

1 NEW YORK STATE SENATE

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4 THE STENOGRAPHIC RECORD

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9 ALBANY, NEW YORK

10 March 20, 2012

11 3:15 p.m.

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13
14 REGULAR SESSION

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18 SENATOR JOSEPH A. GRIFFO, Acting President

19 FRANCIS W. PATIENCE, Secretary

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

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

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

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

9 ACTING PRESIDENT GRIFFO:
10 Today's invocation will be given by Father
11 Thomas Lutz, from St. Augustine Church in
12 Highland, New York.

13 Father?

14 FATHER LUTZ: Let us pray.

15 Almighty God, who governs the
16 nation with justice, love, and compassion,
17 bless our State Senators with wise and prudent
18 counsel to enact laws for the common good of
19 all our citizens.

20 Bless them with patience, wisdom,
21 understanding and mutual respect for all whom
22 they serve. Bless their families who love and
23 support them.

24 Bless our Governor and all state
25 lawmakers and Senate staff.

1 Bless and protect those serving
2 in the armed forces throughout the world and
3 make them instruments of your peace.

4 We offer these prayers through
5 Your most holy name. Amen.

6 ACTING PRESIDENT GRIFFO: Thank
7 you, Father.

8 The reading of the Journal.

9 THE SECRETARY: In Senate,
10 Monday, March 19th, the Senate met pursuant to
11 adjournment. The Journal of Sunday,
12 March 18th, was read and approved. On motion,
13 Senate adjourned.

14 ACTING PRESIDENT GRIFFO:
15 Without objection, the Journal stands approved
16 as read.

17 Presentation of petitions.

18 Messages from the Assembly.

19 Messages from the Governor.

20 Reports of standing committees.

21 Reports of select committees.

22 Communications and reports from
23 state officers.

24 Motions and resolutions.

25 Senator Libous.

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

3 At this time may we please adopt
4 the Resolution Calendar, with the exception of
5 Resolution Numbers 3635, 3670, 3684, and 3687.

6 ACTING PRESIDENT GRIFFO: All in
7 favor of adopting the Resolution Calendar with
8 the exception of resolutions 3635, 3670, 3684,
9 and 3687 signify by saying aye.

10 (Response of "Aye.")

11 ACTING PRESIDENT GRIFFO:
12 Opposed?

13 (No response.)

14 ACTING PRESIDENT GRIFFO: The
15 Resolution Calendar is adopted.

16 Senator Libous.

17 SENATOR LIBOUS: Mr. President, at
18 this time I believe there's a resolution at the
19 desk by Senator Ball, Number 3687. He would like
20 it read in its entirety and then move for its
21 immediate adoption.

22 ACTING PRESIDENT GRIFFO: The
23 Secretary will read.

24 THE SECRETARY: Legislative
25 Resolution Number 3687, by Senator Ball,

1 commemorating the 75th anniversary of the
2 Wildlife and Sportfish Restoration Program,
3 America's greatest conservation story.

4 "WHEREAS, More than a century ago,
5 hunters, anglers and trappers were among the
6 first conservationists who realized America's
7 natural resources were in peril and could not
8 sustain unregulated harvest and habitat
9 destruction; and

10 "WHEREAS, Hunters, anglers and
11 trappers took it upon themselves to support laws
12 that stopped excessive harvest of fish and
13 wildlife, established game and fish agencies to
14 protect fish, wildlife and their habitat, and
15 supported special fishing and hunting license
16 fees to help fund the new agencies' efforts to
17 provide for healthy natural resources for future
18 generations; and

19 "WHEREAS, This Legislative Body,
20 then and now, recognizes the primary authority
21 to protect and manage fish and resident wildlife
22 within their borders resides in the state fish
23 and wildlife agencies; and

24 "WHEREAS, Upon realizing that
25 license fees alone were insufficient to restore

1 and sustain healthy fish and wildlife
2 populations, hunters, anglers and trappers
3 supported excise taxes on firearms, ammunition,
4 archery equipment, hunting equipment, and
5 fishing equipment to raise additional funds to
6 support restoration and enhancement efforts of
7 the state agencies; and

8 "WHEREAS, This user pay-public
9 benefit system became known as the Wildlife and
10 Sport Fish Restoration Program that began
11 75 years ago with the passage of the Federal Aid
12 in Wildlife Restoration Act in 1937, and then was
13 bolstered with the passage of the Federal Aid in
14 Sportfish Restoration Act in 1950, further
15 expanded with the Wallop-Breaux amendment to the
16 Sportfish Restoration Act in 1984; and

17 "WHEREAS, The combined contribution
18 of the Wildlife and Sportfish Restoration
19 Programs to state fish and wildlife agencies
20 exceeds \$13 billion since 1939, the first year
21 money was distributed to the states -- more than
22 any other single conservation effort in American
23 history -- which constitute, collectively, the
24 American System of conservation funding; and

25 "WHEREAS, The manufacturers of

1 firearms, ammunition, hunting, fishing, and
2 boating equipment have collected excise taxes on
3 firearms, ammunition, archery equipment,
4 manufactured fishing tackle, electric trolling
5 motors, marine electronics and motorboat fuel and
6 distributed these funds to the states through the
7 U.S. Fish and Wildlife Service; and

8 "WHEREAS, The manufacturers of
9 firearms, ammunition, hunting, fishing, and
10 boating equipment have supported the Wildlife and
11 Sportfish Restoration Programs and continue to
12 exhibit a spirit of cooperation with the state
13 fish and wildlife agencies; and

14 "WHEREAS, This cooperative
15 partnership between industry, hunters, anglers,
16 trappers, boaters, recreational shooters, the
17 U.S. Fish and Wildlife Service and state natural
18 resource agencies has resulted in the most
19 successful model of fish and wildlife management
20 in the world, restoring populations from coast to
21 coast, Alaska and Hawaii; now, therefore, be it

22 "RESOLVED, That this Legislative
23 Body pause in its deliberations to commemorate
24 the 75th Anniversary of the Wildlife and
25 Sportfish Restoration Program, America's

1 greatest conservation story, and to recognize
2 America's hunters, anglers, trappers, boaters,
3 recreational shooters, industry, state fish and
4 wildlife agencies, and the U.S. Fish and Wildlife
5 Service for their leading role in restoring
6 healthy populations of fish, wildlife and other
7 natural resources; and be it further

8 "RESOLVED, That a copy of this
9 resolution, suitably engrossed, be transmitted
10 to the New York State Department of Environmental
11 Conservation."

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:
17 Opposed?

18 (No response.)

19 ACTING PRESIDENT GRIFFO: Senator
20 Libous.

21 SENATOR LIBOUS: Mr. President,
22 Senator Ball would like to open this resolution
23 for cosponsorship. May we please ask everyone
24 who does not want to be a cosponsor to let the
25 desk know. Otherwise, all members will be put on

1 the resolution as a cosponsor.

2 ACTING PRESIDENT GRIFFO: The
3 resolution is open for cosponsorship. If you
4 choose not to, please notify the desk.

5 Senator Libous.

6 SENATOR LIBOUS: I believe there's
7 a resolution at the desk by Senator Flanagan,
8 Number 3684. At this time we ask that the title
9 be read and we move for its immediate adoption.

10 ACTING PRESIDENT GRIFFO: The
11 Secretary will read.

12 THE SECRETARY: Legislative
13 Resolution Number 3684, by Senator Flanagan,
14 welcoming Dowling College students Danielle
15 Cirimello, Jonathan Curley, and Andrew Bush as
16 they visit, Albany New York, and commending them
17 for participating in state government.

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

21 (Response of "Aye.")

22 ACTING PRESIDENT GRIFFO: Senator
23 Flanagan on the resolution.

24 SENATOR FLANAGAN: Thank you,
25 Mr. President. Just very briefly.

1 We have three young students with
2 us today who are involved in aviation management
3 and those types of issues, and we're proud to
4 have them here. They're advocating on budgetary
5 issues and educational issues, and it's a good,
6 positive part of not only the education process
7 but the budget process that we're all engaged in
8 right now.

9 So I just want to extend a warm
10 welcome to them as they visit the State Capitol
11 today. Thank you.

12 ACTING PRESIDENT GRIFFO: Thank
13 you, Senator Flanagan.

14 We do extend a warm welcome and
15 extend the courtesies of the house.

16 Senator McDonald.

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

19 I'm very proud to have one of my
20 own constituents, Jonathan Curley, from Troy,
21 New York, my hometown. He is working on his
22 bachelor of science degree in aviation
23 management. An outstanding student, an
24 outstanding member of our community. And we're
25 proud that he's down here learning about the

1 government.

2 Thank you. Nice to have you here.

3 ACTING PRESIDENT GRIFFO: Thank
4 you, Senator McDonald.

5 Senator LaValle.

6 SENATOR LaVALLE: Thank you,
7 Mr. President.

8 I had an opportunity to teach at
9 Dowling College for five years in the MBA
10 program, and the students there were just
11 absolutely terrific, energetic.

12 I have Andrew Bush here from
13 Mastic. And, Andrew, I looked at your GPA and
14 you are doing phenomenal. I don't know what you
15 did not to have a 4.0, but just try and correct
16 that.

17 I congratulate the students for
18 getting involved in government, being here today
19 and understanding what we're all about.

20 And thank you, Senator Flanagan,
21 for your efforts to bring the students here.

22 ACTING PRESIDENT GRIFFO: Thank
23 you, Senator LaValle.

24 Are there any in opposition to the
25 resolution?

1 (No response.)

2 ACTING PRESIDENT GRIFFO: The
3 resolution is adopted.

4 Senator Libous.

5 SENATOR LIBOUS: Senator Flanagan
6 would also like to open this resolution to all of
7 the house. If members wish not to cosponsor,
8 they should let the desk know.

9 ACTING PRESIDENT GRIFFO: The
10 resolution is open up to all members of the
11 house. If you choose not to be a cosponsor,
12 please notify the desk.

13 And once again, we extend our
14 courtesies of the house and welcome all of these
15 distinguished visitors.

16 (Applause.)

17 ACTING PRESIDENT GRIFFO: Senator
18 Libous.

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

21 I believe there's a resolution at
22 the desk by Senator Carlucci, Number 3635. I ask
23 that the title be read and then call on Senator
24 Carlucci before its adoption.

25 ACTING PRESIDENT GRIFFO: The

1 Secretary will read.

2 THE SECRETARY: Legislative
3 Resolution Number 3635, by Senator Carlucci,
4 memorializing Governor Andrew M. Cuomo to
5 proclaim March 2012 as Brain Injury Awareness
6 Month in the State of New York.

7 ACTING PRESIDENT GRIFFO: Senator
8 Carlucci.

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

11 Today I rise to ask Governor Cuomo
12 to proclaim the month of March as Brain Injury
13 Awareness Month.

14 Not too long ago I had the great
15 privilege and honor to meet a woman named Mary
16 Ellen Pesci. Unfortunately, she passed away just
17 a few short weeks ago. She was the victim of a
18 drunk driving accident a couple of decades ago,
19 and she spent her life advocating towards the
20 cause of helping people that suffer from brain
21 injuries, the trauma of brain injuries -- and not
22 only those individuals, but the families that
23 suffer as well.

24 Each year traumatic brain injury
25 affects about 1.7 million people in the United

1 States. Of that, we're talking about some
2 500,000 children. This can be caused by a fall,
3 by a car crash, a workplace accident, assaults,
4 and many other instances as well.

5 The consequences of such an injury
6 are serious and life-threatening, particularly
7 for the 3.1 million individuals that have lived
8 with lifelong disabilities. Thousands more will
9 be hospitalized, visit an emergency room, and
10 sadly some will even lose their lives.

11 Unfortunately, not enough
12 understanding and attention is paid to this
13 serious healthcare crisis. For many, brain
14 injury is the start of a lifelong disease,
15 affecting not just victims but weighing down on
16 their families and loved ones.

17 And even more startling is the cost
18 associated to treat this dreadful disease.
19 According to the Center for Disease Control, it
20 costs about \$73 billion a year to treat these
21 diseases.

22 These facts speak to all of us that
23 we must do everything in our ability to reduce
24 the number of victims that suffer through this
25 trauma. It begins with all of us -- parents,

1 athletes, coaches, teachers and all
2 professionals -- to make prevention a priority
3 and to teach people about how to live with
4 traumatic brain injury.

5 Mr. President, I thank you and I
6 urge my colleagues' support in urging
7 Governor Cuomo to proclaim the month of March as
8 Brain Injury Awareness Month.

9 Thank you, Mr. President.

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

12 All in favor of the resolution
13 signify by saying aye.

14 (Response of "Aye.")

15 ACTING PRESIDENT GRIFFO:

16 Opposed?

17 (No response.)

18 ACTING PRESIDENT GRIFFO: The
19 resolution is adopted.

20 Senator Libous.

21 SENATOR LIBOUS: Mr. President,
22 again, Senator Carlucci would ask that if all
23 members would like to go on the resolution, so be
24 it. If you choose not to, let the desk know.

25 ACTING PRESIDENT GRIFFO: The

1 resolution is open for cosponsorship. If you
2 choose not to, please notify the desk.

3 Senator Libous.

4 SENATOR LIBOUS: I believe there's
5 a resolution at the desk by Senator
6 Stewart-Cousins, Number 3670. I ask that the
7 title be read, and I believe Senator
8 Stewart-Cousins would like to be called on before
9 its adoption.

10 ACTING PRESIDENT GRIFFO: The
11 Secretary will read.

12 THE SECRETARY: Legislative
13 Resolution Number 3670, congratulating the
14 Yonkers Gladiators Junior Midgets Football Team
15 and Head Coach Ralph McKenly upon the occasion of
16 capturing the United Youth Tackle League National
17 Championship.

18 ACTING PRESIDENT GRIFFO: Senator
19 Stewart-Cousins.

20 SENATOR STEWART-COUSINS: Thank
21 you, Mr. President.

22 As you can hear from the title, the
23 name of the team is the Yonkers Gladiators Junior
24 Midgets Football Team. But in this nation they
25 are by no means midgets, they are champions.

1 They come out of the Nepperhan
2 Community Center, which is located in Yonkers.
3 It's located in an area of Yonkers that very
4 often has attention but the attention that comes
5 with gang violence, the attention that comes with
6 difficult circumstances. And the Nepperhan
7 Community Center has been a beacon under the
8 leadership of Dr. Bostic.

9 Eight years ago the Nepperhan
10 Community Center decided to belong to the United
11 Youth Football League. It is, again, a national
12 organization, but it's not high school, it's not
13 a college. It is a league that promotes college
14 entry through discipline, through family support,
15 through community support, through excellence.
16 It allows youth to become competitive on the
17 football team and for young girls and whoever
18 else wants to be cheerleaders to cheer.

19 And eight years ago when this group
20 decided to be part of the United Football League,
21 they didn't even have uniforms. Many here were
22 helpful in supporting them to get uniforms so
23 that when they appeared on the field, they could
24 look like everybody else.

25 And appear on the field they did.

1 With the help of their head coach Ralph McKenly,
2 who is a skilled and inspirational leader, with
3 the other coaches, Michael Bailey, Garfield
4 Heslop, and Masai Ali, they took the team to
5 third place three years ago and to first place in
6 the nation this year.

7 So in an area where unfortunately
8 the negative gets attention, in a place where
9 sometimes great achievements are ignored, we
10 wanted these national champions to come here and
11 to get the respect and accolades that are due
12 young people who have become disciplined
13 teammates, champions, and leaders who are focused
14 on family, each other, excellence, and education
15 to be honored by the state.

16 We have with us Gavin, we have both
17 Maliks, we have Terrell and Rasheed, we have
18 Deondre, we have Steve and Paul, Olvin, Julian,
19 Tajay, William, we have both Noahs, Levert,
20 Yemisi, Diamonte, Stephone, and Deanthone here
21 with us.

22 So we congratulate each and every
23 one of you for putting Yonkers on the map, for
24 being champions, being leaders and, although you
25 are Midgets, giants. Congratulations.

1 (Applause.)

2 ACTING PRESIDENT GRIFFO: Thank
3 you, Senator Stewart-Cousins.

4 We extend a warm welcome and our
5 congratulations to all of you today.

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

8 (Response of "Aye.")

9 ACTING PRESIDENT GRIFFO:
10 Opposed?

11 (No response.)

12 ACTING PRESIDENT GRIFFO: The
13 resolution is adopted.

14 Senator Libous.

15 SENATOR LIBOUS: Senator
16 Stewart-Cousins, would you like to open up the
17 resolution?

18 SENATOR STEWART-COUSINS: Please,
19 Senator.

20 SENATOR LIBOUS: Obviously,
21 because I see a couple of future New York Giants
22 up there. Absolutely.

23 The Senator would like to open it
24 up. Any member who wishes not to be on the
25 resolution, please let the desk know.

1 ACTING PRESIDENT GRIFFO: The
2 resolution is open for cosponsorship. If you
3 choose not to be a cosponsor, please notify the
4 desk.

5 Senator Libous.

6 SENATOR LIBOUS: Mr. President, if
7 you could at this time call on Senator Smith, he
8 would like to speak on one of the previously
9 adopted resolutions.

10 ACTING PRESIDENT GRIFFO: Senator
11 Smith.

12 SENATOR SMITH: Yes, thank you
13 very much, Mr. President. Very briefly.

14 I know we honor special individuals
15 every day. Senator Stewart-Cousins obviously
16 honored what we all conclude to be very giants in
17 our community.

18 There's a young lady by the name of
19 Betty Mallory. Many members in this chamber may
20 not know her. I'm sure Senator Huntley knows
21 her. Some of my Queens colleagues -- Senator
22 Peralta and Senator Addabbo -- may know her as
23 well.

24 She is a very special young lady,
25 very involved in our community, is just a person

1 that is one of our unsung heroes. And I just
2 want to have the opportunity this morning,
3 Mr. President, to say a word for her on one of
4 the most majestic State Senate floors in this
5 country.

6 So thank you very much,
7 Mr. President, for that honor.

8 ACTING PRESIDENT GRIFFO: Thank
9 you, Senator Smith.

10 Senator Libous.

11 SENATOR LIBOUS: Mr. President, as
12 we are still on motions, if you could call on
13 Senator Breslin, I think he has something to say.

14 ACTING PRESIDENT GRIFFO: Senator
15 Breslin.

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

18 On behalf of Senator Duane, I move
19 that the following bills be discharged from their
20 respective committees and be recommitted with
21 instructions to strike the enacting clause:
22 Senate Numbers 2774 and 2922.

23 ACTING PRESIDENT GRIFFO: So
24 ordered.

25 SENATOR BRESLIN: Thank you,

1 Mr. President.

2 ACTING PRESIDENT GRIFFO: Senator
3 Libous.

4 SENATOR LIBOUS: At this time
5 could we have the reading of the noncontroversial
6 calendar, please.

7 ACTING PRESIDENT GRIFFO: The
8 Secretary will read.

9 THE SECRETARY: Calendar Number
10 208, by Senator Hannon, Senate Print 1465A --

11 SENATOR BRESLIN: Lay it aside.

12 ACTING PRESIDENT GRIFFO: Lay it
13 aside.

14 THE SECRETARY: Calendar Number
15 240, by Senator Hannon, Senate Print 6493A, an
16 act to amend the Public Health Law.

17 ACTING PRESIDENT GRIFFO: Read the
18 last section.

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

21 ACTING PRESIDENT GRIFFO: Call the
22 roll.

23 (The Secretary called the roll.)

24 THE SECRETARY: Ayes, 60.

25 ACTING PRESIDENT GRIFFO: The bill

1 is passed.

2 THE SECRETARY: Calendar Number
3 334, by Senator Farley, Senate Print 4100A, an
4 act to amend the Education Law.

5 ACTING PRESIDENT GRIFFO: Read the
6 last section.

7 SENATOR BRESLIN: Lay it aside.

8 ACTING PRESIDENT GRIFFO: Lay it
9 aside.

10 THE SECRETARY: Calendar Number
11 342, by Senator Fuschillo, Senate Print 5232, an
12 act to amend the Penal Law.

13 ACTING PRESIDENT GRIFFO: Read the
14 last section.

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

17 ACTING PRESIDENT GRIFFO: Call the
18 roll.

19 (The Secretary called the roll.)

20 THE SECRETARY: Ayes, 58. Nays,
21 2. Senators Montgomery and Parker recorded in
22 the negative.

23 ACTING PRESIDENT GRIFFO: The bill
24 is passed.

25 THE SECRETARY: Calendar Number

1 347, by Senator Young, Senate Print 4020B, an act
2 to amend the Highway 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 1. Senator Parker recorded in the negative.

12 ACTING PRESIDENT GRIFFO: The bill
13 is passed.

14 THE SECRETARY: Calendar Number
15 351, by Senator Gallivan, Senate Print 6061, an
16 act to amend the Highway Law.

17 ACTING PRESIDENT GRIFFO: Read the
18 last section.

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

21 ACTING PRESIDENT GRIFFO: Call the
22 roll.

23 (The Secretary called the roll.)

24 THE SECRETARY: Ayes, 59. Nays,
25 1. Senator Parker recorded in the negative.

1 ACTING PRESIDENT GRIFFO: The bill
2 is passed.

3 THE SECRETARY: Calendar Number
4 360, by Senator Hannon, Senate Print 6550A, an
5 act to authorize the assessor of the County of
6 Nassau.

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, 56. Nays,
15 4. Senators Bonacic, Larkin, O'Mara and Parker
16 recorded in the negative.

17 ACTING PRESIDENT GRIFFO: The bill
18 is passed.

19 THE SECRETARY: Calendar Number
20 362, by Senator Johnson, Senate Print 6611, an
21 act to authorize the assessor of the Town of
22 Islip.

23 ACTING PRESIDENT GRIFFO: Read the
24 last section.

25 THE SECRETARY: Section 2. This

1 act shall take effect immediately.

2 ACTING PRESIDENT GRIFFO: Call the
3 roll.

4 (The Secretary called the roll.)

5 THE SECRETARY: Ayes, 56. Nays,
6 4. Senators Bonacic, Larkin, O'Mara and Parker
7 recorded in the negative.

8 ACTING PRESIDENT GRIFFO: The bill
9 is passed.

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

12 SENATOR LIBOUS: Mr. President,
13 could we have the controversial reading of the
14 calendar.

15 ACTING PRESIDENT GRIFFO: The
16 Secretary will ring the bell.

17 The Secretary will read.

18 THE SECRETARY: Calendar Number
19 208, by Senator Hannon, Senate Print 1465A, an
20 act to amend the Real Property Tax Law.

21 ACTING PRESIDENT GRIFFO: Read the
22 last section.

23 SENATOR BRESLIN: Explanation.

24 ACTING PRESIDENT GRIFFO: An
25 explanation has been requested, Senator Hannon.

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

3 This is my legislation to amend the
4 Real Property Tax Law in an attempt to introduce
5 efficiency and economy into the state and local
6 government.

7 Currently we have a system that if
8 an eligible owner of property purchases that
9 property and is eligible for a tax exemption but
10 has purchased it during the course of the middle
11 of a taxing year, a real property taxing year,
12 they would have to pay property tax even though
13 they're eligible for an exemption.

14 Each year dozens upon dozens of
15 these eligible owners, people who are churches or
16 charitable organizations, petition the
17 Legislature and have individual bills passed so
18 that that owner can go to the local assessor and
19 say "I really was eligible, I met the criteria
20 under the Real Property Tax Law for tax
21 exemption, and I owned it at this given point in
22 time." And the assessor says, "Well, I've looked
23 at all those facts, I agree, I'll grant you an
24 exemption."

25 What this legislation would do, it

1 would say you no longer have to make this trip to
2 Albany, you no longer have to incur the printing
3 of thousands of pieces of paper for each of the
4 copies of the bill, and you no longer have to
5 then turn around and go back to the assessor and
6 make that application.

7 You can go to the assessor if the
8 local government has adopted a local law to allow
9 for this process and make that application
10 directly to the assessor.

11 It doesn't change the criteria
12 that's in the State Constitution and the state
13 Real Property Tax Law for eligibility for an
14 exemption. And it doesn't change the criteria
15 which is that the property actually be used for a
16 tax-exempt purpose. What it simply does is avoid
17 needless paperwork and needless time and expense.

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

20 Is there any other Senator wishing
21 to be heard?

22 Seeing none, hearing none, the
23 debate is closed. The Secretary will ring the
24 bell.

25 The Secretary will read the last

1 section.

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

4 ACTING PRESIDENT GRIFFO: Call the
5 roll.

6 (The Secretary called the roll.)

7 THE SECRETARY: Ayes, 59. Nays,
8 1. Senator Bonacic recorded in the negative.

9 ACTING PRESIDENT GRIFFO: The bill
10 is passed.

11 THE SECRETARY: Calendar Number
12 334, by Senator Farley, Senate Print 4100A, an
13 act to amend the Education Law.

14 ACTING PRESIDENT GRIFFO: Read the
15 last section.

16 THE SECRETARY: Section 2. This
17 act shall take effect on the first --

18 ACTING PRESIDENT GRIFFO: Senator
19 Perkins, why do you rise?

20 An explanation is requested?
21 Senator Farley.

22 SENATOR LIBOUS: Mr. President --
23 Mr. President, just hang on a second here.

24 ACTING PRESIDENT GRIFFO: Sure.

25 SENATOR LIBOUS: Mr. President, I

1 believe you should call on Senator Perkins.

2 ACTING PRESIDENT GRIFFO: Senator
3 Perkins.

4 SENATOR PERKINS: Thank you,
5 Mr. President.

6 I believe there's an amendment at
7 the desk. I ask that the reading of the
8 amendment be waived and that I may be heard on
9 the amendment.

10 ACTING PRESIDENT GRIFFO: The
11 reading of the amendment is waived, and you may
12 be heard on the amendment, Senator Perkins.

13 SENATOR PERKINS: Thank you very
14 much.

15 This amendment will open the doors
16 of opportunity for many youth who dream of going
17 to college but can't afford it and are denied
18 access to financial help because they are
19 undocumented. I'm talking about the DREAM Act.

20 And how will this be accomplished?
21 The amendment provides access to state financial
22 aid --

23 SENATOR LIBOUS: Mr. President.

24 ACTING PRESIDENT GRIFFO: Senator
25 Libous.

1 SENATOR LIBOUS: Is Senator
2 Perkins' amendment germane to the bill that's
3 before us?

4 ACTING PRESIDENT GRIFFO: Senator
5 Perkins, we are on Senator Farley's bill dealing
6 with libraries' access to Employment Preparation
7 Education funds. So you may be heard as an
8 amendment to that particular bill.

9 SENATOR PERKINS: I appeal the
10 decision of the chair.

11 ACTING PRESIDENT GRIFFO: There's
12 no reason to appeal right now, Senator Perkins.
13 I'm just telling you that your amendment is
14 not -- are you --

15 SENATOR PERKINS: The amendment
16 provides access to state financial aid for --

17 ACTING PRESIDENT GRIFFO: Okay,
18 Senator Perkins --

19 SENATOR PERKINS: Yes, sir.

20 ACTING PRESIDENT GRIFFO: -- in
21 accordance with Rule 4, Section 4B, your
22 amendment is nongermane based upon what you are
23 discussing right now.

24 SENATOR PERKINS: I want to appeal
25 the ruling of the chair.

1 ACTING PRESIDENT GRIFFO: Very
2 good, Senator Perkins. We will have an appealing
3 on the ruling of the chair. All those in
4 favor --

5 SENATOR PERKINS: Now I'd like to
6 be heard.

7 SENATOR LIBOUS: Mr. President.

8 SENATOR PERKINS: My amendment to
9 Senator Farley's bill is germane.

10 ACTING PRESIDENT GRIFFO: Senator
11 Perkins -- Senator Perkins, one second, please.

12 Senator Libous, why do you rise?

13 SENATOR LIBOUS: Because Senator
14 Perkins can be heard on his appeal, on the appeal
15 of the chair, before we take it to a vote.

16 ACTING PRESIDENT GRIFFO: Senator
17 Perkins, I will allow you to be heard on the
18 appeal of the ruling of the chair.

19 SENATOR PERKINS: My amendment to
20 Senator Farley's bill is germane.

21 I would also like to point out what
22 has been a disturbing pattern on the part of the
23 majority of stifling debates on important issues
24 on this floor and in this state.

25 My amendment is germane for the

1 following reasons. One, the amendment deals with
2 the same subject matter as the underlying bill in
3 the following respects. (A) Both Senator
4 Farley's bill and the provisions of my amendment
5 propose changes to the State Education Law.

6 Secondly, Senator Farley's bill
7 proposes to set aside \$3 million in public monies
8 for public libraries to augment educational
9 services like GED courses, English as a second
10 language classes, information technology skills,
11 job readiness workshops, and financial literacy
12 classes through Employment Preparation Education
13 funds.

14 The services of public libraries
15 are available to anyone who possesses a library
16 card, including undocumented individuals who can
17 establish residency in the State of New York.

18 As such, my amendment and Senator
19 Farley's bill both expand access to state funding
20 for education with the purpose of facilitating
21 employment opportunities. Both expansions have
22 the same goal of stimulating economic growth by
23 developing a better-educated workforce.

24 ACTING PRESIDENT GRIFFO: Senator
25 Perkins, your comments need to be germane to the

1 ruling now. You're questioning the process here,
2 you're getting into substance.

3 So I am going to call the question.
4 Senator Perkins, in accordance with Rule 3-1, we
5 have to deal with the procedures of the chair, so
6 I have allowed you some discretion there. I am
7 now going to call the question.

8 All those in favor of overruling
9 the appeal of the chair say aye.

10 SENATOR BRESLIN: Mr. President,
11 point of order.

12 ACTING PRESIDENT GRIFFO: Senator
13 Breslin, why do you rise?

14 SENATOR BRESLIN: Mr. President,
15 the petitioner is allowed to explain why he
16 believes this petition is germane. And he's
17 being denied that right to explain that.

18 ACTING PRESIDENT GRIFFO: Senator
19 Breslin, I am allowing him to have that
20 opportunity, but he must stick to procedures. He
21 is now beginning to stray into substantive
22 commentary, and that is not allowed under this
23 procedure and the rules that govern us.

24 Senator Breslin, the --

25 SENATOR BRESLIN: Excuse me, the

1 rules call --

2 ACTING PRESIDENT GRIFFO: Senator
3 Breslin, under Rule 3-1 that prerogative and
4 responsibility and authority is given to the
5 chair, and the chair has made a ruling.

6 So I have asked that he confine his
7 comments to the specifics of the procedures here
8 that he is challenging. He has done that, so I'm
9 going to call the question now.

10 SENATOR BRESLIN: Germaneness is
11 substance.

12 ACTING PRESIDENT GRIFFO: Senator
13 Breslin, I have made the ruling. And I would be
14 happy to clarify the difference later, but right
15 now we're going to call the question.

16 All those in favor of overruling --

17 SENATOR PERKINS: Mr. President,
18 point of order.

19 ACTING PRESIDENT GRIFFO: Senator
20 Perkins, what is your point of order?

21 SENATOR PERKINS: It appears that
22 Senate Rule 9 allows me to explain the
23 germaneness of --

24 ACTING PRESIDENT GRIFFO: I am
25 allowing you that. I am allowing you that.

1 SENATOR PERKINS: I have up to
2 30 minutes, I believe, to make that -- under the
3 Senate rules, I have up to 30 minutes.

4 ACTING PRESIDENT GRIFFO: Senator
5 Perkins, but it must be germane to the specifics
6 of the challenge of the ruling of the chair. And
7 that is a procedural ruling.

8 And you are not sticking to
9 procedure now, you are talking about another
10 piece of legislation which the chair -- your
11 amendment, which the chair has ruled nongermane
12 to the specific legislation that appears before
13 this body.

14 SENATOR PERKINS: If there is a
15 particular instance in which that may be the
16 case. I'd like to continue, nevertheless, to
17 establish the germaneness.

18 And the amendment neither
19 unreasonably expands the object or subject of the
20 underlying bill, nor does it change the purpose,
21 scope or object of the original bill. The
22 purpose and scope of the bill, if amended as I
23 propose, would remain to invest in the
24 educational future of residents of our state in
25 order to prepare them to become economically

1 productive members of our society.

2 Had the bill been originally
3 introduced as I propose it now --

4 ACTING PRESIDENT GRIFFO: Senator
5 Perkins --

6 SENATOR LIBOUS: Mr. President,
7 point of order.

8 ACTING PRESIDENT GRIFFO: Senator
9 Libous, why do you rise?

10 SENATOR LIBOUS: Senator Perkins,
11 in all due respect, is not on the subject of the
12 appealing of the ruling of the chair. He is on
13 specific legislation that is not before the house
14 that he is talking about.

15 If he wishes to speak, as the rules
16 state, on why is he appealing -- without talking
17 about specifics of a piece of legislation -- he
18 can do that. But, Mr. President, he is not doing
19 that.

20 ACTING PRESIDENT GRIFFO: Your
21 point is well-taken, Senator Libous.

22 Senator Perkins --

23 SENATOR PERKINS: Point of order.

24 SENATOR BRESLIN: Mr. President --

25 ACTING PRESIDENT GRIFFO: Senator

1 Perkins, one at a time.

2 Senator Breslin has -- Senator
3 Perkins has the floor. Leader Breslin has
4 risen. Do you have a point of order to state,
5 Senator Breslin?

6 SENATOR BRESLIN: I would just
7 again reiterate, in determining which of the
8 tests to apply, the presiding officer first
9 determines the nature and scope of the
10 proposition being amended and then the
11 relationship of the amendment being offered to
12 the text of the original bill.

13 ACTING PRESIDENT GRIFFO: Senator
14 Breslin, it's already been ruled nongermane. The
15 amendment that Senator Perkins was discussing
16 eliminates the --

17 SENATOR LIBOUS: Mr. President.

18 ACTING PRESIDENT GRIFFO: Senator
19 Libous, why do you rise?

20 SENATOR LIBOUS: Well,
21 Mr. President, to Senator Breslin's point.
22 You've already ruled it
23 nongermane. What is before the house right now
24 is the appeal of the ruling. And Senator Perkins
25 certainly has a right to discuss his objection to

1 the appeal of the ruling, but he does not have
2 the right under Senate rules to talk specifics
3 about a specific bill that is not before the
4 house.

5 ACTING PRESIDENT GRIFFO: Your
6 point is well-taken, Senator Libous.

7 I will reiterate again, Senator
8 Perkins, that you must stick to the procedure
9 relative to the ruling that was made and why you
10 feel the ruling was inappropriate. You cannot go
11 back on the amendment that was ruled nongermane.
12 That is clear.

13 SENATOR PERKINS: Mr. President, I
14 believe that I still have more time to --

15 ACTING PRESIDENT GRIFFO: You have
16 time, but you must stick to procedures.

17 SENATOR PERKINS: I'd like to take
18 it without interruption, if possible. But the --

19 ACTING PRESIDENT GRIFFO: Senator
20 Perkins, if you stay germane to why you are
21 appealing the ruling of the chair, I will allow
22 it.

23 If you stray from that, I will tell
24 you that you're out of order and call the vote.

25 Senator Perkins.

1 SENATOR PERKINS: Thank you very
2 much. I will continue.

3 So had the bill been originally
4 introduced as I propose it now to be amended, it
5 would still have required consideration by the
6 same standing committee that reported the
7 underlying bill. Either form of the bill in its
8 original print, or as I would have it amended,
9 would have been considered by the Standing
10 Committee on Education.

11 For the foregoing reasons, the
12 amendment I'm offering today is germane to
13 Senator Farley's bill currently under
14 consideration.

15 ACTING PRESIDENT GRIFFO: Senator
16 Perkins, may I call the question?

17 All those in favor of overruling
18 the decision of the chair please say aye.

19 (Response of "Aye.")

20 ACTING PRESIDENT GRIFFO: Those
21 opposed?

22 (Response of "Nay.")

23 ACTING PRESIDENT GRIFFO: Senator
24 Breslin, why do you rise? Senator Breslin, why
25 do you rise?

1 SENATOR BRESLIN: I would request
2 a show of hands and a counting of the show of
3 hands.

4 ACTING PRESIDENT GRIFFO: A show
5 of hands has been requested.

6 (Senators raised their hands.)

7 ACTING PRESIDENT GRIFFO: Announce
8 the results.

9 THE SECRETARY: Ayes, 27.

10 ACTING PRESIDENT GRIFFO: The
11 ruling of the chair stands.

12 We may now go to the bill.

13 Read the last section.

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

16 ACTING PRESIDENT GRIFFO: Call the
17 roll.

18 (The Secretary called the roll.)

19 ACTING PRESIDENT GRIFFO: Senator
20 Farley to explain his vote.

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

23 Senator Perkins, I just want to
24 today say that your amendment may have a lot of
25 merit, but it should stand alone as itself.

1 This bill is a major priority of
2 the New York State Library Association, a very
3 meaningful bill that has passed this bill 62 to
4 nothing. And the public libraries would receive
5 \$3 million for competitive grants. And it's
6 very, very significant.

7 And I would ask all of my
8 colleagues to support this because the library
9 community is very much in favor of it, District
10 Council 37 is supporting it, CSEA is supporting
11 it, the City of Rochester Library Workers Local
12 828, the Library Association of Buffalo and Erie
13 Counties, and of course NYSUT, and the New York
14 State School Boards has no objection.

15 I urge a yes vote.

16 Thank you, Mr. President.

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

19 Senator Squadron to explain his
20 vote.

21 SENATOR SQUADRON: First, I want
22 to commend Senator Farley for this bill.

23 And I'd also like to commend
24 Senator Perkins for his valiant attempt to raise
25 another important issue that is so closely

1 related to this bill that I think this bill --
2 which is a very good one, and which I will
3 support today -- would have been even better.

4 You know, the great thing about
5 Senator Farley's bill is he is expanding
6 educational opportunity, expanding the
7 opportunity for folks to make a better life for
8 themselves, very broadly and I think without
9 exception at the libraries with this bill.

10 With Senator Perkins' amendment,
11 this bill would have gone even farther and would
12 have expanded opportunity all the way to college
13 for folks who have a dream, folks who broke no
14 law themselves and who want to get a college
15 education so they can be successful members of
16 society.

17 So I think it's a real shame that
18 yet again it is almost impossible to have an open
19 debate on important issues here on the floor of
20 the State Senate. Yet again there is an attempt
21 to stifle robust debate, an attempt to hide from
22 certain issues rather than address them fully.

23 However, I do want to commend my
24 two colleagues who together have really put
25 forward a package of expanded opportunity that I

1 wish we could be discussing. It's important.

2 And I vote aye on Senator Farley's
3 bill.

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

6 Senator Perkins to explain his
7 vote.

8 SENATOR PERKINS: Thank you very
9 much.

10 I'm going to be supporting Senator
11 Farley's bill. Nevertheless, I still believe
12 that the amendments that I offered were germane,
13 would have made for I think a better bill that
14 would have been more inclusive, especially of
15 those undocumented immigrants who fall into the
16 criteria that this bill establishes.

17 Nevertheless, again, I'm going to
18 support the bill and look forward to when we can
19 fully debate the merits of the DREAM Act.

20 ACTING PRESIDENT GRIFFO: How do
21 you vote, Senator Perkins?

22 SENATOR PERKINS: Aye.

23 ACTING PRESIDENT GRIFFO: Senator
24 Perkins will be recorded in the affirmative.

25 Announce the results.

1 THE SECRETARY: Ayes, 59. Nays,
2 1. Senator Parker recorded in the negative.

3 ACTING PRESIDENT GRIFFO: The bill
4 is passed.

5 Senator Libous.

6 SENATOR LIBOUS: Mr. President, at
7 this time could we return to the reports of
8 standing committees.

9 I believe there's a report of the
10 Finance Committee at the desk. Could we please
11 have it read.

12 ACTING PRESIDENT GRIFFO: Reports
13 of standing committees.

14 The Secretary will read.

15 THE SECRETARY: Senator
16 DeFrancisco, from the Committee on Finance,
17 reports the following bill:

18 Senate Print 6252, Budget Bill, an
19 act making appropriations.

20 The bill is reported direct to
21 third reading.

22 ACTING PRESIDENT GRIFFO: Senator
23 Libous.

24 SENATOR LIBOUS: Mr. President, I
25 move to accept the report of the Finance

1 Committee.

2 ACTING PRESIDENT GRIFFO: All in
3 favor of accepting the report of the Finance
4 Committee say aye.

5 (Response of "Aye.")

6 ACTING PRESIDENT GRIFFO:
7 Opposed?

8 (No response.)

9 ACTING PRESIDENT GRIFFO: The
10 Finance Committee report is accepted.

11 SENATOR LIBOUS: As soon as the
12 calendars are handed out, Mr. President, we will
13 proceed to the noncontroversial reading of the
14 supplemental calendar.

15 ACTING PRESIDENT GRIFFO: Senator
16 Krueger, why do you rise?

17 SENATOR KRUEGER: I think I have a
18 point of --

19 ACTING PRESIDENT GRIFFO: May I
20 have some order in the chamber, please.

21 SENATOR KRUEGER: Thank you.

22 It's a point of order that I need a
23 little clarification. Are we moving a bill from
24 Finance directly to the floor, skipping the
25 Rules Committee, or are we going to have a

1 Rules Committee?

2 ACTING PRESIDENT GRIFFO: Senator
3 Libous.

4 SENATOR LIBOUS: Mr. President, we
5 are. And it's because it's a budget bill, we
6 don't need a Rules Committee. It's a procedure
7 that we've followed in this house for years.

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

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

12 SENATOR LIBOUS: Mr. President, I
13 believe everyone has the supplemental calendar at
14 this time.

15 ACTING PRESIDENT GRIFFO: The
16 Secretary will read.

17 SENATOR LIBOUS: Thank you.

18 THE SECRETARY: Calendar Number
19 376, Senate Print 6252, Budget Bill, an act
20 making appropriations.

21 ACTING PRESIDENT GRIFFO: Read the
22 last section.

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

25 ACTING PRESIDENT GRIFFO: Call the

1 roll.

2 (The Secretary called the roll.)

3 THE SECRETARY: Ayes, 60.

4 ACTING PRESIDENT GRIFFO: The bill
5 is passed.

6 Senator Libous.

7 SENATOR LIBOUS: Mr. President, is
8 there any further business at the desk?

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

11 SENATOR LIBOUS: There being no
12 further business, I move we adjourn until
13 Wednesday, March 21st, at 11:00 a.m.

14 ACTING PRESIDENT GRIFFO: On
15 motion, the Senate stands adjourned until
16 Wednesday, March 21st, at 11:00 a.m.

17 Senate adjourned.

18 (Whereupon, at 4:03 p.m., the Senate
19 adjourned.)

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