NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

June 13, 2011

2:17 p.m.

REGULAR SESSION

SENATOR JOSEPH A. GRIFFO, Acting President

FRANCIS W. PATIENCE, Secretary

P R O C E E D I N G S

ACTING PRESIDENT GRIFFO: The Senate will come to order.

I ask all present to please rise and join with me as we recite the Pledge of Allegiance to our Flag.

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

ACTING PRESIDENT GRIFFO: I ask all to extend their heads in a moment of silent prayer.

And I would ask all to please keep the memory of a slain police officer in Oneida County, Deputy Sheriff Kurt Wyman.

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

ACTING PRESIDENT GRIFFO: The reading of the Journal.

THE SECRETARY: In Senate, Sunday, June 12th, the Senate met pursuant to adjournment. The Journal of Saturday, June 11th, was read and approved. On motion, Senate adjourned.

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

Presentation of petitions.

Messages from the Assembly.

The Secretary will read.

THE SECRETARY: On page 25, Senator Grisanti moves to discharge, from the Committee on Environmental Conservation, Assembly Bill Number 5318A and substitute it for the identical Senate Bill Number 3798, Third Reading Calendar 170.

ACTING PRESIDENT GRIFFO: Substitution so ordered.

THE SECRETARY: On page 27, Senator Klein moves to discharge, from the Committee on Mental Health and Development Disabilities, Assembly Bill Number 2059 and substitute it for the identical Senate Bill Number 3251, Third Reading Calendar 222.

ACTING PRESIDENT GRIFFO: Substitution so ordered.

THE SECRETARY: On page 31, Senator Martins moves to discharge, from the Committee on Local Government, Assembly Bill Number 6334 and substitute it for the identical Senate Bill Number 4047, Third Reading Calendar 331.

ACTING PRESIDENT GRIFFO: The

substitution is so ordered.

THE SECRETARY: On page 32, Senator DeFrancisco moves to discharge, from the Committee on Judiciary, Assembly Bill Number 5022 and substitute it for the identical Senate Bill Number 3179, Third Reading Calendar 356.

ACTING PRESIDENT GRIFFO: The substitution is so ordered.

THE SECRETARY: On page 32, Senator Marcellino moves to discharge, from the Committee on Investigations and Government Operations, Assembly Bill Number 7262 and substitute it for the identical Senate Bill Number 4030, Third Reading Calendar 362.

ACTING PRESIDENT GRIFFO: Substitution is so ordered.

THE SECRETARY: On page 38, Senator Young moves to discharge, from the Committee on Investigations and Government Operations, Assembly Bill Number 6967 and substitute it for the identical Senate Bill Number 4022, Third Reading Calendar 480.

ACTING PRESIDENT GRIFFO: Substitution so ordered.

THE SECRETARY: On page 39, Senator

Marcellino moves to discharge, from the Committee on Health, Assembly Bill Number 6902A and substitute it for the identical Senate Bill Number 4622A, Third Reading Calendar 522.

ACTING PRESIDENT GRIFFO: The substitution is so ordered.

THE SECRETARY: On page 44, Senator Parker moves to discharge, from the Committee on Energy and Telecommunications, Assembly Bill Number 28 and substitute it for the identical Senate Bill Number 1149, Third Reading Calendar 608.

ACTING PRESIDENT GRIFFO: The substitution is so ordered.

THE SECRETARY: On page 44, Senator Maziarz moves to discharge, from the Committee on Energy and Telecommunications, Assembly Bill Number 5525A and substitute it for the identical Senate Bill Number 4548, Third Reading Calendar 609.

ACTING PRESIDENT GRIFFO: Substitution so ordered.

THE SECRETARY: On page 44, Senator Marcellino moves to discharge, from the Committee on Energy and Telecommunications, Assembly Bill

Number 1474 and substitute it for the identical Senate Bill Number 4849, Third Reading Calendar 610.

ACTING PRESIDENT GRIFFO: Substitution so ordered.

THE SECRETARY: On page 49, Senator LaValle moves to discharge, from the Committee on Cultural Affairs and Tourism, Assembly Bill Number 5763 and substitute it for the identical Senate Bill Number 4473, Third Reading Calendar 675.

ACTING PRESIDENT GRIFFO: Substitution so ordered.

THE SECRETARY: On page 49, Senator Seward moves to discharge, from the Committee on Environmental Conservation, Assembly Bill Number 4729A and substitute it for the identical Senate Bill Number 2363A, Third Reading Calendar 681.

ACTING PRESIDENT GRIFFO: Substitution ordered.

THE SECRETARY: On page 55, Senator Golden moves to discharge, from the Committee on Civil Service and Pensions, Assembly Bill Number 5738 and substitute it for the identical Senate Bill Number 4131, Third Reading Calendar 788.

ACTING PRESIDENT GRIFFO:

Substitution ordered.

THE SECRETARY: On page 57, Senator Young moves to discharge, from the Committee on Labor, Assembly Bill Number 2129B and substitute it for the identical Senate Bill Number 4940B, Third Reading Calendar 821.

ACTING PRESIDENT GRIFFO:

Substitution ordered.

THE SECRETARY: On page 57, Senator Alesi moves to discharge, from the Committee on Labor, Assembly Bill Number 7268 and substitute it for the identical Senate Bill Number 4953, Third Reading Calendar 822.

ACTING PRESIDENT GRIFFO:

Substitution is so ordered.

THE SECRETARY: On page 58, Senator LaValle moves to discharge, from the Committee on Higher Education, Assembly Bill Number 7073 and substitute it for the identical Senate Bill Number 5376, Third Reading Calendar 827.

ACTING PRESIDENT GRIFFO:

Substitution ordered.

THE SECRETARY: On page 59, Senator Marcellino moves to discharge, from the Committee

on Investigations and Government Operations, Assembly Bill Number 7668 and substitute it for the identical Senate Bill Number 5261A, Third Reading Calendar 841.

ACTING PRESIDENT GRIFFO: Substitution so ordered.

THE SECRETARY: On page 62, Senator Martins moves to discharge, from the Committee on Local Government, Assembly Bill Number 7387A and substitute it for the identical Senate Bill Number 5138A, Third Reading Calendar 875.

ACTING PRESIDENT GRIFFO: Substitution so ordered.

THE SECRETARY: On page 63, Senator Carlucci moves to discharge, from the Committee on Local Government, Assembly Bill Number 5566 and substitute it for the identical Senate Bill Number 4294, Third Reading Calendar 885.

ACTING PRESIDENT GRIFFO: Substitution ordered.

THE SECRETARY: On page 64, Senator Marcellino moves to discharge, from the Committee on Insurance, Assembly Bill Number 1007 and substitute it for the identical Senate Bill Number 928, Third Reading Calendar 895.

ACTING PRESIDENT GRIFFO:

Substitution so ordered.

THE SECRETARY: On page 65, Senator Young moves to discharge, from the Committee on Judiciary, Assembly Bill Number 408 and substitute it for the identical Senate Bill Number 2779, Third Reading Calendar 908.

ACTING PRESIDENT GRIFFO:

Substitution so ordered.

THE SECRETARY: On page 68, Senator Saland moves to discharge, from the Committee on Agriculture, Assembly Bill Number 20 and substitute it for the identical Senate Bill Number 3626, Third Reading Calendar 933.

ACTING PRESIDENT GRIFFO:

Substitution so ordered.

THE SECRETARY: And on page 71, Senator DeFrancisco moves to discharge, from the Committee on Investigations and Government Operations, Assembly Bill Number 7238 and substitute it for the identical Senate Bill Number 3946, Third Reading Calendar 962.

ACTING PRESIDENT GRIFFO:

Substitution so ordered.

Messages from the Governor.

Reports of standing committees.

Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

Senator Breslin.

SENATOR BRESLIN: Thank you, Mr. President.

On behalf of Senator Kennedy, on page number 36 I offer the following amendments to Calendar Number 424, Print Number 3109, and ask that the said bill retain its place on the Third Reading Calendar.

ACTING PRESIDENT GRIFFO: The amendments are received, and the bill will retain its place on third reading.

SENATOR BRESLIN: Thank you, Mr. President.

On behalf of Senator Dilan, on page number 69 I offer the following amendments to Calendar Number 945, Senate Print Number 1357A, and ask that the bill retain its place on the Third Reading Calendar.

ACTING PRESIDENT GRIFFO: The amendments are received, and the bill will retain

its place on third reading.

Senator Breslin.

SENATOR BRESLIN: Mr. President, on behalf of Senator Espaillat, I wish to call up his bill, Senate Print Number 1880, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: Calendar Number 220, by Senator Espaillat, Senate Print 1880, an act to amend the General Business Law.

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

ACTING PRESIDENT GRIFFO: Call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 50.

SENATOR BRESLIN: Mr. President, I now offer the following amendments.

ACTING PRESIDENT GRIFFO: The amendments are received.

SENATOR BRESLIN: Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: Thank

you, Senator Breslin.

Senator Valesky.

SENATOR VALESKY: Thank you, Mr. President.

On behalf of myself, on page 52 I offer the following amendments to Calendar Number 752, Senate Bill 4796A, and ask that said bill retain its place on the Third Reading Calendar.

ACTING PRESIDENT GRIFFO: The amendments are received, and the bill will retain its place on third reading.

SENATOR VALESKY: On page 66, I offer the following amendments to Calendar Number 913 -- this is on behalf of Senator Savino -- Senate Bill Number 4091A, and ask that said bill retain its place on the Third Reading Calendar.

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

SENATOR VALESKY: And also on behalf of Senator Savino, on page 54 I offer the following amendments to Calendar Number 781, Senate Bill 4038A, and ask that that bill retain its place on the Third Reading Calendar.

ACTING PRESIDENT GRIFFO: The

amendments are received, and the bill will retain its place on third reading.

Thank you, Senator Valesky.

Senator Libous.

SENATOR LIBOUS: Thank you, Mr. President. I have a number of housekeeping items here.

So, Mr. President, on behalf of Senator Ritchie, I move to commit Senate Print Number 4340, Calendar Number 934 on the order of third reading, to the Committee on Finance.

ACTING PRESIDENT GRIFFO: So ordered.

SENATOR LIBOUS: Mr. President, I move the following bill be discharged from its respective committee and be recommitted with instructions to strike the enacting clause: 5708. That's on behalf of Senator Skelos.

ACTING PRESIDENT GRIFFO: So ordered.

SENATOR LIBOUS: On behalf of Senator Zeldin, I wish to call up his print, 3901, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT GRIFFO: The

Secretary will read.

THE SECRETARY: Calendar Number 206, by Senator Zeldin, Senate Print 3901, an act to amend the Military Law.

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

ACTING PRESIDENT GRIFFO: Call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 50.

SENATOR LIBOUS: Mr. President, I now offer up the following amendments.

ACTING PRESIDENT GRIFFO: The amendments are received.

SENATOR LIBOUS: Mr. President, on behalf of Senator Lanza, please call up Print Number 4377, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: Calendar Number 315, by Senator Lanza, Senate Print 4377, an act to amend the General City Law.

SENATOR LIBOUS: I now move to

reconsider the vote by which this bill was passed.

ACTING PRESIDENT GRIFFO: Call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 50.

SENATOR LIBOUS: Mr. President, I now offer up the following amendments.

ACTING PRESIDENT GRIFFO: The amendments are received.

SENATOR LIBOUS: Mr. President, on behalf of Senator LaValle, I wish to call up Senate Print 1457, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: Calendar Number 521, by Senator LaValle, Senate Print 1457, an act to amend the Public Health Law.

SENATOR LIBOUS: I now move to reconsider the vote by which this bill was passed.

ACTING PRESIDENT GRIFFO: Call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 50.

SENATOR LIBOUS: Mr. President, I offer up the following amendments.

ACTING PRESIDENT GRIFFO: The amendments are received.

SENATOR LIBOUS: Mr. President, I have amendments that I want to offer up to the following Third Reading Calendar bills.

And I'll start with my own. Senator Libous, on page 23, Calendar Number 106, Senate Print 2462A.

Senator Bonacic, on page 27, Calendar Number 225, Senate Print 2143C.

Senator Larkin, page 29, Calendar Number 279, Senate Print 3111A.

Senator DeFrancisco, page 35, Calendar Number 420, Senate Print 3293A.

Senator Maziarz, on page 42, Calendar Number 526, Senate Print 519B.

Senator Skelos, on page 46, Calendar Number 637, Senate Print 4264A.

Again, Senator Skelos, on page 47, Calendar Number 644, Senate Print 4893A.

On behalf of Senator Zeldin, page 51, Calendar Number 730, Senate Print 4723A.

On behalf of Senator LaValle, page 60, Calendar Number 855, Senate Print 3834.

We have Senator Farley, on page 60, Calendar Number 857, Senate Print 4053.

On behalf of Senator Golden, page 41, Calendar Number 553, Senate Print 4507.

On behalf of Senator McDonald, on page 44, Calendar Number 602, Senate Print 2153A.

On behalf of Senator McDonald, on page 57, Calendar Number 811, Senate Print 2160.

On behalf of Senator Saland, on page 29, Calendar Number 292, Senate Print 4244B.

On behalf of Senator Saland, on page 41, Calendar Number 564, Senate Print 5170.

On behalf of Senator Zeldin, on page 47, Calendar Number 640, Senate Print 4601.

On behalf of Senator Zeldin, on page 66, Calendar Number 921, Senate Print 5477.

Mr. President, on behalf of you, Senator Griffo, on page 71, Calendar Number 967, Senate Print 3322.

On behalf of Senator Marcellino, on page 32, Calendar Number 361, Senate Print 4014.

On behalf of Senator Maziarz, page 29, Calendar Number 276, Senate Print 3914.

On behalf of Senator Zeldin, page 47, Calendar Number 641, Senate Print 4607.

On behalf of Senator Zeldin, page 62, Calendar Number 873, Senate Print 4545.

On behalf of Senator Maziarz, page 33, Calendar Number 384, Senate Print 3755.

On behalf of Senator Zeldin, page 47, Calendar Number 639, Senate Print 4600A.

And, Mr. President, on behalf of Senator Skelos, on page 47, Calendar Number 646, Senate Print 4941A.

Mr. President, I now move that these bills retain their place on the Third Reading Calendar.

ACTING PRESIDENT GRIFFO: All in one breath. Very impressive.

All the amendments are received, and the bills shall retain their place on the Third Reading Calendar.

Senator Libous.

SENATOR LIBOUS: Mr. President, there's a resolution at the desk by Senator

Lanza. Could we read the title and then move for its immediate adoption.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: Legislative Resolution Number 2402, by Senator Lanza, recognizing that the Citizens Stamp Advisory Committee is contemplating a recommendation to issue a commemorative postage stamp honoring civil rights workers Andrew Goodman, James Chaney, and Michael Schwerner, and the "Freedom Summer" of 1964.

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

(Response of "Aye.")

ACTING PRESIDENT GRIFFO: Opposed, nay.

(No response.)

ACTING PRESIDENT GRIFFO: The resolution is adopted.

The chair would like at this point in time to recognize the presence of Mr. David Goodman, the brother of slain civil rights advocate Andrew Goodman, and his wife Sylvia, who

are in the chamber. Thank you for honoring us today.

Senator Libous.

SENATOR LIBOUS: Thank you, Mr. President.

There's a resolution at the desk by Senator Adams. We'd like it read in its entirety and then move for its adoption.

SENATOR LIBOUS: Thank you, Mr. President.

There's a resolution at the desk by Senator Adams. We'd like it read in its entirety and then move for its adoption.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: Legislative resolution by Senator Adams, memorializing Governor Andrew M. Cuomo to proclaim June 13, 2011, as Korean American Day in the State of New York.

"WHEREAS, It is the sense of this Legislative Body, in keeping with its time-honored traditions, to recognize and pay tribute to those organizations which foster ethnic pride and enhance the profile of cultural

diversity which strengthens the fabric of the communities of New York State; and

"WHEREAS, When the sons and daughters of other nations move to the United States, the traditions they carry with them greatly enhance and strengthen the American population; and

"WHEREAS, Attendant to such concern, and in full accord with its long-standing traditions, this Legislative Body is justly proud to memorialize Governor Andrew M. Cuomo to proclaim Monday, June 13, 2011, as Korean American Day in the State of New York; and

"WHEREAS, The following organizations will be participating in this year's Korean American Day: The Korean-American Association of Greater New York, The Korean-American Association of Queens, New York, Korean-American Association of Brooklyn, New York, Korean-American Association of Staten Island, New York, Korean-American Association of Long Island, New York, Mt. Vernon Korean Association of New York, Korean-American Society of Connecticut, Korean-American Association of New Jersey, Korean-American

Association of Bergen, New Jersey, Korean Cuisine Globalization Committee USA, and New York Academy; and

"WHEREAS, In December 1902, 56 men, 21 women, and 25 children left Korea and traveled across the Pacific Ocean on the S.S. Gaelic and landed in Honolulu, Hawaii, on January 13, 1903; and

"WHEREAS, In the early 1950s, thousands of Koreans, fleeing from war, poverty, and desolation, came to the United States seeking opportunities; and

"WHEREAS, Korean-Americans, like waves of immigrants that came to the United States before them, have taken root and thrived in the United States through strong family ties, community support, and hard work; and

"WHEREAS, The partnership of the United States and South Korea helps maintain peace and stability in the Asia-Pacific region and provides economic benefits to the people of both nations and the rest of the world; and

"WHEREAS, The contributions of Korean Americans to the United States include the development of the first beating heart operation

for coronary artery disease, the development of several varieties of the nectarine, and achievements in engineering, architecture, medicine, acting, singing, sculpture and writing; and

"WHEREAS, The State of New York is fortunate to have in its midst a substantial number of citizens who trace their origins to Korea; and

"WHEREAS, The unique beauty of Korean culture, and the contribution of its people to literature, the arts and sciences, and to the economy are well-known and well-appreciated around the world. The contributions of Korean-Americans are especially bountiful throughout the Empire State and are distinguished by their excellence; now, therefore, be it

"RESOLVED, That this Legislative Body pause in its deliberations to memorialize Governor Andrew M. Cuomo to proclaim Monday, June 13, 2011, as Korean American Day in the State of New York; and be it further

"RESOLVED, That copies of this resolution, suitably engrossed, be transmitted to

the Honorable Andrew M. Cuomo, Governor of the State of New York, and to the aforementioned organizations."

ACTING PRESIDENT GRIFFO: Senator Stavisky on the resolution.

SENATOR STAVISKY: Thank you, Mr. President. On the resolution.

And I'm delighted to welcome to the chamber representatives of many of the groups today. There are too many to name, but we do recognize the contributions.

And the history goes back to 1902, when -- I want to get the numbers correct -- 56 men, 21 women, and 25 children left Korea on the S.S. Gaelic, which I think is ironic, and landed in Honolulu, Hawaii, on January 13, 1903. And throughout the ensuing years Korean-Americans have come to the United States seeking a better life.

And I must say, I am so proud -- I say it all the time, but I am so proud to represent so many Korean-Americans in my Senate district in Queens County, but also really throughout the throughout the state.

Flushing was a community in decline

in the 1960s and '70s, and the Asian-Americans came and revitalized the entire county. We have businesses that are thriving. We have people involved in the community, in the civic activities. And the new Americans have done so much to make not only Queens County but the entire state an example of what happens with revitalization. We've had almost a renaissance, where new ideas and new traditions and an exchange of cultural traditions has occurred.

And we are delighted to welcome so many representatives from the entire state, actually, as well as the neighboring states, to Albany. The Korean-Americans have distinguished themselves in so many areas in the community and in the state. And as I said, I'm delighted to welcome them and recognize their unique contributions.

So, Mr. President, I thank you for the opportunity, and I welcome our friends. And I say to you all, "Kamsahamnida."

(Applause from the gallery.)

SENATOR STAVISKY: And let me just add, Mr. President, that in the audience are the parents, the mother-in-law and father-in-law, of

our friend Assemblywoman Grace Meng. The Kye family is up there in the gallery, and we welcome them to Albany as well.

Thank you.

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

(Response of "Aye.")

ACTING PRESIDENT GRIFFO: Opposed?

(No response.)

ACTING PRESIDENT GRIFFO: The resolution is adopted.

We want to welcome all of our friends visiting us today in celebration of Korean American Day. Congratulations and best wishes.

(Applause.)

ACTING PRESIDENT GRIFFO: Senator Libous.

SENATOR LIBOUS: Thank you, Mr. President.

Mr. President, at this time would you please call on Senator O'Mara.

ACTING PRESIDENT GRIFFO: Senator O'Mara.

SENATOR O'MARA: Yes, thank you, Mr. President.

I rise to speak on the loss of one of America's best, Specialist Devin Snyder, who was killed in action on June 4th of this month. She resided in the community of Cohocton, in my district in upstate New York. Her body is being received back home today, and a funeral will take place this coming Saturday.

Snyder was serving in Afghanistan as a military police with the 164th MP company of the 793rd Military Police Battalion. She was a 2008 graduate of Wayland-Cohocton Central School, a track and soccer star for the school. Her lanky build earned her the nickname "Twiggy."

Her ties to Cohocton and to the military run equally deep. Her father Edward is a former mayor and a veteran of the U.S. Navy. Her sister Natasha currently serves in the Navy, and her brother Damien serves in the Army.

Snyder and three fellow soldiers were killed June 4th when their vehicle hit a mine near Mehter Lam in the Laghman Province of Afghanistan.

If everyone would please rise and

join us in a moment of silence for the loss of Specialist Devin Snyder.

ACTING PRESIDENT GRIFFO: I would ask all present to please rise in a moment of silent reflection in memory of Sergeant Snyder.

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

SENATOR O'MARA: Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: Thank you, Senator O'Mara.

SENATOR LIBOUS: Mr. President.

ACTING PRESIDENT GRIFFO: Senator Libous.

SENATOR LIBOUS: At this time the Senate will stand at ease till 3 o'clock, at which time there will be a Rules Committee meeting in Room 332. Three o'clock sharp, and then we will come back on the floor.

ACTING PRESIDENT GRIFFO: The Senate will stand at ease until shortly after a meeting of the Rules Committee, which will be held in Room 332 at 3:00 p.m. sharp.

The Senate stands at ease.

(Whereupon, the Senate stood at ease

at 2:42 p.m.)

(Whereupon, the Senate reconvened at 4:01 p.m.)

ACTING PRESIDENT GRIFFO: The Senate will come to order.

Senator Libous.

SENATOR LIBOUS: Mr. President, before we go to motions and resolutions and we have a reading of the Rules report, members have been asking me about the schedule and I want to make sure that everybody is together on the same page.

The schedule will be as follows. It is our intent to take up the ethics bill and then at 5:00 o'clock we would then recess till 7:30. Come back at 7:30, and I would say that we would be here probably till 11:00 or midnight. We have a lot of bills that we would like to take up.

And we will try to keep you informed as the week goes on, because we would like to finish up by the end of the week. And members on both sides of the aisle would like certain local bills passed, and certainly other bills passed, so we're going to try to do this in as orderly and open a fashion as possible.

So that's today's schedule. We will announce at the end of session what tomorrow's schedule will be. But I would tell members that you should plan on working vigorously this week. And we'll probably be starting early and finishing late, but not to the point where we're too late and we affect the health of our members. We don't want to do that for anybody.

So, Mr. President, at this time could we return to motions and resolutions. And I believe Senator Breslin has a motion.

ACTING PRESIDENT GRIFFO: Thanks for the notice, Senator Libous, and it is so noted.

On motions and resolutions, Senator Breslin.

SENATOR BRESLIN: Thank you, Mr. President.

On behalf of Senator Parker, I wish to call up Calendar Number 608, Assembly Print 28.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: Calendar Number 608, by Member of the Assembly Cahill, Assembly

Print 28, an act to amend the Public Service Law.

SENATOR BRESLIN: I now move to reconsider the vote by which the Assembly bill was substituted for my bill, Senate Print Number 1149, on 6/13.

ACTING PRESIDENT GRIFFO: The Secretary will call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

SENATOR BRESLIN: I now move that Assembly Bill 28 be recommitted to the Committee on Rules and my Senate Bill be restored to the order of the Third Reading Calendar.

ACTING PRESIDENT GRIFFO: So ordered.

SENATOR BRESLIN: Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: Thank you, Senator Breslin.

Senator Libous.

SENATOR LIBOUS: Mr. President, on behalf of Senator Johnson, on page 67 I offer the following amendments to Calendar Number 931, Senate Print 4935, and ask that said bill retain its place on the Third Reading Calendar.

ACTING PRESIDENT GRIFFO: The amendments are received, and the bill shall retain its place on third reading.

SENATOR LIBOUS: Thank you, Mr. President.

On behalf of Senator Flanagan, on page 36 I offer the following amendments to Calendar Number 429, Senate Print 4391, and ask that said bill retain its place on the Third Reading Calendar.

ACTING PRESIDENT GRIFFO: The amendments are received, and the bill shall retain its place on third reading.

Senator Libous.

SENATOR LIBOUS: Mr. President, could we now go to the reports of standing committees. I believe there are two reports from the Rules Committee at the desk. Could we have them read at this time.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: Senator Skelos, from the Committee on Rules, reports the following bills:

Senate Print 587A, by Senator Klein,

an act to amend the Education Law;

1027A, by Senator Klein, an act to amend Chapter 42 of the Laws of 1996;

1164, by Senator Breslin, an act to amend the Town Law;

1188, by Senator Breslin, an act to amend the Criminal Procedure Law;

1303, by Senator Duane, an act to amend the Elder Law;

2796A, by Senator Klein, an act authorizing the Commissioner of General Services;

3016A, by Senator Huntley, an act to amend the Mental Hygiene Law;

3469A, by Senator Oppenheimer, an act to amend the Education Law;

4469, by Senator Nozzolio, an act to amend the Criminal Procedure Law;

4559B, by Senator Robach, an act to amend the Workers' Compensation Law;

4718A, by Senator Ritchie, an act to amend the Agriculture and Markets Law;

4726, by Senator Kennedy, an act to amend the Penal Law;

4780, by Senator Golden, an act to amend the Local Finance Law;

4855, by Senator Montgomery, an act to amend the State Finance Law;

5347, by Senator Valesky, an act to authorize the Tully Central School District;

5455A, by Senator Nozzolio, an act to amend the Penal Law;

5486, by Senator Lanza, an act to amend Chapter 130 of the Laws of 1998;

5493, by Senator Gallivan, an act to amend the Social Services Law;

5496, by Senator Breslin, an act authorizing Holding Our Own, Inc.;

5521, by Senator Klein, an act to amend the County Law;

5527, by the Senate Committee on Rules, an act to amend the Tax Law;

5542, by Senator Saland, an act to amend the Criminal Procedure Law;

5558, by Senator Ball, an act to amend the Retirement and Social Security Law;

5564, by the Committee on Rules, an act to amend the Public Authorities Law;

5569, by Senator Maziarz, an act to amend Chapter 738 of the Laws of 2005;

5571, by Senator Oppenheimer, an act

to amend Chapter 851 of the Laws of 1949;

5582, by Senator Savino, an act to amend the Domestic Relations Law;

5583, by Senator Bonacic, an act to amend the Tax Law;

5605, by Senator Griffo, an act to amend the Penal Law;

5643, by Senator Marcellino, an act to amend the Vehicle and Traffic Law;

5647, by Senator Flanagan, an act to amend the Education Law;

5649, by Senator Young, an act to amend the Private Housing Finance Law;

5651, by Senator Golden, an act to amend the Retirement and Social Security Law;

5656, by Senator Hannon, an act to amend the Public Authorities Law;

5679, by Senator Skelos, an act in relation to establishing the Public Integrity Reform Act of 2011;

And 5704, by Senator Hannon, an act to amend Chapter 451 of the Laws of 2007.

ACTING PRESIDENT GRIFFO: Senator Libous.

SENATOR LIBOUS: Mr. President, can

we move to accept this first Rules report, please.

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

(Response of "Aye.")

ACTING PRESIDENT GRIFFO: Opposed?

(No response.)

ACTING PRESIDENT GRIFFO: The committee report is accepted.

Senator Libous.

SENATOR LIBOUS: Can we read the second report of the Rules Committee, please.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: Senate Print 134, by Senator Little, an act to amend the Real Property Tax Law;

935, by Senator Marcellino, an act to amend the Vehicle and Traffic Law;

1538, by Senator Skelos, an act to amend the Family Court Act and the Domestic Relations Law;

2352, by Senator Grisanti, an act to amend the Education Law;

2678, by Senator Larkin, an act to amend the Tax Law;

3410, by Senator Golden, an act to amend the Tax Law;

3420, by Senator Flanagan, an act to authorize the Holy Cross Polish National Church;

3994A, by Senator Golden, an act to amend the General Municipal Law;

4200, by Senator Hannon, an act to amend the New York State Medical Care Facilities Finance Agency Act;

4655, by Senator Skelos, an act to amend the Volunteer Firefighters' Benefit Law;

4763, by Senator Farley, an act to amend the Executive Law;

4898, by Senator Golden, an act to amend Chapter 929 of the Laws of 1986;

5140B, by Senator Farley, an act to amend the Tax Law;

5223B, by Senator Libous, an act to amend the Economic Development Law;

5326, by Senator Larkin, an act to amend the General Municipal Law;

5665, by Senator DeFrancisco, an act to amend Part RR of Chapter 57 of the Laws of

2008.

All bills reported direct to third reading.

ACTING PRESIDENT GRIFFO: Senator Libous.

SENATOR LIBOUS: Mr. President, at this time can we move to accept the Rules report.

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

(Response of "Aye.")

ACTING PRESIDENT GRIFFO: Opposed?

(No response.)

ACTING PRESIDENT GRIFFO: The Committee on Rules report is accepted.

Senator Libous.

SENATOR LIBOUS: Mr. President, at this time can we go to Supplementary Calendar 51A.

And could we have the noncontroversial reading of Number 1182, please.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: Calendar Number 1182, by Senator Skelos --

SENATOR BRESLIN: Lay it aside.

ACTING PRESIDENT GRIFFO: Lay it aside.

Senator Libous, that completes the reading.

SENATOR LIBOUS: Mr. President, at this time could we have the controversial reading of Calendar Number 1182.

ACTING PRESIDENT GRIFFO: The Secretary will ring the bell.

SENATOR BRESLIN: Explanation, please.

ACTING PRESIDENT GRIFFO: The Secretary will read. And an explanation has been requested.

SENATOR SKELOS: Mr. President, if I could, earlier this year we passed an on-time budget that eliminated a $10 billion deficit. We cut spending and we raised taxes --

ACTING PRESIDENT GRIFFO: Senator Skelos, the bill has not --

SENATOR SKELOS: If we could call up the bill first. We're eager about debating the bill, but --

(Laughter.)

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: Calendar Number 1182, by Senator Skelos, Senate Print 5679, an act in relation to establishing the Public Integrity Reform Act of 2011.

ACTING PRESIDENT GRIFFO: Senator Breslin has requested an explanation, Senator Skelos.

SENATOR SKELOS: Is somebody asking me for an explanation?

SENATOR BRESLIN: Yes, Senator.

SENATOR SKELOS: Thank you. Thank you, Senator.

Earlier this year, on a bipartisan basis, we passed an on-time budget that eliminated a $10 billion deficit, we cut spending and didn't raise taxes. We also reached a conceptual agreement to cap property taxes, an issue that Senate Republicans have championed for years. This year I'm confident that we will pass legislation to give certainty to taxpayers and businesses so they finally get the property tax relief they deserve.

Last year Senate Republicans refused

to participate in an override of Governor Paterson's veto of an ethics bill. I said in this conference at the time that we could do better, and now we have. With the help of Senators Flanagan, Hannon and Lanza, who will be discussing the bill in further detail, we have reached an agreement with the Assembly and the Governor which addresses the deficiencies of last year's bill.

This historic ethics reform bill is another step in restoring the public's trust in their government. This bill significantly expands disclosure of outside employment and income of all legislators. Legislators will be required to disclose all clients and customers who have significant business before the state. It also mandates the disclosure of all clients of the firm who have significant business before the state where the legislator played a significant role in referring the clients.

The number of income categories has increased from six to over 100. These categories have been narrowly drawn and for the first time will be publicly available.

It creates unprecedented

transparency by creating an independent bipartisan commission on public ethics with strong enforcement powers to investigate violations of law by members of the executive and legislative branches, as well as it oversees lobbyists.

Public officials who commit felonies related to their official duties are subject to forfeiture of their pensions.

We have increased Election Law penalties for serial nonfilers. The bill expands lobbying disclosure requirements, including the disclosure by lobbyists of any reportable business relationship of more than $1,000 with public officials.

This bill creates an unprecedented level of oversight and disclosure. With our partners in the Assembly, Speaker Silver, and I thank Governor Cuomo for his partnership, we have made a significant step in restoring the public's trust in their government.

At this time, Mr. President, if I could yield to Senator Flanagan.

ACTING PRESIDENT GRIFFO: Senator Flanagan, without objection.

Senator Flanagan.

SENATOR FLANAGAN: Are there any questions?

ACTING PRESIDENT GRIFFO: Senator Squadron.

SENATOR SQUADRON: Thank you, Mr. President.

And I'll direct to whichever Senator is most appropriate to discuss the JCOPE, the Joint Commission on Public Ethics.

ACTING PRESIDENT GRIFFO: Senator Flanagan.

SENATOR FLANAGAN: Thank you, Mr. President.

SENATOR SQUADRON: Thank you very much. And I thank the Majority Leader for his overview of the bill.

If Senator Flanagan would be willing to yield, I would just ask him to describe the membership of this so-called JCOPE and who the appointing authorities are.

SENATOR FLANAGAN: Thank you, Mr. President.

The structure would be 14 members, six appointed by the Governor -- three Democrats,

three Republicans -- and eight appointed by each house of the Legislature, three by the majority and one by the minority.

SENATOR SQUADRON: And if Senator Flanagan would continue to yield, how does that differ from the current Commission on Public Integrity which oversees the executive branch currently?

SENATOR FLANAGAN: Well, it actually differs in a number of different ways. It's an independent commission. It now has oversight on statewide officials -- the attorney general, the comptroller, the executive branch, the legislative branch. So it's much more expansive, more independent, and it has a more balanced representation of all the parties, so to speak.

SENATOR SQUADRON: Specifically, the CPI has only appointees from the executive branch, though there are appointees from the comptroller and the attorney general. JCOPE has both legislative and executive branch appointees.

If Senator Flanagan would continue to yield.

SENATOR FLANAGAN: Yes.

SENATOR SQUADRON: Thank you.

And the current Legislative Ethics Commission, what's the appointing structure there?

SENATOR FLANAGAN: Senator Squadron, I want to make sure you're getting the right answer. I'm going to yield that to Senator Lanza, inasmuch as he chairs that. I want to make sure you're getting accurate information.

SENATOR SQUADRON: Thank you, Senator Flanagan.

ACTING PRESIDENT GRIFFO: The chair recognizes Senator Lanza without objection.

Senator Squadron.

SENATOR SQUADRON: If Senator Lanza would be willing to yield to that question.

SENATOR LANZA: Through you, Mr. President. The composition of the Legislative Ethics Commission is two members from the Senate, one from each party; two members from the Assembly, one from each party; and then there are civilians who are appointed by the various leaders in both houses. None by the Governor.

SENATOR SQUADRON: Thank you.

So the Legislative Ethics

Commission, eight members, equal appointments majority and minority, members of the Legislature and nonmembers.

Let me ask if either Senator Flanagan or Senator Lanza is willing to yield, on both the CPI and the Legislative Ethics Commission -- I'll ask Senator Lanza if he would yield, through you, Mr. President.

SENATOR LANZA: Yes, Mr. President.

SENATOR SQUADRON: Senator Lanza, do you know of a precedent in which an oversight body of this sort has had an inequity of appointments based on the partisan appointing authority, based on the majority or the minority?

SENATOR LANZA: Mr. President, through you, I don't understand the question.

SENATOR SQUADRON: If I can restate it.

The JCOPE, as Senator Flanagan described, would have three appointees from the current Majority Leader, three appointees from the current Speaker, one appointee from the current Minority Leader in the Senate, one appointee from the current Minority Leader in the

Assembly. It's a partisan inequity based on -- well, based on partisanship. Are you familiar with that in any other oversight structure?

SENATOR LANZA: If you say so, Senator Squadron. Do you mean within New York State, outside of New York State?

SENATOR SQUADRON: Through you, Mr. President, I think any precedent for such a partisan structure would be interesting.

SENATOR LANZA: Are you talking about the old panel or the new panel envisioned in this litigation?

SENATOR SQUADRON: Mr. President, just to clarify, the JCOPE as described by Senator Flanagan has eight legislative appointees, six of whom are appointed by the majority leaders of the respective houses, two of whom are appointed by the minority leaders of the respective houses.

The Legislative Ethics Commission, as described by Senator Lanza, has equal representation from the majority and minority in each house.

And so I'm wondering if this sort of new model of inequity between the partisan

leaders in each house has any precedent in the state.

SENATOR LANZA: I understand your question.

Yeah, so that is -- I think what makes this so historic is that I'm not sure that this has been done quite in this way before where you have true bipartisan representation on a panel such as this. And the goal here is to make sure that we don't create something that could be unethically used, for instance, in some witch-hunt against a member of either this house or the other or the Governor based on party politics.

So I'm not sure if there is a precedent here. I would hope that other states take our lead in truly putting forth a panel that would be able to deal with this very important issue in a nonpartisan way.

SENATOR SQUADRON: Through you, Mr. President, if Senator Lanza would continue to yield.

SENATOR LANZA: Yes.

ACTING PRESIDENT GRIFFO: The Senator yields.

SENATOR SQUADRON: If Senator Lanza would be willing to continue to describe just a little more specifically how this structure -- in which the majority leaders are appointing six of the members, the minority leaders are appointing two of the members -- prevents a partisan witch-hunt. In what way does that structure lead to the prevention of a partisan witch-hunt?

SENATOR LANZA: Well, through you, Mr. President, Senator Squadron, the idea -- and we all operate in a political world here, and we see that there have been abuses year in, year out, where there are those who seek for political gain, whether it's to keep a majority, get a majority, help a candidate, beat a candidate, are willing to go to all sorts of unethical means to do so.

And I think it's quite clear that when you create a panel which has investigative powers over a legislature or over a governor that that's the sort of thing, I think you would agree, that could be very easily abused if it is not structured properly.

And the way to make sure that that doesn't happen is to have bipartisan

representation so that there would be no incentive for one party or the other to engage in witch-hunts purely for political means, which in my opinion would be more unethical than the types of behaviors that we're trying to or seeking to regulate with this historic legislation.

SENATOR SQUADRON: If Senator Lanza would continue to yield.

SENATOR LANZA: Yes.

ACTING PRESIDENT GRIFFO: The Senator yields.

SENATOR SQUADRON: Thank you.

So this model, just to confirm, Senator Lanza, you're saying is an improvement over the current Legislative Ethics Commission model?

SENATOR LANZA: Yes, I believe it is.

SENATOR SQUADRON: Thank you.

And if Senator Lanza would continue to yield.

ACTING PRESIDENT GRIFFO: The Senator yields.

SENATOR LANZA: If I could just expand upon that answer, because this really I

think bolsters the work that the Legislative Ethics Commission is doing. And this is consistent with that work, but I think takes it to another level so that there can be greater assurance and that we can provide the confidence that the people back home deserve and should have in their government.

SENATOR SQUADRON: Thank you for that clarification.

If Senator Lanza would continue to yield.

SENATOR LANZA: Yes.

SENATOR SQUADRON: Does this bill in fact do away with the Legislative Ethics Commission?

SENATOR LANZA: No, it does not. It complements the work that is within the jurisdiction of the Legislative Ethics Commission.

SENATOR SQUADRON: If Senator Lanza would continue to yield.

SENATOR LANZA: Yes, Mr. President.

SENATOR SQUADRON: Does this bill change the appointing authorities of the Legislative Ethics Commission in a way that, as

Senator Lanza has said, prevents a partisan witch-hunt by having this, you know, six-to-two, three-to-one majority for the appointees of the Majority Leader?

SENATOR LANZA: I believe I answered that, Mr. President. This does not change the composition of the Legislative Ethics Commission.

SENATOR SQUADRON: Thank you.

If Senator Lanza would continue to yield.

ACTING PRESIDENT GRIFFO: The Senator yields.

SENATOR SQUADRON: Can I ask, if this new partisan structure -- untested, without precedent -- of the JCOPE has such benefits to prevent any sort of partisan witch-hunts, why are we even maintaining the Legislative Ethics Commission that doesn't have that three-to-one benefit for the majority?

SENATOR LANZA: Through you, Mr. President. This -- I think this complements the work that's happening at the Legislative Ethics Commission.

I have served on that commission over the last four years. I served with our good

colleague Senator Oppenheimer. I now serve with Senator Montgomery. There are two members from the Assembly. There are non-elected officials who serve on that commission.

There was a belief in this state that we needed to provide more by way of investigatory powers. There was also a belief at that it was important for the public trust that that investigative power be inclusive of more than the two legislative bodies, the Assembly and the Senate.

And so this model was devised so that you have two panels who can work in conjunction with each other, complement each other, and at the same time provide the trust that the people need and deserve.

SENATOR SQUADRON: If Senator Lanza would continue to yield.

SENATOR LANZA: Yes, Mr. President.

ACTING PRESIDENT GRIFFO: The Senator yields.

SENATOR SQUADRON: In Senator Lanza's time on the Legislative Ethics Commission, has he seen it to be a body that

engages in partisan witch-hunts with its two, two, two and two makeup?

SENATOR LANZA: Thankfully, because of the members who have been on this commission, that has not occurred. But there is always the fear that any panel that has this type of power can be hijacked in a manner that is not ethical, that is not conducive to the public trust and does not serve the best interests of this body, the other, or the people of this state.

And so I believe that this new model will only allow for a better working of the Legislative Ethics Commission as well as expanding the powers to this panel, which includes the executive and also allows for a panel to have jurisdiction not only over the legislative body but, as Senator Flanagan indicated, statewide officers: the governor, the attorney general.

SENATOR SQUADRON: It seems to me that if --

ACTING PRESIDENT GRIFFO: Senator Squadron, are you on the bill?

SENATOR SQUADRON: Actually, no. If Senator Lanza would continue to yield.

SENATOR LANZA: Yes.

ACTING PRESIDENT GRIFFO: Senator Lanza yields.

SENATOR SQUADRON: Thank you very much.

It seems to me if we have a body in place now that hasn't been a body that has been notable for partisan witch-hunts -- in fact, doesn't have any examples of them; if anything, the concern has been isn't sufficiently independent -- creating a new body that is less equitable on the basis of the four different conferences in Albany seems to be a solution without a problem. In fact, seems to be a solution that may even exacerbate the problem.

And so I think the question has to be asked, does it really seem fairer to have an oversight body in which two of the conferences are underrepresented in a three-to-one ratio versus a body that has been fair in its existence, has sometimes been -- the concern has been it hasn't been sufficiently independent?

SENATOR LANZA: Mr. President, I'm just going to have to respectfully disagree with my colleague Senator Squadron's characterization

that ethics reform is a solution in search of a problem. If his argument is that we should leave well enough alone and that the status quo is fine, we're just going to have to disagree.

This does not up-end anything that is presently in place. This expands upon it. I think this goes further. I think this does justice to a very important subject. I commend the Governor for his leadership. He has talked about the need for ethics reform, he campaigned on it. This chamber I think has worked hard with respect to making sure that the people have the trust in government that they need and deserve to have.

Good people came together here in both houses of the Legislature in a bipartisan way, together with the Governor, and we've come forward with what I believe to be historic legislation that I think will become the model for this country.

And so I disagree with the notion that we should have left things the way they were. It's important that we show the people back home that we're serious about giving them a government that they deserve. And I think this

does that.

SENATOR SQUADRON: Thank you, Senator Lanza.

On the bill, Mr. President.

ACTING PRESIDENT GRIFFO: Senator Squadron on the bill.

SENATOR SQUADRON: Thank you very much.

It seems -- oh, look, I think we all know how important ethics reform is. In the last term we brought up a bill twice. We've been strongly supportive of Governor Cuomo's push for this. We know that Governor Cuomo for months has made this one of his top priorities and had some real challenge coming to agreement with the leadership in this house.

And I think unfortunately what we see here is we see an existing body that continues to exist, that isn't known to be partisan, that has not been sufficiently independent at times, and we are overlaying on that a new body that is no more independent, as I think we'll see over the next few minutes, and is no longer equitable either.

So you replace a system that's not

independent enough but is equitable in that way, and you replace it with a system that I fear isn't going to be independent enough and on top of that also isn't equitable. And so I think that's an enormous concern.

The goal here has been to really increase independence. I think that when you look at some of the structure of the JCOPE, you can see how that does that. I think unfortunately, in the interests of -- there's no other justification other than protecting the interests of one conference out of the four in Albany. You see some other concerns there, and I think we're going to go to that. But just on its face, the idea that we're replacing equitable appointments with inequitable appointments I think is something that does raise a concern.

Let me ask that -- I think Senator Flanagan is speaking on the JCOPE, if that's appropriate, to yield for a moment. If Senator Flanagan would be willing to yield.

ACTING PRESIDENT GRIFFO: Senator Flanagan.

SENATOR FLANAGAN: Yes.

SENATOR SQUADRON: Thank you,

Mr. President. Through you.

Can you just sort of briefly describe what the benefit is of having the majority leader in each house have three appointments and the minority leader have a single appointment? How does that improve on the Legislative Ethics Commission model of two, two, two and two?

SENATOR FLANAGAN: Well, I think if you look at the ultimate product, it's a balance of seven and seven, Democrat and Republican. Because the Governor is obligated to appoint three Republicans. Of course, Governor Cuomo being a Democrat. The Senate Majority Leader has three appointments, as does the Assembly Minority Leader.

And what we strove to do -- and by the way, when I say "we," it's the collective "we." It's certainly the Assembly, the Executive and the Senate -- was try and find some balance that made it equitable and that made it fair.

And you talk about two, two, two and two; ultimately, this is seven and seven. So I can make the argument that it is equitable in its applicability.

And, you know, I think it's -- we have to make a distinction, at least I certainly feel it's important to make a distinction that for the first time you have actual overlap. You know, if you look at the separate branches of government, one could make the argument, well, why haven't we now gone into the jurisdiction of the Judiciary? And that certainly was discussed, but there was never anything that was brought forward where there would be interlocking oversight with the Judiciary.

So for the first time we now have the Executive having oversight over the Legislature. And in looking at that, the idea was how do you find balance so that you can have some independence -- and I do believe this is an independent entity. There are a couple of factors that also enter that. The selection of an executive director, the fact that the people who will now be on this commission are appointed to five-year terms. The Governor at his press conference said that he certainly believes, and we join him in that idea, that it will make it less political because these folks are appointed for five years.

So there's a whole litany of factors that influence the ultimate resolution that we have before us today.

SENATOR SQUADRON: Thank you, Senator Flanagan.

I don't believe there is a fixed term for the executive director. But there are fixed terms for the appointees.

If Senator Flanagan would continue to yield.

SENATOR FLANAGAN: Yes.

ACTING PRESIDENT GRIFFO: The Senator yields.

SENATOR SQUADRON: Thank you.

So Senator Flanagan talks about the fact that this is really seven and seven, you shouldn't think of three and one in each house, but seven and seven on a partisan basis. So just to clarify it, does that mean that a majority of the JCOPE can vote to move forward with an investigation, or is there another structure?

For example, could a minority of the JCOPE in any situation ever block an investigation? Since we've created a scenario where neither party would have a partisan

advantage, presumably a majority of the body would clearly be bipartisan and be able to move forward with an investigation. Is that how the structure works?

SENATOR FLANAGAN: The structure requires that there be -- I believe it's eight votes. You need a vote of at least eight commissioners, including two members appointed by the legislative leaders who are of the same major political party as the subject of the investigation. And that cuts both ways for the Executive and the Legislature.

And, you know, there are plenty of discussions about how do you make sure that one branch does not have additional or undue influence over another. You know, when this bill originally came out or these concepts were discussed, it wouldn't be a surprise to suggest that the Governor wanted to have more choices. He wanted to be able to appoint more people than he wanted the Legislature to have in that function. So ultimately what you see here, of course, is six and eight, but there were a lot of permutations along the way.

To your direct question, it's not a

simple majority.

SENATOR SQUADRON: Through you, Mr. President, if Senator Flanagan would continue to yield.

How many -- what's the minimum number of votes -- there are 14 members of this commission. What's the minimum number needed to block an investigation, let's say just for hypothetical sake, in the Senate Republican conference?

SENATOR FLANAGAN: Well, I have to tell you, you were looking at it from the negative; I'm looking at it from the positive. You need a minimum of eight votes to commence an investigation.

SENATOR SQUADRON: Sorry, to clarify, to block an investigation was --

ACTING PRESIDENT GRIFFO: I believe he answered your question.

SENATOR SQUADRON: Would Senator Flanagan continue to yield?

SENATOR FLANAGAN: Yes, I continue to yield.

ACTING PRESIDENT GRIFFO: Senator Flanagan continues to yield.

SENATOR SQUADRON: Thank you. I was trying to get at how many it would take to block an investigation. Since I believe in fact you could have 11 votes in favor of commencing an investigation and still have an investigation blocked.

Let's go down the road of that hypothetical briefly. Let's say there are 11 appointees voting yes for an investigation, three voting no. Let's say it's the Senate Republican conference. For it to be three appointees overriding the 11, who would the appointing authorities of those appointees have to be?

SENATOR FLANAGAN: It could be either majority leader appointments or minority leader appointments.

SENATOR SQUADRON: Through you, if Senator Flanagan would continue to yield.

ACTING PRESIDENT GRIFFO: The Senator yields.

SENATOR FLANAGAN: Yes.

SENATOR SQUADRON: There would need to be more than one in that case. So would at least one of those appointments need to be the appointment of the Senate majority leader?

Again, we're in the example in which someone, I'm sure a Senator who's not with us now, and wouldn't be, is potentially under investigation.

SENATOR FLANAGAN: Yes.

SENATOR SQUADRON: So if Senator Flanagan would continue to yield.

SENATOR FLANAGAN: Yes, I will.

ACTING PRESIDENT GRIFFO: The Senator yields.

SENATOR SQUADRON: So there's a structure here where the appointees -- again, hypothetically -- but the appointees of the Senate majority leader would in effect have a veto over investigations of members of the current Senate majority. Is that fair to say?

SENATOR FLANAGAN: It's fair, but it's frankly incomplete. Because the same extension of your logic would apply to the Assembly majority as it relates to the Assembly majority members right now, and the same logic would think apply to the executive branch. Because the executive would have the opportunity, based on his appointments, to -- as you used the term, not I -- to block an investigation.

SENATOR SQUADRON: If Senator

Flanagan would continue to yield.

SENATOR FLANAGAN: Yes.

ACTING PRESIDENT GRIFFO: The Senator yields.

SENATOR SQUADRON: So there's an effective veto -- and the point is well-taken -- an effective veto for the current Majority Leader of the Senate as relates to the majority conference, for the Speaker of the Assembly as relates to the majority conference of the Assembly. Does the same sort of effective veto exist for the leaders of the minorities in each house?

SENATOR FLANAGAN: Senator Squadron, I don't completely agree. Because the appointees of the minority leader in both houses play an effective role. You can have one of their appointees be part of the vote.

SENATOR SQUADRON: To clarify, if Senator Flanagan would continue to yield, would the effective veto that we've just discussed apply to the minority leader's appointees in relationship to minority conferences?

SENATOR FLANAGAN: Mr. President, I'm not sure I understand the question. If you

would repeat it, please.

SENATOR SQUADRON: I'd be happy to.

Senator Flanagan and I have just discussed that in effect, for the majority leaders in each house, they would require the affirmative votes of at least one of their appointees in order to commence an investigation on someone in their conference, giving their appointees an effective veto over investigations into members of their conference.

And I was simply asking would those effective vetoes, as Senator Flanagan and I have discussed, apply to the appointees of the minority leader in each house.

SENATOR FLANAGAN: If I understand your question correctly, it is does the one appointee of the minority leader have the opportunity to block an investigation. My answer would be no.

SENATOR SQUADRON: Thank you.

And if Senator Flanagan would continue to yield.

ACTING PRESIDENT GRIFFO: The Senator yields.

SENATOR FLANAGAN: Yes.

SENATOR SQUADRON: Thank you.

So now let's -- if Senator Flanagan wouldn't mind continuing down the hypothetical road with me, let's say in some future date the majorities in this house flip. I've only been here a couple of years; they've flipped a number of times in that period. Let's say that this bill passes this year and then in 2012 the majorities flip in this house and the Republican conference is in the minority, the Democratic conference is in the majority.

Would the effective ability for the minority leader's appointees, for the Republican leader as the minority leader in that case, would the effective veto for his appointees -- I suppose wouldn't exist anymore, right? That would go to the new majority leader relative to his conference.

SENATOR FLANAGAN: Well, let me do this, Senator Squadron. Since you're asking the question, I'm going to answer it just by reading what I have.

To commence an investigation against a legislator, candidate for the Legislature, or a

legislative employee requires a vote of eight commissioners, including two members appointed by the legislative leaders who are of the same major political party as the subject in the investigation. And on a parallel, the same would apply to executive branch employees.

ACTING PRESIDENT GRIFFO: Senator Squadron.

SENATOR SQUADRON: Thank you, Mr. President.

I'm sorry, I know I'm sometimes little unclear. If Senator Flanagan would continue to yield, I'll try to ask more clearly. I appreciated that answer; I'm not sure if it was to the -- it certainly wasn't to the question I was trying to ask. So let me ask it more clearly next time, if the Senator would be willing --

SENATOR FLANAGAN: Mr. President, I'd be happy to yield. But I don't want Senator Squadron to think he lacks for clarity. He might not have appreciated the quality or content of my answer, but that happens to be the answer.

SENATOR SQUADRON: I appreciated the clarity and the content of Senator Flanagan's answers. I've learned something in these

debates. But the question that I'm trying to get at is in a -- if this bill passes, we've discussed how the majority leader of the Senate and the Assembly speaker would have appointees who have an effective veto and the ability to block investigations into their own conferences, that the minority leaders in each house wouldn't have a parallel effective veto ability to block.

And so my only question is would that ability to veto, does that move with the majorities if the majorities switch, or is that permanently imbued in the Senate Republican conference if this bill passes while the Senate Republican conference is still in the majority?

SENATOR FLANAGAN: Senator Squadron, let me answer your question with somewhat of a hypothetical myself. Senator Lanza spoke to this, Senator Skelos spoke to it, I'll repeat it. What we attempted to achieve here was some type of balance. We've broken new ground here. I truly believe this is an independent commission. There are people who will be appointed for a term of five years, not the executive director for certain.

But I'll offer you a hypothetical.

And it's perhaps more important that you pay attention to this one, because it may seem like a real hypothetical to you. Imagine that the Governor was Republican, that the Senate majority was Republican, and that the Assembly majority was Republican. If that hypothetical came true, I have a feeling that you would embrace this quite solemnly. Because the effort here is to make sure that, no matter who is in charge, that ultimately there's some type of balance so we can avoid partisan entanglements and still be able to do the proper business of the people. Because ultimately that's what this is about.

SENATOR SQUADRON: Thank you, Senator Flanagan.

On the bill, Mr. President.

ACTING PRESIDENT GRIFFO: Senator Squadron on the bill.

SENATOR SQUADRON: Thank you.

I do very much appreciate the time and the courtesy that Senator Flanagan and Senator Lanza gave me. I think unfortunately, at the end of this, we didn't get to an answer on that key question.

Of course the answer is yes,

regardless of whether the party is in the majority or the minority, there is a permanent effective veto power for the appointments made by whichever leaders are in the majority the day this becomes law, as long as this is law. Which means there's a three-to-one partisan advantage for the majority leaders today in both houses.

That three-to-one advantage continues permanently for the majority leaders in each house so that even if, in a hypothetical, the majorities in this house were to flip, you would still have today's minority party with one appointment even if it was tomorrow's majority party. You would still have today's majority party with three appointments even if it was tomorrow's minority party.

And the goal that Senator Flanagan talks about of partisan equity is an important one. It's one that Governor Cuomo has talked about. It's one that was a criticism of the ethics bill that passed this house and then unfortunately was not able to override the veto a year and a half ago.

The idea of partisan equity is an important one. Unfortunately, I think that that

idea has been taken and on top of that, in order to get the support of the current majority conference in this house, has been layered with an effective veto, a permanent effective veto, the ability to protect from investigation or choose not to protect from investigation members of the leader's conference. And I think that is highly, highly concerning.

And I understand why Senator Flanagan didn't want to quite go there and answer that. It is unprecedented. Just as the structure Senator Lanza and I talked about, it is concerning. And I can see why it would be hard to explicitly discuss on the floor.

Look, there's a whole lot in this bill that's very good. Much of this bill goes farther than the ethics bill that we passed a year and a half ago went. This bill certainly goes a lot farther than the status quo. And we are in Albany; moving the ball down the field is extraordinary hard, especially when you're talking about ethics reform. Improving the situation when you're talking about ethics reform is very, very challenging. We tried in the last term with everything we had, some of us, to do

that. We were not successful.

Under the leadership of Governor Cuomo, we have now before us an ethics bill that, as I say, in some ways goes farther than any ethics bill we have ever had before us in this house, this house has ever had before it as long as I think any of us have served. And that's a great thing.

When you talk about disclosure of outside income, it's going to be a whole new world. The public is going to for the first time know who the people they elected are working for, not just in their official capacity but also in their private business dealings. They will be able to assess for themselves who it is that lobbyists and others before the state are hiring in private business and then make a decision at the ballot box, which is always the best way to do it.

When you have this JCOPE structure, the idea of a single independent investigatory structure is a wonderful idea. It's a great structure. And in fact, I'm a strong believer that independent investigation is every bit as important as independent enforcement. And the

idea that the Legislative Ethics Commission, which is fair in a partisan way, fair in a majority/minority way, continues to exist, but you also have this very strong investigatory body, is a very good thing.

Unfortunately, a couple of provisions of this paragraph undermine that, and it is a real shame. It's a shame that here as we come down to the end of session we have a bill that does so much, does so much on disclosure, does so much on creating justice for those who steal public resources and would collect their pensions, does actually make some really important steps on campaign finance enforcement, and has a structure, a single, unified, independent investigatory structure that is exactly what it is we need. But that a couple of provisions in that structure undermine it, undermine its independence, is a terrible shame.

As I said, there are many provisions of this bill that are the single strongest opportunity we're going to have to vote to improve ethics enforcement, to improve transparency in this house probably for many years to come. And the perfect cannot be the

enemy of the good. And Governor Cuomo and I know the leaders of both houses have worked long and hard. We do have a bill before us here before session winds down.

So I would urge my colleagues on both sides of the aisle to support this compromise, to support this bill because of the extraordinarily positive things that are in it. But I would also say the goal has been greater transparency and greater independence. We have a bill that goes a long, long way with transparency and that has made important steps in independence.

But please remember this day. As we move forward, as we look at the effectiveness of this bill, remember this day in which we said we have a good structure and then are putting in a couple of pieces to undermine it. And let's work together to ensure that those pieces don't undermine this bill but in fact allow this structure to serve independently.

Let's make sure that we have the appointees of all the leaders publicly say how they voted even if those votes aren't public under the structure of this bill. Because at the

end of the day, moving ethics reform forward has to be something that we all believe in -- not just the day we vote for it and the day the press release comes out, but something that we believe in day in and day out for the years to come. So that the public can trust there is a cop on the beat, there is transparency.

And so, Mr. President, I urge a yes vote despite the flaws in this bill. I congratulate the Governor on pushing the Legislature and pushing this bill farther than any that we've seen before.

Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: Senator Oppenheimer. Senator Oppenheimer passes.

Senator Rivera.

SENATOR RIVERA: Thank you, Mr. President.

I stand today to support this bill. Now, while I agree with my colleague about some of the things that we need to make better in this bill, I stand today very proud to support it.

The very first bill that I introduced when I came to this body was a bill regarding financial disclosure of outside

income. I've always believed that the people that we represent have the right to know that we are working for them, have a right to know that the income that we get is from -- whether it's from the state or from other entities, they should know who are the folks that actually pay our bills.

I myself teach part-time at Pace University and will continue to do so. And I know that there are many legislators here who also have other jobs on the side. But we should make sure that people out there know who are the folks that are paying our bills.

So I always believed that that is the right of citizens, and that is why I will be supportive of this bill, since the first bill that I introduced was regarding that.

As a matter of fact, very much the reason that I am here has to do with ethics -- not only because of the concerns of the people in this body, but certainly with the people in my district. The people of the State of New York need to trust this Legislature and this government again. And I believe that this is a great step moving forward in that direction.

So I will be supportive of this bill. I will vote in the affirmative. I encourage all my colleagues to do the same. And I thank the Governor for his leadership in bringing us to this moment.

Thank you so much, Mr. President.

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

Senator Oppenheimer.

SENATOR OPPENHEIMER: Thank you.

I also will be supporting this bill. And like we have heard, I think the purpose of the bill and certainly the underlying objective is one that we have all been supporting for so many years. I was writing ethics bills 25 years ago, because it was a keen concern when I came here, like Senator Rivera. I came here also as a past League of Women Voters president, and this was a concern that we had always had.

I just wanted to pose the one difficulty I had that was brought up by Senator Squadron. I was for two years chair of the Legislative Ethics Commission. And that was a fine commission and did an excellent job. It was constrained. It was constrained, it was like

there was a wire tied around it and it couldn't do the things that it had to do.

And the people on it were certainly very objective. We often discussed things for two, three hours at a time, things that were just ethical questions. And it was like nothing else here in Westchester -- pardon me, in Albany, because we were dealing purely from an ethical point of view.

The one concern I have, though I will certainly be supporting the bill, because it is certainly that we -- it's the direction we have to move in. But the concern that we are not equal in numbers as we were in the Legislative Ethics Commission, where there was no one side that had advantage over any other side and we all dealt solely with the issue as the issue stood. There was no advantage, there was no talking about was this a Republican or a Democrat, because we were totally equally divided. So we had to have an understanding of what the issue was and the ethical issue was.

And so therefore I am concerned about the numbers. I can see something happening like this: Three members of the majority party

on the new commission just, you know, not moving ahead on any particular individual that they feel from their political point of view, maybe, is damaging to them. And that was something that could not have happened in the prior commission.

Unfortunately, the prior commission was only there for the Legislature. It wasn't there for the Executive, it wasn't there for the agencies, it wasn't there for, you know, all the entities of the state. It was just there for the Legislature. And that was one of the failings.

But I think one of its strengths was that everybody there were in equal numbers, and so there couldn't be any majority rule, any three versus one.

But now that I've expressed my dissatisfaction with the way the members are going to be appointed, they both share -- at least it was something very valuable, I think, in the Legislative Ethics Commission. It was very valuable that we had four members who came from outside of government. And I think that's an important thing that will hopefully be continued.

But I will be supporting this. It

certainly is the move that we all have to make.

ACTING PRESIDENT GRIFFO: Thank you, Senator Oppenheimer.

Senator Avella.

SENATOR AVELLA: Thank you, Mr. President.

I join with the comments of my colleagues on the Democratic side about the problems with the bill.

But I'm actually honored to be here in the State Senate to vote for this ethics reform. I think we all campaigned upon this, to change the way Albany operates. And this is a huge step forward.

And I want to thank the Governor, Speaker Skelos, Senator Skelos, the Minority Leader of the Senate, Senator Sampson, and of course the Speaker of the Assembly. This does move us much further down the road, and I really consider it an honor to vote for this bill.

ACTING PRESIDENT GRIFFO: Senator Kennedy.

SENATOR KENNEDY: Thank you, Mr. President.

I too consider it an honor not only

to be in these chambers but to vote on this ethics reform legislation. I want to thank the Governor for demanding that we take up this important legislation.

You know, New York State government, starting in Albany, has been the epicenter of dysfunction in the nation. Some have referred to the State Capitol over the years as the most dysfunctional state government in the entire nation.

This past November, in unprecedented numbers, there was turnover in this chamber alone. I was one of 13 new members in this chamber. Prior to November of this year, unfortunately for the people of New York State, more individuals in the State Legislature had to resign amid scandal than had lost general election.

And we're taking change to Albany today, and we're making change for the future in Albany, strengthening ethics laws that will bring trust in state government back to the State Capitol for the people of all of New York State. This multifaceted approach to uncover and attack corruption should be commended, and this ethics

reform package will absolutely instill transparency and accountability back into New York State government. I vote in the affirmative.

Thank you.

ACTING PRESIDENT GRIFFO: Thank you.

Is there any other Senator? Seeing none, debate is closed.

You want to speak? Senator Diaz. Senator Diaz, welcome to the chamber.

SENATOR DIAZ: Mr. President.

ACTING PRESIDENT GRIFFO: Welcome to the chamber.

SENATOR DIAZ: Thank you.

Mr. President and ladies and gentlemen, last year we, the Democrats, were in the majority of this chamber here. We had control of this chamber last year. And our leader brought to us a bill, an ethics bill. And I was the only -- I was the only Democrat, the only Democrat, ladies and gentlemen and Mr. President, that voted no last year for that bill, for the bill that our leader in the Democratic Party brought to us.

And I voted no because that was bill was a flunky one, full of holes, and didn't require everybody to release the names of the people that those guys are doing business with. So that's why I voted no last year. And again, I'm going to say it again, I was the only Democrat that voted no last year.

But today Senator Skelos is bringing us a bill that is forcing everyone to require -- the bill still has some holes, but this is a different bill than the bill that was brought to us last year. And today Senator Skelos has brought us this bill, and I am supporting it. This year I am voting yes.

Last year I voted no, this year I'm voting yes. Thank you.

ACTING PRESIDENT GRIFFO: Thank you, Senator Diaz.

Debate is closed. The Secretary will ring the bell.

Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT GRIFFO: Senator Lanza to explain his vote.

SENATOR LANZA: Mr. President, I rise in support of this legislation, and I'm glad that we're going to have bipartisan support --

ACTING PRESIDENT GRIFFO: Excuse me, Senator Lanza.

Can we have order, please {gaveling}.

Senator Lanza.

SENATOR LANZA: And I'm very happy to see that we're going to have bipartisan support here at the end of the day.

This is good legislation. This is a day, my colleagues, that we will all look back upon with pride, because we are getting it right. This legislation will invite the trust and confidence of the people across this state who we represent. And as we address the myriad of difficult issues that face this state, we will do so together, in partnership with the people we represent.

I'm glad that we were able to partner with Governor Cuomo on this legislation.

I commend and thank my leader, Senator Skelos, the Speaker, Shelly Silver, the minority leader in both houses, because this truly is an historic piece of legislation.

There was a statement by Senator Squadron which I do not wish to let stand, however. When he says this legislation locks in the game for present leaders, he couldn't be more further from the truth. This legislation does precisely the opposite.

Perhaps the disagreement we have is our interpretation of the word "independence." The suggestion and the model that he spoke of that would presently lock in three-quarters of the panel being Democrat and one-quarter being Republican, everyone across the state knows that that's not independence.

What this does is ensure that leadership power is not locked in. This legislation means that whomever the governor is, whomever the majority leader is, whomever the speaker of the Assembly is, that there will be a fair representation -- bipartisan, Democrat, Republican. We all understand that witch-hunts don't arise by virtue of one legislative branch

going after the other or the executive, that it occurs by and between the parties. This legislation will ensure that this panel will not be exploited, manipulated and abused in a partisan fashion.

Mr. Speaker -- Mr. Speaker. Mr. President, I vote in the affirmative.

ACTING PRESIDENT GRIFFO: Senator Lanza to be recorded in the affirmative.

Senator DeFrancisco to explain his vote.

SENATOR DEFRANCISCO: Yes, I'm going to vote in the affirmative as well. But I -- you know, it's been a very tough few years in Albany. And I know that much has been said about the dysfunction of Albany and the need for ethics reform.

I just can't let this bill pass without saying that the vast majority of the people that I have dealt with over my 19 years in the Senate, both in the Assembly and in the Senate, are good people with different points of view, maybe, but attempting to do what they think is right for their constituents and everyone in the State of New York.

And this concept of a few people that have ruined the reputation of this great body is so disheartening to me that I think that those who have done the right thing, those who have played by the rules, those who have acted ethically, should be recognized. And it's a shame that everyone's been painted with that same broad brush.

Lastly, this ethics reform is a good bill. But I'm going to tell all of the people that are listening that the people that got in trouble violated existing criminal laws. And those criminal laws are still on the books. All the disclosure in the world, all the openness in the world isn't going to change someone's character. And it may give people something to read and look at and to study and to say, "Oh, my God, what an income that person has," or "He doesn't make much at all." But what that has to do, I believe, with whether you're acting ethically or not I think is minimal.

So the bill is a good bill. It satisfies the good government groups for now; no doubt they'll want more next year. But the fact of the matter is you're ethical if you have good

character, and most everyone in this body has been over the years that I have served.

So I vote yes. And hopefully this will put an end to some of these discussions about dysfunctional government and everybody's bad.

ACTING PRESIDENT GRIFFO: Senator DeFrancisco to be recorded in the affirmative.

Senator Breslin to explain his vote.

SENATOR BRESLIN: Thank you, Mr. President.

First, I applaud Senator Kennedy for speaking out and talking for the 13 new members who come here looking for ethics reform. But at the same time, I applaud Senator DeFrancisco for pointing out that the great majority of both Democrats and Republicans come to this body and they come to this body in an honest way to do the business of the people. And ethics reform for the most part would not have covered the people who have committed heinous acts who have been eliminated from this body.

This bill, I applaud the Governor. We are finally going to have independent ethics

reform. But I must say I would also like to see it in the future be more open, to have the voting process more open and also more reflective of the structure of the Senate. To assume that it should always be three-to-one, the voting, for Republicans -- not majority-minority, Republicans and one Democrat -- I find to be something less than democratic. So we should keep an eye on it.

But this day we've waited for. And this day is a special day. And I know that this Governor is anxious to sign this into law. I vote in the affirmative.

ACTING PRESIDENT GRIFFO: Senator Breslin to be recorded in the affirmative.

I want to remind members to confine their explanations within two minutes.

Senator Robach to explain his vote.

SENATOR ROBACH: Yes, Mr. President, I rise to support this bill.

And while I agree very much with much that has been said about the character of most people, on the other hand, far too often we pick up the newspaper and find another colleague already down the road violating this.

I really believe this bill, with the expanded disclosure, other measures, is going to make it less likely we're going to see that outcome happen. And for that reason alone, we should all support it.

I would just point out, too, I, Senator Flanagan, a few other people had cosponsored a bill too that if somebody does, in light of even existing law, but now this expanded law in ethics should violate that, they're going to have additional skin in the game where they would forfeit their pension.

And I know in my district a lot of people were shocked to know that members of the Legislature, the very people they trust, could violate that law, quite frankly be convicted of stealing money from the government in some cases, and then still collect a pension on top of that.

Besides the other good measures, the disclosure, we're closing that loophole. And I think those are all good things and make me happy to cast my vote in the affirmative.

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

Senator Krueger to explain her vote.

SENATOR KRUEGER: Thank you, Mr. President.

It's a good bill. It's not a perfect bill. My colleagues have articulated well the flaws in it. We'll be back. I'm confident we are going to pass this bill today. We will make real progress.

I think perhaps what's the most important part of this legislation and the broad dialogue that has taken place throughout the State of New York is the recognition that sunlight is the best astringent.

My colleagues have pointed out the vast majority of people who come through this chamber and the Assembly chamber are good, honest people who come here for the right reasons. And I believe that's true. But it's also critical to have well-drawn lines, to have lines in the sand that you know you can't step over.

I do believe that this legislation will help everyone, whether they ever imagined going near a line or whether they think that maybe they've crossed it one or two times, to rethink how they're behaving or to rethink whether they want to stay in the Legislature.

So I'm hoping with this law we will see a new discussion among people who plan to come here, and people who may be deciding whether or not to stay here, that they understand very clearly what the rules are, that there will be far more sunlight on all of us.

And let's be honest. Let's say, because there's some disagreement about the two or three out of 11 not approving an investigation going forward, we live in a world full of leaks, full of computer information. I suspect very quickly those kinds of decisions will become public as well and the public will be asking us many more questions.

I vote yes, Mr. President.

ACTING PRESIDENT GRIFFO: Senator Krueger to be recorded in the affirmative.

Senator Farley to explain his vote.

SENATOR FARLEY: Thank you, Mr. President.

I rise in support of this legislation. For the 35 years that I've served here, it's been unfortunate to see the image of the Senate and the Legislature deteriorate to the point that the public sometimes loses faith with

us.

No bill or ethics legislation that we pass is going to solve all of the problems of somebody who is dishonest. But I'd like to pay tribute to Senator Flanagan, Senator Lanza, who sits next to me, and Senator Hannon, who negotiated on this bill and made it a better piece of legislation.

So many of the little things that were in the ethics legislation that made it almost impossible to serve in this house because you were going to be violating the ethics law if you picked up a cookie or a bun or some other thing at a firemen's dinner. It was absolutely insane, some of the regulations that made it impossible for you to do your job.

This is a better piece of legislation. It's one that will have to be tuned up, I'm sure, as the time goes on. But it's a good piece of legislation that my colleagues made it much better than what was originally out there. I vote aye.

ACTING PRESIDENT GRIFFO: Senator Farley to be recorded in the affirmative.

Senator Carlucci to explain his

vote.

SENATOR CARLUCCI: Thank you, Mr. President.

I believe this is a bright day for the State of New York, and I want to thank my colleagues for supporting this bill. I believe we have the opportunity to start to move in a new direction by providing this transparency that the good people of New York deserve in their government.

This has many good points, this bill, particularly of stripping public pensions of politicians that violate the public trust using their position.

You know, I have the good fortune of going around my district and talking to students and talking to young people, and unfortunately, you talk about a politician and it's seen as a dirty word. I know myself at a young age I knew I wanted to run for office one day, and people would say to me, "Why do you want to do that? You're a nice person."

I think this is important that we give teeth to ethics, that we have the transparency, and when people disobey the public

trust they are accountable for it.

Mr. President, I'll be voting in the affirmative. Thank you.

ACTING PRESIDENT GRIFFO: Senator Carlucci to be recorded in the affirmative.

Announce the results.

THE SECRETARY: In relation to Calendar Number 1182, absent from voting: Senator Parker.

Ayes, 61. Nays, 0.

ACTING PRESIDENT GRIFFO: The bill is passed.

Senator Libous.

SENATOR LIBOUS: Mr. President, before I announce that the Senate will stand at ease, there will be a 7:00 o'clock Republican conference in Room 332. That's a 7:00 o'clock Republican conference.

The Senate will stand at ease until 7:30 p.m.

ACTING PRESIDENT GRIFFO: There will be a Republican conference at 7:00 p.m. in Room 332, and the Senate will stand at ease until 7:30 p.m. this evening.

(Whereupon, the Senate stood at ease

at 5:13 p.m.)

(Whereupon, the Senate reconvened at 8:15 p.m.)

ACTING PRESIDENT GRIFFO: The Senate will come to order.

Senator Libous.

SENATOR LIBOUS: Thank you, Mr. President.

At this time can we just go to motions and resolutions.

ACTING PRESIDENT GRIFFO: Motions and resolutions.

Senator Libous.

SENATOR LIBOUS: On behalf of Senator Hannon, I wish to call up his bill, Senate Print Number 4992, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: Calendar Number 599, by Senator Hannon, Senate Print 4992, an act to amend the Public Health Law.

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

ACTING PRESIDENT GRIFFO: Call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

SENATOR LIBOUS: Mr. President, I offer up the following amendments.

ACTING PRESIDENT GRIFFO: Amendments received.

SENATOR LIBOUS: Mr. President, can we go to the regular calendar.

Mr. President, before we do that, and as long as we're still on motions, Senator Breslin has one.

ACTING PRESIDENT GRIFFO: Senator Breslin.

SENATOR BRESLIN: Thank you, Mr. President.

On behalf of Senator Andrea Stewart-Cousins, I wish to call up Senate Print Number 2373, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: Calendar Number 142, by Senator Stewart-Cousins, Senate Print

2373, an act to amend the State Technology Law.

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

ACTING PRESIDENT GRIFFO: Call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

SENATOR BRESLIN: Mr. President, I now offer the following amendments.

ACTING PRESIDENT GRIFFO: The amendments are received.

SENATOR BRESLIN: Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: Thank you, Senator Breslin.

Senator Libous.

SENATOR LIBOUS: Thank you, Mr. President.

Can we now go to the regular calendar, the reading of the noncontroversial regular calendar for today.

ACTING PRESIDENT GRIFFO: The Secretary will read the noncontroversial original calendar.

THE SECRETARY: Calendar Number 14, by Senator Young, Senate Print 801A, an act to amend the Environmental Conservation Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: In relation to Calendar Number 14, those recorded in the negative are Senators Duane, Espaillat, Perkins and Serrano.

Ayes, 58. Nays, 4.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 137, by Senator Ritchie, Senate Print 3318, an act to amend the Vehicle and Traffic Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the

roll.

(The Secretary called the roll.)

ACTING PRESIDENT GRIFFO: Announce the results.

THE SECRETARY: In relation to Calendar Number 137, those recorded in the negative are Senators Adams, Addabbo, Avella, Diaz, Espaillat, Gianaris, Hassell-Thompson, L. Krueger, Montgomery, Oppenheimer, Parker, Peralta, Perkins, Rivera, Serrano, and Squadron. Also Senator Duane.

Ayes, 45. Nays, 17.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 152, by Senator Maziarz, Senate Print 186, an act to amend the General Municipal Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 170, substituted earlier today by Member of the Assembly Sweeney, Assembly Print 5318A, an act to amend the Environmental Conservation Law.

ACTING PRESIDENT GRIFFO: Read the last section.

THE SECRETARY: Section 11. This act shall --

SENATOR LIBOUS: Lay it aside for the day.

ACTING PRESIDENT GRIFFO: Lay it aside for the day.

THE SECRETARY: Calendar Number 172, by Senator Saland, Senate Print 1415B, an act to amend the Penal Law.

ACTING PRESIDENT GRIFFO: Read the last section.

THE SECRETARY: Section 8. This act shall take effect on the 90th day.

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61. Nays, 1.

Senator Duane recorded in the negative.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 218, by Senator Robach, Senate Print 565A, an act to amend the Alcoholic Beverage Control Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 222, substituted earlier today by Member of the Assembly DenDekker, Assembly Print Number 2059, an act to amend the Mental Hygiene Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 280, by Senator Hannon, Senate Print 3953B, an act to amend the Education Law.

ACTING PRESIDENT GRIFFO: Read the last section.

THE SECRETARY: Section 4. This act shall take effect on the first of July.

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT GRIFFO: Senator Squadron to explain his vote.

SENATOR SQUADRON: Thank you.

I just want to briefly commend Senator Hannon on this bill. This is an issue that seems so simple, protecting young people from the permanent effects of brain injuries, but we know it's quite complex. It's something that we've worked together on in a bipartisan way.

He's taken great leadership.

I vote aye, Mr. President.

ACTING PRESIDENT GRIFFO: Senator Squadron to be recorded in the affirmative.

Announce the results.

THE SECRETARY: In relation to Calendar 280: Ayes, 61. Nays, 1. Senator DeFrancisco recorded in the negative.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 307, by Senator Gianaris, Senate Print 2510A, an act to amend the Penal Law.

ACTING PRESIDENT GRIFFO: Read the last section.

THE SECRETARY: Section 5. This act shall take effect on the 90th day.

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 331, substituted earlier today by Member of the

Assembly Lavine, Assembly Print Number 6334, an act to repeal Section 680-f of the General Municipal Law.

ACTING PRESIDENT GRIFFO: There is a home-rule message at the desk.

Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT GRIFFO: The bill is passed.

SENATOR LIBOUS: Mr. President.

ACTING PRESIDENT GRIFFO: Senator Libous.

SENATOR LIBOUS: Was that Senator Gianaris's first bill, I believe, in the Senate?

(Applause.)

SENATOR LIBOUS: Mr. President, I believe I took the words out of Senator Breslin's mouth. I apologize.

ACTING PRESIDENT GRIFFO: Senator Breslin.

SENATOR BRESLIN: If I had been recognized --

(Laughter.)

SENATOR BRESLIN: -- I would have said congratulations to Senator Gianaris on his first bill in the Senate.

I will now say that. Congratulations.

ACTING PRESIDENT GRIFFO: Congratulations, Senator Gianaris.

(Applause.)

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: On page 31, Senator Young moves to discharge, from the Committee on Environmental Conservation, Assembly Bill Number 3556A and substitute it for the identical Senate Bill Number 2840A, Third Reading Calendar 341.

ACTING PRESIDENT GRIFFO: The substitution is ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 341, by Member of the Assembly Magee, Assembly Print 3556A, an act to amend the Environmental Conservation Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 356, substituted earlier today by Member of the Assembly Cusick, Assembly Print 5022, an act to amend the Lien Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number

358, by Senator Seward, Senate Print 2378, an act to amend the Alcoholic Beverage Control Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 362, substituted earlier today by Member of the Assembly Glick, Assembly Print 7262, an act to amend Chapter 674 of the Laws of 1993.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT GRIFFO: The bill

is passed.

THE SECRETARY: Calendar Number 371, by Senator Dilan, Senate Print 1362, an act to amend the Vehicle and Traffic Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 393, by Senator Young, Senate Print 3499A, an act to amend the Town Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 395, by Senator Maziarz, Senate Print 510, an act to amend --

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

ACTING PRESIDENT GRIFFO: Lay it aside for the day.

THE SECRETARY: Calendar Number 439, by Senator Golden, Senate Print 4016, an act to amend the Labor Law.

ACTING PRESIDENT GRIFFO: Read the last section.

THE SECRETARY: Section 3. This act shall take effect 60 days after it shall have become a law.

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number

480, substituted earlier today by Member of the Assembly Goodell, Assembly Print 6967, an act to amend Chapter 405 of the Laws of 2007.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 504, by Senator Saland, Senate Print 4711, an act to amend Chapter 556 of the Laws of 2007.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61. Nays,

1. Senator Parker recorded in the negative.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 510, by the Senate Committee on Rules, Senate Print 4871, an act to amend the Tax Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: In relation to Calendar Number 510, those recorded in the negative are Senators Dilan, Espaillat, L. Krueger, Parker, Peralta, Perkins, Rivera, Squadron.

ACTING PRESIDENT GRIFFO: Those in the negative please signify by raising your hands.

THE SECRETARY: Also Senator Hassell-Thompson.

Ayes, 53. Nays, 9.

ACTING PRESIDENT GRIFFO: The bill

is passed.

Senator Libous.

SENATOR LIBOUS: Mr. President, could we go back to Calendar Number 395. And if I could remove the lay-aside, please, without objection, and call up the bill.

ACTING PRESIDENT GRIFFO: Without objection, the lay-aside is removed.

The Secretary will read.

THE SECRETARY: Calendar Number 395, by Senator Maziarz, Senate Print 510, an act to amend the Labor Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Those recorded in the negative on Calendar 395 are Senators Duane, Peralta and Rivera.

Ayes, 59. Nays, 3.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 522, substituted earlier today by Member of the Assembly Hevesi, Assembly Print 6902A, an act to amend the Public Health Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 534, by Senator Zeldin, Senate Print 4026, an act to amend the Correction Law.

ACTING PRESIDENT GRIFFO: Read the last section.

THE SECRETARY: Section 4. This act shall take effect on the first of November.

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Those recorded in

the negative on Calendar 534 are Senators Duane, Hassell-Thompson, Montgomery, Parker and Perkins.

Ayes, 57. Nays, 5.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 540, by Senator Zeldin, Senate Print 4442, an act to authorize Victims Information Bureau of Suffolk, Inc.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: In relation to Calendar Number 540, those recorded in the negative are Senators Bonacic and Larkin.

Ayes, 60. Nays, 2.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 552, by Senator Breslin, Senate Print 3665A, an act to amend the Insurance Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: In relation to Calendar Number 552, those recorded in the negative are Senators Ball, Griffo and Maziarz.

Ayes, 59. Nays, 3.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 572, by Senator Little, Senate Print 345, an act to amend the Executive Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: In relation to Calendar 572, those recorded in the negative are

Senators Avella, Dilan, Duane, Espaillat, Gianaris, Hassell-Thompson, L. Krueger, Montgomery, Oppenheimer, Parker, Peralta, Perkins, Rivera, Serrano, Squadron, Stavisky, and Stewart-Cousins. Also Senator Adams.

Ayes, 44. Nays, 18.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 573, by Senator Montgomery, Senate Print 372A, an act to amend the Executive Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: In relation to Calendar Number 573, those recorded in the negative are Senators Ball and Ranzenhofer.

Ayes, 60. Nays, 2.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number

577, by Senator Robach, Senate Print 732, an act to amend the Executive Law.

ACTING PRESIDENT GRIFFO: Read the last section.

THE SECRETARY: Section 5. This act shall take effect on the 90th day.

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: On page 44, Senator Gallivan moves to discharge, from the Committee on Rules, Assembly Bill Number 4899A and substitute it for the identical Senate Bill Number 4830A, Third Reading Calendar 597.

ACTING PRESIDENT GRIFFO: The substitution is so ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 597, by Member of the Assembly Rosenthal, Assembly Print 4899A, an act to amend the Social Services Law.

ACTING PRESIDENT GRIFFO: Read the

last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 603, by Senator Libous, Senate Print 2751, an act to amend the Highway Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: In relation to Calendar 603, those recorded in the negative are Senators Adams, L. Krueger, Parker and Rivera.

Ayes, 58. Nays, 4.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 608, by Senator Parker, Senate Print 1149 --

SENATOR BRESLIN: Lay it aside for the day.

ACTING PRESIDENT GRIFFO: Lay it aside for the day.

THE SECRETARY: Calendar Number 609, substituted earlier today by Member of the Assembly Englebright, Assembly Print 5525A, an act to amend the Public Authorities Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 610, substituted earlier today by Member of the Assembly Rosenthal, Assembly Print 1474, an act to amend the Public Authorities Law.

ACTING PRESIDENT GRIFFO: Read the

last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 617, by Senator Young, Senate Print 850, an act to amend the Agriculture and Markets Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 634, by Senator Marcellino, Senate Print 4184, an act to authorize Family Services League, Inc.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60. Nays, 2. Senators Bonacic and Larkin recorded in the negative.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 642, by Senator Zeldin, Senate Print 4722, an act authorizing the assessor of the Town of Islip.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: In relation to Calendar 642, those recorded in the negative are Senators Bonacic, Larkin and O'Mara.

Ayes, 59. Nays, 3.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 654, by Senator Marcellino, Senate Print 941, an act in relation to legalizing, validating, ratifying and confirming.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60. Nays, 2. Senators Larkin and O'Mara recorded in the negative.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 659, by Senator Libous, Senate Print 2465, an act to amend the State Finance Law.

ACTING PRESIDENT GRIFFO: Read the last section.

THE SECRETARY: Section 2. This

act shall take effect on the 180th day.

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: In relation to Calendar Number 659, those recorded in the negative are Senators Avella, L. Krueger, Peralta, Rivera, Saland and Stavisky.

Ayes, 56. Nays, 6.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 660, by Senator Libous, Senate Print 2468, an act to amend the State Finance Law.

ACTING PRESIDENT GRIFFO: Read the last section.

THE SECRETARY: Section 4. This act shall take effect on the first of April.

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number

671, by Senator McDonald, Senate Print 4045A, an act to authorize the Town of East Greenbush.

ACTING PRESIDENT GRIFFO: There is a home-rule message at the desk.

Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 675, substituted earlier today by Member of the Assembly Thiele, Assembly Print Number 5763, an act to amend the Navigation Law.

ACTING PRESIDENT GRIFFO: There is a home-rule message at the desk.

Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: On page 49, Senator Avella moves to discharge, from the Committee on Rules, Assembly Bill Number 4791A and substitute it for the identical Senate Bill Number 4838A, Third Reading Calendar 676.

ACTING PRESIDENT GRIFFO: The substitution is so ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 676, by Member of the Assembly Weprin, Assembly Print Number 4791A, an act to amend Chapter 709 of the Laws of 2005.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 681, substituted earlier today by Member of the Assembly Reilly, Assembly Print Number 4729A, an act to amend the Environmental Conservation Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: In relation to Calendar 681, those recorded in the negative are Senators Avella, Ball, Duane and Montgomery.

Ayes, 58. Nays, 4.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 682, by Senator McDonald, Senate Print 2500, an act to amend the Environmental Conservation Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the

roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: On page 50, Senator Hannon moves to discharge, from the Committee on Social Services, Assembly Print Number 7827 and substitute it for the identical Senate Bill Number 5339, Third Reading Calendar 726.

ACTING PRESIDENT GRIFFO: Substitution so ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 726, by Member of the Assembly Titus, Assembly Print 7827, an act to amend Chapter 779 of the Laws of 1986.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 735, by Senator Espaillat, Senate Print 3117, an act to amend the Public Housing Law.

ACTING PRESIDENT GRIFFO: Read the last section.

SENATOR BRESLIN: Lay it aside for the day.

ACTING PRESIDENT GRIFFO: Lay it aside for the day.

THE SECRETARY: Calendar Number 740, by Senator Little, Senate Print 4024, an act to amend the Real Property Tax Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number

745, by Senator Stavisky, Senate Print 1789, an act to amend the Education Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 754, by Senator Nozzolio, Senate Print 459, an act to repeal Section 396-ff of the General Business Law.

ACTING PRESIDENT GRIFFO: Read the last section.

SENATOR BRESLIN: Lay it aside.

ACTING PRESIDENT GRIFFO: Lay it aside.

THE SECRETARY: Calendar Number 760, by Senator Ritchie, Senate Print 5231, an act to amend the Real Property Tax Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 769, by Senator Seward, Senate Print 4555A, an act to amend the Public Authorities Law.

ACTING PRESIDENT GRIFFO: There is a home-rule message at the desk.

Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 771, by Senator Griffo, Senate Print 5019A, an act to amend the Public Authorities Law.

ACTING PRESIDENT GRIFFO: Read the last section.

THE SECRETARY: Section 3. This act shall take effect on December 31, 2012.

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 774, by Senator Little, Senate Print 4151, an act to authorize the Town of Malone.

ACTING PRESIDENT GRIFFO: There is a home-rule message at the desk.

Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 775, by Senator LaValle, Senate Print 4404, an act in relation to the conveyance of the land formerly used as an armory for the Town of Riverhead.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 777, by Senator LaValle, Senate Print 4546A, an act to amend Chapter 626 of the Laws of 1996.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the

roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 779, by Senator Bonacic, Senate Print 4661A, an act to amend Part NN of Chapter 67 of the Laws of 2008.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 788, substituted earlier today by Member of the Assembly Abbate, Assembly Print 5738, an act to amend Chapter 695 of the Laws of 1994.

ACTING PRESIDENT GRIFFO: Read the

last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT GRIFFO: The bill is passed.

The Secretary will read.

THE SECRETARY: Calendar Number 821, substituted earlier today by Member of the Assembly Lancman, Assembly Print 2129B, an act to amend the Labor Law.

ACTING PRESIDENT GRIFFO: Read the last section.

THE SECRETARY: Section 3. This act shall take effect on the 120th day.

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number

822, substituted earlier today by Member of the Assembly Schimminger, Assembly Print Number 7268, an act to amend Chapter 413 of the Laws of 2003.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 823, by Senator Nozzolio, Senate Print 5208, an act to amend the Real Property Tax Law.

ACTING PRESIDENT GRIFFO: Read the last section.

SENATOR STEWART-COUSINS: Lay it aside.

ACTING PRESIDENT GRIFFO: Lay it aside.

THE SECRETARY: Calendar Number 827, substituted earlier today by Member of the Assembly Glick, Assembly Print 7073, an act to

amend Chapter 434 of the Laws of 1999.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 841, substituted earlier today by Member of the Assembly Schimminger, Assembly Print 7668, an act to amend Chapter 396 of the Laws of 2010.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60. Nays, 2. Senators Diaz and Duane recorded in the negative.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 851, by Senator Young, Senate Print 2776, an act to validate certain acts of the Fredonia Central School District.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 852, by Senator Klein, Senate Print 3414A, an act to amend the State Finance Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: In relation to Calendar Number 852, those recorded in the negative are Senators Adams, Addabbo, Avella, Diaz, Espaillat, Parker, Rivera, and Stavisky.

Ayes, 54. Nays, 8.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 860, by Senator Marcellino, Senate Print 4772, an act to amend the Alcoholic Beverage Control Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: In relation to Calendar Number 860, those recorded in the negative are Senators Bonacic, Diaz, Espaillat, Fuschillo, Gallivan, Hassell-Thompson, Lanza, Larkin, LaValle, Martins, Perkins and Saland.

Ayes, 50. Nays, 12.

ACTING PRESIDENT GRIFFO: The bill

is passed.

THE SECRETARY: Calendar Number 865, by Senator Marcellino, Senate Print 932, an act to amend the Penal Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: In relation to Calendar Number 865, those recorded in the negative are Senators Hassell-Thompson, Montgomery, Parker and Perkins.

Ayes, 58. Nays, 4.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 870, by Senator Fuschillo, Senate Print 5415A, an act to amend Chapter 549 of the Laws of 1994.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 871, by Senator Zeldin, Senate Print 3844, an act to amend Chapter 397 of the Laws of 1996.

ACTING PRESIDENT GRIFFO: There is a home-rule message at the desk.

Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 875, substituted earlier today by Member of the Assembly Schimel, Assembly Print 7387A, an act to authorize the Village of North Hills.

ACTING PRESIDENT GRIFFO: Read the

last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: In relation to Calendar Number 875, those recorded in the negative are Senators Bonacic, Larkin and O'Mara.

Ayes, 59. Nays, 3.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 885, substituted earlier today by Member of the Assembly Jaffee, Assembly Print Number 5566, an act to authorize the Rock Apostolic Church.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT GRIFFO: I'm going to ask that we please continue to keep some quiet

in the chamber so we can facilitate the reading and the stenographer, please.

THE SECRETARY: In relation to Calendar 885, those recorded in the negative are Senators Bonacic, Larkin and O'Mara.

Ayes, 59. Nays, 3.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 886, by Senator Carlucci, Senate Print 4327, an act to authorize the Village of Montebello.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: In relation to Calendar Number 886, those recorded in the negative are Senators Bonacic, Larkin and O'Mara.

Ayes, 59. Nays, 3.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number

887, by Senator Carlucci, Senate Print 4330, an act to authorize the Village of Montebello.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: In relation to Calendar Number 887, those recorded in the negative are Senators Bonacic, Larkin and O'Mara.

Ayes, 59. Nays, 3.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 892, by Senator Griffo, Senate Print 4928, an act to authorize the Towns of Harrisburg, Montague, and Pinckney.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 895, substituted earlier today by Member of the Assembly Weisenberg, Assembly Print 1007, an act to amend the Insurance Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 896, by Senator Seward, Senate Print 4039, an act to amend the Insurance Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 898, by Senator Seward, Senate Print 4951, an act to amend the Insurance Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 899, by Senator Seward, Senate Print 5028, an act to amend the Insurance Law.

ACTING PRESIDENT GRIFFO: Read the last section.

THE SECRETARY: Section 2. This

act shall take effect on the 180th day.

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 901, by Senator Seward, Senate Print 5213, an act to amend the Insurance Law.

ACTING PRESIDENT GRIFFO: Senator Maziarz.

SENATOR MAZIARZ: Could we lay this bill aside for the day, please.

ACTING PRESIDENT GRIFFO: Lay the bill aside for the day.

THE SECRETARY: Calendar Number 907, by Senator Griffo, Senate Print 5478, an act to amend Chapter 526 of the Laws of 1998.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 908, substituted earlier today by Member of the Assembly Hoyt, Assembly Print 408, an act to amend the Real Property Tax Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 910, by Senator Seward, Senate Print 2876, an act to amend the New York City Civil Court Act.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 918, by Senator Ranzenhofer, Senate Print 5201, an act to amend the General Obligations Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60. Nays, 2. Senators Duane and Hassell-Thompson recorded in the negative.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 920, by Senator LaValle, Senate Print 4925, an act to amend the General Business Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: On page 67, Senator Gianaris moves to discharge, from the Committee on Rules, Assembly Bill Number 7259 and substitute it for the identical Senate Bill Number 4231, Third Reading Calendar 929.

ACTING PRESIDENT GRIFFO: Substitution is so ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 929, by Member of the Assembly Nolan, Assembly Print 7259, an act to amend the Education Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 933, substituted earlier today by Member of the Assembly Cahill, Assembly Print 20, an act to amend the Agriculture and Markets Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 940, by Senator Little, Senate Print 4161, an act to amend the Alcoholic Beverage Control Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 946, by Senator Klein, Senate Print 3055, an act to amend the Vehicle and Traffic Law.

ACTING PRESIDENT GRIFFO: There is a home-rule message at the desk.

The Secretary will read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 952, by Senator Maziarz, Senate Print 151, an act to amend the Energy Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 959, by Senator Ranzenhofer, Senate Print 3336, an act to amend the Penal Law.

ACTING PRESIDENT GRIFFO: Read the last section.

THE SECRETARY: Section 3. This act shall take effect on the 90th day.

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT GRIFFO: Announce the results.

THE SECRETARY: In relation to Calendar 959, those recorded in the negative are Senators Adams, Avella, Breslin, Diaz, Dilan,

Hassell-Thompson, L. Krueger, Maziarz, Montgomery, Oppenheimer, Parker, Peralta, Perkins, Rivera, Serrano, Squadron, Stavisky, Stewart-Cousins. Also Senator Sampson. Also Senator Espaillat. Also Senator Johnson.

Ayes, 41. Nays, 21.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 962, substituted earlier today by Member of the Assembly Farrell, Assembly Print 7238, an act to amend the Tax Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 965, by Senator Carlucci, Senate Print 4820, an act to amend the Executive Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 968, by Senator Oppenheimer, Senate Print 3470, an act to amend the Public Health Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60. Nays, 2. Senators Ball and O'Mara recorded in the negative.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 975, by Senator Skelos, Senate Print 5145, an act to amend the Public Health Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 983, by Senator McDonald, Senate Print 2505, an act to amend the Public Authorities Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT GRIFFO: The bill

is passed.

THE SECRETARY: Calendar Number 984, by Senator Adams, Senate Print 3710, an act to amend Chapter 15 of the Laws of 1998.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT GRIFFO: The bill is passed.

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

SENATOR MAZIARZ: Thank you, Mr. President.

At this time can we go to the controversial reading of the calendar, please, and ask all members to report to the chamber. Thank you.

ACTING PRESIDENT GRIFFO: The Secretary will ring the bell.

The Secretary will read.

THE SECRETARY: Calendar Number 754, by Senator Nozzolio, Senate Print 459, an act to repeal Section 396-ff of the General Business Law.

SENATOR BRESLIN: Explanation.

ACTING PRESIDENT GRIFFO: An explanation has been requested, Senator Nozzolio, by Senator Breslin.

SENATOR NOZZOLIO: Thank you, Mr. President.

Mr. President and my colleagues, at a time when there is rapid unemployment across this nation, when this state government has been fighting and working hard to stretch every resource, when there has been layoffs in the state system proposed, when there are issues that cry out for fiscal responsibility, it's time to look at this legislation as a way to recognize that a $40 million failure in state government should end, and it should end by the passage of this legislation.

This eliminates the CoBIS system, a system that may have been very well intentioned, a system that was to establish a ballistic database where we have seen now, after 40-plus

millions of dollars spent not one crime, not any crime, no crime has been solved, no perpetrator has been brought to justice, not one item of criminality has been found and established by this legislation in New York State.

To compound that issue, the states of Maryland and California have been wise enough to eliminate their system. Studies from those states cite the fact that CoBIS has been a colossal waste of time, money, and manpower.

This Combined Ballistic Identification System has not produced, as cited by one of these studies, a single hit on establishing a gun crime in New York State.

This is a waste of money. It's a waste of manpower. It does not help law enforcement officials. It is time to say enough is enough. Our taxpayers are crying out to us to find ways to save taxpayers' money. This is an excellent way to do it. Mr. President, this measure scraps an ineffective, inefficient, unproductive, expensive program.

ACTING PRESIDENT GRIFFO: Thank you, Senator Nozzolio.

Senator Krueger.

SENATOR KRUEGER: Thank you.

If the sponsor would please yield.

ACTING PRESIDENT GRIFFO: Senator Nozzolio, do you yield?

SENATOR NOZZOLIO: Yes, Mr. President.

ACTING PRESIDENT GRIFFO: The Senator yields.

SENATOR KRUEGER: Thank you.

Well, I have to say I don't know a lot about this program, which is why I laid the bill aside, to be able to ask some questions.

So we've spent $40 million since the bill has gone into effect, is that your analysis?

SENATOR NOZZOLIO: Mr. President, I'm sure I did not hear Senator Krueger's complete question. She said "We spent $40 million," and I didn't hear the rest.

SENATOR KRUEGER: Have we spent $40 million since the program has gone into effect here in New York State? So it's been 11 years, so approximately $3 million or $4 million a year? I'm just wanting to make sure I heard the information correctly.

SENATOR NOZZOLIO: Yes,

Mr. President, that's approximately correct.

SENATOR KRUEGER: Thank you.

Mr. President, if through you the sponsor would continue to yield.

ACTING PRESIDENT GRIFFO: The Senator yields.

SENATOR KRUEGER: Thank you.

And I was looking at the bill memo from the original bill, and it was talking about that this program had been very successful in other states. And I just was wondering whether the sponsor has an opinion of why it was successful in other states but it has not been successful here in New York State.

SENATOR NOZZOLIO: Mr. President, I don't believe it was successful in any other state.

That I believe the State of Maryland had the system when New York decided to adopt it. Maryland has seen the light. The studies commissioned by the State of Maryland have indicated it's time to scrap their program. And that, frankly, I believe that whatever successes were proposed have long since been cast aside by its ineffectiveness.

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

ACTING PRESIDENT GRIFFO: Senator Nozzolio, do you continue to yield?

SENATOR NOZZOLIO: Yes, Mr. President.

ACTING PRESIDENT GRIFFO: The Senator yields.

SENATOR KRUEGER: Thank you.

So Maryland has decided to drop their program. But do the majority of the rest of the states still have this program in effect?

SENATOR NOZZOLIO: Mr. President, it's my understanding that just half a handful of states ever were hoodwinked into establishing this program in the first place. New York was one of those. And that that's why this legislation is proffered, to stop the pain and suffering that our constituents are having as a result of wasteful expenditures.

SENATOR KRUEGER: Mr. President, if through you the sponsor would continue to yield.

ACTING PRESIDENT GRIFFO: Senator Nozzolio, do you yield?

SENATOR NOZZOLIO: Yes,

Mr. President.

ACTING PRESIDENT GRIFFO: The Senator yields.

SENATOR KRUEGER: Thank you. Thank you. I appreciate the sponsor's answers to my questions.

Who has to implement these laws? Is it the individual gun owner or is it gun sellers, is it -- I mean, who's doing what and how is the $3 million to $4 million being spent per year?

SENATOR NOZZOLIO: Mr. President, I never thought that I'd actually congratulate Senator Krueger for asking a question. But I want to congratulate her for asking this question, because it's a very good question.

It's a question that should be answered, I believe, by "all of the above," Senator Krueger.

Mr. President, this is a time-consuming process where, during the 10-year period, over 317,000 handguns were tested and images of their shell casings were taken. This is an elaborate task. It's a task that requires the manpower of the New York State Police, which diverts their attention and their efforts and

their time and their resources from fighting crime. That as well as law-abiding gun dealers, and that that together has been a waste, as well as an infringement, to say the least, of basic Second Amendment rights.

SENATOR KRUEGER: Thank you.

Mr. President, if the sponsor would continue to yield.

ACTING PRESIDENT GRIFFO: The Senator yields?

SENATOR NOZZOLIO: Yes, Mr. President.

SENATOR KRUEGER: Thank you.

So am I correct to understand the sponsor to be saying that the State Police agree and oppose the continuation of the law and would like us to end this section of the 2000 -- I'm just looking for the actual title. So it was part of a larger bill banning assault weapons in 2000.

So the State Police actually would like us to end this part of the program?

SENATOR NOZZOLIO: Mr. President, I don't believe it's within the authority, within the practice, within the tradition or even within

the ethical bounds of the New York State Police to opine on policy of this state. They have been entrusted with and have done an outstanding job in enforcing the laws of New York. They're not there to opine on the issues that are presented before them, they're there to enforce the law.

And that's what they have done. They have enforced this law. They have tolerated, because they're told to do and because they are an outstanding police force, that they follow the law in spite of the fact it's an ineffective law, in spite of the fact it drains their resources, in spite of the fact it takes time away from their everyday duties.

SENATOR KRUEGER: Thank you.

Mr. President, if the sponsor would yield for an additional question.

ACTING PRESIDENT GRIFFO: Senator Nozzolio, do you yield for an additional question?

SENATOR NOZZOLIO: Yes, Mr. President.

ACTING PRESIDENT GRIFFO: The Senator yields.

SENATOR KRUEGER: Thank you.

I have to say I agree with the sponsor if in fact this is a program that's not working, not helping us catch anybody. And we presume the State Police actually don't think it's necessary.

Would the sponsor consider substituting the microstamping bill that's carried by Senator Peralta, which the police in many parts of the country and in any number of police forces here in New York State have said would be an enormous help to them in catching people who are illegally using guns or using guns for crimes? So might not the microstamping bill be a better solution than this program?

Because I am prepared to accept that this is not a program that has been working, but I think we have an alternative that would work much better.

SENATOR NOZZOLIO: Mr. President, I don't totally understand the question. I believe it's a question that is suggesting some political machination, some trading, some placing a quid pro quo, changing one bad law for another bad law. I can't understand the exact question by Senator Krueger.

I only know that individual legislation should be decided on its own merits and that this measure is being debated today. It's my hope that my colleagues will support the elimination of this wasteful, costly program. That other measures for law enforcement I certainly believe should be considered. We have a number of them that the Committee on Crime Victims, Crime and Corrections has proffered. We hope that those issues will all be debated in due course.

SENATOR KRUEGER: Mr. President, on the bill.

ACTING PRESIDENT GRIFFO: Senator Krueger on the bill.

SENATOR KRUEGER: I want to thank the sponsor very much for his answers to my questions.

I do see a correlation between his analysis that this is an 11-year-old law that is not accomplishing the goal. My understanding and my reading of the law was that it was intended to provide law enforcement a mechanism for ballistic identification of guns used inappropriately in crimes. And yet I am hearing that it has not

been used that way, that it's costing the state between $3 million and $4 million a year, and that perhaps the State Police and other police forces don't find it valuable.

Now, I haven't had a chance to ask them and I don't think at 9:15 tonight I will be able to, but I'm perfectly prepared to keep on open mind in the future that Senator Nozzolio may be absolutely right, this may be a program that was tried and has not proved to be successful.

But, and I emphasize the "but," I do understand from reviewing materials from police enforcement and law enforcement specialists, the New York City Police Department, the mayor of the City of New York, legislators for gun control, any number of organizations, that there are real models that can help police track the actual illegal use of guns or the bullets that are used by these guns.

And so if in fact the point of this discussion is to have a successful ballistic tracking system in New York State, if it's fair to say that a microstamping system would be a ballistic tracking system, I am completely open to replacing one system that may in fact not be

working, as Senator Nozzolio described, with a much newer model -- a much less costly model, from my understanding -- that is being asked for by law enforcement and could work.

So I will remain a no for tonight only because I would like the opportunity to review data from the police department that this is not used here in New York State effectively and that it is, as described by the sponsor, an expense without a reward.

But I think it's a great discussion for us tonight because it's highlighting that we want to have working systems. We want to be able to track bullets and guns that are used in crimes. We absolutely want the state-of-the-art technology at the lowest cost. And I do believe we have better alternatives available to us.

Thank you, Mr. President. I'll remain no for tonight.

ACTING PRESIDENT GRIFFO: Are there any other Senators who wish to be heard?

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

Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT GRIFFO: Please keep your hands up if you're reporting your vote in the negative.

Announce the results.

THE SECRETARY: In relation to Calendar 754, those recorded in the negative are Senators Avella, Carlucci, Diaz, Dilan, Duane, Espaillat, Gianaris, Hassell-Thompson, Klein, L. Krueger, Montgomery, Oppenheimer, Parker, Peralta, Perkins, Rivera, Savino, Serrano, Smith, Squadron, Stavisky, and Stewart-Cousins.

Absent from voting: Senators Huntley and C. Kruger.

Ayes, 38. Nays, 22.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 823, by Senator Nozzolio --

SENATOR LIBOUS: Lay it aside for the day.

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

I'm going to ask that we continue to keep some order in the chamber for some important announcements.

Senator Libous.

SENATOR LIBOUS: Mr. President, I believe there's a supplemental calendar at the desk. I'd like to lay that calendar aside for the day, please.

ACTING PRESIDENT GRIFFO: The supplemental calendar has been laid aside for the day.

And that completes the readings.

SENATOR LIBOUS: Mr. President, it's very important that members pay attention.

Tomorrow morning at 9:15, Mr. President, there will be a Rules Committee meeting in 332, at 9:15. At 10:00 o'clock there will be a Republican majority conference in Room 332.

Mr. President, I stand corrected. The Rules Committee meeting will be in Room 124 tomorrow. The Rules Committee meeting is in 124. The Republican conference at 10:00 will be

in Room 332. And then we will all participate at 11:00 a.m. in the Veterans Hall of Fame ceremony, and then we will convene in session at 12:00 noon.

ACTING PRESIDENT GRIFFO: There will be a 9:15 a.m. Rules Committee meeting in Room 124 of the Capitol, a 10:00 a.m. meeting of the Republican conference in Room 332. All will assemble for the vets ceremony.

Senator Hassell-Thompson.

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

There will be a Democratic conference in Room 314 at 10:00 a.m. in the morning, on time.

ACTING PRESIDENT GRIFFO: There will be a Democratic conference in Room 314 tomorrow at 10:00 a.m. on time.

SENATOR LIBOUS: Mr. President, before I ask you if there's any further business at the desk, could we please return to motions and resolutions, and please call on Senator Breslin.

ACTING PRESIDENT GRIFFO: We will return to motions and resolutions.

Senator Breslin.

Again, I ask that we continue to maintain order in the chamber so that we may be able to hear and facilitate the business {gaveling}.

SENATOR BRESLIN: Thank you, Mr. President. I think everybody has been waiting for this.

(Laughter.)

SENATOR BRESLIN: On behalf of Senator Parker, on page number 44 I offer the following amendments to Calendar Number 608, Senate Print Number 1149, and ask that the bill retain its place on the Third Reading Calendar.

ACTING PRESIDENT GRIFFO: The amendments are received, and the bill shall retain its place on third reading.

SENATOR BRESLIN: Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: Senator Libous.

SENATOR LIBOUS: Mr. President, I believe that Senator Hassell-Thompson would like to be recognized again, I think.

ACTING PRESIDENT GRIFFO: Senator

Hassell-Thompson, do you choose to be recognized again?

SENATOR HASSELL-THOMPSON: Yes, Mr. President. There seems to be some corrections which I'm not sure is correct.

(Laughter.)

SENATOR HASSELL-THOMPSON: There will be a Democratic conference at 11:00 a.m. in Room 314.

ACTING PRESIDENT GRIFFO: Note the change that there will now be a Democrat conference in Room 314 at 11:00 a.m.

SENATOR LIBOUS: Mr. President, is there any further business at the desk?

ACTING PRESIDENT GRIFFO: There is no further business before the desk.

SENATOR LIBOUS: There being no further business at the desk, I move that the Senate adjourn until Tuesday, June 14th, at 12:00 noon.

ACTING PRESIDENT GRIFFO: On motion, the Senate stands adjourned until Tuesday, June 14th, at noon. Senate adjourned.

(Whereupon, at 9:28 p.m., the Senate adjourned.)