

1 NEW YORK STATE SENATE

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3  
4 THE STENOGRAPHIC RECORD

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8  
9 ALBANY, NEW YORK

10 July 1, 2010

11 10:35 a.m.

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13  
14 REGULAR SESSION

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18 SENATOR ANDREA STEWART-COUSINS, Acting President

19 ANGELO J. APONTE, Secretary

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

2 ACTING PRESIDENT STEWART-COUSINS:

3 The Senate will please come to order.

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

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

9 ACTING PRESIDENT STEWART-COUSINS:

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

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

14 ACTING PRESIDENT STEWART-COUSINS:

15 The reading of the Journal.

16 The Secretary will read.

17 THE SECRETARY: In Senate,  
18 Wednesday, June 30, the Senate met pursuant to  
19 adjournment. The Journal of Tuesday, June 29,  
20 was read and approved. On motion, Senate  
21 adjourned.

22 ACTING PRESIDENT STEWART-COUSINS:

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: Madam President,  
10 I believe there are substitutions at the desk,  
11 I ask that we make the substitutions at this  
12 time.

13 ACTING PRESIDENT STEWART-COUSINS:  
14 The Secretary will read.

15 THE SECRETARY: On page 14,  
16 Senator Addabbo moves to discharge, from the  
17 Committee on Rules, Assembly Bill Number 3871B  
18 and substitute it for the identical Senate  
19 Bill Number 4755A, Third Reading Calendar 417.

20 ACTING PRESIDENT STEWART-COUSINS:  
21 Substitution ordered.

22 THE SECRETARY: And on page 28,  
23 Senator Schneiderman moves to discharge, from  
24 the Committee on Rules, Assembly Bill Number  
25 8684B and substitute it for the identical

1 Senate Bill Number 7515A, Third Reading  
2 Calendar 1235.

3 ACTING PRESIDENT STEWART-COUSINS:  
4 Substitution ordered.

5 Senator Klein.

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

9 ACTING PRESIDENT STEWART-COUSINS:  
10 The Secretary will read.

11 THE SECRETARY: Calendar Number  
12 196, by Senator Savino, Senate --

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

15 ACTING PRESIDENT STEWART-COUSINS:  
16 The bill is laid aside temporarily.

17 THE SECRETARY: Calendar Number  
18 298, by Senator Parker, Senate Print 3601D, an  
19 act to amend the Social Services Law.

20 ACTING PRESIDENT STEWART-COUSINS:  
21 Read the last section.

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

24 ACTING PRESIDENT STEWART-COUSINS:  
25 Call the roll.

1 (The Secretary called the roll.)

2 ACTING PRESIDENT STEWART-COUSINS:

3 Announce the results.

4 THE SECRETARY: Those recorded in  
5 the negative on Calendar Number 298 are  
6 Senators Bonacic, DeFrancisco, Farley, Golden,  
7 Griffo, O. Johnson, Larkin, LaValle, Leibell,  
8 Libous, Nozzolio, Ranzenhofer, Saland, Skelos  
9 and Winner.

10 Ayes, 37. Nays, 15.

11 ACTING PRESIDENT STEWART-COUSINS:

12 The bill is passed.

13 THE SECRETARY: Calendar Number  
14 317, by Senator Perkins, Senate Print 5057B,  
15 an act to amend the Public Service Law.

16 SENATOR LIBOUS: Lay it aside.

17 ACTING PRESIDENT STEWART-COUSINS:

18 The bill is laid aside.

19 THE SECRETARY: Calendar Number  
20 547, by Senator Savino, Senate Print 2978B, an  
21 act to amend the Workers' Compensation Law.

22 ACTING PRESIDENT STEWART-COUSINS:

23 Read the last section.

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

1                   ACTING PRESIDENT STEWART-COUSINS:  
2       Call the roll.  
3                   (The Secretary called the roll.)  
4                   ACTING PRESIDENT STEWART-COUSINS:  
5       Announce the results.  
6                   SENATOR LIBOUS:       Lay it aside.  
7                   ACTING PRESIDENT STEWART-COUSINS:  
8       The bill is laid aside.  
9                   THE SECRETARY:       Calendar Number  
10       1112, by Senator Stachowski, Senate Print  
11       7865A, an act in relation to requiring a study  
12       and report.  
13                   ACTING PRESIDENT STEWART-COUSINS:  
14       Read the last section.  
15                   THE SECRETARY:       Section 2. This  
16       act shall take effect immediately.  
17                   ACTING PRESIDENT STEWART-COUSINS:  
18       Call the roll.  
19                   (The Secretary called the roll.)  
20                   THE SECRETARY:       Ayes, 52.  
21                   ACTING PRESIDENT STEWART-COUSINS:  
22       The bill is passed.  
23                   THE SECRETARY:       Calendar Number  
24       1277, by Senator --  
25                   SENATOR MAZIARZ:       Lay it aside.

1                   ACTING PRESIDENT STEWART-COUSINS:

2       The bill is laid aside.

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

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

7                   THE SECRETARY:     Calendar Number  
8       1356, by Senator Montgomery, Senate Print  
9       8132A, an act to amend the Social Services Law  
10      and the Domestic Relations Law.

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

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

15                  ACTING PRESIDENT STEWART-COUSINS:  
16      Call the roll.

17                  (The Secretary called the roll.)

18                  ACTING PRESIDENT STEWART-COUSINS:  
19      Announce the results.

20                  THE SECRETARY:     Ayes, 51.   Nays,  
21      1.   Senator Winner recorded in the negative.

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

24                  THE SECRETARY:     Calendar Number  
25      1371, by Senator Schneiderman --

1                   SENATOR LIBOUS:     Lay it aside.

2                   ACTING PRESIDENT STEWART-COUSINS:

3       The bill is laid aside.

4                   THE SECRETARY:     Calendar Number  
5       1372, by Senator Sampson, Senate Print 8391,  
6       an act to amend a chapter of the Laws of 2010  
7       amending the Domestic Relations Law.

8                   ACTING PRESIDENT STEWART-COUSINS:

9       Read the last section.

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

12                  ACTING PRESIDENT STEWART-COUSINS:

13       Call the roll.

14                  (The Secretary called the roll.)

15                  ACTING PRESIDENT STEWART-COUSINS:

16       Announce the results.

17                  THE SECRETARY:     Ayes, 52.

18                  ACTING PRESIDENT STEWART-COUSINS:

19       The bill is passed.

20                  THE SECRETARY:     Calendar Number  
21       1405, by --

22                  SENATOR LIBOUS:     Lay it aside.

23                  ACTING PRESIDENT STEWART-COUSINS:

24       The bill is laid aside.

25                  Senator Klein, that completes the



1 reading of the noncontroversial calendar.

2 SENATOR KLEIN: Madam President,  
3 at this time can we please go to a reading of  
4 the controversial calendar.

5 ACTING PRESIDENT STEWART-COUSINS:  
6 The Secretary will ring the bell. Members are  
7 all asked to come to the chamber for the  
8 reading of the controversial calendar.

9 The Secretary will read.

10 THE SECRETARY: Calendar Number  
11 317, by Senator Perkins, Senate Print 5057B,  
12 an act to amend the Public Service Law.

13 SENATOR LIBOUS: Explanation.

14 SENATOR PERKINS: Lay the bill  
15 aside for the day, please.

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

18 THE SECRETARY: Calendar Number  
19 547, by Senator Savino, Senate Print 2978B, an  
20 act to amend the Workers' Compensation Law.

21 SENATOR LIBOUS: Explanation.

22 ACTING PRESIDENT STEWART-COUSINS:  
23 Senator Savino, an explanation has been  
24 requested.

25 SENATOR SAVINO: Yes, Madam

1 President.

2 This bill is the Injured Workers  
3 Pharmacy Bill. As you all know, in 2007 the  
4 State of New York reformed the Workers'  
5 Compensation Law and made significant and  
6 important changes to the Workers' Compensation  
7 Law; specifically, the creation of a  
8 pharmaceutical fee schedule that would result  
9 in significant savings to the State of  
10 New York.

11 However, when they did enact that  
12 law, they also restricted the ability of  
13 injured workers to purchase drugs from an  
14 independent pharmacist, driving them all to  
15 mostly what has become chain stores.

16 The independent pharmacists have  
17 worked with myself and other members of the  
18 Department of Labor to come up with a way to  
19 allow them access to this again. And  
20 principal to this is they have to agree to  
21 accept the reduced-fee schedule in exchange.  
22 So this would allow an injured worker to  
23 utilize a pharmacy of their choice and still  
24 achieve the savings.

25 I understand the Business Council

1       has had some concern about this, and I met  
2       with them several times. In fact, they  
3       offered to amend the language of the bill, and  
4       they never then did submit the amendment.

5               But the bill does say that the  
6       independent pharmacist has to accept the  
7       reduced-fee schedule. And all we're trying to  
8       do is give options to injured workers so that  
9       if they have a relationship with a pharmacist  
10      in their community, that they can continue to  
11      go there.

12             We think it's a good thing for the  
13      injured worker, and we also think it's a good  
14      thing for the independent pharmacists, who are  
15      usually small businessmen who are established  
16      in communities and they're seeing more and  
17      more of their business being driven to the  
18      large chain pharmacists.

19             And what happens when you now have  
20      to go to a CVS or a Rite-Aid to pick up your  
21      prescriptions that come as a result of your  
22      workers' compensation case, the likelihood is  
23      you'll transfer all your prescriptions, taking  
24      more business from that independent  
25      pharmacist. And while you're in that CVS or

1 Rite-Aid or Walgreens, you're going to buy  
2 your other items in that store, again taking  
3 more business away.

4 So we're trying to give choice to  
5 injured workers and independent pharmacists,  
6 to allow them to remain competitive in the  
7 system, and still find a way to keep the costs  
8 down.

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

11 Senator Hannon, why do you rise?

12 SENATOR HANNON: Would Senator  
13 Savino yield.

14 ACTING PRESIDENT STEWART-COUSINS:  
15 Senator Savino, do you yield for a question?

16 SENATOR SAVINO: Yes.

17 SENATOR HANNON: Senator Savino,  
18 let me just -- I'd like to get straight the  
19 mechanism that you're trying to put in place.

20 As I understand it, the current  
21 system is that whoever is the workers'  
22 compensation insurance carrier will make  
23 arrangements with one or more pharmacies to  
24 provide the drugs to whoever is covered by  
25 that insurance. Is that correct?

1                   SENATOR SAVINO:     Through you,  
2     Madam President, yes. And in exchange for  
3     that, they also agree to a reduced  
4     reimbursement rate for those particular drugs.  
5     Which the independent pharmacist couldn't  
6     compete with.

7                   SENATOR HANNON:     Will you yield  
8     again?

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

11                  SENATOR SAVINO:     Yes, Madam  
12    President.

13                  SENATOR HANNON:     And I would  
14    presume that the pharmacy that accepts the  
15    reduced rate is doing so because the carrier  
16    says to them "I'll give you a high volume of  
17    prescriptions that you have to fill."

18                  SENATOR SAVINO:     Through you,  
19    Madam President, you're probably correct in  
20    assuming that.

21                  SENATOR HANNON:     Well -- will you  
22    yield again?

23                  ACTING PRESIDENT STEWART-COUSINS:  
24    Senator Savino, do you continue to yield?

25                  SENATOR SAVINO:     Yes, Madam

1 President.

2 SENATOR HANNON: Would there be  
3 any other reason that a large pharmacy would  
4 just give a reduced rate other than being told  
5 "You will get a very high volume of  
6 prescriptions to fill"?

7 SENATOR SAVINO: Senator Hannon,  
8 I honestly couldn't answer that question. But  
9 I'm sure they feel they'll make up the reduced  
10 rate in other ancillary purchases in their  
11 store.

12 As you know, most of these large  
13 chain pharmacies are somewhat like small  
14 supermarkets. So if they're forced to accept  
15 a reduced rate on the drugs, they're going to  
16 make it up on all other purchases. So it's a  
17 calculated business decision on their part.

18 SENATOR HANNON: Will you  
19 continue to yield?

20 ACTING PRESIDENT STEWART-COUSINS:  
21 Senator Savino, do you continue to yield?

22 SENATOR SAVINO: Yes, Madam  
23 President.

24 SENATOR HANNON: So I could  
25 postulate, I could assume that there is an

1       economic relationship between the rate that is  
2       given and the rate that the carrier offers.

3               SENATOR SAVINO:       I would probably  
4       agree with that assumption.

5               SENATOR HANNON:       Okay, thank you.  
6       On the bill.

7               ACTING PRESIDENT STEWART-COUSINS:  
8       Senator Hannon, on the bill.

9               SENATOR HANNON:       I love  
10       independent pharmacists. They do an enormous  
11       amount of very good work. They actually do  
12       probably better service to neighborhoods than  
13       any of the big chains do. But this bill is  
14       one of the bills that comes under the category  
15       of all willing provider.

16               Now, we have other bills on the  
17       calendar, there's something to do with  
18       clinical laboratories, there's others that  
19       we've dealt with from Senator Kruger, dental  
20       devices. It's all the economic engine goes  
21       through between people who make contracts to  
22       provide services. When you make a contract  
23       and you're given a high volume, you can give a  
24       reduced rate.

25               Now, we then have people who don't

1 get a chance to make those contracts come to  
2 us and say, Hey, we'll meet that price if you  
3 will let us in -- let us into the pharmacy,  
4 let us into the laboratory, let us into  
5 providing the devices, whatever it is.

6 The difficulty you have is that  
7 once you let the people in, then no longer do  
8 the big contracts exist because no longer can  
9 those big contracts guarantee a high volume.  
10 And once you no longer have that high volume,  
11 all the prices are going to go up. And  
12 therefore, whoever's paying the tab -- whether  
13 it be Medicaid, whether it be a private  
14 insurer, whether it be the state government --  
15 we then pay. And it becomes more costly.

16 So it's a very difficult thing in  
17 the very first instance when the outsiders --  
18 in this case, the independent pharmacists, but  
19 it could be labs, it could be durable medical  
20 equipment, any number of different things. It  
21 keeps popping up. And that's why I'm taking  
22 the time to go through to the core of this.

23 It's very difficult to say "I'm  
24 sorry, but we have to let the economy work."  
25 And it makes more sense for me to make this



1 argument at a time when we're so financially  
2 strapped, because a couple of years ago it  
3 seemed like you're just being a Scrooge. But  
4 you have to let that engine work.

5 So I can't agree with going along  
6 with your proposal. I know it's  
7 well-intentioned; you want to give greater  
8 convenience to the injured worker. But in  
9 this case getting the coverage at an  
10 affordable price is really the convenience you  
11 want to deliver to someone who is that injured  
12 worker, and therefore I don't think this is a  
13 wise bill.

14 Thank you very much, Madam  
15 President.

16 ACTING PRESIDENT STEWART-COUSINS:  
17 Thank you, Senator.

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

20 Senator Padavan.

21 SENATOR PADAVAN: If the Senator  
22 would yield.

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

1                   SENATOR SAVINO:     Yes, Madam  
2     President.

3                   SENATOR PADAVAN:     This bill  
4     also -- I'm reading here from the memo -- also  
5     removes the restriction that the  
6     administrative expenses of the disability fund  
7     shall not exceed 25 percent of the premiums  
8     earned by the fund. As I recall, that was  
9     part of the 2007 reform which enhanced the  
10    ability of the disability fund to do what it's  
11    intended to do.

12                  Now, what does this mean in your  
13    bill? Why do you want have the administrative  
14    fund costs exceed 25 --

15                  SENATOR SAVINO:     This provision,  
16    Senator Padavan, was agreed to by the State  
17    Insurance Fund.

18                  SENATOR PADAVAN:     Would you yield  
19    again.

20                  ACTING PRESIDENT STEWART-COUSINS:  
21    Senator Savino, do you continue to yield?

22                  SENATOR SAVINO:     Yes.

23                  SENATOR PADAVAN:     Whether it's  
24    agreed to or not, a cap of administrative  
25    costs was put on in 2007 to maintain the

1       viability of the fund, enhance their ability  
2       to provide assistance to those who are  
3       disabled. Why do we now want to eliminate  
4       that threshold?

5                   SENATOR SAVINO:       Through you,  
6       Madam President, the State Insurance Fund took  
7       the position that we should delete the  
8       language of the administrative expenditures to  
9       25 percent of the premiums because the last  
10      disability benefit increase was in 1989 and,  
11      according to them, it was difficult for the  
12      fund to administer this in 2010 at this rate.  
13      So this was their opinion on this particular  
14      issue.

15                   ACTING PRESIDENT STEWART-COUSINS:  
16      Thank you, Senator.

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

19                   Senator McDonald.

20                   SENATOR McDONALD:       Thank you,  
21      Madam President.

22                   As so often, a wonderful bill,  
23      sometimes it's difficult please all the  
24      different constituencies. I have a wonderful  
25      company that invested a substantial amount of

1 money and employs a substantial amount of  
2 people in my district, Express Scripts. It's  
3 about 375 people. They're in a growth mold.  
4 They're all local people. It's headquartered  
5 outside the state, and this is the regional  
6 headquarters in this part of the country.

7 And their pharmacists are all local  
8 people, all Albany College of Pharmacy  
9 graduates. And I've had the opportunity to  
10 visit them on more than one occasion, and it's  
11 simply amazing where they located in downtown  
12 Troy, in an old industrial building that's  
13 been remodelled as part of urban renewal, as  
14 part of recapping economic vitality in a  
15 wonderful city which happens to be my  
16 hometown.

17 So many of these people could be  
18 impacted by this. It would be my advice,  
19 before we start discouraging companies, to get  
20 a greater understanding of what we're talking  
21 about and the economic impacts, positive or  
22 negative, and try find something that does not  
23 stifle competition, okay -- price competition,  
24 especially, and at the same time protects all  
25 the wonderful professionals that we have in

1           this area. Which I might add are home-grown.

2                     Thank you.

3                     ACTING PRESIDENT STEWART-COUSINS:

4           Thank you, Senator.

5                     Are there any other Senators  
6           wishing to be heard?

7                     Senator O. Johnson, on the bill.

8                     SENATOR JOHNSON:     Yes, thank you,  
9           Madam President.

10                    I'd like to congratulate Senator  
11           Savino on this bill. It makes all kinds of  
12           sense in the world to let people buy the drugs  
13           in their local pharmacy which they deal with  
14           over the years, perhaps, which is a local  
15           business in the community. If they can match  
16           the same price as the contract, then certainly  
17           they should be able to buy the drugs there.

18                    And I see no reason to object to  
19           this bill. I think it's a very enlightened  
20           bill. Small business is the heart of our  
21           communities. We have to help them stay alive.  
22           Thank you.

23                    ACTING PRESIDENT STEWART-COUSINS:

24           Thank you, Senator Johnson.

25                    Are there any other Senators

1 wishing to be heard?

2 Hearing none, the debate is closed.

3 The Secretary will please ring the bell.

4 Read the last section.

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

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

9 (The Secretary called the roll.)

10 ACTING PRESIDENT STEWART-COUSINS:  
11 Senator Marcellino, to explain his vote.

12 SENATOR MARCELLINO: Yes, Madam  
13 President, thank you. To explain my vote.

14 I intend to support this  
15 legislation. Sometime ago the Health  
16 Department had an Internet device that you  
17 could go on it and punch in a pharmacy and it  
18 would come up with the pharmacy, wherever the  
19 location was, and you could figure out certain  
20 typical drugs by typical dosages that were  
21 used in prescriptions and find the best price  
22 in your area.

23 I got on it because I figured I  
24 wanted to offer it to my constituents to see  
25 if they wanted to use it and would take

1        advantage of it, and I found something very  
2        interesting. In this same pharmacy, a chain,  
3        a large chain, the same prescription, the same  
4        dosage of that prescription, the cost at one  
5        part of my district was \$15.85 for that  
6        prescription; the cost in the same chain of  
7        drugstores -- different store, obviously -- in  
8        a different part of the district was \$225 for  
9        that same prescription, dosage, whatever.

10                So it piqued my curiosity as to  
11        maybe that was just a freak, but I found out I  
12        couldn't find, of these big chains, a common  
13        or within a reasonable range of price on a  
14        prescription for the same drug. They varied  
15        widely from store to store.

16                Anything, in my mind, that brings  
17        competition in, that helps bring back some of  
18        the smallest stores which have mostly  
19        disappeared in our communities -- and I think,  
20        like my colleague Senator Owen Johnson, that  
21        that's a shame. Anything that brings that  
22        competition back and encourages those small  
23        stores to come back is a good thing. I'm  
24        going to support this bill in the hopes that  
25        that happens.

1 Thank you, Madam President.

2 ACTING PRESIDENT STEWART-COUSINS:

3 Senator Marcellino to be recorded in the  
4 affirmative.

5 Senator Little, to explain her  
6 vote.

7 SENATOR LITTLE: Thank you, Madam  
8 President.

9 One thing that we're not talking  
10 about that is in this bill that I think is a  
11 really good idea is that the initial fill of a  
12 prescription cannot be for more than 14 days  
13 within the first 72 hours of the initial  
14 medical care.

15 This is called like a trial  
16 prescription. And there's a tremendous amount  
17 of savings to be gained by doing this so that  
18 we see if the medication works and then the  
19 person does go back to the pharmacy, talk to  
20 the pharmacist again before they get it.

21 This has been proposed before by  
22 some of the pharmacists in my district. I'm  
23 really happy to see it in the bill. I vote  
24 aye.

25 ACTING PRESIDENT STEWART-COUSINS:



1 Senator Little to be recorded in the  
2 affirmative.

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

5 Announce the results.

6 THE SECRETARY: Those recorded in  
7 the negative on Calendar Number 547 are  
8 Senators Hannon, McDonald and Volker.

9 Absent from voting: Senators Alesi  
10 and Montgomery.

11 Ayes, 56. Nays, 3.

12 ACTING PRESIDENT STEWART-COUSINS:  
13 The bill is passed.

14 THE SECRETARY: Calendar Number  
15 1371, by Senator Schneiderman, Senate Print  
16 8379A, an act to amend the Labor Law.

17 ACTING PRESIDENT STEWART-COUSINS:  
18 Are there any Senators wishing to be heard?  
19 Hearing none, the debate is closed.  
20 The Secretary will please ring the bell.

21 Read the last section.

22 THE SECRETARY: Section 10. This  
23 act shall take effect on the 90th day.

24 ACTING PRESIDENT STEWART-COUSINS:  
25 Call the roll.

1 (The Secretary called the roll.)

2 ACTING PRESIDENT STEWART-COUSINS:

3 Announce the results.

4 THE SECRETARY: Those recorded in  
5 the negative on Calendar Number 1371 are  
6 Senators Bonacic, DeFrancisco, Farley,  
7 Flanagan, Fuschillo, Golden, Griffio, Hannon,  
8 O. Johnson, Lanza, Larkin, LaValle, Leibell,  
9 Libous, Little, Marcellino, Maziarz, McDonald,  
10 Nozzolio, Ranzenhofer, Robach, Saland, Seward,  
11 Skelos, Volker, Winner and Young.

12 Absent from voting: Senators Alesi  
13 and Montgomery.

14 Ayes, 32. Nays, 27.

15 ACTING PRESIDENT STEWART-COUSINS:

16 The bill is passed.

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 STEWART-COUSINS:

22 Senator DeFrancisco, why do you rise?

23 SENATOR DeFRANCISCO: A point of  
24 order.

25 I understand this is the last bill

1       on the calendar, is that correct, the  
2       controversial calendar?

3                ACTING PRESIDENT STEWART-COUSINS:  
4       Yes, the last one on the controversial  
5       calendar.

6                SENATOR DeFRANCISCO:     I don't see  
7       a revenue bill for the budget on the calendar.  
8       And I understand -- I've got the Assembly's  
9       calendar here, and there's a budget bill,  
10      9710D, which is the revenue bill. And I'm  
11      wondering why we don't have the most important  
12      bill, the balance of the budget, here today  
13      before the 4th of July, some three months  
14      after April 1.

15               ACTING PRESIDENT STEWART-COUSINS:  
16      Senator DeFrancisco, your point of order is  
17      out of order.

18               Is there a rule that you'd want to  
19      refer to? Otherwise we'll continue with this  
20      last bill.

21               SENATOR DeFRANCISCO:     Yes, there  
22      is a rule I want to refer to, and that's the  
23      rule that requires a budget by April 1, and  
24      also the rule of reason.

25               ACTING PRESIDENT STEWART-COUSINS:

1 Senator DeFrancisco, you're out of order.

2 Thank you.

3 SENATOR DeFRANCISCO: Well, thank  
4 you. And I just -- my final point is simply  
5 that --

6 ACTING PRESIDENT STEWART-COUSINS:  
7 Thank you.

8 SENATOR DeFRANCISCO: -- it's  
9 amazing that we're doing these bills and we're  
10 going to go home --

11 ACTING PRESIDENT STEWART-COUSINS:  
12 The Secretary will read.

13 SENATOR DeFRANCISCO: -- with the  
14 budget undone. Thank you.

15 THE SECRETARY: Calendar Number  
16 1405, by Senator Parker, Senate Print 8389, an  
17 act to amend the Public Service Law and the  
18 State Finance Law.

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

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

24 Read 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 SENATOR LIBOUS: Madam President.

5 ACTING PRESIDENT STEWART-COUSINS:  
6 Yes, Senator Libous.

7 SENATOR LIBOUS: I just want to  
8 explain my vote.

9 For point of information, I voted  
10 yes on this bill last time. But I just wanted  
11 to make note that Alesi, DeFrancisco, Farley,  
12 Flanagan, Golden, Johnson, Lanza, Leibell,  
13 Little, Maziarz, Nozzolio, Ranzenhofer,  
14 Robach, Skelos and Young voted no the last  
15 time this bill was up, just for a reminder.

16 ACTING PRESIDENT STEWART-COUSINS:  
17 Thank you, Senator Libous.

18 Call the roll.

19 (The Secretary called the roll.)

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

22 SENATOR DeFRANCISCO: Yes, this  
23 Senator Parker bill has several financial --  
24 it appears that it creates something -- a  
25 utility intervenor account under the State

1 Finance Law.

2 And I think there's a much more  
3 important finance issue that we have to debate  
4 today, and that is the budget of the State of  
5 New York, and complete that budget by way of  
6 dealing with the revenue bill that's on the  
7 calendar in the Assembly.

8 It's now over three months late,  
9 this budget of ours. The budget, supposedly  
10 there was some type of agreement between  
11 behind closed doors. But whatever that  
12 agreement was, shouldn't we at least be able  
13 to consider this bill today before the Senate  
14 majority Democrats have us go home for the  
15 weekend and go home till whenever, to discuss  
16 a bill that's already in print?

17 Let's debate it. Let's have the  
18 debate today. Then if people around aren't  
19 sure of what their votes are, they can  
20 cogitate over the weekend or whatever they do  
21 over the weekend and try to figure out what  
22 the best thing to do on this budget. But we  
23 should be debating it rather than delaying it  
24 over a weekend.

25 So I can't vote for a bill dealing

1 with the Finance Law of the State of New York,  
2 or any other bill, until we deal with the  
3 revenue bill that should be on the calendar  
4 today like it is in the Assembly.

5 Thank you, Madam President. I vote  
6 no.

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

10 Senator Little, to explain her  
11 vote.

12 SENATOR LITTLE: Thank you, Madam  
13 President.

14 I also am voting no on this bill,  
15 as I did on the other intervenor bill, because  
16 I believe that there's a cost to it. A cost  
17 to the company, maybe not a cost to the state.

18 But I would also like to point out  
19 that the fact that we are not voting today on  
20 the final revenue bill and we may have to come  
21 back next week, I think we need to consider  
22 the cost to the state of us coming back  
23 another day rather than making the decision,  
24 difficult as it may be, making that decision  
25 today and saving the taxpayers of the State of

1 New York money.

2 I would hope that a decision would  
3 be made to stay here today and do the revenue  
4 bill today. Because just like businesses need  
5 to cut their costs and be efficient, so does  
6 the State of New York.

7 Thank you. I vote no.

8 ACTING PRESIDENT STEWART-COUSINS:  
9 Senator Little to be recorded in the negative.

10 Senator Bonacic, to explain his  
11 vote.

12 SENATOR BONACIC: Thank you,  
13 Madam President.

14 I too am very disturbed today about  
15 considering the cost measure on this bill when  
16 our top priority should be to finish this  
17 budget, which is being done today in the  
18 Assembly.

19 And when Senator DeFrancisco stood  
20 up to talk about the urgency of the revenue  
21 bill, I think he was told basically that he  
22 couldn't speak on it and they closed him down.

23 I wrote to the Governor, to Senator  
24 Sampson, and Speaker Silver. This is not  
25 about a delay in the budget. Let me tell you



1 a real-life story. Gateway Industries employs  
2 220 people in Ulster County. They serve the  
3 disabled. They cannot meet payroll if this  
4 budget does not get done by the end of this  
5 month.

6 So it's not the cost only of  
7 bringing us back at a per diem, it's hurting  
8 all the not-for-profits by an inability to  
9 act. It is a disgrace. And I'm prepared to  
10 stay here every day till we get this done.

11 Thank you, Madam President. I vote  
12 no on this bill.

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

16 Senator Libous, to explain his  
17 vote.

18 SENATOR LIBOUS: Thank you, Madam  
19 President.

20 I had mentioned earlier that the  
21 last time this bill was on the floor I voted  
22 for it. But the arguments by Senator  
23 DeFrancisco, Senator Little and others, and  
24 Senator Bonacic, are compelling.

25 I'm going to vote no. And I too

1 share that same frustration that we've heard  
2 that while we're sitting here for the last  
3 hour and 15 minutes, going over bills that  
4 have been laid aside through the course of the  
5 month of June, we're here July 1st. And I'm  
6 told the Assembly is doing a revenue bill  
7 today to close out the budget process. But  
8 yet the headlines I read in the paper is that  
9 the Senate is going home.

10 Madam President, I will vote no,  
11 but I will tell you that it is shameful and it  
12 makes absolutely no sense.

13 ACTING PRESIDENT STEWART-COUSINS:  
14 Senator Libous to be recorded in the negative.

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

17 Hearing none, announce the results.

18 THE SECRETARY: Those recorded in  
19 the negative on 1405 are Senators Alesi,  
20 Aubertine, Bonacic, DeFrancisco, Farley,  
21 Flanagan, O. Johnson, Larkin, Leibell, Libous,  
22 Little, Marcellino, McDonald, Nozzolio,  
23 Padavan, Ranzenhofer, Robach, Skelos, Volker,  
24 Winner and Young.

25 Ayes, 39. Nays, 21.

1                   ACTING PRESIDENT STEWART-COUSINS:

2       The bill is passed.

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

5                   SENATOR KLEIN:       Madam President,  
6       can we please stand at ease very briefly while  
7       the active list is being put on the members'  
8       desks.

9                   And I think in the meantime the  
10       Minority Conference wants to conference very  
11       shortly.

12                   We'll stand at ease, Madam  
13       President.

14                   ACTING PRESIDENT STEWART-COUSINS:  
15       Thank you, Senator. The Senate will stand at  
16       ease, and the Republican Conference will meet  
17       in the Republican Conference Room.

18                   (Whereupon, the Senate stood at  
19       ease at 11:19 a.m.)

20                   (Whereupon, the Senate reconvened  
21       at 11:46 a.m.)

22                   ACTING PRESIDENT STEWART-COUSINS:  
23       Senator Klein.

24                   SENATOR KLEIN:       Madam President,  
25       can we briefly return to the active list and

1       lay aside Calendar Number 196 for the day,  
2       please.

3                ACTING PRESIDENT STEWART-COUSINS:  
4       Returning to the active list, Calendar Number  
5       196 will be laid aside for the day.

6                Senator Klein.

7                SENATOR KLEIN:       Madam President,  
8       at this time can we please go to a reading of  
9       the supplemental active list.

10               ACTING PRESIDENT STEWART-COUSINS:  
11       The Secretary will read.

12               THE SECRETARY:       Calendar Number  
13       1174, by Senator Thompson, Senate Print 8280A,  
14       an act to amend the Environmental Conservation  
15       Law.

16               ACTING PRESIDENT STEWART-COUSINS:  
17       Senator Klein.

18               SENATOR KLEIN:       Madam President,  
19       is there a message of necessity at the desk?

20               ACTING PRESIDENT STEWART-COUSINS:  
21       There is a message of necessity at the desk,  
22       Senator.

23               SENATOR KLEIN:       Madam President,  
24       I move to accept the message at this time.

25               ACTING PRESIDENT STEWART-COUSINS:

1       The question is on the acceptance of the  
2       message of necessity. All those in favor  
3       please signify by saying aye.

4                       (Response of "Aye.")

5                       ACTING PRESIDENT STEWART-COUSINS:  
6       Opposed, nay.

7                       (No response.)

8                       ACTING PRESIDENT STEWART-COUSINS:  
9       The message is accepted.

10                      The Secretary will read.

11                      THE SECRETARY:     Section 11. This  
12       act shall take effect April --

13                      SENATOR LIBOUS:     Lay it aside.

14                      ACTING PRESIDENT STEWART-COUSINS:  
15       The bill is laid aside.

16                      THE SECRETARY:     Calendar Number  
17       1404, by Senator Parker, Senate Print 8388, an  
18       act to amend the Public Service Law, the  
19       Public Authorities Law, and the Real Property  
20       Law.

21                      ACTING PRESIDENT STEWART-COUSINS:  
22       Read the last section.

23                      THE SECRETARY:     Section 12. This  
24       act --

25                      SENATOR LIBOUS:     Lay it aside.

1                   ACTING PRESIDENT STEWART-COUSINS:

2       The bill is laid aside.

3                   Senator Klein, that completes the  
4       reading of the noncontroversial supplemental  
5       active list.

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

9                   ACTING PRESIDENT STEWART-COUSINS:  
10      The Secretary will ring the bell.  Members are  
11      all asked to come to the chamber for the  
12      reading of the controversial calendar.

13                  The Secretary will read.

14                  THE SECRETARY:       Calendar Number  
15      1174, by Senator Thompson, Senate Print 8280A,  
16      an act to amend the Environmental Conservation  
17      Law.

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

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

23                  Read the last section.

24                  THE SECRETARY:       Section 11.  This  
25      act shall take effect April 1, 2011.

1                   ACTING PRESIDENT STEWART-COUSINS:  
2       Call the roll.  
3                   (The Secretary called the roll.)  
4                   ACTING PRESIDENT STEWART-COUSINS:  
5       Announce the results.  
6                   THE SECRETARY:     Ayes, 61.  
7                   ACTING PRESIDENT STEWART-COUSINS:  
8       The bill is passed.  
9                   THE SECRETARY:     In relation to  
10      Calendar Number 1174:   Ayes, 59.   Nays, 2.  
11      Senators Aubertine and Little recorded in the  
12      negative.   Also Senator Griffio.  
13                  Ayes, 58.   Nays, 3.  
14                  ACTING PRESIDENT STEWART-COUSINS:  
15      The bill is passed.  
16                  The Secretary will continue to  
17      read.  
18                  THE SECRETARY:     Calendar Number  
19      1404, by Senator Parker, Senate Print 8388, an  
20      act to amend the Public Service Law and  
21      others.  
22                  ACTING PRESIDENT STEWART-COUSINS:  
23      Are there any Senators wishing to be heard on  
24      the bill?  
25                  Hearing none, the debate is closed.

1       The Secretary will please ring the bells.

2               Read the last section.

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

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

7               (The Secretary called the roll.)

8               ACTING PRESIDENT STEWART-COUSINS:  
9       Announce the results.

10              THE SECRETARY:     Those recorded in  
11       the negative on Calendar Number 1404 are  
12       Senators Alesi, Bonacic, DeFrancisco, Farley,  
13       Flanagan, Golden, Griffio, Hannon, O. Johnson,  
14       Larkin, LaValle, Leibell, Libous, Little,  
15       Nozzolio, Ranzenhofer, Saland, Seward, Skelos,  
16       Volker, Winner and Young.

17              Ayes, 39.  Nays, 22.

18              ACTING PRESIDENT STEWART-COUSINS:  
19       The bill is passed.

20              Senator Klein, that completes the  
21       reading of the controversial supplemental  
22       calendar.

23              SENATOR KLEIN:     Madam President,  
24       at this time can we please stand at ease until  
25       12:15.



1                   ACTING PRESIDENT STEWART-COUSINS:

2           The Senate will stand at ease until 12:15.

3                   (Whereupon, the Senate stood at  
4           ease at 11:57 a.m.)

5                   (Whereupon, the Senate reconvened  
6           at 12:28 p.m.)

7                   ACTING PRESIDENT STEWART-COUSINS:  
8           Senator Klein.

9                   SENATOR KLEIN:       Madam President,  
10          at this time can we please return to the  
11          active list and withdraw the lay-aside on  
12          Calendar Number 196 to take it up on the  
13          noncontroversial calendar.

14                   ACTING PRESIDENT STEWART-COUSINS:  
15          Returning to the active list, we're removing  
16          the lay-aside on Calendar Number 196.

17                   The Secretary will read.

18                   THE SECRETARY:       In relation to  
19          Calendar Number 196, Senator Savino moves to  
20          discharge, from the Committee on Rules,  
21          Assembly Bill Number 1470B and substitute it  
22          for the identical Senate Bill Number 2311E,  
23          Third Reading Calendar 196.

24                   ACTING PRESIDENT STEWART-COUSINS:  
25          Substitution ordered.

1                   THE SECRETARY:     Calendar Number  
2     196, by Member of the Assembly Wright,  
3     Assembly Print Number 1470B, an act to amend  
4     the Labor Law and others.

5                   SENATOR LIBOUS:     Lay it aside.

6                   ACTING PRESIDENT STEWART-COUSINS:  
7     The bill is laid aside.

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

10                  SENATOR KLEIN:     Madam President,  
11     can we take up Calendar Number 196 on the  
12     controversial active list.

13                  ACTING PRESIDENT STEWART-COUSINS:  
14     The Secretary will please ring the bells. All  
15     members are asked to come to the chamber for  
16     the reading of the controversial calendar.

17                  The Secretary will read.

18                  THE SECRETARY:     Calendar Number  
19     196, substituted earlier by Member of the  
20     Assembly Wright, Assembly Print Number 1470B,  
21     an act to amend the Labor Law and others.

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

25                  Senator Padavan.

1                   SENATOR PADAVAN:     Yeah, will  
2     Senator Savino yield.

3                   Did we pass this bill --

4                   ACTING PRESIDENT STEWART-COUSINS:  
5     Are you asking Senator Savino to yield?

6                   SENATOR PADAVAN:     Yes, I did.

7                   ACTING PRESIDENT STEWART-COUSINS:  
8     Senator Savino, will you yield?

9                   SENATOR SAVINO:     Yes, Madam  
10    President.

11                  SENATOR PADAVAN:     Did we pass  
12    this bill before?

13                  SENATOR SAVINO:     Through you,  
14    Madam President, we passed the Domestic  
15    Workers' Bill of Rights that was drafted and  
16    passed in the Senate, which as you recall did  
17    not match the Assembly's bill.

18                  At the time when we passed it in  
19    the Senate as a one-house bill, we talked  
20    about the reason why we did that, that the  
21    Senate's bill was the ceiling and the  
22    Assembly's bill was the floor, and that what  
23    we hoped to do was pass the bill in both  
24    houses and then reconcile it with the Assembly  
25    and the Governor.

1                   Since the passage of the Domestic  
2       Workers' Bill of Rights here in the Senate,  
3       that activity has happened. And what we have  
4       before us today is a reconciled bill that was  
5       negotiated between the Governor's office, the  
6       Assembly sponsor, Keith Wright, and myself and  
7       our staff. And we think this is a bill that  
8       will provide real justice and dignity for  
9       domestic workers and address the concerns that  
10      were raised by many of the people in this  
11      chamber.

12                   SENATOR PADAVAN:       Will the  
13      Senator yield.

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

16                   SENATOR SAVINO:       Yes, Madam  
17      President.

18                   SENATOR PADAVAN:       This  
19      reconciliation process, what changes have been  
20      made in terms of the bill before us today  
21      compared to the one that was voted on the  
22      other day?

23                   SENATOR SAVINO:       There have been  
24      several changes in the bill.

25                   One of the things that we included

1 in the original bill which was the subject of  
2 a lot of debate here in this chamber was the  
3 14-day notice of termination. That has been  
4 removed from the bill, as we could not get  
5 that reconciled with the Assembly or the  
6 Governor.

7 In addition, there was a private  
8 right of action that was included in the  
9 original bill that is not in the reconciled  
10 bill.

11 There was, for full-time workers,  
12 seven days of paid vacation and sick leave,  
13 and for part-time workers it was three days.  
14 That is not in this bill. But what is in this  
15 bill that was agreed upon by the Assembly and  
16 the Governor and the Senate was three -- hold  
17 on. I work alone, Brian -- three compensated  
18 days off after one year of service, paid by  
19 the employer.

20 In addition, we had tried to get  
21 paid holidays. We were not successful in  
22 that. But what we did emerge with was a day  
23 of rest for domestic workers, an 8-hour work  
24 day, a 40-hour work week, and anything over  
25 that requires the payment of overtime at the

1 rate of time and a half. For live-in domestic  
2 workers, it will be a 44-hour work week. Any  
3 time paid after that would be time and a half.

4 The ability to waive their day of  
5 rest for overtime. Coverage under the human  
6 rights law. Coverage under the Workers'  
7 Compensation Law. Coverage under the Minimum  
8 Wage Act. Coverage under the Unemployment  
9 Insurance Law. Coverage under the State  
10 Temporary Disability Insurance Law.

11 And the State Department of Labor,  
12 in an effort to try and find a way for  
13 domestic workers to achieve some of the other  
14 benefits that they are currently prohibited  
15 from having, will engage in a study and they  
16 will report back to the Legislature no later  
17 than November 1st of this year, to the  
18 Legislature and the Governor, on the  
19 feasibility of collective bargaining as a  
20 method of achieving other benefits or  
21 potential legislative remedies that could help  
22 them achieve other benefits.

23 But what this bill represents here  
24 today, ladies and gentlemen, is an historic  
25 moment for domestic workers. Real justice,

1 real dignity for them, and the ability to have  
2 the simple protections that the rest of us  
3 have taken for granted.

4 I strongly urge my colleagues to  
5 support this bill this time. I think it  
6 reflects a lot of the concerns that were  
7 raised. We tried to make those changes so  
8 that all of you could vote for it.

9 And if you have other questions,  
10 Senator Padavan, I will yield.

11 ACTING PRESIDENT STEWART-COUSINS:  
12 Senator Savino continues to yield.

13 SENATOR SAVINO: Yes.

14 SENATOR PADAVAN: One of the  
15 issues frequently brought up relevant to this  
16 broad subject area is the prevalence of  
17 illegal immigrants who were employed as  
18 domestic workers, obviously paid  
19 surreptitiously under the table, abused in  
20 many cases, paid less than minimum wage, and  
21 so on and so on.

22 Would an illegal immigrant be  
23 covered by the provisions of your bill as it  
24 relates to potential collective bargaining and  
25 other aspects?

1                   SENATOR SAVINO:     Through you,  
2     Madam President.  As you rightly pointed out,  
3     Senator Padavan, that was a concern in the  
4     last piece of legislation.  And I tried as  
5     best as I could to address that.  So I'm going  
6     to start again.

7                   It is against the law currently for  
8     an employer to hire someone who is not here  
9     legally in this country or does not have the  
10    right to work legally in this country.  That  
11    is the employer's responsibility to verify the  
12    immigration status of their employees.

13                  If they do not, though, that does  
14    not absolve that employer of abiding by the  
15    labor laws of either the State of New York or  
16    the United States.

17                  So whether you are here legally or  
18    not, if you are in an employment status you  
19    are still covered by minimum-wage laws.  And  
20    if you're a domestic worker, you will be  
21    covered by this bill.

22                  But the requirement that an illegal  
23    alien or an undocumented worker or however you  
24    want to refer to them -- they're not supposed  
25    to be in someone's employ, but the burden of



1       that lies on the employer.

2                   ACTING PRESIDENT STEWART-COUSINS:

3       Thank you, Senator.

4                   Are there any other Senators  
5       wishing to be heard on the matter?

6                   Senator Bonacic.

7                   SENATOR BONACIC:     On the bill.

8                   ACTING PRESIDENT STEWART-COUSINS:  
9       Senator Bonacic, on the bill.

10                  SENATOR BONACIC:     I think this  
11       legislation is bad public policy. It sends  
12       the wrong message to what we should be saying.

13                  We should be saying that we should  
14       have a national immigration policy that treats  
15       illegals that come into this country to give  
16       them a path where they can prosper better than  
17       the country where they came from. But they  
18       are now, 90 percent of them, according to the  
19       sponsor when we spoke previously on the floor,  
20       are illegal aliens.

21                  That is a wrong message. And I  
22       don't know of any state in the country that  
23       unilaterally is giving labor benefits to  
24       illegals. That's number one.

25                  Number two, we had discussed that

1       this would be an entree for disability and  
2       workmen's comp. When this was discussed the  
3       last time this bill was brought up, we were  
4       told, Oh, no, there's not going to be  
5       workmen's comp coverage, there's not going to  
6       be disability benefits.

7               And right now I see that there are  
8       disability benefits and I do believe there  
9       will be workmen's comp coverage. Which means  
10      that the rates will eventually go up. And  
11      these rates are burdensome now on small  
12      businesses.

13             This also will be the beginning of  
14      unionizing domestic workers down the road who  
15      will be nannies who will work in our homes.

16             So the message is wrong, the public  
17      policy is wrong. If you'd encourage them to a  
18      path for legal immigration, I would be  
19      standing up here and working with the sponsor  
20      advocating for this bill, because we're all  
21      for treating workers more humanely and giving  
22      them dignity, security, and benefits.

23             But the message is wrong, the  
24      public policy is wrong. For that reason, I'm  
25      voting no.

1 Thank you, Madam President.

2 ACTING PRESIDENT STEWART-COUSINS:

3 Thank you, Senator.

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

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

8 Read the last section.

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

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

13 (The Secretary called the roll.)

14 ACTING PRESIDENT STEWART-COUSINS:  
15 Senator Savino, to explain her vote.

16 SENATOR SAVINO: Thank you, Madam  
17 President.

18 First, before I explain my vote,  
19 there's somebody I have to thank, somebody  
20 who's toiled on this a lot longer than I have,  
21 and that is Assemblyman Keith Wright, who is  
22 behind me here somewhere. Oh, he just stepped  
23 out. Keith Wright, who's been carrying this  
24 bill for a lot longer than I have.

25 The Domestic Workers United, who

1 are up there in the gallery, and their  
2 lobbyist, Richie Winston; my colleagues who  
3 helped support this; those of you who didn't  
4 vote for it the first time but who are voting  
5 for it today -- I want to thank you.

6 Senator Bonacic, the message of  
7 justice and dignity for workers is never the  
8 wrong message. We are achieving something  
9 here today that no one has been able to do in  
10 any other state in the nation. Your concerns  
11 I understand. But I think the common good is  
12 far more important.

13 Today, domestic workers in New York  
14 State are trailblazers. And you will see  
15 states across the country finally find a way  
16 to tackle with this, and perhaps we'll get  
17 that reform on immigration that, you're right,  
18 we do need in this country.

19 But this is a historic day. And I  
20 am so happy to be here with all of you and  
21 pass this bill, and I know the Governor is  
22 anxious to sign it, and then New York again  
23 will take its place in the history books as  
24 the leader for working people.

25 Thank you.

1                   ACTING PRESIDENT STEWART-COUSINS:

2           Senator Savino to be recorded in the  
3           affirmative.

4                   Senator Adams, to explain his vote.

5                   SENATOR ADAMS:       Thank you, Madam  
6           President.

7                   And I too will be voting aye.   And  
8           I want to thank the sponsors of the bill both  
9           in the Senate and Assembly.

10                   This is not an immigration bill,  
11           this is a human rights bill.   And each time,  
12           if this was an immigration bill -- this is  
13           NYS, New York State.   This is not DC.   We  
14           don't set federal immigration policy.   We  
15           should be concerned about the humane treatment  
16           of individuals and particularly employees.

17                   And even if it was an illegal  
18           immigrant, when an illegal immigrant or  
19           undocumented residents, when they go to the  
20           gas station, no one asks for their green card  
21           when they pay taxes.   When they buy a gallon  
22           gone of milk, no one asks for their green card  
23           when they pay taxes.

24                   So as long as they're here, as long  
25           as they're contributing to the society, we

1 have an obligation and a responsibility to  
2 ensure that they're treated in a humane  
3 fashion.

4 And to try to hide under the guise  
5 and the cloak of that this is about covering  
6 and protecting illegal or undocumented  
7 residents, that is wrong. This is about  
8 New York State leading the way and pricking  
9 the conscience of the entire country on how we  
10 treat individuals who are employed in our  
11 state.

12 That's what this is about.  
13 Anything other than that is taking away from  
14 the issue. Just as my mother deserved to be  
15 treated fairly as a domestic employee, so too  
16 the modern-day mothers of countless number of  
17 children should be treated in the same way.

18 This bill is right. And we're not  
19 going to allow people to take us off of the  
20 right turn. I support this bill, and I  
21 encourage all to do the same.

22 Thank you, Madam President.

23 ACTING PRESIDENT STEWART-COUSINS:  
24 Senator Adams to be recorded in the  
25 affirmative.

1                   Senator Schneiderman, to explain  
2                   his vote.

3                   SENATOR SCHNEIDERMAN:       Thank you,  
4                   Madam President.

5                   This is a great bill for us to be  
6                   closing on as we head towards July 4th. This  
7                   bill is a bill that embodies the basic  
8                   principles of the founding of our republic.  
9                   This is a bill that takes another step towards  
10                  realizing the dream that all men and women are  
11                  created equal -- not shop workers equal and  
12                  domestic workers unequal, not building workers  
13                  equal and farm workers unequal.

14                  There are more steps to take in  
15                  this great American journey towards equality.  
16                  But Domestic Workers United, Senator Savino,  
17                  Assemblyman Wright, the entire wonderful  
18                  coalition that has brought this about,  
19                  employers and employees working together,  
20                  Richard Winston ignoring his billable clients  
21                  to toil on night after night -- although doing  
22                  an excellent job for them during the day.

23                  This is an extraordinarily American  
24                  step. I am proud to be here voting for it. I  
25                  think we should all think about this as we

1       celebrate July 4th. This is what America is  
2       about.

3                   I vote yes, Madam President.

4                   ACTING PRESIDENT STEWART-COUSINS:  
5       Senator Schneiderman to be recorded in the  
6       affirmative.

7                   Senator L. Krueger, to explain her  
8       vote.

9                   SENATOR LIZ KRUEGER:     Thank you,  
10       Madam President.

11                  I also rise to congratulate all the  
12       legislators in both houses who worked so hard  
13       to get this bill passed and to recognize the  
14       incredible difference in people's lives that  
15       this legislation will make.

16                  But I'm concerned. I've been  
17       reading the bill carefully. When people say  
18       they're voting against this bill because  
19       perhaps someone who doesn't have legal status  
20       in this country might have some law now in  
21       effect that applies to them as well, there's  
22       nothing in this bill that talks about your  
23       legal status.

24                  This bill talks about your rights  
25       as a worker under U.S. law, your rights to be



1 treated with equal rights and equal treatment  
2 and to assure some fundamental labor  
3 protections and respect for people.

4 So I don't understand a no vote if  
5 the reason for the no vote is a misreading of  
6 this bill as having any policy change on legal  
7 status of immigrants one way or the other.  
8 That's not what this bill is about. That's  
9 not a good reason to vote no.

10 I vote yes, Madam President.

11 ACTING PRESIDENT STEWART-COUSINS:

12 Senator Krueger to be recorded in the  
13 affirmative.

14 Senator Parker, to explain his  
15 vote.

16 SENATOR PARKER: Thank you, Madam  
17 President.

18 I rise to add my voice to the  
19 chorus of those who are congratulating both  
20 Senator Diane Savino and Assemblyman Keith  
21 Wright on this great accomplishment today.  
22 We're looking forward to this bill becoming a  
23 law.

24 I represent the 21st District of  
25 Brooklyn, which probably has, you know, one of

1 the largest populations of workers who in fact  
2 do domestic work in the state. And so this is  
3 a great bill for my constituency. I think  
4 this is going to, you know, again begin a  
5 national conversation, as I indicated in the  
6 first time that we passed this bill.

7 Because, you know, there are --  
8 although this bill does not -- and Senator  
9 Krueger indicated this correctly, although  
10 this bill does not specifically speak to  
11 immigration, it does in fact implicate the  
12 fact that we as a national conversation need  
13 to be engaged in immigration reform and we are  
14 calling on President Barack Obama to in fact  
15 make that one of his top priorities this year.

16 But also this is the first step to  
17 really looking at and making sure we have a  
18 Domestic Workers' Bill of Rights nationally,  
19 to make sure that the primarily female  
20 population, the women who work hard in  
21 domestic titles all over this country are in  
22 fact protected. Because again, as Senator  
23 Schneiderman indicated, it is what the  
24 American experiment really was founded on.

25 And so I vote aye proudly for this

1 bill.

2 ACTING PRESIDENT STEWART-COUSINS:

3 Senator Parker to be recorded in the  
4 affirmative.

5 Senator Perkins, to explain his  
6 vote.

7 SENATOR PERKINS: Thank you very  
8 much, Madam President.

9 First let me commend Senator Savino  
10 for the extraordinary job that she's done to  
11 bring us to this historic moment, and to my  
12 Assemblymember, Keith Wright, for the  
13 extraordinary work he's been doing even longer  
14 on his end to bring us to this moment.

15 I want to take my hat off to the  
16 domestic workers for your perseverance and  
17 your charm in getting us to this historic  
18 moment. There's one domestic worker who  
19 couldn't be here today, she's in heaven -- my  
20 grandmother. I know that she's smiling down  
21 on you, happy for what you have done to bring  
22 us to this historic moment.

23 I vote aye and obviously encourage  
24 all my colleagues on both sides of the aisle  
25 to do the same in the name of all of our

1 family members who I'm sure, in one way or  
2 another, have had to experience something like  
3 this as workers in this country, in this state  
4 at one point in time.

5 Thank you so much. I vote aye.

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

9 Senator Klein, to explain his vote.

10 SENATOR KLEIN: Thank you, Madam  
11 President.

12 I want to thank the sponsor of this  
13 bill, Senator Savino. I know she worked long  
14 and hard to make sure that this legislation  
15 came to fruition.

16 I think most of us, unfortunately,  
17 forget that each and every one of us came from  
18 someplace else. The immigrant experience is  
19 what made our country great. Someone,  
20 somewhere in our past, there was an immigrant  
21 woman with a bundle on her back, a baby in her  
22 arms, and tears in her eyes because she was  
23 afraid of the land she was entering.

24 To deny individuals like that in  
25 the present day basic rights is bordering on

1 criminal. And I think today we're sending a  
2 strong message to everyone that everyone,  
3 regardless of the work that you do, you  
4 deserve basic rights as workers.

5 I know earlier on in the debate I  
6 spoke about my experience with my grandmother  
7 who had a home health aide who became family,  
8 and we treated her as such. The legislation  
9 today wouldn't have impacted that woman  
10 because she was lucky enough to have a loving  
11 family that appreciated the work she did for  
12 my grandmother.

13 But unfortunately, not everybody is  
14 like that. And we have many cases where  
15 workers have been abused, denied their rights,  
16 and this legislation today addresses that.

17 So again, I vote yes and thank  
18 Assemblymember Wright and Senator Savino for  
19 once and for all recognizing the rights of  
20 domestic workers.

21 Thank you, Madam President.

22 ACTING PRESIDENT STEWART-COUSINS:

23 Thank you. Senator Klein to be recorded in  
24 the affirmative.

25 Are there any other Senators

1 wishing to be heard on the bill?

2 Announce the results.

3 THE SECRETARY: Those recorded in  
4 the negative on Calendar Number 196 are  
5 Senators Alesi, Bonacic, DeFrancisco, Farley,  
6 Flanagan, Fuschillo, Golden, Griffio, Hannon,  
7 O. Johnson, Larkin, LaValle, Leibell, Libous,  
8 Little, Marcellino, Maziarz, McDonald,  
9 Nozzolio, Ranzenhofer, Saland, Seward, Skelos,  
10 Volker, Winner and Young.

11 Ayes, 35. Nays, 26.

12 ACTING PRESIDENT STEWART-COUSINS:  
13 The bill is passed.

14 (Cheers from the gallery.)

15 ACTING PRESIDENT STEWART-COUSINS:  
16 Senator Klein, this completes the reading of  
17 the controversial calendar.

18 Senator Klein.

19 SENATOR KLEIN: Thank you, Madam  
20 President. Can you please recognize Senator  
21 John Sampson for some brief remarks.

22 ACTING PRESIDENT STEWART-COUSINS:  
23 Senator Sampson.

24 SENATOR SAMPSON: Thank you very  
25 much, Madam President.

1 I just want to congratulate all my  
2 colleagues for a very exhaustive legislative  
3 session. And I know today is the final day of  
4 the regular session, and it would be easy to  
5 leave Albany without finishing what we  
6 started. But the stakes are just too high,  
7 especially here in New York State. And this  
8 is the time when New Yorkers need us the most.

9 There are some outstanding issues  
10 which we have to take care of, dealing with  
11 and negotiating an FMAP contingency plan and  
12 also dealing with higher education reform. So  
13 in any budget, this may be the end, but at the  
14 same time there is the revenue portion that is  
15 still outstanding.

16 I would just want to let my  
17 colleagues know that I will be calling us back  
18 to deal with that issue that relates to the  
19 revenue portion of the budget. During that  
20 period of time I will be continuing my  
21 negotiations with all parties so there can be  
22 an effective resolution dealing with one of  
23 the key important parts of any revenue  
24 package, just in case there is a shortfall in  
25 the FMAP portion that we are seeking.

1                   So I just want to let my colleagues  
2                   know that I will continue to work hard to meet  
3                   our obligations to make sure we have a fair  
4                   and responsible budget. But the end is almost  
5                   near. And during the interim, while I'm  
6                   waiting to call you back, I will continue my  
7                   negotiations and look for a resolution with  
8                   respect to the FMAP contingency plan.

9                   Thank you very much, Madam  
10                  President.

11                  ACTING PRESIDENT STEWART-COUSINS:  
12                  Thank you, Senator Sampson.

13                  Senator Skelos.

14                  SENATOR SKELOS:       Madam President,  
15                  I wasn't going to respond, because normally,  
16                  my good friend John Sampson, the Minority  
17                  Leader goes first, the Democrat or Majority  
18                  Leader goes second.

19                  But I'm just stunned that it's even  
20                  being insinuated that this is the end of  
21                  session, when the Assembly is working on the  
22                  final part of the budget and Democrats in the  
23                  majority here are pretending that it's over  
24                  with, the session, and we're going to go home  
25                  and someday we're going to come back and



1 complete the budget which should have been  
2 completed on April 1st.

3 So again, this is just the most  
4 amazing moment I think I've ever had sitting  
5 here in the Senate chamber, that it's going to  
6 be pretended that this year's legislative  
7 session is over when there's been a dramatic  
8 increase in spending by the Senate Democrats  
9 and Assembly Democrats, and yet the final  
10 piece, whether you agree with it or not, the  
11 revenue portion to cover all the spending, is  
12 not even voted on.

13 So I cannot in good conscience  
14 review what has happened in this session yet,  
15 because as far as I'm concerned, and I believe  
16 the Republican side of the aisle, this session  
17 is not over.

18 ACTING PRESIDENT STEWART-COUSINS:  
19 Senator Sampson.

20 SENATOR SAMPSON: Just to, first  
21 of all, I want to wish everyone a happy 4th.

22 But to my good friend Senator  
23 Skelos, it is not over. We have unfinished  
24 business. That's why I'm calling everybody  
25 back for that unfinished business. We have

1       that \$1 billion sitting out there, which at  
2       one point in time looked very favorable that  
3       we may be getting it. But due to the death of  
4       Senator Byrd, and also the Governor went down  
5       to DC yesterday, there's a question of whether  
6       or not we may receive that money.

7               As a result, like anything else, we  
8       have to plan for a possible shortfall. We  
9       don't want to come back here later on in the  
10      year and deal with another deficit reduction  
11      plan, as we did earlier last year and at the  
12      end of last year.

13             So with that, Senator Skelos, my  
14      good friend, we do have unfinished business.  
15      But you can bet that the Senate Democrats, we  
16      will get that business done and make sure  
17      there is a fair and responsible budget that is  
18      reflective of our values and the values of the  
19      State of New York.

20             Thank you very much, Madam  
21      President.

22             ACTING PRESIDENT STEWART-COUSINS:  
23      Thank you, Senator Sampson.

24             Senator Klein.

25             SENATOR KLEIN:       Madam President,

1 is there any further business at the desk?

2 ACTING PRESIDENT STEWART-COUSINS:

3 Senator Klein, the desk is clear.

4 SENATOR KLEIN: There being no  
5 further business, Madam President, I move that  
6 we adjourn at the call of the Temporary  
7 President, intervening days to be legislative  
8 days.

9 ACTING PRESIDENT STEWART-COUSINS:

10 There being no further business to come before  
11 the Senate, on motion, the Senate stands  
12 adjourned until the call of the Temporary  
13 President, intervening days being legislative  
14 days.

15 (Whereupon, at 12:56 p.m., the  
16 Senate adjourned.)

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