NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

May 21, 2012

3:15 p.m.

REGULAR SESSION

SENATOR JACK MARTINS, Acting President

FRANCIS W. PATIENCE, Secretary

P R O C E E D I N G S

ACTING PRESIDENT MARTINS: 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 MARTINS: Please remain standing.

We have the Reverend Peter G. Young, from Mother Teresa Community in Albany, here for the invocation.

REVEREND YOUNG: Thank you, Senator.

Let us pray.

By being a Senator, you have accepted the leadership position so that you can more fully serve the people of New York State.

In this spirit of community, our prayer today will be to better achieve the goal of dedicated representation in the power that is entrusted to all of our legislative leadership.

May you attain your satisfaction in your services to all of your constituents.

Amen.

ACTING PRESIDENT MARTINS: The reading of the Journal.

THE SECRETARY: In Senate, Sunday, May 20th, the Senate met pursuant to adjournment. The Journal of Saturday, May 19th, was read and approved. On motion, Senate adjourned.

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

Presentation of petitions.

Messages from the Assembly.

The Secretary will read.

THE SECRETARY: On page 28, Senator McDonald moves to discharge, from the Committee on Transportation, Assembly Bill Number 3363 and substitute it for the identical Senate Bill Number 3170, Third Reading Calendar 547.

ACTING PRESIDENT MARTINS: Substitution ordered.

Messages from the Governor.

Reports of standing committees.

Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

Senator Libous.

SENATOR LIBOUS: Mr. President, could you please call on Senator Breslin.

ACTING PRESIDENT MARTINS: Senator Breslin.

SENATOR BRESLIN: Thank you, Mr. President.

On behalf of Senator Stewart-Cousins, on page number 37 I offer the following amendments to Calendar Number 696, Senate Print Number 6634, and ask that the said bill retain its place on the Third Reading Calendar.

ACTING PRESIDENT MARTINS: The amendments are received, and the bill will retain its place on the third reading of the calendar.

SENATOR BRESLIN: Thank you, Mr. President.

On behalf of Senator Hassell-Thompson, on page number 27 I offer the

following amendments to Calendar Number 503, Senate Print Number 6457, and ask that said bill retain its place on the Third Reading Calendar.

ACTING PRESIDENT MARTINS: The amendments are received, and the bill will retain its place on the third reading of the calendar.

SENATOR BRESLIN: Thank you, Mr. President.

ACTING PRESIDENT MARTINS: Thank you, Senator Breslin.

Senator Libous.

SENATOR LIBOUS: Thank you, Mr. President.

On behalf of Senator Skelos, I wish to call up his bill, Senate Print 6162, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT MARTINS: The Secretary will read.

THE SECRETARY: Calendar Number 221, by Senator Skelos, Senate Print 6162, an act to authorize.

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

ACTING PRESIDENT MARTINS: The

Secretary will call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 46.

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

ACTING PRESIDENT MARTINS: The amendments are received.

SENATOR LIBOUS: Mr. President, also on behalf of Senator Skelos, I wish to call up his bill, Senate Print Number 6297, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT MARTINS: The Secretary will read.

THE SECRETARY: Calendar Number 225, by Senator Skelos, Senate Print 6297, an act to authorize.

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

ACTING PRESIDENT MARTINS: Call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 49.

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

ACTING PRESIDENT MARTINS: The amendments are received.

SENATOR LIBOUS: Mr. President, on behalf of Senator Robach, I wish to call up his bill, Senate Print 6740, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT MARTINS: The Secretary will read.

THE SECRETARY: Calendar Number 568, by Senator Robach, Senate Print 6740, an act to amend the Insurance Law.

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

ACTING PRESIDENT MARTINS: Call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 51.

ACTING PRESIDENT MARTINS: Senator Libous.

SENATOR LIBOUS: I now offer the following amendments.

ACTING PRESIDENT MARTINS: The amendments are received.

Senator Libous.

SENATOR LIBOUS: Thank you, Mr. President.

On behalf of Senator Maziarz, on page 36 I offer the following amendments to Calendar Number 674, Senate Print 515, and ask that said bill retain its place on the Third Reading Calendar.

ACTING PRESIDENT MARTINS: The amendments are received, and the bill will retain its place on third reading of the calendar.

SENATOR LIBOUS: Thank you, Mr. President.

On behalf of Senator Zeldin, on page 32 I offer the following amendments to Calendar Number 615, Senate Print 6872, and ask that said bill retain its place on the Third Reading Calendar.

ACTING PRESIDENT MARTINS: The amendments are received, and the bill will retain its place on the third reading of the calendar.

Senator Libous.

SENATOR LIBOUS: Thank you, Mr. President.

May we have the reading of the noncontroversial calendar at this time, please.

ACTING PRESIDENT MARTINS: The Secretary will read.

THE SECRETARY: Calendar Number 44, by Senator Nozzolio, Senate Print 5208B, an act to amend the Real Property Tax Law.

ACTING PRESIDENT MARTINS: Read the last section.

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

ACTING PRESIDENT MARTINS: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 51.

ACTING PRESIDENT MARTINS: The bill is passed.

THE SECRETARY: Calendar Number 70, by Senator Grisanti, Senate Print 3497A, an act to amend the General Business Law.

ACTING PRESIDENT MARTINS: Read the last section.

THE SECRETARY: Section 5. This act shall take effect on the 180th day.

ACTING PRESIDENT MARTINS: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 51.

ACTING PRESIDENT MARTINS: The bill is passed.

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

ACTING PRESIDENT MARTINS: Read the last section.

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

ACTING PRESIDENT MARTINS: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 51.

ACTING PRESIDENT MARTINS: The bill is passed.

THE SECRETARY: Calendar Number 212, by Senator Martins, Senate Print 4285B, an act to amend the General Municipal Law.

ACTING PRESIDENT MARTINS: Read the last section.

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

ACTING PRESIDENT MARTINS: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 51.

ACTING PRESIDENT MARTINS: The bill is passed.

THE SECRETARY: Calendar Number 238, by Member of the Assembly Paulin, Assembly Print Number 8414A, an act to amend the Public Health Law.

SENATOR LIBOUS: Lay it aside for the day.

ACTING PRESIDENT MARTINS: The bill is laid aside for the day.

THE SECRETARY: Calendar Number 358, by Senator Zeldin, Senate Print 5634E, an act to amend the General Municipal Law.

ACTING PRESIDENT MARTINS: There is a home-rule message at the desk.

Read the last section.

THE SECRETARY: Section 13. This act shall take effect immediately.

ACTING PRESIDENT MARTINS: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 50. Nays, 1. Senator Ball recorded in the negative.

ACTING PRESIDENT MARTINS: The bill is passed.

THE SECRETARY: Calendar Number 361, by Senator Gallivan, Senate Print 6606, an act to amend the Local Finance Law.

ACTING PRESIDENT MARTINS: There is a home-rule message at the desk.

Read the last section.

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

ACTING PRESIDENT MARTINS: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 50. Nays, 1. Senator Ball recorded in the negative.

ACTING PRESIDENT MARTINS: The bill is passed.

THE SECRETARY: Calendar Number 460, by Senator McDonald, Senate Print 4762A, an act to amend the Environmental Conservation Law.

ACTING PRESIDENT MARTINS: Read the last section.

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

ACTING PRESIDENT MARTINS: Call

the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 53.

ACTING PRESIDENT MARTINS: The bill is passed.

THE SECRETARY: Calendar Number 546, by Senator Golden, Senate Print 2918, an act to amend the Vehicle and Traffic Law.

ACTING PRESIDENT MARTINS: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the first of November.

ACTING PRESIDENT MARTINS: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 52. Nays, 1. Senator Montgomery recorded in the negative.

ACTING PRESIDENT MARTINS: The bill is passed.

THE SECRETARY: Calendar Number 547, substituted earlier by Member of the Assembly Lavine, Assembly Print Number 3363, an act to amend the Vehicle and Traffic Law.

ACTING PRESIDENT MARTINS: Read the last section.

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

ACTING PRESIDENT MARTINS: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 53.

ACTING PRESIDENT MARTINS: The bill is passed.

THE SECRETARY: Calendar Number 575, by Senator Libous, Senate Print 1071B, an act to amend the State Finance Law.

ACTING PRESIDENT MARTINS: Read the last section.

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

ACTING PRESIDENT MARTINS: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 53.

ACTING PRESIDENT MARTINS: The bill is passed.

THE SECRETARY: Calendar Number 643, by Senator Griffo, Senate Print 4194, an act to amend the Banking Law.

ACTING PRESIDENT MARTINS: Read

the last section.

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

ACTING PRESIDENT MARTINS: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: In relation to Calendar Number 643, those recorded in the negative are Senators Hassell-Thompson, Montgomery, Parker, and Perkins.

Ayes, 49. Nays, 4.

ACTING PRESIDENT MARTINS: The bill is passed.

THE SECRETARY: Calendar Number 662, by Senator Grisanti, Senate Print 2409E, an act to amend the Agriculture and Markets Law.

ACTING PRESIDENT MARTINS: Read the last section.

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

ACTING PRESIDENT MARTINS: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 55.

ACTING PRESIDENT MARTINS: The

bill is passed.

THE SECRETARY: Calendar Number 708, by Senator Ball, Senate Print 5296, an act to amend the Penal Law.

ACTING PRESIDENT MARTINS: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the first of November.

ACTING PRESIDENT MARTINS: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 55.

ACTING PRESIDENT MARTINS: The bill is passed.

Senator Libous.

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

ACTING PRESIDENT MARTINS: No, there is not.

SENATOR LIBOUS: Mr. President, there being no further business, I move that we adjourn until Tuesday, May 22nd, at 3:00 p.m.

ACTING PRESIDENT MARTINS: On motion, the Senate stands adjourned until

Tuesday, May 22nd, at 3:00 p.m.

(Whereupon, at 3:26 p.m., the Senate adjourned.)