used for the
23 reserve fund. They are not used exclusively
24 for the reserve fund. That is the law.

25 Were we in September, Senator Klein

1 would be right. But we're in July. So those
2 school districts still have an option.

3 So your low-needs school districts
4 and your average-needs school districts can
5 either use it for property tax relief, which
6 would be a good thing, or, given the fact that
7 many of them probably severely depleted their
8 reserve funds because of the cuts they had to
9 take -- and as I mentioned in a similar
10 discourse I believe yesterday, I meet
11 routinely with my school superintendents and I
12 know I advise them to try to avoid depleting
13 their reserve funds because next year was
14 going to be worse than this year. But
15 nonetheless I'm sure in some instances they
16 depleted them substantially, if not entirely.

17 That it may well be between now and
18 September, or perhaps it may be even in August
19 that the warrants go out -- those school
20 districts, given these monies, may well opt,
21 given the fact that many of them had already
22 planned for the nightmarish budget by way of
23 cuts that they were being hit with, to use
24 those monies to fortify themselves for yet the
25 onslaught of the next year's budget with its

1 anticipated \$15 billion deficit.

2 So notwithstanding the certainty
3 that we've been assured, the certainty
4 conflicts with the existing law. And, Senator
5 Flanagan, I would -- and with all due respect
6 to Senator Klein, Senator Flanagan has
7 appropriately categorized the state of the
8 existing law.

9 And Senator Klein would certainly
10 be right if we were after the date for which
11 the tax warrants could be issued. But we are
12 before that date, and a number of weeks, if
13 not a month and a half or more away from that
14 date.

15 Thank you, Mr. President.

16 ACTING PRESIDENT CRAIG JOHNSON:

17 Thank you, Senator Saland.

18 Senator Diaz.

19 SENATOR DIAZ: Mr. President,
20 would the sponsor yield for a question.

21 ACTING PRESIDENT CRAIG JOHNSON:

22 Senator Klein, will you yield for a question
23 from Senator Diaz?

24 SENATOR KLEIN: Yes,
25 Mr. President.

1 ACTING PRESIDENT CRAIG JOHNSON:

2 Senator Diaz.

3 SENATOR DIAZ: Senator Klein, it
4 is 1:00 a.m. I'm 68 years old. I'm almost
5 sleepy. My wife is waiting for me.

6 But if I understood you right,
7 you're saying something about \$8 million for
8 the district of Senator Flanagan or something.
9 What was that you said?

10 SENATOR KLEIN: Eight million
11 dollars in property tax relief, yes, Senator.

12 SENATOR DIAZ: Could the sponsor
13 yield.

14 ACTING PRESIDENT CRAIG JOHNSON:
15 Senator Klein, will you continue to yield for
16 Senator Diaz?

17 SENATOR KLEIN: Yes,
18 Mr. President.

19 SENATOR DIAZ: What was that
20 again? Eight million dollars for what?

21 SENATOR KLEIN: Over \$8 million
22 for property taxes.

23 SENATOR DIAZ: To help which
24 district?

25 SENATOR KLEIN: It was Senator

1 Flanagan's district.

2 SENATOR DIAZ: And what part of
3 the state is that?

4 SENATOR KLEIN: That's Suffolk
5 County.

6 SENATOR DIAZ: Would the sponsor
7 yield for a question.

8 ACTING PRESIDENT CRAIG JOHNSON:
9 Senator Klein, will you continue to yield for
10 a question?

11 (Laughter.)

12 SENATOR KLEIN: I'm Senator
13 Klein.

14 (Laughter.)

15 SENATOR KLEIN: Senator Klein
16 would be happy to yield.

17 ACTING PRESIDENT CRAIG JOHNSON:
18 Senator Diaz, he will.

19 SENATOR DIAZ: So you're telling
20 me, Senator Klein, that what we are doing
21 tonight here will be helping Senator
22 Flanagan's district by \$8 million?

23 SENATOR KLEIN: If indeed this
24 does take effect and we eventually have our
25 revenue and the restorations were made as was

1 done in the Assembly and Senate budget, yes.

2 SENATOR DIAZ: Will the sponsor
3 yield for one more question.

4 ACTING PRESIDENT CRAIG JOHNSON:
5 Senator Klein, will you yield for one more
6 question?

7 SENATOR KLEIN: Yes,
8 Mr. President.

9 ACTING PRESIDENT CRAIG JOHNSON:
10 Senator Diaz.

11 SENATOR DIAZ: So then if I
12 understand, if you do something, Senator
13 Klein, if you try and do something like that
14 that would help my district, I would be
15 praising you instead of complaining.

16 And I think that if that is true,
17 what you say, that what we're doing now at
18 1:00 a.m. in the morning, in the morning, will
19 help Senator Flanagan's district, Senator
20 Flanagan should be praising you.

21 SENATOR KLEIN: Well, I guess we
22 disagree on the implementation. But I'm
23 hopeful once we do pass our revenue bill and
24 we have the final version of this chapter, we
25 can make sure that property tax relief goes to

1 school districts outside of the Big Five that
2 are not high-needs school districts that
3 already passed their budgets.

4 SENATOR DIAZ: Thank you,
5 Mr. President. Thank you, Senator.

6 ACTING PRESIDENT CRAIG JOHNSON:
7 Senator DeFrancisco.

8 SENATOR DeFRANCISCO: I have a
9 couple of questions hopefully to wrap this
10 thing up because everyone's tired.

11 ACTING PRESIDENT CRAIG JOHNSON:
12 Senator Klein, will you yield for a couple of
13 questions from Senator DeFrancisco?

14 SENATOR KLEIN: Yes, Mr.
15 President.

16 SENATOR DeFRANCISCO: It's
17 1 o'clock. And, Senator Klein, what we've
18 gone through for the last 45 minutes or so on
19 this bill, you can assure us that this is not
20 an academic exercise, is that correct?

21 SENATOR KLEIN: That's correct.

22 SENATOR DeFRANCISCO: Okay. And
23 would you yield to another question.

24 ACTING PRESIDENT CRAIG JOHNSON:
25 Senator Klein, do you continue to yield?

1 SENATOR KLEIN: Yes,
2 Mr. President.

3 SENATOR DeFRANCISCO: And it's
4 not an academic exercise because it's a
5 three-way agreement between the Governor, the
6 Senate and the Assembly, correct?

7 SENATOR KLEIN: Again, it's the
8 Assembly, the Senate and the Governor signed
9 off on this program as well.

10 SENATOR DeFRANCISCO: And in
11 order for this --

12 ACTING PRESIDENT CRAIG JOHNSON:
13 Senator Klein, do you wish to continue to
14 yield for Senator DeFrancisco?

15 SENATOR KLEIN: Yes,
16 Mr. President.

17 SENATOR DeFRANCISCO: In order
18 for this to go into effect, there has to be
19 the money that the Senate and Assembly
20 restored to give back to the districts like
21 Senator Diaz talked about; correct?

22 SENATOR KLEIN: That is correct.

23 SENATOR DeFRANCISCO: Okay.
24 Would Senator Klein continue to yield.

25 ACTING PRESIDENT CRAIG JOHNSON:

1 Senator Klein, will you continue to yield?

2 SENATOR KLEIN: Yup.

3 SENATOR DeFRANCISCO: Didn't the
4 Governor veto the bills that gave the extra
5 money?

6 SENATOR KLEIN: Yes, he did.

7 SENATOR DeFRANCISCO: Okay, one
8 last --

9 SENATOR KLEIN: But I want to
10 continue on that. Yes, he did. But again,
11 this is something that's an important
12 proposal. We want to get this proposal out
13 now to make sure it's passed by the Assembly
14 and make sure when budget negotiations do take
15 place that this is part of the final product.

16 Because I want to make sure,
17 Senator DeFrancisco, that when this goes into
18 effect -- and again, under the numbers for
19 education that was restored by the Assembly
20 and the Senate, that your district can
21 received \$11,472,000 in property tax relief.

22 SENATOR DeFRANCISCO: Would
23 Senator Klein yield to another question.

24 ACTING PRESIDENT CRAIG JOHNSON:
25 Senator Klein, will you continue to yield?

1 SENATOR DeFRANCISCO: Is this a
2 scoop you're giving us today? Has the
3 Governor undone his veto so all this money
4 goes back?

5 SENATOR KLEIN: No, he has not.

6 SENATOR DeFRANCISCO: On the
7 bill, please.

8 ACTING PRESIDENT CRAIG JOHNSON:
9 Senator DeFrancisco, on the bill.

10 SENATOR DeFRANCISCO: How could
11 there be a three-way agreement if the essence
12 of this bill, as Senator Diaz has spoken
13 about, is to bring money back to the district
14 and the money that's going back to the
15 districts was vetoed by the Governor?

16 I would suggest, despite what
17 Senator Klein says, that this is an academic
18 exercise at 1 o'clock in the morning at a time
19 when Senator Diaz's wife is waiting for him
20 and is longing for him at this point in time.

21 (Laughter.)

22 SENATOR DeFRANCISCO: So for
23 those -- I'm going to vote no on this bill.

24 ACTING PRESIDENT CRAIG JOHNSON:
25 Are there any other Senators wishing to be

1 heard on the bill?

2 Hearing none -- Senator
3 Schneiderman, why do you rise?

4 SENATOR SCHNEIDERMAN: I'm
5 cleaning my desk, Mr. President.

6 (Laughter.)

7 ACTING PRESIDENT CRAIG JOHNSON:
8 Hearing no other Senators wishing to heard on
9 the bill, debate is closed. The Secretary
10 will please ring the bell.

11 Read the last section.

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

14 ACTING PRESIDENT CRAIG JOHNSON:
15 Call the roll.

16 (The Secretary called the roll.)

17 ACTING PRESIDENT CRAIG JOHNSON:
18 Senator Skelos, to explain his vote.

19 SENATOR SKELOS: Thank you very
20 much, Mr. President.

21 I listened with great interest.
22 The word was used, "property tax relief,"
23 probably about twenty times over a budget that
24 the Governor has vetoed. I'd just like to
25 talk to you about -- I know, Senator

1 DeFrancisco, Senator Klein mentioned how your
2 area would receive \$11 million in real
3 property tax relief.

4 But let me tell you what the
5 different regions of the state have lost law
6 of because of your elimination last year of
7 the STAR rebate check. Long Island,
8 \$368 million. Hudson Valley, \$305 million.
9 New York City, \$187 million. Central New
10 York, \$177 million. Western New York,
11 \$141 million. Capital Region, \$140 million.
12 And Rochester, \$130 million.

13 That's the tax discomfort that the
14 Democrat Majority has imposed upon the
15 hardworking people of the State of New York.

16 So please don't try to fool the
17 people of the state that this is really tax
18 relief when you've taken, last year, a billion
19 and a half of property tax relief away from
20 the people of the state and this year there
21 will be another billion and a half in property
22 tax relief taken away from the hardworking
23 people of the State of New York.

24 ACTING PRESIDENT CRAIG JOHNSON:
25 Senator Skelos, how do you vote?

1 SENATOR SKELOS: I vote no.

2 ACTING PRESIDENT CRAIG JOHNSON:

3 Senator Skelos to be recorded in the negative.

4 Senator Klein.

5 SENATOR KLEIN: To explain my
6 vote.

7 ACTING PRESIDENT CRAIG JOHNSON:

8 Senator Klein, to explain his vote.

9 SENATOR KLEIN: It's always a
10 pleasure to hear a debate on property tax
11 relief. It's almost as if the other side of
12 the aisle is afraid we actually might
13 accomplish our pledge to give property tax
14 relief I think in a fair way to New Yorkers
15 even during this tough fiscal climate.

16 I think the other side of the
17 aisle, if they want to get this plan and
18 receive this money to their districts -- and
19 the way we can do this is to override the
20 Governor's veto. Because if we override the
21 Governor's veto, the money that we
22 allocated -- meaning the Senate and Assembly
23 joint budget plan -- would allocate
24 \$277 million in property tax relief.

25 And by the way, looking at the

1 numbers, most of that money goes to Republican
2 districts, who tend to have school districts
3 that are less high-needs and that actually
4 would have money directly given to them
5 through reduction of their tax levies.

6 So I'm hopeful at the end of the
7 day this is something that can become a
8 reality with bipartisan support, because I
9 think the property taxpayers of New York State
10 can't wait any longer. And they don't want to
11 see finger-pointing, they don't want to have
12 members get up and blame and point fingers on
13 how much money was lost, they want to see
14 things accomplished. And they want to see
15 things accomplished now because they want
16 property tax relief now.

17 I vote yes, Mr. President.

18 ACTING PRESIDENT CRAIG JOHNSON:

19 Senator Klein to be recorded in the
20 affirmative.

21 Announce the results.

22 THE SECRETARY: Those recorded in
23 the negative on Calendar Number 1292 are
24 Senators Alesi, Bonacic, DeFrancisco, Farley,
25 Flanagan, Fuschillo, Golden, Griffio,

1 O. Johnson, Lanza, Larkin, LaValle, Leibell,
2 Libous, Little, Marcellino, Maziarz, McDonald,
3 Nozzolio, Padavan, Ranzenhofer, Robach,
4 Saland, Seward, Skelos, Volker, Winner and
5 Young.

6 Ayes, 33. Nays, 28.

7 ACTING PRESIDENT CRAIG JOHNSON:

8 The bill is passed.

9 Senator Klein.

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

12 ACTING PRESIDENT CRAIG JOHNSON:

13 Senator Klein, the desk is clear.

14 SENATOR KLEIN: There being no
15 further business, Mr. President, to come
16 before the Senate, I move that we adjourn
17 until tomorrow at 10:00 a.m.

18 ACTING PRESIDENT CRAIG JOHNSON:

19 There being no further business to come before
20 the Senate, on motion, the Senate stands
21 adjourned until 10:00 a.m. this morning,
22 Thursday, July 1st.

23 (Whereupon, at 1:11 a.m., the
24 Senate adjourned.)
25