

1 NEW YORK STATE SENATE

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3
4 THE STENOGRAPHIC RECORD

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8
9 ALBANY, NEW YORK

10 June 16, 2010

11 11:24 a.m.

12
13
14 REGULAR SESSION

15
16
17
18 SENATOR ANDREA STEWART-COUSINS, Acting President

19 ANGELO J. APONTE, Secretary

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

2 ACTING PRESIDENT STEWART-COUSINS:

3 The Senate will please come to order.

4 I ask everyone present to rise and
5 recite with me the Pledge of Allegiance to our
6 Flag.

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

9 ACTING PRESIDENT STEWART-COUSINS:

10 In the absence of clergy, may we all bow our
11 heads in a moment of silence.

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

14 ACTING PRESIDENT STEWART-COUSINS:

15 The reading of the Journal.

16 The Secretary will read.

17 THE SECRETARY: In Senate,
18 Tuesday, June 15, 2010, the Senate met
19 pursuant to adjournment. The Journal of
20 Monday, June 14, 2010, was read and approved.
21 On motion, Senate adjourned.

22 ACTING PRESIDENT STEWART-COUSINS:

23 Without objection, the Journal stands approved
24 as read.

25 Presentations of petitions.

1 Messages from the Assembly.

2 Messages from the Governor.

3 Reports of standing committees.

4 Senator Klein.

5 SENATOR KLEIN: Madam President,
6 on behalf of Senator Parker, on page 30 I
7 offer the following amendments to Calendar
8 Number 707, Senate Print Number 2087A, and ask
9 that said bill retain its place on Third
10 Reading Calendar.

11 ACTING PRESIDENT STEWART-COUSINS:
12 So ordered.

13 SENATOR KLEIN: Madam President,
14 I believe there are substitutions at the desk.
15 I ask that we make the substitutions at this
16 time.

17 ACTING PRESIDENT STEWART-COUSINS:
18 Senator Klein, we must go back to the order of
19 business first.

20 Reports of select committees.

21 Communications and reports from
22 state officers.

23 Motions and resolutions.

24 The Secretary will read the
25 substitutions.

1 THE SECRETARY: Page 18, Senator
2 C. Johnson moves to discharge, from the
3 Committee on Rules, Assembly Bill Number
4 10835A and substitute it for the identical
5 Senate Bill Number 7366A, Third Reading
6 Calendar 421.

7 Page 19, Senator Morahan moves to
8 discharge, from the Committee on Rules,
9 Assembly Bill Number 10824B and substitute it
10 for the identical Senate Bill Number 7432A,
11 Third Reading Calendar 471.

12 Page 29, Senator Breslin moves to
13 discharge, from the Committee on Rules,
14 Assembly Bill Number 9944 and substitute it
15 for the identical Senate Bill Number 6858,
16 Third Reading Calendar 693.

17 Page 31, Senator Larkin moves to
18 discharge, from the Committee on Rules,
19 Assembly Bill Number 9950 and substitute it
20 for the identical Senate Bill Number 7030,
21 Third Reading Calendar 736.

22 Page 36, Senator Perkins moves to
23 discharge, from the Committee on Rules,
24 Assembly Bill Number 11322 and substitute it
25 for the identical Senate Bill Number 7583,

1 Third Reading Calendar 796.

2 Page 36, Senator Klein moves to
3 discharge, from the Committee on Rules,
4 Assembly Bill Number 11226 and substitute it
5 for the identical Senate Bill Number 8002,
6 Third Reading Calendar 808.

7 Page number 42, Senator Espada
8 moves to discharge, from the Committee on
9 Rules, Assembly Bill Number 11324 and
10 substitute it for the identical Senate Bill
11 Number 8073, Third Reading Calendar 893.

12 Page number 45, Senator Fuschillo
13 moves to discharge, from the Committee on
14 Rules, Assembly Bill Number 10025A and
15 substitute it for the identical Senate Bill
16 Number 6975A, Third Reading Calendar 912.

17 Page number 45, Senator Griffo
18 moves to discharge, from the Committee on
19 Rules, Assembly Bill Number 9979 and
20 substitute it for the identical Senate Bill
21 Number 6976, Third Reading Calendar 913.

22 Page number 45, Senator Fuschillo
23 moves to discharge, from the Committee on
24 Rules, Assembly Bill Number 10512A and
25 substitute it for the identical Senate Bill

1 Number 7386A, Third Reading Calendar 915.

2 Page number 45, Senator Hannon
3 moves to discharge, from the Committee on
4 Rules, Assembly Bill Number 9511A and
5 substitute it for the identical Senate Bill
6 Number 7404, Third Reading Calendar 916.

7 Page number 46, Senator Oppenheimer
8 moves to discharge, from the Committee on
9 Rules, Assembly Bill Number 10939 and
10 substitute it for the identical Senate Bill
11 Number 7755, Third Reading Calendar 921.

12 Page number 48, Senator Squadron
13 moves to discharge, from the Committee on
14 Codes, Assembly Bill Number 7917D and
15 substitute it for the identical Senate Bill
16 Number 5292C, Third Reading Calendar 948.

17 ACTING PRESIDENT STEWART-COUSINS:
18 Substitutions ordered.

19 Senator Klein.

20 SENATOR KLEIN: Madam President,
21 I believe Senator Smith has a resolution at
22 the desk. I ask that the title of the
23 resolution be read and move for its immediate
24 adoption.

25 ACTING PRESIDENT STEWART-COUSINS:

1 Senator Klein, has this resolution been deemed
2 privileged and submitted by the office of the
3 Temporary President?

4 SENATOR KLEIN: Yes, it has,
5 Madam President.

6 ACTING PRESIDENT STEWART-COUSINS:
7 The Secretary will read.

8 THE SECRETARY: By Senator Smith,
9 legislative resolution honoring Carol
10 Washington upon the occasion of her
11 designation for special recognition by the
12 Delta Minerva Life Development Center, Inc.,
13 on June 6, 2010.

14 ACTING PRESIDENT STEWART-COUSINS:
15 Are there any Senators that wish to be heard
16 on the resolution?

17 Hearing none, the question is on
18 the resolution. All those in favor please
19 signify by saying aye.

20 (Response of "Aye.")

21 ACTING PRESIDENT STEWART-COUSINS:
22 Opposed, nay.

23 (No response.)

24 ACTING PRESIDENT STEWART-COUSINS:
25 The resolution is adopted.

1 Senator Klein.

2 SENATOR KLEIN: Madam President,
3 I believe Senator Parker has a resolution at
4 the desk. I ask that the title of the
5 resolution be read and move for its immediate
6 adoption.

7 ACTING PRESIDENT STEWART-COUSINS:
8 Senator Klein, has this resolution been deemed
9 privileged and submitted by the office of the
10 Temporary President?

11 SENATOR KLEIN: Yes, it has,
12 Madam President.

13 ACTING PRESIDENT STEWART-COUSINS:
14 The Secretary will read.

15 THE SECRETARY: By Senator
16 Parker, legislative resolution memorializing
17 David A. Paterson to proclaim June 24 through
18 30, 2010, as Venerable Pierre Toussaint Week
19 in the State of New York.

20 ACTING PRESIDENT STEWART-COUSINS:
21 Are there any Senators that wish to be heard
22 on the resolution?

23 Hearing none, the question is on
24 the resolution. All those in favor please
25 signify by saying aye.

1 (Response of "Aye.")

2 ACTING PRESIDENT STEWART-COUSINS:

3 Opposed, nay.

4 (No response.)

5 ACTING PRESIDENT STEWART-COUSINS:

6 The resolution is adopted.

7 Senator Parker has indicated that
8 he would like to open the resolution up to
9 cosponsorship by the entire house. Any
10 Senator wishing to not be on the resolution
11 please notify the desk.

12 Senator Klein.

13 SENATOR KLEIN: Madam President,
14 I believe Senator Montgomery has a resolution
15 at the desk. I ask that the title of the
16 resolution be read and move for its immediate
17 adoption.

18 ACTING PRESIDENT STEWART-COUSINS:

19 Senator Klein, has this resolution been deemed
20 privileged and submitted by the office of the
21 Temporary President?

22 SENATOR KLEIN: Yes, it has,
23 Madam President.

24 ACTING PRESIDENT STEWART-COUSINS:

25 The Secretary will read.

1 THE SECRETARY: By Senator
2 Montgomery, legislative resolution commending
3 the Reverend Doctor Gary V. Simpson upon the
4 occasion of his designation for special honor
5 by Bed-Stuy Campaign Against Hunger at its
6 Harvest Through Love Spring Harvest Benefit
7 Reception on June 17, 2010.

8 ACTING PRESIDENT STEWART-COUSINS:
9 Are there any other Senators who wish to be
10 heard on the resolution?

11 Hearing none, the question is on
12 the resolution. All those in favor please
13 signify by saying aye.

14 (Response of "Aye.")

15 ACTING PRESIDENT STEWART-COUSINS:
16 Opposed, nay.

17 (No response.)

18 ACTING PRESIDENT STEWART-COUSINS:
19 The resolution is adopted.

20 Senator Klein.

21 SENATOR KLEIN: Madam President,
22 I believe Senator Montgomery has another
23 resolution at the desk. I ask that the title
24 of the resolution be read and move for its
25 immediate adoption.

1 ACTING PRESIDENT STEWART-COUSINS:
2 Senator Klein, has this resolution been deemed
3 privileged and submitted by the office of the
4 Temporary President?

5 SENATOR KLEIN: Yes, it has,
6 Madam President.

7 ACTING PRESIDENT STEWART-COUSINS:
8 The Secretary will read.

9 THE SECRETARY: By Senator
10 Montgomery, legislative resolution commending
11 Erminia Rivera upon the occasion of her
12 designation for special honor by Bed-Stuy
13 Campaign Against Hunger at its Harvest Through
14 Love Spring Harvest Benefit Reception on
15 June 17, 2010.

16 ACTING PRESIDENT STEWART-COUSINS:
17 Are there any other Senators wishing to be
18 heard on the resolution?

19 Hearing none, the question is on
20 the resolution. All those in favor please
21 signify by saying aye.

22 (Response of "Aye.")

23 ACTING PRESIDENT STEWART-COUSINS:
24 Opposed, nay.

25 (No response.)

1 ACTING PRESIDENT STEWART-COUSINS:

2 The resolution is adopted.

3 Senator Montgomery has indicated
4 that she would like the resolution to be open
5 to all. Anyone wishing not to be on the
6 resolution should signify by coming to the
7 front desk.

8 Senator Klein.

9 SENATOR KLEIN: Madam President,
10 Senator Montgomery has a third resolution at
11 the desk. I ask that the title of the
12 resolution be read and move for its immediate
13 adoption.

14 ACTING PRESIDENT STEWART-COUSINS:
15 Senator Klein, has this resolution been deemed
16 privileged and submitted by the office of the
17 Temporary President?

18 SENATOR KLEIN: Yes, it has,
19 Madam President.

20 ACTING PRESIDENT STEWART-COUSINS:
21 The Secretary will read.

22 THE SECRETARY: By Senator
23 Montgomery, legislative resolution commending
24 Bed-Stuy Campaign Against Hunger upon the
25 occasion of its Harvest Through Love Spring

1 Harvest Benefit Reception on June 17, 2010.

2 ACTING PRESIDENT STEWART-COUSINS:
3 Are there any Senators that wish to be heard
4 on the resolution?

5 Hearing none, the question is on
6 the resolution. All those in favor please
7 signify by saying aye.

8 (Response of "Aye.")

9 ACTING PRESIDENT STEWART-COUSINS:
10 Opposed, nay.

11 (No response.)

12 ACTING PRESIDENT STEWART-COUSINS:
13 The resolution is adopted.

14 Senator Klein.

15 SENATOR KLEIN: Madam President,
16 there will be an immediate meeting of the
17 Rules Committee in the Majority Conference
18 Room.

19 Pending the return of the Rules
20 Committee, may we please stand at ease.

21 ACTING PRESIDENT STEWART-COUSINS:
22 There will be an immediate meeting of the
23 Rules Committee in Room 332.

24 Pending the conclusion of the Rules
25 Committee meeting, the Senate will stand at

1 ease.

2 (Whereupon, the Senate stood at
3 ease at 11:34 a.m.)

4 (Whereupon, the Senate reconvened
5 at 12:02 p.m.)

6 ACTING PRESIDENT STEWART-COUSINS:
7 Senator Klein.

8 SENATOR KLEIN: Madam President,
9 at this time I move to adopt the Resolution
10 Calendar in its entirety.

11 ACTING PRESIDENT STEWART-COUSINS:
12 All those in favor of adopting the Resolution
13 Calendar in its entirety please signify by
14 saying aye.

15 (Response of "Aye.")

16 ACTING PRESIDENT STEWART-COUSINS:
17 Opposed, nay.

18 (No response.)

19 ACTING PRESIDENT STEWART-COUSINS:
20 The Resolution Calendar is adopted.

21 Senator Klein.

22 SENATOR KLEIN: Madam President,
23 before we proceed with the calendar, can we go
24 back to motions and resolutions.

25 ACTING PRESIDENT STEWART-COUSINS:

1 Returning to motion and resolutions.

2 Senator Klein.

3 SENATOR KLEIN: Madam President,
4 on behalf of Senator Stewart-Cousins, on
5 page 49 I offer the following amendments to
6 Calendar Number 963, Senate Print Number
7 4057A, and ask that said bill retain its place
8 on Third Reading Calendar.

9 ACTING PRESIDENT STEWART-COUSINS:
10 So ordered.

11 SENATOR KLEIN: On behalf of
12 Senator Addabbo, on page 26 I offer the
13 following amendments to Calendar Number 640,
14 Senate Print Number 3995, and ask that said
15 bill retain its place on Third Reading
16 Calendar.

17 ACTING PRESIDENT STEWART-COUSINS:
18 So ordered.

19 SENATOR KLEIN: On behalf of
20 Senator Peralta, on page 49 I offer the
21 following amendments to Calendar Number 952,
22 Senate Print Number 7471B, and ask that said
23 bill retain its place on Third Reading
24 Calendar.

25 ACTING PRESIDENT STEWART-COUSINS:

1 So ordered.

2 SENATOR KLEIN: Madam President,
3 can we now go to a reading of the calendar.

4 ACTING PRESIDENT STEWART-COUSINS:
5 The Secretary will read.

6 THE SECRETARY: Calendar Number
7 336, Senate Print 7141A --

8 SENATOR KLEIN: Lay the bill
9 aside for the day, please.

10 ACTING PRESIDENT STEWART-COUSINS:
11 The bill is laid aside for the day.

12 THE SECRETARY: Calendar Number
13 398, by Member of the Assembly Englebright,
14 Assembly Print Number 3397, an act to amend
15 the Elder Law.

16 ACTING PRESIDENT STEWART-COUSINS:
17 Read the last section.

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

20 ACTING PRESIDENT STEWART-COUSINS:
21 Call the roll.

22 (The Secretary called the roll.)

23 THE SECRETARY: Ayes, 60.

24 ACTING PRESIDENT STEWART-COUSINS:
25 The bill is passed.

1 THE SECRETARY: Calendar Number
2 487, by Member of the Assembly Magnarelli,
3 Assembly Print Number 5220B, an act to amend
4 the Executive Law.

5 ACTING PRESIDENT STEWART-COUSINS:
6 Read the last section.

7 THE SECRETARY: Section 3. This
8 act shall take effect on the 120th day after
9 it shall have become law.

10 ACTING PRESIDENT STEWART-COUSINS:
11 Call the roll.

12 (The Secretary called the roll.)

13 ACTING PRESIDENT STEWART-COUSINS:
14 Senator Valesky, to explain his vote.

15 SENATOR VALESKY: Yes, thank you,
16 Madam President.

17 This is a very, very important
18 piece of legislation that creates the Missing
19 Vulnerable Adult Clearinghouse. As we know
20 from numerous cases throughout the state,
21 those individuals who have been diagnosed with
22 Alzheimer's disease and other dementias, over
23 330,000 New York citizens now, have been known
24 to wander from their homes. And in fact
25 national statistics are indicating that those

1 who are missing for over 24 hours have nearly
2 a 50 percent chance of suffering serious
3 injury or not being found alive.

4 This bill establishes the
5 clearinghouse in the Division of Criminal
6 Justice Services, modeled after the Amber
7 Alert. And this will provide a mechanism to
8 coordinate local law enforcement agency
9 response all over the state so that we make
10 sure that when those who are missing, those
11 who are vulnerable, that we have a system in
12 place now to find them just as soon as
13 possible and return them to their homes.

14 I encourage all my colleagues to
15 support the measure, and I vote in the
16 affirmative.

17 ACTING PRESIDENT STEWART-COUSINS:
18 Senator Valesky to be recorded in the
19 affirmative.

20 Senator Klein.

21 SENATOR KLEIN: I rise in support
22 of this legislation, Madam President. And I
23 want to praise my colleague Senator Valesky
24 for coming up with a comprehensive approach
25 for a very serious problem.

1 The stats are quite startling that
2 50 percent of Alzheimer's patients wander.
3 And unfortunately, when you look at the
4 50 percent of those Alzheimer's patients that
5 do wander, a very, very high percentage, close
6 to 75, are injured or never returned.

7 I kicked off a program earlier in
8 the year within my Senate district in both the
9 Bronx and Westchester, along with the
10 Alzheimer's Association, which would allow
11 individuals to be able to wear bracelets and
12 necklaces where individuals can call when
13 they're actually found.

14 We had a case in my district in
15 Pelham Bay where a woman walked over 3 miles
16 from her place of residence, and luckily she
17 was found by a Good Samaritan and wouldn't
18 have been returned home unless she had this
19 necklace around her neck.

20 So I praise Senator Valesky for
21 taking this beyond just my Senate district and
22 having a statewide comprehensive approach to
23 protect our loved ones. I vote yes.

24 ACTING PRESIDENT STEWART-COUSINS:
25 Senator Klein to be recorded in the

1 affirmative.

2 Is there any other Senator that
3 wishes to explain his or her vote?

4 Announce the results.

5 THE SECRETARY: Ayes, 60.

6 ACTING PRESIDENT STEWART-COUSINS:
7 The bill is passed.

8 THE SECRETARY: Calendar Number
9 511, by Senator Diaz, Senate Print 7512A, an
10 act to amend the Elder Law.

11 ACTING PRESIDENT STEWART-COUSINS:
12 Read the last section.

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

15 ACTING PRESIDENT STEWART-COUSINS:
16 Call the roll.

17 (The Secretary called the roll.)

18 ACTING PRESIDENT STEWART-COUSINS:
19 Announce the results.

20 THE SECRETARY: Ayes, 60.

21 ACTING PRESIDENT STEWART-COUSINS:
22 The bill is passed.

23 THE SECRETARY: Calendar Number
24 548, by Senator C. Johnson, Senate Print 949,
25 an act to amend the Real Property Tax Law.

1 ACTING PRESIDENT STEWART-COUSINS:

2 Read the last section.

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

5 ACTING PRESIDENT STEWART-COUSINS:

6 Call the roll.

7 (The Secretary called the roll.)

8 ACTING PRESIDENT STEWART-COUSINS:

9 Announce the results.

10 THE SECRETARY: Ayes, 59. Nays,
11 1. Senator Ranzenhofer recorded in the
12 negative.

13 ACTING PRESIDENT STEWART-COUSINS:

14 The bill is passed.

15 THE SECRETARY: Calendar Number
16 551, by Member of the Assembly Dinowitz,
17 Assembly Print Number 9838, an act to amend
18 the Elder Law.

19 ACTING PRESIDENT STEWART-COUSINS:

20 Read the last section.

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

23 ACTING PRESIDENT STEWART-COUSINS:

24 Call the roll.

25 (The Secretary called the roll.)

1 ACTING PRESIDENT STEWART-COUSINS:

2 Announce the results.

3 THE SECRETARY: Ayes, 60.

4 ACTING PRESIDENT STEWART-COUSINS:

5 The bill is passed.

6 THE SECRETARY: Calendar Number
7 573, by Member of the Assembly Rosenthal,
8 Assembly Print Number 10410, an act to amend
9 the Family Court Act and the Domestic
10 Relations Law.

11 ACTING PRESIDENT STEWART-COUSINS:

12 Read the last section.

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

15 ACTING PRESIDENT STEWART-COUSINS:

16 Call the roll.

17 (The Secretary called the roll.)

18 ACTING PRESIDENT STEWART-COUSINS:

19 Announce the results.

20 THE SECRETARY: Ayes, 60.

21 ACTING PRESIDENT STEWART-COUSINS:

22 The bill is passed.

23 THE SECRETARY: Calendar Number
24 580, by Member of the Assembly Weinstein,
25 Assembly Print Number 6195A, an act to amend

1 the Family Court Act.

2 ACTING PRESIDENT STEWART-COUSINS:

3 Read the last section.

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

6 ACTING PRESIDENT STEWART-COUSINS:

7 Call the roll.

8 (The Secretary called the roll.)

9 ACTING PRESIDENT STEWART-COUSINS:

10 Announce the results.

11 THE SECRETARY: Ayes, 60.

12 ACTING PRESIDENT STEWART-COUSINS:

13 The bill is passed.

14 THE SECRETARY: Calendar Number
15 583, by Member of the Assembly N. Rivera,
16 Assembly Print Number 6509B, an act to amend
17 the Public Service Law and the General
18 Business Law.

19 ACTING PRESIDENT STEWART-COUSINS:

20 Read the last section.

21 THE SECRETARY: Section 4. This
22 act shall take effect on the 120th day after
23 it shall have become law.

24 ACTING PRESIDENT STEWART-COUSINS:

25 Call the roll.

1 (The Secretary called the roll.)

2 ACTING PRESIDENT STEWART-COUSINS:

3 Announce the results.

4 THE SECRETARY: Ayes, 60.

5 ACTING PRESIDENT STEWART-COUSINS:

6 The bill is passed.

7 THE SECRETARY: Calendar Number
8 584, by Senator Klein, Senate Print Number
9 5980A, an act to amend the Insurance Law and
10 the Public Health Law.

11 ACTING PRESIDENT STEWART-COUSINS:

12 Read the last section.

13 THE SECRETARY: Section 6. This
14 act shall take effect on the first of January
15 next succeeding.

16 ACTING PRESIDENT STEWART-COUSINS:

17 Call the roll.

18 (The Secretary called the roll.)

19 ACTING PRESIDENT STEWART-COUSINS:

20 Senator Klein, to explain his vote.

21 SENATOR KLEIN: Thank you, Madam
22 President.

23 This legislation is part of our
24 package today on domestic violence. This is,
25 I think, an important addition to this package

1 because this bill would amend several
2 provisions of the Insurance Law to give
3 victims of domestic violence the opportunity
4 to designate an alternative address for
5 insurance claims or billing purposes.

6 It's very clear that if someone is
7 being abused and they're part of an insurance
8 policy of the abuser, this would first make
9 sure that the abuser doesn't know where the
10 abused is, to keep their present address
11 confidential, and also would make sure that
12 the person who is the victim of domestic
13 violence seeks the medical attention they need
14 so much.

15 So I think this is a very important
16 approach to make sure those who are victims of
17 domestic violence get the medical attention
18 they need and keep their whereabouts
19 confidential.

20 So of course I vote yes, Madam
21 President.

22 ACTING PRESIDENT STEWART-COUSINS:
23 Senator Klein to be recorded in the
24 affirmative.

25 Are there any other Senators

1 wishing to explain his or her vote?

2 Hearing none, announce the results.

3 THE SECRETARY: Ayes, 60.

4 ACTING PRESIDENT STEWART-COUSINS:

5 The bill is passed.

6 THE SECRETARY: Calendar Number
7 589, by Assemblymember Weinstein, Assembly
8 Print Number 8952, an act to amend the Tax
9 Law, the Family Court Act, the Domestic
10 Relations Law and the Social Services Law.

11 ACTING PRESIDENT STEWART-COUSINS:

12 Read the last section.

13 THE SECRETARY: Section 13. This
14 act shall take effect on the 90th day after it
15 shall have become law.

16 ACTING PRESIDENT STEWART-COUSINS:

17 Call the roll.

18 (The Secretary called the roll.)

19 ACTING PRESIDENT STEWART-COUSINS:

20 Announce the results.

21 THE SECRETARY: In relation to
22 Calendar Number 589, those recorded in the
23 negative are Senators DeFrancisco, Griffo,
24 Hannon, O. Johnson, Larkin, LaValle,
25 Marcellino, Ranzenhofer, Skelos and Winner.

1 Ayes, 50. Nays, 10.

2 ACTING PRESIDENT STEWART-COUSINS:

3 The bill is passed.

4 THE SECRETARY: Calendar Number
5 613, by Member of the Assembly Weinstein,
6 Assembly Print Number 8393A, an act to amend
7 the Family Court Act and the Domestic
8 Relations Law.

9 ACTING PRESIDENT STEWART-COUSINS:
10 Read the last section.

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

13 ACTING PRESIDENT STEWART-COUSINS:
14 Call the roll.

15 (The Secretary called the roll.)

16 ACTING PRESIDENT STEWART-COUSINS:
17 Announce the results.

18 THE SECRETARY: Ayes, 60.

19 ACTING PRESIDENT STEWART-COUSINS:
20 The bill is passed.

21 THE SECRETARY: Calendar Number
22 641, by Senator Foley, Senate Print 7424B, an
23 act to amend the Election Law.

24 ACTING PRESIDENT STEWART-COUSINS:
25 Read the last section.

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

3 ACTING PRESIDENT STEWART-COUSINS:
4 Call the roll.

5 (The Secretary called the roll.)

6 THE SECRETARY: Ayes, 60.

7 ACTING PRESIDENT STEWART-COUSINS:
8 The bill is passed.

9 THE SECRETARY: Calendar Number
10 687, by Senator Klein, Senate Print 5376A, an
11 act to amend the Social Services Law.

12 ACTING PRESIDENT STEWART-COUSINS:
13 Read the last section.

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

17 ACTING PRESIDENT STEWART-COUSINS:
18 Call the roll.

19 (The Secretary called the roll.)

20 ACTING PRESIDENT STEWART-COUSINS:
21 Senator Klein, to explain his vote.

22 SENATOR KLEIN: Thank you, Madam
23 President.

24 This is a piece of legislation that
25 came out of a study my office conducted back

1 in 2009 which showed there's no reporting
2 system for elder abuse. Luckily, we do have
3 such a reporting system for domestic violence
4 and child abuse.

5 This would actually require that
6 the state do a study to sort of consolidate
7 the various agencies to actually have a real
8 reporting mechanism in place to track and
9 effectively deal with the horrible crime of
10 elder abuse.

11 So this is, I think, a very
12 comprehensive approach. We certainly can't
13 begin to deal with the problem that exists in
14 elder abuse unless we can actually track and
15 then educate individuals who have direct
16 contact with seniors, to spot the telltale
17 signs of elder abuse.

18 So I vote yes, Madam President.

19 ACTING PRESIDENT STEWART-COUSINS:
20 Senator Klein to be recorded in the
21 affirmative.

22 Any other Senators wishing to
23 explain his or her vote?

24 Announce the results.

25 THE SECRETARY: Ayes, 60.

1 ACTING PRESIDENT STEWART-COUSINS:

2 The bill is passed.

3 THE SECRETARY: Calendar Number
4 688, by Senator Diaz, Senate Print 6853, an
5 act to amend the Real Property Tax Law.

6 ACTING PRESIDENT STEWART-COUSINS:
7 Read the last section.

8 THE SECRETARY: Section 3. This
9 act shall take effect 90 days after it shall
10 have become law.

11 ACTING PRESIDENT STEWART-COUSINS:
12 Call the roll.

13 (The Secretary called the roll.)

14 ACTING PRESIDENT STEWART-COUSINS:
15 Announce the results.

16 THE SECRETARY: Ayes, 60.

17 ACTING PRESIDENT STEWART-COUSINS:
18 The bill is passed.

19 THE SECRETARY: Calendar Number
20 689, by Senator Diaz, Senate Print 7513, an
21 act to amend the Elder Law.

22 ACTING PRESIDENT STEWART-COUSINS:
23 Read the last section.

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

1 ACTING PRESIDENT STEWART-COUSINS:

2 Call the roll.

3 (The Secretary called the roll.)

4 ACTING PRESIDENT STEWART-COUSINS:

5 Announce the results.

6 THE SECRETARY: Ayes, 60.

7 ACTING PRESIDENT STEWART-COUSINS:

8 The bill is passed.

9 THE SECRETARY: Calendar Number
10 690, by Member of the Assembly Englebright,
11 Assembly Print Number 2548, an act to amend
12 the Elder Law.

13 ACTING PRESIDENT STEWART-COUSINS:

14 Read the last section.

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

17 ACTING PRESIDENT STEWART-COUSINS:

18 Call the roll.

19 (The Secretary called the roll.)

20 ACTING PRESIDENT STEWART-COUSINS:

21 Announce the results.

22 THE SECRETARY: Ayes, 60.

23 ACTING PRESIDENT STEWART-COUSINS:

24 The bill is passed.

25 THE SECRETARY: Calendar Number

1 766, by Senator Klein, Senate Print 1839, an
2 act to amend the Elder Law.

3 ACTING PRESIDENT STEWART-COUSINS:
4 Read the last section.

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

7 ACTING PRESIDENT STEWART-COUSINS:
8 Call the roll.

9 (The Secretary called the roll.)

10 ACTING PRESIDENT STEWART-COUSINS:
11 Senator Klein, to explain his vote.

12 SENATOR KLEIN: Thank you, Madam
13 President.

14 This is a piece of legislation that
15 I've been working on for a couple of years
16 now, and I think it's very, very important. I
17 think everyone knows that we have a very
18 effective program for senior citizens to
19 enable them to save lots of money on the
20 ever-increasing cost of prescription drugs,
21 the EPIC program.

22 I think over the years we have
23 raised the income qualification for EPIC, but
24 I think it's still too low. With more and
25 more senior citizens paying more and more of

1 their money for prescription drugs, and those
2 same seniors living on a fixed income, I think
3 it's important to recognize that seniors,
4 especially during these tough fiscal times,
5 need a helping hand. So my legislation would
6 raise the income level from \$35,000 to \$50,000
7 for an unmarried senior and from \$50,000 to
8 \$75,000 for a married couple.

9 There is a fiscal implication.
10 It's \$1.1 million for the first year. But
11 again, I think especially, as I said earlier,
12 during these tough fiscal times that's money
13 well spent, because we would actually impact
14 the lives of over 3,000 seniors around the
15 State of New York who now would be able to
16 take part in this very important program, the
17 EPIC program in New York State.

18 So I vote yes, Madam President.

19 ACTING PRESIDENT STEWART-COUSINS:
20 Senator Klein to be recorded in the
21 affirmative.

22 Are there any other Senators
23 wishing to explain his or her vote?

24 Hearing none, announce the results.

25 THE SECRETARY: Ayes, 60.

1 ACTING PRESIDENT STEWART-COUSINS:

2 The bill is passed.

3 THE SECRETARY: Calendar Number
4 768, by Senator Klein, Senate Print 2484C, an
5 act to amend the Education Law and the Public
6 Health Law.

7 ACTING PRESIDENT STEWART-COUSINS:

8 Read the last section.

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

11 ACTING PRESIDENT STEWART-COUSINS:

12 Call the roll.

13 (The Secretary called the roll.)

14 ACTING PRESIDENT STEWART-COUSINS:

15 Senator Klein, to explain his vote.

16 SENATOR KLEIN: Thank you, Madam
17 President.

18 This is a piece of legislation that
19 I think is going to go a long way towards
20 making sure we cut back on the problem of
21 prescription errors. One of the problems we
22 have in New York State is we don't track this
23 information. We have no way of knowing
24 whether or not prescription errors are taking
25 place. There is no really consolidation of

1 how many are taking place.

2 So I was able to, through I guess
3 national statistics, show that we have a
4 tremendous problem in underreporting. So this
5 legislation will make it very clear, when
6 someone walks into a pharmacy, where they
7 actually would have to go and who they would
8 have to call to report prescription errors.
9 That's the first step in us being able to
10 track this very important problem in New York
11 State.

12 So of course I vote yes, Madam
13 President.

14 ACTING PRESIDENT STEWART-COUSINS:
15 Senator Klein to be recorded in the
16 affirmative.

17 Senator DeFrancisco, to explain his
18 vote.

19 SENATOR DeFRANCISCO: I'm going
20 to vote no on this legislation. I think if
21 you go into a pharmacy now, with all the
22 required notices, whether it's workers'
23 compensation or whether it's the availability
24 of drug retail price lists, et cetera,
25 et cetera, you would need half a day to read

1 the wall.

2 And I think there's a better way to
3 do this rather than requiring yet another
4 notice. I'm not so sure too many people are
5 going to go to the wall to find out that the
6 Office of Professional Misconduct and where
7 you report this, that or the other thing. The
8 most likely thing is they'd go to the
9 pharmacist and say "There was a bad
10 prescription, what are my options here?"

11 Maybe we should require at least
12 that information being provided when someone
13 requests it, rather than having another notice
14 that I can't imagine anyone is going to read
15 that's going into the pharmacy, especially if
16 someone has a specific problem like this.

17 So for that reason, I'm going to
18 vote no.

19 ACTING PRESIDENT STEWART-COUSINS:
20 Senator DeFrancisco to be recorded in the
21 negative.

22 Are there any other Senators
23 wishing to explain his or her vote?

24 Senator Diaz.

25 SENATOR DIAZ: Thank you. Thank

1 you, Madam President.

2 Today is a great day for senior
3 citizens in the State of New York. Today
4 Senator Klein has introduced a few pieces of
5 legislation, and I have introduced five, and
6 all of them have passed. So five different
7 pieces of legislation that I have introduced
8 today and passed, and my colleagues here have
9 been so courteous and so concerned with the
10 senior citizens of the State of New York that
11 they have approved today five of my bills and
12 two of Senator Klein's.

13 So today is a great day. As the
14 chairman of the Senior Citizens Committee, I
15 thank all my colleagues, I thank all of them,
16 both sides, because the senior citizens of the
17 State of New York today has gotten a big day
18 in the State of New York and in the New York
19 State Senate.

20 Thank you, ladies and gentlemen.
21 Thank you, Madam President.

22 ACTING PRESIDENT STEWART-COUSINS:
23 Senator Diaz to be recorded in the
24 affirmative.

25 Are there any other Senators

1 wishing to explain his or her vote?

2 Announce the results.

3 THE SECRETARY: In relation to
4 Calendar Number 768, to be recorded in the
5 negative: Senators DeFrancisco, Flanagan, O.
6 Johnson and Winner.

7 Ayes, 56. Nays, 4.

8 ACTING PRESIDENT STEWART-COUSINS:
9 The bill is passed.

10 THE SECRETARY: Calendar Number
11 809, by Senator Addabbo, Senate Print 8033, an
12 act to amend the Election Law.

13 ACTING PRESIDENT STEWART-COUSINS:
14 Read the last section.

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

17 ACTING PRESIDENT STEWART-COUSINS:
18 Call the roll.

19 (The Secretary called the roll.)

20 ACTING PRESIDENT STEWART-COUSINS:
21 Announce the results.

22 THE SECRETARY: In relation to
23 Calendar Number 809, to be recorded in the
24 negative: Senators Bonacic, DeFrancisco,
25 Flanagan, O. Johnson, Larkin, LaValle,

1 Marcellino, Skelos and Volker. Also Senator
2 Winner.

3 Ayes, 50. Nays, 10.

4 ACTING PRESIDENT STEWART-COUSINS:
5 The bill is passed.

6 THE SECRETARY: Calendar Number
7 816, by Member of the Assembly Weinstein,
8 Assembly Print Number 10851A, an act to amend
9 the Judiciary Law.

10 ACTING PRESIDENT STEWART-COUSINS:
11 Read the last section.

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

14 ACTING PRESIDENT STEWART-COUSINS:
15 Call the roll.

16 (The Secretary called the roll.)

17 ACTING PRESIDENT STEWART-COUSINS:
18 Announce the results.

19 THE SECRETARY: Ayes, 60.

20 ACTING PRESIDENT STEWART-COUSINS:
21 The bill is passed.

22 THE SECRETARY: Calendar Number
23 843, by Senator Montgomery, Senate Print 6981,
24 an act to amend --

25 SENATOR SALAND: Lay it aside.

1 ACTING PRESIDENT STEWART-COUSINS:
2 The bill is laid aside.

3 THE SECRETARY: Calendar Number
4 857, by Senator Duane, Senate Print 7873, an
5 act to amend the Criminal Procedure Law.

6 SENATOR LIBOUS: Lay it aside.

7 ACTING PRESIDENT STEWART-COUSINS:
8 The bill is laid aside.

9 THE SECRETARY: Calendar Number
10 859, by Senator Hassell-Thompson --

11 SENATOR LIBOUS: Lay it aside.

12 ACTING PRESIDENT STEWART-COUSINS:
13 The bill is laid aside.

14 THE SECRETARY: Calendar Number
15 866, by Member of the Assembly Gottfried,
16 Assembly Print --

17 SENATOR KLEIN: Lay the bill
18 aside for the day, please.

19 ACTING PRESIDENT STEWART-COUSINS:
20 The bill is laid aside for the day.

21 THE SECRETARY: Calendar Number
22 878, by Member of the Assembly Wright,
23 Assembly Print Number 1459, an act to amend
24 the Social Services Law.

25 ACTING PRESIDENT STEWART-COUSINS:

1 Read the last section.

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

4 ACTING PRESIDENT STEWART-COUSINS:
5 Call the roll.

6 (The Secretary called the roll.)

7 ACTING PRESIDENT STEWART-COUSINS:
8 Senator DeFrancisco, to explain his vote.

9 SENATOR DeFRANCISCO: Yes, it's
10 always good to have a bill to try to do
11 everything for everybody, but realistically
12 there's only so many dollars to go around in
13 the Home Heating Assistance Program.

14 I know the bill calls for applying
15 for more money, but it seems to me before we
16 expand the uses of this money to
17 air-conditioning, it would seem that it would
18 be more essential for someone to have their
19 house heated during the winter. And if we're
20 going to take some of that money for
21 air-conditioning in the summer, it may be that
22 we don't get additional funds for this and we
23 end up affecting people who no longer can get
24 heating assistance at their home because it's
25 used up for air-conditioning by somebody else.

1 So for that reason, until there's
2 additional money identified for
3 air-conditioning, I'm voting no.

4 ACTING PRESIDENT STEWART-COUSINS:
5 Senator DeFrancisco to be recorded in the
6 negative.

7 Any other Senator wishing to
8 explain his or her vote?

9 Announce the results.

10 THE SECRETARY: In relation to
11 Calendar Number 878, to be recorded in the
12 negative: Senators DeFrancisco, Flanagan,
13 Hannon, O. Johnson, Lanza, LaValle, Leibell,
14 Libous, Marcellino, Ranzenhofer, Skelos,
15 Volker and Winner. Also Senator Larkin. Also
16 Senator Saland.

17 Ayes, 45. Nays, 15.

18 ACTING PRESIDENT STEWART-COUSINS:
19 The bill is passed.

20 THE SECRETARY: Calendar Number
21 955, by Senator Squadron, Senate Print 7858A,
22 an act to amend the New York City charter.

23 ACTING PRESIDENT STEWART-COUSINS:
24 Read the last section.

25 THE SECRETARY: Section 3. This

1 act shall take effect immediately.

2 ACTING PRESIDENT STEWART-COUSINS:

3 Call the roll.

4 (The Secretary called the roll.)

5 ACTING PRESIDENT STEWART-COUSINS:

6 Announce the results.

7 THE SECRETARY: Ayes, 61.

8 ACTING PRESIDENT STEWART-COUSINS:

9 The bill is passed.

10 Senator Klein, that completes the
11 reading of the noncontroversial calendar.

12 SENATOR KLEIN: Madam President,
13 I would wish to withdraw the lay aside for the
14 day on Calendar Numbers 866 and 336.

15 ACTING PRESIDENT STEWART-COUSINS:
16 The lay asides are withdrawn. The bills will
17 be taken up noncontroversial.

18 SENATOR KLEIN: Also, I would
19 like to lay aside Calendar Number 859 for the
20 day.

21 ACTING PRESIDENT STEWART-COUSINS:
22 Calendar Number 859 will be laid aside for the
23 day.

24 The Secretary will place Calendar
25 Number 336 before the house, noncontroversial.

1 THE SECRETARY: Calendar Number
2 336, by Senator Schneiderman, Senate Print
3 7141A, an act to amend the Penal Law.

4 ACTING PRESIDENT STEWART-COUSINS:
5 Read the last section.

6 THE SECRETARY: Section 7. This
7 act shall take effect on the 180th day.

8 ACTING PRESIDENT STEWART-COUSINS:
9 Call the roll.

10 (The Secretary called the roll.)

11 ACTING PRESIDENT STEWART-COUSINS:
12 Senator Schneiderman, to explain his vote.

13 SENATOR SCHNEIDERMAN: Thank you,
14 Madam President.

15 This is a part of the package of
16 bills related to domestic violence that we are
17 moving through the house. And this is a
18 tremendously important bill because it
19 corrects a very serious problem in the current
20 Penal Law. It changes the law relating to
21 witness tampering.

22 And frankly, in other
23 circumstances, if you just talk -- if someone
24 who has a relationship with a victim says "Ah,
25 you don't want to get involved in this case,"

1 that is not witness tampering. In domestic
2 violence situations where people are
3 frequently coerced by friends and family
4 members, it is a problem.

5 We're now correcting that. We are
6 preventing witness tampering in domestic
7 violence cases. We are making people safer
8 and we are saving lives.

9 Thank you, Madam President. I
10 thank everyone for their support on this
11 important measure.

12 ACTING PRESIDENT STEWART-COUSINS:
13 Senator Schneiderman to be recorded in the
14 affirmative.

15 Are there any other Senators
16 wishing to explain his or her vote?

17 Hearing none, announce the results.

18 THE SECRETARY: Ayes, 61.

19 ACTING PRESIDENT STEWART-COUSINS:
20 The bill is passed.

21 THE SECRETARY: Calendar Number
22 866, by Member of the Assembly Gottfried,
23 Assembly Print --

24 SENATOR LIBOUS: Lay it aside.

25 ACTING PRESIDENT STEWART-COUSINS:

1 The bill is laid aside.

2 Senator Klein, that completes the
3 reading of the noncontroversial calendar.

4 SENATOR KLEIN: Madam President,
5 at this time can we please go to a reading of
6 the controversial calendar.

7 ACTING PRESIDENT STEWART-COUSINS:
8 The Secretary will please ring the bell.

9 Members are all asked to come to
10 the chamber for the reading of the
11 controversial calendar.

12 The Secretary will read.

13 THE SECRETARY: Calendar Number
14 843, by Senator Montgomery, Senate Print 6981,
15 an act to amend the Family Court Act and the
16 Criminal Procedure Law.

17 SENATOR SALAND: Explanation.

18 ACTING PRESIDENT STEWART-COUSINS:
19 Senator Montgomery, an explanation has been
20 requested.

21 SENATOR MONTGOMERY: Yes, Madam
22 President. This bill is a very, very simple
23 bill which is meant to provide an appropriate
24 alternative for young people who are below the
25 age of 18 who get into a confrontation with a

1 parent.

2 Currently that young person will be
3 treated under Article 8 of the Family Court
4 Act, and the parent is able to bring an order
5 of protection against a child who attacks
6 them, and currently that child will be treated
7 under Article 8 of the Family Court Act, which
8 means that that young person could be charged
9 with disorderly conduct, harassment in the
10 first and second degree, aggravated harassment
11 in the second degree, criminal mischief,
12 menacing in the second and third degree,
13 reckless endangerment, or assault in the
14 second and third degree.

15 Now, obviously when a young person
16 attacks a parent we want that parent to have
17 some relief in the court. But we may not want
18 the young person to be treated without
19 consideration of that child's age or the
20 circumstances surrounding this family
21 situation. So what the bill does is allows a
22 young person to be charged under Article 7, as
23 a PINS, a person in need of supervision. With
24 this bill, that young person would then have
25 some protections as a child that they do not

1 have under Article 8.

2 For instance, if that child is
3 charged as PINS, he or she can be assigned a
4 guardian, a court legal guardian, or a lawyer.
5 That child can receive services. The family
6 could receive services. The child could be
7 placed in foster care. The child could be
8 placed under OCFS detention or hopefully as an
9 alternative-to-detention case.

10 So there are many reasons why we
11 would prefer that young people under the age
12 of 18 who have an altercation with a parent,
13 that that child be brought to Family Court as
14 a person in need of supervision. That's what
15 this bill does.

16 ACTING PRESIDENT STEWART-COUSINS:
17 Thank you, Senator Montgomery.

18 Senator Saland.

19 SENATOR SALAND: Thank you, Madam
20 President. Would Senator Montgomery yield to
21 some questions?

22 ACTING PRESIDENT STEWART-COUSINS:
23 Senator Montgomery, do you yield for
24 questions?

25 SENATOR MONTGOMERY: Through you,

1 Madam President, I do.

2 ACTING PRESIDENT STEWART-COUSINS:

3 Senator Montgomery yields.

4 SENATOR SALAND: Senator
5 Montgomery, I'm looking at your bill, and your
6 bill in two separate places, both under CPL
7 530-11 and under Family Court 8-12,
8 specifically and very briefly says "Family
9 offenses alleged to have been committed by a
10 child under the age of 18 against a parent or
11 guardian shall be addressed in accordance with
12 Article 7 rather than this article of this
13 act."

14 Now, Senator Montgomery, I'm sure
15 you're aware that under Article 8 there is
16 concurrent jurisdiction between the Family
17 Court and the criminal courts. And I believe
18 you alluded to that fact or certainly implied
19 that your concern here was primarily that
20 these events that occur between a child and a
21 parent or guardian under your bill not be
22 treated as a crime. Is that correct?

23 SENATOR MONTGOMERY: I am
24 proposing that that case be treated as a PINS
25 case, a person in need of supervision. And

1 the judge then has the option of kicking that
2 case up to a higher level. However, it starts
3 out as a basic PINS case.

4 ACTING PRESIDENT STEWART-COUSINS:
5 Senator Saland, do you wish Senator Montgomery
6 to yield?

7 SENATOR SALAND: If Senator
8 Montgomery would continue to yield.

9 ACTING PRESIDENT STEWART-COUSINS:
10 Senator Montgomery, do you continue to yield?

11 SENATOR MONTGOMERY: I do, Madam
12 President.

13 SENATOR SALAND: Are you then
14 saying that under Article 7 there is
15 concurrent jurisdiction between the Family
16 Court and Criminal Court?

17 SENATOR MONTGOMERY: Madam
18 President, through you, I think that the
19 difference that I'm -- the distinction that
20 I'm trying to make here is that we're not --
21 we do not necessarily want the incident or we
22 want the child to be treated as a criminal
23 case. We want the option of the Family Court
24 judge -- the case starts as a person in need
25 of supervision. In the event that the judge

1 decides that it needs a higher level of
2 disposition, that Family Court judge has the
3 option to do that. But it doesn't start out
4 under Article 8 as a straight-up Family Court
5 or possibly criminal case.

6 SENATOR SALAND: Would the
7 Senator continue to yield.

8 ACTING PRESIDENT STEWART-COUSINS:
9 Senator Montgomery, do you continue to yield?

10 SENATOR MONTGOMERY: I do, Madam
11 President.

12 SENATOR SALAND: Senator
13 Montgomery, there's not a question whether it
14 starts out as a criminal case. Is it your
15 intent here that under no circumstance, under
16 your bill, would a child who, for example,
17 threatened a parent with a shotgun, that child
18 would be treated, under Article 7, as a PINS
19 and there would be no criminal jurisdiction?

20 SENATOR MONTGOMERY: Madam
21 President -- would you repeat the question,
22 Senator?

23 SENATOR SALAND: Is it your
24 intention that inasmuch as these otherwise
25 Article 8 proceedings would be treated under

1 Article 7, which is the PINS section, there
2 would be -- that there'd be no criminal
3 jurisdiction?

4 So in the example I gave you, a
5 child threatens a parent with a shotgun.
6 Under current law, that I believe would
7 constitute one of the degrees of menacing, and
8 there could be a criminal proceeding brought.
9 There would be concurrent jurisdiction both in
10 the Criminal Court and in the Family Court.
11 Under the PINS section, Article 7, there is no
12 concurrent jurisdiction, there is no criminal
13 jurisdiction.

14 So is it your intent that under no
15 circumstance could a criminal proceeding,
16 regardless of the actions of the child against
17 the parent or the guardian, be treated as a
18 criminal proceeding?

19 SENATOR MONTGOMERY: Through you,
20 Madam President, the -- in either case. In
21 the case that the judge determines to be
22 clearly more appropriately dealt with in
23 Criminal Court or in a higher part of the
24 Family Court, under Article 8 the judge does
25 have the option of moving that case into the

1 section that you're describing, Article 8.

2 But what this does is allows for
3 that young person to be dealt with, to be
4 provided with a different set of protections
5 that are not available to that young person
6 under Article 8. If in fact the judge
7 determines that it's more appropriate that
8 that young person be dealt with under the
9 Article 8 section, it is entirely at the
10 discretion of the judge to make that decision.
11 We're not removing the discretion of the
12 judge, as in any PINS case.

13 SENATOR SALAND: Would Senator
14 Montgomery continue to yield, please.

15 ACTING PRESIDENT STEWART-COUSINS:
16 Senator Montgomery, do you continue to yield?

17 SENATOR MONTGOMERY: Yes, Madam
18 President.

19 SENATOR SALAND: Senator
20 Montgomery, under Article 7, if you know, does
21 the presiding judge in Family Court who would
22 be hearing this PINS case have the ability to
23 transfer the proceeding to a criminal court?

24 SENATOR MONTGOMERY: Through you,
25 Madam President, my counsel informs me that

1 this bill allows the parent to be able to file
2 a case as a PINS, but it does not deny them
3 the opportunity to also file the case as a
4 criminal case under Article 8.

5 SENATOR SALAND: If the Senator
6 will continue to yield.

7 ACTING PRESIDENT STEWART-COUSINS:
8 Senator Montgomery, do you continue to yield?

9 SENATOR MONTGOMERY: Yes.

10 SENATOR SALAND: Could you or
11 your counsel point out the language, either in
12 this bill or in Article 7, that provides that
13 option? Because I haven't seen it, to be
14 perfectly honest with you, and I've looked for
15 it. And I'd welcome somebody being able to
16 point it out to me.

17 SENATOR MONTGOMERY: One second,
18 Senator.

19 SENATOR SALAND: Thank you.

20 (Pause.)

21 SENATOR MONTGOMERY: Through you,
22 Madam President, the parent makes a decision,
23 makes a choice, and essentially the relief
24 that the parent is looking for is an order of
25 protection which they can receive under

1 Article 8, as I indicated. The parent wants
2 to be provided some assistance, some relief,
3 immediate relief from this situation, and the
4 order of protection is available under Article
5 8.

6 This bill will allow for the same
7 order of protection to be provided to the
8 parent immediately. But in addition to that,
9 they are able -- the child is able and the
10 family are able to receive services that are
11 not available to them under Article 8.

12 SENATOR SALAND: Madam President,
13 would the Senator continue to yield.

14 ACTING PRESIDENT STEWART-COUSINS:
15 Senator Montgomery, do you continue to yield?

16 SENATOR MONTGOMERY: Yes.

17 SENATOR SALAND: If in fact that
18 is your intent, Senator Montgomery, I'll
19 invite you to look at lines 19 through 22, and
20 I'll read them, for purposes of this record.
21 "Family offenses alleged to have been
22 committed by child under the age of 18 against
23 a parent or guardian shall be addressed in
24 accordance with Article 7 rather than this
25 article" -- which is Article 8 -- "of this

1 act."

2 So you are specifically saying that
3 Article 8, which affords that option to that
4 parent, does not control, but in fact
5 Article 7, which is the PINS article, does
6 control, where that option is not afforded to
7 that parent. The language is clear and it's
8 unequivocal. If your intent is otherwise,
9 then your language does not match your intent;
10 in fact, is totally contrary to what you have
11 claimed your intent to be.

12 SENATOR MONTGOMERY: Madam
13 President, through you, I take exception to
14 your statement there or your conclusions based
15 on this language.

16 The language simply, in this
17 particular bill, says "Family offenses alleged
18 to have been committed by a child under the
19 age of 18 against a parent or guardian shall
20 be addressed in accordance with Article 7
21 rather than this article." Which is Article
22 8.

23 Under Article 8, the differences in
24 Article 8 and Article 7 are -- under
25 Article 8, no services can be ordered by the

1 judge for the child. The child's interests
2 and needs are not considered. The child, with
3 the order of protection, cannot stay at home,
4 cannot be placed. So that child is thrown out
5 of the house, is not allowed to be in the home
6 any longer, though the child maybe way
7 underage. The child does not receive a law
8 guardian to be assigned. And the child -- the
9 only relief in that case is that the child be
10 placed in an adult jail.

11 Under PINS, the child can receive
12 services vis-a-vis the judge, in consideration
13 of their needs, and an appropriate placement.
14 There are options that the judge has for
15 placement of that young person. They do
16 receive a law guardian. And only in cases of
17 absolute necessity would the child be placed
18 in detention.

19 That is the difference, and that is
20 why the bill removes those cases from
21 immediately Article 8 into Article 7, as a
22 PINS case, because it allows for a variety of
23 services and considerations for that child
24 that the judge does not have under Article 8.
25 That's the only purpose of this legislation,

1 Madam President.

2 SENATOR SALAND: Thank you, Madam
3 President. On the bill.

4 ACTING PRESIDENT STEWART-COUSINS:
5 Thank you, Senator.

6 Senator Saland, on the bill.

7 SENATOR SALAND: Thank you,
8 Senator. On the bill.

9 Madam President, notwithstanding
10 Senator Montgomery's passionate commitment to
11 children that she may have and be attempting
12 to deal with with regard to this Article 7/
13 Article 8 scenario that we've created, this is
14 an extraordinarily dangerous bill. This is a
15 bill which unfortunately the sponsor's
16 intentions are belied by the language of the
17 bill. This bill very clearly says -- and it's
18 in Article 8, it is amending Section 8-12.
19 And it clearly says that in the situation
20 involving a child and a parent, Article 8 does
21 not apply, Article 7 applies.

22 Article 7 is the PINS section,
23 which, yes, provides a plethora of services
24 not normally provided under Article 8. There
25 are circumstances, in some instances some

1 instances life-threatening circumstances, in
2 which it's very appropriate for criminal
3 jurisdiction to intervene. This would say in
4 absolutely no circumstance could there be that
5 kind of intervention.

6 There will be people were this bill
7 to pass both houses and be signed into law,
8 there will be people who will be badly
9 injured, there will be people who will be
10 possibly killed, there will be people who will
11 be maimed, and there will no concurrent
12 jurisdiction.

13 So I would assume, of necessity in
14 a criminal case, there would be some effort,
15 depending upon whether it's a truly violent
16 crime, under one section of the law to enable
17 a criminal prosecution, but there will be a
18 host of other sections, all of which are
19 defined -- the recklessness sections, the
20 mischief sections -- in which nothing will be
21 able to be done.

22 I would respectfully submit that
23 there are other ways to accomplish what
24 Senator Montgomery proposes to accomplish.
25 This is not the vehicle by which to do it.

1 This is not merely throwing the baby out with
2 the bath water, this is basically reordering
3 the entire system, reordering the entire
4 system and making it virtually impossible for
5 parents in any number of appropriate
6 situations to be able to call upon the
7 criminal courts for some type of relief.

8 And to say that there are no
9 circumstances under which an Article 8 offense
10 should be heard by a criminal court really is
11 a grotesque policy statement, and it's a
12 statement which should be denied by this body.

13 ACTING PRESIDENT STEWART-COUSINS:
14 Senator Savino.

15 SENATOR SAVINO: Thank you, Madam
16 President.

17 Senator Saland, would you yield for
18 a question?

19 ACTING PRESIDENT STEWART-COUSINS:
20 Senator Saland, do you yield?

21 SENATOR SALAND: Yes.

22 SENATOR SAVINO: Thank you.
23 Through you, Madam President.

24 I've listened and I've read the
25 language on the bill, and so -- I mean, I'm

1 not totally sure I don't disagree with you
2 with respect to the way the bill is drafted,
3 and I think Senator Montgomery also heard
4 that.

5 However, are you opposed to the
6 intent of the legislation?

7 SENATOR SALAND: No, my concern
8 is that there are circumstances under which
9 these Article 8 offenses appropriately belong
10 in criminal court.

11 You may recall, and it's probably
12 before you were here serving, there was a time
13 when somebody who, particularly a woman in a
14 family offense case, had to make a choice as
15 to whether or not she wanted to go to Family
16 Court or whether or not she wanted to go to
17 Criminal Court. And there was a 72-hour
18 period within which she had to make that
19 choice. We changed that law in 1994. I
20 remember it well because it was part of the
21 Family Protection and Domestic Violence
22 Intervention Act, which I authored and every
23 member of the house at that time was a
24 cosponsor of.

25 We changed that law in order to

1 ensure that you had the ability to have
2 concurrent jurisdiction in these types of
3 cases. I don't know why anybody would want to
4 deny concurrent jurisdiction in these types of
5 cases. And if it's an unintended consequence
6 and Senator Montgomery would like to have the
7 ability of more services in a situation
8 involving a child and a parent, that's what
9 she should be doing, in my opinion.

10 I don't think this vehicle
11 accomplishes that limited intent that she
12 described as being her intent. This is
13 certainly far more of a blunderbuss approach
14 that throws everything out, because you're now
15 saying that Article 7 controls in those
16 situations involving a child and a parent or
17 guardian.

18 SENATOR SAVINO: Thank you,
19 Senator Saland.

20 On the bill itself.

21 ACTING PRESIDENT STEWART-COUSINS:
22 Senator Savino, on the bill.

23 SENATOR SAVINO: You know, I
24 cosponsored this bill with Senator Montgomery
25 and I support the intent behind the

1 legislation. And I think it's important for
2 those of you who are in the room who really
3 never spent a lot of time in the Family Court
4 system -- as Senator Saland has, as I have, as
5 Senator Montgomery has -- working within the
6 child welfare system, I think it's important
7 that we explain to people what the difference
8 is between a PINS petition and a family
9 offense and what the reality is for many
10 parents who are dealing with what can be
11 recalcitrant children to those who are capable
12 of violence offense.

13 Many parents who have children who
14 are adolescents are at their wit's end. And
15 they've sought treatment, they've sought
16 assistance, but they don't really know where
17 to go. And there comes a period of time where
18 a parent realizes that they may need
19 protection from their own child, and they have
20 one of two ways to go with this, depending on
21 the offense that the child commits.

22 Many parents don't realize that
23 they have the ability to go to the Family
24 Court and apply for a PINS petition before the
25 child's behavior becomes so bad that they fear

1 for themselves and other members of their
2 family. A PINS petition, though, provides
3 something that a family offense finding will
4 not provide to a parent, and what that is
5 predominantly is access to services that they
6 desperately need to deal with their
7 recalcitrant teenager or teenagers.

8 If you apply for a PINS petition
9 and you're granted that PINS petition, it
10 gives you access to a caseworker from the
11 local social service district. In the City of
12 New York, it's through the Administration of
13 Children's Services. You have a caseworker
14 who is then assigned to work with you to deal
15 with your child.

16 If you don't, if you only go the
17 family offense route, you don't have access to
18 that service. And that is what Senator
19 Montgomery is trying to provide. It shouldn't
20 get to the point where parents are required to
21 go and file a family offense petition and then
22 have that child that they haven't figured out
23 how to deal with, for a variety of reasons,
24 now have a case that's pending in Criminal
25 Court and Family Court because of the

1 concurrent jurisdiction.

2 That is the intent behind this
3 legislation. And if -- Senator Saland, I
4 think I heard you clearly, you support the
5 intent behind that. Your concern is behind
6 the way the bill is drafted, that the
7 unintended consequence of what could be a
8 legislative flaw could create a bigger problem
9 for these families.

10 So I'm still supporting this bill.
11 And I think we heard you clearly that the bill
12 may need some tweaks so that we achieve the
13 intent of the legislation which is so
14 important for families who really need some
15 service. You don't want to become a parent
16 who now says "I have nowhere to go but to
17 Criminal Court to find ways to deal with my
18 child."

19 Thank you.

20 ACTING PRESIDENT STEWART-COUSINS:
21 Senator Robach.

22 SENATOR ROBACH: Yes, Madam
23 President. On the bill.

24 While I certainly agree with my
25 colleague Steve Saland and understand Senator

1 Montgomery's best intentions, I guess I look
2 at it a little bit from the other way. I
3 think that people who are dealing with this
4 unfortunate incident with their children are
5 at least going to get a crash course on what
6 they have to do when they go through the
7 system. And no one likes to go through that.

8 But when I look at it globally, I'm
9 concerned with this bill because while I
10 understand the intention, I think there's a
11 bad consequence, that exactly what Senator
12 Savino spoke about will get swept under the
13 rug. If a young child is threatening
14 violently his own parents, you can only
15 imagine what might transpire when he's out of
16 the house.

17 And ironically, I just came from a
18 hearing on youth violence in the Office of
19 Children and Family Services. I know what
20 those results are. In the backyard of a
21 friend of mine, Officer Anthony DiPonzio of
22 Rochester, shot in the head by a 14-year-old
23 nine months out of OCFS. No supervision, and
24 clearly the wrong classification -- after the
25 fact, finding out all these violent things.

1 I believe if his parents or parent,
2 in this case, would have perhaps gone the
3 other route and made a little bit more of a
4 serious attempt to help this kid, it would not
5 only stop that violence but it also ironically
6 would have helped the individual, because
7 maybe he would have been in a different place
8 that wouldn't have allowed him to do this very
9 violent, impulsive behavior.

10 You know, President Kennedy said it
11 best, that the situation and crisis at hand
12 should dictate the right government action.
13 And we have, unfortunately -- it saddens me --
14 an explosion of youth violence. I can't even
15 understand how a 15, a 16-year-old not only
16 killing people in authority -- you know, we
17 had another woman in Lockport that had a
18 blanket thrown over her and was beat with a
19 hammer by kids she was taking care of every
20 day, working for New York State government.
21 And then you hear about the other violence on
22 women, young girls, young boys.

23 So I don't have a lot of
24 constituents coming to me saying, "I'm worried
25 that my kid is put in the wrong

1 classification." I more get "I'm worried that
2 my kid's completely out of control and I don't
3 know what's going to happen," and I don't want
4 it to be after the fact when that young person
5 is arrested.

6 So I think we just have to be very,
7 very careful how we do this. And I think that
8 there could be a better way to make sure, in
9 the PINS -- which I fought very hard to get
10 that legislation passed -- that people can get
11 those services. But I don't think in any way,
12 shape or form should we nor should we deter
13 anybody from taking this growing number of
14 young people, who unfortunately are almost --
15 are indicating violence or have committed some
16 degree of violence, from classifying them or
17 stopping them from prevailing more violence
18 anywhere in our society, both on their family,
19 to other young people, or to people in
20 authority.

21 So I would encourage a no vote and
22 say let's go back to the drawing board and try
23 to get to your goal in a better way that
24 doesn't put those young people or anybody in
25 the general public at risk.

1 ACTING PRESIDENT STEWART-COUSINS:

2 Senator Montgomery.

3 SENATOR MONTGOMERY: Yes, Madam
4 President. I appreciate Senator Robach's
5 comments, and I just want to certainly agree
6 with him that we are now treating children who
7 have problems, who run into trouble and who at
8 a very early stage in their lives exhibit, in
9 one way or another, some need for some
10 attention that we don't provide for them, some
11 support, and to address them at a stage in
12 their lives when it would make a difference.
13 I agree with you.

14 And so the manifestation of
15 these -- of issues that young people have at a
16 very early stage is violence at a later stage
17 that we don't understand and we can't figure
18 out what to do about.

19 So you're right, Senator Robach. I
20 certainly agree with you. And that was what
21 was my intent with this legislation. But
22 absolutely I agree with you that we -- this
23 bill does not really help with issues related
24 to family violence in a broader sense. It
25 does not help in providing a support system

1 for families with children, with young people
2 who are in trouble. It does not help to get
3 them help and assistance and support at a time
4 when it would be make a difference, where they
5 would not be confronted with a violent
6 teenager later in life.

7 So yes, you're right, it does not
8 do, really, what we need to be doing in this
9 house. But it was just aimed at hopefully
10 making sure that we don't rush every young
11 person into the criminal system, as opposed to
12 giving ourselves an opportunity to do some of
13 the things that you suggest that we need to
14 do. We need to look at them individually to
15 see what are the symptoms indicating what that
16 young person needs at an early enough stage.

17 So what I would like to do, Madam
18 President, I would like to lay this bill aside
19 so that hopefully we can discuss this in a
20 larger context, and to pick up on some of the
21 issues that Senator Robach has raised with
22 regard to looking at our youngsters at an
23 early enough stage so that we can actually
24 help them and avoid them having to be either
25 PINS or otherwise. I accept that, and I want

1 to make sure that what we do is in the best
2 interests of the families that we want to
3 support as well as the children that we want
4 to support.

5 So I would like to lay the bill
6 aside, and let's try to work on an agreement
7 where all of us can be comfortable with the
8 outcome. Thank you, Madam President.

9 ACTING PRESIDENT STEWART-COUSINS:
10 Thank you, Senator.

11 The bill is laid aside for the day
12 at the request of the sponsor.

13 The Secretary will read.

14 THE SECRETARY: Calendar Number
15 857, by Senator Duane, Senate Print 7873, an
16 act --

17 SENATOR KLEIN: Lay the bill
18 aside for the day, please.

19 ACTING PRESIDENT STEWART-COUSINS:
20 The bill is laid aside for the day.

21 The Secretary will continue to
22 read.

23 THE SECRETARY: Calendar Number
24 866, by Member of the Assembly Gottfried,
25 Assembly Print Number 1729, an act to amend

1 the Public Health Law.

2 ACTING PRESIDENT STEWART-COUSINS:

3 Are there any Senators wishing to be heard on
4 the bill?

5 Senator Hannon, on the bill.

6 SENATOR HANNON: Thank you, Madam
7 President. On the bill.

8 Although the goal of psychologists
9 to get accreditation with hospitals is, in
10 their mind, something they've long sought,
11 I've been surprised at the extraordinarily
12 strong memos that have been issued about this
13 from the people who run the Hospital
14 Association of New York State, from the people
15 who run the Greater Hospital Association of
16 New York, from the Medical Society of the
17 State of New York, and from New York
18 Association of Psychiatrists, all of whom
19 point out, in a very strong fashion, that
20 current law does not prohibit at all
21 psychologists from going on the staff of
22 hospitals, but feel constrained to strongly
23 object to this because of the mandate in the
24 statute.

25 At a time when we've had eight

1 straight cuts of assistance to these medical
2 institutions, it is too much for us to be
3 telling them how to further run and staff
4 their institutions when we're giving them less
5 resources.

6 For those reasons, I'm going to be
7 voting against this bill, Madam President.

8 ACTING PRESIDENT STEWART-COUSINS:
9 Thank you, Senator Hannon.

10 Are there any other Senators
11 wishing to be heard on the bill?

12 Hearing none, the debate is closed.
13 The Secretary will please ring the bells.

14 Read the last section.

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

17 ACTING PRESIDENT STEWART-COUSINS:
18 Call the roll.

19 (The Secretary called the roll.)

20 ACTING PRESIDENT STEWART-COUSINS:
21 Announce the results.

22 THE SECRETARY: In relation to
23 Calendar Number 866, those recorded in the
24 negative: Senators Bonacic, DeFrancisco,
25 Flanagan, Griffo, Hannon, Lanza, Larkin,

1 LaValle, Leibell, Libous, Little, Marcellino,
2 Maziarz, McDonald, Padavan, Ranzenhofer,
3 Robach, Saland, Seward, Skelos, Volker and
4 Winner. Also Senator Alesi. Also Senator
5 O. Johnson.

6 Pursuant to Rule 9, absent from
7 voting: Senators Farley, Golden, Nozzolio and
8 Young.

9 Ayes, 33. Nays, 24.

10 ACTING PRESIDENT STEWART-COUSINS:
11 The bill is passed.

12 Senator Klein, that completes the
13 reading of the controversial calendar.

14 SENATOR KLEIN: Madam President,
15 I believe there's a report of the Rules
16 Committee at the desk. I move that we adopt
17 the report at this time.

18 ACTING PRESIDENT STEWART-COUSINS:
19 There is a report of the Rules Committee at
20 the desk.

21 The Secretary will read.

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

25 By Senator Parker, Senate Print

1 2165B, an act to amend Chapter 912 of the Laws
2 of 1920;

3 By Senator Stavisky, Senate Print
4 2293B, an act to amend the Public Authorities
5 Law;

6 By Senator Huntley, Senate Print
7 3117A, an act to amend the Social Services
8 Law;

9 By Senator Dilan, Senate Print
10 3772A, an act to amend the Public Authorities
11 Law;

12 By Senator Foley, Senate Print
13 4272A, an act to amend the Social Services
14 Law;

15 By Senator Stachowski, Senate Print
16 4647B, an act to amend the Vehicle and Traffic
17 Law;

18 By Senator Hassell-Thompson, Senate
19 Print 5043A, an act to amend the Social
20 Services Law;

21 By Senator Valesky, Senate Print
22 5414A, an act to amend the Agriculture and
23 Markets Law;

24 By Senator Stavisky, Senate Print
25 5680, an act to amend the Executive Law and

1 the Penal Law;

2 By Senator Hassell-Thompson, Senate
3 Print 5999A, an act to amend the Executive
4 Law;

5 By Senator Hassell-Thompson, Senate
6 Print 6000A, an act to amend the Executive
7 Law;

8 By Senator Foley, Senate Print
9 6250, an act to amend the Environmental
10 Conservation Law;

11 By Senator Schneiderman, Senate
12 Print 7280A, an act to amend the Public
13 Authorities Law;

14 By Senator Adams, Senate Print
15 7379, an act to amend the Executive Law;

16 By Senator Valesky, Senate Print
17 7556, an act to amend the Tax Law;

18 And by Senator Squadron, Senate
19 Print 7855, an act to amend the Business
20 Corporation Law.

21 All bills ordered direct to third
22 reading.

23 ACTING PRESIDENT STEWART-COUSINS:

24 All those in favor of adopting the Rules
25 Committee report please signify by saying aye.

1 (Response of "Aye.")

2 ACTING PRESIDENT STEWART-COUSINS:

3 Opposed, nay.

4 (No response.)

5 ACTING PRESIDENT STEWART-COUSINS:

6 The Rules Committee report is adopted.

7 Senator Klein.

8 SENATOR KLEIN: Madam President,
9 at this time can we please go to a reading of
10 the supplemental calendar.

11 ACTING PRESIDENT STEWART-COUSINS:

12 The Secretary will read.

13 THE SECRETARY: Calendar Number
14 971, by Senator Parker, Senate Print 2165B, an
15 act to amend Chapter 912 of the Laws of 1920.

16 ACTING PRESIDENT STEWART-COUSINS:

17 Read the last section.

18 THE SECRETARY: Section 6. This
19 act shall --

20 SENATOR WINNER: Lay the bill
21 aside.

22 ACTING PRESIDENT STEWART-COUSINS:

23 The bill is laid aside.

24 THE SECRETARY: Calendar Number
25 972, substituted earlier today by

1 Assemblymember Magnarelli, Assembly Print 356,
2 an act to amend the Public Authorities Law.

3 ACTING PRESIDENT STEWART-COUSINS:
4 Read the last section.

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

7 ACTING PRESIDENT STEWART-COUSINS:
8 Call the roll.

9 (The Secretary called the roll.)

10 ACTING PRESIDENT STEWART-COUSINS:
11 Senator LaValle, to explain his vote.

12 SENATOR LaVALLE: Thank you very
13 much, Madam President.

14 This is a bill that I think has an
15 important purpose, but at the same time it has
16 a fiscal impact for our community colleges,
17 who have been cut with their base aid and the
18 State University budget being cut. I'm asking
19 where is the money coming from.

20 And I find it difficult to support
21 the bill. While it has a good purpose, it is
22 an empty vessel because there is no money to
23 fund what is in this bill. So I am going to
24 vote in the negative on this legislation.

25 ACTING PRESIDENT STEWART-COUSINS:

1 Thank you, Senator.

2 Are there any other Senators
3 wishing to explain his or her vote?

4 Seeing none, announce the results.

5 THE SECRETARY: In relation to
6 Calendar Number 972, those recorded in the
7 negative are Senators Flanagan, Golden,
8 Griffo, Larkin, LaValle, Little, Marcellino,
9 Seward, Skelos and Volker.

10 Ayes, 51. Nays 10.

11 ACTING PRESIDENT STEWART-COUSINS:
12 The bill is passed.

13 THE SECRETARY: Calendar Number
14 973, by Senator Huntley, Senate Print 3117A,
15 an act to amend the Social Services Law.

16 ACTING PRESIDENT STEWART-COUSINS:
17 Read the last section.

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

20 ACTING PRESIDENT STEWART-COUSINS:
21 Call the roll.

22 (The Secretary called the roll.)

23 ACTING PRESIDENT STEWART-COUSINS:
24 Announce the results.

25 THE SECRETARY: Ayes, 61.

1 ACTING PRESIDENT STEWART-COUSINS:

2 The bill is passed.

3 THE SECRETARY: Calendar Number
4 974, by Senator Dilan --

5 SENATOR CRAIG JOHNSON: Lay it
6 aside for the day, please.

7 ACTING PRESIDENT STEWART-COUSINS:
8 The bill is laid aside for the day.

9 THE SECRETARY: Calendar Number
10 975, by Senator Foley, Senate Print 4272A, an
11 act to amend the Social Services Law.

12 ACTING PRESIDENT STEWART-COUSINS:
13 Read the last section.

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

16 ACTING PRESIDENT STEWART-COUSINS:
17 Call the roll.

18 (The Secretary called the roll.)

19 ACTING PRESIDENT STEWART-COUSINS:
20 Announce the results.

21 THE SECRETARY: In relation to
22 Calendar Number 975, to be recorded in the
23 negative: Senators Duane and L. Krueger.

24 Ayes, 59. Nays, 2.

25 ACTING PRESIDENT STEWART-COUSINS:

1 The bill is passed.

2 THE SECRETARY: Calendar Number
3 976, by Senator Stachowski, Senate Print
4 4647B, an act to amend the Vehicle and Traffic
5 Law.

6 ACTING PRESIDENT STEWART-COUSINS:
7 Read the last section.

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

10 ACTING PRESIDENT STEWART-COUSINS:
11 Call the roll.

12 (The Secretary called the roll.)

13 ACTING PRESIDENT STEWART-COUSINS:
14 Senator DeFrancisco, to explain his vote.

15 SENATOR DeFRANCISCO: Yes, I'm
16 going to vote in the affirmative.

17 For those who don't know it,
18 Searles, whose name is in the caption, was an
19 Onondaga County sheriff who was killed when he
20 was making a stop on the side of a highway in
21 Onondaga County.

22 And I think this is a good bill.
23 It's a safety bill. And actually I think it's
24 a brilliant bill, because I put it in several
25 years ago; it's just a different sponsor with

1 the same language presently.

2 But whoever is sponsoring it, it's
3 still a good bill and it should be passed. I
4 vote aye.

5 ACTING PRESIDENT STEWART-COUSINS:
6 Senator DeFrancisco to be recorded in the
7 affirmative.

8 Are there any other Senators
9 wishing to explain his or her vote?

10 Hearing none, announce the results.

11 THE SECRETARY: Ayes, 61.

12 ACTING PRESIDENT STEWART-COUSINS:
13 The bill is passed.

14 THE SECRETARY: Calendar Number
15 977, by Senator Hassell-Thompson, Senate Print
16 5043A, an act to amend the Social Services
17 Law.

18 ACTING PRESIDENT STEWART-COUSINS:
19 The bill is high. Lay it aside for the day.

20 THE SECRETARY: In relation to
21 Calendar Number 978, Senator Valesky moves to
22 discharge, from the Committee on Agriculture,
23 Assembly Bill Number 6686A and substitute it
24 for the identical Senate Bill Number 5414A,
25 Third Reading Calendar 978.

1 ACTING PRESIDENT STEWART-COUSINS:

2 Substitution ordered.

3 The Secretary will read.

4 THE SECRETARY: Calendar Number
5 978, by Member of the Assembly Magee, Assembly
6 Print Number 6686A, an act to amend the
7 Agriculture and Markets Law.

8 ACTING PRESIDENT STEWART-COUSINS:

9 Read the last section.

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

12 ACTING PRESIDENT STEWART-COUSINS:

13 Call the roll.

14 (The Secretary called the roll.)

15 ACTING PRESIDENT STEWART-COUSINS:

16 Announce the results.

17 THE SECRETARY: Ayes, 61.

18 ACTING PRESIDENT STEWART-COUSINS:

19 The bill is passed.

20 THE SECRETARY: Calendar Number
21 979, by Senator Stavisky --

22 SENATOR CRAIG JOHNSON: Lay the
23 bill aside for the day, please.

24 ACTING PRESIDENT STEWART-COUSINS:

25 The bill is laid aside for the day.

1 THE SECRETARY: In relation to
2 Calendar Number 980, Senator Hassell-Thompson
3 moves to discharge, from the Committee on
4 Investigations and Government Operations,
5 Assembly Bill Number 9020A and substitute it
6 for the identical Senate Bill Number 5999A,
7 Third Reading Calendar 980.

8 ACTING PRESIDENT STEWART-COUSINS:
9 Substitution ordered.

10 THE SECRETARY: Calendar Number
11 980, by Member of the Assembly Destito,
12 Assembly Print Number 9020A, an act to amend
13 the Executive Law.

14 ACTING PRESIDENT STEWART-COUSINS:
15 Read the last section.

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

18 ACTING PRESIDENT STEWART-COUSINS:
19 Call the roll.

20 (The Secretary called the roll.)

21 ACTING PRESIDENT STEWART-COUSINS:
22 Announce the results.

23 THE SECRETARY: Ayes, 61.

24 ACTING PRESIDENT STEWART-COUSINS:
25 The bill is passed.

1 THE SECRETARY: In relation to
2 Calendar Number 981, Senator Hassell-Thompson
3 moves to discharge, from the Committee on
4 Investigations and Government Operations,
5 Assembly Bill Number 9018A and substitute it
6 for the identical Senate Bill Number 6000A,
7 Third Reading Calendar 981.

8 ACTING PRESIDENT STEWART-COUSINS:
9 Substitution ordered.

10 THE SECRETARY: Calendar Number
11 981, by Member of the Assembly John, Assembly
12 Print Number 9018A, an act to amend the
13 Executive Law.

14 ACTING PRESIDENT STEWART-COUSINS:
15 Read the last section.

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

18 ACTING PRESIDENT STEWART-COUSINS:
19 Call the roll.

20 (The Secretary called the roll.)

21 ACTING PRESIDENT STEWART-COUSINS:
22 Announce the results.

23 THE SECRETARY: Ayes, 61.

24 ACTING PRESIDENT STEWART-COUSINS:
25 The bill is passed.

1 THE SECRETARY: Calendar Number
2 982, by Senator Foley, Senate Print 6250, an
3 act to amend the Environmental Conservation
4 Law.

5 ACTING PRESIDENT STEWART-COUSINS:
6 Read the last section.

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

9 ACTING PRESIDENT STEWART-COUSINS:
10 Call the roll.

11 (The Secretary called the roll.)

12 ACTING PRESIDENT STEWART-COUSINS:
13 Senator Fuschillo, to explain his vote.

14 SENATOR FUSCHILLO: Thank you
15 very much.

16 I'm going to be supportive of this
17 legislation. It repeals the fishing license
18 fee here in New York State for saltwater
19 recreational fishing. I voted against this
20 last year when you implemented it on the other
21 side of the aisle. It was wrong then, and
22 it's doing the right thing today.

23 I support this legislation.

24 ACTING PRESIDENT STEWART-COUSINS:
25 Senator Fuschillo to be recorded in the

1 affirmative.

2 Are there any other Senators
3 wishing to explain his or her vote?

4 Senator LaValle, to explain his
5 vote.

6 SENATOR LaVALLE: I just want to
7 reiterate what Senator Fuschillo has said,
8 that when this was in the budget I voted
9 against this, and it's good to see it here.

10 What has happened in my Senate
11 district, because we have -- under the various
12 patents from colonial times, the land was
13 given to the freeholders -- trustees who have
14 control over the bay bottoms. They have
15 literally brought lawsuits and expended
16 taxpayer dollars to defend their rights as
17 trustees.

18 So I am hopeful that this bill
19 passes both houses and that there is
20 commensurate dollars in the budget to ensure
21 that the saltwater fishing license fee is done
22 away with. So I vote in the affirmative.

23 ACTING PRESIDENT STEWART-COUSINS:
24 Senator LaValle to be recorded in the
25 affirmative.

1 Are there any other Senators
2 wishing to explain his or her vote?

3 Seeing none, announce the results.

4 THE SECRETARY: In relation to
5 Calendar Number 982, Senator Aubertine to be
6 recorded in the negative.

7 Ayes, 60. Nays, 1.

8 ACTING PRESIDENT STEWART-COUSINS:
9 The bill is passed.

10 THE SECRETARY: Calendar Number
11 983, by Senator Schneiderman, Senate Print --

12 SENATOR MAZIARZ: Lay the bill
13 aside, please.

14 ACTING PRESIDENT STEWART-COUSINS:
15 The bill is laid aside.

16 THE SECRETARY: In relation to
17 Calendar Number 984, Senator Adams moves to
18 discharge, from the Committee on
19 Investigations and Government Operations,
20 Assembly Bill Number 10180 and substitute it
21 for the identical Senate Bill Number 7379,
22 Third Reading Calendar 984.

23 ACTING PRESIDENT STEWART-COUSINS:
24 Substitution ordered.

25 THE SECRETARY: Calendar Number

1 984, by Member of the Assembly Weinstein,
2 Assembly Print Number 10180, an act to amend
3 the Executive Law.

4 ACTING PRESIDENT STEWART-COUSINS:
5 Read the last section.

6 THE SECRETARY: Section 2. This
7 act shall take effect nine months from the
8 date it shall have become law.

9 ACTING PRESIDENT STEWART-COUSINS:
10 Call the roll.

11 (The Secretary called the roll.)

12 ACTING PRESIDENT STEWART-COUSINS:
13 Announce the results.

14 THE SECRETARY: Ayes, 61.

15 ACTING PRESIDENT STEWART-COUSINS:
16 The bill is passed.

17 THE SECRETARY: Calendar Number
18 985, by Senator Valesky, Senate Print 7556, an
19 act to amend the Tax Law.

20 ACTING PRESIDENT STEWART-COUSINS:
21 Read the last section.

22 THE SECRETARY: Section 8. This
23 act shall take effect immediately.

24 ACTING PRESIDENT STEWART-COUSINS:
25 Call the roll.

1 (The Secretary called the roll.)

2 ACTING PRESIDENT STEWART-COUSINS:

3 Senator Valesky, to explain his vote.

4 SENATOR VALESKY: Yes, thank you,
5 Madam President.

6 This is a very, very important
7 piece of legislation, a Governor's program
8 bill that makes corrections to a law that this
9 Senate passed last year to enhance the
10 Historic Rehabilitation Tax Credit. It was
11 believed at that time that banks and insurance
12 companies, both of which are significant
13 investors in development projects, would have
14 been included. This legislation, a technical
15 correction, was necessary to make clear in law
16 that banks and insurance companies can indeed
17 qualify for the tax credit.

18 This is a significant piece of
19 economic development legislation for the
20 entire state, but particularly for upstate.
21 And I just want to share with my colleagues --
22 and appreciate their support on both sides of
23 the aisle -- a list has been compiled by the
24 Preservation League, developers and others of
25 over 20 projects in cities across upstate

1 New York, including Cohoes, Buffalo, the
2 Hurbson building project in Syracuse,
3 Binghamton, North Tonawanda, Buffalo again,
4 Albany, Rochester, the Pike Block project in
5 Syracuse, and a number of others, projects
6 that will be eligible to be advanced through
7 this legislation should it be passed in the
8 Assembly and signed into law by the Governor.

9 So I want to thank all of the
10 members of the Senate, on both sides of the
11 aisle, for their support in this critical
12 piece of economic development legislation. I
13 vote in the affirmative. Thank you.

14 ACTING PRESIDENT STEWART-COUSINS:
15 Senator Valesky to be recorded in the
16 affirmative.

17 Senator Foley.

18 SENATOR FOLEY: Thank you, Madam
19 President. I rise in strong support of this
20 legislation and also to commend Senator
21 Valesky for putting this forward.

22 We live in a state that has many
23 historic buildings, from Montauk Point to
24 Niagara Falls and points in between. And this
25 particular incentive, if you will, both

1 economic as well as historic, will enable
2 many, many buildings and homes, particularly
3 buildings throughout the state, that have
4 great historic value to be saved and also to
5 be utilized in a fashion that will create jobs
6 and the like.

7 So this is a very important piece
8 of legislation. This is truly an incentive.
9 Other states have done this for years. So I'm
10 happy and pleased to see that the real
11 historic treasures of this state can now be
12 saved through this very innovative piece of
13 legislation. And again, I'd like to commend
14 Senator Valesky for putting it forward. I
15 will vote in the affirmative.

16 Thank you, Madam President.

17 ACTING PRESIDENT STEWART-COUSINS:
18 Senator Foley to be recorded in the
19 affirmative.

20 Senator C. Johnson.

21 SENATOR CRAIG JOHNSON: Thank
22 you, Madam President. I also rise to support
23 this piece of legislation.

24 I want to commend the sponsor,
25 Senator Valesky. For the last couple of years

1 it's been a passion for him to ensure that
2 this legislation get passed. It was passed
3 beforehand, and he saw the need for the
4 technical amendment and was able to get it
5 done.

6 And I appreciate that, especially
7 for my district. The beautiful village of
8 Roslyn, the old village of Roslyn, when you
9 drive through, is littered, literally, with
10 hundreds of historic homes and properties.
11 And this tax credit is going to enable an
12 area -- which quite frankly, and all
13 throughout the state, is facing very difficult
14 economic times -- the ability to rehab the
15 properties that so deserve it.

16 So again, I want to commend Senator
17 Valesky as well as the entire Senate body for
18 making sure this legislation passed.

19 Thank you very much. I vote in the
20 affirmative.

21 ACTING PRESIDENT STEWART-COUSINS:
22 Senator C. Johnson to be recorded in the
23 affirmative.

24 Senator Golden, to explain his
25 vote.

1 SENATOR GOLDEN: Thank you, Madam
2 President. I too rise, I believe this is a
3 good bill.

4 Coming from the communities of Bay
5 Ridge and Dyker and Bensonhurst, where I
6 represent, that is where the British landed
7 many, many hundreds of years ago, and they ran
8 down those avenues. And we have historic
9 buildings that are there that can -- the
10 New Utrecht Reformed, which is one of the
11 oldest structures in the city and state of
12 New York. We have Fort Hamilton Army Base,
13 built back in 1825. We have so many
14 facilities that are in our community that have
15 so much history.

16 And today I'm gifted to have the
17 class from McKinley Junior High School here,
18 from the Dyker Heights/Bay Ridge community,
19 who live in that whole historic community.
20 And one of my winners from the Senator for a
21 Day contest up here, and their essays, and
22 that's Norman Zhao. And I want to
23 congratulate him and his teacher and his class
24 for being here today and watching and
25 witnessing legislation being passed that will

1 help preserve the old buildings in our
2 community and maintain history.

3 And I think this is a good day for
4 them and a good day for this chamber.

5 Thank you, Madam President.

6 ACTING PRESIDENT STEWART-COUSINS:
7 Thank you, Senator Golden. Senator Golden to
8 be recorded in the affirmative.

9 Senator Padavan, to explain his
10 vote.

11 SENATOR PADAVAN: Yes, thank you.

12 Madam President, as the sponsor of
13 the underlying legislation in 2006 that
14 established this system of credits, I'm happy
15 to say that over those years that have passed,
16 hundreds and hundreds of historic buildings in
17 this state have been saved from the wrecking
18 ball by virtue of the credits that were made
19 available and made it feasible for their
20 rehabilitation and saving them, plain and
21 simple.

22 And so for that reason I'm happy to
23 support this legislation, which goes a step
24 further and enhances that underlying program
25 to further do the things we set out to do, to

1 ensure that those buildings and facilities of
2 historic nature and of architectural value are
3 sustained and maintained and continued so that
4 generations to come will enjoy not only being
5 in them and seeing them, but knowing that the
6 people who built them were individuals of
7 great esteem and the facilities that they
8 provide are of value to our quality of life.

9 Thank you, Madam President.

10 ACTING PRESIDENT STEWART-COUSINS:

11 Senator Padavan to be recorded in the
12 affirmative.

13 Are there any other Senators
14 wishing to explain his or her vote?

15 Hearing none, announce the results.

16 THE SECRETARY: Ayes, 61.

17 ACTING PRESIDENT STEWART-COUSINS:

18 The bill is passed.

19 THE SECRETARY: Calendar Number
20 986, by Senator Squadron, Senate Print 7855,
21 an act to amend the Business Corporation Law.

22 ACTING PRESIDENT STEWART-COUSINS:

23 Read the last section.

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

1 ACTING PRESIDENT STEWART-COUSINS:

2 Call the roll.

3 (The Secretary called the roll.)

4 ACTING PRESIDENT STEWART-COUSINS:

5 Announce the results.

6 THE SECRETARY: In relation to
7 Calendar Number 986, Senator O. Johnson to be
8 recorded in the negative.

9 Ayes, 60. Nays, 1.

10 ACTING PRESIDENT STEWART-COUSINS:

11 The bill is passed.

12 Senator Johnson, that completes the
13 reading of the noncontroversial supplemental
14 calendar.

15 SENATOR CRAIG JOHNSON: Thank
16 you. Madam President, at this time can we go
17 to the controversial reading of the
18 supplemental calendar.

19 ACTING PRESIDENT STEWART-COUSINS:

20 The Secretary will ring the bell.

21 Members are all asked to come to
22 the chamber for the reading of the
23 controversial supplemental calendar.

24 The Secretary will read.

25 THE SECRETARY: Calendar Number

1 971, by Senator Parker, Senate Print 2165B, an
2 act to amend Chapter 912 of the Laws of 1920.

3 ACTING PRESIDENT STEWART-COUSINS:
4 Senator Padavan.

5 SENATOR PADAVAN: Thank you,
6 Madam President.

7 I rise to express a point of view
8 that would hopefully lead you to reject this
9 proposal. I am strongly in opposition to
10 legalizing what is referred to as mixed
11 martial arts in the State of New York.

12 When the promoters advertise, show
13 these combative sports on TV and elsewhere,
14 they refer to them not as mixed martial arts
15 but as ultimate fighting. Ultimate fighting.
16 And that's exactly what they are. We're
17 teaching our children that you can rap
18 somebody in the back of his neck with your
19 elbow, knee him in the groin, knock him down
20 and beat him up while he's on the ground, with
21 blood all over the place, and that's perfectly
22 all right, that that's a sport.

23 Well, I suggest to you that it's
24 far from a sport. It is barbaric in every
25 sense of the word. Yes, it's being done

1 elsewhere in other venues, but that doesn't
2 mean we have to do it in New York.

3 I have in front of me a memo from
4 the New York State Catholic Conference, which
5 strongly opposes this bill. And I'd like to
6 just read a couple of sentences from it. "The
7 fight involved knees to the groin, kidney
8 punches, knees to the head, and a lot of the
9 aforementioned choking. Please don't show our
10 children that the well-being of the men and
11 women caught up in this violent degradation
12 are worth less than the animals such as
13 Buster's Law that we have so diligently
14 designed to protect animals."

15 We outlawed animal fighting in this
16 state, which is ultimate fighting, because
17 they fight to the death in most cases. Why
18 the revenues, whatever they might be, that
19 this particular active activity will generate
20 so far transcend the message that we are
21 generating by instituting it justifies passing
22 this bill I am totally incapable of
23 understanding.

24 So I would strongly urge that we
25 reject this bill, that we listen carefully to

1 what others are saying in opposition, that we
2 teach our children that this type of contact
3 between human beings is just not acceptable
4 and certainly should not be viewed as a sport.

5 ACTING PRESIDENT STEWART-COUSINS:

6 Thank you.

7 Senator L. Krueger.

8 SENATOR LIZ KRUEGER: Thank you,
9 Madam President.

10 I rise to share my concern, as
11 Senator Padavan has, that this is a very bad
12 mistake for New York State. Mixed martial
13 arts encourages violence among our children.
14 There's no getting around the violence in the
15 sport. Medical experts agree participation
16 can lead to permanent brain damage and
17 premature death.

18 Other sports are finally starting
19 to realize the dangers of concussions and
20 acting to reduce them. But in mixed martial
21 arts they wear no padding, they wear no
22 helmets, they wear no protective gear, even
23 like boxing.

24 When other communities have acted
25 to legalize, inevitably we have seen increased

1 injuries and, yes, some deaths that followed.
2 And I share my colleague's concern that it
3 encourages dangerous behavior by children who
4 won't know any of the rules to follow to be
5 careful, who will just be copying what they
6 see going on on TVs.

7 The New York Times recently had an
8 article discussing the concerns that this is
9 increasing violence in our society, that even
10 though supposedly the rules have changed in
11 the modern version of mixed martial arts, it
12 still results in serious danger and harm done
13 to the people who participate.

14 The most forceful argument I've
15 seen comes from the British Medical
16 Association, which is battling to ban both
17 ultimate fighting and boxing, and they
18 declared that "Doctors cannot stand by while
19 violent fighting tournaments are allowed to
20 take place. Large money can be earned by
21 participants, promoters and others linked to
22 the ultimate fighting, but no amount of money
23 can compensate for permanent brain damage and
24 premature death."

25 I know we live in a violent

1 society. I know you can't legislate against
2 violence. I know that our children get mixed
3 messages all the time -- some of them good,
4 some of them towards violence. But I can't
5 vote for a bill that would increase the number
6 of legal activities that promote violence,
7 that can cause serious permanent brain damage
8 or death, and will be used as models by our
9 young children about what are considered
10 acceptable sports activities and unacceptable
11 activities. I urge my colleagues to vote no.

12 Thank you, Madam President.

13 ACTING PRESIDENT STEWART-COUSINS:

14 Senator Klein, on the bill.

15 SENATOR KLEIN: Thank you, Madam
16 President. I rise in support of this
17 legislation and commend my colleague Senator
18 Parker for bringing this legislation to the
19 floor.

20 Clearly we've heard a lot about
21 this specific sport. And certainly if it were
22 back in 1997 when New York State banned mixed
23 martial arts because at the time it was
24 completely unregulated and a dangerous
25 activity and often compared to human

1 cockfighting, that certainly is no longer the
2 case right now.

3 Since that time, it's been
4 regulated, a regulated sport in 37 states
5 which created rules and guidelines to prevent
6 the savagery once associated with this sport.
7 So it's come a long way. It is regulated very
8 similar to how we regulate boxing. It's very
9 similar to how we regulate wrestling.

10 And I think the time has come for
11 New York State to be the 38th state that
12 allows mixed martial arts. If you look at --

13 ACTING PRESIDENT STEWART-COUSINS:
14 Can we have order in the chamber, please.

15 SENATOR KLEIN: Thank you, Madam
16 President.

17 If you look at the success rate of
18 the sport as far as a revenue generator in
19 other states, it's outstanding. The
20 pay-per-view for the events is off the charts.
21 Neighboring New Jersey, in the Meadowlands and
22 other venues, packs arenas. This is something
23 that I think can do the same thing for
24 New York State.

25 You know, I firmly believe that,

1 you know, people around our great state want
2 to watch this. And as long as it's regulated,
3 which it will be under this bill, I think we
4 can generate an awful lot of revenue for many
5 regions around our state. I know Senator
6 Griffo is supportive of this legislation. I
7 know one of the top-ranked fighters is a
8 constituent of his. So there is this New York
9 connection.

10 I know the numbers are not quite
11 clear, but it has been said we can generate
12 certainly in the first year upward of
13 \$5 million. And of course in the legislation
14 there is a 10 percent tax on receipts on
15 ticket sales as well as broadcasting rights,
16 and I think with time this can be a very
17 compelling revenue generator for the state as
18 well as a recurring one.

19 So I vote yes, Madam President.

20 ACTING PRESIDENT STEWART-COUSINS:

21 Thank you, Senator.

22 Senator Padavan, why do you rise?

23 SENATOR PADAVAN: Will Senator
24 Klein yield to a question.

25 ACTING PRESIDENT STEWART-COUSINS:

1 Senator Klein, will you yield to a question?

2 SENATOR KLEIN: Yes, Madam
3 President.

4 SENATOR PADAVAN: The regulations
5 you referred to, do they allow choking?

6 SENATOR KLEIN: I don't see the
7 specifics on what's allowed and what's not
8 allowed.

9 SENATOR PADAVAN: Well, they do.
10 Do they allow hitting when the individual is
11 down on the ground?

12 SENATOR KLEIN: I do have it now.
13 Striking, kicking and grappling.

14 SENATOR PADAVAN: Is what?

15 SENATOR KLEIN: Are the precise
16 words that are allowed.

17 SENATOR PADAVAN: That are
18 allowed.

19 SENATOR KLEIN: That are allowed.
20 I don't see anything that says choking.

21 SENATOR PADAVAN: It doesn't say
22 it's prohibited, though.

23 ACTING PRESIDENT STEWART-COUSINS:
24 Senator Padavan.

25 SENATOR PADAVAN: Would he yield.

1 ACTING PRESIDENT STEWART-COUSINS:

2 Will you continue to yield, Senator Klein?

3 SENATOR KLEIN: Yes, Madam
4 President.

5 SENATOR PADAVAN: Does it say
6 it's prohibited?

7 SENATOR KLEIN: It specifically
8 states the permitted martial arts
9 techniques -- which is in the legislation,
10 Senator -- which is striking, kicking and
11 grappling.

12 SENATOR PADAVAN: Senator, you
13 have not answered my question --

14 ACTING PRESIDENT STEWART-COUSINS:
15 Senator Padavan, do you wish Senator --

16 SENATOR PADAVAN: -- but let me
17 go on to another one.

18 SENATOR KLEIN: Again, I will
19 answer your question, Senator. I assume, if
20 they're stating the specific things that are
21 allowed, other things like choking would not
22 be allowed under the legislation.

23 SENATOR PADAVAN: Madam
24 President, the fact that it doesn't say it is
25 not allowed doesn't mean that it is allowed.

1 It does mean it's allowed, because it's being
2 done. You talked about those 37 venues. Turn
3 it on, look at one of those fights going on in
4 the cages. You will see choking, you will see
5 kneeing, you will see people being hit while
6 they're on the ground and blooded. And it is
7 permitted by those regulations, which I assume
8 are the very same regulations you are
9 referring to.

10 ACTING PRESIDENT STEWART-COUSINS:

11 Senator Padavan, are you on the bill or --

12 SENATOR PADAVAN: Yes, I'm taking
13 a second bite at the apple, if I may. Because
14 the Senator is not going to yield, obviously,
15 to the question that I'm asking.

16 It is not prohibited. These things
17 are allowed. They are going on today. And I
18 don't care about the \$5 million. But I do
19 care about what we are teaching our children.

20 Now, I'm familiar with when we send
21 our kids to learn judo, taekwondo and other
22 martial arts, and I've been in those places,
23 and I've seen what those children are
24 learning, and it's great. But you don't, you
25 don't knee somebody in the groin, you don't

1 hit them in the back of the neck with your
2 elbow, you don't beat them up while they're
3 lying on the ground, and you don't choke them.

4 And that's what this type of
5 ultimate fighting will provide. And if you
6 allowed some of these promoters to go further,
7 they'd have the thumbs up or thumbs down part
8 of it. But they don't go that far. But they
9 certainly do allow someone to be beaten
10 unconscious before that fight will be stopped.

11 It's not something I think this
12 state, with all due regard to what's going on
13 elsewhere, should permit to be happening.

14 ACTING PRESIDENT STEWART-COUSINS:
15 Senator Volker, on the bill.

16 SENATOR VOLKER: Madam President,
17 you know, over the years I have spoken on a
18 number of occasions on violence and
19 television, and I'm the first one to say that
20 it's almost uncontrollable. And when you
21 start talking, for instance, about gun
22 violence, it's kind of a laughable thing to me
23 when people don't realize that the amount of
24 violence, the number of people killed by fists
25 and clubs and other means other than guns has

1 been rising at a dramatic rate.

2 I think violence -- and especially
3 for our young people, that a great reason why
4 we have so many problems in our schools has to
5 do with what young people see on television.
6 And I know they can see it on the Internet and
7 so forth. That doesn't make it any more
8 right.

9 I've seen this ultimate fighting
10 stuff. And if you think about it, boxing, a
11 tough sport, but there are all sorts of rules
12 that govern what can be done during a fight.
13 Senator Krueger and Senator Padavan are right,
14 that ultimate fighting is really about as far
15 out as you can get without going back to the
16 old gladiatorial system.

17 I realize that it's hard for us to
18 control what our children see, what our people
19 see. Many of us who have been involved in
20 criminal justice are absolutely convinced that
21 the amount of violence in our streets is
22 directly related to what they see and to what
23 is being produced by Hollywood and many other
24 people and the dramatic nature of the bloody
25 kinds of things that we are involved in.

1 Normally, I speak only where there
2 is terms of something that we can absolutely
3 stop. We can't absolutely stop this ultimate
4 fighting, but we can send a message to our
5 people here in New York that New York is not
6 ready to brutalize people in a public way.
7 And having watched these ultimate fights and
8 the way that they're done -- and I'll show you
9 one thing. Some people now out in the streets
10 are beginning to practice ultimate fighting.
11 And, you know, it seems to me that it will
12 only lead to more violence, to more problems,
13 that we sometimes completely forget about.

14 So I'm with Senator Padavan and
15 Senator Krueger. This type of activity should
16 not be legalized in New York, and we should
17 try wherever we can to curb violence on TV and
18 on the Internet. Because if we don't, it's
19 very possible our society may be headed for an
20 even worse situation than we're in today.

21 So I'm going to vote against this
22 legislation.

23 ACTING PRESIDENT STEWART-COUSINS:
24 Senator Alesi, on the bill.

25 SENATOR ALESI: Madam President,

1 my colleagues, thank you.

2 I'm almost feeling a little bit
3 uncomfortable saying that I am opposing this
4 bill, because having watched ultimate fighting
5 or whatever else you want to call in a more
6 sanitized version, it literally turns my
7 stomach. And for those people who are not
8 affected in that way, I would broaden it and
9 simply say this, that anyone that can get over
10 watching this for any extended period of time
11 has to become desensitized, desensitized to
12 this kind of brutality.

13 And if there is any one thing we
14 know about problems with young people and
15 violence across this nation -- in fact,
16 violence throughout the world -- it is that
17 they have become desensitized to violence by
18 watching violence on television, by watching
19 people be killed by guns, by watching people
20 be brutally beaten, to the extent where when
21 they see it in real life, they're completely
22 desensitized to it. It doesn't mean anything
23 to them.

24 And for those people, many of whom
25 are now involved in violent crime, a lot of

1 times I believe you can trace some of that
2 violence back to the fact that they've been
3 exposed to it over and over and over and over
4 again so many times, they don't see it or feel
5 it as violence.

6 Now, you can see this on television
7 right now. And as Senator Volker said, yeah,
8 can you catch it on the Internet. And there's
9 no preventing that. Although the bill says if
10 you're 16 years or younger you can't attend
11 one of these events. But you can see them.
12 And I guarantee you the more we see this, the
13 more this kind of brutally is going to mean
14 nothing to younger people. And I also believe
15 that there will probably come a time where
16 even though the bill does not address amateur
17 bouts, you'll start to see amateur bouts that
18 are not sanctioned happening in neighborhoods
19 or other places.

20 This bill also says you have to be
21 18 years old or so. That's pretty young.
22 When you've watched ultimate fighting, 18
23 years old is pretty young to be in a situation
24 like that, especially when the bill allows you
25 to have a fight every 72 hours -- one fight

1 every three days if you can do it. If you can
2 pass the physical, if your brains and your
3 body aren't so beat up.

4 I know this is a big economic
5 generator. And my best guess is this bill
6 will be passed based on the fact that New York
7 doesn't want to lose this great opportunity at
8 revenue. But I truly and honestly believe
9 that the more we expose people in our society
10 to this kind of brutality, the more they're
11 going to be desensitized to it and the more
12 outside of the ring we're going to see this
13 kind of activity in our streets and in our
14 schools and places where we would like young
15 people as well as people of older ages to feel
16 safe.

17 This is going to erode the safety
18 of our communities, our schools and our
19 neighborhoods. And I have to vote no on that
20 basis.

21 ACTING PRESIDENT STEWART-COUSINS:
22 Senator Leibell.

23 SENATOR LEIBELL: Thank you,
24 Madam President. Just to echo some of the
25 recent comments of my colleagues.

1 There has to be a distinction
2 between what's acceptable sport and what is
3 pure brutality. We have all discussed, and we
4 have discussed it as a nation, the violence
5 that we see within our society. I have to
6 believe that encouraging something like this,
7 especially as some sort of an economic engine,
8 can only reduce our society to more and more
9 violence.

10 I mean, how many times do we
11 discuss the injuries that come about from
12 sports such as football, the head traumas?
13 We've seen our professional athletes, how many
14 of them at a relatively early age are maimed
15 and crippled.

16 Regardless of the dollars involved
17 for this state, this is a bad way to go. We
18 should be looking for ways to address violence
19 within our society. Madam President, I'll be
20 voting in the negative.

21 ACTING PRESIDENT STEWART-COUSINS:
22 Thank you, Senator.

23 Senator Parker.

24 SENATOR PARKER: Thank you, Madam
25 President. On the bill.

1 ACTING PRESIDENT STEWART-COUSINS:

2 Senator Parker, would you yield to Senator
3 Lanza?

4 SENATOR PARKER: For Senator
5 Lanza, anything.

6 ACTING PRESIDENT STEWART-COUSINS:
7 Senator Lanza, on the bill.

8 SENATOR LANZA: Thank you, Madam
9 President. And thank you, Senator Parker.

10 I'll be brief. As I listened to my
11 colleagues Senator Padavan, Senators Volker,
12 Leibell, Alesi, I just want to say, Madam
13 President, I couldn't agree more. We're
14 really living through tough times. Economic,
15 we're 75 or 76 days late with the budget here
16 in this state. We've got so many important
17 social issues that we need to address in this
18 state and across the country. People who are
19 impoverished, people looking for a job --
20 there's so many things that we have a
21 responsibility here as a Legislature to
22 address.

23 And I just feel that we can do so
24 much better than legislation like this. This
25 can't be the best that we can do.

1 And as I listen to the reasons that
2 those who support this legislation offer up,
3 it seems to come down to money. No one's
4 saying anything good about this activity and
5 this conduct. And I just happen to believe
6 that money doesn't make everything all right,
7 that just because you can profit from
8 something it's a good thing.

9 And there are lots of things that
10 we know that people profit from, whether it's
11 the drug trade or others -- and I'm not
12 comparing this to the drug trade. But I'm
13 just saying that making money doesn't make
14 right or make good or make decent. And this
15 truly is a terrible message to be sending.

16 You know, as a father of three
17 young children, I can tell you I think it's
18 tougher than ever to raise kids the right way
19 in a society where they are continually
20 bombarded by all sorts of garbage and
21 nonsense. And I think this will make it
22 harder.

23 You know what the world needs now,
24 as the song says, is more love. Some decency,
25 some compassion. And that's what we should be

1 talking about. And that's what we should be
2 delivering. We should not send this terrible
3 message that it's okay to really brutalize
4 human decency.

5 You know, there is a famous
6 football player who went to jail because
7 people were profiting and watching and
8 enjoying dogs fighting. In this state you can
9 go to jail if you let birds fight. Do we
10 truly believe that birds and dogs are more
11 important than people? I really think that
12 that's the message being sent here. And it is
13 truly a terrible one.

14 And for that reason, I'm going to
15 be voting no. Thank you, Madam President.

16 ACTING PRESIDENT STEWART-COUSINS:
17 Thank you, Senator.

18 Senator Parker, to close.

19 SENATOR PARKER: Thank you, Madam
20 President. On the bill.

21 I did not realize we had so many
22 peaceniks in this chamber. But let me just --
23 I rise to, as the sponsor of this bill, just
24 really to, one, clip some things that I think
25 are misunderstood about this sport.

1 Mixed martial arts is a legitimate
2 sport. It is a sport that has grown over the
3 last number of years. You'll see, out of the
4 44 states in this great union that have
5 sporting commissions, as Senator Klein
6 indicated, 37 of them have sanctioned mixed
7 martial arts as a legitimate sport.

8 What my bill attempts to do is to
9 essentially bring us into the mainstream, is
10 to address some of the concerns that people
11 have in this chamber. I agree with almost all
12 of my colleagues with their concerns I guess
13 about violence in our society. I'm not clear
14 that the legalization and regulation of mixed
15 martial arts in the State of New York is going
16 to add to that.

17 I think that if we are going to ban
18 this, then we ought to be talking about an
19 omnibus bill where we ban boxing from the
20 state, where we ban hockey from the state,
21 where we ban football from the state, where we
22 ban lacrosse from the state. I mean, you
23 know, we have three competitive hockey teams
24 that play in and around the greater New York
25 area and the State of New York, and this is a

1 sport, you know, where fighting and people
2 losing teeth is part of the everyday activity.
3 And we just celebrated the championship of
4 that sport. Mixed martial arts is actually
5 far more regulated than the fighting that many
6 people in this room enjoy in hockey.

7 That being said, there's again some
8 conceptions about the kind of striking that
9 can be done. What we're doing in this bill is
10 that we're regulating it. We're saying what
11 can and can't be done. We're saying that
12 there has to be a level of safety. We're
13 saying there has to be a level of humanity in
14 this bill.

15 Senator Padavan, some of the things
16 that -- I certainly understand and really
17 sympathize with some of your sentiment about
18 this, because I know that you feel very, very
19 strongly about this, as you do many issues
20 that you speak about on this floor.

21 Striking to the back of the neck is
22 not allowed. Kicking and striking people
23 while they're down is allowed in certain
24 circumstances, but it's not standing over
25 somebody and then stomping them. That's kind

1 of not what happens.

2 Also the conversation kind of, you
3 know, in this chamber describes an event that,
4 you know, is almost like gladiarism {sic}.
5 All right? And that's not in fact what
6 happens. There is in fact a referee. There
7 is in fact somebody who monitors it. There is
8 in fact -- you're right that there are
9 submission holds in which people are allowed
10 to tap out or in fact the referee can let
11 people come out of it.

12 But when you look at the rates of
13 injury -- and Senator Krueger spoke to this as
14 well -- when you look at the rates of injury,
15 particularly concussions, they're actually
16 significantly and dramatically less in mixed
17 martial arts than there are in boxing.
18 Significantly less. And why? Because
19 actually most of the bouts are not decided by
20 people pounding or punching or kicking.

21 And it's tightly regulated. We
22 will be putting those regulations over to our
23 New York State commission that I think we all
24 trust to do the right thing as relates to
25 regulating the sport. And I think that it

1 will be something that I think ultimately
2 people will see as a very worthy sport.

3 There are already places that are
4 engaging in doing training around the sport.
5 Even though bouts aren't allowed, people are
6 still training in the State of New York.
7 Again, we want to bring all of that under
8 regulation. We want to make sure that people
9 are safe when participating in the sport,
10 because this is a sport. And we certainly
11 don't want our young people hurt or injured in
12 any significant way in the sport.

13 And when people have spoken to the
14 economic implications of this legislation, I
15 think that people have frankly understated
16 them. When you talk about the actual help to
17 the economy in upstate New York by this
18 legislation, you're talking about, to start,
19 it will be \$5.2 million and another
20 \$11.5 million in New York City because of the
21 economic activity, both because of the actual
22 events as well as people coming into town and
23 the other kinds of things, the ancillary
24 economic activity that surrounds a sanctioned
25 bout.

1 And so I ask my colleagues to, you
2 know, don't rush to judgment about the level
3 of violence that they believe that they see in
4 this and give the sport a chance. Let us work
5 with our state sports commission to regulate
6 it and to do the right thing economically in
7 the State of New York around this bill.

8 Thank you very much.

9 ACTING PRESIDENT STEWART-COUSINS:

10 Thank you, Senator Parker.

11 Are there any other Senators
12 wishing to be heard?

13 Hearing none, the debate is closed.
14 The Secretary will please ring the bell.

15 Read the last section.

16 THE SECRETARY: Section 6. This
17 act shall take effect on the 120th day.

18 ACTING PRESIDENT STEWART-COUSINS:

19 Call the roll.

20 (The Secretary called the roll.)

21 ACTING PRESIDENT STEWART-COUSINS:

22 Senator Larkin, to explain his vote.

23 SENATOR LARKIN: Thank you, Madam
24 President.

25 I can't believe that we've wasted

1 an hour of valuable time here this afternoon
2 when we should have been doing something about
3 an important thing called the budget.

4 When you start to look at these
5 innate actions that we see when we've taken
6 the time to watch this on TV, now I know where
7 all of the games in my city of Kingston and
8 Newburgh, where they get all of their talent
9 from watching this. We're not teaching young
10 people how to be adults, we're teaching young
11 people how to be hoodlums. Look what they do
12 on this show -- pound one another, kick one
13 another. My friend Carl Marcellino said they
14 have those big boxing gloves, they have those
15 leather hand gloves so they can hit and punch
16 one another.

17 This is a disgrace, this bill is.
18 We should be ashamed of ourself as a
19 legislative body, putting this out here. The
20 next thing, we'll find a street fight in one
21 of our cities and everybody will say, well,
22 they do it on television. You people signed a
23 law to let it happen. This is a disgrace.

24 I will be able to look at my
25 grandchildren this weekend and say "I don't

1 let you watch it on TV, and I didn't vote for
2 it in Albany." Why should you?

3 ACTING PRESIDENT STEWART-COUSINS:
4 Order in the chamber, please.

5 SENATOR LARKIN: This is -- think
6 of what you're saying. I hear people in here
7 saying we've got to stop the nonsense in the
8 cities, we've got to -- and mostly the people
9 from the City of New York talk about how we've
10 got to do something for the young people.
11 Well, you're not doing anything.

12 And then when I hear someone say
13 this is going to be for the economy, are we
14 stooping that low to say we're going to have
15 this rough-and-tumble and it's going to help
16 your economy? What about doing something to
17 create jobs, not create confusion?

18 ACTING PRESIDENT STEWART-COUSINS:
19 Senator Larkin will be recorded in the
20 negative.

21 Senator Griffo, to explain his
22 vote.

23 SENATOR GRIFFO: Thank you, Madam
24 President.

25 While I appreciate and respect that

1 everyone here would have a personal
2 perspective and a personal preference on any
3 matter of sport, I think what we're dealing
4 with today is the fact that this is an
5 organized sport. It is an organized sport
6 that currently exists and will continue to
7 exist.

8 And what this bill will do is it
9 will allow the State Athletic Commission to
10 regulate the sport, to ensure things are done
11 properly, and to pay attention to this sport
12 in the way that everybody is expressing they
13 would like to see that take place, to ensure
14 safety.

15 And secondly, it allows New York
16 State athletes to participate in their own
17 state in a sport that they may choose to
18 participate in, no different than any other
19 professional athlete has that opportunity to
20 do in any other professional sport.

21 And it also enables this state to
22 benefit economically during some very
23 difficult, challenging times.

24 So for those reasons, I vote yes.

25 ACTING PRESIDENT STEWART-COUSINS:

1 Senator Griffo to be recorded in the
2 affirmative.

3 Senator Diaz, to explain his vote.

4 SENATOR DIAZ: Thank you, Madam
5 President.

6 This is a legislation that I cannot
7 support. I preach in my church, the church
8 that I am the pastor, I preach against
9 violence. And I preach against things that
10 destroy our youth. And I try to teach my
11 youth and people in my church that violence is
12 never, never, never good and never takes us
13 anywhere.

14 And this kind of sports, this kind
15 of legislation sends a wrong message, a wrong
16 message to all our communities -- especially,
17 especially, especially in our communities.

18 And don't come and kill the
19 messenger now. But our community needs better
20 messages. Our community needs a message of
21 peace, a message of -- not a message that
22 promotes and creates violence and gives our
23 children, our youth that mentality. We have
24 too much movies, too much TV, too much
25 negative TV, too much negative movies, too

1 much things going on in our communities
2 destroying the minds and the behavior of our
3 youth, of our people.

4 So this is -- this is -- honestly,
5 this is not good for our communities. So I'm
6 voting no, Madam President.

7 ACTING PRESIDENT STEWART-COUSINS:
8 Senator Diaz to be recorded in the negative.

9 Senator Savino, to explain her
10 vote.

11 SENATOR SAVINO: Thank you, Madam
12 President.

13 It is a rare day indeed when
14 party-line votes are not actually party-line
15 votes in this body. We're seeing the yeses on
16 that side and the nos on this side, and yeses
17 here and nos on that side, and I think it's
18 very interesting to see the way this is
19 turning out.

20 I've heard the argument on both
21 sides that this is a revenue producer and that
22 we're regulating this sport, and I've heard
23 the argument that this is pure violence and
24 we're just allowing people access to it on
25 television. I tend to agree with the latter

1 argument.

2 You know, 2,000 years ago the
3 people of ancient Rome used to gather in the
4 Coliseum, along with the Emperor and the Roman
5 Senate, and they would watch gladiators fight
6 to the death and kill each other. And when
7 they were done with that -- that wasn't
8 entertaining enough -- they used to feed the
9 Jews and the Christians to the lions.

10 That's what passed for
11 entertainment in ancient Rome. And I'm sure
12 the people who ran the city of Rome considered
13 that an economic development program as well.
14 There's not much difference between that and
15 this.

16 I cannot support this. It is a
17 barbaric -- and I don't want to use the word
18 "sport," because I don't think there's
19 anything sporting about ultimate fighting. It
20 is barbarism portrayed on television for
21 people so that they can watch it and be
22 entertained. And at what point do we cross
23 back over the Rubicon to start feeding people
24 to the lions? Maybe we'll call that a way to
25 save government money because we won't have to

1 buy food for the lions in the zoo.

2 I vote no on this bill, and I think
3 that before we grasp at any dollar that we can
4 find in an effort to deal with our budget
5 crisis, we should take a good long look at
6 what we're willing to do for \$5 million.

7 ACTING PRESIDENT STEWART-COUSINS:
8 Senator Savino to be recorded in the negative.

9 Senator Thompson, to explain his
10 vote.

11 SENATOR THOMPSON: Yes, Madam
12 Chairwoman. I rise in support of this bill.

13 I know that many of my colleagues
14 have expressed some concern. But as
15 previously stated, this legislation will allow
16 the State Athletic Commission to move forward
17 with the process. In Niagara Falls, this
18 would be great.

19 I only request one thing, that the
20 first match is in Niagara Falls. I think it's
21 a great backdrop. In fact, there's a boxing
22 match in Niagara Falls on Saturday night.

23 So this is really good. I think it
24 will provide some economic opportunity. I
25 think the state should receive more money,

1 actually, but it's a start. And I think it's
2 a good start, and I strongly support this
3 legislation.

4 ACTING PRESIDENT STEWART-COUSINS:
5 Senator Thompson to be recorded in the
6 affirmative.

7 Senator C. Johnson, to explain his
8 vote.

9 SENATOR CRAIG JOHNSON: Thank you
10 very much, Madam President. I'm going to be
11 voting in the affirmative on this.

12 I've been listening very closely to
13 the debate and the questions, and I'm struck
14 by some of the comments and observations. We
15 not only permit boxing and hockey, but we
16 promote pro wrestling. And while we as adults
17 know it's fake, our children certainly don't
18 know it's fake. And yet our children are
19 actively -- there are instances where children
20 are actually setting up wrestling rings in
21 their backyard and getting involved in
22 wrestling, and we do nothing to stop that,
23 quote, sport.

24 And yet what's interesting is an
25 individual who owns the wrestling corporation

1 is now running for the United States Senate
2 based on the millions of dollars she's made on
3 this sport that we as a state have done
4 nothing to try and ban.

5 But I think what's even more
6 troubling is sitting here in the Senate today
7 listening to those who oppose this
8 legislation, which will provide regulation,
9 are outraged by the potential violence that is
10 going on, are going to vote against it, and
11 yet also voted against yesterday a
12 microstamping bill that would have helped
13 police end real gun violence in New York
14 State.

15 I haven't seen these instances of
16 gangs of youth running in our streets, given
17 the fact they can watch mixed martial arts on
18 television right now, and yet we're trying to
19 prevent our police from stopping the real
20 problem of gun violence in New York State,
21 when yesterday we couldn't pass that bill.

22 I'm going to vote aye on this piece
23 of legislation. I thank the sponsor. I thank
24 Senator Klein, who's been involved in this.
25 And I do vote aye. Thank you very much.

1 ACTING PRESIDENT STEWART-COUSINS:

2 Senator C. Johnson to be recorded in the
3 affirmative.

4 Senator Saland, to explain his
5 vote.

6 SENATOR SALAND: Thank you, Madam
7 President.

8 My time is limited, so I certainly
9 don't want to pursue the line of argument that
10 was just thrown out there by Senator Johnson.

11 Suffice it to say that this is a
12 brutal, barbaric activity. I wouldn't even
13 deem it to be a sport. And yes, there have
14 been hockey players who have been prosecuted
15 for their violence that has occurred within
16 the hockey rink. And even professional
17 football, a very violent sport, is making an
18 evident because of the injuries that the
19 athletes have sustained, either to try and
20 avoid the multiplicity of concussions that
21 have occurred or to provide some type of
22 funding for those who in their fifties are
23 substantially disabled, who are neurologically
24 damaged to the point where they prematurely
25 experience dementia.

1 And what we are effectively doing
2 here, what is attempting to be done with this,
3 is to give sanction to one of the most violent
4 of activities, something that would probably
5 be most closely related to in fact the
6 gladiator analogy in the Roman Forum thousands
7 of years ago.

8 This is nothing that we should
9 condone. This should be uniformly condemned.
10 And if the basis for our embracing this is the
11 fact that it provides a source of revenue,
12 then shame on us, how low could we possibly
13 stoop?

14 I vote in the negative.

15 ACTING PRESIDENT STEWART-COUSINS:
16 Senator Saland to be recorded in the negative.

17 Senator Alesi, to explain his vote.

18 SENATOR ALESI: Thank you, Madam
19 President and my colleagues.

20 I think I've given my reasons for
21 opposing this bill. Primarily because I
22 believe that the more exposure our society
23 gets to this, the more desensitized our
24 people, especially our young people, will
25 become to this kind of brutality. And you'll

1 see more and more of it in our streets and our
2 schools and our neighborhoods.

3 But I'd like to point out one thing
4 to my colleagues here. If you look at this
5 bill, this bill doesn't just authorize
6 ultimate fighting. It actually takes out a
7 significant part of Section 5 of the existing
8 law that sanctions professional wrestling,
9 professional boxing, et cetera, et cetera.

10 This bill carves out a specific
11 piece of the existing law that says you cannot
12 have ultimate fighting in New York State. And
13 under circumstances surrounding ultimate
14 fighting, under the existing law, you could be
15 fined up to \$20,000 or more, you could receive
16 a felony, you could receive a misdemeanor or
17 any other number of things.

18 So somewhere, somehow, sometime,
19 somebody recognized that even though we have
20 professional wrestling, which is theater,
21 professional boxing, which is legitimate to
22 some extent, we don't have, today, ultimate
23 fighting in the law. It's illegal.

24 So this bill isn't just saying we
25 can have it now, it's saying we're taking out

1 what exists in the law today. Felonies,
2 misdemeanors, fines up to \$20,000 or more if
3 you engage in this. Somebody had it right
4 sometime.

5 And you know the most interesting
6 thing about this? And I don't want to get too
7 soft on this whole thing, but you know the
8 only place that you specifically can't have
9 ultimate fighting in a hall or some other
10 venue in New York State? You can't have it in
11 a place that's used specifically for religious
12 services.

13 ACTING PRESIDENT STEWART-COUSINS:
14 Senator Alesi, how do you vote?

15 SENATOR ALESI: For religious
16 services. Somebody must have their -- I vote
17 no.

18 ACTING PRESIDENT STEWART-COUSINS:
19 Senator Alesi to be recorded in the negative.

20 Senator Stavisky, to explain her
21 vote.

22 SENATOR STAVISKY: Thank you,
23 Madam President.

24 I've listened to the debate, and I
25 must tell you I'm not a big fan of these

1 type -- I don't think sports, necessarily.
2 But we watch revenue opportunities slip away.
3 We're constantly being reminded that we have a
4 \$9.2 billion deficit. People are watching
5 these activities, but they're watching it in
6 other states.

7 And I think it's time that we took
8 advantage of the revenues that will be
9 produced in New York State in something that
10 will be recognized and supervised by the State
11 Athletic Commission.

12 When I used to see the news at
13 night and you watch some of the clips from the
14 hockey games and you see the referee standing
15 there on the ice, watching one player go after
16 another with a stick, and they hit and they do
17 all kinds of things, is this different?

18 This I think will be better
19 regulated, better supervised, and certainly
20 bring in some revenue that we desperately need
21 in New York. I vote aye.

22 ACTING PRESIDENT STEWART-COUSINS:
23 Senator Stavisky to be recorded in the
24 affirmative.

25 Senator DeFrancisco, to explain his

1 vote.

2 SENATOR DeFRANCISCO: Yes, I'm
3 going to vote aye on this bill.

4 And I wasn't expecting to speak,
5 but I couldn't help but have to stand up and
6 comment on what Senator Savino said about this
7 is exactly like the gladiators in ancient Rome
8 and we won't have to have food for the
9 animals. I mean, talk about rhetoric. I
10 mean, that's absolutely ridiculous.

11 These are consenting adults. In
12 some cases, people -- not only for the
13 viewership that may enjoy this sort of
14 thing -- I don't particularly care for it, but
15 I don't care for "Real Housewives of New York"
16 either.

17 (Laughter.)

18 SENATOR DeFRANCISCO: And that
19 doesn't provide too many stimulation for our
20 young people either.

21 But it seems to me in some
22 instances this may be the only way to be
23 successful for some people who have to be
24 physically capable of doing these type of
25 things.

1 In fact, if we wanted to really
2 carry this to a very beneficial extreme, maybe
3 we could settle the budget crisis by Carl
4 Kruger and I getting into the ring rather than
5 going through what we do every week.

6 (Laughter.)

7 SENATOR DeFRANCISCO: Secondly,
8 I -- and it's going to be regulated. And one
9 of our most recent boxing commissioners, a
10 female, I can't remember her name, explained
11 why she was in favor of it, because she
12 thought it would be regulated.

13 Lastly, the microstamping argument
14 is so ridiculous I'm not even going to reply
15 to that.

16 I vote aye.

17 ACTING PRESIDENT STEWART-COUSINS:
18 Senator DeFrancisco to be recorded in the
19 affirmative.

20 Senator Padavan, to explain his
21 vote.

22 SENATOR PADAVAN: Senator
23 DeFrancisco, many of the gladiators were
24 consenting adults, just as a matter of fact.

25 I too want to comment relevant to

1 the remarks in explaining his vote by Senator
2 Johnson. I voted for the microstamping
3 bill -- he's gone, he's not here -- and I'm
4 voting against this bill. I don't see the
5 correlation.

6 On top of that, many of my
7 colleagues, irrespective of how they're voting
8 on this bill, including those who are voting
9 against it, have been advocating criminal
10 justice measures in this state for a long
11 time, only to be thwarted by inaction on that
12 side of the aisle. So to start relating this
13 issue to our records as it relates to dealing
14 with criminals in this state makes no sense
15 whatsoever.

16 And if you want to go another step
17 further, the sponsor of the microstamping bill
18 was the one who gave us the ceiling where we
19 now have dozens of criminals whose background
20 checks you cannot get and where a drug pusher
21 could end up teaching in a school because that
22 education institution will not be able to get
23 a background check. You remember that whole
24 scenario.

25 And he promised -- he's not here

1 either, right now. Oh, yes, he's over
2 there -- that he was going to amend the bill
3 to take care of that problem, and he never
4 did.

5 So let's not be casting the
6 brickbats in directions that they don't
7 belong.

8 The fact remains this is a barbaric
9 practice, it is something that teaches our
10 children the wrong idea about sportsmanship.
11 Yes, many of our sports have potentials for
12 harm. But on the football field, they wear
13 helmets and shoulder guards and all sorts of
14 things. Similarly in the hockey rink, in a
15 variety of ways.

16 And as far as professional
17 wrestling, the kids I know know it's fake.
18 They all know it's fake.

19 ACTING PRESIDENT STEWART-COUSINS:
20 Senator Padavan -- Senator Padavan, how do you
21 vote?

22 SENATOR PADAVAN: I vote no.

23 ACTING PRESIDENT STEWART-COUSINS:
24 Senator Padavan to be recorded in the
25 negative.

1 Senator Adams, to explain his vote.

2 SENATOR ADAMS: Thank you,
3 Mr. President -- Mrs. President.

4 I was sort of confused today; when
5 they said "ultimate fighting," I thought they
6 were talking about our chamber when I first
7 heard it, to be honest with you.

8 But let me say this. I think
9 Senator Padavan hit it on the head. Football,
10 hockey, wrestling, all of those sports have a
11 level of control because they are regulated.
12 When you permit regulations, then you can make
13 sure that people are operating within the span
14 of control to limit the level of injuries that
15 takes place.

16 So to vote nay when the ultimate
17 fighting is taking place, you're moving it out
18 of the span of regulating, allowing the
19 commissioner to ensure that it falls within
20 the scope to protect the fighters, and make
21 sure that the fighters reach a certain level
22 of testing, a certain level of
23 professionalism, and a certain level of
24 behavior.

25 So the arguments that are raised of

1 why we shouldn't do it is actually the
2 arguments of why we need to do it. We need to
3 regulate sports and make sure that sports are
4 actually performed in a proper manner to make
5 sure that from our young people all the way up
6 to the adults and the professional level is
7 done with a level of regulation. And that's
8 what our excellent society and system that's
9 in place to regulate the activity of athletes
10 in sports.

11 I vote aye on this bill, and I look
12 forward to having this here in the State of
13 New York.

14 ACTING PRESIDENT STEWART-COUSINS:
15 Senator Adams to be recorded in the
16 affirmative.

17 Are there any other Senators
18 wishing to explain his or her vote?

19 Announce the results.

20 (Pause.)

21 ACTING PRESIDENT STEWART-COUSINS:
22 Senator DeFrancisco.

23 SENATOR DeFRANCISCO: Point of
24 order.

25 I don't know if it's me or not, but

1 it seems that after Tom Testo reached that
2 golden age, he seems to be counting a lot
3 slower lately.

4 (Laughter.)

5 ACTING PRESIDENT STEWART-COUSINS:
6 Senator DeFrancisco, that's not a point of --

7 SENATOR DeFRANCISCO: Is there a
8 time frame in which you can count votes? Is
9 there a limit?

10 ACTING PRESIDENT STEWART-COUSINS:
11 No, Senator. We are striving for accuracy.

12 SENATOR DeFRANCISCO: I thought
13 it might be for results.

14 (Pause.)

15 ACTING PRESIDENT STEWART-COUSINS:
16 Announce the results.

17 THE SECRETARY: In relation to
18 Calendar Number 971, to be recorded in the
19 negative: Senators Alesi, Bonacic, Breslin,
20 Diaz, Flanagan, Foley, Fuschillo, Hannon,
21 Huntley, O. Johnson, L. Krueger, Lanza,
22 Larkin, LaValle, Leibell, Marcellino, Maziarz,
23 Montgomery, Oppenheimer, Padavan, Ranzenhofer,
24 Saland, Savino, Skelos, Stewart-Cousins and
25 Volker.

1 Ayes, 32. Nays, 26.

2 Absent from voting pursuant to Rule
3 9: Senators Farley, Nozzolio, and Young.

4 ACTING PRESIDENT STEWART-COUSINS:
5 The bill is passed.

6 The Secretary will continue to
7 read.

8 THE SECRETARY: Calendar Number
9 983, by Senator Schneiderman, Senate Print
10 7280A --

11 ACTING PRESIDENT STEWART-COUSINS:
12 May we have order in the chamber, please.

13 THE SECRETARY: Calendar Number
14 983, by Senator Schneiderman, Senate Print
15 7280A --

16 SENATOR KLEIN: Lay the bill
17 aside for the day, please.

18 ACTING PRESIDENT STEWART-COUSINS:
19 The bill is laid aside for the day.

20 Senator Klein, that completes the
21 reading of the controversial supplemental
22 calendar.

23 Senator Klein.

24 SENATOR KLEIN: Madam President,
25 can you please recognize Senator Libous for an

1 announcement.

2 ACTING PRESIDENT STEWART-COUSINS:

3 Senator Libous.

4 SENATOR LIBOUS: Thank you, Madam
5 President.

6 There will be an immediate,
7 immediate, immediate, immediate Republican
8 conference in our conference room.

9 ACTING PRESIDENT STEWART-COUSINS:
10 Thank you, Senator.

11 There will be an immediate,
12 immediate, immediate Republican conference in
13 the Republican Conference Room.

14 Senator Klein.

15 SENATOR KLEIN: Madam President,
16 pending the return of the minority conference,
17 can we please stand at ease for 15 minutes.

18 ACTING PRESIDENT STEWART-COUSINS:
19 The Senate will stand at ease for 15 minutes,
20 pending the return of the Republican
21 conference.

22 (Whereupon, the Senate stood at
23 ease at 3:02 p.m.)

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

1 ACTING PRESIDENT STEWART-COUSINS:
2 Returning to the order of messages from the
3 Assembly, the chair hands down the following
4 message.

5 THE SECRETARY: The Assembly sent
6 for concurrence the following bill.

7 On motion of Mr. Smith, and by
8 unanimous consent, the rules were suspended
9 and said bill ordered to a third reading:
10 Assembly Bill Number 11438.

11 ACTING PRESIDENT STEWART-COUSINS:
12 So ordered.

13 Senator Klein.

14 SENATOR KLEIN: Madam President,
15 is there a message of necessity at the desk?

16 ACTING PRESIDENT STEWART-COUSINS:
17 There is a message of necessity at the desk.

18 The Secretary will read the title
19 of the bill.

20 THE SECRETARY: Calendar Number
21 1034, by the Assembly Committee on Rules,
22 Assembly Print Number 11438, an act to amend
23 the Arts and Cultural Affairs Law.

24 ACTING PRESIDENT STEWART-COUSINS:
25 Senator Klein.

1 SENATOR KLEIN: Madam President,
2 is there a message of necessity at the desk?

3 ACTING PRESIDENT STEWART-COUSINS:
4 There is a message of necessity at the desk.
5 Senator Klein.

6 SENATOR KLEIN: Madam President,
7 I move to accept the message at this time.

8 ACTING PRESIDENT STEWART-COUSINS:
9 The question is on the acceptance of the
10 message of necessity. All those in favor
11 please signify by saying aye.

12 (Response of "Aye.")

13 ACTING PRESIDENT STEWART-COUSINS:
14 Opposed, nay.

15 (Response of "Nay.")

16 ACTING PRESIDENT STEWART-COUSINS:
17 The message is accepted.

18 The Assembly bill is before the
19 house, noncontroversial.

20 Read the last section.

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

23 SENATOR LIBOUS: Lay it aside.

24 ACTING PRESIDENT STEWART-COUSINS:
25 The bill is laid aside.

1 Senator Klein.

2 SENATOR KLEIN: Madam President,
3 can we please go to a controversial reading of
4 this bill.

5 ACTING PRESIDENT STEWART-COUSINS:
6 The Secretary will place the Assembly bill
7 before the house, controversial.

8 Read the last section.

9 SENATOR STAVISKY: Madam
10 President.

11 ACTING PRESIDENT STEWART-COUSINS:
12 Senator Stavisky, on the bill.

13 SENATOR STAVISKY: What bill is
14 it? Do we have the bill before us on our
15 desks?

16 SENATOR LIBOUS: Madam President.

17 ACTING PRESIDENT STEWART-COUSINS:
18 Senator Libous.

19 SENATOR LIBOUS: Somewhat in line
20 with Senator Stavisky, is there a calendar
21 number for this? And what calendar is it on,
22 please?

23 ACTING PRESIDENT STEWART-COUSINS:
24 Senator Libous, because this was directly
25 handed down, there is no calendar number. But

1 we will be getting the bills on the desks
2 momentarily.

3 SENATOR LIBOUS: Thank you, Madam
4 President.

5 (Pause.)

6 ACTING PRESIDENT STEWART-COUSINS:
7 The bills are on the desks.

8 I would ask the Secretary to
9 proceed with the reading of the controversial
10 calendar.

11 THE SECRETARY: Calendar Number
12 1034, by the Assembly Committee on Rules,
13 Assembly Print Number 11438, an act to amend
14 the Arts and Cultural Affairs Law.

15 ACTING PRESIDENT STEWART-COUSINS:
16 Read the last section.

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

19 ACTING PRESIDENT STEWART-COUSINS:
20 The debate is closed. The Secretary will
21 please ring the bell.

22 Read the last section.

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

25 ACTING PRESIDENT STEWART-COUSINS:

1 Call the roll.

2 (The Secretary called the roll.)

3 ACTING PRESIDENT STEWART-COUSINS:

4 Senator Flanagan, to explain his vote.

5 SENATOR FLANAGAN: Thank you,
6 Madam President.

7 I think this bill that we have
8 before us right now is another great example
9 of why things are so screwed up in Albany.
10 We're now getting a bill, literally at the
11 last minute -- all of a sudden we have to do
12 this, it's got to get done right now, and
13 nobody seems to be able to say why.

14 Here we're advancing money to SUNY
15 Albany to the tune of about \$243,000 because
16 of problems associated with the Theater
17 Institute.

18 I am not comfortable voting for
19 this, for two basic reasons. Number one, it's
20 part of an incremental, piecemeal, snail's
21 pace approach to doing the budget. All of a
22 sudden now the Theater Institute becomes the
23 issue of the day, we have to drop everything
24 else and deal with this now. No disrespect to
25 SUNY Albany, but somehow I don't think they're

1 going to go out of business if this bill is
2 not passed by 4 o'clock today.

3 On top of that, if you look at what
4 happened at the Theater Institute, I don't
5 feel that that has been resolved. We have a
6 director who's resigned, there's new people
7 put in, now the board is going to be juggled
8 around. We don't even know if there's been
9 any effort to get any of the money back from
10 the woman who stole it and pilfered it, giving
11 contracts to her family, buying rights to
12 products that frankly she shouldn't have a
13 right to -- criminal behavior. And here we
14 are just throwing money at a problem that
15 doesn't appear to be fixed.

16 It's the wrong way to go. We
17 shouldn't be doing this in an incremental
18 fashion. I'm going to vote no.

19 ACTING PRESIDENT STEWART-COUSINS:
20 Senator Flanagan to be recorded in the
21 negative.

22 I would ask all those voting in the
23 negative to please keep your hands raised.

24 Announce the results.

25 THE SECRETARY: Those recorded in

1 the negative on Calendar Number 1034 are
2 Senators Alesi, Bonacic, DeFrancisco,
3 Flanagan, Fuschillo, Golden, Griffo, Hannon,
4 O. Johnson, Lanza, Larkin, LaValle, Leibell,
5 Libous, Little, Marcellino, Maziarz, McDonald,
6 Nozzolio, Padavan, Ranzenhofer, Robach,
7 Saland, Seward, Skelos, Volker and Winner.

8 Absent from voting pursuant to
9 Rule 9: Senators Farley and Young.

10 Ayes, 32. Nays, 27.

11 ACTING PRESIDENT STEWART-COUSINS:
12 The bill is passed.

13 Senator Klein.

14 SENATOR KLEIN: Madam President,
15 can we please briefly go back to motions and
16 resolutions.

17 ACTING PRESIDENT STEWART-COUSINS:
18 Returning to motions and resolutions.

19 SENATOR KLEIN: On behalf of
20 Senator Squadron, on page 21 I offer the
21 following amendments to Calendar Number 532,
22 Senate Print Number 4313C, and ask that said
23 bill retain its place on Third Reading
24 Calendar.

25 ACTING PRESIDENT STEWART-COUSINS:

1 So ordered.

2 SENATOR KLEIN: On behalf of
3 Senator Schneiderman, I wish to call up Print
4 Number 4394A, recalled from the Assembly,
5 which is now at the desk.

6 ACTING PRESIDENT STEWART-COUSINS:
7 The Secretary will read the title.

8 THE SECRETARY: Calendar Number
9 415, by Senator Schneiderman, Senate Print
10 4394A, an act to amend the Penal Law.

11 ACTING PRESIDENT STEWART-COUSINS:
12 Senator Klein.

13 SENATOR KLEIN: Madam President,
14 I now move to reconsider the vote by which
15 this bill was passed.

16 ACTING PRESIDENT STEWART-COUSINS:
17 The Secretary will call the roll on
18 reconsideration.

19 (The Secretary called the roll.)

20 THE SECRETARY: Ayes, 61.

21 ACTING PRESIDENT STEWART-COUSINS:
22 Senator Klein.

23 SENATOR KLEIN: Madam President,
24 I now offer the following amendments.

25 ACTING PRESIDENT STEWART-COUSINS:

1 The amendments are received.

2 Senator Klein.

3 SENATOR KLEIN: Madam President,
4 on behalf of Senator Dilan, on page 49 I offer
5 the following amendments to Calendar Number
6 964, Senate Print Number 4478A, and ask that
7 said bill retain its place on Third Reading
8 Calendar.

9 ACTING PRESIDENT STEWART-COUSINS:
10 So ordered.

11 SENATOR KLEIN: On behalf of
12 Senator Oppenheimer, on page 41 I offer the
13 following amendments to Calendar Number 871,
14 Senate Print Number 7820, and ask that said
15 bill retain its place on Third Reading
16 Calendar.

17 ACTING PRESIDENT STEWART-COUSINS:
18 So ordered.

19 SENATOR KLEIN: Madam President,
20 can you please recognize Senator Libous.

21 ACTING PRESIDENT STEWART-COUSINS:
22 Senator Libous.

23 SENATOR LIBOUS: Madam President,
24 on behalf of Senator Leibell, I call up his
25 bill, Print Number 7620, recalled from the

1 Assembly, which is now at the desk.

2 ACTING PRESIDENT STEWART-COUSINS:

3 The Secretary will read.

4 THE SECRETARY: Calendar Number
5 881, by Senator Leibell, Senate Print 7620, an
6 act to authorize.

7 SENATOR LIBOUS: Madam President,
8 I now move to reconsider the vote by which
9 this bill was passed.

10 ACTING PRESIDENT STEWART-COUSINS:
11 The Secretary will call the roll on
12 reconsideration.

13 (The Secretary called the roll.)

14 THE SECRETARY: Ayes, 61.

15 SENATOR LIBOUS: Madam President,
16 I now offer up the following amendments.

17 ACTING PRESIDENT STEWART-COUSINS:
18 Amendments received.

19 Senator Klein.

20 SENATOR KLEIN: Madam President,
21 on behalf of Senator Stachowski, I move that
22 the following bills be discharged from their
23 respective committees and be recommitted with
24 instructions to strike the enacting clause:
25 Senate Numbers 1942, 1955, and 1963.

1 ACTING PRESIDENT STEWART-COUSINS:

2 So ordered.

3 Senator Klein.

4 SENATOR KLEIN: Madam President,
5 can we please stand at ease pending the
6 Minority conference.

7 And I want to remind my colleagues,
8 please try to stay close to the chamber
9 because we want to finish the business as
10 quickly as possible.

11 ACTING PRESIDENT STEWART-COUSINS:
12 Senator Libous.

13 SENATOR LIBOUS: Thank you, Madam
14 President. There will be an immediate
15 Republican conference.

16 ACTING PRESIDENT STEWART-COUSINS:
17 There will be an immediate Republican
18 conference.

19 The Senate will stand at ease
20 pending the return of the Republican
21 conference. Please stay close.

22 (Whereupon, the Senate stood at
23 ease at 3:51 p.m.)

24 ACTING PRESIDENT STEWART-COUSINS:
25 Senator Klein.

1 SENATOR KLEIN: Madam President,
2 there will be an immediate meeting of the
3 Rules Committee in the Majority Conference
4 Room.

5 Pending the return of the Rules
6 Committee, can we please stand at ease.

7 ACTING PRESIDENT STEWART-COUSINS:
8 Immediate meeting of the Rules Committee in
9 the Majority Conference Room.

10 Pending the return of the Rules
11 Committee, the Senate will continue to stand
12 at ease.

13 (Whereupon, the Senate reconvened
14 at 6:27 p.m.)

15 ACTING PRESIDENT STEWART-COUSINS:
16 Senator Klein.

17 SENATOR KLEIN: Madam President,
18 I believe there's a report of the Rules
19 Committee at the desk. I move that we adopt
20 the report at this time.

21 ACTING PRESIDENT STEWART-COUSINS:
22 There is a report of the Rules Committee at
23 the desk.

24 The Secretary will read.

25 THE SECRETARY: Senator Smith,

1 from the Committee on Rules, reports the
2 following bills:

3 Senate Print 4538A, by Senator
4 LaValle, an act to amend the Education Law;

5 2344, by Senator Savino, an act to
6 amend the Civil Service Law;

7 2956A, by Senator Adams, an act to
8 amend the Labor Law;

9 3258A, by Senator Duane, an act to
10 amend the Public Health Law;

11 3510A, by Senator Savino, an act to
12 amend the Education Law;

13 3718A, by Senator Savino, an act to
14 amend the Retirement and Social Security Law;

15 4323A, by Senator Foley, an act to
16 amend the Social Services Law;

17 4349, by Senator C. Kruger, an act
18 to amend the Social Services Law;

19 4526, by Senator L. Krueger, an act
20 to amend the Legislative Law;

21 4562, by Senator Savino, an act to
22 amend the Civil Service Law;

23 4691A, by Senator C. Kruger, an act
24 to amend the Social Services Law;

25 4948, by Senator Thompson, an act

1 to amend the Environmental Conservation Law;

2 4958, by Senator Thompson, an act

3 to amend the Environmental Conservation Law;

4 5014, by Senator Stachowski, an act

5 to amend the Labor Law;

6 5202, by Senator Savino, an act to

7 amend the Labor Law;

8 5634, by Senator Savino, an act to

9 amend the Public Authorities Law;

10 5689, by Senator Thompson, an act

11 to amend the Environmental Conservation Law;

12 6283, by Senator Klein, an act to

13 amend the General Business Law;

14 6433, by Senator Schneiderman, an

15 act to amend the State Finance Law;

16 6680, by Senator L. Krueger, an act

17 to amend the Social Services Law;

18 6785, by Senator Savino, an act to

19 amend the Civil Service Law;

20 7078, by Senator Savino, an act to

21 amend the Retirement and Social Security Law;

22 7236, by Senator Parker, an act in

23 relation to creating;

24 7263, by Senator Foley, an act to

25 amend the Public Service Law;

1 7451, by Senator Savino, an act to
2 amend the Labor Law;

3 7551, by Senator Oppenheimer, an
4 act to amend the Tax Law;

5 7658A, by Senator Adams, an act to
6 amend the General Business Law;

7 7701, by Senator Foley, an act in
8 relation to a report;

9 7786, by Senator Adams, an act to
10 amend the Criminal Procedure Law;

11 7829, by Senator Duane, an act to
12 amend the Public Health Law;

13 7933, by Senator Foley, an act to
14 amend the Town Law;

15 8011, by Senator Serrano, an act to
16 amend the Parks, Recreation and Historic
17 Preservation Law;

18 8095, by Senator Valesky, an act to
19 repeal certain provisions;

20 And Senate Print 8148, by Senator
21 Bonacic, an act to amend Chapter 196 of the
22 Laws of 2008.

23 All bills ordered direct to third
24 reading.

25 ACTING PRESIDENT STEWART-COUSINS:

1 All those in favor of adopting the Rules
2 Committee report please signify by saying aye.

3 (Response of "Aye.")

4 ACTING PRESIDENT STEWART-COUSINS:
5 Opposed, nay.

6 (No response.)

7 ACTING PRESIDENT STEWART-COUSINS:
8 The Rules Committee report is adopted.

9 Senator Klein.

10 SENATOR KLEIN: Madam President,
11 can we briefly return to motions and
12 resolutions.

13 ACTING PRESIDENT STEWART-COUSINS:
14 Returning to motions and resolutions.

15 Senator Klein.

16 SENATOR KLEIN: Madam President,
17 on page 4 of Senate Calendar Number 64B, I
18 offer the following amendments to Calendar
19 Number 1031, Senate Print Number 8011, and ask
20 that said bill retain its place on Third
21 Reading Calendar. This is on behalf of
22 Senator Serrano.

23 ACTING PRESIDENT STEWART-COUSINS:
24 So ordered.

25 SENATOR KLEIN: On behalf of

1 Senator Montgomery, on page number 25 I offer
2 the following amendments to Calendar Number
3 617, Senate Print Number 6709B, and ask that
4 said bill retain its place on Third Reading
5 Calendar.

6 ACTING PRESIDENT STEWART-COUSINS:
7 So ordered.

8 SENATOR KLEIN: On behalf of
9 Senator Stewart-Cousins, on page number 47 I
10 offer the following amendments to Calendar
11 Number 929, Senate Print Number 7962A, and ask
12 that said bill retain its place on Third
13 Reading Calendar.

14 ACTING PRESIDENT STEWART-COUSINS:
15 So ordered.

16 SENATOR KLEIN: On behalf of
17 Senator Stavisky, on page number 1 of Calendar
18 Number 64A I offer the following amendments to
19 Calendar Number 979, Senate Print Number 5680,
20 and ask that said bill retain its place on
21 Third Reading Calendar.

22 ACTING PRESIDENT STEWART-COUSINS:
23 So ordered.

24 SENATOR KLEIN: On behalf of
25 Senator Stachowski, I move that the following

1 bills be discharged from their respective
2 committees and be recommitted with
3 instructions to strike the enacting clause:
4 Senate Numbers 1942, 1955, and 1963.

5 ACTING PRESIDENT STEWART-COUSINS:

6 So ordered.

7 SENATOR KLEIN: Madam President,
8 at this time can we please go to a reading of
9 Supplemental Calendar 64B.

10 ACTING PRESIDENT STEWART-COUSINS:

11 The Secretary will proceed with the reading of
12 Supplemental Calendar Number 64B.

13 THE SECRETARY: Calendar Number
14 988, by Senator LaValle, Senate Print 4538A,
15 an act to amend the Education Law.

16 ACTING PRESIDENT STEWART-COUSINS:

17 The bill is high. We'll lay it aside for the
18 day.

19 THE SECRETARY: Calendar Number
20 990, by Senator Savino, Senate Print 2344, an
21 act to amend the Civil Service Law.

22 ACTING PRESIDENT STEWART-COUSINS:

23 Read the last section.

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

1 ACTING PRESIDENT STEWART-COUSINS:

2 Call the roll.

3 (The Secretary called the roll.)

4 ACTING PRESIDENT STEWART-COUSINS:

5 Announce the results.

6 THE SECRETARY: Ayes, 61.

7 ACTING PRESIDENT STEWART-COUSINS:

8 The bill is passed.

9 THE SECRETARY: Calendar Number
10 992, by Senator Adams, Senate Print 2956A, an
11 act to amend the Labor Law.

12 ACTING PRESIDENT STEWART-COUSINS:

13 Read the last section.

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

16 ACTING PRESIDENT STEWART-COUSINS:

17 Call the roll.

18 (The Secretary called the roll.)

19 ACTING PRESIDENT STEWART-COUSINS:

20 Announce the results.

21 THE SECRETARY: Ayes, 61.

22 ACTING PRESIDENT STEWART-COUSINS:

23 The bill is passed.

24 THE SECRETARY: In relation to
25 Calendar Number 994, Senator Duane moves to

1 discharge, from the Committee on Health,
2 Assembly Bill Number 7662A and substitute it
3 for the identical Senate Bill Number 3258A,
4 Third Reading Calendar 994.

5 ACTING PRESIDENT STEWART-COUSINS:
6 Substitution ordered.

7 THE SECRETARY: Calendar Number
8 994, by Member of the Assembly Ortiz, Assembly
9 Print Number 7662A, an act to amend the Public
10 Health Law.

11 ACTING PRESIDENT STEWART-COUSINS:
12 Read the last section.

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

15 ACTING PRESIDENT STEWART-COUSINS:
16 Call the roll.

17 (The Secretary called the roll.)

18 ACTING PRESIDENT STEWART-COUSINS:
19 Announce the results.

20 THE SECRETARY: Ayes, 61.

21 ACTING PRESIDENT STEWART-COUSINS:
22 The bill is passed.

23 THE SECRETARY: Calendar Number
24 995, by Senator Savino, Senate Print 3510A, an
25 act to amend the Education Law.

1 ACTING PRESIDENT STEWART-COUSINS:

2 Read the last section.

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

5 ACTING PRESIDENT STEWART-COUSINS:
6 Call the roll.

7 (The Secretary called the roll.)

8 ACTING PRESIDENT STEWART-COUSINS:
9 Announce the results.

10 THE SECRETARY: Ayes, 61.

11 ACTING PRESIDENT STEWART-COUSINS:
12 The bill is passed.

13 THE SECRETARY: Calendar Number
14 996, by Senator Savino, Senate Print 3718A, an
15 act to amend the Retirement and Social
16 Security Law.

17 ACTING PRESIDENT STEWART-COUSINS:
18 Read the last section.

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

21 ACTING PRESIDENT STEWART-COUSINS:
22 Call the roll.

23 (The Secretary called the roll.)

24 ACTING PRESIDENT STEWART-COUSINS:
25 Senator Hannon, to explain his vote.

1 SENATOR HANNON: Thank you,
2 Madam President.

3 While this bill certainly has
4 laudable goals, I find I must not go along
5 with it in this day and age. Page 3 of the
6 bill, the actuarial assumptions from the
7 actuary, says this will have annual employer
8 costs to the New York Employment Retirement
9 System by approximately \$90,000 per year. So
10 I'm going to vote against it.

11 ACTING PRESIDENT STEWART-COUSINS:
12 Senator Hannon to be recorded in the negative.

13 Are there any other Senators
14 wishing to explain his or her vote?

15 Announce the results.

16 THE SECRETARY: Those recorded in
17 the negative on Calendar Number 996 are
18 Senators Griffo, Hannon, Larkin, LaValle,
19 Ranzenhofer and Winner. Also Senator Little.
20 Also Senator Nozzolio. Also Senator Golden.
21 Also Senator Bonacic. Also Senator Maziarz.
22 Also Senator Leibell. Also Senator Saland.
23 Also Senator Skelos. Also Senator Young.
24 Also Senators Flanagan and Fuschillo. Also
25 Senators Libous and Marcellino. Also Senator

1 McDonald. Also Senator O. Johnson.

2 In relation to Calendar Number 996:

3 Ayes, 40. Nays, 21.

4 ACTING PRESIDENT STEWART-COUSINS:

5 The bill is passed.

6 THE SECRETARY: Calendar Number
7 999, by Senator Foley, Senate Print 4323A, an
8 act to amend the Social Services Law.

9 ACTING PRESIDENT STEWART-COUSINS:

10 Read the last section.

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

13 ACTING PRESIDENT STEWART-COUSINS:

14 Call the roll.

15 (The Secretary called the roll.)

16 THE SECRETARY: Ayes, 59. Nays,
17 2. Senators Ranzenhofer and Squadron recorded
18 in the negative.

19 ACTING PRESIDENT STEWART-COUSINS:

20 The bill is passed.

21 THE SECRETARY: Calendar Number
22 1000, by Senator C. Kruger, Senate Print 4349,
23 an act to amend the Social Services Law.

24 ACTING PRESIDENT STEWART-COUSINS:

25 Read the last section.

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

3 ACTING PRESIDENT STEWART-COUSINS:
4 Call the roll.

5 (The Secretary called the roll.)

6 ACTING PRESIDENT STEWART-COUSINS:
7 Announce the results.

8 THE SECRETARY: Ayes, 61.

9 ACTING PRESIDENT STEWART-COUSINS:
10 The bill is passed.

11 THE SECRETARY: Calendar Number
12 1001, by Senator L. --

13 SENATOR KLEIN: Lay the bill
14 aside for the day, please.

15 ACTING PRESIDENT STEWART-COUSINS:
16 The bill is laid aside for the day.

17 THE SECRETARY: Calendar Number
18 1002, by Senator Savino, Senate Print 4562, an
19 act to amend the Civil Service Law.

20 ACTING PRESIDENT STEWART-COUSINS:
21 Read the last section.

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

24 ACTING PRESIDENT STEWART-COUSINS:
25 Call the roll.

1 (The Secretary called the roll.)

2 ACTING PRESIDENT STEWART-COUSINS:

3 Announce the results.

4 SENATOR SALAND: Madam President,
5 can you tell me what bill was just laid aside
6 for the day, what bill we're on, please?

7 ACTING PRESIDENT STEWART-COUSINS:

8 The bill that was laid aside for the day,
9 Senator Saland, was 1001, and we are currently
10 on 1002.

11 SENATOR SALAND: Thank you very
12 much, Madam President.

13 ACTING PRESIDENT STEWART-COUSINS:

14 Announce the results.

15 THE SECRETARY: In relation to
16 Calendar Number 1002: Ayes, 60. Nays, 1.
17 Senator Ranzenhofer recorded in the negative.

18 ACTING PRESIDENT STEWART-COUSINS:

19 The bill is passed.

20 Senator Saland.

21 SENATOR SALAND: Madam President,
22 may I have unanimous consent to be recorded in
23 the negative on Calendar Number 1002.

24 ACTING PRESIDENT STEWART-COUSINS:

25 Senator Saland to be recorded in the negative

1 on Calendar Number 1002.

2 The Secretary will read.

3 THE SECRETARY: Calendar Number
4 1003, by Senator C. Kruger, Senate Print
5 4691A, an act to amend the Social Services
6 Law.

7 ACTING PRESIDENT STEWART-COUSINS:
8 Read the last section.

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

11 ACTING PRESIDENT STEWART-COUSINS:
12 Call the roll.

13 (The Secretary called the roll.)

14 ACTING PRESIDENT STEWART-COUSINS:
15 Announce the results.

16 THE SECRETARY: Those recorded in
17 the negative on Calendar Number 1003 are
18 Senators Flanagan, Golden, O. Johnson, Lanza,
19 Larkin, Marcellino, Ranzenhofer and Winner.

20 Ayes, 53. Nays, 8.

21 ACTING PRESIDENT STEWART-COUSINS:
22 Senator Flanagan.

23 SENATOR FLANAGAN: Madam
24 President, I respectfully ask for unanimous
25 consent to be recorded in the negative on

1 Calendar Number 1002, please.

2 ACTING PRESIDENT STEWART-COUSINS:

3 Unanimous consent granted. You will be
4 recorded in the negative on Calendar Number
5 1002.

6 SENATOR FLANAGAN: Thank you.

7 ACTING PRESIDENT STEWART-COUSINS:

8 Senator Hannon.

9 SENATOR HANNON: I'm voting no on
10 1003.

11 ACTING PRESIDENT STEWART-COUSINS:

12 Announce the results.

13 THE SECRETARY: Ayes, 52. Nays,
14 9.

15 ACTING PRESIDENT STEWART-COUSINS:

16 The bill is passed.

17 THE SECRETARY: Calendar Number
18 1004, by Senator Thompson, Senate Print 4948,
19 an act to amend the Environmental Conservation
20 Law.

21 ACTING PRESIDENT STEWART-COUSINS:

22 Read the last section.

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

25 ACTING PRESIDENT STEWART-COUSINS:

1 Call the roll.

2 (The Secretary called the roll.)

3 ACTING PRESIDENT STEWART-COUSINS:

4 Announce the results.

5 THE SECRETARY: Ayes, 61.

6 ACTING PRESIDENT STEWART-COUSINS:

7 The bill is passed.

8 THE SECRETARY: In relation to
9 Calendar Number 1005, Senator Thompson moves
10 to discharge, from the Committee on
11 Environmental Conservation, Assembly Bill
12 Number 3421 and substitute it for the
13 identical Senate Bill Number 4958, Third
14 Reading Calendar 1005.

15 ACTING PRESIDENT STEWART-COUSINS:
16 Substitution ordered.

17 THE SECRETARY: Calendar Number
18 1005, by Member of the Assembly Sweeney,
19 Assembly Print Number 3421, an act to amend
20 the Environmental Conservation Law.

21 ACTING PRESIDENT STEWART-COUSINS:
22 Read the last section.

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

25 ACTING PRESIDENT STEWART-COUSINS:

1 Call the roll.

2 (The Secretary called the roll.)

3 ACTING PRESIDENT STEWART-COUSINS:

4 Announce the results.

5 THE SECRETARY: Those recorded in
6 the negative on Calendar Number 1005 are
7 Senators DeFrancisco, Golden, O. Johnson,
8 Little, Nozzolio, Ranzenhofer and Winner.

9 Ayes, 54. Nays 7.

10 ACTING PRESIDENT STEWART-COUSINS:

11 The bill is passed.

12 THE SECRETARY: Calendar Number
13 1006, by Senator Stachowski, Senate Print
14 5014, an act to amend the Labor Law.

15 ACTING PRESIDENT STEWART-COUSINS:

16 Read the last section.

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

19 ACTING PRESIDENT STEWART-COUSINS:

20 Call the roll.

21 (The Secretary called the roll.)

22 ACTING PRESIDENT STEWART-COUSINS:

23 Announce the results.

24 THE SECRETARY: Ayes, 60. Nays,
25 1. Senator Ranzenhofer recorded in the

1 negative.

2 ACTING PRESIDENT STEWART-COUSINS:

3 The bill is passed.

4 THE SECRETARY: In relation to
5 Calendar Number 1007, Senator Savino moves to
6 discharge, from the Committee on Rules,
7 Assembly Bill Number 9774 and substitute it
8 for the identical Senate Bill Number 5202,
9 Third Reading Calendar 1007.

10 ACTING PRESIDENT STEWART-COUSINS:
11 Substitution ordered.

12 THE SECRETARY: Calendar Number
13 1007, by Member of the Assembly Gibson,
14 Assembly Print Number 9774, an act to amend
15 the Labor Law.

16 ACTING PRESIDENT STEWART-COUSINS:
17 Read the last section.

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

20 ACTING PRESIDENT STEWART-COUSINS:
21 Call the roll.

22 (The Secretary called the roll.)

23 ACTING PRESIDENT STEWART-COUSINS:
24 Announce the results.

25 Senator DeFrancisco, why do you

1 rise?

2 SENATOR DeFRANCISCO: Yes, I'd
3 just like to explain my vote.

4 I voted no not because I'm against
5 homemakers or not because I'm against
6 displaced homemakers. But if you're waiving
7 the fee for one class of individuals, I think
8 it means others have to either pay more or
9 there may be other classes that are equally
10 deserving of a waiver of the fees.

11 For that reason is why I'm voting
12 no.

13 ACTING PRESIDENT STEWART-COUSINS:
14 Senator DeFrancisco to be recorded in the
15 negative.

16 The Secretary will announce the
17 results.

18 THE SECRETARY: In relation to
19 Calendar Number 1007: Ayes, 60. Nays, 1.
20 Senator DeFrancisco recorded in the negative.

21 ACTING PRESIDENT STEWART-COUSINS:
22 The bill is passed.

23 THE SECRETARY: Calendar Number
24 1008, by Senator Savino --

25 SENATOR KLEIN: Lay the bill

1 aside for the day, please.

2 ACTING PRESIDENT STEWART-COUSINS:

3 The bill is laid aside for the day.

4 THE SECRETARY: In relation to
5 Calendar Number 1009, Senator Thompson moves
6 to discharge, from the Committee on
7 Environmental Conservation, Assembly Bill
8 Number 3419 and substitute it for the
9 identical Senate Bill Number 5689, Third
10 Reading Calendar 1009.

11 ACTING PRESIDENT STEWART-COUSINS:
12 Substitution ordered.

13 THE SECRETARY: Calendar Number
14 1009, by Member of the Assembly Sweeney,
15 Assembly Print Number 3419, an act to amend
16 the Environmental Conservation Law.

17 ACTING PRESIDENT STEWART-COUSINS:
18 Read the last section.

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

21 ACTING PRESIDENT STEWART-COUSINS:
22 Call the roll.

23 (The Secretary called the roll.)

24 ACTING PRESIDENT STEWART-COUSINS:
25 Announce the results.

1 THE SECRETARY: Those recorded in
2 the negative on Calendar Number 1009 are
3 Senators DeFrancisco, O. Johnson, Lanza,
4 Little, Ranzenhofer. Also Senator Farley.

5 Ayes, 55. Nays, 6.

6 ACTING PRESIDENT STEWART-COUSINS:
7 The bill is passed.

8 THE SECRETARY: In relation to
9 Calendar Number 1012, Senator Klein moves to
10 discharge, from the Committee on Consumer
11 Protection, Assembly Bill Number 5180A and
12 substitute it for the identical Senate Bill
13 Number 6283, Third Reading Calendar 1012.

14 ACTING PRESIDENT STEWART-COUSINS:
15 Substitution ordered.

16 THE SECRETARY: Calendar Number
17 1012, by Member of the Assembly Pheffer,
18 Assembly Print Number 5180A, an act to amend
19 the General Business Law.

20 ACTING PRESIDENT STEWART-COUSINS:
21 Read the last section.

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

24 ACTING PRESIDENT STEWART-COUSINS:
25 Call the roll.

1 (The Secretary called the roll.)

2 ACTING PRESIDENT STEWART-COUSINS:

3 Announce the results.

4 THE SECRETARY: Ayes, 61. Nays,
5 0.

6 ACTING PRESIDENT STEWART-COUSINS:

7 The bill is passed.

8 THE SECRETARY: Calendar Number
9 1014, by Senator Schneiderman, Senate Print
10 6433, an act to amend the State Finance Law.

11 ACTING PRESIDENT STEWART-COUSINS:

12 Read the last section.

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

15 ACTING PRESIDENT STEWART-COUSINS:

16 Call the roll.

17 (The Secretary called the roll.)

18 ACTING PRESIDENT STEWART-COUSINS:

19 Announce the results.

20 THE SECRETARY: Those recorded in
21 the negative on Calendar Number 1014 are
22 Senators Bonacic, DeFrancisco, Farley,
23 Flanagan, Fuschillo, Golden, Griffio, Hannon,
24 O. Johnson, Lanza, Larkin, LaValle, Libous,
25 Little, Marcellino, Maziarz, Nozzolio,

1 Ranzenhofer, Seward, Skelos, Volker, Winner
2 and Young. Also Senator Saland.

3 Ayes, 37. Nays, 24.

4 ACTING PRESIDENT STEWART-COUSINS:

5 The bill is passed.

6 THE SECRETARY: Calendar Number
7 1015, by Senator L. Krueger --

8 SENATOR KLEIN: Lay the bill
9 aside for the day, please.

10 ACTING PRESIDENT STEWART-COUSINS:

11 The bill is laid aside for the day.

12 THE SECRETARY: Calendar Number
13 1016, by Senator Savino, Senate Print 6785, an
14 act to amend the Civil Service Law.

15 ACTING PRESIDENT STEWART-COUSINS:

16 Read the last section.

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

19 ACTING PRESIDENT STEWART-COUSINS:

20 Call the roll.

21 (The Secretary called the roll.)

22 ACTING PRESIDENT STEWART-COUSINS:

23 Announce the results.

24 THE SECRETARY: Ayes, 61.

25 ACTING PRESIDENT STEWART-COUSINS:

1 The bill is passed.

2 THE SECRETARY: Calendar Number
3 1019, by Senator Savino, Senate Print 7078, an
4 act to amend the Retirement and Social
5 Security Law.

6 ACTING PRESIDENT STEWART-COUSINS:
7 Read the last section.

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

10 ACTING PRESIDENT STEWART-COUSINS:
11 Call the roll.

12 (The Secretary called the roll.)

13 ACTING PRESIDENT STEWART-COUSINS:
14 Senator Hannon, to explain his vote.

15 SENATOR HANNON: Well, while I'd
16 love to vote for this, I'm constrained because
17 the fiscal note says for employee who does
18 elect, there will be an annual cost to the
19 State of New York of approximately 9.2 percent
20 of salary for the fiscal year beginning
21 March 31, 2011.

22 For those reasons, I'm constrained
23 to vote no.

24 ACTING PRESIDENT STEWART-COUSINS:
25 Senator Hannon to be recorded in the negative.

1 Announce the results.

2 THE SECRETARY: Those recorded in
3 the negative on Calendar Number 1019 are
4 Senators Griffo, Hannon, Larkin, LaValle,
5 Ranzenhofer and Winner. Also Senator
6 Marcellino.

7 Ayes, 54. Nays, 7.

8 ACTING PRESIDENT STEWART-COUSINS:
9 The bill is passed.

10 THE SECRETARY: Calendar Number
11 1020, by Senator Parker --

12 SENATOR KLEIN: Lay the bill
13 aside for the day, please.

14 ACTING PRESIDENT STEWART-COUSINS:
15 The bill is laid aside for the day.

16 THE SECRETARY: Calendar Number
17 1021, by Senator Foley, Senate Print 7263, an
18 act to amend the Public Service Law.

19 SENATOR KLEIN: Lay the bill
20 aside for the day, please.

21 ACTING PRESIDENT STEWART-COUSINS:
22 The bill is laid aside for the day.

23 THE SECRETARY: Calendar Number
24 1022, by Senator Savino, Senate Print 7451, an
25 act to amend the Labor Law.

1 ACTING PRESIDENT STEWART-COUSINS:

2 Read the last section.

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

5 ACTING PRESIDENT STEWART-COUSINS:

6 Call the roll.

7 (The Secretary called the roll.)

8 SENATOR WINNER: Lay it aside.

9 ACTING PRESIDENT STEWART-COUSINS:
10 The bill is laid aside.

11 THE SECRETARY: In relation to
12 Calendar Number 1024, Senator Oppenheimer
13 moves to discharge, from the Committee on
14 Investigations and Government Operations,
15 Assembly Bill Number 7253A and substitute it
16 for the identical Senate Bill Number 7551,
17 Third Reading Calendar 1024.

18 ACTING PRESIDENT STEWART-COUSINS:
19 Substitution ordered.

20 THE SECRETARY: Calendar Number
21 1024, by Member of the Assembly Galef,
22 Assembly Print Number 7253A, an act to amend
23 the Tax Law and the State Finance Law.

24 ACTING PRESIDENT STEWART-COUSINS:
25 Read the last section.

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

3 ACTING PRESIDENT STEWART-COUSINS:
4 Call the roll.

5 (The Secretary called the roll.)

6 ACTING PRESIDENT STEWART-COUSINS:
7 Announce the results.

8 SENATOR RANZENHOFER: Madam
9 President --

10 ACTING PRESIDENT STEWART-COUSINS:
11 Senator Ranzenhofer, why do you rise?

12 SENATOR RANZENHOFER: The bill is
13 not on the calendar here. It's a different
14 number.

15 ACTING PRESIDENT STEWART-COUSINS:
16 Senator, the calendar number is 1024.

17 SENATOR MARCELLINO: But the bill
18 number.

19 ACTING PRESIDENT STEWART-COUSINS:
20 The bill number is 7551.

21 SENATOR RANZENHOFER: You read
22 something else, though.

23 ACTING PRESIDENT STEWART-COUSINS:
24 The bill was substituted. It's the same
25 number as Bill Number 1024.

1 Senator Klein.

2 SENATOR KLEIN: Madam President,
3 can you please remove the lay-aside on
4 Calendar Number 1020, Senator Parker's bill,
5 Print Number 7236.

6 ACTING PRESIDENT STEWART-COUSINS:
7 The lay-aside is withdrawn.

8 The Secretary will call the roll on
9 Calendar Number 1024.

10 (The Secretary called the roll.)

11 ACTING PRESIDENT STEWART-COUSINS:
12 Announce the results.

13 THE SECRETARY: Ayes, 61.

14 ACTING PRESIDENT STEWART-COUSINS:
15 The bill is passed.

16 SENATOR LIBOUS: Madam President,
17 just a point of clarification. Calendar
18 Number 1022 was laid aside for the day?

19 SENATOR KLEIN: No. 1021 was
20 laid aside for the day.

21 SENATOR LIBOUS: And 1022, did
22 that pass?

23 ACTING PRESIDENT STEWART-COUSINS:
24 No, it was laid aside.

25 SENATOR LIBOUS: Thank you, Madam

1 President.

2 ACTING PRESIDENT STEWART-COUSINS:

3 We will return to Calendar Number 1020.

4 The Secretary will read.

5 THE SECRETARY: Calendar Number
6 1020, by Senator Parker, Senate Print 7236, an
7 act in relation to creating the New York State
8 Triangle Shirtwaist Factory Fire 100th
9 Anniversary Commemoration.

10 ACTING PRESIDENT STEWART-COUSINS:

11 Read the last section.

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

14 ACTING PRESIDENT STEWART-COUSINS:

15 Call the roll.

16 (The Secretary called the roll.)

17 ACTING PRESIDENT STEWART-COUSINS:

18 Senator Maziarz, to explain his vote.

19 SENATOR MAZIARZ: Thank you very
20 much, Madam President. Just to explain my
21 vote.

22 First, I want to commend Senator
23 Parker. This was a very important tragic
24 historic happening in New York State.

25 And I would recommend to Senator

1 Parker -- I haven't exactly read through the
2 entire bill yet. I don't know who makes the
3 appointments. But clearly a very good friend
4 of all of ours in this room, both sides of the
5 aisle, someone well respected by everyone, our
6 former colleague Senator Serph Maltese, lost
7 two aunts and his grandmother in this fire.

8 And clearly I think it would be a
9 tribute to Senator Maltese, who every year in
10 March, even after he left the Senate, still
11 comes back here for the ceremony honoring
12 those individuals who died in that tragic
13 fire. So I would certainly recommend that
14 Senator Maltese be on this commission.

15 And again, I think this is great
16 legislation and I vote in the affirmative.
17 Thank you.

18 ACTING PRESIDENT STEWART-COUSINS:
19 Senator Maziarz to be recorded in the
20 affirmative.

21 Senator Parker, to explain his
22 vote.

23 SENATOR PARKER: Thank you, Madam
24 President.

25 As many of you know, this bill

1 creates a temporary commission to commemorate
2 the 100th anniversary of the Triangle
3 Shirtwaist Factory fire of 1911. And of
4 course this bill is to bring attention to that
5 and create a temporary commission.

6 Some people may not know that the
7 deaths of 146 immigrant women who were killed
8 in that fire swept through the Triangle
9 Shirtwaist Factory 99 years ago and marks the
10 occasion on which New York changed forever.
11 The Triangle Shirtwaist Factory fire was one
12 of New York's most prolific industrial
13 disasters.

14 And really what's most shocking
15 about it was the discovery that the managers
16 of the shirtwaist factory had ultimately
17 condemned their valuable employees to a death
18 sentence by locking the doors to the
19 stairwells and exits in order to prevent them
20 from taking cigarette breaks during their
21 shifts. This resulted in many employees being
22 unable to escape. And so of the 146 that
23 perished, 62 persons jumped to their deaths as
24 witnesses looked on and were unable to help.

25 Attitudes toward safety were as a

1 result dramatically altered, and from the
2 ashes of this horrific event emerged the
3 American Society of Safety Engineers.

4 This tragedy represents the need to
5 acknowledge the past in order to effectively
6 deal with the challenges of our future. I'm
7 hopeful everybody will vote for it. I vote
8 aye.

9 And I'm taking Senator Maziarz's
10 suggestion and I'm going to also suggest to
11 our leader in fact that Senator Serph Maltese
12 be the Senate nominee to this commission.

13 ACTING PRESIDENT STEWART-COUSINS:
14 Are there any other Senators wishing to
15 explain his or her vote?

16 Hearing none, announce the results.

17 THE SECRETARY: Ayes, 61. Nays,
18 0.

19 ACTING PRESIDENT STEWART-COUSINS:
20 The bill is passed.

21 Now we will return to Calendar
22 Number 1026. The Secretary will read.

23 THE SECRETARY: Calendar Number
24 1026, by Senator Adams, Senate Print 7658A, an
25 act to amend the General Business Law.

1 ACTING PRESIDENT STEWART-COUSINS:

2 Read the last section.

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

5 ACTING PRESIDENT STEWART-COUSINS:
6 Call the roll.

7 (The Secretary called the roll.)

8 ACTING PRESIDENT STEWART-COUSINS:
9 Senator Hannon, to explain his vote.

10 SENATOR HANNON: Madam President,
11 this bill, which appears just to deal with
12 stolen and misappropriated computer programs,
13 actually I think represents an overreach by
14 the computer industry. Because in the
15 definitions of what is not allowed to be done,
16 it says if someone uses a product that does
17 not have the necessary license ingredients,
18 that that's deemed to be the misappropriated
19 software.

20 It goes on to have a series of
21 penalties that pyramid. And I believe this
22 is, instead of being something where we're
23 dealing with crime, we're dealing with
24 intellectual property. I don't think this is
25 appropriate to portray it this way. I think

1 this is just giving a leg up to people in the
2 industry who ought to be able to go into court
3 and sue without a statute like this, sue for
4 actual damages, proof we have a civil service
5 that works.

6 I don't think we need to put this
7 in the criminal law. And for those reasons I
8 am voting against it.

9 ACTING PRESIDENT STEWART-COUSINS:
10 Senator Hannon to be recorded in the negative.

11 Are there any other Senators
12 wishing to explain his or her vote?

13 Announce the results.

14 THE SECRETARY: Those recorded in
15 the negative on Calendar Number 1026 are
16 Senators DeFrancisco, Flanagan, Hannon,
17 O. Johnson, Larkin, LaValle, Little,
18 Marcellino, Padavan, Ranzenhofer and Winner.

19 Ayes, 50. Nays, 11.

20 ACTING PRESIDENT STEWART-COUSINS:
21 The bill is passed.

22 THE SECRETARY: In relation to
23 Calendar Number 1027, Senator Foley moves to
24 discharge, from the Committee on
25 Transportation, Assembly Bill Number 7153A and

1 substitute it for the identical Senate Bill
2 Number 7701, Third Reading Calendar 1027.

3 ACTING PRESIDENT STEWART-COUSINS:
4 Substitution ordered.

5 THE SECRETARY: Calendar Number
6 1027, by Member of the Assembly Alessi,
7 Assembly Print Number 7153A, an act in
8 relation to a report.

9 ACTING PRESIDENT STEWART-COUSINS:
10 Read the last section.

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

13 ACTING PRESIDENT STEWART-COUSINS:
14 Call the roll.

15 (The Secretary called the roll.)

16 ACTING PRESIDENT STEWART-COUSINS:
17 Announce the results.

18 THE SECRETARY: Ayes, 61.

19 ACTING PRESIDENT STEWART-COUSINS:
20 The bill is passed.

21 THE SECRETARY: Calendar Number
22 1028, by Senator Adams, Senate Print 7786, an
23 act to amend the Criminal Procedure Law.

24 ACTING PRESIDENT STEWART-COUSINS:
25 Read the last section.

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

4 ACTING PRESIDENT STEWART-COUSINS:
5 Call the roll.

6 (The Secretary called the roll.)

7 ACTING PRESIDENT STEWART-COUSINS:
8 Announce the results.

9 THE SECRETARY: Ayes, 61.

10 ACTING PRESIDENT STEWART-COUSINS:
11 The bill is passed.

12 THE SECRETARY: Calendar Number
13 1029, by Senator Duane, Senate Print 7829, an
14 act to amend the Public Health Law.

15 ACTING PRESIDENT STEWART-COUSINS:
16 Read the last section.

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

19 ACTING PRESIDENT STEWART-COUSINS:
20 Call the roll.

21 (The Secretary called the roll.)

22 ACTING PRESIDENT STEWART-COUSINS:
23 Announce the results.

24 THE SECRETARY: Ayes, 59. Nays,
25 2. Senators DeFrancisco and Winner recorded

1 in the negative.

2 ACTING PRESIDENT STEWART-COUSINS:

3 The bill is passed.

4 THE SECRETARY: In relation to
5 Calendar Number 1030, Senator Foley moves to
6 discharge, from the Committee on Local
7 Government, Assembly Bill Number 9181 and
8 substitute it for the identical Senate Bill
9 Number 7933, Third Reading Calendar 1030.

10 ACTING PRESIDENT STEWART-COUSINS:
11 Substitution ordered.

12 THE SECRETARY: Calendar Number
13 1030, by Member of the Assembly Fields,
14 Assembly Print Number 9181, an act to amend
15 the Town Law.

16 ACTING PRESIDENT STEWART-COUSINS:
17 Read the last section.

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

20 ACTING PRESIDENT STEWART-COUSINS:
21 Call the roll.

22 (The Secretary called the roll.)

23 ACTING PRESIDENT STEWART-COUSINS:
24 Announce the results.

25 THE SECRETARY: Ayes, 61.

1 ACTING PRESIDENT STEWART-COUSINS:

2 The bill is passed.

3 THE SECRETARY: Calendar Number
4 1032, by Senator Valesky --

5 SENATOR KLEIN: Lay the bill
6 aside for the day, please.

7 ACTING PRESIDENT STEWART-COUSINS:
8 The bill is laid aside for the day.

9 THE SECRETARY: Calendar Number
10 1033, by Senator Bonacic, Senate Print 8148,
11 an act to amend Chapter 196 of the Laws of
12 2008 relating to authorizing.

13 ACTING PRESIDENT STEWART-COUSINS:
14 The bill is high. Lay the bill aside for the
15 day.

16 We are returning to Calendar Number
17 1032. The Secretary will read.

18 THE SECRETARY: Calendar Number
19 1032, by Senator Valesky, Senate Print 8095,
20 an act to repeal certain provisions.

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

23 Read the last section.

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

1 ACTING PRESIDENT STEWART-COUSINS:

2 Call the roll.

3 (The Secretary called the roll.)

4 ACTING PRESIDENT STEWART-COUSINS:

5 Announce the results.

6 THE SECRETARY: Ayes, 61.

7 ACTING PRESIDENT STEWART-COUSINS:

8 The bill is passed.

9 Senator Klein, that completes the
10 noncontroversial reading of the supplemental
11 calendar.

12 Senator Klein.

13 SENATOR KLEIN: Madam President,
14 at this time can we please go to a reading of
15 the controversial Supplemental Calendar 64B.

16 ACTING PRESIDENT STEWART-COUSINS:

17 The Secretary will read.

18 THE SECRETARY: Calendar Number
19 1022, by Senator Savino, Senate Print --

20 SENATOR KLEIN: Lay the bill
21 aside for the day, please.

22 ACTING PRESIDENT STEWART-COUSINS:

23 The bill is laid aside for the day.

24 Senator Klein, that completes the
25 controversial reading of the calendar.

1 SENATOR KLEIN: Madam President,
2 is there any further business at the desk?

3 ACTING PRESIDENT STEWART-COUSINS:
4 Senator Klein, the desk is clear.

5 SENATOR KLEIN: Madam President,
6 there being no further business, I move that
7 we adjourn until --

8 ACTING PRESIDENT STEWART-COUSINS:
9 Excuse me, Senator Klein. There appears to be
10 a motion.

11 SENATOR KLEIN: Okay. Could you
12 call on Senator Libous. He has a motion.

13 ACTING PRESIDENT STEWART-COUSINS:
14 Senator Libous.

15 SENATOR LIBOUS: Madam President,
16 before all of my members leave, before I do
17 this motion, there will be a 9:30 Republican
18 conference in the morning.

19 And, Madam President -- oh, on
20 behalf of Senator Libous, I wish to call up my
21 bill, Print Number 7700A, recalled from the
22 Assembly, which is now at the desk.

23 ACTING PRESIDENT STEWART-COUSINS:
24 The Secretary will read.

25 THE SECRETARY: Calendar Number

1 653, by Senator Libous, Senate Print 7700A, an
2 act to amend the Highway Law.

3 ACTING PRESIDENT STEWART-COUSINS:
4 Senator Libous.

5 SENATOR LIBOUS: Madam President,
6 I now move to reconsider the vote by which my
7 bill was passed.

8 ACTING PRESIDENT STEWART-COUSINS:
9 The Secretary will call the roll on
10 reconsideration.

11 (The Secretary called the roll.)

12 THE SECRETARY: Ayes, 61.

13 SENATOR LIBOUS: I offer up the
14 following amendments, Madam President.

15 ACTING PRESIDENT STEWART-COUSINS:
16 Amendments received.

17 Senator Klein.

18 SENATOR KLEIN: Once again, Madam
19 President, I move that we adjourn until
20 Thursday, June 17th, at 10:00 a.m.

21 ACTING PRESIDENT STEWART-COUSINS:
22 There being no further business to come before
23 the Senate, on motion, the Senate stands
24 adjourned until Thursday, June 17th, at
25 10:00 a.m.

1 (Whereupon, at 7:06 p.m., the
2 Senate adjourned.)
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