

1 NEW YORK STATE SENATE

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4 THE STENOGRAPHIC RECORD

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9 ALBANY, NEW YORK

10 May 15, 2012

11 3:20 p.m.

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13
14 REGULAR SESSION

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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: We are
10 joined today by Rabbi Neal Joseph Loevinger of
11 Temple Beth El, Poughkeepsie, New York.

12 Rabbi?

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

15 Thank you, Senator Saland, for
16 inviting me.

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

25 This verse is inscribed on the

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

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

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

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

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

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

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

19 And let us say amen.

20 ACTING PRESIDENT LITTLE: Thank
21 you, Rabbi Loevinger.

22 Senator Saland.

23 SENATOR SALAND: Thank you,
24 Madam President.

25 I think Rabbi Loevinger's

1 eloquence certainly was captured by my friend and
2 colleague Senator DeFrancisco, who just said:

3 "Is he primarying you?"

4 (Laughter.)

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

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

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

23 Rabbi, thank you very much.

24 RABBI LOEVINGER: Thank you,
25 Senator.

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

3 ACTING PRESIDENT LITTLE: Thank
4 you very much.

5 RABBI LOEVINGER: Thank you,
6 Senator.

7 ACTING PRESIDENT LITTLE: Thank
8 you.

9 The reading of the Journal.

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

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

16 Presentation of petitions.

17 Messages from the Assembly.

18 The Secretary will read.

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

24 ACTING PRESIDENT LITTLE:
25 Substitution ordered.

1 Messages from the Governor.

2 Reports of standing committees.

3 The Secretary will read.

4 THE SECRETARY: Senator

5 DeFrancisco, from the Committee on Finance,

6 reports the following confirmation:

7 As member and chair of the Niagara

8 Frontier Transportation Authority, Howard A.

9 Zemsky, of Buffalo.

10 ACTING PRESIDENT LITTLE: Senator

11 DeFrancisco.

12 SENATOR DeFRANCISCO: Yes, I move

13 the nomination of Howard Zemsky as a member of

14 the Niagara Frontier Transportation Authority;

15 actually, as chairman.

16 And he went through the Senate

17 Finance Committee as well as the Transportation

18 Committee, and he is clearly qualified. And

19 we're very pleased that the Governor made the

20 nomination.

21 And I would move the nomination and

22 urge that the nomination be adopted.

23 ACTING PRESIDENT LITTLE: Thank

24 you, Senator DeFrancisco.

25 Senator Maziarz.

1 SENATOR MAZIARZ: Thank you very
2 much, Madam President.

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

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

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

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

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

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

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

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

17 Thank you.

18 ACTING PRESIDENT LITTLE: Thank
19 you, Senator Maziarz.

20 Senator Gallivan.

21 SENATOR GALLIVAN: Thank you,
22 Madam President.

23 I too rise to support the
24 nomination of Howard Zensky as chairman of the
25 NFTA.

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

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

14 Thank you, Madam President.

15 ACTING PRESIDENT LITTLE: Thank
16 you, Senator Gallivan.

17 Senator Grisanti.

18 SENATOR GRISANTI: Yes, thank you,
19 Madam President.

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

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

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

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

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

1 lines. Very important for the future of this
2 region.

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

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

8 Thank you.

9 ACTING PRESIDENT LITTLE: Thank
10 you, Senator Grisanti.

11 Senator Ranzenhofer.

12 SENATOR RANZENHOFER: Thank you,
13 Madam President.

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

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

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

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

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

12 Good luck.

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

15 Senator Kennedy.

16 SENATOR KENNEDY: Yes, thank you,
17 Madam President.

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

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

1 administrations have failed.

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

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

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

22 ACTING PRESIDENT LITTLE:

23 {Gaveling.}

24 SENATOR KENNEDY: -- economic
25 development awards from Albany.

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

5 (Laughter.)

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

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

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

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

24 Thank you very much.

25 ACTING PRESIDENT LITTLE: Thank

1 you, Senator Kennedy.

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

7 (Response of "Aye.")

8 ACTING PRESIDENT LITTLE: Those
9 opposed, nay.

10 (No response.)

11 ACTING PRESIDENT LITTLE: The
12 confirmation is confirmed.

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

20 (Standing ovation.)

21 ACTING PRESIDENT LITTLE: Reports
22 of select committees.

23 Communications and reports from
24 state officers.

25 Motions and resolutions.

1 Senator Libous.

2 SENATOR LIBOUS: Thank you,
3 Madam President.

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

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

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

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

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

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

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

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

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

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

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

21 ACTING PRESIDENT LITTLE: The
22 Secretary will read.

23 THE SECRETARY: Calendar Number
24 414, by Senator Saland, Senate Print 1414A, an
25 act to amend the Criminal Procedure Law.

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

4 ACTING PRESIDENT LITTLE: Call the
5 roll on reconsideration.

6 (The Secretary called the roll.)

7 THE SECRETARY: Ayes, 57.

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

10 ACTING PRESIDENT LITTLE: The
11 amendments are received.

12 Senator Libous.

13 SENATOR LIBOUS: Thank you,
14 Madam President.

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

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

21 (Response of "Aye.")

22 ACTING PRESIDENT LITTLE: Opposed,
23 nay.

24 (No response.)

25 ACTING PRESIDENT LITTLE: The

1 Resolution Calendar is adopted.

2 Senator Libous.

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

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

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

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

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

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

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

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

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

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

1 Fernandez, Ivine Galarza, Marie Goldstein,
2 Ardeane Greene-Cook, Bernell K. Grier,
3 Colleen Hassett-Mastine, Kathleen Henderson,
4 Sister Yliana Hernandez, Virginia Houseknecht,
5 Carol Houwaart-Diez, Reverend Debra Jameson,
6 Roselyn A. Johnson, Catherine Kingsley, Deborah
7 Slaner Larkin, Sheila Lewandowski, Mary Lindsay,
8 Gaye Mallet, The Honorable Patricia D. Marks,
9 Susan K. McGiver, Zenaida Mendez, Carol Meschkow,
10 Chandra S. Morgan, Major Jude B. Mulvey,
11 Loraine O'Donnell, Siobhan O'Neill, Dilletta
12 Pina, Dr. Jeanne S. Poindexter, Jean-Marie
13 Posner, Jan Rebeor, Joanne Rosenberger,
14 Ginny Salerno, Lisa Williams Schary, Reina
15 Schiffrin, Lorraine Sciulli, Sue Susman,
16 Victoria Thomas-Ramos, Alice Thorpe,
17 Katharine Tomasi, Marolyn Piersma Wilson, and
18 Denise Wright-Scott as 2012 New York State Senate
19 Women of Distinction, to be celebrated on
20 Tuesday, May 15, 2012, at the Annual Women of
21 Distinction Awards Ceremony in The Well of the
22 Legislative Office Building; and
23 "WHEREAS, Women have become part of
24 New York's lasting heritage by fighting against
25 stereotypes, prejudice, and seemingly

1 insurmountable obstacles; and

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

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

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

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

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

4 ACTING PRESIDENT LITTLE: Thank
5 you.

6 Senator Young.

7 SENATOR YOUNG: Thank you,
8 Madam President.

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

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

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

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

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

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

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

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

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

8 Thank you so much for all that you
9 do.

10 (Applause.)

11 ACTING PRESIDENT LITTLE: Thank
12 you, Senator Young.

13 Senator Hassell-Thompson.

14 SENATOR HASSELL-THOMPSON: Thank
15 you, Madam President.

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

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

1 so and will continue to make a great difference.

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

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

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

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

25 I know that the women that we are

1 honoring today are true inspirations to the next
2 generation. And as Secretary of State Hillary
3 Clinton once remarked, "There are no acceptable
4 limits and there are acceptable prejudices in the
5 21st century."

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

11 Thank you, Madam President.

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

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

16 (Response of "Aye.")

17 ACTING PRESIDENT LITTLE: Opposed,
18 nay.

19 (No response.)

20 ACTING PRESIDENT LITTLE: The
21 resolution is adopted.

22 Senator LaValle.

23 SENATOR LaVALLE: Yes.

24 Madam President, would you open up the resolution
25 for sponsorship.

1 ACTING PRESIDENT LITTLE: Yes.
2 The resolution has been opened for sponsorship.
3 Anyone who does not care to be on the resolution,
4 please signify to the desk. Thank you.
5 Let's recognize, please, our Women
6 of Distinction who are in the gallery today in
7 different spots. But we congratulate them, and
8 they truly are Women of Distinction.
9 We thank you for all that you're
10 doing in your community and for our state, and we
11 thank you for being here today. Congratulations.
12 (Standing ovation.)
13 ACTING PRESIDENT LITTLE: Thank
14 you.
15 Senator LaValle.
16 SENATOR LaVALLE: Madam President,
17 there is a resolution at the desk by
18 Senator DeFrancisco, Number 4421. It was
19 previously adopted by this house on May 8th. May
20 we have the title read and call on Senator
21 DeFrancisco.
22 ACTING PRESIDENT LITTLE: Thank
23 you.
24 The Secretary will read.
25 THE SECRETARY: Legislative

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

7 ACTING PRESIDENT LITTLE: Senator
8 DeFrancisco.

9 SENATOR DeFRANCISCO: Thank you,
10 Madam President.

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

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

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

25 There's a common thread about these

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

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

13 So it's an all-around individual
14 who has children in mind. And he's an
15 administrator that we all should be proud of, the
16 2012 Junior High School Administrator of the Year
17 Award to James Werbeck.

18 Mr. Werbeck, congratulations.

19 (Applause.)

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

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

1 Senator LaValle.

2 SENATOR LaVALLE: Thank you,
3 Madam President.

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

9 ACTING PRESIDENT LITTLE: The
10 Secretary will read.

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

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

25 "WHEREAS, Within every community of

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

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

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

22 "WHEREAS, In April 2012, raging
23 wildfires in the area encompassing the Towns of
24 Ridge and Manorville, New York, affected over
25 1,124 acres, making the fire among the 10 largest

1 fires in New York State since 1975; and

2 "WHEREAS, Working under very
3 difficult and dangerous conditions, approximately
4 200 firefighters from about 35 local area fire
5 departments battled the April 2012 wildfires in
6 Ridge and Manorville, New York, with 20 brush
7 trucks, 10 tankers and 10 engines; and

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

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

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

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

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

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

12 ACTING PRESIDENT LITTLE: Thank
13 you.

14 Senator LaValle.

15 SENATOR LaVALLE: Thank you,
16 Madam President.

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

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

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

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

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

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

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

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

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

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

12 ACTING PRESIDENT LITTLE: Thank
13 you, Senator LaValle.

14 Senator Fuschillo.

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

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

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

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

17 ACTING PRESIDENT LITTLE: Thank
18 you, Senator Fuschillo.

19 This resolution was adopted May 8th
20 in this body.

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

1 that had gotten out of control were enormous.

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

7 (Standing ovation.)

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

12 Senator LaValle.

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

18 ACTING PRESIDENT LITTLE: Thank
19 you.

20 The Secretary will read.

21 THE SECRETARY: Legislative
22 Resolution Number 4658, by Senator Zeldin,
23 honoring Anthony Nunziata upon the occasion of
24 his designation as Brookhaven Fire Department's
25 2012 Fireman of the Year.

1 ACTING PRESIDENT LITTLE: Senator
2 Zeldin.

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

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

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

25 He's here today with wife, Barbara,

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

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

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

12 (Standing ovation.)

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

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

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

20 (Response of "Aye.")

21 ACTING PRESIDENT LITTLE: Opposed,
22 nay.

23 (No response.)

24 ACTING PRESIDENT LITTLE: The
25 resolution is adopted.

1 Senator Libous.

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

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

9 Thank you.

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

15 ACTING PRESIDENT LITTLE: Thank
16 you.

17 The Secretary will read.

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

22 ACTING PRESIDENT LITTLE: Thank
23 you.

24 Senator Squadron.

25 SENATOR SQUADRON: Thank you,

1 Madam President.

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

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

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

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

6 I think that his career and the
7 evolution of the Beastie Boys is so
8 representative of something that happened in
9 New York -- a New York City kid, born in
10 Brooklyn, going to public schools, heading down
11 into Manhattan on weekends and weeknights, trying
12 to change the face of music, popularize a type of
13 music that most people in those days hadn't heard
14 of -- was so emblematic of New York in the early
15 '80s. And their development, their popularity
16 and expansion into looking into humanist and
17 other important causes beyond their music over
18 time.

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

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

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

5 Thank you, Madam President.

6 ACTING PRESIDENT LITTLE: Thank
7 you, Senator Squadron.

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

10 (Response of "Aye.")

11 ACTING PRESIDENT LITTLE: Opposed,
12 nay.

13 (No response.)

14 ACTING PRESIDENT LITTLE: The
15 resolution is adopted.

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

18 Senator Libous.

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

24 ACTING PRESIDENT LITTLE: The
25 Secretary will read.

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

7 ACTING PRESIDENT LITTLE: Thank
8 you.

9 Senator Krueger.

10 SENATOR KRUEGER: Thank you,
11 Madam President.

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

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

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

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

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

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

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

6 Thank you, Madam President.

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

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

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

15 (Response of "Aye.")

16 ACTING PRESIDENT LITTLE: Opposed,
17 nay.

18 (No response.)

19 ACTING PRESIDENT LITTLE: The
20 resolution is adopted.

21 Senator Libous.

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

1 let the desk know.

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

5 Senator Libous.

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

11 ACTING PRESIDENT LITTLE: The
12 Secretary will read.

13 THE SECRETARY: Calendar Number
14 700, by Senator Robach, Senate Print 6341A, an
15 act to amend the Alcoholic Beverage Control Law.

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

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

22 (The Secretary called the roll.)

23 THE SECRETARY: Ayes, 60.

24 ACTING PRESIDENT LITTLE: Senator
25 Libous.

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

4 ACTING PRESIDENT LITTLE: The
5 amendments are received.

6 SENATOR LIBOUS: Thank you.
7 Madam President, at this time
8 there's an immediate meeting of the Rules
9 Committee in Room 332.

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

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

17 The Senate will stand at ease.

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

20 (Whereupon, the Senate reconvened at
21 4:39 p.m.)

22 SENATOR LIBOUS: Madam President.

23 ACTING PRESIDENT LITTLE: Senator
24 Libous.

25 SENATOR LIBOUS: May we return to

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

4 ACTING PRESIDENT LITTLE: The
5 Secretary will read.

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

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

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

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

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

18 All bills reported directly to
19 third reading.

20 ACTING PRESIDENT LITTLE: Senator
21 Libous.

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

25 ACTING PRESIDENT LITTLE: All in

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

3 (Response of "Aye.")

4 ACTING PRESIDENT LITTLE: Opposed,
5 nay.

6 (No response.)

7 ACTING PRESIDENT LITTLE: The
8 report is accepted.

9 Senator Libous.

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

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

15 THE SECRETARY: Calendar Number
16 524, substituted earlier today by Member of the
17 Assembly Jaffee, Assembly Print 669C, an act to
18 amend the Public Health Law.

19 ACTING PRESIDENT LITTLE: Read the
20 last section.

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

23 ACTING PRESIDENT LITTLE: Call the
24 roll.

25 (The Secretary called the roll.)

1 THE SECRETARY: Ayes, 60.

2 ACTING PRESIDENT LITTLE: The bill
3 is passed.

4 THE SECRETARY: Calendar Number
5 707, by Senator Saland, Senate Print 4436A, an
6 act to amend the Penal Law.

7 ACTING PRESIDENT LITTLE: Read the
8 last section.

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

11 ACTING PRESIDENT LITTLE: Call the
12 roll.

13 (The Secretary called the roll.)

14 ACTING PRESIDENT LITTLE: Announce
15 the results.

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

19 ACTING PRESIDENT LITTLE: The bill
20 is passed.

21 THE SECRETARY: Calendar Number
22 719, by Senator Golden, Senate Print 2163, an act
23 to establish.

24 ACTING PRESIDENT LITTLE: Read the
25 last section.

1 THE SECRETARY: Section 8. 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: Announce
7 the results.

8 THE SECRETARY: Ayes, 60.

9 ACTING PRESIDENT LITTLE: The bill
10 is passed.

11 Senator Golden to explain his vote.

12 SENATOR GOLDEN: To explain my
13 vote.

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

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

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

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

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

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

9 The Secretary will announce the
10 results.

11 THE SECRETARY: Ayes, 60.

12 ACTING PRESIDENT LITTLE: The bill
13 is passed.

14 THE SECRETARY: Calendar Number
15 722, by Senator Ball, Senate Print 2423, an act
16 to amend the Executive Law.

17 ACTING PRESIDENT LITTLE: Read the
18 last section.

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

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, 60.

2 ACTING PRESIDENT LITTLE: The bill
3 is passed.

4 THE SECRETARY: Calendar Number
5 725, by Senator Martins, Senate Print 3778D, an
6 act to amend the Public Authorities Law.

7 ACTING PRESIDENT LITTLE: Read the
8 last section.

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

11 ACTING PRESIDENT LITTLE: Call the
12 roll.

13 (The Secretary called the roll.)

14 ACTING PRESIDENT LITTLE: Announce
15 the results.

16 THE SECRETARY: Ayes, 60.

17 ACTING PRESIDENT LITTLE: The bill
18 is passed.

19 THE SECRETARY: Calendar Number
20 726, by Senator Griffo, Senate Print 3880B, an
21 act to amend the Education Law.

22 ACTING PRESIDENT LITTLE: Read the
23 last section.

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

1 ACTING PRESIDENT LITTLE: Call the
2 roll.

3 (The Secretary called the roll.)

4 ACTING PRESIDENT LITTLE: Announce
5 the results.

6 THE SECRETARY: Ayes, 60.

7 ACTING PRESIDENT LITTLE: The bill
8 is passed.

9 THE SECRETARY: Calendar Number
10 730, by Senator Ritchie, Senate Print 4728A, an
11 act to amend the Tax Law.

12 ACTING PRESIDENT LITTLE: Read the
13 last section.

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

18 ACTING PRESIDENT LITTLE: Call the
19 roll.

20 (The Secretary called the roll.)

21 ACTING PRESIDENT LITTLE: Announce
22 the results.

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

25 ACTING PRESIDENT LITTLE: The bill

1 is passed.

2 THE SECRETARY: Calendar Number
3 731, by Senator Young, Senate Print 4943, an act
4 to amend the Tax Law.

5 ACTING PRESIDENT LITTLE: Read the
6 last section.

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

9 ACTING PRESIDENT LITTLE: Call the
10 roll.

11 (The Secretary called the roll.)

12 ACTING PRESIDENT LITTLE: Announce
13 the results.

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

18 Ayes, 56. Nays, 4.

19 ACTING PRESIDENT LITTLE: The bill
20 is passed.

21 THE SECRETARY: Calendar Number
22 734, by Senator DeFrancisco, Senate Print 5671A,
23 an act to amend the State Finance Law.

24 ACTING PRESIDENT LITTLE: Read the
25 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: Announce
7 the results.

8 THE SECRETARY: Ayes, 60.

9 ACTING PRESIDENT LITTLE: The bill
10 is passed.

11 THE SECRETARY: Calendar Number
12 736, by Senator Little, Senate Print 6718, an act
13 to amend the Executive Law.

14 ACTING PRESIDENT LITTLE: Read the
15 last section.

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

18 ACTING PRESIDENT LITTLE: Call the
19 roll.

20 (The Secretary called the roll.)

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

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

25 I'm going to be voting against

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

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

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

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

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

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

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

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

13 Senator Little to explain her
14 vote.

15 SENATOR LITTLE: Thank you,
16 Madam President.

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

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

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

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

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

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

20 Thank you.

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

24 Announce the results.

25 THE SECRETARY: In relation to

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

4 Ayes, 55. Nays, 5.

5 ACTING PRESIDENT YOUNG: The bill
6 is passed.

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

9 SENATOR LIBOUS: Thank you,
10 Madam President.

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

15 ACTING PRESIDENT YOUNG: Thank
16 you, Senator Libous.

17 The Secretary will read.

18 THE SECRETARY: Calendar Number
19 811, by Senator Golden, Senate Print 7407, an act
20 to amend the Penal Law.

21 ACTING PRESIDENT YOUNG: Read the
22 last section.

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

25 ACTING PRESIDENT YOUNG: Call the

1 roll.

2 (The Secretary called the roll.)

3 ACTING PRESIDENT YOUNG: Senator
4 Golden to explain his vote.

5 SENATOR GOLDEN: Thank you, Madam
6 President.

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

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

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

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

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

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

11 Announce the results.

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

16 Ayes, 56. Nays, 4.

17 ACTING PRESIDENT YOUNG: The bill
18 is passed.

19 Senator Libous.

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

24 ACTING PRESIDENT YOUNG: Thank
25 you, Senator Libous.

1 The Secretary will read.

2 THE SECRETARY: Calendar Number
3 812, by Senator O'Mara, Senate Print 7418, an act
4 in relation to the date of primary elections.

5 ACTING PRESIDENT YOUNG: Read the
6 last section.

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

9 ACTING PRESIDENT YOUNG: Call the
10 roll.

11 (The Secretary called the roll.)

12 ACTING PRESIDENT YOUNG: Announce
13 the results.

14 THE SECRETARY: Ayes, 60.

15 ACTING PRESIDENT YOUNG: The bill
16 is passed.

17 The Secretary will continue to
18 read.

19 THE SECRETARY: On page 1, Senator
20 Montgomery moves to discharge, from the Committee
21 on Civil Service and Pensions, Assembly Bill
22 Number 9168 and substitute it for the identical
23 Senate Bill Number 6374, Third Reading Calendar
24 809.

25 ACTING PRESIDENT YOUNG:

1 Substitution ordered.

2 The Secretary will read.

3 THE SECRETARY: Calendar Number
4 809, by Member of the Assembly Millman, Assembly
5 Print Number 9168, an act in relation to
6 allowing.

7 ACTING PRESIDENT YOUNG: Read the
8 last section.

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

11 ACTING PRESIDENT YOUNG: Call the
12 roll.

13 (The Secretary called the roll.)

14 ACTING PRESIDENT YOUNG: Announce
15 the results.

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

20 Ayes, 53. Nays, 7.

21 ACTING PRESIDENT YOUNG: The bill
22 is passed.

23 Senator Libous.

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

1 for the day.

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

4 Senator Libous.

5 SENATOR LIBOUS: Could we return
6 to motions, please.

7 ACTING PRESIDENT YOUNG: Motions
8 and resolutions.

9 SENATOR LIBOUS: Thank you,
10 Madam President.

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

15 ACTING PRESIDENT YOUNG: The
16 Secretary will read.

17 THE SECRETARY: Calendar Number
18 138, by Senator DeFrancisco, Senate Print 2903B,
19 an act to amend the Navigation Law.

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

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

25 (The Secretary called the roll.)

1 THE SECRETARY: Ayes, 60.

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

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

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

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

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

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

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

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