NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

June 7, 2011

2:18 p.m.

REGULAR SESSION

SENATOR CARL L. MARCELLINO, Acting President

FRANCIS W. PATIENCE, Secretary

P R O C E E D I N G S

ACTING PRESIDENT MARCELLINO: The Senate will come to order.

I ask everyone present to please rise and repeat with me the Pledge of Allegiance to the Flag. That includes the audience, too.

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

ACTING PRESIDENT MARCELLINO: In the absence of clergy, may we have a moment of silence.

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

ACTING PRESIDENT MARCELLINO: The reading of the Journal.

THE SECRETARY: In Senate, Monday, June 6th, the Senate met pursuant to adjournment. The Journal of Sunday, June 5th, was read and approved. On motion, Senate adjourned.

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

Presentation of petitions.

Messages from the Assembly.

The Secretary will read.

THE SECRETARY: On page 29, Senator O'Mara moves to discharge, from the Committee on Elections, Assembly Bill Number 6973A --

ACTING PRESIDENT MARCELLINO: Hold on a second. Hold on.

(Gaveling.) There's a lot of important stuff that has to be read. The stenographer has to hear it. Can we have some silence. Take your conversations out of the chambers, please. Staff, take your conversations out of the chambers.

The Secretary will continue to read.

THE SECRETARY: On page 29, Senator O'Mara moves to discharge, from the Committee on Elections, Assembly Bill Number 6973A and substitute it for the identical Senate Bill Number 4481A, Third Reading Calendar 400.

ACTING PRESIDENT MARCELLINO: Substitution ordered.

THE SECRETARY: On page 29, Senator O'Mara moves to discharge, from the Committee on Elections, Assembly Bill Number 263 and substitute it for the identical Senate Bill Number 4748, Third Reading Calendar 402.

ACTING PRESIDENT MARCELLINO: Substitution ordered.

THE SECRETARY: On page 37, Senator Perkins moves to discharge, from the Committee on Finance, Assembly Bill Number 6695 and substitute it for the identical Senate Bill Number 2009, Third Reading Calendar 580.

ACTING PRESIDENT MARCELLINO: The substitution is ordered.

THE SECRETARY: And on page 50, Senator Martins moves to discharge, from the Committee on Elections, Assembly Bill Number 7469 and substitute it for the identical Senate Bill Number 5055A, Third Reading Calendar 780.

ACTING PRESIDENT MARCELLINO: The substitution is ordered.

Messages from the Governor.

Reports of standing committees.

The Secretary will read.

THE SECRETARY: Senator

DeFrancisco, from the Committee on Finance, reports the following nomination.

As a member of the New York State Metropolitan Transportation Authority, Jonathan A. Ballan, of Scarsdale Park.

ACTING PRESIDENT MARCELLINO: Senator DeFrancisco.

SENATOR DEFRANCISCO: I move the nomination of Jonathan A. Ballan, of Scarsdale Park, as a member of the New York State Metropolitan Transportation Authority.

You know, we've said this before, but it's true with the nominees again today. The Governor has really done an incredible job, not only of selecting good, qualified people, but also seeking out those people to make sure that we have the best in the positions that are available in the State of New York.

And that's true with Jonathan Ballan. His record is incredible. His knowledge and expertise in areas that are very much needed by the Metropolitan Transportation Authority are evident from not only a review of his resume but also from listening to him explain what he's got in mind for this particular agency and how he'll

keep an open mind and not be afraid.

I don't know if it's a bulldog or a pit bull, but one or the other, he's promised that he wouldn't kowtow to anybody to make sure the right things are being done by that important authority.

So I'm very proud and pleased to move the nomination of Mr. Ballan and wish him the best of luck in this very difficult but very important position.

ACTING PRESIDENT MARCELLINO: Is there any other Senator wishing to be heard on the nomination?

Seeing none, the motion is on the nomination of Jonathan A. Ballan, of Scarsdale Park, to be a member of the New York State Metropolitan Transportation Authority. All in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT MARCELLINO: Opposed, nay.

(No response.)

ACTING PRESIDENT MARCELLINO: The appointment is approved.

Congratulations, Mr. Ballan.

And your task is a daunting one. The MTA, as we all know it as, is not an easy institution to work with and for. So we hope you will take your duties seriously, and on behalf of the best interests of the riding public and all of the people of New York State.

Thank you. Congratulations.

(Applause.)

ACTING PRESIDENT MARCELLINO: The Secretary will read.

THE SECRETARY: As a member of the New York State Workers' Compensation Board, David R. Dudley, of North Chatham.

ACTING PRESIDENT MARCELLINO: Senator DeFrancisco.

SENATOR DEFRANCISCO: Again, I'm proud to move the nomination of David R. Dudley, of North Chatham, as a member of the New York State Workers' Compensation Board.

I've known David for many years. He served as counsel in this body to the Senate Majority. He's competent, he's a caring individual, and he's someone who would be outstanding in a judicial-like capacity as a member of the Workers' Compensation Board.

I know that he will take into consideration both sides of every issue and impart justice fairly in the workers' compensation system. And he's had experience actually in even negotiating some of the changes in the Workers' Compensation Law, and I'm sure we'll hear from him with potential future legislation to make that organization work even better.

So I'm very happy that David was nominated for this position, and I'm happy that he's here with his wife, and he's going do a wonderful job.

Thank you, Mr. President.

ACTING PRESIDENT MARCELLINO: Senator Nozzolio on the nomination.

SENATOR NOZZOLIO: Thank you, Mr. President.

Mr. President and my colleagues, I rise and share Senator DeFrancisco's support for this excellent nomination.

Dave Dudley has a very keen legal mind, has been experienced in many aspects of representation and the law, was for many years a very valued member of the New York State Senate

staff in helping forge, as Senator DeFrancisco indicated, many policy changes, so has seen the many sides of the coin and understands the complexities and the implementation of the laws of this state.

For that, I believe he will serve in this new capacity in a fine exemplary way, as he has done and exemplified in many ways here working in the New York State Senate.

Congratulations to David. We're very proud of this nomination and of his work, and that I certainly rise to support it wholeheartedly.

Thank you, Mr. President.

ACTING PRESIDENT MARCELLINO: Thank you, Senator.

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

Seeing none, the motion is on the appointment of David R. Dudley, of North Chatham, to be a member of the New York State Workers' Compensation Board. All in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT MARCELLINO:

Opposed, nay.

(No response.)

ACTING PRESIDENT MARCELLINO: The ayes have it. Dave, you are newly appointed to the Workers' Compensation Board. Congratulations. I hope it's what you want.

(Laughter.)

ACTING PRESIDENT MARCELLINO: God bless. Have a great career.

(Applause.)

ACTING PRESIDENT MARCELLINO: The Secretary will read.

THE SECRETARY: As New York State Secretary of State, Cesar A. Perales, of Brooklyn.

ACTING PRESIDENT MARCELLINO: Senator DeFrancisco.

SENATOR DEFRANCISCO: I rise to move the nomination of Cesar Perales, of Brooklyn, as the New York State Secretary of State.

You know, if you read Mr. Perales's resume, it's like the Who's Who in government and in the law. He's had so many incredible experiences over his lifetime. And most people

that have had those experiences would usually like to sit back, read a book, put their feet up and maybe watch a sporting event during the remaining years of his life. However, that's not true with Mr. Perales. He wants to continue serving.

And the Secretary of State position is such an important one in our state and affects so many of us in our districts that we're again very happy that Mr. Perales is willing to do this, willing to serve, in a time when most people look for what government can do for them, not the other way around.

And Governor Cuomo should be again congratulated for such a wonderful appointment and a great addition to his team and the team of the State of New York.

So I'm proud to move Mr. Perales's nomination. Thank you, Mr. President.

ACTING PRESIDENT MARCELLINO: Thank you, Senator DeFrancisco.

Senator Oppenheimer.

SENATOR OPPENHEIMER: Thank you, Mr. President.

Well, I think Senator DeFrancisco

has said what my primary thought is, which is I go back with Cesar to the '80s and the early '90s when he was running our public assistance and Medicaid programs here as head of our Department of Social Services. And he was an extraordinary leader.

And even though he doesn't look very different in appearance from back then to now, the fact that he has put in so many years to public service and the fact that he is willing to continue to fight for health and for human services and for our youth and for our elderly and for all of us in this state, I mean, it's just an example of great courage and great enthusiasm.

And God bless you, Cesar. Keep up the great work always.

ACTING PRESIDENT MARCELLINO: Thank you, Senator.

Any other Senator wishing to be heard?

The motion is on the nomination of Cesar A. Perales, of Brooklyn, to be the New York State Secretary of State. All in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT MARCELLINO: All opposed, nay.

(No response.)

ACTING PRESIDENT MARCELLINO: The ayes have it. Cesar A. Perales is duly confirmed as Secretary of State.

Congratulations.

(Applause.)

ACTING PRESIDENT MARCELLINO: The Secretary will read.

THE SECRETARY: As a member of the New York State Housing Finance Agency, Steven J. Weiss, of Williamsville.

ACTING PRESIDENT MARCELLINO: Senator DeFrancisco.

SENATOR DEFRANCISCO: I rise to move the nomination of Steven J. Weiss, of Williamsville, as a member of the New York State Housing Finance Agency.

Another great appointment by the Governor. And in view of the length of the agenda, I will not elaborate any further, since Mr. Weiss not here.

And I believe that the Governor

again has made a wonderful appointment. And he's going to be a great addition to this agency, and I proudly move the nomination.

Thank you.

ACTING PRESIDENT MARCELLINO: Are there any other Senators wishing to be heard on the nomination?

Seeing none, the motion is on the nomination of Steven J. Weiss, of Williamsville, to be a member of the New York State Housing Finance Agency. All in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT MARCELLINO: Opposed, nay.

(No response.)

ACTING PRESIDENT MARCELLINO: The ayes have it. Steven J. Weiss, of Williamsville, is confirmed as a member of the New York State Housing Finance Agency.

Reports of select committees.

Communications and reports of state officers.

Motions and resolutions.

Senator Farley.

SENATOR FARLEY: Mr. President, we'd like to adopt the Resolution Calendar.

ACTING PRESIDENT MARCELLINO: All in favor of adopting the Resolution Calendar signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT MARCELLINO: Opposed, nay.

(No response.)

ACTING PRESIDENT MARCELLINO: The Resolution Calendar is adopted.

Senator Farley.

SENATOR FARLEY: Mr. President, there's a resolution at the desk by Senator DeFrancisco. May we please have it read in its entirety and move for its immediate adoption.

ACTING PRESIDENT MARCELLINO: The Secretary will read.

THE SECRETARY: Legislative resolution by Senator DeFrancisco, honoring the West Genesee High School Academic Decathlon Team upon the occasion of capturing the first place at the 2011 New York State Academic Decathlon Championship.

"WHEREAS, It is the custom of this

Legislative Body to honor the youth of today -- the leaders of tomorrow -- whose character and achievements exemplify the ideals and values cherished by this great state and nation; and

"WHEREAS, Attendant to such concern, and in full accord with its long-standing traditions, it is the intent of this Legislative Body to recognize and commend the West Genesee High School Academic Decathlon Team upon the composition of capturing first place at the 2011 State Academic Decathlon; and

"WHEREAS, Members of the West Genesee Academic Decathlon Team, in preparation for the state competition, devoted one year to memorizing numerous facts while learning the importance of hard work and determination; and

"WHEREAS, Members of the West Genesee Academic Decathlon Team were prepared to answer questions about art, music, English, math, economics, science, and many other categories; and

"WHEREAS, At the 2011 New York State Academic Decathlon Championships, the West Genesee High School team made their district proud by winning 40 individual medals and a team

award; and

"WHEREAS, The West Genesee Academic Decathlon Team advanced to nationals in Charlotte, North Carolina, and placed 23rd in the country; and

"WHEREAS, No team can succeed without outstanding talent throughout its entire roster. Such is the case for the members of the 2011 West Genesee High School Academic Decathlon team: Dennis Campbell, Abigail Hard, Alec Kearns, Caitlin Nolan, Kaitlyn Richards, Jerry Roy, Matthew Serrao, Jennifer Smacher, Kevan Spencer, and Thomas Brogan; and

"WHEREAS, It is the sense of this Legislative Body to commend those students of outstanding character who have shown initiative and commitment toward constantly pursuing higher goals for themselves, and acting as role models of leadership to be emulated by their peers; and

"WHEREAS, The success of the West Genesee High School Academic Decathlon Team is due in great part to the dedicated efforts of Coach Scott Duda; now, therefore, be it

"RESOLVED, That this Legislative Body pause in its deliberations to congratulate

the 2011 West Genesee High School Academic Decathlon Team upon the occasion of capturing first place at the New York State Academic Decathlon Championship; and be it further

"RESOLVED, That copies of this resolution, suitably engrossed, be transmitted to the members of the West Genesee High School Athletic Decathlon Team and Coach Scott Duda."

ACTING PRESIDENT MARCELLINO: Senator DeFrancisco on the resolution.

SENATOR DEFRANCISCO: Thank you, Mr. President.

We're fortunate to have this wonderful West Genesee High School Academic Decathlon Team with us.

You know, nowadays we hear all the bad things that young people do. That's newsworthy. Sometimes the good things that young people do are never recognized. But we wanted to recognize them, this decathlon team.

And I know everyone's used to me bringing championship teams from Syracuse, the home of the athletes of our State of New York, but we have the minds in our community as well. This team went to the national championships, won

over 40 medals, and did an incredible job as a team among the nation's finest brains. And they live in our district -- in my district.

And we have students like this all throughout the State of New York that we all should be recognizing as often as we can. I'm pleased that they were able to be here to be recognized. I'm pleased that their coach, Mr. Duda is here.

And what should be noted is many of the people they competed against actually had this as a course required to do during the day and then they practiced at night. This team, it was a totally voluntary team. That wasn't a course that they were required to do, and they probably had less time than the others to prepare for this great success.

So congratulations. You will be the Ballans, the Peraleses and the great leaders that we just recognized today that are being appointed to high state positions. You will be the leaders of tomorrow. And hopefully you'll do a better job than we've done.

(Laughter.)

SENATOR DeFRANCISCO: Thank you.

ACTING PRESIDENT MARCELLINO: Any other Senator wishing to be heard on the resolution?

Seeing none, all in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT MARCELLINO: Opposed, nay.

(No response.)

ACTING PRESIDENT MARCELLINO: The resolution is adopted.

(Applause.)

ACTING PRESIDENT MARCELLINO: What Senator DeFrancisco did say is most important -- I've said it many times myself -- that too often we read about bad things that young people do; we don't read often enough about some of the good things.

And it's a pleasure to see some very fine young people here who are truly great representatives of their community and their families. Have a great life, and God bless you all.

Senator Farley.

SENATOR FARLEY: Senator

DeFrancisco has another privileged resolution at the desk. Would you read the title, please.

ACTING PRESIDENT MARCELLINO: The Secretary will read just the title of the resolution.

THE SECRETARY: Legislative resolution by Senator DeFrancisco, commending Reverend Paul F. Angelicchio for his many years of faithful service to Our Lady of Pompeii/St. Peter Parish.

ACTING PRESIDENT MARCELLINO: All in favor of the resolution signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT MARCELLINO: Opposed, nay.

(No response.)

ACTING PRESIDENT MARCELLINO: The resolution is adopted.

Senator Farley.

SENATOR FARLEY: We have another resolution at the desk by Senator Grisanti, if you'd read the title.

ACTING PRESIDENT MARCELLINO: The Secretary will read the title only.

THE SECRETARY: Legislative

resolution by Senator Grisanti, commemorating the 175th Anniversary of the Buffalo and Erie County Library.

ACTING PRESIDENT MARCELLINO: Senator Grisanti on the resolution.

SENATOR GRISANTI: Yeah, thank you, Mr. President.

You know, it's important that for the last 175 years in Buffalo and Erie County the public library has provided continuous and superior library services for the people of Western New York.

It's amazing, since its inception in 1836, it has grown from basically 5500 books being distributed to more than 8 million borrowed items and 4 million patron visits. Currently, its 37 library branches have more than 3.5 million items in circulation, ranging from books, periodicals, computers and reference materials, that are actually out there in Erie County right now in Western New York.

That's why it's important and I'm sure that people are aware that libraries are not only important to each community, but important in the sense that people have a place to go, to

read, to learn, and that students have an opportunity and a place to go to utilize computer labs in the libraries.

It's unfortunate that in my district in Erie County, and in other counties I'm sure, that library funding is always getting cut, as well as arts and culturals. That's one of the reasons why yesterday I voted against that tax extension, because some of that money should be used for the libraries that benefit all the people of Western New York. That money should be used for arts and culturals for the people that are too poor or middle-class that can't afford the higher-end items.

Money should be earmarked to protect libraries at all costs so children have access to computers that can't afford it. And people should have the opportunity to go to cultural issues in their area without having to pay an arm and a leg.

Mr. President, thank you for allowing me to do the resolution. Thank you.

ACTING PRESIDENT MARCELLINO: Any other Senator wishing to be heard?

The motion is on the resolution.

All in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT MARCELLINO: Opposed, nay.

(No response.)

ACTING PRESIDENT MARCELLINO: The resolution is adopted.

Senator Farley.

SENATOR FARLEY: We have a privileged resolution by Senator Larkin, if you'd read the title only.

ACTING PRESIDENT MARCELLINO: The Secretary will read the title only.

THE SECRETARY: Legislative resolution by Senator Larkin, commending the San Miguel Academy of Newburgh upon the occasion of the graduation of its second 8th-grade class on June 9, 2011, and congratulating the graduates.

ACTING PRESIDENT MARCELLINO: The motion is on the resolution. All in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT MARCELLINO: Opposed, nay.

(No response.)

ACTING PRESIDENT MARCELLINO: The resolution is adopted.

Senator Farley.

SENATOR FARLEY: We have another privileged resolution by Senator Klein, if you'd read the title.

ACTING PRESIDENT MARCELLINO: The Secretary will read the title only.

THE SECRETARY: Legislative resolution by Senator Klein, congratulating the Miano family upon the occasion of the dedication of a New York State City street in honor of their loved one, Mr. Rocco "Rocky" Miano.

ACTING PRESIDENT MARCELLINO: All in favor of the resolution signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT MARCELLINO: Opposed, nay.

(Response of "Nay.")

ACTING PRESIDENT MARCELLINO: The resolution is adopted.

Senator Farley.

SENATOR FARLEY: Would you call on Senator Breslin for some motions.

ACTING PRESIDENT MARCELLINO: Senator Breslin.

SENATOR BRESLIN: Thank you, Senator Farley.

Mr. President, on page number 36 I offer the following amendments to my bill, Calendar Number 552, Senate Print Number 3665, and ask that said bill retain its place on the Third Reading Calendar.

ACTING PRESIDENT MARCELLINO: The amendments are received, and the bill will retain its place on the Third Reading Calendar.

SENATOR BRESLIN: Thank you, Mr. President.

On behalf of Senator Kruger, I move that the following bill be discharged from its respective committee and be recommitted with instructions to strike the enacting clause. And that would be Senate Number 3344.

ACTING PRESIDENT MARCELLINO: So ordered.

SENATOR BRESLIN: Mr. President, on behalf of Senator Huntley, I move that the following bill be discharged from its respective committee and be recommitted with instructions to

strike the enacting clause: Senate Number 3818.

ACTING PRESIDENT MARCELLINO: So ordered.

SENATOR BRESLIN: Thank you, Mr. President.

ACTING PRESIDENT MARCELLINO: Thank you, Senator Breslin.

Senator Farley.

SENATOR FARLEY: Yeah, we have also some motions.

On behalf of Senator DeFrancisco, on page 30 I offer the following amendments to Calendar Number 420, Senate Print 3293, and I ask that said bill retain its place on the Third Reading Calendar.

On behalf of Senator O'Mara, on page 44 I offer the following amendments to Calendar Number 674, Senate Print 4267A, and I ask that that bill retain its place on the Third Reading Calendar.

ACTING PRESIDENT MARCELLINO: The bills that you just read, the amendments will be accepted and both bills will retain their places on the Third Reading Calendar.

Senator Farley.

SENATOR FARLEY: Thank you.

On behalf of Senator Maziarz, Mr. President, I move that the following bill be discharged from its respective committee and be recommitted with instructions to strike the enacting clause. That's Senate 217.

ACTING PRESIDENT MARCELLINO: So ordered.

SENATOR FARLEY: On behalf of Senator Grisanti, Mr. President, I wish to call up his bill, Print Number 1737A, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT MARCELLINO: The Secretary will read.

THE SECRETARY: Calendar Number 234, by Senator Grisanti, Senate Print 1737A, an act to amend Chapter 616 of the Laws of 1992.

SENATOR FARLEY: Mr. President, I now move to reconsider the vote by which this bill passed.

ACTING PRESIDENT MARCELLINO: Call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

SENATOR FARLEY: I now offer the

following amendments.

ACTING PRESIDENT MARCELLINO: The amendments are received, Senator.

SENATOR FARLEY: Mr. President, I offer amendments to the following Third Reading Calendar bills.

On behalf of Senator Bonacic, on page 21, Calendar Number 225, Senate Print 2143B.

Also on behalf of Senator Bonacic, on page 25, Calendar Number 326, Senate Print 3949.

On behalf of Senator Golden, on page 28, Calendar Number 378, Senate Print 4496A.

On behalf of Senator Zeldin, on page 31, Calendar Number 435, Senate Print 4072.

On behalf of Senator Ball, on page 36, Calendar Number 550, Senate Print 4582A.

On behalf of Senator Farley, on page 58, Calendar Number 880, Senate Print 3247.

On behalf of Senator Farley, on page 58, Calendar Number 883, Senate Print 3413.

Mr. President, I ask that these amendments be received and that the bills retain their place on the Third Reading Calendar.

ACTING PRESIDENT MARCELLINO: The amendments will be received on the aforementioned bill, and they all will retain their place on the Third Reading Calendar.

Senator Farley.

SENATOR FARLEY: Mr. President, if we may now go to the noncontroversial reading of the calendar.

ACTING PRESIDENT MARCELLINO: The Secretary will read.

THE SECRETARY: Calendar Number 88, by Senator Seward, Senate Print 2704A, an act to amend the Insurance Law.

ACTING PRESIDENT MARCELLINO: Read the last section.

THE SECRETARY: Section 6. This act shall take effect on the 90th day.

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: Calendar Number 120, by Senator Robach, Senate Print 709,

Concurrent Resolution of the Senate and Assembly proposing amendments to the Constitution.

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: In relation to Calendar Number 120, those recorded in the negative are Senators Adams, Carlucci, Duane, Espaillat, Gianaris, Hassell-Thompson, Klein, Montgomery, Parker, Perkins, Rivera, Savino, Serrano, Squadron and Stavisky.

Ayes, 45. Nays, 15.

ACTING PRESIDENT MARCELLINO: The resolution is adopted.

The Secretary will read.

THE SECRETARY: Calendar Number 122, by Senator Sampson, Senate Print 1712, an act to amend the Judiciary Law.

ACTING PRESIDENT MARCELLINO: Read the last section.

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

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: Calendar Number 124, by Senator Seward, Senate Print 2381, Concurrent Resolution of the Senate and Assembly proposing an amendment to Section 8 of Article 4 of the Constitution.

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MARCELLINO: It would be very helpful if everybody was in their seats when we're voting so that we can be clear on who wishes to vote yes and no and get the counts correct. Thank you.

Please raise your hands if you're voting no on this resolution.

THE SECRETARY: In relation to Calendar Number 124, those recorded in the negative are Senators Duane, Espaillat, Gianaris, Huntley, Klein, L. Krueger, Montgomery, Perkins, Rivera, Savino, Serrano, Squadron, and Stavisky.

Ayes, 47. Nays, 13.

ACTING PRESIDENT MARCELLINO: The

resolution is adopted.

THE SECRETARY: Calendar Number 231, by Senator Seward, Senate Print 2557, an act to amend the Insurance Law.

ACTING PRESIDENT MARCELLINO: Read the last section.

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

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: In relation to Calendar Number 231, those recorded in the negative are Senators Avella, Duane and Diaz.

Ayes, 57. Nays, 3.

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: Calendar Number 232, by Senator Seward, Senate Print 2874, an act to amend the Insurance Law.

ACTING PRESIDENT MARCELLINO: Read the last section, please.

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

ACTING PRESIDENT MARCELLINO: Call

the roll.

(The Secretary called the roll.)

THE SECRETARY: Those recorded in the negative on Calendar Number 232 are Senators Diaz and Duane.

Ayes, 58. Nays, 2.

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: Calendar Number 240, by Senator Seward, Senate Print 2875, an act to amend the Insurance Law.

ACTING PRESIDENT MARCELLINO: Read the last section.

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

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: Calendar Number 241, by Senator Seward, Senate Print 4040A, an act to amend the Insurance Law.

ACTING PRESIDENT MARCELLINO: Read

the last section, please.

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

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: Calendar Number 270, by Senator Griffo, Senate Print 2777 --

SENATOR LIBOUS: Lay it aside for the day.

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

THE SECRETARY: Calendar Number 271, by Senator Griffo, Senate Print 2870, Concurrent Resolution of the Senate and Assembly proposing an amendment to --

SENATOR LIBOUS: Lay it aside for the day, please.

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

THE SECRETARY: Calendar Number 274, by Senator Griffo, Senate Print 3657, an act

to amend the State Technology Law.

ACTING PRESIDENT MARCELLINO: Read the last section, please.

THE SECRETARY: Section 5. This act shall take effect on the 120th day.

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: Calendar Number 398, by Senator Griffo, Senate Print 4208, an act to amend the Election Law.

SENATOR BRESLIN: Lay it aside.

ACTING PRESIDENT MARCELLINO: The bill is laid aside.

THE SECRETARY: Calendar Number 400, substituted earlier today by Member of the Assembly Millman, Assembly Print Number 6973A, an act to amend the Election Law.

ACTING PRESIDENT MARCELLINO: Read the last section, please.

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

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: Calendar Number 401, by Senator O'Mara, Senate Print 4744A, an act to amend the Election Law.

ACTING PRESIDENT MARCELLINO: Read the last section, please.

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

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: Calendar Number 402, substituted earlier today by Member of the Assembly Paulin, Assembly Print Number 263, an act to amend the Election Law.

ACTING PRESIDENT MARCELLINO: Read the last section.

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

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MARCELLINO: Senator Stewart-Cousins to explain her vote.

SENATOR STEWART-COUSINS: Thank you, Mr. President.

I rise to support this bill, but I must say that it is a lesser version than the bill that we passed and was signed into law when we did this last year.

What this bill would do is allow people who are in a polling place, in the wrong polling place, be directed by street finders to the correct polling place. That's what the original legislation did. And there would be a street finder that if you happen to be out of your particular jurisdiction, they could direct you to the correct place.

This reduces it to just being within the political subdivision. So if I'm in the town and I actually should be in another town, I won't be able to know that because they will not be

required to have street finders that actually tell you, "No, you really need to go across town."

I am sorry because I think that the more access we can give to people, the more likely they are to vote in the right place. But obviously I am interested in making sure everyone has an opportunity to vote, so I will support this. But again, I think it's a lesser edition of what we originally signed into law.

ACTING PRESIDENT MARCELLINO: Senator Stewart-Cousins will be recorded in the affirmative.

Announce the results, please.

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: Calendar Number 580, substituted earlier today by Member of the Assembly Rodriguez, Assembly Print Number 6695, an act to amend the Alcoholic Beverage Control Law.

ACTING PRESIDENT MARCELLINO: Read the last section, please.

THE SECRETARY: Section 2. This

act shall take effect immediately.

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: In relation to Calendar Number 580, those recorded in the negative are Senators Diaz, Fuschillo, Marcellino and Martins.

Ayes, 58. Nays, 4.

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: Calendar Number 669, by Senator Carlucci, Senate Print 4818A, an act to amend the Executive Law.

ACTING PRESIDENT MARCELLINO: Read the last section.

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

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MARCELLINO: Senator Carlucci to explain his vote.

SENATOR CARLUCCI: Thank you, Mr. President.

This bill is an important bill, yet very simple, to really save the State of New York money.

Right now the Department of State is mandated to send out a physical copy of the State Registry to every city, village and town clerk of the State of New York. What this bill does is gives those cities, those towns, those villages the option of simply accessing what is free of charge right now, this information online.

So basically this brings this policy up-to-date with modern society and the technology we have available and saves New York's money. So I'll be voting in the affirmative.

Thank you, Mr. President.

ACTING PRESIDENT MARCELLINO: Senator Carlucci will be recorded in the affirmative.

Announce the results, please.

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: Calendar Number 755, by Senator Klein, Senate Print 2789, an act to amend the General Business Law.

ACTING PRESIDENT MARCELLINO: Read the last section.

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

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61. Nays, 1. Senator Squadron recorded in the negative.

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: Calendar Number 780, substituted earlier today by Member of the Assembly Schimel, Assembly Print Number 7469, an act to amend the Town Law.

ACTING PRESIDENT MARCELLINO: Read the last section, please.

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

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61. Nays, 1. Senator Rivera recorded in the negative.

ACTING PRESIDENT MARCELLINO: The

bill is passed.

THE SECRETARY: Calendar Number 902, by Senator Smith, Senate Print 3779, an act to amend the Banking Law.

ACTING PRESIDENT MARCELLINO: Read the last section.

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

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MARCELLINO: Senator Smith to explain his vote.

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

Just very briefly, I rise to, one, thank my colleague as the chair of the Banking Committee, Senator Griffo.

Colleagues, this is again a bill -- as you know, the foreclosure challenge that we have with our constituents throughout this state is immeasurable. This bill is another step towards arresting what has become a very challenging industry.

And I do hope that we will continue

to move on pieces such as this, as ground zero is an area in which I represent in Southeast Queens, along with Senator Huntley, and these are bills that will clearly have an impact on the mortgage industry.

I vote yes, Mr. President.

ACTING PRESIDENT MARCELLINO: Senator Smith will be recorded in the affirmative.

Announce the results, please.

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: Calendar Number 903, by Senator Smith, Senate Print 3781, an act to amend the Banking Law.

ACTING PRESIDENT MARCELLINO: Read the last section.

THE SECRETARY: Section 11. This act shall take effect on the 30th day.

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MARCELLINO: Senator Smith to explain his vote.

SENATOR SMITH: Yes, thank you very much, Mr. President and colleagues.

As the last bill deals with licensing, this one actually deals with fraud and actually puts a closer relationship between the Banking Department and the AG's office.

And it is our hope, again, that these bills will begin to send a message to those in the mortgage industry that their days are numbered and that we are watching and that we are going to make sure that those who pursue the American dream have the opportunity to have that dream long-term and not short-term.

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

ACTING PRESIDENT MARCELLINO: Senator Smith will be recorded in the affirmative.

Announce the results, please.

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT MARCELLINO: The bill is passed.

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

I believe we have one bill that was

laid aside for the controversial calendar.

SENATOR LIBOUS: Thank you, Mr. President. At this time could we take up the reading of the controversial calendar.

ACTING PRESIDENT MARCELLINO: Yes, we can.

The Secretary will ring the bells, please. Can we have all members in their seats for the debate on this highly controversial bill.

The Secretary will read the controversial calendar, Calendar Number 398, S4208.

THE SECRETARY: Calendar Number 398, by Senator Griffo, Senate Print 4208, an act to amend the Election Law.

SENATOR BRESLIN: Explanation.

ACTING PRESIDENT MARCELLINO: Senator Griffo, Senator Breslin has asked for an explanation.

SENATOR GRIFFO: Thank you, Mr. President. Thank you, Senator Breslin.

This bill would guarantee -- in its basic form, this bill guarantees that the candidate that wins the most votes in all 50 states becomes the President of the United

States. It's a bill that I've carried for a couple of years. And then Senator Parker, I want to thank him for his efforts in carrying the bill over the last couple of years.

It's an issue from my perspective that deals with our respect and appreciation for the importance of each and every vote, particularly in the 21st century, and also is about relevancy for the State of New York. So in essence, this bill would allow for the State of New York to enter into an interstate compact which would ensure that the state would award its electoral votes to the winner of the national popular vote in all 50 states.

And I'd be happy to answer any questions.

ACTING PRESIDENT MARCELLINO: Senator Gianaris.

SENATOR GIANARIS: Mr. President, would the sponsor yield for a question or two?

SENATOR GRIFFO: Most certainly, Senator Gianaris.

ACTING PRESIDENT MARCELLINO: The Senator yields.

SENATOR GIANARIS: This bill is

well-intentioned. I certainly understand where it's coming from. But I'm concerned with the law of unintended consequences for dealing with an issue so important to the functioning of our democracy and the selection of a president.

My question to the sponsor is, currently, each state's electoral votes, how are they determined? In other words, how is it determined what number of electoral votes each state has?

ACTING PRESIDENT MARCELLINO: Senator Griffo.

SENATOR GRIFFO: Thank you, Mr. President. Through you.

Senator Gianaris, there are a couple of instances here. Obviously the vote will be determined upon the Congressional representation. And I don't know where we will stand. I believe we'll be at 29, unfortunately, in another year.

But it also -- so once we have that number, this would be reflecting Article II of the U.S. Constitution, which allows each state to appoint in such manner as the legislature of that state may direct.

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

ACTING PRESIDENT MARCELLINO: Senator Griffo, do you continue to yield?

SENATOR GRIFFO: Yes.

ACTING PRESIDENT MARCELLINO: He yields.

SENATOR GIANARIS: I heard your answer it's based on Congressional representation. That is of course true. What I'm trying to get at is, and the members of Congress apportioned to a state are determined by what method? Is it based on the population of a state?

SENATOR GRIFFO: It is my understanding that it is based on the per capita, correct, Mr. President.

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

ACTING PRESIDENT MARCELLINO: Senator Griffo, do you continue to yield?

SENATOR GRIFFO: Yes.

ACTING PRESIDENT MARCELLINO: He yields.

SENATOR GIANARIS: Under this

proposal, if enough states were to enter into this compact, the election of a president would then be determined by the number of votes -- or whichever candidate receives the most number of votes. Is that correct?

SENATOR GRIFFO: Yeah.

Mr. President, through you. It's my understanding, Senator Gianaris, that this would be a compact form. It would really not be able to take effect until a number of states have come collectively with enough electoral votes in order to fulfill the mission, which is to elect the president by assigning those electoral votes in the states involved in the compact based upon the winner of all the popular vote in all 50 states.

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

ACTING PRESIDENT MARCELLINO: Senator Griffo, do you continue to yield?

SENATOR GRIFFO: Yes.

SENATOR GIANARIS: What I'm trying get at is the difference between the current system and this compact if it were adopted by enough states.

And as I understand it, the

difference would be currently a state's relative influence over the selection of a president is based on its population. Whereas, if this system were adopted by enough states, it would be based simply on whoever receives the most votes at the polls on Election Day.

SENATOR GRIFFO: Mr. President, through you. Senator Gianaris, that is correct.

Basically, though, at this point in time 47 states allocate a winner-take-all where, if you win the popular vote in that particular state, such as in New York, you would receive all the electoral votes.

What this bill is intending to do is to say that whoever wins the national popular vote across all 50 states would be awarded the electoral votes of the State of New York.

So it continues the Electoral College, but it also makes New York State relevant. Right now, many of the elections are decided in battleground states and we see not a lot of activity in the State of New York, for instance, and other significant states.

But it doesn't diminish the smaller states either, because in order to win the

election you're going to have to garner as many as votes as possible across the entire 50 states. So while you may look -- it's a strategy perspective, how you will effectuate a strategy in order to ensure that you win the required 270 electoral votes to become president.

SENATOR GIANARIS: On the bill, Mr. President.

ACTING PRESIDENT MARCELLINO: Senator Gianaris on the bill.

SENATOR GIANARIS: Thank you, Senator Griffo.

I have several concerns with this bill which I want to address briefly, one of which is the difference in the relative strength of states when it comes to the presidential selection.

Currently a state has as much influence as its electoral votes, which is based on the population of the state. If we move to a system where enough states enter into this compact, a state's relative worth in the presidential selection process becomes about people who are registered to vote and voter turnout.

And what ends up happening is states like New York that have large immigrant populations, legal as well as not, that amount of population is currently given influence through the electoral vote system, where they are counted for purposes of determining how many electoral votes a state has.

Whereas, if we move to the system that's proposed in this bill, we will have much more of a determination made about how many people are registered to vote -- and we know we have lots of communities that aren't registered in the numbers they should be; it will be based on voter turnout, where again we could have a situation where bad weather in one part of the country can influence the outcome based on total voter turnout.

That's a major concern of mine. I have others, which is if we move to a system where the major population centers will undoubtedly get more attention, because that's where the raw vote is, you have the ability for those who are extremely wealthy to have disproportionate influence because they could saturate the media markets in the large cities

that would obviously influence the most raw number of votes.

And we are also, I believe, tinkering with some very important principles that were agreed upon by all the states when this country was founded. There was a compromise reached with the small states in this country where they would have as much influence in the presidential selection process as their members of Congress, plus two, for their United States Senators. And this would again tip that balance state by state, which I think is not the way to go forward.

Again, I think this is well-intentioned. I appreciate where the sponsor and the supporters are coming from. But it is a major change in one of the most fundamental aspects of our democracy, and I think any solution should be dealt with constitutionally at the federal level and then we can deal with ratifying the constitutional amendment if it comes back to us that way.

So I would be voting in the negative. I encourage my colleagues to do the same.

ACTING PRESIDENT MARCELLINO: Thank you, Senator Gianaris.

Senator Maziarz on the bill.

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

I rise in support of this legislation. I commend Senator Griffo, the sponsor.

It's sort of unusual to be in support of it, because I read the bill and I read the book that some of the advocates have published about this. And to be honest with you, I really think it kind of favors nationally one political party over the other political party. And honestly, I don't think it favors the political party that I happen to be a member of.

If this system had been in place in 2000, God help us all, Al Gore would have been elected President of the United States.

UNIDENTIFIED SENATOR: He was.

(Laughter.)

SENATOR MAZIARZ: However, in 2004, the election would not have even been close. George W. Bush would have won the race.

I think the problem is -- and, you

know, I would love to stand here and say that no disrespect meant to my friends in New Hampshire and Iowa -- except I don't have any friends in New Hampshire and Iowa.

(Laughter.)

SENATOR MAZIARZ: But, you know, New Hampshire, Iowa, small states are choosing the leader of the free world.

Now, I don't have any problem with that except -- well, I do have a problem with that. You know, I think that when larger states are pretty much kept out of the decision-making process, that's not good for democracy.

As I said, personally I think it kind of favors the Democratic Party over the Republican Party. But, you know, that's just the way it is. The majority, the majority who gets -- the person who gets the majority vote should be elected.

I've thought for a long time that the whole Electoral College process was something that may have worked, you know, 200-plus years ago, but it doesn't work today.

So I'm certain, absolutely certain that if Al Gore were standing here today, he

would say he would be in favor of this particular bill.

Thank you, Mr. President.

ACTING PRESIDENT MARCELLINO: Senator Gianaris.

SENATOR GIANARIS: Would Senator Maziarz yield for a very quick question.

ACTING PRESIDENT MARCELLINO: Senator Maziarz, would you yield for a very quick question?

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

SENATOR GIANARIS: Just a point of clarification.

Of course the influence of Iowa and New Hampshire are relative to the nominating process, which this bill would not change in any way, shape or form. So in fact their influence is relative to the parties choosing their candidates, not to the election in November. Would you agree with that?

SENATOR MAZIARZ: Right. But the two major-party candidates are selected by some very small states, a small number of individuals that choose the two major-party candidates. And

usually the Republican wins anyways.

Thank you, Mr. President.

ACTING PRESIDENT MARCELLINO: Thank you, Senator Maziarz.

Senator Rivera. On the bill?

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

ACTING PRESIDENT MARCELLINO: Senator Rivera on the bill.

SENATOR RIVERA: I will be very brief. I will be supportive of this legislation. Thank you, Senator Griffo, for bringing it to us.

I will be -- and it is not every day that I disagree with my colleague Senator Gianaris, but I do in a very strong way. As a political science professor for the last decade, I remember very clearly every time that I've tried to explain the Electoral College to my students and the quizzical looks that I get back from them, saying "So you're trying to tell me that there is the possibility that somebody might not actually get more people to vote for him or her but actually become the President of the United States?" And I've said, "Yes, that's

exactly the way the system works now."

So I am very supportive of this effort nationally and here in New York, and I will be voting in the affirmative on this bill and I hope that my colleagues do the same.

Thank you, Mr. President.

ACTING PRESIDENT MARCELLINO: Thank you, Senator Rivera.

Senator Diaz, why do you rise?

SENATOR DIAZ: On the bill, Mr. President.

ACTING PRESIDENT MARCELLINO: Senator Diaz on the bill.

SENATOR DIAZ: I just had to agree with Senator Maziarz when he said that this bill tends to benefit the Democrat more than the Republican.

And if that is the case, I have to praise Senator Griffo for a Republican submitting a bill that will benefit us Democrats. And this is an indication of how this business is done here.

So, Senator Griffo, thank you very much for this bill. And I'm supporting this bill, and I'm very proud of you for submitting

this bill and you, Senator Maziarz, for speaking on behalf of the bill.

Thank you.

ACTING PRESIDENT MARCELLINO: Any other Senator wishing to be heard?

Debate is closed. Can we ring the bells, please.

Read the last section, please.

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

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MARCELLINO: Senator Squadron to explain his vote.

SENATOR SQUADRON: Thank you, Mr. President.

I thank Senator Gianaris for the points he raised.

Look, we all know the Electoral College is far from perfect. We all know that if we were setting up the nation today, it's not the system we would set up.

But there's also no doubt that it creates protections for this country, it creates

protections in terms of how you run for the highest office in this land, the most powerful job in the world. You need to run multiple campaigns. You need to appeal to multiple groups of people in different ways. You need to be able to communicate at a retail level and in that very, very expensive way on the airwaves.

ACTING PRESIDENT MARCELLINO: Senator Squadron, excuse me.

Can we have some quiet, please. (Gaveling.) Thank you very much.

SENATOR SQUADRON: Thank you, Mr. President.

The Electoral College is far from ideal, but it provides protections today against a simple run for that 50.1 percent of the vote. It creates a different dynamic, and it's a positive dynamic for the entire country. We're not just a country of 50.1, we're a country of many groups, many regions, many interests. And the Electoral College, while imperfect, is the best we have.

I vote no, Mr. President.

ACTING PRESIDENT MARCELLINO: Senator Squadron will be recorded in the

negative.

Announce the results.

THE SECRETARY: In relation to Calendar Number 398, those recorded in the negative are Senators Ball, Gianaris, Johnson, Lanza, Little, Marcellino, Saland, Seward, and Squadron. Also Senator Nozzolio.

Absent from voting are Senators Grisanti, C. Kruger and Peralta.

Ayes, 49. Nays, 10.

ACTING PRESIDENT MARCELLINO: The bill is passed.

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

SENATOR LIBOUS: Mr. President, on behalf of Senator Maziarz, could we return to motions, please.

ACTING PRESIDENT MARCELLINO: Senator Libous, we have another adjustment in the tally on the last bill, please.

SENATOR LIBOUS: Proceed with the adjustment, please, Mr. President.

ACTING PRESIDENT MARCELLINO: Senator Grisanti, how do you vote?

Can we reannounce the results,

please, on the passed bill.

THE SECRETARY: In relation to Calendar Number 398, those recorded in the negative are Senators Ball, Gianaris, Johnson, Lanza, Little, Marcellino, McDonald, Nozzolio, O'Mara, Saland, Seward and Squadron.

Absent from voting: Senators C. Kruger and Peralta.

Ayes, 48. Nays, 12.

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: Also Senator Farley recorded in the negative.

Ayes, 47. Nays, 13.

Absent from voting, Senators C. Kruger and Peralta.

ACTING PRESIDENT MARCELLINO: The bill is still passed.

Can we return to motions and resolutions, please.

SENATOR LIBOUS: Mr. President, could I have some order in the chamber? Because we have not adjourned yet.

ACTING PRESIDENT MARCELLINO: I'd love to.

Senator Libous is requesting order in the chamber.

SENATOR LIBOUS: Thank you, Mr. President --

ACTING PRESIDENT MARCELLINO: You're welcome, sir.

SENATOR LIBOUS: -- for cooperating with me. I appreciate that.

Could we return to motions and resolutions, please.

ACTING PRESIDENT MARCELLINO: We'd love to return to motions and resolutions.

Senator Libous.

SENATOR LIBOUS: Thank you, Mr. President.

At this time, on behalf of Senator Maziarz, on page 18 I offer the following amendments to Calendar Number 132, Senate Print 2913B, and ask that said bill retain its place on Third Reading Calendar.

ACTING PRESIDENT MARCELLINO: The amendments are received. The bill will retain its place on the Third Reading Calendar.

SENATOR LIBOUS: And, Mr. President, on behalf of Senator Farley, on

page 58 I offer the following amendments to Calendar Number 882, Senate Print 3412, and ask that the bill retain its place on the Third Reading Calendar.

ACTING PRESIDENT MARCELLINO: The amendments are received, and the bill will retain its place on the Third Reading Calendar.

Senator Libous.

SENATOR LIBOUS: Mr. President, we're going to adjourn in a minute. But we just want to -- because next week is going to be a full week, I just want to make sure that the starting time on Monday is correct. I believe the document in front of me might have been printed earlier than the time that a decision was made, so bear with me.

(Pause.)

SENATOR LIBOUS: Mr. President, I'm quite impressed with the ability you have to quiet the chamber.

ACTING PRESIDENT MARCELLINO: Twenty years of teaching can do that.

(Laughter.)

SENATOR LIBOUS: I just want to make sure we have the right time for Monday.

ACTING PRESIDENT MARCELLINO: It's always good to have the right time.

SENATOR LIBOUS: All right, Mr. President. There being no further business, the Senate will stand adjourned until Monday, June 13th, at 2:00 p.m., intervening days to be legislative days.

ACTING PRESIDENT MARCELLINO: There being no further business, the Senate stands adjourned until Monday, June 13th, at 2:00 p.m., intervening days being legislative days.

(Whereupon, at 3:28 p.m., the Senate adjourned.)