NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

June 21, 2012

11:08 a.m.

REGULAR SESSION

SENATOR DAVID STOROBIN, Acting President

FRANCIS W. PATIENCE, Secretary

P R O C E E D I N G S

ACTING PRESIDENT STOROBIN: The Senate will come to order.

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

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

ACTING PRESIDENT STOROBIN: We are joined here today by Reverend Peter Young, of the Mother Teresa Community. He will give us our invocation.

REVEREND YOUNG: Thank you, Senator.

Let us pray.

As we gather in this final day of the regular session, we will thank You, O God, for Your blessing of the Senators and their dedication, and their staff, combined with all administrative personnel, for the bipartisan cooperation, and pray that they will have time for their family and relaxing then in good health during the summer time off.

We are very proud of being a New Yorker, because New Yorkers saw the christening of the American flag when the

Stars and Stripes was first flown in battle at the defense of Fort Stanwix in Rome.

It's with great pride that you are able to serve as a Senator in this patriotic tradition, in the elected leadership, to fulfill the call of God, of leadership.

We are proud of our elected leaders as we were, of course, of Presidents Van Buren, Fillmore, Arthur, Cleveland, Theodore and Franklin Roosevelt. May we continue in the greatness of their dedicated public service to all of our New York State citizens.

May we follow in the rich tradition of the Senate that first met in Kingston five days after the Declaration of Independence.

You, O God, have provided Senators with outstanding examples of inspiring leadership. We pray that they will be able to enjoy the good times that this time of relaxation will offer.

Amen.

ACTING PRESIDENT STOROBIN: The

reading of the Journal.

THE SECRETARY: In Senate, Wednesday, June 20th, the Senate met pursuant to adjournment. The Journal of Tuesday, June 19th, was read and approved. On motion, the Senate adjourned.

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

Presentation of petitions.

Messages from the Assembly.

The Secretary will read.

THE SECRETARY: On page 4, Senator Golden moves to discharge, from the Committee on Consumer Protection, Assembly Bill Number 8614B and substitute it for the identical Senate Bill Number 5576B, Third Reading Calendar 72.

On page 5, Senator Flanagan moves to discharge, from the Committee on Rules, Assembly Bill Number 7591C and substitute it for the identical Senate Bill Number 5650D, Third Reading Calendar 125.

On page 7, Senator Libous moves to discharge, from the Committee on Civil

Service and Pensions, Assembly Bill Number 6830A and substitute it for the identical Senate Bill Number 3136A, Third Reading Calendar 256.

On page 12, Senator Little moves to discharge, from the Committee on Civil Service and Pensions, Assembly Bill Number 9222 and substitute it for the identical Senate Bill Number 6394, Third Reading Calendar 487.

On page 12, Senator Valesky moves to discharge, from the Committee on Civil Service and Pensions, Assembly Bill Number 9450 and substitute it for the identical Senate Bill Number 6428, Third Reading Calendar 488.

On page 13, Senator Fuschillo moves to discharge, from the Committee on Education, Assembly Bill Number 9267A and substitute it for the identical Senate Bill Number 595A, Third Reading Calendar 513.

On page 22, Senator Marcellino moves to discharge, from the Committee on Rules, Assembly Bill Number 10102B and substitute it for the identical Senate Bill Number 6999B, Third Reading Calendar 832.

On page 24, Senator Griffo moves to

discharge, from the Committee on Rules, Assembly Bill Number 10567A and substitute it for the identical Senate Bill Number 6777B, Third Reading Calendar 898.

On page 27, Senator Stewart-Cousins moves to discharge, from the Committee on Rules, Assembly Bill Number 9432 and substitute it for the identical Senate Bill Number 6566, Third Reading Calendar 1005.

On page 28, Senator Bonacic moves to discharge, from the Committee on Civil Service and Pensions, Assembly Bill Number 9566 and substitute it for the identical Senate Bill Number 6780, Third Reading Calendar 1007.

On page 28, Senator Bonacic moves to discharge, from the Committee on Civil Service and Pensions, Assembly Bill Number 9588 and substitute it for the identical Senate Bill Number 6781, Third Reading Calendar 1008.

On page 28, Senator Martins moves to discharge, from the Committee on Civil Service and Pensions, Assembly Bill Number 9998 and substitute it for the identical Senate Bill Number 7146, Third Reading Calendar 1011.

On page 28, Senator Farley moves to

discharge, from the Committee on Civil Service and Pensions, Assembly Bill Number 10164 and substitute it for the identical Senate Bill Number 7416, Third Reading Calendar 1013.

On page 36, Senator Fuschillo moves to discharge, from the Committee on Rules, Assembly Bill Number 4365A and substitute it for the identical Senate Bill Number 7595A, Third Reading Calendar 1319.

On page 38, Senator Seward moves to discharge, from the Committee on Rules, Assembly Bill Number 10784 and substitute it for the identical Senate Bill Number 7787, Third Reading Calendar 1426.

On page 38, Senator Golden moves to discharge, from the Committee on Rules, Assembly Bill Number 9380B and substitute it for the identical Senate Bill Number 7775, Third Reading Calendar 1449.

And on page 36, Senator Martins moves to discharge, from the Committee on Rules, Assembly Bill Number 10685A and substitute it for the identical Senate Bill Number 7706A, Third Reading Calendar 1346.

ACTING PRESIDENT STOROBIN:

Substitutions ordered.

Messages from the Governor.

Reports of standing committees.

Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

Senator Libous.

SENATOR LIBOUS: Thank you, Mr. President.

At this time I would call an immediate meeting of the Judiciary Committee in Room 332. There's an immediate meeting of the Judiciary Committee.

The Senate will continue to pass bills. The members of the Judiciary Committee, if any bills are laid aside, will be able to vote pursuant to Rule 9. And that way we can keep things flowing.

So if members of the Judiciary Committee would go to Room 332.

ACTING PRESIDENT STOROBIN: Immediate meeting of the Judiciary Committee in Room 332.

SENATOR LIBOUS: Thank you.

Mr. President, we'll just hang on a second. We'll get a little order in the chamber. We're going to take up the active list.

Okay, Mr. President, at this time we will go to today's active list, the noncontroversial reading.

ACTING PRESIDENT STOROBIN: The Secretary will read.

THE SECRETARY: Calendar Number 5, by Senator Kennedy, Senate Print 3330A, an act authorizing.

ACTING PRESIDENT STOROBIN: 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 STOROBIN: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 47. Nays, 1. Senator Ball recorded in the negative.

ACTING PRESIDENT STOROBIN: The bill is passed.

THE SECRETARY: Calendar Number 72, substituted earlier by Member of the Assembly

Titone, Assembly Print Number 8614B, an act to amend the General Business Law.

ACTING PRESIDENT STOROBIN: Read the last section.

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

ACTING PRESIDENT STOROBIN: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 48.

ACTING PRESIDENT STOROBIN: The bill is passed.

THE SECRETARY: Calendar Number 85, by Senator Ritchie, Senate Print 5160B, an act to amend the Agriculture and Markets Law.

ACTING PRESIDENT STOROBIN: Read the last section.

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

ACTING PRESIDENT STOROBIN: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 48.

ACTING PRESIDENT STOROBIN: The bill is passed.

THE SECRETARY: Calendar Number 91, by Senator Little, Senate Print 5525C, an act to amend the General Municipal Law.

ACTING PRESIDENT STOROBIN: Read the last section.

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

ACTING PRESIDENT STOROBIN: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 48.

ACTING PRESIDENT STOROBIN: The bill is passed.

THE SECRETARY: Calendar Number 125, substituted earlier by Member of the Assembly Nolan, Assembly Print 7591C, an act in relation.

ACTING PRESIDENT STOROBIN: Read the last section.

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

ACTING PRESIDENT STOROBIN: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 48.

ACTING PRESIDENT STOROBIN: The bill is passed.

THE SECRETARY: Calendar Number 256, substituted earlier by Member of the Assembly Crouch, Assembly Print Number 6830A, an act to authorize.

ACTING PRESIDENT STOROBIN: 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 STOROBIN: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 48.

ACTING PRESIDENT STOROBIN: The bill is passed.

THE SECRETARY: Calendar Number 347, by Senator Young, Senate Print 4020C, an act to amend the Highway Law.

ACTING PRESIDENT STOROBIN: Read the last section.

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

ACTING PRESIDENT STOROBIN: Call

the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 48.

ACTING PRESIDENT STOROBIN: The bill is passed.

THE SECRETARY: Calendar Number 374, by Senator Flanagan --

SENATOR BRESLIN: Lay it aside.

ACTING PRESIDENT STOROBIN: The bill is laid aside.

THE SECRETARY: Calendar Number 487, substituted earlier by Member of the Assembly Sayward, Assembly Print 9222, an act to authorize.

ACTING PRESIDENT STOROBIN: 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 STOROBIN: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 48.

ACTING PRESIDENT STOROBIN: The bill is passed.

THE SECRETARY: Calendar Number 488, substituted earlier by Member of the Assembly Roberts, Assembly Print 9450, an act to authorize.

ACTING PRESIDENT STOROBIN: 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 STOROBIN: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 48.

ACTING PRESIDENT STOROBIN: The bill is passed.

THE SECRETARY: Calendar Number 513, substituted earlier by Member of the Assembly Hooper, Assembly Print 9267A, an act to amend the Education Law.

ACTING PRESIDENT STOROBIN: Read the last section.

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

ACTING PRESIDENT STOROBIN: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 48.

ACTING PRESIDENT STOROBIN: The bill is passed.

THE SECRETARY: Calendar Number 558, by Senator Seward, Senate Print 6811A, an act to amend Chapter 585 of the Laws of 2011.

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

Read the last section.

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

ACTING PRESIDENT STOROBIN: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 47. Nays, 1. Senator Ball recorded in the negative.

ACTING PRESIDENT STOROBIN: The bill is passed.

THE SECRETARY: Calendar Number 594, by Senator Grisanti --

SENATOR LIBOUS: Mr. President, lay this bill aside temporarily, please.

ACTING PRESIDENT STOROBIN: The bill is laid aside temporarily.

THE SECRETARY: Calendar Number 615, by Senator Zeldin, Senate Print 6872B --

SENATOR BRESLIN: Lay it aside.

ACTING PRESIDENT STOROBIN: Lay the bill aside.

THE SECRETARY: Calendar Number 746, by Senator Valesky, Senate Print 4767A, an act granting retroactive Tier IV membership.

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

Read the last section.

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

ACTING PRESIDENT STOROBIN: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 48.

ACTING PRESIDENT STOROBIN: The bill is passed.

THE SECRETARY: Calendar Number 832, substituted earlier by Member of the Assembly Conte, Assembly Print 10102B, an act to authorize.

ACTING PRESIDENT STOROBIN: Read the last section.

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

ACTING PRESIDENT STOROBIN: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 50.

ACTING PRESIDENT STOROBIN: The bill is passed.

THE SECRETARY: Calendar Number 898, substituted earlier by the Assembly Committee on Rules, Assembly Print 10567A, an act to amend the Banking Law.

ACTING PRESIDENT STOROBIN: Read the last section.

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

ACTING PRESIDENT STOROBIN: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 49. Nays, 1. Senator Ball recorded in the negative.

ACTING PRESIDENT STOROBIN: The bill is passed.

THE SECRETARY: Calendar Number 1005, substituted earlier by Member of the

Assembly Abinanti, Assembly Print 9432, an act to authorize.

ACTING PRESIDENT STOROBIN: Read the last section.

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

ACTING PRESIDENT STOROBIN: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 50.

ACTING PRESIDENT STOROBIN: The bill is passed.

THE SECRETARY: Calendar Number 1007, by substituted earlier Member of the Assembly Gunther, Assembly Print 9566, an act relating to authorizing.

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

Please read the last section.

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

ACTING PRESIDENT STOROBIN: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 50.

ACTING PRESIDENT STOROBIN: The bill is passed.

THE SECRETARY: Calendar Number 1008, substituted earlier by Member of the Assembly Cahill, Assembly Print 9588, an act to authorize.

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

Please read the last section.

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

ACTING PRESIDENT STOROBIN: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 50.

ACTING PRESIDENT STOROBIN: The bill is passed.

THE SECRETARY: Calendar Number 1010, by Senator Ritchie, Senate Print 7089, an act to authorize.

SENATOR BRESLIN: Lay it aside.

ACTING PRESIDENT STOROBIN: The bill is laid aside.

SENATOR GRIFFO: Mr. President, please lay Calendar 1010 aside for the day.

Calendar 1010, we would like the bill laid aside for the day.

ACTING PRESIDENT STOROBIN: Calendar Number 1010 is laid aside for the day.

The Secretary will continue to read.

THE SECRETARY: Calendar Number 1011, substituted earlier today by Member of the Assembly Schimel, Assembly Print 9998, an act in relation to authorizing.

ACTING PRESIDENT STOROBIN: Read the last section.

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

ACTING PRESIDENT STOROBIN: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 50.

ACTING PRESIDENT STOROBIN: The bill is passed.

THE SECRETARY: Calendar Number 1013, by Member of the Assembly Butler, Assembly Print 10164, an act to allow.

ACTING PRESIDENT STOROBIN: 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 STOROBIN: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 50.

ACTING PRESIDENT STOROBIN: The bill is passed.

THE SECRETARY: Calendar Number 1067, by Senator Farley, Senate Print 6909A, an act to amend the Alcoholic Beverage Control Law.

ACTING PRESIDENT STOROBIN: Read the last section.

THE SECRETARY: Section 6. This act shall take effect June 30, 2012.

ACTING PRESIDENT STOROBIN: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: In relation to Calendar Number 1067, those recorded in the negative are Senators Fuschillo, Hannon, Little and Zeldin.

Ayes, 46. Nays, 4.

ACTING PRESIDENT STOROBIN: The

bill is passed.

THE SECRETARY: Calendar Number 1109, by Senator Flanagan, Senate Print 7288 --

SENATOR BRESLIN: Lay it aside.

ACTING PRESIDENT STOROBIN: The bill is laid aside.

THE SECRETARY: Calendar Number 1224, by Senator Lanza, Senate Print 5573D, an act to amend the Not-For-Profit Corporation Law.

ACTING PRESIDENT STOROBIN: Read the last section.

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

ACTING PRESIDENT STOROBIN: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 49. Nays, 1. Senator Ball recorded in the negative.

ACTING PRESIDENT STOROBIN: The bill is passed.

THE SECRETARY: Calendar Number 1319, substituted earlier by Member of the Assembly Perry, Assembly Print 4365A, an act to amend the General Business Law.

ACTING PRESIDENT STOROBIN: Read

the last section.

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

ACTING PRESIDENT STOROBIN: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 50.

ACTING PRESIDENT STOROBIN: The bill is passed.

THE SECRETARY: Calendar Number 1325, by Senator Ritchie, Senate Print 7631B, an act to amend the Highway Law.

ACTING PRESIDENT STOROBIN: Read the last section.

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

ACTING PRESIDENT STOROBIN: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 50.

ACTING PRESIDENT STOROBIN: The bill is passed.

THE SECRETARY: Calendar Number 1336, by Senator Flanagan, Senate Print 7718A, an act to amend the Education Law.

ACTING PRESIDENT STOROBIN: Read the last section.

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

ACTING PRESIDENT STOROBIN: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 52.

ACTING PRESIDENT STOROBIN: The bill is passed.

THE SECRETARY: Calendar Number 1342, by Senator Little, Senate Print 7656A, an act to amend the Highway Law.

ACTING PRESIDENT STOROBIN: Read the last section.

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

ACTING PRESIDENT STOROBIN: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 51. Nays, 1. Senator Fuschillo recorded in the negative.

ACTING PRESIDENT STOROBIN: The bill is passed.

THE SECRETARY: Calendar Number

1346, substituted earlier by the Assembly Committee on Rules, Assembly Print 10685A, an act in relation to authorizing.

ACTING PRESIDENT STOROBIN: Read the last section.

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

ACTING PRESIDENT STOROBIN: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: In relation to Calendar Number 1346: Ayes, 50. Nays, 2. Senators Larkin and O'Mara recorded in the negative.

ACTING PRESIDENT STOROBIN: The bill is passed.

THE SECRETARY: Calendar Number 1409, by Senator Young, Senate Print 5356D, an act to amend the Education Law.

ACTING PRESIDENT STOROBIN: Read the last section.

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

ACTING PRESIDENT STOROBIN: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 51. Nays, 1. Senator Rivera recorded in the negative.

ACTING PRESIDENT STOROBIN: The bill is passed.

THE SECRETARY: Calendar Number 1422, by Senator Flanagan, Senate Print 7722A, an act to amend the Education Law.

ACTING PRESIDENT STOROBIN: Read the last section.

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

ACTING PRESIDENT STOROBIN: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: In relation to Calendar Number 1422, those recorded in the negative are Senators Ball, Griffo, Maziarz, Nozzolio, O'Mara, Ritchie, Saland, Seward, Stewart-Cousins and Young.

Ayes, 42. Nays, 10.

ACTING PRESIDENT STOROBIN: The bill is passed.

THE SECRETARY: Calendar Number 1423, by Senator Maziarz, Senate Print 7735A, an

act to amend the Public Health Law.

ACTING PRESIDENT STOROBIN: Read the last section.

THE SECRETARY: Section 4. This act shall take effect October 1, 2012.

ACTING PRESIDENT STOROBIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT STOROBIN: Senator Maziarz to explain his vote.

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

Just very briefly, this legislation enacts the Safe Patient Handling Act. This bill has been a long, long time being worked out and coming to fruition here. It's going to result, I think, in better care for patients and also going to result in better treatment of employees in nursing homes and hospitals across this state.

I want to give a special shout-out to Roger Cook of WNYCOSH. His advocacy on behalf of this legislation has been invaluable.

Also to Kaleida Health, a major healthcare delivery system in Western New York.

Kaleida Health implemented the provisions of this legislation voluntarily several years ago, and it has resulted in the savings of hundreds of thousands of dollars in workers' compensation costs. It has resulted in a steep reduction in the number of injuries to healthcare workers, and it has resulted in an immeasurable amount of workdays that were not lost due to worker injury.

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

ACTING PRESIDENT STOROBIN: Senator Maziarz to be recorded in the affirmative.

Senator DeFrancisco to explain his vote.

SENATOR DeFRANCISCO: Thank you.

This bill has been a priority of nurses for a long, long time, and the logic behind it is inescapable. If you have the correct equipment, you're not only going to be more safely handle patients, but you're going to eliminate some of the injuries that nurses experience as a result of not having that equipment to move patients from one place to the other, from the bed to a chair or whatever it

might be.

And what was excellent about this bill -- it was not an easy lift, because obviously some hospitals, some of the most powerful hospitals, the ones in the New York City area, had fought it for years. And I want to commend Senator Maziarz for listening not only to the New York hospitals, other hospitals, nursing homes, also to some suggestions that I had to make the bill better, I thought -- to come to this bill and actually get it to the point where it's going to pass this house.

So it's an excellent joint effort. It will save money in the long run, in reducing workers' compensation claims. And most importantly, it will help patients. So an excellent bill, and I am proud to vote yes.

ACTING PRESIDENT STOROBIN: Senator DeFrancisco's vote will be recorded in the affirmative.

Senator Kennedy to explain his vote.

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

This is a major victory for

healthcare workers across New York State as well as those who rely on high-quality care in the healthcare field.

The Safe Patient Handling bill is a win/win for New Yorkers. I want to thank the sponsor, Senator Maziarz, for his leadership on bringing this to the floor today.

This bill is going to improve care for patients, and it's going to improve working conditions for nurses and other healthcare workers.

Prior to joining the Senate, I worked in the healthcare industry as an occupational therapist for a number of years ago. As I grew up in the healthcare industry, I also lived in the home where my mother is a nurse and has worked for many years as a career in nursing.

Nursing is one of the most physically demanding jobs one can take up. The heavy lifting, the running, the patients in need, the split-second decision-making -- we expect a lot out of our nurses. Yet time and time again, their work successfully leads to improved health consequences and lives saved.

By empowering nurses with safe patient handling tools such as engineering controls, lifting and transfer aids, as well as assistive devices, we're going to help them improve patient care and ensure better health for the patients as well as better health for the workers.

Patient are going to enjoy safer, more comfortable healthcare experiences and see dramatic reductions in the risk of falls, drops, cuts and bruises.

There's also great benefits for the healthcare facilities: Improved quality of care, higher worker retention rates, fewer on-the-job injuries. That means even greater reputations for our healthcare institutions and reduced costs.

Again, Mr. President, this is important legislation for New Yorkers who work in the healthcare field as well as those who rely on high-quality healthcare.

I vote aye. Thank you.

ACTING PRESIDENT STOROBIN: Senator Kennedy's vote to be recorded in the affirmative.

Senator Hannon to explain his vote.

SENATOR HANNON: Thank you, Mr. President.

I rise to support this Safe Patient Handling legislation. It's been a long time coming. For one thing, it marks a really difficult chore of different unions who represent healthcare workers coming together and agreeing upon a common cause. And for that we owe really a debt of thanks to the AFL-CIO for bringing that together.

That being said, I must put a word of caution in. Because while the patients will be benefited, while the workers will be benefited, and ultimately while the healthcare system will benefit because of lower costs, there is a difficulty in implementing this that I've heard from nursing homes, I've heard from hospitals. They are surprised, some are saying "We're doing this already," some are saying "We'll never be able to do it."

We have a challenged healthcare system. It's short of money, it's short of personnel, it's short of cash, notwithstanding the fact that people think there's a lot of

people going and using the healthcare system right now. So this is a good step forward, but we're also going to make a commitment that we'll have to support it as we go forward.

The Kaleida system has had spectacular numbers in improving things in its system because of safe patient handling, but that was because the Legislature appropriated money in HEAL grants to help the Kaleida system reconstruct part of what they were doing. So we're going to have to remember that as we go forward in our budget-making process in the next several years.

And I rise in support. Thank you, Mr. President.

ACTING PRESIDENT STOROBIN: Senator Hannon's vote to be recorded in the affirmative.

Announce the results.

THE SECRETARY: Ayes, 51. Nays, 1. Senator O'Mara recorded in the negative.

ACTING PRESIDENT STOROBIN: The bill is passed.

THE SECRETARY: Calendar Number 1425, by Senator Ranzenhofer, Senate Print 7769,

an act to amend the State Finance Law.

ACTING PRESIDENT STOROBIN: Read the last section.

THE SECRETARY: Section 21. This act shall take effect on the 120th day.

ACTING PRESIDENT STOROBIN: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 52.

ACTING PRESIDENT STOROBIN: The bill is passed.

THE SECRETARY: Calendar Number 1426, substituted earlier by the Assembly Committee on Rules, Assembly Bill Number 10784, an act to amend the Insurance Law.

ACTING PRESIDENT STOROBIN: Read the last section.

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

ACTING PRESIDENT STOROBIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT STOROBIN: Senator Young to explain her vote.

SENATOR YOUNG: Thank you,

Mr. President.

I've been working on a wage deduction bill for the past nearly three years, and this piece of -- oh, sorry. Wrong bill.

ACTING PRESIDENT STOROBIN: Announce the results.

THE SECRETARY: Ayes, 53.

ACTING PRESIDENT STOROBIN: The bill is passed.

THE SECRETARY: Calendar Number 1427 --

SENATOR LIBOUS: Lay it aside temporarily.

ACTING PRESIDENT STOROBIN: The bill is laid aside temporarily.

THE SECRETARY: Calendar Number 1448, by Senator Hannon, Senate Print 7773, an act to amend the Public Health Law.

ACTING PRESIDENT STOROBIN: Read the last section.

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

ACTING PRESIDENT STOROBIN: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 53.

ACTING PRESIDENT STOROBIN: The bill is passed.

THE SECRETARY: Calendar Number 1449, substituted earlier by Member of the Assembly DenDekker, Assembly Print 9380B, an act to amend the Executive Law.

ACTING PRESIDENT STOROBIN: Read the last section.

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

ACTING PRESIDENT STOROBIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT STOROBIN: Senator DeFrancisco to explain his vote.

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

I fully understand that this bill establishes a voluntarily surveillance access database and that it's voluntary. I understand that. But whenever we pass one of these bills, whether it's cameras for buses, whether it's cameras for stoplights, whether it's cameras for some other law enforcement purpose, I can't help

but remembering a book I read in the early '60s that seemed so far in the future, called 1984.

And we're getting closer and closer to this George Orwellian state where we're going to have so many video cameras, even though it's voluntary, people whose legitimate actions, legitimate movements are going to be recorded by so many different people and so many different agencies -- that's not a good thing, in my mind.

So whether this is voluntary or not, I vote nay.

ACTING PRESIDENT STOROBIN: Senator DeFrancisco's vote is recorded in the negative.

Announce the results.

THE SECRETARY: In relation to Calendar 1449, those recorded in the negative are Senators Avella, Breslin, DeFrancisco, Dilan, Gianaris, Griffo, Hannon, Kennedy, Krueger, Larkin, LaValle, Nozzolio, Oppenheimer, Parker, Peralta, Perkins, Ranzenhofer, Rivera, Saland, Serrano, Squadron, Stavisky and Stewart-Cousins.

Ayes, 34. Nays, 23.

ACTING PRESIDENT STOROBIN: The bill is passed.

THE SECRETARY: Calendar Number 1450, by Senator Ritchie, Senate Print 7778, an act to amend the Public Health Law.

ACTING PRESIDENT STOROBIN: Read the last section.

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

ACTING PRESIDENT STOROBIN: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT STOROBIN: The bill is passed.

THE SECRETARY: Calendar Number 1451, by Senator Flanagan, Senate Print 7783, an act to amend the Education Law.

ACTING PRESIDENT STOROBIN: Read the last section.

THE SECRETARY: Section 22. This act shall take effect July 1, 2012.

ACTING PRESIDENT STOROBIN: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT STOROBIN: The

bill is passed.

Senator Krueger, why do you rise?

SENATOR KRUEGER: Please excuse me; I don't need to speak. I can fill out a form for Rule 9. Thank you.

ACTING PRESIDENT STOROBIN: Senator Libous, that completes the reading of the noncontroversial calendar. Thank you.

SENATOR LIBOUS: Thank you.

At this time, Mr. President, we will take up the controversial calendar. No, no, no, noncontroversial. Hang on a second.

ACTING PRESIDENT GRIFFO: Can we have some order in the chamber, please.

SENATOR LIBOUS: Yeah, that would be helpful.

Mr. President, earlier we laid aside, temporarily, Calendar Number 594. So could we have the noncontroversial reading of that.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: On page 14, Senator Grisanti moves to discharge, from the Committee on Rules, Assembly Bill Number 10585A

and substitute it for the identical Senate Bill Number 6268D, Third Reading Calendar 594.

ACTING PRESIDENT GRIFFO: The substitution is so ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 594, by the Assembly Committee on Rules, Assembly Print 10585A, an act to amend the Environmental Conservation Law.

ACTING PRESIDENT GRIFFO: Read the last section.

THE SECRETARY: Section 3. This act shall take effect May 1, 2013.

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT GRIFFO: Senator Grisanti to explain his vote.

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

My fellow colleagues, this is an important piece of legislation that's passed the Assembly. And the premise is quite simple. Our constituents across the state need to know how safe it is to use the water.

In this day and age, it's almost unthinkable that New Yorkers would be allowed to swim, fish, kayak without receiving any warning of any recent discharge of sewage into the water, yet this happens all too frequently.

This bill creates a mechanism to alert the people of any sewage spills into the water that people use for recreational or commercial activities. This will be achieved without, and I stress without imposing any burden, financial burden on municipalities.

While the purpose of this bill is notification, the larger issue is the discharge in municipalities, the overflow in the sewer infrastructures. Combined sewer overflow discharge, tens of billions of gallons of dirty water each year. Municipalities across the state are making substantial improvements and managing the stormwater runoff and reducing these discharges in compliance with their permits with the DEC.

But this legislation will serve to educate the public on the need for continued investment to improve our sewage delivery system and ultimately prevent pollutage of our public

waters.

I want to thank Senate counsel, I want to thank my staff for their time and effort from this legislation.

We have no opposition from the New York Conference of Mayors, New York State Association of Counties, New York State Association of Towns, NYWEA, New York Water Associates.

We have support from the DEP, DEC, Riverkeeper, New York League of Conservation Voters, Adirondack Council, Citizens Campaign for the Environment, and Long Island Lobby Coalition.

This is an important step to protect our public about sewer discharges. I vote aye, Mr. President.

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

Senator LaValle to explain his vote.

SENATOR LaVALLE: Thank you, Mr. President.

I want to compliment Senator Grisanti for this legislation and the hard work

by the staff to put this together.

Every year I host an environmental roundtable in my district, and it's quite an event. As a matter of fact, it has grown each year. The discussion each year is usually about open space. This year it was about water, sewage discharge, and what this bill is all about.

So I vote in the affirmative, Mr. President.

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

Announce the results.

THE SECRETARY: Ayes, 53. Nays, 4. Senators Farley, Griffo, Little and Seward recorded in the negative.

ACTING PRESIDENT GRIFFO: The bill is passed.

Senator Libous.

SENATOR LIBOUS: Mr. President, there was another bill laid aside earlier today on the noncontroversial reading, temporarily. It would be Calendar Number 1427, by Senator Young. If we could take that up right now.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: On page 38, Senator Young moves to discharge, from the Committee on Rules, Assembly Bill Number 10785 and substitute it for the identical Senate Bill Number 7790, Third Reading Calendar 1427.

ACTING PRESIDENT GRIFFO: The substitution is ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1427, by the Assembly Committee on Rules, Assembly Print Number 10785, an act to amend the Labor Law.

ACTING PRESIDENT GRIFFO: Read the last section.

THE SECRETARY: Section 3. This act shall take effect on the 60th day.

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT GRIFFO: Senator Young to explain her vote.

I'm going to ask for order in the chamber so we can hear the Senator explain her vote.

Senator Young.

SENATOR YOUNG: Thank you, Mr. President.

This is an issue that I've been working on for nearly three years. It's great for employers and great for employees.

And we've been working very hard in the Senate to change the direction of the state, to grow the economy and make our state even more competitive from a business sense. We've made great progress by working closely with Governor Cuomo. And through our partnership, we are sending a clear message that New York State indeed is open for business.

It's my belief that this bill will give the Commissioner of Labor the ability to exercise regulatory action to encourage a more business-friendly environment in our state.

So I'd like to thank everyone for their support on this measure. It will be passed by the Assembly, it's my belief. So I enthusiastically vote yes and urge all of my colleagues to do the same.

Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: Senator Young will be recorded in the affirmative.

Announce the results.

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT GRIFFO: The bill is passed.

Senator Libous, that's the end of the noncontroversial temporary lay-asides.

SENATOR LIBOUS: Thank you, Mr. President.

Could we go back to reports of standing committees. I believe there's a report of the Judiciary Committee at the desk.

ACTING PRESIDENT GRIFFO: Reports of standing committees.

There is a report of the Judiciary Committee at the desk. The Secretary will read.

THE SECRETARY: Senator Bonacic, from the Committee on Judiciary, reports the following nominations.

As a judge of the Court of Claims, April A. Newbauer, of Brooklyn.

ACTING PRESIDENT GRIFFO: Senator Bonacic.

SENATOR BONACIC: Thank you, Mr. President.

The Judiciary Committee met

earlier, and we reviewed --

SENATOR LIBOUS: Excuse me, Senator Bonacic, if I may.

SENATOR BONACIC: Sure.

SENATOR LIBOUS: If I could.

This is very important, these nominations. If I could ask staff to leave the chamber if you're not discussing something with a member. If members need to discuss business, we've got tables outside of the chamber.

These nominations are extremely important to this house. We need to have order and move forward.

Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: Thank you, Senator Libous.

Senator Bonacic.

SENATOR BONACIC: Thank you, Mr. President.

We've had six excellent people come before us this morning in the Judiciary Committee with exemplary qualifications. The Governor has nominated all six of them. And I want to thank the Governor for putting these excellent people before this house.

I'd like to now briefly speak on April Newbauer. She's here with her husband, Nicholas, and also her children, Rachel, Justin and Simon. And we welcome them all today.

I move the nomination for Ms. Newbauer for the Court of Claims.

ACTING PRESIDENT GRIFFO: Thank you, Senator Bonacic.

Senator Adams.

SENATOR ADAMS: Thank you. Thank you, Mr. President.

I just want to second and join my colleague on his comments on comments about Judge Newbauer. She lives in my district, and I interact with her frequently. And I really appreciate what she was done around being a member of Legal Services, and we look forward to having her on the bench.

And I appreciate and commend the Governor on this appointment.

Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: Thank you, Senator Adams.

Senator Krueger.

SENATOR KRUEGER: Thank you.

I would also like to second the nomination of April Newbauer. I have known April for many years in her work on behalf of the Legal Aid Society in a number of different functions.

She is an extraordinary attorney. She has enormous compassion for people in need of appropriate response from our judicial system. I can't think of a better person to be joining the court.

And I know that she will give everyone who comes before her in her courtroom her full attention and ensure that the laws of the State of New York are administered correctly, fairly, and with heart. I'm very pleased to see her becoming a judge in the Court of Claims.

Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: Thank you, Senator Krueger.

Senator Smith.

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

And I also rise to second the nomination of April Newbauer. Just as some of my colleagues before me have indicated, her work with Legal Aid, what she has done, she provides

the kind of temperament that is necessary to dispense justice from the bench.

I congratulate our chairman, Senator Bonacic, for reviewing her background through the committee, and also the Governor on her selection.

And to April Newbauer, I say good luck to you. And if you continue to do the work as you've done for many people throughout the City of New York -- and we've had firsthand experience with you -- I'm quite sure you will do a great job. So congratulations to you.

ACTING PRESIDENT GRIFFO: The question is on the nomination of April A. Newbauer, of Brooklyn, to serve as a judge of the Court of Claims. All in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT GRIFFO: Opposed?

(No response.)

ACTING PRESIDENT GRIFFO: April A. Newbauer has been confirmed as a judge of the Court of Claims.

Congratulations. We welcome you to the chamber.

(Applause.)

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: As a judge of the Court of Claims, Stephen J. Lynch, of Speonk.

ACTING PRESIDENT GRIFFO: Senator Bonacic.

SENATOR BONACIC: Thank you, Mr. President.

Mr. Lynch is up for the Court of Claims for a term that would expire March 22nd in 2021. Again, he was unanimously approved by the members of the Judiciary Committee, and I would move the nomination to the floor.

And I'd like you, Mr. President, to recognize Senator LaValle.

ACTING PRESIDENT GRIFFO: Senator LaValle.

SENATOR LaVALLE: Thank you very much, Senator Bonacic.

It is with great pleasure that I rise to second the nomination of Stephen J. Lynch, for Court of Claims, who lives in the town of Southampton. He is well-qualified by education, experience -- 17½ years as the

principal law clerk to two Supreme Court justices in the 10th Judicial District -- and he is also qualified by temperament.

I second his nomination.

ACTING PRESIDENT GRIFFO: The question is on the nomination of Stephen J. Lynch as a judge of the Court of Claims. All in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT GRIFFO: Opposed?

(No response.)

ACTING PRESIDENT GRIFFO: Stephen J. Lynch has been confirmed as a judge of the Court of Claims.

Congratulations, and we wish you the best of luck.

(Applause.)

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: As interim justice of the Supreme Court, Ninth Judicial District, Martin I. Efman, of Huntington.

ACTING PRESIDENT GRIFFO: Senator Bonacic.

SENATOR BONACIC: Thank you,

Mr. President.

Again, I know I'm repeating myself, but this gentleman was unanimously approved by the Judiciary Committee. Exemplary qualifications. And I'd like to move the nomination for confirmation to the floor.

And I'd like to refer it to Senator Marcellino for comments.

ACTING PRESIDENT GRIFFO: Senator Marcellino.

SENATOR MARCELLINO: Thank you, Mr. President.

I rise to second the nomination of Martin I. Efman for a term at the Supreme Court in the Ninth Judicial District.

While I must admit that Judge Efman is a resident of Huntington, and I represent Huntington -- for many years -- he and I have never met. However, I have heard of him, and I have heard about him through reputation and through the legal community, in which he is well-respected. He's also well-qualified to do this very job in a very important court in our state.

So it's with pleasure that I second

the nomination of Martin I. Efman for the Supreme Court of the State of New York.

ACTING PRESIDENT GRIFFO: The question is on the nomination, as interim justice of the Supreme Court, of Martin I. Efman. All in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT GRIFFO: Opposed?

(No response.)

ACTING PRESIDENT GRIFFO: Martin I. Efman has been confirmed as an interim justice of the Supreme Court, Ninth Judicial District.

(Applause.)

ACTING PRESIDENT GRIFFO: Senator Bonacic.

SENATOR BONACIC: Mr. President, I was remiss, I did not introduce the judge's bride, Allison, that's with him today. Welcome.

ACTING PRESIDENT GRIFFO: we welcome you to the chamber.

(Applause.)

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: As judge of the Court of Claims, Jeffrey A. Goodstein, of

Rockville Centre.

ACTING PRESIDENT GRIFFO: Senator Bonacic.

SENATOR BONACIC: Thank you.

Judge Goodstein is up for the Court of Claims. He's from Rockville Centre. He's a constituent of Senator Skelos. His term is going to expire on July 31, 2014.

And again, we move his nomination to the floor for confirmation.

ACTING PRESIDENT GRIFFO: Senator Skelos.

SENATOR SKELOS: Mr. President, I rise to second the nomination of Jeff Goodstein for a position on the Court of Claims.

I've had the opportunity to know Jeff and his family -- I know Alyce and Alex and Max -- for many years. And he is not just a good citizen within the community of Rockville Centre, president of his temple, he's also worked within the court system for years, really has distinguished himself. And I know with certainty that he will be an excellent judge of the Court of Claims.

So it's my pleasure to second the

nomination.

ACTING PRESIDENT GRIFFO: Thank you, Senator Skelos.

The question is on the nomination of Jeffrey A. Goodstein as a judge of the Court of Claims. All in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT GRIFFO: Opposed?

(No response.)

ACTING PRESIDENT GRIFFO: Jeffrey A. Goodstein has been confirmed as a judge of the Court of Claims.

Congratulations, Judge.

(Applause.)

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: As a judge of the Court of Claims, Joseph A. Zayas, of Little Neck.

ACTING PRESIDENT GRIFFO: Senator Bonacic.

SENATOR BONACIC: Thank you, Mr. President.

I want to talk a little bit about Judge Zayas. He's with his bride, Catherine, today, and their kids, Nicole and Zachary. He

also brought some friends, Appellate Judge Rolando Acosta and a guest, Rosalie Vasquez. We welcome you all to Albany.

Judge Zayas is from Little Neck. His term will expire on May 6, 2019, if confirmed, which we expect.

And I move the nomination at this time.

ACTING PRESIDENT GRIFFO: Thank you, Senator Bonacic.

Senator Smith.

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

I rise to second the nomination of Judge Zayas. Again, someone who has represented the temperament of judicial excellence. I think he will do a fine job in the State of New York and we'll be very proud of his record.

His wife, Catherine, is with him.

And I would say congratulations to Judge Zayas. I look forward to you doing some great work as you have done in the past.

ACTING PRESIDENT GRIFFO: Thank you, Senator Smith.

Senator Perkins.

SENATOR PERKINS: Thank you very much.

I also want to rise to second the nomination of Mr. Zayas and want to welcome him and his family, and especially he is joined with Supreme Court Justice Rolando T. Acosta.

And I want to recognize him especially because of the work that he has done with the Harlem Community Justice Center, a multi-jurisdictional problem-solving court serving the communities of El Barrio and East Harlem. And in that capacity he was responsible for reviewing motions, researching the law, and collaborating with Justice Acosta in writing the court's draft and final opinions and orders resulting in the publication of over 45 decisions in the New York Law Journal, 24 of which have been published in the Official Reporter, quote, the Miscellaneous Reports, Second Series.

He was responsible for conducting settlement conferences, supervising law students, advising Justice Acosta's clerks and administrative staff on legal facts and other issues.

So it's an honor for him to be nominated by us, and I want to second that nomination. I hope we all support it.

ACTING PRESIDENT GRIFFO: Thank you, Senator Perkins.

The question is on the nomination of Joseph A. Zayas as a judge of the Court of Claims. All in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT GRIFFO: Opposed?

(No response.)

ACTING PRESIDENT GRIFFO: Joseph A. Zayas has been confirmed as a judge of the Court of Claims.

Congratulations, Judge.

(Applause.)

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: As interim justice of the Supreme Court, Tenth Judicial District, George R. Peck, of Williston Park.

ACTING PRESIDENT GRIFFO: Senator Bonacic.

SENATOR BONACIC: Thank you, Mr. President.

And our last nominee is Judge Peck. He's here with his bride, Patricia.

And let me explain, I've been using the word "bride" -- I don't want you to think that all of these nominees just got married. They didn't. It's a term I use. They've probably been married a long time.

Judge Peck comes with extensive experience, having extended himself in public service for many, many years. And we move the nomination to the floor to be confirmed.

I'd like Senator Martins to comment.

ACTING PRESIDENT GRIFFO: Senator Martins.

SENATOR MARTINS: Thank you, Mr. President.

I rise to second the nomination of George Peck. I have had the pleasure of knowing Judge Peck for, gosh, probably close to 30 years, which is a long time.

I am pleased to second his nomination. Judge Peck graduated from Hofstra University, went on to St. John's University School of Law and also New York University School

of Law. He's a great community member.

He's here with his wife, Patricia. I know him as also not only a wonderful husband, father, but also a great grandfather, a person who gives back to the community.

But he is the jurist's jurist. He's a person who's committed his life to public service. He has tried more homicide cases in Nassau County than any other assistant district attorney in the history of Nassau County. He's been an exemplary judge on the bench, not only as a District Court judge but as an acting Supreme Court judge for the past 10 years.

I am proud and privileged to second his nomination and looking forward to our colleagues' support and a quick confirmation.

Congratulations.

ACTING PRESIDENT GRIFFO: Thank you, Senator Martins.

The question is on the nomination of George R. Peck as an interim justice of the Supreme Court, Tenth Judicial District. All in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT GRIFFO: Opposed?

(No response.)

ACTING PRESIDENT GRIFFO: Judge George R. Peck has been confirmed as an interim justice of the Supreme Court.

Congratulations.

(Applause.)

ACTING PRESIDENT GRIFFO: Senator Libous, that completes the Judiciary report.

SENATOR LIBOUS: Thank you, Mr. President.

Could you call on Senator Breslin at this time.

ACTING PRESIDENT GRIFFO: Senator Breslin.

SENATOR BRESLIN: Thank you, Mr. President.

There will be an immediate meeting of the Democratic Conference in Room 315, immediate and important.

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

Senator Libous.

SENATOR LIBOUS: Mr. President, there will be a Rules Committee meeting at 12:30

promptly in Room 332.

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

The Senate should stand at ease.

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

(Whereupon, the Senate reconvened at 1:05 p.m.)

ACTING PRESIDENT GRIFFO: The Senate will come to order.

Senator Libous.

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

ACTING PRESIDENT GRIFFO: Reports of standing committees.

There is a report of the Rules Committee, and the Secretary will read.

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

Senate Print 2160B, by Senator McDonald, an act to amend the Highway Law;

2640A, by Senator LaValle, an act in relation to authorizing;

2926B, by Senator Johnson, an act to amend the Public Health Law;

3809A, by Senator Golden, an act to amend the Penal Law;

4082, by Senator Ranzenhofer, an act to amend the Education Law;

4605A, by Senator LaValle, an act to amend the Town Law;

4847B, by Senator Klein, an act to amend the Insurance Law;

4934, by Senator Bonacic, an act to amend the State Finance Law;

5023A, by Senator Addabbo, an act to amend the General City Law;

5336A, by Senator Savino, an act to amend the Town Law;

5500A, by Senator Ranzenhofer, an act to amend the Education Law;

5707, by the Committee on Rules, an act to amend the Civil Service Law;

6224A, by Senator Golden, an act to amend the Administrative Code of the City of New York;

6228B, by Senator Hannon, an act to amend the Public Health Law;

6487, by Senator Lanza, an act to amend the Tax Law;

6581, by Senator Grisanti, an act to authorize;

6833, by Senator Ball, an act to amend the Vehicle and Traffic Law;

6900, by Senator Young, an act to amend Chapter 208 of the Laws of 2010;

6905, by Senator McDonald, an act to authorize;

6983, by Senator Ball, an act to repeal Title 8 of Article 15-B of the General Municipal Law;

7001A, by Senator Lanza, an act to amend the Labor Law;

7071B, by Senator Hannon, an act to amend the Insurance Law;

7074A, by Senator Golden, an act to amend Chapter 735 of the Laws of 2006;

7120A, by Senator Flanagan, an act to amend the Education Law;

7170B, by Senator Carlucci, an act authorizing;

7212A, by Senator Saland, an act to amend the Penal Law;

7456B, by Senator Saland, an act to amend the Education Law;

7484A, by Senator Saland, an act in relation to certain agreements;

7502, by Senator Nozzolio, an act granting retroactive Tier IV membership;

7523A, by Senator Golden, an act to amend the Public Authorities Law;

7526, by Senator Grisanti, an act to authorize;

7553, by Senator Ranzenhofer, an act relating to part-time police officer positions;

7559, by Senator Larkin, an act to authorize;

7579, by Senator Gallivan, an act to amend the Family Court Act;

7587B, by Senator McDonald, an act to amend the Correction Law;

7611A, by Senator Ritchie, an act to amend the Agriculture and Markets Law;

7644, by Senator Fuschillo, an act to amend the Vehicle and Traffic Law;

7651, by Senator Stewart-Cousins, an act to authorize;

7705A, by Senator Marcellino, an act to amend Section 17 of Chapter 483 of the Laws of 2010;

7707, by Senator McDonald, an act to authorize;

7715, by Senator Alesi, an act to amend the Public Health Law;

7721, by Senator Zeldin, an act to amend the Criminal Procedure Law;

7751, by Senator Ritchie, an act to authorize;

7753, by Senator Larkin, an act making appropriations;

7757, by Senator Ball, an act extending the provisions;

7768A, by Senator Little, an act providing;

7782, by Senator Robach, an act to amend the State Finance Law;

7799, by Senator Breslin, an act granting retroactive Tier IV membership;

7812, by Senator Storobin, an act to amend the Election Law;

And 7792, by the Senate Committee on Rules, an act to amend the Education Law.

All bills reported direct to third reading.

ACTING PRESIDENT GRIFFO: Senator Libous.

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

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

(Response of "Aye.")

ACTING PRESIDENT GRIFFO: Opposed?

(No response.)

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

Senator Libous.

SENATOR LIBOUS: Mr. President, give me about 60 seconds. (Pause.)

Mr. President.

ACTING PRESIDENT GRIFFO: Senator Libous.

SENATOR LIBOUS: We're going to do the noncontroversial reading of the supplemental calendar, Calendar Number 61A, but we're going to

do it in a different order. I'm going to ask if we could please take up Number 1502 first.

ACTING PRESIDENT GRIFFO: We can, Senator Libous. And the Secretary will read.

THE SECRETARY: Calendar Number 1502, by the Senate Committee on Rules, Senate Print 7792, an act to amend the Education Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT GRIFFO: Senator Flanagan to explain his vote.

SENATOR FLANAGAN: Thank you, Mr. President.

This is a very significant, very important, critical bill for the State of New York, for education, for students, teachers, parents. And I'm glad that we are moving on this bill, I'm glad we're passing this bill. But I want to briefly put this in context.

I think every one of us recognizes

that we have very significant challenges in the area of education in the State of New York. As we move ahead, we have to look at some of the things we've done well and places where we can improve.

When you look at teacher evaluations, you look at student outcomes, you look at test scores, when you look at the status of education in the State of New York, it's kind of like moving a hitting target. There's a lot of things going on at once, and there's a lot of very significant changes coming from the federal government that affect how we operate here in the State of New York.

So I don't think that we should be looking at this in isolation in any way, shape or form. If you look at the law that we passed regarding evaluations, the idea is to improve teacher performance to ultimately enhance student outcomes in a variety of different ways -- test scores, college readiness, many things that anyone can think of.

I believe this bill strikes a good balance, but we have to be very careful and judicious in two ways. Number one, we have to be

prepared that this is fluid and that some of these things are going to change over the next six months to a year and thereafter. And everyone has acknowledged that, including the Executive.

This is a work in progress, which is frustrating to a lot of us as well as to the people who are affected by it. But we got talking about student outcomes; it is very, very important that we continue to focus on this.

Second, perhaps more important thing, many of our colleagues have shared concerns about how do you find and strike that appropriate balance: How do you advocate for disclosure to give information to the public and parents, and how do you protect the privacy interests and the rights of teachers who we're asking to stand in front of a classroom and do a very good job for our kids?

In this legislation we often talk about legislative intent. I believe the intent regarding this is to strike that balance. And I want to focus on one area.

This isn't so much for the City of New York and bigger school districts, but when we

talk about disclosing information to the public and looking about not releasing personally identifying information, I would like to state for the record that the State Education Department has to work very hard to make sure that in our rural schools, when you're talking about class, subject, grade and things of that nature, that we don't have people's names out there floating out in the public.

That is a potential issue. And I am very hopeful, having spoken with the Executive and working closely with the State Education Department, that they will interpret that properly so we do achieve that balance.

Again, teacher performance, ultimately what do we do about student outcomes. And this is a step in the right direction. I am voting in the affirmative.

Thank you, Mr. President.

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

Senator Smith to explain his vote.

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

Let me first rise to congratulate

the Governor on a bill that I believe will be quite transformational for the school system in this state. I think it's also important that we recognize the information that will be gathered by this law. I do hope that it will be used for the right purposes.

As we all know, the most important thing, as Senator Flanagan indicated earlier, is how best this is utilized for the purpose of educating our children. Our children today compete on a world stage. They are competing with everyone around the world. In order for us to be competitive with other students around the world as we look for the future of this state and this country, our students have to be well-educated.

Our teachers, who do a great job, and from time to time are not thanked for the job they do, also need to know that we are here for the benefit of what they do and to help them. They should not look at this as a challenge to their performance, but one in which we all are coming together to find that appropriate mix.

As Senator Flanagan did say earlier, there are a number of pieces, a number

of moving parts to this particular legislation. It clearly will go through some morphing over the next six months to a year. As you know, there was a lawsuit last year where UFT had lost, and it became a full disclosure of information. And now that particular decision that was rendered by the court system is now being superseded by this bill.

I'm not sure if that will withstand. I do hope it does. But at the end of the day I would hope, as we move through this particular law and it does go through some morphing over the next six to seven months, that we are all very open-minded. The goal here is to have a first-class educational system where the teachers perform well, where the students receive the academic instruction very well so they can go on and perform their particular duties in life, whether they're going to be senators, doctors and lawyers.

But again, for the benefit of our society, I'll be voting aye, Mr. President. Thank you very much.

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

Senator Squadron to explain his vote.

SENATOR SQUADRON: Thank you, Mr. President.

This bill is obviously one of the most talked about here at the end of this year's session that is actually seeing the light of day. And I'm glad it is. And I think it's another reminder that we need to really invest in an evaluation and testing system in this state more than we have. And we need a better one than we have, frankly, as its importance increases due to the issues Senator Flanagan and Senator Smith have talked about.

So let's take this as a reminder, as we go into next year's budget, as we continue to think about education policy in this state, that we don't have tests or an evaluation system that live up to our goals for our education system.

In addition, it's a real shame that such an important bill is sponsored by the Rules Committee. It is being voted on on the floor, which is an improvement over some other important issues here at the end of session. But

I wish we had a sponsor on it who actually had voters and existed.

So I will vote aye today, disappointed that it is Rules bill. Thank you.

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

Announce the results.

THE SECRETARY: Ayes, 58. Nays, 1. Senator Lanza recorded in the negative.

ACTING PRESIDENT GRIFFO: The bill is passed.

SENATOR LIBOUS: Mr. President.

ACTING PRESIDENT GRIFFO: Senator Libous.

SENATOR LIBOUS: I will call an immediate meeting of the Higher Education Committee in Room 332, an immediate meeting of the Higher Education Committee in 332. And we will continue with the supplemental list in a second.

ACTING PRESIDENT GRIFFO: There will be an immediate meeting of the Higher Education Committee in Room 332.

Session will continue. And we will invoke Rule 9, Senator Libous, for those members

attending the committee meetings?

SENATOR LIBOUS: Thank you, Mr. President. We will invoke Rule 9 for the committee meeting members if there are any controversial votes or any no votes that need to take place.

Mr. President, can I have some order in the chamber.

ACTING PRESIDENT GRIFFO: Some order in the chamber, please {gaveling}.

Senator Libous.

SENATOR LIBOUS: Earlier today, Mr. President, there were some bills laid aside, and we'd like to take those bills up at this time.

And we are on the active list from earlier this morning. And we are calling up Calendar Number 374, by Senator Flanagan. The bill was laid aside earlier today. We are on the controversial reading.

ACTING PRESIDENT GRIFFO: The Secretary will ring the bell.

The Secretary will read.

THE SECRETARY: Calendar Number 374, by Senator Flanagan, Senate Print 4690A, an

act to amend the Public Authorities Law.

SENATOR BRESLIN: Explanation.

ACTING PRESIDENT GRIFFO: Senator Flanagan, Senator Breslin has requested an explanation on Calendar 374.

SENATOR FLANAGAN: Senator Breslin, very simply, this bill requires that if a public authority is going to form a subsidiary, that they have to come back to the Legislature to get approval before doing so.

ACTING PRESIDENT GRIFFO: Seeing and hearing no other Senator wishing to be heard, the debate is closed and the Secretary will ring the bell.

Senator Libous.

SENATOR LIBOUS: Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: Can I have some order in the chamber, please {gaveling}.

SENATOR LIBOUS: Are we ringing the bell, Mr. President?

ACTING PRESIDENT GRIFFO: The bell has been rung. We are on a controversial calendar vote. We urge members to stay in the

chamber.

And we've also invoked Rule 9 for those who are attending the Higher Education Committee meeting.

The Secretary will read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT GRIFFO: Announce the results.

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT GRIFFO: The bill is passed.

SENATOR LIBOUS: Mr. President.

ACTING PRESIDENT GRIFFO: Senator Libous.

SENATOR LIBOUS: We are now going to take up Calendar Number 615, controversial, by Senator Zeldin.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: Calendar Number

615, by Senator Zeldin, Senate Print 6872B, an act to amend the General Business Law.

SENATOR BRESLIN: Explanation.

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

SENATOR ZELDIN: This bill is in relation to the refunds to a consumer of money from a used-car dealership for failing to correct a malfunction or defect.

ACTING PRESIDENT GRIFFO: Senator Squadron.

SENATOR SQUADRON: Would the sponsor yield to a couple of questions.

ACTING PRESIDENT GRIFFO: Senator Zeldin, do you yield to couple of questions?

SENATOR ZELDIN: Yes.

ACTING PRESIDENT GRIFFO: The sponsor yields.

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

So thank you for that exhaustive explanation of the bill. But just for somewhat further explanation -- sorry, through you -- if the sponsor would describe the way in which the

so-called Lemon Law would be applied for a consumer's refund if this bill became law.

SENATOR ZELDIN: Once you are -- through you, Mr. President, once you are outside the warranty period, you have a statute of limitations to bring an action. There will be a depreciation based on the federal limits. Right now, it's about 22, 23 cents. It was 22 cents in 2011.

So that if you deliberately wait and you're driving the car for a long period of time to get the use out of the car, you're not getting a full refund. So that it's a fairer reimbursement if you choose to wait to bring your action.

SENATOR SQUADRON: If the sponsor would continue to yield.

ACTING PRESIDENT GRIFFO: The sponsor yields.

SENATOR SQUADRON: Thank you. How is "lemon" defined in the current law? Meaning under what circumstance can a consumer return their car and get a refund under the Lemon Law?

SENATOR ZELDIN: Well, the warranty, right now it's based on -- through you,

Mr. President, the warranty is based on the amount of mileage when you purchase the vehicle. So if the vehicle is between 18,000 miles and 36,000 miles, you have a warranty for 90 days or 4,000 miles. If the vehicle was purchased between 36,001 to 79,999, you have a warranty of 60 days or 3,000 miles. If it's 80,000 to 100,000 miles, it's 30 days or 1,000 miles.

SENATOR SQUADRON: If the sponsor would continue to yield.

ACTING PRESIDENT GRIFFO: The sponsor yields.

SENATOR SQUADRON: And within that period of time, under the Lemon Law you need to either have the car out of service for 15 days or have the problem not fixed on three separate service calls.

So in other words, if this bill passed and you were to have a car for any one of those periods and you were trying to use the car for that period in order to take your kids to childcare or to school, in order to go to the supermarket, go to a doctor's appointment, do any of the things that folks depend on their cars for, and you went over the mileage standard that

you laid out, and then you tried to return your car, you would not get back the full purchase price of that car even though you had been sold a lemon?

SENATOR ZELDIN: Through you, Mr. President, there would be a recommendation that you would just return your car. If you choose to continue driving it and not return your car, that's your own choice as a consumer. But the recommendation, if you're not happy with your car and you're entitled to a refund, then just return it.

This applies to those people that choose to continue to drive their car for a long time.

SENATOR SQUADRON: If the sponsor would continue to yield.

SENATOR ZELDIN: Yes.

ACTING PRESIDENT GRIFFO: The sponsor yields.

SENATOR SQUADRON: So in other words, under the Lemon Law you can just go ahead -- if the car is in the service station for 15 days or three separate incidents, you can just go return your car and get a new car. You don't

have to go through any other additional process before you're able to return that car, during which time you depend or your car in order to do some of the basic things that folks do in order to live their lives.

SENATOR ZELDIN: Through you, Mr. President, I thought you were referring to once you're entitled to get a refund for the car. You're talking about the process before then.

SENATOR SQUADRON: If the sponsor would continue to yield.

ACTING PRESIDENT GRIFFO: The sponsor yields.

SENATOR SQUADRON: But under this legislation, even in the period before you actually return the car, if you go over these warranty numbers, that will be reduced from what you get back when you return the lemon?

SENATOR ZELDIN: Yes.

SENATOR SQUADRON: Thank you. If the sponsor would continue to yield.

SENATOR ZELDIN: Yes.

ACTING PRESIDENT GRIFFO: The sponsor yields.

SENATOR SQUADRON: And in addition to the standards we've talked about -- 15 days, three calls -- there's also an arbitration or court proceeding provision that I think is 75 days. So you're talking about a pretty significant period of time before you can prove that the car you bought was a lemon and you can go back to the car dealership and try to get that refund; is that correct?

SENATOR ZELDIN: Through you, Mr. President, once you go to the arbitrator, you would not be responsible for any further depreciation.

SENATOR SQUADRON: If the sponsor would continue to yield.

ACTING PRESIDENT GRIFFO: Sponsor, do you yield?

SENATOR ZELDIN: Yes.

SENATOR SQUADRON: I believe it's -- and, actually, let's get into this. I believe it's after the arbitrator's decision and then you go to the car dealership itself and you actually ask the car dealer who sold you the lemon and is required to now take the car back and give you a refund, they actually need to sign

off subsequent to the arbitrator's decision on the number of miles that will be reduced; isn't that correct?

SENATOR ZELDIN: Through you, Mr. President, regardless of whether or not the dealership signs off on it, the consumer would not be responsible for any further depreciation.

SENATOR SQUADRON: If the sponsor would continue to yield.

ACTING PRESIDENT GRIFFO: Sponsor, do you continue to yield?

SENATOR ZELDIN: Yes.

SENATOR SQUADRON: Doesn't the bill require the consumer to go back to the dealer who they were just in an adversarial proceeding with and, outside of that adversarial proceeding, get the dealer to sign off on the mileage for the reduction?

SENATOR ZELDIN: Yes. Regardless, the consumer will not be responsible for any further depreciation.

SENATOR SQUADRON: And if the sponsor would yield for a final question.

ACTING PRESIDENT GRIFFO: Final question?

SENATOR ZELDIN: Yes.

SENATOR SQUADRON: Thank you. So under current law, if you're sold a lemon and you want to return the lemon and get your money back, there's a process for that.

Under this law, if you're sold a lemon and then you have to depend on that for the period of time before you can get your refund, you lose some of the money that you put out on that lemon that you were sold that you have a right to a refund on; is that correct?

SENATOR ZELDIN: Through you, Mr. President. Only if you are outside of your warranty. You're not responsible for any depreciation when you're within your warranty.

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

ACTING PRESIDENT GRIFFO: Senator Squadron on the bill.

SENATOR SQUADRON: So under the new-car Lemon Law, a purchaser has 12,000 miles to drive that lemon during the period of time that they are discovering it's a lemon, they're trying to get it fixed, they're in a proceeding in order to get their refund. Twelve thousand

miles. Which sort of, based on an average usage if you look at leases, is about a year's worth of potential usage.

Under this law, folks could have as little as 30 days and a thousand miles in a process that requires 15 days out of service and then like a 75-day arbitration proceeding. So the odds of being out of warranty while you're just proving that you were sold a lemon are incredibly high.

Unless we're asking people who went out and purchased a car that was a lemon to also not use that car in the period of time they're trying to get their refund. Which means we're asking people who go out and are sold a lemon to not go to the hospital, not take their kids to daycare or school, not go to the supermarket, not drive to and from their job, because in doing so they're actually losing money on the purchase of their lemon. That doesn't make sense.

Now, Senator Zeldin did talk about the need to make sure that folks aren't abusing the Lemon Law, that folks aren't driving around after a decision has been rendered, they get a refund on the car and they spend 30 days, which

the law allows, driving around or taking a road trip down to New Orleans or Chicago or wherever they want to go.

That is a problem, and I would actually agree with Senator Zeldin that's a problem in the existing law that we do need to deal with. The Lemon Law is not "a free car for a couple of months" law, it is a law to protect consumers from being sold lemons.

Unfortunately, this law makes it impossible for the consumer who is sold a lemon to then go get the replacement car. Because what's all too likely to happen -- we're talking about a used-car purchaser, someone who is likely on a budget, someone who is choosing to buy a used car because they can't afford a more expensive option or a new option -- we're asking them to lose some of the cost of that car when they get their refund.

Which means not only were you sold a lemon, not only do you have to suffer with that lemon through the process defined in current law, not only do you then have to go to the dealer and get the dealer to agree and validate the number of miles you drove -- but at the end of all of

this, you return your car and you get less money back than you paid in the first place, so then you have to go buy a worse car.

So in other words, you have someone buying a used car in the first place, someone getting sold a lemon, someone eventually getting some of the money back on their lemon, and then that poor consumer who's had to suffer through this for the whole time, the only option they have is a worse car? That doesn't make sense.

Again, I agree with the sponsor that there is a fix needed in the Lemon Law. I would be happy to work with him and others on it. I think that the idea that folks would abuse the system, that folks would abuse what is really a great consumer protection we have in this state for both new and used cars needs to be dealt with. The amount that you drive that lemon outside of sort of these core needs -- going to the hospital, going to daycare, going to your job, going to the supermarket -- should be a factor, I agree with that.

But unfortunately, because of the way warranties work on used cars and because of the way this bill is written, it doesn't solve

that problem. What it really does is it says to a consumer: If you get sold a lemon, the likelihood is you'll have to buy an even worse car next time around.

I vote no and urge others to vote no, Mr. President. Thank you.

ACTING PRESIDENT GRIFFO: Seeing and hearing no other Senator wishing to speak, the debate is closed.

The Secretary will ring the bell.

Read the last section.

THE SECRETARY: Section 7. This act shall take effect on the 90th day.

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT GRIFFO: Announce the results.

THE SECRETARY: In relation to Calendar 615, those recorded in the negative are Senators Addabbo, Avella, DeFrancisco, Duane, Gianaris, Hassell-Thompson, Montgomery, Peralta, Perkins, Saland, Smith, Squadron and Stewart-Cousins. Also Senator Sampson.

Ayes, 46. Nays, 14.

ACTING PRESIDENT GRIFFO: The bill is passed.

Senator Libous.

SENATOR LIBOUS: Mr. President, can we also take up now on this list, the controversial calendar, Number 1109, by Senator Flanagan.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: Calendar Number 1109, by Senator Flanagan, Senate Print 7288, an act to amend the Navigation Law.

SENATOR BRESLIN: Explanation.

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

SENATOR FLANAGAN: Thank you, Mr. President.

Senator Breslin, this is a change in the law that basically, under present law, in you are under the age of 12 you have to wear a personal flotation device year-round. If you are over the age of 12, you have to wear a personal flotation device from November 1st through May 1st. The change in this law brings that

November 1st to May 1st to year-round.

Right now as well, under present law if you are in a rowboat, a canoe or a kayak, you are required to have a personal flotation device on board for each person that is in that vessel.

ACTING PRESIDENT GRIFFO: Seeing and hearing no other Senator wishing to be heard, the debate is closed.

The Secretary will ring the bell.

Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT GRIFFO: Senator Martins to explain his vote.

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

This bill stems directly from a tragedy that happened on Long Island, off of Long Island, where a New York City police officer, off duty, was out on a kayak, the kayak capsized. He wasn't wearing his vest, his child was. The

child survived, the father did not. It's a tragedy.

And when we talk about wearing a flotation device under these circumstances, we all immediately envision some bulky piece of equipment. And the reality is today they have all kinds of flotation devices that are less intrusive.

But the fact remains, if we can require them to wear them under these circumstances, we can save a life. Very simply. Unobtrusive, not these enormous flotation devices, but specifically those that are now developed and will allow for people under difficult circumstances to simply be able to survive.

The child did survive. Unfortunately, the father did not. And now we have a family, an extended family and a community that has to deal with that.

This is a small, small measure to protect life. So I'll be voting aye, Mr. President.

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

Announce the results.

THE SECRETARY: In relation to Calendar Number 1109, those recorded in the negative are Senators Ball, Dilan, Farley, Gallivan, Griffo, Little, O'Mara, Robach and Zeldin.

Ayes, 51. Nays, 9.

ACTING PRESIDENT GRIFFO: The bill is passed.

Senator Libous, that completes the controversial reading of the former active list.

SENATOR LIBOUS: Thank you, Mr. President.

Just so everybody can follow what we are doing, in front of you you have a Supplemental Active List 1 and a Supplemental Active List 2. We will now attack Supplemental Active List 1, noncontroversial.

ACTING PRESIDENT GRIFFO: The Secretary will read Supplemental Active List 1.

THE SECRETARY: On page 8, Senator DeFrancisco moves to discharge, from the Committee on Rules, Assembly Bill Number 7822A and substitute it for the identical Senate Bill Number 2899A, Third Reading Calendar 332.

ACTING PRESIDENT GRIFFO: The substitution is so ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 332, by Member of the Assembly Magnarelli, Assembly Print Number 7822A, an act to amend the New York State Printing and Public Documents Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: On page 9, Senator Saland moves to discharge, from the Committee on Rules, Assembly Bill Number 10664 and substitute it for the identical Senate Bill Number 6548A, Third Reading Calendar 343.

ACTING PRESIDENT GRIFFO: The substitution is so ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 343, by the Assembly Committee on Rules, Assembly Print 10664, 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: Ayes, 60.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: On page 9, Senator Zeldin moves to discharge, from the Committee on Rules, Assembly Bill Number 9539D and substitute it for the identical Senate Bill Number 5634F, Third Reading Calendar 358.

ACTING PRESIDENT GRIFFO: The substitution is so ordered.

There is a home-rule message at the desk.

The Secretary will read.

THE SECRETARY: Calendar Number

358, by Member of the Assembly Ramos, Assembly Print 9539D, an act to amend the General Municipal Law.

ACTING PRESIDENT GRIFFO: Read the last section.

THE SECRETARY: Section 13. This act shall take effect April 1, 2013.

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT GRIFFO: Senator Zeldin to explain his vote.

SENATOR ZELDIN: I rise in support of this legislation.

This particular bill was a top legislative priority of the new county executive in Suffolk County, Steve Bellone.

We're joined in the chamber by Jon Schneider and Luis Montes from County Executive Bellone's office, as well as many members of the law enforcement community in the gallery. This piece of legislation shows a commitment on the part of the delegation representing Suffolk, all the Senators here, my fellow colleagues, and Senate Majority Leader Dean Skelos.

This is a good piece of legislation that helps Suffolk County, just as we need to support all of our counties and local governments all throughout the state.

I thank the Senate Majority Leader for his support. We wish the new county executive very well in his efforts to improve Suffolk County.

I vote aye.

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

Announce the results.

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

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 448, by Senator Stewart-Cousins, Senate Print 6405A, an act to repeal Title 12 of Article 15-B of the General Municipal Law.

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

The Secretary will read.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: On page 19, Senator Ranzenhofer moves to discharge, from the Committee on Corporations, Authorities and Commissions, Assembly Bill Number 10002 and substitute it for the identical Senate Bill Number 6980, Third Reading Calendar 741.

ACTING PRESIDENT GRIFFO: The substitution is so ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 741, by Member of the Assembly Brennan, Assembly Print Number 10002, an act to amend the Not-For-Profit Corporation 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.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: On page 19, Senator LaValle moves to discharge, from the Committee on Civil Service and Pensions, Assembly Bill Number 9182 and substitute it for the identical Senate Bill Number 6382, Third Reading Calendar 747.

ACTING PRESIDENT GRIFFO: The substitution is so ordered.

There is a home-rule message at the desk.

The Secretary will read.

THE SECRETARY: Calendar Number 747, by Member of the Assembly Thiele, Assembly Print 9182, an act to amend Chapter 365 of the Laws of 2011.

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.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 765, by Senator Sampson, Senate Print 1659, an act to amend the Penal Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 848, by Senator Valesky, Senate Print 6866B, an act to amend the General Business Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the

roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: On page 27, Senator Seward moves to discharge, from the Committee on Rules, Assembly Bill Number 9845B, and substitute it for the identical Senate Bill Number 6943A, Third Reading Calendar 997.

ACTING PRESIDENT GRIFFO: The substitution is so ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 997, by Member of the Assembly Morelle, Assembly Print Number 9845B, an act to amend the Insurance Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: On page 27, Senator McDonald moves to discharge, from the Committee on Rules, Assembly Bill Number 8291A and substitute it for the identical Senate Bill Number 5771A, Third Reading Calendar 1004.

ACTING PRESIDENT GRIFFO: The substitution is so ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1004, by Member of the Assembly Abbate, Assembly Print Number 8291A, an act to amend the Civil Service 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.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: On page 32, Senator DeFrancisco moves to discharge, from the Committee on Rules, Assembly Bill Number 8389 and substitute it for the identical Senate Bill Number 5014A, Third Reading Calendar 1081.

ACTING PRESIDENT GRIFFO: The substitution is so ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1081, by Member of the Assembly Lavine, Assembly Print Number 8389, an act to amend the Public Health Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: On page 33, Senator Alesi moves to discharge, from the Committee on Rules, Assembly Bill Number 9666A

and substitute it for the identical Senate Bill Number 6249B, Third Reading Calendar 1090.

ACTING PRESIDENT GRIFFO: The substitution is so ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1090, by Member of the Assembly Bronson, Assembly Print Number 9666A, 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 1090, those recorded in the negative are Senators Ball, Dilan, Duane, Montgomery and Perkins.

Ayes, 55. Nays, 5.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1126, by Senator Marcellino, Senate Print 7033C,

an act to amend the General Municipal Law.

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

The Secretary will read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: On page 35, Senator Martins moves to discharge, from the Committee on Rules, Assembly Bill Number 7144B and substitute it for the identical Senate Bill Number 5235A, Third Reading Calendar 1193.

ACTING PRESIDENT GRIFFO: The substitution is so ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1193, by Member of the Assembly Morelle, Assembly Print Number 7144B, an act relating to the sales

and compensating use tax.

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.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1408, by Senator Ranzenhofer, Senate Print 5224B, an act to amend the Public Health Law.

ACTING PRESIDENT GRIFFO: Read the last section.

THE SECRETARY: Section 15. This act shall take effect on the 180th day.

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: On page 38,

Senator Seward moves to discharge, from the Committee on Rules, Assembly Bill Number 10090B and substitute it for the identical Senate Bill Number 7312B, Third Reading Calendar 1439.

ACTING PRESIDENT GRIFFO: The substitution is so ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1439, by Member of the Assembly Morelle, Assembly Print Number 10090B, an act to amend the Insurance Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT GRIFFO: The bill is passed.

Senator Libous, that completes the Supplemental Active List Number 1 reading.

SENATOR LIBOUS: Thank you, Mr. President. We will now go to the

noncontroversial reading of Supplemental Active List Number 2.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: On page 18, Senator Golden moves to discharge, from the Committee on Rules, Assembly Bill Number 9367A and substitute it for the identical Senate Bill Number 6436, Third Reading Calendar 689.

ACTING PRESIDENT GRIFFO: The substitution is so ordered.

There is a home-rule message at the desk.

The Secretary will read.

THE SECRETARY: Calendar Number 689, by Member of the Assembly Abbate, Assembly Print 9367A, an act to amend the General Municipal 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.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: On page 28, Senator Libous moves to discharge, from the Committee on Rules, Assembly Bill Number 5739A and substitute it for the identical Senate Bill Number 7209, Third Reading Calendar 1012.

ACTING PRESIDENT GRIFFO: The substitution is so ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1012, by Member of the Assembly Abbate, Assembly Print 5739A, an act to amend the Retirement and Social Security Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1089, by Senator LaValle, Senate Print 3442, an act to amend the Education Law.

ACTING PRESIDENT GRIFFO: Read the last section.

THE SECRETARY: Section 4. This act shall take effect on the 180th day.

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT GRIFFO: The bill is passed.

Senator Libous, that completes the Supplemental Active List Number 2 reading.

SENATOR LIBOUS: Mr. President, we're just going to pause -- we're not going to be at ease -- because very soon we're going to go into the Supplemental Calendar Number 61A, but we're waiting for some paperwork. So if we could just pause. Everybody could use a pause that refreshes. But don't leave the chamber.

ACTING PRESIDENT GRIFFO: We are paused momentarily.

SENATOR LIBOUS: Mr. President.

ACTING PRESIDENT GRIFFO: Senator Libous.

SENATOR LIBOUS: I believe we have everything in order at the desk?

ACTING PRESIDENT GRIFFO: We do.

SENATOR LIBOUS: Thank you. At this time if we could read the noncontroversial reading of Supplemental Calendar Number 61A, please.

ACTING PRESIDENT GRIFFO: The Secretary will read Supplemental Senate Calendar 61A.

THE SECRETARY: Calendar Number 1436, by Senator McDonald, Senate Print 2160B, an act to amend the Highway Law.

SENATOR LIBOUS: Is there a substitution for this bill?

ACTING PRESIDENT GRIFFO: Not currently, Senator Libous.

SENATOR LIBOUS: Then it's high.

ACTING PRESIDENT GRIFFO: The bill is high and will be laid aside.

THE SECRETARY: Calendar Number 1437, by Senator LaValle, Senate Print 2640A, an act in relation to authorizing.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1454, Senator Johnson moves to discharge, from the Committee on Health, Assembly Print Number 9044B and substitute it for the identical Senate Bill Number 2926B, Third Reading Calendar 1454.

ACTING PRESIDENT GRIFFO: The substitution is so ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1454, by Member of the Assembly Rosenthal, Assembly Print Number 9044B, an act to amend the Public Health Law.

ACTING PRESIDENT GRIFFO: Read the last section.

THE SECRETARY: Section 6. This act shall take effect on the first of January.

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1455, Senator Golden moves to discharge, from the Committee on Rules, Assembly Bill Number 6062A and substitute it for the identical Senate Bill Number 3809A, Third Reading Calendar 1455.

ACTING PRESIDENT GRIFFO: The substitution is so ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1455, by Member of the Assembly Lentol, Assembly Print Number 6062A, an act to amend the Penal Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT GRIFFO: Senator DeFrancisco to explain his vote.

SENATOR DeFRANCISCO: Yes, I think I've -- there's an assault third degree for minor assaults. Assault second degree, it's either a serious physical injury or you're one of the protected class.

I've said this for every one of these bills that come up, I can't understand why a sanitation worker in this case is any different than someone who may be a passenger on a subway or whether it's some other human being. If you look at the list in the bill, it's gotten to the point of absurdity where we've almost got every class except two or three that are now part of this bill.

And I would hope that someday we'd just make assault second degree for everybody, and that's why I vote no on these consistently. And I vote no.

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

Announce the results.

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

ACTING PRESIDENT GRIFFO: The bill is passed.

The Secretary will continue.

THE SECRETARY: Calendar Number 1456, by Senator Ranzenhofer --

SENATOR LIBOUS: Lay the bill aside for the day.

ACTING PRESIDENT GRIFFO: Lay it aside for the day.

THE SECRETARY: In relation to Calendar Number 1457, Senator LaValle moves to discharge, from the Committee on Local Government, Assembly Bill Number 7119A and substitute it for the identical Senate Bill Number 4605A, Third Reading Calendar 1457.

ACTING PRESIDENT GRIFFO: The substitution is so ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1457, by Member of the Assembly Thiele, Assembly Print Number 7119A, an act to amend the Town 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.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1458, by Senator Klein, Senate Print 4847B --

SENATOR LIBOUS: Mr. President, is there a substitution for this bill?

ACTING PRESIDENT GRIFFO: There is no substitution.

SENATOR LIBOUS: Then it is high at the present time.

ACTING PRESIDENT GRIFFO: The bill is high and will be laid aside.

THE SECRETARY: Calendar Number 1459, by Senator Bonacic, Senate Print 4934, an act to amend the State Finance Law.

ACTING PRESIDENT GRIFFO: Read the last section.

THE SECRETARY: Section 2. This

act shall take effect immediately.

SENATOR LIBOUS: Lay it aside for the day.

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

THE SECRETARY: Calendar Number 1460, by Senator Addabbo --

SENATOR BRESLIN: Lay it aside for the day.

ACTING PRESIDENT GRIFFO: Lay it aside for the day.

THE SECRETARY: In relation to Calendar Number 1461, Senator Savino moves to discharge, from the Committee on Rules, Assembly Bill Number 7761A and substitute it for the identical Senate Bill Number 5336A, Third Reading Calendar 1461.

ACTING PRESIDENT GRIFFO: The substitution is so ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1461, by Member of the Assembly Abbate, Assembly Print Number 7761A, an act to amend the Town 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.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1462, by Senator Ranzenhofer, Senate Print 5500A, an act to amend the Education Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1463, Senator Skelos moves to discharge, from the Committee on Civil Service and Pensions, Assembly Bill Number 8110 and

substitute it for the identical --

SENATOR LIBOUS: Mr. President, lay it aside temporarily.

ACTING PRESIDENT GRIFFO: The bill will be laid aside temporarily, but we're going to do the substitution.

Go ahead, Secretary.

THE SECRETARY: In relation to Calendar Number 1463, Senator Skelos moves to discharge, from the Committee on Civil Service and Pensions, Assembly Bill Number 8110 and substitute it for the identical Senate Bill Number 5707, Third Reading Calendar 1463.

ACTING PRESIDENT GRIFFO: The substitution is so ordered.

The bill is laid aside temporarily.

THE SECRETARY: In relation to Calendar Number 1464, Senator Golden moves to discharge, from the Committee on Rules, Assembly Bill Number 9157A and substitute it for the identical Senate Bill Number 6224A, Third Reading Calendar 1464.

ACTING PRESIDENT GRIFFO: The substitution is so ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1464, by Member of the Assembly Abbate, Assembly Print Number 9157A, an act to amend the Administrative Code of the City of New York.

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.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1465, Senator Hannon moves to discharge from the Committee on Rules, Assembly Bill Number 8869B and substitute it for the identical Senate Bill Number 6228B, Third Reading Calendar 1465.

ACTING PRESIDENT GRIFFO: The substitution is so ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1465, by Member of the Assembly Gottfried,

Assembly Print Number 8869B, an act to amend the Public Health Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1466, by Senator Lanza, Senate Print 6487, an act to amend the Tax Law.

ACTING PRESIDENT GRIFFO: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the same date and in the same manner as Section 1 of Part B of Chapter 56 of the Laws of 2011.

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59. Nays,

1. Senator Dilan recorded in the negative.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1467, by Senator Grisanti, Senate Print 6581, an act to authorize.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1468, by Senator Ball, Senate Print 6833, an act to amend the Vehicle and Traffic Law.

SENATOR LIBOUS: Is there a home-rule message at the desk?

ACTING PRESIDENT GRIFFO: There is no home-rule message before the house.

SENATOR LIBOUS: Then lay it aside for the day.

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

THE SECRETARY: In relation to Calendar Number 1469, Senator Young moves to discharge, from the Committee on Corporations, Authorities and Commissions, Assembly Bill Number 10049 and substitute it for the identical Senate Bill Number 6900, Third Reading Calendar 1469.

ACTING PRESIDENT GRIFFO: The substitution is so ordered.

The Secretary will read.

SENATOR LIBOUS: Mr. President, will you lay this bill by Senator Young aside temporarily.

ACTING PRESIDENT GRIFFO: Calendar Number 1469 is laid aside temporarily.

The Secretary will continue to read.

THE SECRETARY: In relation to Calendar Number 1470, Senator McDonald moves to discharge, from the Committee on Local Government, Assembly Bill Number 9800 and substitute it for the identical Senate Bill Number 6905, Third Reading Calendar 1470.

ACTING PRESIDENT GRIFFO: The

substitution is so ordered.

There is a home-rule message at the desk.

The Secretary will read.

THE SECRETARY: Calendar Number 1470, by Member of the Assembly Sayward, Assembly Print Number 9800, an act authorizing the County of Saratoga.

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.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1471, Senator Ball moves to discharge, from the Committee on Rules, Assembly Bill Number 8880 and substitute it for the identical Senate Bill Number 6983, Third Reading Calendar 1471.

ACTING PRESIDENT GRIFFO: The

substitution is so ordered.

There is a home-rule message at the desk.

The Secretary will read.

THE SECRETARY: Calendar Number 1471, by Member of the Assembly Castelli, Assembly Print Number 8880, an act to repeal Title 8 of Article 15-B of the General Municipal Law.

ACTING PRESIDENT GRIFFO: Read the last section.

THE SECRETARY: Section 3. This act shall take effect on the 60th day.

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1472, Senator Lanza moves to discharge, from the Committee on Rules, Assembly Bill Number 9963A and substitute it for the identical Senate Bill Number 7001A, Third Reading Calendar 1472.

ACTING PRESIDENT GRIFFO: The substitution is so ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1472, by Member of the Assembly Abbate, Assembly Print Number 9963A, an act to amend the Labor Law.

ACTING PRESIDENT GRIFFO: Read the last section.

THE SECRETARY: Section 2. This act shall take effect upon the enactment into law by the State of New Jersey.

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT GRIFFO: The bill is passed.

Senator Libous.

SENATOR LIBOUS: Mr. President, in the effort of moving forward here, there will be an immediate meeting of the Energy Committee in Room 332, an immediate meeting of the Energy Committee in Room 332.

And as we have done continually, we

will invoke Rule 9 for those members.

The Secretary can continue to read.

ACTING PRESIDENT GRIFFO: There is an immediate meeting of the Energy Committee in Room 332.

We will invoke Rule 9 for the members attending the committee meeting.

The Secretary will read Calendar Number 1474.

THE SECRETARY: In relation to Calendar Number 1474, Senator Hannon moves to discharge, from the Committee on Rules, Assembly Bill Number 9946B and substitute it for the identical Senate Bill Number 7071B, Third Reading Calendar 1474.

ACTING PRESIDENT GRIFFO: The substitution is so ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1474, by Member of the Assembly Morelle, Assembly Print 9946B, an act to amend the Insurance Law.

ACTING PRESIDENT GRIFFO: Read the last section.

THE SECRETARY: Section 5. This act shall take effect July 1, 2013.

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1475, Senator Golden moves to discharge, from the Committee on Rules, Assembly Bill Number 9889A and substitute it for the identical Senate Bill Number 7074A, Third Reading Calendar 1475.

ACTING PRESIDENT GRIFFO: The substitution is so ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1475, by Member of the Assembly Abbate, Assembly Print Number 9889A, an act to amend Chapter 735 of the Laws of 2006.

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.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1476, Senator Flanagan moves to discharge, from the Committee on Rules, Assembly Bill Number 10205A and substitute it for the identical Senate Bill Number 7120A, Third Reading Calendar 1476.

ACTING PRESIDENT GRIFFO: The substitution is so ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1476, by Member of the Assembly Nolan, Assembly Print Number 10205A, an act to amend the Education Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1477, by Senator Carlucci, Senate Print 7170B, an act authorizing.

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

Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1478, by Senator Saland, Senate Print 7212A, an act to amend the Penal Law.

ACTING PRESIDENT GRIFFO: Read the last section.

THE SECRETARY: Section 35. This act shall take effect on the 90th day.

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1479, Senator Saland moves to discharge, from the Committee on Rules, Assembly Bill Number 10336B and substitute it for the identical Senate Bill Number 7456B, Third Reading Calendar 1479.

ACTING PRESIDENT GRIFFO: The substitution is so ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1479, by Member of the Assembly Paulin, Assembly Print 10336B, an act to amend the Education Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT GRIFFO: The bill

is passed.

THE SECRETARY: Calendar Number 1480, by Senator Saland, Senate Print 7484A, an act in relation.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT GRIFFO: Announce the results.

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

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1481, Senator Nozzolio moves to discharge, from the Committee on Civil Service and Pensions, Assembly Bill Number 8672A and substitute it for the identical Senate Bill Number 7502, Third Reading Calendar 1481.

ACTING PRESIDENT GRIFFO: The substitution is so ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1481, by Member of the Assembly Kolb, Assembly Print Number 8672A, an act granting retroactive Tier IV membership.

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.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1482, by Senator Golden, Senate Print 7523A, an act to amend the Public Authorities Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1483, Senator Grisanti moves to discharge, from the Committee on Rules, Assembly Bill Number 10227A and substitute it for the identical Senate Bill Number 7526, Third Reading Calendar 1483.

ACTING PRESIDENT GRIFFO: The substitution is so ordered.

There is a home-rule message at the desk.

The Secretary will read.

THE SECRETARY: Calendar Number 1483, by Member of the Assembly Ceretto, Assembly Print 10227A, an act to authorize the City of Niagara Falls.

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.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1484, Senator Ranzenhofer moves to discharge, from the Committee on Rules, Assembly Bill Number 10575 and substitute it for the identical Senate Bill Number 7553, Third Reading Calendar 1484.

ACTING PRESIDENT GRIFFO: The substitution is so ordered.

There is a home-rule message at the desk.

The Secretary will read.

THE SECRETARY: Calendar Number 1484, by the Assembly Committee on Rules, Assembly Print Number 10575, an act relating to part-time police officer positions.

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.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1485, Senator Larkin moves to discharge, from the Committee on Rules, Assembly Bill Number 2709A and substitute it for the identical Senate Bill Number 7559, Third Reading Calendar 1485.

ACTING PRESIDENT GRIFFO: The substitution is so ordered.

There is a home-rule message at the desk.

The Secretary will read.

THE SECRETARY: Calendar Number 1485, by Member of the Assembly Rabbitt, Assembly Print Number 2709A, an act to authorize.

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.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1486, Senator Gallivan moves to discharge, from the Committee on Rules, Assembly Bill Number 10345 and substitute it for the identical Senate Bill Number 7579, Third Reading Calendar 1486.

ACTING PRESIDENT GRIFFO: The substitution is so ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1486, by Member of the Assembly O'Donnell, Assembly Print Number 10345, an act to amend the Family Court Act.

ACTING PRESIDENT GRIFFO: Read the last section.

THE SECRETARY: Section 4. This act shall take effect on the 90th day.

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1487, Senator McDonald moves to discharge, from the Committee on Rules, Assembly Bill Number 10608A and substitute it for the identical Senate Bill Number 7587B, Third Reading Calendar 1487.

ACTING PRESIDENT GRIFFO: The substitution is so ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1487, by the Assembly Committee on Rules, Assembly Print Number 10608A, an act to amend the Correction 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, 60.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1488, by Senator Ritchie, Senate Print 7611A, an

act to amend the Agriculture and Markets Law.

ACTING PRESIDENT GRIFFO: Read the last section.

THE SECRETARY: Section 8. This act shall take effect on the 60th day.

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1489, by Senator Fuschillo, Senate Print 7644, 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 immediately.

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: In relation to

Calendar Number 1490, Senator Stewart-Cousins moves to discharge, from the Committee on Rules, Assembly Bill Number 10454 and substitute it for the identical Senate Bill Number 7651, Third Reading Calendar 1490.

ACTING PRESIDENT GRIFFO: The substitution is so ordered.

There is a home-rule message at the desk.

The Secretary will read.

THE SECRETARY: Calendar Number 1490, by Member of the Assembly Abinanti, Assembly Print Number 10454, an act to authorize.

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.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1491, Senator Marcellino moves to

discharge, from the Committee on Rules, Assembly Bill Number 10583A and substitute it for the identical Senate Bill Number 7705A, Third Reading Calendar 1491.

ACTING PRESIDENT GRIFFO: The substitution is so ordered.

There is a home-rule message at the desk.

The Secretary will read.

THE SECRETARY: Calendar Number 1491, by the Assembly Committee on Rules, Assembly Print Number 10583A, an act to amend Section 17 of Chapter 483 of the Laws of 2010.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT GRIFFO: Senator Gallivan to explain his vote.

SENATOR GALLIVAN: Thank you, Mr. President. I want to make sure we are on Calendar Number 1491.

ACTING PRESIDENT GRIFFO: 1491.

SENATOR GALLIVAN: Thank you.

I'd like to first thank Senator Marcellino for his sponsorship of this legislation that will extend for an additional two-year period the opportunity for sportsmen throughout this state to use crossbows during a limited season.

I do feel obligated, though, to think of -- to go back to my obligation representing the sportsmen in my district and throughout the state. In just briefly talking about what this bill does not completely do, I do not think that it represents the interests of sportsmen throughout the state. It does not provide for acknowledgment or representation and support of the DEC deer management plan. We're a long way from providing additional opportunities for elderly and disabled hunters.

And finally, I think, with an expansion of crossbow hunting, we provide great ability to stimulate the New York State economy. I will continue to try to work to pursue that.

I do thank Senator Marcellino, as I said, and others for supporting the opportunities

for sportsmen. I vote aye.

ACTING PRESIDENT GRIFFO: Announce the results.

THE SECRETARY: In relation to Calendar Number 1491, those recorded in the negative are Senators Griffo, Libous, Montgomery, Perkins, Serrano and Seward.

Ayes, 54. Nays, 6.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1492, by Senator McDonald, Senate Print 7707, 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 3. This act shall take effect immediately.

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1493, by Senator Alesi, Senate Print 7715, an act to amend the Public Health 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, 60.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1494, Senator Zeldin moves to discharge, from the Committee on Rules, Assembly Bill Number 10731 and substitute it for the identical Senate Bill Number 7721, Third Reading Calendar 1494.

ACTING PRESIDENT GRIFFO: The substitution is so ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1494, by the Assembly Committee on Rules, Assembly Print Number 10731, 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 1494, those recorded in the negative are Senators Duane, Hassell-Thompson, Krueger, Montgomery, Perkins and Rivera.

Ayes, 54. Nays, 6.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1495, Senator Ritchie moves to discharge, from the Committee on Rules, Assembly Bill Number 10017A and substitute it for the identical Senate Bill Number 7751, Third Reading Calendar 1495.

ACTING PRESIDENT GRIFFO: The substitution is so ordered.

The Secretary will read.

THE SECRETARY: Calendar Number

1495, by Member of the Assembly Russell, Assembly Print 10017A, an act to authorize.

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.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1496, Senator Larkin moves to discharge, from the Committee on Rules, Assembly Bill Number 10723 and substitute it for the identical Senate Bill Number 7753, Third Reading Calendar 1496.

ACTING PRESIDENT GRIFFO: The substitution is so ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1496, by the Assembly Committee on Rules, Assembly Print 10723, an act making appropriations.

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.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1497, Senator Ball moves to discharge, from the Committee on Rules, Assembly Bill Number 9470 and substitute it for the identical Senate Bill Number 7757, Third Reading Calendar 1497.

ACTING PRESIDENT GRIFFO: The substitution is so ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1497, by Member of the Assembly Katz, Assembly Print Number 9470, an act extending the provisions.

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.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1498, by Senator Little, Senate Print 7768A, an act providing for the elimination.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT GRIFFO: Senator Little to explain her vote.

SENATOR LITTLE: Thank you, Mr. President.

As we all go back to our districts, I'm pretty certain we're going to be asked the question "And what did you do for mandate

relief?" There are several bills that have been passed this week and throughout this session that will help our counties, our local municipalities, and our school districts with mandate relief.

This particular bill is kind of a new idea for helping with mandate relief, in that it will eliminate some of the reporting requirements that are imposed on school districts and local governments.

This bill requires all agencies to look at the reports that they require from a school district or a local municipality, to make a list of those reports and to justify the need for those reports and the value and are they still necessary, to make a recommendation whether this report should be continued because it is valuable, or to eliminate that report because it is no longer necessary and it is burdensome. It also allows for the electronic transmission of those reports that it deems to be necessary, which would be continued past April 1st of next year.

It does not eliminate the need for the activity that is being reported on, it only eliminates -- it may eliminate in some instances

the requirement for an actual report to be submitted to that agency.

So I think that this is a good bill that will help with some mandate relief. I look forward to it moving forward, and I vote aye. Thank you.

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

Announce the results.

THE SECRETARY: Ayes, 59. Nays, 1. Senator Hassell-Thompson recorded in the negative.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1499, by Senator Robach, Senate Print 7782 --

SENATOR BRESLIN: Lay it aside.

ACTING PRESIDENT GRIFFO: The bill is laid aside.

THE SECRETARY: Calendar Number 1500, by Senator Breslin, Senate Print 7799, an act granting retroactive Tier IV membership.

ACTING PRESIDENT GRIFFO: Senator Libous, the bill is high and there's a home-rule message at the desk.

SENATOR LIBOUS: The bill is high; please lay it aside.

ACTING PRESIDENT GRIFFO: Lay the bill aside.

THE SECRETARY: In relation to Calendar Number 1501, Senator Storobin moves to discharge, from the Committee on Rules, Assembly Bill Number 10609 and substitute it for the identical Senate Bill Number 7812, Third Reading Calendar 1501.

ACTING PRESIDENT GRIFFO: The substitution is so ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1501, by the Assembly Committee on Rules, Assembly Bill Number 10609, an act to amend the Election Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT GRIFFO: Can I

have some order in the chamber, please.

Senator Storobin to explain his vote.

SENATOR STOROBIN: Thank you, Mr. President.

I would just like to thank everyone who make this possible. This is a very important bill. There are a lot of people in the community that I come from, the Russian community, who came to the United States at the age of 60, 70, 80, who want to participate in American democracy who came from a place without opportunities to participate and to vote and to make a difference. And unfortunately, a lot of them are not able to do so because they don't speak enough English.

And this is very exciting, you know, to have all these people who lived through communism, through Stalinism, to finally be able to participate in full and to understand exactly what they are doing.

So I'm going to vote in the affirmative. Thank you very much.

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

Senator Stavisky to explain her vote.

SENATOR STAVISKY: Yes, thank you, Mr. President. I too applaud this legislation.

I represent a considerable number of Russian immigrants from the former Soviet Union -- not just from Russia, but from other parts of Central Asia, such as Uzbekistan, and they have to be given the same opportunity to vote as any other citizen. And for that reason, I vote aye.

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

Announce the results.

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

ACTING PRESIDENT GRIFFO: The bill is passed.

SENATOR SKELOS: Mr. President.

ACTING PRESIDENT GRIFFO: Can I have some order in the chamber, please.

Senator Skelos.

SENATOR SKELOS: I just want to take a moment and congratulate Senator Storobin for the first bill that he's passed as a State

Senator.

(Applause.)

ACTING PRESIDENT GRIFFO: Senator Libous, that completes the noncontroversial reading of Supplemental Senate Calendar 61A.

SENATOR LIBOUS: Mr. President, we're going to take up the controversial reading in a second.

ACTING PRESIDENT GRIFFO: The Secretary will ring the bell.

SENATOR LIBOUS: Mr. President, at this time could we take up the controversial reading of the calendar that we're on. And it would be 1499, by Senator Robach.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: Calendar Number 1499, by Senator Robach, Senate Print 7782, an act to amend the State Finance Law.

ACTING PRESIDENT GRIFFO: Senator Breslin.

SENATOR BRESLIN: Thank you, Mr. President.

I believe there's an amendment at the desk. And I ask that the reading of the

amendment be waived and Senator Kennedy be allowed to be heard on the amendment.

ACTING PRESIDENT GRIFFO: Senator Breslin, we have reviewed the amendment here and find the amendment, in accordance with Senate rules, to be nongermane.

SENATOR BRESLIN: Mr. President, I appeal the ruling of the chair and ask that Senator Kennedy be allowed to speak on that appeal.

ACTING PRESIDENT GRIFFO: there has been an appeal of the ruling of the chair requested. Senator Kennedy, you may be heard on the appeal.

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

First of all, I want to thank the bill's sponsor, Senator Robach, for bringing this important legislation to the floor.

My amendment to Senator Robach's bill is germane for the following reasons. Senator Robach's bill requires state agencies to do a cost/benefit analysis before it enters into a contract for consultant services which are anticipated to cost more than $500,000 in a

single year, to ensure that the services it is contracting to do cannot be done at the same or lesser cost in-house.

It in effect seeks to safeguard taxpayers' money by making that procurement process as efficient as possible and ensuring that taxpayers get the greatest bang for their dollars.

My amendment also deals with state procurement; specifically, with the agency procurement of call-center services. It ensures that all state business-related call centers and customer service work be performed by state contractors or other agents or subcontractors entirely within the State of New York.

My amendment enhances Senator Robach's bill by ensuring that taxpayer money goes to employers who create jobs here in New York. It also provides that contractors who currently perform such work outside the State of New York have two years to comply with this provision by hiring New York workers.

Over the past four years, the United States has lost at least 500,000 call-center jobs as businesses have opted to

relocate offshore. In addition to limiting the employment opportunities for struggling families, the use of foreign call centers presents a number of security concerns with respect to protecting New Yorkers' personal confidential information.

This amendment holds companies that outsource jobs accountable. It directs the Commissioner of Labor to compile a semiannual list of all call-center employers in New York that relocate jobs overseas and publicly discloses this information to all state agencies.

In light of the current economic climate, it is fiscally irresponsible to continue to reward, with taxpayer dollars and state subsidies, businesses that relocate jobs.

Mr. President, it is for those reasons that I call this amendment to the floor as germane. Thank you.

ACTING PRESIDENT GRIFFO: Thank you for your explanation, Senator Kennedy.

The question is on the appeal of the ruling of the chair. All those in favor of overruling the ruling of the chair signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT GRIFFO: Opposed?

(Response of "Nay.")

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

SENATOR BRESLIN: Mr. President, can we have a show on hands on the vote, please.

ACTING PRESIDENT GRIFFO: A show of hands has been requested and so ordered.

Announce the results.

THE SECRETARY: Ayes, 22.

ACTING PRESIDENT GRIFFO: The ruling of the chair is sustained.

Is there any Senator wishing to be heard?

(No response.)

ACTING PRESIDENT GRIFFO: Seeing none, hearing none, the debate is closed and the Secretary will ring the bell.

Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT GRIFFO: The bill is passed.

Senator Libous, that completes the controversial reading of Supplemental Senate Calendar 61A. We have two remaining that were laid aside.

SENATOR LIBOUS: We can't go back to them right now; we're going to do some other business so that we can move the process along.

I'm going to call Senator Robach; there's going to be an immediate meeting of the Labor Committee in Room 332.

And then, Mr. President, since Senator Robach is going to move that meeting along quickly with the members of the Labor Committee, then there will be an immediate meeting of the Finance Committee in Room 332.

And then we will come back into the chamber and take up all of the nominations that will have gone through the various committees and Finance.

So at this time there will be an immediate meeting of the Labor Committee, followed by an immediate meeting of the

Finance Committee, and we will then come back in and reconvene. So we will stand at ease for a little bit.

ACTING PRESIDENT GRIFFO: There's an immediate meeting of the Labor Committee in Room 332. That will be followed by a meeting of the Finance Committee in Room 332.

Until such time as the Finance Committee returns, the Senate stands at ease.

(Whereupon, the Senate stood at ease at 2:39 p.m.)

(Whereupon, the Senate reconvened at 3:31 p.m.)

ACTING PRESIDENT GRIFFO: The Senate will come to order.

Senator Libous.

SENATOR LIBOUS: Mr. President, can we ask members to come into the chamber and have others sit down so -- Senator DeFrancisco, I believe there will be a report of the Finance Committee. We have a number of nominees we're taking up, and we certainly want to give Senator DeFrancisco and other members the attention that these nominations deserve.

And at this time I believe,

Mr. President, there's a report of the Finance Committee at the desk.

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, reports the following nominations.

As a member of New York State Workers' Compensation Board, Ellen O. Paprocki, of Baldwinsville.

ACTING PRESIDENT GRIFFO: Senator DeFrancisco.

SENATOR DeFRANCISCO: Yes, I proudly move the nomination for the reappointment of Ellen O. Paprocki for this position.

I've known her for some time, and all of you know at least one member of her family. And I can say unequivocally that of her siblings, she was clearly the most likely to succeed and has obviously reached a higher calling than someone who we know very well, her brother, Senator O'Mara.

(Laughter.)

SENATOR DeFRANCISCO: In any

event, she's a great person, a very hardworking individual, greatly qualified, and she's a terrific member of the board. And we're very happy to move this nomination and confirm her today.

Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: Thank you, Senator DeFrancisco.

Senator O'Mara.

SENATOR O'MARA: Yes, thank you, Mr. President. I would love to have a few nice things to say about my sister up there. However, I do seek permission to abstain from this vote given the special interest that I have in this nomination.

Thank you.

ACTING PRESIDENT GRIFFO: In accordance with Senate rules and your request, permission is hereby granted.

The question is on the reappointment of Ellen O. Paprocki, of Baldwinsville, as a member of the New York State Workers' Compensation Board. All in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT GRIFFO: Opposed?

(No response.)

ACTING PRESIDENT GRIFFO: Ellen O. Paprocki, of Baldwinsville, is hereby confirmed.

Thank you. Congratulations.

(Applause.)

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: As a commissioner of the Public Service Commission, Gregg C. Sayre, of Fairport.

ACTING PRESIDENT GRIFFO: Senator DeFrancisco.

SENATOR DeFRANCISCO: Yes, I move the nomination of Gregg C. Sayre, of Fairport, as a commissioner of the Public Service Commission.

Those of you who were at any of the committee meetings, either Energy or Finance, or have had the chance to review his resume, I can only say that it's outstanding. He's got an incredible background for this particular position, and he will be a great addition to this commission. So I proudly move his nomination.

(Pause.)

SENATOR DeFRANCISCO: Do you want

me to say some more or --

(Laughter.)

ACTING PRESIDENT GRIFFO: No, no, I was just trying to determine if there was any other member that wishes to speak.

The question is on the nomination of Gregg C. Sayre, of Fairport, as a commissioner of the Public Safety Commission. All in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT GRIFFO: Opposed?

(No response.)

ACTING PRESIDENT GRIFFO: Gregg Sayre is hereby confirmed as commissioner of the Public Service Commission.

Congratulations.

(Applause.)

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: As members of the Board of Trustees of the State University of New York: Richard Socarides, of New York City; Henrik N. Dullea, Ph.D., of Ithaca; Angelo Fatta, Ph.D., of Lake View; and Marshall A. Lichtman, of Rochester.

ACTING PRESIDENT GRIFFO: Senator DeFrancisco.

SENATOR DeFRANCISCO: Yes, I move each of these nominations.

And I just want to say, like I've said many times this year, is the nominations that the Governor has made on all of these positions are truly outstanding. And we are very fortunate to have the individuals who are willing to serve at the SUNY board, willing to take these nominations, and willing to serve in this capacity.

They all have outstanding backgrounds, a great breadth of experience, from the highest levels of government in Washington and the White House to the prior administrations in this State of New York for a couple of different governors. So we've got experience, we've got qualifications, and we've got strong people to lead the State University of the State of New York, and I would move each of the nominations.

ACTING PRESIDENT GRIFFO: Thank you, Senator DeFrancisco.

Senator Grisanti.

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

I too want to commend the Governor for the four appointments to the State University of New York Board of Trustees; in particular, Angelo Fatta, who is from Lake View, which is in my neck of the woods.

And something that a lot of people may not know, but he was a pioneer of bio-informatics for the University of Buffalo, and that is something that became the second phase of the UB 2020 program with that school.

So with that expense and the experience that he's had with start-up companies and knowledge and how that school is moving forward to be a leader and a pioneer in these types of technologies and studies for the students, I think it's a tremendous appointment, and I move the nomination as well.

Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: Senator Marcellino.

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

I'd also, as my colleague Senator

DeFrancisco did, like to thank the nominees for their willingness to serve. These are not easy times, and especially going into the public sector and working in the public sector. And if you're going into either the -- especially in the educational field, because as a former teacher myself, I have a feel for that and I know that education is at a crossroads. There's a lot to do and a lot of changes to be made.

And our State University system is a great university system, but it is also in need of, in my mind, a breath of fresh air. And I'm hoping that this group of nominees will do just that and not be afraid to innovate, not be afraid to make change and not just to leave it because it seems to be working.

And the system is a good system, but I think it could be a lot better. And I think we could challenge our students a lot more and we could bring in new programs and new ideas and new ways of doing things. We just don't have to continue the way we've been going.

So I urge you to strike out, look for new things, look for new ideas, and don't be afraid to innovate. It's not a curse, it's a

good idea.

So again, I wish you the best, and again I thank you for your willingness to serve. I know it's not easy. God bless you. And I vote aye on these nominations.

ACTING PRESIDENT GRIFFO: Senator Ranzenhofer.

SENATOR RANZENHOFER: I'd also like to commend the Governor on all four nominations, and in particular just mention that I've known Angelo Fatta for over 20 years.

He has excellent experience in terms of the educational field, the business field, the technology and scientific field. I think he'll be a great addition to the Board of Trustees, and I'd like to add my good wishes to his service as well as the others.

Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: Senator Squadron.

SENATOR SQUADRON: Thank you very much.

I want to add my voice to a particularly well-qualified group of nominees who will do an incredibly important job for the

future of the state and opportunity in the state.

I want to particularly acknowledge that Richard Socarides, who I've known since well before adulthood, is among those nominees and is one who brings particular judgment, commitment to public service, and intellectual heft. And so I'm very glad that he's agreed to do this and honored to vote yes on all the nominees, Mr. Socarides and the rest.

Thank you.

ACTING PRESIDENT GRIFFO: Senator Stavisky.

SENATOR STAVISKY: Thank you.

I too congratulate the Governor on four outstanding appointments. Each individual brings a different perspective to service as a SUNY trustee.

I particularly congratulate Dr. Hank Dullea, who has known many of the people here for many, many years. And he brings a combination of academic excellence, government service, and a commitment to higher education. That passion for public service is still there, and we thank our friend Hank Dullea and wish him

continued service, as he started with the other house, he worked for the Governor, he worked for SUNY, and he understands each perspective.

And we congratulate all of them. Thank you.

ACTING PRESIDENT GRIFFO: Senator Farley.

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

I rise as somebody that has been a professor at the state university for 35 years and somebody who's been very interested in SUNY.

I think that these candidates are outstanding, but I do have to call attention again to Hank Dullea, somewhat of a relative of mine, but somebody that has served this state in every capacity that you can imagine. And we're so fortunate to have him be willing to serve as a trustee.

And I'm very excited about these appointments, and I applaud the Governor for being able to reach out to get New York's finest to represent us on the finest university system in the nation.

Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: Senator Seward.

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

I want to add my voice to the chorus and congratulate the Governor on this outstanding group of new trustees that have been nominated.

The State University, in my estimation, is one of New York State's greatest assets. And with the appointment of these three new trustees and the reappointment of Marshall Lichtman, I believe that our State University of New York will be even more of an asset for us in New York State.

And I see we've been joined by our great Chancellor here today with us as well.

And I want to single out Hank Dullea, who had a distinguished career, as has been pointed out, with the State University and as director of state operations under both Governors Carey and the first Governor Cuomo, and then went down to Cornell, part of which is a part of our State University system, as a vice president.

In those days I was representing the campus itself -- I still have four towns in Tompkins County in my district -- and worked very, very closely with Hank Dullea in those years he was at Cornell, and we did some good things together on behalf of that university and the people of the region and people of the State of New York.

So congratulations to all of these nominees. We look forward to even greater things from a great university.

ACTING PRESIDENT GRIFFO: The question is on the nominees -- Richard Socarides, Henrik Dullea, Angelo Fatta, and Marshall Lichtman -- as members of the Board of Trustees for the State University of New York. All in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT GRIFFO: Opposed?

(No response.)

ACTING PRESIDENT GRIFFO: The nominees as read have been confirmed.

Congratulations. Please rise and be acknowledged.

(Applause.)

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: As a member of the Board of Trustees of the City University of New York, Brian D. Obergfell, of Brooklyn.

ACTING PRESIDENT GRIFFO: Senator DeFrancisco.

SENATOR DeFRANCISCO: Yes, I'd proudly move the nomination.

And without repeating myself, this individual is well-qualified for this high-level position at CUNY, and I proudly move his nomination.

ACTING PRESIDENT GRIFFO: The question is on the nomination of Brian D. Obergfell, of Brooklyn, as a member of the Board of Trustees of the City University of New York. All in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT GRIFFO: Opposed?

(No response.)

ACTING PRESIDENT GRIFFO: The nominee is hereby confirmed.

Congratulations, Brian.

(Applause.)

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: As a member of the Lake George Park Commission, Bruce E. Young, of Huletts Landing.

ACTING PRESIDENT GRIFFO: Senator DeFrancisco.

SENATOR DeFRANCISCO: Move the nomination.

ACTING PRESIDENT GRIFFO: The question is on the nomination of Bruce E. Young as a member of the Lake George Park Commission. All in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT GRIFFO: Opposed?

(No response.)

ACTING PRESIDENT GRIFFO: Bruce E. Young is hereby confirmed as a member of the Lake George Park Commission.

Congratulations.

(Applause.)

ACTING PRESIDENT GRIFFO: Senator Libous, that completes the confirmation of the nominations before the house.

SENATOR LIBOUS: Thank you,

Mr. President.

I have a little housekeeping at this time.

ACTING PRESIDENT GRIFFO: Sure.

SENATOR LIBOUS: At this time Senator Skelos hands up the following committee assignments to be filed in the Journal.

ACTING PRESIDENT GRIFFO: So ordered. They will be filed in the Journal.

SENATOR LIBOUS: Thank you, Mr. President.

Mr. President, I would call on Senator Ruth Hassell-Thompson at this time.

ACTING PRESIDENT GRIFFO: Senator Ruth Hassell-Thompson.

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

There will be an immediate meeting of the Democratic Conference in Room 315.

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

SENATOR LIBOUS: Mr. President, there will be a prompt meeting of the Rules Committee at 4:30 in Room 332.

ACTING PRESIDENT GRIFFO: There will be a prompt meeting of the Rules Committee in Room 332 at 4:30 sharp.

SENATOR HASSELL-THOMPSON: Point of order.

ACTING PRESIDENT GRIFFO: Senator Hassell-Thompson, what is your point of order?

SENATOR HASSELL-THOMPSON: Senator Libous, I appreciate the fact that you'd like to set a time, but I would like to hope that we have received the materials in time so that we will not be late keeping your deadline.

SENATOR LIBOUS: The Rules Committee will meet after the materials have been received.

SENATOR HASSELL-THOMPSON: Thank you. Thank you. That's been one of the issues.

Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: The Senate stands at ease.

(Whereupon, the Senate stood at ease at 3:46 p.m.)

ACTING PRESIDENT ROBACH: Senator Libous.

SENATOR LIBOUS: Thank you,

Mr. President. I just want to make an amendment on the Rules Committee meeting. It will now be held promptly at 5:00 p.m. in Room 332.

ACTING PRESIDENT ROBACH: The Rules Committee meeting time has been changed to 5:00 p.m. We request that all members on the Rules Committee be in Room 332 promptly at 5:00 p.m.

The Senate continues to stand at ease.

(Whereupon, the Senate reconvened at 5:32 p.m.)

ACTING PRESIDENT GRIFFO: The Senate will come to order.

Senator Libous.

SENATOR LIBOUS: Mr. President, can we go back to reports of standing committees.

I believe there's a report of the Rules Committee at the desk, and I ask that it be read at this time.

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

There is a report of the Rules Committee at the desk, and the Secretary

will read.

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

Senate Print 6092B, by Senator DeFrancisco, an act to amend the Education Law;

7125, by Senator McDonald, an act to amend the Racing, Pari-Mutuel Wagering and Breeding Law;

7435, by Senator Skelos, an act to amend the Local Finance Law;

7552, by the Committee on Rules, an act to amend the Local Finance Law;

7672, by Senator Skelos, an act to amend the Local Finance Law;

7713, by Senator Hannon, an act to amend Chapter 401 of the Laws of 2002;

7774, by Senator Hannon, an act to amend the Real Property Tax Law;

7804, by Senator Golden, an act to amend the Administrative Code of the City of New York;

3872C, by Senator Maziarz, an act to amend the Public Authorities Law;

4912, by Senator Nozzolio, an act

to amend the Public Authorities Law;

5228A, by Senator Grisanti, an act to amend the Environmental Conservation Law;

5313B, by Senator Golden, an act to amend the General Business Law;

6898, by Senator Young, an act to amend Chapter 246 of the Laws of 2010;

7147, by Senator Young, an act to amend the Tax Law;

7525, by Senator Grisanti, an act to amend the Environmental Conservation Law;

7592A, by Senator Saland, an act to amend Chapter 367 of the Laws of 1999;

7641B, by Senator Martins, an act to amend the Civil Practice Law and Rules;

7711, by Senator Lanza, an act to amend the Real Property Tax Law;

7743A, by Senator Maziarz, an act to amend the Public Service Law;

7767, by Senator Young, an act to require the Power Authority;

7788, by the Committee on Rules, an act to amend Part H of Chapter 1 of the Laws of 2003;

And Senate Print 7789, by Senator

Maziarz, an act directing the Power Authority.

All bills reported direct to third reading.

ACTING PRESIDENT GRIFFO: Senator Libous.

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

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

(Response of "Aye.")

ACTING PRESIDENT GRIFFO: Opposed?

(No response.)

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

SENATOR LIBOUS: Mr. President.

ACTING PRESIDENT GRIFFO: Senator Libous.

SENATOR LIBOUS: If everybody could go to Supplemental Active List Number 3.

ACTING PRESIDENT GRIFFO: We will go to Supplemental Active List Number 3.

SENATOR LIBOUS: Do the noncontroversial reading, please.

ACTING PRESIDENT GRIFFO: The

Secretary will read Calendar Number 1088.

THE SECRETARY: Calendar Number 1088, by Senator LaValle, Senate Print 1940, an act to amend the Education Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: On page 33, Senator LaValle moves to discharge, from the Committee on Higher Education, Assembly Bill Number 10118 and substitute it for the identical Senate Bill Number 7175, Third Reading Calendar 1093.

ACTING PRESIDENT GRIFFO: The substitution is so ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1093, by Member of the Assembly Canestrari,

Assembly Print 10118, an act to amend the Education Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT GRIFFO: The bill is passed.

Senator Libous, that completes the noncontroversial reading of Supplemental Active List Number 3.

SENATOR LIBOUS: Mr. President, could we please go Supplemental Active List Number 4, noncontroversial reading.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: In relation to Calendar Number 44, Senator Nozzolio moves to discharge, from the Committee on Rules, Assembly Bill 9103C and substitute it for the identical Senate Bill Number 5208C, Third Reading Calendar

44.

SENATOR BRESLIN: Lay it aside.

ACTING PRESIDENT GRIFFO: The substitution is so ordered.

The bill is laid aside.

The Secretary will continue to read.

THE SECRETARY: Calendar Number 554, by Senator Marcellino, Senate Print 4229, an act to amend the Suffolk County Tax Act.

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

SENATOR LIBOUS: Excuse me, Mr. President. It appears that we may not have this list on some of the desks.

ACTING PRESIDENT GRIFFO: The Senate will pause momentarily.

SENATOR LIBOUS: Anyone who doesn't have Supplemental Active List Number 4, please raise your hand and they'll bring you the list.

I would ask members, there's a lot of papers on the desks. And certainly the desk does its best job and does a darn good job at getting the stuff out. So I know sometimes -- I

know the other day I was looking for mine, and it was in between a couple of bills. And I know that all of you are reading the bills intently, so you should pay attention.

Mr. President, I think everybody now has it; we can proceed. Thank you.

ACTING PRESIDENT GRIFFO: The Secretary will read. We are on Calendar 554.

THE SECRETARY: Calendar Number 554, by Senator Marcellino, Senate Print 4229, an act to amend the Suffolk County Tax Act.

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, 60.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1041, by Senator Grisanti, Senate Print 5418B, an act to amend the Navigation Law.

ACTING PRESIDENT GRIFFO: Read the last section.

SENATOR BRESLIN: Lay it aside.

ACTING PRESIDENT GRIFFO: Lay the bill aside.

Senator Libous, that completes the noncontroversial reading of Supplemental Active List Number 4.

SENATOR LIBOUS: Mr. President, can we now take up the controversial list on Supplemental Calendar Number 4. I believe the first one, by Senator Nozzolio.

ACTING PRESIDENT GRIFFO: The Secretary will ring the bell.

The Secretary will read.

THE SECRETARY: Calendar Number 44, substituted earlier by Member of the Assembly Finch, Assembly Print Number 9103C, an act to amend the Real Property Tax Law.

SENATOR BRESLIN: Explanation.

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

SENATOR NOZZOLIO: Thank you, Mr. President.

Mr. President, this is a legislative measure put forward at the request of the City of Auburn, New York, which is concerned with the upkeep of rental property within the city boundaries.

That the involvement with receiving partial tax exemptions for that construction and improvement, allowing the city to encourage reinvestment into the housing stock of that community. They are private investments. And they are asking, the city, to have the authority to present that additional tax incentives to enhance the value of the housing stock within the City of Auburn.

ACTING PRESIDENT GRIFFO: Thank you, Senator Nozzolio.

Seeing and hearing no other Senator wishing to speak, debate is closed. The Secretary will ring the bell.

Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1041, by Senator Grisanti, Senate Print 5418B, an act to amend the Navigation Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT GRIFFO: Senator Krueger to explain her vote.

SENATOR KRUEGER: I would, as long as I can just clarify. This is S5418B?

ACTING PRESIDENT GRIFFO: This is S5418B, by Senator Grisanti.

SENATOR KRUEGER: Thank you. Involving petroleum-contaminated sites. I thought I might have heard something about a different title that was read, so that's why I was confused.

So I would like to explain my vote,

thank you.

ACTING PRESIDENT GRIFFO: Senator Krueger to explain her vote.

SENATOR KRUEGER: Thank you.

I am voting no on this bill. I have heard from a number of environmental organizations who are pointing out that by removing strict liability and forcing DEC to investigate whether a third party is involved, it takes money away from the agency's program to clean up the spill.

They also have noted to us that if DEC cannot make the determination of who the responsible party is within 30 days, there may be no way for the state to recoup payments from polluters.

I would hate to imagine we made a timeline so short that we lost our opportunity to hold the guilty parties responsible. And therefore, I am voting no.

Thank you, Mr. President.

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

Senator LaValle to explain his vote.

SENATOR LaVALLE: Thank you, Mr. President.

While I'm not going to support this legislation, I did want to say that we need to engage with the Environmental Advocates. Because cleaning up brownfields is in everyone's best interest for a whole variety of reasons. We're taking properties that are polluting and we need to clean those properties up to make communities a safe place and have a safe use.

Senator Grisanti is moving in the right direction. I don't think we're quite there yet, but I think through some dialogue, I think we can get there and have a good bill.

So I'm in the negative on this bill.

ACTING PRESIDENT GRIFFO: Senator LaValle to be recorded in the negative.

Senator Grisanti to explain his vote.

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

You know, I've read the opposition memo by the Environmental Advocates of New York, and the opposition is without merit.

I can tell you right now that what we amended from last year to this year, it helps you find the responsible party and have a right of action.

Right now, if somebody buys one of these sites, they are the responsible party. This bill allows them, by a preponderance of evidence, to show and to have an arbitration hearing that there's another faulted party to go after. So it's going to allow more people to be chargeable. It's going to be less fiscal impact to the state.

And just to answer Senator Krueger's question, because a mere preponderance of the evidence is required to apportion liability, 30 days is more than adequate for the DEC to examine the evidence given to them and make a determination, even in complicated situations where it may be difficult to find the responsible party.

So from an amendment last year, an endorsement from the New York State Association of Service Stations and Repair Shops and from the New York State Bar Association that were not on this bill last year, we made the amendments

necessary.

This is important to clean up these sites. It's important to find the responsible parties, not just one person that buys the site. You can go back; the evidence will help you do that.

So I vote aye, Mr. President. Thank you very much.

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

Announce the results.

THE SECRETARY: In relation to Calendar Number 1041, those recorded in the negative are Senators Addabbo, Avella, Ball, Dilan, Gianaris, Hassell-Thompson, Krueger, LaValle, Montgomery, Oppenheimer, Peralta, Perkins, Rivera, Serrano, Squadron, Stavisky and Stewart-Cousins. Also Senator Sampson.

Ayes, 42. Nays, 18.

ACTING PRESIDENT GRIFFO: The bill is passed.

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

SENATOR LIBOUS: I'm sorry?

ACTING PRESIDENT GRIFFO: I

believe that completes the reading of Supplemental Active List Number 4, the controversial reading.

SENATOR LIBOUS: Mr. President, it does.

Mr. President, we are now going to take up the noncontroversial reading of Supplemental Senate Calendar 61B.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: Calendar Number 1473, by Senator DeFrancisco, Senate Print 6092B, an act to amend the Education Law.

ACTING PRESIDENT GRIFFO: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the 545th day after it shall have become a law.

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: In relation to

Calendar Number 1503, Senator McDonald moves to discharge from the Committee on Racing, Gaming and Wagering, Assembly Bill Number 9392 and substitute it for the identical Senate Bill Number 7125, Third Reading Calendar 1503.

ACTING PRESIDENT GRIFFO: The substitution is so ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1503, by Member of the Assembly Pretlow, Assembly Print 9392, an act to amend the Racing, Pari-Mutuel Wagering and Breeding 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.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1504, Senator Skelos moves to discharge, from the Committee on Rules, Assembly

Bill Number 10261 and substitute it for the identical Senate Bill Number 7435, Third Reading Calendar 1504.

ACTING PRESIDENT GRIFFO: The substitution is so ordered.

There is a home-rule message at the desk.

The Secretary will read.

THE SECRETARY: Calendar Number 1504, by Member of the Assembly Curran, Assembly Print Number 10261, an act to amend the Local Finance Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT GRIFFO: Senator Krueger to explain her vote.

SENATOR KRUEGER: Thank you, Mr. President.

I will be voting no on this bill and the following two bills. These are

amortizations for pension payouts for people who leave their jobs. This is the equivalent of towns choosing to take payday loans to make their obligatory pension payments. It may seem to be a good idea today, but then when you realize you're actually paying interest over 10 years, through borrowing, just to make your pension payments, I think that people would realize this is not a very good plan for them.

And I understand these three towns have sent home-rule messages, but I cannot endorse this model of borrowing now to make your daily payments.

I'll be voting no, Mr. President. Thank you.

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

Announce the results.

THE SECRETARY: Ayes, 58. Nays, 2. Senators Avella and Krueger recorded in the negative.

ACTING PRESIDENT GRIFFO: Senator Oppenheimer, why do you rise?

SENATOR OPPENHEIMER: I was going to say I unfortunately wasn't here for the prior

vote.

(Discussion off the record.)

ACTING PRESIDENT GRIFFO: The Secretary will continue to read.

THE SECRETARY: In relation to Calendar Number 1505, Senator Skelos moves to discharge, from the Committee on Rules, Assembly Bill Number 10552 and substitute it for the identical Senate Bill Number 7552, Third Reading Calendar 1505.

ACTING PRESIDENT GRIFFO: The substitution is so ordered.

There is a home-rule message at the desk.

The Secretary will read.

THE SECRETARY: Calendar Number 1505, by the Assembly Committee on Rules, Assembly Print 10552, an act to amend the Local Finance 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, 57. Nays, 3. Senators Avella, Krueger and Squadron recorded in the negative.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1506, by Senator Skelos, Senate Print 7672, an act to amend the Local Finance 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, 58. Nays, 2. Senators Avella and Krueger recorded in the negative.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1507, Senator Hannon moves to discharge, from the Committee on Rules, Assembly

Bill Number 10690 and substitute it for the identical Senate Bill Number 7713, Third Reading Calendar 1507.

ACTING PRESIDENT GRIFFO: The substitution is so ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1507, by the Assembly Committee on Rules, Assembly Print 10690, an act to amend Chapter 401 of the Laws of 2002.

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.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1508, by Senator Hannon, Senate Print 7774, an act to amend the Real Property Tax Law.

ACTING PRESIDENT GRIFFO: Read the last section.

THE SECRETARY: Section 7. This act shall take effect January 3, 2013.

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1509, by Senator Golden, Senate Print 7804 --

SENATOR LIBOUS: Mr. President, the bill is high.

ACTING PRESIDENT GRIFFO: The bill is high and will be laid aside.

THE SECRETARY: In relation to Calendar Number 1510, Senator Maziarz moves to discharge, from the Committee on Finance, Assembly Bill Number 6114C and substitute it for the identical Senate Bill Number 3872C, Third Reading Calendar 1510.

ACTING PRESIDENT GRIFFO: The substitution is so ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1510, by Member of the Assembly Hevesi --

SENATOR LIBOUS: Lay it aside temporarily.

ACTING PRESIDENT GRIFFO: Lay the bill aside temporarily.

THE SECRETARY: In relation to Calendar Number 1511, Senator Nozzolio moves to discharge, from the Committee on Rules, Assembly Bill Number 5095 and substitute it for the identical Senate Bill Number 4912, Third Reading Calendar 1511.

ACTING PRESIDENT GRIFFO: The substitution is so ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1511, by Member of the Assembly Oaks, Assembly Print Number 5095, an act to amend the Public Authorities Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1512, by Senator Grisanti, Senate Print 5228A, an act to amend the Environmental Conservation Law.

SENATOR LIBOUS: Lay it aside temporarily.

ACTING PRESIDENT GRIFFO: Lay the bill aside temporarily.

THE SECRETARY: Calendar Number 1513, by Senator Golden, Senate Print 5313B, an act to amend the General Business Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1514, Senator Young moves to

discharge, from the Committee on Corporations, Authorities and Commissions, Assembly Bill Number 10048 and substitute it for the identical Senate Bill Number 6898, Third Reading Calendar 1514.

ACTING PRESIDENT GRIFFO: The substitution is so ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1514, by Member of the Assembly Jeffries, Assembly Print 10048, an act to amend Chapter 246 of the Laws of 2010.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1515, by Senator Young, Senate Print 7147, an act to amend the Tax Law.

SENATOR LIBOUS: Lay it aside

temporarily.

ACTING PRESIDENT GRIFFO: Lay the bill aside temporarily.

THE SECRETARY: Senator Grisanti moves to discharge, from the Committee on Rules, Assembly Bill Number 10519 and substitute it for the identical Senate Bill Number 7525, Third Reading Calendar 1516.

ACTING PRESIDENT GRIFFO: The substitution is so ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1516, by the Assembly Committee on Rules, Assembly Print 10519, an act to amend the Environmental Conservation Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT GRIFFO: Senator Grisanti to explain his vote.

SENATOR GRISANTI: Yes, thanks

once again, Mr. President.

My fellow colleagues, this is much-needed legislation. As we talked about earlier, the EPF fund for the last couple of years has stayed at a rate of $134 million. We need to increase that rate, and this bill does just that. It's a phase-in over the next six years, and it adds funds received under the Bottle Bill on a gradual and well-balanced schedule.

It supports a wide variety of programs throughout the state and is something that is much-needed. A study done this year shows there's a direct seven-to-one return on investments for this program. It supports jobs and industries, it supports tourism, agriculture, and also helps to protect our drinking water.

It's a very important piece of legislation. I vote aye and urge all my colleagues to do the same.

Thank you, Mr. President.

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

Announce the results.

THE SECRETARY: Ayes, 59. Nays,

1. Senator Little recorded in the negative.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1517, Senator Saland moves to discharge, from the Committee on Rules, Assembly Bill Number 10706 and substitute it for the identical Senate Bill Number 7592A, Third Reading Calendar 1517.

ACTING PRESIDENT GRIFFO: The substitution is so ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1517, by the Assembly Committee on Rules, Assembly Print 10706, an act to amend Chapter 367 of the Laws of 1999.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1518, by Senator Martins, Senate Print 7641B, an act to amend the Civil Practice Law and Rules.

ACTING PRESIDENT GRIFFO: Read the last section.

THE SECRETARY: Section 79. This act shall take effect on the 180th day.

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT GRIFFO: Announce the results.

THE SECRETARY: In relation to Calendar Number 1518, those recorded in the negative are Senators Ball, Bonacic, Griffo, Grisanti, Lanza, Larkin, Little, Maziarz, McDonald, O'Mara, Ranzenhofer, Ritchie, Saland, Seward, Valesky and Zeldin.

Ayes, 44. Nays, 16.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1519, Senator Lanza moves to

discharge, from the Committee on Rules, Assembly Bill Number 10620 and substitute it for the identical Senate Bill Number 7711, Third Reading Calendar 1519.

ACTING PRESIDENT GRIFFO: It's getting a little loud in the chamber. Some order, please. {Gaveling.}

SENATOR LIBOUS: Lay it aside temporarily.

ACTING PRESIDENT GRIFFO: The substitution is so ordered.

The bill is laid aside temporarily.

THE SECRETARY: Calendar Number 1520, by Senator Maziarz, Senate Print 7743A, an act to amend the Public Service Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1521, by Senator Young, Senate Print 7767, an act to require the Power Authority.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT GRIFFO: Senator Krueger to explain her vote.

SENATOR KRUEGER: Very simply, the State of New York should not be subsidizing polluting, coal-burning energy generation.

I vote no. Thank you, Mr. President.

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

Senator Maziarz to explain his vote.

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

I want to thank Senator Young for bringing forth this legislation. This is

excellent legislation. It's going to save hundreds of IBEW jobs in upstate New York, particularly in the western part of the state. It's going to help communities who have been devastated by power plants that are either idle or going offline with property taxes.

The potentials of this bill are all positive, and they're all good. And thank you, Senator Young.

I vote aye.

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

Senator Young to explain her vote.

SENATOR YOUNG: Thank you, Mr. President.

This bill is an excellent piece of legislation. Because what it does, it helps provide for a transition plan in New York State so that we can keep the power that we need to supply our homes and our businesses. At the same time, we can focus on innovation, technology, green energy, repowering plants.

And also the purchase power agreements that could be established with the New York Power Authority would have energy go to

supply the Recharge New York program. There are about a thousand companies across New York State that were interested in getting Recharge New York benefits. This would solve that issue. It would grow jobs. It would preserve jobs in facilities such as the one that's in my district.

So I thank the people who are voting yes on this. This really is a crucial piece of legislation. It's all about jobs, the economy, and a cleaner environment. And so I proudly vote yes.

Thank you.

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

Senator Nozzolio to explain his vote.

SENATOR NOZZOLIO: Thank you, Mr. President.

I rise to thank my colleagues Senator Young and Senator Maziarz for their leadership in putting forth this legislation, legislation that's absolutely necessary as we begin a very important transition process.

And this transition process, as required by the legislation, will ensure the

focus be placed on the upstate economy, the development of that economy, the creation of jobs, and the continuation of our tax base.

Those issues are all extremely important to the taxpayers of this state, especially the property taxpayers of this state, and this analysis is absolutely essential. And I thank the sponsors for their support. I was pleased to support the measure as a sponsor and look forward to its enactment.

Thank you, Mr. President.

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

Announce the results.

THE SECRETARY: In relation to Calendar 1521, those recorded in the negative are Senators Addabbo, Avella, Ball, Dilan, Gianaris, Hassell-Thompson, Krueger, Montgomery, Oppenheimer, Peralta, Perkins, Rivera, Serrano, Squadron, Stavisky and Stewart-Cousins.

Ayes, 44. Nays, 16.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1522, Senator Skelos moves to

discharge, from the Committee on Rules, Assembly Bill Number 10593 and substitute it for the identical Senate Bill Number 7788, Third Reading Calendar 1522.

ACTING PRESIDENT GRIFFO: The substitution is so ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1522, by the Assembly Committee on Rules, Assembly Print 10593, an act to amend Part H of Chapter 1 of the Laws of 2003.

SENATOR LIBOUS: Lay that bill aside temporarily.

ACTING PRESIDENT GRIFFO: Lay it aside temporarily.

THE SECRETARY: Calendar Number 1523, by Senator Maziarz, Senate Print 7789, an act directing the Power Authority.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT GRIFFO: Senator Gianaris to explain his vote.

SENATOR GIANARIS: Thank you, Mr. President.

I'm going to be voting against this bill. What this legislation does is purport to have the Power Authority sell generators that were placed throughout New York City over a decade ago under the administration of Governor Pataki.

At the time, I was serving in the Assembly, and I remember that the communities in which these facilities are located were promised that they would be temporary. Obviously that's not been the case for the last decade.

But to now suggest that we should sell them to private entities, meaning they would be permanently ensconced in our communities, that's something that would be a complete betrayal of what these neighborhoods were promised, and it would continue to contribute to the poor air quality and increased lung ailments that many of our communities experience.

Without any safeguards that certain of these facilities would be moved, as promised,

or closed, as promised, I cannot support this legislation. I'll be voting in the negative and urge my colleagues to do the same.

ACTING PRESIDENT GRIFFO: Senator Gianaris to be recorded in the negative.

Announce the results.

THE SECRETARY: In relation to Calendar 1523, those recorded in the negative are Senators Addabbo, Avella, Ball, Gianaris, Hassell-Thompson, Krueger, Lanza, Perkins, Rivera, Serrano, Squadron, Stavisky and Stewart-Cousins.

Ayes, 47. Nays, 13.

ACTING PRESIDENT GRIFFO: The bill is passed.

SENATOR LIBOUS: Mr. President.

ACTING PRESIDENT GRIFFO: Senator Libous.

SENATOR LIBOUS: Can we go back to motions and resolutions, please.

ACTING PRESIDENT GRIFFO: We most certainly can. On motions and resolutions, Senator Libous.

SENATOR LIBOUS: Thank you, Mr. President.

At this time I would like to move to adopt the Resolution Calendar that's before us, with the exception of Resolution Number 5556.

ACTING PRESIDENT GRIFFO: All in favor of adopting the Resolution Calendar, with the exception of Resolution 5556, signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT GRIFFO: Opposed?

(No response.)

ACTING PRESIDENT GRIFFO: The Resolution Calendar is adopted.

Senator Libous.

SENATOR LIBOUS: Thank you.

I believe that Senator Maziarz has a resolution at the desk. It is Number 5556. He would like just the title read, and then could you please call on Senator Maziarz.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: Legislative Resolution Number 5556, by Senator Maziarz, honoring Nikolas Wallenda for his accomplishments as an American high-wire artist, acrobat and daredevil.

(Loud reaction from Senators.)

SENATOR LIBOUS: Mr. President, can we have some order on behalf of Nik Wallenda.

ACTING PRESIDENT GRIFFO: {Gaveling.} It's a tightrope.

(Laughter.)

ACTING PRESIDENT GRIFFO: Senator Maziarz.

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

I know there are very few resolutions that we could do at 6 o'clock on the last day of session, but this is certainly one.

If you were watching last Friday night on ABC, or if you had the privilege of being in Niagara Falls, you saw an event that hadn't taken place in over 100 years.

And I had the privilege of walking to the lift with Nik Wallenda, the lift that lifted him up to the wire when he stepped out on it. And he said to me, as we walked out there, he said, "I fully understand that there are going to be two careers on this wire tonight." And I said, "No, there were 61 other votes in the Senate, so there are a lot of careers on that

wire."

(Laughter.)

SENATOR MAZIARZ: But this event that all of you voted for, every one of you voted for -- and my colleagues Senator Grisanti was there, Senator Gallivan was there in person -- really brought a new life to the city of Niagara Falls, a city that has gone through some very, very difficult times. Over 120,000 people were there in person. Over 13 million people watched on ABC. It was the highest-rated non-sports programming on ABC in over six years.

It made the people of Niagara Falls feel good about themselves and good about their city. And we are going to work together and carry that momentum on. Nik Wallenda and Niagara Falls are inextricably tied together now, forever. And he is going to come back every season -- and not do a wire walk across the gorge, that can only be done once every century. But he's going to establish a presence there in Niagara Falls that's going to be good for all of us.

And not any of it would have happened, and I said this in interview after

interview, not any of it would have happened without the unanimous support of the Senators in this room. Because we kicked it off, we did it. When we did it, the Assembly said, "Well, we're going to do it because, you know, the Governor will never approve it." And then the Governor did approve it.

And the Governor approved it, he took a leap of faith in the fact that this would help Niagara Falls. And when we did it, the Canadian government didn't want to be left behind, so they did it. And they thought certainly there will be bad weather or something like that. They didn't realize that where he was going to walk, the weather is always bad.

But thank each and every one of you. And, Mr. President, I ask all of you to join me in supporting and signing onto this resolution. Which Nik is going to visit here, this chamber, and thank us all personally. Obviously we won't be able to do that until sometime next year. But thank you all very much.

ACTING PRESIDENT GRIFFO: Senator Little.

SENATOR LITTLE: Thank you.

As chair of the Tourism Committee, I do want to commend Senator Maziarz and everyone who voted for this and put this together.

One of the things that happens, I think, when you watch a program -- and I did watch it. I think he made it look a lot easier than I'm sure it was. But you could see what an enormous event it was for Niagara Falls.

And a thought went through my head, I haven't been to Niagara Falls in many, many years, I'd like to go again. And hopefully people throughout the country had the same thought.

And it will improve tourism in Niagara Falls and in all of New York State. So thank you to everyone for their efforts.

ACTING PRESIDENT GRIFFO: Senator Serrano.

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

I also want to add my voice to the congratulations of Senator Maziarz for putting this together and making sure that it passed here in the Senate.

I watched, as 13 million others did

on television, and with my son and my wife and my daughter. And we were just riveted. And I think it was a very innovative program, because it was the first time you're watching someone walk a tightrope while giving an interview and explaining what's going through his head. And I thought it was very innovative.

But I think most importantly, as the Democratic ranking member on the Tourism Committee, as Senator Little said, this is a major boost to the Niagara Falls area. And those of us who care about tourism, we care it about throughout the entire State of New York.

And I think many people's recollections of what they thought Niagara Falls was, it's so much -- I think it's a new way of looking at it after that evening's programming, the way that it looked at night, all lit up and everything. And I think people should rediscover Niagara Falls and go visit. And I think it's a great boon for the economy in Western New York.

Thank you.

ACTING PRESIDENT GRIFFO: Senator Kennedy.

SENATOR KENNEDY: Thank you,

Mr. President.

I too just want to, first and foremost, reiterate everything that's already been said.

You know, when Nik Wallenda walked that wire, it was not just a feat of humankind, it was a reminder of the beauty of humankind and the beauty of the state that we live in, our proximity to Canada, the beauty of Western New York.

And quite frankly, as Senator Serrano and others have mentioned, a reminder of how beautiful Niagara Falls is and, quite frankly, that we have such an incredible, wonderful place to visit right here in the State of New York out in Western New York.

While Senator Maziarz carried the bill in the Senate, we all voted on it, I know it was with great relief that Senator Maziarz saw that Nik Wallenda had that tether on him. Because we all knew that if he in fact fell, so in fact would have fallen the wonderful political career of Senator Maziarz.

(Laughter.)

SENATOR KENNEDY: So with that, we

want to congratulate Nik Wallenda, and look forward to working with him in the future as he continues to bring that feat and his greatness to Western New York.

Thank you.

ACTING PRESIDENT GRIFFO: Senator Grisanti.

SENATOR GRISANTI: Yes, just briefly, Mr. President.

You know, I had the pleasure of witnessing this firsthand with my family. And I would say the most touching moment is when, with my family and Nik's family, we all got together with some of his staff and they said a prayer. They had a pastor there, they said a prayer. His son was very nervous. His son actually said, "Dad, don't do it" -- when his son, who's 5 years old, actually does these walks himself. Not at that great length, it's just from one sandbox to another.

But I'll tell you something. He is such a humble individual that, you know, not only was it perfect for New York State, but it solidified the peace and the relationship we have between the United States and Canada. Which is a

perfect timing, because as you know, the War of 1812, it's 200 years of peace between New York State, the United States, and Canada, and that just solidified it.

So, appreciate it, Mr. President, and it was an excellent time.

ACTING PRESIDENT GRIFFO: Thank you, Senator Grisanti.

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

(Response of "Aye.")

ACTING PRESIDENT GRIFFO: Opposed?

(No response.)

ACTING PRESIDENT GRIFFO: The resolution is adopted.

Senator Libous.

SENATOR LIBOUS: Mr. President, before, at Senator Maziarz's request, we open this up, Senator Maziarz, I would just ask -- through you, Mr. President -- when Nik Wallenda comes, Senator Maziarz, will you be walking the tightrope from one end of the gallery to the other?

(Laughter.)

ACTING PRESIDENT GRIFFO: Without

objection?

(Laughter.)

SENATOR LIBOUS: I didn't think so.

(Laughter.)

SENATOR LIBOUS: Senator Maziarz, Mr. President, would like to open this up to all the members. And certainly if someone for whatever reason doesn't want to be on it, they could let the desk know.

ACTING PRESIDENT GRIFFO: The resolution is open for cosponsorship. If you choose not to be a cosponsor, please notify the desk.

Senator Libous.

SENATOR LIBOUS: Mr. President, there are three privileged resolutions at the desk by Senator Skelos. Could we take them up at this time.

And I believe that Senator Flanagan will address the first one if there are any questions.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: Senate Resolution,

by Senator Skelos, establishing a plan setting forth an itemized list of grantees for certain appropriations in the 2012-2013 state fiscal year.

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

(Response of "Aye.")

ACTING PRESIDENT GRIFFO: Opposed?

(No response.)

ACTING PRESIDENT GRIFFO: The resolution is adopted.

The Secretary will continue to read.

THE SECRETARY: Senate Resolution, by Senator Skelos, establishing a plan setting forth an itemized list of grantees for a certain appropriation for the 2012-2013 state fiscal year for grants in aid for drug violence and crime control and prevention programs.

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

(Response of "Aye.")

ACTING PRESIDENT GRIFFO: Opposed?

(No response.)

ACTING PRESIDENT GRIFFO: The resolution is adopted.

The Secretary will continue to read.

THE SECRETARY: Senate Resolution, by Senator Skelos, amending Senate Resolutions 2697, 2698, 2699, 2700, 2701 and 2702 of 2011, establishing a plan setting forth an itemized list of grantees for the New York State Economic Development Assistance Program established pursuant to an appropriation in the 2008-2009 state fiscal year and in Part QQ of Chapter 57 of the Laws of 2008 relating to such itemized list of grantees.

ACTING PRESIDENT GRIFFO: The question is on the resolution before the house. All in favor say aye.

(Response of "Aye.")

ACTING PRESIDENT GRIFFO: Opposed?

(No response.)

ACTING PRESIDENT GRIFFO: The resolution is adopted.

SENATOR LIBOUS: Mr. President.

ACTING PRESIDENT GRIFFO: Senator Libous.

SENATOR LIBOUS: As I said earlier today, there are times that the Senate will have to stand at pause. And "pause" would mean that we don't want to leave the chamber for a few minutes. Just give us a couple of seconds. Procedurally here, there's some things that we're waiting on.

So the Senate will be at pause. That is different than being at ease, Mr. President. When you're at ease, that means that members can go and do what they need to do in their offices or whatever. But when we're at pause, it means I'm stalling until we find out what's going on next.

ACTING PRESIDENT GRIFFO: Senator Libous, we will pause for a few minutes in order to accommodate your request.

SENATOR LIBOUS: Counsel advises me it could be suspended animation.

We do have more work to do this evening, and we want to get it done. But unfortunately, procedurally it takes time to put some of these things together. And it's very important that we get the hand-downs from the Assembly and do what we need to do.

So give us a minute, please.

(Pause.)

SENATOR LIBOUS: Mr. President.

ACTING PRESIDENT GRIFFO: Senator Libous.

SENATOR LIBOUS: I said earlier the Senate was at pause. The Senate will now stand at ease.

And I hope to come back in shortly and to let everybody know what the schedule will be for the remainder of the evening.

ACTING PRESIDENT GRIFFO: The Senate stands temporarily at ease.

(Whereupon, the Senate stood at ease at 6:24 p.m.)

SENATOR LIBOUS: Mr. President.

ACTING PRESIDENT GRIFFO: Senator Libous.

SENATOR LIBOUS: Now that we've paused and stood at ease, I think Senator Hassell-Thompson might want to make an announcement.

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

There will be a meeting of the

Democratic Conference at 7:00 p.m. in Room 315.

ACTING PRESIDENT GRIFFO: There will be a meeting of the Democrat Conference in Room 315 at 7:00 p.m.

Senator Libous.

SENATOR LIBOUS: Mr. President, there will be a meeting of the Rules Committee in Room 332 at 7:30 p.m.

ACTING PRESIDENT GRIFFO: Rules Committee meeting promptly at 7:30 p.m. in Room 332.

The Senate will continue to stand at ease.

(Whereupon, the Senate reconvened at 8:28 p.m.)

ACTING PRESIDENT GRIFFO: The Senate will come to order.

Senator Libous.

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

ACTING PRESIDENT GRIFFO: 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 618, by Senator Klein, an act to amend the Penal Law;

2842, by Senator Klein, an act to amend the Alcoholic Beverage Control Law;

3134B, by Senator Grisanti, an act to amend the Criminal Procedure Law;

5054A, by Senator Lanza, an act to amend the Racing, Pari-Mutuel Wagering and Breeding Law;

5149F, by Senator Bonacic, an act to amend the Labor Law;

6511A, by Senator Savino, an act to amend the Public Health Law;

6868, by Senator Lanza, an act to amend the Racing, Pari-Mutuel Wagering and Breeding Law;

7015, by Senator Flanagan, an act to amend the Education Law;

7256A, by Senator McDonald, an act to amend the General Municipal Law;

7522A, by Senator Robach, an act to amend the Education Law;

7576A, by Senator Gallivan, an act to amend the Executive Law;

7719, by Senator LaValle, an act to amend the Education Law; and

7752, by Senator Rivera, an act to amend the Insurance Law.

All bills reported direct to third reading.

ACTING PRESIDENT GRIFFO: Senator Libous.

SENATOR LIBOUS: Thank you, Mr. President.

I move to accept the report of the Rules Committee.

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

(Response of "Aye.")

ACTING PRESIDENT GRIFFO: Opposed?

(No response.)

ACTING PRESIDENT GRIFFO: The Rules Committee report is accepted.

Senator Libous.

SENATOR LIBOUS: Mr. President, at this time could we go back to Supplemental Calendar 61A.

ACTING PRESIDENT GRIFFO: We'll return to Supplemental 61A.

SENATOR LIBOUS: Can we have the noncontroversial reading of Calendar Number 1463.

ACTING PRESIDENT GRIFFO: We will have the noncontroversial reading. The Secretary will read.

THE SECRETARY: Calendar Number 1463, substituted earlier by Member of the Assembly Abbate, Assembly Print 8110, an act to amend the Civil Service Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT GRIFFO: Announce the results.

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

ACTING PRESIDENT GRIFFO: The bill is passed.

Senator Libous.

SENATOR LIBOUS: Mr. President, can we now take up the noncontroversial reading of 1469 on that same calendar, which is Supplemental 61A.

ACTING PRESIDENT GRIFFO: We're on Supplemental Calendar 61A, Calendar Number 1469.

The Secretary will read.

THE SECRETARY: Calendar Number 1469, substituted earlier by Member of the Assembly Lopez, Assembly Print 10049, an act to amend Chapter 208 of the Laws of 2010.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT GRIFFO: Announce the results.

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT GRIFFO: The bill

is passed.

SENATOR LIBOUS: Mr. President, at this time if the members would follow with me, Calendar Number 61B was the calendar we worked on earlier today.

ACTING PRESIDENT GRIFFO: We are returning to Calendar 61B.

SENATOR LIBOUS: And we're going to go to the noncontroversial reading of 1510, by Senator Maziarz.

ACTING PRESIDENT GRIFFO: The Secretary will read Calendar Number 1510.

THE SECRETARY: Calendar Number 1510, substituted earlier by Member of the Assembly Hevesi, Assembly Print 6114C, an act to amend the Public Authorities Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT GRIFFO: The bill is passed.

Senator Libous.

SENATOR LIBOUS: Thank you, Mr. President.

We now are going to take up Calendar Number 1512 on that same calendar. We're still on Calendar 61B.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: Calendar Number 1512, by Senator Grisanti, Senate Print 5228A, an act to amend the Environmental Conservation Law.

ACTING PRESIDENT GRIFFO: Read the last section.

THE SECRETARY: Section 15. This act shall take effect immediately.

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT GRIFFO: Senator Krueger to explain her vote.

SENATOR KRUEGER: Thank you, Mr. President.

This is an enormously complex bill

that would change the brownfields law. It is tonight a one-house bill, although I suppose since technically the Assembly left already, it's a one-house bill for the year.

There might be some good things in it; there might be some terrible things in it. We have no idea how much it would cost the state.

And so even if I believe there were some changes that ought to be made to the Brownfields Tax Credit Program, this could not possibly be the right way to handle the situation or the right bill to pass at this late date, this late hour. I am voting no.

Thank you, Mr. President.

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

Senator Grisanti to explain his vote.

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

As my colleagues are aware, there was an extender that was passed earlier that matched in the Assembly of nine months.

However, this bill -- and I want to

thank Dean Skelos for bringing it to the floor on my behalf -- is important because it gets the conversation started that brownfields continue to cause blight across this state. Local economies suffer contamination. It's also a public health threat.

So the brownfields law has worked to an extent but needs improvement. This is what this does. It provides clear, tighter statutory requirements. And we need to move it forward.

So I vote aye, Mr. President. Thank you very much.

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

Announce the results.

THE SECRETARY: In relation to Calendar Number 1512, those recorded in the negative are Senators Addabbo, Avella, Ball, Breslin, Dilan, Duane, Gianaris, Hassell-Thompson, Krueger, LaValle, Montgomery, Parker, Peralta, Perkins, Rivera, Serrano, Squadron, Stavisky, and Stewart-Cousins.

Ayes, 41. Nays, 19.

ACTING PRESIDENT GRIFFO: The bill is passed.

SENATOR LIBOUS: Mr. President, can we go to 1515, by Senator Young.

ACTING PRESIDENT GRIFFO: We're on Calendar 61B. The Secretary will read Calendar Number 1515.

THE SECRETARY: Calendar Number 1515, by Senator Young, Senate Print 7147, an act to amend the Tax Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT GRIFFO: The bill is passed.

SENATOR LIBOUS: Mr. President, 1519, by Senator Lanza.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: Calendar Number 1519, substituted earlier by the Assembly Committee on Rules, Assembly Print 10620, an act

to amend the Real Property Tax Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT GRIFFO: The bill is passed.

SENATOR LIBOUS: Mr. President, we'll go to 1522, please.

ACTING PRESIDENT GRIFFO: On Calendar 61B, the Secretary will read Number 1522.

THE SECRETARY: Calendar Number 1522, substituted earlier by the Assembly Committee on Rules, Assembly Print 10593, an act to amend Part H of Chapter 1 of the Laws of 2003.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the

roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT GRIFFO: The bill is passed.

SENATOR LIBOUS: Mr. President, at this time can we go to the Senate Supplemental Calendar 61C and have the noncontroversial reading.

ACTING PRESIDENT GRIFFO: Senate Supplemental Calendar 61C. The Secretary will read.

THE SECRETARY: Calendar Number 1524, by Senator Klein, Senate Print 618, an act to amend the Penal Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT GRIFFO: Announce the results.

THE SECRETARY: Ayes, 58. Nays,

2. Senators Avella and Montgomery recorded in the negative.

ACTING PRESIDENT GRIFFO: The bill is passed.

The Secretary will continue to read.

THE SECRETARY: Calendar Number 1525, by Senator Klein, Senate Print 2842, an act to amend the Alcoholic Beverage Control Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT GRIFFO: Announce the results.

THE SECRETARY: In relation to Calendar Number 1525, those recorded in the negative are Senators Dilan, Duane, Little, Montgomery, Parker and Perkins.

Ayes, 54. Nays, 6.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1526, Senator Grisanti moves to discharge, from the Committee on Rules, Assembly Bill Number 948B and substitute it for the identical Senate Bill Number 3134B, Third Reading Calendar 1526.

ACTING PRESIDENT GRIFFO: The substitution is so ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1526, by Member of the Assembly Peoples-Stokes, Assembly Print 948B, an act to amend the Criminal Procedure Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: In relation to Calendar Number 1526, those recorded in the negative are Senators Dilan, Duane, Hassell-Thompson, Krueger, Montgomery, Perkins, Rivera. Also Senator Parker.

Ayes, 52. Nays, 8.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1527, Senator Lanza moves to discharge, from the Committee on Rules, Assembly Bill Number 7301B and substitute it for the identical Senate Bill Number 5054A, Third Reading Calendar 1527.

ACTING PRESIDENT GRIFFO: The substitution is so ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1527, by Member of the Assembly Pretlow, Assembly Print 7301B, an act to amend the Racing, Pari-Mutuel Wagering and Breeding 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 1527, those recorded in the negative are

Senators Ball, Bonacic, Duane, LaValle, Little, Saland, Seward and Zeldin.

Ayes, 52. Nays, 8.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1528, by Senator Bonacic, Senate Print 5149F, an act to amend the Labor Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT GRIFFO: Announce the results.

THE SECRETARY: In relation to Calendar Number 1528, those recorded in the negative are Senators DeFrancisco, Gallivan, Griffo, LaValle, Little, Marcellino, Maziarz, Nozzolio, O'Mara, Ranzenhofer, Saland, Seward and Zeldin.

Ayes, 47. Nays, 13.

ACTING PRESIDENT GRIFFO: The bill

is passed.

THE SECRETARY: In relation to Calendar Number 1529, Senator Savino moves to discharge, from the Committee on Rules, Assembly Bill Number 9303A and substitute it for the identical Senate Bill Number 6511A, Third Reading Calendar 1529.

ACTING PRESIDENT GRIFFO: The substitution is so ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1529, by Member of the Assembly Cahill, Assembly Print Number 9303A, an act to amend the Public Health Law.

ACTING PRESIDENT GRIFFO: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the first day of the 18th month after it shall have become a law.

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1530, Senator Lanza moves to discharge, from the Committee on Rules, Assembly Bill Number 9869 and substitute it for the identical Senate Bill Number 6868, Third Reading Calendar 1530.

ACTING PRESIDENT GRIFFO: The substitution is so ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1530, by Member of the Assembly Abbate, Assembly Print Number 9869, an act to amend the Racing, Pari-Mutuel Wagering and Breeding 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 1530, those recorded in the negative are Senators Ball, Bonacic, Ranzenhofer and Saland.

Ayes, 56. Nays, 4.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1531, Senator Flanagan moves to discharge, from the Committee on Finance, Assembly Bill Number 9861 and substitute it for the identical Senate Bill Number 7015, Third Reading Calendar 1531.

ACTING PRESIDENT GRIFFO: The substitution is so ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1531, by Member of the Assembly Nolan, Assembly Print Number 9861, an act to amend the Education Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT GRIFFO: The bill

is passed.

THE SECRETARY: In relation to Calendar Number 1532, Senator McDonald moves to discharge, from the Committee on Rules, Assembly Bill Number 9648A and substitute it for the identical Senate Bill Number 7256A, Third Reading Calendar 1532.

ACTING PRESIDENT GRIFFO: The substitution is so ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1532, by Member of the Assembly Paulin, Assembly Print Number 9648A, an act to amend the General Municipal 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.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: In relation to

Calendar Number 1533, Senator Robach moves to discharge, from the Committee on Rules, Assembly Bill Number 10292A and substitute it for the identical Senate Bill Number 7522A, Third Reading Calendar 1533.

ACTING PRESIDENT GRIFFO: The substitution is so ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1533, by Member of the Assembly Arroyo, Assembly Print 10292A, an act to amend the Education Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58. Nays, 2. Senators Ball and O'Mara recorded in the negative.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1534, by Senator Gallivan, Senate Print 7576A, an

act to amend the Executive Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58. Nays, 2. Senators Krueger and Rivera recorded in the negative.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1535, by Senator LaValle, Senate Print 7719, an act to amend the Education Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT GRIFFO: Can I have some order in the chamber, please.

Senator LaValle to explain his vote.

SENATOR LaVALLE: Thank you, Mr. President. Very briefly.

This bill is in response to the security breakdown during SAT exams where there was cheating by individuals hiring imposters to take exams for them.

This bill probably, in terms of a committee process, was very, very thorough. Two hearings, an open discussion that had almost every single member of the committee scoping out the kind of bill that they wanted to bring before this house, bringing the SAT and ACT people, College Board, before the committee for discussion, and then again a very thorough vetting by the committee.

And the committee made decisions on whether they wanted penalties or not penalties. This is a bill that does not have penalties but addresses the major issues.

And I would tell you, I'm very proud of the committee members and their participation, because this bill has the committee's imprint before it.

I vote yes.

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

Senator Stavisky to explain her vote.

I'm going to ask for some quiet in the chamber, please.

SENATOR STAVISKY: Very briefly, Mr. President, I participated in each of the hearings of the Higher Education Committee. And I am happy to vote for this bill.

I was not too pleased with the previous version, because I don't think making it a felony is a good way for someone -- I don't think this merits a felony record.

But on the other hand, this is all left out. This is a good bill. It really codifies what the SAT and ACT people agreed to verbally at the committee meetings.

And I thank Senator LaValle for the work that he and his staff did on this bill. It was an extensive job, and tonight it will bear fruit.

Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: Senator

Stavisky to be recorded in the affirmative.

Senator Martins to explain his vote.

SENATOR MARTINS: Thank you, Mr. President.

You know, as we close out this session, I think it's only appropriate that we take a bill like this, which for all intents and purposes is as close to a no-brainer as they come in this house. I want to commend Senator LaValle for his hard work in putting this bill together.

It makes sense. If we want to protect the integrity of our SATs and how important these tests are for the best interests of our young adults going on to college, it makes sense to at least ensure that we have proper identification, we provide the proper framework within which we can protect the integrity of this test.

Senator LaValle took the lead on this not only for New York State but nationwide, and I think that should be recognized. He's been a wonderful leader when it comes to higher education. This bill is his brainchild, and it took into consideration not only the input from

our teachers, our principals and administrators, but from SAT officials and the College Boards.

I'll be voting aye, but I want to take the opportunity to commend Senator LaValle on a great bill.

Thank you.

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

Announce the results.

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1536, Senator Rivera moves to discharge, from the Committee on Rules, Assembly Bill Number 10640B and substitute it for the identical Senate Bill Number 7752, Third Reading Calendar 1536.

ACTING PRESIDENT GRIFFO: The substitution is so ordered.

SENATOR DeFRANCISCO: Lay it aside -- just kidding.

(Laughter.)

ACTING PRESIDENT GRIFFO: The substitution is so ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1536, by the Assembly Committee on Rules, Assembly Print 10640B, an act to amend the Insurance Law.

ACTING PRESIDENT GRIFFO: Read the last section.

THE SECRETARY: Section 6. This act shall take effect on the 90th day.

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT GRIFFO: Senator Rivera to explain his vote.

SENATOR RIVERA: Thank you, Mr. President.

I will give Senator DeFrancisco a second. If you want to really do this, we can do this.

(Laughter.)

SENATOR RIVERA: No, but thank you, Mr. President.

This is a bill that passed unanimously in this house last year and in the Assembly as well. It was vetoed by the Governor

because of some technical concerns.

And I'd like to thank both Assemblymember Aubry, who is my sponsor in the Assembly, as well as the Governor and the Governor's staff for working diligently with us over the last couple of months to address the concerns.

But the intent of the bill is still the same, and I'm very happy that we're voting on it today.

What this bill does is that it authorizes and regulates charitable bail organizations across the State of New York, like the one in the Bronx that called the Bronx Freedom Fund. This is a private revolving fund that is there to provide bail for the indigent and for first-time offenders.

Just to give you an example of the type of situation that this type of bill can help us to assist in, there was a gentleman by the name of Oscar who was in the Bronx. He visited his cousin in a NYCHA project, was arrested, went through a process, was put before a judge because the cops did not hear him when he was saying that he was visiting his cousin.

The judge gave him $1,000 worth of bail. He could not afford that. The Bronx Freedom Fund posted the bail on his behalf. A couple of weeks later, he came back, the charges were dropped.

In the three years that the pilot program was working in the Bronx, 95 percent of the individuals came back for every single court date, and 54 percent of them got their charges dropped.

I believe that this a good, commonsensical bill. It has been made better by the involvement of the Governor in making sure that we have a bill that can have this type of organization exist all over the State of New York.

And I'm extremely happy to be voting for it today, and I thank my colleagues for voting for this bill as well. I vote in the affirmative.

Thank you, Mr. President.

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

Announce the results.

THE SECRETARY: Ayes, 59. Nays,

1. Senator Ball recorded in the negative

ACTING PRESIDENT GRIFFO: The bill is passed.

Senator Libous, that will complete the noncontroversial reading of Senate Supplemental Calendar 61C.

SENATOR LIBOUS: Mr. President, can we go to messages from the Assembly, please.

ACTING PRESIDENT GRIFFO: We will return to messages from the Assembly.

The chair hands down a message from the Assembly. The Secretary will read.

THE SECRETARY: The Assembly sent for concurrence the following bill. On motion by Senator Skelos, the rules were suspended and said bill ordered to a third reading: Assembly Bill 10094B.

ACTING PRESIDENT GRIFFO: The chair orders the bill to third reading. The Secretary will read.

THE SECRETARY: Calendar Number 1537, by Member of the Assembly Russell, Assembly Print 10094B, an act to amend the Public Health Law.

ACTING PRESIDENT GRIFFO: Read the

last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT GRIFFO: The bill is passed.

Senator Libous.

SENATOR LIBOUS: Mr. President, can we now take up the Supplemental Active List Number 5.

ACTING PRESIDENT GRIFFO: We will take up Senate Supplemental Active List Number 5, and the Secretary will read.

THE SECRETARY: On page 12, Senator Seward moves to discharge, from the Committee on Rules, Assembly Bill Number 9820A and substitute it for the identical Senate Bill Number 6738A, Third Reading Calendar 476.

ACTING PRESIDENT GRIFFO: The substitution is so ordered.

The Secretary will read.

THE SECRETARY: Calendar Number

476, by Member of the Assembly Robinson, Assembly Print 9820A, an act to amend the Banking 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.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: On page 13, Senator Flanagan moves to discharge, from the Committee on Rules, Assembly Bill Number 6300B and substitute it for the identical Senate Bill Number 5691B, Third Reading Calendar 502.

ACTING PRESIDENT GRIFFO: The substitution is so ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 502, by Member of the Assembly Nolan, Assembly Print Number 6300B, an act to amend the Education Law.

SENATOR LIBOUS: Mr. President,

can we have a little order in the chamber. I'd like to hear what bills I'm voting on. Thank you.

ACTING PRESIDENT GRIFFO: Thank you, Senator Libous.

Again, I will ask for order in the chamber.

The substitution is so ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 502, by Member of the Assembly Nolan, Assembly Print Number 6300B, an act to amend the Education Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: On page 14, Senator Seward moves to discharge, from the

Committee on Rules, Assembly Bill Number 9711B and substitute it for the identical Senate Bill Number 6810B, Third Reading Calendar 569.

ACTING PRESIDENT GRIFFO: The substitution is so ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 569, by Member of the Assembly Morelle, Assembly Print Number 9711B, an act to amend the Insurance Law.

ACTING PRESIDENT GRIFFO: The Secretary will read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: On page 16, Senator Flanagan moves to discharge, from the Committee on Rules, Assembly Bill Number 7216A and substitute it for the identical Senate Bill Number 5510A, Third Reading Calendar 638.

ACTING PRESIDENT GRIFFO: The substitution is so ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 638, by Member of the Assembly Benedetto, Assembly Print Number 7216A, an act to amend the Education Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: On page 23, Senator Oppenheimer moves to discharge, from the Committee on Rules, Assembly Bill Number 8556C and substitute it for the identical Senate Bill Number 5902B, Third Reading Calendar 856.

ACTING PRESIDENT GRIFFO: The substitution is so ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 856, by Member of the Assembly Latimer, Assembly Print Number 8556C, an act to amend Chapter 89 of the Laws of 2009.

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

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: On page 23, Senator Oppenheimer moves to discharge, from the Committee on Rules, Assembly Bill Number 8555A and substitute it for the identical Senate Bill Number 5903, Third Reading Calendar 857.

ACTING PRESIDENT GRIFFO: The substitution is so ordered.

There is a home-rule message at the desk.

The Secretary will read.

THE SECRETARY: Calendar Number 857, by Member of the Assembly Latimer, Assembly Print Number 8555A, an act to amend Chapter 88 of the Laws of 2009.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT GRIFFO: Senator Martins to explain his vote.

SENATOR MARTINS: I just want to take the opportunity, since we are all here, and since this is in all likelihood Senator Oppenheimer's final bill, to truly tell you that I've enjoyed the last two years. We've shared committees together.

And, Senator Oppenheimer, God bless you, Godspeed.

(Extended standing ovation.)

SENATOR OPPENHEIMER: We have come out of the same experiences, being mayors, so we have certainly forged a friendship around that.

And I thank you, Jack.

And, you know, people ask me am I going to miss this place. And I'd answer I didn't know. I don't think so. I don't think I'll miss the place; I think I'll miss many of the people on both sides of the aisle.

Yeah, my buddies in the house, they're all grinning. You know, we share a house. There's six Senators in an eight-apartment co-op, and we've all become close through the years because we've lived there for, gosh, maybe 20 years together and helped each other out when we needed help. Our illustrious counsel, who saved us all kinds of money, John DeFrancisco. He got our assessment reduced and other wonderful things.

(Laughter.)

SENATOR OPPENHEIMER: And George Maziarz with his vacuum, after I messed up the hallway. There's just many funny stories with all of you.

And my dear colleagues on this side of the aisle. And some of you are newer friends, and some have been friends for many, many years now.

So there's no question I will miss the people. But I'll be back to haunt you.

(Laughter.)

SENATOR OPPENHEIMER: I've already gone on the Audubon New York board, stewardship board, so I'll be here on my environmental messages.

And I hope that some of you will also take up the plight of the school boards. I know a lot of you folks laugh at me for being such a school board advocate, but you must remember that's what I'm out of, as well as the League of Women Voters.

And so between environment -- I hope all of you will keep considering that -- and considering all sides in the school issue. Not just the teachers, which are so important to us, but also the principals, who are even equally important, if not more. And then of course the school boards, who try to run our schools as efficiently as possible. And of course let's not forget the women's issues.

So I leave that up to all of you. You're very bright, you're very dedicated, and I know you'll do right by all those issues.

So thank you so much. You really had me near tears. But I appreciate so much all of you. Thanks.

(Applause.)

ACTING PRESIDENT GRIFFO: Senator Libous.

SENATOR LIBOUS: Mr. President, how did Senator Oppenheimer vote on that bill?

(Laughter.)

ACTING PRESIDENT GRIFFO: Announce the results.

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

(Booing; catcalls.)

ACTING PRESIDENT GRIFFO: The bill is passed.

(Laughter.)

ACTING PRESIDENT GRIFFO: The Secretary will continue to read.

THE SECRETARY: On page 24, Senator Stewart-Cousins moves to discharge, from the Committee on Rules, Assembly Bill Number 10015 and substitute it for the identical Senate Bill Number 3905, Third Reading Calendar 902.

ACTING PRESIDENT GRIFFO: The

substitution is so ordered.

There is a home-rule message at the desk.

The Secretary will read.

THE SECRETARY: Calendar Number 902, by Member of the Assembly Mayer, Assembly Print Number 10015, an act to amend the General Municipal 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, 59. Nays, 1. Senator Ball recorded in the negative.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: On page 28, Senator Golden moves to discharge, from the Committee on Civil Service and Pensions, Assembly Bill Number 7780B and substitute it for the identical Senate Bill Number 7443, Third Reading Calendar 1015.

ACTING PRESIDENT GRIFFO: The substitution is so ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1015, by Member of the Assembly Abbate, Assembly Print Number 7780B, an act to amend the Civil Service 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.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1038, by Senator Grisanti, Senate Print 4345C, an act to amend the Environmental Conservation Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the

roll.

(The Secretary called the roll.)

ACTING PRESIDENT GRIFFO: Senator Grisanti to explain his vote.

SENATOR GRISANTI: Mr. President, as we saw here tonight, we've had a flurry of environmental bills. A lot of them had controversy; a lot of them had controversies taken care of with a lot of support. In particular, this one, the mercury thermostat bill, from NYPIRG, Environmental Advocates, NEMA, Covanta Energy and many others.

But, you know -- and this is something we take for granted -- it could not have been done without the staff from the conference, and the staff that I have, and counsel. And it's very important. Because to get these bills through and to get negotiations started, it's important, because these are protections for the environment.

This one, dealing with mercury, for those who don't know, we lag far behind other states. There are over 300,000 mercury thermostats discarded each year, and we only collect 1.3 percent. The rest of that is in

landfills, it's getting into our water system, and it's just destructive. And it's dangerous -- harmful to pregnant women, developing infants and children.

So we need to take these things seriously. We need to have a program set up; that's what this bill does, a statewide collection goal. To meet those goals, it provides a system of shared responsibility among manufacturers, wholesalers and others which will they are properly disposed of after they're taken off the walls.

So think about it. These are important environment bills. Senator Oppenheimer I know was on many of these bills. And I appreciate the support and am looking forward to moving more of these in the future.

I vote aye, Mr. President.

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

Announce the results.

THE SECRETARY: Ayes, 56. Nays, 4. Senators Griffo, Little, Ranzenhofer and Zeldin recorded in the negative.

ACTING PRESIDENT GRIFFO: The bill

is passed.

THE SECRETARY: On page 32, Senator Young moves to discharge, from the Committee on Rules, Assembly Bill Number 10304 and substitute it for the identical Senate Bill Number 6948, Third Reading Calendar 1083.

ACTING PRESIDENT GRIFFO: The substitution is so ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1083, by Member of the Assembly Goodell, Assembly Print Number 10304, 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, 60.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: On page 32, Senator Griffo moves to discharge, from the

Committee on Cities, Assembly Bill Number 7764 and substitute it for the identical Senate Bill Number 5461, Third Reading Calendar 1086.

ACTING PRESIDENT GRIFFO: The substitution is so ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1086, by Member of the Assembly Farrell, Assembly Print Number 7764, an act to amend the Administrative Code of the City of New York.

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.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1445, by Senator O'Mara, Senate Print 7734, an act to amend the Navigation Law.

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

The Secretary will read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Senator Libous moves to discharge, from the Committee on Rules, Assembly Bill Number 9293A and substitute it for the identical Senate Bill Number 7800, Third Reading Calendar 1453.

ACTING PRESIDENT GRIFFO: The substitution is so ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1453, by Member of the Assembly Pretlow, Assembly Print Number 9293A, an act to amend the Education Law.

ACTING PRESIDENT GRIFFO: Read the last section.

THE SECRETARY: Section 6. This

act shall take effect 18 months after it shall have become a law.

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: In relation to Calendar 1453, those recorded in the negative are Senators Ball, DeFrancisco, Gallivan, Hannon, Kennedy, Martins and Ranzenhofer.

Ayes, 53. Nays, 7.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1509, by Senator Golden, Senate Print 7804, an act to amend the Administrative Code of the City of New York.

ACTING PRESIDENT GRIFFO: The bill is high. The bill will be laid aside.

Senator Libous, that completes the noncontroversial reading of New York Senate Supplemental Active List 5.

SENATOR LIBOUS: Mr. President, before we get into remarks by the leaders and members, is there any other business at the desk to be cleaned up at this time?

ACTING PRESIDENT GRIFFO: One minute, Senator Libous.

SENATOR LIBOUS: Mr. President.

ACTING PRESIDENT GRIFFO: Senator Libous.

SENATOR LIBOUS: I believe there's an Assembly bill at the desk. I move to reconsider the substitution and have the Senate bill restored to the Third Reading Calendar.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: Calendar Number 289, by Member of the Assembly Magee, Assembly Print 8329A, an act to amend the Agriculture and Markets Law.

ACTING PRESIDENT GRIFFO: So ordered. The substitution is reconsidered and the bill is restored to the Third Reading Calendar.

Senator Libous.

SENATOR LIBOUS: Thank you, Mr. President. I now move to recommit the calendar.

ACTING PRESIDENT GRIFFO: So ordered, Senator Libous. The calendar is

recommitted.

SENATOR LIBOUS: Thank you, Mr. President.

At this time would you please call on Senator Tom Duane.

ACTING PRESIDENT GRIFFO: Senator Duane.

SENATOR DUANE: Thank you, Mr. President, and Senators Libous and Skelos. And Senators Sampson, Breslin, maybe you had a hand in this.

I think by now most of you know that I am a person of strong convictions. And I believe I have made them known to all of you. I am proud to say that whether or not a bill had my name on it or didn't have my name on it, whether I was the sponsor or someone else sponsored it on my behalf, that there was never a bill that I cared about that was not passed without bipartisan support and without buy-in from people on both sides of the aisle.

And what that meant was that working together, agreeing to compromise, I was able to convince people of the righteousness of some of the things that I believed in, and many

of you were able to convince me of the righteousness of what you believed.

And I always tried to think about what it felt like to sit in your seat, to see how the world looked from where you sit, and I encourage you to do that. Because the world does in fact look different whether it's in Senator Montgomery's district or my district or Senator Maziarz's district. The world looks different to us from where we sit, and we bring our own world experience to the table.

And when I first came here, the New York State Senate was the only agency in the state that didn't offer domestic partner benefits. And I was able to change that. And look how far we've come now. And that's in a mere 14 years, just a blink in the infinity of time.

When I first came here, I spent so much time stopping horrible HIV bills. Some of you veterans may remember that I was probably the first Senator to say "unprotected anal, oral and vaginal sex" on this very floor. And sometimes I think those bills just didn't appear anymore because you didn't want me to say it anymore.

(Laughter.)

SENATOR DUANE: But whatever it was, things have changed. And working with many members here, we did an amazing HIV Testing Modernization Act and we got the New York State Department of Health to go into correctional facilities to make sure that incarcerated people had access to the best possible protocols for HIV/AIDS and hepatitis C. And that's real progress. And that's -- I'm very happy about that.

And by the way, again, the vast majority of people in this body, my colleagues, voted for those bills. And thank you. Thank you for that.

I did get to fit it in one last time, though, did you notice?

(Laughter.)

SENATOR DUANE: It was not really planned that way.

You know, the big-ticket item, I guess it will be part of what -- you know, my -- listen, I know it's a very D-list legacy. But, you know, I know marriage is going to be the big thing. But I am equally proud of the day when I

was invited into the press conference of Timothy's Law. Because that really helps people. And the Second Chance for Victims of Human and Sex Trafficking. Just a very few people, but it really helps them. And the vast majority of you voted for that one too.

And I've invited you to come to my district, and many of you have. And there was -- Mr. President, your predecessor came to my district, and I showed him how a work-study internship worked in my district. And he realized that -- I was able to help him to understand that we weren't doing anything special, we just weren't holding people back by not allowing them to get an education and real work experience for jobs that really exist. And he liked it so much, he started one in his own county.

And I visited healthcare facilities around the state. I'll never forget when I went to Syracuse. And I saw Syracuse urban hospitals, and I saw Madison County rural hospitals and realized -- I kind of already knew it, but it was proof positive that rural New York State has the same issues as urban New York State and pockets

of suburban New York State.

And so I encourage you all to do that. I think I have visited -- I would bet I visited as many farms as any Senator here, dairy farms and flower farms -- F-L-O-U-R and F-L-O-W-E-R. And so please enjoy not just Duanesburg, but enjoy what all of our districts have to offer, because it is an amazing and a beautiful, wonderful state.

And I think what I -- the most personal legacies for those here are please treat your staffs and each other's staffs and central staffs and each individual Senator's staffs with dignity and respect, because they work incredibly hard and they do amazing work.

And you know, they even -- I shouldn't say it this way. Let me think how to say it. Because I was going to say they make even me look good, but I don't want to say it that way. They help us to be better Senators. They make us better Senators. So they're amazing. And they are overworked and underpaid.

And my staff especially, here and in New York City, just amazing people that were willing to make enormous sacrifice to be a part

of my strong convictions and help me in my own small way to try to make New York State a better place.

And the most important idea I want to convey to you is, please, treat each other with the dignity and respect with which you would like to be treated. That would be the greatest gift of all you could give to this not retiring Senator, just moving on to another chapter Senator.

And to the great times and the trials and the tribulations, you know, for this kid from Queens, with stuff, I got to serve as a New York State Senator. Not everyone gets to achieve a dream like that.

And I am thankful on so many levels. And there are lots of people -- everyone in this room now has been a part of it, and there are many people who have been in this room over the past 14 years that have been a part of it. And from the deepest, most sincere possible place, thank you. Thank you.

(Extended standing ovation.)

ACTING PRESIDENT GRIFFO: Senator Libous.

SENATOR LIBOUS: Mr. President, would you please at this time call on Senator Jim Alesi.

ACTING PRESIDENT GRIFFO: Senator Alesi.

SENATOR ALESI: Thank you, Mr. President, my friends.

Earlier, maybe about an hour or so ago, I was in my car. I had left, and I thought probably that's the way I wanted to go, just quietly. And then the real me emerged, I drove right around, parked my car out in front, and came back in.

I hadn't thought, really, about speaking at what feels like it's my own wake here. You know?

(Laughter.)

SENATOR ALESI: But in a way it is. It is.

You don't get to do that, obviously, when you're really gone. But I thought, I've been to two funerals in the last couple of days and a third one when I get home, so you start to put things in perspective, how much things mean to you in real life and what

seeps out of our political life, what goes through the sieve of politics in the Senate.

And the real-life part actually does, once in a while, tap us on the shoulder and you see the value not only of the things that we've done at home politically, here politically, but how we have touched the lives of people that we'll never meet, the lives of people that we would never expect to have touched.

Last year for me was probably the biggest year I could have had personally, politically. This year I knew I was on the glide path. And I hadn't thought about this as a political wake, but in a way, as I said, it's the only time you get to say the things you wish you could say if you were really laid out.

And I thought about it: If I could, what would I say from the grave, you know? What could I do if I were going to send a postcard? I know what I'd say in a postcard: "Wish you were here."

(Laughter.)

SENATOR ALESI: Why not? Or "Wish I weren't." But either way.

You know, it was -- it's been, as a

county legislator, an Assemblymember and a member of the Senate, having been in the minority and the majority, I can tell you we survived some really rough times a couple of years ago. And it tested us not only as members of the Senate, it tested us as human beings. It tested us and it will continue to test you and those that come after all of us.

At the end of the day, how we relate to each other and, as Senator Duane said, how we treat each other is critically important to the survival of this fantastic institution that we've had the honor and privilege of serving in.

And think about 62 of us having such influence over the lives of almost 20 million people in our state. And personally, I've seen now, in my career, Governor Pataki, Governor Spitzer, Governor Paterson, Governor Cuomo.

I remember when Pataki came in and the Business Council called New York "the comeback state." And then we all remember what happened in the meantime: a roller-coaster ride.

And now Andrew Cuomo is the Governor, and we feel as though things have turned around. We're working well together. We're showing mutual respect and friendship.

And yes, when it's time to throw the grenades, you throw the grenades, if you're on the other side, just as we did when we were on the other side. But when we're in the lounge over here, the minute we walk through the door we become who we really are. We become friends and, in some cases, admirers of each other.

I am so awestruck by so many of you. Democrats, Republicans, doesn't matter. And the things I've seen that people don't know about politicians, the human things that I have seen.

I'll go across the whole room today, looking at all my friends. The kids that sit behind us. No more candy here; I'm all out. The sergeants. For 17 years I've walked through those doors, that somebody holds the door for me, for you, for the staff members.

People up at the front desk, the people in our offices, my staff -- they have all made us the successes that we are. And they're

the ones that hold us up when we fail. They stand with us. They're our families.

I think about the job and who could want a job like this in their own minds and imagine that someday you'd have the honor of being a member of the Senate. It really is kind of hard to believe.

I operated a business most of my life, and I was pretty good at it. I think for the most part I've been pretty good at being a Senator. Not perfect. We all have moments in our careers or personal lives when we wish we could go back, but we don't get that chance. So what we do is, as we're moving forward, we do a better job.

And right now as I look at this Senate and I look at the way that this institution has recovered, we are doing a better job. Individually, it's up to each one of us to do a better job. And as I leave here, that's what I'll be striving to do.

But I don't know if my dream ever came true or if this is just something that happened. I know when I was younger, in my early twenties, right after college, there was a job I

desperately wanted. I found it in a magazine. It was international travel, with all the glamorous parts about international travel that appeared to a young man that was 23 years old.

And so I filled out an application, and it asked some basic questions. And it said "Are you fluent in Spanish?" And I checked the box that said "yes." And I wish Senator Diaz were here tonight. All those years he would speak Spanish in front of me, never knew I understood every word.

(Laughter; applause.)

SENATOR ALESI: And I wish Ray would come out with the apple that I had ready, because, Senator Parker, I know you're big and strong -- and you'd see me take that apple in my hand, and I'd squeeze it and break it in half. And I know you can't do it.

(Laughter.)

SENATOR ALESI: And I know nobody else in this room can do it. Unless they cut it into the core before I bring it out and break it open. Now you know.

(Laughter.)

SENATOR ALESI: But I went after

this job, and I got the response to my application. And it asked some questions about my health and some other things, and it said, again, this is international travel and you must be fluent in Spanish. And I checked the box "yes" again. And I got an interview.

And when I arrived, the person that interviewed me was very congenial. We sat in an office, and he started rattling off, and he's nodding at me and smiling. And I nodded back at him, and I said "Sí." And he was very pleased. And he said a few more things, and he nodded his head and smiled, and I said "Sí." And he asked me something, and I looked at him and I got pensive, and I went "Sí."

And he looked at me and he said in English, "You know that you have to speak Spanish to have this job." Well, what else could I do? I said "Sí."

He continued in English, and he said, "If you can speak Spanish fluently, then say something to me in Spanish, or else you can't have this job." So I said it to him: "Adiós."

(Laughter; applause.)

SENATOR ALESI: There just comes a

time when you know, when you know, you have to leave.

For me, it's here, it's now. And the right way to say it, as I know from my studies, "adiós," is "a Dios," to God. A Dios. A Dios.

(Extended standing ovation.)

ACTING PRESIDENT GRIFFO: Our sincere best wishes for good health and happiness to Senators Alesi, Duane, and Oppenheimer.

For closing comments for the 2012 session, I'll first call upon Democrat Leader John Sampson.

Senator Sampson.

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

I just really want to again say thank you to our esteemed colleagues, Senator Alesi, Senator Oppenheimer, and Senator Duane, for the phenomenal job that they have shown as true leaders here in the State of New York.

You talk about being an elected official, but these individuals are true statespersons. And I want to commend you for

your commitment, your dedication, but most of all your love for the people here in the State of New York. And once again, congratulations to all three of you.

(Applause.)

SENATOR SAMPSON: Also, before I even get into remarks, I want to also -- and we all need to extend congratulations to our phenomenal staff, who have done a fantastic job during trying times. And, you know, they are overworked and underpaid, but we truly do appreciate all the work that you have done on our behalf and also on behalf of the citizens of the State of New York.

And I want to congratulate all staff members here this evening. They deserve a round of applause.

(Applause.)

SENATOR SAMPSON: Thank you very much, Mr. President. And thank you to all my colleagues.

And when I think about this legislative term, I think about a tale of two sessions. And what I mean by that is, in 2011, we accomplished some amazing things. We had some

amazing progressive accomplishments such as marriage equality, a property tax cap, renewed and reformed rent regulations, a new tax code for the State of New York, and an economic recovery plan which helped create jobs, strengthen our economy, and reduce unemployment in our most vulnerable communities. These are accomplishments that were supported, long supported by us, but most of all supported by everyone.

But while I sit here today, at the end of this session, we see a different tale. And what I mean is yes, we passed an on-time budget. Yes, we passed some important legislation like The Justice Center -- again, looking out for the most vulnerable. Yes, we passed cyberbullying, helping to protect our children, because they deserve to be protected. Yes, we passed teacher evaluations, bringing accountability to our school systems and telling our parents that we have heard their cries.

Yes, the trains seem to be running on time. But, my colleagues, sometimes appearances are deceiving. Left at the station are the hardworking people of New York.

And what do I mean by that? New York is a progressive state that looks out for every single New Yorker. Yes, this body in one year has dramatically moved away from the great progressive agenda that we passed last year. And what I'm talking about is when I look at the way we failed to help over 1 million hardworking New Yorkers to rise out of bone-crushing poverty because of political posturing. And what I mean is not raising the minimum wage.

This is not a political issue, this is a moral issue. Raising the minimum wage will put money in the pockets of low-income workers, provide a much-needed boost to local economies, and restore New York's standing as a leader on economic fairness.

Yet this chamber voted against hardworking people and refused to raise the minimum wage despite the overwhelming statewide support. But what is most disheartening to me is when I read an article in the paper this week that talked about giving legislators raises. And do we deserve raises? We do deserve raises, but we need to be talking about raising the minimum

wage before we talk about legislative raises.

My colleagues, this is not the only failure. Another failure is the ongoing attack in the war we have seen against women throughout this country. And unfortunately, we have our issues here, not only in New York State but here in this chamber, by not really pushing legislation that can crucially help women in New York State. Women are facing increased pressure and continued assault on their hard-fought rights for equality and reproductive health. These actions have been spearheaded by a radical agenda that has no place here in New York State.

My colleagues, we also have failed to protect the air we breathe and the water we drink. We have turned our backs on common-sense legislation to protect our environment. I find it hard to believe that anyone in this chamber disagrees with the idea that before we allow companies to start drilling for gas and pumping chemicals near our watersheds we should conduct a study to understood the possible consequences.

While there is no doubt we need to find new energy resources, we cannot afford to

extract them while destroying our health. We don't want to wake up one morning saying we could have, we should have, but we didn't, to avoid a natural disaster. We don't want a repeat of Love Canal II.

My colleagues, we have also failed to bring government back to the people. And what I mean is that we have pushed for campaign finance reform. And the reason we push it is because we see the way big money, big donors play in pushing forth legislation not only here but throughout this country. Our constituents deserve better.

We have also failed when we talk about providing equal access to educational opportunities to all New Yorkers regardless of immigration status. What we fail to realize is this country has been built on the backs of immigrants. Every New Yorker deserves the same access to financial aid as they pursue a higher education. It is not just the right thing to do, it is a smart way to ensure New York has a better-educated workforce in the future so we can compete in the global economy and allow our children to realize their dreams.

We have witnessed a failure with respect to public safety when we talk about gun violence. We need to pass common-sense gun control measures like microstamping.

My colleagues, what it's come to and what we have realized is the difference between the privileged versus the people, the haves versus the have-nots. And this is how everyday New Yorkers are feeling. If they don't have enough money, if they can't hire the best lobbyists, they feel they're left out of government. We have to do more to assure them that their voices are truly heard.

This is about what we talk about a progressive agenda. Because people are not concerned about party affiliations. They're not concerned about a Democrat or Republican. What they're concerned about is the ability to have hope, the ability to provide a future for their children.

We have had an opportunity, we have done phenomenal work, and we must continue to do phenomenal work as long as we're working together. I want to thank the Governor, I want to thank Speaker Silver, and also I want to thank

you, Senator Skelos. You have provided an opportunity for all of us to be all we can, and I want to thank you for your commitment and dedication, not only to your colleagues here but also to the people of the State of New York.

So, my colleagues, our work is far from done. We have a lot of work ahead of us. But tonight is a night that we say thank you to our staff, thank you to our colleagues, and thank you to our colleagues who are leaving the New York State Senate.

This is a phenomenal chamber. We have done great work. But, my colleagues, people out there are watching us, because there is a lot of work left undone.

Thank you very much, everyone. Godspeed, and everyone have a great and wonderful summer. Thank you very much, Mr. President.

(Applause.)

ACTING PRESIDENT GRIFFO: We now recognize our Majority Leader, Senator Dean Skelos.

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

Let me start off by wishing the

best for our colleagues that are departing the State Senate.

Senator Oppenheimer, you and I were elected together, and I can't believe that we just found out that you were living with George Maziarz after all these years.

(Laughter.)

SENATOR SKELOS: Tom Duane. A good friend, we've traveled together. I think you've opened our minds a little bit. And certainly you've served this chamber with great distinction.

And I'll always consider you my friend. Tom, thank you for your service.

And to my buddy, Jim Alesi. It's very hard to say goodbye from the chamber to somebody you love and care so much about. Jim has not only been my political ally, but he's also been my friend.

Jimmy, I can't top the comments you made. But if we lived by those words, if we reproduce them and read them every so often, this chamber truly will be a better place and, as individuals, we will be better people.

So, Jimmy, I salute you for your

great service also.

(Applause.)

SENATOR SKELOS: Today we conclude one of the most productive and orderly legislative sessions that I've been part of. Working with Governor Cuomo, we have built on the record of accomplishment we started last year and have continued to move New York forward.

New York State residents can be proud of a functioning state government. We passed an early budget for the second year in a row, a budget that did not include any taxes, taxes of the past that hurt middle-income families to the tune of $14 billion and the elimination of the STAR rebate checks that so many people depended upon.

We closed a deficit of nearly $3 billion, and we enacted new programs to create jobs in every part of the state.

We enacted pension reform to ease the crunch on local governments and school districts. We approved the takeover of the local share of Medicaid growth that will save our counties billions of dollars. We set an example for spending restraint by reducing the Senate

budget by millions of dollars.

After three years of Senator Lanza's and Senator Hannon's efforts, we passed I-STOP and found a solution to help prevent prescription drug abuse.

Senator Saland led the charge to approve legislation to protect the victims of domestic violence.

With Senator McDonald's leadership, we acted boldly and urgently to create The Justice Center for people with special needs.

It was Senator Golden in this house who provided the push to reach an agreement on legislation to prohibit the viewing of child pornography.

We won passage of legislation to grow and expand the craft brewing industry in New York State, thanks to the efforts of Senators Zeldin, Ritchie and Griffo.

And all of our members supported a measure to combat cyberbullying, a serious and growing problem.

All of these good things happened because Republicans in the Senate worked together

with Governor Cuomo and the Assembly to make Albany function again for the benefit of the people.

The Senate also approved our New Jobs New York plan to help create thousands of new private-sector jobs. Even though we did not have a partner in the Assembly to enact the plan, we have a partner in the residents of New York who understand the need to help businesses create jobs and to have public policy decisions that are made to create jobs and not to kill jobs.

That's why Senate Republicans will continue to fight to cut taxes as well as to provide property tax relief for homeowners, and why we will continue to work to help people afford the cost of college education and to relieve mandates that drive up costs for local governments and school districts.

Over the last two years our priorities have been the people's priorities, and I'm proud to say that we have accomplished the vast majority of them. That would not have been possible without the hard work of our members and all of the people who make the Senate operate so

efficiently.

I want to start off by thanking the Deputy Majority Leader, Senator Tom Libous, who ran the floor operation and always made sure that there was plenty of time for Senator Krueger to ask questions.

(Laughter.)

SENATOR SKELOS: I want to thank Rebecca Wood, floor counsel, who had so many challenges in her own life. And we see how, with the grace of God, her health is being restored. A young woman of strength, of character.

And, Rebecca, we thank you very much.

(Applause.)

SENATOR SKELOS: Senator John DeFrancisco, who has done such an outstanding job as chairman of our Finance Committee, who had to endure so many hearings.

But he has really represented us so well on the floor, John, and I thank you for your hard work. We appreciate it.

Senate Minority Leader John Sampson, for your cooperation. You know, we all take credit for things that happen, but so many

of our accomplishments this year were done on a bipartisan basis. And I thank you for your friendship this year and for so many years. John, I thank you.

And to Senator Jeff Klein, Independent Democrat Conference leader, for your friendship and support. Jeff, I thank you.

Robert Mujica. I don't know where any of us would be, Republicans or Democrats, without the intellect, the focus, delivering our message, negotiating day and night, 24/7.

Robert, I personally thank you. I could not function as Majority Leader of this Senate chamber. And I know you make all of our lives so much easier. And I thank you, Robert Mujica.

(Applause.)

SENATOR SKELOS: Our counsel, Diane Burman. Now, what many of you may not know, when my son Adam was a little boy, Diane babysat for him back in Rockville Centre. And she certainly has, and I say this in a most respectful way, has matured into an incredibly fine chief counsel.

And, Diane, we all thank you for

your good work. Thank you, Diane.

(Applause.)

SENATOR SKELOS: Now, Frank Patience, our Secretary of the Senate. Besides saving the Senate and the taxpayers of the state millions and millions of dollars, he's also made sure that we've been well-fed.

(Laughter.)

SENATOR SKELOS: So, Frank, I thank you for that.

(Applause.)

ACTING PRESIDENT GRIFFO: Tom Dunham, Director of Majority Operations, who has been at my side so for so many years, came to me as a young man. He's worked so hard to make this a successful session.

And, Tom, I thank you very much for your hard work.

(Applause.)

SENATOR SKELOS: Kelli Cummings, Director of Communications, who so often says to me, "Why the heck did you say that?"

(Laughter.)

SENATOR SKELOS: But she has made me look good. She communicates our message in

such a great way.

And, Kelli, I thank you very much for your hard work.

(Applause.)

SENATOR SKELOS: To all the members of our Finance, Counsel, and Communications staff, to everyone in Bill Drafting, Senate Revision, the Document Room, and to everyone in this chamber who works tirelessly to help us do our jobs, we say thank you to you.

On behalf of myself and all of the members here, I know that we have had a historic year, and we thank you for making that possible.

And as we conclude this session, we move from building our record to running on it. I wish all of my colleagues a great summer.

To my Republican members, work hard in your district, meeting with your constituents. And to my Democrat colleagues, if there's a convention you would like to go to, we will make sure that the Senate will take care of that.

(Laughter.)

SENATOR SAMPSON: Will you pay for it too? If you want to pay for it, we'll go.

SENATOR SKELOS: Only in the state.

(Laughter.)

SENATOR SKELOS: But again, thank you to everybody, both Republicans, Democrats. You have made this, I know personally for me, an outstanding year. You've made it an outstanding two years for me as Majority Leader. But even more important, you've made it an outstanding, successful two years for the people of the State of New York.

I look forward to joining with all of us again in 2013, if not sooner, as we continue to work so hard for the people of the State of New York.

Thank you, and God bless you all.

(Standing ovation.)

SENATOR LIBOUS: Mr. President, at this time I move that the Senate adjourn to the call of the Majority Leader and Temporary President, intervening days being legislative days.

ACTING PRESIDENT GRIFFO: On motion, the Senate stands adjourned until the call of the Temporary President of the Senate,

intervening days being legislative days.

Senate adjourned.

(Whereupon, at 9:59 p.m., the Senate adjourned.)