

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 14, 2011

11 12:30 p.m.

12
13
14 REGULAR SESSION

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17
18 SENATOR CARL L. MARCELLINO, Acting President

19 FRANCIS W. PATIENCE, Secretary

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

2 ACTING PRESIDENT MARCELLINO:

3 The Senate will come to order, please.

4 Can we all rise and join with me
5 in the Pledge of Allegiance to our Flag.

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

9 (Whereupon, the New York Army
10 National Guard Color Guard entered the
11 chamber and presented colors, and
12 Staff Sergeant Brooke Leavitt sang
13 "The Star-Spangled Banner.")

14 (Applause.)

15 (Whereupon, the Color Guard
16 posted colors, presented arms, and marched to
17 the back of the chamber.)

18 ACTING PRESIDENT MARCELLINO:

19 Our invocation will be read by Colonel Eric
20 Olsen, chaplain of the New York State
21 Division of Military and Naval Affairs.

22 CHAPLAIN OLSEN: Let us pray.

23 Gracious and ever-living God, as
24 citizens of a just and caring nation we know
25 You by different names, worship You in

1 different fashions, and understand the call
2 to service through personal devotion.

3 As this body gathers together
4 today in the spirit of service for the good
5 of our state, we ask for Your hand of
6 selfless and wise guidance to help in the
7 decisions made. Let all that is done here
8 reflect the principles and ideals which have
9 long guided our vision to be a good,
10 productive, and peaceful people.

11 We ask Your divine blessing upon
12 our Governor, our Senators and legislators as
13 they bear the often difficult responsibility
14 of leadership. Bless too all that support
15 and encourage them in their tasks.

16 Finally, Lord, as we celebrate
17 the anniversary of our nation's Army and
18 celebrate Flag Day, as we honor the men and
19 women who stand and have stood to defend the
20 rights and principles we as a nation hold to
21 be true, let this body remember that there
22 are consequences to all that we do and that
23 leadership requires the highest ideal of
24 conscience and character. May that ideal
25 never diminish from those who have been given

1 the power to rule.

2 Please bless our nation, the good
3 she brings throughout the world, and those who
4 serve her. In Your holy name we pray, amen.

5 ACTING PRESIDENT MARCELLINO:
6 Senator Libous.

7 SENATOR LIBOUS: Mr. President,
8 could I ask at this time unanimous consent by the
9 body time for Colonel Migaledi to please address
10 the body at this time.

11 ACTING PRESIDENT MARCELLINO: With
12 unanimous consent, we invite Colonel Migaledi to
13 come up and address the house.

14 COLONEL MIGALEDDI: Majority Leader
15 Skelos, Minority Leader Sampson, Senators,
16 veterans, and other distinguished guests, thank
17 you very much. Again I have an opportunity to
18 talk to you today. It's not a bad dream; I'm
19 back. And to be in such an honored place is an
20 honor.

21 On June 14, 1775, at the outbreak of
22 the Revolutionary War, the Army was established
23 by a resolution of the Continental Congress and
24 the 13 colonies that would become the United
25 States of America.

1 The strength of an infant nation was
2 its Army. The strength of our Army was the
3 soldiers and their families who fought to form a
4 more perfect union, the United States of
5 America. Brave militiamen, many from New York,
6 fought to defend the freedoms and defeat
7 injustice for a new nation to beat the
8 oppression. Wives and daughters tended the
9 wounded, the injured, manned cannons for the new
10 Continental Army.

11 In the next 236 years, soldiers
12 continued to maintain the highest strength and
13 character and resolve. But much has changed
14 since the Army of 1775 when our Army was once
15 untrained farmers, merchants, and tradesmen who
16 used their own rifles. What has not changed,
17 however, is the fighting spirit and the values of
18 the American soldier. From the Battle of
19 Saratoga to the Battle of Kandahar, your Army has
20 carried the warrior spirit with them.

21 On the occasion of the Army's
22 birthday, on behalf of the soldiers, I thank you
23 for New York's 236 years of support for our
24 Army. You are part of the United States Army.
25 You are part of our nation, the strength of the

1 nation, the United States Army.

2 Thank you, and God bless New York
3 State and the United States of America.

4 (Applause.)

5 ACTING PRESIDENT MARCELLINO: We
6 thank the commander and all of our honored
7 guests, the veterans who served this state and
8 this nation and have protected our freedoms over
9 the years.

10 The reading of the Journal, please.

11 THE SECRETARY: In Senate, Monday,
12 June 13th, the Senate met pursuant to
13 adjournment. The Journal of Sunday, June 12th,
14 was read and approved. On motion, Senate
15 adjourned.

16 ACTING PRESIDENT MARCELLINO:
17 Without objection, the Journal stands approved as
18 read

19 Presentation of petitions.

20 Messages from the Assembly.

21 The Secretary will read.

22 THE SECRETARY: Senator DeFrancisco
23 moves to discharge, from the Committee on Rules,
24 Assembly Bill Number 7388 and substitute it for
25 the identical Senate Bill Number 3947, Third

1 Reading Calendar 350.

2 ACTING PRESIDENT MARCELLINO:

3 Substitution ordered.

4 THE SECRETARY: On page 40, Senator
5 Martins moves to discharge, from the Committee on
6 Local Government, Assembly Bill Number 6462 and
7 substitute it for the identical Senate Bill
8 Number 5002, Third Reading Calendar 647.

9 ACTING PRESIDENT MARCELLINO:

10 Substitution ordered.

11 THE SECRETARY: On page 41, Senator
12 LaValle moves to discharge, from the Committee on
13 Higher Education, Assembly Bill Number 2718 and
14 substitute it for the identical Senate Bill
15 Number 2410, Third Reading Calendar 658.

16 ACTING PRESIDENT MARCELLINO:

17 Substitution ordered.

18 THE SECRETARY: On page 41, Senator
19 LaValle moves to discharge, from the Committee On
20 Environmental Conservation, Assembly Bill Number
21 4786 and substitute it for the identical Senate
22 Bill Number 3421, Third Reading Calendar 685.

23 ACTING PRESIDENT MARCELLINO:

24 Substitution ordered.

25 THE SECRETARY: On page 59, Senator

1 Ball moves to discharge, from the Committee on
2 Veterans, Homeland Security and Military Affairs,
3 Assembly Bill Number 6383 and substitute it for
4 the identical Senate Bill Number 5432, Third
5 Reading Calendar 985.

6 ACTING PRESIDENT MARCELLINO:
7 Substitution ordered.

8 THE SECRETARY: On page 62, Senator
9 Grisanti moves to discharge, from the Committee
10 on Rules, Assembly Bill Number 7570 and
11 substitute it for the identical Senate Bill
12 Number 5342, Third Reading Calendar 1010.

13 ACTING PRESIDENT MARCELLINO:
14 Substitution is ordered.

15 THE SECRETARY: On page 62, Senator
16 Little moves to discharge, from the Committee on
17 Cultural Affairs, Tourism, and Parks and
18 Recreation, Assembly Bill Number 7279 and
19 substitute it for the identical Senate Bill
20 Number 5372, Third Reading Calendar 1011.

21 ACTING PRESIDENT MARCELLINO:
22 Substitution is ordered.

23 THE SECRETARY: On page 62, Senator
24 Libous moves to discharge, from the Committee on
25 Cultural Affairs, Tourism and Parks and

1 Recreation, Assembly Bill Number 6299A and
2 substitute it for the identical Senate Bill
3 Number 5534, Third Reading Calendar 1012.

4 ACTING PRESIDENT MARCELLINO:
5 Substitution is ordered.

6 THE SECRETARY: On page 63, Senator
7 Larkin moves to discharge, from the Committee on
8 Rules, Assembly Bill Number 3152 and substitute
9 it for the identical Senate Bill Number 5437,
10 Third Reading Calendar 1017.

11 ACTING PRESIDENT MARCELLINO:
12 Substitution is ordered.

13 THE SECRETARY: On page 64, Senator
14 Gallivan moves to discharge, from the Committee
15 on Elections, Assembly Bill Number 7453A and
16 substitute it for the identical Senate Bill
17 Number 5385, Third Reading Calendar 1031.

18 ACTING PRESIDENT MARCELLINO:
19 Substitution is ordered.

20 THE SECRETARY: On page 65, Senator
21 Oppenheimer moves to discharge, from the
22 Committee on Higher Education, Assembly Bill
23 Number 2502A and substitute it for the identical
24 Senate Bill Number 3469A, Third Reading Calendar
25 1154.

1 ACTING PRESIDENT MARCELLINO:

2 Substitution is ordered.

3 THE SECRETARY: On page 66, Senator
4 Golden moves to discharge, from the Committee on
5 Local Government, Assembly Bill Number 6923 and
6 substitute it for the identical Senate Bill
7 Number 4780, Third Reading Calendar 1159.

8 ACTING PRESIDENT MARCELLINO:

9 Substitution is ordered.

10 THE SECRETARY: On page 67, Senator
11 Savino moves to discharge, from the Committee on
12 Children and Families, Assembly Bill Number 7520
13 and substitute it for the identical Senate Bill
14 Number 5582, Third Reading Calendar 1174.

15 ACTING PRESIDENT MARCELLINO:

16 Substitution is ordered.

17 THE SECRETARY: On page 37, Senator
18 Fuschillo moves to discharge, from the Committee
19 on Rules, Assembly Bill Number 7751A and
20 substitute it for the identical Senate Bill
21 Number 5234A, Third Reading Calendar 607.

22 ACTING PRESIDENT MARCELLINO:

23 Substitution is ordered.

24 THE SECRETARY: On page 67, Senator
25 Saland moves to discharge, from the Committee on

1 Rules, Assembly Bill Number 7930 and substitute
2 it for the identical Senate Bill Number 5542,
3 Third Reading Calendar 1169.

4 ACTING PRESIDENT MARCELLINO:
5 Substitution is ordered.

6 THE SECRETARY: And on page 68,
7 Senator Golden moves to discharge, from the
8 Committee on Rules, Assembly Bill Number 7834 and
9 substitute it for the identical Senate Bill
10 Number 5651, Third Reading Calendar 1180.

11 ACTING PRESIDENT MARCELLINO:
12 Substitution is ordered.

13 Messages from the Governor.

14 Reports of standing committees.

15 Reports of select committees.

16 Communications and reports from
17 state officers.

18 Motions and resolutions.

19 Senator Libous.

20 SENATOR LIBOUS: Mr. President,
21 thank you.

22 On behalf of Senator Saland, on
23 page 54 I offer the following amendments to
24 Calendar Number 915, Senate Print 4530, and ask
25 that said bill retain its place on the Third

1 Reading Calendar.

2 ACTING PRESIDENT MARCELLINO: The
3 amendments are received, and the bill will retain
4 its place on the Third Reading Calendar.

5 SENATOR LIBOUS: On behalf of
6 Senator Johnson -- he has a number -- I move that
7 the following bills be discharged from their
8 respective committees and be recommitted with
9 instructions to strike the enacting clause:
10 2632, 2634, 2636 and 2666.

11 ACTING PRESIDENT MARCELLINO: So
12 ordered.

13 SENATOR LIBOUS: On behalf of
14 Senator Golden, on page 34 I offer the following
15 amendments to Calendar Number 553, Senate Print
16 4507A, and ask that said bill retain its place on
17 the Third Reading Calendar.

18 ACTING PRESIDENT MARCELLINO: The
19 amendments are received, and the bill will retain
20 its place on the Third Reading Calendar.

21 SENATOR LIBOUS: And,
22 Mr. President, on behalf of Senator Griffo, on
23 page 58 I offer the following amendments to
24 Calendar Number 967, Senate Print 3322A, and ask
25 that said bill retain its place on the Third

1 Reading Calendar.

2 ACTING PRESIDENT MARCELLINO: The
3 amendments are accepted, and the bill will retain
4 its place on the Third Reading Calendar.

5 SENATOR LIBOUS: Mr. President, at
6 this time could we please adopt the Resolution
7 Calendar, with the exception of the following
8 resolutions: 2233, 2277, and 2475.

9 ACTING PRESIDENT MARCELLINO: Move
10 to adopt the Resolution Calendar with the
11 exception of resolutions 2233, 2277, and 2475.
12 All in favor signify by saying aye.

13 (Response of "Aye.")

14 ACTING PRESIDENT MARCELLINO:
15 Opposed, nay.

16 (No response.)

17 ACTING PRESIDENT MARCELLINO: The
18 ayes have it. The Resolution Calendar is
19 adopted.

20 Senator.

21 SENATOR LIBOUS: Mr. President, at
22 this time I believe Resolution 2277 is at the
23 desk. I would ask that the Clerk please read it
24 in its entirety. At the conclusion of reading
25 the resolution, please call on Senator Ball and

1 then Senator Breslin.

2 ACTING PRESIDENT MARCELLINO: The
3 Secretary will read.

4 THE SECRETARY: Legislative
5 Resolution Number 2277, by Senator Skelos,
6 honoring the distinguished veterans from the
7 State of New York upon the occasion of their
8 induction into the New York State Senate Veterans
9 Hall of Fame, to be celebrated on June 14, 2011.

10 "WHEREAS, Members of the Armed
11 Services from the State of New York, who have
12 served so valiantly and honorably in wars in
13 which this country's freedom was at stake, as
14 well as in the preservation of peace in
15 peacetime, deserve a special salute from this
16 Legislative Body; and

17 "WHEREAS, Attendant to such concern,
18 and in full accord with its long-standing
19 traditions, this Legislative Body is justly proud
20 to honor the distinguished veterans from the
21 State of New York upon the occasion of their
22 induction into the New York State Senate Veterans
23 Hall of Fame , to be celebrated on June 14, 2011;
24 and

25 "WHEREAS, The New York State Senate

1 Veterans Hall of Fame inductees are members of
2 any branch of the United States Armed Forces,
3 which include Army, Navy, Coast Guard, Air Force,
4 and Marine Corps. These exceptional men and
5 women are chosen for this prestigious honor based
6 on either service in combat or notable work
7 performed after discharge from the service; and

8 "WHEREAS, The 2011 inductees
9 include: Nicholas A. Verzella, James E. Prevete,
10 Karl R. Rohde, Charles Eustis, Colonel Charlie
11 Johnson, Howard Goldin, Charles Murphy, Pete
12 Leon, Martin Treat, Merlin German, James A.
13 Wilson, William Beatty, George A. Jones, Mark P.
14 O'Brien, George R. Broadhead, Herbert C. Thorpe,
15 Michael Lewandowski, Jackie L. Wilson, John T.
16 Digilio, Jr., Sandra Jablonski Bourque, Eugene
17 Bryant, Jordan Czerniawski, William O. Stratis,
18 Eugene G. Smith, John Czuhanich, Harold G.
19 Cronin, Richard Evers, John S. Davanzo, Margaret
20 Gill, Clarence Dart, John Barwinczok, Philip C.
21 Smith, William Capodanno, Rev. Dr. Glyger G.
22 Beach, Anthony Caminiti, Ronald J. Pillozzi, John
23 M. Canale, Ken Moore, Michael Burke, Corey
24 Pegues, John P. Nowhitney, John F. Barry, Sharon
25 Sweeting-Lindsey, Roberta A. Goldenberg, Albert

1 Paviglianti, Anthony J. Costanza, and George W.
2 Egan. In addition, special recognition goes to
3 Michael P. Murphy and Douglas J. Glover; and

4 "WHEREAS, The banner of freedom will
5 always wave over our beloved New York and all of
6 America, the Land of the Free and the Home of the
7 Brave; and

8 "WHEREAS, The freedoms and security
9 we cherish as Americans come at a very high price
10 for those serving in the military in times of
11 conflict. It is fitting and proper that we who
12 are the beneficiaries of those who risk their
13 lives must never forget the courage with which
14 these men and women served their country; and

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

21 "RESOLVED, That this Legislative
22 Body pause in its deliberations to honor the
23 distinguished veterans from the State of New York
24 upon the occasion of their induction into the
25 New York State Senate Veterans Hall of Fame to be

1 celebrated on June 14, 2011; and be it further

2 "RESOLVED, That copies of this
3 resolution, suitably engrossed, be transmitted to
4 the 2011 inductees."

5 ACTING PRESIDENT MARCELLINO: To be
6 heard on the resolution, Senator Ball.

7 SENATOR BALL: There's a quote at
8 the United States Air Force Academy, at West
9 Point, Naval Academy, all the military
10 academies. You have to remember, plebe year,
11 your first summer, a book full of information.
12 And there's a quote that always sticks out in my
13 brain by General Norman Schwarzkopf, "Stormin'
14 Norman," who was an amazing leader, and I'd like
15 to share it today.

16 "A professional soldier understands
17 that war means killing, war means maiming, war
18 means families left without fathers and mothers.
19 All you have to do is hold your first dying
20 soldier in your arms and have that terribly
21 futile feeling that his life is flowing out and
22 you can do nothing about it. Then you understand
23 the horror of war. Any soldier worth his salt
24 should be antiwar. And still, there are things
25 worth fighting for."

1 We live in the greatest nation that
2 this world has ever known. And to the veterans,
3 to the honorees that are here today and to the
4 veterans throughout this state, I stand before
5 you on behalf of this body -- I know I'm joined
6 by every single one of my colleagues -- thanking
7 you from the absolute bottom of my heart.

8 And to those who never had the
9 opportunity to serve, it must be pointed out
10 today, we must remember that regardless of
11 whether it was a combat vet or somebody who
12 served in a support role, all veterans are united
13 in one common reality. Our veterans all raised
14 their right hand and were willing, if called upon
15 by this nation -- and many were -- were willing
16 to fight and die in the service of this nation.

17 We have a responsibility to ensure
18 that the United States of America continues to be
19 strong, not only as Americans but because that
20 American flag that stands in this chamber today
21 and that American flag that is worn by many of
22 the veterans and that American flag that is on
23 the shoulders of the active-duty servicemen and
24 women, to this very day, where 1 percent of our
25 population carries the weight of the rest of our

1 society -- and it was servicemen that brought
2 about and killed Osama bin Laden. It is
3 servicemen that find maps to subways in New York
4 City in caves and countries that many of us
5 cannot pick out on a map.

6 That American flag represents the
7 greatest sense of hope and opportunity that this
8 world has ever known. And it's American
9 servicemen and women who represent hope and
10 opportunity to, yes, young children and women in
11 Iraq, to countries that many of us will never
12 visit, to communities that, yes, we cannot pick
13 out on a map. Never is a day to be an apologetic
14 American.

15 And to all the veterans who are here
16 today, thank you from the bottom of our heart,
17 because we stand on your shoulders. And it is
18 your leadership that cut a pathway for an
19 American democracy and for future generations.

20 God bless, and thank you all for
21 being here today.

22 ACTING PRESIDENT MARCELLINO: Thank
23 you, Senator Ball.

24 On the resolution, Senator Breslin.

25 SENATOR BRESLIN: Thank you very

1 much, Mr. President.

2 As we celebrate this 236th
3 anniversary of the formation of the United States
4 Army, and as we as the Senate body celebrate the
5 achievements of veterans from across this state,
6 I think it's fitting to mention that in this body
7 as we approach the closing date, as we debate
8 ideas, debate points of view, debate specific
9 bills, Republicans and Democrats, battling but
10 not really battling -- and we're allowed to have
11 this open debate, this free and open debate, only
12 because our veterans have preserved that right
13 for us. Without it, we would be like any other
14 country, subject to prejudice against wars,
15 subject to one party dominating in a total
16 undemocratic way.

17 And we've had the ability in this
18 house earlier today to celebrate the achievements
19 of many veterans from across this state. My
20 veteran, who's up in the crowd, served in
21 Vietnam, a West Point graduate who's accomplished
22 a great, Colonel Charles Johnson. And each and
23 every member of this house has their own story
24 about their veteran.

25 But we must remember that freedom is

1 not free. We have that freedom to be here and
2 debate because of our veterans. And I salute
3 each and every one of them for allowing the
4 preservation of what we are able to accomplish on
5 this floor, because it's only because of them we
6 are able to do it.

7 Thank you, Mr. President.

8 ACTING PRESIDENT MARCELLINO: Thank
9 you, Senator Breslin.

10 On the resolution, Senator
11 Fuschillo.

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

14 Today was a great day. Every single
15 day we read in the papers and we see on TV really
16 what's wrong with this country. But I want to
17 thank my colleague Senator Ball for his
18 leadership today, and Senator Skelos, with the
19 ceremony that we just came from where we honored
20 some distinguished men and women who have really
21 served this country. And today they showed
22 what's great with our state and with our nation.

23 And I had the pleasure of nominating
24 Brigadier General George A. Jones as my inductee
25 in the Veterans Hall of Fame with great pride and

1 distinction. He, like all the veterans today,
2 has dedicated his life not only to his community
3 but to our country. And for me to stand up and
4 say thanks, Mr. Jones, thank you for your courage
5 and for your commitment to our country. And I
6 salute you, my friend. God bless you.

7 Thank you very much, Mr. President.

8 ACTING PRESIDENT MARCELLINO: Thank
9 you, Senator.

10 Senator Huntley.

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

13 I would like to welcome my honoree,
14 Jackie L. Wilson, who is sitting up there.
15 Jackie, please stand up. He is an amazing
16 person. He served 24 years in the United States
17 Army. And every time I spoke to him down through
18 the years, he was getting ready to go to another
19 country. And it seems like, my conversations
20 with him, he was happy to be doing that.

21 He is a true, true American. Not
22 only the Army, but back home in Laurelton,
23 New York, where he resides with his lovely wife,
24 he has been an amazing person with young people.
25 He's on another career. He's teaching, Junior

1 High School 231, which is in my district.

2 And I am just so happy to have him
3 here. And I said to him today when I first saw
4 him -- and if you all look, you will see -- I
5 said, "How handsome you look today." You are a
6 true American, and I love you for what you do.

7 Thank you.

8 ACTING PRESIDENT MARCELLINO: Thank
9 you, Senator.

10 Senator Farley on the resolution.

11 SENATOR FARLEY: I just want to
12 rise up and thank Senator Ball and the Majority
13 Leader for having this program. It's one of the
14 first.

15 When I first came into the Senate,
16 the halls used to be filled with veterans,
17 particularly from the greatest generation,
18 World War II. And they're dying at the rate of
19 several thousand a day now. And it was
20 heartwarming to see so many WWII veterans being
21 honored today, and Korean veterans, and the
22 forgotten war, of which I happen to be a member
23 of, the Korean veterans.

24 And I want to pay tribute to my
25 awardee, Jim Wilson, who has done so much for the

1 veterans. And we have in this Capital District a
2 veterans cemetery at Saratoga which is absolutely
3 one of the most beautiful veterans cemeteries in
4 the United States, which he's been a large part
5 of.

6 But I think it's such a beautiful
7 tradition that we have started here today. And I
8 hope that we can continue this in honoring
9 veterans every single year from now on.

10 Thank you, Mr. President.

11 ACTING PRESIDENT MARCELLINO: Thank
12 you, Senator Farley.

13 On the resolution, Senator McDonald.

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

16 I have the honor today of
17 recommending a very unique individual, Lieutenant
18 Colonel Clarence Dart, of Saratoga Springs. He
19 was a member, an original member and a leader of
20 the Tuskegee Airmen in the United States Air
21 Force in World War II. This individual flew in
22 95 missions. He was awarded five Distinguished
23 Flying Crosses. He was shot down twice.
24 Somebody mentioned to me, "Can you imagine
25 getting in an airplane after the first time you

1 were shot down, going back?"

2 This, along with overcoming
3 segregation of that era of American history. I
4 imagine he did it for a lot of reasons. But the
5 main reason for us he did it for, because he
6 loved his country above everything, even with its
7 bad points, and he worked to make it better.

8 What an amazing day it was. And I
9 thank the Senate and all the people involved to
10 allow us to bring all these Americans of all
11 different backgrounds, colors, ethnic groups,
12 religions, but a commonality of being New Yorkers
13 and being Americans and loving this country and
14 doing what words don't accomplish. They actually
15 stepped forward when they needed to and put their
16 life on the line.

17 It was quite an honor being a part
18 of this, and it's a special honor that Lieutenant
19 Colonel Clarence Dart, who cannot be here
20 today -- he's in a nursing home in Saratoga --
21 but his daughter Dawn, Dawn Ray, a local
22 schoolteacher, is here to represent her and her
23 wonderful family. And what an amazing New Yorker
24 this man is. I'm very proud to be associated
25 with him, and I'm very proud of what this

1 Senate's done.

2 Thank you.

3 ACTING PRESIDENT MARCELLINO: Thank
4 you, Senator.

5 Senator Martins on the resolution.

6 SENATOR MARTINS: Mr. President, I
7 too rise this afternoon to thank Senator Ball for
8 his initiative and to thank the Majority Leader
9 for bringing this program together this year. I
10 want to congratulate all of the honorees and
11 thank you for your service.

12 But in particular, in particular I
13 want to congratulate a dear friend of mine, John
14 Davanzo, who is a Normandy survivor.

15 John was born in Mineola, grew up in
16 Mineola, went off to do his duty and to fight in
17 World War II. After the war, came back to
18 Mineola, where he raised his family. He was a
19 town councilman for the Town of North Hempstead,
20 town clerk for decades, trustee in the Village of
21 Mineola, a national Firefighter of the Year
22 recipient, and a wonderful statesman for our
23 community. Not only did he serve his country,
24 but he came back and continued to serve his
25 community throughout his life and today, at the

1 ripe almost age of 90, continues to serve his
2 community.

3 And for that I want to thank you,
4 John, for your lifetime of public service and
5 dedication not only to the country but to our
6 local communities. God bless you.

7 Thank you, Mr. President.

8 ACTING PRESIDENT MARCELLINO: Thank
9 you, Senator.

10 On the resolution, Senator Nozzolio.

11 SENATOR NOZZOLIO: Thank you,
12 Mr. President. On the resolution.

13 I too rise and thank my colleagues
14 who made this day possible: Senator Ball,
15 Senator Skelos, all members of this house who
16 have collectively taken time to honor veterans
17 and thank them for their service to our nation.
18 It is indeed, as some of my colleagues have said,
19 a great day.

20 But it is conversations to honorees
21 who have heard them talk, as they were leaving
22 the ceremony, how honored they were to be here
23 and to be part of the New York State 2011
24 Veterans Hall of Fame. But they had indicated
25 that their participation honors them; frankly, I

1 believe their participation honors us and honors
2 those of us who are now in this deliberative body
3 because of their sacrifice, who are able to
4 debate legislation because they defended America
5 in time of need. You who are there as members of
6 this class of veterans, we thank you and salute
7 you.

8 I want to give special thanks to
9 John Barwinczok, who fought in Korea, who was
10 proudly a member of the Korean War Veterans
11 Association and who began the Korean War Veterans
12 Association in the Central New York area,
13 particularly Cayuga County.

14 That the memorials that we place in
15 honor of our veterans are a reminder to future
16 generations that the price of freedom is one that
17 is not free. It is paid for by the blood and
18 toil of our veterans. And for that, we all thank
19 you, we salute you, and it is you who honor us
20 with your presence here today.

21 ACTING PRESIDENT MARCELLINO: Thank
22 you, Senator.

23 On the resolution, Senator Larkin.

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

1 You know, it is a true honor to be
2 here today with all of our veterans. You don't
3 have to be a veteran to appreciate what you stand
4 for. It's a great honor to see you be able to
5 come.

6 My nominee couldn't make it today.
7 He's a World War II vet, and he spent 17 months
8 in Stalag 17. He's a little incapacitated, he
9 said, at 86.

10 And I think when we think about
11 veterans of World War II, the Veterans
12 Administration said there are 1100 World War II
13 vets dying every day. We're a breed that won't
14 be here for too long.

15 But when you think about it, a
16 veteran doesn't come home and wash away. You
17 look at all the veterans, the committees that
18 they do, the work that they do. Meals on Wheels,
19 volunteering in hospitals, volunteering at
20 libraries. Because they know what service is
21 like. And many of us that served didn't have all
22 the service we needed, but we had one mission:
23 We were Americans. And we take second to nobody.

24 I saw a sweater Sunday in a parade,
25 and I thought it was the best, I went and bought

1 one. It said: "America is Free because of the
2 Bravest." And that's what it's all about. Every
3 one of you that were honored here today have a
4 story to tell, and memories many of you keep
5 inside. And someday you've got to open them up,
6 because our children and grandchildren, they want
7 to know what grandpa did or grandma did or Aunt
8 Sue, Uncle Jack, because they appreciate it.

9 Today we honor you for what you've
10 done for us. And in honoring you, we're saying
11 as Americans that how could we be any more proud
12 than we are. You, to say a cold clause, stuck
13 your neck out for the rest of us.

14 We now see a young breed of troops
15 coming home, men and women, without an arm,
16 without a leg. At West Point a month ago there
17 was a young woman, graduate of Notre Dame, a
18 helicopter pilot. She had new prostheses and was
19 running on the track. Someone said to her, "What
20 would you like to do?" She said, "I want to go
21 back to Afghanistan. I know exactly where I was
22 hit, and I want to get that {coughing} son of a
23 gun."

24 So don't ever forget it. You're the
25 greatest. We're a nation that are proud. Nobody

1 likes war. I've never met anyone in my 23 years
2 that said yippee, yippee, we're going to war.
3 People were going to countries they never heard
4 of. As Senator Ball said, we couldn't even
5 pronounce or spell some of the names.

6 And I want to thank Senator Ball for
7 he and the Majority Leader's efforts to put this
8 together today. You know, we hopefully are
9 winding down this session, but we couldn't have a
10 session end without paying respects to you, and
11 especially when we realize this is the
12 236th anniversary of the United States Army.
13 Go, Army.

14 Thank you, Mr. President.

15 ACTING PRESIDENT MARCELLINO: Thank
16 you, Senator.

17 Senator DeFrancisco on the
18 resolution.

19 SENATOR DeFRANCISCO: It's going to
20 be a long day, so I'll be very brief.

21 ACTING PRESIDENT MARCELLINO: Thank
22 you.

23 SENATOR DEFRANCISCO: I just wanted
24 to echo the words of everyone else.

25 But specifically, my honoree is

1 Chuck Murphy. Chuck served in Vietnam, Desert
2 Storm, got two Purple Hearts, a Bronze Medal,
3 among other awards. But after all of that, he
4 came to work for me, worked for me for nine
5 years, took an early retirement in November at
6 age 61, passed away in February.

7 If there was ever anything in this
8 life that has been unfair, this is an example of
9 that, for all of the service that he gave to the
10 state and the country.

11 So I'm very proud to recognize Chuck
12 Murphy on this very special day.

13 ACTING PRESIDENT MARCELLINO: Thank
14 you, Senator.

15 Senator Zeldin on the resolution.

16 SENATOR ZELDIN: Thank you, Senator
17 Marcellino.

18 And I have the honor of representing
19 someone named George Egan. And George is -- I
20 met him a few years back. He was working on a
21 project called Balls for Baghdad. He put
22 together tens of thousands of golf balls and
23 clubs and equipment with local businesses, local
24 veterans service organizations. And I was able
25 to work with him in getting those balls shipped

1 overseas to our troops.

2 His service not only during war and
3 peace in uniform but also his service since made
4 him a great person to honor from the Third Senate
5 District. And the fact is we have so many in our
6 own districts that are active in different
7 veterans service organizations. And they don't
8 get paid for it. They do it because they love
9 veterans and they love our country. And George
10 epitomizes that spirit that is throughout our
11 state of those who dedicate so much of their own
12 time.

13 But sharing the stage with George
14 today is Lieutenant Michael Murphy. Lieutenant
15 Michael Murphy was from Patchogue, New York.
16 Lieutenant Murphy is a Medal of Honor recipient,
17 and it was well-deserved. Lieutenant Murphy was
18 a Navy Seal, and on June 28, 2005, he was part of
19 a four-man Seal unit in Afghanistan. And under
20 heavy fire, his unit bogged down. Having already
21 been gravely shot, Lieutenant Murphy, knowing
22 that death was imminent, left his safe position
23 in order to get a signal because their radios
24 were not operating from their position.
25 Lieutenant Murphy risked his life to get that

1 signal to save those of his colleagues around
2 him. And unfortunately, his act of heroism cost
3 him his life.

4 There aren't many Lieutenant Murphys
5 that are out there. I was proud to have served
6 in the military and serve today, but I have to
7 tell you that it's difficult to say that I share
8 the same stage with heroes like Lieutenant
9 Murphy.

10 Right now, serving overseas in Iraq
11 and Afghanistan and elsewhere, we have brave
12 young men and women literally willing to lay down
13 their life in defense of not only our freedoms,
14 our Constitution, our liberties, but those that
15 are left and right. So for Lieutenant Murphy and
16 his family, they received the Medal of Honor. In
17 the process, they lost Lieutenant Murphy. But
18 also Lieutenant Murphy's actions saved the lives
19 of those around him.

20 I commend George Egan for everything
21 you do to protect and defend and represent our
22 veterans. And I also thank Lieutenant Murphy's
23 family for raising a true warrior and someone for
24 all of us to be so very proud of.

25 Thank you.

1 ACTING PRESIDENT MARCELLINO: Thank
2 you, Senator.

3 On the resolution, Senator
4 Stewart-Cousins.

5 SENATOR STEWART-COUSINS: Thank
6 you, Mr. President.

7 I rise to of course share in the
8 sentiments of my colleagues with regard to
9 thanking our veterans, all of whom have done so
10 much for our country and for our freedom.

11 I have the honor of having one of my
12 constituents, Colonel Theresa Mercado-Sconzo,
13 here. You know, Senator Ball began by quoting,
14 saying that people get maimed and murdered. We
15 know how horrific war can be. And we know how
16 important it is to make sure that there are
17 skilled people caring for our wounded.

18 My colonel is a nurse. She came
19 into the Army Reserves in 1987, and then she
20 became a major. In 2009 she served on active
21 duty in Mosul, Iraq. She was part of Operation
22 Iraqi Freedom. What is also important to know
23 about Colonel Mercado-Sconzo is that when in 2005
24 we were all shocked at the scenes that were
25 coming out of Abu Ghraib -- you know, the

1 scandalous part where we heard, for the first
2 time, torture -- when that happened, they sent
3 for this colonel to do two things, to liberate
4 the Iraqis and to restore the honor of the United
5 States of America.

6 She provided healthcare to our
7 soldiers, to the Iraqi prisoners. She helped to
8 restore our honor. And we are so proud that you
9 are here with us today. Thank you so much,
10 Colonel Mercado-Sconzo.

11 ACTING PRESIDENT MARCELLINO: Thank
12 you, Senator.

13 On the resolution, Senator Johnson.

14 SENATOR JOHNSON: Thank you. It
15 was a privilege and a pleasure for me to welcome
16 General John Digilio, a constituent of mine, to
17 the ceremony today.

18 When he was a youngster in 1967, he
19 went to college and joined the ROTC. Before you
20 know it, he was in the Army, he was in Vietnam.
21 And he got out of Vietnam after some period of
22 years and then came back home and joined the New
23 York State Guard, the National Guard, and served
24 in many positions over many years.

25 I just wrote a few words here. He's

1 graduated the U.S. Army War College, Command and
2 General Staff College, National Security
3 Management Program, Reserve Component National
4 Security Course of the National Defense
5 University. He's been awarded over
6 24 decorations, including the Legion of Merit,
7 Bronze Star Medal, Meritorious Unit Citation,
8 Vietnamese Cross of Gallantry with Palm, and
9 New York Army National Guard Conspicuous Service
10 Medal.

11 So this gentleman certainly deserves
12 the appellation from all people who know that the
13 military is there for us. And this gentleman has
14 a commendable record, and I was very pleased to
15 nominate Brigadier General John T. Digilio. He's
16 up here with his wife, Diane, waiting for me to
17 say some nice words. And I hope I've done
18 enough.

19 Thank you.

20 ACTING PRESIDENT MARCELLINO: Thank
21 you, Senator.

22 Senator Seward on the resolution.

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

25 I'm certainly very honored to stand

1 to also pay tribute to our veterans who are today
2 being inducted into the New York State Senate
3 Veterans Hall of Fame. Certainly our
4 veterans are very deserving of the accolades they
5 are receiving today. It takes a very special
6 person to put their life on the line for their
7 country. So I commend all of the honorees for
8 your dedication, your service, and your
9 sacrifice.

10 And I was particularly proud earlier
11 today to stand with a veteran from my district,
12 John Nowhitney, who served during World War II in
13 the United States Navy. And John is in the
14 gallery with his family.

15 John I would describe as being a
16 true American hero. He risked his life to help
17 secure the freedoms and liberties that all enjoy
18 each and every day, but also he protected those
19 that he served with in the Navy. He spent his
20 time on the aircraft carrier U.S.S. Belleau
21 Wood.

22 And I would just cite two quick
23 examples of what I'm saying about John
24 Nowhitney's record in the Navy. On August 30,
25 1944, an airplane crashed on the flight deck of

1 the Belleau Wood, and John rushed to the burning
2 plane and cut the unconscious pilot free, thus
3 saving his life. And another very highly charged
4 event occurred in October of 1944 when a
5 500-pound bomb fell out of a plane onto the
6 carrier's deck. John unscrewed the detonator
7 from the bomb and threw it over the side of the
8 ship, saving countless numbers of lives of his
9 comrades.

10 So it is a fact that John
11 Nowhitney's service helped many come back, many
12 of his comrades come back to their families
13 because of his heroic actions.

14 So to John Nowhitney, I just want to
15 say how proud we are of you and your service, and
16 I am delighted that you are now a member of the
17 New York State Senate Veterans Hall of Fame.
18 Congratulations, John, to you and your entire
19 family.

20 Thank you, Mr. President.

21 ACTING PRESIDENT MARCELLINO: Thank
22 you, Senator Seward.

23 Senator Saland on the resolution.

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

1 We've certainly heard from a number
2 of colleagues who stood before us today and with
3 great pride and sincerity spoke of the
4 contributions and service of any number of
5 distinguished men and women who have served their
6 country so admirably and so notably.

7 I'd be remiss if I didn't
8 acknowledge what we all take for granted, our
9 friend and colleague Colonel Larkin, who with
10 great passion and such intense dedication has
11 committed himself to veterans issues as far back
12 as I can remember -- and he and I have been
13 colleagues for over 30 years -- and I suspect for
14 at least another 30 more will be as passionate
15 about working on behalf of veterans.

16 I have the good fortune of being
17 able to recognize and honor a distinguished
18 gentleman from my district, Michael Burke, a man
19 who served in the United States Army during
20 Vietnam, a man who during the course of his
21 service was much decorated, receiving not one but
22 two Purple Hearts as well as a Bronze Star among
23 the many recognitions and citations and
24 commendations that he received, and a man who was
25 severely injured during his service to his nation

1 and, notwithstanding the seriousness of his
2 injuries, a man who continued to press on, a man
3 who overcame those very serious injuries to
4 contribute considerably not merely to the
5 well-being of his family -- and his wife and one
6 of his five children are here with him today --
7 but also to his community.

8 He managed to overcome the many
9 challenges with which he had been presented to
10 have a long and successful career with IBM, and
11 has since devoted himself not merely to the
12 community but particularly to his fellow
13 veterans, working tirelessly on their behalf
14 through the Veterans of Foreign Wars and through
15 a variety of positions that he has held in that
16 quest.

17 He's a credit not only to his
18 country, but he's a credit to his family and
19 certainly he is a credit to those of us who have
20 had the good fortune of having him serve on our
21 behalf.

22 Thank you, Mr. President.

23 ACTING PRESIDENT MARCELLINO: Thank
24 you, Senator Saland.

25 On the resolution, Senator

1 Ranzenhofer.

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

4 I would also like to join my
5 colleagues and congratulate Senator Ball and
6 Senator Skelos for helping put together this
7 year's New York State Veterans Hall of Fame.

8 One of the things I think that marks
9 all the veterans and the veteran that I
10 recommended, Ron Piloizzi, who's sitting up in the
11 gallery, is when I called him up and mentioned
12 this to him, he was just so humble, like many of
13 the veterans are. And the first thing they say
14 is that there are others that are more deserving,
15 there are others that done more. And I think
16 that's just a distinctive characteristic for the
17 men and women that are here today.

18 Ron Piloizzi is very well known among
19 the members of the Western New York delegation,
20 very well respected by all the members of the
21 Senate and the Assembly that serve here in
22 Albany. He brings with him a great tradition of
23 service, his grandfather, his father, his uncle,
24 and even his nephew is serving today in Operation
25 Iraqi Freedom in Iraq and in Afghanistan.

1 Ron, like many of the others, served
2 in Vietnam with distinction, also earned many
3 honors for his service. But when he came home,
4 his service really didn't stop there. He's been
5 a very active member of the community, very
6 active working in the private sector. And one of
7 his most recent accomplishments is establishing
8 the All Heroes Memorial in Tonawanda, which he,
9 with other members of the community, really put
10 together a tremendous memorial to those who have
11 served.

12 And I just want to read a quote from
13 a member of our community and what he had to say
14 about Ron. This is from Rick Lewis, who has a
15 comment about Ron's induction today into the Hall
16 of Fame. He said, "Ron played a major role in
17 the successful completion of the All Heroes
18 Memorial. His dedication, perseverance and
19 enthusiasm were critically important in the
20 completion of that project. He is a great
21 patriot, dedicated public servant, and wonderful
22 human being."

23 Ron, like all the others that are
24 here today, I think really exemplifies those
25 characteristics of why they are members of this

1 class of the 2011 Veterans Hall of Fame. So to
2 Ron and to all the others, I congratulate you.

3 ACTING PRESIDENT MARCELLINO: Thank
4 you, Senator.

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

7 (Response of "Aye.")

8 ACTING PRESIDENT MARCELLINO: All
9 opposed, nay.

10 (No response.)

11 ACTING PRESIDENT MARCELLINO: The
12 resolution is carried.

13 Congratulations to our veterans for
14 protecting our country and our nation and our
15 freedoms. We will forever be in your debt. God
16 bless you one and all, God bless the United
17 States and our troops.

18 (Standing ovation.)

19 ACTING PRESIDENT MARCELLINO:
20 Senator Libous.

21 SENATOR LIBOUS: Mr. President,
22 Senator Skelos would like to open this resolution
23 to cosponsorship by all members.

24 As is our custom, everyone will be
25 put on the resolution. If you wish not to be a

1 cosponsor, please let the desk know.

2 ACTING PRESIDENT MARCELLINO:

3 Resolution 2277 is open for cosponsorship by all
4 members. If you wish not to be on the
5 resolution, please approach the desk.

6 Senator Libous.

7 SENATOR LIBOUS: Mr. President,
8 there's a resolution at the desk by Senator
9 DeFrancisco that was previously adopted. At this
10 time he would ask that you read the title and
11 then call on him, please.

12 ACTING PRESIDENT MARCELLINO: The
13 Secretary will read the title only.

14 THE SECRETARY: Legislative
15 Resolution Number 487, by Senator DeFrancisco,
16 congratulating the Skaneateles Boys Soccer Team
17 and Coach Kirk Atwater upon the occasion of
18 winning the New York State Class B Championship.

19 ACTING PRESIDENT MARCELLINO:
20 Senator DeFrancisco.

21 SENATOR DEFRANCISCO: Thank you.
22 I'm proud to rise to comment upon this resolution
23 that was previously passed.

24 I know that the team is hungry.
25 I've been watching the clock, and I've been

1 watching them watching their own watches. So
2 very briefly, this is the Skaneateles Boys Soccer
3 Team, who won the Class B State Championship.
4 And the last game I think was 1 to 0 over --
5 Burke Catholic, is that who you beat?

6 The most important thing, not only
7 did you win this championship, you met and have
8 played with people that are going to be your
9 friends for the rest of your lives. And that
10 athletic competition is going to bode well for
11 you in whatever you do in the future.

12 So we're very happy that you were
13 here this day when we honored the veterans who
14 have made all of this possible for all of us.
15 And you are going to be the leaders of tomorrow.
16 So enjoy the rest of your day in Albany, and
17 congratulations on your wonderful achievement.

18 Thank you.

19 ACTING PRESIDENT MARCELLINO:
20 Congratulations to the gentlemen on the soccer
21 team and your victories.

22 This resolution was adopted
23 previously, so we will move on.

24 Senator Libous.

25 SENATOR LIBOUS: Mr. President,

1 there is a privileged resolution at the desk by
2 Senator Espaillat. Could we please read it
3 title-only.

4 ACTING PRESIDENT MARCELLINO: The
5 Secretary will read the title only.

6 THE SECRETARY: Legislative
7 resolution by Senator Espaillat, mourning the
8 untimely death of Sergeant Merlin; German and
9 paying tribute to his devoted service as a member
10 of the United States Marines.

11 ACTING PRESIDENT MARCELLINO: All
12 in favor of this resolution signify by saying
13 aye.

14 (Response of "Aye.")

15 ACTING PRESIDENT MARCELLINO:
16 Opposed, nay.

17 (No response.)

18 ACTING PRESIDENT MARCELLINO: The
19 resolution is adopted.

20 Senator Libous.

21 SENATOR LIBOUS: Mr. President, I
22 believe Senator Peralta has Resolution 2233.
23 Could we read its title only and move for its
24 adoption.

25 ACTING PRESIDENT MARCELLINO: The

1 Secretary will read the title only.

2 THE SECRETARY: Legislative
3 Resolution Number 2233, by Senator Peralta,
4 commemorating the 202nd Independence Day in
5 Ecuador on August 10, 2011.

6 ACTING PRESIDENT MARCELLINO:
7 Senator Peralta, do you wish to be heard on the
8 resolution?

9 SENATOR PERALTA: Yes, thank you,
10 Mr. President.

11 This August 10th will mark the 202th
12 Independence Day of Ecuador. This celebration is
13 important because commemorating Independence Day
14 summons us to reflect about the unconquerable
15 drive and spirit of patriotic people who made
16 autonomy possible around the world. Similar to
17 what happened here, Ecuadorians were a small band
18 of patriots who had declared independence from a
19 powerful empire.

20 The people of Ecuador initially
21 declared independence from Spain in 1809, and
22 that is why we gather here today. Their hunger
23 for liberty, autonomy, and freedom, fueled by
24 their patriotism, enabled Ecuador to turn the
25 tables on the invading Spanish army as the local

1 army succeeded in defeating them.

2 Today the Independence Day of
3 Ecuador is observed with a series of programs
4 that are coordinated in different parts of the
5 Ecuadorian nation, especially in the capital city
6 of Quito. This patriotic extravaganza includes
7 special events organized throughout the day to
8 commemorate the occasion with cultural
9 exhibitions, parades by military forces, and
10 cannon fire. In Quito the events are mostly
11 organized in the Plaza de la Independencia and
12 the Palacio de Gobierno.

13 Ecuador's Independence Day is also
14 celebrated by the people residing in our great
15 State of New York and throughout our nation.
16 Various events are coordinated by immigrant
17 communities to commemorate this special occasion
18 with folkloric exhibitions, cultural
19 performances, parades, music, food, sporting
20 events, and social gatherings. I particularly
21 enjoy the sounds of the music of the Andes.

22 From politics and economy to arts
23 and culture, Ecuador and Ecuadorians have
24 augmented our nation and lives. In my district
25 in Queens, Ecuadorians continue to strengthen our

1 neighborhoods and economy. Through their
2 valuable contributions and customs they help
3 maintain Queens as the most diversity county in
4 New York State as well as the most diverse region
5 in the nation and the world.

6 So today we celebrate the 202nd
7 commemoration of Ecuador's Independence Day and
8 the contributions made by the Equadorians and
9 Equadorian-Americans in the State of New York and
10 our nation.

11 Thank you, Mr. President.

12 ACTING PRESIDENT MARCELLINO: Thank
13 you, Senator Peralta.

14 All in favor of this resolution
15 signify by saying aye.

16 (Response of "Aye.")

17 ACTING PRESIDENT MARCELLINO: All
18 opposed, nay.

19 (No response.)

20 ACTING PRESIDENT MARCELLINO: The
21 resolution is carried.

22 Senator Libous.

23 SENATOR LIBOUS: Mr. President,
24 Senator Peralta has another resolution before us,
25 Number 2475. Title only, and he would like to

1 speak on it, please.

2 ACTING PRESIDENT MARCELLINO: The
3 Secretary will read the title only.

4 THE SECRETARY: Legislative
5 Resolution Number 2475, by Senator Peralta,
6 commemorating the 201st Anniversary of Columbia's
7 Declaration of Independence on July 20, 2011.

8 ACTING PRESIDENT GRIFFO: Senator
9 Peralta.

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

12 This year also marks the 201st year
13 of Colombian independence. Columbia celebrates
14 Independence Day each year on July 20th. The day
15 commemorates the Declaration of Independence made
16 on that date in 1810. Even though it took
17 another nine years to achieve full independence
18 from Spain, Columbians annually celebrate "El
19 Grito de la Independencia," or "The Cry for
20 Independence."

21 Colombian independence is an
22 occasion of great celebration in my district,
23 which is the home to La Pequeña Columbia, or
24 Little Columbia, and generations of Colombian
25 families, including that of actor and comedian

1 John Leguizamo, who grew up in Jackson Heights.
2 The festivities in Queens include a celebration
3 in Flushing Meadow Park, where tens of thousands
4 of New Yorkers gather to enjoy Columbian food,
5 song, and dance -- an event, by the way, that is
6 a magnet for many elected officials.

7 Like us, Columbia has a long
8 tradition of constitutional government. The
9 United States and Columbia are good friends and
10 allies, the relationship forged by a love for
11 democracy, the rule of law and liberty. By way
12 of this resolution, we extend our best wishes to
13 the Columbian-Americans across the state in
14 advance of this important and joyous day.

15 Thank you, Mr. President.

16 ACTING PRESIDENT GRIFFO: Thank
17 you, Senator Peralta.

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

20 (Response of "Aye.")

21 ACTING PRESIDENT GRIFFO: Opposed?

22 (No response.)

23 ACTING PRESIDENT GRIFFO: The
24 resolution is adopted.

25 Senator Libous.

1 SENATOR LIBOUS: Mr. President, I
2 believe there's a privileged resolution by
3 Senator Sampson at the desk. Could we have the
4 title read and move for its immediate adoption.

5 ACTING PRESIDENT GRIFFO: The
6 Secretary will read.

7 THE SECRETARY: Legislative
8 Resolution Number 2529, by Senator Sampson,
9 commending the Informed Voices Civic Association
10 upon the occasion of its 11th Annual Appreciation
11 Night and Community Awards Ceremony.

12 ACTING PRESIDENT GRIFFO: The
13 question is on the resolution. All in favor
14 signify by saying aye.

15 (Response of "Aye.")

16 ACTING PRESIDENT GRIFFO: Opposed?

17 (No response.)

18 ACTING PRESIDENT GRIFFO: The
19 resolution is adopted.

20 Senator Libous.

21 SENATOR LIBOUS: Mr. President, I
22 believe there's a privileged resolution by
23 Senator Stewart-Cousins at the desk. Could we
24 have the title read only and move for its
25 immediate adoption.

1 ACTING PRESIDENT GRIFFO: The
2 Secretary will read.

3 THE SECRETARY: Legislative
4 resolution by Senator Stewart-Cousins,
5 commemorating July 1, 2011, as the 68th
6 Anniversary of the creation of the United States
7 Cadet Nurse Corps, and honoring the women who
8 served in the Corps.

9 ACTING PRESIDENT GRIFFO: The
10 question is on the resolution. All in favor
11 signify by saying aye.

12 (Response of "Aye.")

13 ACTING PRESIDENT GRIFFO: Opposed?

14 (No response.)

15 ACTING PRESIDENT GRIFFO: The
16 resolution is adopted.

17 Senator Libous.

18 SENATOR LIBOUS: Mr. President,
19 before we move forward, I believe Senator Peralta
20 would like to open up his two resolutions for
21 cosponsorship.

22 So as the policy goes, if someone
23 does not want to be on the resolutions, please
24 let the desk know.

25 ACTING PRESIDENT GRIFFO: Senator

1 Paralta's resolutions are open for
2 cosponsorship. Please notify the desk if you
3 choose not to be a sponsor. Thank you.

4 Senator Libous.

5 SENATOR LIBOUS: Mr. President, at
6 this time can we begin the reading of the
7 noncontroversial calendar.

8 ACTING PRESIDENT GRIFFO: The
9 Secretary will read.

10 THE SECRETARY: Calendar Number 69,
11 by Senator Grisanti, Senate Print 2601, an act to
12 amend the Public Authorities Law.

13 ACTING PRESIDENT GRIFFO: Read the
14 last section.

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

17 ACTING PRESIDENT GRIFFO: Call the
18 roll.

19 (The Secretary called the roll.)

20 ACTING PRESIDENT GRIFFO: Senator
21 Gianaris to explain his vote.

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

24 Very briefly, this legislation seeks
25 to require a trustee of the Power Authority to be

1 a resident of some of the Western New York
2 counties. And I certainly have no objection to
3 that, as I know it's an important agency for that
4 part of the state.

5 However, my district also houses
6 some large and important Power Authority
7 infrastructure. I voted against this in
8 committee and will be doing so again, solely
9 because I feel if this protection is afforded to
10 Western New York, it should also be afforded to
11 Queens County, which also bears the burden of
12 housing Power Authority infrastructure.

13 So I will be in the negative, with
14 no desire to be against the intent of this bill,
15 but simply to make the case that Queens should be
16 entitled to the same protection. Thank you.

17 ACTING PRESIDENT GRIFFO: Senator
18 Gianaris to be recorded in the negative.

19 Announce the results.

20 THE SECRETARY: Ayes, 59. Nays,
21 2. Senators Gianaris and Stavisky recorded in
22 the negative.

23 ACTING PRESIDENT GRIFFO: The bill
24 is passed.

25 THE SECRETARY: Calendar Number

1 105, by Senator Gallivan, Senate Print 2385A, an
2 act to amend the Environmental Conservation Law.

3 ACTING PRESIDENT GRIFFO: Read the
4 last section.

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

7 ACTING PRESIDENT GRIFFO: Call the
8 roll.

9 (The Secretary called the roll.)

10 THE SECRETARY: Ayes, 59. Nays,
11 2. Senators Duane and Perkins recorded in the
12 negative.

13 ACTING PRESIDENT GRIFFO: The bill
14 is passed.

15 THE SECRETARY: Calendar Number
16 125, by Senator DeFrancisco, Senate Print 2906,
17 an act to amend the Real Property Law.

18 ACTING PRESIDENT GRIFFO: Read the
19 last section.

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

22 ACTING PRESIDENT GRIFFO: Call the
23 roll.

24 (The Secretary called the roll.)

25 THE SECRETARY: Ayes, 61.

1 ACTING PRESIDENT GRIFFO: The bill
2 is passed.

3 THE SECRETARY: Calendar Number
4 209, by Senator Ball, Senate Print 3955, an act
5 to amend the Vehicle and Traffic Law.

6 ACTING PRESIDENT GRIFFO: Read the
7 last section.

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

10 ACTING PRESIDENT GRIFFO: Call the
11 roll.

12 (The Secretary called the roll.)

13 THE SECRETARY: Ayes, 61.

14 ACTING PRESIDENT GRIFFO: The bill
15 is passed.

16 THE SECRETARY: Calendar Number
17 210, by Senator Ball, Senate Print 3956, an act
18 to amend the Military Law.

19 ACTING PRESIDENT GRIFFO: Read the
20 last section.

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

23 ACTING PRESIDENT GRIFFO: Call the
24 roll.

25 (The Secretary called the roll.)

1 THE SECRETARY: Ayes, 61.

2 ACTING PRESIDENT GRIFFO: The bill
3 is passed.

4 THE SECRETARY: Calendar Number
5 265, by Senator Golden, Senate Print 1407A, an
6 act to amend the Penal Law.

7 ACTING PRESIDENT GRIFFO: Read the
8 last section.

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

11 ACTING PRESIDENT GRIFFO: Call the
12 roll.

13 (The Secretary called the roll.)

14 THE SECRETARY: In relation to
15 Calendar Number 265, those recorded in the
16 negative are Senators Duane, Montgomery and
17 Perkins. Ayes, 58. Nays, 3.

18 ACTING PRESIDENT GRIFFO: The bill
19 is passed.

20 THE SECRETARY: Calendar Number
21 266, by Senator Griffo, Senate Print --

22 SENATOR BRESLIN: Lay it aside.

23 ACTING PRESIDENT GRIFFO: Lay it
24 aside.

25 THE SECRETARY: Calendar Number

1 350, substituted earlier today by Member of the
2 Assembly Cymbrowitz, Assembly Print 7388, an act
3 to amend the Criminal Procedure Law.

4 ACTING PRESIDENT GRIFFO: Read the
5 last section.

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

8 ACTING PRESIDENT GRIFFO: Call the
9 roll.

10 (The Secretary called the roll.)

11 THE SECRETARY: Ayes, 61.

12 ACTING PRESIDENT GRIFFO: The bill
13 is passed.

14 THE SECRETARY: Calendar Number
15 411, by Senator Fuschillo, Senate Print 595, an
16 act to amend the Education Law.

17 ACTING PRESIDENT GRIFFO: Read the
18 last section.

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

21 ACTING PRESIDENT GRIFFO: Call the
22 roll.

23 (The Secretary called the roll.)

24 THE SECRETARY: Ayes, 61.

25 ACTING PRESIDENT GRIFFO: The bill

1 is passed.

2 THE SECRETARY: Calendar Number
3 416, by Senator Bonacic, Senate Print 2135A, an
4 act to amend the Mental Hygiene Law.

5 ACTING PRESIDENT GRIFFO: Read the
6 last section.

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

9 ACTING PRESIDENT GRIFFO: Call the
10 roll.

11 (The Secretary called the roll.)

12 ACTING PRESIDENT GRIFFO: Senator
13 Rivera to explain his vote.

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

16 I stand today in support of this
17 legislation. I commend Senator Bonacic on
18 bringing this legislation to the floor for the
19 creation of the Autism Task Force in the State of
20 New York.

21 Many might not know, but my older
22 brother, José Manuel Rivera, Jr. -- we call him
23 Papotin -- is actually autistic. Although if you
24 met him, you'd probably say he was just a little
25 eccentric. He was actually very lucky to have

1 both my parents and a supportive family. But I
2 know very well in my family life how difficult
3 sometimes it is when there is no support, no
4 knowledge to actually be able to deal with all of
5 the difficulties of having an autistic child in
6 the home.

7 So now that he is a productive
8 member of society, I hope that with the creation
9 of this task force that more children will grow
10 up to be productive members of society regardless
11 of their disabilities.

12 So again, I stand in support of this
13 legislation. Thank you, Mr. President.

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

16 Announce the results.

17 THE SECRETARY: Ayes, 61.

18 ACTING PRESIDENT GRIFFO: The bill
19 is passed.

20 THE SECRETARY: Calendar Number
21 418, by Senator DeFrancisco, Senate Print 2856A,
22 an act to amend the Public Health Law.

23 ACTING PRESIDENT GRIFFO: Read the
24 last section.

25 THE SECRETARY: Section 3. This

1 act shall take effect on the 120th day.

2 ACTING PRESIDENT GRIFFO: Call the
3 roll.

4 (The Secretary called the roll.)

5 ACTING PRESIDENT GRIFFO: Senator
6 DeFrancisco to explain his vote

7 SENATOR DEFRANCISCO: Yes. This
8 bill I've had for many, many years, I think
9 through four governors. And quite frankly, I'm
10 not quite sure why this is the first time it
11 passed.

12 What it does is establish a
13 Governor's Commission on Physical Fitness. The
14 U.S. government had at one time -- and the poster
15 child for it at the time was an actor by the name
16 of Arnold Schwarzenegger. But it raised
17 consciousness about being healthy and fit. And I
18 really believe this is necessary today with the
19 substantial rise in obesity rates.

20 There is a corresponding bill in the
21 Assembly. And the reason I'm standing up today
22 is shouting out to the Assembly down the hallway
23 asking them to please pass this bill. We don't
24 need taxes on sugared soda, we need more
25 responsibility and more self-control and more

1 exercise. And this will help establish that type
2 of attitude in the State of New York.

3 Thank you, Mr. President. I proudly
4 vote aye on this outstanding bill.

5 ACTING PRESIDENT GRIFFO: Senator
6 DeFrancisco to be recorded in the affirmative.

7 Senator Rivera to explain his vote.

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

10 It is not every day that I agree
11 with my good colleague Senator DeFrancisco. In
12 this one, I agree wholeheartedly.

13 Just this Saturday, down in the
14 Bronx, I kicked off the Bronx CAN health
15 initiative. It stands for Changing Attitudes
16 Now. I actually weighed myself publicly -- I'll
17 have everyone know that I am a very sturdy 299,
18 299 pounds -- and then committed myself to,
19 between now and October, losing at least
20 20 pounds. And a couple of dozen constituents
21 actually joined me in the challenge to either
22 quit smoking or drink less sugary soda.

23 But the bottom line is that the
24 creation of such a panel at the state level will
25 bring attention to this issue. And yes, it has a

1 lot to do with what we do on an everyday basis.
2 We can make healthy choices every single day to
3 live healthier lives. And so that is why I'm
4 supportive of this legislation. Thank you,
5 Senator DeFrancisco, for bringing it to the
6 floor.

7 Thank you, Mr. President. I will be
8 in the affirmative.

9 ACTING PRESIDENT GRIFFO: Senator
10 Rivera to be recorded in the affirmative.

11 Announce the results.

12 THE SECRETARY: Ayes, 61.

13 ACTING PRESIDENT GRIFFO: The bill
14 is passed.

15 THE SECRETARY: Calendar Number
16 532, by Senator Flanagan, Senate Print --

17 SENATOR BRESLIN: Lay it aside.

18 ACTING PRESIDENT GRIFFO: Lay it
19 aside.

20 THE SECRETARY: Calendar Number
21 539, by Senator Gallivan, Senate Print 4133A, an
22 act to amend the General Municipal Law.

23 ACTING PRESIDENT GRIFFO: Read the
24 last section.

25 THE SECRETARY: Section 6. This

1 act shall take effect immediately.

2 ACTING PRESIDENT GRIFFO: Call the
3 roll.

4 (The Secretary called the roll.)

5 THE SECRETARY: Ayes, 60. Nays,
6 1. Senator Rivera recorded in the negative.

7 ACTING PRESIDENT GRIFFO: The bill
8 is passed.

9 THE SECRETARY: Calendar Number
10 560, by Senator DeFrancisco --

11 SENATOR SQUADRON: Lay it aside.

12 ACTING PRESIDENT GRIFFO: Lay it
13 aside.

14 THE SECRETARY: Calendar Number
15 567, by Senator Ranzenhofer, Senate Print 4486,
16 an act to amend the Education Law.

17 ACTING PRESIDENT GRIFFO: Read the
18 last section.

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

21 ACTING PRESIDENT GRIFFO: Call the
22 roll.

23 (The Secretary called the roll.)

24 THE SECRETARY: Ayes, 61.

25 ACTING PRESIDENT GRIFFO: The bill

1 is passed.

2 THE SECRETARY: Calendar Number
3 598, by Senator Hannon, Senate Print 4991B, an
4 act to amend the Public Health Law.

5 ACTING PRESIDENT GRIFFO: Read the
6 last section.

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

9 ACTING PRESIDENT GRIFFO: Call the
10 roll.

11 (The Secretary called the roll.)

12 THE SECRETARY: Ayes, 61.

13 ACTING PRESIDENT GRIFFO: The bill
14 is passed.

15 THE SECRETARY: Calendar Number
16 601, by Senator Larkin, Senate Print 1506, an act
17 to amend the Highway Law.

18 ACTING PRESIDENT GRIFFO: Read the
19 last section.

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

22 ACTING PRESIDENT GRIFFO: Call the
23 roll.

24 (The Secretary called the roll.)

25 THE SECRETARY: Ayes, 61.

1 ACTING PRESIDENT GRIFFO: The bill
2 is passed.

3 THE SECRETARY: Calendar Number
4 606, by Senator Johnson, Senate Print 4740C, an
5 act to amend the Vehicle and Traffic Law.

6 ACTING PRESIDENT GRIFFO: Read the
7 last section.

8 THE SECRETARY: Section 5. This
9 act shall take effect on the 180th day.

10 ACTING PRESIDENT GRIFFO: Call the
11 roll.

12 (The Secretary called the roll.)

13 THE SECRETARY: Ayes, 61.

14 ACTING PRESIDENT GRIFFO: The bill
15 is passed.

16 THE SECRETARY: Calendar Number
17 607, substituted earlier today by Member of the
18 Assembly Schimel, Assembly Print 7751A, an act to
19 amend the Highway Law.

20 ACTING PRESIDENT GRIFFO: Read the
21 last section.

22 THE SECRETARY: Section 3. This
23 act shall take effect on the 30th day.

24 ACTING PRESIDENT GRIFFO: Call the
25 roll.

1 (The Secretary called the roll.)

2 ACTING PRESIDENT GRIFFO: Senator
3 Fuschillo to explain his vote.

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

6 This is a great tribute to a police
7 officer in Nassau County that was tragically
8 killed on February 4th of 2011. And to honor his
9 memory, in respect, we are going to dedicate a
10 bridge in his name where the tragic event took
11 place.

12 I appreciate the support of my
13 colleagues, and I'll be voting in the affirmative
14 on the legislation.

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

17 Announce the results.

18 THE SECRETARY: Ayes, 61.

19 ACTING PRESIDENT GRIFFO: The bill
20 is passed.

21 THE SECRETARY: Calendar Number
22 620, by Senator Ritchie, Senate Print 5168A, an
23 act to amend the Agriculture and Markets Law.

24 ACTING PRESIDENT GRIFFO: Read the
25 last section.

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

3 ACTING PRESIDENT GRIFFO: Call the
4 roll.

5 (The Secretary called the roll.)

6 THE SECRETARY: Ayes, 61.

7 ACTING PRESIDENT GRIFFO: The bill
8 is passed.

9 THE SECRETARY: Calendar Number
10 647, substituted earlier today by Member of the
11 Assembly Weisenberg, Assembly Print 6462, an act
12 to amend the Real Property Tax Law.

13 ACTING PRESIDENT GRIFFO: Read the
14 last section.

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

17 ACTING PRESIDENT GRIFFO: Call the
18 roll.

19 (The Secretary called the roll.)

20 THE SECRETARY: Ayes, 61.

21 ACTING PRESIDENT GRIFFO: The bill
22 is passed.

23 THE SECRETARY: Calendar Number
24 651, by Senator Robach --

25 SENATOR BRESLIN: Lay it aside.

1 ACTING PRESIDENT GRIFFO: Lay it
2 aside.

3 THE SECRETARY: Calendar Number
4 658, substituted earlier today by Member of the
5 Assembly Canestrari, Assembly Print Number 2718,
6 an act to amend the Education Law.

7 ACTING PRESIDENT GRIFFO: Read the
8 last section.

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

11 ACTING PRESIDENT GRIFFO: Call the
12 roll.

13 (The Secretary called the roll.)

14 THE SECRETARY: Ayes, 61.

15 ACTING PRESIDENT GRIFFO: The bill
16 is passed.

17 THE SECRETARY: Calendar Number
18 663, by Senator DeFrancisco, Senate Print 2899,
19 an act to amend the New York State Printing and
20 Public Documents Law.

21 ACTING PRESIDENT GRIFFO: Read the
22 last section.

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

25 ACTING PRESIDENT GRIFFO: Call the

1 roll.

2 (The Secretary called the roll.)

3 THE SECRETARY: Ayes, 61.

4 ACTING PRESIDENT GRIFFO: The bill
5 is passed.

6 THE SECRETARY: Calendar Number
7 683, by Senator LaValle, Senate Print 2641, an
8 act to --

9 SENATOR LIBOUS: Lay it aside for
10 the day.

11 ACTING PRESIDENT GRIFFO: Lay it
12 aside for the day.

13 THE SECRETARY: Calendar Number
14 685, substituted earlier today by Member of the
15 Assembly Sweeney, Assembly Print 4786, an act to
16 amend the Environmental Conservation Law.

17 ACTING PRESIDENT GRIFFO: Read the
18 last section.

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

21 ACTING PRESIDENT GRIFFO: Call the
22 roll.

23 (The Secretary called the roll.)

24 THE SECRETARY: Ayes, 60. Nays,
25 1. Senator Perkins recorded in the negative.

1 ACTING PRESIDENT GRIFFO: The bill
2 is passed.

3 THE SECRETARY: Calendar Number
4 729, by Senator Ranzenhofer, Senate Print 4556,
5 an act to amend the Education Law.

6 ACTING PRESIDENT GRIFFO: Read the
7 last section.

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

10 ACTING PRESIDENT GRIFFO: Call the
11 roll.

12 (The Secretary called the roll.)

13 THE SECRETARY: Ayes, 61.

14 ACTING PRESIDENT GRIFFO: The bill
15 is passed.

16 THE SECRETARY: Calendar Number
17 731, by Senator Saland, Senate Print 4873A, an
18 act to amend the Education Law.

19 ACTING PRESIDENT GRIFFO: Read the
20 last section.

21 THE SECRETARY: Section 26. This
22 act shall take effect July 1, 2012.

23 ACTING PRESIDENT GRIFFO: Call the
24 roll.

25 (The Secretary called the roll.)

1 THE SECRETARY: Ayes, 61.

2 ACTING PRESIDENT GRIFFO: The bill
3 is passed.

4 THE SECRETARY: Calendar Number
5 746, by Senator Libous, Senate Print --

6 SENATOR BRESLIN: Lay it aside.

7 ACTING PRESIDENT GRIFFO: Lay it
8 aside.

9 THE SECRETARY: Calendar Number
10 747, by Senator Griffio, Senate Print 3642, an act
11 to amend the Education Law.

12 ACTING PRESIDENT GRIFFO: Read the
13 last section.

14 THE SECRETARY: Section 3. This
15 act shall take effect on the first of July.

16 ACTING PRESIDENT GRIFFO: Call the
17 roll.

18 (The Secretary called the roll.)

19 THE SECRETARY: Ayes, 61.

20 ACTING PRESIDENT GRIFFO: The bill
21 is passed.

22 THE SECRETARY: Calendar Number
23 768, by Senator Flanagan, Senate Print 4410, an
24 act to amend the --

25 SENATOR BRESLIN: Lay it aside.

1 ACTING PRESIDENT GRIFFO: Lay it
2 aside.

3 THE SECRETARY: Calendar Number
4 804, by Senator Griffo, Senate Print --

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

7 ACTING PRESIDENT GRIFFO: Lay it
8 aside for the day.

9 THE SECRETARY: Calendar Number
10 805, by Senator Larkin, Senate Print 4757, an act
11 to amend the Criminal Procedure Law.

12 ACTING PRESIDENT GRIFFO: Read the
13 last section.

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

16 ACTING PRESIDENT GRIFFO: Call the
17 roll.

18 (The Secretary called the roll.)

19 THE SECRETARY: Ayes, 61.

20 ACTING PRESIDENT GRIFFO: The bill
21 is passed.

22 THE SECRETARY: Calendar Number
23 808, by Senator Young, Senate Print 855, an act
24 to amend the Highway Law.

25 ACTING PRESIDENT GRIFFO: Read the

1 last section.

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

4 ACTING PRESIDENT GRIFFO: Call the
5 roll.

6 (The Secretary called the roll.)

7 THE SECRETARY: Ayes, 61.

8 ACTING PRESIDENT GRIFFO: The bill
9 is passed.

10 THE SECRETARY: Calendar Number
11 809, by Senator Young, Senate Print 864, an act
12 to amend the Highway Law.

13 ACTING PRESIDENT GRIFFO: Read the
14 last section.

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

17 ACTING PRESIDENT GRIFFO: Call the
18 roll.

19 (The Secretary called the roll.)

20 THE SECRETARY: Ayes, 62.

21 ACTING PRESIDENT GRIFFO: The bill
22 is passed.

23 THE SECRETARY: Calendar Number
24 812, by Senator Marcellino, Senate Print 2914A,
25 an act to amend the Highway Law.

1 ACTING PRESIDENT GRIFFO: Read the
2 last section.

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

5 ACTING PRESIDENT GRIFFO: Call the
6 roll.

7 (The Secretary called the roll.)

8 THE SECRETARY: Ayes, 62.

9 ACTING PRESIDENT GRIFFO: The bill
10 is passed.

11 THE SECRETARY: Calendar Number
12 814, by Senator Gallivan, Senate Print 3242, an
13 act to amend the Highway Law.

14 ACTING PRESIDENT GRIFFO: Read the
15 last section.

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

18 ACTING PRESIDENT GRIFFO: Call the
19 roll.

20 (The Secretary called the roll.)

21 THE SECRETARY: Ayes, 62.

22 ACTING PRESIDENT GRIFFO: The bill
23 is passed.

24 THE SECRETARY: Calendar Number
25 816, by Senator Young, Senate Print 4020A, an act

1 to amend the Highway Law.

2 ACTING PRESIDENT GRIFFO: Read the
3 last section.

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

6 ACTING PRESIDENT GRIFFO: Call the
7 roll.

8 (The Secretary called the roll.)

9 THE SECRETARY: Ayes, 62.

10 ACTING PRESIDENT GRIFFO: The bill
11 is passed.

12 THE SECRETARY: Calendar Number
13 819, by Senator Young, Senate Print 5060A, an act
14 to amend the Highway Law.

15 ACTING PRESIDENT GRIFFO: Read the
16 last section.

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

19 ACTING PRESIDENT GRIFFO: Call the
20 roll.

21 (The Secretary called the roll.)

22 THE SECRETARY: Ayes, 62.

23 ACTING PRESIDENT GRIFFO: The bill
24 is passed.

25 THE SECRETARY: Calendar Number

1 846, by Senator Maziarz, Senate Print 5085, an
2 act directing a study and a report on current
3 trends.

4 ACTING PRESIDENT GRIFFO: Read the
5 last section.

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

8 ACTING PRESIDENT GRIFFO: Call the
9 roll.

10 (The Secretary called the roll.)

11 THE SECRETARY: Ayes, 62.

12 ACTING PRESIDENT GRIFFO: The bill
13 is passed.

14 THE SECRETARY: Calendar Number
15 850, by Senator Saland --

16 SENATOR BRESLIN: Lay it aside.

17 ACTING PRESIDENT GRIFFO: Lay it
18 aside.

19 THE SECRETARY: Calendar Number
20 856, by Senator Lanza, Senate Print 3871, an act
21 to prohibit the --

22 SENATOR BRESLIN: Lay it aside.

23 ACTING PRESIDENT GRIFFO: Lay it
24 aside.

25 THE SECRETARY: Calendar Number

1 861, by Senator Seward, Senate Print 4869, an act
2 to amend the Insurance Law.

3 ACTING PRESIDENT GRIFFO: Read the
4 last section.

5 THE SECRETARY: Section 6. This
6 act shall take effect October 19, 2011.

7 ACTING PRESIDENT GRIFFO: Call the
8 roll.

9 (The Secretary called the roll.)

10 THE SECRETARY: In relation to
11 Calendar 861: Ayes, 62.

12 ACTING PRESIDENT GRIFFO: The bill
13 is passed.

14 THE SECRETARY: Calendar Number
15 868, by Senator Ranzenhofer, Senate Print 5198A,
16 an act to repeal certain provisions.

17 ACTING PRESIDENT GRIFFO: Read the
18 last section.

19 THE SECRETARY: Section 34. This
20 act shall take effect on the 60th day.

21 ACTING PRESIDENT GRIFFO: Call the
22 roll.

23 (The Secretary called the roll.)

24 THE SECRETARY: Ayes, 62.

25 ACTING PRESIDENT GRIFFO: The bill

1 is passed.

2 THE SECRETARY: Calendar Number
3 878, by Senator Martins, Senate Print 5227, an
4 act to repeal certain provisions of the General
5 Municipal Law.

6 ACTING PRESIDENT GRIFFO: Read the
7 last section.

8 THE SECRETARY: Section 97. This
9 act shall take effect on the 60th day.

10 ACTING PRESIDENT GRIFFO: Call the
11 roll.

12 (The Secretary called the roll.)

13 THE SECRETARY: Ayes, 62.

14 ACTING PRESIDENT GRIFFO: The bill
15 is passed.

16 THE SECRETARY: Calendar Number
17 881, by Senator Johnson, Senate Print 3263A, an
18 act to amend the Town Law.

19 ACTING PRESIDENT GRIFFO: Read the
20 last section.

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

23 ACTING PRESIDENT GRIFFO: Call the
24 roll.

25 (The Secretary called the roll.)

1 THE SECRETARY: Ayes, 62.

2 ACTING PRESIDENT GRIFFO: The bill
3 is passed.

4 THE SECRETARY: Calendar Number
5 905, by Senator Griffo, Senate Print 5463, an act
6 to amend the Banking Law.

7 ACTING PRESIDENT GRIFFO: Read the
8 last section.

9 THE SECRETARY: Section 39. This
10 act shall take effect immediately.

11 ACTING PRESIDENT GRIFFO: Call the
12 roll.

13 (The Secretary called the roll.)

14 THE SECRETARY: Ayes, 62.

15 ACTING PRESIDENT GRIFFO: The bill
16 is passed.

17 THE SECRETARY: On page 53, Senator
18 Griffo moves to discharge, from the Committee on
19 Rules, Assembly Bill Number 8105 and substitute
20 it for the identical Senate Bill Number 5464,
21 Third Reading Calendar 906.

22 ACTING PRESIDENT GRIFFO:
23 Substitution so ordered.

24 The Secretary will read.

25 THE SECRETARY: Calendar Number

1 906, by Member of the Assembly Scarborough,
2 Assembly Print 1805, an act to amend the Banking
3 Law.

4 ACTING PRESIDENT GRIFFO: Read the
5 last section.

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

8 ACTING PRESIDENT GRIFFO: Call the
9 roll.

10 (The Secretary called the roll.)

11 THE SECRETARY: Ayes, 62.

12 ACTING PRESIDENT GRIFFO: The bill
13 is passed.

14 THE SECRETARY: Calendar Number
15 937, by Senator Ritchie --

16 SENATOR BRESLIN: Lay it aside.

17 ACTING PRESIDENT GRIFFO: Lay it
18 aside.

19 THE SECRETARY: Calendar Number
20 950, by Senator Richie, Senate Print 5166, an act
21 in relation to authorizing the commissioner.

22 ACTING PRESIDENT GRIFFO: Read the
23 last section.

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

1 ACTING PRESIDENT GRIFFO: Call the
2 roll.

3 (The Secretary called the roll.)

4 THE SECRETARY: Ayes, 62.

5 ACTING PRESIDENT GRIFFO: The bill
6 is passed.

7 THE SECRETARY: Calendar Number
8 951, by Senator Ritchie, Senate Print --

9 SENATOR BRESLIN: Lay it aside.

10 ACTING PRESIDENT GRIFFO: Lay it
11 aside.

12 THE SECRETARY: Calendar Number
13 954, by Senator Libous, Senate Print 2467A --

14 SENATOR BRESLIN: Lay it aside.

15 ACTING PRESIDENT GRIFFO: Lay it
16 aside.

17 THE SECRETARY: Calendar Number
18 955, by Senator Libous, Senate Print 3138, an act
19 to amend the Highway Law.

20 ACTING PRESIDENT GRIFFO: Read the
21 last section.

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

24 ACTING PRESIDENT GRIFFO: Call the
25 roll.

1 (The Secretary called the roll.)

2 THE SECRETARY: Ayes, 62.

3 ACTING PRESIDENT GRIFFO: The bill
4 is passed.

5 THE SECRETARY: Calendar Number
6 956, by Senator Hannon, Senate Print 3200, an act
7 to amend the Public Health Law.

8 ACTING PRESIDENT GRIFFO: Read the
9 last section.

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

12 ACTING PRESIDENT GRIFFO: Call the
13 roll.

14 (The Secretary called the roll.)

15 THE SECRETARY: Ayes, 62.

16 ACTING PRESIDENT GRIFFO: The bill
17 is passed.

18 THE SECRETARY: Calendar Number
19 960, by Senator Bonacic, Senate Print 3349, an
20 act to amend the Criminal Procedure Law.

21 ACTING PRESIDENT GRIFFO: Read the
22 last section.

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

25 ACTING PRESIDENT GRIFFO: Call the

1 roll.

2 (The Secretary called the roll.)

3 THE SECRETARY: In relation to
4 Calendar Number 960, those recorded in the
5 negative are Senators Montgomery, Parker, Perkins
6 and Espaillat. Ayes, 58. Nays, 4.

7 ACTING PRESIDENT GRIFFO: The bill
8 is passed.

9 THE SECRETARY: Calendar Number
10 971, by Senator Hannon, Senate Print 4201, an act
11 to amend the Public Health Law.

12 ACTING PRESIDENT GRIFFO: Read the
13 last section.

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

16 ACTING PRESIDENT GRIFFO: Call the
17 roll.

18 (The Secretary called the roll.)

19 THE SECRETARY: Ayes, 62.

20 ACTING PRESIDENT GRIFFO: The bill
21 is passed.

22 THE SECRETARY: Calendar Number
23 976, by Senator Skelos, Senate Print 1542, an act
24 to amend the Correction Law.

25 ACTING PRESIDENT GRIFFO: Read the

1 last section.

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

4 ACTING PRESIDENT GRIFFO: Call the
5 roll.

6 (The Secretary called the roll.)

7 THE SECRETARY: In relation to
8 Calendar Number 976, those recorded in the
9 negative are Senators Dilan, Montgomery, Parker,
10 Perkins, and Rivera. Ayes, 57. Nays, 5.

11 ACTING PRESIDENT GRIFFO: The bill
12 is passed.

13 THE SECRETARY: Calendar Number
14 977, by Senator Skelos, Senate Print 1544, an act
15 to amend the Correction Law.

16 ACTING PRESIDENT GRIFFO: Read the
17 last section.

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

20 ACTING PRESIDENT GRIFFO: Call the
21 roll.

22 (The Secretary called the roll.)

23 THE SECRETARY: In relation to
24 Calendar Number 977, those recorded in the
25 negative are Senators Duane, Montgomery, Parker

1 and Perkins. Ayes, 58. Nays, 4.

2 ACTING PRESIDENT GRIFFO: The bill
3 is passed.

4 THE SECRETARY: Calendar Number
5 981, by Senator Alesi --

6 SENATOR BRESLIN: Lay it aside.

7 ACTING PRESIDENT GRIFFO: Lay it
8 aside.

9 THE SECRETARY: Calendar Number
10 982, by Senator Lanza, Senate Print 3744, an act
11 to amend the Executive Law.

12 ACTING PRESIDENT GRIFFO: Read the
13 last section.

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

16 ACTING PRESIDENT GRIFFO: Call the
17 roll.

18 (The Secretary called the roll.)

19 THE SECRETARY: In relation to
20 Calendar Number 982, those recorded in the
21 negative are Senators Duane, Montgomery, Parker
22 and Perkins. Ayes, 58. Nays, 4.

23 ACTING PRESIDENT GRIFFO: The bill
24 is passed.

25 THE SECRETARY: Calendar Number

1 985, substituted earlier today by Member of the
2 Assembly Lupardo, Assembly Print 6383, an act to
3 amend the Executive Law.

4 ACTING PRESIDENT GRIFFO: Read the
5 last section.

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

8 ACTING PRESIDENT GRIFFO: Call the
9 roll.

10 (The Secretary called the roll.)

11 THE SECRETARY: Ayes, 62.

12 ACTING PRESIDENT GRIFFO: The bill
13 is passed.

14 THE SECRETARY: Calendar Number
15 987, by Senator Larkin, Senate Print 3959, an act
16 to authorize the City of Newburgh.

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

19 Read the last section.

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

22 ACTING PRESIDENT GRIFFO: Call the
23 roll.

24 (The Secretary called the roll.)

25 THE SECRETARY: Ayes, 62.

1 ACTING PRESIDENT GRIFFO: The bill
2 is passed.

3 THE SECRETARY: Calendar Number
4 988, by Senator Marcellino, Senate Print 4254, an
5 act to authorize the Village of Oyster Bay.

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

8 Read the last section.

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

11 ACTING PRESIDENT GRIFFO: Call the
12 roll.

13 (The Secretary called the roll.)

14 THE SECRETARY: Ayes, 61. Nays,
15 1. Senator Ball recorded in the negative.

16 ACTING PRESIDENT GRIFFO: The bill
17 is passed.

18 THE SECRETARY: Calendar Number
19 989, by Senator Young, Senate Print 4359, an act
20 to amend the General Municipal Law.

21 ACTING PRESIDENT GRIFFO: Read the
22 last section.

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

25 ACTING PRESIDENT GRIFFO: Call the

1 roll.

2 (The Secretary called the roll.)

3 THE SECRETARY: Ayes, 62.

4 ACTING PRESIDENT GRIFFO: The bill
5 is passed.

6 THE SECRETARY: Calendar Number
7 990, by Senator Young, Senate Print 4360, an act
8 to amend the General Municipal Law.

9 ACTING PRESIDENT GRIFFO: Read the
10 last section.

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

13 ACTING PRESIDENT GRIFFO: Call the
14 roll.

15 (The Secretary called the roll.)

16 THE SECRETARY: Ayes, 62.

17 ACTING PRESIDENT GRIFFO: The bill
18 is passed.

19 THE SECRETARY: Calendar Number
20 992, by Senator Larkin, Senate Print 4938A, an
21 act to amend the City of Newburgh Fiscal Recovery
22 Act.

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

25 Read the last section.

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

3 ACTING PRESIDENT GRIFFO: Call the
4 roll.

5 (The Secretary called the roll.)

6 THE SECRETARY: Ayes, 61. Nays,
7 1. Senator Ball recorded in the negative.

8 ACTING PRESIDENT GRIFFO: The bill
9 is passed.

10 THE SECRETARY: Calendar Number
11 998, by Senator Libous, Senate Print 5507, an act
12 to amend Chapter 445 of the Laws of 2008.

13 ACTING PRESIDENT GRIFFO: Read the
14 last section.

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

17 ACTING PRESIDENT GRIFFO: Call the
18 roll.

19 (The Secretary called the roll.)

20 THE SECRETARY: Ayes, 62.

21 ACTING PRESIDENT GRIFFO: The bill
22 is passed.

23 THE SECRETARY: Calendar Number
24 1001, by Senator Flanagan, Senate Print 2593, an
25 act to amend the Mental Hygiene Law.

1 ACTING PRESIDENT GRIFFO: Read the
2 last section.

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

5 ACTING PRESIDENT GRIFFO: Call the
6 roll.

7 (The Secretary called the roll.)

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

10 THE SECRETARY: In relation to
11 Calendar Number 1001, those recorded in the
12 negative are Senators Duane, Montgomery, Parker
13 and Perkins. Ayes, 58. Nays, 4.

14 ACTING PRESIDENT GRIFFO: The bill
15 is passed.

16 THE SECRETARY: Calendar Number
17 1010, substituted earlier today by Member of the
18 Assembly Peoples-Stokes, Assembly Print Number
19 7570, an act to amend the Parks, Recreation and
20 Historic Preservation Law.

21 ACTING PRESIDENT GRIFFO: Read the
22 last section.

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

25 ACTING PRESIDENT GRIFFO: Call the

1 roll.

2 (The Secretary called the roll.)

3 SENATOR BRESLIN: Lay it aside.

4 ACTING PRESIDENT GRIFFO: Lay it
5 aside.

6 THE SECRETARY: Calendar Number
7 1011, substituted earlier today by Member of the
8 Assembly Englebright, Assembly Print 7279 --

9 SENATOR BRESLIN: Lay it aside.

10 ACTING PRESIDENT GRIFFO: Lay it
11 aside.

12 THE SECRETARY: Calendar Number
13 1012, substituted earlier today by Member of the
14 Assembly --

15 ACTING PRESIDENT GRIFFO: Senator
16 Breslin.

17 SENATOR BRESLIN: Thank you,
18 Mr. President. I would request that the
19 lay-aside be taken off on Calendar Number 1010,
20 Senate 5342.

21 ACTING PRESIDENT GRIFFO: The
22 lay-aside on Senate Bill 5342 is lifted and the
23 the Secretary will read Calendar 1010.

24 THE SECRETARY: Calendar Number
25 1010, by Member of the Assembly Peoples-Stokes,

1 Assembly Print 7570, an act to amend the Parks,
2 Recreation and Historic Preservation Law.

3 ACTING PRESIDENT GRIFFO: Read the
4 last section.

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

7 ACTING PRESIDENT GRIFFO: Call the
8 roll.

9 (The Secretary called the roll.)

10 THE SECRETARY: Ayes, 62.

11 ACTING PRESIDENT GRIFFO: The bill
12 is passed.

13 THE SECRETARY: Calendar Number
14 1012, substituted earlier today by Member of the
15 Assembly Lupardo, Assembly Print 6299A, an act to
16 amend the Parks, Recreation and Historic
17 Preservation Law.

18 ACTING PRESIDENT GRIFFO: Read the
19 last section.

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

22 ACTING PRESIDENT GRIFFO: Call the
23 roll.

24 (The Secretary called the roll.)

25 THE SECRETARY: Ayes, 62.

1 ACTING PRESIDENT GRIFFO: The bill
2 is passed.

3 THE SECRETARY: Calendar Number
4 1017, substituted earlier today by Member of the
5 Assembly Calhoun, Assembly Print 3152, an act to
6 amend the Public Authorities Law.

7 ACTING PRESIDENT GRIFFO: Read the
8 last section.

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

11 ACTING PRESIDENT GRIFFO: Call the
12 roll.

13 (The Secretary called the roll.)

14 THE SECRETARY: Ayes, 62.

15 ACTING PRESIDENT GRIFFO: The bill
16 is passed.

17 THE SECRETARY: Calendar Number
18 1018, by Senator Golden, Senate Print 5512, an
19 act to amend the Public Authorities Law.

20 ACTING PRESIDENT GRIFFO: Read the
21 last section.

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

24 ACTING PRESIDENT GRIFFO: Call the
25 roll.

1 (The Secretary called the roll.)

2 THE SECRETARY: Ayes, 62.

3 ACTING PRESIDENT GRIFFO: The bill
4 is passed.

5 THE SECRETARY: On page 63, Senator
6 Seward moves to discharge, from the Committee on
7 Rules, Assembly Bill Number 8133 and substitute
8 it for the identical Senate Bill Number 5561,
9 Third Reading Calendar 1025.

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

12 The Secretary will read.

13 THE SECRETARY: Calendar Number
14 1025, by Member of the Assembly Latimer, Assembly
15 Print 8133, an act to amend the Insurance Law.

16 ACTING PRESIDENT GRIFFO: Read the
17 last section.

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

20 ACTING PRESIDENT GRIFFO: Call the
21 roll.

22 (The Secretary called the roll.)

23 THE SECRETARY: Ayes, 62.

24 ACTING PRESIDENT GRIFFO: The bill
25 is passed.

1 THE SECRETARY: Calendar Number
2 1027, by Senator Gallivan, Senate Print 4827, an
3 act to amend the Election Law.

4 ACTING PRESIDENT GRIFFO: Read the
5 last section.

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

8 ACTING PRESIDENT GRIFFO: Call the
9 roll.

10 (The Secretary called the roll.)

11 THE SECRETARY: Ayes, 61. Nays,
12 1. Senator Dilan recorded in the negative.

13 ACTING PRESIDENT GRIFFO: The bill
14 is passed.

15 THE SECRETARY: Calendar Number
16 1031, substituted earlier today by Member of the
17 Assembly Millman, Assembly Print 7453A, an act to
18 amend the Election Law.

19 ACTING PRESIDENT GRIFFO: Read the
20 last section.

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

23 ACTING PRESIDENT GRIFFO: Call the
24 roll.

25 (The Secretary called the roll.)

1 THE SECRETARY: Ayes, 62.

2 ACTING PRESIDENT GRIFFO: The bill
3 is passed.

4 THE SECRETARY: Calendar Number
5 1147, by Senator Klein, Senate Print 587A, an act
6 to amend the Education Law.

7 ACTING PRESIDENT GRIFFO: Read the
8 last section.

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

11 ACTING PRESIDENT GRIFFO: Call the
12 roll.

13 (The Secretary called the roll.)

14 ACTING PRESIDENT GRIFFO: Senator
15 Klein to explain his vote.

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

18 This legislation is going to go a
19 long way towards making sure our young people in
20 public schools in New York City are healthy.
21 When you look at the numbers, they're quite
22 startling, that 38 percent of our young people
23 are obese or overweight.

24 This legislation would require that
25 the City Department of Education submit a report

1 to the Governor and the State legislature on the
2 availability, location, size and physical
3 condition of outdoor schoolyards. Unfortunately,
4 many of our schoolyards are either covered with
5 temporary classroom units or just aren't repaired
6 properly, and this is the only way our young
7 people get any physical education in our outdoor
8 playgrounds. So this at least I think is going
9 to be a very important first step to make sure
10 that the Department of Education knows the
11 inventory of these public schools and can ensure
12 that our young people have adequate play space.

13 Thank you. I vote yes,
14 Mr. President.

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

17 Announce the results.

18 THE SECRETARY: In relation to
19 Calendar 1147, those recorded in the negative are
20 Senators Ball, O'Mara and Senator Saland. Also
21 Senators Gallivan, Larkin and Ranzenhofer.

22 Ayes, 56. Nays, 6.

23 ACTING PRESIDENT GRIFFO: The bill
24 is passed.

25 THE SECRETARY: Calendar Number

1 1149, by Senator Breslin, Senate Print 1164, an
2 act to amend the Town Law.

3 ACTING PRESIDENT GRIFFO: Read the
4 last section.

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

7 ACTING PRESIDENT GRIFFO: Call the
8 roll.

9 (The Secretary called the roll.)

10 THE SECRETARY: Ayes, 62.

11 ACTING PRESIDENT GRIFFO: The bill
12 is passed.

13 THE SECRETARY: Calendar Number
14 1150, by Senator Breslin, Senate Print 1188, an
15 act to amend the Criminal Procedure Law.

16 ACTING PRESIDENT GRIFFO: Read the
17 last section.

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

20 ACTING PRESIDENT GRIFFO: Call the
21 roll.

22 (The Secretary called the roll.)

23 ACTING PRESIDENT GRIFFO: Please
24 keep your hands up if you're voting in the
25 negative.

1 THE SECRETARY: In relation to
2 Calendar 1150, those recorded in the negative are
3 Senators Dilan, Hassell-Thompson, L. Krueger,
4 Montgomery, Perkins and Rivera.

5 Ayes, 56. Nays, 6.

6 ACTING PRESIDENT GRIFFO: The bill
7 is passed.

8 THE SECRETARY: Calendar Number
9 1151, by Senator Duane, Senate Print 1303, an act
10 to amend the Elder Law.

11 ACTING PRESIDENT GRIFFO: Read the
12 last section.

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

15 ACTING PRESIDENT GRIFFO: Call the
16 roll.

17 (The Secretary called the roll.)

18 THE SECRETARY: Ayes, 61. Nays,
19 1. Senator Diaz recorded in the negative.

20 ACTING PRESIDENT GRIFFO: The bill
21 is passed.

22 THE SECRETARY: Calendar Number
23 1152, by Senator Klein, Senate Print 2796A, an
24 act authorizing the Commissioner of General
25 Services.

1 ACTING PRESIDENT GRIFFO: Read the
2 last section.

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

5 ACTING PRESIDENT GRIFFO: Call the
6 roll.

7 (The Secretary called the roll.)

8 THE SECRETARY: Ayes, 62.

9 ACTING PRESIDENT GRIFFO: The bill
10 is passed.

11 THE SECRETARY: Calendar Number
12 1153, by Senator Huntley, Senate Print 3016A, an
13 act to amend the Mental Hygiene Law.

14 ACTING PRESIDENT GRIFFO: Read the
15 last section.

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

18 ACTING PRESIDENT GRIFFO: Call the
19 roll.

20 (The Secretary called the roll.)

21 THE SECRETARY: Ayes, 62.

22 ACTING PRESIDENT GRIFFO: The bill
23 is passed.

24 THE SECRETARY: Calendar Number
25 1154, substituted earlier today by Member of the

1 Assembly Canestrari, Assembly Print Number 2502A,
2 an act to amend the Education Law.

3 ACTING PRESIDENT GRIFFO: Read the
4 last section.

5 THE SECRETARY: Section 3. This
6 act shall take effect one year after it shall
7 have become law.

8 ACTING PRESIDENT GRIFFO: Call the
9 roll.

10 (The Secretary called the roll.)

11 ACTING PRESIDENT GRIFFO: Senator
12 Saland to explain his vote.

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

15 Mr. President, I certainly commend
16 Senator Oppenheimer for her intention here. Her
17 intention certainly is a laudable one, to require
18 that physical therapists have a graduate degree.
19 And she takes pains to grandfather or grandmother
20 in those who are currently in practice who might
21 not have that degree.

22 There is, however, I believe, one
23 oversight, and I would hope that she would think
24 about this, perhaps by way of a chapter
25 amendment. Those students who are currently

1 enrolled in these programs now who are
2 anticipating being able to go out and engage in
3 the practice of physical therapy are going to be
4 prevented from doing so because they're not
5 grandfathered or grandmothered.

6 Much like what occurred to social
7 workers when social work students, when the law
8 changed a few years ago, there was a
9 grandfathering provision. However, there were
10 hundreds if not thousands of students who
11 anticipated being able to go out and engage in
12 the practice of therapy as certified social
13 workers who were unable to do so under the new
14 requirements.

15 These students, who would have hoped
16 to be able to begin their practice at the
17 conclusion of their undergraduate work or
18 whatever course of study they've taken, will not
19 be able to do so.

20 So I'm going to vote against this
21 bill for that very reason. But I would hope that
22 you would consider some chapter amendment that
23 takes into account those who are currently in a
24 course of study to become a physical therapist so
25 that they are not in effect prejudiced by this.

1 And I think it's a relatively easy thing to do.

2 Thank you.

3 SENATOR OPPENHEIMER:

4 Mr. President.

5 ACTING PRESIDENT GRIFFO: Senator
6 Oppenheimer, one second.

7 Senator Saland, how do you vote?

8 SENATOR SALAND: I vote in the
9 negative.

10 ACTING PRESIDENT GRIFFO: Senator
11 Saland to be recorded in the negative.

12 Senator Oppenheimer to explain her
13 vote.

14 SENATOR OPPENHEIMER: That is a --
15 the Senator has raised a point. And I am always
16 concerned about those people that get caught just
17 as a new law is coming in and they're finishing
18 up their education and what happens to those
19 people -- maybe it's only, you know, 50 of them,
20 but what happens to them when they're caught in
21 the middle.

22 However, this is an important bill.
23 We are the only state in the United States that
24 does not require a master's degree for our
25 physical therapists, either a master's degree or

1 a doctorate, so we feel that this is an important
2 thing to be doing. And we also very frequently
3 try and upgrade the professionalism of our
4 various groups that come before us for extension.

5 So I think this is an important bill
6 and puts us in sync with the rest of the
7 country. I'll be voting yes.

8 ACTING PRESIDENT GRIFFO: Senator
9 Oppenheimer to be recorded in the affirmative.

10 Announce the results.

11 THE SECRETARY: In relation to
12 Calendar 1154, those recorded in the negative are
13 Senators Ball, Gallivan, Grisanti, Huntley,
14 Larkin, Montgomery, Perkins, Ritchie, Robach and
15 Saland.

16 Ayes, 52. Nays, 10.

17 ACTING PRESIDENT GRIFFO: The bill
18 is passed.

19 THE SECRETARY: Calendar Number
20 1155, by Senator Nozzolio, Senate Print 4469, an
21 act to amend the Criminal Procedure Law.

22 ACTING PRESIDENT GRIFFO: Read the
23 last section.

24 THE SECRETARY: Section 3. This
25 act shall take effect on the 30th day.

1 ACTING PRESIDENT GRIFFO: Call the
2 roll.

3 (The Secretary called the roll.)

4 THE SECRETARY: Ayes, 62.

5 ACTING PRESIDENT GRIFFO: The bill
6 is passed.

7 THE SECRETARY: Calendar Number
8 1157, by Senator Ritchie, Senate Print 4718A, an
9 act to amend the Agriculture and Markets Law.

10 ACTING PRESIDENT GRIFFO: Read the
11 last section.

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

14 ACTING PRESIDENT GRIFFO: Call the
15 roll.

16 (The Secretary called the roll.)

17 THE SECRETARY: Ayes, 62.

18 ACTING PRESIDENT GRIFFO: The bill
19 is passed.

20 THE SECRETARY: Calendar Number
21 1158, by Senator Kennedy, Senate Print 4726, an
22 act to amend the Penal Law.

23 ACTING PRESIDENT GRIFFO: Read the
24 last section.

25 THE SECRETARY: Section 2. This

1 act shall take effect on the first of November.

2 ACTING PRESIDENT GRIFFO: Call the
3 roll.

4 (The Secretary called the roll.)

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

8 ACTING PRESIDENT GRIFFO: The bill
9 is passed.

10 THE SECRETARY: Calendar Number
11 1159, substituted earlier today by Member of the
12 Assembly Farrell, Assembly Print Number 6923, an
13 act to amend the Local Finance Law.

14 ACTING PRESIDENT GRIFFO: Read the
15 last section.

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

18 ACTING PRESIDENT GRIFFO: Call the
19 roll.

20 (The Secretary called the roll.)

21 THE SECRETARY: Ayes, 62.

22 ACTING PRESIDENT GRIFFO: The bill
23 is passed.

24 THE SECRETARY: Calendar Number
25 1160, by Senator Montgomery, Senate Print 4855,

1 an act to amend the State Finance Law.

2 ACTING PRESIDENT GRIFFO: Read the
3 last section.

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

6 ACTING PRESIDENT GRIFFO: Call the
7 roll.

8 (The Secretary called the roll.)

9 THE SECRETARY: Ayes, 62.

10 ACTING PRESIDENT GRIFFO: The bill
11 is passed.

12 THE SECRETARY: Calendar Number
13 1161, by Senator Valesky, Senate Print 5347, an
14 act to authorize the Tully Central School
15 District.

16 ACTING PRESIDENT GRIFFO: Read the
17 last section.

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

20 ACTING PRESIDENT GRIFFO: Call the
21 roll.

22 (The Secretary called the roll.)

23 THE SECRETARY: Ayes, 62.

24 ACTING PRESIDENT GRIFFO: The bill
25 is passed.

1 THE SECRETARY: Calendar Number
2 1164, by Senator Gallivan, Senate Print 5493, an
3 act to amend the Social Services Law.

4 ACTING PRESIDENT GRIFFO: Read the
5 last section.

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

8 ACTING PRESIDENT GRIFFO: Call the
9 roll.

10 (The Secretary called the roll.)

11 THE SECRETARY: Ayes, 61. Nays,
12 1. Senator Duane recorded in the negative.

13 ACTING PRESIDENT GRIFFO: The bill
14 is passed.

15 THE SECRETARY: Calendar Number
16 1165, by Senator Breslin, Senate Print 5496, an
17 act to authorize Holding Our Own, Inc.

18 ACTING PRESIDENT GRIFFO: Read the
19 last section.

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

22 ACTING PRESIDENT GRIFFO: Call the
23 roll.

24 (The Secretary called the roll.)

25 THE SECRETARY: Ayes, 59. Nays,

1 3. Senators Bonacic, Larkin and O'Mara recorded
2 in the negative.

3 ACTING PRESIDENT GRIFFO: The bill
4 is passed.

5 THE SECRETARY: Calendar Number
6 1169, substituted earlier today by Member of the
7 Assembly Aubry, Assembly Print 7930, an act to
8 amend the Criminal Procedure Law.

9 ACTING PRESIDENT GRIFFO: Read the
10 last section.

11 THE SECRETARY: Section 7. This
12 act shall take effect September 1, 2011.

13 ACTING PRESIDENT GRIFFO: Call the
14 roll.

15 (The Secretary called the roll.)

16 THE SECRETARY: Ayes, 62.

17 ACTING PRESIDENT GRIFFO: The bill
18 is passed.

19 THE SECRETARY: Calendar Number
20 1170, by Senator Ball, Senate Print 5558, an act
21 to amend the Retirement and Social Security Law.

22 ACTING PRESIDENT GRIFFO: Read the
23 last section.

24 THE SECRETARY: Section 30. This
25 act shall take effect immediately.

1 ACTING PRESIDENT GRIFFO: Call the
2 roll.

3 (The Secretary called the roll.)

4 THE SECRETARY: Ayes, 62.

5 ACTING PRESIDENT GRIFFO: The bill
6 is passed.

7 THE SECRETARY: Calendar Number
8 1171, by the Senate Committee on Rules, Senate
9 Print 5564, an act to amend the Public
10 Authorities Law.

11 ACTING PRESIDENT GRIFFO: Read the
12 last section.

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

15 ACTING PRESIDENT GRIFFO: Call the
16 roll.

17 (The Secretary called the roll.)

18 THE SECRETARY: In relation to
19 Calendar 1171, those recorded in the negative are
20 Senators Ball, Gallivan, L. Krueger and Rivera.

21 Ayes, 58. Nays, 4.

22 ACTING PRESIDENT GRIFFO: The bill
23 is passed.

24 THE SECRETARY: Calendar Number
25 1172, by Senator Maziarz, Senate Print 5569, an

1 act to amend Chapter 738 of the Laws of 2005.

2 ACTING PRESIDENT GRIFFO: Read the
3 last section.

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

6 ACTING PRESIDENT GRIFFO: Call the
7 roll.

8 (The Secretary called the roll.)

9 THE SECRETARY: Ayes, 62.

10 ACTING PRESIDENT GRIFFO: The bill
11 is passed.

12 THE SECRETARY: Calendar Number
13 1173, by Senator Oppenheimer, Senate Print 5571,
14 an act to amend Chapter 851 of the Laws of 1949.

15 ACTING PRESIDENT GRIFFO: Read the
16 last section.

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

19 ACTING PRESIDENT GRIFFO: Call the
20 roll.

21 (The Secretary called the roll.)

22 THE SECRETARY: Ayes, 61. Nays,
23 1. Senator Ball recorded in the negative.

24 ACTING PRESIDENT GRIFFO: The bill
25 is passed.

1 THE SECRETARY: Calendar Number
2 1174, substituted earlier today by Member of the
3 Assembly O'Donnell, Assembly Print 7520, an act
4 to amend the Domestic Relations Law.

5 ACTING PRESIDENT GRIFFO: Read the
6 last section.

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

9 ACTING PRESIDENT GRIFFO: Call the
10 roll.

11 (The Secretary called the roll.)

12 THE SECRETARY: Ayes, 62.

13 ACTING PRESIDENT GRIFFO: The bill
14 is passed.

15 THE SECRETARY: Calendar Number
16 1175, by Senator Bonacic, Senate Print 5583, an
17 act to amend the Tax Law.

18 ACTING PRESIDENT GRIFFO: Read the
19 last section.

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

22 ACTING PRESIDENT GRIFFO: Call the
23 roll.

24 (The Secretary called the roll.)

25 THE SECRETARY: Ayes, 62.

1 ACTING PRESIDENT GRIFFO: The bill
2 is passed.

3 THE SECRETARY: Calendar Number
4 1177, by Senator Marcellino, Senate Print 5643,
5 an act to amend the Vehicle and Traffic Law.

6 ACTING PRESIDENT GRIFFO: Read the
7 last section.

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

10 ACTING PRESIDENT GRIFFO: Call the
11 roll.

12 (The Secretary called the roll.)

13 THE SECRETARY: Ayes, 62.

14 ACTING PRESIDENT GRIFFO: The bill
15 is passed.

16 THE SECRETARY: Calendar Number
17 1178, by Senator Flanagan, Senate Print 5647, an
18 act to amend the Education Law.

19 ACTING PRESIDENT GRIFFO: Read the
20 last section.

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

23 ACTING PRESIDENT GRIFFO: Call the
24 roll.

25 (The Secretary called the roll.)

1 THE SECRETARY: Ayes, 62.

2 ACTING PRESIDENT GRIFFO: The bill
3 is passed.

4 Senator Montgomery, do you wish to
5 speak?

6 SENATOR MONTGOMERY: I would like
7 to explain my vote.

8 ACTING PRESIDENT GRIFFO: Senator
9 Montgomery to explain her vote.

10 SENATOR MONTGOMERY: Thank you,
11 Mr. President. I want to explain my vote on this
12 legislation.

13 I think it's very, very important
14 and I didn't wish that it would pass without us
15 having at least an opportunity to really review
16 how significant this bill is. I want to thank
17 Senator Flanagan for introducing it.

18 This is to support a major reform
19 measure that is being implemented by the State
20 Department of Education, with the commissioner
21 and the Regents, who have really created a
22 mechanism for us to bring together the university
23 community and the high schools in communities
24 across the state to upgrade the process and the
25 opportunity for educational advancement for high

1 school students.

2 I am very, very pleased that we're
3 passing this bill today. And again, I say to
4 Senator Flanagan this is a very good thing and
5 today we can take pride in doing something that
6 in the years to come, going forward, we're going
7 to see a tremendous improvement in our
8 educational system and opportunity for high
9 school students.

10 Thank you, Mr. President. I vote
11 aye.

12 ACTING PRESIDENT GRIFFO: Senator
13 Montgomery to be recorded in the affirmative.

14 Announce the results.

15 THE SECRETARY: Ayes, 62.

16 ACTING PRESIDENT GRIFFO: The bill
17 is passed.

18 THE SECRETARY: Calendar Number
19 1180, substituted earlier today by Member of the
20 Assembly Abbate --

21 SENATOR BRESLIN: Lay it aside.

22 ACTING PRESIDENT GRIFFO: Lay it
23 aside.

24 THE SECRETARY: Calendar Number
25 1181, by Senator Hannon, Senate Print 5656, an

1 act to amend the Public Authorities Law.

2 ACTING PRESIDENT GRIFFO: Read the
3 last section.

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

6 ACTING PRESIDENT GRIFFO: Call the
7 roll.

8 (The Secretary called the roll.)

9 THE SECRETARY: Ayes, 62.

10 ACTING PRESIDENT GRIFFO: The bill
11 is passed.

12 THE SECRETARY: Calendar Number
13 1183, by Senator Hannon, Senate Print 5704, an
14 act to amend Chapter 451 of the Laws of 2007.

15 ACTING PRESIDENT GRIFFO: Read the
16 last section.

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

19 ACTING PRESIDENT GRIFFO: Call the
20 roll.

21 (The Secretary called the roll.)

22 THE SECRETARY: Ayes, 62.

23 ACTING PRESIDENT GRIFFO: The bill
24 is passed.

25 Senator Hannon, that completes the

1 noncontroversial reading of the calendar.

2 SENATOR HANNON: Mr. President,
3 before we go to the controversial calendar, I'd
4 like to recognize two Senators for the purpose of
5 making some comments. The first would be Senator
6 Stewart-Cousins.

7 ACTING PRESIDENT GRIFFO: Without
8 objection, Senator Stewart-Cousins.

9 SENATOR STEWART-COUSINS: Thank
10 you, Mr. President.

11 Earlier a resolution passed that was
12 read only title, only the title was read, and I
13 thought it was just important to spend a moment
14 or two -- I know that we have a long day --
15 articulating what this was about.

16 Today I had the opportunity to honor
17 a colonel that also happened to be a nurse. When
18 I first ran for this office, I ran into a nurse
19 who kept saying, "When is anybody going to
20 recognize the Cadet Nurse Corps that served
21 during World War II?"

22 Now, the Cadet Nurse Corps was
23 created by Congress. It was the brainchild of
24 Representative Frances Bolton of Ohio. And she
25 introduced the bill, and it was made law on

1 July 1, 1943. What was happening, because of --

2 ACTING PRESIDENT GRIFFO: Excuse
3 me, Senator Stewart-Cousins.

4 SENATOR STEWART-COUSINS: Please.

5 ACTING PRESIDENT GRIFFO: Can we
6 have some order in the house, please?

7 Senator Stewart-Cousins.

8 SENATOR STEWART-COUSINS: Thank
9 you, Mr. President.

10 Obviously, World War II was taking
11 its toll, and what was required were nurses to
12 come from hospitals to go serve on the battle
13 front, leaving a vacuum of healthcare in our
14 local hospitals. The Cadet Nurse Program
15 incentivized young nurses who were still in
16 training to come forward and get their training
17 accelerated so that they could backfill, in the
18 hospitals, those nurses who went to the front
19 lines.

20 So there were 1200 nursing schools
21 that participated in this. There were about
22 180,000 nurses that participated in this. They
23 filled not only our local hospitals but the
24 veteran hospitals so that more senior nurses were
25 able to go to the front lines.

1 They have, after 68 years, never
2 been given an official entree into the benefits
3 of veterans in our country, and yet they served
4 our country in order for the servicemen and women
5 to be able to not only face battle but to have
6 great healthcare when they returned wounded.

7 So it is a pleasure today, because
8 of Anne Kakos and certainly because of the
9 wonderful Colonel Theresa Mercado-Sconzo that we
10 honored today, to stand in this chamber and give
11 thanks and recognition to the Cadet Nurse Program
12 that began July 1, 1943, that will have its
13 68th anniversary.

14 So I thank you for the time and,
15 again, thank the nurse cadets.

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

18 Senator Espaillat.

19 SENATOR ESPAILLAT: Thank you,
20 Mr. President.

21 Again, today we had the pleasure of
22 honoring veterans and a resolution was passed by
23 this house recognizing and honoring posthumously
24 Sergeant Merlin German, who faithfully served our
25 country with courage, with devotion, and

1 excellence.

2 I am here standing to applaud his
3 legacy. And we have with us today Norma Guerra,
4 who's his "Texas mom," who also is affiliated
5 with an organization called Merlin's Miracle.

6 Merlin German was a United States
7 Marine sergeant in Iraq who survived a roadside
8 bomb blast in 2005. He became a symbol of
9 recovery throughout the world, soon known as the
10 "Miracle Marine." During the 17 months he spent
11 hospitalized following the blast, Sergeant German
12 eventually regained the ability to walk and set
13 up a charity for child burn victims.

14 Just over three years after the
15 blast, he passed away following a minor skin
16 graft surgery. But he is surely an example of
17 how many young men and women served this
18 country. Recently the Wounded Warrior Regiment
19 renamed its call-in help center at the Marine
20 Corps base in Quantico after his name.

21 He is truly an American hero, and we
22 are here with his "Texas mom," who joined us
23 today, flew in from San Antonio to be with us
24 today. And he's a true New Yorker, a true hero
25 to all of us. So I'm happy to stand up in

1 support of the resolution that passed in this
2 Veterans Day here in the State Senate.

3 Thank you, Mr. President.

4 ACTING PRESIDENT GRIFFO: Thank
5 you, Senator Espaillat.

6 (To Ms. Guerra) And we welcome you
7 to the chamber.

8 (Applause.)

9 ACTING PRESIDENT GRIFFO: Senator
10 Libous, that completes the noncontroversial
11 reading of the calendar and any announcements and
12 recognitions.

13 SENATOR LIBOUS: Mr. President,
14 could we go back to motions and resolutions.

15 ACTING PRESIDENT GRIFFO: On
16 motions and resolutions.

17 SENATOR LIBOUS: On behalf of
18 Senator Seward, on page 63 I offer the following
19 amendments to Calendar Number 1020, Senate Print
20 2714A, and ask that said bill retain its place on
21 the Third Reading Calendar.

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

25 SENATOR LIBOUS: On page 39, I

1 offer the following amendments to Calendar Number
2 641, Senate Print Number 4607A, and ask that said
3 bill retain its place on the Third Reading
4 Calendar. That's on behalf of Senator Zeldin.

5 ACTING PRESIDENT GRIFFO: The
6 amendments are accepted, and the bill will retain
7 its place on the Third Reading Calendar.

8 SENATOR LIBOUS: Mr. President, on
9 behalf of Senator Fuschillo, I wish to call up
10 his bill, Senate Print 3154A, recalled from the
11 Assembly, which is now at the desk.

12 ACTING PRESIDENT GRIFFO: The
13 Secretary will read.

14 THE SECRETARY: Calendar Number
15 138, by Senator Fuschillo, Senate Print 3451A, an
16 act to amend the Penal Law.

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

20 ACTING PRESIDENT GRIFFO: Call the
21 roll on reconsideration.

22 (The Secretary called the roll.)

23 THE SECRETARY: Ayes, 62.

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

1 ACTING PRESIDENT GRIFFO: The
2 amendments are accepted.

3 SENATOR LIBOUS: Mr. President, on
4 behalf of Senator Gallivan, I wish to call up his
5 bill, Senate Print 4050, recalled from the
6 Assembly, which is now at the desk.

7 ACTING PRESIDENT GRIFFO: The
8 Secretary will read.

9 THE SECRETARY: Calendar Number
10 300, by Senator Gallivan, Senate Print 4050, an
11 act to amend the Family Court Act.

12 SENATOR LIBOUS: I now move to
13 reconsider the vote by which this bill was
14 passed.

15 ACTING PRESIDENT GRIFFO: Call the
16 roll on reconsideration.

17 (The Secretary called the roll.)

18 THE SECRETARY: Ayes, 62.

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

21 ACTING PRESIDENT GRIFFO:
22 Amendments accepted.

23 SENATOR LIBOUS: Mr. President, at
24 this time could we have the reading of the
25 controversial calendar, please.

1 ACTING PRESIDENT GRIFFO: The
2 Secretary will ring the bell.

3 ACTING PRESIDENT O'MARA: The
4 Secretary will read.

5 THE SECRETARY: Calendar Number
6 266, by Senator Griffo, Senate Print 2488B, an
7 act to amend the Penal Law.

8 ACTING PRESIDENT O'MARA: Read the
9 last section.

10 THE SECRETARY: Section 2 --

11 SENATOR SQUADRON: Explanation.

12 ACTING PRESIDENT O'MARA: Senator
13 Griffo, an explanation has been requested.

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

16 This bill deals with information
17 relative to pistol permits and licensing of
18 pistol permits. Essentially, it would change the
19 way this is done right now. Currently, an online
20 pistol permit registry is available, allows users
21 to sort the permit holders by geographic area.

22 What I am attempting to do, for the
23 sake of public safety and privacy for those who
24 own pistols that are legally registered right now
25 is to allow that information to only be received

1 through a direct specific request of the
2 individual or the location, rather than a mass
3 request. And so, in essence, that's what the
4 bill accomplishes.

5 ACTING PRESIDENT O'MARA: Senator
6 Squadron.

7 SENATOR SQUADRON: Would the
8 sponsor yield for a question.

9 SENATOR GRIFFO: Sure.

10 SENATOR SQUADRON: I know that this
11 bill has been amended and that there are law
12 enforcement agencies that have access to this
13 information. Would the sponsor just take us
14 through the process by which a law enforcement
15 agency would get this information?

16 SENATOR GRIFFO: Mr. President,
17 through you. Senator Squadron, the law
18 enforcement agencies will continue to have the
19 access and the availability of receiving
20 information as needed.

21 SENATOR SQUADRON: If the sponsor
22 would continue to yield.

23 ACTING PRESIDENT O'MARA: Do you
24 continue to yield, Senator Griffo?

25 SENATOR GRIFFO: I do.

1 SENATOR SQUADRON: Thank you.

2 So today there's a public database,
3 law enforcement can access it, the public can
4 access it. Under this scenario, would law
5 enforcement have that same ability to access the
6 information with the click of a mouse or would
7 they need to request the information?

8 SENATOR GRIFFO: The law
9 enforcement would be able to access --

10 (Interruption from the gallery.)

11 SENATOR GRIFFO: Mr. President.
12 Mr. President. Mr. President. Mr. President.

13 Mr. President, this bill essentially
14 would be able to accomplish what Senator Squadron
15 has asked. So, Senator Squadron, the answer to
16 the question is law enforcement will continue to
17 have that access.

18 SENATOR SQUADRON: Thank you,
19 Mr. President. If the sponsor would continue to
20 yield.

21 ACTING PRESIDENT O'MARA: Do you
22 continue to yield?

23 SENATOR SQUADRON: Mr. President, if
24 the sponsor would continue to yield.

25 SENATOR GRIFFO: Through you,

1 Mr. President. Senator Squadron, this is not a
2 publicly created database. What has happened in
3 the past is we've had a situation where
4 individuals have published on the Internet names
5 and addresses of individuals who have had pistol
6 permit licenses.

7 So what this attempts to do is to
8 try to prevent that and to ensure that law
9 enforcement will have that access at any time but
10 an individual would have to ask specifically for
11 a name and a location.

12 SENATOR SQUADRON: Thank you.

13 If the sponsor would continue to
14 yield.

15 SENATOR GRIFFO: I do.

16 SENATOR SQUADRON: Thank you. My
17 voice is rarely too low.

18 (Laughter.)

19 SENATOR SQUADRON: And if a member
20 of the public wanted this information that's
21 currently available, how would they access it if
22 the bill were to become law?

23 SENATOR GRIFFO: Mr. President,
24 through you. Senator Squadron, the public still
25 could do this, they could not just make a mass,

1 general inquiry. They would have to make a
2 specific inquiry of an individual.

3 So they would have the access to the
4 information but not a general, mass, say "give me
5 everyone who has a pistol permit." They would
6 have to identify "Dan Squadron" and the location
7 and then get that information to attest to that.

8 SENATOR SQUADRON: So if the
9 sponsor would continue to yield.

10 SENATOR GRIFFO: I do.

11 SENATOR SQUADRON: So law
12 enforcement would have access at their
13 fingertips, without any request, and the public
14 would have access to this information and it
15 wouldn't be as burdensome or time-consuming as a
16 FOIL is right now, they would be able to do it --
17 could you just take me very briefly through the
18 process for a member of the public to get, on an
19 individual basis, this information?

20 SENATOR GRIFFO: Correct.
21 Mr. President, through you. The law enforcement
22 has the access at any time. The public would go
23 through the process we've described.

24 SENATOR SQUADRON: Thank you.

25 On the bill. On the bill, I think

1 that this -- there's a balance here between
2 privacy concerns and -- privacy concerns for
3 those who own firearms legally are just as
4 important as privacy concerns in any number of
5 different contexts.

6 It's critically important that
7 there's a bill that doesn't undermine the ability
8 of law enforcement to immediately start tracking
9 crimes, start tracking violations. As you know,
10 I believe that we need to be doing more to help
11 law enforcement track crimes, track gun crimes.
12 And so any bill that would undermine that would
13 be a problem. This bill clearly doesn't, and I
14 appreciate sponsor's description.

15 I also do think that it's important
16 for this public information to be fully
17 available. I appreciate the sponsor's comments
18 on the access of the public. I worry that the
19 process would be a little bit too burdensome. I
20 understand that sort of the broad search that
21 currently exists is not ideal. On the other
22 hand, I think that being able to search on an
23 individual basis in a more timely fashion would
24 be important, and for that reason I'm not going
25 to be able to support the bill.

1 I do appreciate that certainly as
2 pertains to law enforcement, this bill does not
3 have a negative effect, and I thank the sponsor
4 for his time.

5 Thank you, Mr. President.

6 ACTING PRESIDENT O'MARA: Any other
7 Senator wishing to be heard?

8 The debate is closed.

9 The Secretary will ring the bell.

10 SENATOR LIBOUS: Mr. President, I
11 know that we're on the vote, and I just want to
12 make an announcement to all of my colleagues.

13 In the interest of getting out of
14 here at a reasonable time, I would ask that you
15 stay close to the chambers so that we can roll
16 these votes right along, because I know that,
17 like you and I, we want to be able to have an
18 orderly process. And if we have to wait more
19 than a couple of minutes, I will move forward
20 with the roll call. And if members become
21 absent, maybe that will help us to speed things
22 up.

23 So from this point forward, I would
24 ask members to pay close attention to when the
25 roll calls are going to be, because I'm not

1 waiting.

2 ACTING PRESIDENT O'MARA: Read the
3 last section.

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

6 ACTING PRESIDENT O'MARA: Call the
7 roll.

8 (The Secretary called the roll.)

9 ACTING PRESIDENT O'MARA: Announce
10 the results.

11 THE SECRETARY: In relation to
12 Calendar Number 266, those recorded in the
13 negative are Senators Avella, Carlucci, Diaz,
14 Duane, Espaillat, Gianaris, Hassell-Thompson,
15 Huntley, Klein, L. Krueger, C. Kruger,
16 Montgomery, Parker, Peralta, Perkins, Rivera,
17 Savino, Serrano, Smith, Squadron, Stavisky, and
18 Stewart-Cousins.

19 Ayes, 40. Nays, 22.

20 ACTING PRESIDENT O'MARA: The bill
21 is passed.

22 THE SECRETARY: Calendar Number
23 532, by Senator Flanagan, Senate Print 2481, an
24 act to amend the Correction Law.

25 SENATOR LIBOUS: Lay it aside for

1 the day.

2 ACTING PRESIDENT O'MARA: The bill
3 is laid aside for the day.

4 THE SECRETARY: Calendar Number
5 560, by Senator DeFrancisco, Senate Print 4017,
6 an act to amend the Penal Law.

7 ACTING PRESIDENT O'MARA: Read the
8 last section.

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

11 ACTING PRESIDENT O'MARA: Call the
12 roll.

13 (The Secretary called the roll.)

14 SENATOR SQUADRON: Mr. President,
15 can we just clarify what calendar number we're
16 on?

17 ACTING PRESIDENT O'MARA: We are on
18 Calendar Number 560.

19 SENATOR SQUADRON: Thank you.

20 ACTING PRESIDENT O'MARA: Announce
21 the results.

22 THE SECRETARY: In relation to
23 Calendar Number 560, those recorded in the
24 negative are Senators Addabbo, Avella, Duane,
25 Fuschillo, Montgomery, Parker, Peralta, Perkins

1 and Serrano. Also Senator Martins.

2 Ayes, 52. Nays, 10.

3 ACTING PRESIDENT O'MARA: The bill
4 is passed.

5 THE SECRETARY: Calendar Number
6 651, by Senator Robach, Senate Print 716, an act
7 to amend the State Finance Law.

8 ACTING PRESIDENT O'MARA: Read the
9 last section.

10 SENATOR SQUADRON: Explanation.

11 ACTING PRESIDENT O'MARA: Senator
12 Robach, an explanation has been requested.

13 SENATOR ROBACH: Yes,
14 Mr. President.

15 This bill, we are working with the
16 Governor on a property tax cap bill that
17 hopefully we will be passing shortly to give
18 relief to property taxpayers, especially in
19 upstate New York. This I would consider a
20 companion bill to that, to show that we're being
21 willing to control our spending at the state
22 level at the rate of inflation, just like
23 businesses, working families, people on a fixed
24 income.

25 This bill would do that, taking the

1 three-year average and controlling our spending
2 at that rate of inflation in an effort to get our
3 fiscal house in order and also lead by example,
4 as we are going to be doing the same thing,
5 hopefully very shortly, working together for
6 local governments.

7 I believe this is a step in the
8 right direction. And I know -- and there's been
9 polls time and time again -- folks all across the
10 state want us to focus on less spending and less
11 taxes. This measure will directly address that.

12 ACTING PRESIDENT O'MARA: Read the
13 last section.

14 SENATOR SQUADRON: Mr. President.

15 ACTING PRESIDENT O'MARA: Senator
16 Squadron.

17 SENATOR SQUADRON: Thank you. If
18 the sponsor would yield for a moment.

19 ACTING PRESIDENT O'MARA: Senator
20 Robach, will you yield?

21 SENATOR ROBACH: I certainly
22 would. And if you want to skip -- keep on
23 asking, I will answer all the questions Senator
24 Squadron would like to ask.

25 ACTING PRESIDENT O'MARA: Thank you

1 Senator Robach.

2 SENATOR SQUADRON: I appreciate
3 that.

4 So if the sponsor wouldn't mind
5 describing how this bill would apply to the
6 budget this year, where there was not an increase
7 in spending but there was an increase in state
8 spending because of what had happened with the
9 stimulus bill.

10 SENATOR ROBACH: We would have been
11 well under this year if this bill were to be in
12 effect.

13 However, let me read this to you,
14 because even the people in this chamber may be
15 shocked to learn that from 2002-2003 to
16 2007-2008, state operation spending, our
17 spending, went from \$52.8 billion to \$77 billion,
18 an average of almost 8 percent increase in
19 spending.

20 That helped get us to the crisis I
21 think that we're in that we all agreed we were in
22 when we had to make these dramatic measures. If
23 this bill had been in place let's say five years
24 ago, not only would we have been under last year,
25 but we probably wouldn't have seen those huge

1 increases which put us in such a bad economic
2 position to begin with. I guess that's the best
3 way I could answer it.

4 But last year, or our last budget
5 that we just passed, clearly that decreased
6 spending, so we'd be well under any growth
7 number, whatever it was, based on inflation or
8 anything else.

9 SENATOR SQUADRON: If the sponsor
10 would yield for one final question.

11 ACTING PRESIDENT O'MARA: Without
12 objection.

13 SENATOR SQUADRON: Thank you. And
14 in the 2009-2010 fiscal year, in which there was
15 a significant infusion of federal stimulus
16 dollars and the state spending did not increase
17 but there was the appearance of an increase
18 because there was a massive federal stimulus that
19 went to many states, what would be the effect of
20 this bill have been in that fiscal year?

21 SENATOR ROBACH: I'm not certain
22 what the exact effect would be. What I could
23 tell you is between increasing taxes and fees and
24 federal money coming in, we've been growing at
25 8 percent a year prior to this last year almost

1 consistently. And the result of that has been,
2 in the last two years, \$14 billion in new taxes
3 and fees, put on predominantly from that side of
4 the aisle, that people where I live don't like.

5 This is just one small step, again
6 with property tax, to show the public we're
7 listening and control out-of-rate growth. I
8 suppose this could be amended if we were getting
9 an infusion of capital from the federal
10 government that went to run state operations.
11 But usually, I think, if I follow it right, a lot
12 of it's education money, Medicaid money that's
13 passed through for very specific things, not
14 General Fund spending.

15 SENATOR SQUADRON: Thank you very
16 much. On the bill, Mr. President.

17 ACTING PRESIDENT O'MARA: On the
18 bill, Senator Squadron.

19 SENATOR SQUADRON: A bill that
20 raises concerns about the state's ability to
21 accept large infusions of federal dollars which
22 are so important to keeping the state going in a
23 crisis is a bill that raises some serious
24 concerns.

25 In the last two quarters we have

1 had, nationally, an increase in unemployment even
2 as the private sector has created jobs, because
3 it has been matched by more significant
4 reductions in public sector jobs. In fact,
5 there's now concerns of a double-dip recession
6 around that.

7 The federal stimulus bill was far
8 from a perfect bill, but in that moment for this
9 state when we were beginning to spiral out of
10 control, it was significant. And I think a bill
11 that would prevent New York from getting and
12 using federal dollars is one that I would have a
13 number of concerns about.

14 Thank you, Mr. President.

15 ACTING PRESIDENT O'MARA: Any other
16 Senator wishing to be heard?

17 Senator Krueger.

18 SENATOR KRUEGER: Thank you,
19 Mr. President. If the sponsor would yield,
20 please.

21 ACTING PRESIDENT O'MARA: Senator
22 Robach, do you yield?

23 SENATOR ROBACH: I will.

24 SENATOR KRUEGER: Thank you. So
25 let's try to take this bill apart a little bit,

1 if we might.

2 So under this bill you would have a
3 spending cap but the government could exceed the
4 spending cap if an emergency was declared and the
5 Legislature authorized, by a two-thirds majority,
6 additional spending. Is that correct?

7 SENATOR ROBACH: That's correct.

8 SENATOR KRUEGER: And what's the
9 definition of an emergency?

10 SENATOR ROBACH: I think that would
11 probably have to be a collective decision by the
12 Governor, perhaps even this Legislature, given
13 some financial crisis or extraordinary
14 circumstance.

15 SENATOR KRUEGER: Mr. President, if
16 through you the sponsor would continue to yield.

17 ACTING PRESIDENT O'MARA: Do you
18 continue to yield, Senator Robach?

19 SENATOR ROBACH: Yes.

20 SENATOR KRUEGER: I believe
21 technically that the bill requires an emergency
22 to be declared by the Governor. So what's the
23 definition of what the --

24 SENATOR ROBACH: It says right here,
25 in line 8 of the bill, "'Emergency' shall mean an

1 extraordinary, unforeseen, or unexpected
2 occurrence or combination of circumstances
3 including but not limited to natural disaster,
4 invasion, terrorist attack or economic
5 calamity." I think it's pretty spelled out.

6 Again, we're not trying to change
7 existing law, we're trying to control spending.
8 Given the fact, as again, when I was answering
9 Senator Squadron's question, we had several years
10 when inflation was at 2 percent and we were
11 raising our spending at 8 percent, then having
12 people later on say that was the reason why we
13 had to raise taxes and fees on businesses, on
14 everyday people.

15 This is to try and control that in
16 the future, as we did, working along -- last year
17 on the budget with the Governor to control it
18 last year. If that helps.

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

21 SENATOR ROBACH: I will.

22 SENATOR KRUEGER: Thank you.

23 And the cap would be set at the
24 average of the three previous annual
25 consumer-price-rate years over the previous

1 year's aggregate SOF spending. Why did you
2 decide on this formula for a base amount?

3 SENATOR ROBACH: I think the logic
4 with that was if there was a peak or a very
5 depressed year, rather than take one year, as
6 some other states have done, we wanted to take
7 three years to try and give a fair average to get
8 a very accurate picture, again, of the rate of
9 inflation or growth rather than base it on one
10 year.

11 SENATOR KRUEGER: And have we --
12 excuse me, Mr. President. If through you the
13 sponsor would continue to yield.

14 ACTING PRESIDENT O'MARA: Do you
15 continue to yield, Senator Robach?

16 SENATOR ROBACH: Absolutely, yes.
17 I will continue to yield for whatever questions
18 Senator Krueger has.

19 SENATOR KRUEGER: Thank you so
20 much.

21 So quite a few other states have
22 gone down the road of exploring spending caps or
23 putting spending caps into effect or removing
24 spending caps. And I'm just curious whether you
25 have looked at the research from that and the

1 findings from those states, particularly Colorado
2 and California.

3 SENATOR ROBACH: I can honestly say
4 I have not looked at the research from California
5 or Colorado, but I have listened to the people of
6 New York who I believe 84 percent think New York
7 spends too much, taxes too much and does not live
8 within its means.

9 This is clearly what I believe a
10 very logical, intelligent bill that will address
11 those very, very concerns. And I have to say I'm
12 in that 84 percent, and not only as a legislator
13 but as a citizen that feels we have to be the
14 responsible parent and try and control how much
15 we spend.

16 I just think the evidence, again, is
17 so compelling when you look at, you know, our
18 last 10 years of budgeting, given what was going
19 on with the economy, and not having any parameter
20 or ceiling on how much we spent, seemed to not
21 put New York in good shape, not for everyday
22 citizens, who are leaving because of taxes, not
23 for businesses, who are crying for less
24 regulation and fees, not more. Clearly that
25 policy without this has led to great, great

1 growth greater than the rate of inflation.

2 So I'm not so concerned with
3 Colorado or California, but I really, really am
4 concerned with New York.

5 SENATOR KRUEGER: Thank you. I'm
6 also very concerned with the State of New York,
7 Senator Robach, which is why I'm asking about the
8 research from other states.

9 Mr. President, if through you the
10 sponsor would continue to yield.

11 ACTING PRESIDENT O'MARA: The
12 sponsor continues to yield.

13 SENATOR ROBACH: I will.

14 SENATOR KRUEGER: The research from
15 other states actually shows that spending caps
16 have a disproportionate impact on women, the
17 elderly, the disabled, and the poor. How would
18 we try to protect New York State from going down
19 that road if we were to implement a spending cap
20 as proposed by this bill?

21 SENATOR ROBACH: I don't know how
22 you could possibly quantify in a study that would
23 treat everybody equally. A property tax or a cap
24 on government spending, our operations, would
25 only mean we couldn't grow greater than the rate

1 of inflation.

2 I would make the argument in
3 reverse, that it would help everyone regardless
4 of gender, age, whatever, because they would not
5 be, again, likely to have \$14 billion of new
6 taxes and fees on registering your car, licensing
7 your car, going to a park. Those fees would not
8 be necessary to be implemented on them, as we've
9 done before.

10 I'd even go one step further. At a
11 time -- Senator Squadron talked about the
12 economy. Anything we could do to make the ground
13 more fertile for business would also give people
14 of all genders, all parts of the state, a greater
15 opportunity of getting employment, which I think
16 would help them too.

17 So I don't know -- I've never seen
18 any study. Maybe you could tell me what it is.
19 But I don't know how could you figure that
20 putting a cap on our state spending operations
21 would possibly impact somebody based on any of
22 those demographics. I don't know how that could
23 really be derived.

24 SENATOR KRUEGER: Thank you,
25 Mr. President. If through you I might answer the

1 sponsor's question and then continue with my
2 questions. Would that be okay?

3 ACTING PRESIDENT O'MARA: Yes. On
4 the bill, Senator Krueger?

5 SENATOR KRUEGER: Well, I wanted to
6 answer the Senator's question.

7 The way you can find that out,
8 Senator, is to review any number of reports that
9 have come out that look at the impact of spending
10 caps on other states.

11 I have two reports specifically on
12 Colorado and the impact of the TABOR legislation
13 that was passed there. I have a terrific report
14 that was put out by the Citizens Budget
15 Commission in October 2010 reviewing the
16 experience of other states that passed spending
17 caps, including reviews of Colorado, Washington,
18 Connecticut, New Jersey. I have several national
19 studies looking at the impact of spending caps
20 and proposed spending caps even by the federal
21 government, a study by the National Women's Law
22 Center highlighting the destructive impact
23 specifically on women, children, the elderly,
24 people of color.

25 Because when you put a spending cap

1 and an arbitrary spending cap on budgets, you end
2 up having to make specific cuts in state
3 spending. And unfortunately, particularly in bad
4 economic times, the disproportionate cuts to
5 programs are in fact in education and healthcare
6 and services to people with disabilities and
7 senior citizens.

8 And -- I'm sorry, Mr. President, if
9 we could get a little more quiet. I'm having
10 trouble concentrating.

11 ACTING PRESIDENT O'MARA: Yes.

12 Ladies and gentlemen, may we please
13 have some order and some quiet in here for the
14 debate.

15 SENATOR KRUEGER: Thank you.

16 So in fact the research does show
17 that the spending caps lead to an unequal
18 distribution of the pain on people within
19 states.

20 So in follow-up, do you think that
21 there might be a way to have a spending cap but
22 also assure that we are not taking
23 disproportionate hits on those, our most
24 vulnerable citizens?

25 SENATOR ROBACH: I think that's

1 pretty hypothetical, anecdotal. I don't know if
2 there's any quantifiable information you've
3 said. Yes, clearly we know that taxes,
4 registering your car, all those fees and taxes
5 you imposed the last two years affect people of
6 every income level, every part of the state.

7 And, you know, I've listened to you
8 intently over 10 years. I know you're not afraid
9 to raise taxes. You seem to even like them. I
10 don't. I think there's a time and a place for
11 everything. And clearly, even in the low-income
12 part of my district, people said to me, "Senator,
13 really? They want to put a tax on sugar and
14 salt? What next, Kool-Aid?" And I said to them,
15 yeah, some people really don't get it. They want
16 to continue to raise and raise and raise.

17 So I've listened to people in my
18 district. I don't want to hurt anybody
19 disproportionately. But I think in New York
20 we've got some great programs, ones I helped
21 develop -- but we're at a point now, I'll say it
22 again, just like businesses, just like working
23 families, just like people on a fixed income.
24 Not dramatically, just at the rate of inflation,
25 we need to tighten our belt.

1 If we don't and you vote against
2 this, I guarantee you, you're right, Liz, we'll
3 be back here to vote for some tax to cover the
4 bill and a continued rate of growth greater than
5 the rate of inflation. This to me is a
6 no-brainer. You can try and cloud it with all
7 these things. But either we're going to try to
8 live a little bit more within our means and send
9 a message to business or taxpayers, or we're
10 not. We're going to continue to grow, grow,
11 grow.

12 And again, you know, the great John
13 F. Kennedy quote, the situation and crisis at
14 hand should dictate the right government action.
15 The time now, just a little, just logically, rein
16 in spending a little bit at the rate of
17 inflation. I don't think that will put anybody
18 in too dramatic harm's way.

19 SENATOR KRUEGER: Mr. President, on
20 the bill.

21 ACTING PRESIDENT O'MARA: Senator
22 Krueger on the bill.

23 SENATOR KRUEGER: Thank you.

24 The evidence is not anecdotal.
25 There has been an enormous amount of economic

1 research from the states that have implemented
2 spending caps. There has been an enormous amount
3 of analysis of the impact on states that have
4 created spending caps and even gone further and
5 trapped themselves in a situation where they
6 can't raise revenues or get themselves out of the
7 situation if they require a two-thirds majority
8 vote to do so.

9 And in fact Senator Robach's bill
10 combines these two approaches, both of which
11 there is substantive economic and quantitative
12 data showing have caused enormous problems for
13 other states.

14 And interestingly, I find that
15 Republican governors and Republican legislatures
16 in other states who have gone down this road have
17 needed to figure out how to reverse themselves.

18 Now, the good news about this bill,
19 as opposed to some bills that we saw earlier in
20 the year that were variations on this theme,
21 those bills would have been constitutional
22 amendments. And if we were to change our
23 Constitution, requiring a spending cap or a
24 supermajority to resolve problems or raise
25 revenues in emergency situations, then we truly

1 would be in a situation where we might not be
2 able to go back. So the good news is this is not
3 an attempt to change the Constitution of New York
4 State. But nonetheless, it's the same bad
5 proposal for the State of New York.

6 Senator Robach, in his description,
7 argued that our taxes are too high. He says I
8 like taxes. I don't think I like taxes. I like
9 to ensure fair taxation. And I believe that
10 government needs to provide quality public
11 services to the people of New York State. And
12 unless I could somehow magically ensure that the
13 State of New York could win the lottery to the
14 tune of \$129 billion, \$130 billion every year,
15 I'm left with the reality that we need to collect
16 our revenue in some way.

17 So I do think fair, equitable,
18 progressive taxation is the best option short of
19 the lottery to provide money to make sure that we
20 have roads and bridges, that we have police and
21 fire, that we have a public school system
22 throughout the State of New York that ensures
23 that our young people have an opportunity to get
24 a quality education and to compete in the world
25 and the economy that they are in fact inheriting

1 from us and need to do better with.

2 So yes, I believe in fair taxation.
3 I believe in justifiable state budgets. And I
4 don't disagree with Senator Robach that there are
5 reasonable questions to be raised about how we've
6 made the decisions to raise money and spend
7 money. For the record, I have been here about
8 nine years now, and I watched this budget grow
9 and our taxes grow years before I was in the
10 majority, years when I was in the majority, and
11 now again when I'm in the minority. So I
12 actually don't think it's a particularly healthy
13 partisan blame game who raised taxes when,
14 because both sides of the aisle did it. And
15 records would show more of it happened under
16 Republican control than Democratic control.

17 But that's not really the point.
18 The point is how are we going to have a
19 21st-century economy and a modern justifiable
20 budget.

21 I would argue that this proposal,
22 combining a spending cap with a requirement for a
23 supermajority vote to get us out of something
24 that we may have passed ourselves into, is
25 absolutely the wrong way to go.

1 And again, I could read -- I
2 probably have several hundred pages of reports
3 and quantitative analysis of what went wrong in
4 the states that went down the road. But I'll
5 just highlight, for a moment, Colorado.

6 Colorado, having put itself into a
7 TABOR situation, found that the only way it could
8 run government at the state and local level was
9 to create a massive number of new public
10 authorities, new municipal and local governments,
11 new district governments, each of which had their
12 own fees and taxes. So they had to get around
13 the laws they had passed by creating literally a
14 monster of government infrastructure.

15 There is no evidence from the
16 research that they've saved the taxpayers of
17 Colorado any money. They have created a much
18 more expensive infrastructure of government at
19 the state, local, municipal, county level. They
20 have trapped themselves into a situation they
21 admit they don't really know how to get out of.
22 They have, in the course of that situation, found
23 themselves lowering their rate of quality of
24 education in comparison to other states, reducing
25 the services that they provide, becoming less

1 competitive as a state government. And they are,
2 I think, a poster-child state for what we don't
3 want to do.

4 Connecticut has been in a less
5 extreme situation, California in a more extreme
6 situation recently, where their ability to solve
7 their budgetary problems are infamous.

8 A study done recently by the
9 Citizens Budget Commission here in New York State
10 lays out the questions New York State needs to
11 address if it would imagine going forward with
12 this model.

13 First, what growth benchmarks should
14 determine the cap? No other state uses an
15 inflation-only rate to calculate a cap. The five
16 states that used inflation-based caps all
17 adjusted for population growth to account for
18 increases in demand for existing services. I
19 don't think you're going to see me personally
20 voting for a spending cap with a supermajority
21 vote. But you've got to adjust for inflation
22 when you factor any of this in.

23 A growth factor set at the rate of
24 inflation would likely require the state to
25 reduce the services it provides. Costs for some

1 services, like education and healthcare,
2 historically grow at rates that exceed inflation
3 and even plus, even inflation plus population.

4 Limiting overall state spending
5 growth to inflation would likely cause spending
6 cuts in some areas as portions of the budget with
7 faster growth rates consume a larger share of the
8 resources and squeeze out other services. Again,
9 why we need to think carefully about the impact
10 on specific sectors of the state budget if we
11 were to create a cap.

12 An alternative and more prevalent
13 benchmark is personal income growth, which is the
14 basis for caps in 15 states. This typically
15 provides for more generous limits. Based on past
16 trends in New York, a cap based on personal
17 income growth would allow growth at nearly twice
18 the rate of inflation in a typical year.

19 So again, I personally, Liz Krueger,
20 am not in love with spending caps. But I would
21 be much more open for a discussion of how we look
22 at our budget in the context of personal income
23 growth, not simply inflation, even adjusted over
24 one two or three years.

25 Second, again reading from the

1 Citizens Budget Commission report, New York would
2 need to avoid the ratchet-down effect experienced
3 by Colorado. As I've already discussed, the
4 impact on Colorado has been devastating and
5 they've been trying to figure out how to get out
6 of the problems that were created when their
7 first bill went into effect. And they also used
8 a three-year-inflation average, by the way, with
9 their original model.

10 Third, you have to ask the questions
11 about unintended consequences for local
12 governments of a state spending cap. Because in
13 fact, with a state spending cap what you do is
14 shift the responsibility or the necessity for
15 local government to raise more taxes at the local
16 level as they see that their costs go up but they
17 can't turn to the state for reasonable growth in
18 money.

19 In fact, that's the sidebar to
20 discussion about property taxes in this state
21 right now. If the state does pass into law a
22 property tax cap, it literally means the one tax
23 that localities now do not need to come to the
24 State Legislature for will have caps and controls
25 on them. Some localities are coming and saying

1 they want us to do that. I think it's an
2 interesting tax policy dilemma, but there are
3 localities that say, Yes, stop us from increasing
4 our taxes, cap us.

5 Well, the problem is, nobody's
6 asking us to cap their spending. So if you're
7 not capping local spending but you're capping
8 local taxes, something has to give somewhere.
9 And that's what this would do at the state
10 level.

11 If you're capping state spending but
12 you still have real costs for the actual delivery
13 of services -- and we know the vast majority of
14 those services happen at the local level -- you
15 are shifting a burden into either existing or
16 soon-to-be-created fees and tax structures at the
17 local and county level. And I think you have to
18 ask the hard questions about whether you're
19 capping spending or transferring responsibility
20 for taxing and spending to a different level of
21 government.

22 I also think we as elected officials
23 are responsible, we should be responsible for
24 making sound budgetary choices, tough budgetary
25 choices. And leaving ourselves in a position

1 where we decide to arbitrarily pick some numbers,
2 throw them into a math formula and say that's
3 where we're going to be, isn't really the
4 responsible answer for legislators. We should be
5 doing the hard work each year -- although I
6 actually think we should have a two-year budget,
7 so we should be doing the hard work in two-year
8 cycles to figure out what are the priorities for
9 our economy, for our needs for our state, what
10 are the circumstances that have occurred, and how
11 are we going to get the money to spend on those
12 priorities.

13 I find it fascinating that even on a
14 day where we're talking about approving a
15 spending cap, there are also bills on this agenda
16 that take money out of the state budget but don't
17 explain how we're going to replace it, that
18 create new programs that will cost the state
19 money but we don't explain how we're going to pay
20 for them.

21 I find it inconsistent for this body
22 to be moving bills to spend new state money
23 outside the context of the budget, to move
24 revenues that have already been allocated for
25 specific items in the General Fund for other new

1 purposes, and yet to be saying we need to have
2 our own hands tied because apparently we can't be
3 trusted to pass a budget and keep to it, so we
4 need these spending-cap rules.

5 I don't believe this is the
6 definition of responsible, participatory
7 democracy, and I really do urge my colleagues to
8 spend a little time studying the research and the
9 findings from other states around the country of
10 how this was not a panacea, it was not a magic
11 bullet, it just allowed new fees, new levels of
12 government, new dilemmas for states, and it also
13 translated into disproportionate cuts in programs
14 that many of us would independently say should be
15 the highest priorities for our state.

16 I'll be voting no, Mr. President.
17 Thank you.

18 ACTING PRESIDENT O'MARA: Thank
19 you, Senator Krueger.

20 Any other Senator wishing to be
21 heard?

22 Seeing none, debate is closed.

23 The Secretary will ring the bell.

24 Read the last section.

25 THE SECRETARY: Section 3. This

1 act shall take effect on the 30th day.

2 ACTING PRESIDENT O'MARA: Call the
3 roll.

4 (The Secretary called the roll.)

5 ACTING PRESIDENT O'MARA: Senator
6 Ranzenhofer to explain your vote.

7 SENATOR RANZENHOFER: Thank you.

8 Just very briefly, I would just like
9 to commend Senator Robach for introducing this
10 spending-cap bill. I think earlier this year we
11 passed a constitutional amendment.

12 Senator Robach, I think you get it.
13 You understand what's happening in upstate
14 New York and actually all across this state.
15 It's not a blame game, but over the last 30 years
16 spending has gone up 5 to 6 percent a year, well
17 above the rate of inflation. And I think the
18 anecdotal evidence is the job loss, the
19 population loss in this state. So I commend you
20 for bringing this legislation to the floor and
21 getting it passed today.

22 ACTING PRESIDENT O'MARA: Thank
23 you, Senator Ranzenhofer.

24 Senator Robach to explain your vote.

25 SENATOR ROBACH: Yes, just to

1 explain my vote very briefly.

2 You know, I listened very intently
3 to the debate. And a lot of this might make more
4 sense to me if we didn't already have those
5 progressive taxes and fees. We are number one in
6 taxation and combined taxes. That's the
7 problem. Anybody with any logic can see there's
8 a correlation between spending and taxes.

9 And I'm not asking for anything
10 draconian. We don't want to hurt anybody. We're
11 just saying let's try and live in the rate of
12 inflation just like we have to do in our own
13 homes, in our own businesses. Wouldn't it be
14 nice, instead of being one in total taxes,
15 perhaps to be number one in people coming to the
16 state instead of so many people leaving.
17 Wouldn't it be nice to change the policy to be
18 one in job growth rather than in job losses we've
19 seen, especially in upstate New York.

20 So I think this is a very
21 straightforward bill, very common sense. I'll be
22 voting yes and I hope others will too.

23 Thank you, Mr. President.

24 ACTING PRESIDENT O'MARA: Thank
25 you, Senator Robach.

1 Senator Rivera to explain your vote.

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

4 I rise today to vote in the negative
5 on this bill. I agree with most of if not all of
6 the points that Senator Krueger brought up.

7 As far as the points that Senator
8 Robach brought up, as far as taxation is
9 concerned, sales taxes and some of the taxes that
10 we approved here in the last couple of weeks,
11 those are -- as I've said before, a flat tax is
12 very regressive as opposed to progressive.
13 Certainly as opposed to the personal income
14 surcharge which we have debated many times on
15 this floor, and I will continue to debate,
16 because I agree that we need revenue to be able
17 to run the programs that the state needs to run.

18 This is unfortunately a gimmick that
19 will not resolve issues and will actually put a
20 straitjacket on the state and its ability to deal
21 with the budget problems in here and in the
22 future. So I will be voting in the negative on
23 this piece of legislation.

24 Thank you, Mr. President.

25 ACTING PRESIDENT O'MARA: Thank

1 you, Senator Rivera.

2 Senator DeFrancisco to explain your
3 vote.

4 SENATOR DEFRANCISCO: Yes. By this
5 legislation we're responsibly doing what we're
6 really asking local governments to do when we
7 pass a tax cap. And that bill's going to be live
8 before the end of the week. I would imagine that
9 most people are going to vote with the Governor
10 and the legislative leaders who negotiated that
11 tax cap.

12 We're asking them to operate more
13 efficiently. We're asking them to spend within
14 their means. We're asking them to provide relief
15 to their property taxpayers. It's only right for
16 we who are telling them to do that, for us to do
17 the same thing.

18 And it's an excellent bill that
19 Senator Robach has proposed. It's showing that
20 we are going to do exactly what we're asking
21 local governments and school districts to do,
22 constrain spending, operate more efficiently. I
23 vote aye.

24 ACTING PRESIDENT O'MARA: Senator
25 DeFrancisco will be recorded in the affirmative.

1 Senator Martins to explain your
2 vote.

3 SENATOR MARTINS: Thank you,
4 Mr. President. I also rise to support this bill
5 and to congratulate my colleague Senator Robach
6 for introducing this bill.

7 You know, I've heard a lot this
8 afternoon about how this bill will
9 disproportionately affect women, minorities, the
10 elderly -- when it's just the opposite. This
11 state leads the country in one way where we do
12 not want to lead the country, and that's in
13 taxes. And if there's one thing that we should
14 be concentrating on, it's limiting the growth of
15 taxes, because taxes are the scourge of everyone
16 in this state. Every member of our communities,
17 regardless of where you live in New York State,
18 whether you live in urban areas, suburban areas
19 or rural areas, taxes are the number-one issue
20 affecting our constituents, all of us.

21 And all we're asking the state to do
22 is to provide the same fiscal discipline that
23 we've asked from local governments and that we
24 ask from ourselves, from our businesses, from our
25 local communities, from our schools. I'll be

1 voting in the affirmative because it's the right
2 thing to do for all residents and taxpayers in
3 New York State, and it will disproportionately
4 benefit everyone.

5 Thank you, Mr. President.

6 ACTING PRESIDENT O'MARA: Senator
7 Martins to be recorded in the affirmative.

8 Announce the results.

9 THE SECRETARY: In relation to
10 Calendar Number 651, those recorded in the
11 negative are Senators Adams, Dilan, Duane,
12 Espaillat, Gianaris, Hassell-Thompson, Huntley,
13 L. Krueger, C. Kruger, Montgomery, Parker,
14 Perkins, Rivera, Serrano, Smith, Squadron,
15 Stavisky, and also Senator Peralta.

16 Ayes, 44. Nays, 18.

17 ACTING PRESIDENT O'MARA: The bill
18 is passed.

19 SENATOR LIBOUS: Mr. President.

20 ACTING PRESIDENT O'MARA: Senator
21 Libous.

22 SENATOR LIBOUS: Before we
23 continue, could we go back to the reports of
24 standing committees, please.

25 I believe there's a report of the

1 Rules Committee at the desk. Could we have it
2 read?

3 ACTING PRESIDENT O'MARA: Reports
4 of standing committees.

5 The Secretary will read.

6 THE SECRETARY: Senator Skelos,
7 from the Committee on Rules, reports the
8 following bills:

9 Senate Print 511A, by Senator
10 Maziarz, an act directing the New York State
11 Energy Research and Development Authority.

12 Senate Print 755, by Senator Young,
13 an act to amend the Private Housing Finance Law.

14 Senate Print 854, by Senator Young,
15 an act to amend the Highway Law.

16 Senate Print 958C, by Senator
17 Maziarz, an act to amend the Parks, Recreation
18 and Historic Preservation Law.

19 Senate Print 1462A, by Senator
20 LaValle, an act to amend the Real Property Tax
21 Law.

22 Senate Print 1966A, by Senator
23 Marcellino, an act to amend the Executive Law.

24 Senate Print 2409C, by Senator
25 Grisanti, an act to amend the Agriculture and

1 Markets Law.

2 Senate Print 2466A, by Senator

3 Libous, an act to amend the Highway Law.

4 Senate Print 2544, by Senator

5 Bonacic, an act to amend the Real Property Tax

6 Law.

7 Senate Print 2596A, by Senator

8 Flanagan, an act to amend the Penal Law.

9 Senate Print 2737, by Senator

10 Saland, an act to amend the Penal Law.

11 Senate Print 2918, by Senator

12 Golden, an act to amend the Vehicle and Traffic

13 Law.

14 Senate Print 2936, by Senator Lanza,

15 an act to amend the Penal Law.

16 Senate Print 2952B, by Senator

17 Libous, an act to legalize, validate, ratify and

18 confirm.

19 Senate Print 3036, by Senator

20 LaValle, an act to amend the Town Law.

21 Senate Print 3057, by Senator

22 Seward, an act to amend the Insurance Law.

23 Senate Print 3101, by Senator

24 LaValle, an act to amend the Town Law.

25 Senate Print 3201, by Senator

1 Hannon, an act to amend the Real Property Tax
2 Law.

3 Senate Print 3335, by Senator Lanza,
4 an act to amend the Executive Law.

5 Senate Print 3649A, by Senator
6 Gallivan, an act to amend the Tax Law.

7 Senate Print 3778B, by Senator
8 Martins, an act to amend the Public Authorities
9 Law.

10 Senate Print 3872B, by Senator
11 Maziarz, an act to amend the Public Authorities
12 Law.

13 Senate Print 4036, by Senator
14 Golden, an act to amend the Vehicle and Traffic
15 Law.

16 Senate Print 4073B, by Senator
17 Zeldin, an act to amend the Election Law.

18 Senate Print 4123, by Senator
19 Ranzenhofer, an act to amend the Education Law.

20 Senate Print 4143A, by Senator
21 Young, an act to amend the Alcoholic Beverage
22 Control Law.

23 Senate Print 4223, by Senator
24 Larkin, an act to amend the General Municipal
25 Law.

1 Senate Print 4240, by Senator
2 Larkin, an act to amend the General Municipal
3 Law.

4 Senate Print 4270B, by Senator
5 Golden, an act to amend the Civil Service Law.

6 Senate Print 4333, by Senator
7 Carlucci, an act to authorize.

8 Senate Print 4392, by Senator
9 Flanagan, an act to authorize.

10 Senate Print 4435A, by Senator
11 Robach, an act to amend the General Business Law.

12 Senate Print 4503, by Senator
13 Nozzolio, an act to amend the Village Law.

14 Senate Print 4514, by Senator
15 Libous, an act to amend the Real Property Tax
16 Law.

17 Senate Print 4560, by Senator
18 Robach, an act to amend the Correction Law.

19 Senate Print 4637, by Senator Lanza,
20 an act to amend the Public Authorities Law.

21 Senate Print 4677, by Senator
22 Larkin, an act to amend the Executive Law.

23 Senate Print 4741A, by Senator
24 Johnson, an act to amend the Education Law.

25 Senate Print 4762, by Senator

1 McDonald, an act to amend the Environmental
2 Conservation Law.

3 Senate Print 4844, by Senator
4 Maziarz, an act to direct the New York State
5 Office of Parks, Recreation and Historic
6 Preservation.

7 Senate Print 4851A, by Senator
8 Saland, an act related to authorizing.

9 Senate Print 4899, by Senator
10 LaValle, an act to amend the Local Finance Law.

11 Senate Print 4901, by Senator
12 LaValle, an act to amend the Village Law.

13 Senate Print 4943, by Senator Young,
14 an act to amend the Tax Law.

15 Senate Print 5092, by Senator
16 Seward, an act to amend the Insurance Law.

17 Senate Print 5161, by Senator
18 Ritchie, an act to amend the Environmental
19 Conservation Law.

20 Senate Print 5184B, by Senator
21 Young, an act to amend the Education Law.

22 Senate Print 5260B, by Senator
23 Hannon, an act to amend the Penal Law.

24 Senate Print 5288, by Senator Lanza,
25 an act to amend the Correction Law.

1 Senate Print 5309, by Senator
2 Larkin, an act to amend the Criminal Procedure
3 Law.

4 Senate Print 5323A, by Senator
5 Robach, an act to amend the Environmental
6 Conservation Law.

7 Senate Print 5325, by Senator
8 Larkin, an act to amend the Criminal Procedure
9 Law.

10 Senate Print 5459, by Senator
11 Seward, an act to authorize the Village of
12 Herkimer.

13 Senate Print 5504A, by Senator
14 Saland, an act to amend Chapter 672 of the Laws
15 of 1993.

16 Senate Print 5523, by Senator
17 Farley, an act to authorize.

18 Senate Print 5524, by Senator
19 Flanagan, an act to amend the Education Law.

20 Senate Print 5529A, by Senator
21 Valesky, an act to authorize the extension of
22 time.

23 Senate Print 5537, by Senator
24 Carlucci, an act making an appropriation.

25 Senate Print 5573, by Senator Lanza,

1 an act to amend the Not-for-Profit Corporation
2 Law.

3 Senate Print 5593, by Senator
4 Flanagan, an act to amend Chapter 140 of the Laws
5 of 1985.

6 Senate Print 5594, by Senator
7 Grisanti, an act to amend the New York State
8 Urban Development Corporation Act.

9 Senate Print 5595, by Senator
10 Marcellino, an act to amend the Village Law.

11 Senate Print 5601, by Senator
12 Bonacic, an act to amend the Environmental
13 Conservation Law.

14 Senate Print 5608, by Senator
15 Ranzenhofer, an act to authorize the Town of
16 Amherst.

17 Senate Print 5610, by Senator Young,
18 an act to amend the Highway Law.

19 Senate Print 5631, by Senator
20 Golden, an act to amend the Executive Law.

21 Senate Print 5657, by Senator
22 Seward, an act to authorize the Village of Ilion.

23 And Senate Print 5675, by Senator
24 Golden, an act to amend the Education Law.

25 All bills ordered direct to third

1 reading.

2 ACTING PRESIDENT O'MARA: Senator
3 Libous.

4 SENATOR LIBOUS: Mr. President,
5 could I move to accept the report of the Rules
6 Committee.

7 ACTING PRESIDENT O'MARA: There's a
8 motion to accept the report of the Rules
9 Committee. All in favor signify by saying aye.

10 (Response of "Aye.")

11 ACTING PRESIDENT O'MARA: Opposed,
12 nay.

13 (No response.)

14 ACTING PRESIDENT O'MARA: The
15 report of the Rules Committee is accepted.

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

18 Could we now go back to the --
19 follow the order of the controversial calendar,
20 please.

21 ACTING PRESIDENT O'MARA: Back to
22 the controversial reading of the calendar.

23 The Secretary will read.

24 THE SECRETARY: Calendar Number
25 746, by Senator Libous, Senate Print 3059, an act

1 to amend the Education Law.

2 SENATOR BRESLIN: Explanation.

3 ACTING PRESIDENT O'MARA: Senator
4 Libous, an explanation has been requested.

5 SENATOR LIBOUS: Thank you,
6 Mr. President.

7 This bill basically deals with oral
8 surgery. And presently dentists are not oral
9 surgeons, but there are a number of oral surgeons
10 that are also dentists. And this allows them to
11 perform, if you're an oral surgeon, procedures of
12 oral surgery on the face.

13 ACTING PRESIDENT O'MARA: Senator
14 Krueger.

15 SENATOR KRUEGER: Thank you. If
16 the sponsor would please yield.

17 ACTING PRESIDENT O'MARA: Senator
18 Libous, will you yield to Senator Krueger?

19 SENATOR LIBOUS: Yes,
20 Mr. President, I'd be happy to yield.

21 SENATOR KRUEGER: So dentists take
22 the position in this bill that their doctoral
23 training as well as their postdoctoral residency
24 training is equivalent to that for which a
25 physician obtains a board certification,

1 including plastic surgery, dermatology, ooh,
2 otolaryng -- jolly -- I can't even say it, excuse
3 me. Okay, O-T-O-L-A-R-Y-N-G-O-L-O-G-I-S-T -- or
4 orthopedic surgery.

5 Is this true, that that is the
6 position of dentists on your bill?

7 SENATOR LIBOUS: No, no.
8 Mr. President, it's not dentists, it's oral
9 surgeons. Let me go back to what I said
10 earlier. There are dentists that are oral
11 surgeons, but there are dentists that are not
12 oral -- I mean, you have to be an oral surgeon,
13 not a dentist.

14 So, Mr. President, if you were to go
15 to your dentist to have a tooth drilled, he would
16 not qualify under this. But if you were to go to
17 an oral surgeon, only oral surgeons qualify under
18 this bill. Not a dentist, an oral surgeon.

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

21 ACTING PRESIDENT O'MARA: Do you
22 continue to yield, Senator?

23 SENATOR LIBOUS: Yes, sure.

24 SENATOR KRUEGER: Thank you.

25 So for me to reiterate, so your

1 definition is that oral surgeons are people who
2 have doctoral training or postdoctoral training,
3 but that is not as a physician but rather is oral
4 surgeons within dentistry; is that correct?

5 SENATOR LIBOUS: Mr. President,
6 Senator Krueger, it's not my position. But right
7 now an OMS has to go through four years of
8 undergraduate education, four year of dental
9 school, two to four years of medical and surgical
10 rotations, a two-year residency of
11 maxillofacial-concentrated surgery.

12 So these are not my -- these are
13 under the State Education Department. These are
14 not my requirements, these are under the State
15 Education Department. A regular dentist does not
16 have to go through that.

17 SENATOR KRUEGER: Mr. President, if
18 through you the sponsor would continue to yield.

19 ACTING PRESIDENT O'MARA: Do you
20 continue to yield, Senator Libous?

21 SENATOR LIBOUS: Of course I would,
22 Mr. President.

23 SENATOR KRUEGER: Thank you.

24 So now we've clarified we're talking
25 about oral surgeons as defined by the State of

1 New York SED in the context of dental oral
2 surgeons as opposed to M.D. physicians with
3 training.

4 My understanding is that the first
5 two years of medical and dental school are
6 comparable but the last two years are different.
7 The third and fourth years of medical school
8 consist of clinical rotations through surgery,
9 medicine, psychiatry, pediatrics, obstetrics,
10 gynecology, et cetera. The third and fourth year
11 of dental school is spent primarily in labs where
12 there is dental training, but not with physician
13 care in a hospital setting, nor are they
14 participating in, again, hospital-based training
15 and exposure. And that physicians practicing
16 specifically in a surgical discipline obtain the
17 bachelor's or master's degree, four to six years,
18 a Doctor of Medicine degree, four years, and
19 complete a five-year residency training as a
20 surgeon.

21 So would the sponsor agree with me
22 that the training for an M.D. surgeon and the
23 training for a dental oral surgeon are
24 substantively different?

25 SENATOR LIBOUS: Mr. President, I

1 would not agree. I would only state what is
2 specifically in the legislation that's on the
3 floor.

4 And when it comes to an OMS, you
5 know, they meet guidelines that are set by SED
6 and have been granted -- they're only those oral
7 surgeons that have been granted hospital
8 privileges for those specific surgical
9 procedures. And they may practice them in a
10 hospital or in an office-based setting.

11 So I'm not sure as to what Senator
12 Krueger was reading from. And certainly,
13 Senator, I respect the fact that you had a bunch
14 of information there, but I'm only debating
15 specifically to the bill that is before us and
16 what I know that's in the bill that we've
17 drafted.

18 SENATOR KRUEGER: Through you,
19 Mr. President, if the sponsor would --

20 ACTING PRESIDENT O'MARA: Do you
21 continue to yield, Senator Libous?

22 SENATOR LIBOUS: Of course.

23 SENATOR KRUEGER: Thank you.

24 I'm reading definitions of what the
25 training requirements are for a physician who

1 completes medical school residency and a surgical
2 residency versus my understanding of the training
3 requirements for an oral surgeon who goes through
4 dental training, just for the record.

5 So in a follow-through question,
6 does the sponsor believe that postdoctoral
7 residency training currently received by dentists
8 is in fact equivalent to that completed by
9 physicians?

10 SENATOR LIBOUS: Their training,
11 Senator, is extremely similar to plastic
12 surgeons.

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

15 SENATOR LIBOUS: I will.

16 SENATOR KRUEGER: Thank you.

17 In other states that have enacted
18 similar law, what has been the patient care
19 experience?

20 SENATOR LIBOUS: I can answer that
21 for you, Mr. President, if you just give me a
22 second here. I believe there have been no issues
23 or problems in other states with oral surgeons.
24 I have that -- actually, the staff anticipated
25 this question. But there appears to be no issues

1 at this time in other states.

2 And, Mr. President, if I may add
3 that these oral surgeons can do this work now.
4 If, Mr. President, God forbid somebody is in a
5 car accident and they are called to the hospital,
6 they do this sort of work now. They do
7 reconstructive surgery right now if there was an
8 accident or a trauma situation.

9 SENATOR KRUEGER: Mr. President, if
10 through you the sponsor would continue to yield.

11 SENATOR LIBOUS: I will,
12 Mr. President.

13 SENATOR KRUEGER: Thank you.

14 If they do this work now, why do we
15 need this law?

16 SENATOR LIBOUS: This will allow
17 them to do it in a an office-based setting,
18 Mr. President.

19 SENATOR KRUEGER: On the bill,
20 Mr. President.

21 ACTING PRESIDENT O'MARA: Senator
22 Krueger on the bill.

23 SENATOR KRUEGER: I don't support
24 this bill. But I have to say that the sponsor's
25 last answer to me is perhaps the most strong

1 argument for my continuing to not support the
2 bill.

3 To go through, the training to be a
4 physician is specific and extensive and most
5 relevant for comparisons for this bill. We are
6 talking about physicians who have completed
7 residencies and surgical residencies before they
8 are doing plastic surgery or surgery, primarily
9 known by ear, nose and throat specialists.

10 Dentists go through very specific
11 training, training I respect. Oral surgeons in
12 the context of dentistry go through additional
13 training. They do not have medical degrees, nor
14 do they have residencies in surgery.

15 The Commission on Dental
16 Accreditation, an arm of the American Dental
17 Association, has established certain standards
18 for accredited oral and maxillofacial surgery
19 residency programs. These standards require
20 instruction in basic science, physical diagnosis,
21 anesthesia, surgical head and neck anatomy and
22 clinical physiology, as well as a minimum of
23 30 months of oral and maxillofacial surgery, to
24 be included in clinical services within their
25 four-year residency program.

1 They must provide 75 surgical cases
2 in their final year, including at least 10 in
3 trauma, pathology, orthognathic and
4 reconstructive and aesthetic surgery. They only
5 have to do 10 cases in reconstructive and
6 aesthetic surgery.

7 The Accreditation Council of
8 Graduate Medical Education evaluates and
9 accredits medical residency programs in the
10 United States. In comparison to the standards
11 for the Commission on Dental Accreditation, the
12 standards of accreditation of the Council of
13 Graduate Medical Education are considerably more
14 stringent and are comparable across surgical
15 specialties, whether we are referring to plastic
16 surgery, otolaryn -- you know, it's that word
17 that I just can't say: O-T-O-L-A-R-Y-N-G-
18 O-L-O-G-Y -- ear, nose and throat. Thank you so
19 much, Senator DeFrancisco -- or orthopedic
20 surgery. Thank you, everyone.

21 Each must demonstrate cases in a
22 variety of subspecialties in each particular
23 specialty. For example, the American Board of
24 Ear, Nose and Throat Specialties requires a mix
25 of cases demonstrating proficiency in facial

1 plastic surgery, pediatric OTO, head and neck
2 surgery, general OTO, and endoscopy. The average
3 resident in a medical program sitting for board
4 examination, whether an OTO resident or a plastic
5 surgery resident, will have completed 2,000
6 surgical procedures over their four-year
7 residency program. Again, versus 10 for the
8 dental residents.

9 Moreover, those residents who
10 complete residency and participate in fellowship
11 training in the subspecialty of facial plastic
12 and reconstructive surgery participate as either
13 surgeon or first assistant surgeon on an
14 additional 800 cases, with a total surgical
15 volume of approximately 200 rhinoplasties, one of
16 the most complex cosmetic medical procedures.
17 There is a difference in the training.

18 And again, I am particularly
19 concerned that this bill would allow this kind of
20 surgery to be performed by dental oral surgeons
21 in their offices rather than a hospital setting.
22 When things go wrong in surgery, what is critical
23 is that you are surrounded by people with the
24 training and specialties to respond to the
25 emergencies. And if this was a bill that allowed

1 continued roles within a hospital setting, I
2 would be much more open to this bill.

3 But the concept that this allows
4 people who are not surgeons with a physician M.D.
5 training as board-certified surgeons to be able
6 to do equivalent surgery in their office settings
7 I believe is not in the best interests of
8 New Yorkers. It's not in the best interest of
9 patient care. And I urge us not to pass this
10 bill today.

11 Thank you, Mr. President.

12 ACTING PRESIDENT O'MARA: Thank
13 you, Senator Krueger.

14 Is there any other Senator wishing
15 to be heard?

16 Seeing none, debate is closed. The
17 Secretary will ring the bell.

18 I encourage all Senators to return
19 promptly to the chamber so we can get on with
20 this next vote.

21 Read the last section.

22 THE SECRETARY: Section 5. This
23 act shall take effect on the 180th day.

24 ACTING PRESIDENT O'MARA: Call the
25 roll.

1 (The Secretary called the roll.)

2 SENATOR LIBOUS: Mr. President, can
3 I be called on for a minute?

4 ACTING PRESIDENT O'MARA: Senator
5 Libous.

6 SENATOR LIBOUS: I know we're on
7 the roll and we're waiting one more second for a
8 colleague. And I'm so pleased that everyone
9 listened to my message about an hour ago when I
10 said please stay close to the chamber.

11 We have another calendar to do
12 today. We have quite a bit of work yet in front
13 of us. And we're going to go through this
14 calendar controversial because there are members
15 who have questions, and certainly that's part of
16 the process here. We want everybody to get their
17 questions out and have members able to answer
18 those questions.

19 But we're going to move ahead,
20 because I am not waiting. I said that once
21 before; I was kidding. I'm serious now. So
22 we're being patient because we told one Senator
23 that we would wait. But after this moment, I'm
24 not waiting. So for whatever reason, if you're
25 not here you will be marked absent. Because nice

1 guys finish last.

2 (Laughter.)

3 SENATOR LIBOUS: Read the roll,
4 please.

5 ACTING PRESIDENT O'MARA: Announce
6 the results.

7 THE SECRETARY: In relation to
8 Calendar Number 746, those recorded in the
9 negative are Senators Alesi, DeFrancisco, Duane,
10 Gallivan, Hassell-Thompson, L. Krueger,
11 C. Kruger, Montgomery, Oppenheimer, Parker,
12 Perkins, Ranzenhofer, Rivera, Saland, and
13 Serrano.

14 Absent from voting: Senator
15 Huntley.

16 Ayes, 46. Nays, 15.

17 ACTING PRESIDENT O'MARA: The bill
18 is passed.

19 Senator Libous.

20 SENATOR LIBOUS: Mr. President,
21 before we proceed, in the spirit of being a nice
22 guy, I believe Senator Hassell-Thompson has a
23 group here that she would like to recognize. So
24 if I could have unanimous consent from the body
25 to call on Senator Hassell-Thompson.

1 ACTING PRESIDENT O'MARA: Without
2 objection. Senator?

3 SENATOR HASSELL-THOMPSON: Thank
4 you, Mr. President. And thank you, Senator
5 Libous, for allowing me just a moment to
6 recognize some students from the Bronx.

7 You know that I have had students
8 here all year this year. And today we have
9 students from PS 21, PS 68, PS 111, MS 142, Bronx
10 Charter School for Better Learning, Truman High
11 School, PS 41, PS 112, the Forward School, Young
12 Scholars Academy, School of Diplomacy, all led by
13 Johnnie Garth and other teachers and parents, who
14 have come to watch government.

15 And this is our student government
16 from many of our different schools representing
17 4th through high school. Please welcome my
18 students from the Bronx.

19 Thank you, Mr. President.

20 (Applause.)

21 ACTING PRESIDENT O'MARA: Welcome
22 to the chamber. Thank you for being with us
23 today. We offer you the cordialities of the
24 house. And please enjoy yourselves today.

25 The Secretary will read.

1 THE SECRETARY: Calendar Number
2 768, by Senator Flanagan, Senate Print 4410 --

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

5 ACTING PRESIDENT O'MARA: The bill
6 is laid aside for the day.

7 THE SECRETARY: Calendar Number
8 850, by Senator Saland, Senate Print 1432, an act
9 to amend the Education Law.

10 SENATOR BRESLIN: Explanation.

11 ACTING PRESIDENT O'MARA: Senator
12 Saland, an explanation has been requested.

13 SENATOR SALAND: This bill is a
14 relatively simple bill, a bill which this house
15 has passed unanimously a couple of years ago. It
16 comes out of a situation back in December of 2006
17 in which the Regents imposed a requirement upon
18 all school districts to provide calculators for
19 certain math and science courses.

20 The end result was a \$100 million
21 unfunded mandate that those districts could not
22 have anticipated. There were districts,
23 including districts within my Senate district --
24 and when I say "district," I'm referring to
25 school districts -- that paid in excess of

1 \$100,000 to provide these calculators.

2 This merely says that if you're
3 going to impose a mandate -- and I would
4 certainly hope that that would not be the case.
5 But if the choice of the Regents or the
6 Ed Department is to impose such a mandate, you
7 cannot impose it after a budget has been adopted
8 for a school year, you have to wait for the
9 following school year in order for it to be
10 effective.

11 And if in fact we look to what
12 almost happened this year when the Regents
13 decided that they were going to require school
14 districts to pay for the Regents exams, and we
15 were able to provide some amount of funding to
16 avoid that happening, and some of the exams were
17 in fact canceled or dropped, that would have been
18 an example of another unfunded mandate imposed
19 through either the Regents or the Ed Department
20 that would have caught school districts totally
21 unaware, with no plans, having already in many
22 instances dipped into their reserve funds or fund
23 balances and having had to endure the cuts in
24 education that they had to endure.

25 So I can find no reason why this

1 bill shouldn't pass unanimously, nor do I
2 comprehend why the Assembly has ever failed to
3 take up this bill.

4 ACTING PRESIDENT O'MARA: Thank
5 you, Senator Saland.

6 Any Senator wishing to be heard?

7 Seeing none, debate is closed. The
8 Secretary will ring the bell.

9 Read the last section.

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

12 ACTING PRESIDENT O'MARA: Call the
13 roll.

14 (The Secretary called the roll.)

15 ACTING PRESIDENT O'MARA: Announce
16 the results.

17 THE SECRETARY: In relation to
18 Calendar Number 850, recorded in the negative:
19 Senator Duane.

20 Absent from voting are Senators
21 C. Kruger, L. Krueger, Huntley, Montgomery,
22 Perkins, Hassell-Thompson, Espaillat, Peralta,
23 Parker, Adams, and McDonald.

24 Ayes, 50. Nays, 1.

25 ACTING PRESIDENT O'MARA: The bill

1 is passed.

2 THE SECRETARY: Calendar Number
3 856, by Senator Lanza, Senate Print 3871, an act
4 to prohibit the expenditure of state and local
5 funds.

6 SENATOR BRESLIN: Explanation.

7 ACTING PRESIDENT O'MARA: Senator
8 Lanza.

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

11 This legislation would prohibit
12 state and local governments from providing
13 funding in support of civil trials being afforded
14 to enemy combatants' terrorist trials here in
15 New York. And to be clear with respect to the
16 intent of the legislation, it is my intent to do
17 everything possible to thwart enemy combatants of
18 America to be afforded civil trials here in
19 New York, which is the desire and intent of the
20 Obama administration.

21 And I feel strongly about that
22 because I believe that mass-murdering foreign
23 enemies of America should not be afforded the
24 same rights and privileges as American citizens
25 are under the United States Constitution. And

1 even more than that, they should not be provided
2 preferential treatment over and above the
3 treatment that would be afforded to our
4 soldiers.

5 We spent the morning honoring
6 veterans. And by affording enemy combatants of
7 America civil trials, they would have greater
8 rights than an American soldier. If an American
9 soldier blows up a building or shoots someone,
10 they would go before a military tribunal, not a
11 civil trial. I think if it's good enough for a
12 soldier, it's certainly more than good for a
13 determined enemy, a foreign combatant who wishes
14 to destroy our very way of life.

15 ACTING PRESIDENT O'MARA: Senator
16 Breslin.

17 SENATOR BRESLIN: Mr. President,
18 would the sponsor yield for a couple of
19 questions.

20 ACTING PRESIDENT O'MARA: Senator
21 Lanza, would you yield for a question?

22 SENATOR LANZA: Glad to,
23 Mr. President.

24 SENATOR BRESLIN: Through you,
25 Mr. President, the bill states that "No money of

1 the state shall be expended relating to any
2 civilian criminal trial of any combatants for
3 acts of terrorism in any federal court."

4 In reference to "any money," what
5 would that include?

6 SENATOR LANZA: It is my intent
7 that it includes any money which would support in
8 any way a civil trial for a terrorist, an enemy
9 combatant of America. So any money that would
10 allow that to happen, I would hope and it is my
11 intent that this legislation would prohibit that.

12 SENATOR BRESLIN: Again, through
13 you, Mr. President, would the sponsor continue to
14 yield.

15 ACTING PRESIDENT O'MARA: Do you
16 continue to yield, Senator Lanza?

17 SENATOR LANZA: Yes.

18 SENATOR BRESLIN: Understanding
19 your objective, do you know if there's been any
20 precedents in the past for the elimination of any
21 state involvement relative to monies expended in
22 any federal trials in the past?

23 SENATOR LANZA: Yeah, there --
24 through you, Mr. President, it's my understanding
25 that monies were provided in support of the civil

1 trial provided for the terrorists who committed
2 the act of terror during the first World Trade
3 Center bombing.

4 And I think since then there are
5 many, including former President Clinton, who has
6 said that had we known then what we know now,
7 that civil trials should not have been afforded.

8 SENATOR BRESLIN: Through you,
9 Mr. President, would the sponsor continue to
10 yield?

11 SENATOR LANZA: Yes, Mr. President.

12 SENATOR BRESLIN: In a situation if
13 the federal government decided to implement their
14 procedures, right or wrongly, in the City of
15 New York, and if we adopted this law, wouldn't
16 that place the City of New York in a more
17 precarious position than otherwise?

18 SENATOR LANZA: Mr. President,
19 through you.

20 It is my intent to make it
21 impossible for President Obama or anyone --
22 Attorney General Holder -- to afford a civil
23 trial to an enemy combatant. So it is the intent
24 of this legislation that it would become so
25 untenable, so ridiculous, as I think my colleague

1 is alleging to, that that decision would not be
2 made.

3 In the event, in the event that the
4 Obama Administration or the Attorney General
5 decided that they didn't care that that would put
6 the city in a precarious position with respect to
7 not being able to expend monies in support of a
8 trial -- and by the way, by the way, let's talk
9 about the cost. Aside from what I believe to be
10 the cost to our national security, Mayor Michael
11 Bloomberg has said that it would cost the City of
12 New York \$1 billion if civil trials for
13 terrorists were held in Manhattan. So it would
14 be my intent that this would persuade anyone who
15 was thinking of affording a civil trial to
16 terrorists in New York to change their mind.

17 In the event that they were to try
18 to force that through, what would then obviously
19 be required is that the full bill be footed by
20 those who seek to have those trials there;
21 specifically, the federal government. And at
22 least it would take the burden, a \$1 billion
23 burden, off of the taxpayers of New York City and
24 the State of New York.

25 SENATOR BRESLIN: Again through

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

3 SENATOR LANZA: Yes, Mr. President.

4 SENATOR BRESLIN: Given the fact
5 that state legislation to preclude is kind of a
6 last resort type of legislation, were there any
7 attempts made to sit down and discuss this
8 situation with representatives of the federal
9 government?

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

12 Yes. I wrote the President, the
13 administration a few years back. I wrote the
14 Attorney General. I wrote Hillary Clinton with
15 respect -- I have those letters. I could hand
16 them out to my colleagues here with respect to my
17 strong opposition to providing civil trials for
18 enemy combatants. I have not received a
19 response.

20 The only response that I know of is
21 that the President, the Attorney General still
22 feel very strongly that the terrorists should be
23 afforded a civil trial in Manhattan, in New York
24 State. And I think that would be a grave
25 mistake. I think it would weaken our country.

1 Some have proposed that we're strong enough to do
2 this. I don't think anything that weakens you,
3 that exposes you, is something that makes you
4 stronger. And so I think it really would be a
5 grave mistake.

6 We should learn from our mistakes
7 during the trial of those who waged the attack in
8 the first World Trade Center bombing. We learned
9 that they used our civil discovery proceedings to
10 learn about our intelligence system. They
11 learned how to do it better.

12 And in fact they were more
13 successful only a few years later, and it has
14 become public knowledge that because they had a
15 civil trial there and were able to exploit our
16 civil system, a system that was devised to
17 protect American citizens and no one else, that
18 because we were foolish enough to allow that
19 trial during the first World Trade Center
20 bombing, they were able to come back with
21 horrific and devastating results during
22 September 11th.

23 SENATOR BRESLIN: Thank you to the
24 sponsor, Senator Lanza. And thank you,
25 Mr. President. No further questions.

1 ACTING PRESIDENT O'MARA: Thank
2 you, Senator Breslin.

3 Senator Squadron.

4 SENATOR SQUADRON: Will the sponsor
5 yield?

6 SENATOR LANZA: Yes.

7 SENATOR SQUADRON: Thank you.

8 The sponsor said something about the
9 City of New York and Mayor Bloomberg and Police
10 Commissioner Kelly. Has the City of New York
11 weighed in on this bill?

12 SENATOR LANZA: I'll say this. I
13 believe Mayor Bloomberg has stated very publicly
14 that he believes that those civil trials should
15 not be afforded to the terrorists who attacked
16 the World Trade Center, killing 3,000 Americans
17 and attacking our nation for the very beliefs
18 that we hold dear. And so I would -- not wanting
19 to speak for my good friend Mayor Bloomberg, I
20 would imagine that any effort to ensure that
21 those trials are not afforded in downtown
22 Manhattan would be something that he would
23 support.

24 And as I've said already, the intent
25 of this legislation is to make sure that we do

1 not afford enemy combatants the same rights as
2 American citizens and greater rights than the
3 soldiers who put their lives on the line every
4 single day to protect our freedoms.

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

8 SENATOR LANZA: Yes, Mr. President.

9 SENATOR SQUADRON: I think the
10 sponsor knows there is no memo of support from
11 the City of New York. The City of New York
12 hasn't weighed in.

13 The World Trade Center site is in my
14 district in Lower Manhattan. When there was
15 discussion of the trial of Khalid Sheikh Mohammed
16 in a civil trial, it was going to be in heart of
17 my district in the federal courthouse in Lower
18 Manhattan. I have had meetings that would chill
19 the blood about some of the existing sites and
20 targets in my district and some of the costs that
21 my constituents need to bear every day in order
22 to protect against those and the cost in dollars
23 to protect against those.

24 And I have to tell you, my
25 recollection from when that was on the table was

1 that it was a billion dollars. Let me tell you,
2 the cost in Lower Manhattan -- not just in
3 dollars, but also quality of life -- would have
4 been unbearable. I know that for some this is a
5 big national political issue and it's going to
6 beat the drum one way or the other. For us, this
7 is a local issue and a fundamental issue to our
8 homes.

9 And at the time -- my question is,
10 at the time my recollection is that the mayor and
11 police commissioner were very clear: This is
12 going to be a billion dollars, and if we have to
13 do it, we'll do it. The first priority is to
14 keep everyone safe. In fact, I remember a
15 briefing that I had about exactly what that would
16 look like, and that was the message.

17 Does the sponsor remember a
18 different message out of the City of New York at
19 that time?

20 SENATOR LANZA: Mr. President, no.
21 Through you, no, I heard that message. The mayor
22 said if he had to do it, he would do it.

23 I'm just trying to make sure he
24 doesn't have to do it, because I know he doesn't
25 want to do it. And I don't want to do it. And I

1 don't think any of us should want to do it. I
2 think it would be a disgrace to allow these
3 people, who continue to want to destroy us, to be
4 afforded more rights than the people in the armed
5 services who put their lives on the line every
6 day to protect the very freedoms which we enjoy.

7 So I'm trying to help Mayor
8 Bloomberg avoid doing what he does not want to
9 do, and that is expend one billion dollars of
10 taxpayer dollars to provide rights for people who
11 in my opinion, and I'll be very blunt, deserve no
12 rights.

13 SENATOR SQUADRON: If the sponsor
14 would continue to yield.

15 SENATOR LANZA: Yes.

16 SENATOR SQUADRON: Thank you.

17 I think one of the key questions is
18 do the people of the City of New York deserve the
19 right to be protected whatever comes and the
20 right to allow our police commissioner, who has
21 done such an extraordinary job over the past
22 decade in protecting us against further attacks,
23 to have every tool available both from city and
24 state government.

25 But as I'm sure the sponsor knows,

1 there have been a number of terrorism trials.
2 The Khalid Sheikh Mohammed trial has not moved
3 forward in Lower Manhattan. It would be
4 untenable in Lower Manhattan, we agree on that.
5 But there have been a number of terrorism trials
6 that have moved forward in the courthouse,
7 including, as the sponsor talked about, from the
8 '93 World Trade Center bombing, also from a
9 number of plots, including plots in the New York
10 City subways, on tunnels.

11 And let me ask, can we be certain
12 that the New York City Police Department would be
13 free to protect the citizens of New York on those
14 trials if this bill were to pass?

15 SENATOR LANZA: Mr. President, that
16 would require an acrobatic leap in logic for me
17 to even entertain the notion that somehow this
18 legislation would prevent the New York City
19 Police Department, the best in the world, from
20 protecting the citizens of New York City.

21 What this would say is that the
22 State of New York, the City of New York would not
23 provide supports by way of a billion dollars in
24 taxpayer dollars so that we can afford greater
25 rights to the enemy combatants of America than we

1 do the men and women of the armed services or
2 even provide the same rights and privileges as
3 the citizens of this great state are afforded by
4 the United States Constitution.

5 And he mentioned the fact that
6 there's a trial that's not happening there. So
7 you might ask, well, given the recent decision
8 that at least one trial is not going to occur in
9 civil court but rather in a military tribunal,
10 you might be asking, in anticipating the next
11 question -- because I'm good at that, as well as
12 I know my colleague -- why would we need to do
13 this since the President has backed away?

14 Well, the President has not backed
15 away. And there is a threat that these trials
16 will be held in civil court.

17 And I read from a statement from our
18 Attorney General, Eric Holder, when he made the
19 announcement that at least these initial trials,
20 as were just referenced by my colleague Senator
21 Squadron, would not be held in Manhattan. And
22 it's not because they decided that it would be
23 too much for the people of Manhattan to handle,
24 it's not because they decided that it would cost
25 the people of the City of New York or the State

1 of New York too much money. It's because at this
2 point they have no choice.

3 And the statement that was issued by
4 the Attorney General, Eric Holder, which I have
5 in regard to this subject, wherein he states that
6 it is the desire of the Attorney General's office
7 and the President to provide civil trials for the
8 enemy combatants. He says and goes on to say:
9 "Unfortunately, since I have made that decision,
10 members of Congress have intervened and imposed
11 restrictions blocking the administration from
12 bringing any Guantanamo detainees to trial in the
13 United States, regardless of the venue." He says
14 "unfortunately."

15 He goes on to say: "We will
16 continue to seek to repeal those restrictions."
17 He says: "Our national security demands that we
18 continue to prosecute terrorists in federal
19 court, and we will do so." This is the Attorney
20 General of the United States of America.

21 And I think I understand why he and
22 I have such a grave disagreement on the subject,
23 because he finishes by saying that "innocent
24 Americans and citizens of foreign countries alike
25 were murdered by ruthless terrorists. This case

1 has always been about delivering justice for
2 those victims and for their surviving loved ones
3 and nothing else."

4 Well, this is about that. But what
5 he and I disagree with on this is that it's about
6 a lot more. It is about the very future and
7 stability and strength and survival of our
8 nation. He believes it's only about those
9 victims. I believe it is about the national
10 security of our country.

11 And you mentioned those other trials
12 that were held, to say, "Well, you see, we did it
13 and everything was okay." Well, everything
14 wasn't okay. Because by providing those trials
15 in that way in a civil court through civil
16 discovery, our enemies went to school on how to
17 beat us, and they came back with a vengeance, and
18 they're more effective.

19 I don't want to give them another
20 chance. I don't want to take them to school
21 again. I don't want them to come back and be
22 more effective in destroying us than they were on
23 September 11th. And that's why I understand the
24 concerns with this legislation. But your very
25 concerns are the very reason I advanced this

1 legislation, because I want to make it impossible
2 for those trials to be held in New York in a
3 civil forum.

4 SENATOR SQUADRON: If the sponsor
5 would yield for a final question.

6 SENATOR LANZA: Yes, Mr. President.

7 SENATOR SQUADRON: Thank you very
8 much.

9 Is "enemy combatant" defined in this
10 legislation?

11 SENATOR LANZA: Enemy combatant.
12 Let's see what it says here. It says
13 "Notwithstanding any provision of the law to the
14 contrary, no monies of the state, any political
15 subdivision thereof, or public authority shall be
16 expended related to any civilian criminal trial
17 of enemy combatants for acts of terrorism in any
18 federal court in the State of New York."

19 So it would seem that anyone who is
20 an enemy combatant who commits an act of
21 terrorism would be covered under this
22 legislation.

23 SENATOR SQUADRON: I thank the
24 sponsor. On the bill.

25 "Enemy combatant" is not defined in

1 this legislation. And I appreciate the sponsor's
2 production of where my line of questioning was
3 going, but just to be very clear, my concern
4 isn't why do we need this legislation, these
5 trials aren't going to happen. My concern is
6 this legislation puts my community at risk,
7 because it's possible these trials will happen.
8 In fact, as defined in the bill, these trials
9 have been happening.

10 In the Southern District of the
11 State of New York, the United States Justice
12 Department has had a better record of convicting
13 those who are accused of terrorism, those who
14 have committed terrorism, those who have killed
15 American citizens than any other office in the
16 nation. And many of those cases, there was never
17 a consideration are they an enemy combatant, are
18 they not. They were folks who committed acts of
19 terrorism. I consider them enemies of our
20 nation. Certainly in some cases they created
21 situations like combat.

22 There's no definition here. We're
23 not relying on some federal definition of enemy
24 combatant. We are risking preventing Ray Kelly
25 and the New York Police Department, the best

1 police department in the world, we are risking
2 preventing the Southern District of the State of
3 New York from being able to protect the citizens
4 of the City of New York and prosecute terrorists
5 to the fullest extent of the law.

6 That's the problem with this
7 legislation, that if we had this legislation in
8 place, my community could not be protected, my
9 community would not be able to enjoy the
10 resources of the greatest police department in
11 the world, would not be able to enjoy the
12 resources of this State Legislature and this
13 state government in protecting them when there
14 are cases that come before the Southern
15 District.

16 Or, alternatively, the Southern
17 District would be prevented from prosecuting
18 cases, and it would be more likely the
19 terrorists, terrorists, would go free, because
20 they would end up being prosecuted in some other
21 jurisdiction that doesn't have the expertise,
22 doesn't have the experience, doesn't have the
23 seasoned prosecutors that we have in the Southern
24 District.

25 The problem with this legislation --

1 right here I have a list in front of me in the
2 last six years of six major convictions that the
3 Southern District got in the federal courthouse
4 in Lower Manhattan by trying terrorists. That
5 will no longer be an option. Or, more
6 concerning, if it is an option, the people of my
7 community will not be able to be protected.

8 I understand on this issue, and it's
9 happened on the floor before, the temptation to
10 make this issue something larger, make this issue
11 about the George Bush tribunals or make this
12 issue about some other sort of simple waving of
13 the flag.

14 But I've got to tell you, this issue
15 is about my constituents. It's about hundreds of
16 thousands of people who live within a few blocks
17 of the courthouse in the Southern District where
18 trials are going on right now against those
19 convicted of terrorism, where the New York City
20 Police Department right now is protecting their
21 homes and their children, and it is about
22 preventing the police department, preventing our
23 state government from protecting those families
24 and preventing the Southern District from doing
25 the job that they do better than anyone else.

1 That's the reason I can't support
2 this legislation and the reason that I really
3 urge all of my colleagues, whether this
4 legislation has a same-as in the Assembly or not,
5 to please stand with me for my community, for the
6 New York City Police Department, and please help
7 me protect my community.

8 Thank you, Mr. President.

9 ACTING PRESIDENT O'MARA: Thank
10 you, Senator Squadron.

11 Senator Gianaris.

12 SENATOR GIANARIS: Thank you,
13 Mr. President. Would the sponsor yield for a
14 question?

15 ACTING PRESIDENT O'MARA: Will you
16 yield, Senator Lanza?

17 SENATOR LANZA: Yes, Mr. President.

18 SENATOR GIANARIS: I've heard the
19 answers to my colleague's questions, and I'm just
20 trying to get at the heart of -- assuming a
21 worst-case scenario, because I understand what
22 the bill is trying to do -- but assuming that a
23 trial, a terrorism trial is coming to New York
24 anyway at the federal level, if this were enacted
25 into law, what would this allow the NYPD and

1 others to do to protect our citizens while that
2 trial was taking place?

3 SENATOR LANZA: Through you,
4 Mr. President. So let's just analyze the options
5 here if this legislation becomes law. First, I
6 believe that it would prevent those trials from
7 coming to Manhattan. And that is the intent of
8 this legislation. I've been clear about that and
9 honest about that.

10 But assuming President Obama or
11 Attorney General Holder say to heck with the will
12 of the people in New York, to heck with the fact
13 that they're not going to provide resources by
14 way of taxpayer dollars, a billion dollars, we're
15 still going to do it, we're going to shove it
16 down their throats, we're going to have those
17 trials there, well, then I would imagine what
18 would happen is that the federal government --
19 not the taxpayers of New York City, not the
20 taxpayers of New York State -- the federal
21 government would then be required to foot the
22 bill.

23 SENATOR GIANARIS: Would the
24 sponsor continue to yield.

25 I understand that that's what he

1 imagines would happen, that's what he would like
2 to happen. But let's project forward into the
3 future. Let's project beyond this
4 administration. Let's assume the country elects
5 some right-wing lunatic for president who's a
6 fiscal conservative and doesn't want to spend a
7 dime protecting these trials because it's a local
8 responsibility. These are things out of our
9 control, what the federal government will do.
10 Passing this bill or not is in our control as to
11 what the state or our localities will or will be
12 allowed to do.

13 So again, assuming the worst-case
14 scenario, which is the federal trial comes anyway
15 and the federal government decides not to expend
16 any resources because it is a local
17 responsibility, what does this legislation do or
18 what would it allow our local law enforcement to
19 do to protect our citizens?

20 SENATOR LANZA: Through you,
21 Mr. President. So I suppose the only way this
22 scenario plays itself out in your hypothetical is
23 if some left-wing lunatic person lives in the
24 White House or some --

25 SENATOR GIANARIS: Right-wing.

1 SENATOR LANZA: Well, I'm telling
2 you how it would happen. It would only happen by
3 virtue of a left-wing lunatic in the White House
4 shoving this down the throats of the people of
5 New York. It would only happen if a left-wing
6 lunatic Attorney General of the United States
7 would shove it down the throats of the people of
8 the State of New York and would decide that they
9 didn't care about your concerns about the cost.

10 And not only would they shove it
11 down the throats of the people of New York and
12 say, Hey, we believe we should aid and abet,
13 provide comfort and convenience for terrorists
14 who want to destroy us, once they've made that
15 decision, what you're saying is then they would
16 do that and say that they weren't going to foot
17 the bill? I have more faith even in left-wing
18 lunatic presidents, that if they were to make
19 that decision, they would pay the bill.

20 SENATOR GIANARIS: If the sponsor
21 would continue to yield.

22 SENATOR LANZA: Yes.

23 SENATOR MARCELLINO: Mr. President.
24 Mr. President.

25 ACTING PRESIDENT O'MARA: Senator.

1 SENATOR MARCELLINO: Not for
2 anything, but we've had a right-wing shot and we
3 had a left-wing shot. Can we keep the shots down
4 and just keep the debate on a more elevated
5 tone? Thank you.

6 SENATOR GIANARIS: I'll be happy to
7 do so, Mr. President. I just want to point out
8 the debate up until now has been very focused on
9 partisan attack on a federal administration.

10 But be that as it may, moving aside
11 from that, the issue is whether you have a
12 lunatic of any side in there, we don't control
13 what's going to come out of the federal
14 government. And so there is the possibility that
15 there's a contingency that the federal government
16 chooses to have a trial here and yet decides not
17 to provide the resources or not adequately
18 provide the resources.

19 Let's say they'll provide some
20 safety but not to the degree we think it's
21 necessary. This bill would prohibit our local
22 law enforcement from doing what is necessary to
23 protect its citizens, is that not true?

24 SENATOR LANZA: No, that is not
25 true, Mr. President. Not at all.

1 SENATOR GIANARIS: Well, please
2 explain how it's not true.

3 SENATOR LANZA: Well, you know, I
4 listened to Senator Squadron talk about the fact
5 that this bill would prevent the police
6 department from protecting the citizens of the
7 City of New York. That's not true. That's
8 absolutely not true. The Police Department of
9 the City of New York protects the people of the
10 city every single day, and they do it, I think,
11 better than anyone anywhere in the country, if
12 not the world.

13 He said that somehow this would
14 force the trial to go to a place that didn't have
15 the expertise to do it, somehow the federal court
16 in New York is the only place where the expertise
17 exists to do that. That's ridiculous. That's
18 ridiculous. What you're saying is a military
19 tribunal does not have the experience, does not
20 have the competence, does not have the ability to
21 do justice?

22 If you feel that strongly about
23 that, then why is it that you don't cry out, cry
24 out to ensure that the American men and women who
25 serve our nation in the armed forces, why do you

1 not cry out and say they should have a civil
2 trial? If you think they don't have the
3 expertise and they can't get it done and they
4 can't do justice, where is the shock, where is
5 the outrage when every single day soldiers who
6 protect our freedoms are tried at military
7 tribunals?

8 You're wrong. They have the
9 expertise. And you're wrong, we would be safe.
10 We would be safe because by virtue of this
11 legislation there would be no civil trial for
12 enemy combatants in New York City.

13 SENATOR GIANARIS: If the sponsor
14 would continue to yield.

15 ACTING PRESIDENT O'MARA: Do you
16 continue to yield, Senator?

17 SENATOR LANZA: Yes, Mr. President.

18 SENATOR GIANARIS: With due
19 respect, that last answer had nothing to do with
20 my question, which is what does this bill
21 prohibit our local law enforcement from doing if
22 in fact the trial is held in New York and if in
23 fact the federal government decides to provide
24 less-than-adequate protection for that trial.

25 SENATOR LANZA: Mr. President, it

1 doesn't speak to that. It says that the
2 taxpayers of the City of New York, the State of
3 New York would not have to spend a billion
4 dollars providing rights to enemy combatants
5 which I believe they do not deserve.

6 And so you can draw whatever
7 conclusion you want, but the point of this is
8 clear. I'm not ducking behind a piece of
9 legislation to say that I'm trying to do
10 something that I'm not. I am saying very clearly
11 what it is I'm trying to do. I'm trying to make
12 sure that those who want to destroy us are not
13 provided more rights than the people who are
14 trying to protect us.

15 And with respect to the fact that no
16 harm will come from these trials, look at the
17 history. You're wrong. Senator Squadron said
18 that this was local and this was an issue that
19 affects his district. It affects all of us. I
20 had many personal friends, people whom I loved,
21 grew up with and knew, who were killed that day.

22 And in part -- and I never try to
23 take blame away from where it belongs. The blame
24 is with those people who want to destroy us. But
25 they were helped, they were helped out in their

1 mission to carry out those murders and that
2 attack because of the fact that a prior colleague
3 of theirs was afforded a civil trial. And during
4 that civil trial, for those of you who aren't
5 attorneys, in a civil trial there is civil
6 discovery. And through civil discovery they were
7 able to go to school to learn about our
8 weaknesses so that they can come back stronger,
9 and they did. And more people died because of
10 it.

11 And so to say that somehow having a
12 civil trial is something that should happen or
13 saying that somehow people won't be protected by
14 virtue of doing it is wrong. People in this
15 country were exposed because of the fact that a
16 civil trial was afforded to an enemy combatant.

17 SENATOR GIANARIS: If the sponsor
18 would continue to yield.

19 SENATOR LANZA: Yes.

20 SENATOR GIANARIS: I'm going to try
21 one more time here.

22 SENATOR LANZA: Sure.

23 SENATOR GIANARIS: And the sponsor
24 is very good at explaining why he put this bill
25 in. He's very good at continuing to debate

1 Senator Squadron's points or others' points. But
2 I would ask if I can get an answer to my
3 question, and I'll try to ask it a different
4 way.

5 If a federal trial is held on
6 terrorism in New York, under this legislation
7 would we be able to have a single member of the
8 NYPD protecting us during that trial?

9 SENATOR LANZA: So let me answer it
10 this way. So if you go to the car dealership and
11 you want to buy a new car and they tell you the
12 car cost \$40,000 and you say you don't have the
13 money, you don't get the car.

14 The idea here is we don't pay for
15 it, we're not going to get it. So your concerns
16 should be addressed that way. We're not going to
17 get the trial if we pass this legislation. And
18 if we do get the trial because the president
19 decides that he doesn't care, he's going to do it
20 anyway, then the federal government would pay for
21 it.

22 SENATOR GIANARIS: And I'll ask one
23 final question as I try to get this answer from
24 the sponsor, if he would continue to yield.

25 SENATOR LANZA: Mr. President, I'm

1 answering the questions very directly, and I'll
2 continue to answer questions as long as you have
3 questions.

4 SENATOR GIANARIS: Okay. I
5 appreciate that, Senator Lanza.

6 I'm going to ask this as a yes-or-no
7 question. If there's a federal trial in New York
8 and the mayor of New York City and the police
9 commissioner determine that the federal
10 protection that is being provided to New Yorkers
11 during that trial is inadequate, would this bill
12 permit them to lend a single member of the NYPD
13 to the protection to make sure that its citizens
14 are protected beyond what the federal government
15 is doing, yes or no?

16 SENATOR LANZA: So through you,
17 Mr. President. Senator Gianaris, you can ask the
18 questions the way you want. I'm going to answer
19 them the way I want.

20 And the answer to the question is
21 that if the federal government decided to ignore
22 the reality of this law, if it becomes law -- and
23 I hope it does -- if they decide to ignore the
24 will of the people, then they would pay for
25 the -- they'd foot the bill, not the taxpayers.

1 But again, I'm being very clear. I do not
2 believe -- in fact, I know -- that if there's no
3 money to support a trial, there will be no trial.

4 SENATOR GIANARIS: And if I can ask
5 one follow-up, if the Senator would continue to
6 yield.

7 SENATOR LANZA: Yes, Mr. President.

8 SENATOR GIANARIS: What if the
9 federal government agrees, under your scenario,
10 to provide the protection, to pay for the
11 protection, but we don't think they're doing
12 enough? Would this bill not prohibit the City of
13 New York from providing additional protection
14 beyond what the federal government is doing?

15 SENATOR LANZA: Mr. President, we
16 can play the hypothetical game all day long with
17 what the federal government will do, what they
18 won't do, they're going to pay for half of it,
19 they're going to pay for all of it, they'll
20 continue to decide that they want to have a civil
21 trial -- I mean, we can do this all -- this is
22 really simple. It really is.

23 If you agree with me that enemy
24 combatants of the United States of America who
25 are determined to destroy this nation do not

1 deserve to have a civil trial, then you should
2 support this legislation because it says that we
3 will not support a civil trial financially in
4 New York State. That's all it does. And by not
5 supporting something financially, typically you
6 end up not having it. And that clearly is the
7 legislative intent with this legislation.

8 If someone has a better idea --
9 because we're talking about the what-ifs and the
10 hypotheticals, and I'd really like to talk about
11 if the objection is the belief that there should
12 be a civil trial, which I know some people truly
13 believe, like the President, like the Attorney
14 General, like some people here -- and I can
15 respect that opinion; I disagree with it -- we
16 should talk about that instead of going around
17 the way here and act as though the problem with
18 this bill from your point of view is that somehow
19 the people of the City of New York are not going
20 to be protected by the Police Department of the
21 City of New York. Let's not play that game.
22 That's disingenuous.

23 The people of the City of New York
24 have always been protected by the police officers
25 in New York City, they will always be protected

1 the police officers in New York City. They are
2 the greatest police department on earth. That
3 will not change by virtue of this legislation.
4 Everyone knows that. Everyone sees that. So
5 let's talk about what this is really about, a
6 difference of opinion with respect to whether or
7 not enemy combatants should be afforded civil
8 trials. I believe they should not.

9 SENATOR GIANARIS: Thank you,
10 Senator Lanza.

11 On the bill, Mr. President.

12 The sponsor is correct, this bill is
13 simple. The problem is the bill is also very
14 dangerous. I want to -- since he's so intent on
15 talking about the bigger issue that this bill
16 actually doesn't address directly, I'll be happy
17 to answer his question for him. I do not support
18 civil trials for enemy combatants. We are in
19 agreement on that issue.

20 The difference lies in a bill that
21 is trying to get at something that we don't have
22 any jurisdiction over, and does so in a way that
23 puts New Yorkers at risk. A vote in favor of
24 this bill is a vote to put people of New York at
25 risk of danger of terrorist attacks, of local law

1 enforcement not providing the protection that
2 they would like to because we would strip them of
3 the ability to fund those efforts.

4 If the sponsor and those who support
5 this bill are interested in dealing with this
6 issue appropriately, they should write a letter
7 to their federal authorities, they should run for
8 Congress if they want to run for Congress and
9 deal with this where the decision's actually
10 made.

11 The fact is, whether or not federal
12 civil trials are held in New York is not a
13 decision for the New York State government, it is
14 a decision for the federal government to make.
15 And they're going to make it no matter what we
16 say here. The only thing this is doing is
17 putting a gun to our own heads and saying "Do
18 what we want or I'm going to shoot."

19 That is not an intelligent way to
20 govern, my colleagues. We run a dangerous risk
21 of exposing people to terrorism exactly when what
22 we're trying to do is prevent additional acts by
23 preventing civil trials, which I agree with you
24 on.

25 This bill is clearly not the way to

1 do it. Denying law enforcement the ability to do
2 their job at a most sensitive time and during a
3 most sensitive trial is insane. I will be voting
4 no, and I encourage my colleagues to join me.

5 ACTING PRESIDENT O'MARA: Senator
6 Squadron.

7 SENATOR SQUADRON: Mr. President, I
8 thank my colleague.

9 And just to clarify a point Senator
10 Lanza mentioned in his debate with Senator
11 Gianaris, just to be very, very clear. When
12 you're talking about civilian criminal trials,
13 which exist today, they are currently happening
14 in my district in Lower Manhattan today. The
15 Southern District has multiple convictions on
16 civilian criminal trials in the last ten years on
17 people who were never considered with this enemy
18 combatant question one way or the other. The
19 Southern District every day has these trials, and
20 they are great at it.

21 Under this legislation, the police
22 department may no longer be able to protect my
23 community. This has nothing to do with military
24 tribunals. My view that within the civilian
25 context of the Southern District is the best in

1 the nation is shared broadly. Let me be clear.
2 Within the civilian context, the Southern
3 District is the best in the nation. Military
4 tribunals aside. Perhaps they're better, perhaps
5 they're worse. It's irrelevant to this bill.

6 What is relevant to this bill is we
7 have the best civilian prosecutors in the nation
8 in Lower Manhattan. We have hundreds of
9 thousands of families, of residents and families
10 in Lower Manhattan. And if we have this bill, we
11 will have the New York City Police Department
12 unable to protect them. It's that simple.

13 Please do not be distracted by the
14 larger question about President Bush and
15 President Obama. This is about 35,000 new
16 residents, 10,000 schoolchildren, over a hundred
17 thousand families in Lower Manhattan being
18 protected while the best prosecutors in the
19 nation go about their work.

20 Thank you, Mr. President.

21 ACTING PRESIDENT O'MARA: Any other
22 Senator wishing to be heard?

23 Senator Montgomery.

24 SENATOR MONTGOMERY: Yes,
25 Mr. President.

1 I rise to just object to the fact
2 that we have devolved into referring to the
3 president of our United States -- meaning that we
4 are in my opinion, insulting the presidency.
5 That is extremely important to every American.
6 My colleague Senator Lanza referred to the
7 president as a left-wing nut and --

8 SENATOR LANZA: Mr. President.

9 ACTING PRESIDENT O'MARA: Senator
10 Lanza, why do you rise?

11 SENATOR LANZA: Point of
12 privilege.

13 Senator Montgomery, that's not what
14 I did. I was responding to what Senator Gianaris
15 did after what Senator Squadron did. He talked
16 about this being about some George-Bush-
17 administration tribunal thing. I don't know
18 where he got it; you can ask him about that.
19 Senator Gianaris then followed up and said that
20 what if we had some right-wing president, lunatic
21 president, quite clearly after Senator Squadron
22 was talking about President Bush.

23 I did not mention President Obama's
24 name in that dialogue. I said, "Well, it would
25 only happen if we had a left-wing lunatic

1 president, I suppose."

2 I don't believe it would happen, and
3 I've made that very clear. I believe President
4 Obama would honor the reality of the laws of the
5 State of New York. If the law says we were not
6 providing support by way of funding, I believe
7 that President Obama would honor that and either
8 not have those trials or pay the bill. I've said
9 that repeatedly. So in effect, what I'm saying
10 is I believe the president would never go through
11 with trials in the face of this legislation.

12 SENATOR MONTGOMERY: Mr. President,
13 I stand corrected. He referred to him as a
14 left-wing lunatic and Holder as a left-wing
15 lunatic. And furthermore, it's in his memo, he
16 refers to the president by name and Holder by
17 name.

18 So my point is I don't think this is
19 the level that we want to devolve to, to be in,
20 as it relates to the way that we refer to the
21 president of the United States. That's the point
22 that I wanted to make, Mr. President. Thank you.

23 ACTING PRESIDENT O'MARA: Thank
24 you, Senator.

25 Any other Senator wishing to be

1 heard?

2 Debate is closed. The Secretary
3 will ring the bell.

4 Read the last section.

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

7 ACTING PRESIDENT O'MARA: Call the
8 roll.

9 (The Secretary called the roll.)

10 ACTING PRESIDENT O'MARA: Senator
11 Perkins, do you wish to be heard?

12 SENATOR PERKINS: I just want to
13 take a moment to explain my vote, because
14 apparently during the last debate President Obama
15 was called, admittedly, a left-wing lunatic.

16 ACTING PRESIDENT O'MARA: Senator
17 Perkins, we're -- we were admonished by Senator
18 Marcellino before to clean up the decision on
19 this.

20 SENATOR PERKINS: Yeah, just to
21 explain my vote.

22 ACTING PRESIDENT O'MARA: And we
23 really don't need to further this and escalate it
24 where we've been already.

25 SENATOR PERKINS: I appreciate

1 that. But it has been escalated because upon
2 clarification it was reestablished exactly,
3 facetiously, what was said.

4 And I'm personally offended by it.
5 I would not want him to say that any more than I
6 would want anyone to call him a cracker or any
7 other similar kind of derogatory, disrespectful
8 language for someone that's elected and
9 represents people.

10 So I just want to, for the record,
11 hope that we don't have to go down that road ever
12 again. While I'm here, anyway.

13 Thank you. I vote in the negative.

14 SENATOR LANZA: Mr. President,
15 point of personal privilege. Mr. President,
16 point of personal privilege.

17 ACTING PRESIDENT O'MARA:

18 Senator -- Senator Lanza --

19 SENATOR LIBOUS: Mr. President, are
20 we on a roll call right now?

21 ACTING PRESIDENT O'MARA: We're on
22 a roll call right now.

23 Senator Perkins, how do you vote?

24 SENATOR PERKINS: I vote in the
25 negative.

1 ACTING PRESIDENT O'MARA: Senator
2 Perkins will be recorded in the negative.

3 SENATOR LANZA: Mr. President, to
4 explain my vote.

5 ACTING PRESIDENT O'MARA: Senator
6 Fuschillo is ahead of you, Senator Lanza, to
7 explain your vote.

8 SENATOR LANZA: Point of personal
9 privilege. Mr. President --

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

12 SENATOR LANZA: -- personal
13 privilege.

14 ACTING PRESIDENT O'MARA: That's
15 not available on a roll call, I've been informed.

16 Senator Fuschillo.

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

19 I think the words "unconscionable"
20 and "appalling" come to me when I think of this
21 issue. And I want to thank my colleague Senator
22 Lanza for bringing this issue to the floor.

23 What a disgrace and an insult to the
24 families and the individuals that were killed on
25 9/11, and especially the families that are

1 fighting right now for respect of their memory,
2 to think that the trials of the individuals that
3 killed them could have potentially been here in
4 New York.

5 Senator Lanza, this is more of an
6 issue of patriotism to me, an issue of respect
7 for the families, and I'll be voting in the
8 affirmative.

9 Thank you, Mr. President.

10 ACTING PRESIDENT O'MARA: Senator
11 Fuschillo to be recorded in the affirmative.

12 Senator Lanza to explain your vote.

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

15 First on the point of personal
16 privilege. To Senator Perkins and Senator
17 Montgomery, I could stand here and make up
18 something that you would say and then be offended
19 by it. I'm glad we have a transcript of this
20 proceeding. You should read it later.

21 I'll say it again, I did not call
22 President Obama a left-wing lunatic. I did not.
23 So read the statement. I said, in response to
24 Senator Gianaris, who said and talked about a
25 right-wing lunatic president, I said if we had

1 one. If we had one. That's pretty clear.

2 So if you feel the need to get up
3 and gratuitously suggest that somehow I said
4 something I didn't, shame on you.

5 On the bill, or my explanation.

6 ACTING PRESIDENT O'MARA: To
7 explain your vote.

8 SENATOR LANZA: This is a very
9 simple piece of legislation. I believe that
10 enemy combatants of the United States of America
11 do not deserve to have a civil trial. I think,
12 more than that, to do so would endanger this
13 country. We saw that during the first trial,
14 where enemy combatants went to school, through
15 civil discovery, came back and they got the job
16 done better by attacking us with greater impact
17 and greater carnage.

18 I believe they shouldn't have more
19 rights than people who put on the uniform and
20 protect our liberties every day. I believe they
21 shouldn't have the same rights as a civilian who
22 is protected, a citizen, under the United States
23 Constitution. And I believe that if you're a
24 foreign enemy combatant and you attack this
25 country, that the place for you to receive

1 justice is a military tribunal, the same place
2 that a member of the armed service, a member
3 of -- a man and woman who protects us in the
4 armed services receives that justice.

5 And that's why I support this
6 legislation. Because as I said, I do believe
7 that the president would honor the law, this
8 president or any president would honor our laws
9 and this reality and there would not be a civil
10 trial here in New York. And that precisely is
11 the intent of this legislation.

12 Thank you, Mr. President.

13 ACTING PRESIDENT O'MARA: Thank
14 you, Senator Lanza. You will be recorded in the
15 affirmative.

16 Senator Liz Krueger to explain your
17 vote.

18 SENATOR KRUEGER: Thank you.

19 This debate was fascinating.
20 Someone just argued why they were voting for the
21 bill, because of the memory of the victims of
22 9/11 and from a sense of patriotism. And in fact
23 it is from that memory of the victims of 9/11 in
24 my Borough of Manhattan and my sense of
25 patriotism that I must vote no.

1 I have the utmost respect for our
2 Constitution. And our Constitution is what
3 protects our freedoms, our rights, and assures
4 that our laws will be upheld. And so I believe
5 in a judicial system, a fair trial process for
6 any and all people who break our laws.

7 I have equal concerns with many
8 people today who vote yes on this bill about what
9 the costs would have been if this specific trial
10 was in a specific courthouse in Manhattan. But I
11 dread the thought, as my colleague Senator
12 Squadron said, of suppose the federal government
13 decides they are going to do specific cases in a
14 specific location in New York State and we didn't
15 have the money to do the kind of
16 security-guarantee work that was needed.

17 I think it's a terrible mistake to
18 vote for this bill today and to limit our own
19 ability to both protect our citizens and the
20 importance of our Constitution. So it's a
21 patriotic act to vote no on this bill.

22 Thank you, Mr. President.

23 ACTING PRESIDENT O'MARA: Senator
24 Krueger will be recorded in the negative.

25 Senator Parker to explain your vote.

1 SENATOR PARKER: Mr. President, to
2 explain my vote.

3 One, let me thank Senator Lanza for
4 bringing his bill to the floor. And I understand
5 his intentions, and I don't disagree with them
6 from an intention perspective, although I don't
7 think that this bill actually gets us where we
8 need to be.

9 When you talk about terrorists,
10 terrorists by definition aren't military
11 combatants. Military combatants refer to
12 military, which means they're associated with a
13 nation. If you are fighting soldier against
14 soldier, then you're at war with a nation and
15 that combat is governed under the Geneva
16 Conventions. Terrorism is not governed under the
17 Geneva Conventions and by definition falls out of
18 the context of a military tribunal. So by
19 definition, terrorist acts are in fact attacks on
20 civilians and are dealt with in civilian trials.

21 I also find myself at odds,
22 unfortunately, with my good friend Senator
23 Fuschillo in this notion that it's patriotic and
24 respects the memory of those who were killed on
25 9/11 to in fact do the trial in New York. I

1 think just the opposite. I have lost many people
2 at 9/11. It was a horrible day for all of us.

3 But in fact I think in the same way
4 that this nation is built on a judicial system,
5 Mr. President, that says that you can face your
6 accuser, that in fact having a trial in the place
7 in which the crime happened is actually totally
8 consistent with the laws, the procedures and the
9 culture of our society and our government.

10 And so I'm going to be voting no on
11 this and hope and suggest that my colleagues vote
12 no on this bill as well.

13 ACTING PRESIDENT O'MARA: Senator
14 Parker to be recorded in the negative.

15 Senator Robach to explain your vote.

16 SENATOR ROBACH: Yes,
17 Mr. President, to explain my vote.

18 This may come as a surprise to
19 everybody, I'm going to completely disagree with
20 my colleague Senator Parker.

21 This should be based on these people
22 getting a fair venue somewhere to declare guilt
23 or innocence. Now the question becomes -- and I
24 think there is a place for the people in this
25 room -- where is that best place. I don't know

1 if there's a definition. But clearly, by these
2 own people's admission, this was an attack on
3 this country where those citizens of our state
4 beared the burden in their death in those towers
5 going on and those attacks at the Pentagon and
6 Pennsylvania.

7 To this American person, this
8 New Yorker, that's clearly an act of terrorism,
9 to me no different than if they parachuted in in
10 uniform and started shooting people on the street
11 who had nothing to do with military.

12 Given that determination, I feel
13 very much that they should be treated as enemies
14 of this country if they are guilty. And they
15 will get a fair trial in a military tribunal and
16 I do think, as Senator Lanza's pointed out, a
17 much fairer venue similar to what our own troops
18 would get if there was a violation.

19 And then lastly, to some of the
20 points that it's the role of Congress, not this
21 body, I couldn't disagree more. You are going to
22 bear potential attack again in billions of
23 dollars. We just got done debating a bill on
24 taxes where people were concerned if we capped
25 spending who might get hurt. Well, where's the

1 billion dollars going to come from from
2 New Yorkers who have already been devastated to
3 cover that cost?

4 This to me makes all the sense in
5 the world. I'm very happy to vote in the
6 affirmative.

7 ACTING PRESIDENT O'MARA: Senator
8 Robach will be recorded in the affirmative.

9 Announce the results.

10 THE SECRETARY: In relation to
11 Calendar Number 856, those recorded in the
12 negative are Senators Adams, Avella, Breslin,
13 Espaillat, Gianaris, Hassell-Thompson, Huntley,
14 L. Krueger, Montgomery, Parker, Peralta, Perkins,
15 Rivera, Serrano, Squadron, Stavisky, and
16 Stewart-Cousins. Also Senator Sampson.

17 Ayes, 44. Nays, 18.

18 ACTING PRESIDENT O'MARA: The bill
19 is passed.

20 THE SECRETARY: Calendar Number
21 937, by Senator Ritchie, Senate Print 5160, an
22 act to amend the Agriculture and Markets Law.

23 ACTING PRESIDENT O'MARA: Read the
24 last section.

25 THE SECRETARY: Section 2. This

1 act shall take effect immediately.

2 ACTING PRESIDENT O'MARA: Call the
3 roll.

4 (The Secretary called the roll.)

5 THE SECRETARY: Ayes, 62.

6 ACTING PRESIDENT O'MARA: The bill
7 is passed.

8 THE SECRETARY: Calendar Number
9 951, by Senator Ritchie, Senate Print 5262, an
10 act to amend the Vehicle and Traffic Law.

11 SENATOR BRESLIN: Explanation.

12 ACTING PRESIDENT O'MARA: Senator
13 Ritchie, an explanation has been requested.

14 SENATOR RITCHIE: This bill amends
15 the Vehicle and Traffic Law to eliminate the
16 additional attachment that is currently required
17 to maintain along with the registration for
18 farm-plated vehicles.

19 When you go in to register a farm
20 vehicle now, you have to fill out a form that
21 designates all the roads that the farmer will
22 travel on within a 25-mile radius. It's a
23 mandate on the DMV staff and more paperwork
24 that's required for the farmer.

25 ACTING PRESIDENT O'MARA: Read the

1 last section.

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

4 ACTING PRESIDENT O'MARA: Call the
5 roll.

6 (The Secretary called the roll.)

7 THE SECRETARY: Ayes, 61. Nays,
8 1. Senator Duane recorded in the negative.

9 ACTING PRESIDENT O'MARA: The bill
10 is passed.

11 THE SECRETARY: Calendar Number
12 954, by Senator Libous, Senate Print 2467A, an
13 act to amend the Tax Law.

14 SENATOR BRESLIN: Explanation.

15 ACTING PRESIDENT O'MARA: Senator
16 Libous, an explanation has been requested.

17 SENATOR LIBOUS: Did someone
18 request an explanation, Mr. President? I would
19 be happy to give one at this time.

20 ACTING PRESIDENT O'MARA: Yes,
21 Senator Libous.

22 SENATOR LIBOUS: What this bill
23 does, Mr. President and my colleagues, it takes a
24 penny from the gasoline tax and puts it into the
25 Dedicated Highway Trust Fund. Right now that

1 penny goes to the General Fund.

2 As you know, I have been an advocate
3 for the past five years to clean up the Dedicated
4 Highway Trust Fund. Right now we raid the fund
5 for about a billion dollars and use it for
6 General Fund expenses. That's wrong, because the
7 fund is for road and bridge repair. That's why
8 we established it a number of years ago.

9 This takes a penny from the motor
10 fuel tax, the 8 percent tax that's on gasoline.
11 It will take a penny this year and put it in into
12 the Highway Trust Fund, take an additional penny
13 each of the next five years, so that that money
14 doesn't go into the General Fund to pay for
15 general government, but it goes for roads and
16 bridges like the Dedicated Highway Trust Fund was
17 established by this body to do.

18 ACTING PRESIDENT O'MARA: Senator
19 Liz Krueger.

20 SENATOR KRUEGER: People are
21 getting a little ahead of themselves. Thank
22 you. Will the sponsor please yield,
23 Mr. President.

24 ACTING PRESIDENT O'MARA: Senator
25 Libous, will you yield for a question?

1 SENATOR LIBOUS: Mr. President, if
2 Senator Krueger didn't ask me a question I'd be
3 disappointed.

4 SENATOR KRUEGER: I don't want to
5 disappoint the sponsor, Mr. President.

6 So I've read the bill and I've
7 spoken to our finance staff, and as the Senator
8 just explained, it moves up a penny per year.
9 And over a five-year period we're showing it will
10 cost the State of New York \$966.3 million to the
11 General Fund. Would the sponsor agree or
12 disagree with that estimate of loss to the
13 General Fund?

14 SENATOR LIBOUS: Mr. President, it
15 doesn't -- if I may answer this question, it
16 doesn't cost the State of New York anything.
17 It's a matter of setting priorities as to where
18 the State of New York spends its money.

19 And the value of spending the money
20 here will go into road and bridge repair. Which
21 will put labor back to work, Mr. President,
22 because DOT has had no money to do road and
23 bridge repair, will put New Yorkers back to work,
24 contractors working again.

25 There is not a matter of where you

1 get the money from. The money is already in the
2 budget. We have a \$136 billion budget. It's a
3 matter of priorities as to how you spend the
4 money. So to me, Mr. President, spending the
5 money on public works, plus we have -- a report
6 came out from the Department of Transportation
7 most recently that talked about the deterioration
8 of our roads and bridges, and particularly our
9 bridges. And certainly if Senator Little was
10 here, she would talk about the bridge in her
11 district that had a catastrophic incident a
12 number of years ago.

13 So, Mr. President, we all have our
14 different priorities, we all have different
15 places that we think the State of New York should
16 spend money. I, for one, happen to think that
17 the money should come from the General Fund and
18 this penny should go to put the hardworking men
19 and women, many of our friends in the labor
20 unions that are out of work, and the contractors,
21 back to work.

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

24 ACTING PRESIDENT O'MARA: Senator
25 Libous, will you continue to yield?

1 SENATOR LIBOUS: I will,
2 Mr. President.

3 SENATOR KRUEGER: Thank you.

4 It was a great speech but I think
5 misunderstood my question. I'm not disagreeing
6 that this money, if it was in the Dedicated
7 Highway and Bridge Fund, could be used for any
8 number of items as he just told us, including
9 putting people to work.

10 I asked him what the impact would be
11 on the General Fund if we were to take
12 \$966.3 million out of the General Fund and what
13 would we not pay for or whose jobs would we not
14 continue to have if we, quote, prioritize by
15 moving to Dedicated Highway and Bridge and out of
16 the General Fund. Particularly in light of, I
17 believe, Senator Libous's vote for a spending cap
18 earlier today and the new limits that would apply
19 for our ability to have money for the General
20 Fund, what would we be laying people off from or
21 ceasing to fund because we wouldn't have the
22 \$966.3 million in the General Fund?

23 SENATOR LIBOUS: Mr. President, I
24 think Senator Krueger is confused. Let me go
25 back to my answer from before.

1 Senator Krueger, I don't intend to
2 lay off anybody. This is money that's going to
3 put people to work. This is money that's going
4 to go into road and bridge construction. This is
5 money that's going to come out of the General
6 Fund.

7 And yes, it's a \$136 billion
8 budget. I think we would do what we have always
9 done in the past, is negotiated here as to what
10 the priorities are. Certainly the Governor
11 handed up earlier this year a priority budget.
12 He cut general government 10 percent. If we
13 can't find a list of priorities that we can agree
14 on -- I think the difference here is priorities.
15 Senator Krueger's priorities are different than
16 mine.

17 I would rather take the money out of
18 the General Fund, repair our roads and bridges,
19 and put people to work. And yes, there would be
20 some sacrifices, maybe in the Medicaid system or
21 maybe some other areas. But at the same time, we
22 need jobs in this state. We need to put people
23 back to work. And there's nothing better than
24 doing construction jobs so that our contractors,
25 our laborers, our unions can go back to work.

1 And that's what this will do.

2 It's a matter of priority, Senator
3 Krueger. Your priorities and my priorities are
4 different.

5 SENATOR KRUEGER: Mr. President, on
6 the bill.

7 ACTING PRESIDENT O'MARA: On the
8 bill, Senator Krueger.

9 SENATOR KRUEGER: I think we're
10 either having a semantic argument or a
11 disagreement about the term "fungibility" in
12 economics. And fungibility basically means you
13 can spend a dollar here or spend a dollar here,
14 but you either have the dollar or you don't have
15 the dollar.

16 So yes, the Senator is saying he
17 wants to pass a bill today that would apply,
18 proactively over the next five years, of taking
19 revenue out of the General Fund and putting it in
20 the Dedicated Highway and Bridge Fund. He says
21 that he prioritizes those jobs over other jobs
22 that that money is being used to pay for through
23 the budget today.

24 We may agree or disagree that the
25 new highway jobs he wants to hire people for are

1 of higher value or higher priority than the
2 teachers we would lay off if we took the dollars
3 out of the General Fund which may be used for
4 educational aid to our localities today and put
5 it into the Dedicated Highway Fund. I don't even
6 know that I want to have the argument about
7 whether a construction job on a highway is worth
8 more or less than a nurse's job in a hospital or
9 a teacher's job in our school system today. I
10 would actually argue that's why we pass a budget
11 every year. That's why we passed a budget in
12 this house a few months ago. It was a priority
13 document. It was a document that said we have
14 this much revenue and we're going to spend it in
15 that way.

16 What particularly disturbs me about
17 this bill, no disrespect to prioritizing the
18 importance of our Dedicated Highway and Bridge
19 Fund needs, is that we are attempting to do a
20 significant budget bill outside the context of
21 the budget. People are not being asked to vote
22 in this document, in this bill today, that yes, I
23 raised my hand to vote to lay off X number of
24 teachers and use the money instead for roads and
25 highways. We're simply being asked vote to take

1 dollars from the General Fund and commit them to
2 this other purpose.

3 But the end of the sentence is being
4 left off. If we were to do this, and to do this
5 separate from an actual full budget document or
6 full budget debate, we would be knowingly or
7 unknowingly voting to cut funding from the
8 General Fund, which is used for teachers, for
9 nurses, I believe even for construction projects
10 in a variety of ways.

11 So what I don't like is this is not
12 how we're supposed to do budgeting. We're
13 supposed to deal with budget issues within a
14 document or documents called budget documents.
15 We're supposed to -- I completely agree with
16 Senator Libous -- prioritize how we collect our
17 revenue and how we spend our revenue through a
18 budget process, and we recently completed one.

19 This is a freestanding bill that
20 will be tying our hands to the tune of
21 \$966.3 million that we will not have in the
22 General Fund and not be able to continue to fund
23 programs we currently operate or actually,
24 knowingly, have to cut another \$966.3 million out
25 of these programs we're currently funding,

1 because if we pass this into law we will have no
2 choice.

3 And again, I bring it back to the
4 spending cap debate of earlier today. If we were
5 to pass a spending cap and then we were
6 continuing the pattern of outside the context of
7 any budget debate, budget document, continue to
8 willy-nilly approve new programs or remove
9 funding from the General Fund for other programs
10 we care about the most --

11 SENATOR LIBOUS: Mr. President,
12 will Senator Krueger yield for a question?

13 SENATOR KRUEGER: I would be happy
14 to yield for a question, Mr. President.

15 ACTING PRESIDENT O'MARA: Proceed,
16 Senator Libous.

17 SENATOR LIBOUS: Senator Krueger,
18 do you know that presently the Dedicated Highway
19 Trust Fund is raided every year?

20 SENATOR KRUEGER: Yes,
21 Mr. President, I do.

22 SENATOR LIBOUS: If she would
23 continue to yield.

24 SENATOR KRUEGER: Yes.

25 SENATOR LIBOUS: Senator Krueger,

1 do you know how much the Dedicated Highway Trust
2 Fund is raided every year?

3 SENATOR KRUEGER: No, I do not
4 specifically. But I bet Senator Libous does.

5 SENATOR LIBOUS: About a billion
6 dollars comes out of the dedicated trust fund and
7 goes into the General Fund.

8 And, Mr. President, does Senator
9 Krueger know where that money goes?

10 SENATOR KRUEGER: I will happily
11 hear the answer, Mr. President.

12 SENATOR LIBOUS: Thank you,
13 Mr. President and Senator Krueger.

14 About \$250 million of that goes into
15 running the Department of Motor Vehicles, which
16 should come from the General Fund. And the
17 remainder of that goes to snow and ice removal,
18 which used to come from the General Fund but,
19 because of budget shortages years ago, the fund
20 was raided.

21 Now, what I want to do is put the
22 money back in the dedicated trust fund in a
23 reasonable manner over a period of time. So,
24 Senator, we are already raiding the fund to the
25 tune of a billion dollars and using it for

1 regular operations. So again, I go back to my
2 point that this is just a matter of priorities.
3 And if I may, Senator, I don't ever believe I
4 said I wanted to lay off teachers. To go back to
5 my colleague Senator Lanza, I would say go back
6 to the transcript. I was just saying that in a
7 \$136 billion budget there are various priorities
8 that one would choose.

9 You are saying that I would lay off
10 teachers and other workers to put construction
11 workers to work. That is certainly not my
12 intent.

13 SENATOR KRUEGER: Mr. President, if
14 through you the sponsor would yield.

15 ACTING PRESIDENT O'MARA: Senator
16 Libous, will you yield for a question?

17 SENATOR LIBOUS: I will, thank you.

18 SENATOR KRUEGER: Thank you.

19 SENATOR LIBOUS: Thank you,
20 Senator.

21 SENATOR KRUEGER: When did we start
22 raiding this fund to the tune of a billion
23 dollars a year?

24 SENATOR LIBOUS: My guess is it
25 would have been in the late '90s. I think in the

1 late '90s.

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

5 SENATOR LIBOUS: I will. But I
6 know what the next question is going to be.

7 (Laughter.)

8 SENATOR KRUEGER: And did we make
9 the decision to raid these funds through a budget
10 document any number of years since the late
11 '90s?

12 SENATOR LIBOUS: Mr. President,
13 Senator Krueger, it was a horrible mistake that
14 the Legislature made at that time. And now what
15 I would like to do and I have been trying to do,
16 Senator and Mr. President, for the last five
17 years is to correct that mistake. Because Lord
18 knows none of us in this room are perfect. And
19 not every piece of legislation we pass or vote
20 for or vote against is perfect legislation.

21 And in this case the Legislature --
22 Senator Krueger, you're correct, I stand with you
23 and make your statement correct, that at that
24 time the Legislature made a change. I have been
25 trying to correct that change for over five years

1 now.

2 SENATOR KRUEGER: Mr. President, if
3 I may continue on the bill.

4 ACTING PRESIDENT O'MARA: Continue
5 on the bill, Senator Krueger.

6 SENATOR LIBOUS: Thank you.

7 SENATOR KRUEGER: Thank you. I
8 appreciate the sponsor's answers to my questions,
9 and I believe he is confirming the position I am
10 taking. He's arguing a mistake was made since
11 the '90s in the budget process to take a billion
12 dollars out of the Dedicated Highway and Bridge
13 Trust Fund.

14 I will point out for the record in
15 the vast majority of those years since these
16 raids started, my colleague on the other side of
17 the aisle was in the controlling seats to make
18 these decisions vis-a-vis the budget of the State
19 of New York. And I respect that he said terrible
20 mistakes were made.

21 Mistakes can be rectified and I
22 would even argue should be rectified within the
23 context of an overall budget debate and budget
24 document. Mistakes need to be redressed,
25 priorities need to be debated and made in the

1 context of a full budget discussion: What are we
2 going to raise money for, what are we going to
3 use it for?

4 He explained right now it's used,
5 instead of for bridges and highways, that this
6 money is used to pay for snow removal on bridges
7 and I think highways. If we don't have that
8 money for snow removal, we have to ask ourselves
9 the question: What will that impact be? How
10 many people won't have jobs doing snow removal?
11 What is the impact if our bridges and our
12 highways are not cleaned of snow?

13 He pointed out that right now that
14 money is raided for other purposes in the DMV.
15 We have to ask ourselves the question, as we
16 should as a Legislature through the budget
17 process, do we care if we don't have a
18 functioning DMV? Or will we choose to increase
19 fees and taxes in the context of our cars and our
20 trucks and our driver's licenses and our auto
21 registrations?

22 Maybe, maybe we will all think that
23 is a better priority way to fund DMV in the
24 absence of not having the money in there for snow
25 removal or for the other functions of the

1 Department of Motor Vehicles. A reasonable,
2 healthy debate, one that should be done in the
3 context of the budget, not as a freestanding bill
4 that removes money from the General Fund without
5 actually having the complete discussion about
6 what happens and what do we lose instead.

7 Which is why I do believe we should
8 vote no on this bill, and I shall do so. Thank
9 you, Mr. President.

10 ACTING PRESIDENT O'MARA: Thank
11 you, Senator Krueger.

12 Senator Savino.

13 SENATOR SAVINO: Thank you,
14 Mr. President. On about the bill.

15 I'm going to rise in support of this
16 piece of legislation. A functioning
17 transportation system is critically important to
18 the economic vitality of the State of New York.
19 We know that in the City of New York no one would
20 ever question whether or not we should preserve
21 or strengthen the New York State transit system.
22 For the upstate region and for the suburban
23 areas, the bridges, roads and highways are the
24 equivalent of our MTA.

25 When I first got here to the

1 Legislature a few years ago there was a lot of
2 debate about the idea of whether or not we should
3 give people a gas tax holiday. Similar to now, a
4 tank of gas was at an all-time high, it was about
5 \$4 a gallon. And we all know that New York City
6 has a very high sales tax on each gallon of gas.
7 And it was at that time that I found out, Senator
8 Libous, that one of the things we do with that
9 gas sales tax that we collect here in the State
10 of New York, it's supposed to go to the Dedicated
11 Bridge and Highway Trust Fund, but in fact we had
12 been raiding it for years, as has already been
13 discussed here, to pay for other things that
14 should be paid for out of the General Fund.

15 Well, I voted for that gas tax the
16 first time when in fact it turned out to be
17 nothing more than a gimmick. I didn't vote for
18 it when it came up a few weeks ago because I did
19 not believe, after having spent a few years here,
20 that, one, it was going to provide any relief to
21 the people who were paying high gas prices at the
22 pump, and, two, it presented another danger to
23 the Dedicated Bridge and Highway Trust Fund.

24 Two years ago former Governor
25 Paterson, when he put forward his budget, one of

1 the things he did is he raided the Dedicated
2 Bridge and Highway Trust Fund. And we saw
3 contractors all around the State of New York and
4 projects all around the State of New York that
5 were critically important stopped in their
6 tracks. In fact, right outside here in Albany,
7 right by the tollbooth, there was a tremendous
8 project that literally came to a halt and the
9 contractors couldn't meet their payroll,
10 jeopardizing the livelihood of hundreds of
11 construction workers.

12 This should not be about a choice
13 between teachers or caseworkers or construction
14 workers. In reality, what we should be doing is
15 funding the Dedicated Bridge and Highway Trust
16 Fund, as the gas tax is supposed to, because it
17 creates good-paying jobs. Yes, union jobs. And
18 Lord knows they're near and dear to my heart.
19 But those jobs also are high-paying jobs and
20 those contractors generate income that comes back
21 to the General Fund. They lease equipment. They
22 meet payrolls. They pay their employees. They
23 pay sales tax on products and goods and services
24 all related to those projects.

25 So it all comes back to the General

1 Fund. But if we continue to raid the Dedicated
2 Bridge and Highway Trust Fund to pay for things
3 that we're supposed to pay for anyway, we're not
4 going to have that revenue. We cannot become an
5 economy that is only that of public employees.
6 We must also do everything we can to generate
7 other forms of employment. And this fund
8 specifically does just that.

9 So I'm going to vote for this bill
10 because I believe that we need to do everything
11 possible to maintain our bridges, our highways,
12 our roads and we must do everything possible to
13 generate more income so that we can continue to
14 pay for those things that we all believe are
15 important, like teachers and ice and snow removal
16 and Department of Motor Vehicles and everything
17 else that government is supposed to do.

18 Thank you, Mr. President.

19 ACTING PRESIDENT O'MARA: Thank
20 you, Senator Savino.

21 Any other Senator wishing to be
22 heard?

23 Seeing none, the debate is closed.

24 The Secretary will ring the bell.

25 Read the last section.

1 THE SECRETARY: Section 8. This
2 act shall take effect April 1, 2012.

3 ACTING PRESIDENT O'MARA: Call the
4 roll.

5 (The Secretary called the roll.)

6 ACTING PRESIDENT O'MARA: Senator
7 Oppenheimer to explain your vote.

8 SENATOR OPPENHEIMER: I'm voting
9 yes. And I'm voting yes on behalf of all the
10 people whose cars' axles have been broken on
11 Route 17 because there isn't enough money to
12 repair the enormous, enormous potholes on that
13 road. I'm voting yes for the two bridges that we
14 have closed, local bridges, because they do not
15 any longer meet the necessary standards.

16 It is a very serious situation that
17 I think may not be appreciated everywhere in the
18 state, but it is very serious for those of us who
19 have this kind of devastation within our Senate
20 districts and within our own communities. So I
21 definitely am voting yes for this bill.

22 ACTING PRESIDENT O'MARA: Senator
23 Oppenheimer to be recorded in the affirmative.

24 Announce the results.

25 THE SECRETARY: In relation to

1 Calendar Number 954, those recorded in the
2 negative are Senators Adams, Espaillat, Huntley,
3 L. Krueger, Parker, Perkins, Rivera and Serrano.

4 Ayes, 54. Nays, 8.

5 ACTING PRESIDENT O'MARA: The bill
6 is passed.

7 THE SECRETARY: Calendar Number
8 981, by Senator Alesi, Senate Print 1931, an act
9 to amend the Correction Law.

10 SENATOR BRESLIN: Explanation.

11 ACTING PRESIDENT O'MARA: Senator
12 Alesi, an explanation has been requested.

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

15 This bill, very simply, would
16 mandate that work-release programs for inmates
17 will not be allowed to operate in areas that are
18 zoned exclusively residential. Thank you.

19 ACTING PRESIDENT O'MARA: Senator
20 Rivera.

21 SENATOR RIVERA: Thank you,
22 Mr. President. If the sponsor would yield for a
23 few questions.

24 ACTING PRESIDENT O'MARA: Senator
25 Alesi, will you yield for a question?

1 SENATOR ALESI: Yes, Mr. President.

2 SENATOR RIVERA: Thank you, Senator
3 Alesi. Through you, Mr. President.

4 Senator Alesi, could you expand a
5 little bit on that explanation? It is very clear
6 on the face of it that it is meant to make sure
7 that this can't happen. What is the reasoning
8 behind the bill?

9 SENATOR ALESI: Very simple.
10 Work-release programs by their nature help people
11 who are coming out of the system, help them get
12 valuable opportunity to work outside of the
13 prison. And in many instances we have found that
14 they can pose a threat to people who are living
15 in the residential areas.

16 And so this does not end the
17 work-release program. It simply says that if
18 you're in a purely, specifically zoned
19 residential area that you cannot participate in a
20 work-release program in a residential area.

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

24 SENATOR ALESI: Yes.

25 SENATOR RIVERA: Thank you,

1 Mr. President.

2 Does this mean, Senator Alesi, that
3 if there is a work-release program currently
4 established that is in an area that is zoned
5 strictly as residential, these programs would no
6 longer be -- they would be illegal, therefore
7 they would have to be ended?

8 SENATOR ALESI: That's exactly the
9 point. Through you, Mr. President. Anybody
10 that's in the system is a potential threat,
11 especially when they're in a residential area, a
12 zoned specifically residential area.

13 And this not only works for the
14 protection of the people that are in those
15 residential areas, it also helps the people that
16 are in the work-release program. Because it
17 takes away any possible temptation for them to
18 either burglarize or do some other things while
19 they're trying to be rehabilitated and trying to
20 get work experience outside the system.

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

23 ACTING PRESIDENT O'MARA: On the
24 bill.

25 SENATOR RIVERA: Thank you, Senator

1 Alesi.

2 I stand today to strongly, very
3 strongly oppose this piece of legislation. The
4 purpose of work-release programs, as Senator
5 Alesi stated, is to allow for individuals who are
6 incarcerated, when they are coming out of an
7 institution, to be able to become productive
8 members of society again.

9 There are many factors that aid in
10 making sure that someone can make that
11 transition -- certainly family, certainly
12 somewhere to live. But employment is certainly
13 one of the most important if not the most
14 important part of this process. To have someone,
15 to have someone be able to provide for themselves
16 financially means that they will be able to
17 become productive members of society again.

18 I will then add to that that the
19 bulk of the incarcerated prisoner population in
20 the state comes from downstate, certainly from
21 districts like the one I represent in the
22 northwest Bronx. Just thinking about the place
23 where I reside, physically in the place where I
24 reside, only four blocks away it is zoned as
25 mixed-use. So there can be some residential, but

1 certainly some commercial. Only four blocks away
2 it is strictly residential.

3 The building that I live in is a
4 six-story building with about six apartments per
5 floor and between two and three people per
6 apartment. I'm certainly not good at math, but
7 you can start multiplying. The building behind
8 me is a 12-story building that has hundreds if
9 not thousands of people living in it.

10 The reason I point this out is to
11 say that the rest of the city and certainly most
12 of the districts where these individuals would
13 come become to are in situations that are very
14 similar to this. These individuals came from our
15 communities, and they're coming back to our
16 communities. We certainly want them to become
17 productive members of society again.

18 If we are to say that there are
19 programs that are currently working, that are
20 currently serving the purpose of being able to
21 integrate them back into society and now they
22 would not be able to be in a place that is
23 strictly residential, in a place like New York
24 City it becomes almost impossible for them to
25 exist. And certainly the ones that might be

1 existing now would not be able to just up and
2 move even if it's four blocks away from where
3 they are.

4 I believe that the purpose of this
5 has -- I can certainly understand the purpose of
6 it. But I believe that ultimately it would have
7 a very negative effect. And since we are looking
8 to have these individuals come back to our
9 communities and become productive members of it,
10 to try to put something in front of their tracks
11 to trip them up, if you will, by not allowing
12 some of these programs that are already operating
13 to continue to operate is a very big problem.

14 I strongly oppose this bill. I
15 opposed it in committee. I brought the same
16 concerns there. I oppose it here on the floor.
17 I would ask that my colleagues consider doing the
18 same. I will be in the negative on this bill.

19 Thank you, Mr. President.

20 ACTING PRESIDENT O'MARA: Thank
21 you, Senator.

22 Any other Senator wishing to be
23 heard?

24 Seeing none, the debate is closed.
25 The Secretary will ring the bell.

1 Read the last section.

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

4 ACTING PRESIDENT O'MARA: Call the
5 roll.

6 (The Secretary called the roll.)

7 ACTING PRESIDENT O'MARA: Announce
8 the results.

9 THE SECRETARY: In relation to
10 Calendar Number 981, those recorded in the
11 negative are Senators Adams, Avella, Diaz, Duane,
12 Espaillat, Gallivan, Gianaris, Hassell-Thompson,
13 Huntley, L. Krueger, C. Kruger, Montgomery,
14 Oppenheimer, Parker, Perkins, Rivera, Sampson,
15 Serrano, Stavisky, and Stewart-Cousins.

16 Ayes, 41. Nays, 20.

17 ACTING PRESIDENT O'MARA: The bill
18 is passed.

19 THE SECRETARY: Calendar Number
20 1011, by Member of the Assembly Englebright,
21 Assembly Print 7279, an act to amend Chapter 138
22 of the Laws of 1998.

23 ACTING PRESIDENT O'MARA: Read the
24 last section.

25 THE SECRETARY: Section 2. This

1 act shall take effect immediately.

2 ACTING PRESIDENT O'MARA: Call the
3 roll.

4 (The Secretary called the roll.)

5 THE SECRETARY: In relation to
6 Calendar Number 1011, those recorded in the
7 negative are Senators Avella, Hassell-Thompson
8 and L. Krueger.

9 Ayes, 58. Nays, 3.

10 ACTING PRESIDENT O'MARA: The bill
11 is passed.

12 THE SECRETARY: Calendar Number
13 1180, by Member of the Assembly Abbate, Assembly
14 Print 7834, an act to amend the Retirement and
15 Social Security Law.

16 ACTING PRESIDENT O'MARA: Read the
17 last section.

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

20 ACTING PRESIDENT O'MARA: Call the
21 roll.

22 (The Secretary called the roll.)

23 THE SECRETARY: In relation to
24 Calendar Number 1180: Ayes, 61. Nays, 1.
25 Senator L. Krueger recorded in the negative.

1 ACTING PRESIDENT O'MARA: The bill
2 is passed.

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

5 SENATOR LIBOUS: Mr. President, can
6 we go to motions, please.

7 ACTING PRESIDENT O'MARA: Motions
8 and resolutions.

9 SENATOR LIBOUS: Mr. President, on
10 behalf of Senator Young, I wish to call up Bill
11 Number 863A, recalled from the Assembly, which is
12 now at the desk.

13 ACTING PRESIDENT O'MARA: The
14 Secretary will read.

15 THE SECRETARY: Calendar Number 77,
16 by Senator Young, Senate Print 863A, an act to
17 amend the Real Property Tax Law.

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

21 ACTING PRESIDENT O'MARA: Call the
22 roll on reconsideration.

23 (The Secretary called the roll.)

24 THE SECRETARY: Ayes, 62.

25 SENATOR LIBOUS: Mr. President, I

1 now offer up the following amendments.

2 ACTING PRESIDENT O'MARA: The
3 amendments are received.

4 SENATOR LIBOUS: On behalf of
5 Senator LaValle, I wish to call up Senate Print
6 Number 2628, recalled from the Assembly, which is
7 now at the desk.

8 ACTING PRESIDENT O'MARA: The
9 Secretary will read.

10 SENATOR LIBOUS: Mr. President, can
11 you hear me read out these motions?

12 ACTING PRESIDENT O'MARA: I can
13 barely hear you, Senator Libous.

14 Can we please keep the conversations
15 down.

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

18 I move to reconsider the vote by
19 which this bill was passed.

20 ACTING PRESIDENT O'MARA: The
21 Secretary will read first.

22 THE SECRETARY: Calendar Number 73,
23 by Senator LaValle, Senate Print 2628, an act to
24 amend the Education Law.

25 ACTING PRESIDENT O'MARA: Call the

1 roll on reconsideration.

2 (The Secretary called the roll.)

3 THE SECRETARY: Ayes, 62.

4 SENATOR LIBOUS: I now offer up the
5 following amendments.

6 ACTING PRESIDENT O'MARA: The
7 amendments are received.

8 SENATOR LIBOUS: Mr. President, on
9 behalf of Senator Golden, on page 8 of
10 Supplemental Calendar 52A, I offer up the
11 following amendments on Calendar Number 1267,
12 Senate Print 5675, and ask that said bill retain
13 its place on the Third Reading Calendar.

14 ACTING PRESIDENT O'MARA: The
15 amendments are received, and the bill will retain
16 its place on the Third Reading Calendar.

17 SENATOR LIBOUS: And on behalf of
18 Senator Seward, on page 17, I offer the following
19 amendments to Calendar Number 89, Senate Print
20 2705, and I ask that said bill retain its place
21 on the Third Reading Calendar.

22 ACTING PRESIDENT O'MARA: The
23 amendments are received, and the bill will retain
24 its place on the Third Reading Calendar.

25 SENATOR LIBOUS: On page 58, I

1 offer the following amendments to Calendar Number
2 966, Senate Print 5411, and ask that said bill
3 retain its place on the Third Reading Calendar.
4 That's on behalf of Senator Fuschillo.

5 ACTING PRESIDENT O'MARA: The
6 amendments are received, and the bill will retain
7 its place on the Third Reading Calendar.

8 SENATOR LIBOUS: On behalf of
9 Senator Hannon, on page 39 I offer the following
10 amendments to Calendar Number 629, Senate Print
11 3503, and ask that said bill retain its place on
12 the Third Reading Calendar.

13 ACTING PRESIDENT O'MARA: The
14 amendments are received, and the bill will retain
15 its place on the Third Reading Calendar.

16 SENATOR LIBOUS: And,
17 Mr. President, on behalf of Senator Jimmy Griffo,
18 on page 66 I offer the following amendments to
19 Calendar Number 1060, Senate Print 5215A, and ask
20 that said bill retain its place on the Third
21 Reading Calendar.

22 ACTING PRESIDENT O'MARA: The
23 amendments are received, and the bill will retain
24 its place on the Third Reading Calendar.

25 Senator Libous.

1 SENATOR LIBOUS: Thank you,
2 Mr. President. At this time the Senate is going
3 to go into a recess until 6:00 o'clock sharp.

4 And at this time would you please
5 call on Senator Hassell-Thompson, please.

6 ACTING PRESIDENT O'MARA: Senator
7 Hassell-Thompson.

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

10 There will be an immediate meeting
11 of the Democratic conference in the Democratic
12 Conference Room.

13 SENATOR LIBOUS: Mr. President,
14 before we go into recess and before the Democrats
15 go into conference, when we come back, just so
16 that everybody knows what we're doing, we will be
17 taking up Supplemental Calendar Number 52A.

18 I would ask that everybody be here
19 at 6:00 o'clock sharp, please.

20 ACTING PRESIDENT O'MARA: Thank
21 you, Senator.

22 There will be an immediate
23 conference of the Democratic conference, and we
24 will stand at ease until 6:00 p.m.

25 (Whereupon, the Senate stood at ease

1 at 5:40 p.m.)

2 (Whereupon, the Senate reconvened at
3 6:20 p.m.)

4 SENATOR LIBOUS: Mr. President.

5 ACTING PRESIDENT VALESKY: The
6 Senate will come to order.

7 Senator Libous.

8 SENATOR LIBOUS: Mr. President, at
9 this time could we have the noncontroversial
10 reading of Supplemental Calendar 52A, please.

11 ACTING PRESIDENT VALESKY: The
12 Secretary will proceed with the noncontroversial
13 reading of Senate Supplemental Calendar 52A.

14 THE SECRETARY: Calendar Number
15 1199, by Senator Maziarz, Senate Print 511A, an
16 act directing the New York State Energy Research
17 and Development Authority.

18 ACTING PRESIDENT VALESKY: Read the
19 last section.

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

22 ACTING PRESIDENT VALESKY: Call the
23 roll.

24 (The Secretary called the roll.)

25 THE SECRETARY: Ayes, 62.

1 ACTING PRESIDENT VALESKY: The bill
2 is passed.

3 THE SECRETARY: Calendar Number
4 1200, by Senator Young, Senate Print 755, an act
5 to amend the Private Housing Finance Law.

6 SENATOR BRESLIN: Lay it aside.

7 ACTING PRESIDENT VALESKY: The bill
8 is laid aside.

9 THE SECRETARY: Calendar Number
10 1201, by Senator Young, Senate Print 854, an act
11 to amend the Highway Law.

12 ACTING PRESIDENT VALESKY: Read the
13 last section.

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

16 ACTING PRESIDENT VALESKY: Call the
17 roll.

18 (The Secretary called the roll.)

19 THE SECRETARY: Ayes, 62.

20 ACTING PRESIDENT VALESKY: The bill
21 is passed.

22 THE SECRETARY: Calendar Number
23 1202, by Senator Maziarz, Senate Print --

24 SENATOR BRESLIN: Lay it aside.

25 ACTING PRESIDENT VALESKY: The bill

1 is laid aside.

2 THE SECRETARY: Calendar Number
3 1203, by Senator LaValle, Senate Print 1462A, an
4 act to amend the Real Property Tax Law.

5 ACTING PRESIDENT VALESKY: Read the
6 last section.

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

9 ACTING PRESIDENT VALESKY: Call the
10 roll.

11 (The Secretary called the roll.)

12 THE SECRETARY: Ayes, 62.

13 ACTING PRESIDENT VALESKY: The bill
14 is passed.

15 THE SECRETARY: Calendar Number
16 1204, by Senator Marcellino, Senate Print 1966A,
17 an act to amend the Executive Law.

18 ACTING PRESIDENT VALESKY: Read the
19 last section.

20 THE SECRETARY: Section 3. This
21 act shall take effect immediately on the 60th
22 day.

23 ACTING PRESIDENT VALESKY: Call the
24 roll.

25 (The Secretary called the roll.)

1 THE SECRETARY: Ayes, 62.

2 ACTING PRESIDENT VALESKY: The bill
3 is passed.

4 THE SECRETARY: Calendar Number
5 1205, by Senator Grisanti, Senate Print 2409C, an
6 act to amend the Agriculture and Markets Law.

7 ACTING PRESIDENT VALESKY: Read the
8 last section.

9 THE SECRETARY: Section 2. This
10 act shall take effect July 1, 2013.

11 ACTING PRESIDENT VALESKY: Call the
12 roll.

13 (The Secretary called the roll.)

14 THE SECRETARY: Ayes, 62.

15 ACTING PRESIDENT VALESKY: The bill
16 is passed.

17 THE SECRETARY: Calendar Number
18 1206, by Senator Libous, Senate Print --

19 SENATOR BRESLIN: Lay it aside.

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

22 THE SECRETARY: Calendar Number
23 1207, by Senator Bonacic, Senate Print 2544 --

24 SENATOR BRESLIN: Lay it aside.

25 ACTING PRESIDENT VALESKY: The bill

1 is laid aside.

2 THE SECRETARY: Calendar Number
3 1208, by Senator Flanagan, Senate Print 2596A, an
4 act to amend the Penal Law.

5 ACTING PRESIDENT VALESKY: Read the
6 last section.

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

9 ACTING PRESIDENT VALESKY: Call the
10 roll.

11 (The Secretary called the roll.)

12 THE SECRETARY: In relation to
13 Calendar Number 1208: Ayes, 61. Nays, 1.
14 Senator Duane recorded in the negative.

15 ACTING PRESIDENT VALESKY: The bill
16 is passed.

17 THE SECRETARY: Calendar Number
18 1209, by Senator Saland, Senate Print 2737, an
19 act to amend the --

20 SENATOR BRESLIN: Lay it aside.

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

23 THE SECRETARY: Calendar Number
24 1210, by Senator Golden, Senate Print 2918, an
25 act to amend the Vehicle and Traffic Law.

1 ACTING PRESIDENT VALESKY: Read the
2 last section.

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

5 ACTING PRESIDENT VALESKY: Call the
6 roll.

7 (The Secretary called the roll.)

8 THE SECRETARY: Ayes, 62.

9 ACTING PRESIDENT VALESKY: The bill
10 is passed.

11 THE SECRETARY: Calendar Number
12 1211, by Senator Lanza, Senate Print 2936, an act
13 to amend the Penal Law.

14 ACTING PRESIDENT VALESKY: Read the
15 last section.

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

18 ACTING PRESIDENT VALESKY: Call the
19 roll.

20 (The Secretary called the roll.)

21 THE SECRETARY: Ayes, 62.

22 ACTING PRESIDENT VALESKY: The bill
23 is passed.

24 THE SECRETARY: Calendar Number
25 1212, by Senator Libous, Senate Print 2952B, an

1 act to --

2 SENATOR LIBOUS: Lay it aside for
3 the day.

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

6 THE SECRETARY: Calendar Number
7 1213, by Senator LaValle, Senate Print 3036, an
8 act to amend the Town Law.

9 ACTING PRESIDENT VALESKY: Read the
10 last section.

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

13 ACTING PRESIDENT VALESKY: Call the
14 roll.

15 (The Secretary called the roll.)

16 THE SECRETARY: Ayes, 62.

17 ACTING PRESIDENT VALESKY: The bill
18 is passed.

19 THE SECRETARY: Calendar Number
20 1214, by Senator Seward, Senate Print 3057 --

21 SENATOR BRESLIN: Lay it aside.

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

24 THE SECRETARY: Calendar Number
25 1215, by Senator LaValle, Senate Print 3101, an

1 act to amend the Town Law.

2 ACTING PRESIDENT VALESKY: Read the
3 last section.

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

6 ACTING PRESIDENT VALESKY: Call the
7 roll.

8 (The Secretary called the roll.)

9 THE SECRETARY: Ayes, 62.

10 ACTING PRESIDENT VALESKY: The bill
11 is passed.

12 THE SECRETARY: Calendar Number
13 1216, by Senator Hannon, Senate Print --

14 SENATOR BRESLIN: Lay it aside.

15 ACTING PRESIDENT VALESKY: The bill
16 is laid aside.

17 THE SECRETARY: Senator Lanza moves
18 to discharge, from the Committee on Finance,
19 Assembly Bill Number 3320 and substitute it for
20 the identical Senate Bill Number 3335, Third
21 Reading Calendar 1217.

22 ACTING PRESIDENT VALESKY:
23 Substitution ordered.

24 SENATOR BRESLIN: Lay it aside.

25 ACTING PRESIDENT VALESKY: The bill

1 is laid aside.

2 THE SECRETARY: Calendar Number
3 1218, by Senator Gallivan, Senate Print --

4 SENATOR BRESLIN: Lay it aside.

5 ACTING PRESIDENT VALESKY: The bill
6 is laid aside.

7 THE SECRETARY: Calendar Number
8 1219, by Senator Martins, Senate Print 3778B, an
9 act to amend the Public Authorities Law.

10 ACTING PRESIDENT VALESKY: Read the
11 last section.

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

14 ACTING PRESIDENT VALESKY: Call the
15 roll.

16 (The Secretary called the roll.)

17 THE SECRETARY: Ayes, 62.

18 ACTING PRESIDENT VALESKY: The bill
19 is passed.

20 THE SECRETARY: Calendar Number
21 1220, by Senator Maziarz, Senate Print 3872B, an
22 act to amend the Public Authorities Law.

23 ACTING PRESIDENT VALESKY: Read the
24 last section.

25 THE SECRETARY: Section 3. This

1 act shall take effect immediately.

2 ACTING PRESIDENT VALESKY: Call the
3 roll.

4 (The Secretary called the roll.)

5 THE SECRETARY: Ayes, 62.

6 ACTING PRESIDENT VALESKY: The bill
7 is passed.

8 THE SECRETARY: Calendar Number
9 1221, by Senator Golden, Senate Print 4036, an
10 act to amend the Vehicle and Traffic Law.

11 ACTING PRESIDENT VALESKY: Read the
12 last section.

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

15 ACTING PRESIDENT VALESKY: Call the
16 roll.

17 (The Secretary called the roll.)

18 THE SECRETARY: Ayes, 60. Nays,
19 2. Senators Duane and Montgomery recorded in the
20 negative.

21 ACTING PRESIDENT VALESKY: The bill
22 is passed.

23 THE SECRETARY: Calendar Number
24 1222, by Senator Zeldin, Senate Print 4073B, an
25 act to amend the Election Law.

1 ACTING PRESIDENT VALESKY: Read the
2 last section.

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

5 ACTING PRESIDENT VALESKY: Call the
6 roll.

7 (The Secretary called the roll.)

8 THE SECRETARY: Ayes, 62.

9 ACTING PRESIDENT VALESKY: The bill
10 is passed.

11 THE SECRETARY: Calendar Number
12 1223, by Senator Ranzenhofer, Senate Print 4123,
13 an act to amend the Education Law.

14 ACTING PRESIDENT VALESKY: Read the
15 last section.

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

18 ACTING PRESIDENT VALESKY: Call the
19 roll.

20 (The Secretary called the roll.)

21 THE SECRETARY: Ayes, 62.

22 ACTING PRESIDENT VALESKY: The bill
23 is passed.

24 THE SECRETARY: Calendar Number
25 1224, by Senator Young, Senate Print 4143A, an

1 act --

2 SENATOR BRESLIN: Lay it aside.

3 ACTING PRESIDENT VALESKY: The bill
4 is laid aside.

5 Senator Hassell-Thompson.

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

8 In relationship to Calendar Number
9 1221, Bill Number 4036, there should have been
10 three no votes. As opposed to Senator Zeldin's
11 bill.

12 ACTING PRESIDENT VALESKY: The
13 Secretary will re-announce the results on
14 Calendar Number 1221.

15 THE SECRETARY: In relation to
16 Calendar 1221, those recorded in the negative are
17 Senators Duane, Hassell-Thompson, Montgomery and
18 Perkins. Ayes, 58. Nays, 4.

19 ACTING PRESIDENT VALESKY: The bill
20 is passed.

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

23 THE SECRETARY: Calendar Number
24 1226, by Senator Larkin, Senate Print 4240, an
25 act to amend the General Municipal Law.

1 ACTING PRESIDENT VALESKY: The
2 Secretary will read Calendar 1225.

3 THE SECRETARY: Calendar Number
4 1225, by Senator Larkin, Senate Print 4223, an
5 act to amend the General Municipal Law.

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

8 SENATOR BRESLIN: Lay it aside.

9 ACTING PRESIDENT VALESKY: The bill
10 is laid aside.

11 THE SECRETARY: Calendar Number
12 1226, by Senator Larkin, Senate Print 4240, an
13 act to amend the General Municipal Law.

14 ACTING PRESIDENT VALESKY: Read the
15 last section.

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

18 ACTING PRESIDENT VALESKY: Call the
19 roll.

20 (The Secretary called the roll.)

21 THE SECRETARY: Ayes, 61. Nays,
22 1. Senator Duane recorded in the negative.

23 ACTING PRESIDENT VALESKY: The bill
24 is passed.

25 THE SECRETARY: Calendar Number

1 1227, by Senator Golden, Senate Print 4270B, an
2 act to amend the Civil Service Law.

3 ACTING PRESIDENT VALESKY: Read the
4 last section.

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

7 ACTING PRESIDENT VALESKY: Call the
8 roll.

9 (The Secretary called the roll.)

10 THE SECRETARY: Ayes, 61. Nays,
11 1. Senator L. Krueger recorded in the negative.

12 ACTING PRESIDENT VALESKY: The bill
13 is passed.

14 THE SECRETARY: Calendar Number
15 1228, by Senator Carlucci, Senate Print 4333, an
16 act to authorize.

17 ACTING PRESIDENT VALESKY: Read the
18 last section.

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

21 ACTING PRESIDENT VALESKY: Call the
22 roll.

23 (The Secretary called the roll.)

24 THE SECRETARY: Ayes, 60. Nays,
25 2. Senators Larkin and O'Mara recorded in the

1 negative.

2 ACTING PRESIDENT VALESKY: The bill
3 is passed.

4 THE SECRETARY: Calendar Number
5 1229, by Senator Flanagan, Senate Print 4392, an
6 act to authorize.

7 ACTING PRESIDENT VALESKY: Read the
8 last section.

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

11 ACTING PRESIDENT VALESKY: Call the
12 roll.

13 (The Secretary called the roll.)

14 THE SECRETARY: Ayes, 60. Nays,
15 2. Senators Larkin and O'Mara recorded in the
16 negative.

17 ACTING PRESIDENT VALESKY: The bill
18 is passed.

19 THE SECRETARY: Calendar Number
20 1230, by Senator Robach, Senate Print --

21 SENATOR BRESLIN: Lay it aside.

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

24 THE SECRETARY: Senator Nozzolio
25 moves to discharge, from the Committee on Local

1 Government, Assembly Bill Number 3672, and
2 substitute it for the identical Senate Bill
3 Number 4503, Third Reading Calendar 1231.

4 ACTING PRESIDENT VALESKY:
5 Substitution ordered.

6 The Secretary will read.

7 THE SECRETARY: Calendar Number
8 1231, by Member of the Assembly Finch, Assembly
9 Print 3672, an act to amend the Village Law.

10 ACTING PRESIDENT VALESKY: Read the
11 last section.

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

14 ACTING PRESIDENT VALESKY: Call the
15 roll.

16 (The Secretary called the roll.)

17 THE SECRETARY: Ayes, 62.

18 ACTING PRESIDENT VALESKY: The bill
19 is passed.

20 THE SECRETARY: Calendar Number
21 1232, by Senator Libous, Senate Print 4514, an
22 act to amend the Real Property Tax Law.

23 ACTING PRESIDENT VALESKY: Read the
24 last section.

25 THE SECRETARY: Section 2. This

1 act shall take effect immediately.

2 ACTING PRESIDENT VALESKY: Call the
3 roll.

4 (The Secretary called the roll.)

5 THE SECRETARY: Ayes, 62.

6 ACTING PRESIDENT VALESKY: The bill
7 is passed.

8 THE SECRETARY: Calendar Number
9 1233, by Senator Robach, Senate Print 4560 --

10 SENATOR BRESLIN: Lay it aside.

11 ACTING PRESIDENT VALESKY: The bill
12 is laid aside.

13 THE SECRETARY: Calendar Number
14 1234, by Senator Lanza, Senate Print 4637 --

15 SENATOR BRESLIN: Lay it aside.

16 ACTING PRESIDENT VALESKY: The bill
17 is laid aside.

18 THE SECRETARY: Calendar Number
19 1235, by Senator Larkin, Senate Print 4677, an
20 act to amend the Executive Law.

21 ACTING PRESIDENT VALESKY: Read the
22 last section.

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

25 ACTING PRESIDENT VALESKY: Call the

1 roll.

2 (The Secretary called the roll.)

3 THE SECRETARY: Ayes, 62.

4 ACTING PRESIDENT VALESKY: The bill
5 is passed.

6 THE SECRETARY: Calendar Number
7 1236, by Senator Johnson, Senate Print --

8 SENATOR BRESLIN: Lay it aside.

9 ACTING PRESIDENT VALESKY: The bill
10 is laid aside.

11 THE SECRETARY: Calendar Number
12 1237, by Senator McDonald, Senate Print 4762, an
13 act to amend the Environmental Conservation Law.

14 ACTING PRESIDENT VALESKY: Read the
15 last section.

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

18 ACTING PRESIDENT VALESKY: Call the
19 roll.

20 (The Secretary called the roll.)

21 THE SECRETARY: Ayes, 62.

22 ACTING PRESIDENT VALESKY: The bill
23 is passed.

24 THE SECRETARY: Calendar Number
25 1238, by Senator Maziarz, Senate Print 4844, an

1 act to direct the New York State Office of Parks,
2 Recreation and Historic Preservation.

3 ACTING PRESIDENT VALESKY: Read the
4 last section.

5 SENATOR BRESLIN: Lay it aside.

6 ACTING PRESIDENT VALESKY: The bill
7 is laid aside.

8 THE SECRETARY: Calendar Number
9 1239, by Senator Saland, Senate Print 4851A --

10 SENATOR BRESLIN: Lay it aside.

11 ACTING PRESIDENT VALESKY: The bill
12 is laid aside.

13 THE SECRETARY: Calendar Number
14 1240, by Senator LaValle, Senate Print 4899, an
15 act to amend the Local Finance Law.

16 SENATOR BRESLIN: Lay it aside.

17 ACTING PRESIDENT VALESKY: There is
18 a home-rule message at the desk.

19 The bill is laid aside.

20 THE SECRETARY: Senator LaValle
21 moves to discharge, from the Committee on Rules,
22 Assembly Bill Number 7303 and substitute it for
23 the identical Senate Bill Number 4901, Third
24 Reading Calendar 1241.

25 ACTING PRESIDENT VALESKY:

1 Substitution ordered.

2 The Secretary will read.

3 THE SECRETARY: Calendar Number
4 1241, by Member of the Assembly Magee, Assembly
5 Print Number 7303, an act to amend the Village
6 Law.

7 ACTING PRESIDENT VALESKY: Read the
8 last section.

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

11 ACTING PRESIDENT VALESKY: Call the
12 roll.

13 (The Secretary called the roll.)

14 THE SECRETARY: Ayes, 62.

15 ACTING PRESIDENT VALESKY: The bill
16 is passed.

17 THE SECRETARY: Calendar Number
18 1242, by Senator Young, Senate Print 4943 --

19 SENATOR BRESLIN: Lay it aside.

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

22 THE SECRETARY: Calendar Number
23 1243, by Senator Seward, Senate Print 5092, an
24 act to amend the Insurance Law.

25 ACTING PRESIDENT VALESKY: Read the

1 last section.

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

4 ACTING PRESIDENT VALESKY: Call the
5 roll.

6 (The Secretary called the roll.)

7 THE SECRETARY: Ayes, 62.

8 ACTING PRESIDENT VALESKY: The bill
9 is passed.

10 THE SECRETARY: Calendar Number
11 1244, by Senator Ritchie, Senate Print 5161 --

12 SENATOR BRESLIN: Lay it aside.

13 ACTING PRESIDENT VALESKY: The bill
14 is laid aside.

15 THE SECRETARY: Calendar Number
16 1245, by Senator Young, Senate Print 5184B --

17 SENATOR LIBOUS: Lay it aside for
18 the day.

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

21 THE SECRETARY: Calendar Number
22 1247, by Senator Hannon, Senate Print 5260B, an
23 act to amend the Penal Law.

24 ACTING PRESIDENT VALESKY: Read the
25 last section.

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

3 ACTING PRESIDENT VALESKY: Call the
4 roll.

5 (The Secretary called the roll.)

6 THE SECRETARY: Ayes, 62.

7 ACTING PRESIDENT VALESKY: The bill
8 is passed.

9 THE SECRETARY: Calendar Number
10 1248, by Senator Lanza, Senate Print 5288, an act
11 to amend the Correction Law.

12 ACTING PRESIDENT VALESKY: Read the
13 last section.

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

16 ACTING PRESIDENT VALESKY: Call the
17 roll.

18 (The Secretary called the roll.)

19 THE SECRETARY: Ayes, 62.

20 ACTING PRESIDENT VALESKY: The bill
21 is passed.

22 THE SECRETARY: Calendar Number
23 1249, by Senator Larkin, Senate Print 5309, an
24 act to amend the Criminal Procedure Law.

25 ACTING PRESIDENT VALESKY: Read the

1 last section.

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

4 ACTING PRESIDENT VALESKY: Call the
5 roll.

6 (The Secretary called the roll.)

7 THE SECRETARY: Ayes, 62.

8 ACTING PRESIDENT VALESKY: The bill
9 is passed.

10 THE SECRETARY: Calendar Number
11 1250, by Senator Robach, Senate Print --

12 SENATOR BRESLIN: Lay it aside.

13 ACTING PRESIDENT VALESKY: The bill
14 is laid aside.

15 THE SECRETARY: Senator Larkin
16 moves to discharge, from the Committee on Codes,
17 Assembly Bill Number 2877 and substitute it for
18 the identical Senate Bill Number 5325, Third
19 Reading Calendar 1251.

20 ACTING PRESIDENT VALESKY:
21 Substitution ordered.

22 SENATOR BRESLIN: Lay it aside.

23 ACTING PRESIDENT VALESKY: The bill
24 is laid aside.

25 THE SECRETARY: Calendar Number

1 1252, by Senator Seward, Senate Print 5459, an
2 act to authorize the Village of Herkimer.

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

5 Read the last section.

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

8 ACTING PRESIDENT VALESKY: Call the
9 roll.

10 (The Secretary called the roll.)

11 THE SECRETARY: Ayes, 61. Nays,
12 1. Senator Ball recorded in the negative.

13 ACTING PRESIDENT VALESKY: The bill
14 is passed.

15 THE SECRETARY: Calendar Number
16 1253, by Senator Saland, Senate Print 5504A, an
17 act to amend Chapter 672 of the Laws of 1993.

18 ACTING PRESIDENT VALESKY: Read the
19 last section.

20 THE SECRETARY: Section 10. This
21 act shall take effect immediately.

22 ACTING PRESIDENT VALESKY: Call the
23 roll.

24 (The Secretary called the roll.)

25 THE SECRETARY: Ayes, 62.

1 ACTING PRESIDENT VALESKY: The bill
2 is passed.

3 THE SECRETARY: Calendar Number
4 1254, by Senator Farley, Senate Print 5523, an
5 act to authorize Schenectady Hindu Temple.

6 ACTING PRESIDENT VALESKY: Read the
7 last section.

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

10 ACTING PRESIDENT VALESKY: Call the
11 roll.

12 (The Secretary called the roll.)

13 THE SECRETARY: In relation to
14 Calendar Number 1254, those recorded in the
15 negative are Senators Bonacic, Larkin and
16 O'Mara. Ayes, 59. Nays, 3.

17 ACTING PRESIDENT VALESKY: The bill
18 is passed.

19 THE SECRETARY: Calendar Number
20 1255, by Senator Flanagan, Senate Print 5524, an
21 act to amend the Education Law.

22 ACTING PRESIDENT VALESKY: Read the
23 last section.

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

1 ACTING PRESIDENT VALESKY: Call the
2 roll.

3 (The Secretary called the roll.)

4 THE SECRETARY: Ayes, 62.

5 ACTING PRESIDENT VALESKY: The bill
6 is passed.

7 THE SECRETARY: Calendar Number
8 1256, by Senator Valesky, Senate Print 5529A, an
9 act to authorize.

10 ACTING PRESIDENT VALESKY: Read the
11 last section.

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

14 ACTING PRESIDENT VALESKY: Call the
15 roll.

16 (The Secretary called the roll.)

17 THE SECRETARY: Ayes, 62.

18 ACTING PRESIDENT VALESKY: The bill
19 is passed.

20 THE SECRETARY: Calendar Number
21 1257, by Senator Carlucci, Senate Print 5537, an
22 act making an appropriation.

23 ACTING PRESIDENT VALESKY: Read the
24 last section.

25 THE SECRETARY: Section 2. This

1 act shall take effect immediately.

2 ACTING PRESIDENT VALESKY: Call the
3 roll.

4 (The Secretary called the roll.)

5 THE SECRETARY: Ayes, 62.

6 ACTING PRESIDENT VALESKY: The bill
7 is passed.

8 THE SECRETARY: Calendar Number
9 1258, by Senator Lanza, Senate Print 5573, an act
10 to amend the Not-For-Profit Corporation Law.

11 ACTING PRESIDENT VALESKY: Read the
12 last section.

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

15 ACTING PRESIDENT VALESKY: Call the
16 roll.

17 (The Secretary called the roll.)

18 SENATOR LIBOUS: Lay it aside for
19 the day.

20 ACTING PRESIDENT VALESKY: The roll
21 call is withdrawn, and the bill is laid aside for
22 the day.

23 THE SECRETARY: Calendar Number
24 1259, by Senator Flanagan, Senate Print 5593, an
25 act to amend Chapter 140 of the Laws of 1985.

1 SENATOR LIBOUS: Lay this aside
2 temporarily and we'll come back to it.

3 ACTING PRESIDENT VALESKY: The bill
4 is laid aside temporarily.

5 THE SECRETARY: Calendar Number
6 1260, by Senator Grisanti, Senate Print 5594, an
7 act to amend the New York State Urban Development
8 Corporation Act.

9 ACTING PRESIDENT VALESKY: Read the
10 last section.

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

13 ACTING PRESIDENT VALESKY: Call the
14 roll.

15 (The Secretary called the roll.)

16 THE SECRETARY: Ayes, 62.

17 ACTING PRESIDENT VALESKY: The bill
18 is passed.

19 THE SECRETARY: Calendar Number
20 1261, by Senator Maziarz, Senate Print 5595, an
21 act to amend the Village Law.

22 ACTING PRESIDENT VALESKY: Read the
23 last section.

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

1 ACTING PRESIDENT VALESKY: Call the
2 roll.

3 (The Secretary called the roll.)

4 THE SECRETARY: In relation to
5 Calendar Number 1261: Ayes, 61. Nays, 1.
6 Senator Martins recorded in the negative.

7 ACTING PRESIDENT VALESKY: The bill
8 is passed.

9 SENATOR LIBOUS: Mr. President, can
10 we bring up Calendar 1259 again, please.

11 ACTING PRESIDENT VALESKY: The
12 Secretary will return to Calendar Number 1259.

13 THE SECRETARY: Calendar Number
14 1259, by Senator Flanagan, Senate Print 5593, an
15 act to amend Chapter 140 of the Laws of 1985.

16 ACTING PRESIDENT VALESKY: Read the
17 last section.

18 THE SECRETARY: Section 9. This
19 act shall take effect on July 1, 2011.

20 ACTING PRESIDENT VALESKY: Call the
21 roll.

22 (The Secretary called the roll.)

23 ACTING PRESIDENT VALESKY: Senator
24 Young to explain her vote.

25 SENATOR YOUNG: Mr. President, I

1 would like to abstain from this vote, please.

2 ACTING PRESIDENT VALESKY: Without
3 objection, Senator Young will be recorded as
4 abstaining on Calendar 1259.

5 Announce the results.

6 THE SECRETARY: Ayes, 61.

7 ACTING PRESIDENT VALESKY: The bill
8 is passed.

9 THE SECRETARY: Calendar Number
10 1262, by Senator Bonacic, Senate Print 5601 --

11 SENATOR BRESLIN: Lay it aside.

12 ACTING PRESIDENT VALESKY: The bill
13 is laid aside.

14 THE SECRETARY: Calendar Number
15 1263, by Senator Ranzenhofer, Senate Print 5608,
16 an act to authorize the Town of Amherst.

17 ACTING PRESIDENT VALESKY: There is
18 a home-rule message at the desk.

19 Read the last section.

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

22 ACTING PRESIDENT VALESKY: Call the
23 roll.

24 (The Secretary called the roll.)

25 THE SECRETARY: Ayes, 62.

1 ACTING PRESIDENT VALESKY: The bill
2 is passed.

3 THE SECRETARY: Calendar Number
4 1264, by Senator Young, Senate Print 5610, an act
5 to amend the Highway Law.

6 ACTING PRESIDENT VALESKY: Read the
7 last section.

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

10 ACTING PRESIDENT VALESKY: Call the
11 roll.

12 (The Secretary called the roll.)

13 THE SECRETARY: Ayes, 62.

14 ACTING PRESIDENT VALESKY: The bill
15 is passed.

16 THE SECRETARY: Calendar Number
17 1265, by Senator Golden, Senate Print --

18 SENATOR BRESLIN: Lay it aside.

19 ACTING PRESIDENT VALESKY: The bill
20 is laid aside.

21 THE SECRETARY: Calendar Number
22 1266, by Senator Seward, Senate Print 5657, an
23 act to authorize the Village of Ilion.

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

1 Read the last section.

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

4 ACTING PRESIDENT VALESKY: Call the
5 roll.

6 (The Secretary called the roll.)

7 THE SECRETARY: Ayes, 62.

8 ACTING PRESIDENT VALESKY: The bill
9 is passed.

10 Senator Libous, that completes the
11 noncontroversial reading of Senate Supplemental
12 Calendar 52A.

13 SENATOR LIBOUS: Mr. President, can
14 we go back to motions and resolutions, please.

15 ACTING PRESIDENT VALESKY: The
16 Secretary will return to motions and resolutions.

17 Senator Libous.

18 SENATOR LIBOUS: Mr. President, I
19 have a couple of motions here.

20 On behalf of Senator Zeldin, on
21 page 39, I offer the following amendments to
22 Calendar Number 640, Senate Print 4601A, and ask
23 that said bill retain its place on the Third
24 Reading Calendar.

25 ACTING PRESIDENT VALESKY: So

1 ordered.

2 SENATOR LIBOUS: And on behalf of
3 behalf of Senator Gallivan, on page 55 I offer
4 the following amendments to Calendar Number 925,
5 Senate Print 5494, and I ask that said bill
6 retain its place on the Third Reading Calendar.

7 ACTING PRESIDENT VALESKY: So
8 ordered.

9 Senator Libous.

10 SENATOR LIBOUS: Mr. President, at
11 this time all the bills that were laid aside will
12 be laid aside for the day. They will be taken up
13 tomorrow morning on a controversial calendar.

14 And at this point in time in the
15 evening the Senate will adjourn until tomorrow,
16 June 15th, at 11:00 a.m.

17 ACTING PRESIDENT VALESKY: There
18 being no further business at the desk, on motion,
19 the Senate stands adjourned until Wednesday,
20 June 15th, at 11:00 a.m.

21 SENATOR LIBOUS: And,
22 Mr. President, there will be a 10:00 o'clock
23 Republican conference tomorrow.

24 ACTING PRESIDENT VALESKY: There
25 will be a 10:00 o'clock Republican conference

1 tomorrow morning.

2 The Senate stands adjourned until

3 Wednesday at 11:00 a.m.

4 (Whereupon, at 6:42 p.m., the Senate
5 adjourned.)

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