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NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

June 16, 2015

1:02 p.m.

REGULAR SESSION

SENATOR JOSEPH GRIFFO, Acting President

FRANCIS W. PATIENCE, Secretary

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: I know  
10 that we are all very excited today and very  
11 pleased to have with us and very anxiously want  
12 to extend a warm and enthusiastic welcome back  
13 to not only an extraordinary public servant, but  
14 an exceptional man: Senator Tom Libous.

15 Welcome back to the chamber.

16 (Lengthy standing ovation.)

17 ACTING PRESIDENT GRIFFO: I would  
18 ask that we all please bow our heads in a moment  
19 of silent reflection and prayer, and I would  
20 like to read to you from Joshua, Chapter 1,  
21 Verse 9. And we are so pleased to have Senator  
22 Libous back with us today.

23 "Have I not commanded you? Be  
24 strong and courageous. Do not be frightened,  
25 and do not be dismayed, for the Lord your God is

1 with you wherever you go."

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

4 ACTING PRESIDENT GRIFFO: The  
5 reading of the Journal.

6 THE SECRETARY: In Senate, Monday,  
7 June 15th, the Senate met pursuant to  
8 adjournment. The Journal of Sunday, June 14th,  
9 was read and approved. On motion, Senate  
10 adjourned.

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

13 Can I have some order in the  
14 chamber, please.

15 Senator Flanagan.

16 SENATOR FLANAGAN: Thank you,  
17 Mr. President.

18 I appreciate everyone's being in the  
19 chamber. I have now come to learn that Senator  
20 Griffo is a deeper man of faith than I knew three  
21 minutes ago.

22 (Laughter.)

23 SENATOR FLANAGAN: And it's never  
24 wrong to have a good moment of silence, never  
25 wrong to have a good prayer.

1           And I want to take the opportunity  
2 to add to your voice and to those of my  
3 colleagues to welcome back our colleague, our  
4 friend, our mentor, an incredibly long-term  
5 dedicated public servant, a gentleman who  
6 demonstrates intestinal fortitude, strong will,  
7 perseverance. Fran says he's a pain in the neck,  
8 literally.

9           But he is -- it is wonderful to see  
10 Senator Libous back. And I'm going to comment on  
11 something that far too often gets lost in the  
12 world outside this place. There's a human  
13 element to what we do. And there's a dynamic  
14 where colleagues become friends and you share  
15 each other's lives. You share the good times,  
16 you share the bad times. But you share all of  
17 them, Democratic or Republican, Assembly or  
18 Senate.

19           And we should never walk away from  
20 that, we should never forget that, and we should  
21 always remind people that we try and hopefully  
22 treat each other the way we would like to be  
23 treated.

24           So from a human standpoint and from  
25 an affection standpoint, from a faith standpoint,

1 whatever it may be, that's why it's even better  
2 to have Tom Libous back sitting in his chair.

3 Now, we also get the double pleasure  
4 of welcoming his beautiful long-term pal, wife,  
5 ardent supporter, lifesaver -- literally. That  
6 is Fran Libous, who, you know, has had her own  
7 challenges. But she's got that wicked crazy  
8 smile; never deviate from that.

9 And the Libous family, you know, I  
10 think a lot of us look and think, could I handle  
11 this? You know, would I be able to do all the  
12 things that they deal with and still come out of  
13 it ahead and get back to Albany for the end of  
14 session?

15 So to Tom and Fran, I want to give  
16 you a very hearty New York welcome, a New York  
17 State Senate welcome.

18 I'm just going to end on this.  
19 Libous thinks everyone's happy to have him back  
20 because we haven't seen him. I'm happy to see  
21 him back because we need his vote.

22 (Laughter.)

23 SENATOR FLANAGAN: So, ladies and  
24 gentlemen, one more time: Tom Libous and  
25 Fran Libous.

1 (Extended standing ovation.)

2 ACTING PRESIDENT GRIFFO: Thank  
3 you, Senator Flanagan.

4 Presentation of petitions.

5 Messages from the Assembly.

6 The Secretary will read.

7 THE SECRETARY: On page 12, Senator  
8 Golden moves to discharge, from the Committee on  
9 Rules, Assembly Bill Number 6045B and substitute  
10 it for the identical Senate Bill 4141B, Third  
11 Reading Calendar 339.

12 On page 13, Senator LaValle moves to  
13 discharge, from the Committee on Rules, Assembly  
14 Bill Number 6990B and substitute it for the  
15 identical Senate Bill Number 250B, Third Reading  
16 Calendar 410.

17 On page 17, Senator Marcellino moves  
18 to discharge, from the Committee on Cultural  
19 Affairs, Tourism, and Parks and Recreation,  
20 Assembly Bill Number 564A and substitute it for  
21 the identical Senate Bill Number 4553A, Third  
22 Reading Calendar 492.

23 On page 17, Senator LaValle moves to  
24 discharge, from the Committee on Rules, Assembly  
25 Bill Number 6223A and substitute it for the

1 identical Senate Bill Number 4391A, Third Reading  
2 Calendar 507.

3 On page 24, Senator Funke moves to  
4 discharge, from the Committee on Rules, Assembly  
5 Bill Number 5266 and substitute it for the  
6 identical Senate Bill Number 4747, Third Reading  
7 Calendar 737.

8 On page 24, Senator DeFrancisco  
9 moves to discharge, from the Committee on Rules,  
10 Assembly Bill Number 5359B and substitute it for  
11 the identical Senate Bill Number 3956B,  
12 Third Reading Calendar 744.

13 On page 25, Senator Seward moves to  
14 discharge, from the Committee on Investigations  
15 and Government Operations, Assembly Bill Number  
16 5284 and substitute it for the identical Senate  
17 Bill Number 3537, Third Reading Calendar 769.

18 On page 26, Senator Griffo moves to  
19 discharge, from the Committee on Health, Assembly  
20 Bill Number 627A and substitute it for the  
21 identical Senate Bill Number 738A, Third Reading  
22 Calendar 817.

23 On page 30, Senator Murphy moves to  
24 discharge, from the Committee on Commerce,  
25 Economic Development and Small Business, Assembly

1 Bill Number 1335 and substitute it for the  
2 identical Senate Bill Number 4319, Third Reading  
3 Calendar 921.

4 On page 30, Senator Boyle moves to  
5 discharge, from the Committee on Rules, Assembly  
6 Bill Number 5920A and substitute it for the  
7 identical Senate Bill Number 4446A, Third Reading  
8 Calendar 932.

9 And on page 31, Senator Felder moves  
10 to discharge, from the Committee on Children and  
11 Families, Assembly Bill Number 7750 and  
12 substitute it for the identical Senate Bill  
13 Number 5627, Third Reading Calendar 1010.

14 ACTING PRESIDENT GRIFFO: The  
15 substitutions as presented and read are so  
16 ordered.

17 Messages from the Governor.

18 Reports of standing committees.

19 Reports of select committees.

20 Communications and reports of state  
21 officers.

22 Motions and resolutions.

23 Senator Libous.

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

1           I believe that Senator Gianaris has  
2 a motion and also Senator Valesky has one, if you  
3 could call on them. And then come back to me,  
4 please.

5           ACTING PRESIDENT GRIFFO:     Senator  
6 Gianaris.

7           SENATOR GIANARIS:     Thank you,  
8 Mr. President.

9           Let me also add my remarks that it's  
10 great to see Senator Libous back with us again.  
11 He's across the aisle, obviously, but has been a  
12 pleasure to work with, and it's great to see he's  
13 doing well enough to join us today.

14           On behalf of Senator Kennedy, on  
15 page 41 I offer the following amendments to  
16 Calendar 1222, Senate Print 5306B, and I ask that  
17 said bill retain its place on Third Reading  
18 Calendar.

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

22           Senator Valesky.

23           SENATOR VALESKY:     Thank you,  
24 Mr. President.

25           On behalf of Senator Klein, I move

1 to amend Senate Bill 3415A by striking out the  
2 amendments made on June 15th and restoring it to  
3 its previous Print Number 3415.

4 ACTING PRESIDENT GRIFFO: It is so  
5 ordered.

6 Senator Libous.

7 SENATOR LIBOUS: Thank you,  
8 Mr. President.

9 On behalf of Senator Felder -- and I  
10 need to get my glasses in focus here -- I move  
11 that the following bill be discharged from its  
12 respective committee and be recommitted with  
13 instructions to strike the enacting clause. That  
14 would be Senate Print 5618.

15 ACTING PRESIDENT GRIFFO: It is so  
16 ordered.

17 SENATOR LIBOUS: I believe at this  
18 time we could move to adopt the Resolution  
19 Calendar, with the exception of Resolutions 2923,  
20 2851, and 2568.

21 ACTING PRESIDENT GRIFFO: All in  
22 favor of adopting the Resolution Calendar with  
23 the exception of Resolutions 2923, 2851, and 2568  
24 signify by saying aye.

25 (Response of "Aye.")

1                   ACTING PRESIDENT GRIFFO:    Opposed?

2                   (No response.)

3                   ACTING PRESIDENT GRIFFO:    The  
4 Resolution Calendar is adopted as indicated.

5                   Senator Libous.

6                   SENATOR LIBOUS:    Mr. President,  
7 would you please bring up Resolution 2923, read  
8 the title only, and call on Senator Robach.

9                   ACTING PRESIDENT GRIFFO:    The  
10 Secretary will read.

11                   THE SECRETARY:    Legislative  
12 Resolution Number 2923, by Senator Robach,  
13 commemorating the 100th Anniversary of Sage Rutty  
14 and Company, Inc., in Rochester, New York, on  
15 June 13, 2015.

16                   ACTING PRESIDENT GRIFFO:    Senator  
17 Robach.

18                   SENATOR ROBACH:    Yes,  
19 Mr. President, I just wanted to take a moment to  
20 highlight the 100th-year anniversary of  
21 Sage Rutty. Making it for 100 years in today's  
22 economic times, not the norm.

23                   This financial company has served  
24 generations of Rochesterians through all kinds of  
25 economic turmoil -- the Depression, numerous

1 changes, societal shifts, and done it in a great  
2 way.

3           They're really an icon company in  
4 Rochester, not only preserving wealth for many  
5 Rochesterians, their retirement -- they employ  
6 55 people, and they contribute greatly to our  
7 fabric and our fiber as a great corporate entity,  
8 supporting Tour de Cure to help diabetes, the  
9 United Way, so many other charities.

10           That we're not only glad they've  
11 lasted a hundred years, but really want to mark  
12 that as well as thank them for the jobs, the  
13 financial security and other contributions they  
14 make to our community, and wish them the best in  
15 the important goals and continuing to contribute  
16 all the things they've done.

17           So to the principals, all the  
18 employees of Sage Ruddy, we say thank you and  
19 wish you all the best on your 100th-year  
20 anniversary and look forward to providing  
21 financial security as we move forward, not only  
22 for the next hundred years but beyond.

23           Thank you, Mr. President.

24           ACTING PRESIDENT GRIFFO: Thank  
25 you, Senator Robach.

1                   The question is on the resolution.

2 All in favor signify by saying aye.

3                   (Response of "Aye.")

4                   ACTING PRESIDENT GRIFFO:    Opposed?

5                   (No response.)

6                   ACTING PRESIDENT GRIFFO:    The  
7 resolution is adopted.

8                   Senator Libous.

9                   SENATOR LIBOUS:    Mr. President,  
10 there will be a immediate meeting of the Higher  
11 Ed Committee in Room 332.

12                   ACTING PRESIDENT GRIFFO:    There  
13 will be an immediate meeting of the Higher Ed  
14 Committee in Room 332 for the purpose of  
15 reviewing nominations.

16                   Senator Libous.

17                   SENATOR LIBOUS:    Thank you,  
18 Mr. President.

19                   Could we please take up  
20 resolution -- for some reason I'm having glasses  
21 trouble here -- 2568, by Senator  
22 Hassell-Thompson, read the title only, and call  
23 on the Senator for comment.

24                   ACTING PRESIDENT GRIFFO:    The  
25 Secretary will read.

1                   THE SECRETARY:   Legislative  
2   Resolution Number 2568, by Senator  
3   Hassell-Thompson, memorializing Governor Andrew  
4   M. Cuomo to proclaim June 2015 as Gun Violence  
5   Awareness Month in the State of New York.

6                   ACTING PRESIDENT GRIFFO:   Senator  
7   Hassell-Thompson.

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

10                  I rise to make known the resolution  
11   proclaiming June as Gun Violence Awareness Month  
12   in New York State.

13                  Once again, my colleagues and I have  
14   joined together to declare this month, June, as  
15   gun violence awareness time. Since its inception  
16   two years ago, this initiative has garnered  
17   statewide and national support, and this year  
18   both Philadelphia and Detroit have joined the  
19   movement.

20                  Tragically, though, it seems as if  
21   gun violence is significantly on the rise across  
22   our nation. It is no longer simply an issue  
23   derived from poverty versus wealth, city versus  
24   suburb, black versus white, gang versus gang,  
25   it's people versus people. Gun violence has

1 touched almost everyone's life.

2           According to the Division of  
3 Criminal Justice Services, in 2015 there were  
4 335 homicides by a firearm in New York City,  
5 representing 52 percent of all murders in the  
6 state. And there is typically an increase in  
7 shootings and murder during the summer months.

8           We hope to start more conversation  
9 with all community members, including our youth,  
10 teachers, church leaders, gun safety advocates,  
11 and law enforcement to develop better ways to end  
12 gun violence.

13           My colleagues and I have determined  
14 to stem this senseless violence through  
15 legislation, education, and community awareness.  
16 And New York State is the only state in the union  
17 so far that dedicated an entire month to the  
18 issue of gun violence and prevention.

19           It's unfortunate that New York  
20 State, the Empire State, has to lead the way, but  
21 it continues to lead the way too often in the  
22 issues around gun violence in our communities.

23           Thank you, Mr. President, for the  
24 opportunity to read this resolution into the  
25 record. And I had hoped to do this last week at

1 the very beginning of the month, but I appreciate  
2 the opportunity to do so today.

3 ACTING PRESIDENT GRIFFO: Thank  
4 you, Senator Hassell-Thompson.

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

7 (Response of "Aye.")

8 ACTING PRESIDENT GRIFFO: Opposed?

9 (No response.)

10 ACTING PRESIDENT GRIFFO: The  
11 resolution is adopted.

12 Senator Libous.

13 SENATOR LIBOUS: Mr. President, I  
14 believe Senator Hassell-Thompson would like to  
15 open this up for sponsorship. And as the policy  
16 goes, if someone chooses not to go on it, to let  
17 the chair know, please.

18 ACTING PRESIDENT GRIFFO: The  
19 resolution is open for cosponsorship. Should you  
20 choose not to be a cosponsor, please notify the  
21 desk.

22 Senator Libous.

23 SENATOR LIBOUS: Thanks,  
24 Mr. President.

25 At this time can we please take up a

1 previously adopted resolution, I believe it's  
2 1441, by Senator Parker. Could we have the title  
3 read, but I believe Senator Montgomery is going  
4 to speak.

5           ACTING PRESIDENT GRIFFO:    The  
6 Secretary will read.

7           THE SECRETARY:    Legislative  
8 Resolution Number 1441, by Senator Parker,  
9 mourning the death of Reverend Gardner C. Taylor,  
10 preacher, distinguished citizen and devoted  
11 member of his community.

12           ACTING PRESIDENT GRIFFO:    Senator  
13 Montgomery.

14           SENATOR MONTGOMERY:    Thank you,  
15 Mr. President.

16           I rise to first thank my colleague  
17 Senator Parker for introducing this resolution,  
18 and it certainly is in many of our names.

19           And we are proud to speak on behalf  
20 of the life and contributions of Reverend  
21 Dr. Gardner C. Taylor, who was my own minister  
22 and certainly a comfort to me and my family,  
23 baptized me and also baptized my son. And  
24 certainly I have been and continue to be a very  
25 proud member of the Concord Baptist Church of

1 Christ in Brooklyn.

2           Reverend Gardner Taylor was the  
3 grandson of slaves who took over the Concord  
4 Baptist Church pulpit in Brooklyn in 1948. He  
5 became an influential voice for civil rights and  
6 one of the nation's most eloquent churchmen in  
7 this country. His impact as a speaker, a writer,  
8 a political force in the City and in the nation  
9 of long-segregated schools, churches and other  
10 institutions reached far beyond his 10,000-member  
11 congregation.

12           He was the author of many books and  
13 2,000 sermons and the recipient of 15 honorary  
14 doctorates. In 1980, Time magazine called him  
15 the dean of black preachers in America. In 1966,  
16 Baylor University in Louisiana said he was one of  
17 the most effective preachers in the  
18 English-speaking world.

19           "At a time when white society" --  
20 and this is a quote from Dr. Taylor, "at a time  
21 when society, by statute, custom and  
22 conversation, just called us 'niggers.' ... How  
23 could we have survived without a sense of God and  
24 the church telling us that we do matter?"

25           Dr. Taylor delivered lectures in

1 Scotland, England, Australia, China, Japan, South  
2 Africa, Zambia, Malawi, and at universities and  
3 churches across the United States.

4 He gave the pre-inauguration sermon  
5 for President Elect Bill Clinton at the  
6 Metropolitan A.M.E. Church in Washington, D.C.,  
7 and in 2000 he received the Presidential Medal of  
8 Freedom, the nation's highest civilian honor,  
9 from President Clinton.

10 In New York Dr. Taylor organized  
11 civil rights marches and was arrested three times  
12 during protests in the 1960s. He was director of  
13 the Urban League of Greater New York, a member of  
14 the New York City Commission on Intergroup  
15 Relations, and a leader of the Kings County  
16 Democratic Organization.

17 In 1958, Mayor Robert F. Wagner,  
18 Jr., named him to the New York City Board of  
19 Education as the second black member in the  
20 board's history.

21 In 1988 Dr. Taylor, before leaving  
22 his congregation in retirement, raised \$1 million  
23 to establish the Christ Fund, a church endowment  
24 whose annual interest is used to provide  
25 community improvement grants to Central Brooklyn

1 neighborhoods, so far totaling more than the  
2 \$1 million original endowment.

3 Dr. Taylor's sermons are archived at  
4 the Interdenominational Theological Center in  
5 Atlanta, Georgia. His books include How Shall  
6 They Preach, The Scarlet Thread, Chariots of  
7 Flame, We Have This Ministry, and Faith in the  
8 Fire: Wisdom for Life.

9 We as members of the Concord Baptist  
10 Church of Christ, as well as members of the  
11 Brooklyn community at large and the nation of  
12 ministers across the country, mourn the passing  
13 of Dr. Gardner C. Taylor and shall never forget  
14 how much he meant to people in this nation and in  
15 his own church and community.

16 I am grateful for the comments made  
17 by Robert D. McFadden, who I've used here today,  
18 to list the enormous number of accomplishments of  
19 this great man of the church, great preacher,  
20 great leader and great person, Dr. Reverend  
21 Gardner C. Taylor.

22 Thank you, Mr. President.

23 ACTING PRESIDENT GRIFFO: Thank  
24 you, Senator Montgomery.

25 Senator Parker.

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

3                   I just want to add my voice to  
4   Senator Montgomery's in remembering Reverend  
5   Gardner C. Taylor, Dr. Reverend Gardner C.  
6   Taylor, and just thank the parishioners at  
7   Concord Baptist Church for lending their pastor  
8   to the world.

9                   What you heard in all the  
10   enumerations of Reverend Taylor's life, him being  
11   America's preacher and the dean of American  
12   preaching -- over 2,000 sermons written, over  
13   20 books, one of the first African-Americans  
14   appointed to the New York City Board of  
15   Education, recipient of the 2000 Presidential  
16   Award for Freedom -- he is truly somebody who  
17   has been someone that many of us who sit in this  
18   chamber right now, that we stand on his  
19   shoulders.

20                   And we are able to see a little bit  
21   farther because Reverend Taylor was in our lives,  
22   because Reverend Taylor provided an atmosphere in  
23   which a Kevin Parker could grow in Brooklyn.

24                   That his work was beyond just what  
25   he did.   And what you heard in the enumerations

1 is all the things that he's done, but not the  
2 millions of lives that's touched. Because when  
3 you are doing the things that Dr. Taylor did, and  
4 making sure that his word got out there -- you  
5 know, the work that he did with not just the  
6 Board of Education and the President of the  
7 United States, but also with Reverend Dr. Martin  
8 Luther King.

9 He headed for a number of years the  
10 National Baptist Convention in the United States,  
11 and has been one of the leaders in terms of  
12 understanding the conditions of African-Americans  
13 and then working to build coalitions to in fact  
14 change those conditions.

15 And so we remember him, we honor  
16 him. And to his family, we know that there's  
17 obviously a deep loss, and so we offer them  
18 comfort in our prayers, but still thanking them  
19 for allowing him to be part of the life of so  
20 many people, not just in Brooklyn, not just in  
21 New York City and New York State, but also of  
22 America and the world. Because his voice and the  
23 things that he's done have reverberated that far  
24 and will continue to, I think, be felt by people  
25 and generations to come.

1 Thank you.

2 ACTING PRESIDENT GRIFFO: Thank  
3 you, Senator Parker.

4 Senator Hassell-Thompson.

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

7 I rise also to speak on the  
8 resolution and to thank both Senator Parker and  
9 Senator Montgomery for bringing resolution to the  
10 floor.

11 Dr. Gardner C. Taylor was quite a  
12 voice. As many of you remember, my sister, who  
13 is also an ordained minister, was one who brought  
14 the prayer for one of our opening sessions here  
15 in the Senate, and she is a part of a long line  
16 of us who knew Dr. Gardner Taylor with his work  
17 through the National Baptist Convention.

18 And because of my mother's work with  
19 the convention, we were there at -- we were not  
20 physically there, but spiritually there at the  
21 time when Dr. King, because of his social  
22 consciousness, broke away from the National  
23 Baptist Convention, where most of the voice of  
24 the black church was being heard, and formed what  
25 was known as the Progressive National Baptist

1 Convention, which included Dr. King and some of  
2 his teachings, because they felt that the church  
3 had a bigger obligation than just preaching the  
4 gospel but needed to go beyond the walls and be a  
5 part of the social justice and the social fabric  
6 of this community that we call America.

7           And so I want to thank him because,  
8 you know, my family's -- my mother's family name  
9 was Taylor, and we always attributed ourselves as  
10 being related to Dr. Gardner Taylor, but  
11 certainly if not through blood, through the  
12 spiritual and the Christian life that he led and  
13 the legacy that he left.

14           And several weeks ago, during my  
15 pastor's 40th anniversary celebration at the  
16 church, when they buried Dr. Gardner Taylor it  
17 was a sad moment for him, in the middle of his  
18 celebratory experience, to mourn his deep and  
19 abiding mentor and friend, and the numbers of  
20 pastors who consider him to truly be the guru of  
21 the Baptist word.

22           And so we honor him today, and we  
23 appreciate him being a part of the archives of  
24 the State of New York, because he certainly  
25 deserves that honor.

1 Thank you, Mr. President.

2 ACTING PRESIDENT GRIFFO: Thank  
3 you, Senator Hassell-Thompson.

4 As noted, the resolution was adopted  
5 on April 22nd of this year.

6 Senator Libous.

7 SENATOR LIBOUS: Mr. President, I  
8 believe the sponsor would like to open this up  
9 for all members. And if someone doesn't want to  
10 go on it, to let the desk know.

11 ACTING PRESIDENT GRIFFO: The  
12 sponsor has opened up the resolution. If you  
13 choose not to be a cosponsor, please notify the  
14 desk.

15 Senator Libous.

16 SENATOR LIBOUS: Resolution 2851,  
17 by Senator Hoylman, could we have the title read  
18 and then call on the Senator.

19 ACTING PRESIDENT GRIFFO: The  
20 Secretary will read.

21 THE SECRETARY: Legislative  
22 Resolution Number 2851, by Senator Hoylman,  
23 memorializing Governor Andrew M. Cuomo to  
24 proclaim June 2015 as LGBT Pride Month in the  
25 State of New York.

1                   ACTING PRESIDENT GRIFFO:    Senator  
2    Hoylman.

3                   SENATOR HOYLMAN:    Thank you.  Thank  
4    you, Mr. President.

5                   And welcome back, Senator Libous.  
6    Glad to have you here.

7                   It's an honor to bring this  
8    resolution, which proclaims June as LGBT Pride  
9    Month in the State of New York, to the floor.

10                  You know, over the last year we've  
11    seen an incredible wave of support for equality  
12    and justice for lesbian, gay, bisexual and  
13    transgender people all across the United States.  
14    And that's quite a contrast with just a few years  
15    ago.  In 2001, 57 percent of Americans opposed  
16    same-sex marriage, 57 percent, and only  
17    35 percent supported it.

18                  But now, thanks to tireless advocacy  
19    by members of the LGBT community, many of them  
20    here in this gallery and across the State  
21    Capitol, and our allies, the numbers have  
22    flipped.  Now 57 percent of Americans support  
23    same-sex marriage.  That's compared to 39 percent  
24    who are opposed.

25                  And it's generational, too.  If you

1 look at the numbers, Mr. President, among  
2 millennials -- and those are Americans born in  
3 1981 or later. And I don't know if we have any  
4 millennials serving as members of this chamber.  
5 But 73 percent of them support marriage equality.  
6 Among Generation Xers, from 1965 to 1980 --  
7 that's my generation -- it's 59 percent.

8           Now, you go further down and the  
9 numbers unfortunately shrink. Did you know  
10 there's a generation called the Silent  
11 Generation? I don't know who called them that.  
12 But those are folks born from 1928 to 1949. And  
13 still, the numbers aren't as high as they are  
14 with more recent Americans, but they're headed in  
15 that direction.

16           And this movement and this support  
17 has translated into historic and successful  
18 efforts to grant basic civil rights for millions  
19 of LGBT Americans. And I'm glad that Senator  
20 Flanagan mentioned the human element to the work  
21 that we do here, because I believe that fighting  
22 for justice and equality for the LGBT community  
23 encompasses that human element.

24           And thanks to this action at the  
25 state level, nearly 72 percent of the population

1 of the United States now lives in a state that  
2 currently issues marriage licenses to same-sex  
3 couples. Now same-sex marriage is legal in  
4 37 states plus the District of Columbia, with  
5 litigation pending in many states.

6 And I was proud to be, on the date  
7 that the decision Windsor vs. United States was  
8 handed down -- and we were standing in front of  
9 the Stonewall Inn, in my district, on Christopher  
10 Street when we got news that Supreme Court had  
11 ruled in Edie Windsor's favor. Edie Windsor is a  
12 constituent of mine, as was her attorney, Roberta  
13 Kaplan, and it's a great honor to represent them  
14 here in this Senate.

15 And we are eagerly awaiting the  
16 release of a historic Supreme Court ruling,  
17 possibly as early as Thursday, that could  
18 establish the freedom to marry for every same-sex  
19 couple in America.

20 And we should be proud of our work  
21 in this chamber. My colleagues who predated me  
22 served as a model for the entire country when we  
23 passed marriage equality in 2011. It was a  
24 landmark moment for this Legislature, for our  
25 Governor, and it continues New York's tradition

1 of leading the way on civil rights.

2           And as a husband and a father of a  
3 4-year-old, I can't tell you what it means to me  
4 for my colleagues to have supported my family in  
5 that regard.

6           And we think about our kids. And as  
7 the movement progresses, I think it's largely s  
8 movement about supporting our youth. And you  
9 have to think about some kids who didn't have the  
10 fortune of living in a state like New York. Some  
11 kids like Leelah Alcorn, who grew up in Ohio, who  
12 tragically committed suicide at the age of 17  
13 because she was trans and didn't have the support  
14 that she needed from her community for  
15 acceptance.

16           And I'll read an excerpt of her last  
17 words that she wrote. She said: "I've decided  
18 I've had enough. I'm never going to transition  
19 successfully, even when I move out. I'm never  
20 going to be happy with the way I look or sound.  
21 I'm never going to have enough friends to satisfy  
22 me. I'm never going to have enough love to  
23 satisfy me. I'm never going to find a man who  
24 loves me. I'm never going to be happy. Either I  
25 live the rest of my life as a lonely man who

1 wishes he were a woman or I live my life as a  
2 lonelier woman who hates herself. There's no  
3 winning. There's no way out. I'm sad enough  
4 already, I don't need my life to get any worse."

5 "People say it gets better, but that  
6 isn't true in my case," she wrote. "It gets  
7 worse. Each day I get worse. That's the gist of  
8 it. That's why I feel like killing myself.  
9 Sorry if that's not a good enough reason for you.  
10 It's good enough for you."

11 Well, Mr. President, it's not good  
12 enough for us. And we in the State of New York  
13 need to do more to advance LGBT civil rights.

14 We've done a lot, as I said. In  
15 2000 we passed a hate crimes law that imposes  
16 stiff penalties for hate-motivated crimes. We  
17 repealed the archaic consensual sodomy statute in  
18 New York State in 2000.

19 In 2002 my colleagues in this  
20 chamber, with the assistance of my predecessor,  
21 Senator Tom Duane, passed the Sexual Orientation  
22 Non-Discrimination Act, which outlaws anti-gay  
23 discrimination in housing, employment, and other  
24 accommodations.

25 We provided same-sex domestic

1 partners of 9/11 victims the same workers'  
2 compensation death benefits provided to spouses  
3 under the New York State law. We passed a bill  
4 making same-sex domestic partners of 9/11  
5 victims, and their children, eligible for World  
6 Trade Center memorial scholarship programs. And  
7 we passed the September 11th Victims and Families  
8 Relief Act of New York State, which included  
9 language in the legislative intent section  
10 specifying that it's for domestic partners and  
11 their kids.

12           In 2003 we passed legislation making  
13 New York State colleges and universities safer  
14 for all students, including gay and lesbian  
15 students. We passed legislation that removed the  
16 last vestiges of New York's history of  
17 stigmatizing homosexuality by eliminating terms  
18 like "sodomy" and "deviant sexual intercourse" in  
19 the penal code. We passed a bill extending  
20 membership in state-chartered credit unions to  
21 same-sex domestic partners.

22           In 2004, we passed statewide  
23 legislation guaranteeing domestic partners the  
24 same access rights as spouses and next of kin.  
25 In 2005, we passed legislation giving same-sex

1 partners the same authority as spouses in making  
2 burial decisions. In 2006, we passed legislation  
3 allowing domestic partners control of their  
4 deceased partner's remains. In 2008, we passed  
5 legislation allowing same-sex domestic partners  
6 access to Family Court.

7           And in 2010 we did a whole number of  
8 important LGBT initiatives -- legislation  
9 providing medical care decision-making to  
10 same-sex partners; passage of legislation  
11 requiring that same-sex partners be treated the  
12 same as spouses for bereavement leave; passage of  
13 legislation allowing same-sex couples to adopt a  
14 child together; passage of legislation that  
15 expands and increases access to services for LGBT  
16 seniors; and passage of the landmark Dignity for  
17 All Students Act, which combats bias-based  
18 bullying.

19           And of course in 2011 you passed  
20 marriage equality, after nearly a decade of  
21 public education and lobbying. And that  
22 organization was largely led by a group that's  
23 here with us today in the chamber, the New York  
24 State Pride Agenda Foundation, which is  
25 celebrating its 25th anniversary this year. And

1 I wanted to acknowledge them for all the efforts  
2 they've done on behalf of advancing LGBT civil  
3 rights and making our efforts so much better here  
4 in the State Legislature.

5 If we could acknowledge the Empire  
6 State Pride Agenda.

7 (Applause.)

8 SENATOR HOYLMAN: Thank you very  
9 much.

10 And with all the work that we've  
11 accomplished, since 2011, Mr. President, I think  
12 we've hit a wall, I have to say, when it comes to  
13 some of our issues. My colleague Senator Daniel  
14 Squadron knows all too well that we have not yet  
15 acknowledged the need to pass the Gender  
16 Expression Non-Discrimination Act. And my  
17 colleagues in the conference know that we still  
18 have yet to pass a ban on so-called conversion  
19 therapy, a bill I carry with Senator Mike  
20 Gianaris.

21 And those efforts, though, since  
22 2011, pale in comparison with what's happening in  
23 the rest of the country. States all across the  
24 nation are passing pro-LGBT bills while we, I  
25 think, are stalled in progress.

1 Connecticut passed gender identity  
2 and expression anti-discrimination in 2011.  
3 California passed a bill in 2011 requiring local  
4 educational agencies to prohibit discrimination.  
5 Washington passed a marriage equality bill in  
6 2012. New Jersey banned conversion therapy in  
7 2013. California passed another bill in 2013  
8 requiring equal access to public school  
9 facilities and activities based on gender  
10 identity. Washington, D.C., banned conversion  
11 therapy in 2014. Utah passed a -- Utah passed a  
12 comprehensive sexual orientation and gender  
13 identity expression anti-discrimination bill.  
14 And in 2015, Oregon banned conversion therapy on  
15 minors, just this year.

16 But we have stalled on the bill to  
17 provide equal rights for transgender individuals,  
18 individuals who can be fired from their job,  
19 denied a seat at a restaurant, kicked out of  
20 their home simply because, like Leelah Alcorn,  
21 who committed suicide at the age of 17, simply  
22 because they were born transgender. And that's  
23 not right.

24 And I wanted to implore my  
25 colleagues, while we celebrate this wonderful

1 month of pride -- and we've had pride  
2 celebrations in every borough of the city and I  
3 know many towns and villages across New York --  
4 we need to redouble our efforts to make certain  
5 that we continue to be proud of the work we do  
6 here, that we celebrate Pride Month by bringing  
7 forward legislation to advance the notion -- to  
8 advance the human element of this chamber, to  
9 protect our kids from discrimination, the next  
10 generation, and that we work with groups like the  
11 Pride Agenda to see those benefits for all the  
12 people of New York.

13           So I invite my colleagues to join me  
14 in this resolution. I invite them to join me at  
15 the Pride March in New York City on June 28th.  
16 Bring your sunglasses, your rainbow flags, your  
17 short shorts, and I'll see you in New York City.

18           Thank you, Mr. President.

19           ACTING PRESIDENT GRIFFO:    Senator  
20 Squadron.

21           SENATOR SQUADRON:    Thank you,  
22 Mr. President.

23           And first of all, I want to thank  
24 Senator Hoylman for bringing forth this  
25 resolution and for his eloquent and really, I

1 think, very important words on the resolution.

2 I want to join him in thanking the  
3 Pride Foundation for their ongoing work in the  
4 march towards, although clearly not yet to, full  
5 equality in our state. It has been a march that  
6 has had some significant and moving victories  
7 emanating from this very room and reverberating  
8 across the state and the country, but it's also a  
9 march that's had its frustrations, that too often  
10 feels stymied in the halls of Albany, too often  
11 is overwhelmed by tragedy and crisis out there in  
12 the world.

13 Whether the suicide rate for  
14 transgender youth in this state and across the  
15 country, the simple fact that basic civil rights  
16 that many of us take for granted in housing and  
17 employment, at a restaurant, to be served if you  
18 order, are not afforded to people who are  
19 transgender in the State of New York right now.  
20 That is, in this march toward equality, a dark  
21 and sometimes overwhelming reality here in  
22 New York State.

23 And the truth is when we talk about  
24 resolutions on the floor of the Senate, we often  
25 acknowledge a historic event, we often look back

1 at a difficult time in our history. With this  
2 resolution, we are taking a moment to acknowledge  
3 an ongoing struggle.

4           This is not a struggle that is part  
5 of who we are because it's part of who we once  
6 were, it's a struggle of part of who we are  
7 because it is ongoing today. Forty thousand  
8 people in the State of New York, or more, denied  
9 basic rights. They can be evicted because of who  
10 they are. They can be fired or not hired because  
11 of who they are. They can be refused service  
12 because of who they are.

13           And so this is certainly a moment to  
14 take great pride in what we've done as a state,  
15 what advocates and activists have done to risk  
16 their lives and in many cases lose their lives to  
17 get us here. But it is also a moment where I  
18 would hope we could rededicate ourselves to break  
19 out of what we sometimes do in Albany: Ignore  
20 the big issues, allow them to die a quiet death  
21 in a back room, go home for the summer or the  
22 recess and pat ourselves on the back for those  
23 things we did accomplish.

24           Because until every single  
25 New Yorker is guaranteed rights that we all

1 believe people are born with and deserve, none of  
2 us should be patting ourselves on the back. The  
3 fact that there are New Yorkers who can be  
4 legally discriminated against simply because of  
5 who they are, how they feel, how they are living  
6 their lives, is the shame of our state and  
7 something that we must take a moment -- and many  
8 more -- to acknowledge on this floor and  
9 rededicate ourselves in the fight against.

10           So I hope to see you all at the  
11 pride parade in Manhattan in a couple of weeks,  
12 and I hope one day very soon here on the floor of  
13 the Senate we'll be able to continue that march  
14 toward equality.

15           Thank you, Mr. President.

16           ACTING PRESIDENT GRIFFO: The  
17 question is on the resolution. All in favor  
18 signify by saying aye.

19           (Response of "Aye.")

20           ACTING PRESIDENT GRIFFO: Opposed?

21           (No response.)

22           ACTING PRESIDENT GRIFFO: The  
23 resolution is adopted.

24           We want to welcome our guests to the  
25 chamber today. Thank you.

1 (Applause.)

2 SENATOR LIBOUS: Mr. President.

3 ACTING PRESIDENT GRIFFO: Senator  
4 Libous.

5 SENATOR LIBOUS: There will be an  
6 immediate meeting of the Rules Committee in  
7 Room 332.

8 And the Senate will stand at ease  
9 until the return of the Rules Committee.

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

13 The Senate will stand at ease.

14 (Whereupon, the Senate stood at ease  
15 at 1:46 p.m.)

16 (Whereupon, the Senate reconvened at  
17 2:21 p.m.)

18 ACTING PRESIDENT GRIFFO: The  
19 Senate will come to order.

20 Senator DeFrancisco.

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

24 ACTING PRESIDENT GRIFFO: There is  
25 a Committee on Rules report before the desk.

1                   The Secretary will read.

2                   SENATOR DeFRANCISCO:    Okay, before  
3 you read, I'm going to have to divert attention  
4 to get a Cultural Affairs Committee meeting.  
5 Immediate meeting of the Cultural Affairs  
6 Committee in Room 332.

7                   ACTING PRESIDENT GRIFFO:    There's  
8 an immediate meeting of the Tourism and Cultural  
9 Affairs Committee in Room 332 to entertain a  
10 nomination to the State Athletic Commission.

11                  SENATOR DeFRANCISCO:    Right. And  
12 if everyone within earshot of this voice would  
13 please get there, because we're starting the  
14 process of bringing nominees through committees  
15 and sometimes they have to go through more than  
16 one committee.

17                  ACTING PRESIDENT GRIFFO:    So the  
18 Secretary will read the Committee on Rules  
19 report.

20                  SENATOR DeFRANCISCO:    Continue to  
21 read.

22                  THE SECRETARY:        Senator Flanagan,  
23 from the Committee on Rules, reports the  
24 following bills:

25                         Senate Print 76A, by Senator

1 Gallivan, an act to amend the Public Officers  
2 Law;

3 Senate 430A, by Senator Gallivan, an  
4 act to amend the Penal Law;

5 Senate 533B, by Senator Gallivan, an  
6 act to amend the Public Officers Law;

7 Senate 1468, by Senator Golden, an  
8 act to amend the Public Authorities Law;

9 Senate 1744A, by Senator Carlucci,  
10 an act to amend the Criminal Procedure Law;

11 Senate 2018, by Senator Carlucci, an  
12 act to amend the Penal Law;

13 Senate 2080, by Senator Flanagan, an  
14 act to amend the Penal Law;

15 Senate 2083, by Senator Flanagan, an  
16 act to amend the Penal Law;

17 Senate 2087, by Senator Flanagan, an  
18 act to amend the Penal Law;

19 Senate 2829, by Senator Krueger, an  
20 act to amend the Emergency Tenant Protection Act;

21 Senate 3361A, by Senator Lanza, an  
22 act to amend the Vehicle and Traffic Law;

23 Senate 3785, by Senator DeFrancisco,  
24 an act to amend the Navigation Law;

25 Senate 3913A, by Senator Griffo, an

1 act to amend the Penal Law;

2 Senate 3971, by Senator Ranzenhofer,  
3 an act to amend the Tax Law;

4 Senate 4306, by Senator Nozzolio, an  
5 act to amend the New York City Civil Court Act;

6 Senate 4394A, by Senator Lanza, an  
7 act to amend the Criminal Procedure Law;

8 Senate 4418, by Senator Kennedy, an  
9 act to amend the Penal Law;

10 Senate 4479, by Senator Farley, an  
11 act to amend the Vehicle and Traffic Law;

12 Senate 4521A, by Senator Croci, an  
13 act to amend the Environmental Conservation Law;

14 Senate 4526A, by Senator Griffo, an  
15 act to amend the Public Service Law;

16 Senate 4547, by Senator Marchione,  
17 an act to amend the Tax Law;

18 Senate 4672A, by Senator LaValle, an  
19 act to amend the Education Law;

20 Senate 4857A, by Senator LaValle, an  
21 act to amend the Education Law;

22 Senate 4875, by Senator Marcellino,  
23 an act to amend Chapter 118 of the Laws of 2012;

24 Senate 4876, by Senator Marcellino,  
25 an act to amend Chapter 396 of the Laws of 2010;

1                   Senate 5163, by Senator O'Mara, an  
2 act to amend the Agriculture and Markets Law;

3                   Senate 5308, by Senator Marcellino,  
4 an act to amend the Tax Law;

5                   Senate 5320, by Senator Ritchie, an  
6 act to amend the Executive Law;

7                   Senate 5333A, by Senator Marcellino,  
8 an act to amend the Alcoholic Beverage Control  
9 Law;

10                  Senate 5421A, by Senator Amedore, an  
11 act relating;

12                  Senate 5431A, by Senator Funke, an  
13 act to amend the Tax Law;

14                  Senate 5437, by Senator Golden, an  
15 act to amend the Public Authorities Law;

16                  Senate 5453A, by Senator O'Mara, an  
17 act authorizing;

18                  Senate 5454A, by Senator O'Mara, an  
19 act to authorize;

20                  Senate 5455A, by Senator O'Mara, an  
21 act authorizing;

22                  Senate 5456A, by Senator O'Mara, an  
23 act to authorize;

24                  Senate 5617A, by Senator Libous, an  
25 act to amend Chapter 412 of the Laws of 1990;

1                   Senate 5632A, by Senator Golden, an  
2 act to amend the Retirement and Social Security  
3 Law;

4                   Senate 5706, by Senator Breslin, an  
5 act to authorize;

6                   Senate 5710A, by Senator Bonacic, an  
7 act to amend the Environmental Conservation Law;

8                   Senate 5712A, by Senator Felder, an  
9 act to amend the Social Services Law;

10                  Senate 5730, by Senator Golden, an  
11 act to amend the Civil Service Law;

12                  Senate 5739A, by Senator Klein, an  
13 act to amend the Public Health Law;

14                  Senate 5750, by Senator Gallivan, an  
15 act to amend Chapter 81 of the Laws of 1995;

16                  Senate 5778, by Senator Marchione,  
17 an act to authorize;

18                  Senate 5779, by Senator Marchione,  
19 an act to authorize;

20                  Senate 5859A, by Senator Serrano, an  
21 act to authorize;

22                  Senate 5892, by Senator Valesky, an  
23 act to amend the Elder Law;

24                  Senate 5923, by Senator Comrie, an  
25 act to amend the Real Property Tax Law;

1                   And Senate 5946, by Senator Avella,  
2 an act to amend the General Business Law.

3                   All bills reported direct to third  
4 reading.

5                   ACTING PRESIDENT GRIFFO:     Senator  
6 DeFrancisco.

7                   SENATOR DeFRANCISCO:     Move to  
8 accept the Rules report.

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

12                   (Response of "Aye.")

13                   ACTING PRESIDENT GRIFFO:     Opposed?

14                   (No response.)

15                   ACTING PRESIDENT GRIFFO:     The  
16 Committee on Rules report is accepted and before  
17 the house.

18                   Senator DeFrancisco.

19                   SENATOR DeFRANCISCO:     Okay. We're  
20 waiting for the Cultural Affairs Committee,  
21 Tourism and Cultural Affairs.

22                   So we don't waste time, let's start  
23 the reading of the noncontroversial calendar.

24                   ACTING PRESIDENT GRIFFO:     We will  
25 begin the noncontroversial reading of the active

1 list of June 16th.

2 The Secretary will read.

3 THE SECRETARY: Calendar Number 71,  
4 by Senator Larkin, Senate Print 2747, an act to  
5 amend the Retirement and Social Security 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 THE SECRETARY: Ayes, 62.

14 ACTING PRESIDENT GRIFFO: The bill  
15 is passed.

16 THE SECRETARY: Calendar Number  
17 120, by Senator Golden, Senate Print 1471A, an  
18 act to amend the Insurance Law.

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

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

23 THE SECRETARY: Calendar Number  
24 158, by Senator Ortt, Senate Print 2966A, an act  
25 to amend the Vehicle and Traffic Law.

1                   ACTING PRESIDENT GRIFFO:    Read the  
2 last section.

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

5                   ACTING PRESIDENT GRIFFO:    Call the  
6 roll.

7                   (The Secretary called the roll.)

8                   THE SECRETARY:    Ayes, 62.

9                   ACTING PRESIDENT GRIFFO:    The bill  
10 is passed.

11                   THE SECRETARY:    Calendar Number  
12 160, by Senator Hannon, Senate Print 781, an act  
13 to amend the Public Health Law.

14                   ACTING PRESIDENT GRIFFO:    Read the  
15 last section.

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

18                   ACTING PRESIDENT GRIFFO:    Call the  
19 roll.

20                   (The Secretary called the roll.)

21                   THE SECRETARY:    Ayes, 62.

22                   ACTING PRESIDENT GRIFFO:    The bill  
23 is passed.

24                   THE SECRETARY:    Calendar Number  
25 270, by Senator Croci, Senate Print 3137A, an act

1 to amend the Executive Law.

2 ACTING PRESIDENT GRIFFO: Read the  
3 last section.

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

6 ACTING PRESIDENT GRIFFO: Call the  
7 roll.

8 (The Secretary called the roll.)

9 THE SECRETARY: Ayes, 62.

10 ACTING PRESIDENT GRIFFO: The bill  
11 is passed.

12 THE SECRETARY: Calendar Number 333  
13 {sic}, substituted earlier by Member of the  
14 Assembly Abbate, Assembly Print Number 6045B, an  
15 act to amend the Retirement and Social Security  
16 Law.

17 ACTING PRESIDENT GRIFFO: Read the  
18 last section.

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

21 ACTING PRESIDENT GRIFFO: Call the  
22 roll.

23 (The Secretary called the roll.)

24 ACTING PRESIDENT GRIFFO: Senator  
25 Gianaris to explain his vote.

1                   SENATOR GIANARIS:    No, just to  
2 clarify, Mr. President.  I think I heard Calendar  
3 Number 333, but it's 339, I believe.

4                   ACTING PRESIDENT GRIFFO:    It's 339,  
5 correct, Senator Gianaris.

6                   Calendar Number 339, the Secretary  
7 will announce the results.

8                   THE SECRETARY:    Ayes, 62.

9                   ACTING PRESIDENT GRIFFO:    The bill  
10 is passed.

11                   THE SECRETARY:    Calendar Number  
12 410, substituted earlier by Member of the  
13 Assembly Glick, Assembly Print Number 6990B, an  
14 act to amend the Education Law.

15                   ACTING PRESIDENT GRIFFO:    Read the  
16 last section.

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

19                   ACTING PRESIDENT GRIFFO:    Call the  
20 roll.

21                   (The Secretary called the roll.)

22                   THE SECRETARY:    Ayes, 62.

23                   ACTING PRESIDENT GRIFFO:    The bill  
24 is passed.

25                   THE SECRETARY:    Calendar Number

1 446, by Senator LaValle, Senate Print 1442A, an  
2 act to amend the Education Law.

3 ACTING PRESIDENT GRIFFO: Read the  
4 last section.

5 THE SECRETARY: Section 2. 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, 62.

11 ACTING PRESIDENT GRIFFO: The bill  
12 is passed.

13 THE SECRETARY: Calendar Number  
14 492, substituted earlier by Member of the  
15 Assembly Galef, Assembly Print Number 564A, an  
16 act to amend the Agriculture and Markets Law.

17 ACTING PRESIDENT GRIFFO: Read the  
18 last section.

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

21 ACTING PRESIDENT GRIFFO: Call the  
22 roll.

23 (The Secretary called the roll.)

24 THE SECRETARY: Ayes, 62.

25 ACTING PRESIDENT GRIFFO: The bill

1 is passed.

2 THE SECRETARY: Calendar Number  
3 507, substituted earlier by Member of the  
4 Assembly Thiele, Assembly Print Number 6223A, an  
5 act to amend the Real Property Tax Law.

6 ACTING PRESIDENT GRIFFO: Read the  
7 last section.

8 THE SECRETARY: Section 3. This  
9 act shall take effect January 2, 2016.

10 ACTING PRESIDENT GRIFFO: Call the  
11 roll.

12 (The Secretary called the roll.)

13 THE SECRETARY: Ayes, 61. Nays, 1.  
14 Senator Krueger recorded in the negative.

15 ACTING PRESIDENT GRIFFO: The bill  
16 is passed.

17 THE SECRETARY: Calendar Number  
18 538, by Senator Young, Senate Print 3505A, an act  
19 to authorize.

20 ACTING PRESIDENT GRIFFO: Read the  
21 last section.

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

24 ACTING PRESIDENT GRIFFO: Call the  
25 roll.

1 (The Secretary called the roll.)

2 THE SECRETARY: Ayes, 62.

3 ACTING PRESIDENT GRIFFO: The bill  
4 is passed.

5 THE SECRETARY: Calendar Number  
6 571, by Senator DeFrancisco, Senate Print 2060A,  
7 an act to amend the Public Health Law.

8 ACTING PRESIDENT GRIFFO: Read the  
9 last section.

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

12 ACTING PRESIDENT GRIFFO: Call the  
13 roll.

14 (The Secretary called the roll.)

15 THE SECRETARY: Ayes, 62.

16 ACTING PRESIDENT GRIFFO: The bill  
17 is passed.

18 THE SECRETARY: Calendar Number  
19 580, by Senator Lanza, Senate Print 4505, an act  
20 to prohibit.

21 SENATOR GIANARIS: Lay it aside.

22 ACTING PRESIDENT GRIFFO: The bill  
23 is laid aside.

24 THE SECRETARY: Calendar Number  
25 624, by Senator Carlucci, Senate Print 4896A, an

1 act to repeal.

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

4 The Secretary will read the last  
5 section.

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

8 ACTING PRESIDENT GRIFFO: Call the  
9 roll.

10 (The Secretary called the roll.)

11 THE SECRETARY: Ayes, 62.

12 ACTING PRESIDENT GRIFFO: The bill  
13 is passed.

14 THE SECRETARY: Calendar Number  
15 654, by Senator Lanza, Senate Print 3781, an act  
16 to amend the Public Authorities Law.

17 ACTING PRESIDENT GRIFFO: Read the  
18 last section.

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

21 ACTING PRESIDENT GRIFFO: Call the  
22 roll.

23 (The Secretary called the roll.)

24 THE SECRETARY: In relation to  
25 Calendar 654, those recorded in the negative are

1 Senators Hassell-Thompson and Krueger.

2 Ayes, 60. Nays, 2.

3 ACTING PRESIDENT GRIFFO: The bill  
4 is passed.

5 THE SECRETARY: Calendar Number  
6 660, by Senator Golden, Senate Print 4562, an act  
7 directing.

8 ACTING PRESIDENT GRIFFO: Read the  
9 last section.

10 SENATOR GIANARIS: Lay it aside.

11 ACTING PRESIDENT GRIFFO: Lay the  
12 bill aside.

13 THE SECRETARY: Calendar Number  
14 685, by Senator Seward, Senate Print 1672, an act  
15 to amend the Insurance Law.

16 ACTING PRESIDENT GRIFFO: Read the  
17 last section.

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

20 ACTING PRESIDENT GRIFFO: Call the  
21 roll.

22 (The Secretary called the roll.)

23 THE SECRETARY: Ayes, 61. Nays, 1.  
24 Senator Krueger recorded in the negative.

25 ACTING PRESIDENT GRIFFO: The bill

1 is passed.

2 THE SECRETARY: Calendar Number  
3 737, substituted earlier by Member of the  
4 Assembly Thiele, Assembly Print Number 5266, an  
5 act to amend the Vehicle and Traffic Law.

6 ACTING PRESIDENT GRIFFO: Read the  
7 last section.

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

10 ACTING PRESIDENT GRIFFO: Call the  
11 roll.

12 (The Secretary called the roll.)

13 THE SECRETARY: Ayes, 61. Nays, 1.  
14 Senator Perkins recorded in the negative.

15 ACTING PRESIDENT GRIFFO: The bill  
16 is passed.

17 THE SECRETARY: Calendar Number  
18 741, by Senator Robach, Senate Print 5280, an act  
19 to repeal.

20 SENATOR GIANARIS: Lay it aside.

21 ACTING PRESIDENT GRIFFO: Lay the  
22 bill aside.

23 THE SECRETARY: Calendar Number  
24 744, substituted earlier by Member of the  
25 Assembly Magnarelli, Assembly Print Number 5359B,

1 an act to amend the Tax Law.

2 ACTING PRESIDENT GRIFFO: Read the  
3 last section.

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

6 ACTING PRESIDENT GRIFFO: Call the  
7 roll.

8 (The Secretary called the roll.)

9 THE SECRETARY: Ayes, 62.

10 ACTING PRESIDENT GRIFFO: The bill  
11 is passed.

12 THE SECRETARY: Calendar Number  
13 749, by Senator Marcellino, Senate Print 5321, an  
14 act to amend the Tax Law.

15 ACTING PRESIDENT GRIFFO: Read the  
16 last section.

17 THE SECRETARY: Section 12. This  
18 act shall take effect immediately.

19 ACTING PRESIDENT GRIFFO: Call the  
20 roll.

21 (The Secretary called the roll.)

22 THE SECRETARY: Ayes, 61. Nays, 1.

23 Senator Panepinto recorded in the negative.

24 ACTING PRESIDENT GRIFFO: The bill  
25 is passed.

1                   THE SECRETARY:    Calendar Number  
2   761, by Senator Latimer, Senate Print 3302, an  
3   act to amend Chapter 88 of the Laws of 2009.

4                   ACTING PRESIDENT GRIFFO:   Read the  
5   last section.

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

8                   ACTING PRESIDENT GRIFFO:   Call the  
9   roll.

10                   (The Secretary called the roll.)

11                   THE SECRETARY:    Ayes, 61 --

12                   ACTING PRESIDENT GRIFFO:   Are there  
13   any negatives?

14                   Announce the results.

15                   THE SECRETARY:    Ayes, 60.  Nays, 2.  
16   Senators Murphy and Panepinto recorded in the  
17   negative.

18                   ACTING PRESIDENT GRIFFO:   The bill  
19   is passed.

20                   THE SECRETARY:    Calendar Number  
21   764, by Senator Seward, Senate Print 3411, an act  
22   to amend the Tax Law.

23                   ACTING PRESIDENT GRIFFO:   Read the  
24   last section.

25                   THE SECRETARY:    Section 4.  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, 61. Nays, 1.  
6 Senator Panepinto recorded in the negative.

7 ACTING PRESIDENT GRIFFO: The bill  
8 is passed.

9 THE SECRETARY: Calendar Number  
10 769, substituted earlier by Member of the  
11 Assembly Magee, Assembly Print Number 5284, an  
12 act to amend the Tax 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. Nays, 2.  
21 Senators Hamilton and Panepinto recorded in the  
22 negative.

23 ACTING PRESIDENT GRIFFO: The bill  
24 is passed.

25 THE SECRETARY: Calendar Number

1 787, by Senator Breslin, Senate Print 4437, an  
2 act to amend the Tax Law.

3 ACTING PRESIDENT GRIFFO: Read the  
4 last section.

5 THE SECRETARY: Section 3. 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, 61. Nays, 1.  
11 Senator Panepinto recorded in the negative.

12 ACTING PRESIDENT GRIFFO: The bill  
13 is passed.

14 THE SECRETARY: Calendar Number  
15 793, by Senator Amedore, Senate Print 4695, an  
16 act to amend the Tax Law.

17 ACTING PRESIDENT GRIFFO: Read the  
18 last section.

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

21 ACTING PRESIDENT GRIFFO: Call the  
22 roll.

23 (The Secretary called the roll.)

24 THE SECRETARY: Ayes, 61. Nays, 1.  
25 Senator Panepinto recorded in the negative.

1                   ACTING PRESIDENT GRIFFO:    The bill  
2 is passed.

3                   THE SECRETARY:     Calendar Number  
4 813, by Senator Ritchie, Senate Print 5095, an  
5 act to amend the Tax 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                  THE SECRETARY:     Ayes, 61.  Nays, 1.  
14 Senator Panepinto recorded in the negative.

15                  ACTING PRESIDENT GRIFFO:   The bill  
16 is passed.

17                  THE SECRETARY:     Calendar Number  
18 816, by the Senate Committee on Rules, Senate  
19 Print 5336 --

20                  SENATOR GIANARIS:   Lay it aside.

21                  ACTING PRESIDENT GRIFFO:   The bill  
22 is laid aside.

23                  THE SECRETARY:     Calendar Number  
24 817, substituted earlier by Member of the  
25 Assembly Braunstein, Assembly Print Number 627A,

1 an act to amend the Public Health Law.

2 ACTING PRESIDENT GRIFFO: Read the  
3 last section.

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

6 ACTING PRESIDENT GRIFFO: Call the  
7 roll.

8 (The Secretary called the roll.)

9 THE SECRETARY: Ayes, 62.

10 ACTING PRESIDENT GRIFFO: The bill  
11 is passed.

12 THE SECRETARY: Calendar Number  
13 827, by Senator Avella, Senate Print 888A, an act  
14 to amend the Volunteer Firefighters Benefit Law.

15 ACTING PRESIDENT GRIFFO: Read the  
16 last section.

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

19 ACTING PRESIDENT GRIFFO: Call the  
20 roll.

21 (The Secretary called the roll.)

22 THE SECRETARY: Ayes, 62.

23 ACTING PRESIDENT GRIFFO: The bill  
24 is passed.

25 THE SECRETARY: Calendar Number

1 832, by Senator Serino, Senate Print 4336A, an  
2 act to amend the Village Law.

3 ACTING PRESIDENT GRIFFO: Read the  
4 last section.

5 THE SECRETARY: Section 4. 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, 62.

11 ACTING PRESIDENT GRIFFO: The bill  
12 is passed.

13 THE SECRETARY: Calendar Number  
14 838, by Senator Valesky, Senate Print 4990A, an  
15 act to amend the General Municipal Law.

16 ACTING PRESIDENT GRIFFO: Read the  
17 last section.

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

20 ACTING PRESIDENT GRIFFO: Call the  
21 roll.

22 (The Secretary called the roll.)

23 THE SECRETARY: Ayes, 62.

24 ACTING PRESIDENT GRIFFO: The bill  
25 is passed.

1                   THE SECRETARY:     Calendar Number  
2     839, by Senator Marchione, Senate Print 4994B, an  
3     act authorizing.

4                   ACTING PRESIDENT GRIFFO:     There is  
5     a home-rule message before the desk.

6                   The Secretary will read the last  
7     section.

8                   THE SECRETARY:     Section 5. This  
9     act shall take effect on the 90th day.

10                   ACTING PRESIDENT GRIFFO:     Call the  
11     roll.

12                   (The Secretary called the roll.)

13                   THE SECRETARY:     Ayes, 62.

14                   ACTING PRESIDENT GRIFFO:     The bill  
15     is passed.

16                   THE SECRETARY:     Calendar Number  
17     842, by Senator Gallivan, Senate Print 438A, an  
18     act to amend the Vehicle and Traffic Law.

19                   ACTING PRESIDENT GRIFFO:     Read the  
20     last section.

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

23                   ACTING PRESIDENT GRIFFO:     Call the  
24     roll.

25                   (The Secretary called the roll.)

1 THE SECRETARY: Ayes, 61. Nays, 1.

2 Senator Dilan recorded in the negative.

3 ACTING PRESIDENT GRIFFO: The bill  
4 is passed.

5 THE SECRETARY: Calendar Number  
6 862, by Senator Carlucci, Senate Print 1422, an  
7 act to direct.

8 ACTING PRESIDENT GRIFFO: Read the  
9 last section.

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

12 ACTING PRESIDENT GRIFFO: Call the  
13 roll.

14 (The Secretary called the roll.)

15 THE SECRETARY: Ayes, 62.

16 ACTING PRESIDENT GRIFFO: The bill  
17 is passed.

18 THE SECRETARY: Calendar Number  
19 921, substituted earlier by Member of the  
20 Assembly Zebrowski, Assembly Print Number 1335,  
21 an act to amend the State Administrative  
22 Procedure Act.

23 ACTING PRESIDENT GRIFFO: Read the  
24 last section.

25 THE SECRETARY: Section 7. This

1 act shall take effect on the first of January.

2 ACTING PRESIDENT GRIFFO: Call the  
3 roll.

4 (The Secretary called the roll.)

5 THE SECRETARY: Ayes, 62.

6 ACTING PRESIDENT GRIFFO: The bill  
7 is passed.

8 THE SECRETARY: Calendar Number  
9 927, by Senator Murphy, Senate Print 5353A, an  
10 act to amend the State Administrative Procedure  
11 Act.

12 ACTING PRESIDENT GRIFFO: Read the  
13 last section.

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

16 ACTING PRESIDENT GRIFFO: Call the  
17 roll.

18 (The Secretary called the roll.)

19 THE SECRETARY: Ayes, 62.

20 ACTING PRESIDENT GRIFFO: The bill  
21 is passed.

22 THE SECRETARY: Calendar Number  
23 932, substituted earlier by Member of the  
24 Assembly Steck, Assembly Print Number 5920A, an  
25 act to amend the Alcoholic Beverage Control Law.

1                   ACTING PRESIDENT GRIFFO:    Read the  
2 last section.

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

5                   ACTING PRESIDENT GRIFFO:    Call the  
6 roll.

7                   (The Secretary called the roll.)

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

10                  SENATOR BOYLE:    Mr. President, to  
11 explain my vote.

12                  This bill simply seeks to clarify  
13 that the State Liquor Authority does not now nor  
14 have they ever had the authority to revoke,  
15 cancel, suspend or impose civil penalties based  
16 upon conduct which the authority believes is in  
17 violation of another state's law unless it also  
18 violates New York law and such businesses are  
19 found guilty of violating another state's law in  
20 that jurisdiction.

21                  Specifically, this bill requires  
22 "for cause" before taking action by the State  
23 Liquor Authority.

24                  Mr. President, our authorities and  
25 our commissions and our agencies are there to

1 help New York State businesses, not to hurt them.  
2 As the chairman of the Commerce Committee, I find  
3 the State Liquor Authority far overreaching their  
4 regulatory authority and punishing a New York  
5 State company and perhaps other New York State  
6 companies in the future.

7 This bill will simply say rein your  
8 actions in, only punish actions that are a  
9 violation of New York State law. And if it is a  
10 violation of another state's law, make sure any  
11 company from New York State has due process in  
12 that state.

13 I vote strongly in the affirmative,  
14 and I urge my colleagues to do so as well.

15 ACTING PRESIDENT GRIFFO: Senator  
16 Boyle to be recorded in the affirmative.

17 Announce the results.

18 THE SECRETARY: In relation to  
19 Calendar 932, those recorded in the negative are  
20 Senators Avella, Díaz, Hoylman, Krueger, Perkins  
21 and Squadron.

22 Ayes, 56. Nays, 6.

23 ACTING PRESIDENT GRIFFO: The bill  
24 is passed.

25 THE SECRETARY: Calendar Number

1 941, by Senator Marcellino, Senate Print 422, an  
2 act to amend the Penal Law.

3 ACTING PRESIDENT GRIFFO: The  
4 Secretary will read the last section.

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

7 ACTING PRESIDENT GRIFFO: Call the  
8 roll.

9 (The Secretary called the roll.)

10 ACTING PRESIDENT GRIFFO: Announce  
11 the results.

12 THE SECRETARY: In relation to  
13 Calendar 941, those recorded in the negative are  
14 Senators Comrie, Gianaris, Hoylman, Krueger,  
15 Montgomery, Peralta, Perkins, Rivera, Sanders and  
16 Squadron. Also Senator Dilan.

17 Ayes, 51. Nays, 11.

18 ACTING PRESIDENT GRIFFO: The bill  
19 is passed.

20 THE SECRETARY: Calendar Number  
21 952, by Senator Nozzolio, Senate Print 5599A, an  
22 act to amend the Penal Law.

23 ACTING PRESIDENT GRIFFO: Read the  
24 last section.

25 THE SECRETARY: Section 4. This

1 act shall take effect on the 90th day.

2 ACTING PRESIDENT GRIFFO: Call the  
3 roll.

4 (The Secretary called the roll.)

5 THE SECRETARY: Ayes, 60. Nays, 2.  
6 Senators Perkins and Sanders recorded in the  
7 negative.

8 ACTING PRESIDENT GRIFFO: The bill  
9 is passed.

10 THE SECRETARY: Calendar Number  
11 1004, by Senator Larkin, Senate Print 5079A, an  
12 act to amend the Criminal Procedure 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: In relation to  
21 Calendar 1004, those recorded in the negative are  
22 Senators Hoylman, Krueger, Montgomery, Perkins,  
23 Rivera and Squadron. Also Senator Dilan.

24 Ayes, 55. Nays, 7.

25 ACTING PRESIDENT GRIFFO: The bill

1 is passed.

2 THE SECRETARY: Calendar Number  
3 1010, substituted earlier by Member of the  
4 Assembly Lupardo, Assembly Print Number 7750, an  
5 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 THE SECRETARY: Ayes, 62.

14 ACTING PRESIDENT GRIFFO: The bill  
15 is passed.

16 THE SECRETARY: Calendar Number  
17 1082, by Senator O'Mara, Senate Print 5137, an  
18 act to amend the Environmental Conservation Law.

19 ACTING PRESIDENT GRIFFO: Read the  
20 last section.

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

23 ACTING PRESIDENT GRIFFO: Call the  
24 roll.

25 (The Secretary called the roll.)

1 THE SECRETARY: Ayes, 61. Nays, 1.  
2 Senator Perkins recorded in the negative.

3 ACTING PRESIDENT GRIFFO: The bill  
4 is passed.

5 THE SECRETARY: Calendar Number  
6 1085, by Senator Amedore, Senate Print 5316A, an  
7 act to amend the Environmental Conservation Law.

8 ACTING PRESIDENT GRIFFO: Read the  
9 last section.

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

12 ACTING PRESIDENT GRIFFO: Call the  
13 roll.

14 (The Secretary called the roll.)

15 THE SECRETARY: Ayes, 60. Nays, 2.  
16 Senators Hoylman and Perkins recorded in the  
17 negative.

18 ACTING PRESIDENT GRIFFO: The bill  
19 is passed.

20 THE SECRETARY: Calendar Number  
21 1163, by Senator Golden, Senate Print 3383, an  
22 act to amend the Executive Law.

23 ACTING PRESIDENT GRIFFO: Read the  
24 last section.

25 THE SECRETARY: Section 4. 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, 62.

6 ACTING PRESIDENT GRIFFO: The bill  
7 is passed.

8 THE SECRETARY: Calendar Number  
9 1164, by Senator Lanza, Senate Print 3389, an act  
10 to amend the Vehicle and Traffic Law.

11 ACTING PRESIDENT GRIFFO: Read the  
12 last section.

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

15 ACTING PRESIDENT GRIFFO: Call the  
16 roll.

17 (The Secretary called the roll.)

18 THE SECRETARY: Ayes, 62.

19 ACTING PRESIDENT GRIFFO: The bill  
20 is passed.

21 THE SECRETARY: Calendar Number  
22 1230, by Senator Bonacic, Senate Print 5685B, an  
23 act to amend the Social Services Law.

24 ACTING PRESIDENT GRIFFO: Read the  
25 last section.

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

3 ACTING PRESIDENT GRIFFO: Call the  
4 roll.

5 (The Secretary called the roll.)

6 THE SECRETARY: Ayes, 62.

7 ACTING PRESIDENT GRIFFO: The bill  
8 is passed.

9 THE SECRETARY: Calendar Number  
10 1246, by Senator Young, Senate Print 5351A, an  
11 act to amend Chapter 85 of the Laws of 1934.

12 ACTING PRESIDENT GRIFFO: Read the  
13 last section.

14 SENATOR DeFRANCISCO: Lay it aside.

15 ACTING PRESIDENT GRIFFO: Lay it  
16 aside for the day or temporarily, Senator  
17 DeFrancisco?

18 SENATOR DeFRANCISCO: For the day.

19 ACTING PRESIDENT GRIFFO: Lay it  
20 aside for the day.

21 THE SECRETARY: Calendar Number  
22 1248, by Senator Carlucci, Senate Print 5424, an  
23 act to amend the Real Property Tax 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 ACTING PRESIDENT GRIFFO: Senator  
7 Carlucci to explain his vote.

8 SENATOR CARLUCCI: Thank you,  
9 Mr. President.

10 This is an important piece of  
11 legislation that I encourage my colleagues to  
12 support. What this legislation would do is allow  
13 for municipalities to levy unpaid housing  
14 violations onto their tax levy.

15 This will save municipalities time  
16 and money to make sure that they can secure those  
17 violations, those fines, but most importantly  
18 make sure that illegal housing is becoming  
19 compliant.

20 All too often we have, specifically  
21 in my community, illegal housing, where  
22 unfortunately we're putting families in danger,  
23 we're putting our volunteer firefighters in  
24 danger. And we have to do everything possible to  
25 say enough is enough, we have to correct these

1 illegal housing situations. And I think this is  
2 a smart mechanism to do it.

3 This will make sure that these  
4 illegal housing complexes are coming into  
5 compliance, that municipalities have the teeth to  
6 go after these slumlords and make sure that they  
7 are following the law correctly. I believe  
8 ultimately that this legislation will save lives,  
9 prevent disasters from happening, and protect our  
10 firefighters.

11 So I thank my Senate colleagues for  
12 supporting this legislation, and I vote in the  
13 affirmative.

14 Thank you, Mr. President.

15 ACTING PRESIDENT GRIFFO: Senator  
16 Carlucci to be recorded in the affirmative.

17 Announce the results.

18 THE SECRETARY: Ayes, 62.

19 ACTING PRESIDENT GRIFFO: The bill  
20 is passed.

21 THE SECRETARY: Calendar Number  
22 1330, by Senator Savino, Senate Print 5297, an  
23 act to amend the Banking Law.

24 ACTING PRESIDENT GRIFFO: Read the  
25 last section.

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

3 ACTING PRESIDENT GRIFFO: Call the  
4 roll.

5 (The Secretary called the roll.)

6 ACTING PRESIDENT GRIFFO: Announce  
7 the results.

8 THE SECRETARY: In relation to  
9 Calendar 1330, those recorded in the negative are  
10 Senators Comrie, Krueger, Montgomery, Panepinto,  
11 Parker, Rivera and Stewart-Cousins.

12 ACTING PRESIDENT GRIFFO: Senator  
13 DeFrancisco --

14 THE SECRETARY: Also Senator  
15 Hamilton.

16 ACTING PRESIDENT GRIFFO: Okay, the  
17 Secretary will continue to tabulate and  
18 reannounce the results.

19 THE SECRETARY: Also Senator  
20 Perkins. Also Senator Squadron. Also Senator  
21 Sanders.

22 Ayes, 51. Nays, 11.

23 ACTING PRESIDENT GRIFFO: The bill  
24 is passed.

25 Senator DeFrancisco.

1                   SENATOR DeFRANCISCO:    Yes, there  
2 will be an immediate meeting of the  
3 Transportation Committee in Room 332.

4                   And then you can continue on with  
5 the noncontroversial calendar.

6                   ACTING PRESIDENT GRIFFO:    There is  
7 an immediate meeting of the Transportation  
8 Committee in Room 332 for the consideration of  
9 nominations. All members of the Transportation  
10 Committee please report to Room 332.

11                   The Secretary will continue with  
12 Calendar Number 1354.

13                   THE SECRETARY:    Calendar Number  
14 1354, by Senator Hannon, Senate Print 3393B, an  
15 act to authorize.

16                   ACTING PRESIDENT GRIFFO:    Read the  
17 last section.

18                   THE SECRETARY:    Section 2. 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:    Can I  
24 have some order in the house, please.

25                   THE SECRETARY:    In relation to

1 Calendar 1354, those recorded in the negative are  
2 Senators Bonacic, Gianaris, Larkin and  
3 Stewart-Cousins.

4 Ayes, 58. Nays, 4.

5 ACTING PRESIDENT GRIFFO: The bill  
6 is passed.

7 THE SECRETARY: Calendar Number  
8 1405, by Senator DeFrancisco, Senate Print 4404B,  
9 an act to amend the State Finance Law.

10 ACTING PRESIDENT GRIFFO: Read the  
11 last section.

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

14 ACTING PRESIDENT GRIFFO: Call the  
15 roll.

16 (The Secretary called the roll.)

17 THE SECRETARY: Ayes, 62.

18 ACTING PRESIDENT GRIFFO: The bill  
19 is passed.

20 THE SECRETARY: Calendar Number  
21 1424, by Senator Golden, Senate Print 5610, an  
22 act to amend the Administrative Code of the City  
23 of New York.

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

1           The Secretary will read the last  
2 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 Number 1424, those recorded in the  
12 negative are Senators Dilan, Hamilton, Montgomery  
13 and Perkins.

14          Ayes, 58.  Nays, 4.

15          ACTING PRESIDENT GRIFFO:    The bill  
16 is passed.

17          THE SECRETARY:    Calendar Number  
18 1438, by Senator Boyle, Senate Print 1628A --

19          SENATOR GIANARIS:   Lay it aside.

20          ACTING PRESIDENT GRIFFO:    The bill  
21 is laid aside.

22          THE SECRETARY:    Calendar Number  
23 1455, by Senator Gianaris, Senate Print 3691A, an  
24 act to authorize.

25          ACTING PRESIDENT GRIFFO:    There is

1 a home-rule message at the desk.

2 The Secretary will read the last  
3 section.

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

6 ACTING PRESIDENT GRIFFO: Call the  
7 roll.

8 (The Secretary called the roll.)

9 THE SECRETARY: Ayes, 62.

10 ACTING PRESIDENT GRIFFO: The bill  
11 is passed.

12 THE SECRETARY: Calendar Number  
13 1470, by Senator Farley, Senate Print 5501A, an  
14 act to establish.

15 ACTING PRESIDENT GRIFFO: Read the  
16 last section.

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

19 ACTING PRESIDENT GRIFFO: Call the  
20 roll.

21 (The Secretary called the roll.)

22 THE SECRETARY: Ayes, 62.

23 ACTING PRESIDENT GRIFFO: The bill  
24 is passed.

25 THE SECRETARY: Calendar Number

1 1502, by Senator Bonacic, Senate Print 5381A, an  
2 act to authorize.

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

5 The Secretary will read the last  
6 section.

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

9 ACTING PRESIDENT GRIFFO: Call the  
10 roll.

11 (The Secretary called the roll.)

12 THE SECRETARY: Ayes, 62.

13 ACTING PRESIDENT GRIFFO: The bill  
14 is passed.

15 THE SECRETARY: On page 49,  
16 Senator Larkin moves to discharge, from the  
17 Committee on Environmental Conservation,  
18 Assembly Bill Number 7629 and substitute it for  
19 the identical Senate Bill Number 5603,  
20 Third Reading Calendar 1503.

21 ACTING PRESIDENT GRIFFO: The  
22 substitution is so ordered.

23 The Secretary will read.

24 THE SECRETARY: Calendar Number  
25 1503, by Member of the Assembly Skoufis, Assembly

1 Print Number 7629, an act to amend the  
2 Environmental Conservation Law.

3 ACTING PRESIDENT GRIFFO: Read the  
4 last section.

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

7 ACTING PRESIDENT GRIFFO: Call the  
8 roll.

9 (The Secretary called the roll.)

10 ACTING PRESIDENT GRIFFO: Senator  
11 Hamilton, would you like to explain your vote?

12 SENATOR HAMILTON: Yes. Thank you,  
13 Mr. President. I rise to express my vote on this  
14 bill, 5603.

15 I've spoken to many of my brothers  
16 in the Lubavitch community, and they have  
17 expressed the concern that this bill is not based  
18 on a statewide issue but on a specific issue to  
19 their community.

20 My district comprises one of the  
21 largest Lubavitch Chabad communities in the  
22 state, and I have to vote on the concerns of the  
23 people who represent my district. And at this  
24 point in time, the feeling is that this bill is  
25 unjustly affecting the citizens of Kiryas Joel.

1           So I will have to vote no on this  
2 particular bill, and Shalom to my brothers and  
3 sisters in the Lubavitch community.

4           ACTING PRESIDENT GRIFFO:    Senator  
5 Hamilton to be recorded in the negative.

6           Senator Sanders to explain his vote.

7           SENATOR SANDERS:    Thank you, sir.

8           I have looked at this issue long and  
9 hard and have tried to find common ground, tried  
10 to find where are we going.  And I base what I'm  
11 doing on the laws of this great state of ours.

12           And I understand that there may be  
13 differences, and I trust that people find ways of  
14 reaching out and resolving their differences.  
15 However, based on my reading of the law, based on  
16 my understanding of the law, this bill is not one  
17 that I can vote for, so therefore you will see me  
18 come out against this one.

19           But I urge the people of these  
20 communities to find ways of reaching to common  
21 ground, find ways of dealing with this in a  
22 better manner than to try to legislate it.  And  
23 if we can be useful, if I can be personally  
24 useful, I would go there and try to do what I  
25 can.  Since I can't do that at this moment,

1 Mr. President, I will stop there.

2 Thank you, sir.

3 ACTING PRESIDENT GRIFFO: Senator  
4 Sanders to be recorded in the negative.

5 Announce the results.

6 THE SECRETARY: In relation to  
7 Calendar Number 1503, those recorded in the  
8 negative are Senators Comrie, Dilan, Felder,  
9 Golden, Hamilton, Hoylman, Kennedy, Lanza,  
10 Martins, Murphy, Ortt, Parker, Sanders, Seward,  
11 Skelos and Squadron. Also Senator DeFrancisco.

12 Ayes, 45. Nays, 17.

13 ACTING PRESIDENT GRIFFO: The bill  
14 is passed.

15 THE SECRETARY: On page 49,  
16 Senator Larkin moves to discharge, from the  
17 Committee on Local Government, Assembly Bill  
18 Number 7639 and substitute it for the identical  
19 Senate Bill Number 5643, Third Reading Calendar  
20 1504.

21 ACTING PRESIDENT GRIFFO: The  
22 substitution is so ordered.

23 The Secretary will read.

24 THE SECRETARY: Calendar Number  
25 1504, by Member of the Assembly Skoufis, Assembly

1 Print Number 7639, an act to amend the General  
2 Municipal Law.

3 ACTING PRESIDENT GRIFFO: Read the  
4 last section.

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

7 ACTING PRESIDENT GRIFFO: Call the  
8 roll.

9 (The Secretary called the roll.)

10 ACTING PRESIDENT GRIFFO: Announce  
11 the results.

12 THE SECRETARY: In relation to  
13 Calendar 1504, those recorded in the negative are  
14 Senators Comrie, DeFrancisco, Felder, Golden,  
15 Hamilton, Hoylman, Kennedy, Lanza, Martins,  
16 Murphy, Ortt, Parker, Perkins, Rivera, Sanders,  
17 Seward, Skelos, Squadron and Stewart-Cousins.

18 Ayes, 43. Nays, 19.

19 ACTING PRESIDENT GRIFFO: The bill  
20 is passed.

21 THE SECRETARY: Calendar Number  
22 1509, by Senator LaValle, Senate Print 5753B, an  
23 act to authorize.

24 ACTING PRESIDENT GRIFFO: Read the  
25 last section.

1 THE SECRETARY: Section 5. 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, 62.

7 ACTING PRESIDENT GRIFFO: The bill  
8 is passed.

9 THE SECRETARY: Calendar Number  
10 1510, by Senator LaValle, Senate Print 5754B, an  
11 act to authorize.

12 ACTING PRESIDENT GRIFFO: Read the  
13 last section.

14 THE SECRETARY: Section 5. 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, 62.

20 ACTING PRESIDENT GRIFFO: The bill  
21 is passed.

22 THE SECRETARY: Calendar Number  
23 1591, by Senator Serino, Senate Print 5802, an  
24 act to amend the Environmental Conservation Law.

25 ACTING PRESIDENT GRIFFO: Read the

1 last section.

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

4 ACTING PRESIDENT GRIFFO: Call the  
5 roll.

6 (The Secretary called the roll.)

7 THE SECRETARY: Ayes, 62.

8 ACTING PRESIDENT GRIFFO: The bill  
9 is passed.

10 THE SECRETARY: Calendar Number  
11 1592, by Senator Serino, Senate Print 5803, an  
12 act to amend the Public Health 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 ACTING PRESIDENT GRIFFO: Senator  
21 Serino to explain her vote.

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

24 Last month we passed a resolution in  
25 this house to recognize May as Lyme Disease

1 Awareness Month, and I stressed the importance of  
2 building on that momentum and continuing to  
3 spread the word beyond that single month.

4           Many of you have heard me talk about  
5 my son Anthony, who has suffered the debilitating  
6 symptoms of Lyme disease. As a mom, I have  
7 experienced the frustration and the anxiety that  
8 come along with the battle firsthand, and I can  
9 tell you those who suffer from Lyme live with its  
10 effects far beyond one month.

11           Throughout my campaign and since  
12 taking office, I have heard story after  
13 devastating story of families and individuals  
14 whose lives have been forever changed by these  
15 diseases, and I vowed to take a hard-hitting  
16 approach to combating them.

17           What I've learned since becoming  
18 chair of the Task Force on Lyme and Tick-Borne  
19 Diseases is that there's a great debate  
20 throughout the medical community on how best to  
21 diagnose and treat these illnesses. However,  
22 almost everyone seems to agree that the key to  
23 controlling their spread is education and  
24 prevention.

25           In that vein, I am incredibly proud

1 to deliver by passing a package of bills today  
2 that will first educate the public, equip our  
3 children with the information that they need, and  
4 provide real tools for prevention by stopping  
5 Lyme at the source.

6 Today we are taking a major step in  
7 the right direction in the battle against Lyme  
8 and tick-borne diseases. I thank my colleagues  
9 in this chamber for recognizing the seriousness  
10 of this issue and for joining me in the fight to  
11 eradicate Lyme from our great state.

12 Thank you.

13 ACTING PRESIDENT GRIFFO: Thank  
14 you, Senator Serino.

15 Senator Serino will be recorded in  
16 the affirmative.

17 Announce the results.

18 THE SECRETARY: Ayes, 62.

19 ACTING PRESIDENT GRIFFO: The bill  
20 is passed.

21 THE SECRETARY: Calendar Number  
22 1593, by Senator Serino, Senate Print 5804, 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, 62.

7                   ACTING PRESIDENT GRIFFO:    The bill  
8 is passed.

9                   Senator DeFrancisco, that completes  
10 the noncontroversial reading of today's active  
11 list.

12                   SENATOR DeFRANCISCO:    I'd like to  
13 call a meeting of the Finance Committee so we can  
14 take care of the nominations that have now gone  
15 through other committees.

16                   The Transportation Committee I think  
17 is just ending, so I'll call a meeting of the  
18 Finance Committee immediately following the  
19 Transportation Committee, which is now, so we can  
20 get started and get through the nominations.  
21 Then we'll be at ease pending the report of the  
22 Finance Committee.

23                   ACTING PRESIDENT GRIFFO:    So there  
24 will be an immediate meeting of the Finance  
25 Committee, following the Transportation

1 Committee, in Room 332 for the purpose of  
2 considering nominations.

3           Until such time as the committees  
4 return to prepare and deliver a report, the  
5 Senate will stand at ease.

6           (Whereupon, the Senate stood at ease  
7 at 3:00 p.m.)

8           (Whereupon, the Senate reconvened at  
9 4:52 p.m.)

10           SENATOR DeFRANCISCO:    Senator  
11 Griffo.

12           ACTING PRESIDENT GRIFFO:    The  
13 Senate will come to order.

14           Senator DeFrancisco.

15           SENATOR DeFRANCISCO:    I  
16 understand you have a report from the Finance  
17 Committee at the desk.

18           ACTING PRESIDENT GRIFFO:    There is  
19 a report of the Finance Committee before the  
20 desk.

21           SENATOR DeFRANCISCO:    I move to  
22 accept the report of the Finance Committee.

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

1 (Response of "Aye.")

2 ACTING PRESIDENT GRIFFO: Opposed?

3 (No response.)

4 ACTING PRESIDENT GRIFFO: The  
5 Finance Committee report is before the house.

6 SENATOR DeFRANCISCO: All right.  
7 And now can we take up the confirmations.

8 ACTING PRESIDENT GRIFFO: We will  
9 begin the confirmations.

10 The Secretary will read.

11 THE SECRETARY: Senator  
12 DeFrancisco, from the Committee on Finance,  
13 reports the following nomination:

14 As Commissioner of Taxation and  
15 Finance, Jerry Boone, of Troy.

16 SENATOR DeFRANCISCO: Move the  
17 nomination.

18 ACTING PRESIDENT GRIFFO: The  
19 nomination is moved. All in favor of the  
20 nomination signify by saying aye.

21 (Response of "Aye.")

22 ACTING PRESIDENT GRIFFO: Opposed?

23 (No response.)

24 ACTING PRESIDENT GRIFFO: Jerry  
25 Boone is hereby confirmed as Commissioner of

1 Taxation and Finance for the State of New York.

2           Congratulations, Mr. Boone.

3           (Appause.)

4           ACTING PRESIDENT GRIFFO:

5 Commissioner Boone is joined here with his wife,  
6 Janice.

7           We congratulate you. We extend our  
8 best wishes, Commissioner.

9           Senator DeFrancisco, the Secretary  
10 will continue to read.

11           THE SECRETARY: As Commissioner of  
12 Transportation, Matthew J. Driscoll, of Syracuse.

13           SENATOR DeFRANCISCO: Move the  
14 nomination.

15           ACTING PRESIDENT GRIFFO: The  
16 nomination is moved.

17           Senator Kennedy on the nomination.

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

20           I would just like to take this  
21 opportunity to first and foremost congratulate  
22 the Governor on a tremendous nominee,  
23 congratulate Matthew Driscoll on this nomination  
24 and confirmation.

25           I'm very proud to stand here to

1 support Matthew Driscoll as the Commissioner of  
2 the Department of Transportation. He's been  
3 vetted through the Transportation Committee under  
4 the leadership of Senator Robach -- I had the  
5 privilege to be on that committee and support  
6 him -- as well as through the Finance Committee  
7 under Senator DeFrancisco.

8           You know, we discussed many  
9 different issues pertaining to the Department of  
10 Transportation all across New York State. I of  
11 course represent Western New York, Region 5. We  
12 discussed many different issues that are unique  
13 to our region in Western New York, including the  
14 equitable share of funding and resources that we  
15 want to ensure continues to happen, funding  
16 equities across the state as it pertains to  
17 public transportation, and other initiatives that  
18 will be coming our way.

19           There's no question in my mind that  
20 the Governor made the right decision in making  
21 Matthew Driscoll the head of the Department of  
22 Transportation -- a former mayor of the City of  
23 Syracuse, a hands-on individual that I've  
24 actually had the opportunity to work with  
25 firsthand. I simply sent a letter to his office

1 at the Environmental Facilities Corporation  
2 detailing an issue that I had in the Town of  
3 Cheektowaga regarding Scajaquada Creek and a very  
4 much polluted creek, maybe one of the most  
5 polluted waterways in the State of New York.

6 Matt Driscoll, in his leadership,  
7 with so many other issues going on in the state,  
8 took time out of his busy schedule to not only  
9 return my phone call but set up a meeting with my  
10 office and create, in that meeting, a series of  
11 commitments that have been followed through upon.  
12 And hence, for the first time in decades, we've  
13 seen issues in my district being remediated.

14 It's that sort of hands-on focus  
15 that the Department of Transportation needs and  
16 will certainly get with Mr. Driscoll at the helm.  
17 I congratulate you, Mayor, and look forward to  
18 working with you in your new capacity as head of  
19 the Department of Transportation. There's no  
20 doubt we are all in good hands.

21 Thank you, Mr. President. I vote  
22 aye.

23 ACTING PRESIDENT GRIFFO: Senator  
24 DeFrancisco.

25 SENATOR DeFRANCISCO: Yes. With no

1 slight to all the other nominees, I've known Matt  
2 forever. And the only reason I'm not going to  
3 speak on all of them is because of the hour. And  
4 we're not even anywhere near getting through with  
5 what we have to get through. So it's not a  
6 slight by me or anyone else that they don't speak  
7 of you.

8           But I know Matt for many, many  
9 years. The concept that he gets backs to you on  
10 phone calls, takes personal interest in your  
11 situations and your issues, is definitely a fact.  
12 And there's more issues in the Department of  
13 Transportation than most.

14           Senator Kennedy mentioned an  
15 equitable distribution of resources. But first,  
16 we've got to get resources. You can't equitably  
17 divide them unless there's money there. And  
18 hopefully we'll use some of the settlements that  
19 come forward and the balance of any settlements  
20 of lawsuits we have now to go directly to  
21 Transportation for roads and bridges so that we  
22 can have five-year plans and do things in a  
23 logical fashion and do it equitably.

24           So congratulations, and I vote aye.

25           ACTING PRESIDENT GRIFFO:     Senator

1 Valesky.

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

4                   I'm very pleased and proud to stand  
5 and second the nomination of Matt Driscoll as  
6 Commissioner of Transportation.  And I certainly  
7 want to commend Governor Cuomo for this nominee.

8                   Agree with everything that Senator  
9 Kennedy and Senator DeFrancisco have already  
10 said.  Mayor Driscoll and I have been friends for  
11 a long time and have worked together in a number  
12 of different capacities for many, many years.

13                   The one thing I just want to point  
14 out to my colleagues, I know that many if not all  
15 of you have dealt with Matt Driscoll in his role  
16 as president of the Environmental Facilities  
17 Corporation.  And I think it really is a tribute  
18 to a member of the Governor's cabinet when the  
19 Governor himself has said:  You've done a great  
20 job in the role that I've had you in, but now I  
21 need you someplace else.

22                   And that really says something about  
23 the character and the integrity of Matt Driscoll,  
24 that it is time for him to move into a new role,  
25 I think greater challenges that he will face.

1 And certainly the Governor has expressed his  
2 confidence in him, and I know we all will here  
3 today on the floor of the Senate.

4 So congratulations, Matt, and look  
5 forward to continuing to work very closely with  
6 you in this new role.

7 ACTING PRESIDENT GRIFFO: Senator  
8 Ritchie.

9 SENATOR RITCHIE: Thank you,  
10 Mr. President.

11 I too would like to stand and  
12 congratulate Matt. Though I haven't known him as  
13 so long as Senator DeFrancisco, I have known him  
14 since he was the mayor.

15 And just recently I had a huge  
16 problem in my district, and I picked up the phone  
17 and called Matt in the position he was in then.  
18 He was, like everyone said before me, very  
19 attentive, he took it seriously, he met with me a  
20 number of times, he worked hard to make sure the  
21 issue came to some kind of conclusion that would  
22 be helpful for the community that I was  
23 advocating on behalf of.

24 And so, Matt, the commissioner of  
25 DOT is a really important position across the

1 state, and especially in my district with the  
2 lake-effect snow, that creates another problem.  
3 You are keenly aware of it, coming from Syracuse.

4 So I too want to commend the  
5 Governor for putting your name forward, want to  
6 congratulate you, and for the record, would like  
7 to say I know you're going to do a fabulous job  
8 because that's what you've done in the past, and  
9 look forward to working with you.

10 Thank you.

11 ACTING PRESIDENT GRIFFO: The  
12 question is on the nomination of Matthew J.  
13 Driscoll as Commissioner of Transportation for  
14 the State of New York. All in favor signify by  
15 saying aye.

16 (Response of "Aye.")

17 ACTING PRESIDENT GRIFFO: Opposed?

18 (No response.)

19 ACTING PRESIDENT GRIFFO: The  
20 nomination is confirmed of Matthew J. Driscoll as  
21 Commissioner of the State Department of  
22 Transportation.

23 Congratulations, Commissioner  
24 Driscoll. Best of luck.

25 (Applause.)

1                   ACTING PRESIDENT GRIFFO:    The  
2 Secretary will continue.

3                   THE SECRETARY:    As Executive  
4 Director of the New York State Thruway Authority,  
5 Robert L. Megna, of Albany.

6                   SENATOR DeFRANCISCO:    Move the  
7 nomination.

8                   ACTING PRESIDENT GRIFFO:    Senator  
9 Robach.

10                  SENATOR ROBACH:    Yes,  
11 Mr. President, happy to rise to support and  
12 second this nomination.

13                  In addition to Matt Driscoll for the  
14 Transportation, I want to say I think that Robert  
15 Megna is an excellent choice. All of us in this  
16 chamber know him for his great work on the  
17 budget, his willingness to work with everybody,  
18 he's really get-it-done approach.

19                  And certainly, like DOT, the Thruway  
20 is something that all those things are more than  
21 transportation. Oftentimes they're the lifeblood  
22 of our economy and very, very important. And so  
23 it's good that we have someone with that scope,  
24 experience and willingness to work globally as  
25 Robert has in the past.

1           So I too would applaud the Governor  
2 for this, and looking forward to working with  
3 both of these gentlemen in this very, very  
4 important part, both as the Transportation chair  
5 and as someone that represents districts, as all  
6 my colleagues do, that the transportation needs  
7 are vital.

8           So congratulations, and looking  
9 forward to a great working relationship. Thanks.

10           ACTING PRESIDENT GRIFFO: Thank  
11 you, Senator Robach.

12           The question is on the nomination of  
13 Robert L. Megna as Executive Director of the  
14 New York State Thruway Authority. All in favor  
15 signify by saying aye.

16           (Response of "Aye.")

17           ACTING PRESIDENT GRIFFO: Opposed?

18           (No response.)

19           ACTING PRESIDENT GRIFFO: Robert L.  
20 Megna has been confirmed as Executive Director of  
21 the New York State Thruway Authority.

22           Congratulations, Bob, and best of  
23 luck.

24           (Appause.)

25           ACTING PRESIDENT GRIFFO: The

1 Secretary will continue.

2 THE SECRETARY: As member and  
3 chairman of the State Athletic Commission, Thomas  
4 Lee Hoover, Jr., of New York.

5 ACTING PRESIDENT GRIFFO: Senator  
6 DeFrancisco.

7 SENATOR DeFRANCISCO: Move the  
8 nomination.

9 ACTING PRESIDENT GRIFFO: Senator  
10 Little.

11 SENATOR LITTLE: Thank you,  
12 Mr. President.

13 I would like to second the  
14 nomination of Tom Hoover as the commissioner of  
15 the Athletic Commission. He brings a great deal  
16 of experience to this position, including working  
17 in the Athletic Commission and being a deputy  
18 chairman at one time, deputy commissioner.

19 But he in my mind got his start as a  
20 basketball player at Villanova University, where  
21 he played for two years, was All-American and was  
22 a first-round draft for the NBA for seven years  
23 where he played.

24 So other than that, he has  
25 private-sector business experience. He has

1 worked in the boxing world and all of that for a  
2 number of years. And with what we have going on  
3 in New York State and sports being so important  
4 to our state and to our tourism, I know he's  
5 going to do a great job as the Athletic  
6 Commissioner, and I look forward to working with  
7 him.

8 Thank you.

9 ACTING PRESIDENT GRIFFO: Thank  
10 you, Senator Little.

11 Senator Farley.

12 SENATOR FARLEY: I rise to second  
13 this nomination of Tom Hoover.

14 I spoke with him earlier in the  
15 chambers prior to his going in. He knows boxing,  
16 and I'm sure that he can bring the venues that we  
17 have in Madison Square Garden and also our new  
18 venue in Brooklyn. And he's going to be a great  
19 chairman. He had a magnificent athletic career.

20 And incidentally, Senator  
21 DeFrancisco, he was drafted by the Syracuse Nats,  
22 who I used to watch play. It shows you how far  
23 back I go with that. I don't think he ever  
24 played there, but he went on to the New York  
25 Knicks and many other great teams.

1           But Tom Hoover has a spectacular  
2 career. And I'll tell you one thing, he's going  
3 to be the tallest chairman we ever had.

4           And I wish you well in your tenure,  
5 and thank you.

6           ACTING PRESIDENT GRIFFO:     The  
7 question is on the nomination of Thomas Lee  
8 Hoover, Jr., as member and chairperson of the  
9 New York State Athletic Commission. All in favor  
10 signify by saying aye.

11           (Response of "Aye.")

12           ACTING PRESIDENT GRIFFO:     Opposed?

13           (No response.)

14           ACTING PRESIDENT GRIFFO:     Thomas  
15 Lee Hoover is hereby confirmed as member and  
16 chairperson of the New York Athletic Commission.

17           Tom is joined here by his wife,  
18 Sandra.

19           We congratulate Tom and wish you the  
20 best of luck.

21           (Applause.)

22           ACTING PRESIDENT GRIFFO:     Go  
23 Knicks!

24           Senator Sanders.

25           SENATOR SANDERS:     Yes, I just want

1 wanted to congratulate our new chair. There are  
2 many stories, of course, that could be told about  
3 his life, but I am especially interested in  
4 hearing more about him and Connie Hawkins. The  
5 details of that one I am looking forward to  
6 hearing.

7 He has a -- the stories that he  
8 could tell of basketball and boxing and music.  
9 He also managed many of the greatest groups that  
10 we have out here now. So we have a well-rounded  
11 chair, and I look forward to working with him.

12 Congratulations again to you and  
13 your wife, sir.

14 (Applause.)

15 ACTING PRESIDENT GRIFFO: Thank  
16 you, Senator Sanders.

17 And Go Knicks!

18 The Secretary will continue.

19 THE SECRETARY: As Executive  
20 Director of the Dormitory Authority of the State  
21 of New York, Gerrard P. Bushell, of Manhattan.

22 SENATOR DeFRANCISCO: Move the  
23 nomination.

24 ACTING PRESIDENT GRIFFO: Senator  
25 Parker, then Senator Stavisky.

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

3                   I'm happy to rise to second the  
4   nomination of Gerrard Bushell, who is someone if  
5   you look, if you just even peruse his background,  
6   you see is someone who is highly competent and  
7   certainly has had a significant experience  
8   working in the private sector around the issues  
9   that he will be dealing with in the Dormitory  
10  Authority.

11                  He certainly understands, you know,  
12  finance in a way that I think will benefit not  
13  just the people of the State of New York but also  
14  attract more opportunities for us in our economic  
15  endeavors.  In addition to that, he has a  
16  significant career in public service as well.  
17  And certainly, you know, running the Dormitory  
18  Authority will be a marriage of both public  
19  service and, you know, corporate high finance.

20                  And so I want to congratulate the  
21  Governor for making such a just great, great,  
22  great fit in terms of moving the state forward in  
23  terms of the Dormitory Authority.

24                  So congratulations to Gerrard  
25  Bushell and his family.  And I really want to

1 thank him for his commitment to public service  
2 and continuing to help lead the state in the  
3 right direction.

4                   ACTING PRESIDENT GRIFFO:     Senator  
5 Stavisky.

6                   SENATOR STAVISKY:     Thank you,  
7 Mr. President. I too want to congratulate  
8 Dr. Bushell.

9                   He is a graduate of Columbia  
10 University, bachelor's, master's and Ph.D. And  
11 back, the best I can remember, in the 1980s, he  
12 was a student of my husband's when Leonard taught  
13 at the School of International and Public Affairs  
14 at Columbia.

15                   He brings to the Dormitory Authority  
16 a background in finance. He had been director of  
17 BNY Mellon, but also a public-sector life as  
18 well, where he had been director of  
19 intergovernmental relations for the New York  
20 State Comptroller and had been assistant  
21 legislative director at DC37.

22                   So this I think is a wonderful  
23 combination of a public-private partnership in  
24 the way that DASNY exists as an entity for  
25 issuing bonds and for furthering the interests of

1 the state, and I'm delighted to congratulate  
2 Dr. Bushell.

3 Thank you.

4 ACTING PRESIDENT GRIFFO: The  
5 question is on the nomination of Gerrard P.  
6 Bushell as Executive Director of the Dormitory  
7 Authority of the State of New York. All in favor  
8 signify by saying aye.

9 (Response of "Aye.")

10 ACTING PRESIDENT GRIFFO: Opposed?

11 (No response.)

12 ACTING PRESIDENT GRIFFO: Gerrard  
13 P. Bushell has been confirmed as Executive  
14 Director of the Dormitory Authority of the State  
15 of New York.

16 (Applause.)

17 ACTING PRESIDENT GRIFFO:  
18 Mr. Bushell, we want to congratulate you and  
19 extend our best wishes. Thank you for being  
20 here.

21 The Secretary will continue.

22 THE SECRETARY: As trustee of the  
23 State University of New York Board of Trustees,  
24 Stanley S. Litow, of New York.

25 SENATOR DeFRANCISCO: Move the

1 nomination.

2 ACTING PRESIDENT GRIFFO: The  
3 question is on the nomination of Stanley S. Litow  
4 as a trustee of the State University of New York  
5 Board of Trustees. All in favor signify by  
6 saying aye.

7 (Response of "Aye.")

8 ACTING PRESIDENT GRIFFO: Opposed?

9 (No response.)

10 ACTING PRESIDENT GRIFFO: Stanley  
11 S. Litow has been confirmed as a trustee of the  
12 State University of New York Board of Trustees.

13 Congratulations, Mr. Litow, and our  
14 best wishes. He's not here, okay.

15 The Secretary will continue.

16 THE SECRETARY: As director of the  
17 New York Convention Center Operating Corporation,  
18 Andrew Stone, of New York.

19 SENATOR DeFRANCISCO: Move the  
20 nomination.

21 ACTING PRESIDENT GRIFFO: The  
22 question is on Andrew Stone as a director of the  
23 New York Convention Center Operating Corporation.  
24 All in favor signify by saying aye.

25 (Response of "Aye.")

1                   ACTING PRESIDENT GRIFFO:   Opposed?

2                   (No response.)

3                   ACTING PRESIDENT GRIFFO:   Andrew  
4 Stone is hereby confirmed as director of the  
5 New York Convention Center Operating Corporation.

6                   The Secretary will continue.

7                   THE SECRETARY:   As director of the  
8 New York State Environmental Facilities  
9 Corporation, Timothy H. Bishop, of Southampton.

10                  As director of the New York State  
11 Urban Development Corporation, Hilda Rosario  
12 Escher, of Rochester.

13                  As member of the New York State  
14 Gaming Commission, John J. Poklemba, of New York.

15                  As director of the State of New York  
16 Mortgage Agency, Bethaida Gonzalez, of Syracuse.

17                  As trustees of the SUNY Board of  
18 Trustees, Byron Brown, of Buffalo; Richard  
19 Socarides, of New York; Cary F. Staller, of  
20 Old Field; and Carl Spielvogel, of New York.

21                  SENATOR DeFRANCISCO:   Move the  
22 nominations.

23                  ACTING PRESIDENT GRIFFO:   Senator  
24 Kennedy, followed by Senator Panepinto.

25                  SENATOR KENNEDY:   Thank you,

1 Mr. President.

2 First and foremost, I want to  
3 congratulate the Governor on a tremendous group  
4 of appointments here once again to the various  
5 agencies that we have confirmed through the  
6 Finance Committee and are now brought to the  
7 floor for full confirmation by the Senate.

8 One of the individuals that I wanted  
9 just to recognize personally is the mayor of the  
10 City of Buffalo, Byron Brown.

11 A new appointment to the trustees of  
12 the SUNY Board of Trustees, he is someone that  
13 has served in this honorable body, recognizes the  
14 importance of government, recognizes the  
15 importance of education and higher education in  
16 the State of New York.

17 And right in the City of Buffalo  
18 proper we have both the South Campus of the  
19 State University of New York at Buffalo as well  
20 as the newly created Buffalo Niagara Medical  
21 Campus, with the epicenter of that being what  
22 this body has agreed upon, UB 2020. That is  
23 moving forward, where the medical school is  
24 creating an economic development that our  
25 community and the City of Buffalo has never seen

1 before, a \$400 million investment. It's  
2 burgeoning economic development, job creation  
3 unlike any we have seen in generations, if ever  
4 before.

5 On top of, that there's also Erie  
6 Community College right in the city center.

7 To have the mayor of the City of  
8 Buffalo, with all of the economic development  
9 progress happening and its intimate connection to  
10 the higher education model and SUNY, I believe  
11 it's very important that not just from a  
12 geographic standpoint but from a position of  
13 expertise that the mayor play that role on the  
14 Board of Trustees.

15 Again, I congratulate the mayor on  
16 his nomination and the Governor on bringing this  
17 individual forward.

18 On a personal note, in working with  
19 the mayor over the course of the last 10 years  
20 that he's been in office, I can tell you that we  
21 have an incredible man of integrity and focus  
22 that's going to help move the entire SUNY system  
23 forward.

24 And I look forward to supporting  
25 this nomination and urge my colleagues to do the

1 same.

2 Mr. President, I vote aye.

3 ACTING PRESIDENT GRIFFO: Senator  
4 Panepinto.

5 SENATOR PANEPINTO: Yes, I also  
6 rise to speak on behalf of Mayor Byron Brown.

7 You know, the mayor of the City of  
8 Buffalo holds a unique place in New York State.  
9 He was born in Queens and raised there, and then  
10 he went to the City of Buffalo and is a SUNY  
11 graduate, he's a graduate of Buffalo State  
12 College. And he decided to take up residence in  
13 the City of Buffalo.

14 And I think there's no better person  
15 than a SUNY graduate, somebody that grew up in  
16 New York City and then moved to Buffalo and went  
17 on to be our great mayor, to serve as a SUNY  
18 trustee. He knows intimately, you know, how the  
19 SUNY system works as a student, and he has been a  
20 big advocate for SUNY in his time as mayor.

21 So this is a great nomination on the  
22 part of the Governor, and I vote aye also.

23 ACTING PRESIDENT GRIFFO: Okay.  
24 The question is on the names as presented by the  
25 Secretary for the positions designated in red.

1 All in favor signify by saying aye.

2 (Response of "Aye.")

3 ACTING PRESIDENT GRIFFO: Opposed?

4 (No response.)

5 ACTING PRESIDENT GRIFFO: The  
6 individuals are confirmed.

7 Senator DeFrancisco.

8 SENATOR DeFRANCISCO: Yes. Would  
9 you go to motions and resolutions and recognize  
10 Senator Gianaris.

11 ACTING PRESIDENT GRIFFO: We'll  
12 return to motions and resolutions.

13 Senator Gianaris.

14 SENATOR GIANARIS: Thank you,  
15 Mr. President.

16 On behalf of Senator Parker, on  
17 page 29 I offer the following amendments to  
18 Calendar Number 879, Senate Print 4263, and I ask  
19 that said bill retain its place on the Third  
20 Reading Calendar.

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

24 SENATOR DeFRANCISCO: Would you  
25 please recognize Senator Valesky.

1                   ACTING PRESIDENT GRIFFO:    Senator  
2 Valesky.

3                   SENATOR VALESKY:    Thank you,  
4 Mr. President.

5                   On behalf of Senator Avella, on  
6 page 45 I offer the following amendments to  
7 Calendar 1320, Senate Bill 5443A, and ask that  
8 said bill retain its place on the Third Reading  
9 Calendar.

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

13                  Senator DeFrancisco.

14                  SENATOR DeFRANCISCO:    Yes, would  
15 you now please go to the noncontroversial reading  
16 of the supplemental calendar.

17                  ACTING PRESIDENT GRIFFO:    We will  
18 go to the noncontroversial reading of the  
19 supplemental calendar.

20                  The Secretary will begin reading.

21                  THE SECRETARY:    In relation to  
22 Calendar 1599, Senator Gallivan moves to  
23 discharge, from the Committee on Investigations  
24 and Government Operations, Assembly Bill Number  
25 1233A and substitute it for the identical Senate

1 Bill Number 76A, Third Reading Calendar 1599.

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

4 The Secretary will read.

5 THE SECRETARY: Calendar Number  
6 1599, by Member of the Assembly Paulin,  
7 Assembly Print Number 1233A, an act to amend the  
8 Public Officers Law.

9 ACTING PRESIDENT GRIFFO: Read the  
10 last section.

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

13 ACTING PRESIDENT GRIFFO: Call the  
14 roll.

15 (The Secretary called the roll.)

16 THE SECRETARY: Ayes, 63.

17 ACTING PRESIDENT GRIFFO: The bill  
18 is passed.

19 THE SECRETARY: Calendar Number  
20 1600, by Senator Gallivan, Senate Print 430A, an  
21 act to amend the Penal Law.

22 ACTING PRESIDENT GRIFFO: Read the  
23 last section.

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

1                   ACTING PRESIDENT GRIFFO:    Call the  
2 roll.

3                   (The Secretary called the roll.)

4                   THE SECRETARY:    Ayes, 62.  Nays, 1.  
5 Senator Perkins recorded in the negative.

6                   ACTING PRESIDENT GRIFFO:    The bill  
7 is passed.

8                   THE SECRETARY:    In relation to  
9 Calendar 1601, Senator Gallivan moves to  
10 discharge, from the Committee on Rules,  
11 Assembly Bill Number 1438B and substitute it for  
12 the identical Senate Bill Number 533B, Third  
13 Reading Calendar 1601.

14                   ACTING PRESIDENT GRIFFO:    The  
15 substitution is so ordered.

16                   The Secretary will read.

17                   THE SECRETARY:    Calendar Number  
18 1601, by Member of the Assembly Paulin, Assembly  
19 Print Number 1438B, an act to amend the Public  
20 Officers Law.

21                   ACTING PRESIDENT GRIFFO:    Read the  
22 last 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, 63.

4 ACTING PRESIDENT GRIFFO: The bill  
5 is passed.

6 THE SECRETARY: Calendar Number  
7 1602, by Senator Golden, Senate Print 1468, an  
8 act to amend the Public Authorities 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, 62. Nays, 1.  
17 Senator Krueger recorded in the negative.

18 ACTING PRESIDENT GRIFFO: The bill  
19 is passed.

20 THE SECRETARY: Calendar Number  
21 1603, by Senator Carlucci, Senate Print 1744A, an  
22 act to amend the Criminal Procedure Law.

23 ACTING PRESIDENT GRIFFO: Read the  
24 last section.

25 THE SECRETARY: Section 2. This

1 act shall take effect on the 30th day.

2 ACTING PRESIDENT GRIFFO: Call the  
3 roll.

4 (The Secretary called the roll.)

5 THE SECRETARY: Ayes, 63.

6 ACTING PRESIDENT GRIFFO: The bill  
7 is passed.

8 THE SECRETARY: Calendar Number  
9 1604, by Senator Carlucci, Senate Print 2018, an  
10 act to amend the Penal Law.

11 ACTING PRESIDENT GRIFFO: Read the  
12 last section.

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

15 ACTING PRESIDENT GRIFFO: Call the  
16 roll.

17 (The Secretary called the roll.)

18 ACTING PRESIDENT GRIFFO: Those in  
19 the negative please raise your hand.

20 THE SECRETARY: Ayes, 62. Nays, 1.  
21 Senator Perkins recorded in the negative.

22 ACTING PRESIDENT GRIFFO: The bill  
23 is passed.

24 THE SECRETARY: Calendar Number  
25 1605, by Senator Flanagan, Senate Print 2080, an

1 act to amend the Penal Law.

2 ACTING PRESIDENT GRIFFO: Read the  
3 last section.

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

6 ACTING PRESIDENT GRIFFO: Call the  
7 roll.

8 (The Secretary called the roll.)

9 THE SECRETARY: Ayes, 61. Nays, 2.  
10 Senators Montgomery and Perkins recorded in the  
11 negative.

12 ACTING PRESIDENT GRIFFO: The bill  
13 is passed.

14 THE SECRETARY: Calendar Number  
15 1606, by Senator Flanagan, Senate Print 2083, an  
16 act to amend the Penal Law.

17 ACTING PRESIDENT GRIFFO: Read the  
18 last section.

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

21 ACTING PRESIDENT GRIFFO: Call the  
22 roll.

23 (The Secretary called the roll.)

24 THE SECRETARY: Ayes, 63.

25 ACTING PRESIDENT GRIFFO: The bill

1 is passed.

2 THE SECRETARY: Calendar Number  
3 1607, by Senator Flanagan, Senate Print 2087, an  
4 act to amend the Penal Law.

5 ACTING PRESIDENT GRIFFO: Read the  
6 last section.

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

9 ACTING PRESIDENT GRIFFO: Call the  
10 roll.

11 (The Secretary called the roll.)

12 THE SECRETARY: Ayes, 62. Nays, 1.  
13 Senator Perkins recorded in the negative.

14 ACTING PRESIDENT GRIFFO: The bill  
15 is passed.

16 THE SECRETARY: Calendar Number  
17 1608, by Senator Krueger, Senate Print 2829, an  
18 act to amend the Emergency Tenant Protection Act.

19 ACTING PRESIDENT GRIFFO: Read the  
20 last section.

21 THE SECRETARY: Section 6. This  
22 act shall take effect on the 60th day.

23 ACTING PRESIDENT GRIFFO: Call the  
24 roll.

25 (The Secretary called the roll.)

1 THE SECRETARY: Ayes, 63.

2 ACTING PRESIDENT GRIFFO: The bill  
3 is passed.

4 THE SECRETARY: Calendar Number  
5 1609, by Senator Lanza, Senate Print 3361A, an  
6 act to amend the Vehicle and Traffic Law.

7 ACTING PRESIDENT GRIFFO: Read the  
8 last section.

9 THE SECRETARY: Section 2. This  
10 act shall take effect on the first of April.

11 ACTING PRESIDENT GRIFFO: Call the  
12 roll.

13 (The Secretary called the roll.)

14 THE SECRETARY: Ayes, 63.

15 ACTING PRESIDENT GRIFFO: The bill  
16 is passed.

17 THE SECRETARY: Calendar Number  
18 1610, by Senator DeFrancisco, Senate Print 3785,  
19 an act to amend the Navigation Law.

20 ACTING PRESIDENT GRIFFO: Read the  
21 last section.

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

24 ACTING PRESIDENT GRIFFO: Call the  
25 roll.

1 (The Secretary called the roll.)

2 THE SECRETARY: Ayes, 63.

3 ACTING PRESIDENT GRIFFO: The bill  
4 is passed.

5 THE SECRETARY: Calendar Number  
6 1611, by Senator Griffo, Senate Print 3913A, an  
7 act to amend the Penal Law.

8 ACTING PRESIDENT GRIFFO: Read the  
9 last section.

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

12 ACTING PRESIDENT GRIFFO: Call the  
13 roll.

14 (The Secretary called the roll.)

15 ACTING PRESIDENT GRIFFO: Announce  
16 the results.

17 THE SECRETARY: In relation to  
18 Calendar 1611, those recorded in the negative are  
19 Senators Carlucci, DeFrancisco, Hoylman, Krueger,  
20 Montgomery, Parker and Perkins.

21 Ayes, 56. Nays, 7.

22 ACTING PRESIDENT GRIFFO: The bill  
23 is passed.

24 THE SECRETARY: In relation to  
25 Calendar 1612, Senator Ranzenhofer moves to

1 discharge, from the Committee on Rules,  
2 Assembly Bill Number 5545 and substitute it for  
3 the identical Senate Bill Number 3971,  
4 Third Reading Calendar 1612.

5 ACTING PRESIDENT GRIFFO: The  
6 substitution is so ordered.

7 The Secretary will read.

8 THE SECRETARY: Calendar Number  
9 1612, by Member of the Assembly Steck, Assembly  
10 Print Number 5545, an act to amend the Tax Law.

11 ACTING PRESIDENT GRIFFO: Read the  
12 last section.

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

15 ACTING PRESIDENT GRIFFO: Call the  
16 roll.

17 (The Secretary called the roll.)

18 ACTING PRESIDENT GRIFFO: Announce  
19 the results.

20 THE SECRETARY: In relation to  
21 Calendar 1612, those recorded in the negative are  
22 Senators Comrie, Gianaris, Hamilton, Hoylman,  
23 Krueger, Panepinto, Parker, Perkins, Rivera,  
24 Sanders, Squadron and Stavisky.

25 Ayes, 51. Nays, 12.

1                   ACTING PRESIDENT GRIFFO:    The bill  
2 is passed.

3                   THE SECRETARY:    Calendar Number  
4 1613, by Senator Nozzolio, Senate Print 4306, an  
5 act to amend the New York City Civil Court Act.

6                   ACTING PRESIDENT GRIFFO:    Read the  
7 last section.

8                   THE SECRETARY:    Section 6.  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, 63.

14                  ACTING PRESIDENT GRIFFO:    The bill  
15 is passed.

16                  THE SECRETARY:    In relation to  
17 Calendar 1614, Senator Lanza moves to discharge,  
18 from the Committee on Codes, Assembly Bill Number  
19 2469A and substitute it for the identical Senate  
20 Bill Number 4394A, Third Reading Calendar 1614.

21                  ACTING PRESIDENT GRIFFO:    The  
22 substitution is so ordered.

23                                   The Secretary will read.

24                  THE SECRETARY:    Calendar Number  
25 1614, by Member of the Assembly Paulin, Assembly

1 Print Number 2469A, an act to amend the Criminal  
2 Procedure Law.

3 ACTING PRESIDENT GRIFFO: Read the  
4 last section.

5 THE SECRETARY: Section 2. 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, 63.

11 ACTING PRESIDENT GRIFFO: The bill  
12 is passed.

13 THE SECRETARY: Calendar Number  
14 1615, by Senator Kennedy, Senate Print 4418, an  
15 act to amend the Penal Law.

16 ACTING PRESIDENT GRIFFO: Read the  
17 last section.

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

20 ACTING PRESIDENT GRIFFO: Call the  
21 roll.

22 (The Secretary called the roll.)

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

25 SENATOR KENNEDY: Thank you,

1 Mr. President.

2 The legislation at hand has one  
3 overarching goal, to strengthen the penalties for  
4 those who are found guilty of possessing or  
5 promoting child pornography, a heinous crime.

6 Anyone who calls child pornography a  
7 victimless crime is either misguided or  
8 misinformed. Child pornography inflicts  
9 long-lasting psychological damage on its victims,  
10 not only from the trauma of its creation but also  
11 as a result of the knowledge that the images are  
12 forever circulating on the Internet.

13 The statistics are alarming.  
14 According to New York State Division of Criminal  
15 Justice Services, some studies have shown that up  
16 to 40 percent of criminals arrested for  
17 possession of child pornography have also  
18 personally victimized children, with 15 percent  
19 more having attempted to solicit investigators  
20 who have posed as children online.

21 Right now in New York State  
22 possession of child pornography is classified as  
23 a Class E felony, and the maximum sentence that  
24 comes along with that charge amounts to nothing  
25 more than a slap on the wrist.

1           Through this legislation we're  
2           creating a new Class D felony charge for the  
3           possession and promotion of child pornography if  
4           victims involved in the pornography are under the  
5           age of 13, if it portrays sadistic or masochistic  
6           conduct, if there are 600 or more pornographic  
7           pictures found, or if there's an attempt to  
8           generate money off of the images.

9           The perpetrators of this child  
10          pornography to this level belong behind bars.  
11          This legislation will do just that. We wouldn't  
12          be moving this legislation forward without the  
13          support of the folks like the Buffalo Police  
14          Chief of Detectives Dennis Richards and Detective  
15          Joe Ahmed and Cheektowaga Police Lieutenant  
16          Ken Rusin and Detective Mike Hockwater. Together  
17          we're standing together to deliver a strong  
18          message: Enough is enough.

19          We will not tolerate the  
20          sexualization and abuse of our children and we're  
21          going to do everything that we can as a state to  
22          combat this heinous and horrific crime.

23          Thank you, Mr. President. I vote  
24          aye.

25                    ACTING PRESIDENT GRIFFO:    Senator

1 Kennedy to be recorded in the affirmative.

2 Announce the results.

3 THE SECRETARY: Ayes, 63.

4 ACTING PRESIDENT GRIFFO: The bill  
5 is passed.

6 THE SECRETARY: Calendar Number  
7 1616, by Senator Farley, Senate Print 4479, an  
8 act to amend the Vehicle and Traffic 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, 63.

17 ACTING PRESIDENT GRIFFO: The bill  
18 is passed.

19 THE SECRETARY: Calendar Number  
20 1617, by Senator Croci, Senate Print 4521A, an  
21 act to amend the Environmental Conservation 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, 63.

5                   ACTING PRESIDENT GRIFFO:    The bill  
6 is passed.

7                   THE SECRETARY:    Calendar Number  
8 1618, by Senator Griffo, Senate Print 4526A, an  
9 act to amend the Public Service Law.

10                  ACTING PRESIDENT GRIFFO:    Read the  
11 last section.

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

14                  ACTING PRESIDENT GRIFFO:    Call the  
15 roll.

16                  (The Secretary called the roll.)

17                  THE SECRETARY:    Ayes, 63.

18                  ACTING PRESIDENT GRIFFO:    The bill  
19 is passed.

20                  THE SECRETARY:    In relation to  
21 Calendar 1619, Senator Marchione moves to  
22 discharge, from the Committee on Rules,  
23 Assembly Bill Number 6909 and substitute it for  
24 the identical Senate Bill Number 4547,  
25 Third Reading Calendar 1619.

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

3                   The Secretary will read.

4                   THE SECRETARY:    Calendar Number  
5 1619, by Member of the Assembly Woerner, Assembly  
6 Print Number 6909, an act to amend the Tax Law.

7                   ACTING PRESIDENT GRIFFO:    Read the  
8 last section.

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

11                   ACTING PRESIDENT GRIFFO:    Call the  
12 roll.

13                   (The Secretary called the roll.)

14                   THE SECRETARY:    Ayes, 63.

15                   ACTING PRESIDENT GRIFFO:    The bill  
16 is passed.

17                   THE SECRETARY:    Calendar Number  
18 1620, by Senator LaValle, Senate Print 4672A, an  
19 act to amend the Education Law.

20                   ACTING PRESIDENT GRIFFO:    Read the  
21 last section.

22                   THE SECRETARY:    Section 19.  This  
23 act shall take effect immediately.

24                   ACTING PRESIDENT GRIFFO:    Call the  
25 roll.

1 (The Secretary called the roll.)

2 THE SECRETARY: Ayes, 63.

3 ACTING PRESIDENT GRIFFO: The bill  
4 is passed.

5 THE SECRETARY: Calendar Number  
6 1621, by Senator LaValle, Senate Print 4857A, an  
7 act to amend the Education Law.

8 ACTING PRESIDENT GRIFFO: Read the  
9 last section.

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

12 ACTING PRESIDENT GRIFFO: Call the  
13 roll.

14 (The Secretary called the roll.)

15 THE SECRETARY: Ayes, 63.

16 ACTING PRESIDENT GRIFFO: The bill  
17 is passed.

18 THE SECRETARY: In relation to  
19 Calendar 1622, Senator Marcellino moves to  
20 discharge, from the Committee on Investigations  
21 and Government Operations, Assembly Bill Number  
22 7510 and substitute it for the identical Senate  
23 Bill Number 4875, Third Reading Calendar 1622.

24 ACTING PRESIDENT GRIFFO: The  
25 substitution is so ordered.

1                   The Secretary will read.

2                   THE SECRETARY:     Calendar Number  
3     1622, by Member of the Assembly Bichotte,  
4     Assembly Print 7510, an act to amend Chapter 118  
5     of the Laws of 2012.

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                  THE SECRETARY:     Ayes, 62.   Nays, 1.  
14     Senator Díaz recorded in the negative.

15                  ACTING PRESIDENT GRIFFO:     The bill  
16     is passed.

17                  THE SECRETARY:     In relation to  
18     Calendar 1623, Senator Marcellino moves to  
19     discharge, from the Committee on Investigations  
20     and Government Operations, Assembly Bill Number  
21     7511 and substitute it for the identical Senate  
22     Bill Number 4876, Third Reading Calendar 1623.

23                  ACTING PRESIDENT GRIFFO:     The  
24     substitution is so ordered.

25                   The Secretary will read.

1                   THE SECRETARY:    Calendar Number  
2 1623, by Member of the Assembly Walker, Assembly  
3 Print Number 7511, an act to amend Chapter 396 of  
4 the Laws of 2010.

5                   ACTING PRESIDENT GRIFFO:   Read the  
6 last section.

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

9                   ACTING PRESIDENT GRIFFO:   Call the  
10 roll.

11                   (The Secretary called the roll.)

12                   THE SECRETARY:    Ayes, 62.  Nays, 1.  
13 Senator Díaz recorded in the negative.

14                   ACTING PRESIDENT GRIFFO:   The bill  
15 is passed.

16                   THE SECRETARY:    In relation to  
17 Calendar 1624, Senator O'Mara moves to discharge,  
18 from the Committee on Agriculture, Assembly Bill  
19 Number 2454 and substitute it for the identical  
20 Senate Bill Number 5163, Third Reading Calendar  
21 1624.

22                   ACTING PRESIDENT GRIFFO:   The  
23 substitution is so ordered.

24                   The Secretary will read.

25                   THE SECRETARY:    Calendar Number

1 1624, by Member of the Assembly Magee, Assembly  
2 Print Number 2454, an act to amend the  
3 Agriculture and Markets Law.

4 ACTING PRESIDENT GRIFFO: Read the  
5 last section.

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

8 ACTING PRESIDENT GRIFFO: Call the  
9 roll.

10 (The Secretary called the roll.)

11 THE SECRETARY: Ayes, 62. Nays, 1.  
12 Senator Espailat recorded in the negative.

13 ACTING PRESIDENT GRIFFO: The bill  
14 is passed.

15 THE SECRETARY: Calendar Number  
16 1625, by Senator Marcellino, Senate Print 5308,  
17 an act to amend the Tax Law.

18 ACTING PRESIDENT GRIFFO: Read the  
19 last section.

20 THE SECRETARY: Section 2. This  
21 act shall take effect January 1, 2017.

22 ACTING PRESIDENT GRIFFO: Call the  
23 roll.

24 (The Secretary called the roll.)

25 THE SECRETARY: Ayes, 63.

1                   ACTING PRESIDENT GRIFFO:    The bill  
2   is passed.

3                   THE SECRETARY:    In relation to  
4   Calendar 1626, Senator Ritchie moves to  
5   discharge, from the Committee on Rules,  
6   Assembly Bill Number 7207 and substitute it for  
7   the identical Senate Bill Number 5320,  
8   Third Reading Calendar 1626.

9                   ACTING PRESIDENT GRIFFO:    The  
10   substitution is so ordered.

11                   The Secretary will read.

12                   THE SECRETARY:    Calendar Number  
13   1626, by Member of the Assembly Magee, Assembly  
14   Print Number 7207, an act to amend the Executive  
15   Law.

16                   ACTING PRESIDENT GRIFFO:    Read the  
17   last section.

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

20                   ACTING PRESIDENT GRIFFO:    Call the  
21   roll.

22                   (The Secretary called the roll.)

23                   THE SECRETARY:    Ayes, 63.

24                   ACTING PRESIDENT GRIFFO:    The bill  
25   is passed.

1                   THE SECRETARY:     Calendar Number  
2     1627, by Senator Marcellino, Senate Print 5333A,  
3     an act to amend the Alcoholic Beverage Control  
4     Law.

5                   ACTING PRESIDENT GRIFFO:     Read the  
6     last section.

7                   THE SECRETARY:     Section 4. This  
8     act shall take effect on the 30th day.

9                   ACTING PRESIDENT GRIFFO:     Call the  
10    roll.

11                   (The Secretary called the roll.)

12                   THE SECRETARY:     Ayes, 62. Nays, 1.  
13    Senator Díaz recorded in the negative.

14                   ACTING PRESIDENT GRIFFO:     The bill  
15    is passed.

16                   THE SECRETARY:     Calendar Number  
17    1628, by Senator Amedore, Senate Print 5421A, an  
18    act relating to.

19                   SENATOR HOYLMAN:     Lay it aside.

20                   ACTING PRESIDENT GRIFFO:     Lay the  
21    bill aside.

22                   THE SECRETARY:     Calendar Number  
23    1629, by Senator Funke, Senate Print 5431A, an  
24    act to amend the Tax Law.

25                   ACTING PRESIDENT GRIFFO:     Read the

1 last section.

2 THE SECRETARY: Section 5. This  
3 act shall take effect on the first of January.

4 ACTING PRESIDENT GRIFFO: Call the  
5 roll.

6 (The Secretary called the roll.)

7 ACTING PRESIDENT GRIFFO: Senator  
8 Funke to explain his vote.

9 Can I have some order in the  
10 chamber, please. May I have some order in the  
11 chamber.

12 SENATOR FUNKE: Thank you,  
13 Mr. President.

14 Each year farmers donate millions of  
15 pounds of fresh healthy food to food banks  
16 throughout our state. In fact, according to the  
17 New York Farm Bureau, farmers donated 9.6 million  
18 pounds of food last year alone.

19 This bill will provide a tax credit  
20 for the wholesale value of these donations up to  
21 \$5,000 per farmer.

22 Mr. President, agriculture is the  
23 number-one industry in upstate New York. And  
24 this bill does something important; it encourages  
25 donations to our food banks, where our society's

1 most vulnerable go for assistance when they are  
2 hungry and when they need help.

3           This bill will particularly help  
4 make sure that working families in poor urban  
5 areas like the City of Rochester can get healthy  
6 food from our farmers more readily.

7           Mr. President, this bill has  
8 widespread support. In fact, it's rare here to  
9 see a bill that has such strong support from the  
10 New York Farm Bureau as well as environmental  
11 groups like the Natural Resources Defense Council  
12 and Catskill Mountainkeeper and the League of  
13 Conservation Voters and Food and Water Watch.

14           There is strong support from  
15 New York City groups like the Bed-Stuy Campaign  
16 Against Hunger and the Bronx Jewish Community  
17 Council, as well as all the regional food banks.

18           You know, sometimes in this chamber  
19 we disagree between upstate and downstate issues,  
20 so I am so happy today to be able to pass a bill  
21 that can bring us all together. I vote aye,  
22 Mr. President, and I urge my colleagues to do the  
23 same.

24           ACTING PRESIDENT GRIFFO:    Senator  
25 Funke to be recorded in the affirmative.

1                   Announce the results.

2                   THE SECRETARY:    Ayes, 63.

3                   ACTING PRESIDENT GRIFFO:   The bill  
4 is passed.

5                   THE SECRETARY:    In relation to  
6 Calendar 1630, Senator Golden moves to discharge,  
7 from the Committee on Transportation,  
8 Assembly Bill Number 5267 and substitute it for  
9 the identical Senate Bill Number 5437,  
10 Third Reading Calendar 1630.

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

13                   The Secretary will read.

14                   THE SECRETARY:    Calendar Number  
15 1630, by Member of the Assembly Weprin, Assembly  
16 Print Number 5267, an act to amend the Public  
17 Authorities Law.

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:    Ayes, 63.

1                   ACTING PRESIDENT GRIFFO:    The bill  
2 is passed.

3                   THE SECRETARY:    Calendar Number  
4 1631, by Senator O'Mara, Senate Print 5453A, an  
5 act authorizing.

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

8                   The Secretary will read the last  
9 section.

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

12                  ACTING PRESIDENT GRIFFO:    Call the  
13 roll.

14                  (The Secretary called the roll.)

15                  THE SECRETARY:    Ayes, 63.

16                  ACTING PRESIDENT GRIFFO:    The bill  
17 is passed.

18                  THE SECRETARY:    Calendar Number  
19 1632, by Senator O'Mara, Senate Print 5454A, an  
20 act to authorize.

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

23                  The Secretary will read the last  
24 section.

25                  THE SECRETARY:    Section 3.  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, 63.

6 ACTING PRESIDENT GRIFFO: The bill  
7 is passed.

8 THE SECRETARY: Calendar Number  
9 1633, by Senator O'Mara, Senate Print 5455A, an  
10 act authorizing.

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

13 The Secretary will read the last  
14 section.

15 THE SECRETARY: Section 3. 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, 63.

21 ACTING PRESIDENT GRIFFO: The bill  
22 is passed.

23 THE SECRETARY: Calendar Number  
24 1634, by Senator O'Mara, Senate Print 5456A, an  
25 act to authorize.

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

3           The Secretary will read the last  
4 section.

5           THE SECRETARY:    Section 3.  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, 63.

11          ACTING PRESIDENT GRIFFO:    The bill  
12 is passed.

13          THE SECRETARY:    Calendar Number  
14 1635, by Senator Libous, Senate Print 5617A, an  
15 act to amend Chapter 412 of the Laws of 1990.

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

18          The Secretary will read the last  
19 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:    Ayes, 63.

1                   ACTING PRESIDENT GRIFFO:    The bill  
2 is passed.

3                   THE SECRETARY:    Calendar Number  
4 1636, by Senator Golden, Senate Print 5632A, an  
5 act to amend the Retirement and Social Security  
6 Law.

7                   ACTING PRESIDENT GRIFFO:    Read the  
8 last section.

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

11                   ACTING PRESIDENT GRIFFO:    Call the  
12 roll.

13                   (The Secretary called the roll.)

14                   THE SECRETARY:    Ayes, 63.

15                   ACTING PRESIDENT GRIFFO:    The bill  
16 is passed.

17                   THE SECRETARY:    Calendar Number  
18 1637, by Senator Breslin, Senate Print 5706, an  
19 act to authorize.

20                   ACTING PRESIDENT GRIFFO:    Read the  
21 last section.

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

24                   ACTING PRESIDENT GRIFFO:    Call the  
25 roll.

1 (The Secretary called the roll.)

2 THE SECRETARY: Ayes, 63.

3 ACTING PRESIDENT GRIFFO: The bill  
4 is passed.

5 THE SECRETARY: In relation to  
6 Calendar 1638, Senator Bonacic moves to  
7 discharge, from the Committee on Rules,  
8 Assembly Bill Number 7149A and substitute it for  
9 the identical Senate Bill Number 5710A,  
10 Third Reading Calendar 1638.

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

13 The Secretary will read.

14 THE SECRETARY: Calendar Number  
15 1638, by Member of the Assembly Gunther,  
16 Assembly Print Number 7149A, an act to amend the  
17 Environmental Conservation Law.

18 ACTING PRESIDENT GRIFFO: Read the  
19 last section.

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

22 ACTING PRESIDENT GRIFFO: Call the  
23 roll.

24 (The Secretary called the roll.)

25 THE SECRETARY: Ayes, 63.

1                   ACTING PRESIDENT GRIFFO:    The bill  
2 is passed.

3                   THE SECRETARY:    Calendar Number  
4 1639, by Senator Felder, Senate Print 5712A, an  
5 act to amend the Social Services Law.

6                   ACTING PRESIDENT GRIFFO:    Read the  
7 last section.

8                   THE SECRETARY:    Section 3. This  
9 act shall take effect on the first of April.

10                  ACTING PRESIDENT GRIFFO:    Call the  
11 roll.

12                                   (The Secretary called the roll.)

13                  THE SECRETARY:    Ayes, 63.

14                  ACTING PRESIDENT GRIFFO:    The bill  
15 is passed.

16                  THE SECRETARY:    Calendar Number  
17 1640, by Senator Golden, Senate Print 5730, an  
18 act to amend the Civil Service Law.

19                  ACTING PRESIDENT GRIFFO:    Read the  
20 last section.

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

23                  ACTING PRESIDENT GRIFFO:    Call the  
24 roll.

25                                   (The Secretary called the roll.)

1                   THE SECRETARY:    Ayes, 62.  Nays, 1.  
2    Senator Kennedy recorded in the negative.

3                   ACTING PRESIDENT GRIFFO:    The bill  
4    is passed.

5                   THE SECRETARY:    Calendar Number  
6    1641, by Senator Klein, Senate Print 5739A, an  
7    act to amend the Public Health Law.

8                   ACTING PRESIDENT GRIFFO:    Read the  
9    last section.

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

12                  ACTING PRESIDENT GRIFFO:    Call the  
13    roll.

14                                    (The Secretary called the roll.)

15                  THE SECRETARY:    Ayes, 63.

16                  ACTING PRESIDENT GRIFFO:    The bill  
17    is passed.

18                  THE SECRETARY:    In relation to  
19    Calendar 1642, Senator Gallivan moves to  
20    discharge, from the Committee on Rules,  
21    Assembly Bill Number 7193A and substitute it for  
22    the identical Senate Bill Number 5750, Third  
23    Reading Calendar 1642.

24                  ACTING PRESIDENT GRIFFO:    The  
25    substitution is so ordered.

1           The Secretary will read.

2           THE SECRETARY:   Calendar Number  
3 1642, by Member of the Assembly Bichotte,  
4 Assembly Print Number 7193A, an act to amend  
5 Chapter 81 of the Laws of 1995.

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          THE SECRETARY:   Ayes, 63.

14          ACTING PRESIDENT GRIFFO:   The bill  
15 is passed.

16          THE SECRETARY:   Calendar Number  
17 1643, by Senator Marchione, Senate Print 5778, an  
18 act to authorize.

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

21                           The Secretary will read the last  
22 section.

23          THE SECRETARY:   Section 3.  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, 63.

4 ACTING PRESIDENT GRIFFO: The bill  
5 is passed.

6 THE SECRETARY: Calendar Number  
7 1644, by Senator Marchione, Senate Print 5779, an  
8 act to authorize.

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

11 The Secretary will read the last  
12 section.

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

15 ACTING PRESIDENT GRIFFO: Call the  
16 roll.

17 (The Secretary called the roll.)

18 THE SECRETARY: Ayes, 63.

19 ACTING PRESIDENT GRIFFO: The bill  
20 is passed.

21 THE SECRETARY: Calendar Number  
22 1645, by Senator Serrano, Senate Print 5859A, an  
23 act to authorize.

24 ACTING PRESIDENT GRIFFO: There is  
25 not a home-rule message at the desk. The bill

1 will be laid aside.

2 Calendar Number 1646.

3 THE SECRETARY: Calendar Number  
4 1646, by Senator Valesky, Senate Print 5892, an  
5 act to amend the Elder Law.

6 ACTING PRESIDENT GRIFFO: Read the  
7 last section.

8 THE SECRETARY: Section 3. 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, 63.

14 ACTING PRESIDENT GRIFFO: The bill  
15 is passed.

16 THE SECRETARY: Calendar Number  
17 1647, by Senator Comrie, Senate Print 5923, an  
18 act to amend the Real Property Tax Law.

19 ACTING PRESIDENT GRIFFO: So  
20 Calendar Number 1646, by Senator Valesky, Bill  
21 5892, was passed.

22 And now we are on Calendar Number  
23 1647, by Senator Comrie.

24 Read the 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 ACTING PRESIDENT GRIFFO: Senator  
6 Comrie to explain his vote.

7 SENATOR COMRIE: I want to thank  
8 Senator Lanza and Leader Flanagan and encourage  
9 everyone to vote for this bill.

10 The Industrial Commercial Abatement  
11 Program is a program that was established in 2008  
12 which gives business owners an incentive to  
13 build, rehabilitate and modernize their small  
14 businesses by giving them a tax abatement on the  
15 assessed, appraised value after construction for  
16 10 to 25 years.

17 We have many businesses that were  
18 denied the abatement, though, because they were  
19 unable to submit and file the appeal because city  
20 agencies stopped the construction for one reason  
21 or another. As you know, New York City is one of  
22 the toughest business environments to get a  
23 business built because the Health Department is  
24 not in sync with the Buildings Department, the  
25 Buildings Department is not in sync with the

1 electrical unit within their own agency, the  
2 Department of Consumer Affairs.

3 A lot of times these small  
4 businesses have a problem meeting the deadline  
5 because the city agencies have stopped them.  
6 This bill will correct that to ensure that any  
7 business that has been denied through no fault of  
8 their own, but because the city agency held up  
9 construction, they'll still have a chance to be  
10 eligible for this critical abatement program  
11 which helps small businesses throughout the city.

12 So I want to thank all my members  
13 for working on this bill with me. I want to  
14 thank again Senators Lanza and Flanagan for  
15 moving this bill. And I would encourage all  
16 members to vote for this bill.

17 Thank you, Mr. President.

18 ACTING PRESIDENT GRIFFO: Thank  
19 you, Senator Comrie.

20 Senator Comrie to be recorded in the  
21 affirmative.

22 Announce the results.

23 THE SECRETARY: Ayes, 63.

24 ACTING PRESIDENT GRIFFO: The bill  
25 is passed.

1                   THE SECRETARY:    Calendar Number  
2 1648, by Senator Avella, Senate Print 5946, an  
3 act to amend the General Business Law.

4                   ACTING PRESIDENT GRIFFO:   Read the  
5 last section.

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

8                   ACTING PRESIDENT GRIFFO:   Call the  
9 roll.

10                   (The Secretary called the roll.)

11                   THE SECRETARY:    Ayes, 61.  Nays, 2.  
12 Senators Funke and Ortt recorded in the negative.

13                   ACTING PRESIDENT GRIFFO:   The bill  
14 is passed.

15                   Senator DeFrancisco, that completes  
16 the noncontroversial reading of today's  
17 Supplemental Calendar Number 54A.

18                   SENATOR DeFRANCISCO:   We're going  
19 to -- I'll give you an announcement about who's  
20 doing what in a minute.  But after we adjourn,  
21 just so no one runs out, we'll be coming back at  
22 6:45 and then immediate go to a new Rules  
23 meeting.

24                   In the meantime, there is an  
25 immediate meeting of the Senate Republican

1 Conference in Room 332.

2 And would you recognize Senator  
3 Gianaris.

4 ACTING PRESIDENT GRIFFO: There  
5 will be an immediate meeting of the Senate  
6 Republican Conference in Room 332.

7 Senator Gianaris.

8 SENATOR GIANARIS: There will also  
9 be an immediate meeting of the Senate Democratic  
10 Conference in the Democratic Conference Room.

11 ACTING PRESIDENT GRIFFO: There  
12 will be also an immediate meeting of the Senate  
13 Democrat Conference in the Democrat Conference  
14 Room.

15 SENATOR DeFRANCISCO: Can we please  
16 stand at ease until 6:45.

17 ACTING PRESIDENT GRIFFO: The  
18 Senate will stand at ease until 6:45 p.m.

19 The Senate is at ease.

20 (Whereupon, the Senate stood at ease  
21 at 5:43 p.m.)

22 (Whereupon, the Senate reconvened at  
23 7:05 p.m.)

24 ACTING PRESIDENT MARCELLINO: The  
25 Senate will come to order.

1           Senator DeFrancisco.

2           SENATOR DeFRANCISCO:    Yes.  We are  
3 ready to start again.  Just to give you an idea,  
4 there's two more nominations that we will be  
5 doing in the Finance Committee.  We're going to  
6 do another Rules Committee, come out and get  
7 those bills done.  And anything after that that's  
8 to be debated will be debated, and I think that  
9 may be it.  But sometimes it changes.

10           That being the case, I'd like to  
11 call an immediate meeting of the Rules Committee  
12 in Room 332.

13           ACTING PRESIDENT MARCELLINO:    There  
14 will be an immediate meeting of the Rules  
15 Committee in Room 332, a Rules Committee meeting  
16 in Room 332 now.

17           The Senate will stand at ease.

18           (Whereupon, the Senate stood at ease  
19 at 7:06 p.m.)

20           (Whereupon, the Senate reconvened at  
21 7:37 p.m.)

22           ACTING PRESIDENT GRIFFO:    The  
23 Senate will come to order.

24           Senator Libous.

25           SENATOR LIBOUS:    Can we go to

1 reports of standing committees.

2 I believe there's a report of the  
3 Rules Committee at the desk. Can we have it read  
4 at this time.

5 ACTING PRESIDENT GRIFFO: There is  
6 a report of the Rules Committee before the desk,  
7 Senator Libous.

8 The Secretary will read.

9 THE SECRETARY: Senator Flanagan,  
10 from the Committee on Rules, reports the  
11 following bills:

12 Senate Print 294A, by Senator  
13 Martins, an act to amend the Real Property  
14 Actions and Proceedings Law;

15 Senate 358, by Senator Díaz, an act  
16 to amend the Elder Law;

17 Senate 523, by Senator LaValle, an  
18 act to amend the Education Law;

19 Senate 632A, by Senator Carlucci, an  
20 act to amend the Tax Law;

21 Senate 2091, by Senator Flanagan, an  
22 act to amend the Penal Law;

23 Senate 2132, by Senator Flanagan, an  
24 act to amend the Education Law;

25 Senate 2585, by Senator Flanagan, an

1 act to amend the Education Law;

2 Senate 2658A, by Senator Ortt, an

3 act to amend the Canal Law;

4 Senate 3512, by Senator Seward, an

5 act to amend the Workers' Compensation Law;

6 Senate 3517A, by Senator Marcellino,

7 an act to amend the Environmental Conservation

8 Law;

9 Senate 3847, by Senator Lanza, an

10 act to amend the Mental Hygiene Law;

11 Senate 4238A, by Senator Savino, an

12 act to amend the Executive Law;

13 Senate 4240A, by Senator Ritchie, an

14 act to amend the County Law;

15 Senate 4430B, by Senator Felder, an

16 act to amend the Public Health Law;

17 Senate 4517, by Senator Lanza, an

18 act to amend the Tax Law;

19 Senate 4583, by Senator Lanza, an

20 act to amend the Vehicle and Traffic Law;

21 Senate 4919, by Senator Golden, an

22 act to amend the Alcoholic Beverage Control Law;

23 Senate 4925, by Senator Seward, an

24 act to amend the Workers' Compensation Law;

25 Senate 4964A, by Senator Ritchie, an

1 act to amend the Vehicle and Traffic Law;

2 Senate 4974A, by Senator Ortt, an

3 act to amend Chapter 59 of the Laws of 2011;

4 Senate 4977, by Senator Marcellino,

5 an act to amend the Navigation Law;

6 Senate 5049, by Senator Young, an

7 act to amend the Alcoholic Beverage Control Law;

8 Senate 5110, by Senator Lanza, an

9 act to amend the Civil Practice Law and Rules;

10 Senate 5143, by Senator Avella, an

11 act to amend the General Municipal Law;

12 Senate 5182A, by Senator Farley, an

13 act to amend the Executive Law;

14 Senate 5265, by Senator Young, an

15 act to direct;

16 Senate 5288, by Senator Seward, an

17 act to amend the Real Property Tax Law;

18 Senate 5354, by Senator Murphy, an

19 act to amend the Labor Law;

20 Senate 5445B, by Senator LaValle, an

21 act to amend the Education Law;

22 Senate 5458A, by Senator Hannon, an

23 act to amend the Public Health Law;

24 Senate 5556, by Senator Lanza, an

25 act to amend the Public Authorities Law;

1 Senate 5565B, by Senator Hannon, an  
2 act to amend the Social Services Law;

3 Senate 5590, by Senator Nozzolio, an  
4 act authorizing;

5 Senate 5623, by Senator Young, an  
6 act to amend Chapter 451 of the Laws of 2012;

7 Senate 5626B, by Senator Marchione,  
8 an act authorizing;

9 Senate 5687, by Senator Seward, an  
10 act to amend the Highway Law;

11 Senate 5688, by Senator  
12 Stewart-Cousins, an act to amend the Vehicle and  
13 Traffic Law;

14 Senate 5713B, by Senator  
15 DeFrancisco, an act to amend the State Finance  
16 Law;

17 Senate 5738, by Senator Ranzenhofer,  
18 an act to amend Chapter 549 of the Laws of 2013;

19 Senate 5745, by Senator Golden, an  
20 act to amend the Workers' Compensation Law;

21 Senate 5757B, by Senator Murphy, an  
22 act to amend the Vehicle and Traffic Law;

23 Senate 5765, by Senator Robach, an  
24 act to amend the Vehicle and Traffic Law;

25 Senate 5774, by Senator Murphy, an

1 act to require;

2 Senate 5782, by Senator Robach, an  
3 act to amend the Highway Law;

4 Senate 5794, by Senator O'Mara, an  
5 act to amend the Transportation Law;

6 Senate 5799A, by Senator Griffo, an  
7 act to amend the Executive Law;

8 Senate 5825B, by Senator Lanza, an  
9 act to amend the Vehicle and Traffic Law;

10 Senate 5843, by Senator Latimer, an  
11 act in relation to authorizing;

12 Senate 5941, by Senator Espaillat,  
13 an act to amend the Criminal Procedure Law;

14 And Senate 5949A, by Senator Griffo,  
15 an act to amend the General Business Law.

16 All bills reported direct to third  
17 reading.

18 SENATOR LIBOUS: Can we move to  
19 accept the Rules report, please, Mr. President.

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

23 (Response of "Aye.")

24 ACTING PRESIDENT GRIFFO: Opposed?

25 (No response.)

1                   ACTING PRESIDENT GRIFFO:    The  
2   Committee on Rules report is accepted and before  
3   the house.

4                   SENATOR LIBOUS:    Mr. President, at  
5   this time can we do the noncontroversial reading  
6   of Supplemental Calendar 54B.

7                   ACTING PRESIDENT GRIFFO:    We will  
8   do the noncontroversial reading of Senate  
9   Supplemental Calendar 54B.

10                   The Secretary will read.

11                   THE SECRETARY:    Calendar Number  
12   1649, by Senator Martins, Senate Print 294A, an  
13   act to amend the Real Property Actions and  
14   Proceedings Law.

15                   ACTING PRESIDENT GRIFFO:    Read the  
16   last section.

17                   THE SECRETARY:    Section 9. This  
18   act shall take effect immediately.

19                   ACTING PRESIDENT GRIFFO:    Call the  
20   roll.

21                   (The Secretary called the roll.)

22                   THE SECRETARY:    Ayes, 63.

23                   ACTING PRESIDENT GRIFFO:    The bill  
24   is passed.

25                   THE SECRETARY:    Calendar Number

1 1650, by Senator Díaz, Senate Print 358, an act  
2 to amend the Elder Law.

3 ACTING PRESIDENT GRIFFO: Read the  
4 last section.

5 THE SECRETARY: Section 2. 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, 63.

11 ACTING PRESIDENT GRIFFO: The bill  
12 is passed.

13 THE SECRETARY: Calendar Number  
14 1651, by Senator LaValle, Senate Print 523, an  
15 act to amend the Education Law.

16 ACTING PRESIDENT GRIFFO: Read the  
17 last section.

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

20 ACTING PRESIDENT GRIFFO: Call the  
21 roll.

22 (The Secretary called the roll.)

23 THE SECRETARY: Ayes, 63.

24 ACTING PRESIDENT GRIFFO: The bill  
25 is passed.

1                   THE SECRETARY:    In relation to  
2   Calendar 1652, Senator Carlucci moves to  
3   discharge, from the Committee on Investigations  
4   and Government Operations, Assembly Bill Number  
5   833A and substitute it for the identical Senate  
6   Bill Number 632A, Third Reading Calendar 1652.

7                   ACTING PRESIDENT GRIFFO:    The  
8   substitution is so ordered.

9                   The Secretary will read.

10                  THE SECRETARY:    Calendar Number  
11   1652, by Member of the Assembly Gunther, Assembly  
12   Print Number 833A, an act to amend the Tax 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, 63.

21                  ACTING PRESIDENT GRIFFO:    The bill  
22   is passed.

23                  THE SECRETARY:    Calendar Number  
24   1653, by Senator Flanagan, Senate Print 2091, an  
25   act to amend the Penal Law.

1                   ACTING PRESIDENT GRIFFO:    Read the  
2 last section.

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

5                   ACTING PRESIDENT GRIFFO:    Call the  
6 roll.

7                   (The Secretary called the roll.)

8                   THE SECRETARY:    Ayes, 62.  Nays, 1.  
9 Senator Perkins recorded in the negative.

10                  ACTING PRESIDENT GRIFFO:    The bill  
11 is passed.

12                  THE SECRETARY:    Calendar Number  
13 1654, by Senator Flanagan, Senate Print 2132, an  
14 act to amend the Education Law.

15                  SENATOR GIANARIS:    Lay it aside.

16                  ACTING PRESIDENT GRIFFO:    Lay the  
17 bill aside.

18                  THE SECRETARY:    Calendar Number  
19 1655, by Senator Flanagan, Senate Print 2585, an  
20 act to amend the Education Law.

21                  ACTING PRESIDENT GRIFFO:    Read the  
22 last section.

23                  THE SECRETARY:    Section 3.  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, 63.

4 ACTING PRESIDENT GRIFFO: The bill  
5 is passed.

6 THE SECRETARY: Calendar Number  
7 1656, by Senator Ortt, Senate Print 2658A, an act  
8 to amend the Canal 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, 62. Nays, 1.  
17 Senator Krueger recorded in the negative.

18 ACTING PRESIDENT GRIFFO: The bill  
19 is passed.

20 THE SECRETARY: Excuse me.

21 ACTING PRESIDENT GRIFFO: Can we  
22 have a show of hands, please, on Calendar 1656.

23 The Secretary will reannounce the  
24 results.

25 THE SECRETARY: In relation to

1 Calendar 1656, those recorded in the negative are  
2 Senators Dilan, Espaillat, Hoylman, Krueger and  
3 Perkins.

4 Ayes, 58. Nays, 5.

5 ACTING PRESIDENT GRIFFO: The bill  
6 is passed.

7 THE SECRETARY: Calendar Number  
8 1657, by Senator Seward, Senate Print 3512, an  
9 act to amend the Workers' Compensation Law.

10 ACTING PRESIDENT GRIFFO: Read the  
11 last section.

12 THE SECRETARY: Section 2. This  
13 act shall take effect January 1, 2016.

14 ACTING PRESIDENT GRIFFO: Call the  
15 roll.

16 (The Secretary called the roll.)

17 THE SECRETARY: Ayes, 63.

18 ACTING PRESIDENT GRIFFO: The bill  
19 is passed.

20 THE SECRETARY: Calendar Number  
21 1658, by Senator Marcellino, Senate Print 3517A,  
22 an act to amend the Environmental Conservation  
23 Law.

24 ACTING PRESIDENT GRIFFO: Read the  
25 last section.

1           THE SECRETARY:    Section 5.  This  
2 act shall take effect April 1, 2016.

3           ACTING PRESIDENT GRIFFO:    Call the  
4 roll.

5                           (The Secretary called the roll.)

6           THE SECRETARY:    Ayes, 63.

7           ACTING PRESIDENT GRIFFO:    The bill  
8 is passed.

9           THE SECRETARY:    Calendar Number  
10 1659, by Senator Lanza, Senate Print 3847, an act  
11 to amend the Mental Hygiene Law.

12           ACTING PRESIDENT GRIFFO:    Read the  
13 last section.

14           THE SECRETARY:    Section 3.  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, 63.

20           ACTING PRESIDENT GRIFFO:    The bill  
21 is passed.

22           THE SECRETARY:    Calendar Number  
23 1660, by Senator Savino, Senate Print 4238A, an  
24 act to amend the Executive Law.

25           ACTING PRESIDENT GRIFFO:    Read the

1 last section.

2 THE SECRETARY: Section 3. 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, 62. Nays, 1.  
8 Senator DeFrancisco recorded in the negative.

9 ACTING PRESIDENT GRIFFO: The bill  
10 is passed.

11 THE SECRETARY: Calendar Number  
12 1661, by Senator Ritchie, Senate Print 4240A, an  
13 act to amend the County Law.

14 ACTING PRESIDENT GRIFFO: Read the  
15 last section.

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

18 ACTING PRESIDENT GRIFFO: Call the  
19 roll.

20 (The Secretary called the roll.)

21 THE SECRETARY: Ayes, 63.

22 ACTING PRESIDENT GRIFFO: The bill  
23 is passed.

24 THE SECRETARY: Calendar Number  
25 1662, by Senator Felder, Senate Print 4430B, an

1 act to amend the Public Health Law.

2 ACTING PRESIDENT GRIFFO: Read the  
3 last section.

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

6 ACTING PRESIDENT GRIFFO: Call the  
7 roll.

8 (The Secretary called the roll.)

9 THE SECRETARY: Ayes, 62. Nays, 1.  
10 Senator Ranzenhofer recorded in the negative.

11 ACTING PRESIDENT GRIFFO: The bill  
12 is passed.

13 THE SECRETARY: Calendar Number  
14 1663, by Senator Lanza, Senate Print 4517, an act  
15 to amend the Tax 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 THE SECRETARY: Ayes, 63.

24 ACTING PRESIDENT GRIFFO: The bill  
25 is passed.

1                   THE SECRETARY:    Calendar Number  
2 1664, by Senator Lanza, Senate Print 4583, an act  
3 to amend the Vehicle and Traffic Law.

4                   ACTING PRESIDENT GRIFFO:   Read the  
5 last section.

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

8                   ACTING PRESIDENT GRIFFO:   Call the  
9 roll.

10                   (The Secretary called the roll.)

11                   THE SECRETARY:    Ayes, 62.  Nays, 1.  
12 Senator Krueger recorded in the negative.

13                   ACTING PRESIDENT GRIFFO:   The bill  
14 is passed.

15                   THE SECRETARY:    Calendar Number  
16 1665, by Senator Golden, Senate Print 4919, an  
17 act to amend the Alcoholic Beverage Control Law.

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:    Ayes, 63.

1                   ACTING PRESIDENT GRIFFO:    The bill  
2 is passed.

3                   THE SECRETARY:    In relation to  
4 Calendar 1666, Senator Seward moves to discharge,  
5 from the Committee on Labor, Assembly Bill Number  
6 7505 and substitute it for the identical Senate  
7 Bill Number 4925, Third Reading Calendar 1666.

8                   ACTING PRESIDENT GRIFFO:    The  
9 substitution is so ordered.

10                   The Secretary will read.

11                   THE SECRETARY:    Calendar Number  
12 1666, by Member of the Assembly Simon, Assembly  
13 Print Number 7505, an act to amend the Workers'  
14 Compensation Law.

15                   ACTING PRESIDENT GRIFFO:    Read the  
16 last section.

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

19                   ACTING PRESIDENT GRIFFO:    Call the  
20 roll.

21                   (The Secretary called the roll.)

22                   THE SECRETARY:    Ayes, 63.

23                   ACTING PRESIDENT GRIFFO:    The bill  
24 is passed.

25                   THE SECRETARY:    Calendar Number

1 1667, by Senator Ritchie, Senate Print 4964A, an  
2 act to amend the Vehicle and Traffic Law.

3 ACTING PRESIDENT GRIFFO: Read the  
4 last section.

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

7 ACTING PRESIDENT GRIFFO: Call the  
8 roll.

9 (The Secretary called the roll.)

10 THE SECRETARY: Ayes, 62. Nays, 1.  
11 Senator Dilan recorded in the negative.

12 ACTING PRESIDENT GRIFFO: The bill  
13 is passed.

14 THE SECRETARY: Calendar Number  
15 1668, by Senator Ortt, Senate Print 4974A, an act  
16 to amend Chapter 59 of the Laws of 2011.

17 ACTING PRESIDENT GRIFFO: Read the  
18 last section.

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

21 ACTING PRESIDENT GRIFFO: Call the  
22 roll.

23 (The Secretary called the roll.)

24 THE SECRETARY: Ayes, 63.

25 ACTING PRESIDENT GRIFFO: The bill

1 is passed.

2 THE SECRETARY: Calendar Number  
3 1669, by Senator Marcellino, Senate Print 4977,  
4 an act to amend the Navigation Law.

5 ACTING PRESIDENT GRIFFO: Read the  
6 last section.

7 THE SECRETARY: Section 8. This  
8 act shall take effect on the first of January.

9 ACTING PRESIDENT GRIFFO: Call the  
10 roll.

11 (The Secretary called the roll.)

12 THE SECRETARY: Ayes, 63.

13 ACTING PRESIDENT GRIFFO: The bill  
14 is passed.

15 THE SECRETARY: Calendar Number  
16 1670, by Senator Young, Senate Print 5049, an act  
17 to amend the Alcoholic Beverage Control Law.

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: Ayes, 62. Nays, 1.

1 Senator Espaillat recorded in the negative.

2                   ACTING PRESIDENT GRIFFO:    The bill  
3 is passed.

4                   THE SECRETARY:    Calendar Number  
5 1671, by Senator Lanza, Senate Print 5110, an act  
6 to amend the Civil Practice Law and Rules.

7                   ACTING PRESIDENT GRIFFO:    Read the  
8 last section.

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

11                   ACTING PRESIDENT GRIFFO:    Call the  
12 roll.

13                   (The Secretary called the roll.)

14                   THE SECRETARY:    Ayes, 63.

15                   ACTING PRESIDENT GRIFFO:    The bill  
16 is passed.

17                   THE SECRETARY:    Calendar Number  
18 1672, by Senator Avella, Senate Print 5143, an  
19 act to amend the General Municipal Law.

20                   ACTING PRESIDENT GRIFFO:    Read the  
21 last section.

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

24                   ACTING PRESIDENT GRIFFO:    Call the  
25 roll.

1 (The Secretary called the roll.)

2 THE SECRETARY: Ayes, 63.

3 ACTING PRESIDENT GRIFFO: The bill  
4 is passed.

5 THE SECRETARY: Calendar Number  
6 1673, by Senator Farley, Senate Print 5182A, an  
7 act to amend the Executive Law.

8 ACTING PRESIDENT GRIFFO: Read the  
9 last section.

10 THE SECRETARY: Section 2. This  
11 act shall take effect on April 1, 2016.

12 ACTING PRESIDENT GRIFFO: Call the  
13 roll.

14 (The Secretary called the roll.)

15 THE SECRETARY: Ayes, 63.

16 ACTING PRESIDENT GRIFFO: The bill  
17 is passed.

18 THE SECRETARY: Calendar Number  
19 1674, by Senator Young, Senate Print 5265, an act  
20 to direct.

21 ACTING PRESIDENT GRIFFO: Read the  
22 last 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, 63.

4 ACTING PRESIDENT GRIFFO: The bill  
5 is passed.

6 THE SECRETARY: Calendar Number  
7 1675, by Senator Seward, Senate Print 5288, an  
8 act to amend the Real Property Tax Law.

9 ACTING PRESIDENT GRIFFO: Read the  
10 last section.

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

13 ACTING PRESIDENT GRIFFO: Call the  
14 roll.

15 (The Secretary called the roll.)

16 THE SECRETARY: Ayes, 63.

17 ACTING PRESIDENT GRIFFO: The bill  
18 is passed.

19 THE SECRETARY: Calendar Number  
20 1676, by Senator Murphy, Senate Print 5354, an  
21 act to amend the Labor 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, 63.

5                   ACTING PRESIDENT GRIFFO:    The bill  
6 is passed.

7                   THE SECRETARY:    Calendar Number  
8 1677, by Senator LaValle, Senate Print 5445B, an  
9 act to amend the Education Law.

10                  ACTING PRESIDENT GRIFFO:    Read the  
11 last section.

12                  THE SECRETARY:    Section 3. 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:    The bill  
18 is high and is laid aside for the day.

19                  Calendar Number 1678.

20                  THE SECRETARY:    Calendar Number  
21 1678, by Senator Hannon, Senate Print 5458A, an  
22 act to amend the Public Health Law.

23                  SENATOR GIANARIS:    Lay it aside.

24                  ACTING PRESIDENT GRIFFO:    Lay the  
25 bill aside.

1                   THE SECRETARY:    Calendar Number  
2 1679, by Senator Lanza, Senate Print 5556, an act  
3 to amend the Public Authorities Law.

4                   ACTING PRESIDENT GRIFFO:    Read the  
5 last section.

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

8                   ACTING PRESIDENT GRIFFO:    Call the  
9 roll.

10                   (The Secretary called the roll.)

11                   THE SECRETARY:    Ayes, 63.

12                   ACTING PRESIDENT GRIFFO:    The bill  
13 is passed.

14                   THE SECRETARY:    Calendar Number  
15 1680, by Senator Hannon, Senate Print 5565B, an  
16 act to amend the Social Services Law.

17                   ACTING PRESIDENT GRIFFO:    Read the  
18 last section.

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

21                   ACTING PRESIDENT GRIFFO:    Call the  
22 roll.

23                   (The Secretary called the roll.)

24                   THE SECRETARY:    Ayes, 63.

25                   ACTING PRESIDENT GRIFFO:    The bill

1 is passed.

2 THE SECRETARY: Calendar Number  
3 1681, by Senator Nozzolio, Senate Print 5590, an  
4 act authorizing.

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

7 The Secretary will read the last  
8 section.

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

11 ACTING PRESIDENT GRIFFO: Call the  
12 roll.

13 (The Secretary called the roll.)

14 THE SECRETARY: Ayes, 63.

15 ACTING PRESIDENT GRIFFO: The bill  
16 is passed.

17 THE SECRETARY: In relation to  
18 Calendar 1682, Senator Young moves to discharge,  
19 from the Committee on Labor, Assembly Bill Number  
20 7594 and substitute it for the identical Senate  
21 Bill Number 5623, Third Reading Calendar 1682.

22 ACTING PRESIDENT GRIFFO: The  
23 substitution is so ordered.

24 The Secretary will read.

25 THE SECRETARY: Calendar Number

1 1682, by Member of the Assembly Titus, Assembly  
2 Print Number 7594, an act to amend Chapter 451 of  
3 the Laws of 2012.

4 ACTING PRESIDENT GRIFFO: Read the  
5 last section.

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

8 ACTING PRESIDENT GRIFFO: Call the  
9 roll.

10 (The Secretary called the roll.)

11 THE SECRETARY: Ayes, 63.

12 ACTING PRESIDENT GRIFFO: The bill  
13 is passed.

14 THE SECRETARY: Calendar Number  
15 1683, by Senator Marchione, Senate Print 5626B,  
16 an act authorizing.

17 ACTING PRESIDENT GRIFFO: Read the  
18 last section.

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

21 ACTING PRESIDENT GRIFFO: Call the  
22 roll.

23 (The Secretary called the roll.)

24 THE SECRETARY: Ayes, 63.

25 ACTING PRESIDENT GRIFFO: The bill

1 is passed.

2 THE SECRETARY: Calendar Number  
3 1684, by Senator Seward, Senate Print 5687, an  
4 act to amend the Highway Law.

5 ACTING PRESIDENT GRIFFO: Read the  
6 last section.

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

9 ACTING PRESIDENT GRIFFO: Call the  
10 roll.

11 (The Secretary called the roll.)

12 THE SECRETARY: Ayes, 63.

13 ACTING PRESIDENT GRIFFO: The bill  
14 is passed.

15 THE SECRETARY: Calendar Number  
16 1685, by Senator Stewart-Cousins, Senate Print  
17 5688, an act to amend the Vehicle and Traffic  
18 Law.

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 15. This  
24 act shall take effect on the 30th day.

25 ACTING PRESIDENT GRIFFO: Call the

1 roll.

2 (The Secretary called the roll.)

3 THE SECRETARY: In relation to  
4 Calendar Number 1685, those recorded in the  
5 negative are Senators Croci, Ortt, Ranzenhofer  
6 and Young.

7 Ayes, 59. Nays, 4.

8 ACTING PRESIDENT GRIFFO: The bill  
9 is passed.

10 THE SECRETARY: Calendar Number  
11 1686, by Senator DeFrancisco, Senate Print 5713B,  
12 an act to amend the State Finance Law.

13 SENATOR LIBOUS: Lay it aside  
14 temporarily.

15 ACTING PRESIDENT GRIFFO: Lay the  
16 bill aside temporarily.

17 THE SECRETARY: In relation to  
18 Calendar 1687, Senator Ranzenhofer moves to  
19 discharge, from the Committee on Corporations,  
20 Authorities and Commissions, Assembly Bill Number  
21 7641 and substitute it for the identical Senate  
22 Bill Number 5738, Third Reading Calendar 1687.

23 ACTING PRESIDENT GRIFFO: The  
24 substitution is so ordered.

25 The Secretary will read.

1                   THE SECRETARY:    Calendar Number  
2   1687, by Member of the Assembly Brennan, Assembly  
3   Print Number 7641, an act to amend Chapter 549 of  
4   the Laws of 2013.

5                   ACTING PRESIDENT GRIFFO:   Read the  
6   last section.

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

9                   ACTING PRESIDENT GRIFFO:   Call the  
10  roll.

11                   (The Secretary called the roll.)

12                   THE SECRETARY:    Ayes, 63.

13                   ACTING PRESIDENT GRIFFO:   The bill  
14  is passed.

15                   THE SECRETARY:    Calendar Number  
16  1688, by Senator Golden, Senate Print 5745, an  
17  act to amend the Workers' Compensation 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, 63.

1                   ACTING PRESIDENT GRIFFO:    The bill  
2 is passed.

3                   THE SECRETARY:     Calendar Number  
4 1689, by Senator Murphy, Senate Print 5757B, an  
5 act to amend the Vehicle and Traffic Law.

6                   ACTING PRESIDENT GRIFFO:    Read the  
7 last section.

8                   THE SECRETARY:     Section 3. 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, 63.

14                  ACTING PRESIDENT GRIFFO:    The bill  
15 is passed.

16                  THE SECRETARY:     Calendar Number  
17 1690, by Senator Robach, Senate Print 5765, an  
18 act to amend the Vehicle and Traffic Law.

19                  ACTING PRESIDENT GRIFFO:    Read the  
20 last section.

21                  THE SECRETARY:     Section 3. This  
22 act shall take effect on the 30th day.

23                  ACTING PRESIDENT GRIFFO:    Call the  
24 roll.

25                                   (The Secretary called the roll.)

1 THE SECRETARY: Ayes, 63.

2 ACTING PRESIDENT GRIFFO: The bill  
3 is passed.

4 THE SECRETARY: Calendar Number  
5 1691, by Senator Murphy, Senate Print 5774, an  
6 act to require.

7 ACTING PRESIDENT GRIFFO: Read the  
8 last section.

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

11 ACTING PRESIDENT GRIFFO: Call the  
12 roll.

13 (The Secretary called the roll.)

14 THE SECRETARY: Ayes, 63.

15 ACTING PRESIDENT GRIFFO: The bill  
16 is passed.

17 THE SECRETARY: Calendar Number  
18 1692, by Senator Robach, Senate Print 5782, an  
19 act to amend the Highway Law.

20 ACTING PRESIDENT GRIFFO: Read the  
21 last section.

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

24 ACTING PRESIDENT GRIFFO: Call the  
25 roll.

1 (The Secretary called the roll.)

2 THE SECRETARY: Ayes, 63.

3 ACTING PRESIDENT GRIFFO: The bill  
4 is passed.

5 THE SECRETARY: Calendar Number  
6 1693, by Senator O'Mara, Senate Print 5794, an  
7 act to amend the Transportation Law.

8 ACTING PRESIDENT GRIFFO: Read the  
9 last section.

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

12 ACTING PRESIDENT GRIFFO: Call the  
13 roll.

14 (The Secretary called the roll.)

15 THE SECRETARY: Ayes, 63.

16 ACTING PRESIDENT GRIFFO: The bill  
17 is passed.

18 THE SECRETARY: Calendar Number  
19 1694, by Senator Griffo, Senate Print 5799A, an  
20 act to amend the Executive Law.

21 ACTING PRESIDENT GRIFFO: Read the  
22 last section.

23 THE SECRETARY: Section 3. 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, 63.

4 ACTING PRESIDENT GRIFFO: The bill  
5 is passed.

6 Calendar Number 1695, by Senator  
7 Lanza, is high and will be laid aside.

8 THE SECRETARY: Calendar Number  
9 1696, by Senator Latimer, Senate Print 5843, an  
10 act in relation to authorizing.

11 ACTING PRESIDENT GRIFFO: Read the  
12 last section.

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

15 ACTING PRESIDENT GRIFFO: Call the  
16 roll.

17 (The Secretary called the roll.)

18 THE SECRETARY: Ayes, 63.

19 ACTING PRESIDENT GRIFFO: The bill  
20 is passed.

21 THE SECRETARY: Calendar Number  
22 1697, by Senator Espaillet, Senate Print 5941, an  
23 act to amend the Criminal Procedure Law.

24 ACTING PRESIDENT GRIFFO: Read the  
25 last section.

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

3                   ACTING PRESIDENT GRIFFO:   Call the  
4 roll.

5                   (The Secretary called the roll.)

6                   THE SECRETARY:    Ayes, 63.

7                   ACTING PRESIDENT GRIFFO:    The bill  
8 is passed.

9                   THE SECRETARY:    Calendar Number  
10 1698, by Senator Griffo, Senate Print 5949A, an  
11 act to amend the General Business Law.

12                   SENATOR GIANARIS:    Lay it aside.

13                   ACTING PRESIDENT GRIFFO:    Lay the  
14 bill aside.

15                   Senator Libous, that completes the  
16 noncontroversial reading of Senate Supplemental  
17 Calendar 54B.

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

20                   And, Mr. President, we're going to  
21 go to the controversial reading, but before we do  
22 that, we might want to make a change in the  
23 presidency.

24                   ACTING PRESIDENT GRIFFO:    The  
25 Secretary will ring the bell.

1                   SENATOR LIBOUS:    Mr. President.

2                   ACTING PRESIDENT FUNKE:    Senator  
3 Libous.

4                   SENATOR LIBOUS:    At this time I'd  
5 like to go to the controversial reading of  
6 Supplemental Calendar 54B, and I'd like to call  
7 up Calendar Number 1698, by Senator Griffo.

8                   ACTING PRESIDENT FUNKE:    The  
9 Secretary will read.

10                  THE SECRETARY:    Calendar Number  
11 1698, by Senator Griffo, Senate Print 5949A, an  
12 act to amend the General Business Law.

13                  ACTING PRESIDENT FUNKE:    Senator  
14 Krueger.

15                  SENATOR KRUEGER:    Thank you,  
16 Mr. President. Will the sponsor please yield.

17                  ACTING PRESIDENT FUNKE:    Will the  
18 sponsor yield?

19                  SENATOR GRIFFO:    Absolutely,  
20 Mr. President.

21                  SENATOR KRUEGER:    Thank you.

22                  Could the sponsor explain to me how  
23 this bill differs from the previous bill that we  
24 passed on this floor sometime in the last few  
25 months?

1                   ACTING PRESIDENT FUNKE:    Senator  
2   Griffo.

3                   SENATOR GRIFFO:    Mr. President,  
4   through you.  Senator Krueger, I'd be happy to do  
5   that.

6                   And following the lead of my good  
7   colleague, in order to be very extensive --  
8   Senator Young -- I will also read to you  
9   something to give you the opportunity to absorb  
10  this.

11                   This particular bill now includes  
12  the following changes.  There will be accident  
13  insurance up to \$50,000 for combatants, the  
14  policy for which is paid by promoters.  Wrongful  
15  death insurance, \$50,000 for combatants, the  
16  policy for which is paid for by promoters.

17                   Promoters will need to offer a  
18  \$1 million policy for life-threatening brain  
19  injuries.  It's not a fund, it's an insurance  
20  requirement.  This is a policy for MMA, boxing,  
21  and wrestling.

22                   In addition to the coverage for MMA,  
23  this would repeal the laws governing boxing,  
24  which were codified in the 1920s, and will bring  
25  them into the 21st century, creating a new

1 Article 41 called "Combative Sports." This is a  
2 requirement on promoters. The fee to cover this  
3 for promoters is scaled. The larger the venue,  
4 the larger the fee associated with covering the  
5 policy.

6 The State Athletic Commission can  
7 make changes related to the amount of coverage to  
8 be offered by promoters. However, there is a  
9 provision under Section 10 of the bill -- bottom  
10 of page 16, top of page 17 -- that states that in  
11 addition to the foregoing, within 12 months of  
12 the effective date of this section the State  
13 Athletic Commission shall make any recommendation  
14 to the Governor, Temporary President of the  
15 Senate, Speaker of the Assembly regarding the  
16 legislative changes which may be necessary to  
17 effectuate the purpose and intent of this  
18 chapter, including but not limited to appropriate  
19 adjustments to the insurance requirements  
20 contained therein.

21 Meaning any and all changes to the  
22 insurance policy must be approved legislatively,  
23 by the Legislature, and then considered by the  
24 Governor.

25 Ringside physicians will now be

1 covered and considered employees of the state for  
2 the purpose of liability. For instance, if a  
3 combatant were to suffer a significant injury or  
4 death after a ringside physician declared them  
5 healthy, any litigation would be brought before a  
6 Court of Claims judge. This is a way to have  
7 more physicians apply to be ringside physicians;  
8 it removes the burden of liability.

9           The State Athletic Commission now  
10 has more latitude in determining regulations  
11 pertaining to when a combatant can return to the  
12 ring. The old bill stated that an individual  
13 could not play for 90 days after being knocked,  
14 whereas now the State Athletic Commission has the  
15 ability to determine what they think is an  
16 appropriate time frame to have a competitor  
17 return to the ring.

18           The State Athletic Commission  
19 expands from three members to five. And the bill  
20 also allows for the State Athletic Commission to  
21 promulgate regulations for sanctioning amateur  
22 bouts. Insurance covers medical, surgical and  
23 hospital care.

24           Those are the basic elements of what  
25 was included in the amendments.

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

4                   ACTING PRESIDENT FUNKE:   Does the  
5   sponsor yield for another question?

6                   SENATOR GRIFFO:    Sure.

7                   SENATOR KRUEGER:    So could the  
8   sponsor explain to me a little bit more about  
9   this \$1 million insurance policy?

10                   So it's per fighter per fight?  It's  
11   \$1 million in aggregate for a fighter over the  
12   course of his career here in New York?  What does  
13   that \$1 million insurance policy mean?

14                   SENATOR GRIFFO:    Senator Krueger --  
15   through you, Mr. President -- this would cover  
16   the bout, both in boxing and in mixed martial  
17   arts, and it is per fight.  So the fighters  
18   involved in that particular fight.

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

22                   ACTING PRESIDENT FUNKE:   Does the  
23   sponsor yield?

24                   SENATOR GRIFFO:    Yes.

25                   SENATOR KRUEGER:    So the promoter

1 takes out an insurance policy per fight, MMA or  
2 boxing. In either scenario, the damage from that  
3 fight might not show up for many years. How does  
4 the insurance policy get applied? How long does  
5 it have to stay in existence and cover the  
6 fighter, and what standards will be used for  
7 payout to the fighter years later after the  
8 fight?

9 SENATOR GRIFFO: Mr. President,  
10 through you. Senator Krueger, there has to be a  
11 causal link with the fighter for that particular  
12 fight that had been established in order for them  
13 to be able to take advantage of the circumstance  
14 and conditions which I've outlined.

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

18 SENATOR GRIFFO: Yes.

19 SENATOR KRUEGER: So it's an  
20 insurance policy for that fight, only for  
21 something that happens immediately. Is it in a  
22 specific time frame? The older bill, I believe,  
23 had a few days as the time frame. What's the  
24 time frame of this insurance policy?

25 SENATOR GRIFFO: Mr. President,

1 through you. Senator Krueger, it would have to  
2 be -- I don't believe there is a specific time  
3 frame, but it has to be specifically related to  
4 that bout.

5           So I would envision -- and again,  
6 not being a clinician on this particular subject  
7 matter, I would think that something would have  
8 to be identified and highlighted at that  
9 particular bout, even though there may not be  
10 something clearly evident on that evening. But  
11 then later there was at least a cause and effect,  
12 as we talked about earlier, where they could  
13 identify what had happened that night and they  
14 would have access to the fund.

15           But one of the things that we were  
16 trying to avoid is, you know, these fighters are  
17 involved in many states and many communities, and  
18 we didn't want a situation -- while we were  
19 sensitive to some of the concerns expressed by  
20 some of the members and some of our colleagues in  
21 the Assembly, we also did not want to undertake  
22 an initiative that would put New York in some  
23 type of -- New York State in some type of  
24 liability danger too. Because there are bouts  
25 that are happening in other communities, and we

1 wanted to have a causal link to what actually  
2 transpires in the ring at a particular event in  
3 this state.

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

7 SENATOR GRIFFO: Yes.

8 ACTING PRESIDENT FUNKE: Does the  
9 sponsor continue to yield?

10 SENATOR GRIFFO: Yes.

11 SENATOR KRUEGER: Is this insurance  
12 policy a health insurance policy, a "pay for my  
13 loss of income when I can never fight again"  
14 policy? What is this policy specifically for?

15 SENATOR GRIFFO: Mr. President,  
16 through you. Senator Krueger, it's a fund for  
17 life-threatening brain injuries through  
18 hospitalization or injury that occurred as a  
19 result of that bout. Medical or surgical care  
20 included.

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

24 SENATOR GRIFFO: Yes.

25 SENATOR KRUEGER: So it's pretty

1 much for immediate medical care. If I am a  
2 fighter -- and if anyone says "very unlikely,"  
3 thank you very much.

4           If I am a fighter and I'm scheduled  
5 to have five fights in the State of New York in a  
6 three-month period, I will have a separate  
7 insurance policy taken out for me for each of  
8 those bouts? So I will have five separate  
9 insurance policies taken out for me?

10           SENATOR GRIFFO: Mr. President,  
11 through you. There would be a different policy  
12 that covers you for each event.

13           First of all, I don't know that  
14 you'd be able to fight in that many -- the State  
15 Athletic Commission would be making that  
16 determination. We had put 90 days; they may now  
17 say it's six months.

18           That's why we are -- and we talked  
19 about ringside physicians. They would also --

20           SENATOR KRUEGER: Five bouts in a  
21 year.

22           SENATOR GRIFFO: They would also --  
23 they would have a -- they would have a  
24 pre-physical and after-physical that would be  
25 conducted also.

1                   But to answer your question, it  
2 would be specific to that specific bout.

3                   SENATOR KRUEGER:    Through you,  
4 Mr. President, to rephrase my question.

5                   ACTING PRESIDENT FUNKE:    Yes,  
6 Senator Krueger.

7                   SENATOR KRUEGER:    So even if the --  
8 I'm sorry. The sponsor yields?

9                   ACTING PRESIDENT FUNKE:    Yes, he  
10 yields.

11                   SENATOR GRIFFO:    Yes.

12                   SENATOR KRUEGER:    Thank you.

13                   So I fight in five bouts in New York  
14 State over the course of the year with 90 days in  
15 between. I have five separate insurance  
16 policies, one for each fight?

17                   SENATOR GRIFFO:    Correct.

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

21                   SENATOR GRIFFO:    Yes.

22                   SENATOR KRUEGER:    And then at the  
23 end of that year it is determined that I have  
24 suffered from traumatic brain injury caused by  
25 multiple-strike TKOs that took place over the

1 course of likely all five fights over that  
2 one-year period, since the average is 6.4  
3 knockouts per athlete for every hundred fights.  
4 So it is determined that I am suffering from  
5 traumatic brain injury due to being hit and  
6 knocked out in these various mixed martial arts  
7 matches -- again, in my scenario, five over a  
8 12-month period.

9           How might I or any kind of doctor  
10 prove which hit in which of those five fights  
11 under which of those five policies actually was,  
12 quote, unquote, the blow that took me out for  
13 traumatic brain injury? And so how could I ever  
14 collect in any of those insurance policies?

15           SENATOR GRIFFO: Mr. President,  
16 through you. Senator Krueger, this is per event,  
17 as I indicated.

18           And as I indicated earlier, there  
19 would be a medical examination pre- and  
20 post-bout. And it's at that time that there has  
21 to be a determination that it was an injury  
22 sustained or a potential problem that had been  
23 incurred that would make them eligible to then  
24 have access to this particular policy.

25           That's the answer to the question.

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

4                   SENATOR GRIFFO:    Yes.

5                   SENATOR KRUEGER:    So if it was a  
6 punch that caused me to have kidney damage and  
7 need emergency surgery, I would agree that would  
8 likely be known right then and there, at that  
9 bout or after that bout.

10                   If it was a broken spine from being  
11 knocked out, I would agree that would be an  
12 obvious injury correlated to that bout at that  
13 time, and hence that insurance policy.

14                   But when you look at the patterns of  
15 dementia and other brain injuries that become  
16 worse and worse over time when you have been hit  
17 in certain ways to cause traumatic brain injury,  
18 it is not a direct correlation -- that hit, that  
19 fight, that damage, right there at rink.

20                   And it's very likely, as we know  
21 from the research from the traumatic brain injury  
22 cases going through the NFL, there is not a basis  
23 to know whether Carolyn hitting me tonight is  
24 what did it or whether it was Brad hitting me  
25 three months from now, and it won't be seen at

1 the time.

2           So I'm trying to understand how this  
3 insurance will be applicable to fighters who in  
4 fact suffer from long-term life-impacting brain  
5 damage from participating in these fights.

6           SENATOR GRIFFO: I think, Senator  
7 Krueger, the answer is specific to the question  
8 earlier as to how is it covered. I can't begin  
9 to discuss with you the various elements of  
10 clinical studies and what other measures may be  
11 put in place by either the Athletic Commission or  
12 sanctioning bodies or the leagues themselves  
13 relative to rules and regulations.

14           But this is per event. It is  
15 something that was not in place before. It is  
16 something now that we will be dependent upon the  
17 ringside physicians. And that's why we did more  
18 with ringside physicians. We have to rely on  
19 their best medical assessment and their best  
20 medical evaluation based on a thorough  
21 examination pre- and post-bout.

22           So we're talking about this is  
23 coverage for that specific event that they may  
24 have been involved in and participants in.  
25 Obviously these are sportsmen and athletes who

1 participate at their own will, of their own will.

2           And so I think that the answer to  
3 your question relative to what takes place over  
4 time, there are many studies that are determining  
5 how and what that may mean. As I indicated  
6 earlier, I know the Cleveland Clinic is  
7 undertaking a study as we speak.

8           But this is specific, all I can say  
9 to you today is this particular policy is  
10 specific to the bout relative to -- and we have  
11 to rely on the medical experts that are involved  
12 in the ring as they make their pre and post  
13 examinations.

14           So relative to continued involvement  
15 in the sport and its effect in any way on the  
16 body, that is something that is not specific to  
17 this insurance policy, because this is specific  
18 to the event. So that was the answer to your  
19 question originally.

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

23           SENATOR GRIFFO: Yes.

24           SENATOR KRUEGER: Do these  
25 insurance policies exist today in New York State?

1                   SENATOR GRIFFO:    I'm sorry, I  
2 didn't hear you.

3                   ACTING PRESIDENT FUNKE:    Once  
4 again, Senator Krueger, the question again?

5                   SENATOR KRUEGER:    Do these  
6 insurance policies exist today in New York State?

7                   SENATOR GRIFFO:    I'm not aware  
8 that -- Mr. President, through you -- that they  
9 may be involved in other areas.

10                   But this is something that I know  
11 was the subject of debate here and that we  
12 negotiated and got the promoters to agree. And  
13 this now will cover both professional and mixed  
14 martial arts as well as professional boxing. And  
15 I think that it's a step forward, as indicated  
16 through the discussions that we've had here and  
17 the concerns that have been expressed by members.

18                   There's also continued discussions  
19 with the industry as to what can and should be  
20 done differently, both on the sports side as well  
21 as the insurance side.

22                   But this is specific to this  
23 particular piece of legislation, and it is  
24 different from the original legislation that was  
25 brought forth and reflective of many of the views

1 and concerns that were expressed at that time.

2           And again, we have to remember the  
3 nature of this sport is a little different than,  
4 say, even professional football, where they  
5 suffer several concussions and there's a  
6 guideline that allows so many. Here, it could be  
7 the determination of the physician or league that  
8 if a concussion is suffered, that the fighter  
9 doesn't fight for a year. That's a decision that  
10 would left up to regulators.

11           And I have a lot of confidence --  
12 today we approved the new chairman of the  
13 New York State Athletic Commission, who has a  
14 background in sports and has had familiarization  
15 not only with the commission but with boxing.

16           So I think that what we have  
17 established here, what was discussed and taken  
18 into consideration, with the confidence that we  
19 have in the members of the commission and the  
20 staff now assigned to them and the medical  
21 experts that will be involved in this, that we  
22 are doing something significant and different  
23 than is in many other states.

24           SENATOR KRUEGER: Through you,  
25 Mr. President. I appreciate the sponsor's

1 support of his bill, but I don't believe I heard  
2 an answer.

3 Do these insurance policies exist  
4 today in New York State? Are there any insurance  
5 companies writing these policies?

6 SENATOR GRIFFO: I'm not aware of  
7 that.

8 I think I answered your question,  
9 Senator Krueger. I think you're just hearing  
10 maybe what you want to hear, because I answered  
11 the question originally on what is covered in  
12 this bill. This is per bout. So I'm not aware  
13 of what other insurance companies are doing, but  
14 there's some conversations within the industry  
15 and I'm not sure where that will lead.

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

19 SENATOR GRIFFO: Yes.

20 ACTING PRESIDENT FUNKE: Do you  
21 yield for another question?

22 SENATOR GRIFFO: Yes. I want you  
23 do to that in your sports voice, though. Can you  
24 do it?

25 SENATOR KRUEGER: Yeah.

1                   ACTING PRESIDENT FUNKE:   (Loudly.)

2 Will you yield for another question?

3                   SENATOR GRIFFO:    Yes,

4 Mr. President, I will.

5                   ACTING PRESIDENT FUNKE:   Thank you,

6 Senator Griffo.

7                   SENATOR KRUEGER:    I like that very

8 much, Mr. President. Thank you.

9                   Would I be correct to believe that  
10 until such time as said insurance policies did  
11 exist and were for sale in the State of New York,  
12 that this bill would not allow mixed martial arts  
13 bouts to take place?

14                   SENATOR GRIFFO:    You could not have  
15 had a bout -- it's a requirement of the  
16 licensing. And in order to now have the bout,  
17 you will have to fulfill this obligation.

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

21                   SENATOR GRIFFO:    Yes.

22                   SENATOR KRUEGER:    The sponsor did  
23 answer in his question that there will be doctors  
24 I guess at ringside for MMA fights. And I  
25 believe they may also --

1                   SENATOR GRIFFO:     For boxing and  
2 MMA.

3                   SENATOR KRUEGER:    -- already be for  
4 boxing, I don't know.

5                   But we were talking about  
6 specialists. And my serious concern around MMA  
7 is the disproportionate risk of traumatic brain  
8 injury. What kind of doctors will be recognized  
9 as experts at ringside in MMA?

10                  ACTING PRESIDENT FUNKE:    Can we  
11 have a little order in the chamber while our  
12 combatants debate this bill.

13                                   (Laughter.)

14                  SENATOR LIBOUS:     Thank you,  
15 Mr. President.

16                  ACTING PRESIDENT FUNKE:    Senator  
17 Griffo.

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

20                                   Senator Krueger -- Mr. President  
21 through you -- I believe that there's a couple of  
22 things here. First of all, the State Athletic  
23 Commission again will be reviewing and  
24 determining the credentials. And I know that  
25 they have made a commitment to the highest

1 standards.

2           There are a number of ringside  
3 physicians who specialize in combative sports.  
4 And that's why we took action today of making  
5 these ringside physicians considered employees of  
6 the state, not only for the purpose of liability  
7 and insurance, but also for continuity and  
8 allowing everyone to know that we are bringing in  
9 the best doctors that have knowledge of this type  
10 of activity, combative sports.

11           So there are a variety of type of  
12 specialists. The commission will make the  
13 decision accordingly.

14           I think, though, the one thing I  
15 would disagree with you is that there's not a --  
16 I've seen different studies, and there's not a  
17 disproportionate amount of injuries sustained in  
18 mixed martial arts. In fact, there are many  
19 times less strikes in mixed martial arts because  
20 you're also involved in wrestling and jujitsu and  
21 many other elements of the sport.

22           So this is one of those points,  
23 Senator Krueger, respectfully, where if you look  
24 at the standard and regulations and rules that  
25 govern this sport, it's a lot different than is

1 being presented in some ways because many  
2 individuals here have the opportunity to tap out  
3 or to give up during the bout, as opposed to  
4 suffering some type of technical or knockout.

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

8 ACTING PRESIDENT FUNKE: Does the  
9 sponsor yield?

10 SENATOR GRIFFO: If I may, Senator  
11 Krueger -- also Mr. President -- there will be a  
12 medical advisory board that's established here  
13 too that will have input and recommendations into  
14 what is done at ringside, particularly relative  
15 to medical care and the physicians.

16 ACTING PRESIDENT FUNKE: Are you  
17 yielding for another question from Senator  
18 Krueger, sir?

19 SENATOR GRIFFO: Yes.

20 ACTING PRESIDENT FUNKE: Senator  
21 Krueger.

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

24 So we've been talking about the  
25 medical-surgical hospital care coverage. But it

1 appears this bill reduces the death benefit from  
2 \$100,000 to \$50,000; is that correct?

3 SENATOR GRIFFO: Mr. President,  
4 through you. Senator Krueger, it appears that in  
5 conversations and discussions with our colleagues  
6 in the other house, that was the compromise that  
7 was reached.

8 So you are accurate, and that was  
9 the compromise reached. I cannot answer to that  
10 because it was a recommendation I believe made by  
11 our colleagues in the other house.

12 SENATOR KRUEGER: To reduce the  
13 death penalty. Death benefit, excuse me.

14 What is --

15 SENATOR GRIFFO: But there were  
16 many other things that were added, so I'm not  
17 sure how -- as we had a number of conversations  
18 between members and staff.

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

22 ACTING PRESIDENT FUNKE: Does the  
23 sponsor yield?

24 SENATOR KRUEGER: Thank you.

25 ACTING PRESIDENT FUNKE: Will the

1 sponsor yield?

2 SENATOR GRIFFO: Yes.

3 SENATOR KRUEGER: Thank you.

4 The numbers have moved around quite  
5 a bit about what the industry proposes will be  
6 economic impact from legalizing MMA. What number  
7 are we at this week?

8 SENATOR GRIFFO: I'm sorry,  
9 Mr. President. Could you repeat that, Senator  
10 Krueger?

11 SENATOR KRUEGER: What's the  
12 industry's analysis on this bill and how much  
13 economic activity will be generated for the State  
14 of New York?

15 SENATOR GRIFFO: It's likewise to  
16 what we said before. There are millions of  
17 dollars that we've received. I think the last  
18 statistic, \$135 million.

19 SENATOR KRUEGER: Through you,  
20 Mr. President, if the sponsor could explain what  
21 that \$135 million is made up of.

22 ACTING PRESIDENT FUNKE: Senator  
23 Griffo.

24 SENATOR GRIFFO: It would be made  
25 up of the tax revenue that would coming in off

1 from broadcasting fees, ticket fees, licensing  
2 fees.

3 And that is not considering some of  
4 the other activity that would take place in the  
5 communities where they would benefit, a host  
6 community, relative to merchandise and lodging  
7 and food establishments.

8 SENATOR KRUEGER: On the bill,  
9 Mr. President.

10 ACTING PRESIDENT FUNKE: Senator  
11 Krueger on the bill.

12 SENATOR GRIFFO: Senator Krueger on  
13 the bill.

14 (Laughter.)

15 SENATOR KRUEGER: He just can't  
16 get -- would you like to go back up now?

17 (Laughter.)

18 SENATOR GRIFFO: I was hoping you  
19 would ask me again "what's a knockout."

20 (Laughter.)

21 ACTING PRESIDENT FUNKE: It's  
22 instant replay.

23 (Laughter.)

24 SENATOR KRUEGER: On the bill.

25 I want to thank the sponsor for his

1 answers.

2                   We've debated this bill in lots of  
3 different ways over the years. I do actually  
4 think this is an improvement over the previous  
5 bills that came to this floor. I think that  
6 having regulation and doctors and the possibility  
7 that the Athletic Commission will follow strictly  
8 the concept that these sports should not lead  
9 people into ending up destroying themselves  
10 physically or destroying others physically is a  
11 plus.

12                   I think the fact that there should  
13 be an insurance policy out there sort of makes  
14 sense, but it's not clear we're ever going to get  
15 to a point where it's an insurance policy that  
16 the fighters will ever really be able to use for  
17 what they need help with, because it's not going  
18 to be an obvious "this bout did this, and you can  
19 prove it." It's not the kind of injuries  
20 long-term fighters suffer from.

21                   I am very pleased, even though we  
22 didn't talk about it tonight, that this bill says  
23 the Athletic Commission should regulate  
24 nonprofessional bouts. Because in fact if you  
25 watch what happens or what is happening out

1 there, some of the worst abuses, some of the most  
2 physical harm is being done to people in  
3 nonprofessional bouts. Which all it means is the  
4 fighter is not being paid. It's the same  
5 promoters, it's the same locations. And some  
6 very serious damage is taking place, and nobody  
7 is looking at that at all. So I am also very  
8 pleased that that is part of this bill.

9           But I still can't vote for it, even  
10 though I want to thank the sponsor and the  
11 sponsor in the other house for getting further  
12 down the road of a rational set of laws impacting  
13 mixed martial arts, because fundamentally it is  
14 still an enormously dangerous and in my opinion  
15 unjustifiable sporting activity.

16           I know people like to do it and they  
17 like to watch it and some people think they will  
18 make a lot of money at it. And no one ever  
19 believes that they're going to be the one with  
20 dementia and brain damage or perhaps death down  
21 the line a year, two, five, 10 years.

22           The more research that's done, the  
23 more aware the medical community is of the real  
24 damage being done to people's brains,  
25 specifically from this activity as well as

1 boxing. So I'm glad we're modernizing the  
2 regulations for boxing. Other professional  
3 sports, even ones where you wear helmets and  
4 protective gear, which you don't particularly for  
5 this sport.

6 But in my heart I just know it's not  
7 the kind of thing we should be legally  
8 encouraging and we should be actively  
9 discouraging young people and young, healthy  
10 professional athletes from doing. It's going to  
11 kill ya. And it's probably not the greatest  
12 activity for you to spend your time having fun  
13 with nonprofessionally, and not a really great  
14 career move professionally, even if you think  
15 you're having a good time now.

16 So I'll be voting no. And yet I  
17 will say I am less uncomfortable if this becomes  
18 the law of New York State than the previous  
19 versions we have debated for many years here on  
20 the floor.

21 Thank you, Mr. President.

22 ACTING PRESIDENT FUNKE: Thank you,  
23 Senator Krueger.

24 Senator Hoylman.

25 SENATOR HOYLMAN: Thank you,

1 Mr. President. I just want to speak briefly on  
2 the bill.

3 I want to thank the sponsor and  
4 Senator Krueger for their conversation.

5 And I became interested in this  
6 issue through an Internet acquaintance, a fellow  
7 by the name of Nick Denis, who was an MMA fighter  
8 and had to retire in the early part of his career  
9 because of concerns about his health, in  
10 particular his brain.

11 And so I am gratified that the  
12 sponsor has for the first time acknowledged that  
13 MMA can cause debilitating brain injuries and  
14 that the bill acknowledges this as well.

15 I'm also glad that there is a study  
16 being pursued through the Department of State to  
17 look at how we might create a compensation fund  
18 for long-term severe brain injuries for fighters.

19 I do think, though, rather than a  
20 study, we should just put the fund in the bill.  
21 We already have such a fund for jockeys and cab  
22 drivers. I think a model exists already. I wish  
23 it was in this bill as it is and we shouldn't be  
24 kicking the can down the road.

25 That said I want to thank the

1 sponsor for addressing many of the concerns that  
2 I've had on this legislation.

3 Thank you, Mr. President.

4 ACTING PRESIDENT FUNKE: Thank you,  
5 Senator Hoylman.

6 Senator Croci.

7 SENATOR CROCI: Thank you,  
8 Mr. President.

9 I want to compliment Senator Griffo  
10 and the staff for creating a system which seeks  
11 to ameliorate some of the concerns about  
12 traumatic brain injury.

13 Some of the most advanced medical  
14 knowledge we have on this subject comes from  
15 combat medicine, 14 years of combat medicine,  
16 specifically in Iraq and Afghanistan and those  
17 who have suffered traumatic brain injury after  
18 IED accidents.

19 The system that they've set up in  
20 this legislation actually mirrors very closely  
21 what the United States military does, and that is  
22 there's a screening beforehand, a thorough  
23 medical examination, with a neurological baseline  
24 established. And then after any kind of an  
25 incident, there's documentation of that incident,

1 similar to this situation.

2           And then sometime in the future, if  
3 somebody who's been exposed to that kind of  
4 trauma is affected, they then can go back and  
5 look at the incidents which have been recorded  
6 and see the departure from that baseline.

7           So I'm gratified to see that in the  
8 New York Senate we've been able to mirror a  
9 system that we have come to in the last 14 years  
10 as the very best way that we can detect, and then  
11 potentially treat long term, those who suffered  
12 any kind of traumatic incident which may have  
13 been a causal link in their traumatic brain  
14 injury.

15           So I want to compliment not only the  
16 sponsor but the staff who worked so hard on this  
17 system. There is risk in everything we do, and  
18 hopefully this takes as much risk out of the  
19 system as possible.

20           Thank you.

21           ACTING PRESIDENT FUNKE: Thank you,  
22 Senator Croci.

23           Are there any other members wishing  
24 to be heard?

25           (No response.)

1                   ACTING PRESIDENT FUNKE:    Seeing  
2 none, the debate is closed.  The Secretary will  
3 ring the bell.

4                   The Secretary will read the last  
5 section.

6                   THE SECRETARY:    Section 11.  This  
7 act shall take effect on the first month next  
8 succeeding the 120th day.

9                   ACTING PRESIDENT FUNKE:    Call the  
10 roll.

11                   (The Secretary called the roll.)

12                   ACTING PRESIDENT FUNKE:    Senator  
13 Kennedy to explain his vote.

14                   SENATOR KENNEDY:    Thank you,  
15 Mr. President.

16                   First and foremost, let me thank the  
17 bill's sponsor for once again --

18                   SENATOR LIBOUS:    Mr. President, I'm  
19 having a difficult time hearing Senator Kennedy.

20                   ACTING PRESIDENT FUNKE:    Can we  
21 have some order in the chamber to hear Senator  
22 Kennedy explain his vote.

23                   SENATOR LIBOUS:    Thank you,  
24 Mr. President.

25                   SENATOR KENNEDY:    Thank you,

1 Mr. President.

2 First and foremost, let me take this  
3 opportunity to thank the bill's sponsor for once  
4 again bringing this to the floor for a vote.

5 This sponsor has worked diligently for many years  
6 across the aisle and across the chambers to get  
7 this bill to the floor tonight.

8 You know, passing and approving  
9 mixed martial arts at the professional level in  
10 New York State, it's the right thing to do and  
11 it's the right time to do it. We're joining  
12 every single other state in the nation in  
13 ensuring that we're reaping the economic benefits  
14 of this professional sport that New Yorkers are  
15 demanding and that they're partaking in and that  
16 they're watching in every other state.

17 Now we have the opportunity, by  
18 legalizing mixed martial arts, regulating mixed  
19 martial arts in the State of New York, to bring  
20 in thousands of people at a time all across the  
21 state, especially upstate in Buffalo, Western  
22 New York, Rochester, Syracuse, Albany, where we  
23 want to bring that benefit to our communities.  
24 Millions of dollars will be spent, the hotels  
25 will be filled, the restaurants will be packed,

1 as well as the bars, as we cheer on these  
2 professional athletes.

3 We've talked time and time again  
4 that it's high time and the right time. I say  
5 it's about time. I want to thank the bill's  
6 sponsor once again for bringing this to the  
7 floor, and I urge all of our colleagues to ensure  
8 its passage.

9 And we also urge the Assembly to  
10 move this bill and to recognize the benefits  
11 across the board for the people of the State of  
12 New York.

13 Thank you, Mr. President. I vote  
14 aye.

15 ACTING PRESIDENT FUNKE: Senator  
16 Kennedy to be recorded in the affirmative.

17 Announce the result.

18 THE SECRETARY: In relation to  
19 Calendar 1698, those recorded in the negative are  
20 Senators Bonacic, Breslin, Díaz, Felder, Hoylman,  
21 Krueger, Lanza, LaValle, Marcellino, Montgomery,  
22 Perkins, Savino and Young.

23 Absent from voting: Senator  
24 Sanders.

25 Ayes, 49. Nays, 13.

1                   ACTING PRESIDENT FUNKE:    The bill  
2 is passed.

3                   SENATOR LIBOUS:     Mr. President.

4                   ACTING PRESIDENT FUNKE:    Senator  
5 Libous.

6                   SENATOR LIBOUS:     I'd like to call  
7 an immediate meeting of the Finance Committee in  
8 Room 332.

9                   ACTING PRESIDENT FUNKE:    There will  
10 be an immediate meeting of the Finance Committee  
11 in Room 332.

12                   SENATOR LIBOUS:     Mr. President, the  
13 Senate will not stand at ease. We're going to do  
14 another calendar while Finance is meeting, and  
15 we're going to do the noncontroversial reading of  
16 the supplemental active list for today, June 16.

17                   So the Finance meeting will be  
18 immediately, and we will continue to do the  
19 calendar.

20                   ACTING PRESIDENT FUNKE:    We will  
21 continue with the calendar. There will be an  
22 immediate meeting of the Finance Committee, but  
23 the calendar will continue to be read.

24                   Can I have some order in the  
25 chamber. We're going to continue reading the

1 calendar, ladies and gentlemen.

2 The Secretary will read.

3 THE SECRETARY: Calendar Number  
4 436, by Senator Funke, Senate Print 3133, an act  
5 to amend the Election Law.

6 ACTING PRESIDENT FUNKE: Calendar  
7 Number 436, read the last section.

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

10 ACTING PRESIDENT FUNKE: Call the  
11 roll.

12 (The Secretary called the roll.)

13 SENATOR GIANARIS: Lay it aside.

14 ACTING PRESIDENT FUNKE: The bill  
15 is laid aside.

16 THE SECRETARY: Calendar Number  
17 570, by Senator Flanagan, Senate Print 2058, an  
18 act to amend the Executive Law.

19 ACTING PRESIDENT FUNKE: Read the  
20 last section.

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

23 ACTING PRESIDENT FUNKE: Call the  
24 roll.

25 (The Secretary called the roll.)

1                   ACTING PRESIDENT FUNKE:    Announce  
2 the result.

3                   THE SECRETARY:     Ayes, 63.

4                   ACTING PRESIDENT FUNKE:    The bill  
5 is passed.

6                   THE SECRETARY:     Calendar Number  
7 825, by Senator Hannon, Senate Print 5170A, an  
8 act to amend the Public Health Law.

9                   SENATOR GIANARIS:    Lay it aside.

10                  ACTING PRESIDENT FUNKE:   Lay the  
11 bill aside.

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

14                  ACTING PRESIDENT FUNKE:   Lay the  
15 bill aside for the day.

16                  THE SECRETARY:     Calendar Number  
17 831, by Senator Martins, Senate Print 4125A, an  
18 act to amend the Nassau County Civil Divisions  
19 Act.

20                  ACTING PRESIDENT FUNKE:   Read the  
21 last section.

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

24                  ACTING PRESIDENT FUNKE:   Call the  
25 roll.

1 (The Secretary called the roll.)

2 ACTING PRESIDENT FUNKE: Announce  
3 the result.

4 THE SECRETARY: Ayes, 63.

5 ACTING PRESIDENT FUNKE: The bill  
6 is passed.

7 THE SECRETARY: Calendar Number  
8 864, by Senator Flanagan, Senate Print 2140, an  
9 act to amend the Education Law.

10 ACTING PRESIDENT FUNKE: Read the  
11 last section.

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

14 ACTING PRESIDENT FUNKE: Call the  
15 roll.

16 (The Secretary called the roll.)

17 ACTING PRESIDENT FUNKE: Announce  
18 the results.

19 THE SECRETARY: Ayes, 63.

20 ACTING PRESIDENT FUNKE: The bill  
21 is passed.

22 THE SECRETARY: Calendar Number  
23 1065, by Senator Hannon, Senate Print 5345, an  
24 act to amend the Public Health Law.

25 ACTING PRESIDENT FUNKE: Read the

1 last section.

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

4 ACTING PRESIDENT FUNKE: Call the  
5 roll.

6 (The Secretary called the roll.)

7 ACTING PRESIDENT FUNKE: Announce  
8 the result.

9 THE SECRETARY: Ayes, 63.

10 ACTING PRESIDENT FUNKE: That bill  
11 is passed.

12 THE SECRETARY: Calendar Number  
13 1087, by Senator Funke, Senate Print 4786A, an  
14 act to amend the Military Law.

15 ACTING PRESIDENT FUNKE: Read the  
16 last section.

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

19 ACTING PRESIDENT FUNKE: Call the  
20 roll.

21 (The Secretary called the roll.)

22 ACTING PRESIDENT FUNKE: Announce  
23 the result.

24 THE SECRETARY: Ayes, 63.

25 ACTING PRESIDENT FUNKE: That bill

1 is passed.

2 THE SECRETARY: Calendar Number  
3 1224, by Senator Ritchie, Senate Print 5571, an  
4 act to amend the Vehicle and Traffic Law.

5 ACTING PRESIDENT FUNKE: Read the  
6 last section.

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

9 ACTING PRESIDENT FUNKE: Call the  
10 roll.

11 (The Secretary called the roll.)

12 ACTING PRESIDENT FUNKE: Announce  
13 the result.

14 THE SECRETARY: Ayes, 63.

15 ACTING PRESIDENT FUNKE: That bill  
16 is passed.

17 THE SECRETARY: On page 45, Senator  
18 Ortt moves to discharge, from the Committee on  
19 Mental Health and Developmental Disabilities,  
20 Assembly Bill Number 2143 and substitute it for  
21 the identical Senate Bill Number 5680, Third  
22 Reading Calendar 1326.

23 ACTING PRESIDENT FUNKE: The  
24 substitution is so ordered.

25 The Secretary will read.

1                   THE SECRETARY:    Calendar Number  
2    1326, by Member of the Assembly O'Donnell,  
3    Assembly Print Number 2143, an act to amend the  
4    Mental Hygiene Law.

5                   ACTING PRESIDENT FUNKE:    Read the  
6    last section.

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

9                   ACTING PRESIDENT FUNKE:    Call the  
10   roll.

11                   (The Secretary called the roll.)

12                   ACTING PRESIDENT FUNKE:    Announce  
13   the result.

14                   THE SECRETARY:    Ayes, 63.

15                   ACTING PRESIDENT FUNKE:    The bill  
16   is passed.

17                   THE SECRETARY:    Calendar Number  
18   1333, by Senator Parker, Senate Print 526, an act  
19   to amend the Public Service Law.

20                   ACTING PRESIDENT FUNKE:    Read the  
21   last section.

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

24                   ACTING PRESIDENT FUNKE:    Call the  
25   roll.

1 (The Secretary called the roll.)

2 ACTING PRESIDENT FUNKE: Announce  
3 the results.

4 THE SECRETARY: Ayes, 63.

5 ACTING PRESIDENT FUNKE: The bill  
6 is passed.

7 THE SECRETARY: Calendar Number  
8 1498, by Senator Klein, Senate Print 5230A, an  
9 act to amend the Tax Law.

10 ACTING PRESIDENT FUNKE: Read the  
11 last section.

12 SENATOR GIANARIS: Lay it aside.

13 ACTING PRESIDENT FUNKE: Lay the  
14 bill aside.

15 Senator Libous, that completes the  
16 noncontroversial reading of the supplemental  
17 active list.

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

20 At this time I want to go back to  
21 Calendar Number 436 and lay it aside for the day,  
22 please.

23 ACTING PRESIDENT FUNKE: Calendar  
24 Number 436 is laid aside for the day.

25 Senator Libous.

1           SENATOR LIBOUS:    Now we're going to  
2 go back to Calendar Number 54B and we're going to  
3 do the controversial reading of Calendar Number  
4 1678, by Senator Hannon.

5           ACTING PRESIDENT FUNKE:    The  
6 Secretary will ring the bell.

7           The Secretary will read.

8           THE SECRETARY:    Calendar Number  
9 1678, by Senator Hannon, Senate Print 5458A, an  
10 act to amend the Public Health Law.

11          ACTING PRESIDENT FUNKE:    Senator  
12 Squadron.

13          SENATOR SQUADRON:    Thank you.  If  
14 the sponsor would yield.

15          ACTING PRESIDENT FUNKE:    Will the  
16 sponsor yield for a question?

17          SENATOR HANNON:    Yes.

18          SENATOR SQUADRON:    Thank you.

19                 If the sponsor would just explain  
20 briefly sort of what kinds of clinics are  
21 contemplated in this bill and what types of  
22 retail establishments they might appear in.

23          SENATOR HANNON:    These would be  
24 general clinics which would be subject to rules  
25 and requirements set forth by the Public Health

1 Council, with the limitations on those clinics to  
2 design -- essentially to make sure they would be  
3 limited in services, not used for general primary  
4 care, not used for pediatric care, but the idea  
5 would be to widen the availability of healthcare  
6 services in the State of New York. Generally  
7 owned by or directed by, under the requirements  
8 of the bill, by any retail store.

9 One of the requirements of the bill  
10 would be that there would be a licensed physician  
11 as a medical director, and another one would be  
12 that it would accept Medicaid in all cases. And  
13 a third would be that the clinic must have an  
14 electronic medical record so that people using it  
15 for the purpose of convenience or occasion would  
16 still have their care recorded in their medical  
17 record, including immunizations.

18 SENATOR SQUADRON: If the sponsor  
19 would continue to yield.

20 SENATOR HANNON: Yes.

21 SENATOR SQUADRON: The sponsor uses  
22 the phrase "limited services." To a layperson,  
23 what does that mean, what sorts of medical  
24 services?

25 SENATOR HANNON: That it's not for

1 general purposes. It is really, in a sense, more  
2 akin to an urgent care than anything else.

3 SENATOR SQUADRON: If the sponsor  
4 would continue to yield.

5 SENATOR HANNON: Yes.

6 SENATOR SQUADRON: Is it in fact  
7 overseen in the same way that an urgent care is  
8 overseen?

9 SENATOR HANNON: Well, actually  
10 urgent cares are not overseen in any way.  
11 Because the urgent cares are based on the  
12 licensure of an individual physician, even if the  
13 physician owns several of them.

14 These we would require to go through  
15 the same type of requirements -- with some, you  
16 know, logical adjustments for the fact that  
17 there's shareholders. But you'd go through the  
18 same requirements as a diagnostic and treatment  
19 center would do it, and you'd go through  
20 licensure the way you'd go through the Public  
21 Health Council.

22 So there's a considerable more  
23 oversight here than there would be with urgent  
24 care centers.

25 SENATOR SQUADRON: If the sponsor

1 will continue to yield.

2 SENATOR HANNON: Yes.

3 SENATOR SQUADRON: So "limited  
4 services," the sponsor said it wouldn't do  
5 pediatrics. I assume it wouldn't do surgery,  
6 even ambulatory surgery, is that correct?

7 SENATOR HANNON: Correct.

8 SENATOR SQUADRON: If the sponsor  
9 would continue to yield.

10 SENATOR HANNON: Yes.

11 SENATOR SQUADRON: And "limited  
12 service," no surgery, no ambulatory surgery, no  
13 pediatrics. What about if urgent care was  
14 contacted by someone who had chest pains?

15 SENATOR HANNON: I would imagine  
16 that the first thing they would do if someone  
17 said "I have chest pains," would be to say "We'll  
18 call 911, we'll get you an ambulance here and get  
19 you to the nearest emergency room."

20 SENATOR SQUADRON: If the sponsor  
21 would continue to yield.

22 SENATOR HANNON: Yes.

23 SENATOR SQUADRON: So is the best  
24 analogy in terms of the patient experience a  
25 doctor's office without having to make

1 appointments?

2           SENATOR HANNON:    I would guess -- I  
3 hadn't thought that out, but there's different --  
4 you know, some doctor's offices are specialists.  
5 And some doctor's offices would have x-ray  
6 machines, some doctor's offices would have  
7 ultrasound machines.  It's not envisioned that  
8 the rules of the Public Health Council would  
9 allow for those here.

10           So it's not a total analogy with  
11 doctor's offices.

12           SENATOR SQUADRON:   If the sponsor  
13 will continue to yield.

14           ACTING PRESIDENT FUNKE:   Will the  
15 sponsor yield?

16           SENATOR HANNON:    Yes.

17           SENATOR SQUADRON:   And how about  
18 the prescribing of medications, prescription  
19 medications?

20           SENATOR HANNON:    This would -- yes,  
21 it would be envisioned that there would be that  
22 prescribing of medications.

23           SENATOR SQUADRON:   If the sponsor  
24 would continue to yield.

25           SENATOR HANNON:    Yes.

1                   SENATOR SQUADRON:    And just  
2   briefly, actually.  Before, I had asked about the  
3   types of retail establishments these would be in.  
4   Any examples of -- you know, is it envisioned  
5   they'd be in the local gas station, the local  
6   drugstore, the local laundromat?

7                   SENATOR HANNON:    The vision is that  
8   it would be an establishment that would inspire  
9   confidence by the patients.  Otherwise, I can't  
10  imagine, under your suggested example, that  
11  people would visit a gas station.  I would  
12  imagine that it would be a reasonable, logical  
13  location such as a pharmacy.

14                  SENATOR SQUADRON:    If the sponsor  
15  would continue to yield.

16                  SENATOR HANNON:    Yes.

17                  SENATOR SQUADRON:    And any of the  
18  more conceivable, more reasonable locations that  
19  the sponsor talks about, do any of them currently  
20  have these types of clinics on-site?

21                  SENATOR HANNON:    There are several  
22  that have it on a small-scale basis.  In the  
23  past, there's been several of the pharmaceutical  
24  chains that have visited us.  One was Walmart.  I  
25  noticed the other day that they've decided to

1 focus, in New York, their endeavors on virtual  
2 walk-in clinics. I guess they're moving on to a  
3 new model. They're a company in Chicago. The  
4 city of Chicago has something like 50 of these  
5 retail clinics.

6 Others that have shown that they're  
7 doing it now would be CVS, that has a handful of  
8 them.

9 SENATOR SQUADRON: If the sponsor  
10 will continue to yield.

11 SENATOR HANNON: Yes.

12 SENATOR SQUADRON: Is there any  
13 structure in the state, currently in the state  
14 that allows -- from the patient point of view,  
15 not the ownership point of view -- this sort of  
16 clinic that is contemplated in this bill?

17 SENATOR HANNON: Structure, yes.  
18 CVS has some.

19 SENATOR SQUADRON: And if the  
20 sponsor would yield and, if so, describe how this  
21 is different than what already exists in the  
22 state.

23 SENATOR HANNON: It would just be  
24 so -- CVS has evidenced that they would like to  
25 do it on a a far more regulated basis, far more

1 directed, far more uniform basis. Because since  
2 they're associated with it, they think there's a  
3 quality control.

4 In fact, I think a couple of years  
5 ago or last year they brought their medical  
6 director around, who had previously been the  
7 director or actually the president of an entire  
8 hospital system. So that the standards of care,  
9 the quality review, the patient review, the  
10 recordkeeping was all -- they envisioned that  
11 would be the same as a hospital system.

12 SENATOR SQUADRON: If the sponsor  
13 would continue to yield.

14 SENATOR HANNON: And I would  
15 imagine, since the bill directly gives the  
16 mandate to the Public Health Council to establish  
17 records and to review that and review the  
18 compliance, that that type of quality would be  
19 what we would see.

20 SENATOR SQUADRON: If the sponsor  
21 would continue to yield.

22 SENATOR HANNON: Yes.

23 SENATOR SQUADRON: And not to  
24 belabor this point, but just so that I  
25 understand, CVS, for example, or in the example

1 the sponsor used, was looking to be further  
2 regulated and that was the difference between the  
3 current model. Isn't there an additional  
4 difference in terms of who the owner of the  
5 clinic and therefore the responsible party in the  
6 clinic is?

7 SENATOR HANNON: Yes. As I said,  
8 it was with logical differences in regulation for  
9 a shareholder-owned company. I said that.

10 SENATOR SQUADRON: If the sponsor  
11 would --

12 SENATOR HANNON: So you might also  
13 remember that this provision has been in the  
14 Senate's budget for the last two years, and so we  
15 have passed that and endeavored to have  
16 conversations with the other house. Their  
17 response over there has not been negative but, on  
18 the other hand, has had a counterproposal that is  
19 still being entertained.

20 SENATOR SQUADRON: And if the  
21 sponsor would continue to yield and would be  
22 willing to talk about, in a little more detail, a  
23 little more specificity, some of those logical  
24 differences when there are shareholders.

25 SENATOR HANNON: Well, you just

1 can't -- there's a call for character and  
2 competence, but you can't do it if you have a  
3 million shareholders.

4           So in that situation, you would not  
5 do it. And you would not do it because the  
6 rationale for having character and competence  
7 over a million shareholders is not the same as  
8 having character and competence over the  
9 10 shareholders in a nursing home, where  
10 obviously the degree of influence and the degree  
11 of control is far different. So when I was  
12 talking about logical differences, that would be  
13 one of them.

14           SENATOR SQUADRON: If the sponsor  
15 would continue to yield.

16           So in the existing facilities inside  
17 any retail establishment that do exist in the  
18 state, the few, who does own them?

19           SENATOR HANNON: I would believe  
20 they'd be leased. And they'd be leased by  
21 whoever, whichever medical profession would be  
22 running it. It could be a nurse practitioner, it  
23 could be a physician, it could be a physician's  
24 assistant.

25           SENATOR SQUADRON: If the sponsor

1 would continue to yield.

2           So in the current structure, are  
3 those facilities more like your average general  
4 practitioners or family doctor's offices?

5           SENATOR HANNON:   Probably.

6           I couldn't -- I don't have  
7 individual knowledge of that. But from a  
8 corporate standpoint, that's exactly why they  
9 would want this bill, so that they would have a  
10 sense of quality control, standardization of  
11 delivery, patient satisfaction. And -- and,  
12 which is not presently the case, have the  
13 electronic medical records, which we insisted as  
14 part of this so that we could continue to have a  
15 knowledge about people's primary care access.

16           SENATOR SQUADRON:   If the sponsor  
17 would yield.

18           The current system from a regulatory  
19 standpoint, however, is more like a doctor's  
20 office, it's run by a --

21           SENATOR HANNON:   Well, I can't say  
22 its totally current system. It's a handful, as I  
23 said. I don't know the exact number but, you  
24 know, somewhere between five and 20.

25           SENATOR SQUADRON:   But it would be

1 fair to say that it is -- through you,  
2 Mr. President, it would be fair to say that it is  
3 regulated, the way that -- for the normal patient  
4 who doesn't know the ins and outs of public  
5 health law?

6           SENATOR HANNON: The interesting  
7 thing that you're assuming in your question,  
8 which is erroneous, is that there's a regulation  
9 of the doctor's offices. As a matter of fact, we  
10 don't regulate doctor's offices. We regulate  
11 medical care. We have a number of boards that  
12 are there that have standards for certification  
13 to be part of those boards. They will set forth  
14 the measurement of care.

15           But the State of New York does not  
16 have regulations. We don't tell them how many  
17 square feet they have to have, how many people  
18 they have to employ, how many hours they have to  
19 be open. We have none of that. So that the  
20 presumption in your questions about the current  
21 practice is erroneous.

22           SENATOR SQUADRON: If the sponsor  
23 would continue to yield.

24           SENATOR HANNON: Yes.

25           SENATOR SQUADRON: Thank you for

1 that clarification.

2 Let me ask, as you provide the  
3 clarification, as the sponsor provides the  
4 clarification -- forgive me, Mr. President -- who  
5 then is held responsible for quality of care in  
6 doctor's offices in New York State currently?

7 SENATOR HANNON: The doctor.

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

10 SENATOR HANNON: Yes.

11 SENATOR SQUADRON: Thank you.

12 The sponsor said before that x-ray,  
13 ultrasound, that sort of thing is not  
14 contemplated to be in these facilities. Is that  
15 contemplation reflected in the bill? And if so,  
16 where?

17 SENATOR HANNON: By having them  
18 subject to standards set by the Public Health  
19 Council.

20 SENATOR SQUADRON: If the sponsor  
21 would yield.

22 And is that based on a  
23 conversation --

24 SENATOR LIBOUS: Mr. President.  
25 Mr. President. Could I ask that questions go

1 through Mr. President, and also responses, rather  
2 than directly? It would make things a lot  
3 easier.

4 SENATOR SQUADRON: Forgive me,  
5 Mr. President.

6 ACTING PRESIDENT FUNKE: Senator  
7 Squadron.

8 SENATOR SQUADRON: Through you,  
9 Mr. President. When it's contemplated that the  
10 regulatory body would not allow x-rays or  
11 ultrasounds, is that again based on something in  
12 the bill text, based on conversations with them,  
13 based on a general knowledge?

14 SENATOR HANNON: I don't know what  
15 you're getting at. Why don't you -- you can read  
16 the bill. It's not specifically set forth.

17 If you're familiar with the  
18 healthcare regulatory system in this state, the  
19 Public Health Council has vast powers, does a lot  
20 of study, its membership is ratified by this body  
21 here.

22 So what they're going to  
23 specifically say -- but they've indicated,  
24 because this originated in the Governor's budget  
25 from a study that they had done, that they would

1 be the type of oversight that one would -- that  
2 I've suggested here.

3 SENATOR SQUADRON: If the sponsor  
4 would continue to yield, Mr. President.

5 ACTING PRESIDENT FUNKE: Do you  
6 continue to yield, Senator Hannon?

7 SENATOR HANNON: Yes.

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

10 The sponsor also talked about the  
11 fact that a medical director would be required.  
12 Where in the bill is that?

13 SENATOR HANNON: Let's see. It  
14 would be on page 6, subdivision -- line 46 to  
15 line 48.

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

18 SENATOR HANNON: Which says, in the  
19 bill, "requiring the operator to directly employ  
20 a medical director who is licensed and currently  
21 registered to practice medicine in the State of  
22 New York."

23 SENATOR SQUADRON: If the sponsor  
24 will continue to yield.

25 ACTING PRESIDENT FUNKE: Will the

1 sponsor yield?

2 SENATOR HANNON: Yes.

3 SENATOR SQUADRON: A few lines  
4 above that, it talks about immunizations to  
5 patients younger than 18 years of age. What is  
6 that component of the bill about?

7 SENATOR HANNON: The Public Health  
8 Council, when they recommended this, they were --  
9 it was really at a time when -- and it's still at  
10 a time when there's not universal use of  
11 electronic medical records. So they wanted to  
12 make sure that we had people who could -- we  
13 would know who had fulfilled immunization  
14 requirements for those who are underage.

15 So the thought was this was not the  
16 appropriate place. As we do, we deal with many  
17 different types of vaccines and levels of when  
18 they need to be administered. This is something  
19 that's a moving target, but it's currently what's  
20 proposed for these licensed care clinics.

21 SENATOR SQUADRON: If the sponsor  
22 would continue to yield, Mr. President.

23 SENATOR HANNON: Yes.

24 SENATOR SQUADRON: Thank you.

25 Through you. So just so I

1 understand, the bill would prohibit these clinics  
2 from providing immunizations to children under  
3 the age of 18?

4 SENATOR HANNON: Yes. Because the  
5 object here is, especially for those who are  
6 young, to have them go to their primary care  
7 provider, which probably would be a pediatrician.

8 Which is also the reason that the  
9 next line talks about -- or the line above says  
10 "is prohibited from offering services to patients  
11 24 months of age or younger."

12 SENATOR SQUADRON: If the sponsor  
13 would continue to yield.

14 SENATOR HANNON: Yes.

15 SENATOR SQUADRON: Just as I read  
16 the bill, some clarification would be helpful.  
17 Because the medical director provision, the  
18 immunization prohibition, the prohibition on  
19 pediatrics all appear to be in a section that is  
20 described as designating or limiting the  
21 treatment and services that may be provided,  
22 including.

23 And so it's just not clear to me  
24 whether all of those provisions are mandates or  
25 whether they are optional for the Public Health

1 Council. If the sponsor would clarify.

2 SENATOR HANNON: When it says that  
3 they "shall" do, it's requiring.

4 SENATOR SQUADRON: If sponsor would  
5 continue to yield and, if so, clarify where they  
6 say "shall."

7 ACTING PRESIDENT FUNKE: Will the  
8 sponsor continue to yield?

9 SENATOR HANNON: "Commissioner  
10 shall promulgate," line 24.

11 SENATOR SQUADRON: Thank you.  
12 On the bill.

13 ACTING PRESIDENT FUNKE: Senator  
14 Squadron on the bill.

15 SENATOR SQUADRON: The sponsor  
16 talks about a number of goals for this bill,  
17 but -- and I think there might be an idea in  
18 here. But there are some serious concerns in  
19 what the sponsor talks about here, and let's go  
20 through them.

21 The first is the sponsor talks about  
22 different requirements and protections that would  
23 exist. But the fact is they are not so clearly  
24 required at all. They are an option for a  
25 regulator, and that's a real concern. I think

1 that the idea of creating a new system that's  
2 more carefully regulated and then giving the  
3 entire kit and caboodle to the Public Health  
4 Council doesn't make sense.

5 I think that it was telling that the  
6 sponsor talked about the protections as part of  
7 the justification for this bill.

8 I think it's also telling that the  
9 sponsor talked about the fact that when you talk  
10 about a doctor's office context for the  
11 layperson, the normal person who goes to the  
12 doctor, the general practitioner, hopefully for a  
13 checkup on an annual basis, the responsible party  
14 there is the doctor, is the physician.

15 And in this case, the ultimate  
16 responsible party is a corporation, and that's a  
17 change. And it's a change with requirements that  
18 are going to be up to the Public Health Council,  
19 and it's a change that I think should give us a  
20 great deal of pause here in the waning hours of  
21 session in the late hours of the day.

22 Because to simply create a new model  
23 of healthcare that we've not had in this state  
24 that's controlled in a for-profit corporate  
25 setting I think raises any number of other

1 questions that should be answered.

2           And then, finally, I am concerned  
3 about the provision that limits the ability to  
4 receive immunizations for those under the age of  
5 18. One of the justifications given for this  
6 bill is that it would expand primary care options  
7 for folks. And to expand primary care options in  
8 a model that takes immunizations for anyone under  
9 the age of 18 off the table, or limits them, I  
10 think is a concerning way to do that.

11           So for all of those reasons,  
12 Mr. President, I will join with the other house,  
13 as they have done for a number of years, as  
14 pointed out by the sponsor, and be voting no  
15 today. Look forward to perhaps seeing this bill  
16 in a different version in some future year.

17           Thank you, Mr. President.

18           ACTING PRESIDENT FUNKE: Thank you,  
19 Senator Squadron.

20           Are there any other members wishing  
21 to be heard on this?

22           (No response.)

23           ACTING PRESIDENT FUNKE: Seeing  
24 none, the debate is closed. The Secretary will  
25 ring the bell.

1                   The Secretary will read the last  
2 section.

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

5                   ACTING PRESIDENT FUNKE:   Call the  
6 roll.

7                   (The Secretary called the roll.)

8                   ACTING PRESIDENT FUNKE:   Senator  
9 Hannon to explain his vote.

10                  SENATOR HANNON:    First of all, I  
11 recommend a yes vote for this because it will  
12 help primary care, especially after we've  
13 enlarged the rolls of those insured in this state  
14 by Obamacare by over a million.

15                  But I just wanted to clarify one  
16 point.  It apparently was a concern of Senator  
17 Squadron that there's a limitation in the bill  
18 that people under 18 could not be immunized at a  
19 retail clinic.

20                  I just want to point out that we've  
21 all voted to allow pharmacists to do  
22 immunizations.  We don't allow the pharmacists to  
23 do immunizations for those under 18.  It's the  
24 same idea.  Let them go to their primary care  
25 practitioner and get the regular care there,

1 especially when you're young.

2 Thank you. I vote yes.

3 ACTING PRESIDENT FUNKE: Senator  
4 Hannon to be recorded in the affirmative.

5 Announce the results.

6 THE SECRETARY: In relation to  
7 Calendar 1678, those recorded in the negative are  
8 Senators Dilan, Gianaris, Hamilton, Krueger,  
9 Montgomery, Perkins, Rivera, Sanders, Squadron  
10 and Stavisky.

11 Ayes, 53. Nays, 10.

12 ACTING PRESIDENT FUNKE: The bill  
13 is passed.

14 Senator DeFrancisco.

15 SENATOR DeFRANCISCO: Yes, can we  
16 now go to Supplemental Calendar 54B, the one  
17 we're on, and go to 1654, a Senator Flanagan  
18 bill. If you'd lay that bill aside for the day.

19 ACTING PRESIDENT FUNKE: The bill  
20 is laid aside for the day.

21 SENATOR DeFRANCISCO: Next, on that  
22 same calendar, the last bill that hasn't been  
23 dealt with is 1686. It was laid aside  
24 temporarily. And could you call up that bill.

25 ACTING PRESIDENT FUNKE: The

1 Secretary will read.

2 THE SECRETARY: Calendar Number  
3 1686, by Senator DeFrancisco, Senate Print 5713B,  
4 an act to amend the State Finance Law.

5 ACTING PRESIDENT FUNKE: Read the  
6 last section.

7 THE SECRETARY: Section 16. This  
8 act shall take effect immediately.

9 ACTING PRESIDENT FUNKE: Call the  
10 roll.

11 (The Secretary called the roll.)

12 THE SECRETARY: Ayes, 63.

13 ACTING PRESIDENT FUNKE: The bill  
14 is passed.

15 SENATOR DeFRANCISCO: I believe  
16 that completes that calendar.

17 And I understand there's a report  
18 from the Finance Committee at the desk.

19 ACTING PRESIDENT FUNKE: The  
20 Secretary will read.

21 THE SECRETARY: Senator  
22 DeFrancisco, from the Committee on Finance,  
23 reports the following nomination.

24 As a member of the State Board of  
25 Parole, Otis Cruse, of Pomona.

1                   SENATOR DeFRANCISCO:    I move the  
2 nomination and ask that you call on Senator  
3 Gullivan, please.

4                   ACTING PRESIDENT FUNKE:    The  
5 nomination is moved.

6                   Senator Gullivan.

7                   SENATOR GALLIVAN:    Thank you,  
8 Mr. President.  I rise to second the nomination  
9 of Otis Cruse as a member of the Board of Parole.

10                   Mr. Cruse comes from a very unique  
11 perspective in community supervision, and I think  
12 when combined between the other members of the  
13 Board of Parole who come from other walks of  
14 life, will prove to be a very valuable asset in  
15 providing his decision-making when he's  
16 considering the factors and standards of release  
17 from a very unique perspective.

18                   And I urge my colleagues to support  
19 his nomination.

20                   ACTING PRESIDENT FUNKE:    The  
21 question is on the nomination.  All those in  
22 favor signify by saying aye.

23                   (Response of "Aye.")

24                   ACTING PRESIDENT FUNKE:    Opposed?

25                   (No response.)

1                   ACTING PRESIDENT FUNKE:    Mr. Cruse  
2 is confirmed.

3                   Otis Cruse is accompanied by his  
4 wife, Gail, and Bishop and Mrs. Ronald Hopkins of  
5 Pilgrim Cathedral of Harlem.

6                   We welcome you to the New York State  
7 Senate, and we congratulate you.

8                   (Standing ovation.)

9                   ACTING PRESIDENT FUNKE:    Thank you  
10 for staying up so late.

11                   (Laughter.)

12                   ACTING PRESIDENT FUNKE:    Senator  
13 DeFrancisco.

14                   SENATOR DeFRANCISCO:    Obviously a  
15 very popular choice.

16                   Can we go to the next nominee.

17                   ACTING PRESIDENT FUNKE:    The  
18 Secretary will read.

19                   THE SECRETARY:    Marc A. Coppola, of  
20 Tonawanda, as a member of the State Board of  
21 Parole.

22                   SENATOR DeFRANCISCO:    Move the  
23 nomination.

24                   ACTING PRESIDENT FUNKE:    The  
25 nomination is moved.

1                   Senator Panepinto.

2                   SENATOR PANEPINTO:    Yes, I stand on  
3 the nomination of Marc Coppola.

4                   Marc Coppola was a member of this  
5 body he was my councilman for 10 years in the  
6 City of Buffalo.  He's a constituent of mine in  
7 the Town of Tonawanda now.  And he's served on  
8 the Parole Board admirably for the last four  
9 years.

10                  He is a great asset to the State of  
11 New York, and we should continue him in this  
12 role.  And I am proud to nominate Marc Coppola  
13 for continuation on the Parole Board.

14                  Thank you.

15                  ACTING PRESIDENT FUNKE:    Thank you,  
16 Senator.

17                  The question is on the nomination to  
18 the Parole Board -- I'm sorry.

19                  Senator Kennedy.

20                  SENATOR KENNEDY:    Thank you,  
21 Mr. President.  I too want to stand and second  
22 the nomination of Marc Coppola for his  
23 reappointment to the State Board of Parole.

24                  Marc has been a tremendous asset to  
25 the people of the State of New York, a definite

1 steward of the position, and someone that has  
2 earned this reappointment.

3 He has been a tremendous community  
4 activist, public official, and has also served in  
5 this honorable body over the years. So again, it  
6 is my honor, on his birthday, by the way, to  
7 second the nomination of Marc Coppola. We wish  
8 him a happy birthday, and great work in the years  
9 to come serving the people of the State of  
10 New York.

11 ACTING PRESIDENT FUNKE: Thank you,  
12 Senator Kennedy.

13 The question is on the nomination.  
14 All those in favor say aye.

15 (Response of "Aye.")

16 ACTING PRESIDENT FUNKE: Opposed?

17 (No response.)

18 ACTING PRESIDENT FUNKE:

19 Mr. Coppola is confirmed.

20 And happy birthday, sir.

21 (Applause.)

22 ACTING PRESIDENT FUNKE: Senator

23 LaValle.

24 SENATOR LaVALLE: Mr. President,  
25 can we please go to the controversial reading of

1 Calendar Number 1498.

2           ACTING PRESIDENT FUNKE:    The  
3 Secretary will read Calendar Number 1498, by  
4 Senator Klein, Senate Print 5230A, an act to  
5 amend the Tax Law.

6           SENATOR KRUEGER:    Explanation.

7           ACTING PRESIDENT FUNKE:    An  
8 explanation has been requested.

9           Senator Klein with an explanation.  
10 Thank you, sir.

11           SENATOR KLEIN:    Mr. President, this  
12 legislation originally, back in 2010, was  
13 legislation that would allow individuals to use  
14 their life insurance policies for long-term care  
15 by accelerating the death benefit.

16                   Back in 2014 we expanded the kinds  
17 and types of long-term care that can be financed,  
18 such as end-of-life care.

19                   This legislation would allow this  
20 new insurance product to get a 20 percent tax  
21 credit, as other long-term care insurance  
22 policies. So this would extend those same tax  
23 credits to the purchase of riders to life  
24 insurance policies that provide for an  
25 accelerated death benefit.

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

3                   ACTING PRESIDENT FUNKE:   Does the  
4 sponsor yield?

5                   SENATOR KLEIN:    Yes, Mr. President.

6                   SENATOR KRUEGER:    Thank you.  
7                   The bill would -- as the sponsor  
8 described in his answer, it would allow a  
9 20 percent credit for some kind of -- it says  
10 actually care-like coverage, a  
11 long-term-care-like coverage that would be  
12 included in a rider to existing life insurance.  
13 Could I get an explanation of what  
14 long-term-care-like coverage would be?

15                   SENATOR KLEIN:    Again,  
16 Mr. President, right now, if you purchase a  
17 long-term-care insurance policy in New York  
18 State, you can get a 20 percent tax credit of the  
19 premiums paid.

20                   Again, through legislation that I  
21 passed both in 2010 and 2014, we now allow life  
22 insurance policies to provide long-term care by  
23 accelerating the death benefit.

24                   Again, we're hopeful that  
25 individuals will now buy these products because

1 they're a lot more reasonable. Long-term-care  
2 insurance policies, stand-alone policies, are  
3 very expensive. So we're hopeful these new  
4 insurance policies, which will be offered and are  
5 already offered by life insurance companies, can  
6 enjoy that same tax credit.

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

10                   ACTING PRESIDENT FUNKE: Does the  
11 sponsor yield?

12                   SENATOR KLEIN: Yes, Mr. President.

13                   SENATOR KRUEGER: Thank you.

14                   In long-term-care insurance we have  
15 a certain program in New York State and insurance  
16 plans can apply to be recognized as a  
17 state-approved long-term-care plan. Would this  
18 bill require that the long-term-care-like  
19 insurance rider was for approved programs within  
20 the State of New York?

21                   SENATOR KLEIN: Through you,  
22 Mr. President. First of all, it's up to the  
23 individual long-term-care insurance company to be  
24 part of these New York State plans. And quite  
25 frankly, most of them aren't. And that's the

1 reason why they're so expensive and beyond the  
2 reach of most people.

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

6 ACTING PRESIDENT FUNKE: Does the  
7 response yield?

8 SENATOR KLEIN: Yes, Mr. President.

9 SENATOR KRUEGER: One concern that  
10 has been raised about accelerated benefits -- I'm  
11 getting the name of the product incorrect. If  
12 the sponsor would remind me of the correct term  
13 for the product.

14 ACTING PRESIDENT FUNKE: The  
15 correct term for the product, Senator Klein?

16 SENATOR KLEIN: It's allowing life  
17 insurance policies to accelerate the death  
18 benefit.

19 SENATOR KRUEGER: Thank you.

20 SENATOR KLEIN: Just to expand on  
21 that, what happens is of course when you buy a  
22 life insurance policy, it gives you the  
23 opportunity to leave the money to your  
24 beneficiaries.

25 This would allow the individual,

1 when of course they're still alive, to use it for  
2 forms of long-term care. And in this case, it  
3 would be stay in a nursing home or hospice care,  
4 both at a facility and home-care attendant at  
5 home.

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

9                   ACTING PRESIDENT FUNKE: Do you  
10 continue to yield?

11                   SENATOR KLEIN: Yes, Mr. President.

12                   SENATOR KRUEGER: So I just want to  
13 make sure I understand correctly.

14                   So this bill would allow riders to  
15 life insurance to cover accelerated death  
16 benefits, as opposed to what we think of as  
17 long-term-care insurance, and then would allow  
18 you to take a 20 percent tax deduction for buying  
19 an accelerated death benefit rider; is that  
20 correct?

21                   SENATOR KLEIN: Mr. President, it  
22 would allow individuals to enjoy a 20 percent tax  
23 credit for both. So in other words, we're not  
24 taking away the ability of somebody, if they buy  
25 a long-term-care insurance policy, to get the

1 20 percent tax credit. So it would be for both.

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

5 SENATOR KLEIN: Yes, Mr. President.

6 SENATOR KRUEGER: Thank you.

7 So yes, the sponsor is correct, we  
8 already have law covering a 20 percent deduction  
9 from taxes if you buy a long-term-care health  
10 insurance policy. This bill would add  
11 accelerated death benefit policies to that type  
12 of policy that you can get a 20 percent tax  
13 deduction on; is that correct?

14 SENATOR KLEIN: Yes, Mr. President.

15 Let me elaborate, because I don't  
16 think the Senator knows, I guess, the whole  
17 purpose behind the original legislation.

18 Right now long-term-care insurance  
19 policies are very, very expensive. That's why  
20 only about 350,000 New Yorkers have  
21 long-term-care insurance policies. Oftentimes  
22 people wait until they're 50, 60 to buy one, and  
23 at that time they can be anywhere from \$5,000 to  
24 \$10,000 for a policy, beyond the reach of most  
25 people.

1           Seven million New Yorkers have life  
2 insurance policies. So I believe this is a way  
3 for individuals to choose, if they choose to do  
4 so, to use their life insurance policies for  
5 long-term care by accelerating the benefit, the  
6 death benefit.

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

10          ACTING PRESIDENT FUNKE: Is the  
11 Senator continuing to yield?

12          SENATOR KLEIN: Yes, Mr. President.

13          SENATOR KRUEGER: Thank you.

14                 Is the sponsor at all concerned that  
15 the model of accelerated death benefits results  
16 in spending down your life insurance policy while  
17 alive and may even leave you with zero funds  
18 available as an actual life insurance policy for  
19 your beneficiaries that you originally took the  
20 life insurance policy out to help them?

21          SENATOR KLEIN: Again,  
22 Mr. President, it's up to the individual. If  
23 they choose to leave the money in their life  
24 insurance policy to their named beneficiary it's  
25 their choice.

1           This allows them and I believe  
2 families to have peace of mind that there will be  
3 some money available if they choose to use it for  
4 long-term care.

5           Also, this is going to, I think,  
6 derive a lot of savings in Medicaid dollars,  
7 because more and more people, if they choose to,  
8 will actually use their life insurance policies  
9 by accelerating death benefits and not go on  
10 Medicaid so quickly, I think potentially saving  
11 the state hundreds of millions of dollars.

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

14           ACTING PRESIDENT FUNKE:    Senator  
15 Krueger on the bill.

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

18           It may save Medicaid some money.  We  
19 don't know, because we haven't done this.

20           We do know that there has been an  
21 enormous drop in the number of people applying to  
22 or paying for long-term-care insurance, basically  
23 because those companies have skyrocketed their  
24 premiums and lowered the benefits that they're  
25 providing.

1           So there's a constant source of  
2 complaint by constituents of large premium  
3 increases, up to 40 to 45 percent, forcing  
4 constituents to choose between dropping their  
5 coverage or trying to recover premiums paid,  
6 which is often not possible, or paying new rates  
7 which may be higher than they can afford.

8           It's also particularly difficult  
9 getting things covered once they need to start  
10 using coverage, which is an additional concern I  
11 have about this program.

12           When insurance companies have  
13 trouble selling insurance, maybe it's because  
14 people realize it's not really in their best  
15 interests to purchase this insurance. And  
16 particularly for older New Yorkers, the concept  
17 that they may not be eligible for the benefits  
18 until they're at a point where they're incapable  
19 of handling daily functions for themselves.

20           So at the time you're incapable of  
21 handling daily functions for yourself, the  
22 concept that you can fight with an insurance  
23 company, that they shouldn't have reduced your  
24 benefits, should approve the activity, just even  
25 understanding what you have left, is a true

1 source of problem for us in New York State --  
2 probably everywhere in the country, because in  
3 fact sales of quality long-term-care health  
4 insurance has been going down.

5 Many state insurance regulators have  
6 allowed increases in premiums to offset low  
7 insurance company interest earnings on their  
8 investments, reports PBS. The Wall Street  
9 Journal reports the probability of collecting on  
10 long-term-care insurance is low. About two to  
11 three -- two out of three seniors stay in a  
12 nursing home for less than 90 days, which means  
13 they get no compensation from long-term-care  
14 insurance.

15 Forbes has reported that  
16 long-term-care insurance policies have three  
17 major defects. They only cover long-term care,  
18 they permit the seller to change the terms after  
19 you have put money in, and insurance companies  
20 fight paying out. There's a series of stories  
21 about that situation.

22 In addition, as I mentioned, people  
23 are having enormous trouble getting insurance  
24 companies to pay out on their policies.

25 I say all this because we give tax

1 deductions for people to buy long-term-care  
2 insurance. Despite the tax deductions, the  
3 industry is seeing fewer people buying their  
4 policies. So now the industry would like us to  
5 help people buy a different kind of policy.

6           But I think we need much more detail  
7 about exactly what those policies would have to  
8 cover, the protections that would be built in,  
9 the guarantees that rates didn't go up, the  
10 guarantees that the coverage didn't go down. I  
11 don't want us to replicate, in a new model of  
12 long-term health insurance, the mistakes we have  
13 seen and are seeing from the existing law.

14           So conceivably we could come up with  
15 a series product products that were reviewed,  
16 approved, controlled by the State of New York  
17 such that we could guarantee people weren't just  
18 going to put their money down a new insurance  
19 drain that does not cover them when they need it.  
20 But right now this bill, without laying out  
21 specifically what the requirements of those  
22 policies would be, I do not believe is in the  
23 best interests of the State of New York.

24           I do agree with the sponsor that  
25 having quality insurance policies can help ensure

1 there's decreased dependence on Medicaid and the  
2 state's responsibility for paying healthcare for  
3 older New Yorkers. But we really have to make  
4 sure we get it right. We have to make sure those  
5 policies will in fact cover what people are  
6 paying for before we encourage more people to  
7 participate in a plan or a group of plans. They  
8 may be just as bad for them as the ones they  
9 already can take tax deductions for.

10 So I'll be voting no. Thank you,  
11 Mr. President.

12 ACTING PRESIDENT FUNKE: Thank you,  
13 Senator Krueger.

14 Senator Nozzolio.

15 SENATOR NOZZOLIO: Thank you,  
16 Mr. President. Mr. President, will the sponsor  
17 yield?

18 ACTING PRESIDENT FUNKE: Will the  
19 sponsor yield for a question?

20 SENATOR KLEIN: Yes, Mr. President.

21 SENATOR NOZZOLIO: Thank you,  
22 Mr. Klein. And thank you, Mr. President.

23 Senator, I certainly believe in the  
24 concept that you're putting forth with this  
25 measure. My question, after reading the bill,

1 Senator, is the type of policy that is actually  
2 covered by this bill and, as importantly, what  
3 may not be covered.

4           You're so right to address this  
5 issue, because the demand for these policies --  
6 although the need is great, the cost has  
7 suppressed the demand. So what is happening in  
8 the marketplace is a morphing of the  
9 long-term-care insurance policy into a number of  
10 hybrids, one of which is establishing annuities,  
11 another of which may be transferring to life  
12 insurance as part of this.

13           And I know the sponsor is  
14 well-versed in these subjects. I wonder if you  
15 would so elaborate about whether this tax credit  
16 is in fact flexible to meet these new types of  
17 long-term-care, slash, investment policies.

18           SENATOR KLEIN: Sure. Through you,  
19 Mr. President.

20           First of all, I guess just to  
21 elaborate once again, this is not creating, this  
22 legislation does not create a new product. That  
23 was done in 2010. As a matter of fact,  
24 originally there was major opposition from the  
25 life insurance industry to allow individuals to

1 accelerate their death benefit for long-term care  
2 in a nursing home, because I guess they felt they  
3 were competing with their long-term insurance  
4 policies, which a lot of them also sold.

5 They came on board because they  
6 realized this was a way, an affordable way for  
7 someone to use their life insurance policy for  
8 long-term care. I then expanded the legislation  
9 in 2014 to include hospice care.

10 This legislation merely allows this  
11 new form of life insurance to enjoy the tax  
12 credit just like an existing long-term-care  
13 policy.

14 So in answer to your question,  
15 Senator, it wouldn't include an annuity, it  
16 wouldn't include anything other than an existing  
17 long-term-care insurance policy. Now it's adding  
18 the riders, which will be included under previous  
19 legislation.

20 SENATOR NOZZOLIO: Mr. President,  
21 if Senator Klein would continue to yield.

22 ACTING PRESIDENT FUNKE: Will the  
23 sponsor yield?

24 SENATOR KLEIN: Yes, Mr. President.

25 SENATOR NOZZOLIO: Thank you,

1 Senator Klein.

2 I'm just a little uncertain of  
3 whether or not, as the marketplace adapts to  
4 different types of policies within the umbrella  
5 of long-term care, providing the consumer with  
6 additional options, would in fact this credit --  
7 which, again, I support. I believe it's a very  
8 important incentive to help our citizens in their  
9 elder years.

10 But, Senator, I guess I wonder if it  
11 is flexible enough to meet those market changes  
12 where a long-term-care insurance policy is in  
13 fact a portion of that but providing other  
14 options to the policyholder within that  
15 long-term-care structure.

16 SENATOR KLEIN: Through you,  
17 Mr. President.

18 Senator, I think you raise an  
19 excellent point. And I believe, as more products  
20 become available in the marketplace to benefit  
21 individuals as far as long-term-care insurance, I  
22 would believe we would have to add them, you  
23 know, to the existing legislation to allow them  
24 to enjoy a tax credit as well.

25 But that's something that's

1 flexible, and that can be done. And that's what  
2 this legislation does, by the way.

3 SENATOR NOZZOLIO: Thank you,  
4 Senator Klein.

5 Mr. President, on the bill.

6 ACTING PRESIDENT FUNKE: Senator  
7 Nozzolio on the bill.

8 SENATOR NOZZOLIO: I support this  
9 legislation because I believe Senator Klein is  
10 making a very good faith attempt to encourage  
11 investment in our citizens' future, and the  
12 policies themselves, as they exist for long-term  
13 care, are in fact almost cost-prohibitive for the  
14 average citizen. So this credit does help  
15 incentivize the acquisition of this type of  
16 coverage.

17 I do believe, though, that Senator  
18 Klein may consider very soon to amend this type  
19 of bill, because the marketplace is becoming -- I  
20 don't want to say crowded, I think that's too  
21 extensive a word. But there are more products  
22 every month that are entering the market out of  
23 necessity to encourage long-term protections.

24 So Senator Klein's certainly  
25 willingness to recognize that change in the

1 marketplace is important. And that as such, I  
2 support this effort and will support further  
3 expansion of long-term-care protections in a  
4 variety of ways for our citizenry.

5 Thank you, Mr. President. I support  
6 this legislation.

7 ACTING PRESIDENT FUNKE: Thank you,  
8 Senator Nozzolio.

9 Are there any other members wishing  
10 to be heard?

11 (No response.)

12 ACTING PRESIDENT FUNKE: Seeing  
13 none, debate is closed. The Secretary will ring  
14 the bell.

15 The Secretary will read the last  
16 section.

17 THE SECRETARY: Section 5. This  
18 act shall take effect on the first of April.

19 ACTING PRESIDENT FUNKE: Call the  
20 roll.

21 (The Secretary called the roll.)

22 ACTING PRESIDENT FUNKE: Announce  
23 the result.

24 THE SECRETARY: Ayes, 61. Nays, 1.  
25 Senator Krueger recorded in the negative.

1 Senator Peralta is absent.

2 ACTING PRESIDENT FUNKE: The bill  
3 is passed.

4 Senator LaValle.

5 SENATOR LaVALLE: Mr. President,  
6 can we go to the controversial reading of  
7 Calendar Number 660, by Senator Golden.

8 ACTING PRESIDENT FUNKE: The  
9 Secretary will read Calendar 660.

10 THE SECRETARY: Calendar Number  
11 660, by Senator Golden, Senate Print 4562, an act  
12 directing.

13 ACTING PRESIDENT FUNKE: Senator  
14 Gianaris.

15 SENATOR GIANARIS: Mr. President,  
16 will the sponsor yield for some questions,  
17 please.

18 ACTING PRESIDENT FUNKE: Senator  
19 Golden, will you yield for some questions from  
20 Senator Gianaris?

21 SENATOR GOLDEN: Yes,  
22 Mr. President.

23 SENATOR GIANARIS: Thank you.

24 This bill purports to allow an RFP  
25 for the Power Authority to sell 10 mini

1 generators throughout the City of New York. My  
2 question to the sponsor is whether he's aware  
3 that these generators, when they were first put  
4 in place -- I believe it was in 2001 -- the  
5 announcement from the state was that they were to  
6 be temporary in duration and only there for  
7 purposes of fulfilling what was deemed to be an  
8 emergency need at the time.

9           SENATOR GOLDEN: Mr. President,  
10 through you, they've been there for 15 years.  
11 And there is a requirement for energy that is  
12 needed in the communities, especially during peak  
13 hours and peak times during the summer, and they  
14 are used, all of these 10 generators. So there's  
15 a purpose and a need for them.

16           So this sale of these generators  
17 would generate money for schools and would be  
18 able to hopefully upgrade and maintain and  
19 continue the use of these generators as we move  
20 into the 21st century for the City of New York.

21           We need energy any way we can get  
22 it, whether it's overland, under land, we've got  
23 a line coming down the Hudson, Connecticut -- we  
24 need energy, clean energy, technology, good  
25 technology, clean energy, energy efficiency in

1 installing these renewable and clean energy  
2 technologies.

3 So yes, I'm aware that they were  
4 placed in 2001, and I believe that they will  
5 benefit the city, have benefited the city and  
6 will continue to benefit the city as we go  
7 forward.

8 SENATOR GIANARIS: Would the  
9 sponsor continue to yield, Mr. President?

10 ACTING PRESIDENT FUNKE: Does the  
11 sponsor yield?

12 SENATOR GOLDEN: Yes,  
13 Mr. President.

14 SENATOR GIANARIS: I know a part of  
15 my question -- I know it was a compound question,  
16 so I'll just isolate the part I'd really like  
17 answered. Is the sponsor aware that there was a  
18 commitment to the communities that housed these  
19 generators by the state 15 years ago or 14 years  
20 ago that they would be there only temporarily and  
21 would be moved in the short term?

22 SENATOR GOLDEN: I heard the --  
23 through you, Mr. President, I heard the good  
24 gentleman before.

25 As I said, they were placed there 15

1 years ago. The state is putting up a request for  
2 proposal that would allow these -- by PASNY to  
3 put these requests out there for these 10  
4 megawatt generators.

5 SENATOR GIANARIS: Would the  
6 sponsor continue to yield?

7 ACTING PRESIDENT FUNKE: Will the  
8 sponsor yield?

9 SENATOR GOLDEN: Yes, sir.

10 SENATOR GIANARIS: Is the sponsor  
11 aware that with respect to at least two of the  
12 units, the ones in Long Island City, in the  
13 district I represent, there is an existing court  
14 order that they be moved off the site, pursuant  
15 to litigation that occurred back at the time?

16 SENATOR GOLDEN: Through you,  
17 Mr. President. I'm sure if there's a court  
18 order, the request for proposal -- as the request  
19 for proposal is provided and put together by both  
20 PASNY and working with NYPA, I'm sure that they  
21 will conform to whatever court orders there are.

22 SENATOR GIANARIS: And would the  
23 sponsor continue to yield.

24 ACTING PRESIDENT FUNKE: Will the  
25 sponsor yield?

1                   SENATOR GOLDEN:    Yes,  
2   Mr. President.

3                   SENATOR GIANARIS:   Is the sponsor  
4   also aware that with respect to all 10 of the  
5   generators, it was also revealed through  
6   litigation that they were placed  
7   disproportionately in low-income communities that  
8   already suffer from excessive pollution, bad air  
9   quality, and increasing rates of asthma?

10                  SENATOR GOLDEN:    Through you,  
11   Mr. President, I know that the good gentleman  
12   does not wish it in his community. There is one  
13   in my community, or next to my community. Andrew  
14   Lanza, Senator Lanza has one in his community; he  
15   doesn't want it there either. And I'm sure  
16   there's many other Senators here that don't want  
17   them in their communities.

18                  But the reality is we need energy in  
19   the good City of New York. And this is, I  
20   believe, an opportunity to sell off these  
21   generators and to make sure if they continued  
22   them at those locations, that they are upgraded  
23   and fitted into the 21st century. And that I  
24   understand they're in good working condition in  
25   the last 15 years that they've been there.

1                   SENATOR GIANARIS:    Would the  
2 sponsor yield again, Mr. President.

3                   ACTING PRESIDENT FUNKE:    Will the  
4 sponsor yield?

5                   SENATOR GOLDEN:    Yes,  
6 Mr. President.

7                   SENATOR GIANARIS:    My previous  
8 question was not so much about the fact that  
9 there's one in my community, which there is -- or  
10 two -- but whether the sponsor is aware that  
11 where all of these plants are located was  
12 revealed through litigation to be  
13 disproportionately in low-income communities that  
14 suffer the burden of having these power plants as  
15 neighbors and all the concomitant health  
16 consequences that go with that.

17                   SENATOR GOLDEN:    I don't believe  
18 that to be the facts, Mr. President.

19                   SENATOR GIANARIS:    On the bill,  
20 Mr. President.

21                   ACTING PRESIDENT FUNKE:    Senator  
22 Gianaris on the bill.

23                   SENATOR GIANARIS:    I thank Senator  
24 Golden for answering my questions.

25                   However, I have a fundamental

1 agreement with some of the facts about these  
2 plants. They were placed there -- I know this  
3 very well, because I was a part of the litigation  
4 against them -- they were placed there in 2001.  
5 There was deemed to be what was at the time  
6 called a California-style energy crisis in  
7 New York. It turned out to be fictional, that  
8 wasn't the truth. But the state used that excuse  
9 to drop 10 power plants in some of the poorest  
10 communities throughout New York City on the  
11 promise made by Governor Pataki in numerous news  
12 reports at the time that they would be there  
13 temporarily and only to satisfy the emergency  
14 need at the time.

15           Since that time, the demand for  
16 energy has actually not reached the expectations  
17 of the experts. They weren't even necessary back  
18 then. They certainly are not necessary now to  
19 avoid brownouts or blackouts or anything of the  
20 sort.

21           Fundamentally, by now offering to  
22 sell these to private entities, the promise of  
23 their temporary nature is going out the window.  
24 So if there were something in this bill, if it  
25 were amended to say the RFP will require a sale

1 together with a commitment to move these  
2 generators to other locations, I would be much  
3 more open to the idea of the Power Authority  
4 raising revenue this way.

5           But my fear is that by merely  
6 selling them in place where they are, we are  
7 turning what was a promise for a temporary  
8 solution into a permanent solution and a  
9 permanent burden on the communities that can  
10 least afford it.

11           The one in Long Island City that I'm  
12 most familiar with is next door to the largest  
13 public housing development on the East Coast of  
14 the country, Queensbridge Houses. It's on the  
15 south end of the development. On the north end  
16 of the development is another massive generator  
17 owned by a private entity. A little bit further  
18 north is another two generators. Sixty percent  
19 of the city's electricity is produced in this  
20 community. Not surprisingly, the rates of asthma  
21 are through the roof in one of the poorest  
22 communities in the city.

23           So what did the state do when they  
24 did this? They promised they wouldn't be there  
25 that long. Don't worry, they said. This is to

1 satisfy an emergency and then they're gone.

2 Well, 15 years later, a court order  
3 in effect that's being ignored, we're sitting  
4 here now offering to sell them to private  
5 entities that have no such commitment. Never  
6 mind the fact that the state is not fulfilling  
7 its commitment -- whoever buys these never made a  
8 commitment in the first place.

9 And so by allowing this to go  
10 forward without including in this legislation a  
11 requirement that the generators be moved as  
12 promised, we're condemning these communities to  
13 continue suffering unnecessarily.

14 And so I cannot support this bill as  
15 written. I encourage the sponsor to consider  
16 amending it, to consider going back over a decade  
17 now where there was in fact a court finding that  
18 these generators were placed disproportionately  
19 in minority communities and low-income  
20 communities throughout the city. He could find  
21 Governor Pataki's comments that they would not be  
22 there that long. We're sitting here 15 years  
23 later and now suggesting that private entities  
24 take them over and run them indefinitely.

25 The emergency that was suggested at

1 the time didn't exist then, it certainly doesn't  
2 exist now, according to all the experts. And so  
3 I cannot in good conscience vote for this bill,  
4 and I encourage my colleagues to also vote in the  
5 negative.

6 Thank you, Mr. President.

7 ACTING PRESIDENT FUNKE: Thank you,  
8 Senator Gianaris. You'll be recorded in the  
9 negative.

10 Are there any other members wishing  
11 to be heard at this time?

12 (No response.)

13 ACTING PRESIDENT FUNKE: Seeing  
14 none, debate is closed. The Secretary will ring  
15 the bell.

16 Will the Secretary read the last  
17 section.

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

20 ACTING PRESIDENT FUNKE: Call the  
21 roll.

22 (The Secretary called the roll.)

23 ACTING PRESIDENT FUNKE: Senator  
24 Golden on the bill.

25 SENATOR GOLDEN: Yes,

1 Mr. President. I'd like to vote yes on this  
2 bill.

3           These megawatt gas turbines, when  
4 sold, would not only have to be repowered, they'd  
5 have to be cleaner, they'd have to be mitigating  
6 the impact to the communities.

7           I think if we didn't need them, we  
8 would get rid of them. They get turned on in the  
9 summertime because of peak use. We need those  
10 units, and that's why they're there.

11           The one in Brooklyn is in one of the  
12 largest industrial locations in the City of  
13 New York. There are others that are in plenty --  
14 out of the 10, I know of three that are in  
15 industrial locations.

16           So I'm hoping, you know, that these  
17 are purchased and that they do serve the City of  
18 New York for the goals that we're looking to use  
19 them for, and that's to make sure there's enough  
20 energy there going forward into the 21st century.  
21 And I vote aye.

22           Thank you, Mr. President.

23           ACTING PRESIDENT FUNKE: Senator  
24 Golden to be recorded in the affirmative.

25           Announce the result.

1           THE SECRETARY:    In relation to  
2   Calendar 660, those recorded in the negative are  
3   Senators Avella, Breslin, Comrie, Espaillat,  
4   Gianaris, Hassell-Thompson, Hoylman, Kennedy,  
5   Krueger, Montgomery, Panepinto, Parker, Perkins,  
6   Rivera, Sanders, Serrano, Squadron, Stavisky and  
7   Stewart-Cousins.   Also Senator Hamilton.

8           Absent from voting:   Senator  
9   Peralta.

10           Ayes, 42.   Nays, 20.

11           ACTING PRESIDENT FUNKE:    The bill  
12   is passed.

13           Senator LaValle.

14           SENATOR LaVALLE:    Mr. President,  
15   can we go to the controversial reading of  
16   Calendar Number 816, by the Rules Committee.

17           ACTING PRESIDENT FUNKE:    The  
18   Secretary will read.

19           THE SECRETARY:    Calendar Number  
20   816, by the Senate Committee on Rules, Senate  
21   Print 5336, an act to amend the Tax Law.

22           ACTING PRESIDENT FUNKE:    Senator  
23   Squadron.

24           SENATOR SQUADRON:    If the sponsor  
25   would yield for some questions.

1                   ACTING PRESIDENT FUNKE:    Senator  
2 DeFrancisco, will you yield for a question?

3                   SENATOR DeFRANCISCO:    Yes.

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

6                   The sponsor is acting on behalf of  
7 Senator Rules.  If Senator DeFrancisco would  
8 explain what this bill does.

9                   SENATOR DeFRANCISCO:    What it does  
10 is extend the current sales tax in the County of  
11 Dutchess so that it can continue as it has been  
12 since it was last extended by this body.

13                  SENATOR SQUADRON:    If Senator  
14 DeFrancisco would continue to yield.

15                  ACTING PRESIDENT FUNKE:    Will the  
16 sponsor yield?

17                  SENATOR DeFRANCISCO:    Yes.

18                  SENATOR SQUADRON:    And we see a  
19 number of bills of this type through every  
20 legislative session, particularly at the end, is  
21 that fair to say, for counties, municipalities,  
22 villages -- not villages, but counties and  
23 municipalities?

24                  SENATOR DeFRANCISCO:    It depends on  
25 what you mean by we see a fair amount.  I don't

1 know what "fair amount" means.

2 SENATOR SQUADRON: If Senator  
3 DeFrancisco would continue to yield.

4 SENATOR DeFRANCISCO: Yes.

5 SENATOR SQUADRON: We see -- about  
6 how many of these, in Senator DeFrancisco's  
7 estimation as the chair of the Finance Committee,  
8 do we see a year?

9 SENATOR DeFRANCISCO: Whatever --  
10 however many are needed.

11 SENATOR SQUADRON: If Senator  
12 DeFrancisco would continue to yield.

13 SENATOR DeFRANCISCO: Yes.

14 SENATOR SQUADRON: Would eyeballing  
15 a couple of dozen be a working number for this  
16 conversation?

17 SENATOR DeFRANCISCO: That would be  
18 fine.

19 SENATOR SQUADRON: If Senator  
20 DeFrancisco would continue to yield.

21 SENATOR DeFRANCISCO: Yes.

22 SENATOR SQUADRON: Thank you.

23 And of that -- we've called it a  
24 couple of dozen, is it fair to say that most are  
25 sponsored by the Senator who represents the area

1 that has requested authorization to extend a  
2 sales tax or some other --

3 SENATOR DeFRANCISCO: I don't know,  
4 because that issue is not material to me. It's  
5 the substance of the bill that matters.

6 SENATOR SQUADRON: If Senator  
7 DeFrancisco would continue to yield.

8 SENATOR DeFRANCISCO: Yes.

9 SENATOR SQUADRON: At what --  
10 you're speaking on behalf of the listed sponsor  
11 of this bill, which is Rules. What are the  
12 reasons that Rules might sponsor a bill rather  
13 than an elected member of our house?

14 SENATOR DeFRANCISCO: I don't know  
15 what the reasons are, but the point is that when  
16 we legislate I think the concept is not who is  
17 the legislator that sponsors it, but whether it's  
18 good legislation. And if it's good legislation,  
19 you vote yes. If it's not, you vote no.

20 And it doesn't really matter who  
21 speaks on behalf of the sponsor, it's once again  
22 for the merits of the legislation. So it's not  
23 something that I think anyone should concern  
24 themselves with.

25 SENATOR SQUADRON: If senator

1 DeFrancisco would continue to yield.

2 SENATOR HANNON: Yes.

3 ACTING PRESIDENT FUNKE: Do you  
4 continue to yield?

5 SENATOR DeFRANCISCO: Yes.

6 SENATOR SQUADRON: So I can  
7 understand the argument, Senator DeFrancisco is  
8 suggesting that the sponsorship of a bill, which  
9 certainly in the context of floor debate,  
10 certainly in terms of how the bills are called up  
11 by the Clerk, many, many times today and through  
12 the course of the session, in terms of who  
13 generally speaks to explain a bill, who I think  
14 in total is accountable for that bill, primarily,  
15 is an irrelevancy in this house?

16 SENATOR DeFRANCISCO: No, on these  
17 bills, we've been talking about tax extenders and  
18 tax bills, it's irrelevant. We've had the rule  
19 that Rules can submit a bill as long as I've been  
20 here, 23 years. And no matter who's been in the  
21 majority. So I'm not sure why today and during  
22 your last few debates on this, why this all of a  
23 sudden has become an important issue to debate at  
24 10 o'clock in the evening on one of the last days  
25 of session.

1                   SENATOR SQUADRON:    If Senator  
2 DeFrancisco would continue to yield.

3                   ACTING PRESIDENT FUNKE:    Will the  
4 sponsor yield?

5                   SENATOR DeFRANCISCO:    Yes.

6                   SENATOR SQUADRON:    And as part of  
7 asking the question, I would clarify this bill  
8 was actually laid aside many hours ago when it  
9 was still light out. This is an issue that I  
10 certainly have raised, as have some other members  
11 of this house for many years, certainly for the  
12 last four or five at a minimum.

13                   And why, though, based on the idea  
14 that it really doesn't matter with these tax  
15 extenders who sponsors them, why wouldn't we have  
16 a process where they're all sponsored by a  
17 nameless entity?

18                   SENATOR DeFRANCISCO:    It depends on  
19 the Majority as to how the bills are going to be  
20 presented. And I'm sure in every Majority that's  
21 ever been in this house, they've had bills from  
22 the Rules Committee. The Majority makes that  
23 decision on sponsorship, what comes to the floor,  
24 what are labeled as Rules and what are labeled as  
25 specific individuals.

1                   SENATOR SQUADRON:    If Senator  
2 DeFrancisco would continue to yield.

3                   SENATOR DeFRANCISCO:    Yes.

4                   SENATOR SQUADRON:    Thank you,  
5 Mr. President.

6                   And Senator DeFrancisco, it sounds  
7 like from the explanation, doesn't think that the  
8 public deserves any further explanation as to why  
9 we would have a bill before the house that  
10 doesn't have all of the normal accountability  
11 structures that the vast, vast majority of bills,  
12 whether tax extenders or any other, have in this  
13 house.

14                   SENATOR DeFRANCISCO:    The Majority  
15 of this house has the responsibility to the  
16 general public of whether or not we extend an  
17 existing tax that's requested by the county. And  
18 that's what we're doing. No matter if anyone --  
19 whoever sponsors it, Rules or whatever, we're  
20 accountable for the substance of it.

21                   And if we don't put a rule in, or  
22 however we put the rule, the question is do we do  
23 what the locals wanted. And that's what we're  
24 doing, whether it's Rules or anybody else.

25                   SENATOR SQUADRON:    If Senator

1 DeFrancisco would continue to yield.

2 SENATOR DeFRANCISCO: Yes.

3 SENATOR SQUADRON: But isn't it  
4 fair to say that when a bill is sponsored by an  
5 elected member of this house, that that member of  
6 the house has fulfilled that duty with the  
7 support of a majority of the house, but when it  
8 is put in by Senator Rules, who does not in fact  
9 exist and is not in fact elected by anyone, then  
10 the word "we" or the kind of unaccountable  
11 concept without transparency is all the public  
12 has to rely on?

13 SENATOR DeFRANCISCO: The  
14 transparency is the Republican Majority of this  
15 house has made a decision to support the locality  
16 who wants to extend their taxes the same way they  
17 were extended the last time, whenever that  
18 happened to be.

19 We're accountable for that. The  
20 Majority Leader is accountable for that. Every  
21 Republican Senator who voted in the voting for  
22 the Majority Leader is accountable. So there's  
23 actually more accountability, that everyone is  
24 standing behind this bill in order to do what the  
25 locals want done.

1                   SENATOR SQUADRON:    If Senator  
2 DeFrancisco would continue to yield,  
3 Mr. President.

4                   ACTING PRESIDENT FUNKE:    Yes, would  
5 the Senators please address their remarks through  
6 the chair. Thank you.

7                   Senator DeFrancisco?

8                   SENATOR SQUADRON:    I'm trying,  
9 Mr. President.

10                  Does Senator DeFrancisco know which  
11 Senator represents Dutchess County?

12                  SENATOR DeFRANCISCO:    I am a state  
13 representative in the New York State Senate. I  
14 voted just a minute ago on a bill that had  
15 nothing to do with Syracuse, where I happen to  
16 represent in Central New York. But as an elected  
17 body, we are accountable for how we vote on those  
18 various pieces of legislation.

19                  I may never be in that district with  
20 those generators. But I have a responsibility to  
21 vote for it. I do not represent Dutchess County,  
22 but I'm a state representative who votes on  
23 statewide and local bills no matter where they're  
24 from.

25                  SENATOR SQUADRON:    If Senator

1 DeFrancisco would continue to yield.

2 ACTING PRESIDENT FUNKE: Will the  
3 Senator yield?

4 SENATOR DeFRANCISCO: For a few  
5 more, because I think this is -- I think we've --  
6 a few more questions.

7 SENATOR SQUADRON: I think we're  
8 trying to move forward and not be circular.  
9 Although I would say, as to my last question, I  
10 think it's established that neither of us --  
11 through you, Mr. President -- represent Dutchess  
12 County. Who does?

13 ACTING PRESIDENT FUNKE: Is that  
14 the question for the Senator?

15 SENATOR SQUADRON: Yes,  
16 Mr. President.

17 SENATOR DeFRANCISCO: Well, I don't  
18 know who does offhand. But you can figure that  
19 out, couldn't you?

20 SENATOR SQUADRON: If Senator  
21 DeFrancisco would continue to yield.

22 SENATOR DeFRANCISCO: Yes.

23 ACTING PRESIDENT FUNKE: Will the  
24 Senator yield?

25

1                   SENATOR SQUADRON:    Thank you.   And  
2 just two more questions.

3                   What counties does Senator  
4 DeFrancisco represent?

5                   SENATOR DeFRANCISCO:    I'm sorry, go  
6 ahead.

7                   SENATOR SQUADRON:    What counties  
8 does Senator DeFrancisco represent? Through you,  
9 Mr. President.

10                   SENATOR DeFRANCISCO:    I represent  
11 most of Onondaga County and about one-third of  
12 Cayuga County.

13                   SENATOR SQUADRON:    If Senator  
14 DeFrancisco would continue to yield.

15                   ACTING PRESIDENT FUNKE:    Will the  
16 Senator yield?

17                   SENATOR DeFRANCISCO:    Yes.

18                   SENATOR SQUADRON:    Second-to-last  
19 question.

20                   Did any of those counties require  
21 any sort of extenders or make any other home-rule  
22 requests to this Legislature this year that we  
23 passed? Or in the last three years.

24                   SENATOR DeFRANCISCO:    I think  
25 Onondaga has one this year. Or it was done last

1 year. Onondaga, either last year or this year.

2 SENATOR SQUADRON: If Senator  
3 DeFrancisco would continue to yield.

4 ACTING PRESIDENT FUNKE: Will the  
5 Senator yield?

6 SENATOR DeFRANCISCO: Yes.

7 SENATOR SQUADRON: Did Senator  
8 DeFrancisco sponsor that bill?

9 SENATOR DeFRANCISCO: I don't  
10 remember. Because it doesn't matter to me. It  
11 matters to me that it was requested and it got  
12 done.

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

15 ACTING PRESIDENT FUNKE: Senator  
16 Squadron on the bill.

17 SENATOR SQUADRON: I thank Senator  
18 DeFrancisco for answering those questions on  
19 behalf of Senator Rules. Frankly, I wish I had  
20 had Senator Rules to debate. I'm sure that they  
21 would not have been as worthy or savvy a debater  
22 as Senator DeFrancisco.

23 But I do appreciate at this late  
24 hour Senator DeFrancisco's time on behalf of this  
25 bill, which is for a county represented by a

1 member of this house who is not responding to the  
2 home rule from that county by taking on the bill  
3 with accountability, with clarity for the public,  
4 with transparency, and sponsoring it as should be  
5 the process. So that is disappointing, but I do  
6 appreciate the ability to have questioned the  
7 chair of the Finance Committee on this.

8 I would also point out that this  
9 idea that it is simply not relevant who sponsors  
10 bills is a new one to me, and I think a new one  
11 to many members of our house.

12 We know well the old reality that  
13 members of the minority -- and this has been true  
14 whichever party is in the minority -- have a much  
15 greater chance of getting a bill passed if it is  
16 sponsored with the name of a majority member.

17 We know well that when the Journal  
18 Clerk calls bills, they are called by their  
19 calendar number and their sponsor name because it  
20 is an intrinsic sick part of understanding what  
21 that bill is, where it comes from, and who is  
22 accountable for it.

23 We know that in the normal course  
24 when we debate, with very, very rare exceptions,  
25 the sponsor of the bill is the person who is held

1 accountable for that debate.

2           None of that is possible when  
3 Senator Rules does things.

4           Senator DeFrancisco points out this  
5 is not the first time. It is also, however --  
6 contrary to what Senator DeFrancisco said -- not  
7 the first time I've raised this issue. As I've  
8 said before, I do not do it on every single bill.  
9 We simply don't have time for that, and we have  
10 too much to do. And I do respect home-rule  
11 requests a great deal. The County of Dutchess  
12 should not pay the price for the fact that there  
13 is no accountability and responsibility being  
14 taken for this bill by any member of this house.

15           So I will vote yes, Mr. President,  
16 but I will again urge the Majority, I will urge  
17 my colleagues on both sides, let's get rid of  
18 this practice. Senator Rules is not a Senator at  
19 all, isn't accountable to the public, doesn't  
20 have voters. And it is not an irrelevancy in  
21 this house who sponsors bills; we all know that's  
22 true. And to claim anything else is simply  
23 contrary to how we operate.

24           I will vote yes, Mr. President.

25           ACTING PRESIDENT FUNKE:     Senator

1 Squadron to be recorded in the affirmative.

2 Are there any other members wishing  
3 to be heard?

4 (No response.)

5 ACTING PRESIDENT FUNKE: Seeing  
6 none, the debate is closed. The Secretary will  
7 ring the bell.

8 The Secretary will read the last  
9 section.

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

12 ACTING PRESIDENT FUNKE: Call the  
13 roll.

14 (The Secretary called the roll.)

15 ACTING PRESIDENT FUNKE: Senator  
16 DeFrancisco to explain his vote.

17 SENATOR DeFRANCISCO: Yes, I just  
18 want to thank Senator Squadron for overlooking  
19 the concerns he had and voting with the people of  
20 Dutchess County, who have asked us to extend the  
21 tax that's already in existence for another  
22 period of time. And he voted based on the merits  
23 of the legislation.

24 Thank you.

25 ACTING PRESIDENT FUNKE: Announce

1 the results.

2 THE SECRETARY: In relation to  
3 Calendar 816, those recorded in the negative are  
4 Senators Lanza and Panepinto.

5 Absent from voting: Senators  
6 Martins and Peralta.

7 Ayes, 59. Nays, 2.

8 ACTING PRESIDENT FUNKE: The bill  
9 is passed.

10 Senator LaValle.

11 SENATOR LaVALLE: Mr. President,  
12 would you recognize Senator Gianaris for a  
13 motion.

14 ACTING PRESIDENT FUNKE: Senator  
15 Gianaris.

16 SENATOR GIANARIS: Thank you,  
17 Mr. President.

18 I wish to call up Senator Latimer's  
19 bill, Print Number 4166B, recalled from the  
20 Assembly, which is now at the desk.

21 ACTING PRESIDENT FUNKE: The  
22 Secretary will read.

23 THE SECRETARY: Calendar Number  
24 1001, by Senator Latimer, Senate Print 4166B, an  
25 act to amend the Penal Law.

1           SENATOR GIANARIS:    I move to  
2 reconsider the vote by which this bill was  
3 passed.

4           ACTING PRESIDENT FUNKE:    Call the  
5 roll on reconsideration.

6                           (The Secretary called the roll.)

7           THE SECRETARY:    Ayes, 63.

8           ACTING PRESIDENT FUNKE:    The bill  
9 has been restored to its place on the  
10 Third Reading Calendar.

11           SENATOR GIANARIS:    Mr. President, I  
12 now offer the following amendments.

13           ACTING PRESIDENT FUNKE:    The  
14 amendments are received, and the bill retains its  
15 place on the Third Reading Calendar.

16                           Senator LaValle.

17           SENATOR LaVALLE:    Mr. President,  
18 the remaining bills on the calendar should be  
19 laid aside.

20                           Do we have any other business at the  
21 desk?

22           ACTING PRESIDENT FUNKE:    There is  
23 no further business at the desk.

24           SENATOR LaVALLE:    Mr. President, I  
25 now move that we adjourn until Wednesday,

1 June 17th, at 11:00 a.m.

2 ACTING PRESIDENT FUNKE: On motion,  
3 the Senate stands adjourned until Wednesday,  
4 June 17th, at 11:00 a.m.

5 Senator LaValle.

6 SENATOR LaVALLE: Would you  
7 recognize Senator Gianaris for an announcement.

8 SENATOR GIANARIS: A reminder to  
9 the Democratic members that conference tomorrow  
10 morning is promptly at 9:30 a.m.

11 ACTING PRESIDENT FUNKE: Democratic  
12 conference at 9:30 a.m.

13 Senator LaValle.

14 SENATOR LaVALLE: The Republican  
15 conference will be promptly at 10:00 a.m.

16 ACTING PRESIDENT FUNKE: Republican  
17 conference tomorrow morning at 10:00 a.m.

18 The Senate stands adjourned.

19 (Whereupon, at 10:13 p.m., the  
20 Senate adjourned.)

21

22

23

24

25