

1 NEW YORK STATE SENATE

2
3
4 THE STENOGRAPHIC RECORD

5
6
7
8
9 ALBANY, NEW YORK

10 June 12, 2012

11 11:29 a.m.

12
13
14 REGULAR SESSION

15
16
17
18 SENATOR THOMAS F. O'MARA, Acting President

19 FRANCIS W. PATIENCE, Secretary

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

2 ACTING PRESIDENT O'MARA: The
3 Senate will come to order.

4 I ask everyone to please rise and
5 join with me in repeating the Pledge of
6 Allegiance.

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

9 ACTING PRESIDENT O'MARA: In the
10 absence of clergy, I'd ask you all to bow your
11 heads in a moment of silent prayer.

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

14 ACTING PRESIDENT O'MARA: The
15 reading of the Journal.

16 THE SECRETARY: In Senate,
17 Monday, June 11th, the Senate met pursuant to
18 adjournment. The Journal of Sunday,
19 June 10th, was read and approved. On motion,
20 Senate adjourned.

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

24 Presentation of petitions.

25 Messages from the Assembly.

1 The Secretary will read.

2 THE SECRETARY: On page 21,
3 Senator Martins moves to discharge, from the
4 Committee on Finance, Assembly Bill Number
5 8971 and substitute it for the identical
6 Senate Bill Number 5135, Third Reading
7 Calendar 528.

8 On page 22, Senator Ritchie moves
9 to discharge, from the Committee on Finance,
10 Assembly Bill Number 5688A, and substitute it
11 for the identical Senate Bill Number 3552A,
12 Third Reading Calendar 580.

13 On page 32, Senator Bonacic moves
14 to discharge, from the Committee on Judiciary,
15 Assembly Bill Number 8554 and substitute it
16 for the identical Senate Bill Number 6641,
17 Third Reading Calendar 788.

18 On page 33, Senator Hannon moves
19 to discharge, from the Committee on Health,
20 Assembly Bill Number 3551A and substitute it
21 for the identical Senate Bill Number 4660,
22 Third Reading Calendar 814.

23 On page 37, Senator Marcellino
24 moves to discharge, from the Committee on
25 Finance, Assembly Bill Number 7016B and

1 substitute it for the identical Senate Bill
2 Number 4303C, Third Reading Calendar 885.

3 On page 37, Senator Saland moves
4 to discharge, from the Committee on Local
5 Government, Assembly Bill Number 10089 and
6 substitute it for the identical Senate Bill
7 Number 7123, Third Reading Calendar 913.

8 On page 45, Senator Griffo moves
9 to discharge, from the Committee on Cultural
10 Affairs, Tourism, and Parks and Recreation,
11 Assembly Bill Number 10003A and substitute it
12 for the identical Senate Bill Number 7059A,
13 Third Reading Calendar 1021.

14 On page 50, Senator Young moves
15 to discharge, from the Committee on Rules,
16 Assembly Bill Number 9286A and substitute it
17 for the identical Senate Bill Number 6203A,
18 Third Reading Calendar 1061.

19 On page 52, Senator Golden moves
20 to discharge, from the Committee on Health,
21 Assembly Bill Number 9107 and substitute it
22 for the identical Senate Bill Number 6314,
23 Third Reading Calendar 1082.

24 And on page 55, Senator Skelos
25 moves to discharge, from the Committee on

1 Finance, Assembly Bill Number 10046 and
2 substitute it for the identical Senate Bill
3 Number 7458, Third Reading Calendar 1112.

4 ACTING PRESIDENT O'MARA:
5 Substitutions ordered.

6 Messages from the Governor.
7 Reports of standing committees.
8 Reports of select committees.
9 Communications and reports from
10 state officers.

11 Motions and resolutions.
12 Senator Libous.

13 SENATOR LIBOUS: Mr. President,
14 may we please adopt the Resolution Calendar, with
15 the exception of Resolutions 5198, 5213, 5216,
16 5269, and 5270.

17 ACTING PRESIDENT O'MARA: All in
18 favor of adopting the Resolution Calendar with
19 the exception of Resolutions 5198, 5213, 5216,
20 5269 and 5270 signify by saying aye.

21 (Response of "Aye.")

22 ACTING PRESIDENT O'MARA: Opposed,
23 nay.

24 (No response.)

25 ACTING PRESIDENT O'MARA: The

1 Resolution Calendar is adopted.

2 Senator Libous.

3 SENATOR LIBOUS: Mr. President, at
4 this time I believe there's a resolution at the
5 desk by Senator LaValle. It is Resolution Number
6 5198. I ask that the resolution be read in its
7 entirety, and before its adoption if you could
8 call on Senator LaValle, please.

9 ACTING PRESIDENT O'MARA: The
10 Secretary will read.

11 THE SECRETARY: Legislative
12 Resolution Number 5198, by Senator LaValle,
13 honoring Erik Divan and Daniel O'Neill of
14 Riverhead High School upon the occasion of
15 winning the 2012 SRAA National Rowing
16 Championship.

17 "WHEREAS, This Legislative Body
18 takes pleasure in honoring talented high school
19 athletes who distinguish themselves and their
20 community through outstanding athletic and
21 scholastic performances; and

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

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

5 "WHEREAS, Attendant to such
6 concern, and in full accord with its
7 long-standing traditions, it is the intent of
8 this Legislative Body to honor Erik Divan and
9 Daniel O'Neill of Riverhead High School upon the
10 occasion of winning the 2012 SRAA National Rowing
11 Championship; and

12 "WHEREAS, Over the 2012 Memorial
13 Day weekend, on the Cooper River in Camden,
14 New Jersey, Erik Divan and Daniel O'Neill of
15 Riverhead High School won the Scholastic National
16 Rowing Championship in lightweight double sculls;
17 and

18 "WHEREAS, In addition, in 2011 Erik
19 Divan and Daniel O'Neill captured silver medals
20 for their second-place finish in this prestigious
21 event; and

22 "WHEREAS, Erik Divan and Daniel
23 O'Neill have also won gold medals at the Mercer
24 Lake Sprints, Cooper Cup Regatta and Stotesbury
25 Cup Regatta; and

1 "WHEREAS, Rowing together for three
2 years as members of the East End Rowing
3 Institute, Erik Divan and Daniel O'Neill are
4 honor roll students at Riverhead High School; and

5 "WHEREAS, Excellence and success in
6 competitive sports can be achieved only through
7 strenuous practice. Erik Divan's and Daniel
8 O'Neill's dedication to competitive rowing is a
9 year-round, everyday commitment. They are
10 highly focused and have developed matchless work
11 ethics; and

12 "WHEREAS, Erik Divan's and Daniel
13 O'Neill's exemplary athleticism and scholastic
14 achievements are reflective of their dedication,
15 determination and personal commitment. Their
16 accomplishments stand as a hallmark of what is
17 best in the families, schools and communities
18 across New York State; now, therefore, be it

19 "RESOLVED, That this Legislative
20 Body pause in its deliberations to honor Erik
21 Divan and Daniel O'Neill of Riverhead High School
22 upon the occasion of winning the 2012 SRAA
23 National Rowing Championship, and to commend them
24 for the enduring honor they have brought to their
25 family, school and community; and be it further

1 "RESOLVED, That copies of this
2 resolution, suitably engrossed, be transmitted to
3 Erik Divan and Daniel O'Neill."

4 ACTING PRESIDENT O'MARA: Senator
5 LaValle.

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

8 ACTING PRESIDENT O'MARA:
9 {Gaveling.} Can we have some quiet in the
10 chamber, please.

11 SENATOR LaVALLE: Thank you.
12 Strength, stamina, and
13 determination were on display on the Cooper River
14 in Camden, New Jersey, over the Memorial Day
15 weekend. That's when Erik Divan and Daniel
16 O'Neill won the 2012 Scholastic National --
17 National -- Rowing Championship in their
18 lightweight double sculls.

19 Both young men, part of the
20 East End Rowing Club, with their coach, Co
21 Rentmeester, have been focused for a period of
22 time. And I would tell you that the discipline
23 that these two young men showed ended in a
24 Scholastic National Championship.

25 I talked about endurance, and that

1 they showed. I have on the desk next to me a
2 picture of both Daniel and Erik, and anyone who
3 wants to see that afterward is, you know, invited
4 to do so. But the picture shows that
5 determination.

6 It is important to mention that
7 this is something they did as part of the East
8 End Rowing Club. They had to find sculls that
9 would be worthy of competition, and they competed
10 against people who had equipment far better than
11 their equipment. So it goes to show you we can
12 have, when we're jogging, the fanciest sneakers
13 or the fanciest equipment, but it is that
14 determination and skill that really brings you to
15 championship status.

16 So I'm very proud of both Daniel
17 and Erik. Erik and Daniel, why don't you just
18 stand up to be recognized. Congratulations on
19 bringing a championship to your hometown of
20 Riverhead. You must proud. And it's something
21 that you will remember your entire life, that day
22 of the Memorial Day weekend on the Cooper River
23 in Camden, New Jersey. Good luck to you.

24 And I want to mention that both
25 young men are scholars and have very

1 distinguished universities soliciting them.

2 Good luck to both of you.

3 (Applause.)

4 ACTING PRESIDENT O'MARA: Thank
5 you, Senator LaValle.

6 The question is on the resolution.

7 All in favor signify by saying aye.

8 (Response of "Aye.")

9 ACTING PRESIDENT O'MARA: Opposed,
10 nay.

11 (No response.)

12 ACTING PRESIDENT O'MARA: The
13 resolution is adopted.

14 Congratulations, Daniel and Erik.

15 It's an honor to have you here today. We're
16 proud to host you. Welcome to the Senate
17 chamber, and please enjoy your stay with us
18 today.

19 Senator Libous.

20 SENATOR LIBOUS: Mr. President,
21 Senator LaValle would like to open that
22 resolution to all the members of the chamber. So
23 as our usual policy goes, if there is a member
24 who wishes not to be on the resolution, they
25 would let the desk know. Otherwise, all members

1 will be put on the resolution.

2 ACTING PRESIDENT O'MARA: So
3 ordered.

4 SENATOR LIBOUS: Mr. President,
5 before I call a Rules Committee meeting, I just
6 want to make an announcement.

7 We have a full day today. There's
8 a number of things that we're going to do. I
9 would ask members to stay close to the chamber.
10 We're going to have several Rules Committees. We
11 have lots of bills we're going to put on the
12 floor and move forward with.

13 So if members could please stay
14 within the limits of the chamber, it would be
15 very helpful so that we can move things along as
16 quickly as possible.

17 So, Mr. President, at this time I
18 would call an immediate meeting of the Rules
19 Committee in Room 332. That's an immediate
20 meeting of the Rules Committee in Room 332. And
21 the Senate will stand at ease until the Rules
22 Committee meeting is completed.

23 ACTING PRESIDENT O'MARA: There
24 will be an immediate meeting of the Rules
25 Committee in Room 332.

1 The Senate will stand at ease.

2 (Whereupon, the Senate stood at ease
3 at 11:40 a.m.)

4 (Whereupon, the Senate reconvened at
5 12:00 p.m.)

6 ACTING PRESIDENT O'MARA: The
7 Senate will come to order.

8 Senator Libous.

9 SENATOR LIBOUS: Thank you,
10 Mr. President.

11 I believe there's a report of the
12 Rules Committee at the desk. I ask that it be
13 read at this time.

14 ACTING PRESIDENT O'MARA: The
15 Secretary will read.

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

19 Senate Print 22, by Senator
20 Squadron, an act to amend the Tax Law;

21 Senate Print 1401, by Senator
22 Savino, an act to amend the Workers' Compensation
23 Law;

24 Senate Print 1469A, by Senator
25 Parker, an act to amend the Not-For-Profit

1 Corporation Law;

2 Senate Print 2165, by Senator
3 Golden, an act to amend the Criminal Procedure
4 Law;

5 Senate Print 2949, by Senator
6 Lanza, an act to amend the Criminal Procedure
7 Law;

8 Senate Print 3710, by Senator
9 Adams, an act to amend Chapter 15 of the Laws of
10 1998;

11 Senate Print 5108A, by Senator
12 Johnson, an act to amend the Civil Practice Law
13 and Rules;

14 Senate Print 5647, by Senator
15 Flanagan, an act to amend the Education Law;

16 Senate Print 6177, by Senator
17 Breslin, an act to amend Chapter 105 of the Laws
18 of 2009;

19 Senate Print 6306, by Senator
20 Carlucci, an act to amend the Town Law;

21 Senate Print 6371, by Senator
22 Klein, an act to amend the Local Finance Law;

23 Senate Print 6727B, by Senator
24 Klein, an act to amend the Vehicle and Traffic
25 Law;

1 Senate Print 6845A, by Senator
2 Nozzolio, an act to amend the Family Court Act.

3 Senate Print 6996, by Senator
4 Flanagan, an act to amend the Criminal Procedure
5 Law;

6 Senate Print 7241, by Senator
7 Farley, an act to amend the Criminal Procedure
8 Law;

9 Senate Print 7293, by Senator
10 Nozzolio, an act to amend the Criminal Procedure
11 Law;

12 Senate Print 7514A, by Senator
13 Martins, an act to amend the Insurance Law;

14 Senate Print 7614, by Senator
15 Robach, an act to amend the Civil Service Law;

16 And Senate Print 7638, by Senator
17 Saland, an act to amend the Executive Law.

18 All bills reported direct to third
19 reading.

20 ACTING PRESIDENT O'MARA: Senator
21 Libous.

22 SENATOR LIBOUS: I move to accept
23 the report of the Rules Committee.

24 ACTING PRESIDENT O'MARA: All in
25 favor signify by saying aye.

1 (Response of "Aye.")

2 ACTING PRESIDENT O'MARA: Opposed,
3 nay.

4 (No response.)

5 ACTING PRESIDENT O'MARA: The
6 Rules report is accepted.

7 SENATOR LIBOUS: Thank you,
8 Mr. President.

9 Can we now go back to motions and
10 resolutions, please.

11 ACTING PRESIDENT O'MARA: Motions
12 and resolutions.

13 SENATOR LIBOUS: Mr. President,
14 there is a --

15 ACTING PRESIDENT O'MARA:
16 {Gaveling.} Can we have quiet in the chamber,
17 please.

18 SENATOR LIBOUS: There's a
19 resolution at the desk by Senator McDonald,
20 Number 5213. Could we have the title read and
21 call on Senator McDonald.

22 ACTING PRESIDENT O'MARA: The
23 Secretary will read.

24 THE SECRETARY: Legislative
25 Resolution Number 5213, by Senator McDonald,

1 commemorating the 35th Anniversary of the
2 Freihofer's Saratoga Jazz Festival, to be held
3 June 30 through July 1, 2012, and memorializing
4 Governor Andrew M. Cuomo to proclaim June 2012 as
5 Jazz Month in the State of New York.

6 ACTING PRESIDENT O'MARA: Senator
7 McDonald.

8 SENATOR McDONALD: Thank you,
9 Mr. President.

10 I have the honor today of
11 recognizing the 35th anniversary of the
12 Freihofer's Saratoga Jazz Festival, which is
13 located at the Saratoga Performing Arts Center in
14 Saratoga County in the City of Saratoga Springs.
15 This will be the 35th event, starting June 30th
16 and going to July 1st.

17 A little history of it, if I may.
18 Freihofer's Jazz Festival is one of the
19 longest-running and most celebrated jazz events
20 in the world. It was founded in 1978, by George
21 Wein, often referred to as "the father of modern
22 musical festivals. He was also the founder of
23 the Newport Jazz Festival.

24 The festival is now produced by
25 Danny Melnick, president of Absolutely Live

1 Entertainment, and Freihofer's Baking Company.
2 And if you're from the Capital District, you know
3 Freihofer's Baking Company. And I mention that
4 because these are the people that make the
5 wonderful chocolate-chip cookies that we have in
6 the lounge, and these cookies are the cookies I
7 actually grew up on. And I think Hugh Farley is
8 with me. Eaten them all my life, just great
9 cookies.

10 They have been the sponsor since
11 1998, and it has been the key to the success of
12 this celebrated jazz showcase, providing
13 partnership and support, which has enabled SPAC
14 to consistently book and present the greatest
15 jazz artists and ensembles in the world.

16 Over the past 35 years, more than a
17 half a million people have attended the jazz
18 festival. An actual Who's Who of music guests
19 have performed at the festival, including Miles
20 Davis, Sonny Rollins, Dave Brubeck, Kirby
21 Hancock, Ray Charles, Dizzy Gillespie, Lionel
22 Hampton, and Chick Corea.

23 The jazz festival weekend is one of
24 the busiest of the summer for Saratoga Springs,
25 with hotels, restaurants, shops filling to

1 capacity with festival guests. These festival
2 guests not only stay in the Saratoga area, they
3 stay in Lake George and indeed all over the
4 Capital District.

5 The festival draws thousands of
6 fans from across the Northeast and throughout
7 North America. A typical attendance is anywhere
8 from 12,000 to 15,000 per session.

9 SPAC opens up in 2012 with a fresh
10 update. And if you've been up there, go over and
11 see the new amphitheater. It has a brand-new
12 facade. And the funding for that facade came
13 from two wonderful people, Bill and Susan Dake,
14 better known as the Stewart's Corporation -- also
15 in Saratoga, I might add.

16 So we're very proud of that. And
17 we're proud of the people who have worked very
18 hard to make this. This is part of the whole
19 Saratoga experience throughout the summer that
20 includes the track and the SPAC and so many other
21 wonderful activities that make us so much money
22 and provide so much entertainment for us.

23 We have special guests today. Our
24 first one is no stranger to this house, is a
25 friend of all of ours, and that's Marcia White,

1 president and executive director of the Saratoga
2 Performing Arts Center. Please stand.

3 Don McCormack, a board member for
4 SPAC. Danny Melnick, president of Absolutely
5 Live Entertainment, the festival producer. And
6 Bill Smith, director of sales for Freihofer's,
7 the father of all these cookies. Thank you so
8 much. Please stand up.

9 (Applause.)

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

12 ACTING PRESIDENT O'MARA: Thank
13 you, Senator McDonald.

14 Senator Little on the resolution.

15 SENATOR LITTLE: Thank you,
16 Mr. President.

17 I'd also like to welcome the folks
18 who are here who are responsible for having this
19 wonderful jazz festival in Saratoga.

20 As they celebrate their 35th
21 anniversary, we have to think back to the amount
22 of organization, the number of people who have
23 contributed to keeping this festival going, the
24 number of artists who have performed here, and
25 certainly the thousands and thousands and

1 thousands of patrons who have come to the
2 Saratoga Jazz Festival.

3 People from all around my district
4 converge on Saratoga as well to hear these
5 wonderful performers. This year Dianna Krall
6 will be there, and many others, the many other
7 jazz performers going on this year. I'm sure it
8 will be another wonderful success, quality music,
9 and a very enthusiastic and dedicated audience.

10 So congratulations and thank you
11 for your effort in continuing to put on such a
12 wonderful jazz festival in our area.

13 Thank you.

14 ACTING PRESIDENT O'MARA: Senator
15 Farley on the resolution.

16 SENATOR FARLEY: Yes, thank you,
17 Mr. President.

18 I do rise to say that this jazz
19 festival that's coming up is one of the premier
20 events, not only for jazz in the whole nation,
21 but the Saratoga Performing Arts Center. Which
22 is in my district, actually, physically in the
23 little portion of Saratoga Springs that I have.

24 And, Marcia, what a job you have
25 done with SPAC -- a graduate of the Senate

1 here -- and we're so proud of what is happening.

2 The Saratoga Performing Arts is
3 absolutely one of the most exciting things in the
4 Capital District if not New York State. They
5 come from all over the country for our
6 performances. And SPAC is truly one of the great
7 tourist attractions for this area. And it's
8 something that everybody in this chamber should
9 enjoy and bring your families there.

10 But this festival, the Freihofer
11 Jazz Festival, is truly an event that is
12 recognized throughout the jazz world. And I wish
13 you well.

14 And the new facade, you've got to
15 look at it. It's really beautiful. And as
16 Senator McDonald said, the Dake family really
17 went out of their way to make sure that SPAC is
18 not only looking good, it is good.

19 We wish you well and thank you for
20 all that you do for the State of New York, not
21 just this area.

22 ACTING PRESIDENT O'MARA: Thank
23 you, Senator Farley.

24 Senator DeFrancisco on the
25 resolution.

1 SENATOR DeFRANCISCO: Yes, first
2 of all, it's obvious that Senator McDonald is a
3 walking advertisement for Freihofer
4 chocolate-chip cookies.

5 (Laughter.)

6 SENATOR DeFRANCISCO: In fact, we
7 try to keep him away from them as much as we can,
8 but he just loves them so much. As I love the
9 jazz festival in Saratoga. I've gone many times;
10 I'm a jazz fanatic.

11 And one of the first years that I
12 was here in the Senate -- we used to be very,
13 very inefficient about 20 years ago, and we'd go
14 into session, take a break, come back at 7:00, go
15 into session. So one time I got kind of tired of
16 it as a young Senator. Instead, I left and went
17 up to the jazz festival. And I sat next to Carl
18 McCall, the Comptroller, who was also playing
19 hooky. And he's a great jazz fan.

20 And it's a wonderful venue. You
21 have some very, very good performers.

22 A few years ago Dave Brubeck
23 celebrated his 80th birthday. He came to the
24 chambers ahead of the festival, and I was honored
25 to preside over the session and say the good

1 things about him, because he's my favorite.

2 And when I went to SPAC, he invited
3 me to go backstage, there was a cafeteria back
4 there, and I actually had lunch, my wife and I,
5 with he and his wife. What a thrill -- I mean
6 what a thrill to be with him up close and
7 personal, just an incredible, wonderful artist.

8 And the last thing I wanted to say
9 is I know a young jazz artist that -- I'm talking
10 to the rest of you now, not Marcia. Because I've
11 brought this man to her attention on many
12 occasions. Danny Sinoff, that's the guy.

13 You're the guy? I'm going to send
14 you a CD. And next year I would really love to
15 see him there. He's a wonderful performer, and
16 he is someone that would enhance the festival.

17 So with that said,
18 congratulations. You all have your list of
19 things to do. And I appreciate your being here
20 today. Thank you.

21 ACTING PRESIDENT O'MARA: Thank
22 you, Senator DeFrancisco.

23 Senator Breslin on the resolution.

24 SENATOR BRESLIN: Thank you,
25 Mr. President.

1 I'm very proud to join my local
2 contingent of Senator McDonald and Senator Little
3 and Senator Farley in talking about the Saratoga
4 Jazz Festival. And each of the artists that
5 Senator McDonald mentioned, I personally saw at
6 the Saratoga Festival. And I've been at
7 Newport. And there's no question in my mind that
8 Saratoga is by far the best venue for jazz. And
9 they bring in just tremendous acts.

10 And, you know, again, I'll kind of
11 voice what the others have said. Marcia White
12 was such an important part of this Senate, and
13 she's such an instrumental part of Saratoga.

14 So I say to all my fellow Senators
15 and everyone in the Legislature and everyone in
16 the State of New York, Saratoga is the jazz place
17 to be.

18 Thank you very much, Mr. President.

19 ACTING PRESIDENT O'MARA: Thank
20 you, Senator Breslin.

21 Senator Stavisky on the resolution.

22 SENATOR STAVISKY: Yeah, just very
23 quickly. I too want to add my thank-you to the
24 folks at SPAC.

25 For many years my husband and I

1 used to enjoy coming up to SPAC and partaking of
2 the concerts and the various venues at SPAC. And
3 we used to laugh because some of his colleagues
4 used to go to see the four-legged friends racing
5 around, and he and I would go to SPAC and enjoy
6 your festivities.

7 And we thank you. From downstate,
8 we thank you.

9 ACTING PRESIDENT O'MARA: Thank
10 you.

11 Senator Alesi on the resolution.

12 SENATOR ALESI: Mr. President, I
13 see that we have the first part of our agenda
14 today, so I will be brief. But I couldn't help
15 but join my colleagues, after listening
16 especially to Senator DeFrancisco and his passion
17 for jazz.

18 Many of you might know that we have
19 a jazz festival in Rochester that's called the
20 Xerox International Jazz Festival now, but coming
21 in the wake of a great jazz festival that
22 originally was Newport Jazz Festival, now up in
23 Saratoga.

24 And as the chairman of the
25 Committee on Commerce and Small Business, I can

1 tell you that we all love the quality of life
2 features of music. It feeds the soul, it gives
3 wings to the human spirit, but it's also a
4 crucial part of our economy. And it's a pure
5 justification for why we put public money into
6 things like arts and education. We should not
7 lose sight of that.

8 So while we're enjoying the
9 opportunity to go to Saratoga or Syracuse or even
10 Rochester or anyplace else where the performing
11 arts exist, we should be proud to support it, we
12 should be doing more for it, and we should
13 recognize that it's a crucial part of our economy
14 for big businesses as well as small businesses.

15 And remember this. The educational
16 component of that is vitally important as well,
17 because those artists, most of them go on to
18 higher education, where they learn how to play
19 music and write music and perform music and score
20 music.

21 So it's a critical part of our
22 economy. I applaud the Saratoga Jazz Festival
23 this year, and I hope that you will have the
24 opportunity to come out later in the month, since
25 this is Jazz Month in New York State to the

1 Rochester International Jazz Festival, of which I
2 was proudly a founding sponsor.

3 And Marcia White, how I could not
4 mention her name today.

5 Thank you, my colleagues.

6 ACTING PRESIDENT O'MARA: Thank
7 you, Senator Alesi.

8 Seeing no other Senators wishing to
9 be heard, the question is on the resolution. All
10 those in favor signify by saying aye.

11 (Response of "Aye.")

12 ACTING PRESIDENT O'MARA: Opposed,
13 nay.

14 (No response.)

15 ACTING PRESIDENT O'MARA: The
16 resolution is adopted.

17 Congratulations on your 35th
18 anniversary and making history here today,
19 because we don't believe there's ever been a
20 direct solicitation from the floor of the Senate
21 to a member of the gallery by Senator DeFrancisco
22 today. So you're privileged to have received
23 that.

24 (Laughter.)

25 ACTING PRESIDENT O'MARA: So we're

1 glad to have you here with us today, and please
2 enjoy the privileges of the house. And come back
3 again and join us.

4 Senator Libous.

5 SENATOR LIBOUS: I believe that
6 Senator McDonald, who sponsored the resolution,
7 would like to open this up to all the members.
8 As our policy goes, if you choose not to be on
9 the resolution -- and I don't see why anybody
10 would choose not to be on this resolution -- let
11 the desk know.

12 ACTING PRESIDENT O'MARA: So
13 ordered.

14 Senator Libous.

15 SENATOR LIBOUS: Mr. President, at
16 this time Senator Storobin has a resolution at
17 the desk, Number 5270. I ask that it be read in
18 its entirety and if you could call on Senator
19 Storobin for comments before it's adopted.

20 ACTING PRESIDENT O'MARA: The
21 Secretary will read.

22 THE SECRETARY: Legislative
23 Resolution Number 5270, by Senator Storobin,
24 commemorating the 40th Anniversary of the
25 Munich 11 tragedy, and honoring the memory of the

1 11 Israeli athletes during the 2012 Summer
2 Olympic Games in London, England.

3 "WHEREAS, Around 4:00 a.m. on
4 September 5, 1972, members of Black September,
5 disguised as athletes, scaled a 6-foot fence
6 surrounding the Olympic Village, and made their
7 way to the dormitory housing the Israeli
8 athletes. Under their clothing and in the sports
9 bags they carried, the terrorists carried
10 Kalashnikov assault rifles; and

11 "WHEREAS, The two leaders of the
12 group had previously gone undercover in the
13 Olympic Village prior to the Games and, knowing
14 the location and layout of their intended target,
15 they made their way to 31 Connollystrasse, a
16 building housing members of the Israeli
17 delegation, and took 11 Israeli athletes hostage;
18 and

19 "WHEREAS, After several failed
20 rescue attempts by German officers, the
21 terrorists demanded safe passage for themselves
22 and the hostages to a friendly country. That
23 failing, the terrorists then attempted to
24 negotiate, demanding the release of hundreds of
25 Palestinian prisoners from Israeli jails in

1 exchange for the hostages; and

2 "WHEREAS, During one last rescue
3 attempt, German officers opened gunfire, which
4 led to the deaths of several of the terrorists.
5 Unfortunately, the remaining terrorists opened
6 fire on the hostages, killing them all before the
7 remaining terrorists were killed; and

8 "WHEREAS, During this observance of
9 the 40th Anniversary of the Munich 11 tragedy,
10 the memory of those 11 Israeli athletes will be
11 remembered; and

12 "WHEREAS, From August 12 to 17,
13 2012, delegations from throughout the United
14 States, Canada, Europe and Israel will not only
15 test their physical skills, they will also
16 participate in a cultural journey while learning
17 the values of teamwork, sportsmanship,
18 compassion, and community; now, therefore, be it

19 "RESOLVED, That this Legislative
20 Body pause in its deliberations to commemorate
21 the 40th Anniversary of the Munich 11 tragedy and
22 to honor the memory of the 11 Israeli athletes
23 during the 2012 Summer Olympic Games in London,
24 England."

25 ACTING PRESIDENT O'MARA: Senator

1 Storobin on the resolution.

2 SENATOR STOROBIN: Thank you.

3 I am proud to say that this is the
4 first resolution that I am sponsoring. I have
5 written and spoken about this issue about the
6 tragedy of the Israeli athletes who were murdered
7 40 years ago during the Munich Olympics and the
8 injustice that the Olympic Committee has since
9 refused to acknowledge it.

10 This is not a political issue.
11 This is about basic common decency. I believe
12 that the least that these athletes deserve is a
13 moment of silence and just to be acknowledged
14 that they were heroes and that they were
15 murdered.

16 Forty years is a little late, but
17 it's better late than never. In 2012 the Olympic
18 Committee should finally acknowledge the 11
19 murdered athletes. That's the least they
20 deserve.

21 Thank you.

22 ACTING PRESIDENT O'MARA: Thank
23 you, Senator Storobin.

24 Senator Carlucci on the resolution.

25 SENATOR CARLUCCI: Thank you,

1 Mr. President.

2 I want to thank Senator Storobin
3 for putting this resolution forward. This is
4 extremely important, in light of 40 years have
5 passed by since those athletes were murdered at
6 the 1972 Munich Olympics.

7 And we need to make sure that
8 people don't forget about this and that we honor
9 and we remember the Munich 11, the athletes and
10 coaches that were murdered on that day in 1972.
11 So that's why it's so important that we pass this
12 resolution today in this body.

13 And I'm so proud because I have
14 members of the community where I live, in
15 Rockland County, that have really honored the
16 memory of the Munich 11. What the JCC of
17 Rockland has done is they've been working to
18 collect 11 million coins from around the county
19 to commemorate the 11 victims at the Munich
20 Games. And they call it Change for Change.

21 And I believe that this is sending
22 the right message, and we're hopeful that the
23 Olympic Committee will recognize the importance
24 of taking a moment out of their deliberations to
25 remember that horrific loss that occurred in

1 1972.

2 So, Mr. President, I'll be
3 supporting this resolution and I urge my
4 colleagues to do the same.

5 Thank you.

6 ACTING PRESIDENT O'MARA: Thank
7 you, Senator Carlucci.

8 Senator Stavisky on the resolution.

9 SENATOR STAVISKY: Thank you,
10 Mr. President.

11 And thank you, Senator Storobin,
12 for introducing this legislation.

13 And a special thank you, as Senator
14 Carlucci said, to the Rockland County Jewish
15 Community Council for their leadership on this
16 issue. They were here yesterday to emphasize the
17 need for this resolution.

18 And it seems to me that the least
19 we can do is observe a moment of silence to
20 commemorate the 40th anniversary of the killing
21 of -- really, the murdering of 11 Israeli
22 athletes. And not only athletes, but coaches and
23 officials who were murdered at the Olympic Games
24 in Munich.

25 To observe a moment of silence and

1 to commemorate a tragic incident in history is
2 not without precedent. In 2002, at the Salt Lake
3 City Games, the American delegation marched in
4 carrying a flag recovered from the World Trade
5 Center debris.

6 And in 2010, at the Winter Olympics
7 in Vancouver, they had a commemoration of a luge
8 participant who had been killed a few days
9 earlier in an accident.

10 So there is precedent for
11 commemorating events at the Olympics. And if you
12 consider the tradition of harmony and sponsorship
13 and the values of the Olympics, this is certainly
14 in keeping with the messages that we send when we
15 commemorate tragic incidents in our history.

16 So I rise in support of this
17 resolution and urge the Olympic Committee to
18 observe a moment of silence at the Games in
19 London.

20 Thank you, Mr. President.

21 ACTING PRESIDENT O'MARA: On the
22 resolution, all those in favor signify by saying
23 aye.

24 (Response of "Aye.")

25 ACTING PRESIDENT O'MARA: Opposed,

1 nay.

2 (No response.)

3 ACTING PRESIDENT O'MARA: The
4 resolution is adopted.

5 Senator Libous.

6 SENATOR LIBOUS: This resolution
7 also, Senator Storobin would like to open it up
8 to members of the chamber. And as the policy
9 goes, if someone wishes not to be on the
10 resolution, please let the desk know.

11 ACTING PRESIDENT O'MARA: So
12 ordered.

13 Senator Libous.

14 SENATOR LIBOUS: Mr. President, I
15 believe if you could call on Senator Ball for the
16 purposes of a statement.

17 ACTING PRESIDENT O'MARA: Senator
18 Ball.

19 SENATOR BALL: Yes, Mr. President,
20 I'd like to take this opportunity.

21 In my district, we have an
22 absolutely amazing facility called Caramoor.
23 Caramoor is the legacy of Walter and Lucie Rosen,
24 who established the estate and built a great
25 house as the centerpiece.

1 The legendary musical evenings that
2 they had there have led into today's
3 international music festival that's held annually
4 in my district. And really Caramoor is the
5 linchpin of all cultural activities and is an
6 economic engine all throughout not only
7 Westchester County but beyond as well.

8 And today we are joined by Michael
9 Barrett and his daughter Emma. And Michael is a
10 protege of Leonard Bernstein. Mike began his
11 long association with the renowned conductor and
12 composer as a student in 1982. From 1985 to
13 1990, he served as an assistant conductor to the
14 maestro.

15 Mr. Barrett has been a guest
16 conductor with the orchestra of St. Luke's,
17 New York Philharmonic, London Symphony, Israel
18 Philharmonic, and the Orchestre National de
19 France, among many others.

20 He has also served variously as
21 conductor, producer, music director of numerous
22 special projects.

23 I've gotten to know Mike, who is a
24 tribute to Caramoor and our community and beyond
25 in his current role, at his tenth year at

1 Caramoor, as the chief executive and general
2 director at the Caramoor Center. And this will
3 be his last year, but hopefully we will get him
4 back in 2013, where he will hopefully be
5 returning as a pianist and a conductor.

6 So if you can extend the
7 cordialities and privileges of the house, of
8 which I'm still trying to figure out myself,
9 Mr. President -- I think maybe some free food is
10 in order, and a grand tour by myself, and
11 anything that we can do.

12 Thank you so much for being here,
13 and best of luck. And, Emma, you have a very
14 amazing father and you're a very, very lucky
15 young lady. God bless. Great having you here
16 today.

17 ACTING PRESIDENT O'MARA: Thank
18 you, Senator Ball.

19 On behalf of Senator Ball and the
20 entire New York State Senate, welcome,
21 Mr. Barrett and Emma. Thank you for joining us
22 here today. We extend to you the privileges and
23 cordialities of the house today. Please come
24 back and join us again.

25 (Applause.)

1 SENATOR LIBOUS: Mr. President, I
2 believe there's a resolution at the desk by
3 Senator Peralta, Number 5269. Could we have the
4 title read and then call on Senator Peralta.

5 ACTING PRESIDENT O'MARA: The
6 Secretary will read.

7 THE SECRETARY: Legislative
8 Resolution Number 5269, by Senator Peralta,
9 commemorating the 202nd Anniversary of Colombia's
10 Declaration of Independence, on July 20, 2012.

11 ACTING PRESIDENT O'MARA: Senator
12 Peralta.

13 SENATOR PERALTA: Thank you,
14 Mr. President.

15 As most of my colleagues know, I
16 represent the United Nations of all Senate
17 districts. And if you walk up and down the
18 streets of my Senate district, you will literally
19 walk into a different country.

20 This year marks the 202nd year of
21 Colombians and Colombia's independence. Colombia
22 celebrates Independence Day each year on
23 July 20th. That day commemorates a Declaration
24 of Independence made on the date in 1810. Even
25 though it took another nine years to achieve full

1 independence from Spain, Colombians annually
2 celebrate the first Grito de la Independencia, or
3 "Cry for Independence."

4 Colombian independence is an
5 occasion of great celebration in my district,
6 which is home to La Pequeña Colombia, or Little
7 Colombia, and generations of Colombian families,
8 including that of the actor and comedian John
9 Leguizamo, who grew up in Jackson Heights.

10 The festivities in Queens include a
11 celebration in Flushing Meadows Corona Park,
12 where tens of thousands of New Yorkers gather to
13 enjoy Colombian food, song and dance -- an event,
14 by the way, that is a magnet for elected
15 officials.

16 Like us, Colombia has a long
17 tradition of the constitutional government. The
18 United States and Colombia are good friends and
19 allies, the relationship forged by a love for
20 democracy, the rule of law, and liberty.

21 By way of this resolution, we
22 extend our best wishes to our Colombian American
23 friends across the state in advance of this
24 important and joyful day.

25 Thank you, Mr. President.

1 ACTING PRESIDENT O'MARA: Thank
2 you, Senator Peralta.

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

5 (Response of "Aye.")

6 ACTING PRESIDENT O'MARA: Opposed,
7 nay.

8 (No response.)

9 ACTING PRESIDENT O'MARA: The
10 resolution is adopted.

11 Senator LaValle.

12 SENATOR LaVALLE: Mr. President,
13 Senator Peralta would like to open this
14 resolution up for cosponsorship. And can we
15 please place everyone on as a cosponsor. And if
16 someone doesn't wish to be a cosponsor, they
17 should notify the desk.

18 ACTING PRESIDENT O'MARA: So
19 ordered.

20 Senator LaValle.

21 SENATOR LaVALLE: Mr. President,
22 can we go back to motions and resolutions.

23 ACTING PRESIDENT O'MARA: Motions
24 and resolutions.

25 SENATOR LaVALLE: Mr. President,

1 on behalf of Senator Martins, I wish to call up
2 his bill, Senate Print Number 6296, recalled from
3 the Assembly, which is now at the desk.

4 ACTING PRESIDENT O'MARA: The
5 Secretary will read.

6 THE SECRETARY: Calendar Number
7 192, by Senator Martins, Senate Print 6296, an
8 act to amend Chapter 359 of the Laws of 2010.

9 SENATOR LaVALLE: Mr. President, I
10 now move to reconsider the vote by which this
11 bill was passed.

12 ACTING PRESIDENT O'MARA: Call the
13 roll on reconsideration.

14 (The Secretary called the roll.)

15 THE SECRETARY: Ayes, 58.

16 SENATOR LaVALLE: Mr. President, I
17 now offer the following amendments.

18 ACTING PRESIDENT O'MARA: The
19 amendments are received.

20 SENATOR LaVALLE: Mr. President,
21 on behalf of Senator Bonacic, I call up his bill,
22 Senate Print Number 6655, recalled from the
23 Assembly, which is now at the desk.

24 ACTING PRESIDENT O'MARA: The
25 Secretary will read.

1 THE SECRETARY: Calendar Number
2 627, by Senator Bonacic, Senate Print 6655, an
3 act to amend the New York City Civil Court Act.

4 SENATOR LaVALLE: Mr. President, I
5 now move to reconsider the vote by which this
6 bill was passed.

7 ACTING PRESIDENT O'MARA: Call the
8 roll on reconsideration.

9 (The Secretary called the roll.)

10 THE SECRETARY: Ayes, 58.

11 SENATOR LaVALLE: Mr. President, I
12 now offer the following amendments.

13 ACTING PRESIDENT O'MARA: The
14 amendments are received.

15 SENATOR LaVALLE: Mr. President,
16 on behalf of Senator Griffo, on page 8 I offer
17 the following amendments to Calendar Number 73,
18 Senate Print Number 5019C, and ask that said bill
19 retain its place on the Third Reading Calendar.

20 ACTING PRESIDENT O'MARA: The
21 amendments are received, and the bill will retain
22 its place on the Third Reading Calendar.

23 SENATOR LaVALLE: Mr. President,
24 on behalf of myself, on page 31 I offer to
25 following amendments to Calendar Number 761,

1 Senate Print Number 7055, and ask that said bill
2 retain its place on the Third Reading Calendar.

3 ACTING PRESIDENT O'MARA: The
4 amendments are received, and the bill will retain
5 its place on the Third Reading Calendar.

6 SENATOR LaVALLE: Mr. President,
7 on behalf of Senator DeFrancisco, on page
8 number 37 I offer the following amendments to
9 Calendar Number 887, Senate Print Number 4640B,
10 and ask that said bill retain its place on the
11 Third Reading Calendar.

12 ACTING PRESIDENT O'MARA: The
13 amendments are received, and the bill will retain
14 its place on the Third Reading Calendar.

15 SENATOR LaVALLE: Mr. President,
16 on behalf of Senator Grisanti, I move to commit
17 Senate Print Number 4345B, Calendar Number 1038
18 on the order of third reading, to the Committee
19 on Finance.

20 ACTING PRESIDENT O'MARA: So
21 ordered.

22 SENATOR LaVALLE: Mr. President,
23 on behalf of Senator Saland, on page number 38 I
24 offer the following amendments to Calendar Number
25 914, Senate Print Number 7251A, and ask that said

1 bill retain its place on the Third Reading
2 Calendar.

3 ACTING PRESIDENT O'MARA: The
4 amendments are received, and the bill will retain
5 its place on the Third Reading Calendar.

6 SENATOR LaVALLE: Mr. President,
7 on behalf of Senator McDonald, on page 41 I offer
8 the following amendments to Calendar Number 963,
9 Senate Print Number 7475, and ask that said bill
10 retain its place on the Third Reading Calendar.

11 ACTING PRESIDENT O'MARA: The
12 amendments are received, and the bill will retain
13 its place on the Third Reading Calendar.

14 SENATOR LaVALLE: Mr. President,
15 can we recognize Senator Carlucci for a motion.

16 ACTING PRESIDENT O'MARA: Senator
17 Carlucci.

18 SENATOR CARLUCCI: Mr. President,
19 on page number 31 I offer the following
20 amendments to Calendar Number 771, Senate Print
21 Number 6447A, and ask that said bill retain its
22 place on the Third Reading Calendar.

23 ACTING PRESIDENT O'MARA: The
24 amendments are received, and the bill will retain
25 its place on the Third Reading Calendar.

1 SENATOR LaVALLE: Mr. President,
2 can we have the noncontroversial reading of the
3 calendar.

4 ACTING PRESIDENT O'MARA: The
5 Secretary will read.

6 THE SECRETARY: Calendar Number
7 25, by Senator Skelos, Senate Print 3080, an act
8 to amend the Vehicle and Traffic Law.

9 ACTING PRESIDENT O'MARA: There is
10 a home-rule message at the desk.

11 Read the last section.

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

14 ACTING PRESIDENT O'MARA: Call the
15 roll.

16 (The Secretary called the roll.)

17 THE SECRETARY: Ayes, 58.

18 ACTING PRESIDENT O'MARA: The bill
19 is passed.

20 THE SECRETARY: Calendar Number
21 41, by Senator Young, Senate Print --

22 SENATOR BRESLIN: Lay it aside.

23 ACTING PRESIDENT O'MARA: The bill
24 is laid aside.

25 THE SECRETARY: Calendar Number

1 92, by Senator Bonacic, Senate Print 6113A, an
2 act to legalize, validate, and ratify.

3 ACTING PRESIDENT O'MARA: There is
4 a home-rule message at the desk.

5 Read the last section.

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

8 ACTING PRESIDENT O'MARA: Call the
9 roll.

10 (The Secretary called the roll.)

11 THE SECRETARY: Ayes, 58.

12 ACTING PRESIDENT O'MARA: The bill
13 is passed.

14 THE SECRETARY: Calendar Number
15 134, by Senator Seward, Senate Print 5040A, an
16 act to amend the General Municipal Law.

17 ACTING PRESIDENT O'MARA: Read the
18 last section.

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

21 ACTING PRESIDENT O'MARA: Call the
22 roll.

23 (The Secretary called the roll.)

24 THE SECRETARY: Ayes, 58.

25 ACTING PRESIDENT O'MARA: The bill

1 is passed.

2 THE SECRETARY: Calendar Number
3 260, by Senator Grisanti, Senate Print 6368A, an
4 act to amend the Labor Law.

5 ACTING PRESIDENT O'MARA: Read the
6 last section.

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

9 ACTING PRESIDENT O'MARA: Call the
10 roll.

11 (The Secretary called the roll.)

12 THE SECRETARY: Ayes, 57. Nays,
13 1. Senator Savino recorded in the negative.

14 ACTING PRESIDENT O'MARA: The bill
15 is passed.

16 THE SECRETARY: Calendar Number
17 355, by Senator Johnson --

18 SENATOR BRESLIN: Lay it aside.

19 ACTING PRESIDENT O'MARA: The bill
20 is laid aside.

21 THE SECRETARY: Calendar Number
22 450, by Senator Martins, Senate Print 6622, an
23 act in relation to authorizing.

24 ACTING PRESIDENT O'MARA: Read the
25 last section.

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

3 ACTING PRESIDENT O'MARA: Call the
4 roll.

5 (The Secretary called the roll.)

6 THE SECRETARY: Ayes, 58.

7 ACTING PRESIDENT O'MARA: The bill
8 is passed.

9 THE SECRETARY: Calendar Number
10 528, substituted earlier by Member of the
11 Assembly Magnarelli, Assembly Print 8971, an act
12 to amend the General Municipal Law.

13 ACTING PRESIDENT O'MARA: Read the
14 last section.

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

17 ACTING PRESIDENT O'MARA: Call the
18 roll.

19 (The Secretary called the roll.)

20 ACTING PRESIDENT O'MARA: Senator
21 Duane to explain his vote.

22 SENATOR DUANE: Thank you,
23 Mr. President.

24 I'm voting yes on this bill. I
25 think it's a good bill. But I also think that

1 credit unions should have been included in this
2 legislation. And I hope that the body will
3 consider including credit unions and see to it
4 that the other house does the same. I think that
5 would be the best public policy.

6 But I am voting yes on this
7 legislation. Thank you, Mr. President.

8 ACTING PRESIDENT O'MARA: Senator
9 Duane will be recorded in the affirmative.

10 Announce the results.

11 THE SECRETARY: Ayes, 58.

12 ACTING PRESIDENT O'MARA: The bill
13 is passed.

14 THE SECRETARY: Calendar Number
15 553, by Senator LaValle, Senate Print 3357, an
16 act to amend the Village Law.

17 ACTING PRESIDENT O'MARA: Read the
18 last section.

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

21 ACTING PRESIDENT O'MARA: Call the
22 roll.

23 (The Secretary called the roll.)

24 THE SECRETARY: Ayes, 58.

25 ACTING PRESIDENT O'MARA: The bill

1 is passed.

2 THE SECRETARY: Calendar Number
3 580, substituted earlier by Member of the
4 Assembly Magee, Assembly Print 5668A, an act to
5 amend the General Municipal Law.

6 ACTING PRESIDENT O'MARA: Read the
7 last section.

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

10 ACTING PRESIDENT O'MARA: Call the
11 roll.

12 (The Secretary called the roll.)

13 THE SECRETARY: Ayes, 58.

14 ACTING PRESIDENT O'MARA: The bill
15 is passed.

16 THE SECRETARY: Calendar Number
17 623, by Senator DeFrancisco, Senate Print 2906,
18 an act to amend the Real Property Law.

19 ACTING PRESIDENT O'MARA: Read the
20 last section.

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

23 ACTING PRESIDENT O'MARA: Call the
24 roll.

25 (The Secretary called the roll.)

1 THE SECRETARY: Ayes, 58.

2 ACTING PRESIDENT O'MARA: The bill
3 is passed.

4 THE SECRETARY: Calendar Number
5 760, by Senator Grisanti, Senate Print 7004, an
6 act to amend the Environmental Conservation Law.

7 ACTING PRESIDENT O'MARA: Read the
8 last section.

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

11 ACTING PRESIDENT O'MARA: Call the
12 roll.

13 (The Secretary called the roll.)

14 THE SECRETARY: Ayes, 57. Nays,
15 1. Senator Zeldin recorded in the negative.

16 ACTING PRESIDENT O'MARA: The bill
17 is passed.

18 THE SECRETARY: Calendar Number
19 774, by Senator Grisanti, Senate Print 7110, an
20 act to amend the Alcoholic Beverage Control Law.

21 ACTING PRESIDENT O'MARA: Read the
22 last section.

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

25 ACTING PRESIDENT O'MARA: Call the

1 roll.

2 (The Secretary called the roll.)

3 THE SECRETARY: Ayes, 57. Nays,

4 1. Senator Fuschillo recorded in the negative.

5 ACTING PRESIDENT O'MARA: The bill
6 is passed.

7 THE SECRETARY: Calendar Number
8 788, substituted earlier by Member of the
9 Assembly Weinstein, Assembly Print 8554, an act
10 to amend the Surrogate's Court Procedure Act.

11 ACTING PRESIDENT O'MARA: Read the
12 last section.

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

15 ACTING PRESIDENT O'MARA: Call the
16 roll.

17 (The Secretary called the roll.)

18 THE SECRETARY: Ayes, 58.

19 ACTING PRESIDENT O'MARA: The bill
20 is passed.

21 THE SECRETARY: Calendar Number
22 802, by Senator Alesi, Senate Print 5660, an act
23 relating to the qualification of payments.

24 ACTING PRESIDENT O'MARA: Read the
25 last section.

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

3 ACTING PRESIDENT O'MARA: Call the
4 roll.

5 (The Secretary called the roll.)

6 ACTING PRESIDENT O'MARA: Announce
7 the results.

8 THE SECRETARY: In relation to
9 Calendar Number 802, those recorded in the
10 negative are Senators Duane, Gianaris,
11 Montgomery, Parker, Perkins, Rivera, Serrano,
12 Smith, Stavisky and Stewart-Cousins.

13 Ayes, 48. Nays, 10.

14 ACTING PRESIDENT O'MARA: The bill
15 is passed.

16 THE SECRETARY: Calendar Number
17 814, substituted earlier by Member of the
18 Assembly Gottfried, Assembly Print 3551A, an act
19 to amend the Public Health Law.

20 ACTING PRESIDENT O'MARA: Read the
21 last section.

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

24 ACTING PRESIDENT O'MARA: Call the
25 roll.

1 (The Secretary called the roll.)

2 THE SECRETARY: Ayes, 58.

3 ACTING PRESIDENT O'MARA: The bill
4 is passed.

5 THE SECRETARY: Calendar Number
6 844, by Senator Seward, Senate Print 7310, an act
7 to amend the Insurance Law.

8 ACTING PRESIDENT O'MARA: Read the
9 last section.

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

12 ACTING PRESIDENT O'MARA: Call the
13 roll.

14 (The Secretary called the roll.)

15 THE SECRETARY: Ayes, 58.

16 ACTING PRESIDENT O'MARA: The bill
17 is passed.

18 THE SECRETARY: Calendar Number
19 885, substituted earlier by Member of the
20 Assembly Schimminger, Assembly Print 7016B, an
21 act to amend the Alcoholic Beverage Control Law.

22 ACTING PRESIDENT O'MARA: Read the
23 last section.

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

1 ACTING PRESIDENT O'MARA: Call the
2 roll.

3 (The Secretary called the roll.)

4 THE SECRETARY: Ayes, 58.

5 ACTING PRESIDENT O'MARA: The bill
6 is passed.

7 THE SECRETARY: Calendar Number
8 913, substituted earlier by Member of the
9 Assembly Miller, Assembly Print 10089, an act to
10 amend Chapter 97 of the Laws of 2001.

11 ACTING PRESIDENT O'MARA: Read the
12 last section.

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

15 ACTING PRESIDENT O'MARA: Call the
16 roll.

17 (The Secretary called the roll.)

18 THE SECRETARY: Ayes, 57. Nays,
19 1. Senator Duane recorded in the negative.

20 ACTING PRESIDENT O'MARA: The bill
21 is passed.

22 THE SECRETARY: Calendar Number
23 951, by Senator LaValle, Senate Print 3175A, an
24 act to amend the Tax Law.

25 ACTING PRESIDENT O'MARA: Read the

1 last section.

2 THE SECRETARY: Section 2. This
3 act shall take effect September 1, 2012.

4 ACTING PRESIDENT O'MARA: Call the
5 roll.

6 (The Secretary called the roll.)

7 THE SECRETARY: Ayes, 58.

8 ACTING PRESIDENT O'MARA: The bill
9 is passed.

10 THE SECRETARY: Calendar Number
11 989, by Senator Nozzolio, Senate Print 7428, an
12 act to amend the Public Housing Law.

13 ACTING PRESIDENT O'MARA: Read the
14 last section.

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

17 ACTING PRESIDENT O'MARA: Call the
18 roll.

19 (The Secretary called the roll.)

20 THE SECRETARY: Ayes, 57. Nays,
21 1. Senator Ball recorded in the negative.

22 ACTING PRESIDENT O'MARA: The bill
23 is passed.

24 THE SECRETARY: Calendar Number
25 991, by Senator Breslin, Senate Print 3665A, an

1 act to amend the Insurance Law.

2 ACTING PRESIDENT O'MARA: Read the
3 last section.

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

6 ACTING PRESIDENT O'MARA: Call the
7 roll.

8 (The Secretary called the roll.)

9 THE SECRETARY: Ayes, 57. Nays,
10 1. Senator Ball recorded in the negative.

11 ACTING PRESIDENT O'MARA: The bill
12 is passed.

13 THE SECRETARY: Calendar Number
14 1020, by Senator Gallivan, Senate Print 7027, an
15 act to authorize.

16 ACTING PRESIDENT O'MARA: There is
17 a home-rule message at the desk.

18 Read the last section.

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

21 ACTING PRESIDENT O'MARA: Call the
22 roll.

23 (The Secretary called the roll.)

24 THE SECRETARY: Ayes, 58.

25 ACTING PRESIDENT O'MARA: The bill

1 is passed.

2 THE SECRETARY: Calendar Number
3 1021, substituted earlier by Member of the
4 Assembly Brindisi, Assembly Print 10003A, an act
5 to amend the Parks, Recreation and Historic
6 Preservation Law.

7 ACTING PRESIDENT O'MARA: Read the
8 last section.

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

11 ACTING PRESIDENT O'MARA: Call the
12 roll.

13 (The Secretary called the roll.)

14 THE SECRETARY: Ayes, 57. Nays,
15 1. Senator Duane recorded in the negative.

16 ACTING PRESIDENT O'MARA: The bill
17 is passed.

18 THE SECRETARY: Calendar Number
19 1031, by Senator Libous, Senate Print 3964B, an
20 act to amend the Education Law.

21 ACTING PRESIDENT O'MARA: Read the
22 last section.

23 THE SECRETARY: Section 2. This
24 act shall take effect on the first of July.

25 ACTING PRESIDENT O'MARA: Call the

1 roll.

2 (The Secretary called the roll.)

3 THE SECRETARY: Ayes, 54. Nays,
4 4. Senators Little, Marcellino, Rivera and
5 Stavisky recorded in the negative.

6 ACTING PRESIDENT O'MARA: The bill
7 is passed.

8 THE SECRETARY: Calendar Number
9 1032, by Senator Farley, Senate Print 6479, an
10 act to amend the Education Law.

11 ACTING PRESIDENT O'MARA: Read the
12 last section.

13 THE SECRETARY: Section 2. This
14 act shall take effect on the first of September.

15 ACTING PRESIDENT O'MARA: Call the
16 roll.

17 (The Secretary called the roll.)

18 THE SECRETARY: Ayes, 57. Nays,
19 1. Senator Ball recorded in the negative.

20 ACTING PRESIDENT O'MARA: The bill
21 is passed.

22 THE SECRETARY: Calendar Number
23 1033, by Senator Bonacic, Senate Print 6513, an
24 act changing the name.

25 ACTING PRESIDENT O'MARA: Read the

1 last section.

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

4 ACTING PRESIDENT O'MARA: Call the
5 roll.

6 (The Secretary called the roll.)

7 THE SECRETARY: Ayes, 58.

8 ACTING PRESIDENT O'MARA: The bill
9 is passed.

10 THE SECRETARY: Calendar Number
11 1035, by Senator Bonacic, Senate Print 7218A, an
12 act to amend the Education Law.

13 ACTING PRESIDENT O'MARA: Read the
14 last section.

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

17 ACTING PRESIDENT O'MARA: Call the
18 roll.

19 (The Secretary called the roll.)

20 ACTING PRESIDENT O'MARA: Senator
21 Bonacic to explain your vote.

22 SENATOR BONACIC: First of all,
23 this is at the option of the school district. If
24 any school district elects to do this, it is not
25 aidable. So there's no state monies that would

1 be going to a school district if, at the election
2 of the superintendent in the school district,
3 they wanted to bus prekindergarten children.

4 I vote yes. Thank you,
5 Mr. President.

6 ACTING PRESIDENT O'MARA: Senator
7 Bonacic to be recorded in the affirmative.

8 Announce the results.

9 THE SECRETARY: Ayes, 58.

10 ACTING PRESIDENT O'MARA: The bill
11 is passed.

12 THE SECRETARY: Calendar Number
13 1036, by Senator Flanagan, Senate Print 7471, an
14 act to amend Chapter 140 of the Laws of 1985.

15 ACTING PRESIDENT O'MARA: Read the
16 last section.

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

19 ACTING PRESIDENT O'MARA: Call the
20 roll.

21 (The Secretary called the roll.)

22 THE SECRETARY: Ayes, 58.

23 ACTING PRESIDENT O'MARA: The bill
24 is passed.

25 THE SECRETARY: Calendar Number

1 1050, by Senator Little --

2 SENATOR LIBOUS: Lay the bill
3 aside for the day.

4 ACTING PRESIDENT O'MARA: The bill
5 is laid aside for the day.

6 THE SECRETARY: Calendar Number
7 1051, by Senator Klein, Senate Print 627A, an act
8 to amend the New York State Urban Development
9 Corporation Act.

10 ACTING PRESIDENT O'MARA: Read the
11 last section.

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

14 ACTING PRESIDENT O'MARA: Call the
15 roll.

16 (The Secretary called the roll.)

17 THE SECRETARY: Ayes, 58.

18 ACTING PRESIDENT O'MARA: The bill
19 is passed.

20 THE SECRETARY: Calendar Number
21 1054, by Senator LaValle, Senate Print 3998C, an
22 act to amend the Tax Law.

23 SENATOR SQUADRON: Lay it aside.

24 SENATOR LIBOUS: Lay it aside for
25 the day, please.

1 ACTING PRESIDENT O'MARA: The bill
2 is laid aside for the day.

3 THE SECRETARY: Calendar Number
4 1056, by Senator Savino, Senate Print 4160A, an
5 act to amend the Executive Law.

6 ACTING PRESIDENT O'MARA: Read the
7 last section.

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

10 ACTING PRESIDENT O'MARA: Call the
11 roll.

12 (The Secretary called the roll.)

13 THE SECRETARY: In relation to
14 Calendar Number 1056, those recorded in the
15 negative are Senators Montgomery, Parker, Perkins
16 and Duane.

17 Ayes, 54. Nays, 4.

18 ACTING PRESIDENT O'MARA: The bill
19 is passed.

20 THE SECRETARY: Calendar Number
21 1057, by Senator Valesky, Senate Print 5077B, an
22 act to amend the Elder Law.

23 ACTING PRESIDENT O'MARA: Read the
24 last section.

25 THE SECRETARY: Section 2. This

1 act shall take effect on the 90th day.

2 ACTING PRESIDENT O'MARA: Call the
3 roll.

4 (The Secretary called the roll.)

5 THE SECRETARY: Ayes, 58.

6 ACTING PRESIDENT O'MARA: The bill
7 is passed.

8 THE SECRETARY: Calendar Number
9 1061, by substituted earlier Member of the
10 Assembly Giglio, Assembly Print 9286A, an act to
11 amend the Executive Law.

12 ACTING PRESIDENT O'MARA: Read the
13 last section.

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

16 ACTING PRESIDENT O'MARA: Call the
17 roll.

18 (The Secretary called the roll.)

19 THE SECRETARY: Ayes, 58.

20 ACTING PRESIDENT O'MARA: The bill
21 is passed.

22 THE SECRETARY: Calendar Number
23 1062, by Senator Little, Senate Print 6266, an
24 act to amend the Tax Law.

25 ACTING PRESIDENT O'MARA: Read the

1 last section.

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

4 ACTING PRESIDENT O'MARA: Call the
5 roll.

6 (The Secretary called the roll.)

7 THE SECRETARY: Ayes, 56. Nays,
8 2. Senators Rivera and Stewart-Cousins recorded
9 in the negative.

10 ACTING PRESIDENT O'MARA: The bill
11 is passed.

12 THE SECRETARY: Calendar Number
13 1063, by Senator Montgomery, Senate Print 6356,
14 an act to amend the Executive Law.

15 ACTING PRESIDENT O'MARA: Read the
16 last section.

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

19 ACTING PRESIDENT O'MARA: Call the
20 roll.

21 (The Secretary called the roll.)

22 THE SECRETARY: Ayes, 58.

23 ACTING PRESIDENT O'MARA: The bill
24 is passed.

25 THE SECRETARY: Calendar Number

1 1064, by Senator Seward, Senate Print 6808, an
2 act to amend the Insurance Law.

3 ACTING PRESIDENT O'MARA: Read the
4 last section.

5 THE SECRETARY: Section 2. This
6 act shall take effect on the 120th day.

7 ACTING PRESIDENT O'MARA: Call the
8 roll.

9 (The Secretary called the roll.)

10 THE SECRETARY: Ayes, 58.

11 ACTING PRESIDENT O'MARA: The bill
12 is passed.

13 THE SECRETARY: Calendar Number
14 1065, by Senator Young, Senate Print 6899, an act
15 to amend the Private Housing Finance Law.

16 ACTING PRESIDENT O'MARA: Read the
17 last section.

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

20 ACTING PRESIDENT O'MARA: Call the
21 roll.

22 (The Secretary called the roll.)

23 THE SECRETARY: Ayes, 56. Nays,
24 2. Senators Ball and Maziarz recorded in the
25 negative.

1 ACTING PRESIDENT O'MARA: The bill
2 is passed.

3 THE SECRETARY: Calendar Number
4 1066, by Senator Young, Senate Print 6901, an act
5 in relation to redistributing.

6 ACTING PRESIDENT O'MARA: Read the
7 last section.

8 THE SECRETARY: Section 18. This
9 act shall take effect immediately.

10 ACTING PRESIDENT O'MARA: Call the
11 roll.

12 (The Secretary called the roll.)

13 THE SECRETARY: Ayes, 58.

14 ACTING PRESIDENT O'MARA: The bill
15 is passed.

16 THE SECRETARY: Calendar Number
17 1067, by Senator Farley --

18 SENATOR LIBOUS: Lay the bill
19 aside for the day, please.

20 ACTING PRESIDENT O'MARA: The bill
21 is laid aside for the day.

22 THE SECRETARY: Calendar Number
23 1070, by Senator Bonacic, Senate Print 7049, an
24 act to amend the Tax Law.

25 ACTING PRESIDENT O'MARA: Read the

1 last section.

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

4 ACTING PRESIDENT O'MARA: Call the
5 roll.

6 (The Secretary called the roll.)

7 THE SECRETARY: Ayes, 58.

8 ACTING PRESIDENT O'MARA: The bill
9 is passed.

10 THE SECRETARY: Calendar Number
11 1082, substituted earlier by Member of the
12 Assembly Gunther, Assembly Print 9107, an act to
13 amend the Public Health Law.

14 ACTING PRESIDENT O'MARA: Read the
15 last section.

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

18 ACTING PRESIDENT O'MARA: Call the
19 roll.

20 (The Secretary called the roll.)

21 THE SECRETARY: Ayes, 58.

22 ACTING PRESIDENT O'MARA: The bill
23 is passed.

24 THE SECRETARY: Calendar Number
25 1107, by Senator Maziarz, Senate Print 7159, an

1 act to amend the Highway Law.

2 ACTING PRESIDENT O'MARA: Read the
3 last section.

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

6 ACTING PRESIDENT O'MARA: Call the
7 roll.

8 (The Secretary called the roll.)

9 THE SECRETARY: Ayes, 58.

10 ACTING PRESIDENT O'MARA: The bill
11 is passed.

12 THE SECRETARY: Calendar Number
13 1112, substituted earlier by Member of the
14 Assembly Weisenberg, Assembly Print 10046, an act
15 to amend the Executive Law.

16 ACTING PRESIDENT O'MARA: Read the
17 last section.

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

20 ACTING PRESIDENT O'MARA: Call the
21 roll.

22 (The Secretary called the roll.)

23 THE SECRETARY: Ayes, 58.

24 ACTING PRESIDENT O'MARA: The bill
25 is passed.

1 Senator Libous, that completes the
2 reading of the noncontroversial calendar.

3 SENATOR LIBOUS: At this time,
4 Mr. President, could we do the controversial
5 reading of Calendar Number 355, please.

6 ACTING PRESIDENT O'MARA: The
7 Secretary will ring the bell.

8 The Secretary will read Calendar
9 Number 355.

10 THE SECRETARY: Calendar Number
11 355, by Senator Johnson, Senate Print 3262C, an
12 act to amend the Mental Hygiene Law.

13 ACTING PRESIDENT O'MARA: Read the
14 last section.

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

17 ACTING PRESIDENT O'MARA: Call the
18 roll.

19 (The Secretary called the roll.)

20 ACTING PRESIDENT O'MARA: Are we
21 taking this up on the noncontroversial reading?

22 SENATOR LIBOUS: You rang the
23 bell, right?

24 ACTING PRESIDENT O'MARA: Yes.

25 SENATOR LIBOUS: Yeah, we're

1 waiting for members.

2 (Pause.)

3 SENATOR LIBOUS: Mr. President,
4 could I have unanimous consent to put this
5 Calendar 355 back on the noncontroversial
6 calendar, please.

7 ACTING PRESIDENT O'MARA: Without
8 objection.

9 SENATOR LIBOUS: Thank you. Could
10 we have the noncontroversial reading of
11 Calendar 355.

12 ACTING PRESIDENT O'MARA: The
13 Secretary will read Calendar Number 355, the
14 noncontroversial calendar.

15 THE SECRETARY: Calendar Number
16 355, by Senator Johnson, Senate Print 3262C, an
17 act to amend the Mental Hygiene Law.

18 ACTING PRESIDENT O'MARA: Read the
19 last section.

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

22 ACTING PRESIDENT O'MARA: Call the
23 roll.

24 (The Secretary called the roll.)

25 THE SECRETARY: Ayes, 54. Nays,

1 4. Senators Little, Parker, Perkins and Rivera
2 recorded in the negative.

3 ACTING PRESIDENT O'MARA: The bill
4 is passed.

5 SENATOR LIBOUS: Mr. President, at
6 this time could we go back to motions and
7 resolutions.

8 ACTING PRESIDENT O'MARA: Motions
9 and resolutions.

10 SENATOR LIBOUS: Mr. President,
11 there is a resolution by Senator Larkin at the
12 desk; its number is 5216. I'd ask that you read
13 it in its entirety. I know that Senator Larkin
14 has guests here in the chamber. And if you would
15 call on Senator Larkin before its immediate
16 adoption.

17 ACTING PRESIDENT O'MARA: The
18 Secretary will read.

19 THE SECRETARY: Legislative
20 Resolution Number 5216, by Senator Larkin,
21 honoring Anthony Mancinelli upon the occasion of
22 holding the Guinness World Record for oldest
23 practicing barber:

24 "WHEREAS, Senior citizens bring a
25 wealth of experience and knowledge to the

1 increasingly active roles they play in today's
2 society. Their past contributions and future
3 participation are a vital part of, and valuable
4 asset to, the fabric of community life and
5 activity; and

6 "WHEREAS, This Legislative Body is
7 justly proud to honor Anthony Mancinelli upon the
8 occasion of holding the Guinness World Record for
9 oldest practicing barber; and

10 "WHEREAS, On October 25, 2007,
11 Anthony Mancinelli officially broke the Guinness
12 World Record for oldest practicing barber, and he
13 has been breaking his own world record ever
14 since; and

15 "WHEREAS, Anthony Mancinelli was
16 born in Italy on March 2, 1911, and moved to the
17 United States with his family in 1919; and

18 "WHEREAS, Anthony Mancinelli
19 started barbering at age 12, looking to earn
20 extra money to help his family; and

21 "WHEREAS, For many years Anthony
22 Mancinelli owned his own barbershop on Liberty
23 Street in Newburgh, New York. He sold that
24 particular shop nearly 25 years ago; and

25 "WHEREAS, Today, at the remarkable

1 age of 101, Anthony Mancinelli continues to cut
2 hair at Antonio and Pasquale's Barber Shop in
3 New Windsor, New York; and

4 "WHEREAS, A true asset to society,
5 Anthony Mancinelli is a widower, father,
6 grandfather and great-grandfather. He has no
7 plans on retiring in the near future; and

8 "WHEREAS, This exceptional
9 centenarian, with his zest for life, has inspired
10 and enhanced the lives of his family and friends;
11 and

12 "WHEREAS, This beloved man has
13 enriched the lives of those around him through
14 his joyous and sincere love for others and
15 through the quiescent charm and wisdom which
16 comes only from a fullness of years; and

17 "WHEREAS, Anthony Mancinelli's
18 distinguished record merits the recognition and
19 respectful tribute of this Legislative Body; now,
20 therefore, be it

21 "RESOLVED, That this Legislative
22 Body pause in its deliberations to honor Anthony
23 Mancinelli upon the occasion of holding the
24 Guinness World Record for oldest practicing
25 barber; and be it further

1 "RESOLVED, That a copy of this
2 resolution, suitably engrossed, be transmitted to
3 Anthony Mancinelli."

4 ACTING PRESIDENT O'MARA: Senator
5 Larkin on the resolution.

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

8 You know, usually when you go to
9 the barbershop you listen to all the talks of the
10 day. But when you go to the barbershop in
11 Vails Gate and you go in there and you see
12 Tony -- it says "Anthony," but I don't think
13 anybody has ever spoken to him in the terms of
14 Anthony since I've known him.

15 You know, Tony has been a barber
16 for so long that none of us on this earth have
17 had a haircut when he first started. He's
18 101 years old -- plus four months. He's joined
19 here today by his son Robert and his
20 granddaughter Lisa.

21 But, you know, here's a man coming
22 here today, he's a World War II veteran, should
23 be sitting on the beach watching all the girls go
24 by. But he's in that barbershop at least three
25 days a week. And every other Friday I get in

1 there, and he looks and he says, "You were
2 supposed to be here at 8 o'clock." And he never
3 calls me "Senator." He's a soldier, and he calls
4 me "Colonel."

5 I know people who come into that
6 barbershop and there's four other barbers. Three
7 of them are empty. "I'm waiting." "Who are you
8 waiting on?" "Anthony." I said, "Who?" "Tony!
9 You know who I mean." And he's loved and
10 respected.

11 You know, he's in the Guinness Book
12 of Records. This is his second award. The first
13 time he served it, he broke a record. And now
14 this year he's going to break the next record.
15 And this is what you've got when you get in the
16 book, Guinness's Book. And here it is,
17 professing at 102 years, 2 months, and 26 days as
18 of the 28th of May, 2012.

19 And he's still active today, as I
20 said. He cuts hair three days a week. If you
21 want a haircut, there's two things you have to
22 do. Listen to him, he'll tell you what he's
23 doing; and you have to have an appointment.

24 You know, what a great thing.
25 Here's a World War II veteran coming here today

1 visiting us with his son, his granddaughter. And
2 he's proud to be here. By the way, he still
3 drives a vehicle. I haven't been behind him or
4 in front of him lately. But we're blessed.

5 Tony, I'm very proud to call you my
6 friend. I'm proud to call you my barber. But
7 I'm really proud to call you a record holder and,
8 most importantly, a veteran of World War II. I
9 thank you for everything you've done.

10 We have people that come to that
11 barbershop who are bringing their grandson. You
12 get a father who said, "My first haircut was by
13 Tony, and now my son has it, and my grandson,
14 he's cutting his hair." You know, what a prize
15 we have in our area with a gentleman of this
16 background.

17 Tony, on behalf of all the members
18 of the Legislature, when we say congratulations,
19 we're speaking as a unit. We're not saying the
20 left or the right or the middle, we're saying as
21 a body, from the New York State Senate:
22 Congratulations, and thank you for your
23 contribution to our great society.

24 (Extended applause.)

25 ACTING PRESIDENT O'MARA: The

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

3 (Response of "Aye.")

4 ACTING PRESIDENT O'MARA: Opposed,
5 nay.

6 (No response.)

7 ACTING PRESIDENT O'MARA: The
8 resolution is adopted.

9 Tony, on behalf of Senator Larkin
10 and the entire New York State Senate, I thank you
11 for being here today. I want to thank you for
12 your military service to our country. And
13 congratulations on your designation in the
14 Guinness Book of World Records. Please enjoy the
15 privileges and cordialities of the house for you
16 and your family members that are with you today.
17 Have a great day.

18 Senator Libous.

19 SENATOR LIBOUS: Mr. President,
20 could I ask Tony, if the Senate stood at ease, if
21 he could take a little off the sides for me?

22 (Laughter.)

23 ACTING PRESIDENT O'MARA: No.

24 (Laughter.)

25 SENATOR LIBOUS: Mr. President, at

1 this time we want to go back to the controversial
2 calendar. I believe that Calendar Number 41, by
3 Senator Young, was laid aside. And if we could
4 have the reading of that particular calendar
5 number.

6 ACTING PRESIDENT O'MARA: The
7 Secretary will ring the bell.

8 Senator Libous.

9 SENATOR LIBOUS: Mr. President,
10 Senator Larkin would also -- and I'm sure
11 everyone in this chamber would like to be on the
12 resolution. So it will be open to all members of
13 the house. And certainly if anyone for whatever
14 reason would not want to be on it, if they would
15 let the desk know, please.

16 ACTING PRESIDENT O'MARA: So
17 ordered.

18 The Secretary will read.

19 THE SECRETARY: Calendar Number
20 41, by Senator Young, Senate Print 767, an act to
21 amend the Labor Law.

22 SENATOR SQUADRON: Explanation.

23 ACTING PRESIDENT O'MARA: Senator
24 Young, an explanation has been requested.

25 SENATOR YOUNG: Certainly. Thank

1 you, Mr. President.

2 This bill provides a religious
3 exemption to current labor laws to allow minors
4 from the ages of 14 to 17 years old who are
5 members of religious communities such as the Old
6 Amish, to engage in certain work activities
7 within their religious community while under
8 adult supervision.

9 This actually mirrors federal
10 legislation that was passed under the Clinton
11 Administration, so it's allowed on the federal
12 level. And that particular piece of federal
13 legislation allowed the states to pass their own
14 version of it.

15 Also, I'd like to point out that
16 upstate -- my colleagues on the other side of the
17 aisle don't realize this -- in upstate New York
18 we have several communities that have the Amish
19 populations. So this would allow them to
20 continue their cultural and religious way of
21 life.

22 Part of their culture is to allow
23 young people to learn the trades that they have,
24 things like working in a sawmill, things like
25 working with wood, woodworking, all those

1 things. They do a lot of farm work also.

2 So that's basically what this law
3 does. Again, it mirrors legislation that was
4 passed under President Clinton.

5 ACTING PRESIDENT O'MARA: Any
6 other Senator wishing to be heard?

7 Seeing none, the debate is closed.

8 The Secretary will ring the bell.

9 SENATOR LIBOUS: Mr. President.

10 ACTING PRESIDENT O'MARA: Senator
11 Libous.

12 SENATOR LIBOUS: We are on a
13 controversial vote. Members need to be in their
14 chairs so that we can proceed.

15 Members who are leaving the chamber
16 so they can do business is expected. But if they
17 could please, please adhere to where the
18 Sergeant-at-Arms are telling people to come in
19 for a vote and then go to your chair, so that
20 certainly the chair -- you, Mr. President -- can
21 proceed. Because we have a lot of work to do
22 today and tomorrow and Thursday, and we want to
23 do it in an orderly fashion.

24 ACTING PRESIDENT O'MARA: Read the
25 last section.

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

3 ACTING PRESIDENT O'MARA: Call the
4 roll.

5 (The Secretary called the roll.)

6 ACTING PRESIDENT O'MARA: The
7 Secretary will announce the result.

8 THE SECRETARY: In relation to
9 Calendar Number 41, those recorded in the
10 negative are Senators Adams, Avella, Duane,
11 Hassell-Thompson, Montgomery, Oppenheimer,
12 Peralta, Perkins, Rivera, and Savino. Also
13 Senator Serrano.

14 Absent from voting: Senator
15 Storobin.

16 Ayes, 47. Nays, 11.

17 ACTING PRESIDENT O'MARA: The bill
18 is passed.

19 Senator Libous.

20 SENATOR LIBOUS: Thank you,
21 Mr. President.

22 At this time we want to take up
23 Supplemental Senate Calendar Number 55A. And
24 this would be the noncontroversial reading.

25 ACTING PRESIDENT O'MARA: The

1 Secretary will read.

2 THE SECRETARY: Calendar Number
3 1143, by Senator Squadron, Senate Print 22, an
4 act to amend the Tax Law.

5 ACTING PRESIDENT O'MARA: Read the
6 last section.

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

9 ACTING PRESIDENT O'MARA: Call the
10 roll.

11 (The Secretary called the roll.)

12 THE SECRETARY: Ayes, 59.

13 ACTING PRESIDENT O'MARA: The bill
14 is passed.

15 THE SECRETARY: Calendar Number
16 1144, by Senator Savino, Senate Print 1401, an
17 act to amend the Workers' Compensation Law.

18 ACTING PRESIDENT O'MARA: Read the
19 last section.

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

22 ACTING PRESIDENT O'MARA: Call the
23 roll.

24 (The Secretary called the roll.)

25 THE SECRETARY: Ayes, 59.

1 ACTING PRESIDENT O'MARA: The bill
2 is passed.

3 THE SECRETARY: Calendar Number
4 1145, by Senator Parker, Senate Print 1469A, an
5 act to amend the Not-for-Profit Corporation Law.

6 ACTING PRESIDENT O'MARA: Read the
7 last section.

8 THE SECRETARY: Section 2. This
9 act shall take effect November 11, 2012.

10 ACTING PRESIDENT O'MARA: Call the
11 roll.

12 (The Secretary called the roll.)

13 THE SECRETARY: Ayes, 59.

14 ACTING PRESIDENT O'MARA: The bill
15 is passed.

16 THE SECRETARY: In relation to
17 Calendar Number 1146, Senator Golden moves to
18 discharge, from the Committee on Codes, Assembly
19 Bill Number 8657 and substitute it for the
20 identical Senate Bill Number 2165, Third Reading
21 Calendar 1146.

22 ACTING PRESIDENT O'MARA:
23 Substitution ordered. The Secretary will read.

24 THE SECRETARY: Calendar Number
25 1146, by Member of the Assembly Miller, Assembly

1 Print 8657, an act to amend the Criminal
2 Procedure Law.

3 ACTING PRESIDENT O'MARA: Read the
4 last section.

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

7 ACTING PRESIDENT O'MARA: Call the
8 roll.

9 (The Secretary called the roll.)

10 THE SECRETARY: Ayes, 58. Nays,
11 1. Senator Montgomery recorded in the negative.

12 ACTING PRESIDENT O'MARA: The bill
13 is passed.

14 THE SECRETARY: Calendar Number
15 1147, by Senator Lanza, Senate Print 2949, an act
16 to amend the Criminal Procedure Law.

17 ACTING PRESIDENT O'MARA: Read the
18 last section.

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

21 ACTING PRESIDENT O'MARA: Call the
22 roll.

23 (The Secretary called the roll.)

24 THE SECRETARY: Ayes, 56. Nays,
25 3. Senators Dilan, Montgomery, and Rivera

1 recorded in the negative.

2 ACTING PRESIDENT O'MARA: The bill
3 is passed.

4 THE SECRETARY: Calendar Number
5 1148, by Senator Adams, Senate Print 3710, an act
6 to amend Chapter 15 of the Laws of 1998.

7 ACTING PRESIDENT O'MARA: Read the
8 last section.

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

11 ACTING PRESIDENT O'MARA: Call the
12 roll.

13 (The Secretary called the roll.)

14 THE SECRETARY: Ayes, 59.

15 ACTING PRESIDENT O'MARA: The bill
16 is passed.

17 THE SECRETARY: Calendar Number
18 1149, by Senator Johnson, Senate Print 5108A, an
19 act to amend the Civil Practice Law and Rules.

20 ACTING PRESIDENT O'MARA: Read the
21 last section.

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

24 ACTING PRESIDENT O'MARA: Call the
25 roll.

1 (The Secretary called the roll.)

2 THE SECRETARY: Ayes, 54. Nays,
3 5. Senators Avella, Ball, Duane, Perkins and
4 Squadron recorded in the negative.

5 ACTING PRESIDENT O'MARA: The bill
6 is passed.

7 THE SECRETARY: Calendar Number
8 1150, by Senator Flanagan, Senate Print 5647, an
9 act to amend the Education Law.

10 ACTING PRESIDENT O'MARA: Read the
11 last section.

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

14 ACTING PRESIDENT O'MARA: Call the
15 roll.

16 (The Secretary called the roll.)

17 THE SECRETARY: Ayes, 59.

18 ACTING PRESIDENT O'MARA: The bill
19 is passed.

20 THE SECRETARY: Calendar Number
21 1151, by Senator Breslin, Senate Print 6177, an
22 act to amend Chapter 105 of the Laws of 2009.

23 ACTING PRESIDENT O'MARA: Read the
24 last section.

25 THE SECRETARY: Section 2. This

1 act shall take effect immediately.

2 ACTING PRESIDENT O'MARA: Call the
3 roll.

4 (The Secretary called the roll.)

5 THE SECRETARY: In relation to
6 Calendar Number 1151: Ayes, 58. Nays, 1.
7 Senator Ball recorded in the negative.

8 ACTING PRESIDENT O'MARA: The bill
9 is passed.

10 THE SECRETARY: Calendar Number
11 1152, by Senator Carlucci, Senate Print 6306, an
12 act to amend the Town Law.

13 ACTING PRESIDENT O'MARA: Read the
14 last section.

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

17 ACTING PRESIDENT O'MARA: Call the
18 roll.

19 (The Secretary called the roll.)

20 THE SECRETARY: Ayes, 59.

21 ACTING PRESIDENT O'MARA: The bill
22 is passed.

23 THE SECRETARY: In relation to
24 Calendar Number 1153, Senator Klein moves to
25 discharge, from the Committee on Local

1 Government, Assembly Bill Number 9537 and
2 substitute it for the identical Senate Bill
3 Number 6371A, Third Reading Calendar 1153.

4 ACTING PRESIDENT O'MARA:
5 Substitution ordered.

6 The Secretary will read.

7 THE SECRETARY: Calendar Number
8 1153, by Member of the Assembly Paulin, Assembly
9 Print 9537, an act to amend the Local Finance
10 Law.

11 ACTING PRESIDENT O'MARA: There is
12 a home-rule message at the desk.

13 Read the last section.

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

16 ACTING PRESIDENT O'MARA: Call the
17 roll.

18 (The Secretary called the roll.)

19 THE SECRETARY: Ayes, 59.

20 ACTING PRESIDENT O'MARA: The bill
21 is passed.

22 THE SECRETARY: Calendar Number
23 1154, by Senator Klein, Senate Print 6727B, an
24 act to amend the Vehicle and Traffic Law.

25 ACTING PRESIDENT O'MARA: Read the

1 last section.

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

4 ACTING PRESIDENT O'MARA: Call the
5 roll.

6 (The Secretary called the roll.)

7 THE SECRETARY: Ayes, 59.

8 ACTING PRESIDENT O'MARA: The bill
9 is passed.

10 THE SECRETARY: Calendar Number
11 1155, by Senator Nozzolio, Senate Print 6845A, an
12 act to amend the Family Court Act.

13 ACTING PRESIDENT O'MARA: Read the
14 last section.

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

17 ACTING PRESIDENT O'MARA: Call the
18 roll.

19 (The Secretary called the roll.)

20 THE SECRETARY: Ayes, 59.

21 ACTING PRESIDENT O'MARA: The bill
22 is passed.

23 THE SECRETARY: Calendar Number
24 1156, by Senator Flanagan, Senate Print 6996, an
25 act to amend the Criminal Procedure Law.

1 ACTING PRESIDENT O'MARA: Read the
2 last section.

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

5 ACTING PRESIDENT O'MARA: Call the
6 roll.

7 (The Secretary called the roll.)

8 THE SECRETARY: In relation to
9 Calendar 1156, those recorded in the negative are
10 Senators Dilan, Duane, Hassell-Thompson,
11 Montgomery, Perkins, Rivera and Squadron.

12 Ayes, 52. Nays, 7.

13 ACTING PRESIDENT O'MARA: The bill
14 is passed.

15 THE SECRETARY: In relation to
16 Calendar Number 1157, Senator Farley moves to
17 discharge, from the Committee on Codes, Assembly
18 Bill Number 10116 and substitute it for the
19 identical Senate Bill Number 7241, Third Reading
20 Calendar 1157.

21 ACTING PRESIDENT O'MARA:
22 Substitution ordered.

23 The Secretary will read.

24 THE SECRETARY: Calendar Number
25 1157, by Member of the Assembly Amedore, Assembly

1 Print Number 10116, an act to amend the Criminal
2 Procedure Law.

3 ACTING PRESIDENT O'MARA: Read the
4 last section.

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

7 ACTING PRESIDENT O'MARA: Call the
8 roll.

9 (The Secretary called the roll.)

10 THE SECRETARY: In relation to
11 Calendar Number 1157, those recorded in the
12 negative are Senators Dilan, Duane, Montgomery,
13 Perkins, Rivera and Squadron.

14 Ayes, 53. Nays, 6.

15 ACTING PRESIDENT O'MARA: The bill
16 is passed.

17 THE SECRETARY: In relation to
18 Calendar 1157, also Senator Hassell-Thompson
19 recorded in the negative.

20 Ayes, 52. Nays, 7.

21 ACTING PRESIDENT O'MARA: The bill
22 is passed.

23 THE SECRETARY: Calendar Number
24 1158, by Senator Nozzolio, Senate Print 7293, an
25 act to amend the Criminal Procedure Law.

1 ACTING PRESIDENT O'MARA: Read the
2 last section.

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

5 ACTING PRESIDENT O'MARA: Call the
6 roll.

7 (The Secretary called the roll.)

8 THE SECRETARY: In relation to
9 Calendar Number 1158, those recorded in the
10 negative are Senators Dilan, Hassell-Thompson,
11 Montgomery, Perkins and Rivera.

12 Ayes, 54. Nays, 5.

13 ACTING PRESIDENT O'MARA: The bill
14 is passed.

15 THE SECRETARY: Calendar Number
16 1159, by Senator Martins, Senate Print 7514A, an
17 act to amend the Insurance Law.

18 ACTING PRESIDENT O'MARA: Read the
19 last section.

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

22 ACTING PRESIDENT O'MARA: Call the
23 roll role.

24 THE SECRETARY: Ayes, 58. Nays,
25 1. Senator Duane recorded in the negative.

1 ACTING PRESIDENT O'MARA: The bill
2 is passed.

3 THE SECRETARY: Calendar Number
4 1160, by Senator Robach, Senate Print 7614, an
5 act to amend the Civil Service Law.

6 ACTING PRESIDENT O'MARA: Read the
7 last section.

8 THE SECRETARY: Section 29. This
9 act shall take effect immediately.

10 ACTING PRESIDENT O'MARA: Call the
11 roll.

12 (The Secretary called the roll.)

13 THE SECRETARY: Ayes, 59.

14 ACTING PRESIDENT O'MARA: The bill
15 is passed.

16 THE SECRETARY: Calendar Number
17 1161, by Senator Saland, Senate Print 7638, an
18 act to amend the Executive Law.

19 ACTING PRESIDENT O'MARA: Read the
20 last section.

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

23 ACTING PRESIDENT O'MARA: Call the
24 roll.

25 (The Secretary called the roll.)

1 ACTING PRESIDENT O'MARA: Senator
2 Saland to explain your vote.

3 SENATOR SALAND: Yes,
4 Mr. President.

5 Mr. President, this is a
6 comprehensive domestic violence bill which
7 incorporates a number of different features. It
8 is probably the most comprehensive bill that we
9 have had the opportunity to vote on since the
10 Family Protection and Domestic Violence
11 Intervention Act of 1994, which at that time I
12 authored along with Assemblywoman Weinstein.

13 This is a Governor's program bill,
14 a bill that has been negotiated with the
15 Governor, with the Assembly, with a number of
16 parties. And there's been a host of my
17 colleagues who have been involved in different
18 ways in making the components of this bill
19 actually come to life.

20 It's a bill that's been long
21 sought, the various components, by the advocacy
22 community, the domestic violence advocacy
23 community. It provides for stepped-up penalties
24 by way of aggravated offenses in the case where
25 someone has previously committed certain

1 enumerated crimes within a five-year period and
2 then subsequently commits a misdemeanor -- again,
3 an enumerated specific crime -- which then would
4 be considered as the aggravated Class E felony.

5 It provides for fatality review
6 boards. It changes the way we will consider bail
7 in instances of domestic violence cases. It also
8 provides that in instances of harassment, they
9 will be treated differently in domestic violence
10 cases. It provides, among other things, for
11 preventing an abuser who has abused his spouse or
12 a member of his or her household from having
13 access to or providing for the remains of a
14 decedent.

15 There are two or three other
16 critically important issues. This is an
17 exceptionally long overdue compilation of bills.

18 I want to thank the Governor for
19 his active role in helping to make this happen.
20 I want to thank all of my colleagues. And
21 there's certainly no reason for anybody in this
22 house or either house to cast a vote in
23 opposition to this bill. It will be warmly
24 embraced by the advocacy community and goes a
25 long way to leveling the playing field.

1 I vote in the affirmative.

2 ACTING PRESIDENT O'MARA: Thank
3 you, Senator Saland. Senator Saland will be
4 recorded in the affirmative.

5 Senator Ranzenhofer to explain your
6 vote.

7 SENATOR RANZENHOFER: Thank you,
8 Mr. President.

9 I'd also like to rise and just echo
10 the comments of Senator Saland, thank our
11 leadership here, actually thank the entire body,
12 which passed a portion of this bill earlier this
13 year.

14 I also want to thank the Governor
15 for his leadership in bringing this bill together
16 and making it actually happen today on the floor.

17 The piece that I want to talk about
18 is reflective of what actually happened in my
19 community and, in speaking with a number of
20 colleagues, has actually happened more frequently
21 than you might think throughout the state.

22 If somebody kills somebody, they
23 still have control of the burial arrangements and
24 the funeral arrangements. And what this bill
25 does, it says if there's an existing order of

1 protection, if you've been charged with a crime,
2 you no longer have that right. And this closes a
3 loophole which was in the law.

4 In this particular situation, a
5 husband had murdered his wife and he just let the
6 body linger in the morgue. He then made
7 arrangements for the disposal of the body in a
8 way which was disrespectful to what the family
9 wanted to do.

10 So this much-needed bill closes a
11 loophole. No longer will somebody have to
12 experience the tragedy of having a loved one
13 killed and then have that person really play
14 games with them and be able to abuse the system
15 by not making funeral arrangements or burial
16 arrangements.

17 So this is a very important piece
18 of legislation. Again, I'd like to thank the
19 Governor and all my colleagues for passing it
20 here today.

21 Thank you, Mr. President.

22 ACTING PRESIDENT O'MARA: Senator
23 Ranzenhofer will be recorded in the affirmative.

24 Senator Squadron to explain your
25 vote.

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

3 First of all, I'd like to thank
4 Senator Saland and the Governor and the Assembly
5 for their work bringing together something
6 comprehensive that is actually so likely to
7 become law.

8 Included in this bill are
9 aggravated family offenses, which I've been
10 working on for a number of years, along with
11 Senator Golden and Assemblymember Rosenthal in
12 the other house, that for the first time will say
13 that a serial domestic violence offender isn't
14 going to just be able to cycle through the system
15 without any increasing penalty, without any
16 ability for the system to prevent it.

17 We will no longer have to wait for
18 a serial offender to seriously injure or kill
19 someone before we as a system can do somebody
20 something about it. And the fact that this
21 aggravated family offense is in the bill after a
22 number of years of work is very significant for
23 families and victims and also communities around
24 the state.

25 The underlying bill that Senator

1 Golden and I had worked on was dedicated to
2 Officer Alain Schaberger, who, responding to a
3 routine domestic violence call in Boerum Hill,
4 Brooklyn, was killed in the line of duty by a
5 serial offender, someone who had had nearly a
6 dozen arrests over the previous years on domestic
7 violence, someone who has now been convicted for
8 the death of Officer Schaberger but who the laws
9 up to this point weren't able to deal with.

10 And that sort of scourge, the sort
11 of scourge that begins in the home and continues
12 out to the community and the entire state, is
13 going to be something we're more able to deal
14 with because this law is in effect.

15 So to all the provisions, to my
16 colleagues on both sides of the aisle who have
17 worked to no longer just talk but also just find
18 real solutions on domestic violence, and really
19 especially in the name of Officer Schaberger, who
20 we've honored on this floor in previous months, I
21 am proud to vote yes for this bill. I commend
22 everyone's work. And in the memory of all of the
23 victims, I urge everyone else to vote yes.

24 Thank you, Mr. President.

25 ACTING PRESIDENT O'MARA: Senator

1 Squadron to be recorded in the affirmative.

2 Senator Kennedy to explain your
3 vote.

4 SENATOR KENNEDY: Thank you,
5 Mr. President.

6 I rise in support of this
7 legislation. Domestic violence has caused so
8 many families to endure emotional and physical
9 pain. We've been working hard to stop the
10 suffering and end the fear that lingers after
11 abuse, but this has become a serious crisis
12 affecting the health and safety of women and
13 families across New York State and across the
14 nation.

15 The statistics are staggering.
16 Every nine seconds in the U.S. a woman is
17 assaulted or beaten. Domestic violence is a
18 leading cause of injury to women, more than car
19 accidents, muggings, and rapes combined. Up to
20 10 million children witness some form of domestic
21 violence annually. This needs to end.

22 The comprehensive legislation that
23 we approve today will ensure that New York State
24 does a better job of preventing domestic violence
25 and protecting victims. By combining harsher

1 penalties, better protections, and criminal
2 justice reforms, this bill will have far-reaching
3 impacts in our communities across New York
4 State.

5 It's long overdue for New York to
6 get tough on domestic abusers. Previously,
7 domestic violence offenses have gone
8 underpunished. This legislation changes that.
9 It establishes a Class E felony for an aggravated
10 family offense, and an additional Class A
11 misdemeanor for aggravated harassment.

12 We're also significantly improving
13 protections for victims. By safeguarding a
14 victim's location we will prevent future abuses.

15 This legislation also includes
16 measures to help provide families of victims with
17 some sense of closure if abuse results in tragic
18 deaths, which we've heard about far too often.

19 When an individual's life is taken
20 at the hands of an abuser, it's unconscionable to
21 allow the abuser to dictate the disposition of
22 the remains.

23 This bill is comprehensive, and it
24 contains many long-needed reforms. It is a
25 critically important step forward in our ongoing

1 efforts to stop domestic violence. Our state
2 must commit to helping victims turn
3 discouragement into empowerment and change
4 feelings of oppression into strength.

5 Mr. President, I vote aye. Thank
6 you.

7 ACTING PRESIDENT O'MARA: Senator
8 Kennedy to be recorded in the affirmative.

9 Senator Hassell-Thompson to explain
10 your vote.

11 SENATOR HASSELL-THOMPSON: Thank
12 you, Mr. President.

13 I rise to congratulate the Governor
14 and certainly Senator Saland. I think that for a
15 very long time, he and I have been going back and
16 forth on a variety of bills around domestic
17 violence, and he has really taken quite a lead in
18 making sure that victims of domestic violence
19 receive justice. And I think that that's what
20 all of us are really here about.

21 This comprehensive package of bills
22 supports, promotes equality, dignity and respect
23 for domestic violence victims and their
24 families. Even though domestic violence occurs
25 among all races, ethnicities and socioeconomic

1 classes, the prevailing sexist and racist
2 attitudes make women of color particularly
3 vulnerable to domestic violence and access to
4 public services and support services difficult.

5 Victims of sexual and domestic
6 violence respond differently based on their own
7 experiences and their culture. The Center for
8 Disease Control and Prevention has reported that
9 victims with a history of dating violence are
10 more susceptible to substance abuse, attempted
11 suicide, eating disorders, and engaging in risky
12 sexual behavior.

13 A woman of color may have to
14 confront both her experience and other issues
15 with respect to protecting her family, community,
16 and receiving mistreatment by law enforcement or
17 conforming to cultural values, norms or religious
18 belief.

19 An estimated 29.1 percent of
20 African-American females are victimized by their
21 intimate partner's violence in their lifetime.
22 African-American females experience
23 intimate-partner violence at a rate 35 percent
24 higher than that of white females, and about
25 2.5 percent the rate of other women of color.

1 However, they are less likely than white women to
2 use social services, battered women's programs,
3 or go to hospitals because of domestic violence.

4 Married Hispanics and Latinas are
5 less likely than other women to immediately
6 define their experiences of forced sex as rape
7 and terminate their relationship. Some view this
8 as a sexual and marital obligation.

9 Asian and Pacific Islander women
10 tend to report lower rates of rape and other
11 forms of sexual violence than do women and men
12 from minority backgrounds. This may be accounted
13 for because traditional Asian values may
14 discourage them from disclosing such
15 victimization even in confidential sittings.

16 What this bill does is help us to
17 go beyond some of the cultural barriers that
18 women have found and used as reasons for not
19 reporting and getting help and assistance with
20 domestic violence. The Governor has taken a
21 major step, with this bill, in addressing many of
22 these issues.

23 There is still work to be done,
24 though this is outstanding legislation that
25 directly impacts the lives of survivors of

1 domestic violence and their families. But we
2 need to address continued housing discrimination
3 and employment discrimination for this class of
4 citizens.

5 So I thank you again, Senator
6 Saland, for your leadership, and certainly for
7 the Governor in his actions on a major step in
8 domestic violence for the State of New York.

9 Thank you, Mr. President.

10 ACTING PRESIDENT O'MARA: Senator
11 Hassell-Thompson will be recorded in the
12 affirmative.

13 Senator Klein to explain your vote.

14 SENATOR KLEIN: Thank you,
15 Mr. President.

16 I too rise in support of this very
17 important legislation. And I want to commend
18 Senator Saland for bringing this bill to the
19 floor.

20 Of particular note, a piece of
21 legislation that I tried to pass for the past
22 four years -- actually, it passed the Senate for
23 the past four years; it never passed the
24 Assembly, including this session -- is an
25 amendment to Insurance Law Section 2612, which

1 would give victims of domestic violence the
2 opportunity to designate an alternative address,
3 telephone number, or other contact information
4 for the purpose of receiving insurance claims or
5 billing information.

6 As we all probably know, in many
7 cases the individual that's being abused
8 sometimes is under the health insurance of the
9 abuser. So if that individual is in a safe house
10 or doesn't want to be contacted or doesn't want
11 to let the abuser know where they are, it finds
12 it very, very difficult for that individual or
13 her family to be able to tap into their health
14 insurance and get the help they need.

15 It sounds very simple. It's
16 something that's been supported by the advocates
17 for years. So I'm glad that it's part of this
18 very comprehensive package today. Because in the
19 long run, I think the whole legislation,
20 specifically the item that I mentioned, is
21 something very, very important in helping those
22 who are the victims of domestic violence.

23 I of course vote yes,
24 Mr. President.

25 ACTING PRESIDENT O'MARA: Senator

1 Klein to be recorded in the affirmative.

2 Senator Adams to explain your vote.

3 SENATOR ADAMS: Thank you,
4 Mr. President. And I too will be voting in the
5 affirmative.

6 I think it's important that, one,
7 we properly identify all those who are part of
8 domestic violence. It is not an act only
9 inflicted on women. Men are the victims also of
10 domestic violence, as well as children. Domestic
11 violence encompasses entire families, and many
12 cases involving men go unreported as well.

13 So when we look to solve the issue
14 of domestic violence, we cannot merely close our
15 eyes to domestic violence as not only the
16 physical scars that a person receives, but it's
17 also the social and emotional abuse that takes
18 place in a household. And both sexes can be
19 guilty of that type of infliction.

20 And so we cannot leave a rock
21 unturned. When we are looking to weed violence
22 out of a household, we cannot try to believe that
23 it's only relegated to one sex. Violence is
24 violence, physical or emotional. And the task is
25 to weed out violence out of a household by

1 looking at any person who can be guilty of
2 inflicting that sort of violence.

3 Elders are victims of domestic
4 violence through elder abuse through their
5 children. Children are victims of domestic
6 violence through the abuse of their parents.
7 When the police respond to a household and they
8 take a report of any form of violence to an
9 individual, it is domestic violence inside that
10 household, including couples who are living
11 together of same-sex arrangements.

12 So the goal is not to close our
13 minds or come with a stereotypical view of what
14 domestic violence is. Domestic violence is
15 violence in a household inflicted on another
16 person that lives in that household in a
17 family-type environment. And whoever is guilty
18 of that, regardless of their sex, regardless of
19 who reports it, should be held accountable for
20 it.

21 No one should be the victim of
22 violence, regardless of who or what they are.
23 And this is what this bill is doing. But I want
24 us to all also keep in mind it is inclusive of
25 whoever inflicts violence on a person in the

1 family environment. I will be voting in the
2 affirmative.

3 ACTING PRESIDENT O'MARA: Senator
4 Adams to be recorded in the affirmative.

5 Senator DeFrancisco to briefly
6 explain his vote.

7 SENATOR DeFRANCISCO: Yes, I just
8 would like to say that over the last couple of
9 days there has been substantial and very
10 important legislation that's passed -- yesterday
11 concerning prescription drugs, today on domestic
12 violence. And each of these items were based
13 upon three-way agreements and input from all
14 parties in the legislative body as well as the
15 Governor's office.

16 And I think I just want to mention
17 that these are great bills and that this
18 cooperation, this functional government is truly
19 a pleasure to be a part of. And I think we are
20 well serving the people of the State of New York.

21 Thank you, Mr. President.

22 ACTING PRESIDENT O'MARA: Thank
23 you, Senator DeFrancisco. You will be recorded
24 in the affirmative.

25 Senator Golden to explain your

1 vote.

2 SENATOR GOLDEN: Thank you,
3 Mr. President.

4 I too commend my colleagues here in
5 the Senate chamber: Senator Saland, the leader,
6 the Governor of the State of New York for leading
7 where they should have been doing for years is
8 fighting for this domestic violence, to make sure
9 that we did what we had to do to put people away
10 for this terrible, terrible crime.

11 The courts today -- when I was a
12 police officer, I remember going into these
13 homes. They were some of the most vicious fights
14 that I've ever seen. And you'd see the same
15 people over and over being released, and it was a
16 shame. And everybody in the building and
17 everybody on the block knew who was committing
18 these domestic violence, and nothing was getting
19 done.

20 This will allow for those repeat
21 offenders to be sentenced to a felony, convicted
22 of a felony and sentenced to jail for their
23 actions. You have one individual, 132 prior
24 convictions. That is insane. And it shouldn't
25 be allowed.

1 This is not only a reactive bill of
2 taking the bad guys off the street, the bad
3 people that are committing these crimes, but it's
4 a proactive approach as well, in setting up these
5 fatality review teams so we can go in there to
6 adjust and to see how we can prevent them in the
7 future, and sitting up these safeguards for the
8 protection of those who have been assaulted and
9 abused and domestically violated.

10 So I vote yes, and I commend all of
11 my colleagues for this vote.

12 ACTING PRESIDENT O'MARA: Senator
13 Golden will be recorded in the affirmative.

14 Announce the result.

15 THE SECRETARY: Ayes, 59.

16 ACTING PRESIDENT O'MARA: The bill
17 is passed.

18 Senator Libous.

19 SENATOR LIBOUS: Mr. President, if
20 you could call on Senator Hassell-Thompson for
21 the purposes of an announcement and then come
22 back to me after that, please.

23 ACTING PRESIDENT O'MARA: Senator
24 Hassell-Thompson.

25 SENATOR HASSELL-THOMPSON: Thank

1 you, Mr. President.

2 There will be an immediate meeting
3 of the Democratic Conference in Room 315.

4 ACTING PRESIDENT O'MARA: There
5 will be an immediate meeting of the Democratic
6 Conference in Room 315.

7 Senator Libous.

8 SENATOR LIBOUS: Mr. President, we
9 will have a bit of a recess here while the
10 Democrats are conferencing. But at 2 o'clock I
11 would ask the members of the Rules Committee to
12 please meet me promptly in Room 332 -- 332,
13 2 o'clock, Rules Committee meeting.

14 ACTING PRESIDENT O'MARA: There
15 will be a Rules Committee meeting at 2 o'clock in
16 Room 332.

17 SENATOR LIBOUS: The Senate will
18 stand at ease.

19 ACTING PRESIDENT O'MARA: The
20 Senate will stand at ease.

21 (Whereupon, the Senate stood at ease
22 at 1:38 p.m.)

23 ACTING PRESIDENT GRIFFO: The
24 Senate will come to order.

25 Senator Libous.

1 SENATOR LIBOUS: Mr. President,
2 this is for purposes of an announcement only.

3 The Rules Committee will be meeting
4 at 2:45 in Room 332. That's at 2:45, the Rules
5 Committee will meet in Room 332.

6 ACTING PRESIDENT GRIFFO: Thank
7 you, Senator Libous. The Rules Committee will
8 now meet at 2:45 p.m. in Room 332.

9 The Senate remains at ease.

10 SENATOR LIBOUS: Thank you.

11 (Whereupon, the Senate continued to
12 stand at ease.)

13 ACTING PRESIDENT SEWARD: Senator
14 LaValle.

15 SENATOR LaVALLE: Can we recognize
16 Senator Ruth Hassell-Thompson for an
17 announcement.

18 ACTING PRESIDENT SEWARD: Senator
19 Hassell-Thompson.

20 SENATOR HASSELL-THOMPSON: Thank
21 you, Mr. President.

22 There will be an another immediate
23 meeting of the Democratic Conference in
24 Room 315. Thank you.

25 ACTING PRESIDENT SEWARD: There

1 will be an immediate Democrat conference in
2 Room 315.

3 The Senate continues to stand at
4 ease.

5 (Whereupon, the Senate continued to
6 stand at ease.)

7 SENATOR FLANAGAN: Senator
8 Libous.

9 SENATOR LIBOUS: Mr. President,
10 the Rules Committee is waiting for members in
11 332. So as soon as members can get to the Rules
12 Committee, we can have the meeting promptly and
13 come right out on the floor and pass some
14 legislation.

15 So we need members immediately in
16 the Rules Committee meeting.

17 SENATOR FLANAGAN: Senator Libous,
18 I'm going to repeat what you just said.

19 For anyone who's listening, we need
20 members to report to the Rules Committee
21 immediately so we can continue to conduct our
22 business.

23 The Senate will stand at ease.

24 (Whereupon, the Senate continued to
25 stand at ease and reconvened at 3:23 p.m.)

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

3 Senator Libous.

4 SENATOR LIBOUS: Mr. President,
5 can we move to reports of standing committees. I
6 believe there's a report of the Rules Committee
7 at the desk.

8 ACTING PRESIDENT GRIFFO: We will
9 return to reports of standing committees. There
10 is a report of the Rules Committee.

11 The Secretary will read.

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

15 Senate Print 438A, by Senator
16 Krueger, an act to amend the Civil Practice Law
17 and Rules;

18 2378A, by Senator Seward, an act to
19 amend the Alcoholic Beverage Control Law;

20 2538A, by Senator Ranzenhofer, an
21 act to amend the Education Law;

22 3758A, by Senator Libous, an act to
23 amend the Education Law;

24 5031A, by Senator Johnson, an act
25 to provide for payment;

1 5850A, by Senator Marcellino, an
2 act to amend the Insurance Law;

3 6115, by Senator Bonacic, an act to
4 amend the Social Services Law;

5 6134, by Senator Grisanti, an act
6 to amend the Tax Law;

7 6231A, by Senator Oppenheimer, an
8 act to amend the Highway Law;

9 6458, by Senator Hassell-Thompson,
10 an act to amend the Tax Law;

11 6615, by Senator Ritchie, an act to
12 amend the Soil and Water Conservation Districts
13 Law;

14 6950, by Senator Bonacic, an act to
15 amend the Racing, Pari-Mutuel Wagering and
16 Breeding Law;

17 7405, by Senator Larkin, an act to
18 authorize the commissioner;

19 And Senate Print 7342, by Senator
20 DeFrancisco, an act to amend the State Finance
21 Law.

22 All bills reported direct to third
23 reading.

24 ACTING PRESIDENT GRIFFO: Senator
25 Libous.

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

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

6 (Response of "Aye.")

7 ACTING PRESIDENT GRIFFO:
8 Opposed?

9 (No response.)

10 ACTING PRESIDENT GRIFFO: The
11 Rules Committee report is accepted.

12 Senator Libous.

13 SENATOR LIBOUS: Mr. President,
14 at this time could we take up the
15 noncontroversial reading of Senate Supplemental
16 Calendar 55B, please.

17 ACTING PRESIDENT GRIFFO: The
18 Secretary will read.

19 THE SECRETARY: Calendar Number
20 1162, by Senator Krueger, Senate Print 438A, an
21 act to amend the Civil Practice Law and Rules.

22 SENATOR BRESLIN: Lay it aside for
23 the day.

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

1 THE SECRETARY: Calendar Number
2 1163, by Senator Seward, Senate Print 2378A, an
3 act to amend the Alcoholic Beverage Control Law.

4 ACTING PRESIDENT GRIFFO: Read the
5 last section.

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

8 ACTING PRESIDENT GRIFFO: Call the
9 roll.

10 (The Secretary called the roll.)

11 THE SECRETARY: Ayes, 58. Nays,
12 1. Senator Diaz recorded in the negative.

13 ACTING PRESIDENT GRIFFO: The bill
14 is passed.

15 THE SECRETARY: Calendar Number
16 1164, by Senator Ranzenhofer, Senate Print 2538A,
17 an act to amend the Education Law.

18 ACTING PRESIDENT GRIFFO: Read the
19 last section.

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

22 ACTING PRESIDENT GRIFFO: Call the
23 roll.

24 (The Secretary called the roll.)

25 THE SECRETARY: Ayes, 59.

1 ACTING PRESIDENT GRIFFO: The bill
2 is passed.

3 THE SECRETARY: Calendar Number
4 1166, by Senator Libous, Senate Print 3758A, an
5 act to amend the Education Law.

6 ACTING PRESIDENT GRIFFO: Read the
7 last section.

8 THE SECRETARY: Section 5. This
9 act shall take effect 18 months after it shall
10 have become law.

11 ACTING PRESIDENT GRIFFO: Call the
12 roll.

13 (The Secretary called the roll.)

14 THE SECRETARY: Ayes, 56. Nays,
15 3. Senators DeFrancisco, Gallivan and
16 Ranzenhofer recorded in the negative.

17 ACTING PRESIDENT GRIFFO: The bill
18 is passed.

19 THE SECRETARY: Calendar Number
20 1167, by Senator Johnson, Senate Print 5031A, an
21 act to provide.

22 ACTING PRESIDENT GRIFFO: Read the
23 last section.

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

1 ACTING PRESIDENT GRIFFO: Call the
2 roll.

3 (The Secretary called the roll.)

4 THE SECRETARY: Ayes, 59.

5 ACTING PRESIDENT GRIFFO: The bill
6 is passed.

7 THE SECRETARY: In relation to
8 Calendar Number 1168, Senator Marcellino moves to
9 discharge, from the Committee on Rules, Assembly
10 Bill Number 397A and substitute it for the
11 identical Senate Bill Number 5850A, Third Reading
12 Calendar 1168.

13 ACTING PRESIDENT GRIFFO: The
14 substitution is so ordered.

15 The Secretary will read.

16 THE SECRETARY: Calendar Number
17 1168, by Member of the Assembly Gunther, Assembly
18 Print 397A, an act to amend the Insurance Law.

19 ACTING PRESIDENT GRIFFO: Read the
20 last section.

21 THE SECRETARY: Section 4. This
22 act shall take effect on the 90th day.

23 ACTING PRESIDENT GRIFFO: Call the
24 roll.

25 (The Secretary called the roll.)

1 THE SECRETARY: Ayes, 59.

2 ACTING PRESIDENT GRIFFO: The bill
3 is passed.

4 THE SECRETARY: Calendar Number
5 1169, by Senator Bonacic, Senate Print 6115, an
6 act to amend the Social Services Law.

7 ACTING PRESIDENT GRIFFO: Read the
8 last section.

9 THE SECRETARY: Section 3. This
10 act shall take effect on the 120th day.

11 ACTING PRESIDENT GRIFFO: Call the
12 roll.

13 (The Secretary called the roll.)

14 THE SECRETARY: Ayes, 59.

15 ACTING PRESIDENT GRIFFO: The bill
16 is passed.

17 THE SECRETARY: Calendar Number
18 1170, by Senator Grisanti, Senate Print 6134, an
19 act to amend the Tax Law.

20 ACTING PRESIDENT GRIFFO: Read the
21 last section.

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

24 ACTING PRESIDENT GRIFFO: Call the
25 roll.

1 (The Secretary called the roll.)

2 ACTING PRESIDENT GRIFFO: Senator
3 Kennedy to explain his vote.

4 SENATOR KENNEDY: Yes, thank you,
5 Mr. President.

6 First of all, I want to thank the
7 sponsor for carrying this legislation. I rise in
8 support of this bill that will have a
9 tremendously positive impact on development
10 projects in the City of Buffalo and across
11 New York State.

12 The preservation and reuse of
13 historic structures is taking place throughout
14 the older cities of America. The result has been
15 job creation and economic development. We're
16 taking advantage of our history to strengthen our
17 economic future.

18 The Historic Preservation Tax
19 Credit program has made a substantial impact in
20 the City of Buffalo and throughout New York
21 State. Passing this today, we're encouraging
22 investments in aging historic structures and
23 empowering developers to grow our economy, create
24 jobs, and preserve our history. And those are
25 three critical components to the future of

1 Buffalo and Western New York.

2 We need to keep this historic
3 preservation program strong and help our
4 communities grow stronger by further empowering
5 successful development. We can do that by
6 lifting the cap on historic preservation tax
7 credits, as this bill does. We're voting for
8 legislation that will allow developers to take on
9 larger projects by connecting them with increased
10 incentives.

11 This bill will give
12 community-minded developers access to up to
13 \$12 million in historic preservation tax credits
14 when they make similarly substantial investments
15 in the prominent structures of our past. This
16 will help developers convert vacant,
17 deteriorating properties into innovative reuse
18 projects that will eventually regain their status
19 as proud historic landmarks that will generate
20 revenues for our City of Buffalo and all of
21 New York State.

22 Mr. President, I vote aye. Thank
23 you.

24 ACTING PRESIDENT GRIFFO: Senator
25 Kennedy to be recorded in the affirmative.

1 Senator Grisanti to explain his
2 vote.

3 SENATOR GRISANTI: Thank you,
4 Mr. President.

5 You know, I am proud to not only
6 sponsor but push this legislation that raises the
7 cap on state historic tax credits. Not only does
8 this breathe new life into important dilapidated
9 buildings in Western New York and across the
10 state, it provides additional tax for
11 municipalities in the future once these
12 projects are completed, and it provides
13 construction jobs and permanent jobs at the end.

14 There has been tens of millions of
15 dollars invested in these types of investments in
16 Western New York, and these credits work and
17 these credits must go forward. Without them,
18 these historic buildings would be a shell of no
19 hope.

20 These credits incentivize private
21 investment. These projects are economic
22 development and job growth. And in particular in
23 my area, this bill will help projects across the
24 and in my area of Western New York. The Central
25 Train Terminal, the AM&A's building, the

1 Richardson Complex, and the Statler Hotel. These
2 projects will give life not only to the
3 structures but to the community as a whole.

4 I vote aye, Mr. President. I thank
5 my colleagues in the Senate for supporting this
6 piece of legislation. Thank you.

7 ACTING PRESIDENT GRIFFO: Senator
8 Grisanti to be recorded in the affirmative.

9 Announce the results.

10 THE SECRETARY: Ayes, 59.

11 ACTING PRESIDENT GRIFFO: The bill
12 is passed.

13 THE SECRETARY: Calendar Number
14 1171, by Senator Oppenheimer, Senate Print 6231A,
15 an act to amend the Highway Law.

16 ACTING PRESIDENT GRIFFO: Read the
17 last section.

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

20 ACTING PRESIDENT GRIFFO: Call the
21 roll.

22 (The Secretary called the roll.)

23 THE SECRETARY: Ayes, 59.

24 ACTING PRESIDENT GRIFFO: The bill
25 is passed.

1 THE SECRETARY: Calendar Number
2 1172, by Senator Hassell-Thompson, Senate Print
3 6458, an act to amend the Tax Law.

4 ACTING PRESIDENT GRIFFO: Read the
5 last section.

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

8 ACTING PRESIDENT GRIFFO: Call the
9 roll.

10 (The Secretary called the roll.)

11 ACTING PRESIDENT GRIFFO: Senator
12 Hassell-Thompson to explain her vote.

13 SENATOR HASSELL-THOMPSON: Thank
14 you, Mr. President.

15 I just rise to thank my colleagues
16 for their support of this piece of legislation
17 that I think will be very important to adoptive
18 parents and would go a long way toward
19 encouraging many more to become adoptive and
20 foster parents into the adoptive and foster
21 parenting class.

22 This is an opportunity, again, to
23 provide some tax relief for people who take on
24 the responsibility of adopting children. So,
25 Mr. President, I thank you for the opportunity.

1 ACTING PRESIDENT GRIFFO: Senator
2 Hassell-Thompson to be recorded in the
3 affirmative.

4 Announce the results.

5 THE SECRETARY: Ayes, 59.

6 ACTING PRESIDENT GRIFFO: The bill
7 is passed.

8 THE SECRETARY: Calendar Number
9 1173, by Senator Ritchie, Senate Print 6615, an
10 act to amend the Soil and Water Conservation
11 District Law.

12 ACTING PRESIDENT GRIFFO: Read the
13 last section.

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

16 ACTING PRESIDENT GRIFFO: Call the
17 roll.

18 (The Secretary called the roll.)

19 THE SECRETARY: Ayes, 59.

20 ACTING PRESIDENT GRIFFO: The bill
21 is passed.

22 THE SECRETARY: In relation to
23 Calendar Number 1174, Senator Bonacic moves to
24 discharge, from the Committee on Racing, Gaming
25 and Wagering, Bill Number 9294 and substitute it

1 for the identical Senate Bill Number 6950, Third
2 Reading Calendar 1174.

3 ACTING PRESIDENT GRIFFO: The
4 substitution is so ordered.

5 The Secretary will read.

6 THE SECRETARY: Calendar Number
7 1174, by Member of the Assembly Pretlow, Assembly
8 Print Number 9294, an act to amend the Racing,
9 Pari-Mutuel Wagering and Breeding Law.

10 ACTING PRESIDENT GRIFFO: Read the
11 last section.

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

14 ACTING PRESIDENT GRIFFO: Call the
15 roll.

16 (The Secretary called the roll.)

17 THE SECRETARY: Ayes, 59.

18 ACTING PRESIDENT GRIFFO: The bill
19 is passed.

20 THE SECRETARY: Calendar Number
21 1175, by Senator Larkin, Senate Print 7405, an
22 act to authorize.

23 ACTING PRESIDENT GRIFFO: There is
24 a home-rule message at the desk.

25 Read the last section.

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

3 ACTING PRESIDENT GRIFFO: Call the
4 roll.

5 (The Secretary called the roll.)

6 THE SECRETARY: Ayes, 59.

7 ACTING PRESIDENT GRIFFO: The bill
8 is passed.

9 THE SECRETARY: Calendar Number
10 1200, by Senator DeFrancisco, Senate Print 7342,
11 an act to amend the State Finance Law.

12 ACTING PRESIDENT GRIFFO: Read the
13 last section.

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

16 ACTING PRESIDENT GRIFFO: Call the
17 roll.

18 (The Secretary called the roll.)

19 THE SECRETARY: Ayes, 59.

20 ACTING PRESIDENT GRIFFO: The bill
21 is passed.

22 Senator Libous, that completes the
23 reading of the Senate Supplemental Calendar
24 Number 55B.

25 SENATOR LIBOUS: Mr. President,

1 thank you kindly.

2 If we can go to motions and
3 resolutions, and I would ask you to first call on
4 Senator Breslin.

5 ACTING PRESIDENT GRIFFO: Senator
6 Breslin.

7 SENATOR BRESLIN: Thank you,
8 Mr. President.

9 On behalf of Senator Parker, I move
10 that the following bill be discharged from its
11 respective committee and be recommitted with
12 instructions to strike the enacting clause.
13 Senate Number 1052B.

14 ACTING PRESIDENT GRIFFO: So
15 ordered.

16 SENATOR BRESLIN: On behalf of
17 Senator Krueger, on Supplemental Calendar 55B, I
18 offer the following amendments to Calendar 1162,
19 Senate Print Number 438A, and ask that the bill
20 retain its place on the Third Reading Calendar.

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

24 SENATOR BRESLIN: Thank you,
25 Mr. President.

1 ACTING PRESIDENT GRIFFO: Senator
2 Libous.

3 SENATOR LIBOUS: Mr. President, on
4 behalf of Senator Seward, on page 33 I offer the
5 following amendments to Calendar Number 827,
6 Senate Print 6578A, and I ask that said bill
7 retain its place on the Third Reading Calendar.

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

11 SENATOR LIBOUS: Mr. President,
12 could you at this time call on Senator
13 Hassell-Thompson, please.

14 ACTING PRESIDENT GRIFFO: Senator
15 Hassell-Thompson.

16 SENATOR HASSELL-THOMPSON: Thank
17 you, Mr. President.

18 There will be an immediate meeting
19 of the Democratic Conference in Room 315.

20 ACTING PRESIDENT GRIFFO: There's
21 an immediate meeting of the Democratic Conference
22 in Room 315.

23 Senator Libous.

24 SENATOR LIBOUS: Mr. President, as
25 the Democratic conference convenes and then

1 immediately exits their conference, which would
2 be at about five after 4:00, there would be an
3 immediate Rules Committee meeting in 332. Then
4 we will come back here and finish up for the day.

5 ACTING PRESIDENT GRIFFO: Thank
6 you, Senator Libous.

7 Upon completion of the Democratic
8 conference at approximately 4:05, all members of
9 the Rules Committee should convene in Room 332
10 for a meeting of the Rules Committee.

11 Until such time, the Senate stands
12 at ease.

13 (Whereupon, the Senate stood at ease
14 at 3:35 p.m.)

15 (Whereupon, the Senate reconvened at
16 4:43 p.m.)

17 ACTING PRESIDENT GRIFFO: The
18 Senate will come to order.

19 SENATOR LIBOUS: Mr. President,
20 may we return to reports of standing committees.
21 I believe there's a report of the Rules Committee
22 at the desk.

23 ACTING PRESIDENT GRIFFO: We will
24 return to reports of standing committees. There
25 is a Committee on Rules report.

1 The Secretary will read.

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

5 Senate Print 470, by Senator
6 Nozzolio, an act to amend the Correction Law;
7 923, by Senator Marcellino, an act
8 to amend the Vehicle and Traffic Law;
9 932, by Senator Marcellino, an act
10 to amend the Penal Law;
11 1209A, by Senator Martins, an act
12 to amend the Executive Law;
13 1966A, by Senator Marcellino, an
14 act to amend the Executive Law;
15 2405B, by Senator Marcellino, an
16 act to amend the Executive Law;
17 2466B, by Senator Libous, an act to
18 amend the Highway Law;
19 2497, by Senator McDonald, an act
20 requiring;
21 2629A, by Senator Marcellino, an
22 act to amend the Public Lands Law;
23 2732C, by Senator Golden, an act to
24 amend the Tax Law;
25 3059A, by Senator Libous, an act to

1 amend the Education Law;
2 3222, by Senator Ranzenhofer, an
3 act to amend the Real Property Tax Law;
4 3747, by Senator Nozzolio, an act
5 to amend the Correction Law;
6 4254, by Senator Marcellino, an act
7 to authorize;
8 4625, by Senator Nozzolio, an act
9 to amend the General Municipal Law;
10 4713, by Senator Nozzolio, an act
11 to amend the General Municipal Law;
12 4736A, by Senator Golden, an act to
13 amend the Tax Law;
14 5235, by Senator Martins, an act
15 relating;
16 5240B, by Senator Maziarz, an act
17 to amend Alcoholic Beverage Control Law;
18 7214, by Senator Marcellino, an act
19 in relation;
20 7436, by Senator O'Mara, an act to
21 amend the Penal Law;
22 7476, by Senator McDonald, an act
23 to amend the Executive Law;
24 7485A, by Senator O'Mara, an act to
25 amend the Public Officers Law;

1 And 7506, by Senator Maziarz, an
2 act to amend the General Municipal Law.

3 All bills reported direct to third
4 reading.

5 ACTING PRESIDENT GRIFFO: Senator
6 Libous.

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

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

12 (Response of "Aye.")

13 ACTING PRESIDENT GRIFFO: Opposed,
14 nay.

15 (No response.)

16 ACTING PRESIDENT GRIFFO: The
17 Rules Committee report is accepted.

18 Senator Libous.

19 SENATOR LIBOUS: Mr. President,
20 before we go to the calendar, could we go back to
21 motions and resolutions, please.

22 ACTING PRESIDENT GRIFFO: We'll
23 return to motions and resolutions.

24 SENATOR LIBOUS: Would you please
25 call on Senator Breslin.

1 ACTING PRESIDENT GRIFFO: Senator
2 Breslin.

3 SENATOR BRESLIN: Thank you,
4 Mr. President.

5 On behalf of Senator Dilan, I wish
6 to call up Senate Print Number 1345, recalled
7 from the Assembly, which is now at the desk.

8 ACTING PRESIDENT GRIFFO: The
9 Secretary will read.

10 THE SECRETARY: Calendar Number
11 617, by Senator Dilan, Senate Print 1345, an act
12 to amend the Social Services Law.

13 SENATOR BRESLIN: Mr. President, I
14 now move to reconsider the vote by which the bill
15 was passed.

16 ACTING PRESIDENT GRIFFO: The
17 Secretary will call the roll on reconsideration.

18 (The Secretary called the roll.)

19 THE SECRETARY: Ayes, 59.

20 SENATOR BRESLIN: Mr. President, I
21 now offer the following amendments.

22 ACTING PRESIDENT GRIFFO: The
23 amendments are received.

24 SENATOR BRESLIN: Thank you,
25 Mr. President.

1 ACTING PRESIDENT GRIFFO: Senator
2 Libous.

3 SENATOR LIBOUS: Mr. President, on
4 behalf of Senator Zeldin, I wish to call up his
5 bill, Senate Print 4442A, recalled from the
6 Assembly, which is now at the desk.

7 ACTING PRESIDENT GRIFFO: The
8 Secretary will read.

9 THE SECRETARY: Calendar Number
10 215, by Senator Zeldin, Senate Print 4442A, an
11 act to authorize.

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

15 ACTING PRESIDENT GRIFFO: Call the
16 roll on reconsideration.

17 (The Secretary called the roll.)

18 THE SECRETARY: Ayes, 59.

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

21 ACTING PRESIDENT GRIFFO: The
22 amendments are received.

23 SENATOR LIBOUS: On behalf of
24 Senator Saland, Mr. President, on page 14 I offer
25 the following amendments to Calendar Number 343,

1 Senate Print 6548, and ask that said bill retain
2 its place on the Third Reading Calendar.

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

6 SENATOR LIBOUS: And on behalf of
7 Senator Little, on page 23 I offer the following
8 amendments to Calendar Number 599, Senate Print
9 Number 6826, and ask that said bill retain its
10 place on the Third Reading Calendar.

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

14 Senator Libous.

15 SENATOR LIBOUS: Mr. President, I
16 believe we have before us Senate Supplemental
17 Number 55C. At this time could we commence with
18 the noncontroversial reading of that supplemental
19 calendar.

20 ACTING PRESIDENT GRIFFO: The
21 Secretary will begin to read Senate Supplemental
22 Calendar Number 55C.

23 THE SECRETARY: Calendar Number
24 1176, by Senator Nozzolio, Senate Print 470, an
25 act to amend the Correction Law.

1 ACTING PRESIDENT GRIFFO: Read the
2 last section.

3 THE SECRETARY: Section 2 --

4 SENATOR BRESLIN: Lay it aside.

5 ACTING PRESIDENT GRIFFO: Lay it
6 aside.

7 THE SECRETARY: Calendar Number
8 1177, by Senator Marcellino, Senate Print 923, an
9 act to amend the Vehicle and Traffic Law.

10 ACTING PRESIDENT GRIFFO: Read the
11 last section.

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

14 ACTING PRESIDENT GRIFFO: Call the
15 roll.

16 (The Secretary called the roll.)

17 THE SECRETARY: Ayes, 59.

18 ACTING PRESIDENT GRIFFO: The bill
19 is passed.

20 THE SECRETARY: Calendar Number
21 1178, by Senator Marcellino, Senate Print 932, an
22 act to amend the Penal Law.

23 ACTING PRESIDENT GRIFFO: Read the
24 last section.

25 THE SECRETARY: Section 2. This

1 act shall take effect on the first of November.

2 ACTING PRESIDENT GRIFFO: Call the
3 roll.

4 (The Secretary called the roll.)

5 ACTING PRESIDENT GRIFFO: Senator
6 Duane to explain his vote?

7 SENATOR DUANE: I'm sorry, I --

8 ACTING PRESIDENT GRIFFO: Senator
9 Duane, one minute, please.

10 {Gaveling.} Can I have some order
11 in the chamber, please.

12 Senator Duane.

13 SENATOR DUANE: If I could have a
14 point of information, what number are we on right
15 now?

16 ACTING PRESIDENT GRIFFO: We're on
17 Calendar Number 1178, sponsored by Senator
18 Marcellino, Bill Number 932.

19 SENATOR DUANE: And,
20 Mr. President, we're on the roll call now?

21 ACTING PRESIDENT GRIFFO: We are
22 on the roll call.

23 THE SECRETARY: In relation to
24 Calendar Number 1178, those recorded in the
25 negative are Senators Duane, Hassell-Thompson,

1 Montgomery and Perkins.

2 Ayes, 55. Nays, 4.

3 ACTING PRESIDENT GRIFFO: The bill
4 is passed.

5 THE SECRETARY: Calendar Number
6 1179, by Senator Martins, Senate Print 1209A, an
7 act to amend the Executive Law.

8 ACTING PRESIDENT GRIFFO: Read the
9 last section.

10 THE SECRETARY: Section 2. This
11 act shall take effect on the 120th day.

12 ACTING PRESIDENT GRIFFO: Call the
13 roll.

14 (The Secretary called the roll.)

15 ACTING PRESIDENT GRIFFO: Announce
16 the results.

17 THE SECRETARY: In relation to
18 Calendar Number 1179, those recorded in the
19 negative are Senators Adams, Avella, Diaz, Dilan,
20 Duane, Hassell-Thompson, Montgomery, Peralta,
21 Perkins, Rivera, Serrano, Squadron, Stavisky and
22 Stewart-Cousins. Also Senator Parker.

23 Ayes, 44. Nays, 15.

24 ACTING PRESIDENT GRIFFO: The bill
25 is passed.

1 THE SECRETARY: Calendar Number
2 1180, by Senator Marcellino, Senate Print 1966A,
3 an act to amend the Executive Law.

4 ACTING PRESIDENT GRIFFO: Read the
5 last section.

6 THE SECRETARY: Section 3. This
7 act shall take effect on the 60th day.

8 ACTING PRESIDENT GRIFFO: Call the
9 roll.

10 (The Secretary called the roll.)

11 ACTING PRESIDENT GRIFFO: Announce
12 the results.

13 THE SECRETARY: Ayes, 58. Nays,
14 1. Senator Parker recorded in the negative.

15 ACTING PRESIDENT GRIFFO: The bill
16 is passed.

17 THE SECRETARY: Calendar Number
18 1181, by Senator Marcellino, Senate Print 2405B,
19 an act to amend the Executive Law.

20 ACTING PRESIDENT GRIFFO: Read the
21 last section.

22 THE SECRETARY: Section 2. This
23 act shall take effect on April 1, 2013.

24 ACTING PRESIDENT GRIFFO: Call the
25 roll.

1 (The Secretary called the roll.)

2 THE SECRETARY: Ayes, 59.

3 ACTING PRESIDENT GRIFFO: The bill
4 is passed.

5 THE SECRETARY: Calendar Number
6 1182, by Senator Libous, Senate Print 2466B, an
7 act to amend the Highway Law.

8 ACTING PRESIDENT GRIFFO: Read the
9 last section.

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

12 ACTING PRESIDENT GRIFFO: Call the
13 roll.

14 (The Secretary called the roll.)

15 THE SECRETARY: Ayes, 59.

16 ACTING PRESIDENT GRIFFO: The bill
17 is passed.

18 THE SECRETARY: Calendar Number
19 1183, by Senator McDonald, Senate Print 2497, an
20 act requiring.

21 ACTING PRESIDENT GRIFFO: Read the
22 last section.

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

25 ACTING PRESIDENT GRIFFO: Call the

1 roll.

2 (The Secretary called the roll.)

3 THE SECRETARY: Ayes, 59.

4 ACTING PRESIDENT GRIFFO: The bill
5 is passed.

6 THE SECRETARY: Calendar Number
7 1184, by Senator Marcellino, Senate Print 2629A,
8 an act to amend the Public Lands Law.

9 ACTING PRESIDENT GRIFFO: Read the
10 last section.

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

13 ACTING PRESIDENT GRIFFO: Call the
14 roll.

15 (The Secretary called the roll.)

16 THE SECRETARY: Ayes, 59.

17 ACTING PRESIDENT GRIFFO: The bill
18 is passed.

19 THE SECRETARY: Calendar Number
20 1185, by Senator Golden, Senate Print 2732C, an
21 act to amend the Tax Law.

22 ACTING PRESIDENT GRIFFO: Read the
23 last section.

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

1 ACTING PRESIDENT GRIFFO: Call the
2 roll.

3 (The Secretary called the roll.)

4 ACTING PRESIDENT GRIFFO: Senator
5 Montgomery to explain her vote.

6 SENATOR MONTGOMERY: Yes,
7 Mr. President, to explain my vote.

8 I just would want to make sure that
9 we understand that this bill represents a
10 reduction of \$250 million in education funds that
11 should go to public education but that will
12 theoretically, through this program of the Tax
13 Incentive Act, will be allowed to be spent on
14 private education as well as parochial schools in
15 the state. Which this is a back-door way of
16 funding parochial and private education with
17 public education dollars.

18 So I'm voting no, Mr. President.

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

21 Announce the results.

22 THE SECRETARY: In relation to
23 Calendar Number 1185, those recorded in the
24 negative are Senators Montgomery, Parker, Perkins
25 and Rivera.

1 Ayes, 55. Nays, 4.

2 ACTING PRESIDENT GRIFFO: The bill
3 is passed.

4 THE SECRETARY: Calendar Number
5 1186, by Senator Libous, Senate Print 3059A, an
6 act to amend the Education Law.

7 ACTING PRESIDENT GRIFFO: Read the
8 last section.

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

11 ACTING PRESIDENT GRIFFO: Call the
12 roll.

13 (The Secretary called the roll.)

14 ACTING PRESIDENT GRIFFO: Announce
15 the results.

16 THE SECRETARY: In relation to
17 Calendar 1186, those recorded in the negative are
18 Senators Avella, Ball, Bonacic, DeFrancisco,
19 Gallivan, Hannon, Hassell-Thompson, Martins,
20 Montgomery, Oppenheimer, Parker, Perkins,
21 Ranzenhofer, Rivera, Saland and Serrano.

22 Ayes, 43. Nays, 16.

23 ACTING PRESIDENT GRIFFO: The bill
24 is passed.

25 THE SECRETARY: Calendar Number

1 1187, by Senator Ranzenhofer, Senate Print 3222,
2 an act to amend the Real Property Tax Law.

3 ACTING PRESIDENT GRIFFO: Read the
4 last section.

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

7 ACTING PRESIDENT GRIFFO: Call the
8 roll.

9 (The Secretary called the roll.)

10 THE SECRETARY: Ayes, 59.

11 ACTING PRESIDENT GRIFFO: The bill
12 is passed.

13 THE SECRETARY: Calendar Number
14 1188, by Senator Nozzolio, Senate Print 3747, an
15 act to amend the Correction Law.

16 SENATOR RIVERA: Lay it aside.

17 ACTING PRESIDENT GRIFFO: Lay it
18 aside.

19 THE SECRETARY: Calendar Number
20 1189, by Senator Marcellino, Senate Print 4254,
21 an act to authorize.

22 ACTING PRESIDENT GRIFFO: There is
23 a home-rule message at the desk.

24 The Secretary will read the last
25 section.

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

3 ACTING PRESIDENT GRIFFO: Call the
4 roll.

5 (The Secretary called the roll.)

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

8 ACTING PRESIDENT GRIFFO: The bill
9 is passed.

10 THE SECRETARY: Calendar Number
11 1190, by Senator Nozzolio, Senate Print 4625, an
12 act to amend the General Municipal Law.

13 ACTING PRESIDENT GRIFFO: There is
14 a home-rule message at the desk.

15 The Secretary will read the last
16 section.

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

19 ACTING PRESIDENT GRIFFO: Call the
20 roll.

21 (The Secretary called the roll.)

22 THE SECRETARY: Ayes, 58. Nays,
23 1. Senator Hassell-Thompson recorded in the
24 negative.

25 ACTING PRESIDENT GRIFFO: The bill

1 is passed.

2 THE SECRETARY: Calendar Number
3 1191, by Senator Nozzolio, Senate Print 4713, an
4 act to amend the General Municipal Law.

5 ACTING PRESIDENT GRIFFO: Read the
6 last section.

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

9 ACTING PRESIDENT GRIFFO: Call the
10 roll.

11 (The Secretary called the roll.)

12 THE SECRETARY: Ayes, 56. Nays,
13 3. Senators Avella, Parker and Perkins recorded
14 in the negative.

15 ACTING PRESIDENT GRIFFO: The bill
16 is passed.

17 THE SECRETARY: Calendar Number
18 1192, by Senator Golden --

19 SENATOR BRESLIN: Lay it aside.

20 ACTING PRESIDENT GRIFFO: Lay it
21 aside.

22 THE SECRETARY: Calendar Number
23 1193, by Senator Martins, Senate Print 5235, an
24 act relating.

25 ACTING PRESIDENT GRIFFO: Read the

1 last section.

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

4 ACTING PRESIDENT GRIFFO: Call the
5 roll.

6 (The Secretary called the roll.)

7 ACTING PRESIDENT GRIFFO: Senator
8 Hassell-Thompson to explain her vote.

9 SENATOR HASSELL-THOMPSON: No, not
10 to explain my vote. For a point of order. But
11 I'll wait until you finish the roll call.

12 ACTING PRESIDENT GRIFFO: Complete
13 the roll call.

14 THE SECRETARY: Ayes, 58. Nays,
15 1. Senator Maziarz recorded in the negative.

16 ACTING PRESIDENT GRIFFO: The bill
17 is passed.

18 Senator Hassell-Thompson, why do
19 you rise?

20 SENATOR HASSELL-THOMPSON:
21 Mr. President, I think that I voted incorrectly
22 on one of the bills. And for some reason, the
23 speed with which I think we need to go may be
24 important, but it's deleterious to us that are
25 really trying to follow.

1 So I would just like to ask
2 permission without prejudice be allowed to change
3 my vote.

4 ACTING PRESIDENT GRIFFO: Senator
5 Hassell-Thompson, what bill are you asking for
6 consideration on?

7 SENATOR HASSELL-THOMPSON: My
8 intent was to have voted no on Bill Number 2645
9 and vote yes on Number 4713.

10 ACTING PRESIDENT GRIFFO: We're
11 going to review the roll call.

12 Senator Libous.

13 SENATOR LIBOUS: She's withdrawn
14 her point of order.

15 ACTING PRESIDENT GRIFFO: The
16 point of order is withdrawn.

17 SENATOR HASSELL-THOMPSON: Thank
18 you.

19 ACTING PRESIDENT GRIFFO: Thank
20 you, Senator Hassell-Thompson.

21 The Secretary will continue.

22 THE SECRETARY: In relation to
23 Calendar Number 1194, Senator Maziarz moves to
24 discharge, from the Committee on Investigations
25 and Government Operations, Assembly Bill Number

1 7622B and substitute it for the identical Senate
2 Bill Number 5240B, Third Reading Calendar 1194.

3 ACTING PRESIDENT GRIFFO: The
4 substitution is so ordered.

5 The Secretary will read.

6 THE SECRETARY: Calendar Number
7 1194, by Member of the Assembly Magee, Assembly
8 Print 7622B, an act to amend the Alcoholic
9 Beverage Control Law.

10 ACTING PRESIDENT GRIFFO: Read the
11 last section.

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

14 ACTING PRESIDENT GRIFFO: Call the
15 roll.

16 (The Secretary called the roll.)

17 THE SECRETARY: In relation to
18 Calendar Number 1194: Ayes, 58. Nays, 1.
19 Senator Diaz recorded in the negative.

20 ACTING PRESIDENT GRIFFO: The bill
21 is passed.

22 THE SECRETARY: Calendar Number
23 1195, by Senator Marcellino, Senate Print 7214,
24 an act in relation.

25 ACTING PRESIDENT GRIFFO: There is

1 a home-rule message at the desk.

2 The Secretary will read the last
3 question.

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

6 ACTING PRESIDENT GRIFFO: Call the
7 roll.

8 (The Secretary called the roll.)

9 THE SECRETARY: Ayes, 59.

10 ACTING PRESIDENT GRIFFO: The bill
11 is passed.

12 THE SECRETARY: In relation to
13 Calendar Number 1196, Senator O'Mara moves to
14 discharge, from the Committee on Codes, Assembly
15 Bill Number 10204 and substitute it for the
16 identical Senate Bill Number 7436, Third Reading
17 Calendar 1196.

18 ACTING PRESIDENT GRIFFO: The
19 substitution is so ordered.

20 The Secretary will read.

21 THE SECRETARY: Calendar Number
22 1196, by Member of the Assembly Lifton, Assembly
23 Print 10204, an act to amend the Penal Law.

24 ACTING PRESIDENT GRIFFO: Read the
25 last section.

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

3 ACTING PRESIDENT GRIFFO: Call the
4 roll.

5 (The Secretary called the roll.)

6 THE SECRETARY: Ayes, 59.

7 ACTING PRESIDENT GRIFFO: The bill
8 is passed.

9 THE SECRETARY: In relation to
10 Calendar Number 1197, Senator McDonald moves to
11 discharge, from the Committee on Veterans,
12 Homeland Security and Military Affairs, Assembly
13 Bill Number 2102A and substitute it for the
14 identical Senate Bill Number 7476, Third Reading
15 Calendar 1197.

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

18 The Secretary will read.

19 THE SECRETARY: Calendar Number
20 1197, by Member of the Assembly Lavine, Assembly
21 Print 2102A, an act to amend the Executive Law.

22 ACTING PRESIDENT GRIFFO: Read the
23 last section.

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

1 ACTING PRESIDENT GRIFFO: Call the
2 roll.

3 (The Secretary called the roll.)

4 THE SECRETARY: Ayes, 59.

5 ACTING PRESIDENT GRIFFO: The bill
6 is passed.

7 THE SECRETARY: Calendar Number
8 1198, by Senator O'Mara, Senate Print 7485A, an
9 act to amend the Public Officers Law.

10 ACTING PRESIDENT GRIFFO: Read the
11 last section.

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

14 ACTING PRESIDENT GRIFFO: Call the
15 roll.

16 (The Secretary called the roll.)

17 THE SECRETARY: Ayes, 59.

18 ACTING PRESIDENT GRIFFO: The bill
19 is passed.

20 THE SECRETARY: Calendar Number
21 1199, by Senator Maziarz, Senate Print 7506, an
22 act to amend the General Municipal Law.

23 ACTING PRESIDENT GRIFFO: Read the
24 last section.

25 THE SECRETARY: Section 2. This

1 act shall take effect immediately.

2 ACTING PRESIDENT GRIFFO: Call the
3 roll.

4 (The Secretary called the roll.)

5 THE SECRETARY: Ayes, 58. Nays,
6 1. Senator Duane recorded in the negative.

7 ACTING PRESIDENT GRIFFO: The bill
8 is passed.

9 Senator Libous, that completes the
10 noncontroversial reading of the calendar.

11 SENATOR LIBOUS: Mr. President, at
12 this time could we have the controversial reading
13 of Supplemental Calendar 55C, please.

14 ACTING PRESIDENT GRIFFO: The
15 Secretary will ring the bell.

16 The Secretary will read.

17 THE SECRETARY: Calendar Number
18 1176, by Senator Nozzolio, Senate Print 470, an
19 act to amend the Correction Law.

20 ACTING PRESIDENT GRIFFO: Senator
21 Rivera.

22 SENATOR RIVERA: Thank you,
23 Mr. President. If the sponsor would yield for a
24 few questions.

25 ACTING PRESIDENT GRIFFO: Senator

1 Nozzolio, do you yield?

2 SENATOR NOZZOLIO: Yes,
3 Mr. President.

4 ACTING PRESIDENT GRIFFO: Senator
5 Rivera.

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

8 Through you Mr. President, could
9 you tell me, Senator Nozzolio, first of all, how
10 much tax revenue would this measure give the
11 state?

12 SENATOR NOZZOLIO: There are
13 approximately, Mr. President, \$25 million of
14 sales at the correctional facility commissaries
15 throughout our state.

16 The legislation before us requires
17 that the State of New York collect tax on those
18 commodities that otherwise would be taxable in
19 the private sector at any drug or convenience
20 store. That those items sold at commissaries, if
21 they are so similarly taxed at those stores in
22 this state, they should also be taxed at the
23 commissaries of our correctional facilities.

24 There are over approximately
25 \$25 million of sales at the commissaries each and

1 every year. And I'm sure my colleague could do
2 the math in terms of the potential sales tax
3 revenue lost because those transactions are not
4 taxed under current law.

5 ACTING PRESIDENT GRIFFO: Senator
6 Rivera.

7 SENATOR RIVERA: Through you,
8 Mr. President, if the sponsor would continue to
9 yield.

10 ACTING PRESIDENT GRIFFO: The
11 sponsor yields.

12 SENATOR NOZZOLIO: Yes,
13 Mr. President.

14 ACTING PRESIDENT GRIFFO: Can we
15 have some order in the chamber, please, so the
16 members can hear the exchange.

17 Thank you.

18 Senator Rivera.

19 SENATOR RIVERA: Thank you,
20 Mr. President.

21 Through you, Mr. President, if the
22 sponsor could tell us what are some of the items
23 that are available at commissaries that
24 incarcerated individuals would purchase at
25 commissaries.

1 SENATOR NOZZOLIO: Mr. President,
2 it's my understanding that depending on the
3 individual commissary, the individual prison,
4 there are items that you would normally see at
5 your local pharmacy in terms of non-medicine or
6 non-medicated-type products at your typical
7 convenience store; those products that would
8 normally be sold, whether they be something as
9 mundane as ChapStick or something as serious as
10 tobacco products. I'm not certain what the
11 commissary policy is at this moment on tobacco
12 products. But that is akin to a product that
13 would be subjected to tax, sales tax under this
14 situation.

15 I also should add, Mr. President,
16 that it's not unusual for the State of New York
17 to -- as a matter of fact, there's significant
18 precedent, when the State of New York sells a
19 good directly, that that good is in fact taxed.

20 Just recently, when Governor Cuomo
21 engaged in the sale of surplus state property and
22 that the Office of General Services administered
23 the sale to the public of those products, the
24 state did in fact charge a sales tax.

25 So that I think that this bill

1 certainly is well within the framework of
2 precedent.

3 SENATOR RIVERA: Through you,
4 Mr. President, if the sponsor would continue to
5 yield.

6 ACTING PRESIDENT GRIFFO: The
7 sponsor yields.

8 SENATOR NOZZOLIO: Yes,
9 Mr. President.

10 SENATOR RIVERA: Thank you so
11 much, Mr. President.

12 Items that are available in the
13 commissaries are things like shampoo, toothpaste,
14 socks, deodorant, laundry soap, all the things
15 just like you mentioned. Through you,
16 Mr. President, would you consider these items
17 discretionary?

18 SENATOR NOZZOLIO: Mr. President,
19 that products such as those are already provided
20 in certain quantities to prison inmates.

21 And that I believe every item
22 that's sold at a convenience store, otherwise
23 known as a commissary in our prison system, is in
24 fact a discretionary item. That there are no
25 necessities that are being withheld from our

1 prisoners in this state. That they are fed, they
2 are clothed, they are housed, they are provided
3 certain elementary hygiene items, and that that
4 is what the taxpayers now provide.

5 At the commissaries there are,
6 Mr. President, there are more discretionary items
7 that are sold. And when those items are sold,
8 this bill says they should be taxed, just as they
9 should be taxed -- or just as they are taxed for
10 any of Mr. Rivera's or any of the constituents
11 that we represent in this chamber.

12 Any of our constituents who went to
13 a store and purchased those items, they would be
14 taxed. Yet we have a system that has over \$25
15 million of sales annually that serves individuals
16 who are not subject to that tax.

17 So this legislation tries to remedy
18 that inconsistency. And that's certainly our
19 intention in proffering it, Mr. President.

20 SENATOR RIVERA: Through you,
21 Mr. President, if the sponsor would continue to
22 yield.

23 ACTING PRESIDENT GRIFFO: The
24 sponsor yields.

25 SENATOR NOZZOLIO: Yes,

1 Mr. President.

2 SENATOR RIVERA: Thank you,

3 Mr. President. Through you, Mr. President.

4 When these items are purchased by
5 the Department of Corrections, does the State of
6 New York pay taxes on them?

7 SENATOR NOZZOLIO: I'm advised by
8 counsel that they do not.

9 SENATOR RIVERA: Through you,
10 Mr. President, if the sponsor would continue to
11 yield.

12 ACTING PRESIDENT GRIFFO: The
13 sponsor yields.

14 SENATOR RIVERA: Thank you,
15 Mr. President.

16 Now, these taxes, let's
17 hypothetically say that this bill passes, it
18 becomes law, these taxes are -- every purchase
19 includes these taxes. Where is that tax revenue
20 going to go? Through you, Mr. President.

21 SENATOR NOZZOLIO: Mr. President,
22 the items taxed and the taxes taken by the sale
23 of these items in our state commissaries would go
24 into the General Fund and be used by the
25 taxpayers of this state in a general way. Just

1 as every tax revenue goes into that stream.

2 SENATOR RIVERA: Through you,
3 Mr. President, if the sponsor would continue to
4 yield.

5 ACTING PRESIDENT GRIFFO: The
6 sponsor yields.

7 SENATOR NOZZOLIO: Yes,
8 Mr. President.

9 SENATOR RIVERA: Thank you,
10 Mr. President. Through you.

11 Where do incarcerated individuals
12 get income? How do they actually get -- I mean,
13 how do they pay for their items at the
14 commissaries? Where does that money come from,
15 and how is it spent? Let's talk about where it
16 comes from first.

17 SENATOR NOZZOLIO: Mr. President,
18 Senator Rivera raises a very interesting point.
19 That the inmates who are purchasing these items
20 have revenue sufficient to buy those items.

21 The question is certainly saying if
22 they had the income sufficient to purchase those
23 items in the first place, then just like every
24 constituent in this state, if they have the
25 wherewithal to pay for the item, to purchase it,

1 they also should have the responsibility of
2 paying the tax that's on that item.

3 And inmates come into this system
4 through a variety of ways. Some are people of
5 means, some are people of no means. Some people
6 work within our correctional facilities; some do
7 not, as their choice.

8 So I think it depends,
9 Mr. President, in response to Senator Rivera's
10 question, it depends on the individual inmate.

11 SENATOR RIVERA: Through you,
12 Mr. President, if the sponsor would continue to
13 yield.

14 SENATOR NOZZOLIO: Yes,
15 Mr. President.

16 ACTING PRESIDENT GRIFFO: The
17 sponsor yields.

18 SENATOR RIVERA: Thank you,
19 Mr. President. I obviously was not clear enough
20 in my question.

21 First of all, I did not mean to
22 suggest that, as you said, they have the ability
23 to purchase these items. If I'm not mistaken,
24 please correct me if I'm wrong, but we pay
25 inmates about 10 to 20 cents per hour if they

1 work in the prison system. Is that correct?

2 Through you, Mr. President.

3 ACTING PRESIDENT GRIFFO: Senator
4 Nozzolio.

5 SENATOR NOZZOLIO: Mr. President,
6 I'm not sure what the hourly wage is for those
7 inmates who are working, but I do know this.
8 That the products that are purchased by the
9 inmates are similar products that are purchased
10 by non-inmates. The non-inmates we represent are
11 paying the tax. What the non-inmates, the
12 citizens of this state, the taxpayers of this
13 state are saying is: Why should we pay the tax
14 when prison inmates are buying the same product
15 I'm buying, and they're not paying one cent of
16 taxation on that same product?

17 So I don't think it's a question,
18 Mr. President, of income; it's a question of
19 equity and who in fact is paying the type of
20 product necessary. And that's determined by the
21 purchaser. That purchaser should have to pay the
22 same amount of tax whether they're behind prison
23 bars as they do if they're out on the street and
24 paying as productive members of society.

25 SENATOR RIVERA: Through you,

1 Mr. President, if the sponsor would continue to
2 yield.

3 ACTING PRESIDENT GRIFFO: The
4 sponsor yields.

5 SENATOR NOZZOLIO: Yes,
6 Mr. President.

7 SENATOR RIVERA: So if an
8 incarcerated person can't purchase something from
9 the commissary because either they have nothing
10 in their commissary budget allocation or it's
11 more than what they have in the commissary
12 allocation, then what happens with that
13 purchase?

14 SENATOR NOZZOLIO: Mr. President,
15 I believe that Senator Rivera is asking a
16 question about the individual choice of an
17 inmate. The inmate is choosing to purchase the
18 product.

19 We're simply saying it's the
20 inmate's choice. There's no requirement that the
21 inmate purchase a product from the state
22 commissary. If the inmate makes that decision,
23 then the inmate should have to pay the same type
24 of tax that a law-abiding citizen has to pay in
25 this state when they make the same decision to

1 purchase a product.

2 Let me reiterate, Mr. President.

3 This is a way that New York State can ensure that
4 there's at least, at the very least, equity
5 between those who break the law and those who
6 don't. In a sense, we're giving those who break
7 the law a tax-free opportunity to purchase
8 products. Those who do not break the law, those
9 who abide by the law, buying the same product are
10 subjected to tax.

11 Now, the equity is what this
12 legislation is designed to establish. I know
13 that anyone who votes against this legislation is
14 going to have to answer that question: How can
15 you allow someone who is behind bars, who has
16 broken the law, to buy something from a state-run
17 commissary when someone outside the wall who has
18 obeyed the law, who is trying to make ends meet,
19 who is paying their taxes, in effect as a taxable
20 event, they have to pay the sales tax. They
21 didn't break the law. Those who break the law do
22 not have to pay the sales tax.

23 That incongruity, that inequity is
24 what this legislation is all about. It's not
25 about how much a prison inmate makes while

1 they're working, if they are working. Working is
2 not mandatory, Mr. President. It's about the
3 equity of the system as it exists today.

4 SENATOR RIVERA: Through you,
5 Mr. President, if the sponsor would continue to
6 yield.

7 ACTING PRESIDENT GRIFFO: The
8 sponsor yields.

9 SENATOR RIVERA: Thank you,
10 Mr. President.

11 First of all, I guarantee you that
12 I fully intend to answer that question when I
13 speak on the bill, but I have just a few more
14 before I do that.

15 If the incarcerated individual
16 either does not work, cannot work, for whatever
17 physical reason, or works but does not have
18 enough in the commissary account to be able to
19 purchase what he or she may feel they need to
20 purchase, is there any other way that the
21 commissary account is refilled? Is there some
22 way that that happens?

23 SENATOR NOZZOLIO: Mr. President,
24 those accounts can be filled or contributed to by
25 an inmate's family, an inmate's friends. There

1 can be money deposited in an inmate's account not
2 simply from an inmate himself.

3 ACTING PRESIDENT GRIFFO: Senator
4 Rivera.

5 SENATOR RIVERA: Mr. President, on
6 the bill.

7 ACTING PRESIDENT GRIFFO: Senator
8 Rivera on the bill.

9 SENATOR RIVERA: Thank you,
10 Mr. President.

11 First of all, thank you, Senator
12 Nozzolio. I know we've debated this on the floor
13 twice, we've debated it in committee many times,
14 and I'm sure we will do so for many years to
15 come.

16 I probably will not be surprising
17 anyone by saying that I'm going to be voting in
18 the negative on this bill very strongly. But
19 Senator Nozzolio raised some important questions,
20 so I want to make sure that I answer them.

21 First of all, the Department of
22 Corrections does not provide an unlimited amount
23 of items that people that are incarcerated need
24 every single day. Whether we're talking about
25 socks or soap or toothpaste or shampoo or

1 deodorant, these are not discretionary
2 purchases. Tobacco certainly is. But these are
3 not discretionary purchases.

4 I know that I can only use a pair
5 of socks for a few months before I have to get a
6 new pair. Now, if you have only one pair,
7 imagine what that will do. You probably have to
8 get a couple of new pairs of that.

9 So if we're talking about the
10 products that these individuals are purchasing,
11 it's products that they require every single day
12 to be able to do the things that -- to be able to
13 keep socks on their feet or be able to wash their
14 teeth, wash their clothing, et cetera. These are
15 not discretionary products and not discretionary
16 purchases. That's the first thing.

17 Second, Senator Nozzolio goes at
18 length to talk about how we tax those -- how this
19 is meant to create a certain level of equality,
20 in that you will be taxing people that are
21 incarcerated in the same way that
22 non-incarcerated people are taxed. There are
23 many, many problems with this position.

24 Number one, somebody that is
25 outside of prison does have the choice to change

1 employment. They don't have the choice when they
2 are incarcerated. They might be able to get
3 another job to be able to have more money to make
4 the purchases that they might want to make.
5 Somebody that's incarcerated cannot make that
6 choice.

7 Furthermore, because the accounts
8 are replenished, as Senator Nozzolio admitted, by
9 family members -- so through your own logic, we
10 are ultimately making their family members, who
11 are not the ones who broke the law, right? The
12 individuals inside the prison are the ones that
13 broke the law. And yet we are giving it right
14 back to their families, because their families
15 are the ones that are replenishing the funding
16 that is in these accounts.

17 Again, these are not discretionary
18 purchases. These are purchases that these folks
19 require.

20 Also, the amount of revenue that
21 we're talking about is really an insignificant
22 amount. It is not a significant amount of
23 revenue.

24 We're going to be talking today
25 about another bill -- and I'm sure that we will

1 have another fun conversation regarding family
2 reunification -- and that is another bill that is
3 meant in the same vein as this one. And I
4 believe it's not only bad policy, but it is
5 ultimately overly punitive and ultimately
6 vindictive.

7 These individuals, we've taken away
8 their freedom because they've committed a crime.
9 As well as we've determined, both in this chamber
10 and the other one, that certain people that
11 commit certain crimes should be incarcerated. I
12 certainly agree with that. Their freedom has
13 already been taken away.

14 On top of that, as what I see
15 ultimately not as good policy but as a vindictive
16 and punitive act, we want to then take some folks
17 that make 10 to 20 cents an hour on any type of
18 employment that they have -- Mr. President, I
19 believe that I might have a question.

20 ACTING PRESIDENT GRIFFO: Senator
21 Ball, why do you rise?

22 SENATOR BALL: Mr. President, if
23 the speaker would just briefly yield.

24 ACTING PRESIDENT GRIFFO: Senator
25 Rivera, do you yield?

1 SENATOR RIVERA: Yes,
2 Mr. President.

3 ACTING PRESIDENT GRIFFO: Senator
4 Ball.

5 SENATOR BALL: Mr. President,
6 through you. So it was just the other day that
7 the Senator suggested that libraries should pay
8 the MTA payroll tax?

9 SENATOR RIVERA: Through you,
10 Mr. President, I believe the bill that you're
11 referring to was one -- the point that I was
12 making on the floor --

13 SENATOR BALL: Just a yes or no.

14 ACTING PRESIDENT GRIFFO: Senator
15 Ball.

16 Senator Rivera, you may complete
17 your answer.

18 SENATOR RIVERA: If I am not
19 mistaken, the bill that Senator Ball is referring
20 to was a bill in which there was funding that
21 would go to the MTA because of a particular
22 payroll tax that would -- the point that I was
23 making was that we needed to make sure that we
24 had thoughtful conversations about how to fund
25 the MTA and how to fund transit.

1 I believe that that was the bill
2 that you're referring to, and the point that I
3 was making on the floor then was that we need to
4 be thoughtful as it relates certainly to the
5 people that use mass transit, the hundreds of
6 thousand of people in my district and across the
7 entire state, that we should be thoughtful about
8 the funding that we put towards MTA and making
9 sure that we secure that they have a fair amount
10 of funding so that they can operate effectively
11 and efficiently.

12 ACTING PRESIDENT GRIFFO: Senator
13 Ball.

14 SENATOR BALL: So, Mr. President,
15 if the speaker would continue to yield. Just
16 following through on the logic, so the suggestion
17 is that the libraries should pay the MTA payroll
18 tax but criminals, convicted felons should not
19 pay sales tax?

20 ACTING PRESIDENT GRIFFO: Senator
21 Rivera.

22 SENATOR RIVERA: Through you,
23 Mr. President, I was just informed by my staff
24 that I actually voted for that bill to cut the
25 tax for the libraries.

1 And the point that I was making on
2 the floor was that even though I was voting in
3 favor of this bill to take away that -- I believe
4 it was \$1.6 million, maybe? It was an amount
5 that was maybe higher. And the point that I made
6 on the floor, and I would certainly refer to the
7 record, was that it would have a larger impact if
8 we took it away from the libraries than it would
9 have on the MTA.

10 So I voted for the bill, and I
11 voted to cut the taxes for the libraries so that
12 they would not be impacted, at the same time
13 making the argument that -- and you can go back
14 on record, Senator Ball, and look at my vote on
15 that and my comments, that even though there
16 was -- I was saying that we should cut the taxes
17 for the libraries on that point, that we needed
18 to have a longer conversation about thoughtfully
19 funding the MTA fully.

20 ACTING PRESIDENT GRIFFO: Senator
21 Ball.

22 SENATOR BALL: Mr. President, I
23 very specifically remember the Senator talking
24 about the fact that the MTA was going to be in
25 dire straits because this revenue, which is also

1 known as a tax increase, was not going to -- no
2 longer be pulled from our local libraries. And I
3 just wanted to make sure that the logic doesn't
4 stand up, which in my opinion it doesn't.

5 I see that you're very upset that
6 convicted felons are going to have to pay a sales
7 tax, but at the end of the day you believe that
8 these local libraries should have to continue to
9 pay the MTA payroll tax, regardless of how you
10 voted. And that was clear on the record.

11 So I just want to make sure that
12 the logic doesn't stand up, because I was -- I
13 just wasn't following it. But that's okay,
14 that's why you're on that side and I'm over
15 here.

16 Thank you.

17 ACTING PRESIDENT GRIFFO: Thank
18 you, Senator Ball.

19 Senator Rivera, I believe you were
20 concluding on the bill.

21 SENATOR RIVERA: Oh, I wasn't
22 going -- now I'm not going to conclude. I have a
23 couple more things, just for clarification
24 purposes.

25 First of all, Senator Ball, I would

1 point you to the record. I voted for that bill
2 and I voted for the tax cut for the libraries. I
3 made the point on the floor that it would have a
4 positive impact on the libraries, while at the
5 same time arguing that we need to have a
6 thoughtful conversation about how fully to fund
7 the MTA.

8 So I would -- unfortunately, you
9 are mistaken. I made that argument on the
10 floor. I'm very certain that it is consistent.

11 On this particular bill, to speak
12 again about this, I do not believe that there is
13 a good policy reason to pursue this particular
14 piece of legislation unless we are thinking
15 strictly in a vindictive and punitive way. To
16 say that the -- to equate what happens inside
17 prison to the life that the rest of us have out
18 here -- and I have to be honest, Senator
19 Nozzolio. You make it seem like a very pleasant
20 place inside of prison by saying that they are
21 tax-free, that they live in there as though they
22 didn't have their liberty completely taken away
23 from them.

24 And as we have discussed in the
25 past, I certainly agree that there are

1 individuals that should remain in prison because
2 they have yet to pay their debt to society and in
3 a lot of ways sometimes they are a danger if they
4 are among the general population.

5 But to argue in this particular
6 case for purchasing items that a lot of them need
7 every single day to be able to wash themselves
8 and not be stinky, things that we take for
9 granted out here, to say that we should impose a
10 tax on them that many of them will not be able to
11 pay because of what we pay them -- 10 to 20 cents
12 an hour for the work that they do -- I believe
13 ultimately it is a punitive and vindictive piece
14 of legislation that doesn't really address any
15 real policy concern.

16 So again, I believe that ultimately
17 what we're doing is we're denying them the
18 ability to purchase many of these items which are
19 for daily use and are not discretionary. Tobacco
20 is certainly a discretionary item, and we would
21 agree on that. But I do not think that socks or
22 deodorant or laundry soap are things that people
23 don't need. They need them.

24 And to impose this tax, we would
25 already take a population who we've taken liberty

1 away from them -- and in many instances it is
2 absolutely warranted. But to then take the extra
3 step seems overly vindictive, overly punitive,
4 and ultimately not good policy.

5 So, Mr. President, again, I will
6 shock you; I will be voting in the negative on
7 this piece of legislation. Thank you.

8 ACTING PRESIDENT GRIFFO: Senator
9 Ruth Hassell-Thompson.

10 SENATOR HASSELL-THOMPSON: Thank
11 you, Mr. President. I just have one question, if
12 Senator Nozzolio will yield.

13 ACTING PRESIDENT GRIFFO: Senator
14 Nozzolio, do you yield?

15 SENATOR NOZZOLIO: I'd be happy to
16 yield, Mr. President.

17 ACTING PRESIDENT GRIFFO: Senator
18 Hassell-Thompson.

19 SENATOR HASSELL-THOMPSON: Thank
20 you.

21 Senator Nozzolio, I want to be very
22 clear. I heard you talk about how people who had
23 not committed any crimes were expected to pay
24 taxes as part of being law-abiding citizens. But
25 is it not true that those persons who are not

1 incarcerated pay taxes on things that are called
2 taxable items, whereas those who are in prisons,
3 the items that you're asking them to pay tax on
4 are not taxables to the prison itself?

5 ACTING PRESIDENT GRIFFO: Senator
6 Nozzolio.

7 SENATOR NOZZOLIO: Mr. President,
8 I thank Senator Hassell-Thompson for that
9 question. That it is the intention of this
10 legislation to require taxation only on those
11 taxable items that are in fact required to be
12 taxed outside the prison wall.

13 So if they were taxed outside the
14 prison, they were qualified for the tax, the tax
15 was in fact on the transaction of the acquisition
16 of that product, then the similar tax for the
17 similar acquisition should be required in
18 prison. Not something different, the same.

19 ACTING PRESIDENT GRIFFO: Senator
20 Hassell-Thompson.

21 SENATOR HASSELL-THOMPSON: I did
22 say one question.

23 (Laughter.)

24 SENATOR HASSELL-THOMPSON: I would
25 like to ask Senator Nozzolio to continue to be

1 available to answer a question, because I'm not
2 clear --

3 ACTING PRESIDENT GRIFFO: Are you
4 asking him to yield for an additional question?

5 SENATOR HASSELL-THOMPSON: Yes.

6 ACTING PRESIDENT GRIFFO: A
7 follow-up question, Senator Nozzolio.

8 SENATOR NOZZOLIO: Of course,
9 Mr. President. Certainly.

10 ACTING PRESIDENT GRIFFO: Senator
11 Hassell-Thompson.

12 SENATOR HASSELL-THOMPSON: Thank
13 you, Senator Nozzolio. I'm not sure -- through
14 you, Mr. President -- that I'm clear about how
15 you answered. The answer I heard -- I never say
16 what you said, I say what I heard. What I heard
17 was that those items that would be taxable
18 outside would be those same items that you would
19 request that they be taxed inside. But I don't
20 think that was my question.

21 When items go into a store, whether
22 it's Walmart, Stop 'N Shop, whatever, and those
23 items are given a certain value and considered to
24 be taxable by the state, is that same expectation
25 of those items that are given to prisons? That's

1 the question. Because -- is there an expectation
2 that those are taxable items within the prison as
3 we now know it?

4 SENATOR NOZZOLIO: Mr. President,
5 I'd be glad to address that issue. And I
6 understand what Senator Hassell-Thompson is --
7 what the line of her inquiry is.

8 She's asking, in effect, does the
9 state as a wholesaler, by buying product and
10 placing it in the commissaries, is in fact being
11 taxed. Versus a for-profit enterprise.

12 And the difference, if I may try to
13 clarify, is between a for-profit enterprise,
14 whether it be a regional pharmacy, whether it be
15 a regional or an individual convenience store --
16 those are for-profit enterprises. They are
17 acquiring product in a for-profit way for
18 redistribution and sale.

19 That the difference is the state is
20 in fact a nonprofit enterprise, a not-for-profit
21 enterprise, just as every unit of government and
22 just as many not-for-profits like a church, for
23 example. If a church, the Salvation Army, the
24 Boy Scouts, other not-for-profit enterprises
25 acquired product and then sold those products,

1 they would in fact be subject to the sales tax at
2 the transaction level in terms of the sale of
3 those items.

4 But -- so the distinction Senator
5 Hassell-Thompson is asking about, Mr. President,
6 gets to the nonprofit versus profit
7 organization. And the state is in fact a
8 nonprofit organization. Just as when the state
9 bought a police car. And did it pay tax for that
10 police car? No.

11 But when the state, under Governor
12 Cuomo's new policy of trying to maximize revenue
13 for the state, when the state sold that surplus
14 police car that had gone through its useful life
15 and they sold that police car, the purchase of
16 that former police car was in fact a taxable
17 transaction. And when the state recently sold
18 that police car, it collected a sales tax as a
19 result of the acquisition.

20 ACTING PRESIDENT GRIFFO: Senator
21 Hassell-Thompson.

22 SENATOR HASSELL-THOMPSON: Thank
23 you, Mr. President. Through you, if Senator
24 Nozzolio would continue to yield.

25 ACTING PRESIDENT GRIFFO: Senator

1 Nozzolio, do you continue to yield?

2 SENATOR NOZZOLIO: Yes,
3 Mr. President.

4 ACTING PRESIDENT GRIFFO: Senator
5 Hassell-Thompson.

6 SENATOR HASSELL-THOMPSON: Senator
7 Nozzolio, I'm sure that you're getting good
8 advice from counsel that the statement that you
9 just made is correct. But I think you're wrong.

10 But my question, Senator
11 Nozzolio --

12 ACTING PRESIDENT GRIFFO: You may
13 proceed, Senator Hassell-Thompson.

14 SENATOR HASSELL-THOMPSON: Thank
15 you. But my question, then, if the state as a
16 not-for-profit then sells items in the commissary
17 to the inmate, you're saying that it then can tax
18 itself? Because it's the entity within the
19 prison that -- the commissary. So you're asking
20 the state to tax itself.

21 And then the question becomes --
22 and I think I heard Senator Rivera trying to
23 figure out where does that money go in terms of
24 the request that you're making. Because you're
25 asking the state to tax itself. That's what

1 you're really asking.

2 SENATOR NOZZOLIO: Mr. President,
3 if I may observe that Senator Hassell-Thompson's
4 characterization of the transaction being paid
5 for by the seller is an inaccurate perception.
6 The transaction is in fact paid for by the
7 purchaser of that product. And the tax on the
8 transaction is a tax basically on those who are
9 buying the product, not those who are selling the
10 product.

11 ACTING PRESIDENT GRIFFO: Senator
12 Hassell-Thompson.

13 SENATOR HASSELL-THOMPSON: Thank
14 you, Mr. President. If Senator Nozzolio --
15 please, if you'd continue to --

16 ACTING PRESIDENT GRIFFO: Senator
17 Hassell-Thompson, are you asking Senator Nozzolio
18 to yield?

19 SENATOR HASSELL-THOMPSON: Yes.

20 ACTING PRESIDENT GRIFFO: Senator
21 Nozzolio, do you continue to yield?

22 SENATOR NOZZOLIO: Yes,
23 Mr. President.

24 ACTING PRESIDENT GRIFFO: Senator
25 Hassell-Thompson.

1 SENATOR HASSELL-THOMPSON: Thank
2 you.

3 Okay, you're correct in defining
4 how I characterized the question. But that still
5 doesn't mean that you answered the question. The
6 point is that the entity of the commissary
7 belongs to the State of New York. So the State
8 of New York, as a not-for-profit, provides goods
9 to the commissary. Am I correct so far?

10 SENATOR NOZZOLIO: The -- yes,
11 it's my understanding that's how the commissary
12 receives its goods. The state acquires those and
13 places them in the commissary for sale.

14 SENATOR HASSELL-THOMPSON: Through
15 you, Mr. President. And at the time that those
16 items are placed in the commissary, is there a
17 sales tax that is in fact imposed?

18 SENATOR NOZZOLIO: I apologize,
19 Mr. President. Would Senator Hassell-Thompson
20 repeat that question?

21 ACTING PRESIDENT GRIFFO: Would
22 you please repeat the question, Senator
23 Hassell-Thompson.

24 SENATOR HASSELL-THOMPSON: Yes.
25 Through you, Mr. President.

1 Senator Nozzolio, the question was
2 so at the time that the items are placed in the
3 commissary, there is an assumption at this moment
4 that those products, when purchased by inmates,
5 would or would not be taxable?

6 SENATOR NOZZOLIO: Under the
7 current law, Mr. President, that the items sold
8 to prison inmates are not taxable --

9 SENATOR HASSELL-THOMPSON: They're
10 tax-free.

11 ACTING PRESIDENT GRIFFO: Senator
12 Hassell-Thompson, please allow the question to be
13 answered.

14 Senator Nozzolio.

15 SENATOR NOZZOLIO: Let me
16 reiterate that under the current law, the items
17 sold in our state prison commissaries are not
18 subjected to taxation by the purchasers of those
19 products.

20 This law changes that. So that the
21 transaction under state law would be altered so
22 that any product acquired in the commissary that
23 would otherwise be taxed outside the commissary,
24 outside the prison, would in fact be treated in
25 the same way inside the prison.

1 SENATOR HASSELL-THOMPSON: A final
2 question, Mr. President, if Senator Nozzolio will
3 yield.

4 ACTING PRESIDENT GRIFFO: Does the
5 Senator yield to a final question?

6 SENATOR NOZZOLIO: Yes,
7 Mr. President.

8 ACTING PRESIDENT GRIFFO: Senator
9 Hassell-Thompson.

10 SENATOR HASSELL-THOMPSON: Thank
11 you, Mr. President.

12 Where would be the tax dollars go,
13 then, Senator Nozzolio, according to the bill, if
14 it were to pass?

15 SENATOR NOZZOLIO: Again,
16 Mr. President, I'm sorry, I did not hear the end
17 of that question.

18 ACTING PRESIDENT GRIFFO: She had
19 asked where the tax dollars would go.

20 SENATOR NOZZOLIO: As I indicated
21 to Senator Rivera, Mr. President, that the tax
22 dollars acquired by the transaction sold at
23 prison commissaries would be going into the
24 General Fund.

25 SENATOR HASSELL-THOMPSON: Thank

1 you, Mr. President.

2 ACTING PRESIDENT GRIFFO: Thank
3 you, Senator Hassell-Thompson.

4 Senator Storobin.

5 SENATOR STOROBIN: I just want to
6 say that if you ask almost any of our
7 constituents, they will tell you that these
8 monies are much better spent helping our small
9 businesses and helping our working families than
10 helping our felons.

11 Thank you.

12 ACTING PRESIDENT GRIFFO: Thank
13 you, Senator Storobin.

14 Seeing and hearing no other
15 Senators wishing to be heard, debate is closed.

16 The Secretary will ring the bell.

17 Can I have some order in the
18 chamber, please {gaveling}.

19 We are ringing the bells, Senator
20 Libous, to bring members to the chamber to take a
21 vote on Senate Bill 470 by Senator Nozzolio.

22 SENATOR LIBOUS: Thank you.

23 ACTING PRESIDENT GRIFFO: Read the
24 last section.

25 THE SECRETARY: Section 2. This

1 act shall take effect immediately.

2 ACTING PRESIDENT GRIFFO: Call the
3 roll.

4 (The Secretary called the roll.)

5 ACTING PRESIDENT GRIFFO: Senator
6 Robach to explain his vote.

7 SENATOR ROBACH: Yes,
8 Mr. President, very quickly.

9 You know, I listened to the debate
10 and it was very interesting. But you know what
11 is amazing to me, we see the same facts but come
12 to a different conclusion.

13 I find it ironic that if a family
14 of an inmate were to go to the store on the way
15 to the prison, they would have to pay the sales
16 tax for the very inmate. But under existing law,
17 it's actually more beneficial, when it comes from
18 a taxation standpoint, to be incarcerated.

19 And the idea that these people got
20 plucked off the street arbitrarily,
21 post-conviction, and they're somehow the victim
22 is ridiculous.

23 As far as where the money would go,
24 doesn't it make sense to treat them equitably so
25 we have more resources to go to programs which

1 New York has, like education and other things, to
2 try and keep people out of prison instead of
3 worrying about violating the rights of people who
4 have already violated other law-abiding citizens
5 on the outside?

6 So I applaud Senator Nozzolio for
7 bringing this very good bill to the floor and am
8 very happy, on logic and merit, to vote yes for
9 this bill.

10 Thank you, Mr. President.

11 ACTING PRESIDENT GRIFFO: Senator
12 Robach to be recorded in the affirmative.

13 Again, we're on explanation of
14 votes. You have a two-minute explanation.

15 Senator Montgomery to explain her
16 vote.

17 SENATOR MONTGOMERY: Yes,
18 Mr. President, within two minutes.

19 Certainly we've had this debate for
20 so many times, so many sessions. And we all
21 know, one, Senator Nozzolio admits that it does
22 not really raise any money. So whoever thinks
23 that we're raising taxes to be spent elsewhere,
24 it's not even significant. So it's not about
25 that.

1 And we know that it is legislation
2 which is meant as a punitive measure, has nothing
3 to do with the economy of our state. And
4 certainly it's taxation on the least able in our
5 state, the most vulnerable, the lowest
6 possible -- people who earn less than slave
7 wages. That's who we're trying to tax. Shame on
8 Senator Nozzolio. I vote no.

9 ACTING PRESIDENT GRIFFO: Senator
10 Montgomery, please refrain from those type of
11 comments in the chamber.

12 Senator Diaz, please have a seat
13 for a minute.

14 Senator Montgomery, I'm going to
15 admonish you, from now on -- Senator Libous?
16 Senator Montgomery, you will be recorded in the
17 affirmative. Please keep your points germane.

18 SENATOR MONTGOMERY: I am voting
19 no on the bill, Mr. President.

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

22 Senator Nozzolio.

23 SENATOR NOZZOLIO: Mr. President,
24 I ask permission to explain my vote.

25 ACTING PRESIDENT GRIFFO: Senator

1 Nozzolio to explain his vote.

2 SENATOR NOZZOLIO: Thank you,
3 Mr. President and my colleagues.

4 The only thing worse than taxation
5 is taxation that's administered unfairly,
6 unevenly. And that that is exactly what this
7 measure is trying to remedy.

8 Crime victims pay for sales tax
9 items that they buy at a convenience store.
10 Those who have been raped, robbed, murdered --
11 not murdered -- raped, robbed or been victimized
12 by in fact a murderer and their family pay the
13 sales tax. Those who commit the crime, who
14 commit those felonies that require incarceration
15 in the first place, are in fact exempt from the
16 sales tax.

17 Mr. President, tell me how that
18 makes sense, how it is logical, how it is fair.
19 I defy anyone in this chamber to indicate that
20 crime victims should be paying this tax and, by
21 the same token, those who perpetrated the crime
22 should be exempt.

23 Mr. President, that's why I put
24 this legislation before us. I'm honored to have
25 the opportunity to debate and explain it in this

1 great house. And I ask my colleagues to think
2 about the crime victim -- and particularly those
3 who may not support this legislation to say how
4 can you justify charging the crime victim the tax
5 while the perpetrator of the crime is exempt from
6 that same transaction and taxation. I vote aye,
7 Mr. President.

8 ACTING PRESIDENT GRIFFO: Senator
9 Nozzolio to be recorded in the affirmative.

10 Senator Diaz to explain his vote.

11 SENATOR DIAZ: Thank you,
12 Mr. President.

13 I'm just -- I just had to agree
14 that the prisoners that are already behind bars,
15 they deserve to be there sometimes. I'm worried
16 about their families. The mothers, the parents.
17 Because the one that we are putting the burden
18 with those taxes is not the inmate. It is not --
19 they don't make the money. The inmates depend on
20 their relatives to send them some money so they
21 could buy what they need sometimes.

22 And what we're doing, what we're
23 doing here with this piece of legislation, we're
24 putting a burden on their families, not on them.
25 They deserve to be there. They committed a

1 crime, they deserve to be there. They're not the
2 most vulnerable like Senator Montgomery said.

3 No, they deserve to be there.

4 I'm worried about the burden,
5 again, that we are placing on their relatives.
6 They are the ones that are going to be in charge
7 of sending money and covering all the expenses.

8 So therefore that's why I'm voting
9 no. And I think that we should be more careful
10 and we should be more concerned with the
11 relatives and not trying to take so much -- put
12 so much pressure on the inmate to punish the
13 relatives. The relatives, sometimes they are --
14 you know, it's not their fault that they're
15 there.

16 So, ladies and gentlemen, be a
17 little more humane with the relatives of the
18 inmates. So I'm voting no.

19 ACTING PRESIDENT GRIFFO: Senator
20 Diaz to be recorded in the negative.

21 Senator Parker to explain his vote.

22 SENATOR PARKER: Yes,
23 Mr. President, to explain my vote.

24 I want to thank Senator Nozzolio
25 for bringing up this bill. And I appreciate

1 where he's coming from. And the notion of trying
2 to equalize things out both for the state and for
3 crime victims I think is the right intent.

4 I'm not clear that this is the
5 right bill, so I'm going to be voting no. I
6 think that we're trying in this particular case
7 to get blood from a stone. But I think we also
8 need to rethink how we deal with criminal
9 justice.

10 If in fact we want to honor victims
11 of crimes and help crime victims, then let's
12 build a better society. And I know we're all
13 dedicated to that here. But instead of trying to
14 add heaping punishment on top of punishment, we
15 ought to do more to expand education and access
16 to education. We need to be doing more to expand
17 economic opportunity. We need to be doing more
18 to provide social service for those who are
19 falling through the cracks. We need to provide
20 more for people who have problems with drugs and
21 alcohol. We need to do more for people who have
22 developmental disabilities and for people who
23 have mental illness.

24 By doing those things, we in fact
25 create an environment in which less crime

1 happens, where less crime victims are created,
2 and where we can all live in the world that we'd
3 like to see the Empire State become.

4 ACTING PRESIDENT GRIFFO: Senator
5 Parker to be recorded in the negative?

6 SENATOR PARKER: Yes.

7 ACTING PRESIDENT GRIFFO: Announce
8 the results.

9 THE SECRETARY: In relation to
10 Calendar Number 1176, those recorded in the
11 negative are Senators Diaz, Dilan, Duane,
12 Gianaris, Hassell-Thompson, Montgomery,
13 Oppenheimer, Parker, Peralta, Perkins, Rivera,
14 Serrano, Smith, Squadron, Stavisky, and
15 Stewart-Cousins.

16 Ayes, 43. Nays, 16.

17 ACTING PRESIDENT GRIFFO: The bill
18 is passed.

19 Senator Libous.

20 SENATOR LIBOUS: Mr. President, I
21 believe Calendar Number 1188 is next up. Could
22 we lay that aside for the day.

23 ACTING PRESIDENT GRIFFO: Calendar
24 Number 1188 will be laid aside for the day.

25 SENATOR LIBOUS: And then we could

1 then finish up this calendar and do 1192, by
2 Senator Golden, at this time.

3 ACTING PRESIDENT GRIFFO: The
4 Secretary will read.

5 THE SECRETARY: Calendar Number
6 1192, by Senator Golden, Senate Print 4736A, an
7 act to amend the Tax Law.

8 ACTING PRESIDENT GRIFFO: Read the
9 last section.

10 THE SECRETARY: Section 2. This
11 act shall take effect July 1, 2012.

12 ACTING PRESIDENT GRIFFO: Call the
13 roll.

14 (The Secretary called the roll.)

15 ACTING PRESIDENT GRIFFO: Senator
16 DeFrancisco to explain his vote.

17 SENATOR DeFRANCISCO: Yes, I vote
18 no. I don't believe in price fixing of any type,
19 shape or form, and that's what this does. So I
20 vote no.

21 ACTING PRESIDENT GRIFFO: Senator
22 DeFrancisco to be recorded in the negative.

23 Senator Golden to explain his vote.

24 SENATOR GOLDEN: Thank you,
25 Mr. President.

1 We had this debate last year on
2 this bill, and I'm glad to see that the bill has
3 moved. If you think about it, what we're doing
4 here is moving handling fees from 12 to 14 cents
5 a pack of cigarettes. What it does do in this
6 great state, manage to keep companies here, real
7 jobs that are staying here in this great city and
8 state, to make sure these Teamsters have these
9 jobs going forward and being able to have the
10 products that they service and get dollars that
11 they have not gotten since 1999.

12 So this is an increase of 14 cents
13 on a pack of cigarettes to allow these companies
14 to stay here. They're bonding agents that
15 collect \$2 billion in taxes for our state. Each
16 one of these 10 companies that are left here hire
17 about 2,000 people. And if you take a look at
18 last week's Post, there was a story there that
19 stated that 40 percent of the stores that they
20 visited --

21 ACTING PRESIDENT GRIFFO: Can I
22 get some order, please, in the chamber to allow
23 the member to explain his vote.

24 SENATOR GOLDEN: -- those stores
25 had cigarettes that were either untaxed or with

1 bad tax stamps.

2 Take that into consideration of the
3 jobs that we've lost, the over 50 companies that
4 were here, and now down to 10.

5 And a company in Kentucky came to
6 this state to try to steal a company out of
7 Farmingdale, Long Island, that has 500 jobs.
8 This bill will help to keep these 500 jobs in
9 Farmingdale and help to keep the rest of the jobs
10 across this state. I vote aye.

11 Thank you, Mr. President.

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

14 Senator Klein to explain his vote.

15 SENATOR KLEIN: Thank you,
16 Mr. President.

17 I want to thank Senator Golden for
18 sponsoring this bill. This is an issue that I've
19 done a lot of work on in the past.

20 You know, as we know, one of the
21 problems that still exist is the proliferation of
22 tax-free cigarettes. Whether you smoke or not,
23 there's a tremendous amount of revenue that the
24 State of New York generates through dollars from
25 taxing tobacco.

1 And the wholesalers which this bill
2 will assist are the official tax collectors in
3 the State of New York. So if they're not
4 collecting taxes, they're out of business and
5 we're losing the revenue that's attached to the
6 very high tax on cigarettes.

7 There's certainly a correlation
8 between less people smoking and raising taxes.
9 But if we're not taxing cigarettes and we're not
10 collecting the revenue on the taxes and there's
11 still this black market out there of untaxed
12 cigarettes, we're neither collecting the revenue
13 that we're supposed to be collecting in the State
14 of New York and we're certainly not reducing the
15 number of people who smoke in New York State.

16 So I think Senator Golden talked
17 about the fact that businesses which employ an
18 awful lot of people, these official tax
19 collectors, the wholesalers in the State of
20 New York are losing jobs each and every day. One
21 of the largest, out on Long Island, is
22 threatening to move or is being forced to move to
23 neighboring Pennsylvania, losing about 600 jobs.

24 So this is not only a way that we
25 can ensure the legal taxation of cigarettes and

1 the tax revenue that we collect, but also we are
2 able to save jobs here in New York State.

3 So I vote yes, Mr. President.

4 ACTING PRESIDENT GRIFFO: Senator
5 Klein to be recorded in the affirmative.

6 Announce the results.

7 THE SECRETARY: In relation to
8 Calendar Number 1192, those recorded in the
9 negative are Senators Ball, DeFrancisco,
10 Gallivan, Grisanti, Hassell-Thompson, Maziarz,
11 Montgomery, Parker, Perkins, and Saland. Also
12 Senator LaValle.

13 Ayes, 48. Nays, 11.

14 ACTING PRESIDENT GRIFFO: The bill
15 is passed.

16 Senator Libous.

17 SENATOR LIBOUS: Mr. President, at
18 this time we have Supplemental Active List 1.
19 Could we have the noncontroversial reading.

20 ACTING PRESIDENT GRIFFO: The
21 Secretary will read.

22 THE SECRETARY: Calendar Number
23 348, by Senator Golden, Senate Print 4313B, an
24 act to amend the Vehicle and Traffic Law.

25 ACTING PRESIDENT GRIFFO: Read the

1 last section.

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

4 ACTING PRESIDENT GRIFFO: Call the
5 roll.

6 (The Secretary called the roll.)

7 ACTING PRESIDENT GRIFFO: Senator
8 Squadron to explain his vote.

9 SENATOR SQUADRON: Thank you,
10 Mr. President.

11 This bill will for the first time
12 ever in New York State create a bus permitting
13 system in the City of New York, which will do a
14 whole lot to crack down on a Wild West atmosphere
15 that we have in my district in Chinatown and
16 across other parts of the city, where the new
17 low-cost bus operators are able to stop anywhere
18 they want. It's been an enormous quality-of-life
19 burden on communities.

20 In addition, the stories of safety
21 concerns with the new low-cost operators have
22 been in the news, both through the tragedy in the
23 Bronx a little over a year ago and also tragedies
24 up and down the Eastern Seaboard.

25 For the first time the city will

1 have the information on who these bus
2 companies are, how many buses they have, what
3 their addresses are, where they're going, when
4 they're going there. That information will be
5 made public, and that will be of enormous
6 importance to regulators at the city, state and
7 federal level.

8 So it's great news for those of us
9 who like the low-cost inter-city carriers,
10 getting to D.C. or Boston -- I don't know why you
11 would ever want to go, but if you did, for \$20 or
12 less is great. And do it in a way that lets
13 New York City take care of quality of life in
14 neighborhoods like Chinatown and increase
15 safety.

16 So it's a very important piece of
17 legislation. I want to thank Speaker Silver,
18 New York City, and Senator Duane, who's worked on
19 this a lot, and Senator Golden, who's sponsoring
20 it today. I am very pleased that we're seeing
21 passage. It's going to be very important in my
22 community and across the city and for anyone who
23 rides these buses.

24 I vote aye, Mr. President.

25 ACTING PRESIDENT GRIFFO: Senator

1 Squadron to be recorded in the affirmative.

2 Senator Stavisky to explain her
3 vote.

4 SENATOR STAVISKY: Yes, very
5 important in my district too, with the streets in
6 downtown Flushing so clogged with these buses.

7 And I thank Senator Golden, Senator
8 Squadron, Senator Duane, et cetera. Hopefully
9 this will alleviate some of the traffic
10 congestion that has plagued downtown Flushing for
11 so many years.

12 I vote aye.

13 ACTING PRESIDENT GRIFFO: Senator
14 Stavisky to be recorded in the affirmative.

15 Senator Golden to explain his vote.

16 SENATOR GOLDEN: I want to thank
17 you, Mr. President. I want to thank my
18 colleagues, working with Senator Squadron and the
19 entire Senate in getting this bill accomplished.
20 There was a lot of areas that were intricate and
21 took a lot of work to get done, working with
22 members across the state to make sure that we did
23 what was right, not just for the busing industry
24 but for the safety of its passengers and the
25 safety of the people that live inside the City of

1 New York.

2 So to my colleagues I say thank
3 you, and I vote aye.

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

6 Announce the results.

7 THE SECRETARY: Ayes, 59.

8 ACTING PRESIDENT GRIFFO: The bill
9 is passed.

10 The Secretary will continue to
11 read.

12 THE SECRETARY: Calendar Number
13 865, by Senator Young, Senate Print 5184C, an act
14 to amend the Education Law.

15 ACTING PRESIDENT GRIFFO: Read the
16 last section.

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

19 ACTING PRESIDENT GRIFFO: Call the
20 roll.

21 (The Secretary called the roll.)

22 THE SECRETARY: Ayes, 59.

23 ACTING PRESIDENT GRIFFO: The bill
24 is passed.

25 Senator Libous, that completes the

1 reading of the noncontroversial supplemental
2 active list.

3 SENATOR LIBOUS: Mr. President,
4 could we return to motions and resolutions and
5 could you call on Senator Breslin.

6 ACTING PRESIDENT GRIFFO: We will
7 return to motions and resolutions.

8 Senator Breslin.

9 SENATOR BRESLIN: Thank you,
10 Mr. President.

11 On behalf of Senator
12 Stewart-Cousins, on page number 20 I offer the
13 following amendments to Calendar Number 504,
14 Senate Print Number 6490, and ask that the bill
15 retain its place on the Third Reading Calendar.

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

19 Senator Libous.

20 SENATOR LIBOUS: Mr. President, on
21 behalf of Senator Zeldin, I would like to call up
22 his bill, Senate Print 4722A, recalled from the
23 Assembly, which is now at the desk.

24 ACTING PRESIDENT GRIFFO: The
25 Secretary will read.

1 THE SECRETARY: Calendar Number
2 217, by Senator Zeldin, Senate Print 4722A, an
3 act authorizing.

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

7 Mr. President, members are leaving.
8 We're going to do a whole other calendar. I
9 don't know where they're going.

10 (Laughter.)

11 ACTING PRESIDENT GRIFFO: Call the
12 roll on reconsideration.

13 (The Secretary called the roll.)

14 THE SECRETARY: Ayes, 59.

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

17 ACTING PRESIDENT GRIFFO: The
18 amendments are received.

19 SENATOR LIBOUS: Mr. President,
20 could we have the noncontroversial reading -- no,
21 I'm only kidding.

22 (Laughter.)

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

1 ACTING PRESIDENT GRIFFO: There is
2 none unless you'd like some.

3 SENATOR LIBOUS: If there's no
4 further business at the desk, I would say that
5 the Senate will adjourn until Wednesday,
6 June 13th, at 11:00 a.m.

7 ACTING PRESIDENT GRIFFO: On
8 motion, the Senate stands adjourned until
9 Wednesday, June 13th, at 11:00 a.m.

10 Senate adjourned.

11 (Whereupon, at 6:04 p.m., the Senate
12 adjourned.)

13

14

15

16

17

18

19

20

21

22

23

24

25