NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

June 20, 2011

12:17 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.

I ask everyone to 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: Thank you.

First we'll have the reading of the Journal.

THE SECRETARY: In Senate, Sunday, June 19th, the Senate met pursuant to adjournment. The Journal of Saturday, June 18th, was read and approved. On motion, Senate adjourned.

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

Next we'll have presentation of

petitions.

Messages from the Assembly.

The Secretary will read.

THE SECRETARY: On page 9, Senator Saland moves to discharge, from the Committee on Rules, Assembly Bill Number 698D and substitute it for the identical Senate Bill Number 4244C, Third Reading Calendar 292.

On page 19, Senator Zeldin moves to discharge, from the Committee on Rules, Assembly Bill Number 7592A and substitute it for the identical Senate Bill Number 4723B, Third Reading Calendar 730.

On page 20, Senator Golden moves to discharge, from the Committee on Civil Service and Pensions, Assembly Bill Number 30 and substitute it for the identical Senate Bill Number 3811, Third Reading Calendar 787.

On page 22, Senator Hannon moves to discharge, from the Committee on Rules, Assembly Bill Number 8179 and substitute it for the identical Senate Bill Number 5395, Third Reading Calendar 830.

On page 26, Senator Valesky

moves to discharge, from the Committee on Rules, Assembly Bill Number 373A and substitute it for the identical Senate Bill Number 663A, Third Reading Calendar 953.

On page 27, Senator Golden moves to discharge, from the Committee on Health, Assembly Bill Number 7368A and substitute it for the identical Senate Bill Number 4738A, Third Reading Calendar 972.

On page 28, Senator Griffo moves to discharge, from the Committee on Rules, Assembly Bill Number 8214 and substitute it for the identical Senate Bill Number 4861A, Third Reading Calendar 1007.

On page 32, Senator Maziarz moves to discharge, from the Committee on Rules, Assembly Bill Number 7765A and substitute it for the identical Senate Bill Number 5443A, Third Reading Calendar 1074.

On page 33, Senator Libous moves to discharge, from the Committee on Rules, Assembly Bill Number 7358A and substitute it for the identical Senate Bill Number 5203A, Third Reading Calendar 1079.

On page 35, Senator Flanagan

moves to discharge, from the Committee on Crime Victims, Crime and Correction, Assembly Bill Number 424 and substitute it for the identical Senate Bill Number 2595, Third Reading Calendar 1124.

On page 36, Senator Hannon moves to discharge, from the Committee on Rules, Assembly Bill Number 7343A and substitute it for the identical Senate Bill Number 5259A, Third Reading Calendar 1134.

On page 36, Senator Hannon moves to discharge, from the Committee on Health, Assembly Bill Number 4471 and substitute it for the identical Senate Bill Number 5551, Third Reading Calendar 1136.

On page 37, Senator Hannon moves to discharge, from the Committee on Rules, Assembly Bill Number 8085 and substitute it for the identical Senate Bill Number 5553, Third Reading Calendar 1138.

On page 37, Senator Hannon moves to discharge, from the Committee on Rules, Assembly Bill Number 7810 and substitute it for the identical Senate Bill Number 5555, Third Reading Calendar 1140.

On page 37, Senator Robach moves to discharge, from the Committee on Rules, Assembly Bill Number 6686B and substitute it for the identical Senate Bill Number 4559B, Third Reading Calendar 1156.

On page 38, Senator Golden moves to discharge, from the Committee on Finance, Assembly Bill Number 6068 and substitute it for the identical Senate Bill Number 3994A, Third Reading Calendar 1190.

On page 38, Senator Hannon moves to discharge, from the Committee on Finance, Assembly Bill Number 6446 and substitute it for the identical Senate Bill Number 4200, Third Reading Calendar 1191.

On page 39, Senator Libous moves to discharge, from the Committee on Rules, Assembly Bill Number 6320C and substitute it for the identical Senate Bill Number 5223B, Third Reading Calendar 1196.

On page 40, Senator Hannon moves to discharge, from the Committee on Health, Assembly Bill Number 2812 and substitute it for the identical Senate Bill Number 1408, Third Reading Calendar 1336.

And on page 40, Senator Skelos moves to discharge, from the Committee on Rules, Assembly Bill Number 6056A, and substitute it for the identical Senate Bill Number 4770, Third Reading Calendar 1342.

THE PRESIDENT: Substitutions ordered.

Next, messages from the Governor.

Reports of standing committees.

The Secretary will read.

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

Senate Print 999C, by Senator Marcellino, an act to amend the Vehicle and Traffic Law;

1469, by Senator Parker, an act to amend the Not-For-Profit Corporation Law;

1477A, by Senator Ball, an act to amend the Highway Law;

1753, by Senator Diaz, an act to amend the Elder Law;

2973, by Senator Nozzolio, an act to amend the Environmental Conservation Law;

4100, by Senator Farley, an act to

amend the Education Law;

5200, by Senator Ranzenhofer, an act to deem the objects or purposes for which certain bonds were issued;

5737, by Senator Marcellino, an act to amend the Highway Law;

5751, by Senator Flanagan, an act to authorize;

5769, by Senator Maziarz, an act to amend the Public Service Law;

5775, by Senator Robach, an act to amend the Correction Law;

And 5800, by Senator Seward, an act to amend the Insurance Law.

All bills reported direct to third reading.

THE PRESIDENT: Senator Libous.

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

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

(Response of "Aye.")

THE PRESIDENT: Any opposed?

(No response.)

THE PRESIDENT: The Rules report is accepted.

Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

Senator Libous.

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

THE PRESIDENT: Senator Breslin.

SENATOR BRESLIN: Thank you, Mr. President.

On behalf of Senator Hassell-Thompson, I wish to call up Senate Print Number 5743, recalled from the Assembly, which is now at the desk.

THE PRESIDENT: The Secretary will read.

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

SENATOR BRESLIN: Mr. President, I now wish 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, 58.

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

THE PRESIDENT: The amendments are received.

SENATOR BRESLIN: Thank you, Mr. President.

THE PRESIDENT: Senator Libous.

SENATOR LIBOUS: Mr. President, on behalf of Senator Gallivan, on page 9 I offer the following amendments to Calendar Number 300, Senate Print 4050A, and ask that said bill retain its place on the Third Reading Calendar.

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

Senator Libous.

SENATOR LIBOUS: If we're ready to move forward at this time, Mr. President, I believe that Senator Seward and Senator Bonacic have a resolution at the desk. We would ask that you please read it in its entirety, and then I believe that both of those gentlemen would like

to speak.

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

THE SECRETARY: Legislative Resolution Number 1013, by Senators Seward and Bonacic, honoring New York State's oldest teacher, Dora Fowler, upon the occasion of her retirement after many years of distinguished service to the Roxbury Central School District.

"WHEREAS, New York State's commitment to education is unparalleled. Its history and stature are secured by the superlative caliber of its educational professionals and the students they inspire; and

"WHEREAS, It is the sense of this Legislative Body to acknowledge the significant milestones in the distinguished careers of those outstanding educational leaders whose dedication and achievements have been instrumental in developing character and academic excellence in the young people of New York State; and

"WHEREAS, Attendant to such concern, and in full accord with its long-standing traditions, this Legislative Body is justly proud to honor New York State's oldest teacher, Dora

Fowler, upon the occasion of her retirement after many years of distinguished service to the Roxbury Central School District; and

"WHEREAS, Educators like Dora Fowler provide a tremendous service to the future of our state and nation, inspiring generations of young people in their educational journeys, and ensuring their success in their future years; and

"WHEREAS, At the remarkable age of 91, Dora Fowler has been teaching at Roxbury Central School since 1950 and subsequently has been recognized as the oldest teacher in New York State; and

"WHEREAS, Born in 1919 at Wells Bridge outside of Oneonta, Dora Fowler met and married her first husband, Lloyd Proctor. Together the couple had two children, Cynthia and Lloyd, and moved to the Albany area before relocating to Grand Gorge, New York; and

"WHEREAS, Upon the sudden passing of her husband, Dora Fowler was left to care for her two young children, not yet in school. With her options limited, she decided she would pursue a degree in teaching; and

"WHEREAS, Working her way through

college by taking odd jobs, Dora Fowler eventually received both her bachelor's and master's degrees from State University New York College at Oneonta; and

"WHEREAS, As a teacher, Dora Fowler knew she found her calling. Over the past six decades, she has taught fifth grade, ninth grade, high school science, English, special needs, and writing; and

"WHEREAS, Today, Dora Fowler still resides in the house in Grand Gorge where she and her second husband of 40 years, the late Reginald Fowler, lived; and

"WHEREAS, The proud grandmother of five grandchildren and 15 great-grandchildren, this remarkable senior has no plans of slowing down. Upon her retirement, she hopes to teach adults who have never learned to read, as well as volunteer her time tutoring students at the Grand Gorge United Methodist Church; and

"WHEREAS, Dora Fowler has clearly had an enduring impact on the youth of the Roxbury Central School District, as well as the community at large, and accordingly merits recognition and applause for over 60 years of

impressive dedication to others; and

"WHEREAS, It is the sense of this Legislative Body to commend the efforts of those individuals who work to support our proud tradition of public education by providing their skills and talents to our schools; now, therefore, be it

"RESOLVED, That this Legislative Body pause in its deliberations to honor Dora Fowler upon the occasion of her retirement as a teacher of the Roxbury Central School District, and for her significant contributions to education in New York State, and to wish her continued success in all of her future endeavors; and be it further

"RESOLVED, That a copy of this resolution, suitably engrossed, be transmitted to Dora Fowler, Grand Gorge, New York."

THE PRESIDENT: Senator Seward.

SENATOR SEWARD: Thank you, Mr. President.

You know, around the Capitol this year we've had a number of issues, some of them controversial, surrounding teaching and education -- everything from, you know, the state

aid to education package, last-in-first-out, pension reform, many, many of those types of issues. But today we can put all of that aside to celebrate the remarkable teaching career and the remarkable life of Dora Fowler, who is seated right over here in front of the clock.

It takes a very special person to go into a classroom every school day and to work with students to help them achieve academically, to work with students on their personal development and in many cases their personal problems that they need to overcome. But to do that for nearly six decades is truly a career worthy of special recognition, which we are granting Dora Fowler today.

As the resolution indicated, she was windowed at a young age with two small children, and she worked her way through college to pursue a teaching degree as a means of supporting her family. But more than a paycheck, she truly found her niche as teacher for over 50 years, nearly six decades, at the Roxbury Central School District, which is a small district in the northern Catskills -- actually, in Senator Bonacic's Senate district.

But just think about the thousands of lives that Dora Fowler has touched in such a positive way over the years. And I can tell you that her long career and her ability as a teacher are legendary back home in our region of the state. You know, "energetic," "inspiring," "caring"; they're just some of the words that are used to describe Dora Fowler as a person and as a teacher.

And I've been very lucky to have had a very up-close and personal view of her career, since her full name is Dora Seward Fowler. She's Aunt Dora to me, my late father's sister.

And with her today is her son, Lloyd Proctor, and his wife, Linda, as well as her niece, which happens to be my sister, Marjorie Hill.

And so, Aunt Dora, if you would stand. Congratulations upon your retirement after such a long career, and good luck with your future endeavors as you continue your very long and productive life. Congratulations, Aunt Dora.

(Applause.)

(Inaudible comments by Dora Fowler.)

THE PRESIDENT: Thank you.

(Applause.)

THE PRESIDENT: Next, Senator Bonacic.

SENATOR BONACIC: Thank you, Mr. President.

First of all, Jim, you're lucky to have an aunt like Dora. And all those accolades you spoke very eloquently.

What Dora just said, if you didn't have a chance to hear her: If you follow your passion in life, whatever occupation you choose, it will never seem like work. Basically, that's what she said as a teacher.

But just a couple of things. Dora, I saw the picture in the paper. They had a picture of you 50 years ago and they had a picture of you today. And I would say you look the same except your hair is a little lighter. That's what I would say.

(Laughter.)

SENATOR BONACIC: But two things that we can learn from this great lady. One, and I want to quote something that the newspaper quoted her, if I may: "My physical therapist keeps telling me I have to be aware of my age.

People must stop seeing age when they look at a person and see the person."

And her wish is that when she's a hundred years old, she wants to go up on a helicopter on a glacier -- but they're afraid she's going to slip.

Dora, I say go for it. Thank you for enriching the lives of all the children that you have been blessed with. Thank you very much for being here.

(Applause.)

THE PRESIDENT: Anyone else wishing to speak on the resolution?

All in favor signify by saying aye.

(Response of "Aye.")

THE PRESIDENT: Any opposed?

(No response.)

THE PRESIDENT: The resolution is adopted.

Dora, congratulations.

(Applause.)

THE PRESIDENT: Senator Libous.

SENATOR LIBOUS: Mr. President, if you could call on Senator Breslin for the purposes of recognizing a group that is with us

today, please.

THE PRESIDENT: Senator Breslin.

SENATOR BRESLIN: Thank you, Mr. President.

As Iraq, the country of Iraq moves towards democracy after many, many years of hostilities, there's been a number of different projects with the U.S. Department of State and the Iraqi government and different organizations within Iraq.

And we're pleased to have with us today a group that's sponsored by the Bureau of Educational and Cultural Affairs from the U.S. Department of State. They represent, from Iraq, mayors and heads of diversity and bringing the government together.

And I was privileged to have an extended conversation with them talking about how they get to that point where all parties get together for a common purpose to make their country better. Much the way we do this on a daily basis here in the Senate. And there was a certain commonality in our purpose.

But they really are a wonderful group. I wish they would stand so we could

recognize them and applaud them for their work.

(Applause.)

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

THE PRESIDENT: On behalf of the Senate, we welcome our guests. Thank you for coming.

Senator Libous.

SENATOR LIBOUS: Thank you, Mr. President.

I believe Senator Young has a privileged resolution at the desk. She would like the title read and move for its adoption.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: Legislative resolution by Senator Young, memorializing and honoring United States Marine Corps Sergeant Mark A. Bradley.

THE PRESIDENT: Senator Young.

SENATOR YOUNG: Thank you, Mr. President.

This is the type of resolution that we wish we did not have to consider in this chamber. This is in honor of U.S. Marine

Sergeant Mark A. Bradley, from Cuba, New York, who was just killed in Afghanistan.

Unfortunately, this is the third fine young man who has been killed from my district since the beginning of this year. And I think it shows the type of sacrifice that these brave soldiers are making on behalf of our country.

And there are a lot of things obviously going on in Albany right now, but it's important that we pause and take a moment to recognize and to honor those who have lost their lives in defense of freedom, and especially Mark Bradley.

Thank you very much, Mr. President.

THE PRESIDENT: Thank you, Senator.

Any Senators wishing to speak on the resolution?

SENATOR LIBOUS: Mr. President, before we adopt the resolution -- or after we adopt the resolution -- I would ask the body to rise for a moment of silence for Mark Bradley.

THE PRESIDENT: Yes. Please rise.

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

THE PRESIDENT: Thank you very much. And thank you, Senator Young.

Anyone wishing to speak on the resolution?

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

(Response of "Aye.")

THE PRESIDENT: Any opposed?

(No response.)

THE PRESIDENT: The resolution is adopted.

Senator Libous.

SENATOR LIBOUS: Mr. President, thank you.

So that all of the members are aware of what we're going to do over the course of the next couple of hours or so, we're going to start with the noncontroversial reading of Supplemental Calendar 56B. And then when that's completed, we're going to go to the active list and have the noncontroversial reading. And then once we complete all this, if there are any bills laid aside, we will deal with them. And then we will call a Rules Committee meeting so that we can have some other bills to come out.

And that's kind of where we are for the next couple of hours. Okay?

Mr. President, at this time if we could have the noncontroversial reading of Calendar Number 56B, supplemental calendar.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: Calendar Number 1365, by Senator Marcellino, Senate Print 999C, an act to amend the Vehicle and Traffic 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 1365: Ayes, 61. Nays, 1. Senator Duane recorded in the negative.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1366, by Senator Parker, Senate Print 1469, an act to amend the Not-for-Profit Corporation Law.

THE PRESIDENT: Read the last section.

THE SECRETARY: Section 2. This act shall take effect November 11, 2011.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

THE PRESIDENT: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1367, Senator Ball moves to discharge, from the Committee on Rules, Assembly Bill Number 1427A and substitute it for the identical Senate Bill Number 1477A, Third Reading Calendar 1367.

THE PRESIDENT: The substitution is so ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1367, by Member of the Assembly Castelli, Assembly Print 1427A, an act to amend the Highway 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, 62.
THE PRESIDENT: The bill is passed.
THE SECRETARY: In relation to Calendar Number 1368, Senator Diaz moves to discharge, from the Committee on Veterans, Homeland Security and Military Affairs, Assembly Bill Number 544 and substitute it for the identical Senate Bill Number 1753, Third Reading Calendar 1368.
THE PRESIDENT: Substitution ordered.
The Secretary will read.
THE SECRETARY: Calendar Number 1368, by Member of the Assembly Dinowitz, Assembly Print 544, an act to amend the Elder 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, 62.
THE PRESIDENT: The bill is passed.
THE SECRETARY: Calendar Number

1369, by Senator Nozzolio, Senate Print 2973, an act to amend the Environmental Conservation Law.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1370, by Senator Farley, Senate Print 4100, 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 September.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1371, by Senator Ranzenhofer, Senate Print --

SENATOR LIBOUS: Lay it aside for the day.

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

THE SECRETARY: Calendar Number 1372, by Senator Marcellino, Senate Print 5737, an act to amend the Highway 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, 62.

THE PRESIDENT: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1373, Senator Flanagan moves to discharge, from the Committee on Local Government, Assembly Bill Number 4325A and substitute it for the identical Senate Bill Number 5751, Third Reading Calendar 1373.

THE PRESIDENT: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1373, by Member of the Assembly Englebright, Assembly Print 4325A, an act to authorize.

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: Those recorded in the negative on Calendar Number 1373 are Senators Bonacic and Larkin.

Ayes, 60. Nays, 2.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1374, by Senator Maziarz, Senate Print 5769, an act to amend the Public Service 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 PRESIDENT: Announce the results.

THE SECRETARY: In relation to Calendar Number 1374, those recorded in the negative are Senators Adams, Addabbo, Avella,

Breslin, Duane, Espaillat, Gianaris, Hassell-Thompson, L. Krueger, Montgomery, Oppenheimer, Peralta, Perkins, Rivera, Serrano, Squadron, Stavisky and Stewart-Cousins.

Ayes, 44. Nays, 18.

THE PRESIDENT: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1375, Senator Robach moves to discharge, from the Committee on Rules, Assembly Bill Number 7950 and substitute it for the identical Senate Bill Number 5775, Third Reading Calendar 1375.

THE PRESIDENT: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1375, by Member of the Assembly M. Miller, Assembly Print 7950, an act to amend the Correction 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: Those recorded in the negative on Calendar Number 1375 are Senators Duane and Montgomery.

Ayes, 60. Nays, 2.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1376, by Senator Seward, Senate Print 5800, an act to amend the Insurance Law.

THE PRESIDENT: Read the last section.

THE SECRETARY: Section 70. This act shall take effect immediately.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

THE PRESIDENT: The bill is passed.

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

SENATOR LIBOUS: Thank you, Mr. President.

At this time if we could attack the active list for Monday, June 20th, starting with Calendar Number 89.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: Calendar Number 89, by Senator Seward, Senate Print 2705A, an act to amend the Insurance Law.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

THE PRESIDENT: The bill is passed.

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

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 228, by Senator Griffo, Senate Print 3660, an act to amend the Penal 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, 62.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 239, by Senator Seward, Senate Print 2713A, 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 SECRETARY: Ayes, 62.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 267, by Senator Grisanti, Senate Print 3134A, an act to amend the Criminal Procedure 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: In relation to Calendar Number 267, those recorded in the negative are Senators L. Krueger, Montgomery, Perkins, Rivera, and Hassell-Thompson.

Ayes, 57. Nays, 5.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 292, substituted earlier today by Member of the Assembly Paulin, Assembly Print Number 698D, an act to amend the Criminal Procedure Law.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

THE PRESIDENT: The bill is passed.

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

THE PRESIDENT: Read the last

section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 318, by Senator Carlucci, Senate Print 3885A, an act to amend the Public Health Law.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 347, by Senator LaValle, Senate Print 3237A, an act to amend the Agriculture and Markets 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, 62.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 427, by Senator Young, Senate Print 2835A, an act to amend the Criminal Procedure 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: Those recorded in the negative on Calendar Number 427 are Senators Dilan, Duane, Hassell-Thompson, L. Krueger, Montgomery, Perkins, Rivera, Serrano, and Squadron.

Ayes, 53. Nays, 9.

THE PRESIDENT: The bill is passed.

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

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

THE PRESIDENT: The bill is passed.

Senator Hassell-Thompson to explain her vote.

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

My comment on this bill is simply that while I think that it is appropriate for us to do whatever we can to deter prostitution, too often before this house come bills that put greater offenses on the person who is the prostitute but not nearly enough on the johns. And I would hope that we would begin to really spend some time really thinking about the fact that without the johns, there would be no prostitution.

Thank you, Mr. President.

THE PRESIDENT: Thank you, Senator.

The Secretary will announce the results again.

THE SECRETARY: Ayes, 62.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 553, by Senator Golden, Senate Print 4507B, an act to amend the Insurance Law.

THE PRESIDENT: Read the last section.

THE SECRETARY: Section 8. This act shall take effect immediately.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE PRESIDENT: Senator DeFrancisco to explain his vote.

SENATOR DeFRANCISCO: Thank you, Mr. President.

I'm in favor of this bill because we've got to eliminate fraud in any system. But what caught my eye was something in the sponsor's memo, and it said automobile no-fault states have higher average premiums than tort states.

For years, the tort system and lawsuits brought by injured people against people who are at fault have been under substantial attack. And the movement towards no-fault-type resolutions has always been the thought that it will save money for everyone.

Well, this is very interesting. Automobile no-fault states have higher average premiums than tort states, where you physically just go after the injured party.

This past budget a very, very ill-conceived proposal dealing with a neurologically impaired fund to try to take the tort system out of the people who are neurologically impaired at birth because of negligence of physicians -- very, very poor plan. I will predict that someday someone will have a memo talking about the neurologically impaired fund, how it didn't save any money but did not provide the benefits that people injured by fault of anyone would not be able to get their proper redress.

So I'm going to vote aye and hope that we consider these things as we deal with the tort system on other very important issues.

Thank you, Mr. President.

THE PRESIDENT: Thank you, Senator.

Senator DeFrancisco to be recorded in the affirmative.

Please announce the results.

THE SECRETARY: In relation to Calendar 553, those recorded in the negative are Senators Duane, Hassell-Thompson and Perkins.

Ayes, 59. Nays, 3.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 570, by Senator Little, Senate Print 341, an act to amend the State Finance 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, 62.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 595, by Senator Hannon, Senate Print 3199, an act to amend the Social Services 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, 62.
THE PRESIDENT: The bill is passed.
THE SECRETARY: Calendar Number 629, by Senator Hannon, Senate Print 3503B, an act to authorize.
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 629, those recorded in the negative are Senators Bonacic and Larkin.
Ayes, 60. Nays, 2.
THE PRESIDENT: The bill is passed.
THE SECRETARY: Calendar Number 637, by Senator Skelos, Senate Print 4264C, an act to authorize.
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: Those recorded in the negative on Calendar Number 637 are Senators Bonacic and Larkin.

Ayes, 60. Nays, 2.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 640, by Senator Zeldin, Senate Print 4601B, an act authorizing the assessor.

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 640, those recorded in the negative are Senators Bonacic and Larkin.

Ayes, 60. Nays, 2.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 641, by Senator Zeldin, Senate Print 4607B, an act to authorize.

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 641, those recorded in the negative are Senators Bonacic and Larkin.

Ayes, 60. Nays, 2.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 646, by Senator Skelos, Senate Print 4941C, an act to authorize.

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 646, those recorded in the negative are Senators Bonacic and Larkin. Also Senator O'Mara.

Ayes, 59. Nays, 3.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 730, substituted earlier today by Member of the

Assembly Ramos, Assembly Print Number 7592A, an act directing the Education Department.

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, 62.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 768, by Senator Flanagan, Senate Print 4410, an act to amend the Economic Development 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 PRESIDENT: Senator Montgomery to explain her vote.

SENATOR MONTGOMERY: Yes, thank you, Mr. President. I just want to comment on this legislation.

I want to thank Senator Flanagan for

once again putting this before us to vote. And I hope that this time, unlike the last several attempts, it actually gets signed into law. Because for districts like mine, small businesses are really the key. And I certainly look forward to our state paying much more attention to those businesses.

I would, however, ask Senator Flanagan if he would consider looking carefully at the way that the state actually defines small businesses, because very often emerging businesses are not even considered as it relates to small businesses. They are not even large enough.

At one point we were defining small business as those are with 50 employees or less, and most of the attention went to the higher end as opposed to the smaller smaller businesses, the microbusinesses.

So with that, I certainly am excited and pleased to see this and will be voting yes.

Thank you.

THE PRESIDENT: Thank you, Senator.

Senator Montgomery will be recorded

in the affirmative.

Announce the results, please.

THE SECRETARY: Ayes, 62.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 787, substituted earlier today by Member of the Assembly Cahill, Assembly Print 30, 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, 62.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 804, by Senator Griffo, Senate Print 4147, an act to amend the Penal Law.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 830, substituted earlier today by Member of the Assembly Gottfried, Assembly Print 8179, 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, 62.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 864, by Senator Farley, Senate Print 5129, an act to amend the State Finance 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, 62.

THE PRESIDENT: The bill is passed.

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

SENATOR LIBOUS: Lay it aside for the day.

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

The bill is laid aside for the day.

THE SECRETARY: Calendar Number 888, by Senator Hannon, Senate Print 4510B, an act to authorize Monica's Manor, Inc.

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 888, those recorded in the negative are Senators Bonacic, Larkin and O'Mara.

Ayes, 59. Nays, 3.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 915, by Senator Saland, Senate Print 4530B, an act to amend the Civil Practice --

SENATOR LIBOUS: Lay it aside temporarily.

THE PRESIDENT: Lay the bill aside temporarily.

THE SECRETARY: Calendar Number 931, by Senator Johnson, Senate Print 4935B, an act to validate.

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, 62.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 947, by Senator Skelos, Senate Print 3080, an act to amend the Vehicle and Traffic 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, 62.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 953, substituted earlier today by Member of the Assembly Hoyt, Assembly Print 373A, an act to amend the Not-for-Profit Corporation 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 Valesky to explain his vote.

SENATOR VALESKY: Thank you, Mr. President.

This bill has the potential to be extremely important in communities across the state where neighborhoods experience a high number of vacant, abandoned and foreclosed properties, particularly in upstate cities. In Syracuse alone, some 1800 properties are of that state.

Very simply, what is this bill does is follow a model that has been used successfully

in other states to create land banks as 501(c)(3) corporations to acquire those vacant properties and then resell them and put them back into productive use, thereby greatly enhancing neighborhoods in communities all across the state.

I thank colleagues on both sides of the aisle for their support, and I vote in the affirmative.

THE PRESIDENT: Thank you, Senator.

Senator Valesky will be recorded in the affirmative.

Please read the results.

THE SECRETARY: Ayes, 62.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 966, by Senator Fuschillo, Senate Print 5411A, an act to amend the Highway 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 PRESIDENT: Senator Fuschillo to explain his vote.

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

In September of last year a young girl 14 years old, Brittany Vega, was crossing the street in her hometown community of Wantagh on Sunrise Highway and was tragically hit by a car and was killed. Since then her family has taken up the mission of ensuring for complete street designs, which will provide safer streets for pedestrians, those who choose to walk, ride a bicycle, or motorists in general.

And I'm hopeful that the Assembly will pass this legislation. It is pending there in the Transportation Committee. But the goal and the intent of this legislation in honor of this young girl, Brittany Vega, is to provide safer roadways for all here in New York State.

I'll be voting in the affirmative.

THE PRESIDENT: Thank you, Senator.

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

The Secretary will read the results.

THE SECRETARY: Ayes, 62.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 972, substituted earlier today by Member of the Assembly Dinowitz, Assembly Print 7368A, 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, 62.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 994, by Senator LaValle, Senate Print 5216C, an act to authorize.

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. Nays, 1. Senator Bonacic recorded in the negative.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 999, by Senator Fuschillo, Senate Print 5545C, an act authorizing.

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, 62.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1007, substituted earlier today by Member of the Assembly Sweeney, Assembly Print Number 8214, an act approving the exchange of certain lands.

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, 62.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1021, by Senator DeFrancisco, Senate Print 3316A,

an act to amend the Insurance 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, 62.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1039, by Senator Young, Senate Print 4361, 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: The Secretary will read the results.

THE SECRETARY: In relation to Calendar Number 1039, those recorded in the negative are Senators Adams, Avella, Dilan, Duane, Espaillat, Gianaris, Hassell-Thompson, L. Krueger, C. Kruger, LaValle, Marcellino,

Montgomery, Oppenheimer, Parker, Peralta, Perkins, Rivera, Sampson, Serrano, Squadron, Stavisky, and Stewart-Cousins.

Ayes, 40. Nays, 22.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1041, by Senator LaValle, Senate Print 4604A, 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 SECRETARY: In relation to Calendar Number 1041, those recorded in the negative are Senators Avella, Perkins, Rivera, and Squadron. Also Senator Oppenheimer.

Ayes, 57. Nays, 5.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1055, by Senator Robach, Senate Print 4407, an act to amend the Vehicle and Traffic 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, 62.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1066, by Senator Skelos, Senate Print 1827, an act to amend the Penal Law.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: In relation to Calendar 1066, those recorded in the negative are Senators Duane, Montgomery and Perkins.

Ayes, 59. Nays, 3.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1074, substituted earlier today by Member of the Assembly Moya, Assembly Print Number 7765A, an act to amend the Public 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, 62.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1079, substituted earlier today by Member of the Assembly Morelle, Assembly Print 7358A, an act to amend the Real Property 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, 62.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1095, by Senator Larkin, Senate Print 3406, Concurrent Resolution of the Senate and Assembly.

THE PRESIDENT: Call the roll on the resolution.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

THE PRESIDENT: The resolution is adopted.

THE SECRETARY: Calendar Number 1115, by Senator Fuschillo, Senate Print 5012A, an act to amend the Limited Liability Company Law.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

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

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1124, substituted earlier today by Member of the Assembly Gunther, Assembly Print 424, an act to amend the Correction Law.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1134, substituted earlier today by Member of the Assembly Gottfried, Assembly Print 7343A, an act to amend the Public Health Law.

THE PRESIDENT: Read the last section.

THE SECRETARY: Section 9. This act shall take effect on the 60th day.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

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

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1135, by Senator Golden, Senate Print 5380B, an act to authorize.

THE PRESIDENT: Read the last section.

THE SECRETARY: Section 2. This act shall take effect August 22, 2011.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1136, substituted earlier today by Member of the Assembly Gabryszak, Assembly Print Number 4471, an act to amend Chapter 433 of the Laws of 1997.

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, 62.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1138, substituted earlier today by Member of the Assembly Gottfried, Assembly Print Number 8085, 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, 62.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1140, substituted earlier today by Member of the Assembly Gottfried, Assembly Print Number 7810, 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, 62.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1146, by Senator McDonald, Senate Print 5244, 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, 62.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number

1156, substituted earlier today by Member of the Assembly Wright, Assembly Print 6686B, an act to amend the Workers' Compensation 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, 62.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1162, by Senator Nozzolio, Senate Print 5455B, an act to amend the Penal Law.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1168, by Senator Little, Senate Print 134, 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, 62.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1184, by Senator Marcellino, Senate Print 935, an act to amend the Vehicle and Traffic Law.

THE PRESIDENT: Read the last section.

THE SECRETARY: Section 5. This act shall take effect on the first of November.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1189, by Senator Flanagan, Senate Print 3420, an act to authorize.

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 Stewart-Cousins to explain her vote.

SENATOR STEWART-COUSINS: Yes. I will be voting no because this tax exemption goes back five years, and I try and be consistent; it has been my practice that it will be a three-year cutoff as the Assembly has. So this being five years, I'll be voting in the negative.

Thank you.

THE PRESIDENT: Senator Stewart-Cousins to be recorded in the negative.

Senator Stavisky to explain her vote.

SENATOR STAVISKY: I vote in the negative for exactly the same reason.

THE PRESIDENT: Senator Stavisky will be recorded in the negative.

The Secretary will announce the results.

THE SECRETARY: In relation to Calendar Number 1189, those recorded in the negative are Senators Bonacic, Larkin, Stavisky,

and Stewart-Cousins.

Ayes, 58. Nays, 4.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1190, substituted earlier today by Member of the Assembly Markey, Assembly Print 6068, an act to amend the General Municipal Law.

THE PRESIDENT: Read the last section.

THE SECRETARY: Section 3. This act shall take effect July 1, 2011.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1191, substituted earlier today by Member of the Assembly Brennan, Assembly Print 6446, an act to amend the New York State Medical Care Facilities Finance Agency Act.

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. Nays, 1. Senator Ball recorded in the negative.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1196, substituted earlier today by Member of the Assembly Lupardo, Assembly Print 6320C, an act to amend the Economic Development 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, 62.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1216, by Senator Hannon, Senate Print 3201, an act to amend --

SENATOR LIBOUS: Lay it aside for the day.

THE PRESIDENT: Lay the bill aside for the day.

THE SECRETARY: Calendar Number 1238, by Senator Maziarz, Senate Print 4844A, an

act to direct the Office of Parks, Recreation and Historic Preservation.

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 Maziarz to explain his vote.

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

We did pass this bill last week. There was a technical correction that had to be made. We're passing it again. This bill is going to pass in the other house. This event is going to take place.

One major change, though. Senator Dilan has informed Nik Wallenda that he's not available that particular day, so I have taken the liberty of volunteering Senator Gianaris to go over there.

(Laughter.)

SENATOR MAZIARZ: And Senator

Gianaris wants assurances that it's a round-trip ticket, and I can't give those assurances, Mr. President. But I vote aye anyway.

THE PRESIDENT: Senator Maziarz will be recorded in the affirmative.

Announce the results.

THE SECRETARY: Ayes, 62.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1250, by Senator Robach, Senate Print 5323B, 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 SECRETARY: Ayes, 62.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1270, by Senator Golden, Senate Print 1748A, 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 120th day.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1336, substituted earlier today by Member of the Assembly Schimel, Assembly Print 2812, 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, 62.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1342, substituted earlier today by Member of the Assembly Gunther, Assembly Print 6056A, an act authorizing the assessor.

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 1342, those recorded in the negative are Senators Gianaris, Larkin, O'Mara and Rivera.

Ayes, 58. Nays, 4.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1358, by Senator Espaillat, Senate Print 5672A, an act to amend the Executive 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, 61. Nays, 1. Senator Ball recorded in the negative.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1363, by Senator Alesi, Senate Print 5782, an act to amend the New York State Urban Development Corporation Act.

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, 62.

THE PRESIDENT: The bill is passed.

Senator Libous, that completes the noncontroversial calendar.

SENATOR LIBOUS: Mr. President, at this time I believe the minority is going to conference. And I'll let Senator Hassell-Thompson announce where and what time.

And then, Mr. President, we will recess until about 2 o'clock. And then at that time we'll call an immediate meeting of the Rules Committee.

So if you'd call on Senator Hassell-Thompson, please.

THE PRESIDENT: Senator Hassell-Thompson.

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

There will be an immediate meeting of the Democratic Conference in our Democratic Conference Room.

THE PRESIDENT: Immediate meeting of the Democratic Conference in the Democratic Conference Room.

The Senate stands at ease.

(Whereupon, the Senate stood at ease at 1:22 p.m.)

(Whereupon, the Senate reconvened at 2:42 p.m.)

ACTING PRESIDENT MARCELLINO: Senator Libous.

SENATOR LIBOUS: Mr. President, at this time could we return to motions and resolutions, please.

ACTING PRESIDENT MARCELLINO: Motions and resolutions.

Senator Libous.

SENATOR LIBOUS: I believe there's a resolution by Senator Carlucci at the desk. At this time, Mr. President, could we ask that we read it in its entirety and then call on Senator Carlucci.

ACTING PRESIDENT MARCELLINO: The Secretary will read.

THE SECRETARY: Legislative Resolution Number 2527, by Senator Carlucci,

commending Daniel Freedman upon the occasion of his designation for special honor, and recognizing his numerous accomplishments.

"WHEREAS, It is the practice of this Legislative Body that individuals with disabilities merit our recognition as they realize goals that serve to lifts barriers and expand choices for all persons with disabilities; and

"WHEREAS, Attendant to such concern, and in full accord with its long-standing traditions, it is the sense of this Legislative Body to commend Daniel Freedman upon the occasion of his designation for special honor, and to recognize his numerous accomplishments; and

"WHEREAS, In addition, this Legislative Body is justly proud to congratulate Daniel Freedman upon the occasion of graduating from George F. Baker High School on June 23, 2011, and he will participate in the Lakeland Regional High School graduation ceremony on June 22, 2011; and

"WHEREAS, At the age of 16, Daniel Freedman of Tuxedo, New York, is already a source of inspiration to all those around him. Born

with Down syndrome, this remarkable young man maintains an uncompromising 'can-do' state of mind, determined to live life on his own terms; and

"WHEREAS, Among his many achievements, Daniel Freedman has become a Star Scout in Boy Scout Troop 46, an accomplished skier and horseback rider. He was also an active member of his high school student council; and

"WHEREAS, Daniel Freedman has been studying the Korean martial art of tae kwon do for the past four years. He has been training at the United Martial Arts Center in Harriman, New York, now the Success Martial Arts Center, and his quest to earn his black belt has been one of his leading passions; and

"WHEREAS, In addition to martial arts, Daniel Freedman has a great love for the culinary arts. He is honing his skills with help from Footings, Inc., via the Friendship Club. Footings is a not-for-profit agency based in Monroe, New York, that provides services for young adults with developmental disabilities throughout the Hudson Valley region. His ambition is to attend the Culinary Institute of

America in Hyde Park, New York; and

"WHEREAS, Daniel Freedman also enjoys acting. Since he was 8 years old, he has been in nine school plays while in the Tuxedo School District, including, in 2008, George F. Baker High School's production of 'South Pacific.' Furthermore, he had a part in the musical 'Once On This Island,' also at George F. Baker High School; and

"WHEREAS, In recognition of his extraordinary spirit and unwavering determination, Daniel Freedman was inducted as an honorary member of the National Junior Honor Society at George F. Baker High School in 2007, and 'lettered' in football at Lakeland Regional High School; and

"WHEREAS, It is the sense of this Legislative Body that when individuals of such enduring courage and accomplishments are brought to our attention, it is appropriate to publicly proclaim and commend those individuals for the edification and emulation of others; now, therefore, be it

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

Freedman upon the occasion of his designation for special honor, and to recognize his numerous accomplishments; and be it further

"RESOLVED, That a copy of this resolution, suitably engrossed, be transmitted to Daniel Freedman, Tuxedo, New York."

ACTING PRESIDENT MARCELLINO: To speak on the resolution, Senator Carlucci.

SENATOR CARLUCCI: Thank you, Mr. President.

It's an absolute honor and a privilege to have on the floor today Daniel Freedman. He's joined by his family, his parents Michael and Cheryl, his younger sister Julia, his grandmother Gloria.

But as read in the resolution, Daniel Freedman is really a true inspiration and a role model to all of us and to all New Yorkers. Daniel was born with Down syndrome and has really outproven and outshined everyone that he comes to meet.

He's an avid horseback rider, a skier. He's studying the Korean martial art of tae kwon do and is on his way to receiving a black belt. So you've got to watch out for

him -- don't mess around.

But he is committed to really serving and being a role model and an inspiration to all of us. He served in nine plays in his high school. And this Thursday he's going to be graduating high school and hopefully going on to take education at the Culinary Institute of America right down the road in Hyde Park.

And his real passion is cooking. And I think he's going to do a great job when he graduates college and goes on to serve. And hopefully he'll come back up and cook something for all of us. He was sharing a recipe with me earlier, his favorite recipe for home fries. So hopefully one day I'll experience that from Daniel.

But really, we're just honored and privileged to have you join us here today. And it's honor for you and an honor for me to be able to bestow this resolution, and look forward to working with you in the future and making sure that we serve and we show people the inspiration from all of us.

And it shows that, you know, no matter what we do, whether we're serving in the

Senate or in our high school, when we do whatever we do, if we do it with passion and we do it to the best of our ability, we can be a true inspiration for everyone.

So, Daniel, I want to personally thank you for the work that you've done and look forward to seeing great things from you.

Thank you, Mr. President.

ACTING PRESIDENT MARCELLINO: This resolution has been previously adopted on the 17th.

Daniel, the Senate welcomes you to our chamber. We offer you the courtesies of the house. We congratulate you on your achievements and your efforts. Keep up the good work, and God bless you.

(Applause.)

ACTING PRESIDENT MARCELLINO: Senator Libous.

SENATOR LIBOUS: Thank you, Senator Carlucci. That was very informative.

And we certainly wish you the very best in your endeavors, and we are very proud to honor you on this day.

Mr. President, I believe Senator

Diaz would like to recognize a group that is here.

And, Mr. President, I would just remind folks in the gallery that if there's any clapping or cheering to be done, it will be done here on the floor.

So Senator Diaz.

ACTING PRESIDENT MARCELLINO: Without objection, Senator Diaz.

SENATOR DIAZ: Thank you, Mr. President.

Before, I would like to congratulate Senator Carlucci for that beautiful action. It's a good action. Mr. President and ladies and gentlemen, today I would like to welcome here to this chamber a group of members of the New York Hispanic Clergy Organization and other organizations.

Here's the vice president, Reverend Juan Castillo; the second president, Reverend Andy Torres; the public relations director, Reverend Samaris Gross; Bishop Nicholas Angustia, of the Mennonite Church; Reverend Fernando Rodriguez, from LACA International; Mr. Cesar Lantigua, from Radio Vision Cristiana

Internacional; and Bishop Luis Paniagua from Clamor Por New York.

They came here to see how Albany works, and they're here today. And I would like to welcome them and express my appreciation for them being here today.

And, you know, this is a group of ministries, working people, nice people from my district, from all over the City of New York, and they're here today. So thank you, Senator Libous, for this beautiful opportunity. And thank you, Mr. President, for giving me also this opportunity.

SENATOR LIBOUS: Thank you, Mr. President.

We welcome you all to the Capitol on this beautiful day. Thank you for being here.

Mr. President.

ACTING PRESIDENT MARCELLINO: Senator Libous.

SENATOR LIBOUS: At this time there will be an immediate meeting of the Rules Committee in Room 332, an immediate meeting of the Rules Committee in Room 332.

The Senate will stand at ease.

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

And the Senate will stand at ease pending the report of the Rules Committee.

(Whereupon, the Senate stood at ease at 2:51 p.m.)

(Whereupon, the Senate reconvened at 3:30 p.m.)

SENATOR LIBOUS: Mr. President, at this time could we go to reports of standing committees.

I believe there's a report of the Rules Committee at the desk. Could we have it read and adopted.

ACTING PRESIDENT MARCELLINO: We will return to reports of standing committees.

There is a report of the Rules Committee at the desk.

The Secretary will read.

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

Senate Print 1831B, by Senator Grisanti, an act to amend the Education Law;

2998, by Senator LaValle, an act to amend the Real Property Tax Law;

3034, by Senator LaValle, an act to authorize;

3184A, by Senator Little, an act to amend the Public Health Law;

3279, by Senator Hassell-Thompson, an act requiring the Office of Alcoholism and Substance Abuse;

3510B, by Senator Maziarz, an act to amend the Insurance Law;

3988B, by Senator Lanza, an act to amend the Insurance Law;

4104, by Senator Zeldin, an act to amend the Criminal Procedure Law;

4454B, by Senator DeFrancisco, an act to amend the Penal Law;

4918A, by Senator Hannon, an act to amend the Public Health Law;

5235, by Senator Martins, an act relating to the sales and compensating use tax;

5355, by Senator Kennedy, an act to amend the Labor Law;

5431A, by Senator Young, an act to amend the Public Health Law;

5447, by Senator Young, an act to amend the Public Health Law;

5511B, by Senator McDonald, an act to authorize;

5525B, by Senator Little, an act to amend the General Municipal Law;

5570, by Senator Alesi, an act in relation to the designation;

5576, by Senator Golden, an act to amend the General Business Law;

5598, by Senator Fuschillo, an act to amend the Vehicle and Traffic Law;

5645, by Senator Hannon, an act to amend the Public Authorities Law;

5677, by Senator Lanza, an act to amend the Election Law;

5678, by Senator Lanza, an act to amend the Mental Hygiene Law;

5683, by Senator McDonald, an act to authorize;

5693, by Senator Griffo, an act to amend the Vehicle and Traffic Law;

5694A, by Senator Saland, an act to amend the Family Court Act;

5698, by Senator LaValle, an act in

relation to a proposed electric generating facility;

5705, by Senator Hannon, an act to amend the Public Health Law;

5711, by Senator McDonald, an act to amend the Mental Hygiene Law;

5726, by Senator Little, an act to enact;

5734A, by Senator Rivera, an act to amend the Criminal Procedure Law;

5739A, by Senator Saland, an act to amend the Penal Law;

553, by Senator Little, an act to amend the Environmental Conservation Law;

5755, by the Senate Committee on Rules, an act to amend Chapter 91 of the Laws of 2008;

5784, by Senator Ball, an act to amend the Military Law;

5793, by Senator McDonald, an act to amend the Mental Hygiene Law;

5795, by Senator McDonald, an act to amend the Mental Hygiene Law;

5803, by Senator Golden, an act to authorize;

And 5808, by Senator DeFrancisco, an act to amend the Insurance Law.

All bills reported direct to third reading.

ACTING PRESIDENT MARCELLINO: Is there a motion to accept the report of the Rules Committee?

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

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

(Response of "Aye.")

ACTING PRESIDENT MARCELLINO: Opposed, nay.

(No response.)

ACTING PRESIDENT MARCELLINO: The Rules Committee report is accepted.

Senator Libous.

SENATOR LIBOUS: At this time, Mr. President, we're going to take up the noncontroversial reading of Supplemental Calendar 56C.

ACTING PRESIDENT MARCELLINO: The Secretary will read Supplemental Calendar Number 56C, noncontroversial.

THE SECRETARY: In relation to Calendar Number 1378, Senator Grisanti moves to discharge, from the Committee on Rules, Assembly Bill Number 354B and substitute it for the identical Senate Bill Number 1831B, Third Reading Calendar 1378.

ACTING PRESIDENT MARCELLINO: Substitution approved.

The Secretary will read.

THE SECRETARY: Calendar Number 1378, by Member of the Assembly Hoyt, Assembly Print 354B, an act to amend the Education Law.

ACTING PRESIDENT MARCELLINO: Read the last section.

THE SECRETARY: Section 2. This act shall take effect in one year.

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: Calendar Number 1379, by Senator LaValle, Senate Print 2998, an act to amend the Real Property Tax Law.

SENATOR BRESLIN: Lay it aside.

ACTING PRESIDENT MARCELLINO: The bill is laid aside.

THE SECRETARY: In relation to Calendar Number 1380, Senator LaValle moves to discharge, from the Committee on Rules, Assembly Bill Number 4737 and substitute it for the identical Senate Bill Number 3034, Third Reading Calendar 1380.

ACTING PRESIDENT MARCELLINO: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1380, by Member of the Assembly Thiele, Assembly Print 4737, an act to authorize.

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

Read the last section.

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

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT MARCELLINO: The

bill is passed.

THE SECRETARY: Calendar Number 1381, by Senator Little, Senate Print 3184A, an act to amend the Public Health Law.

ACTING PRESIDENT MARCELLINO: Read the last section.

THE SECRETARY: Section 6. This act shall take effect on October 1, 2011.

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1382, Senator Hassell-Thompson moves to discharge, from the Committee on Rules, Assembly Bill Number 1078 and substitute it for the identical Senate Bill Number 3279, Third Reading Calendar 1382.

ACTING PRESIDENT MARCELLINO: Substitution ordered.

THE SECRETARY: Calendar Number 1382, by Member of the Assembly Jaffee, Assembly Print 1078, an act requiring.

ACTING PRESIDENT MARCELLINO: Read the last section.

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

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1383, Senator Maziarz moves to discharge, from the Committee on Rules, Assembly Bill Number 5502B and substitute it for the identical Senate Bill Number 3510B, Third Reading Calendar 1383.

ACTING PRESIDENT MARCELLINO: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1383, by Member of the Assembly Heastie, Assembly Print 5502B, an act to amend the Insurance Law.

ACTING PRESIDENT MARCELLINO: Read the last section, please.

THE SECRETARY: Section 5. This

act shall take effect on the 30th day.

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MARCELLINO: Senator McDonald to explain his vote.

SENATOR MCDONALD: This is Bill 3510B, am I correct?

ACTING PRESIDENT MARCELLINO: Yes, Senator.

SENATOR MCDONALD: Thank you, Mr. President.

Mr. President, I'll be voting no on this bill. I'm concerned about the significance of mail order pharmacies. I have two in my district. They employ quite a few people. They have an average income for the pharmacists -- in one pharmacist mail order group I have approximately 400-plus employees. Half of those employees are making over six figures. They're all pharmacists.

I recognize the rationale behind this, and I respect it with the smaller pharmacists. But if there's some sort of compromise as we move forward -- I'd hate to see

these type of operations that employ so many people, all local people, move out of the state, which would be a tremendous loss for the City of Troy where one of these is located, and they have over 400 people.

Once again, I recognize the big and small argument which we find so often in various forms of retail. But nevertheless, those folks that are pharmacists and staff people are also entitled to be able to make a living. And the base reality is that so many of these big operations have come into our community, and I really don't want to see these type of entities, these mail order pharmacists who provide low-cost drugs, to be operating from Pennsylvania or Massachusetts or any of the other many states.

So I will be voting no with the hopes that in the future we might be able to come to some sort of compromise that protects both interests.

Thank you, sir.

ACTING PRESIDENT MARCELLINO: Senator McDonald will be recorded in the negative.

Senator Klein.

SENATOR KLEIN: Thank you, Mr. President.

I rise in support of this legislation, and I want to thank the sponsor, Senator Maziarz, for bringing it forward.

This is giving people, I believe, a choice that they deserve. This is allowing someone, if they choose to use mail order and it works for them and they save money, they'll have the ability to do that. But to make mail order mandatory just doesn't make since. It may not necessarily be cheaper. We're forcing individuals who need drugs, in many cases, in a timely manner -- heart medication, other types of drugs you need right away -- to be at the whim of the United States Postal Service.

So this is, I think, a very smart approach which gives the people a choice of whether or not they want to use mail order.

Also, I'd like to say that this legislation I think is going to go a long way towards making sure that we still have independent pharmacies in our community. Those pharmacies that we rely on each and every day will fall by the wayside if companies are allowed

to make mail order mandatory and force those customers into the mail order pharmacy business.

So I vote yes, Mr. President, and want to thank again the sponsor for bringing this to the floor today.

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

Senator LaValle.

SENATOR LaVALLE: Thank you, Mr. President.

I want to compliment Senator Maziarz for bringing this bill to the floor. It's critically important that our community pharmacies stay in our community, that our constituents can go into the local pharmacy and the pharmacist knows the individual, knows the drugs that they take, spends time with them, counsels them, ensures that any question that they have is answered.

This bill levels the playing field and allows our community pharmacists to be competitive. I vote in the affirmative.

ACTING PRESIDENT MARCELLINO: Senator LaValle will be recorded in the

affirmative.

Senator Adams.

SENATOR ADAMS: Thank you, Mr. President.

I just want to add on to what Senator LaValle stated. And I'm going to be supporting this bill.

You know, we need to be clear. This bill will prohibit health insurance from requiring that the insured purchase prescription drugs from mail order pharmacies. And I can't tell you how many local pharmacies I have in my area. And that the relationship between a local pharmacy and some of the large chain pharmacies really emphasize why this bill is so important, because of the relationship that's developed from some of the small pharmacies, that they actually come in and they have a long-term relationship with many of the individuals that purchase prescription drugs.

Not only that, what I think -- Senator Maziarz, I commend you for this bill, because it actually points out how competition is good. And many of the small pharmacies, if you do a price-by-price analysis, it's a lie that the

mail orders give you the best bang for your buck. That is not the reality.

The small pharmacies are giving great competitive pricing. This will continue the competition. If persons that use long-term prescription drugs are required to only go through mail order, that is locking down the market, that is taking away competition, and that is preventing people from going to any business that they think they have a better relationship with or that they believe the price is better.

So this is a great bill. I will be supporting it. I'm encouraging my colleagues also to support it. This is a conversation that is often talked about that many people who are using long-term prescription drugs or, if they're using it just to purchase a prescription, that they don't have to only go through mail order. You would rather have a better relationship with your pharmacist than the mailman waiting for your mail order.

I'll be voting in the affirmative.

ACTING PRESIDENT MARCELLINO: Thank you, Senator Adams. You will be recorded in the affirmative.

Senator Stavisky.

And I would remind the Senators that we are on explanation of votes, which is two minutes, please. We have a long calendar.

Senator Stavisky.

SENATOR STAVISKY: Then I'll speak fast.

I rise to support this bill. In addition to what has already been said, the community pharmacies offer counseling and explanation services to people in the neighborhood who come in. There are many senior citizens who need to be reassured. They need explanations as to how to take the drugs and so forth.

And in my district, many of my constituents are not native American speakers; English is a second language. And when the local pharmacies can explain in their native language, that is something that you just can't do long distance with a mail order prescription.

So I'm delighted to be a cosponsor of this bill, and I vote aye.

ACTING PRESIDENT MARCELLINO: Thank you, Senator.

Senator Stavisky will be recorded in the affirmative.

Senator Hassell-Thompson to explain her vote.

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

I rise to support this legislation. Primarily, I think that most of it, in terms of language, is an issue. But more than that, as someone who has worked very, very hard with people in my community who suffer from diabetes, stroke, other kinds of illnesses that don't get the kind of education that they really need, they depend upon their pharmacist. The local pharmacist is the person who really takes time with them.

Over the years I have voted to give more authority to the pharmacists because of that dialogue and conversation that happens between the local pharmacist -- and which does not sometimes have time to do in the doctor's office.

And so I would like to commend Senator Maziarz on this bill, and I have agreed to be a signer-oner as well because I believe in the value of what our local pharmacies mean to

the people in our communities.

Thank you, Mr. President. I vote aye.

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

Senator Seward to explain his vote.

SENATOR SEWARD: Thank you, Mr. President.

I have spent my career here in the Senate being a supporter of small businesses, and I would include among that group our independent pharmacists and our local businesses that dispense pharmaceutical products to the public. And I certainly understand their important role in our communities.

I'm also a supporter of taking measures to hold down the cost of health insurance premiums, which is the whole reason behind these mail order dispensement of pharmaceuticals. And in fact, there is a great deal of opportunity for the people of our state that utilize mail order to get counseling. A number of the employees that Senator McDonald referred to in his district on the phone talking

with subscribers of their health insurance policies and advising them in terms of their prescription drugs.

But having said that, this is perfect type of bill that should go before our mandate commission to determine these issues of whether this is costing or saving health insurance premium payers of our state in terms of real dollars. A cost-benefit analysis is greatly needed on this piece of legislation.

Unfortunately, even though we created the mandate commission a number of years ago, it still is not up and functioning, and I regret that very much. And therefore, I must -- until this type of bill goes before the mandate commission, I should vote in the negative on this piece of legislation.

ACTING PRESIDENT MARCELLINO: Senator Seward will be recorded in the negative.

Senator Maziarz.

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

I appreciate the comments of all of my colleagues, those who supported and did not support this legislation. We've been trying to

negotiate this bill and get language in.

And really this bill is, as was pointed out before, about protecting small businesses, independent pharmacies. You know, clearly the healthcare market changes dramatically and will continue to change, and obviously the cost is most important. But I think that there's that cost you really can't measure, and that's the cost of a comfort level of people going in and talking to someone face-to-face, someone that they trust -- particularly senior citizens, someone that they trust.

And that's what this bill is really all about. That was my motivation. And again, I think this is a good idea. Things are certainly going to change in the future, I'm sure, in the healthcare debate. And as my colleague Senator Seward said, you know, this is probably going to be on the table for further discussions in the mandate relief package.

But this is a good bill for right now in New York State, and I vote in the affirmative. Thank you, Mr. President.

ACTING PRESIDENT MARCELLINO:

Senator Maziarz, you will be recorded in the affirmative.

Senator Krueger to explain her vote.

SENATOR KRUEGER: Thank you very much.

I knew it would please Senator Maziarz to hear me stand up and thank him for sponsoring this bill and bringing it to the floor. People have explained their votes in a variety of ways.

You know, competition is healthy and it's good. And even though there's all these memos here saying somehow supporting allowing independent neighborhood pharmacies to stay open will be bad for competition, I'll be damned if I can figure out how passage of this bill will harm price competition.

And I will also just highlight one other thing. People talked about language issues, access issues, needing small pharmacies in their communities. What about some of us who have attempted to get our drugs through mail order and sometimes the drugs get lost and you don't get them in time? Thank goodness for small pharmacies who are willing to give you a few days

of supply, even if you've already been going through a mail order system.

So it's a good policy. It's good for New York to want to support its small pharmacies and to keep them open in as many places as possible. I vote yes. Thank you.

ACTING PRESIDENT MARCELLINO: Senator Krueger, thank you. You will be recorded in the affirmative.

Senator Diaz.

SENATOR DIAZ: Thank you, Mr. President.

Just to congratulate Senator Maziarz, this is a good bill. Senator Maziarz, your heart is always in the right place. It's a privilege to vote for your bill because you're always remembering the needy, the poor. And you're always in the right place and your heart is always there. Continue being who you are.

Mr. President, Mr. President, I'm voting yes.

ACTING PRESIDENT MARCELLINO: Thank you, Senator Diaz. You will be recorded in the affirmative.

Senator Johnson to explain his vote.

SENATOR OWEN JOHNSON: Yes. The obvious advantages of advantages of dealing with your local pharmacist have been mentioned, not only for your service but the fact that they're available for other people. They're part of the business district and it would be a negative for most small towns and the individuals who live there to lose their local pharmacists.

It's been mentioned that the reason for the mail order system is that it's less expensive. But my pharmacist and the local pharmacists in my area all agree to take the price -- whatever the whatever the mail order people charge, that's what they will charge. And so there is no disadvantage economically, and there's certainly it's socially and healthwise advantage to have that local pharmacy there.

So I think this is a good bill. We should definitely pass this bill.

ACTING PRESIDENT MARCELLINO: Thank you, Senator Johnson. You will be recorded in the affirmative.

Any other Senators wishing to be explain their votes?

Seeing none, announce the results,

please.

THE SECRETARY: In relation to Calendar Number 1383, those recorded in the negative are Senators McDonald and Seward.

Ayes, 60. Nays, 2.

ACTING PRESIDENT MARCELLINO: The bill is finally passed.

THE SECRETARY: Calendar Number 1384, by Senator Lanza, Senate Print 3988B, an act to amend the Insurance Law.

ACTING PRESIDENT MARCELLINO: Read the last section.

THE SECRETARY: Section 5. This act shall take effect on the first of January.

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MARCELLINO: Senator Seward to explain his vote.

SENATOR SEWARD: Yes, Mr. President. I stated earlier on the previous bill about the need for a mandate commission when it comes to these health insurance changes. This is another example of a piece of legislation which truly needs an unbiased cost-benefit

analysis by a mandate commission.

Therefore, as well-intentioned as this bill is, my heart says yes, but my head says I should vote no unless this piece of legislation in fact has been vetted by a mandate commission.

ACTING PRESIDENT MARCELLINO: Senator Seward will be recorded in the negative.

Announce the results.

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

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1385, Senator Zeldin moves to discharge, from the Committee on Rules, Assembly Bill Number 4446 and substitute it for the identical Senate Bill Number 4104, Third Reading Calendar 1385.

ACTING PRESIDENT MARCELLINO: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1385, by Member of the Assembly Boyle, Assembly Print 4446, an act to amend the Criminal Procedure Law.

ACTING PRESIDENT MARCELLINO: Read the last section.

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

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: In relation to Calendar Number 1385, those recorded in the negative are Senators Duane, Hassell-Thompson, L. Krueger, Montgomery, Perkins, and Rivera. Also Senator Dilan.

Ayes, 55. Nays, 7.

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1386, Senator DeFrancisco moves to discharge, from the Committee on Rules, Assembly Bill Number 2063C and substitute it for the identical Senate Bill Number 4454B, Third Reading Calendar 1386.

ACTING PRESIDENT MARCELLINO: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number

1386, by Member of the Assembly Gottfried, Assembly Print 2063C, an act to amend the Penal Law.

ACTING PRESIDENT MARCELLINO: Read the last section, please.

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

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MARCELLINO: Senator DeFrancisco to explain his vote.

SENATOR DeFRANCISCO: Yes, this is the Good Samaritan Bill. It's been known by that in some circles. And basically it provides protection from criminal prosecution of young people or even old people that may be subject to an overdose or a bad event with alcohol, to encourage people to go to the hospital or to bring somebody to the hospital rather than worry about whether they're going to be prosecuted and end up with a very terrible result because of the overdose.

This is also an example of how good legislation can be formed from where it started

to where it ended. There was a lot of opposition from the district attorney's offices on the grounds that it might protect drug sellers. Well, the way the bill was structured, with their help and now with their approval, is that if it's a possession charge, you can't be charged with simply possession. If it's a sale charge, you can be charged; however, there's an affirmative defense if there was a good-faith effort to get medical assistance because of an overdose.

So it's a good bill, balanced, and I think it's going to save some lives in this state. And I'm proud to have been involved in it, and I vote aye.

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

Senator Hannon to explain his vote.

SENATOR HANNON: Yes, Mr. President. This bill, which will help take people who are going through on overdose, make sure that they get to an emergency room or a clinic, I think is an appropriate balance in the criminal law so that people can be assured that their actions to help people will not result in

an unfortunate criminal charge.

It's been a very difficult one to craft, but I congratulate the people who have been involved and I think it will add to the safety of our ordinary lives.

Thank you.

ACTING PRESIDENT MARCELLINO: Thank you, Senator Hannon. You will be recorded in the affirmative.

Please announce the results.

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1387, Senator Hannon moves to discharge, from the Committee on Rules, Assembly Bill Number 8248 and substitute it for the identical Senate Bill Number 4918A, Third Reading Calendar 1387.

ACTING PRESIDENT MARCELLINO: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1387, by Member of the Assembly Gottfried, Assembly Print Number 8248, an act to amend the

Public Health Law.

ACTING PRESIDENT MARCELLINO: Read the last section.

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

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MARCELLINO: If you're in the negative, please keep your hand up.

Announce the results, please.

THE SECRETARY: In relation to Calendar Number 1387, those recorded in the negative are Senators Adams, Addabbo, Avella, Gianaris, Hassell-Thompson, Kennedy, Montgomery, Oppenheimer, Perkins, Rivera, Squadron and Stavisky.

Ayes, 50. Nays, 12.

ACTING PRESIDENT MARCELLINO: Senator Montgomery, why are you waving? Other than to say hello.

SENATOR MONTGOMERY: Yes, Mr. President, I would like to change my vote from no to yes.

ACTING PRESIDENT MARCELLINO:

Senator Montgomery will have her vote changed from no to yes.

Senator Oppenheimer.

SENATOR OPPENHEIMER: I would like the same, please.

ACTING PRESIDENT MARCELLINO: Senator Oppenheimer would also like her vote changed from no to yes.

Can we do this whole vote again rather than go through this? We're going to redo the vote on 1387. All opposed please raise your hands clearly.

Please announce the results.

THE SECRETARY: In relation to Calendar Number 1387, those recorded in the negative are Senators Adams, Addabbo, Avella, Gianaris, Hassell-Thompson, Kennedy, Peralta, Rivera and Stavisky.

Ayes, 53. Nays, 9.

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: Calendar Number 1388, by Senator Martins, Senate Print 5235 --

SENATOR BRESLIN: Lay it aside.

ACTING PRESIDENT MARCELLINO: Lay

the bill aside.

THE SECRETARY: In relation to Calendar Number 1389, Senator Kennedy moves to discharge, from the Committee on Rules, Assembly Bill Number 241 and substitute it for the identical Senate Bill Number 5355, Third Reading Calendar 1389.

ACTING PRESIDENT MARCELLINO: The Secretary will read.

THE SECRETARY: Calendar Number 1389, by Member of the Assembly Latimer, Assembly Print 241, an act to amend the Labor Law.

ACTING PRESIDENT MARCELLINO: Read the last section.

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

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MARCELLINO: Senator Kennedy to explain his vote.

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

This bill creates a subcommittee of the State Workforce Investment Board to focus on

green jobs.

And over the course of the next several days, we are going to be dealing with some very important issues as it pertains to everyone in the state and society in general. And I think it's important that we as a chamber and as a Legislature keep our eye on the ball, which is one of the most important focuses, and that's creating jobs and helping businesses to create jobs.

This bill will help to spur job creation in a new green economy. It will allow us to take advantage of federal grant dollars that have been put forward. And it will help to streamline the government process.

I want to thank the head of the Labor Committee, Senator Joe Robach, for moving this quickly to the Rules Committee for a vote today, as well as Senator Maziarz in recognizing the importance of this coming to a floor for a vote, as it's already been approved in the Assembly.

Thank you.

ACTING PRESIDENT MARCELLINO: Thank you, Senator Kennedy. You will be recorded in

the affirmative.

Announce the results, please.

THE SECRETARY: In relation to Calendar Number 1389, those recorded in the negative are Senators Bonacic, Johnson and Saland.

Ayes, 59. Nays, 3.

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: Calendar Number 1390, by Senator Young, Senate Print 5431A, an act to amend the Public Health Law.

ACTING PRESIDENT MARCELLINO: Read the last section.

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

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1391, Senator Young moves to discharge, from the Committee on Rules, Assembly

Bill Number 7893 and substitute it for the identical Senate Bill Number 5447, Third Reading Calendar 1391.

ACTING PRESIDENT MARCELLINO: The substitution is ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1391, by Member of the Assembly Gunther, Assembly Print 7893, an act to amend the Public Health Law.

ACTING PRESIDENT MARCELLINO: Read the last section.

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

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1392, Senator McDonald moves to discharge, from the Committee on Rules, Assembly Bill Number 8014B and substitute it for the identical Senate Bill Number 5511B, Third Reading

Calendar 1392.

ACTING PRESIDENT MARCELLINO: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1392, by Member of the Assembly Canestrari, Assembly Print Number 8014B, an act to authorize the City of Rensselaer.

ACTING PRESIDENT MARCELLINO: Read the last section.

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

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: Calendar Number 1393, by Senator Little, Senate Print 5525B, an act to amend the General Municipal Law.

ACTING PRESIDENT MARCELLINO: Read the last section.

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

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1394, Senator Alesi moves to discharge, from the Committee on Rules, Assembly Bill Number 7742A and substitute it for the identical Senate Bill Number 5570, Third Reading Calendar 1394.

ACTING PRESIDENT MARCELLINO: The substitution is ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1394, by Member of the Assembly Lupardo, Assembly Print 7742A, an act in relation.

ACTING PRESIDENT MARCELLINO: Read the last section, please.

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

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: Calendar Number 1395, by Senator Golden, Senate Print 5576, an act to amend the General Business Law.

ACTING PRESIDENT MARCELLINO: Read the last section.

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

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60. Nays, 2. Senators LaValle and Saland recorded in the negative.

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: Calendar Number 1396, by Senator Fuschillo, Senate Print 5598, an act to amend the Vehicle and Traffic Law.

ACTING PRESIDENT MARCELLINO: Read the last section.

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

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1397, Senator Hannon moves to discharge, from the Committee on Rules, Assembly Bill Number 8188A and substitute it for the identical Senate Bill Number 5645, Third Reading Calendar 1397.

ACTING PRESIDENT MARCELLINO: The substitution is ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1397, by Member of the Assembly Gibson, Assembly Print 8188A, an act to amend the Public Authorities Law.

ACTING PRESIDENT MARCELLINO: Read the last section, please.

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

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1398, Senator Lanza moves to discharge, from the Committee on Rules, Assembly Bill Number 7602A and substitute it for the identical Senate Bill Number 5677, Third Reading Calendar 1398.

ACTING PRESIDENT MARCELLINO: The substitution is ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1398, by Member of the Assembly Millman, Assembly Print Number 7602A, an act to amend the Election Law.

ACTING PRESIDENT MARCELLINO: Read the last section.

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

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1399, Senator Lanza moves to discharge, from the Committee on Rules, Assembly Bill Number 8357 and substitute it for the identical Senate Bill Number 5678, Third Reading Calendar 1399.

ACTING PRESIDENT MARCELLINO: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1399, by Member of the Assembly Titone, Assembly Print 8357, an act to amend the Mental Hygiene Law.

ACTING PRESIDENT MARCELLINO: Read the last section, please.

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

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1400, Senator McDonald moves to discharge, from the Committee on Rules, Assembly Bill Number 8285 and substitute it for the identical Senate Bill Number 5683, Third Reading Calendar 1400.

ACTING PRESIDENT MARCELLINO: The substitution is ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1400, by Member of the Assembly Canestrari, Assembly Print 8285, an act to authorize.

ACTING PRESIDENT MARCELLINO: Read the last section.

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

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: In relation to Calendar Number 1400, those recorded in the negative are Senators Bonacic, Larkin and O'Mara.

Ayes, 59. Nays, 3.

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: Calendar Number 1401, by Senator Griffo, Senate Print 5693, an act to amend the Vehicle and Traffic Law.

ACTING PRESIDENT MARCELLINO: Read the last section.

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

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1402, Senator Saland moves to discharge, from the Committee on Rules, Assembly Bill Number 7836A and substitute it for the identical Senate Bill Number 5694A, Third Reading Calendar 1402.

ACTING PRESIDENT MARCELLINO: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1402, by Member of the Assembly Paulin, Assembly Print Number 7836A, an act to amend the Family

Court Act.

ACTING PRESIDENT MARCELLINO: Read the last section.

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

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: Calendar Number 1403, by Senator LaValle, Senate Print 5698 --

SENATOR BRESLIN: Lay it aside.

ACTING PRESIDENT MARCELLINO: The bill is laid aside.

THE SECRETARY: In relation to Calendar Number 1404, Senator Hannon moves to discharge, from the Committee on Rules, Assembly Bill Number 8336 and substitute it for the identical Senate Bill Number 5705, Third Reading Calendar 1404.

ACTING PRESIDENT MARCELLINO: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1404, by Member of the Assembly Roberts, Assembly Print Number 8336, an act to amend the Public Health Law.

ACTING PRESIDENT MARCELLINO: Read the last section, please.

THE SECRETARY: Section 4. This act shall take effect on the same date and in the same manner as a chapter of the Laws of 2011.

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: Calendar Number 1405, by Senator McDonald, Senate Print 5711, an act to amend the Mental Hygiene Law.

ACTING PRESIDENT MARCELLINO: Read the last section.

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

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: Calendar Number 1406, by Senator Little, Senate Print 5726, an act to enact.

ACTING PRESIDENT MARCELLINO: Read the last section.

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

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: Calendar Number 1407, by Senator Rivera, Senate Print 5734A, an act to amend the Criminal Procedure Law.

ACTING PRESIDENT MARCELLINO: Read the last section.

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

ACTING PRESIDENT MARCELLINO: Call the roll, please.

(The Secretary called the roll.)

ACTING PRESIDENT MARCELLINO: Senator Rivera to explain his vote

SENATOR RIVERA: Thank you, Mr. President.

This bill, I'd actually like to take a second to thank Senator Saland as well Assemblymember Aubry for passing it in the Assembly. It is a bill to authorize and regulate charitable bail organizations.

There are thousands of New Yorkers each year who are held in jail because they simply cannot afford the few hundred dollars that bail is. So what this does, what this bill does is it authorizes things like the Bronx Freedom Fund, which is a revolving fund of a charitable organization in which individuals are able to have bail posted on their behalf. It goes right back to the fund after these folks come back to court.

Now, this is something that has already worked in the Bronx. A pilot program was set there, and the numbers tell the whole story. Ninety-five percent of the individuals who were impacted by this actually returned to court, and

over 50 percent had their cases either dismissed or there were no criminal charges that were brought against them.

So this is something that both is a positive for public safety and for costs, because it makes sure that the people that actually are going through the system are folks that are actually committing serious crimes. And, number two, it makes sure that people who do not need to remain in jail, so that they don't have negative impact on their lives, they can do so.

So I am, again, very thankful to Senator Saland for allowing this to go directly to Rules and to Assemblymember Aubry for passing it in the Assembly. And I would encourage all my colleagues to be supportive of this legislation.

I will be in the affirmative. Thank you, Mr. President.

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

Senator Montgomery.

SENATOR MONTGOMERY: Yes, Mr. President, I rise to thank Senator Rivera for bringing this bill to the floor. And I know that

he thanked Senator Saland, but I'm thanking Senator Rivera, because his name is on the bill.

And I know that this bill will mean so much to so many of the people that we represent, because the issue of pretrial detention is a very major problem. It's a big part of the cost of our criminal justice system. And so many, many people are just there detained because they can't make bail. And so if we can address that, and this bill does, we will begin to see a very different outcome and also reduce the cost of the criminal justice system.

So, Mr. President, I'm very happy to support this bill and again thank Senator Rivera for bringing it to the floor. I vote aye.

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

Announce the results, please.

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT MARCELLINO: The bill is passed.

Senator Breslin.

SENATOR BRESLIN: Thank you, Mr. President.

Not only is the bill just passed by Senator Rivera an excellent bill and worthy of note, but it is also the first bill that Senator Gustavo Rivera has passed in this house, and he is to be commended for it.

(Applause.)

ACTING PRESIDENT MARCELLINO: The chair congratulates you on your first bill, Senator Rivera. I won't say many more.

(Laughter.)

THE SECRETARY: Calendar Number 1408, by Senator Saland, Senate Print 5739A, an act to amend the Penal Law.

ACTING PRESIDENT MARCELLINO: Read the last section.

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

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: Calendar Number 1409, by Senator Little, Senate Print 553, an act

to amend the Environmental Conservation Law.

ACTING PRESIDENT MARCELLINO: Read the last section.

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

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MARCELLINO: We're on Calendar Number 1409, gentlemen.

SENATOR O'MARA: Bill number?

ACTING PRESIDENT MARCELLINO: The bill number is 553. That's the print number.

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT MARCELLINO: The bill is passed.

The Secretary will continue to read.

THE SECRETARY: In relation to Calendar Number 1410, Senator Skelos moves to discharge, from the Committee on Rules, Assembly Bill Number 8283 and substitute it for the identical Senate Bill Number 5755, Third Reading Calendar 1410.

ACTING PRESIDENT MARCELLINO: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1410, by Member of the Assembly Abbate, Assembly Print Number 8283, an act to amend Chapter 91 of the Laws of 2008.

ACTING PRESIDENT MARCELLINO: Read the last section.

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

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: Calendar Number 1411, by Senator Ball, Senate Print 5784, an act to amend the Military Law.

ACTING PRESIDENT MARCELLINO: Read the last section.

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

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: Calendar Number 1412, by Senator McDonald, Senate Print 5793, an act to amend the Mental Hygiene Law.

ACTING PRESIDENT MARCELLINO: Read the last section.

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

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: Calendar Number 1413, by Senator McDonald, Senate Print 5795, an act to amend the Mental Hygiene Law.

ACTING PRESIDENT MARCELLINO: Read the last section.

THE SECRETARY: Section 5. This act shall take effect on the 60th day.

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: Calendar Number 1414, by Senator Golden, Senate Print 5803, an act to authorize.

ACTING PRESIDENT MARCELLINO: Read the last section.

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

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Those recorded in the negative on Calendar Number 1414 are Senators Bonacic, Larkin and O'Mara.

Ayes, 59. Nays, 3.

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: Calendar Number 1415, by Senator DeFrancisco, Senate Print --

SENATOR BRESLIN: Lay it aside.

ACTING PRESIDENT MARCELLINO: The bill is laid aside.

Senator LaValle, that ends the noncontroversial reading of the calendar.

SENATOR LaVALLE: Mr. President, can we go to the controversial agenda, please.

ACTING PRESIDENT MARCELLINO: Yes, we can. The Secretary will ring the bells, please.

The Secretary will read the controversial calendar.

THE SECRETARY: Calendar Number 1379, by Senator LaValle, Senate Print 2998, an act to amend the Real Property Tax Law.

SENATOR KRUEGER: Explanation.

ACTING PRESIDENT MARCELLINO: Senator LaValle, an explanation has been requested by Senator Krueger.

SENATOR LaVALLE: Thank you, Mr. President.

I think, as everyone knows, we as people don't like paying taxes. But when we look at the different taxes that we pay, the real property tax is right up at the top. People use words like it's insidious, it's hurtful, it's terrible. And so we have, all of us, put in bills, passed bills, laws, that have tried in one

way or another to get our arms around real property tax problems, particularly as it applies to schools.

We have passed a property tax cap and it will be an issue before we leave that we will deal with and have passed a property tax cap law. That's what the Governor has said, that's what our Majority Leader has said.

This bill before us pertains to senior citizens and those that have achieved an age of 70 or greater. Earlier this session we passed a bill to try and help younger people who are buying homes for the first time to get some real property tax relief. This bill allows seniors -- and you hear this all the time: "You know, I hope somewhere before I leave this earth that I'll get some relief so that I can stay in my home."

This bill would allow a senior, provided that the local school district opts in by resolution, to allow, in the STAR program, seniors to freeze their real property taxes. The legislation uses the word "capped," capped. But what we're doing is we're allowing them to freeze it.

As you know, there is the basic STAR program for everyone regardless of age. But for seniors 65 or older, they can apply for the enhanced STAR program. One of the questions that Senator Krueger asked me on the cost -- and I'm going to try and answer it -- is that we allow the senior to freeze their property tax at a point when they turn 70 in the next tax year.

We also allow the senior, if they want, to stay with the enhanced STAR program, because the enhanced STAR program has, up until this year, gone up according to the cost of living. This year there was no cost of living. Next year we could put that back based on revenues.

We in the last couple of years have taken a program that has been a bulwark, particularly in the suburban and rural districts, to give people real property tax relief. We have been starting to play around with some of the parameters in the STAR program. This bill is critically important to those people who have made investments in their community, are 70 or older, to have some peace of mind, to say, "All right, I'm going in and I want my property taxes

frozen."

Since this would be a new program, we don't know how many people will apply for this benefit. We don't know whether maybe a year or two later someone looks and says, "You know, I jumped the gun. I said I wanted to freeze my taxes, but I would be better off if I choose the enhanced STAR program."

And so this bill would give relief to one class of people. We have during the session tried to help individuals of all ages. And as I said, and I repeat again, we passed legislation that the Governor signed into law to allow primarily young people, first-time homebuyers, to receive real property tax relief.

In that case the state does not, as we do in the STAR program, reimburse the local school district. And so, as most of you know, when we give an exemption, we then spread the exemption among all of the taxpayers who are not in that particular category. If you're not a veteran, if you're not a senior citizen, if you're not disabled, you know, we pass those on. And we accept it; we say that's a good thing to help certain people in certain categories.

Senator Krueger, that is my answer, complete. And I cannot give you an answer -- as I said to you in the Rules Committee, if you're looking for an answer on how much this costs, I cannot tell you.

SENATOR KRUEGER: Thank you.

ACTING PRESIDENT MARCELLINO: You're welcome.

(Laughter.)

SENATOR KRUEGER: Would you please, Mr. President, ask the sponsor if he will yield.

ACTING PRESIDENT MARCELLINO: I would be pleased to.

Senator LaValle, will you yield to a question from Senator Krueger?

SENATOR LaVALLE: If it's a question other than how much does this cost, the answer is yes.

(Laughter.)

ACTING PRESIDENT MARCELLINO: I believe he answered yes.

SENATOR KRUEGER: Thank you.

ACTING PRESIDENT MARCELLINO: You're welcome.

SENATOR KRUEGER: I'm glad we're so

entertained. We're having a discussion about a tax bill where we're not allowed to know how much it will cost us, but fine. Let's start.

When the sponsor just explained his bill, I was a little confused about whether he believes that this new STAR option would be either/or, enhanced senior STAR or this new program. As I read it, you would -- you'd be eligible for basic STAR. Then, if you were 65 or older, with income I think below $79,500, then you would be eligible for enhanced senior STAR.

And at least upon my reading of the bill, then if this became law, you could also, in addition to STAR and enhanced senior STAR, be eligible for this supplemental freeze or cap if you're 70 or older.

Am I misreading the bill?

SENATOR LaVALLE: I believe, Senator, it indicates that in each year the senior must apply for this frozen benefit, for the frozen benefit. So maybe you can point out in the language where this is different.

So what I had said to you is that in a particular year, because the enhanced STAR goes up, the senior might say, "You know, I am not

going to apply for the freeze, even though I had that for a couple of years."

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

SENATOR LaVALLE: Yes.

ACTING PRESIDENT MARCELLINO: Senator LaValle yields.

SENATOR KRUEGER: Thank you. So maybe we're having -- I really sincerely am a little confused.

So you're eligible for STAR. You're eligible if you're -- we're assuming, to start, you're eligible for basic STAR. If you're 65 or older with income of below -- just checking the website -- of $79,050 in 2011-2012, you're eligible for the senior enhanced STAR.

SENATOR LaVALLE: That is correct.

SENATOR KRUEGER: Can you be eligible for this cap or freeze on increases in your real property school tax if you're 70 and older? So can you be eligible for all three?

SENATOR LaVALLE: No.

SENATOR KRUEGER: No. Through you, Mr. President.

ACTING PRESIDENT MARCELLINO: I

believe the Senator yields.

SENATOR LaVALLE: Yes, correct.

SENATOR KRUEGER: So it's you choose either the enhanced STAR or the freeze.

SENATOR LaVALLE: Yes.

SENATOR KRUEGER: Thank you. If through you the sponsor will continue to yield.

ACTING PRESIDENT MARCELLINO: Senator LaValle continues to yield.

SENATOR KRUEGER: Thank you.

Okay. So right now the State of New York expects to have approximately $790 million in enhanced STAR costs in 2011-12 because X number of people are receiving enhanced STAR. But it's possible, if this becomes the law, some people will choose to receive the cap instead of the enhanced STAR, and that's why Senator LaValle can't give me a full answer of how much enhanced STAR might disappear because people chose this program instead. Is that a fair understanding?

SENATOR LaVALLE: Through you, Mr. President.

Senator Krueger, I think we have to separate out some terms here. With the freeze or

the cap in the legislation, we are freezing a tax rate. We're freezing a tax rate. When we're talking STAR or STAR enhancement, we're talking about a monetary amount.

SENATOR KRUEGER: Yes. So to go back to the question, Mr. President, if through you.

ACTING PRESIDENT MARCELLINO: Senator LaValle, do you yield?

SENATOR LaVALLE: Yes.

ACTING PRESIDENT MARCELLINO: He does.

SENATOR KRUEGER: Oh, thank you.

So again, in STAR and enhanced STAR there is a reduction in -- or there's actually a payment from the state back to the homeowners of a certain amount of money in --

SENATOR LaVALLE: The school district. It goes directly to the school district.

SENATOR KRUEGER: Excuse me, the school district. The homeowner gets the deduction, the school district gets money.

SENATOR LaVALLE: That's correct.

SENATOR KRUEGER: And in 2011-2012,

according to the New York State department of Tax and Finance, the enhanced STAR for seniors will total approximately $780 million.

But now you're saying that this program will also cap or freeze what your property tax rate might be. So to go back to my earlier question, I think you could get enhanced STAR for seniors and also get a capped rate of your school property tax at the same time.

SENATOR LAVALLE: Senator, I had -- in answering your question, I'm asking you a question. Where is the language here that does that?

SENATOR KRUEGER: Well, that's my dilemma in my question to you also.

SENATOR LaVALLE: No, no.

SENATOR KRUEGER: No?

SENATOR LAVALLE: No.

SENATOR KRUEGER: Okay. Mr. President, if through you.

ACTING PRESIDENT MARCELLINO: Sure.

SENATOR KRUEGER: Now I'm trying to answer the question. The enhanced STAR exemption is available for primary residences of senior citizens with yearly household incomes not

exceeding the statewide standard. Then, under the bill, a residential real property owned and occupied by an individual of 70 years of age or older, or by a husband or wife, one of whom is 70 years of age or older and meets each of the requirements of the enhanced STAR exemption, shall be eligible for a fixed real property school tax rate --

SENATOR LAVALLE: You should put a period right there, because we're setting -- we wanted to set an eligibility requirement. Who are we talking about in terms of income, who would be eligible. So we're using the enhanced STAR requirements or standards for the person who can now raise their hand and say "I would like my tax rate capped."

Now, if you keep reading, you're going to go down to the tax rate cap or freeze language.

SENATOR KRUEGER: I can see that.

Mr. President, if through you.

SENATOR LaVALLE: We're making progress.

SENATOR KRUEGER: What I don't see is any place in the bill where, having started

out as eligible for STAR and enhanced STAR, where you lose enhanced STAR because you chose a cap on future increases in your residential school district property tax.

ACTING PRESIDENT MARCELLINO: Is that a question, Senator Krueger?

SENATOR KRUEGER: Yes, it is.

ACTING PRESIDENT MARCELLINO: Senator LaValle.

SENATOR LAVALLE: Senator Krueger, I cannot answer your question other than the answers that I've given to you.

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

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

SENATOR LaVALLE: Yes.

ACTING PRESIDENT MARCELLINO: He yields.

SENATOR KRUEGER: Thank you.

So I'm going to try to repeat what I said out loud, and then I'll get to another question.

As I read this legislation, you could be eligible for STAR, you can be eligible

for enhanced STAR, you don't lose enhanced STAR but now you can eligible for a freeze or a cap on the growth of your real property school tax from year to year. So we start with this year I'm receiving STAR, I'm receiving enhanced STAR, and I'm making an application, if this became law, for a cap in growth. So that next year I could be eligible for STAR, I could be eligible for enhanced STAR, but because I have been approved for the growth rate in my school district tax, I would not be liable for taxes at this increased rate, and in fact the local government would send that amount of the bill to the State of New York to make them whole for the lost revenue because we have capped these people who are 70 and older at a certain year's rate.

Is this a correct understanding?

SENATOR LaVALLE: I think you're onto it now. Because now you're talking about tax rate, you're talking about the growth in the tax rate, and you are talking about the difference between what the tax rate was and the what the increase was, and that's what the school district would be eligible to receive from the state.

But when you talk about enhanced, and I just want to repeat this again, we used the enhanced -- you have to be eligible for the enhanced to even raise your hand and say "I want to cap my tax rate." Okay?

SENATOR KRUEGER: Correct.

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

ACTING PRESIDENT MARCELLINO: Senator LaValle, do you yield?

SENATOR LaVALLE: Maybe.

ACTING PRESIDENT MARCELLINO: I think he's pondering.

SENATOR LaVALLE: Senator, I will try and answer your question.

SENATOR KRUEGER: I appreciate that.

SENATOR LaVALLE: But this, quite honestly, is an exercise in circumlocution.

SENATOR KRUEGER: I don't think so. But --

SENATOR LAVALLE: Okay.

SENATOR KRUEGER: Mr. President, I think the sponsor has agreed to yield.

ACTING PRESIDENT MARCELLINO: Have

you yielded, Senator LaValle, to another question?

SENATOR LaVALLE: I would like Senator Krueger to ask me the question. And if it's something that is repetitive, I am not going answer it because we are going around and around.

ACTING PRESIDENT MARCELLINO: Senator Krueger.

SENATOR KRUEGER: Thank you. Well, I don't think we're going around and around. I have just moved down the road of my understanding of what this bill would do.

So now my next question is would a community that has the same population, two communities with the same population, the same populations with approximately the same incomes, the same home values, the same assessment rates, would a community with more people over 70 be receiving a higher rate of New York State revenue back to their local towns than a town with a younger population?

SENATOR LaVALLE: Through you, Mr. President. Senator, there are communities that have senior communities, and so that there could be some districts that would receive some

additional monies back because of seniors choosing the freeze. We don't know that because we don't have any experience with it.

And obviously this bill did not come out of left field. This bill came in talking to seniors, to districts. And a lot of seniors said, "You know, I don't know what I would do. You know, because a freeze sounds good, but if the increases in the enhanced keep going up, why would I choose a freeze? I might be better off taking an enhanced benefit."

We have to take one year at a time. This year, Senator, we didn't have a cost of living increase, so this year would be a good year to choose a freeze. Because -- you know, maybe, you know, for some people. So I think it's something that only, you know, experience would give us the kind of information that we need on what senior population, you know, would take this benefit.

The most important thing is it would not, like other exemptions, hurt younger people. But as I said, and I want to repeat it again, I think there's a sensitivity, certainly on my part and a lot of members, to be very careful about

these shifts. But we just passed and the Governor signed into law this session first-time homebuyers in which we gave young people, primarily young people, a 50 percent break on their real property taxes if the municipality -- the school district, the town, the village, the county -- enacts their local resolution.

SENATOR KRUEGER: Mr. President, on the bill.

ACTING PRESIDENT MARCELLINO: Senator Krueger on the bill.

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

It's a dilemma. I think -- whether Senator LaValle agrees with me or not, I think the discussion was worthwhile, because it helps us understand how complicated our system of taxation is and some of the unintended consequences that can come out of making a tax system extremely complicated -- the differences between caps, enhancements, reimbursements from the state to the locality, different rules based on age, different rules based on whether you're a homeowner or a renter.

STAR as a system at the very

beginning, in fact, is a disadvantage to the cities in New York State where a disproportionately large number of people are renters, not owners. And therefore they see less money coming back to their communities from STAR because they are disproportionately large numbers of renters, versus in suburban New York State where they are owners.

We already have a system where we have an enhancement for senior citizens 65 and older. And again, some people have raised tax policy questions over the years as to whether establishing tax levels based on age as opposed to income is a very good model for taxation. We've debated tax caps in this house. We've debated circuit-breakers in this house. We are no doubt going to, I assume, see some kind of additional tax cap proposal perhaps before we leave session this year.

My concern about this bill is it seems to be yet another layering of complexity into the system we've already concluded isn't really working that well for us. I respect the Senator's, the sponsor's point that he is trying to offer some kind of relief to older

homeowners. Although it's not based on income, it's based on age, which again I'm not really sure is good tax policy. In fact, I'm fairly sure it's not good tax policy.

I also think it -- by his own, I think, admission it layers on the complexity it depends on the year, whether you file, whether your locality decides it's going to accept the system for this town. It's making an already complex system more complex.

We don't know what the actual cost to the State of New York will be, although we know it will be something because we know that STAR costs the state significantly each year. And this will be, one has to believe, an added-on cost; otherwise, nobody would participate and there would be no motivation for the Senator to be moving the bill.

I have to disagree with his closing statement that this doesn't cost young people anything. Because in fact, if the cost of this new program is a significant cost to the State of New York -- remember, the state has to pay the locality whatever the 70 and older taxpayer is not paying to the locality. So if the cost is

significant to the state, I would make the argument that in the absence of alternative sources of revenue other than our budget, we would be forced to cut some other equal amount of money out of our budget to transfer to the locality, and that that very well might be money being cut out of programs for younger people.

I don't think, in the end, we should be deciding tax policy by age, and that creating new programs, because we had one for 65-plus, but now we'll have another for 70-plus and, I don't know, the year after one for 72.5-plus, is a very good model for tax policy. So I'll be voting no.

And I appreciate very much the sponsor's answers to my questions.

Thank you, Mr. President.

ACTING PRESIDENT MARCELLINO: Seeing no other Senator wishing to be heard on this bill, debate is closed.

Can we ring the bells, please.

Read the last section.

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

ACTING PRESIDENT MARCELLINO: Call

the roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: Calendar Number 1388, by Senator Martins, Senate Print 5235, an act relating to the sales and compensating use tax.

ACTING PRESIDENT MARCELLINO: If we can have some order, please {gaveling}.

SENATOR BRESLIN: Explanation.

ACTING PRESIDENT MARCELLINO: An explanation has been requested by Senator Breslin, Senator Martins.

SENATOR MARTINS: Thank you.

This is a bill that would cancel the liability for waste transfer stations that are regulated by the New York State Department of Environmental Conservation where the waste removed was not generated by the facility.

Specifically, it would provide for canceling of liability between April 1, 1997, and December 1, 2005. Any monies that were paid by

any such facilities between that period, this bill would call for those monies to be refunded as well.

Now, the reason we have those two dates specifically is that in 1997 there was an advisory opinion that for the first time there's an interpretation by the New York State Department of Taxation and Finance that these facilities would have to pay sales tax on materials removed from a transfer station.

In 2005, December 1, 2005, the Legislature, including this house, passed bills which were eventually signed into law which reversed that advisory opinion. But it did leave that period between 1997 and 2005 where there was potential liability. And in order to resolve that, I have introduced this bill.

ACTING PRESIDENT MARCELLINO: Senator Krueger, why do you rise?

SENATOR KRUEGER: I thought I'd ask a question, if the sponsor would yield.

ACTING PRESIDENT MARCELLINO: Would the sponsor yield to Senator Krueger?

SENATOR MARTINS: I would be glad to. Thank you, Mr. President.

ACTING PRESIDENT MARCELLINO: You want to rethink that?

(Laughter.)

ACTING PRESIDENT MARCELLINO: Senator Krueger.

SENATOR KRUEGER: Thank you very much. Could you just tell me how much you think this will cost the state if we were to pass a bill retroactively giving some number of companies their tax money back?

SENATOR MARTINS: I have to say, Senator Krueger, the estimates I have are between $2.9 million and $5 million have been paid for that period of time where assessments were made and monies were actually paid, so that money would have to be refunded. And that the potential liability to the state is $26.7 million for that period. That is based on assessments but not necessarily monies that had been collected, just an estimate as to the potential liability.

Although again, if we're calling for a refund, we're limited to that number, $2.9 million to $5 million.

I just wanted to take the

opportunity, if I may, just to fully answer your question I want to go back to the memorandum of support from that bill that eventually became law in 2005. Again, I will point out that the bill in 2005 was voted on 61-0 in this house, including many members who are still in the house today.

And as part of the justification, and I'll quote, "The advisory opinion" -- and that's the advisory opinion from 1997 -- "contains a strained interpretation of the Tax Law that is beyond that contemplated by the Legislature when it sought to impose a tax on the services of maintaining real property. Since this additional tax would, like all other costs incurred by supplies, be passed on to the ultimate consumer; i.e., the individual owners of the property or the municipalities that provided such services to its residents, in essence it results in a double tax to the ultimate home or business owner. This bill would specifically exclude such services from tax."

So what I am suggesting is that consistent with this house's determination in 2005, and consistent with the justification, we

should go back and tighten that loophole, which is that period between 1997 and 2005, so that the same tax that was determined not to be consistent with this body's interpretation of the Tax Law would not inure to the detriment of specific waste facilities.

SENATOR KRUEGER: Thank you. The explanation is satisfactory. Thank you.

ACTING PRESIDENT MARCELLINO: Thank you, Senator.

SENATOR MARTINS: Thank you.

ACTING PRESIDENT MARCELLINO: Seeing no other members wishing to speak on this bill, the Secretary will ring the bells.

Read the last section, please.

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

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: Calendar Number

1403, by Senator LaValle, Senate Print 5698, an act in relation to a proposed electric generating facility.

SENATOR BRESLIN: Explanation.

ACTING PRESIDENT MARCELLINO: Senator LaValle, an explanation has been requested by Senator Breslin.

SENATOR LaVALLE: Thank you.

Senator Breslin, let me give you some of the background in why this bill was developed.

We on Long Island have an entity that is responsible for generating electric power. It's called the Long Island Power Authority. Long Island Power Authority has, at various points in its career -- it was formed in 1986 -- has had some good, a little fame, but lately we haven't seen much glory or fame from the Long Island Power Authority.

It has generating plants in Port Jefferson, Northport, the Barrett plant over in Island Park, Glenwood Landing up in Nassau County, and actually Far Rockaway has a plant in Queens that is part of the LIPA area.

Somewhere in the middle of its

tenure from 1986 to today, LIPA decided that it would split its generation and its transmission of the power. And what it did was it created -- went out to bid, and an outfit named National Grid -- and I think you have some experience with National Grid upstate. It used to be NIMO, now it's National Grid.

In Port Jefferson -- let's use Port Jefferson as an example, LIPA has come in and done a number of things. It has begun a process to diminish the tax base in that community, as it has in Northport, in Island Park, Glenwood Landing and so forth. It also is at a very important point, and this is key to the establishment of this legislation, that it is now looking at these plants that have existed for many, many years as to whether the plants will continue to generate power, for how long, and how much power.

This legislation is a creative approach to ensure that we can use the Port Jefferson site in a number of ways. We could repower Port Jefferson, we could repower Northport, so forth and so on. We could treat it, which this legislation does, as a brownfield

site. And what we did with this is we use, in order to give competition, give people an idea that they would come in and make an offer to either repower it or build solar panels to generate electricity at that particular site.

The beauty of this legislation, and sometimes I know an irritant to the other side of the aisle, is to use tax credits under brownfield legislation and carve out an increased benefit by the -- an increased benefit by using what manufacturers would get if this was a manufacturing site. And I am told by various people that that would be one methodology in getting people to come to the site to want to put solar panels, repower it, or whatever at the site.

National Grid does have some money that is laid aside and would use that money to help clean up that site. So with some of that money and the use of tax credits under the brownfield legislation, we would be able to get a number of entities to come there and be competitive.

ACTING PRESIDENT MARCELLINO: Senator Krueger, why do you rise?

SENATOR KRUEGER: Thank you. I wanted to ask the sponsor a couple of brief questions on the bill.

SENATOR LaVALLE: Yes.

SENATOR KRUEGER: Thank you.

So this would be to make an exception to the brownfield tax credit law that the Senate Republicans changed in 2008. So we had a brownfields tax credit law, many people recognized it as being too broad, covering too many things that were not intended to be covered by the law, and so the law was moderated and changed in 2008 because of the overly generous costs.

And now this would be an exception to the law we passed in 2008 for this specific energy site or for all electric generating plants?

SENATOR LaVALLE: Senator, the answer is yes. And what we're trying to do is to make sure that we have a site that is producing energy that is clean, that is being generated in the most economical way and hopefully will inure to the benefit of the ratepayer, since we will be generating potentially greater power than we have

on-site now. It will be cleaner power and, as I said, most likely cheaper.

And I just want to reinforce this because I think it's critically important. It does not mean that it has to be done in the same way. This year the Town of Brookhaven, where I live, through Brookhaven National Lab is creating a solar power field of tens of acres of solar panels to generate electricity. So that is a possibility that we go to that form to generate energy.

SENATOR KRUEGER: Mr. President, on the bill.

ACTING PRESIDENT MARCELLINO: Senator Krueger on the bill.

SENATOR KRUEGER: Thank you.

We have a series of tax credits and grant programs and even federal funds as well as state funds available to modernize and create efficiencies and improve energy generation in this state. Which is one of the things I've heard might want to be done on this piece of property. And if in fact the company decides to sell the property to someone else, under the state law they have an obligation to remediate

and clean up the land now.

I had a power plant in my district that closed, and it was very clear that they had a legal obligation to remediate and clean up the brownfields before they sold that land.

So in fact if the existing energy company chooses to modernize, make more efficient and I have to believe set up a system with solar or anything else that would result in cheaper utilities, there are any number of tax credits and options they have available. And if they choose to sell it, they have a legal obligation to clean it up, which is the good news for Port Jefferson. I believe that was the town that was mentioned.

What I don't think we should do is open up and expand the eligibility for the brownfields cleanup program tax credits, which were exploited by certain businesses in this state in the past and in fact are already leaving us with potentially hundreds of millions of dollars of liabilities for the projects that appeared to move forward before we changed the law in 2008.

My understanding is DEC says the

cost for this program will be $10 million. I just don't see our justifying spending another $10 million in New York State for an additional credit for a site that is legally already obligated to be cleaned up if the utility company were to sell and go somewhere else, and/or could in fact apply for a variety of different credits and grants and funds if it decides to move into a modernization with cleaner energy.

And I hope they do modernize, and I do hope they offer cleaner energy to the community. But I don't believe we should be passing this bill today. I'll be voting no, Mr. President.

ACTING PRESIDENT MARCELLINO: Seeing no other Senators wishing to speak on this bill, the debate is closed.

The Secretary will ring the bell.

Read the last section.

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

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MARCELLINO:

Announce the results.

THE SECRETARY: In relation to Calendar Number 1403, those recorded in the negative are Senators Avella, Breslin, Duane, Espaillat, Gianaris, Hassell-Thompson, Huntley, L. Krueger, C. Kruger, Montgomery, Oppenheimer, Peralta, Perkins, Rivera, Serrano, Smith, Squadron, Stavisky, and Stewart-Cousins.

Ayes, 43. Nays, 19.

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: Calendar Number 1415, by Senator DeFrancisco, Senate Print 5808, an act to amend the Insurance Law.

SENATOR BRESLIN: Explanation.

ACTING PRESIDENT MARCELLINO: Senator DeFrancisco, an explanation has been requested.

SENATOR DeFRANCISCO: Yes, this bill would allow for malpractice insurance carriers to maintain reserves of 20 percent of the potential losses on policies.

And the reason for that is it would reduce it from 100 percent, because 100 percent reserves are unreasonable and it causes upward

pressure on medical malpractice rates, unnecessary upward pressure, in order to keep reserves of a hundred percent. And that's what it does.

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

SENATOR BRESLIN: Would the sponsor yield for a question or two.

SENATOR DeFRANCISCO: Yes. Yes.

ACTING PRESIDENT MARCELLINO: Yes, he will. As soon as we can get some order in the house. Thank you.

SENATOR BRESLIN: Through you, Mr. President, do you know whether or not the Insurance Department has taken any position on this legislation?

SENATOR DeFRANCISCO: No, they have not. They've been involved -- there were some early negotiations. They've been involved in negotiations on the bill. They haven't really gave their firm opinion one way or the other.

There was a different bill that had a 10 percent reserve, as opposed to 20 percent, as this bill does. But they haven't weighed in on this one as yet.

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

SENATOR DeFRANCISCO: Yes.

SENATOR BRESLIN: Do you know the rationale that the Insurance Department imposes a 100 percent set-aside for claims?

SENATOR DeFRANCISCO: There is a -- well, the -- there was a raid of a fund for medical malpractice insurance that was -- because the Legislature and the Governor back several years ago decided that we needed money for general purposes. So as a result, there's -- this reserve fund that should have been fully funded is no longer there.

The reason the Insurance Department wants 100 percent funding, or at least up to this point in time, was to make sure that there would be sufficient funds in the reserve to pay claims as they become due.

However, over the last 10 years the experience of medical malpractice claims has been that the insurance carriers have needed nothing near the 100 percent, and that's where the 20 percent came in. In other words, reserves are

always overestimated. And the way the insurance companies become whole is just keep raising malpractice insurance rates. And by raising them, it causes an artificial increase in cost of medical malpractice premiums.

SENATOR BRESLIN: Would the sponsor continue to yield.

SENATOR DeFRANCISCO: Yes.

ACTING PRESIDENT MARCELLINO: The sponsor yields.

SENATOR BRESLIN: Wouldn't the projected reserves be based upon prior experience?

SENATOR DeFRANCISCO: Correct.

SENATOR BRESLIN: And can you tell us, in a given year, last year or the year before or the year before that, the excess reserves over actual payments? Do you know that number, either in a percentage or in an absolute?

SENATOR DeFRANCISCO: I don't know that number. But the 20 percent would be adequate to cover future potential claims.

And there's another point. The present value of dollars as they are today that would be needed to fund something out three or

four or five years down the road, as some of these projected losses are, is substantially less. There's value to money being invested over a period of time.

So $10 today is worth, if they have to pay something ten years in the future, is worth $20 or $30 ten years in the future. So the amount of reserves that are kept don't have to be 100 percent, just because of the time value of money.

SENATOR BRESLIN: Again, will the sponsor continue to yield.

SENATOR DeFRANCISCO: Yes.

SENATOR BRESLIN: Then what you're saying is that the 20 percent projected in this bill, as opposed to 100 percent set aside for reserves, would be sufficient in an actually way to pay all claims?

SENATOR DeFRANCISCO: There is -- that is correct, in view of one other provision of the bill. And the other provision of the bill is that the Superintendent of Insurance has full discretion to direct increases in reserves for the pool deficit when obligations actually become due and owing.

So if an insurance company doesn't have enough reserves, they can then -- the Insurance Department, as time goes on, if they see it's not sufficient, can order an increase in the reserves. So the Superintendent of Insurance has a substantial say in the amount of reserves in the future.

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

SENATOR DeFRANCISCO: Yes.

ACTING PRESIDENT MARCELLINO: The sponsor yields.

SENATOR BRESLIN: Given the fact that much of our financial difficulties have come through companies being undercapitalized, wouldn't it be true that if you reduced the amount of reserves needed to pay claims you would then increase the available cash and you would be able to attract new customers, which would make your capitalization even thinner?

SENATOR DeFRANCISCO: No.

SENATOR BRESLIN: Again, through you.

ACTING PRESIDENT MARCELLINO:

Senator, do you yield?

SENATOR DeFRANCISCO: Yes.

ACTING PRESIDENT MARCELLINO: The Senator yields.

SENATOR BRESLIN: Can you explain that in more than a yes/no answer?

SENATOR DeFRANCISCO: Well, the reason is is that you should be keeping reserves sufficient to pay your claims. If you overinflate the reserves, what you're doing is artificially increasing the cost to doctors, because they have to make money in more premiums to raise the reserves.

If our history has been that we've not needed or these companies have not needed anywhere near 100 percent, we've been artificially charging doctors too much money for their medical malpractice insurance. And this will help correct that by, I believe, reducing insurance rates.

And if there was a problem, if the reserves started getting too low in view of actual claims as they came forward, the Superintendent of Insurance could come in and request additional reserves to be put in.

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

SENATOR DeFRANCISCO: Yes.

ACTING PRESIDENT MARCELLINO: The Senator yields.

SENATOR BRESLIN: If in fact it would reduce costs to doctors, could you explain why the legislation, the prior legislation, which is only the difference, between 10 and 20, was opposed by the Medical Society?

SENATOR DeFRANCISCO: Well, I think probably because of their reliance on the competitive malpractice insurance carrier MLMIC. MLMIC doesn't want this. MLMIC doesn't want this because they're a much bigger carrier and they can afford the higher reserves. Whereas these smaller carriers that are proposing this bill can't compete. And they can't compete because they don't have the amount of reserves or the amount of business or they can't afford the amount of reserves that MLMIC can afford.

And I don't think the medical profession, if they were opposed to the 10 percent, really understood that point. And if

they -- I don't think they're opposed to the 20 percent, which is the current bill. That's why we increased it, to try get more people in support of it. And I didn't get a memo in opposition by the medical profession. Maybe you have one.

SENATOR BRESLIN: On the bill.

Thank you, Senator DeFrancisco.

ACTING PRESIDENT MARCELLINO: Senator Breslin on the bill.

SENATOR BRESLIN: This is not only -- the difference between 10 and 20 is marginal, as opposed to 100 percent reserves set aside for malpractice claims.

The New York insurance Association has been against it. MLMIC has been against it, and they are in fact the largest carrier, which would make them have more cash if we reduce the amount of reserves.

This country got into financial problems because of reducing reserves and reducing the ability to pay claims. MLMIC would benefit tremendously by this, because they would have that much additional capital and they have more than twice the percentage, the share of the

market than PRI, who's been the company pushing this bill.

I think it's a bad bill for medicine, it's a bad bill for the State of New York because ultimately, if it fails, if the reserves aren't proper and they aren't properly set aside, we will end up paying.

I vote in the negative.

ACTING PRESIDENT MARCELLINO: Senator Hannon on the bill.

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

This is a good bill for the moment because it tries to write and keep two companies in the market of writing medical malpractice insurance.

The difficulty with this market, it's come down to two companies. And it wasn't -- when the original statutory structure was set out, there was actual competition and then there was a high-risk pool set up. But because of the nature of the two companies and the high-risk pool, we have something that really doesn't fit the statute anymore.

We need to keep these two companies

together because the bigger company, MLMIC, does insure the most doctors, but they don't insure all the doctors. PRI insures the other doctors. And we need keep this going.

The entire medical malpractice marketplace is not in a stable situation. It needs to be looked at. It needs to be examined by all folks. In many cases the doctors are flocking like crazy to either practices bought by hospitals or practices where they're just employed by hospitals, skewing the rest of the market and skewing for the patients how they're going to obtain their direct medical care.

So for the moment, this bill fits the need. For the long run, this state, the revitalized Insurance Commission needs to take a look at it, as does the healthcare industry, because we need something that's going to be viable for the long run.

But at the moment, I vote yes.

ACTING PRESIDENT MARCELLINO: Thank you, Senator Hannon.

Senator DeFrancisco, are you on the bill?

SENATOR DeFRANCISCO: Yes, I just

wanted to mention that it has been unequivocally proven that this is an outstanding bill. When Senator Hannon and I agree on a medical malpractice issue, it is a cause for celebration and for cheering in this chamber, because that means if we both think it's a good bill, it's got to be a good bill.

And I thank Senator Hannon for his support.

ACTING PRESIDENT MARCELLINO: Seeing no other members wishing to speak on this bill, the debate is closed.

And according to Senator DeFrancisco, it's time to celebrate, so ring the bells.

Read the last section, please.

THE SECRETARY: Section 2. This act shall take effect December 31, 2011.

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: In relation to Calendar 1415, those recorded in the negative are Senators Avella, Breslin, Duane and Squadron.

Ayes, 58. Nays, 4.

ACTING PRESIDENT MARCELLINO: The bill is passed.

Senator Maziarz, that completes the controversial calendar as we have it.

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

Could we return to the active list and take up Calendar Number 915, please, at this time.

ACTING PRESIDENT MARCELLINO: The Secretary will read Calendar Number 915.

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

ACTING PRESIDENT MARCELLINO: Read the last section, please.

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

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT MARCELLINO: The bill is passed.

Senator Maziarz.

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

At this time could we go back to Senate Supplemental Calendar Number 56B and call up Calendar Number 1371, please.

ACTING PRESIDENT MARCELLINO: Supplemental Calendar 56B, Calendar Number 1371.

There is a home-rule message at the desk. The Secretary will read.

THE SECRETARY: Calendar Number 1371, by Senator Ranzenhofer, Senate Print 5200, an act to deem the objects or purposes for which certain bonds were issued.

ACTING PRESIDENT MARCELLINO: Read the last section, please.

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

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT MARCELLINO: The bill is passed.

Senator Maziarz.

SENATOR MAZIARZ: Mr. President, at

this time would you please call on Senator Hassell-Thompson for an announcement.

ACTING PRESIDENT MARCELLINO: The chair calls on Senator Hassell-Thompson for an announcement.

SENATOR HASSELL-THOMPSON: Yes, thank you, Mr. President.

There will be an immediate meeting of the Democratic Conference in the Democratic Conference Room.

ACTING PRESIDENT MARCELLINO: There will be an immediate meeting of the Democrat Conference in the Democrat Conference Room.

Senator Maziarz.

SENATOR MAZIARZ: Mr. President, at this time the Senate will stand at ease pending the return of the Democrats.

ACTING PRESIDENT MARCELLINO: The Senate will stand at ease, pending. Approximately a half an hour is the time frame.

(Whereupon, the Senate stood at ease at 5:43 p.m.)

(Whereupon, the Senate reconvened at 6:54 p.m.)

ACTING PRESIDENT O'MARA: Senator

Libous.

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

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

The Senate will stand at ease.

(Whereupon, the Senate stood at ease at 6:55 p.m.)

(Whereupon, the Senate reconvened at 7:21 p.m.)

SENATOR LIBOUS: Mr. President.

ACTING PRESIDENT GRIFFO: Senator Libous.

SENATOR LIBOUS: Mr. President, can we move to motions and resolutions for a second, please.

ACTING PRESIDENT GRIFFO: On motions and resolutions.

Senator Libous.

SENATOR LIBOUS: Mr. President, on behalf of Senator LaValle, I'd like to call up Senate Print 3907, recalled from the Assembly,

which is now at the desk.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: Calendar Number 545, by Senator LaValle, Senate Print 3907, an act to amend Chapter 84 of the Laws of 2002.

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

ACTING PRESIDENT GRIFFO: Call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

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

ACTING PRESIDENT GRIFFO: The amendments are accepted.

Senator Libous.

SENATOR LIBOUS: Mr. President, I have just been handed this, hot off the press. On behalf of Senator Hannon, on page 39 I offer the following amendments to Calendar Number 1216, Senate Print 3201, and ask that said bill retain its place on the Third Reading Calendar.

ACTING PRESIDENT GRIFFO: The

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

SENATOR LIBOUS: Mr. President, at this time could we go to reports of standing committees.

I believe there are two reports of the Rules Committee at the desk. We need to read the reports and then accept both reports, please.

ACTING PRESIDENT GRIFFO: Reports of standing committees.

The Secretary will read the Rules reports at the desk.

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

Senate Print 271, by Senator Diaz, an act to amend the Banking Law;

1368A, by Senator Dilan, an act to amend the Family Court Act;

1759, by Senator LaValle, an act to amend the Tax Law;

1883A, by Senator Flanagan, an act to amend the Insurance Law;

3489A, by Senator Saland, an act to amend the Public Officers Law;

4712A, by Senator Ritchie, an act to amend the Insurance Law;

5132C, by Senator Libous, an act to amend the Vehicle and Traffic Law;

5317, by Senator Fuschillo, an act to amend the General Business Law;

5563, by Senator Skelos, an act to amend the Vehicle and Traffic Law;

5746, by Senator Savino, an act to amend the Social Services Law;

5770, by Senator Dilan, an act to amend the Public Authorities Law;

4443B, by Senator Lanza, an act to amend the Criminal Procedure Law;

And Senate Print 5831, by Senator Skelos, an act to amend Chapter 576 of the Laws of 1974.

All bills ordered direct to third reading.

ACTING PRESIDENT GRIFFO: Senator Libous.

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

ACTING PRESIDENT GRIFFO: All in

favor of accepting the reports of the Rules Committee signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT GRIFFO: Opposed?

(No response.)

ACTING PRESIDENT GRIFFO: The reports are accepted.

SENATOR LIBOUS: Mr. President, it appears that we've done both of those reports of the Rules Committee and accepted them.

ACTING PRESIDENT GRIFFO: Correct.

SENATOR LIBOUS: So now we can move, posthaste, to Calendar Number 56D, supplemental calendar, noncontroversial reading, please.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: Calendar Number 1416, by Senator Diaz, Senate Print 271, an act to amend the Banking Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the

roll.

(The Secretary called the roll.)

ACTING PRESIDENT GRIFFO: Announce the results.

SENATOR LIBOUS: Mr. President, I believe that they are waiting for the calendars on this side. Do we have calendars over here, on the other side?

Senator Duane, we apologize for that. We're going to get you a calendar.

ACTING PRESIDENT GRIFFO: Just as a point of information, we're on Calendar 1416, Bill 271, by Senator Diaz. And we are on the roll call.

(Pause.)

SENATOR LIBOUS: Mr. President, I believe that everybody has a supplemental calendar at this time.

ACTING PRESIDENT GRIFFO: I would ask the Senate to please come to order so that we can hear each other and the stenographer will be able to hear the session.

SENATOR LIBOUS: Mr. President, if you'd ask the Secretary to continue to read, please. Thank you.

ACTING PRESIDENT GRIFFO: We are on the roll call, Senator Libous. We'll re-call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1417, Senator Dilan moves to discharge, from the Committee on Rules, Assembly Bill Number 3127A and substitute it for the identical Senate Bill Number 1368A, Third Reading Calendar 1417.

ACTING PRESIDENT GRIFFO: Substitution so ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1417, by Member of the Assembly O'Donnell, Assembly Print 3127A, an act to amend the Family Court Act.

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 1418, by Senator LaValle, Senate Print 1759, 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, 61. Nays, 1. Senator Duane recorded in the negative.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1419, by Senator Flanagan, Senate Print --

SENATOR LIBOUS: Lay it aside for the day.

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

THE SECRETARY: In relation to Calendar Number 1420, Senator Saland moves to discharge, from the Committee on Rules, Assembly Bill Number 289B and substitute it for the identical Senate Bill Number 3489A, Third Reading Calendar 1420.

ACTING PRESIDENT GRIFFO: Substitution so ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1420, by Member of the Assembly Lancman, Assembly Print 289B, an act to amend the Public Officers 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, 60. Nays, 2. Senators Hassell-Thompson and L. Krueger recorded in the negative.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1421, by Senator Ritchie, Senate Print 4712A, an act to amend the Insurance Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1422, by Senator Libous, Senate Print 5132C, an act to amend the Vehicle and Traffic Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1423, by Senator Fuschillo, Senate Print 5317, an act to amend the General Business Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

SENATOR BRESLIN: Lay it aside.

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

ACTING PRESIDENT GRIFFO: Lay it aside for the day.

THE SECRETARY: Calendar Number 1424, by Senator Skelos, Senate Print 5563, an act to amend the Vehicle and Traffic Law.

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

Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1425, Senator Savino moves to discharge, from the Committee on Rules, Assembly Bill Number 8108A and substitute it for the identical Senate Bill Number 5746, Third Reading Calendar 1425.

ACTING PRESIDENT GRIFFO: Substitution so ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1425, by Member of the Assembly Paulin, Assembly Print 8108A, an act to amend the Social Services 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 1426, by Senator Dilan, Senate Print 5770, an act to amend the Public Authorities Law.

ACTING PRESIDENT GRIFFO: Read the last section.

THE SECRETARY: Section 3. This act shall take effect on the same date and in the same manner as a chapter of the Laws of 2011.

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1427, by Senator Lanza, Senate Print 4443B, an act to amend the Criminal Procedure Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the

roll.

(The Secretary called the roll.)

THE SECRETARY: In relation to Calendar Number 1427, those recorded in the negative are Senators Hassell-Thompson, L. Krueger, Perkins, Rivera, and Squadron.

Ayes, 57. Nays, 5.

ACTING PRESIDENT GRIFFO: The bill is passed.

That concludes the reading of the D calendar, Senator Libous.

SENATOR LIBOUS: So that means 56E would be coming up next, Mr. President?

ACTING PRESIDENT GRIFFO: Excellent.

SENATOR LIBOUS: Could we please do the noncontroversial reading.

ACTING PRESIDENT GRIFFO: The Secretary will read Supplemental Calendar 56E, noncontroversial.

THE SECRETARY: Calendar Number 1428, by Senator Skelos, Senate Print 5831, an act to amend Chapter 576 of the Laws of 1974.

ACTING PRESIDENT GRIFFO: Senator Libous.

SENATOR LIBOUS: Is there a message of necessity at the desk?

ACTING PRESIDENT GRIFFO: There is a message of necessity at the desk.

SENATOR LIBOUS: Mr. President, I move that we accept the message of necessity at this time.

ACTING PRESIDENT GRIFFO: All in favor of accepting the message of necessity from the Governor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT GRIFFO: Opposed?

(No response.)

ACTING PRESIDENT GRIFFO: The message is accepted.

Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT GRIFFO: Senator Espaillat to explain his vote.

SENATOR ESPAILLAT: Mr. President, I would like to explain my vote. Thank you for

giving me the opportunity.

This is the third opportunity that we get to pass an extender on the rent laws this legislative session. This is beginning to look like the budget process last year when extender after extender after extender proved the modus operandi of this house and the Legislature.

2.5 million New Yorkers continue to wait for a resolution of this very important issue that will impact on the lives of their families, and yet we continue to drag our feet. And we are past the 15th and for the third time, once again, we take on a bill to give us more time to kick the can down the road.

So I stand here to cast a vote in support of this, recognizing that the crisis affecting housing in New York City continues, that we should bring this to a resolve as quickly as possible, and that rent regulations should not only be extended but strengthened to provide the protections that tenants across the State of New York want and need.

Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: Senator Espaillat, how do you vote?

SENATOR ESPAILLAT: I vote in the affirmative.

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

Announce the results.

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT GRIFFO: The bill is passed.

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

SENATOR LIBOUS: Thank you, Mr. President.

Is there any further business at the desk at this time?

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

SENATOR LIBOUS: Mr. President, I believe Senator Hassell-Thompson has an announcement.

ACTING PRESIDENT GRIFFO: Senator Hassell-Thompson.

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

At 10:00 a.m. in the morning there will be a Democratic conference in the Democratic

Conference Room.

ACTING PRESIDENT GRIFFO: At 10:00 a.m. tomorrow morning, June 21st, there will be a Democrat conference in the Democrat Conference Room.

Senator Libous.

SENATOR LIBOUS: Mr. President -- I'll match that, Senator -- at 10:00 a.m. there will be a Republican conference in the Republican Conference Room.

ACTING PRESIDENT GRIFFO: At 10:00 a.m. there will be a Republican conference in the Majority Conference Room.

SENATOR LIBOUS: And there being no further business to come before the Senate this evening, I move that we adjourn until Tuesday, June 21st, at 11:00 a.m.

ACTING PRESIDENT GRIFFO: On motion, the Senate stands adjourned until Tuesday, June 21st, the summer solstice, at 11:00 a.m. Senate adjourned.

(Whereupon, at 7:35 p.m., the Senate adjourned.)