

1 NEW YORK STATE SENATE

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3
4 THE STENOGRAPHIC RECORD

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7
8 ALBANY, NEW YORK

9
10 May 31, 2012

11 11:16 a.m.

12
13
14 REGULAR SESSION

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17
18 SENATOR JOSEPH GRIFFO, Acting President

19 FRANCIS W. PATIENCE, Secretary

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

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

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

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

9 ACTING PRESIDENT GRIFFO: In the
10 absence of clergy, I ask all to bow our heads
11 in a moment of silent reflection and prayer.

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

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

16 THE SECRETARY: In Senate,
17 Wednesday, May 30th, the Senate met pursuant
18 to adjournment. The Journal of Tuesday,
19 May 29th, was read and approved. On motion,
20 Senate adjourned.

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

24 Presentation of petitions.

25 Messages from the Assembly.

1 The Secretary will read.

2 THE SECRETARY: On page 39,
3 Senator Bonacic moves to discharge, from the
4 Committee on Judiciary, Assembly Bill Number
5 9400 and substitute it for the identical
6 Senate Bill Number 6624, Third Reading
7 Calendar 787.

8 ACTING PRESIDENT GRIFFO: The
9 substitution is so ordered.

10 THE SECRETARY: On page 39,
11 Senator Hannon moves to discharge, from the
12 Committee on Judiciary, Assembly Bill Number
13 9836 and substitute it for the identical
14 Senate Bill Number 6977, Third Reading
15 Calendar 790.

16 ACTING PRESIDENT GRIFFO: The
17 substitution is so ordered.

18 THE SECRETARY: On page 41,
19 Senator Hannon moves to discharge, from the
20 Committee on Health, Assembly Bill Number 9901
21 and substitute it for the identical Senate
22 Bill Number 6972, Third Reading Calendar 818.

23 ACTING PRESIDENT GRIFFO: And
24 the substitution is so ordered.

25 THE SECRETARY: And on page 48,

1 Senator Diaz moves to discharge, from the
2 Committee on Energy and Telecommunications,
3 Assembly Bill Number 759A and substitute it
4 for the identical Senate Bill Number 502A,
5 Third Reading Calendar 964.

6 ACTING PRESIDENT GRIFFO: The
7 substitution is so ordered.

8 Messages from the Governor.

9 Reports of standing committees.

10 Reports of select committees.

11 Communications and reports from
12 state officers.

13 Motions and resolutions.

14 Senator LaValle.

15 SENATOR LaVALLE: Mr. President,
16 on behalf of Senator Ritchie, on page 16 I
17 offer the following amendments to Calendar
18 Number 289, Senate Print Number 5641, and ask
19 that said bill retain its place on Third
20 Reading Calendar.

21 ACTING PRESIDENT GRIFFO: The
22 amendments are received, and the bill shall
23 retain its place on third reading.

24 SENATOR LaVALLE: Mr. President,
25 on behalf of Senator Grisanti, on page 26 I

1 offer the following amendments to Calendar
2 Number 594, Senate Print Number 6268B, and ask
3 that said bill retain its place on the
4 Third Reading Calendar.

5 ACTING PRESIDENT GRIFFO: The
6 amendments are received, and the bill shall
7 retain its place on third reading.

8 Senator LaValle.

9 SENATOR LaVALLE: Mr. President,
10 may we please adopt the Resolution Calendar, with
11 the exception of Resolution 4963.

12 ACTING PRESIDENT GRIFFO: All in
13 favor of adopting the Resolution Calendar, with
14 the exception of Resolution Number 4963, signify
15 by saying aye.

16 (Response of "Aye.")

17 ACTING PRESIDENT GRIFFO:
18 Opposed?

19 (No response.)

20 ACTING PRESIDENT GRIFFO: The
21 Resolution Calendar is adopted.

22 Senator LaValle.

23 SENATOR LaVALLE: Mr. President, I
24 believe there is a resolution by Senator Little
25 at the desk, Number 4963. I ask that it be read

1 in its entirety and then call on Senator Little.

2 ACTING PRESIDENT GRIFFO: The
3 Secretary will read.

4 THE SECRETARY: Legislative
5 Resolution Number 4963, by Senator Little,
6 memorializing Governor Andrew M. Cuomo to
7 proclaim May 31 through June 6, 2012, as Museum
8 Week in the State of New York.

9 "WHEREAS, The State of New York
10 takes great pride in participating in special
11 days of recognition for its esteemed
12 institutions; and

13 "WHEREAS, Attendant to such
14 concern, and in full accord with its
15 long-standing traditions, it is the sense of this
16 Legislative Body to memorialize Governor Andrew
17 M. Cuomo to proclaim May 31 through June 6, 2012,
18 as Museum Week in the State of New York; and

19 "WHEREAS, On this most auspicious
20 occasion, New York State is celebrating the
21 diversity and richness of its museums by inviting
22 residents and visitors alike to discover the
23 fascinating worlds of art, photography, history,
24 science, pop culture, and more; and

25 "WHEREAS, From May 31 through

1 June 6, 2012, more than 200 museums across the
2 state will be part of the inaugural New York
3 State Museum Week and will be offering special
4 events, activities and promotions to give guests
5 a sample of the exhibitions and programs
6 available at the nearly 2,000 museums located
7 throughout New York; and

8 "WHEREAS, New York's diverse array
9 of museums, historic homes, zoos and botanical
10 gardens offer something for everyone and every
11 family; and

12 "WHEREAS, Museum Week will
13 highlight the wide array of educational, cultural
14 and historic attractions that are available
15 throughout the state for New Yorkers and visitors
16 from around the world; and

17 "WHEREAS, The participating
18 organizations and institutions, located in every
19 part of New York State, are not only vital
20 cultural resources for our state, they are also
21 important economic engines for their communities;
22 and

23 "WHEREAS, From ancient treasures to
24 the 'I Love Lucy' sound stage, Museum Week offers
25 New Yorkers and travelers from around the world

1 an opportunity to visit what is collectively the
2 most impressive and unique cultural experiences
3 anywhere to be found; and

4 "WHEREAS, Our museums celebrate and
5 preserve our historic and cultural heritage, as
6 well as enrich our communities and play a vital
7 role in the state's economy; and

8 "WHEREAS, This Legislative Body
9 takes pleasure in celebrating Museum Week,
10 recognizing the important and unique role our
11 museums play in education, tourism and community
12 development for our cities, towns and villages
13 throughout this great Empire State; now,
14 therefore, be it

15 "RESOLVED, That this Legislative
16 Body pause in its deliberations to memorialize
17 Governor Andrew M. Cuomo to proclaim May 31
18 through June 6, 2012, as Museum Week in the State
19 of New York; and be it further

20 "RESOLVED, That a copy of this
21 resolution, suitably engrossed, be transmitted to
22 The Honorable Andrew M. Cuomo, Governor of the
23 State of New York."

24 ACTING PRESIDENT GRIFFO: Senator
25 Little.

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

3 First of all, I'd like to begin by
4 thanking Governor Cuomo for proclaiming this as
5 the first-ever New York State Museum Week, which
6 I think is going to kick off our summer tourist
7 season and help all of us to recognize the small
8 museums and the large museums that exist in our
9 districts.

10 I'd also like to thank "I Love
11 New York" for participating, for developing a
12 website, for really working with us, and in
13 particular Kelly Rabideau of "I Love New York"
14 for her efforts in this. Also, the executive
15 director of the New York State Association of
16 Museums, Anne Ackerson, for her participation.

17 I'd also like to thank my
18 colleagues for participating and for recognizing
19 your museums that are in your district.

20 I know we have sent out a blast
21 email to many of the people that we email telling
22 them about it. I also have a kick-off event this
23 afternoon at the Hyde Museum, which is located in
24 Glens Falls, and will be attending and looking at
25 the other museums throughout the week.

1 This is an opportunity for our
2 wonderful New York State museums, historic sites,
3 botanical gardens and those things to celebrate
4 their existence and to offer specials,
5 promotions, and get people interested. As we
6 begin the summer season and make our travel
7 plans, we would be encouraging people to not only
8 think of where they're going to vacation but to
9 look in their own backyard for activities and
10 things that they can do there, and particularly
11 by visiting a museum.

12 And visiting a museum this week
13 that's participating is very special, and it also
14 gives a taste of what is there. From the
15 Slate Museum that I have in Granville to larger
16 museums that we have in the Plattsburgh area, the
17 Olympic Museum in Lake Placid, we have so many
18 places and so many things.

19 And so many of our small museums do
20 not have the budget and the money to market
21 themselves. So I believe that having this
22 first-ever New York State Museum Week will help
23 call attention to these wonderful resources in
24 New York State.

25 And I thank all of you for

1 participating and making this a special week.

2 Thank you, Mr. President.

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

5 Senator Serrano.

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

8 And I want to convey my gratitude
9 to the chair of the Cultural Affairs Committee,
10 Senator Little, and thank her for her leadership,
11 and "I Love New York" and all of the agencies
12 involved with Museum Week.

13 And as Senator Little mentioned,
14 this is a wonderful opportunity to showcase all
15 the wonderful cultural venues that we have
16 throughout our state, especially our museums.
17 And with the firm understanding that the economic
18 engine, one of the main economic engines in
19 New York State is our tourism sector, as well as
20 our cultural and entertainment sector.

21 We see every day what museums and
22 cultural institutions do for New York City. It's
23 obvious to anyone who knows the city that
24 New York would not be the amazing city that it is
25 had it not been for the cultural venues that

1 attract tourists from all over the world and
2 bring in dollars from all over the world.

3 So I think it's important that on a
4 state level we showcase all of the wonders that
5 we have. We have so much to offer on a state
6 level. And this will give museums a wonderful
7 opportunity to draw in patrons to learn; the
8 educational opportunities are endless.

9 And once again, I applaud Senator
10 Little for her leadership on this.

11 Thank you very much.

12 ACTING PRESIDENT GRIFFO: Senator
13 Farley.

14 SENATOR FARLEY: Yes, I rise to
15 support Senator Little's resolution.

16 You know, museums in New York
17 State, we have a wealth source of history and
18 art. And in my own district I have seven or
19 eight that are participating in this. And it is
20 a tremendous tourist attraction. It is
21 tremendous particularly for upstate New York,
22 which needs the revenue and the tourism.

23 But these museums are a wonderful
24 wealth source in this state, and it's something
25 that we can be very proud of. And it's something

1 that Senator Little, in her resolution, and the
2 Governor, for promoting our museums around the
3 state.

4 And I think it's a very exciting
5 week that is coming up, and I hope that everybody
6 participates. Thank you.

7 ACTING PRESIDENT GRIFFO: Thank
8 you, Senator Farley.

9 Senator Little.

10 SENATOR LITTLE: Thank you,
11 Mr. President.

12 And I was remiss in saying that I
13 would hope everyone would be interested in being
14 on this museum resolution. We open it up to all
15 the members of the Senate and hope you'll
16 participate.

17 Thank you.

18 ACTING PRESIDENT GRIFFO: At the
19 sponsor's request, the resolution will be open
20 for cosponsorship. If you choose not to be a
21 cosponsor, notify the desk.

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

24 (Response of "Aye.")

25 ACTING PRESIDENT GRIFFO:

1 Opposed?

2 (No response.)

3 ACTING PRESIDENT GRIFFO: The
4 resolution is adopted.

5 Senator LaValle.

6 SENATOR LaVALLE: Mr. President,
7 may we please have the noncontroversial reading
8 of the calendar.

9 ACTING PRESIDENT GRIFFO: The
10 Secretary will read.

11 THE SECRETARY: Calendar Number
12 729, by Senator Nozzolio, Senate Print 4512A, an
13 act to amend the Retirement and Social Security
14 Law.

15 ACTING PRESIDENT GRIFFO: Read the
16 last section.

17 SENATOR LaVALLE: Lay it aside for
18 the day, please.

19 ACTING PRESIDENT GRIFFO: Lay the
20 bill aside for the day.

21 THE SECRETARY: Calendar Number
22 742, by Senator Nozzolio, Senate Print 7021A, an
23 act to amend the Public Authorities Law.

24 ACTING PRESIDENT GRIFFO: Read the
25 last section.

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

3 ACTING PRESIDENT GRIFFO: Call the
4 roll.

5 (The Secretary called the roll.)

6 THE SECRETARY: Ayes, 53.

7 ACTING PRESIDENT GRIFFO: The bill
8 is passed.

9 THE SECRETARY: Calendar Number
10 745, by Senator Maziarz, Senate Print 7327, an
11 act to amend the Public Authorities Law.

12 ACTING PRESIDENT GRIFFO: Read the
13 last section.

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

16 ACTING PRESIDENT GRIFFO: Call the
17 roll.

18 (The Secretary called the roll.)

19 THE SECRETARY: Ayes, 53.

20 ACTING PRESIDENT GRIFFO: The bill
21 is passed.

22 THE SECRETARY: Calendar Number
23 748, by Senator Hannon, Senate Print 7243, an act
24 to amend the Civil Service Law.

25 ACTING PRESIDENT GRIFFO: Read the

1 last section.

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

4 ACTING PRESIDENT GRIFFO: Call the
5 roll.

6 (The Secretary called the roll.)

7 ACTING PRESIDENT GRIFFO: Senator
8 Little to explain her vote.

9 SENATOR LITTLE: Thank you.

10 I am a no vote on this bill. And
11 it sounds like a horrible thing to be doing;
12 however, as a member of the Mandate Relief
13 Council, this is a mandate that I think that we
14 should not be passing at this time.

15 So thank you.

16 ACTING PRESIDENT GRIFFO: Senator
17 Little to be recorded in the negative.

18 Announce the results.

19 THE SECRETARY: Ayes, 50. Nays,
20 3. Senators Little, O'Mara and Ritchie recorded
21 in the negative.

22 ACTING PRESIDENT GRIFFO: The bill
23 is passed.

24 THE SECRETARY: Calendar Number
25 750, by Senator Young, Senate Print 773, an act

1 to amend the Agriculture and Markets Law.

2 ACTING PRESIDENT GRIFFO: Read the
3 last section.

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

6 ACTING PRESIDENT GRIFFO: Call the
7 roll.

8 (The Secretary called the roll.)

9 THE SECRETARY: Ayes, 52. Nays,
10 1. Senator Little recorded in the negative.

11 ACTING PRESIDENT GRIFFO: The bill
12 is passed.

13 THE SECRETARY: Calendar Number
14 764, by Senator Maziarz, Senate Print 518, an act
15 to amend the Penal Law.

16 ACTING PRESIDENT GRIFFO: Read the
17 last section.

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

20 ACTING PRESIDENT GRIFFO: Call the
21 roll.

22 (The Secretary called the roll.)

23 THE SECRETARY: Ayes, 53.

24 ACTING PRESIDENT GRIFFO: The bill
25 is passed.

1 THE SECRETARY: Calendar Number
2 770, by Senator Bonacic, Senate Print 6426, an
3 act to amend the Alcoholic Beverage Control Law.

4 ACTING PRESIDENT GRIFFO: Read the
5 last section.

6 THE SECRETARY: Section 4. This
7 act shall take effect on the 180th day.

8 ACTING PRESIDENT GRIFFO: Call the
9 roll.

10 (The Secretary called the roll.)

11 THE SECRETARY: Ayes, 52. Nays,
12 1. Senator Fuschillo recorded in the negative.

13 ACTING PRESIDENT GRIFFO: The bill
14 is passed.

15 THE SECRETARY: Calendar Number
16 772, by Senator Farley, Senate Print 6770, an act
17 to authorize.

18 ACTING PRESIDENT GRIFFO: Read the
19 last section.

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

22 ACTING PRESIDENT GRIFFO: Call the
23 roll.

24 (The Secretary called the roll.)

25 THE SECRETARY: Ayes, 52. Nays,

1 1. Senator Fuschillo recorded in the negative.

2 ACTING PRESIDENT GRIFFO: The bill
3 is passed.

4 THE SECRETARY: Calendar Number
5 773, by Senator Larkin, Senate Print 6986, an act
6 to amend the Alcoholic Beverage Control Law.

7 ACTING PRESIDENT GRIFFO: Read the
8 last section.

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

11 ACTING PRESIDENT GRIFFO: Call the
12 roll.

13 (The Secretary called the roll.)

14 THE SECRETARY: Ayes, 53. Nays,

15 1. Senator Fuschillo recorded in the negative.

16 ACTING PRESIDENT GRIFFO: The bill
17 is passed.

18 THE SECRETARY: Calendar Number
19 778, by Senator Oppenheimer, Senate Print 6290,
20 an act in relation.

21 ACTING PRESIDENT GRIFFO: Read the
22 last section.

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

25 ACTING PRESIDENT GRIFFO: Call the

1 roll.

2 (The Secretary called the roll.)

3 THE SECRETARY: Ayes, 54.

4 ACTING PRESIDENT GRIFFO: The bill
5 is passed.

6 THE SECRETARY: Calendar Number
7 779, by Senator Ritchie, Senate Print 7138, an
8 act to amend the Vehicle and Traffic Law.

9 ACTING PRESIDENT GRIFFO: Read the
10 last section.

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

13 ACTING PRESIDENT GRIFFO: Call the
14 roll.

15 (The Secretary called the roll.)

16 THE SECRETARY: Ayes, 54.

17 ACTING PRESIDENT GRIFFO: The bill
18 is passed.

19 THE SECRETARY: Calendar Number
20 783, by Senator Robach, Senate Print 490, an act
21 to amend the Domestic Relations Law.

22 ACTING PRESIDENT GRIFFO: Read the
23 last section.

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

1 ACTING PRESIDENT GRIFFO: Call the
2 roll.

3 (The Secretary called the roll.)

4 THE SECRETARY: Ayes, 54.

5 ACTING PRESIDENT GRIFFO: The bill
6 is passed.

7 THE SECRETARY: Calendar Number
8 787, substituted earlier by Member of the
9 Assembly Weinstein, Assembly Print 9400, an act
10 to amend Chapter 363 of the Laws of 2010.

11 ACTING PRESIDENT GRIFFO: Read the
12 last section.

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

15 ACTING PRESIDENT GRIFFO: Call the
16 roll.

17 (The Secretary called the roll.)

18 THE SECRETARY: Ayes, 54.

19 ACTING PRESIDENT GRIFFO: The bill
20 is passed.

21 THE SECRETARY: Calendar Number
22 790, substituted earlier by Member of the
23 Assembly Abinanti, Assembly Print 9836, an act to
24 amend the Surrogate's Court Procedure Act.

25 ACTING PRESIDENT GRIFFO: Read the

1 last section.

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

4 ACTING PRESIDENT GRIFFO: Call the
5 roll.

6 (The Secretary called the roll.)

7 THE SECRETARY: Ayes, 54.

8 ACTING PRESIDENT GRIFFO: The bill
9 is passed.

10 THE SECRETARY: Calendar Number
11 792, by Senator Maziarz, Senate Print 3203B, an
12 act to amend the Tax Law.

13 ACTING PRESIDENT GRIFFO: Read the
14 last section.

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

17 ACTING PRESIDENT GRIFFO: Call the
18 roll.

19 (The Secretary called the roll.)

20 THE SECRETARY: Ayes, 54.

21 ACTING PRESIDENT GRIFFO: The bill
22 is passed.

23 THE SECRETARY: Calendar Number
24 799, by Senator Farley, Senate Print 5129, by an
25 act to amend the State Finance Law.

1 ACTING PRESIDENT GRIFFO: Read the
2 last section.

3 THE SECRETARY: Section 2. This
4 act shall take effect on the 180th day.

5 ACTING PRESIDENT GRIFFO: Call the
6 roll.

7 (The Secretary called the roll.)

8 THE SECRETARY: Ayes, 54.

9 ACTING PRESIDENT GRIFFO: The bill
10 is passed.

11 THE SECRETARY: Calendar Number
12 818, substituted earlier by Member of the
13 Assembly Titone, Assembly Print 9901, an act to
14 amend the Public Health Law.

15 ACTING PRESIDENT GRIFFO: Read the
16 last section.

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

19 ACTING PRESIDENT GRIFFO: Call the
20 roll.

21 (The Secretary called the roll.)

22 THE SECRETARY: Ayes, 54.

23 ACTING PRESIDENT GRIFFO: The bill
24 is passed.

25 THE SECRETARY: Calendar Number

1 832, by Senator Marcellino, Senate Print 6999A,
2 an act to authorize.

3 ACTING PRESIDENT GRIFFO: Read the
4 last section.

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

7 ACTING PRESIDENT GRIFFO: Call the
8 roll.

9 (The Secretary called the roll.)

10 THE SECRETARY: Ayes, 51. Nays,
11 3. Senators Bonacic, Larkin and O'Mara recorded
12 in the negative.

13 ACTING PRESIDENT GRIFFO: The bill
14 is passed.

15 THE SECRETARY: Calendar Number
16 842, by Senator Seward, Senate Print 6978, an act
17 to amend the Insurance Law.

18 ACTING PRESIDENT GRIFFO: Read the
19 last section.

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

22 ACTING PRESIDENT GRIFFO: Call the
23 roll.

24 (The Secretary called the roll.)

25 THE SECRETARY: Ayes, 53. Nays,

1 1. Senator Peralta recorded in the negative.

2 ACTING PRESIDENT GRIFFO: The bill
3 is passed.

4 THE SECRETARY: Calendar Number
5 871, by Senator Lanza, Senate Print 2937A, an act
6 to amend the Penal Law.

7 ACTING PRESIDENT GRIFFO: Read the
8 last section.

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

11 ACTING PRESIDENT GRIFFO: Call the
12 roll.

13 (The Secretary called the roll.)

14 THE SECRETARY: Ayes, 54.

15 ACTING PRESIDENT GRIFFO: The bill
16 is passed.

17 THE SECRETARY: Calendar Number
18 964, substituted earlier by Member of the
19 Assembly Dinowitz, Assembly Print 759A, an act to
20 amend the Elder Law.

21 ACTING PRESIDENT GRIFFO: Read the
22 last section.

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

25 ACTING PRESIDENT GRIFFO: Call the

1 roll.

2 (The Secretary called the roll.)

3 THE SECRETARY: Ayes, 54.

4 ACTING PRESIDENT GRIFFO: The bill
5 is passed.

6 THE SECRETARY: Calendar Number
7 965, by Senator Kennedy, Senate Print 4726, an
8 act to amend the Penal Law.

9 ACTING PRESIDENT GRIFFO: Read the
10 last section.

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

13 ACTING PRESIDENT GRIFFO: Call the
14 roll.

15 (The Secretary called the roll.)

16 ACTING PRESIDENT GRIFFO: Senator
17 Kennedy to explain his vote.

18 SENATOR KENNEDY: Thank you,
19 Mr. President.

20 I want to thank my colleagues for
21 their support on this important piece of
22 legislation today.

23 This legislation will make criminal
24 impersonation of a disabled veteran vendor a
25 Class A misdemeanor. When someone impersonates a

1 disabled veteran vendor for personal gain,
2 they're committing a truly shameful act. Once
3 this becomes law, the legislation will ensure
4 this reprehensible act becomes a punishable
5 crime.

6 Not only does impersonation of a
7 disabled veteran vendor deceive the buying
8 public, it also inflicts serious economic pain
9 upon actual disabled veteran vendors. This
10 deception results in the theft of business that
11 rightfully belongs to men and women who make
12 great sacrifices and service to this country.

13 People often make the conscious
14 decision to purchase goods or services from a
15 disabled veteran-owned business. Impersonating a
16 disabled veteran vendor deprives veterans of an
17 economic benefit they earned after protecting our
18 freedoms.

19 Making the impersonation of a
20 veteran vendor a Class A misdemeanor will
21 establish a deterrent to this criminal activity,
22 and it will ensure law enforcement has the tools
23 to crack down on anyone who impersonates a
24 disabled veteran business owner. It will stop
25 people who try to cheat the system and steal from

1 veterans.

2 With this bill, offenders who
3 defraud the public by pretending to be disabled
4 veteran vendors can be punished with up to one
5 year in prison. This legislation will set the
6 precedent that in New York State you won't get
7 away with defrauding veterans out of benefits
8 that they've earned.

9 We must do all we can to protect
10 our veterans, and this legislation is an
11 important next step. Under this bill we will
12 stand up and stop those who impersonate
13 veteran-owned businesses in attempts to deceive
14 their way into stealing businesses from veterans
15 who gave so much for our state and our nation.

16 Thank you, Mr. President. I vote
17 aye.

18 ACTING PRESIDENT GRIFFO: Senator
19 Kennedy to be recorded in the affirmative.

20 Announce the results.

21 THE SECRETARY: Ayes, 52. Nays,
22 2. Senators Montgomery and Perkins recorded in
23 the negative.

24 ACTING PRESIDENT GRIFFO: The bill
25 is passed.

1 THE SECRETARY: Calendar Number
2 967, by Senator Diaz, Senate Print 6237, an act
3 to amend the Correction Law.

4 ACTING PRESIDENT GRIFFO: Read the
5 last section.

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

8 ACTING PRESIDENT GRIFFO: Call the
9 roll.

10 (The Secretary called the roll.)

11 THE SECRETARY: Ayes, 54.

12 ACTING PRESIDENT GRIFFO: The bill
13 is passed.

14 THE SECRETARY: Calendar Number
15 968, by Senator Peralta, Senate Print 6292, an
16 act to amend the Penal Law.

17 ACTING PRESIDENT GRIFFO: Read the
18 last section.

19 THE SECRETARY: Section 8. This
20 act shall take effect on the first of November.

21 ACTING PRESIDENT GRIFFO: Call the
22 roll.

23 (The Secretary called the roll.)

24 ACTING PRESIDENT GRIFFO: Senator
25 Peralta to explain his vote.

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

3 I want to thank all my colleagues
4 for voting on this bill today.

5 As you know, a terrorist plot to do
6 us harm may be hatched in another country
7 thousands of miles from here, but some of the
8 tools to make it happen are being produced right
9 here in our own backyard. Actually, they're
10 being produced in my backyard more than in anyone
11 else's.

12 The stretch of Roosevelt Avenue in
13 my district from about 75th Street up to
14 103rd Street has been identified by investigators
15 as the East Coast epicenter of fake ID production
16 and sale. Forged documents available on
17 Roosevelt Avenue include driver's licenses,
18 passports and Social Security cards. There are
19 believed to be 10 or more mills churning out
20 these forgeries.

21 But it is not simply a matter of
22 quantity but of quality as well. And it is the
23 quality of these forged documents, coupled with
24 the fact that they are so easy to obtain, that
25 undermines the hard work of Homeland Security and

1 law enforcement to keep us safe.

2 Given the quality of these forged
3 official documents and their ready availability
4 on Roosevelt Avenue and elsewhere, it should come
5 as no surprise that we're seeing fake IDs at the
6 heart of a number of criminal enterprises,
7 scandals and tragedies, from identity theft to
8 college entrance exams to deaths on our
9 roadways.

10 The fake ID and forgery business
11 has been thriving on Roosevelt Avenue for many,
12 many years. The Queens District Attorney,
13 Richard Brown, has worked very hard on this issue
14 for years. I approached DA Brown and asked him
15 how I could help, and we came up with this piece
16 of legislation.

17 Under this bill, the manufacture
18 and sale of a false document would be upgraded
19 from a Class D to a Class C felony, roughly
20 doubling jail sentences. It would also make
21 forging an ID a more serious offense than other
22 forgeries -- say of a MetroCard, for example.

23 Penalties for possessing a fake ID
24 or other false document will remain the same.
25 That's important to keep in mind, because as

1 things stand today, an underage drinker caught
2 with a fake ID potentially faces the same
3 punishment under the law as somebody running a
4 fake ID mill.

5 Simply put, this bill very
6 specifically and directly singles out the real
7 threats to society. It does that by defining
8 sale in a way that helps police and prosecutors
9 target every link in the chain of sale, making it
10 more difficult for forged document rings to
11 operate, whether on Roosevelt Avenue or anyplace
12 in New York State.

13 So I want to thank my colleagues
14 for voting yea on this piece of legislation.

15 ACTING PRESIDENT GRIFFO: Senator
16 Peralta to be recorded in the affirmative.

17 Announce the results.

18 THE SECRETARY: Ayes, 53. Nays,
19 1. Senator Duane recorded in the negative.

20 ACTING PRESIDENT GRIFFO: The bill
21 is passed.

22 THE SECRETARY: Calendar Number
23 971, by Senator Robach, Senate Print 7490, an act
24 to amend Chapter 557 of the Laws of 2001.

25 ACTING PRESIDENT GRIFFO: Read the

1 last section.

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

4 ACTING PRESIDENT GRIFFO: Call the
5 roll.

6 (The Secretary called the roll.)

7 THE SECRETARY: Ayes, 53. Nays,
8 2. Senators Duane and Gallivan recorded in the
9 negative.

10 ACTING PRESIDENT GRIFFO: The bill
11 is passed.

12 Senator Libous, that completes the
13 reading of the noncontroversial calendar.

14 SENATOR LIBOUS: Could we please
15 go back to motions, please.

16 ACTING PRESIDENT GRIFFO: We're
17 back to motions.

18 SENATOR LIBOUS: On behalf of
19 Senator Ranzenhofer, on page 13 I offer the
20 following amendments to Calendar Number 140,
21 Senate Print 5198C, and ask that said bill retain
22 its place on the Third Reading Calendar.

23 ACTING PRESIDENT GRIFFO: The
24 amendments are received, and the bill shall
25 retain its place on third reading.

1 SENATOR LIBOUS: Again on behalf
2 of Senator Ranzenhofer, on page 26 I offer the
3 following amendments to Calendar Number 564,
4 Senate Print 6614, and ask that said bill retain
5 its place on the Third Reading Calendar.

6 ACTING PRESIDENT GRIFFO: The
7 amendments are received, and the bill shall
8 retain its place on third reading.

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

11 ACTING PRESIDENT GRIFFO: There is
12 no further business.

13 SENATOR LIBOUS: Mr. President, I
14 have an announcement. There will be a meeting of
15 the Crime Victims, Crime and Corrections
16 Committee immediately following session in
17 Room 124.

18 ACTING PRESIDENT GRIFFO: Meeting
19 in Room 124 immediately following session of the
20 Crime Victims, Crime and Corrections Committee.

21 Senator Libous.

22 SENATOR LIBOUS: Mr. President,
23 there being no further business, I move we
24 adjourn until Monday, June 4th, at 3:00 p.m.,
25 intervening days being legislative days.

1 ACTING PRESIDENT GRIFFO: On
2 motion, the Senate stands adjourned until Monday,
3 June 4th, at 3:00 p.m., intervening days being
4 legislative days.

5 Senate adjourned.

6 (Whereupon, at 11:42 a.m., the
7 Senate adjourned.)

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