NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

February 14, 2011

3:12 p.m.

REGULAR SESSION

SENATOR JOHN J. FLANAGAN, Acting President

FRANCIS W. PATIENCE, Secretary

P R O C E E D I N G S

ACTING PRESIDENT FLANAGAN: The Senate will come to order.

I ask everyone present to please rise and repeat the Pledge of Allegiance.

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

ACTING PRESIDENT FLANAGAN: Today's invocation will be offered by the Reverend Peter Young -- who is looking quite sporting in his Valentine's sweater -- from Mother Teresa Community in Albany.

REVEREND YOUNG: Let us pray.

Dear God, on this Valentine's Day You have given us the command to love one another. God, by Your love You made a world where we have become neighbors to each other and we are enabled to love one another.

Grant that we too may be, in this Senate, striving toward a way of life in keeping with God's law of love.

Amen.

ACTING PRESIDENT FLANAGAN: The reading of the Journal.

THE SECRETARY: In Senate,

Sunday, February 13, the Senate met pursuant to adjournment. The Journal of Saturday, February 12, was read and approved. On motion, Senate adjourned.

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

Presentation of petitions.

Messages from the Assembly.

Messages from the Governor.

Reports of standing committees.

The Secretary will read.

THE SECRETARY: Senator Bonacic, from the Committee on Judiciary, reports the following nomination.

As a judge of the Court of Claims, Stephen Mignano, of Cortlandt Manor.

ACTING PRESIDENT FLANAGAN: Senator Bonacic.

SENATOR BONACIC: Thank you, Mr. President.

I'm pleased today to put forth the nomination of Judge Stephen Mignano to a seat on the Court of Claims. He has presently been a Court of Claims judge. We're going to have

him appointed for another nine years.

He was unanimously recommended for reappointment by the New York State Judicial Screening Committee. Today the Judiciary Committee met on his nomination. He was approved unanimously.

I met privately with the judge, and I can tell you that his performance as a Court of Claims judge has been exemplary in the past.

He is a constituent of Senator Ball, and Senator Ball wishes him well.

He resides in Cortlandt Manor, a graduate of Fordham University and Seton Hall Law School. He is joined today by his lovely wife, Barbara, his son David, and daughter-in-law Anylza.

I am pleased to move the nomination, Mr. President.

ACTING PRESIDENT FLANAGAN: The question is on the confirmation of Stephen Mignano as judge of the Court of Claims. All those in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT FLANAGAN:

Opposed, nay.

(No response.)

ACTING PRESIDENT FLANAGAN: The nomination is approved, and Judge Stephen Mignano is confirmed as a judge of the Court of Claims.

Congratulations, Judge.

(Applause.)

ACTING PRESIDENT FLANAGAN: Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

Senator Libous.

SENATOR LIBOUS: Mr. President, would you please call on Senator Breslin.

ACTING PRESIDENT FLANAGAN: Senator Breslin.

SENATOR BRESLIN: Mr. President, on behalf of Senator C. Kruger, I move that the following bill be discharged from its respective committee and be recommitted with instructions to strike the enacting clause. That's Bill 2133.

ACTING PRESIDENT FLANAGAN: So

ordered.

SENATOR BRESLIN: Thank you, Mr. President.

ACTING PRESIDENT FLANAGAN: Senator Libous.

SENATOR LIBOUS: Thank you, Mr. President.

For Senator Johnson, I move that the following bill be discharged from its respective committee and be recommitted with instructions to strike the enacting clause. And that's Senate Number 966, please.

ACTING PRESIDENT FLANAGAN: So ordered.

Senator Libous.

SENATOR LIBOUS: Thank you, Mr. President.

I believe that Senator Sampson has a privileged resolution at the desk. I ask that the title be read and we move for its immediate adoption.

ACTING PRESIDENT FLANAGAN: The Secretary will read.

THE SECRETARY: By Senator Sampson, legislative resolution congratulating

Gavina Guadarrama upon the occasion of celebrating her 100th birthday.

ACTING PRESIDENT FLANAGAN: The question is on the resolution. All those in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT FLANAGAN: Opposed, nay.

(No response.)

ACTING PRESIDENT FLANAGAN: The resolution is adopted.

Senator Libous.

SENATOR LIBOUS: Thank you, Mr. President. There will be an immediate meeting of the Rules Committee in Room 332, and I ask that the Senate stand at ease.

ACTING PRESIDENT FLANAGAN: There is an immediate meeting of the Rules Committee in Room 332, and the Senate will stand at ease.

(Whereupon, the Senate stood at ease at 3:17 p.m.)

(Whereupon, the Senate reconvened at 3:42 p.m.)

ACTING PRESIDENT FLANAGAN: The

Senate will come to order.

Senator Libous.

SENATOR LIBOUS: Thank you, Mr. President.

Can we go back to the reports of standing committees so we can read the report of the Rules Committee.

ACTING PRESIDENT FLANAGAN: Reports of standing committees.

The Secretary will read.

THE SECRETARY: Senator Skelos, from the Committee on Rules, reports the following bill direct to third reading:

Senate Print 3216, by Senator Martins, an act to amend the Election Law.

ACTING PRESIDENT FLANAGAN: Senator Libous.

SENATOR LIBOUS: I move to accept the report of the Rules Committee, Mr. President.

ACTING PRESIDENT FLANAGAN: All in favor of accepting the report of the Rules Committee signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT FLANAGAN:

Opposed, nay.

(No response.)

ACTING PRESIDENT FLANAGAN: The Rules report is adopted.

Senator Libous.

SENATOR LIBOUS: Thank you, Mr. President.

May we take up the noncontroversial reading of the calendar, please.

ACTING PRESIDENT FLANAGAN: The Secretary will read.

THE SECRETARY: Calendar Number 19, by Senator Maziarz, Senate Print 256, an act to --

SENATOR BRESLIN: Lay it aside.

ACTING PRESIDENT FLANAGAN: The bill is laid aside.

THE SECRETARY: Calendar Number 21, by Senator Fuschillo, Senate Print 527, an act to amend the Penal Law.

ACTING PRESIDENT FLANAGAN: Read the last section.

THE SECRETARY: Section 3. This act shall take effect on the first of November.

ACTING PRESIDENT FLANAGAN: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT FLANAGAN: The bill is passed.

THE SECRETARY: Calendar Number 24, by Senator Marcellino, Senate Print 943, an act to amend the Penal Law.

ACTING PRESIDENT FLANAGAN: Read the last section.

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

ACTING PRESIDENT FLANAGAN: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT FLANAGAN: The bill is passed.

THE SECRETARY: Calendar Number 42, by Senator Hannon, Senate Print 960, an act to direct state agencies which apply for federal medical assistance waivers.

ACTING PRESIDENT FLANAGAN: Read

the last section.

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

ACTING PRESIDENT FLANAGAN: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT FLANAGAN: The bill is passed.

THE SECRETARY: Calendar Number 43, by Senator Hannon, Senate Print --

SENATOR BRESLIN: Lay it aside.

ACTING PRESIDENT FLANAGAN: The bill is laid aside.

THE SECRETARY: Calendar Number 44, by Senator Seward, Senate Print 2387, an act to amend the Public Health Law.

ACTING PRESIDENT FLANAGAN: Read the last section.

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

ACTING PRESIDENT FLANAGAN: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT FLANAGAN: The bill is passed.

THE SECRETARY: Calendar Number 45, by Senator Martins, Senate Print 2339A, an act to amend the Election Law.

ACTING PRESIDENT FLANAGAN: Read the last section.

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

ACTING PRESIDENT FLANAGAN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT FLANAGAN: Senator Krueger, to explain her vote.

SENATOR LIZ KRUEGER: Thank you, Mr. President.

I find myself needing to vote no on this bill today even though I am empathetic with villages who find that there are challenges for them to deal with the new optical scanning machines approved by the State of New York.

But fundamentally, even if this is only a two-year delay, disability advocates from throughout the state have raised a

concern that their rights to a private vote on a disability-accessible machine will not be available because of this law.

And because I don't believe anyone should ever have their right to vote compromised, I find myself voting no.

Thank you, Mr. President.

ACTING PRESIDENT FLANAGAN: Senator L. Krueger in the negative.

Announce the results.

THE SECRETARY: Those recorded in the negative on Calendar Number 45 are Senators Avella, L. Krueger and Oppenheimer.

SENATOR OPPENHEIMER: Mr. President, I raised my hand to be recognized.

ACTING PRESIDENT FLANAGAN: Senator Oppenheimer, would you like to explain your vote?

SENATOR OPPENHEIMER: Yes, I would like to explain my vote.

I agree with what Senator Krueger has said, and I think all of us agree with the intent of HAVA and trying to make certainly our disabled citizens able to vote as easily as possible, and we do believe in that.

But I can only recount what happened in the County of Westchester where it seemed like every possible machine that could break did break. And so the villages are saying if we go back to the lever, either just for our village elections -- which are in just a few weeks -- if we could go back to that for one year, a maximum of two years, until we straighten out what the problems are, because they were horrendous.

So this is a temporary thing, and it's to address a very immediate problem of the village elections in the third week of March. And I think many villages in our state support this, but certainly I can tell you all of Westchester would support it, because we had quite a mess in Westchester.

ACTING PRESIDENT FLANAGAN: Senator Oppenheimer to be recorded in the affirmative.

The Secretary will announce the results.

THE SECRETARY: In relation to Calendar Number 45, those recorded in the negative are Senators Avella and L. Krueger.

Also Senator Squadron.

Ayes, 56. Nays, 3.

ACTING PRESIDENT FLANAGAN: The bill is passed.

THE SECRETARY: Calendar Number 54, by Senator Seward, Senate Print 2371, an act to amend the Vehicle and Traffic Law.

ACTING PRESIDENT FLANAGAN: Read the last section.

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

ACTING PRESIDENT FLANAGAN: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT FLANAGAN: The bill is passed.

THE SECRETARY: Calendar Number 58, by Senator Robach, Senate Print 487, an act to amend the Penal Law.

ACTING PRESIDENT FLANAGAN: Read the last section.

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

ACTING PRESIDENT FLANAGAN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT FLANAGAN: Senator Robach, to explain his vote.

SENATOR ROBACH: Yes, just briefly, Mr. President.

I want to thank my colleagues who support this. I know everyone in this chamber cares a great deal about protecting the public, but especially when it comes to young children.

And this bill really came from an incident that happened firsthand in my district in the City of Rochester, where parents, who unfortunately their child was involved in an incident once already, were shocked to find out that the offender, who was on probation, had violated more people.

And this bill simply will make sure that sentences are not run concurrently, they're run consecutively. And these people that prey on a large number of children quite frankly will get a fairer sentence and be incarcerated longer to protect additional

numbers of our children.

I wish we had the magic bullet, but we don't. We know the recidivism rate is very high for pedophiles. And I think this bill goes a long way not only to address the concerns of my constituents who had to go through this, but hopefully will protect children and people all across New York State as we move forward.

And I want to thank my colleagues for their support in helping protect the public.

ACTING PRESIDENT FLANAGAN: Senator Robach to be recorded in the affirmative.

The Secretary will announce the results.

THE SECRETARY: Those recorded in the negative on Calendar Number 58 are Senators Hassell-Thompson, Montgomery and Perkins.

Ayes, 56. Nays, 3.

ACTING PRESIDENT FLANAGAN: The bill is passed.

THE SECRETARY: Calendar Number

59, by Senator Klein, Senate Print 1042, an act to amend the Penal Law.

ACTING PRESIDENT FLANAGAN: Read the last section.

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

ACTING PRESIDENT FLANAGAN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT FLANAGAN: Senator Klein, to explain his vote.

SENATOR KLEIN: Thank you, Mr. President.

Unfortunately, one of the crimes that continues to rise in many of our communities is car theft. This legislation I think is a very positive approach because it's going to expand the list of predicate misdemeanor convictions in the preceding 10 years that would bump up a charge of unauthorized use of a motor vehicle in the third degree.

One of the things that seems to happen time and time again is the same people committing these crimes over and over again.

So I think this is a very positive approach to make sure that those who commit the crime of stealing our cars are able to actually eventually do jail time when they actually commit these offenses time and time again.

I vote yes, Mr. President.

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

The Secretary will announce the results.

THE SECRETARY: Those recorded in the negative on Calendar Number 59 are Senators Hassell-Thompson, Montgomery, and Perkins.

Ayes, 56. Nays, 3.

ACTING PRESIDENT FLANAGAN: The bill is passed.

THE SECRETARY: Calendar Number 61, by Senator Saland, Senate Print 1417A, an act to amend the Penal Law.

ACTING PRESIDENT FLANAGAN: Read the last section.

THE SECRETARY: Section 12. This act shall take effect on the first of

November.

ACTING PRESIDENT FLANAGAN: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58. Nays, 1. Senator Montgomery recorded in the negative.

ACTING PRESIDENT FLANAGAN: The bill is passed.

THE SECRETARY: Calendar Number 62, by Senator Golden, Senate Print 1423, an act to amend the Criminal Procedure Law and the Executive Law.

ACTING PRESIDENT FLANAGAN: Read the last section.

SENATOR MONTGOMERY: Explanation.

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

SENATOR MONTGOMERY: Mr. President, I asked for an explanation.

ACTING PRESIDENT FLANAGAN: Senator Montgomery, would you like the bill laid aside?

SENATOR MONTGOMERY: Yes, Mr. President.

ACTING PRESIDENT FLANAGAN: The bill is laid aside.

THE SECRETARY: Calendar Number 64, by Senator Skelos, Senate Print 1826, an act to amend the Penal Law.

ACTING PRESIDENT FLANAGAN: Read the last section.

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

ACTING PRESIDENT FLANAGAN: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT FLANAGAN: The bill is passed.

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

SENATOR LIBOUS: Thank you, Mr. President.

Mr. President, at this time, because Senator Rivera is a new member and he was not in the chamber on a vote, I would ask you for unanimous consent to allow him to explain how he would have liked to vote.

This is a courtesy that I would ask the chamber because he is a new member. It's not something that I want to start getting into a habit of, as we did before. But I would like at this time to ask unanimous consent for our new member to explain his vote.

ACTING PRESIDENT FLANAGAN: Senator Rivera.

SENATOR RIVERA: Thank you, Senator Libous.

I was out of the chamber, but had I been in the chamber I would have voted in the negative on Calendar Number 45, and I would like the record to reflect that.

Thank you, Senator Libous.

ACTING PRESIDENT FLANAGAN: Senator Rivera will be recorded in the negative.

Senator Libous.

SENATOR LIBOUS: Thank you, Mr. President. Can we go to the controversial calendar, please.

ACTING PRESIDENT FLANAGAN: Ring the bells. The sergeant-at-arms will ring the

bells.

(Pause.)

SENATOR LIBOUS: Mr. President.

ACTING PRESIDENT FLANAGAN: Senator Libous.

SENATOR LIBOUS: Are we going to have the reading of the noncontroversial calendar?

ACTING PRESIDENT FLANAGAN: Senator Libous, I believe we are on the controversial reading.

SENATOR LIBOUS: Or, I'm sorry, the controversial calendar. Thank you.

ACTING PRESIDENT FLANAGAN: Thank you.

The Secretary will read.

THE SECRETARY: Calendar Number 19, by Senator Maziarz, Senate Print 256, an act to amend the Penal Law.

SENATOR GIANARIS: Explanation, please.

ACTING PRESIDENT FLANAGAN: Senator Maziarz, an explanation has been asked for by Senator Gianaris.

SENATOR MAZIARZ: Thank you very

much, Mr. President.

This bill goes back to the 2005-2006 session. It's one that we have passed here in the Senate twice before, by unanimous votes.

This bill came to me from a situation that actually took place in my district. It creates a Class B misdemeanor of surreptitious surveillance when, for no legitimate purposes, a person intentionally observes an individual with unaided eyes or with an imaging device while an individual is dressing or undressing and at a time and place when the victim has a reasonable expectation of privacy. These areas include a bedroom, changing room, fitting room, restroom, bathroom, washroom, shower, tanning bed or booth, and any room assigned to a guest in a hotel, motel, spa or inn.

In December of 2004 a perpetrator -- it happened to be in my district -- looked over the top of a tanning booth wall to view a young girl who was unclothed at the time. The defendant did this purely for his own gratification. He was

charged with disorderly conduct but was later acquitted because the appeals court held that disorderly conduct was a public, not a private matter.

Back in 2003 we passed a similar law to make it a crime to videotape someone in a similar situation. This was called Stephanie's Law. However, it did not allow someone to be charged if the images were not recorded.

As we move into an age where there are more and more opportunities for predators to use technology to exploit others, a law like this is needed, we think, now more than ever.

Just some other examples. In July of 2009, Erin Andrews, a popular sports reporter, was viewed in her hotel room by a perpetrator using a peephole camera. The video was later sold and placed on the Internet. While the FBI was able to charge the perpetrator with interstate stalking in this case -- because he crossed state lines -- he could not have been charged in New York State because the footage was recorded. What

would have happened if it wasn't recorded, if he was just there viewing it?

So I think this bill is very important. I think this bill offers another layer of protection for people who may be in a situation where they for whatever reason -- and in this instance it was a tanning bed where they are unclothed and someone uses some type of recording device unbeknownst to them.

Thank you, Mr. President.

ACTING PRESIDENT FLANAGAN: Thank you, Senator Maziarz.

Senator Gianaris, why do you rise?

SENATOR GIANARIS: Would Senator Maziarz yield for a question.

ACTING PRESIDENT FLANAGAN: Senator Maziarz, will you yield for a question?

SENATOR MAZIARZ: Absolutely, Mr. President.

ACTING PRESIDENT FLANAGAN: Senator Gianaris.

SENATOR GIANARIS: Thank you, Mr. President.

This bill creates a rebuttable

presumption that there is no legitimate purpose for a surveillance under certain circumstances. Would the sponsor agree that a rebuttable presumption is something that is treated as true under the law with respect to the initial charging of a crime?

SENATOR MAZIARZ: No, I would not agree to that.

SENATOR GIANARIS: Would the sponsor continue to yield.

ACTING PRESIDENT FLANAGAN: Senator Maziarz, will you continue to yield?

SENATOR MAZIARZ: Yes, Mr. President, I would.

SENATOR GIANARIS: Would the sponsor please explain to me what his view of a rebuttable presumption under the law is?

SENATOR MAZIARZ: I don't --

ACTING PRESIDENT FLANAGAN: Senator Maziarz.

SENATOR MAZIARZ: Through you, Mr. President. I'm not sure exactly sure how there could ever be a legitimate purpose of surreptitiously recording someone without their -- well, obviously, if it's

surreptitious, without their knowledge, in a situation like this young woman was recorded or like this newspaper reporter was recorded. I don't know -- I guess I just don't know under what circumstances that would be agreed to.

SENATOR GIANARIS: Would the sponsor continue to yield, Mr. President.

ACTING PRESIDENT FLANAGAN: Senator Maziarz.

SENATOR MAZIARZ: Certainly, Mr. President.

SENATOR GIANARIS: With respect, I don't think that previous answer addressed the question, which is what -- your legislation creates a rebuttable presumption, by its own words, on line 30 of page 2.

And I'm simply asking what is your view of what a rebuttable presumption does under the law, since you disagreed with how I characterized it earlier?

ACTING PRESIDENT FLANAGAN: Senator Maziarz.

SENATOR MAZIARZ: I think I've -- I feel I've already answered the question,

Mr. President.

ACTING PRESIDENT FLANAGAN: Senator Gianaris, Senator Maziarz has already answered your question. Would you like him to continue to yield?

SENATOR GIANARIS: Yes, please, Mr. President.

ACTING PRESIDENT FLANAGAN: Senator Maziarz, will you continue to yield?

SENATOR MAZIARZ: Yes, Mr. President.

SENATOR GIANARIS: Well, let me say it this way. As I understand it, a rebuttable presumption is something under the law that is presumed to be true and can be rebutted, but is presumed to be true as an initial matter under the law. And in subdivision 2, this legislation creates a rebuttable presumption that surveillance, when it's taking place in certain locations, is conducted for no legitimate purpose.

So, for example, if it's in a bedroom, a changing room, a fitting room, a restroom, a toilet, bathroom, washroom, shower or any room assigned to guests or patrons in a

spa, hotel, motel or inn, there is a rebuttable presumption that such person did so for no legitimate purpose.

My concern is that a law enforcement officer who is conducting surveillance for law enforcement purposes is not exempted from those terms. So by mere fact of where the surveillance is taking place, this legislation creates a presumption that it is taking place for no legitimate purpose.

So a police officer or a detective or anyone that's engaging in an investigation who is surveilling someone will be doing it, as a matter of law, for no legitimate purpose, which would subject them to this new crime, and that they would have to bear the burden of disproving that that's the case. And I think that's a burden we don't want to place on our law enforcement personnel.

I guess I would ask whether you agree with my characterization or not.

ACTING PRESIDENT FLANAGAN: Senator Maziarz.

SENATOR MAZIARZ: Well, through

you, Mr. President, I would answer that by saying that this bill has passed on two different occasions. No law enforcement agency, member of any law enforcement force that I'm aware of has ever raised any objections or raised that particular point.

And unfortunately -- I would hope that this wouldn't happen, but perhaps that perpetrator, the perpetrator, acting not in his capacity -- or her capacity or his capacity as a law enforcement officer, could be breaking the law by doing this for their own purposes, not for any legitimate law enforcement purpose.

I assume that if it was a legitimate law enforcement purpose, Senator Gianaris, that they would have obtained the necessary warrants or judicial approval to do this.

SENATOR GIANARIS: Would the sponsor continue to yield, Mr. President?

ACTING PRESIDENT FLANAGAN: Senator Maziarz.

SENATOR MAZIARZ: Certainly, Mr. President.

SENATOR GIANARIS: Senator Maziarz may presume that if there's a warrant that it would not be for a legitimate purpose, but his legislation does not presume that. His legislation presumes the exact opposite by creating a presumption that it is not done for a legitimate purpose.

Is Senator Maziarz aware that Section 250.65 of the Penal Law creates specific exemptions for law enforcement personnel in very similar circumstances as it relates to other crimes?

ACTING PRESIDENT FLANAGAN: Senator Maziarz.

SENATOR MAZIARZ: I'm sorry, Senator, could you repeat that? I was --

SENATOR GIANARIS: Yes. The question is whether the sponsor is aware that Section 250.65 creates specific exemptions for law enforcement personnel engaged in activities related to their duties for other crimes, through the similar circumstance?

SENATOR MAZIARZ: Through you, Mr. President, I am aware of that, yes. The answer is yes.

SENATOR GIANARIS: And if the sponsor would continue to yield, Mr. President.

ACTING PRESIDENT FLANAGAN: Senator Maziarz, will you continue to yield?

SENATOR MAZIARZ: I will continue to yield.

SENATOR GIANARIS: The question I have, because I understand the importance of preventing inappropriate surreptitious surveillance -- I think we can all agree on that. But if the answer is as simple as including this new section of law in the exemptions for law enforcement personnel, why was that not done?

It was something that was raised in committee when it originally came up. It seems to me to be a simple solution to the problem.

ACTING PRESIDENT FLANAGAN: Senator Gianaris, is there a question with that or is it just a statement?

SENATOR GIANARIS: No, I'm sorry, the question was why was it not included in Section 250.65 of the Penal Law, where other

exemptions for law enforcement personnel are also included.

ACTING PRESIDENT FLANAGAN: Senator Maziarz.

SENATOR MAZIARZ: Well, through you, Mr. President, thank you.

Because the simple answer, I guess, Senator Gianaris, is that I didn't think it was necessary to put it in this bill. I think it's very comprehensive. I think that every one of our colleagues in 2005-2006 felt that this bill was sufficient in its current form.

SENATOR GIANARIS: Thank you, Senator Maziarz.

SENATOR MAZIARZ: Just through you, Mr. President, or on the bill --

ACTING PRESIDENT FLANAGAN: Senator Maziarz.

SENATOR MAZIARZ: -- I wish we could get your former colleagues in the other house to agree to that, Senator Gianaris.

Thank you, Mr. President.

ACTING PRESIDENT FLANAGAN: Senator Gianaris.

SENATOR GIANARIS: On the bill,

Mr. President.

ACTING PRESIDENT FLANAGAN: Senator Gianaris, on the bill.

SENATOR GIANARIS: I would just like to reiterate that this is a bill with a worthy goal but one that is drafted in a way that creates an undue burden on our law enforcement personnel, who conduct surveillance on a regular basis. There's an easy fix which exists in the law for so many other crimes where we realize that it serves at cross purposes with -- or it would fringe upon our law enforcement personnel doing their duties, and there are exemptions.

This issue was raised in committee as the bill went through the legislative process. It would have been very easy to fix. I have not heard an answer that specifically addresses why this drafting issue was not corrected.

I heard the sponsor talk about the lack of opposition from law enforcement organizations. I would argue it's because of the second problem he raised, which is that the other house hasn't shown any willingness

to consider or pass this bill, that it hasn't hit their radar. That doesn't mean we should pass legislation that's poorly drafted and would hurt our law enforcement personnel, who we should be helping rather than hurting.

And for that reason, Mr. President, I'll be voting in the negative.

ACTING PRESIDENT FLANAGAN: Thank you, Senator Gianaris.

Senator Saland.

SENATOR SALAND: Thank you, Mr. President. Mr. President, on the bill.

ACTING PRESIDENT FLANAGAN: Senator Saland, on the bill.

SENATOR SALAND: I would respectfully submit, notwithstanding Senator Gianaris's pointed questions, that in fact what we're evidencing is -- or what we're witnessing is a bit of sophistry.

If a presumption is rebuttable, in fact what happens is it is presumed, under Senator Maziarz's bill, that the person did so for no legitimate reason, observed through the naked eye for no legitimate reason.

Who determines whether or not to go

forward with respect to that rebuttable presumption? Well, that would be the prosecution, that would be a determination that was going to be made by law enforcement authorities, whether in fact that individual -- who might be a member of law enforcement, a policeman, a deputy sheriff -- whether in fact he was doing it for a legitimate purpose.

If in fact he wasn't doing it for a legitimate purpose, then the presumption would be applicable. If he or she was a voyeur, then why should they be treated any differently than anybody else?

But were they doing it for legitimate purposes, were they doing it pursuant to some law enforcement investigation, there is nobody who's going to claim that in fact they're in violation of this law. It is a bit of trying to figure out almost like how many specious arguments can you put together for purposes of creating a problem where none really exists.

We're not talking about surveillance here with the use of some kind of

technology or equipment, we're talking about whether in fact a law enforcement official -- who may, under certain circumstances, be called upon to observe -- is doing it lawfully or unlawfully. That decision is going to be made very simply. Either there's going to be a criminal complaint that's going to be filed by the district attorney's office because in fact the individual exceeded their authority, was doing for some prurient interest, or in fact they're going to say there was a perfectly legitimate reason for that person to have done so.

I don't see the problem. As was mentioned by Senator Maziarz, this bill has passed unanimously previously. And I see no reason why it shouldn't pass unanimously again this afternoon.

Thank you, Mr. President.

ACTING PRESIDENT FLANAGAN: Thank you, Senator Saland.

Is there any other Senator wishing to be heard?

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

Read the last section.

THE SECRETARY: Section 3. This act shall take effect on the first of November.

ACTING PRESIDENT FLANAGAN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT FLANAGAN: The Secretary will announce the results.

THE SECRETARY: Those recorded in the negative on Calendar Number 19 are Senators Gianaris, Hassell-Thompson, Huntley, L. Krueger, Montgomery, Perkins, Rivera and Squadron.

Absent from voting: Senator Parker.

Ayes, 51. Nays, 8.

ACTING PRESIDENT FLANAGAN: The bill is passed.

The Secretary will continue to read.

THE SECRETARY: Calendar Number 43, by Senator Hannon, Senate Print 961, an act to amend the Public Health Law.

SENATOR BRESLIN: Explanation,

please.

ACTING PRESIDENT FLANAGAN: Senator Hannon, an explanation has been requested by Senator Breslin.

SENATOR HANNON: Thank you.

This bill would provide that the Department of Health must post on its website the Medicaid state plan and any changes thereto.

ACTING PRESIDENT FLANAGAN: Senator Breslin, why do you rise?

SENATOR BRESLIN: Thank you, Mr. President. Would the sponsor yield to a question or two?

ACTING PRESIDENT FLANAGAN: Senator Hannon, will you yield?

SENATOR HANNON: Yes.

ACTING PRESIDENT FLANAGAN: Senator Breslin, before you -- Senator Breslin -- if we can have a little order in the chamber, it might make this go a little more smoothly.

Senator Breslin.

SENATOR BRESLIN: Through you, Mr. President. Under federal law, when does

an amendment to the Medicaid state law take effect?

SENATOR LIBOUS: Excuse me, Mr. President.

ACTING PRESIDENT FLANAGAN: Senator Libous.

SENATOR LIBOUS: Senator Breslin, if you would bear with me.

The conversations in the chamber are supposed to be only of those who have the floor, not of those who are not on the floor or those who are sitting in the back seats.

If you have conversations you're leading, please leave the chamber. The conversations are supposed to be only among the members on the floor called on by the president.

Thank you, Mr. President.

SENATOR BRESLIN: And thank you, Senator Libous.

ACTING PRESIDENT FLANAGAN: Senator Breslin, have you finished your question?

SENATOR BRESLIN: Well, I'll repeat it. Under federal law, when does an

amendment to the Medicaid state plan take effect?

SENATOR HANNON: When the CMS division of the federal government approves it.

SENATOR BRESLIN: And --

ACTING PRESIDENT FLANAGAN: Senator Breslin, would you like Senator Hannon to continue to yield?

SENATOR BRESLIN: If he would, please. It's somewhat difficult having Senator Hannon right behind me and to address the floor.

ACTING PRESIDENT FLANAGAN: Senator Breslin, if you address it through the chair, it will go just fine.

SENATOR BRESLIN: Thank you very much.

And, Senator Hannon -- through you, Mr. President -- how long can that waiver process take?

SENATOR HANNON: That can take any number of months or years. It can be a very extended period, unfortunately.

SENATOR BRESLIN: And through

you, Mr. President, will the sponsor continue to yield.

ACTING PRESIDENT FLANAGAN: Senator Hannon, will you continue to yield?

SENATOR HANNON: That I do.

SENATOR BRESLIN: When the state budgets -- how are Medicaid changes budgeted for?

SENATOR HANNON: Are you asking how the state changes the Medicaid plan?

SENATOR BRESLIN: Yes.

SENATOR HANNON: And how it budgets for the changes in that Medicaid plan?

SENATOR BRESLIN: Mm-hmm.

SENATOR HANNON: I would say by passage of the appropriations bill that deals with that specific matter and by the passage of the Article 7 bill that deals with implementation of that matter. And that's done on an annual basis presumably by April 1 of each year.

SENATOR BRESLIN: Again through you, Mr. President, will the sponsor continue to yield?

ACTING PRESIDENT FLANAGAN:

Senator Hannon, will you continue to yield?

SENATOR HANNON: Yes.

SENATOR BRESLIN: I was really referring to situations that involve retroactivity. And does this bill in any way complicate the possibility of retroactivity?

SENATOR HANNON: No. In fact, this takes questions of retroactivity and makes it simpler for the affected individuals who will have to implement the changes in the Medicaid plan. Because in a number of instances it's not clear when CMS will grant that approval.

But also it is not clear when the state will submit amendments to the Medicaid plan. There are amendments that have been passed as statute by this body, by the other body, signed by the Governor, and have yet to be submitted to the federal government for approval.

Now, this is a switch than just a few years ago when the state had, as a matter of right, the ability just to file changes to the Medicaid plan and it was effected. The federal government has changed the regulation

so that nobody -- nothing can be effective now until it approves it.

Now, you're going to say retroactivity. But what happens when a provider -- a home healthcare agency, a group of nursing homes, a group of hospitals, any type of professionals that will be subject to Medicaid -- when they are affected and they don't know whether or not it's been submitted? So that all of a sudden, as is the case that CMS just approved on March 1, 2010, payments for prenatal care assistance services -- which, by the statute that the state had, were effective in 2007.

Unless you follow what my proposed law would be, people who might be affected by that don't have warning when it's been submitted. So what I'm trying to do is have a transparency.

Now, I will tell you this is not an academic matter. The Governor, in his wisdom, has said to the Legislature and to the Medicaid Redesign Team the $2.85 billion that he proposes to cut from health services paid for by Medicaid in this state for the next

year are subject to the Medicaid Redesign Team's recommendations. So now we've moved what would ordinarily be budget conferences off to this team for at least a month, then we're going to go through a very shortened process of adopting a budget, hopefully nowhere near last year's travesty when, in an emergency spending bill towards the end of the session, the budget for health was squeezed into it, it was adopted, and people to this day are still asking exacting what was passed, what did it mean, how did it change Medicaid.

What I'm proposing to do is we're going to take a system that has unfortunately become murky and opaque over the past few years, make it public and let everybody know what is happening, what is pending, and when it's approved.

SENATOR BRESLIN: Through you, Mr. President, possibly if I -- would the sponsor continue to yield.

ACTING PRESIDENT FLANAGAN: Senator Hannon, will you continue to yield?

SENATOR HANNON: Yes.

SENATOR BRESLIN: I think if I

use an example, nursing homes, for instance, have been waiting years to have the federal government approve rates. If there was an approval --

ACTING PRESIDENT FLANAGAN: Excuse me. Senator Breslin, it would be very helpful for the stenographer if you could face your microphone so she can properly hear you.

SENATOR BRESLIN: And please excuse me, Senator Hannon.

Nursing homes in New York State have been waiting years for their rate changes. They budgeted for these rates. They are expecting these rates to be approved. If your bill passes, will they have any problems in receiving the approved rates because there won't be a retroactive part of it?

SENATOR HANNON: First of all, you're presuming there won't be a retroactive part of it. People will deal with retroactivity as they have always dealt with it. We pass statutes, tax statutes and reimbursement statutes, that are retroactive. And they need to be clear.

Under my bill, what will happen is

there will be more clarity than there is at present, and I don't believe that there will be any problems whatsoever. And in fact, since the time I've introduced this bill, there have been no comments by any of the affected entities to that effect.

SENATOR BRESLIN: Thank you, Mr. President.

ACTING PRESIDENT FLANAGAN: Is there any other Senator wishing to be heard?

Hearing none, the debate is closed.

The Secretary will ring the bell.

The Secretary will read the last section.

THE SECRETARY: Section 2. This act shall take effect on the 60th day.

ACTING PRESIDENT FLANAGAN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT FLANAGAN: The Secretary will announce the results.

THE SECRETARY: Those recorded in the negative on Calendar Number 43 are Senators Breslin, Huntley, L. Krueger and Squadron.

Absent from voting: Senators Adams, Parker and Stavisky.

Ayes, 53. Nays, 4.

ACTING PRESIDENT FLANAGAN: The bill is passed.

THE SECRETARY: Calendar Number 62, by Senator Golden, Senate Print 1423, an act to amend the Criminal Procedure Law and the Executive Law.

SENATOR MONTGOMERY: Explanation.

ACTING PRESIDENT FLANAGAN: Senator Golden, Senator Montgomery has requested an explanation.

SENATOR GOLDEN: Thank you, Mr. President.

This bill permits the disclosure of arrests and prosecution records of applicants for employment in the police department and law enforcement agencies.

This has been passed in 2006 and 2008. It allows for disclosure of all criminal histories of all applicants for employment by the police department and other law enforcement agencies.

It is vitally important that police

departments and other law enforcement agencies have the ability to conduct those background checks of potential employees. Current law provides an ability to do so when an applicant is potentially a police officer or a peace officer. Law enforcement agencies may, in that instance, receive criminal histories that include sealed cases terminated in favor of accused.

Employment by police agencies is by definition sensitive in nature. Civilian employees may have access to highly confidential information and may occupy positions of trust. Police agencies are responsible for both conventional crime fighting and counterterrorism efforts. Drug task forces, gang task forces, organized crime task forces, all of these different task forces are available to the police department and have highly sensitive material. And we ask that a background check be made on all employees similar to that of police officers and peace officers.

ACTING PRESIDENT FLANAGAN: Thank you, Senator Golden.

Senator Montgomery, why do you rise?

SENATOR MONTGOMERY: Yes, Mr. President. Would the sponsor, Senator Golden, answer a question, clarification, yield for a question?

ACTING PRESIDENT FLANAGAN: Senator Golden, will you yield?

SENATOR GOLDEN: Yes, Mr. President.

SENATOR MONTGOMERY: Senator Golden, you mentioned in your remarks that the law enforcement currently already is authorized to make complete background checks on those persons who are looking to become uniformed police officers. Is that not correct?

SENATOR GOLDEN: That's correct, yes, Senator.

SENATOR MONTGOMERY: If Senator Golden would continue to yield.

ACTING PRESIDENT FLANAGAN: Senator Golden, will you continue to yield?

SENATOR GOLDEN: Yes, Mr. President.

SENATOR MONTGOMERY: However, this particular bill would now extend that authority to have sealed records in noncriminal convictions; is that not right? Isn't that a change in this current law, proposed?

SENATOR GOLDEN: It's not a change, Mr. President. It is the same as the 2006 and 2008 bill.

SENATOR MONTGOMERY: Mr. President, if Senator Golden would continue to yield.

ACTING PRESIDENT FLANAGAN: Senator Golden, will you continue to yield?

SENATOR GOLDEN: Yes, Mr. President.

SENATOR MONTGOMERY: Senator Golden, I'm afraid that you misunderstood my question. I intended to ask you whether or not this bill would open up sealed records even for noncriminal convictions.

SENATOR GOLDEN: And the answer is yes, Mr. President.

SENATOR MONTGOMERY: Okay. And one last question, Mr. President.

ACTING PRESIDENT FLANAGAN:

Senator Golden, will you yield to one last question from Senator Montgomery?

SENATOR GOLDEN: Yes, Mr. President.

ACTING PRESIDENT FLANAGAN:

Senator Montgomery.

SENATOR MONTGOMERY: Yes. And is it not correct that this legislation also now includes or you are looking to include all people who are seeking nonuniform positions, civilian positions in law enforcement, to open up, unseal all records?

SENATOR GOLDEN: Yes, Mr. President.

If I may add, Mr. President, in the memo, memorandum of support from the New York City Mayor's office, it says, on the bottom of the last paragraph on page 1: "Further, in no cases are records of potential civilian employees of law enforcement agencies made available. Employment by a police agency is by definition sensitive in nature."

So if the question is would those records be unsealed and could people have

access to those sealed records, the answer is no.

SENATOR MONTGOMERY: Thank you, Senator Golden.

SENATOR GOLDEN: You're welcome.

SENATOR MONTGOMERY: On the bill, Mr. President.

ACTING PRESIDENT FLANAGAN: Senator Montgomery, on the bill.

SENATOR MONTGOMERY: Every year we seem to be attempting to provide access to sealed records by more and more agencies. And certainly law enforcement agencies already have the option to unseal records.

However, there is a reason for the judicial system allowing for the sealing of records. It is my understanding that the purpose is to make sure that indiscretions that end up being either nonviolent, nonprosecutorial or that are done at a very, very young age and we would like to see a young person have access and an option to continuing their lives, that we seal the records.

However, law enforcement can unseal

all records. We understand that. Now what Senator Golden is trying to do is to allow records that are clearly noncriminal convictions, they are considered violations, they now want to unseal violations. And he wants to give the same latitude to unseal all records, including violations, for civilian employees, for people seeking civilian employment.

So I'm going to vote no on this legislation. I think it has absolutely nothing to do with homeland security, notwithstanding the mayor's yellow and red flags that he always raises.

I think that this is a violation of the rights of people who really should not be prevented from employment because they have a noncriminal conviction sometime in their past which has been sealed. And if they're looking for civilian employment and they have noncriminal violations that have been sealed, we should not be preventing them from employment even with law enforcement.

So, Mr. President, I vote no on this legislation. And I ask that my

colleagues join me in rejecting this legislation that is, on face, practically unconstitutional.

Thank you, Mr. President.

ACTING PRESIDENT FLANAGAN: Thank you, Senator Montgomery.

Senator Golden.

SENATOR GOLDEN: Just in clarification --

ACTING PRESIDENT FLANAGAN: Senator Golden, excuse me.

Senator Espaillat, why do you rise?

SENATOR ESPAILLAT: Yes, Mr. President. Would Senator Golden yield for a couple of questions?

ACTING PRESIDENT FLANAGAN: Senator Golden, you have the floor. Are you on the bill? Would you yield to Senator Espaillat?

SENATOR GOLDEN: Well, for clarification, then I'll take the question.

For clarification, unsealing a record doesn't mean you're not going to get a job. There are many police officers, when the police department unseals their records,

they've have been arrested for misdemeanors and in some cases felonies, and they go on to become police officers on the New York City Police Department and around the State of New York. It does not deny you the ability to get a job.

It does open up the ability for the police department to see what type of character you are, what type of person you are, what is your background. And I think the police department is entitled to that, and to make sure that you are honest when you made out your application and that you did everything correctly. That's all that does.

Yes, sir. Yes, Mr. President.

ACTING PRESIDENT FLANAGAN: Senator Espaillat.

SENATOR ESPAILLAT: Yes. These cases would also -- would they include civilian positions for folks that have been arrested in the past and yet they have concluded in a dismissal?

SENATOR GOLDEN: Yes, sir.

SENATOR ESPAILLAT: So would the Senator continue to yield?

ACTING PRESIDENT FLANAGAN:

Senator Golden, would you continue to yield?

SENATOR GOLDEN: Yes, Mr. President.

SENATOR ESPAILLAT: So if a young person committed an infraction or was arrested for an infraction or a misdemeanor charge and that young person was -- later on the case was dismissed, that person, if they apply for a civilian position within the police department, will now be subject to have that record be shown, that dismissal be shown to the police department?

SENATOR GOLDEN: That is correct, Mr. President. It's done for police officers, it's done for peace officers, and it would be done for secretaries, it would be done for the fingerprint technician, it would be done for people that would have low-level and high-level information. That we, I believe, in this day and age should know who's on the police departments and who's working inside our precincts and in our cyber intelligence divisions.

SENATOR ESPAILLAT: Would the

Senator continue to yield, Mr. President?

ACTING PRESIDENT FLANAGAN: Senator Golden, will you continue to yield?

SENATOR GOLDEN: Yes, Mr. President.

SENATOR ESPAILLAT: So if someone was arrested as a youthful offender for car theft and that person then went ahead and his case was dismissed, and now ten years later he applies to become a clerk within the police department, that person will now have to compete with someone else who perhaps has not been arrested, although his case was dismissed, that may be considered a factor in deciding whether or not that person will get the job?

SENATOR GOLDEN: Mr. President, through you. Again, there are many people on the New York City Police Department and in civilian life within the police departments that have had past felonies committed and are still police officers and working as civilians for the New York City Police Department.

The answer is yes. And it did not deny them the ability to get that job.

SENATOR ESPAILLAT: Mr. President, I believe this bill --

ACTING PRESIDENT FLANAGAN: Senator Espaillat, are you asking Senator Golden to continue to yield?

SENATOR ESPAILLAT: No, no, no. This is on the bill.

ACTING PRESIDENT FLANAGAN: Senator Golden had the floor.

Senator Golden, are you finished with your remarks?

SENATOR GOLDEN: Yes, Mr. President.

ACTING PRESIDENT FLANAGAN: Senator Espaillat on the bill.

SENATOR ESPAILLAT: Yes, Mr. President. Thank you.

This bill overreaches. I would consider this if it was based on conviction. I think that the police department, peace officers -- the police department or anybody else has the right to inquire into somebody's past and determine whether or not that person has been convicted of a crime -- a misdemeanor, a felony.

But to have the police department now determine the future employment of someone based potentially on an arrest that resulted in a dismissal is overreaching, and I will be voting no on this bill.

ACTING PRESIDENT FLANAGAN: Thank you, Senator Espaillat.

Are there any other Senators wishing to be heard?

Hearing none, the debate is closed.

The Secretary will ring the bell.

The Secretary will read the last section.

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

ACTING PRESIDENT FLANAGAN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT FLANAGAN: The Secretary will announce the results.

THE SECRETARY: Those recorded in the negative on Calendar Number 62 are Senators Adams, Espaillat, Hassell-Thompson, Huntley, Montgomery, Peralta, Perkins and Rivera.

Absent from voting: Senators Parker and Smith.

Ayes, 50. Nays, 8.

ACTING PRESIDENT FLANAGAN: The bill is passed.

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

SENATOR LIBOUS: Could we go to the noncontroversial reading of the supplemental calendar.

ACTING PRESIDENT FLANAGAN: The Secretary will make the substitution.

THE SECRETARY: In relation to Calendar Number 83, Senator Martins moves to discharge, from the Committee on Rules, Assembly Bill Number 3093B and substitute it for the identical Senate Bill Number 3216, Third Reading Calendar 83.

ACTING PRESIDENT FLANAGAN: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 83, by Member of the Assembly Schimel, Assembly Print Number 3093B, an act to amend the Election Law.

ACTING PRESIDENT FLANAGAN: Read the last section.

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

ACTING PRESIDENT FLANAGAN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT FLANAGAN: Senator Krueger, to explain her vote.

SENATOR LIZ KRUEGER: Thank you, Mr. President.

A little earlier on the active list we passed a variation on this bill and I rose then to say why I would vote no, which is that we will continue to be disenfranchising the voters of various villages who may be too disabled to be able to cast their vote in a private manner on the old type of pre-HAVA machines.

And it is for the same reason, despite the fact this is a more limited bill, that I will be voting no on this bill as well.

Thank you, Mr. President.

ACTING PRESIDENT FLANAGAN: Senator Krueger, thank you.

Those Senators wishing to be recorded in the negative, if you could please raise your hands again.

SENATOR PERKINS: Point of order, Mr. President.

ACTING PRESIDENT FLANAGAN: Senator Perkins, why do you rise?

SENATOR PERKINS: I'm trying to be clear about which bill we're voting on. I thought this was -- we took this bill earlier based on a substitution that we had a Rules Committee meeting with. Is this the same bill?

ACTING PRESIDENT FLANAGAN: Senator Perkins, we are on Supplemental Calendar 8A, Calendar Number 83. The bill has been substituted, having already passed in the Assembly.

SENATOR PERKINS: Am I to understand this is the Rules version of that bill?

ACTING PRESIDENT FLANAGAN: Yes.

SENATOR PERKINS: Okay, thank you.

THE SECRETARY: In relation to

Calendar Number 83, those Senators recorded in the negative are Senators Avella, L. Krueger, Parker, Rivera and Squadron.

Ayes, 55. Nays, 5.

ACTING PRESIDENT FLANAGAN: The bill is passed.

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

(Applause.)

SENATOR LIBOUS: Thank you, Mr. President. Before we -- I guess, Mr. President, the excitement is on the floor because I was about to announce that Senator Martins passed his first and second bill today.

Congratulations.

(Applause.)

SENATOR LIBOUS: Mr. President, would you call on Senator Hassell-Thompson, please, for an announcement.

ACTING PRESIDENT FLANAGAN: Senator Hassell-Thompson for an announcement.

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

There will be an immediate meeting

of the Democratic Conference in Room 312.

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

Senator Libous.

SENATOR LIBOUS: Thank you, Mr. President.

On behalf of Senator Skelos, I hand up the following committee assignments and ask that they be filed in the Journal.

ACTING PRESIDENT FLANAGAN: So ordered.

Senator Libous.

SENATOR LIBOUS: Mr. President, there being no further business, the Senate will adjourn until Tuesday, February 15th, at 11:30 a.m.

ACTING PRESIDENT FLANAGAN: On motion, the Senate stands adjourned until Tuesday, February 15th, at 11:30 a.m.

(Whereupon, at 4:48 p.m., the Senate adjourned.)