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NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

June 14, 2011

12:30 p.m.

REGULAR SESSION

SENATOR CARL L. MARCELLINO, Acting President

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 Migaleddi to please address  
10 the body at this time.

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

14 COLONEL MIGALEDI: 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 Pilozzi, 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 Pilozzi 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 Espallat. 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 Espallat, 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 Columbian 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 Columbian 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 Columbian  
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 Griffo, 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 Espaillet.

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 Espaillet.

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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