NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

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June 5, 2012

3:26 p.m.

REGULAR SESSION

SENATOR JOSEPH GRIFFO, Acting President

FRANCIS W. PATIENCE, Secretary

P R O C E E D I N G S

ACTING PRESIDENT GRIFFO: The Senate will come to order.

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

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

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

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

ACTING PRESIDENT GRIFFO: The reading of the Journal.

THE SECRETARY: In Senate, Monday, June 4th, the Senate met pursuant to adjournment. The Journal of Sunday, June 3rd, was read and approved. On motion, Senate adjourned.

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

Presentation of petitions.

Messages from the Assembly.

The Secretary will read.

THE SECRETARY: On page 22, Senator Hassell-Thompson moves to discharge, from the Committee on Education, Assembly Bill Number 8924A and substitute it for the identical Senate Bill Number 6457A, Third Reading Calendar 503.

ACTING PRESIDENT GRIFFO: The substitution is so ordered.

THE SECRETARY: On page 27, Senator Robach moves to discharge, from the Committee on Labor, Assembly Bill Number 9657 and substitute it for the identical Senate Bill Number 6806, Third Reading Calendar 636.

ACTING PRESIDENT GRIFFO: The substitution is so ordered.

THE SECRETARY: On page 36, Senator Bonacic moves to discharge, from the Committee on Judiciary, Assembly Bill Number 8344A and substitute it for the identical Senate Bill Number 6657, Third Reading Calendar 789.

ACTING PRESIDENT GRIFFO: The

substitution is so ordered.

THE SECRETARY: And on page 42, Senator Hannon moves to discharge, from the Committee on Finance, Assembly Bill Number 10103 and substitute it for the identical Senate Bill Number 7083, Third Reading Calendar 892.

ACTING PRESIDENT GRIFFO: The substitution is so ordered.

Messages from the Governor.

Reports of standing committees.

Reports of select committees.

Communications and reports of state officers.

Motions and resolutions.

Senator Libous.

SENATOR LIBOUS: Mr. President, would you first call on Senator Breslin for a motion, please.

ACTING PRESIDENT GRIFFO: Senator Breslin.

SENATOR BRESLIN: Thank you, Mr. President.

On behalf of Senator Breslin, on page number 34 I offer the following

amendments to Calendar Number 758, Senate Print Number 6849A, and ask that the bill retain its place on the Third Reading Calendar.

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

SENATOR BRESLIN: Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: Thank you, Senator Breslin.

Senator Libous.

SENATOR LIBOUS: Thank you, Mr. President.

On behalf of Senator Golden, Mr. President, on page 45 I offer the following amendments to Calendar Number 917, Senate Print 1749B, and ask that said bill retain its place on the Third Reading Calendar.

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

SENATOR LIBOUS: Thank you, Mr. President.

On behalf of Senator Gallivan, on page 13 I offer the following amendments to

Calendar Number 238, Senate Print 6069A, and ask that said bill retain its place on the Third Reading Calendar.

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

SENATOR LIBOUS: On behalf of Senator Marcellino, I wish to call up his bill, Senate Print 6547, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: Calendar Number 278, by Senator Marcellino, Senate Print 6547, an act to amend the Alcoholic Beverage Control Law.

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

ACTING PRESIDENT GRIFFO: Call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 50.

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

ACTING PRESIDENT GRIFFO: The

amendments are received.

SENATOR LIBOUS: Mr. President, on behalf of Senator Little, I wish to call up her bill, Print 6719, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: Calendar Number 622, by Senator Little, Senate Print 6719, an act to amend the Parks, Recreation and Historic Preservation Law.

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

ACTING PRESIDENT GRIFFO: Call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 50.

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

ACTING PRESIDENT GRIFFO: The amendments are received.

Senator Libous.

SENATOR LIBOUS: Mr. President, at this time there will be an immediate meeting of

the Rules Committee in Room 332, an immediate meeting of the Rules Committee in Room 332. And we will vote and then come immediately back to session.

ACTING PRESIDENT GRIFFO: There is an immediate meeting of the Rules Committee in Room 332.

The Senate stands at ease.

(Whereupon, the Senate stood at ease at 3:31 p.m.)

(Whereupon, the Senate reconvened at 3:44 p.m.)

ACTING PRESIDENT GRIFFO: The Senate will come to order.

Senator Libous.

SENATOR LIBOUS: Mr. President, if we can return to reports of standing committees, I believe there's a report of the Rules Committee at the desk. I ask that it be read at this time.

ACTING PRESIDENT GRIFFO: Returning to reports of standing committees, the Secretary will read the report of the Rules Committee.

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

following bill direct to third reading:

Senate Print 7447, by Senator LaValle, an act to amend the Real Property Tax Law.

SENATOR LIBOUS: I move to accept the report of the Rules Committee, Mr. President.

ACTING PRESIDENT GRIFFO: All in favor of accepting the Rules Committee report signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT GRIFFO: Those opposed?

(No response.)

ACTING PRESIDENT GRIFFO: The report is accepted.

Senator Libous.

SENATOR LIBOUS: Thank you, Mr. President.

Mr. President, before I call a Finance Committee meeting, I just want members to know that while Finance is going on we will commence with doing motions. There's a number of members who have people here and want to make some statements, so we'll continue with that part of session.

But I will call an immediate meetings of the Finance Committee right now in Room 332. There will be an immediate meeting of the Finance Committee in Room 332.

ACTING PRESIDENT GRIFFO: There is an immediate meeting of the Finance Committee. The Senate will remain in session and take up resolutions.

Senator Libous.

SENATOR LIBOUS: Thank you, Mr. President. Can we go to motions and resolutions at this time.

ACTING PRESIDENT GRIFFO: We will go to motions and resolutions, Senator Libous.

SENATOR LIBOUS: Mr. President, I would like to adopt the Resolution Calendar at this time, with the exception of Resolutions 4998, 5010, 5058, 5129, 5130 and 5140.

ACTING PRESIDENT GRIFFO: All in favor of accepting and adopting the Resolution Calendar, with the exception of Resolutions 4998, 5010, 5058, 5129, 5130 and 5140, signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT GRIFFO: Opposed,

nay.

(No response.)

ACTING PRESIDENT GRIFFO: The Resolution Calendar is adopted.

Senator Libous.

SENATOR LIBOUS: Mr. President, before we go on, I would just wait for staff and members to file out of the chamber. We'll ask the sergeant to close the doors as soon as everybody is filed out. Okay, members are coming in. Thank you very much, Sarge.

Okay, Mr. President, now that we've got a little order in the chamber, I believe there's a resolution at the desk by Senator Golden, Resolution Number 5140. I ask that it be read in its entirety and ask for its immediate adoption. But I believe Senator Golden would like to speak on the resolution, and possibly Senator Peralta, but I don't -- yes, there he is.

Thank you.

ACTING PRESIDENT GRIFFO: I would ask for some order in the chamber, please.

And the Secretary will read.

THE SECRETARY: Legislative Resolution Number 5140, by Senator Golden,

congratulating Johan Santana of the New York Mets upon the occasion of pitching the first no-hitter in Mets history.

"WHEREAS, It is incumbent upon the people of the State of New York to recognize those individuals within our midst who have contributed greatly to the quality of our lives by a commitment to excellence; and

"WHEREAS, It is the sense of this Legislative Body to pay tribute to outstanding athletes who distinguish themselves through their exceptional performance, attaining unprecedented success and the highest level of personal achievement; and

"WHEREAS, Excellence and success in competitive sports at the professional level can be achieved only through strenuous practice. Johan Santana's dedication to athletics is a year-round, everyday commitment. He is highly focused and has developed a matchless work ethic; and

"WHEREAS, On Friday, June 1, 2012, Johan Santana of the New York Mets pitched the first no-hitter in the Mets' 51-year history. It was Santana's first career no-hitter; and

"WHEREAS, Johan Santana's outstanding eight-strikeout, five-walk performance in an 8-0, no-hit win over the defending World Series champion St. Louis Cardinals ended the Mets' wait for a no-hitter after 8,019 games. Santana threw a career-high 134 pitches in his record-setting outing; and

"WHEREAS, The spectacular and historic pitching gem by Johan Santana was witnessed by 27,069 hometown fans at the Mets' Citi Field in New York; and

"WHEREAS, Johan Santana's bid for the historic no-hitter was preserved in the seventh inning by Queens New Yorker Mike Baxter's tremendous catch in left field of a Yadier Molina line drive. Baxter crashed into the wall while making the catch and had to leave the game with an injury; and

"WHEREAS, Johan Santana has now thrown consecutive shutouts for the New York Mets. His no-hitter follows an outstanding 9-0 victory on May 26, 2012, against the San Diego Padres; and

"WHEREAS, The two-time winner of baseball's prestigious Cy Young award, Johan

Santana is in his 12th major league season. He missed the entire 2011 season following surgery on his pitching shoulder. When he pitched for the Mets on opening day this year, it was his first major league appearance since September 2, 2010; and

"WHEREAS, Johan Santana's exemplary, record-setting and unprecedented performance for the New York Mets is reflective of his dedication, determination and personal commitment. His achievements stand as a hallmark of what is best in the families, schools, and communities across New York State; and

"WHEREAS, Throughout the entire period of his outstanding athletic career, Johan Santana of the New York Mets has stood constant in dignity, good grace and humor, and has earned the respect and admiration of his managers, coaches, teammates, opponents, fans, family and friends; and

"WHEREAS, The auspicious occasion of Johan Santana pitching the first no-hitter in the history of the New York Mets presents a unique opportunity for this Legislative Body to recognize and pay tribute to Johan Santana and

his exceptional athletic prowess and achievements; and

"WHEREAS, This Legislative Body is moved to honor Johan Santana for his extraordinary athletic accomplishments, which are a tribute to his skill, dedication and commitment; now, therefore, be it

"RESOLVED, That this Legislative Body pause in its deliberations to congratulate Johan Santana of the New York Mets upon the occasion of pitching the first no-hitter in Mets history; and be it further

"RESOLVED, That a copy of this resolution, suitably engrossed, be transmitted to Johan Santana of the New York Mets."

ACTING PRESIDENT GRIFFO: Senator Golden.

SENATOR GOLDEN: Thank you, Mr. President.

It is truly -- last Friday's no-hitter, and of course having John Franco here in our chambers actually topped off a great few days here in the State of New York. Sports has long had a special place in New Yorkers' hearts. And as fans, we invest a lot into our teams.

A big reason I think we love our sports is that they are ultimate reality TV. Sports can often reflect our lives and important values like teamwork and perseverance in a way few other things can.

But what truly makes sports so special are those rare, extraordinary moments that come along every so often -- the moments that make thousands of people cheer as one, the moments that send chills of joy through our body and bring tears to our eyes. These are the moments we tell our kids and our grandkids about, how we were there or watching when.

Now, as Mets fans, unfortunately, these special moments haven't been as frequent as I'd prefer. But this past Friday we saw something that many believed may never come. Starting pitcher Johan Santana threw the first no-hitter in Mets history.

It was a long road full of ups and downs to get here to this point. I think that perseverance was a lesson Mets fans knew all too well. Fifty years, 8019 games without a no-hitter. All-time great Tom Seaver threw five one-hitters over his 12-year career with the Mets

and three times making it to the ninth inning before giving one up. Other greats, Nolan Ryan and Dwight "Doc" Gooden, couldn't do it either.

Seven pitchers have thrown them after leaving the Mets. The Mets and the San Diego Padres are the only teams without one. But now the Padres are on their own. Only the 11th start for Santana since major shoulder surgery, and over 27,000 New Yorkers on their feet in the stands, along with countless others all around our country. Great fielding helped, from players like Mike Baxter.

Eight strikeouts for Santana. As any Met fan can attest to, it was a long, hard path to get there. But Johan Santana's performance Friday night was worth the wait.

It's a great achievement for the ace pitcher, the team, the organization and the fans. I'm pleased to recognize this great feat with this resolution for what was truly an amazing night and an amazing night in sports.

Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: Thank you, Senator Golden.

Senator Peralta.

SENATOR PERALTA: Thank you, Mr. President.

In celebrating their 50th anniversary this season, the Mets have quite frankly been simply amazing. With exactly a third of the season complete, the Mets and their fans woke up Monday morning to find themselves eight games above 500 and tied for first.

While it's probably not a bet any of us would have made back in spring training, it's certainly a situation we would have signed up for without hesitation before opening day.

Hopefully the magic will continue and the team will achieve the kind of success diehards have been hoping for for years. But even if nothing else comes of this season, we will always have Friday's magical performance by Johan Santana to cherish.

The Mets have had great pitchers who have thrown no-hitters during their storied careers -- pitchers like Tom Seaver, Nolan Ryan, Dwight Gooden, and David Cone, just to name a few. But they just never threw any of these no-hitters wearing a Mets uniform.

It was appropriate for this magical

baseball night to have occurred during the Mets' 50th anniversary season, and it was poetically fitting for it to have been produced by the great Johan Santana.

Now, I would have liked to introduce a resolution myself recognizing Friday night's historic performance for a team that calls my district home. I put in a request first thing Monday morning to do so. But apparently Senator Golden has a Batphone for resolutions that I don't have.

But seriously, folks, I want to take the opportunity to thank the sponsor for recognizing this amazing feat and introducing this great resolution.

Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: Thank you, Senator Peralta.

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

(Response of "Aye.")

ACTING PRESIDENT GRIFFO: Opposed, nay.

(No response.)

ACTING PRESIDENT GRIFFO: The

resolution is adopted.

Senator Libous.

SENATOR LIBOUS: If it would be all right with Senator Peralta and Senator Golden, could we open this resolution up for those of us who are Met fans and maybe even some Yankee fans and some Boston Red Sox fans and whatever. If it would be all right with the sponsors.

And if someone would not like to be on the resolution, as --

(Inaudible comments; laughter.)

ACTING PRESIDENT GRIFFO: The resolution is open for cosponsorship. If you choose not to be a cosponsor, please signify by notifying the desk.

SENATOR LIBOUS: Mr. President, I think Senator Espaillat has a statement he --

(Laughter).

SENATOR LIBOUS: Anyway, we would do that.

There's a resolution now presently at the desk by Senator Ritchie, Resolution Number 4900. It was previously adopted, Mr. President, by the house on the 31st of May. Could we please

have it read in its entirety and call on Senator Ritchie.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: Legislative Resolution Number 4900, by Senator Ritchie, congratulating the Phoenix High School Wrestling Team upon the occasion of capturing the 2012 New York State Division II Championship.

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

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

"WHEREAS, On February 25, 2012, the Phoenix High School Wrestling Team captured the New York State Division II Championship in

Albany, New York; and

"WHEREAS, In winning the prestigious team title, the Phoenix Firebirds revealed a spectacular team performance which received the top score of 72.5 points and the title of New York State Division II champions; and

"WHEREAS, The athletic talent displayed by the championship 2011-2012 Phoenix High School Wrestling Team is due in great part to the efforts of its coaches, skilled and inspirational mentors, respected for their ability to develop potential into excellence; and

"WHEREAS, The overall record of the 2011-2012 Phoenix High School Wrestling Team was outstanding, and the team members were loyally and enthusiastically supported by family, fans, friends and the community at large; and

"WHEREAS, The hallmarks of the 2011-2012 Phoenix High School Wrestling Team throughout the season were a brotherhood of athletic ability, of good sportsmanship, of honor and of scholarship, demonstrating that these team players are second to none; and

"WHEREAS, Athletically and

academically, the team members have proven themselves to be an unbeatable combination of talents, reflecting favorably on their school and community; and

"WHEREAS, Head Coach Gene Mills and Assistant Coach Dave Devito have done a superb job in guiding, molding and inspiring the 2011-2012 Phoenix High School Wrestling Team members toward their goals; and

"WHEREAS, Sports competition instills the values of teamwork, pride and accomplishment. The team's coaches and outstanding athletes have clearly made a contribution to the spirit of excellence which is a tradition of their school; now, therefore, be it

"RESOLVED, That this Legislative Body pause in its deliberations to congratulate the 2011-2012 Phoenix High School Wrestling Team; its members -- Brad Dietz, Nick Tighe, Rowdy Prior, Tyler Button, Trever Ferens, William Hilliard, Alex Fatcheric, Dom Lauricella, Ryan Coe, Justin Rhodes and Austyn Hayes -- and Coaches Gene Mills and Dave Devito on their outstanding season and overall team record; and

be it further

"RESOLVED, That copies of this resolution, suitably engrossed, be transmitted to the 2011-2012 Phoenix High School Wrestling Team and to the aforementioned coaches."

ACTING PRESIDENT GRIFFO: Senator Ritchie.

SENATOR RITCHIE: Thank you, Mr. President.

It's my pleasure today to host the Phoenix High School Wrestling Team here in the chamber.

In February the Firebirds, as they're more commonly known, captured the 2012 New York State Division II Championship. This was no easy task. They put in a lot of hours, a lot of time in the gym, very dedicated, spent a lot of time as a team making sure that they were successful this year.

They didn't do it alone; they had their two coaches with them. Coach Mills and Coach Devito, thank you for all you've done for the team. Thank you for your guidance.

Not alone when they were out at each one of the matches, they had a lot of

supporters from the community -- families, friends, and fans.

So I'd just like my colleagues to join in commending you on your outstanding season and on capturing the state championship.

Thank you.

(Applause.)

ACTING PRESIDENT GRIFFO: Congratulations. We want to congratulate and welcome the Phoenix High Wrestling Team here. Please stand.

And thank you very much for being here today. Thank you. Congratulations.

Senator Libous.

SENATOR LIBOUS: Mr. President, I know this might be shocking to you and some of my colleagues, but I too was a wrestler in high school. And this body looked different.

(Laughter.)

SENATOR LIBOUS: But I want to offer my congratulations. I know what it's like to go through those grueling practices, running the halls, the stairs, and the drills that take place to become champions. So I too want to salute you.

ACTING PRESIDENT GRIFFO: Thank you, gentlemen.

Senator Libous.

SENATOR LIBOUS: Mr. President, there's a resolution at the desk by Senator Little; 4624 is the number. It was previously adopted by this house on May 15th. May we please have it read in its entirety and call on Senator Little.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: Legislative Resolution Number 4624, by Senator Little, congratulating Joseph Girard III of Glens Falls, New York, upon the occasion of capturing the Elks National Hoop Shoot championship.

"WHEREAS, This Legislative Body takes pleasure in honoring talented young athletes who distinguish themselves and their community through outstanding athletic performance; and

"WHEREAS, Athletic competition enhances the moral and physical development of the young people of this state, preparing them for the future by instilling in them the value

of teamwork, encouraging a standard of healthy living, imparting a desire for success, and developing a sense of fair play and competition; and

"WHEREAS, Attendant to such concern, and in full accord with its long-standing traditions, it is the intent of this Legislative Body to congratulate Joseph Girard III of Glens Falls, New York, upon the occasion of capturing the Elks National Hoop Shoot championship; and

"WHEREAS, On April 28, 2012, at Western New England University in Springfield, Massachusetts, Joseph Girard III, an 11-year-old fifth-grader from Glens Falls, New York, sunk all 25 of his foul shots to win the national championship for his age group of 8-to-13-year-olds; and

"WHEREAS, With his perfect 25-for-25 result from the free-throw line, Joseph Girard III of Glens Falls, New York, also received the Getty Powell Award as the best overall shooter in the boys division; and

"WHEREAS, As an Elks national champion, Joseph Girard III of Glens Falls,

New York, will have his name inscribed on a plaque at the National Basketball Hall of Fame in Springfield, Massachusetts; and

"WHEREAS, The Elks National Free Throw Contest, the Elks Hoop Shoot, is the largest and most visible of the many youth activities sponsored by Elks lodges throughout the country. It is active in all 50 states and the District of Columbia. Over 3 million boys and girls between the ages of eight and 13 will participate this year; and

"WHEREAS, Now in its 40th year of national competition, the Elks Hoop Shoot started originally in 1946 as a local Elks activity in Corvallis, Oregon. It has served to highlight the Elks national commitment to youth; and

"WHEREAS, Each of over 2,100 Elks lodges are encouraged to establish their own local Hoop Shoot contests involving boys and girls from ages eight to 13. In the first year of the national program, boys from 19 states participated. In 1973, over 750,000 boys from 42 states took part in the contest. And in the following year, girls were added to the competition; and

"WHEREAS, From the millions of youngsters who participate in the Elks Hoop Shoot program, six champions are named, one boy and one girl, each in three categories: ages 8-9, 10-11, and 12-13. The winners each receive a trophy and their names are inscribed at the National Memorial Basketball Hall of Fame in Springfield, Massachusetts; and

"WHEREAS, The competition to become an Elks Hoop Shoot champion is rigorous. At each level, contestants take a total of 25 free throws. National finalists average around 90 percent; and

"WHEREAS, Families participate with contestants throughout the Elks Hoop Shoot competition. The parents of finalists on the state, regional and national levels attend the competition as guests of the Elks; and

"WHEREAS, The Elks Hoop Shoot program has been effective in developing both champions and character. Educators and parents have endorsed the program, which 'teaches a person how to win in good grace and how to accept the moment of defeat without bitterness'; and

"WHEREAS, Excellence and success in

competitive sports can be achieved only through strenuous practice. Joseph Girard III's dedication is a year-round, everyday commitment. He is highly focused and has developed a matchless work ethic; and

"WHEREAS, Joseph Girard III's exemplary performance in the Elks Hoop Shoot program is reflective of his dedication, determination and personal commitment. His achievement stands as a hallmark of what is best in the families, schools and communities across New York State; now, therefore, be it

"RESOLVED, That this Legislative Body pause in its deliberations to congratulate Joseph Girard III upon the occasion of his participation in the 40th Annual Benevolent and Protective Order of Elks National Hoop Shoot competition, and to commend him for the enduring honor he has brought to his family, his school and his community; and be it further

"RESOLVED, That a copy of this resolution, suitably engrossed, be transmitted to Joseph Girard III."

ACTING PRESIDENT GRIFFO: Can I have some order in the chamber, please.

Senator Little.

SENATOR LITTLE: Thank you, Mr. President.

First of all, I'd like to begin by thanking the Elks Club for all of their youth activities throughout the country, and for this particular contest that involves so many young people in all 50 states.

Many of you are well aware that Glens Falls, New York, is the home of the New York State Public High School Basketball Tournament. It's also the home of Jimmer Fredette, who was the 2011 National Collegiate Basketball Champion. And I'd now like to introduce you to Glens Falls, New York's newest athletic celebrity, Joseph Girard III.

He's joining us today, standing in the gallery. He's accompanied by his mother, Arlene, his grandmother Nancy, and two other Joseph Girards. Joseph Girard, Jr., his father, was also a basketball player, played at Shenendehowa and at Le Moyne College. His grandfather, Joseph Girard, Sr., was the athletic director of my alma mater and his alma mater, St. Mary's Academy -- I won't tell you what

years. But he was athletic director and basketball coach as well at St. Mary's Academy.

ACTING PRESIDENT GRIFFO: Excuse me, Senator Little.

Can we have some -- I know there are a number of members returning from the Finance Committee. Can we please have some order in the chamber.

Senator Little, thank you.

SENATOR LITTLE: Thank you.

Obviously all three generations of Joseph Girards have excelled in basketball.

Young Joseph, a fifth grader in Glens Falls, at 11 years old won the regional category for the Hoop Shoot contest and went on to win the national category. Not only did he win the category for his age group, the 10 to 11, but he won the Getty Powell Award as the best overall shooter in the whole contest for the boys because he shot 25 of 25 foul shots.

He's wearing his medal. And as you heard, his name is inscribed in the Basketball Hall of Fame in Springfield.

Joseph didn't come by this lightly. I will tell you he began practicing for

this early this winter. And his daily regimen, with his father as his coach, was to shoot 300 foul shots a day. And they went to the gym every single day and did his in groups of 25, 300 foul shots. And it certainly has paid off.

But more than basketball, Joseph is learning a lot about presenting and being in front of groups. He has spoken at the New York State Elks Convention. In July he's going to travel to Austin, Texas, to speak at the Elks National Convention.

So it's with a great deal of pride and enthusiasm that I welcome Joseph to the chamber and ask for the privileges of the chamber to be given to him.

Thank you very much.

ACTING PRESIDENT GRIFFO: Thank you, Senator Little.

We want to congratulate Joseph Girard III and welcome the entire Girard family here. We extend to you the courtesies of the house. Congratulations.

(Applause.)

ACTING PRESIDENT GRIFFO: Thank you, Senator Little.

I will note that this resolution was previously adopted on May 15th.

Senator Libous.

SENATOR LIBOUS: Mr. President, I believe there's a resolution at the desk by Senator Alesi. It's Resolution Number 5010. I ask that the title be read and that you call on Senator Alesi before its adoption.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: Legislative Resolution Number 5010, by Senator Alesi, memorializing Governor Andrew M. Cuomo to proclaim June 1 through 7, 2012, as CPR-AED Awareness Week in the State of New York.

ACTING PRESIDENT GRIFFO: Senator Alesi.

SENATOR ALESI: Thank you, Mr. President.

Have you read the resolution, Mr. Secretary? Thank you.

This resolution calls upon the Governor, it memorializes Governor Cuomo to recognize this week as CPR Awareness Week, in conjunction with the national effort for CPR

awareness.

As many of you know, CPR is a vital lifesaving tool for people who suffer sudden cardiac arrest. But what most people don't know is that when people suffer cardiac arrest, their chances of survival, even if they've been in the hospital, is only one in 10. Only one in 10.

And so by calling on a national awareness and a statewide awareness in New York State, we also recognize that only 43 percent of the people that suffer cardiac arrest even get what's called bystander CPR. Even though bystander CPR can increase your survival rate by twice or three times, very few people know what to do in the case of sudden cardiac arrest.

Every minute that someone who has sudden cardiac arrest goes without CPR, they lose a 10 percent chance of survival. Needless to say, in several minutes death is imminent.

That's why I'm calling on the Governor and asking all of my colleagues, if they have not signed onto this memorializing resolution to the Governor, to please do so, to raise awareness that CPR can save lives.

And so that what will work to

society's great benefit is that many, many more people than today will know CPR. They will learn basic hands-only bystander CPR. The success of saving lives depends greatly on a well-trained public.

My staff in both of my offices are trained, they're certified in CPR and AED. I know that shortly members of the Senate here, and staff, will participate in training. That will save lives, there's absolutely no question. I personally have performed CPR on someone at a time when no one knew what was happening to him, and he is now alive today.

Ladies and gentlemen, I urge you to join me in memorializing the Governor to make this week CPR Awareness Week. And as a lead-in, hopefully we will see a bill sometime before the end of session that will allow a whole army of young high school children to know very basic hands-only CPR so that New York State will be a leader with an army of young lifesavers who know CPR.

Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: Thank you, Senator Alesi.

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

(Response of "Aye.")

ACTING PRESIDENT GRIFFO: Opposed, nay.

(No response.)

ACTING PRESIDENT GRIFFO: The resolution is adopted.

Senator Libous.

SENATOR LIBOUS: Mr. President, can we now go back to reports of standing committees. I believe there's a report of the Finance Committee at the desk.

ACTING PRESIDENT GRIFFO: We'll return to reports of standing committees.

The Secretary will read the Finance Committee report.

THE SECRETARY: Senator DeFrancisco, from the Committee on Finance, offers the following nominations.

As trustee of the Power Authority of the State of New York, John Koelmel, of East Amherst.

ACTING PRESIDENT GRIFFO: Senator DeFrancisco.

SENATOR DeFRANCISCO: Thank you, Mr. President.

I'm proud to rise to move the nomination of John Koelmel as trustee of the Power Authority of the State of New York.

You know, the Governor keeps doing this, he keeps making our job very easy in approving the nominations and confirming his appointments, because these are individuals all three of whom are extremely well-qualified and all of whom have varying backgrounds which will make an excellent mix with respect to this important authority in the State of New York.

And I would request that you recognize Senator Maziarz, the chairman of the Energy Committee, to second the nomination.

ACTING PRESIDENT GRIFFO: Thank you, Senator DeFrancisco.

Senator Maziarz.

SENATOR MAZIARZ: Thank you very much, Mr. President and Senator DeFrancisco.

I too rise to support the nomination of John Koelmel, of East Amherst, for the position of trustee of the Power Authority of State of New York.

I've known John for several years. I've worked with him on business issues in Western New York. He runs one of the more popular and successful banking operations in all of New York State. But more important than that, he gives back to his community as chairman of the board of the Kaleida Health System in Western New York, and he's done an excellent job there too.

I think this is an excellent appointment by Governor Cuomo. I know that the Governor intends on recommending Mr. Koelmel to be the chairman of the Power Authority Board of Trustees.

And I think it's very significant that the chairperson of the board and that two of these appointments today are coming from Western New York, of course the home of the Niagara Power Project, which is the crown jewel of the Power Authority's operations.

So I stand here today in full support of this nomination and congratulate Governor Cuomo.

Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: Thank

you, Senator Maziarz.

Senator Nozzolio.

SENATOR NOZZOLIO: Thank you, Mr. President. On the nomination.

Mr. President and my colleagues, I rise in support of this outstanding nomination and congratulate Governor Cuomo for selecting a person with a great amount of job development sense, from a perspective of Western New York, to head this very important authority.

John Koelmel has made a very good bank and transformed it into a great bank, a bank which produces jobs throughout New York State and continues to keep its corporate headquarters here in New York State.

Mr. Koelmel has experience, the background, the understanding of job growth, job development, and the impact that energy has on that particular extremely important sector. From that, I know he will be an excellent leader of the Power Authority.

Mr. President, my colleagues, I support this nomination with tremendous enthusiasm, and I know John Koelmel will bring the enthusiasm he has brought to the development

of his bank, First Niagara Bank, into the Power Authority for great days ahead.

Thank you, Mr. President. I support the nomination.

ACTING PRESIDENT GRIFFO: Thank you, Senator Nozzolio.

Senator Kennedy.

SENATOR KENNEDY: Thank you very much, Mr. President.

Mr. Koelmel, congratulations.

John Koelmel is a great nomination as a New York Power Authority trustee. And I believe his proven leadership makes him the right choice as the NYPA chair, as the Governor has recommended.

The New York Power Authority provides power to drive growth in our economy, and John Koelmel will provide the leadership and expertise that's going to drive our economy forward and help to improve the environment for job creation.

As a leading provider for low-cost power, NYPA plays an important role in New York's economy, whether we're from Western New York or downstate. And NYPA works to ensure that

businesses and homeowners have cheaper power, cleaner power, and ultimately jobs are created and our economy can grow.

Mr. Koelmel is going to ensure that NYPA remains focused on capitalizing on the low-cost power to push forward with economic development that has already begun and that we're waiting to begin out in Western New York and all across our state. Mr. Koelmel understands firsthand our state's economy, especially the economy of Western New York. He knows the challenges we've faced. He's analyzed opportunity for economic growth.

As president and CEO of First Niagara Bank, Mr. Koelmel has taken on challenges and capitalized on the opportunities that have been presented to him. Under his leadership, First Niagara had grown in prominence and in market share. More people are banking with First Niagara, and its name now adorns the home of our beloved Buffalo Sabres.

Buffalo and Western New York are proud to be the home of this growing business, and John Koelmel is clearly a proud Western New Yorker. The evidence is in First Niagara's

commitment to creating and maintaining jobs throughout our region. His understanding of Western New York and the impact the New York Power Authority can have on our local economy is another asset he brings to the post within the New York Power Authority.

I want to congratulate once again Mr. Koelmel on his confirmation as New York Power Authority trustee, and I commend the Governor once again for making a great nomination.

Congratulations.

ACTING PRESIDENT GRIFFO: Senator Ranzenhofer.

SENATOR RANZENHOFER: Thank you, Mr. President.

I'd also like to rise and join my colleagues in congratulating the Governor on a truly excellent choice for the New York Power Authority. Not only is he a great representative from Western New York, he is a great representative from the 61st District and a neighbor as well.

We've talked about his great experience, not only the background in accounting, which I think that you need a strong

accounting and business background to be involved with the Power Authority, but more importantly, for the last eight years with your stewardship and leadership of First Niagara Bank, which has really grown tremendously under your leadership and with your expertise over the last couple of years, going from what I would call a local regional bank to now being a statewide institution. And also, during the Finance Committee, assuring not only the protection of power for Western New York but for other areas of the state as well.

It's important, as we've sat here for the entire session and talked about job creation, that we use the Power Authority for job creation. John, you've done that in your position as chairman and CEO of the bank.

And we hope -- there are projects that I'm very involved with, and I'll mention one in Genesee County, STAMP, which is going to rely on low-cost power in order to bring manufacturing, science and technology jobs for Western New York where they're so sorely needed. So the job creation aspect of your position is very, very important.

Obviously your leadership on the Regional Economic Council, as in Kaleida Health, shows very well that you're able to work together with people from different parties, from different areas of the state, from different backgrounds. And that's so important when you're running and being involved in the New York State Power Authority.

They didn't mention your involvement in bringing back the Empire State Games a few years ago at UB. I know you were very involved with that as well.

But again, I just want to close, very, very important that we have someone of your leadership skills, your financial background, your banking background there at the helm, there in the trenches fighting for Western New York and fighting for job creation for the entire state, but most importantly for Western New York, which so sorely needs it.

I wish you well. I know that you'll do a great job and look forward to continuing the dialogue as we move forward. So congratulations again on your acceptance and to the Governor for making an excellent nomination.

Thank you.

ACTING PRESIDENT GRIFFO: The question is on the nomination of John Koelmel as trustee of the New York State Power Authority. All in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT GRIFFO: Opposed, nay.

(No response.)

ACTING PRESIDENT GRIFFO: John Koelmel is hereby confirmed as a trustee of the Power Authority of the State of New York.

Congratulations, Mr. Koelmel.

(Applause.)

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: As trustee of the Power Authority of the State of New York, Joanne M. Mahoney, of Fayetteville.

ACTING PRESIDENT GRIFFO: Senator DeFrancisco.

SENATOR DeFRANCISCO: Yes, I'm proud to move the nomination of Joanne M. Mahoney as a trustee of the New York State Power Authority.

I've known Joanie for a long time. And she has been a very remarkable woman for all of her accomplishments, and in addition the wonderful accomplishment of raising four beautiful young boys that she had to spend some of her time raising. But in between raising those children, which she's done in a wonderful way, she's done remarkable things.

She's not only got a degree from Syracuse University as well as a law degree -- you all remember Syracuse University, the home of champions in Central New York, where champions are raised and bred -- she also practiced law. She was an assistant district attorney prosecuting cases. She, like us, has some political background even before she was county executive. She was a councilor at large for the City of Syracuse, so she knows, when we call her on one of our pleas, how it is to be on the other end of the spectrum trying to get something done by government.

Also, as she's been the county executive, since we're in a fiscal time of great concern, since she's been county exec for the last five years she's maintained a AAA bond

rating for Onondaga County, which is quite an accomplishment in view of all the things that are happening worldwide with respect to credit ratings and the like.

So as I said at the outset, this is a great group of people with such varied backgrounds that all together will make some terrific decisions, and the Governor should be complimented on these great appointments.

And I am pleased to move the nomination of Joanne M. Mahoney as trustee of the New York State Power Authority, and I ask that you call first on Senator Maziarz to second the nomination, and then on Senator Valesky, who also is part of our Onondaga County delegation, to second the nomination.

Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: Senator Maziarz.

SENATOR MAZIARZ: Thank you, Mr. President.

Just very briefly, this is the one nominee that I really don't personally know. But I have to say that the committee met with County Executive Mahoney today and found her to be more

than qualified for this position.

Again, I think it's a very positive move that the Governor is appointing three people from upstate New York to the Power Authority board.

So Joanie Mahoney received the unanimous consent and endorsement of the Senate Energy and Telecommunications Committee, and we wish her well.

Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: Senator Valesky.

SENATOR VALESKY: Thank you, Mr. President.

I'm very, very pleased to rise to second the nomination of Joanne Mahoney as a trustee of the Power Authority and am happy to join my colleagues Senator DeFrancisco and Energy Committee Chairman Maziarz in doing so.

Joanie has continued to show in so many ways why the people of Onondaga County are so fortunate to be led by her. She does a remarkable job each and every day.

And she knows firsthand the importance of power and low-cost power to her

economic development efforts in her role as county executive and our combined efforts. You know, this house and this Legislature last year, under the leadership of Governor Cuomo, was proud to enact the Recharge New York program. We finally put a permanent low-cost power program in place after many years.

And now, Joanie, as a trustee of the Power Authority you will be in an even greater ability to serve in an economic development capacity for manufacturers in particular, but in all of our job creation efforts working together.

So the people of Onondaga County are very fortunate not only to have you as their county executive but will be even more fortunate with you in your new role -- but not limited only to Onondaga County, certainly all of Central New York. So I proudly second the nomination here today.

Thank you.

ACTING PRESIDENT GRIFFO: Senator Nozzolio.

SENATOR NOZZOLIO: Thank you, Mr. President.

Mr. President, my colleagues, I proudly rise to second the nomination of Joanie Mahoney as member of the Power Authority. Associating myself with the excellent remarks of Senator DeFrancisco and Senator Valesky in particular, as those representatives of Onondaga County, that as county executive Joanie Mahoney has exerted influence certainly throughout the Central New York region, as a fine spokesperson for all levels of local government.

And as the leader of local government in Central New York, as the Onondaga County executive, she has stood as a beacon for other counties and particularly other local government officials to follow. That example is one that is exemplary and one which I very much appreciate.

I also appreciate the fact that many of us in this chamber had the opportunity to serve with Bernie Mahoney, with Joanie's dad, in the State Legislature. And that that certainly was a wonderful experience. He's a fine man and certainly been a great, I know, mentor and leader to his daughter.

With that, I wish to congratulate

Governor Cuomo on this appointment and thank Joanie for taking part, County Executive Mahoney for taking part in this important responsibility.

Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: Thank you, Senator Nozzolio.

The question is on the nomination of Joanne M. Mahoney as trustee of the Power Authority of the State of New York. All in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT GRIFFO: Opposed, nay.

(No response.)

ACTING PRESIDENT GRIFFO: Joanne M. Mahoney is now certified and ratified as a nominee of the Power Authority of the New York State.

Congratulations, Joanie.

(Applause.)

ACTING PRESIDENT GRIFFO: The confirmation is approved.

Senator DeFrancisco.

SENATOR DeFRANCISCO: Yes, before I go on to the next nominee, I know that you

indicated Ms. Mahoney was certified and ratified. Is she also confirmed?

ACTING PRESIDENT GRIFFO: I did say she's confirmed, Senator DeFrancisco.

SENATOR DeFRANCISCO: All right, okay. I just wanted to make sure it was official.

The next nominee is Terrance Flynn as trustee of the Power Authority of the State of New York. Again, an outstanding nomination by the Governor. I think a couple of things should be mentioned about him, the most important of which I think --

ACTING PRESIDENT GRIFFO: Senator DeFrancisco, we have to read the nomination first. I know you're excited.

SENATOR DeFRANCISCO: Oh, I stand corrected. I got so excited.

ACTING PRESIDENT GRIFFO: It's easy to get you excited.

The Secretary will read.

THE SECRETARY: As a trustee of the Power Authority of the State of New York, Terrance Flynn, of Snyder.

ACTING PRESIDENT GRIFFO: Senator

DeFrancisco.

SENATOR DeFRANCISCO: As I was saying before I was so rudely interrupted, I am proud to move the nomination of Terrance Flynn as trustee of the New York State Power Authority.

The nomination is another outstanding nomination. But this is what the State of New York is getting in this nomination: An individual who is a practicing attorney presently but, more importantly, was the U.S. Attorney for the Western District of New York.

That is an incredible responsibility, a responsibility that went over -- is it 17 counties? Seventeen counties. He prosecuted criminal cases, his office did, and also handled civil litigation on behalf of the government, and managed 57 lawyers. Can you imagine that, what a good manager he's got to be to manage 57 lawyers?

And to show how important it is with our fiscally strained State of New York, during his tenure in his civil and criminal pursuits, he was able to recover for the citizens of the State of New York $124 million through the civil actions and prosecutions and forfeitures

and the like.

So here's an individual that we really are very happy about, as the other two that the Governor is appointing. And I proudly move the nomination and urge the unanimous support of this body.

And again, I would request that you would call on Senator Maziarz, chairman of the Energy Committee.

ACTING PRESIDENT GRIFFO: Senator Maziarz.

SENATOR MAZIARZ: Thank you very much, Mr. President.

I again rise to support and second the nomination of Terry Flynn, who is the second nominee that I personally am acquainted with. Also the second nominee from Western New York to serve in this most important position of trustee of the New York State Power Authority.

I've known Terry for a long time. As Senator DeFrancisco pointed out, his great work as U.S. Attorney for the Western District of New York. But in private practice, he has done work specializing in the area of energy, energy development, and job creation.

I think all three of these nominees understand the importance of using the assets, particularly hydropower produced at Niagara and St. Lawrence, for job creation in economically depressed areas of upstate New York.

I heartily endorse and thank the Governor for this great nomination.

Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: Senator Young.

SENATOR YOUNG: Thank you, Mr. President.

I rise to associate myself with the comments by Senator DeFrancisco, Senator Maziarz. I congratulate Governor Cuomo for this outstanding choice for the New York Power Authority, and so I rise to second the nomination.

As was pointed out previously, Terrance Flynn has a very distinguished resume. He knows the law, he knows energy issues, he knows business and industry, he knows law enforcement. And so he's particularly qualified to serve in this capacity.

I do want to point something out,

however. I believe that his most important asset and qualification for this nomination is that his mother, Betty Flynn from Mount Morris, is my most favorite constituent.

So I want to sincerely congratulate all of the nominees: Joanie Mahoney, John Koelmel, Terrance Flynn. We thank you for undertaking this big assignment. I know that you'll do us all proud.

So, Mr. President, again, I am very proud to second the nomination of Terrance Flynn.

ACTING PRESIDENT GRIFFO: Senator Ranzenhofer.

SENATOR RANZENHOFER: Thank you, Mr. President.

I also again rise and commend the Governor on a great nomination, not only from Western New York but from my hometown in my district, Terry Flynn.

I do have to comment that I thought it was very brave of Senator Young to publicly announce who her favorite constituent was in front of all of us. That was a very, very brave action on your part.

(Laughter.)

SENATOR RANZENHOFER: Terry has great experience, as already mentioned, both in the private sector and public sector. Your legal skills and managerial skills are well known, and your reputation in the community is sterling and above reproach.

One of the things I thought was very interesting, and it was mentioned during the Finance Committee meeting, is, as U.S. Attorney, the attention that you had to focus on security. And with that becoming a more prevalent or up-and-coming issue of, you know, how do we also protect from a security measure our energy resources, I think that your expertise as U.S. Attorney is going to prove invaluable there.

So again, I want to congratulate you on accepting the position. I want to congratulate the Governor on again nominating two members from my district and my hometown to serve on this very, very important board.

Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: Senator Gallivan.

SENATOR GALLIVAN: Thank you, Mr. President.

I too rise to thank the Governor for three excellent appointments to this very important board.

And without repeating the things that my colleagues have said, two of the individuals are from Western New York, the third close to Western New York -- but for our colleagues from downstate, they look upon us as upstate one and the same.

Joanne Mahoney, who I don't know, I appreciate the fact that you stood up for Medicaid takeover legislation. John Koelmel, Terry Flynn, I thank you, commend you for being here.

The common thread for all three of you -- and hopefully this gets back to the Governor, with the sentiments echoed by my colleagues -- the professionalism in each of your careers, the pinnacle to which you each attain and made things better for all the things that you've done. And more importantly to me, the things that you've been willing to do for the community in your personal lives and through your

professional lives. First Niagara, excellent corporate citizen.

I thank you and look forward to good things in working with you in your new capacity.

Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: Thank you, Senator Gallivan.

Senator Kennedy.

SENATOR KENNEDY: Thank you, Mr. President.

I just rise to once again congratulate Terry Flynn on his nomination, confirmation, as well as thank the Governor for another wise choice, another wise nomination.

This is a nomination we can all be proud of no matter what side of the state you reside in or what side of the aisle you come from. Terry Flynn is an upstanding individual that has served Western New York, he's served the country.

I'm proud to stand and second his nomination and confirmation here today and look forward to working with you in your new capacity. Congratulations.

ACTING PRESIDENT GRIFFO: Senator Grisanti.

SENATOR GRISANTI: Thank you, Mr. President.

You know, the appointment of all three to the NYPA board for upstate, and especially two from Western New York, is significant not only for the region but also for the state as a whole. So I commend the Governor for doing that.

I've known Terry for a long time. We've practiced numerous cases we had in Buffalo. And, Terry, you moved pretty quickly throughout the ranks and now you've come to join me up here, and I welcome you and say hello.

But he's committed to the region, has an impeccable knack for detail. And the list of community organizations that he, I'm sure Joanne and John all belong to is something also that has to be reminded people of, because it is fantastic, Boys and Girls Clubs and everything else you're involved in, Terry.

I would also say the same, John, you've shown time and time again the leadership and the commitment to Buffalo. And you have that

great commercial out there where you now say it's time to rock and roll, Buffalo. I'm going to expand it. It's not only time to rock and roll, Buffalo, but New York State. And I know NYPA is going to be in the right hands.

So I'm glad to support these nominations of all three.

Thank you very much.

ACTING PRESIDENT GRIFFO: The question is on the nomination of Terrance Flynn as a trustee of the Power Authority of the State of New York. All in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT GRIFFO: Opposed, nay.

(No response.)

ACTING PRESIDENT GRIFFO: Terrance Flynn is hereby confirmed as a trustee of the Power Authority of the State of New York.

Congratulations, Terry.

(Applause.)

ACTING PRESIDENT GRIFFO: The Secretary will continue to read.

THE SECRETARY: As a member of the Republic Airport Commission, Richard H. Grant, of

Farmingdale.

ACTING PRESIDENT GRIFFO: Senator DeFrancisco.

SENATOR DeFRANCISCO: I move the nomination.

ACTING PRESIDENT GRIFFO: The question is on the nomination of Richard H. Grant as a member of the Republic Airport Commission. All in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT GRIFFO: Opposed?

(No response.)

ACTING PRESIDENT GRIFFO: Richard H. Grant is hereby confirmed as a member of the Republic Airport Commission.

The Secretary will read.

THE SECRETARY: As a member of the Battery Park City Authority, Carl F. Mattone, of Douglaston.

ACTING PRESIDENT GRIFFO: Senator DeFrancisco.

SENATOR DeFRANCISCO: I move the nomination.

ACTING PRESIDENT GRIFFO: The

question is on the nomination of Carl F. Mattone as a member of the Battery Park City Authority.

Senator Squadron.

SENATOR SQUADRON: Thank you, Mr. President, to explain my vote.

Mr. Mattone, by reputation and his biography, is an able and worthy appointment, without a doubt. Unfortunately, though, I'm going to have to vote against his nomination today.

Again, I want to be very clear, it has nothing to do with what Mr. Mattone brings to the job except for a single factor, which is he's not a resident of Battery Park City. For a number of years myself and Speaker Silver and residents of Battery Park City have been urging increased local participation on the board of the Battery Park City Authority.

We're very pleased the Governor did appoint one local member to the authority, Martha Gallo, who is currently serving and serving effectively. However, our hope and goal had been to have this seat, in addition, filled by a local resident of the authority. We thought that two would be appropriate.

So again, Mr. Mattone, for any of the other seats on the Battery Park City Authority, would be someone I would support. But because this is a seat where we were really so hopeful to have local representation, I am not able to support this nomination today.

Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: Thank you, Senator Squadron.

The question is on the nomination of Carl F. Mattone as a member of the Battery Park City Authority. All in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT GRIFFO: Opposed, nay.

(No response.)

ACTING PRESIDENT GRIFFO: Carl F. Mattone is hereby confirmed as a member of the Battery Park City Authority.

The Secretary will read.

THE SECRETARY: As members of the Long Island State Park, Recreation and Historic Preservation Commission: Susan Gordon Ryan, of Point Lookout, and Desmond M. Ryan, of St. James.

ACTING PRESIDENT GRIFFO: Senator DeFrancisco.

SENATOR DeFRANCISCO: I move the nominations and state for the record that they are not related. They live in different areas of the state or different cities of the state.

ACTING PRESIDENT GRIFFO: The question is on the nominations of Susan Gordon Ryan and Desmond M. Ryan as members of the Long Island State Park, Recreation and Historic Preservation Commission. All in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT GRIFFO: Opposed, nay.

(No response.)

ACTING PRESIDENT GRIFFO: Susan Gordon Ryan and Desmond M. Ryan are hereby confirmed as members of the Long Island State Park, Recreation and Historic Preservation Commission.

The Secretary will read.

THE SECRETARY: As members of the State Camp Safety Advisory Council: Jordan Dale, of Nanuet; Dawn Ewing, of Sleepy Hollow Manor;

and Milton Frischman, of Brooklyn.

ACTING PRESIDENT GRIFFO: Senator DeFrancisco.

SENATOR DeFRANCISCO: I move the nominations.

ACTING PRESIDENT GRIFFO: The question is on the nominations of Jordan Dale, Dawn Ewing, and Milton Frischman as members of the State Camp Safety Advisory Council. All in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT GRIFFO: Opposed, nay.

(No response.)

ACTING PRESIDENT GRIFFO: Jordan Dale, Dawn Ewing, and Milton Frischman are hereby confirmed as members of the State Camp Safety Advisory Council.

Senator Libous.

SENATOR LIBOUS: Mr. President, can we go back to motions, please.

ACTING PRESIDENT GRIFFO: We will return to motions.

SENATOR LIBOUS: I believe there's a resolution at the desk by Senator Squadron,

Number 5129. Could we have the title read and call on Senator Squadron before its adoption.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: Legislative Resolution Number 5129, by Senator Squadron, commemorating the 25th Anniversary of the New York Immigration Coalition.

ACTING PRESIDENT GRIFFO: Senator Squadron.

SENATOR SQUADRON: Thank you very much, Mr. President.

I rise to acknowledge the 25th anniversary of the New York Immigration Coalition, which has served a role in this state since its founding for now a quarter-century to bring together, under its umbrella, groups who are really doing extraordinary grassroots work on the ground, and also to be a force and a voice for immigrant communities that are so fundamental to who we are as a state and make sure that their voice is heard and is not lost.

You know, I represent the Lower East Side of Manhattan, which is a place where so many different groups and cultures have started

their lives in this country. It's a place that really shows the immigrant experience. And of course the immigrant experience is not one that is limited to the Lower East Side, it's one that starts there and many other parts of the state and expands to our country.

The greatness of our country is the greatness of the constant rejuvenation and regeneration that we get from immigrants. And as we know, too often it is too easy to use immigrant communities and immigrant populations to score cheap political points or to divide one neighbor against another.

The New York Immigration Coalition in its work ensures that that doesn't happen, ensures that from the Lower East Side to Flushing to the Bronx to Brooklyn and all across the state, we are a place that welcomes immigrants, that understands the needs of immigrant communities and that responds to them.

That's been true throughout its 25-year history. It's been true as it has expanded to nearly 200 member organizations.

In its years, it has fought to work with the Haitian refugee crisis and defend

Haitian refugees, to protect the safety net for immigrants, to build the voice of immigrants in the political process, to develop leadership and capacity in immigrant communities, to fight for the Campaign for Fiscal Equity to increase educational equity in this state, and currently to fight for the New York State DREAM Act, to expand opportunity to those who are here, who have come here to make a new life, and simply want to have educational opportunity.

We are joined today by members of the New York Immigration Coalition who are really today's dreamers, who are fighting for the passage of the DREAM Act in New York State so that more New Yorkers -- and let's make no mistake, these are young people who live in New York, who are making their lives here, who want to be successful here -- so that more New Yorkers can find the sort of success in New York, can make that immigrant dream that, let's face it, just about everyone in this room, just about everyone in this state at one point or another, in one way or the other, was a member of a new immigrant family, whether from a different part of the country, a different part of the

world. And it is something that we can never forget.

Each one of us has the immigrant story, whatever our personal story is. And our future is inevitably going to be an immigrant future. If it's not, it won't be much future at all. That's true for New York City, that's true for New York State, that's true for our country.

The New York Immigration Coalition has ensured that for 25 years. So I want to honor them and their leadership for 25 great years, pledge to stand shoulder to shoulder with them on the fight for the DREAM Act and so many others in the 25 years to come.

Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: Senator Parker.

SENATOR PARKER: Mr. President, on the resolution.

Let me begin by thanking the sponsor of this resolution, Daniel Squadron, Senator Squadron, for his leadership on this resolution. And I want to raise my voice to celebrate also 25 years of impeccable service by the New York Immigration Coalition.

There is, as again Senator Squadron indicated, really nothing more important than what immigrants bring to this state. If you understand that this state is not just about the geography and topography of our state, but really about the people. What makes a state a state are the individuals that comprise its membership.

And certainly immigrants are important for the state. They're certainly important to the district I come from. I represent Flatbush and East Flatbush, Midwood, Ditmas Park, Kensington and Borough Park, where the vast majority of my constituency are immigrants from the Caribbean, immigrants from Bangladesh, from Pakistan, from Eastern Europe.

And so this organization has really been, again, at the vanguard of fighting for their rights, of making sure that immigrants have an opportunity to be protected but also to really have that real opportunity they've come here for, which is to live the American dream.

And so as we talk about things like the Campaign for Fiscal Equity or we talk about Haiti relief or we talk about now the DREAM Act, these things wouldn't even be talked about if it

wasn't for the New York Immigration Coalition.

And so we honor them, we thank them. And like Senator Squadron, I pledge myself for at least 25 times 25 more years of partnership with their work and making sure that immigrants have the opportunities that all Americans have.

ACTING PRESIDENT GRIFFO: Senator Stavisky.

SENATOR STAVISKY: Thank you, Mr. President. And I too want to congratulate the New York Immigration Coalition.

But I think of the New York Immigration Coalition and the people whom they serve as new Americans. And they have made our lives much richer and fuller. They have done remarkably well economically. They are a major part of our social fabric, whether it be in the schools where in Queens County we're always arguing whether it's 160 different languages or 130 different languages are taught. But we have special programs for the children when they first come, and we try to look out for the new Americans. And we welcome them to our shores.

And we provide not just for the

children in the schools, but throughout their life and in the senior centers. And I must say, every time I visit a senior center in my district with new arrivals, and every time I attend a citizenship ceremony, I feel very grateful for their taking the big step of coming to a new world with opportunity and surviving in our new culture.

So I welcome the New York Immigration Coalition, I congratulate them on the first 25 years, and I look forward to working with them in the future.

Thank you.

ACTING PRESIDENT GRIFFO: Senator Perkins.

SENATOR PERKINS: I just wanted to rise and speak on this resolution briefly.

Just a word of appreciation to the sponsor for bringing forth the resolution and appreciation to the Immigration Coalition. Obviously they have been providing great leadership with regard to the development of the DREAM Act and the statewide support for that, and I just wanted to recognize them for that and for all the other work that they've done to bring

immigrants out of the shadows into the mainstream and enable them to have a fulfilled life in the State of New York.

So I wanted to add some remarks to your resolution and thank you for it.

ACTING PRESIDENT GRIFFO: The question is on the resolution. All in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT GRIFFO: Opposed, nay.

(No response.)

ACTING PRESIDENT GRIFFO: The resolution is adopted.

Senator Libous.

SENATOR LIBOUS: Mr. President, some time ago Senator Alesi had a resolution, it was 5010. And he would like to open that up for sponsorship. So if members wish not to go on the resolution, they should let the desk know.

ACTING PRESIDENT GRIFFO: Senator Alesi's resolution will be open to cosponsorship at his request. If you choose not to be a cosponsor, please notify the desk.

Senator Libous.

SENATOR LIBOUS: Mr. President, I believe there's a resolution at the desk by Senator Perkins, Number 4998. Could we have it read in its entirety and call on Senator Perkins before its adoption, please.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: Legislative Resolution Number 4998, by Senator Perkins, honoring the social and historical contributions of Harlem resident Anthony "The Man of Steel" Whitaker.

"WHEREAS, It is incumbent upon the people of the State of New York to recognize and acknowledge those within our midst who have made significant contributions to the quality of life therein; and

"WHEREAS, Attendant to such concern, and in full accord with its long-standing traditions, this Legislative Body is justly proud to honor the social and historical contributions of Harlem resident Anthony 'The Man of Steel' Whitaker; and

"WHEREAS, Anthony Whitaker, a 47-year-old African-American artist, fashion

designer, graphic designer and senior district operator at Con Edison for the past 22 years, decided to take his camera to work at the World Trade Center when he was dispatched there just after the 9/11 disaster. A member of The Metropolitan Museum of Art, and possessing strong natural artistic and design capability, he -- with his pristine expertise in art and in-depth knowledge of symbolism -- brilliantly captured a historic turning point and moment in human history through the photographic capture of Steel Standing; and

"WHEREAS, Steel Standing is a powerfully compelling and arresting black-and-white artistic photographic image that has truthfully captured the horrific tragedy of the attacks on New York City's World Trade Center on September 11, 2001. It accomplishes this in a way that dramatically and cathartically memorializes all those who perished on that sad day, and symbolically gives honor to the spirit of courage, strength, resilience, and rebirth; and

"WHEREAS, In June of 2010, Steel Standing was the first photographic poster

offered to visitors at the 9/11 memorial preview site; and

"WHEREAS, Anthony 'The Man of Steel' Whitaker felt the need to help the United States Military and the families of 9/11. He founded the Steel Standing Memorial Foundation, in which he supports The National September 11th Memorial Museum and Wounded Warriors, a nonprofit helping wounded soldiers after active-duty service in the United States military; and

"WHEREAS, A true asset to society, Anthony Whitaker's distinguished record merits the recognition and respectful tribute of this Legislative Body; now, therefore, be it

"RESOLVED, That this Legislative Body pause in its deliberations to honor the social and historical contributions of Harlem resident Anthony 'The Man of Steel' Whitaker; and be it further

"RESOLVED, That a copy of this resolution, suitably engrossed, be transmitted to Anthony Whitaker."

ACTING PRESIDENT GRIFFO: Senator Perkins.

SENATOR PERKINS: Thank you,

Mr. President.

I'm privileged to rise today to recognize one of my constituents who, through his extraordinary artistic ability, captured a pivotal moment in a very dark time in our country's history.

Anthony Whitaker's Steel Standing is a black-and-white photo of what remained of the World Trade Center after the 9/11 tragedy. It is both a memorial of the devastating loss of so many innocent lives -- including my cousin, Clyde Frazier Jr. -- but also a testament of the will and resolve of our country to carry on.

I am proud to say that Mr. Whitaker's Steel Standing will soon be exhibited in the Smithsonian National Museum of American History. In a letter acknowledging receipt of Mr. Whitaker's gift of Steel Standing, a curator remarked: "The photograph you have made as a monument to those that perished and survived the attack on the Twin Towers on September 11, 2001, will loom large, literally and figuratively, in any exhibition in which it may be included. It is beautifully printed, making the debris and remaining facade all the

more heroic.

"Steel Standing will serve as a historical marker that not all of the responses to 9/11 were angry and vitriolic. Your optimism and hope in the face of such a terrible event will be appreciated and valued by many."

They say a picture is worth a thousand words; then Mr. Whitaker's Steel Standing is the true embodiment of that statement.

I'd like to bring to your attention that copies of his remarkable photograph greets you at the entrance to the chamber on both sides, and would urge that you take the opportunity to view it and get a chance to meet Mr. Whitaker and his wife, who have joined us today in the chamber.

Thank you very much.

ACTING PRESIDENT GRIFFO: Thank you, Senator Perkins.

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

(Response of "Aye.")

ACTING PRESIDENT GRIFFO: Opposed, nay.

(No response.)

ACTING PRESIDENT GRIFFO: The resolution is adopted.

We want to take this opportunity to welcome you, Mr. Whitaker, you and your wife. Please rise and be recognized.

Thank you, and welcome to the Senate. We extend the courtesies of the house.

(Applause.)

ACTING PRESIDENT GRIFFO: Senator Libous.

SENATOR LIBOUS: Mr. President, I believe Senator Perkins -- where are you, Senator Perkins? You'd like to open that resolution up for sponsorship to the body?

SENATOR PERKINS: Not only that, but I'd also like to inform the members that copies of that historic photograph are available as a gift from Mr. Whitaker for all the members.

SENATOR LIBOUS: Thank you, Senator. We'll open it up. If members wish not to be on the resolution, let the desk know.

ACTING PRESIDENT GRIFFO: The resolution is open for cosponsorship. Should you choose not to be a cosponsor, notify the desk.

Senator Libous.

SENATOR LIBOUS: Mr. President, I believe there's a resolution by Senator Peralta at the desk, 5058. Could the title please be read and call on Senator Peralta before its adoption.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: Legislative Resolution Number 5058, by Senator Peralta, commemorating the 203rd Independence Day in Ecuador on August 10, 2012.

ACTING PRESIDENT GRIFFO: Senator Peralta.

SENATOR PERALTA: Thank you, Mr. President.

This August 10th will mark the 202nd Independence Day of Ecuador. This celebration is important because commemorating independence days summons us to reflect about the unconquerable drive and spirit of patriotic people who made autonomy possible throughout the world.

Similar to what happened here, Ecuadorians were a small band of patriots who had

declared independence from a powerful empire. The people of Ecuador initially declared independence from Spain in 1809, and that is why we gather here today to celebrate. Their hunger for liberty, autonomy and freedom, fueled by their patriotism, enabled Ecuador to turn the tables on the invading Spanish army as the local army succeeded in defeating them.

Today the Independence Day of Ecuador is observed with a series of programs that are coordinated in different parts of the Ecuador nation, especially in the capital city of Quito. This patriotic extravaganza includes special events organized throughout the day to commemorate the occasion with cultural exhibitions, parades by military forces, and cannon fire. In Quito the events are mostly organized in the Plaza de la Independencia and the Plaza de Gobierno.

Ecuador's Independence Day is also celebrated by the people residing in our great State of New York and throughout our nation. Various events are coordinated by the immigrant community to commemorate this special occasion with folkloric exhibitions, cultural

performances, parades, music, food, sporting events, and social gatherings. I particularly enjoy the sounds of the music of the Andes myself.

From politics and the economy to arts and culture, Ecuador and Ecuadorians have augmented our nation and our lives. In my district in particular in Queens, Ecuadorians continue to strengthen our neighborhoods and economy through their valuable contributions and customs. They help maintain Queens as the most diverse county in New York State as well as the most diverse region in the nation and in the world.

Today we celebrate the 202nd commemoration of Ecuador's Independence Day and the contributions made by the Ecuadorians and Ecuadorian Americans in New York State and in our nation. Thank you.

ACTING PRESIDENT GRIFFO: Thank you, Senator Peralta.

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

(Response of "Aye.")

ACTING PRESIDENT GRIFFO: Opposed,

nay.

(No response.)

ACTING PRESIDENT GRIFFO: The resolution is adopted.

Senator Libous.

SENATOR LIBOUS: Mr. President, I believe Senator Peralta would like to open this resolution up also. If there's anybody who wishes not to be on it, please let the desk know.

ACTING PRESIDENT GRIFFO: The resolution is open for cosponsorship. Should you choose not to, notify the desk.

Senator Libous.

SENATOR LIBOUS: Mr. President, I believe there's a resolution by Senator Huntley at the desk, 5130. Could you read its title and move for its immediate adoption.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: Legislative Resolution Number 5130, mourning the death of legendary radio personality Harold Baron Jackson.

ACTING PRESIDENT GRIFFO: The question is on the resolution. All in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT GRIFFO: Opposed, nay.

(No response.)

ACTING PRESIDENT GRIFFO: The resolution is adopted.

Senator Libous.

SENATOR LIBOUS: Mr. President, could we go to motions. Or we are on motions already.

ACTING PRESIDENT GRIFFO: We are on motions, Senator Libous.

SENATOR LIBOUS: Thank you, Mr. President.

On behalf of Senator Flanagan, I move the following bill be discharged from its respective committee and be recommitted with instructions to strike the enacting clause. That would be Senate Print 6293, please.

ACTING PRESIDENT GRIFFO: So ordered.

SENATOR LIBOUS: Mr. President, at this time we would like to take up the noncontroversial reading of the calendar.

ACTING PRESIDENT GRIFFO: The

Secretary will read.

THE SECRETARY: Calendar Number 489, by Senator Lanza, Senate Print 2471, an act to amend the New York City Health and Hospitals Corporation Act.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: In relation to Calendar Number 489: Ayes, 57. Nays, 2. Senators Ball and Krueger recorded in the negative.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 503, substituted earlier today by Member of the Assembly Heastie, Assembly Print 8924A, an act to amend Chapter 481 of the Laws of 1967.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58. Nays, 1. Senator Ball recorded in the negative.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 602, by Senator Young, Senate Print 5041A, an act to amend the Administrative Code of the City of New York.

ACTING PRESIDENT GRIFFO: Read the last section.

SENATOR SQUADRON: Lay it aside.

ACTING PRESIDENT GRIFFO: Lay it aside.

THE SECRETARY: Calendar Number 603, by Senator Young, Senate Print 5152, an act to amend the Administrative Code of the City of New York.

SENATOR SQUADRON: Lay it aside.

ACTING PRESIDENT GRIFFO: Senator Squadron has requested a lay-aside on Calendar Number 603.

THE SECRETARY: Calendar Number 604, by Senator Young, Senate Print 6472, an act to amend the Administrative Code of the City of New York.

SENATOR SQUADRON: Lay it aside.

ACTING PRESIDENT GRIFFO: Lay the bill aside.

THE SECRETARY: Calendar Number 635, by Senator Robach, Senate Print 6429, an act to amend the Labor Law.

SENATOR SQUADRON: Lay it aside.

SENATOR DeFRANCISCO: Lay the bill aside for the day, please.

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

THE SECRETARY: Calendar Number 636, substituted earlier today by Member of the Assembly Wright, Assembly Print 9657, an act to amend Chapter 517 of the Laws of 2011.

ACTING PRESIDENT GRIFFO: Read the last section.

THE SECRETARY: Section 2. This

act shall take effect immediately.

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 650, by Senator Saland, Senate Print 6680, an act to amend the Penal Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT GRIFFO: The bill is passed.

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

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 705, by Senator Flanagan, Senate Print 2596A, an act to amend the Penal Law.

ACTING PRESIDENT GRIFFO: Read the last section.

THE SECRETARY: Section 3. This act shall take effect on the first of November.

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56. Nays, 3. Senators Duane, Montgomery and Perkins recorded in the negative.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 717, by Senator Golden, Senate Print 1987, an act

to amend the Social Services Law.

SENATOR SQUADRON: Lay it aside.

ACTING PRESIDENT GRIFFO: Lay it aside.

THE SECRETARY: Calendar Number 738, by Senator Flanagan, Senate Print 2593, an act to amend the Mental Hygiene Law.

ACTING PRESIDENT GRIFFO: Read the last section.

THE SECRETARY: Section 8. This act shall take effect on the 180th day.

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: In relation to Calendar Number 738, those recorded in the negative are Senators Avella, Duane, Montgomery, Parker and Perkins.

Ayes, 54. Nays, 5.

ACTING PRESIDENT GRIFFO: The bill is passed.

On Calendar Number 758, by Senator Breslin, it was amended during motions and resolutions, so the bill is high.

The Secretary will go to 789 on the

calendar.

THE SECRETARY: Calendar Number 789, substituted earlier today by Member of the Assembly Weinstein, Assembly Print Number 8344A, an act to amend the Estates, Powers and Trusts Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 801, by Senator Saland, Senate Print 5226A, an act to amend the Criminal Procedure Law.

ACTING PRESIDENT GRIFFO: Read the last section.

THE SECRETARY: Section 58. This act shall take effect on the first of November.

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 803, by Senator Libous, Senate Print --

SENATOR DeFRANCISCO: Lay it aside for the day, please.

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

THE SECRETARY: Calendar Number 819, by Senator Hannon, Senate Print 7031, an act to amend the Public Health Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 822, by Senator Hannon, Senate Print 7161, an act

to amend the Public Health Law.

ACTING PRESIDENT GRIFFO: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the same date and in the same manner as Section 11 of Part A of Chapter 56 of the Laws of 2012.

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 892, substituted earlier today by Member of the Assembly Gottfried, Assembly Print Number 10103, an act to amend Chapter 58 of the Laws of 2010.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 893, by Senator Hannon, Senate Print 7330, an act to amend the Public Health Law.

SENATOR SQUADRON: Lay it aside.

ACTING PRESIDENT GRIFFO: Lay the bill aside.

Senator DeFrancisco, that completes the noncontroversial reading of the calendar.

SENATOR DeFRANCISCO: I would request that you now read the controversial calendar, please.

ACTING PRESIDENT GRIFFO: The Secretary will ring the bell.

The Secretary will read.

THE SECRETARY: Calendar Number 602, by Senator Young, Senate Print 5041A, an act to amend the Administrative Code of the City of New York.

SENATOR SQUADRON: Explanation.

ACTING PRESIDENT GRIFFO: An explanation has been requested by Senator Squadron, Senator Young.

SENATOR YOUNG: Thank you,

Mr. President.

This bill is actually drafted on the premise that rent-controlled and rent-stabilized apartments should only be available to the people who actually live in those apartments.

Rent-regulated tenants receive significant economic benefits which result in significant economic burdens on property owners and actually reduces the amount of revenues received by the City of New York.

So this bill provides that for the purpose of determining whether a rent-regulated apartment is occupied by the tenant as their primary residence, if they fail to file a tax return required by law or cast a vote in another area than the one designated for the rent-controlled apartment, then they are not qualified to continue to receive rent-regulation benefits.

So for example, if someone lives in a rent-regulated apartment in New York City yet they're actually filing for STAR benefits on a residence upstate, or if they vote in Nassau County, then they would no longer be qualified,

because that would say that that is not their primary residence.

So that's what this bill does. And if you have specific questions, I'd be glad to answer that those, Mr. President.

ACTING PRESIDENT GRIFFO: Thank you, Senator Young.

Senator Espaillat.

SENATOR ESPAILLAT: Yes, Mr. President. Would the sponsor yield for some questions?

ACTING PRESIDENT GRIFFO: Senator Young.

SENATOR YOUNG: Yes, Mr. President.

ACTING PRESIDENT GRIFFO: The sponsor yields.

SENATOR ESPAILLAT: Thank you, Mr. President.

What happens if a person fails to file their tax return? What are the steps that must be taken before that unit could be deregulated?

SENATOR YOUNG: Thank you, Mr. President. To answer Senator Espaillat's

question, if someone fails to file their tax return, then they are given 30 days' notice, and then they can go to court. And then if they go to court, then they can rebut the situation.

SENATOR ESPAILLAT: If the sponsor will yield for another question.

SENATOR YOUNG: Certainly.

ACTING PRESIDENT GRIFFO: The sponsor yields.

SENATOR ESPAILLAT: Well, in fact, then, there are many New Yorkers that fail to do their taxes, sometimes for several years. People from all walks of life sometimes fail to do their taxes.

So what you're saying, is this a back way of getting people to do their tax returns every two years?

SENATOR YOUNG: Through you, Mr. President. First of all, I would operate under the premise that people should file their taxes. That if they fail to file their taxes, that is not a good situation, because if they fail to file their taxes they in fact are not following New York State and federal law. So yes, we would encourage everyone to file their

taxes when they're due.

SENATOR ESPAILLAT: Through you, Mr. President, if the sponsor will yield.

SENATOR YOUNG: Yes, Mr. President, I'll yield.

ACTING PRESIDENT GRIFFO: The sponsor yields.

SENATOR ESPAILLAT: Thank you, Senator Young.

But still, the fact of the matter is that hundreds and perhaps thousands of New Yorkers fail for whatever reason to do their taxes. And although we're not encouraging folks not to do their taxes, that is a reality.

And what this bill proposes to do is in fact if someone does not do their taxes, for whatever reason, they may very well wind up homeless because an apartment could be deregulated or a lease for one or two years may not be extended.

Do you feel that will perhaps this could contribute to an increase in homelessness or folks being evicted from their apartments?

SENATOR YOUNG: Mr. President, through you. While I appreciate what Senator

Espaillat has laid out, actually, in fact, if someone does not file their taxes and they have to go to court, there's a 30-day notice, as I previously mentioned. If they have to go to court, then they can in fact prove in court that that indeed is their primary residence.

So we would hope, once again, that people would actually file their taxes if they're supposed to file their taxes. But they do have the opportunity, Mr. President, to actually go to court, there's a 30-day notice so they can get prepared and they can go to court and actually prove in court that it indeed is their primary residence.

SENATOR ESPAILLAT: Mr. President, through you, if the sponsor will yield for another question.

ACTING PRESIDENT GRIFFO: The sponsor yields.

SENATOR ESPAILLAT: Well, Senator, I understand our intent on ensuring that all New Yorkers pay their taxes and complete their tax forms on time. But the fact of the matter is that hundreds and thousands of them do not do that. Including people in government, we find

out in the papers, do not do that.

So in fact this legislation will force seniors or single moms that may not do their taxes for whatever reason, to go into the court system. Is that correct?

SENATOR YOUNG: Through you, Mr. President, once again I do believe, in all due respect to Senator Espaillat, I have answered this question three times now. But there is a process outlined in the bill where there would be a 30-day notice and people would have to go to court in order to prove it's their primary residence. But hopefully people are paying their taxes.

As I also said earlier, actually if someone is collecting some kind of income tax benefit from somewhere else, some other residence, or if they're collecting some kind of property tax benefit, whether it's the STAR program, maybe in a different county, whether they own a luxury property in Florida, for example, and they're getting a homestead benefit, what that shows is if they're collecting a benefit related to taxes in some other location, it proves that where they're getting their

rent-regulated benefits is not their primary residence.

I think that to say that they should be able to get those benefits through rent-regulated apartments when in fact we have a housing shortage in New York City, when in fact we do have people who need affordable housing, if they can afford to be in another residence in another part of the state or some other state, then they should not qualify for the benefits, that are substantial, that are provided through rent-regulated apartments.

I think it's very difficult to defend the position that they should be able to get a rent-regulated apartment when there are plenty of people lined up who would love to have that rent-regulated apartment who may not be able to afford housing.

SENATOR ESPAILLAT: Mr. President, if the sponsor will yield for another question, through you.

ACTING PRESIDENT GRIFFO: The sponsor yields.

SENATOR ESPAILLAT: Yes, Senator, your sponsor's memo states that the failure to

file a required tax return or casting a vote in an election district other than the one that you are designated for that apartment shall result in a rebuttable presumption that the tenant does not occupy the apartment as their primary residence.

Can you explain what a rebuttable process would be?

SENATOR YOUNG: Well, for example, say someone -- and I've heard this example brought up by your side of the aisle previously, and we actually fixed the legislation to address this.

But say, for example, someone by mistake walks down the block and goes into the wrong polling place. If that's the case, then what will happen is that the inspectors, the election people, will actually check their records and they'll see whether that person is registered to vote in that particular district. If they're not, the person can fill out an affidavit.

So there's a record there. If somebody votes in the wrong place by accident, that can be confirmed by the Board of Elections. If that is confirmed by the Board of Elections,

then if they do go to court, they have a 30-day notice, as I've previously stated, they can go to court and actually prove through the records, the voting records, the Board of Elections, that they by mistake voted in the wrong district, and they can prove that in court.

And if they prove it in court, then there's not an issue.

SENATOR ESPAILLAT: Through you, Mr. President, if the sponsor will yield for another question.

SENATOR YOUNG: Yes, Mr. President.

ACTING PRESIDENT GRIFFO: The sponsor yields.

SENATOR ESPAILLAT: So not only does this bill propose to entangle seniors and moms and students -- and anyone that has not filed a tax return -- in a court process, but now, if for example, because this is a redistricting year and the electoral district that you vote on might change, the number may change. If someone is to vote in the wrong ED, as it will happen this year because we have changed numbers of all of our electoral districts

through the redistricting process -- and it's a high possibility that someone just may vote in the wrong ED, that person would also be entangled in an affidavit in a Board of Election process that will have an impact on whether or not they will be able to live in their rent-stabilized apartment.

Is that the case?

SENATOR YOUNG: Through you, Mr. President, I'd like to answer Senator Espaillat's question.

If you cast a vote in the wrong district, then that vote will not count as a vote cast. And so what I mean by a rebuttable presumption, it actually just shifts the burden of proof to the tenant.

So basically, however, though, if you go vote in the wrong election district, again, there's a record, through the Board of Elections, and you can able to prove where you actually live, and you would be voting in the right district.

So while I understand Senator Espaillat's concerns, again, he's brought this up several times. I believe that I have answered

the question repeatedly now. And basically all this does is just make sure that somebody who is getting the benefits of a rent-regulated apartment actually qualifyies to get those benefits, it is actually their primary residence.

And I guess it's hard for me and many people to understand why, if somebody is actually living somewhere else as their primary residence, why they should qualify for the benefits of a rent-regulated apartment.

SENATOR ESPAILLAT: On the bill, Mr. President.

ACTING PRESIDENT GRIFFO: Senator Espaillat on the bill.

SENATOR ESPAILLAT: Mr. President, this is yet another hurdle, another obstacle that is placed before working families across the city and the State of New York. Folks that often do not -- for whatever reason, right or wrong -- file their taxes will now be entangled, deeply entangled in the legal process to show their residence, and are at jeopardy of losing that residence that is a rent-stabilized apartment. And there is a crisis of affordable and available rent-stabilized apartments.

But in addition to that, if you may make a mistake and vote in the wrong ED, you will now be also entangled in another legal process through the Board of Election, and potentially a court, that will result in you losing your apartment.

This is a very complicated and I think a very cumbersome piece of legislation that will further aggravate the current dire conditions and situations of many folks that live in rent-stabilized apartments.

Because of that reason, Mr. President, I urge a no vote on this bill.

ACTING PRESIDENT GRIFFO: Is there any other Senator wishing to be heard?

Senator Krueger.

SENATOR KRUEGER: Thank you, Mr. President. On the bill.

ACTING PRESIDENT GRIFFO: Senator Krueger on the bill.

SENATOR KRUEGER: Thank you.

I appreciated my colleague Senator Espaillat's questions, and I appreciated the sponsor's answers.

So I just want to try to explain a

little bit how it works today. If you are the owner of apartments under rent regulation or rent control and you believe your tenant does not live there, it is not their primary residence, and they are trying to get over on you, you actually have the right to go to court and push for an eviction.

And in fact, in New York City 98 percent of the time you have a lawyer who will go and help you do that. While, in New York City, 98 percent of the time tenants don't have lawyers and they face proceedings in Housing Court without assistance.

Now, the landlord can use a plethora of possible evidence to show that I'm not living where I say I live. The dilemma, if this bill were to become law, it would shift from a series of things landlords could and would need to prove, but also a series of things that a court could take into consideration to recognize that the person does in fact live in the apartment -- it would shift that dynamic, Mr. President, and the only things that would be used as evidence is did they file a tax return and/or did they vote somewhere else.

Well, there are lots of problems with that, as my good colleague Senator Espaillat tried to point out. And he was talking about people who failed to pay their taxes. But I'd like to talk about the people who aren't obligated to pay taxes. Why? Because they don't owe any taxes. So we don't obligate you to file a tax return if you don't owe the state or federal government money.

Now, I often would tell people, there might be a good chance we owe you money, something called the Earned Income Tax Credit, and there's an advantage to filing tax returns even if you don't owe any money. But there's no legal obligation to file a tax return if you don't owe the government money; i.e., you're very low-income.

But that's a huge number of people who live in rent-regulated and rent-controlled apartments in my city, because the average household, the median income in rent-regulated housing is only $36,000 per family per year. Which means a lot of people earn a lot less than $36,000 a year who are living in rent-regulated, rent-controlled apartments, and in fact many of

them have no legal obligation to file taxes.

They might or might not vote. I wish more low-income people voted, but lots of them don't vote. So it's not even a question of voting in the wrong place, it's voting at all.

In today's world, lots of people living in rent-regulated housing are participating in the military, and so they won't be voting in their ED, they'll be voting by absentee ballot through the military system. So they won't be voting where their residence is.

Unfortunately, some people have to travel far for temporary work today, because the unemployment rate is so high, so there's all kinds of reasons people might be away from home for an extended period of time -- doing their military duty; being a student, as I heard from Senator Espaillat in his questioning -- and frankly having no obligation to file a tax return.

So under the current law, there are many ways to prove this is not my primary residence and to evict me if in fact I am not living there.

But to imagine reversing the policy

where any number of types of documents can be used by both sides in a legal argument to make a decision or to help a judge make the right decision in an eviction proceeding, and narrow it down to simply is there a tax return from this address or did somebody vote from this address -- these are, to be honest, two of the most difficult things for some people to be able to go into court to prove because they didn't have to file tax returns and they might not have voted from the specific ED/AD where they are living, all perfectly legally.

And I would hate to imagine we would leave our judges and our court system no options but to actually find in favor of an eviction when there was perhaps a plethora of data and evidence that these people lived in the apartments and should not be evicted. I'm urging all my colleagues to vote no.

Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: Thank you, Senator Krueger.

Senator Rivera.

SENATOR RIVERA: Thank you, Mr. President. On the bill.

ACTING PRESIDENT GRIFFO: Senator Rivera on the bill.

SENATOR RIVERA: Thank you, Mr. President.

I wanted to add my voice to what my colleagues have already said for a very simple reason. The district that I represent has about 72,000 units of rent-stabilized apartments. Which means that after Senator Espaillat's, most of the units that this bill, if it went into effect, would impact are my constituents.

The median income of the district that I represent is about $25,000 a year, so we're obviously talking about even less income a year.

And the standards that are set here -- I have many, many concerns with this bill, but the principal one for me is that the fact that it creates a rebuttable presumption.

Now, what you're talking about is if you have somebody whose median income is $25,000 -- and as Senator Krueger pointed out, the great majority of people that go into proceedings where they're potentially being evicted are not represented or don't have an

attorney that is maybe not -- that is not a private attorney.

So most people that are tenants do not have someone to represent them that has the same experience and the same knowledge as the attorney that represents a landlord.

So now you're asking them, in a period of 30 days, through something that might not have been their fault -- I mean, just think about this. My last name is Rivera. Rivera is the Smith of the Puerto Ricans. I think I've said it on this floor many times before. And my full name is Jose Gustavo Rivera. Jose Rivera is the John Smith of the Puerto Ricans. There are many, many thousands of Jose Riveras in the Bronx.

And then if one person votes in one place and doesn't vote in another, there's a Jose Rivera here and then a Jose Luis Rivera over there and a Jose Rivera in another part of the Bronx, and all of a sudden you have potentially a rebuttable presumption that this individual did not vote where they said they lived.

Now they have 30 days with potentially no attorney to figure out how they're

going to keep their home.

Now, I certainly am concerned. I certainly would share any concerns that folks have about people taking advantage of something that they should not have access to. But as my colleague pointed out, there are many ways that landlords right now have to be able to process someone if they believe that that person should not live in that apartment and should be evicted.

ACTING PRESIDENT GRIFFO: Senator Young, why do you rise?

SENATOR YOUNG: Will Senator Rivera yield for a question?

ACTING PRESIDENT GRIFFO: Senator Rivera, do you yield?

SENATOR RIVERA: Most certainly, Mr. President.

ACTING PRESIDENT GRIFFO: Senator Young.

SENATOR YOUNG: So I understand your concern about maybe having their vote cast in the wrong district. But basically, under this piece of legislation, that is not an issue. Because what happens is if somebody votes by affidavit, it's counted in the right district.

So they wouldn't have to go to court.

But I'd like to ask you a question.

If somebody is living in a rent-regulated apartment and they vote in Nassau County, for example, and that's the place where they cast their vote, there's no question -- you know, obviously that's not the Bronx, for example -- should they be able to have a rent-regulated apartment?

SENATOR RIVERA: Through you, Mr. President, the problem here is that you're creating a rebuttable presumption for that individual. Now they have to prove that they didn't vote in Nassau.

I have no idea about the situation that might lead somebody to vote outside of their district. But my question --

SENATOR YOUNG: Well, for example --

SENATOR RIVERA: Mr. President, if I may just --

SENATOR YOUNG: For example, if they own a house in Nassau County and they're registered to vote in Nassau County and that's

what they do, do you think that they should still get the benefits of a rent-regulated apartment? That's my question, Senator Rivera.

SENATOR RIVERA: Through you, Mr. President. I do not believe that that is the reality of the great majority of people that have rent-stabilized apartments.

And if you're talking about somebody not being able to live in a rent-stabilized apartment, I don't necessarily believe that there's a standard by which somebody's income -- the majority of people that live in it are not people that are wealthy at all.

My main problem is the fact that there's things that might not be their fault, that they have to go now to court to figure out how to prove if they didn't do them. And if they don't have the ability to hire someone to protect them in court -- when there already exists many, many ways that a landlord can evict someone from their home. That is my issue with this bill.

Now, this hypothetical person that has a house in Nassau and an apartment in the city, I think that if that person is not supposed

to be living, you know, in a rent-stabilized apartment, if that is -- I guess your argument is that they should not have access to that rent-stabilized apartment.

What I am saying is that the people that are living in rent-stabilized apartments, the people that I represent, the people that Senator Espaillat represents, the people that many folks here in the Democratic side and some folks in the Republican side represent, the majority of them are not folks that would be able to go to court to defend themselves from a rebuttable presumption about whether they filed their taxes in one place or another or whether they voted in the right place.

And to establish this as a standard by which a landlord could go to court and say, Now, you have to prove that you didn't do these things or you lose your home, I don't think it's the right thing to do. And it's why I stand so strongly against this piece of legislation.

SENATOR YOUNG: Mr. President, will Senator Rivera continue to yield.

ACTING PRESIDENT GRIFFO: Senator Rivera, would you continue to take questions?

SENATOR RIVERA: Yes, Mr. President.

ACTING PRESIDENT GRIFFO: Senator Young.

SENATOR YOUNG: Now, you brought up the poor and legal services. But you are familiar that if you're poor in New York State and you need assistance in the courts, you can qualify for legal services; correct?

SENATOR RIVERA: Through you, Mr. President. I am absolutely aware of that.

But there is a big difference between someone who is a private attorney who has worked for landlords for a very long time and whose job it is to evict people, and to have someone who may have one, two, 15 or 20 cases that they have to deal with as a public defendant. I think that the standards of representation are very different.

And most of the people that go to Housing Court that come to my office every single day seeking help on housing issues, the great majority of them do not have representation and don't even know what their rights are.

SENATOR YOUNG: Will Senator

Rivera continue to yield.

ACTING PRESIDENT GRIFFO: Senator Rivera?

SENATOR RIVERA: Yes, Mr. President.

SENATOR YOUNG: Senator Rivera, I just wanted to ask you the question because I just want to drive the point home. And perhaps you didn't hear me.

Earlier we were discussing the fact that if you vote -- use that example again, but if you vote in the wrong election district that you're afraid that the person would have to go to court and they're poor and they might not be able to afford legal services or you don't like the requirement that they may have to prove, because the burden shifts to the tenant, as to whether they actually qualify for that rent-regulated apartment.

So my question is, did you, you know, hear what I had to say? Because if somebody fills out an affidavit ballot and votes in the wrong election district by mistake, and it's counted, what happens when you fill out an affidavit is that the Board of Elections actually

counts it in the correct election district.

So if that's the case, then the person would not even have to go to court because it would be recorded at the Board of Elections in the correct election district.

I guess I just wanted to ask you whether you heard that I said that, because that actually I believe answers some of the concerns that you've brought forward.

SENATOR RIVERA: Through you, Mr. President, yes, I did hear that.

It does not, however, erase the main concern that I have with this bill, in that it establishes a standard that is too high and that in all honesty seeks to replace the standards that already exist if someone wants to be -- if a landlord believes that somebody that is living in an apartment that they own needs to be evicted. There are already many processes that they can go through.

And they have to prove beyond a shadow of a doubt -- well, maybe not in that particular legal standard, but they have to prove certain things in court that this would actually change.

If I'm not mistaken, this bill establishes that if either of these two things, whether a person filed a tax return in their particular home, right, from that particular address or whether they voted somewhere else that is not the address where the apartment is, if either of these things -- if they're accused of either of these things, then they have 30 days, they receive a letter and it says, Hey, I am the owner of the building that your apartment is in, and you have 30 days to prove in a court of law that you didn't do either of these things that I'm accusing you of or you lose your apartment.

If I'm not mistaken, that is what the bill establishes. And I believe that that's a standard that is unacceptable and I would have to strongly oppose.

SENATOR YOUNG: Would Senator Rivera continue to yield.

ACTING PRESIDENT GRIFFO: Senator Rivera?

SENATOR RIVERA: Yes, Mr. President.

ACTING PRESIDENT GRIFFO: Senator Young.

SENATOR YOUNG: Senator Rivera, I just wanted to ask you if you actually read the provisions of the bill. Because it specifically says if someone is not required by law to file income taxes, then this particular law would not apply. And I guess I was wondering if you had actually read that part of the bill.

Because actually what this bill does is it says those who do not have to file a tax return would not be subject to the rebuttable presumption. I just wanted to ask if you'd noticed that part of the bill or not.

SENATOR RIVERA: Through you, Mr. President. Yes, I have, but that is not what we are arguing.

If the owner of the apartment building says you have filed taxes in another address that is not your own, then you have 30 days to prove that this accusation that I'm making against you is not accurate, or you are losing your apartment.

So I am not speaking about the folks -- like some of the folks that my colleague Senator Krueger was pointing out, the folks that don't have to file taxes because they fall within

a certain income bracket.

What I am saying is that those who do have to file taxes and have filed taxes, if there is an accusation that is made against them that they have filed taxes using another address -- I believe that is what the bill says, if there is a tax return that is filed in a particular place or I make the accusation that you as a tenant in my rent-regulated apartment in the building that I own, you have filed taxes and you've used another address and not the one that you're living in -- then you have 30 days to prove to a court that that's not the case or you'll lose your apartment.

And one more thing I just wanted to quickly say. There's no obligation that tenants have representation. Do they have access to it? A lot of times they have access to some level of representation, but there's no obligation of the courts that they have it.

SENATOR YOUNG: Through you, Mr. President, would Senator Rivera continue to yield.

ACTING PRESIDENT GRIFFO: Senator Rivera?

SENATOR RIVERA: Yes, Mr. President.

SENATOR YOUNG: So, Senator Rivera, I just wanted to make sure that you understood the part of the bill that talks about you actually have to have proof, as a landlord, in order to file some kind of action. Do you understand that part of the bill?

SENATOR RIVERA: Through you, Mr. President --

ACTING PRESIDENT GRIFFO: Senator Rivera.

SENATOR RIVERA: -- yes, I do. And you can present certain things to the court and say that they're proof if -- I would invite you, in all honesty, Senator Young, to come down to the Housing Court in the Bronx one afternoon and just talk to five or 10 people at random, some of the tenants that come to my office that tell me about some of the issues that they have right now in court and about some of the arguments that landlords have made against them.

I'm not saying there are not bad tenants anywhere, but I am saying that in the current environment -- and again, this would

impact the people that I represent. And I'm just talking about the folks that come into my office every single day talking to me about the issues that they have with whether they can stay in their home or not.

And the arguments made against them in court right now, there have been many cases in which landlords have no proof of the things that they're arguing, and yet they're pushing them to make some sort of arrangement -- sometimes they even push them out of their homes because they don't know exactly what their rights are and they don't have any knowledge or money to be able to hire someone to defend them against some of the things that are happening.

And to create this particular standard which would add some ammunition to the bad landlords -- because one more thing I'd like to say certainly for the record. I know many great landlords. I am very lucky to be living in an apartment in a rent-regulated unit right now that has a great landlord. And I know many of them that operate all across the Bronx.

But to allow bad landlords who are already figuring out how to flip apartments to

make the market great, to then be able to make some more money on those apartments and get people that can't afford to live anywhere else and try to push them out -- and it happens every single day in the Bronx. I would invite you to come down.

And to take this, to create this standard which again would create a rebuttable presumption -- which most people in there would have no idea what it is -- and yet you're saying that they have 30 days to prove whether it's not accurate and then they would be out of their homes, I don't think that that's acceptable.

SENATOR YOUNG: Would Senator Rivera continue to yield.

ACTING PRESIDENT GRIFFO: Senator Rivera?

SENATOR RIVERA: Yes, Mr. President.

ACTING PRESIDENT GRIFFO: Senator Young.

SENATOR YOUNG: Senator Rivera, I just wanted to ask you the question, because it's covered under this legislation. But say for example -- and again, this happens. And one

notable case is Faye Dunaway, who was a very notorious case recently, who was actually living in California, had her driver's license in California, was actually voting in California, but she had a rent-regulated apartment that she had for a number of years.

So to say this doesn't happen, I mean, there's just one case. And there's many, many cases.

But say, for example, somebody has a nice home in Columbia County and they're taking a STAR property tax benefit on that home in Columbia County, yet they still have a rent-regulated apartment in New York City. Should that person be able to keep their rent-regulated apartment, or should that rent-regulated apartment be opened up so that it can go to somebody who actually needs affordable housing?

SENATOR RIVERA: Through you, Mr. President. A couple of things.

Number one, once a person is evicted from an apartment that is rent-regulated, then certain rules apply as to how much the rent can go up depending on the type of investments

that are made in the apartment, et cetera, which might make that apartment which was rent-regulated non-rent-regulated as soon as that person moves out. That's number one.

And my concern has always been to maintain the certain population that we have of rent-stabilized and rent-regulated apartments. Number one.

Number two, related to this particular case, if I may ask the Senator to yield for one quick question of clarification on what she posited.

ACTING PRESIDENT GRIFFO: Senator Rivera, you have the floor, actually. So Senator Young -- have you completed answering her question?

SENATOR RIVERA: Okay, I'll figure out how to -- okay.

On the issue that you just mentioned, I am not aware of that particular case of Ms. Dunaway. But if there is a case of somebody who has that situation, an actress or a famous person or somebody who has a nice home elsewhere, well, that certainly can cover a very small section of who this would actually cover.

So you're not specifying those -- you might be using that as certainly the people that you might want to target, but unfortunately this is too broad. And it doesn't just target the Faye Dunaways of the world. It targets many, many, many more people who, again, through something that they might not have done, they are accused of filing taxes from their primary residence or they are accused of saying they voted elsewhere, not in the place that they are in the rent-stabilized apartment, and all of a sudden they find themselves in this category.

So although there might be certainly Faye Dunaways, we're talking about these right here. The great majority of people that live in my district that reside in rent-stabilized apartments don't fit that category.

And therefore, to establish a category that is so broad and therefore give something to landlords which they can really use to kick people out or to make them fear even staying in their apartments, again, I just don't think it's the right way to go.

SENATOR YOUNG: Thank you,

Mr. President. I'll make some remarks in a moment.

ACTING PRESIDENT GRIFFO: Thank you, Senator Young.

Senator Rivera, would you like to conclude on the bill?

SENATOR RIVERA: Yes. Yes, I would.

I just wanted to first of all thank you, Senator Young, for our lively debate.

I'll just conclude by saying the following. As I've stated more than a few times during this debate, my concern is this bill would impact thousands and thousands of families that live in my district. And there are already ways, many ways in which landlords can seek to evict people from their homes, and they do so every single day in the Bronx.

Are there bad tenants? Absolutely. But to create a standard which gives a new set of weapons to landlords to be able to get people out of their homes I believe is very problematic. Because eventually what it does is it takes some of these units that are protected and they are eventually pushed completely out of

rent regulation or rent stabilization.

In the housing crisis that we have right now in the Bronx and in the State of New York, I believe it is the wrong way to go. And I am very, very strongly opposed to this piece of legislation.

Thank you so much, Mr. President.

ACTING PRESIDENT GRIFFO: Thank you, Senator Rivera.

Is there any other Senator wishing to be heard?

Seeing none, hearing none, I call on Senator Young to close debate.

SENATOR YOUNG: Thank you, Mr. President.

It certainly has been an interesting debate today. And I certainly appreciate the concerns of my colleagues. But there are several things that I'd like to point out.

Senator Rivera talked about the fact that he thinks someone would be evicted from their apartment within two weeks. That's not the case under this legislation. Actually, there is a 30-day notice, and that 30-day notice is only

to the tenant. It does not even mean that they would go to court in 30 days. So that statement, while well-intentioned, actually isn't true.

The statements about whether someone votes in the wrong district, whether that would have them immediately evicted, those statements are not true.

Basically, what this bill does is to make sure, when someone receives the benefits of a rent-regulated apartment, that they actually qualify for those benefits.

You talk about the shortage of housing in New York City. I'm concerned about that. I want people to have affordable housing. However, when you have someone who has a luxury house, for example, in Florida where they're getting homestead benefits, maybe has a nice house upstate, they're getting the STAR benefits, maybe they're voting on Long Island, they're still getting a rent-regulated apartment -- those situations are wrong and I would think that we would all agree on that point.

Those situations are wrong because they actually take away rent-regulated apartments from those who really need them.

And so those who actually say this is a bad bill, I think that you're defending the indefensible. Because we need to work on this issue. We need to make sure that those receiving these benefits actually do qualify. We don't want people ripping off the system because that hurts everyone else.

So I would urge all of my colleagues in the State Senate to vote yes on this piece of legislation.

Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: Thank you, Senator Young.

Debate is closed. The Secretary will ring the bell.

Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT GRIFFO: Senator Krueger to explain her vote.

SENATOR KRUEGER: Thank you.

Just in closing, I don't disagree

with Senator Young. I'm voting against her bill, but certainly people who are ripping off the system shouldn't stay in their apartments.

The good news is we already have a system in place where landlords can evict people from rent-regulated apartments when they don't in fact live there. It's a problem that has a solution. Faye Dunaway is no longer in that apartment. Somebody who's living in an upstate house and getting a STAR rebate as their primary residency, the lawyer will win the case against them.

We want to make sure we don't change the law so that huge numbers of poor people without lawyers get trapped in a situation where they lose their home without having done anything wrong.

Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: Senator Krueger to be recorded in the negative.

Announce the results.

THE SECRETARY: In relation to Calendar Number 602, those recorded in the negative are Senators Adams, Addabbo, Avella, Diaz, Dilan, Duane, Espaillat, Gianaris,

Hassell-Thompson, Kennedy, Klein, Krueger, Montgomery, Oppenheimer, Parker, Peralta, Perkins, Rivera, Sampson, Savino, Serrano, Squadron, Stavisky and Stewart-Cousins.

Absent from voting: Senators Bonacic and Breslin.

Ayes, 33. Nays, 24.

ACTING PRESIDENT GRIFFO: The bill is passed.

The Secretary will read.

THE SECRETARY: Calendar Number 603, by Senator Young, Senate Print 5152, an act to amend the Administrative Code of the City of New York.

ACTING PRESIDENT GRIFFO: Senator Krueger.

SENATOR KRUEGER: Thank you. I'd like to speak on the bill, Mr. President.

ACTING PRESIDENT GRIFFO: Senator Krueger on the bill.

SENATOR KLEIN: Well, we've done this bill as well. This is a bill that would allow owners to claim they need immediate occupancy of rent-controlled apartments.

Now, the previous bill was about

rent stabilization and rent control. When we get to rent control, we're talking about households with an average median income of $25,000, a lower-income population. And guess what? Statistically, they're all elderly. The 35,000 to 40,000 people left in rent-controlled apartments in the State of New York are elderly and poor. That's the universe.

This bill would allow owners to more easily evict elderly, poor people from their rent-controlled apartment because they want to claim they have an imminent need to live there themselves.

I have buildings in my own district, Mr. President, where owners have claimed they need the entire building, made up of 22 apartments, for imminent personal use. This is simply not acceptable.

The existing law is not acceptable, and this law would make it even easier to evict rent-controlled elderly, poor, statistically women, because it is in fact women who are statistically the elderly poor.

So I object strongly to making it easier to evict elderly poor women throughout the

State of New York. I vote no.

Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: Senator Young.

SENATOR YOUNG: Thank you, Mr. President. Just on the bill.

ACTING PRESIDENT GRIFFO: Senator Young on the bill.

SENATOR YOUNG: While I appreciate Senator Krueger's concerns, I do want to point out that this particular bill does not apply if the tenant is older than 62 years of age. So while I appreciate her concerns about the elderly -- I share those same concerns about senior citizens -- this bill specifically states that it does not apply to someone if they were 62 years of age or older.

Basically, what it does is take rent-controlled apartments and bring them in line with the rent stabilization laws. This is all about private property rights. This is all about being able to -- for example, if you have a family member you'd like to have move into your building that you own as an owner, you'd be able to do so.

So again, thank you, Senator Krueger, for bringing up that concern. I just want to put your fears at rest. This bill would not apply in those situations.

I would urge a vote for this bill. Thank you.

ACTING PRESIDENT GRIFFO: Is there any other Senator wishing to be heard?

Seeing none, hearing none, debate is closed. The Secretary will ring the bell.

Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT GRIFFO: Senator Squadron to explain his vote.

SENATOR SQUADRON: Thank you, Mr. President.

In addition to the argument that has been put forth by Senator Krueger and the ways in which this creates a loophole in the law, there's in fact a bill I carry, S81, that would close the existing loopholes on personal use.

And I've got to tell you, if you think that they aren't a problem, you should come down and visit my district, because we have seen Mack trucks driven through this loophole again and again in my district and have lost rent-regulated housing, have lost people's homes, with all sorts of, frankly, personal-use evictions that simply don't make sense.

That's why I can't in good conscience vote for this bill. I wish we could have been debating S81, closing that loophole. It's one that's just cost too many homes.

I vote no, Mr. President.

ACTING PRESIDENT GRIFFO: Senator Squadron is to be recorded in the negative.

Senator Young to explain her vote.

SENATOR YOUNG: Thank you, Mr. President.

This actually is a very good piece of legislation. It limits the rights of succession to just one time. Oftentimes people game the system and they go on for generations where they actually are in a rent-regulated apartment inappropriately, they move in.

So this is a way to, again, open up

those apartments to people who truly need them. I would urge all of my colleagues to vote yes on this bill.

Thank you.

ACTING PRESIDENT GRIFFO: Senator Young to be recorded in the affirmative.

Senator Rivera to explain his vote.

SENATOR RIVERA: Thank you, Mr. President.

The reason we have rent stabilization, the reason we have rent control is to protect tenants from folks that might want to just kick them out of their apartment.

To approve this bill and make it into law would open up -- you talk about Mack trucks, Senator Squadron? Let's talk about an armada just driving through. Basically saying if I own a building, I can then take over this apartment for whatever use I think I need to have. Then all of a sudden the people will be evicted, they will no longer be living at home.

I think this would really just allow owners to just take rent-regulated tenants without just cause and evict them left, right and center. I believe it is a horrible piece of

legislation which, again, would impact thousands of families in my district. I urge my colleagues to vote in the negative, and I do so as well.

Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: Senator Rivera to be recorded in the negative.

Announce the results.

THE SECRETARY: In relation to Calendar Number 603, those recorded in the negative are Senators Adams, Addabbo, Avella, Diaz, Dilan, Duane, Espaillat, Gianaris, Hassell-Thompson, Krueger, Montgomery, Oppenheimer, Parker, Peralta, Perkins, Rivera, Sampson, Serrano, Squadron, Stavisky, and Stewart-Cousins.

Absent from voting: Senators Breslin, Bonacic and Hannon.

Ayes, 34. Nays, 21.

ACTING PRESIDENT GRIFFO: The bill is passed.

I would ask members to please remain in the chamber or near the chamber, please.

The Secretary will continue to read.

THE SECRETARY: Calendar Number 604, by Senator Young, Senate Print 6472, an act to amend the Administrative Code of the City of New York.

ACTING PRESIDENT GRIFFO: Senator Krueger.

SENATOR KRUEGER: Thank you, Mr. President. On the bill.

ACTING PRESIDENT GRIFFO: Senator Krueger on the bill.

SENATOR KRUEGER: Thank you.

And I appreciate -- I know that the Senator would be happy to answer questions, but because of the time moving on, I am simply going to speak on the bill.

This is also a bill I would urge my colleagues to reject. This is a bill that upon death or absence of the leaseholder on the apartment, any other family members continuing to remain there would be treated as if they were new tenants with the requirement for them to pay the new increased rent. Which can be, under current law, a 20 percent vacancy increase plus a formula based on the number of years of the previous leaseholder.

So in a situation where I was a 22-year-old who had grow up in this apartment and my mother died and she was the leaseholder, I would have the right to remain in the apartment but be treated under the math formula that could result in a 30 percent increase in rent simply because the lease was changing to my name after my mother deceased.

This would absolutely drive large numbers of people out of their homes quickly because they could not possibly afford that level of an increase.

Now, the other part of this bill, if in fact they could remain, even though there would be an enormous increase in their rent immediately, there would be no continued succession rights, it would simply be a one-time opportunity.

And in fact it is extremely common in rent-regulated units for children not to be on the lease of parents even when they become adults; significant others not necessarily being on the lease -- because in a scenario where I had the apartment, then I got married and then my husband joined me in the apartment, it is very

possible he would not be on the lease and only at the time that I was deceased, he continued to live there, could he also face the exact same situation. Nothing changed as far as the apartment or the primary residence, but -- I'm sorry, Mr. President. It's getting a little loud behind me.

ACTING PRESIDENT GRIFFO: Can we have some order, please.

SENATOR KRUEGER: Thank you.

That this would result in rapid increases in rent for people who didn't change their housing situation and the landlord didn't take on any new repairs or expansions or improvements in the apartment. It would simply say if somebody who's been living there with their name on the lease is no longer there, even though if everything else stays the same in that apartment for the people living there, there would be an automatic dramatic increase in their rent.

I don't believe that this bill is justified. I hope people will vote no.

Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: Thank

you, Senator Krueger.

Is there any other Senator wishing to be heard?

Seeing none, hearing none, debate is closed. The Secretary will ring the bell.

Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT GRIFFO: Senator Young to explain her vote.

SENATOR YOUNG: Thank you, Mr. President.

I would just like to urge my colleagues to vote in favor of this piece of legislation. It actually limits the right of succession to a one-time situation on a rent-regulated housing apartment.

This is very important, because we believe -- the people who vote yes on this believe in private property rights, people being able to do what they want on their own property and not having the government interfere with it.

So basically what we're saying is that if you have a rent-regulated apartment, it's not an inheritance, it's not a God-given right that you can have that rent-regulated apartment in your family for generations and generations to come.

Because as I stated before, we have a housing shortage in New York City. If we continue the bad policies of having continued succession rights, then basically what happens is it exacerbates the housing problem and the housing shortage that we are experiencing.

So I would urge my colleagues to vote yes on this piece of legislation. There are protections in place for people, but it's not a God-given right to an inheritance to have a rent-regulated apartment.

ACTING PRESIDENT GRIFFO: Senator Young to be recorded in the affirmative.

Announce the results.

THE SECRETARY: In relation to Calendar Number 604, those recorded in the negative are Senators Adams, Addabbo, Avella, Diaz, Dilan, Duane, Gianaris, Hassell-Thompson, Krueger, Montgomery, Oppenheimer, Parker,

Peralta, Perkins, Rivera, Sampson, Serrano, Squadron, Stavisky and Stewart-Cousins.

Absent from voting: Senators Bonacic, Breslin and Espaillat.

Ayes, 36. Nays, 20.

ACTING PRESIDENT GRIFFO: The bill is passed.

The Secretary will read.

THE SECRETARY: Calendar Number 717, by Senator Golden, Senate Print 1987, an act to amend the Social Services Law.

ACTING PRESIDENT GRIFFO: Senator Squadron.

SENATOR SQUADRON: If the sponsor would yield for a question.

ACTING PRESIDENT GRIFFO: Can I have some order, please, in the chamber.

Senator Golden, do you yield?

SENATOR GOLDEN: I do indeed, Mr. President.

ACTING PRESIDENT GRIFFO: Senator Squadron.

SENATOR SQUADRON: Thank you very much.

I certainly appreciate the

sponsor's goals in this bill to do everything we possibly can for so-called deadbeat dads, deadbeat parents who don't meet their child support obligations. It is beyond unacceptable. It's destructive for children and for the custodial parent. So the goal makes a great deal of sense.

I just want to ask, on this very public website that would be available to anyone out there who had access to the Web, what information about a deadbeat parent who didn't pay child support would be available?

SENATOR GOLDEN: Mr. President, the list that would be made available would be a general list: the names and the last known address of the individual; the owing of the dollars that are owed to the children; the physical description of such an individual; a photograph, if the individual's photograph is available; the individual's occupation; the amount of any child support; the number of children who support is owed to; and the information deemed appropriate by the OTDA, or the Office of Temporary and Disability Assistance.

SENATOR SQUADRON: If the sponsor would continue to yield.

ACTING PRESIDENT GRIFFO: The sponsor yields.

SENATOR GOLDEN: Yes, Mr. President.

SENATOR SQUADRON: So in other words, what this would do is it would put sort of all the information you would need to know who the parent is that is not meeting their child support obligations?

SENATOR GOLDEN: I'm sorry, Mr. President. Please -- the question again.

ACTING PRESIDENT GRIFFO: Repeat the question, Senator Squadron.

SENATOR SQUADRON: In other words, what this bill would do is it would make available to the general public all the information necessary to know who the parent not paying child support is.

SENATOR GOLDEN: That is the purpose of the website, yes, Mr. President.

SENATOR SQUADRON: If the sponsor would continue to yield.

SENATOR GOLDEN: Yes,

Mr. President.

ACTING PRESIDENT GRIFFO: The sponsor yields.

SENATOR SQUADRON: Is the sponsor of the view that if a child has a parent that isn't paying child support, that it should be made public that that child has a parent not meeting their child support obligations?

SENATOR GOLDEN: The child is not made public, Mr. President. And it's against the law to make the child's name available.

SENATOR SQUADRON: If the sponsor would continue to yield.

SENATOR GOLDEN: Yes, Mr. President.

ACTING PRESIDENT GRIFFO: The sponsor yields.

SENATOR SQUADRON: When the sponsor says it's illegal to make the child public, under what basis? What's the reference that the sponsor made?

SENATOR GOLDEN: Under the OTDA, if you make a person's name available, a child's name available, there is legislation that makes it an A misdemeanor.

SENATOR SQUADRON: Thank you very much. On the bill, Mr. President.

ACTING PRESIDENT GRIFFO: On the bill.

SENATOR SQUADRON: Unfortunately, this bill actually undermines that provision in two ways. It does it both in the way the sponsor described, with the extraordinarily specific information that would be available to anyone who has a mouse and an Internet connection, but it also does it explicitly in the bill. In fact, this bill says any disclosure made by the office in a good-faith effort to comply with this section shall not be considered a violation of any confidentiality Laws.

We were talking about loopholes before. This bill literally creates a loophole on confidentiality laws that are designed to protect children from having to wear the scarlet A of their parent's failure. In fact, it is a major exception to extraordinarily important disclosure laws designed to protect children from their parent's failures.

Look, as I said at the beginning, deadbeat parents absolutely should be held to

account for that in the most serious ways that we can devise that make sense here.

Unfortunately, what this does is it doesn't necessarily hold the parent to account, it holds the child to account. Any student who doesn't like their classmate and knows the classmate has a noncustodial parent can go search online and find out if their parent is one of these deadbeat most-wanteds. Any teacher, any other parent in the neighborhood, any neighbor can go on there and figure out this child or this custodial parent is related to one of the most wanted deadbeats in the state.

That is absolutely in conflict with the confidentiality laws that the sponsor himself talks about. And then, in addition to making all that information public, it says, hey, forgot about those confidentiality Laws.

As I said before, I absolutely appreciate the intent of the sponsor here. I could not be more committed to holding deadbeats accountable for what they're doing. It is extraordinarily destructive to custodial parents and to children when parents do not meet their obligations.

However, to put out there every child's identity as easily as this bill would and to create this loophole in confidentiality laws designed to protect children -- which is what this is all about, what I know the sponsor cares about and what I care about -- is to me simply unacceptable. I urge a no vote, Mr. President. Thank you.

ACTING PRESIDENT GRIFFO: Thank you, Senator Squadron.

Seeing and hearing no other Senator, the debate is closed. The Secretary will ring the bell.

Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT GRIFFO: Senator Montgomery to explain her vote.

SENATOR MONTGOMERY: Yes, Mr. President. I'm reading this memo regarding this legislation, and it's just interesting that Senator Golden's bill, the title is "The Deadbeat

Dad Most Wanted List."

And I'm recalling growing up when there used to be posters on the highway and in the post offices and in various buildings that said "Wanted, Dead or Alive," the "Most-Wanted List."

So it attaches a level of criminality. And so I think we certainly, while we want to collect for children from their parents who are responsible for participating in their lives, and the fact that we want both parents to be part of their financial well-being, we certainly don't want to set up, as government, as a legislature, as elected officials, a list of deadbeat dads as if these were criminals and we wanted them dead or alive. We really want them alive and paying for their children.

I vote no on this bill.

ACTING PRESIDENT GRIFFO: Senator Montgomery to be recorded in the negative.

Senator Golden to explain his vote.

SENATOR GOLDEN: Thank you, Mr. President.

I just want to clarify the reason for this bill. The bill is to get the dollars

that are necessary for those children and those homes. We're talking about, in 2009, $648 million in the State of New York are owed to these children. Just in the City of New York, it's $317 million. And it's up $64 million since 2003.

This has been a successful program in several states, and they've recouped many, many dollars for those children. And the deadbeat parents have come across and paid. So I so vote yes, and I hope that my colleagues would also vote yes.

ACTING PRESIDENT GRIFFO: Senator Golden to be recorded in the affirmative.

Announce the results.

THE SECRETARY: In relation to Calendar Number 717, those recorded in the negative are Senators Adams, DeFrancisco, Dilan, Duane, Gianaris, Krueger, Montgomery, Parker, Peralta, Perkins, Rivera, Savino, Serrano, and Squadron. Also Senator Hassell-Thompson.

Absent from voting are Senators Bonacic, Breslin, Espaillat and Oppenheimer.

Ayes, 40. Nays, 15.

ACTING PRESIDENT GRIFFO: The bill

is passed.

The Secretary will read.

THE SECRETARY: Calendar Number 893, by Senator Hannon, Senate Print 7330, an act to amend the Public Health Law.

ACTING PRESIDENT GRIFFO: Senator Squadron, why do you rise?

SENATOR SQUADRON: Mr. President, I believe there's an amendment at the desk. I ask that the reading of the amendment be waived and that Senator Stewart-Cousins be heard on the amendment.

ACTING PRESIDENT GRIFFO: May I have some order, please, in the chamber.

Senator Squadron, upon review of the amendment, under Rule 6, Section 4B, I rule that it is nongermane to the bill in chief.

SENATOR SQUADRON: Mr. President, I appeal the ruling of the chair and ask that Senator Stewart-Cousins be heard on the appeal in order to explain the germaneness of her amendment.

ACTING PRESIDENT GRIFFO: Thank you, Senator Squadron.

There's an request for an appeal of

the ruling of the chair. I recognize Senator Stewart-Cousins.

SENATOR STEWART-COUSINS: Thank you, Mr. President.

I believe that the amendment at the desk is germane for the following reasons. The amendment that I offer today strengthens Senator Hannon's bill by adding the Reproductive Health Act, which will remove the regulation of abortion from the criminal laws and put it into the Public Health Law, where all other health services are regulated.

New York's reproductive health laws are outdated and inadequate. As a result, my amendment would ensure that a woman can make her own personal, private healthcare decisions especially when her health is endangered.

Currently, New York law regulates abortion in the Criminal Code and lacks a provision that would enable a woman to access the care if her health was in danger. This amendment would remove the regulation of abortion from the criminal law, put it in the Public Health Law, where all other health services are regulated.

The Reproductive Health Act is a

common-sense measure. Surveys over the past four years have consistently shown that seven out of 10 New York voters, across religious and party lines, want the Reproductive Health Act to become law.

This amendment represents one of what we hope would be New York's core values, that a woman should be able to make her own personal, private healthcare decisions.

ACTING PRESIDENT GRIFFO: Thank you, Senator Stewart-Cousins.

All those in favor of overruling the ruling of the chair signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT GRIFFO: Opposed?

Senator Squadron.

SENATOR SQUADRON: Show of hands, please.

ACTING PRESIDENT GRIFFO: Senator Squadron has requested a show of hands, and it is so ordered.

Announce the results.

THE SECRETARY: Ayes, 19.

ACTING PRESIDENT GRIFFO: The

ruling of the chair is sustained.

The bell has already been rung.

The Secretary will read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 55.

Absent from voting: Senators Bonacic, Breslin, Espaillat and Oppenheimer.

ACTING PRESIDENT GRIFFO: The bill is passed.

SENATOR LIBOUS: Mr. President, can we return to motions.

ACTING PRESIDENT GRIFFO: Returning to motions.

SENATOR LIBOUS: On behalf of Senator O'Mara, I move that the following bill be discharge from its respective committee and be recommitted with instructions to strike the enacting clause. That would be Senate Print 6779.

ACTING PRESIDENT GRIFFO: So ordered.

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

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

SENATOR LIBOUS: Thank you, Mr. President and my colleagues.

There being no further business at the desk, I move that the Senate will adjourn until Wednesday, June 6th, at 11:00 a.m.

ACTING PRESIDENT GRIFFO: On motion, the Senate stands adjourned until Wednesday, June 6th, at 11:00 a.m.

Senate adjourned.

(Whereupon, at 6:27 p.m., the Senate adjourned.)