NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

June 14, 2012

11:13 a.m.

REGULAR SESSION

SENATOR ELIZABETH O'C. LITTLE, Acting President

FRANCIS W. PATIENCE, Secretary

P R O C E E D I N G S

ACTING PRESIDENT LITTLE: The Senate will come to order.

I ask everyone present to please rise and repeat with me the Pledge of Allegiance.

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

ACTING PRESIDENT LITTLE: In the absence of clergy, may we please bow our heads in a moment of silence.

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

ACTING PRESIDENT LITTLE: Thank you.

The reading of the Journal.

THE SECRETARY: In Senate, Wednesday, June 13th, the Senate met pursuant to adjournment. The Journal of Tuesday, June 12th, was read and approved. On motion, Senate adjourned.

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

Senator Libous.

SENATOR LIBOUS: Can we have some order in the chamber, Madam President.

If members will please take their seats. Thank you. If staff members could take seats along the wall. And if they don't need to be here, if they could get back to the offices and do the diligent work for their members that they normally do.

Madam President, before we go any further, I would ask you at this time to please call on Senator Perkins.

ACTING PRESIDENT LITTLE: Thank you.

Senator Perkins.

SENATOR PERKINS: Thank you very much. I just wanted to request that we have a moment of silence.

A very, very important leader, Dr. Annie B. Martin of the New York City NAACP, passed away two days ago. And I would ask that the body, in remembrance of her, in respect of her, have a moment of silence.

ACTING PRESIDENT LITTLE: Thank you.

Let us all join Senator Perkins

in a moment of silence.

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

ACTING PRESIDENT LITTLE: Thank you.

I also would like to just mention -- I'm sure everyone is aware of it -- that today, June 14th, is Flag Day. And we have the privilege of saluting our flag as we begin each session. And may we always have that privilege of doing so.

Presentation of petitions.

Messages from the Assembly.

Messages from the Governor.

Reports of standing committees.

Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

Senator Libous.

SENATOR LIBOUS: Thank you, Madam President. I have a number of motions here that I would like to do at this time.

On behalf of Senator Johnson,

please place a sponsor's star on Calendar Number 1211.

ACTING PRESIDENT LITTLE: So ordered. That bill will be starred.

SENATOR LIBOUS: Thank you.

On behalf of Senator Seward, could you please call up his bill, 6810A, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT LITTLE: The Secretary will read.

THE SECRETARY: Calendar Number 569, by Senator Seward, Senate Print 6810A, an act to amend the Insurance Law.

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

ACTING PRESIDENT LITTLE: The Secretary will call the roll on reconsideration of the bill.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 53.

SENATOR LIBOUS: I offer up the following amendments.

ACTING PRESIDENT LITTLE: The amendments are received.

SENATOR LIBOUS: On behalf of Senator Libous, I wish to call up my print, Senate 5132C, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT LITTLE: The Secretary will read.

THE SECRETARY: Calendar Number 249, by Senator Libous, Senate Print 5132C, an act to amend the Vehicle and Traffic Law.

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

ACTING PRESIDENT LITTLE: Call the roll on reconsideration of the vote.

THE SECRETARY: Ayes, 53.

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

ACTING PRESIDENT LITTLE: The amendments are received.

SENATOR LIBOUS: On behalf of Senator Seward, on page 36 I offer the following amendments to Calendar Number 998, Senate Print 7306A, and ask that said bill retain its place on the Third Reading Calendar.

ACTING PRESIDENT LITTLE: The

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

SENATOR LIBOUS: On behalf of Senator Larkin, Madam President, on page 47 I offer the following amendments to Calendar Number 1223, Senate Print 5423A, and ask that said bill retain its place on the Third Reading Calendar.

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

SENATOR LIBOUS: On behalf of Senator Grisanti, Madam President, on page 40 I offer the following amendments to Calendar Number 1046, Senate Print 7078A, and ask that said bill retain its place on the Third Reading Calendar.

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

SENATOR LIBOUS: Madam President, on behalf of Senator Zeldin, on page 45 I offer the following amendments to Calendar Number 1114, Senate Print 5420B, and ask that said bill retain its place on the Third Reading Calendar.

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

its place on the Third Reading Calendar.

SENATOR LIBOUS: On behalf of Senator Flanagan, Madam President, I move to recommit Senate Print 6686, Calendar Number 505 on the order of third reading, to the Education Committee, with instructions to said committee to strike the enacting clause.

ACTING PRESIDENT LITTLE: So ordered.

SENATOR LIBOUS: Madam President, at this time could we have the noncontroversial reading of the calendar.

ACTING PRESIDENT LITTLE: The Secretary will read.

THE SECRETARY: Calendar Number 1052, by Senator Alesi, Senate Print 2491A, an act to amend the Education Law.

ACTING PRESIDENT LITTLE: Read the last section.

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

ACTING PRESIDENT LITTLE: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT LITTLE: Senator

Alesi to explain his vote.

SENATOR ALESI: To explain my vote, Madam President. And my colleagues, very briefly.

You heard me speak last week when this chamber urged the Governor to declare National CPR Week in New York State. At that time I gave some significant facts and figures as to why this vitally important tool for lifesaving should be taught in our high schools.

In fact, if you look at Seattle, Washington, several years ago they did a community-wide effort to teach people CPR. The survival rate there now stands at about 1 in 5. Still a pretty dismal prospect for survival with sudden cardiac arrest, 1 in 5. But in New York State the survival rate is 1 in 20, which is even far more dismal.

Most people don't know how to do CPR and in many cases, if they come across someone who has suffered severe cardiac arrest, they don't even know that that person's chances of the survival are diminished by 10 percent with every minute that goes by. So within five minutes or so, the likelihood of that person

never coming back to life is pretty good.

The essence of this bill is to teach within just a very short period of time -- maybe 30 minutes, one time only -- without requiring certification for graduation or anything else, in our high schools to teach an army of young people. Which will mean tens of thousands of people the first time out, multiplied the next year, bringing it to hundreds of thousands and eventually millions of young people.

I mean, imagine millions of young people in New York State walking around doing whatever it is that they've done after they've left school, having a complete, thorough working knowledge of CPR. That will save tens of thousands of lives in our state.

So I appreciate the time that you've spent listening to my appeal for your vote, and further on for your support, as hopefully we can get the Assembly to move along with this and make New York State a leader in the entire world when it comes to having an army of young lifesavers.

I vote yes.

ACTING PRESIDENT LITTLE: Thank you. Senator Alesi will be recorded in the affirmative.

Senator Oppenheimer to explain your vote.

SENATOR OPPENHEIMER: Thank you, Madam President. On the bill.

I'm supporting this and strongly supporting it, but I would have much preferred to see it a reimbursable expense, as we have done with defibrillators. We keep saying we're not going to do any unfunded mandates, and this is one.

But on the other hand, you know, if you save one life, I guess it's worth it. But I do wish that we would revisit this and perhaps make it a reimbursable expense. It won't be a big expense, but it should be done by the state.

Thank you, Madam President. I'm voting aye.

ACTING PRESIDENT LITTLE: Thank you. Senator Oppenheimer will be recorded in the affirmative.

Senator Fuschillo to explain his vote.

SENATOR FUSCHILLO: Thank you very much, Madam President.

I want to thank my colleague Senator Alesi for the sponsorship of this bill.

I vote in support of this bill in the memory of a young boy in my community who at a very young age had died while rounding the bases, and his father was the coach. And his name was Robbie Levine. His parents, Jill and Craig Levine, have dedicated their lives now to the instruction and teachings of CPR not only in my Senate district but throughout Long Island and throughout New York State.

And their foundation, Forever Nine, which is in memory of their son, raises funds. And their mission is to put AEDs everywhere and anywhere that kids are. And they've been very successful in raising money and handing out and donating hundreds and hundreds of automatic external defibrillators.

While they're doing that, they have had another mission, and that's to train kids for CPR. And they've been doing that on their own at their own expense.

As Senator Alesi said, tens of

thousands of kids will go through this 30-minute program and will now have the ability to potentially to save someone's life.

So in the memory of a young boy, Robbie Levine, who lost his life, and in support of his parents that have dedicated their lives to helping others, I vote yes for this legislation.

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

The Secretary will announce the result.

THE SECRETARY: In relation to Calendar Number 1052, those recorded in the negative are Senators Ball, Nozzolio, O'Mara, Seward and Zeldin.

Ayes, 50. Nays, 5.

ACTING PRESIDENT LITTLE: The bill is passed.

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

SENATOR LIBOUS: Madam President, thank you.

At this time could you please call on Senator Hassell-Thompson for the purpose of an

announcement.

ACTING PRESIDENT LITTLE: Thank you.

Senator Hassell-Thompson.

SENATOR HASSELL-THOMPSON: Thank you, Madam President.

I rise to acknowledge a group of young people who have come from my district in the City of Mount Vernon, fifth-graders from the Grimes Elementary School. With them today is their principal, Ms. Frances Lightsy, and teachers Melissa White, Aida Colon-Alphonso, Sophia Williamson, Ona Lowe, and Mary Sayles.

Also with them are several of the parents from the district who came to participate with them this morning as we talked about how we make laws in the State of New York.

So we had our session this morning in the hearing room, and they had an opportunity to ask some very pointed questions about government and how do we do what we do.

So I'm very pleased that they're here with us this morning. They're going to spend a little time with us, then they're going to the Assembly with Assemblyman Pretlow.

And I appreciate you allowing me to acknowledge them, Madam President, during our morning session.

ACTING PRESIDENT LITTLE: Thank you, Senator.

And welcome to these students. I'm sure that this is much better way to learn about government than just reading about it through your books. We hope you enjoy your day and that you learn more and appreciate what is going on here. So thank you, and welcome to Albany.

(Applause.)

ACTING PRESIDENT LITTLE: Senator Libous.

SENATOR LIBOUS: Madam President, thank you.

There will be an immediate meeting of the Finance Committee in Room 332. There will be an immediate meeting of the Finance Committee in Room 332. The Senate will convene promptly after the immediate meeting of the Finance Committee.

The Senate should stand at ease.

ACTING PRESIDENT LITTLE: Thank you.

There's an immediate meeting of the Finance Committee in Room 332 of the Capitol, and the Senate will stand at ease.

(Whereupon, the Senate stood at ease at 11:26 a.m.)

(Whereupon, the Senate reconvened at 12:03 p.m.)

ACTING PRESIDENT GRIFFO: The Senate will come to order.

Senator Libous.

SENATOR LIBOUS: Mr. President, I believe that there's a report of the Finance Committee at the desk. I ask that it be read at this time.

ACTING PRESIDENT GRIFFO: There is a report of the Finance Committee at the desk.

The Secretary will read.

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

As director of the New York Convention Center Operating Corporation, John Lee Compton, of New York.

ACTING PRESIDENT GRIFFO: Senator DeFrancisco.

SENATOR DeFRANCISCO: Yes, I move the nomination.

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

(Response of "Aye.")

ACTING PRESIDENT GRIFFO: Opposed, nay.

(No response.)

ACTING PRESIDENT GRIFFO: John Lee Compton has been confirmed as director of the New York Convention Center Operating Corporation.

The Secretary will continue to read.

THE SECRETARY: As members of the Niagara Frontier Transportation Authority: Bonita R. Durand, of Buffalo; Philip G. Wilcox, of North Tonawanda; Charles L. Gurney III, of Buffalo; and Henry M. Sloma, of Lewiston.

ACTING PRESIDENT GRIFFO: Senator DeFrancisco.

SENATOR DeFRANCISCO: I move the nominations and request that you recognize Senator Maziarz to second, please.

ACTING PRESIDENT GRIFFO: Senator

Maziarz.

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

I'm honored today to second the nomination of all four of these individuals, all of whom are great nominees by the Governor. I do want to specifically point out two of them, however.

Henry M. Sloma, of Lewiston, has served for a number of years on the Niagara Frontier Transportation Authority. And Mr. Sloma looks out for the interests, particularly important to me, of the Niagara County portion of the NFTA. And it's a great reappointment of the Governor.

And also Phil Wilcox, of North Tonawanda, I think this is an excellent appointment by Governor Cuomo for the NFTA.

Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: The question is on the nominations as read by the Secretary as appointments as members of the Niagara Frontier Transportation Authority. All in favor say aye.

(Response of "Aye.")

ACTING PRESIDENT GRIFFO: Opposed, nay.

(No response.)

ACTING PRESIDENT GRIFFO: The nominees have been confirmed.

The Secretary will read.

THE SECRETARY: As members of the Minority Health Council: Ruth C. Browne, of Brooklyn; Guillermo Chacon, of Huntington; Ngozi Moses, of Brooklyn; Christopher A. Phang, M.D., of New York City; Lori V. Quigley, Ph.D., of Green Island; Lenora Reid-Rose, of Fairport; and Raul Vazquez, M.D., of Buffalo.

ACTING PRESIDENT GRIFFO: Senator DeFrancisco.

SENATOR DeFRANCISCO: I move the nominations.

ACTING PRESIDENT GRIFFO: The question is on the nominations as read by the Secretary as appointments as members of the Minority Health Council. All in favor say aye.

(Response of "Aye.")

ACTING PRESIDENT GRIFFO: Opposed, nay.

(No response.)

ACTING PRESIDENT GRIFFO: The nominees are hereby confirmed.

Senator Libous.

SENATOR LIBOUS: Mr. President, at this time we have a Supplemental Active List 1. Could we have the noncontroversial reading of that list.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: Calendar Number 829, by Senator Marcellino, Senate Print 6782B, an act to authorize.

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

The Secretary will 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.)

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: On page 38,

Senator Grisanti moves to discharge, from the Committee on Cultural Affairs, Tourism, and Parks and Recreation, Assembly Bill Number 3409B and substitute it for the identical Senate Bill Number 2686B, Third Reading Calendar 1017.

ACTING PRESIDENT GRIFFO: The substitution is so ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1017, by Member of the Assembly Schimminger, Assembly Print Number 3409B, an act to amend the Parks, Recreation and Historic Preservation Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1068, by Senator Grisanti --

SENATOR BRESLIN: Lay it aside.

SENATOR LIBOUS: Mr. President, if I could just lay that aside for the day.

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

THE SECRETARY: On page 44, Senator Maziarz moves to discharge, from the Committee on Rules, Assembly Bill Number 8082A and substitute it for the identical Senate Bill Number 4775A, Third Reading Calendar 1095.

ACTING PRESIDENT GRIFFO: The substitution is so ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1095, by Member of the Assembly Cahill, Assembly Print 8082A, an act to amend the Public Service Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT GRIFFO: The bill

is passed.

THE SECRETARY: Calendar Number 1137, by Senator Golden, Senate Print 7501, an act to amend the Local Finance Law.

ACTING PRESIDENT GRIFFO: Read the last section.

THE SECRETARY: Section 10. This act shall take effect immediately.

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56. Nays, 1. Senator Ball recorded in the negative.

ACTING PRESIDENT GRIFFO: The bill is passed.

Senator Libous, that completes the reading of the supplemental active list.

SENATOR LIBOUS: Mr. President, can we just stand at ease for a second.

ACTING PRESIDENT GRIFFO: The Senate stands at ease.

(Whereupon, the Senate stood at ease at 12:08 p.m.)

(Whereupon, the Senate reconvened at 12:09 p.m.)

SENATOR LIBOUS: Mr. President.

ACTING PRESIDENT GRIFFO: Senator Libous.

SENATOR LIBOUS: Would you please call on Senator Breslin.

ACTING PRESIDENT GRIFFO: Senator Breslin.

SENATOR BRESLIN: Thank you, Mr. President.

There will be an immediate conference for the Democratic Conference in our conference room.

ACTING PRESIDENT GRIFFO: There's an immediate meeting of the Democrat Conference in the Room 315.

Senator Libous.

SENATOR LIBOUS: Mr. President, there will be a Rules Committee meeting at 12:30, promptly at 12:30, so that we can then come to the floor and finish the business for the day.

ACTING PRESIDENT GRIFFO: There will be a meeting of the Rules Committee promptly at 12:30 in Room 332.

Until such time, the Senate stands at ease.

(Whereupon, the Senate stood at ease at 12:10 p.m.)

(Whereupon, the Senate reconvened at 1:09 p.m.)

ACTING PRESIDENT LITTLE: Senator Libous.

SENATOR LIBOUS: Madam President, there's a report of the Rules Committee at the desk. Could we have it read at this time.

ACTING PRESIDENT LITTLE: The Secretary will read the report of the Rules Committee.

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

Senate Print 1742A, by Senator Golden, an act to amend the Penal Law;

4098, by Senator Duane, an act to amend the Social Services Law;

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

7050, by Senator Bonacic, an act to amend Chapter 473 of the Laws of 2010;

7515, by Senator Griffo, an act to amend the Penal Law;

7542, by Senator O'Mara, an act to amend the Tax Law;

7594, by Senator Fuschillo, an act to amend the General Business Law;

7600, by Senator Grisanti, an act to amend the Parks, Recreation and Historic Preservation Law;

7557, by Senator DeFrancisco, an act in relation to qualifying a certain parcel;

7645, by Senator Martins, an act to amend the Local Finance Law;

7648, by Senator Young, an act to amend the Real Property Tax Law;

And 7652, by Senator Grisanti, an act to amend the General Business Law.

Without objection, all bills are ordered directly to third reading.

ACTING PRESIDENT LITTLE: Senator Libous.

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

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

(Response of "Aye.")

ACTING PRESIDENT LITTLE: Opposed, nay.

(No response.)

ACTING PRESIDENT LITTLE: The Rules report is accepted.

Senator Libous.

SENATOR LIBOUS: Thank you very much, Madam President.

Could we go back to motions and resolutions for a second. I believe you can call on Senator Squadron; he has a motion.

ACTING PRESIDENT LITTLE: Motions and resolutions.

Senator Squadron.

SENATOR SQUADRON: Madam President, on behalf of Senator Dilan, I wish to call up Print Number 1362, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT LITTLE: The Secretary will read.

THE SECRETARY: Calendar Number 23, by Senator Dilan, Senate Print 1362, an act to amend the Vehicle and Traffic Law.

SENATOR SQUADRON: Madam President, I now move to reconsider the vote by

which the bill was passed.

ACTING PRESIDENT LITTLE: Call the roll on reconsideration of the vote.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

SENATOR SQUADRON: Madam President, I now offer the following amendments.

ACTING PRESIDENT LITTLE: The amendments are accepted.

SENATOR SQUADRON: Thank you.

ACTING PRESIDENT LITTLE: Senator Libous.

SENATOR LIBOUS: Madam President, on behalf of Senator Fuschillo, on page 32 I offer the following amendments to Calendar Number 930, Senate Print 7373, and ask that said bill retain its place on the Third Reading Calendar.

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

SENATOR LIBOUS: On behalf of Senator DeFrancisco, Madam President, I move that the following bill be discharged from its respective committee and be recommitted with instructions to strike the enacting clause. And

that would be Senate Print 7692.

ACTING PRESIDENT LITTLE: So ordered.

SENATOR LIBOUS: On behalf of Senator LaValle, I wish to call up his bill, Print Number 3357, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT LITTLE: The Secretary will read.

THE SECRETARY: Calendar Number 553, by Senator LaValle, Senate Print 3357, an act to amend the Village Law.

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

ACTING PRESIDENT LITTLE: Call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

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

ACTING PRESIDENT LITTLE: The amendments are received.

SENATOR LIBOUS: And, Madam President, on behalf of Senator Hannon, I wish to

call up his bill, Senate Print 6493A, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT LITTLE: The Secretary will read.

THE SECRETARY: Calendar Number 240, by Senator Hannon, Senate Print 6493A, an act to amend the Public Health Law.

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

ACTING PRESIDENT LITTLE: Call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

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

ACTING PRESIDENT LITTLE: The amendments are received.

SENATOR LIBOUS: Madam President, at this time could we have the noncontroversial reading of Supplemental Calendar Number 57A, please.

ACTING PRESIDENT LITTLE: The Secretary will read.

THE SECRETARY: Calendar Number

1254, by Senator Golden, Senate Print 1742A, an act to amend the Penal Law.

SENATOR BRESLIN: Lay it aside.

ACTING PRESIDENT LITTLE: The bill is laid aside.

THE SECRETARY: Calendar Number 1255, by Senator Duane, Senate Print 4098, an act to amend the Social Services Law.

SENATOR HANNON: Lay it aside.

ACTING PRESIDENT LITTLE: The bill is laid aside.

THE SECRETARY: Calendar Number 1256, by Senator Ritchie, Senate Print 4712E, an act to amend the Insurance Law.

SENATOR LIBOUS: The bill is high, Madam President.

ACTING PRESIDENT LITTLE: The bill is high.

The Secretary will continue to read.

THE SECRETARY: Calendar Number 1257, by Senator Bonacic, Senate Print 7050, an act to amend Chapter 473 of the Laws of 2010.

ACTING PRESIDENT LITTLE: Read the last section.

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

ACTING PRESIDENT LITTLE: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT LITTLE: Announce the result.

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT LITTLE: The bill is passed.

THE SECRETARY: Calendar Number 1258, by Senator Griffo, Senate Print 7515, an act to amend the Penal Law.

ACTING PRESIDENT LITTLE: Read the last section.

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

ACTING PRESIDENT LITTLE: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT LITTLE: Announce the result.

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT LITTLE: The bill is passed.

THE SECRETARY: Calendar Number 1259, by Senator O'Mara, Senate Print 7542, an act to amend the Tax Law.

ACTING PRESIDENT LITTLE: Read the last section.

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

ACTING PRESIDENT LITTLE: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT LITTLE: Announce the result.

THE SECRETARY: In relation to Calendar Number 1259, those recorded in the negative are Senators Adams, Addabbo, Avella, Breslin, Dilan, Duane, Gianaris, Kennedy, Montgomery, Parker, Perkins, Rivera, Serrano, Squadron, Stavisky and Stewart-Cousins.

Ayes, 42. Nays, 16.

ACTING PRESIDENT LITTLE: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1260, Senator Fuschillo moves to discharge, from the Committee on Consumer Protection, Assembly Bill Number 8375A and

substitute it for the identical Senate Bill Number 7594, Third Reading Calendar 1260.

ACTING PRESIDENT LITTLE: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1260, by Member of the Assembly Dinowitz, Assembly Print 8375A, an act to amend the General Business Law.

ACTING PRESIDENT LITTLE: Read the last section.

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

ACTING PRESIDENT LITTLE: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT LITTLE: Announce the result.

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT LITTLE: The bill is passed.

THE SECRETARY: Calendar Number 1261, by Senator Grisanti, Senate Print 7600, an act to amend the Parks, Recreation and Historic Preservation Law.

ACTING PRESIDENT LITTLE: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the same date and in the same manner as Chapter 49 of the Laws of 2012.

ACTING PRESIDENT LITTLE: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT LITTLE: Announce the result.

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT LITTLE: The bill is passed.

THE SECRETARY: Calendar Number 1262, by Senator DeFrancisco, Senate Print 7557, an act in relation.

ACTING PRESIDENT LITTLE: Read the last section.

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

ACTING PRESIDENT LITTLE: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT LITTLE: Announce the result.

THE SECRETARY: Ayes, 58.
ACTING PRESIDENT LITTLE: The bill is passed.
THE SECRETARY: Calendar Number 1263, by Senator Martins, Senate Print 7645, an act to amend the Local Finance Law.
SENATOR LIBOUS: The bill is high, Madam President.
ACTING PRESIDENT LITTLE: This bill is high.
The Secretary will continue to read.
THE SECRETARY: Calendar Number 1264, by Senator Young, Senate Print --
SENATOR BRESLIN: Lay it aside.
ACTING PRESIDENT LITTLE: The bill is laid aside.
THE SECRETARY: Calendar Number 1265, by Senator Grisanti, Senate Print 7652, an act to amend the General Business Law.
SENATOR LIBOUS: That bill is high also, Madam President.
ACTING PRESIDENT LITTLE: This bill is high as well.
Senator Libous, that completes the

noncontroversial reading of the calendar.

SENATOR LIBOUS: Thank you, Madam President.

At this time could we take up, on the controversial calendar, Calendar Number 1264, by Senator Young, please.

ACTING PRESIDENT LITTLE: The Secretary will ring the bell.

The Secretary will read.

THE SECRETARY: Calendar Number 1264, by Senator Young, Senate Print 7648, an act to amend the Real Property Tax Law.

ACTING PRESIDENT LITTLE: Read the last section.

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

ACTING PRESIDENT LITTLE: The Secretary will ring the bell; this is the controversial calendar.

Read the last section.

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

ACTING PRESIDENT LITTLE: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT LITTLE: Announce the result.

THE SECRETARY: In relation to Calendar 1264, those recorded in the negative are Senators Adams, Breslin, Duane, Gianaris, Hassell-Thompson, Montgomery, Parker, Perkins, Rivera, Sampson, Serrano, Squadron and Stavisky.

Absent from voting are Senators Larkin, McDonald, Oppenheimer, Peralta and Smith.

Ayes, 40. Nays, 13.

ACTING PRESIDENT LITTLE: The bill is passed.

Senator Libous.

SENATOR LIBOUS: Madam President, if we can now move to Calendar Number 1254, by Senator Golden.

ACTING PRESIDENT LITTLE: The Secretary will read.

THE SECRETARY: Calendar Number 1254, by Senator Golden, Senate Print 1742A, an act to amend the Penal Law.

SENATOR BRESLIN: Explanation.

ACTING PRESIDENT LITTLE: Senator Golden for an explanation.

SENATOR GOLDEN: Thank you, Mr. President.

This bill would act to assist the City and the State of New York in creating gang legislation that's clearly delineated in this bill. It is currently insufficiently targeted to the prosecution of the criminal street gangs and the protection of public order and the individual safety against gang-related violence.

It lacks programs, this state, that actively and specifically are designed to prevent, by legislation, the growth of those street gangs, to facilitate the prosecution and punishment of street gangs, and to punish those that solicit others to participate in criminal gangs and gang-related violence and provide support or resources to those who commit and encourage the commission of such acts.

So it's a gang legislation that I believe would take a number of crimes out of -- a number of individuals out of the City and State of New York that are committing these tremendous gang crimes that are loading up our courts and giving some peace to communities around the City and State of New York.

ACTING PRESIDENT LITTLE: Are there any other Senators wishing to be heard?

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

Read the last section.

THE SECRETARY: Section 12. This act shall take effect on the first of January.

ACTING PRESIDENT LITTLE: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT LITTLE: Senator Montgomery to explain her vote.

SENATOR MONTGOMERY: Yes, Madam President. I just wanted to make sure that my colleagues understand why I am voting no on this legislation.

The definition of a "criminal street gang" means any formal or informal organization, association or group of three or more persons having a common name or identifying sign or symbol. So this really is an opening for the worst kind of profiling.

And young people in my district, many of whom are out, two or three of them out together in the public housing developments, on

the street corners, they will be subject to being stopped, based on this legislation, and an assumption could be made that they are part of a gang.

And so for obscenity and related offenses, which is one of the specified offenses in this legislation, something as simple as using obscenity, those young people could be --

ACTING PRESIDENT LITTLE: Excuse me, Senator. Senator Montgomery, excuse me for a moment.

Can we have quiet in the chamber so that members can explain their vote. Thank you.

Senator Montgomery.

SENATOR MONTGOMERY: Yes, thank you, Madam President.

-- could be arrested and charged under this legislation because they would be assumed to be a gang. Because there's three of them together and they're all swearing on the street corner, they could be facing a violent felony offense, under this legislation, with a mandatory minimum sentence of eight to 12 years.

It is a very, very serious piece of legislation which threatens a large percent of

the young people and people, period, that I represent. And so I'm voting no on this legislation. I think it should be withdrawn. It's a very bad move for us in our legislature to be promoting and proposing a piece of legislation that on its face profiles young people in our state.

I vote no.

ACTING PRESIDENT LITTLE: Thank you, Senator Montgomery. You will be recorded in the negative.

We are trying to stay with the two minutes for each explanation of vote, if possible.

Senator Hassell-Thompson to explain your vote.

SENATOR HASSELL-THOMPSON: Thank you, Madam President.

I rise to express my concern. It's very difficult when you live in communities like mine, where gang activity is really out of control, and yet in the same breath have me vote no on this piece of legislation.

My biggest concern, some of which has been articulated by Senator Montgomery, but

more importantly, for legislation of this type, particularly with the kind of sentencing we're requiring and we're requesting in this bill, I would really -- this is one of the few times that I believe that we need to be having hearings and we need to have more discussion about what we believe to be reality-based.

Whether you know it or not, every prison is gangland training. And so all we're doing with this bill is giving street gangs the opportunity to form very serious gangs. If you want to see gang activity, go inside the prison. They are the masters of gangs.

And so all we're doing is creating a venue for which gang activities will be even more so out of control. I think that the intent here, Senator Golden, is a good one. I certainly would be more than happy to participate with you and any others that would like to have an ongoing discussion about how to tighten up the language of this bill.

But when I look at some of the qualifications -- Omega Psi Phi guys would certainly, half of the dawgs would be in prison just predicated on four of the five criteria for

gangland activity. And I'm certainly sure that that's not your intent.

Thank you, Madam President.

ACTING PRESIDENT LITTLE: Thank you. Senator Hassell-Thompson will be recorded in the negative.

Senator Parker to explain his vote.

SENATOR PARKER: Thank you, Madam President, to explain my vote.

I want to thank Senator Golden for bringing this important issue to the floor. I, like Senator Hassell-Thompson, believe that Senator Golden has, you know, good intentions. He's a Brooklyn guy, and I know that we do have a significant gang problem in Brooklyn. But I don't believe that this is the proper approach. There's good intentions, but as my father often told me, the road to hell is paved with good intentions.

And so I think that we are going the wrong way by deciding to adjudicate these problems as opposed to shaping our society such that gangs aren't being formed in the first place. Gangs are formed, particularly among young people, because they feel outside of the

system, because we're not attending to their needs.

In New York City we've gone to an educational process that teaches to the test, that's gotten rid of music, art, athletics and dance as regular parts of the curriculum, so young people aren't being engaged. We have a dropout rate, particularly amongst African-American men in New York City, above 50 percent. We've gotten rid of JV and many varsity athletic programs. We've gotten rid of youth programs; we're not any longer on the state level funding youth development programs to engage our young people. We don't have after-school centers.

We need to expand the Beacon School program, something great created by Geoff Canada, even though he's from Harlem.

But, you know, we need to be engaging our young people in school, engaging them after school, providing a social service situation and jobs for young people, which don't exist anymore. And those are ways that we'll get rid of gangs, by engaging our young people, not by adjudicating them.

I vote no.

ACTING PRESIDENT LITTLE: Thank you. Senator Parker will be recorded in the negative.

Senator Adams to explain his vote.

And let's ask everyone to please try to be quiet. Thank you.

SENATOR ADAMS: I extensively asked our counsel about this, and that's why I will be voting from the affirmative.

The charge is what's called an aggravating factor. We're not arresting a young person merely because they do gang signs or they wear the colors. First, they have to commit an underlying crime. And the crime that they must commit is a felony. And then after committing that felony, then they will be charged with an aggravating factor.

If someone breaks into your home, they're charged with a burglary. But if they have a gun, that's an aggravating factor that bumps up the charge.

So this is a good bill. There are bad people on the planet, and some of them happen to be young, and bad people should go to jail.

And so that's why I will be voting for this bill.

If the person was being incarcerated merely because they wore colors or flashed signs, I won't vote for the bill. But require to them being incarcerated they have to commit a felony -- not spitting on the sidewalk, not urination, a felony. That's the highest crime you can commit in New York State is a felony.

So if a person commits a felony and they're in a gang, they should be charged with a higher crime because that's an aggravating factor. And I will be voting in the affirmative for this bill.

ACTING PRESIDENT LITTLE: Thank you. Senator Adams will be recorded in the affirmative.

Senator Golden to explain his vote.

SENATOR GOLDEN: Thank you, Madam President.

I appreciate the comments from my colleagues. But I just want to confirm and, you know, present what -- this is an actual program and actual laws that were taken from LA. They

were copied from Los Angeles.

We worked with the New York City Police Department, we worked with other police departments across the state, we worked with the district attorney's offices, we worked with gang specialists to design this.

And to Senator Adams' comment, it's not one felony, it's more than two. You have to commit more than two crimes in a three-year period and you have to knowingly engage or have engaged in a pattern of criminal gang activity. And that's what gives this designation.

So I want to thank my colleagues for voting yes. I would hope all of my colleagues would vote yes. This is a good bill and it would help to, I believe, bring down the crime and give that quality of life to the people of our great city and state.

Thank you. I vote aye, Madam President.

ACTING PRESIDENT LITTLE: Thank you. Senator Golden will be recorded in the affirmative.

The Secretary will announce the result.

THE SECRETARY: In relation to Calendar Number 1254, those recorded in the negative are Senators Duane, Hassell-Thompson, Montgomery, Parker, and Perkins.

Absent from voting: Senators McDonald, Peralta and Smith.

Ayes, 50. Nays, 5.

ACTING PRESIDENT LITTLE: The bill is passed.

THE SECRETARY: Calendar Number 1255, by Senator Duane, Senate Print 4098, an act to amend the Social Services Law.

ACTING PRESIDENT LITTLE: Read the last section.

SENATOR HANNON: Excuse me.

ACTING PRESIDENT LITTLE: Senator Hannon.

SENATOR HANNON: Yes, I rise to debate this bill. I rise in opposition to the bill.

This is legislation that would change the amount of living expense, rent, that somebody with HIV status, clinical or symptomatic HIV illness or AIDS has to pay.

There is a history to this

legislation. And I do applaud this being brought out in daylight, since we first saw it at 2 a.m. in the morning a few years ago.

This legislation, I rise in opposition not because I'm unmindful of need and not because I don't have a positive history in regard to helping those with HIV. In fact, just to cite, we've annually appropriated, under the budget committee, over $100 million a year in the AIDS Institute, in addition to the health benefits under the Medicaid budget.

Just recently, in regard to this budget, we assisted those with AIDS in their scattered-site nursing home needs. We have a legislation that's coming about in regard to more reliable, speedier, fairer testing for HIV. As well as just last week having a bill signed that would provide for the prophylactic assistance to those who are the victims of rape so they would not incur AIDS.

But this legislation, while obviously having a proponent and having a worthy sponsor, I differ. Because we're singling out somebody for housing assistance because of a medical diagnosis. The rest of our myriad of

housing programs that we have in this state are income-based, are situational-based, but they're not based on medical need.

And therefore, I think this is an unequal treatment. Because how does one say because you have AIDS, you're not as worthy as somebody who might have terminal cancer, somebody who has a severe case of diabetes or any number of the other illnesses for which we really don't even have answers for. People with lupus, people with Lyme disease, we still don't even have treatments. And yet we have made this one determination.

Now, it's not as if we aren't doing other things. This bill, it was pointed out by the City that the Human Resources Administration, HIV/AIDS Service Administration, is different in that it already provides access to supportive site scattered housing, congregate housing, subsidies for people who can live in their home, a broad spectrum of services including case management, cash assistance, food stamps, Medicaid home care, vocational rehabilitation, mental health assessment and referrals, work opportunity programs.

It can go on, because I've already mentioned what we do through the AIDS Institute in regard to medical assistance and then in general what we do through the Medicaid program for general health assistance.

This bill, when it came up the second time, was vetoed by Governor Paterson in an extraordinary six-page veto message talking about all of the difficulties I've mentioned, as well as the imposition of the cost on the State of New York, which gets a direct cost, and the City of New York.

And in fact, since the bill itself says it's effective immediately, I wonder how you can take something that in the current fiscal years would have a multi-million-dollar hit and pass it effective immediately without having corresponding appropriations for the budget.

But to the extent this is a problem that needs to be addressed -- and when it first came up, I remember then Senator Eric Schneiderman saying, "Hannon, there's a study, I'll get you a copy of the study." Well, (A) I never got a copy of the study, and (B) I spent a fair amount of time looking for that study that

would justified this formula. And I never found it on the Internet, and I spent a considerable amount of time.

But I think what this process ought to be is it ought to be presented as part of the budget. And it hasn't been. We've had several budgets since this was passed in 2010. It was also considered as part of the Medicaid Redesign Team and really not adopted -- although, in general, there was adopted as a medical finding that there should be supportive housing because it's part of the continuity of the medical care.

But this is not part of the process, so I object to that. I object to the singling out. I object to the total cost. What does one say to the myriad of people who come to us and say, I have this condition, I have this illness, I have this disability, why don't you give me the same type of help?

So ultimately I disagree with the equity of this proposal, and therefore I'll be voting against it.

Thank you, Madam President.

ACTING PRESIDENT LITTLE: Thank you, Senator Hannon.

Senator Duane.

SENATOR DUANE: Thank you, Madam President. On the bill.

ACTING PRESIDENT LITTLE: On the bill.

SENATOR DUANE: I think he knows this, I have the utmost respect for the Senator who previously spoke, and our relationship has been one of respect and civility. And I'm going to reasonably, I believe, disagree with what he has said.

This legislation does something relatively simple but which would make an enormous difference for a very small subset of people. And it is an aberration that we even have to address this policy, but address it we must.

This legislation would cap, in the City of New York, the rent contribution of people receiving housing assistance who have HIV. And everyone but this group of people have their rent capped at 30 percent. Whether their income comes from SSI, SSD, or veterans' benefits, all of them have their rent capped at 30 percent.

The people we're talking about are

the sickest, most disabled people living with HIV and AIDS. And because of this policy for maybe 11,000 people, they are at the highest risk of frankly dying because of this quirk in our law, this horrible quirk in the law. They risk homelessness, many of them become homeless because their rent is not capped at 30 percent.

Some of them pay up to 85 percent of their income -- and we're talking about SSI, SSD, veterans' benefits -- up to 85 percent for rent because they live in the homes in which they have lived in. I don't want to move from my home, and living in my home makes it possible, for instance, to take medication and to have a stable environment. And I think we all agree that we choose our homes and we want to stay in our homes because we love where we live and we are in the walls.

And that stability for this group of people is cost-effective. But in addition, it helps people stay healthy because they can keep their medicines in their medicine chest or next to their bed or wherever they have it, and they can take it when they're supposed to. And also it will reduce the spread of HIV when people live

in a stable environment and are not on the street or begging for a couch to stay on and whatever happens because of that.

If you are getting a federal housing voucher, which most of us have in our districts, your rent is capped at 30 percent of your income. This group of people, their rent is not capped at 30 percent. Only these people.

Less people will lose their homes. There's more chance they'll stay alive. And unlike cancer and Lyme disease, HIV is communicable. It is difficult, but it is a communicable disease. And we want to stop that from happening, and this bill will help to stop that from happening.

I have never been prouder of this body than when we voted on this legislation the first time and the second time. It was -- it has been -- and even if unpopular, that people all around the Senate chamber voted yes on this piece of legislation, it's shown compassion and leadership and really helping people. Which is why we're all here, even if we disagree on other issues.

You know, it's cost-effective. I

can prove it. But more important than that, it is the right thing to do. Let's help people stay in their homes, not impoverish them. Allow them to live in the stability so they can take their medicine in a timely manner, so that they can buy toilet paper and not have to decide between doing that or taking a subway ride to a doctor's office.

I -- I very, very, very much would appreciate it if this body could really be as the body that I am so often proud of -- and I mean that -- and pass this humane, lifesaving piece of legislation.

Thank you, Madam President.

ACTING PRESIDENT LITTLE: Thank you, Senator Duane.

Senator Storobin on the bill.

SENATOR STOROBIN: Thank you.

I'm all in favor of helping people, obviously. But let's just remember that there's also a second side to it.

If you are a middle-class person who happens to be a real estate owner who, for example, bought a two-family house because you can't afford the one-family house and you need

someone else to help you, and all of a sudden you are stuck with this second bill that you have to pay because of the mandate that we are putting on these people -- let's remember all the foreclosure headlines that we've seen over the course of the last few years. This will increase that.

There is a second side to this story, and those people could also potentially be poor -- not necessarily poor, but middle-class and unable to pay off -- for the -- pay someone else's rent. Those people could be unhealthy, those people could have all sorts of issues.

Let's remember that there is a cost to this, not just to the government but also to regular people, a lot of whom happen to be middle class.

Thank you.

ACTING PRESIDENT LITTLE: Thank you, Senator.

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 LITTLE: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT LITTLE: Senator DeFrancisco to explain your vote.

SENATOR DeFRANCISCO: Yes, I just want to reiterate what Senator Hannon said.

We can have an emotional discussion about any disease that people are afflicted with and why that particular person, because they have that disease, needs some help. But I for the life of me can't understand why one disease is picked out of all of the others for a special treatment under the housing laws. It is a very, very bad precedent.

And it is something, no matter how affected one individual might be that's a member of this body, it's just unfair to all of those individuals with other diseases equally suffering from the same types of situations that were mentioned by the sponsor.

I'm going to vote no for that reason.

ACTING PRESIDENT LITTLE: Thank you. Senator DeFrancisco in the negative.

Senator Parker to explain his vote.

SENATOR PARKER: Thank you, Madam President, to explain my vote.

First let me thank Tom Duane not just for his services here but his commitment to this issue.

The pandemic of HIV and AIDS over the last couple of years has really been -- is diminished. And in part because it's now become a chronic disease and we have, thankfully, people living with the disease. But many of us remember this scourge, this scourge of the '80s and '90s in which people were being discriminated against because they had this disease, where they were being denied access to housing, access to jobs, access to healthcare.

And so Senator DeFrancisco specifically asked about why this is necessary and why this is chosen. It's because people with diabetes don't get denied access to housing and jobs because they have diabetes. People with cancer don't get denied access to housing because they have cancer. But with HIV and AIDS we have seen a historical pattern of that, not just in this great state, but throughout the country.

This is a good bill, and I'm happy to see so many people voting for it. I vote aye.

ACTING PRESIDENT LITTLE: Thank you. Senator Parker in the affirmative.

SENATOR SQUADRON: Madam President. To explain my vote, Madam President.

ACTING PRESIDENT LITTLE: Senator Squadron to explain your vote.

SENATOR SQUADRON: Thank you.

First of all, I want to thank Senator Duane for extraordinary leadership and courage on this issue over very many years. I was very proud when I chaired the Social Services Committee to have the opportunity to hold a forum on this bill to describe the ways in which this bill is actually going to save money for the government and vastly increase our humanity as a society.

It was thanks to Senator Duane's great leadership on this that I had that opportunity as chair of the Social Services Committee. And because of his great moral leadership and commitment to this issue through years of activism, both as an elected official and simply as a citizen and as a man, that we had

the opportunity to pass this bill in the prior session and have the opportunity to have it on the floor today.

It is impossible to fully understand the significance of this, partially because you do have a population that, despite the fact that AIDS and HIV are no longer in the headlines every day, still suffer the consequences and the long-term effects of the discrimination and of a terrible, terrible disease. And they are today living in the most abject of abject poverty because of a policy that we have the opportunity to change today.

So it is really an extraordinary opportunity we have and a rare opportunity to have a bill on the floor, to have the opportunity to vote for a bill that is not sponsored by the majority party, is not something that comes out of a normally very partisan environment up here, but comes simply out of the moral obligation, the understanding that sometimes, regardless of majority or minority, regardless of whether this is an experience that happens in your district or my district or some other Senator's district, happens to all of us.

And the opportunity to expand our humanity and to save the city and the state money is a wonderful one. Senator Duane deserves great credit for many things over his years here, and this one in particular --

ACTING PRESIDENT LITTLE: Thank you. Senator Squadron, how do you vote?

SENATOR SQUADRON: I vote aye, Madam President.

ACTING PRESIDENT LITTLE: Thank you. Senator Squadron is voting in the affirmative.

Senator Storobin to explain his vote.

SENATOR STOROBIN: Yes, Senator Parker said that this is about discrimination. I don't believe this bill is about discrimination. We obviously want everyone to have a fair shake. But this bill is about paying less money. It is not about discrimination.

Obviously, if somebody is discriminated, that should not happen, but this is not the issue in this bill.

Thank you.

ACTING PRESIDENT LITTLE: Thank

you. Senator Storobin, how do you vote?

SENATOR STOROBIN: I vote no.

ACTING PRESIDENT LITTLE: Thank you. Senator Storobin in the negative.

SENATOR LIBOUS: Madam President, point of order. What is Senator Duane doing at the rostrum?

ACTING PRESIDENT LITTLE: Senator Montgomery to explain your vote.

SENATOR MONTGOMERY: Yes, thank you, Madam President, to explain my vote.

I want to thank Senator Duane for this legislation. We've been working on it for a few years, so it's not new. I think Senator Hannon may not have been paying attention to how difficult -- how this --

SENATOR HANNON: Point of order --

SENATOR MONTGOMERY: -- is.

SENATOR HANNON: -- since the first time it came on the floor, and I've been consistent ever since.

SENATOR MONTGOMERY: Okay. All right. So --

ACTING PRESIDENT LITTLE: Senator Hannon --

SENATOR MONTGOMERY: So I misunderstood Senator Hannon.

But nonetheless, this -- I have had in my district opportunities to witness very personally how -- what a difficult, hostile response to people living with HIV and AIDS when we try to do housing that is especially set-aside units to accommodate people.

And so the idea that it's no longer needed, that we don't need to support people in a very different way who suffer from HIV and AIDS is just really not true. There is a need for this support.

It is a matter of being a supportive housing measure, and we do that for people in special categories in our state already. It's not an uncommon situation. And this particular group of people have a very special need for support in their housing. So I'm voting aye on this legislation.

Thank you, Madam President.

ACTING PRESIDENT LITTLE: Thank you. Senator Montgomery will be recorded in the affirmative.

Senator Hassell-Thompson to explain

her vote.

SENATOR HASSELL-THOMPSON: Thank you, Madam President.

Probably one of the things that differs between me and most of the people in this chambers is that I spent six years of my life working with this particular population, whereas I don't think anyone else here can say that.

And in that process, between the burials and the difficulty of being ostracized by family members and society as a whole, nothing is more challenging to this population than housing.

So even to suggest -- while the language of the bill might not include language about discrimination, this population is discriminated against. Therefore, in the ability to gain housing puts them at a disadvantage.

This bill also does not speak to a middle class, but it speaks to a very particular economic group within a class of people with -- who are infected and affected with HIV and AIDS.

So I think we need to sometimes read the bill more carefully before we make pronouncements about -- because it appears as

though somehow the humanity is going out of these chambers.

And when we speak emotionally about this population, if you understand some of the issues beyond the disease itself the people are dealing with, and some of the housing situations that they find themselves in, trying to find decent housing for them is a traumatizing experience for everyone involved.

And so asking -- and I commend Senator Duane not only because of his work on this issue but for continuing to have humanity for people for which most of us would be totally in disregard.

Thank you, Madam President. I will be voting yes for this bill.

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

Senator Serrano to explain his vote.

SENATOR SERRANO: Thank you, Madam President.

I want to applaud the efforts of Senator Duane and many others in putting forth

this bill. I think that it's a very worthy cause, a very worthy goal.

And in the community where I represent, East Harlem and the South Bronx, while the numbers for HIV and AIDS declines throughout the nation, in certain communities it's still on the rise, and it's still a very troubling trend.

And knowing how much, as Senator Ruth Hassell-Thompson just mentioned, knowing how much this population, both historically and currently, has been discriminated against, both in the housing market and in the workplace, it sets in motion a very negative cycle, a very negative economic cycle for people battling HIV and AIDS. That sets them apart, I think, from some of the other groups that were mentioned by those who rose in opposition to this bill.

I think there is a heavier stigma, unfortunately, against this disease as opposed to others. And I think that if you look at people who are forced into homelessness and the economic impact that that has on cities across the state, it makes good sense to have a bill like this in place because a law like this would indeed save money in the long run.

Keeping people in their homes provides stability -- provides stability for them, for their treatments, but also for their jobs, their workplace, they're able to do other things. And they're able to be more productive members of their community and their society.

So I think this is really a small thing to ask, to provide a certain level of assistance for people who are historically discriminated against and currently discriminated against because of their disease.

I applaud Senator Duane for his efforts, and I vote yes. Thank you.

ACTING PRESIDENT LITTLE: Thank you. Senator Serrano will be recorded in the affirmative.

Senator Rivera to explain his vote.

SENATOR RIVERA: Thank you, Madam President.

I rise today to thank not only my colleagues but especially Senator Duane. He's been certainly an inspiration in the short time that I've been here because of his leadership on issues that impact the community that he represents.

We have to remember that Senator Duane is the only member of this body who is not only openly gay but HIV-positive. And he has continuously, over his career in public life, spoken very loudly about the plight of people with HIV.

In this case we have a bill before us which does something very specific. And I'd like to both echo the sentiments of Senator Parker as well as to say I respectfully disagree with my colleague Senator Storobin. What we have here is a reality that people that have HIV have been discriminated against historically as it relates to their access to work, their access to healthcare, the access to educational facilities, and certainly their access to housing.

What we're trying to do here is assuage a little bit of the pressure that these individuals have had and, throughout their life and particularly the time when they have been found to be HIV-positive, the impact that this has had on the ability that they have to be able to be employed, to be able to work, to be able to go to school and certainly to live.

It is incredibly serious. And what

we have here is a way to assuage the burden of that population.

It is a different disease than diabetes. It is a different disease than Lyme disease. And I believe that to try to resolve some of the negatives that have occurred because of the way that people that had this disease were viewed and how they were treated, it's incredibly important for us in this body and in government to really do all that we can to make it easier for folks that have been discriminated against. And in this case --

ACTING PRESIDENT LITTLE: Senator Rivera.

SENATOR RIVERA: Just to finish a last sentence, Madam President.

So again, I thank both Senator Duane for bringing this to the floor, I think it is an important issue, an important population that we have to serve. I will be voting in the affirmative.

ACTING PRESIDENT LITTLE: Thank you. Senator Rivera to be recorded in the affirmative.

Senator Savino to explain her vote.

SENATOR SAVINO: Thank you, Madam President.

I can't help but remember the last time this bill came to the floor when it was passed by this body. We were actually on opposite sides of the chamber, and it was a very, very late hour. I think many of you can remember that. In fact, it was right after the reorganization of the Senate post the coup. It was about 4 o'clock in the morning. And Senator Duane gave probably what is one of the most memorable speeches of his life on that evening or early that morning.

There is no doubt that there is no one who has done more or committed more of his personal career and his personal life to the pursuit of justice for those who are afflicted with HIV and AIDS than Tom Duane. And this is an issue that he is still incredibly passionate about, finding ways to make life easier for people who are dealing with a disease that, while we have certainly made great strides on, we have not figured out how to solve, and people whose lives will continue to be affected.

I would just like to remind people

as they cast their vote of that fateful day, early morning two years ago when we voted on it, when the same bill passed with only one no vote. So please search your consciences and think what's different about the bill today than it was that morning when most of us voted in favor of it.

I vote aye, Madam President.

ACTING PRESIDENT LITTLE: Thank you. Senator Savino will be recorded in the affirmative.

Announce the results -- I'm sorry, Senator Gianaris to explain his vote.

SENATOR GIANARIS: Thank you, Madam President.

I rise to also explain my vote in favor of this legislation and also to pay tribute to someone who has served this institution and the State of New York for over a decade.

Senator Tom Duane in many ways is a pioneer and someone who took on the difficult task of being an openly gay member of the Legislature with HIV at a time when it was maybe not as accepted as it is today.

And for that he deserves all our

thanks, as he has announced that this is in fact his final session with us and perhaps his final week or so in this chamber. So I do want to thank him for all that he has done, not just on this issue but on every issue in which he's worked.

As it relates to this legislation, many of my colleagues have already stated what is well-known to many of us. There is a difference between HIV/AIDS and other diseases. Not too long ago, but a few decades ago, it was something that the victims of which were subject to a vicious discrimination throughout the '80s and into the '90s, where people would not want to go near someone with the disease, people would not want to touch someone with the disease, people would not want to use the same water fountains as someone with the disease -- and yes, people would not want to rent their homes to someone with that disease.

Now, thankfully, we've come to the point where the disease is no longer a death sentence. I remember very clearly watching Magic Johnson announce that he had the disease and thinking at the time that he would soon be

dead. But thankfully, he's survived, he continues to live, as do so many people.

But unfortunately, the discrimination continues. Which makes this legislation all the more necessary, as it was before it was passed in this chamber before I was a member. The arguments are as valid today as they were then. And I don't understand why so many votes would be changing from then to now, especially at a time when someone who has worked so hard on it is spending his last days in the Senate.

So I implore my colleagues who have voted yes in the past to consider being consistent with the legislation, with their votes on this legislation, and I will be voting in the affirmative.

ACTING PRESIDENT LITTLE: Thank you. Senator Gianaris in the affirmative.

Senator Klein to explain his vote.

SENATOR KLEIN: Thank you, Madam President. I too rise in favor of this legislation.

I think it's very clear we all come to this legislative body with certain missions,

certain things that we want to do, and in many cases it's based on our previous experiences. Clearly this is a bill that's very important to a colleague that I know is very important to many of us, Senator Tom Duane.

I think Senator Savino said it best when we all remember when this bill originally came up at 2 o'clock in the morning towards the end of session where Senator Duane made a very passionate speech in favor of this.

I think we also know that Senator Duane has decided not to seek reelection, moving on to other things in his life. And I have a feeling that besides legalizing gay marriage, passing the marriage equality bill, this is something else that Senator Duane hopes to be part of his legacy.

And I know I respect Senator Hannon's opinion when it comes to any type of health issue. And he did make the argument that why are we treating this specific disease different than any other when it comes to an emergency shelter allowance.

Well, I think we have to, because I think in many cases we haven't solved the problem

fully of AIDS/HIV patients within our community. They're still looked down upon, there's still a tremendous burden on their lives and the people around them. And to just enhance that financially and giving them the ability to be able to live out, as Tom Duane said, their lives -- as short as in many cases that may be -- in comfort is something that's very, very important.

ACTING PRESIDENT LITTLE: Thank you, Senator Klein. How do you vote?

SENATOR KLEIN: I vote yes, Madam President.

ACTING PRESIDENT LITTLE: Thank you. You will be recorded in the affirmative.

Senator Carlucci to explain his vote.

SENATOR CARLUCCI: Thank you, Madam President.

I too rise in favor of this important legislation. And I want to commend Senator Duane for not just talking the talk but walking the walk and really standing up for people living with AIDS and HIV. His advocacy has really made strides, and I believe this

legislation will really go to help people who are living under those circumstances.

So I'm supporting this legislation, and I urge my colleagues to do the same. And again, I want to thank the sponsor, Senator Duane, for putting this legislation forward and being an advocate for these issues.

I vote aye. Thank you, Madam President.

ACTING PRESIDENT LITTLE: Thank you. Senator Carlucci will be recorded in the affirmative.

Senator Breslin to explain his vote.

SENATOR BRESLIN: Thank you, Madam President.

How euphoric many of us felt not two hours ago, thinking that the crowning achievement for Senator Duane to do the right thing, the fair thing, the just thing, the equitable thing, to treat in a compassionate way AIDS patients, making sure that in shelters the rents were limited. What a quality-of-life issue, on the edge and the precipice of being put out on the street, not being able to afford

accommodations.

And I remember two years ago when we voted and everybody in this house, save one, voted in favor of this legislation. I disagreed with the Governor in his veto at that time. But again, the feeling that we were again revisiting this and we were about to do the right thing.

And now, hopefully, we are holding out hope that we will continue to do the right thing tonight. And so many times we should put aside our labels and do the right thing. And it is still my hope and belief that people in this body will reconsider and think of two years ago, think of why they made a decision, why that they were fair and just in that assessment two years ago, and that now we face the possibility of not being fair and just.

And accordingly, Madam President, I vote aye.

ACTING PRESIDENT LITTLE: Thank you. Senator Breslin will be recorded in the affirmative.

Senator Stewart-Cousins to explain her vote.

SENATOR STEWART-COUSINS: Thank

you, Madam President.

I rise as so many of my colleagues have risen to not only congratulate Senator Duane for his steadfast and unwavering commitment to people who are experiencing HIV/AIDS and also making sure that he brings to us the consciousness that surrounds the devastation, many times, of being diagnosed with that disease.

Senator Duane, in many of our minds, is a giant and a hero. And I, as all of my colleagues who were here, remember that night where I think he became a YouTube phenomenon. Everybody saw what he felt and heard how he positioned the argument. And I don't think it was because it was 3 a.m. that we resoundingly supported him. I think it's because we understood that this bill impacts the very sickest, the very poorest.

This is a little tiny piece of legislation, but it reminds us that it is, as Senator Duane, said a subset. People receiving shelter assistance, people who have emergency shelter allowance, people who reside in a household that receives unearned and/or earned income shall not be required to pay more than

30 percent of the household's monthly unearned or earned income towards shelter cost, including rent and utilities.

So it's not that people won't pay anything. It's not that people have a lot of options. These are extremely poor people who are sick who will not be required to pay more than 30 percent of an income.

So I ask my colleagues not only to reconsider what this means to Senator Duane but reconsider --

ACTING PRESIDENT LITTLE: Thank you, Senator.

SENATOR STEWART-COUSINS: -- what it means to the most impoverished and sickest among this population.

So I vote aye, Madam President.

ACTING PRESIDENT LITTLE: Thank you. Senator Stewart-Cousins will be recorded in the affirmative.

Announce the results.

Senator Duane to explain your vote? Senator Duane, do you wish to explain your vote?

SENATOR DUANE: Thank you, Madam

President.

ACTING PRESIDENT LITTLE: Thank you.

SENATOR DUANE: I purposely kept my on-the-bill explanation as brief as possible.

And may I request that we withdraw the roll call and lay the bill aside for the day.

SENATOR LIBOUS: Madam President. Madam President.

ACTING PRESIDENT LITTLE: Senator Libous.

SENATOR LIBOUS: We are on the roll call. I believe Senator Duane has two minutes to explain his vote. At the end of that two minutes, we will announce the results.

SENATOR SQUADRON: -- withdraw the roll.

ACTING PRESIDENT LITTLE: Excuse me. Just a moment, please.

We are on a roll call. The only thing that can be done is to explain your vote, and then we will announce the result.

SENATOR BRESLIN: Point of order. I believe the sponsor --

ACTING PRESIDENT LITTLE: Point of

order.

SENATOR BRESLIN: The sponsor would like to withdraw the bill, lay the bill aside for the day.

SENATOR LIBOUS: Madam President, we are on the roll call. The sponsor could have laid this bill aside during the regular debate. But once you are on the roll call, members can explain their vote and then you have to call the roll. You cannot pull a bill on the roll call.

ACTING PRESIDENT LITTLE: Thank you. Those are the rules.

SENATOR BRESLIN: Madam President, there's nothing in the rules. The sponsor is in control of his own bill, exclusive control of his own bill, and he is requesting that it be laid aside for the day.

SENATOR LIBOUS: No, Madam President, that is totally incorrect. What I've stated -- what I've stated is absolutely correct, you cannot pull your bill with a motion on a roll call.

SENATOR BRESLIN: Madam President, it is absolutely correct --

ACTING PRESIDENT LITTLE: Thank

you. Senator Libous, your point is well-taken.

Senator Breslin, I'm sorry, your point is not taken. The roll call has been called. We have to announce the vote.

We have one more Senator to explain their vote. Senator Avella to explain your vote.

SENATOR BRESLIN: Point of order, please. I appeal the ruling of the chair and ask to be heard.

SENATOR LIBOUS: Madam President, that is not a ruling. Madam President -- Madam President, let me try help things here.

We are on the roll call. Once members explain their vote, then the roll call will be taken. The sponsor in this case cannot lay his bill aside, because we are on a roll call. The only motion that can be taken on a roll call is a motion to adjourn if you have enough votes.

So I would beg to differ with my esteemed colleague on the other side of the aisle. I believe we are extremely correct here and that his request is out of order.

SENATOR BRESLIN: Madam President --

ACTING PRESIDENT LITTLE: Thank you. We are waiting now for only those who explain their vote. I believe Senator Avella is next.

SENATOR BRESLIN: Madam President, can I -- it's such an important vote. Can I ask for some -- can I ask for some reference to a rule?

ACTING PRESIDENT LITTLE: We have a ruling on the point of order. We have the rule that once the roll call has been called, that we explain votes and then we announce the result. It cannot be withdrawn.

SENATOR SQUADRON: Point of order. I appeal the ruling of the chair. Madam President, I appeal (inaudible) --

(Several Senators speaking.)

ACTING PRESIDENT LITTLE: On the ruling of the chair -- can we have it quiet, first, please. On the ruling -- one moment (gaveling).

On the ruling of the chair, all those --

SENATOR DUANE: Point of personal privilege.

ACTING PRESIDENT LITTLE: -- who wish to overrule the chair signify by saying aye.

SENATOR SQUADRON: Madam President (inaudible) --

SENATOR DUANE: (Inaudible.)

SENATOR LIBOUS: Madam President.

SENATOR DUANE: Madam President, I really want to say that I would not like this body to be remembered today as defeating this bill which will help keep people living with AIDS alive.

ACTING PRESIDENT LITTLE: Senator Duane, we are -- you are out of order. Wait till we can recognize you. We're doing one Senator at a time.

SENATOR DUANE: (Inaudible.)

ACTING PRESIDENT LITTLE: Senator Libous.

SENATOR LIBOUS: Madam President, we are on Senator Breslin's point of order. That is the issue before the house at this time.

ACTING PRESIDENT LITTLE: All those in favor of overruling the chair --

SENATOR SQUADRON: Madam President --

ACTING PRESIDENT LITTLE: -- signify by saying --

SENATOR SQUADRON: -- let me be heard on my motion to overrule the --

SENATOR LIBOUS: It was Senator Breslin's motion.

SENATOR SQUADRON: I'd like to be heard on Senator Breslin's motion to overrule the ruling of the chair. Thank you for the clarification. And I believe I have 30 minutes on this issue. Thank you very much.

The chair said that there was a ruling on Senator Breslin's point of order, either Senator Breslin or I, depending how you interpret it, asked to overrule it. And now we're debating that.

Madam President, it is the long-standing tradition of this house that a sponsor is in exclusive control of his or her bill from the point of introduction to the point of passage, simply and absolutely. In fact, we have all sat here in this chamber and watched bills get laid aside for the day after the roll has been opened.

The fact that we now have a ruling

of the chair that has no citation in the rules, that is in inconsistent with long-standing precedent in this house, both relative to the control of a bill for the sponsor and relative to the ability to pull the bill at any point between introduction and passage, is really surprising.

I would love to see -- and we have a half hour here to debate it -- I would love to see any citation on that, Madam President. I suppose that the ruling might be that the sponsor doesn't even have the ability to star his bill at this point. Which again would be completely outside of the history and precedent of this house.

It has become all too common for a simple suggestion or a statement of fact without a citation in the rules, which I am leafing through even as I speak, to govern here. But I hope that we continue to be a body of rules, not just a body of assertions. I hope that we are a body still governed by some sense of decorum and respect for each other, not just by whatever the pique of the moment drives us to.

The Majority certainly has the majority of votes when we're all present. I

don't believe that that supersedes the rules of the house. And the rules of the house are very, very clear. The sponsor controls the bill from introduction to passage. It always -- it has been that way as long as I've been here. It is clearly stated to be that way in the rules. And, Madam President, I would ask you or any other member to cite a rule in conflict with that.

ACTING PRESIDENT LITTLE: Thank you. Senator Squadron, the rule is 9(3)(F). I will read the ruling.

"After the Senate shall have adopted the motion to close debate as hereinbefore provided, no motion shall be in order but one motion to adjourn, or for a call of the Senate by the Temporary President and a motion to commit. Should said motion to adjourn be carried, the measure under consideration shall be the pending question when the Senate shall again convene and shall be taken up at the point where it was at the time of such adjournment."

SENATOR SQUADRON: Thank you, Madam President.

ACTING PRESIDENT LITTLE: So your point is -- that is the ruling that we are

working with.

SENATOR SQUADRON: Thank you, Madam President. So it is your ruling that laying a bill aside for the day is in fact a motion?

ACTING PRESIDENT LITTLE: Yes.

SENATOR SQUADRON: So in other words, every time a bill gets laid aside for the day that was previously on an active list, that's a motion and that's governed by the rules governing motions in this house?

ACTING PRESIDENT LITTLE: No. Senator Squadron, when a bill is laid aside, that is before the debate. It is usually on the noncontroversial calendar. We are talking about after the debate is closed and the roll is called. That's the point. And after the roll is called, no motion can be considered but a motion to adjourn and we announce the result.

SENATOR SQUADRON: So, Madam President, the ruling of the chair is that laying a bill aside for the day before the roll call is called is not a motion, but laying a bill aside for the day after a roll call was called is a motion?

ACTING PRESIDENT LITTLE: We're talking about the debate is closed. No motion after that, after the roll call.

SENATOR SQUADRON: So the chair's contention is that laying a bill aside for the day is a motion or is not a motion?

ACTING PRESIDENT LITTLE: Senator Squadron, the difference is that a lay-aside before the roll call has been taken is allowed.

After the roll call, we're talking about a motion being made to table the bill that the vote has been taken on. It is not in order, and that is the ruling of the chair.

SENATOR SQUADRON: Madam President --

ACTING PRESIDENT LITTLE: You can appeal the ruling.

SENATOR SQUADRON: -- thank you for that ruling.

And just now that I understand it a little better, on the ruling, it is very hard to understand that an action that's sort of a basic action that is under the rule that a member is in control of their bill from introduction to passage, in sole and exclusive control of their

bill from introduction to passage governs in a different way, has not been a motion until the roll call is called, when there's really no nothing in the rules.

SENATOR LIBOUS: Madam President, I'd like to be recognized.

ACTING PRESIDENT LITTLE: Point of order, Senator Libous.

SENATOR LIBOUS: Thank you. I'm not sure what Senator Squadron is arguing, but I certainly would ask him to defer to me for a second.

Madam President, I would ask for unanimous consent to withdraw the roll call. Unanimous consent.

ACTING PRESIDENT LITTLE: Thank you. Without objection, is there unanimous consequent we withdraw --

SENATOR DUANE: I would request, Madam Chair --

ACTING PRESIDENT LITTLE: Senator Duane, just a moment, please, while we get this.

SENATOR DUANE: Madam Chair, it is my piece of legislation. I do not want to lay it aside for the day anymore. I would like to see a

vote on this, and I request --

ACTING PRESIDENT LITTLE: Senator Duane, so we do not have unanimous consent, is that correct, to withdraw?

SENATOR DUANE: Yes, you do not have unanimous consent to withdraw.

ACTING PRESIDENT LITTLE: Then we're on the roll call.

SENATOR LIBOUS: We are on the roll call and --

ACTING PRESIDENT LITTLE: We have one more Senator who wanted to explain his vote. Senator Avella, do you wish to -- all right. Announce the result.

SENATOR DUANE: Madam President, I spoke with the leader of the Majority and informed him that --

ACTING PRESIDENT LITTLE: Senator Duane, is there a point of order here?

SENATOR DUANE: And I hold him that I wanted a vote on it, and I believe he acceded to that request. I may be mistaken, but I am respectfully requesting that we --

ACTING PRESIDENT LITTLE: We have a vote.

SENATOR DUANE: -- that we continue with the roll call.

ACTING PRESIDENT LITTLE: We will. We are trying to do that, Senator Duane. The roll call -- the vote has been taken.

The Secretary will announce the results.

SENATOR LIBOUS: Thank you.

THE SECRETARY: In relation to Calendar 1255, those recorded in the negative are Senators Bonacic, DeFrancisco, Farley, Flanagan, Fuschillo, Gallivan, Golden, Griffo, Grisanti, Hannon, Johnson, Larkin, LaValle, Libous, Little, Martins, Maziarz, Nozzolio, O'Mara --

SENATOR LIBOUS: Madam President.

ACTING PRESIDENT LITTLE: Thank you. Senator Libous.

SENATOR LIBOUS: If we can complete the roll call, and then I would ask that you give Leader Sampson an opportunity to speak.

ACTING PRESIDENT LITTLE: We need to complete the roll call and announce the result, and we will call on him.

SENATOR LIBOUS: Could we suspend the roll call so the leader can have the

opportunity to speak on the bill.

ACTING PRESIDENT LITTLE: The roll call is suspended.

I call upon Senator Sampson to explain his vote.

SENATOR SAMPSON: Thank you very much, Madam President.

And thank you very much, Senator Libous, for giving me this opportunity. And I apologize for whatever confusion, if any, took place here at this point in time.

Also, with respect to any motions regarding this vote, this is a piece of legislation that is very important not only to Senator Duane but to a lot of those who are living with HIV and AIDS. And I would prefer --

ACTING PRESIDENT LITTLE: Can we have quiet in the chamber, please.

SENATOR SAMPSON: Something like this is extremely important not just to lay aside but to see how individuals feel, how individuals actually want to vote. You know, people vote their conscience, but at the same time we have to take into consideration for those who are less fortunate.

And those with HIV and AIDS are less fortunate individuals who are just looking for that glimmer and opportunity of hope to have a very -- at least a sympathetic and easygoing life for their remaining days.

So with that, thank you very much, Madam President. Whichever way the vote goes, you know, I leave it in God's hands, and that's how it will be left. Thank you very much, Madam President. And I vote aye.

ACTING PRESIDENT LITTLE: Thank you, Senator Sampson. You will be recorded in the affirmative.

The Secretary will announce the result.

THE SECRETARY: In relation to Calendar 1255, those recorded in the negative are Senators Bonacic, DeFrancisco, Farley, Flanagan, Fuschillo, Gallivan, Golden, Griffo, Grisanti, Hannon, Johnson, Larkin, LaValle, Libous, Little, Martins, Maziarz, Nozzolio, O'Mara, Ranzenhofer, Ritchie, Saland, Seward, Skelos, Storobin, Young and Zeldin.

Absent from voting: Senators Adams, McDonald, Oppenheimer, Peralta, and Smith.

Ayes, 26. Nays, 27.

ACTING PRESIDENT LITTLE: The bill is lost.

Senator Carlucci for a motion.

SENATOR CARLUCCI: Madam President, on behalf of Senator Klein, on page 23 I offer the following amendments to Calendar Number 688, Senate Print Number 6139A, and ask that the said bill retain its place on the Third Reading Calendar.

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

Senator Libous.

SENATOR LIBOUS: Is there any further business at the desk?

ACTING PRESIDENT LITTLE: No, there is not, Senator Libous.

SENATOR LIBOUS: Thank you, Madam President.

There being no further business, I move that we adjourn until Monday, June 8th --

ACTING PRESIDENT LITTLE: Senator Libous, excuse me. We do have one motion.

SENATOR LIBOUS: Can we return to

motions and resolutions.

ACTING PRESIDENT LITTLE: Motions and resolutions.

SENATOR LIBOUS: On behalf of Senator Peralta, I wish to call up his bill, Senate Print 6292, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT LITTLE: The Secretary will read.

THE SECRETARY: Calendar Number 968, by Senator Peralta, Senate Print 6292, an act to amend the Penal Law.

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

ACTING PRESIDENT LITTLE: Call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

SENATOR LIBOUS: I now offer up the following amendments.

ACTING PRESIDENT LITTLE: The amendments are received.

SENATOR LIBOUS: On behalf of Senator Rivera, on page 28 I offer the following

amendments to Calendar 816, Senate Print 6854A, and ask that said bill retain its place on the Third Reading Calendar.

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

SENATOR LIBOUS: There being no further business, Madam President, I move that we adjourn until Monday, June 18th, at 3:00 p.m., intervening days being legislative days.

ACTING PRESIDENT LITTLE: Thank you. On motion, the Senate stands adjourned until Monday at 3:00 p.m., June 18th, intervening days being legislative days.

(Whereupon, at 2:35 p.m., the Senate adjourned.)