NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

July 1, 2010

10:35 a.m.

REGULAR SESSION

SENATOR ANDREA STEWART-COUSINS, Acting President

ANGELO J. APONTE, Secretary

P R O C E E D I N G S

ACTING PRESIDENT STEWART-COUSINS: The Senate will please come to order.

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

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

ACTING PRESIDENT STEWART-COUSINS: In the absence of clergy, may we all bow our heads in a moment of silence.

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

ACTING PRESIDENT STEWART-COUSINS: The reading of the Journal.

The Secretary will read.

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

ACTING PRESIDENT STEWART-COUSINS: Without objection, the Journal stands approved as read.

Presentation of petitions.

Messages from the Assembly.

Messages from the Governor.

Reports of standing committees.

Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

Senator Klein.

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

ACTING PRESIDENT STEWART-COUSINS: The Secretary will read.

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

ACTING PRESIDENT STEWART-COUSINS: Substitution ordered.

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

Senate Bill Number 7515A, Third Reading Calendar 1235.

ACTING PRESIDENT STEWART-COUSINS: Substitution ordered.

Senator Klein.

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

ACTING PRESIDENT STEWART-COUSINS: The Secretary will read.

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

SENATOR KLEIN: Lay the bill aside temporarily, please.

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

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

ACTING PRESIDENT STEWART-COUSINS: Read the last section.

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

ACTING PRESIDENT STEWART-COUSINS: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT STEWART-COUSINS: Announce the results.

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

Ayes, 37. Nays, 15.

ACTING PRESIDENT STEWART-COUSINS: The bill is passed.

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

SENATOR LIBOUS: Lay it aside.

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

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

ACTING PRESIDENT STEWART-COUSINS: Read the last section.

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

ACTING PRESIDENT STEWART-COUSINS: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT STEWART-COUSINS: Announce the results.

SENATOR LIBOUS: Lay it aside.

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

THE SECRETARY: Calendar Number 1112, by Senator Stachowski, Senate Print 7865A, an act in relation to requiring a study and report.

ACTING PRESIDENT STEWART-COUSINS: Read the last section.

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

ACTING PRESIDENT STEWART-COUSINS: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 52.

ACTING PRESIDENT STEWART-COUSINS: The bill is passed.

THE SECRETARY: Calendar Number 1277, by Senator --

SENATOR MAZIARZ: Lay it aside.

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

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

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

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

ACTING PRESIDENT STEWART-COUSINS: Read the last section.

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

ACTING PRESIDENT STEWART-COUSINS: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT STEWART-COUSINS: Announce the results.

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

ACTING PRESIDENT STEWART-COUSINS: The bill is passed.

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

SENATOR LIBOUS: Lay it aside.

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

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

ACTING PRESIDENT STEWART-COUSINS: Read the last section.

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

ACTING PRESIDENT STEWART-COUSINS: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT STEWART-COUSINS: Announce the results.

THE SECRETARY: Ayes, 52.

ACTING PRESIDENT STEWART-COUSINS: The bill is passed.

THE SECRETARY: Calendar Number 1405, by --

SENATOR LIBOUS: Lay it aside.

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

Senator Klein, that completes the

reading of the noncontroversial calendar.

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

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

The Secretary will read.

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

SENATOR LIBOUS: Explanation.

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

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

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

SENATOR LIBOUS: Explanation.

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

SENATOR SAVINO: Yes, Madam

President.

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

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

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

I understand the Business Council

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

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

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

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

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

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

ACTING PRESIDENT STEWART-COUSINS: Thank you, Senator.

Senator Hannon, why do you rise?

SENATOR HANNON: Would Senator Savino yield.

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

SENATOR SAVINO: Yes.

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

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

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

SENATOR HANNON: Will you yield again?

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

SENATOR SAVINO: Yes, Madam President.

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

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

SENATOR HANNON: Well -- will you yield again?

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

SENATOR SAVINO: Yes, Madam

President.

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

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

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

SENATOR HANNON: Will you continue to yield?

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

SENATOR SAVINO: Yes, Madam President.

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

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

SENATOR SAVINO: I would probably agree with that assumption.

SENATOR HANNON: Okay, thank you.

On the bill.

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

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

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

Now, we then have people who don't

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

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

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

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

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

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

Thank you very much, Madam President.

ACTING PRESIDENT STEWART-COUSINS: Thank you, Senator.

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

Senator Padavan.

SENATOR PADAVAN: If the Senator would yield.

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

SENATOR SAVINO: Yes, Madam President.

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

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

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

SENATOR PADAVAN: Would you yield again.

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

SENATOR SAVINO: Yes.

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

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

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

ACTING PRESIDENT STEWART-COUSINS: Thank you, Senator.

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

Senator McDonald.

SENATOR McDONALD: Thank you, Madam President.

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

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

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

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

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

Thank you.

ACTING PRESIDENT STEWART-COUSINS: Thank you, Senator.

Are there any other Senators wishing to be heard?

Senator O. Johnson, on the bill.

SENATOR JOHNSON: Yes, thank you, Madam President.

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

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

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

Are there any other Senators

wishing to be heard?

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

Read the last section.

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

ACTING PRESIDENT STEWART-COUSINS: Call the roll.

(The Secretary called the roll.)

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

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

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

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

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

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

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

Thank you, Madam President.

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

Senator Little, to explain her vote.

SENATOR LITTLE: Thank you, Madam President.

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

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

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

ACTING PRESIDENT STEWART-COUSINS:

Senator Little to be recorded in the affirmative.

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

Announce the results.

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

Absent from voting: Senators Alesi and Montgomery.

Ayes, 56. Nays, 3.

ACTING PRESIDENT STEWART-COUSINS: The bill is passed.

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

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

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

Read the last section.

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

ACTING PRESIDENT STEWART-COUSINS: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT STEWART-COUSINS: Announce the results.

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

Absent from voting: Senators Alesi and Montgomery.

Ayes, 32. Nays, 27.

ACTING PRESIDENT STEWART-COUSINS: The bill is passed.

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

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

SENATOR DeFRANCISCO: A point of order.

I understand this is the last bill

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

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

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

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

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

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

ACTING PRESIDENT STEWART-COUSINS:

Senator DeFrancisco, you're out of order.

Thank you.

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

ACTING PRESIDENT STEWART-COUSINS: Thank you.

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

ACTING PRESIDENT STEWART-COUSINS: The Secretary will read.

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

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

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

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

Read the last section.

THE SECRETARY: Section 3. This

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

SENATOR LIBOUS: Madam President.

ACTING PRESIDENT STEWART-COUSINS: Yes, Senator Libous.

SENATOR LIBOUS: I just want to explain my vote.

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

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

Call the roll.

(The Secretary called the roll.)

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

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

Finance Law.

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

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

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

So I can't vote for a bill dealing

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

Thank you, Madam President. I vote no.

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

Senator Little, to explain her vote.

SENATOR LITTLE: Thank you, Madam President.

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

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

New York money.

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

Thank you. I vote no.

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

Senator Bonacic, to explain his vote.

SENATOR BONACIC: Thank you, Madam President.

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

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

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

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

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

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

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

Senator Libous, to explain his vote.

SENATOR LIBOUS: Thank you, Madam President.

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

I'm going to vote no. And I too

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

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

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

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

Hearing none, announce the results.

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

Ayes, 39. Nays, 21.

ACTING PRESIDENT STEWART-COUSINS: The bill is passed.

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

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

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

We'll stand at ease, Madam President.

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

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

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

ACTING PRESIDENT STEWART-COUSINS: Senator Klein.

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

lay aside Calendar Number 196 for the day, please.

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

Senator Klein.

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

ACTING PRESIDENT STEWART-COUSINS: The Secretary will read.

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

ACTING PRESIDENT STEWART-COUSINS: Senator Klein.

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

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

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

ACTING PRESIDENT STEWART-COUSINS:

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

(Response of "Aye.")

ACTING PRESIDENT STEWART-COUSINS: Opposed, nay.

(No response.)

ACTING PRESIDENT STEWART-COUSINS: The message is accepted.

The Secretary will read.

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

SENATOR LIBOUS: Lay it aside.

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

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

ACTING PRESIDENT STEWART-COUSINS: Read the last section.

THE SECRETARY: Section 12. This act --

SENATOR LIBOUS: Lay it aside.

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

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

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

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

The Secretary will read.

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

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

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

Read the last section.

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

ACTING PRESIDENT STEWART-COUSINS: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT STEWART-COUSINS: Announce the results.

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT STEWART-COUSINS: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1174: Ayes, 59. Nays, 2. Senators Aubertine and Little recorded in the negative. Also Senator Griffo.

Ayes, 58. Nays, 3.

ACTING PRESIDENT STEWART-COUSINS: The bill is passed.

The Secretary will continue to read.

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

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

Hearing none, the debate is closed.

The Secretary will please ring the bells.

Read the last section.

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

ACTING PRESIDENT STEWART-COUSINS: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT STEWART-COUSINS: Announce the results.

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

Ayes, 39. Nays, 22.

ACTING PRESIDENT STEWART-COUSINS: The bill is passed.

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

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

ACTING PRESIDENT STEWART-COUSINS: The Senate will stand at ease until 12:15.

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

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

ACTING PRESIDENT STEWART-COUSINS: Senator Klein.

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

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

The Secretary will read.

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

ACTING PRESIDENT STEWART-COUSINS: Substitution ordered.

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

SENATOR LIBOUS: Lay it aside.

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

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

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

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

The Secretary will read.

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

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

Senator Padavan.

SENATOR PADAVAN: Yeah, will Senator Savino yield.

Did we pass this bill --

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

SENATOR PADAVAN: Yes, I did.

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

SENATOR SAVINO: Yes, Madam President.

SENATOR PADAVAN: Did we pass this bill before?

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

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

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

SENATOR PADAVAN: Will the Senator yield.

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

SENATOR SAVINO: Yes, Madam President.

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

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

One of the things that we included

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

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

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

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

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

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

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

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

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

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

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

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

SENATOR SAVINO: Yes.

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

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

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

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

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

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

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

that lies on the employer.

ACTING PRESIDENT STEWART-COUSINS: Thank you, Senator.

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

Senator Bonacic.

SENATOR BONACIC: On the bill.

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

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

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

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

Number two, we had discussed that

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

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

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

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

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

Thank you, Madam President.

ACTING PRESIDENT STEWART-COUSINS: Thank you, Senator.

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

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

Read the last section.

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

ACTING PRESIDENT STEWART-COUSINS: Call the roll.

(The Secretary called the roll.)

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

SENATOR SAVINO: Thank you, Madam President.

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

The Domestic Workers United, who

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

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

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

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

Thank you.

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

Senator Adams, to explain his vote.

SENATOR ADAMS: Thank you, Madam President.

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

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

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

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

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

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

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

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

Thank you, Madam President.

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

Senator Schneiderman, to explain his vote.

SENATOR SCHNEIDERMAN: Thank you, Madam President.

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

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

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

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

I vote yes, Madam President.

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

Senator L. Krueger, to explain her vote.

SENATOR LIZ KRUEGER: Thank you, Madam President.

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

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

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

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

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

I vote yes, Madam President.

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

Senator Parker, to explain his vote.

SENATOR PARKER: Thank you, Madam President.

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

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

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

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

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

And so I vote aye proudly for this

bill.

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

Senator Perkins, to explain his vote.

SENATOR PERKINS: Thank you very much, Madam President.

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

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

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

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

Thank you so much. I vote aye.

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

Senator Klein, to explain his vote.

SENATOR KLEIN: Thank you, Madam President.

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

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

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

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

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

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

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

Thank you, Madam President.

ACTING PRESIDENT STEWART-COUSINS: Thank you. Senator Klein to be recorded in the affirmative.

Are there any other Senators

wishing to be heard on the bill?

Announce the results.

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

Ayes, 35. Nays, 26.

ACTING PRESIDENT STEWART-COUSINS: The bill is passed.

(Cheers from the gallery.)

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

Senator Klein.

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

ACTING PRESIDENT STEWART-COUSINS: Senator Sampson.

SENATOR SAMPSON: Thank you very much, Madam President.

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

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

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

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

Thank you very much, Madam President.

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

Senator Skelos.

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

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

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

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

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

ACTING PRESIDENT STEWART-COUSINS: Senator Sampson.

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

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

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

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

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

Thank you very much, Madam President.

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

Senator Klein.

SENATOR KLEIN: Madam President,

is there any further business at the desk?

ACTING PRESIDENT STEWART-COUSINS: Senator Klein, the desk is clear.

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

ACTING PRESIDENT STEWART-COUSINS: There being no further business to come before the Senate, on motion, the Senate stands adjourned until the call of the Temporary President, intervening days being legislative days.

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