NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

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3:40 p.m.

REGULAR SESSION

SENATOR JOSEPH GRIFFO, Acting President

FRANCIS W. PATIENCE, Secretary

P R O C E E D I N G S

ACTING PRESIDENT GRIFFO: The Senate will come to order.

I ask all present to please rise and join with me as we recite the Pledge of Allegiance to our Flag.

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

ACTING PRESIDENT GRIFFO: In the absence of clergy, I ask all to bow their heads in a moment of silent reflection and prayer.

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

ACTING PRESIDENT GRIFFO: The reading of the Journal.

THE SECRETARY: In Senate, Friday, May 3rd, the Senate met pursuant to adjournment. The Journal of Thursday, May 2nd, was read and approved. On motion, Senate adjourned.

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

Presentation of petitions.

Messages from the Assembly.

The Secretary will read.

THE SECRETARY: On page 32,

Senator Griffo moves to discharge, from the Committee on Banks, Assembly Bill Number 5057 and substitute it for the identical Senate Bill Number 4278, Third Reading Calendar 429.

ACTING PRESIDENT GRIFFO: The substitution is so ordered.

Messages from the Governor.

Reports of standing committees.

Senator Libous.

SENATOR LIBOUS: Thank you, Mr. President.

Is there a report of the Judiciary Committee at the desk?

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

The Secretary will read.

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

As a judge of the Court of Appeals, the Honorable Sheila Abdus-Salaam.

ACTING PRESIDENT GRIFFO: Senator Bonacic.

SENATOR BONACIC: Thank you, Mr. President.

Last week the Judiciary Committee met and considered the nomination of Sheila Abdus-Salaam as a judge of the Court of Appeals for a term commencing April 29th of this year and expiring April 28, 2027.

Pursuant to the provisions of Section 2 of Article 6 of the Constitution and the provisions of Section 68 of the Judiciary Law, the Judiciary Committee has reported the nomination to the floor with unanimous approval.

Judge Salaam is in the gallery today.

I want to thank Governor Cuomo for sending us an exemplary nominee. This person has a wide breadth of experience both as a practicing attorney for 14 years and as a judge for 20 years, having ruled on over 211 cases. She has demonstrated clarity in her decision-making, fidelity to the law, and is committed to an independent judiciary.

This nominee is defined by her qualifications, her merit and her integrity. And today the State of New York is making history. So I wholeheartedly support her

nomination, and I would ask this entire body to approve it unanimously.

Senator Libous, I ask you to go to Senator Perkins. Judge Salaam lives in his district in New York City.

And I thank you, Mr. President.

ACTING PRESIDENT GRIFFO: Thank you, Senator Bonacic.

Senator Perkins.

SENATOR PERKINS: Thank you very much.

And thank you, Mr. Chairman, for your eloquence and your graciousness in not only recognizing me now, but even in the committee, that enables me to be a part of this historic moment in a very special way; that is, in terms of nominating her to the committee. And of course the committee unanimously -- once in a while doesn't quite do it so unanimously, but in this case, without a doubt, recognizing her as an outstanding person.

But I'm going to be brief because, you know, those of us in Harlem have known her beyond the 21 years that she has served on the bench. And even during the struggles that she

went through to get to the bench, she was supported by us. And we knew that at some point she would arrive at her dream, but little did we know that it was to make history.

And so we're happy that that journey has led us to a place where she has joined the ranks of the history-makers for our state. We want to thank our Governor for his support of her.

We want to thank the committee and your leadership at the committee for reporting her out. I want to obviously urge my --

ACTING PRESIDENT GRIFFO: Senator Libous.

SENATOR LIBOUS: Mr. President, if the Senator could indulge me for a minute.

Could I ask the Sergeant-at-Arms to keep the doors closed. This is a very important nomination. And if members that are in their seats get in their seats. And if staff could also behave themselves.

Thank you, Mr. President. Thank you, Senator Perkins.

ACTING PRESIDENT GRIFFO: Thank you, Senator Libous.

Sergeants will adhere to the doors, please, and keep them closed. Members will keep their seats. And we ask for order in the chamber.

Senator Perkins, you may continue.

SENATOR PERKINS: Thank you very much.

I just want to conclude again by thanking the Governor. This is a great day for the community of Harlem. This is a great day for our city. It's a great day for our state. It's a great day for our nation. I'm glad to be a part of this historic moment.

ACTING PRESIDENT GRIFFO: Thank you, Senator Perkins.

Senator Hoylman.

SENATOR HOYLMAN: Thank you, Mr. President.

As a member of the Judiciary Committee, it is an honor to say a few words about the ascension of Justice Sheila Abdus-Salaam to the Court of Appeals today.

First, I wanted to note the historic nature. It took 166 years, but thanks to Governor Cuomo and my colleagues on both sides of

the aisle, we will now have an African-American woman on New York's highest court.

I have been impressed, like so many of my fellow Senators, on so many aspects of the justice's background, experience and temperament. I think her background will serve her extremely well. Her journey from a large working-class family in Washington, D.C., to top schools in New York City was made possible not because somebody handed it to her but because she worked for it.

Because of her upbringing, Mr. President, Justice Salaam will forever have a bond and a deep understanding of the issues facing working New Yorkers. She will have their backs.

She will also serve as an inspiration, Mr. President, to future generations of young people in the law and elsewhere -- maybe some who might have thought they couldn't get ahead because of their gender or their skin color.

And it is an extraordinary testament to the justice's commitment to public service that out of an Ivy League law school she chose to

begin her legal career by representing low-income clients at Brooklyn Legal Services when she probably could have just as easily taken a high-paying job with a Wall Street law firm.

In addition, Justice Salaam's impressive opinions and letters of support would show her to be fair-minded, with just the right legal temperament.

I want to point out the fact that she rose up the legal ranks all the way from being a civil court judge in New York County to our state's highest court. Mr. President, that is not a typical path. And again, it is a testament to the justice's determination, hard work, and commitment to the judicial system.

These 21 years of judicial experience will serve the justice well, but the real beneficiaries, Mr. President, will be the litigants in her courtroom and all people of this great state. I vote aye.

Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: Senator Nozzolio.

SENATOR NOZZOLIO: Thank you, Mr. President.

Mr. President and my colleagues, I rise in support of this nomination and thank Governor Cuomo for recognizing the talents, the determination and the expertise of the nominee.

This is a day that may be historic in the sense that in the few months that he has been here, I think this will be the first time that I agree with Senator Hoylman on anything. As a member of the Codes Committee, he and I have had a number of interesting discussions.

But I stand with all seriousness in full recommendation for and accommodation for what he has put forward. That Senator Hoylman is absolutely right, that this is an outstanding appointment, an outstanding jurist.

And I rise to add the fact that in the brief time that I've had exposure to the nominee, it's apparent certainly that this is the beauty of America, recognizing an American dream where hard work, where determination, grace and style combine to put together an individual who is truly outstanding and that individual's outstanding work is so recognized.

Her opinions have throughout reflected a thoughtful analysis, and combined

with her knowledge of the law that produces an opinion to direct our judicial system in a way that I believe we may not always agree with the ultimate decision, but there is certainly no argument in the process and the analysis, the intelligent review that the nominee has provided to the opinions before her that she has had to decide.

There's also, Mr. President and my colleagues, a confidence in knowing that this nominee has that type of bedrock that you may not agree with a decision, but there is no way that you could question her intelligence, her approach to the law, her respect for the law, her respect for the legislative component of making the law.

And for all those reasons and many, many others, this nominee is truly a wonderful one that I rise with great pride in thanking her for realizing this American dream and for being such a thoughtful jurist and one that I hope will be an outstanding member of the Court of Appeals in a long, long-standing career on that very important court.

Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: Thank

you, Senator Nozzolio.

Senator Espaillat.

SENATOR ESPAILLAT: Thank you, Mr. President.

As a resident of New York County and a neighbor of the village of Harlem, I stand in support of this nomination. And I want to congratulate the Governor for putting forward the name of this very excellent judge, Sheila Abdus-Salaam, who not only has exceptional qualities and has a very broad and experienced background with regards to judicial decisions, but is someone that I think has the judicial temperament for this great Court of Appeals.

I think during her hearings at the Judiciary Committee, her serenity brought to that meeting I think her spirit. And we can all agree that she is a judge that will be fair to all New Yorkers.

So I am happy to stand here in support of her nomination and be part of this very important moment for all New Yorkers as we make history and elevate her to the New York Court of Appeals.

Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: Senator Breslin.

SENATOR BRESLIN: Thank you, Mr. President. I also rise to confirm the chorus of praise for Judge Salaam.

And Senator Espaillat, even though you talk about the village of Harlem, or Senator Perkins talked about Judge Salaam being from their district -- I'm from Albany, but I'm part of the State of New York. And we are viewing today, at least during my 15 years on the Senate Judiciary Committee, in my opinion the finest candidate we have seen, someone who has the complete package, if you will.

From her humble beginnings through her educational process to her years in private practice and her years on the bench, couple that with the clarity of thought that's expressed in her writings. When you read a decision of Judge Salaam, they are so easy to understand -- unlike some of the other decisions I read periodically -- but so easy to understand. And her devotion to the rule of law, her ability to analyze an issue, come to a conclusion and decide a case shows a distinct quality.

So with everyone else I think in this chamber, I salute the Governor in choosing Judge Salaam, and I look forward to her service on the Court of Appeals for many years to come.

Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: Thank you, Senator Breslin.

Senator Farley.

SENATOR FARLEY: Thank you, Mr. President.

I rise to say that the judge called me and I told her that I enthusiastically supported her.

As somebody who's a lawyer and a law professor that used to serve on the Judiciary Committee and have been involved for 37 years in the confirmation of judges to the Court of Appeals, I was absolutely impressed by my colleagues that served on that Judiciary Committee that were effusive in their praise of you, Judge.

And it is with enthusiasm that I vote for your confirmation.

ACTING PRESIDENT GRIFFO: Thank you, Senator Farley.

Senator Diaz.

SENATOR DIAZ: Thank you, Mr. President.

You know, Mr. President, the last time that I stood up in here to vote for a judge, I voted no. And I was a little bit disappointed with the Governor because this is an issue too important for the State of New York. And when the Governor nominates a person to become judge, especially to the Court of Appeals, it should be the best. Regardless if the person is white, black, Hispanic, it should be the best.

And the Bible says that we should give -- to pay everyone what's due to everyone. Honor when honor is due, praise when praise is due. And today I'm -- I'm giving honor to the Governor today. Because as you can see, all my colleagues -- white, black, Hispanic -- they're all standing here today praising Judge Sheila Abdus-Salaam.

Because she's not here because she's black, she's not here because she's Hispanic or because she's white; she's here because she's the best. And being Afro-American is a little more better for me and for us, but she's not here

because of that.

And the Governor, every time that the Governor sends us people to be confirmed should be like that. Don't send me a Hispanic and ask me to vote for a Hispanic because I'm a Hispanic and send me somebody that doesn't qualify. Send me somebody that everyone here feels proud of. White, black, and Hispanic, that everyone would say "I'm glad to support this nomination."

And I see everyone here today supporting Sheila Abdus-Salaam because she is the best, because she's well-qualified to be appointed to the Court of Appeals.

And I'm -- as a Puerto Rican, as a black Puerto Rican with kinky hair and broken English, I am honored and proud to support Judge Sheila Abdus-Salaam for her qualifications, for her experience, because she is the best.

And Governor Cuomo, this time I congratulate you. Thank you, Governor Cuomo, today for sending us Sheila Abdus-Salaam.

Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: Senator Little.

SENATOR LITTLE: Thank you, Mr. President.

As a member of the Judiciary Committee, I am honored to join with my colleagues today in confirming the nomination of Judge Salaam.

I just have had the opportunity to do many -- to read many of her court cases or readings. And I can only say that she is so impressive, not only by her background and her education, but by her decision-making and her independence that she showed in these decisions.

While I'm not an attorney -- I doubt that I would ever appear before her and hope that I would never appear before her, but I certainly am positive that whoever does appear before her will get an absolutely fair hearing.

So congratulations to the Governor on this appointment. Congratulations to Judge Abdus-Salaam.

Thank you.

ACTING PRESIDENT GRIFFO: Senator Kennedy.

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

I too rise in support of Judge Sheila Abdus-Salaam. I congratulate the Governor on having the vision for putting forward such a wonderful, experienced nomination to this Senate today.

It's very easy to be supportive of this nomination. Judge, your history is helping us to make history. And tomorrow in this Senate we will be celebrating Women of Distinction from all across New York State. Well, today we have the honor of celebrating a woman of distinction for all of us, no matter where we're from.

And all the way from Buffalo, New York, I can tell you that it's an incredible honor and pleasure to be supportive of the Governor's nomination today, the first African-American woman in the history of the state to be appointed to the Court of Appeals.

That's something that is worth being proud of, that is something worth celebrating, and absolutely that is something worth supporting. And I do so with all great respect for you, Judge, and the work that brought you to this level.

And with that, I vote aye.

ACTING PRESIDENT GRIFFO: Thank you, Senator Kennedy.

Senator Krueger.

SENATOR KRUEGER: Thank you.

I rise to congratulate the judge on her confirmation, very soon. I am very honored to be among the majority if not the entirety of the New York State Senate who is about to vote for her.

But I also just want to recognize -- Senator Diaz and I don't always agree on the floor of the Senate, but I would like to echo his comments today and also thank the Governor for giving us such an excellent nominee to serve on our highest court.

The State of New York is rightly proud of our court system and particularly proud of the excellent judges who represent us and serve all 19.5 million New Yorkers on our highest court. And I know that our newest appointee, Judge Abdus-Salaam, will do us all very proud.

Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: Senator Stewart-Cousins.

SENATOR STEWART-COUSINS: Thank

you, Mr. President.

I rise to echo the comments of my colleagues and certainly to congratulate the Governor.

I had an opportunity to meet Justice Abdus-Salaam. She came to see me, although I'm not sitting on the Judiciary Committee. But she wanted to make sure that I absolutely knew who she was, where she had been, and where she knows she's going.

In this the highest court, in this historic moment, bringing with her all of the hopes and the aspirations, the dreams, everything that so many have hoped to see, she realizes is really riding on her shoulders. And yet she knows she's standing on the shoulders of so many who created a pathway for her.

I am so honored to be able to vote for you. I am so honored to be in a chamber and serving at a time where we can continue to shatter glass ceilings and continue to go onward and upward so that everyone understands that there is indeed opportunity and, if you work hard, you can actually get something done.

Congratulations.

ACTING PRESIDENT GRIFFO: Thank you, Senator Stewart-Cousins.

Senator DeFrancisco.

SENATOR DeFRANCISCO: Yes, I also rise to support the nomination of Judge Sheila Abdus-Salaam.

And I don't -- I mentioned this to her during the confirmation hearing, that she's got huge shoes to fill. Judge Theodore Jones was a personal favorite of mine. Never knew the man before his name was brought up for nomination, and I met with him actually in New York City for the first time.

And I read a lot of his decisions. A man of class, a man of courage, some of his decisions that were made, and an individual who always relied on the rule of law and made the right decisions for the right reasons. And she's going to fill his shoes, and I'm sure she will do a wonderful job.

Now, I'm not standing here in support because this is an historic day, believe me, although that's a wonderful thing. And I'm not standing here to support you because you've got the workers of New York's backs. I'm not

standing for that reason or not.

I'm standing here because I believe you'll have the back of that lady with the scales with a blindfold on. Because that's all your allegiance could be and has to be and will be, and I know that from your prior record.

In addition, I did read all the decisions I could get my hands on. And as was said before, there's a clarity of reasoning. You can understand your decisions. And lower courts' lawyers have to understand them. The logic was impeccable. Some I disagreed with, but I don't -- no one agrees with me all the time; right?

MULTIPLE SENATORS: Right.

(Laughter.)

SENATOR DeFRANCISCO: In any event -- in any event, having practiced in the courts, 90 percent of which was litigation, for over 40 years, I know how important a judge like you is in the highest court.

And I'm very happy that the Governor did in fact appoint you, and I'm very happy that this is going to be a unanimous confirmation. And hopefully it will set the stage for future

nominations of the caliber and quality of yours.

So congratulations. I will definitely vote aye on this nominee.

ACTING PRESIDENT GRIFFO: Thank you, Senator DeFrancisco.

The question is on the nomination of Judge Sheila Abdus-Salaam to the New York State Court of Appeals. All in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT GRIFFO: Opposed, nay.

(No response.)

ACTING PRESIDENT GRIFFO: Judge Sheila Abdus-Salaam is hereby confirmed as a justice to the New York State Court of Appeals.

Congratulations.

(Extended standing ovation).

ACTING PRESIDENT GRIFFO: Our congratulations and best wishes to you.

Senator Libous.

SENATOR LIBOUS: Mr. President, if we can proceed with reports of select committees at this time.

ACTING PRESIDENT GRIFFO: Reports

of select committees.

Communications and reports from state officers.

Motions and resolutions.

Senator Libous.

SENATOR LIBOUS: If you would call on Senator Gianaris at this time.

ACTING PRESIDENT GRIFFO: Senator Gianaris.

SENATOR GIANARIS: Thank you, Mr. President.

On behalf of Senator Hoylman, I move that the following bill be discharged from its respective committee and be recommitted with instructions to strike the enacting clause: Senate Bill 4840.

ACTING PRESIDENT GRIFFO: So ordered.

Senator Libous.

SENATOR LIBOUS: Thank you, Mr. President.

On behalf of Senator Grisanti, I wish to call up his bill, Senate Print 1721A, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: Calendar Number 384, by Senator Grisanti, Senate Print 1721A, an act to amend the Penal Law.

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

ACTING PRESIDENT GRIFFO: Call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

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

ACTING PRESIDENT GRIFFO: The amendments are received.

SENATOR LIBOUS: Mr. President, on behalf of Senator LaValle, I move that the following bill be discharged from its respective committee and be recommitted with instructions to strike the enacting clause. That would be Senate Print 4105.

ACTING PRESIDENT GRIFFO: So ordered.

SENATOR LIBOUS: On behalf of

Senator Gallivan, on page 15 I offer the following amendments to Calendar Number 74, Senate Print Number 583A, and ask that said bill retain its place on the Third Reading Calendar.

ACTING PRESIDENT GRIFFO: So ordered.

SENATOR LIBOUS: Mr. President, on behalf of Senator Maziarz, on page 15 I offer the following amendments to Calendar Number 99, Senate Print Number 1186, and ask that said bill retain its place on the Third Reading Calendar.

ACTING PRESIDENT GRIFFO: The amendments are received, and the bill shall retain its place on third reading.

SENATOR LIBOUS: Mr. President, on behalf of Senator Seward, on page 19 I offer the following amendments to Calendar Number 204, Senate Print Number 2890, and ask that the bill retain its place on the Third Reading Calendar.

ACTING PRESIDENT GRIFFO: The amendments are received, and the bill shall retain its place on third reading.

SENATOR LIBOUS: Mr. President, on behalf of Senator Ranzenhofer, on page 32 I offer the following amendments to Calendar Number 432,

Senate Print 2345, and ask that said bill retain its place on the Third Reading Calendar.

ACTING PRESIDENT GRIFFO: The amendments are received, and the bill shall retain its place on third reading.

SENATOR LIBOUS: And last but not least, on behalf of Senator Grisanti, on page 33 I offer the following amendments to Calendar Number 443, Senate Print 2076A, and ask that said bill retain its place on the Third Reading Calendar.

ACTING PRESIDENT GRIFFO: The amendments are received, and the bill shall retain its place on third reading.

Senator Libous.

SENATOR LIBOUS: Mr. President, at this time I would like to call an immediate meeting of the Finance Committee in Room 332 -- and, before everybody rushes out, then followed by an immediate meeting of the Rules Committee in Room 332.

So let me repeat myself --

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

Senator Libous.

SENATOR LIBOUS: I'll repeat myself. There will be an immediate meeting of the Finance Committee in Room 332, followed by a meeting of the Rules Committee in Room 332.

And I would ask that you would have the Senate stand at ease until those meetings are completed.

ACTING PRESIDENT GRIFFO: There's an immediate meeting of the Senate Finance Committee in Room 332, followed by an immediate meeting of the Rules Committee.

The Senate will stand at ease.

(Whereupon, the Senate stood at ease at 4:10 p.m.)

(Whereupon, the Senate reconvened at 4:45 p.m.)

ACTING PRESIDENT GRIFFO: The Senate will come to order.

Senator Libous.

SENATOR LIBOUS: Thank you, Mr. President.

May we return to reports of standing committees. I believe there's a report of the Rules Committee at the desk.

ACTING PRESIDENT GRIFFO: There is

a committee report on the desk from the Rules Committee.

The Secretary will read.

THE SECRETARY: Senator Skelos, from the Committee on Rules, reports the following bills direct to third reading:

Senate Print 3768, by Senator Hannon, an act to amend the Public Health Law;

Senate 3817, by Senator Hannon, an act to amend the Public Health Law;

And Senate 4825, by Senator Little, an act to amend the Executive Law.

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

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

(Response of "Aye.")

ACTING PRESIDENT GRIFFO: Opposed, nay.

(No response.)

ACTING PRESIDENT GRIFFO: The report is accepted.

Senator Libous.

SENATOR LIBOUS: Thank you, Mr. President.

Mr. President, I believe there's a previously adopted resolution by Senator Carlucci, Number 1369, at the desk. I ask that the title be read and if you could then call on Senator Carlucci.

ACTING PRESIDENT GRIFFO: The Secretary will read the title.

THE SECRETARY: Legislative Resolution Number 1369, by Senator Carlucci, memorializing Governor Andrew M. Cuomo to proclaim May 5-11, 2013, as Correctional Officers and Employees Week in the State of New York.

ACTING PRESIDENT GRIFFO: Senator Carlucci.

SENATOR CARLUCCI: Thank you, Mr. President.

I rise to pay tribute, for this important resolution to recognize and appreciate the hard work that our correctional officers do around the State of New York. In fact, I have the privilege of representing Sing Sing, which is in my district and has been operational since 1825.

And one of the things that is important to recognize is that our correctional officers, these men and women have really dedicated themselves to the professionalism of correctional officers.

And that role has changed quite a bit over the past few years, where we've been able to recognize the importance of mental health, recognize so many other issues that are important when we have the custody, the care of inmates through correctional facilities around this state, to make sure that we're protected, to keep people safe while they're in the institution, while they come out, and make sure that we lower the levels of recidivism around the state.

And so it's so fitting and I want to thank this body for recognizing the importance of correctional officers around our state. And it's fitting because it often goes unnoticed. The hard work that's done on the inside of these prisons, often we don't see, because we go on with our daily lives.

But it's important that we recognize the years that go into making sure that they have

the best career that they're able to fulfill with the most professionalism possible.

So I support this resolution and want to thank my colleagues for doing the same, in proclaiming May 5th a week of recognition of our appreciation for correctional officers in the State of New York.

So thank you, Mr. President.

ACTING PRESIDENT GRIFFO: Thank you, Senator Carlucci.

The resolution was adopted previously on April 23rd.

Senator Libous.

SENATOR LIBOUS: Mr. President, Senator Carlucci would like to open it up to all the members of the Senate.

And if members wish not or choose not to be on the resolution, if they would let the desk know and we would make sure that their names would not be included.

ACTING PRESIDENT GRIFFO: So noted and so instructed.

Senator Libous.

SENATOR LIBOUS: Mr. President, thank you. At this time may we have the

noncontroversial reading of the calendar.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: Calendar Number 94, by Senator Klein, Senate Print 2365, an act to amend the Real Property Actions and Proceedings Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT GRIFFO: Announce the results.

THE SECRETARY: In relation to Calendar Number 94, those recorded in the negative are Senators Dilan, Hoylman, Krueger, Parker, Perkins, Rivera, Serrano and Squadron.

Ayes, 49. Nays, 8.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 181, by Senator Libous, Senate Print 3580A, an

act to amend the Environmental Conservation Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT GRIFFO: Announce the results.

THE SECRETARY: Those recorded in the negative on Calendar Number 181 are Senators Espaillat and Perkins. Also Senator Serrano.

Ayes, 54. Nays, 3.

ACTING PRESIDENT GRIFFO: The bill is passed.

The Secretary will continue to read.

THE SECRETARY: Calendar Number 245, by Senator Little, Senate Print 1013B, an act to amend the Highway Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 253, by Senator Little, Senate Print 1358, an act to amend the Penal Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 265, by Senator Fuschillo, Senate Print 755, an act to amend the Executive Law.

ACTING PRESIDENT GRIFFO: Read the last section.

THE SECRETARY: Section 2. This

act shall take effect immediately.

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT GRIFFO: Senator Rivera to explain his vote.

SENATOR RIVERA: Thank you, Mr. President.

As I've made the argument many times on the floor, we certainly as a body should regulate -- when it comes to sex offenders, we should regulate where they live, where they work, et cetera. But as I've made the case many times before, many of the bills that we introduce do not have a distinction as it refers to levels.

That is the case with this particular piece of legislation. It does limit a particular type of license for state-certified real estate appraisers. And as I've made the case in the past, if we made the distinction that Level 3s in particular should be barred from having this type of license or having access to places where they live or work, I certainly would be voting in the affirmative.

As it does not have that

distinction, I will be forced to vote in the negative.

Thank you, Mr. President.

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

Senator Fuschillo to explain his vote.

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

This builds on a law that we had adopted back in 2008 when we prohibited real estate brokers and salespersons from practicing in State of New York who are convicted of sex offenses.

We passed this bill before, and we'll pass it again today. But the offenses we're talking about are defined in Section 168A of the Correction Law, and they deal with luring a child, sexual misconduct, rape in the third degree, rape in the second degree, rape in the first degree, kidnapping in the second degree, kidnapping in the first degree, unlawful imprisonment in the second degree and first degree, patronizing a prostitute in the first, second and third degree, and rape in the first

degree and criminal sexual act in the first degree, predatory sexual assault, course of sexual conduct against a child in the second degree.

These are the offenses that we want to prohibit a real estate appraiser, a certified appraiser, or an appraiser's assistant from coming in somebody's house.

A real estate appraiser, when you hire them to do an appraisal on your house, they go into your bedroom, they go into your children's bedroom, they go into your playroom in your house. Individuals who are convicted of these offenses should never be allowed in your house. We prohibit it for real estate brokers and salespeople, as we should prohibit it for appraisers as well.

I vote in the affirmative.

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

Announce the results.

THE SECRETARY: Those recorded in the negative on Calendar Number 265 are Senators Parker, Perkins and Rivera.

Ayes, 54. Nays, 3.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 296, by Senator DeFrancisco, Senate Print 1216, an act to amend the General Obligations Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 320, by Senator LaValle, Senate Print 1650, an act to amend the Education Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 344, by Senator DeFrancisco, Senate Print 4267, an act to amend the Vehicle and Traffic Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 346, by Senator Maziarz, Senate Print 3977, an act to amend Chapter 631 of the Laws of 2008.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the

roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 348, by Senator Maziarz, Senate Print 4514, an act to amend the Public Service Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 370, by Senator Martins, Senate Print 3705, an act to amend Chapter 3 of the Laws of 2011.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: In relation to Calendar 370, those recorded in the negative are Senators Espaillat, Squadron and Tkaczyk.

Ayes, 54. Nays, 3.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 371, by Senator Golden, Senate Print 4088B, an act to amend the Election Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT GRIFFO: Announce the results.

THE SECRETARY: In relation to Calendar Number 371, those recorded in the negative are Senators Espaillat, Hoylman, Krueger, Parker, Perkins, Squadron and Tkaczyk.

Ayes, 50. Nays, 7.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 429, substituted earlier by Member of the Assembly Mosley, Assembly Print Number 5057, an act to amend Chapter 591 of the Laws of 2001.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 433, by Senator Little, Senate Print 4282, an act to amend the Executive Law.

ACTING PRESIDENT GRIFFO: Read the last section.

THE SECRETARY: Section 7. This act shall take effect immediately.

ACTING PRESIDENT GRIFFO: Call the

roll.

(The Secretary called the roll.)

ACTING PRESIDENT GRIFFO: Announce the results.

THE SECRETARY: In relation to Calendar Number 433, those recorded in the negative are Senators Avella, Dilan, Espaillat, Gipson, O'Brien, Perkins and Serrano.

Ayes, 50. Nays, 7.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 439, by Senator Fuschillo, Senate Print 774, an act to amend the General Business Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number

444, by Senator Golden, Senate Print 2097A, an act to amend the General Business Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 447, by Senator Martins, Senate Print 4057A, an act to amend the General Business Law.

SENATOR GIANARIS: Lay it aside.

ACTING PRESIDENT GRIFFO: Lay the bill aside.

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

SENATOR LIBOUS: Mr. President, can we now do the controversial reading of the calendar.

ACTING PRESIDENT GRIFFO: The Secretary will ring the bell.

The Secretary will read.

THE SECRETARY: Calendar Number 447, by Senator Martins, Senate Print 4057A, an act to amend the General Business Law.

SENATOR KRUEGER: Explanation.

ACTING PRESIDENT GRIFFO: Senator Martins, Senator Krueger has asked for an explanation.

SENATOR MARTINS: Thank you, Mr. President.

The bill repeals the requirement that a qualified peace officer -- under 89-f of the General Business Law, you have to have a full-time employee. It would eliminate a distinction that frankly this body and this state eliminated four years ago.

In 2009, when this body was asked to review the qualifications for peace officers and the training requirements for peace officers, they did so by eliminating distinctions between full-time and part-time peace officers. Up till that point, a full-time peace officer required 35 hours of training; a part-time peace officer required 10 hours of training.

And it was decided that there was no

distinction between full-time and part-time peace officers, that both required a certain amount of training, up to 180 hours. And that was done in 2009. It passed the Senate unanimously, it passed the Assembly unanimously, because at the time it was recognized that there really shouldn't be a distinction. Because whether you're working full-time or part-time, you're going to be expected to deal with those very same issues.

One thing that we didn't find back in 2009 was that this particular provision actually continued the distinction. And so it did take four years to catch it, but we are there. The distinction was eliminated in 2009, and all we've done through this bill is ask that that distinction be eliminated in 2013 insofar as it pertains to peace officer standing, consistent with the law in New York State right now and the decision of this body, which was unanimous back in 2009.

ACTING PRESIDENT GRIFFO: Senator Krueger.

SENATOR KRUEGER: Thank you. Through you, Mr. President, if the sponsor would

media.

ACTING PRESIDENT GRIFFO: Senator Martins, do you yield?

SENATOR MARTINS: Of course.

ACTING PRESIDENT GRIFFO: The Senator yields.

SENATOR KRUEGER: Thank you.

So I understand that the bill is very short and simply replaces "employed" -- it crosses out "full-time" after "employed as a peace officer." It also cites the section of the law as being Section 1.20 of the Criminal Procedure Law, which defines a peace officer as a person listed in Section 2.10 in the Criminal Procedure Law.

So am I to understand that every category currently listed in 2.10 of the CPL should now also be treated as "peace officer" for part-time employees?

SENATOR MARTINS: Mr. President, through you, that distinction was already -- that definition already exists. The only difference with respect to the bill -- and I will admit, Senator Krueger, that the bill and the law itself, frankly, is rather inartfully written.

When you define a peace officer as a peace officer who's employed as a peace officer, you know, it gets a little difficult.

But the sections that you're referring to were there, they don't change. The definitions don't change. Mr. President, the only distinction is the term "full-time."

And again, consistent with the determination, decision of this body and the law of the State of New York as signed into law back in 2010, but certainly the debates and discussions or lack of debate and discussion back in 2009, when the standards for peace officer status was, I guess, made more uniform, eliminating the distinction between full-time and part-time, this just carries it over into this particular provision of law.

ACTING PRESIDENT GRIFFO: Senator Krueger.

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

ACTING PRESIDENT GRIFFO: The sponsor yields.

SENATOR MARTINS: Yes, thank you.

SENATOR KRUEGER: I appreciate his pointing out the previous law, and it is confusing, because I'm also confused.

My understanding is that there are approximately 82 different categories of "peace officer" defined within Section 2.10 of the Criminal Procedure Law. So just for clarity right now, if the sponsor would answer, so anyone in 82 different categories, whether they're an auxiliary police officer or a security guard, if they're part-time, now they would also be defined as "peace officer"?

SENATOR MARTINS: Mr. President, through you. First of all, a security guard is not a peace officer.

But an auxiliary police officer is a part-time volunteer peace officer, and an auxiliary police officer would in fact qualify under this change. Because, Mr. President, and I'm going to continue to reiterate it, because they're required to follow the same training requirements that a full-time peace officer on that list would have to follow as well.

So having gone through the same training requirements, yes, Mr. President,

although they're volunteers and they're considered part-time, they would be peace officers as well.

ACTING PRESIDENT GRIFFO: Senator Krueger.

SENATOR KRUEGER: Thank you.

So to follow up, you're saying that security guards would not be peace officers even though in General Business Law -- excuse me -- the General Business Law as amended by Chapter 634 of the Laws of 1994, which is the section your bill is amending, actually does define security guards as peace officers?

ACTING PRESIDENT GRIFFO: Senator Krueger, you're asking the Senator to yield?

SENATOR KRUEGER: I'm asking the Senator, yes, to yield. Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: Senator Martins.

SENATOR MARTINS: Mr. President, I'll yield. And if the Senator doesn't mind, I'll answer the question.

SENATOR KRUEGER: Thank you, Mr. President.

SENATOR MARTINS: Mr. President, through you. This particular section deals with waivers. And so there's the distinction made that a part-time peace officer would not be entitled to a waiver, whereas a full-time peace officer would.

Normally those waivers are obtained to allow for a part-time or full-time, in this case, peace officer to become a security guard. It's that waiver that allows them the opportunity to become a security guard.

So if you have a part-time volunteer auxiliary police officer who went through the same training as a full-time peace officer, they would be denied a waiver to become a security guard even though they'd gone through all the training necessary for that. This would correct that. And I hope that clarifies the question for the Senator.

SENATOR KRUEGER: Through you, Mr. President, I appreciate the sponsor's answer. I would like for him to yield to an additional question, if you don't mind.

SENATOR MARTINS: Yes.

ACTING PRESIDENT GRIFFO: Senator

Martins yields.

SENATOR KRUEGER: Thank you.

So under the scenario you're proposing in this bill, somebody who had multiple employers could be one type of peace officer part of the time and then also a different type of peace officer or a security guard the other part of the time. Is that my understanding of what you just said?

SENATOR MARTINS: Mr. President, through you. What I said is that we have consistently found that what's important when you decide whether someone is a peace officer is less the title than the training that goes into the determination as to whether someone is a peace officer.

And if they have multiple employment, I would suggest that it's irrelevant to the point of whether or not they had received the proper training to be able to address those issues that we find to be necessary for someone who is a peace officer.

So what I would, though, point out is we do have thousands of volunteer auxiliary police officers throughout the state who have

gone through the necessary training but, because their particular designation, given their volunteer status, is part-time, they are not entitled to a waiver when it comes to seeking employment as a security guard. And this bill would correct that.

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

SENATOR MARTINS: Of course.

ACTING PRESIDENT GRIFFO: The sponsor yields.

SENATOR KRUEGER: And I appreciate that one scenario could be auxiliary police officers taking second jobs. But it could be anybody in a part-time job or anybody in one part-time job taking a second part-time job.

So how do -- through you, Mr. President, if the sponsor will continue to yield.

SENATOR MARTINS: Of course. Thank you.

SENATOR KRUEGER: Thank you.

How do we handle the differences in that there are currently different sets of

training and different types of training for different kinds of peace officers, and that somebody who might currently be a peace officer within a hospital setting could now be part-time a security guard, only have had minimal training for a certain kind of peace officer function, but require no additional training in a second or a different part-time job?

How do we deal with the fact that we have so many different categories with so many different standards of training? Because Subdivision 2.30 of the Criminal Procedure Law allows the employer to prescribe the subjects and the hours of training to be taught for the special nature of duties of the peace officer in his or her employment.

And so how are we assured that with the expansion of eligibility for peace officer status as a part-time worker in this bill, you're not going to have people who were not fully trained for the functions of their second job or their new part-time job? How are we going to deal with that?

ACTING PRESIDENT GRIFFO: Senator Martins.

SENATOR MARTINS: Mr. President, through you. I certainly understand the Senator's concerns. But those concerns aren't being met by the bill as it currently stands.

An artificial distinction between part-time and full-time that doesn't take into consideration the fact that the training requirements have been made more uniform -- actually, they've been made perfectly uniform, without distinction for part-time and full-time. So that when someone who is a part-time peace officer and has gone through the training is precluded from receiving a waiver simply because of the number of hours that they work, I would think that that would be an inconsistency that was not foreseen when the Legislature carried this change back in 2009.

If it had been foreseen, I would expect that the bill would have been amended and included it back then.

But I don't see the distinction. Whether someone is a full-time peace officer specifically working in a certain area of -- in his duties as a peace officer, they should not be precluded from getting a waiver either way.

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

SENATOR MARTINS: Yes, thank you.

ACTING PRESIDENT GRIFFO: The sponsor yields.

SENATOR KRUEGER: Thank you.

See, again, my dilemmas go back -- and I agree with the sponsor that he is raising that some of these concerns exist under current law. I think I have a problem with the fundamental underlying law. But I fear that expanding upon it to a broader universe of people potentially playing multiple part-time jobs only multiplies the concern.

So the question -- I know you want to ask that, Mr. President -- but I would like to ask is, are we going to make all the employers for any individual part-time or multiple-job peace officer file the required reports on training to the Division of Criminal Justice Services as they have to do for regular full-time employees now?

And are we going to confirm that the part-time peace officers, which could be in any

combination of currently 82 different positions, are in fact appropriately trained for the function they are playing, either part-time or part of the week or with the next job that comes along?

SENATOR MARTINS: Through you, Mr. President. Frankly, I don't know. I don't know.

And I'll add that when you consider this -- and certainly training is important. Prior to 2009, the training requirements, Mr. President, for a part-time peace officer were 10 hours. The training requirements for a full-time police officer were 35 hours. They're now 180 hours, whether you're part-time or whether you're full-time.

So I would hope that just that distinction, the fact that the laws in 2009 increased the hours without a distinction as to part-time or full-time, would in some ways alleviate some of the concerns that the Senator may have.

SENATOR KRUEGER: Through you, Mr. President, would the sponsor yield to one additional question.

SENATOR MARTINS: Of course. Thank you.

ACTING PRESIDENT GRIFFO: The sponsor yields.

SENATOR KRUEGER: Is it the sponsor's understanding that if given peace officer status, that person has the right to detain someone -- i.e., an arrest-like situation or a hold-like situation -- and that that peace officer or being given peace officer status also allows them to be exempt from certain kinds of liability for false arrest as we have with police officers?

SENATOR MARTINS: Mr. President, through you. This law wouldn't change that or this proposed bill wouldn't change that one bit.

That person who is designated as a part-time peace officer or a full-time peace officer would continue to have the same responsibilities and the same authority that the law confers. So this wouldn't change it at all.

SENATOR KRUEGER: I want to thank the sponsor for his answers.

SENATOR MARTINS: Thank you.

SENATOR KRUEGER: I'd like to speak

on the bill.

ACTING PRESIDENT GRIFFO: Senator Krueger on the bill.

SENATOR KRUEGER: Thank you.

I mostly agree with the sponsor that his bill doesn't significantly change any of the moving parts of peace officer status in the State of New York.

But I want to argue we shouldn't vote for the bill because we need to address the underlying problem, which is this has all gotten out of hand. We have 82 different job titles where a person could be a peace officer, where they could be recognized in Locality A but not in Locality B. New York City has much stricter requirements for training and protocols for peace officers than many other parts of the state.

That being a peace officer -- which can range from security guard to animal control person to someone who works in the court system to somebody who works in a college campus to someone who works in a hospital setting to someone who works in a mall -- they potentially have, under our existing too vague, too loose peace officer laws, the possibility to have

warrantless arrests, warrantless searches, warrantless stops.

And the training requirements are incredibly broad and also vague, although we know that a disproportionate number of people who get peace officer status then go on to further get permits to carry guns.

And personally allowing a giant system of almost endless scenarios with no standards for review of who this person is, the type of training they go through, and the possibility of their then getting guns varying from town to town, county to county, city to city, has actually resulted in the creation of a secondhand police system without standards and rules but with a lot of the same authority.

And so it's not a surprise, I think, to people who have been here that I vote against almost all peace officer laws because year after year I watch us expand the universe of who gets to be called a peace officer and the powers that they have.

And I have to say I think expanding it to now the possibility of part-time employees, where we're moving into a culture where we see

more and more contracted-out part-time workers with little accountability and little oversight, particularly in the what I'll euphemistically call the rent-a-cop security guard world, is bad public policy.

And that what New York should be doing and the New York State Senate should be doing is going back to looking at the Criminal Procedure Law and all the associated rulings on who is and isn't a peace officer, what they must go through and what job descriptions they actually have, and start again.

And I highlight this in the context of the fact this bill didn't go through the Codes Committee even though all my questions relate to the Criminal Procedure Law. It went through the Consumer Affairs Committee -- an excellent committee, but a committee that deals with consumer protection outside, usually, the context of Criminal Procedure Law.

So I think that this whole issue of the massive expansion of peace officers, the diversity of them, and the absolutely no standards between 82 different job categories in endless different localities and counties and

municipalities in the state who can each have their own rules, as allowed in the CPL, really calls for us not to expand who can be a peace officer or the sheer number of people who could have peace officer status in the state, and rather go back to square one and say what have we done, what do we know is going on out there, and should we rethink this in the context of 21st-century law enforcement and community safety.

So I would urge us to vote no, Mr. President, but to make a commitment to asking the hard questions about how we got here.

Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: Thank you, Senator Krueger.

Senator Martins.

SENATOR MARTINS: How did we get to 82 titles under "peace officer"? I think we just need to look around the room and look at maybe some of our predecessors in this body.

But that is the law. This bill doesn't address that. And certainly if somebody in this body wants to propose a bill that would change that, I'd be more than happy to review it

with you, more than happy to look at it, more than happy to even perhaps support it.

This bill isn't about that. This bill is about whether or not somebody who is a volunteer or a part-time police officer, perhaps volunteering as an auxiliary police officer in our own communities, who's gone through all of the training that a full-time peace officer has to go through, put in 180 hours, and has made the commitment, is entitled to a waiver as a result of the fact that they're a part-time peace officer when that distinction was eliminated four years ago but for this section.

So when you consider that, consider the amount of training that they've gotten, when you consider the reason behind it -- and we can come back and look at the underpinnings of peace officer status and how many people have it and who should have it and who shouldn't have it, but that's not what this bill is about.

So when you consider whether to vote for this bill, understand that we're not talking about that, we're talking about a distinction that was eliminated four years ago and merely trying to close the loop and not disenfranchise,

in many respects, people who are working either part-time or people who are volunteering in their communities from being able to get a waiver that they would otherwise be entitled to given the amount of training that they've received.

Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: Seeing and hearing 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 GRIFFO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT GRIFFO: Announce the results.

THE SECRETARY: In relation to Calendar Number 447, those recorded in the negative are Senators Krueger, Parker, Perkins and Sanders.

Absent from voting: Senators Sampson and Squadron.

Ayes, 52. Nays, 4.

ACTING PRESIDENT GRIFFO: The bill is passed.

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

SENATOR LIBOUS: Thank you, Mr. President.

At this time, Mr. President, in consultation with Senator Stewart-Cousins, Senator Klein, Senator Skelos, we'd like to hand up the following Democratic Conference appointments.

ACTING PRESIDENT GRIFFO: Received.

Senator Libous.

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

ACTING PRESIDENT GRIFFO: There is no further business before the desk.

SENATOR LIBOUS: Okay. There being no further business, I move that the Senate adjourn until Tuesday, May 7th, at 3:00 p.m.

ACTING PRESIDENT GRIFFO: On motion, the Senate stands adjourned until Tuesday, May 7th, at 3:00 p.m. -- can I have everyone's attention, please.

Are we okay, Senator Libous?

SENATOR LIBOUS: What's that?

ACTING PRESIDENT GRIFFO: Okay?

SENATOR LIBOUS: Yeah, it's great with me.

ACTING PRESIDENT GRIFFO: Okay. On motion, the Senate stands adjourned until Tuesday, May 7th, at 3:00 p.m.

Senate adjourned.

(Whereupon, at 5:25 p.m., the Senate adjourned.)