

1 NEW YORK STATE SENATE

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4 THE STENOGRAPHIC RECORD

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9 ALBANY, NEW YORK

10

May 27, 2015

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3:42 p.m.

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REGULAR SESSION

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SENATOR JOSEPH GRIFFO, Acting President

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FRANCIS W. PATIENCE, Secretary

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1 P R O C E E D I N G S

2 ACTING PRESIDENT GRIFFO: The
3 Senate will come to order.

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

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

9 ACTING PRESIDENT GRIFFO: Today's
10 invocation will be offered by the Reverend Peter
11 G. Young, of the Mother Teresa Community here in
12 Albany.

13 Father?

14 REVEREND YOUNG: Thank you,
15 Senator.

16 Let us pray.

17 With the good news of the Mets, the
18 Yankees, and the Rangers winning, and with only
19 one session day left for the month of May, we
20 pray for our June calendar countdown to be one
21 that will provide our Senators, that will offer
22 them a friendly smile, a helping hand, a caring
23 word, a listening ear to each other for their
24 legislative efforts that will best benefit our
25 citizens and constituents, to give them hope and

1 health and happiness, with the pride of being an
2 Empire State citizen.

3 Amen.

4 ACTING PRESIDENT GRIFFO: Thank
5 you, Father.

6 The reading of the Journal.

7 THE SECRETARY: In Senate, Tuesday,
8 May 26th, the Senate met pursuant to adjournment.
9 The Journal of Monday, May 25th, was read and
10 approved. On motion, Senate adjourned.

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

13 Senator DeFrancisco.

14 SENATOR DeFRANCISCO: Yes,
15 Mr. President, could you recognize Senator
16 Carlucci. He'd like to have a moment of silence
17 for a constituent who prematurely, to say the
18 least, passed away recently.

19 ACTING PRESIDENT GRIFFO: Thank
20 you, Senator DeFrancisco.

21 Can I have some order in the house,
22 please.

23 Senator Carlucci.

24 SENATOR CARLUCCI: Thank you,
25 Mr. President.

1 Yes, I'd like the chamber to just
2 take a brief moment to remember the life of a
3 young woman who lost her life this weekend.
4 Larisa Karassik, at the age of 13, was an active
5 member of my Student Advisory Council. And
6 that's a group of students where we meet on a
7 monthly basis to talk about issues in the schools
8 and the community.

9 And she was wise beyond her years
10 and is someone that I had forgotten about how
11 young she was because she was so mature. And she
12 was here in this chamber just a few weeks ago,
13 and we were able to do a little mock debate and
14 talk about the issues.

15 And unfortunately, she lost her life
16 in a car accident this weekend.

17 And I just ask this chamber to pause
18 for a moment of silence to remember the life that
19 she lived and remember the good things that she's
20 done in her life.

21 ACTING PRESIDENT GRIFFO: I ask all
22 members to please rise in a moment of silence.

23 (Whereupon, the assemblage rose and
24 respected a moment of silence.)

25 ACTING PRESIDENT GRIFFO: We'll

1 return to the order of business.

2 Presentation of petitions.

3 Messages from the Assembly.

4 The Secretary will read.

5 THE SECRETARY: On page 22, Senator
6 Marcellino moves to discharge, from the Committee
7 on Investigations and Government Operations,
8 Assembly Bill Number 136A and substitute it for
9 the identical Senate Bill Number 1405, Third
10 Reading Calendar 144.

11 ACTING PRESIDENT GRIFFO: The
12 substitution is so ordered.

13 THE SECRETARY: On page 38, Senator
14 Little moves to discharge, from the Committee on
15 Cultural Affairs and Tourism, Assembly Bill
16 Number 2121A and substitute it for the identical
17 Senate Bill Number 4235A, Third Reading Calendar
18 490.

19 ACTING PRESIDENT GRIFFO: The
20 substitution is so ordered.

21 THE SECRETARY: On page 49, Senator
22 Carlucci moves to discharge, from the Committee
23 on Local Government, Assembly Bill Number 7219
24 and substitute it for the identical Senate Bill
25 Number 4858, Third Reading Calendar 621.

1 ACTING PRESIDENT GRIFFO: The
2 substitution is so ordered.

3 THE SECRETARY: On page 53, Senator
4 Farley moves to discharge, from the Committee on
5 Corporations and Authorities, Assembly Bill
6 Number 737 and substitute it for the identical
7 Senate Bill Number 4476, Third Reading Calendar
8 658.

9 ACTING PRESIDENT GRIFFO: And the
10 substitution is so ordered.

11 Messages from the Governor.

12 Reports of standing committees.

13 Reports of select committees.

14 Communications and reports of state
15 officers.

16 Motions and resolutions.

17 Senator DeFrancisco.

18 SENATOR DeFRANCISCO: Yes, on
19 behalf of Senator Gallivan, on page 28 I offer
20 the following amendments to Calendar Number 279,
21 Senate Print 93, and ask that said bill retain
22 its place on Third Reading Calendar.

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

1 SENATOR DeFRANCISCO: On behalf of
2 Senator Croci, on page 45 I offer the following
3 amendments to Calendar Number 576, Senate Print
4 Number 3464A, and ask that said bill retain its
5 place on the Third Reading Calendar.

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

9 SENATOR DeFRANCISCO: And I move
10 that the following bills be discharged from their
11 respective committees and be recommitted with
12 instructions to strike the enacting clause:
13 Senate 5558 and Senate 5147.

14 ACTING PRESIDENT GRIFFO: It is so
15 ordered.

16 SENATOR DeFRANCISCO: Next I wish
17 to call up Senator Funke's bill, Print Number
18 4561, recalled from the Assembly, which is now at
19 the desk.

20 ACTING PRESIDENT GRIFFO: The
21 Secretary will read.

22 THE SECRETARY: Calendar Number
23 526, by Senator Funke, Senate Print 4561, an act
24 to amend the Highway Law.

25 SENATOR DeFRANCISCO: Mr.

1 President, I now move to reconsider the vote by
2 which this bill was passed.

3 ACTING PRESIDENT GRIFFO: The
4 Secretary will call the roll on reconsideration.

5 (The Secretary called the roll.)

6 THE SECRETARY: Ayes, 47.

7 SENATOR DeFRANCISCO: I now offer
8 the following amendments.

9 ACTING PRESIDENT GRIFFO: The
10 amendments are received.

11 SENATOR DeFRANCISCO: Next I wish
12 to call up Senator Funke's bill, Print Number
13 4564, recalled from the Assembly, which is now at
14 the desk.

15 ACTING PRESIDENT GRIFFO: The
16 Secretary will read.

17 THE SECRETARY: Calendar Number
18 527, by Senator Funke, Senate Print 4564, an act
19 to amend the Highway Law.

20 SENATOR DeFRANCISCO: I now move to
21 reconsider the vote by which the bill was passed.

22 ACTING PRESIDENT GRIFFO: The
23 Secretary will call the roll on reconsideration.

24 (The Secretary called the roll.)

25 THE SECRETARY: Ayes, 47.

1 SENATOR DeFRANCISCO: I now offer
2 the following amendments.

3 ACTING PRESIDENT GRIFFO: The
4 amendments are received.

5 SENATOR DeFRANCISCO: I wish to
6 call up -- did we just do 4565?

7 ACTING PRESIDENT GRIFFO: That's
8 your last bill. You may make the motion, Senator
9 DeFrancisco.

10 SENATOR DeFRANCISCO: I wish to
11 call up Senator Funke's bill, Print Number 4565,
12 recalled from the Assembly, which is now at the
13 desk.

14 ACTING PRESIDENT GRIFFO: The
15 Secretary will read.

16 THE SECRETARY: Calendar Number
17 528, by Senator Funke, Senate Print 4565, an act
18 to amend the Highway Law.

19 SENATOR DeFRANCISCO: I now move to
20 reconsider the vote by which this bill was
21 passed.

22 ACTING PRESIDENT GRIFFO: The
23 Secretary will call the roll on reconsideration.

24 (The Secretary called the roll.)

25 THE SECRETARY: Ayes, 47.

1 SENATOR DeFRANCISCO: I now offer
2 the following amendments.

3 ACTING PRESIDENT GRIFFO: The
4 amendments are received.

5 SENATOR DeFRANCISCO: Amendments
6 are offered to the following Third Reading
7 Calendar bills:

8 Senator Libous, page 32, Calendar
9 Number 401, Senate Print 1479A;

10 Senator LaValle, page 33, Calendar
11 Number 410, Senate Print 250;

12 Senator Croci, page 36, Calendar
13 Number 451, Senate Print 3139;

14 Senator Griffo, page 36, Calendar
15 Number 458; Senate Print 4862;

16 Senator Ortt, page 38, Calendar
17 Number 493, Senate Print Number 3645;

18 Senator LaValle, page 39, Calendar
19 Number 507, Senate Print 4391;

20 Senator Funke, page 40, Calendar
21 Number 521, Senate Print 4234;

22 Senator Croci, page 41, Calendar
23 Number 524, Senate Print 4278A;

24 Senator Little, page 41, Calendar
25 Number 525, Senate Print 4296;

1 Senator Funke, page 52, Calendar
2 Number 647, Senate Print Number 4767;

3 Senator Seward, page 56, Calendar
4 Number 684, Senate Print Number 1380A.

5 I now move that these bills retain
6 their place on the order of third reading.

7 ACTING PRESIDENT GRIFFO: The
8 amendments are received, and all the bills shall
9 retain their place on third reading.

10 Senator DeFrancisco.

11 SENATOR DeFRANCISCO: Would you now
12 recognize Senator Valesky, please.

13 ACTING PRESIDENT GRIFFO: Senator
14 Valesky.

15 SENATOR VALESKY: Mr. President, on
16 behalf of Senator Savino, on page 54 I offer the
17 following amendments to Calendar Number 670,
18 Senate Bill 5148, and ask that said bill retain
19 its place on the Third Reading Calendar.

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

23 SENATOR VALESKY: On behalf of
24 Senator Avella, on page 52 I offer the following
25 amendments to Calendar Number 648, Senate Bill

1 5051, and ask that said bill retain its place on
2 the Third Reading Calendar.

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

6 SENATOR VALESKY: And I move that
7 the following bill be discharged from its
8 respective committee and be recommitted with
9 instructions to strike the enacting clause:
10 Senate Bill 628.

11 ACTING PRESIDENT GRIFFO: It is so
12 ordered.

13 Senator DeFrancisco.

14 SENATOR DeFRANCISCO: Will you now
15 recognize Senator Gianaris.

16 ACTING PRESIDENT GRIFFO: Senator
17 Gianaris.

18 SENATOR GIANARIS: Thank you,
19 Mr. President.

20 On behalf of Senator Espaillat, I
21 move that the following bill be discharged from
22 its respective committee and be recommitted with
23 instructions to strike the enacting clause:
24 Senate Bill 3753.

25 ACTING PRESIDENT GRIFFO: It is so

1 ordered.

2 Senator DeFrancisco.

3 SENATOR DeFRANCISCO: Yes, I'd now
4 like to hand up the following committee
5 assignments.

6 ACTING PRESIDENT GRIFFO: The
7 committee assignments are before the desk and
8 received; they will be filed in the Journal.

9 Senator DeFrancisco.

10 SENATOR DeFRANCISCO: Mr.
11 President, would you now take up the reading of
12 the noncontroversial calendar.

13 ACTING PRESIDENT GRIFFO: The
14 Secretary will read.

15 THE SECRETARY: Calendar Number 55,
16 by Senator Hannon, Senate Print 676B, an act to
17 amend the Public Health Law.

18 ACTING PRESIDENT GRIFFO: Read the
19 last section.

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

22 ACTING PRESIDENT GRIFFO: Call the
23 roll.

24 (The Secretary called the roll.)

25 ACTING PRESIDENT GRIFFO: Senator

1 Hannon to explain his vote.

2 SENATOR HANNON: Thank you,
3 Mr. President.

4 I just wanted to note that this is
5 the second passage, because the Assembly had some
6 technical amendments for the Caregivers Act, so
7 that we will provide people with the necessary
8 tools to take care of their loved ones when they
9 are discharged from a hospital.

10 It marks, I think, a significant
11 advance that we have in care in this state, and
12 especially as we find those who are older
13 increasing in greater proportion to the total
14 population than any other demographic. So I
15 thank you very much and urge support of this
16 bill.

17 ACTING PRESIDENT GRIFFO: Senator
18 Hannon to be recorded in the affirmative.

19 Announce the results.

20 THE SECRETARY: Ayes, 59.

21 ACTING PRESIDENT GRIFFO: The bill
22 is passed.

23 THE SECRETARY: Calendar Number 82,
24 by Senator Klein, Senate Print 1947A, an act to
25 amend the Education Law.

1 ACTING PRESIDENT GRIFFO: Read the
2 last section.

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

5 ACTING PRESIDENT GRIFFO: Call the
6 roll.

7 (The Secretary called the roll.)

8 ACTING PRESIDENT GRIFFO: Senator
9 Klein to explain his vote.

10 SENATOR KLEIN: Thank you,
11 Mr. President.

12 I stand in support of this
13 legislation. This bill is entitled Erin Merryn's
14 Law. This is a piece of legislation that's
15 passed the Senate probably for the past four
16 years. Unfortunately, it has yet to be taken up
17 in the Assembly.

18 Erin Merryn was a young woman who is
19 extremely brave, who was sexually abused multiple
20 times by neighbors and family members when she
21 was young and told her story all over the
22 United States. She's trying to pass a version of
23 this legislation in every state in the union.
24 She's been successful in about five states thus
25 far. And certainly New York would be a turning

1 point in making sure that this bill is supported
2 throughout the country.

3 It takes a very simple approach. It
4 requires that the State Education Commissioner
5 make recommendations to the Regents relating to
6 the instruction to prevent child sexual
7 exploitation and child abuse. Right now this is
8 not a mandate. This bill would not create a
9 mandate, but it would at least give the State
10 Education Department the authority, through the
11 Regents, to make recommendations to make sure
12 that our young people are made aware of the
13 telltale signs of child abuse.

14 This is something that's important.
15 This is something that can certainly save lives.
16 And I'm hopeful that this bill not only passes
17 the Senate again this year but is taken up and
18 passed in the Assembly, thus becoming law.

19 Thank you, Mr. President.

20 ACTING PRESIDENT GRIFFO: Senator
21 Klein to be recorded in the affirmative.

22 Announce the results.

23 THE SECRETARY: Ayes, 59.

24 ACTING PRESIDENT GRIFFO: The bill
25 is passed.

1 THE SECRETARY: Calendar Number
2 144, substituted earlier by Member of the
3 Assembly Paulin, Assembly Print 136A, an act to
4 amend the Executive Law.

5 ACTING PRESIDENT GRIFFO: Read the
6 last section.

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

9 ACTING PRESIDENT GRIFFO: Call the
10 roll.

11 (The Secretary called the roll.)

12 THE SECRETARY: Ayes, 49.

13 ACTING PRESIDENT GRIFFO: The bill
14 is passed.

15 THE SECRETARY: Calendar Number
16 181, by Senator Lanza, Senate Print 3315, an act
17 to repeal.

18 ACTING PRESIDENT GRIFFO: Read the
19 last section.

20 THE SECRETARY: Section --

21 SENATOR DeFRANCISCO: Please lay
22 that bill aside for the day.

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

25 The Secretary will continue.

1 THE SECRETARY: Calendar Number
2 182, by Senator Lanza, Senate Print --

3 SENATOR DeFRANCISCO: Lay it aside
4 for the day.

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

7 THE SECRETARY: Calendar Number
8 195, by Senator Funke, Senate Print 3144, an act
9 to amend the General Municipal Law.

10 ACTING PRESIDENT GRIFFO: Read the
11 last section.

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

14 ACTING PRESIDENT GRIFFO: Call the
15 roll.

16 (The Secretary called the roll.)

17 ACTING PRESIDENT GRIFFO: Senator
18 Funke to explain his vote.

19 SENATOR FUNKE: Thank you,
20 Mr. President and members of the Senate, for
21 allowing this important piece of legislation to
22 come to the floor. Appreciate it very much.

23 Year after year, the state has
24 mandated additional programs and services be
25 provided by local governments at their expense.

1 And these mandates place local taxpayers and
2 local elected officials in the position of paying
3 for services that they do not control.

4 This legislation will help alleviate
5 the financial challenges that local governments
6 face each and every day from decisions made here
7 in the State Capitol. With New York's high tax
8 climate, it's important that we address the
9 financial hurdles that the state places on our
10 local governments in order to protect our
11 residents from increasing property taxes.

12 And as you probably read this
13 weekend, according to the Tax Foundation,
14 New York State and local governments collected
15 \$2,435 per person in property taxes in 2012,
16 which ranks fourth highest nationally.

17 We have to keep our residents here
18 in New York State. We have to keep our
19 businesses here in New York State. And by
20 passing this legislation, we're showing our local
21 governments that we care, that we understand the
22 effects our legislation has on their budgets, and
23 we are showing our constituents and taxpayers
24 that we hear their complaints about high property
25 taxes and that we are working very hard to

1 correct them.

2 Thank you, Mr. President. I'm
3 voting aye.

4 ACTING PRESIDENT GRIFFO: Senator
5 Funke to be recorded in the affirmative.

6 The Secretary will announce the
7 results.

8 THE SECRETARY: In relation to
9 Calendar 195, those recorded in the negative are
10 Senators Hoylman, Peralta, Perkins and Squadron.
11 Also Senator Espailat.

12 Ayes, 54. Nays, 5.

13 ACTING PRESIDENT GRIFFO: The bill
14 is passed.

15 THE SECRETARY: Calendar Number
16 217, by Senator Marcellino, Senate Print 732, an
17 act to amend the Vehicle and Traffic Law.

18 ACTING PRESIDENT GRIFFO: Read the
19 last section.

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

22 ACTING PRESIDENT GRIFFO: Call the
23 roll.

24 (The Secretary called the roll.)

25 THE SECRETARY: Ayes, 59.

1 ACTING PRESIDENT GRIFFO: The bill
2 is passed.

3 THE SECRETARY: Calendar Number
4 238, by Senator Ranzenhofer, Senate Print 2645,
5 an act to amend the Education Law.

6 ACTING PRESIDENT GRIFFO: Read the
7 last section.

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

10 ACTING PRESIDENT GRIFFO: Call the
11 roll.

12 (The Secretary called the roll.)

13 ACTING PRESIDENT GRIFFO: Announce
14 the results.

15 THE SECRETARY: In relation to
16 Calendar 238, those recorded in the negative are
17 Senators Croci, Hoylman, Panepinto, Rivera,
18 Seward and Stavisky.

19 Ayes, 53. Nays, 6.

20 ACTING PRESIDENT GRIFFO: The bill
21 is passed.

22 THE SECRETARY: Calendar Number
23 241, by Senator Young, Senate Print 2279, an act
24 to amend the Private Housing Finance Law.

25 ACTING PRESIDENT GRIFFO: Read the

1 last section.

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

4 ACTING PRESIDENT GRIFFO: Call the
5 roll.

6 (The Secretary called the roll.)

7 ACTING PRESIDENT GRIFFO: Those
8 voting in the negative please raise your hands.

9 Announce the results.

10 THE SECRETARY: Ayes, 57. Nays, 2.
11 Senators Peralta and Rivera recorded in the
12 negative.

13 ACTING PRESIDENT GRIFFO: The bill
14 is passed.

15 THE SECRETARY: Calendar Number
16 245, by Senator Seward, Senate Print 2366, an act
17 to amend the Insurance Law.

18 ACTING PRESIDENT GRIFFO: Read the
19 last section.

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

22 ACTING PRESIDENT GRIFFO: Call the
23 roll.

24 (The Secretary called the roll.)

25 THE SECRETARY: Ayes, 59.

1 ACTING PRESIDENT GRIFFO: The bill
2 is passed.

3 THE SECRETARY: Calendar Number
4 254, by Senator Young, Senate Print 3020A, an act
5 to amend the Public Health Law.

6 ACTING PRESIDENT GRIFFO: Read the
7 last section.

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

10 ACTING PRESIDENT GRIFFO: Call the
11 roll.

12 (The Secretary called the roll.)

13 THE SECRETARY: Ayes, 59.

14 ACTING PRESIDENT GRIFFO: The bill
15 is passed.

16 THE SECRETARY: Calendar Number
17 258, by Senator LaValle, Senate Print 2926, an
18 act in relation to authorizing.

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

21 The Secretary will read the last
22 section.

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

25 ACTING PRESIDENT GRIFFO: Call the

1 roll.

2 (The Secretary called the roll.)

3 THE SECRETARY: Ayes, 59.

4 ACTING PRESIDENT GRIFFO: The bill
5 is passed.

6 THE SECRETARY: Calendar Number
7 363, by Senator Griffo, Senate Print 4753A, an
8 act to amend the Tax Law.

9 ACTING PRESIDENT GRIFFO: Read the
10 last section.

11 THE SECRETARY: Section 8. This
12 act shall take effect December 1, 2015.

13 ACTING PRESIDENT GRIFFO: Call the
14 roll.

15 (The Secretary called the roll.)

16 THE SECRETARY: Ayes, 59.

17 ACTING PRESIDENT GRIFFO: The bill
18 is passed.

19 THE SECRETARY: Calendar Number
20 382, by Senator Flanagan, Senate Print 2135, an
21 act to amend the Highway Law.

22 ACTING PRESIDENT GRIFFO: There is
23 a home-rule message before the desk.

24 The Secretary will read the last
25 section.

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

3 ACTING PRESIDENT GRIFFO: Call the
4 roll.

5 (The Secretary called the roll.)

6 THE SECRETARY: Ayes, 59.

7 ACTING PRESIDENT GRIFFO: The bill
8 is passed.

9 THE SECRETARY: Calendar Number
10 390, by Senator Martins, Senate Print 4649A, an
11 act to amend the Vehicle and Traffic Law.

12 ACTING PRESIDENT GRIFFO: Read the
13 last section.

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

16 ACTING PRESIDENT GRIFFO: Call the
17 roll.

18 (The Secretary called the roll.)

19 THE SECRETARY: Ayes, 58. Nays, 1.
20 Senator Perkins recorded in the negative.

21 ACTING PRESIDENT GRIFFO: The bill
22 is passed.

23 THE SECRETARY: Calendar Number
24 408, by Senator LaValle, Senate Print 14, an act
25 to amend the Education Law.

1 ACTING PRESIDENT GRIFFO: Read the
2 last section.

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

5 ACTING PRESIDENT GRIFFO: Call the
6 roll.

7 (The Secretary called the roll.)

8 THE SECRETARY: Ayes, 59.

9 ACTING PRESIDENT GRIFFO: The bill
10 is passed.

11 THE SECRETARY: Calendar Number
12 412, by Senator Ritchie, Senate Print 2947, an
13 act to amend the Education Law.

14 ACTING PRESIDENT GRIFFO: Read the
15 last section.

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

18 ACTING PRESIDENT GRIFFO: Call the
19 roll.

20 (The Secretary called the roll.)

21 THE SECRETARY: Ayes, 59.

22 ACTING PRESIDENT GRIFFO: The bill
23 is passed.

24 THE SECRETARY: Calendar Number
25 429, by Senator Perkins, Senate Print 2415, an

1 act to amend the New York State Urban Development
2 Corporation Act.

3 ACTING PRESIDENT GRIFFO: Read the
4 last section.

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

7 ACTING PRESIDENT GRIFFO: Call the
8 roll.

9 (The Secretary called the roll.)

10 THE SECRETARY: Ayes, 57. Nays, 2.
11 Senators Croci and Martins recorded in the
12 negative.

13 ACTING PRESIDENT GRIFFO: The bill
14 is passed.

15 THE SECRETARY: Calendar Number
16 443, by Senator Murphy, Senate Print 4033, an act
17 to amend the State Administrative Procedure Act.

18 ACTING PRESIDENT GRIFFO: Read the
19 last section.

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

22 ACTING PRESIDENT GRIFFO: Call the
23 roll.

24 (The Secretary called the roll.)

25 THE SECRETARY: In relation to

1 Calendar 443, those recorded in the negative are
2 Senators Hoylman, Krueger, Perkins and Squadron.

3 Ayes, 55. Nays, 4.

4 ACTING PRESIDENT GRIFFO: The bill
5 is passed.

6 THE SECRETARY: Calendar Number
7 446, by Senator LaValle, Senate Print 1442, an
8 act to amend the Education Law.

9 ACTING PRESIDENT GRIFFO: Read the
10 last section.

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

13 ACTING PRESIDENT GRIFFO: Call the
14 roll.

15 (The Secretary called the roll.)

16 THE SECRETARY: Ayes, 59.

17 ACTING PRESIDENT GRIFFO: The bill
18 is passed.

19 THE SECRETARY: Calendar Number
20 448, by Senator Ritchie, Senate Print 3307, an
21 act to amend the Education Law.

22 ACTING PRESIDENT GRIFFO: Read the
23 last section.

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

1 ACTING PRESIDENT GRIFFO: Call the
2 roll.

3 (The Secretary called the roll.)

4 THE SECRETARY: Ayes, 59.

5 ACTING PRESIDENT GRIFFO: The bill
6 is passed.

7 THE SECRETARY: Calendar Number
8 467, by Senator Ritchie, Senate Print 2305, an
9 act to amend the Penal Law.

10 ACTING PRESIDENT GRIFFO: Read the
11 last section.

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

14 ACTING PRESIDENT GRIFFO: Call the
15 roll.

16 (The Secretary called the roll.)

17 THE SECRETARY: Ayes, 59.

18 ACTING PRESIDENT GRIFFO: The bill
19 is passed.

20 THE SECRETARY: Calendar Number
21 485, by Senator Panepinto, Senate Print 4109A, an
22 act to amend the Executive Law.

23 ACTING PRESIDENT GRIFFO: Read the
24 last section.

25 THE SECRETARY: Section 2. This

1 act shall take effect immediately.

2 ACTING PRESIDENT GRIFFO: Call the
3 roll.

4 (The Secretary called the roll.)

5 THE SECRETARY: Ayes, 59.

6 ACTING PRESIDENT GRIFFO: The bill
7 is passed.

8 THE SECRETARY: Calendar Number
9 490, substituted earlier by Member of the
10 Assembly Jaffee, Assembly Print 2121A, an act to
11 amend the Arts and Cultural Affairs Law.

12 ACTING PRESIDENT GRIFFO: Read the
13 last section.

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

16 ACTING PRESIDENT GRIFFO: Call the
17 roll.

18 (The Secretary called the roll.)

19 THE SECRETARY: Ayes, 59.

20 ACTING PRESIDENT GRIFFO: The bill
21 is passed.

22 THE SECRETARY: Calendar Number
23 491, by Senator Ortt, Senate Print 4374, an act
24 to amend Chapter 372 of the Laws of 2008.

25 ACTING PRESIDENT GRIFFO: Read the

1 last section.

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

4 ACTING PRESIDENT GRIFFO: Call the
5 roll.

6 (The Secretary called the roll.)

7 THE SECRETARY: Ayes, 59.

8 ACTING PRESIDENT GRIFFO: The bill
9 is passed.

10 THE SECRETARY: Calendar Number
11 497, by Senator Young, Senate Print 2281, an act
12 to amend the Administrative Code of the City of
13 New York.

14 ACTING PRESIDENT GRIFFO: Read the
15 last section.

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

18 ACTING PRESIDENT GRIFFO: Call the
19 roll.

20 (The Secretary called the roll.)

21 ACTING PRESIDENT GRIFFO: Announce
22 the results.

23 THE SECRETARY: In relation to
24 Calendar 497, those recorded in the negative are
25 Senators Espaillat, Gianaris, Hamilton, Hoylman,

1 Krueger, Montgomery, Parker, Peralta, Perkins,
2 Rivera, Serrano, Squadron and Stavisky. Also
3 Senator Panepinto.

4 Ayes, 46. Nays, 14.

5 ACTING PRESIDENT GRIFFO: The bill
6 is passed.

7 THE SECRETARY: Calendar Number
8 517, by Senator Young, Senate Print 3024, an act
9 to amend the Agriculture and Markets Law.

10 ACTING PRESIDENT GRIFFO: Read the
11 last section.

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

14 ACTING PRESIDENT GRIFFO: Call the
15 roll.

16 (The Secretary called the roll.)

17 THE SECRETARY: Ayes, 59. Nays, 1.
18 Senator Espaillat recorded in the negative.

19 ACTING PRESIDENT GRIFFO: The bill
20 is passed.

21 THE SECRETARY: Calendar Number
22 520, by Senator Flanagan, Senate Print 2589, an
23 act to amend the Education Law.

24 ACTING PRESIDENT GRIFFO: Read the
25 last section.

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

3 ACTING PRESIDENT GRIFFO: Call the
4 roll.

5 (The Secretary called the roll.)

6 THE SECRETARY: Ayes, 60.

7 ACTING PRESIDENT GRIFFO: The bill
8 is passed.

9 THE SECRETARY: Calendar Number
10 562, by Senator Little, Senate Print 2388, an act
11 to create.

12 ACTING PRESIDENT GRIFFO: Read the
13 last section.

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

16 ACTING PRESIDENT GRIFFO: Call the
17 roll.

18 (The Secretary called the roll.)

19 THE SECRETARY: Ayes, 60.

20 ACTING PRESIDENT GRIFFO: The bill
21 is passed.

22 THE SECRETARY: Calendar Number
23 578, by Senator Savino, Senate Print 3673, an act
24 to amend the Tax Law.

25 ACTING PRESIDENT GRIFFO: Read the

1 last section.

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

4 ACTING PRESIDENT GRIFFO: Call the
5 roll.

6 (The Secretary called the roll.)

7 THE SECRETARY: In relation to
8 Calendar 578, those recorded in the negative are
9 Senators Espaillat, Krueger, LaValle, Murphy and
10 Parker.

11 Ayes, 55. Nays, 5.

12 ACTING PRESIDENT GRIFFO: The bill
13 is passed.

14 THE SECRETARY: On page 45, Senator
15 Larkin moves to discharge, from the Committee on
16 Finance, Assembly Bill Number 2321A and
17 substitute it for the identical Senate Bill
18 Number 4257A, Third Reading Calendar 579.

19 ACTING PRESIDENT GRIFFO: The
20 substitution is so ordered.

21 The Secretary will read.

22 THE SECRETARY: Calendar Number
23 579, by Member of the Assembly Skoufis, Assembly
24 Print 2321A, an act to amend the State Finance
25 Law.

1 ACTING PRESIDENT GRIFFO: Read the
2 last section.

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

5 ACTING PRESIDENT GRIFFO: Call the
6 roll.

7 (The Secretary called the roll.)

8 ACTING PRESIDENT GRIFFO: Announce
9 the results.

10 THE SECRETARY: In relation to
11 Calendar 579, those recorded in the negative are
12 Senators Dilan, Hoylman, Panepinto, Parker,
13 Perkins, Sanders and Squadron.

14 Ayes, 53. Nays, 7.

15 ACTING PRESIDENT GRIFFO: The bill
16 is passed.

17 THE SECRETARY: Calendar Number
18 580, by Senator Lanza, Senate Print 4505 --

19 SENATOR DeFRANCISCO: Lay it aside
20 for the day.

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

23 THE SECRETARY: Calendar Number
24 595, by Senator Carlucci, Senate Print 2198, an
25 act to amend the Public Health Law.

1 ACTING PRESIDENT GRIFFO: Read the
2 last section.

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

5 ACTING PRESIDENT GRIFFO: Call the
6 roll.

7 (The Secretary called the roll.)

8 ACTING PRESIDENT GRIFFO: Announce
9 the results.

10 THE SECRETARY: In relation to
11 Calendar 595, those recorded in the negative are
12 Senators Breslin, Dilan, Espailat, Gianaris,
13 Krueger, Montgomery, Panepinto, Parker, Peralta,
14 Perkins, Rivera, Sampson, Sanders, Serrano,
15 Squadron and Stavisky.

16 Ayes, 44. Nays, 16.

17 ACTING PRESIDENT GRIFFO: The bill
18 is passed.

19 THE SECRETARY: Calendar Number
20 618, by Senator Seward, Senate Print 4541, an act
21 to legalize, validate, ratify and confirm.

22 ACTING PRESIDENT GRIFFO: Read the
23 last section.

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

1 ACTING PRESIDENT GRIFFO: Call the
2 roll.

3 (The Secretary called the roll.)

4 THE SECRETARY: Ayes, 60.

5 ACTING PRESIDENT GRIFFO: The bill
6 is passed.

7 THE SECRETARY: Calendar Number
8 621, substituted earlier by Member of the
9 Assembly Zebrowski, Assembly Print 7219, an act
10 to amend.

11 ACTING PRESIDENT GRIFFO: Read the
12 last section.

13 THE SECRETARY: Section 8. This
14 act shall take effect upon the enactment into
15 law.

16 ACTING PRESIDENT GRIFFO: Call the
17 roll.

18 (The Secretary called the roll.)

19 THE SECRETARY: Ayes, 60.

20 ACTING PRESIDENT GRIFFO: The bill
21 is passed.

22 THE SECRETARY: Calendar Number
23 626, by Senator Avella, Senate Print 887, an act
24 to amend the Administrative Code of the City of
25 New York.

1 ACTING PRESIDENT GRIFFO: Read the
2 last section.

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

5 ACTING PRESIDENT GRIFFO: Call the
6 roll.

7 (The Secretary called the roll.)

8 THE SECRETARY: Ayes, 60.

9 ACTING PRESIDENT GRIFFO: The bill
10 is passed.

11 THE SECRETARY: Calendar Number
12 632, by Senator Klein, Senate Print 4542A, an act
13 to amend the Administrative Code of the City of
14 New York.

15 SENATOR GIANARIS: Lay it aside.

16 ACTING PRESIDENT GRIFFO: Lay the
17 bill aside.

18 THE SECRETARY: Calendar Number
19 658, substituted earlier by Member of the
20 Assembly Steck, Assembly Print 737, an act to
21 amend the Business Corporation Law.

22 ACTING PRESIDENT GRIFFO: Read the
23 last section.

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

1 ACTING PRESIDENT GRIFFO: Call the
2 roll.

3 (The Secretary called the roll.)

4 THE SECRETARY: Ayes, 60.

5 ACTING PRESIDENT GRIFFO: The bill
6 is passed.

7 THE SECRETARY: Calendar Number
8 659, by Senator Lanza, Senate Print 4506, an act
9 to amend the Public Authorities Law.

10 ACTING PRESIDENT GRIFFO: Read the
11 last section.

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

14 ACTING PRESIDENT GRIFFO: Call the
15 roll.

16 (The Secretary called the roll.)

17 THE SECRETARY: Ayes, 60.

18 ACTING PRESIDENT GRIFFO: The bill
19 is passed.

20 THE SECRETARY: Calendar Number
21 671, by Senator Golden, Senate Print 1943, an act
22 to amend the Correction Law.

23 ACTING PRESIDENT GRIFFO: Read the
24 last section.

25 THE SECRETARY: Section 2. This

1 act shall take effect on the first of November.

2 ACTING PRESIDENT GRIFFO: Call the
3 roll.

4 (The Secretary called the roll.)

5 THE SECRETARY: Ayes, 58. Nays, 2.
6 Senators Perkins and Rivera recorded in the
7 negative.

8 ACTING PRESIDENT GRIFFO: The bill
9 is passed.

10 THE SECRETARY: Calendar Number
11 686, by Senator Breslin, Senate Print 4599, an
12 act to amend the Insurance Law.

13 ACTING PRESIDENT GRIFFO: Read the
14 last section.

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

17 ACTING PRESIDENT GRIFFO: Call the
18 roll.

19 (The Secretary called the roll.)

20 THE SECRETARY: Ayes, 60.

21 ACTING PRESIDENT GRIFFO: The bill
22 is passed.

23 THE SECRETARY: Calendar Number
24 724, by Senator Griffo, Senate Print 4467B, an
25 act to amend the Education Law.

1 ACTING PRESIDENT GRIFFO: Read the
2 last section.

3 THE SECRETARY: Section 3. This
4 act shall take effect 18 months after it shall
5 have become a law.

6 ACTING PRESIDENT GRIFFO: Call the
7 roll.

8 (The Secretary called the roll.)

9 THE SECRETARY: Ayes, 60.

10 ACTING PRESIDENT GRIFFO: The bill
11 is passed.

12 Senator DeFrancisco, that completes
13 the noncontroversial reading of today's active
14 list.

15 SENATOR DeFRANCISCO: Yes, could we
16 go to motions and resolutions, please.

17 ACTING PRESIDENT GRIFFO: We will
18 return to motions and resolutions.

19 SENATOR DeFRANCISCO: On behalf of
20 Senator Martins, on page 49 I offer the following
21 amendments to Calendar Number 619, Senate Print
22 4725, and ask that the bill retain its place on
23 third reading.

24 ACTING PRESIDENT GRIFFO: The
25 amendments are received, and the bill shall

1 retain its place on third reading.

2 Senator DeFrancisco.

3 SENATOR DeFRANCISCO: And could you
4 now go to the controversial reading, which is one
5 bill, Senate 632.

6 ACTING PRESIDENT GRIFFO: The
7 Secretary will ring the bell.

8 The Secretary will read.

9 THE SECRETARY: Calendar Number
10 632, by Senator Klein, Senate Print 4542A, an act
11 to amend the Administrative Code of the City of
12 New York.

13 ACTING PRESIDENT GRIFFO: Senator
14 Krueger, why do you rise?

15 SENATOR KRUEGER: If the sponsor
16 would yield for some questions, please.

17 ACTING PRESIDENT GRIFFO: Senator
18 Klein, will you yield to some questions?

19 SENATOR KLEIN: Yes, Mr. President.

20 ACTING PRESIDENT GRIFFO: Senator
21 Krueger, you may continue.

22 SENATOR KRUEGER: Thank you,
23 Mr. President.

24 So my understanding is this bill
25 could apply to shelters for the homeless,

1 supportive housing --

2 SENATOR KLEIN: Mr. President, I'm
3 sorry, I can't hear Senator Krueger.

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

6 Senator Krueger, if you can move the
7 mic over.

8 SENATOR KRUEGER: You know, I don't
9 think it was on before; this is probably better.
10 Thank you.

11 My understanding is this bill could
12 apply to supportive housing, shelters for the
13 homeless, mental health treatment programs, drug
14 treatment programs, domestic violence programs
15 and other social service facilities. Is that
16 correct?

17 SENATOR KLEIN: Yes. Actually the
18 legislation applies to trauma, abuse, chemical
19 dependency, chronic illness, shelters for the
20 homeless or abused women and children.

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

24 ACTING PRESIDENT GRIFFO: The
25 sponsor yields.

1 SENATOR KLEIN: Yes, Mr. President.

2 SENATOR KRUEGER: Thank you.

3 So my understanding is this also
4 could apply to programs that are already
5 operating in a specific location and may just
6 have a lease renewal coming up; is that correct?

7 SENATOR KLEIN: Through you,
8 Mr. President, it would only apply for renewals
9 if the local community board adopts a resolution
10 requesting a public forum. Otherwise, it would
11 not apply.

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

15 ACTING PRESIDENT GRIFFO: The
16 sponsor yields.

17 SENATOR KLEIN: Yes, Mr. President.

18 SENATOR KRUEGER: Thank you.

19 Does the sponsor have any estimate
20 of how many organizations would have to go
21 through this new process each year in the City of
22 New York?

23 SENATOR KLEIN: Through you,
24 Mr. President. Again, I'm not sure, because
25 there's always different applications, and

1 different communities file all over the City of
2 New York.

3 But I just want to preface this by
4 saying that by having the community attend a
5 forum, being able to have input, ask questions of
6 the proposed project without any final veto
7 power, I don't think is too much to ask when
8 you're siting a social service agency or a
9 homeless shelter in the community.

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

13 SENATOR KLEIN: Yes, Mr. President.

14 ACTING PRESIDENT GRIFFO: The
15 sponsor yields.

16 SENATOR KRUEGER: I didn't even get
17 to the community board role here yet.

18 So would the sponsor agree that this
19 could be hundreds of organizations per year
20 needing to go through this process?

21 SENATOR KLEIN: I would say it
22 could be as high as a hundred across the city.

23 SENATOR KRUEGER: Through you,
24 Mr. President, would the sponsor continue to
25 yield?

1 SENATOR KLEIN: Yes, Mr. President.

2 ACTING PRESIDENT GRIFFO: The
3 sponsor yields.

4 SENATOR KRUEGER: So as I
5 understand the bill, the process is run through
6 the city's Planning Commission. And so for any
7 new location, the organization or the agency --
8 because it could be a city agency program as well
9 as a not-for-profit or I suppose even a
10 for-profit social service organization.

11 So if it's a new siting, you, the
12 agency or organization, have to contact the City
13 Planning Commission, which then triggers
14 notifications and forums and a follow-up process.
15 Is that correct?

16 SENATOR KLEIN: Through you,
17 Mr. President, that's correct.

18 SENATOR KRUEGER: And then if
19 you're requesting -- if it's a lease continuation
20 or some change in, I suppose, legal status on the
21 building, then it's only if a community board
22 requests the City Planning Commission to trigger
23 an entire new process; is that correct?

24 SENATOR KLEIN: Through you,
25 Mr. President, correct. For a renewal you would

1 not have to go through the City Planning
2 Commission; it would just have to be the
3 community board passing a resolution that they
4 want to have a hearing on the renewal.

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

8 SENATOR KLEIN: Yes, Mr. President.

9 ACTING PRESIDENT GRIFFO: The
10 sponsor yields.

11 SENATOR KRUEGER: Thank you.

12 Does the City Planning Commission
13 have any equivalent function that it serves now
14 where it goes out, I guess, into communities and
15 sets up and holds forums and then has a response
16 process and a review process?

17 SENATOR KLEIN: Through you,
18 Mr. President, the City Planning Commission I
19 thought was the perfect vehicle, because they
20 presently do hold hearings in the community on
21 density, siting projects. So I thought they
22 would be able to weigh, in an unbiased manner,
23 how the community feels about a specific project.

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

1 yield.

2 ACTING PRESIDENT GRIFFO: The
3 sponsor yields.

4 SENATOR KLEIN: Yes, Mr. President.

5 SENATOR KRUEGER: I'm familiar with
6 the City Planning Commission. And you go to
7 their location, and they hold hearings around the
8 various issues. I don't think it's a hundred a
9 year.

10 Does the sponsor have an estimate of
11 how many additional people would be needed to
12 develop a new system for themselves, a new
13 protocol, going out to community locations and
14 following, I think, a fairly specific time frame
15 for all of this happening?

16 SENATOR KLEIN: Through you,
17 Mr. President, I don't think we're reinventing
18 the wheel here.

19 We're having the City Planning
20 Commission, in consultation with the community
21 and the community board, set a date for a
22 hearing, make sure they give adequate notice to
23 the community whose community is being impacted
24 by the project, having people attend, having a
25 staff person from the City Planning Commission

1 listen and then taking back the information. And
2 ultimately the City Planning Commission can
3 either modify the project, accept the project, or
4 reject the project.

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

8 SENATOR KLEIN: Yes, Mr. President.

9 ACTING PRESIDENT GRIFFO: The
10 sponsor yields.

11 SENATOR KRUEGER: Thank you.

12 So under current law does the City
13 Planning Commission have the power to reject any
14 other specific residences or social service
15 centers that provide certain kinds of services?

16 SENATOR KLEIN: Through you,
17 Mr. President, not social service agencies. But
18 they certainly have an opportunity to reject as
19 far as density and volume of projects.

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

23 SENATOR KLEIN: Yes, Mr. President.

24 ACTING PRESIDENT GRIFFO: The
25 sponsor yields.

1 SENATOR KRUEGER: So in the bill
2 there's discussion of a public forum to be held
3 by the Planning Commission and a public hearing
4 request from the community board. Could the
5 sponsor tell me the difference between these two
6 activities, and when it's one and when it's the
7 other?

8 SENATOR KLEIN: Through you,
9 Mr. President, I believe they're one and the
10 same.

11 First the social service provider
12 notifies the City Planning Commission of their
13 application, then the City Planning Commission
14 works with the community board and the community
15 to actually have the hearing. And they have to
16 have it in a certain period of time so it doesn't
17 sort of have the process go on too long. It's
18 pretty much in a pretty tight time frame.

19 SENATOR KRUEGER: Through you,
20 Mr. President, if the sponsor would continue to
21 answer questions.

22 ACTING PRESIDENT GRIFFO: The
23 sponsor yields.

24 SENATOR KLEIN: Yes, Mr. President.
25 Just to fill that in, Mr. President,

1 once the notice is filed, in not less than
2 45 days and no more than 90 days, the commission
3 shall conduct a community outreach forum to
4 obtain public comments on such a proposal. So
5 they're one and the same.

6 And I continue to yield,
7 Mr. President.

8 SENATOR KRUEGER: Thank you.

9 The City of New York in their
10 memorandum of opposition takes the position that
11 having this process in this time frame would
12 force them to violate the ADA and the Fair
13 Housing Act. Have you taken a look at their memo
14 of opposition and --

15 SENATOR KLEIN: I read the city's
16 memo of opposition extensively. Unfortunately, I
17 disagree wholeheartedly.

18 This is in no way causing us to fall
19 in compliance with any federal regulations. It's
20 not stopping a project, it's only requiring that
21 the provider explain to the community what the
22 project is all about and giving the community an
23 opportunity to have input on the project.

24 So it certainly does not have any --
25 it is not giving the community veto power over

1 any such project.

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

5 SENATOR KLEIN: Yes, Mr. President.

6 ACTING PRESIDENT GRIFFO: The
7 sponsor yields.

8 SENATOR KRUEGER: Thank you.

9 So you just answered that they can't
10 deny a project. But in the bill it does seem to
11 lay out a plan where the City Planning
12 Commission, after said forum or hearing, could
13 approve, modify or deny the proposal.

14 So there does seem to be a mechanism
15 to deny applications; am I correct?

16 SENATOR KLEIN: Well, again,
17 Mr. President, through you, it's not the
18 community that has this veto power or has a say
19 on whether a project is modified or denied or
20 accepted. It's a city agency. And a city
21 agency, who I would assume has a vested interest
22 in moving these projects along and making sure
23 they're not out of federal compliance, would
24 probably approve it.

25 So I would think that probably the

1 majority, probably all of the community forums
2 would ultimately end in the City Planning
3 Commission approving all these projects.

4 But again my point, Mr. President,
5 is that we're engaging the community. You know,
6 I've been around a lot of these projects for
7 years, and they're always well-intentioned. You
8 know, everyone understands that we have a vested
9 interest in housing the homeless, in taking care
10 of individuals with special needs.

11 But at the same time, what I find is
12 it becomes very difficult for a community to
13 support a project when they don't know about the
14 project. So what happens is they immediately
15 come into a community that is opposed, because
16 fear becomes the deciding factor.

17 And unfortunately some people tend
18 to think the worst when a provider doesn't have
19 the common decency to sit down with elected
20 officials, with the community, with the community
21 board and just explain what this project is,
22 what's the population they're servicing, how can
23 they work with the surrounding community to help
24 with the assimilation process.

25 So I think this is a win/win not

1 only for the providers that now will have a
2 community that understands their project and
3 probably will be forthcoming and willing to help,
4 but also with the community that now knows what
5 is being placed in their own backyard.

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

9 SENATOR KLEIN: Yes, Mr. President.

10 ACTING PRESIDENT GRIFFO: The
11 sponsor yields.

12 SENATOR KRUEGER: Thank you.

13 I appreciate the sponsor's answers,
14 and actually particularly appreciate the last
15 answer. Because if the legislation specifically
16 said you must submit your plans to a community
17 board and attend a community board meeting and
18 answer questions, I would have no problems.

19 But the bill doesn't stop there. It
20 sets up an entire fairly extensive time frame
21 where there are various times where if somebody
22 doesn't do something, even just falling through
23 the cracks, the provider of services may lose
24 their existing site or their ability to open
25 their site.

1 So in continuing questions beyond
2 the, I think, agreement between the sponsor and I
3 that community boards should be brought into the
4 process and should have advance notice and there
5 should be a public premium or hearing before the
6 community board to discuss all this, because I
7 agree, this bill sets up --

8 ACTING PRESIDENT GRIFFO: Senator
9 Krueger, are you on the bill now?

10 SENATOR KRUEGER: No, I'm asking
11 the next question. Thank you, Mr. President.

12 This bill has subdivisions that
13 refer to the Planning Commission approving an
14 application or denying or modifying an
15 application. Can you explain what the process of
16 a determination for an approval, denial, or
17 modification would be within City Planning?

18 SENATOR KLEIN: Well, just through
19 you, Mr. President, to talk about a little bit
20 what Senator Krueger mentioned in her remarks.
21 You know, again, in many cases, unless you in
22 many cases force a provider to engage the
23 community, to even submit plans to a community
24 board, it's just not going to happen.

25 You know, over the years I've seen

1 too many projects in my district -- and I know in
2 districts throughout New York City -- where the
3 community never knows a thing. They choose not
4 to go to the community board, they choose not to
5 even let anyone know about their plans until it's
6 too late, and then people think the worst.

7 Again, in response to Senator
8 Krueger's question, it's up to the City Planning
9 Commission. They have to weigh certain things --
10 you know, who actually is being placed there,
11 whether or not there's saturation in the
12 community, too many social service agencies on
13 top of one another -- which never benefits
14 anyone, even the clients. It also weighs the
15 density of the project, how high the project is.
16 But it really is leaving the ultimate say to the
17 City Planning Commission. They just have to take
18 those things into account.

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

22 SENATOR KLEIN: Yes, Mr. President.

23 ACTING PRESIDENT GRIFFO: The
24 sponsor yields.

25 SENATOR KRUEGER: So within the

1 bill itself, it lays out this process and
2 describes that the sponsor of an application will
3 be banned from applying for an additional two
4 years if his or her application is denied.

5 Could the sponsor explain to me what
6 he means by "sponsor" in this bill? Is it the
7 operator, the developer, the tax syndicator, the
8 state if it's a state facility, the city if it's
9 a city facility, a not-for-profit?

10 ACTING PRESIDENT GRIFFO: Senator
11 Klein.

12 SENATOR KLEIN: Through you,
13 Mr. President, it would be the operator.

14 SENATOR KRUEGER: The operator,
15 okay.

16 So through you, Mr. President, if
17 the sponsor would continue to yield.

18 SENATOR KLEIN: Yes, Mr. President.

19 ACTING PRESIDENT GRIFFO: The
20 Senator yields.

21 SENATOR KRUEGER: So if the City
22 Planning Commission determined that they were
23 banning an applicant and the applicant was the
24 State or the City of New York, the State or the
25 City of New York could not come forward with any

1 additional or new program sites for two years?

2 SENATOR KLEIN: Yeah, at that
3 location, that's correct.

4 SENATOR KRUEGER: Specific to that
5 location, not anywhere else.

6 SENATOR KLEIN: Correct.

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

10 ACTING PRESIDENT GRIFFO: The
11 sponsor yields.

12 SENATOR KLEIN: Yes, Mr. President.

13 SENATOR KRUEGER: And could the
14 sponsor clarify for me the two-year-ban rule? Is
15 it the specific location or a specific
16 neighborhood or the community board?

17 SENATOR KLEIN: It's a two-year ban
18 at that specific location.

19 SENATOR KRUEGER: Okay, the
20 specific, like, block and lot location?

21 SENATOR KLEIN: Correct.

22 SENATOR KRUEGER: Thank you.

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

25 SENATOR KLEIN: Yes, Mr. President.

1 ACTING PRESIDENT GRIFFO: The
2 sponsor yields.

3 SENATOR KRUEGER: On page 3 of the
4 bill -- let me just get the section for us. So
5 it's Section G, subdivision -- no. Section G,
6 the top of page 3, at least in my printout. "The
7 sponsor of such application shall be precluded
8 from reapplying for approval of the location,
9 establishment or operation of such facility or
10 center or any similar-type facility or center for
11 a period of two years from the date of such
12 denial."

13 So that raised my concern, a
14 similar-type facility. Suppose the state intends
15 to open multiple facilities for returning youth,
16 if we are successful in raising the age. Would
17 that literally mean the state couldn't propose
18 any facilities for youth within two years?

19 SENATOR KLEIN: Again, through you,
20 Mr. President, I think it's pretty clear. It's
21 for two years, and it's at that specific location
22 only. Not anywhere in the borough, not anywhere
23 in the neighborhood, but just that specific
24 location.

25 SENATOR KRUEGER: Through you,

1 Mr. President, if the sponsor would continue to
2 yield.

3 SENATOR KLEIN: Oh, I'm sorry, and
4 also just to add, Mr. President, and that
5 specific applicant.

6 So in other words, in essence you
7 could probably have another provider, a different
8 applicant, applying to have some type of site or
9 social service site at that location, just not
10 that applicant.

11 ACTING PRESIDENT GRIFFO: The
12 sponsor continues to yield.

13 SENATOR KRUEGER: Thank you,
14 Mr. President.

15 So imagine that you're operating a
16 facility, your lease is up for renewal. Your
17 community board has filed with the City Planning
18 Commission, and that supposedly triggers some
19 kind of time-frame process. And either because
20 the City Planning Commission can't calendar it in
21 a timely manner or the notification of the
22 community forum can't take place or the City
23 Planning Commission is delayed in the length of
24 time they take to determine whether or not
25 they're going to approve this, the bill seems to

1 reference you might actually have to close down
2 operation during that time period.

3 Is that your understanding of the
4 bill or the intent of the bill?

5 SENATOR KLEIN: Through you,
6 Mr. President, that certainly is not the intent
7 of the bill, and I can't imagine how that would
8 ever happen.

9 It's very clear that we're now
10 talking about a renewal. So clearly a renewal
11 doesn't automatically have the City Planning
12 Commission put together this commission for
13 community input.

14 Clearly, if the community board is
15 going to act, I can probably surmise that there's
16 a problem with that facility since they opened.
17 So I think in that case the community certainly
18 has every right, if they choose, by a resolution
19 passed by the community board, to actually have
20 that community hearing by the City Planning
21 Commission to find out, hey, you know, what are
22 the problems, why are these things happening, why
23 is it not the same facility you told us it was
24 going to be? Are there safety concerns? Are the
25 clients in jeopardy at the facility?

1 So that only kicks in then. And I
2 can't imagine how it's going to lengthen the
3 process. You know, these renewals don't happen
4 overnight. You know, lawyers are hired, the
5 owner of the property has to renew the lease.
6 I'm sure in many cases they raise the rent or
7 anything else.

8 So I'm very positive that we can
9 keep within the confines of this law and the
10 specific time frame and now not have anyone
11 forced out because the City Planning Commission
12 fails to have one of these hearings.

13 SENATOR KRUEGER: Through you,
14 Mr. President, I appreciate the sponsor's
15 response. I'm not so confident of everybody
16 keeping to the time frames.

17 And the way I read the bill, if
18 statutory timelines are not kept to the minute --
19 well, even if they're kept to the minute, it
20 still can be 20 days, plus 60 to 90 days, plus a
21 time frame for decision. There can be an
22 extensive number of months, and that's assuming
23 everybody does everything exactly in a timely
24 manner. So I actually am concerned --

25 SENATOR KLEIN: Also, through you,

1 Mr. President, to add to that, the community
2 board who's the final arbitrator in this -- in
3 other words, they decide whether or not to pass
4 this resolution -- they have to be familiar with
5 the fact that this organization, this social
6 service agency, is even up for renewal in the
7 first place. So the burden is on them.

8 SENATOR KRUEGER: That would be
9 correct. I agree with the sponsor about that
10 point.

11 Is there a mechanism to appeal the
12 decision of the Planning Commission if they
13 reject or demand modification?

14 SENATOR KLEIN: I'm sorry,
15 Mr. President, I didn't hear Senator Krueger's
16 question.

17 SENATOR KRUEGER: Thank you. Is
18 there a mechanism to appeal the decision of the
19 Planning Commission?

20 SENATOR KLEIN: Yeah, there's
21 always -- you know, there's always the
22 opportunity for an aggrieved party to bring an
23 Article 78 proceeding.

24 SENATOR KRUEGER: Through you,
25 Mr. President, I'm not totally clear on that

1 answer.

2 I understand the sponsor said
3 there's always an opportunity to bring an
4 Article 78. So that would bring a case in court
5 that you didn't agree with the Planning
6 Commission's decision. And then the court would
7 have what basis to rule on that?

8 SENATOR KLEIN: Well, I guess
9 through you, Mr. President, as far as the
10 Planning Commission, the Planning Commission
11 after the community forum has three options.
12 They can accept the plan, reject the plan, or
13 modify the plan. So yeah, there's nothing that
14 kicks in where there's an appeal process with the
15 City Planning Commission.

16 However, after the City Planning
17 Commission comes out with their decision, then of
18 course an aggrieved party always has the right
19 for an Article 78 proceeding.

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

23 SENATOR KLEIN: Yes, Mr. President.

24 ACTING PRESIDENT GRIFFO: The
25 sponsor yields.

1 SENATOR KRUEGER: Some of those
2 types of programs that I believe would fall under
3 this law would include programs providing shelter
4 to domestic violence victims and their children,
5 programs for children with HIV/AIDS, programs for
6 people with mental illness, with substance abuse.

7 There's various reasons and even
8 statutes in law about keeping that information
9 private for the protection of the residents of
10 such facilities. How will we protect the
11 confidentiality issues for these special-need
12 populations?

13 SENATOR KLEIN: Through you,
14 Mr. President, it's the actual organization, the
15 not-for-profit there, that it's their mission to
16 make sure that especially in cases of domestic
17 violence or child abuse that all information is
18 kept confidential.

19 It's not confidential to tell the
20 community what is actually going to be in that
21 program. So the individual clients of course are
22 not going to be made public, but certainly the
23 goal or what's actually happening at a specific
24 location is, I think, important to be made public
25 to the community.

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

4 SENATOR KLEIN: Yes, Mr. President.

5 ACTING PRESIDENT GRIFFO: The
6 sponsor yields.

7 SENATOR KRUEGER: So just
8 clarifying from his bill, page 2, Section D:
9 Such notice shall contain a description of the
10 scope, nature, size, kind of treatment programs
11 provided, specific address of the facility or
12 center, number of anticipated residents or
13 clients, et cetera.

14 So I do think if you were a domestic
15 violence shelter you would need to report, yes,
16 I'm a domestic violence shelter at this specific
17 address providing these kinds of services.

18 And again, my understanding under
19 current law is DV centers particularly try to
20 avoid any kind of public identification of the
21 address and location of their shelters.

22 SENATOR KLEIN: Through you,
23 Mr. President, again, letting the community know
24 that an address is a domestic violence shelter is
25 completely different than having the clients that

1 are in there located at that address.

2 So again, I've dealt with these
3 issues, you know, for many, many years. And
4 people do know when domestic violence shelters go
5 into their community. People ultimately do find
6 out when there's HIV/AIDS patients having
7 subsidized housing in a community. People know.
8 I don't think there's anything wrong with that.

9 My point is that having the
10 community know in advance, having them engaged in
11 the process, helping with the assimilation
12 process, is a win/win. As I said before, I think
13 it's good for the client and I think it's good
14 for the community.

15 You know, everything we do here in
16 many cases is always based on, you know, personal
17 experience. You know, we had an incident in one
18 of my communities where we had a former hospital
19 which is now subsidized housing for frail
20 HIV/AIDS patients. No one told the community.
21 The community, of course, thought the worst. At
22 first they thought it was a drug treatment
23 center; then they thought it was something like
24 housing for the mentally and criminally insane.
25 You know, the community was in an uproar.

1 When we finally found out and they
2 finally took the time to address the community,
3 there's now a community advisory board and it
4 seems to be working very, very well.

5 But why have one year of back and
6 forth with the community, the community thinking
7 the worst, people not welcoming to, you know,
8 this very vulnerable population? It just doesn't
9 make any sense. You know, again, I think it's
10 the old adage, if you have nothing to hide,
11 there's no reason why you wouldn't want to have
12 the community engaged.

13 SENATOR KRUEGER: Through you,
14 Mr. President, on the bill.

15 ACTING PRESIDENT GRIFFO: Senator
16 Krueger on the bill.

17 SENATOR KRUEGER: Thank you. I
18 would like to thank the sponsor for his answers.

19 You know, and my conference had a
20 long discussion about this bill and the pros and
21 cons. And if it was more limited in scope and
22 targets of who would have to be included and the
23 complexity of a City Planning Commission taking
24 on all these additional responsibilities that
25 it's not in the business of doing now -- and I'm

1 just not sure how they would actually meet the
2 obligations. On the one hand, the bill is too
3 broad in scope and mandate, and on the other hand
4 the bill is not detailed enough in exactly what
5 the process would be.

6 So I fear we would actually do great
7 harm to any number of community organizations
8 already successfully operating important and
9 supported community programs. Every community in
10 the City of New York has significant numbers of
11 not-for-profit service providers. I actually
12 think my district and Senator Hoylman's district
13 have the largest number of supportive housing.
14 We share, I think, the largest shelter. I think
15 we share the largest number of drug treatment
16 programs, for a variety of reasons.

17 And there are always community
18 concerns, and the community should be respected.
19 And the community boards again, I believe, should
20 be brought into the process.

21 And there was a way to write this
22 bill where I would have been happy to say I can
23 support this and it's a good thing, but I fear
24 that the sponsor may have overshot in all of the
25 new requirements and activities and demands on

1 the organizations and City Planning and even on
2 the community boards, from the time-frame
3 perspective.

4 And so I would urge my colleagues to
5 vote no and urge my colleague the sponsor to
6 think through, perhaps proposing a more limited
7 bill that I think could be operationalized
8 effectively and accomplish much of what he is
9 attempting to accomplish in this too complex, too
10 broad a bill. I vote no.

11 Thank you very much, Mr. President.

12 ACTING PRESIDENT GRIFFO: Seeing
13 and hearing no other Senator that wishes to be
14 heard, debate is closed.

15 The Secretary will ring the bell.

16 Read the last section.

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

19 ACTING PRESIDENT GRIFFO: Call the
20 roll.

21 (The Secretary called the roll.)

22 ACTING PRESIDENT GRIFFO: Senator
23 Rivera to explain his vote.

24 SENATOR RIVERA: Thank you,
25 Mr. President.

1 I want to actually take a second to
2 laud Senator Klein. Within our conference we had
3 a very active conversation about this bill, about
4 what it did, what it didn't do. And there was an
5 agreement amongst all of us there is definitely a
6 need to change the process that the city
7 currently undergoes that sometimes take
8 communities by surprise when they try to put some
9 of these types of facilities in their
10 neighborhood.

11 I believe, unfortunately, this bill
12 goes a little bit too far, but I wanted to take a
13 second to say that Senator Klein is going in the
14 right direction. And so unfortunately on this
15 one it's a little bit too far, so I'll be veto in
16 the negative.

17 Thank you, Mr. President.

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

20 Senator Stavisky to explain her
21 vote.

22 SENATOR STAVISKY: Thank you,
23 Mr. President.

24 I'm going to vote for this bill
25 because the way the city handled the location of

1 a shelter in my Senate district at the Pan Am
2 Hotel was horrendous. And it has been so
3 frustrating trying to convince the city that
4 they've got to sit down and try to work things
5 out because people have to have a place to live.
6 It's a comment, I suppose, on some of the
7 problems going on in the city.

8 But at the same time, normally I
9 would agree with my colleagues that it's overly
10 broad, et cetera. But because of the problems we
11 have incurred at the Pan Am Hotel with its
12 location, with coming in at the last minute not
13 informing us, a facility which cannot handle
14 homeless people, there are no cooking
15 facilities -- there are a hundred and one reasons
16 why it's a bad location.

17 And I vote for this bill in the
18 affirmative.

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

21 Senator Peralta to explain his vote.

22 SENATOR PERALTA: Yes, thank you,
23 Mr. President.

24 I too am going to be joining Senator
25 Stavisky in the affirmative.

1 This bill is about community input.
2 It's about ensuring that the community has a say
3 when these type of facilities actually are being
4 thought about.

5 And it was also mentioned we had a
6 very spirited debate in conference today about
7 which way people were going to vote. But we all
8 are here representing constituents. And our
9 constituents, although they sometimes may not
10 want a certain facility in the neighborhood --
11 but it's about ensuring that there's an open
12 process. It's about ensuring that there's
13 debate. It's about ensuring that the community
14 understands what's wrong, what are the pros, what
15 the cons, so that the administration can hear
16 those cons, they can hear the pros and then make
17 a well-versed decision on whether they should
18 move on or move forward.

19 And I believe that this bill does
20 such a thing, so I am going to be voting in the
21 affirmative, Mr. President.

22 Thank you very much.

23 ACTING PRESIDENT GRIFFO: Senator
24 Peralta in the affirmative.

25 Senator Sanders to explain his vote.

1 SENATOR SANDERS: Thank you,
2 Mr. President.

3 First I want to applaud Senator
4 Klein for this bill, which gives all of us a
5 chance to speak and to say that there's something
6 wrong with the way the city is doing the
7 fair-share allocation.

8 I think that that is the basis of
9 the problem, besides the seemingly rising
10 inequality which is forcing people out of homes
11 and things of that nature.

12 But on the bill itself, there's just
13 something wrong with a city government which just
14 moves and does not allow for input, for community
15 input. So I too am forced to speak and to go
16 with Senator Klein on this bill.

17 Even as we speak, I have two
18 facilities that are being put into my district
19 and to this day, the city has not addressed
20 either of those with me. So under those
21 conditions, I'm voting for this bill.

22 ACTING PRESIDENT GRIFFO: Senator
23 Sanders to be recorded in the affirmative.

24 Senator Latimer to explain his vote.

25 SENATOR LATIMER: Thank you,

1 Mr. President.

2 I rise to support Senator Klein's
3 bill. While this is New York City-based, it
4 affects those of us outside of New York City that
5 border New York City. There is a prominent
6 facility in the Bronx which borders my district
7 in Westchester County, and we need the kind of
8 opportunity to be able to have residents opine,
9 particularly those that don't live in New York
10 City but border it and are affected by the
11 actions of New York City.

12 So I appreciate this bill and I look
13 forward to supporting it with a vote yes.

14 ACTING PRESIDENT GRIFFO: Senator
15 Latimer to be recorded in the affirmative.

16 Senator Hamilton to explain his
17 vote.

18 SENATOR HAMILTON: Yes, thank you,
19 Mr. Chair.

20 I want to commend Senator Klein on
21 introducing this bill.

22 In my Senate district we have many
23 homeless shelters, we have the armory, we have
24 sex offenders who live not too far from schools.
25 And many times our community wants to be heard

1 before the social service programs are put into
2 our community. And even though the community
3 board still does not have the power to say yea or
4 nay, there is another level, another process
5 where the community can be heard through the City
6 Planning.

7 So for this vote, I'm going to vote
8 yes on this bill. I wish it did not have
9 supportive housing in the bill, because we need
10 more supportive housing to alleviate the burden
11 of people being homeless and living in shelters.
12 But in totality, I'm going to vote yes on the
13 bill and thank Senator Klein for introducing it.

14 ACTING PRESIDENT GRIFFO: Senator
15 Hamilton to be recorded in the affirmative.

16 Announce the results.

17 THE SECRETARY: In relation to
18 Calendar 632, those recorded in the negative are
19 Senators Hoylman, Krueger, Montgomery, Ortt,
20 Perkins, Rivera, Serrano and Squadron.

21 Absent from voting: Senator
22 Amedore.

23 Ayes, 51. Nays, 8.

24 ACTING PRESIDENT GRIFFO: The bill
25 is passed.

1 Senator DeFrancisco, that concludes
2 the controversial reading of today's active list.

3 SENATOR DeFRANCISCO: Yes, we are
4 now going to have an immediate meeting of the
5 Rules Committee in Room 332.

6 For members' information, one of
7 those bills, Senator Larkin's bill dealing with
8 veterans' pensions, will be taken up after the
9 Rules Committee report is brought back here, and
10 that's the only bill that will be taken up.

11 ACTING PRESIDENT GRIFFO: There
12 will be an immediate meeting of the Rules
13 Committee in Room 332.

14 The Senate will stand temporarily
15 at ease.

16 (Whereupon, the Senate stood at ease
17 at 4:56 p.m.)

18 (Whereupon, the Senate reconvened at
19 5:33 p.m.)

20 ACTING PRESIDENT GRIFFO: The
21 Senate will come to order.

22 Senator DeFrancisco.

23 SENATOR DeFRANCISCO: Yes, I
24 understand there's a report from the Rules
25 Committee at the desk.

1 ACTING PRESIDENT GRIFFO: There is
2 a Rules Committee report before the desk.

3 The Secretary will read.

4 THE SECRETARY: Senator Flanagan,
5 from the Committee on Rules, reports the
6 following bills:

7 Senate Print 31, by Senator
8 DeFrancisco, an act to amend the Social Services
9 Law;

10 Senate 148, by Senator Squadron, an
11 act to amend the Penal Law;

12 Senate 324, by Senator LaValle, an
13 act to amend the Criminal Procedure Law;

14 Senate 395, by Senator Gallivan, an
15 act to amend the Penal Law;

16 Senate 403, by Senator Gallivan, an
17 act to amend the Criminal Procedure Law;

18 Senate 428A, by Senator Gallivan, an
19 act to amend the Tax Law;

20 Senate 532, by Senator Gallivan, an
21 act to amend the Civil Service Law;

22 Senate 640, by Senator Valesky, an
23 act to amend the Vehicle and Traffic Law;

24 Senate 641, by Senator Valesky, an
25 act to amend the Penal Law;

1 Senate 823, by Senator Hannon, an
2 act to amend the Family Court Act;

3 Senate 990, by Senator Ranzenhofer,
4 an act to amend the Penal Law;

5 Senate 1074, by Senator Golden, an
6 act to amend the Real Property Tax Law;

7 Senate 1342, by Senator Little, an
8 act to amend the Real Property Law;

9 Senate 1445, by Senator O'Mara, an
10 act to amend the Tax Law;

11 Senate 1454, by Senator Golden, an
12 act directing;

13 Senate 1499, by Senator Kennedy, an
14 act to amend the Penal Law;

15 Senate 1683A, by Senator Little, an
16 act to amend the Tax Law;

17 Senate 1849, by Senator Marchione,
18 an act to amend the Penal Law;

19 Senate 2013, by Senator Carlucci, an
20 act to amend the Tax Law;

21 Senate 2173, by Senator Marcellino,
22 an act to amend the Civil Rights Law;

23 Senate 2204, by Senator Larkin, an
24 act to amend the Vehicle and Traffic Law;

25 Senate 2212A, by Senator Larkin, an

1 act to amend the Vehicle and Traffic Law;
2 Senate 2337, by Senator Lanza, an
3 act to amend the Public Authorities Law;
4 Senate 2396, by Senator Ritchie, an
5 act to amend the Vehicle and Traffic Law;
6 Senate 2610, by Senator Seward, an
7 act to amend the Real Property Law;
8 Senate 2641, by Senator Savino, an
9 act to amend the Penal Law;
10 Senate 2720, by Senator Griffo, an
11 act to amend the Penal Law;
12 Senate 2882, by Senator Ranzenhofer,
13 an act to amend the Canal Law;
14 Senate 2961, by Senator Ortt, an act
15 to amend the Tax Law;
16 Senate 2964A, by Senator Ortt, an
17 act to amend the Penal Law;
18 Senate 2975, by Senator Ortt, an act
19 to amend the Penal Law;
20 Senate 3034, by Senator Hoylman, an
21 act to amend the Public Authorities Law;
22 Senate 3212, by Senator Young, an
23 act to amend the Penal Law;
24 Senate 3228, by Senator Golden, an
25 act to amend the Public Authorities Law;

1 Senate 3335, by Senator Lanza, an
2 act to amend the Criminal Procedure Law;

3 Senate 3384, by Senator Golden, an
4 act to amend the Social Services Law;

5 Senate 3484, by Senator Lanza, an
6 act to amend the Penal Law;

7 Senate 3596, by Senator Savino, an
8 act to amend the Social Services Law;

9 Senate 3674, by Senator Savino, an
10 act to amend the Labor Law;

11 Senate 3676, by Senator Savino, an
12 act to amend the Tax Law;

13 Senate 3701, by Senator Ranzenhofer,
14 an act to amend the Tax Law;

15 Senate 3731, by Senator Lanza, an
16 act to amend the Tax Law;

17 Senate 3804, by Senator Parker, an
18 act to amend the Public Health Law;

19 Senate 3852, by Senator Lanza, an
20 act to amend the Penal Law;

21 Senate 4038, by Senator Seward, an
22 act to amend the Environmental Conservation Law;

23 Senate 4124, by Senator Larkin, an
24 act to amend the Retirement and Social Security
25 Law;

1 Senate 4151, by Senator LaValle, an
2 act to amend the Environmental Conservation Law;

3 Senate 4166B, by Senator Latimer, an
4 act to amend the Penal Law;

5 Senate 4225, by Senator Valesky, an
6 act to amend Chapter 335 of the Laws of 2005;

7 Senate 4390, by Senator LaValle, an
8 act to amend the Environmental Conservation Law;

9 Senate 5079, by Senator Larkin, an
10 act to amend the Criminal Procedure Law;

11 Senate 5122, by Senator Valesky, an
12 act to amend the Elder Law;

13 And Senate 5596, by Senator Golden,
14 an act to amend the Retirement and Social
15 Security Lay.

16 All bills reported direct to third
17 reading.

18 ACTING PRESIDENT GRIFFO: Senator
19 DeFrancisco.

20 SENATOR DeFRANCISCO: I would move
21 to accept the report of the Rules Committee.

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

25 (Response of "Aye.")

1 ACTING PRESIDENT GRIFFO: Opposed?

2 (No response.)

3 ACTING PRESIDENT GRIFFO: The
4 Committee on Rules report is before the house.
5 Senator DeFrancisco.

6 SENATOR DeFRANCISCO: Can we now go
7 to Calendar Number 44A, the supplemental
8 calendar, and take up just one bill, Calendar
9 Number 999, by Senator Larkin.

10 ACTING PRESIDENT GRIFFO: Calendar
11 Number 999, by Senator Larkin, Print Number 4124.

12 The Secretary will read.

13 THE SECRETARY: Calendar Number
14 999, by Senator Larkin, Senate Print 4124, an act
15 to amend the Retirement and Social Security Law.

16 ACTING PRESIDENT GRIFFO: Read the
17 last section.

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

20 ACTING PRESIDENT GRIFFO: Call the
21 roll.

22 (The Secretary called the roll.)

23 ACTING PRESIDENT GRIFFO: Senator
24 Larkin to explain his vote.

25 SENATOR LARKIN: Thank you very

1 much, Mr. President.

2 We come again to this chamber for
3 the third time in two years. This bill passed
4 twice last year, bipartisan. This year it's
5 bipartisan again. It was vetoed by the Governor.

6 Just think about it. Two months
7 ago, 49 members of the armed forces were shot and
8 killed in Afghanistan. Afghanistan isn't on the
9 contract for those to be awarded credits. Their
10 family could have gotten something from it.

11 But here's what we're saying. The
12 mayor of the City of New York runs Albany,
13 because he wrote a four-page letter and said this
14 is not going to happen, we can't do this. And
15 then he turned around and spent \$19 million.

16 I don't care what the City of
17 New York says through the mayor. What I care
18 about is the vote from you in this room. And I'm
19 very disappointed that there's a lot of people
20 not here. But I bet they were out shaking the
21 flag on Memorial Day: Look at what I think about
22 you in the armed forces. You ought to be ashamed
23 of yourself. And I hope you're listening.

24 It doesn't matter whether you were
25 called to active duty during wartime; you

1 answered the call of your government. These are
2 all volunteers, they're not drafted, every one of
3 them that we're talking about.

4 To please some of them, we're taking
5 the Tier 6, they're going to pay 6 percent. All
6 of the rest will pay the 3 percent. And let's
7 think about it. A lot of those young people,
8 they're not retiring tomorrow or next week,
9 they're going to wait a while till they get some
10 time beside them and get it.

11 I hope those of you who refuse to
12 honor the people here of the armed forces by
13 staying away -- are you afraid? Who are you
14 afraid of? Are you afraid of the people who
15 stood up for you and took the battle, some in
16 combat, some not?

17 But all you've got to say is who
18 comes first, the men and women of the armed
19 forces or someone trying to promote himself
20 higher in the chain of command someplace.

21 I want to tell you, I thank
22 everybody who stayed here and sat here tonight
23 and will vote for the men of the armed forces.
24 Because you think about it. Maybe you didn't get
25 in the battle today, but tomorrow you may. And

1 how the hell can you sit here and not give any
2 respect to these men of the armed forces? I
3 don't know how you sleep at night. But I'll tell
4 you, I'll sleep, because I've been there.

5 And I know many of you here that are
6 listening to me have heard it before. And I
7 don't mean to be grouchy. But this past weekend,
8 a lot of us attended memorial services. A Marine
9 unit, ran from Albany to Goshen, New York, 49
10 members of that unit were killed in one day in
11 Afghanistan two months ago. But they're not
12 covered because Afghanistan isn't in the war zone
13 as far as they're concerned. Somebody in the
14 White House made a determination. They ought to
15 go over there and watch sometime.

16 I thank everybody here who's -- all
17 of the cosponsors. I wish everyone else who
18 didn't sign on to get on it. And I thank you.

19 And I can tell you, from last
20 Saturday's retirement parade and graduation at
21 West Point, many of the cadets that were here for
22 West Point Day came up to me and said "Will you
23 tell the Senators that were there that we
24 appreciate the honor they bestowed upon us."

25 Do you realize that all of the

1 combat arms that graduated Saturday will be in
2 combat by the first of September? May God watch
3 over them.

4 ACTING PRESIDENT GRIFFO: Senator
5 Larkin to be recorded in the affirmative.

6 Senator DeFrancisco to explain his
7 vote.

8 SENATOR DeFRANCISCO: Yes. I think
9 this bill passed unanimously the last time
10 through. And I think there's something I learned
11 in civics class a few years ago, that if the
12 Governor vetoes a bill, the veto can be
13 overridden by a two-thirds vote.

14 So I think that the legislators
15 should be commended for continuing to pass this
16 bill. And I've got an idea. When the bill is
17 vetoed, we bring it up for an override of the
18 veto. And then the only reason this bill
19 has not passed will be overcome from a rule from
20 basic civics class many, many moons ago. And
21 that's what I would suggest.

22 I vote aye.

23 ACTING PRESIDENT GRIFFO: Senator
24 DeFrancisco to be recorded in the affirmative.

25 Announce the results.

1 THE SECRETARY: Ayes, 60.

2 ACTING PRESIDENT GRIFFO: The bill
3 is passed.

4 Senator DeFrancisco, that completes
5 the noncontroversial reading of the supplemental
6 active list.

7 SENATOR DeFRANCISCO: Is there any
8 further business at the desk?

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

11 SENATOR DeFRANCISCO: In that case,
12 I would move that we adjourn until tomorrow
13 morning at 11:00 o'clock. That's tomorrow,
14 Thursday, May 28th.

15 ACTING PRESIDENT GRIFFO: On
16 motion, the Senate will stand adjourned until
17 Thursday, May 28th, at 11:00 a.m.

18 The Senate is adjourned.

19 (Whereupon, at 5:44 p.m., the Senate
20 adjourned.)

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