

1 NEW YORK STATE SENATE

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3
4 THE STENOGRAPHIC RECORD

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9 ALBANY, NEW YORK

10 April 18, 2012

11 3:18 p.m.

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13
14 REGULAR SESSION

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17
18 SENATOR ELIZABETH O'C. LITTLE, Acting President

19 FRANCIS W. PATIENCE, Secretary

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

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

4 I ask everyone present to please
5 rise and repeat with me the Pledge of
6 Allegiance.

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

9 ACTING PRESIDENT LITTLE: In the
10 absence of clergy, may we please bow our heads
11 in a moment of silence.

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

14 ACTING PRESIDENT LITTLE: The
15 reading of the Journal.

16 THE SECRETARY: In Senate,
17 Tuesday, April 17th, the Senate met pursuant
18 to adjournment. The Journal of Monday,
19 April 16th, was read and approved. On motion,
20 Senate adjourned.

21 ACTING PRESIDENT LITTLE:
22 Without objection, the Journal stands approved
23 as read.

24 Presentation of petitions.

25 Messages from the Assembly.

1 Messages from the Governor.
2 Reports of standing committees.
3 Reports of select committees.
4 Communications and reports from
5 state officers.

6 Motions and resolutions.
7 Senator Libous.

8 SENATOR LIBOUS: Thank you,
9 Madam President.

10 On behalf of Senator Ball, I wish
11 to call up his bill, Senate Print 6305,
12 recalled from the Assembly, which is now at
13 the desk.

14 ACTING PRESIDENT LITTLE: The
15 Secretary will read.

16 THE SECRETARY: Calendar Number
17 239, by Senator Ball, Senate Print 6305, an
18 act to amend the Public Health Law.

19 SENATOR LIBOUS: Madam
20 President, I now move to reconsider the vote
21 by which this bill was passed.

22 ACTING PRESIDENT LITTLE: Call
23 the roll on reconsideration.

24 (The Secretary called the roll.)

25 THE SECRETARY: Ayes, 40.

1 ACTING PRESIDENT LITTLE:

2 Senator Libous.

3 SENATOR LIBOUS: I offer up the
4 following amendments.

5 ACTING PRESIDENT LITTLE: The
6 amendments are received.

7 Senator Libous.

8 SENATOR LIBOUS: Madam
9 President, on behalf of Senator Marcellino, on
10 page 17 I offer the following amendments to
11 Calendar Number 394, Senate Print 5006, and
12 ask that said bill retain its place on the
13 Third Reading Calendar.

14 ACTING PRESIDENT LITTLE: The
15 amendments are received.

16 Senator Libous.

17 SENATOR LIBOUS: Thank you,
18 Madam President.

19 I believe at the desk is a
20 resolution by Senator Robach, 3931. I ask
21 that you please read it in its entirety and,
22 before its adoption, call on Senator Robach.

23 ACTING PRESIDENT LITTLE: The
24 Secretary will read.

25 THE SECRETARY: Legislative

1 Resolution Number 3931, by Senator Robach,
2 congratulating the East High School Varsity Girls
3 Basketball Team upon the occasion of capturing of
4 New York State Class A Championship.

5 "WHEREAS, Excellence and success in
6 competitive sports can be achieved only through
7 strenuous practice, team play, and team spirit,
8 nurtured by dedicated coaching and strategic
9 planning; and

10 "WHEREAS, Athletic competition
11 enhances the moral and physical development of
12 the young people of this state, preparing them
13 for the future by instilling in them the value of
14 teamwork, encouraging a standard of healthy
15 living, imparting a desire for success, and
16 developing a sense of fair play and competition;
17 and

18 "WHEREAS, On Saturday, March 17,
19 2012, at Hudson Valley Community College in Troy,
20 New York, the 2011-2012 East High School Varsity
21 Girls Basketball Team captured the New York State
22 Public High School Athletic Association Class A
23 title by defeating Averill Park by a score of
24 43-35; and

25 "WHEREAS, The Class A championship

1 won by the 2011 East High School Varsity Girls
2 Basketball Team was the first-ever girls
3 basketball New York State championship captured
4 by a Rochester City School District team; and

5 "WHEREAS, In the competition
6 leading up to the Class A championship game, the
7 East High School Varsity Girls Basketball Team
8 defeated Pittsford-Mendon on March 2, 2012, by a
9 score of 51-48 to win the Section 5 title; it
10 defeated Grand Island of Section 6 in the
11 quarterfinals, and Section 11's John H. Glenn
12 High School by a score of 66-49 in the semifinal
13 contest; and

14 "WHEREAS, The 2011-2012 East High
15 School Varsity Girls Basketball Team's overall
16 record was an outstanding 21 and 3, its regular
17 season record was a perfect 10 and 0 in the
18 Rochester City League. After beginning the
19 season with a record of 1 and 3, the team won 20
20 straight games en route to the New York State
21 championship; and

22 "WHEREAS, The athletic talent
23 displayed by this team is due in great effort to
24 the efforts of Head Coach Mario Velazquez, and
25 Assistant Coaches Lisa Turchetti and Ken Sutton,

1 skilled and inspiration mentors, respected for
2 their ability to develop potential into
3 excellence; and

4 "WHEREAS, The team's overall record
5 is outstanding, and the team's members were
6 loyally and enthusiastically supported by family,
7 fans, friends and the community at large; and

8 "WHEREAS, The hallmarks of the 2012
9 2011 East High School Varsity Girls Basketball
10 Team, from the opening game of the season to
11 participation in league play and in the New York
12 State Public High School Athletic Association
13 Tournament, were a sisterhood of athletic
14 ability, of good sportsmanship, of honor and of
15 scholarship, demonstrating that these team
16 players are second to none; and

17 "WHEREAS, Athletically and
18 academically, the team members have proven
19 themselves to be an unbeatable combination of
20 talents, reflecting favorably on their school and
21 community; and

22 "WHEREAS, Head Coach Mario
23 Velazquez and Assistant Coaches Lisa Turchetti
24 and Ken Sutton have done a superb job in guiding,
25 molding and inspiring the 2011-2012 East High

1 School Varsity Girls Basketball Team members
2 toward their goals; and

3 "WHEREAS, Sports competition
4 instills the values of teamwork, pride, and
5 accomplishment. Head Coach Mario Velazquez and
6 Assistant Coaches Lisa Turchetti and Ken Sutton
7 and the 2011-2012 East High School Varsity Girls
8 Basketball Team's outstanding athletes have
9 clearly made a contribution to the spirit of
10 excellence which is a tradition of their school;
11 now, therefore, be it

12 "RESOLVED, That this Legislative
13 Body pause in its deliberations to congratulate
14 the 2011-2012 East High School Varsity Girls
15 Basketball Team, its members, and Head Coach
16 Mario Velazquez and Assistant Coaches Lisa
17 Turchetti and Ken Sutton on their New York State
18 Class A Championship and their outstanding
19 season; and be it further

20 "RESOLVED, That copies of this
21 resolution, suitably engrossed, be transmitted to
22 the members and coaching staff of the 2011-2012
23 East High School Varsity Girls Basketball Team."

24 ACTING PRESIDENT LITTLE: Thank
25 you. Senator Robach.

1 SENATOR ROBACH: Yes, Madam
2 President. I am very happy to not only sponsor
3 this resolution and add my applause to these
4 wonderful young women for their academic and
5 athletic achievements, being the first women's
6 team in the Rochester City School District to win
7 a state championship, but I'm also very, very
8 happy to have them in the chamber today.

9 They took a tour, got a chance to
10 talk. And I just want to welcome Rose Ayala,
11 Khamia Gause, Gabrielle Howell, Taylor Hosbey,
12 Janelle Young, Tara Jones, Daijah Spinks,
13 Nastasia White, Carly Jones, Aaliyah Dunbar,
14 Renetta Fordham, and Gymmika Manor; all the
15 coaches, Velazquez, Sutton and Turchetti here,
16 and also my special friend, or friend of the
17 community, Tony Boler, who accompanied the team
18 here, who is a radio personality in our community
19 and the cohost of "Memory Lane," the number-one
20 weekend show on WDKX Radio in Rochester, all here
21 really to celebrate, again, these wonderful young
22 women and what they've accomplished.

23 They have not only really made
24 East High alumni very proud, and their
25 classmates, but they've really brought a lot of

1 joy and honor and put a smile on everybody's face
2 in the City of Rochester.

3 And they are a shining example of
4 some of the good things that young people are
5 doing in our community. I want to applaud them,
6 welcome them to the chamber, and wish them
7 continued success in their academic endeavors and
8 their basketball careers as well. They're
9 beautiful young people.

10 And if you can welcome them to the
11 chamber, I'd appreciate it greatly,
12 Madam President.

13 ACTING PRESIDENT LITTLE: Thank
14 you, Senator Robach.

15 Senator Alesi.

16 SENATOR ALESI: Thank you, Madam
17 President and my colleagues.

18 I'm very happy to join my good
19 friend Senator Robach as we welcome this team of
20 superb young athletes and commend them on their
21 success in winning the state championship. It's
22 a testament to what happens when you work hard
23 and when you exercise teamwork and leadership.

24 And I'd also like to commend the
25 coaches, the families, all of your friends and

1 schoolmates as well, the entire community
2 supporting you now, recognizing you here in the
3 State Capitol in the Senate chambers.

4 And probably more important than
5 anything, as you savor your success and move on
6 to the future, that you can look proudly over
7 your shoulders to those young athletes that will
8 be coming up behind you and learn from your
9 example what teamwork and hard work can do: It
10 can propel you to a state championship.

11 And I congratulate you and welcome
12 you to Albany.

13 ACTING PRESIDENT LITTLE: Thank
14 you. Are there any other Senators wishing to be
15 heard? Thank you.

16 All in favor of adopting
17 Resolution Number 3931 signify by saying aye.

18 (Response of "Aye.")

19 ACTING PRESIDENT LITTLE: Opposed,
20 nay.

21 (No response.)

22 ACTING PRESIDENT LITTLE: And on
23 behalf of all of the members in the New York
24 State Senate, let me congratulate you on your
25 wonderful success in winning a New York State

1 championship. That's a major achievement. And
2 may you have much success going forward.

3 The resolution is adopted.

4 Congratulations.

5 (Applause.)

6 ACTING PRESIDENT LITTLE: Senator
7 Libous.

8 SENATOR LIBOUS: Madam President,
9 Senator Robach would certainly like to open up
10 the resolution up to all members. If there's a
11 member here who wishes not to be on the
12 resolution for any reason, please let the desk
13 know.

14 ACTING PRESIDENT LITTLE: The
15 resolution is open for all members to join.
16 Members should notify the desk if you are not
17 willing to be on it.

18 Senator Libous.

19 SENATOR LIBOUS: Thank you,
20 Madam President.

21 At this time could you call on
22 Senator LaValle, please, for the purposes of an
23 announcement.

24 ACTING PRESIDENT LITTLE: Thank
25 you.

1 Senator LaValle.

2 SENATOR LaVALLE: Thank you, Madam
3 President.

4 It is with a great deal of pride
5 that I announce in the chamber the cheerleading
6 squad from the 2011-2012 cheerleaders from
7 Rocky Point, the other end of the state, on
8 Long Island.

9 This group of young ladies has
10 achieved six Long Island championships. And,
11 Madam President, for the second year in a row,
12 this group of young ladies is here, they have won
13 their second national championship in
14 cheerleading. Quite an accomplishment to win a
15 national championship.

16 They are led by their coach, Anna
17 Spallina, who has done a remarkable job in
18 building a sisterhood, who has built a synergy
19 between academics and athletics, and they have
20 built a spirit -- because you don't win a
21 national championship two years in a row without
22 good synergy between each one of the members of
23 this squad.

24 So I just want to read one thing
25 from the resolution that passed in early March.

1 And it says "Sports competition instills the
2 values of teamwork, pride, and accomplishment,
3 and Coach Anna Spallina and the 2011-2012 Rocky
4 Point High School Varsity Cheerleaders,
5 outstanding athletes, have clearly made a
6 contribution to the spirit of excellence which is
7 a tradition of their school."

8 And I might add there is no
9 community that has greater spirit than the
10 community of Rocky Point. And I enjoy
11 representing that community so much.

12 Ladies, congratulations on your
13 second national championship.

14 ACTING PRESIDENT LITTLE: Thank
15 you, Senator LaValle.

16 And all of my colleagues join with
17 me in congratulating you. What a wonderful
18 experience to attend a national competition, to
19 win it once, and then go back and defend that
20 championship and win it a second time.

21 So I'm only sorry that we can't see
22 a demonstration --

23 (Laughter.)

24 ACTING PRESIDENT LITTLE: -- but I
25 know it takes a lot of time and effort, and we're

1 very proud of you.

2 So thank you and congratulations.

3 (Applause.)

4 ACTING PRESIDENT LITTLE: Senator
5 Libous.

6 SENATOR LIBOUS: Madam President,
7 thank you.

8 And at this time there will be an
9 immediate meeting of the Rules Committee in
10 Room 332. That will be an immediate meeting of
11 the Rules Committee in Room 332.

12 I would ask, Madam President, the
13 quicker the members of the Rules Committee can
14 get there, the quicker we can commence and come
15 back and do session.

16 ACTING PRESIDENT LITTLE: Thank
17 you. There is an immediate meeting of the Rules
18 Committee in Room 332 of the Capitol.

19 The Senate will stand at ease.

20 (Whereupon, the Senate stood at ease
21 at 3:35 p.m.)

22 (Whereupon, the Senate reconvened at
23 3:49 p.m.)

24 ACTING PRESIDENT LITTLE: The
25 Senate will come to order, please.

1 Senator Libous.

2 SENATOR LIBOUS: Thank you, Madam
3 President.

4 May we return to reports of
5 standing committees. I believe there's a report
6 of the Rules Committee at the desk. I ask that
7 it be read at this time.

8 ACTING PRESIDENT LITTLE: Reports
9 of standing committees.

10 The Secretary will read.

11 THE SECRETARY: Senator Skelos,
12 from the Committee on Rules, reports the
13 following bills direct to third reading:

14 Senate Print 1707A, by Senator
15 Griffo, an act to amend Chapter 912 of the Laws
16 of 1920;

17 And Senate Print 6960, by Senator
18 Robach, an act to amend the Civil Service Law.

19 Both bills ordered direct to third
20 reading.

21 ACTING PRESIDENT LITTLE: Senator
22 Libous.

23 SENATOR LIBOUS: Thank you,
24 Madam President. I move to accept the report of
25 the Rules Committee.

1 ACTING PRESIDENT LITTLE: Thank
2 you. All in favor of accepting the report of the
3 Rules Committee signify by saying aye.

4 (Response of "Aye.")

5 ACTING PRESIDENT LITTLE: Opposed,
6 nay.

7 (No response.)

8 ACTING PRESIDENT LITTLE: The
9 report is accepted.
10 Senator Libous.

11 SENATOR LIBOUS: Thank you, Madam
12 President.

13 Could we go back to motions,
14 please. On behalf of Senator Zeldin, I have a
15 motion.

16 ACTING PRESIDENT LITTLE: Motions
17 and resolutions.

18 Senator Libous.

19 SENATOR LIBOUS: Thank you, Madam
20 President.

21 On behalf of Senator Zeldin, on
22 page 15 I offer the following amendments to
23 Calendar Number 358, Senate Print 5634C, and ask
24 that said bill retain its place on the Third
25 Reading Calendar.

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

4 Senator Libous.

5 SENATOR LIBOUS: Thank you,
6 Madam President. At this time could we do the
7 reading of the noncontroversial calendar.

8 ACTING PRESIDENT LITTLE: Thank
9 you. The Secretary will read.

10 THE SECRETARY: Calendar Number
11 200, by Senator Saland, Senate Print 1416, an act
12 to amend the Penal Law.

13 ACTING PRESIDENT LITTLE: Read the
14 last section.

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

17 ACTING PRESIDENT LITTLE: Call the
18 roll.

19 (The Secretary called the roll.)

20 THE SECRETARY: Ayes, 55. Nays,
21 3. Senators Duane, Montgomery and Parker
22 recorded in the negative.

23 ACTING PRESIDENT LITTLE: The bill
24 is passed.

25 THE SECRETARY: Calendar Number

1 272, by Senator Young, Senate Print 6480, an act
2 to amend the Private Housing Finance Law.

3 ACTING PRESIDENT LITTLE: Read the
4 last section.

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

7 ACTING PRESIDENT LITTLE: Call the
8 roll.

9 (The Secretary called the roll.)

10 THE SECRETARY: Ayes, 57. Nays,
11 1. Senator Parker recorded in the negative.

12 ACTING PRESIDENT LITTLE: The bill
13 is passed.

14 THE SECRETARY: Calendar Number
15 316, by Senator Farley, Senate Print 4210A, an
16 act to amend the Banking Law.

17 ACTING PRESIDENT LITTLE: Read the
18 last section.

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

21 ACTING PRESIDENT LITTLE: Call the
22 roll.

23 (The Secretary called the roll.)

24 ACTING PRESIDENT LITTLE: Announce
25 the results.

1 THE SECRETARY: Ayes, 57. Nays,
2 1. Senator Parker recorded in the negative.

3 ACTING PRESIDENT LITTLE: The bill
4 is passed.

5 THE SECRETARY: Calendar Number
6 325, by Senator Gallivan, Senate Print 4827A, an
7 act to amend the Election Law.

8 ACTING PRESIDENT LITTLE: Read the
9 last section.

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

12 ACTING PRESIDENT LITTLE: Call the
13 roll.

14 (The Secretary called the roll.)

15 ACTING PRESIDENT LITTLE: Announce
16 the results.

17 THE SECRETARY: Ayes, 57. Nays,
18 1. Senator Dilan recorded in the negative.

19 ACTING PRESIDENT LITTLE: The bill
20 is passed.

21 THE SECRETARY: Calendar Number
22 331, by Senator Johnson, Senate Print 2734A --

23 SENATOR BRESLIN: Lay it aside.

24 ACTING PRESIDENT LITTLE: The bill
25 is laid aside.

1 THE SECRETARY: Calendar Number
2 332, by Senator DeFrancisco, Senate Print 2899,
3 an act to amend the New York State Printing and
4 Public Documents Law.

5 ACTING PRESIDENT LITTLE: Read the
6 last section.

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

9 ACTING PRESIDENT LITTLE: Call the
10 roll.

11 (The Secretary called the roll.)

12 THE SECRETARY: Ayes, 58.

13 ACTING PRESIDENT LITTLE: The bill
14 is passed.

15 THE SECRETARY: Calendar Number
16 335, by Senator Maziarz, Senate Print 256 --

17 SENATOR BRESLIN: Lay it aside.

18 ACTING PRESIDENT LITTLE: The bill
19 is laid aside.

20 THE SECRETARY: Calendar Number
21 338, by Senator Marcellino, Senate Print 946, an
22 act to amend the Penal Law.

23 ACTING PRESIDENT LITTLE: Read the
24 last section.

25 THE SECRETARY: Section 3. This

1 act shall take effect on the first of November.

2 ACTING PRESIDENT LITTLE: Call the
3 roll.

4 (The Secretary called the roll.)

5 ACTING PRESIDENT LITTLE: Announce
6 the results.

7 THE SECRETARY: Ayes, 56. Nays,
8 2. Senators Montgomery and Parker recorded in
9 the negative.

10 ACTING PRESIDENT LITTLE: The bill
11 is passed.

12 THE SECRETARY: Calendar Number
13 353, by Senator Ball, Senate Print 6623, an act
14 to amend Chapter 266 of the Laws of 1981.

15 ACTING PRESIDENT LITTLE: Read the
16 last section.

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

19 ACTING PRESIDENT LITTLE: Call the
20 roll.

21 (The Secretary called the roll.)

22 ACTING PRESIDENT LITTLE: Announce
23 the results.

24 THE SECRETARY: Ayes, 57. Nays,
25 1. Senator Parker recorded in the negative.

1 ACTING PRESIDENT LITTLE: The bill
2 is passed.

3 THE SECRETARY: Calendar Number
4 379, by Senator Little, Senate Print 6663, an act
5 to amend the Economic Development Law.

6 ACTING PRESIDENT LITTLE: Read the
7 last section.

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

10 ACTING PRESIDENT LITTLE: Call the
11 roll.

12 (The Secretary called the roll.)

13 ACTING PRESIDENT LITTLE: Announce
14 the results.

15 THE SECRETARY: Ayes, 56. Nays,
16 2. Senators Duane and Parker recorded in the
17 negative.

18 ACTING PRESIDENT LITTLE: The bill
19 is passed.

20 THE SECRETARY: Calendar Number
21 380, by Senator Maziarz, Senate Print --

22 SENATOR LIBOUS: Lay it aside for
23 the day.

24 SENATOR MAZIARZ: Lay it aside for
25 the day, please.

1 ACTING PRESIDENT LITTLE: The bill
2 is laid aside for the day.

3 THE SECRETARY: Calendar Number
4 382, by Senator Nozzolio, Senate Print 468, an
5 act to amend the Executive Law.

6 ACTING PRESIDENT LITTLE: Read the
7 last section.

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

10 ACTING PRESIDENT LITTLE: Call the
11 roll.

12 (The Secretary called the roll.)

13 ACTING PRESIDENT LITTLE: Senator
14 Krueger to explain her vote.

15 SENATOR KRUEGER: Thank you very
16 much, Senator -- excuse me, Madam President.

17 I am voting for this bill. It is
18 similar but not exactly alike to a bill I've
19 carried myself.

20 I think the goal of the bill is
21 correct. It is an attempt to separate politics
22 from who is the head of the New York State
23 Police. There have been any number of incidents
24 where there was inappropriate political demands
25 made on the Superintendent of State Police. We

1 should be legislating to protect from that
2 happening again.

3 But unfortunately, I don't think
4 this bill will ultimately get us where we need to
5 get to, because it is too short a time frame for
6 an appointment, still allowing a Governor to fire
7 a superintendent for inappropriate reasons during
8 his tenure.

9 So I'm supporting the bill, but I'm
10 hoping that through the process of moving through
11 both houses this bill may be amended.

12 Thank you, Madam President.

13 ACTING PRESIDENT LITTLE: Senator
14 Krueger votes in the affirmative.

15 Announce the results.

16 THE SECRETARY: In relation to
17 Calendar Number 382, those recorded in the
18 negative are Senators Dilan, Duane, Montgomery
19 and Parker.

20 Ayes, 54. Nays, 4.

21 ACTING PRESIDENT LITTLE: The bill
22 is passed.

23 THE SECRETARY: Calendar Number
24 386, by Senator Klein, Senate Print 3414A, an act
25 to amend the State Finance Law.

1 ACTING PRESIDENT LITTLE: Read the
2 last section.

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

5 ACTING PRESIDENT LITTLE: Call the
6 roll.

7 (The Secretary called the roll.)

8 ACTING PRESIDENT LITTLE: Senator
9 Krueger to explain her vote.

10 SENATOR KRUEGER: Thank you. To
11 explain my vote again, Madam President.

12 I'll be voting no on this bill.
13 There are several serious concerns about this
14 becoming law, one being that there's no exemption
15 for public health and safety concerns. And large
16 public projects can in fact often find themselves
17 up against community-protection violations of
18 federal law. There are reasons to not want this
19 to become law.

20 It is also not clear how the law
21 would impact subcontractors having rights in
22 relationship to a municipality or county who
23 never contracted with them. They contract with a
24 contractor, and suddenly there are new
25 obligations and financial costs relating to

1 subcontractors.

2 So I unfortunately don't think this
3 bill has thought through all the questions and
4 the answers that would be needed. I'll be voting
5 no. Thank you.

6 ACTING PRESIDENT LITTLE: Thank
7 you. Senator Krueger votes in the negative.

8 Senator Klein to explain your vote.

9 SENATOR KLEIN: Thank you, Madam
10 President.

11 I of course support this
12 legislation and vote yes.

13 And this is just a commonsense
14 approach to make sure that contractors and
15 subcontractors around the state, when they do
16 work for a municipality, for a public entity,
17 actually get paid what they're supposed to.

18 What happens in this business is
19 oftentimes in the middle of a job, after a
20 contract has been signed, there's a change
21 order. And usually subcontractors and
22 contractors are told "Well, we'll work it all out
23 at the end of the project." And when the project
24 is over, the municipality often tries to
25 negotiate down, thus not giving the contractor

1 what they deserve.

2 So I think this is a way to make
3 sure the hardworking contractors and those
4 workers who work for the contractors are paid
5 what they deserve. And I vote yes,
6 Madam President.

7 ACTING PRESIDENT LITTLE: Thank
8 you. Senator Klein votes in the affirmative.

9 Announce the results.

10 THE SECRETARY: In relation to
11 Calendar Number 386, those recorded in the
12 negative are Senators Adams, Addabbo, Avella,
13 Dilan, Espaillat, Krueger, Montgomery, Parker,
14 Rivera, and Stavisky.

15 Ayes, 48. Nays, 10.

16 ACTING PRESIDENT LITTLE: The bill
17 is passed.

18 THE SECRETARY: Calendar Number
19 411, by Senator Maziarz, Senate Print 259, an act
20 to amend the Criminal Procedure Law.

21 ACTING PRESIDENT LITTLE: Read the
22 last section.

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

25 ACTING PRESIDENT LITTLE: Call the

1 roll.

2 (The Secretary called the roll.)

3 ACTING PRESIDENT LITTLE: Senator
4 Maziarz to explain his vote.

5 SENATOR MAZIARZ: Thank you very
6 much, Madam President, to explain my vote.

7 This piece of legislation has been
8 designated as Jilly's Law, named in memory of
9 Jill Cahill, a victim of a horrific domestic
10 violence incident perpetrated by her husband,
11 James Cahill.

12 It allows the court to consider any
13 record of violations of court orders, authorizes
14 the court to consider any history or pattern of
15 threats or violent acts against an alleged
16 victim.

17 Madam President, obviously I
18 support this legislation. What happened to
19 Jill Cahill, who was murdered by her husband
20 after numerous beatings, the second to last of
21 which he hit her in the head with a baseball bat
22 eight times, put her in the hospital, saw that
23 she was recovering, then he broke into the
24 hospital and poisoned her to death.

25 James Cahill was actually sentenced

1 to death, he was given the death penalty under
2 the statute that this Legislature adopted in 1995
3 and was overturned because of the personal
4 political beliefs of Judith Kaye and four other
5 members of the Court of Appeals. If anyone
6 deserved the death penalty, it was James Cahill.

7 James Cahill exists today in a
8 New York State prison and still to this very day
9 harasses the family of Jill Cahill.

10 If the judge had been allowed to
11 consider the previous actions of James Cahill,
12 Jill Cahill would be alive today. She would be a
13 great mother to her two children. And the fact
14 that she is not is just, I think, an
15 abomination. It's a shame.

16 This Senate has passed this bill
17 with very few negative votes, I think this is the
18 at least the third or fourth time. It's just a
19 shame that the New York State Assembly will not
20 even allow this bill onto the floor, where it
21 would pass overwhelmingly.

22 This would save the lives of
23 domestic violence victims more than any other
24 piece of legislation that we could come up with.
25 I vote in the affirmative.

1 Thank you, Madam President.

2 ACTING PRESIDENT LITTLE: Thank
3 you. Senator Maziarz votes in the affirmative.

4 Announce the results.

5 THE SECRETARY: In relation to
6 Calendar Number 411, those recorded in the
7 negative are Senators Hassell-Thompson, Krueger,
8 Montgomery, Parker and Rivera.

9 Ayes, 53. Nays, 5.

10 ACTING PRESIDENT LITTLE: The bill
11 is passed.

12 THE SECRETARY: Calendar Number
13 443, by Senator Larkin, Senate Print 4240A, an
14 act to amend the General Municipal Law.

15 ACTING PRESIDENT LITTLE: Read the
16 last section.

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

19 ACTING PRESIDENT LITTLE: Call the
20 roll.

21 (The Secretary called the roll.)

22 ACTING PRESIDENT LITTLE: Announce
23 the results.

24 THE SECRETARY: Ayes, 57. Nays,
25 1. Senator Duane recorded in the negative.

1 ACTING PRESIDENT LITTLE: The bill
2 is passed.

3 Senator Libous, that completes the
4 noncontroversial reading of the calendar.

5 SENATOR LIBOUS: Madam President,
6 can we now have the controversial reading.

7 ACTING PRESIDENT LITTLE: The
8 Secretary will read.

9 I'm sorry. Senator
10 Hassell-Thompson, why do you rise?

11 SENATOR HASSELL-THOMPSON: Thank
12 you.

13 Madam President, as I was entering
14 the chambers coming from the Rules Committee, you
15 were voting on Bill Number 1416, Calendar 200.
16 And because I wasn't exactly in my seat, you
17 didn't see my hand. So I think that I heard that
18 Senator Duane was the only one who voted in the
19 negative. So I'm asking with consent that my
20 vote be counted.

21 ACTING PRESIDENT LITTLE: With
22 unanimous consent, Senator Hassell-Thompson, you
23 will be recorded in the negative on that bill.

24 Senator Libous.

25 SENATOR LIBOUS: Madam President,

1 I believe we're on the reading of the
2 controversial calendar. And I believe the first
3 one up is Number 331, by Senator Johnson.

4 But before we do that, Calendar 335
5 should have been laid aside for the day. So if
6 we can do that at this time.

7 ACTING PRESIDENT LITTLE: Calendar
8 Number 335 will be laid aside for the day.

9 Senator Libous.

10 SENATOR LIBOUS: Thank you, Madam
11 President.

12 So I believe, on the controversial
13 calendar, we'll take up Calendar Number 331.

14 ACTING PRESIDENT LITTLE: The
15 Secretary will ring the bell for the
16 controversial calendar.

17 The Secretary will read.

18 THE SECRETARY: Calendar Number
19 331, by Senator Johnson, Senate Print 2734A, an
20 act to amend Chapter 635 of the Laws of 1987.

21 SENATOR STAVISKY: Explanation.

22 ACTING PRESIDENT LITTLE: An
23 explanation has been requested, Senator Johnson.

24 SENATOR LIBOUS: Madam President,
25 before Senator Johnson gives an explanation on

1 the bill, I'd like to have order in the house.

2 Thank you very much.

3 ACTING PRESIDENT LITTLE: If
4 members will refrain from conversations while
5 we're debating the bill. Thank you.

6 Senator Johnson.

7 SENATOR JOHNSON: Can everyone
8 hear me?

9 This is a good environmental bill.
10 This bill provides -- well, 25 years ago I
11 created a bill, I passed a bill creating the Oak
12 Brush Plains Preservation Area. It was about a
13 hundred acres. That was part of the Pilgrim
14 State Hospital grounds.

15 Since then, they've abandoned a lot
16 of these structures in Pilgrim State Hospital.
17 And my bill I passed at that time provided that
18 future land available from Pilgrim State Hospital
19 to be added to this groundwater preserve area.

20 And so this is the bill that does
21 it. This adds the rest of the empty land there
22 to the area groundwater preservation area already
23 designated by that. So we're expanding that
24 groundwater preservation area and avoiding any
25 future economic development or construction in

1 that area.

2 And so it's all going to be a much
3 larger -- almost a thousand acres all told of
4 groundwater preservation on Long Island. That's
5 about it.

6 ACTING PRESIDENT LITTLE: Thank
7 you.

8 Senator Stavisky.

9 SENATOR STAVISKY: Yes. Would the
10 Senator yield for a couple of questions.

11 ACTING PRESIDENT LITTLE: Senator
12 Johnson, do you yield for a question?

13 SENATOR STAVISKY: Through you,
14 Madam President, how does this bill differ from
15 the one that was vetoed last year by the
16 Governor? Aside from the change in date.

17 SENATOR JOHNSON: I don't think
18 the bill differs at all from the previous one
19 that was vetoed. It was vetoed for some reasons
20 I think not legitimate. Let me see if I can find
21 the reasons for the veto.

22 It's funny, this says this bill was
23 vetoed by Governor Paterson because it would
24 reduce truck traffic on Long Island, in the Bronx
25 and Queens. That was not a good reason to veto

1 the bill, certainly. That was a reason we should
2 have the bill.

3 But I think what they wanted to do
4 with our bill, we eliminated the banning of truck
5 traffic completely in this area. And so -- but
6 it just -- the major part of this bill put new
7 land in the area.

8 SENATOR STAVISKY: Through you, if
9 the Senator would yield.

10 ACTING PRESIDENT LITTLE: Senator
11 Johnson, do you yield?

12 SENATOR JOHNSON: Yeah, I didn't
13 really explain it too well. We can start over
14 again whenever you're ready.

15 SENATOR STAVISKY: No, let's not
16 start over.

17 SENATOR JOHNSON: Go ahead.

18 SENATOR STAVISKY: As I understand
19 it, the legislation would have created an
20 intermodal truck rail complex on this location.
21 And the purpose of that was to reduce traffic on
22 the Long Island Expressway, which as we both know
23 has lots and lots of truck traffic. Is this
24 correct?

25 SENATOR JOHNSON: Yes. That

1 project was not considered to be appropriately
2 located in this area. Because this is a
3 developed area, housing all around it, factories
4 all around it. It's not a good area to put that
5 truck intermodal thing because there's too much
6 traffic there already.

7 But we have identified three or
8 four other locations farther out on Long Island,
9 out of the congested area, out of the commercial
10 area, where the LITRIM, they call it, project
11 could be located.

12 So that's why we're taking it out
13 of here. It's in the neighborhood, residential
14 neighborhood.

15 SENATOR STAVISKY: On the bill.

16 ACTING PRESIDENT LITTLE: Thank
17 you. Senator Stavisky on the bill.

18 SENATOR STAVISKY: I have voted no
19 in the past, and I'm going to continue to vote no
20 because I think the rail aspect is a very
21 important one and I would like to see some of the
22 traffic reduced on the Long Island Expressway and
23 to be put onto the rail structure.

24 So I will be voting no.

25 ACTING PRESIDENT LITTLE: Thank

1 you.

2 Are there any other Senators
3 wishing -- Senator Krueger.

4 SENATOR KRUEGER: Thank you, Madam
5 President. If the sponsor would please yield.

6 ACTING PRESIDENT LITTLE: Thank
7 you. Senator Johnson, will you yield to a
8 question?

9 SENATOR JOHNSON: Yes, I will.

10 ACTING PRESIDENT LITTLE: Thank
11 you. The Senator yields.

12 SENATOR KRUEGER: Thank you.

13 So again, in follow-up to my
14 colleague Senator Stavisky, I'm also looking at
15 the veto message on your bill from 2008. And it
16 talks about the fact that some of this land that
17 your bill would propose to be incorporated into a
18 forest preserve is land that is in not good
19 condition, is industrially damaged, would require
20 a significant amount of money to bring back to
21 the mitigation of environmental damage that would
22 be called for for it to be defined as forest
23 preserve.

24 Where is the funding if this
25 section of land were to become part of the

1 existing preserve?

2 SENATOR JOHNSON: That's an
3 interesting question. The community in the
4 neighborhood have volunteers galore who have
5 already been going through this property cleaning
6 up environmental messes because they don't want
7 their neighborhood to be congested with trash and
8 they don't want to drink polluted water.

9 So they are picking up and taking
10 stuff out of that area to keep it clean. They're
11 going to continue and so do that same volunteer
12 program in the balance of the area if it's turned
13 over to them.

14 SENATOR KRUEGER: Through you,
15 Ms. -- Madam President. Not Ms. President.
16 Although I guess it could be Ms. President. But
17 I meant Madam President. If the sponsor would
18 continue to yield.

19 ACTING PRESIDENT LITTLE: Thank
20 you.

21 Senator Johnson, will you continue
22 to yield? Yes.

23 SENATOR KRUEGER: Thank you.

24 So again, my understanding is the
25 intention of the Department of Transportation in

1 trying to site a LITRIM or Long Island Truck-Rail
2 Intermodal site on this piece of land, but
3 perhaps should be on some other piece of land, is
4 with the intention of reducing truck traffic by
5 156,000 truck trips per year by shifting freight
6 from trucks to rail.

7 On Long Island, only 1 percent of
8 your freight moves by rail, when the national
9 average is 15 percent.

10 And again, we've all been on the
11 Long Island Expressway, and we all have great
12 empathy for the people of Long Island trying to
13 get on and off and through their island on one
14 major thoroughfare.

15 If not at this location, as your
16 bill would prevent, where should this go? Is
17 there an alternative that has been found?
18 Because this I believe has been going on now for
19 six or seven years.

20 ACTING PRESIDENT LITTLE: Senator
21 Johnson.

22 SENATOR JOHNSON: You see, since
23 the original idea to make that LITRIM project in
24 this neighborhood, the neighborhood has developed
25 considerably, getting more congested, more

1 traffic in that area.

2 And obviously we had to take a look
3 for a place where it would be suitable to locate
4 it, and several locations have been located
5 farther east on Long Island. And not in
6 developed neighborhoods, but an open area where
7 you can put it with no trouble, trucks getting in
8 and out, it wouldn't bother anybody.

9 So those locations are available,
10 and that's where I think it obviously should be
11 built.

12 SENATOR KRUEGER: Thank you.

13 On the bill, Madam President.

14 ACTING PRESIDENT LITTLE: Thank
15 you. Senator Krueger on the bill.

16 SENATOR KRUEGER: I want to thank
17 the sponsor for his answers.

18 I'm also going to continue to vote
19 no on this bill.

20 I empathize with the community's
21 position that this is a good thing to have but
22 not in this location. I suspect that if this
23 bill is passed by both houses again this year,
24 the Governor is likely to veto. But perhaps
25 someone will then sit down and actually explore

1 where on Long Island in Suffolk County this type
2 of site ought to exist.

3 Because I do believe that it is a
4 win/win for the people of Long Island, for the
5 environment, for the State of New York to ensure
6 that we are moving and expanding our freight rail
7 system. And I can think of few better examples
8 than the Island of Long, or Long Island, to
9 ensure that there is a system for rail freight
10 and a decrease in environmentally polluting
11 trucks going back and forth along the island.

12 So I hope, Senator Johnson, that a
13 solution can be found, because I think the goal
14 here is very good. And you and I may disagree
15 about whether this state land should be used for
16 this purpose, but I hope for the sake of the
17 people of your district and other districts on
18 Long Island, some solution can be found soon.

19 I'll be voting no. Thank you.

20 ACTING PRESIDENT LITTLE: Thank
21 you. Are there any other Senators wishing to be
22 heard?

23 Hearing none, the debate is
24 closed. The Secretary will ring the bell.

25 Read the last section.

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

3 ACTING PRESIDENT LITTLE: Call the
4 roll.

5 (The Secretary called the roll.)

6 ACTING PRESIDENT LITTLE: Senator
7 Martins to explain his vote.

8 SENATOR MARTINS: Thank you.
9 Thank you, Madam President.

10 I rise in support of this bill. I
11 find it incredibly ironic to sit here in this
12 chamber and to hear colleagues from outside and
13 off of Long Island questioning infrastructure
14 improvements on Long Island.

15 These are issues that we have
16 grappled. Certainly I grappled with them for
17 years, prior to coming to this chamber, as a
18 mayor of a local village as we dealt with just
19 these types of issues.

20 So whether we're talking about the
21 third track, whether we're talking about a rail
22 tunnel under the Hudson River that would connect
23 Long Island to the mainland, whether we're
24 talking about this particular facility, the
25 communities on Long Island have spoken.

1 My community has spoken against a
2 third track being built on the Long Island
3 Railroad. The communities in question here have
4 spoken against the idea of siting a rail facility
5 there. They want open space.

6 So why is it that we from other
7 parts of New York State who so often protect our
8 own rights and the rights of our own communities
9 to make those decisions for themselves, why today
10 would we stand and question the ability of a
11 community on Long Island to get exactly what they
12 want?

13 They want open space. Something to
14 be admired at a time when we're dealing with more
15 and more congestion, more and more urbanization
16 of our suburban communities.

17 This is the right thing to do. The
18 community has reviewed the idea of a rail yard.
19 The community has rejected the idea of a rail
20 yard. We should respect the community's ability
21 to do that, and we should respect the community's
22 representative to continue to push the
23 community's wishes, notwithstanding what the
24 state may necessarily want.

25 I support this bill, and I

1 encourage our entire body to support it as well.

2 Madam President, I'll be voting aye.

3 ACTING PRESIDENT LITTLE: Thank
4 you. Senator Martins will be recorded in the
5 affirmative.

6 Announce the results.

7 THE SECRETARY: In relation to
8 Calendar Number 331, those recorded in the
9 negative are Senators Dilan, Duane, Krueger,
10 Parker and Stavisky.

11 Absent from voting: Senator
12 Perkins.

13 Ayes, 52. Nays, 5.

14 ACTING PRESIDENT LITTLE: The bill
15 is passed.

16 Senator Libous, that completes the
17 controversial reading of the calendar.

18 SENATOR LIBOUS: Thank you,
19 Madam President.

20 We have a supplemental calendar
21 before us. It's Number 33A. Could we please
22 have the noncontroversial reading of the
23 supplemental calendar.

24 ACTING PRESIDENT LITTLE: Thank
25 you. The Secretary will read.

1 THE SECRETARY: Calendar Number
2 494, by Senator Griffo, Senate Print 1707A, an
3 act to amend Chapter 912 of the Laws of 1920.

4 SENATOR BRESLIN: Lay it aside.

5 ACTING PRESIDENT LITTLE: The bill
6 is laid aside.

7 THE SECRETARY: Calendar Number
8 495, by Senator Robach, Senate Print 6960, an act
9 to amend the Civil Service Law.

10 SENATOR LIBOUS: Madam President,
11 I believe that bill is high, so we should lay it
12 aside for the day.

13 ACTING PRESIDENT LITTLE: The bill
14 is laid aside for the day.

15 Senator Libous, that completes the
16 noncontroversial reading of the supplemental
17 calendar.

18 SENATOR LIBOUS: Madam President,
19 at this time could we have the controversial
20 reading of the supplemental calendar.

21 ACTING PRESIDENT LITTLE: The
22 Secretary will ring the bell.

23 The Secretary will read.

24 THE SECRETARY: Calendar Number
25 494, by Senator Griffo, Senate Print 1707A, an

1 act to amend Chapter 912 of the Laws of 1920.

2 ACTING PRESIDENT LITTLE: Thank
3 you. Senator Krueger.

4 SENATOR KRUEGER: Thank you,
5 Madam President. If the sponsor would please
6 yield to some questions.

7 ACTING PRESIDENT LITTLE: Thank
8 you. Senator Griffo, do you yield to a
9 question?

10 SENATOR GRIFFO: I most certainly
11 do, Madam President.

12 ACTING PRESIDENT LITTLE: Thank
13 you. The Senator yields.

14 SENATOR KRUEGER: Thank you very
15 much.

16 Senator -- excuse me, through you,
17 Madam President -- is this bill different than
18 bills that have been debated on this floor
19 involving mixed martial arts? And if so, how?

20 SENATOR GRIFFO: Could you repeat
21 that, Senator Krueger? I'm sorry.

22 SENATOR KRUEGER: Yes. I believe
23 that this house has had a mixed martial arts bill
24 pass before, and I'm wondering how your bill may
25 differ from the previous version.

1 SENATOR GRIFFO: It's a similar
2 bill. We've had this bill in its -- in this
3 format, this is the third time I believe it will
4 come before the house.

5 SENATOR KRUEGER: So through you,
6 Madam President --

7 SENATOR GRIFFO: I'm not aware of
8 any -- there are a few things that were changed,
9 but essentially the substance is the same.

10 SENATOR KRUEGER: Essentially the
11 substance is the same.

12 Thank you, Madam President. If
13 through you the sponsor would continue to yield.

14 SENATOR GRIFFO: I will.

15 ACTING PRESIDENT LITTLE: Thank
16 you. Senator Griffio, do you continue to yield?

17 SENATOR GRIFFO: I do, Madam
18 President.

19 ACTING PRESIDENT LITTLE: The
20 Senator yields.

21 SENATOR KRUEGER: Would the
22 sponsor explain to me the definition of a
23 knockout in mixed martial arts fights?

24 SENATOR GRIFFO: Explain a
25 knockout?

1 SENATOR KRUEGER: Yes. What is a
2 knockout in the sport of mixed martial arts?

3 SENATOR GRIFFO: Explain, not
4 demonstrate; right?

5 (Laughter.)

6 SENATOR KRUEGER: No
7 demonstrating. Or, Madam President, I won't be
8 volunteering for the demonstration.

9 (Laughter.)

10 ACTING PRESIDENT LITTLE: Thank
11 you. Senator Griffo.

12 SENATOR GRIFFO: This would be
13 similar to what already exists in boxing,
14 Senator Krueger. Essentially the referee would
15 be there, there are attending physicians, and
16 there would be a standing eight-count. The
17 referee would make that determination as to
18 whether it was a knockout or a technical knockout
19 at that time, but it's very -- it mirrors what is
20 already done in boxing.

21 The difference here is that the
22 fighter actually can avoid the knockout. In
23 boxing you're not able to do that. But in this
24 sport they call it a tapout, where actually the
25 fighter themselves could end the fight. Where in

1 boxing it is ended by some form of decision or
2 technical knockout.

3 ACTING PRESIDENT LITTLE: Senator
4 Krueger.

5 SENATOR KRUEGER: Through you,
6 Madam President, if the sponsor would continue to
7 yield.

8 SENATOR GRIFFO: I do.

9 ACTING PRESIDENT LITTLE: Senator
10 Griffio continues to yield.

11 SENATOR KRUEGER: Is it the
12 Senator's understanding that in Ultimate Fighting
13 Championship mixed martial arts a knockout can
14 include and is permitted to render a person
15 unconscious, choke the opponent, and other
16 extremely dangerous violent behavior such as
17 applying pressure to the neck in an attempt to
18 cut off blood flow to the brain in an attempt to
19 get the opponent to tapout or lose
20 consciousness? And that is recognized as types
21 of knockouts in this sport, is that correct?

22 SENATOR GRIFFO: Well, Senator --
23 Madam President, through you -- Senator Krueger,
24 this is an intense and physically demanding
25 sport. It includes various elements of sports

1 that already exist, whether it's muay thai,
2 boxing, wrestling. So there are a variety of
3 techniques and applications that are consistent
4 with those sports in holds and strikes.

5 But as I indicated earlier, this is
6 all governed by attending physicians and
7 referees. There are rules and regulations. So
8 at all times it is the responsibility of the
9 ringside physician as well as the referee to
10 ensure the safety of the combatants.

11 And if we are successful in
12 allowing this sport, we would also empower the
13 State Athletic Commission, which will ensure that
14 any of the concerns that anyone has would truly
15 be addressed beyond what's already being dealt
16 with through the league itself or the
17 organizations.

18 ACTING PRESIDENT LITTLE: Thank
19 you. Senator Krueger.

20 SENATOR KRUEGER: Thank you.
21 Through you, Madam President, if the sponsor
22 would continue to yield.

23 SENATOR GRIFFO: I do.

24 ACTING PRESIDENT LITTLE: Thank
25 you, Senator Griffo. Senator Griffo continues to

1 yield.

2 SENATOR KRUEGER: Thank you.

3 Under this legislation, which would
4 legalize mixed martial arts, would it require in
5 the State of New York that the organizations and
6 the fighters had insurance? And if so, in what
7 form?

8 ACTING PRESIDENT LITTLE: Senator
9 Griffo.

10 SENATOR GRIFFO: Madam President,
11 through you. Senator Krueger, I think that is
12 one of the aspects that we would be empowering
13 the State Athletic Commission to determine
14 whether or not they wanted to implement any other
15 requirements relative to the sport itself and
16 governance of the sport in this particular state.

17 I'm not sure what is taking place
18 in other states at this point in time and what is
19 available. But as I indicated earlier, the mixed
20 martial arts in its current form does mirror a
21 lot of other professional sports that already
22 exist, whether in wrestling or in boxing.

23 SENATOR KRUEGER: Through you,
24 Madam President, if the sponsor would continue to
25 yield.

1 ACTING PRESIDENT LITTLE: Senator
2 Griffo?

3 SENATOR GRIFFO: I do.

4 ACTING PRESIDENT LITTLE: Senator
5 Griffo yields.

6 SENATOR KRUEGER: Does your law
7 explain specifically what types of physicians
8 should be at ringside and what kinds of testing
9 there should be, such as evaluations of
10 neurological symptoms, including impairment of
11 eye movement, attention, language?

12 Would it require the ringside
13 physicians, if it requires ringside physicians,
14 to use something called a sideline screening to
15 test for concussions? Is that required in this
16 bill?

17 ACTING PRESIDENT LITTLE: Senator
18 Griffo.

19 SENATOR GRIFFO: Senator
20 Krueger -- through you, Madam President -- the
21 organizations in the MMA over time themselves, as
22 a governing body, have imposed stringent safety
23 rules.

24 All the MMA fighters must pass a
25 cerebral MMI, other medical exams before

1 competing. A certified doctor would sit at
2 ringside, can stop any match at any point. The
3 fighters themselves have that same ability, as I
4 indicated to you earlier, through this tapout,
5 which does not exist in other combatant sports
6 currently.

7 And in addition, if the bill moves
8 forward and becomes statute, the State Athletic
9 Commission will also have the opportunity to do
10 anything further that they may believe is
11 important to do relative to ring inspections,
12 medical examinations, EMT requirements, and any
13 other rules of the sport.

14 SENATOR KRUEGER: Through you,
15 Madam President, if the sponsor would continue to
16 yield.

17 ACTING PRESIDENT LITTLE: Thank
18 you. Senator Griffo, do you continue to yield?

19 SENATOR GRIFFO: I do.

20 ACTING PRESIDENT LITTLE: The
21 Senator yields.

22 SENATOR KRUEGER: I suspect I know
23 the answer, but for the record, does this law
24 require any kind of uniform medical database and
25 tracking of incidents of harm to the fighters

1 from mixed martial arts in New York State if it
2 was to become the law?

3 ACTING PRESIDENT LITTLE: Thank
4 you. Senator Griffo.

5 SENATOR GRIFFO: The law itself
6 does not at this point in time in this bill say
7 that.

8 The organizations themselves are
9 doing it, as I indicated earlier, by imposing
10 some standards themselves.

11 And in addition to that, as I
12 indicated, that the State Athletic Commission, if
13 we empower them, we will give them the
14 opportunity and we can always communicate with
15 them as to what would be done for both the safety
16 of the fighters and also the fans.

17 SENATOR KRUEGER: Through you,
18 Madam President, if the sponsor would continue to
19 yield.

20 ACTING PRESIDENT LITTLE: Senator
21 Griffo, do you continue to yield?

22 SENATOR GRIFFO: I do.

23 ACTING PRESIDENT LITTLE: The
24 Senator yields.

25 SENATOR KRUEGER: Does this bill

1 lay out any requirements for mandatory training
2 and education for referees serving if there were
3 mixed martial arts fights in New York State?

4 ACTING PRESIDENT LITTLE: Senator
5 Griffo.

6 SENATOR GRIFFO: Again, in the
7 same vein -- Madam President, through you --
8 Senator Krueger, it does not differ from other
9 sports. There's two aspects to where some of
10 those concerns are addressed.

11 It's within the governing body
12 themselves, they will establish rules,
13 regulations and procedures. And in this case
14 I've outlined some of them that are already in
15 place relative to the mixed martial arts.

16 In addition to that, again, through
17 allowing the sport in the State of New York and
18 presenting to the New York State Athletic
19 Commission the opportunity to regulate, any of
20 the other issues that you raise right now can
21 also be brought to their attention. If it does
22 not suffice specific in this bill, they will
23 still have that opportunity.

24 SENATOR KRUEGER: Through you,
25 Madam President, if the sponsor would continue to

1 yield.

2 ACTING PRESIDENT LITTLE: Thank
3 you. Senator Griffo, do you continue to yield?

4 SENATOR GRIFFO: I do.

5 ACTING PRESIDENT LITTLE: The
6 Senator yields.

7 SENATOR KRUEGER: Does this bill,
8 if it were to become law, mandate any kind of
9 random drug testing for mixed martial arts
10 fighters, specifically performance-enhancing
11 drugs?

12 ACTING PRESIDENT LITTLE: Senator
13 Griffo.

14 SENATOR GRIFFO: Madam President,
15 through you. Similar to the standards that are
16 held in other sports like boxing right now, which
17 is done through the regulator or the governing
18 organizations, the same thing would apply here.
19 Either the regulating organization or the State
20 Athletic Commission could determine what would be
21 done and when that would be done.

22 SENATOR KRUEGER: Through you,
23 Madam President, on the bill.

24 ACTING PRESIDENT LITTLE: Thank
25 you. Senator Krueger on the bill.

1 SENATOR KRUEGER: I appreciate the
2 sponsor's answers.

3 For the record, I'm not sure I
4 could ever like any bill legalizing mixed martial
5 arts in New York State. But I'm particularly
6 disturbed that this bill doesn't include mandates
7 for any of the questions that I just asked the
8 sponsor.

9 It's not like any other sport.
10 It's a sport where you can choke someone to cause
11 unconsciousness. It's a sport that is extremely
12 violent, with no protective equipment -- unlike
13 boxing and hockey and some other sports that are
14 violent as well, and I think perhaps should have
15 stricter regulation but actually have national
16 standards and safety equipment involved.

17 This is a sport that's relatively
18 new, but there already is research from other
19 states and other countries that there's a
20 disproportionate number of brain-related
21 injuries, many of which don't show up until years
22 later.

23 We've recently passed a law in
24 New York State requiring protection from
25 concussions in the sport of football, where again

1 there's a lot of safety equipment. And yes,
2 there's physical pushing, shoving, throwing,
3 knocking down, tackling -- I believe that's the
4 term used in football, tackling. And yet all of
5 this is done without standards or protective gear
6 in mixed martial arts.

7 And under this law, all of those
8 decisions would be left up to associations, of
9 which there's not even one national standard
10 used. And in fact, in many states mixed martial
11 arts are taking place with little organizations
12 arranging fights in garages or on Indian
13 reservations or in strip clubs, with all kinds of
14 different standards being used or failing to be
15 used.

16 Research shows that mixed martial
17 arts fighters can gain tremendous physical
18 benefit from performance-enhancing drugs because
19 they can aid in their strength, endurance, and
20 recovery. But we don't want anyone using
21 performance-enhancing drugs because it can likely
22 kill them later on in their lives, certainly
23 leave them completely disabled.

24 And again, the sport itself
25 increases significantly the risk of brain damage

1 and even, research shows, early dementia.

2 And there's no requirement for
3 insurance or coverage of these fighters who can
4 be desperately harmed, not in this bill. So one
5 has to assume that the people of the State of
6 New York would take on responsibility for
7 healthcare costs of noninsured fighters who could
8 no longer fight or had simply aged out or the
9 harm from the sport was only seen later on in
10 life.

11 So in fact I don't think this bill
12 does nearly enough to protect the actual sports
13 fighters who choose to go into this. I don't
14 think it does nearly enough to establish
15 standards of what could perhaps make it more
16 acceptable to some of my colleagues to implement
17 approval of mixed martial arts in New York State.

18 What is not dealt with in this bill
19 but I think is a very real issue in our society,
20 and certainly for me, is that it is seen as an
21 amazingly violent sport. Some people will tell
22 you it looks much more violent than it is. In
23 fact, there was a New York Times op-ed written by
24 a supporter that's titled "It Only Looks
25 Dangerous."

1 So if you're an expert in the
2 sport, perhaps you recognize, not unlike
3 wrestling, that some things look really dangerous
4 when in fact they're not when performed in
5 professional wrestling.

6 But my concern is the huge number
7 of young people who see this sport -- I know,
8 people tell me you can turn it on on a cable TV
9 in almost any home or bar in New York State now
10 already -- but that it is sending messages to
11 young people to encourage extreme violence.

12 And in fact the perception that it
13 looks dangerous, even if it's not quite as
14 dangerous if you're a professional, doesn't make
15 it less dangerous when you're a group of kids
16 trying this out on your own. You know that old
17 expression, you know, don't try this at home.
18 But in fact young people do try this at home.
19 And so it expands the vision of what is
20 acceptable play behavior.

21 I have no problem with martial
22 arts, and I appreciate that they are all designed
23 on a model of physical activity, a hypothetical
24 duel, so to speak, between opponents. Many, many
25 of our sports do that. And I am certainly not

1 arguing against any of these sports.

2 I am arguing against allowing what
3 is intended to be a very violent sport and in
4 fact is fed by advertising to make it appear even
5 more violent than it may really be for the
6 fighters. That this is a bad model and a bad
7 message for our young people in a society that
8 already has too many young people spending their
9 lives sitting with video games killing each
10 other.

11 It is a bad model of legislation
12 because it doesn't build in any of the
13 protections I think we would want to be
14 exceptionally dutiful about if in fact we were
15 approving a new violent sport in New York State.

16 And I simply can't accept the
17 argument that because there might be some tax
18 revenue in it for us, we should look the other
19 way and allow a basically unregulated activity
20 that can cause real harm both to the people
21 participating in it and to the young people
22 watching it to become legally in New York State.

23 I would urge my colleagues not to
24 vote yes on this bill. I'll be voting no.

25 Thank you, Madam President.

1 ACTING PRESIDENT LITTLE: Thank
2 you. Senator Griffo.

3 SENATOR GRIFFO: Thank you, Madam
4 President.

5 Just for some clarifications,
6 because I think that's important here, there have
7 been reports done. In fact, there is a
8 Johns Hopkins study that was done on the safety
9 effect and the concerns that have been raised
10 here and the incidence of injury.

11 And the reports have indicated that
12 this sport, while many people have the
13 perception, statistically does not show that the
14 incidents of injury are higher or more severe.

15 And the statistics show that in
16 many cases that there are more serious injuries
17 in interscholastic varsity football during the
18 course of a year than there has been in the mixed
19 martial arts.

20 They do have a governing
21 organization that is really trying to ensure that
22 the sport is better regulated and that safety
23 concerns are being addressed. And what we're
24 trying to accomplish here is to let the State
25 Athletic Commission, who does the same thing with

1 other professional sports, have that ability to
2 even go further if the need exists.

3 And while you make
4 characterizations of the different techniques
5 that are used in the mixed martial arts, right
6 now we should note that some of the things that
7 Senator Krueger raised, such as some of the
8 holds, are already allowed in judo and karate,
9 which are legal Olympics-recognized sports.

10 So I think that, you know, we want
11 to set the right example. And I think the reason
12 that we are looking to do this the way this bill
13 presents itself is to allow the State Athletic
14 Commission to become -- it's an organization that
15 has a reputation in ensuring that sports are
16 regulated properly and that we address safety
17 concerns that may be out there, and that we
18 ensure that there are rules and regulations in
19 addition to whatever a governing body of a
20 particular sport has put in place.

21 So I do believe that, contrary to
22 some of the things -- while I respect the opinion
23 and the philosophic differences, there are
24 studies and facts that refute some of the things
25 that have been presented today. And again, as I

1 said, opinion is one thing, but we do have
2 reports and data that prove otherwise.

3 And this is a sport that is
4 recognized. And it is on not only cable TV but
5 on network television right now too.

6 So thank you.

7 ACTING PRESIDENT LITTLE: Thank
8 you, Senator Griffo.

9 Senator Parker.

10 SENATOR PARKER: Thank you, Madam
11 President. On the bill.

12 ACTING PRESIDENT LITTLE: Senator
13 Parker on the bill.

14 SENATOR PARKER: First let me just
15 thank Senator Griffo for his leadership on this
16 issue.

17 We have voted on this several times
18 before. And I used to be the sponsor of this
19 bill, continue to be one of the sponsors with
20 Senator Griffo, and would like to see this
21 important sport both be legalized, sanctioned and
22 regulated in the state.

23 Now, you should listen to me. I
24 know from fighting.

25 (Laughter.)

1 SENATOR PARKER: And this sport is
2 exactly that. It's a sport. And what we are
3 simply doing is allowing the New York State
4 Athletic Commission to sanction it as a sport and
5 to codify regulations that will make it safe in
6 New York.

7 And so I know some of my colleagues
8 have issues and concerns as it relates to
9 concussions and insurance and all of those
10 things. All of those things don't have to be in
11 the context of this bill. This bill simply
12 allows the State Athletic Commission to in fact
13 promulgate rules and to say that it's legal.

14 So the things that -- we're
15 concerned about insurance, we're concerned about
16 concussions and concerned about all these other
17 things. There's the opportunity for us to in
18 fact address that with the State Athletic
19 Commission. And I'm certainly hoping that we
20 will make that happen.

21 We talk about violence in society.
22 To say that -- to single out mixed martial arts
23 really doesn't -- really misses the mark. If
24 we're going to stop young people from emulating,
25 you know, violent activity, they should stop

1 watching the evening news and they should stop
2 seeing what's happening in Afghanistan and Iraq
3 and every place else that we're at war. They
4 shouldn't probably watch television either, and
5 they certainly shouldn't be playing video games
6 where they learned all kind of things.

7 So I think that it's kind of narrow
8 just to simply say, you know, ban mixed martial
9 arts in one state and that's going to start to
10 solve or even address our problems as relates to,
11 you know, violence in our community, which I'm
12 certainly, you know, all for trying to stop.

13 When we look at this sport in
14 relation to other sports, it is actually much
15 safer than many of the other recognized sports
16 that we are familiar with. Between the years of
17 1990 and 2003, there were 79 deaths related to
18 soccer in the United States, 79. In that same
19 period there were 300 football-related deaths.
20 In that same period worldwide, there were two
21 mixed martial arts deaths, and only one of those
22 happened within the context of a sanctioned MMA
23 fight.

24 And so this sport is much safer.
25 There's fighting in basketball, there's fighting

1 in football, there's fighting in hockey. In
2 fact, the other day I went to a fight and a
3 hockey game broke out.

4 (Laughter.)

5 SENATOR PARKER: Rim shot. Thank
6 you. I'll be here all week, folks.

7 (Laughter.)

8 SENATOR PARKER: And so, you know,
9 within the context of talking about fights,
10 actually the athletes who engage in MMA are
11 actually safer than what you find in many, many
12 sports.

13 As relates specifically to
14 concussions, there are far less concussions in
15 mixed martial arts than there are in boxing,
16 because many of the bouts end with submissions or
17 tapouts. Right?

18 And, you know, we heard some
19 graphic depictions of how people are choked into
20 unconsciousness. That actually doesn't happen,
21 because there is a ref there and the ref never
22 lets anybody go to be unconscious. But far many
23 more people have their own ability to tap
24 themselves out and just say: I'm done, I'm
25 finished fighting. And far more fights finish

1 that way than are concluded either by a knockout
2 or by the ref stopping the fight.

3 And so it's a much safer sport than
4 many of the ones that we have seen, including
5 football, baseball, basketball, soccer and the
6 like.

7 But there's another reason why we
8 should do this, and we certainly ought not to
9 discount the economic impact that this is going
10 to have in communities from Buffalo to Syracuse,
11 from Bath to Brookhaven, New York, to certainly
12 in the new Brooklyn Stadium.

13 We expect to have some MMA bouts
14 where we expect that there's going to be
15 somewhere around \$5.3 million worth of activity
16 per year just in the Buffalo area. And that's
17 just -- that's just one bout between Tim Kennedy
18 and George Maziarz. So imagine when we get some
19 of the other professionals in there for some of
20 these bouts.

21 So there's going to be, I think, a
22 lot of economic opportunity there that we should
23 not forgo.

24 Currently what's happening right
25 now is that there they're having bouts in

1 New Jersey and they're being at Times Square
2 promoting the fights and then leaving Times
3 Square, going across the river to Jersey where
4 it's legal, and they're fighting bouts and those
5 communities are getting all the economic
6 proceeds.

7 I think that, you know, when people
8 have issues about and concerns around safety,
9 let's address them through the State Athletic
10 Commission. But we certainly ought not to throw
11 the baby out with the bathwater and should make
12 sure that this very profitable sports activity is
13 both legal, safe, and available to the people of
14 the State of New York.

15 Thank you, Madam President.

16 ACTING PRESIDENT LITTLE: Thank
17 you. Senator Krueger.

18 SENATOR KRUEGER: Would Senator
19 Parker please yield to a question.

20 (Laughter.)

21 ACTING PRESIDENT LITTLE: Thank
22 you. Senator Parker, do you yield to a
23 question?

24 SENATOR PARKER: Against my better
25 judgment, yes, Madam President.

1 (Laughter.)

2 ACTING PRESIDENT LITTLE: The
3 Senator yields.

4 SENATOR KRUEGER: We have every
5 right to disagree on this, Senator Parker, but I
6 did want to ask you about your statistics.
7 Because there's a danger with playing with
8 numbers.

9 So if only two mixed martial
10 artists -- mixed martial arts athletes -- would
11 you repeat what the quote was about the two mixed
12 martial arts --

13 SENATOR PARKER: Between the
14 periods of 1990 to 2003, 79 deaths in soccer,
15 300 related to football, two worldwide related to
16 mixed martial arts fights, and only one of those
17 in a sanctioned bout.

18 SENATOR KRUEGER: Can you tell me,
19 then, what two was as a percentage of the total
20 number of mixed martial artists -- I keep saying
21 mixed martial artists. That's not correct.
22 Mixed martial arts athletes. So two out of what,
23 79 of out of what, 300 out of what?

24 Because the number in isolation
25 doesn't really tell the story about a safety

1 rate. It would be the percentage of people
2 participating in a sport and then the outcome.

3 SENATOR PARKER: Senator, I don't
4 have those available, but I will get that to you.

5 SENATOR KRUEGER: Okay. Thank
6 you, Senator Parker.

7 Again, I think I've made my point.
8 If there are 10 people participating in an
9 activity and two of them die, it's a very
10 different reality than if there are 100,000
11 people participating in an activity and 79 of
12 them die.

13 Thank you, Madam President.

14 ACTING PRESIDENT LITTLE: Thank
15 you.

16 Seeing no other Senators wishing to
17 speak, the Secretary will ring the bell.

18 Read the last section.

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

21 ACTING PRESIDENT LITTLE: Call the
22 roll.

23 (The Secretary called the roll.)

24 ACTING PRESIDENT LITTLE: Senator
25 Saland to explain his vote.

1 SENATOR SALAND: Thank you, Madam
2 President.

3 Madam President, with all due
4 respect to the athletes who are the subject of
5 this bill, the day of the gladiator ended with
6 the demise of the Roman Empire.

7 We live in an extraordinarily
8 violent world. Comparisons to other sports and
9 statistics really are not valid analyses.

10 The simple fact of the matter is is
11 that there are literally, over the time periods
12 discussed -- football injuries, you'd be talking
13 tens of thousands if not hundreds of thousands of
14 football players from coast to coast, high
15 school, college, professional.

16 Even professional football has gone
17 out of is way to ensure greater safety by way of
18 concussion and knee injuries to the people who
19 perform regularly on Sundays during football
20 season.

21 The simple fact of the matter is
22 this is a level of violence that as a matter of
23 policy we are saying is okay, that this is an
24 appropriate role model for young people.

25 I chaired the Senate Children and

1 Families Committee for some 10 years. This is
2 not the kind of role model I would want young
3 people to emulate. I vote in the negative.

4 ACTING PRESIDENT LITTLE: Thank
5 you. Senator Saland will be recorded in the
6 negative.

7 Senator Zeldin to explain his vote.

8 SENATOR ZELDIN: First off, I'd
9 like to rise to commend Senator Joe Griffo for
10 his efforts on this bill. I'm proud to have
11 cosponsored it.

12 Forty-eight states in this country
13 have athletic commissions. Forty-five of them
14 have legalized mixed martial arts.

15 I certainly commend the UFC. A lot
16 of people know my background, being with the
17 military. The UFC has done so much to help
18 support the troops and promote the troops both at
19 home and abroad.

20 It's certainly worth noting that it
21 is a very responsible organization. They do a
22 great job regulating themselves. And I don't
23 think that government needs to get involved with
24 every aspect of regulating an industry when the
25 industry itself is doing a good job regulating

1 itself.

2 So as I heard all those questions
3 asked by Senator Krueger -- very good questions,
4 but I'm very confident that the industry is doing
5 a solid job taking care of itself.

6 I know I have a number of staffers
7 that are big fans of UFC. I'm not worried that
8 kids may wrestle. No matter what we do here on
9 the floor, kids will wrestle. You know, I don't
10 think that we should be banning candy because it
11 causes tooth decay.

12 If you don't want to participate in
13 mixed martial arts, don't participate. If you
14 don't want to watch it, don't watch it.

15 But I strongly support this bill,
16 and I'm very proud of the efforts of Senator Joe
17 Griffo for getting this passed in the State
18 Senate. I vote aye.

19 ACTING PRESIDENT LITTLE: Thank
20 you. Senator Zeldin will be recorded in the
21 affirmative.

22 Senator DeFrancisco to explain his
23 vote.

24 SENATOR DeFRANCISCO: Yes, I'm
25 going to support this bill.

1 Senator Parker indicated that he
2 knows about fighting. And when you have an
3 expert in the gallery --

4 (Laughter.)

5 SENATOR DeFRANCISCO: -- you
6 really have to listen to what he's got to say.

7 (Laughter.)

8 SENATOR DeFRANCISCO: And that's
9 something we ought to listen to.

10 Secondly, there's a lot of concern
11 about role models. I mean, if we're worried
12 about passing legislation based upon who are
13 going to be role models, we may want to prohibit
14 all professional sports. Because there's a lot
15 of people that I don't want my grandchildren to
16 be modeling themselves over. And it might even
17 be as genteel a sport as golf. So role models
18 should not be the answer.

19 As far as safety, there's people
20 that want to do this and that don't want to do
21 this. If you want to box, you box. If you want
22 to make a living boxing that way, as long as it's
23 regulated and it's made as safe as possible --
24 and that's what this bill does.

25 There are people that want to do

1 this, want to make a living -- in fact, there's
2 one young man, I forgot his name, came in the
3 last time this bill was on the floor, he -- Bones
4 Jones, from Rochester. Extremely articulate,
5 wasn't in any way impaired by his activities.
6 And he chose to make a living in that way.

7 So we regulate it, I think it's
8 something that we should do. And when it's
9 regulated, at least some of the safety issues can
10 be regulated.

11 And by the way, the insurance,
12 there is insurance requirements in the bill,
13 despite what was said by one of the speakers.

14 I'm going to vote aye.

15 ACTING PRESIDENT LITTLE: Thank
16 you. Senator DeFrancisco will be recorded in the
17 affirmative.

18 Senator Stavisky to explain her
19 vote.

20 SENATOR STAVISKY: Yes.

21 To me, this is no more dangerous or
22 bloody than boxing or ice hockey or football.
23 And for that reason, if we're not going to ban
24 those sports, then I can't see any reason why we
25 should not permit mixed martial arts. Thank you.

1 ACTING PRESIDENT LITTLE: Thank
2 you. Senator Stavisky will be recorded in the
3 affirmative.

4 Senator Marcellino to explain his
5 vote.

6 SENATOR MARCELLINO: Madam
7 President, I will be voting in the negative on
8 this bill.

9 But I just wanted to set the record
10 straight for my colleague Senator Saland that the
11 demise of the Roman Empire has been highly
12 exaggerated.

13 (Laughter.)

14 ACTING PRESIDENT LITTLE: Thank
15 you. Senator Marcellino is recorded in the
16 negative.

17 The Secretary will announce the
18 results.

19 THE SECRETARY: In relation to
20 Calendar Number 494, those recorded in the
21 negative are Senators Bonacic, Breslin, Diaz,
22 Duane, Fuschillo, Krueger, Lanza, Larkin,
23 LaValle, Marcellino, Saland, Savino,
24 Stewart-Cousins, and Young.

25 Absent from voting: Senator

1 Perkins.

2 Ayes, 43. Nays, 14.

3 ACTING PRESIDENT LITTLE: The bill
4 is passed.

5 Senator Libous, that completes the
6 controversial reading of the supplemental
7 calendar.

8 SENATOR LIBOUS: Madam President,
9 is there any further business at the desk?

10 ACTING PRESIDENT LITTLE: No,
11 Senator, there is no further business.

12 SENATOR LIBOUS: There being no
13 further business at the desk, Madam President, I
14 move that the Senate adjourn until Thursday,
15 April 19th, at 11:00 a.m.

16 ACTING PRESIDENT LITTLE: On
17 motion, the Senate stands adjourned until
18 Thursday, April 19th, at 11:00 a.m.

19 (Whereupon, at 4:57 p.m., the Senate
20 adjourned.)

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