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REGULAR SESSION

SENATOR ELIZABETH O'C. LITTLE, Acting President

FRANCIS W. PATIENCE, Secretary

P R O C E E D I N G S

ACTING PRESIDENT LITTLE: The Senate will come to order.

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

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

ACTING PRESIDENT LITTLE: We are joined today by Rabbi Neal Joseph Loevinger of Temple Beth El, Poughkeepsie, New York.

Rabbi?

RABBI LOEVINGER: Thank you. It's an honor to be here.

Thank you, Senator Saland, for inviting me.

In this week the Jewish people are reading a section of the Torah called the Portion Behar-Bechukotai. And in this section of the Torah we read one of the most famous verses in American history, the verse which speaks of the Jubilee, that fiftieth year when debts and slaves were released and liberty was proclaimed throughout the land.

This verse is inscribed on the

Liberty Bell in Philadelphia: "Proclaim liberty throughout all the Land, unto all the inhabitants thereof."

In the Jewish tradition, the teachings of the Torah portion are an invitation to reflect on the meaning of the liberty, which is seen as the deepest goal of human society.

We all approach God in our own way. We all have a different understanding of our higher power. In the Jewish tradition, one way we name God is notan da'at, the source of our wisdom. So I pray to the source of all our wisdom, the One who is conceived differently by those citizens of various races and creeds, professions joined here today.

Please, Source of our Wisdom, teach us that lesson from our Torah, from our sacred scriptures, that reminds us that riches are wonderful, a free market economy is a blessing, but human freedom and human dignity is the most important goal of all.

Please, Source of our Wisdom, bind citizens of different goals together in a common purpose, to uplift the polity which

this house is blessed and consecrated to serve. Help us all be humble, accept the criticism and ideas of those who are different from us. Help us be fearless in standing up for the deepest ideals and the greatest goals of our integrity.

Please, Source of our Wisdom, God who is the Father of all humankind, give us one human heart, as citizens of the great State of New York who serve towards the goal of proclaiming liberty throughout all the land unto all the inhabitants thereof -- all the inhabitants, of every color, every creed, every social class, every political persuasion, everyone who is blessed to call this state home. Let us serve together to raise them up with all the powers that You have granted us.

And let us say amen.

ACTING PRESIDENT LITTLE: Thank you, Rabbi Loevinger.

Senator Saland.

SENATOR SALAND: Thank you, Madam President.

I think Rabbi Loevinger's

eloquence certainly was captured by my friend and colleague Senator DeFrancisco, who just said: "Is he primarying you?"

(Laughter.)

SENATOR SALAND: It's a distinct pleasure for me to have the opportunity to personally welcome Rabbi Loevinger to our chamber. He's a man who not only is my spiritual leader and the spiritual leader of my congregation, but he's a man who married my youngest son and daughter-in-law.

He's a man who means so much to so many, not merely within the community of Temple Beth El, but the community of all of not merely Poughkeepsie but Dutchess County. He's a man who is committed to equality, to diversity, to tolerance.

It's a pleasure to be a member of his congregation. I'm proud to be a member of his congregation. And from the invocation he offered today, you certainly can understand why I would be.

Rabbi, thank you very much.

RABBI LOEVINGER: Thank you, Senator.

SENATOR SALAND: And thank you, Madam President, for recognizing me.

ACTING PRESIDENT LITTLE: Thank you very much.

RABBI LOEVINGER: Thank you, Senator.

ACTING PRESIDENT LITTLE: Thank you.

The reading of the Journal.

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

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

Presentation of petitions.

Messages from the Assembly.

The Secretary will read.

THE SECRETARY: On page 21, Senator Hannon moves to discharge, from the Committee on Finance, Assembly Bill Number 669C and substitute it for the identical Senate Bill Number 3200B, Third Reading Calendar 524.

ACTING PRESIDENT LITTLE: Substitution ordered.

Messages from the Governor.

Reports of standing committees.

The Secretary will read.

THE SECRETARY: Senator DeFrancisco, from the Committee on Finance, reports the following confirmation:

As member and chair of the Niagara Frontier Transportation Authority, Howard A. Zemsky, of Buffalo.

ACTING PRESIDENT LITTLE: Senator DeFrancisco.

SENATOR DeFRANCISCO: Yes, I move the nomination of Howard Zemsky as a member of the Niagara Frontier Transportation Authority; actually, as chairman.

And he went through the Senate Finance Committee as well as the Transportation Committee, and he is clearly qualified. And we're very pleased that the Governor made the nomination.

And I would move the nomination and urge that the nomination be adopted.

ACTING PRESIDENT LITTLE: Thank you, Senator DeFrancisco.

Senator Maziarz.

SENATOR MAZIARZ: Thank you very much, Madam President.

I just want to endorse this nomination and thank the Governor for choosing such an excellent nominee.

Mr. Zemsky has been a member of the authority for several years now. And I think the most positive thing among many positive things that I could say is that he looks at the authority from what it should be, a multicounty agency that's charged with a very important public mission, providing transportation services to all the residents of Western New York.

I think this is, as I said, an excellent appointment by Governor Cuomo. I've known Howard for many years. I know he will do a great job here.

I do want to just mention that we have our former colleague, Assemblyman Sam Hoyt, here with us, who is working very closely with Howard in some other ventures that the Governor has appointed both of them to, and that is turning around the economy of Western New York.

And if the Governor is listening -- and we all know the Governor is always

listening -- I just want to say that both of them, Howard as chair of the Western Regional Economic Development Council and Sam as the head of the Western Region Empire State Development Office, are doing an excellent job, working very closely together with local elected officials all over Western New York to create jobs for Western New Yorkers.

In this case, in the case of the Niagara Frontier Transportation Authority, to get Western New Yorkers to their jobs is a very important mission, very important to those people who need public transportation.

So, Madam President, it's a great pleasure for me to highly recommend to my colleagues this appointment by Governor Cuomo.

Thank you.

ACTING PRESIDENT LITTLE: Thank you, Senator Maziarz.

Senator Gallivan.

SENATOR GALLIVAN: Thank you, Madam President.

I too rise to support the nomination of Howard Zemsky as chairman of the NFTA.

Howard is, of course, as Senator DeFrancisco mentioned, tremendously qualified. But he's been a tremendous leader for Western New York, a tremendously successful businessman, very generous in giving of his time in helping the community, doing a great job as cochair of the Regional Economic Development Council, working with Assemblyman Hoyt, and I thank you both of you for that.

And, Howard, I congratulate you for this nomination, look forward to voting for it, and look forward to working with you for many years to come.

Thank you, Madam President.

ACTING PRESIDENT LITTLE: Thank you, Senator Gallivan.

Senator Grisanti.

SENATOR GRISANTI: Yes, thank you, Madam President.

You know, Howard, for -- first of all, I think the Governor has made a wise choice in making you chairman of the NFTA. But you wear so many hats that if this was the Indy 500, you should be getting paid for sponsorship programs for wearing so many hats.

Because from the Larkin Development, where you have taken that area and grown it so vastly and made it such a beautiful place and a place for employment and jobs -- which is actually our number-one goal -- from the Richardson Complex, to the Regional Council, to your contribution with the arts and the culturals in our program in our community, and to be teamed up with Sam, who's next to you.

I mean, what we have going on in the Western New York delegation, what we have going on with the Governor's office and our appointments, Western New York will not be ignored any longer.

And the simple fact of the matter is is that you could probably have left the state if you wanted to and taken your business elsewhere. And, you know, you're a man of vision, a man of your word, and you're somebody that once you put your mind to it, you're going to get it done.

And I'm glad to see that you're focused now with the NFTA, transportation, figuring out what we're going to be doing with regard to the waterfront, issues along those

lines. Very important for the future of this region.

And I'm just very proud to support this, and I recommend everybody in this chamber to support Howard Zemsky as chair of the NFTA.

Thank you, Howard, for being here, and tell your whole family hello as well.

Thank you.

ACTING PRESIDENT LITTLE: Thank you, Senator Grisanti.

Senator Ranzenhofer.

SENATOR RANZENHOFER: Thank you, Madam President.

I'd also like to rise and commend the Governor for an excellent nomination.

When Mr. Zemsky appeared before us today in Transportation, I had mentioned that I think that he is an excellent candidate because he has a great combination of private-sector experience and experience serving on the NFTA already.

But what most impressed me, in addition to what my colleagues have said, is that earlier this year when the NFTA was dealing with a very difficult issue, Mr. Zemsky stepped

forward and exhibited leadership. He was in a minority position that was not the feeling of the majority of the board. At the end of the day, his wisdom, his leadership prevailed. And that's the type of leadership that we need at the NFTA as we move forward with all of the issues that we have to contend with.

So I commend you for accepting the Governor's nomination, for giving once again of your abilities and your time, and look forward to working with you as chairman of the NFTA.

Good luck.

ACTING PRESIDENT LITTLE: Thank you, Senator Ranzenhofer.

Senator Kennedy.

SENATOR KENNEDY: Yes, thank you, Madam President.

First and foremost, I want to congratulate Howard Zemsky on your appointment as chairman to the NFTA.

And, you know, good things come to those who wait. Mr. Zemsky was put forward several years ago under another administration. Congratulations to Governor Cuomo for once again getting it right and succeeding where other

administrations have failed.

We are very, very proud as Western New Yorkers and Buffalonians to second the nomination and the confirmation of Howard Zemsky as the chairman of the NFTA.

Recently the Buffalo News correctly referred to Mr. Zemsky as our go-to guy out in Western New York. And as already articulated, Mr. Zemsky's leadership on issues that pertain both to the NFTA as well as to the greater community -- his efforts to restore Frank Lloyd Wright's Darwin Martin House, the Richardson Olmsted Complex out in Western New York, his sincere and focused strategy on reinvigorating Western New York's economy by a strong focus on our tremendous cultural institutions -- is second to none.

And with that, he has been tapped as the cochair of the Western New York Regional Economic Development Council, which recently was awarded one of four over $100 million --

ACTING PRESIDENT LITTLE: {Gaveling.}

SENATOR KENNEDY: -- economic development awards from Albany.

With that said -- I take it, Madam President, you weren't putting the gavel down with on me with all these great things I'm saying.

(Laughter.)

ACTING PRESIDENT LITTLE: Just trying to get quiet so everyone can hear you.

SENATOR KENNEDY: With that said, Howard Zemsky's leadership and vision have been a driving force in reinvigorating economic development out in Western New York.

And the long-term success of the Niagara Frontier Transportation Authority is critical to our region's economic future. And a strong focus on the agency's core mission of public transportation is going to ensure Western New Yorkers have the accessible and affordable transportation services that we and we desire.

Mr. Zemsky, it is truly an honor and a privilege to stand on this floor to confirm you and to second your nomination as chair of the NFTA. I look forward to working with you for a long way to come.

Thank you very much.

ACTING PRESIDENT LITTLE: Thank

you, Senator Kennedy.

The question is on the confirmation of Howard Zemsky, of Buffalo, as a member and chair of the Niagara Falls Transportation Authority. All those in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT LITTLE: Those opposed, nay.

(No response.)

ACTING PRESIDENT LITTLE: The confirmation is confirmed.

And certainly, Mr. Zemsky, listening to my colleagues, I know that you are well-prepared, well-suited for this position. We wish you our best wishes, congratulations, and sincerely a lot of luck and good success at what you are doing as you go forward. Thank you very much, and thanks for being here today.

(Standing ovation.)

ACTING PRESIDENT LITTLE: Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

Senator Libous.

SENATOR LIBOUS: Thank you, Madam President.

I have a number of motions that I need to read at this time.

On behalf of Senator Nozzolio, on page 7 I offer the following amendments to Calendar Number 44, Senate Print Number 5208A, and ask that said bill retain its place on the Third Reading Calendar.

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

SENATOR LIBOUS: Madam President, on behalf of Senator Ball, on page 16 I offer the following amendments to Calendar Number 425, Senate Print 6090, and ask that said bill retain its place on the Third Reading Calendar.

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

SENATOR LIBOUS: On behalf of Senator Grisanti, on page 28, I offer the

following amendments to Calendar Number 662, Senate Print 2409D, and ask that said bill retain its place on the Third Reading Calendar.

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

SENATOR LIBOUS: On behalf of Senator Fuschillo, on page 35 I offer the following amendments to Calendar Number 733, Senate Print 5221, and ask that said bill retain its place on the Third Reading Calendar.

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

SENATOR LIBOUS: On behalf of Senator Saland, Madam President, I wish to call up his bill, Senate Print 1414A, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT LITTLE: The Secretary will read.

THE SECRETARY: Calendar Number 414, by Senator Saland, Senate Print 1414A, an act to amend the Criminal Procedure Law.

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

ACTING PRESIDENT LITTLE: Call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

SENATOR LIBOUS: Madam President, I offer up the following amendments.

ACTING PRESIDENT LITTLE: The amendments are received.

Senator Libous.

SENATOR LIBOUS: Thank you, Madam President.

At this time may we adopt the Resolution Calendar, with the exception of Resolutions 4557, 4620, 4637, and 4658.

ACTING PRESIDENT LITTLE: All in favor of adopting the Resolution Calendar, with the exceptions noted, signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT LITTLE: Opposed, nay.

(No response.)

ACTING PRESIDENT LITTLE: The

Resolution Calendar is adopted.

Senator Libous.

SENATOR LIBOUS: Madam President, I believe there's a resolution at the desk by Senator Skelos, Number 4620. I would ask the desk to please read it in its entirety.

And then, after it is read, I would ask you to call on Senator Young first and then Senator Hassell-Thompson.

ACTING PRESIDENT LITTLE: Thank you, and the Secretary will read.

THE SECRETARY: Legislative Resolution Number 4620, by Senator Skelos, congratulating the 2012 New York State Senate Women of Distinction.

"WHEREAS, It is the sense of this Legislative Body to acknowledge and celebrate Women of Distinction who significantly add inspiration and encouragement to the people of this great Empire State; and

"WHEREAS, The New York State Senate Women of Distinction program was created in 1998, as part of our state celebration of Women's History Month, to honor exemplary women from across New York State whose singular professional

or personal achievements, commitment to excellence, and accomplishments merit special recognition. Honorees are selected from nominations submitted from across the state; and

"WHEREAS, Women of every economic, ethnic and religious background have made significant contributions that are reflected across all aspects of society; and

"WHEREAS, It is the custom of this Legislative Body to pay tribute to individuals of remarkable character who have shown initiative and commitment in constantly pursuing higher goals for themselves as well as acting as role models to all women in their community; and

"WHEREAS, On behalf of the New York State Senate, I take this opportunity to congratulate Dr. LaVonne E. Ansari, Angela Augugliaro, Erin Bentivegna, Debra Brawley, Randi Bregman, Serena Brothers-Mohamed, Jane Brown, Patricia T. Cataldi, Dr. Mary Lane Cobb, Marie Colvin, The Honorable Ann C. Crowell, Norma Cummings, Ida D'Angelo, Deirdre DeAngelis-D'Alessio, Mary Elizabeth Delli-Pizzi, Toni DeMeo, Colleen C. DiPirro, Elizabeth A. Einstein, Hilda Rosario Escher, Sonia Valentin

Fernandez, Ivine Galarza, Marie Goldstein, Ardeane Greene-Cook, Bernell K. Grier, Colleen Hassett-Mastine, Kathleen Henderson, Sister Yliana Hernandez, Virginia Houseknecht, Carol Houwaart-Diez, Reverend Debra Jameson, Roselyn A. Johnson, Catherine Kingsley, Deborah Slaner Larkin, Sheila Lewandowski, Mary Lindsay, Gaye Mallet, The Honorable Patricia D. Marks, Susan K. McGiver, Zenaida Mendez, Carol Meschkow, Chandra S. Morgan, Major Jude B. Mulvey, Loraine O'Donnell, Siobhan O'Neill, Dilletta Pina, Dr. Jeanne S. Poindexter, Jean-Marie Posner, Jan Rebeor, Joanne Rosenberger, Ginny Salerno, Lisa Williams Schary, Reina Schiffrin, Lorraine Sciulli, Sue Susman, Victoria Thomas-Ramos, Alice Thorpe, Katharine Tomasi, Marolyn Piersma Wilson, and Denise Wright-Scott as 2012 New York State Senate Women of Distinction, to be celebrated on Tuesday, May 15, 2012, at the Annual Women of Distinction Awards Ceremony in The Well of the Legislative Office Building; and

"WHEREAS, Women have become part of New York's lasting heritage by fighting against stereotypes, prejudice, and seemingly

insurmountable obstacles; and

"WHEREAS, From the women's suffrage movement just over 150 years ago to the present day, women have played and continue to play a crucial role in adding strength, understanding, and inspiration to the diversity and quality of life of the people of the State of New York; and

"WHEREAS, New York State has been, and continues to be, the home to many distinguished women who have made their mark in history as pioneers in their field, therefore laying the foundation for women after them to succeed; and

"WHEREAS, This Legislative Body recognizes that New York State is the home to countless women who are strong and colorful threads vital to the fabric of our rich heritage, who have contributed and continue to add to the advancement of our culture through their traditional and non-traditional roles in society; now, therefore, be it

"RESOLVED, That this Legislative Body pause in its deliberations to congratulate the 2012 New York State Senate Women of Distinction; and be it further

"RESOLVED, That copies of this resolution, suitably engrossed, be transmitted to the aforementioned Women of Distinction."

ACTING PRESIDENT LITTLE: Thank you.

Senator Young.

SENATOR YOUNG: Thank you, Madam President.

It is with great pride that we offer this resolution to honor these very strong and accomplished women through Women of Distinction.

The Women of Distinction program is part of our annual salute to Women's History Month. And we work at this to specifically highlight the accomplishments of women who continue to make history every single day by providing inspiration and encouragement to the people of our great state.

This event provides us with the opportunity to recognize the enormous contributions that these women make in our communities. Women from all walks of life have been nominated by friends and coworkers and neighborhood leaders to pay tribute to their

outstanding work on behalf of their communities, making them deserving of this special designation. These women are a select few who stand apart because of their hard work to make New York State a better place.

The Senate has been very fortunate over the years to honor women who have excelled in both traditional and nontraditional roles. They have succeeded in the worlds of business, academics, civic life, performed heroic acts or selfless acts, made significant discoveries, or persevered with excellence against very difficult odds.

The Women of Distinction chosen by my colleagues and I this year have exhibited those achievements to the very fullest. Their professional, academic, or personal success and commitment to excellence deserves special acknowledgment.

Each woman who we celebrate today is continuing a tradition of defining and opening doors of opportunity for our future generations. And so we are forever grateful to all of you for the impact that you have continued to have on our communities and for the legacy that you leave.

And you truly are an example for people everywhere. So congratulations.

We have our ceremony later this afternoon, and we welcome you here to Albany. I know that several of are you in the gallery today. And I look forward to the actual ceremony later.

Thank you so much for all that you do.

(Applause.)

ACTING PRESIDENT LITTLE: Thank you, Senator Young.

Senator Hassell-Thompson.

SENATOR HASSELL-THOMPSON: Thank you, Madam President.

I too rise today to share with my colleague Senator Young our gratitude for the time that this body takes to identify and to recognize the Women of Distinction.

I always look forward to this great event. And it's great not only to hear the inspiring stories but to meet the various women who are making a difference around the state. And what we are doing today is very important, because women have continued -- have been doing

so and will continue to make a great difference.

But I think it's important that we understand that as we honor those who make sacrifices and dedicate their lives to our state, that we must do this every day.

Women have been at the forefront of leading social change, whether it be Susan B. Anthony leading the women's suffragette movement; Constance Baker Motley, a civil rights trailblazer; Shirley Chisholm, from Brooklyn, the first woman ever to run for President of the United States; or Justice Sonia Sotomayor, who hails from the Bronx. All of these are women who have made an outstanding contribution to the growth and progress of our state.

And what they do is to demonstrate to women who are coming behind them that anything that they wish to do, it is possible; all they have to do is want to and work toward it.

Just today, my colleague Senator Liz Krueger held an event to discuss the many economic issues that face women today. And so we must not rest until every woman understands and achieves true equality.

I know that the women that we are

honoring today are true inspirations to the next generation. And as Secretary of State Hillary Clinton once remarked, "There are no acceptable limits and there are acceptable prejudices in the 21st century."

So, Madam President, I say congratulations to all who we are honoring and to all who have identified and have recognized distinguished women from their districts that we're honoring today.

Thank you, Madam President.

ACTING PRESIDENT LITTLE: Thank you, Senator Hassell-Thompson.

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

(Response of "Aye.")

ACTING PRESIDENT LITTLE: Opposed, nay.

(No response.)

ACTING PRESIDENT LITTLE: The resolution is adopted.

Senator LaValle.

SENATOR LaVALLE: Yes. Madam President, would you open up the resolution for sponsorship.

ACTING PRESIDENT LITTLE: Yes. The resolution has been opened for sponsorship. Anyone who does not care to be on the resolution, please signify to the desk. Thank you.

Let's recognize, please, our Women of Distinction who are in the gallery today in different spots. But we congratulate them, and they truly are Women of Distinction.

We thank you for all that you're doing in your community and for our state, and we thank you for being here today. Congratulations.

(Standing ovation.)

ACTING PRESIDENT LITTLE: Thank you.

Senator LaValle.

SENATOR LaVALLE: Madam President, there is a resolution at the desk by Senator DeFrancisco, Number 4421. It was previously adopted by this house on May 8th. May we have the title read and call on Senator DeFrancisco.

ACTING PRESIDENT LITTLE: Thank you.

The Secretary will read.

THE SECRETARY: Legislative

Resolution Number 4421, by Senator DeFrancisco, honoring James Werbeck upon the occasion of his designation as recipient of the 2012 New York State Middle School Principal of the Year Award by the School Administrators Association of New York State.

ACTING PRESIDENT LITTLE: Senator DeFrancisco.

SENATOR DeFRANCISCO: Thank you, Madam President.

We also have a man of distinction here today, with his woman of distinction, his wife, Susie. They're in the chambers on the floor here.

Yesterday we had a resolution honoring someone from my Senate district for receiving an award that only five other teachers have received throughout the United States of America, and last year he was the Teacher of the Year for New York State.

Today, we have the Administrator of the Year for New York State, and that's James Werbeck. And he's principal of the middle school in Solvay, New York, also in my district.

There's a common thread about these

winners or these successful people, and that is that many of them -- not all of them, mind you, but many of them are from Central New York.

And this was one wonderful award for a phenomenal administrator who has other interests that he's been involved with, including creating the school district's first response to intervention team in that district, and also implementing the positive behavioral intervention system program. He's not only doing that, but he's also facilitated some of the capital building projects.

So it's an all-around individual who has children in mind. And he's an administrator that we all should be proud of, the 2012 Junior High School Administrator of the Year Award to James Werbeck.

Mr. Werbeck, congratulations.

(Applause.)

ACTING PRESIDENT LITTLE: Thank you. This resolution was previously adopted on May 8th.

And we congratulate our winner, Administrator of the Year. Thank you for being here today.

Senator LaValle.

SENATOR LaVALLE: Thank you, Madam President.

There's a resolution at the desk by myself, Resolution Number 4463. It was previously adopted by this house on May the 8th. I am asking that the resolution be read in its entirety.

ACTING PRESIDENT LITTLE: The Secretary will read.

THE SECRETARY: Legislative Resolution Number 4463, by Senator LaValle, honoring and recognizing the heroism and commitment of local volunteer firefighters in fighting the wildfires in the Towns of Ridge and Manorville, New York, in April 2012.

"WHEREAS, It is the sense of this Legislative Body to recognize and honor those distinguished citizens who would volunteer to devote themselves to public service, demonstrating great courage and diligence in providing for the care and welfare of the citizens of their communities and this great Empire State; and

"WHEREAS, Within every community of

the State of New York there are certain individuals who, by virtue of their commitment and dedication, command the respect and admiration of their community for their exemplary contributions and service on behalf of others; and

"WHEREAS, This Legislative Body is justly proud to honor and recognize the heroism and commitment of local volunteer firefighters in fighting the wildfires in the Towns of Ridge and Manorville, New York, in April 2012; and

"WHEREAS, Our unsung heroes, the volunteer firefighters of New York State, are everyday committed men and women who leave their families and jobs at a moment's notice and run fearlessly into the face of fire to keep our communities safe and protect their neighbors. They are renowned throughout the nation. Their reputation is synonymous with excellence in the arduous field of fire protection and prevention; and

"WHEREAS, In April 2012, raging wildfires in the area encompassing the Towns of Ridge and Manorville, New York, affected over 1,124 acres, making the fire among the 10 largest

fires in New York State since 1975; and

"WHEREAS, Working under very difficult and dangerous conditions, approximately 200 firefighters from about 35 local area fire departments battled the April 2012 wildfires in Ridge and Manorville, New York, with 20 brush trucks, 10 tankers and 10 engines; and

"WHEREAS, Volunteer firefighters and fire departments not only provide the critical service of fire protection but also engage in other activities of great benefit and importance to the communities they serve; and

"WHEREAS, It is the sense of this Legislative Body that those dedicated public servants who unselfishly devote their lives to the preservation of order and the protection of others are worthy and due full praise for their commitment and noble endeavors; and

"WHEREAS, It takes a special dedication, a strong desire to help others, and a tireless sense of community to forsake precious time with family and friends to respond to the signal that a neighbor is in need. Those volunteers who heroically responded to the wildfires in the Towns of Ridge and Manorville,

New York in April 2012 are such firefighters; now, therefore, be it

"RESOLVED, That this Legislative Body pause in its deliberations to honor and recognize the heroism and commitment of local volunteer firefighters in fighting the wildfires in the Towns of Ridge and Manorville, New York, in April 2012; and be it further

"RESOLVED, That copies of this Resolution, suitably engrossed, be transmitted to the aforementioned volunteer firefighters."

ACTING PRESIDENT LITTLE: Thank you.

Senator LaValle.

SENATOR LaVALLE: Thank you, Madam President.

I rise to thank all of the volunteer firefighters, and especially those who fought a very large wildfire in my district this past April, several of whom are here with us today and watching the proceeding from the gallery.

The fire districts of Manorville and Ridge were the primary districts responsible for the wildfire that started in their areas, but

they were joined by fire districts, departments from both Suffolk and neighboring Nassau County. It is a testament to the training that these firefighters, volunteer firefighters undergo, because they did yeoman's work over many, many hours over two, three days in fighting the fires.

I'd like to relay one of the firefighter's stories as he battled the raging flames.

Bill Hille had been clutching two hoses as he stood on the back of a brush truck, when suddenly the wind changed direction. A sudden gust of wind thrust the flames into his face and forced him and two others to jump through a wall of fire. At the time, he said, "It just engulfed us."

The fire was on the driver's side of the truck, and then it just encircled the truck and he could hear two bangs. It was the tires exploding. And it just took that truck, brush truck, out of service.

Bill had to be taken to Stony Brook Hospital, to the Burn Center. And that center exists because of our volunteer fire service demanding that it be included in the hospital and

making sure that it is funded, and making contributions. All of our volunteer fire districts, fire departments, make contributions.

So I thank all of the departments in Suffolk and certainly in our neighboring County of Nassau. You know, we're -- everyone thinks of Long Island, but, you know, when one county has a problem, the other is there to back them up.

I would like to open the resolution, Madam President, for sponsorship.

ACTING PRESIDENT LITTLE: Thank you, Senator LaValle.

Senator Fuschillo.

SENATOR FUSCHILLO: Madam President, I just rise to thank Senator LaValle for bringing this resolution to the floor.

What's happening here today with Senator LaValle's resolution recognizing the fire departments in his district and throughout Nassau and Suffolk County is something that should happen every single day, where we should thank the men and women of the volunteer fire departments in Nassau and Suffolk County, and they're here today.

Just to say thanks, because you are volunteers. You're not paid. You have dedicated and committed your life to helping other people in need. And as Senator LaValle said, without any confusion. Because sometimes we debate political issues here and we're separated on other sides of the aisles. There's no politics. They're not Republican, they don't ask if they're Republican or Democrat, where they're from. When there's a problem, you go in and you save somebody's life.

I just wanted to rise, Madam President, and support this resolution and say thanks to all the volunteer fire departments on Long Island -- thank you very much for your service -- and throughout New York State.

ACTING PRESIDENT LITTLE: Thank you, Senator Fuschillo.

This resolution was adopted May 8th in this body.

But it's an honor for all of our Senators here today to recognize your efforts. The size and scope of that fire was something that was in all the newspapers throughout New York State. And the possibilities that if

that had gotten out of control were enormous.

So we thank you for your dedication, for your bravery. And as was said, we really thank you and all of our volunteer firemen. So congratulations. But thank you very, very much for being here today.

(Standing ovation.)

ACTING PRESIDENT LITTLE: The resolution is open to all Senators. If you choose not to be on it, please signify to the desk.

Senator LaValle.

SENATOR LaVALLE: Madam President, I believe there's a resolution by Senator Zeldin at the desk, Resolution Number 4658. I ask that the title be read and ask for its immediate adoption.

ACTING PRESIDENT LITTLE: Thank you.

The Secretary will read.

THE SECRETARY: Legislative Resolution Number 4658, by Senator Zeldin, honoring Anthony Nunziata upon the occasion of his designation as Brookhaven Fire Department's 2012 Fireman of the Year.

ACTING PRESIDENT LITTLE: Senator Zeldin.

SENATOR ZELDIN: I'm honored to take an opportunity to recognize a real hero, Firefighter Anthony Nunziata, who in 2011 saved multiple lives on two separate occasions. He was named as Brookhaven Fire Department's Firefighter of the Year for 2012.

Since 1988, Anthony has worked at Clare Rose, which is a Long Island-based distribution company. In September 2011 there was a horrible accident involving one of Anthony's coworkers. And Anthony, with all of his training, responded to help save this coworker's life.

But it didn't stop there. Two months later, Anthony was with another coworker and he came across a motor vehicle accident. And there was a 9,000-gallon tanker truck filled with a gasoline, and a minivan that was filled with nine people in it. And Anthony and his coworker responded and very bravely saved the lives of many people that were involved in that terrible accident.

He's here today with wife, Barbara,

Ken Meyer from Clare Rose, and many of his proud fellow firefighters. He has two daughters, Cassandra, age 13, and Brittney, age 18.

Few of us ever have the opportunity to save another person's life. In the span of less than two months, Anthony acted twice to save the lives of almost a dozen people.

He's here with us today. Anthony, I want to take this opportunity to publicly thank you for your bravery, your public service, and your heroism.

(Standing ovation.)

ACTING PRESIDENT LITTLE: Thank you, Senator Zeldin.

And thank you for being here today. We're honored to be in your presence. Thank you.

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

(Response of "Aye.")

ACTING PRESIDENT LITTLE: Opposed, nay.

(No response.)

ACTING PRESIDENT LITTLE: The resolution is adopted.

Senator Libous.

SENATOR LIBOUS: Madam President, could we open this resolution up. So if any member doesn't want to be on it, they should let the desk know.

ACTING PRESIDENT LITTLE: Thank you. The resolution is open to all Senators. Please signify if you choose not to be on it.

Thank you.

SENATOR LIBOUS: Madam President, I believe there's a resolution at the desk by Senator Squadron, Number 4637. Could the title please be read and then I would call on Senator Squadron.

ACTING PRESIDENT LITTLE: Thank you.

The Secretary will read.

THE SECRETARY: Legislative Resolution Number 4637, by Senator Squadron, mourning the death of famed rapper and activist Adam "MCA" Yauch.

ACTING PRESIDENT LITTLE: Thank you.

Senator Squadron.

SENATOR SQUADRON: Thank you,

Madam President.

Madam President, Adam Yauch, better known to music fans around the world as MCA of the Beastie Boys, passed away this month at the age of 47 years old.

He was born and raised in Brooklyn, in my district, in Brooklyn Heights, attended Murrow High School in Brooklyn, and began his music career, as so many folks did at that time in the late '70s and early '80s, in the Lower East Side of Manhattan, in music clubs and the underground music scene there.

Of course, the Beastie Boys, Adam Yauch and Adam Horovitz and Mike Diamond, went a long way from there and became world-famous, putting out the first hip-hop album to top the Billboard charts, putting out albums that changed the face of hip-hop and music for decades, but also really rose above an early immature start in some ways to be an activist for good, deeply involved in humanist issues locally and around the world in highlighting abuses in Tibet and against Tibetans, and really trying be a voice for a positive influence across the nation and across the world.

For many people in my generation, the passing of Adam Yauch and of MCA was, because of its untimely nature and because of the influence that the Beastie Boys had, truly shocking and saddening.

I think that his career and the evolution of the Beastie Boys is so representative of something that happened in New York -- a New York City kid, born in Brooklyn, going to public schools, heading down into Manhattan on weekends and weeknights, trying to change the face of music, popularize a type of music that most people in those days hadn't heard of -- was so emblematic of New York in the early '80s. And their development, their popularity and expansion into looking into humanist and other important causes beyond their music over time.

So it is with great sadness that we mourn Adam Yauch and honor his life, his contributions to music, and his contributions to the world as an activist and an organizer for good.

He is survived by his wife and daughter, and our hearts go out to them. We're

very grateful, from Brooklyn Heights to the Lower East Side. And whatever happens in the future, we know that Adam Yauch and the Beastie Boys can't, won't, and don't stop.

Thank you, Madam President.

ACTING PRESIDENT LITTLE: Thank you, Senator Squadron.

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

(Response of "Aye.")

ACTING PRESIDENT LITTLE: Opposed, nay.

(No response.)

ACTING PRESIDENT LITTLE: The resolution is adopted.

And we extend our sympathy to the Yauch family. Thank you.

Senator Libous.

SENATOR LIBOUS: Madam President, there is a resolution at the desk by Senator Krueger, Number 4557. Could we have the title read and could you please call on Senator Krueger before its adoption.

ACTING PRESIDENT LITTLE: The Secretary will read.

THE SECRETARY: Legislative Resolution Number 4557, by Senator Krueger, celebrating the 89th Anniversary of Amelia Mary Earhart becoming the 16th woman to be issued a pilot's license by the International Aeronautical Federation, to be observed on May 15, 2012.

ACTING PRESIDENT LITTLE: Thank you.

Senator Krueger.

SENATOR KRUEGER: Thank you, Madam President.

I rise briefly to remind this house of the importance of a fascinating woman of history on this day of Women of Distinction where we are honoring, a little later this afternoon, so many wonderful women who are still alive and with us, but also to remember, in Women's History Month, the women that stood before us and whose shoulders we stand on.

Amelia Earhart is perhaps best known as the first major woman pilot who was lost at sea, breaking barriers and breaking records for her flights. But she was also a woman who was very strongly a believer in equal rights for women, equal rights to fair employment, equal

rights to be able to do jobs that men do. She was a supporter of the National Woman's Party, a friend of Eleanor Roosevelt, and an early supporter of the Equal Rights Amendment.

So in 2012, in New York, in Women's History Month, on the day we celebrate existing live Women of Distinction, I think it's important to remember the lessons of a woman like Amelia Earhart, who fought so early and so bravely for all of us on issues we are still fighting for today.

Earlier today the Senate held a roundtable on issues for women in the workforce, where we discussed the fact that women still only earn 73 to 75 cents on the dollar compared to men in the same types of jobs. We learned that there is no right to equal pay based on gender in the State of New York. We learned that we are still, in the State of New York, in this country of the United States, one of only three major nations in the world who do not have some kind of paid family-leave options. We have so far to go.

So on this great day where we remember the history of important women and we honor a generation of Women of Distinction,

please let this chamber not forget we have not completed our assignment as legislators in the great State of New York. We have much to do to ensure equal rights and equal protections for women in our own state in this time.

Thank you, Madam President.

ACTING PRESIDENT LITTLE: Thank you, Senator Krueger.

And thank you for this resolution on Amelia Earhart. I recall many years ago as a seventh-grader reading this biography and being very impressed with her.

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

(Response of "Aye.")

ACTING PRESIDENT LITTLE: Opposed, nay.

(No response.)

ACTING PRESIDENT LITTLE: The resolution is adopted.

Senator Libous.

SENATOR LIBOUS: Madam President, Senator Krueger has requested that all members to go on the resolution. And as our policy is, as always, if you wish not to be on the resolution,

let the desk know.

ACTING PRESIDENT LITTLE: Thank you. The resolution is open to all members of the Senate. Thank you.

Senator Libous.

SENATOR LIBOUS: Madam President, since we are on motions, I have something by Senator Robach. I wish to call up his bill, Print Number 6341A, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT LITTLE: The Secretary will read.

THE SECRETARY: Calendar Number 700, by Senator Robach, Senate Print 6341A, an act to amend the Alcoholic Beverage Control Law.

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

ACTING PRESIDENT LITTLE: The Secretary will call the roll on reconsideration of the vote.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT LITTLE: Senator Libous.

SENATOR LIBOUS: Thank you, Madam President. I now offer the following amendments.

ACTING PRESIDENT LITTLE: The amendments are received.

SENATOR LIBOUS: Thank you.

Madam President, at this time there's an immediate meeting of the Rules Committee in Room 332.

I would ask members, as quickly as the members of the Rules Committee can get to the meeting, we'll have the meeting and come right back to the floor so that we can reconvene.

ACTING PRESIDENT LITTLE: There will be an immediate meeting of the Rules Committee in Room 332.

The Senate will stand at ease.

(Whereupon, the Senate stood at ease at 4:12 p.m.)

(Whereupon, the Senate reconvened at 4:39 p.m.)

SENATOR LIBOUS: Madam President.

ACTING PRESIDENT LITTLE: Senator Libous.

SENATOR LIBOUS: May we return to

reports of standing committees. I believe there's a report of the Rules Committee at the desk.

ACTING PRESIDENT LITTLE: The Secretary will read.

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

Senate Print 6374, by Senator Montgomery, an act in relation to allowing;

Senate Print 7400, by Senator McDonald, an act to amend the Executive Law;

Senate Print 7407, by Senator Golden, an act to amend the Penal Law; and

Senate Print 7418, by Senator O'Mara, an act in relation to the date of primary elections.

All bills reported directly to third reading.

ACTING PRESIDENT LITTLE: Senator Libous.

SENATOR LIBOUS: Madam President, thank you. I move to accept the report of the Rules Committee.

ACTING PRESIDENT LITTLE: All in

favor of accepting the report of the Rules Committee signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT LITTLE: Opposed, nay.

(No response.)

ACTING PRESIDENT LITTLE: The report is accepted.

Senator Libous.

SENATOR LIBOUS: At this time we'll have the noncontroversial reading of the active list, please.

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

THE SECRETARY: Calendar Number 524, substituted earlier today by Member of the Assembly Jaffee, Assembly Print 669C, an act to amend the Public Health Law.

ACTING PRESIDENT LITTLE: Read the last section.

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

ACTING PRESIDENT LITTLE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT LITTLE: The bill is passed.

THE SECRETARY: Calendar Number 707, by Senator Saland, Senate Print 4436A, an act to amend the Penal Law.

ACTING PRESIDENT LITTLE: Read the last section.

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

ACTING PRESIDENT LITTLE: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT LITTLE: Announce the results.

THE SECRETARY: Ayes, 57. Nays, 3. Senators Duane, Montgomery, and Perkins recorded in the negative.

ACTING PRESIDENT LITTLE: The bill is passed.

THE SECRETARY: Calendar Number 719, by Senator Golden, Senate Print 2163, an act to establish.

ACTING PRESIDENT LITTLE: Read the last section.

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

ACTING PRESIDENT LITTLE: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT LITTLE: Announce the results.

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT LITTLE: The bill is passed.

Senator Golden to explain his vote.

SENATOR GOLDEN: To explain my vote.

I want to thank the conference and all those that will vote for this bill, and hopefully the Assembly will pass this bill as well and the Governor will go on to sign it.

Over 1300 children are killed in this country each and every year, and 80,000 just here in the State of New York are maltreated. It is $2.4 billion that we as a state spend on costs of incarceration, on court costs and foster care, and only $30 million do we spend on prevention.

I think this commission is long overdue. I think the approach of putting some

money in the front end, in the prevention area, could turn around and help us go in there and save a lot of children from this abuse that we see going on here in the State of New York.

I vote aye, and I thank my colleagues who are voting for this bill as well.

ACTING PRESIDENT LITTLE: Thank you, Senator Golden.

The Secretary will announce the results.

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT LITTLE: The bill is passed.

THE SECRETARY: Calendar Number 722, by Senator Ball, Senate Print 2423, an act to amend the Executive Law.

ACTING PRESIDENT LITTLE: Read the last section.

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

ACTING PRESIDENT LITTLE: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT LITTLE: Announce the results.

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT LITTLE: The bill is passed.

THE SECRETARY: Calendar Number 725, by Senator Martins, Senate Print 3778D, an act to amend the Public Authorities Law.

ACTING PRESIDENT LITTLE: Read the last section.

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

ACTING PRESIDENT LITTLE: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT LITTLE: Announce the results.

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT LITTLE: The bill is passed.

THE SECRETARY: Calendar Number 726, by Senator Griffo, Senate Print 3880B, an act to amend the Education Law.

ACTING PRESIDENT LITTLE: Read the last section.

THE SECRETARY: Section 2. This act shall take effect July 1, 2014.

ACTING PRESIDENT LITTLE: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT LITTLE: Announce the results.

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT LITTLE: The bill is passed.

THE SECRETARY: Calendar Number 730, by Senator Ritchie, Senate Print 4728A, an act to amend the Tax Law.

ACTING PRESIDENT LITTLE: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the same date and in the same manner as Section 3 of Chapter 583 of the Laws of 2011.

ACTING PRESIDENT LITTLE: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT LITTLE: Announce the results.

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

ACTING PRESIDENT LITTLE: The bill

is passed.

THE SECRETARY: Calendar Number 731, by Senator Young, Senate Print 4943, an act to amend the Tax Law.

ACTING PRESIDENT LITTLE: Read the last section.

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

ACTING PRESIDENT LITTLE: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT LITTLE: Announce the results.

THE SECRETARY: In relation to Calendar Number 731, those recorded in the negative are Senators Duane, Hassell-Thompson, Krueger and Perkins.

Ayes, 56. Nays, 4.

ACTING PRESIDENT LITTLE: The bill is passed.

THE SECRETARY: Calendar Number 734, by Senator DeFrancisco, Senate Print 5671A, an act to amend the State Finance Law.

ACTING PRESIDENT LITTLE: Read the last section.

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

ACTING PRESIDENT LITTLE: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT LITTLE: Announce the results.

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT LITTLE: The bill is passed.

THE SECRETARY: Calendar Number 736, by Senator Little, Senate Print 6718, an act to amend the Executive Law.

ACTING PRESIDENT LITTLE: Read the last section.

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

ACTING PRESIDENT LITTLE: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT LITTLE: Senator Oppenheimer, to explain your vote?

SENATOR OPPENHEIMER: Yes, I'd like to explain my vote, Madam President.

I'm going to be voting against

this, because the Adirondack Council is concerned about some things. This is to expedite the review process, and I understand that, and trying to make clarification on timetables for submitting and reviewing permits, and that's good.

But I think there's a couple of things that have to be addressed before -- maybe it could be held for further work in committee. Because this bill would remove the 60-day expiration of a permit issued by the agency if it is not recorded with the county clerk's office.

Now, we believe that this would lead to -- says the Adirondack Council -- to a lot of confusion and speculation and additional costs for the state, since a permit will never be recorded. And it can be pulled up at any time later on by someone seeking a different permit, and it can become very confusing. And there is no charge for these permits, so it would probably end up being an additional burden on the state.

And additionally, landowners and real estate investors could seek free permits from the APA even if they have no intention of using them now, and simply holding them

indefinitely when stronger regulations might be in place and prohibit the type of development that they're seeking.

So this has certain problems attached to it. And I appreciate what the Senator is trying to do. But if this could be held in committee, I think it would produce a better bill and would need further work.

So I'll be voting no because of the reasons I have just outlined.

ACTING PRESIDENT YOUNG: Senator Oppenheimer will be recorded in the negative.

Senator Little to explain her vote.

SENATOR LITTLE: Thank you, Madam President.

I really felt it was necessary to come down to explain this bill because I believe that there's a great misunderstanding.

The 60 days in the law said that you had to record the permit after it had been given in the county clerk's office. That's all we're doing, is removing.

You cannot put a shovel in the ground until the permit is recorded. Now, this

means that you go for a permit to build a house, you may then have to go get the financing for that house after you have the permit. You don't always get that financing, in today's day and age, in 60 days. The law says if it's not recorded in 60 days, the permit is no longer expired.

What we're trying to do, for the purposes of someone not having to go back and get another permit, is to say that they have more than 60 days to record their permit in the county clerk's office. And unless that permit is recorded in that office, you cannot begin construction of the building.

So I think it's quite a bit of misunderstanding here. And I vote aye, and I really would hope that people would take some consideration into the real facts here and support this bill as well.

Thank you.

ACTING PRESIDENT YOUNG: Thank you, Senator Little. You will be recorded in the affirmative.

Announce the results.

THE SECRETARY: In relation to

Calendar Number 736, those recorded in the negative are Senators Avella, Ball, Hassell-Thompson, Oppenheimer, and Perkins.

Ayes, 55. Nays, 5.

ACTING PRESIDENT YOUNG: The bill is passed.

Senator Libous, that completes the reading of the noncontroversial active list.

SENATOR LIBOUS: Thank you, Madam President.

At this time we're going to take up Supplemental Calendar 44A, and I'm going to take up first the noncontroversial reading of Calendar Number 811.

ACTING PRESIDENT YOUNG: Thank you, Senator Libous.

The Secretary will read.

THE SECRETARY: Calendar Number 811, by Senator Golden, Senate Print 7407, an act to amend the Penal Law.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the

roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Senator Golden to explain his vote.

SENATOR GOLDEN: Thank you, Madam President.

Again, I stand and rise to thank my colleagues for voting for this legislation, and hopefully in the Assembly, and that the Governor will sign this bill as quickly as possible.

To find out that the Court of Appeals had ruled, on the People versus Kent, on an individual that had accessed a computer and had viewed child pornography 132 different times, and found not guilty by the Court of Appeals because the word "viewing" and "possession" are two different -- and mean a total difference with the courts when it came to what viewing is.

We have no law here that says that you cannot view child pornography. The nation does. This bill codifies that and gives us the ability to go along with the national law that is in this country that you cannot view child pornography. The more child pornography is viewed, the more the need for more videos to be

made. The more videos that are made, the more children that are victimized and abused each and every year.

This is a great bill, and I tell my colleagues and ask my colleagues that -- thank you, and thank you, and I'll be voting yes, Madam President.

ACTING PRESIDENT YOUNG: Thank you, Senator Golden. You will be recorded as a yes.

Announce the results.

THE SECRETARY: In relation to Calendar Number 811, those recorded in the negative are Senators Duane, Montgomery, Parker and Perkins.

Ayes, 56. Nays, 4.

ACTING PRESIDENT YOUNG: The bill is passed.

Senator Libous.

SENATOR LIBOUS: Madam President, if we could bring up, noncontroversial, Calendar Number 812 next. And then if we can go to 809 after that.

ACTING PRESIDENT YOUNG: Thank you, Senator Libous.

The Secretary will read.

THE SECRETARY: Calendar Number 812, by Senator O'Mara, Senate Print 7418, an act in relation to the date of primary elections.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Announce the results.

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT YOUNG: The bill is passed.

The Secretary will continue to read.

THE SECRETARY: On page 1, Senator Montgomery moves to discharge, from the Committee on Civil Service and Pensions, Assembly Bill Number 9168 and substitute it for the identical Senate Bill Number 6374, Third Reading Calendar 809.

ACTING PRESIDENT YOUNG:

Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 809, by Member of the Assembly Millman, Assembly Print Number 9168, an act in relation to allowing.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Announce the results.

THE SECRETARY: In relation to Calendar 809, those recorded in the negative are Senators Ball, Griffo, LaValle, Ranzenhofer, Robach, and Saland. Also Senator Lanza.

Ayes, 53. Nays, 7.

ACTING PRESIDENT YOUNG: The bill is passed.

Senator Libous.

SENATOR LIBOUS: Madam President, Calendar Number 810, if you could lay it aside

for the day.

ACTING PRESIDENT YOUNG: Lay the bill aside for the day.

Senator Libous.

SENATOR LIBOUS: Could we return to motions, please.

ACTING PRESIDENT YOUNG: Motions and resolutions.

SENATOR LIBOUS: Thank you, Madam President.

On behalf of Senator DeFrancisco, I'd like to call up his bill, Print Number 2903B, which is recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT YOUNG: The Secretary will read.

THE SECRETARY: Calendar Number 138, by Senator DeFrancisco, Senate Print 2903B, an act to amend the Navigation Law.

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

ACTING PRESIDENT YOUNG: The Secretary will call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

SENATOR LIBOUS: Madam President, I offer up the following amendments.

ACTING PRESIDENT YOUNG: Thank you, Senator Libous. The amendments are received.

SENATOR LIBOUS: Madam President, at this time is there any further business at the desk?

ACTING PRESIDENT YOUNG: There is no further business before the desk, Senator Libous.

SENATOR LIBOUS: Thank you. There being no further business, I move that the Senate adjourn until Wednesday, May 16th, at 11:00 a.m.

ACTING PRESIDENT YOUNG: On motion, the Senate stands adjourned until Wednesday, May 16th, at 11:00 a.m.

(Whereupon, at 4:56 p.m., the Senate adjourned.)