NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

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2:16 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 everyone 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: The invocation will be given by Imam Daud Hanif, of the New York Metro Ahmadiyya Muslim Community.

IMAM HANIF: Thank you.

Peace be upon you. We pray in the name of Allah, the gracious, the merciful. All praise belongs to Allah alone, Lord of all the worlds, the gracious, the merciful, master of the day of judgment. Thee alone do we worship, and Thee alone do we implore for help.

Guide us in the straight path, the path of those on whom Thou hast bestowed Thy favors, those who have not incurred Thy displeasure and those who have not gone

astray.

And of His signs is the creation of the heavens and the earth and the diversity of your tongues and colors. In that, surely, are signs for those who possess knowledge.

Allah burdens not any soul beyond its capacity. It shall have the reward it earns, and it shall get the punishment it incurs. Our Lord, do not punish us if we forget or fall into error. And, our Lord, lay not on us a responsibility as Thou didst lay upon those before us. Our Lord, burden us not with what we have not the strength to bear, and efface our sins and grant us forgiveness and have mercy on us.

Our Lord, You have said 'It is decreed for thee that thou shalt not hunger therein, nor shalt thou be naked, and that thou shalt not be thirsty therein, nor shalt thou be exposed to the sun. And who so acts righteously, whether male or female, and is a believer, We will surely grant him a pure life, and We will surely bestow on such their reward according to the best of their

works.'

Our Lord, there is none who can bar Your bounties, and nor there is anyone who can grant that which You withhold. Our Lord, grant us good in this world as well as good in the world to come, and save us from the torment of the fire.

We beseech You, O our Lord, bestow on our Senate leaders the best of the knowledge and wisdom and enable them to serve the people, the state, and this great country, homeland of us all. And make this our state a most beautiful leading state, and grant all its residents aforementioned bounties and favors in abundance, and remain our protector and guide always.

Amen.

ACTING PRESIDENT GRIFFO: The reading of the Journal.

THE SECRETARY: In Senate, Tuesday, June 14, the Senate met pursuant to adjournment. The Journal of Monday, June 13, 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 17, Senator Larkin moves to discharge, from the Committee on Commerce, Economic Development and Small Business, Assembly Bill Number 160A and substitute it for the identical Senate Bill Number 4242B, Third Reading Calendar 425.

ACTING PRESIDENT GRIFFO: So ordered.

THE SECRETARY: On page 19, Senator Lanza moves to discharge, from the Committee on Transportation, Assembly Bill Number 6443 and substitute it for the identical Senate Bill Number 4657, Third Reading Calendar 516.

ACTING PRESIDENT GRIFFO: So ordered.

THE SECRETARY: On page 21, Senator Ball moves to discharge, from the Committee on Rules, Assembly Bill Number 141B and substitute it for the identical Senate Bill Number 4582B, Third Reading Calendar 550.

ACTING PRESIDENT GRIFFO: So ordered.

THE SECRETARY: On page 23, Senator

Hannon moves to discharge, from the Committee on Higher Education, Assembly Bill Number 3334 and substitute it for the identical Senate Bill Number 4245, Third Reading Calendar 594.

ACTING PRESIDENT GRIFFO: So ordered.

THE SECRETARY: On page 34, Senator DeFrancisco moves to discharge, from the Committee on Finance, Assembly Bill Number 2565 and substitute it for the identical Senate Bill Number 4146, Third Reading Calendar 858.

ACTING PRESIDENT GRIFFO: So ordered.

THE SECRETARY: On page 39, Senator Skelos moves to discharge, from the Committee on Rules, Assembly Bill Number 5749 and substitute it for the identical Senate Bill Number 5331, Third Reading Calendar 942.

ACTING PRESIDENT GRIFFO: So ordered.

THE SECRETARY: On page 40, Senator DeFrancisco moves to discharge, from the Committee on Finance, Assembly Bill Number 7239 and substitute it for the identical Senate Bill Number 3944, Third Reading Calendar Number 961.

ACTING PRESIDENT GRIFFO: So ordered.

THE SECRETARY: On page 40, Senator Grisanti moves to discharge, from the Committee on Environmental Conservation, Assembly Bill Number 5663 and substitute it for the identical Senate Bill Number 4056, Third Reading Calendar 964.

ACTING PRESIDENT GRIFFO: So ordered.

THE SECRETARY: On page 44, Senator O'Mara moves to discharge, from the Committee on Elections, Assembly Bill Number 6767A and substitute it for the identical Senate Bill Number 5211, Third Reading Calendar 1030.

ACTING PRESIDENT GRIFFO: So ordered.

THE SECRETARY: On page 45, Senator Grisanti moves to discharge, from the Committee on Environmental Conservation, Assembly Bill Number 7638A and substitute it for the identical Senate Bill Number 4363A, Third Reading Calendar 1040.

ACTING PRESIDENT GRIFFO: So ordered.

THE SECRETARY: On page 46, Senator Valesky moves to discharge, from the Committee on Rules, Assembly Bill Number 7637 and substitute it for the identical Senate Bill Number 5082A, Third Reading Calendar 1044.

ACTING PRESIDENT GRIFFO: So ordered.

THE SECRETARY: On page 46, Senator Grisanti moves to discharge, from the Committee on Environmental Conservation, Assembly Bill Number 295A and substitute it for the identical Senate Bill Number 5352, Third Reading Calendar 1045.

ACTING PRESIDENT GRIFFO: So ordered.

THE SECRETARY: On page 46, Senator Maziarz moves to discharge, from the Committee on Rules, Assembly Bill Number 7943 and substitute it for the identical Senate Bill Number 5442, Third Reading Calendar 1047.

ACTING PRESIDENT GRIFFO: So ordered.

I'm going to ask that order be kept in the house, please. If you have conversations, please take the conversations outside the

chamber, staff and members, please. Thank you.

The Secretary will read.

THE SECRETARY: On page 47, Senator Maziarz moves to discharge, from the Committee on Children and Families, Assembly Bill Number 7633 and substitute it for the identical Senate Bill Number 5470, Third Reading Calendar 1050.

ACTING PRESIDENT GRIFFO: So ordered.

THE SECRETARY: On page 47, Senator Maziarz moves to discharge, from the Committee on Aging, Assembly Bill Number 5458A and substitute it for the identical Senate Bill Number 5471, Third Reading Calendar 1051.

ACTING PRESIDENT GRIFFO: So ordered.

THE SECRETARY: On page 47, Senator Martins moves to discharge, from the Committee on Rules, Assembly Bill Number 7919 and substitute it for the identical Senate Bill Number 5483, Third Reading Calendar 1056.

ACTING PRESIDENT GRIFFO: So ordered.

THE SECRETARY: On page 48, Senator Griffo moves to discharge, from the Committee on

Rules, Assembly Bill Number 8102 and substitute it for the identical Senate Bill Number 5531, Third Reading Calendar 1061.

ACTING PRESIDENT GRIFFO: So ordered.

THE SECRETARY: On page 50, Senator Klein moves to discharge, from the Committee on Codes, Assembly Bill Number 478A and substitute it for the identical Senate Bill Number 541A, Third Reading Calendar 1089.

ACTING PRESIDENT GRIFFO: So ordered.

THE SECRETARY: On page 51, Senator Flanagan moves to discharge, from the Committee on Finance, Assembly Bill Number 5600A and substitute it for the identical Senate Bill Number 3418A, Third Reading Calendar 1096.

ACTING PRESIDENT GRIFFO: So ordered.

THE SECRETARY: On page 52, Senator Gallivan moves to discharge, from the Committee on Finance, Assembly Bill Number 6331 and substitute it for the identical Senate Bill Number 4498, Third Reading Calendar 1105.

ACTING PRESIDENT GRIFFO: So

ordered.

THE SECRETARY: And on page 54, Senator Nozzolio moves to discharge, from the Committee on Crime Victims, Crime and Correction, Assembly Bill Number 7237 and substitute it for the identical Senate Bill Number 5368, Third Reading Calendar 1125.

ACTING PRESIDENT GRIFFO: So ordered.

Messages from the Governor.

Reports of standing committees.

Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

Senator Libous.

SENATOR LIBOUS: Mr. President, I'm going to have you call on Senator Breslin and then Senator Klein.

But before we do that, we're going to call the Finance Committee meeting from the floor, but we're going to continue in session with motions and resolutions so we can keep the process going. I promise you no bills will come up until Finance. But after Finance, there will

be a Rules Committee meeting.

So in the sake of good order, Mr. President, would you please call on Senator Breslin and Senator Klein and come back to me so I can call Finance.

ACTING PRESIDENT GRIFFO: Senator Breslin.

SENATOR BRESLIN: Thank you, Mr. President. On behalf of Senator Gianaris, please place a sponsor star on Calendar Number 612.

ACTING PRESIDENT GRIFFO: So ordered.

SENATOR BRESLIN: Mr. President, I wish to call up Senate Print Number 2510A, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: Calendar Number 307, by Senator Gianaris, Senate Print 2510A, an act to amend the Penal 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, 61.

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

ACTING PRESIDENT GRIFFO: The amendments are received.

SENATOR BRESLIN: Thank you, Mr. President.

On behalf of Senator Diaz, I wish to call up Senate Print Number 1313A, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: Calendar Number 451, by Senator Diaz, Senate Print 1313A, an act to amend the Penal 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, 61.

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

ACTING PRESIDENT GRIFFO: The amendments are accepted.

SENATOR BRESLIN: Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: Senator Klein.

SENATOR KLEIN: Thank you, Mr. President.

On behalf of Senator Valesky, on page number 40 I offer the following amendments to Calendar Number 953, Senate Print Number 663, and ask that said bill retain its place on Third Reading Calendar.

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

SENATOR KLEIN: Mr. President, I have a motion to amend a bill recalled from the Assembly. I wish to call up Print Number 4333, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: Calendar Number 1228, by Senator Carlucci, Senate Print 4333, an act to authorize.

SENATOR KLEIN: 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, 61.

ACTING PRESIDENT GRIFFO: The bill is passed.

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

ACTING PRESIDENT GRIFFO: The amendments are received. Thank you, Senator Klein.

Senator Libous.

SENATOR LIBOUS: Mr. President, as I said before, there will be an immediate meeting of the Finance Committee in Room 332, immediate meeting of the Finance Committee in Room 332.

But we will continue to do motions and resolutions and whatever announcements and presentations that need to take place.

Mr. President, on behalf of Senator Ranzenhofer, on page 36 I offer the following amendments to Calendar Number 890, Senate Print 4753, 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: Mr. President, on behalf of Senator Ball, on page 52 I offer the following amendments to Calendar Number 1109, Senate Print 5381, 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: Mr. President, on behalf of Senator Libous, on page 49 I offer the following amendments to Calendar Number 1079, Senate Print 5203, 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: On behalf of

Senator Martins, Mr. President, on page 42 I offer the following amendments to Calendar Number 1000, Senate Print 5546, 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: Mr. President, on behalf of Senator Golden, I move that the following bill be discharged from its respective committee and be recommitted with instructions to strike the enacting clause. That would be Senate Print 5616.

ACTING PRESIDENT GRIFFO: So ordered.

SENATOR LIBOUS: On behalf of Senator Hannon, please place a sponsor star on Calendar Number 969.

ACTING PRESIDENT GRIFFO: So ordered.

SENATOR LIBOUS: Thank you, Mr. President.

On behalf of Senator Flanagan, I wish to call up his bill, Senate Print 5315, recalled from the Assembly, which is now at the

desk.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: Calendar Number 734, by Senator Flanagan, Senate Print 5315, an act relating to validating actions taken by Smithtown Central School District.

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, 61.

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

ACTING PRESIDENT GRIFFO: The amendments are received.

SENATOR LIBOUS: Mr. President, I believe at this time we have a resolution at the desk by Senator Larkin. Could we please have its title read and call on Senator Larkin.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: Legislative

resolution by Senator Larkin, commemorating the 236th Birthday of the United States Army on June 14, 2011.

ACTING PRESIDENT GRIFFO: Senator Larkin.

SENATOR LARKIN: Thank you, Mr. President.

Two hundred thirty-six years ago that Army flag was risen. We're talking the year 1775. Since that time, the Army flag has been adorned with streamers for 181 battles.

Today, Army elements are in 21 countries throughout the world, preserving peace at the expense of America. That was a shot? I hope not.

But you know, this Army is something special. We have seen people coming in off the farms to do it. We've seen drafts in World War I, we've seen drafts in World War II, Korea, Vietnam. Today the Army force, whether it's active, reserve, or guard, is strictly volunteers. We're very proud of them. The records that they have made and what they have said speaks volumes and volumes of words because of the military's commitment to our communities.

I'm very proud to say I served 23 years of my life, which matured me a lot. And the Army has done a lot for a lot of our young people. It's taught them a trade, given them an education -- and, yes, sent them into harm's way where many didn't come back. Some come back dismantled, some come back with arms, legs off. But they were all part of a great Army.

We in the State of New York should be extra-special proud when we talk about the Army. The chairman of the Joint Chiefs of Staff is a graduate of the Academy, Class of '75, from Goshen, New York. The commander in Afghanistan in the multinational forces is a graduate of the West Point Academy class of '74, and he is soon to be named the CIA director, and he's from Cornwall, New York. So two of out of those great spots, part of the Army, part of a great team. I say "Go Army."

Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: Thank you, Senator Larkin, for your service. And thank you for the resolution.

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.

Senator Libous.

SENATOR LIBOUS: Thank you, Mr. President.

Mr. President, at this time I believe Senator Perkins -- if I could have unanimous consent to call on Senator Perkins for the purposes of an introduction.

ACTING PRESIDENT GRIFFO: Without objection, the chair recognizes Senator Perkins.

SENATOR PERKINS: Thank you very much.

I wanted to just take a brief moment to introduce a guest, a very distinguished guest. I have the privilege, as you know, of representing a district that is a historic district in terms of Harlem as a place where many folks, not just from the African-American experience live, but also from the African Diaspora, particularly from West Africa.

And today I have the privilege of

introducing Mr. Cellou Dalein Diallo. He was born in the Republic of Guinea, and Mr. Diallo has served over 30 years the Republic of Guinea and his people throughout the world, as prime minister and as minister of equipment, minister of public transportation, telecommunications, and environment. He was the general director of monetary and economic affairs for the Central Bank of Guinea and the Guinea Republic Governor at the World Bank.

Mr. Diallo has been working diligently for a stable and eternal democratic system in Guinea. And since 2007, Mr. Diallo became the president of the Democratic Union Forces of Guinea, which is a principal party in Guinea.

He joins us today with Assemblymember Stevenson, who, as a representative of the Bronx, also shares a large Guinean community as well. And he introduced our guest in the Assembly, and today it is my honor to introduce him to our colleagues in the Senate.

Mr. Diallo, welcome.

ACTING PRESIDENT GRIFFO: We welcome you to the chamber and extend the

privileges and the courtesies of the house.

(Applause.)

ACTING PRESIDENT GRIFFO: Senator Libous.

SENATOR LIBOUS: Thank you, Mr. President.

Thank you, Senator Perkins, and welcome to our guest today.

Mr. President, I believe Senator Golden has a resolution at the desk that was previously adopted. He would like the title read and then he would like to speak on it, please.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: Legislative Resolution Number 2326, by Senator Golden, honoring Dr. Daniel Igor Branovan upon the occasion of his designation for special recognition for his work on Project Chernobyl.

ACTING PRESIDENT GRIFFO: Senator Golden.

SENATOR GOLDEN: Thank you, Mr. President.

I have a resolution today from the State Senate in honor of Daniel Igor Branovan, a

doctor who emigrated to the United States of America from the Soviet Union. He is a graduate of Haverford College and the Stanford University School of Medicine and the Harvard School of Public Health.

Currently Dr. Branovan serves as the director of the Thyroid Center and the director of the Rhinology Division at the New York Eye and Ear Infirmary and has practiced there since 1998. Dr. Branovan is recognized as one of the most outstanding physicians and surgeons in his specialty by numerous publications and is the only Russian-speaking specialist in New York to be repeatedly named to the prestigious list of "Best Doctors in America" by New York Magazine.

Dr. Daniel Igor Branovan is also founder and president of Project Chernobyl, a project which this Legislature put money into to establish a fund to help the organization, which was established in 2007 to address the growing frequency of thyroid cancer among hundreds of thousands of immigrants to New York City from the affected regions of the Ukraine, Belarus, and Russia after being exposed during the Chernobyl nuclear accident.

Project Chernobyl has expanded its scope to regions in New York State with markedly increased thyroid cancer rates among the general population. It offers a cost-effective method of screening the 9/11 responders for thyroid cancer through a new project, "Project 9/11 -- Chernobyl in Your Backyard." And it is saving tremendous amounts of money and lives here in the State of New York.

Dr. Branovan has also organized and co-chaired a series of international symposiums at the United Nations on the medical consequences of both the Chernobyl nuclear accident and the recent Fukushima nuclear accident in Japan.

Dr. Daniel Branovan is currently serving as president of the American Forum of Russian-Speaking Jewry, RAJI, and also co-president of the United Russian-American Political Action Committee for New York State. He also serves as a board member and chair of the Russian Division of the American Jewish Committee and is a founding member of Doctors against Terrorism.

Dr. Daniel Igor Branovan has earned the respect and the admiration of his colleagues,

family and friends. And on behalf of the New York State Senate, I thank him for what he is able to do not only for those that emigrated to this great nation but to the people that live here and reside here from our own incident here on 9/11.

The good doctor is joined by many of his good friends and colleagues. And I see my colleague up there, Assemblyman Brook-Krasny, joined by Gene Borsh, also joined by Iasenik Anatoly, also joined by Vijay Dandapani, and also, from Davidzon Radio, Gregory Davidzon, and of course Leonid Bard and many other of his friends and guests.

We commend you, sir, for your service to our nation and for the great work that you've done and that you continue to do and the lives that you save. Thank you, and God bless you.

(Applause.)

ACTING PRESIDENT GRIFFO: Thank you, Senator Golden.

And we want to welcome Dr. Branovan and the guests here to the chamber, and we extend the courtesies of the chamber to you today.

Welcome, Dr. Branovan.

This resolution was previously adopted on June 14th.

Senator Libous.

SENATOR LIBOUS: Mr. President, did you call on me, sir?

ACTING PRESIDENT GRIFFO: Yes, Senator Libous, I did.

SENATOR LIBOUS: It's greatly appreciated.

ACTING PRESIDENT GRIFFO: You're one of the only guys in the chamber.

SENATOR LIBOUS: Thank you, Mr. President.

I believe there's a privileged resolution at the desk by Senator Ranzenhofer. At this time could we have the resolution read in its entirety, and then I believe Senator Ranzenhofer would like to speak on it.

ACTING PRESIDENT GRIFFO: We will note that the Finance Committee is meeting and then you will call Rules, or Rules will immediately follow? How was that, you will call Rules again after Finance?

SENATOR LIBOUS: We will call Rules

from the floor.

ACTING PRESIDENT GRIFFO: Okay. The Secretary will read the resolution.

THE SECRETARY: Legislative resolution by Senator Ranzenhofer, commending Williamsville East High School upon the occasion of its designation as recipient of the College Board Middle States Regional Award for Excellence and Innovation in the Arts.

"WHEREAS, It is the sense of this Legislative Body to recognize and commend those institutions of commitment and high achievement whose purpose and endeavors prove a dedication to the pursuit of excellence in the education of the youth of this noble Empire State; and

"WHEREAS, Attendant to such concern, and in full accord with its long-standing traditions, this Legislative Body is justly proud to commend Williamsville East High School upon the occasion of its designation as recipient of the College Board Middle States Regional Award for Excellence and Innovation in the Arts. The school will be recognized for its long-standing commitment to arts education at the College Board's National Forum in October of 2011; and

"WHEREAS, Dedicated to promoting excellence and equity in education, the College Board is a mission-driven not-for-profit organization which connects students to college success and opportunity. Founded in 1900, the College Board was created to expand access to higher education; and

"WHEREAS, The College Board has named one outstanding school in each of its six regions as the winner of its first annual Award for Excellence and Innovation in the Arts. The College Board established the award program to recognize and celebrate the achievements of six K-12 schools which have expanded student potential by promoting creativity, innovation, and critical-thinking skills through arts-related programs; and

"WHEREAS, Williamsville East High School in East Amherst, New York, was selected as both the Middle States Regional Winner and this year's National Winner; and

"WHEREAS, Williamsville East High School's Connections and Collaborations program, founded in 2000, extends beyond Williamsville High. The year-long program brings together

students from Buffalo and its surrounding suburbs to create a truly community-oriented experience. The program is built around the work of a guest poet whose own work inspires students to collaborate on poetry, music, dance and the visual arts; and

"WHEREAS, The yearly program culminates in a celebration of poetry, music, dance and the visual arts, where students have the opportunity to share their work with the Buffalo community; and

"WHEREAS, The College Board Middle States Regional Award for Excellence and Innovation in the Arts stands as a resolute testimony to Williamsville East High School's standards of excellence, its uncompromising values, unparalleled dedication, and the special teamwork of its family of students, parents, teachers and administrators, who share common goals and uncommon expectations; now, therefore, be it

"RESOLVED, That this Legislative Body pause in its deliberations to commend Williamsville East High School upon the occasion of its designation as recipient of the College

Board Middle States Regional Award for Excellence and Innovation in the Arts; and be it further

"RESOLVED, That a copy of this resolution, suitably engrossed, be transmitted to Williamsville East High School."

ACTING PRESIDENT MARTINS: Senator Ranzenhofer.

SENATOR RANZENHOFER: Thank you, Mr. President. You look very good up there.

ACTING PRESIDENT MARTINS: Thank you.

SENATOR RANZENHOFER: First of all, I'd like to thank you for recognizing me.

And very often in this chamber we have the opportunity to recognize sports teams, organizations, institutions and individuals. And when we recognize organizations and institutions, those are compromised of individuals. And we have two of them with us here today. We have Steve Shewan, who is up in the balcony, and we also have John Kryder.

We are recognizing one of the schools in my district, actually the rival of the high school that my own children went to, but a very, very good high school not far from where I

live. And they are being recognized for a program that was developed about 11 years ago, I believe, which really collaborates with poetry and music and the arts, bringing people from the entire Western New York area together.

And they are being recognized not only as a regional winner but the national winner for their program. That school, I know on a firsthand basis, has produced great students, great musicians, great athletes. And it really is, and needs to be repeated here today, that success through education is really based on the arts. Because those who -- when you have arts programs and music programs, it really enables the students to excel in their core subjects.

So again, I want to thank Steve and John for joining us today and representing the Williamsville East High School community. Congratulations on your recognition and honors and for the recognitions and honors that you'll be receiving this October. So again, thank you for being here and congratulations on your achievements.

(Applause.)

ACTING PRESIDENT MARTINS:

Gentlemen, congratulations and welcome.

The question is on the resolution. All in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT MARTINS: Opposed, nay.

(No response.)

ACTING PRESIDENT MARTINS: The resolution is adopted.

Senator Libous.

SENATOR LIBOUS: Thank you, Mr. President.

I believe there's another privileged resolution at the desk by Senator Kennedy. Could we please have it read in its entirety and then please call on Senator Kennedy.

ACTING PRESIDENT MARTINS: The Secretary will read.

THE SECRETARY: Legislative resolution by Senator Kennedy, commending Bornhava Preschool upon the occasion of its recognition for special recognition, and to pay just tribute to its Director Barbara Jo Hard.

"WHEREAS, Organizations which seek to enhance the education of our youngest students

help to provide children a solid knowledge base upon which to build their future studies; and

"WHEREAS, It is the custom of this Legislative Body to recognize and honor those organizations and individuals of commitment and high achievements whose purpose and endeavors have been dedicated to the pursuit of excellence in the education of the youth of this noble Empire State; and

"WHEREAS, Attendant to such concern, and in full accord with its long-standing tradition, this Legislative Body is justly proud to commend Bornhava Preschool of Amherst, New York, upon the occasion of its designation for special recognition and to honor its Director, Barbara Jo Hard; and

"WHEREAS, Bornhava Preschool was founded by Barbara Jo Hard in 1983, with the intent of offering a home-like atmosphere where high-quality therapeutic and educational interventions are provided for children with special needs from birth to five years of age; and

"WHEREAS, Since founding it almost 30 years ago, Founder Barbara Jo Hard has

remained the executive director of Bornhava Preschool; and

"WHEREAS, At its inception, Bornhava Preschool served nine students. Today it serves approximately 198 children, with a commitment for personalized attention to address each of their unique strengths and needs; and

"WHEREAS, Bornhava Preschool's focus is not only on the specific needs of these children but also on family involvement and interaction with typical children. Intervention plans are developed for children with mental and physical challenges, sensory deficits, communication delays, and various developmental disabilities; and

"WHEREAS, This remarkable school developed a Sensory, Motor, Interactive, Learning, Environment (SMILE) philosophy in response to the documented need to serve the children whose sensory dysfunction, social/emotional delays and communication disorders interfere with the learning process; and

"WHEREAS, Bornhava Preschool's SMILE philosophy utilizes an eclectic approach

representing a variety of documented educational methods such as 'More Than Words,' 'DIR-Floortime,' 'Total Language,' 'PECS (Picture Exchange Communication System),' and various sensory integration techniques; and

"WHEREAS, In so effectively carrying out its mission, the Bornhava Preschool has offered children the opportunity to enhance their quality of life by providing them with a safe, supportive atmosphere while participating in recreational and educational activities; and

"WHEREAS, The children of today are the citizens and leaders of tomorrow. Their health, well-being and development are of paramount importance to the people of the State of New York; and

"WHEREAS, It is the sense of this Legislative Body to extend its highest commendation to all of the individuals who have been involved with the Bornhava Preschool, past and present, noting the importance of their work and their enduring commitment to young children; now, therefore, be it

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

Bornhava Preschool upon the occasion of its designation for special recognition, and to pay just tribute to its Director Barbara Jo Hard; and be it further

"RESOLVED, That a copy of this resolution, suitably engrossed, be transmitted to Barbara Jo Hard, Director, Bornhava Preschool."

ACTING PRESIDENT MARTINS: Thank you.

Senator Kennedy.

SENATOR KENNEDY: Yes, thank you very much, Mr. President.

I just want to recognize Barbara Jo Hard, and her daughter Maggie, who made the long trip up from Buffalo to be here with us today.

These are certainly fascinating times to be in the State Capitol. And I'm very happy that you got to get a good flavor of what happens down here.

What happens in Amherst, New York -- actually in Senator Ranzenhofer's district -- at Bornhava Preschool is fascinating in and of itself every single day. There are miracles that happen at Bornhava Preschool. There are children with disabilities, both physical and emotional

and psychological, that come to Bornhava and are treated and are worked into a system that translates into an increase in their level of functioning, to the point that when they turn five years old, they're able to go to school with their peers.

This is a system that is funded through the education funding that this honorable body puts through its budget every single year. Bornhava, the small institution that treats hundreds of kids on a daily basis, but also, over the course of the last nearly 30 years since its inception in 1983, has had a positive impact on thousands of children and thousands of families throughout Western New York, is an example of the system working and working well and working, quite frankly, magnificently.

And it's due in large part to the efforts of Barbara Jo Hard, who in 1983 founded Bornhava Preschool and has turned it into one of the most incredible educational institutions that's expanding every single year, not with public funds but with private funds, and expanding every year through a foundation that's been established through local private sources

that help to make it into the institution that it is today.

So thank you, Barbara Jo Hard, for being here today. Thank you, Barbara Jo Hard, for everything that you do at Bornhava and throughout all of Western New York for all of the people and the families that are impacted by everything that and the wonderful staff and extended family at Bornhava do on a daily basis.

Congratulations.

(Applause.)

ACTING PRESIDENT MARTINS: Thank you, Senator Kennedy.

The question is on the resolution. All in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT MARTINS: Opposed, nay.

(No response.)

ACTING PRESIDENT MARTINS: The resolution is adopted.

Ladies, welcome. Thank you for being here. We extend to you the courtesies and the privileges of the house. Thank you for being here.

Senator Libous.

SENATOR LIBOUS: Thank you, Mr. President.

Mr. President, there's a privileged resolution at the desk by Senator Ritchie. If you could read the title and then call on Senator Ritchie, please.

ACTING PRESIDENT MARTINS: The Secretary will read.

THE SECRETARY: Legislative resolution by Senator Ritchie, honoring Dallas Mavericks Head Coach and St. Lawrence County native Rick Carlisle upon the occasion of capturing the NBA Championship on June 12, 2011.

ACTING PRESIDENT MARTINS: Senator Ritchie.

SENATOR RITCHIE: Thank you, Mr. President.

I rise to pay tribute to Head Coach Rick Carlisle of the 2011 NBA Champion Dallas Mavericks.

Rick is a native of Lisbon in St. Lawrence County. His parents are Preston and Joan Carlisle. Growing up, I had many opportunities to watch Rick play, and I know his

family to be very involved still in our community.

Sports fans in New York, especially in northern New York, have watched Rick's career and felt a great deal of pride in his accomplishments. He is one of only 11 to have won the NBA championships as both a coach and as a player, with the Boston Celtics. Rick began his NBA career in Boston but also played briefly here as a New York Knick. He also played just down the street with the Albany Patroons.

We are in St. Lawrence County are very proud of Rick Carlisle and his family. He brings honor to our community and honor to the State of New York. So thank you, Mr. President.

ACTING PRESIDENT MARTINS: Thank you, Senator Ritchie.

The question is on the resolution. All in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT MARTINS: Opposed, nay.

(No response.)

ACTING PRESIDENT MARTINS: The resolution is adopted.

Senator Libous.

SENATOR LIBOUS: You would think, Mr. President, that Senator Ritchie could have gotten tickets for all of us for the championship games.

(Laughter.)

ACTING PRESIDENT MARTINS: We had hoped.

SENATOR LIBOUS: And we would have paid for them, of course.

(Laughter.)

SENATOR LIBOUS: Mr. President, I believe Senator Sampson has a privileged resolution at the desk. Could we have the title read and move for its adoption.

ACTING PRESIDENT MARTINS: The Secretary will read.

THE SECRETARY: Legislative resolution by Senator Sampson, commending Reverend Dr. Randolph Nugent upon the occasion of his retirement from Vanderveer Park United Methodist Church, Brooklyn, New York.

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

(Response of "Aye.")

ACTING PRESIDENT MARTINS: Opposed, nay.

(No response.)

ACTING PRESIDENT MARTINS: The resolution is adopted.

Senator Libous.

SENATOR LIBOUS: Thank you, Mr. President.

Mr. President, at this time the Finance Committee is meeting. When the Finance Committee finishes its meeting, there will be a meeting of the Rules Committee in Room 332.

And for the time being, the Senate will stand at ease.

ACTING PRESIDENT MARTINS: The Senate will stand at ease.

(Whereupon, the Senate stood at ease at 2:56 p.m.)

(Whereupon, the Senate reconvened at 3:33 p.m.)

SENATOR LIBOUS: Mr. President, there will be an immediate meeting of the Rules Committee in Room 332, immediate meeting of the Rules Committee in Room 332. As quick as the

members can get there, we will do the meeting and get back on the floor and begin the calendar.

ACTING PRESIDENT MARTINS: There will be an immediate meeting of the Rules Committee in Room 332, as quickly as the members can get there.

Thank you, Senator Libous.

The Senate continues to stand at ease.

(Whereupon, the Senate stood at ease at 3:34 p.m.)

(Whereupon, the Senate reconvened at 4:06 p.m.)

SENATOR LIBOUS: Mr. President.

ACTING PRESIDENT MARTINS: Senator Libous.

SENATOR LIBOUS: I would like to go back to reports of standing committees. And when Senator DeFrancisco is ready, we will have a report of the Finance Committee, if we could just hold a second.

(Pause.)

SENATOR LIBOUS: If we could read the report of the Finance Committee at this time.

ACTING PRESIDENT MARTINS: Reports

of standing committees.

The Secretary will read.

THE SECRETARY: Senator DeFrancisco, from the Committee on Finance, offers the following nominations.

As a commissioner of the Port Authority of New York and New Jersey, Jeffrey Hayden Lynford, of Katonah.

ACTING PRESIDENT MARTINS: Senator DeFrancisco.

SENATOR DeFRANCISCO: Yes, I rise to move the nomination of Jeffrey Hayden Lynford, of Katonah, for a commissioner's position on the board of the Port Authority of New York and New Jersey.

Mr. Lynford appeared before the Finance Committee, was unanimously approved in order to have his nomination sent to the floor, and we would recommend that nomination.

And I would request that you recognize the chairman of Transportation, Senator Fuschillo, to second the nomination.

ACTING PRESIDENT MARTINS: Thank you, Senator DeFrancisco.

Senator Fuschillo.

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

I want to thank Mr. Lynford for his willingness to serve the people of the State of New York.

Mr. Lynford came before the Transportation Committee and we were extremely satisfied with his experience, and we want to thank Governor Cuomo for his nomination. I proudly second the nomination.

ACTING PRESIDENT MARTINS: Thank you, Senator.

Senator Oppenheimer.

SENATOR OPPENHEIMER: Thank you, Mr. President.

Jeff is not a constituent of mine; he's a little north of my district. But he's a friend and a man that I think we're very fortunate to have willing to serve in state government. His background in finance, in public debt, in development, in rehabilitation, in all the things that are so important for our Port Authority. And looking ahead, we'll need all these skills to get through the coming years.

On a more personal note, I would say

that his role in Westchester as a member of the Council of the Arts and as someone who is committed to Caramoor, which is a beautiful musical festival that we have in Westchester County --

ACTING PRESIDENT MARTINS: Excuse me, Senator Oppenheimer.

{Gaveling.} Can we have order in the house? Thank you.

SENATOR OPPENHEIMER: His commitment to the arts has advanced the arts and helped them to stay healthy in Westchester County.

And on an aside, I would say that his wife, Tondra, has been a blessing as a psychotherapist who takes into her heart the needs of children with special needs and has worked tirelessly in this field. And both he and his wife are people to be admired.

And I am happy to be able to talk on his behalf. Thank you.

ACTING PRESIDENT MARTINS: Thank you, Senator.

Any other Senators wishing to be heard?

The question is on the nomination of Jeffrey Hayden Lynford, of Katonah, as a commissioner of the Port Authority of New York and New Jersey. All in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT MARTINS: Opposed, nay.

(No response.)

ACTING PRESIDENT MARTINS: Jeffrey Hayden Lynford hereby is confirmed as a commissioner of the Port Authority of New York and New Jersey.

Congratulations.

(Applause.)

ACTING PRESIDENT MARTINS: The Secretary will read.

THE SECRETARY: As member and chair of the New York State Thruway Authority, Howard Milstein, of New York City.

ACTING PRESIDENT MARTINS: Senator DeFrancisco.

SENATOR DeFRANCISCO: Yes, I am proud to move the nomination of Howard Milstein as a member and chair of the New York State

Thruway Authority.

And I just wanted to comment on just a couple of things. First of all, I've mentioned this before on other nominees, but the four nominees that appeared before the committee today are extremely well qualified for the positions to which they were appointed.

And it's really a credit to the Governor that he would be able to get people that were this successful in their private lives and in their public service to serve in these positions. Nowadays, it seems to me that a lot of people shy away from public service, especially if they're successful in their private ventures because of the glass house that they have to live in or the microscope that they're always viewed under.

And somehow it seems to me that people seem to believe or some seem to believe that if you're successful in private life and you've done well financially, that there's something wrong with that. Well, the people that have been nominated today show that there's nothing wrong with that. And they -- at least as to Mr. Milstein, shots have been taken already,

and he hasn't been confirmed yet.

And it was clear from the reaction of the committee that he's not only well-qualified, but we're all very pleased that he's willing to serve in this position, bringing his expertise from the private sector to make the Thruway Authority better. And that holds true for each of the other nominees.

And I'm proud to move his nomination. I'd request that you recognize, again, the chairman of the Transportation Committee, Senator Fuschillo, to second the nomination.

ACTING PRESIDENT MARTINS: Thank you, Senator.

Senator Fuschillo.

SENATOR FUSCHILLO: Mr. President, thank you very much.

I've had the pleasure and the opportunity of meeting Mr. Milstein on a few occasions in the last week, and I concur and say ditto to all of the comments by the chairman of the Finance Committee, Senator DeFrancisco.

You know, it is a rare opportunity where we have the pleasure of meeting such

qualified individuals that do possess a willingness to people of the New York State. Mr. Milstein certainly doesn't need any more jobs in his life. He is an enormously successful businessman, enormous successful in his personal life as well.

We raised some issues of serious concern and interest during the Transportation Committee, and we're extremely satisfied with his knowledge of the Thruway Authority and his concern for the future of the Thruway Authority as well. So I proudly second the nomination. I applaud Governor Cuomo.

Mr. Milstein, I wish you tremendous success. You formed a partnership with members of the Transportation Committee and certainly myself. Congratulations, and the best of luck.

And now I'd appreciate it if you'd recognize Senator Maziarz and Senator Nozzolio for purposes of a second. Thank you very much.

ACTING PRESIDENT MARTINS: Thank you, Senator Fuschillo.

Senator Nozzolio.

SENATOR NOZZOLIO: Thank you, Mr. President.

Mr. President, on the nomination, I rise to echo the comments and sentiments expressed by Senator DeFrancisco and especially Senator Fuschillo in thanking Governor Cuomo for presenting an individual who has extremely broad-based experience and is well up to the challenges that our two most important thoroughfares in New York State are facing.

That as the Senator representing the longest run of the New York State Thruway and the longest run of the New York State barge canal system, the Thruway Authority is a very important component of job development in the central Finger Lakes, upstate New York region.

As such, Governor Cuomo's decision to reach out into the business community to find a person with an exemplary background as Mr. Milstein I think is a great tribute to the Governor's acumen and a better tribute to Mr. Milstein's desire to serve his community.

I should add very quickly that Mr. Milstein has already demonstrated, through his efforts, his leadership, his involvement with the best university in all of New York State -- and I know you all know that's Cornell

University. But we're very proud as Cornellians to have Howard, who's a classmate of mine of a number of years ago, of 1973. And I know Senator Carlucci, who graduated about 30 years after us, is also very, very appreciative of Mr. Milstein's work for our alma mater.

I said this at our committees; I'm going to say it one more time. That Mr. Milstein, Howard Milstein, does not need the job of being the chairman of the Thruway Authority, but the important job of the Thruway Authority needs a person like Mr. Milstein to move it forward and to ensure that it can be and continue to be what it really should be, which is a job-development engine for New York State.

With that, I thank, Mr. President, you and my colleagues for the opportunity to speak and support this wonderful nomination. Thank you, Mr. President.

ACTING PRESIDENT MARTINS: Thank you, Senator.

Senator Maziarz.

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

I too rise just to echo what my

colleagues said and congratulate the Governor on the appointment of Howard Milstein.

As I said in the Transportation Committee, I've known Mr. Milstein for several years now, and he is exactly the type of person -- a businessperson, an individual who is open to private/public private partnerships -- this is exactly what the New York State Thruway Authority needs.

As Senator Nozzolio pointed out, the canal and the Thruway Authority are very prominent in upstate. And we talked about the Tappan Zee Bridge issue and some of the other important issues facing the Thruway Authority in the next decade. And that we in upstate consider those issues to be our issues anyway, to be equally important. And I think Mr. Milstein understands that and appreciates that and will do the right thing by the people of the State of New York.

Mr. President, I'm honored to second this nomination.

And just to all of the nominees here today, you picked a very unusual day to be here. And believe me, things are not always this

chaotic, okay? When I spoke to Mr. Milstein last week and he told me that the Governor's office had made the arrangements to be here on a Wednesday at 9:00 o'clock, I guaranteed him: "So Wednesday, 9:00 o'clock, you'll be out of here by noon." So sorry about that, Howard.

(Laughter.)

SENATOR MAZIARZ: Thank you, Mr. President.

ACTING PRESIDENT MARTINS: Thank you, Senator.

Senator Oppenheimer.

SENATOR OPPENHEIMER: Things are never or always this chaotic?

Well, I'm delighted to second the nomination of Howard Milstein. We've heard much about his business skills, which we all know about -- real estate, banking, finance, all things that are going to be very important and are very important for the current and the future success of the Thruway Authority.

I noted that there were so many dozens of boards and executive committees that Mr. Milstein was on, which shows the depth and width of his many interests, from religious to

musical to art to educational to healthcare. And it speaks of how highly respected he is outside of the business world.

My only concern was that a person with this number of interests and so many commitments, how would he be able to do the job of chair of the Thruway Authority? And he reminded me of a statement I've heard many times, which is if you want to get the job done, you go to a busy person. Because they get to doing it right away so that they can get it off their plate. And I subscribe to that thinking, and therefore I know that Howard Milstein is going to be a wonderful, brilliant chair of our Thruway Authority.

Thank you.

ACTING PRESIDENT MARTINS: Thank you, Senator.

Any other Senators wishing to be heard?

Senator Kennedy.

SENATOR KENNEDY: Thank you, Mr. President. I too want to rise and congratulate Howard Milstein on his nomination and his appointment.

I'm very proud to vote in the affirmative for this appointment. As a member of the Transportation Committee, we earlier today signaled our support for Howard Milstein to this position. I want to congratulate the Governor on another fine choice.

And I definitely look forward to working with you, Howard, in moving the Thruway Authority forward and improving the conditions across all of New York State, especially improving the infrastructure as it pertains to the people of my district out in Western New York. So again, congratulations and thank you.

ACTING PRESIDENT MARTINS: Thank you, Senator Kennedy.

The question is on the nomination of Howard Milstein as member and chair of the New York State Thruway Authority.

All in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT MARTINS: Opposed, nay.

(No response.)

ACTING PRESIDENT MARTINS: Howard

Milstein is hereby confirmed as member and chair of the New York State Thruway Authority.

(Applause.)

ACTING PRESIDENT MARTINS: Mr. Milstein, congratulations.

The Secretary will read.

THE SECRETARY: As a commissioner of the Port Authority of New York and New Jersey, Scott Howard Rechler, of Old Brookville.

ACTING PRESIDENT MARTINS: Senator DeFrancisco.

SENATOR DeFRANCISCO: Yes, I move the nomination of Scott Howard Rechler as a commissioner of the Port Authority of New York and New Jersey and again would ask you to recognize the esteemed Long Island Senator, chairman of Transportation, Senator Fuschillo, to second the nomination.

ACTING PRESIDENT MARTINS: Senator Fuschillo.

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

And, Senator DeFrancisco, you finally got the introduction correct of me after all these years in the chambers.

(Laughter.)

SENATOR FUSCHILLO: And I rise to second the nomination and support the nomination of a fellow Long Islander. And I won't hold that against you, as some others from upstate New York had booed you in the committee.

But you certainly possess, as did the first nominee, Jeffrey Lynford, the necessary qualifications to serve on the Port Authority as one of the commissioners. And we've stressed to you that we feel strongly that we don't get our fair share. And I must say it was quite refreshing to hear your responses, and the other nominee. And I'm confident you will serve the residents of New York State with great distinction.

I applaud your willingness to serve, and I congratulate Governor Cuomo. I proudly second the nomination, Mr. President.

ACTING PRESIDENT MARTINS: Thank you, Senator.

Senator Marcellino.

SENATOR MARCELLINO: Thank you, Mr. President. I too rise to congratulate the nominee of the Governor. It's a good nomination,

and I know he will serve with distinction.

His reputation is well known throughout the Long Island community and the entire tristate area. It was a pleasure to see him at the Finance Committee and hear the kind remarks made by my colleagues. And we Long Islanders have to stick together, as you now know, in the face of this upstate onslaught. But we will survive.

I proudly vote aye on this nomination.

ACTING PRESIDENT MARTINS: Thank you, Senator Marcellino.

Senator Hannon.

SENATOR HANNON: Yes, Mr. President, I rise to commend to this body the nomination of Mr. Rechler.

He has not only served the community of Long Island quite well, but, because of his business interests throughout the metropolitan area, is especially well-suited to be on the Port Authority to work on the essential transportation components that the Port Authority addresses itself to, as well as the economic advancement of the metropolitan area.

So I know that with his accomplishments heretofore and with his talents that he will be a real positive addition to this government. So thank you. I commend him.

ACTING PRESIDENT MARTINS: Thank you, Senator Hannon.

Are there any other Senators who wish to be heard?

The question is on the nomination of Scott Howard Rechler as a commissioner of the Port Authority of New York and New Jersey. All in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT MARTINS: Opposed, nay.

(No response.)

ACTING PRESIDENT MARTINS: Scott Howard Rechler is hereby confirmed as a commissioner of the Port Authority of New York and New Jersey.

Mr. Rechler, congratulations.

(Applause.)

ACTING PRESIDENT MARTINS: The Secretary will read.

THE SECRETARY: As a member of the

New York State Metropolitan Transportation Authority, Fernando Ferrer, of the Bronx.

ACTING PRESIDENT MARTINS: Senator DeFrancisco.

SENATOR DeFRANCISCO: Yes, I proudly rise to move the nomination of Fernando Ferrer as a member of the New York State Metropolitan Transportation Authority.

I never met the nominee until yesterday, and it's amazing how when you meet somebody you immediately get an impression of the individual. And I had heard about him for many, many years and his service in New York City and the things he's done in the city and his public service. And I immediately got a feeling that this is the type of person that truly loves what he's doing, wants to continue to contribute.

People always ask me why I keep running for office year after year. I thought I figured it out when my son won a city council seat in Syracuse; I thought it was that it was a genetic defect, that you keep wanting to be beaten up continuously in the public eye.

But it's much, much more than that, obviously. It's someone, as with Mr. Ferrer,

that is someone who is truly dedicated to public service that wants to do good. Again, here's an individual, doesn't have to come back and doesn't have to serve more. He's served more than most would ever consider, and served admirably. But the fact that he's willing to serve at this time in history with this very difficult body that has so many difficult issues before it is a true tribute to the individual.

And we're very, very happy that the Governor appointed you and that you were willing to serve.

With that said, if there is anything else to say, I'm going to turn it over and ask you to have Senator Fuschillo second the nomination of this fine candidate.

ACTING PRESIDENT MARTINS: Thank you, Senator DeFrancisco.

If there is anything else to say, Senator Fuschillo.

SENATOR FUSCHILLO: Thank you very much, Mr. President. Thank you, Senator DeFrancisco.

I've had the pleasure of interviewing and approving several nominees this

morning, all eminently qualified. And Fernando Ferrer is the example of somebody who's dedicated his life not only to public service but to his community and to his family.

He gets it, when you talk about the MTA. He's somebody who rides that transportation system on a daily basis. We've expressed to him the enormous challenges that the MTA will be facing shortly, a $10 billion gap. And, Freddy, I hope you have the answers for that, for the capital program.

As we spoke, we toured the East Side Access, that needs to be continued funding, the Second Avenue Subway project, and on and on and on, while -- while -- not cutting services or raising fares. And we know you're certainly up to the challenge.

Mr. President, I proudly support this nomination.

ACTING PRESIDENT MARTINS: Thank you, Senator Fuschillo.

Senator Rivera.

SENATOR RIVERA: Thank you, Mr. President. I rise today to enthusiastically support the nomination of my constituent Fernando

Ferrer.

There's actually many things yet left to say, and I'll repeat the last name to make sure that the R's are rolled on the floor of the Senate -- make sure that you put a lot of R's there -- Ferrnando Ferrrerr -- who is not only my constituent but also my friend.

I remember before I actually got to really know him during my campaign last year, when I actually bumped into him more than once on the bus or on the train. Without any type of security, without any type of, you know, pomp and circumstance, just somebody going to their office, going to their work.

As somebody who is a user of the Metro system, of the train system and the bus every single day, I know that we need people in the MTA board who understand the importance of the MTA to the City of New York as the backbone of the transportation system in the city. And I know that Freddy is going to be -- is not only an excellent nomination, he will be a fantastic advocate for public transportation in the MTA board.

So as somebody who has not only

worked in both of his -- in his 2001 campaign and his 2005 campaign, and as somebody who has gotten to know him very well over the last year, I can proudly say that Fernando Ferrer is my friend, has been a mentor, and will be a fantastic advocate for all of New York State in the MTA board.

So I stand again to say: Freddy, thank you for your service, because you certainly don't have to be doing it. And one last thing, I would -- and I'm actually going to talk to the Governor to see if we can convince you to do this. I'd like you to grow your mustache back. I think it would actually just add to your already great resume.

(Laughter.)

SENATOR RIVERA: So again, I encourage everyone to support Freddy.

Thank you so much, Mr. President.

ACTING PRESIDENT MARTINS: Thank you, Senator Rivera.

Senator Marcellino.

SENATOR MARCELLINO: Thank you, Mr. President.

I rise to support this nomination,

and I will. I have never met Mr. Ferrer, and we don't know each other. I have read about him and I've read about his career, I've followed it over the years. And I have always found that no matter what the article, no matter whether I agree with the political position he took or not, I always felt that he was an honorable and honest gentleman.

The MTA needs honorable, honest, and outspoken people on the board. Too many times, sir, people join that board and then disappear. We never hear from them again. We never hear of them again.

The MTA is a troubled entity. It is in deep financial distress. It is hemorrhaging dollars on an annual basis. And it seems the only recourse is to turn back to the riders in the raising of fares or cutting services, neither of which is a good thing and neither of which is a desirable thing.

Long Island gets help from the MTA. Riders use it to go to the East End and go to our resorts and beaches. And some of our workers and some of my constituents use it to travel the Long Island Railroad into the city and to travel on

the buses, limited though they may be in their routes.

The system needs an outspoken advocate, one who will stand up for the riders, stand up for the people who need the system, who use the system -- the subway riders, the bus riders, the Long Island Railroad riders, the people who use it -- and to work for them to make the service better, more effective, more efficient, but affordable.

It is a mass transit system that it runs, and too often that system is now becoming an elite transit system because not a lot of people can afford the ride the railroad to work. They're jumping back in their cars, which is where we don't want them, clogging up the streets, polluting the air. We want them on the mass transit system. We want them on the subways, we want them on the railroad, and we want them on the buses. But they can't go there if they can't afford it.

So we're going to need your help. We're going to move soon to pass a bill in this house to repeal the MTA payroll tax, which I voted against when it was put on in the first

place, because I think and I believe it's a job-killer. And it's the last thing we need during what we are going through now in economics and there's a recession.

So you've got a job ahead of you, sir. Not an easy one. I wish you well. And I offer you my support and help, and I'll be more than happy to sit down and talk to you on behalf of my constituents as to what you can do for them.

My colleague Senator Fuschillo has talked to you about the capital needs of the system, and he also believes, like I believe, the riders are paramount.

So I support this nomination, sir. I wish you well. And I offer you help.

Thank you, Mr. President.

ACTING PRESIDENT MARTINS: Thank you, Senator Marcellino.

Senator Smith.

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

Sorry I wasn't here earlier to lend my support and second the nomination also of Howard Milstein. Good to see you, Howard. And

less golf, because you'll be working harder. But you couldn't have got a better person to chair the Thruway Authority, there's no question about that.

But I now have the opportunity to say a word or two about my good friend Freddy Ferrer. Obviously the Governor needs to be applauded on the recommendation. For someone to be on the MTA of his caliber obviously bodes well for us as a state and also for the authority.

Jay Walder and I had a conversation a few days ago, and I was explaining to him the caliber in which Fernando Ferrer will be for that board. And obviously when it comes to making touch decisions -- and it's clear that the MTA will have its challenges going forward -- but you could not get someone of brighter and sharper intellect, someone who understands the City of New York as well as the State of New York, someone whose devotion and commitment to public service is unquestionable, as Freddy Ferrer.

And it is my honor, Mr. President, to stand here before you to second his nomination. I'm sure there willing be many members who will be sending accolades toward this

member of the MTA. But let's be clear, let's be very clear that the Governor has made an exceptional choice by putting forth this nominee. And that is why I'm here today on this prestigious floor to nominate Freddy Ferrer and be happy to be the person doing so to the MTA.

Congratulations.

ACTING PRESIDENT MARTINS: Thank you, Senator Smith.

Senator Klein.

SENATOR KLEIN: Thank you, Mr. President.

Over the years I've had the opportunity to second the nomination on a lot of appointments, but I have to say there hasn't been one of them who I respect as much or consider a close friend.

Freddy Ferrer is one of those people you deem a public man, someone who has spent his whole life dedicated to public service. First as a New York City Council member, where he chaired the Health Committee, then as the Bronx borough president.

And if many of you remember your history, Freddy Ferrer took over the Bronx after

the Bronx was considered the borough that was burning. He built more housing than any borough president in the history of the Bronx, put the Bronx back on the map, and was someone who constantly advocated and explained to people that the Bronx was coming back. And because of his effort, the Bronx did come back and now is the home to a very diverse group of people that I think contribute a lot not only to our city but to the state.

Freddy Ferrer is also someone who takes public service very seriously. So I think his new role on the MTA board will not only be good for the riders, the residents of the Bronx, but the entire State of New York. And I happily second the nomination of Freddy Ferrer as a member of the MTA board.

ACTING PRESIDENT MARTINS: Thank you, Senator Klein.

Senator Peralta.

SENATOR PERALTA: Thank you, Mr. President.

I rise to support the nomination of Fernando Ferrer. I'm going to take this opportunity to not only congratulate him but also

thank him.

Freddy, congratulations on your nomination to this board of the MTA, and I know which will -- I expect this to be a resounding confirmation.

I also want to take this opportunity to thank Freddy Ferrer not only for the many years of faithful, distinguished service in the City of New York, but also for opening the doors for those of us who came after him.

So I want to thank him, I want to wish him luck in this new chapter of his life, and I vote to confirm Mr. Fernando Ferrer for the MTA board, Mr. President.

ACTING PRESIDENT MARTINS: Thank you, Senator.

Senator Espaillat.

SENATOR ESPAILLAT: Thank you, Mr. President. I also rise to second the nomination of Fernando Ferrer.

I think he lives in my district, Senator Rivera. But, you know, we'll take that fight outside. We'll Google his name and see where he comes up. He may have even voted for me.

But anyway, he is a distinguished New Yorker, someone that has proven himself on the ground by bringing the Bronx back. We may all remember, particularly Yankee fans, the words of Howard Cosell, "The Bronx is burning," during that World Series. And he brought that borough back to the degree that it finally got the All-American City award in 1999. So he is someone that has proven himself with deeds.

And I am sure that he will be an excellent board member. He will take on the issues of security in the subway system because he has already done that in the Bronx, as there was a deep decline in crime during his borough presidentship. He will also be very strong with the capital plan, because he rebuilt the Bronx and he built over 66,000 homes and apartments. So he know about the capital plan. And he will also be good for straphangers, because he's a rider himself.

So this is someone that brings all these attributes to the table, and I am very happy to stand here and second his nomination. Except that I will be voting against that elimination of the mobility tax, because I think

the MTA needs more resources. We need to make his job a little bit easier. And since it services 12 counties across the state, I think that we need to take a look at that.

But, Freddy, we don't want to throw you in the fray. We welcome you to the Senate chamber, and we are confident your confirmation will be accepted by all of us. Congratulations.

ACTING PRESIDENT MARTINS: Thank you, Senator.

Senator Perkins.

SENATOR PERKINS: Thank you very much.

I want to join my colleagues in seconding the motion on behalf of Fernando Ferrer, who is the epitome of a public servant, with many outstanding accomplishments which have already been quite eloquently articulated that more than qualify him for this most important position.

But for me, I guess the most significant credential that he brings is in his pocket. It's this thing called the MetroCard. Because this is the card that signals most significantly that he is in touch with his job,

that he knows what this job is on a daily basis, that he knows -- this is not someone that rides the subway a few stops and gets off to take his limousine to his office. This is someone that knows what this means to the person that he is serving, and therefore will be very much in tune -- he'll be on track, if you will -- with what it takes to do the job for the people of the City of New York and I daresay for the people throughout the whole region.

So it's been an honor to work with you. It's been an honor to be a part of this new stage in your career. And I look forward to continuing to work with you as we move forward.

Thank you.

ACTING PRESIDENT MARTINS: Thank you, Senator Perkins.

Senator Serrano.

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

It's truly an honor to stand here on the Senate floor and second the nomination and congratulate my friend Freddy Ferrer for his nomination to the MTA board. And I want to thank Governor Cuomo for putting this nomination

forth.

And it is quite evident, all my colleagues have mentioned before I spoke about the transformation that we saw in the Bronx. But for a person like myself growing up in the South Bronx in the '70s and '80s, people remember what the neighborhoods were like. Unfortunately, the Bronx had become sort of a punch line. But the moment that Freddy became the borough president, there was almost an immediate but ongoing transformation of the community.

He brought tremendous energy, he brought tremendous integrity to the work that was going to happen. And because of that integrity, there were people who wanted to work with him, there were people who wanted to help him in his endeavor to not only change the reality of the Bronx but the perception, which I think was equally as important.

So now when we think about the Bronx, we think about a place that is thriving, we think about a place that has come from, in many ways, humble beginnings, just like he was -- born on Fox Street, correct? Did I get that right? Just a kid from Fox Street, grew up in

humble conditions, and rose to be one of the great leaders we've seen in the City of New York. And I think his life serves as an inspiration for many people, for many young people not only in the Bronx but people throughout the State of New York.

Luckily, I've known him almost all my life. He's always been a good friend to me. But more importantly, he has been a role model for people about the importance of public service.

And I'm so happy and so grateful, Freddy, that you are continuing in the role of public service. I want to thank you for all your years of mentorship to me and to Gustavo and many other young elected officials -- I like to think of myself as young, but -- youngish. But I want to thank you very much, Freddy, and congratulate the Governor and look forward to your nomination and confirmation.

Thank you.

ACTING PRESIDENT MARTINS: Thank you, Senator.

Senator Stavisky.

SENATOR STAVISKY: Thank you,

Mr. President.

This morning at the Transportation Committee I asked Mr. Ferrer -- I'm not pronouncing it, I know, the way Senator Rivera pronounces it. But I asked him, "What do you know about subways?" And he pulled out his MetroCard. And that, to me, tells us that he gets it, he understands what the subways are all about.

His service in other parts of government, other areas demonstrate that he has a well-developed, well-honed knowledge of government. And when Senator Serrano indicated that the former borough president lived on Fox Street, I must say, Mr. Borough President, that my -- and we've discussed this before, but my husband too lived on Fox Street, in the eight hundred -- 864, I think it was, Fox Street.

And I congratulate you, and we look forward to your leadership on the MTA board.

Thank you.

ACTING PRESIDENT MARTINS: Thank you, Senator.

Senator Hassell-Thompson.

SENATOR HASSELL-THOMPSON: Thank

you, Mr. President.

I rise to congratulate the Governor on his appointment, and certainly as someone who came into the government in the Bronx under his leadership. And he was Freddy. Very down to earth, very real, understood the districts. We watched the Bronx undergo a magnificent change under his leadership and administration. And I know that he will bring that same leadership to the MTA, which desperately needs his help.

He is a leader. And he does it in a very quiet, unassuming manner, but with firmness and commitment. And I thank him for his many years of service. And I hope that he considers this a reward, because he will continue to serve the people of the State of New York very, very well.

And I commend the Governor on this appointment and add my thanks to him and congratulate him on his successful achievement today.

ACTING PRESIDENT MARTINS: Thank you, Senator.

Senator Montgomery:

SENATOR MONTGOMERY: Thank you,

Mr. President.

It gives me a great deal of pride and pleasure to be able to stand and second the nomination for Freddy Ferrer for this important position on the MTA.

I have known him and known of him from the time that he was borough president of the Bronx, and I have always been impressed by the fact that he is a people's person and cares about the citizens of New York, all of them.

And so I've watched, over the years, him make tremendous contributions. He was one of the only people of his stature who would come all the way from the Bronx to Brooklyn many years ago to offer us, at a hearing, some significant options for ways in which we could address the aggressive policing which we were experiencing in Brooklyn. Obviously, we still are. But at that time he had some ideas he shared with us based on his own experiences and knowledge.

And I have always admired the fact that I could look to him as a person who was a public servant with complete integrity and commitment. So it's wonderful that he, knowing the City of New York, knowing the needs of the

people who live there, understanding all of the neighborhoods and the nuances of the cultural and all of the rhythms of our city, that he will be representing the people of the city and the state as a member of the Metropolitan Transportation Authority.

So it's my pleasure and I thank him for accepting, thank the Governor for choosing him, and look forward to working with him over the years.

Thank you, Mr. President.

ACTING PRESIDENT MARTINS: Thank you, Senator Montgomery.

Senator Squadron.

SENATOR SQUADRON: Thank you, Mr. President.

I just want to join the chorus. While I today represent parts of Brooklyn and Lower Manhattan, I am a son of the Bronx, born and raised there, and was very honored as I was growing up to know that Freddy Ferrer, Fernando Ferrer, was our borough president. He did such a great job, was such a big part of the renaissance that's happening there.

In a time that was really tougher

for the city, a time when especially in the boroughs outside of Manhattan economic development, trying to get neighborhoods revitalized, was that much more challenging, he was on the forefront of it, was a great leader, was a name that was always spoken with great reverence in my home growing up, and for good reason.

And I'm very glad to be able to vote in support of his nomination today. Thank you, Mr. President.

ACTING PRESIDENT MARTINS: Thank you, Senator Squadron.

Senator Parker.

SENATOR PARKER: Thank you, Mr. Chairman. On the nomination.

I just really want to add my voice to those who have gotten up and sang the praises of this nominee. Fernando Ferrer has been a -- not just a great leader in New York City and in our community and in this state, but a friend. He's somebody who's always been there to stand for the right things and the right people at the right times.

And so certainly this is -- you

know, now is the time for a man such as this to come and bring some order to the chaos that has been the MTA, somebody to be on the side of the riders, somebody who understands what the farepayers are going through and the things that need to be done. We can certainly use his leadership.

I congratulate the Governor and congratulate him on this important nomination and look forward to our continued partnership to make not just the City of New York and the MTA but making this state as great as it should be. Thank you.

ACTING PRESIDENT MARTINS: Thank you, Senator Parker.

Any other Senators wishing to be heard?

The question is on the nomination of Fernando Ferrer as a member of the New York State Metropolitan Transportation Authority. All in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT MARTINS: Opposed, nay.

(No response.)

ACTING PRESIDENT MARTINS: Fernando Ferrer is hereby confirmed as a member of the New York State Metropolitan Transportation Authority.

(Standing ovation.)

ACTING PRESIDENT MARTINS: Mr. Borough President, congratulations and Godspeed.

The Secretary will read.

THE SECRETARY: As a member of the Battery Park City Authority, Donald A. Capoccia, of New York City.

As commissioner of the New York State Insurance Fund, Mario Cilento, of Orangeburg.

As a member of the Republic Airport Commission, Joan Flaumenbaum, of Farmingdale.

As a member of the board of directors of the New York Convention Center Operating Corporation, Edward P. Kane, of Rockville Centre.

As a member of the board of directors of the New York Convention Center Operating Corporation, Gary Lavine, of Fayetteville.

As a member of the board of trustees of the City University of New York, Joseph J. Lhota, of Brooklyn.

As a director of the New York State Urban Development Corporation, Dennis Mehiel, of New York City.

As members of the New York State Council on the Arts: Aby J. Rosen, of New York City; Jonathan Bard Sheffer, of New York City; and Richard J. Schwartz, of New York City.

As director and chief of the New York State Urban Development Corporation, Julie A. Shimer, of Skaneateles.

As a member of the New York State Dormitory Authority, Beryl L. Snyder, of New York City.

As a member of the New York State Public Health and Health Planning Council, Theodore J. Strange, of Staten Island.

As a commissioner of the Ohio River Valley Water Sanitation Commission, Michael P. Wilson, of Dunkirk.

As trustee of the Power Authority of the State of New York, Raymond Wayne LeChase, of Rochester.

As a member of the Republic Airport Commission, Vincent A. Bologna, of West Babylon.

And as a member of the Ogdensburg Bridge and Port Authority, Douglas W. Loffler, of Ogdensburg.

ACTING PRESIDENT MARTINS: Senator DeFrancisco.

SENATOR DeFRANCISCO: Yes, I would move each of the nominations and just comment extremely briefly on a couple, and then you can recognize others in the chambers.

First of all, Richard Schwartz has been nominated for the Council on the Arts. He was chairman of the Council on the Arts for years. Just a wonderful person, did wonderful things for the arts. And I'm just pleased that he's willing to continue to serve.

Also, a Central New Yorker from a very important corporation in our community, Julie Shimer -- who is the chief executive officer and president of Welch Allyn, one of our fantastic high-tech corporations that keeps expanding even in these difficult times -- was nominated as a member of the New York State Urban Development Corporation. What a great

nomination, and someone from Central New York is really a good thing in upstate.

And Gary Lavine, who's also an Onondaga County resident, was legislative counsel in the Senate and in the Assembly and also was vice president and general counsel to Niagara Mohawk, another great nomination.

And I'm very pleased that the Governor is recognizing Central New York and some of those wonderful people for these nominations.

And I would request that you recognize -- I believe Senator Hassell-Thompson would like to comment on one or more of the nominees as well.

ACTING PRESIDENT MARTINS: Thank you, Senator DeFrancisco.

Before we call on Senator Hassell-Thompson, can we please have order in the house as we continue with these nominations.

Senator Hassell-Thompson.

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

Again, I rise to congratulate the Governor on his appointments. And very specifically, I would like to direct my

congratulations to Dennis Mehiel, who is going to be a director of the New York State Urban Development Corp.

And as someone who has been a major businessman in the State of New York and who has himself run for public office, unsuccessfully, but is very committed to this state, I think that he will make an extraordinary member of this board and certainly make a tremendous contribution, for which I congratulate the Governor and congratulate him on this appointment.

Thank you, Mr. President.

ACTING PRESIDENT MARTINS: Thank you, Senator.

Senator Squadron.

SENATOR SQUADRON: Thank you, Mr. President. And congratulations to all of the nominees.

Particular congratulations to Donald Capoccia, who's going to be on the board of the Battery Park City Authority in my district. Congratulations, as I say, to Mr. Capoccia, and we are certainly happy to have him in Battery Park City.

I do want to point out how critical it is that we also move forward with nominations of community members in Battery Park City. That's something that began under the previous administration; unfortunately, the members were not confirmed.

And I just want to highlight again that we're very pleased to have Donald Capoccia on the Battery Park City. It is critical that we also get members of the community on that authority and do it quickly. The names have been put out, the local elected officials in the community have spoken. And so I would urge the Governor to move forward with community representation in addition to Mr. Capoccia, whose nomination I will vote in support of.

Thank you, Mr. President.

ACTING PRESIDENT MARTINS: Thank you, Senator.

Any other Senators wishing to be heard?

The question is on the nomination of the members as read by the Secretary. All in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT MARTINS: Opposed, nay.

(No response.)

ACTING PRESIDENT MARTINS: The members as read by the Secretary are hereby confirmed.

(Applause.)

ACTING PRESIDENT MARTINS: Senator Libous.

SENATOR LIBOUS: Mr. President, can we go to motions and resolutions, please.

ACTING PRESIDENT MARTINS: Motions and resolutions.

Senator Libous.

SENATOR LIBOUS: I have a motion on behalf of Senator Hannon. On page 25, I offer to the following amendments to Calendar Number 629, Senate Print 3503A, and ask that said bill retain its place on the Third Reading Calendar.

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

SENATOR LIBOUS: And if you could call on Senator Valesky, Mr. President.

ACTING PRESIDENT MARTINS: Senator

Valesky.

SENATOR VALESKY: Mr. President, I wish to call up Senator Carlucci's bill, Senate Bill 3885, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT MARTINS: Thank you, Senator. The Secretary will read.

THE SECRETARY: Calendar Number 318, by Senator Carlucci, Senate Print 3885, an act to amend the Vehicle and Traffic Law.

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

ACTING PRESIDENT MARTINS: Call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

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

ACTING PRESIDENT MARTINS: The amendments are received.

Senator Libous.

SENATOR LIBOUS: Thank you, Mr. President.

There will be an immediate meeting

of the Finance Committee in Room 332, an immediate meeting of the Finance Committee in Room 332. I'm told it will be a very quick meeting, and then if members come immediately back to the floor, we will begin the calendar.

ACTING PRESIDENT MARTINS: Immediate meeting of the Finance Committee in Room 332.

The Senate will stand at ease.

(Whereupon, the Senate stood at ease at 4:59 p.m.)

(Whereupon, the Senate reconvened at 5:01 p.m.)

SENATOR LIBOUS: Mr. President, while we're waiting on the Finance Committee, at this time could we please call on Senator Hassell-Thompson for recognizing a very special group with us today.

ACTING PRESIDENT MARTINS: Certainly. Thank you, Senator Libous.

Senator Hassell-Thompson.

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

I would like to welcome and ask you to share in the welcome with me of the Youth

Civic Leadership Academy, under the directorship of Mr. Mark Favors, and for helping to bring young men and women from the state of Ohio and from Memphis, Tennessee, to New York to see how we in the State Legislature pass bills.

They are joining us in the gallery today. The coordinators are Mark Favors and Gina Duncan. From Memphis, the chaperones are Dr. Simone Thomas and Dr. Tanya Biles. The students are Torris Harris, Cameron Green, and Thedric Morton from Memphis, Tennessee.

From Ohio, from the Hartford Middle School, the chaperones are Principal Sandy Womack, Jr., Deanna Edwards and Mrs. Watkins. The students are Aaryonna Fontes, Raymon Walker, Isaiah Smith, Khalil Wilson, Chris Nelson, Mikal Meadows, Malaisia Taylor, Lamiesha Lytle, La'Tasia Robinson, Makayla Campbell, Darijah McCollum, Takeyia Moore, Krystyle Travis, Taylor Dozier, Iman Blasingame, Imani Womack, and Alexis Mayle.

Please congratulate my children and thank them for visiting with us, as they do each year from Ohio and Memphis, to come and see how New York carries on its legislative business.

And they've had a wonderful day today.

Thank you.

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

(Applause.)

ACTING PRESIDENT MARTINS: Ladies and gentlemen, welcome to the New York State Senate. We extend to you the courtesies and privileges of the house. Thank you for being here.

The Senate will stand at ease.

(Whereupon, the Senate stood at ease at 5:03 p.m.)

(Whereupon, the Senate reconvened at 5:11 p.m.)

ACTING PRESIDENT MARTINS: Senator Libous.

SENATOR LIBOUS: Mr. President, one second before we start.

All right, Mr. President, I'm ready. It took a minute to gather my thoughts, Mr. President.

Could we return to motions and resolutions.

ACTING PRESIDENT MARTINS: Motions

and resolutions.

SENATOR LIBOUS: I have a motion, Mr. President. On behalf of Senator Skelos, on page 25 I offer the following amendments to Calendar Number 637, Senate Print Number 4264B, and ask that said bill retain its place on the Third Reading Calendar.

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

SENATOR LIBOUS: If we could return to reports of standing committees, I believe there's a report of the Finance Committee at the desk.

ACTING PRESIDENT MARTINS: Reports of standing committees.

The Secretary will read.

THE SECRETARY: Senator DeFrancisco, from the Committee on Finance, reports the following nomination.

As a member of the board of directors of the Roosevelt Island Operating Corporation, Salvatore Ferrera, of Brooklyn.

ACTING PRESIDENT MARTINS: Senator DeFrancisco.

SENATOR DeFRANCISCO: I would move the nomination.

ACTING PRESIDENT MARTINS: Thank you, Senator.

Any Senator wishing to be heard?

The question is on the nomination of Salvatore Ferrera as a member of the board of directors of the Roosevelt Island Operating Corporation. All in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT MARTINS: Opposed, nay.

(Response of "Nay.")

ACTING PRESIDENT MARTINS: Salvatore Ferrera is hereby confirmed as a member of the board of directors of the Roosevelt Island Operating Corporation.

Senator Libous.

SENATOR LIBOUS: Mr. President, at this time could we take up the reading of the noncontroversial calendar.

ACTING PRESIDENT MARTINS: The Secretary will read.

THE SECRETARY: Calendar Number 41, by Senator Hannon, Senate Print 379, an act to

amend the Social Services Law.

ACTING PRESIDENT MARTINS: Read the last section.

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

ACTING PRESIDENT MARTINS: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MARTINS: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59. Nays 3. Senators Addabbo, Avella and Rivera recorded in the negative.

ACTING PRESIDENT MARTINS: The bill is passed.

THE SECRETARY: Calendar Number 49, by Senator Little, Senate Print 343, an act to amend the Highway Law.

ACTING PRESIDENT MARTINS: Read the last section.

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

ACTING PRESIDENT MARTINS: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: In relation to Calendar Number 49, those recorded in the negative are Senators Avella, Dilan, Duane, Espaillat, Hassell-Thompson, L. Krueger, Montgomery, Parker, Perkins, Rivera, and Squadron.

Ayes, 51. Nays, 11.

ACTING PRESIDENT MARTINS: The bill is passed.

THE SECRETARY: Calendar Number 53, by Senator Grisanti, Senate Print 2353, an act to amend the Vehicle and Traffic Law.

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

Read the last section.

THE SECRETARY: Section 2. This act shall take effect January 1, 2013.

ACTING PRESIDENT MARTINS: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT MARTINS: The bill is passed.

THE SECRETARY: Calendar Number

115, by Senator Saland, Senate Print 2598, an act to amend the Penal Law.

ACTING PRESIDENT MARTINS: Read the last section.

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

ACTING PRESIDENT MARTINS: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT MARTINS: The bill is passed.

THE SECRETARY: Calendar Number 127, by Senator LaValle, Senate Print 2911A, an act to amend the Education Law.

ACTING PRESIDENT MARTINS: Read the last section.

THE SECRETARY: Section 3. This act shall take effect on the 180th day.

ACTING PRESIDENT MARTINS: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT MARTINS: The bill is passed.

THE SECRETARY: Calendar Number 188, by Senator LaValle, Senate Print 1449B, an act to amend the Correction Law.

ACTING PRESIDENT MARTINS: Read the last section.

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

ACTING PRESIDENT MARTINS: Call the roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT MARTINS: The bill is passed.

THE SECRETARY: Calendar Number 189, by Senator Ranzenhofer, Senate Print 3220, an act to amend the Correction Law.

ACTING PRESIDENT MARTINS: Read the last section.

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

ACTING PRESIDENT MARTINS: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59. Nays,

3. Senators Montgomery, Parker and Perkins recorded in the negative.

ACTING PRESIDENT MARTINS: The bill is passed.

THE SECRETARY: Calendar Number 228, by Senator Griffo, Senate Print --

SENATOR LIBOUS: Lay it aside for the day.

ACTING PRESIDENT MARTINS: Lay it aside for the day.

THE SECRETARY: Calendar Number 250, by Senator Addabbo, Senate Print 1271, an act to amend the Vehicle and Traffic Law.

ACTING PRESIDENT MARTINS: Read the last section.

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

ACTING PRESIDENT MARTINS: Call the roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT MARTINS: The bill is passed.

THE SECRETARY: Calendar Number

410, by Senator Nozzolio, Senate Print 476A --

SENATOR BRESLIN: Lay it aside.

ACTING PRESIDENT MARTINS: The bill is laid aside.

THE SECRETARY: Calendar Number 414, by Senator Saland, Senate Print 1429, an act to amend the Correction Law.

ACTING PRESIDENT MARTINS: Read the last section.

THE SECRETARY: Section 5. This act shall take effect on the 30th day.

ACTING PRESIDENT MARTINS: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: In relation to Calendar 414, those recorded in the negative are Senators Duane, Gianaris, Hassell-Thompson, Parker, Perkins, Rivera, Squadron and Stavisky.

Ayes, 54. Nays, 8.

ACTING PRESIDENT MARTINS: The bill is passed.

THE SECRETARY: Calendar Number 425, substituted earlier today by Member of the Assembly Cahill, Assembly Print Number 160A, an act to amend the Alcoholic Beverage Control Law.

ACTING PRESIDENT MARTINS: Read the last section.

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

ACTING PRESIDENT MARTINS: Call the roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT MARTINS: The bill is passed.

THE SECRETARY: Calendar Number 430, by Senator Saland, Senate Print 4436A, an act to amend the Penal Law.

ACTING PRESIDENT MARTINS: Read the last section.

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

ACTING PRESIDENT MARTINS: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: In relation to Calendar Number 430, those recorded in the negative are Senators Duane, Montgomery, Parker,

and Perkins. Ayes, 58. Nays, 4.

ACTING PRESIDENT MARTINS: The bill is passed.

THE SECRETARY: Calendar Number 431, by Senator Nozzolio, Senate Print 4472, an act to amend the Criminal Procedure Law.

ACTING PRESIDENT MARTINS: Read the last section.

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

ACTING PRESIDENT MARTINS: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60. Nays, 2. Senators Perkins and Parker recorded in the negative.

ACTING PRESIDENT MARTINS: The bill is passed.

THE SECRETARY: Calendar Number 508, by the Senate Committee on Rules --

SENATOR BRESLIN: Lay it aside.

ACTING PRESIDENT MARTINS: The bill is laid aside.

THE SECRETARY: Calendar Number 511, by the Senate Committee on Rules, Senate

Print 4872, an act to amend the Tax Law.

ACTING PRESIDENT MARTINS: Read the last section.

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

ACTING PRESIDENT MARTINS: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: In relation to Calendar Number 511, those recorded in the negative are Senators Espaillat, Gianaris, L. Krueger, Parker, Peralta, Perkins, Rivera, Squadron and Stavisky.

Ayes, 53. Nays, 9.

ACTING PRESIDENT MARTINS: The bill is passed.

THE SECRETARY: Calendar Number 513, by Senator Flanagan, Senate Print 4630, an act to amend the Education Law.

ACTING PRESIDENT MARTINS: Read the last section.

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

ACTING PRESIDENT MARTINS: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT MARTINS: The bill is passed.

THE SECRETARY: Calendar Number 516, substituted earlier today by Member of the Assembly Brennan, Assembly Print Number 6443, an act to amend the Public Authorities Law.

ACTING PRESIDENT MARTINS: Read the last section.

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

ACTING PRESIDENT MARTINS: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT MARTINS: The bill is passed.

THE SECRETARY: Calendar Number 525, by Senator Robach, Senate Print 356, an act to amend the Correction Law.

ACTING PRESIDENT MARTINS: Read the last section.

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

ACTING PRESIDENT MARTINS: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60. Nays, 2. Senators Montgomery and Parker recorded in the negative.

ACTING PRESIDENT MARTINS: The bill is passed.

THE SECRETARY: Calendar Number 526, by Senator Maziarz --

SENATOR BRESLIN: Lay it aside.

ACTING PRESIDENT MARTINS: The bill is laid aside.

THE SECRETARY: Calendar Number 527, by Senator Young, Senate Print 744A, an act to amend the Correction Law.

ACTING PRESIDENT MARTINS: Read the last section.

THE SECRETARY: Section 7. This act shall take effect immediately.

ACTING PRESIDENT MARTINS: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MARTINS: Senator Rivera to explain his vote.

SENATOR RIVERA: Thank you, Mr. President. I will be brief.

I will be in support of this legislation. I remember when it was brought before the committee that I am the ranker on, and the observation that we made was that even though it provides for additional ways for work release programs to actually serve in a way to get people back into communities, there was an observation that perhaps it should include for religious exceptions.

If a person feels that they cannot serve for a particular organization because of their religious preferences or their religious practices, then they might be able to exclude themselves.

It is included in this version of the bill. I voted against it in committee because it did not have that. It has it now. Thank you, Senator Little, for doing that, and I will be voting in the affirmative on this piece of legislation.

Thank you, Mr. President.

ACTING PRESIDENT MARTINS: Senator Rivera will be recorded in the affirmative.

Thank you, Senator.

Announce the results.

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT MARTINS: The bill is passed.

THE SECRETARY: Calendar Number 528, by Senator Maziarz, Senate Print 1194, an act to amend the Correction Law.

ACTING PRESIDENT MARTINS: Read the last section.

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

ACTING PRESIDENT MARTINS: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: In relation to Calendar Number 528, those recorded in the negative are Senators Duane, Montgomery, Parker and Perkins. Ayes, 58. Nays, 4.

ACTING PRESIDENT MARTINS: The bill is passed.

THE SECRETARY: Calendar Number 532, by Senator Flanagan, Senate Print 2481, an act to amend the Correction Law.

ACTING PRESIDENT MARTINS: Read the

last section.

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

ACTING PRESIDENT MARTINS: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MARTINS: Senator Rivera to explain your vote.

SENATOR RIVERA: Thank you, Mr. President.

First, I will correct myself. It was of course Senator Young that I was speaking to, and not Senator Little. My apologies.

Regarding this bill, it is also one that came through the committee that I am the ranker on. I will be voting in the negative on this bill.

The purpose of the bill is to try to -- relating to the custody and visitation of sex offenders. The observation that I made during the committee meeting is that it does not make a distinction between different levels of sex offenders. Certainly a Level 3 sex offender who is a predator, he or she should absolutely be kept from children.

In this case, it includes excludes Level 1 sex offenders, which might be for much -- minor offenses earlier in life, and it might actually cause certain people to not be able to have visitation or custodial rights of their children.

So I am in opposition to this bill. I'll be voting in the negative.

Thank you, Mr. President.

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

Senator Krueger.

SENATOR KRUEGER: Thank you.

I appreciate Senator Rivera's comments. And I also will be voting no, because I think it is very important for us to understand as a Legislature that there is a very real difference between a Level 1 sex offender and a Level 3 sex offender. A Level 1 sex offender could technically be someone who pinched my derriere in a New York City bus.

And I don't know that I actually think someone who falls into that situation, or a statutory rape situation of a 17-year-old and a 16-year-old, should in fact by law then be

forbidden from visitation or custodial care of their own child at some much later date in life.

So I respect the intention of the sponsor, but I think that this bill should have been more finely crafted to be the higher-level sex offenders and not to have Level 1. So I'll also be voting no.

Thank you, Mr. President.

ACTING PRESIDENT MARTINS: Thank you, Senator. Senator Krueger will be recorded in the negative.

Announce the results.

THE SECRETARY: In relation to Calendar Number 532, those recorded in the negative are Senators Adams, Duane, Hassell-Thompson, L. Krueger, Little, Montgomery, Parker, Perkins, and Rivera.

Ayes, 53. Nays, 9.

ACTING PRESIDENT MARTINS: The bill is passed.

THE SECRETARY: Calendar Number 533, by Senator Nozzolio, Senate Print 3747, an act to amend the Correction Law.

SENATOR BRESLIN: Lay it aside.

ACTING PRESIDENT MARTINS: The bill

is laid aside.

THE SECRETARY: Calendar Number 550, substituted earlier today by Member of the Assembly Paulin, Assembly Print 141B, an act to amend the Mental Hygiene Law.

ACTING PRESIDENT MARTINS: Read the last section.

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

ACTING PRESIDENT MARTINS: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT MARTINS: The bill is passed.

THE SECRETARY: Calendar Number 586, by Senator Grisanti, Senate Print 3497A, an act to amend the General Business Law.

ACTING PRESIDENT MARTINS: Read the last section.

THE SECRETARY: Section 5. This act shall take effect on the 180th day.

ACTING PRESIDENT MARTINS: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT MARTINS: The bill is passed.

THE SECRETARY: Calendar Number 594, substituted earlier today by Member of the Assembly Gottfried, Assembly Print 3334, an act to amend the Education Law.

ACTING PRESIDENT MARTINS: Read the last section.

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

ACTING PRESIDENT MARTINS: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT MARTINS: The bill is passed.

THE SECRETARY: Calendar Number 604, by Senator Marcellino, Senate Print 4272A, an act to amend the Vehicle and Traffic Law.

ACTING PRESIDENT MARTINS: Read the last section.

THE SECRETARY: Section 7. This act shall take effect on the 120th day.

ACTING PRESIDENT MARTINS: Call the

roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT MARTINS: The bill is passed.

THE SECRETARY: Calendar Number 625, by Senator Young, Senate Print 2446, an act to amend the General Municipal Law.

ACTING PRESIDENT MARTINS: Read the last section.

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

ACTING PRESIDENT MARTINS: Call the roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT MARTINS: The bill is passed.

THE SECRETARY: Calendar Number 638, by Senator Carlucci, Senate Print 4331, an act in relation to alienation of certain parklands.

ACTING PRESIDENT MARTINS: We have a home-rule message at the desk.

Read the last section.

THE SECRETARY: Section 7. This act shall take effect immediately.

ACTING PRESIDENT MARTINS: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT MARTINS: The bill is passed.

THE SECRETARY: Calendar Number 653, by Senator Stavisky, Senate Print 899, an act to amend the Abandoned Property Law.

ACTING PRESIDENT MARTINS: Read the last section.

THE SECRETARY: Section 4. This act shall take effect on the 60th day.

ACTING PRESIDENT MARTINS: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: In relation to Calendar Number 653, Senator Ball recorded in the negative. Ayes, 61. Nays, 1.

ACTING PRESIDENT MARTINS: The bill is passed.

THE SECRETARY: Calendar Number

672, by Senator Maziarz, Senate Print 4253B, an act to authorize the County of Niagara.

ACTING PRESIDENT MARTINS: 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 MARTINS: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT MARTINS: The bill is passed.

THE SECRETARY: Calendar Number 674, by Senator O'Mara, Senate Print 4267B, an act to authorize the County of Schuyler.

ACTING PRESIDENT MARTINS: 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 MARTINS: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT MARTINS: The bill is passed.

THE SECRETARY: Calendar Number 725, by Senator Saland, Senate Print 5226, an act to amend the Criminal Procedure Law.

ACTING PRESIDENT MARTINS: Read the last section.

THE SECRETARY: Section 58. This act shall take effect on the first of November.

ACTING PRESIDENT MARTINS: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT MARTINS: The bill is passed.

THE SECRETARY: Calendar Number 748, by Senator LaValle, Senate Print 5343, an act to amend the Education Law.

ACTING PRESIDENT MARTINS: Read the last section.

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

ACTING PRESIDENT MARTINS: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.
ACTING PRESIDENT MARTINS: The bill is passed.
THE SECRETARY: Calendar Number 802, by Senator Golden --
SENATOR BRESLIN: Lay it aside.
ACTING PRESIDENT MARTINS: The bill is laid aside.
THE SECRETARY: Calendar Number 803, by Senator Lanza, Senate Print 2945, an act to amend the Penal Law.
ACTING PRESIDENT MARTINS: Read the last section.
THE SECRETARY: Section 3. This act shall take effect on the first of November.
ACTING PRESIDENT MARTINS: Call the roll.
(The Secretary called the roll.)
THE SECRETARY: Ayes, 62.
ACTING PRESIDENT MARTINS: The bill is passed.
THE SECRETARY: Calendar Number 813, by Senator Gallivan, Senate Print 3240, an act to amend the Vehicle and Traffic Law.
ACTING PRESIDENT MARTINS: Read the

last section.

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

ACTING PRESIDENT MARTINS: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT MARTINS: 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 MARTINS: Read the last section.

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

ACTING PRESIDENT MARTINS: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: In relation to Calendar Number 823: Ayes, 61. Nays, 1. Senator Espaillat recorded in the negative.

ACTING PRESIDENT MARTINS: The bill is passed.

THE SECRETARY: Calendar Number

826, by Senator O'Mara, Senate Print 3920, an act to amend the Education Law.

ACTING PRESIDENT MARTINS: Read the last section.

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

ACTING PRESIDENT MARTINS: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Those recorded in the negative on Calendar Number 826 are Senators Gianaris and Stavisky. Also Senator Rivera.

Ayes, 59. Nays, 3.

ACTING PRESIDENT MARTINS: The bill is passed.

THE SECRETARY: Calendar Number 834, by Senator Carlucci, Senate Print 4300, an act to amend the Tax Law.

ACTING PRESIDENT MARTINS: Read the last section.

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

ACTING PRESIDENT MARTINS: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT MARTINS: The bill is passed.

THE SECRETARY: Calendar Number 838, by Senator Young, Senate Print 5059, an act to amend the Tax Law.

ACTING PRESIDENT MARTINS: Read the last section.

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

ACTING PRESIDENT MARTINS: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT MARTINS: The bill is passed.

THE SECRETARY: Calendar Number 853, by Senator Nozzolio --

SENATOR BRESLIN: Lay it aside.

ACTING PRESIDENT MARTINS: The bill is laid aside.

THE SECRETARY: Calendar Number 858, substituted earlier today by Member of the Assembly Colton, Assembly Print 2565, an act to amend the Correction Law.

ACTING PRESIDENT MARTINS: Read the last section.

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

ACTING PRESIDENT MARTINS: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: In relation to Calendar Number 858, those recorded in the negative are Senators Montgomery, Parker and Perkins. Ayes, 59. Nays, 3.

ACTING PRESIDENT MARTINS: The bill is passed.

THE SECRETARY: Calendar Number 874, by Senator O'Mara, Senate Print 4857A, an act to amend the Real Property Tax Law.

ACTING PRESIDENT MARTINS: Read the last section.

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

ACTING PRESIDENT MARTINS: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT MARTINS: The bill

is passed.

Senator Libous.

SENATOR LIBOUS: Mr. President, could we go back to Calendar Number 725? I believe that bill was passed. And can we call the roll on reconsideration.

ACTING PRESIDENT MARTINS: The Secretary will recall Bill 725.

The Secretary will read.

THE SECRETARY: Calendar Number 725, by Senator Saland, Senate Print 5226, an act to amend the Criminal Procedure Law.

SENATOR LIBOUS: Please call the roll on reconsideration.

ACTING PRESIDENT MARTINS: Call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

SENATOR LIBOUS: The bill is before the house. Lay it aside.

ACTING PRESIDENT MARTINS: The bill is laid aside.

THE SECRETARY: Calendar Number 915, by Senator Saland, Senate Print 4530A, an act to amend the Civil Practice Law and Rules.

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

THE SECRETARY: Calendar Number 925, by Senator Gallivan, Senate Print 5494A, an act to amend the Social Services Law.

SENATOR LIBOUS: Lay it aside for the day.

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

THE SECRETARY: Calendar Number 942, substituted earlier today by Member of the Assembly Galef, Assembly Print 5749, an act to amend the Tax Law.

ACTING PRESIDENT MARTINS: Read the last section.

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

ACTING PRESIDENT MARTINS: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: In relation to Calendar Number 942, those recorded in the negative are Senators Espaillat, Gianaris, L. Krueger, Parker, Peralta, Perkins, Rivera, Squadron, and Stavisky.

Ayes, 53. Nays, 9.

ACTING PRESIDENT MARTINS: The bill is passed.

THE SECRETARY: Calendar Number 961, substituted earlier today by Member of the Assembly Farrell, Assembly Print 7239, an act to amend the Tax Law.

ACTING PRESIDENT MARTINS: Read the last section.

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

ACTING PRESIDENT MARTINS: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT MARTINS: The bill is passed.

THE SECRETARY: Calendar Number 964, substituted earlier today by Member of the Assembly Sweeney Assembly, Print Number 5663, an act to amend the Environmental Conservation Law.

ACTING PRESIDENT MARTINS: Read the last section.

THE SECRETARY: Section 2. This act shall take effect April 1, 2012.

ACTING PRESIDENT MARTINS: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT MARTINS: The bill is passed.

THE SECRETARY: Calendar Number 993, by Senator O'Mara, Senate Print 5137, an act to amend the General Municipal Law.

ACTING PRESIDENT MARTINS: Read the last section.

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

ACTING PRESIDENT MARTINS: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT MARTINS: The bill is passed.

THE SECRETARY: Calendar Number 1006, by Senator Young, Senate Print 4720, an act to amend the Parks, Recreation and Historic Preservation Law.

ACTING PRESIDENT MARTINS: Read the last section.

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

ACTING PRESIDENT MARTINS: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT MARTINS: The bill is passed.

THE SECRETARY: Calendar Number 1015, by Senator Ranzenhofer, Senate Print 5370, an act to amend the Not-For-Profit Corporation Law.

ACTING PRESIDENT MARTINS: Read the last section.

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

ACTING PRESIDENT MARTINS: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT MARTINS: The bill is passed.

THE SECRETARY: Calendar Number 1026, by Senator Seward, Senate Print 5562, an act to amend the Insurance Law.

ACTING PRESIDENT MARTINS: Read the last section.

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

ACTING PRESIDENT MARTINS: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT MARTINS: The bill is passed.

THE SECRETARY: Calendar Number 1030, substituted earlier today by Member of the Assembly DenDekker, Assembly Print 6767A, an act to amend the Election Law.

ACTING PRESIDENT MARTINS: Read the last section.

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

ACTING PRESIDENT MARTINS: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT MARTINS: The bill is passed.

THE SECRETARY: Calendar Number

1037, by Senator Grisanti, Senate Print 4213, an act to amend the Environmental Conservation Law.

ACTING PRESIDENT MARTINS: Read the last section.

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

ACTING PRESIDENT MARTINS: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT MARTINS: The bill is passed.

THE SECRETARY: Calendar Number 1040, substituted earlier today by Member of the Assembly Sweeney, Assembly Print 7638A, an act to amend the Environmental Conservation Law.

ACTING PRESIDENT MARTINS: Read the last section.

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

ACTING PRESIDENT MARTINS: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MARTINS: Senator DeFrancisco to explain his vote.

SENATOR DeFRANCISCO: Yes. I'm going to vote no.

It's certainly a wonderful thing that these people that provide information about lawn application, as to what's in the substances that are being put on the lawn, it's a good thing if people really want to know. And if they want to know and they're entering into a contract with a lawn applicator, they can ask for what is in the stuff being put on the lawn.

But to require a business to provide information that 99 percent of the people could care less about is a burden on business that I think is unnecessary. And as a result, I'm going to vote no.

ACTING PRESIDENT MARTINS: Senator DeFrancisco will be recorded in the negative.

Announce the results.

THE SECRETARY: In relation to Calendar Number 1040, those recorded in the negative are Senators DeFrancisco, Farley, Lanza, Little, Robach, and Seward. Ayes, 56. Nays, 6.

ACTING PRESIDENT MARTINS: The bill is passed.

THE SECRETARY: Calendar Number

1041, by Senator LaValle, Senate Print 4604A, an act to amend the Environmental Conservation Law.

SENATOR LIBOUS: Lay the bill aside for the day.

ACTING PRESIDENT MARTINS: Lay it aside for the day.

THE SECRETARY: Calendar Number 1044, substituted earlier today by Member of the Assembly Magee, Assembly Print 7637, an act to amend the Environmental Conservation Law.

ACTING PRESIDENT MARTINS: Read the last section.

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

ACTING PRESIDENT MARTINS: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: In relation to Calendar Number 1044, those recorded in the negative are Senators Duane, Perkins, and Serrano. Also Senator Espaillat.

Ayes, 58. Nays, 4.

ACTING PRESIDENT MARTINS: The bill is passed.

THE SECRETARY: Calendar Number

1045, substituted earlier today by Member of the Assembly Hevesi, Assembly Print 295A, an act to amend the Environmental Conservation Law.

ACTING PRESIDENT MARTINS: Read the last section.

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

ACTING PRESIDENT MARTINS: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT MARTINS: The bill is passed.

THE SECRETARY: Calendar Number 1046, by Senator Grisanti, Senate Print --

SENATOR BRESLIN: Lay it aside.

ACTING PRESIDENT MARTINS: The bill is laid aside.

THE SECRETARY: Calendar Number 1047, substituted earlier today by Member of the Assembly Gunther, Assembly Print Number 7943, an act to amend the Environmental Conservation Law.

ACTING PRESIDENT MARTINS: Read the last section.

THE SECRETARY: Section 2. This

act shall take effect on the same date and in the same manner as a chapter of the Laws of 2011.

ACTING PRESIDENT MARTINS: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: In relation to Calendar 1047, those recorded in the negative are Senators Espaillat, L. Krueger, Perkins, and Serrano. Ayes, 58. Nays, 4.

ACTING PRESIDENT MARTINS: The bill is passed.

THE SECRETARY: Calendar Number 1050, substituted earlier today by Member of the Assembly Paulin, Assembly Print 7633, an act to amend the Social Services Law.

ACTING PRESIDENT MARTINS: Read the last section.

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

ACTING PRESIDENT MARTINS: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT MARTINS: The bill is passed.

THE SECRETARY: Calendar Number 1051, substituted earlier today by Member of the Assembly Scarborough, Assembly Print 5458A, an act to amend the Social Services Law.

ACTING PRESIDENT MARTINS: Read the last section.

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

ACTING PRESIDENT MARTINS: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT MARTINS: The bill is passed.

THE SECRETARY: Calendar Number 1056, substituted earlier today by Member of the Assembly Sweeney, Assembly Print 7919, an act to amend the Vehicle and Traffic Law.

ACTING PRESIDENT MARTINS: Read the last section.

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

ACTING PRESIDENT MARTINS: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT MARTINS: The bill is passed.

THE SECRETARY: On page 47, Senator Griffo moves to discharge, from the Committee on Rules, Assembly Bill Number 8156 and substitute it for the identical Senate Bill Number 4612A, Third Reading Calendar 1059.

ACTING PRESIDENT MARTINS: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1059, by Member of the Assembly Lancman, Assembly Print 8156, an act to amend the Banking Law.

ACTING PRESIDENT MARTINS: Read the last section.

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

ACTING PRESIDENT MARTINS: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT MARTINS: The bill is passed.

THE SECRETARY: Calendar Number

1061, substituted earlier today by Member of the Assembly Castro, Assembly Print 8102, an act to amend Chapter 223 of the Laws of 1996.

ACTING PRESIDENT MARTINS: Read the last section.

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

ACTING PRESIDENT MARTINS: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT MARTINS: The bill is passed.

THE SECRETARY: Calendar Number 1062, by Senator Robach, Senate Print 702A, an act to amend the Penal Law.

ACTING PRESIDENT MARTINS: Read the last section.

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

ACTING PRESIDENT MARTINS: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: In relation to Calendar 1062, those recorded in the negative are

Senators Duane, Montgomery and Parker.

Ayes, 59. Nays, 3.

ACTING PRESIDENT MARTINS: The bill is passed.

THE SECRETARY: Calendar Number 1069, by Senator Flanagan, Senate Print 4400, an act to amend the Penal Law.

ACTING PRESIDENT MARTINS: Read the last section.

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

ACTING PRESIDENT MARTINS: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Those recorded in the negative on Calendar Number 1069 are Senators Duane, Montgomery and Parker.

Ayes, 59. Nays, 3.

ACTING PRESIDENT MARTINS: The bill is passed.

THE SECRETARY: Calendar Number 1085, by Senator Martins, Senate Print 5394, an act to legalize, validate, ratify and confirm.

ACTING PRESIDENT MARTINS: Read the last section.

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

ACTING PRESIDENT MARTINS: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT MARTINS: The bill is passed.

THE SECRETARY: Calendar Number 1086, by Senator Larkin, Senate Print --

SENATOR LARKIN: Lay it aside for the day.

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

THE SECRETARY: Calendar Number 1087, by Senator Larkin, Senate Print 5513, an act to authorize the Commissioner of Education.

ACTING PRESIDENT MARTINS: Read the last section.

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

ACTING PRESIDENT MARTINS: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT MARTINS: The bill is passed.

THE SECRETARY: Calendar Number 1089, substituted earlier today by Member of the Assembly Lancman, Assembly Print 478A, an act to amend the Criminal Procedure Law.

ACTING PRESIDENT MARTINS: Read the last section.

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

ACTING PRESIDENT MARTINS: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: In relation to Calendar 1089, those recorded in the negative are Senators Dilan, Parker and Rivera.

Ayes, 59. Nays, 3.

ACTING PRESIDENT MARTINS: The bill is passed.

THE SECRETARY: Calendar Number 1090, by Senator Martins, Senate Print 1209A, an act to amend the Executive Law.

ACTING PRESIDENT MARTINS: Read the last section.

THE SECRETARY: Section 2. This

act shall take effect on the 120th day.

ACTING PRESIDENT MARTINS: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: In relation to Calendar Number 1090, those recorded in the negative are Senators Avella, Dilan, Duane, Espaillat, Hassell-Thompson, L. Krueger, Montgomery, Parker, Perkins, Rivera, Squadron, and Stewart-Cousins.

Ayes, 50. Nays, 12.

ACTING PRESIDENT MARTINS: The bill is passed.

THE SECRETARY: Calendar Number 1096, substituted earlier today by Member of the Assembly Nolan, Assembly Print 5600A, an act to amend Part C of Chapter 57 of the Laws of 2004.

ACTING PRESIDENT MARTINS: Read the last section.

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

ACTING PRESIDENT MARTINS: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT MARTINS: The bill is passed.

THE SECRETARY: Calendar Number 1101, by Senator DeFrancisco, Senate Print 3945A, an act to amend the Tax Law.

ACTING PRESIDENT MARTINS: Read the last section.

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

ACTING PRESIDENT MARTINS: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT MARTINS: The bill is passed.

THE SECRETARY: Calendar Number 1104, by Senator Bonacic, Senate Print 4255, an act to amend the Public Health Law.

ACTING PRESIDENT MARTINS: Read the last section.

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

ACTING PRESIDENT MARTINS: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT MARTINS: The bill is passed.

THE SECRETARY: Calendar Number 1105, substituted earlier today by Member of the Assembly Titus, Assembly Print 6331, an act to amend Chapter 436 of the Laws of 1997.

ACTING PRESIDENT MARTINS: Read the last section.

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

ACTING PRESIDENT MARTINS: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT MARTINS: The bill is passed.

THE SECRETARY: Calendar Number 1106, by Senator Ball --

SENATOR LIBOUS: Lay it aside for the day.

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

THE SECRETARY: Calendar Number 1110, by Senator Farley, Senate Print 5390, an

act to provide for the repayment by the Schenectady City School District.

ACTING PRESIDENT MARTINS: Read the last section.

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

ACTING PRESIDENT MARTINS: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT MARTINS: The bill is passed.

THE SECRETARY: Calendar Number 1111, by Senator Saland, Senate Print 5560, an act to amend the Executive Law.

ACTING PRESIDENT MARTINS: Read the last section.

SENATOR BRESLIN: Lay it aside.

ACTING PRESIDENT MARTINS: The bill is laid aside.

THE SECRETARY: On page 53, Senator Fuschillo moves to discharge, from the Committee on Rules, Assembly Bill Number 8030 and substitute it for the identical Senate Bill Number 3807A, Third Reading Calendar 1112.

ACTING PRESIDENT MARTINS: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1112, by Member of the Assembly Paulin, Assembly Print 8030, an act to amend Chapter 563 of the Laws of 2008.

ACTING PRESIDENT MARTINS: Read the last section.

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

ACTING PRESIDENT MARTINS: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT MARTINS: The bill is passed.

THE SECRETARY: Calendar Number 1114, by Senator Young --

SENATOR LIBOUS: Lay it aside for the day.

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

THE SECRETARY: Calendar Number 1121, by Senator Ritchie, Senate Print 5320, an

act to amend the Tax Law.

ACTING PRESIDENT MARTINS: Read the last section.

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

ACTING PRESIDENT MARTINS: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT MARTINS: The bill is passed.

THE SECRETARY: Calendar Number 1123, by Senator Ritchie, Senate Print 5547, an act to amend the Tax Law.

ACTING PRESIDENT MARTINS: Read the last section.

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

ACTING PRESIDENT MARTINS: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT MARTINS: The bill is passed.

THE SECRETARY: Calendar Number

1125, substituted earlier today by Member of the Assembly Kolb, Assembly Print 7237, an act to amend the Correction Law.

ACTING PRESIDENT MARTINS: Read the last section.

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

ACTING PRESIDENT MARTINS: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT MARTINS: The bill is passed.

THE SECRETARY: Calendar Number 1127, by Senator Young, Senate Print 5565, an act to amend the Executive Law.

ACTING PRESIDENT MARTINS: Read the last section.

THE SECRETARY: Section 16. This act shall take effect on the first of January.

ACTING PRESIDENT MARTINS: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: In relation to Calendar Number 1127, those recorded in the

negative are Senators Duane, Hassell-Thompson, Montgomery, and Perkins.

Ayes, 58. Nays, 4.

ACTING PRESIDENT MARTINS: The bill is passed.

THE SECRETARY: Calendar Number 1142, by Senator DeFrancisco --

SENATOR BRESLIN: Lay it aside.

ACTING PRESIDENT MARTINS: The bill is laid aside.

THE SECRETARY: Calendar Number 1144, by Senator Golden, Senate Print 3894, an act to amend the Military Law.

ACTING PRESIDENT MARTINS: Read the last section.

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

ACTING PRESIDENT MARTINS: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT MARTINS: The bill is passed.

THE SECRETARY: Calendar Number 1167, by the Senate Committee on Rules, Senate

Print 5527, an act to amend the Tax Law.

ACTING PRESIDENT MARTINS: Read the last section.

THE SECRETARY: Section 16. This act shall take effect immediately.

ACTING PRESIDENT MARTINS: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MARTINS: Senator Krueger to explain her vote.

SENATOR KRUEGER: Thank you very much.

As the record shows, I've been voting no on tax bills that have no Senate sponsor. But this is a tax bill that is needed by the City of New York, and so I will be voting yes and would like to note that I would have been happy to have my name on as the sponsor of a tax bill for the City of New York.

And so I wish there was a sponsor. I could have been one. But I won't vote no, because my city needs this bill.

I vote yes. Thank you.

ACTING PRESIDENT MARTINS: Senator Krueger will be recorded in the affirmative.

Senator Squadron.

SENATOR SQUADRON: Thank you very much.

And I am happy today, for my own locality, to vote for this bill. I do wish it were sponsored by Senator Krueger.

Thank you, Mr. President.

(Laughter.)

ACTING PRESIDENT MARTINS: Senator Squadron will also be recorded in the affirmative.

Senator Parker.

SENATOR PARKER: Mr. President, I rise to share my concern about bills coming to the floor with no one's name on it.

But I'm voting no on this bill because we talk a lot about not raising taxes and here we are again raising taxes. If we're going to tax people, instead of extending a sales tax that is regressive and hurts working-class people, we should have done the -- you know, not given the millionaires and billionaires a tax break like we did earlier today.

So I vote nay.

ACTING PRESIDENT MARTINS: Senator

Parker will be recorded in the negative.

Announce the results.

THE SECRETARY: In relation to Calendar Number 1167, those recorded in the negative are Senators Ball, Lanza and Parker. Also Senator Robach. Ayes, 58. Nays, 4.

ACTING PRESIDENT MARTINS: The bill is passed.

THE SECRETARY: Calendar Number 1192, by Senator Skelos, Senate Print 4655, an act to amend the Volunteer Firefighters Benefit Law.

ACTING PRESIDENT MARTINS: Read the last section.

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

ACTING PRESIDENT MARTINS: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT MARTINS: The bill is passed.

THE SECRETARY: Calendar Number 1200, by Senator Young, Senate Print 755, an act to amend the Private Housing Finance Law.

ACTING PRESIDENT MARTINS: Read the last section.

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

ACTING PRESIDENT MARTINS: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT MARTINS: The bill is passed.

THE SECRETARY: Calendar Number 1202, by Senator Maziarz, Senate Print 958C, an act to amend the Parks, Recreation and Historic Preservation Law.

ACTING PRESIDENT MARTINS: Read the last section.

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

ACTING PRESIDENT MARTINS: Call the roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT MARTINS: The bill is passed.

THE SECRETARY: Calendar Number 1206, by Senator Libous --

SENATOR BRESLIN: Lay it aside.

ACTING PRESIDENT MARTINS: The bill is laid aside.

THE SECRETARY: Calendar Number 1207, by Senator Bonacic, Senate Print 2544 --

SENATOR BRESLIN: Lay it aside.

ACTING PRESIDENT MARTINS: The bill is laid aside.

THE SECRETARY: Calendar Number 1209, by Senator Saland, Senate Print 2737, an act to amend the Penal Law.

ACTING PRESIDENT MARTINS: Read the last section.

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

ACTING PRESIDENT MARTINS: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: In relation to Calendar 1209, those recorded in the negative are Senators Dilan, Duane and Montgomery. Also Senator Perkins. Also Senator L. Krueger.

Ayes, 57. Nays, 5.

ACTING PRESIDENT MARTINS: The bill is passed.

THE SECRETARY: Calendar Number 1214, by Senator Seward, Senate Print 3057, an act to amend the Insurance Law.

ACTING PRESIDENT MARTINS: Read the last section.

THE SECRETARY: Section 3. This act shall take effect January 1, 2012.

ACTING PRESIDENT MARTINS: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60. Nays, 2. Senators Avella and Dilan recorded in the negative.

ACTING PRESIDENT MARTINS: The bill is passed.

THE SECRETARY: Calendar Number 1216, by Senator Hannon, Senate Print 3201, an act to amend the Real Property Tax Law.

ACTING PRESIDENT MARTINS: Read the last section.

SENATOR LIBOUS: Lay it aside for the day.

ACTING PRESIDENT MARTINS: The bill

is laid aside for the day.

THE SECRETARY: Calendar Number 1217, by Member of the Assembly Hoyt, Assembly Print Number 3320, an act to amend the Executive Law.

ACTING PRESIDENT MARTINS: Read the last section.

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

ACTING PRESIDENT MARTINS: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT MARTINS: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1217: Ayes, 61. Nays, 1. Senator Grisanti recorded in the negative.

ACTING PRESIDENT MARTINS: The bill is passed.

THE SECRETARY: Calendar Number 1218, by Senator Gallivan, Senate Print --

SENATOR BRESLIN: Lay it aside.

ACTING PRESIDENT MARTINS: The bill is laid aside.

THE SECRETARY: Calendar Number 1224, by Senator Young, Senate Print 4143A, an act to amend the Alcoholic Beverage Control Law.

ACTING PRESIDENT MARTINS: Read the last section.

THE SECRETARY: Section 20. This act shall take effect on the 90th day.

ACTING PRESIDENT MARTINS: Call the roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT MARTINS: The bill is passed.

THE SECRETARY: Calendar Number 1225, by Senator Larkin, Senate Print 4223 --

SENATOR BRESLIN: Lay it aside.

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

The bill is laid aside.

THE SECRETARY: Calendar Number 1230, by Senator Robach, Senate Print 4435A, an act to amend the General Business Law.

ACTING PRESIDENT MARTINS: Read the last section.

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

ACTING PRESIDENT MARTINS: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT MARTINS: The bill is passed.

THE SECRETARY: Calendar Number 1233, by Senator Robach, Senate Print 4560, an act to amend the Correction Law.

ACTING PRESIDENT MARTINS: Read the last section.

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

ACTING PRESIDENT MARTINS: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MARTINS: Senator Rivera to explain his vote.

SENATOR RIVERA: Thank you, Mr. President.

I will be voting in the affirmative on this bill. And I appreciate Senator Robach bringing this bill to the floor.

And I want to underline the fact that this is precisely the type of change that can happen in certain bills that I've voted in the negative in the past. Once you've made it specific to the particular level of sex offender that a law should apply to, then I certainly can be supportive.

In this case, keeping this type of predator from living in college housing is something that I am supportive of. But this is exactly the type of changes that I believe we need to make to certain bills to make them more specific so that I can be supportive in the future.

So thank you, Senator Robach. I will be voting in the affirmative.

Thank you, Mr. President.

ACTING PRESIDENT MARTINS: Thank you, Senator Rivera. Senator Rivera will be recorded in the affirmative.

Announce the results.

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

ACTING PRESIDENT MARTINS: The bill is passed.

THE SECRETARY: Calendar Number 1234, by Senator Lanza, Senate Print 4637, an act to amend the Public Authorities Law.

ACTING PRESIDENT MARTINS: Read the last section.

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

ACTING PRESIDENT MARTINS: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MARTINS: Senator Carlucci to explain his vote.

SENATOR CARLUCCI: Thank you, Mr. President.

This is an important step in the right direction. I believe that this forensic audit will be a tool that I'm hopeful that the MTA leaders will welcome, to use to make sure that the money spent at the MTA is money well spent, to make sure that our transportation system is the most efficient and most cost-effective, and ultimately to lead to the repealing of the MTA payroll tax.

So I'm hopeful that the MTA will see this as welcome and will take it into effect and

make sure we're going in a cost-effective way for the MTA.

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

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

Senator Fuschillo.

SENATOR FUSCHILLO: Just briefly, Mr. President.

Let me thank my colleague Senator Lanza for his leadership on this issue. When we held budget hearings, Senator Lanza brought this up and stressed how important this would be to the MTA but also to the residents throughout the metropolitan area.

We need to know exactly how the money is being spent, how much money is there. We've heard estimates of multi-billion-dollar structural deficits based on the hearings that Senator Marcellino had done through his committee. And a forensic audit, an independent audit is critically important to the members of the Legislature here as well as the general public.

I'll be voting in the affirmative.

ACTING PRESIDENT MARTINS: Senator Fuschillo will be recorded in the affirmative. Thank you, Senator.

Senator Dilan.

SENATOR DILAN: Yes, I just rise to indicate that I will be voting in the negative with respect to this forensic audit.

I believe that when we first indicated that we requested a forensic audit, there was a question as to who was going to pay for it. And in view of all the deficits that the MTA has at this time, I really believe that they cannot afford to pay for it. And I believe that we indicated that we would pay for that forensic audit. So therefore I'm voting no.

ACTING PRESIDENT MARTINS: Thank you, Senator Dilan. Senator Dilan will be recorded in the negative.

Announce the results.

THE SECRETARY: In relation to Calendar Number 1234, those recorded in the negative are Senators Dilan, Perkins and Squadron. Ayes, 59. Nays, 3.

ACTING PRESIDENT MARTINS: The bill is passed.

THE SECRETARY: Calendar Number 1238, by Senator Maziarz, Senate Print 4844, an act to direct the New York State Office of Parks, Recreation and Historic Preservation.

ACTING PRESIDENT MARTINS: Read the last section.

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

ACTING PRESIDENT MARTINS: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MARTINS: Senator Maziarz to explain his vote.

SENATOR MAZIARZ: Just very briefly to explain my vote, Mr. President.

Nik Wallenda is a member of the famous Flying Wallenda family, been doing this for a long -- all his life, actually, three generations. This used to be done in Niagara Falls across the Niagara Gorge in the 1800s all the time.

Nik Wallenda has very generously, Mr. President, offered to carry a member of the New York State Senate across the tightrope wire with him.

(Laughter.)

SENATOR MAZIARZ: And in a spirit of bipartisanship, I have volunteered Senator Marty Dilan to do that.

(Laughter.)

SENATOR MAZIARZ: So thank you, Mr. President. I vote in the affirmative. Thank you.

ACTING PRESIDENT MARTINS: Senator Maziarz will be recorded in the affirmative.

We will hold off on asking Senator Dilan as to whether or not he'll accept.

(Laughter.)

ACTING PRESIDENT MARTINS: Announce the results.

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT MARTINS: The bill is passed.

THE SECRETARY: Calendar Number 1239, by Senator Saland, Senate Print 4851A --

SENATOR BRESLIN: Lay it aside.

ACTING PRESIDENT MARTINS: The bill is laid aside.

THE SECRETARY: Calendar Number 1240, by Senator LaValle, Senate Print 4899, an

act to amend Local Finance Law.

ACTING PRESIDENT MARTINS: We have a home-rule message at the desk.

Please read the last section.

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

ACTING PRESIDENT MARTINS: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT MARTINS: The bill is passed.

THE SECRETARY: Calendar Number 1242, by Senator Young --

SENATOR BRESLIN: Lay it aside.

ACTING PRESIDENT MARTINS: The bill is laid aside.

THE SECRETARY: Calendar Number 1244, by Senator Ritchie, Senate Print 5161, an act to amend the Environmental Conservation Law.

ACTING PRESIDENT MARTINS: Read the last section.

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

ACTING PRESIDENT MARTINS: Call the

roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT MARTINS: The bill is passed.

THE SECRETARY: Calendar Number 1245, by Senator Young, Senate Print 5184B, an act to amend the Education Law.

ACTING PRESIDENT MARTINS: Read the last section.

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

ACTING PRESIDENT MARTINS: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT MARTINS: The bill is passed.

THE SECRETARY: Calendar Number 1250, by Senator Robach, Senate Print 5323B, an act to amend the Environmental Conservation Law.

SENATOR LIBOUS: Lay it aside for the day.

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

THE SECRETARY: Calendar Number 1251, by Member of the Assembly Calhoun, Assembly Print 2877, an act to amend the Criminal Procedure Law.

ACTING PRESIDENT MARTINS: Read the last section.

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

ACTING PRESIDENT MARTINS: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: In relation to Calendar Number 1251, those recorded in the negative are Senators Duane, L. Krueger, Montgomery and Perkins. Ayes, 58. Nays, 4.

ACTING PRESIDENT MARTINS: The bill is passed.

THE SECRETARY: Calendar Number 1262, by Senator Bonacic, Senate Print 5601, an act to amend the Environmental Conservation Law.

ACTING PRESIDENT MARTINS: Read the last section.

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

ACTING PRESIDENT MARTINS: Call the

roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT MARTINS: The bill is passed.

THE SECRETARY: Calendar Number 1265, by Senator Golden, Senate Print 5631 --

SENATOR BRESLIN: Lay it aside.

ACTING PRESIDENT MARTINS: The bill is laid aside.

Senator Libous, that concludes our reading of the noncontroversial calendar.

Senator Libous.

SENATOR LIBOUS: Mr. President, can we go back to the reports of standing committees. I believe there's a report of the Rules Committee at the desk.

ACTING PRESIDENT MARTINS: Reports of standing committees.

The Secretary will read.

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

Senate Print 1361, by Senator Dilan, an act to amend the General Municipal Law;

1521, by Senator Klein, an act to amend the Correction Law;

1748, by Senator Golden, an act to amend the Public Health Law;

1914, by Senator Serrano, an act to amend the Economic Development Law;

2048, by Senator C. Kruger, an act to amend the Correction Law;

2438, by Senator Alesi, an act to amend the Tax Law;

2878, by Senator Grisanti, an act to amend the Tax Law;

3605, by Senator Carlucci, an act to create the Orangetown Public Library;

3686, by Senator Adams, an act to amend the Penal Law;

4228, by Senator Alesi, an act to amend the Tax Law;

4241, by Senator Larkin, an act to amend the Alcoholic Beverage Control Law;

4290A, by Senator Carlucci, an act to authorize the Town of Ramapo;

4665, by Senator Nozzolio, an act to amend the Public Health Law;

4816, by Senator Carlucci, an act to

amend the State Administrative Procedure Law;

4892, by Senator Lanza, an act to amend the Vehicle and Traffic Law;

4927, by Senator Griffo, an act to amend the Banking Law;

5271, by Senator Ball, an act to amend the Executive Law;

5289, by Senator Lanza, an act to amend the Tax Law;

5295, by Senator Ball, an act to amend the Alcoholic Beverage Control Law;

5349, by Senator Maziarz, an act to amend the Tax Law;

5362, by Senator Carlucci, an act to amend the Local Finance Law;

5532A, by Senator Oppenheimer, an act to amend the Town Law;

5596A, by Senator Zeldin, an act to amend the Tax Law;

5607, by Senator Kennedy, an act to legalize, validate, ratify and confirm;

5628, by Senator Martins, an act to authorize the Village of Mineola;

5638, by Senator Carlucci, an act to amend the Village Law;

And Senate 5709, by Senator Skelos, an act to amend Chapter 576 of the Laws of 1974.

All bills ordered direct to third reading.

ACTING PRESIDENT MARTINS: Senator Libous.

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

ACTING PRESIDENT MARTINS: Thank you, Senator. All in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT MARTINS: Opposed, nay

(No response.)

ACTING PRESIDENT MARTINS: The report of the Rules Committee is accepted.

Thank you, Senator.

SENATOR LIBOUS: Mr. President, at this time I would like to go to motions and resolutions.

ACTING PRESIDENT MARTINS: Motions and resolutions.

Senator Libous.

SENATOR LIBOUS: On behalf of

Senator Fuschillo, on page 42 I offer the following amendments to Calendar Number 999, Senate Print 5545, and ask that said bill retain its place on the Third Reading Calendar.

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

Senator Libous.

SENATOR LIBOUS: On behalf of Senator Grisanti, I wish to call up Senate Print 3134, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT MARTINS: The Secretary will read.

THE SECRETARY: Calendar Number 267, by Senator Grisanti, Senate Print 3134, an act to amend the Criminal Procedure Law.

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

ACTING PRESIDENT MARTINS: 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 MARTINS: The amendments are received.

SENATOR LIBOUS: Mr. President, on behalf of Senator Larkin, I'd like to place a sponsor star on Calendar Number 1086.

ACTING PRESIDENT MARTINS: So ordered.

Senator Libous.

SENATOR LIBOUS: Mr. President, at this time I would like to go to Supplemental Calendar 53A and do the noncontroversial reading of that calendar.

ACTING PRESIDENT MARTINS: We're going to the noncontroversial reading of Calendar Number 53A.

The Secretary will read.

THE SECRETARY: Calendar Number 1246, by Senator Dilan, Senate Print 1361, an act to amend the General Municipal Law.

ACTING PRESIDENT MARTINS: Read the last section.

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

ACTING PRESIDENT MARTINS: Call the

roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT MARTINS: The bill is passed.

THE SECRETARY: Senator Klein moves to discharge, from the Committee On Crime Victims, Crime and Correction, Assembly Bill Number 5661 and substitute it for the identical Senate Bill Number 1521, Third Reading Calendar 1269.

ACTING PRESIDENT MARTINS: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1269, by Member of the Assembly Weisenberg, Assembly Print 5661, an act to amend the Correction Law.

ACTING PRESIDENT MARTINS: Read the last section.

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

ACTING PRESIDENT MARTINS: Call the roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT MARTINS: The bill is passed.

THE SECRETARY: Calendar Number 1270, by Senator Golden, Senate Print 1748, an act --

SENATOR BRESLIN: Lay it aside.

ACTING PRESIDENT MARTINS: The bill is laid aside.

THE SECRETARY: Calendar Number 1271, by Senator Serrano, Senate Print 1914, an act to amend the Economic Development Law.

ACTING PRESIDENT MARTINS: Read the last section.

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

ACTING PRESIDENT MARTINS: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT MARTINS: The bill is passed.

THE SECRETARY: Calendar Number 1272, by Senator C. Kruger, Senate Print 2048, an

act to amend the Correction Law.

ACTING PRESIDENT MARTINS: Read the last section.

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

ACTING PRESIDENT MARTINS: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: In relation to Calendar 1272, those recorded in the negative are Senators Duane, Hassell-Thompson, Montgomery and Perkins. Ayes, 58. Nays, 4.

ACTING PRESIDENT MARTINS: The bill is passed.

THE SECRETARY: Calendar Number 1273, by Senator Alesi, Senate Print 2438, an act to amend the Tax Law.

SENATOR BRESLIN: Lay it aside.

ACTING PRESIDENT MARTINS: The bill is laid aside.

THE SECRETARY: Calendar Number 1274, by Senator Grisanti, Senate Print 2878, an act to amend the Tax Law.

SENATOR BRESLIN: Lay it aside.

ACTING PRESIDENT MARTINS: The bill

is laid aside.

THE SECRETARY: Senator Carlucci moves to discharge, from the Committee on Rules, Assembly Bill Number 587 and substitute it for the identical Senate Bill Number 3605, Third Reading Calendar 1275.

ACTING PRESIDENT MARTINS: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1275, by Member of the Assembly Jaffee, Assembly Print 587, an act to create the Orangetown Public Library District.

ACTING PRESIDENT MARTINS: Read the last section.

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

ACTING PRESIDENT MARTINS: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT MARTINS: The bill is passed.

THE SECRETARY: Calendar Number 1276, by Senator Adams, Senate Print 3686, an act

to amend the Penal Law.

ACTING PRESIDENT MARTINS: Read the last section.

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

ACTING PRESIDENT MARTINS: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT MARTINS: The bill is passed.

THE SECRETARY: Calendar Number 1277, by Senator Alesi, Senate Print 4228, an act --

SENATOR BRESLIN: Lay it aside.

ACTING PRESIDENT MARTINS: The bill is laid aside.

THE SECRETARY: Calendar Number 1278, by Senator Larkin, Senate Print 4241, an act to amend the Alcoholic Beverage Control Law.

ACTING PRESIDENT MARTINS: Read the last section.

THE SECRETARY: Section 10. This act shall take effect on the 180th day.

ACTING PRESIDENT MARTINS: Call the

roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT MARTINS: The bill is passed.

THE SECRETARY: Senator Carlucci moves to discharge, from the Committee on Rules, Assembly Bill Number 2702A and substitute it for the identical Senate Bill Number 4290A, Third Reading Calendar 1279.

ACTING PRESIDENT MARTINS: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1279, by Member of the Assembly Rabbitt, Assembly Print 2702A, an act to authorize the Town of Ramapo.

ACTING PRESIDENT MARTINS: Read the last section.

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

ACTING PRESIDENT MARTINS: Call the roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT MARTINS: The bill is passed.

THE SECRETARY: Calendar Number 1281, by Senator Nozzolio, Senate Print 4665, an act to amend the Public Health Law.

ACTING PRESIDENT MARTINS: Read the last section.

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

ACTING PRESIDENT MARTINS: Call the roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT MARTINS: The bill is passed.

THE SECRETARY: Senator Carlucci moves to discharge, from the Committee on Rules, Assembly Bill Number 7445 and substitute it for the identical Senate Bill Number 4816, Third Reading Calendar 1282.

ACTING PRESIDENT MARTINS:

Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1282, by Member of the Assembly Lavine, Assembly Print 7445, an act to amend the State Administrative Procedure Act.

ACTING PRESIDENT MARTINS: Read the last section.

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

ACTING PRESIDENT MARTINS: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT MARTINS: The bill is passed.

THE SECRETARY: Calendar Number 1283, by Senator Lanza, Senate Print 4892, an act to amend the Vehicle and Traffic Law.

ACTING PRESIDENT MARTINS: Read the last section.

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

ACTING PRESIDENT MARTINS: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT MARTINS: The bill is passed.

THE SECRETARY: Calendar Number 1284, by Senator Griffo, Senate Print 4927, an act to amend the Banking Law.

ACTING PRESIDENT MARTINS: Read the last section.

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

ACTING PRESIDENT MARTINS: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT MARTINS: The bill is passed.

THE SECRETARY: Calendar Number 1285, by Senator Ball, Senate Print 5271, an act to amend the Executive Law.

ACTING PRESIDENT MARTINS: Read the last section.

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

ACTING PRESIDENT MARTINS: Call the

roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT MARTINS: The bill is passed.

THE SECRETARY: Calendar Number 1286, by Senator Lanza, Senate Print 5289, an act to amend the Tax Law.

ACTING PRESIDENT MARTINS: Read the last section.

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

ACTING PRESIDENT MARTINS: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT MARTINS: The bill is passed.

THE SECRETARY: Calendar Number 1287, by Senator Ball, Senate Print 5295, an act to amend the Alcoholic Beverage Control Law.

ACTING PRESIDENT MARTINS: Read the last section.

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

ACTING PRESIDENT MARTINS: Call the roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT MARTINS: The bill is passed.

THE SECRETARY: Senator Maziarz moves to discharge, from the Committee on Rules, Assembly Bill Number 7793 and substitute it for the identical Senate Bill Number 5349, Third Reading Calendar 1288.

ACTING PRESIDENT MARTINS: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1288, by Member of the Assembly Hevesi, Assembly Print 7793, an act to amend the Tax Law.

ACTING PRESIDENT MARTINS: Read the last section.

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

ACTING PRESIDENT MARTINS: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT MARTINS: The bill is passed.

THE SECRETARY: Calendar Number 1289, by Senator Carlucci, Senate Print 5362, an act to amend the Local Finance Law.

ACTING PRESIDENT MARTINS: 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 MARTINS: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT MARTINS: The bill is passed.

THE SECRETARY: Calendar Number 1290, by Senator Oppenheimer, Senate Print --

SENATOR BRESLIN: Lay it aside for the day.

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

THE SECRETARY: Calendar Number 1291, by Senator Zeldin, Senate Print 5596A, an act to amend the Tax Law.

ACTING PRESIDENT MARTINS: Read the last section.

THE SECRETARY: Section 13. This act shall take effect immediately.

ACTING PRESIDENT MARTINS: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MARTINS: Senator Squadron to explain his vote.

SENATOR SQUADRON: Thank you, Mr. President. To explain my vote.

I think we all realize the extent to which the MTA payroll tax has been a challenge in many communities. We are committed to doing something about that.

Unfortunately, a bill that appears to do something about that but has no chance of becoming law and doesn't do anything to ensure that the MTA continues to serve the entire region, all of the counties in the MTA region, is not a real solution for the folks who need relief here. And that's why I'm going to be voting no.

I am eager to work seriously on a real solution to give folks relief, but a simple press release isn't going to do it. I vote no, Mr. President.

ACTING PRESIDENT MARTINS: Senator Squadron to be recorded in the negative.

Senator Klein.

SENATOR KLEIN: Thank you, Mr. President.

I reluctantly vote no on this legislation, because I think the first step on the MTA payroll tax has to be what Senator Lanza just passed a little earlier, which is a forensic audit. I think the best way we can take a good hard look at whether or not we need to partially repeal or repeal the MTA payroll tax is to first do a forensic audit.

It's interesting, because the history with the MTA hasn't been a good one. They came to us, as everyone knows, two years ago, hat in hand, saying that they needed the money, otherwise they were going to have to cut service, raise fares. Well, here we are two years later, they're still probably going to raise fares, and they actually did cut service in

many areas.

So I think an important first step is to make sure we get that forensic audit, which was part of the original MTA payroll tax, but then-Governor Paterson, in his infinite wisdom, decided to defund the forensic audit.

So I vote no, and hopefully we can have that forensic audit and look to really either eliminate or reduce the MTA payroll tax. Thank you, Mr. President.

ACTING PRESIDENT MARTINS: Senator Klein will be recorded in the negative. Thank you, Senator.

And can we please have order in the house {gaveling}.

Senator Fuschillo.

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

I rise to compliment my colleague Senator Zeldin for his leadership on this issue. When I took over as chairman of the Senate Transportation Committee, Senator Zeldin on a daily basis has never missed a moment to talk to me about the MTA payroll tax and the negative effect it is having on businesses -- small

businesses, large businesses, nonprofits, hospitals, schools -- and anybody that has to pay the payroll tax throughout Long Island and the metropolitan area of the 12 counties.

This is the first step to repeal something that was wrongly done by this body in a bipartisan fashion. We stressed then, Mr. President, that the MTA payroll tax was a job-killing tax. And in a state that is not business-friendly, in a state that is number one in interstate migration, where more people move out of our state than any other state in the nation, the reason is because of taxes, taxes, and taxes.

I'll be voting in the affirmative to do away with this tax. Senator Zeldin has revenue sources in there. Because I know it's always been a concern that if we just took the money away, what would happen to the MTA. But the actions taken today by Senator Lanza, and now followed up by Senator Zeldin, will get New York State back on the right track. I'll be voting in the affirmative.

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

Senator Savino to explain her vote.

SENATOR SAVINO: Thank you, Mr. President. I wasn't actually going to do that, but I think it's probably a good idea that I do.

I tend to agree with Senator Klein -- more often than not, but certainly on this issue -- that the bill that we passed previously, Senator Lanza's bill with respect to a forensic audit of the MTA, is critically important and the first step before we talk about any revenue replacement.

You know, I represent an area of the City of New York that arguably is the most overtaxed by the MTA and the least served by the MTA. And Senator Lanza is my colleague over there; the two of us represent the Island of Staten.

Now, I want you to think about this. The people of Staten Island have no subway. They have a poor bus system that is provided by the MTA. Nobody in Staten Island will ever lose votes for beating up on the MTA. In fact, it's something we all love to do, and we do it well. And with good reason.

Six percent of the total toll revenue collected in the United States is collected at the Verrazano-Narrows Bridge. The people of Staten Island have no free access on or off the island. And if anyone tells me that the ferry is free, well, they are wrong. It's only free if you can walk to it and walk from it. If you have to use a bus to get there, it's all part of the ride.

So Staten Islanders are already disproportionately taxed. But here's what I know. Of that 6 percent total toll revenue collected in the United States that comes at the Verrazano Bridge, 70 percent of the money that's collected at the Verrazano Bridge goes to subsidize Metro-North and the Long Island Railroad and Suburban Rail and Transit.

So until we get a forensic audit and we know how the money is being spent, I'm not going to risk the idea that the people that I represent, who are already underserved and overtaxed, are going to have to make up that lost revenue. So I'm going to vote no on this bill, and I'm going to strongly support Senator Lanza's bill and hope we get that forensic audit.

Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: Senator Savino to be recorded in the negative.

Senator Espaillat to explain your vote.

I'll remind members we're on a two-minute explanation.

SENATOR ESPAILLAT: Thank you, Mr. President.

Several million people come in on a daily basis to the City of New York to work. In fact, the MTA subway system, Metro-North and all the other systems of transportation attached to the MTA are the economic engine, the transmission of the economy of New York City. And New York State, for that matter.

You know, several years back we eliminated the commuter tax. And now we're looking to eliminate a very important source of revenue that continues to be critical in the maintenance and the upkeeping of the public transportation system in New York City.

Earlier today we accepted the nomination of some of the members of the board of directors of the MTA. And I dare to say that

their job is going to be harder if we continue to take money away from them.

This subway system in New York City requires investment, capital investment. It requires upkeep and investment in order for people to get to work and to get to work on time. We cannot do that by cutting revenue sources. The MTA provides services to 12 counties, not just the five boroughs of the City of New York, but to 12 counties in the region.

And we should continue to fund the MTA. We should have a forensic audit, but we cannot cut back on the revenue. If we do so, we will once again face the difficult predicament of perhaps having to cut or eliminate the MetroCard for young people to go school. We will have to deal with the dilapidated condition of subway stations or buses that are constantly breaking down and disallowing people to get to work on time.

Yes, this may be a job-killer if we eliminate this tax as we take a direct hit on the economy of New York City by crippling its transportation system. I will be voting in the

negative.

ACTING PRESIDENT GRIFFO: Thank you, Senator Espaillat. You will be recorded in the negative.

Senator Marcellino to explain his vote.

SENATOR MARCELLINO: Thank you, Mr. President.

I rise to support this bill. Is it perfect? No. Does it need refining? Yes. But it is a good first step. And I commend my colleague for putting this bill out there and setting the stage and starting the dialogue that has to be started.

We held hearings a few months ago on the MTA. We know where the money is being spent. Every entity in the MTA is losing billions of dollars except for one, the bridges and tunnels that collect the tolls. They're the only ones making a profit. Every other entity, including the city, is losing billions. Can't keep running as an entity like that, can't keep supporting it by raising fares and cutting services. Because that's what they do.

They're driving people out of the

subways, they're driving people off the Long Island Railroad, they're putting them in their cars, where we don't want them. That's why the bridges and tunnels are making money. People are not using mass transit. It's becoming elite transit. The average citizen can't afford to use the Long Island Railroad. The average citizen can't afford to use the subways anymore. It's costing too much money, and they're getting too little, imperfect service.

Senator Zeldin's bill is the step we need to start this process. It's the step we need to get this thing going. We've got to send a message to everybody involved with the Metropolitan Transit Authority that enough is enough and our taxpayers and our ratepayers have had it up to here. They want no more. They want good service at fair prices. They're getting neither. And it's got to step.

Mr. President, I vote aye.

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

Senator Bonacic to explain his vote.

SENATOR BONACIC: Thank you, Mr. President.

I rise to congratulate Senator Zeldin. I want to thank Senator Skelos because our conference has made this tax, trying to eliminate it, our number-one priority. You're going to see more bills concerning the MTA tax -- as far as I'm concerned, the most punitive, the most discriminatory tax I have ever seen or read about in Albany.

There was geographical discrimination when this tax was adopted. What do I mean by that? In Orange County, my population, 2.5 percent may use the buses. We got taxed a hundred percent of the payroll tax. Every not-for-profit, small business, as in New York City, where the lion's share of that mass transit is used. It was wrong what was done then, and this has to be corrected.

This is a responsible act, phasing it out. And everything that's been said about the MTA, we have lost confidence in the MTA. That's a quasi-public agency that's out of control. We've heard about a forensic audit for years. It doesn't get done. Now we're committed to hold them accountable and get rid of this most punitive, most unfair tax.

I vote in the affirmative, and I thank Senator Zeldin.

Thank you, Mr. President.

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

Senator Larkin to explain his vote.

SENATOR LARKIN: Thank you, Mr. President.

MTA. MTA, in my district, is considered the enemy. The chambers of commerce, small business, not-for-profits, everything that you would touch says one thing: Why? We have businesses in Orange County. Nobody rides the MTA. No subways, no buses, no trains. Those who commute to the city, I meet them at the train station and I tell them, "You want to work in the city? Pay the freight."

Why should somebody pay in my district that doesn't work in the city, owns a business and all of his employees drive their cars? I don't see the MTA or the city.

You know, we talk about a state. Maybe sometime you folks ought to take a trip upstate and see how the rest of the world lives. We don't have the amenities. We don't have the

trains. We don't have the buses. People have to drive their own car, and they're paying $4.10 a gallon.

Let me just explain to you the tax. Last October we had a great project going to happen right in my district. It was an offshoot from Macy's out of New York City, someplace that's been in business since 1855. They came to us, and the unions cut off 30 percent, everybody else chipped in to do something.

Two things happened. Empire State Development Corporation turned their back. And what did we do? We sat down with them and showed them the tax rates. And when they said the tax, "What do you mean, we got to pay $34 million before we even put a shovel in the ground?" We lost 2200 construction jobs. And upon completion of the project, they were going to be hiring 1975 employees. They have none there. There's a piece of ground.

Why? Because we got greedy people in the city that think the upstaters and outsiders should pay for this, for your luxury. If you want to ride the subway or that, pay for it. Just like ours would pay for it when they go

to work and use their cars and their gasoline.

Thank you, Mr. President.

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

Senator Carlucci to explain his vote.

Again, I remind members, please stay within the two-minute explanation. Thank you.

Senator Carlucci.

SENATOR CARLUCCI: Thank you, Mr. President.

I want to thank my colleagues for putting this forward. This is an important piece of legislation.

As was said before, the MTA payroll tax is just an onerous, job-killing tax. And in the district that I'm lucky enough to represent, we straddle New Jersey. And in a time where we're competing for jobs, we're not only in competition with other nations but we're in competition with other states. And when you can just drive a few miles down the road and be in a district where you don't have to pay this tax, it's a reason why businesses won't do business in Rockland and Orange Counties.

We have to send a message to the rest of the nation, to the rest of the world that the Hudson Valley is open and ready for business. And I believe this is a great first step to do that. So, Mr. President, I'll be voting in the affirmative. Thank you.

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

Senator LaValle to explain his vote.

SENATOR LaVALLE: Thank you, Mr. President.

I want to congratulate Senator Zeldin, who has made this a number-one issue. There is no member in this chamber who has studied this issue, has looked at it -- and at times, I had the feeling he was like a bookkeeper from days gone by, moving numbers, crunching numbers to put together a proposal that made sense.

In Suffolk County, and I don't know whether someone said this, and in the outlying counties, our constituents feel like the MTA, for them, is an ATM machine, that they are paying for something that many people are not getting.

And the First Senatorial District --

that is Eastern Long Island -- probably uses the MTA the least of any area on Long Island. I represent Fishers Island. Who on Fishers Island, close to the Connecticut coastline, uses the MTA? And they feel put upon. And it's about jobs. And I'll tell you, there's not much you can do to create additional jobs on Fishers Island. Or in the East End parts of the district, the small businesses really feel very put upon.

So, Senator Zeldin, you've put forth a measure that shows great intellect, a great deal of energy, and you have put forth a reasonable proposal that people need to pay attention to during this session.

I vote aye.

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

Senator Parker to explain his vote.

SENATOR PARKER: Thank you, Mr. President. To explain my vote.

I'm voting no on this bill. And I really don't want to get into the nature of the conversation we're getting into now, because this really is one New York. And part of what

everybody has to understand, regardless of whether you're from the suburbs or the city or from rural parts of the state, is that we are one New York. And in the context of one New York, part of what you have to understand is that everything is connected.

So yes, the people on the island may not feel that they're using trains or using MTA buses, but if you eliminate the MTA and eliminate the services that go along the borders, even things like the LIE, the Northern Expressway and the Southern State, those things would be parking lots all of the time without the MTA.

So our systems are connected. And so even though it may seem like somebody who is driving isn't getting an advantage or a benefit from the MTA services, they actually are.

The other thing that we have to just get rid of is this notion that taxes kill jobs in small businesses. I defy anybody to find me a reputable study from an independent source -- not a business source, from an independent source. No one wants to pay taxes. But the reality is you can't on hand tell me you want no one to pay taxes and you still want bridges and you will

want tunnels and you still want, you know, subsidies for agriculture and you still want, you know, prisons and you want all of these things but no one wants to pay for it.

Paying your taxes is patriotic. And so I really want everybody in here, the same way that we saluted the flag yesterday on Flag Day, do something patriotic today, pay your taxes, support the mass transit system that helps everybody in the state. And let's remember, Mr. President, we're one New York.

ACTING PRESIDENT GRIFFO: Senator Parker to be recorded in the negative.

Senator Saland to explain his vote.

SENATOR SALAND: Thank you, Mr. President.

Mr. President, I live in Dutchess County, and we are one of the renowned quarter-pounders, Dutchess, Putnam, Orange and Rockland. And I have described our plight as being, in effect, revenue hostages.

Less than 2 percent of the people in my county of over 300,000 people avail themselves of Metro-North. And for the dubious distinction of being the end of the line, we wind up paying

somewhere in the area of $100 million for those 2 percent of people. That amounts to somewhere in the area of -- it's less than 2 percent -- 4,000 or so people who regularly use or avail themselves of Metro-North.

The measure that was passed that imposed this tax was perhaps one of the most egregious, the most heinous, the most offensive of all taxes because it bore no relationship to any reality. And any one of us who was in those quarter-pound counties basically are there for one reason and one reason alone, which is to provide money to the coffers of the MTA.

There are fewer commuters on the west side of the river than on the east side of the river, and we on the east side of the river have virtually no commuters. So it is a gross injustice.

This is an appropriate step forward. I mean, if you look at the numbers, Metro-North has maybe 90,000 commuters. We contribute 10,000 of them. The vast majority of the commuters come from Westchester and Connecticut. The city, on the other hand, has about 7.5 million commuters every day, between

the buses and the subway. And I can understand the value that the city derives from it.

But there is no way on the face of this earth that anybody is going to be able to make a convincing argument that my county -- and I am sure the same holds true for the other quarter-pounders -- derives any benefit to speak of, any significant benefit.

I vote in favor of this measure. It is certainly a step in the right direction, and there's a lot more that we can do.

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

Senator Ball to explain his vote.

SENATOR BALL: Yes, Mr. President. If paying taxes is your patriotic duty, I'm certainly proud, as a former Air Force captain and an Air Force Academy graduate, to know that I live in the most patriotic state in the United States of America.

And if there's anybody out there in TV land other than my mom and my cat that's watching TV in the Senate right now that needs to know the clear definition between that side of the aisle and this side of the aisle, they should

just go back a few steps and watch that statement again and again and again.

We have a patriotic duty, we have a responsibility in this chamber to the people in this state, the blue-collar people in this state who are being driven out of the state. That is our duty. That is our duty. And they are not leaving this state because they have too much money or times are too good. They're going to states like South Carolina and Texas and North Carolina, not because the pizza is good or the bagels are good, they're going because they can't afford to live in this state anymore.

And if you really believe that we are one state, then you have a moral obligation to some places north of the bridges and tolls, to head up to the Hudson Valley and out to Long Island and beyond.

This MTA payroll tax is a killer. It's the final nail in a coffin of a state that was once great. We're not talking about a scarcity of resources, we're talking about an authority that has corruption going down to their headquarters, I believe at 2 Broadway, including mob infiltration and project overruns to the tune

of 200 and 300 percent.

When we talked about the forensic accounting, you said "Where are we going to get the money? You will save money -- and by "forensic," we mean criminal accounting of the MTA's books -- you will save money by forensically accounting for their practices.

We cannot get our way -- and it's your great Democratic governor, from your perspective, who has suggested that New York State no longer has a future of being number one in all the wrong ways, in overtaxation, in out-migration.

This MTA payroll tax is another opportunity for this Legislature. And if -- I'm not going to go back in history, but I know that if we were in the majority, we would not have had that MTA payroll tax. We cannot dig our way out of this hole by more taxes and more fees and more regulation. And this is the number-one thing that is killing small business owners.

By 2014, this bill will ensure that $841 million in savings will be had. That's $841 million in savings that will go directly back to small business owners who create over

70 percent of the jobs.

This is one of the best job-creation packages to come before this State Senate this year. If you want to support jobs and having one state and getting New York State back on track and saying that we are open for business, you have got to vote yes. Anything else is complete pandering.

ACTING PRESIDENT GRIFFO: Senator Ball --

SENATOR BALL: Thank you, and I will be voting yes.

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

Senator Flanagan to explain his vote.

SENATOR FLANAGAN: Thank you, Mr. President.

It's always enlightening to be able to listen to our colleagues. And I appreciate everyone's passion on the issue.

I want to start by making two references. One, there's been a number of references made to my new colleague from Suffolk, but I want to start with Senator Martins, who's

also been very passionate and actively involved in this issue, not only from a perspective as a former local elected official but now as a State Senator, and of course, Senator Zeldin.

And I don't think I'm going out on the proverbial limb to suggest that a large part and a core part of their success in arriving here in Albany was tied directly to this tax. They learned about it, they got involved, they were passionate about it during the campaign, and now they've brought forward a measure that I think is reasonable.

And as I heard Senator Marcellino say, there are other things that will need to be done. And yes, Senator Parker, we do live in one New York, and I believe that very importantly. But I also must tell you that I don't really need a study. I don't need statistics for me to understand that for small business in particular, taxes kill jobs. Taxes kill jobs. Taxes kill jobs. And I will keep repeating that.

And I don't think I'm any different from any of my colleagues in any part of the state. When you go back and ask people, particularly in the MTA region, I have never had

people talk to me more about a subject than the MTA tax. And it's casual. You're out, and people will talk about it, and you're an accountant, you have a professional office, a restaurant, a local government, you had to pay it. Our counties had to pay it. It's a job-killing tax that needs to be gotten rid of.

And I will close on this point. I think at the time of the enactment of this tax it showed a fundamental difference in priorities. We on the Republican side had a different set of priorities. We were talking about the STAR rebate, we were talking about other things. And in looking for balance, we never would have gone to a negotiating table and allowed the MTA tax to happen. It's bad public policy. It's bad politics. It's bad government. And it's something that should be rectified.

And this approach is, again, reasonable and it's something that can and should be done, and I hope that we get real action in the Assembly. Thank you.

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

Senator Martins to explain his vote.

SENATOR MARTINS: Thank you, Mr. President.

I want to start by congratulating Senator Zeldin and Senator Ball for their efforts in making this bill a reality. You know, if we're going to use the payment of taxes as a barometer for how patriotic we are, I represent perhaps the most patriotic district not only in the state but in this country, from the amount of taxes that we pay, from property taxes, this payroll tax, income taxes, and it goes on and on and on.

But it doesn't surprise me that we're getting push-back from the very same people who voted to impose this payroll tax on our businesses, on our not-for-profits, on our schools, on our local governments -- yet never once asked why is it that the MTA is the only entity in New York State that gets a blank check. Why is it that when we asked our schools to take a cut this year -- we all did, on both sides of the aisle -- when we asked Medicaid to take a cut and every state agency to take a cut this year, why is it that the MTA gets a pass?

And if you look at the numbers, it's

$234 million the first year. The MTA has a $14 billion budget. That's less than 2 percent of their budget. And if you tell me that the MTA can't absorb a less than 2 percent efficiency in their own budget, then we have more to talk about than is evident here in this bill.

In my district we're talking about not-for-profits who have told me that they have not been able to provide services to people who need it in this recession because they're paying this tax. We're talking about churches, synagogues, schools, as well as our local governments, who are passing on this tax to our property taxpayers.

This is a rational approach to phasing out this tax over three years. It starts out by eliminating the tax for small businesses with less than 25 employees. It makes sense. It restores jobs in our economy. And I would ask everybody to consider voting for it, even those who were misguided enough to impose it to begin with.

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

ACTING PRESIDENT GRIFFO: Senator

Martins to be recorded in the affirmative.

Is there any other Senator that wishes to explain their vote on the issue?

Seeing none, hearing none, I call on Senator Zeldin to close.

SENATOR ZELDIN: Keeping the commitment. It's been a rallying cry for our conference all session. Cutting taxes, cutting spending, creating jobs. Keeping the commitment. That's what this legislation all about.

I was surprised to hear just now that by repealing the MTA payroll tax that somehow that was going to kill jobs. The rationale of what I'm hearing on the other side of the aisle does not make any sense to my constituents in the Third Senate District. That's why they sent me here, to fight for them.

This is an effort that is more than a press release, Senator Squadron. Months of work has gone into researching, consolidating balance sheets and the budgets. Multiple hearings have taken place. A lot of thought has gone into this bill. And there are Democratic majority sponsors in the State Assembly. And we

have a Governor who's in favor of repealing the MTA payroll tax. This is not a press release, this is action.

And if you were serious about keeping our commitment, if our commitment was your commitment, you too would be sharing the goal of cutting taxes, of cutting spending, of creating jobs. You'd be calling your colleagues in the State Assembly, telling them to take action to repeal this tax. You'd be calling your Governor, our Governor, for him to take action to repeal this tax.

I want to thank you, Senator Skelos, for your leadership. I want to thank Senator Martins, Senator Ball, our fine Finance staff and counsel office -- Rob Mujica, Mary Clark, Mary Arzumanian, Mark Nachbar, Steven Taylor, Diane Burman, Ryan McAllister. Senator Carlucci, thank you for your cosponsorship as well.

And this is fortunately, hopefully for us, more than just a positive first step, this is hopefully very close to the final step. Thank you. And I absolutely will be voting in the affirmative.

ACTING PRESIDENT GRIFFO: Senator

Zeldin will be recorded in the affirmative.

Announce the results.

THE SECRETARY: In relation to Calendar Number 1291, those recorded in the negative are Senators Adams, Addabbo, Avella, Diaz, Dilan, Duane, Espaillat, Gianaris, Hassell-Thompson, Klein, L. Krueger, Montgomery, Parker, Peralta, Perkins, Rivera, Sampson, Savino, Serrano, Squadron, Stavisky. Also Senator Huntley.

Ayes, 40. Nays, 22.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1292, by Senator Kennedy, Senate Print 5607, an angle to legalize, validate, ratify and confirm.

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 1293, by Senator Martins, Senate Print 5628, an act to authorize the Village of Mineola.

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 Bonacic recorded in the negative.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Senator Carlucci moves to discharge, from the Committee on Local Government, Assembly Bill Number 2930A and substitute it for the identical Senate Bill Number 5638, Third Reading Calendar 1294.

ACTING PRESIDENT GRIFFO: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1294, by Member of the Assembly Zebrowski,

Assembly Print 2930A, an act to amend the Village 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.)

ACTING PRESIDENT GRIFFO:

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT GRIFFO: The bill is passed.

Senator Larkin.

SENATOR LARKIN: Mr. President, I don't think my hand was up high enough, but on 1293 I was also a no.

ACTING PRESIDENT GRIFFO: The record shall so reflect, Senator Larkin.

The Secretary will continue to read.

THE SECRETARY: Calendar Number 1295, by Senator Skelos, Senate Print 5709, an act to amend Chapter 576 of the Laws of 1974.

ACTING PRESIDENT GRIFFO: Read the last section.

THE SECRETARY: Section 7. This act shall take effect immediately.

ACTING PRESIDENT GRIFFO: Call the roll.

SENATOR BRESLIN: Lay it aside.

ACTING PRESIDENT GRIFFO: Lay it aside.

Senator Skelos, that completes the noncontroversial reading of Senate Supplemental Calendar 53A.

Senator Skelos.

SENATOR SKELOS: Mr. President, there will be an immediate meeting of the Rules Committee in Room 332 of the Capitol.

ACTING PRESIDENT GRIFFO: There is an immediate meeting of the Rules Committee in Room 332.

Senator Breslin.

SENATOR BRESLIN: Yes. While the Rules meeting is going on, I would request that the remainder of the Democratic Conference go to our conference room for a brief discussion.

ACTING PRESIDENT GRIFFO: Senator Breslin has requested the remaining members of the Democrat Conference to go to the Democrat

Conference Room as the Rules Committee is meeting.

The Senate will stand at ease.

(Whereupon, the Senate stood at ease at 5:57 p.m.)

(Whereupon, the Senate reconvened at 7:32 p.m.)

ACTING PRESIDENT DeFRANCISCO: Senator Libous.

SENATOR LIBOUS: Mr. President, at this time the Senate will break for dinner and we will resume session at 10:00 o'clock, when we'll take up the calendar.

The Senate will stand at ease.

ACTING PRESIDENT DeFRANCISCO: The Senate will stand at ease, and we are to reassemble at 10:00 o'clock.

(Whereupon, the Senate stood at ease at 7:33 p.m.)

(Whereupon, the Senate reconvened at 10:04 a.m.)

ACTING PRESIDENT GRIFFO: The Senate will come to order.

Senator Libous.

SENATOR LIBOUS: Mr. President, can

we go to reports of standing committees. I believe there's a report of the Rules Committee at the desk.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: Senator Skelos, from the Committee on Rules, reports the following bill direct to third reading: Senate Print 5773, by the Committee on Rules, an act to amend Chapter 576 of the Laws of 1974.

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

ACTING PRESIDENT GRIFFO: There is a motion to accept the Rules Committee report. All in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT GRIFFO: Opposed?

(No response.)

ACTING PRESIDENT GRIFFO: The report is accepted.

Senator Libous.

SENATOR LIBOUS: Mr. President, at this time I think we should take up Supplemental Calendar 53B, noncontroversial reading.

ACTING PRESIDENT GRIFFO: The

Secretary will read.

THE SECRETARY: Senator Skelos moves to discharge, from the Committee on Rules, Assembly Bill Number 8446 and substitute it for the identical Senate Bill Number 5773, Third Reading Calendar 1268.

ACTING PRESIDENT GRIFFO: Substitution so ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1268, by Member of the Assembly Lopez, Assembly Print 8446, an act to amend Chapter 576 of the Laws of 1974.

ACTING PRESIDENT GRIFFO: Senator Libous.

SENATOR LIBOUS: Mr. President, is there a message of necessity at the desk?

ACTING PRESIDENT GRIFFO: There is a message of necessity at the desk.

SENATOR LIBOUS: I move to accept the message of necessity.

ACTING PRESIDENT GRIFFO: All in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT GRIFFO: Opposed?

(No response.)

ACTING PRESIDENT GRIFFO: The message of necessity is accepted.

Senator Libous.

SENATOR BRESLIN: Lay it aside.

ACTING PRESIDENT GRIFFO: Lay it aside.

SENATOR LIBOUS: Mr. President, at this time can we take up the controversial reading of Supplemental Calendar 53B.

ACTING PRESIDENT GRIFFO: The Secretary will ring the bell.

SENATOR BRESLIN: Explanation.

ACTING PRESIDENT GRIFFO: Senator Libous, Senator Breslin has asked for an explanation.

SENATOR LIBOUS: Mr. President, what this bill does is it extends --

ACTING PRESIDENT GRIFFO: Senator Libous, excuse me, we have to call the bill up again.

The Secretary will read.

ACTING PRESIDENT GRIFFO: Calendar Number 1268, by Member of the Assembly Lopez, Assembly Print 8446, an act to amend Chapter 576

of the Laws of 1974.

SENATOR BRESLIN: Explanation.

ACTING PRESIDENT GRIFFO: An explanation has been requested, Senator Libous.

SENATOR LIBOUS: Mr. President, this extends the rent regulation to Friday of this week at 3:00 p.m.

ACTING PRESIDENT GRIFFO: Thank you, Senator Libous.

Senator Krueger.

SENATOR KRUEGER: Thank you very much. Will the sponsor yield for some questions?

ACTING PRESIDENT GRIFFO: Will the sponsor yield?

SENATOR LIBOUS: Mr. President, the Governor is the sponsor of this bill, and I'm not sure he would yield. But I'll try to answer Senator Krueger's questions.

SENATOR KRUEGER: Thank you.

So this bill is an extension until June 17th at 3 o'clock post-meridian time; is that correct?

SENATOR LIBOUS: Yes, Mr. President.

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

ACTING PRESIDENT GRIFFO: Senator Libous will yield on behalf of the Governor's program bill, Senator Krueger.

SENATOR KRUEGER: Thank you.

What's your understanding of what happens at 3:01 on June 17th post-meridian time?

SENATOR LIBOUS: Mr. President, anything could happen between now and then.

SENATOR KRUEGER: Thank you.

On the bill.

ACTING PRESIDENT GRIFFO: Senator Krueger on the bill.

SENATOR KRUEGER: Thank you. I appreciate the sponsor's response.

Here's the dilemma. It's now 10:07 on June 15th. We have rent regulation laws set to expire at midnight or 12:01 June 16th. We're being given a bill that goes till Friday at 3:00 p.m. But we have 2.5 million New York residents whose future ability to stay in their homes is dependent on what this body does. Perhaps not by 12:01 a.m., but now by 3:00 p.m. on Friday.

We've been in session since the beginning of the year. We have had endless numbers of days of relatively nonactive committee meetings or active lists. We've known we needed to deal with this issue. And yet at 10:05 on June 15, 2011, the only thing we're being offered by the Governor and the Senate leadership and the Assembly, which I understand has passed this bill, is a few hours' extension.

So I would like to take this opportunity to talk about what I think should be in a bill that is before us tonight or should have been in a bill before us weeks or even months ago.

And the reason I think it's worth discussing starting at 10:07 or 10:04 on June 15th is because this is a critical issue for 2.5 million New Yorkers. I would actually argue it's significantly more than 2.5 million New Yorkers, it's 2.5 million individuals living in a million, approximately, rent-regulated units. But there is a domino relationship between what happens to tenants living in rent-regulated units and what happens to tenants living in the apartments in the same buildings or

in neighboring buildings or in neighboring communities.

Because when you have a shortage of housing, which I would like to present is a statistical and quantitative fact for New York City and many other sections of the state, when you have a housing crisis, a vacancy rate so low that you really cannot find alternative housing at equivalent prices, you have an impact throughout the housing market and throughout communities, particularly those communities who are of lesser wealth. And again, in our society, in our state, in my city, it's disproportionately lower-income and people of color.

And so this is a housing crisis for millions of people, for millions of the most vulnerable New Yorkers. And it's now 10:10 on June 15th, and we're talking about a 36-, 37-hour extension.

Rent regulation laws were created because there was a housing crisis in the City of New York. And actually they date back to earlier than World War II. But there was perhaps an illusion that we would age out of the problem or we would build our way out of the problem. And

in fact, we have not done either. Our housing stock is older, our population living in this housing stock is both older and younger. And we have tried to build enough affordable housing for the generations that have come after the original generations who needed rent regulation, who needed the protections of the State of New York, but we have failed in that assignment.

So despite the fact that even in the current mayoral administration of Mayor Michael Bloomberg he has done a much more aggressive job at trying to build more affordable housing for New York City, we have lost more units than we have been able to build. We are actually in a bigger crisis now than when he came into office. And in fact the only thing that we can do at this moment in history is to strengthen and expand rent regulations.

And my colleagues and I have a number of proposals that would go far to addressing the problems that we are facing in rent regulation, and I know that some of them are going to be discussing some specifics. I'll just start with the specific of repealing the Urstadt Law.

Up until 1973, the State Legislature didn't decide housing policy for the City of New York. And I would hypothesize there are a large number of my colleagues here on both sides of the aisle who often wonder why we are deciding and dealing with housing policy and tenant policy and rental policy in the City of New York and in Nassau and Westchester and Rockland County.

I would hypothesize that many of my colleagues would wonder very seriously why New York City elected officials such as myself were making decisions about their housing policy in their districts, their zoning policy, their urban planning or suburban planning. That many of us have stood on this floor in support, loudly and proudly, of home-rule rights, of the importance of big government at the state level not micromanaging local issues.

And yet tonight we're in this position because we've never repealed a law that was a serious mistake that was passed in 1973, the Urstadt Law, which took the decision-making and the power over New York City housing policy away from New York City's government, the City Council and the mayor, and moved it up here to

Albany.

So we're here tonight at this moment in time for many reasons. But I would submit that a bill that I have carried here in the Senate for I believe as many years as I have been here, to repeal the 1973 Urstadt Law and hand the power and responsibility for the good and the bad, for the easy and the tough, back to the New York City Council and to the mayor of New York City, would be a much better answer, would be a conservative answer, would even be, small "R," a republican answer.

And that we could do that tonight very easily. The bill is in. It has aged. We could call a Rules Committee meeting. We could bring Urstadt repeal to the floor. And we could have done the right thing for the City of New York and address this crisis as best we could in the context of being legislators from all over the state, many of whom have little knowledge and, frankly, not an obvious interest in the future of affordable housing in the southern districts of this state.

So I would recommend that in the next 36 hours we should consider moving an

Urstadt repeal law under whosever name we like, calling it whatever we like. Give the authority and the control of the future of housing back to the local governments who have to take daily responsibility for how they answer the questions will we have affordable homes in our communities, will we have an urban planning model that ensures we can plan for our future, we can keep our senior citizens in the communities they have lived in and built, we can have children and grandchildren live in those same communities, we can have an urban planning process that provides for the most possible and the best way possible.

We have a City Council who each year from New York City sends us a home-rule message supporting Urstadt repeal.

So I am hoping that between now and 3:00 p.m. on Friday, among any number of other strengthening provisions we could do in rent regulation, we could move an Urstadt repeal bill. And I would encourage my colleagues on both sides of the aisle to work hard to move us towards that, to move us in that direction to accomplish that goal before we leave here on Friday at 3:00 p.m.

Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: Senator Espaillat.

SENATOR ESPAILLAT: Thank you, Mr. President.

Now that we're back from a little break, I hope we're all feeling a little more rested and we can be ready for a vigorous debate and discussion about this very important piece of legislation that impacts over 2.5 million New Yorkers.

I think that warrants a vigorous and lengthy debate. It doesn't matter how late we end. We started at 10:00, we started pretty late. So for those of us that have advocated for this bill, the rent bill to be included in the budget, and for those of us that throughout this session, this legislative session, have advocated that we work very hard not to find ourselves at the precipice here tonight, with less than two hours to go, I think it's becoming upon us that we all reflect how this issue impacts over a million units of housing and 2.5 million New Yorkers.

Those of us that are concerned about

taxes should also be concerned that a rent increase for a poor family or a working-class family or even a middle-class family, a rent increase is equivalent to a heavy tax. In fact, some have said throughout this session that New Yorkers have voted with their feet because we have increased taxes across the state.

Well, I say that New Yorkers have voted with their feet because rent is too high. Just like New Yorkers have left the state because there's a real estate tax-cap problem, New Yorkers have also left because the city becomes unaffordable, families aren't making ends meet, they find to hard to survive in the boroughs and outside of the boroughs, and they leave the city and the state because the rent is too high.

So this is a very important and defining moment this year, this session. And an extension, obviously, of these rent laws is not enough. We need to strengthen also tenant protection. And if we extend the laws, what we will get is in addition to 300,000 units of housing that have been deregulated since 1994, we will get an additional 100,000 units of

affordable housing disappear in the next decade.

So this is critical to all of us. And the time to act is now. And a mere extender is not enough. Recent polls show that 61 percent of New Yorkers support an extension of the rent laws, and 65 percent of New Yorkers think that these laws should be strengthened, that tenant protection should be strengthened. Voting to just extend the current law is a vote against tenants. As I said previously, we have lost 300,000 units of housing.

We are ready to stay as long as we can to strengthen the law. We join Governor Cuomo in his call that we should not leave Albany unless we take care of this issue. In fact, we should not even leave tonight unless we take care of this issue. A mere extension is not enough. Expanding rent regulation will stabilize New York's affordable housing stock and ensure that working and middle-class families have the protections to stay in their homes and in their neighborhoods.

Our omnibus bill that we presented early in session will strengthen rent stabilization laws, safeguard tenants from

harassment and abuse, and secure the stock of affordable housing for working-class families that we they need to stay in New York.

Within that omnibus bill we have several provisions that are of critical importance to many of us. One is the major capital improvement program, the MCI program. You may know that landlords often hike the rent when they apply for a rent increase through HCR after they have done a major capital improvement to their building. It is often used as a back-door way to hike the rent.

So, for example, new windows are installed in a building that has a hundred units, for example. And those windows obviously cost to be installed, and the landlord invests money to install those new windows. So he or she may apply to HCR for a rent increase for the installation of those windows. And HCR will then render a decision that often turns out to be an increase per room per apartment for those families.

Now, these increases are not given temporarily or throughout the lifetime of the recapturing of the investment, as it should be.

If you invest $100,000 in putting in new windows, once you have recaptured that money, that investment, the rent should go back down. It's common sense. No, the increase goes on in perpetuity. It happens forever. And two years down the line, when that tenant renews their lease, that increase of the lease is based on the aggregate cost of rent, the original rent plus the increase that the landlord got through the MCI practices.

This omnibus bill proposes to correct that egregious problem in the rent laws by making sure that rent surcharges cease upon the recovery of improvement costs by landlords, placing a limitation on the term of such increases. It also establishes a method by which the allocation of such increases can be calculated based on the number of rooms in a rental unit.

The increase related to any improvement should not exceed 6 percent of the monthly rent. Nor should the improvement, if it's not covered by the 6 percent limit, the additional cost may be paid for in increments not exceeding 6 percent forthwith.

I further propose in the omnibus bill that any landlord applying for a rent increase through HCR provide a detailed explanation of the improvements, as there has been many complaints about potential fraud in the paperwork that is submitted and the receipts that are submitted to HCR regarding this major capital improvement. The explanation would list all the improvements that the landlord used to calculate the new rent, and proof, showing the cost of the completed improvement that has been paid for.

So this is the MCI, Major Capital Improvement program that the omnibus bill proposes to dramatically reform by ensuring that an owner will only be able to hike the rent until he or she recovers the investment in the improvement. Many of us would think that that's a fair and practical solution to this problem, that in fact the MCI practices have been used as a back-door way to hike the rent on top of other availabilities that owners may have to hike the recent. So we are proposing in this omnibus bill that the MCI program should be reformed dramatically.

In addition to that, we have the

problem of personal use. The need for safe and affordable housing continues to be a challenge for many, many residents throughout the state, particularly for residents in New York City. Consequently, for a landlord to take over multiple units or an entire building, as sometimes it happens, of regulated units with the claim that the landlord and family members need them as personal residences, is simply a ploy that further reduces the affordable housing stock in New York City.

Therefore, the omnibus bill proposes that the landlord's ability to empty out an entire building or a number of units be limited. It is fair that it should be so, that in fact the landlord should not be able to take over rent-regulated units as a primary residence unless there's an immediate and compelling reason why that should be so. The landlord's recovery, that the landlord's recovery be limited to one apartment and not all the apartments in a multi-unit housing building if the tenant has lived there for 20 years or more.

Mr. President, at this time I would like to ask Senator Libous some questions, if he

may.

ACTING PRESIDENT GRIFFO: Senator Libous, do you yield?

SENATOR LIBOUS: Yes, Mr. President.

ACTING PRESIDENT GRIFFO: Senator Espaillat.

SENATOR ESPAILLAT: Senator Libous, why are we today, after a full session, and I may say a very productive session where we have tackled very important issues that affect many New Yorkers, and where both sides of the aisle have been effective in having perhaps what may wind up to be one of the most productive legislative sessions in years, why are we voting today on an extender after we have asked for the rent bill to be included in the budget and for months upon months we have asked you to engage us in a fair discussion on this very important rent-regulation bill? Why are we voting to extend another 38 hours when we have had weeks and months and tenants are now very anxious and seniors and single moms across the City of New York are afraid that they are going to lose their apartment when the clock ticks 12:00? Why

are we doing this now?

SENATOR LIBOUS: Mr. President, Senator, that's why we're doing this now, so that doesn't happen.

SENATOR ESPAILLAT: Well, many of us feel that in fact.

ACTING PRESIDENT GRIFFO: Senator Espaillat, are you asking Senator Libous to continue to yield?

SENATOR ESPAILLAT: Mr. President, through you, if I may -- I want to make a strong statement on the bill, Mr. President.

ACTING PRESIDENT GRIFFO: Are you on the bill now?

SENATOR ESPAILLAT: Thank you, Senator Libous.

ACTING PRESIDENT GRIFFO: Senator Espaillat on the bill.

SENATOR ESPAILLAT: We have come full circle on this debate about rent regulation, and yet we are here again at the precipice, at the eleventh hour, with our backs to the wall, having to answer to 2.5 million New Yorkers. We took a long break for two hours, and here we are trying to shut down session very quickly in the

middle of the night, with no sunshine, with very little transparency. And we're trying to simply extend for 38 hours the pain of over 2.5 million New Yorkers that tonight will go home to sleep, many of them thinking that when they wake up tomorrow they may not have an apartment.

Seniors that may not understand, fully understand the very complicated housing code will go to sleep tonight thinking that. Parents with their children asleep that are trying to make ends meet with a bad economy will go to sleep thinking that perhaps tomorrow their rent will go up. Young professionals that are facing the $2,000 threshold and their apartment may be deregulated are also going to sleep tonight thinking that perhaps they may not be able to afford their rent when it goes up.

It should have never gotten to this. This is too much of an important issue to us. In fact, I saw a lot of vigor in the debate over the property tax cap, which is philosophically joined at the hip with this. If you cannot pay your taxes because your property taxes are too high, and you lose your home, it's no different than you cannot pay your rent and

you lose your home. Eventually both families will be homeless or will have to leave the state.

This is a very important issue. It should have never dragged to this moment. We should have taken care of it earlier. It will impact on a significant number of New Yorkers. And a mere extender is not good enough.

That's why I will be voting in the negative, Mr. President.

ACTING PRESIDENT GRIFFO: Thank you, Senator Espaillat.

Is there any other Senator wishing to be heard?

Senator Diaz.

SENATOR DIAZ: Thank you, Mr. President.

I see tonight the passion and the fervor with which my colleagues are defending the 2.5 million residents of the State of New York. I heard my colleagues ask "Why now?" I have to say, ladies and gentlemen, that we didn't -- we heard that it should never have gotten to this point, and I agree.

I agree, ladies and gentlemen, this should have never gotten to this point, and those

senior citizens and those 2.5 million residents should have no reason to be worrying that in one half-hour the rent laws will expire.

We could have done this before. I asked my colleagues, I asked my -- we have six Hispanic Senators. I asked all of them. We have blacks here, African-American Senators. I asked them, during the budget negotiations, let's not vote for this budget until Governor Cuomo includes in that budget the rent laws and the millionaire tax so our residents will not be hurt by cutting services. I asked them to do that.

In politics you only have some chips to bargain. Once you give out those chips, you have nothing, nothing to bargain. So we didn't have to be here. And we could have protected our people. The six Hispanic Senators and the African-Americans, especially, and all the Democrats in this chamber, we could have held our votes and we could have told the Governor, If you care so much about the poor and needy, include in that budget the rent laws, and then we will vote for it.

But, ladies and gentlemen, my colleagues didn't want to embarrass the

Governor. And they went to the Governor and they voted, and they all voted for the budget without the rent. And they all voted for the budget without the millionaire tax.

So now our residents, our constituents have been affected. Services have been cut. Education money has been cut. We could have prevented that. We could even have prevented being here today.

So there is no reason why are we asking and discussing, Oh, what are we doing, what are we doing. It's our fault. It's our fault. The only two people, the only two Democrats that voted against that budget was Senator Tom Duane and myself. Every other Democrat voted for that budget. Without, without the rent laws and without the millionaire tax.

So don't blame anybody. The culprit is the Governor and we the Democrats that voted for that budget. If we would have not voted for that budget, the people would have been protected.

So we neglected to protect the people. We neglected to defend our community. We neglected that. And I could stand here proud

and say, Hey, I didn't vote for it because of that. I didn't vote for it because of that, because I knew that the rent laws were not included and I knew that the millionaire tax was not included there.

So today we're doing an extension. I'm voting that for that extension I am voting for the extension. I am voting for the extension so we could have more time and until Friday at whatever to be sure that the tenants are protected.

But we should have done better. Ladies and gentlemen, we should have done better. Only Senator Tom Duane and myself abstained from voting for that budget. So if something happens and if our people get hurt, there is no other people to blame but those that voted for that budget without rent control and without millionaire tax.

So, ladies and gentlemen, Mr. President, yes, I am voting yes on the extension.

ACTING PRESIDENT GRIFFO: Senator Rivera.

SENATOR RIVERA: Thank you,

Mr. President.

I want to speak about rent regulation. I want to briefly address some of the comments of Senator Diaz, and they're certainly germane to this conversation.

I do not believe that there was -- when we're talking about the budget, there were certainly difficult votes that we took. And I believe that there were some votes that we should have -- that we could have done differently. But overall, I believe that we made the tough choices that we needed to make.

And there were a few of the budget bills, as you remember, Senator Diaz, that we actually voted against. I voted against two of the bills. And one of them was certainly regarding the millionaire's tax.

Now, as far as rent regulation is concerned, I want to speak briefly about my own personal history. I got to New York in 1998. And at first I lived in the dorms for the Graduate Center, the CUNY Graduate Center where I came to study for a Ph.D. in political science. Shortly after that, I moved to East Harlem. And then just a little bit after that, I moved up to

the Bronx.

I moved up there into a rent-regulated apartment. I would not have been able to live in the city, I would not have been able to thrive in the city if it was not for rent regulation. Seventy-two thousand units in my district, and the hundreds of thousands of people that live in it, are going to be impacted by this. And I believe that we owe them. I certainly believe, I certainly know that I owe them my voice in this chamber and in this conversation. We need to extend the rent regulations, though we need strengthen them, so we can protect the millions of New Yorkers that live in rent-regulated apartments who again would not be able to live in the city or thrive in the city without these laws.

Thank you, Mr. President. I will be voting in the negative on this extension.

ACTING PRESIDENT GRIFFO: Thank you, Senator Rivera.

Senator Diaz, why do you rise?

SENATOR DIAZ: Would Senator Rivera yield for a question or two?

ACTING PRESIDENT GRIFFO: Senator

Rivera, do you yield to questions from Senator Diaz?

SENATOR RIVERA: I will certainly yield for a few questions, Senator Diaz.

SENATOR DIAZ: Yes, thank you, Senator.

Senator Rivera, did you or did you not know that the budget didn't include the rent -- the extension for the rent control, for the rent law --

SENATOR RIVERA: It did not include it, no, sir.

SENATOR DIAZ: -- before you voted for it?

SENATOR RIVERA: Did it include it before I voted for it?

SENATOR DIAZ: Did you know that the rent law was not included in the budget?

SENATOR RIVERA: Yes.

SENATOR DIAZ: Will you yield --

SENATOR RIVERA: I will continue to yield.

ACTING PRESIDENT GRIFFO: Senator Diaz asks Senator Rivera to yield. Senator Rivera yields.

SENATOR DIAZ: Senator Rivera, did I ask you not to vote for that budget until the rent control be included, yes or no?

SENATOR RIVERA: Yes.

SENATOR DIAZ: Could you --

SENATOR RIVERA: I yield.

ACTING PRESIDENT GRIFFO: Senator Rivera does yield.

SENATOR DIAZ: So, Senator Rivera, what did you vote for it?

SENATOR RIVERA: I voted yes on nine of the budget bills and no on two of them.

SENATOR DIAZ: Through you, Mr. President.

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

SENATOR RIVERA: Just one more question.

ACTING PRESIDENT GRIFFO: One more question, Senator Diaz.

SENATOR DIAZ: So, Senator Rivera, even knowing that this would affect your constituents, you decided to vote for it.

SENATOR RIVERA: It was a tough choice, but yes, sir.

SENATOR DIAZ: All right, thank you.

ACTING PRESIDENT GRIFFO: Thank you, Senator Rivera.

Is there any other Senator wishing to be heard?

Senator DeFrancisco.

SENATOR DeFRANCISCO: May I ask Senator Rivera a question?

ACTING PRESIDENT GRIFFO: Senator Rivera, do you yield?

SENATOR DeFRANCISCO: I think I was paying attention closely, but I want to be sure. Did you say, as a New York City legislator, you are voting no on the extender?

SENATOR RIVERA: I am saying on this particular extender, because it is not -- because it is not a strengthening of rent regulation, the answer is yes. As in I am voting in the negative on this bill.

SENATOR DeFRANCISCO: Would Senator Rivera respond to another question?

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

SENATOR RIVERA: I yield.

ACTING PRESIDENT GRIFFO: Senator DeFran.

SENATOR DeFRANCISCO: And you're voting no as a New York City legislator, knowing that at 12:01 all the apartments of the people that you're concerned about, 2.5 million people, are going to be deregulated, and you're still going to vote no?

SENATOR RIVERA: I'm going to vote no on this particular bill, Senator DeFrancisco -- through you, Mr. President -- because it is not -- because it is only a simple extender and it is not the strengthening that the folks in my district require.

SENATOR DeFRANCISCO: Would Senator Rivera answer one last question.

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

SENATOR RIVERA: Yes, Mr. President.

ACTING PRESIDENT GRIFFO: He does.

SENATOR DeFRANCISCO: And based on that principled position you're taking, you would be willing to take the risk that the Republican side of this house would follow your lead and

vote no on this bill for the same reasons you're voting no and end up with not enough votes to pass this extender? And you'd still believe that your position would be correct?

SENATOR RIVERA: I believe that the bill that we need to be voting on, Senator DeFrancisco -- through you, Mr. President -- is one that will truly protect the people in my district, not only extending rent regulations but certainly strengthening them.

SENATOR DeFRANCISCO: Thank you.

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

Seeing none, hearing none, 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: Senator DeFrancisco to explain his vote.

SENATOR DeFRANCISCO: Yes. Rent control does not affect any of my residents. But

judging from the negative votes on the other side of the aisle -- other than Senator Diaz, who understands the practicality of the situation -- if the other New York Senators on the other side of the aisle don't think it's important to extend for an additional period of time the rent-regulation laws until a deal can be resolved, then it certainly is fine with me.

And because of that, I'm taking the lead of the New York City delegation on the other side of the aisle and will vote no with Senator Rivera and everyone else. Because apparently it's a very principled position, and I pride myself on being principled. Thank you.

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

I want to inform everybody that I will be strictly enforcing the two-minute explanation of votes.

Senator Hassell-Thompson.

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

I rise to vote no. And you want to talk about practicality? We had six months. What could we do in 38 hours that we could not do

in six months? We have been begging, we have had residents come to these chambers every week since January begging for us not to come to the eleventh hour to do this action.

So if you can wave a magic wand in 36 hours and make something happen you couldn't do in six months, all to the better. But I will be voting no. I have promised my residents that I would not vote for an extender that did not give them what they need to ensure their security in their apartments.

Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: Senator Hassell-Thompson to be recorded in the negative.

Please raise your hands again if you're voting in the negative so we can get an accurate accounting of the votes.

Senator Diaz to explain his vote.

SENATOR DIAZ: Mr. President, I am voting yes because I know that at 12 midnight the clock will end, and I will not play this game with my constituents. For me, it is better to extend it for three more days or two more days. They're not going to lose anything. The same thing that they're having now, they're going to

still have for two more days until we decide the situation. So I am not going to play this game.

And because I believe that whoever wanted to help the community, they could have done that during budget negotiations. But the Governor didn't want to put it in, and my colleagues didn't want to include it in. So now I'm voting yes. Because I'm responsible enough to fight for my constituents and to be sure that they continue having, two more days, the rents until we decide otherwise.

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

Senator Espaillat to explain his vote.

SENATOR ESPAILLAT: Yes, Mr. President, to explain my vote.

This is not a game. This is not trivial. This is about the life of thousands of New Yorkers. You know, and enough is enough. We've been through six months of this. And tenants have come here on a daily basis. Some of our colleagues got arrested in civil disobedience because of this. We have continuously asked that we wanted to vote for a rent bill that will not

only extend the laws, but will provide tenant protection.

Enough is enough. This is it. You know, we talked about this for six months. We talked about the perils of going until midnight on June 15th. And here we are. This is not our doing. This is the machinations of other folks. And that's why we're voting no tonight.

ACTING PRESIDENT GRIFFO: Senator Espaillat to be recorded in the negative.

Senator Martins to explain his vote.

SENATOR MARTINS: Thank you, Mr. President.

I, as opposed to some of my colleagues in this chamber, do care about the residents of my district who do live under the protections afforded by rent regulation. I do have residents in my district who rely on those regulations and will be relying on the extensions of these regulations as we work out the details of that which we're discussing here today.

But when we talk about strengthening, quote unquote, rent regulations, I find it ironic that the very same people who advocate for raising taxes on those who make more

than $200,000 a year are now advocating for protections for those people making $300,000 a year paying $3,000 a month in rent. And I would suggest that everyone reevaluate their priorities and think about the purpose of rent regulations and those people who these regulations were meant to protect, those people who are relying on these rent regulations in order to make housing accommodations for themselves and their families.

Stop protecting the rich Manhattan and New York City residents and start protecting those people who these rent regulations were meant to protect. Vote yes on this bill, extend it for three days, and work out these details. Have the courage of your own stated convictions.

I'll be voting yes.

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

Senator Savino to explain her vote.

SENATOR SAVINO: Thank you, Mr. President.

You know, most of you by now have known me for several years and you know I don't like to be out late at night. I certainly like

to be home in my bed by just about this time. I don't like political games. And what I'm seeing here happening tonight is the worst of the political games, where both sides are pointing fingers at each other about an issue that matters to no less to million residents of the people of the City of New York, if not more.

We can stand here and debate over who's responsible, whether we had six months this year for you guys to figure it out or we had 24 months when we were in charge for us to figure it out. The reality is we are here with less than an hour before the rent regulations in the City of New York expire, affecting the lives of real New Yorkers. We should be able to set aside our petty differences and at least extend this law for at least two more days.

Now, I don't believe that anybody in New York City is going to get thrown out in the street. They all have leases. But there is real anxiety on the part of tenants in the City of New York because they don't know what we're doing. We have an obligation to them to allay those fears and tell them that while we may not have an agreement today, June 15th on the day

that they're supposed to expire, that we're not going to leave here, not this legislative session, until we do have an agreement.

Now, I know we're all posturing. You know, and it's cool. We all love to do that from time to time, to flex a little bit. But we have important issues that affect real people. And we owe it to them to set aside that posturing mentality just for this moment and let them know that while we don't have an agreement now, at this hour, ten minutes before the final hour, we will before we shut down this legislative session.

And I have full faith that we will reach that agreement, because we know what's at stake. It really is important. And it doesn't matter who controls this chamber or who's in the Governor's office --

ACTING PRESIDENT GRIFFO: Senator Savino, how do you vote?

SENATOR SAVINO: I vote yes on this bill, Senator Griffo.

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

Senator Squadron to explain his

vote.

SENATOR SQUADRON: Thank you, Mr. President.

You know, even if you don't have one of the 2.5 million people whose homes depend on these laws, you do care about these laws, or you should. Because if you love New York today, you believe in rent regulation, because it is fundamental to what New York City and the surrounding counties are today. Close to 25 percent of people in the City of New York live in rent regulation. It is the city, and in many ways the city is the keystone of the state.

And if you don't understand that, I'm not going to convince you in the next 90 seconds. And if you don't care, I've got a great idea for the other side. There's a bill that will extend and expand rent regulation. It is available to be voted on right now. I am sure the Assembly would come back, with joy, tonight and vote on that bill, Senator Espaillat's omnibus bill.

So if you don't care about this issue, if you have no tenants, then please pass the bill the New York State delegation really

wants. And if you have the vision and understanding to care about this issue, pass the bill that we need. We have an hour and five minutes left; let's pass Senator Espaillat's omnibus. Let's do it now and we won't have any problem, any concern. We won't have to come back this Friday, and we'll have 2.5 million tenants who will no longer have to live with harassment, with fear of eviction. That's what this is about.

A. I promised my constituents I would not vote for a bill that would require them to continue to live with the constant fear of harassment, with the constant knowledge of a potential false eviction around the corner. That's why I can't vote for this bill. That's why we should stay tonight and pass Senator Espaillat's bill and go home knowing we have protected 2.5 million tenants, we have protected the City of New York, we have maintained the State of New York for what it should be.

That's why I'm voting no, Mr. President.

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

Senator Klein to explain his vote.

SENATOR KLEIN: Thank you, Mr. President.

I too rise in favor of this extender. And I think what I heard tonight so far is sort of clouding the real issue.

What's before us now is an extender to extend the rent regulations till Friday. And by voting no and not doing it this evening, what we're doing is scaring tenants that they will no longer have rent protections, code enforcement, they will no longer have the warranty of habitability, everything that makes tenants safe in their apartment.

I also will say that it's very interesting now, when we had over two years to actually get stronger rent regulations, we chose not to do that. We just dwelled on one issue, repealing vacancy decontrol, not worrying about the MCIs which cause tenants to pay higher rents, not making sure that tenants can have an affordable and clean apartment in my home county of the Bronx. I guess when it's no longer a political issue, it's no longer the right issue.

But I'm going to do the right thing tonight. I'm going to vote to extend this

rent-regulation package which is so important to all of us until Friday. I vote yes.

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

Senator Perkins to explain his vote.

SENATOR PERKINS: Thank you very much.

You know, I want to first express my appreciation to Senator Espaillat for the extraordinary leadership that he has provided over the last few months in terms of providing the people of the City and the State of New York with what they want, what they have indicated that they want, in the most simple and eloquent way possible.

You know, I don't know where these $300,000 people are living that have been referenced earlier, but they don't live in my district, which has over 68,000 residents that live in rent-stabilized, rent-controlled homes. In fact, quite the opposite. I represent not only Harlem, I represent the Upper West Side, Morningside Heights, Washington Heights, East Harlem and parts of Inwood. And for the most part, those are regular working-class

families who are going to suffer severely as a result of this kind of gamesmanship, brinkmanship that is taking place.

There are those who say that they have heard from tenants. Well, I know I've heard from tenants. And on their behalf I spent a few hours in jail to make sure that their voices were well-represented. This is not what they want. They do not want an extender. They want the Espaillat bill. And an extender is an insult and smack in the face as far as they are concerned.

So if in fact there are some of us here who really want to do something on behalf of those people that I represent, on behalf of the other 1.2 million that are a part of the larger universe, then vote for the Espaillat bill. Let's stop the gamesmanship, let's stop the brinkmanship. We can do this and we can go home and those folks can be relieved of the games that are being played at this point in time.

So I'm voting against this because that's what the people in my district, the people that I represent have told me in no uncertain words: Do not vote for an extender, vote for the Espaillat bill.

ACTING PRESIDENT GRIFFO: Senator Perkins to be recorded in the negative.

Senator Krueger to explain her vote.

SENATOR KRUEGER: Thank you, Mr. President.

No posturing. You're hearing it from many of my colleagues, the tenants of New York City are loud and clear. A straight extender is not acceptable. The game of playing things out to the last minute moved us backwards in 1997 and 2003.

The good news is there is no tenant who has to fear that they lose their apartment if we don't get an extender for the next two days. There will be no immediate expiration. In 1997, the laws expired for five days and then were reinstated retroactively. In 2003, we did a series of one-day extenders; they were irrelevant.

What's not irrelevant is the commitment of the Democratic members of this chamber to making sure that people hear that we must be strengthening the laws. We lost hundreds of thousands of units because bad decisions were made in 2003 and in 1997. The Governor said it

himself earlier, it doesn't matter whether midnight comes and goes, what matters is that we get a stronger protective bill for housing for New York City. And he has made it clear that he is committed to getting that done.

And I think we are committed to staying here to get it done also. But not through a game of straight extenders. I vote no. Thank you.

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

Senator Nozzolio to explain his vote.

SENATOR NOZZOLIO: Mr. President, I wish to thank every member of the Democratic caucus who's voting against this measure, because ending rent control is something I believe should have happened for years. So I really want to thank you for voting against this extender and hopefully ending this socialistic program that began in the droves of World War II and that is now --

ACTING PRESIDENT GRIFFO: Order (gaveling).

SENATOR NOZZOLIO: -- one of the

most government-controlled economic enterprises in this country.

And any of you who are trying to defend those who make $300,000 or more a year so that their apartments can be rent-controlled, just come on upstate. I'd like to show you the affordable housing that we have in upstate New York, where senior citizens who make less than $18,000, $20,000 a year have no such thing as a government-controlled, rent-controlled apartment.

I want to thank you for ending socialism in this great State of New York.

(Laughter.)

SENATOR NOZZOLIO: Mr. President, I vote with my Democratic colleagues against rent control.

ACTING PRESIDENT GRIFFO: Senator Nozzolio to be recorded in the negative.

Senator Parker to explain his vote.

SENATOR PARKER: To explain my vote, Mr. President. I see that we are --

SENATOR LIBOUS: Mr. President, before Senator Parker, if you'd just indulge me for a second.

ACTING PRESIDENT GRIFFO: Senator Libous.

SENATOR LIBOUS: You know, I think everybody has something to say. I want to hear what Senator Parker says. Members need to be respectful of their colleagues, whether you agree or disagree. There's a lot of noise going on.

Mr. President, thank you. Senator Parker, I am very interested in hearing what you have to say.

ACTING PRESIDENT GRIFFO: Senator Parker to explain his vote.

SENATOR PARKER: To explain my vote, Mr. President. Thank you, Senator Libous.

It seems like we are participating in some revisionist history tonight, and that's okay. You know, we forget -- and how many have we had, six months or in some cases two years or three years to get this. We've actually had eight years, because since 2003 when we passed this bad bill, we knew that this day was coming.

Let's not forget that the Republicans were in charge when we in fact passed two bad bills and walked out of here the last day of session in 2003. All right? So this has been

something that's been mounting. And we've had lots of opportunities. So if anybody is afraid of scaring tenants, we've been scaring tenants the whole year. And now all of a sudden we wait until the very, very last moment.

But I want to thank Senator Krueger for setting the record straight about the fact that there is no fear, that in fact we do have a couple of days. And certainly the 38 hours which this bill would have covered, you know, will be a fine period for us to figure it out. And the Governor has done that.

But let's get to the real point. This is a three-way deal between the Republicans, the Governor, and the Assembly. Where are your votes? You pass stuff in this house every single day without a Democratic vote. And so how come your members aren't here if you in fact had a deal to do the extender? Why are we here incumbent upon carrying your water when in fact you were the ones who could have brought Senator Espaillat's bill to the floor any day starting January 2nd?

And so as Senator Squadron has indicated, we'll stay here as long as we need to

to pass Senator Espaillat's bill. Let's pass it today. Let's give the tenants of New York City what they need and what will be best for the people of the State of New York, and then let's continue that kind of socialism.

But the socialism we ought to stop is all the corporate welfare that we got going on in this state. So being real and start -- and we'll start with the farm subsidies. And although I think the farmers are important and I want to help them --

ACTING PRESIDENT GRIFFO: Senator Parker.

SENATOR PARKER: If we're going to have -- if we're going to stop subsidies --

ACTING PRESIDENT GRIFFO: Senator Parker, how do you vote?

SENATOR PARKER: I vote no on this bill, and I vote yes for some socialism, particularly --

ACTING PRESIDENT GRIFFO: Senator Parker to be recorded in the negative.

Senator Marcellino to explain his vote.

I'm going to remind the members you

have a two-minute explanation period. And I will maintain order in the chamber. Respect the rulings of the chair, please.

Senator Marcellino.

SENATOR MARCELLINO: Mr. President, I intend to vote aye. I have residents in my district who are dependent upon this legislation. If we need another 36, whatever hours it takes to come to a reasonable conclusion, I think we should take it, come to a reasonable conclusion, resolve the issues the way we can, and without playing silly games back and forth. Let's just do it right.

We need 36 hours to come to a decision. Let's take the 36 hours on behalf of the landlords and on behalf of the tenants who need this time. I vote aye.

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

Senator Serrano to explain his vote.

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

My remarks are not intended to further divide this chamber. In actuality, I think I believe that this issue is something that

all sides can agree upon.

When you consider that the vast majority of people who live in lent regulated apartments, the average income is $36,000 a year -- these are disabled families. These are disabled individuals. These are working families. These are the elderly. And also, people who live in rent-regulated apartments in many ways are the underpinnings, the financial engine, the economic engine for the City of New York, the tax base which benefits not only the five boroughs of New York City but actually the entire state of the New York, because the economy is interlinked.

So really, I don't see why there needs to be two sides and these horrible attacks that I'm hearing here tonight. This is very clear. When you protect vulnerable individuals who are also the tax base, that are also the people who are providing those jobs, that are doing those jobs. That are so critical for the City and for the State of New York -- they're the ones raising families, they are the ones trying to achieve the American dream. These are new immigrants. These are the people who founded

this nation. This is that next generation.

And when you consider the chronic underfunding of NYCHA, the loss of Mitchell-Lama as we know it, and now these horrible rent-regulation laws that are expiring and we're not strengthening them, we will have a City of New York that is completely unaffordable. So where will the tax base be? Where will the working families be?

So I think it's of critical importance that we come together on this, stop fighting about it, come together about this, realize that this is good for all sides. The business community benefits greatly from strong rent regulations because where are the customers going to be if they can't live in New York City?

Let's be smart about this. I think this extender is not the way to go, and I'll be voting in the negative, Mr. President.

ACTING PRESIDENT GRIFFO: Senator Serrano to be recorded in the negative.

Senator Young to explain her vote.

SENATOR YOUNG: Thank you, Mr. President.

I think what the other side may not

understand is that there are true philosophical differences between how we view rent control and how you view it. And, you know, on this side of the aisle we believe in private property rights, we believe in free market enterprise, we believe in a growing economy. And so because of those reasons, we have issues with rent control.

You on the other side have always said that you need it. And Senator Serrano just talked about the fact that there are a lot of people in rent-controlled apartments who make $36,000 a year. Now, Senator Espaillat talks about his omnibus bill, which actually would raise -- you talk about strengthening rent control? Think about what you're doing. Because what you're actually doing is helping the wealthy.

So you're holding out tonight and voting against people who actually make $36,000 a year because you want to abet in a rational system and help people who are rich. Help people who are rich. And so you're throwing people under the bus who make $36,000 a year, maybe less. So you're voting against those people. I'm very surprised by this.

But I have to say that study after study has shown that rent control actually depresses the housing market. It actually avoids private investors from building more affordable housing. So, you know, on this side of the aisle, if we got rid of rent control, that would be fine with us.

And here you are tonight voting along with us. I'm very surprised by it, but I'm very pleased by it too. So I want to thank you.

ACTING PRESIDENT GRIFFO: Senator Young, how do you vote?

SENATOR YOUNG: I vote no.

ACTING PRESIDENT GRIFFO: Senator Young to be recorded in the negative.

Is there any other Senator that wishes to explain their votes?

I then call upon Senator Skelos to complete the explanation of voting.

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

I respect everybody that's voting no on this side of the aisle, the Republican side, because Democrats are once again setting the example of hypocrisy.

Now, I've said all along that I favor the extension of rent regulations. That's why I'm voting yes to continue rent regulations today.

Now, where I live on the island some of my constituents do have rent-regulated apartments. But I also have an awful lot of people in my district that own homes that are struggling to make their mortgage payments and their property tax payments, and nobody's coming into them and saying, We're going to cut your mortgage in half, we're going to eliminate your property taxes. It's not happening. So they're working hard to make ends meet.

And what would we do if somebody in any part of the state -- and there was a need for affordable housing? What do we do if your house is worth $400,000? Do you say, We need affordable housing, you can only get $200,000 for it? Is this what this is about? There is a thing called personal and private property.

Now, I've said all along that we will be willing to extend rent regulations, and I mean that. I talked to the Governor, he sent this bill up, and I said with the support of the

Democrats we would pass it. But obviously you're not looking to have this passed and you're looking to kill rent regulations in New York City. And if that's the decision you're going to make, we'll join you in that decision. We'll join you in that decision.

So, Mr. President, I'm going to keep my word that I said I believe in extending rent regulations, and I am going to vote yes. But again, it's amazing to me how in certain districts in some of the areas that are represented by some of the Senators on the Democrat side of the aisle, that you're defending legislation such as passed the Assembly that wealthy individuals who live in Senator Krueger's district who are making -- that they'd be protected if they're making $300,000 a year and their rent is $3,000 a month? That's who you're protecting? My God, that's unbelievable, that you want to protect those rich people. But when it comes to income taxes or surcharges, $200,000 is considered wealthy.

So -- and I say this respectfully when I say there's a lot of hypocrisy here this evening on the Democrat side of the aisle. I

can't say that about Senator Diaz, because Senator Diaz is always right when he speaks. Or most of the time.

(Laughter.)

SENATOR SKELOS: But, Mr. President, I intend to vote aye.

ACTING PRESIDENT GRIFFO: Senator Skelos in the affirmative.

Announce the results.

THE SECRETARY: In relation to Calendar Number 1268, those recorded in the negative are Senators Adams, Addabbo, Alesi, Avella, Ball, Breslin, DeFrancisco, Dilan, Duane, Espaillat, Farley, Flanagan, Gallivan, Gianaris, Griffo, Grisanti, Hassell-Thompson, Huntley, Johnson, Kennedy, L. Krueger, Larkin, LaValle, Libous, Maziarz, Montgomery, Nozzolio, O'Mara, Oppenheimer, Parker, Peralta, Perkins, Ranzenhofer, Ritchie, Rivera, Sampson, Serrano, Seward, Squadron, Stavisky, Stewart-Cousins, Young, and Zeldin.

Absent from voting: Senators Bonacic, C. Kruger, McDonald, Saland, and Smith.

Ayes, 14. Nays, 43.

ACTING PRESIDENT GRIFFO: The bill

is defeated.

Senator Libous.

SENATOR LIBOUS: Could we now go to the controversial reading of Calendar Number 53 and take it up with Senator Nozzolio at -- I think it's Calendar Number 410.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: Calendar Number 410, by Senator Nozzolio, Senate Print 476A, an act to amend the Correction Law.

ACTING PRESIDENT GRIFFO: Read the last section.

SENATOR SQUADRON: Explanation.

ACTING PRESIDENT GRIFFO: An explanation has been requested by Senator Squadron.

Again, I'm going to ask for some order in the house.

Senator Squadron has asked for an explanation, Senator Nozzolio.

SENATOR NOZZOLIO: Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: Senator Nozzolio, one second, please. {Gaveling.}

Senator Nozzolio.

SENATOR NOZZOLIO: Thank you, Mr. President.

Mr. President and my colleagues. Calendar Number 410, S476A, creates a process to save the state taxpayers' dollars in the provision of medical treatment for the thousands of inmates now incarcerated in state correctional facilities and county correctional facilities across New York State. This is again an opportunity for this government, this state government and particularly the New York State Legislature, to save taxpayers' funds.

Each inmate in the state system under this provision will be required to establish a modest medical copayment, a copayment that is modeled after copayments required of prison inmates in the entire federal prison system, prison inmates in the neighboring states of New Jersey, Pennsylvania, as well as the large state of California. A number of states have established this, and that we believe it's an opportunity to save some taxpayers dollars by providing a modest copayment posted to inmates' accounts.

I should indicate rapidly that no inmate in our state system shall be refused treatment for the lack of ability to pay for their copayment charges.

ACTING PRESIDENT GRIFFO: Thank you, Senator Nozzolio.

Senator Rivera.

SENATOR RIVERA: Thank you, Mr. President. Would the sponsor yield for a few questions.

ACTING PRESIDENT GRIFFO: Senator Nozzolio, do you yield for a few questions?

SENATOR NOZZOLIO: Yes, Mr. President.

ACTING PRESIDENT GRIFFO: Senator Rivera.

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

Senator Nozzolio, what is the pressing need to have incarcerated individuals pay for their medical expenses? What is the main thrust, really, of the legislation?

SENATOR NOZZOLIO: This provision has been proffered in an attempt to save taxpayers dollars. That in these hard economic

times, every aspect of state expenditure should be analyzed.

That there is a dual system of medical treatment. We think it's an equitable situation to have a modest copayment for county correctional inmates, state correctional inmates -- again, modeled after the federal system. The federal government has established this. The Obama administration has allowed this to happen, and that in effect we believe New York is foolhardy to not take advantage of the opportunity to save dollars.

SENATOR RIVERA: Through you, Mr. President, if the sponsor would continue to yield.

ACTING PRESIDENT GRIFFO: The sponsor yields.

SENATOR NOZZOLIO: Yes, Mr. President.

SENATOR RIVERA: Thank you, Mr. President.

I think we can both agree, Senator Nozzolio, that the federal policies are not always the ones that we should follow in the state.

Let me ask you a further question. How much revenue would this bring to the state each year?

SENATOR NOZZOLIO: Mr. President, if I may, I'm having trouble hearing Senator Rivera.

ACTING PRESIDENT GRIFFO: I do admonish the chamber once again. I know it's been a long day, but please let's respect the two members who are engaged in debate. Thank you very much.

Senator Nozzolio.

SENATOR NOZZOLIO: In response to Senator Rivera's question about savings, that we believe that it would save in the range of $5 million to $10 million a year.

Based on the fact that inmates, as I have visited many of the correctional facilities, told by the officers and other correctional employees who work at those facilities that many times sick call is used as a form of sport recreation and hobby, to break the day-to-day prison routine.

And that we're not saying anyone should be denied medical treatment. We're saying

that a modest copayment would in fact raise revenue from those who can afford it, those inmates who have resources.

Also, it would stop the utilization of -- or I should say misuse of services when inmate the utilize sick call as an opportunity to simply break the day-to-day routine. That we believe also there's a certain equity here, where each and every one of our constituents who is lucky enough, fortunate enough in their lives to have medical insurance, those constituents that are taxpayers have to have a modest copayment -- in some cases, not so modest, depending on the type of health insurance they have.

Why have a system that the taxpayers must pay for in terms of their own health insurance and also the medical treatment of inmates who are -- in effect, could be utilized in another way.

And just one last thing. And thank you for your patience, Senator Rivera, in the long answer here. But yes, the federal government is not something that should be always followed, emulated. But certainly other states have also adopted this system, states that are

our neighbors, states that are saving funds as a result.

So thank you, Senator Rivera, for the opportunity to discuss that portion of your inquiry.

SENATOR RIVERA: Through you, Mr. President, if the sponsor would continue to yield.

ACTING PRESIDENT GRIFFO: The sponsor yields.

SENATOR NOZZOLIO: Yes, Mr. President.

SENATOR RIVERA: Thank you, Mr. President.

I did hear, Senator Nozzolio, you talked about savings. I would ask you to also, if there is any revenue that's involved, if there's any revenue that the state would make, if you could add this to the next answer to this question as far as where the copayment would come from. And, if it comes from an individual's account, how exactly would it work.

So could you explain that to me and also clarify the revenue question as opposed to savings question.

SENATOR NOZZOLIO: Yes, Mr. President. Senator Rivera is asking about the inmate account system.

Each inmate in the state prison system has their individual account. The custodianship is the Department of Corrections. That account, as inmates are not to have cash on their possession for a variety of reasons, that the account is a bank account within their custodianship of the Corrections Department. Any copayment would be extracted from that inmate account.

SENATOR RIVERA: Thank you, Mr. President. If through you the sponsor would continue to yield.

ACTING PRESIDENT GRIFFO: The sponsor yields.

SENATOR NOZZOLIO: Yes, Mr. President.

SENATOR RIVERA: Thank you, Mr. President.

I still would like clarification on the issue of revenues. But so it is an account that each incarcerated individual has. And what else is this account used for? Through you,

Mr. President.

SENATOR NOZZOLIO: An inmate's accounts are utilized, Mr. President, for inmates' personal expenses, expenses to purchase goods at the commissary. By the way, that's another one of my legislative measures. I believe that the commissaries in our prison facilities should charge inmates sales tax, because the inmates pay no sales tax now.

But other things that the inmates may be allowed to purchase during the course of their incarceration can be extracted from their individual account.

SENATOR RIVERA: Through you, Mr. President, if the sponsor would yield for one more question.

ACTING PRESIDENT GRIFFO: Would you yield for an additional question?

SENATOR NOZZOLIO: Yes, Mr. President.

ACTING PRESIDENT GRIFFO: Senator Nozzolio yields, Senator Rivera.

SENATOR RIVERA: Thank you, Mr. President.

You clarified that as far as medical

treatment for an individual, that they would never be denied. What if an individual could not pay -- the bill, I believe, says that they would not be denied medical treatment. But how would you ensure that this is the case?

SENATOR NOZZOLIO: That, Mr. President, again, the treatment is provided prior to that determination. In effect, the inmate is required under this legislation to log in when they are making a visit for medical purposes. That log will be evaluated each and every month, and the inmate's account will be deducted for those modest copayments as a result.

That if it is determined that the inmate does not have sufficient resources in their account, of course the services would have already been provided.

Again, Mr. President, this is not a unique process. This is not a punitive process. This is a process that the Department of Corrections that the federal Bureau of Prisons utilizes. It's a process that other states utilize. Let's have New York get into the opportunity zone here to actually save some money

and be competitive with other states. That's what the motive for this measure is all about.

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

ACTING PRESIDENT GRIFFO: Senator Rivera on the bill.

SENATOR RIVERA: Thank you, Senator Nozzolio, for answering a few questions.

This is a bill that we have clashed in the Crime Victims, Crime and Corrections Committee about. I will be voting in the negative on this piece of legislation for a couple of different reasons.

Incarcerated individuals make very little income to begin with. They have these accounts that they use, as Senator Nozzolio indicated, for their personal needs, for things they might be able to get at the commissary. What we are talking about here is -- I disagree strongly with Senator Nozzolio that this is not a further punitive measure. You have incarcerated individuals. They have already had their freedom taken away from them. And now we are adding onto that the only account they have available to them for personal hygiene products, that is being

taken away from them, slowly but surely.

For example, if there is an individual that has a chronic condition that he or she may have to manage, such as asthma, they might have to go continuously back to receive medical services, and it might be a situation that they can't really stop.

Now, while I accept that there might be situations where there might be individuals that are taking advantage of the situation, I would posit that it is a minority and that we should not be making policy that is going to impact negatively, across the board, what amounts to thousands of incarcerated individuals that are already being punished for their crimes. Now they would be further punished by having, potentially, their small, limited bank account be drained and taken away.

I do not believe that this is the correct way to proceed in this instance. I strongly oppose this measure. And I ask my colleagues if they would do the same. I will be voting in the negative for this bill. Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: Senator

Rivera to be recorded in the negative.

Senator Robach.

SENATOR ROBACH: Yes, Mr. President. I want to rise to applaud Senator Nozzolio for this very, I think, necessary and logical approach to this. In all candor, I probably would be in favor of this on the ideology. But I think in today's time I hope everybody will pause and think about it for a minute.

We have inmates who first of all don't pay sales tax, have no responsibility for healthcare, really anything that goes on in there, which I don't think is a good system to begin with, where you have it a little bit better on the inside, in some ways, than you would on the outside, at least in terms of money. Not that jail is a good place.

But then I think we're in a little different time now. So I applaud Senator Nozzolio for trying to implement what the federal government and other states have done. Here we are having to struggle to fund programs for people who haven't victimized anybody, haven't violated anybody, on very important things from

education to everything else. Why not make these people whose families could also put money in their accounts, as well as their in-house programs that are paid for for what they do, to give them a little skin in the game, let them pay little bit back?

I think we could put that money to good use, I think we all agree on that, to something better. Let them have a little skin in the game. I think it makes all the sense in the world. We've even had to cut our own operation 10 percent in last year's budget. We're all participating. Let's let the inmates in the State of New York participate and help in these tough times too.

I'm going to vote in the affirmative, and I would encourage my colleagues to do the same.

ACTING PRESIDENT GRIFFO: Thank you, Senator Robach.

Senator Stewart-Cousins.

SENATOR STEWART-COUSINS: Yes, would the sponsor yield for a question.

ACTING PRESIDENT GRIFFO: Senator Nozzolio, do you yield?

SENATOR NOZZOLIO: I'd be happy to yield, Mr. President.

ACTING PRESIDENT GRIFFO: The Senator yields.

SENATOR STEWART-COUSINS: Thank you, Senator.

I think that one of the questions that I asked when we discussed this in Finance was what the statistics are. I know that you said that you believe that this happens a lot. But is there a percentage? Is it 10 percent of the inmates that pretend they're ill, 20 percent, 30 percent? Do you have any idea?

SENATOR NOZZOLIO: Mr. President, in response to the Senator's question, it depends on who you ask. That the correction officers who are often charged with managing a typical sick call will tell you that a very high percentage, well over 60 percent of those who are getting sick call, are there to avoid the daily routine as opposed to being bona-fidely ill.

Now, that's anecdotal. It's not a statistic. I don't believe that there is any empirical data in response to the Senator's question. But I do think that just look at what

other states are doing, just look what the federal system is doing. They're not doing it by accident. They're establishing this system because they know it saves money and it's the right thing to do.

SENATOR STEWART-COUSINS: Thank you, Senator. Just on the bill. Thank you, Senator.

ACTING PRESIDENT GRIFFO: Senator Stewart-Cousins on the bill.

SENATOR STEWART-COUSINS: I'm going to vote no because I think we can find that information. I think that the prison population is obviously being treated by someone, and there has to be records. I think that we can probably do something to find out how many people are abusing the system and how many people are ill.

I think until we can substantiate that there is this rampant fraud, again, I'll be voting no, in the hopes that we can get some real data. Thank you.

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

Senator Adams.

SENATOR ADAMS: First of all, so I

understand, who's behind here that I should tell when I want to speak? Because I told you I wanted to speak.

Did you let him know I wanted to speak? Okay. I just want to make sure I'm telling the right person when I want to speak. I don't want to be ignored.

ACTING PRESIDENT GRIFFO: Senator, we're doing our best to acknowledge everyone.

SENATOR ADAMS: Okay.

ACTING PRESIDENT GRIFFO: All right?

SENATOR ADAMS: All right. Would the sponsor --

ACTING PRESIDENT GRIFFO: So in the future, Senator Adams, just raise your hand or let the desk know and you'll be recognized.

SENATOR ADAMS: Okay. And I thought I did that, so I want to who behind, so I know I'm talking to the right person.

ACTING PRESIDENT GRIFFO: Somebody will see you, Senator Adams.

SENATOR ADAMS: Okay. Would the sponsor yield for a question?

ACTING PRESIDENT GRIFFO: The

sponsor yields, Senator Adams.

SENATOR ADAMS: Yeah, Senator Nozzolio, I just want to understand. If the individual is -- if a family puts money into the person's commissary, is that money also taken out to pay for the medical expenses?

SENATOR NOZZOLIO: Mr. President, as I understand Senator Adams's question -- and again, I appreciate the opportunity to discuss this matter with Senator Adams, a former ranking member of the Corrections Committee. As we've discussed this in the past, Senator, it is an account that the Department of Corrections has authorization of and custodianship of. It's a trust account that is maintained for each and every prison inmate in our state system.

Whatever deposits are in that account, it is within the custodianship and the trust agreement of the Department of Corrections in their management of that account. And it's up to the inmate to decide what they want to spend money on. That money, though, is of course -- expenditures are limited. Certain items can be acquired within the facility, some payments utilized. But the fact of the matter is that

account is the inmate's and managed for the inmate's purposes.

SENATOR ADAMS: Thank you.

On the bill.

ACTING PRESIDENT GRIFFO: Senator Adams on the bill.

SENATOR ADAMS: First, I just want to say people that are in jail, they do bad things. And I don't subscribe to the belief that people who are incarcerated are people who are just down on their luck. They committed crimes, and they're in jail because they committed crimes.

And I believe that if people outside of the correctional facility have to pay for their healthcare, I believe people who are incarcerated should contribute to their healthcare just as well. I don't subscribe to the theory that if we are telling every New Yorker, every American that you have to do more and give more, that those who are inside correctional facilities should not subscribe to that same theory.

And one of the worst things you can do is to have someone in any state, either

incarcerated or free, receiving any form of benefit without giving back. That instills bad habits, bad behavior, and that instills bad principles.

I think that this bill is an excellent idea. I think that my only concern and reluctancy on voting for the bill is if an outside family member contributes to a commissary for particular hygiene items, I don't believe -- I don't know if that's the right thing to tax that amount. But whatever the inmate is doing in employment inside the facility, if he's being employed inside the facility and he's paid and it goes into the commissary, he should pay for part of his healthcare. I believe that he should pay for part of his healthcare just as we ask every other American to pay for part of their healthcare, particularly during a period of time where there's now an obligation that every American has health benefits.

So I applaud this bill. I am not comfortable with voting for this bill only because the component that you just explained to me that the individual -- if a family member put into the commissary, that that money is going

into the -- they're paying for it. But I think the concept is the right concept.

I think that those individuals who are incarcerated have an obligation to pay for their healthcare, and they have an obligation to make sure that that healthcare that they need is paid for and they have an obligation not to abuse the healthcare system. And very few people, if any, are inside our correctional facilities because they did something nice. Particularly when you're in state prisons.

You don't go to state prisons for jaywalking. You don't go to state prisons because you failed to pay a summons. If you are in a state prison, more than likely you committed a serious felonious act. And the worst thing we can do is do condone that behavior by giving someone free medical attention. I don't subscribe to that. I don't believe that.

But I am hoping that if another version of this bill is done where -- that we're dealing with just taxing the individual based on the money they're making from being incarcerated, I can strongly support that bill. I can't support it in this version. And I just wanted to

be clear on why I couldn't support it in this version.

Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: Senator Hassell-Thompson.

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

I think almost every year since I've been here, that this bill has come to the floor. And at the end of my statement, I'll make it at the beginning, I will not be voting for this bill again.

In part because it's not clear to me that someone who has problems with migraine, goes to the infirmary for an aspirin should pay $7, as opposed to -- you know, and there's no sliding scale in terms of what you will pay. They will pay a copay. And a copay based on what? And that's a part of what this bill has never been clear to me. I think I remember, Senator Nozzolio, that you were setting a fee of $7 for these payments.

But I also know, as you very well know, that many of our incarcerated people have HIV and AIDS, have many other debilitating

conditions, have the inability to work. So because they can't work, who makes those copayments?

And so because these have never been issues that have been made clear to me, I have to continue to vote no. As somebody who visits prisons on a very regular basis, trust me, not everybody in prison is healthy. And the kind of care that we continue to talk about, the fact that people come home with infectious diseases, come home with a drug addiction -- you know, we live in the real world, and these are the kind of conditions that a lot of our inmates are experiencing.

And so until we can resolve some of those issues, Senator Nozzolio, I will always be voting no on this bill.

Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: Thank you.

Senator Montgomery.

SENATOR MONTGOMERY: Yes, Mr. President, thank you. I would just like to ask if Senator Nozzolio would yield for a question, a couple of questions.

ACTING PRESIDENT GRIFFO: Senator Nozzolio, do you yield?

SENATOR NOZZOLIO: Yes, certainly, Mr. President.

ACTING PRESIDENT GRIFFO: Senator Montgomery.

SENATOR MONTGOMERY: Thank you. Through you.

Senator Nozzolio, do you have any idea what the Corcraft industry, which is the prison-based industrial complex, what is produced, what is the total amount produced by the Corcraft industries in our state?

SENATOR NOZZOLIO: Mr. President, the total amount of product, the total amount of revenue, the total amount of cost? I don't understand Senator Montgomery's question.

SENATOR MONTGOMERY: Okay. My question is -- through you, Mr. President -- what is the total revenue produced by Corcraft?

SENATOR NOZZOLIO: Mr. President, I do not have the exact number and I would only be guesstimating. I would not want to present that at this time.

SENATOR MONTGOMERY: All right.

Mr. President, through you, if Senator Nozzolio would yield for another question.

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

SENATOR NOZZOLIO: Yes, Mr. President.

ACTING PRESIDENT GRIFFO: The Senator yields.

SENATOR MONTGOMERY: Is it the fact that the average income for a person who is incarcerated in a facility in our state is around $1.50 an hour?

SENATOR NOZZOLIO: Mr. President, in response to Senator Montgomery's question, I don't know if there's ever been an average established. But I do know this. Just this last week, Plaxico Burress, a multimillionaire NFL star who was incarcerated at the Oneida Correctional Facility, would certainly have a great deal of impact on whatever average inmate income there was.

And, Mr. President, that's exactly the point of this legislation. There are 60,000 different examples of circumstances for inmates in our prison system. And although Senator

Montgomery would like to say what is the average, I think that what this measure tries to do is to look at those who can afford it.

So next time Senator Montgomery meets a constituent who can't afford her copay or is laid off from their job or simply can't afford to make ends meet, Senator Montgomery could say "I protected Plaxico Burress from having to make a $7 copayment by voting against this legislation so that millionaires could in fact be insulated from any type of responsibility for their healthcare even though they've committed a crime."

ACTING PRESIDENT GRIFFO: Senator Montgomery.

SENATOR MONTGOMERY: Thank you, Senator Nozzolio, for that.

I would like to speak on the bill.

ACTING PRESIDENT GRIFFO: Senator Montgomery on the bill.

SENATOR MONTGOMERY: Okay, thank you.

It is my understanding that out of the many, many different products that are produced by people who are incarcerated in this

massive system of prisons in our state, the furniture industry on the outside doesn't exist because the furniture is made inside. All of the furniture in the State of New York is made in the prisons, by prisoners, all of the government agencies. And some of the local government agencies are also eligible to purchase furniture from Corcraft.

All of the cleaning supplies are produced by Corcraft that we use. The people who clean, do the heavy-duty cleaning of the floors in the State Capitol are people who are incarcerated. The people who are incarcerated do the training of dogs that assist people, disabled people. They make -- all of the emergency cones that we see up and down the highway are made inside the prisons. In fact, a small business in my district was underbid by Corcraft, and therefore all of those cones are now produced by prisoners.

We passed a bill today that Senator Young introduced which will allow prisoners to volunteer or to work, do work release in not-for-profit organizations. All of the highway signs, all of local street signs are produced in

prisons. So what we're talking about is a major part of our industry in the State of New York is on the inside.

So I think what we need to be talking about, what would be very helpful, is to what extent we can transfer some of that industry into jobs on the outside, for people in Senator Nozzolio's district, Senator Young's district, my district, all over the state, so that people have access to jobs on the outside, especially when they leave the state prison system.

So I hope that we will begin to look at what our system, this mass incarceration and this prison system is doing to our economy on the outside, as opposed to further penalizing and being punitive in a very negative way, in a very hurtful way. Because those people who are incarcerated have to come back to communities like mine. And we want them, hopefully, to have access to medical attention while they're in so that they are to some extent able to reintegrate and reenter society and not bring with them the diseases that are so prevalent in the prison system.

So I am voting no on this bill, as I

have for the last however many years Senator Nozzolio has introduced it. I think he knows, because there is no same-as bill in the Assembly, so he knows that it's not going to pass. This is another one of those posturing bills like Senator Savino referred to earlier.

So, Mr. President, I'll be voting no.

ACTING PRESIDENT GRIFFO: Is there any other Senator wishing 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 on the 120th day.

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT GRIFFO: Senator Nozzolio to explain his vote.

SENATOR NOZZOLIO: Yes, Mr. President.

Mr. President and my colleagues, let's support this measure. Let's support those

who pay the bills, the taxpayers of this state. Let's support those who obey the law, the taxpayers of this state. Let's do what other states do. Let's do what the federal government does. Let's make New York competitive again by continuing to cut expenses to make our state a more affordable place to live.

That's why I'm supporting this legislation. Mr. President, I urge my colleagues to dot same. Thank you very much. I vote aye.

ACTING PRESIDENT GRIFFO: Senator Nozzolio will be recorded in the affirmative.

Senator Hassell-Thompson to explain her vote.

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

You know, Senator Montgomery just raised an issue that I think ought to be resounded. When you talk about the amount of money that Corcraft makes as a result of the furniture and all of the other by-products that are sold on the outside, it's very interesting that everyone is anxious for the inmates to pay $7 as a copay, but those same people on the outside, the same people who want them to pay the

copay, pay their share, fight for a livable wage. They don't make a livable wage. And when they start making a livable wage, then we can have a conversation about what amount they should in fact pay.

And of the numbers of prisoners, the ones that comes from my neighborhoods and communities, they don't have millions of dollars, Senator Nozzolio.

So, Mr. President, as I said, I will be voting no.

ACTING PRESIDENT GRIFFO: Senator Hassell-Thompson to be recorded in the negative.

Senator Rivera to explain his vote.

SENATOR RIVERA: Thank you, Mr. President.

As is already clear, I will be voting in the negative on this bill. But I would only like to -- I stood up to explain my vote and to say I thank Senator Stewart-Cousins for bringing up a very simple, simple point. And that is to ask whether there is actually factual evidence on which to base this policy.

And I would only ask all colleagues, not only on this piece of legislation but across

the board, in all of our legislative endeavors, to just know that anecdotal evidence does not good policy make.

So in this sense I will be voting in the negative. Because as we have already stated, to make policy like this that's going to impact thousands of people from what a couple are doing is I believe the wrong way to go about making policy.

Thank you, Mr. President. I will be voting in the negative.

ACTING PRESIDENT GRIFFO: Senator Rivera to be recorded in the negative.

Senator Duane to explain his vote.

SENATOR DUANE: Thank you, Mr. President.

I'm going to be voting in the negative. But I have to say that I'm very sad that Senator Nozzolio did not miss my usual line of questioning about whether Mr. Burress had insurance, if the insurance company would have covered that copay. Ten years, we miss a couple of years, you forget. All right. My feelings are hurt.

I'm going to vote no, Mr. President.

ACTING PRESIDENT GRIFFO: Senator Duane to be recorded in the negative.

Announce the results.

THE SECRETARY: In relation to Calendar 410, those recorded in the negative are Senators Breslin, Diaz, Dilan, Duane, Espaillat, Gianaris, Hassell-Thompson, Klein, L. Krueger, Montgomery, Oppenheimer, Parker, Perkins, Rivera, Sampson, Savino, Serrano, Squadron, Stavisky and Stewart-Cousins. Also Senator Adams. Also Senator Avella.

Absent from voting are Senators Bonacic, Huntley, C. Kruger, McDonald, Peralta, and Smith.

Ayes, 34. Nays, 22.

ACTING PRESIDENT GRIFFO: The bill is passed.

Senator Libous.

SENATOR LIBOUS: Can we return to motions for a moment, please.

ACTING PRESIDENT GRIFFO: We'll return to motions.

SENATOR LIBOUS: On behalf of Senator Nozzolio, on page 57 I offer the following amendments to Calendar Number 1162,

Senate Print 5455A, and ask that said bill retain its place on the Third Reading Calendar.

ACTING PRESIDENT GRIFFO: The amendments are received and --

SENATOR LIBOUS: On behalf of Senator Zeldin --

ACTING PRESIDENT GRIFFO: -- the bill will be retained --

SENATOR LIBOUS: I'm sorry, Mr. President.

ACTING PRESIDENT GRIFFO: -- on third reading.

Go ahead, Senator Libous.

SENATOR LIBOUS: The stenographer gets very mad when I do that. I'm very sorry.

On behalf of Senator Zeldin, I wish to call up his bill, 3844, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT GRIFFO: The Secretary will read.

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

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 now offer up the following amendments.

ACTING PRESIDENT GRIFFO: Amendments accepted.

SENATOR LIBOUS: Mr. President, at this time can we return to the reading of the controversial calendar.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: Calendar Number 508, by the Senate Committee on Rules, Senate Print 4792, an act to amend the Tax Law.

ACTING PRESIDENT GRIFFO: Senator Breslin.

SENATOR BRESLIN: Mr. President, I believe there's an amendment at the desk. I ask that the reading of the amendment be waived and that Senator Avella be allowed to speak on the amendment.

ACTING PRESIDENT GRIFFO: There is

an amendment at the desk. The reading will be waived without objection.

Senator Avella, you may speak on the amendment.

SENATOR AVELLA: Thank you, Mr. President. I know it's late, it's ten minutes to 12:00, but this is an important amendment.

The amendment to the bill, if approved, would continue the millionaire's surcharge for the next calendar year, with two exceptions. It would then be only for people making a million dollars or more. Despite that some of my colleagues on the other side said we were interested in only people making $200,000, this would only be for people making a million dollars or more.

And the second change would be 30 percent of the revenue would go to an educational assistance fund which would only be used for the payment of education aid to school districts and BOCES.

You know, we took a very important act, when we balanced the budget, to cap a $10 billion deficit. But we did that with a lot

of pain to a lot of people in the State of New York, especially those people who are least able to afford the high taxes in this state. And we are the second highest paid taxes -- the second highest state in the country, second only to New Jersey.

We need to have the people who are the wealthiest in our society pay a little bit more so we can restore some of these services. We've had discussions over and over again. We've had discussions tonight. I remember some of the comments from our colleagues about the MTA payroll tax. And there was a comment from the other side of the aisle about the working blue-collar families.

Well, we are thinking about the working blue-collar families. Why should they have to pay a little bit more in taxes, why should they get less services when we're letting the richest of our society off the hook? This is something we absolutely must do.

And there are always two arguments that are brought up about continuing the millionaire's tax. One, that it would be hurt small business. And that is absolutely not the

case. I did a lot of research on this issue before I introduced this amendment. I cannot find one study that shows small business would be affected by this. Because remember, this is the personal income tax surcharge.

The other argument that is always brought up is that the rich of the State of New York are going to leave. There have been numerous studies on this issue, and most independent studies have shown that people do not leave. And in fact, there was a 2011 New Jersey study, there was a 2011 New England study which actually looked at 18 years of taxes in states throughout the country and found that tax rates do not influence mobility.

And the one study that was done which a lot of people refer to, the Partnership for New York City, actually did not look at people making a million dollars or more, it merely looked at people who had wealth of a million dollars or more.

And finally, to counter that argument that people are leaving the state, this would affect 79,000 filers in the State of New York. And it would still account for

$4.1 billion. That could go a long way to restore some of those services that we've had to cut. Of those 79,000 filers, 40,000 are New York State residents. Thirty-nine thousand do not live in the State of New York.

So to anybody who says, well, we can't do this because people are going to leave, well, half of the filers already do not live in the State of New York. But they have to pay the income tax because of the amount of money they earn here.

My colleagues, this is a fair thing to do. And I'm assuming the worst-case scenario that I'm going to be ruled out of order, this is not germane. But if that is the case, if that is the case, I ask the leadership to allow this issue to come up for a full debate. We owe that to the residents of this state, that we have a full debate on this issue so that both sides can get up and talk about it.

Because I can tell you, whenever I go through my district -- and I have some very wealthy middle-class neighborhoods, but I also have some working-family neighborhoods. To a person, people say, "Why are we not taxing the 1

percent of income earners in this state?" Why does the mayor of the City of New York threaten to close firehouses? Why are school districts throughout the entire state threatening to lay off teachers? This would stop that and only affect the top 1 percent. Of 79,000 filers, only 40,000 live in the State of New York.

And I think it would it was my colleague Senator Suzi Oppenheimer who said, at a discussion on this, that the millionaires in her district have said to her on a personal level, "Tax us. We're willing to pay the additional tax."

So I urge my colleagues to vote for this amendment. And if I get ruled out of order, I ask the leadership to bring it up for future consideration.

ACTING PRESIDENT GRIFFO: Thank you, Senator Avella.

(Laughter.)

ACTING PRESIDENT GRIFFO: You're very astute. You're very astute.

Senator Avella, I have reviewed the amendment and I find it to be nongermane to the subject matter of the bill in chief. Senate Bill

4792 is a bill relative to a local sales tax of one particular county. And this legislation relates to the personal income tax and education expenditures statewide. Therefore, I rule that it is nongermane.

The Secretary will ring the bell.

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.)

ACTING PRESIDENT GRIFFO: Announce the results.

Senator Libous.

SENATOR LIBOUS: We have to call the roll. Announce the results.

ACTING PRESIDENT GRIFFO: The roll was called. We're waiting for a tally of results, Senator Libous.

SENATOR LIBOUS: That's correct.

THE SECRETARY: In relation to Calendar 508, those recorded in the negative are Senators Adams, Espaillat, Gianaris, L. Krueger, Parker, Perkins, Rivera, Serrano, Squadron and

Stavisky.

Absent from voting: Senators Bonacic, Huntley, C. Kruger, McDonald, Peralta and Smith.

Ayes, 46. Nays, 10.

ACTING PRESIDENT GRIFFO: The bill is passed.

Senator Libous.

SENATOR LIBOUS: Mr. President, if we could return to motions for a moment.

ACTING PRESIDENT GRIFFO: On motions.

SENATOR LIBOUS: On behalf of Senator LaValle, on page 42 I offer the following amendments to Calendar Number 994, Senate Print 5216B, 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 LIBOUS: Mr. President, is there any further business at the desk at this moment?

ACTING PRESIDENT GRIFFO: There is no further business at this moment.

SENATOR LIBOUS: Well, we are going to lay aside temporarily Calendar Number 53 and 53A. We will take them up tomorrow morning.

But before I announce what time, I believe Senator Hassell-Thompson would like to make an announcement.

ACTING PRESIDENT GRIFFO: The calendars will be laid aside until tomorrow.

Senator Hassell-Thompson is recognized for the purposes of an announcement.

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

At 10:30 a.m. there will be a meeting of the Democratic Conference in the Democratic Conference Room.

Thank you.

ACTING PRESIDENT GRIFFO: At 10:30 a.m. tomorrow, there will be a meeting of the Democratic Conference in the Democrat Conference Room.

Senator Libous.

SENATOR LIBOUS: Mr. President, seeing that the time is 12:03 a.m., the Republicans will conference later this morning at 10:00 a.m. in Room 332.

And the Senate will meet at 11:00 a.m. tomorrow, June 16th. Or today. Excuse me, Mr. President, the Senate will meet today, June 16th, at 11:00 a.m.

ACTING PRESIDENT GRIFFO: There will be a Republican conference this morning at 10:00 a.m. in the Republican Conference Room, and the Senate will stand adjourned until this morning at 11:00 a.m. on the 16th of June.

The Senate stands adjourned.

(Whereupon, at 12:05 a.m., the Senate adjourned.)