NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

May 20, 2014

3:31 p.m.

REGULAR SESSION

SENATOR DAVID J. VALESKY, Acting President

FRANCIS W. PATIENCE, Secretary

P R O C E E D I N G S

ACTING PRESIDENT VALESKY: The Senate will come to order.

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

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

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

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

ACTING PRESIDENT VALESKY: The reading of the Journal.

THE SECRETARY: In Senate, Monday, May 19th, the Senate met pursuant to adjournment. The Journal of Friday, May 16th, was read and approved. On motion, Senate adjourned.

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

Presentation of petitions.

Messages from the Assembly.

The Secretary will read.

SENATOR LIBOUS: Mr. President, can we have some order in the house.

ACTING PRESIDENT VALESKY: {Gaveling.} The Secretary will read.

THE SECRETARY: On page 12, Senator Martins moves to discharge, from the Committee on Local Government, Assembly Bill Number 8639 and substitute it for the identical Senate Bill Number 6475, Third Reading Calendar 126.

On page 12, Senator Martins moves to discharge, from the Committee on Local Government, Assembly Bill Number 8646 and substitute it for the identical Senate Bill Number 6476, Third Reading Calendar 127.

On page 17, Senator Flanagan moves to discharge, from the Committee on Higher Education, Assembly Bill Number 121 and substitute it for the identical Senate Bill Number 6671, Third Reading Calendar 279.

On page 30, Senator Bonacic moves to discharge, from the Committee on Judiciary, Assembly Bill Number 9055 and substitute it for the identical Senate Bill Number 7137, Third Reading Calendar 522.

On page 33, Senator Avella moves to

discharge, from the Committee on Health, Assembly Bill Number 746A and substitute it for the identical Senate Bill Number 328A, Third Reading Calendar 556.

On page 33, Senator Ranzenhofer moves to discharge, from the Committee on Health, Assembly Bill Number 4611B and substitute it for the identical Senate Bill Number 2118B, Third Reading Calendar 557.

On page 37, Senator Lanza moves to discharge, from the Committee on Banks, Assembly Bill Number 9037A and substitute it for the identical Senate Bill Number 6805B, Third Reading Calendar 597.

On page 48, Senator Lanza moves to discharge, from the Committee on Cities, Assembly Bill Number 9578 and substitute it for the identical Senate Bill Number 7257, Third Reading Calendar 707.

ACTING PRESIDENT VALESKY: 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: Mr. President, at this time we'll go to adopting the Resolution Calendar, with the exception of Resolutions 5065, by Senator Griffo; 5157, by Senator Parker; 5187, by Senator Savino; 5197, by Senator Perkins; and 5202, by Senator Ball.

ACTING PRESIDENT VALESKY: All in favor of adopting the Resolution Calendar, with the exceptions identified by the Deputy Majority Leader, indicate by saying aye.

(Response of "Aye.")

ACTING PRESIDENT VALESKY: Opposed, nay.

(No response.)

ACTING PRESIDENT VALESKY: The Resolution Calendar is adopted.

Senator Libous.

SENATOR LIBOUS: Thank you, Mr. President.

At this time can we take up Resolution 5065, by Senator Griffo. Please read it in its entirety and call on Senator Griffo.

ACTING PRESIDENT VALESKY: The Secretary will read.

THE SECRETARY: Legislative Resolution Number 5065, by Senator Griffo, congratulating the New York Mills High School Boys Varsity Basketball Team and Coach Mike Adey upon the occasion of capturing the New York State Public High School Athletic Association Class D Championship.

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

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

"WHEREAS, This Legislative Body is justly proud to congratulate the New York Mills High School Boys Varsity Basketball Team and

Coach Mike Adey upon the occasion of capturing the New York State Public High School Athletic Association Section III Class D Championship; and

"WHEREAS, The New York Mills Marauders Basketball Team captured their state title by defeating Coleman Catholic High School 57-50 in overtime on Saturday, March 15, 2014, at the Glens Falls Civic Center in Glens Falls, New York; and

"WHEREAS, The athletic talent displayed by this team is due in great part to the efforts of Coach Mike Adey, a skilled and inspirational tutor, respected for his ability to develop potential into excellence; and

"WHEREAS, The team's overall record is outstanding, and the team members were loyally and enthusiastically supported by family, fans, friends and the community at large; and

"WHEREAS, The hallmarks of the New York Mills High School Boys Varsity Basketball Team, from the opening game of the season to participation in the championship, were a brotherhood of athletic ability, of good sportsmanship, of honor and of scholarship, demonstrating that these team players are second

to none; and

"WHEREAS, Athletically and academically, the team members have proven themselves to be an unbeatable combination of talents, reflecting favorably on their school; and

"WHEREAS, Head Coach Mike Adey, Associate Head Coach Brian Adey, and Assistant Coach Chris Richardson have done a superb job in guiding, molding and inspiring the team members toward their second NYSPHSAA Class D Title in four years; and

"WHEREAS, Sports competition instills the values of teamwork, pride and accomplishment, and Head Coach Mike Adey, his staff and his outstanding athletes have clearly made a contribution to the spirit of excellence which is a tradition of their school; now, therefore, be it

"RESOLVED, That this Legislative Body pause in its deliberations to congratulate the New York Mills Boys Varsity Basketball Team; its members: Terrance Nichols, Andrew Surprenant, Zach Griffith, Luke Sunderlin, Anthony Casaletta, Nick Comenale, Cameron Lyons,

Ben Kehrli, Mike Copperwheat, Griffin Baur, Zach Vennaro, Corey Pastorelli, and Ali Hassan; Head Coach Mike Adey, Associate Head Coach Brian Adey, and Assistant Coach Chris Richardson; and Team Managers George Albert, Tyler Sadallah, John Fiore, Jack Lin, Nate Hartman, Colin Garcia and Dom Liccardo on their outstanding season and overall team record; and be it further

"RESOLVED, That copies of this resolution, suitably engrossed, be transmitted to the New York Mills Boys Varsity Basketball Team and to Coach Mike Adey and the aforementioned coaches."

ACTING PRESIDENT VALESKY: Senator Griffo on the resolution.

SENATOR GRIFFO: Thank you, Mr. President.

I want to welcome the team here today. It truly was an extraordinary accomplishment because they have captured a number of league titles, sectional titles, and have been in state championships, as you heard, in the last two out of four years.

In fact, I would have liked to have seen them, but the head coach is a little

superstitious, so I didn't get to see a game during the season so I could not go to the state championships. But Senator Little was there to watch both games. In fact, we defeated a team in her district I think in the semifinals.

And then actually, when they beat Coleman, we have a distinguished alumni of Coleman who's also in the chamber today, the Secretary of the Senate, Frank Patience. So even though you beat Coleman, he still allowed you to sit in the gallery there. So I appreciate that, Mr. Secretary.

Really what you're seeing here today I think is not only a story of a commitment to excellence in athletics, but it's also an opportunity to see a bunch of young men who have come together under some great supervision and great leadership and their coaching staff to not only master skills that they possess and are blessed with, but also to learn discipline and to train hard in order to be successful.

So as a result of all of that activity, of that commitment, dedication, the energy that they put forth, they were able to achieve great success.

And while we're proud of that success, we're equally as proud of what you have become as young adults. Because everything that you've learned -- the life skills, the interaction, the sportsmanship, everything that is a part of this great memory that you will bring with you through the rest of your life, something that you will cherish and remember and look upon -- it's only the beginning. It's the beginning of a great foundation that has been built to make you great citizens of this community, of this state.

And we know that you will be very successful in life because of the accomplishments not only on the athletic court, but also what you will be able to give back to your communities as you continue to go on and pursue education and careers.

So today I want to congratulate each of you for that commitment. It's impressive to have seven managers. Senator DeFrancisco, I think that's more than Jim Boeheim has assistant coaches. But seven managers on the basketball team.

I really want to compliment the

coaching staff: Assistant Coach Richardson; brian Adey, who's the associate head coach, is also an employee of the Senate. He is my director of operations and runs all of our district activities.

And they have the athletic director here today, Andrea Dziekan. Andrea was here once before when we recognized the three-on-three national champions. So we have a talented athletic director on the court as well as in the administration of the sports program.

And a special thank you to Mike Adey. Mike is an extraordinary individual. He has been an educator throughout his entire career, he's been an athletic director, he's coached at several schools. But he's always put the students first. And he's recognized that these are student athletes, that as much as he wants them to excel on the court and in any type of interscholastic sports, he places an emphasis on academics and on growing as successful contributors and citizens of our community.

So Coach Adey, we're proud of you. You've had an outstanding record. He's in the Hall of Fame. He's been to Glens Falls more than

Brian has come to the Capitol, I think.

And it's an honor to have you all in the chamber today. I would ask you that all stand and ask my colleagues to recognize the Class D State Champion New York Mills Basketball Team.

(Applause.)

ACTING PRESIDENT VALESKY: Senator Little on the resolution.

SENATOR LITTLE: Thank you, Mr. President.

My hometown, Glens Falls, New York, is really proud to host the New York State Basketball tournament each year. And it certainly is our own form of March Madness, but it's always exciting. And New York Mills doesn't need any directions getting to Glens Falls, as they've been there many, many times.

But I enjoyed watching your game. Not so much with the outcome of the Moriah game, but there was never any doubt as to who was going to win that game. You played a great game, and it was fun to watch.

It's also great to see such skilled athletes who have worked so hard to achieve this

game and to be considered for the state champions in their class. And the game against Coleman was a tough game, but played so well.

So congratulations to you, look forward to seeing you in Glens Falls next year.

Thank you.

ACTING PRESIDENT VALESKY: Thank you, Senator Little.

The question is on the resolution. All in favor say aye.

(Response of "Aye.")

ACTING PRESIDENT VALESKY: Opposed, nay.

(No response.)

ACTING PRESIDENT VALESKY: The resolution is adopted.

We want to congratulate the New York Mills Boys Varsity Basketball Team, Coach Adey and your entire staff on your tremendous accomplishment, and hope you are enjoying your day here at the State Capitol. Thank you.

Senator Libous.

SENATOR LIBOUS: Thank you, Mr. President.

I believe that -- Senator Ball is

not here.

You know, I have another announcement that I'd like to make, quite frankly. If I could please have everybody's attention. And could I have the doors closed, please.

Could I have the doors closed, please? Thank you, Sarge.

Today was a very moving and emotional day for all of us. We had the Veterans Hall of Fame, and we met some pretty remarkable people.

And one gentleman, I think Senator Stewart-Cousins had a gentleman that was 99 years old. I got to meet him. Actually, I got to have lunch with him, so I consider myself pretty lucky. And he was incredible. I chatted with him, and I told him I was from Binghamton. And he says, "That's where the Susquehanna and Chenango Rivers meet." And he knew where Binghamton was. And he told me that he had been there and been to the VFW and the American Legions there.

We honored some pretty remarkable people.

We have a very remarkable individual that serves with us. And while I certainly wouldn't want to take away from any one person, I want to talk about our colleague Senator Bill Larkin.

Today not only was he a major part of Senator Ball's Hall of Fame of Veterans, but later in the day Senator Larkin received a very special honor. He received an honor from the Secretary of the Army, John McHugh. For some of you who don't know, John was once a Senator in this chamber, and now he's the Secretary of the Army. And Brigadier General Timothy Trainor came up from West Point to bestow this honor on Senator Larkin today.

The brigadier general came to Albany to present Senator Bill Larkin with the United States Army's Decoration for Distinguished Civilian Service. It is the highest award that the Secretary of the Army can grant a private citizen.

Ladies and gentlemen, our own Bill Larkin is a very special and distinguished man. Let's join me in giving him a round of applause.

(Extended standing ovation.)

ACTING PRESIDENT VALESKY: Senator Larkin, I'm sure every member of this Senate joins me in expressing to you how appreciative we are of your service, but also that it is a great honor and a privilege for each of us who are Senators in this chamber to call you a colleague.

So we thank you for your service, we thank you for your leadership. And as Senator Skelos said at the presentation ceremony: "When Bill Larkin speaks, everybody listens."

Congratulations.

Senator Libous.

SENATOR LIBOUS: Thank you, Mr. President.

I believe Senator Ball has Resolution 5202 at the desk. He would like it read in its entirety, and if you can please call on Senator Ball for comments.

ACTING PRESIDENT VALESKY: The Secretary will read.

THE SECRETARY: Legislative Resolution Number 5202, by Senator Ball, honoring Purple Heart Homes and its cofounders Dale Beatty and John Gallina for their dedicated service to the veterans of their community and the State of

New York.

"WHEREAS, Members of the armed services from the State of New York, who have served so valiantly and honorably in wars in which this country's freedom was at stake, as well as in the preservation of peace in peacetime, deserve a special salute from this Legislative Body; and

"WHEREAS, It is the intent of this Legislative Body to commend those who have served in times of active conflict, as well as those who have served in times of peace; and

"WHEREAS, Attendant to such concern, and in full accord with its long-standing traditions, this Legislative Body is justly proud to honor Purple Heart Homes, and its co-founders Dale Beatty and John Gallina for their dedicated service to the veterans in their community and the State of New York; and

"WHEREAS, Dale Beatty and John Gallina were deployed in January 2004, for a tour with the National Guard Readiness NCO for the Statesville Unit; and

"WHEREAS, Both were deployed to Iraq in 2004 in support of Operation Iraqi Freedom,

where their unit was attached directly to the 1st Infantry Division near Bayji, Iraq; and

"WHEREAS, On November 15, 2004, while on a patrol route highly littered with active insurgent operations, the vehicle Dale Beatty was riding in was hit by antitank mines; the explosion was so severe, it left him a double amputee below the knees; and

"WHEREAS, Dale Beatty spent over a year at Walter Reed Army Medical Center learning how to walk using prosthetic legs; when he returned home, there were no ramps, elevations, wide doorways or roll-in showers, all of which contribute to making his life as an amputee truly a challenge; and

"WHEREAS, The Iredell Homes Builders Association and many members from the community from Statesville, North Carolina, as well as surrounding areas, in an outpouring of support, built a specially adapted barrier-free home for the Beatty family; and

"WHEREAS, As a result of all the support from his community, Dale Beatty and his fellow soldier John Gallina wanted to help other service-connected disabled veterans with their

housing solutions; together they co-founded Purple Heart Homes, with funds from their disability checks, to help veterans and their caregivers who served in the military; and

"WHEREAS, Their journey together is one of friendship, service, courage and leadership; their shared experiences have created a strong sense of community and have instilled in them a humanitarian spirit to give back and make a difference in the lives of service-connected disabled veterans of all conflicts; and

"WHEREAS, Currently, the Purple Heart Homes organization is made up of volunteers and professionals who share a common belief and a common desire to give back to those who have given so much for their country; and

"WHEREAS, Purple Heart Homes offers two distinct programs for service-connected disabled veterans and their caregivers of all conflicts, the Veterans Aging in Place and the Veteran Home Ownership programs; and

"WHEREAS, The Veterans Aging in Place Program is specifically designed to help older service-connected disabled veterans and their caregivers who currently own their own

home; and

"WHEREAS, The Veteran Home Ownership Program is specifically designed to enable service-connected disabled veterans who do not already own a home, become homeowners; and

"WHEREAS, The goal of both programs is to help reintegrate veterans into the community in which they live, and to proudly acknowledge the sacrifice they have made on their country's behalf; and

"WHEREAS, Whether it is adapting an already owned home, building a home from the ground up, or adapting and modifying a foreclosed home, Purple Heart Homes is committed to guiding the veteran through the entire process; and

"WHEREAS, The ultimate goal of Purple Heart Homes is to empower the veteran, giving him or her a full complement of skill sets which enables them to be a functioning member of their family, as well as a contributing member of their community; and

"WHEREAS, Having exhibited their patriotism both at home and abroad, Dale Beatty and John Gallina have demonstrated their love for their country and merit forevermore, the highest

respect of their state and nation; and

"WHEREAS, Our nation's veterans deserve to be recognized, commended and thanked by the people of the State of New York for their service and for their dedication to their communities, their state and their nation; now, therefore, be it

"RESOLVED, That this Legislative Body pause in its deliberations to honor Purple Heart Homes and its co-founders Dale Beatty and John Gallina for their dedicated service to the veterans in their community and the State of New York; and be it further

"RESOLVED, That copies of this resolution, suitably engrossed, be transmitted to Dale Beatty and John Gallina."

ACTING PRESIDENT VALESKY: Senator Ball on the resolution.

SENATOR BALL: Dale and John are also joined by Vicki Thomas and Joyce Cohen. Also here is Eugene Parrotta, who is a Veterans Hall of Fame honoree and also a Purple Heart recipient.

What Dale and John went through is absolutely amazing to think that such a small

percentage of our population carries the burden and carries the weight of what is an extraordinary freedom that we appreciate every single day.

These guys are from North Carolina. And they have been recognized by CNN -- we won't hold that against them -- as well as other national and international news media. And they have taken great tragedy and turned it into something beautiful.

You know, we do a very good job of getting young men and women to raise that right hand and be willing to fight and die for this country. We don't always do a great job in transitioning those young men and women back into the civilian workplace and back into our civilian way of life that they left to defend all of us.

We've got to make sure that we keep America's promise to our veterans, especially our service-disabled veterans. This chamber moved forward in a real substantial way by passing that set-aside for service-disabled vets, which is the highest in the country at 6 percent. But there's still an awful lot of work that needs to be done.

So these men and their team stand

ready to work with each and every one of you in your district. If you have a veteran -- and it can be from World War II, Iraq, Afghanistan, anywhere in between -- if you have a veteran who needs help, either a renovation or needs a home built, these men and their team can get that done.

I have a man in my district who's a Vietnam vet, and he took shrapnel to the head. When he came back in 1971, he was not welcomed home the way he should have been. These men, their team and my staff came together. This man didn't even have a shower in his home. He was on the verge of losing his home and becoming homeless. And today, because of the work that was done by this community, not only is he going to have a home and help him with a lot of debt that he had, but that home is going to be completely renovated.

So thank you so much for your continuing to do God's work. Like you say all the time, Dale and John, we never leave a buddy behind during wartime, and we sure as hell shouldn't do it back at home when they're back here. So God bless you, and thank you for

everything that you guys do.

Please stand.

(Extended standing ovation.)

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

(Response of "Aye.")

ACTING PRESIDENT VALESKY: Opposed, nay.

(No response.)

ACTING PRESIDENT VALESKY: The resolution is adopted.

We welcome our special guests here today and thank you so much for the work that you do through Purple Heart Homes. Hope you're enjoying your day here in the Capitol.

Senator Libous.

SENATOR LIBOUS: Mr. President, I think we have Resolution 5187, by Senator Savino, at the desk. She would like the reso read in its entirety. And then if you could call on her, that would be great.

ACTING PRESIDENT VALESKY: The Secretary will read.

THE SECRETARY: Legislative

Resolution Number 5187, by Senator Savino, welcoming the Staten Island Girl Scouts upon the occasion of their visit to Albany, New York, on Tuesday, May 20, 2014.

"WHEREAS, It is the sense of this Legislative Body to act, in accord with its long-standing traditions, honoring the youth of today, and leaders of tomorrow, whose character and achievements exemplify the ideals and values cherished by this great state and nation; and

"WHEREAS, Attendant to such concern, and in full accord with its long-standing traditions, this Legislative Body is justly proud to welcome the Staten Island Girl Scouts upon the occasion of their visit to Albany, New York, on Tuesday, May 20, 2014; and

"WHEREAS, This auspicious visit is part of their biannual trip to the Capital of this great Empire State and will include a pizza lunch with the Staten Island members of the Legislature, a tour of the Capitol building, recognition in the Senate and Assembly galleries with a resolution, and photos on the Million Dollar Staircase; and

"WHEREAS, The Staten Island Girl

Scouts visiting this year are Amy Azzopardi, Ashley Melidones, Audrey Gallagher, Brynne Hitten, Celine Kelly, Elizabeth Mastoros, Emily Casey, Genevieve Steinmetz, Giavanna Esposito, Jayne Ryan, Jessica Orlando, Jessica Roesch, Julia Desaro, Julie Mendez, Kaitlyn Casserly, Katherine Cammayo, Kerry McCloskey, Lauren Casella, Madolyn Jusick, Mary Mastoros, MaryKathryn Brown, Meghan Holliday, Miriam Zayed, Nicole Renzetti, Rita Jerome, Sabrina Gallagher, Sarah Rosario, Shea McLaughlin, Sophia DeMartino, Stephanie Caputo, and Syleste Alexander; as well as Scout Leader Cheryl McCloskey and Chaperones Andrea Gallagher, Annette Orlando, Christine Melidones, Ellen Steiring, Joan Roesch, Karen Steinmetz, Nancy Casey, and Nichole Mendez; and

"WHEREAS, Girl Scouting in the United States of America began on March 12, 1912, when Juliette 'Daisy' Gordon Low organized the first Girl Scout troop meeting of 18 girls in Savannah, Georgia; since then, it has grown to 3.7 million members worldwide; and

"WHEREAS, Girl Scouting has cultivated in our nation's young people the goals of building solid values of sisterhood and the

importance of working with others, stimulating both mind and body, instilling pride, and encouraging community service and success; and

"WHEREAS, Girl Scouting has expanded the horizons of the countless hundreds of thousands who have participated in scouting programs which have made scouting an American and international institution; and

"WHEREAS, This Legislative Body is pleased to recognize the Staten Island Girl Scouts and to wish them a future of purposeful success and well-being; now, therefore, be it

"RESOLVED, That this Legislative Body pause in its deliberations to welcome the Staten Island Girl Scouts upon the occasion of their visit to Albany, New York, on Tuesday, May 20, 2014; and be it further

"RESOLVED, That copies of this resolution, suitably engrossed, be transmitted to the Staten Island Girl Scouts."

ACTING PRESIDENT VALESKY: Senator Savino on the resolution.

SENATOR SAVINO: Thank you, Mr. President.

On behalf of Senator Lanza and

myself and the Assembly delegation from Staten Island -- Assemblymembers Michael Cusick, Nicole Malliotakis, Joe Borelli and Matt Titone -- we welcome the Girl Scouts here to Albany for what's becoming almost an annual trip, and one that we look forward to every year.

And when we do this resolution, we usually talk about the history of the Girl Scouts, and we talk about the history of some of the Girl Scouts who are currently in this chamber. I see Senator Hassell-Thompson smiling because she was a Girl Scout when she was young. And I know Senator Stewart-Cousins was a Girl Scout, and I think Senator Little was. I myself was not one; we've talked about that in the past.

But instead of talking about Girl Scouts from the past and the famous ones, let's talk what about Girl Scouts are doing today, because these are not your grandmother's Girl Scouts anymore.

This is a 21st-century organization now that is focused on promoting women's health and equality and nondiscrimination and well-being. They are focused on how girls should strive for personal and professional knowledge

and excellence, both in their own lives and for others. They encourage leadership and educational opportunities for girls. They're interest in getting girls involved in STEM, strengthening financial literacy and entrepreneurial skills. They promote safe and healthy living, civic-mindedness, diversity, support for thriving nonprofit community.

They are truly a 21st-century organization, and we are thrilled to have them here with us as they tour the State Capitol.

Every year, through the Girl Scouts Advocacy Network, they're developing federal and state legislative agendas. Which is why they're not allowed to give us cookies anymore; it's considered lobbying. They're prohibited from doing so. But we appreciate it anyway.

So as we end this legislative session -- and we're not that far away -- let's not forget the young women who are going to come after us.

Let's not forget the young women who help lead these troops. The president of the Senate read off the names, but I just want to name them again. The leader, Cheryl McCloskey; Karen Steinmetz, Joan Roesch, Nancy Casey, Andrea

Gallagher, Annette Orlando, Christine Melidones, Ellen Steiring, and Nichole Mendez. The Girl Scouts are able to continue because of women who were Girl Scouts and give of their own time to make sure the next generation becomes Girl Scouts. And they thrive at it.

So thank you for coming, congratulations on all of your achievements. Many of you have won Gold Awards since last year and you're working on Silver and Bronze Awards. Some of you have won religious Marian Medals from St. Patrick's Cathedral. You are truly a remarkable bunch of young women, and we in Staten Island are very proud of each and every one of you.

Welcome to Albany.

(Extended applause.)

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

(Response of "Aye.")

ACTING PRESIDENT VALESKY: Opposed, nay.

(No response.)

ACTING PRESIDENT VALESKY: The

resolution is adopted.

A special welcome to our Girl Scouts from Staten Island. Hope you're enjoying your day.

Senator Libous.

SENATOR LIBOUS: Yes, Mr. President. Resolution Number 5157, by Senator Parker, is at the desk. Could we read it in its entirety and call on Senator Parker.

ACTING PRESIDENT VALESKY: The Secretary will read.

THE SECRETARY: Legislative Resolution Number 5157, by Senator Parker, commemorating the 60th anniversary of Brown v. Board of Education, the landmark United States Supreme Court decision that ended school segregation.

"WHEREAS, It is the custom of this Legislative Body to recognize those milestones and significant events which represent turning points in our unique history and which are indelibly etched in the saga of our great nation; and

"WHEREAS, Attendant to such concern, and in full accord with its long-standing

traditions, this Legislative Body is justly proud to commemorate the 60th anniversary of Brown v. Board of Education, the landmark United States Supreme Court decision that ended school segregation; and

"WHEREAS, On May 17, 1954, the United States Supreme Court unanimously ruled that 'separate but equal' public schools for blacks and whites were unconstitutional; and

"WHEREAS, This landmark decision helped serve as a catalyst for the modern civil rights movement, inspiring education reforms across the nation and providing a basis for legal challenges to segregation in all areas of society; and

"WHEREAS, Brown v. Board of Education was a consolidation of anti-segregation court cases from five different jurisdictions and included: Brown v. Board of Education (Kansas), Briggs v. Elliot (South Carolina), Bulah v. Gebhart and Belton v. Gebhart (Delaware), Davis v. County School Board of Prince Edward County (Virginia), and Bolling v. Sharpe (District of Columbia); and

"WHEREAS, These smaller cases were

combined as part of a legal movement to remedy the grossly inadequate conditions in segregated black schools; they sought to overturn the infamous 1896 case of Plessy v. Ferguson, which had permitted racial segregation under the guise of 'separate but equal'; and

"WHEREAS, The Supreme Court's Brown decision was particularly important for how it focused on the illegality of segregation itself; the court ruled that even if tangible factors like facilities, teachers and supplies were equal, separation itself was inherently unequal and a violation of the equal protection clause of the 14th Amendment; and

"WHEREAS, The Supreme Court's unanimous opinion concluded that a quality education was crucial for all children and ruled that it was the state's responsibility to ensure educational equality; the Court also noted that segregation has a detrimental effect upon children of color and that the impact is more profound when it has the sanction of the law; and

"WHEREAS, After Brown v. Board of Education, the nation made great strides toward opening the doors of education to all students;

with court orders and active enforcement of federal civil rights laws, progress toward integrated schools continued to move forward; more work is needed, however, to ensure educational achievement and opportunity for all; and

"WHEREAS, Equal access to educational opportunities in our nation's public schools is vitally important to both the social and economic well-being of our nation, as well as the success of our democracy as a whole; now, therefore be it

"RESOLVED, That this Legislative Body pause in its deliberations to commemorate the 60th anniversary of Brown v. Board of Education, the landmark United States Supreme Court decision that ended school segregation."

ACTING PRESIDENT VALESKY: Senator Parker on the resolution.

SENATOR PARKER: Thank you, Mr. President. On the resolution.

As probably many of you know, this past Saturday was the 60th anniversary of Brown v. Board of Education. And as we know, Brown ended legal segregation in schools of America.

But Brown was actually much more than that. After Plessy v. Ferguson in 1896, the Supreme Court had declared that as long -- and this is quotes -- "as long as the separate facilities were equal, segregation did not violate the U.S. Constitution."

In America of the 1890s and through 1950, schools were segregated. Trains, buses were all segregated, restaurants and stores were segregated, and so on and so forth. Much of public life had iron walls of legal and physical separation between the races, not only between blacks and whites, but from everyone.

Brown was not only just a case of 13 parents in Topeka, Kansas, suing to let their children go to the white school rather than walk six blocks through a dangerous train yard {inaudible}. Brown was not just about the South, either. Of the five cases that were combined in the Brown decision, one was filed in Washington, D.C., one was filed in Delaware, and the other one was filed in Kansas. Only two of the Brown cases were filed in the former Confederate states of the South.

As we know, the Court's decision

made it very clear -- in fact, crystal-clear -- that not only were the racially segregated school systems of the day unequal and illegal, but segregated schools could never be equal and therefore violated the U.S. Constitution.

The road to that day 60 years ago when the foundations of legal inequality in this country were shattered was paved by the sacrifice of heroic parents, families and communities. On that day after the victory, the struggle for full racial equality began when brave young African-American children began enrolling in all-white schools, despite the promise of violence and threats of death.

Today our communities' children go to schools together, work together, live together, and have no memory of the too-recent past when racial discrimination was the law of the land. We have come way too far, and our solidarity will continue to win important progressive victories for all of us.

Sixty years ago, Brown v. Board of Education began the end of racial discrimination and reminded all Americans of the promises inherent in our U.S. Constitution. Brown also

began the end of discrimination against Americans based on gender, ethnicity, religion, national origin, sexual orientation, age, and disability. And for that, we are truly thankful.

But we are not finished yet. Many of our schools, despite as far as we've come, still at this moment continue to be very segregated. In fact, New York City still is one of the most segregated cities in the entire country, and our schools reflect that.

And so I want us all to take this moment to rededicate ourselves to living towards the promise of what Brown v. Board of Education gave us, which is again a place where we all can work and live together.

And so please also join me in thanking the brave families that fought for Brown v. Board of Education, and in the movement of praise and solidarity for the millions of Americans over the past 60 years who have worked to oppose all types of discrimination across our country.

Thank you, Mr. President.

ACTING PRESIDENT VALESKY: Thank you, Senator Parker.

Senator Perkins on the resolution.

SENATOR PERKINS: Thank you very much.

I want to take an opportunity to speak upon this resolution, and I really want to commend my colleague for those eloquent words and reciting of the history of this very, very important change in our country. It's my honor to partner with Senator Parker in sponsoring this very important resolution, which chronicles the very short yet entirely clarion Supreme Court decision that considered the question "What is equality?"

The brilliance of the Brown decision was not about fine points of law or the intent of the drafters and ratifiers of the 14th Amendment. It was a decision that was about humanity, about hearts and minds, about a sense of what is right for our communities, for the holistic development of our young children. It was a decision that established a principle, a principle that we still seek to achieve: Integrated, equal educational programs for all.

Six decades later, we are still without the full measure of desegregation and

integration that was promised and in practice has been pursued at a pace that is deliberate but not characterized by all due speed. In fact, here in New York we have substantial levels of de facto segregation in our schools, with dense and isolated concentrations of black and Latino children. In the same schools, in what can only be called a correlation, the educational outcomes of our children in these segregated schools are widely disparate as well.

In addition, instead of reforming the whole system, we have created additional segregated educational facilities called charter schools. These schools are inherently unequal and essentially practice a form of educational apartheid where there's not even equality in terms of "tangible resources" due to the privatization of public education.

For instance, in my district below 96th Street, you have public schools that are good enough for the children in those neighborhoods to attend, and then above 96th Street you have public schools that are not good enough for the children to attend. So we've created, quote, charter schools, which former

Mayor Bloomberg called "private schools for children of color."

These charter schools, on an uneven and unequal playing field, draw resources away from the traditional public schools, thus exacerbating negative outcomes for children of color primarily. Conclusively, inequalities abound in a way that the Warren Court could never have imagined.

In 1954, the Court held that education is a right that must be made available on equal terms. That's a mandate that we are still striving to achieve, and only wholesale reform of our educational system will get us there.

Thank you.

ACTING PRESIDENT VALESKY: Thank you, Senator Perkins.

Are there any other Senators who wish to be heard?

Senator Díaz on the resolution.

SENATOR DIAZ: Thank you. I take this opportunity to join in the resolution.

However, I have to strongly express my objection to the observation made by my

colleague Senator Perkins about charter schools.

Charter schools I always say are godsends to our community. Charter schools are opening black and Hispanic neighborhoods. Charter schools have been the solution to our children that have been left behind. So when my colleague Senator Perkins speaks about trying to make charter schools look evil, I have to object to that.

Charter schools, again, were the solution for black and Hispanic children that were left behind by the regular system and that they were not getting a good education. Now, with charter schools, they are getting a good education, they have a great future. And I just have to express my objection to Senator Perkins' observation of charter schools.

However, I am here to support the resolution and proudly congratulate the sponsor of the resolution.

ACTING PRESIDENT VALESKY: Thank you, Senator Díaz.

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

(Response of "Aye.")

ACTING PRESIDENT VALESKY: Opposed, nay.

(No response.)

ACTING PRESIDENT VALESKY: The resolution is adopted.

Senator Libous.

SENATOR LIBOUS: Thank you, Mr. President.

I believe Resolution 5197, by Senator Perkins, is at the desk. Could we have it read in its entirety and please call on Senator Perkins.

ACTING PRESIDENT VALESKY: The Secretary will read.

THE SECRETARY: Legislative Resolution Number 5197, by Senator Perkins, commemorating the 89th birthday of Malcolm X, a singular human rights activist and one of the most influential African-American leaders in history.

"WHEREAS, It is the sense of this Legislative Body to recognize and commend individuals and events which celebrate our nation's great struggle to fulfill the promise of equality and opportunity for all; and

"WHEREAS, Attendant to such concern, and in full accord with its long-standing traditions, this Legislative Body is justly proud to commemorate the 89th birthday of Malcolm X, a singular human rights activist, and one of the most influential African-American leaders in history; and

"WHEREAS, Malcolm X was born Malcolm Little in Omaha, Nebraska, on May 19, 1925; and

"WHEREAS, On January 14, 1958, Malcolm X married Betty Sanders; they had six children: Attallah, Qubilah, Ilyasah, Gamilah, Malaak and Malikah; and

"WHEREAS, Once a member of the Nation of Islam, Malcolm X was a Muslim minister, public speaker, and human rights activist; to his admirers, he was a courageous advocate for the rights of African-Americans in the face of institutionalized racism; and

"WHEREAS, After his departure from the Nation of Islam, Malcolm X founded Muslim Mosque Inc., and the Organization of Afro American Unity; he then became a Sunni Muslim and after his holy pilgrimage to Mecca he became El-Hajj Malik El-Shabazz; and

"WHEREAS, Malcolm X's pilgrimage to Mecca, Saudi Arabia, proved life-altering and, for the first time, he shared his thoughts and beliefs with different cultures, and found the response to be overwhelmingly positive; and

"WHEREAS, When he returned to the United States, Malcolm X mentioned that while he was abroad he had met men of all races that he could call his brothers; he also returned to the United States with a new outlook on the African-American struggle for equality, a new message for all mankind, and a new hope for the future; and

"WHEREAS, On February 21, 1965, Malcolm X was assassinated while giving a lecture in the Audubon Ballroom, in New York City, which was subsequently designated as a landmark and currently houses the Malcolm X and Dr. Betty Shabazz Memorial and Educational Center; and

"WHEREAS, In 1987, in honor of the slain civil rights leader, Lenox Avenue in Harlem, New York City, was named after Malcolm X; and

"WHEREAS, In January 1999, family and friends of Malcolm X gathered at the Apollo

Theatre in Harlem, New York, to witness the U.S. Postal Service announce the debut of the new Malcolm X postage stamp; the 33-cent commemorative stamp is the 22nd stamp in the Postal Service's Black Heritage series; the U.S. Postal Service declared that Malcolm X was one of the most influential black leaders of the 1960s, and that he shaped the debate about race relations and strategies for social change; now, therefore, be it

"RESOLVED, That this Legislative Body pause in its deliberations to commemorate the 89th birthday of Malcolm X, a singular human rights activist and one of the most influential African-American leaders in history."

ACTING PRESIDENT VALESKY: Senator Perkins on the resolution.

SENATOR PERKINS: Thank you very much.

Today we honor a man who built a bridge from the civil rights movement here in the United States to the human rights movement across the entire world. Malcolm X was a true visionary leader who saw the palpable universal connections between the systemic disempowerment and

discrimination of African-American people here, in the States, and in scores of other nations throughout our global populace.

He was a freedom fighter in the truest sense of the phrase, a man who was, quote, outspoken in the pursuit of justice in the most noble way that one human being can be, by standing up for the rights of all others.

He was a consummate believer in the unconquerable value of freedom. In his philosophy of life, experiences taught him that one often had to wage war for it and be prepared to die for it. He said: "When a person places the proper value on freedom, there is nothing under the sun that he or she will not do to acquire that freedom. Whenever you hear a man or a woman say he wants freedom but in the next breath he or she is going to tell you what he or she won't do to get it, or what he or she doesn't believe in doing in order to get it, he or she doesn't believe in freedom. A man who believes in freedom will do anything under the sun to acquire or preserve his or her freedom."

Malcolm X is one of the greatest and most distinguished revolutionaries this world has

ever known. He has inspired countless generations, movements, world leaders, students, scholars, social activists and freedom fighters.

One of the great causes that he inspired is known as the December 12th Movement, founded in 1987 in Newburgh, New York. This worldwide movement carries forth Malcolm's universal notion that the conditions that black people suffer in the United States are inextricably linked to the condition of Africans worldwide, with the common denominator that there is an economic basis to racism, slavery and neoslavery, meaning mass incarceration.

Every May 19th for the past 22 years in my district, on 125th Street, members of the December 12th movement canvass the neighborhood chanting his name: "You say Malcolm, I say X. Malcolm X. Malcolm X." End of chant.

In a show of unity, local shopkeepers close their businesses for a few hours to a chorus of "Disrespect. Shut them down." This is so everyone can truly take a few hours on the birthday of Malcolm X to cherish his legacy, remember his words, teachings, and the cardinal cause that drove him, and recommit to

the fight for freedom.

This year I am extremely proud to say our youth was heavily involved in this expressive act of remembrance which now spans multiple generations.

In closing, I must solemnly remark that yesterday, on the 89th birthday of Malcolm X, we lost one of his greatest foot soldiers, defenders and protectors, Elombe Brath, a founder of the December 12th movement, a true Harlem nationalist and profound Pan-African. Both men, given the lives they lived and the values they held, are worthy of our conflictive emulation.

Thank you.

ACTING PRESIDENT VALESKY: Thank you, Senator Perkins.

Senator Sanders on the resolution.

SENATOR SANDERS: Thank you, Mr. President.

First I want to commend Senator Perkins for realizing and stating and having us all recognize the 89th birthday of Malcolm X. I just wish to offer him a friendly amendment.

You were kind enough to say that he

was one of the most influential black leaders of the 20th century. I just would suggest to you that we call him one of the most influential leaders of the 20th century.

SENATOR PERKINS: (Inaudible.)

SENATOR SANDERS: Well, now, the friendly amendment has been accepted with the spirit that the Senator has shown.

Some may say that Malcolm died, but I would argue that he didn't die. In fact, I would argue that his spirit was just alive in a room that I was in with some young people downstairs.

Some members of the Fortune Society had come before me, and they were very young people -- I don't know, twentyish, younger. And they had fallen afoul of the law, and they had served their time in trying to redo themselves. And they were trying to find a roadmap, how do you pay your debt to society and yet turn into something productive, something constructive.

And we were able to communicate, and I was able to show them that someone had done worse than they did. Someone had went to jail and was such a horrible person in jail that he

was known as Satan. In a horrible way, he called himself one of the worst degenerates that could be, and yet was able to recreate himself into a very moral, uplifting person, a model that this country can look to proudly.

And I would suggest to you by using this model, I was able to speak to these young people and say that, hey, you need to study -- if you're looking for a roadmap, there's one right there. There's a person who sank further than you and yet rose higher than any of us in here.

And under those conditions, I would suggest to you that no, Malcolm didn't die as long as we are using his image, his ability, to change people's lives into something better.

And that it is also interesting and perhaps fitting that Elombe passed on that day. Knowing Elombe, he would have it no other way. In one sense you could say he had the last laugh at this.

Having said those things, I again want to end where I started, by thanking the Senator for bringing this important issue to the floor.

Thank you, Mr. President.

ACTING PRESIDENT VALESKY: Thank you, Senator Sanders.

Senator Parker on the resolution.

SENATOR PARKER: Thank you, Mr. President, on the resolution.

First, let me begin by adding my voice to those who are thanking and praising Senator Perkins for his leadership on this resolution and recognizing yesterday, May 19th, as Malcolm X's birthday.

This 89th birthday is a milestone and important because, as we think about Malcolm X's legacy and his life, that much of what he taught, much of what he fought for are still relevant lessons today.

There's four things -- to keep it short -- that I want to just appoint on that Malcolm X contributed not just to African-American culture and history, but things that we've learned as Americans.

And the first is courage in the face of power. Dr. King -- Dr. King. Malcolm X in particular, in the context of what he was fighting for, to be able to speak truth to power in the way that he did was really one of the

first times that African-Americans saw that. And I was kind of saying Dr. King because him and Dr. King were oftentimes pitted against each other intellectually, although never had the kind of problems that we'd like to believe that they had.

And in fact I was telling somebody yesterday, those of you who are going to go to see the X-Men movie this weekend, I would argue to you that the difference that you see between Professor X and Magneto is the Dr. King/Malcolm X dichotomy in terms of intellectual argument about how races of people ought to be moving forward. So we thank Stan Lee for, you know, whitewashing the story, but also putting it on the screen. So, you know, we'll figure that out later.

But this notion of courage in speaking truth to power, Malcolm X did in a way that almost no one else did. And not just, you know, in the community but, you know, debated professors at Harvard University, went on television and debated the all of the great journalists of the time. And I think that that was an important thing to see for the first time.

It's now commonplace to see that.

But remember, in the fifties and sixties that it was not commonplace to see African-Americans standing up for themselves and speaking raw truth to power.

The second thing was the notion of African culture and African-Americans coming out of an African diasporic understanding. And sometimes -- you know, that's just something that still hasn't taken full root. But he was one of the first people in kind of a broad way to in fact talk about -- you know, and this is kind of a dialectical thing, but talk about blacks as Africans.

And he often said that you could not -- that part of the problems that African-Americans had is that they hated themselves. That in fact they were taught to hate Africa and so, by extension, because they hated Africa, they hated themselves. He said how could you in fact hate the roots of a tree but not hate the tree itself. Right?

And one of my favorites, he said, you know, you understand just because we were born in America don't make us Americans. Right? A cat having kittens in the oven don't make them

biscuits. Right? That's what Malcolm used to say. And so that despite our years here, that we continue to be African people.

Third -- and Senator Sanders talked about this very eloquently -- is this notion of transformation. And almost anything else, if you read The Autobiography of Malcolm X as told to Alex Haley, one of the things that you get out is that is exactly the point that Senator Sanders spoke to, which is transformation of Malcolm X, you know, from a dastardly criminal -- I mean, even by his own words -- to really one of the most significant spiritual and political and social leaders this country has ever seen.

And that story has been important for people in our community who have read that book and said, If he can do it, then I also then see I can do it in myself. And that's been an important contribution of Malcolm X.

And lastly is that he always continued to elevate himself and evolve. The only other person I would say, you know, in the context of African culture and history that you see in America who had that level of evolution is W.E.B. Du Bois. Right? Who when you read from

The Souls of Black Folk to his later works, and him leaving the United States and going to live in Ghana, you know, over the 95 years that he lived, he's a different person almost every 10 years. You know, he talks about the "talented tenth" and then he goes back and says, No, I wasn't right when I said that. Right?

And then you see, in the Du Boisian metaphor, Malcolm X having that same kind of evolution, going from this kind of country -- you know, living in Detroit and in Boston and, you know, becoming this gangster in New York, going to jail.

You know, and then as he becomes involved in the Nation of Islam and then becomes a minister for the Nation and becomes a very influential, you know, political and social leader, he continues to evolve from that understanding to an understanding where he makes Hajj and then starts to see an international connection of oppression. And starts to see beyond just the racial categories that we get caught up, in of black and white and those kind of basic things, to start really speaking to people's conditions.

And so, you know, as he dies, he dies in a movement in which he's trying to unite people in the world -- black, white, blue, green, Muslims, Christians. Right? He broke out of the bounds of the categories that we like to place ourselves in.

And I think that it's a lesson for all of us and hope that I am also able to make those kind of evolutionary changes in my life, to be here as not just a member of this body but a member of the State of New York, a member of my community, a member of the world that finds new and innovative ways to unite our communities such that we continue to build a world that we'd all like to see our children grow up in.

And so as we remember Malcolm X, we should remember these things: Courage. We should remember him, you know, in terms of pride in African culture, him being a transformational leader, but then also someone who always continued to evolve.

Thank you, Mr. President.

ACTING PRESIDENT VALESKY: Thank you, Senator Parker.

Senator Montgomery on the

resolution.

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

I rise to also thank my colleague Senator Perkins for introducing this resolution, which gives us an opportunity to be reminded and to speak about this great leader, El-Hajj Malik El-Shabazz, Malcolm X. And I think, as we are talking about him, I'm reminded of Martin Luther King, and I'm reminded of Paul Robeson before him, and I'm reminded of obviously Malcolm X.

When at one point I heard Percy Sutton speak about his friendship with Malcolm X, he said that there was no church in Harlem that would agree to accept his body and to host a funeral for him. And I thought about that, and I remember that I attended the funeral of Paul Robeson. And there were very few people at this funeral, he had a very small funeral. A man who was larger than life had very few people.

And in those times that Martin Luther King was down there in Alabama and Mississippi and Georgia and marching up and down the highways and the roadways and pushing through and in prison fighting for the civil rights of

people, a whole group of people in this nation, there were those who castigated him, and they called him foolish, and he should wait and be patient and take time and why couldn't he just chill out a little bit and just wait.

So now we celebrate Malcolm X. And thankfully, there are boulevards and streets and buildings across the country that carry the name of Martin Luther King and that carry the name of Malcolm X. And hopefully we have some recognition of Paul Robeson as well.

But those great leaders, I just am reminded today that it's only now, after they have gone, that we feel empowered to speak about them and that we can talk about them even in this house.

So I'm very proud of that. I understand how history works, what happens. Because we've had so many cases, so many instances, so many of our great leaders who have had the same experience. But now, thankfully, we can stand here to say, in no uncertain terms, that this was a great leader, that he was a leader for people of color in this country, but he was also a leader of people who were

powerless.

And so as my colleague Senator Parker has said, he had the courage to stand up when many of us didn't, as many of these great leaders that we talk about today did, when they were doing it and we were not able to do it.

But today we are, and I thank you, Senator Perkins, for giving us this opportunity to remind ourselves that we need to speak up for the greatness of these men and especially this man, Malcolm X, today.

Thank you.

ACTING PRESIDENT VALESKY: Thank you, Senator Montgomery.

Senator Peralta on the resolution.

SENATOR PERALTA: Thank you, Mr. President.

I want to first thank Senator Perkins for this resolution and just give a little bit of trivia. Malcolm X lived in the United Nations of all Senate districts, in East Elmhurst. That happens to be the 13th Senatorial District, for those of you who don't know.

Malcolm X lived in a small home in East Elmhurst, and on February 15th his home,

located at 2311 97th Street, was firebombed. And he was able to wake up his family at 2:30 in the morning and escape, and he left for Chicago at that point.

But he was quoted on that day, when the press asked him what are you going to do about this, who was behind it, he said: "It doesn't frighten me. It doesn't quiet me down in any way, or shut me up." Unfortunately, on February 21st, he was shot down in the Audubon Ballroom.

Malcolm X or, as he was known prior to Malcolm X, Malcolm Little, was quoted as saying: A man who stands for nothing will fall for anything."

Malcolm was willing to die to defend his principles and his beliefs. He was also quoted as saying "Wrong is wrong, no matter who says it or who does it. Wrong is wrong."

When he was alive, he was misunderstood. People didn't understand what he was trying to say, what he was trying to preach. Now people understand what he was trying to say. Now people praise what he was trying to do, the courage he had to stand up when no one was

standing up.

Malcolm stood for justice. He stood for equality. He stood for dignity. He stood for respect. He wanted an America just like Martin Luther King wanted an America, to live to up to its creed.

Let's remember Malcolm X and what he stood for. Because this is an individual that had the courage to stand up for what was right at a time when not too many people were doing it.

So thank you, Senator Perkins.

ACTING PRESIDENT VALESKY: Thank you, Senator Peralta.

Senator Hassell-Thompson on the resolution.

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

I rise to congratulate Senator Perkins.

When putting forth this resolution, a lot of the things that I had thought about to say have been said. But one point that I think that becomes important, I appreciate the fact that we have evolved as a state and certainly as a chamber, whereas we can speak the name

Malcolm X and that the history books for which this resolution will become a part of will speak more kindly of him than it did during his lifetime.

I had the opportunity to know him, but more to know his wife and his children. And I've worked with two of his daughters. And very recently I saw Malaak, who -- all of whom, these children are continuing to suffer great trauma because of the life that they lived as the daughters of Malcolm X. But each time that I see Ilyasah, she says "It is easier because now the world doesn't hate my father."

And so as we stand here in this chamber, hopefully we can help them heal as we help the world to understand that he was one of the most misunderstood -- and that wasn't because he was hard to understand, but the world wanted him to be misunderstood. The world was not ready for the kind of unification that he tried to preach and believe.

He evolved in his own life from hate to love and understanding. And so as we stand here today to remember and remind, I am grateful for that evolution. Because the soldier that I

honored today that died three weeks before he was able to receive his was an Italian gentleman. And his life helped me to evolve, to accept and be part of a community that is so diverse, and be able to take some of the anger and hate that righteously I have a right to feel, and put it aside because I don't want the next generation to hate in the same way that we have in the past.

So I congratulate you, Senator Perkins, for making sure that every year on his birthday that we all help the healing process of hate in this country and we understand that you grow to be great by enlightenment and love.

Thank you, Mr. President.

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

Are there any other Senators who wish to be heard?

Seeing none, the question is on the resolution. All in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT VALESKY: Opposed, nay.

(No response.)

ACTING PRESIDENT VALESKY: The

resolution is adopted.

Senator LaValle.

SENATOR LaVALLE: Mr. President, can we take up previously adopted Resolution Number 4674, by Senator Kennedy, read the title only, and Senator Kennedy will speak on that resolution.

ACTING PRESIDENT VALESKY: The Secretary will read the title of Resolution 4674.

THE SECRETARY: Legislative Resolution Number 4674, by Senator Kennedy, commending the Buffalo Junior chamber of Commerce upon the occasion of their designation for special recognition by the New York State Junior Chamber of Commerce Board.

ACTING PRESIDENT VALESKY: Senator Kennedy.

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

It's with great pleasure that I rise today to commend Buffalo's Junior Chamber of Commerce for their outstanding work and for receiving special statewide recognition.

Founded in 1932, the Buffalo Junior Chamber of Commerce is a premier leadership

training organization for young people ages 21 to 40 in Buffalo and Western New York.

For over 75 years, this enterprising group has made a positive difference in the lives of their fellow Western New Yorkers through community service, professional development, and civic engagement.

Commonly known as the Buffalo Jaycees, the Buffalo Junior Chamber of Commerce was honored with several awards from the New York State Junior Chamber of Commerce earlier this year. In addition to being named Outstanding Local Chapter, the Buffalo Jaycees' individual awards included Outstanding Individual Vice President, Lindsay Krug; Outstanding Vice President of International Affairs, Joe Rembold; Outstanding Local Chapter Officer, Emily Ellett; Outstanding Very Important Partner, Jeremy Laubacker; Outstanding Public Relations, CJ Maurer; and Outstanding Vice President of Community Relations, Samantha Calabrese.

This organization's strong belief in giving back, their commitment to developing community leaders, and their selfless humanitarian spirit have benefited the Buffalo

community in so many ways for so many years.

Recently the Buffalo Jaycees provided key support for Buffalo's Undy 5000, which raises funds and awareness to combat colon cancer. They regularly participate in the Allentown Litter Mob, a program that aims to boost community pride through regular street cleanups.

They've partnered with the International Institute of Buffalo through the Open World Leadership Center and hosted young professionals from Russia. It was part of an exchange program to spur meaningful dialogue and potential economic opportunities for young professionals from around the world.

They provide critical networking opportunities for Buffalo's young and aspiring and foster the type of can-do attitude necessary to sustain Buffalo's resurgent growth. They've made an immense impact through Buffalo and Western New York. These young people are part of a growing movement of millennials who are staying in or moving back to Buffalo.

The number of people aged 20 to 34 and living in Buffalo has shot upward by over

10 percent, outpacing both state and federal levels. It's a reversal of the so-called brain drain, and groups like the Buffalo Junior Chamber of Commerce are one important force behind the "brain gain" that we are experiencing in Western New York.

Congratulations and thank you to the Buffalo Jaycees.

Thank you, Mr. President.

ACTING PRESIDENT VALESKY: Thank you, Senator Kennedy.

This resolution was adopted on April 29th.

Senator LaValle.

SENATOR LaVALLE: Mr. President, if we can return to reports of standing committees, I believe there is a report of the Finance Committee at the desk.

ACTING PRESIDENT VALESKY: The Secretary will read the report of the Finance Committee.

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

As members of the Republic Airport

Commission: Stella M. Barbera, of Lindenhurst, and Robert W. Bodenmiller, of West Babylon.

ACTING PRESIDENT VALESKY: Senator DeFrancisco.

SENATOR DeFRANCISCO: Yes, each of the nominations were discussed or proposed in the Senate Finance Committee this morning, unanimously recommended -- we unanimously recommended that they be brought to the floor for a vote.

And I move the nomination of each of these fine people.

ACTING PRESIDENT VALESKY: The question is on the nominations of Stella Barbera and Robert Bodenmiller as members of the Republic Airport Commission. All in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT VALESKY: Opposed, nay.

(No response.)

ACTING PRESIDENT VALESKY: Stella Barbera and Robert Bodenmiller are hereby confirmed as members of the Republic Airport Commission.

Senator LaValle.

SENATOR LaVALLE: Mr. President, can we just pause for a brief period here.

ACTING PRESIDENT VALESKY: The Senate will pause briefly.

SENATOR LaVALLE: Mr. President, can we stand at ease for a bit.

ACTING PRESIDENT VALESKY: The Senate will stand at ease.

(Whereupon, the Senate stood at ease at 4:48 p.m.)

(Whereupon, the Senate reconvened at 4:51 p.m.)

ACTING PRESIDENT VALESKY: The Senate will come to order.

Senator Libous.

SENATOR LIBOUS: Mr. President, can we return to a resolution previously adopted today, Number 5002, by Senator Little. Could we please read the title and call on Senator Little.

ACTING PRESIDENT VALESKY: The Secretary will read the title of Senate Resolution 5002.

THE SECRETARY: Legislative Resolution Number 5002, by Senator Little,

memorializing Governor Andrew M. Cuomo to proclaim May 18-25, 2014, as Fibromyalgia Awareness Week in the State of New York.

ACTING PRESIDENT VALESKY: Senator Little on the previously adopted resolution.

SENATOR LITTLE: Thank you, Mr. President.

And once again I thank Governor Cuomo for naming this week as Fibromyalgia Awareness Week.

I've had the privilege of speaking on this resolution before, and I do so again briefly.

As you know, there are 10 million people in the United States who are affected by fibromyalgia, and the number is increasing. It is a disease of debilitating, widespread pain and fatigue. And for your friends, family or constituents who may have been diagnosed with fibromyalgia, the treatment is usually learn to live with it, because there is no cure or real treatment for fibromyalgia.

We are fortunate, though, that we are making significant progress in the research that's being done on fibromyalgia. And joining

us in the gallery today we have some folks from Albany Med and people who are involved in this.

There are several organizations. Certainly there is the National Fibromyalgia Association, which works at providing information and education to physicians so that they are better able to deal with patients who are presented with this diagnosis and also to be able to diagnose them quicker than it has been in the past.

We have several other organizations: The International Institute for Human Empowerment; Integrated Tissue Dynamics, which is here in Rensselaer; and the National Fibromyalgia and Chronic Pain Association. We have the founder and executive directors, Dr. Susan Shipe, of the Fibromyalgia Task Force, and we're joined by Dr. Rice and Dr. Albrecht from Albany Medical, who are doing a lot of research and testing, trying to come up with a better cure and some kind of treatment for fibromyalgia.

Through their awareness, their advocacy and their action, we are making progress. And I wish them the best as they continue their efforts and would ask my

colleagues to support them and all the organizations working towards this.

But our focus this week is to increase awareness on what fibromyalgia is and the need for more research and better treatment.

Thank you, Mr. President.

ACTING PRESIDENT VALESKY: Thank you, Senator Little.

And again, this resolution was approved earlier this afternoon. We welcome our special guests to the chamber today.

Senator Libous.

SENATOR LIBOUS: Mr. President, can we take up the noncontroversial calendar.

ACTING PRESIDENT VALESKY: The Secretary will read.

THE SECRETARY: Calendar Number 126, substituted earlier by Member of the Assembly Weisenberg, Assembly Print 8639, an act to amend the Real Property Tax Law.

ACTING PRESIDENT VALESKY: Read the last section.

SENATOR SQUADRON: Lay it aside.

ACTING PRESIDENT VALESKY: The bill is laid aside.

THE SECRETARY: Calendar Number 127, substituted earlier by Member of the Assembly Weisenberg, Assembly Print 8646, an act to amend the Real Property Tax Law.

SENATOR SQUADRON: Lay it aside.

ACTING PRESIDENT VALESKY: The bill is laid aside.

THE SECRETARY: Calendar Number 279, substituted earlier by Member of the Assembly Nolan, Assembly Print 121, an act to amend the Education Law.

SENATOR LIBOUS: Lay the bill aside for the day.

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

THE SECRETARY: Calendar Number 350, by Senator Flanagan, Senate Print 4188, an act to amend the Vehicle and Traffic Law.

ACTING PRESIDENT VALESKY: Read the last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT VALESKY: The bill is passed.

THE SECRETARY: Calendar Number 391, by Senator Ranzenhofer, Senate Print 6981, an act to amend the Facilities Development Corporation Act.

ACTING PRESIDENT VALESKY: Read the last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT VALESKY: The bill is passed.

THE SECRETARY: Calendar Number 421, by Senator DeFrancisco, Senate Print 6482, an act to amend the State Finance Law.

ACTING PRESIDENT VALESKY: Read the last section.

SENATOR SQUADRON: Lay it aside.

ACTING PRESIDENT VALESKY: The bill is laid aside.

THE SECRETARY: Calendar Number 426, by Senator Bonacic, Senate Print 7077A, an act to amend the Estates, Powers and Trusts Law.

ACTING PRESIDENT VALESKY: Read the last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT VALESKY: The bill is passed.

THE SECRETARY: Calendar Number 428, by Senator Gallivan, Senate Print 762, an act to amend the Alcoholic Beverage Control Law.

SENATOR SQUADRON: Lay it aside.

ACTING PRESIDENT VALESKY: The bill is laid aside.

THE SECRETARY: Calendar Number 469, by Senator Savino, Senate Print 3677A, an act to amend the Penal Law.

SENATOR SQUADRON: Lay it aside.

ACTING PRESIDENT VALESKY: The bill is laid aside.

THE SECRETARY: Calendar Number 518, by Senator Boyle, Senate Print 6828, an act to amend the Highway Law.

ACTING PRESIDENT VALESKY: Read the last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT VALESKY: Senator Boyle to explain his vote.

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

I'd like to urge everyone, and myself included, to vote in favor of this bill, the Corey Swinson Memorial Bridge.

Corey was the youngest of 10 children, and a graduate of Bay Shore High School. He played college basketball and football and was drafted by the NFL in 1995, spending preseason on the Miami Dolphins roster, and in that same year played defensive tackle for the St. Louis Rams.

He then embarked on a career in

personal security, protecting A-list athletes and celebrities. However, Corey always felt drawn to the field of education, a field in which he could contribute to the betterment of young people. He returned to Long Island, where he coached football at his alma mater, Bay Shore High School.

In 2002, Corey joined the Bay Shore Schools as the director of security. And if you saw the size of Corey, you'd know why he was the director of security -- huge guy. He quickly established a reputation as one of Long Island's most respected voices in school safety. In 2012, Corey assumed the position of director of security for the Copiague School District.

Corey was a dedicated single father and is survived by his mother, Carrie Swinson, his siblings -- Robert, Betty, Gwen, Ernie, Eugenia, Pam, Lisa, Paula, David, and Matthew -- and an ever-increasing assortment of nieces and nephews. Corey was also fortunate to have a wonderful extended family, consisting of his lifelong friends he met over 42 years in the Bay Shore/Brightwaters community.

We lost Corey far too soon. This

bridge will memorialize the life of Corey Swinson and will serve to commemorate the heartfelt community service and dedication that Corey provided to our Bay Shore/Brightwaters community.

I vote strongly in the affirmative. Thank you.

ACTING PRESIDENT VALESKY: Senator Boyle to be recorded in the affirmative.

Announce the results.

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT VALESKY: The bill is passed.

THE SECRETARY: Calendar Number 519, by Senator Gallivan, Senate Print 6842, an act to amend the Highway Law.

ACTING PRESIDENT VALESKY: Read the last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT VALESKY: The bill is passed.

THE SECRETARY: Calendar Number 522, substituted earlier by Member of the Assembly Buchwald, Assembly Print 9055, an act to amend the Surrogate's Court Procedure Act.

SENATOR SQUADRON: Lay it aside, please.

ACTING PRESIDENT VALESKY: The bill is laid aside.

THE SECRETARY: Calendar Number 525, by Senator Bonacic, Senate Print 7143, an act to amend the Civil Practice Law and Rules.

ACTING PRESIDENT VALESKY: Read the last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT VALESKY: The bill is passed.

THE SECRETARY: Calendar Number 536, by Senator Marcellino, Senate Print 3854A, an act to amend the Tax Law.

SENATOR SQUADRON: Lay it aside.

ACTING PRESIDENT VALESKY: The bill is laid aside.

THE SECRETARY: Calendar Number 551, by Senator LaValle, Senate Print 1650A, an act to amend the --

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

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

THE SECRETARY: Calendar Number 552, by Senator LaValle, Senate Print 4469A, an act to amend the Education Law.

SENATOR SQUADRON: Lay it aside.

ACTING PRESIDENT VALESKY: The bill is laid aside.

THE SECRETARY: Calendar Number 553, by Senator Hannon, Senate Print 5060A, an act to amend the Education Law.

SENATOR SQUADRON: Lay it aside.

ACTING PRESIDENT VALESKY: The bill is laid aside.

THE SECRETARY: Calendar Number 556, substituted earlier by Member of the Assembly Rosenthal, Assembly Print 746A, an act to amend the Public Health Law.

SENATOR SQUADRON: Lay it aside.

ACTING PRESIDENT VALESKY: The bill is laid aside.

THE SECRETARY: Calendar Number 557, substituted earlier by Member of the Assembly Schimminger, Assembly Print 4611B, an act to amend the Public Health Law.

SENATOR SQUADRON: Lay it aside.

ACTING PRESIDENT VALESKY: The bill is laid aside.

THE SECRETARY: Calendar Number 560, by Senator Hannon, Senate Print 4509, an act to amend the Social Services Law.

SENATOR SQUADRON: Lay it aside.

ACTING PRESIDENT VALESKY: The bill is laid aside.

THE SECRETARY: Calendar Number 567, by Senator Hannon, Senate Print 7163, an act to amend the Public Health Law.

SENATOR SQUADRON: Lay it aside.

ACTING PRESIDENT VALESKY: The bill is laid aside.

THE SECRETARY: Calendar Number 574, by Senator Bonacic, Senate Print 2040A, an act to amend the Penal Law.

SENATOR SQUADRON: Lay it aside.

ACTING PRESIDENT VALESKY: The bill is laid aside.

THE SECRETARY: Calendar Number 576, by Senator Golden, Senate Print 2174, an act to amend the Civil Rights Law.

ACTING PRESIDENT VALESKY: Read the last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT VALESKY: The bill is passed.

THE SECRETARY: Calendar Number 589, by Senator Marcellino, Senate Print 1520, an act to amend the Penal Law.

ACTING PRESIDENT VALESKY: Read the last section.

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

ACTING PRESIDENT VALESKY: Call the

roll.

(The Secretary called the roll.)

THE SECRETARY: In relation to Calendar Number 589: Ayes, 59. Nays, 1. Senator Perkins recorded in the negative.

ACTING PRESIDENT VALESKY: The bill is passed.

THE SECRETARY: Calendar Number 597, substituted earlier by Member of the Assembly Robinson, Assembly Print 9037A, an act to amend the Banking Law.

SENATOR SQUADRON: Lay it aside.

ACTING PRESIDENT VALESKY: The bill is laid aside.

THE SECRETARY: Calendar Number 603, by Senator Valesky, Senate Print 4652A, an act to amend the General Business Law.

SENATOR SQUADRON: Lay it aside.

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

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

THE SECRETARY: Calendar Number 614, by Senator Bonacic, Senate Print 7019, an act to amend Chapter 473 of the Laws of 2010.

SENATOR SQUADRON: Lay it aside.

ACTING PRESIDENT VALESKY: The bill is laid aside.

THE SECRETARY: Calendar Number 627, by Senator Marcellino, Senate Print 6973A, an act to amend the Environmental Conservation Law.

ACTING PRESIDENT VALESKY: Read the last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT VALESKY: The bill is passed.

THE SECRETARY: Calendar Number 628, by Senator Ranzenhofer, Senate Print 6978, an act to amend Chapter 307 of the Laws of 2005.

ACTING PRESIDENT VALESKY: Read the last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT VALESKY: The bill is passed.

THE SECRETARY: Calendar Number 629, by Senator Martins, Senate Print 6982A, an act to amend the Environmental Conservation Law.

ACTING PRESIDENT VALESKY: Read the last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT VALESKY: The bill is passed.

THE SECRETARY: Calendar Number 630, by Senator Martins, Senate Print 6983A, an act to amend the Environmental Conservation Law.

ACTING PRESIDENT VALESKY: Read the

last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58. Nays, 2. Senators Ball and LaValle recorded in the negative.

ACTING PRESIDENT VALESKY: The bill is passed.

THE SECRETARY: Calendar Number 631, by Senator Martins, Senate Print 6984A, an act to amend the Environmental Conservation Law.

ACTING PRESIDENT VALESKY: Read the last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58. Nays, 2. Senators Ball and LaValle recorded in the negative.

ACTING PRESIDENT VALESKY: The bill

is passed.

THE SECRETARY: Calendar Number 633, by Senator Grisanti, Senate Print 6988A, an act to amend the Environmental Conservation Law.

ACTING PRESIDENT VALESKY: Read the last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57. Nays, 3. Senators Ball, Griffo and LaValle recorded in the negative.

ACTING PRESIDENT VALESKY: The bill is passed.

THE SECRETARY: Calendar Number 634, by Senator Martins, Senate Print 6991A, an act to amend the Environmental Conservation Law.

ACTING PRESIDENT VALESKY: Read the last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58. Nays, 2. Senators Ball and LaValle recorded in the negative.

ACTING PRESIDENT VALESKY: The bill is passed.

THE SECRETARY: Calendar Number 635, by Senator Martins, Senate Print 6992A, an act to amend the Environmental Conservation Law.

ACTING PRESIDENT VALESKY: Read the last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58. Nays, 2. Senators Ball and LaValle recorded in the negative.

ACTING PRESIDENT VALESKY: The bill is passed.

THE SECRETARY: Calendar Number 645, by Senator DeFrancisco, Senate Print 1790, an act to amend the Navigation Law.

ACTING PRESIDENT VALESKY: Read the

last section.

THE SECRETARY: Section 5. This act shall take effect on the 120th day.

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT VALESKY: The bill is passed.

THE SECRETARY: Calendar Number 648, by Senator Ritchie, Senate Print 2113, an act to amend the Vehicle and Traffic Law.

ACTING PRESIDENT VALESKY: Read the last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT VALESKY: The bill is passed.

THE SECRETARY: Calendar Number 649, by Senator Rivera, Senate Print --

SENATOR LIBOUS: Lay it aside.

ACTING PRESIDENT VALESKY: The bill is laid aside.

THE SECRETARY: Calendar Number 672, by Senator Felder, Senate Print 7210, an act to amend the Family Court Act.

SENATOR SQUADRON: Lay it aside.

ACTING PRESIDENT VALESKY: The bill is laid aside.

THE SECRETARY: Calendar Number 707, substituted earlier by Member of the Assembly Silver, Assembly Print 9578, an act to amend the Real Property Tax Law.

ACTING PRESIDENT VALESKY: Read the last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT VALESKY: The bill is passed.

THE SECRETARY: Calendar Number 716, by Senator Carlucci, Senate Print 1980B, an act to amend the Alcoholic Beverage Control Law.

SENATOR SQUADRON: Lay it aside.

ACTING PRESIDENT VALESKY: The bill is laid aside.

THE SECRETARY: Calendar Number 722, by Senator Savino, Senate Print 3682, an act to amend the Tax Law.

SENATOR SQUADRON: Lay it aside.

ACTING PRESIDENT VALESKY: The bill is laid aside.

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

The Secretary will ring the bell as we proceed to the reading of the controversial calendar.

SENATOR LIBOUS: Mr. President, if we could start the controversial calendar at Calendar Number 553, by Senator Hannon.

ACTING PRESIDENT VALESKY: The Secretary will place Calendar Number 553 before the house.

THE SECRETARY: Calendar Number 553, by Senator Hannon, Senate Print 5060A, an act to amend the Education Law.

SENATOR SQUADRON: Explanation.

ACTING PRESIDENT VALESKY: Senator

Hannon, an explanation has been requested by Senator Squadron.

SENATOR HANNON: Thank you, Mr. President.

This is legislation that would clarify action by this Legislature that we took in the 2013 budget to make sure the intent as to how many physician's assistants should be employed or supervised by a physician at any one time.

The PAs, the physician assistants in this state feel there's a need for clarification so that, as the demands upon the medical system increase -- you know, we've had Obamacare, it's been relatively successful in the enrollments, both in private insurance and Medicaid in this state, so that we have nearly 800,000 more people covered by insurance than we did just before January 1.

So this is a need to clarify this. And I would think it should be addressed by the body positively.

ACTING PRESIDENT VALESKY: Senator Stavisky, why do you rise?

SENATOR STAVISKY: If the sponsor

would yield.

ACTING PRESIDENT VALESKY: Senator Hannon, do you yield?

SENATOR HANNON: Yes.

ACTING PRESIDENT VALESKY: The sponsor yields.

SENATOR STAVISKY: Through you, Mr. President. Line 4 of the bill says that no physician shall employ or supervise more than four physician assistants at any one time. Can you explain to us what the word "supervise" means?

SENATOR HANNON: What the word "supervise" means? I presume, since it's been in the law for a number of years, that it is the common-sense type of thing of looking at the actions of the individual, providing guidance, mentoring, advice in regard to the actions of the individual.

And all would be done in regard to the professional scope of practice of both the physician and the physician's assistant.

ACTING PRESIDENT VALESKY: Senator Stavisky.

SENATOR STAVISKY: Would the

sponsor continue to yield?

ACTING PRESIDENT VALESKY: Senator Hannon, do you continue to yield?

SENATOR HANNON: Yes.

ACTING PRESIDENT VALESKY: The sponsor yields.

SENATOR STAVISKY: Does that mean that the person has to be in the same room?

SENATOR HANNON: I would think it would be a question of situation. If you're asking someone to do a task that's a matter of routine and you don't have to be in the same room, no.

There is a question sometimes that arises to what the various payment systems will require -- Medicare, Medicaid, private insurance and whatever rules they would have. I'm not familiar, but I know that in other situations there have been certain rules that have to be followed, so they would have to be in the same room.

Sometimes they can be in the same suite in terms of the medical practices, sometimes they can be in the same operating room, sometimes it's just the same building. But that

all has to be done according to the billing requirements.

But that's not what this bill is doing. This bill is just dealing with the scope of practice.

SENATOR STAVISKY: If the sponsor would continue to yield.

SENATOR HANNON: Yes.

ACTING PRESIDENT VALESKY: The sponsor yields.

SENATOR STAVISKY: In other words, we're assuming that supervision requires some kind of close proximity. Am I correct in that assumption?

SENATOR HANNON: I'm not sure. That's not something that I would be aware of.

You're making the assumption that it has to be close proximity. What I think my answer to the prior question was is it depends on the situation.

SENATOR STAVISKY: If the sponsor would continue to yield.

SENATOR HANNON: Yes.

ACTING PRESIDENT VALESKY: The sponsor yields.

SENATOR STAVISKY: Would availability via the Internet be included in supervision? In other words, whether they can perhaps be another location, would that include supervision?

SENATOR HANNON: I don't believe so.

SENATOR STAVISKY: If the sponsor would continue to yield.

SENATOR HANNON: Yes.

ACTING PRESIDENT VALESKY: The sponsor yields.

SENATOR STAVISKY: There are other professions that have similar requirements of supervision -- the nurse anesthetists, the midwives, there are quite a few that require supervision. Would you extend this legislation to those professions?

SENATOR HANNON: I would submit that this legislation deals with physician assistants only, and that's what the discussion is limited to.

SENATOR STAVISKY: If the sponsor would continue to yield.

ACTING PRESIDENT VALESKY: Senator

Hannon?

SENATOR HANNON: Yes.

ACTING PRESIDENT VALESKY: The sponsor yields.

Senator Stavisky, a reminder to direct questions through the chair, please.

SENATOR STAVISKY: Sorry, Mr. President.

The original version of the bill permitted six PAs in the practice. This is an A-print and limits the number to four. Can the sponsor explain why the number has been reduced?

SENATOR HANNON: I don't have prior version of the bill with me. I only know what we're doing with this piece of legislation that's before us now.

SENATOR STAVISKY: Thank you, Mr. President.

Senator, thank you for your responses.

ACTING PRESIDENT VALESKY: Are there any other Senators who wish to be heard?

Seeing none, the debate is closed.

The Secretary will ring the bell.

Senator Libous.

SENATOR LIBOUS: Mr. President, if members could sit in their seats, it would be very helpful. Because the rule tells us that members need to be in their seats for a vote count.

ACTING PRESIDENT VALESKY: Members are asked to sit in their seats.

Also a reminder that there are a number of bills scheduled to be debated today, so members should stay in the chamber or near the chamber following this roll call.

SENATOR LIBOUS: Mr. President, if you could call the roll.

ACTING PRESIDENT VALESKY: Read the last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

Absent from voting: Senator Bonacic.

ACTING PRESIDENT VALESKY: The bill is passed.

Senator Libous.

SENATOR LIBOUS: Thank you, Mr. President. If we could now take up Calendar 560, by Senator Hannon.

ACTING PRESIDENT VALESKY: The Secretary will place Calendar 560 before the Senate.

THE SECRETARY: Calendar Number 560, by Senator Hannon, Senate Print 4509, an act to amend the Social Services Law.

SENATOR RIVERA: Explanation.

ACTING PRESIDENT VALESKY: Senator Hannon, an explanation has been requested by Senator Rivera.

SENATOR HANNON: Yes. This is legislation that would direct the Department of Health to convene a Health Technology Assessment Committee so that there would be a formal input in regard to many of the proposed medical devices that are eligible for reimbursement under the state's Medicaid program.

ACTING PRESIDENT VALESKY: Senator Rivera.

SENATOR RIVERA: Through you, if the sponsor would yield for a few questions.

ACTING PRESIDENT VALESKY: Senator Hannon, do you yield?

SENATOR HANNON: One question at a time.

ACTING PRESIDENT VALESKY: Senator Hannon yields one question at a time.

SENATOR RIVERA: Duly noted, Mr. President.

SENATOR LIBOUS: Mr. President, there's a lot of talking in the back of the chamber.

If staff is here talking to members, I would politely ask you to leave and have your conversations outside the chamber so that we can hear the vigorous debate between Senator Rivera and Senator Hannon.

ACTING PRESIDENT VALESKY: Conversations are asked to be taken outside of the chamber.

Senator Rivera, proceed with your question.

SENATOR RIVERA: Thank you, Mr. President.

Through you. Through you, Mr. President. What exactly would the Technology

Assessment Committee do? What is the exact function that they would perform?

SENATOR HANNON: It would be analogous to the Drug Utilization Committee, which is strictly looking at whether or not a specific pharmaceutical product would be added to the formulary that's available as a preferred drug to a patient. This would be analogous to that, so that the many different types of health technologies could be evaluated, could be looked at as to the efficacy.

Now, there's a certain amount of anything is safe if it's gone through FDA approval, but you also want to look at efficacy as to how efficient is it in terms of saving steps, saving procedures, reducing medical costs. And then they could also be advising in regard to costs. But we have not put in costs like we've done for the Drug Utilization Committee.

SENATOR RIVERA: Through you, Mr. President, if the sponsor would continue to yield.

ACTING PRESIDENT VALESKY: Senator Hannon, do you continue to yield?

SENATOR HANNON: Yes.

ACTING PRESIDENT VALESKY: The sponsor yields.

SENATOR RIVERA: Thank you, Mr. President.

So this process that they have to undergo to consider all that you said earlier -- it obviously is a very thorough list of some of the things that have to be considered -- then ultimately the members of the committee would make a recommendation as a whole? Would they take a vote internally in the committee? How exactly would they determine, after they take everything into consideration that you just described, how would they ultimately make a decision about what goes on that list? Is that something that is outlined in this piece of legislation?

SENATOR HANNON: Page 5 of the proposal, at least in my bill draft, is they shall consider matters related to it, notice on the website prior to the meeting of it, there shall be a description of the technology to be reviewed, the conditions, medical conditions to be impacted, proposals to be considered, opportunity for people to present. And there

shall be notice of direct coverage recommendation by the committee, and the commissioner shall give notice of the recommendation itself.

SENATOR RIVERA: Through you, Mr. President, if the sponsor would continue to yield.

ACTING PRESIDENT VALESKY: Senator Hannon, do you continue to yield?

SENATOR HANNON: Yes.

ACTING PRESIDENT VALESKY: The sponsor yields.

SENATOR RIVERA: So I still find it hard to understand. Are they actually going to make a decision internally --

SENATOR HANNON: A recommendation.

SENATOR RIVERA: They would make a recommendation. Through you, Mr. President, they would make a recommendation to the commissioner, and ultimately the Commissioner of Health would make the ultimate decision?

SENATOR HANNON: That's correct.

SENATOR RIVERA: Through you, Mr. President, if the sponsor would continue to yield.

SENATOR HANNON: Yes.

ACTING PRESIDENT VALESKY: The sponsor yields.

SENATOR RIVERA: There are, I believe, 13 members of the committee. Who would appoint those folks?

SENATOR HANNON: It's the commissioner. The Commissioner of Health.

SENATOR RIVERA: Through you, Mr. President, if the sponsor would continue to yield.

ACTING PRESIDENT VALESKY: The sponsor yields.

SENATOR RIVERA: Would there be any process that could perhaps influence who these folks would be, suggestions from either the Legislature or from other folks in the Executive? Or how exactly would this -- what pool would these folks come from?

SENATOR HANNON: What pool? I'm sorry, I didn't understand your question.

SENATOR RIVERA: Through you, Mr. President, would there be -- these folks, who exactly would they be? When I said pool, I'm referring to a group of people perhaps that would be more likely to be chosen for this role.

SENATOR HANNON: As is provided in the proposed legislation, there's 13 members. Their usual term would be three years. There's an initial set of staggered terms. You may have reappointments.

The membership shall be six persons licensed and actively engaged in the practice of medicine in the state, a person licensed and actively engaged in practice as a nurse practitioner or midwife, another person who's a representative of a health technology or medical device organization with a regional, statewide or national constituency, and is a healthcare professional licensed under Title 8 of the Education Law, a person with expertise who's a licensed healthcare professional, again under Title 8 of the Education Law, and three consumers.

SENATOR RIVERA: Through you, Mr. President, if the sponsor would continue to yield.

SENATOR HANNON: Yes.

ACTING PRESIDENT VALESKY: The sponsor yields.

SENATOR RIVERA: Thank you,

Mr. President.

So if I'm not mistaken, there was a demonstration program that existed a while back that created a Health Technology Assessment Committee. Are you familiar -- through you, Mr. President, is the sponsor familiar with this program, with the demonstration program?

SENATOR HANNON: I only vaguely remember it. It's not in my file.

SENATOR RIVERA: I'm sorry, Mr. President, I did not understand the answer.

SENATOR HANNON: Not enough to make a response on based on what they did or did not do.

SENATOR RIVERA: Through you, Mr. President, if the sponsor would continue to yield.

ACTING PRESIDENT VALESKY: Senator Hannon, do you continue to yield?

SENATOR HANNON: Yes.

ACTING PRESIDENT VALESKY: The sponsor yields.

SENATOR RIVERA: So my follow-up question was about this demonstration program, whether it was successful and, you know, why

exactly it's taken over 30 years for the idea of it to be valid again.

I guess through you, Mr. President, I'll ask a general question. Why has it taken -- this demonstration program, I believe it expired in 1983. Why has it taken over 30 years to renew it if it was a successful program?

SENATOR HANNON: I think because we had the Medicaid redesign program, where a number of changes were made or recommendations for changes were made in regard to different aspects that would come under this committee.

The thought that this was a specialized, narrow area of medical care, people didn't pay attention to it enough that we ought to have a regular basis.

And so the thought was, after looking at what was happening with some of these medical devices, people were not able to get answers as to whether there would be coverage or not coverage, that we should move forward with it.

And that's probably, Senator Rivera, why you supported this bill on the floor last year and why you voted for it twice in committee.

SENATOR RIVERA: Through you, Mr. President, if the sponsor would continue to yield.

ACTING PRESIDENT VALESKY: Senator Hannon, do you continue to yield?

SENATOR HANNON: Yes.

ACTING PRESIDENT VALESKY: The sponsor yields.

SENATOR RIVERA: You are correct. You are correct, Senator Hannon. Through you, Mr. President. I did support this on the floor before, as well as in the committee.

I wanted to take this opportunity to make sure that all the different aspects of the bill that are positive certainly are brought to the public. So I wanted to make sure that we went through them thoroughly.

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

SENATOR HANNON: Yes.

ACTING PRESIDENT VALESKY: The sponsor yields.

SENATOR RIVERA: I do have a question, though -- through you, Mr. President -- about the cost of this. Would there be a cost

that would accrue to the state because of the creation of this committee?

SENATOR HANNON: I would argue that -- there's no compensation to anybody involved. I would argue that you'd be using personnel, so that would be a cost.

But I would think that a more focused study as to what would be effective in regard to healthcare technology would lead to hopefully both better healthcare, more efficient cost, and therefore we would have a general improvement. And that would be a savings to the system that we support with Medicaid.

SENATOR RIVERA: Through you, Mr. President, clarifying that I only have two more questions, would the sponsor continue to yield?

SENATOR HANNON: I'll yield to one more question.

ACTING PRESIDENT VALESKY: The sponsor yields to one more question.

SENATOR RIVERA: I have to choose one. Thank you, Mr. President. I could do a two-parter. No, not really.

Through you, Mr. President. If I'm

not mistaken, this bill would repeal Section 365D of the Social Services Law. Why does that need to be repealed with this bill?

SENATOR HANNON: That is the existing Section 365D which you talked about, of the Social Services Law, which was a demonstration program that expired 21 years ago. Or maybe even more, I'm sorry. 1983, yeah.

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

ACTING PRESIDENT VALESKY: Senator Rivera on the bill.

SENATOR RIVERA: I thank the sponsor for answering the questions about the bill. Because yes, I have supported it in the past. I will also support it today, Mr. President, because there's a couple of things that are positive about some of the things that we've been doing in the State of New York as it relates to Medicaid redesign and delivering healthcare to patients in the State of New York.

In this case, as the sponsor stated, we have been successful in the last couple of years in taking what was increasing costs across the board and being able to flatten the cost

curve. We've done a lot of things through partnerships, really, whether it was hospitals with the state, with nurses or with other healthcare providers, and we've come to agreement about what are the things that we need to do to control the costs of Medicaid overall. Which was something that was incredible -- something that was costing the state too much and in future years would actually bankrupt the state.

So we have been doing some things in the state to make sure that those costs are controlled. And in this case, as the sponsor noted, in this particular instance we're talking about what are some of the things that we can do with technology to lower those costs even further.

And we need to make sure that when we're making the decision about what technologies we inject into the system, that we do so with full knowledge of what these technologies actually are and hopefully with the recommendations from people that know the effect that these technologies have.

So the breakdown that the sponsor noted in the bill is a good one, because it fully

takes into consideration different types of professionals that are doing this type of work all across the state. Hopefully.

One question I did not get to ask was whether there was something in the bill that would make sure that we have different people from different parts of the state. Obviously, there's plenty to say about the different types of professionals that would be in this committee, but I don't believe that there's necessarily something about whether they would be from different parts of the geography of the State of New York. I would suggest that we also need to include that.

But ultimately these 13 individuals will be responsible for making recommendations to the Commissioner of Health about what are the things that we could be doing to use technology to further bring down costs in healthcare delivery in the State of New York. And I ultimately think that that is a positive thing.

It is unfortunate that it is not something that has passed in the Assembly. I'm uncertain whether this year we're going to have the opportunity to do that. I would call on my

Assembly colleagues to consider that this is one of the many ways in which we can take costs and further push them down, never losing sight and never losing focus on the fact that we need to provide high-quality care to folks that are Medicaid patients or to all patients in the State of New York.

So ultimately I will thank the sponsor for not only introducing this piece of legislation, but for taking the time this afternoon to tell us a little bit about it and tell us why it was necessary.

I agree with him wholeheartedly, I think that this will be a way for us to bring the intelligence and knowhow of folks that are knowledgeable about the healthcare delivery system, are knowledgeable about technology and how those two things together could provide better care to the people of the State of New York.

I believe that these individuals will take that time to give those recommendations to the Department of Health and to the commissioner, and ultimately the commissioner will make the choice. And I believe that this is

a positive thing for the State of New York.

I will vote in the affirmative, and I encourage all my colleagues to do the same.

Thank you, Mr. President.

ACTING PRESIDENT VALESKY: Senator Squadron.

SENATOR SQUADRON: Will the sponsor yield for a question.

ACTING PRESIDENT VALESKY: Senator Hannon, do you yield?

SENATOR HANNON: Yes.

ACTING PRESIDENT VALESKY: The sponsor yields.

SENATOR SQUADRON: I know we didn't quite get through the fully exhaustive questioning from Senator Rivera, so just a couple more questions.

I understand why this bill seems to make sense and have a purpose. I understand why there was a surprisingly long delay. Is there a model for this sort of commission or this sort of work in other states?

SENATOR HANNON: I'm not aware.

Actually, there may be, but it was not based on that. And -- no, I don't have

information about that.

SENATOR SQUADRON: If the sponsor will continue to yield.

SENATOR HANNON: Yes.

ACTING PRESIDENT VALESKY: The sponsor yields.

SENATOR SQUADRON: If not based on models from other states, what is the model?

SENATOR HANNON: The model is the bill before us.

The model is that we have a very vigorous healthcare system in this state. The model is that we have embarked on changing that healthcare system in many different ways, that we have a global cap that's saving money in general but we've also been able to drive money towards needed aspect of it, that we are funding nearly a million more New Yorkers with healthcare coverage that we haven't done before.

The model is we have looked at many different aspects of healthcare delivery and we haven't had to copy from other states, we're doing it here. We have delivery systems such as what they call the HARP or they call the FIDA, dealing with people who have behavioral health

problems or people who are dual-eligibles.

There's not really models for all of that. There's things you borrow, there's things you can do on your own, and that's what we're doing here.

There are things, as I said at the beginning with Senator Rivera, we have a Drug Utilization Board. We have tugged back and forth in regard to how it works and whether new drugs can be added to the formulary for the benefit of people in Medicaid in this state, how they're added, we've worked on the systems, et cetera, that they proceed. And based on that knowledge, we came up with this draft.

SENATOR SQUADRON: If the sponsor would continue to yield.

SENATOR HANNON: Yes.

ACTING PRESIDENT VALESKY: The sponsor yields.

SENATOR SQUADRON: While I guess this committee is not based on another state nor a model in this state, I presume that one of its charges would be -- and just to clarify this based on the prior answer -- one of its charges would be to look at other states and how they

have better integrated technology for outcomes and cost savings.

SENATOR HANNON: One of the charges is the efficacy of the device. And in order to do that, you're going to have to look at evidence and try to base it on what will work.

There are a few places in this nation that are looking at drugs, procedures and devices in regard to evidence, based in Oregon. Those would be things that would be self-evident to do, because that's their charge, they're not-for-profits, they publish their findings and their findings are available for use.

SENATOR SQUADRON: Thank you.

On the bill, Mr. President.

ACTING PRESIDENT VALESKY: Senator Squadron on the bill.

SENATOR SQUADRON: I thank the response for answering those questions.

I would say as we consider the sponsor' truly encyclopedic knowledge of this area, based on the responses, and the need to assess the technology in the way that has been described, it's critical that, you know, we look to the way other places have done this, both at

the federal level and other states at the national level, this seems on its face to be a reasonable version. I think I will be voting yes today because it's better to be trying to consider it than not.

But I do think that the models that we use as we go through these assessments, as we create what are inevitably new bureaucracies and new structures, is an important factor. And I do wish there was a little bit more of that here. However, I do think that when the sponsor talks about the charge of the committee and the consideration nationally -- and in fact, hopefully the sponsor will take an active hand if this ever does get passed into law, because clearly he brings a great deal himself. I think that's a positive thing.

So if this doesn't pass the Assembly this year and pass into law, I would really urge an additional further evolution of this that does consider other models of how we've done this, either in other areas in this state or across the states. But today I'll certainly vote yes in favor of the knowledge that's been displayed and the need to do something.

Thank you, Mr. President.

ACTING PRESIDENT VALESKY: Seeing no other Senator who wishes 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 immediately.

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

Senator Bonacic absent from voting.

ACTING PRESIDENT VALESKY: The bill is passed.

Senator Libous.

SENATOR LIBOUS: Mr. President, I believe we'll do Number 567, by Senator Hannon.

ACTING PRESIDENT VALESKY: The Secretary will place Calendar 567 before the Senate.

THE SECRETARY: Calendar Number 567, by Senator Hannon, Senate Print 7163, an act to amend the Public Health Law.

SENATOR SQUADRON: Explanation.

SENATOR RIVERA: Explanation.

ACTING PRESIDENT VALESKY: Senator Hannon, an explanation has been requested in stereo by Senators Squadron and Rivera.

SENATOR HANNON: Thank you, Mr. President.

Several years ago the State of New York, because of articles in a newspaper in New York City, put a limitation on the amount of resident duty hours that residents working at hospitals could work per week.

There has been a growing questioning as to whether or not that limitation is effective in terms of providing a doctor who graduates with enough experience. Now, this is post-medical school. This is residencies in hospitals.

As a matter of fact, outside of the State of New York, there have been several medical schools thinking that the comparable provisions in those states that put a limitation on hours did not have a sufficient evidentiary basis for an improvement in quality of the education of the physicians and might have actually led to a deficiency in the education because this 80-hour rule would result in between

six months and 12 months of less education to the resident becoming a physician.

But this is not just something that is by random that we're doing here. The State of New York, because it has a law, can't just waive on its own, it needs this proposal before us. And why? It would be so New York State medical schools and hospitals could participate in a national study that's going on as to whether or not that 80-hour rule is effective.

And how it's going to work is that in a double-blind study that some residents will be assigned to -- and continue the 80-hour limitation, and others will be able to go above it. And after a few years of this, there's going to be metrics using a federal system of outcomes, especially for surgeries, and they're going to compare the statistical differences to see whether the 80-hour rules was of benefit or a detriment.

And so this legislation is to allow our medical schools to participate in that. I might add that once you start participating in a study like this, the institutional research board, which each of the academic institutions

must have, will pass on the study in regard to all sorts of concerns about safety and privacy and efficacy for that. So there's a number of different benefits to this.

This is a national trial that's going to start this summer. And we need to try to get this passed in order to allow some of our -- and the schools that will be doing it are major schools such as Cornell Weill. And that's who came to us; the director of their surgery, the dean of their school made the presentation. And that's why I introduced it and have it before you today.

ACTING PRESIDENT VALESKY: Senator Rivera.

SENATOR RIVERA: Through you, Mr. President, if the sponsor would yield for a few questions.

ACTING PRESIDENT VALESKY: Senator Hannon?

SENATOR HANNON: Yes.

ACTING PRESIDENT VALESKY: The sponsor yields.

SENATOR RIVERA: Thank you, Mr. President.

Now, why is it important for us to exempt rules and regulations from the Department of Health that have been currently established as this bill does? Why is that a core part of the piece of legislation?

SENATOR HANNON: Why? Or is it -- are you talking about the law that's proposed or the explanation I just gave?

SENATOR RIVERA: Through you, Mr. President, I want you to explain to me, reiterate the reasoning why we are -- if this bill is passed -- if I'm not mistaken, Mr. President, if this bill is passed and signed into law, then it means that regulations that currently exist, rules and regulations that the Department of Health has established as far as the hours that a resident can and cannot work, as far as how long they can work at one time, how much rest they would require -- if I'm not mistaken, this would waive those rules and regulations if we pass this bill and it is signed into law.

I wanted to make sure that I understood exactly why such a thing is necessary.

SENATOR HANNON: To determine --

there is a growing thought in the field of medical education that the 80-hour limitation is not an effective rule, that it leads to people who could be better trained. And therefore one of the ways to go about looking at that criticism is to do this as an absolute study, a controlled study, and a study that would have outcomes that you would measure to see if the hypothesis that the 80 hours is not useful, whether that hypothesis is supported.

SENATOR RIVERA: Through you, Mr. President, if the sponsor would continue to yield.

SENATOR HANNON: Yes.

ACTING PRESIDENT VALESKY: The sponsor yields.

SENATOR RIVERA: There's one aspect that I sincerely don't understand about your argument related to -- through you, Mr. President -- the 80 hours. You're saying that the 80-hour requirement actually lessens the ability of a medical practitioner to gain training?

SENATOR HANNON: The thought is that if there was not an 80-hour limitation, that

there would be more experience gained by that prospective physician. And therefore with that greater experience, which has been estimated to be between six months additional or 12 months additional, that it would be a far better individual as a physician. Especially as a surgeon, who, once they get that final degree, can go and operate on any individuals.

SENATOR RIVERA: Through you, Mr. President, if the sponsor would continue to yield.

SENATOR HANNON: Yes.

ACTING PRESIDENT VALESKY: The sponsor yields.

SENATOR RIVERA: I'm sure that you are familiar with the Bell regulations and what occurred to make sure that those were put into place. But just for the record here, could you state why the Bell regulations were initially established and what they are meant to do in the State of New York?

SENATOR HANNON: I'm not going to get involved because there were a number of newspaper stories which led this Legislature to decide it knew how to regulate medical education.

But simply said, they thought less work would add to greater efficiency.

There has been a large number of physicians who have said no, the less work means less experience and a less-trained doctor.

SENATOR RIVERA: Through you, Mr. President, if the sponsor would continue to yield.

SENATOR HANNON: Yes.

ACTING PRESIDENT VALESKY: The sponsor yields.

SENATOR RIVERA: Is the sponsor aware of the case of Libby Zion in 1984?

SENATOR HANNON: That's what led to these regulations.

SENATOR RIVERA: Through you, Mr. President, if the sponsor would continue to yield.

SENATOR HANNON: Yes.

ACTING PRESIDENT VALESKY: The sponsor yields.

SENATOR RIVERA: For the record, again, what was the situation that happened and what was the result of that situation?

SENATOR HANNON: I'm not going to

put that on record. If you'd like to do it, feel free. I mean, there was extensive articles, there was extensive discussion all at that point.

But it comes down to the statute that we're amending was the result of that situation.

SENATOR RIVERA: Through you, Mr. President, if the sponsor would continue to yield.

SENATOR HANNON: Yes.

ACTING PRESIDENT VALESKY: The sponsor yields.

SENATOR RIVERA: The regulations that we're referring to, Mr. President, among other things establish proper supervision for almost 16,000 resident physicians -- I'm not on the bill, I'm going to ask a question -- and, second, establish safe work hours for resident physicians.

So through you, Mr. President, is it the contention of the sponsor that potential efficiency, effectiveness -- as you have said, one of the purposes of the study is to determine whether the interns or doctors, the medical practitioners, would be able to learn more by

working more. Is it the contention of the sponsor that potential efficiency through more work hours trumps safety?

SENATOR HANNON: No, it is my assertion, not contention, that that is an arguable fact and needs to be tested in an academic study.

SENATOR RIVERA: Through you, Mr. President, if the sponsor would continue to yield.

SENATOR HANNON: Yes.

ACTING PRESIDENT VALESKY: The sponsor yields.

SENATOR RIVERA: Would you agree that the -- what this study -- which, if I'm not mistaken, is called FIRST, by the acronym, which is Flexibility in Duty Hours Requirements for Surgical Training Trials. Would you agree with the statement that it would ultimately allow surgery residents to work for unlimited hours rather than the 27-hour limit that is now in place because of the regulations that we stated -- the Bell regulations that I referred to earlier?

SENATOR HANNON: No, I would

disagree with the word "unlimited."

First of all, there's only so many hours in the day. Second of all, you have, as I said in my original explanation, you have the oversight of an institutional research board, which is really charged with just looking at what's happening. For safety of the patient, for safety of the participants in the study. And I would think that there would have to be a reasonableness that would be implied with that.

SENATOR RIVERA: Mr. President, if the sponsor would continue to yield.

SENATOR HANNON: And let me point out, this is not something New York-only. If we don't pass this legislation, the study will go forward in other states where they've adopted the 80-hour rule only by regulation. So that what we're trying to do here is allow especially our major medical schools to participate in the national study.

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

SENATOR HANNON: Yes.

ACTING PRESIDENT VALESKY: The

sponsor yields.

SENATOR RIVERA: Is the sponsor familiar with the standards set by the Accreditation Council for Graduate Medical Education, or ACGME -- I'm not sure how to pronounce that particular acronym. But is the sponsor familiar with the requirements that the Accreditation Council for Graduate Medical Education establishes for surgical residents in particular?

SENATOR HANNON: I'm aware of them. I can't tell you that I've read through them thoroughly. I mean, i Think I have upstairs in my office, in the file, those regulations. But they would be -- you know, they would be what one would expect in the regulation of an educational course in a technical field.

SENATOR RIVERA: Through you, Mr. President, if the sponsor would continue to yield.

SENATOR HANNON: Yes.

ACTING PRESIDENT VALESKY: The sponsor yields.

SENATOR RIVERA: Thank you, Mr. President.

These same requirements establish that residents have 14 hours off after 24 hours of consecutive work, and at least eight to 10 hours off after a regular shift.

Would the sponsor agree that -- maybe there might not be double-blind studies of the type that he is talking about, but would the sponsor agree that at least there is a common-sense argument to be made that somebody who is a surgical resident, who is responsible for surgeries, for doing particularly delicate medical procedures, whether if that person has worked for 24 hours straight, that they should have at least 14 hours off or at least eight to 10 hours off after a regular shift?

Would the sponsor agree that at least that's a, on the face of it, a common-sense --

SENATOR HANNON: All I would agree with is I don't think that's a germane question. I would not be in a position to answer it. And that would be driving towards the original foundation of the legislation we're amending today. But whether or not that's the case, I don't know.

But I would tell you that you'll never get an answer to that question unless we let our schools participate in this study where they will have absolute academic findings and you can compare this and look at the results to say whether it was better one way or the other.

SENATOR RIVERA: Through you, Mr. President, if the sponsor would yield for one more question.

SENATOR HANNON: Yes.

ACTING PRESIDENT VALESKY: The sponsor yields for one more question.

SENATOR RIVERA: In general, do you believe that fatigue -- you're not an expert, I'm not an expert in this. But do you believe that fatigue leads to accidents or leads to carelessness when someone is doing any type of activity?

SENATOR HANNON: I know in legislating, it is the case. I don't know about practicing medicine.

(Laughter.)

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

ACTING PRESIDENT VALESKY: Senator

Rivera on the bill.

SENATOR RIVERA: Thank you, Mr. President. I thank the sponsor for answering my questions.

And these I believe are very -- this there is a very serious conversation that we need to have. I will be in opposition to this bill, Mr. President. I voted against it in committee, and I will vote against it here on the floor, and for a couple of different reasons.

While I agree with the sponsor that there is a need as much as possible to have evidence that is numerical in nature, that is backed up by research on decisions that we make about establishing general guidelines for all sorts of things -- and certainly when it comes to the medical field, I agree that we need to have -- we're not going to -- for example, the FDA does not approve a particular drug unless there is all sorts of evidence in studies that establishes that that drug does with what the manufacturer believes that that drug does. That it does not hurt the patient, that it is actually going to be useful for the purpose that it's set to be useful for.

However, I believe that we're dealing with something very, very specific, very particular here. Back in 1984 there was the tragic story of Libby Zion, who passed away as a patient, and based on all the circumstances that led to her unfortunate passing, there was a process that ultimately led to the creation of an Ad Hoc Committee on Emergency Services that is known in shorthand as the Bell Commission.

They came up with all sorts of regulations that address medication system, restraints usage, resident work hours, among a host of other things. It was this particular commission that came up with what seems to me to be a common-sense limitation on the amount of hours that surgical residents are allowed to work and how much time they are mandated to have in between shifts when they're performing their professional duty.

We're not talking about somebody trimming hedges. We're not talking about somebody legislating. We're talking about somebody who is ultimately responsible, as a surgical resident, for the life of the person that is before them in an operating room.

I certainly agree with the sponsor that on most things -- and on everything that deals with healthcare and healthcare delivery -- that we should have as much as evidence as possible, as many studies as possible, to be able to make the best decisions about how policy should be set.

But I believe that back in 1984 this was a smart way that this particular committee went about establishing limitations on what these particular professionals are to do and how they're going to do it.

I believe that it would open up the door to do -- to enter into this study would open up the door to potential residents to work unlimited hours, and certainly -- maybe not unlimited hours, because obviously there's only so many hours in the day, as the sponsor said. And everyone is human, and obviously they can only work for so long. But that is precisely the point.

Fatigue, under normal circumstances, when we're legislating -- and we've had situations right here on the floor where we've been up till 2:00, 3:00, 4:00 in the morning.

And I believe that there's a picture floating around of when we were here the last day of session last year, and I was particularly sleepy after 20 hours straight of being up, and most of it in this chamber, and I probably took a little nap right on this desk. And I'm sure that there's a picture floating around somewhere. And that was not my best day.

But I think that when we're talking about whether we're legislating is a very different conversation to have than whether we're responsible for somebody's life. And so in this case I'm going to have to say that this bill is not the correct way to go. It ultimately could potentially put many people's lives at risk. And I cannot find myself being supportive of this.

So, Mr. President, I will be forced to vote in the negative. Thank you.

ACTING PRESIDENT VALESKY: Senator Peralta.

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

ACTING PRESIDENT VALESKY: Senator Peralta on the bill.

SENATOR PERALTA: While the full

impact that the Bell regulations and other limits on resident work hours have on patient safety merit further study, that is no reason at all to remove the hard-won worker and patient protections here in New York.

A recent study that was conducted shortly after the implementation of work-hour restrictions found that residents whose hours were not limited made 35.9 percent more serious medical errors, 57 percent more nonintercepted errors, and were 6.7 times more likely to make serious diagnostic errors.

The problem with many more recent studies is that instead of abiding by the spirit of these rules, hospitals have simply reduced hours while increasing workloads. This is a situation that calls for more protections for residents and patients, not fewer.

We need to finally get to safe staffing levels for all medical personnel rather than exploiting loopholes in the letter of the law. We also need to look seriously at the 2009 Institute of Medicine Recommendation that we further limit resident-hour restrictions rather than doing away with them entirely.

Ladies and gentlemen, this study will go forward whether New York is on board or not, because there are plenty of other places that seemingly care less than we do about hardworking residents and our vulnerable patients. So let them do what they're going to do. There's a reason why there's no Assembly sponsor. There is nothing to be gained by New York following suit, and much to lose.

So in the interests of participating in a study, what we're saying is we're allowing hospitals to exempt themselves from limited working hours of postgraduate trainees. If 80 hours a week is not enough to sufficiently train residents/interns, I don't know what is.

With that said, this just sounds like a way to exploit residents/interns and, in turn, put them and patients in grave danger based on the stats that I mentioned earlier. It seems someone wants to go back to the "good old days" which will only lead to medical errors, missteps and an increase in lawsuits. That's what this will lead to.

This is simply ridiculous. Mr. President, I will be voting against this.

ACTING PRESIDENT VALESKY: Senator Stavisky.

SENATOR STAVISKY: Thank you, Mr. President.

As I understand it, the legislation is to test --

ACTING PRESIDENT VALESKY: Senator Stavisky, are you speaking on the bill or are you asking --

SENATOR STAVISKY: No, I will have a question in a moment.

ACTING PRESIDENT VALESKY: Senator Hannon, will you yield to a question in a moment?

(Laughter.)

SENATOR HANNON: Yes.

ACTING PRESIDENT VALESKY: The sponsor will yield.

SENATOR STAVISKY: I understand that this legislation is to test the endurance and the effect of long hours on a resident's work product. And after a lengthy time presumably of treating patients, there will be a study of their reflexes and whatever else is involved. So if the sponsor would yield.

ACTING PRESIDENT VALESKY: The

sponsor yields.

SENATOR STAVISKY: Is there any reason why they have to use live patients when there are so many electronic devices that are in use where they can test all sorts of things without involving an actual patient?

And if it were earlier in the day, I might have been a little better with my question.

(Laughter.)

SENATOR HANNON: It requires really to go back and look at the foundation and to tell you why I believe not only Senator Rivera but Senator Peralta are absolutely wrong.

The occasion that -- my background with this issue was -- and I did not introduce the bill on my own. When the people came from medical schools, I did. But the background was a New York Times article, front page, last fall, which evidenced a growing concern by people in medical education as to how well or how poorly the newly minted doctors were. And one of the things that was pointed out was the limitation on hours.

Now, the interesting part was I sent that article to out to all the deans of the

colleges in New York. And that -- well, for the most part. There was one or two that said, Oh, everything's fine. But for many of those deans, they either wrote or called me up and we had some incredible discussions as to the quality of the physicians we're turning out. Maybe they would be extraordinarily talented, but they were not skilled.

And especially when it came down to surgeons. And it's not totally addressed in just hours, but it was a question of whether or not they had enough hands-on experience performing operations so that when they got just past that day of graduation and they were out to do an appendectomy or something similar, they would not be hesitant.

And it goes right to your question, which is an excellent one, because many of the medical schools now have the simulation labs where they will try to trip the students up with, Okay, we're doing a procedure, we're doing an appendectomy. All of a sudden, something goes wrong -- there's a loss in blood pressure, there's a cut into the wrong part of the abdomen, and there's an emergency to be handled. And

they'll film this, and the medical student will watch later and try to learn from that mistake.

That alone, however, say the deans, is not enough. For all of the simulation we have, there's nothing more than being in the operating room, seeing something happen -- maybe there's an emergency, someone has come in through an ambulance, and you have to be able to respond right away.

And the deans said to me: "That's what we were trained for in the old days." It's not trying to push people beyond any endurance limits, it's trying to make sure that when they have these situations in the future, they're going to be able to deal with them because they've gone through them now.

There's another part of this, which is some of these operations last 10, some may last 20 hours. Sometimes they're done in teams. This bill allows for continuity so that if you're part of an operation that's going to go and take you beyond your 80 hours, you still don't have to leave. Which can happen right now. Where the result for the patient is worse than anything else, because the person who has started the

operation is not there to continue it.

So we're involved in some very difficult questions here. But this is totally unlike anything I think we've ever entertained before. And yet I think that it's something that we ought to pass.

SENATOR STAVISKY: If the Senator would yield to one more question.

SENATOR HANNON: Yes, Senator.

ACTING PRESIDENT VALESKY: The sponsor yields.

SENATOR STAVISKY: Does the sponsor see an analogy between an airport pilot who is asked to pilot an airplane for hours upon hours, and what happens is he's practiced in the flight simulator, do you see an analogy between that kind of fatigue and the training that the residents receive?

SENATOR HANNON: Not really. The conversations I had pointed out that there is a lot of things that happen to you, and you have to start the operation, make a cut into the skin. There is a reaction. Your own blood pressure goes up, your nervousness goes up.

I have a lot of friends who are

pilots. I think they've gotten over that very easily. I don't see that there is the analogy here that's total.

SENATOR STAVISKY: Thank you, Mr. President.

ACTING PRESIDENT VALESKY: Senator Krueger.

SENATOR KRUEGER: Thank you. Through you, Mr. President, if the sponsor would yield for a question.

ACTING PRESIDENT VALESKY: Senator Hannon?

SENATOR HANNON: Yes.

ACTING PRESIDENT VALESKY: The sponsor yields.

SENATOR KRUEGER: Thank you.

Could the sponsor tell me what the top three or four leading causes of death in America are?

SENATOR HANNON: I could.

SENATOR KRUEGER: Through you, Mr. President, would the sponsor tell me.

SENATOR HANNON: I don't think it is all relevant, no.

SENATOR KRUEGER: Thank you.

On the bill, Mr. President.

ACTING PRESIDENT VALESKY: Senator Krueger on the bill.

SENATOR KRUEGER: According to the U.S. Centers for Disease Control and Prevention National Vital Statistics Report -- the specific number, October 10, 2012 -- the leading causes of death in America are, in order, diseases of the heart, 596,000; the malignant cancers, 575,000; hospital deaths due to medical errors, two categories: High estimate, 400,000 people per year; low estimate, 210,000 Americans per year dying due to medical errors in hospitals.

If we adjust that for New York State, since our population is roughly 6.7 percent of the nation's, a rough estimate of patients killed in New York hospitals due to error range from a low of 14,000 per year to a high of 26,000 each year. That's between 38 and 73 patients killed each year in our hospitals due to medical error.

There may be lots of reasons for medical error, but it's clear to me that being exhausted and not being able to think straight has to be one of those causes.

For the record, like many of us here, we may have had multiple marriages in our life. I had an early marriage. It lasted the three years of medical residency in a New York City hospital. It was pre the changes in the law.

My then-husband slept one night out of three out of his schedule. He was scheduled to sleep one night out of three per week. He was constantly exhausted. All of his colleagues in medical residencies were constantly exhausted.

I didn't do research on medical error. I never have. I've read the statistics on how much medical error there is today, even under the existing law, and I can guarantee that I know when you're exhausted beyond comprehension, you don't make as good of decisions. And if you're a medical resident in a hospital setting, the decisions you make may be the difference between whether your patient lives or dies.

Do I know if 80 hours per week is exactly the right number versus 90 versus 70? I don't. Do I think it's horrendous for somebody to start studying the question? I don't think

so.

Do I think New York State has to put our patients at greater risk by participating in this kind of research? No, I don't. Particularly since we still aren't even doing the research right here in New York about what is causing the medical errors that result in between 14,000 and 26,000 New Yorkers per year dying in our hospitals due to medical errors.

I would rather be discussing a bill that mandated research about the causes of death from those medical errors. And I think that would be a worthwhile commitment by this house and by this state. We know there's a real problem out there. It's just very hard to imagine the solution comes from even more overworked and overtired medical residents and interns in our hospitals.

I will vote no, but I vote strongly yes for research into why do we have 14,000 to 26,000 New Yorkers dying in our hospitals unnecessarily from medical errors each year.

Thank you, Mr. President.

ACTING PRESIDENT VALESKY: Senator O'Brien.

SENATOR O'BRIEN: Thank you, Mr. President.

If the sponsor would yield to just a couple of questions.

ACTING PRESIDENT VALESKY: Senator Hannon?

SENATOR HANNON: I'll yield to a question.

ACTING PRESIDENT VALESKY: The sponsor yields to a question.

SENATOR O'BRIEN: If we were to proceed with this legislation to accommodate a particular study, it would seem that this might be the kind of legislation that would be appropriate for some kind of sunset provision. And I wonder if -- through you, Mr. President -- the legislation contains any kind of sunset language or ability to control how long studies can be conducted in subjecting residents to this kind of extreme work conditions.

SENATOR HANNON: No. Because the study itself, by its definition, is limited for a few years and already has a sunset. Whether we get this enacted or not, I didn't think that we needed to put it into the statute.

SENATOR O'BRIEN: If the sponsor would continue to yield.

SENATOR HANNON: Yes.

ACTING PRESIDENT VALESKY: The sponsor yields.

SENATOR O'BRIEN: So the legislation is specific to one particular study and it wouldn't accommodate other studies.

SENATOR HANNON: It's participating in a national study regarding limits on the working hours of postgraduate trainees recognized and approved by the commissioner.

SENATOR O'BRIEN: And one additional question, if the sponsor would yield.

SENATOR HANNON: Yes.

ACTING PRESIDENT VALESKY: The sponsor yields.

SENATOR O'BRIEN: Is there any kind of disclosure to a patient that they may have a resident conducting surgery or other kinds of things from somebody who has had to endure extreme hours, is there any that they're participating in a study that allows the resident to exceed the regulations put in place by the Department of Health?

SENATOR HANNON: I would presume that would be done, because it's a matter of what's usually done when the institutional research board, the IRB, sets out the conditions for how a study is conducted.

SENATOR O'BRIEN: Through you, if I could just ask a follow-up question. Does the legislation anticipate that, or we're just hoping that there would be some --

SENATOR HANNON: It happens -- it happens in every study. That's part of the national rules. I've experienced it in a number of different things that have been discussed, sponsored here. There's even some times where -- and these academic institutions, because they involve research at all times, have their own IRB. But we also have a state -- in the Department of Health, an IRB that looks at things when there's just no other academic institution available.

So no, no, it's not a hoped-for at all, it's a matter of policy.

SENATOR O'BRIEN: On the bill.

ACTING PRESIDENT VALESKY: Senator O'Brien on the bill.

SENATOR O'BRIEN: It just seems to me, you know, that we're dealing with real human beings, with real patients here. I think one of the earlier questioners talked about, you know, alternatives to doing extensive training and conducting a study without risking the lives of real patients.

And I think that really is a question in this instance, and I'll be voting no.

ACTING PRESIDENT VALESKY: Is there any other Senator who wishes to be heard?

Senator Peralta.

SENATOR PERALTA: Mr. President, through you, if the sponsor will yield to a clarification.

ACTING PRESIDENT VALESKY: Senator Hannon?

SENATOR HANNON: Yes.

ACTING PRESIDENT VALESKY: The sponsor yields.

SENATOR PERALTA: Through you, Mr. President, during the response to Senator Stavisky's question, was part of the answer that was when the deans of the medical school called the Senator back, they said that

there was no better substitute than working on a live patient?

SENATOR HANNON: In the essence, yes. I don't know "better substitute," but it was the best experience.

Now, given the fact that there is use of these simulation labs widespread, that there is also considered to be a very valuable experience going through each of those labs.

ACTING PRESIDENT VALESKY: Senator Peralta.

SENATOR PERALTA: If the sponsor would yield for another question, Mr. President.

SENATOR HANNON: Yes.

SENATOR PERALTA: Through you, Mr. President. So in the Senator's opinion, would you say, then, that the deans of those schools would be encouraging individuals who are residents/interns to operate on live patients, even if they have worked 13, 14 hours a day, because there is no best substitute than working on live patients?

SENATOR HANNON: No. You've assumed two things together which are not part of any type of practice. You're assuming that you

have an individual working 13 and going above the 80 hours. That's not part of our rules today in the state. And so I don't agree with that assumption whatsoever, because it's not logical.

SENATOR PERALTA: Another question, through you, Mr. President.

ACTING PRESIDENT VALESKY: Senator Hannon, do you yield?

SENATOR HANNON: Yes.

ACTING PRESIDENT VALESKY: The sponsor yields.

SENATOR PERALTA: Through you, Mr. President. But isn't this an exemption of the existing rules that we're discussing so that we can test these interns/residents on their stamina?

SENATOR HANNON: Not necessarily. Part of it is continuity, so it has nothing to do with stamina.

And the second is I fully expect it's not going to be a trial by endurance. I'm expecting it to be something that we're going to see a better-qualified physician at the end.

SENATOR PERALTA: One last question, Mr. President, through you.

ACTING PRESIDENT VALESKY: The sponsor yields.

SENATOR PERALTA: Thank you. So I believe I also heard the Senator say that the deans of those medical schools said "That's how we learned it back in the day," or back when.

So if there are new technologies that exist today where we don't have to put individuals at risk when an individual is so exhausted during an eight, nine, 10-hour shift, wouldn't it be wiser and smarter and less expensive to practice on these new technologies that exist currently today as opposed to those technologies that did exist back in the day?

SENATOR HANNON: Several different things. A, actually the deans didn't say "how we learned." But I had, last night, when I was talking to a group of doctors, somebody came up and told me exactly that. So that there is this belief in the medical field that that's the case.

But second, in your proposition that you put forward as your question, you said "exhausted." We're not necessarily saying exhausted. People are not necessarily exhausted at all. It's a question of whether they can be

applying their talents. If you're exhausted, I would say that's a self-defeating end and you're not going to be there.

Lastly, you talk about the new technologies. If there's anything as a new technology, we have extended operations that go far beyond what we've ever seen before. All because we can do things in terms of operations that were never done -- in terms of transplants, in terms of repair, in terms of rebuilding. Those things were never done before, and they dictate that you be there in the operating room for a greater period of time and have teams.

So I don't agree that just because you deal with this, that you're going to have exhausted people. One is not equated to the other.

SENATOR PERALTA: Thank you, Mr. President.

ACTING PRESIDENT VALESKY: Senator Hannon on the bill.

SENATOR HANNON: A couple of different things that occur to me in discussing this.

First of all, I was glad that

Senator Krueger stood up and had those list of statistics as to the leading causes of death. And I believe you had something about either three, four or five -- or two of those that were hospital-based.

Let me point out to you, for New York, you're just making the case for my bill. Those statistics were generated since 1984, when the Bell Commission regulations were put on. All of those hospital-based errors were all done under the 80-hour rule. It makes the case that we have to have a better educational system. So that's what happens when you use statistics. Sometimes you've got to think through what you're doing.

Lastly, I don't believe that we should be restricting this. I believe that inquiry on an academic basis, to be measured by people who are in the business of doing education of physicians in this nation, is something our medical schools should participate in.

We have some really great medical schools. If I go to name them, I'll eliminate a couple that I don't intend to eliminated. But they're all there trying to turn out more and

better physicians. If anything we've had as a problem is we didn't have enough physicians. I've urged them to do that yearly, and we're finally getting those numbers up.

So I don't think that this is a productive dissent from support of the bill. I believe it's good to do. I think we should move forward on it. And I would ask for your support.

Thank you.

ACTING PRESIDENT VALESKY: Seeing no other Senator who wishes 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 immediately.

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT VALESKY: Senator DeFrancisco to explain his vote.

SENATOR DeFRANCISCO: Yes. I understand the merits of the bill, but I'm going to vote no, because I actually had a son going through medical school when there was involuntary

servitude and a very dangerous situation.

Secondly, the study that's being proposed can give us the results based upon other states that have over 80 hours, under 80 hours. There will be plenty of data without New York.

So I'm going to vote no.

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

Senator Stavisky to explain her vote.

SENATOR STAVISKY: We're not asking airline pilots to undertake this study because of the danger to the passengers. And I don't think we should be asking the residents to undertake this study because of the dangers to their patients.

For that reason, I vote no.

ACTING PRESIDENT VALESKY: Senator Stavisky in the negative.

Announce the results.

THE SECRETARY: In relation to Calendar Number 567, those recorded in the negative are Senators Addabbo, Avella, Breslin, Carlucci, DeFrancisco, Gianaris, Gipson, Hassell-Thompson, Hoylman, Kennedy, Krueger,

Latimer, Martins, Montgomery, O'Brien, Parker, Peralta, Perkins, Rivera, Sanders, Serrano, Squadron, Stavisky, Stewart-Cousins and Tkaczyk.

Absent from voting: Senator Bonacic.

Ayes, 34. Nays, 25.

ACTING PRESIDENT VALESKY: The bill is passed.

Senator Libous.

SENATOR LIBOUS: Mr. President, could we lay aside the remaining calendar for the day.

ACTING PRESIDENT VALESKY: The rest of the calendar is laid aside for the day.

SENATOR LIBOUS: And if we could move to motions and resolutions and call on I believe Senator Savino.

ACTING PRESIDENT VALESKY: Returning to motions and resolutions.

Senator Savino.

SENATOR SAVINO: Thank you. Thank you, Mr. President. On behalf of Senator Klein, on page 54 I offer the following amendments to Calendar Number 762, Senate Print Number 6634A, and I ask that the said bill retain its place on

the Third Reading Calendar.

ACTING PRESIDENT VALESKY: So ordered.

Senator Libous.

SENATOR LIBOUS: Mr. President, on behalf of Senator Larkin, on page 34 I offer the following amendments to Calendar Number 569, Senate Print 285, and ask that said bill retain its place on Third Reading Calendar.

ACTING PRESIDENT VALESKY: So ordered.

SENATOR LIBOUS: Mr. President, is there any further business at the desk?

ACTING PRESIDENT VALESKY: There is no further business at the desk.

SENATOR LIBOUS: Mr. President, I move that the Senate stand adjourned until Wednesday, May 21st, at 10:00 a.m.

ACTING PRESIDENT VALESKY: On motion, the Senate stands adjourned until Wednesday, May 21st, at 10:00 a.m.

(Whereupon, at 6:29 p.m., the Senate adjourned.)