NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

June 17, 2011

12:31 p.m.

REGULAR SESSION

LIEUTENANT GOVERNOR ROBERT J. DUFFY, President

FRANCIS W. PATIENCE, Secretary

P R O C E E D I N G S

THE PRESIDENT: The Senate will come to order.

Please rise for the Pledge of Allegiance.

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

THE PRESIDENT: In the absence of clergy, please join me in a moment of silence.

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

THE PRESIDENT: Next we'll have the reading of the Journal.

THE SECRETARY: In Senate, Thursday, June 16th, the Senate met pursuant to adjournment. The Journal of Wednesday, June 15th, was read and approved. On motion, Senate adjourned.

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

Next we'll have the presentation of petitions.

Any messages from the Assembly? The Secretary will read.

THE SECRETARY: On page 14, Senator Zeldin moves to discharge, from the Committee on Rules, Assembly Bill Number 5347A and substitute it for the identical Senate Bill Number 4072A, Third Reading Calendar 435.

THE PRESIDENT: So ordered.

THE SECRETARY: On page 15, Senator O'Mara moves to discharge, from the Committee on Rules, Assembly Bill Number 6585 and substitute it for the identical Senate Bill Number 4186, Third Reading Calendar 484.

THE PRESIDENT: So ordered.

THE SECRETARY: On page 18, Senator Hannon moves to discharge, from the from the Committee on Rules, Assembly Bill Number 7665B and substitute it for the identical Senate Bill Number 4992A, Third Reading Calendar 599.

THE PRESIDENT: So ordered.

THE SECRETARY: On page 22, Senator Grisanti moves to discharge, from the Committee on Local Government, Assembly Bill

Number 5377 and substitute it for the identical Senate Bill Number 4632, Third Reading Calendar 778.

THE PRESIDENT: So ordered.

THE SECRETARY: On page 22, Senator Griffo moves to discharge, from the Committee on Rules, Assembly Bill Number 8157 and substitute it for the identical Senate Bill Number 5004, Third Reading Calendar 783.

THE PRESIDENT: So ordered.

THE SECRETARY: On page 22, Senator Golden moves to discharge, from the Committee on Rules, Assembly Bill Number 7480A and substitute it for the identical Senate Bill Number 4987, Third Reading Calendar 790.

THE PRESIDENT: So ordered.

THE SECRETARY: On page 23, Senator Hannon moves to discharge, from the Committee on Aging, Assembly Bill Number 7439A and substitute it for the identical Senate Bill Number 4894A, Third Reading Calendar 794.

THE PRESIDENT: So ordered.

THE SECRETARY: On page 28, Senator Griffo moves to discharge, from the Committee on Health, Assembly Bill Number 4769C and substitute

it for the identical Senate Bill Number 3322B, Third Reading Calendar 967.

THE PRESIDENT: So ordered.

THE SECRETARY: On page 30, Senator Griffo moves to discharge, from the Committee on Rules, Assembly Bill Number 8068A and substitute it for the identical Senate Bill Number 5481A, Third Reading Calendar 996.

THE PRESIDENT: So ordered.

THE SECRETARY: On page 39, Senator Hannon moves to discharge, from the Committee on Health, Assembly Bill Number 7650A and substitute it for the identical Senate Bill Number 5554, Third Reading Calendar 1139.

THE PRESIDENT: So ordered.

THE SECRETARY: On page 41, Senator Farley moves to discharge, from the Committee on Rules, Assembly Bill Number 7241 and substitute it for the identical Senate Bill Number 4763, third Reading Calendar 1193.

THE PRESIDENT: So ordered.

THE SECRETARY: On page 44, Senator Farley moves to discharge, from the Committee on Rules, Assembly Bill Number 113A and substitute it for the identical Senate Bill Number 4101A,

Third Reading Calendar 1339.

THE PRESIDENT: So ordered.

THE SECRETARY: On page 44, Senator Little moves to discharge, from the Committee on Health, Assembly Bill Number 7667A and substitute it for the identical Senate Bill Number 5591, Third Reading Calendar 1344.

THE PRESIDENT: So ordered.

THE SECRETARY: On page 45, Senator Hannon moves to discharge, from the Committee on Rules, Assembly Bill Number 8306 and substitute it for the identical Senate Bill Number 5644, Third Reading Calendar 1346.

THE PRESIDENT: So ordered.

THE SECRETARY: On page 45, Senator LaValle moves to discharge, from the Committee on Rules, Assembly Bill Number 8265 and substitute it for the identical Senate Bill Number 5663, Third Reading Calendar 1348.

THE PRESIDENT: So ordered.

THE SECRETARY: On page 45, Senator Bonacic moves to discharge, from the Committee on Rules, Assembly Bill Number 8124 and substitute it for the identical Senate Bill Number 5667, Third Reading Calendar 1349.

THE PRESIDENT: So ordered.

THE SECRETARY: On page 45, Senator Johnson moves to discharge, from the Committee on Rules, Assembly Bill Number 8298 and substitute it for the identical Senate Bill Number 5713, Third Reading Calendar 1352.

THE PRESIDENT: So ordered.

Next, 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 believe Senator Breslin has some motions.

THE PRESIDENT: Senator Breslin.

SENATOR BRESLIN: Thank you, Mr. President.

On behalf of Senator Adams, I move that the following bill be discharged from its respective committee and be recommitted with instructions to strike the enacting clause: Senate Number 3717.

THE PRESIDENT: So ordered.

SENATOR BRESLIN: Thank you, Mr. President.

On behalf of Senator Kennedy, please place a sponsor star on Calendar Number 424.

THE PRESIDENT: So ordered.

SENATOR BRESLIN: Thank you, Mr. President.

THE PRESIDENT: Senator Libous.

SENATOR LIBOUS: Mr. President, at this time could we move to accept the Resolution Calendar, please.

THE PRESIDENT: All in favor of accepting the Resolution Calendar say aye.

(Response of "Aye.")

THE PRESIDENT: All opposed?

(No response.)

THE PRESIDENT: The Resolution Calendar is accepted.

SENATOR LIBOUS: Thank you, Mr. President.

Mr. President, I believe at this time Senator Griffo has a resolution at the desk. He would like the resolution's title read, and then he would like to be called on.

THE PRESIDENT: The Secretary will

read, title only.

THE SECRETARY: Legislative resolution by Senator Griffo, mourning the untimely death of Oneida County Sheriff's Deputy Kurt Wyman on Tuesday, June 7, 2011.

THE PRESIDENT: Senator Griffo.

SENATOR GRIFFO: Thank you, Mr. President. I rise today in sadness to remember, memorialize and to pay tribute to a young police officer, a 24-year-old individual by the name of Kurt Wyman.

Kurt Wyman was an outstanding individual. He was a young man of courage, of valor, a caring family man of integrity and character with a deep-rooted faith.

Deputy Sheriff Wyman graduated from high school in 2005. And he had true concern and passion for our country and his community, so out of high school he joined the United States Marine Corps Reserves, and in 2008 he was activated and saw duty in Iraq, serving his country with distinction and honor.

When he came home from the military, he decided that he wanted to continued to serve his community and applied and was accepted into

the Oneida County Sheriff's Department. And in 2007 he became a deputy sheriff.

During his four years as a police officer in the County of Oneida, where he served and protected the community each and every day, he received a number of recognitions and accolades. He was a Rookie of the Year, and he received the Grand Cordon Medal, which is a medal that recognizes outstanding achievement by a detail in law enforcement at the Department of Sheriff.

This young man truly was making a difference in the community. He was full of life, and he was a genuine, sincere, compassionate individual who wanted to do what was best for his family and to continue to do what he could to serve his community.

On the night of June 6th and over the morning hours of June 7, 2011, he was called to a domestic disturbance. A standoff occurred, and during that period he was shot and killed.

He leaves behind a wife by the name of Lauren who, when you look at stories such as this that are so tragic, but it becomes more intensified that on the very night that he was

shot, when she learned of the news, she went into labor. So at the same time that they were trying to save Deputy Sheriff Wyman's life, his wife was delivering his daughter.

He died; he leaves two children, Alexander and Adyson, and loving parents, Lynnette and Brian Wyman. Today we rise to continue to just know that we will pray for his soul and for his family.

We offer our condolences to the Department of Sheriff in Oneida County and to all the residents of Oneida County, today and always, as a result of this loss.

I want to ask -- and first I want to thank the Lieutenant Governor. Lieutenant Governor Duffy, on behalf of the citizens of the State of New York, appeared at the funeral service to pays his condolences and to offer his respect to the family, and brought with him Superintendent Joe D'Amico, the superintendent of the New York State Police. And I know the family was greatly appreciative, and the community was, of your presence. They were honored.

So today I ask all of you to please join with me as we not only pray for this family

and for the soul of departed Deputy Sheriff Kurt Wyman, but that you would rise with me in a moment of silent tribute to this man's life and career.

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

THE PRESIDENT: Thank you, Senator.

SENATOR GRIFFO: Thank you, Mr. President.

THE PRESIDENT: All in favor of this resolution please say aye.

(Response of "Aye.")

THE PRESIDENT: Any opposed?

(No response.)

THE PRESIDENT: The resolution has been adopted.

Senator Libous.

SENATOR LIBOUS: Mr. President, I'll be with you in a second.

Mr. President, I believe that Senator Perkins has a resolution at the desk. He would like it read in its entirety, and I think he'd like to be called on.

THE PRESIDENT: The Secretary will read the resolution in its entirety.

THE SECRETARY: Legislative Resolution Number 2562, by Senator Perkins, mourning the death of Gilbert Scott-Heron, an American poet, musician and author.

"WHEREAS, It is the custom of this Legislative Body to pay tribute to citizens of the State of New York whose lifework and civic endeavor serve to enhance the quality of life in their communities and the great State of New York; and

"WHEREAS, Gilbert Scott-Heron of Harlem, New York, died on Friday, May 27, 2011, at the age of 62; and

"WHEREAS, Gilbert 'Gil' Scott-Heron was born on April 1, 1949, in Chicago, Illinois, to Bobbie Scott-Heron and Gil Heron; and

"WHEREAS, Gilbert Scott-Heron's mother sang with the New York Oratorio Society, and his father, nicknamed 'The Black Arrow,' was a soccer player who in the 1950s became the first black athlete to play for the Glasgow Celtic Football Club in Scotland; and

"WHEREAS, Gilbert Scott-Heron was a long-time resident of Harlem, New York. He was an American poet, musician, and author known

primarily for his work as a spoken-word performer; and

"WHEREAS, When Gilbert Scott-Heron was 12 years old, he moved with his mother to the Bronx and enrolled in DeWitt Clinton High School. Soon thereafter, he was granted a full scholarship to the Fieldston School; and

"WHEREAS, After high school, Gilbert Scott-Heron attended Lincoln University in Pennsylvania, as it was the college chosen by his biggest Langston Hughes; and

"WHEREAS, After about two years at Lincoln University, Gilbert Scott-Heron took a year off to write his novels; and

"WHEREAS, Although Gilbert Scott-Heron never received his undergraduate degree, he received a master's degree in creative writing in 1972 from John Hopkins University. His 1972 dissertation was titled 'Circle of Stone'; and

"WHEREAS, Gilbert Scott-Heron began his recording career in 1970 with the LP 'Small Talk at 125th and Lenox.' The album's 15 tracks dealt with themes such as the superficiality of television and mass consumerism, and the

difficulties faced by inner-city residents; and

"WHEREAS, Gilbert Scott-Heron's poetic style has been influential upon every generation of hip hop music since his popularity began. As such, he has been described by music writers as 'the godfather of rap' and 'the black Bob Dylan'; and

"WHEREAS, Armed with a humanistic Spirit and imbued with a sense of compassion, Gilbert Scott-Heron leaves behind a legacy which will long endure the passage of time and will remain as a comforting memory to all he served and befriended; now, therefore, be it

"RESOLVED, That this Legislative Body pause in its deliberations to mourn the death of Gilbert Scott-Heron, an American poet, musician, and author; and it be further

"RESOLVED, That a copy of this resolution, suitably engrossed, be transmitted to the family of Gilbert Scott-Heron."

THE PRESIDENT: Senator Perkins.

SENATOR PERKINS: Thank you very much, Mr. President. I'd just like to take a few moments to add to that wonderful presentation.

You know, on May 27th we lost one of

the greatest musicians and poets, at least in my time. At the young age of 62, Gil Scott-Heron passed away. And for those of us who have been touched by his work, there will forever be a void in our hearts.

He began his recording career in 1970 with the LP "Small Talk at 125th and Lenox." The album's 15 tracks dealt with themes such as the superficiality of television and mass consumerism, the hypocrisy that was so prevalent at the time, and his most famous lyrics came from a song called "The Revolution will Not be Televised."

Some of the lyrics from the album's opening tracks are as follows:

"The revolution will not be brought to you by the Schaefer Award Theatre and will not star Natalie Wood and Steve McQueen or Bullwinkle and Julia. The revolution will not give your mouth sex appeal. The revolution will not get rid of the nubs. The revolution will not make you look five pounds thinner, because the revolution will not be televised, Brother."

Gil's poetic style has been influential upon every generation of hip hop

music since his popularity began, though he himself said he did not want to take responsibility for it -- somewhat of a left-handed criticism. As such, he has been described by music writers as "the godfather of rap" and "the black Bob Dylan."

Gil will be sorely missed, yet he leaves behind a legacy that will long endure the passage of time and will remain a comforting memory to all those he befriend and affected with his work.

Gil was a good friend of mine, and we had a friendship that included competing against each other in basketball. He wasn't as good as me, needless to say. But nevertheless, you know, in his last days in the neighborhood, it was sad to see such a genius in a very difficult circumstance in terms of his health.

But again, I think the most important thing about him is the legacy of the work that he has left behind that is still influencing many that have come after him.

So thank you very much.

THE PRESIDENT: Thank you, Senator.

Senator Hassell-Thompson.

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

I rise to congratulate Senator Bill Perkins on helping us to remember somebody who was truly a legend in the 1960s when his music was popular. All of us were being very rebellious, and so it was very extraordinary music.

It's not particularly a favorite of young people today because the beat is not -- his beat was not there. But he had a beat. And his beat was that we had to have change in this country, we had to have a revolution to make people become cognizant that there should be equality and ought to be equality. And he said that the revolution will come, but it will not be televised. And it did. The people marched, and his music was the backdrop for the civil rights movement.

And so, Bill, I thank you as somebody who was in her early twenties coming through, listening to his music and being influenced by the fact that the revolution must come, but it would not be televised.

THE PRESIDENT: Thank you, Senator.

Any other Senators wishing to speak on the resolution?

All in favor of the resolution please signify by saying aye.

(Response of "Aye.")

THE PRESIDENT: Any opposed?

(No response.)

THE PRESIDENT: The resolution is adopted. Thank you both.

Senator Libous.

SENATOR LIBOUS: Thank you, Mr. President.

I believe Senator Hassell-Thompson has a resolution at the desk. Could we read its title and call on her, please.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: Legislative resolution by Senator Hassell-Thompson, honoring Dr. Carolyn G. Williams upon the occasion of her retirement after many years of distinguished service as President of Bronx Community College.

THE PRESIDENT: Senator Hassell-Thompson.

SENATOR HASSELL-THOMPSON: Again,

thank you, Mr. President.

And I rise to congratulate Dr. Carolyn Williams and the CUNY system for the many years of service that she provided.

And, you know, after speaking about Gil Scott-Heron and moving to Carolyn Williams, she also was one who believed that the real revolution was in the mind and that you could change the minds of young people if you could get them to understand their surroundings, who they were in the context of where they found themselves. She fought a revolution in the classroom and in the college institutions and made sure that young people were ready and prepared for the world in which they were going to find themselves.

And so as she chooses now to retire and spend some time with her family and grandchildren and whatever, she will be sorely missed. But certainly she leaves a legacy of education behind her that is par excellence.

And so I appreciate the opportunity to present this resolution to her. And I missed the last commencement of Bronx Community College because of my senatorial duties, which I felt

should come first. But this gives me an opportunity to let her know what she means to me and to thousands like me for my alma mater, Bronx Community College.

Thank you.

THE PRESIDENT: Thank you, Senator.

Senator Rivera.

SENATOR RIVERA: Thank you, Mr. President.

I also stand to wish Dr. Williams well on her travels. Bronx Community College is in my district, and it is -- as I am coming into public service, she has chosen to leave it. But thankfully she has told me that she's not going to be too far.

I actually had the opportunity to be at the commencement, kind of as a poor substitute for Senator Ruth Hassell-Thompson, but certainly was there to celebrate along with the students and to celebrate with her, with Dr. Williams, her great career. Which I do not believe is coming to a close, but is just entering a new chapter.

I stand proudly to sign myself, to add my name to this resolution, and to say that I am very thankful that she has offered me her

continued assistance. Even though she will be spending a lot more time with her family than with her adopted family at Bronx Community College, she will continue to be an asset to the Bronx, to CUNY, and to New York State.

Thank you so much, Mr. President.

THE PRESIDENT: Thank you, Senator.

Any other Senators wishing to speak on the resolution?

On the resolution, all in favor please say aye.

(Response of "Aye.")

THE PRESIDENT: Any opposed?

(No response.)

THE PRESIDENT: The resolution is adopted. Thank you both.

Senator Libous.

(Pause.)

SENATOR LIBOUS: Mr. President, I don't want you to think that I'm not paying attention, because it is indeed an honor to have you with us today.

THE PRESIDENT: I would never think that, Senator.

SENATOR LIBOUS: But my focus was

so good that it distracted myself.

We would like at this time to go to the active list, Mr. President, and have the noncontroversial reading of the listing that is before us.

THE PRESIDENT: Thank you, Senator.

The Secretary will read.

THE SECRETARY: Calendar Number 73, by Senator LaValle, Senate Print 2628A, an act to amend the Education Law.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 77, by Senator Young, Senate Print 863B, an act to amend the Real Property Tax Law.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

THE PRESIDENT: The bill is passed.

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

THE PRESIDENT: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the 120th day.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 361, by Senator Marcellino, Senate Print 4014A, an act to amend the Alcoholic Beverage Control Law.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 369, by Senator Martins, Senate Print 4434A, an act to amend the Education Law.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 435, substituted earlier today by Member of the Assembly Thiele, Assembly Print Number 5347A, an act to amend the Environmental Conservation Law.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE PRESIDENT: Senator LaValle to explain his vote.

SENATOR LAVALLE: Thank you, Mr. President.

This is a very, very important act that we are passing today. In 1993, with the support of many of the members in this chamber, we passed the Pine Barrens Preservation Act, which is the third Forest Preserve. This bill deals with the protection of the Carmans River. It also deals with our ability to expand the core area for the Pine Barrens.

And so this is a great act that we're passing for the Town of Brookhaven. And in the chamber today witnessing this is the supervisor of the Town of Brookhaven. Myself, Senator Flanagan, and Senator Zeldin represent Brookhaven Town.

But Brookhaven has worked on this to ensure that all the stakeholders were represented and passed this through the town board 7-0. So it's a great day for the people of the Town of Brookhaven.

I vote aye, Mr. President.

THE PRESIDENT: Thank you, Senator.

The Secretary will announce the results.

THE SECRETARY: Ayes, 60.
THE PRESIDENT: The bill is passed.
THE SECRETARY: Calendar Number 446, by Senator Bonacic, Senate Print 4588, an act to amend the Civil Practice Law and Rules.
THE PRESIDENT: Read the last section.
THE SECRETARY: Section 3. This act shall take effect on the first of January.
THE PRESIDENT: Call the roll.
(The Secretary called the roll.)
THE SECRETARY: Ayes, 60
THE PRESIDENT: The bill is passed.
THE SECRETARY: Calendar Number 447, by Senator Bonacic, Senate Print 4590, an act to amend the Civil Practice Law and Rules.
THE PRESIDENT: Read the last section.
THE SECRETARY: Section 2. This act shall take effect on the 30th day.
THE PRESIDENT: Call the roll.
(The Secretary called the roll.)
THE SECRETARY: Ayes, 60.
THE PRESIDENT: The bill is passed.
THE SECRETARY: Calendar Number

484, substituted earlier today by Member of the Assembly Palmesano, Assembly Print 6585, an act to amend the Tax Law.

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

Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 599, substituted earlier today by Member of the Assembly Russell, Assembly Print 7665B, an act to amend the Public Health Law.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number

628, by Senator LaValle, Senate --

SENATOR LIBOUS: Lay it aside for the day.

THE PRESIDENT: The bill is laid aside for the day.

THE SECRETARY: Calendar Number 724, by Senator DeFrancisco, Senate Print 4305, an act --

SENATOR LIBOUS: Lay it aside for the day.

THE PRESIDENT: Lay it aside for the day.

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

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 776, by Senator Johnson, Senate Print 4416B, an

act to authorize the County of Suffolk.

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

Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 778, substituted earlier today by Member of the Assembly Schimminger, Assembly Print 5377, an act to amend the Local Finance Law.

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

Please read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59. Nays, 1. Senator Ball recorded in the negative.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number

782, by Senator Farley, Senate Print 4210, an act to amend the Banking Law.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 783, substituted earlier today by Member of the Assembly Abbate, Assembly Print 8157, an act to amend the Banking Law.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 784, by Senator Farley, Senate Print 5144, an act to amend the Banking Law.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 785, by Senator Farley, Senate Print 5209, an act to amend the Banking Law.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 790, substituted earlier today by Member of the Assembly DenDekker, Assembly Print 7480A, an act to amend the Civil Service Law.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 794, substituted earlier today by Member of the Assembly Gottfried, Assembly Print 7439A, an act to amend the Public Health Law.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

THE PRESIDENT: The bill is passed.

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

THE PRESIDENT: Read the last section.

THE SECRETARY: Section 4. This act shall take effect on the 30th day.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

THE PRESIDENT: The bill is passed.

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

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: In relation to Calendar Number 925, those recorded in the negative are Senators Montgomery and Perkins.

Ayes, 58. Nays, 2.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 967, substituted earlier today by Member of the Assembly Braunstein, Assembly Print 4769C, an act to amend the Public Health Law.

THE PRESIDENT: Read the last section.

THE SECRETARY: Section 2. This

act shall take effect on the 30th day.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 996, substituted earlier today by Member of the Assembly Russell, Assembly Print 8068A, an act in relation to creating the Norwood Public Library.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1009, by Senator Marcellino, Senate Print 5182, an act to amend the Arts and Cultural Affairs Law.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1036, by Senator Grisanti, Senate Print 3858B, an act to amend the Environmental Conservation Law.

THE PRESIDENT: Read the last section.

THE SECRETARY: Section 6. This act shall take effect January 1.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1099, by Senator Ritchie, Senate Print 3552, an act to amend the General Municipal Law.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1139, substituted earlier today by Member of the Assembly Gottfried, Assembly Print 7650A, an act to amend the Public Health Law.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1193, substituted earlier today by Member of the Assembly Sayward, Assembly Print 7241, an act to amend the Executive Law.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1236, by Senator Johnson --

SENATOR LIBOUS: Lay it aside for the day.

THE PRESIDENT: Lay it aside for the day.

THE SECRETARY: Calendar Number 1258, by Senator Lanza, Senate Print 5573, an act to amend the Not-for-Profit Corporation Law.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1267, by Senator Golden, Senate Print 5675A, an act to amend the Education Law.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1314, by Senator Diaz, Senate Print 333, an act to authorize the City of New York.

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

Read the last section, please.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1324, by Senator Robach, Senate Print 357A, Concurrent Resolution of the Senate and Assembly.

THE PRESIDENT: Call the roll, please.

(The Secretary called the roll.)

THE PRESIDENT: Senator Hassell-Thompson to explain her vote.

SENATOR HASSELL-THOMPSON: I will be voting no on this bill.

You know, yesterday when we were doing this bill in Rules, I had some concerns about the Constitution and changing it, but I got distracted. Because the real issue for me with this bill is that while I believe in progress and I want to see electronic bills be on this desk at some point, I also have to be somewhat concerned about the fact that 968 employees work for the North Country Paper Ticonderoga mill.

And so that the impact of several hundred jobs will be affected, and particularly a plant that's already marginal. So I will be voting no.

Thank you, Mr. President.

THE PRESIDENT: Thank you, Senator. Senator Hassell-Thompson's vote will be recorded in the negative on that.

Announce the results.

THE SECRETARY: In relation to Calendar Number 1324, those recorded in the negative are Senators Hassell-Thompson and Little.

Ayes, 58. Nays, 2.

THE PRESIDENT: The resolution is adopted.

THE SECRETARY: Calendar Number 1335, by Senator Hassell-Thompson, Senate Print 5743, an act to amend the Executive Law.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE PRESIDENT: Senator Hassell-Thompson to explain her vote.

SENATOR HASSELL-THOMPSON: Just to explain my vote. Thank you, Mr. President.

We have just passed a whole series of minority and women business development bills last year for which I am very, very proud of us as an entire conference here. But when we looked at the bill, like everything else, you know, there are always flaws.

And one of the things that we found was that in processing this bill that there were people who had -- for instance, there are widows who may have a personal income base that would make them exceed their ability to participate in this program. And so that we're trying not to --

as I always say when I stand on this floor, our job is to pass legislation that is judicious but we should not be creating barriers.

So that this amendment actually removes a barrier that would disallow women-owned businesses, based on their own private assets, to be able to access the MWBE program. So I appreciate the support on this bill.

Thank you.

THE PRESIDENT: Thank you, Senator. Senator Hassell-Thompson will be recorded in the affirmative.

The Secretary will please announce the results.

THE SECRETARY: Ayes, 60.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1337, by Senator Oppenheimer, Senate Print 2357B, an act to amend the Education Law.

THE PRESIDENT: Read the last section.

THE SECRETARY: Section 2. This act shall take effect July 1, 2011.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE PRESIDENT: Senator Oppenheimer to explain her vote.

SENATOR OPPENHEIMER: Thank you. I just want to take a minute to discuss the significance of this bill.

Years ago, in 1974, the Family Educational Rights and Privacy Act was enacted in Washington. But at that time we were in a nondigital world. Now, almost four decades later, we know the world is very different and the line between the supposedly secure school directories and online world is rapidly disappearing. And computer security breaches, as we know, are rampant.

There are some changes that have been made to that federal law, but they didn't go far enough. And being concerned about the capacity of marketers and other commercial enterprises from using this data, we have put forth this bill.

And indeed, I think we all have to take some responsibility for why we have to do this. You may recall last year we passed my bill concerning longitudinal data studies statewide for all students. Well, there was a study done,

one 50-state study of these longitudinal data bases, and they found that excessive amounts of detailed student information in nonautonomous student records lacked any effective privacy protection.

The state study found that states were getting personal, private information -- not just on demographics but disciplinary records, academic records, health information, information about the families. And that in many cases the states were warehousing student's Social Security numbers. Twenty-two percent of the states had records on students's pregnancies. And an astounding 46 percent of the states included in these privacy records that were public mental health, illness, and criminal justice records on their educational records.

Now many states are moving ahead with these longitudinal data studies, which were part of the Race to the Top requirement. But we have to have more privacy protections put in, and that's the background for this. Many states -- and we'll be one of the leaders -- but many states will take action to tighten up on the restrictions. And it's increasingly important in

our digitized world that we enhance the privacy protection for our kids.

And I should take special note that a fellow of mine -- well, he worked -- when I was chair of the Education Committee last year, a fellow that was working with us made this his priority, did all the research, and it really is his bill, Bret Ratner, that we are passing today.

Thank you. I'll be voting yes.

THE PRESIDENT: Thank you, Senator. Senator Oppenheimer's vote will be recorded in the affirmative.

Senator Montgomery to explain her vote.

SENATOR MONTGOMERY: Yes, thank you, Mr. President. I want to rise to thank my colleague Senator Oppenheimer for this legislation.

And I just want to say that as we voted for Calendar 925 and I voted no, this is exactly the reason why. I'm very cautious about how we deliberately and liberally pass on information of juveniles to third parties. Because we really don't -- once it's passed on and it's part of the public stream of

information, we never now how it's ultimately going to be used.

So I join you in this legislation. I'm certainly voting yes. And I'm very happy that I did vote no on 925.

Thank you.

THE PRESIDENT: Senator Montgomery, your vote will be recorded in the affirmative.

The Secretary will now announce the results.

THE SECRETARY: In relation to Calendar Number 1337: Ayes, 59. Nays, 1. Senator LaValle recorded in the negative.

THE PRESIDENT: The bill is passed.

THE SECRETARY: On page 44, Senator Fuschillo moves to discharge, from the Committee on Rules, Assembly Bill Number 6305A and substitute it for the identical Senate Bill Number 4005A, Third Reading Calendar 1338.

THE PRESIDENT: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1338, by Member of the Assembly Morelle, Assembly Print 6305A, an act to amend the Insurance Law.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE PRESIDENT: Senator Fuschillo to explain his vote.

SENATOR FUSCHILLO: Thank you, Mr. President, just to explain my vote.

I want to thank my colleagues for their support on this critically important issue that relates to the coverage, screening, diagnosis and treatment of autism. I want to thank my colleague Senator Roy McDonald, I want to thank Senator Kemp Hannon, I want to thank Senator Neil Breslin and Senator Tom Duane and the over 50 cosponsors on this piece of legislation.

There isn't a place that I go in my district that an individual doesn't talk to me about whether they have an autistic child, whether they have a grandparent, niece, nephew that is autistic. And what always comes back is the exorbitant cost that they have to bear and

the choices that they have to make to provide the diagnosis and treatment for their loved ones.

Well, under this bill -- and I'm happy to say that we have a unified bill in the Assembly with Assemblyman Joe Morelle, who's sponsoring it -- this hopefully will become law and families will no longer have to choose how they're going to use their money, whether they have to take out a second, third mortgage or home equity loan just to provide for the treatment of their children.

Mr. President, I proudly vote yes on this piece of legislation.

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

Senator McDonald to explain his vote.

SENATOR MCDONALD: Thank you, Mr. President.

Thank you, Senator Fuschillo, and all the people who worked on this. Thanks to the Assembly.

This is a small step in a long journey. I wish it solved all the problems we're

going to come against in the future, but it sure does help and it sends out a message. The message is it may not be a perfect bill, but the message is we're going in the right direction, we're trying to do the right thing, and we're prepared to keep on doing this. And this is just the very beginning.

As it was mentioned, this bill helps a certain category of people. And I'm not talking about just the category of disabilities that is addressed in this bill, autism. It helps the lower-income people, the people with dysfunctional families who are struggling. They not only have to struggle through the day to feed themselves, to pay the rent, but they have to struggle through the day to come up with the extra money for their programs and services.

If we're a fair society, and I know we are, and if we're a fair Senate chamber, and I definitely know we are, we will take this bill, pass this bill and work on more bills and services and programs not only to strengthen our image in New York of being the best state in the country in disabilities, but also to take care of these people.

As Chuck said, they're screaming for help. I found out what the word "distraught" meant. Distraught is the parent -- the mother, the father, the guardian, the brother or sister -- of somebody with these type of illnesses. They don't get time off. It's 24/7, if they're lucky enough to have an extended nuclear family. If they're not, that poor woman, that poor man -- and generally speaking, it's a single woman -- is distraught.

These people need help. And they're not a small number. Every year that number gets bigger. I always divide this issue into two categories. One is the macro category, what causes it and how do you cure it. I don't know how much we can do to solve that issue. That's going to be a federal issue, like we've done as a nation with polio and so many other issues.

The micro issue is how do you make life better for the people inflicted with this and their family structure and their friends. How can we be better citizens in our community, how can we reach out and help another human being that right now is part of an epidemic sweeping our country and other countries.

It's going to be a difficult fight. Nobody's going to be neutral. And they're going to need each and every one of us. And once again, for the people who sponsored this and have been working on it with different groups, with different opinions, but came to some sort of common agreement -- Senator Chuck Fuschillo, thank you. Thank the whole body for doing what you're doing.

THE PRESIDENT: Senator McDonald's vote will be recorded in the affirmative.

Senator Nozzolio.

SENATOR NOZZOLIO: Thank you, Mr. President.

Mr. President, I rise to advise my colleagues that I am wholeheartedly in support of this measure, will be voting aye, support it as a cosponsor, and thank Senator Fuschillo for his leadership and guidance not just this year but in prior years to achieve this objective.

It's an objective that it's the right thing to do. It's an achievement that will inure savings to the taxpayers in lowering Medicaid costs and also in decreasing special education costs. Because those families with

autism have educated me in knowing that the most important element of dealing with and successfully helping those with autism is early detection and intervention.

And having that intervention, having a child diagnosed early is something that we're doing at places like Happiness House in the Central Finger Lakes and other places that understand that mission, which is to early diagnose and treat. And, by so doing, helping children grow into adults dealing and managing with the autism spectrum.

So again, this is a measure that makes sense. It makes dollars and cents for our state taxpayers. And I thank Senator Fuschillo, again, thank you for your leadership. I'm proud to be a supporter of this fine legislation.

THE PRESIDENT: Thank you, Senator. Senator Nozzolio's vote will be recorded in the affirmative.

Next, Senator Martins.

SENATOR MARTINS: Thank you, Mr. President.

I too rise to support this piece of legislation. I want to congratulate Senator

Fuschillo on his hard work in making this possible.

As has already been mentioned, there isn't a single family throughout this great state that has not been either directly or indirectly affected by autism, either in their family or someone they know, someone in their neighborhood. And if there's anything we know, it's that early intervention makes all the difference.

Putting a family in a position where they have to make a decision as to whether or not they can afford to treat at an early age is no longer necessary because of this bill.

And I just heard that, Mr. President, the Assembly just passed this bill. And so with our vote today, we will hopefully be in a position to pass this along to the Governor, and this will become law and we will provide hope to the many thousands and hundreds of thousands of families throughout New York State who deal with this issue each and every day, and begin to get at least a grapple hold on this issue as we move forward.

I proudly support this legislation,

and I vote aye.

THE PRESIDENT: Thank you, Senator. Senator Martins will be recorded in the affirmative.

Next, Senator LaValle to explain his vote.

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

Senator Fuschillo, I stand here and thank you on behalf of the more than 300,000 people in the First Senate District. This bill will be so meaningful in providing screening and diagnosis, treatment, for the people of my district.

We on Long Island have a Center of Excellence with the Cody Center that is focused on providing services for those with autism. This legislation will allow parents to be able to get screening, evaluation, diagnosis and be able to set up a protocol for their children.

I've been involved my entire career, whether as a staff member or today as a member of this body, on issues dealing with people with handicapping conditions. This bill will be the beginning to provide hope that people with autism

will be able to have a full life because they will early on get a diagnosis and a protocol to deal with their problem.

Many years ago when I was a staff member here, I saw that people with handicapping conditions were not treated as first-class citizens. Today they live independently, they work in our society, and they are full contributing members regardless of their disability. So, Senator Fuschillo, this legislation is a key to a new life.

Congratulations again. I vote yes.

THE PRESIDENT: Senator LaValle's vote will be recorded in the affirmative.

Senator Montgomery to explain her vote.

SENATOR MONTGOMERY: Yes, Mr. President, I rise to support this legislation. And I note that this is truly a bipartisan piece of legislation, and I'm very happy to see that.

And certainly I have in my own family a youngster, a young person who is autistic, so I have a personal appreciation. He will not benefit from this because he doesn't

live in this state, but certainly our family has been involved with this issue for any number of years.

And I just want to pay a special tribute to Senator McDonald because he has been talking about this when he served on the Committee on Children and Families. When, once upon a time, when I was chair of that committee, he made sure that this was an issue that we paid attention to. And it's one that he cares about and has been a leading voice in this area and throughout our state on this issue.

So I obviously thank Senator Fuschillo, his name is on the bill, but I must say that it is Senator McDonald who has been championing this issue for so many years, and I want to Thank you, Senator, for your work on it.

Thank you, Mr. President. I vote aye.

THE PRESIDENT: Senator Montgomery's vote will be recorded in the affirmative.

Senator DeFrancisco to explain his vote.

SENATOR DEFRANCISCO: Yes. You

know, Albany is an interesting place, especially towards the end of session. There is such a media frenzy on about three issues in this city, and there has been for about a week now. And it's amazing that this bill isn't the highlight of what we're doing this last week.

This bill affects so many people, because there's nobody who doesn't have a family affected by some autism-related disease in the spectrum. There isn't one person. And there isn't one person who doesn't believe that the early diagnosis results in the best possible outcome. And this bill is going to provide for the best chances of people diagnosed with that condition and diagnosed earlier to be the best they can possibly be.

This bill should be highlighted, and those who put it together, especially Senator Fuschillo and Senator McDonald. I'm proud to cosponsor it. I'm proud to talk about it today. But more importantly, I'm very pleased for all the people that are going to see some relief in their lives as a result of the intelligence and the hard work of this particular legislative body as well as the Assembly.

So I proudly vote aye.

THE PRESIDENT: Thank you, Senator. Senator DeFrancisco's vote will be recorded in the affirmative.

Next, Senator Breslin will explain his vote.

SENATOR BRESLIN: Thank you, Mr. President.

This is a great day for the State of New York. And I applaud Senator Fuschillo for his work on the autism bill. It's been a long, long, difficult process. As chairman of the Insurance Committee for two years, I sponsored legislation which didn't get to the goal line. It was vetoed by the Governor.

And finally now, with Senator Fuschillo leading the attack, we have a bill that will be able to provide services for families with autistic children which will prevent them having to put up their homes for sale or being foreclosed on or taking money away from education. It will give them the quality of life necessary and will provide their children with the ability to get early intervention and proper medical services.

You know, it's insidious, a disease that 10 years ago we didn't even talk about. And we see those numbers come down and down, and now one in 1 in 110. And that rate is increasing at the rate of 15 percent a year.

Again, in healthcare, we are now going to be able to say this service will be provided to autistic children. And again, a very, very big day for the State of New York.

I vote in the affirmative. Thank you, Mr. President.

THE PRESIDENT: Thank you, Senator. Senator Breslin's vote will be recorded in the affirmative.

Next, Senator Rivera to explain his vote.

SENATOR RIVERA: Thank you, Mr. President.

My older brother, José Manual Rivera -- I spoke about him the other day; we call him Papotin -- he turns 40 this year. Early on in the early '70s when my father and my mother, back in Puerto Rico, had to deal with the very limited resources that were available at the time, they had, you know, very few ideas of what

was actually happening.

My father, who has a master's in biochemistry, actually was a researcher, so he actually did some research himself, wrote directly to some of the researchers at that time that were talking about -- that were developing the science and knowledge base about autism. And it was through sheer luck and a lot of hard work that the challenging times that we've had, that they had early in my brother's life.

He graduated from school, he graduated from high school. He has a college degree. He works right now translating books into Braille back in Puerto Rico. He is very -- obviously, very high on the spectrum. If you ever met him, you'd think he was a little bit eccentric. But certainly he has become a very productive member of society.

There were still some very challenging years. And throughout my life, when I've thought about the things that one can do in government, I've thought about my brother many, many times.

So it is with great pride that I stand today and vote in the affirmative for this

bill and thank the leaders here on the other side of the aisle -- Senator Fuschillo, Senator McDonald -- and on my side of the aisle as well that have been speaking about this issue for such a long time, that we've have been able to get this piece of legislation done.

And as Senator McDonald said, it is only the first step in a long road. But I, for one, am very happy to be here along this path. And I will be sure to be calling my brother in a couple of weeks when he turns 40 to let him know what we did on the floor of the Senate here today.

Thank you so much, Mr. President. I vote in the affirmative.

THE PRESIDENT: Thank you, Senator. Senator Rivera's vote will be recorded in the affirmative.

Senator Duane to explain his vote.

SENATOR DUANE: Thank you, Mr. President.

I want to thank the advocates on this issue for their determination and their flexibility and their passion and their faith in us here in the New York State Senate.

I want to thank Senator Hannon, who isn't in the chamber right now, and Senator McDonald, with whom over the past -- since his arrival here, I've worked with. And it's been both a pleasure and heartbreaking, because we've had two steps forward and one step back the entire time of this legislation moving forward.

And Senator Breslin, with whom I also worked very closely on this. And Senator Fuschillo, because you are making it happen, and thank you.

You know, I was thinking a little bit about, you know, why my own personal passion was so strong about this. And I think one of the reasons was when I was in high school, I think I was a freshman in high school, I had a volunteer summer job -- because we all, my brothers and I, we always -- we had to work every summer, which is a good thing. But I was a volunteer at a CYO summer camp for children with special needs.

And I don't think at the time we had the language or the knowledge of the personal needs that children with autism have. But this was a safe place for these children.

We know more about autism. We don't

know enough about autism. We need to find out more about autism. But in the meantime, thanks to Senator Fuschillo and Senator McDonald and Senator Hannon and Senator Breslin, we now have a way that families will be supported with one of the most difficult challenges that a parent can have.

And congratulations. This is a proud day. And I'm proud to vote yes, Mr. President.

THE PRESIDENT: Thank you, Senator. Senator Duane's vote will be recorded in the affirmative.

Next, Senator Robach to explain his vote.

SENATOR ROBACH: Yes, Mr. President.

I am -- I guess I'm passionate, sometimes excited, but this is a vote I'm very happy to vote in the affirmative for. I want to thank all the advocates, all my colleagues who have worked on this for a number of issues, but especially Senator Fuschillo in our house for getting this on the goal line and moving towards fruition.

This is great. A lot of people know this; I have a sister in the developmental disabilities population group. And I can assure you, when you have that, everybody wants their loved one to have an opportunity to live up to their full potential.

There's a huge amount of advocates across the state, especially in Rochester, they want that for their children. This is going to do exactly that.

Not only is it important to get coverage, there's two phenomenas that are happening. One, we don't know why the number of children with autism is growing, and no one seems to know the reason why. But conversely, on the good side, more and more people are coming up with treatment modalities that seem to be helpful.

And I know in our hometown, Mr. President, the U. of R. is doing a tremendous amount of work to have different modalities that may work for different kids because of the complexity of this.

But this bill today is going to give those parents an opportunity, a hope that their

kid is going to be able to live up to their potential. And this is a good day for all of us and a great yes vote.

I vote in the affirmative.

THE PRESIDENT: Thank you, Senator. Senator Robach's vote will be recorded in the affirmative.

Senator Libous to explain his vote.

SENATOR LIBOUS: Thank you, Mr. President.

I too want to say thank you to my colleague Senator Fuschillo. I know that for a number of years he has worked diligently on this issue.

And, Mr. President, I had the pleasure for a number of years -- 13, to be exact -- to chair the Committee on Developmental Disabilities and Mental Health. And I know firsthand from working with parents and families the difficulty that they face with children and loved ones with autism.

This bill is long overdue. If Senator Fuschillo had his way, he would have passed it a number of years ago.

It is a bill that, like many others

that we pass when we deal with folks with disabilities, that unless you experience it yourself you really can't understand what the families go through or that individual with a disability goes through. It's the kind of thing that we're supposed to do here. We're supposed to be helpful to folks who need help.

And Senator Fuschillo and my colleagues, this bill will go a long way as a major step to helping those individuals with autism, and we are taking a leadership position in this state. I vote aye.

THE PRESIDENT: Thank you, Senator. Senator Libous's vote will be recorded in the affirmative.

Senator Marcellino to explain his vote.

SENATOR MARCELLINO: Thank you, Mr. President.

And I also would like to add my voice to those who have been thanking my friend and colleague Senator Fuschillo and all those who worked with him in both chambers on both sides of the aisle on this very important piece of legislation.

And as my colleague Senator Libous just said, this is the kind of thing we are sent here to do, to help people who are in difficulty.

There are times when you're in this chamber, when you're in the wee hours of the morning or the early hours of the morning and you begin to wonder will you ever see the light of day, because things are pounding upon you and pressures are getting heavy and the issues are getting complicated, as they often are here. And you begin to forget and lose sight of what's really important when you come here to do this particular kind of work.

The work we do, the most important work we do is the work of helping our constituents, and especially those who aren't capable of helping themselves.

My family has been touched with autism, and it isn't fun. It isn't pleasurable. But when you see the youngsters who are involved and you see them progress and you see them get to the point where they are improving, it warms your heart. And it makes you feel good that you might have had something to do with that through some

vote you took that added some means of protection and support to their families.

So, Mr. President, and again to my colleague, congratulations for your efforts. And all the families who have been touched with this grave problem will appreciate it down the road and for many years to come.

Mr. President, I vote aye.

THE PRESIDENT: Thank you, Senator. Senator Marcellino's vote will be recorded in the affirmative.

Senator Kennedy to explain his vote.

SENATOR KENNEDY: Thank you, Mr. President.

I just wanted to join in the chorus of our colleagues in thanking you, Senator Fuschillo, and thanking you especially, Senator McDonald, for lending your family's voice into this fight.

You know, many of you know I'm an occupational therapist by trade. I have seen firsthand families that have been ravaged by this disorder and this diagnosis of autism. I have treated children with autism. I have seen families suffer not only with the stress and the

psychological burden and the emotional burden that this diagnosis places on not only individuals but entire families, but the stress that it puts on them financially as well.

This bill will help to rectify those wrongs that have been placed on those families over the years, and it will help countless families and children that suffer from autism. And it will go to help not only those that have been the advocates in pushing this bill forward, but it will help generations moving forward that we have yet to meet.

So again, Senator Fuschillo, thank you. And, Senator McDonald, congratulations.

Thank you, Mr. President.

THE PRESIDENT: Thank you, Senator. Senator Kennedy's vote will be recorded in the affirmative.

And now the Secretary will announce the results.

THE SECRETARY: Ayes, 61.

THE PRESIDENT: The bill is passed.

If I could just add, on behalf of Governor Cuomo, I would like to congratulate

Senator Fuschillo, Senator McDonald, Senator Breslin, both sides of the house -- Joe Morelle from the Assembly, everybody that worked on this. This is truly for kids.

As Senator DeFrancisco said, this is really an important bill that really should be noted around the state. So congratulations. I think this makes New York proud.

(Applause.)

THE PRESIDENT: The Secretary will read.

THE SECRETARY: Calendar Number 1339, substituted earlier today by Member of the Assembly Paulin, Assembly Print Number 113A, an act to amend the Education Law.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE PRESIDENT: Senator Farley to explain his vote.

SENATOR FARLEY: This is not quite as significant as the last bill, but I do want to

point out that it is very significant to the library community. It's one of their top priorities. It's a construction bill.

And I deeply appreciate all the support that I've gotten with this one. Senator Oppenheimer has been involved working on this last year and so forth.

But it is very important to the library community, and so many of you have been so good to the library community.

And I vote aye.

THE PRESIDENT: Senator Farley's vote will be recorded in the affirmative.

Announce the results, please.

THE SECRETARY: Ayes, 61.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1340, by Senator Ranzenhofer, Senate Print --

SENATOR BRESLIN: Lay it aside.

THE PRESIDENT: The bill is laid aside.

THE SECRETARY: Calendar Number 1341, by Senator Kennedy, Senate Print 4725, an act to amend the Penal Law.

THE PRESIDENT: Read the last

section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1344, substituted earlier today by Member of the Assembly Russell, Assembly Print 7667A, an act to amend the Public Health Law.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1345, by Senator Peralta, Senate Print 5623, an act to amend the Penal Law.

THE PRESIDENT: Read the last section.

THE SECRETARY: Section 2. This

act shall take effect on the 120th day.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE PRESIDENT: Senator Peralta to explain his vote.

SENATOR PERALTA: Thank you, Mr. President.

This bill that I've introduced today targets the distribution of business cards of pimps along a stretch of more than 40 blocks of Roosevelt Avenue and adjacent streets in Queens.

I've unveiled this bill in my district at a press conference where it attracted a fair amount of media attention. The coverage seemed to have an impact. Cards advertising free delivery of women for sex 24/7, once strewn about Roosevelt Avenue sidewalks and regularly encountered by children on their way to and from school, have been hard to come by nowadays.

Many of the cards that do turn up still advertise the free delivery 24/7, but of flowers, fruits and vegetables. Images of apples, grapes and strawberries have replaced those of naked and nearly naked women.

The raunchy cards are still around, so let's not be fooled, but even they have been somewhat sanitized. So the cards are now far less prevalent and in many instances are of a G-rated variety. But as I told my constituents when I presented the bill in my community, it will not by any means eradicate the sex trade that has flourished on Roosevelt Avenue for decades.

So we should vote for this bill because it represents one of any battles that absolutely has to be fought to claim Roosevelt Avenue for families, residents, and legitimate businesses. Because the cards, however many of them turn up or what they look like, insult the dignity of the families, residents, and honest businesses that call Roosevelt Avenue and adjacent streets home.

Because while the women pictured on the cards may be international supermodels, the harsh reality is that there is nothing glamorous about prostitution. It is not a victimless crime. The fact is many women from around the world and across the country are enslaved and brought to New York, especially to my district,

and forced to have sex with strangers for the profit of human traffickers and pimps.

If this bill were to fail, it would say to the traffickers and pimps that they can infect our communities with impunity and that they can literally trash our streets in total disregard of children and families without consequence.

So I want to thank everyone for supporting this piece of legislation, because it's very needed in my district. I'll be voting in the affirmative. Thank you.

THE PRESIDENT: Senator Peralta's vote will be recorded in the affirmative.

The Secretary will announce the results.

THE SECRETARY: Ayes, 61.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1346, substituted earlier today by Member of the Assembly Lavine, Assembly Print Number 8306, an act to amend Chapter 474 of the Laws of 1996.

THE PRESIDENT: Read the last section.

THE SECRETARY: Section 2. This

act shall take effect immediately.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1348, substituted earlier today by Member of the Assembly Sweeney, Assembly Print 8265, an act to amend the Environmental Conservation Law.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE PRESIDENT: Senator LaValle to explain his vote.

SENATOR LAVALLE: To explain my vote.

Mr. President, I rose on Calendar Number 435 to talk about Carmans River and the Pine Barrens, and those remarks are applicable to Calendar Number 1348.

But it gives me also an opportunity to thank Senator Zeldin for his participation and

work on this legislation and, again, Supervisor Lesko and the town board for their work, a bipartisan effort locally and a 7-0 vote.

I vote in the affirmative.

THE PRESIDENT: Senator LaValle's vote will be recorded in the affirmative.

The Secretary will announce the results.

THE SECRETARY: Ayes, 61.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1349, substituted earlier today by Member of the Assembly Jaffee, Assembly Print 8124, an act to amend the General Municipal Law.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1350, by Senator Klein, Senate Print 5695, an act to amend the Insurance Law.

THE PRESIDENT: Read the last section.

THE SECRETARY: Section 5. This act shall take effect on the same date and in the same manner as Part A of Chapter 62 of the Laws of 2011.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE PRESIDENT: Senator Klein to explain his vote.

SENATOR KLEIN: Thank you, Mr. President.

This legislation will effectively deal with a problem that plagues many of our inner-city communities, that of insurance he evasion.

What happens in many cases is that we're surrounded by states like Pennsylvania or Connecticut that have lower insurance rates than New York, and those individuals actually register their vehicles there and purchase insurance in states even though they're living in New York. As a matter of fact, according to a study that we prepared, there was over 40 individuals registered at one address in Pennsylvania.

This legislation takes comprehensive approach where it's expanding the authority of the new Superintendent of Financial Services. And I think at the end of the day we'll be able to crack down on insurance fraud, thus lowering high insurance rates in New York State.

I vote yes, Mr. President.

THE PRESIDENT: Thank you, Senator.

Senator Klein's vote will be recorded in the affirmative.

The Secretary will announce the results.

THE SECRETARY: Ayes, 60. Nays, 1. Senator Duane recorded in the negative.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1351, by the Committee on Rules, Senate Print 5706A, an act to authorize the City of New York.

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

Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

THE PRESIDENT: The bill is passed. Senator Squadron to explain his vote.

SENATOR SQUADRON: To explain my vote.

I just want to congratulate Senator Krueger on this bill. It's a local bill, but one that's of massive worldwide significance, actually, because it's going to ensure that -- or begin the process to ensure that the U.N. stays in New York City. It's a major economic driver in the city, with thousands of employees and millions of square feet of real estate holdings.

It's also going to create enormous benefits for the community, through new parks and esplanades. A very important bill. And I know Senator Krueger has worked on it a lot, and I want to congratulate her.

I vote aye.

THE PRESIDENT: Thank you, Senator. Senator Squadron's vote to be recorded in the affirmative.

Senator Duane to explain his vote.

SENATOR DUANE: Thank you,

Mr. President.

I too want to thank Senator Liz Krueger for her hard work on this legislation, her determination, her consensus-building. I also have to say the hard work of her staff.

And, you know, I border -- what do we say, I have the water, she has the land. Senator Krueger was a pleasure to work with on this. And if you knew the neighborhoods that she had to navigate, it is probably more difficult than many things that happen actually in the U.N.

So congratulations to Liz Krueger, and thank you very, very much.

THE PRESIDENT: Thank you, Senator. Senator Duane's vote will be recorded in the affirmative.

Senator Krueger to explain her vote.

SENATOR LIZ KRUEGER: Thank you very much.

I'm also pleased to vote for this bill. As my two colleagues pointed out this is a complex negotiation. In theory, just a park alienation bill, but one that requires many steps, even after it moves through this house

today. It has already moved through the Assembly, I believe.

It is involving the United Nations' ability to expand and stay in the great City of New York in my district. It does involve commitments to expand access to the waterfront along the East River east of the FDR. And it also involves commitments that in fact may spread as long as 20 years going forward to increase open space, recreational activity space in my district, which actually has one of the lowest rates of park space and play space of anywhere in the City of New York.

So this bill is to some degree just step one, but it has been probably 10 years in discussions.

Thank you, Mr. President.

THE PRESIDENT: Thank you, Senator. Senator Krueger's vote will be recorded in the affirmative.

The Secretary will read the results.

THE SECRETARY: Ayes, 61.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1352, substituted earlier today by Member of the

Assembly Glick, Assembly Print 8298, an act to amend the Education Law.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

THE PRESIDENT: The bill is passed.

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

SENATOR LIBOUS: Thank you, Mr. President.

Could we go to motions and resolutions for a second, please.

THE PRESIDENT: Motions and resolutions. So ordered.

SENATOR LIBOUS: Mr. President, on behalf of Senator Flanagan, I want to call up his bill, Senate Print Number 3205, it's recalled from the Assembly, and I believe it is now at the desk.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: Calendar Number 227, by Senator Flanagan, Senate Print 3205, an act to amend the Penal Law.

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

THE PRESIDENT: Call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

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

THE PRESIDENT: The amendments are received.

SENATOR LIBOUS: Mr. President, I have one more, if I may.

On behalf of Senator Maziarz, I wish to call up his bill, Senate Print Number 4844, recalled from the Assembly, which is now at the desk.

THE PRESIDENT: The Secretary will read.

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.

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

THE PRESIDENT: Call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

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

THE PRESIDENT: The amendments are received.

SENATOR LIBOUS: Mr. President, at this time if we could go to the reading of the controversial calendar.

THE PRESIDENT: The Secretary will ring the bell.

The Secretary will read.

THE SECRETARY: Calendar Number 1340, by Senator Ranzenhofer, Senate Print 4384B, an act to amend the Public Health Law.

SENATOR KRUEGER: Explanation.

THE PRESIDENT: Senator Ranzenhofer, an explanation has been requested.

SENATOR RANZENHOFER: Yes, thank

you, Mr. President.

Bill 4384B, Medicaid biometric identification, creates a new biometric identification program under the Public Health Law. The bill is intended to combat fraud and abuse by both recipients and providers by requiring positive identification of both parties before and after the services are provided.

The bill would require the Commissioner of Health, in cooperation and conjunction with the Medicaid Inspector General's office and the Attorney General, to develop a request for proposal for a Medicaid biometric identification program to be implemented in New York State.

Now, biometrics can take many forms. Biometrics is the science and technology of measuring and analyzing biological data. In information technology, biometrics refers to technologies, and there are many of them, that measure and analyze human body characteristics -- such as DNA, it could be fingerprints, could be eye retinas and irises, could be voice patterns, could be facial patterns, hand measurements -- for authentication purposes.

The RFP is result-oriented rather than method-oriented. It's to allow the greatest opportunity to get the best and most modern technology available through the RFP process.

The bill also sets some minimum requirements that are outlined in the bill to protect the handicapped, to protect and provide for emergency services, to provide for system breakdowns, to be revenue-neutral from the inception, and also to maximize Medicaid savings.

And the bill provides that proposals are to be opened on or before March 1, 2012, for us to be able to consider next year. The commissioner is also required to report to the Governor and the Senate and the Assembly on the progress of the development of the program on or before March 30, 2012.

And I want to thank Senator Hannon and his office, also Tom Wickham and Kristin Sinclair and Mike Hettler from my office, and also Assemblywoman Naomi Rivera from the Assembly. This has sponsors on both sides of the aisle in this house and has 38 sponsors in the Assembly, both Republicans and Democrats.

THE PRESIDENT: Senator Krueger.

SENATOR KRUEGER: Thank you very much, Mr. President. If the sponsor would please yield.

THE PRESIDENT: Senator, do you yield to a question?

SENATOR RANZENHOFER: Of course.

THE PRESIDENT: The Senator will yield.

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

So every provider participating in the Medicaid program would need to have one of these devices that was chosen through this RFP at their facility. As I read it, it could be pharmacists, doctors in their offices, hospitals, healthcare clinics, dental clinics, eye doctors, autism-approved programs, hopefully, through the bill we just passed here today.

Is that correct, that everyone who was seeing a patient involving a Medicaid program purchase would have to have this equipment?

SENATOR RANZENHOFER: Yes. Where the services are provided -- through you, Mr. President -- this technology would be in

place.

SENATOR KRUEGER: Thank you.

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

SENATOR RANZENHOFER: Yes, I would.

THE PRESIDENT: The Senator will yield.

SENATOR KRUEGER: And would the providers have to pay for this equipment -- which I believe the memo talks as potentially having a $300 cost estimate -- or would the State of New York pay for the equipment?

SENATOR RANZENHOFER: No, that may be the memo from the original draft. This is now a B print.

And the RFP is going to provide how that is going to be taken care of. That's why we're asking that it be put out for an RFP, so they can come back to us for our consideration of what is the best mechanism to implement this technology, what is the best way to pay for it.

The original bill before it was amended contemplated some of the questions that you're just asking right now. But in the current bill that we're considering, it's incorporated

into the RFP for them to come back to us and provide the best mechanism of how to deal with that issue.

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

THE PRESIDENT: Senator?

SENATOR RANZENHOFER: Yes, of course.

THE PRESIDENT: The Senator will yield.

SENATOR KRUEGER: Thank you.

When I've done some research into biometric options regarding potential fraud in government programs -- New York State, in fact, has a history of using fingerprints as a fraud-prevention model, which is a type of biometrics -- basically what it can do is catch someone either using a false identity or one human being attempting to have multiple identities in a program.

Is that the sponsor's understanding of what this biometric model, whatever it might be, would be used for?

SENATOR RANZENHOFER: Well, the

biometric model has not yet been decided upon, and that's the reason why we're sending it out for an RFP. Because the technology and the ingenuity that's out there -- and I'll just mention, as an aside, since we introduced the original draft, the number of people that have come forward not only from my county from the state and really all across the nation, the technology that is out there is just fascinating.

So until we actually get the results of the RFP, it's really hard to determine which is going to be the best and which is going to be the most effective method of implementing the basic identification program.

So until you get the results back, if you don't put it out for a bid and let people come back with different proposals, you know, it's really going to be hard to answer your question. Because until you get the data from the net results, everybody's going to have a different product, everybody's going to have a different result. And again, you know, they're all going to be different suggestions which the Health Department would have to analyze and then

eventually, once they report to us, this body would have to analyze.

So, you know, I'm actually excited and looking forward for putting this out for a bid and letting that information come back to us for further analysis.

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

THE PRESIDENT: Senator, will you yield?

SENATOR RANZENHOFER: Yes.

THE PRESIDENT: The Senator yields.

SENATOR KRUEGER: I appreciated the sponsor's answer, but perhaps I didn't ask the question right. Because I wasn't asking which type of biometric option might be chosen by the RFP process, but rather just a confirmation that what any biometric model does -- and again, some of them might be better at it than others and some might be cheaper and some might be more expensive. There are pluses and minuses to retina scanning, pluses and minuses to palm scanning. It's all very 007, from the movies.

But the question is just to confirm

that whatever system is used, the only thing these systems do is confirm that you are the person that is supposed to have the card or to make sure there are not multiple people with -- sorry, you are the person that you are supposed to be with the Medicaid card or you are not one human being attempting to have multiple Medicaid cards by having multiple identities. Is that your understanding?

SENATOR RANZENHOFER: That's actually half of it. It does provide for authentication for the person seeking the service. But at the other end of the equation it also provides authentication for the provider providing the service.

So it's actually two, two things are being done. It's not just at the recipient level but also at the provider level, to making sure that the provider is also authenticated and providing the proper service.

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

THE PRESIDENT: Senator, will you yield?

SENATOR RANZENHOFER: Yes, I will.

THE PRESIDENT: The Senator does yield.

SENATOR KRUEGER: I am very concerned about Medicaid fraud. I bet none of us are not concerned about Medicaid fraud or Medicare fraud or fraud in general. So I was spending a little bit of my waking hours after our Rules Committee meeting last night reviewing the research around Medicaid and Medicare and other insurance fraud. And I was going through where the big money in Medicaid fraud has been found.

So I just would like to, again, educate myself about how this system would address problems. So billing for services not provided. A provider bills for services not performed, such as blood tests or x-rays that were not taken, dentures that were only partially supplied, or a nursing home or hospital that continues to bill for services rendered to a patient who is no longer under their care.

Can you help me understand how this system would help us catch or stop that kind of Medicaid fraud?

SENATOR RANZENHOFER: Yeah, this is the type of technology -- as, again, you just gave some of the examples that this technology would be helpful for. Another example would be if a dentist is performing a hundred procedures in a day, you know, it's very unlikely that that actually could happen. And this type of technology could catch that. Over-prescription at the pharmacy for somebody receiving services who doesn't live in the county for which they are seeking services.

So, you know, the types of examples and anecdotal situations that you just mentioned are, I would say, some of the situations where this technology would be helpful. I think the ingenuity of people and providers in trying to get around the system is endless.

And that is why -- you know, that's why the bill is here, to try to come up with that type of technology which can not only address all the particular instances that you just mentioned but the ones that we haven't even thought of.

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

THE PRESIDENT: Senator?

SENATOR RANZENHOFER: I will.

THE PRESIDENT: The Senator will yield.

SENATOR KRUEGER: Thank you.

The second listed item, according to the Federal CMS on Tracking Medicare, Medicaid Fraud and, actually, also the National Insurance Fraud Association: "Double billing. A provider bills both Medicaid and a private insurance company for treatment or two providers request payment of the same recipient for the same procedure."

How would this system be able to assure that there wasn't double billing? Since we already have a computer system in place, in theory, to track that.

SENATOR RANZENHOFER: That's a very good question, and that's actually the point behind the bill, is to put it out for an RFP to address exactly the type of situations that you are concerned about.

And again, you know, the Department of Health I imagine when they write their RFP is going to try to put together an RFP which will

address, again, not only the ones that we're talking about today, not only the ones that have been reported, but the ones that, you know, you and I are not even aware of.

And that's why at least, in my judgment, you do want to send it out for an RFP, so they can address all of these different scenarios -- again, some of which we are talking about here on the floor of the Senate and others which, you know, we can't even imagine or don't know about that's out there but people in the Department of Health and also people who deal in this type of technology would bring that to our attention.

So I didn't really want to limit it by giving a directive to the Department of Health and saying, Well, this is what you need to deal with. I wanted to allow them to use their ingenuity and then to put it out to the private sector to bid to deal with all these different scenarios which you're bringing up and, again, which I'm talking about and, again, some of which, you know, we can't even imagine as we stand here today.

SENATOR KRUEGER: Mr. President, on

the bill.

THE PRESIDENT: Senator Krueger on the bill.

SENATOR KRUEGER: Thank you.

I appreciate the sponsor's answers to my questions.

In concept, I actually think moving down the road of asking the questions, exploring what's out there, and evaluating a best-case model for the State of New York is fine. And in fact, I'm going to vote for this bill. And yet I just want to be on the record as saying two or three things that I think we should be concerned about, moving forward.

One, in the past, under previous models, such as fingerprinting applicants for public benefits, what we found is we didn't actually catch anyone committing fraud -- statistically, zero -- but we discouraged large numbers of people from coming forward to apply for benefits because somehow they associated being fingerprinted with the criminal justice system and felt stigmatized and frightened about going into a fingerprinting process.

So I would urge that in moving

forward the state is very careful in evaluation to make sure that it is not stigmatizing and discouraging people from going forward with applying for benefits that they have no intention of participating in fraud with, but have a fear of walking in the door and going through the beginning of the process.

Second, I am hopeful, particularly because this is a program that the state is exploring setting up involving healthcare, that we are overly, overly careful about patient confidentiality, patient privacy. Because I understand the intention is to stop providers from participating in Medicaid fraud. And I say providers because the statistics are very clear at the national level: Medicaid fraud can only be successful when there are providers who are involved with it.

An individual attempting Medicaid fraud may be, again, the very rare scenario of my attempting to get a Medicaid case under my name "Liz Krueger" or my attempting to get a Medicaid case under my legal name "Elizabeth Krueger" as well. But those are very rare and, dollarwise, fairly irrelevant.

So in a desire by the state, a desire I share strongly, that not one dollar of government money be spent fraudulently, I am hoping that in a design that the state might go forward with, we are very heavily focused on how a model can in fact prevent fraud from a provider-billing perspective, not discourage or frighten people away from getting the healthcare they actually need in their communities or applying for healthcare benefits because they fear that somehow they're being rolled up in a police system.

And again, when it's healthcare, there's a great deal of concern about privacy and confidentiality.

And again, some of these systems have proved to be expensive and not workable. My understanding is that England just dropped their attempt to complete a biometric system for their national healthcare system. So I suppose the good news is we can learn from the mistakes of other places.

But I am going to vote for this bill and am going to watch carefully to see whether the Department of Health can in fact come forward

with a successful model for the State of New York.

And I guess just one quick final point. There was at least one press release talking about this kind of system can save the state $5 billion in Medicaid fraud. No one system -- first off, I'm not sure there is $5 billion in fraud in total in any group of programs in the State of New York. We always tend to overinflate the estimates on the money to be saved from fraud programs.

But again, a biometric program, no matter how great it might prove to be, is not going to save the state $5 billion. And I think it's important to just say that on the record. Because we tend to pass bills in this house, declare victory, and then when people come back and say how come we didn't save that money, everybody needs to dance. So I just think we should be clear at the beginning of the process, it's probably not that kind of outcome at the end of the process.

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

THE PRESIDENT: Thank you, Senator.

Senator Grisanti.

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

You know, I appreciate Senator Liz Krueger's comments, especially since she definitely does her homework with regards to certain items.

Now, there is technology out there that would prevent abuse. I have actually seen different systems that use this technology where you're not able to sell a Medicaid card. You sell the Medicaid card, and you have a card that's designed in this system, you can't use it and unless it's your card.

Prescription coverage, the sale of prescription drugs and the abuse that is not only rampant in Western New York where a single individual doctor bilked the system out of $2.7 million in prescription drug abuse coverage by handing out scripts to different patients and they go fill them at six or seven different organizations. That's not only prevalent in Western New York, but across New York State.

That reduces paperwork -- I've actually seen one of these machines that

actually -- it almost uses like a debit ATM card when you go to your doctor. So there's no paperwork involved. The card is programmed to what the service is, it's swiped, and the money comes out on the card.

So there is technology. I think it can be advanced through hearings and through other ways to make sure that it's done properly. And one of the interesting things that I saw is whether it's a fingerprint or the iris shot or a palm print, it converts that image to zeros and ones. The image is not there. It converts it to zeros and ones, and it say stays in the unit. It doesn't travel out there in wires to the FBI or the local police department or anything along these lines. It stays within the unit just as a method of identifying, between the card and the unit, that this is the person that has possession of that card. That's all it does.

It seems pretty simple. When I actually saw some of these machines, it was almost like that movie where it had me at hello. Because I know that it's actually going to save a lot of money in the long run with regards to Medicaid abuse and fraud.

And I vote in the affirmative on this bill.

THE PRESIDENT: Senator Ranzenhofer.

SENATOR RANZENHOFER: Thank you.

Thank you, Senator Grisanti, for your comments. And, Senator Krueger, thank you for your questions and your support of the bill.

The intent of the bill, as stated earlier, is really to be able to, number one, cut down on the fraud and abuse in the system and, number two, to provide those services to those that truly need it.

And again, I think the work that was done on the bill, from where it started off to where it is today to sending it out for an RFP, to really let the genius and the ingenuity in the industry come back to us with those methods that are best, is really the best way to go.

Again, I want to thank everybody for their support. This is really adopting technology which is used every day in other areas. And I will be voting aye on the bill. So thank you very much.

THE PRESIDENT: Thank you, Senator.

Senator Squadron.

SENATOR SQUADRON: Thank you. If the sponsor would just yield for one question.

SENATOR RANZENHOFER: Yes.

SENATOR SQUADRON: Just for clarification, this allows the department to study this technology and begin to use it -- I'm sorry, study the technology and begin to figure out what the best ways are.

Before implementing it, would the department have to come become to the Legislature for authorization to implement it or not? I'm just looking for --

SENATOR RANZENHOFER: It's actually not studying. What it is actually doing is sending it out, it's putting out a request for proposal to let others come back to the department with suggestions and ideas and technologies of how to address the issue. So all we're really doing is authorizing them, the Department of Health, in conjunction with the Attorney General and the Medicaid Inspector General, to formulate and craft the request for proposal, send it out there, and then, again, to allow the different proposals to come back to the

Department of Health by the beginning of March of next year and then to report to us 30 days later by the end of March.

SENATOR SQUADRON: Thank you very much for the sponsor's explanation. I appreciate it. And the fact that this is going to come back to the Legislature is, I think, everything that both the sponsor and the others who have spoken on it say.

Thank you, Mr. President.

THE PRESIDENT: Thank you, Senator.

Any other Senators wishing to speak on this bill?

The debate is closed. The Secretary will now ring the bell.

The Secretary will read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE PRESIDENT: Senator Martins to explain his vote.

SENATOR MARTINS: Thank you, Mr. President.

I just want to congratulate Senator Ranzenhofer on introducing this bill --

THE PRESIDENT: {gaveling}

Senator, please proceed.

SENATOR MARTINS: Thank you, Mr. President.

I want to congratulate Senator Ranzenhofer on introducing this bill. If there's one thing that we've talked about time and time again, it is the rampant fraud and abuse that exists in different parts of our system. And nowhere has that been more spoken about than in Medicaid.

And the ability for us to finally come to grips with an identification system that will allow us to combat that fraud and abuse that everyone talks about but seldom is willing to do anything about, is refreshing.

Senator Ranzenhofer, thank you for introducing the bill. I think it's important that we have the courage of our own convictions. And certainly I'll be supporting this bill. I'm voting aye.

THE PRESIDENT: Thank you, Senator. Senator Martin's vote will be recorded

in the affirmative.

Senator Carlucci to explain his vote.

SENATOR CARLUCCI: Thank you, Mr. President.

I want to thank Senator Ranzenhofer for bringing this bill forward. Medicaid costs are one of the highest costs we have in the State of New York. And as someone that's worked on the local level with the counties, with the towns, we've got to do everything possible as Senators, as leaders in New York, to use the tools, the technology available to us.

THE PRESIDENT: Pardon me.

If I could ask for some order {gaveling}. The stenographer can't hear the Senator speak. So please.

Senator Carlucci, continue.

SENATOR CARLUCCI: Thank you.

As leaders in the State of New York, we have to use the tools, the technology available to us to weed out Medicaid fraud, to bring the people that are abusing the system to justice. It's our responsibility to do everything we can to try to stabilize the

spiraling out-of-control costs that Medicaid is having on our system.

So again, I want to thank Senator Ranzenhofer for bringing this forward, and I will be voting yes to try to bring down the costs of Medicaid in New York State and bring the people that are abusing the system to justice.

Thank you, Mr. President.

THE PRESIDENT: Thank you, Senator. Senator Carlucci's vote will be recorded in the affirmative.

Next, Senator Hannon to explain his vote.

SENATOR HANNON: Thank you, Mr. President.

After we had reported Senator Ranzenhofer's bill from committee, I was interested to be reading a newsletter from one of the leading hospitals in the state, which is using this technology not for fraud but, rather, for efficiency, to save money, and to make their systems more productive.

I was reading from the NYU Langone Medical Center which said it will soon employ scanning technology for the purpose of patient

registration. Patients with an appointment will simply have to place their hand over a small box-like device which will use an infrared beam to scan the unique network of veins in their palm. This identifying portrait will be used to automatically register the patient and call up their medical file.

If one of our leading hospitals can adopt this, so can our Medicaid system. I vote aye. Thank you.

THE PRESIDENT: Senator Hannon's vote will be recorded in the affirmative.

Next, Senator DeFrancisco to explain his vote.

SENATOR DEFRANCISCO: Yes. Having just gone through a difficult budget process and seeing Medicaid costs rising exponentially, services being cut back a little bit, more service cutbacks will probably occur, less money to the schools -- you just have to do things the right way and do it more efficiently.

And this is an outstanding bill by Senator Ranzenhofer, and it does exactly that, by making sure that people who need and deserve Medicaid benefits receive them. And those that

don't qualify or those that aren't receiving them legally are weeded out of the system so that we're paying for what we should be paying for and not paying for what we shouldn't.

So this is exactly the type of thing we ought to be doing, and it's a great bill. And I congratulate Senator Ranzenhofer. I'm very pleased to vote yes for this bill.

Thank you, Mr. President.

THE PRESIDENT: Thank you, Senator. Senator DeFrancisco's vote will be recorded in the affirmative.

The Secretary will announce the results.

THE SECRETARY: In relation to Calendar Number 1340: Ayes, 60.

Absent from voting: Senator Lanza.

THE PRESIDENT: The bill is passed.

Senator Libous.

SENATOR LIBOUS: Mr. President, I'm going to lay out a couple of things.

We are going to have a Rules Committee meeting in Room 332, and there are a number of bills that we're going to report out. So that will take place in a moment. And if

members want to start preparing for that, if you're on the Rules Committee.

Before that, there's a couple of things we'd like to do. At this time I would like to ask for unanimous consent for Senator Smith to make a brief statement.

THE PRESIDENT: Senator Smith.

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

Thank you very much, Senator Libous and colleagues. I'm sorry I was not in the chamber earlier when we discussed the autism bill. I was into meetings, I could not get out.

But I did want to make a statement on the floor congratulating Senator Fuschillo, Senator McDonald, as the autism bill that was passed today is one that is going to be a tremendous amount of aid and assistance to so many families. There are groups in Long Island and in Queens -- the Soares group, the Rosenberg family, the Bauman family in Shirley Huntley's district as well.

And more importantly, Temple Grandin, who so many of us know, who is a champion for autism, this is a day that she'll

remember, not just for New York but a model going across the state, going across this country.

This is a very significant bill. I heard so many of my colleagues speak on it. And I appreciate the personal privilege, as it was just too much of a significant bill not to bring some comments on this very prestigious floor.

Thank you very much, Mr. President. And thank you, Senator Libous.

THE PRESIDENT: Thank you, Senator Smith. For the record, it will reflect your comments.

Senator Libous.

SENATOR LIBOUS: Mr. President, before we go to the Rules Committee, I would like unanimous consent for Senator Diaz to welcome some visitors today.

THE PRESIDENT: Senator Diaz.

SENATOR DIAZ: Thank you, Mr. President. It is nice to see you again.

Mr. President, I rise because I would like to welcome to the chamber some friends and colleagues in the ministry. And they are visiting us today. And I would like to recognize that we have Bishop Fernando Rodriguez, Bishop

Calixto Rodriguez, Reverend Dr. David Olivencia, Apostle James Duncan, Reverend Norita Love, Pastor Janice Liefmore, Reverend McKinley Johnson, Reverend Dr. Victor Collier, and Reverend Willie Stovall.

They're all here from the City of New York, and I would like to welcome them today.

And I hope you have a good time in Albany. It's always nice to see you around. So thank you for being here today.

And, Senator Libous, thank you for giving me this precious opportunity. Thank you.

THE PRESIDENT: Thank you, Senator.

Welcome to our special guests.

(Applause.)

THE PRESIDENT: Senator Libous.

SENATOR LIBOUS: Mr. President, before we go to Rules, I am told by Senator Little that at about 3:30 today we're going to have a special guest. I guess Jimmer Fredette is going to join us, and we're going to do a resolution honoring him.

So that's good news. And those of

you who follow basketball know who he is. And those of you who don't follow basketball will learn who he is when he gets here.

Having said that, sir, if we could have an immediate meeting of the Rules Committee in Room 332, an immediate meeting of the Rules Committee in Room 332. And the Senate will stand at ease.

THE PRESIDENT: Meeting of the Rules Committee in Room 332.

The Senate is at ease.

(Whereupon, the Senate stood at ease at 2:32 p.m.)

(Whereupon, the Senate reconvened at 3:35 p.m.)

ACTING PRESIDENT GRIFFO: The Senate will come to order.

Senator Skelos.

SENATOR SKELOS: Mr. President, if we could return to reports of standing committees, I believe there's a report of the Rules Committee at the desk. I ask that it be read at this time.

ACTING PRESIDENT GRIFFO: The Secretary will read.

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

Senate Print 950, by Senator Marcellino, an act to amend the Real Property Tax Law;

2733A, by Senator Golden, an act to amend the State Finance Law;

3667, by Senator LaValle, an act to amend the Retirement and Social Security Law;

5108A, by Senator Johnson, an act to amend the Civil Practice Law and Rules;

5587B, by Senator Alesi, an act to amend the Tax Law;

5672A, by Senator Espaillat, an act to amend the Executive Law;

5732, by Senator DeFrancisco, an act to amend the Tax Law;

5753, by Senator O'Mara, an act to amend the Election Law;

5760, by Senator Bonacic, an act to amend the Tax Law;

5778, by Senator Robach, an act to provide for the adjustment;

5782, by Senator Alesi, an act to

amend the New York State Urban Development Corporation Act;

And 5786, by Senator Young, an act to amend the Labor Law.

All bills ordered direct to third reading.

ACTING PRESIDENT GRIFFO: Senator Skelos.

SENATOR SKELOS: Move to accept the report of the Rules Committee.

ACTING PRESIDENT GRIFFO: All in favor of accepting the Rules Committee report please say aye.

(Response of "Aye.")

ACTING PRESIDENT GRIFFO: Opposed?

(No response.)

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

Senator Skelos.

SENATOR SKELOS: Mr. President, if we could move to the order of motions and resolutions.

ACTING PRESIDENT GRIFFO: On motions and resolutions.

SENATOR SKELOS: Mr. President, on

behalf of Senator Fuschillo, on page number 30 I offer the following amendments to Calendar Number 999, Senate Print Number 5545B, and ask that it 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 SKELOS: Mr. President, there's a resolution at the desk by Senator Saland. I ask that the title be read and move for its immediate adoption.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: Legislative resolution by Senator Saland, honoring Lieutenant Gregory Mosley upon the occasion of his retirement after 32 years of dedicated service to the New York State Police.

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

(Response of "Aye.")

ACTING PRESIDENT GRIFFO: Opposed?

(No response.)

ACTING PRESIDENT GRIFFO: The resolution is adopted.

Senator Skelos.

SENATOR SKELOS: Mr. President, I ask at this time if we could take up Senate Supplemental Calendar 55A, noncontroversial.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: Calendar Number 1353, by Senator Marcellino, Senate Print 950, an act to amend the Real Property Tax Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1354, by Senator Golden --

SENATOR SKELOS: Lay it aside for the day.

ACTING PRESIDENT GRIFFO: Lay it aside for the day.

THE SECRETARY: In relation to Calendar Number 1355, Senator LaValle moves to discharge, from the Committee on Rules, Assembly Bill Number 5184 and substitute it for the identical Senate Bill Number 3667, Third Reading Calendar 1355.

ACTING PRESIDENT GRIFFO: Substitution so ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1355, by Member of the Assembly Thiele, Assembly Print 5184, an act to amend the Retirement and Social Security Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1356, by Senator Johnson, Senate Print 5108A, an

act to amend the Civil Practice Law and Rules.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Those recorded in the negative are Senators Avella, Dilan, Duane, Espaillat, Hassell-Thompson, L. Krueger, Perkins and Squadron.

Ayes, 54. Nays, 8.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1357, by Senator Alesi, Senate Print 5587B, an act to amend the Tax Law.

SENATOR SKELOS: Lay it aside for the day.

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

THE SECRETARY: Calendar Number 1358, by Senator Espaillat, Senate Print 5672A, an act to amend the Executive Law.

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

ACTING PRESIDENT GRIFFO: Lay it aside for the day.

THE SECRETARY: Calendar Number 1359, by Senator DeFrancisco, Senate Print 5732, an act to amend the Tax Law.

ACTING PRESIDENT GRIFFO: Read the last section.

THE SECRETARY: Section 7. This act shall take effect September 1, 2011.

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 1360, by Senator O'Mara, Senate Print 5753, an act to amend the Election Law.

ACTING PRESIDENT GRIFFO: Read the last section.

THE SECRETARY: Section 11. 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 1361, by Senator Bonacic, Senate Print 5760, an act to amend the Tax Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1362, by Senator Robach, Senate Print 5778, an act to provide for the adjustment.

SENATOR SKELOS: Lay the bill aside for the day.

ACTING PRESIDENT GRIFFO: Lay it aside for the day.

THE SECRETARY: Calendar Number 1363, by Senator Alesi, Senate Print 5782 --

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

ACTING PRESIDENT GRIFFO: Lay it aside for the day.

THE SECRETARY: Calendar Number 1364, by Senator Young, Senate Print 5786 --

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

ACTING PRESIDENT GRIFFO: Lay it aside for the day.

Senator Skelos, that completes the noncontroversial reading of Supplemental Calendar Number 55A.

SENATOR SKELOS: Mr. President, if we could go to the order of motions and resolutions.

ACTING PRESIDENT GRIFFO: Motions and resolutions.

Senator Skelos.

SENATOR SKELOS: Mr. President, I believe that Senator Little has a resolution at the desk. I ask that it be read in its entirety at this time, and then if you would adopt the

resolution and recognize Senator Little.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: Legislative Resolution Number 2452, by Senator Little, honoring James Taft "Jimmer" Fredette upon the occasion of his outstanding collegiate basketball career and designation as recipient of multiple prestigious college basketball Player of the Year awards.

"WHEREAS, Excellence and success in competitive sports can be achieved only through strenuous practice, team play, and team spirit, nurtured by dedicated coaching and strategic planning; and

"WHEREAS, Athletic competition enhances the moral and physical development of the young people of this state, preparing them for the future by instilling in them the value of teamwork, encouraging a standard of healthy living, imparting a desire for success, and developing a sense of fair play and competition; and

"WHEREAS, This Legislative Body takes pleasure in honoring talented New York

State college athletes who distinguish themselves, their school and their community through outstanding athletic performance; and

"WHEREAS, Attendant to such concern, and in full accord with its long-standing traditions, this Legislative Body is justly proud to honor James Taft 'Jimmer' Fredette upon the occasion of his outstanding collegiate basketball career and designation as recipient of multiple prestigious college basketball Player of the Year awards; and

"WHEREAS, Born and raised in Glens Falls, New York, James Taft 'Jimmer' Fredette was nicknamed 'Jimmer' by his mother, Kay. Tutored by his father, Al, Jimmer was able to hit 3-point shots at the age of 5 and was introduced to schoolyard basketball against adults at the age of 8; and

"WHEREAS, In high school, Jimmer Fredette was ranked among the nation's top 75 shooting guards by ESPN.com. He is Section II and Glens Falls High School's all-time leading scorer, ranking sixth on New York's all-time scoring list, with 2,404 points, and was named First Team All-State by the New York State

Sportswriters Association and the Times Union both as a junior and senior. In his senior season, he led his team to a 25-2 record and into the Class A State Championship game; and

"WHEREAS, Recruited by 12 college basketball programs, Jimmer Fredette elected to attend Brigham Young University, where he starred in basketball for all four of his varsity years. He set several university, conference and NCAA scoring records while a member of the BYU Cougars men's basketball team; and

"WHEREAS, While starring at BYU, Jimmer Fredette became the Mountain West Conference's all-time leading scorer. In his senior year as co-captain of the Cougars, he led the nation in scoring, averaging over 28 points per game, and scored over 40-plus points in four games, including one 52-point performance; and

"WHEREAS, Leading Brigham Young University to a 30-4 regular season record and to the number 3 seed in the NCAA tournament, Jimmer Fredette helped BYU advance to the third round of the 'Sweet 16' in the national championship NCAA basketball tournament. This was the first time the Cougars had advanced that far in the

tournament since 1981; and

"WHEREAS, In recognition of his outstanding college basketball skills and accomplishments, Jimmer Fredette became BYU's first player to win the prestigious Naismith Men's College Player of the Year Award. Along with the Naismith Award, he won the Chip Hilton Award from the National Association of Basketball Coaches for demonstrating character on and off the court; and

"WHEREAS, In addition, during his senior year Jimmer Fredette won the Oscar Robertson Trophy, Adolph Rupp Award, and Associated Press Player of the Year Award. He was also named CBSSports.com National Player of the Year, as well as the Sporting News' 2011 College Basketball Player of the Year; and

"WHEREAS, Nominated as one of 10 players in the nation for the John R. Wooden Award All-American men's team, Jimmer Fredette captured the award as college basketball's player of the year. He accepted the 35th annual trophy from Jim Wooden, son of the late UCLA coaching great, during a ceremony at the Los Angeles Athletic Club. He is the first BYU player since

Danny Ainge in 1981 to both win this trophy and be on the Associated Press All-American team; and

"Whereas, Excellence and success in competitive sports can be achieved only through strenuous practice. Jimmer Fredette's dedication to basketball is a year-round, everyday commitment. He is highly focused and has developed a matchless work ethic; and

"WHEREAS, Jimmer Fredette's exemplary performance is reflective of his dedication, determination, and personal commitment. His achievements stand as a hallmark of what is best in our families, schools, universities and communities; now, therefore, be it

"RESOLVED, That this Legislative Body pause in its deliberations to honor James Taft 'Jimmer' Fredette upon the occasion of his outstanding collegiate basketball career and designation as recipient of multiple prestigious college basketball Player of the Year awards, and to commend him for the enduring honor he has brought to his family, his college, and his community; and be it further

"RESOLVED, That a copy of this

resolution, suitably engrossed, be transmitted to James Taft 'Jimmer' Fredette."

ACTING PRESIDENT GRIFFO: Senator Little on the resolution.

SENATOR LITTLE: Thank you, Mr. President.

As you can understand, I'm very proud of this young athlete, as is our entire city of Glens Falls and the Glens Falls region.

I'm joined today in passing this resolution by Assemblywoman Teresa Sayward, who also had the resolution passed in the Assembly.

And we're joined in the chamber today by Al and Kay Fredette, parents of Jimmer Fredette; his brother, T.J., and his friend who joined him today, and most importantly by Glens Falls celebrity, hometown hero, and absolute wonderful young athlete, Jimmer Fredette.

If you'd stand.

(Standing ovation.)

SENATOR LITTLE: Thank you.

It isn't often that a city the size of Glens Falls -- I think we number about 16,000 -- has a young man who is in Sports

Illustrated, a full-page picture this week, was in Sports Illustrated on the cover twice, and has won all the awards and national recognition that Jimmer has.

But it didn't come just by luck. Jimmer Fredette is one of the most dedicated, committed athletes that I have ever known and that we have ever had from our community. He works at this. He doesn't just go out and play once in a while. Since he was a child, he wrote that he wanted to work hard and become an NBA player.

And he is very close to that, as he is just returning from working out with several NBA teams and he is going to be at the draft next Thursday. And the entire city of Glens Falls is showing up for Jimmermania at the Civic Center -- I'll be there as well -- and we're going to cheer on our young star as he gets drafted in the NBA.

But beyond basketball, beyond the talent and the skills that he has developed through hours and hours of practice, you have a young man who -- and one of the things when you watch him play basketball that I enjoyed the most is how much fun he was having and how much he

enjoyed the sport. And you can see that as you watch him play.

But is he more than just a basketball player. He is truly a fine young man, excellent character, takes much time, as much time as needed with young kids. He has been a role model and continues to be a role model for all of the young boys and girls in Glens Falls and our surrounding area. He's the type of person that you want your child to look up to and that you don't even have to tell your child to look up to because they are automatically attracted to the character of Jimmer Fredette.

So I am really proud to stand here. And we have a basketball, compliments of our Secretary of the Senate, Frank Patience. And hopefully we will have some time for pictures afterwards -- I think we're breaking, and we can have some pictures, everyone can, if they'd like to.

But it's a true honor. I am just so proud of this young man. And I enjoyed watching him play. I was telling his dad, when we couldn't get it on television, I actually had it on the computer and watched the ball down go down

the computer to see whether they made it or not.

So it's been a wonderful experience for us, it's been a great experience for his parents, who are truly supportive of their children. And they have supported Jimmer, as has his brother, in every possible way through this journey.

So thank you very much for honoring him with this resolution. I appreciate it. And I'm going to invite everyone to join in the resolution, if you haven't already. And I thank everyone, thank you very much for taking the time to come down again.

(Extended applause.)

ACTING PRESIDENT GRIFFO: Thank you. Thank you, Senator Little.

I thought Senator Little was going to palm the ball when she picked it up there for a minute.

(Laughter.)

ACTING PRESIDENT GRIFFO: Is there anyone else wishing to speak?

The question is then 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.

Congratulations, Jimmer. Welcome to the Senate.

(Extended applause.)

ACTING PRESIDENT GRIFFO: Senator Skelos.

SENATOR SKELOS: Mr. President, there will be a meeting of the Rules Committee in the Majority Conference Room.

ACTING PRESIDENT GRIFFO: There will be an immediate meeting of the Rules Committee in Room 332. There's an immediate meeting of the Rules Committee in Room 332.

Senator Skelos, do you choose to have the Senate stand at ease?

SENATOR SKELOS: The Senate will stand at ease.

ACTING PRESIDENT GRIFFO: The Senate will stand at ease.

(Whereupon, the Senate stood at ease at 3:57 p.m.)

(Whereupon, the Senate reconvened at

5:14 p.m.)

ACTING PRESIDENT GRIFFO: The Senate will come to order.

Senator Skelos.

SENATOR SKELOS: Mr. President, this has been a long week, but we've accomplished much. I appreciate all the members of the Senate for their cooperation. Next week we will have a busy week and I believe, working with the Governor, the Speaker, we're going to conclude a number of open issues and hopefully adjourn by Monday or Tuesday.

So there being no further business to come before the Senate, I move we stand adjourned until Monday, June 20th, at 3:00 p.m., intervening days being legislative days.

ACTING PRESIDENT GRIFFO: The Senate stands adjourned until Monday, June 20th, at 3:00 p.m., intervening days being legislative days. The Senate stands adjourned.

(Whereupon, at 5:15 p.m., the Senate adjourned.)